

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
February 8, 2010

**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, Torres, Stone, Coburn, Miller. ABSENT: None.
OTHERS: Wallace McDonell/City Attorney, 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.

REPORTS:

a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA discussed and approved the lease with Cesa 2 for the Tech Park. They will be occupying approximately 25 per cent of the building. There was no action with Equity Real Estate who is working to sell lots in the Business Park.

b. Report from Tree Commission Representative. No report. There is no longer a Tree Commission. There is now a newly created Urban Forestry Committee.

c. Report from Park and Recreation Board Representative. David Stone took the opportunity to remind everyone that Freeze Fest is coming up Saturday, February 20, 2010. Some of the activities include: Kiwanis Pancake Breakfast at the Downtown Armory 6:30 a.m. to 1 p.m.; from 10 a.m. to 3 p.m. there will be horse drawn wagon rides downtown and the family open ice skating at Big Brick Park; 11 a.m. to noon there will be family entertainment at the Cravath Lakefront Building; 11 a.m. to 2 p.m. ½ price admission to the Whitewater Aquatic Center; at noon is the Polar Plunge in the Cravath Lakefront Park, with a chili cook-off from noon to 3 p.m.. There will also be a Snow Dogs presentation at the Irvin L. Young Memorial Library from 2 to 3 p.m.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that at their February 2nd meeting, the City Council approved the Comprehensive Plan as the Plan Commission approved it with two exceptions: the property owned by the UW Foundation was moved from the potential higher density residential into the Future Neighborhood designation; and the property owned by Hoffmann Lands LTD., located south and west of Indian Mound Parkway and south of Walworth Ave. was changed from the Community Business designation to the Future Neighborhood designation. The Council also approved a contract with Strand and Associates for the Starin Road extension and the Tech Park improvements. The Council is also working on the development of ordinances for larger retail businesses, specifically for when the

building is abandoned. Ultimately the proposed ordinances will come before the Plan Commission for the public hearing.

e. Report from the Downtown Whitewater Inc. Board Representative. Dave Saalsaa, Design Committee Chair explained that the Pinnacle Financial business has installed their new awnings. They are waiting for the warmer weather to do the rest of the outside work. The other project is the Main Street Shops. They have been approved for two façade grants, one for the Main Street Shops and one for the Day and Nite Café. They plan to be on the next Plan Commission meeting.

f. Report from staff. Zoning Administrator Bruce Parker explained that he hoped to get information very soon for the Main Street Shops in order to be on the next Plan Commission meeting; and there is the possibility of an overlay district for R-1 for unrelated occupants.

g. Report from chair. No report.

MINUTES. City Attorney McDonell explained that because a number of the Plan Commission members were not a part of the Plan Commission at the time of some of the minutes, they could be approved on the basis of the approval of those at the Plan Commission now who were present at those meetings. Moved by Miller and Stone to approve the Plan Commission minutes of April 23, 2007. Motion approved by unanimous voice vote. Moved by Stone and Miller to approve the Plan Commission minutes of May 14, 2007. Motion approved by unanimous voice vote. Moved by Miller and Stone to approve the Plan Commission minutes of August 13, 2007. Motion approved by unanimous voice vote. Moved by Miller and Stone to approve the Plan Commission minutes of August 27, 2007. Motion approved by unanimous voice vote. Moved by Miller and Stone to approve the Plan Commission minutes of September 10, 2007. Motion approved by unanimous voice vote. Moved by Miller and Stone to approve the Plan Commission minutes of November 12, 2007. Motion approved by unanimous voice vote. Moved by Stone and Coburn to approve the Plan Commission minutes of the January 11, 2010. Motion approved by unanimous voice vote.

APPOINTMENT OF PLAN COMMISSION REPRESENTATIVE TO THE URBAN FORESTRY COMMITTEE AND THE TECH PARK COMMITTEE. Chairperson Torres opened the nominations. Plan Commission Member Stone nominated Plan Commission Member Tom Miller as representative to the Urban Forestry Committee. Plan Commission Member Coburn nominated Plan Commission Member Kristine Zaballos. Zaballos declined. Tom Miller was appointed as the Plan Commission Representative to the Urban Forestry Committee.

