

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 9, 2013

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

Call to order and roll call.

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

Present: Greg Meyer, Lynn Binnie, Bruce Parker, Cort Hartmann, Karen Coburn, Jeffrey Eppers (Alternate). Absent: Daniel Comfort. Others: Wallace McDonell (City Attorney), Latisha Birkeland (City Planner).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. Moved by Binnie and seconded by Parker to approve the Plan Commission minutes of August 12, 2013. Motion approved by unanimous voice vote.

Public hearing for consideration of a change in the District Zoning Map for properties along a portion of N. Fremont Street to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater. The area includes most of the properties located between W. North Street and W. Starin Road. (See public hearing notice for complete list.)
Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that City Councilmember Winship applied for the R-O Overlay Zoning for properties along N. Fremont Street (55 properties, 48 tax parcels). There are rental and non rental properties. This is to help preserve the single family homes in the area. Birkeland recommended approval in her staff report. If the property has three unrelated persons living in the unit at this time, the property owner has 90 days to apply to the City. It would then become a non-conforming use. It will be a non-conforming use as long as the unit continues to have three unrelated persons live in it. There are 20 registered rental properties in this area. Birkeland stated that she received a letter on August 22, 2013 from CBC Properties LLC. opposing the R-O Overlay Zoning. She also received one letter in favor.

Attorney Buck Sweeney, representing J & M Properties LLC., stated their opposition to the R-O Overlay Zoning. He stated it was taking property rights away by changing the maximum to two unrelated persons. A property would lose their non-conforming use if they rented to a married couple for a year. He requested Plan Commission not to approve the Overlay District on their property.

Councilmember Jim Winship, 184 N. Franklin Street, explained that he applied for this R-O Overlay Zoning at the request of homeowners who live in the district. He felt it was a good idea. It would help increase the values of properties in Whitewater and maintain neighborhoods.

Richard James, 224 N. Fremont Street, moved to N. Fremont Street in 1978 for its historical look, homes and trees. It is an investment, not a guarantee. He explained that those who live here (owner occupied) would like to preserve the neighborhood.

Michael Kemp, 273 N. Fremont Street, chose Fremont Street because the houses are art work. He made an investment in the community. He thought the community should re-invest in Whitewater Single Family.

Connie Forester has owned a rental property on N. Fremont Street for 15 years. They bought the house as retirement income and have put thousands of dollars into the property. If they can't maintain renting to three unrelated persons, they would lose everything they have worked for. If you limit the number of students in a unit, more student rentals will be needed to house the extra students. It compounds the issue.

Mark Melane, 206 N. Fremont Street, used to be a student rental. They have invested a lot in the home. They could live with three unrelated persons per unit, but two unrelated persons per unit would encourage families. He encourages the passage of the R-O Overlay Zoning.

Chris Grady, 318 W. North Street, explained that they have had the R-O Overlay Zoning on their property for 1 year. The R-O Overlay Zoning will help the neighborhood stabilize and become a place where families want to move into.

Rick Hintze, 221 N. Fremont St., explained that he has lived on Fremont Street for 13 years, his wife for 18 years. There has been a negative change in that time, due to a few properties and several students causing disruption. Without a zoning change, it will inevitably continue. He and his wife are trying to decide whether to stay. They made an investment in the property for their quality of life which is important. If people want to make money, they should be in a different place. The Hintzes are in support of the R-O Overlay Zoning for Fremont Street.

Amy Ehlers, 129 N. Fremont Street, asked for a definition of the problem this action is trying to remedy. Is it to make more of a single family neighborhood, to make less of a rental area and in particular student rentals? This area is 5 blocks away from the University of Whitewater. This creates conflict. Where is the best place for single family and rentals particularly for students. The university is fundamental in the Whitewater Community. The location and proximity to the university makes it a prime spot to have student rentals. Ehlers encouraged the Plan Commission to vote no to the R-O Overlay Zoning.

Jim Ehlers, 129 N. Fremont Street, didn't understand the animosity toward students. Properties are purchased as investments. Students want quality living near the university.

Phillip Johns, 252 N. Esterly Ave., is in favor of the R-O Overlay Zoning. It is a pro-student/faculty member resolution. Professors that live in this area are able to go back in the

evening for help sessions for the students, whereas professors that live away from Whitewater are not so likely to return in the evening to provide that service.

