

CITY OF WHITEWATER  
SPECIAL MEETING  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
August 31, 2009

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Chairperson Torres called the special meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Zaballos, Binnie, Dalee, Stone, Torres, Miller, Coburn. ABSENT: None.  
OTHERS: Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

**HEARING OF CITIZEN COMMENTS.** This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no comments.

**PUBLIC HEARING FOR A CHANGE IN THE ZONING ORDINANCE REGULATIONS, TO ENACT THE PROPOSED AMENDMENTS TO THE CITY OF WHITEWATER MUNICIPAL CODE CHAPTER 19 BY ADDING AN ORDINANCE FOR A NEW ZONING DISTRICT CALLED WHITEWATER UNIVERSITY TECHNOLOGY PARK DISTRICT AND THE COVENANTS ASSOCIATED WITH THE WHITEWATER UNIVERSITY TECHNOLOGY PARK.** Chairperson Torres opened the public hearing for consideration of a change in the Zoning Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Code Chapter 19 by adding an ordinance for a new zoning district called Whitewater University Technology Park District and the covenants associated with the Whitewater University Technology Park.

City Attorney McDonell explained that this ordinance creates a new chapter 19.38, the Whitewater University Technology Park District. The ordinance essentially adds new category of area by the business park, but more technology oriented. The Whitewater University Technology Park District will have allowed uses, conditional uses, specific lot and yard requirements and height requirements. This ordinance was put together by the CDA (Community Development Authority), the Tech Park Board, the architects assisting them and Vandewalle and Associates. This is to be a technology friendly business park. The anchor building will be the Innovation Center. One feature of the ordinance that is different than the others is that the Plan Commission won't review permitted uses. Permitted uses will be reviewed by the Architectural Review Committee. If a proposal requires a conditional use permit, it will come back to the Plan Commission. The CDA has made the ordinance more streamlined and business focused. McDonell noted that there were some spelling and punctuation changes to be made. In the purpose section, public parks are specifically mentioned and their allowed uses. If this ordinance is passed by the City Council, any building will follow these regulations as in the ordinance. Plan Commission will review conditional use and special uses. The Architectural Review Committee will review permitted uses. The ordinance will interface with the covenants. The covenants will have detailed direction for any proposal. They

want to make this a very attractive site so new prospects will see that it is an attractive and high end technology park. The covenants are not a part of the ordinance or law. They just govern the Technology Park.

City Manager Kevin Brunner, representing the Tech Park Board and the CDA explained that the ordinance change and the covenants were recommended by the Whitewater University Tech Park Board of Directors and the CDA. They are planning to start construction this fall. The Technology Park has LEED goals. It will be the first in Whitewater for an environmental level of quality. The covenants will protect the Innovation Center and all buildings in the Whitewater University Technology Park. The Moraine View Park is included in the Tech Park Area because it allows for leverage with the federal dollars to develop the park much quicker than normal.

Plan Commission Member Stone appreciated the amendments to the park language.

Plan Commission Member Coburn asked about the wetland areas for athletic fields.

Zoning Administrator Bruce Parker explained that the athletic fields were located in the northwest corner of the park and not in the wetland areas.

Plan Commission Member Zaballos asked about day cares and nursery schools, 6.0 being redundant. She felt that child care should be available to the children of the community also, not just employees of a business. She suggested that it should be a conditional use. Zaballos also asked about hotels or dormitories, and conditions of approval such as hours of operation, and times for deliveries.

City Planner Mark Roffers explained that they could delete that section. Sites could change. There are 9 sites in the Tech Park. There was some concern that sites in the park should not be open to businesses that could go outside the park. They don't want to use up the technology park with those that are not technology related. Roffers was o.k. with the requirement of a conditional use permit for a stand alone childcare facility. Hotels would be allowed in this district, but would prefer they be in the Elkhorn Road area.

City Attorney McDonell added that a dormitory would generally not be allowed in this district. This is not a residential district.

City Planner Mark Roffers stated that satellite opportunities from colleges and universities would be allowed, but not residences.

