

# AGENDA

CITY OF WHITEWATER

PLAN AND ARCHITECTURAL REVIEW COMMISSION

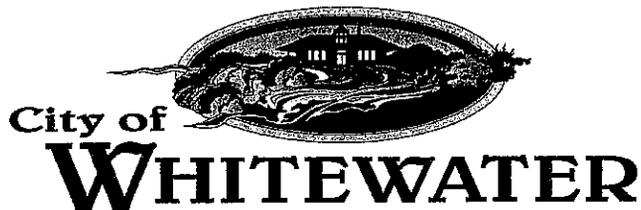
SPECIAL MEETING

Whitewater Municipal Building  
Community Room  
312 W. Whitewater Street  
Whitewater, WI 53190  
August 2, 2010  
6:00 p.m.

1. Call to order and roll call.
2. **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.
3. Continuation of the public hearing for the consideration of a conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart.
4. Consideration recommendation to the City Council concerning Chapter 5.18 Outdoor Café Permit Ordinance.
5. Information:
  - a. Name change from Circle Inn LLC. to Fire Station 1 LLC. for the business located at 140 W. Center Street.
  - b. Possible future agenda items.
  - c. Next regular Plan Commission meeting- August 9, 2010.
6. Adjourn.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 72 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Zoning Administrator, 312 W. Whitewater Street, Whitewater, WI, 53190 or [jwegner@ci.whitewater.wi.us](mailto:jwegner@ci.whitewater.wi.us).

The City of Whitewater website is: [ci.whitewater.wi.us](http://ci.whitewater.wi.us)



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works  
 312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190  
 (262) 473-0540 • Fax (262) 473-0549  
 www.ci.whitewater.wi.us

NOTICE OF PUBLIC HEARING

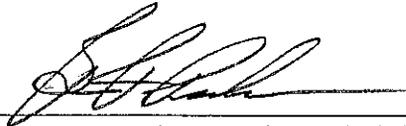
TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 2nd day of August, 2010 at 6:00 p.m. to continue the public hearing for the consideration of a conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

  
 \_\_\_\_\_  
 Bruce R. Parker, Zoning Administrator

A-1709-1  
ALLEF PARTNERS LLC  
C/O WALMART PROPERTY TAX DEPT  
P O BOX 8050  
BENTONVILLE AR 72712-8050

A-1709-2  
RUIZ HOLDINGS LLC  
5849 GLENMOOR LANE  
JANESVILLE WI 53545

A-2522-1  
ST PATRICKS CONGREGATION  
MULBERRY GROVE LLC  
20711 WATERTOWN ROAD SUITE A  
WAUKESHA WI 53186-1881

A-2522-3  
ST PATRICKS CONGREGATION  
1225 W MAIN ST  
WHITEWATER WI 53190

A-2766-1  
AKSHAR HOSPITALITY LLC  
203 LILLIAN PL  
BARTLETT IL 60103

A-2766-2  
FRAWLEY ENTERPRISES  
WHITEWATER  
P O BOX 630  
WHITEWATER WI 53190

W-1  
WHITEWATER TEKE ASSOCIATION  
C/O JON PYZYK  
4656 SHAGBARK LANE  
BROOKFIELD WI 53005

W-2  
MARK S NEUMANN  
PAUL R JORGENSEN  
P O BOX 671  
OCONOMOWOC WI 53066

W-4  
WILDON H CULVER  
BRENDA J SCHUMACHER  
1240 W SALISBURY LANE  
WHITEWATER WI 53190

W-8  
ALAN J REIN  
MARDEL L REIN  
W6892 KETTLE MORAIN DR  
WHITEWATER WI 53190

W-12  
JOHN L CRUMMEY  
MARGO A CRUMMEY  
W7928 TIMBER TRAIL  
WHITEWATER WI 53190

W-16, W-20  
CITY OF WHITEWATER

WM-1  
DANIELS INVESTMENTS, LLC  
P O BOX 810  
WALWORTH WI 53184

WM-2  
COMMERCIAL BANK  
P O BOX 239  
WHITEWATER WI 53190

WUP-159  
DLK FARM SERVICE INC  
1398 W MAIN ST  
WHITEWATER WI 53190

WUP-160G  
SILVER CREEK APARTMENTS  
P O BOX 629  
WHITEWATER WI 53190

WUP-219  
ST PATRICKS CONGREGATION  
126 S ELIZABETH ST  
WHITEWATER WI 53190

WUP-355,356  
DLK ENTERPRISES INC  
P O BOX 239  
WHITEWATER WI 53190

WALMART  
2001 SE 10<sup>TH</sup> STREET  
BENTONVILLE AR 72716

KERRY HARDIN PE  
RA SMITH NATIONAL  
16745 W BLUEMOUND ROAD  
BROOKFIELD WI 53005

**NOTICE:** The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 9:00 a.m. four weeks prior to the meeting. If not, the item will be placed on the next available Plan Commission meeting.

CITY OF WHITEWATER  
CONDITIONAL USE PERMIT APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on 6-11-10.
2. Class 1 Notice published in Official Newspaper on 7-1-10.
3. Notices of the Public Hearing mailed to property owners on 6-29-10.
4. Plan Commission holds the PUBLIC HEARING on 7-12-10. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.66 of the City of Whitewater Municipal Code of Ordinances, entitled CONDITIONAL USES, for more information on the application.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

## SITE PLAN SUBMITTAL REQUIREMENTS

This checklist must be completed before making application for a City of Whitewater Zoning/Building Permit. If not complete, the application will be returned to the owner and will not proceed until all information and forms are complete.

Drawings must be legible and drawn to scale not less than 1/4" per foot unless noted.

Address of Project 1362 West Main Street  
Zoning of Property B-1 Community District

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

9. **Floor plan** which shows:
- A. The size and locations of:
- 1) Rooms;
  - 2) Doors;
  - 3) Windows;
  - 4) Structural features - size, height and thickness of wood, concrete and/or masonry construction;
  - 5) Exit passageways (hallways) and stairs (including all stair dimensions - riser height, tread width, stair width, headroom and handrail heights);
  - 6) Plumbing fixtures (bathroom, kitchen, etc.) - lavatory, water closet, water heater, softener, etc.;
  - 7) Chimney(s) - include also the type of construction (masonry or factory built);
  - 8) Heating equipment;
  - 9) Cooling equipment (central air conditioning, if provided);
  - 10) Attic and crawl space access; and
  - 11) Fire separation between dwelling and garage.
  - 12) Electrical service entrance/transformer location.

10. **Elevation drawings** which show:
- A. Information on exterior appearance (wood, stone, brick, block, colors);
- B. Indicate the location, size and configuration of doors, windows, roof chimneys and exterior grade level.
- C. Indicate color of Trim\_\_\_\_\_, Siding\_\_\_\_\_, Roofing\_\_\_\_\_.
- D. Electrical service entrance/transformer location.

11. **Type of Project:**
- A. Single family;
  - B. Duplex;
  - C. Multifamily # units \_\_\_\_\_;  
 Condominium # units \_\_\_\_\_;  
 Sorority # units \_\_\_\_\_;  
 Fraternity # units \_\_\_\_\_;
  - D. Office/Store;
  - E. Industrial;
  - F. Parking lot # of stalls \_\_\_\_\_;
  - G. Other;

City of Whitewater  
Application for Conditional Use Permit

**IDENTIFICATION AND INFORMATION ON APPLICANT(S):**

Applicant's Name: Wal-Mart  
Applicant's Address: 2001 SE 10th Street  
Bentonville, AR 72716 Phone # \_\_\_\_\_

Owner of Site, according to current property tax records (as of the date of the application):  
Wal-Mart Real Estate Business Trust

Street address of property: 1362 West Main Street

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):  
Attached

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: Kerry Harlin, P.E.  
Name of Firm: RA Smith National  
Office Address: 116745 W. Bluemond Rd.  
Brookfield WI 53005 Phone: 262-317-3283

Name of Contractor: N/A

Has either the applicant or the owner had any variances issued to them, on any property? YES  NO   
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

**EXISTING AND PROPOSED USES:**

Current Land Use:  
Principal Use: Wal-Mart department store

Accessory or Secondary Uses: off street parking and loading, outside display and storage.

Proposed Use (Describe need for conditional use):  
20,000+ square foot addition to existing building to create  
Wal-Mart Supercenter with department store and grocery/food  
store.

No. of occupants proposed to be accommodated: 0

No. of employees: 100+

Zoning District in which property is located: B-1 Community Business District

Section of City Zoning Ordinance that identifies the proposed land use as a Conditional Use in the Zoning District in which the property is located: Section 19.27.030 LP

**Suggested Legal Description**

Part of the Southwest 1/4 of the Northwest 1/4 of Section 5 and the Southeast 1/4 of the Northeast 1/4 of Section 6, all in Town 4 North, Range 15 East, City of Whitewater, Walworth County; Wisconsin bounded and described as follows:

Commencing at the E 1/4 corner of said Section 6; thence North 05°15'58" West 35.00 feet to the north right of way line of West Main Street and the point of beginning of the lands to be described; thence along said north line South 84°50'10" West 196.30 feet; thence North 03°34'30" West 312.99 feet; thence South 84°50'10" West 75.00 feet; thence North 03°34'30" West 485.00 feet; thence North 84°41'02" East 582.21 feet; thence South 03°34'30" East 443.86 feet; thence South 84°32'54" West 10.00 feet; thence South 03°34'30" 179.03 feet; thence South 84°33'00" West 191.94 feet; thence South 05°51'17" East 162.51 feet to a point of curve; thence Southeast 13.53 feet along the arc of a curve concave to the East whose radius is 20.00 feet and whose chord bears South 05°50'49" East 13.28 feet to the north right of way line of said West Main Street; thence along said north line South 84°33'00" West 120.34 feet to the point of beginning.

Containing 404,624 square feet or 9.2888 acres

**PLANS TO ACCOMPANY APPLICATION**

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

**PLOT PLAN**

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

**STANDARDS**

STANDARD	APPLICANT'S EXPLANATION
<p>A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduces value of other property.</p>	<p>Wal-Mart's proposed store expansion and upgrade are anticipated to enhance area property values.</p>
<p>B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.</p>	<p>Adequate site improvements will be provided.</p>
<p>C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance.</p>	<p>Wal-Mart's design team is still working to achieve compliance with all yard requirements, minimum landscaped surface area and parking stall requirements. We are also working to minimize encroachment into the wetland buffer at the northwest corner of the site.</p>
<p>D. That the conditional use conforms to the purpose and intent of the City Master Plan.</p>	<p>The City's Comprehensive Plan identifies the Commercial Corridor at the west end of Main Street as ripe for redevelopment. Sustainable features to be incorporated in this redevelopment by Wal-Mart advance the sustainability goals in the City's plan.</p>



AGREEMENT OF SERVICES

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

Kerry Hardin, the applicant/petitioner for

(Owner's Name): Wal-Mart, dated: 6/11/10

Phone # 262-317-3283, tax key #(s) 1A 170900001

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgement of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

*Fees to be paid hereunder shall be limited to \$10,000 in fees incurred by the city on behalf of Wal-Mart in consideration of conditional use and/or plan review to facilitate Wal-Mart's proposed store expansion. Fees in excess of \$10,000 must be authorized by a separate Agreement of Services.*

Dated this 11<sup>th</sup> day of June, 2010.

