

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
January 9, 2012

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

**Call to order and roll call.**

Vice-Chairperson Binnie called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Meyer, Binnie, Dalee, Parker, Coburn, Miller, Henry (Alternate).

Absent: None.

Others: Wallace McDonell (City Attorney), Latisha Birkeland (Neighborhood Services Manager/City Planner).

**Election of Chairperson.**

Birkeland opened the meeting to nominations for chairperson. Lynn Binnie was nominated by Coburn, but declined. Greg Meyer was then nominated by Binnie, seconded by Coburn. There were no other nominations. AYES: Meyer, Binnie, Dalee, Parker, Coburn, Miller, Henry. NOES: None. ABSENT: None. Meyer was presented with the gavel and took his place as chairperson for 2012.

**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 December 12, 2011.**

Moved by Miller and seconded by Henry to approve the Plan Commission minutes of December 12, 2011 with the correction that Henry should be taken off the list of those present at that meeting. Motion approved by unanimous voice vote.

**Public hearing for a conditional use permit for a “Class B Beer and Liquor” License for Alejandro R. Meza, to serve beer and liquor by the bottle or glass at 1155 W. Main Street, Whitewater, Wisconsin.** Chairperson Meyer opened the public hearing for consideration of a conditional use permit for a “Class B Beer and Liquor” License for Alejandro R. Meza, to serve beer and liquor by the bottle or glass at 1155 W. Main Street, Whitewater, Wisconsin.

Neighborhood Services Manager/City Planner Latisha Birkeland explained that this property had housed the Greenhouse Café and is still owned by Vicki Fiedler. Alejandro Meza wishes to convert the business to a sports bar and grill which would require a “Class B Beer and Liquor” License. Restaurants are permitted by use in Zoning District B-1.

The Fiedlers (MBCK LLC) first received a Class B Beer and Liquor License in 2004. If the conditional use for the new business is approved by the Plan Commission, the Alcohol Licensing Committee and Common Council will act on the Alcohol License application submitted by Alejandro Meza.

Alejandro Meza was present to answer questions. In response to Coburn's questions, Meza replied that the bar and grill would be open until 2:00 am on weekdays and 2:30 am on weekend days. Meza has not talked to any of his neighbors yet, but he will be contacting the businesses nearest him to try and obtain additional parking. Meza stated that the grass area behind the store is part of the subject property.

Meza confirmed that he does have a partner. Binnie asked what kind of renovations would be made to the building and what is meant by "sports bar and grill". Meza stated that they will be serving food and have games such as pool available. There will be a number of televisions. Binnie asked what kind of clientele Meza wishes to attract. Meza replied that they would like anyone to be welcome at the business.

Coburn asked how deliveries would be made. Vicky Fiedler, owner of the real estate indicated that supplies would be delivered in the same manner and location as occurred for Sugar Bay with the same suppliers. Fiedler stated that suppliers park in the Whitewater Plaza parking lot and deliver to businesses in the Plaza and the Fiedler property.

Donna Henry stated that her main concern would be the noise at night, given that there are many people living directly behind the business. Fiedler noted that the kitchen and a small amount of seating are at the back of the building. The parking lot and yard is also behind the building between the business and apartments.

In answer to Parker's question, Meza stated that there could be up to 125 people in the building. Birkeland responded that this is what is being proposed, but has not been verified yet. Birkeland indicated that plans still need to be reviewed by the building inspector and fire chief.

Birkeland indicated that there would be a total of four additional parking spaces needed for the business as determined by floor space, instead of the five listed in the report to the Plan Commission.

Sherry Bigelow, area resident, expressed concern about the volume of the music that would be played at the bar and grill, as well as the late hours that the business would be open. Fiedler stated that there have been bands playing in the building every Thursday and there have been no complaints.

Wendell Swift, a resident of Blackhawk Apartments, expressed concern over the lack of parking and limited exits for cars, as well as the nuisance factor of the bar and grill being open so late at night.

Bob McCullough, owner of McCullough's Pharmacy, referred the Commission to a handout he had distributed. One of McCullough's concerns is for where the 125 patrons of the bar and grill

will park. His concern is that they will park in privately owned lots such as the Whitewater Plaza and the Robin's Nest Hair Salon. McCullough believes the bar and grill will be a nuisance to the businesses around it. There is no good access to the parking stalls at the rear of the Sugar Bay building. The driveways are too narrow for truck access. He questioned Fiedler's statement that all the vendors serving the Greenhouse Café also served businesses in the plaza, and therefore would be entitled to park in the plaza's parking spaces. McCullough believes the bar and grill would be too close to residential properties. He also stated that this is an ill-suited proposal for this property and a liquor license should not be used there. Part of his handout included a petition with over 50 signatures asking that the issuance of a conditional use permit for a "Class B Beer and Liquor" License as requested by Alejandro Meza be denied.

In response to Donna Henry's question, McCullough repeated that he would not be interested in making a deal with Meza to increase the availability of parking spaces for the proposed bar and grill.

Nancy Giorno, resident of Blackhawk Manor, spoke in opposition to approval of the conditional use. Giorno believes that the sports bar and grill will be a nuisance to those living near the business because of the lack of parking, the hours of the business and the type of business.

