

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
September 9, 2019

**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, Tom Miller, David Stone, Andrew Crone, Bruce Parker, Sherry Stanek. Absent: None. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

**Hearing of Citizen Comments.** There were no citizen comments.

**Approval of Plan Commission Minutes.** Moved by Stanek and seconded by Parker to approve the Plan Commission minutes of August 12, 2019. Motion approved by unanimous voice vote.

**Public hearing for a conditional use permit for a building renovation and proposed addition (extending the existing second floor). Proposed are 7 residential units, a space designed for a coffee shop, and 4 office/retail spaces at 136 W. Main Street for Ilmi Shabani.** City Planner Chris Munz-Pritchard explained some of the history of the building and read through her recommendations.

The original building was built prior to 1890 and was a livery. The addition was built pre-1950 and has a walk out basement. The building has no residential at this time. The basement is proposed to have two apartments, a laundry area and storage. The main floor will have a coffee shop, and 4 small offices/retail. There will be no residences on the main floor. The Main Street façade is to be similar to the rest of the downtown area. The second floor has a proposed addition. There is a large open roof top, where walk out areas could be. Downtown buildings have no parking requirements, and have 0 lot line setback requirements. The lot is long and there may be some room for parking. The rear of the property will have basement egress windows. There are three separate dumpster areas for the properties in the area. Chris Munz-Pritchard recommends that the property owners work together to have a central dumpster area away from the basement floor windows. They will need an access easement for the egress windows to meet fire codes. Any outdoor seating for the coffee shop will need to be reviewed and approved. Each residential unit shall have no more than 3 unrelated persons living there.

Plan Commission Members voiced concern of: existing dumpsters are not on the 136 W. Main Street property, sidewalks and driveways need access easements; in the basement, the distance to the bathroom from the bedroom is 40 feet; the catwalk, elevated steel platform is one of the fire exits-wondering about snow removal; appreciates the detail and completeness of the plans; is

there a plan for a small outdoor seating area on the roof?; are the roof tops walkable?; outside space would be a good selling point; are skylights operable?;

Pete Weston, Design Alliance Architects, stated that the owner worked with the neighbor to the east (to get a no build easement) to allow windows to be functional. Owner owns property to the west and will make his own no build easement. The front elevation has three bays, which will be store front glass. The center one will be able to open up into the coffee shop, which adds an extra layer of depth to the shop. Bathrooms and Kitchens don't have a mandate to have windows. That is why they are tucked back into the core of the building. Pete stated that the fire exit stairs will be maintained as required. The roof is slanted. Small outdoor seating would be nice.

Chairperson Meyer opened for public comment. There were no comments. Chairperson Meyer closed the public comment.

Plan Commission Member Binnie asked about the target audience for tenants of the building; there is a definite oversupply of all kinds of multi-family and student oriented housing. We have been told that there are hundreds of vacant beds, primarily student oriented. Student enrollment is down again this year. Making apartments attractive to the non-student population is a plus.

Plan Commission Members voiced concern of: The center door space will be able to open up wide to the coffee shop, but is not shown on the plan; the roof top deck will always be in use, rotate so only one apartment has use of it; is it possible to get to the theatre building roof from the catwalk to the backdoor area?; this is a real ambitious project; thankful the building is being used.

Pete Weston stated that it will be made sure that the catwalk to the back door area is not a problem. They will make sure tenants will be unable to get to the theatre building roof from there.

Moved by Binnie and seconded by Crone to approve the conditional use for the building renovation and proposed addition at 136 W. Main Street with the with minor revisions to the conditions recommended by the City Planner. See attached conditional use permit. Aye: Binnie, Crone, Miller, Parker, Stanek, Stone, Meyer. No: None. Motion approved.

**Public hearing for a conditional use permit, (taverns and other places selling alcohol by the drink) for Casual Joe's BBQ LLC., Michael R. Hudec (Agent) to serve alcohol (for a "Class B" License) by the bottle or glass at 319 W. James Street.** City Planner Chris Munz-Pritchard explained that this proposal is for a conditional use permit for a new applicant, Michael Hudec and Brett Buchanan. The location has a conditional use permit which was issued November 11, 2013 to serve alcoholic beverages by the glass or bottle for Tyler Sailsbery. She read the conditions of the original conditional use permit. The original conditional use permit was issued at the time of the rezoning of the property to B-2 Central Business District.

Plan Commission Member Binnie asked about carrying over the previous conditions.

City Attorney McDonell stated that the Plan Commission should specifically state conditions in the new conditional use permit.

Plan Commission Member Binnie asked to add number 1 and number 7 to the new conditional use permit.

