

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
March 12, 2012

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

Call to order and roll call.

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

Present: Meyer, Binnie, Dalee, Miller, Henley, Henry (alternate).

Absent: Coburn, Parker.

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

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 February 13, 2012.

Moved by Henry and seconded by Henley to approve the Plan Commission minutes of February 13, 2012. Motion approved by unanimous voice vote.

Public hearing for a Conditional Use Permit for a “Class B” Beer and Liquor License for Wanda’s Waterfront LLC. owned by Wanda Milnamow, to serve beer and liquor by the bottle or glass at 292 S. Wisconsin Street, Whitewater, Wisconsin (at the William Graham Post American Legion #173). City Planner Latisha Birkeland explained that this property is in a B-3 Zoning District and has been in operation with a banquet hall and bar for many years. Restaurants are permitted by right. The use of alcohol requires a conditional use approved by the Plan Commission. The interior of the building will not be changing structurally, (only paint etc.) keeping the capacity as determined by the Fire Chief. The upstairs is a banquet hall and the downstairs was run as a bar. It will be different from Capn’s as far as the hours. The proposed hours would include: The downstairs bar/dining, Thursday and Friday from 3:00 p.m. to 2:00 a.m.; and the upstairs banquet hall Monday through Sunday from 12:00 p.m. to 1:00 a.m. As Wanda’s Waterfront expands, Wanda would like open the downstairs bar/dining area on Saturday and Sunday from 11:00 a.m. to 7:00 p.m. The proposed food items include pizza, burgers, quesadillas, items deep fried, etc. When the restaurant opens up, the menu will expand. There is ample existing parking on the property for the business. Wanda will be replacing the monument sign. One of the Planner suggested conditions of approval is to allow Wanda to work with city staff for approval of the sign. City Planner Birkeland noted that there had been recent complaints about a couple isolated incidents involving this property. The Plan Commission

deals with land use. Any complaints on a liquor license would go to the Alcohol Licensing Committee.

Plan Commission Member Miller stated that the State sets the hours for Class B Liquor License. Anyone with a Class B Liquor License must abide by State Law.

City Attorney Wally McDonell stated that the rule is that Plan Commission cannot restrict solely issues of alcohol service. The law in general allows Plan Commission to issue hours of operation other than alcohol (not specifically linked to the serving of alcohol). This would include opening and closing hours.

The applicant, Wanda Milnamow, explained that she only received one warning for noise. It happened to be a Thursday night fraternity event. She has since cancelled all future fraternity parties. She will be open Thursday night to the general public, in the downstairs bar/dining area and will serve bar food. They are updating the bar area to attract more people. As more people come, they will be able to open the restaurant. The banquet hall is mostly used for Saturday night weddings. The weddings usually go until midnight, but once the music stops, some people hang out to talk.

Plan Commission Member Henry commented that the American Legion had never been a student bar. It catered to the local people, and families with their fish fries.

Chairperson Meyer opened the hearing for public comments.

Marilyn Kienbaum noted that Wanda would have to do some advertising for her business especially since they have not been open all along.

Rodney Law, Board Member of the American Legion, stated that he was there to support Wanda for her conditional use permit. He had checked with Chief Otterbacher about the incident. Wanda had called the Police Department prior to the party and had security on site. The complaint was made after the function had finished. It did not occur at the function. Rodney Law explained that the American Legion Building was built in 1969. They are a not for profit organization. Their Beer Tent is their major source of income for the year to cover expenses. The American Legion's number one goal is to give back to the community. They offer scholarships for graduating seniors, sponsor Badger Girl and Badger Boy, and provide military rites for veterans. Wanda's continued success is very important to them. As a Board and an Organization, they support Wanda and her business.

Moved by Miller and seconded by Dalee to approve the conditional use permit (CUP) for a "Class B" Beer and Liquor license for Wanda's Waterfront LLC. owned by Wanda Milnamow, to serve beer and liquor by the bottle or glass at 292 S. Wisconsin Street, Whitewater, Wisconsin (at the William Graham Post American Legion #173) subject to the two conditions of the City Planner that 1) the conditional use permit shall run with the applicant and not the land. If the business is sold, the new owner/operator must return to the Plan Commission. And 2) Plan Commission will allow staff to work with the applicant for future sign approval. Motion approved by unanimous roll call vote.

Review two Certified Survey Maps for the division of land in the Whitewater Technology Park. The intent of the CSMs is to create large lots now that can be divided by subsequent CSMs based on the individual needs of future tenants of the park. City Planner Latisha Birkeland explained that the Technology Park is located north of the railroad tracks, west of Howard Road, south of Innovation Drive and east of Moraine View Park. There are two certified survey maps, one for the north portion of the Technology Park and one for the south portion of the Technology Park. The intent of these Certified Survey Maps is to create large lots now that can be divided by subsequent CSMs based on the individual needs of future tenants of the park. A CSM can be used only to create four lots or less (not including unbuildable outlots). These large lots will allow the City flexibility for future lots. If more than four (4) buildable lots per CSM were proposed, some additional steps such as a full plat procedure would be required. Mark Fisher, City Engineer with Strand and Associates, has reviewed and approved both Certified Survey Maps in accordance with the City Code Section 18.04.046. Once the Plan Commission and Common Council approve both CSMs, the City Clerk will record both Certified Survey Maps and the already approved Whitewater University Technology Park Covenants. City Planner Birkeland recommended that the Plan Commission approve both of the Certified Survey Maps associated with the Whitewater University Technology Park. The Certified Survey Maps comply with the Certified Survey Map requirements and comply with all design standards and general provisions.

Moved by Binnie and seconded by Miller to approve the Certified Survey Maps for the Whitewater University Technology Park and make recommendation to the City Council for approval. Motion approved by unanimous roll call vote.

Update on status of the Zoning Rewrite.

City Planner Latisha Birkeland explained that the next step for the Zoning Rewrite Committee is to have a joint meeting with the Plan Commission and the City Council to go over from where they started and to where they are now. The meeting is planned to take place at the Plan Commission meeting of May 14, 2012 (2nd Monday of May). The Committee wanted to wait until the new members of City Council and Plan Commission could get involved. City Planner Birkeland encouraged input from Plan Commission, City Council and the public.

Future agenda items

Neighborhood Services Manager/City Planner Birkeland stated that there were no agenda items for the April meeting. Birkeland will notify the Plan Commission if the meeting will be cancelled.

Next regular Plan Commission meeting- April 9, 2012.

Moved by Miller and seconded by Henry to adjourn at approximately 6:35 p.m. Motion was approved by unanimous voice vote.