



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW  
COMMISSION  
Agenda  
Special Meeting

December 2, 2014  
City of Whitewater Municipal Building  
312 W. Whitewater St., Whitewater, WI 53190  
6:00 p.m.

1.	Call to order and Roll Call.
2.	Hold a public hearing for consideration of a conditional use permit (tavern and other places selling alcohol by the drink) for D.R.A. LLC., Daniel Rodriguez, Agent, to serve beer and liquor by the bottle or glass at 214 W. Whitewater Street (for a “Class B” Beer and Liquor License) for the Hawks Nest. (This item was postponed from the Plan Commission meeting of November 10, 2014.)
3.	Common Council call to order.
4.	Parking Study with Graef Consultant.  This will be a joint meeting agenda item with the Common Council.
5.	Adjournment.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Neighborhood Services Director, 312 W. Whitewater Street, Whitewater, WI, 53190 or [jwegner@whitewater-wi.gov](mailto:jwegner@whitewater-wi.gov).

The City of Whitewater website is: [whitewater-wi.gov](http://whitewater-wi.gov)

**M E M O R A N D U M**

To: City of Whitewater Plan and Architectural Review Commission  
 From: Christine Munz-Pritchard City Planner  
 Date: 10 November 2014  
 Re: Proposed Conditional Use Permit “Class B” Beer and Liquor License, to Serve Beer and Liquor by the Bottle or Glass at Hawks Nest at 214 W Whitewater Street for D.R.A., LLC (Daniel Rodriguez, Agent)

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<b>Summary of Request</b>		
<b>Requested Approvals:</b>	Conditional Use Permit for Class B Beer and Liquor License	
<b>Location:</b>	214 West Whitewater Street	
<b>Current Land Use:</b>	Class B Service (Bar)	
<b>Proposed Land Use:</b>	Class B Service (Bar)	
<b>Current Zoning:</b>	B-2 Central Business	
<b>Proposed Zoning:</b>	No change.	
<b>Comprehensive Plan’s Future Land Use:</b>	Central Business	
<b>Surrounding <i>Zoning</i> and Current Land Uses:</b>		
	<b>North:</b>	
	<i>B-2</i> DLK Shop	
<b>West:</b>	Subject Property	<b>East:</b>
<i>B-2</i> Parking Lot		<i>B-2</i> The Black Sheep
	<b>South:</b>	
	<i>B-2</i> Park / Open Space	

**Description of the Proposal:**

The permit runs with the owner and a change in ownership requires the issuance of a new CUP and new/transfer of the alcohol license.

**PLANNER’S RECOMMENDATIONS:**

I recommend the Plan and Architectural Review Commission grant *conditional approval* for the requested Conditional Use Permit for the expanded Class B service area subject to findings on the following page, and subject to the following conditions of approval:

1. Attached is a copy of the previous Planners Report for a CUP. I am recommending that each of the 4 recommendations for the CUP be revisited.
  - a. The Conditional use permit shall run with the business owner and not the land. Any change in ownership will first require approval of a conditional use permit amendment.
  - b. The business may open earlier than 3:00 pm (but no earlier than 6:00 am) a maximum of four times per calendar year.
  - c. Maximum occupancy shall be limited to that determined by the fire department. In addition, the establishment shall remain in compliance with all applicable fire code requirements at all times.
  - d. All signage shall comply with the City’s sign ordinance. In addition, backlit, plastic signage shall be prohibited. City staff shall review and approve all new and replacement signage prior to installation.

**SUGGESTED FINDINGS TO BE MADE BY THE PLAN COMMISSION**

Conditional Use Permits are required to be reviewed in relation to a set of standard criteria presented in the Zoning Ordinance (Section 19.66.050). See the following page for suggested findings:

<b>Analysis of Proposed Conditional Use Permit for: 214 W. Whitewater Street</b>		
<i>Conditional Use Permit Review Standards per Section 19.66.050:</i>		
STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	Class B Service (Bar). If the establishment becomes a nuisance the Conditional Use Permits can be revoked.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	No change to the site is being proposed.
3. The conditional use conforms to	Yes	All regulations are complied with.