When asked about condition #3 on the original conditional use permit, Tyler Sailsbery explained that the parking that was put in front of the building had needed City Council approval because the spaces are in the public right of way.

Plan Commission Member Parker asked about the smoking truck being parked right in front of the building. His concern was if it was allowed or not allowed and if the truck was parked too close to the building covering a part of the public sidewalk. He would like the truck moved forward so that it is not over the sidewalk area.

Tyler Sailsbery explained that the truck was a quick fix in order to keep the neighbors, the building inspector, health department, and the insurance company all happy. The new owners have a new insurance company, so it might allow some flexibility.

Michael Hudec stated that he would move the truck forward. He had not seen any issues for accessibility.

Plan Commission Member Miller would like to see a solution to move the truck to the side of the building with a smoke stack tall enough to keep the smoke out of the neighboring yards.

Plan Commission Member Crone liked the smoker truck out in front of the building. He said it encouraged people to come.

Chairperson Meyer stated that the smoker was a huge issue when it was to Plan Commission previously. He would like to see the smoker to the side or rear of the building.

In the original conditional use permit application, the Plan Commission Members were concerned of alcohol in the residential area and were pleased to have the conditions of #7 and asked if the applicant would agree to them.

Michael Hudec agreed except for possibly selling beverages that were going out of date at a discount. When asked if he planned to have alcohol outside, he stated that they were hoping to in the future.

City Planner Chris Munz-Pritchard stated that if they would decide to do that, they would need to come back to Plan Commission to amend their conditional use permit.

Chairperson Meyer opened for public comment.

Bev Stone, 303 W. Ann Street, is concerned about a change in hours in the future. She explained that Tyler kept the hours and was respectful to the neighborhood and the new owner has been

good also. Bev Stone asked the Plan Commission to keep the hours as they are. She does not want the hours expanded and causing issues in the neighboring residential area.

Chairperson Meyer closed the public hearing.

Plan Commission Members voiced concerns of the special situation with the restaurant being between residential homes with families; okay with keeping the hours and being respectful of the neighbors; asked if we could look into the smoker truck's location.

City Planner stated they could look into it. The situation was very problematic at the time the decision was made to allow the truck in front of the business.

Moved by Binnie and seconded by Stanek to approve the conditional use permit, (taverns and other places selling alcohol by the drink) for Casual Joe's BBQ LLC., Michael R. Hudec (Agent) to serve alcohol (for a "Class B" License) by the bottle or glass at 319 W. James Street with the City Planner's conditions and with condition #1 and #7 from the previous conditional use, adding to #7. Noted: the applicant wanted to be able to sell "soon to expire" beverages at a discount. Should this become a problem, the Plan Commission can revisit the conditional use permit. The outdoor area is not included in the area permitted for alcohol. See attached conditional use permit. Aye: Binnie, Stanek, Crone, Miller, Parker, Meyer. No: None. Recused: Stone. Motion approved.

#### **Information Items:**

- a. First United Methodist Church, 145 S. Prairie St., 24' x 30' addition to existing garage. City Planner Chris Munz-Pritchard explained that the First United Methodist Church is looking to put an addition on the existing garage. The Church, along with 3 residential buildings and one garage are all on one lot. The residential buildings are all used by Bethel House. The City Planner explained that the proposal might work if it were built connected but considering them as two separate buildings with a fire wall between them. There would be no access through the firewall. This is in an R-3 Zoning District. This proposal does not fit into any specific category. It is a unique situation. Anything that would come close would be apartment buildings with multiple garages. She wanted to bring this to the Plan Commission to let them know what was going on. If the Plan Commission felt that it should come back as a conditional use permit, she would be good with that also.

Plan Commission Member Binnie explained that the R-3 Zoning District allows only one principle structure on a lot and does not allow more than one accessory structure. Blackhawk Manor Apartments has 3 accessory structures. Binnie's concern is if it is legitimate to make the building two structures when it is actually one or should it really be looked at as a conditional use as a larger structure? He did not want to have a legal question down the road. He suggested that the ordinance be looked at in regard to the requirements of zoning for principle structures.

City Attorney McDonell suggested that he and the City Planner take a look at the ordinances and bring some conceptual ideas back to the Plan Commission.

Plan Commission Member Parker stated that the proposal for the garage should be considered as a conditional use permit. Even with the fire wall it is still considered one building. The ordinance for accessory structures should be looked at also.

City Planner Chris Munz-Pritchard stated she would bring the proposal back as a conditional use.

- b.** Possible future agenda items. Review ordinances concerning principle structures and accessory structures.
- c.** Next regular Plan Commission Meeting – October 14, 2019.

Moved by Miller and seconded by Crone to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:07 p.m.

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Chairperson Greg Meyer