

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
August 9, 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: Binnie, Dalee, Torres, Coburn, Miller, Stone, Zaballos. ABSENT: none.
OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, 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 citizen comments.

REPORTS:

- a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA voted to recommend to the City Council to extend TIF 4 another 10 years.
- b. Report from Urban Forestry Commission Representative. No report.
- c. Report from Park and Recreation Board Representative. Representative David Stone reported that there was a discussion of the annual water fowl hunting program; and review of the ball diamond possible improvements.
- d. Report from City Council Representative. Council Representative Lynn Binnie reported that the Council passed the Outdoor Private Property Café Ordinance. Plan Commission will receive notice with considerations. The Large Commercial Buildings (Big Box) Ordinance was passed.
- e. Report from Tech Board Representative. Representative Rod Dalee reported that there has been no meeting.
- f. Report from the Downtown Whitewater Inc. Board Representative. Dave Saalsaa reported that the Landmark Hotel has completed their awnings and gutters. The Main Street Shops and the Day and Nite Café are almost complete. Saalsaa also announced that Downtown Whitewater was sponsoring Jack Hanna, Whitewater Gone Wild, at the High School on Sunday, August 29 at 6:00 p.m. Tickets are available at the various downtown businesses: Commercial Bank, First Citizen State Bank, GMA Printing, Home Lumber, and Quiet Hut Sports. This is a fundraiser for Downtown Whitewater. The proceeds will pay for bicycle racks and Christmas decorations for the downtown area.
- g. Report from staff. No report.
- h. Report from chair. No report.

MINUTES. Moved by Binnie and Coburn to table the Plan Commission minutes of the July 12, 2010 meeting to the next meeting. Motion approved by unanimous voice vote.

REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL FOR THE ACQUISITION OF LAND TO BE USED AS A NATURE PRESERVE OR PARK (THE RAY TROST NATURE PRESERVE). Matt Amundson, Park and Recreation Director, explained the land that the Trost Family is donating to the City is north and west of the City Garage Complex. It is being donated to be maintained as a nature preserve. The Park and Recreation Board has approved this and City Council has also approved. The Plan Commission is the last body to approve.

City Planner Mark Roffers stated that it is consistent with the City of Whitewater Comprehensive Plan and that it is an environmental corridor.

Plan Commission Member Stone stated that it is being given with some stipulations: it will be maintained as a nature preserve park and will not be sold by the City at any time; it will be named "The Ray Trost Nature Preserve"; the English Oak that is planted on this land is a tribute to Ray Trost, if it dies or is destroyed, the Trost family reserves the right to re-plant a tree to continue the tribute to Ray Trost; at least one acre of the property will remain wooded; the Trost family will be allowed to place a bench near the English oak tree and will take responsibility to maintain said bench; the Trost family will be allowed to place an earth stone with a commemorative plaque affixed to it as a memorial tribute to Ray Trost and will reserve the right to maintain the earth stone and plaque or replace it if damaged; the City of Whitewater will conduct a survey of the entire property at 363 N. Fremont Street at no cost to Jean Ann Trost. If there is a change to the area, it will come back to the Plan Commission.

City Attorney McDonell recommended the Plan Commission approve as the Council has approved subject to the Plan Commission's approval.

Moved by Binnie and Stone to approve the acquisition of the land donated by Jean Trost, find it consistent with the City Comprehensive Plan. We want to show our appreciation to Jean Trost. Motion approved by unanimous roll call vote.

REVIEW EXTERIOR ALTERATIONS TO THE BUILDING AT 132 W. MAIN STREET FOR CHARLES BENNETT PENWELL. City Planner Mark Roffers explained that there is aluminum siding on the top half of the building. The owner wants to add it to the bottom part of the building. At this time they are not using grants. This requires Plan Commission approval. He recommended approval subject to the condition that the window signs which are in non-compliance with the sign ordinance be brought into compliance of the maximum coverage of the window for signage is 1/3 of the window.

Plan Commission Members asked if the window trim would be another color; if the owner could repair the board on the side area of the building.

City Planner Mark Roffers stated that the siding would be similar in color to the top of the building.

Ben Penwell explained that they are putting siding (50 sq. ft.) on the building to make the front of the building uniform in look and they are also rebuilding the staircase at the back of the building to code and safety. The board at the side of the building is an access panel for the meters for the utilities.

Plan Commission Member Zaballos explained that this is the Plan Commission's chance to bring other items into compliance with the ordinances, such as bringing the window signage into conformance. When a property owner requests something from the Plan Commission, the Plan Commission can ask for compliance as a condition of the approval.