Kerry Hardin (Signature of Applicant/Petitioner)

Kerry Hardin (Printed Name of Applicant/Petitioner)

\_\_\_\_\_  
(Signature of Owner of Property & Date Signed)

\_\_\_\_\_  
(Printed Name of Owner of Property)





**CITY OF WHITEWATER  
APPLICATION FOR VARIANCE**

**IDENTIFICATION AND INFORMATION ON APPLICANT(S)**

Applicant's Name: Walmart Real Estate Business Trust

Applicant's Mailing Address 702 SW 8th Street, Bentonville, AR 72716

Owner of Property Site as of date of application, according to current property tax records: \_\_\_\_\_  
Allef Partners LLC

Street Address of Property (if vacant land, describe in detail the property location): \_\_\_\_\_  
1362 W. Main Street

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description): \_\_\_\_\_  
Please see attached Exhibit A

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)

Name Kerry Hardin Firm RA Smith National, Inc.

Office Address 262-317-3283

Contractor \_\_\_\_\_

**EXISTING AND PROPOSED USES**

Current Principal Use: Department Store/Food Store/Drug Store

Accessory or Secondary Uses: Parking, garden center and ancillary uses

Proposed Use (Describe need for Variance): Walmart seeks to expand the existing building by 29,000 square feet into a Supercenter. Additional building wall signage is warranted given that the building is set back over 200 feet from Main Street. Per Table 19.54.052(1), area variances for (i) wall signs in excess of 50 square feet and (ii) 2 wall signs for one building are requested to improve building aesthetics and serve customer wayfinding.

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you.  
       Yes        X   No

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed.

N/A

**PLANS TO ACCOMPANY APPLICATION**

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

**PLOT PLAN**

When required by the building inspector, there shall be submitted a plot plan in a form and size designed by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, and will accurately show the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: B-1 Community Business District

No. of Occupants Proposed to be Accommodated: N/A No. of Employees, if applicable: @150

Section of the City of Whitewater Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: 19.54.052

**STANDARDS**

The following are standards that the City of Whitewater Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards.

STANDARD	APPLICANT'S EXPLANATION
A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out	The existing Walmart building is setback over 200 feet from West Main Street and houses two building wall signs. Walmart proposes to expand the front store façade, reusing a redevelopment site. The distance of the store front from West Main Street limits visibility from the street necessary to identify and draw attention to the store. The sheer lineal footage of the front façade will be aesthetically enhanced by breaks provided by color and material changes, including signage. To accommodate the size and location of the building, Walmart requests variances (i) to retain two wall signs, and (ii) for 376 square feet of total wall sign area. Granting the variances is consistent with City planning objectives of enhanced aesthetics and building wall break ups. Indeed, City planners have indicated that they are considering amending the City's code to permit signage similar to that requested by Walmart.
B. The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification	The appropriateness of the two variances is governed by the size and location of the building, which was originally developed prior to the City's current sign code and is one of the largest commercial buildings in the City. The variances will encourage Walmart to reuse its existing building as opposed to abandoning the site.
C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.	Additional wall signage will enhance the aesthetics of the building by breaking up a long front façade. Additional signage will also direct drivers safely to the property. A single 50-foot wall sign on a building setback more than 200 feet from the street would not be sufficient to enable drivers to safely identify the property when traveling on West Main Street.
D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.	The variances will (i) have no impact on the supply of light or air to adjacent properties, (ii) improve congestion on public streets by safely directing drivers to the property, and (iii) enhance the neighborhood and promote other retail and commercial uses by bringing more consumer traffic to the area.

**CONDITIONS**

The City of Whitewater Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind & supply ALL pertinent information.

Signature of Applicant:

*Kerry Stauder, agent*

Date:

*7/28/10*

**APPLICATION FEES**

(to be completed by City)

*Fee for Variance application - \$200.00*

Date fee received by City 7-29-10

Receipt # \_\_\_\_\_

Received by: J. Wagner

Date Notice sent to owners of record: \_\_\_\_\_ By \_\_\_\_\_

Date(s) published in Whitewater Register: \_\_\_\_\_

Date set for Hearing before Board of Zoning Appeals: \_\_\_\_\_



Front Elevation

Sign	Qty.	Type	Color	Height	Illumination	Area (S.F.)	Total S.F.
Walmart 	1	Identity	White/Yellow	5'-6"/8'-0"	Internal	298.00	298.00
Outdoor Living	1	Directional	White	2'-6"	N/A	77.24	77.24
<b>Total Building Signage</b>						<b>375.24</b>	



B   R   R	July 07, 2010	Whitewater, WI #1274 - Expansion	Signage Calculations	6
-----------	---------------	----------------------------------	----------------------	---





## VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission  
From: Mark Roffers, AICP and Megan MacGlashan, AICP, City Planning Consultants  
Date: July 29, 2010  
Re: Updated Report, Request for conditional use permit to construct a 28,000± square foot addition to the existing Walmart building at 1362 W. Main Street to create a Walmart Supercenter with both department store and grocery/food store components.

---

### Summary of Request and Project History

The applicant, Walmart, is requesting conditional use permit approval to construct a 28,384 square foot expansion to the existing Walmart building. The resulting Walmart Supercenter would include a department store and grocery store. The applicant is proposing to make substantial alterations to the front façade of the building and various other improvements to the site, including a new parking configuration, loading docks, and landscaping. The property is zoned B-1 General Business, in which new and expanded commercial buildings over 20,000 square feet require a conditional use permit.

The applicant appeared before the Plan Commission in May to present conceptual plans for this project. At that time, we prepared a report that outlined the various comprehensive plan and zoning ordinance standards that would be applicable to this project; we do not repeat them here in part to save space. Following conceptual review, the applicant made substantial revisions to the proposal to address comments from City staff and the Plan Commission. Revised plans and a complete conditional use permit application were submitted for review at the July Plan Commission meeting. Discussion at that meeting focused on concerns regarding fire access to the expanded building, and on the possibility for an expanded site to address fire safety, stormwater, and green space objectives. The Plan Commission postponed action on the conditional use permit in July to give the applicant an opportunity to address these concerns and revise their plans accordingly.

For this special Plan Commission meeting, the applicant is presenting two alternative site plans with the hope of having both plans approved, with conditions. They address the fact that, at the time of writing, Walmart was apparently close to negotiating expansion of the site to the north with the adjacent property owner, but had not completed this transaction. In summary, the first alternative indicates a fire access driveway connecting to the northeast corner of the lot, in a spot where it could link to a paved area behind Sentry in the event of emergency only. In this first alternative, the area east of the Walmart building would remain in greenspace, with stormwater detention and enhanced potential for fire access compared to the July plans. The second alternative would involve the

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax  
611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •  
414.732.2035 Fax  
[www.vandewalle.com](http://www.vandewalle.com)

Shaping places, shaping change

applicant securing a permanent open space easement over just under 2 acres of land north of the current Walmart property. Under this second alternative, a north-south paved area for a fire access drive and additional parking would be located on the east side of the Walmart building and the stormwater detention formerly occupying this space would be shifted to the new easement area. Securing the easement area would also allow the applicant to meet its 30 percent greenspace requirement (see analysis below). Further discussion of both of these alternatives is included in the analysis below.

The analysis below was based on our review of revised Site, Paving, and Striping plans (alternatives one and two, as described above), submitted to the City on July 23<sup>rd</sup>. All other plans upon which we have based our analysis were submitted just prior to the July 12th Plan Commission meeting. Walmart representatives have indicated that they would revise each of these plan sets, as necessary, to match the preferred alternative, and that they would not in any case change in quality from those submitted before the July 12<sup>th</sup> meeting.

## **Analysis**

- 1) Land Use and Planning Context: This property is currently surrounded to the east and west by other commercial land uses, some of which are aging and in need of revitalization/ investment. Property to the north is currently vacant (and partially wetland), and properties to the south (across Main Street) are occupied by a mixture of commercial and institutional uses (an assisted living facility and church). The City's Comprehensive Plan shows the Walmart property in the "Community Business" future land use category, which is intended to accommodate commercial and office land uses in the future that will serve local and some regional shopping and service needs. Surrounding lands are planned for a mixture of commercial and higher density residential uses. The proposed expansion would be compatible with these future land use designations, provided that remaining issues are properly addressed. In addition, the Comprehensive Plan emphasizes the importance of focusing on aesthetic improvements to important community corridors such as Main Street. In this respect, this project represents an important investment in the West Main Street corridor, which may help spark additional investments in other nearby properties and will improve the appearance of this area of the City. The Comprehensive Plan also has a key sustainability component, which Walmart has made efforts to incorporate.
- 2) Overview of Applicable Building and Site Design Standards: Both the City's Comprehensive Plan and Zoning Ordinance provide standards against which commercial projects in the City are evaluated. We have used the following adopted City standards to review the plans that are before you tonight: B-1 zoning district standards (Section 19.27.090) and other zoning ordinance standards; Comprehensive Plan design standards for commercial projects (which are referenced as applicable through the zoning ordinance); and the standards for review and approval of both site plans and conditional use permits in Section 19.63 and 19.66 of the zoning ordinance. Over the last several months, the City has been considering the adoption of a "big box" ordinance to establish and codify a specific list of standards for large retail and commercial service buildings. The ordinance was recommended for adoption at the July Plan Commission meeting and the first reading of the ordinance was conducted at the July Council meeting. Because the Walmart conditional use permit request was submitted before the adoption of that new ordinance, it is not legally applicable to the review of this project.
- 3) Evaluation of Building Elevations: The applicant has made substantial improvements to the building elevations compared to those presented at the May Plan Commission meeting. We are generally satisfied with upgrades to the building elevations. The applicant has added some architectural features such as lannon stone details; extended the length of the front entrance overhang so that it now occupies a more significant portion of the front façade; and proposed large, raised planters along the front walkway to help break up the building appearance. In May

we also suggested incorporating details such as columns, parapets, and cornices, as well as pronounced variations in wall and roof height. There has been some effort to accommodate those requests, within the applicant's stated constraint of retaining the majority of the current front wall of the building. The exterior area around the garden center is proposed to be enclosed with decorative black metal fencing with a mesh backing. We have seen similar fencing used on other projects and feel this is an appropriate material for this purpose.

