

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
July 14, 2014

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

Call to order and roll call.

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

Present: Lynn Binnie, Kristine Zaballos (arrived 6:10 p.m.), Karen Coburn, Bruce Parker, Daniel Comfort, Sherry Stanek (Alternate) John Tanis (Alternate). Absent: Greg Meyer, Cort Hartmann, Others: Wallace McDonell (City Attorney), Mike Slavney (City Planning Consultant).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. No minutes were available at the meeting.

Public hearing for consideration of a change of the Zoning Ordinance regulations, to enact proposed amendments to the City of Whitewater Municipal Code Title 19, by: Eliminating certain property owner requirements in the R-O Residential Overlay District (Section 19.25.050) as required by State Law. Vice-Chairperson Binnie opened the public hearing. City Attorney McDonell explained that a recently adopted State statute prohibits municipalities from requiring certain types of reporting by landlords. City Staff recommends a change in the City Overlay Ordinance related to unrelated persons by eliminating those requirements of recording so our ordinance is consistent with State Law. Plan Commission is to recommend to the City Council.

Richard Helmick, 227 S. Boone Ct., wanted to know what the recording requirements are.

City Attorney McDonell explained that the R-O Overlay Zoning allows for two unrelated persons per unit. Non-conforming use is allowed if it was in existence at the time of adoption of the new ordinance. In order to assist in enforcement, if a property was renting to 3 unrelated, they could continue, but the landlord was required to report initials of the tenants so the City could keep track of the non-conforming properties.

Vice-Chairperson Binnie closed the public hearing.

Plan Commission Member Stanek stated that it is frustrating when tools are taken away or there are very limited resources to work with to keep the City running smoothly.

Under duress, Binnie moved and Zaballos reluctantly seconded to recommend to the City Council to approve the proposed ordinance. Aye: Binnie, Zaballos, Coburn, Parker, Comfort, Tanis, Stanek. No: None. Motion approved.

Public hearing for consideration of a change of the Zoning Ordinance regulations, to enact proposed amendments to the City of Whitewater Municipal Code Title 19, by: Repealing Whitewater Municipal Code Chapter 19.46 (Floodplain Regulations) and Chapter 19.461 (FWW Floodway Wetland District) and enacting a new Floodplain Ordinance (Chapter 19.46). Vice-Chairperson Binnie opened the public hearing.

City Attorney McDonell explained that the new Floodplain Ordinance would replace the old ordinance. There are changes in the Floodplain Ordinance and the Floodplain maps for Walworth County. The City is required by law to enact a new ordinance and adopt the new maps. DNR recommends updating the City Floodplain Ordinance. When the City gets the Floodplain updates for Jefferson County, we will have to do the same with them.

Vice-Chairperson Binnie closed the public hearing.

Moved by Comfort and seconded by Zaballos to recommend to the City Council to approve the change in the Floodplain and Floodway Wetland District Ordinance. Aye: Comfort, Zaballos, Coburn, Parker, Tanis, Stanek, Binnie. No: None. Motion approved.

Public hearing to consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the PD (Planned Development) District Zoning classification under Chapter 19.39 of the Zoning Ordinance of the City of Whitewater on the following area; 1014 W. Main Street (Tax ID #'s WUP 00173, WUP 00173A, WUP 173B for Campus Edge Apartments LLC. (Ryan Hughes). The Plan Commission will consider the proposed General Development Plan (GDP) and the Specific Implementation Plan (SIP) for the area. Vice-Chairperson opened the public hearing.

City Planner Mike Slavney explained the project. The proposal is for a 4 story multi-family building with 22 – 5 bedroom units and underground parking for the remainder of the required spaces. This proposal is to be built on three lots. Separate votes for the GDP (General Development Plan) and the SIP (Specific Implementation Plan) will be recommendations to the City Council.

City Attorney McDonell stated that a GDP is required on a Planned Development Zoning. Plan Commission makes the recommendation to the City Council. Plan Commission can approve the SIP conditioned upon City Council approval of the PD Zoning. If Council does not approve the zoning, the project stops there.