Plan Commission Member Tom Miller nominated Plan Commission Member Rod Dalee as the representative to the Tech Park Committee. Plan Commission Member Zaballos nominated Plan Commission Member Gregg Torres. Torres declined. Rod Dalee was appointed as the Plan Commission Representative to the Tech Park Committee.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR A CLASS B BEER AND LIQUOR LICENSE FOR 214 W WHITEWATER LLC., AGENT PATRICK J. DUFER, TO SERVE BEER AND LIQUOR BY THE BOTTLE OR GLASS AT 214 W. WHITEWATER STREET (HAWKS NEST BAR AND GRILL). Chairperson Torres opened the public hearing.

Zoning Administrator Bruce Parker explained that this is a transfer of the license to the new owner of the business. There are no major changes to the building. There was one discrepancy

which is the allowable occupancy of the business area. According to State Code, the square footage of the business would allow the occupancy of 150 to 175 persons. The plumbing code requires more bathroom facilities to accommodate that many people. Parker is suggesting an occupancy of 110 persons. If the bathroom facilities are upgraded, he asked that the Plan Commission allow City Staff to change the occupancy number administratively. The owner is planning a projecting sign for which a copy was provided in the packet, but there were no measurements provided. Parker asked to be able to approve the sign when the additional information and sign permit application were provided.

Chairperson Torres closed the public hearing.

Plan Commission Member Tom Miller asked the owner, Daniel Caravette, if he wanted to be able to open as allowed by the State. Miller did not want Caravette to have to come back to the Plan Commission to change his opening time.

Daniel Caravette plans to keep the current opening time of 3:00 p.m. until the updating of his kitchen and lunch menu are complete. Then he would like to open during the lunch hours.

City Planner Mark Roffers recommended the Plan Commission approve the conditional use permit for the Hawk's Nest, located at 214 W. Whitewater Street, to allow the sale of alcohol by the bottle or drink, and further to recommend the City Council issuance of a Class B Liquor License, subject to the following conditions as amended at the meeting:

1. The conditional use permit shall run with the business owner and not the land. Any change in ownership will first require approval of a conditional use permit amendment.
2. The business shall be operating in accordance with the applicant's letter/operational plans that was included with this submittal and approved by the Plan Commission on 2/8/10, except that hours may be extended at the discretion of the owner.
3. Maximum occupancy of Hawk's Nest Bar and Grill shall be limited to 110 persons. If the applicant installs additional bathroom facilities, City staff may adjust maximum occupancy based on applicable codes.
4. Any future signage installed on either property shall comply with the City's sign ordinance. In addition, backlit, plastic signage shall be prohibited. City staff shall review and approve of all new and replacement signage prior to installation.

Moved by Miller and Zaballos to approve the conditional use permit for a Class B Beer and Liquor License for 214 W. Whitewater LLC., Agent Partick J. Dufer, to serve beer and liquor by the bottle or glass at 214 W. Whitewater Street (Hawks Nest Bar and Grill) with the City Planners conditions of approval as amended at the meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR A THIRD APARTMENT BUILDING, 20 ONE-BEDROOM UNITS, TO BE BUILT ON THE SOUTH SIDE OF W. CAINE STREET IN THE SPRINGBROOK SUBDIVISION FOR SPRINGBROOK APARTMENTS LLC. Chairperson Torres opened the public hearing for consideration of an amendment to the conditional use permit for a third apartment building, 20 one-bedroom units, to be built on the south side of W. Caine Street in the Springbrook Subdivision for Springbrook Apartments LLC.

Zoning Administrator Bruce Parker explained where the current buildings were located and where the proposed 20 unit building is planned to be located. In December, this proposal was brought to the Plan Commission as a conceptual review to see if they should move forward with this proposal. In the meantime, in order to meet codes, setbacks etc., they needed to reduce the size of the building to 20 units. The applicant has submitted drainage, lighting, and landscape plans.

