



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW
COMMISSION

Agenda

October 14, 2013

City of Whitewater Municipal Building
312 W. Whitewater St., Whitewater, Wisconsin

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, although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Plan Commission discusses that particular item.
3.	Review and approve the Plan Commission minutes of September 9, 2013.
4.	Hold a public hearing for consideration of a conditional use permit (for expansion to include wholesale alcohol operation) for CC Property Development LLC., Christ Christon to have a brewery and tap room at 111 W. Whitewater Street (Second Salem Brewing Company, LLC.).
5.	Hold a public hearing for consideration of a change in the District Zoning Map for the parcel located at 319 W. James Street (Tax Parcel # /TR 00025) to rezone from R-3 (Multi-family Residence) Zoning District to a B-2 (Central Business) Zoning District for the development of a restaurant.
6.	Hold a public hearing for consideration of a conditional use permit (tavern and other places selling alcohol by the drink) for Tyler Sailsbery to serve beer and liquor at 319 W. James Street (for a "Class B" Beer and Liquor License) for a new restaurant, tavern and distillery (Casual Joes).
7.	Information Items: a. Update on Zoning Rewrite. b. Possible future agenda items. c. Next regular Plan Commission Meeting – November 11, 2013
8.	Adjournment.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 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 Neighborhood Services Manager, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@whitewater-wi.gov.

The City of Whitewater website is: whitewater-wi.gov

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 9, 2013

**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, Bruce Parker, Cort Hartmann, Karen Coburn, Jeffrey Eppers (Alternate). Absent: Daniel Comfort. Others: Wallace McDonell (City Attorney), Latisha Birkeland (City Planner).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. Moved by Binnie and seconded by Parker to approve the Plan Commission minutes of August 12, 2013. Motion approved by unanimous voice vote.

Public hearing for consideration of a change in the District Zoning Map for properties along a portion of N. Fremont Street to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater. The area includes most of the properties located between W. North Street and W. Starin Road. (See public hearing notice for complete list.)
Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that City Councilmember Winship applied for the R-O Overlay Zoning for properties along N. Fremont Street (55 properties, 48 tax parcels). There are rental and non rental properties. This is to help preserve the single family homes in the area. Birkeland recommended approval in her staff report. If the property has three unrelated persons living in the unit at this time, the property owner has 90 days to apply to the City. It would then become a non-conforming use. It will be a non-conforming use as long as the unit continues to have three unrelated persons live in it. There are 20 registered rental properties in this area. Birkeland stated that she received a letter on August 22, 2013 from CBC Properties LLC. opposing the R-O Overlay Zoning. She also received one letter in favor.

Attorney Buck Sweeney, representing J & M Properties LLC., stated their opposition to the R-O Overlay Zoning. He stated it was taking property rights away by changing the maximum to two unrelated persons. A property would lose their non-conforming use if they rented to a married couple for a year. He requested Plan Commission not to approve the Overlay District on their property.

Councilmember Jim Winship, 184 N. Franklin Street, explained that he applied for this R-O Overlay Zoning at the request of homeowners who live in the district. He felt it was a good idea. It would help increase the values of properties in Whitewater and maintain neighborhoods.

Richard James, 224 N. Fremont Street, moved to N. Fremont Street in 1978 for its historical look, homes and trees. It is an investment, not a guarantee. He explained that those who live here (owner occupied) would like to preserve the neighborhood.

Michael Kemp, 273 N. Fremont Street, chose Fremont Street because the houses are art work. He made an investment in the community. He thought the community should re-invest in Whitewater Single Family.

Connie Forester has owned a rental property on N. Fremont Street for 15 years. They bought the house as retirement income and have put thousands of dollars into the property. If they can't maintain renting to three unrelated persons, they would lose everything they have worked for. If you limit the number of students in a unit, more student rentals will be needed to house the extra students. It compounds the issue.

Mark Melane, 206 N. Fremont Street, used to be a student rental. They have invested a lot in the home. They could live with three unrelated persons per unit, but two unrelated persons per unit would encourage families. He encourages the passage of the R-O Overlay Zoning.

Chris Grady, 318 W. North Street, explained that they have had the R-O Overlay Zoning on their property for 1 year. The R-O Overlay Zoning will help the neighborhood stabilize and become a place where families want to move into.

Rick Hintze, 221 N. Fremont St., explained that he has lived on Fremont Street for 13 years, his wife for 18 years. There has been a negative change in that time, due to a few properties and several students causing disruption. Without a zoning change, it will inevitably continue. He and his wife are trying to decide whether to stay. They made an investment in the property for their quality of life which is important. If people want to make money, they should be in a different place. The Hintzes are in support of the R-O Overlay Zoning for Fremont Street.

Amy Ehlers, 129 N. Fremont Street, asked for a definition of the problem this action is trying to remedy. Is it to make more of a single family neighborhood, to make less of a rental area and in particular student rentals? This area is 5 blocks away from the University of Whitewater. This creates conflict. Where is the best place for single family and rentals particularly for students. The university is fundamental in the Whitewater Community. The location and proximity to the university makes it a prime spot to have student rentals. Ehlers encouraged the Plan Commission to vote no to the R-O Overlay Zoning.

Jim Ehlers, 129 N. Fremont Street, didn't understand the animosity toward students. Properties are purchased as investments. Students want quality living near the university.

Phillip Johns, 252 N. Esterly Ave., is in favor of the R-O Overlay Zoning. It is a pro-student/faculty member resolution. Professors that live in this area are able to go back in the

evening for help sessions for the students, whereas professors that live away from Whitewater are not so likely to return in the evening to provide that service.

James Hartwick, 178 N. Franklin Street, President of the Historic Starin Park Neighborhood Association (HSPNA), thanked all the people who came to give their comments on both sides of the issue. The purpose of zoning is to direct growth in particular ways. Non owner occupied tends to decrease property values and increase crime. The City needs to decide how to direct what happens when families move out and what happens to the schools etc. Landlords are required to register their rental properties with the City of Whitewater. The requirement of two unrelated per unit changes the economics. The owners of 90% of the owner occupied homes on Fremont Street supported the R-O Overlay Zoning. This is a simple remedy for people and grandfathering in for people with rental properties. He asked the Plan Commission to support the comprehensive plan and owner occupied communities.

Bob (Robert E.) Freiermuth, did not agree with the statement that rentals cause a decrease in property values. Whitewater Rentals provide a great opportunity, a great engine for economic growth. Schools benefit from the taxes paid on these properties. It is good to preserve neighborhoods for residential, but by imposing the R-O Overlay zoning on the rental properties, it decreases the property values inversely. Students aren't bad, profits aren't either.

Bob (Robert F.) Freiermuth, of Land and Water Investments and President of the Landlord Association, noted that another block is being requested to be added to the properties with R-O Overlay Zoning. He would like to be notified ahead of time of any areas that are being considered for R-O Overlay Zoning.

