

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
November 9, 2015

**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 6:30 p.m.

Present: Greg Meyer, Bruce Parker, Lynn Binnie, Tom Hinspater, Kristine Zaballos, John Tanis (Alternate). Absent: Sherry Stanek, Daniel Comfort. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

**Hearing of Citizen Comments.** There were no comments.

**Approval of the Plan Commission Minutes.** Moved by Binnie and seconded by Tanis to approve the minutes of September 14, 2015 and October 12, 2015. Motion approved by unanimous voice vote.

**Public hearing for a change in the District Zoning Map for the following parcel to enact an ordinance to impose the M-1 (General Manufacturing) Zoning District classification under Chapter 19.36 of the Zoning Ordinance of the City of Whitewater for vacant land on E. Main Street (East of 1116 E. Main Street), Tax ID # /A4442 00001 and the adjacent cul-de-sac for the City of Whitewater.** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a proposal to change this parcel from TP (Technology Park) Zoning to M-1 (General Manufacturing). The driveway for the development will come off of E. Main Street. There is no entrance to the parcel through the Technology Park. This parcel has M-1 Zoned properties located on three sides of the property.

City Attorney McDonell explained that this application is being made because the City has a developer who they have entered into an agreement with to sell the property to for the purpose of possibly an 8 million dollar manufacturing plant for tiles that are made out of recycled computer components. There is a guarantee of 90 full time jobs for three years and a 100,000 sq. ft. facility. The covenants in the agreement prohibit some of the more noxious type uses and makes sure that the development does not adversely affect the rest of the Technology Park. This will also discontinue the road (cul-de-sac) which will be absorbed by the company and be a part of the development. The plan is to break ground fairly soon assuming that everything lines up with all the approvals and rezone. At this stage of the game, the City Council has approved the Development Agreement. Now it requires a rezone recommendation from the Plan Commission and ultimately the Council will act on the zoning change from TP to M-1 (Manufacturing).

Ken Kienbaum asked about the closing of the road. He was under the impression that E. Main Street would be closed. When it was explained that it was not E. Main Street, but the cul-de-sac on the property for this development, Kienbaum was okay with that.

Chairperson Meyer closed the public hearing.

Plan Commission Member Parker stated that the land was in an M-1 Zoning District prior to the Technology Park Zoning.

Plan Commission Member Zaballos asked if in the future another company comes in, are these restrictions the same for the new company? Do the requirements or restrictions differ from the other M-1 properties around it?

City Attorney McDonell stated that the recorded covenants (Development Agreement) stay with the land. It does not change with the ownership. The Development agreement limits the uses for that parcel. The City does not want anything there that would affect the uses in the Technology Park. He read the restrictions from the agreement.

Moved by Tanis and seconded by Parker to recommend to the City Council to change the District Zoning map for the following parcel to enact an ordinance to impose the M-1 (General Manufacturing) Zoning District classification under Chapter 19.36 of the Zoning Ordinance of the City of Whitewater for the vacant land on E Main Street (East of 1116 E. Main Street), Tax ID # /A4442 00001 for the City of Whitewater which includes vacating the proposed cul-de-sac on the property. Aye: Tanis, Parker, Binnie, Zaballos, Hinspater, Meyer. No: None. Absent: Stanek, Comfort. Motion Approved.

**Public hearing for the purpose of reviewing and making recommendations to the Common Council concerning amendments to Chapter 19.72 Board of Zoning Appeals in the Zoning Ordinance of the City of Whitewater, concerning necessary number of votes required by the Board of Zoning Appeals for actions.** Chairperson Meyer opened the public hearing.

City Attorney McDonell explained that this is one of the zoning ordinance amendments that has come about because of an experience and suggests a change. What happened is that there was a request for a variance before the Board of Zoning Appeals. A quorum is four. There were 4 members at the meeting, but you need four votes to pass a variance. There were 3 members who were in favor of it and one that was opposed to it. Therefore the three to one vote did not pass the variance because there were not 4 votes. McDonell researched and found that the current ordinance that requires four votes is not a required ordinance provision, but is optional. It is appropriate to allow the majority of the voting members to prevail even if you only have four votes. The Staff felt that was a better way potentially to run the Board. So it was brought before the Plan Commission for recommendation to the Council. This change would not be just for variances, but for all actions by the Board.

Ken Kienbaum, a member of the Board of Zoning Appeals, didn't see why it should be changed. It has worked well up until one person complained.

Chairperson Meyer closed the public hearing.

City Attorney McDonnell explained that this is a policy decision with Plan Commission recommending to the City Council. City Staff was concerned about the fairness of the vote. Most Boards have a majority vote on most things. McDonnell stated for the record that all actions of the Plan Commission require the favorable vote of four members. Plan Commission has a quorum of 5 members.

City Planner Chris Munz-Pritchard explained that this is not being brought up as a reaction to a situation. The City has had a hard time getting people to volunteer for the Board of Zoning Appeals. This is a way to clarify the language and not make it as hard on one person if they vote no. This Board does not meet very often.

Plan Commission members suggested that this proposed change should go to the BZA to get their input on it.

Moved by Parker and seconded by Tanis to pass this proposal on to the Board of Zoning Appeals as an agenda item to get their opinion. The proposal would then come back to the Plan Commission as a continued public hearing. Aye: Parker, Tanis, Binnie, Zaballo, Hinspater, Meyer. No: None. Absent: Stanek, Comfort. Motion approved.

**Discussion of the revised policy and application for the R-2A rezones.** City Planner Chris Munz-Pritchard explained that this is a non-action item. She explained the application for the R-2A Overlay District and the changes that were made to the document. One of the largest changes is on page 2 with the requested land use, zoning and conditional use, the applicant must choose either A. (no significant changes within the home) or B. (major changes to the home). Following that designation is a five step process. The second step includes the building inspector visit to the dwelling to confirm current use, dimensions of rooms, compliance with codes, etc. All five steps take place prior to being submitted to Plan Commission. Some of the application is part of the original that Mike Slavney, City Planning Consultant, provided and City paid for. Pages 6 until the end are part of the original document. This is just an application and Chris wanted the Plan Commission to be aware of the changes. Once the Zoning Ordinance changes get approved by Council, the application will need to be updated.

Plan Commission Member Binnie explained that this document was a vast improvement. It will help to make the application more understandable for the applicant and more efficient for the Plan Commission. His biggest question was in allowing the applicant to proceed with an amateur drawing to begin with and then possibly requiring them to go with an official architectural drawing after the inspector goes to the property. Binnie thought we should decide what would require an architectural drawing up front and tell that to the applicant. He suggested that if doing B. (major changes to the home) an architectural drawing might be required.

Several ways of having drawings done were suggested that could be done with minimal expense, such as buying a computer program, checking with a high school shop class, or a lumber yard.

It was mentioned that the proposed ordinance for the common area per occupant had not gone to City Council for final approval yet.

**Information Items:**

- a. Possible future agenda items.  
City Planner Chris Munz-Pritchard explained that she was planning a Power Point of review and a future training session to be held after the holidays, probably at the Innovation Center.
- b. Next regular Plan Commission Meeting – December 14, 2015. (The agenda, in error, stated December 7, 2015, which is the first Monday of the month.)

Moved by Tanis and seconded by Binnie to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:20 p.m.

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Chairperson Greg Meyer