

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
November 9, 2009

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

Chairperson Torres called the 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: Wally McDonell/City Attorney, Mark Roffers/City Planner, Megan MacGlashan/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

PUBLIC HEARING TO REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL, BY RESOLUTION, OF THE CITY OF WHITEWATER COMPREHENSIVE PLAN. Chairperson Torres opened the public hearing to review and make recommendation to the City Council, by resolution, of the City of Whitewater Comprehensive Plan.

City Planner Megan MacGlashan explained that the revised draft of the Comprehensive Plan reflects the comments of the Plan Commission, the Public, and City Staff over the last couple of months. State Statutes requires communities to adopt a comprehensive plan by January 1, 2010 and that all future zoning, subdivisions and mapping be consistent with the state certified plan. Megan was going to highlight the areas that had been updated from the last draft. Following the public hearing, the City Planners were asking for a recommendation from the Plan Commission to the City Council. The City Council will then hold a public hearing prior to the adoption of the Comprehensive Plan. The Comprehensive Plan is a guide to the type, location, and appearance of growth and preservation (what areas are recommended for such as residential, commercial, industrial) for the City of Whitewater over the 20 years. The Plan also makes recommendations for facilities, utilities, preservation of natural resources and agricultural resources. The City's focus specifically on neighborhood preservation and new development, and recommended economic development. The Plan is intended to serve as a guide for making day to day decisions about land use. Included in the Plan are nine different elements required by the State. The "Future Land Use Plan Map is the center piece of the plan. It illustrates what areas are appropriate for what types of development. Over the years, the City has prepared a number of plans for which the Comprehensive Plan combines the plans together into one cohesive document. One of the most significant changes relates to policy for future neighborhood development. In the last draft, the requirement was 70% single family and 30% two family/multi-family. In this draft it has been changed using language from the South Whitewater Neighborhood Plan. Another major item is sustainability. This has been moved to the beginning of the plan and has a symbol. This symbol will be throughout the plan for things that promote sustainability. The final chapter, the implementation chapter is not for on-going things. It is for things that have a beginning and an end.

Kevin Brunner explained that the City of Whitewater this year did a Comprehensive Plan Community Survey. The survey was designed and administered by City Staff. The data was analyzed by the UW-Whitewater Center for Political Science and Public Policy Research, Directors Susan M. Johnson, Ph.D. and Jolly A. Emrey, Ph.D., and Research Assistant Alyssa Penna. Kevin Brunner stated that it is important to ask the community what they want to see in

the future. This survey replicated some questions from a survey done in 2005 to see how things have changed.

Drs. Susan Johnson and Jolly Emrey presented their analysis of the survey results. Out of 3050 surveys mailed out, 361 surveys were completed. This response rate is within the normal range for surveys conducted through the mail. Their presentation was to cover quality of life measures and items related to the Comprehensive Plan. They presented the survey results and felt that overall, there was a significant congruence between the resident preferences and the Plan. The survey covered: residents reasons to live in Whitewater; overall quality of life in Whitewater; future planning and development for Whitewater; and support for the promotion of green-space and sustainability initiatives.

Bob Freiermuth voiced his concern that as a business leader, he would like to see more representation (in the survey results) for his investments.

City Planner Mark Roffers stated that the survey provides some input for the Plan, but it does not take it all into consideration.