<p>all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.</p>		
<p>4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.</p>	<p>Yes</p>	<p>The Comprehensive Plan recommends the site for downtown mixed use development.</p>
<p>5. The conditional use and structures are consistent with sound planning and zoning principles.</p>	<p>Yes</p>	<p>The project is consistent with the use and density requirements of the District and the Comprehensive Plan.</p>





# VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission  
 From: Scott Harrington, AICP, City Planning Consultant  
 Date: September 7, 2011  
 Re: Requested conditional use permit for a new owner to serve alcohol at the Hawks Nest bar at 214 W. Whitewater St.

## Summary of Request

**Requested Approvals:** The applicant, Hale Evans of Alma, WI, is requesting a conditional use permit (CUP) for the sale of beer or liquor by the bottle or glass for the Hawk's Nest bar located at 214 W. Whitewater Street. In February of 2010, a CUP was issued for this property. The ownership/management of Hawk's Nest is now proposed to change.

**Location:** 214 W. Whitewater St.

**Current Land Use:** Bar

**Proposed Use:** Bar

**Current Zoning:** B-2 Central Business

**Proposed Zoning:** (no change proposed)

**Comprehensive Plan's Future Land Use Designation:** Central Business

**Surrounding Zoning and Land Use:** North, East and West: B-2, downtown businesses. South: zoned B-2 but used as a park.

**Brief History of Project:** Although a CUP was issued to this establishment just last year, the permit runs with the owner and a change in ownership requires the issuance of a new CUP and a new/transfer of the alcohol license. On September 6, 2011, the City Council approved the alcohol license conditioned upon the prohibition of persons under the age of 21 at all times and approval of a CUP by the Plan and Architectural Review Commission.

The previous owner of the Hawks Nest proposed to serve food (see attached operational narrative from the previous CUP application), but the fire department determined the ventilation equipment was inadequate and the fryer and grill have been removed. The new owner is evaluating food options that do not require ventilation but proposes to open and operate (perhaps indefinitely) as a bar without offering food. As a result, the applicant has agreed to prohibit all persons under the age of 21 at all times. Other issues recently identified by the fire department also have been corrected.

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax  
 611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •  
 414.732.2035 Fax  
[www.vandewalle.com](http://www.vandewalle.com)

Other than offering food, the new owner proposes to operate the business similar to the previous owner in terms of offering entertainment and hours of operation. The one exception is a request to open at 6:00 am for special occasions. Otherwise, basic business hours will be 3:00 pm to 2:00 am (Sunday through Thursday) and 3:00 am (Friday and Saturday).

The previous CUP was approved with a few conditions, all of which are recommended again for this application. In addition, the prohibition on persons under the age of 21 also has been included. In terms of hours of operation, early openings for special events would be reasonable in my opinion but these should be limited to no more than four times per calendar year.

## Recommendation on Conditional Use Permit and Site Plan

Pending comments received at the public hearing, I recommend the Plan and Architectural Review Commission approve the conditional use permit for the Hawks Nest bar, subject to the following conditions:

1. The conditional use permit shall run with the business owner and not the land. Any change in ownership will first require approval of a conditional use permit amendment.
2. The business shall operate in accordance with the applicant's email correspondence. This includes the prohibition of persons under the age of 21 at all times. Further, the business may open earlier than 3:00 pm (but no earlier than 6:00 am) a maximum of four times per calendar year.
3. Maximum occupancy shall be limited to that determined by the fire department. In addition, the establishment shall remain in compliance with all applicable fire code requirements at all times.
4. All signage shall comply with the City's sign ordinance. In addition, backlit, plastic signage shall be prohibited. City staff shall review and approve of all new and replacement signage prior to installation.