City Planner Slavney continued. The building is a 4 story building (45 feet tall) with a decorative parapet above that. Each floor has 10,000 sq. ft. The top floor has 9,500 sq. ft. of living area with a 1000 sq. ft. terrace on the top of the third floor. The ground floor had 1 missing unit to provide for a lobby and leasing offices. The average unit is 1,512 sq. ft. in size (units vary about 150 sq. ft. in size). The parcel area is 32,000 sq. ft. It is a unique building with

urban character with the flat roof, decorative parapet, masonry, and underground parking. The impervious area is just under 59%. The surface parking area has 11 additional spaces, making the number of spaces provided at 66, one space over what is required. Most of the green space for this proposal is on the northern leg of the property. There are 22 units proposed on .742 acres of land which equals just under 30 units per acre. This is more than double the permitted maximum density in the R-3 Zoning District. Slavney observed that this proposal has significant departure from the ordinance standard for density and significant departure from historic development practices in the city. Most larger buildings are suburban, instead of urban. The proposal meets the 3D envelope. The fundamental question: is this a good fit in this area for this city? Slavney's recommendations represent city staff consensus. He said the Plan Commission recommendation should not be made upon these recommendations. Slavney read the recommendations.

Ryan Hughes explained that he started the process 5 years ago, looking to rehab a blighted site in the city. This property is owned by him and his wife. There is no outside ownership. The bedrooms in this proposal are 130 sq. ft in area. This development is offering 60% parking, could get up to 70 % with a reserve plan. These are high end units. The only exception to the ordinance is for the lot size.

Isaac Wallace, Dimension 4 Architect in Madison, explained that this is a 4 story building, changing to a 3 story with a canopy. It does not have a pitched roof. The different types of masonry break up the scale/facade of the building. This is luxury student housing. They have not dropped the quality because of the students.

Jeff Knight, 405 S. Panther Ct., served on the Zoning Rewrite and other various Boards in different communities, stated that he had a number of concerns. He handed out a 4 page document. His concerns included: The 2 ½ year Zoning Rewrite process; the R-3A Zoning being more difficult than the R-2A; the parking; the 20% allowed increase in density; no access to the west side of the building; stormwater issues; is there something extremely special that sets it aside from student housing?. Knight stated that he liked the façade; it is a little busy for the location; a lot busy for R-3A. He is afraid that if it is not anything unique, it will set a precedent. Going this far will cause more policy problems than we think we are solving now.

Richard Helmick, 227 S. Boone St., appreciated keeping the density on the north side of Main Street closer to campus. He is concerned of the scale on Main Street; no significant trees or greenery facing Main Street; concerned about runoff; it will be an extremely congested intersection with a large amount of traffic.

Don Gregoire, Fire Chief, has been in contact with the developer. He has some concerns with the 4 story stick built building with 110 residents which has a lot of fire load and life safety issues. With the stormwater basin on the west side, they would need to use a ladder on the south and north side of the building. A fire could cause the building to come down in 20 minutes, people could be lost. The developer will provide fire hydrants in front and back of the building. The fire trucks will not be able to get up to the roof (approx 52 feet) from Main Street. The Knox box was addressed. Every new multi-family building must have a Knox box. The basement has an entrance for the underground parking (8'2" garage door) in which none of their

equipment will fit. The fire department would like to have a minimum 10' wide by 8" thick sidewalk around the building. The building will have a pumped sprinkler system, a 1 hour rated structure. On the back side of the building there is 1 unit per floor that has no access.

Larry Kachel, representing DLK Enterprises, stated they had three or four main issues. There are adjoining land owner concerns with the size of the building; 30 feet between buildings, ½ the basement apartments have windows on the south side and will be in shadow most of the time; concern of stormwater issues; corrections in the statistics given for the Regent property; the Regent property is not a comparable property. Kachel stated that it is a nice project, just too big.

Tyler Sailsbery voiced his appreciation for the work that Ryan Hughes has done and his integrity as a landlord. According to "No More Dorms", the number 1 search criterion is the proximity to campus. This proposal would attract students with more expendable income. Keeping the density near campus would reduce the density in "neighborhoods". We need to focus on areas where we can increase density.

Bob Freiermuth voiced concern of the size and scope of the project.

Vice-Chairperson closed the public hearing.

Ryan Hughes stated that the parking structure is 3 hour rated. The stairwells can be used to fight fires. The proposed stormwater system will take all drainage from the property plus the runoff from the neighboring property. There will be drainpipes on the building. Ryan Hughes asked the Plan Commission to take a step back and look at it in terms of what's good for Whitewater.

Plan Commission Members voiced concerns of: having a backup system for the stormwater pump system; the lot area does not include the area going out into the street; water runoff; this is the first PD Zoning request; questions on GDP affects vote on PD; traffic study – what will impact be for traffic flow, traffic lights, and people; fire concerns; drainage; the building is refreshing and has many amenities; the size and setback from Main Street are a big concern; when requesting a PD Zoning, need to follow the underlying zoning as close as possible; the lot area is 78 sq. ft. less than what is required for efficiency apartments.