Karen McCulloch, of Highland Street, expressed her concern over the establishment of the sports bar and grill in her neighborhood. McCulloch is opposed to a bar being in the neighborhood, stating that neighborhood safety would be compromised, and there would be an increase in vandalism in the area. She believes the business would be noisy and there would be trespassers. The proposed bar and grill is too close to schools. McCulloch also stated that this location is not consistent with the family values of this neighborhood.

John Kittleson, owner of Jimmy Johns in the Whitewater Plaza, is concerned with the parking situation as there are already three restaurants in the Whitewater Plaza, and parking is very limited at certain times of the day. He feels it will be difficult for his customers to get to his store. There are empty spaces in the plaza that could be filled in the future, making parking even tighter than it is now.

Heidi Price, employee of Whitewater Plaza, stated that they have not been contacted about parking by the proposed bar and grill owners. Parking will be enough of an issue without adding a business of this kind next to the Plaza.

Oscar Vigil, from Cozumel Restaurant, indicated that with snow, 14 parking spaces are reduced as snow piles up and people do not park accurately in the spaces.

Barb Congdon of Robin's Nest stated that parking will be an issue. McCullough's Pharmacy leases part of the Robin's Nest parking lot. Customers of the Greenhouse Café had been parking in Congdon's lot and it has been problematic. Congdon is worried that customers of the bar would be parking in her lot and she is not in favor of this.

Ms. Fiedler stated that the biggest issue appears to be parking. Fiedler told the Commission that she could turn the green space at the back of the property into additional parking spaces and review plans for improved access to the parking.

Joan Grosinski, resident of Blackhawk Manor, stated that even with that bit of additional parking, there would still be a problem. The difference in volume between café music and bar music will be large. There will be cans and bottles being noisily dumped at 2:30-3:00 in the morning, as employees of the bar and grill clean up.

Chairperson Meyer closed the public hearing.

Coburn asked about ingress and egress to the parking lot. She was wondering if it would be hard for customers to get onto and off Main Street. Birkeland stated that in the event the conditional use "Class B Beer and Liquor" License is approved, staff would recommend directional signage to help customers find the correct driveway to get to and from the parking area as well as requiring that the directional arrows on the driveways be repainted. She added that within a 330 foot section of Main Street, there are seven driveways, making it difficult to identify the correct driveway for a given business.

Donna Henry stated that she is concerned for the Fiedlers having this become an empty property. There have been a couple bars on this side of town in the past, although they were not sports bars. Henry stated that people park where it is easiest. Parking is noisy and sports bars are noisy. Henry feels that this is not the best location for this business in that it would be a difficulty for the neighborhood.

Coburn agreed with her concerning the noise level and the parking.

Meyer asked if there is a minimum number of parking spots required. Birkeland responded that in the Municipal Code, there are different types of usage with different requirements which depend on what was thought appropriate at the time the ordinance was created. The Code does not distinguish between a bar and a restaurant. Attorney McDonell added that the Plan Commission, particularly for a conditional use application, has the discretion to require more parking.

Parker indicated that there are other issues, due to the fact the building is on a small lot. Parker feels that the building could be used successfully as a sports bar, depending on how it's managed. He added that parking expansion in compliance with City Code would be difficult. Deliveries and trash pickup are issues that need to be addressed. The building was constructed for use as a floral shop, prior to current code requirements and with less traffic anticipated.

Binnie added that parking is not the crux of all of the concern. His issue is whether this is the best or appropriate use of a property that is in an area that is residential in nature. A large number of senior adults live nearby. Binnie feels that another primarily bar-oriented property is not needed, particularly in this location. He stated that he appreciates the applicant's interest in doing business in Whitewater. He wishes that the applicant's proposal was in a different location.

Binnie moved that the conditional use permit for a “Class B Beer and Liquor” License request be denied for Alejandro Meza at 1155 W Main Street. Coburn seconded the motion. AYES: Binnie, Meyer, Dalee, Parker, Henry, Coburn, Miller. NOES: None. ABSENT: None.

#### **Update on Generac Addition**

Birkeland stated that per the Plan Commission comments at the last meeting, Generac did some testing in the area for generator noise. She stated that Generac took nine readings at two different times. The readings were at 55.8 decibels, which is significantly lower than the City’s ordinance requirement of 70 decibels. The sound was lower than the traffic going by, which was at 65–84 decibels, depending on the type of vehicle. However, even though it is not required, Generac will put up some sound buffering on the west side of the building in order to be a good neighbor.

Coburn asked if the sound is different in that it is a persistent sound. Birkeland replied that there was no consideration of the type of sound, but that Generac will still be doing some sound abatement.

#### **Update on Status of the Zoning Rewrite.**

Birkeland indicated that the next meeting of the Zoning Rewrite Committee will be Wednesday, February 1, from 5:30 to 7:00 pm.

#### **Future agenda items**

Birkeland gave notice of items to be on the next agenda. There will be a request for a conditional use permit for a smoking/patio structure at Mitchells/Pumpers. Also anticipated is a request for a conditional use permit for an eight unit apartment building off of Tratt and Florence Streets.

#### **Next regular Plan Commission meeting- February 13, 2012.**

Moved by Coburn and seconded by Meyer to adjourn at approximately 7:05 p.m. Motion was approved by unanimous voice vote.

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Chairperson Greg Meyer