

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
August 13, 2012

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

Call to order and roll call.

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

Present: Greg Meyer, Lynn Binnie, Karen Coburn, Bruce Parker, Jacob Henley, Donna Henry (Alternate).

Absent: Rod Dalee, Cort Hartmann.

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

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes of July 9, 2012. Moved by Binnie and seconded by Henry to approve the Plan Commission minutes of July 14, 2012. Motion approved by unanimous voice vote.

Review 12,400 sq. ft. warehouse addition to be located at 1215 N. Universal Blvd. for Lavelle Industries. City Planner Birkeland explained that this addition is for storage. They do have off-site storage to the west of their property which will cease to exist once this addition is built. The shared access drive off the west property line would be removed. There will be no changes to the truck traffic. The parking stalls have increased with this project, but there will be no additional employees. There will be 40 total stalls, more than the required minimum for the addition. This property is in the M-1 Zoning District and in the Whitewater Business Park. The Whitewater Business Park has covenants which requires on the front and side walls of all structures facing the street be faced with at least 30% decorative masonry or other material approved by the Plan Commission. Lavelle does not want to do the 30 % masonry and is providing more landscaping instead. The addition would match the current color of the building and would be metal panels. The City Forester Chuck Nass and the Urban Forestry Committee have approved the landscape plan. The only additional lighting will be the wall luminaries on the south and north sides of the addition. The only lighting that exceeds the maximum illumination levels is on the building with a maximum illumination level of 12.8. City Staff does not recommend decreasing these levels because these areas are intended to direct pedestrian and automobile traffic to the building's entrances and exits. The footcandles decrease rapidly and would meet the requirements at the property line.

Plan Commission Member Coburn asked about the 4 existing ash trees along the truck drive and if the trees should have extra care in order to keep the trees or remove them. City Planner Birkeland stated that the Plan Commission could make that recommendation.

Plan Commission Member Henley asked about the requirement for stormwater management for impervious surface being under one acre.

Birkeland explained that the engineers reviewed the plan and did not feel the need to require a stormwater management plan. She also noted that all the items required by the engineers have been done.

It was questioned if the 30% masonry requirement is by Plan Commission approval or are the neighbors to be involved. There was concern of setting a precedent. City Attorney McDonell explained that as a condition of a conditional approval, the landscaping would be required as part of the zoning of the property, and would need to be replaced if something happened to them. Chairperson Meyer explained that he would rather see the plantings than the decorative concrete block on the building.

Roger Jensen, Plant Manager, stated that the back portion of the building has gray sheet metal. The west side has the blue sheet metal and just the trim is gray.

Plan Commission Member Bruce Parker asked if a variance would be needed for the lighting. City Attorney McDonell researched and found that the Plan Commission can allow greater lighting based on justification. The Plan Commission can use the City Planner justification or can add more.

Roger Jensen stated that the lighting on the building is angled so the light goes down for security and visibility and does not spill out.

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

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Parker to approve the 12,400 sq. ft. warehouse addition to be located at 1215 N. Universal Blvd. for Lavelle Industries Inc. conditioned on the recommendations of City Staff. Ayes: Binnie, Parker, Coburn, Henley, Henry, Meyer. Noes: None. Absent: Dalee, Hartmann. Motion approved. (See attached Site Plan Approval for conditions or see the City Planner Staff Report).

Public hearing for an amendment to the Conditional Use Permit to increase the hours of operation of the outdoor café to 8 a.m. until the State of Wisconsin “Class B” liquor alcohol licensee closing time hours (current law closing time is: Mon-Fri 2 a.m.; Sat and Sun 2:30 a.m.); to allow for portable/mini bar use on the patio; and to allow live entertainment on the patio at 111 W. Whitewater Street for Christ Christon. City Planner Birkeland explained that Mr. Christon was asking to amend his conditional use permit to increase the hours of operation for the outdoor patio to bar time; to allow for a portable mini bar use on the patio; and