Paul Jhona, 259 N. Fremont Street since 1974, can see both sides. He is quite impressed with the landlords and how well they have kept up their properties. He has also seen the properties with the absentee landlords who do not care. This is one of the few last substantial neighborhoods. If a property is sold, does the "grandfathering" (non-conforming use) stay with the property or is it lost through the sale.

City Attorney McDonell explained that property ownership does not affect the non-conforming use. The concept allows a certain use. It is not guaranteed, but it is a right.

Art Stritzel's family has lived here since about 1946. He is not in favor of more limits and restrictions and is not in favor of the R-O Overlay Zoning.

Danielle Hudson, 273 N. Fremont Street, has never lived in a non-college town. She would like to see the destruction of the Whitewater community base stopped. She is in favor of the R-O Overlay Zoning and asked the Plan Commission to make that investment.

Fred Hoffman wanted to know how to get an R-O Overlay Zoning in his neighborhood.

Jim McCulloch, 1104 W. Highland Street, stated that his neighborhood was moving in the direction of the R-O Overlay Zoning. Whitewater is a blended community. The university can

be the biggest asset and the biggest detriment. The City needs to enforce the ordinances on the books. We need to have a happy blend to live harmoniously in Whitewater.

Chris Grady, Vice President of the Historic Starin Park Neighborhood Association, didn't know what the plan was for other neighborhoods beyond this. The first R-O Overlay Zoning District covered an R-1 (Single Family Residence) Zoning District area. W. North Street and N. Fremont Street are in an R-2 (One and Two Family Residence) Zoning District. The R-O Overlay Zoning District is to maintain the integrity of the neighborhood of today.

Chairperson Meyer closed the public hearing.

Plan Commission Member Coburn stated that the number of single family residences in Whitewater is way down in comparison to other college towns.

Plan Commission Member Binnie explained that Whitewater has changed a whole lot. The University has grown a lot. The off campus housing has changed a great deal. Imposing the R-O Overlay Zoning and its affect on property values could be argued both ways. The City and the Comprehensive Plan supports student population west of the university and north of Main Street. The Comprehensive Plan supports the maintenance of single family homes. Based on the request from the property owners, it is appropriate to support the request.

City Attorney McDonell explained that generally speaking, property owners have 90 days to submit information to register their rental property as a non-conforming use. The City would send out rental registration information in March.

Chairperson Meyer cited City of Whitewater goals and visions from the City of Whitewater Comprehensive Plan. In comparison 36% of Whitewater is single family residences. There is a problem in our neighborhoods. Whitewater needs to find something to take care of students and residents. We have to support what the residents want.

Plan Commission Member Hartmann stated that he used to live at 266 N. Franklin Street. He moved to the west end of Whitewater because it was a little more residential. It is a no win situation. We can't just slap down restrictions and codes. The bigger picture needs to be addressed.

Plan Commission Member Coburn requested an explanation of grandfathering and what would be the worst case scenario for rentals from the City Attorney.

City Attorney McDonell explained that the technical term for grandfathering is non-conforming use. This term, non-conforming use, is recognized by State Law also. The existing use of a property is allowed to continue as long as it is not abandoned for 12 months. If the use stops for a 12 month period, it stops the allowance for the non-conforming use. The enforcement of a non-conforming use based on unrelated individuals will be done by registration. The history of it and the initials of tenants will be maintained. The worst case scenario would be if an investor had regularly rented to three unrelated individuals, rented to a couple for two years, the property would lose the non-conforming use.

Moved by Binnie and seconded by Coburn to recommend to the City Council to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater on the properties designated on the request. Ayes: Binnie, Coburn, Parker, Eppers, Meyer. No: Hartmann. Absent: Comfort. Motion approved.

City Planner Birkeland stated that the City will provide a map of the rental and owner occupied properties to the City Council for their review.

Review proposed construction of a restroom and concession facility in Starin Park to be located at 504 W. Starin Road for the City of Whitewater (Treyton's Field of Dreams).

Parks and Recreation Director Matt Amundson explained the site and construction plans. Their goal has been to have advance planning to help with the process of bids and contractors etc. They have a number of commitments and donated materials and amenities for the facility. The key element is the location of the facility. The building is turned at an angle in order to service all four fields in the park. The concession stand will be their revenue producer. There will be an angled opening with windows for the concessions. There will also be a coiling door with opening for apparel sales. People will be able to see what is available and not be in the way of the concessions. There will be vending machines with a coiling door for access when the concession is not open. The rest rooms will be on a timer system similar to the other park facilities. The back room in the building is an umpire/coaches room where they can meet before and after the games etc. Each coach will have a locker to lock up valuables. Park and Recreation Staff can leave information for the coaches in their lockers. This room will also be the hub for lighting, electrical, hot water heater, and sprinkler controls. The building will be built with split face concrete block and a stainless steel roof.

Plan Commission Member Binnie asked if the restrooms and concession counters were ADA compliant. Binnie wished them success with their fundraising.

Amundson stated that they would be compliant. Next Monday, Hughes would be starting the parking lot, path and stormwater for the project.

Plan Commission Member Coburn asked about the landscaping and the Oak tree by the concession stand.

Amundson stated that there would be no more tree removal. There will be moving of trees for the parking area. He also stated that there would be 36 to 40 trees planted (3 trees for each tree taken down). The revised site plan would go back to the Parks and Recreation Board for their review.

City Attorney McDonell stated that the Plan Commission did not need to see the Park Board approval or recommendation prior to acting on it.

Moved by Binnie and seconded by Parker to approve the concession and rest room facility at Starin Park conditioned upon the recommendations of the City Planner and Parks and Recreation

Board approval (See attached Conditional Use Permit). Ayes: Binnie, Coburn, Parker, Eppers, Meyer, Hartmann. No: None. Absent: Comfort. Motion unanimously approved.

Public hearing for an amendment to the conditional use permit to allow for a fence enclosure for the freezer addition to the building located at 1185 W. Main Street for Lacey Reichwald. Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that at the last Plan Commission meeting, the screening of the freezer addition on the north side of the building was to be of the same material as the building. Even though this is a minor change, it needed the public notice it would have been given at the last meeting. The owner is proposing a slatted 8' almond colored fence.

Plan Commission Member Coburn asked to know how it was really going to look.

Bob McCullough, owner of the building, explained that the facades will have a stucco type finish along the top of the building. The lower right will have 8' tall vinyl fence, almond color on the west and south sides of the freezer. The north side will have the same smart siding as the smart siding on the walls of the building. The Main Street side, north elevation, the top will be EIFS in a cream/tan color. The lower portion will be smart siding a little darker in color (brown/tan) than the top. The fence will be on the south and west side of the building. They will be replacing the windows. The windows will match the fence (tan).

Moved by Binnie and seconded by Coburn to approve the amendment to the conditional use permit to allow for a fence enclosure for the freezer addition to the building located at 1185 W. Main Street for Lacey Reichwald. (See attached Amendment to the Conditional Use Permit.) Ayes: Binnie, Coburn, Parker, Eppers, Meyer, Hartmann. No: None. Absent: Comfort. Motion unanimously approved.