Paul Nooyen, Springbrook Apartments LLC., stated that they pretty much agreed with the City Engineer and City Planner reports and conditions. They had a couple concerns with the comments. The applicant requested an extension of the June 1, 2010 completion date for the landscaping of the existing buildings until June 30, 2010. They also felt they should not be responsible for the proposed bike/pedestrian path that is not located on their property. They would have discussions with the neighbor and work with them, but it should not stop their project. The parking has changed, in that there is a dedicated future parking area if they would need the extra parking at some time in the future. When asked about the difference in the first and second floor plans for the bathroom sinks (one floor had single sinks and the other had double sinks), Nooyen stated that it was an error in the plan and the sinks will all be double sinks.

The Board asked about turning the proposed building so that it was parallel to the current buildings; or angled.

Paul Nooyen was willing to turn the building if it would work. He also noted that they had downsized the patios to five feet to make this proposal work.

City Planner Mark Roffers stated that if the Plan Commission wanted the applicant to consider turning the building, he recommended postponing action in order to figure out the actual size of the building, the parking and landscaping. He did not think that changing the angle of the building would help much. The parking still has to be figured in.

Carrie Matheson, 525 S. Caine Street, provided pictures to the Plan Commission to show them what she looks at from her home. She had concerns of displacing the 12 deer that are in the area daily; the urgency of building the third building; wanting to see the full impact of the first two buildings before adding a third. Matheson thought that maybe there would be more privacy if the building was turned. She requested that the landscaping, berm and fence be installed prior to construction as a condition of approval. Matheson also requested that the originally required landscaping for the first two buildings be finished.

David Behr, Springbrook Apartments LLC., stated that he agreed with the installation of the berming, fencing and landscaping prior to starting construction. It would shield her property from car lights. There are also some standing water problems that the grading of the property would help alleviate. Behr stated that this is a good time to build the apartment building. There is a need for good housing. These will be some of the nicest units around. They will be one bedroom units with a washer and dryer in each unit.

Fred Kraege, 529 S. Gault Street, stated that there had been four different plans for this subdivision. He was concerned that the developer removed the fire lane on the west side of the property and replaced it with a two lane driveway. Some of the cars coming from these apartments drive excessively fast down the neighborhood streets. He has asked the Manager of the apartments to be aware and try to help with this situation. Kraege voiced his concerns of

other developments in the area. (He also noted that he just finished a 1200 page book “From Farms to Insanity”.)

Chairperson Torres closed the public hearing.

Plan Commission Member Coburn was contacted by citizens concerned about the oil leakage from the Five Points area. She contacted the DNR. They provided her with a map of the plume where the benzene had spread. The DNR told her that if there was any concern digging into the ground, the developer should sample the dirt.

Paul Nooyen stated that they had done soil borings prior to proposing this additional development.

Plan Commission Member Zaballos voiced her concerns of the street trees on the landscaping plan. The City has a guideline for street tree plantings in that every 4th tree should be something different. Zaballos asked for feedback on these guidelines. She also asked that the landscape plan be reviewed by the City Forester and compared with the City guidelines. Zaballos stated that the Austrian Pine is over planted and that they should substitute another evergreen. Invasive or fragile plantings should be avoided.

City Planner Mark Roffers went through the conditions and noted the changes made from the discussion. When asked about the turning of the building, he responded that the turning of the building would not be an advantage. They would still have to deal with the parking arrangement. He felt there would still be impacts to the single family home on Caine Street.