to allow live entertainment on the patio at 111 W. Whitewater Street. The Lakefront Pub is located at the back of the building. The patio is off of the back of the Lakefront Pub facing Cravath Lake. Staff had researched other outdoor patios (Mitchell's & Pumper's, and Wanda's Waterfront) for the time limits. They both were allowed later time requirements. Lacey Reichwald, owner of The SweetSpot in downtown Whitewater submitted a letter of support to extend the business hours of the outdoor patio space at the Lakefront Pub. She was not able to attend the meeting. The patio is 460 feet from the closest residentially zoned property. This property is in the B-2 Zoning District and is surrounded by B-2 Zoning. The ordinance for noise has a residential zone and a business zone. Code enforcement of noise is at the police officer's discretion. This is an amendment to the conditional use permit and the requested items can be considered individually or as a whole.

Plan Commission Member Binnie asked if in condition 6a, the security person could be a staff member. He also noted that if the amendments to the conditional use permit were approved, they would go to the Common Council for a revision to the beer and alcohol license and the entertainment license.

Christ Christon, owner of the Whitewater Family Restaurant and the Lakefront Pub, stated that all the amendments to the conditional use are for the Lakefront Pub, the back half of the building. Right now the hours for the patio are 10 a.m. until midnight, 7 days a week. He would also like to open at 9 a.m. on Saturdays and Sundays in order to have a small brunch. Currently he serves food until 10 p.m. and would like to extend his patio hours after midnight. The Pub closes one-half hour before bar time. There is a clientele difference for the Lakefront Pub compared with the college oriented bars in the downtown. The Lakefront Pub is a restaurant, first and foremost. 58% of sales are for food. There are very few places in Whitewater where people (approximately 24-48 years of age) can go relax, have a meeting, etc. The live music he proposes is a group with no more than three people who would provide acoustic, soft rock, or jazz contemporary music. He would like to be able to follow the same rules as the City from the lakefront, which is no live music after midnight. He would like to have music allowed until midnight on Saturday and Sunday, and earlier the rest of the week (with respect to neighbors), requesting 10 or 11 p.m. based on the Plan Commission decision. Mr. Christon also explained that he keeps the Whitewater Family Restaurant and the Lakefront Pub as separate businesses. The only things that cross over are the kitchen use and the soda dispensing machines. The mini-bar could be used for a private party in the private room in the Whitewater Street Restaurant that holds 45 people. When the mini-bar is not in use it is in storage. When a patron requests a specialty wine for a special event, the mini-bar will keep those items separate from the bar so there would be no mix up of the use. The other special events include Homecoming, graduations, and St. Patrick's Day. The mini-bar on the patio would allow for another employee on the patio to keep an eye on things.

Chairperson Meyer opened the public hearing for public comment.

Dr. Randall Nordorf, who has been in the area for 25 years, is a patron of the Lakefront Pub. He stated that there is not much social entertainment for young professionals in Whitewater. The Lakefront Pub adds that flavor to Whitewater. It allows for another place for the young professional to get together with people and still be able to hold a conversation.

Chairperson Meyer closed the public hearing.

The Plan Commissioners noted that: the mini-bar would be an asset on the patio; the main concern with the public is the type of music and hours it would be played. It was also suggested that in the future when an approval involving potential noise issues is requested near the lake that notification be given to the property owners on the other side of the lake even though they are outside the 300 ft. notification requirements.

Christ Christon added that there would be no DJ on the patio or inside. He just wants live music and will keep the noise within decibel limits. He would like a 3 piece acoustic group. If there are drums, there would be muffle pads on all drums and/or they would play the drum with brushes instead of drum sticks. They have also been installing sound absorbing material inside the building.

Moved by Coburn and Henley to approve the amendment to the conditional use permit for Christ Christon at 111 W. Whitewater Street subject to the City Planner conditions with the stipulation of the hours of music to be: Friday and Saturday nights until midnight, and Sunday through Thursday 10 p.m.; Condition 6a: During the hours the patio is open, the patio area shall be controlled with at least one staff personnel; 7b: There will be a maximum number of 4 citations from the police department allowed within one alcohol license year. And 8c: Mini-bar may be used anywhere within the building. Ayes: Coburn, Henley, Binnie, Parker, Henry, Meyer. Noes: None. Absent: Rod Dalee, Cort Hartmann. Motion approved.