Public hearing for a conditional use permit for the construction of a duplex at 523 N. Tratt Street for Arthur Stritzel. Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that last year, Art Stritzel received from the Plan Commission permission to divide the lot at 511 N. Tratt Street into two parcels, and there were 4 stipulations. Sanitary sewer was installed along the back of the property. If he were to build on lot 2, he would need a private sanitary sewer easement, which he has done and has been approved. There is no sanitary on Tratt Street to tie into. If there was to be sanitary sewer installed along Tratt Street, the owner would have to tie into the City's sanitary sewer at his cost. This duplex will be a side by side with three bedrooms and 2 bathrooms per unit. The building inspector has reviewed the plans and did not see any issues. Parking requirements for three or four bedroom units is a minimum of four parking stalls per unit. Plan Commission can decrease the number of stalls required (19.51.130). Birkeland noted that there was heavy brush along the property lines.

Plan Commission Members voiced concerns of: if it was a requirement to have a plan to meet the 8 stall requirement if Plan Commission finds that the extra stalls are necessary (Highway N – Tratt Street has no parking); what trees are being removed or added?; why less parking?; would

like to see the front of the duplex more decorative; have there been any violations on properties in the last two years?.

City Attorney McDonell explained that the required number of stalls would be a minimum of 6 stalls. The number of stalls could be increased if there was a good reason through the conditional use permit.

R-2 (One and Two Family Residence) Zoning District allows up to three unrelated persons per unit, so a duplex would allow 6 unrelated persons.

City Attorney McDonell checked the Municipal Code. A plan is required for additional required parking even if it is not put in right away. Art Stritzel could be required to bring his plan for the additional land/space for parking back to the Plan Commission, or Plan Commission could allow his plan to be subject to the approval of the Neighborhood Services Director.

Art Stritzel stated that most of the trees are located in the back of the lot. Two black walnut trees in the driveway will be removed. He will be removing the large box elder tree. He plans to save the Elm trees along the sidewalk. There are also 27 to 28 pine trees on the property. The building supplies will be dropped at the back of the lot and not around the trees. The gas and electric meters and air conditioning unit will be screened by landscaping. There will be six bedrooms. Six stalls allow no more than six cars to be parked in the driveway. The building will have taupe siding with a green roof. There will be dormers over the doorways.

Plan Commission Member Binnie stated that in this case, there was no need for more parking than bedrooms. Visitors would need to find another place to park.

Chairperson Meyer opened for public comment.

Fredrick Hoffman, N142 County Road N, immediate neighbor to the north, stated Mr. Stritzel would have to put in a fence as the brush line is too thin. He explained that students cross the yard at all times of day and night. They party and vandalize other properties. When asked what he felt would help the situation, he recommended the building be a single family home and a fence be installed.

Plan Commission Member Binnie stated that with the concerns of the neighborhood behavior, requiring a fence could be appropriate.

Art Stritzel stated that if Waltons put up a fence and he puts up a fence, it would help keep the kids from filtering down there.

Frederick Hoffman stated that two fences and police presence would help the situation.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Coburn to approve the conditional use permit for the construction of a duplex at 523 N. Tratt Street for Arthur Stritzel subject to the conditions of the

City Planner and also requiring an opaque fence, 6 feet tall, along the north side of the property. (See attached Conditional Use Permit.) Ayes: Binnie, Coburn, Eppers, Meyer, Hartmann. No: Parker. Absent: Comfort. Motion approved.

Public hearing for a conditional use permit for a “Class B” Beer and Liquor License for Burim Vedziovski to serve beer and liquor by the bottle or glass at 204 W. Main Street (Downstairs Sports Bar & Grill). Chairperson Meyer opened the public hearing.

City Planner Latisha Birkeland explained that the application did not include the outdoor café. If they want to expand their license for that area, they would need to come back to the Plan Commission to amend their conditional use permit. They are not making any changes to the outside of the building or structural changes to the interior of the business. The name of the business will stay the same. Birkeland apologized for an error in her recommendation (the bottom of page 2, had a former applicant name).

Chairperson Meyer opened this item for public comment.

Burim Vedziovski, the applicant, stated that they would only be making cosmetic changes to the business, no structural changes. People can go outside to smoke. There will be no drinks served or taken outside. The east door of the business is an exit only door. The door will be kept closed. There will be security there at all times. No one is to enter that door.

Plan Commission member Parker explained that the area behind the front steps is private property. He can have tables and chairs there, but would have to abide by the sign ordinance. (All advertising would need to be removed.)

Dave Saalsaa, owner of the building across N. Second Street, lives across the street and has tenants who live there. The noise that comes out that side door is very noticeable in his building. Sometimes the music is so loud it does not matter if the door is open or not. Saalsaa’s main issue is the noise. He asked if there is a penalty for noise.

City Attorney McDonell stated that usually the first offense is a warning, but after that, they would be cited a fee of \$240. If it becomes a chronic problem, it can jeopardize the liquor license. The level of noise for residential per the ordinance is “make, allow or assist in the making of noise which is likely to unreasonably disturb the peace and quiet of any person outside of the residence”. Commercial properties are generally determined by decibels.

Chairperson Meyer closed the public hearing.

Plan Commission Member Binnie stated that the east door was the subject of the issues. Maybe it should be for emergency use only (install a panic bar on it).

Plan Commission Member Eppers asked if there would be complaints, would the owner be willing to put the panic bar on it?

Plan Commission Member Parker stated that the east door is high enough (up steps) that it would not get bumped. The Main Street entrance is wide enough for two way traffic.

The owner stated that if there is an issue, he would change.

City Planner Birkeland stated that the noise violations go through the Police Department.

Plan Commission Member Eppers stated that when violations happen, the liquor license comes into play.

Plan Commission Member Hartmann stated that the applicant deserves the opportunity to do the right thing.

Moved by Binnie and seconded by Coburn to recommend to the City Council to allow for the sale of alcoholic beverage by the drink subject to the conditions of the City Planner, not to include outside seating, and with contingencies that if there are three or more noise or disturbing the peace complaints in a one year period, the Plan Commission may require the east door to become an emergency exit only. The applicant shall remove the existing outside tables and chairs until they have an approved amendment to the conditional use permit to serve alcoholic beverage by the drink in an outdoor property café. (See attached Conditional Use Permit.)
Ayes: Binnie, Coburn, Parker, Eppers, Meyer, Hartmann. No: None. Absent: Comfort.
Motion unanimously approved.

Public hearing for a conditional use permit for a “Class B” Beer and Liquor License for Burim Vedziovski to serve beer and liquor by the bottle or glass at 162 W. Main Street (Day N Nite Cafe). Chairperson Meyer opened the public hearing.

City Attorney McDonell explained that the conditional use is for the selling of alcohol by the drink. The Plan Commission does not determine what type of license the applicant would receive.

