

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater, WI 53190  
September 12, 2011

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

**Call to order and roll call.**

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00PM.

Present: Torres, Binnie, Coburn, Dalee, Meyer, Henry (alternate)

Absent: Miller

Vacant Seat: Knedler

Others: Wallace McDonell (City Attorney), Mary Nimm (Interim Manager, Neighborhood Services), Scott Harrington (Vandewalle – City Planning)

**Hearing of Citizen Comments**

No formal Plan Commission action will be taken during this meeting ON CITIZEN COMMENTS 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 citizen comments.

**Approval of the minutes of August 8, 2011**

Moved by Binnie and seconded by Coburn to approve the Plan Commission minutes of August 8, 2011. Motion approved by unanimous voice vote.

**Hold a public hearing for consideration of an amendment to the conditional use to allow for additions of a screen porch, three season room or an awning to be installed over the existing patios at the Village of Tripp (a/k/a Trippe) Lake Condos at 400 S. Rice Street for the Village of Tripp Lake Condo Association.**

Interim Manager Nimm explained that the Village of Tripp Lake Condo Association is requesting the change of their Conditional Use allow for a screen porch, three season room or awning over the existing 10x16 patio at the Village of Tripp Lake Condos. The conditional use approval will allow for any of the condo owners to apply for a permit to install one of the three per City Planning department approval.

There were no comments from the public regarding the requested change to the Conditional Use. Chairperson Torres closed the Public Hearing.

In a memo to the Commission, City Planning Consultant Mark Roffers made his recommendation, pending comments received at the Public Hearing, to approve both the conditional use permit and site plan submittal for the screen room, three-season porch, and retractable awning options for any unit within the Tripp Lake Condominium development, subject to the following conditions:

1. The options shall be as approved by the Plan and Architectural Review Commission on September 12, 2011. The three-season room and screen room options are substantially similar in appearance.
2. Subsequent installation of either of the three options on any of the condominium units shall require approval of the condominium association, if required by condominium documents, and a building permit, if required by the City Building Code.
3. All previous conditions of conditional use permit approval for the Tripp Lake Condominium “planned residential development” shall remain in effect.

Meyer questioned the measurements and dimensions of the screened porch height noting the need to create more of a pitch to prevent snow load issues.

Coburn questioned drainage.

McDonnell noted that change in the Conditional Use would give the Condo Association general approvals to allow each owner to apply for permits with staff review of each permit application.

Coburn commented that the additions to the condos will improve the living quality.

Harrington noted that each of the condos will typically deal with individual permits. Review of the applications will include structural components including snow load. He also noted that the back of the screen room unit is located under the existing eave with slope to front. Lastly he noted that there is room to drop the pitch as needed without impacting the end product.

Binnie moved approval subject to the conditions presented by Roffers. Dalee seconded. Motion approved by unanimous roll-call vote.

**Hold a public hearing for the consideration of a conditional use permit for E G Business Group Inc., Hale Evans, agent, to serve beer and liquor by the bottle or glass at 214 W. Whitewater Street.**

Interim Manager Nimm explained that Hale Evans would like a Class B Beer and Liquor license to serve Beer and Liquor by the glass at 214 W Whitewater Street (Hawk’s Nest). The property is zoned B-2 with no changes to zoning and currently is used as a bar. No food shall be served and no person under the age of 21 shall be allowed to enter.

There were no comments from the public regarding the requested change to the Conditional Use. Chairperson Torres closed the Public Hearing.

In a memo to the Commission, City Planning Consultant Scott Harrington made his recommendation, pending comments received at the Public Hearing, to recommend that the Plan and Architectural Review Commission approve the conditional use permit for the Hawk’s 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.

Coburn questioned the hours, asked for an explanation as to when and why Mr. Evans wished to be open at 6am and noted the Planning Consultant's recommendations be that 6am opening be permitted for no more than 4 times per calendar year.

Clint Evans introduced himself as managing Hawk's Nest and stated that he would like the hours of 6am to 2am hours for special occasions and to open early on Saturday's and Sunday's for football games. Evans also noted the desire to open at 6am for the occasions of St Patrick's Day and Homecoming and that he wouldn't be open at 6am for more than 4 occasions.

Henry questioned why open early and what hours on Sundays.

Evans requested that they be able to open at 10am or 11am for football on weekends, both Saturday and Sunday.