The applicant has not proposed any more windows than what was originally proposed at the May meeting. The building will not house a food tenant, and the area immediately west of the main entrance (which was originally planned for the food tenant space) is now planned to be a stockroom, making it difficult to add windows to the wall in this location (even false/display windows as there will be shelving/storage stacked against the wall). The extension of the overhang farther to the west does help to visually balance out the façade, in lieu of windows. At the May meeting, the applicant did suggest that skylighting or transom windows may be possible in the expanded portion of the building, but this hasn't been integrated into the revised proposal. We ask the applicant be prepared to discuss this at the Plan Commission meeting.

The applicant has also submitted a roof plan and a plan for the screening of rooftop mechanical units. The front building parapet plus the screening units that are proposed should do an adequate job of screening mechanical units.

- 4) Evaluation of Landscaping: The proposed project would increase pervious surfaces and landscaping in the front portion of the lot in particular. The most significant outstanding landscaping/greenspace issue for this project has related to the amount of landscaped surface area that would remain on the lot after the project is completed. Within the B-1 zoning district, the City requires a minimum of 30 percent of the lot to be landscaped surface area. The City's ordinance further states that the Plan Commission may reduce this 30 percent requirement by up to 10 percent (for a absolute minimum 20 percent landscaped surface area) if the project provides significant quantities of plantings in highly visible locations (Section 19.27.070).

Based on the revised plans, under the first alternative (continuation of east-west rear fire drive, no additional easement acquired), the applicant is requesting the Plan Commission reduce the 30 percent landscaped surface area requirement to 20 percent, and has proposed substantial upgrades to the landscaping on the lot. Under the second alternative (acquisition of easement, 360 degree fire lane), the applicant would meet the 30 percent landscaped surface area requirement, assuming the easement area were counted toward meeting this standard. Typically, we would require that land counting toward the landscaped area requirement be under the same ownership as the subject development parcel. However, in this case we feel the open space easement would meet the spirit and intent of the ordinance, if the easement would keep the land in permanent open space, run with the Walmart land, and would be restricted against applying toward meeting the landscaped area requirement for any other development (i.e. whatever future development occurs on the land north of the Walmart site). Under this second alternative, the applicant is still proposing the same quality and quantity of landscaping, with minor tweaks to accommodate changes in the site plan east of the expanded building.

Based on revisions to the landscaping plan that were made just prior to the July Plan Commission meeting, we feel the new landscaping on the site represents a vast improvement over what is there today and responds to most of our prior comments. We do have a few comments and suggested revisions to what is indicated on the landscaping plan dated 7/8/10.

Overall, the proposed plant species generally meet the City's landscaping guidelines, except that the applicant is proposing a few species the City has listed as "Species to Use Sparingly or Avoid." These include the Autumn Blaze Maple (overplanted) and Honeysuckles (invasive/non-native). Other, more preferred species from the guidelines should be substituted. We also observed a few discrepancies between the legend and what is indicated on the landscaping plan

drawing. We also recommend the applicant expand the length of the planter located on the east side of the main building entrance to accommodate a minimum of 4 trees and that four (male) *Ginkgo biloba* be planted in each of the two planters located in front of the building (to the east and west of the entrance). During a previous meeting, the applicant committed to installing each tree at a 6" caliper, but we would now be satisfied with a minimum 4" caliper at the time of installation (7/8/10 plan set does not yet represent either size).

On both of revised alternative site plans before you this evening, the applicant has also proposed to reduce the number of parking stalls located at the far south portion of the lot (closest to Main Street), allowing additional room between the parking lot and the Main Street sidewalk for landscaping. This would require no variance, which would have been required based on the early July plan set. Revised landscaping plans should indicate how this area will be landscaped, consistent with the other landscaping proposed for this area of the site.

- 4) Evaluation of Sustainability Components: In recent years, Walmart has publicly committed itself to being more mindful of its impact on the environment and has broadcast its efforts to advance more sustainable and energy-efficient building and site design practices and contribute to and improve the communities within which its stores are located. The City's Comprehensive Plan also has a very strong sustainability component; the City hopes its sustainability vision can be realized through both public and private actions. The applicant is proposing a variety of ways to incorporate sustainability into its plans. Notably, the Walmart is building onto an already existing store that is within walking distance for many students and residents, makes use of existing infrastructure, and does not rely on greenfield development on the outskirts of the City. Also, this will be Walmart's first use of LED lighting for parking lot, signage, and certain interior lights in Wisconsin. Other sustainability proposals are included in the submittal. We appreciate the applicant's efforts in this area and hope that some of the recommendations we have put forth in other sections of this report, particularly with respect to bike/pedestrian access and landscaping, will help further enhance the sustainability of this *site*, in addition to the building. Walmart representatives have indicated to us that incorporating these components would not be a problem.
- 5) Evaluation of Transportation Access:
  - a) The applicant has prepared a traffic impact analysis, which was reviewed in early July by the City's engineering consultant (Strand). The applicant has since made revisions to the site plans addressing most of Strand's comments. The following issues still merit discussion:
    - i) The East Walmart driveway only Main Street is being designed and constructed to accommodate the future installation of a traffic signal. Walmart has agreed to pay its share of the signal costs when it is time for it to be installed, which will need to be formalized via a development agreement.
    - ii) A connection should be installed between the Walmart parking lot and the Hawk Bowl parking lot in line with the central east-west drive aisle (site plans should be revised to show this connection). The applicant has recently proposed locating this cross-access connection in line with the southern-most east-west drive aisle (much closer to Main Street), as an alternative. Based on an email conversation with the engineering consultant, we believe that locating a cross-access driveway connection this far south would not be advisable from a traffic flow standpoint. The TIA predicts a queue length of 65 feet southbound on the west Walmart driveway as it connects with Main Street, and the southern-most east-west drive aisle (Walmart's preferred connection point) is considerably south of this point. At minimum, the driveway connection should be north of the projected queue in Walmart's traffic study.

- b) Since there are several issues with respect to traffic, the applicant has begun working with City staff to prepare a development agreement outlining an approach for resolving these and other issues. The agreement should establish the final location of the traffic signal, who determines when the signal be installed, and how the installation of the signal will be paid for. Cross access for other properties in the area and community business sign provision may also be addressed. Fire access and hydrants should also be addressed. This agreement could be finalized as a condition of conditional use permit approval, and would be subject to City Council approval.
  - c) Under the first alternative site plan (continuation of east-west rear fire drive), the applicant is proposing to retain a total of 319 usable parking spaces. Under the second alternative (easement acquisition and 360 degree fire drive), the applicant is proposing to retain 343 usable parking spaces. Both alternatives represent a reduction from the current number of parking spaces. Still, these alternatives would provide 36 or 60 (respectively) more parking spaces than are required by City ordinance standards given the expanded building size. In addition, the parking lot is being reconfigured (perpendicular spaces instead of diagonal spaces) and re-striped, existing parking islands are being enlarged, and new parking islands are being added. In total, after also incorporating our earlier landscaping suggestions and Strand's suggestions, the new parking lot will look and flow much better than the current lot.
- 6) Evaluation of Stormwater and Natural Resource Issues:
- a) The current proposal (including each alternative) has no impact on delineated wetland areas. A group of trees of marginally quality will be removed from the rear of the property to accommodate the new loading area.
  - b) At the time this report was written, the applicant had submitted revised stormwater management plans for both alternative site plans. The City's engineering consultant felt that both alternatives were generally acceptable, with the following comments:
    - i) In the first alternative (continuation of east-west rear fire drive), the stormwater basin should be graded with 4:1 side slopes (not 3:1 as indicated on the plan).
    - ii) Approval of the first alternative pond configuration should be contingent on the receiving storm sewer system located immediately north of the building and connecting to the existing 36-inch storm sewer at the northwest corner of the property being sized to convey a 100-year storm event (note: no storm sewer design or sizing calculations have been submitted for review).
    - iii) In the first alternative, pond emergency overflow appears to be directed immediately to east onto the Sentry property. It is recommended that the pond overflow be reconfigured to be directed immediately to the north instead.
    - iv) In the second alternative, the area immediately downstream (west) of the pond to the existing wetlands should be graded and stabilized to handle anticipated flows from the pond outlet pipe. Also, the pond emergency overflow appears to be directed to the north. It is suggested that the pond overflow be aligned with pipe outfall to the west. Proper easements to accommodate these improvements should be acquired. The applicant may want to consider connecting the pond outfall back into the proposed storm sewer system located along the north side of the building. This would eliminate the need for regrading and stabilization of a drainage swale west of the pond.
    - v) The following details still need to be submitted before final approval of whatever is the selected stormwater plan: storm sewer design details and sizing calculations, pond outlet control structure design details, soil erosion control plans, sanitary sewer and water main details, parking lot spot grades to confirm adequate overland flood routing, completion

of City Stormwater Management Permit applications, and confirmation of acquisition of necessary easements.

- c) At the time this report was written, the City engineering consultant had not had an opportunity to review revised grading, drainage, or utility plans.

7) Evaluation of Signage and Lighting:

- a) The proposed primary building sign is 298 square feet. Within the B-1 district the maximum size allowed for wall signs is 50 square feet. Therefore, the applicant is in the process of applying for a variance in order to have a sign this large. In this situation, we would support the issuance of a variance. A 50 square foot sign would seem very small on such a large building face. The applicant is also proposing an additional wall sign at the west end of the building that indicates the “Outdoor Living” portion of the store. This sign is proposed to be roughly 77 square feet. The applicant will also have to get a variance for this additional sign, as only one wall sign is permitted within the B-1 district. Again, given the size and length of the façade, we would support the issuance of a variance for the second wall sign. The Plan Commission’s conditional use permit approval could be conditioned on those variances being obtained for the wall sign components.
- b) The applicant is proposing to entirely replace the existing pylon sign with a new pylon sign and moved into the landscape strip that runs along the west side of the eastern entry driveway. This has been clearly indicated in one of alternative site plans, but not the other (all plans should be revised to reflect the new location of the sign). The height of the new sign will be reduced to 20 feet (from the current approximately 35 feet), which is consistent with the City’s sign ordinance if a conditional use permit is obtained. The new sign will be internally illuminated--the existing sign is externally lit. The dimensions of the proposed sign comply with the City’s ordinance requirements, and the new sign in general will be a more visible and improved sign for the site.
- c) We assume the parking lot will be outfitted with a new array of directional signs. While these do not need to be submitted with the conditional use permit application, directional signs will need to be finalized and shared with City staff as part of the sign permit process.
- d) The applicant is proposing to replace all parking lot lighting with new LED lighting. All fixtures will need to be mounted at a 90 degree angle to the light pole (perpendicular to the pole) to direct light downward, per City lighting requirements. On the applicant’s submitted plans, this requirement is explicitly proposed to be met for some of the specified fixtures, but not all of them. This should be clarified as the lighting plan is finalized.
- e) City ordinance specifies that lighting shall not exceed 2.0 footcandles at any property lines. This level is currently proposed to be exceeded along the eastern property line. Lighting plans should be adjusted as necessary to bring these levels to 2.0 footcandles or less. The zoning ordinance further specifies that lighting shall not exceed an average of 2.5 footcandles throughout the site. The applicant meets this requirement.
- f) The selected color for the pole light standards should be indicated—the submitted catalog page suggests that both black and bronze are standard options. It would seem the bronze fixtures may be more compatible with building colors. Pole light colors should be compatible with other parking lot features, such as signs and cart corrals, as well as the building sconce lights.
- g) Sconce lighting is proposed for the front of the building. These fixtures meet the City’s lighting requirements and are an appropriate design for the building and site.