Mitch Simon, on behalf of the Hoffman family, voiced concerns of the housing variety mix; compatibility and density; where do not owner occupied residences fit in; the significant limitation of a cul-de-sac; single family definition and where condo's fit in (condo's are more of a cluster type of development); the requirement for 2/3 single family in new development is a problem; minimum density and the size of the lots; need larger lots for side loading garages; need clarification on the policy for farm land – hard edge concept (don't leap frog past farmland for development); not sure that Traditional Neighborhoods will work in Whitewater. Mitch Simon also voiced concerns of the impact fee for multi-family development to be used as a source of funding for neighborhood preservation in another section of town. He has a problem with the funding not helping the area of development. As far as the parking requirements for the R-3 Zoning District, for the most part, developments will comply with the requirements, but it should be made flexible enough to allow for particular cases to not comply. If the overall mixed use were for an entire area of, for example, 60 acres of land ownership, it poses less of a problem. Other concerns were the requirement of having a master plan for a whole parcel; developers coordinating development plans with adjoining property owners; anti-monotony policies for subdivisions; pedestrian controlled crossings at major intersections, and across arterial and collector roadways is not what the City wants; lighting along multi-use paths for safety should be installed only where appropriate. Mitch Simon had his own concerns of possibly changing the single family designation south of the Park Crest Subdivision and close to the University to a higher density. The Starin Road connection will be a major connector route with a lot of traffic. Roger Kutz, a property owner who owns property along the extension route, would like the property labeled as mixed use. His property is divided north and south by a drainage ditch, and will be divided east and west by the Starin Road extension. He would like to be able to make the best use of his property.

Jeff Knight, 405 Panther Court, who is a member of the Community Development Authority and Tech Park Board, voiced concerns of three areas on the map. There is an overwhelming number of areas that are planned neighborhoods. Immediately adjacent to the Industrial Park/Tech Park there is an area designated as future neighborhoods. This area will be hard to develop with residential designation of future neighborhood. He felt the City should go with different housing such as multi-family to serve as a buffer to the Industrial Park. In the downtown areas, the CDA has tried to market the downtown area and has had a hard time getting proposals to rehab buildings which creates a concern in bringing the downtown area back. This document will

make it difficult for the CDA to use their marketing tools. There were a number of reasons that the Tech Park was not located off of Walworth Ave. North of Walworth Ave. is all residential. With the School District there, he felt that the CDA, City, and Plan Commission should work together to find a reasonable approach. They did a transportation study to find out how to move traffic from Walworth Ave. to Hwy. 12. He feels that the land should go back to what was originally planned which was residential. Page 11 of the Comprehensive Plan Community Survey shows the numbers for Walworth Ave. and the Hwy. 12 bypass one of the least areas to be encouraged for future commercial/retail development. If all the areas designated commercial are developed, the city will lose business etc. in the downtown. There needs to be a balance. He does understand that there needs to be a buffer to Hwy. 12. The central area neighborhood is designated for rehab and neighborhood home ownership. He felt the City should consider a multi-family buffer in that area. We need flexibility beyond the cut pie to determine a better solution for the City for planning for future. When asked about planning tools for the downtown area, Jeff Knight suggested blight control, do an assessment of properties. Some homes are to the point of needing to be torn down and replaced with, for example, row houses. The real market for this area is multi-family. With the university pull, the area is inappropriate for home ownership. Tools in this plan will not help CDA to re-develop the area. The other area of concern is the Hoffman property. This is an area where school kids could walk to school, not be bussed. A mixed use would allow for more than just commercial use for the parcel. As far as the Starin Road extension, Jeff Knight noted that there are to be no basements in the alpha cast area. Multi-family development would be necessary to make use of the alpha cast land. He also noted for the Howard Road planned neighborhood area, that if there is a residence next to a company that makes noise or smoke, it would create extra costs, and be less desirable for neighbors. It would be a wrong zoning for that parcel.

Jean Reeb, Town of Cold Spring, had concerns of the future land use plan for their land. They would like a residential plan with not so much single family. They have had interested parties for duplexes or conceptual neighborhoods for students and single family in its own little community. Less is more with this type of plan. Multi-units, condos and townhouses are not considered single family.

Terry Stritzel was concerned with his land by the round-a-bout, having sold off 60 feet for the round-a-bout of his 120 foot lot.

City Planner Mark Roffers stated that the Stritzel property is zoned R-3 and R-2 and has not been rezoned.

Donna Henry, 347 S. Janesville Street & former Plan Commission Member for 11 years, had concerns of this being a very specific plan. Future generations will have to live with this plan, which will make them very dependent on a planner. The Plan Commission is to decide what is best for the City, but they need to make sure that the Plan Commission and future groups can deal with the decisions. Donna Henry felt that the City would do better with a simpler, more flexible plan. She stated that she meant her comments to be helpful to the Plan Commission.