City Attorney McDonell explained that conditions would be put on proposed development by the Architectural Review Committee for permitted uses and by the Plan Commission for conditional uses.

Zaballos also asked to clarify a couple items in the covenants, page 4 f clarify "meaningful" (would like to see a number or measure applied to that); and page 5f "decorative masonry" to clarify options.

City Planner Mark Roffers stated he would look to clarify these items.

Plan Commission Member Coburn stated that she appreciates having a concept that these support, something to give a uniform sense.

City Planner Roffers explained that development will be of green sustainable design, but they do not want to limit individual expression. If Plan Commission recommends the ordinance to the City Council, they will not have so much work with the Tech Park.

City Attorney McDonell stated that one of the advantages is that the Architectural Review Committee could combine real quick if necessary to review a proposal. They do not have the time limitations that the Plan Commission has. At the Plan Commission's next meeting, the Plan Commission appointment to the Architectural Review Committee should be made.

Moved by Binnie and Zaballos to recommend to the City Council to approve both documents (the new ordinance Chapter 19.38 creating the Whitewater University Technology Park Zoning District, and the Whitewater University Technology Park Covenants) with the changes and clarification made by City Attorney McDonell and Plan Commission Member Zaballos at the meeting. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR THE PROPOSED REVISIONS TO THE PCD (PLANNED COMMUNITY DEVELOPMENT) PLAN FOR WATERS EDGE SOUTH (LOTS ALONG PARKSIDE DRIVE).** Chairperson Torres opened the public hearing for the proposed revisions to the PCD (Planned Community Development) plan for Waters Edge South (lots along Parkside Drive).

City Planner Mark Roffers gave a review of proposal. Waters Edge South (Teronomy builders) is proposing to change the approved zero lot line duplexes to single family detached housing. The lots are only 50 feet wide. These homes are comparable to the zero lot line duplexes, but smaller than the single family homes in the area. At the last meeting, the Plan Commission asked for more detail on what was possible in the area. Teronomy provided revised plans worthy of consideration.

Sandy Troemel, 210 E. Parkside Drive, explained that her house is right next door to lot 37. They bought their home knowing there would be some distance between their house and the neighboring zero lot line duplex. They have had conversations with Tony Teronomy who worked out plans to change that to set back over farther. If that proposal is approved, the Troemel's would be o.k. with that.

Chairperson Torres closed the public hearing.

Paul Van Hinkelum, engineer for the project, explained in reference to the letter that City Engineer Mark Fisher wrote about the drainage issues needing minor modifications (to install two inlets, one between lot 1 and lot 37 to collect water from the drainage swale collecting water from Lots 32 through 37; and the other to be installed on the west side of Waters Edge Drive to collect the water from the drainage swale from the rear yards of Lot 1 and Lots 12 through 15), the developer would agree to make the changes subject to Mark Fisher's final approval.

Mark Roffers went through his recommendations.

Paul Van Hinkelum explained that they had problems with putting all the sidewalk in before the buildings were put in. They would like about two years to complete the sidewalks, depending on the sales of the lots. They do not want to break the sidewalks driving trucks over them. For 11a. They want to back fill, black dirt and seed this year and finish up next year. They were also concerned about the easements on properties.

City Attorney stated that this should not be a problem, and he could get them the easement form to present to the bank.

Plan Commission Member Binnie asked about the Strand documents about the utilities and the maintenance agreement for sharing sewer laterals between single family homes.

Paul Van Hinkelum stated that they would all agree, since they owned the properties. They would have the agreement in the documents so that prospective buyers would know about sharing the sewer laterals with the neighboring property.

Plan Commission Member Coburn asked about a selection of samples for colors and textures of the buildings.

Tony Larsen from Teronomy Builders explained that in their development agreement they are not to repeat color or textures for at least 4 houses. There is a wide variety of colors to choose from. They will be building the first six buildings with all different colors and textures.

City Manager Kevin Brunner explained that with the sidewalk issue, the deadlines for completion have already been extended. The problem is that it is not fair and equitable. They are hearing loud and clear from other developers who have followed the requirements. Councilmembers and residents are also complaining about not having sidewalks.

