

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
January 19, 2009

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

PRESENT: Kienbaum, Torres, Dalee, Stone, Comfort, Coburn. ABSENT: Zaballos.
OTHERS: Wallace McDonell/City Attorney, Bruce Parker/Zoning Administrator, Wegner.

The City Council adopted an ordinance requiring that each Board or Commission member take an Oath of Office. The Oath of Office was administered at the beginning of the meeting for the Plan Commission members that were present.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no concerns at this time.

MINUTES. Moved by Comfort and Coburn to approve the minutes of November 17, 2008 and the minutes of December 15, 2009. Motion approved by unanimous roll call vote.

REPORTS:

- a. Report from Community Development Authority Representative. Tom Miller reported that the CDA discussed the Technology Park and is getting plans ready to go. Jeff Knight has become a new Board Member. The CDA is working with Strand Associates for the engineering work that has to be done.
- b. Report from Tree Commission Representative. David Stone reported there has been no meeting.
- c. Report from Park and Recreation Board Representative. David Stone reported that "Freeze Fest" is February 21st. Kiwanis will have their Pancake Breakfast at the Downtown Armory. The Optimist Club is having a Kids Fishing Derby at Trippe Lane. Special Olympics and UW-Whitewater are in charge of the Polar Plunge at Cravath Lakefront Park. The Tourism Council is providing Horse Drawn Wagon Rides. The Whitewater Historical Society will have the Train Depot Museum and the Stone Stable open that day. There will be a Chili Cook-Off at the Cravath Lakefront Park; and there will be a Snow Dogs Presentation at the Irvin L. Young Memorial Library.
- d. Report from City Council Representative. Marilyn Kienbaum reported that the City Council meets tomorrow night and will be reviewing the zoning ordinance changes for Lindsey Court; an ordinance concerning handicap parking limitations; and the ordinance for allowing up to 5 vehicles in side and front yards of properties in the R-3 Zoning District.
- e. Report from the Downtown Whitewater Inc. Board Representative. Dave Saalsaa presented information for Downtown Whitewater Inc. They have finalized their Façade Grant Applications and Instructions. City Hall now has copies available. They received a façade grant

application from Bob Sweet for the Landmark Hotel for awnings. In the spring, the “Tokyo” building will be cleaned up and painted, and new windows in certain areas. Downtown Whitewater is working on their promotional brochure; State plans; and nominations for the State Awards.

f. Report from staff. Zoning Administrator Bruce Parker explained that the City has met with the Town of Whitewater on the South Neighborhood Plan. They are reviewing their plans with the City plan and are in about 90% agreement so far. They will be making some minor changes. The proposed South Neighborhood Plan information is planned to be provided to the Plan Commission members a month prior to holding the public hearing which is planned for the March Plan Commission meeting, March 16, 2009.

g. Report from chair. No report.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR THE TRANSFER OF A CLASS B BEER AND LIQUOR LICENSE FOR GAC ENTERPRISES INC. (GREGORY A. CONDOS), TO SERVE BEER AND LIQUOR BY THE BOTTLE OR GLASS AT 158 AND 162 W. WHITEWATER STREET (MITCHELL’S AND PUMPING STATION. Vice-Chairperson Torres opened the public hearing for consideration of a conditional use permit application for the transfer of a class B Beer and Liquor License for GAC Enterprises Inc. (Gregory A. Condos), to serve beer and liquor by the bottle or glass at 158 and 162 W. Whitewater Street (Mitchell’s and Pumping Station).

