

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
March 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 McDonnell/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.

City Manager Kevin Brunner explained that he was excited about the Tech Park Innovation Center and wanted to get the Plan Commission updated on the process. He showed an artist's rendering of the southwest view of the proposed Innovation Center. The Innovation Center will be a 40,000 sq. ft. building, LEED certified silver. There is a separate Plan Commission for the Tech Park. The Tech Park Plan Commission includes a Plan Commission member and the Tech Park Board. In order to proceed with the building, they need approval from the Federal Government Economic Development Administration. They will be going to Chicago Tuesday, March 9, with their bid package. They expect to hear the results before the end of March. The proposal will go out for bid by April 1, 2010. The bids will be received by mid April. The results will go to the CDA and then to the City Council for final approval. An April 27<sup>th</sup> ground breaking for the Innovation Center is planned for 4:00 p.m. They have a major tenant for the building, CESA II. There will be 30 new employees. They will provide training and support services for 75 school districts in southern Wisconsin.

**REPORTS:**

a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA discussed their relationship with Walworth County and is weighing the benefits. They also discussed the Tech Park and the CDA relationship. There are still some documents that need to be finalized on that. The CDA held a first time home buyers seminar last Saturday and will be holding a lead paint workshop on March 17<sup>th</sup> at the Cravath Lakefront Center. The CDA did not receive the assessment grants for the cleanup of the properties at 503 S. Janesville Street, 216 E. Main Street and 202 E. Main Street.

b. Report from Urban Forestry Commission Representative. Representative Tom Miller explained that their first meeting was basically a structuring meeting. They elected a chair and secretary. The Chairperson is Tiu Gray-Fow and the Secretary is Richard Ehrenberg. The Urban Forestry Committee is an advisory group to the Park Board.

c. Report from Park and Recreation Board Representative. David Stone explained that the Board had a discussion about Trick or Treating and if it should stay on October 31<sup>st</sup>. They decided to

keep trick or treating on October 31<sup>st</sup>. The Park Board discussed having a 5K community run to benefit the student who has cancer. The Board also discussed a future use sports policy.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that the City Council discussed possible changes to the parking in the downtown area. The City does provide quite a few 24 hour free spaces, which were looked at possibly requiring a daily permit. They discussed possibly allowing daytime use by others when permit holders are away for the day. The Council approved an engineering contract for design of Clay Street reconstruction between Green Street and Dann Street. An additional note for the Innovation Center is that JP Cullen is to serve as the construction manager.

e. Report from the Downtown Whitewater Inc. Board Representative. Dave Saalsaa, Design Committee Chair explained that they had reviewed the Main Street Shops which is on tonight's meeting; and also they are holding their annual award banquet at Hyland Hall on March 18<sup>th</sup>, from 6 to 9 p.m. There are numerous awards to be presented which include: Volunteer of the Year, Honorary Board Member, Best Public/Private Partnership, Best Public Improvement Project Built Environment, Best Façade Rehabilitation over \$7,500, Best Adaptive Reuse Project, Best Promotional Item, Best New Business, Best Downtown Image Campaign/Event, and Best Volunteer Program/Project.

f. Report from staff. No report.

g. Report from chair. No report.

**MINUTES.** Moved by Binnie and Zaballos to approve the Plan Commission minutes of the February 8, 2010 meeting. Motion approved by unanimous voice vote.

**PUBLIC HEARING FOR A CHANGE N THE DISTRICT ZONING MAP FOR THE FOLLOWING AREA TO BE REZONED FROM AT (AGRICULTURAL TRANSITION RESIDENCE) ZONING DISTRICT, UNDER CHAPTER 19.42 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER; TO PCD (PLANNED COMMUNITY DEVELOPMENT) ZONING DISTRICT AND ASSOCIATED GDP (GENERAL DEVELOPMENT PLAN), UNDER CHAPTER 19.39 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER:**