- 8) Evaluation of Miscellaneous Issues: We have the following miscellaneous comments with respect to the submitted plans:

- a) At this time, the only area the applicant is proposing for either seasonal or permanent outdoor display is within the decorative fenced area on the west side of the building, in association with the garden center. If the applicant wishes to have any other areas designated for outdoor display or sales, including vending machines, propane tanks, or seasonal sales lots, these areas should be shown on the site plan sheets before Commission approval. Otherwise, they will not be allowed without subsequent approval from the Plan Commission. Sheet SP1, sheet note #6 mentions propane storage areas, but we have not seen these indicated anywhere on the site plans.
- b) The applicant has identified two bike rack locations on the site plans and building elevation sheets. Both are located in the front of the building, east and west of the building entrance. We have not yet seen details on the color of the racks being proposed nor an indication of the number of bicycle spaces proposed for each rack (only the proposed length of the racks). We recommend six to eight inverted-U racks be located on the west side of the entrance, and four more on the east side. We further recommend that the rack on the west side of the entrance be moved slightly east so that it is located underneath the overhang.
- c) An agreement/easement has not been completely worked out between Walmart and the car wash owner regarding the sidewalk location. We consider the location of the sidewalk is almost as important as the presence of a sidewalk at all, given the direction from which most pedestrians will be coming. If an agreement/easement cannot be finalized, the applicant should, as a condition of approval, be required to submit and have approved by City staff an alternate location for that walkway.
- d) The applicant is proposing to stripe pedestrian crosswalk areas with white paint. We recommend that crosswalk areas instead be surfaced with colored concrete or some other more permanent treatment (imbedded tape) to make them more distinguishable and ensure they will be able to withstand wear and tear long into the future.
- e) While we appreciate their inclusion, there are a few issues with respect to the planters that should be resolved. The first is that the length, landscape treatment, and location when one looks at the building elevation sheets is different than when one looks at the site/landscape plan sheets. In general, these planters should be positioned in such a manner that allows people to walk in front of (south of) them, should be extended to allow tree plantings along the lines shown on the elevation sheets.
- f) We still have not seen details on the design of the retaining wall proposed for the rear property line (and under the first site plan alternative, the retaining wall east of the building), or the dumpster enclosure. These should be compatible with the design and colors of other related site feature, and should be submitted for review and approval by City staff.
- g) Just prior to the July Plan Commission meeting, the applicant submitted detail sheets for the cart corrals. The design appeared to be fairly generic and did not seem to complement the upgraded appearance of this building or site. We recommend the applicant resubmit revised cart corral detail sheets that are selected for this site, and illustrate a more attractive option that is compatible with and complements the building appearance and other hardscape features on the property. Sheltered/covered corrals might be a appropriate addition.

### **Recommendation**

Pending comments received at the public hearing, we recommend the Plan Commission approve the conditional use permit for the expansion to the existing Walmart building, located at 1362 W. Main Street, subject to the following conditions:

- 1) The project shall be constructed in accordance with either one of the two Site, Paving, and Striping Plans (sheet C1.0) dated 7/8/10 and submitted to the City on 7/23/10; Grading and Drainage Plan (sheet C4.0) dated 7/8/10; Landscape Plan (sheet L6.0) dated 7/8/10; Utility Plan

(sheet C5.0) dated 6/28/10; Natural Features Inventory Map (sheet NF1.0) dated 6/28/10; Photometric Plan (sheet C8.1) dated 6/28/10; Roof Plan (sheet A4) dated 7/13/10; Stormwater Management Reports dated 7/27/10; Signage (sheet A2.2) dated 6/28/10; Site Plan Amenities (SP1) dated 7/7/10; Site Details (sheet SP2) dated 7/7/10; Site Details (sheet SP2.1) dated 6/28/10; Elevations and Site Photos dated 7/7/10; the LED lighting cut sheets submitted 6/28/10; LED Site Lighting Performance Specifications submitted 6/28/10; Lighting Cut Sheets submitted 6/28/10; the Ribbon Rack Cut Sheet submitted 7/9/10; Sconce Lighting details submitted 7/9/10; Cart Corral Details submitted 7/9/10; Custom Mechanical Equipment Screening Details submitted 7/9/10; except as changes to those plans are required to meet the conditions that follow and Walmart's selected site plan alternative.

- 2) If the first alternative (continuation of east-west rear fire drive, no additional easement acquired) is ultimately selected, per the Site, Paving, and Striping Plan dated 7/8/10 and submitted to the City on 7/23/10, the applicant shall be allowed to reduce the required amount of landscaped surface area on the lot from 30 percent down to no less than 20 percent, provided that the approved landscape plan is fully implemented.
- 3) If the second alternative (acquisition of easement and 360 degree fire lane) is selected, per the Site, Paving, and Striping Plan dated 7/8/10 and submitted to the City on 7/23/10, the acquired easement shall count toward meeting the applicant's 30 percent landscaped surface area requirement, provided the following restrictions are recorded in conjunction with the easement and provided to City staff:
  - a) This easement area must be restricted for permanent open space use in perpetuity (i.e., no buildings or impervious surfaces shall be erected within the easement area).
  - b) The easement shall run with the Walmart property regardless of future owner ship.
  - c) The easement area shall be restricted against counting towards the minimum landscaped surface area requirement for any other current or future development site aside from the Walmart property.
- 4) Prior to the issuance of a building permit, the applicant shall prepare/revise and resubmit the following plans for City staff approval:
  - a) Revised roof plan to clearly indicate the locations of any existing and proposed skylights, and as necessary to confirm to the satisfaction of the City Planner that all rooftop mechanical equipment shall be fully screened so that it is not visible from adjacent properties or and public street.
  - b) Revised site and related plans to indicate that the planter located on the west side of the main building entrance will positioned in a manner that allows people to walk along the walkway to the south of the planter (i.e., shift the location of the planter closer to the building).
  - c) Revised photometric plan to explicitly indicate that all lighting fixtures will be mounted at a 90 degree angle to the light pole and to indicate that lighting levels shall not exceed 2.0 footcandles at any property line. Indicate the color of all light poles, selecting a color that is compatible with the building color and other hardscape features on the property.
  - d) Revised versions of relevant plans to clearly indicate any and all locations designated for permanent or seasonal outdoor display, including vending machines, propane tanks, or seasonal sales lots. (If not indicated, will not be allowed without subsequent Plan Commission approval.)
  - e) Revised versions of all relevant plans to reposition the bike rack located west of the main building to a location underneath the building canopy.

- f) Clearly indicate through a detail sheet the number of bicycle spaces located in each proposed bike rack and the color of the bicycle racks, with the color compatible with the building and other hardscape features on the property.
  - g) Revised versions of all relevant plans to show the new location and dimensions of the pylon sign (within the landscaping peninsula located along the eastern entrance driveway), along with all directional signs.
  - h) Revised cart corral detail sheet. Cart corrals shall be specifically designed for this project and shall be compatible with the building and with other hardscape features on the property. Covered corrals should be considered.
  - i) Detailed plans for the retaining wall proposed for the north property line (and east of the building if the first site plan alternative is selected) and for the dumpster enclosure. The design, colors, and materials used on such features shall be compatible with the design, colors, and materials of other related site features.
  - j) Revised stormwater management, grading, and engineering plans to address the City engineering consultant's comments.
- 5) Prior to the issuance of a building permit, the applicant shall revise and resubmit the landscaping plan for City staff approval to address the following issues:
- a) Adjust the landscaping proposed for the east side of the building based upon the final site plan alternative selected. Landscaping should, to the extent practical, be consistent with the landscaping proposed on the landscaping plan dated 7/8/10, also taking into consideration fire access.
  - b) Reconfigure landscaping to the front yard between Main Street and the southern edge of the parking lot, consistent with the other landscaping proposed for this area of the site, and add landscaping here if removed from the area east of the building for fire access purposes.
  - c) Replace all Autumn Blaze Maples and Dwarf Bush Honeysuckles with other appropriate species, consistent with the City's Landscaping Guidelines.
  - d) Revise the landscaping legend to reconcile all differences between the legend and what is indicated on the landscaping plan drawing.
  - e) Expand the length of the planter located on the east side of the main building entrance to accommodate a minimum of 4 trees. Indicate that four (male) *Ginkgo bilobas* will be planted in each of the two planters located in front of the building (to the east and west of the entrance). Each tree shall be a minimum 4" caliber at the time of installation.
  - f) Clearly indicate the location of all "gravel mulch maintenance strips" indicated in the legend.
- 6) Prior to the issuance of a building permit, the applicant shall submit a signed agreement with the owner of the car wash to locate the proposed walkway from Main Street to the front of the building in the eastern location shown on the site, paving, and striping plans dated 7/8/10 and submitted 7/23/10, or shall submit and have approved by City staff an alternate location for that walkway.
- 7) Prior to the issuance of a building permit, the applicant shall work with the City staff to prepare and execute a development agreement addressing the following and have that agreement approved by the City Council:
- a) Outline an approach for resolving all outstanding traffic issues, as described in both the traffic impact analysis and the recommendations of the City's engineering consultant. At minimum, the agreement shall establish who determines when the signal will be installed and how the installation of the signal will be paid for.