City Planner Birkeland explained that the applicant plans to build a bar toward the rear of the restaurant. The applicant wanted the alcohol license to stay competitive with neighboring businesses. The question of available licenses has been asked numerous times. There is one “Class B” Beer and Liquor License available. That license has not been dedicated from the Alcohol Licensing Committee or the City Council. The Plan Commission is to determine if the space is appropriate for that type of use. Day N Nite does have an approved sidewalk café. If they were to make changes, such as to serve alcohol outside, they would have to amend their conditional use permit through the Plan Commission. This property is in the B-2 (Central Business) Zoning District so there are no parking requirements. Nothing is changing with the business or the menu.

Chairperson Meyer opened the meeting for public comment.

Burim Vedziovski, the applicant, explained that the bar would be a service bar. He stated they would stop serving alcohol after dinner time (9:00 p.m. - 10:00 p.m.) As a part of his business

plan, he would not serve alcohol after 10:00 p.m. He would like this license in order to make drinks other than beer or wine.

Chairperson Meyer closed the public hearing.

City Attorney McDonell stated that in order to serve alcohol by the drink, they must have some type of alcohol license. The agenda item is legal. The Plan Commission determines if this place is an appropriate place to serve alcohol. It is not linked to any particular license to sell any alcohol. If they can get a license, would this be an appropriate place to serve alcohol?

Moved by Binnie and seconded by Parker to approve the conditional use permit to allow for the sale of alcoholic beverage by the drink subject to the conditions of the City Planner; and also accepting the voluntary condition offered as part of the business plan to not serve alcohol after 10:00 p.m. (See attached Conditional Use Permit.) Ayes: Binnie, Parker, Coburn, Eppers, Meyer, Hartmann. No: None. Absent: Comfort. Motion unanimously approved.

Public hearing for a conditional use permit for the conversion of a single family residence into a duplex, adding a 1,900 sq. ft. addition at 248 N. Prince Street for Robert E. Freiermuth. And Review proposed site plan for parking lot pavement at 256 N. Prince Street for Robert E. Freiermuth. Chairperson Meyer opened the public hearing.

City Planner Birkeland explained that last month Bob Freiermuth came to Plan Commission to request an addition of one unit to create a duplex at 248 N. Prince Street with a combined parking lot with 256 N. Prince Street. It was not approved at that time. He has come back with the same proposed duplex, but with separate parking areas for each property. A 30 page hydrology document was submitted for the parking area at 256 N. Prince Street which was reviewed by the City Engineer and approved with the comments Plan Commission received. The proposed parking area at 248 N. Prince Street is 10 parking stalls with a bump out. Birkeland explained that a recommendation of the City Engineer was to install a stop sign at the street end of the driveways of both properties. (This is a requirement standard that is used.) Bob Freiermuth is amenable to the City Engineer comments, but he believes the stop signs would be a maintenance issue. 248 N. Prince Street has no easement agreement. Birkeland recommended a shared driveway agreement with 240 N. Prince Street because the driveway is within 3 feet of the property line. The proposed duplex for 248 N. Prince Street is not changing from the plans of the last meeting. There are no changes to the building of the triplex at 256 N. Prince Street. Hard surfacing and landscaping are required for multi-family and higher density uses. Bob Freiermuth has added bushes north of the proposed driveway and in front of the house at 248 N. Prince Street. One tree is being removed. He is keeping the majority of trees along the north property line. It might be advisable to move the two proposed bushes that are planned near the west property line due to possible snow storage. The landscaping for the triplex at 256 N. Prince Street comes under the multi-family landscaping guidelines. Requirements are at least 6 trees and 360 points added to the area. The driveway and parking lot are close to the property line. The west fence line now has a retaining wall approximately 2 ½ feet tall. Plan Commission needs to determine if it is appropriate to add trees as the guidelines state and where to plant them. 256 N. Prince Street is required to have a 20 foot driveway width and a 20 foot apron. In order to make the apron larger, Birkeland recommends shifting the apron so it is even between the

north and south sides. Then it will not impact the parking stalls on the street. Birkeland also recommends that there be a shared driveway agreement between 248 and 256 N. Prince Street. Part of the driveway at 256 N. Prince Street crosses the property line at 248 N. Prince Street. The parking lot at 256 N. Prince Street has 19 proposed stalls, 4 stalls per unit are required. They have 15 tenants (3 units, 5 bedrooms).

Plan Commission Members voiced their concerns of : adding more pavement-impervious surface; landscape islands for the end of the row of parking; disabled stall; removing stall #1 and #11 to allow for back up area to get out of the parking lot; landscaping near the parking lot at 248 N. Prince Street should possibly be moved to allow for snow removal.

City Planner Birkeland stated that Freiermuth has a good parking lot plan. The water will sheet off. The requirement for parking islands is 20 stalls. This lot has 19 stalls. For 256 N. Prince Street, landscape guidelines are a different issue than screening.

Bob Freiermuth has a few extra stalls in his parking areas for visitors to park. It is just one of the things he offers. The parking lot is gravel. Gravel is not an impervious surface. He will be improving the area with blacktop surface. Freiermuth stated that if he has a tenant that needs a disabled stall, he provides for it. He was agreeable to removing parking stalls #1 and #11 to allow for back up area. Freiermuth would like to be able to review the landscaping prior to planting with the Neighborhood Services Director/City Planner. He may want to substitute different plantings in different places. Bob Freiermuth asked about the screening issue on the west border. He has a 1 ½ to 2 foot retaining wall. The property to the west goes up 5 to 6 feet beyond that. He has talked to the property owner's representative who told him it would not be necessary to put up a fence.

City Attorney McDonell indicated that he believes that the Plan Commission could waive the west fence requirement. He also had heard from the neighboring property owner's representative that he did not feel that the fence was necessary.

Chairperson Meyer opened to public comment. There was none.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Hartmann to approve the conditional use permit for the conversion of a single family residence into a duplex, adding a 1,900 sq. ft. addition at 248 N. Prince Street for Robert E. Freiermuth, subject to the conditions recommended by the City Planner to include the requirement for a shared driveway agreement with the property located at 240 N. Prince Street; waiving the requirement of the City Engineer for the stop sign; and waiving the screening requirement on the west property line. (See attached Conditional Use Permit.) Ayes: Binnie, Hartmann, Parker, Coburn, Eppers, Meyer. No: None. Absent: Comfort. Motion unanimously approved.

Moved by Binnie and seconded by Hartmann to approve the site plan for parking lot pavement at 256 N. Prince Street for Robert E. Freiermuth subject to the conditions of the City Planner (eliminating #3); waiving the requirement for screening the west property line; landscaping plan

to be approved by the City Planner; removing the pavement from stalls #1 and #11 (to allow for the bump out); and waive the stop sign requirement. (See attached Conditional Use Permit.) Ayes: Binnie, Hartmann, Parker, Coburn, Eppers, Meyer. No: None. Absent: Comfort. Motion unanimously approved.