Zoning Administrator Bruce Parker explained that this is a transfer of the license from the previous owner of the business to GAC Enterprises Inc. (Gregory A. Condos). There have been major improvements done to get the businesses up and running. The license will be for Mitchell’s and The Pumping Station, including the outdoor patio. In their report, the City Planner recommended the Plan Commission approve the conditional use permit for Mitchell’s and The Pumping Station, located at 158 and 162 W. Whitewater Street, to allow the sale of alcohol by the bottle or drink, and further to recommend Council issuance of a Class B Liquor License, 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. Any future signage installed on either property 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.
3. The operations of the outdoor patio area shared by these bars shall be limited as follows:
 - a. There shall be no amplified music played on or directed to the outdoor patio area.
 - b. The outdoor patio area shall close by 12:00 a.m. and shall not open until 10:00 a.m.
 - c. No glass containers shall be allowed in the outdoor patio area.
 - d. During all hours it is open, the patio area shall be controlled with at least one security personnel at each door and with security cameras.
 - e. At the close of business each day, the property owner shall clean the patio, sidewalks, terrace areas, and alley of all debris.
 - f. All public access to the patio shall be through both buildings.

Zoning Administrator Bruce Parker stated that the City recommends to approve the conditional use with the conditions and to make the recommendation to the City Council.

Vice Chairperson Torres closed the public hearing.

Gregory Condos questioned the requirement of condition 3d (security cameras). He had no plans to use the patio area.

The Board questioned whether or not to drop that condition, but decided it would be best to keep it so it would be there if Gregory Condos ever decided to use the patio.

Moved by Miller and Comfort to approve the conditional use permit for the transfer of a Class B Beer and Liquor License for GAC Enterprises Inc. (Gregory A. Condos), to serve beer and liquor by the bottle or glass at 158 and 162 W. Whitewater Street (Mitchell's and The Pumping Station), with the conditions of the City Planner; and make recommendation to the City Council for approval. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR A CLASS B BEER AND LIQUOR LICENSE FOR LLP, LLC (THE SWEETSPOT COFFEE SHOP, LACY REICHWALD), TO SERVE BEER AND LIQUOR BY THE BOTTLE OR GLASS AT 226 W. WHITEWATER STREET. Vice-Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a Class B Beer and Liquor License for LLP, LLC (The SweetSpot Coffee Shop, Lacy Reichwald), to serve beer and liquor by the bottle or glass at 226 W. Whitewater Street.

Zoning Administrator Bruce Parker explained the business will be the same; the conditions for the business will remain the same, same hours of operation. The only change is the ownership change. In their report, the City Planner recommended the Plan Commission approve the conditional use permit for the Sweet Spot Coffee Shop, located at 226 W. Whitewater Street, to allow the sale of alcohol by the bottle or drink, and further to recommend Council issuance of a Class B Liquor License, subject to the following conditions:

1. For the conditional use permit to remain valid, the business shall continue to be operated in general accordance with the current business model (coffee shop), except as changes or additions are required as part of the liquor license process.
2. The conditional use permit shall run with the business owner and not the land. Any change in business ownership will first require approval of a conditional use permit amendment.
3. The business shall be open no later than 10 p.m. and no earlier than 6 a.m.

Zoning Administrator Bruce Parker also explained that the City Council approved their previous license to allow the patio/deck area. So the patio/deck area would also be included in this approval.

The Board voiced concerns of the time being late enough for the business; having glass bottles or glasses on the deck area; the size of the deck area; the porch area allows for four people, it is just a porch.

Lacey Reichwald, owner, explained that they do have catered parties and 10:00 p.m. is a good time to close business. It is a family type place. They serve a drink with food. They use porcelain cups. They have two tables on the porch that seat two persons each. They do not want anyone to walk away with the drinks, so they like to serve in glass. The patrons are very

good at bringing their dishes inside when they are finished, but they keep really close track and will clean up as soon as possible. The dishes are very expensive.

Vice Chairperson Torres closed the public hearing.