**Legal Description:**

**Part of the NE 1/4 of the NE 1/4 of Section 7, T4N, R15E, City of Whitewater, Walworth County, Wisconsin, to-wit:**

**Commencing at the NE corner of said Section 7; thence S88°18'33"W, along the north line of said NE 1/4, 321.49 feet to the point of beginning; thence continue S88°18'33"W, along said north line, 395.44 feet; thence S1°41'27"E, along the east line of Lot 1, Certified Survey Map No. 1334, 377.47 feet to the SE corner thereof; thence S88°17'16"W, along the south line of said Lot 1 and its extension, 342.05 feet; thence S0°07'17"E, 403.34 feet; thence N88°18'33"E, 714.43 feet; thence N0°48'37"E, 781.53 feet to the point of beginning, containing 10.000 acres and subject to a road right of way across the northerly 33 feet.**

**(Part of Tax Parcel # /WUP 00324 being rezoned for proposed senior housing, south of Walworth Ave. at Buckingham Boulevard).**

Zoning Administrator Bruce Parker explained that this proposal would be located west of the High School, east and south of the Brotoloc property and south of Walworth Ave. directly across from Buckingham Blvd. The land is currently zoned AT (Agricultural Transition). They are requesting the property to be rezoned to PCD (Planned Community Development). There will be eight 8-unit buildings, ranch style single family units. There will be public sidewalk installed across their property. On the west side of the property there will be a walkway for the occupants of the buildings, which will be built wide enough and strong enough for fire and rescue department equipment. There is a future planned outlet from the site (two options) depending on how the Hoffmann property develops. The Plan Commission holds the public hearing at this meeting, then if recommended, will go to the City Council next week. Silverstone Partners will provide more specific details, lighting, landscaping etc. with their SIP (Specific Implementation Plan) submittal when they continue with the project if they get their government funding.

Tom Sather, representing Silverstone Partners Inc., explained that they have 1000 units throughout Wisconsin. This proposal is for 64 units – senior style cottages. They have to go through a process for the Section 22 Tax Credit, which allows for rent based on income. Rents would range from the mid \$400's up to \$1000. Their application to WHEDA is due by March 26<sup>th</sup> for which they need evidence of appropriate zoning for the proposal. They will find out in June whether or not they will receive the funding. They plan to break ground late in the year with occupancy about Labor Day 2011. They had their civil engineer at the meeting in case there were engineering questions.

Chairperson Torres closed the public hearing.

City Planner Mark Roffers explained that most of the recommendations are to be taken care of with the SIP (Specific Implementation Plan) submittal. Roffers noted he had spoken with Mr. Hoffmann and Attorney Mitch Simon who requested a change in the recommendations to allow the rezoning and the GDP to be null and void if there is not an approval of the SIP by December 31, 2010. The Plan Commission must note in their approval that the proposal is consistent with the Comprehensive Plan, along with the conditions of approval.

Plan Commission Member Coburn asked if there could be sidewalk on at least one side of the private drive. She was also concerned about the position of the clubhouse, so close to Walworth Ave. (lack of privacy for hot tub etc. and the amount of available parking for the club house); and the fitness room being so small.

City Planner Roffers explained that City Staff and the applicant will work that out between now and the SIP stage. When asked if there could be sidewalk on both sides, Roffers stated that there would not be enough room for two sidewalks along the driveway. Landscaping would be sacrificed. He did not have a problem with that in that it is not a public or through street.

Tom Sather explained that the Club House was planned to be closest to Walworth Ave., per the management company, in order to make it easy to find and for security purposes. There will be someone in the office during the day monitoring the traffic into the development. The traffic will be low density. The fitness room will have three pieces of equipment. When asked about the neighborhood meeting, he explained that approximately 60 neighboring property owners were invited (per the City's 300 ft. mailing list). Twelve to fifteen people showed up at Randy's for the meeting. One person was opposed, but all in all it was a good meeting. Someone asked about basements, and two car garages instead of one car garages. Basements are an issue due to

the depth of the bedrock. Most seniors have one car. The one car garages have worked out well in all their other developments.

Plan Commission Member Binnie wanted to clarify the applicants' answers to the standards. The standards are a little confusing. a) the proposal will not create a nuisance or have an adverse effect on the neighboring properties and e) the proposal will not have an adverse affect on traffic; h) yes, the development will not substantially reduce the availability of sunlight or solar access on adjoining properties.

City Planner Mark Roffers stated that the standards are taken directly from the Zoning Ordinance.

Plan Commission Member Zaballos suggested having boxes that can be checked "No, it will not; or Yes it will". She also asked about family members staying with the tenant.