Informational Items:

Zoning Rewrite. City Planner Latisha Birkeland explained that the joint workshop with the Council and Plan Commission members is being held tomorrow 5:30 to 9:30 p.m. at the Cravath Lakefront Center. Larry Witzling, Graef Consultant for the Zoning Rewrite, will give an introduction and will review the commercial section of the Zoning Rewrite. The residential portion of the code will be reviewed October 8, 2013.

Future agenda items. City Planner Birkeland stated that if the Board of Zoning Appeals approves a variance for a lot width, there will be a conditional use permit request for the construction of a three unit apartment building. The deadline for submittals for the October Plan Commission meeting is September 16, 2013.

Next regular Plan Commission meeting – October 14, 2013.

Moved by Parker and seconded by Hartmann to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 10:00 p.m.

Chairperson Greg Meyer



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

SITE REVIEW

Plan Commission Meeting Date: September 9, 2013
Property Owner: City of Whitewater
Applicant: City of Whitewater (Matt Amundson)
Property ID Number: DS 00022 – DS 00027
Property Address: 504 W. Starin Road
Whitewater, WI 53190

REGARDING: An approval for a site review for the construction of a restroom and concession facility in Starin Park (Treyton's Field of Dreams).

The Plan and Architectural Review Commission approved the construction of a restroom and concession facility (Treyton's Field of Dreams) in Starin Park subject to the following conditions:

1. With the understanding that this project may change slightly during the upcoming stages of the planning process, require the staff to follow upcoming approvals as directed from the Common Council.
2. Any permitting requirements by the State of Wisconsin should be followed.
3. Parks and Recreation Board Approval.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Manager / City Planner



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

CONDITIONAL USE PERMIT AMENDMENT

Plan Commission Meeting Date: September 9, 2013
Property Owner: Main 1185 LLC.
Applicant: Lacey Reichwald
Property ID Number: /L 00011
Property Address: 1185 W. Main Street
Whitewater, WI 53190

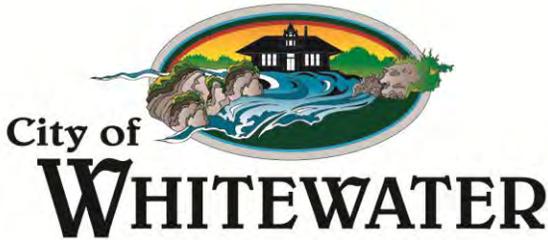
REGARDING: An approval for an amendment to the conditional use permit (CUP) for a bakery and coffee shop with a drive through to be located at 1185 W. Main Street for a fence enclosure for the freezer addition to the building.

Approved subject to the following conditions:

1. To allow the freezer addition to be screened by an opaque enclosure of at least 8 feet tall.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: Arthur Stritzel/Kirsten Stritzel
Applicant: Arthur Stritzel
Property ID Number: 05-15-32-33-018
Property Address: 523 N. Tratt Street
Whitewater, WI 53190

REGARDING: An approval of a conditional use permit (CUP) for the construction of a duplex at 523 N. Tratt Street.

Approved subject to the following conditions:

1. Must follow all City and State ordinances.
2. Private interceptor approval must be obtained from the State.
3. The applicant must follow all applicable City Engineer requirements.
4. The applicant must follow the State Plumbing Code for cleanout requirements. Contact Tim Reel, Wastewater Superintendent, regarding additional cleanout requirements and Greg Noll, Building Inspector, prior to installation.
5. A joint maintenance agreement for the private sewer shall be signed by the owners of both lots and shall be recorded.
6. If sanitary sewer becomes available on the Tratt Street side of Lot 1 at some future date, the property owner would be required to connect to it at no cost to the City.
7. The applicant must establish the parking lot in accordance with the submitted plans, comments in the staff report and City Code. This includes grading and surfacing of the lot to be dust-free. Hard surface shall be installed no later than August 1, 2014.

8. The applicant shall install a six foot opaque fence along the north property line of his property from the face of the house to the rear property line.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner

DRAFT



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: Robert A. Sweet
Applicant: Burim Vedziovski
Property ID Number: /OT 00026
Property Address: 204 W. Main Street
Whitewater, WI 53190

REGARDING: An approval for a conditional use permit (CUP) to allow for the sale of alcoholic beverages by the glass at the “Downstairs” located at 204 W. Main Street.

Approved subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. Any change in ownership will require approval of a conditional use permit for the new owner/operator from the Plan Commission.
2. The applicant shall comply with all required City and building codes.
3. An amendment to the Conditional Use Permit is required for serving alcohol for a future patio area. All outside tables and chairs are to be removed until approved conditional use permit is amended to serve in an outdoor private property cafe.
4. If there are three or more noise or disturbing the peace complaints within a one year period, the Plan Commission may require the east door to become an emergency exit only.
5. Approval is needed for a “Class B” Beer and Liquor License from the Alcohol Licensing Committee and the Common Council.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: First & Main of Whitewater LLC.
Applicant: Burim Vedziovski
Property ID Number: /OT 00014
Property Address: 162 W. Main Street
Whitewater, WI 53190

REGARDING: An approval for a conditional use permit (CUP) for allow for the sale of alcoholic beverages by the glass at the “Day N Nite Cafe” located at 162 W. Main Street.

Approved subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. Any change in ownership will require approval of a conditional use permit for the new owner/operator from the Plan Commission.
2. The applicant shall comply with all required City and building codes.
3. An amendment to the Conditional Use Permit is required for serving alcohol for a future patio area.
4. Accepting the voluntary condition offered as part of the business plan to not serve alcohol after 10:00 p.m.
5. Approval is needed for a “Class B” Beer and Liquor License from the Alcohol Licensing Committee and the Common Council.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

CONDITIONAL USE PERMIT

Plan Commission Meeting Date: September 9, 2013
Property Owner: 248 N Prince LLC.
Applicant: Robert E. Freiermuth
Property ID Number: /WUP 00181
Property Address: 248 N. Prince Street
Whitewater, WI 53190

REGARDING: An approval of a conditional use permit (CUP) for the conversion of a single family residence into a duplex, adding a 1,900 sq. ft. addition at 248 N. Prince Street.

Approved subject to the following conditions:

1. Landscaping changes as recommended by the Plan Commission.
2. The applicant shall comply with all requirements of the City Engineer, noting any changes from the Plan Commission. The requirement for a stop sign at the exit of the driveway onto Prince Street is waived.
3. The applicant shall make the building and site renovations in accordance with the plans submitted to the City of Whitewater dated 7/15/2013 and revised 7/31/2013, with all applicable changes indicated on the site plan dated 8/18/2013.
4. A shared driveway agreement, with the property located at 240 N. Prince Street, is to be submitted to the City prior to building permit issuance.
5. The applicant shall comply with all required City Ordinances and State Building Codes.
6. Comply with recommended landscaping requirements from staff. The screening along the west property line is waived. All landscaping shall be installed no later than six months from date of Certificate of Occupancy.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Director / City Planner



SITE REVIEW

Plan Commission Meeting Date: September 9, 2013
Property Owner: Starin Prince Rentals LLC.
Applicant: Robert E. Freiermuth
Property ID Number: /WUP 00182
Property Address: 256 N. Prince Street
Whitewater, WI 53190

REGARDING: An approval for a site review for the paving of the parking lot at 256 N. Prince Street.