## Analysis of Proposed Project

Standard	Evaluation	Comments
<b>Comprehensive Plan and Detailed Neighborhood Plan</b>		
Consistency with Comprehensive Plan's Future Land Use Map designation.	Met	Planned for downtown commercial uses.
Consistency with other applicable Comprehensive Plan policies.	Met	Ground floor bar is consistent with planned downtown character.
Consistency with any detailed neighborhood plan covering area.	Met	Project does not alter the exterior of the building, which already conforms with the Downtown Design Guidelines.
<b>Conditional Use Permit Standards (see section 19.66.050 of zoning ordinance)</b>		
The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.	Met	The applicant has corrected the fire code violations and the proposed operations should have no extraordinary impacts for a use of this type.
Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Met	No changes in the general operations or physical aspects of the building are proposed.
The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance [or through a variance].	Met	Project meets all zoning ordinance requirements applicable under the B-2 district.
The conditional use conforms to the purpose and intent of the city master [comprehensive] plan.	Met	See "Comprehensive Plan and Detailed Neighborhood Plan" section above.
The conditional use and structures are consistent with sound planning and zoning principles.	Met	Project is consistent with the purpose, character and intent of the central business future land use classification and zoning district.

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

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

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 2nd day of December 2014 at 6:00 p.m. to hold a public hearing for consideration of a Conditional Use Permit (tavern and other places selling alcohol by the drink) for D.R.A. LLC., Daniel Rodriguez, (Agent), to serve beer and liquor by the bottle or glass at 214 W. Whitewater Street (for a "Class B" Beer and Liquor License) for the Hawks Nest. (This item was postponed from the November 10th meeting).

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540.