Paul Van Hinkelum stated that when they develop the block, they would install the sidewalk. They are afraid that when construction vehicles drive over the sidewalk, it will break it up. They are asking for a year.

Plan Commission Member Zaballos asked if there were measures that could be taken to protect sidewalks. She did not feel it was right to wait for two years for the sidewalks to be completed.

City Planner Mark Roffers explained why the City has the requirement to have sidewalks installed initially. 1) It is more cost effective and 2) there is no guarantee of when the houses would be built. This requirement has been consistent for the last 10 plus years. If the sidewalks were only to be installed when a building is built on a lot, there would be no continuity to the sidewalk system. It would not be a practical way to handle the situation.

Tony Larson explained that they didn't want to have to pour sidewalks twice. They need to have good fill which they were going to get from digging the basements. And when they dig for the sewer and water laterals, they have to dig 15 feet to put in a 9 foot basement. Sidewalks do break up.

Plan Commission Member Stone agreed with the City Manager, that all development needs to be treated the same. It is a fairness issue.

Sandy Troemel asked about the sewer drainage between lots 1 and 37.

Paul Van Hinkelum explained that the original grading plan had a small swale at that point. They would install an inlet so the water would run out into the street. There is now an agreement between Teronomy and Troemel's. They will have all the work done by October 1, 2010.

Zoning Administrator Bruce Parker explained that the sidewalk on the south side of Parkside Drive ends at Kylee Lane. Sidewalks can be protected with the proper tracking and erosion

control. Developers can work around installed sidewalks, and they can plan for extra thick sidewalk areas for across driveways.

Strand and Associates reviewed the revised construction drawings prepared by RSV Engineering, Inc. for the Waters Edge South Addition No. 1 project. The following are their comments and recommendations:

### **Grading**

1. Based on the spot elevations indicated within the rear yards of lots 34 through Lot 37, grade appear to be too flat (as low as 0.5 percent in some areas). These areas should be regarded to provide minimum slopes of 1 percent.
2. The grading plan indicates that rear yard drainage from Lots 32 through 37 is to be directed to a defined drainage swale passing to the south between Lot 1 and Lot 37. This swale will introduce a concentrated discharge of drainage across existing sidewalk along the north side of Parkside Drive. It is recommended that a catch basin be placed north of the sidewalk to intercept drainage from this swale prior to crossing the sidewalk. This catch basin may be connected into the storm sewer main located along Parkside Drive. Provide necessary easement(s).
3. The proposed grading within the rear yards of Lot 1 and Lots 12 through 15 should be revised to indicate a drainage swale along the rear lot line. It is assumed that this defined drainage swale will continue to the east to Waters Edge Drive. As stated in Comment No. 2 above, concentrated drainage from this swale should be collected in a new catch basin prior to the sidewalk located on the west side of Waters Edge Drive. Provide necessary easement(s).
4. The driveway slope of Lots 6 and 37 appears to be excessively steep (i.e., greater than 10 percent).
5. It appears curb cuts for driveways were installed during construction based on the originally proposed duplexes. It is unclear whether these driveway openings can be used with the change to single-family homes. All new or abandoned driveways and/or driveway openings shall be completed in accordance with City standards.

### **Utilities**

1. The previously approved plans (2006) indicated separate sewer laterals would be provided for each side of the originally proposed duplexes. During construction in 2007, the developer installed a shared sewer lateral (4-inch) centered on the common lot line for each duplex building.

The revised plan indicates that a “Y” fitting will be installed at the end of the existing sewer lateral and that 4-inch sewer lateral will be extended from the Y to each single-family home. The Wisconsin Plumbing Code does not appear to preclude this arrangement, but it is different than the City’s and most other municipalities’ standards for sewer laterals serving single-family homes under separate ownership. The lateral between the City’s main in the street and the Y would be considered a private interceptor and would be jointly owned by the properties it serves. A maintenance agreement and

easement agreement between the two property owners is recommended. Provisions for access to the joint laterals for maintenance should be provided through the use of multiple cleanouts and/or access structures.