Binnie noted that the current license allows the business to open at 3pm and the Commission will have to consider other hours.

McDonell informed the Commission that it is important to keep in mind that there is a difference between 'open and close hours' and the service of alcohol hours which are governed by the state. He noted that the Commission can regulate general hours of operation.

Harrington noted that the hours of operation is narrative the previous owner provided for the same establishment and they listed hours of operation were roughly 3pm-2am. Harrington forwarded that narrative to the new owners. They responded with requesting the opening time at 6am (relative to St Patrick's Day).

Evans restated that the request is to be open Sa-Su at 10am and M-F at 3pm-2am/2:30am

Binnie stated that he not in favor of opening at 6am for more than the one day, St Patrick's Day.

Binnie moved approval with the recommendations of Planning Consultant except recommendation #2 be changed to indicate not opening earlier than 3pm Monday thru Friday, no earlier than 10am Saturday and Sunday, and opening on St Patrick's day no earlier than 6am. Coburn seconded.

Motion approved by unanimous roll-call vote.

**Hold a public hearing for consideration of a conditional use permit and plan approval for Fine Food Culture LLC., Tyler Sailsbery, member, to serve beer by the bottle or glass at 206/210 W. Whitewater Street (The Black Sheep restaurant).**

Interim Manager Nimm explained that she was approached by and has been working with Tyler Sailsbery for more than a month. Mr. Sailsbery would like to serve beer and wine by the glass at 206/210 W Whitewater Street, the Black Sheep Restaurant. Tyler Sailsbery, owner, wishes to bring fresh, local, fine dining to Whitewater. Property is zoned B-2 and proposes no zoning changes to the vacant space.

There were no comments from the public regarding the requested change to the Conditional Use. Chairperson Torres closed the Public Hearing.

In a memo to the Commission, City Planning Consultant Scott Harrington made these comments and recommendations regarding the request, pending comments received at the Public Hearing, to recommend the Plan and Architectural Review Commission approve the conditional use permit for the Black Sheep restaurant, 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 letter/operational plans included with his application, except for the proposed after-hours breakfast from midnight to 4:00 am. As an alternative, the establishment may open daily at 6:00 am for breakfast.
3. Maximum occupancy shall be as determined by the fire department and building inspector.
4. Future signage shall be consistent with that shown/described in the application materials and 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.

Tyler Sailsbery introduced his intentions to bring good food to Whitewater. He wishes to bring local and fresh foods and offer the fine dining option. His desire to be open extended hours is to make sure the business is financially viable. Sailsbery stated that he has been operating out of the Fuzzy Pig as a method of testing his menu and business systems. He noted that he would like to apply for the sidewalk café permit and to handle potential litter concerns he previously purchased disposal containers for the building for the exterior.

Coburn questioned the menu options as well as questioned what menu options there would be for lunch and breakfast.

Sailsbery stated he will continue with a similar menu to what he's currently serving, but will try to adapt the lunch menu. He wishes to keep fine dining and noted it will be hard to serve

breakfast during standard breakfast hours under the fine dining notion. He wants to perhaps offer food at bar-time, a traditional breakfast food in the early morning hours.

Binnie stated that the applicant needs to deal with the concerns of the early morning hours and that he has minimal concern over litter and noise and that the Commission has allowed others to serve during those hours.

Coburn questioned the sign as illustrated in the application and stated that she would like to see a nicer sign.

Sailsbery stated that he likes the logo and his goal with the quality of the sign is to represent the interior and quality of the building and business.

Henry stated that she likes the initiative, is not in favor of the late night crowd, but that she recognizes the additional income potential.

Binnie motioned to approve the Conditional Use Permit with recommendations of the planner (Harrington) of except that #2 shall read “including” the afterhours breakfast but with the understanding that the approval of the afterhours breakfast could be revisited if there are issues with noise and litter.” Meyer seconded.

Motion approved by unanimous roll-call vote.

**Review and action on the proposed minor change to the previously approved Mulberry Glen Planned Community Development project to allow new signage for the Dean Clinic at 1305 W. Main Street for Graphic House Inc.**

Interim Manager Nimm explained the request is a minor change to the previously approved sign plans associated with Mulberry Glen Planned Community Development. The Dean Clinic is requesting to replace the existing monument sign and window sign to reflect the current business practice. The property is zoned as PCD and there are no proposed changes to the zoning. Neighbors to the Development are Sentry Foods and the Westsider gas station.