The City Planners recommended the Plan Commission approve the amendment to the conditional use permit to construct a new 20-unit apartment building south of Caine Street and part of Springbrook Apartments development, 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 2/8/10, including the Building C Site Plan (sheet C1.1) dated 2/1/10; the Landscape Plan (sheet C1.2) dated 2/1/10; the Lighting Plan (sheet C1.3) dated 2/1/10; the Garage Floor Plan (sheet A1.0) dated 2//10; the First Floor Plan (sheet A1.1) dated 2/1/10; the Second Floor Plan (sheet A1.2) dated 2/1/10; the South Elevation, North Elevation, West Elevation, and East Elevation (sheet A4.1) dated 2/1/10; the South Elevation, North Elevation, West Elevation, and East Elevation (sheet A4.2) dated 2/1/10; the Grading Plan (sheet C1) dated 2/1/10; the Utility Plan (sheet C2) dated 2/1/10; and the Erosion Control Plan (sheet C3) dated 2/1/10; 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 (Sheet C1.1) and landscape plan (Sheet C1.2) for City staff approval to indicate the following changes:
 - a. Indicate that all Norway Maples that have not already been planted will be replaced by another species of maple, and Austrian Pine shall be replaced by another evergreen tree in coordination with City staff.
 - b. Indicate landscaping along between the east facade of the new building and the eastern lot line.

- c. Increase the amount of landscaping shown north of the new building, particularly north of its eastern half to enhance visual screen in a manner similar to what has been shown along the berm at the northeast portion of the development site.
 - d. Revise the “Landscaping Points Requirements” legend to coincide with the revised site plan (e.g., 20 unit building footprint instead of 24 unit building footprint).
 - e. Per the City’s parking lot curbing policy, revise the site plan to indicate that the sidewalk generally located north of the new parking lot will be raised 6 inches from the paved surface.
 - f. Show an alternative and more accessible location for the dumpster.
 - g. Relabel the 10 parking stalls between Building B and Caine Street from “new parking” to “future parking, to be installed only if and when directed by the Zoning Administrator.”
 - h. Any adjustments required to respond to City engineering consultant comments on engineering plans.
 - i. Shift the new building approximately five feet to the south and five feet to the west.
 - j. The street tree planting plan shall be reviewed by the City Forester and meet the City’s street tree planting guidelines.
3. Prior to the issuance of a building permit, the applicant shall:
- a. Submit for approval by the City’s engineering consultant a revised grading plan (Sheet C1), utility plan (Sheet C2), and erosion control plan (Sheet C3), along with calculations supporting the stormwater management plan.
 - b. Submit for City staff approval detailed plans/elevations for the dumpster enclosure.
 - c. Submit for City staff approval detailed catalog page/cut sheets for all proposed light fixtures, indicating height, orientation, and other aspects required to confirm compliance with the City’s lighting ordinance.
 - d. Provide evidence of recorded access agreement/easement to allow future construction of a public multi-use path to the south/southeast of the Springbrook Apartments’ development site, and extending from the southwest corner of the development site to Franklin Street, in an alignment generally conforming to the City’s trail plan as illustrated in its Park and Open Space and Comprehensive Plans, or the applicant shall work with City staff to arrive at possible other recreational improvements benefiting the area, which would be subject to Planning and Architectural Review Commission approval.
 - e. Confirm evidence of a recorded public access agreement/easement for the fire lane/path located along the entirety of the western boundary of the Springbrook Apartments’ site, to enable perpetual public bike and pedestrian access over this area
 - f. Pay a park improvement fee and a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the 20 additional housing units being added to this property, less the value of the multi-use path that the applicant will install outside of the Springbrook Apartments’ site, or any other mutually agreed recreational improvement installed by the applicant. The method of estimating the value shall be determined through a revised development agreement associated with this project.
 - g. Work with City staff to updated the existing development agreement for this site/project to account for this third apartment building and the conditions associated with approval of this building.