- b) If the first alternative site plan (continuation of east-west fire drive, no additional easement acquired) is ultimately chosen, specify Walmart's obligations if full east-west access across both the Walmart and Sentry driveway is ever closed off in the future. At minimum, the agreement shall specify that in this case the applicant will be responsible for providing alternative paved fire access around the east side of the Walmart building and adjusting the amount of landscaped surface area on the lot to maintain a minimum of 20 percent landscaped area or obtain a variance from this requirement.
  - c) Include other fire safety provisions, such as provision of additional hydrants and maintenance of a 20 foot paved clear zone at all times around the building.
  - d) Include provisions for a community business sign.
- 8) Prior to the issuance of a building permit, the applicant shall apply for and be granted a variance allowing the size and number of wall signs to exceed the City's ordinance standards. In no way shall the issuance of this conditional use permit or this condition of approval compel the Board of Zoning Appeals to issue such a variance.
- 9) To accommodate potential cross-access to the west, the applicant shall (a) construct an extension of the east-west driveway near the center of the parking lot to the western property line (and indicate on all relevant plans) and (b) record a cross-access easement to the benefit of the property owner to the west for cross access between that location and Walmart's western driveway access point on West Main Street. Such extension and easement shall be provided not later than three months from a request by the City to provide them, or sooner if desired by the applicant, and shall be represented on plans and other documents approved by City staff prior to recording.

\*\*\*\*\*

## Jane Wegner

---

**From:** Bruce Parker  
**Sent:** Thursday, July 29, 2010 1:13 PM  
**To:** Jane Wegner  
**Subject:** FW: Wal-Mart Stormwater Review

---

**From:** Fisher, Mark [mailto:Mark.Fisher@strand.com]  
**Sent:** Thursday, July 29, 2010 12:34 PM  
**To:** Dean Fischer; Bruce Parker  
**Cc:** Mark Roffers; Shubak, Mark; Megan MacGlashan  
**Subject:** Wal-Mart Stormwater Review

Bruce/Dean,

Below are our preliminary comments on stormwater management for the two most recent concept plans for the Walmart expansion.

Any known wetlands on or near the sites should clearly be labeled as "wetland".

We have not received detailed site grading and utility plans, so we will reserve comment on those until plans are submitted. We'll want to review comment on water main routing, valving, hydrant locations, easements, etc.

Please contact us if you have any questions.

Mark A. Fisher, P.E.  
Strand Associates, Inc.  
910 West Wingra Drive  
Madison, WI 53715  
Phone: (608) 251-4843  
Fax: (608) 251-8655

Mark,

I've reviewed the resubmitted Wal-mart stormwater submittals. The design alternative that indicates the stormwater pond on the northeast corner of the Wal-mart parcel appears to be acceptable. However, the grading plan still indicates 3:1 side slopes for the basin (the City's maximum is 4:1). This issue likely can be easily addressed by modifying the retaining walls adjacent to the pond. Approval of this pond configuration is contingent on the receiving storm sewer system located immediately north of the building and connecting to the existing 36-inch storm sewer at the northwest corner of the property being sized to convey a 100-year storm event (note, no storm sewer design or sizing calculations have been submitted for review). Note also, pond emergency overflow appears to be directed immediately to east onto the Sentry property. It is recommended that the pond overflow be reconfigured to be directed immediately to the north instead.

The design alternative that indicates the stormwater pond offsite immediately to the north also appears to be acceptable. We would recommend that the area immediately downstream (west) of the pond to the existing wetlands be graded and stabilized to handle to anticipated flows from the pond outlet pipe. Also, the pond emergency overflow appears to be directed to the north. It is suggested that the pond overflow be aligned with pipe outfall to the west. Proper easements to accommodate these improvements should be acquired. The applicant may want to consider connecting the pond outfall back into the proposed storm sewer system located along the north side of the building. This would eliminate the need for regrading and stabilization of a drainage swale west of the pond.

While, additional design details will need to be submitted prior to final approval, We believe that in concept, the proposed stormwater plans for each design alternative presented are feasible and acceptable. Additional details that need to be submitted prior to final approval should include the following items:

- Storm sewer design details and sizing calculations
- Pond outlet control structure design details
- Soil erosion control plans
- Sanitary sewer and water main details
- Parking lot spot grades to confirm adequate overland flood routing.
- Completion of City Stormwater Management Permit applications
- Confirm acquisition of necessary easements

-Mark

Mark K. Shubak, P.E.

**Strand Associates, Inc.**

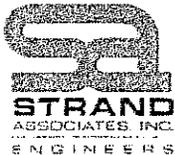
910 West Wingra Drive

Madison, WI 53715

Main: (608) 251-4843

Direct: (608) 251-2129, ext. 1138

# Previous Reports + Comments.



910 West Wingra Drive  
Madison, WI 53715  
Phone: 608-251-4843  
Fax: 608-251-8655

#### Office Locations

Madison, WI  
Joliet, IL  
Louisville, KY  
Lexington, KY  
Mobile, AL  
Columbus, IN  
Columbus, OH  
Indianapolis, IN  
Milwaukee, WI  
Cincinnati, OH  
Phoenix, AZ

[www.strand.com](http://www.strand.com)

June 30, 2010

Mr. Dean Fischer, Director of Public Works  
City of Whitewater  
312 West Whitewater Street  
Whitewater, WI 53190

Re: Whitewater Wal-Mart Expansion  
Traffic Impact Analysis Review

Dear Dean,

We have reviewed the Traffic Impact Analysis (TIA) dated June 18, 2010, prepared by R.A. Smith National examining the proposed expansion of the Whitewater Wal-Mart. The TIA was completed based on the format defined by the Wisconsin Department of Transportation. The TIA uses the previously approved study area intersections, trip generation, trip distribution, and trip assignment. We did not find any items in need of revision that would significantly alter the analysis results.

We have the following recommendations regarding the redevelopment.

#### Future Traffic Signal at the East Wal-Mart Driveway

We recommend that the East Wal-Mart Driveway be designed and constructed to accommodate the future installation of a traffic signal. The TIA indicates that the intersection may satisfy the 8-hour warrant for traffic signals within five years. In addition, even with the improvements proposed in the TIA, many of the southbound left-turn movements from the site driveways will operate at Level of Service (LOS) D or E after the expansion is complete. We agree with the proposed lane configuration that includes a 100-foot southbound left-turn bay and a full-length southbound shared through/right-turn bay.

We also recommend the City require Wal-Mart to provide an equitable portion of the future design and construction costs of a signal as a condition of the approval of the project. There are a variety of ways to determine the appropriate portion, which will require additional discussion among City staff, consultants, and the development team.

#### West Wal-Mart Driveway Lane Configuration

We recommend that the West Wal-Mart Driveway be configured to provide a 100-foot southbound left-turn bay and a full length southbound shared through/right-turn lane. This is the same configuration as the TIA recommends for the East Wal-Mart Driveway.



Mr. Dean Fischer, Director of Public Works  
City of Whitewater  
Page 2  
June 30, 2010

Doing so will provide additional existing vehicle capacity and should result in a more even distribution of delay between the two driveways. It will also assist with accommodation of large vehicles.

### **Additional Comments**

In addition to the recommendations above, we have the following comments for consideration.

#### **A. East-West Drive Aisle**

The site plan in the TIA indicates that east-west circulation in the Wal-Mart parking lot will be accommodated via two drive aisles. One is at the north end of the site immediately adjacent to the store and the other is at the south end of the site adjacent to Main Street. The south aisle may result in congestion between vehicles entering and exiting the site at the two driveways because of the short internal throat depth. We recommend the City require the southern drive aisle be moved farther north, perhaps in line with the east-west drive aisle shown north of the bank parcel.

#### **B. Main Street Lane Configuration**

The City has been considering a change to the four-lane undivided section along Main Street for a number of years. Converting Main Street to a three-lane section including a two-way left-turn lane could provide several benefits including the ability to add on-street bicycle lanes, create improved pedestrian crossings with center refuge areas, and potentially reduce some types of crashes. We suggest the City continue considering this conversion as it may be an appropriate long-term configuration for Main Street.

#### **C. Pedestrian and Bicycle Improvements**

The TIA only briefly discusses pedestrian and bicycle access to the site. The proposed pedestrian improvements include a sidewalk connection from Main Street to the entrance and striped crossings of internal roadways. There are no improvements proposed for bicycle travel. We suggest the City continue coordination with your land use planning consultants to improve pedestrian and bicycle access and circulation to/on the site.

#### **D. Cross-access with the Hawk Bowl**

The Hawk Bowl has an existing driveway that is only about 50 feet west of the West Wal-Mart Driveway. If cross-access between the Wal-Mart site and the Hawk Bowl could be provided, this driveway may be able to be removed. We suggest the City encourage this cross access and coordination among the property owners.



Mr. Dean Fischer, Director of Public Works  
City of Whitewater  
Page 3  
June 30, 2010

E. Impact to Existing Business

There is an existing driveway that serves a CITGO gas station opposite the West Wal-Mart Driveway. It should be noted the TIA indicates the operations at this driveway degrade from LOS C in the existing condition to LOS D in the postexpansion condition. CITGO does have access to another driveway to the West, suggesting that more CITGO traffic may begin using this shared access after completion of the Wal-Mart expansion.

**Conclusions**

We feel the TIA is acceptable as presented. We recommend the City require (1) the site to accommodate a future signal at the East driveway; (2) Wal-Mart to pay for a share of the signal costs as part of the approval process; and (3) the West driveway be designed with the same lane configuration as is recommended for the East driveway.

Thank you for the opportunity to review this TIA. We look forward to discussing the results with you.

Sincerely,

STRAND ASSOCIATES, INC.<sup>®</sup>

A handwritten signature in black ink, appearing to read 'J. S. Held'.

Jeffrey S. Held, P.E., P.T.O.E.

c: Mark Fisher, Strand Associates, Inc.<sup>®</sup>  
Bruce Parker, Director of Neighborhood Services



910 West Wingra Drive  
Madison, WI 53715  
Phone: 608-251-4843  
Fax: 608-251-8655

**Office Locations**

Madison, WI  
Joliet, IL  
Louisville, KY  
Lexington, KY  
Mobile, AL  
Columbus, IN  
Columbus, OH  
Indianapolis, IN  
Milwaukee, WI  
Cincinnati, OH  
Phoenix, AZ

[www.strand.com](http://www.strand.com)

July 1, 2010

Mr. Bruce Parker, Director of Neighborhood Services  
City of Whitewater  
312 West Whitewater Street  
Whitewater, WI 53190

Re: Wal-Mart Expansion

Dear Bruce,

We have reviewed the drawings and stormwater management calculations prepared by R.A. Smith National for the proposed Wal-Mart expansion. The drawings are dated June 28, 2010.