City Planner Mark Roffers explained that the Plan is a vision for the City. The survey gave them information on the market demand. The Plan allows the City to stretch. It does not just tell the City what it has to take. These are ideas beyond the current realm. The Plan is too long, but in order to achieve the statutory requirements and incorporating the last ten years of Neighborhood Plans, it will be long. The Plan is a flexible Plan. It is not written in absolutes, instead it uses terms such as considers, explores, etc. Instead of saying exactly where, disclaimers are printed on the maps and throughout the Plan. If something seems too absolute, he asked that he be made

aware of it. The final chapter of the Plan is the process to amend the Plan. As of January 1, 2010, all zoning, subdivisions, and mapping must be consistent with the Plan.

City Planner Mark Roffers then addressed all the comments with his recommendations and if changes to the document should be made.

Moved by Binnie and Zaballos to recommend the Comprehensive Plan to the City Council, by resolution, including the recommendations made by City Planner Mark Roffers. Motion was approved with all ayes except Torres voted no.

Chairperson Torres noted that he had concerns of how much regulation the plan has, how it treats multi-family; the multi-family development fee; the Plan is not supportive of multi-unit growth areas. He was not comfortable putting his vote in favor a plan that is so specific. It should be more broad and open to the market place.

The City Planners will be making the approved changes to the document as recommended to the City Council. The City Council will hold the public hearing prior to the adoption of the Comprehensive Plan late December or early January.

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.

REPORTS:

a. Report from Community Development Authority Representative. Tom Miller reported that they are working on a development agreement with Russell Walton for his project on S. Janesville Street. The CDA is working on grants with Ayres Associates for the properties located at 202 and 216 E. Main Street and 503 S. Janesville Street for remediation and redevelopment. The CDA is making changes to the façade loan manual, and is working on the signs for the Tech Park. Kevin Brunner was re-elected to the Walworth County Economic Association.

b. Report from Tree Commission Representative. Dave Stone reported the Urban Forestry Task Force will be meeting on Thursday at 4:30 p.m. at City Hall. They are hoping to make a recommendation to the City Council after that meeting.

c. Report from Park and Recreation Board Representative. David Stone reported that the Starin Park playground equipment is in due to a community effort. A committee was formed with Park Board members, Landmark Committee members and Citizens to make recommendations about Indian Mound Park.

d. Report from City Council Representative. Lynn Binnie reported that the City Council is primarily working on the budget; as part of the Capital Improvement Plan, they are considering lighting on Main Street for safety, near the University; Strand and Associates has been contracted to do a study of the Five Points area for traffic control which is to be considered in the future.

e. Report from the Downtown Whitewater Inc. Board Representative. Dave Saalsaa, Design Committee Chair for Downtown Whitewater Inc., stated they are working on the façade grant for Pinnacle Financial and Legal Services being relocated to the former Karina's Restaurant building.

f. Report from staff. Zoning Administrator Bruce Parker explained that the City has a Planning subscription that will periodically send specific information for Plan Commission members. That information will be shared with the Plan Commission as it comes in.

g. Report from chair. No report.

MINUTES. Moved by Zaballos and Miller to approve the minutes of October 12, 2009. Motion approved by unanimous voice vote. The minutes of September 21, 2009 were not approved in order to review the motion for the mural park item.

REVIEW TWO STORY ADDITION TO THE BUILDING AT 1028 W. MAIN STREET (ADDING BEDROOMS AND BATHS TO EACH LEVEL MAKING EACH UNIT 5 BEDROOMS AND TWO BATHS WITH WASHERS AND DRYERS) FOR BOB FREIERMUTH.

Zoning Administrator Bruce Parker explained that this is an R-3 duplex and is allowed up to five unrelated persons per unit. The addition will not increase the allowed number of residents. The parking will be in the back yard area. The front single stall parking area will be removed. Changes being made to the elevations include stoops and exterior lighting. The Main Street view will remain the same. The attic will be used by the owner for storage only. The door to the attic will be locked.