City Planner Slavney stated that in this case, the GDP and the SIP are the same. He stated that in a brief discussion at staff, it was determined to be close enough to Main Street to have impact during move in and out, mornings, weekdays and during school. It is best to get the access as far north as possible. Instead of a traffic study, the real world experience would give the best information for concerns.

Ryan Hughes stated that the lot area is the only exception to the Ordinance being met. He stated that there were other four story buildings on Main Street that requested a lot area exception in the past and were approved.

When asked about the bioretention basin, Isaac Wallace, Dimension 4 Architect in Madison, explained that they are providing a proactive approach. Any buildup of water will be directed to

the bioretention basin and then overflow into the city stormwater system. They will provide this information to the City.

Vice-Chairperson Binnie explained that he appreciated all the work gone into planning and the detail that Ryan Hughes has gone into is excellent. The question is being okay with a PD. Not a lot of research for the R-3A was done during the Zoning Rewrite. The 20% increase in density was like throwing a dart at a board, totally subjective. Binnie does not think the PD is the right way to do this. It will be used as a comparison down the road. He thought the Plan Commission should take a step back and say no the PD. Binnie also stated that at the next meeting, he would like to start a serious discussion of the R-3A Zoning and whether we need to make changes in it. More density is surely appropriate. We need to look at this and come up with a better answer. Binnie was not able to support the PD request at this time. Binnie envisions researching other college communities, get input as to how density works for them and work off objective information.

The final remarks of the Plan Commission Members included: Ryan Hughes has been very professional, trying to be proactive with the project; happy with the project but has concerns about the size; Students travel and work in different communities, they need a vehicle; not all students want to live with 4 other students; concern of the detention pond in the southwest corner of the property; concern of winter time and fast thaws, figure out some type of drainage; concern of removal of the skyline exposure from the ordinance – there are a lot of shadows; density is less than efficiency apartment square footage. Asking to amend the zoning ordinance is a multi-month process; need to look to the future – Main Street is going to change; forward thinking on projects, unfortunately it is a big step; quality of building is great; concerns with spending 2 ½ years on the zoning rewrite and in the end not have addressed this.

City Planner Slavney stated that the hesitancy is because the Zoning District and the Comprehensive Plan did not set a guideline as far as this type of development. A higher density regular zoning district, not an overlay district would be called for, and what areas of Main Street should be considered the next time the comprehensive plan is updated.

City Attorney McDonell stated that the applicant has a right to have a decision.

Moved by Comfort to recommend to table this project until the City gets the zoning taken care of. If the ordinance was changed, the applicant could bring his proposal back. City Attorney McDonell stated that this motion was not in order. There is a due process. Comfort withdrew his motion.

City Attorney McDonell explained that short of some agreement with the applicant, it is best for the Plan Commission to make a decision. He explained that Plan Commission can recommend on the PD or both the PD and GDP. If it is not recommended for approval, Plan Commission does not need to spend the time going through the specifics of the GDP. If the Plan Commission is uncomfortable with that, the applicant would need to come back for SIP (Specific Implementation Plan) approval – ultimately a third approval.

Moved by Comfort and Zaballos to recommend to the City Council to approve the PD (Planned Development) Zoning and the GDP (General Development Plan) including the City Planner and City Engineer recommendations. Zaballos noted she was moving to approve as a tactical measure to move the meeting forward. Other member's reasons for voting the way they did included: things so undecided on the building, density and desire to get the R-3A addressed in a more proper manner. Aye: Comfort, Zaballos. No: Coburn, Parker, Tanis, Stanek, and Binnie. Motion to recommend approval fails.

City Attorney McDonell explained that if the Plan Commission's recommendation to approve fails, the recommendation to the City Council is not to approve the PD and GDP.

Public hearing for consideration of a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area: 727 W. Center Street (Tax ID # /CL 00027) for Benjamin and Anne McCready. Public hearing to be opened with the following item.

Public hearing for consideration of a conditional use permit in an R-2A Overlay Zoning District, to allow for 7 unrelated persons to live in the house located at 727 W. Center Street for Benjamin and Anne McCready.

City Planner Mike Slavney stated that the McCreadys want to convert their home with 7 bedrooms to have 7 occupants by rezoning to R-2A and getting a conditional use permit to allow for the extra occupants. Slavney and Vandewalle Associates worked with the plans to find several different ways to accommodate parking on the property. He described several plans that might work. There will be very minimal changes to the house.

Ben McCready explained that there are 7 bedrooms in the house, 5 upstairs and two downstairs. All seven are set up with locking doors. There are two full baths in the home. There are 5 homes on Center Street in this area that do not house students.