City Attorney McDonell stated that it would be a matter of enforcement. A warning letter could be sent for the window signage to be in compliance within a certain period of time. Technically the City can cite the landlord. Normally the letter would go to the tenant.

Ben Penwell stated that he would encourage the tenant to abide by the ordinances. His preference is that the City work with the tenant with any issues.

City Planner Mark Roffers explained that his recommendations did not require, but suggests that the signage be put into compliance with the ordinance. He recommended approval of the front and rear façade with the following four conditions as amended at the meeting.

1. The new siding shall match the existing siding on the top half of the front building façade in terms of color, material, and width.
2. If the applicant is granted funds from Downtown Whitewater to complete this project, he shall be required to seek approval from the Downtown Design Review Committee before beginning the exterior alterations.
3. The applicant shall bring all window signage into conformance with the City's sign ordinance (i.e. no more than 1/3 of the total window area shall be covered with signs).
4. The mechanical screening area to the east of the primary front façade shall be upgraded through replacement of screening materials and painting to a color compatible with the main building.

Moved by Zaballos and Coburn to approve the exterior alterations to the building at 132 W. Main Street for Charles Bennett Penwell. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR THE CREATION OF AN OUTDOOR CAFÉ TO BE LOCATED AT 204 W. MAIN STREET FOR ROBERT SWEET. This item was removed from the agenda due to the City Council adoption of the Outdoor Private Property Café Permit Ordinance.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO INCLUDE A "CLASS B" LIQUOR LICENSE (TO BE TRANSFERRED FROM "THE SWEETSPOT" TO JOHN CORDIO) TO SERVE BEER AND LIQUOR AT 617 E. MILWAUKEE STREET (BEER HERE) AND FOR CREATION OF AN OUTDOOR CAFÉ. The outdoor café portion of this item was removed from the agenda due to the City Council adoption of the Outdoor Private Property Café Permit Ordinance. Chairperson Torres opened the public hearing for consideration of a proposed amendment to the conditional use permit to include a "Class B" liquor License (to be transferred from "The Sweetspot" to John Cordio) to serve beer and liquor at 617 E. Milwaukee Street (Beer Here).

City Planner Mark Roffers explained that the outdoor café is to be handled by the ordinance. The conditional use permit for serving alcohol will run with the property owner and not with the land. Plan Commission approves the transfer of a license. John Cordio (Beer Here) is in compliance with all past approvals. Roffers recommended the Plan Commission approve the amendment to the conditional use permit for Beer Here, located at 617 E. Milwaukee Street, to allow the sale of alcohol by the bottle or drink in the outdoor café area, and further to

recommend Council transfer of the Class B Liquor License from the Sweet Spot to the applicant, subject to the following conditions:

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 serving and sale of alcoholic beverages in the outdoor café area shall adhere to the requirements listed under Section 5.18.070 of the City of Whitewater Municipal Code, including but not limited to the requirement that the outdoor café area within which alcohol is being served shall--at all times it is being used--be roped off or otherwise enclosed by a freestanding barrier that is at least three feet high.
3. All prior conditions of 2006 and 2008 conditional use permit approvals shall continue to apply.

Chairperson Torres closed the public hearing.

Moved by Miller and Zaballos to approve the amendment to the conditional use permit for Beer Here, located at 617 E. Milwaukee Street, to allow the sale of alcohol by the bottle or drink in the outdoor café area, and to recommend to the City Council to transfer the Class B Liquor License from the Sweet Spot to the applicant, subject to the City Planners three conditions. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR CREATION OF AN OUTDOOR CAFÉ TO BE LOCATED AT 561 E.

MILWAUKEE STREET FOR RICK HARTMANN. This item was removed from the agenda due to the City Council adoption of the Outdoor Private Property Café Permit Ordinance.

CONCEPTUAL REVIEW OF THE PROPOSED PRIVATE STUDENT APARTMENT BUILDING TO BE LOCATED AT 234 N. PRINCE STREET FOR UNITED GROUP OF COMPANIES.

City Planner Mark Roffers explained the project background. This apartment building is planned to be located on N. Prince Street, west of the University and north of W. Florence Street. It is to be a higher density development. This property is located in an R-3 (Multi-family) Zoning District. The only option for this project is PCD (Planned Community Development Zoning). The Applicant is requesting a conceptual review by the Plan Commission. The applicant approached the city staff in the spring of this year and have made changes to their proposal in response to staff comments. The Church is asking to amend the City Comprehensive Plan for their property to be noted as future higher density. The Comprehensive Plan shows the property to be future institutional use. There will be five standards the proposal will have to follow when and if the proposal comes back as a PCD and it must be found to be consistent with the City of Whitewater Comprehensive Plan.