Tom Sather explained that spouses are allowed to live in the unit, even if they are less than 55 years old. Other family members could visit, but not stay for extended periods of time. They have not had any problems of this type with their other developments. Most units are two bedroom units which is the most popular. The second bedroom is usually not used as a bedroom, but as a sewing room, den etc. There is one unit in each building that does not have two bedrooms. The other space is the mechanical room which holds the central boiler for the building.

The Board voiced concerns of: the darkness of the interior units, possibly adding sky lights; parking for the units (one car garage); a sidewalk or path to the high school; having the porch step at least six feet is crucial if you want the porch to be used.

Tom Sather noted that the windows are large and the units are not so dark. Sather stated that if the High School installs sidewalk on their property, they will install sidewalk on this property.

City Planner Mark Roffers explained that there is room for additional parking on the site plan, but will not be installed unless it is needed. It would not be difficult to solve a parking issue. When questioned if there was wetland in this area, he explained that there were no wetlands in the area of this proposal.

The City Planners recommended that the Plan and Architectural Review Commission first find the proposed rezoning consistent with the City's Comprehensive Plan, then approval of PCD zoning and the General Development Plan for Buckingham Court, located on Walworth Avenue, subject to the following conditions as amended at the meeting:

1. The site shall be developed in general accordance with the Site and Landscaping Plan (sheet L-1) dated 2/17/10; the 8 Unit Floor Plan (sheet A-1) dated 8/27/08; the Utility Plan (sheet 2) dated 2/2010; the Grading Plan (sheet 1) dated 2/2010; the North, East, South, and West Elevations (sheet A1) dated 8/27/08; the Clubhouse Floor Plan and North, West, South, East Elevations (sheet A2) dated 8/27/08 (with clubhouse construction required with initial development); the Project Overview: Proposed Senior Cottage Development, Walworth Street at Buckingham Blvd. submitted for review at the 3/8/10 Plan Commission meeting; and the Buckingham Court sign plan submitted for review at the 3/8/10 Plan Commission meeting, except as any changes to those plans are required to meet the conditions that follow.

2. Prior to submittal of the SIP for this project, the applicant shall arrange a meeting with City

planning, zoning, and engineering staff and consultants to review SIP submittal expectations. The Specific Implementation Plan submittal(s), shall include the following:

- a. Detailed/revise site plan.
- b. Detailed/revise landscape plan, including the species of plants proposed, their size at the time of installation, and a table indicating how the City's landscaping guidelines are being met.
- c. Detailed site lighting plan, including locations, fixture types, and photometric plan.
- d. Detailed/revise building elevations and floor plans, including color samples/photo renderings.
- e. Detailed signage plan for all signs related to that SIP phase (materials, colors, size, lighting).
- f. Complete/revise erosion control, grading, and stormwater management plans and calculations addressing the concerns/comments of the City's engineering consultant in his letter dated 2/25/10, with additional discussion warranted on sidewalk/emergency access issues.

3. As part of the SIP submittal, the applicant shall make the following revisions to the site/landscaping plan, 8-Unit Floor Plan, and Elevations:

- a. On the site/landscaping plan, adjust the route of the pathway on the western side of the lot so it meanders, and indicate other pedestrian amenities such as benches. Soften the two sharp-angled turns shown toward the southern end of the pathway and include other appropriate modifications to make it more accessible to emergency vehicles.
- b. Clearly indicate on the site/landscaping plan that the developer will install sidewalk along the south side of Walworth Avenue from the western lot line of the Buckingham Court property east until it reaches the western lot line of the high school property.
- c. On the site/landscaping plan, indicate additional trees and other landscaping on the western side of the lot surrounding the walking path and also in the yard areas between the two northeastern-most buildings and the eastern lot line, and between the western-most building at the end of the private drive and the southwestern lot line.
- d. On the site/landscaping plan, adjust the locations of the buildings as necessary to ensure that the rear of all portions of all buildings are set back a minimum of 30 feet from all lot lines and the northeastern-most building is setback a minimum of 30 feet from the front lot line.
- e. On the site/landscaping plan, 8-unit floor plan, and elevations, expand the width of the front porch to 6 feet, bringing the porch closer to or beyond the front of the garages.
- f. Include fences between the rear-yard patio areas, including a detail sheet.
- g. Add additional striped parking in key locations on the site, in a number and location to be discussed between the applicant and City staff.