2. The previously approved plans (2006) indicated water service laterals would be provided for each side of the originally proposed duplexes. During construction in 2007, the developer installed a shared water service (2 inch) centered on the common lot line for each duplex building. A tee and 1-inch water service stub was installed from the end of the 2-inch water service for each side of the duplex building.

The Wisconsin Plumbing Code does not appear to preclude this arrangement provided cub stops are installed on the common water service (2-inch) and on each individual water service (1-inch). Again, this is different than the City's and most other municipalities' standards for water services serving single-family homes under separate ownership. Section 16.04.130 of the City of Whitewater Municipal Code indicates that two water services shall not be connected to one tap and that each building must have a distinct and separate tap and service pipe.

City Planner Mark Roffers recommended approval of the Specific Implementation Plan with the following conditions as amended at the meeting.

On August 31, 2009, the Plan Commission approved revisions to the Planned Community Development (Specific Implementation Plan) for Waters Edge South to change the previously approved zero-lot-line duplexes located on lots 11 through 37 on Parkside Drive to single-family, detached houses, subject to the following conditions:

1. The project shall be constructed in accordance with the building elevations dated 8/21/09, the floor plans dated 8-21-09, the photo renderings submitted for review at the 8/31/09 Plan Commission meeting, the Selection Examples, submitted for review at the 8/31/09 Plan Commission meeting, the Typical Home Landscape Detail submitted for review at the 8/31/09 Plan Commission meeting, the Typical Lot Utility Detail submitted for review at the 8/31/09 Plan Commission meeting, and the Grading and Erosion Control Plan dated 8/20/09, except as changes to those plans are required to meet the conditions that follow.

2. Prior to the issuance of any building permits, the applicant shall revise and resubmit the Declaration of Restrictions dated September 2004, or submit proposed new restrictions to apply only to lots 11 through 37 for City staff approval, and provide evidence that such restrictions have been recorded with the Register of Deeds. Such restrictions shall specify the following:

- a. If required landscaping will be installed by the future lot owner/homeowner (and not the developer of Waters Edge South), specify that the lot owner shall be responsible for providing a minimum of 250 points of landscaping around the building foundation and pavement areas, plus a minimum of 250 points of landscaping elsewhere on the lots, generally consistent with the "Typical Home Landscape Detail" plan and consistent with the City of Whitewater landscaping guidelines, which defines the point system. The "Typical Home Landscape Detail" plan and City landscaping guidelines shall be included as part of the recorded restrictions. The restrictions should further specify that all landscaping must be planted within one year of occupancy of the respective house.

b. Specify that no two houses of similar front elevation/façade shall be spaced less than 4 lots apart from one another. In order for houses to be deemed *dissimilar*, houses cannot have the same building elevation or the same combination of color/siding options. A difference in the placement of the garage (i.e., left or right of house) shall be considered a difference in building elevation, provided that no two houses with elevations that are identical except for the placement of the garage are located on abutting lots. This condition will suggest that the applicant also record elevation sheets and color/siding options with this restriction, so future lot owners are aware of the options and what constitutes a difference.

c. Specify that the occupancy of each single family home shall be limited to the occupancy restrictions as set forth for the R-1 Single Family zoning district for the City of Whitewater, or any other similar future single-family zoning district that takes its place.

d. Indicate that no accessory buildings shall be permitted on the lots.

e. Indicate that no property owner shall make alterations to the grading of any site in a manner different from the approved grading plan, unless such alterations are first approved by the City of Whitewater Director of Public Works. The approved grading plan for these lots shall be attached to the declaration of restrictions.

f. Account for any other changes to the previously approved plans for this part of the overall PCD plans for Waters Edge South that relate to continuing obligations of the future owners of these Lots 11 through 37.