Bob Freiermuth explained that the existing lighting is high pressure sodium and the entrances on the back of the building are well lit. One of the elevations did not show the windows, but there are lots of windows on both the first and second floor area.

City Planner Mark Roffers has asked that the site plan be officially amended.

Bob Freiermuth said he is having a professional make the changes, removing the parking stall in the front and showing the tree. He will also designate the two parking stalls which he will have an agreement with the neighboring property to use. He will maintain a minimum of 8 stalls for his property. The building will be light brown vinyl sided and dark brown trim. He wants the home to not look like there was an addition.

The City Planners recommended Plan Commission approval of the conditional use permit to construct a two-story addition to the existing duplex located at 1028 W. Main Street, subject to the following conditions:

1. The applicant shall make building and site renovations in accordance with the plans approved by the Plan Commission on 11/9/09, including the Site and Landscape Plan dated 10/15/09, the Building Elevations (with front elevation Option C), First Floor Addition Floor Plan, the Second Floor Addition Floor Plan, and the Foundation Plan, except as any changes to those plans are required to meet the conditions that follow.
2. Prior to the issuance of a building permit, the applicant shall revise and resubmit the site plan for City staff approval, clearly indicating the following changes:
 - a. Indicate that all parking spaces will be striped.
 - b. Show the dimensions of all parking stalls, consistent with City standards

- c. Clearly and completely remove the previously-proposed side/front yard parking stall
 - d. Show all existing and proposed landscaping, with the proposed maple tree relocated to the front yard and additional shrubs or other foundation plantings along the front façade of the existing house and the building addition.
 - e. Include the date of revision on the plan.
3. Prior to the issuance of a building permit, the applicant shall revise and resubmit the floor plan for City staff approval, with the following changes:
- a. Specify that access to the attic will be closed off.
 - b. Revise the second floor addition plan to indicate the purpose of the narrow space located between bedroom 1 and bedroom 3, extending into the kitchen.
4. A minimum of eight parking spaces shall be available to residents of 1028 W. Main at all times. The details of any future shared parking agreement negotiated with the owner of the property at 1036 W. Main shall be approved by the City's Zoning Administrator, and the necessary agreement shall be recorded, with a recorded copy submitted to the City.
5. In the event that all site and landscape improvements are not completed before occupancy of the building addition, the applicant shall provide the City with a site improvement deposit in the amount of \$200.

Moved by Binnie and Coburn to approve the two story addition to the building at 1028 W. Main Street (adding bedrooms and baths to each level making each unit 5 bedrooms and two baths with washers and dryers) for Bob Freiermuth subject to the recommendations of the City Planners Vandewalle and Associates. Motion approved by unanimous roll call vote.

REVIEW PROPOSED LANDSCAPING PLAN, SIGNAGE AND SIGN LOCATION, AND THE REVISED BUILDING ELEVATIONS TO BE LOCATED AT 1114 W. MAIN STREET FOR CRAIG POPE. Zoning Administrator Bruce Parker explained that Craig Pope is back before the Plan Commission for review of his landscaping plan, signage and the revised building elevations. He is not proposing a monument or freestanding sign in exchange for more wall signs. There will be two restaurants in the building, Qdoba Mexican Grill in the front portion of the building and Cousins Subs in the back portion.

City Planner Mark Roffers explained that in the B-1 Zoning District, if a developer chooses to forego the monument or freestanding sign, they could have an addition wall sign, without applying for a variance. Craig Pope would need a variance to have the four proposed signs. The other options would be a monument sign and two wall signs; or if "Qdoba" sign on the east wall was put in the window.

The Board suggested: that a corner building could have two signs, one on each side of the corner; the Plan Commission could make a recommendation to the Board of Zoning Appeals as part of the motion of approval.