James Hartwick, 178 N. Franklin Street, President of the Historic Starin Park Neighborhood Association (HSPNA), thanked all the people who came to give their comments on both sides of the issue. The purpose of zoning is to direct growth in particular ways. Non owner occupied tends to decrease property values and increase crime. The City needs to decide how to direct what happens when families move out and what happens to the schools etc. Landlords are required to register their rental properties with the City of Whitewater. The requirement of two unrelated per unit changes the economics. The owners of 90% of the owner occupied homes on Fremont Street supported the R-O Overlay Zoning. This is a simple remedy for people and grandfathering in for people with rental properties. He asked the Plan Commission to support the comprehensive plan and owner occupied communities.

Bob (Robert E.) Freiermuth, did not agree with the statement that rentals cause a decrease in property values. Whitewater Rentals provide a great opportunity, a great engine for economic growth. Schools benefit from the taxes paid on these properties. It is good to preserve neighborhoods for residential, but by imposing the R-O Overlay zoning on the rental properties, it decreases the property values inversely. Students aren't bad, profits aren't either.

Bob (Robert F.) Freiermuth, of Land and Water Investments and President of the Landlord Association, noted that another block is being requested to be added to the properties with R-O Overlay Zoning. He would like to be notified ahead of time of any areas that are being considered for R-O Overlay Zoning.

Paul Jhona, 259 N. Fremont Street since 1974, can see both sides. He is quite impressed with the landlords and how well they have kept up their properties. He has also seen the properties with the absentee landlords who do not care. This is one of the few last substantial neighborhoods. If a property is sold, does the "grandfathering" (non-conforming use) stay with the property or is it lost through the sale.

City Attorney McDonell explained that property ownership does not affect the non-conforming use. The concept allows a certain use. It is not guaranteed, but it is a right.

Art Stritzel's family has lived here since about 1946. He is not in favor of more limits and restrictions and is not in favor of the R-O Overlay Zoning.

Danielle Hudson, 273 N. Fremont Street, has never lived in a non-college town. She would like to see the destruction of the Whitewater community base stopped. She is in favor of the R-O Overlay Zoning and asked the Plan Commission to make that investment.

Fred Hoffman wanted to know how to get an R-O Overlay Zoning in his neighborhood.

Jim McCulloch, 1104 W. Highland Street, stated that his neighborhood was moving in the direction of the R-O Overlay Zoning. Whitewater is a blended community. The university can

be the biggest asset and the biggest detriment. The City needs to enforce the ordinances on the books. We need to have a happy blend to live harmoniously in Whitewater.

Chris Grady, Vice President of the Historic Starin Park Neighborhood Association, didn't know what the plan was for other neighborhoods beyond this. The first R-O Overlay Zoning District covered an R-1 (Single Family Residence) Zoning District area. W. North Street and N. Fremont Street are in an R-2 (One and Two Family Residence) Zoning District. The R-O Overlay Zoning District is to maintain the integrity of the neighborhood of today.

Chairperson Meyer closed the public hearing.

Plan Commission Member Coburn stated that the number of single family residences in Whitewater is way down in comparison to other college towns.

Plan Commission Member Binnie explained that Whitewater has changed a whole lot. The University has grown a lot. The off campus housing has changed a great deal. Imposing the R-O Overlay Zoning and its affect on property values could be argued both ways. The City and the Comprehensive Plan supports student population west of the university and north of Main Street. The Comprehensive Plan supports the maintenance of single family homes. Based on the request from the property owners, it is appropriate to support the request.

City Attorney McDonell explained that generally speaking, property owners have 90 days to submit information to register their rental property as a non-conforming use. The City would send out rental registration information in March.

Chairperson Meyer cited City of Whitewater goals and visions from the City of Whitewater Comprehensive Plan. In comparison 36% of Whitewater is single family residences. There is a problem in our neighborhoods. Whitewater needs to find something to take care of students and residents. We have to support what the residents want.

Plan Commission Member Hartmann stated that he used to live at 266 N. Franklin Street. He moved to the west end of Whitewater because it was a little more residential. It is a no win situation. We can't just slap down restrictions and codes. The bigger picture needs to be addressed.

Plan Commission Member Coburn requested an explanation of grandfathering and what would be the worst case scenario for rentals from the City Attorney.

City Attorney McDonell explained that the technical term for grandfathering is non-conforming use. This term, non-conforming use, is recognized by State Law also. The existing use of a property is allowed to continue as long as it is not abandoned for 12 months. If the use stops for a 12 month period, it stops the allowance for the non-conforming use. The enforcement of a non-conforming use based on unrelated individuals will be done by registration. The history of it and the initials of tenants will be maintained. The worst case scenario would be if an investor had regularly rented to three unrelated individuals, rented to a couple for two years, the property would lose the non-conforming use.

