

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 13, 2010

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

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

PRESENT: Binnie, Dalee, Miller, Zaballos, Meyers (Alternate). ABSENT: Torres, Coburn, Stone. OTHERS: Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

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

There were no citizen comments.

REPORTS:

- a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA held their last meeting at the Tech Park Innovation Center Building for a tour.
- b. Report from Urban Forestry Commission Representative. No report.
- c. Report from Park and Recreation Board Representative. No report
- d. Report from City Council Representative. No report.
- e. Report from Tech Board Representative. No report.
- f. Report from the Downtown Whitewater Inc. Board Representative. No report.
- g. Report from staff. No report.
- h. Report from chair. No report.

MINUTES. Moved by Miller and Meyer to approve the Plan Commission minutes of July 12, 2010 and August 2, 2010 with the minor grammatical corrections. Motion approved by all ayes except Zaballos abstained. Moved by Miller and Zaballos to approve the August 9, 2010 with corrections. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR THE CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE EXPANSION OF THE JESSICA'S RESTAURANT (140 W. MAIN STREET) INTO THE BUILDING LOCATED AT 138 W. MAIN STREET WITH THE ADDITION OF FOUR UPPER RESIDENTIAL UNITS AND ONE FIRST FLOOR HANDICAP ACCESSIBLE (ADA) UNIT AND REVIEW OF THE EXTERIOR ALTERATIONS OF THE BUILDINGS FOR URIM SHABANI. Vice Chairperson Binnie

opened the public hearing for consideration of a conditional use permit for the expansion of the Jessica's Restaurant (140 W. Main Street) into the building located at 138 W. Main Street with the addition of four upper residential units and one first floor handicap accessible (ADA) unit and review of the exterior alterations of the buildings for Urim Shabani.

Zoning Administrator Bruce Parker explained that they would utilize the two story building at 138 W. Main Street with some changes. They plan to have four residential units on the second floor. There will be a first floor apartment which will be ADA accessible off the back of the building. The State mandates that unless you have a handicap accessible apartment on the first floor, an elevator must be provided. A main area of the first floor will be meeting areas, banquet areas, and an office area. The existing Jessica's building will maintain the existing apartments on the second floor. They will be expanding the entrance area to Jessica's building by removing the stairway door. Parker also explained that the reason a conditional use permit is required is for the residential use other than above the first floor.

Vice Chairperson Binnie closed the public hearing.

The City Planning Consultant recommended Plan and Architectural Review Commission approval of the conditional use permit and associated site and building plans associated with the expansion of Jessica's Restaurant, at 138-140 West Main Street, subject to the following conditions as amended at the meeting:

1. All interior and exterior building and site modifications shall be made in accordance with the Site Plan (sheet SP-1), the Main Floor Plan (sheet A-1), the Upper Floor Plan (sheet A-2), the North Elevation and South Elevation (sheet A-3), all as revised and dated 9/13/10, along with the building detail plans (sheets A-4 and A-5) dated 8/30/10, except as the following conditions may require modifications to building and site development.
2. Prior to the issuance of a building permit, the applicant shall provide the Neighborhood Services Director with information necessary to determine the proposed colors and materials of all exterior surfaces of the north and south facades (including walls, doors, window and door trim, and canopies) and with a plan for screening the dumpsters.
3. Prior to the issuance of a building permit, the applicant shall pay a park improvement fee and a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the five additional housing units being added to this property.
4. The applicant may remove the proposed canopy over the easternmost second story, south facade window without additional approval from the Plan and Architectural Review Commission.
5. The semi-translucent glass proposed for the first floor space at 138 W. Main Street shall be designed and installed to allow light to pass through in both directions. Such glass shall be accompanied by back lighting inside the building in these locations, which shall remain illuminated at all times that the business is open and it is dark outside.
6. The proposed asphalt pavement north of the building shall be installed at the same time the building renovation occurs. Wheel stops shall be installed at the front ends of each of the three parking spaces. All space on the sites north of 138/140 W. Main Street buildings shall be hard surfaced with asphalt.
7. No personal satellite dish or related equipment may be placed along the south façade closest to Main Street. Air conditioner units along this facade are discouraged, but where deemed necessary by the owner or tenant, shall first be subject to the approval of the Zoning Administrator and shall be designed and placed to minimize visual impact from West Main Street.