Erik Steffensen, representing the United Group Corporation, explained the history of the company. They are an overgrown family business which started in Troy, New York. They manage 5000 beds of their own built properties plus manage other property. They have not sold any within the last 12 years. Most of their buildings are in campus communities on campuses from 2,000 to 10,000 students, and have built a building identical to the proposed structure within the last 24 months. The building is 4 stories with parking underneath. There are 90 parking spots; two lots on the southeast and southwest corners of the property and the parking ramp. The building has 48 units, 165 to 170 beds. The building is stick built over concrete; the first floor is brick and stone. It is decorated like an over grown home. The interior has 4 bedrooms, 2 bath, student apartments. The bedrooms include a full bed, desk, dresser, and

closet. The apartment has a full kitchen. There is no food service in the building, only a small café which offers grab and go sandwiches. They include wireless internet, cable, heat, air conditioning at a flat rate fee. The student is required to have a cosigner. They offer hassle free living. There is a security desk. The maintenance person lives in the building and is on call. The management office has a business and computing center (term paper center). They will also have resident assistants, an in-kind employee, who will oversee 40 to 50 students. There is zero tolerance for unlawful activity. This is considered a living/learning community. The Southeast corner will house an outreach program and chapel for the church that was here. There will be onsite stormwater treatment. They held a neighborhood meeting which was generally very positive feedback. They were unable to meet with the Fire Chief but would be meeting with them on the access on north for fire and the hydrant on the northwest area of the site.

Plan Commission Member Binnie asked about the potential arrangements for offsite parking.

Plan Commission Member Stone asked about having enough off street parking spaces for the students of the building (177 spaces). Maybe they needed to cut back the number of bedrooms to get approval. There are more and more parking issues.

Erik Steffensen explained that they could enhance the parking by adding 25 to 40 stalls in an auxiliary lot across the street. Steffensen explained that with the location of the building, there should be no significant commuting. They wanted to keep the occupancy, with a fee to reserve a parking stall.

City Planner Mark Roffers explained that the project could not proceed with the parking as is. 173 parking stalls are required if the property is to remain R-3 Zoning. There is flexibility with the PCD Zoning. The plan with the parking under the building and the surface parking space ration is .54 spaces per projected occupant. The auxiliary parking of 25 to 40 spaces brings it up close to the .7 standard. The addition of the parking lot at the corner of Lindsey Court and Florence would raise some potential issues such as the distance from the parking lot to the entrance of the building; and the compatibility of a surface parking lot on Lindsey Court gives controversy to what would happen to the future of Lindsey Court. These issues should be considered as well.

Plan Commission Members asked about business manager and onsite maintenance being full time employees; signage; the front of the building having a casual sitting area; how many people attended the neighborhood meeting; asked for clarification of the parking; and suggested putting the parking behind the building. Are there units for those with disabilities?

Erik Steffensen explained that the business manager and on-site maintenance would be full time employees. There would be 3 to 4 Resident Assistants. Approximately 35 people attended the neighborhood meeting. This is active adult housing. It is totally handicap accessible. It has double elevators.

City Planner Mark Roffers explained that in the R-3 Zoning, there is a maximum of three spaces allowed in a street yard area. The area in front of the building leaves little for landscaping. Roffers suggested making it a circular drive only and to get the parking out of the front yard setback. The building should be reviewed at an apartment building per code, not a dormitory. In response to a report on density, and Comprehensive Plan consistency, we need to look at comparable projects such as the Regent Apartments. The PCD included 3 other houses, 24 units per acre; the apartments 33 units per acre. The proposed apartment building is 28 units per acre. In considering the occupants per acre, the Regent, including the entire PCD area, has occupancy at 53 per acre maximum; just the Regent apartment building, the CSM area, is at 70 occupants

per acre. The proposed development for Prince Street is 100 occupants per acre.

Sherry Hofer, 1018 W. Florence Street, stated that she was in favor of this development. Her home is being included as part of this development. They have lived there for 39 years. The area has changed from single family to almost entirely student residential. They have had great and horrible student neighbors. They have had to deal with vandalism and lack of respect. Problems occur every night of the week and police response is less than prompt. It has made the area very difficult to live in. This is a new opportunity and she encouraged the Plan Commission to approve.