3. Prior to the issuance of any building permits, the applicant shall revise and resubmit the following components of their application:

a. Title the photo renderings “Building Elevation and Color/Siding Options for Single-Family Homes on Lots 11 through 37, Waters Edge South” and shall date them. Each illustration shall be labeled with the building elevation and color/siding option it represents.

b. The applicant shall retitle the “Selection Examples” sheet to “Color/Siding Options for Single-Family Homes on Lots 11 through 37, Waters Edge South” and shall date the sheet.

c. Retitle the building elevations, “Building Elevation Options” and shall clearly date each elevation sheet

d. On the “Selection Examples” sheet, specify what building materials are being used for each aspect of the house that is listed. For the descriptions of the garage door that are indicated as being “white,” add an additional note that specifies that the garage is without windows.

e. Label the “Typical Home Landscaping Detail” sheet with a more specific and descriptive title directly linking it to the rest of this PCD/SIP amendment and to applicable lots, and also add a date to the landscaping plan. Amend the “Typical Home Landscaping Detail” to specify the size of plantings at the time of installation, consistent with the City’s landscaping guidelines. Reposition the terrace tree to actually be located within the street terrace (between the sidewalk and curb) and not within the lot, and specify that the applicant/developer will be responsible for terrace tree installation within 9 months of approval of this SIP amendment. Finally, remove the dashed line shown around the house.

f. Revise the grading plan to address all recommendations from the City’s engineering consultant, clearly label all driveways and being paved, and indicate all minimum building setbacks. The required front yard setback line shall be no less than 25 feet (to the point on the garage nearest to the front lot line). The required side yard setbacks shall be no less than 7 feet, and the required rear yard setbacks shall be no less than 15 feet.

g. Provide three complete copies of bound documents including the revised building elevations, color/siding options, photo renderings, and all other approved documents together into a single document, with a cover page, along with an introduction describing that for each house there will be the option of constructing any of the three building elevations, combined with any of the color/siding options, subject to the “anti-monotony” provisions outlined in the Declaration of Restrictions.

h. Resubmit the tree planting plan for the north side of Parkside Drive for approval by the City Forester.

4. Prior to the issuance of any building permits, the applicant shall address all outstanding issues related to grading, erosion control, and utilities, to the satisfaction of the City’s engineering consultant.

5. The applicant shall construct the homes and market the lots for owner occupancy at time of initial construction.

6. In the event that not all site improvements are completed before occupancy of this building, the applicant shall provide the City with a site improvement deposit in the amount of \$2000.

7. All conditions and restrictions proposed to be included in restrictions against the lots, as indicated in the above conditions, are also to be considered conditions of approval of this PCD, and enforceable by the City as such.

8. Prior to the issuance of any building permits on Lots 36 and 37 within the PCD amendment area, all submitted plans shall be adjusted so that the west side yard setback for the building and any future additions on Lot 37 is no less than 15 feet, except that the Zoning Administrator may approve a lesser side yard setback upon written confirmation from the adjacent property owner to the west that such reduced setback is acceptable. To respond to this condition, the PCD may be adjusted to reduce the number of housing units, or restore a zero lot line duplex on Lots 36 and 37, without further Plan Commission action.

9. Prior to the issuance of any building permits on Lots 10 and 11 within the PCD amendment area, all submitted plans shall be adjusted so that the east side yard setback for the building and any future additions on Lot 11 is no less than 15 feet, except that the Zoning Administrator may approve a lesser side yard setback upon written confirmation from the adjacent property owner to the east that such reduced setback is acceptable. To respond to this condition, the PCD may be adjusted to reduce the number of housing units, or restore a zero lot line duplex on Lots 10 and 11, without further Plan Commission action.

10. Prior to the issuance or any building permits within the PCD amendment area (lots 11 through 37), but no later than October 15, 2009 in any case, the applicant shall install all remaining sidewalks within the Waters Edge South and Waters Edge South First Addition plats, as previously specified through approved final plats, PCD/SIP plans, engineering plans, and development agreements.