Moved by Binnie and seconded by Coburn to recommend to the City Council to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater on the properties designated on the request. Ayes: Binnie, Coburn, Parker, Eppers, Meyer. No: Hartmann. Absent: Comfort. Motion approved.

City Planner Birkeland stated that the City will provide a map of the rental and owner occupied properties to the City Council for their review.

Review proposed construction of a restroom and concession facility in Starin Park to be located at 504 W. Starin Road for the City of Whitewater (Treyton's Field of Dreams).

Parks and Recreation Director Matt Amundson explained the site and construction plans. Their goal has been to have advance planning to help with the process of bids and contractors etc. They have a number of commitments and donated materials and amenities for the facility. The key element is the location of the facility. The building is turned at an angle in order to service all four fields in the park. The concession stand will be their revenue producer. There will be an angled opening with windows for the concessions. There will also be a coiling door with opening for apparel sales. People will be able to see what is available and not be in the way of the concessions. There will be vending machines with a coiling door for access when the concession is not open. The rest rooms will be on a timer system similar to the other park facilities. The back room in the building is an umpire/coaches room where they can meet before and after the games etc. Each coach will have a locker to lock up valuables. Park and Recreation Staff can leave information for the coaches in their lockers. This room will also be the hub for lighting, electrical, hot water heater, and sprinkler controls. The building will be built with split face concrete block and a stainless steel roof.

Plan Commission Member Binnie asked if the restrooms and concession counters were ADA compliant. Binnie wished them success with their fundraising.

Amundson stated that they would be compliant. Next Monday, Hughes would be starting the parking lot, path and stormwater for the project.

Plan Commission Member Coburn asked about the landscaping and the Oak tree by the concession stand.

Amundson stated that there would be no more tree removal. There will be moving of trees for the parking area. He also stated that there would be 36 to 40 trees planted (3 trees for each tree taken down). The revised site plan would go back to the Parks and Recreation Board for their review.

City Attorney McDonell stated that the Plan Commission did not need to see the Park Board approval or recommendation prior to acting on it.

Moved by Binnie and seconded by Parker to approve the concession and rest room facility at Starin Park conditioned upon the recommendations of the City Planner and Parks and Recreation

Board approval (See attached Conditional Use Permit). Ayes: Binnie, Coburn, Parker, Eppers, Meyer, Hartmann. No: None. Absent: Comfort. Motion unanimously approved.

Public hearing for an amendment to the conditional use permit to allow for a fence enclosure for the freezer addition to the building located at 1185 W. Main Street for Lacey Reichwald. Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that at the last Plan Commission meeting, the screening of the freezer addition on the north side of the building was to be of the same material as the building. Even though this is a minor change, it needed the public notice it would have been given at the last meeting. The owner is proposing a slatted 8' almond colored fence.

Plan Commission Member Coburn asked to know how it was really going to look.

Bob McCullough, owner of the building, explained that the facades will have a stucco type finish along the top of the building. The lower right will have 8' tall vinyl fence, almond color on the west and south sides of the freezer. The north side will have the same smart siding as the smart siding on the walls of the building. The Main Street side, north elevation, the top will be EIFS in a cream/tan color. The lower portion will be smart siding a little darker in color (brown/tan) than the top. The fence will be on the south and west side of the building. They will be replacing the windows. The windows will match the fence (tan).

Moved by Binnie and seconded by Coburn to approve the amendment to the conditional use permit to allow for a fence enclosure for the freezer addition to the building located at 1185 W. Main Street for Lacey Reichwald. (See attached Amendment to the Conditional Use Permit.) Ayes: Binnie, Coburn, Parker, Eppers, Meyer, Hartmann. No: None. Absent: Comfort. Motion unanimously approved.

Public hearing for a conditional use permit for the construction of a duplex at 523 N. Tratt Street for Arthur Stritzel. Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that last year, Art Stritzel received from the Plan Commission permission to divide the lot at 511 N. Tratt Street into two parcels, and there were 4 stipulations. Sanitary sewer was installed along the back of the property. If he were to build on lot 2, he would need a private sanitary sewer easement, which he has done and has been approved. There is no sanitary on Tratt Street to tie into. If there was to be sanitary sewer installed along Tratt Street, the owner would have to tie into the City's sanitary sewer at his cost. This duplex will be a side by side with three bedrooms and 2 bathrooms per unit. The building inspector has reviewed the plans and did not see any issues. Parking requirements for three or four bedroom units is a minimum of four parking stalls per unit. Plan Commission can decrease the number of stalls required (19.51.130). Birkeland noted that there was heavy brush along the property lines.