The Plan and Architectural Review Commission approved the paving of the parking lot at 256 N. Prince Street subject to the following conditions:

1. The applicant must comply with all requirements of the City Engineer. The requirement of a stop sign at the driveway access to Prince Street is waived.
2. The widening of the driveway shall not impact the parking stalls along N. Prince Street. The applicant shall equally distribute the widening of the curb cut to the north and south. Staff to review and verify prior to approving the permit.
3. Landscaping for the property shall be approved by the City. The requirement for screening along the west property line is waived. A shared driveway agreement, with the property located at 248 N. Prince Street, is to be submitted to the City prior to building permit issuance.
4. The pavement from parking stalls #1 and #11 will be removed.
5. The applicant shall comply with all State Building codes and City Ordinances.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Manager / City Planner



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
From: Latisha Birkeland, Neighborhood Services Director / City Planner
Meeting Date: October 14, 2013
Re: Request for a Conditional Use Permit (for expansion to include a wholesale alcohol operation) for CC Property Development LLC., Christ Christon to have a brewery and tap room at 111 W. Whitewater Street (Second Salem Brewing Company, LLC.).

Summary of Request

Location: 111 W. Whitewater Street

Current Land Use: Restaurant with Conditional Use Permit for a “Class B” beer and liquor license for the Lakefront Pub

Proposed Use: Same as above with expansion of a brewery and tap room, Second Salem Brewing Company, where the Whitewater Street Restaurant was located

Current Zoning: B-2 Central Business District

Proposed Zoning: (no change proposed)

Comprehensive Plan’s Future Land Use Designation: Central Business

Surrounding Zoning and Land Use:

Zoning

North, East and West: B-2

South: PCD

Current Land Use

Business use on 1st floor and some residential on 2nd floor

Cravath Lakefront Building

Summary of Request

The Conditional Use Permit application is to convert the existing Whitewater Street Restaurant into a one-barrel (31 gallon) “nanobrewery” and a taproom called Second Salem Brewing Company. The usage of the rest of the building (existing Lakefront Pub) will remain unchanged.

What is a nanobrewery? While researching, I thought the following information would be helpful. “It is a scaled-down microbrewery, often run by a sole entrepreneur, which produces beer in small batches.” Nanobreweries are very small brewery operations that sometimes grow into microbreweries or brewpubs. These are regulated by the Alcohol and Tobacco Tax and Trade Bureau (TTB), and are fully licensed and regulated breweries.¹

The first stage of this proposal is to build and commence operations as a brewery in the northeast corner of the building. Within six months, the customer seating area of the whitewater Street Restaurant will be turned into a taproom. The taproom will only be open during hours that the Lakefront Pub is also open.

See hours of operation later in the staff report. By separating the customer seating area from the brewery, the applicant indicates that the layout will be similar to Randy's Restaurant and Fun Hunter Brewery.

The major modifications to the existing building include:

- 1) Construction of a brewery in the northeast corner of the building
- 2) Modification of Whitewater Street Restaurant into a taproom.
- 3) Reconfiguration of the vestibule at the front of the building for security purposes
- 4) Construction of a wall, with a door, between the new taproom and the Lakefront Pub. This door will be open during the hours that both the taproom and the Lakefront Pub are open, but locked, with an emergency push bar, during the hours that only the pub is open.

Hours and Employees

The brewery will employ two people and will be operated on an ad hoc basis, typically three times a week for eight (8) hours at a time. The taproom will employ an additional four (4) people and be open from:

Monday – Friday 3:00 PM to 9:00 PM

Saturday- Sunday 11:00 AM to 10:00 PM

These hours are extended slightly from the ones in the application.

Parking

All uses are exempted from parking requirements of Section 19.51.130 except if off-street parking is specifically required for a particular conditional use under Section 19.30.030. Parking is not required for this use. The building is surrounded by parking. A private parking lot is located to the southwest of the building and a public parking lot is located to the northeast of the building.

The dumpster will continue to be located on the northeast side of the building. The dumpster is already enclosed and will still be required to comply with all City Codes regarding refuse.

Exterior

The exterior changes are shown on the attached elevation drawings. Color scheme will be similar to the Lakefront Pub's already established color, including new window awnings. Plantings will be added to the outside of the building. The applicant has stated that the additional plants will likely be more evergreen trees to match the existing plantings and possibly adding hop vines.

Signage

The sign dimensions and placement shall comply with the B-2 Central Business District regulations. The elevation drawings show the proposed signage. Each business in the B-2 Central Business district shall be permitted a maximum of two permanent business signs. The elevation drawings show three proposed signs for Second Salem to have three signs. The applicant will need to eliminate one sign to be in compliance.

“Gooseneck” lighting may be added to the Whitewater Street side of the building. This type of lighting is very attractive for the illumination of the proposed signage. All lighting will need to be in compliance with the Code Standards.

Conditions to be considered for Conditional Use Permit

As of 5:00 p.m. on 10/8/2013, staff did not receive any public comments.

I recommend that the Plan and Architectural Review Commission approve the proposed amendment to the Conditional Use Permit for Second Salem Brewing Company, located at 111 W. Whitewater Street subject to the following conditions:

1. 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 and Architectural Review Commission.
2. Maintain the dumpster area in a clean fashion.
3. The applicant shall make the building and site renovations in accordance with the plans submitted to the City of Whitewater dated 5/31/13 and 9/24/2013, pending any changes required by the State Building Code.
4. The applicant shall comply with all required City Codes.

If the CUP application with amendments is approved by the Plan Commission, Mr. Christon would need approval for a wholesale alcohol operation from the Common Council.

Analysis of Proposed Project

Standard	Evaluation	Comments
Conditional Use Permit Standards (see section 19.66.050 of zoning ordinance)		
The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.	Yes	I do not believe this use will create a nuisance for neighboring uses or substantially reduce the values of others. Whitewater has another brewery use located in town; there have not been any issues regarding that brewery.
Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	Existing use. Everything has been provided prior to this application.
The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance [or through a variance].	Yes	There shall be no minimum required ordinance design and dimensional standards or setbacks within the B-2 district.
The conditional use conforms to the purpose and intent of the city master [comprehensive] plan.	Yes	The Comprehensive Plan identifies the site as appropriate for “Central Business” uses.
The conditional use and structures are consistent with sound planning and zoning principles.	Yes	Project is consistent with the purpose, character and intent of the future land use classification and zoning district.