  
Chris Munz-Pritchard, Neighborhood Services Director/City Planner

TaxKey	Owner1	Owner2	Address1	City	State	Zip
/A 29600001	CITY OF WHITEWATER 'PUMP HOUSE'		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/A267400003	CITY OF WHITEWATER 'PUMP HOUSE'		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/OT 00053	FIRST CITIZENS STATE BANK		207 W MAIN ST	WHITEWATER	WI	53190-0000
/OT 00053A	FIRST CITIZENS STATE BANK		207 W MAIN ST	WHITEWATER	WI	53190-0000
/OT 00054	FIRST CITIZENS STATE BANK		207 W MAIN ST	WHITEWATER	WI	53190-0000
/OT 00055	FIRST CITIZENS STATE BANK		207 W MAIN ST	WHITEWATER	WI	53190-0000
/OT 00055A	FIRST CITIZENS STATE BANK BUILDING CORPORATION		PO	WHITEWATER	WI	53190-0000
/OT 00062	DONALD E LIGGETT TRUST		PO BOX 223061	PRINCEVILLE	HI	96722-0000
/OT 00065	TRIPLE J PROPERTIES LLC		W335 S2539 MORRIS RD	DOUSMAN	WI	53118-0000
/OT 00067	DIANE L TRAMPE		138 CENTER ST	WHITEWATER	WI	53190-0000
/OT 00068	FIRE STATION 1 LLC		138 W CENTER ST	WHITEWATER	WI	53190-0000
/OT 00069	CHERYL A BRESNAHAN	MICHAEL J BRESNAHAN JR	117 S SECOND ST	WHITEWATER	WI	53190-0000
/OT 00071	TRIPLE J PROPERTIES LLC		W335 S2539 MORRIS RD	DOUSMAN	WI	53118-0000
/OT 00075	DLK ENTERPRISES INC		PO BOX 239	WHITEWATER	WI	53190-0000
/OT 00126	HANTROPP PROPERTIES LLC	C/O STEFFEN & ROBYN HANTROPP	158 W WHITEWATER ST	WHITEWATER	WI	53190-0000
/OT 00127	HANTROPP PROPERTIES LLC	C/O STEFFEN & ROBYN HANTROPP	158 W WHITEWATER ST	WHITEWATER	WI	53190-0000
/OT 00129	DENNIS M KNOPP		323 S JANESVILLE ST	WHITEWATER	WI	53190-0000
/OT 00131	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD	WHITEWATER	WI	53190-0000
/OT 00132	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD	WHITEWATER	WI	53190-0000
/OT 00133	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD	WHITEWATER	WI	53190-0000
/OT 00134	WAYNE A QUASS	MAUREEN C QUASS	972 W PECK ST	WHITEWATER	WI	53190-0000
/OT 00135	WILLIAM V OSBORNE II	REBECCA P ANDERSON	12648 GLACIAL CREST DR	WHITEWATER	WI	53190-0000
/OT 00136	EDWARD W HAMILTON	ROXANNE A HAMILTON	PO BOX 736	WHITEWATER	WI	53190-0000
/OT 00137	EDWARD W HAMILTON	ROXANNE HAMILTON	PO BOX 736	WHITEWATER	WI	53190-0000
/OT 00138	TRIPLE J PROPERTIES LLC		W335 S2539 MORRIS RD	DOUSMAN	WI	53118-0000
/OT 00139	TRIPLE J PROPERTIES LLC		W335 S2539 MORRIS RD	DOUSMAN	WI	53118-0000
/OT 00140	CITY OF WHITEWATER		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/OT 00141	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P. & P. RR CO.		PO BOX 239	WHITEWATER	WI	00005-3190
/OT 00141A	CITY OF WHITEWATER		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/OT 00142	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P. & P. RR CO.		PO BOX 239	WHITEWATER	WI	00005-3190
/OT 00144	XURI PROPERTIES LLC		595 W34735 JERICO DR	EAGLE	WI	00005-3119
/OT 00145	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P. & P. RR CO.		PO BOX 239	WHITEWATER	WI	00005-3190
/OT 00150	RUSSELL R WALTON		1005 W MAIN ST C	WHITEWATER	WI	53190-0000
/OT 00151	ASSOCIATED BANK CORP REAL ESTATE	LEASING-REAL ESTATE, MS8227	433 MAIN ST	GREEN BAY	WI	54301-0000
/OT 00152	CITY OF WHITEWATER		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/OT 00153	CITY OF WHITEWATER		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/OT 00154	CITY OF WHITEWATER		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/OT 00155	CITY OF WHITEWATER		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/OT 00167	COMMERCIAL BANK		200 S FREMONT ST	WHITEWATER	WI	53190-0000
/OT 00168	COMMERCIAL BANK		200 S FREMONT ST	WHITEWATER	WI	53190-0000
/OT 00169	WATERTOWN SAVINGS & LOAN	%ASSOCIATED BANK MS8227	433 MAIN ST	GREEN BAY	WI	54301-0000
/OT 00170	POSTMASTER	WHITEWATER POST OFFICE	213 W CENTER ST	WHITEWATER	WI	53190-0000
/OT 00171	KELLY LAW BUILDING LLC		205 W CENTER ST	WHITEWATER	WI	53190-0000
/OT 00172	ROBERT R ARDEL		203 W CENTER ST	WHITEWATER	WI	53190-0000
/OT 00173	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD	WHITEWATER	WI	53190-0000

/OT 00173A	JOSHUA D BILHORN	OPALA C BILHORN	282 NORTHSIDE DR	MILTON	WI	53563-0000
/OT 00173B	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD	WHITEWATER	WI	53190-0000
/TR 00008	<del>WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P.&amp; P- RR CO.</del>		PO BOX 239	WHITEWATER	WI	00005-3190
/TR 00009	<del>WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P.&amp; P- RR CO.</del>		PO BOX 239	WHITEWATER	WI	00005-3190
/TR 00010	COMMUNITY DEVELOPMENT AUTHORITY OF CITY OF WHITEWATER		402 W MAIN ST	WHITEWATER	WI	53190-0000
/TR 00012	<del>COMMUNITY DEVELOPMENT AUTHORITY OF CITY OF WHITEWATER</del>		402 W MAIN ST	WHITEWATER	WI	53190-0000
/TR 00014A	<del>CITY OF WHITEWATER</del>		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/TR 00015	<del>CITY OF WHITEWATER</del>		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/TR 00016	<del>CITY OF WHITEWATER</del>		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/TR 00017	<del>CITY OF WHITEWATER</del>		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/WUP 00319	<del>CITY OF WHITEWATER</del>		312 W WHITEWATER ST	WHITEWATER	WI	00005-3190
/WUP 00321	STATE OF WISCONSIN DEPT OF TRANSPORTATION			MADISON	WI	53702-0000
	DANIEL RODRIGUEZ		435 N. MORELAND BLVD AP	WAUKESHA	WI	53188-0000