Plan Commission Members voiced concerns of: if it was a requirement to have a plan to meet the 8 stall requirement if Plan Commission finds that the extra stalls are necessary (Highway N – Tratt Street has no parking); what trees are being removed or added?; why less parking?; would

like to see the front of the duplex more decorative; have there been any violations on properties in the last two years?.

City Attorney McDonell explained that the required number of stalls would be a minimum of 6 stalls. The number of stalls could be increased if there was a good reason through the conditional use permit.

R-2 (One and Two Family Residence) Zoning District allows up to three unrelated persons per unit, so a duplex would allow 6 unrelated persons.

City Attorney McDonell checked the Municipal Code. A plan is required for additional required parking even if it is not put in right away. Art Stritzel could be required to bring his plan for the additional land/space for parking back to the Plan Commission, or Plan Commission could allow his plan to be subject to the approval of the Neighborhood Services Director.

Art Stritzel stated that most of the trees are located in the back of the lot. Two black walnut trees in the driveway will be removed. He will be removing the large box elder tree. He plans to save the Elm trees along the sidewalk. There are also 27 to 28 pine trees on the property. The building supplies will be dropped at the back of the lot and not around the trees. The gas and electric meters and air conditioning unit will be screened by landscaping. There will be six bedrooms. Six stalls allow no more than six cars to be parked in the driveway. The building will have taupe siding with a green roof. There will be dormers over the doorways.

Plan Commission Member Binnie stated that in this case, there was no need for more parking than bedrooms. Visitors would need to find another place to park.

Chairperson Meyer opened for public comment.

Fredrick Hoffman, N142 County Road N, immediate neighbor to the north, stated Mr. Stritzel would have to put in a fence as the brush line is too thin. He explained that students cross the yard at all times of day and night. They party and vandalize other properties. When asked what he felt would help the situation, he recommended the building be a single family home and a fence be installed.

Plan Commission Member Binnie stated that with the concerns of the neighborhood behavior, requiring a fence could be appropriate.

Art Stritzel stated that if Waltons put up a fence and he puts up a fence, it would help keep the kids from filtering down there.

Frederick Hoffman stated that two fences and police presence would help the situation.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Coburn to approve the conditional use permit for the construction of a duplex at 523 N. Tratt Street for Arthur Stritzel subject to the conditions of the

City Planner and also requiring an opaque fence, 6 feet tall, along the north side of the property. (See attached Conditional Use Permit.) Ayes: Binnie, Coburn, Eppers, Meyer, Hartmann. No: Parker. Absent: Comfort. Motion approved.

Public hearing for a conditional use permit for a “Class B” Beer and Liquor License for Burim Vedziovski to serve beer and liquor by the bottle or glass at 204 W. Main Street (Downstairs Sports Bar & Grill). Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that the application did not include the outdoor café. If they want to expand their license for that area, they would need to come back to the Plan Commission to amend their conditional use permit. They are not making any changes to the outside of the building or structural changes to the interior of the business. The name of the business will stay the same. Birkeland apologized for an error in her recommendation (the bottom of page 2, had a former applicant name).

Chairperson Meyer opened this item for public comment.

Burim Vedziovski, the applicant, stated that they would only be making cosmetic changes to the business, no structural changes. People can go outside to smoke. There will be no drinks served or taken outside. The east door of the business is an exit only door. The door will be kept closed. There will be security there at all times. No one is to enter that door.

Plan Commission member Parker explained that the area behind the front steps is private property. He can have tables and chairs there, but would have to abide by the sign ordinance. (All advertising would need to be removed.)

Dave Saalsaa, owner of the building across N. Second Street, lives across the street and has tenants who live there. The noise that comes out that side door is very noticeable in his building. Sometimes the music is so loud it does not matter if the door is open or not. Saalsaa’s main issue is the noise. He asked if there is a penalty for noise.

City Attorney McDonell stated that usually the first offense is a warning, but after that, they would be cited a fee of \$240. If it becomes a chronic problem, it can jeopardize the liquor license. The level of noise for residential per the ordinance is “make, allow or assist in the making of noise which is likely to unreasonably disturb the peace and quiet of any person outside of the residence”. Commercial properties are generally determined by decibels.

Chairperson Meyer closed the public hearing.

Plan Commission Member Binnie stated that the east door was the subject of the issues. Maybe it should be for emergency use only (install a panic bar on it).

Plan Commission Member Eppers asked if there would be complaints, would the owner be willing to put the panic bar on it?

Plan Commission Member Parker stated that the east door is high enough (up steps) that it would not get bumped. The Main Street entrance is wide enough for two way traffic.

The owner stated that if there is an issue, he would change.