¹ Wikipedia, The Food Section, Gracelinks.org,



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

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 14th day of October 2013 at 6:00 p.m. for a public hearing for consideration of a Conditional Use Permit (for a Wholesale Beer License) for CC Property Development LLC., Christ Christon to have a brewery and tap room at 111 W. Whitewater Street (Second Salem Brewing Company, LLC.).

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 5:00 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.

Latisha Birkeland, Neighborhood Services Director/City Planner

CITY OF WHITEWATER 'PUMP HOUSE
312 W WHITEWATER ST
WHITEWATER WI, 53190

~~CITY OF WHITEWATER 'PUMP HOUSE
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

R&B BRASS RAIL CORP
130 W. MAIN ST
WHITEWATER WI, 53190

CBP PROPERTIES LLC
417 N FREMONT ST
WHITEWATER WI, 53190

WATSON & SCHARINE
136 W MAIN ST
WHITEWATER WI, 53190

ILMI SHABANI
ANIFE SHABANI
140 W MAIN ST
WHITEWATER WI, 53190

MIKRNA, LLC
C/O AROPA DESIGNS
144 W MAIN ST
WHITEWATER WI, 53190

WOKES LLC
146 W MAIN ST
WHITEWATER WI, 53190

JOSE J BARAJAS
JUANA BARAJAS
409 BUCKINGHAM BLVD
WHITEWATER WI, 53190

MARY E KETTERHAGEN
KETTERHAGEN LIVING TRUST
1631 PEARSON CT
WHITEWATER WI, 53190

141 W MAIN STREET BUILDING LLC
N1103 PECHOUS LN
WHITEWATER WI, 53190-5500

TRIPLE J PROPERTIES LLC
W335 S2539 MORRIS RD
DOUSMAN WI, 53118

RUSSELL R WALTON
KIM A WALTON
1005 W MAIN ST
SUITE C
WHITEWATER WI, 53190

LAKEVIEW CENTER, LLC
147 W. MAIN ST
WHITEWATER WI, 53190

AUREL BEZAT
DANIELA BEZAT
149 W. MAIN ST
WHITEWATER WI, 53190-0300

TRIPLE J PROPERTIES LLC
543 A J ALLEN CIRCLE
WALES WI, 53183

~~TRIPLE J PROPERTIES LLC
543 A J ALLEN CIRCLE
WALES WI, 53183~~

~~TRIPLE J PROPERTIES LLC
543 AJ ALLEN CIRCLE
WALES WI, 53183~~

BULLDOG INVESTMENTS LLC
N6927 GREENLEAF COURT
ELKHORN WI, 53121

WALTON DISTRIBUTING LLC
1005 WEST MAIN ST
WHITEWATER WI, 53190

~~WALTON DISTRIBUTING LLC
1005 WEST MAIN ST
WHITEWATER WI, 53190~~

DENNIS M KNOPP
323 S JANESVILLE ST
WHITEWATER WI, 53190

EDWARD W HAMILTON
ROXANNE A HAMILTON
PO BOX 736
WHITEWATER WI, 53190

~~EDWARD W HAMILTON
ROXANNE HAMILTON
PO BOX 736
WHITEWATER WI, 53190~~

~~TRIPLE J PROPERTIES LLC
W335 S2539 MORRIS RD
DOUSMAN WI, 53118~~

~~TRIPLE J PROPERTIES LLC
W335 S2539 MORRIS RD
DOUSMAN WI, 53118~~

CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190

WISCONSIN DAIRY SUPPLY
P. O. BOX 239
WHITEWATER WI, 53190-3900

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~WISCONSIN DAIRY SUPPLY
P. O. BOX 239
WHITEWATER WI, 53190-3900~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CC PROPERTY DEVELOPMENT LLC
111 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CC PROPERTY DEVELOPMENT LLC
111 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CC PROPERTY DEVELOPMENT LLC
111 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CC PROPERTY DEVELOPMENT LLC
111 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~WISCONSIN DAIRY SUPPLY CO
PO BOX 239
WHITEWATER WI, 53190-3900~~

~~WISCONSIN DAIRY SUPPLY CO
P. O. BOX 239
WHITEWATER WI, 53190-3900~~

~~R&B BRASS RAIL CORP
130 W. MAIN ST.
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~DONNA JOANNE HENRY
347 S. JANESVILLE ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER 'PUMP HOUSE
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~STATE OF WISCONSIN DEPT OF TRA
MADISON WI, 53702~~



CONDITIONAL USE PERMIT APPLICATION

Address of Property: 111 W. Whitewater St.

Owner's Name: C C Property Development LLC

Applicant's Name: Christ G. Christon

Mailing Address: 111 W. Whitewater St.

Phone #: 262-949-5671 Email: cgchriston@gmail.com

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

Existing and Proposed Uses:

Current Use of Property: Restaurant

Zoning District: B2

Proposed Use: Brewery and Tap Room

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

****Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

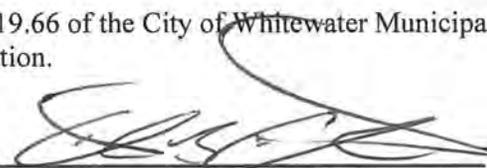
STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

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 reduce value of other property.</p>	<p>This upscale brewery and taproom, providing craft-brewed beer to a wide range of patrons, will draw visitors and business to downtown Whitewater. We expect it to be a vibrant addition to Whitewater's revitalized downtown, and we anticipate the proposed usage will actually raise property values by bringing more visitors and business downtown.</p>
<p>B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.</p>	<p>As indicated on the previous page, there will be minimal changes to the existing building, and none whatsoever to the physical site. A brewery of this scale has minimal utility requirements, which are easily accommodated by the existing electrical, water and sewage service to the building.</p>
<p>C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.</p>	<p>This usage is consistent with the zoning regulations for the district in which it is located.</p>
<p>D. That the conditional use conforms to the purpose and intent of the city Master Plan.</p>	<p>We feel that the proposed usage matches the spirit of the city's Master Plan.</p>

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

Applicant's Signature:



Date: Sept 16, 2013

Printed: Christ G. Christon



TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. **\$100.00 fee** filed on 9-16-13. Received by: J. Wegner Receipt #: 6,010,750
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on 10-3-13.
- 3) Notices of the Public Hearing mailed to property owners on 10-1-13.
- 4) Plan Commission holds the PUBLIC HEARING on 10-14-13. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

ACTION TAKEN:

Condition Use Permit: Granted _____ Not Granted _____ By the Plan and Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date