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

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
(262) 473-0143

## CONDITIONAL USE PERMIT APPLICATION

Address of Property: 214 whitewater street

Owner's Name: Kirk Rasmussen

Applicant's Name: Daniel Rodriguez

Mailing Address: 435 north moreland Apt 1

Phone #: 773-851-1106 Email: DKod2332@yahoo.com

Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): \_\_\_\_\_

OT 00144

### Existing and Proposed Uses:

Current Use of Property: BAR

Zoning District: B2

Proposed Use: BAR

**NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.**

### Conditions

*The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.*

## APPLICATION REQUIREMENTS

### **THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:**

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

**\*\*Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

**STANDARDS FOR REVIEW AND APPROVAL**

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	NO
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Existing
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	Yes
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	Yes

\*\*Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature: Daniel Rodriguez

Date: 10-9-14

Printed: Daniel Rodriguez

**TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT**

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. **\$100.00 fee** filed on 10-13-14. Received by: JW Receipt #: 6.011514  
*pd. 10-15-14*
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on October 30, 2014 *Nov. 20, 2014*
- 3) Notices of the Public Hearing mailed to property owners on 10-28-14. *11-24-14*
- 4) Plan Commission holds the PUBLIC HEARING on 11-10-14 *12-2-14*. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

**ACTION TAKEN:**

Condition Use Permit: Granted \_\_\_\_\_ Not Granted \_\_\_\_\_ By the Plan and Architectural Review Commission

**CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:**

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\_\_\_\_\_  
Signature of Plan Commission Chairperson

\_\_\_\_\_  
Date

## **Tips for Minimizing Your Development Review Costs: A Guide for Applicants**

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals to understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

### **Meet with Neighborhoods Services Department before submitting an application**

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Manager / City Planner. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

### **Submit a complete and thorough application**

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

### **For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans**

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

## **For simpler projects, submit thorough, legible, and accurate plans**

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and consultants still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

## **Submit your application well in advance of the Plan and Architectural Review Commission meeting**

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's consultant staff and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

## **For more complex projects, submit your project for conceptual review**

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Manager/ City Planner to review and more thoroughly discuss your proposal; and/or

3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

## **Hold a neighborhood meeting for larger and potentially more controversial Projects**

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

## **Typical City Planning Consultant Development Review Costs**

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

7

Type of Development Review Being Requested	Planning Consultant Review Cost Range
<b>Minor Site/Building Plan</b> (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
<b>Major Site/Building Plan</b> (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
<b>Conditional Use Permit with no Site Plan Review</b> (e.g., home occupation, sale of liquor request, substitution of use in existing building)	Up to \$600
<b>Rezoning</b>	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
<b>Land Division</b>	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
<b>Annexation</b>	\$200 to \$400

\*\*Note: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

# Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

## Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Name of Applicant: Daniel Rodriguez

Applicant's Mailing Address: 435 W Morland Blvd Apt 1  
Waukesha WI 53188

Applicant's Phone Number: 773-851-1106

Applicant's Email Address: DROD2332@Yahoo.com

Project Information:

Name/Description of Development: Hawk's nest

Address of Development Site: 214 White Water St

Tax Key Number(s) of Site: \_\_\_\_\_

Property Owner Information (if different from applicant):