Vice-Chairperson Binnie opened the public hearing. He stated that item #7, the Plan Commission would make a recommendation to the City Council for a change to the District Zoning Map for this parcel and item #8 the conditional use, if approved, would be based on City Council approval.

Richard Helmick, 227 S. Boone St, is concerned with the mass flight of single family owners that border the R-2A area putting their homes up for sale seeing what is coming in the future. He requested that as the Plan Commission reviews these proposals that care be taken in regard to surface runoff, particularly with the large expansion of parking area. One of the big issues for Boone Street is water runoff. When there is a heavy rainfall, the street rapidly floods from sidewalk to sidewalk. At Center and High Streets, all intersections become flooded. There is a sink hole at Center and Boone Streets. More and more yards will be filled with bedroom additions and parking areas that will create more of a problem with the drainage. With the parking summit starting underway, he asked the Plan Commission to be careful about making decisions right now.

City Planner Slavney stated that by ordinance a property can have a maximum of 40 % impervious surface. All the parking layouts meet the 40%.

Plan Commission Members voiced concerns of: option 2 (5 spaces) for parking would be good if green space is a concern; material of existing driveway; does the existing driveway maintain the 3 foot setback to the property line?; 5 parking spaces are not going to deter people from buying a house; would like to look at the old garage instead of pavement; Would like to protect the single family homes on both sides of this property, owner could come back at a later date when these single family homes change to student housing.

Vice-Chairperson Binnie stated that the City will be starting the parking summit tomorrow. In order to reduce the stormwater issues, we need to have some on street year round parking to be able to reduce the on-site parking. Binnie stated his concept would be by permit.

Ben McCready stated that the existing driveway is concrete and maintains a 3 foot setback to the property line. He would really like to be allowed 6 parking spaces.

Moved by Tanis and seconded by Comfort to recommend the change to R-2A Zoning District to the City Council and to approve the project with option 2 (5 parking stalls, utilizing the 2 garage spaces). Aye: Tanis, Comfort, Parker, Stanek, Zaballos, Coburn, Binnie. No: None. Absent: Meyer, Hartmann. Motion approved.

Public hearing for consideration of an amendment to the conditional use permit to change from a two story building to a split level ranch style (side by side duplex) to be located at 523 N. Tratt Street for Arthur Stritzel. Vice-Chairperson Binnie opened the public hearing.

City Planner Mike Slavney stated that this proposal is to change the approved duplex from a two story building to a split level ranch style building.

Art Stritzel explained that the requirements for the original conditional use would stay the same. He is changing the bedrooms from the 2nd floor to the basement area of the building. He will have 3' x 5' bedroom windows for accessibility. The lot slopes to the back of the home so he will be able to get an exposed basement. The window on the side of the building will need a window well to keep the dirt away from the window. The plantings will be the same as originally approved. The fencing would also remain the same.

Frederick Huffman, N142 Cty. Hwy. N (neighbor to the north of this property), stated that he had not seen any plans for the new style building. He complained about late night student traffic cutting through his property and the parties at neighboring properties. He also complained that the 523 N. Tratt Street property has not been mowed all season. When asked if he thought the fence would solve the problem, he stated that the fence would keep lights from shining in his bedroom windows and cut the trespassing across his property. Huffman asked about the responsibility if his well gets contaminated.

City Attorney McDonell stated that there are a lot of laws, Federal and State, that govern contamination of wells.

Tom Cromos, Town of Coldspring (across the street neighbor to this property) asked questions about where the laterals were going and also complained about the grass not being mowed.

Vice-Chairperson Binnie closed the public hearing.

Plan Commission Members voiced their concerns of: the window placement – the two small windows on the front of the home and the two small high windows on the side of the home; request for the fence on the north lot line be installed before the start of construction; there was concern of paving the entire rear yard and if the property was going to be like a forest.

Art Stritzel stated that the windows on the side of the house are transom windows that allow for wall space, but let light in. He also stated that there will be windows on both sides of each door (the plan did not show this). The previous approval for the fence was to be a 6' fence on the north property line, from the face of his house to the rear lot line which was to be done before the home was occupied. The property will be mostly wooded with grass and plantings around the house. There will be parking for six vehicles in the rear yard area. It is a deep lot.

Moved by Stanek and seconded by Tanis to approve the amendment to the conditional use permit to change from a two story building to a split level ranch style (side by side duplex) to be located at 523 N. Tratt Street for Arthur Stritzel to include all conditions of the prior approval and to install the fence before starting construction. The landscaping revision is to be approved by the City Planner. Aye: Stanek, Tanis, Zaballos, Parker, Coburn, Comfort, Binnie. No: None. Absent: Meyer, Hartmann. Motion approved.