4. Prior to SIP submittal, work with City staff to prepare and record a development agreement or other appropriate legal document to ensure the developer will reserve land for at least one future driveway connections in the southwest corner of the lot, as indicated on the GDP, and to be indicated on revised site plans submitted with the SIP. The document shall also specify that when adjacent land to the south and west develops, the developer or other property owner in the future of the 10-acre piece agrees to install the driveway connection, subject to all City of Whitewater standards, in whichever of the two reserved roadway orientations is deemed most appropriate at the time given future road patterns.

5. Planned Community Development zoning shall take effect only upon Plan Commission approval of a Specific Implementation Plan for the Buckingham Court project. Until that time, the land shall remain zoned AT Agricultural Transition. If no Specific Implementation Plan is approved by December 31, 2010, the PCD zoning and General Development Plan shall be null and void.

6. Prior to the issuance of a building permit, the applicant shall pay a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the 64 additional housing units being added to this property, and shall work with City staff in advance of the SIP submittal to determine whether any park improvement fee credit will be provided in conjunction with the clubhouse construction.

Moved by Binnie and Coburn to find the proposed rezoning consistent with the City's Comprehensive Plan and approve and make recommendation to the City Council for the rezoning from AT (Agricultural Transition) to PCD (Planned Community Development) and the GDP (General Development Plan) for the proposed senior housing (Buckingham Court) subject to the conditions as amended at the meeting. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR PROPOSED MINOR REVISIONS TO THE PCD (PLANNED COMMUNITY DEVELOPMENT) SPECIFIC IMPLEMENTATION PLAN FOR WATERS EDGE SOUTH (THE SMALLER LOTS ALONG PARKSIDE DRIVE) TO ALLOW EITHER SINGLE STORY (LIBERTY PLAN) OR TWO STORY (ROOSEVELT PLAN) SINGLE FAMILY HOMES INSTEAD OF ZERO LOT LINE DUPLEXES.** Chairperson Torres opened the public hearing for consideration of the proposed revisions to the PCD (Planned Community Development) plan for Waters Edge South (smaller lots along Parkside Drive) to allow single story (Liberty Plan) or two story (Roosevelt Plan) single family homes instead of zero lot line duplexes.

City Planner Mark Roffers explained that this proposal is for the north side of Parkside Drive, which was originally approved for zero lot line duplexes. Last August, the plan was changed to allow 1500-1600 sq. ft. two story single family houses (Roosevelt plan). The applicant is now asking for a second model option (Liberty plan) which is a 2 bedroom ranch style approximately 1300 sq. ft.

Tom Larson, Teronomy Builders, explained that want to do a quality project and they needed a ranch style plan. There are only a few items in the City Planner's report that they disagree on. They felt that the recommendation #5 was too specific. They did not want to limit the buyers in their choice of interior finishes.

City Planner Mark Roffers explained the reason for this is that these properties are located in an owner occupied environment. The units are small units, making them more accessible to owner and rental as well. The City wants the units to lend themselves to owner occupancy over time. Rental units sometimes have lower quality materials used in them. Roffers also explained that it was not the colors he was concerned about, it is the construction quality. He is looking for owner occupied quality. Roffers suggested a second option, which was to require that no individual entity or group could own more than two units in a complex.

Chairperson Torres stated that he was opposed to the extra regulations as it was not done on the single family residences in the past. Rental units cannot be prevented. Plan Commission Member Coburn noted that the City is looking for a list of different choices for the interior. Plan

Commission Member Zaballos voiced a concern that the changes to the project tend to lose value of quality every time a project comes back to Plan Commission. The suggestion is to work within a range of quality for home ownership.

Tom Larson suggested that they have created more quality by progressing to something better. Larson also wanted to clarify the \$2000 site deposit (is it per lot or for the entire area?). The site deposit is for the site grading and stormwater improvements for the area. He did not have a problem with that. Larson had no problem with adhering to the City's landscaping guidelines. Larson asked about the possibility of changing the rear yard setback to allow for a screen porch, deck or window addition.