Name of Property Owner: Kirk Rasmussen

Property Owner's Mailing Address: 202 White Water St  
\_\_\_\_\_

**Section B: Applicant/Property Owner Cost Obligations**

————— To be filled out by the Neighborhood Services Department —————

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

A. Application Fee.....\$ \_\_\_\_\_

B. Expected Planning Consultant Review Cost .....\$ \_\_\_\_\_

C. Total Cost Expected of Applicant (A+B) .....\$ \_\_\_\_\_

D. 25% of Total Cost, Due at Time of Application.....\$ \_\_\_\_\_

E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

**Section C: Agreement Execution**

————— To be filled out by the Applicant and Property Owner —————

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

Daniel Rodriguez  
Signature of Applicant/Petitioner

Daniel Rodriguez  
Printed Name of Applicant/Petitioner

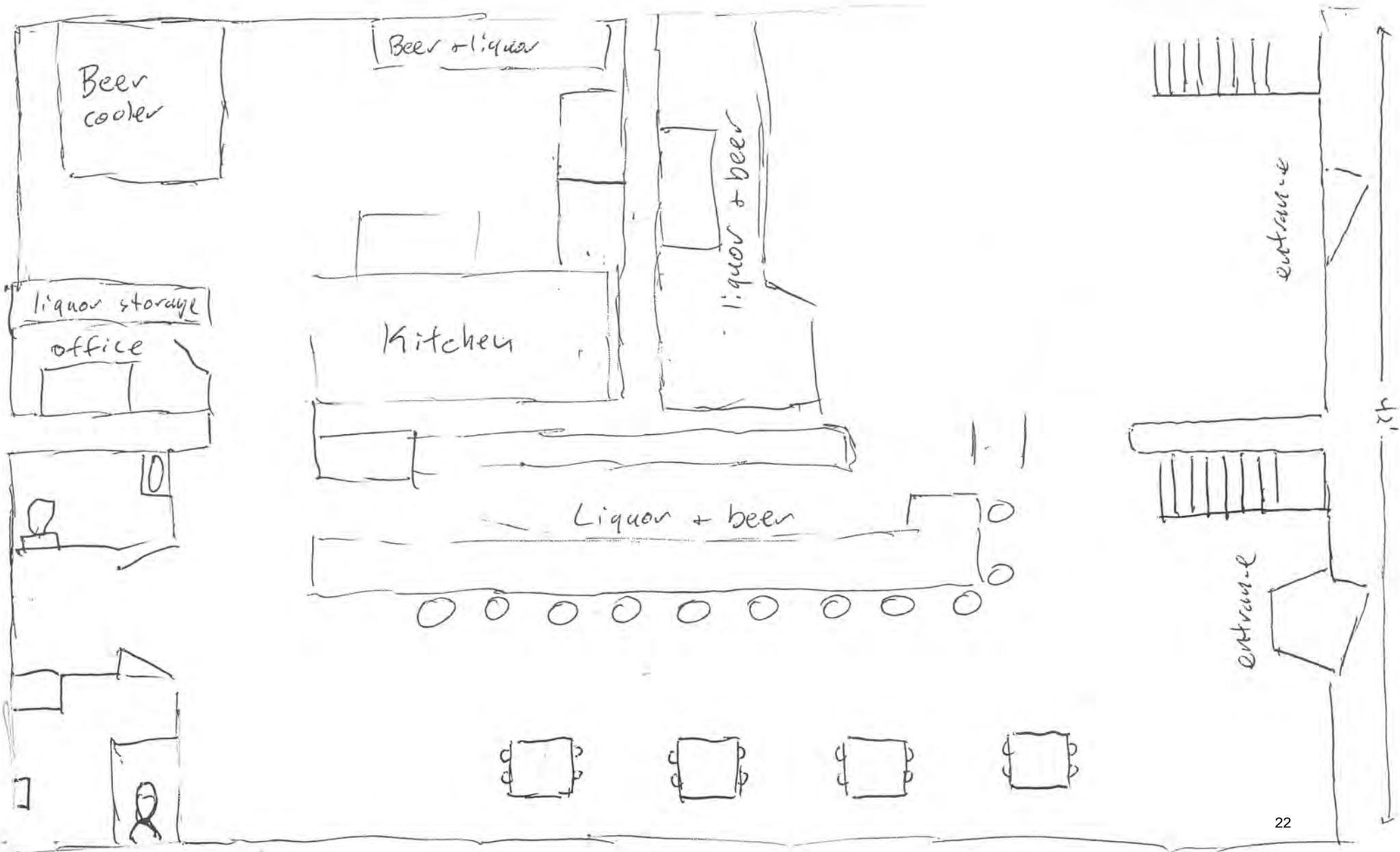
10-9-14  
Date of Signature

Kirk Rasmussen  
Signature of Property Owner (if different)