8. All five residential units shall be subject to those City non-family household size restrictions that are normally applicable within the City's R-2 district (at time of writing, this was not more than 3 unrelated persons per housing unit).
9. Within all residential apartment leases, the owner shall include provisions that reflect the ongoing requirements under conditions #6, 7 and 8 above.
10. Prior to installing any new signage on the building or canopy, the applicant would need to apply for and obtain a sign permit from the Zoning Administrator if necessary by ordinance. Any additional signage shall be consistent with the City's sign ordinance and the standards specified in the Downtown Whitewater Design Guidelines.
11. The portion of the south façade shall be resurfaced to match the brick on 138 W. Main Street.

Pete Weston, The Design Alliance Architects out of Ft. Atkinson and architect for this project, explained that this is a very difficult building to work with. The front of the building and rear façade is shorter, head heights in the building are difficult. They are keeping the Main Street façade of the building similar to the architecture of the original building. The second door on each of the double doors on the front of the building will be 4 to 5 foot deep light boxes, which will be back lit at night when the business is open. The white painted portion (on the south facade) of the building will be repainted to match the rest of the existing building. There will be two banquet halls on two different floor levels. The apartments will be multi-level also.

City Planner Mark Roffers explained that the area behind the building is a loading area and storage area for trash and recycling. The first floor windows will be the only windows out of the first floor handicap accessible apartment. This area should be upgraded. The hard surface paving will make it better. Currently there are two dumpsters, one of which is overflowing. This is rough for a residential area. They will need to work this out with city staff as to the size and placement and enclosure for the dumpsters.

Moved by Miller and Dalee to approve the conditional use permit for the expansion of Jessica's Restaurant (140 W. Main Street) into the building located at 138 W. Main Street with the addition of four upper residential units and one first floor handicap accessible (ADA) unit and the proposed exterior alterations of the buildings for Urim Shabani with the conditions of the City Planner as amended at the meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR CONSIDERATION OF A CHANGE IN THE DISTRICT ZONING MAP TO REZONE FROM R-3 (MULTI-FAMILY RESIDENCE) ZONING DISTRICT TO PCD (PLANNED COMMUNITY DEVELOPMENT) ZONING DISTRICT, UNDER CHAPTER 19.39 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER AND FOR CONSIDERATION OF A GDP (GENERAL DEVELOPMENT PLAN) AND SIP (SPECIFIC IMPLEMENTATION PLAN) FOR THE PROPOSED STUDENT APARTMENT DEVELOPMENT FOR UNITED CATALYST WHITEWATER 1, LLC., WITH THE REZONING, GDP, AND SIP ALL ASSOCIATED WITH THE FOLLOWING PARCELS, LOCATED ALONG N. PRINCE STREET AND W. FLORENCE STREET ARE REQUESTED TO CHANGE TO PCD FOR THE DEVELOPMENT OF STUDENT APARTMENTS: TAX PARCEL NUMBERS /WUP 00178C, /WUP 00178, /WUP 00178A, /WUP 00178B, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN. This item was removed from the agenda per the applicant prior to the meeting.

REVIEW THE ONE LOT CERTIFIED SURVEY MAP ASSOCIATED WITH THE DEVELOPMENT OF STUDENT APARTMENTS ON THE NORTHWEST CORNER OF N. PRINCE STREET AND W. FLORENCE STREET FOR UNITED CATALYST WHITEWATER 1, LLC. This item was removed from the agenda per the applicant prior to the meeting.

REVIEW PROPOSED TRANSPARENCY ORDINANCE AND PROVIDE FEEDBACK TO THE CITY COUNCIL. City Planner Mark Roffers explained that he is all in favor of letting the public know what's up. Plan Commission has a very strong roll in some items, such as conditional uses and the comprehensive plan.

Zoning Administrator Bruce Parker stated that the major developers should turn in plans as a PDF, but the smaller ones could still make copies.

There was concern of the reports from the various boards and committees, and for amending the agenda. The City Attorney would be working on the clarification of these items and coming up with the exact wording for amending the agenda.