4. All landscaping approved as part of the June 11, 2007 conditional use permit approval for the existing two apartment buildings shall be installed no later than June 1, 2010, or the applicant shall forfeit the site improvement deposit associated with installation of that landscaping. Failure to install such landscaping by June 1, 2010 shall constitute a violation of the 2007 conditional use permit, and the City may take appropriate steps under its ordinances to ensure compliance in such an event.
5. In the event that not all site and landscape improvements associated with the construction of the new building are completed before occupancy of the new building, the applicant shall provide the City with a new site improvement deposit in the amount of \$2,000.
6. The applicant shall install stop signs at the driveway exits to Caine Street. The Plan and Architectural Review Commission further recommends that the applicant, City Council, and City staff investigate the potential for four-way stop signs and cross walks at the Caine/Clark Street intersection, with a revised development agreement assigning responsibility for installation.
7. The applicant shall construct a multi-use path, extending from the northwest entrance driveway at the Caine/Gault intersection to a point along Franklin Street southeast of the development site, along a route generally consistent with the route indicated on Map 6: Transportation and Community Facilities in the City of Whitewater Comprehensive Plan and in a timeframe specified by the revised development agreement, or the applicant shall work with City staff to arrive at possible other recreational improvements benefiting the area, which would be subject to Planning and Architectural Review Commission approval.
8. The project shall be subject to the non-family household restrictions of the City's zoning ordinance normally applicable to the R-2 zoning district (as of February 2010, this limits the number of unrelated individuals per apartment unit to three), except that for all one-bedroom units in the entire 3-building development, the maximum number of unrelated individuals per apartment unit shall be two. These restrictions shall be included as part of all leases and lease renewals within all buildings on the site, and shall be enforced by the property owner.
9. To the extent they do not conflict with the above conditions, all conditions of the June 11, 2007 conditional use permit approval for this site/project, including but not limited to the requirement for an on-site manager, shall continue to apply.
10. All landscaping, berming, and fencing adjacent to the single family house along Caine Street shall be installed before the foundation is poured for the new building, and the landscaped trees on/near that property shall be repaired within the same timeframe.

Finding the proposal consistent with the City of Whitewater Comprehensive Plan, Binnie and Miller moved to approve the amendment to the conditional use permit for the third apartment building, 20 one-bedroom apartment units, to be built on the south side of W. Caine Street in the Springbrook Subdivision for Springbrook Apartments LLC. with the City Planners' conditions of approval as amended at the meeting. Motion approved by unanimous roll call vote.

REVIEW AND DISCUSS THE CITY OF WHITEWATER LANDSCAPING

GUIDELINES. City Planner Mark Roffers explained that the current landscaping guidelines were first adopted five years ago. They have been useful in giving developers the sense of what the City's expectations are on landscaping for developments. It is a good time to update the guidelines. Some of the changes include: noting how thick a tree trunk should be; defining new terms such as "berm"; 10 foot width landscape buffer yard. The chart is a guide for points with the expectations of how big planting should be; how tall plantings are at maturity; types of species that are acceptable. The landscape guidelines can give guidance for the street trees.

There are some species we may want to see more of and some species that are over used. Some trees have little leaves which are good for parking areas as they give a transparent feeling. The guidelines will provide general guidance to install a tree and maintenance of trees.

Plan Commission Member Zaballos noted that tree planting has a different understanding than it did five years ago. Five years ago we did not talk about rain gardens or bio swales. We need to bring the guidelines to meet current standards. Zaballos also suggested that the chart be reduced, particularly the last column, by giving one or two samples and then referring to an attached list. She noted that stone mulch is not good for any plantings and should be discouraged everywhere.

City Planner Mark Roffers stated that the chart will be more comprehensive and will include information on rain gardens and bio swales.

Chairperson Torres asked what was meant with the overly used trees.

City Planner Mark Roffers explained that if there are a lot of one kind of tree, there are more issues with diseases. A lot of trees could be lost. It is better to have more variety in the types of trees. Roffers explained the landscaping point system, and that it is a give and take system. The things to be considered are street frontages, paved areas, building foundations, landscape buffer yards, general yard areas, screening (dumpsters etc.), and vision triangles and easements.

The Landscape Guidelines will be updated with information as discussed at the meeting and come back to the Plan Commission for the public hearing.

INFORMATION:

Possible future agenda items for the March 8, 2010 meeting include: a possible new development; Landscaping Guidelines; and Main Street Shops as mentioned by Dave Saalsaa, Downtown Whitewater Design Team Chair.

The next regular Plan Commission meeting will be March 8, 2010.

Moved by Zaballos and Coburn to adjourn at approximately 7:45 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner
Secretary