City Planner Mark Roffers stated that the rear yard setback is 25 feet. He felt that this could be a substitute for outdoor space and would be reasonable.

Sandy Troemel, 210 E. Parkside Drive (immediately to the west of these smaller lots), wanted to make sure that the west side yard setback for a house on Lot 37 would be 15 feet as approved at the August meeting and that the Roosevelt style home will be built on Lot 37; and noted that Teronomy agreed to put more plantings along that lot line between the properties for more protection.

Chairperson Torres closed the public hearing.

Plan Commission Member Stone asked about the amendment to the Development Agreement, page 2 (f). Is the City o.k. with acknowledging the easement?

City Attorney McDonell explained that the Developer is going to grant the City the right to put the bike path on their property and that they agree to the donation of property for a purpose without payment and want for tax purposes, a record of the transfer of value. The City agrees and has no problem acknowledging the transfer and that there is value to it.

City Planner Mark Roffers explained that the approval would be first of all to find the proposal consistent with the Comprehensive Plan and then approve the Liberty Style homes with conditions.

City Planner Mark Roffers recommended the City of Whitewater Plan and Architectural Review Commission approve the proposed revisions to the Planned Community Development (Specific Implementation Plan) for Waters Edge South to enable a second ranch-style, single-family home design on lots 11 through 37 on Parkside Drive (the Liberty Plan, which would not be allowed on Lots 24, 32, 34, and 37) in addition to the previously approved Roosevelt Plan, subject to the following conditions associated with the SIP as a whole as amended at the meeting:

1. The project shall be constructed in accordance with the Liberty Plan building elevations dated 2/12/10; the Roosevelt Plan elevations dated 8/31/09; the Liberty Plan foundation and floor plans dated 2/12/10; the Roosevelt foundation and floor plans dated 8/09; the Liberty Plan photo renderings dated 2/12/10; the Roosevelt Plan photo renderings dated 8/31/09; the Color/Siding Options for Single-Family Homes on Lots 6-11, Block 8 and Lots 24-37, Block 2 dated 8/31/09; the Liberty Plan Typical Landscape Detail dated 2/9/10; the Typical Landscape Detail for the Roosevelt Plan dated 9/9/09; The Table Comparison Roosevelt vs. Liberty Plan dated 2/12/10; the Liberty Plan Bullet Points dated 2/12/10; the Amended Grading and Erosion Control Plan dated 2/19/10; the Storm Sewer Plan dated 9/8/09; the Typical Lot Utility Detail for Either the Roosevelt or Liberty Models dated 2/19/10; the

Revised Specific Implementation Plan—Liberty Plan dated 2/19/10; the Revised Specific Implementation Plan—Roosevelt Plan dated 2/19/10; 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 6 through 11 and 24 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, consistent with the City of Whitewater landscaping guidelines, which defines the point system. 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.
  - 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. Require that the property owners for each pair of properties that share a sewer lateral sign a maintenance and easement agreement to ensure and specify provisions for access to the joint laterals for maintenance purposes. Such provision will be enforced through submittal of recorded agreements before building permits are issued over the appropriate lots, or by other means as approved by the Director of Public Works.
  - g. 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 6 through 11 and 24 through 37.
3. Prior to the issuance of any building permits, the applicant shall revise and resubmit the following components of their application:
  - a. For Roosevelt plan photo renderings (i.e., the color sketches, not the detailed elevation sheets) add to the titles, “Roosevelt Plan, Waters Edge South” For the



Liberty plan photo renderings, add to the title Waters Edge South, and identify the color/siding option it represents.