KIRK RASMUSSEN  
Printed Name of Property Owner (if different)

10-12-14  
Date of Signature

# Hawks Nest





collaborāte / formulāte / innovāte

## MEMORANDUM

**TO:** City of Whitewater, Chris Munz-Pritchard and Cameron Clapper  
**FROM:** Larry Witzling and Tanya Fonseca  
**DATE:** November 25, 2014  
**SUBJECT:** Whitewater Parking Considerations

### Introduction

After careful consideration of parking challenges in Whitewater, recommendations have been formed to maintain the economic value of housing for homeowners and investors and minimize the nuisance value of the negative aspects of surface parking in Whitewater.

### A number of major parking issues are addressed through these considerations:

- » Parking minimum/maximums
- » Appearance
- » Compliance
- » Overlay parking district pilot
- » Relation to stormwater
- » Neighborhood value/market

### A. Parking feedback:

#### Feedback from:

- » City Common Council members
- » Community Development Authority Official
- » Former Whitewater Zoning Administrator
- » Planning and Architectural Review Commission members
- » Whitewater community members – from Starin Park and Boone Court neighborhoods
- » Whitewater landlords

#### Takeaways:

- » Enforcement is selective and not city-wide.
- » Parking areas are unattractive – gravel creep, parking on the grass, insufficient landscaping, buffers and screening needed, too much parking, etc.
- » There are significant flooding issues in Boone Court and south of this area.
- » Site plans are not consistently required or strong enough to use for enforcement.
- » More CSOs and NSOs are needed for a satisfactory level of enforcement.
- » New street parking might bring back nuisances.

**B. Updated Zoning Code Sections (*copies of the City of Whitewater Zoning Code will be provided for full review at December 2<sup>nd</sup> joint meeting:*)**

19.09.191	Driveway. (definition)
19.09.460	Lot coverage, maximum. (definition)
19.09.540	Parking space or parking stall. (definition)
19.15	R-1 One-Family Residence District
19.16	R-1X "R-1X District"
19.18	R-2 One- and Two-Family Residence District.
19.19	R-2A Residential Occupancy Overlay District.
19.21	R-3 Multifamily Residence District.
19.22	R-3A University Residential Density Overlay District.
19.24	R-3 Mobile Home District
19.28	B-1A University Mixed-Use Neighborhood Overlay District.
19.31	B-2A Downtown Housing Overlay District.
19.51.130	Number of parking stalls—General requirements.
19.63.020	Plan review—Application requirements.
19.75.020	Zoning administrator—Office created—Powers and duties generally.

**C. Changes to Physical Parking Areas (zoning change):**

**Driveways must be hard surfaced (asphalt, concrete) and compliant with the City of Whitewater requirements for R-2, R-2A, R-3, R-3A, B-1A, and B-2A at time of:**

- » Approval of new construction;
- » Approval of driveway construction or extension permit;
- » Approval of exterior building permits;
- » Approval of conditional use permit for R-2A, R-3A, B-1A and B-2A;
- » Change in ownership (consider general code compliance, with a capped dollar amount);
- » Systematic inspection and requirement of surfacing upgrade with maintenance and upkeep issues; and
- » Compliance (city-wide) will be required by 2025 or 2035.

**D. Changes to Code Enforcement and Inspection (zoning change):**

**Strengthen the language:**

- » For the ordinance that regulates the number of wheels parked on grass to streamline enforcement (current ordinance stipulates all four wheels at this time).

**Require site plans for effective and efficient enforcement:**

- » Existing issues with driveways being too close to lot lines (gravel creep but also asphalt/concrete at times);
- » Commitments made in review without being written and drawn on a site plan that includes buffers, landscaping, parking areas, etc.;
- » Enforcement needs consistent for landscaping, buffering, prevention of light and noise pollution, hard surfacing, striping, and numbering for parking stalls on off street parking for properties with three or more unrelated residents; and
- » Concerns that enforcement is selective, in particular for investor-owned properties.

**E. On-street parking pilot (non-zoning change):**

- » Reduce impervious pavement to the area given the increasing stormwater issues.
- » Utilize City permits for overnight alternate side parking.
- » Provide low cost or free permits for residents, based on monthly, quarterly, 9-month or 12-month permits.
  - » Permits could hang on vehicle sun visors, hang on rear view mirrors, or stick to rear windows, etc.
- » Consider including a sunset clause in the pilot so action is required to continue the parking pilot.
- » Consideration should be given to using fees from permits and tickets towards neighborhood benefits (in addition to the administration and enforcement of such a district), such as upgrades to neighborhood infrastructure or community grants for residents.

**F. Additional Considerations:**

**Increase enforcement:**

- » Hire more CSOs and/or NSOs that are neighborhood focused.

**Require residential and commercial property code compliance and inspections at time of ownership change:**

- » Before property changes hands, require sellers to bring properties up to code up to a specified dollar amount.

**Partner with University of Wisconsin-Whitewater:**

- » UW-Whitewater should help create strategies to increase student parking on-campus, including when students do not live on-campus but may want to park their cars on UW-Whitewater lots overnight or for longer periods of time.
- » Consider utilizing the vacant block at Conger/Whiton/Highland/ Summit as a parking lot for UW-Whitewater students living in the new R-3A overlay area for free or for a limited charge.
- » Consider a shuttle service, free of charge for current students, and/or a door-to-door shuttle during evening hours.

**Transition parking on Harmony Lane and Harmony Drive from private to public parking permits:**

- » Property owners on Harmony Lane and Drive currently require that tenants purchase parking permits from their rental companies for parking that is within the City's public right of ways.
- » Transition private parking permits to City of Whitewater permits and prices should be maintained for consistency. The City can utilize parking permit funds and parking fines to increase enforcement.

**Reconsider rules for parking on roads without curb and gutter:**

- » Limit road shoulder parking, where cars are parked halfway on grass and in the driving lanes. This is a safety issue and should be addressed and enforced.

**Undertake a watershed or neighborhood stormwater studies:**

- » A watershed stormwater study or neighborhood stormwater studies are needed for areas with increasing density and known stormwater issues, in addition to neighborhoods with a significant number of large developments and driveway extensions with anticipated stormwater issues.
  - » Consider limiting off-street parking areas and increasing on-street parking when appropriate.
  - » Consider limiting driveway extensions and off-street parking in areas with stormwater issues.
  - » Consider incentivizing or requiring stormwater best management practices for addressing and preventing stormwater issues in areas with flooding and back up issues.

**Develop stormwater mitigation requirements:**

- » Require mitigation for properties with over 40% of impervious surface.
- » Develop a point system that is straightforward to implement and enforce.

**Prohibit parking on sidewalks:**

- » There are concerns that cars too frequently park over the sidewalks within their driveways. This needs to be prohibited, or if it already is, regularly enforced.

**Encourage shared private parking lots downtown whenever possible:**

- » Although downtown parking has not been the focus of this study, stakeholders expressed parking downtown as an issue. Shared private parking lots might be a consideration for downtown businesses.

**Streamline municipal parking lot rules:**

- » There are concerns that the varied parking rules are confusing and difficult to enforce with varied time limits, e.g. 4, 8, and 12 hours.

**Utilize City of Whitewater parking lot for Cravath Lakefront Park special event parking:**

- » The two adjacent municipal lots are often filled with downtown parkers and/or many events last longer than the 4 hour parking. Consider allowing guests of the rentals to park in the City lot on the weekends when City Hall business is limited.