In a memo to the Planning Commission, City Planning consultant Mark Roffers recommended the Plan and Architectural Review Commission approve the proposed minor change to the previously approved Mulberry Glen PCD-SIP for the clinic at 1305 West Main Street, subject to the following conditions:

1. The signage shall be in accordance with the sign plan dated 6-23-11.
2. The applicant shall obtain a sign permit prior to construction of the new monument sign.
3. Aside from existing and proposed window signs, there shall be no signs mounted to the building.
4. Existing vegetation around the base of the monument sign shall either be maintained “as-is” or replaced if damaged during sign installation.

5. Internal sign lighting shall meet the City's exterior lighting standards within Section 19.57 of the zoning ordinance.
6. All 2002 conditions associated with the clinic's PCD-SIP plan approval shall remain in effect.

Coburn noted that the Development may have to take/shear the bushes down considerably to see the address as shown at the bottom of the sign.

Binnie motioned to approve the request to replace existing monument sign and window sign to reflect the current business practice, the Dean Clinic, at the Mulberry Glen Planned Community Development. Henry seconded.

Motion approved by unanimous roll-call vote.

**Review and action on the proposed two lot extra-territorial jurisdiction certified survey map for Mary Ellen Pope Revocable Trust, located in Section 12 along N. County Line Road in the Town of Lima.**

Interim Manager Nimm explained that at the August meeting, the Commission approved a CSM for the Mary Ellen Pope Property along County Line Road. Tonight's request brings the net change as required by the County that a 15-acre remnant parcel east of County Line Road under the same ownership be included as the second lot within the CSM. The CSM is within the City's extraterritorial jurisdiction, and is outside the City's sewer service area and planned growth area.

In a memo to the Plan Commission, City Planning Consultant Mark Roffers recommends that the Plan Commission re-approve this new CSM. While well within the City's extraterritorial jurisdiction, the CSM is outside of the City's sewer service area boundary and planned growth area. (And, as a legal matter, any City expansion into the Town of Lima/Rock County would require approval by both the town and county board.) In any case, He understands that no additional development beyond what has existed here historically would occur as result of the CSM. The integrity of the area as a planned "agricultural preservation area" as represented in city, town, and county plans would be maintained. He had reviewed the new version of the CSM and recommend its approval without conditions.

Binnie motioned to approve the new version of the CSM for the proposed two lot extra-territorial jurisdiction certified survey map for Mary Ellen Pope Revocable Trust, located in Section 12 along N. County Line Road in the Town of Lima. Coburn seconded.

Motion approved by unanimous roll-call vote.

**Appointment of Plan Commission member to the Steering Committee for the Zoning Code Re-Write.**

Interim Manager Nimm explained that they are looking for a Planning Commission representative to serve on the Zoning Code Re-Write Steering Committee. The committee member would be looking to attend 6-8 meetings over the next 10 months, meetings that could be as short as an hour and potentially as long as ½ day meetings.

Greg Meyer questioned the time of day for of the meetings and noted that he would serve and

participate if the meetings might be scheduled at 5pm and later.

Binnie motioned to appoint Greg Meyer to serve as the Planning Commission Representative to the Steering Committee for the Zoning Code re-write. Coburn seconded.

Motion approved by unanimous roll-call vote.

**Passenger Train Depot Restoration Update.**

Nimm explained that the Train Depot restoration exterior changes include:

re-point and clean of the brick and stone masonry,

rehab of the wood windows,

re-paint exterior painted areas,

install roof venting,

re-create and install historic roof cresting.

The mandatory pre-bid meeting was on September 8<sup>th</sup> and the sealed bids are due September 19<sup>th</sup> and shall be opened at 2:00PM.

Coburn asked if, when tuck-pointing the brick and stone if there was the possibility to tint the mortar so that it blended with the old mortar.

**Possible future agenda items.**

Nimm invited the Commission to the CDA meeting on September 26, 2011 at 5:30. Nimm noted that there will be a discussion on the vacant parcels at the end of North Jefferson Street.

**Next regular Plan Commission meeting- October 10, 2011.**

Moved by Meyer and seconded by Dalee to adjourn at 6:45 PM. Motion was approved by unanimous voice vote.

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Chairperson Gregory Torres