11. Prior to the issuance of any building permits within the PCD amendment area (lots 11 through 37), the applicant and City shall execute an addendum to the previously approved development agreement associated with Waters Edge South which provides that:

a. By October 15, 2009, the developer shall have the eastern portion of the public park filled, graded with no ponding, topsoiled (minimum 8 inches black dirt), and seeded, with final plans subject to approval of the City’s Parks and Public Works directors;

b. The developer shall maintain proper erosion control measures associated with the stockpiled soil in the public park, and shall remove such stockpiled soil and complete the park per similar specifications as required under (a) above by June 1, 2010; and

c. Subject to the approval of the mortgagee or others with an interest in the property, the developer shall deed to the City a public bike and pedestrian pathway easement generally along the south side of Lot 1, Block 8 of the Waters Edge South First Addition plat, with the intent to allow public trail access between Tanner Way and Wisconsin Street.

12. The developer shall restore any driveway openings in the terrace area that are no longer required in their current locations, installing curbing, removing unnecessary hard surfaces, and landscaping terrace areas.

Moved by Binnie and Zaballos to approve revisions to the PCD (Planned Community Development) plan for Waters Edge South (lots along Parkside Drive) with all conditions of the City Engineer Strand and Associates and the City Planner Vandewalle and Associates documents. Motion approved by unanimous roll call vote.

**CONTINUATION OF THE REVIEW OF THE SIP (SPECIFIC IMPLEMENTATION PLAN) FOR SITE ALTERATIONS FOR A 31 ONE-BEDROOM APARTMENT ADDITION TO 761 W. MAIN STREET AND APPROXIMATELY 38 NEW PARKING STALLS FOR DLK ENTERPRISES INC. ETAL.** Zoning Administrator Bruce Parker explained some of the changes that had been made to the plan since the last meeting. Parker explained the private storm sewer from the southwest intersection of Main and Cottage Streets from the catch basin to pick up the front yard and go into the Main Street storm sewer. The drainage 741 W. Main Street lot and the Cottage Street properties will flow toward cottage street into the private storm sewer to go to the Main Street storm sewer. There is a swale between 148 and 158 S. Cottage which will hold the water and then go out to the Main Street storm sewer. Some of the drainage may run over the sidewalk. This should be reviewed for maintenance over a two year period to check for icing problems etc. (There is a system that would allow swales to drain under the sidewalk into a trough, which the City may require if there are sidewalk issues.) Sheet 402 shows the complete view of the front of the building with the addition (as requested by the Plan Commission). The developer will be picking up the cost of the terrace trees.

In their report, City Planner Mark Roffers suggested the developer look at the options to improve appearance and flow of the building. Plan Commission should look for info on that subject. There was a mistake in his report, recommendation #12, the last sentence can be removed as it does not pertain as this is the Specific Implementation Plan. He also wanted to add that the City may direct the developer to install alternative drainage solutions for drainage that would go over the sidewalk

Mitch Simon explained that their engineer, Yaggy Colby Associates, designed the swales with berms. The water coming out of the two swales will slow down and decrease the amount of water runoff (less water, less volume, and less sediment). There is no storm sewer on Cottage and Center Streets. They attempted to eliminate the existing condition.

Brad Werginz, the architect for the project, explained that they expanded the landscaping on the street side and around the corner. They added landscaping in front of the Cottage Street properties. The street elevation, the façade of the addition is set back seven feet. There are pilasters on the façade. The street side pilasters are carried around to the east side and are set out 4 inches from the building. The addition will be the same multi colored brick as the original building. The entryway will have brick columns on each side. The light fixtures will be a vertical rectangle with the light on the bottom, which is consistent with the lighting around the whole building. The roof lines are high enough to allow for egress windows on the lower level and low enough to fit in with the other buildings. If there is too much difference in the roof

lines, it would allow for too much snow accumulation. There are no windows in the south side of the building which faces the parking lot, not the best view. It provides the structural strength of the building. The stairways and corridors run along the south side of the building. They do not need natural lighting. The only enhancement to the south elevation is the brick pilaster that wraps around to the east side of the building.

