

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
March 11, 2019

**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, Andrew Crone, David Stone, Sherry Stanek, Tom Miller.
Absent: Bruce Parker. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

Hearing of Citizen Comments. There were no citizen comments.

Approval of Plan Commission Minutes. Moved by Binnie and seconded by Stanek to approve the Plan Commission minutes of December 10, 2018 and February 11, 2019. Motion approved by unanimous roll call vote. The Plan Commission minutes of the January 14, 2019 meeting were not available for review.

Public hearing for consideration of a conditional use permit (tavern and other places selling alcohol by the drink) for Whitewater Cinemas, LLC., Jacob Gildemeister, Agent, to serve beer and wine (for a Class “B” Beer and Class C Wine License) by the bottle or glass at 151 S. Pearson Lane.
Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is for the conditional use permit in order to serve beer or wine by the bottle or glass. The alcohol will be stored in the existing concession stand behind the counter. The alcohol beverages are to be served at the concession stand and then carried by the consumer into the theater area. There is a limit of three alcohol beverages per person during the duration of the film. No alcohol will be served after the movie showing. The hours of operation are Tuesday through Friday 4 to 9 p.m. and Saturday, Sunday 11 a.m. to 10 p.m. No alterations are being proposed to the existing building at this time. Chris Munz-Pritchard recommended the Plan Commission conditionally approve the conditional use permit for the serving of beer and wine by the glass at 151 S. Pearson Lane, subject to three conditions.

Jacob Gildemeister explained that they are requesting to serve beer and wine to be more competitive with the theatres in the area. One comparable is the Burlington theatre. It is a 4-plex theatre. They serve beer and wine and have moved into serving more food. At the Whitewater Theatre, they are looking to start with the beer and wine and then possibly later looking into pizza and hot dogs. They plan to purchase their beer and wine from Second Salem. They would like to keep their suppliers local. They have been working with Discover Whitewater and Downtown Whitewater. Right now they are playing the Discover Whitewater filming.

Plan Commission Members voiced concerns of: how they are going to manage people who can't handle drinks?; will the servers have training?; will the beer and wine be served by bottle or glass?; 16 or 17 year old employees not able to serve alcohol; someone must be on site who has a beverage operators license.

Jacob Gildemeister explained that if there are issues with the patrons, employees are to let the management know. The employees periodically check to make sure the movies are playing correctly and the screens are clear. They will also be able to scan the theatre for any possible problems. All servers will be trained. The owners will have the training first, then it will transition to the other employees. There are no employees under the age of 18. Beer will be served by the bottle or can, and wine will be served in a pre-sealed cup. There will be no taps or cups. Only one drink will be served at a time. They will be checking photo id each time.

City Attorney McDonell stated that the license is granted by the City Council. It is a whole process. The Plan Commission approves the Conditional Use Permit which is separate from the licensing approval. The business really needs one operator or owner on the premise at all times. The City Council does not get into all having an operator's license. An operator's license has potential to be management possibility.

There was no public comment. Chairperson Meyer closed the public comment.

Moved by Binnie and seconded by Miller to approve the conditional use permit with the City Planner recommendations and with the conditional use permit to go with the ownership of the property. Aye: Binnie, Miller, Crone, Stanek, Stone, Meyer. No: None. Motion approved.

Review Certified Survey Map for a lot division to create two lots at tax parcel # /WUP 00014 for Donald and Carolyn Kligora.

City Planner Chris Munz-Pritchard explained that this was a certified survey map to divide a lot that was left when the City of Whitewater took the right of way for E. Starin Road. The City survey was only for the right of way. The rest of the land remained one parcel. The owner wants two separate parcels with two separate tax parcel numbers. There is a discrepancy in parcel B. Munz-Pritchard recommended the Plan Commission recommend conditional approval for a Certified Survey Map (CSM) for a lot division to create two (2) lots at Tax Parcel /WUP 00014 subject to the following conditions of approval: The discrepancy in the "gap" would be a civil matter between the property owner of Tax Parcel /WUP 00014 and the property owner to the south Tax Parcel /WUP 00016. Approval by Engineering, Building Inspector, Fire Inspector and other City departments. Any other conditions identified by City Staff or the Plan Commission.

Chairperson Meyer opened for public comment. There was no public comment. Chairperson Meyer closed public comment.

Plan Commission members commented that the owner had other farmland, with dividing this parcel there would be three separate parcels for the farm; wanted to make sure the property owner of the parcel to the south was notified; the proposal seems straight forward.

Moved by Binnie and seconded by Stanek to approve the proposed certified survey map for a lot division to create two lots at tax parcel # WUP 00014 subject to the City Planner's recommendations. Aye: Binnie, Stanek, Miller, Crone, Stone, Meyer. No: None. Motion approved.

Public hearing for a change of the City of Whitewater Zoning Ordinance regulations, by enacting the proposed amendments to City of Whitewater Municipal Code: Title 19, specifically Sections 19.09.510, 19.09.511, 19.09.512, 19.09.513 and Chapter 19.60 regarding nonconforming uses, structures, and lots. Chairperson Meyer opened the public hearing.

City Attorney McDonell explained that this is a comprehensive amendment for non-conforming legal uses. There have been some changes in the State laws that have not been incorporated into the City of Whitewater ordinances. SEWRPC put together a model ordinance for municipalities to use. It is a complete rework of the ordinance with internally consistent language. It improves the ordinance overall. It helps to interpret particular situations. This is not something that usually comes to the Plan Commission for a decision, but is usually interpreted by the Zoning Administrator. There are still legal non-conforming uses, but this ordinance gives more detail as to how this is dealt with and interpreted. It corrects a few deficiencies of our ordinance. McDonell explained that the motivation for the ordinance is partly because around the state it was felt that some land owners were not being treated fairly in use of their lots. The new ordinance does require certain limitation on what can be allowed for improvements. A land owner can do repairs and/or improvements valued at no more than 50% of the assessed value. For the most part, the ordinance is in favor of the land owner. The State law does allow to rebuild if a structure is lost due to a natural disaster.

Moved by Binnie and seconded by Meyer to recommend to the City Council the changes proposed in the Zoning Ordinance specifically Sections 19.09.510, 19.09.511, 19.09.512, 19.09.513 and Chapter 19.60 regarding nonconforming uses, structures, and lots. Aye: Binnie, Meyer, Miller, Crone, Stanek, Stone. No: None. Motion approved.

Information Items:

- a. Possible future agenda items. City Planner Chris Munz-Pritchard stated that there will be at least one item on the next Plan Commission agenda. She also noted that the new website is up and running and asked Plan Commission to let her know if there is something that needs to be changed. The new agenda set up is real nice. The agenda has links in it so if you want to look at a certain document, you can click on the item you want to look at. You do not have to look through the entire packet to find your item.
- b. Plan Commission members asked to talk about the possibilities of the former Franklin Middle School Property on Summit Street.
- c. Next regular Plan Commission Meeting – April 8, 2019.

Moved by Miller and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 6:41 p.m.

Chairperson Greg Meyer