City Planner Birkeland stated that the noise violations go through the Police Department.

Plan Commission Member Eppers stated that when violations happen, the liquor license comes into play.

Plan Commission Member Hartmann stated that the applicant deserves the opportunity to do the right thing.

Moved by Binnie and seconded by Coburn to recommend to the City Council to allow for the sale of alcoholic beverage by the drink subject to the conditions of the City Planner, not to include outside seating, and with contingencies that if there are three or more noise or disturbing the peace complaints in a one year period, the Plan Commission may require the east door to become an emergency exit only. The applicant shall remove the existing outside tables and chairs until they have an approved amendment to the conditional use permit to serve alcoholic beverage by the drink in an outdoor property café. (See attached Conditional Use Permit.) Ayes: Binnie, Coburn, Parker, Eppers, Meyer, Hartmann. No: None. Absent: Comfort. Motion unanimously approved.

Public hearing for a conditional use permit for a “Class B” Beer and Liquor License for Burim Vedziovski to serve beer and liquor by the bottle or glass at 162 W. Main Street (Day N Nite Cafe). Chairperson Meyer opened the public hearing.

City Attorney McDonell explained that the conditional use is for the selling of alcohol by the drink. The Plan Commission does not determine what type of license the applicant would receive.

City Planner Birkeland explained that the applicant plans to build a bar toward the rear of the restaurant. The applicant wanted the alcohol license to stay competitive with neighboring businesses. The question of available licenses has been asked numerous times. There is one “Class B” Beer and Liquor License available. That license has not been dedicated from the Alcohol Licensing Committee or the City Council. The Plan Commission is to determine if the space is appropriate for that type of use. Day N Nite does have an approved sidewalk café. If they were to make changes, such as to serve alcohol outside, they would have to amend their conditional use permit through the Plan Commission. This property is in the B-2 (Central Business) Zoning District so there are no parking requirements. Nothing is changing with the business or the menu.

Chairperson Meyer opened the meeting for public comment.

Burim Vedziovski, the applicant, explained that the bar would be a service bar. He stated they would stop serving alcohol after dinner time (9:00 p.m. - 10:00 p.m.) As a part of his business

plan, he would not serve alcohol after 10:00 p.m. He would like this license in order to make drinks other than beer or wine.

Chairperson Meyer closed the public hearing.

City Attorney McDonnell stated that in order to serve alcohol by the drink, they must have some type of alcohol license. The agenda item is legal. The Plan Commission determines if this place is an appropriate place to serve alcohol. It is not linked to any particular license to sell any alcohol. If they can get a license, would this be an appropriate place to serve alcohol?

Moved by Binnie and seconded by Parker to approve the conditional use permit to allow for the sale of alcoholic beverage by the drink subject to the conditions of the City Planner; and also accepting the voluntary condition offered as part of the business plan to not serve alcohol after 10:00 p.m. (See attached Conditional Use Permit.) Ayes: Binnie, Parker, Coburn, Eppers, Meyer, Hartmann. No: None. Absent: Comfort. Motion unanimously approved.

Public hearing for a conditional use permit for the conversion of a single family residence into a duplex, adding a 1,900 sq. ft. addition at 248 N. Prince Street for Robert E. Freiermuth. And Review proposed site plan for parking lot pavement at 256 N. Prince Street for Robert E. Freiermuth. Chairperson Meyer opened the public hearing.

City Planner Birkeland explained that last month Bob Freiermuth came to Plan Commission to request an addition of one unit to create a duplex at 248 N. Prince Street with a combined parking lot with 256 N. Prince Street. It was not approved at that time. He has come back with the same proposed duplex, but with separate parking areas for each property. A 30 page hydrology document was submitted for the parking area at 256 N. Prince Street which was reviewed by the City Engineer and approved with the comments Plan Commission received. The proposed parking area at 248 N. Prince Street is 10 parking stalls with a bump out. Birkeland explained that a recommendation of the City Engineer was to install a stop sign at the street end of the driveways of both properties. (This is a requirement standard that is used.) Bob Freiermuth is amenable to the City Engineer comments, but he believes the stop signs would be a maintenance issue. 248 N. Prince Street has no easement agreement. Birkeland recommended a shared driveway agreement with 240 N. Prince Street because the driveway is within 3 feet of the property line. The proposed duplex for 248 N. Prince Street is not changing from the plans of the last meeting. There are no changes to the building of the triplex at 256 N. Prince Street. Hard surfacing and landscaping are required for multi-family and higher density uses. Bob Freiermuth has added bushes north of the proposed driveway and in front of the house at 248 N. Prince Street. One tree is being removed. He is keeping the majority of trees along the north property line. It might be advisable to move the two proposed bushes that are planned near the west property line due to possible snow storage. The landscaping for the triplex at 256 N. Prince Street comes under the multi-family landscaping guidelines. Requirements are at least 6 trees and 360 points added to the area. The driveway and parking lot are close to the property line. The west fence line now has a retaining wall approximately 2 ½ feet tall. Plan Commission needs to determine if it is appropriate to add trees as the guidelines state and where to plant them. 256 N. Prince Street is required to have a 20 foot driveway width and a 20 foot apron. In order to make the apron larger, Birkeland recommends shifting the apron so it is even between the