Moved by Tanis and seconded by Parker to add a condition that within one year after occupancy, the applicant will install the blacktop driveway. Aye: Tanis, Parker, Stanek, Zaballos, Coburn, Comfort, Binnie. No: None. Absent: Meyer, Hartmann. Motion approved.

See attached Conditional Use Permit for the conditions.

Public hearing for consideration of a conditional use permit (tavern and other places selling alcohol by the drink) for Andrew Marzahl (Agent) to serve beer at 180 W. Main Street (for a Class “B” Beer License) at Rosa’s Pizza. Vice-Chairperson Binnie opened the public hearing.

City Planner Mike Slavney stated that there is no change to the site plan or floor plan. They just want to secure a Class “B” Beer License. The owner has voluntarily agreed to discontinue serving beer at midnight.

Vice-Chairperson Binnie closed the public hearing.

Plan Commission Member Parker suggested that Plan Commission add a condition that the area in front of the establishment must be cleaned daily. This condition should be added to all

conditional use permits in the future requesting beer or liquor. It was added that this should happen at the end of the day and not the next day.

Plan Commission Members voiced concerns of: why a conditional use permit?; will there be employees watching both doorways; sidewalk cafés not being ADA compliant.

City Attorney McDonell explained that a beer or alcohol license must have a conditional use permit. If there is a sidewalk café, there must be a 4 foot walkway for wheelchairs to get through. This is an enforcement issue.

Moved by Tanis and seconded by Stanek to approve the conditional use permit with the Planner's recommendations and that the sidewalk in front of the business is to be cleaned at the end of each business day with the owner voluntarily ending the serving of beer at midnight (12 a.m.). Aye: Tanis, Stanek, Parker, Zaballos, Coburn, Comfort, Binnie. No: None. Absent: Meyer, Hartmann. Motion approved.

Public hearing for consideration of a conditional use permit (tavern and other places selling alcohol by the drink) for Clara Rocha (Agent) to serve beer and liquor at 1170 W. Main Street (for a Class "B" Beer and Liquor License) at Karina's Mexican Restaurant. Vice-Chairperson Binnie opened the public hearing.

City Planner Mike Slavney explained that this building has an existing drive through. There is a lot of room on this property for parking etc. They are doing minimal changes to the interior. At this time there is no seating planned for outside of the building.

Victor Hernandez, representing Clara Rocha, stated that they are looking to relocate to the other side of town. Karina's Mexican Restaurant is currently in the downtown area. There is more parking area and it is a better location. The drive through would not be for beer. They have an existing "Class B" Beer and Liquor license. They are just asking to transfer their license to the new location. The restaurant is normally open until 10:00 p.m. They sometimes have family parties that last until 1:00 a.m. They will voluntarily stop serving beer and liquor by 1:00 a.m. There is no outdoor seating planned at this time. There may be a time when they might put a small table outside the front door.

City Attorney McDonell stated that the Plan Commission could make that a condition of the conditional use permit to allow outdoor seating without alcohol. If they would want to serve alcohol outdoors, they would need to come back to the Plan Commission to amend their conditional use permit and for a recommendation to the City Council to expand their license area.

Moved by Tanis and seconded by Comfort to approve the conditional use permit (tavern and other places selling alcohol by the drink) for Clara Rocha (Agent) to serve beer and liquor at 1170 W. Main Street (for a "Class B" Beer and Liquor License) at Karina's Mexican Restaurant, allowing for seating outside if desired; with the Planner recommendations; and accepting the offer to have normal closing hours of 10:00 p.m., but never serving alcohol after 1:00 a.m. Aye: Tanis, Comfort, Parker, Stanek, Zaballos, Coburn, Binnie. No: None. Absent: Meyer, Hartmann. Motion approved.

Future agenda items: Plan Commission Member Binnie requested to revisit the R-3A Overlay Zoning District to be on the agenda for the next meeting. Binnie would like it to be a preliminary discussion about not only the specific density issue, but also about overlay districts in general. He would also like to know the manner in which the order of agenda items are arranged.

City Attorney McDonell explained that generally zoning issues are discussed at staff level, then goes to Plan Commission for their input. When the City council passed the Zoning Rewrite, they expected clean up issues.

City Manager Cameron Clapper noted that there was a meeting scheduled on Tuesday with Larry Witzling to talk about parking.

Next regular Plan Commission meeting – August 11, 2014.

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

Vice-Chairperson Lynn Binnie