Vice Chairperson Binnie stated that the Plan Commission is always taped or recorded. Binnie asked for any comments on amending the agenda 24 hours in advance of the meeting.

Zoning Administrator Bruce Parker explained that he had talked to the City Attorney on this. They thought that if an item was changed or late, the Plan Commission would have to vote as to whether or not to proceed with the item.

Board members voiced that they would be in favor of sticking to the 24 hour, which would get better results from the applicants. They noted that we should keep in mind that Plan Commission only has one meeting per month, but there is still the opportunity to have a special meeting.

Vice Chairperson Binnie asked about public comments. We are generally accepting on all comments.

City Planner Mark Roffers explained that after a public hearing is closed, the Plan Commission requests further public comment for information. There was concern that at a second meeting on an item, after the public hearing has been closed, of a different group of people being at the meeting wanting to comment. After a public hearing is closed, time limits should be set for people to speak and they should be allowed to speak only once.

Vice Chairperson Binnie asked the Plan Commission members if there was a consensus on City Planner Mark Roffers' comments in order to give that information to the City Council along with quantifying how soon items are to be posted on line, and some tweaking on public comment limits after a public hearing has been closed. There was consensus.

City Planner Mark Roffers' comments on Transparency Enhancement Ordinance (Plan and Architectural Review Commission agenda item) include the following. Overall, Roffers thought the requirements of the ordinance were reasonable and ought to meet the stated purpose of maximizing public awareness and participation in City government. As they affect the Plan Commission meetings and requirements of its staff, consultants, and applicants, he offered the following comments:

1. Within the “posting requirements” section, it would be my recommendation that the City begin to require that applicants for development approval submit all application materials (plan sheets included) in digital (PDF) format. Perhaps the City could reduce the number of paper copies that are required if this digital submittal requirement is introduced, both to control applicant costs and to advance the City’s sustainability program.
2. Providing our staff reports and other information in digital format would have no impact on us at Vandewalle & Associates because, as you know, this is how we transmit all of our information to you today. Also, the proposed requirement that staff reports be limited to agenda items is of no concern to us.
3. I have worked with plan commissions and elected bodies where their entire agenda packet is delivered digitally to those with the means and ability to access the information digitally at home and at meetings (e.g., via a laptop). In fact, one Village Board I work with just accesses the full agenda via a Web connection at the meeting. This is the same Web connection that the public has access to. Of course, closed session items are handled differently. The Commission may want to weigh in on this option.
4. The “meeting procedures” section includes a provision that “all council, committee and boards shall allow the public an opportunity to comment at a designated time on all items on meeting agendas.” I have a few questions on this proposed requirement:
 - a. What if the same agenda item was on 3 consecutive Plan Commission meeting agendas, and the first time it was on was the actual public hearing? Does this mean that the Commission would be obliged to accept public comment at each of the other two meetings?
 - b. If so, might the ordinance be tweaked to provide the respective council, board, or commission the ability to limit the amount of time that each speaker would have to speak? While I don’t in any way want to suggest that public comment should be discouraged, there is a time when commissions need some “quiet time” to deliberate among themselves and reach decisions (all in a public meeting setting of course).
 - c. If public comment is allowed on every agenda item, what is the significance of public hearings and the difference between public hearing items and every other agenda item?
 - d. While this may seem silly, the proposed provision requiring public comments on “all items” may get absurd. Does it mean there needs to be public comment on an “adjourn” agenda item?
 - e. More significantly, there are items where, by ordinance or statute, and for better or worse, public opinion by has little to no impact on how decisions get made. Reviews of certified survey maps or final plats are a couple of examples in the world of the Plan Commission. If such items meet City ordinances/statutes, these types of items are more or less entitled to obtain approval regardless of any public comment. Is it better to have a public comment period on such items, only to later have to tell people that provided their comments that their suggestions cannot legally be considered?
5. If this ordinance is adopted, I suggest that the Commission have a discussion of how to approach its requirements in a meaningful way while at the same time controlling the organization and length of meetings.

This information would be passed on to the City Council.

INFORMATION:

The next regular Plan Commission meeting will be October 11, 2010.

Moved by Miller and Zaballos to adjourn at approximately 7:00 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner
Secretary