north and south sides. Then it will not impact the parking stalls on the street. Birkeland also recommends that there be a shared driveway agreement between 248 and 256 N. Prince Street. Part of the driveway at 256 N. Prince Street crosses the property line at 248 N. Prince Street. The parking lot at 256 N. Prince Street has 19 proposed stalls, 4 stalls per unit are required. They have 15 tenants (3 units, 5 bedrooms).

Plan Commission Members voiced their concerns of : adding more pavement-impervious surface; landscape islands for the end of the row of parking; disabled stall; removing stall #1 and #11 to allow for back up area to get out of the parking lot; landscaping near the parking lot at 248 N. Prince Street should possibly be moved to allow for snow removal.

City Planner Birkeland stated that Freiermuth has a good parking lot plan. The water will sheet off. The requirement for parking islands is 20 stalls. This lot has 19 stalls. For 256 N. Prince Street, landscape guidelines are a different issue than screening.

Bob Freiermuth has a few extra stalls in his parking areas for visitors to park. It is just one of the things he offers. The parking lot is gravel. Gravel is not an impervious surface. He will be improving the area with blacktop surface. Freiermuth stated that if he has a tenant that needs a disabled stall, he provides for it. He was agreeable to removing parking stalls #1 and #11 to allow for back up area. Freiermuth would like to be able to review the landscaping prior to planting with the Neighborhood Services Director/City Planner. He may want to substitute different plantings in different places. Bob Freiermuth asked about the screening issue on the west border. He has a 1 ½ to 2 foot retaining wall. The property to the west goes up 5 to 6 feet beyond that. He has talked to the property owner's representative who told him it would not be necessary to put up a fence.

City Attorney McDonell indicated that he believes that the Plan Commission could waive the west fence requirement. He also had heard from the neighboring property owner's representative that he did not feel that the fence was necessary.

Chairperson Meyer opened to public comment. There was none.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Hartmann to approve the conditional use permit for the conversion of a single family residence into a duplex, adding a 1,900 sq. ft. addition at 248 N. Prince Street for Robert E. Freiermuth, subject to the conditions recommended by the City Planner to include the requirement for a shared driveway agreement with the property located at 240 N. Prince Street; waiving the requirement of the City Engineer for the stop sign; and waiving the screening requirement on the west property line. (See attached Conditional Use Permit.) Ayes: Binnie, Hartmann, Parker, Coburn, Eppers, Meyer. No: None. Absent: Comfort. Motion unanimously approved.

Moved by Binnie and seconded by Hartmann to approve the site plan for parking lot pavement at 256 N. Prince Street for Robert E. Freiermuth subject to the conditions of the City Planner (eliminating #3); waiving the requirement for screening the west property line; landscaping plan

to be approved by the City Planner; removing the pavement from stalls #1 and #11 (to allow for the bump out); and waive the stop sign requirement. (See attached Conditional Use Permit.) Ayes: Binnie, Hartmann, Parker, Coburn, Eppers, Meyer. No: None. Absent: Comfort. Motion unanimously approved.

Informational Items:

Zoning Rewrite. City Planner Latisha Birkeland explained that the joint workshop with the Council and Plan Commission members is being held tomorrow 5:30 to 9:30 p.m. at the Cravath Lakefront Center. Larry Witzling, Graef Consultant for the Zoning Rewrite, will give an introduction and will review the commercial section of the Zoning Rewrite. The residential portion of the code will be reviewed October 8, 2013.

Future agenda items. City Planner Birkeland stated that if the Board of Zoning Appeals approves a variance for a lot width, there will be a conditional use permit request for the construction of a three unit apartment building. The deadline for submittals for the October Plan Commission meeting is September 16, 2013.

Next regular Plan Commission meeting – October 14, 2013.

Moved by Parker and seconded by Hartmann to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 10:00 p.m.