Moved by Miller and Kienbaum to approve the conditional use permit for a Class B Beer and Liquor License for LLP, LLC (The SweetSpot Coffee Shop, Lacy Reichwald) to serve beer and liquor by the bottle or glass at 226 W. Whitewater Street with the three conditions of the City Planner. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CHANGE IN THE DISTRICT ZONING MAP FOR THE FOLLOWING AREA TO REZONE FROM R-1 (ONE FAMILY RESIDENCE) ZONING DISTRICT TO R-3 (MULTI-FAMILY RESIDENCE) ZONING DISTRICT, UNDER CHAPTER 19.21 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER:

The following parcels, located along Lindsey Court are requested to change to R-3: Tax Parcel Numbers /BH 00005, /BH 00006, /BH 00007, /BH 00008, /BH 00010, and /BH 00012 City of Whitewater, Walworth County, Wisconsin. Vice-Chairperson Torres opened the public hearing for consideration of a change in the District Zoning Map for the following area to rezone from R-1 (One Family Residence) Zoning District to R-3 (Multi-Family Residence) Zoning District, under Chapter 19.21 of the Zoning Ordinance of the City of Whitewater:

The following parcels, located along Lindsey Court are requested to change to R-3: Tax Parcel Numbers /BH 00005, /BH 00006, /BH 00007, /BH 00008, /BH 00010, and /BH 00012 City of Whitewater, Walworth County, Wisconsin.

Zoning Administrator Bruce Parker explained that the Lindsey Court area is located South of Florence Street between Tratt and Prince Streets. Last year at the start of the Tratt Street proposal for rezoning, there were a majority of property owners on Lindsey Court who did not want to be a part of that petition, so they were not included. Toward the end of that rezoning process, they changed their minds and also wanted to be rezoned to R-3 to be consistent with the properties around them. At that time it was too late to be included on the original petition. So they submitted their own petition which includes all the remaining properties on Lindsey Court. In their report, the City Planners recommended that the Plan Commission recommend Common Council approval of the proposal to rezone all 6 parcels included in the application and located along Lindsey Court from R-1 One-Family Residential to R-3 Multi-Family Residential.

Attorney Mitch Simon, representing the applicant and petitioners, explained that the property owners unanimously agreed in requesting the change in zoning from R-1 to R-3. This change is consistent with the Central Area Plan and Master Plan components.

The Board voiced that: it was nice to see the signatures of the residents in their agreement of this process; when the Tratt Street Corridor was first put together, there were several property owners not in favor.

Attorney Mitch Simon explained that there were three out of five not in favor of the original rezone. Once they found out that the change would afford them the latitude of the R-3 (Multi-family Residential) Zoning District, all parties joined in the petition. Harrison is the lead applicant, so there is not a separate signed petitioner sheet for them.

Vice Chairperson Torres closed the public hearing.

Moved by Kienbaum and Comfort to recommend to the City Council to approve the change in the District Zoning Map for the following area to be rezoned from R-1 (One Family Residence) Zoning District to R-3 (Multi-family Residence) Zoning District, under Chapter 19.21 of the Zoning Ordinance of the City of Whitewater which includes the following parcels, located along Lindsey Court, tax parcel numbers /BH 00005, /BH 00006, /BH 00007, /BH 00008, /BH 00010, and /BH 00012 City of Whitewater, Walworth County, Wisconsin.
Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR THE CONVERSION OF A SINGLE FAMILY RESIDENCE INTO A DUPLEX AND INSTALL A NEW PARKING AREA IN THE REAR YARD AT 202 N TRATT STREET FOR DLK 202 NORTH TRATT, LLC. Vice-Chairperson Torres opened the public hearing for consideration of a conditional use permit application for the conversion of a single family residence into a duplex and install a new parking area in the rear yard at 202 N. Tratt Street for DLK 202 North Tratt, LLC.

Zoning Administrator Bruce Parker explained that this property is located at the corner of W. Florence Street and N. Tratt Street. All the parking in the front yard will be removed. There will be a private sidewalk to the front, side, and to the back of the building. There will be minor elevation changes to the front of the building and new landscaping will be installed. The access to the parking in the back yard of the property will be off of Florence Street through the Indian Village parking area. The R-3 (Multi-family Residence) Zoning District allows for the conversion of residential structures. A conversion requires a conditional use process.