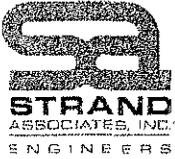
We offer the following comments for your consideration.

**Site Plan**

1. As discussed in our review of the Traffic Impact Analysis (TIA), the location of the east-west drive aisle at the southernmost portion of the parking lot results in a relatively short throat depth for storage of queued vehicles. This may result in congestion between entering and exiting vehicles at both driveways. We recommend the City consider requiring this east-west drive aisle be closed at both driveways and moved to the north, perhaps in alignment with the east-west drive aisle north of the car wash lot.
2. The existing driveway for Hawk Bowl, located about 50 feet west of Wal-Mart's west driveway, appears to overlap Wal-Mart's parcel. Should this driveway be relocated?
3. A fire lane along the east and north sides of the building may be required/desired. The Whitewater Fire Department should be consulted on this matter.

**Grading and Drainage Plan**

1. The Stormwater Management Report indicates that the 40 percent total suspended solids (TSS) reduction requirements for the project is being met by draining to a "grassed swale" at the northeast corner of the site. Based on review of the grading plan, this grassed swale appears to be a dry detention basin. Wisconsin Department of Natural Resources (WDNR) typically does not give TSS reduction credit for dry detention basins (85 percent reduction is indicated in the Stormwater Management Report). To achieve the required TSS reduction requirement, the stormwater facility will need to be redesigned either as a wet detention basin or a bioretention basin meeting applicable WDNR design standards.
2. The applicant shall submit appropriate forms required to obtain a Stormwater Management Permit from the City of Whitewater. In addition, a summary of additional impervious areas shall be submitted to supplement the City's stormwater utility and permit.



Mr. Bruce Parker  
City of Whitewater  
Page 2  
July 1, 2010

3. The side slopes of the proposed detention basin are shown to be three to one (horizontal to vertical). City code requires maximum detention basin side slopes shall be four to one.
4. The underground detention location at the northwest corner of the site should be detailed on the drawings.
5. A parking lot spot grade should be added immediately southeast of the southeast corner of the building. This spot grade should not exceed elevation 855.5, thereby establishing a safe overland flood route from the parking lot to the detention basin.
6. A construction easement will need to be acquired from the property owner to the west in order to build the proposed retaining wall along the west property line.
7. It is unclear on the grading plan, but there appears to be a delineated wetland located at the northwest corner of the site. If this is the case, the applicant should verify that City and WDNR protective area setbacks are being met.
8. A construction site erosion control plan should be prepared that meets minimum City code and WDNR requirements.

#### Utility Plan

1. New sanitary sewer is proposed along the north side of the building. We assume this sanitary sewer serves only the Wal-Mart building. If so, the sewer is considered private and easement is not required. Regardless of whether the sewer is public or private, it shall be constructed in accordance with City of Whitewater standard specifications (pipe, castings, and chimney seals). Additional details are needed.
2. Water service sizes should be shown on the drawings.
3. If an easement does not exist for the 12-inch water main across the parking lot, an easement should be granted as part of this project.
4. Additional fire hydrants around the perimeter of the building may be required/desired. The Whitewater Fire Department should be consulted on this matter.

Please contact us if you have any questions regarding our review comments. Thank you.

Sincerely,

STRAND ASSOCIATES, INC.<sup>®</sup>

Mark K. Shubak, P.E.

Mark A. Fisher, P.E.

c: Dean Fischer, DPW, City of Whitewater  
Mark Roffers, Vandevaille & Associates, Inc.



# VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission  
From: Mark Roffers, AICP and Megan MacGlashan, AICP, City Planning Consultants  
Date: July 2, 2010 (NOTE: Due to previously planned vacations, report prepared 10 days before Plan and Architectural Review Commission meeting.)  
Re: Request for conditional use permit to construct a 29,000± square foot addition to the existing Walmart building at 1362 W. Main Street to create a Walmart Supercenter with both department store and grocery/food store components

---

## Summary of Request

The applicant, Walmart, is requesting conditional use permit approval to construct a 28,384 square foot expansion to the existing Walmart building. The resulting Walmart Supercenter would include a department store and grocery store. The applicant is proposing to make substantial alterations to the front façade of the building and various other improvements to the site, including a new parking configuration, loading docks, and landscaping. The property is zoned B-1 General Business, in which new and expanded commercial buildings over 20,000 square feet require a conditional use permit.

The applicant appeared before the Plan Commission in May to present conceptual plans for this project. At that time, we prepared a report that outlined the various comprehensive plan and zoning ordinance standards that would be applicable to this project; we do not repeat them here in part to save space. Also, since that time, the applicant has made substantial revisions to the proposal to address comments from City staff and the Plan Commission and with serious effort to meet those standards.

## Analysis

We support the idea to expand the existing Walmart on site. We also appreciate the effort that has been put into improving the plans for this site and building. We do still have a number of comments and requests that we feel should be thought through and explicitly addressed through proposal revisions before we feel comfortable making a recommendation to approve the conditional use permit for this project. Our comments and outstanding issues are described in the analysis below, along with a description of the significant positive revisions that have been made to the proposal since May.

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax  
611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •  
414.732.2035 Fax  
[www.vandewalle.com](http://www.vandewalle.com)

Shaping places, shaping change

- 1) **Land Use and Planning Context:** This property is currently surrounded to the east and west by other commercial land uses, some of which are aging and in need of revitalization/ investment. Property to the north is currently vacant (and partially wetland), and properties to the south (across Main Street) are occupied by a mixture of commercial and institutional uses (an assisted living facility and church). The City's Comprehensive Plan shows the Walmart property in the "Community Business" future land use category, which is intended to accommodate commercial and office land uses in the future that will serve local and some regional shopping and service needs. Surrounding lands are planned for a mixture of commercial and higher density residential uses. The proposed expansion would be compatible with these future land use designations, provided that remaining issues are properly addressed. In addition, the Comprehensive Plan emphasizes the importance of focusing on aesthetic improvements to important community corridors such as Main Street. In this respect, this project represents an important investment in the West Main Street corridor, which may help spark additional investments in other nearby properties and will improve the appearance of this area of the City. The Comprehensive Plan also has a key sustainability component, which Walmart has made a significant effort to incorporate.
- 2) **Overview of Applicable Building and Site Design Standards:** Both the City's Comprehensive Plan and Zoning Ordinance provide standards against which commercial projects in the City are evaluated. We have used the following adopted City standards to review the plans that are before you tonight: B-1 zoning district standards (Section 19.27.090) and other zoning ordinance standards; Comprehensive Plan design standards for commercial projects (which are referenced as applicable through the zoning ordinance); and the standards for review and approval of both site plans and conditional use permits in Section 19.63 and 19.66 of the zoning ordinance. Over the last several months, the City has been considering the adoption of a "big box" ordinance to establish and codify a specific list of standards for large retail and commercial service buildings. Review and possible recommendation on a revised draft of the ordinance is scheduled for later in the Commission's agenda. Because Walmart conditional use permit request was submitted before the adoption of that new ordinance, it is not legally applicable to the review of this project.
- 3) **Evaluation of Building Elevations:** The applicant has made substantial improvements to the building elevations compared to those presented at the May Plan Commission meeting. We are generally satisfied with upgrades to the building elevations. The applicant has added some architectural features such as lannon stone details; extended the length of the front entrance overhang so that it now occupies a more significant portion of the front façade; and proposed large, raised planters along the front walkway to help break up the building appearance. In May we also suggested incorporating details such as columns, parapets, and cornices, as well as pronounced variations in wall and roof height. There has been some effort to accommodate those requests, within the applicant's stated constraint of retaining the majority of the current front wall of the building. The exterior area around the garden center is proposed to be enclosed with decorative black metal fencing with a mesh backing. We have seen similar fencing used on other projects and feel this is an appropriate material for this purpose.

The applicant has not proposed any more windows than what was originally proposed at the May meeting. The building will not house a food tenant, and the area immediately west of the main entrance (which was originally planned for the food tenant space) is now planned to be a stockroom, making it difficult to add windows to the wall in this location (even false/display windows as there will be shelving/storage stacked against the wall). The extension of the overhang farther to the west does help to visually balance out the façade, in lieu of windows. At the May meeting, the applicant did suggest that skylighting or transom windows may be possible in the expanded portion of the building, but this hasn't been integrated into the revised proposal. We ask the applicant be prepared to discuss this at the Plan Commission meeting.

There are some inconsistencies between how the elevations are rendered and similar features show on site and landscaping plans (e.g., planter landscaping, door locations) that should be remedied. More on this later in this report.

Also, the current submittal does not include a roof plan, or indicate the sizes and locations of rooftop mechanical units. Information should be submitted that indicates that rooftop mechanical units will not be visible to the public or adjoining properties.

- 4) **Evaluation of Landscaping:** The proposed project would increase pervious surfaces and landscaping in the front portion of the lot in particular. Still, the most significant outstanding landscaping/greenspace issue relates to the amount of landscaped surface area that would remain on the lot after the project is completed. Within the B-1 zoning district, the City requires a minimum of 30 percent of the lot to be landscaped surface area. The City's ordinance further states that the Plan Commission may reduce this 30 percent requirement by up to 10 percent (for a absolute minimum 20 percent landscaped surface area) *if* the project provides significant quantities of plantings in highly visible locations (Section 19.27.070). The applicant is requesting the Plan Commission reduce the 30 percent landscaped surface area requirement to 20 percent, and has proposed substantial upgrades to the landscaping on the lot. We feel that if the Plan Commission decides to grant the 10 percent reduction in landscaped surface area if the applicant's landscape plan truly excels. Based on the ordinance expectation, we believe further improvements to the landscape plan are in order. In addition, although the vegetation located behind the building today is not particularly attractive or high quality, it does represent existing natural land cover and habitat that will be lost for the purposes of this development expansion. Requiring the applicant to provide an excellent landscaping plan on other parts of the site to partially compensate for this loss is in line with the City's broader goals of advancing environmental sustainability and protecting natural resources.

Overall, the proposed plant species generally meet the City's landscaping guidelines, except that the applicant is proposing a few species the City has listed as "Species to Use Sparingly or Avoid." These include the Autumn Blaze Maple (overplanted), honeylocust, and Burning Bush (invasive/non-native). Other, more preferred species from the guidelines should be substituted. Due to the number of other comments we have on the landscaping plan, and the location-specific nature of these comments, we have marked up a copy of the proposed landscaping plan, rather than try to explain each comment individually. See Attachment 1 to this report for our detailed recommendations on landscaping. It is our hope that changes to the landscape plan to address these comments can be made before action on this conditional use permit request. Also, further changes may be warranted based on the City engineering consultant's comments on the traffic circulation plan.