Chairperson Greg Meyer



Neighborhood Services Department
*Planning, Zoning, Code Enforcement,
GIS and Building Inspections*

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Telephone: (262) 473-0540

SITE REVIEW

Plan Commission Meeting Date: September 9, 2013
Property Owner: City of Whitewater
Applicant: City of Whitewater (Matt Amundson)
Property ID Number: DS 00022 – DS 00027
Property Address: 504 W. Starin Road
Whitewater, WI 53190

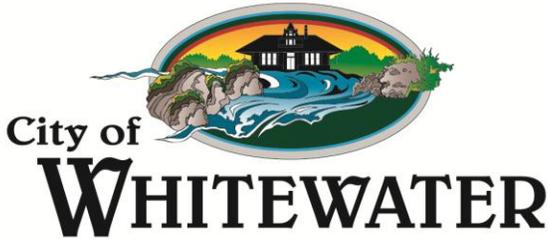
REGARDING: An approval for a site review for the construction of a restroom and concession facility in Starin Park (Treyton’s Field of Dreams).

The Plan and Architectural Review Commission approved the construction of a restroom and concession facility (Treyton’s Field of Dreams) in Starin Park subject to the following conditions:

1. With the understanding that this project may change slightly during the upcoming stages of the planning process, require the staff to follow upcoming approvals as directed from the Common Council.
2. Any permitting requirements by the State of Wisconsin should be followed.
3. Parks and Recreation Board Approval.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Manager / City Planner



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

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CONDITIONAL USE PERMIT AMENDMENT

Plan Commission Meeting Date: September 9, 2013
Property Owner: Main 1185 LLC.
Applicant: Lacey Reichwald
Property ID Number: /L 00011
Property Address: 1185 W. Main Street
Whitewater, WI 53190

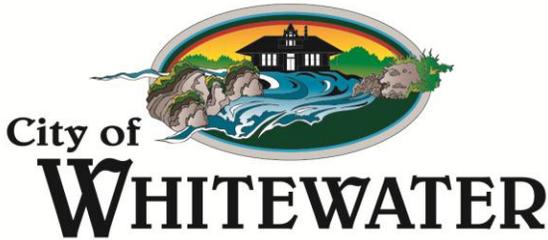
REGARDING: An approval for an amendment to the conditional use permit (CUP) for a bakery and coffee shop with a drive through to be located at 1185 W. Main Street for a fence enclosure for the freezer addition to the building.

Approved subject to the following conditions:

1. To allow the freezer addition to be screened by an opaque enclosure of at least 8 feet tall.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: Arthur Stritzel/Kirsten Stritzel
Applicant: Arthur Stritzel
Property ID Number: 05-15-32-33-018
Property Address: 523 N. Tratt Street
Whitewater, WI 53190

REGARDING: An approval of a conditional use permit (CUP) for the construction of a duplex at 523 N. Tratt Street.

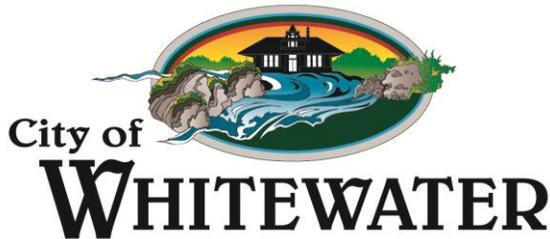
Approved subject to the following conditions:

1. Must follow all City and State ordinances.
2. Private interceptor approval must be obtained from the State.
3. The applicant must follow all applicable City Engineer requirements.
4. The applicant must follow the State Plumbing Code for cleanout requirements. Contact Tim Reel, Wastewater Superintendent, regarding additional cleanout requirements and Greg Noll, Building Inspector, prior to installation.
5. A joint maintenance agreement for the private sewer shall be signed by the owners of both lots and shall be recorded.
6. If sanitary sewer becomes available on the Tratt Street side of Lot 1 at some future date, the property owner would be required to connect to it at no cost to the City.
7. The applicant must establish the parking lot in accordance with the submitted plans, comments in the staff report and City Code. This includes grading and surfacing of the lot to be dust-free. Hard surface shall be installed no later than August 1, 2014.

8. The applicant shall install a six foot opaque fence along the north property line of his property from the face of the house to the rear property line.

This permit was prepared by:

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CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: Robert A. Sweet
Applicant: Burim Vedziovski
Property ID Number: /OT 00026
Property Address: 204 W. Main Street
Whitewater, WI 53190

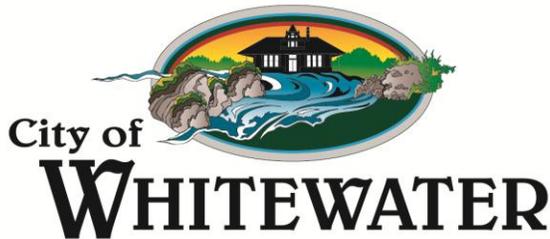
REGARDING: An approval for a conditional use permit (CUP) to allow for the sale of alcoholic beverages by the glass at the “Downstairs” located at 204 W. Main Street.