Plan Commission Member Zaballos was concerned about the south façade; the existing walnut tree and 14 inch Maple tree which are used for points have extreme stress and die dock, construction damage from two years ago. She suggested that the City Forester look at it. If the tree is removed it should be replaced with equivalent comparable point smaller tree in that location. She suggested “serviceberry” trees. She wanted to make sure there was some flexibility in replacing the trees.

The Board voiced concerns of recommendation 13b “at the City’s request”; south side enhancements;

City Planner Mark Roffers would change 13b so that the owner cannot install the reserved parking area by adding “ may only be installed upon City approval”. Mark also suggested that the pilaster pillar be extended around the south façade, a reflection of what is on the front of the building.

Ben Rhodes, 818 W. Conger Street, explained that they are the last owner occupied property on the block. What is critical to him is the lack of parking for the 319 residents of this complex and the fate of the green space noted as future parking as needed. The south elevation is unusually ugly, windows would help. He is afraid that the hallways in the new addition will be like those in the Regent Apartments, tiny, dark and claustrophobic. He also felt that the 13 recommendations were well thought out and that he could live with them. Ben Rhodes requested that the members of the Plan Commission explain how they reached their decision when voting.

Brad Werginz explained that the sheer wall provides reinforcements to the building. They integrate steel bracing to compensate for the windows.

Attorney Mitch Simon stated that there is a door and window into the stairwell at the entrances and there are windows on each floor on the west façade.

The Board voiced concerns that: natural light is a huge value; does not have a problem with the light, windows are not as big a benefit to the building; awkward looking.

The City Planners recommended approval of the Specific Implementation Plan for the Regent Apartments (761, 747 and 741 W. Main, 120, 136,148, and 158 S. Cottage), pending proposed modifications to the architecture of the building addition and the Plan Commission’s response to those proposed modifications, subject to the following conditions as amended at the meeting:

1. The project shall be constructed in accordance with the Overall Site Plan (sheet G001) dated 8/21/09, the Overall Existing Site Plan (Sheet C001) dated 8/24/09, the Enlarged Area #1 Site Lighting Calculations (sheet C601) dated 8/24/09, Overall Proposed Site Lighting Plan (Sheet C602) dated 8/24/09 with Lithonia WST light fixtures as submitted on 8/31/09 for building walls, the Overall Proposed Landscape Plan (sheet C102) dated 8/24/09, the Overall Proposed Site Plan Pavement Areas (sheet C101) dated 8/24/09, the Enlarged Area #1 Landscape Plan (sheet C205) dated 8/24/09, the Enlarged Area #3 Landscape Plan (sheet

C305) dated 8/24/09 the Grading Plan dated 8/24/09, the Existing Impervious Areas Map dated August 2009, the Proposed Impervious Areas Map dated August 2009, the Storm Sewer—Cottage Street Plan dated 8/24/09, the Drainage Map dated 8/24/09, the Enlarged Area #1 Site Layout Plan (sheet C201) dated 8/24/09, the Enlarged Area #1 Site Demolition Plan (sheet C200) dated 8/24/09, the North/Main Street Elevation (sheet A402) dated 8/24/09 the Ground Floor, First Floor, Second Floor, and Third Floor plans (sheets A100 through A103) dated 8/24/09, the Covered Bike Rack Elevations, Boulder Detail, and Overland Flow Silt Fence Details (sheet C801) dated 8/24/09, the East, North, West, and South Elevations (sheet A401) dated 8/24/09, and the Supplemental Response and Information in Support of Application for Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan dated 8/13/09, except as any changes to those plans are required to meet the conditions that follow.