- b. For the descriptions of the garage door that are indicated as being “white” on the “Color/Siding Options” sheet, add an additional note that specifies that the garage is without windows.
  - c. On the Roosevelt plan elevations and the Liberty plan foundation and floor plans, include a note that says “Plan may be adjusted to allow for alternate garage placement on the west side of units.”
  - d. For the “Typical Landscaping Detail” sheet for the Roosevelt plan, add a label that says “Roosevelt Plan.” For the Typical Landscaping Detail” sheets for both the Liberty and Roosevelt plans, specify that the applicant/developer will be responsible for terrace tree installation within 6 months of the construction of each lot.
  - e. Revise the grading plan to address all recommendations from the City’s engineering consultant, clearly label all driveways as being paved, and revise the note indicating the rear yard setback so that it is indicated to be a minimum of 25 feet, except for patio/enclosed porch additions which may extend as close as 15 feet from rear property lines.
  - f. On the Revised Specific Implementation Plans for both the Roosevelt Plan and the Liberty Plan, revise the note indicating the rear yard setback will be a minimum of 25 feet, except for patio/enclosed porch additions which may extend as close as 15 feet from rear property lines.
  - g. On the “Liberty Plan Bullet Points” sheet revise the second to last bullet to say, “The side and front yard setback requirements for this Liberty plan will be the same minimum requirements as the previously approved Roosevelt plan. The rear yard setbacks for both the Liberty and Roosevelt plans will be a minimum of 25 feet, except for patio/enclosed porch additions which may extend as close as 15 feet from rear property lines.
  - h. Provide three complete copies of bound documents including the revised building elevations, color/siding options, photo renderings, and all other approved documents and these conditions of approval 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 either the Roosevelt or Liberty model (identify those lots upon which the Liberty model cannot be constructed), 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.
  - i. 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, and as specified in the engineering consultant’s email dated February 26, 2010, and his letter dated August 27, 2009.
  5. The applicant shall construct the homes and market the lots for owner occupancy at time of initial construction. Prior to the issuance of any building permits, the applicant shall submit proposed selection options for initial installation of interior finishes for City Planner

approval, of a type and range that support their initial and long-term occupancy as high-quality, owner-occupied units.

6. The applicant shall pay a site improvement deposit of \$2,000, which shall be refunded once grading and storm sewer improvements are completed in accordance with the associated approved plans for the SIP, street terrace trees are installed per the approval of the City Forester, and document(s) assuring landscaping to the standard advised in the approved Liberty Plan/Roosevelt Plan Typical Landscape Detail is recorded against the affected lots.
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 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.
9. Prior to the issuance of any building permits within the PCD amendment area (lots 6 through 11 and 24 through 37), the applicant shall sign the revised development agreement associated with Waters Edge South.
10. Prior to the issuance of building permits for affected lots, property owners sharing sewer laterals shall sign maintenance agreements as specified in an above condition, or the developer and the City Director of Public Works shall arrive at an appropriate alternative solution.
11. 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.
12. No more than 13 of lots 6 through 11 and 24 through 37 shall be developed with the Liberty model home. The Zoning Administrator will confirm that this number is met before any building permit is issued.
13. There shall be no side yard air wells to lower story windows that extend closer than 5 feet from any property line, to maintain both appropriate grading and for resident safety.

In the event that the applicant notifies the City of its intent not to proceed with either or both of the August 2009 and March 2010 SIP amendment approvals by December 31, 2010, the applicant shall be entitled to build zero-lot-line duplexes on all applicable lots per past SIP approvals.

Moved by Binnie and Zaballos to find the proposed minor revisions to the PCD (Planned Community Development) Specific Implementation Plan consistent with the City's Comprehensive Plan and approve the minor revisions to allow either single story (Liberty Plan) or two story (Roosevelt Plan) single family homes on the smaller lots along Parkside Drive instead of Zero Lot Line Duplexes; subject to the City Planner's conditions as amended. Motion approved by unanimous roll call vote.

**REVIEW EXTERIOR ALTERATIONS AT 162 W. MAIN STREET (MAIN STREET SHOPS) FOR CHRIS HALE.** Zoning Administrator Bruce Parker explained that the Downtown Design Committee had approved the new exterior alterations for 162 W. Main Street.

Zoning Administrator Bruce Parker explained that he had spoken with Dave Saalsaa, Downtown Whitewater Design Committee Chairperson, in regard to this project. The Design Committee had approved the new exterior alterations. The applicant, Chris Hale, has worked out the issues of the signage and banners. The mansard roof will be removed and new brick columns and decorative lighting will be installed. The restaurant area will have a new awning. There will be four lights over the restaurant sign. There will be a canopy over the new main entrance and at the east end of the building over the windows. The east side and back of the building will remain as is (except the graffiti on the back of the building will be removed.)