- 4) **Evaluation of Sustainability Components:** In recent years, Walmart has publicly committed itself to being more mindful of its impact on the environment and has broadcast its efforts to advance more sustainable and energy-efficient building and site design practices and contribute to and improve the communities within which its stores are located. The City's Comprehensive Plan also has a very strong sustainability component; the City hopes its sustainability vision can be realized through both public and private actions. The applicant is proposing a variety of ways to incorporate sustainability into its plans. Notably, the Walmart is building onto an already existing store that is within walking distance for many students and residents, makes use of existing infrastructure, and does not rely on greenfield development on the outskirts of the City. Also, this will be Walmart's first use of LED lighting for parking lot, signage, and certain interior lights in Wisconsin. Other sustainability proposals are included in the applicant's submittal. We appreciate the applicant's efforts in this area and hope that some of the recommendations we have put forth in other sections of this report, particularly with respect to bike/pedestrian access and landscaping, will help further enhance the sustainability of this *site*, in addition to the building.

5) **Evaluation of Transportation Access:**

- a) The applicant has prepared a traffic impact analysis for this site, which has been reviewed by the City's engineering consultant (Strand). Strand's letter evaluating the traffic impact analysis, included in the Commission's packet, includes the following recommendations:
  - i) The East Walmart driveway should be designed and constructed to accommodate the future installation of a traffic signal (V&A note: this future signal and associated improvements should also be clearly indicated on the site plan sheets). Walmart should pay its share of the signal costs when it is time for it to be installed. We understand that City staff and Strand may need to discuss this recommendation further, as at least some City staff felt that the west driveway may be the more appropriate spot for a signal given the gas station across the street from the west entrance.
  - ii) The west driveway should be designed with the same lane configurations as have been recommended for the east driveway (V&A note: again, these recommended configurations should be clearly indicated on revised site plan sheets).
  - iii) The applicant should address the closing/relocation of the Hawk Bowl driveway, which is currently located very close to the western Walmart driveway, which would be expanded with this proposal. This recommendation corresponds with the recommendation that follows.
  - iv) The parking lot should be reconfigured to move the southern-most east-west drive aisle (near Walmart's pole site) significantly further north. This would help avoid congestion associated with vehicle stacking that may result from the east-west drive aisle being located too close to Main Street. It would also provide greater east-west connectivity through the entire site and connecting to adjacent sites. A connection should be installed between the Walmart parking lot and the Hawk Bowl parking lot in line with the reconfigured east-west drive aisle, particularly given the opinion that the eastern Hawk Bowl driveway entrance is very close to the expanded western Walmart entrance. (V&A note: the site plan sheets should also be revised to include the outcomes of this reconfiguration, which would result in reasonably significant changes to the southern sections of the parking lot/driveway area).
- b) Since there are still several outstanding issues with respect to traffic, we suggest the applicant work with the City staff to prepare a development agreement outlining an approach for resolving these issues, as described in both the traffic impact analysis and the recommendations of the City's engineering consultant. The agreement should establish, perhaps among other things, the location of the traffic signal (east or west driveway), who determines when the signal be installed, and how the installation of the signal will be paid for. Cross access for other properties in the area may also be addressed. It would be desirable for substantial agreement on the terms of the development agreement to be achieved before the Commission takes action on the conditional use permit request, though the actual agreement could be finalized as a condition of conditional use permit approval.
- c) The applicant is proposing to retain a total of 343 usable parking spaces, which is a reduction from the current number of parking spaces. Still, this is about 60 more parking spaces than are required by City ordinance standards given the expanded building size. In addition, the parking lot is being reconfigured (perpendicular spaces instead of diagonal spaces) and re-stripped, existing parking islands are being enlarged, and new parking islands are being added. In total, after also incorporating our earlier landscaping suggestions and Strand's suggestions, the new parking lot will look and flow much better than the current lot.

6) **Evaluation of Stormwater and Natural Resource Issues:**

- a) The current proposal has no impact on delineated wetland areas. A group of trees of marginally quality will be removed from the rear of the property to accommodate the new loading area. See comments related to this in the “landscaping” section above.
- b) The stormwater, grading, drainage, and utility plans have also been reviewed by Strand (see enclosed letter). Most notably, Strand has indicated its opinion that the proposed dry detention basin (grassed swale) at the northeast corner of the site (between Walmart and Sentry) does not meet state requirements for total suspended solid reduction facilities. To meet this requirement, the basin would have to be redesigned as a wet detention basin or a bioretention basin meeting all WisDNR standards.
- c) Strand also suggests that the Fire Chief review the site plans to determine whether a fire lane is needed along the east and north sides of the building. If a fire lane will be required, this may have implications for stormwater management (since the lane would cut through the area currently designated as the dry detention basin) and landscaped surface area requirements (if the lane had to be hard-surfaced this would reduce the amount of greenspace on the site to below 20 percent). These are significant issues that should be worked out before we feel comfortable recommended approval of the conditional use permit. We recommend that Walmart representatives should directly contact the Fire Chief on this matter.
- d) Our “Attachment 1” sheet includes questions/suggestions about appropriate ways to seed/landscape the proposed detention basin in a way that both serves its primary function and contributes to site appearance and a sense of naturalness retained for the area.

7) **Evaluation of Signage and Lighting:**

- a) The proposed primary building sign is 298 square feet. Within the B-1 district the maximum size allowed for wall signs is 50 square feet. Therefore, the applicant will have to apply for a variance in order to have a sign this large. In this situation, we would support the issuance of a variance. A 50 square foot sign would seem very small on such a large building face. The applicant is also proposing an additional wall sign at the west end of the building that indicates the “Outdoor Living” portion of the store. This sign is proposed to be roughly 77 square feet. The applicant will also have to get a variance for this additional sign, as only one wall sign is permitted within the B-1 district. Again, given the size and length of the façade, we would support the issuance of a variance for the second wall sign. When timely, the Plan Commission’s conditional use permit approval could be conditioned on those variances being obtained for the wall sign components.
- b) The applicant is proposing to entirely replace the existing pylon sign with a new pylon sign in the same location. The height of the new sign will be reduced to 20 feet (from the current approximately 35 feet), which is consistent with the City’s sign ordinance if a conditional use permit is obtained. The new sign will be internally illuminated--the existing sign is externally lit. The dimensions of the proposed sign comply with the City’s ordinance requirements, and the new sign in general will be a more visible and improved sign for the site.
- c) We assume the parking lot will be outfitted with a new array of directional signs. While these do not need to be submitted with the conditional use permit application, their locations should be considered at this point so that other related site features can be positioned properly. Also, directional signs will need to be finalized and shared with City staff as part of the sign permit process.
- d) The applicant is proposing to replace all parking lot lighting with new LED lighting. All fixtures will need to be mounted at a 90 degree angle to the light pole (perpendicular to the pole) to direct light downward, per City lighting requirements. On the applicant’s submitted

plans, this requirement is explicitly proposed to be met for some of the specified fixtures, but not all of them. This should be clarified.

- e) City ordinance specifies that lighting shall not exceed 2.0 footcandles at any property lines. This level is currently proposed to be exceeded along the eastern property line. Lighting plans should be adjusted as necessary to bring these levels to 2.0 footcandles or less. The zoning ordinance further specifies that lighting shall not exceed an average of 2.5 footcandles throughout the site. The applicant meets this requirement.
  - f) The selected color for the pole light standards should be indicated—the submitted catalog page suggests that both black and bronze are standard options. It would seem the bronze fixtures may be more compatible with building colors. Pole light colors should be compatible with other parking lot features, such as signs and cart corrals, as well as the building sconce lights.
  - g) On the colored building elevations, the applicant shows sconce lighting along the front of the building. However, the lighting plan does not indicate this lighting, nor have any catalog sheets been submitted illustrating the details of the proposed fixtures. The applicant should submit catalog pages for these lights for City staff approval.
- 8) **Evaluation of Miscellaneous Issues:** We have the following miscellaneous comments with respect to the submitted plans:
- a) At this time, the only area the applicant is proposing for either seasonal or permanent outdoor display is within the decorative fenced area on the west side of the building, in association with the garden center. If the applicant wishes to have any other areas designated for outdoor display or sales, including vending machines, propane tanks, or seasonal sales lots, these areas should be shown on the site plan sheets. Otherwise, they will not be allowed without subsequent approval from the Plan Commission. Sheet SP1, sheet note #6 mentions propane storage areas, but we have not seen these indicated anywhere on the site plans.
  - b) The applicant has identified two bike rack locations on the site plans and building elevation sheets. Both are located in the front of the building, east and west of the building entrance. We have not yet seen details on the type of racks being proposed, color, size, etc., nor have we seen an indication of the number of racks/spaces proposed (only the proposed length of the racks). We recommend six to eight inverted-U racks be located on the west side of the entrance, and four more on the east side. We further recommend that the rack on the west side of the entrance be moved slightly east so that it is located underneath the overhang and sheltered from the elements.
  - c) A concrete sidewalk connection has been indicated along the eastern property line, connecting Main Street with the front building walkway. This is in a location advised by City staff, and has required that Walmart negotiate its location with the car wash owner. However, once pedestrians reach the north end of the sidewalk, it is unclear how they get from the eastern side of the lot over to the front building walkway. We recommend an east-west sidewalk connection be shown between the sidewalk and front walkway. Finally, we request the applicant be prepared to discuss the need for pedestrian-scaled lighting along the east sidewalk to make the connection safer at night.
  - d) An agreement/easement has not been completely worked out between Walmart and the car wash owner regarding the sidewalk location. We consider the location of the sidewalk is almost as important as the presence of a sidewalk at all, given the direction from which most pedestrians will be coming. We would, therefore, like some assurance that the sidewalk will, in fact, be located along the eastern property line before approving the conditional use

permit for this project. If the agreement were to fall through, the site plan would have to be modified to account for an alternative sidewalk location.

- e) The applicant is proposing to stripe pedestrian crosswalk areas with white paint. We recommend that crosswalk areas instead be surfaced with colored concrete or some other more permanent treatment to make them more distinguishable and ensure they will be able to withstand wear and tear long into the future.
- f) While we appreciate their inclusion, there are here are a few issues with respect to the planters that should be resolved. The first is that the length, landscape treatment, and location when one looks at the building elevation sheets is different than when one looks at the site/landscape plan sheets. In general, these planters should be positioned in such a manner that allows people to walk in front of (south of) them, should be extended to allow tree plantings along the lines shown on the elevation sheets. Further, on sheet SP2, the Raised Planter detail indicates that the planters will be faced with split face block. However, on the building elevations, the planters are faced with lannon stone. We prefer they be faced with lannon stone to match the architectural building details on the building. See also Attachment 1. The plans should be revised and reconciled to reflect these comments.
- g) The western building elevations do not appear to match the site plan sheets. The site plan sheets indicate a doorway close to the front corner of the building, which is not shown on the elevation sheets. Conversely, the elevations show several doors clustered close to the rear corner of the building, which are not shown on the site plans.
- h) We still have not seen details on the design of the cart corrals, the retaining wall proposed for the rear property line, or the dumpster enclosure. These were previously requested, should be compatible with the design and colors of other related site feature, and should be submitted before action on the conditional use permit
- i) We have mentioned before the idea of taking this opportunity to include some public art along Main Street. We still feel this idea has merit and would ask that the applicant consider how something like this could be integrated into the site.