Approved subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. Any change in ownership will require approval of a conditional use permit for the new owner/operator from the Plan Commission.
2. The applicant shall comply with all required City and building codes.
3. An amendment to the Conditional Use Permit is required for serving alcohol for a future patio area. All outside tables and chairs are to be removed until approved conditional use permit is amended to serve in an outdoor private property cafe.
4. If there are three or more noise or disturbing the peace complaints within a one year period, the Plan Commission may require the east door to become an emergency exit only.
5. Approval is needed for a “Class B” Beer and Liquor License from the Alcohol Licensing Committee and the Common Council.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



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CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: First & Main of Whitewater LLC.
Applicant: Burim Vedziovski
Property ID Number: /OT 00014
Property Address: 162 W. Main Street
Whitewater, WI 53190

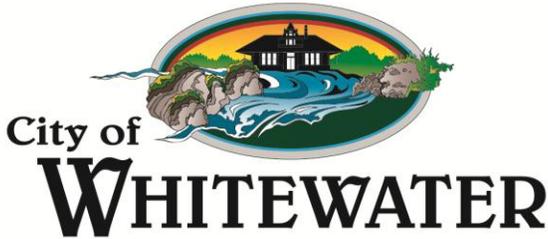
REGARDING: An approval for a conditional use permit (CUP) to allow for the sale of alcoholic beverages by the glass at the “Day N Nite Cafe” located at 162 W. Main Street.

Approved subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. Any change in ownership will require approval of a conditional use permit for the new owner/operator from the Plan Commission.
2. The applicant shall comply with all required City and building codes.
3. An amendment to the Conditional Use Permit is required for serving alcohol for a future patio area.
4. Accepting the voluntary condition offered as part of the business plan to not serve alcohol after 10:00 p.m.
5. Approval is needed for a “Class B” Beer and Liquor License from the Alcohol Licensing Committee and the Common Council.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



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CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: 248 N Prince LLC.
Applicant: Robert E. Freiermuth
Property ID Number: /WUP 00181
Property Address: 248 N. Prince Street
Whitewater, WI 53190

REGARDING: An approval of a conditional use permit (CUP) for the conversion of a single family residence into a duplex, adding a 1,900 sq. ft. addition at 248 N. Prince Street.

Approved subject to the following conditions:

1. Landscaping changes as recommended by the Plan Commission.
2. The applicant shall comply with all requirements of the City Engineer, noting any changes from the Plan Commission. The requirement for a stop sign at the exit of the driveway onto Prince Street is waived.
3. The applicant shall make the building and site renovations in accordance with the plans submitted to the City of Whitewater dated 7/15/2013 and revised 7/31/2013, with all applicable changes indicated on the site plan dated 8/18/2013.
4. A shared driveway agreement, with the property located at 240 N. Prince Street, is to be submitted to the City prior to building permit issuance.
5. The applicant shall comply with all required City Ordinances and State Building Codes.
6. Comply with recommended landscaping requirements from staff. The screening along the west property line is waived. All landscaping shall be installed no later than six months from date of Certificate of Occupancy.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



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SITE REVIEW

Plan Commission Meeting Date: September 9, 2013
Property Owner: Starin Prince Rentals LLC.
Applicant: Robert E. Freiermuth
Property ID Number: /WUP 00182
Property Address: 256 N. Prince Street
Whitewater, WI 53190

REGARDING: An approval for a site review for the paving of the parking lot at 256 N. Prince Street.

The Plan and Architectural Review Commission approved the paving of the parking lot at 256 N. Prince Street subject to the following conditions:

1. The applicant must comply with all requirements of the City Engineer. The requirement of a stop sign at the driveway access to Prince Street is waived.
2. The widening of the driveway shall not impact the parking stalls along N. Prince Street. The applicant shall equally distribute the widening of the curb cut to the north and south. Staff to review and verify prior to approving the permit.
3. Landscaping for the property shall be approved by the City. The requirement for screening along the west property line is waived. A shared driveway agreement, with the property located at 248 N. Prince Street, is to be submitted to the City prior to building permit issuance.
4. The pavement from parking stalls #1 and #11 will be removed.
5. The applicant shall comply with all State Building codes and City Ordinances.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Manager / City Planner