City Planner Mark Roffers stated that the corner building having two signs is for the downtown B-2 (Central Business) Zoning District. He suggested that the Plan Commission also give the staff flexibility to work with Craig Pope. Mark Roffers supported the approval of the building elevation as presented and the approval of the east elevation signage.

The City Planners recommended the Plan Commission approve the landscaping, signage, and revised building elevation plans for 1114 W. Main Street, subject to the following conditions as amended at the meeting:

1. The landscaping and signage shall be installed in accordance with the plans submitted for the November 9, 2009 Plan and Architectural Review Commission meeting, including The Landscape Plan (sheet 2) dated 11/4/09; and the North, South, East, and West Elevations dated 11/9/09, except as alterations to these plans are required to meet the conditions that follow.

2. The applicant shall revise and resubmit the landscaping plan for City staff approval to indicate that all shrubs will be at least 2 feet in height at the time of planting (except the Youngstown Juniper), replace all Norway Maples with another type of native maple, and show additional landscaping in the southeast corner of the lot. Landscaping in this area should be consistent with the City's intersection visibility requirements, specified in Section 19.51.010

3. The applicant shall revise and resubmit building elevations for City staff approval showing the following changes:

a. On the west façade, move the Cousins sign up toward Main Street to be roughly centered over the delivery entrance. The size of this sign may be enlarged up to the maximum size allowable under section 19.54.050 of the City's Zoning Ordinance without the applicant having to return for Plan Commission approval.

4. The applicant shall either obtain a variance for the proposed sign plan or reach a mutually acceptable alternative with City staff.

Moved by Miller and Binnie to approve proposed landscaping plan, signage and sign location, and the revised building elevations subject to the City Planners conditions as amended at the meeting; and with the Plan Commission recommendation to the Board of Zoning Appeals to support a variance to allow for the fourth sign or negotiate a mutually accepted alternative to be approved by City Staff. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A NEW RETAIL/RESIDENTIAL BUILDING (EIGHT APARTMENTS AND ONE COMMERCIAL SPACE) WITH ONE APARTMENT ON THE FIRST FLOOR AND REVIEW THE BUILDING AND SITE PLAN TO BE LOCATED AT 848/850 S. JANESVILLE STREET FOR RUSSELL WALTON.

Chairperson Torres opened the public hearing for consideration of a conditional use permit application for the construction of a new retail/residential building (eight apartments and one commercial space) with one apartment on the first floor and review the building and site plan to be located at 848/850 S. Janesville Street for Russell Walton.

Zoning Administrator Bruce Parker explained the proposal is to include commercial/retail space on the first floor with a residential apartment in the north east corner of the first floor. There will be a stairway up to the second floor for access to seven more apartments. A conditional use permit is required for the apartment on the first floor. There will be parking in front and in back of the building. The front of the building shows only half of the parking due to setback requirements. If in the future Hwy. 59 is realigned, the land acquisition would allow for more parking in the front of the building. The building meets the shoreline setback of 75 feet.

City Planner Mark Roffers stated that he should replace the 5 to 7 trees (6' to 2.5 feet in diameter) that were removed from the tree line. He suggested the developer add 750 points of additional landscaping, which would be the equivalent of 5 to 7 mature trees.

Zaballos asked that the species be indicated and that they not be Norway Maple.

Plan Commission Coburn stated that this project is a great improvement to the area. She voiced concern of Maple trees in front of the building would hide the building from those driving by.

Russell Walton explained that the trees that were removed were box elder or falling down. He was able to save one Walnut tree. They will be putting in columnar maple trees that are tall and skinny. The walls of the building will be dark brown, the trim tan, and a light color for the soffit and gable ends. Walton was concerned with the condition of islands in the parking lot in the back of the building. The islands make it difficult for plowing. The parking has been there since the early 1990's.

City Planner Mark Roffers explained that the condition of the islands required in the parking lot is by ordinance. In order to change that, Russell would have to request a variance from the Board of Zoning Appeals.