The City Planners prepared an initial report which was given to the applicant. The changes were complied with and revised plans were submitted.

In the City Planners final report, they recommended approval of the conditional use permit to convert the single-family home located at 202 N. Tratt Street to a duplex, subject to the following conditions:

1. The applicant shall make building and site renovations in accordance with the plans included in his January 2008 submittal and approved by the Plan Commission on 1/19/09, including the Site and Landscaping Plan (sheet C101) dated 1/8/09, the First Floor Plan (sheet A101) dated 1/8/09, the Second Floor Plan (sheet A102) dated 1/8/09, and the north, west, east, and south building elevations (sheet A401) dated 1/8/09.

2. Following completion of the rear yard parking lot, there shall be no vehicular parking in the front or side yard areas, and all spaces formerly used for parking in the front yard area shall be clearly converted to either landscaped or walkway areas.

3. Prior to the issuance of a building permit, the applicant shall provide evidence of a recorded cross-access agreement between the Indian Village Complex and this property in order to provide legal access to the rear parking lot in perpetuity, and an appropriate agreement to assure perpetual use of the stormwater basin on that property.

4. Prior to the issuance of a building permit, the applicant shall pay a park improvement fee and a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the one additional housing unit being added to the historic condition.

5. In the event that not all site and landscape improvements are completed before occupancy of this building as a two-family residence, the applicant shall provide the City with a site improvement deposit in the amount of \$200

Attorney Mitch Simon stated for the record that he wanted the standards for the conditional use to be met and asked if there were any questions on what was submitted. They had faxed to Vandewalle and Associates and presented a copy to the City of the access agreement and the stormwater drainage easement. They combined with Indian Village for the storm sewer on the Indian Village Parcel. Attorney Simon assumes the terms are appropriate, but if the City Planner Mark Roffers has any technical suggestions, they would change the document before it was recorded.

The Board asked about the dumpster being so far away from the residence; and why only one handicap stall. Plan Commission Member Stone appreciated the scale drawings that were easy to read.

Attorney Simon stated that a duplex is not required to have a dumpster. They could have two toters per unit. The dumpster eliminates the visual of having the toters near the house or at the curb. The dumpster is adjacent to the back of the lot, centrally located and not visible from the street. It is approximately 150 feet from the building. Attorney Simon addressed the question of only one handicap stall. They have proposed 14 stalls. Only 8 stalls are required for the duplex. A duplex is not required to have a handicap stall, but they wanted to allow a wider spot to get in and out of the lower unit. He also explained that it may be possible in the near future that the property to the north will request some improvements which would require a cross link from this parking area to the property to the north which might cause the number of spaces for this parking lot to be reduced to 12 spaces.

Vice Chairperson Torres closed the public hearing.

Zoning Administrator Bruce Parker explained that the dumpster was located back off of Florence Street on the Indian Village property next to the proposed driveway for 202 N. Tratt Street. It is screened. He stated it was esthetically easier with a dumpster.

Moved by Kienbaum and Coburn to approve the conditional use permit for the conversion of a single family residence into a duplex and install a new parking area in the rear yard at 202 N. Tratt Street for DLK 202 North Tratt, LLC. with the conditions of the City Planner. Motion approved by unanimous roll call vote.

INFORMATION:

a. Possible future agenda items. The discussion for potential Neighborhood Preservation Approaches is planned for the March 16, 2009 Plan Commission meeting. It would be a joint meeting with the City Council.

b. Next Plan Commission meeting. The next regularly scheduled Plan Commission meeting will be March 16, 2009. (Monday, February 19, 2009 is President's Day and City Offices are closed.)

Moved by Miller and Kienbaum to adjourn at approximately 6:44 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner
Secretary