2. The operation of this site shall be in full accordance with the document titled Supplemental Response and Information in Support of Application for Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan, dated 8/13/09. Such document shall be attached to the minutes of this meeting.
3. Prior to the issuance of an occupancy permit for the building addition, the applicant shall provide evidence of a recorded cross-use easement for the parking and dumpster area located between the larger combined parcel (815, 761, 747, and 741 W. Main and 120 S. Cottage) and 136 S. Cottage.
4. Prior to the issuance of an occupancy permit for the building addition, the applicant shall prepare and submit for City approval a CSM combining parcels BIRH 00001, BIRH 00006, BIRH 00007, BIRH 00008, BIRH 00009, WUP 00225, WUP 00226, WUP 00227, WUP 00239, and WUP 00230) into one lot.
5. Subject to Zoning Administrator approval, the applicant shall repave and restripe areas of the existing parking lots that are in disrepair at the determination of the Zoning Administrator.
6. Prior to the issuance of a building permit, the applicant shall address all outstanding issues related to stormwater management, grading, erosion control, and utilities, as determined by and to the satisfaction of the Zoning Administrator, in consultation with the City's engineering consultant, per that consultant's August 29, 2009 letter.
7. Prior to the issuance of a building permit, the applicant shall pay a park improvement fee and a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the additional housing units being added to this property.
8. In the event that not all site and landscape improvements are completed before occupancy of this building, the applicant shall provide the City with a site improvement deposit in the amount of \$2000.
9. If there is a desire to change ownership of any of the components of this PCD to any entity other than DLK Enterprises or to which DLK Enterprises is the sole member, such ownership change may only occur following City approval of amendments to this PCD addressing common issues or concerns such as parking and stormwater management.
10. Any and all future signage proposed for this site, including directional signage, shall be subject to City Zoning Administrator approval.
11. The applicant shall enforce in perpetuity the parking permit and allocation system described in the document titled Supplemental Response and Information in Support of Application for Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan, dated 8/13/09, and attached to these conditions.
12. The applicant shall enforce in perpetuity the occupancy restrictions described in the document titled Supplemental Response and Information in Support of Application for

Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan, dated 8/13/09, and attached to these conditions. These occupancy restrictions are as follows:

- Efficiency and one-bedroom units not more than 1 occupant/unit
- Two-bedroom units not more than 3 occupants/unit
- Three-bedroom units not more than 3 occupants/unit
- Four-bedroom unit not more than 4 occupants/unit
- Five-bedroom unit Not more than 5 occupants/unit

13. Prior to the issuance of a building permit, the site and all other applicable plans shall be adjusted to include the following changes:
  - a. The applicant shall indicate on the face of the landscaping plan that the street terrace trees will be installed by the developer, with species as approved by the City Forester.
  - b. The large green space area along Conger Street shall be relabeled as “Reserved Parking Area (may only be installed upon City’s approval, following a major amendment to the PCD).”
  - c. The landscaping plan shall indicate that the proposed Junipers shall be swapped out for a taller evergreen shrub, which shall be a minimum of two feet in height at the time of installation and the proposed lilacs shall be a minimum of 4 feet in height at the time of installation.
  - d. The south elevation shall be amended to include protruding brick pilasters and windows, and all elevations shall show the revised lighting fixtures and clearly indicate that the pilasters shall protrude.
14. The City may, in the future, direct alternative drainage solutions for locations where drainage over sidewalks is proposed to occur.
15. The City forester shall review the existing 14-inch maple behind the house at 148 Cottage Street and if he determines it should be removed the developer shall replace that tree with landscaping of comparable landscape points and appropriate mature height(s) for the area.

Moved by Zaballos and Binnie to approve the Specific Implementation Plan for the site alterations for a 31 one-bedroom apartment addition to 761 W. Main Street and approximately 38 new parking stalls for DLK Enterprises Inc. etal. with the conditions outlined by City Planner Mark Roffers. Motion approved with all ayes except Coburn voted no.

The Board members explained their reasons for voting as they did.

Torres explained that it was an obvious place to have the building, appropriate use and asset to the community. It makes sense for what the community is trying to do in preserving neighborhoods.

Stone explained that the concerns had been taken care of such as who is to pay for the terrace trees, the green space on Conger Street, the landscaping and architectural concerns. It also fits in with the surrounding area.

Coburn voted against the project for reasons of the design of the building, the parking and traffic patterns and felt the area should be preserved a little more.

Dalee agreed with the density. The project would enhance Main Street and the stormwater was addressed.

Miller was in favor of the project due to the location more than anything.

Moved by Zaballos and Binnie to adjourn at approximately 8:25 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner  
Secretary