(See attached Conditional Use approval for conditions or see the City Planner Staff Report).

Informational Items:

Zoning Rewrite.

Latisha Birkeland explained that the next meeting of the Zoning Rewrite Steering Committee is scheduled for September 19, 2012 at 6:00 p.m. in the Municipal Building Community Room.

Future agenda items.

There were two applications submitted for the September 10th meeting: a rezone request for 160 S. Whiton Street from R-1 to R-3 zoning; and a change to the sign for The Element that requires Plan Commission approval.

Next regular Plan Commission meeting – September 10, 2012.

Moved by Meyer and seconded by Henley to adjourn the meeting. Motion was carried by unanimous voice vote. The meeting adjourned at approximately 7:12 p.m.

Chairperson Greg Meyer

1215 N. Universal Blvd.

SITE PLAN APPROVAL

Plan Commission Meeting Date: August 13, 2012
Property Owner: Lavelle Industries – Rhonda Sullivan
Applicant: Lavelle Industries Inc.
Property ID Number: A2509 00003
Property Address: 1215 N. Universal Blvd.
Whitewater, WI 53190

REGARDING: An approval for a 12,400 sq. ft. warehouse addition to be located at 1215 N. Universal Blvd. for Lavelle Industries Inc.

Approved subject to the following conditions:

1. The applicant shall make the building and site renovations in accordance with the plans approved by the Plan Commission dated 7/5/2012 and revised 7/27/2012.
2. Comply with all attached City Engineer comments dated 7/18/2012, that have already not been addressed in the revised plans.
3. Parking blocks shall be added to the parking spaces.
4. Knox box shall be added to the addition.
5. All approved landscaping shall be installed no later than six months from the date of Certificate of Occupancy or July 1st, 2013.
6. The 30% decorative masonry will not be required. They have increased the amount of landscaping exceeding the requirements to make up for the lack of masonry.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Manager / City Planner

111 W. Whitewater St.

CONDITIONAL USE PERMIT

Plan Commission Meeting Date: August 13, 2012
Property Owner: Property Development LLC.
Applicant: Christ G. Christon
Property ID Number: TR 00004
Property Address: 111 W. Whitewater Street
Whitewater, WI 53190

REGARDING: An approval for an amendment to the conditional use permit (CUP) to increase the hours of operation of the outdoor patio from 8 a.m. until the State of Wisconsin “Class B” liquor alcohol licensee closing time hours (current law closing time is: Mon-Fri 2 a.m.; Sat and Sun 2:30 a.m.); to allow for portable/mini bar use on the patio; and to allow live entertainment on the patio at 111 W. Whitewater Street (Lakefront Pub) for Christ Christon.

Approved subject to the following conditions:

1. The applicant shall be required to comply with the conditions approved on 6/14/2010, except for changes that are necessary to meet the conditions for the proposed amendments.
2. The conditional use permit shall run with the applicant and not the land. Any change in ownership will require approval of a conditional use permit for the new owner/operator from the Plan Commission.
3. Maintain the dumpster area in a clean fashion.
4. Adding operational and recording surveillance cameras as stated in the 2010 Plan Commission approval.
5. Any additional lighting added to the patio area must maintain neat and orderly appearance at all times.
6. Expansion of patio hours:
 - a. During the hours the patio is open, the patio area shall be controlled with at least one staff personnel.
 - b. Patio hours will need to comply with the State of Wisconsin “Class B” beer and liquor license closing time hours.
7. Live music components:
 - a. The limitations of hours for live music will be Friday and Saturday nights until midnight

(12:00 a.m.), and Sunday through Thursday until 10:00 p.m.

- b. There will be a maximum number of 4 citations from the police department allowed within one alcohol license year.
- c. An entertainment license needs to be amended to allow entertainment on the patio.

8. Addition of mini-bar:

- a. Removal of the mini-bar from the patio area when not used.
- b. Mini-bar must always remain portable.
- c. Mini-bar may be used anywhere within the building.

Approval by the Common Council is required for the revisions to the “Class B Beer and Liquor License”.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Manager / City Planner