Mike Grubb, attorney in Janesville, representing independent property owners, stated that he has a personal interest in Whitewater as he has lived here for 32 years. He presented a table of comparisons. They want to make sure that the proposed project complies with the Zoning Code and with what the City has done in the past. It is important to keep in mind that this is a conceptual plan. Plan Commission should give the same level of scrutiny to this project as other projects for density, parking etc. in the process of evaluating this. The PCD (Planned Community Development) process is not to be used as an avenue to get around other requirements. He attended the neighborhood meeting. The chart shows that they are packing a lot of people into a small area. The Comprehensive Plan is vague as far as density. The Central Area Plan has 55 to 60 occupants per acre. The parking is not similar to the Regent. The Prince Street proposal is an overall larger project and much more dense. They asked the Plan Commission to take their time in considering this project. Consider the University busting at its seams and students/residents of Whitewater with no place to stay. Is there a need to bend to this degree at this time? Grubb did not feel there was any reason to do that now. He asked the Plan Commission to consider what he said.

City Planner Mark Roffers explained that the Central Area Plan was replaced with the Comprehensive Plan. Roffers has no disagreements with Mike Grubb's information. It is up to the Plan Commission to determine a fair competition. This proposal is still in conceptual review.

Russell Walton, a contractor/landlord in Whitewater, voiced his concern that parking is important and this proposal does not have enough for the number of students they plan to house. He has a number of lots this size and has been told he must comply with the density or not do the project. It should be fair for everyone, same standards.

Bob Freiermuth Jr., investor in Whitewater, voiced his concern of the green space, the number of parking stalls, density, taxes. Everyone needs to follow the same rules.

Ed Kowalski explained that they have very nice apartments (140 units) on the east side of Whitewater on 17 acres of land. It used to be about 70 percent families and 30 percent students. It is now a lot more students. The vacancy level is high. They have 22 empty apartments. When they first built, they had a waiting list. There are typically three cars per unit. They have been waiting for two years for a local developer who planned to have a grocery store in the neighborhood. It has not happened. Kowalski felt that a study should be done, not at the sacrifice of others, and consider what is really out there. Do we really need a project like this?

Connie Forester, rental property owner, asked about the new dorms at the university and if there will be enough students to fill it. How many homes needed to be torn down to provide for this project? How will student behavior change? R-3 is measured by the number of people in a unit. Must be consistent for all. She was also concerned about the 4 story building. How will it affect the neighboring homes not being able to see the trees and sky?

City Planner Mark Roffers explained that a PCD could allow the Plan Commission to demand a housing analysis etc.

Erik Steffensen explained that they are having a third party market study done and should have the findings in the next week or two. There are 400 beds in the new dorm on Starin Road (1100 applicants). The UW-Whitewater plans to add 300 students per year for the next 5 years. They would be using three homes in addition to the Church property.

Bob Freiermuth Sr., investor in Whitewater, R-3 to PCD will not make the .33 car go away. 2) The Regency has green space set aside for parking, if it is needed, it is there. 3) Density/vacancy issue. If the smaller landlords or out of town landlords don't keep their rentals full, they don't have the income for upkeep, homes become derelicts/broken window scenario.

Tom Schermerhorn, Architect with Excel Engineering, stated that they started with 20 issues and have come down to three. The report/letter from Vandewalle and items in their analysis pointed out some goals. The Comprehensive Plan has higher density near the university. This is a transitional property across the street from most of the academic buildings. This is part of the appeal of the site. He stated that they have some issues to work through and hoped to meet goals together.

When asked about the R-3 parameters of parking, City Planner Mark Roffers explained that in the R-3 it is determined by the number of bedrooms. 4 bedrooms requires 4 parking stalls. 5 persons are allowed per unit.

Sherry Hofer stated that there is a totally different activity in an apartment complex than in an R-3 residential area.

Roffers encouraged Plan Commission feedback.

Plan Commission Members voiced their concerns: Stone was concerned about the size and scope of the project, green space, and trees. He does not support the project as is, but would support a substantially smaller project. Coburn voiced concerns of the density, green space and parking. She would entertain a smaller project. Torres didn't feel that this was a fair project as it is proposed at this time. Binnie was not real concerned about parking. Not as concerned about density either because of all the amenities it offers. He was not as concerned about the density. This project provides a level of amenities that are not in the current housing. Vacancies are market driven. Some student housing is not up to a very high standard. He has some concerns about the proposal, but felt it should be given serious consideration. Zaballos would like to see more parking. The density can't be compared to the Regent. There are all sorts of amenities; the Plan Commission has to make sure the developer provides them and possibly more. The proposal offers greater density for the university. Zaballos was comfortable with the size. 19.39.040 Buildings shall blend, when the neighborhood is gone, this will continue. It does not blend now, but this is what she has envisioned for this area. There will be more blend in 15 years. Because of the size of the development we are going to ask for higher standards,

Erik Steffensen stated that he would provide statistics, pictures, references, and who typically live in their existing buildings.

Plan Commission Member Zaballos asked about the storage of bikes (space would be made available inside the parking garage. She would like to see actual pictures of similar projects with their landscaping. She would also like to see the trash located inside the building if at all possible.

Chairperson Torres stated that if there were not enough parking, it would be a business demand. Other developers were not given this option. His concern is to be fair across the board.

Plan Commission Members Dalee and Miller voiced concerns that most students have a car.

Plan Commission Member Binnie noted that the Regent had adequate parking. Parking has a huge affect on meeting the stormwater standards. There are a lot of parking areas that are just sitting there which adds a lot of stormwater to the system.

Plan Commission Member Zaballos had concerns of using the extra lot to install additional parking, not knowing if it is needed, and felt there needed to be a balance. She feels the developer should not convert the lot into parking unless and until it is needed.

Erik Steffensen thanked the Plan Commission.

REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL BY RESOLUTION FOR CONSIDERATION OF AN AMENDMENT TO THE CITY OF WHITEWATER COMPREHENSIVE PLAN CHANGING THE CALVARY LUTHERAN CHURCH PROPERTY LOCATED AT 234 N. PRINCE STREET FROM “INSTITUTIONAL” FUTURE LAND USE CATEGORY TO THE “HIGHER DENSITY RESIDENTIAL” FUTURE LAND USE CATEGORY. City Planner Mark Roffers explained that the City Comprehensive Plan recommends future land use for the next 20 years, whether it is a church or not. It is important that this is a public process. The Church would like the future land use to change. The Comprehensive Plan long range future land use is now institutional use. They would like to have it changed to allow multi-family. The lands east, south and north of the property are recommended as higher density residential. The size of this site would allow for multi-family. The City Planner recommended that the Plan Commission make the recommendation to the City Council by resolution for an amendment to the City of Whitewater Comprehensive Plan changing the Calvary Lutheran Church property located at 234 N. Prince Street from “Institutional” future land use category to the “Higher Density Residential” future land use category.

Plan Commission Member Stone stated that he would be voting against this change at this time.

Chairperson Torres stated that there was no harm in changing the zoning. He was in favor of the change to the Comprehensive Plan.

Plan Commission Member Binnie agreed with Torres. If we would not grant the change to the property owner, it would be extremely unfair. If we would have envisioned that the Church was thinking about using the land for other than a church, we would have included it in the higher density area when we did the Comprehensive Plan given the changes made to the neighborhood.

Moved by Binnie and Coburn to adopt by resolution the amendment to the City of Whitewater Comprehensive Plan changing the Calvary Lutheran Church property located at 234 N. Prince Street from “Institutional” future land use category to the “Higher Density Residential” future land use category. Motion approved with all ayes except Stone voted no.

City Planner Mark Roffers explained that according to Wisconsin Statutes, the public hearing goes before the City Council. A Class 1 Notice would need to be to the paper 30 days before the hearing.

REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL FOR THE ACQUISITION OF THE PROPERTY AT 372 N. FREMONT STREET FOR PROPOSED PARKLAND DEVELOPMENT. Matt Amundson, Park and Recreation Director, explained that the Park and Recreation Department is looking to purchase the property at 372 N. Fremont Street for a potential future ball diamond and future detention pond.

City Planner Mark Roffers stated that he recommended approval based on the consistency with the City of Whitewater Comprehensive Plan.

Plan Commission Member Stone stated that it is a worthwhile investment and would be well used.

The City would have a market analysis done before purchasing the property.

Moved by Stone and Binnie to approve and recommend to the City Council for the acquisition of the property at 372 N. Fremont Street for proposed parkland development. Plan Commission finds this proposal consistent with the City of Whitewater Comprehensive Plan and the City Park Plan. Motion approved by unanimous roll call vote.

INFORMATION:

The next regular Plan Commission meeting will be September 13, 2010.

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

Respectfully submitted,

Jane Wegner
Secretary