## **Recommendation**

Given the number of site issues that still need to be resolved, traffic and stormwater issues raised with the recent Strand comments, and the complexity of this project, we recommend the Plan Commission postpone action on the conditional use permit at this time. In advance of the next Plan Commission meeting, we recommend that the applicant:

1. Submit additional plan detail sheets, and revise existing plan sheets, and reconcile elevation sheets with site plan sheets, all as advised in this report.
2. Review comments on stormwater and traffic management from Strand, and adjust plans accordingly.
3. Meet with City staff to form the outlines of a development agreement, particularly related to the location, timing, and responsibility for a traffic signal.
4. Work out an improved access plan to Main Street, with City staff and ideally the adjoining property owner to the west, given the very close proximity of two driveways near the southwestern corner of Walmart's site.
5. Secure a commitment to locate the proposed walkway from Main Street to the front of the building, ideally in the eastern location currently shown on the plan.
6. Meet or consult with the Fire Chief to review emergency access, and adjust plans as necessary.

\*\*\*\*\*



# 4

Jane Wegner

From: Michele Smith  
Sent: Thursday, July 29, 2010 1:53 PM  
To: Jane Wegner

**ORDINANCE CREATING CHAPTER 5.18**  
**OUTDOOR CAFÉ PERMIT**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

SECTION 1: Chapter 5.18 OUTDOOR CAFÉ PERMIT, is hereby created to read as follows:

**Chapter 5.18 OUTDOOR CAFÉ PERMIT.**

(This Chapter applies to private outdoor cafes, does not regulate sidewalk cafes.)

5.18.010 Purpose.

5.18.020 Definitions.

5.18.030 Permit required.

5.18.040 Permit application.

5.18.050. Permit fees.

5.18.060. Outdoor café standards.

5.18.070. Alcohol licensing and service of alcohol beverages.

5.18.080. Liability and insurance.

5.18.090. Revocation or suspension.

5.18.100. Appeal.

5.18.110. Penalty.

5.18.010 Purpose.

To further encourage the revitalization of the downtown and other areas of the city, including the development of social and economic activity, the city council finds and determines:

1. That there exists a need for outdoor eating facilities in certain areas of the city to provide a unique environment for relaxation, social interaction, and food and beverage consumption.
2. That outdoor cafés will permit enhanced use of the private property for outdoor food and beverage consumption, and will promote economic activity in the area.
3. That the existence of outdoor cafés encourages additional outdoor food and beverage consumption. Therefore, a need exists for regulations and standards for the existence and operation of outdoor cafés to ensure a safe environment.
4. That the establishment of permit conditions and safety standards for outdoor cafés is necessary to protect and promote public health, safety, and welfare.

5.18.020 Definitions.

"Outdoor cafe" shall mean creating an outdoor facility on part of a premises used for the purpose of consuming food or beverages.

5.18.030 Permit required.

1. An applicant may apply to the neighborhood services director or his or her designee for a permit to allow an establishment to operate an outdoor café. The neighborhood services director or designee may approve, approve with conditions or restrictions, or deny a permit where necessary to protect the public health, safety or welfare; to prevent a nuisance from developing or continuing, or due to violation of this section, the city code of ordinances, or applicable state or federal law.
2. Before a permit may be issued, the application and site plan shall be reviewed for approval by the City Fire Department and City Building Inspector.
3. Each permit shall be effective for one year from July 1 until June 30.
4. The permit issued may be transferred to a new owner only for the location and area listed in the permit. The transferred permit shall be valid only for the remainder of the period for which it was originally issued. A new certificate of insurance must be filed with the City before the permit transfer.
5. A property shall be exempt from the requirements of this Chapter if its outdoor café has an existing outdoor café approved by a City of Whitewater zoning permit.

6. If the City Council expands the description of the alcohol licensed premises in the applicant's alcohol license to include an outdoor café area, the applicant's current conditional use permit, that allows sale of alcohol beverages by the drink, shall be deemed to allow the serving of alcohol in the outdoor café area, and the applicant will not be required to obtain an amended conditional use permit for the outdoor café area. Any request by an applicant to the City Council to amend the described premises under its alcohol license shall include a copy of its application for an outdoor café permit. The City staff shall send a notice of the council meeting, at which the request will be acted on, to all plan commission members; to the owners of record according to the tax bills (and to the address of the property, if different than the owner's) of premises within 300 feet of the licensed establishment. Unintentional failure to accomplish these notifications shall not invalidate the procedures.

#### 5.18.040 Permit application.

Application for a permit to operate an outdoor café shall be submitted to the department of public works and shall include at least the following information:

1. Completed city application form.
2. Copy of a current certificate of commercial liability insurance in the amount of at least \$100,000.00 per occurrence.
3. A general layout drawing which accurately depicts the dimensions of the existing premises site, the proposed location of the outdoor café, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, light poles and any other obstructions, either existing or proposed, within the outdoor cafe area. This layout shall be submitted on eight and one-half-inch by eleven-inch paper, suitable for reproduction.

#### 5.18.050. Permit fees.

There shall be no application fee or renewal of permit fee for outdoor café permits.

#### 5.18.060. Outdoor café standards.

The following standards, criteria, conditions, and restrictions shall apply to all outdoor cafés, provided, however, that the neighborhood services director or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, the City of Whitewater code of ordinances, and all applicable state and federal laws.

1. Outdoor cafés are restricted to the property to which the permit is issued.
2. Tables, chairs, umbrellas or other fixtures in the outdoor café:
  - a. Shall not be placed within five feet of fire hydrants, alleys, or bike racks. Shall not be placed within five feet of a pedestrian crosswalk or corner curb cut.
  - b. Shall not block designated ingress, egress, or fire exits from or to the establishment, or any other structures.
  - c. Shall be maintained in a clean, sanitary and safe manner.
3. Outdoor cafés shall be located in such a manner that a distance of not less than four feet is maintained at all times as a clear pedestrian path in and out of the outdoor café area (occasional reduction to 36 inches may be allowed by the Neighborhood Services Director to accommodate trees, light poles, street signs or other permanent structures.) For the purpose of the minimum clear path, trees, light poles and all similar obstacles shall be considered obstructions.
4. The outdoor café, along with any sidewalk or roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day.
5. Plant tubs may be located in the outdoor café with the approval of the neighborhood services director or designee. Plant tubs shall be maintained in a safe, neat, clean, and presentable manner.
6. Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. No portion of an umbrella shall be less than six feet eight inches above the ground.
7. Signs to be used in the outdoor café shall be in accordance with chapter 19.54 of the city code of ordinances. However, the neighborhood services director may allow temporary easel signs.
8. No food preparation, food or beverage storage, refrigeration apparatus, or equipment shall be allowed in the outdoor café unless authorized by the neighborhood services director.
9. No amplified entertainment shall be allowed in the outdoor café unless authorized by the neighborhood services director as part of a special event.
10. A copy of the site plan, as approved in conjunction with the current outdoor café permit, shall be maintained on the permittee's premise and shall be available for inspection by city personnel at all times.
11. The outdoor café permit covers only the outdoor café area described in the permit. Indoor operations will be governed by other applicable regulations.
12. Outdoor cafés shall not operate after 10:00 p.m. or before 7:00 a.m.
13. The City Manager, Chief of Police, the Neighborhood Services Director or their designees may temporarily order the termination of the outdoor café for public health and safety reasons.

14. If alcohol is served in the outdoor café on any date or at any time, the area encompassing the outdoor café shall be roped off or otherwise enclosed by a freestanding barrier on all dates and times while in use. The barrier shall be at least three feet high. The barrier can include, but is not limited to, attractive fence segments, flowers/plants, artwork and decorative menu boards. The neighborhood services director shall approve the barrier to assure that it is safe and visually appealing.

15. The city, its officers and employees, shall not be responsible for outdoor café fixtures that are relocated or damaged.

#### 5.18.070. Alcohol licensing and service of alcohol beverages.

1. A permittee may sell and serve alcohol beverages in an outdoor café only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the outdoor café area is listed on the alcohol beverage license application as being a part of the licensed premises.

2. Alcohol may be served at outdoor cafés under the following conditions:

a. The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.

b. The retail alcohol beverage license premises description includes the outdoor café in the description of the licensed premises as an extended area.

c. The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the outdoor café.

d. The alcohol beverages are sold by the licensee or licensee's employees.

e. Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.

f. The permittee shall be responsible for policing the outdoor café area to prevent underage persons from entering or remaining in the outdoor café, except when underage persons are allowed to be present on the licensed premises under applicable laws.

g. The permittee shall not allow patrons of the outdoor café to bring alcohol beverages into the outdoor café from another location, other than the licensed premises, nor to carry open containers of alcohol beverages, served in the outdoor café, outside the outdoor café area.

h. At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the outdoor café area all containers used for or containing alcohol beverages. No container of alcohol beverages shall be present in the outdoor café between 10:00 p.m. and 7:00 a.m.

#### 5.18.080. Revocation or suspension.

The approval of an outdoor café permit is conditional at all times. An outdoor café permit may be revoked or suspended by the neighborhood services director or designee where necessary based on a violation of this ordinance or to protect the public health, safety, or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or due to noncompliance with this section, the city code of ordinances, or applicable state or federal law.

#### 5.18.090. Appeal.

A revocation, suspension, or denial of a permit may be appealed by the permittee to the common council. If the neighborhood services director's decision is appealed, the common council shall hold a hearing and either grant, grant with conditions, or deny the permit. The permit holder or applicant shall be notified of the common council appeal meeting and shall have the right to be heard prior to a decision.

#### 5.18.100. Penalty.

The penalty for violation of this section shall be a forfeiture of not less than \$50.00 or more than \$200.00 per day for each violation, together with the costs of prosecution.

It was moved by Olsen and seconded by Winship to 1) Refer the Ordinance to the Plan Commission for their review and comment at their August 3<sup>rd</sup> special meeting and 2) to approve the first reading of the ordinance. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: July 20, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk