

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
Special Meeting
December 2, 2014

**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: Greg Meyer, Lynn Binnie, Kristine Zaballos, Bruce Parker, Sherry Stanek, Daniel Comfort, John Tanis (Alternate). Absent: Tom Hinspater. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

Public hearing for 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.) City Planner Chris Munz-Pritchard explained that when a liquor license changes hands, the applicant must go through the conditional use process. She included in the packet a Planner Report from a previous change in business ownership at this property.

Daniel Rodriguez was present to answer any questions. He stated that he agreed to all the conditions of the City Planner.

Plan Commission Members voiced concerns of: letter from a neighboring business owner about nuisances that crossed the line between vibrant fun and vibrant irresponsibility (general misconduct). Public urination led the neighboring business owner to believe there were not enough restroom facilities in the bar. Did the applicant have previous experience with a bar or this bar?

Plan Commission Member Binnie asked if it were possible for the applicant to alleviate these concerns. Binnie also stated that he had talked with the Police Chief who stated that the problems are not only related to this business, but in general. Binnie suggested that there be more lighting in the parking lot next to the building and possibly a fence installed to keep patrons from cutting through other properties. Plan Commission expectation would be that the property is cleaned up outside the business at close. Binnie suggested that his bouncer keep an eye on the parking lot at closing time to keep things in order.

Daniel Rodriguez stated that he planned to expand the restrooms in the business. He explained that if someone left his bar and bothered some other business, the bar over served which was unacceptable to him. Rodriguez stated that he did not have previous experience with this bar or managing a bar. He did manage apartment buildings. When asked, Rodriguez stated he would

have an employee walk back and forth near the business at bar time. When asked if his bouncers would be drinking while they were working, Rodriguez said no.

Chairperson Meyer opened for public comment. There was none. Chairperson Meyer closed the public comment.

Plan Commission Member Parker suggested an additional condition “e” be added that the area outside the business be cleaned of snow, trash and weeds after close of business and before 8:00 a.m. Parker also stated that the parking lot next to the building is partly for parking for this business and partly for the building off the alley. This property may have a lease agreement with DLK.

Moved by Tanis and seconded by Parker to approve the conditional use permit (tavern and other places serving 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 subject to the City Planner recommended conditions and the additional condition “e”, that the outside of the building must be cleaned (snow, trash, weeds) after every business day and prior to 8 a.m. (See attached conditional use permit.) Ayes: Comfort, Tanis, Binnie, Parker, Zaballos, Stanek, Meyer. No: None. Motion approved.

Moved by Chairperson Meyer to adjourn the meeting until 6:30 p.m. when Council will join the Plan Commission. Motion approved by unanimous voice vote. The portion of the meeting adjourned at approximately 6:14 p.m.

6:30 p.m.

Common Council Roll Call: Present: Frawley, Abbott, Winship, Binnie, Singer, Bregant; Kidd. Absent: None.

The Council went through a couple of items prior to the joint meeting agenda item with the Plan Commission.

Plan Commission Chairperson Meyer called the Plan Commission back to order. Present: Greg Meyer, Lynn Binnie, Kristine Zaballos, Bruce Parker, Sherry Stanek, Daniel Comfort, John Tanis (Alternate). Absent: Tom Hinspater. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

Parking Study with Graef Consultant (joint meeting agenda item with Common Council.)

City Manager Cameron Clapper explained that in the middle of the Zoning Rewrite, it was determined that parking issues would be talked about after the Zoning Rewrite. Chris Munz-Pritchard, City Planner and Neighborhood Services Director, has been working with Graef on the parking since she started working for the City.

Larry Witzling and Tanya Fonseca, from Graef, presented a memo on Whitewater Parking Considerations. They were hoping to get feedback so they can come back with revisions that are

close to an approval set of zoning codes. There are some other changes that are not zoning code changes that will be mentioned.

City Manager Cameron Clapper stated that the University has been working on their comprehensive master plan and the City has been in communication with them on this project.

Witzling went through the memo item by item. It included parking, stormwater, impervious surface, code enforcement and inspection. Graef determined from a GIS analysis and the size of the lots, that 40% impervious surface would work for the City of Whitewater generally unless a lower percentage is required by the stormwater ordinance. Over 40 % would require a mitigation process and a stormwater study. This should be addressed in the stormwater ordinance and not in parking. The City Engineer should have a map of the drainage basin and the calculation for the flow for a 100 year flood. These issues are design problems and should be addressed as design problems.

City Planner Chris Munz-Pritchard explained that mitigation has been on the radar for the City of Whitewater. The impervious surface requirement refers to the stormwater ordinance. The City Planner and the Building Inspector both look at plans when they come in. If they think the proposal needs more review, they send the plans to the engineer. A stormwater study would target areas that are in need of more stormwater control. Solutions could require anything from rain barrels to storm water detention areas.

There was a discussion on how to ensure maintenance of parking lots? The resource allotment for the Neighborhood Service Officer is a huge component for consistency of code enforcement for all kinds of violations. If there is inconsistency it is due to a lack of resources.

When asked about developing stormwater mitigation requirements, Witzling stated that the DNR standard is 40% impervious surface. The City can have a higher number. Tanya Fonseca (Graef) stated that the GIS analysis showed that 40% is sufficient across the board for all properties. A mitigation point system should be established for properties with over 40%. The City would want to do a stormwater study.

There was concern about marking and numbering stalls in parking lots. Witzling stated that if there is a complaint to the Police Department, the Community Service Officer could come by and easily enforce, for example: 17 stalls – 17 cars.

Council Member Winship suggested that maybe the striping issue should be studied further. The gravel creep is immediately understandable. It would be difficult to have spaces striped for a house that may have 4 or 5 occupants.

Council President Singer opened the meeting to the public for comment.

Attorney Mitch Simon voiced his concern in the language of change of ownership, code compliance, and inspection. 1) A duplex with 5 parking stalls per unit or number of licensed drivers, if striping is required, it would look terrible. One size does not fit all. 2) Impervious surface and what to do with the water. There is a conflict with the lot coverage especially in

certain areas designated for increased density. He suggested a regional stormwater detention to treat the water where it is easier to treat and not use up half a lot with a detention area. Focus on contributions to a more regional stormwater basin solution – fee in lieu of on-site detention. City lots need area for building and parking. It does not make sense to burn up 60% of a lot in higher density areas. Simon stated in the transfer to Lavelle, a company in the Business Park, there was a regional stormwater facility, so they did not need to use up the lot. It was a pre-engineered solution with an agreed upon fee. In some cases it is appropriate to figure a contribution.

City Council Member Kidd suggested the point system to help figure out the amount of the payment in lieu of having on-site detention.

When talking about the table of occupancy and District, Witzling stated that the number of spaces is the threshold, striped and numbered spaces gives the NSO a quick determination if the cars parked there are legitimate or not.

City Planner Chris Munz-Pritchard stated that when a proposal comes to Plan Commission for a conditional use permit and they have a gravel parking area, the Plan Commission asks for it to be asphalt or concrete.

City Council Member Stephanie Abbott voiced her concerns about using occupancy or the number of bedrooms provided to determine the amount of parking to be provided. The number of stalls per the number of bedrooms does not work in all areas. For example, in one of the buildings she works with up to 5 unrelated people are allowed per unit which would make a 120 person occupancy. The building has 82 bedrooms.

City Attorney McDonell stated that the maximum occupancy does not apply to family occupied homes which have a State Code limitation.

Mitch Simon explained that joined or shared parking areas can create a larger parking lot area not all on one property, a multi-property parking area. Simon explained that when the Zoning Rewrite was adopted, a section of the code that served a purpose in reference to this type of parking was dropped out of the code.

City Attorney McDonell explained that section of the code was not meant to be removed. When the code was codified, the section was inadvertently left out. That section has been clarified in the checklist and would be put back in.

Witzling stated that they tried to make sure properties have parking. Businesses don't work because the occupancy rate for parking lots is low. There is never 100 % occupancy. They can keep the minimums in and take the maximums out because that is what the City wants, but the City might want to think about minimums and maximums down the road.

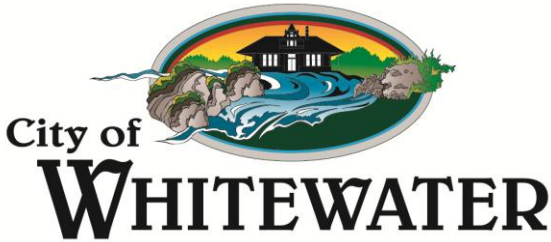
Plan Commission Member Parker suggested that the maximums be left in the ordinance. He also stated that restrictions have been made on proposals due to drainage issues.

Council Members voiced concerns of: maximum parking could be 100 %, and could be 2 blocks away, but the minimum has to be a reasonable number; the maximum amount of space would be the existing surface area; other municipalities have had stormwater problems, this is a way to minimize impervious surface; can make the maximum and still have the conditional use to take care of the issues that are brought up; have the maximum number be for some other standard than stormwater mitigation; need to provide for flexibility and creativity for developers to provide for standards in a sensible way.

The next step is to make changes to the document. The Plan Commission and Council requested to have the documents at least a week prior to the meetings. The Plan Commission and the City Council will have their separate meetings for the final documents.

It was moved and seconded to adjourn the Plan Commission portion of the meeting. Motion approved by unanimous voice vote. The Plan Commission portion of the meeting adjourned at approximately 8:00 p.m.

Chairperson Greg Meyer



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

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CONDITIONAL USE PERMIT

Plan Commission Meeting Date: December 2, 2014
Property Owner: Kirk Rasmussen
Applicant: Daniel Rodriguez (D.R.A. LLC., Daniel Rodriguez, Agent)
Property ID Number: /OT 00144
Property Address: 214 W. Whitewater Street
Whitewater, WI 53190

REGARDING: An approval for a conditional use permit (CUP) to allow for the sale of alcoholic beverages by the glass for Daniel Rodriguez at the “Hawks Nest” located at 214 W. Whitewater Street.

Approved subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. Any change in ownership/licensee (or operator) will require approval of a conditional use permit for the new owner/licensee (or operator) from the Plan Commission.
2. The business may open earlier than 3:00 p.m. (but no earlier than 6:00 a.m.) 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 all the new and replacement signage prior to installation.
5. The outside of the building must be cleaned (snow, trash, weeds) after every business day and prior to 8 a.m.

Chris Munz-Pritchard
Neighborhood Services Director / City Planner

Date