The City Planners recommended approval of the conditional use permit to construct a new mixed-use building at 850 S. Janesville Street, subject to the following conditions as amended at the meeting:

1. The applicant shall make building and site renovations in accordance with the plans approved by the Plan Commission on 11/9/09, including the Site Plan (sheet SP-1) dated 11/3/09; the Alternate Site Plan (sheet SP-1A) dated 11/3/09 if the applicant decides to build the garage; the Landscape/Lighting Plan (sheet LS-1) dated 11/3/09; the Basement Plan (sheet S-1) dated 11/3/09; the Upper Floor and Main Floor Plans (sheet A-1) dated 11/3/09; the Roof Plan, East Elevation, and South Elevation (sheet A-1) dated 11/3/09; and the West Elevation and North Elevation (sheet A-3) dated 11/3/09; the Side Garage Elevation, Front Garage Elevation, Garage Floor Plan, Garage Foundation Plan, and Garage Wall Section (sheet G-1) dated 11/3/09 if the applicant decides to build the garage; except as any changes to those plans are required to meet the conditions that follow.
2. Prior to the issuance of a building permit, the applicant shall revise and resubmit the site plan for City staff approval to indicate the following changes:
 - a. Show a landscaped island at the northeastern end of the proposed new row of parking spaces in the existing parking lot on the property to the southwest.
 - b. **(Removed)** Again on the property to the southwest, reorient the row of 5 parking spaces currently oriented northwest/southeast and located southwest of the proposed row of spaces to align with the proposed spaces. This will result in one longer row of 13 parking spaces (instead of two perpendicular rows).
 - c. Indicate that the concrete sidewalks located in the front and back of the building will be raised at least 6 inches and that wheel stops will be provided at the ends of the parking spaces facing the railroad tracks in the rear yard parking lot.
3. Prior to the issuance of a building permit, the applicant shall revise and resubmit the landscaping plan for City staff approval to indicate the following changes:
 - a. Show an increased density of plantings in front of the parking lot, at minimum providing clusters of three plants, except for the boxwood plants.

- b. Relocate the two burning bushes from the front of the freestanding sign to the area behind the freestanding sign;
- c. Indicate the species of maple tree being proposed for the side yard and street frontage (**not to be Norway Maple**).
- d. Relocate the shrub at the end of the parking lot to another appropriate location on site.**
- e. Add 750 points of additional landscaping (5-7 mature trees) per the City of Whitewater Landscaping Guidelines.**

4. 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 8 additional housing units being added to this property.

5. Prior to the issuance of a building permit, stormwater, grading, and public utility plans shall be approved by the City's engineering consultant, meeting all applicable City standards.

6. Prior to the issuance of an occupancy permit/building occupancy, the applicant shall provide evidence of a recorded cross-access and shared parking agreement between this property and the property to the southwest in order to provide legal cross-access between parking lots, provide for shared parking, and allow for sharing of the dumpster, all in perpetuity except if alternate arrangements are made which meet City ordinance standards. The parking agreement shall specify that, at all times, a minimum of 31 parking spaces will be reserved for tenants of 850 S. Janesville Street, unless the configuration of that building were to change.

7. Prior to the installation of any freestanding sign, the applicant shall submit detailed signage plans for review and approval by the City Zoning Administrator. The proposed sign shall be a monument sign and not a pole/pylon sign.

8. In the event that not all site and landscape improvements are completed before occupancy of the building, the applicant shall provide the City with a site improvement deposit in the amount of \$500.

Moved by Binnie and Coburn to approve the conditional use permit for the construction of New retail/residential building (eight apartments and one commercial space) with one apartment on the first floor and review the building and site plan to be located at 848/850 S. Janesville Street for Russell Walton with the City Planner conditions of approval as amended at the meeting (removing 2b and adding 3d and 3e). Motion approved by unanimous roll call vote.

INFORMATION:

- a. The Board asked to review the current landscaping guidelines. Mark Roffers suggested a Plan Commission training session, particularly with the consistency requirement that will need to be followed.
- b. The next regular Plan Commission meeting will be December 14, 2009.

Moved by Dalee and Zaballos to adjourn at approximately 10:15 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner
Secretary