Chris Hale explained that there will be a common sign over the common entrance, but due to the trees in front of the building, he would like to put the address over the main entrance doors and the “Main Street Shops” in the area on the right or east end of the front of the building. The letters will be solid letters and will not be lit. There are seven suites inside the building. They are requesting seven banners which will be approximately four feet apart.

City Planner Mark Roffers stated that they can have no more than 50 sq. ft. per sign plus the banners. The signs can also be no more than 10 % of the 12’ frontage. Roffers would like to see everything on one plan.

Plan Commission Member Coburn suggested that the style of lettering should be changed so that it is clearer and easier to read.

Dave Saalsaa, Design Committee Chairperson, explained that the Design Committee approved maintaining the two signs on the building; they are in favor of the flip flop of the address and “Main Street Shops” sign. The Committee has also approved the paint and brick color. Saalsaa stated that they liked the exterior changes, and he hoped the Plan Commission did too.

Roffers clarified his recommendations.

City Planner Mark Roffers recommended the City of Whitewater Plan and Architectural Review Commission approve the exterior alterations, signage, and lighting plans for 162 W. Main Street, Main Street Shops, subject to the following conditions as amended at the meeting:

1. Exterior alterations shall be made in accordance with the plans submitted for the 3/8/10 Plan Commission meeting, including the Site Plan (sheet SP-1) dated 2/26/10, the Main Floor Plan and Basement Plan (sheet A-1) dated 2/26/10, the South Elevation and East Elevation (sheet A-2) dated 2/26/10, the Wall Section, Anchor Detail, and North Elevation (sheet A-3) dated 2/26/10, the restaurant sign detail sheet, the Angled Wall Bracket Lantern detail sheet dated 9/13/03, the “Cans and Bullets” lighting detail sheet, the projecting sign detail sheet dated 2/12/10, and the elevations indicating the building/signage color scheme, except as changes to those plans are necessary to meet the conditions that follow.
2. Prior to the issuance of any sign permits, the applicant shall make the following revisions to his plans, ensure that all plans are consistent with one another, and resubmit such plans for City staff approval:
  - a. On the South Elevation sheet and the elevations showing the overall building/signage color scheme, switch the location of the address sign with the

group sign and meet all wall sign standards considering both signs plus the banner signs.

- b. The projecting signs detail sheet shall be revised to indicate the dimensions of the projecting signs will not exceed 12 square feet.
  - c. The restaurant sign detail sheet shall be revised to indicate the dimensions of the sign will not exceed 35 square feet.
  - d. On the South Elevation sheet and the elevations showing the overall building/signage color scheme, show the location, characteristics, and size of the proposed window sign, in compliance with all City of Whitewater sign ordinance standards.
  - e. Revise the elevations showing the overall building/signage color scheme to include a date, property address, name and address of the owner, name and address of the architect, and a scale bar.
3. The applicant shall install no more than seven projecting signs on the south elevation of the building. Additional projecting signs shall not be permitted without review and approval by the Plan Commission.
  4. The lettering on all projecting signs shall be oriented in the same direction (either vertically or horizontally directed letters on all signs).

Signage shall not be permitted on the east or north facades of the building unless approved at a later date by the Plan and Architectural Review Commission, in order to ensure continued compliance with the City's sign ordinance for the building.

Moved by Binnie and Coburn to approve exterior alterations to the building at 162 W. Main Street (Main Street Shops) for Chris Hale subject to the conditions of the City Planner as amended at the meeting. Motion approved by unanimous roll call vote.

**REVIEW AND POTENTIAL ACTION ON REVISED LANDSCAPING GUIDELINES FOR NEW DEVELOPMENT IN THE CITY.** This item was postponed to the April Plan Commission meeting.

**INFORMATION:**

The next regular Plan Commission meeting will be April 12, 2010. Zoning Administrator Bruce Parker explained that so far there is only a certified survey map for the next Plan Commission meeting which could be moved to the May meeting. He asked if the Plan Commission wanted to still have the Design Guidelines on the April Meeting if nothing else came in. The Plan Commission agreed that the Design Guidelines could wait until the May meeting also. Parker was going to see what might come in yet this week and then let the Plan Commission members know if there will be an April meeting or not by Monday, March 15, 2009.

Moved by Zaballos and Coburn to adjourn at approximately 8:20 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner  
Secretary