Second Salem Brewing Company, LLC

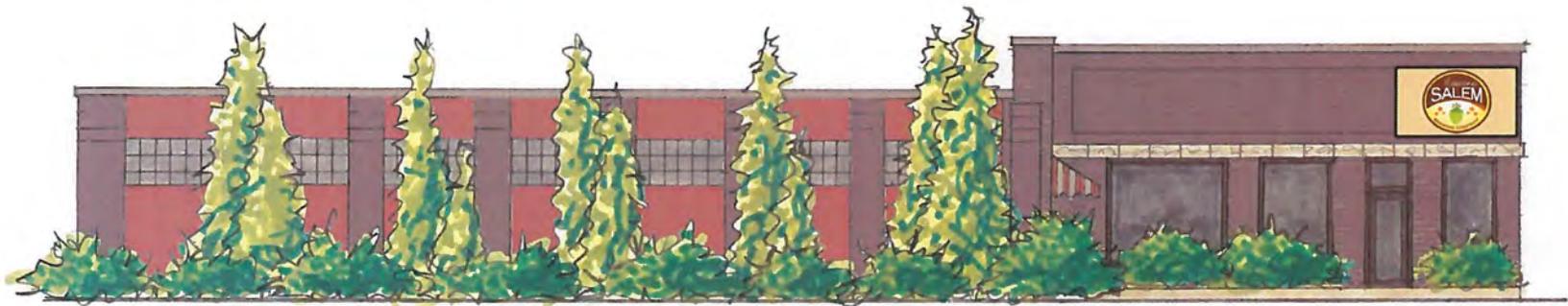
Conditional Use Permit – Statement of Use

This Conditional Use Permit is for converting the existing Whitewater Street Restaurant into a one-barrel (31 gallon) "nanobrewery" and tap room called Second Salem Brewing Company.

- 1) In the first stage, we will build and commence operations as a brewery only. However, we also plan to open a tap room within six months. The brewery will employ 2 people at any given time. The taproom will employ an additional 4 people. Brewery will be operated on an ad hoc basis, but typically three times a week for eight hours at a time. When complete, the taproom will be open from 4-9 PM during the week and noon-10 PM on weekends. The taproom will have a layout similar to Karben-4 Brewing in Madison and will be a tourist destination in downtown Whitewater.

The tap room will have seating for 80 people, which is significantly less than that space's current fire code limit. The Lakefront Pub is completely separate, and its current usage, layout and capacity will not change.

- 2) Please see the attached plan for the proposed layout.
- 3) Please see the attached plan for the proposed layout. The only change to the exterior of the building will be the removal of one exterior window and replacing it with matching brick work.
- 4) We will be making no changes to outdoor lighting.
- 5) Please see the attached plan for elevation drawings.
- 6) No changes to existing off-street parking.
- 7) No changes to pedestrian, vehicular or service access.
- 8) No changes to existing loading spaces. The brewery will require far fewer deliveries than the existing restaurant.
- 9) No changes to existing landscaping.
- 10) Please see the attached plan for floorplans.
- 11) Aside from content, no changes to existing signage.
- 12) No changes to existing grading/drainage plan.
- 13) Waste disposal impact will be negligible. Unlike the current restaurant, the brewery will generate no food or paper waste. The only significant byproduct of the brewing process, spent grain, will be collected in waste bins and moved immediately off-site and fed to livestock. Each brew generates less than one whole garbage can of spent grains, and we will be brewing no more than once a day. Brewing at this scale also generates negligible odor, which will be completely contained within the brewery. Finally, we will use electric power, thus generating no industrial waste whatsoever.
- 14) No changes to existing outdoor storage.



WHITEWATER STREET RESTAURANT / PUB - WHITEWATER
MAY 31, 2013 JOE LAWNICZAK

C Christon Property Development, LLC

Conditional Use Permit – Statement of Use for 111 W. Whitewater Street

This modification of Conditional Use Permit is for converting the existing Whitewater Street Restaurant into a one-barrel (31 gallon) "nanobrewery" and tap room called Second Salem Brewing Company. The usage of the rest of the building (the existing Lakefront Pub) will remain unchanged.

1. In the first stage, we will build and commence operations as a brewery in the northeast corner of the building. We also plan to convert the customer seating area of the Whitewater Street Restaurant into a taproom within six months. The brewery will employ 2 people, and the taproom will employ an additional 4 people. Brewery will be operated on an ad hoc basis, but typically three times a week for eight hours at a time. The taproom will be open from 4-9 PM during the week and noon-10 PM on weekends. The taproom will only be open during hours that the Lakefront Pub is also open, so the Lakefront Pub will be secured during the taproom's hours of operation. By separating the customer seating area from the brewery, the layout will be similar to Randy's Restaurant and Fun Hunter Brewery in Whitewater. We believe this usage will create a viable and attractive tourist destination in downtown Whitewater.
2. Please see the attached plan for the proposed layout. Major modifications to the existing building include: a) construction of the brewery in the northeast corner of the building, b) mostly-cosmetic modification of the existing Whitewater Street Restaurant into a taproom, yielding a look and feel similar to the Lakefront Pub, c) reconfiguration of the vestibule at the front of the building for security purposes and d) construction of a wall, with a door, between the new taproom and the existing Lakefront Pub. This door will be open during the hours that both the taproom and the Lakefront Pub are open, but locked, with an emergency push bar, during the hours that only the pub is open.
3. The property consists of only one building, represented by the above proposed layout.
4. We will be making only minor changes to outdoor lighting. We will be adding lights to illuminate the sign that will be affixed to the front of the building. These lights will be anchored to the top of the front exterior wall, and will only extend about two feet out from the wall, or as much as necessary to fully illuminate the front sign.
5. Please see the attached plans for elevation drawings.
6. We will make no changes to existing off-street parking.
7. We will make no changes to pedestrian, vehicular or service access.
8. We will make no changes to existing loading spaces.

(continued on next page)

9. We will add plants on the outside of the building. This will most likely include more evergreen trees to match the existing plantings, and also possibly hop vines (please see image of hop vines on wall below)



10. Please see the attached documents for floorplans.
11. Aside from content, the only change to existing signage will be the addition of a sign on the front of the building. Please see attached documents for signage plans.
12. We will make no changes to existing grading/drainage plan.
13. Waste disposal impact will be negligible. Unlike the current restaurant, the brewery will generate no food or paper waste. The only significant byproduct of the brewing process, spent grain, will be collected in waste bins and moved immediately off-site and fed to livestock. Each brew generates about 30 gallons of spent grains, and we plan to brew no more than three times per week. Brewing at this scale also generates negligible, pleasant odor, which will be completely contained within the brewery but is often compared to the smell of baking bread. Finally, we will use electric power, thus generating no industrial waste whatsoever.
14. We will make no changes to existing outdoor storage.

(continued on next page)

On this page, please find further clarification of our application, as requested by Ms. Birkeland on Sept. 18.

- 1) The proposal states that this use is completely separate from the Lakefront Pub. Will there be access from the Lakefront Pub to the Tap Room? We will need a floor plan for the building to see any changes for accessing the restrooms and/or closing off the Brewery/Tap room.

Please see attached for floorplan and diagram of access between the pub and the taproom. As mentioned above, the taproom will have limited hours of operation, 4-9 PM during the week and noon-10 PM on weekends. The taproom will only be open during hours that the Lakefront Pub is also open, so the Lakefront Pub will still be secured during the taproom's hours of operation. The door between the two entities will be open during the hours that both taproom and pub are open, but locked, with an emergency push bar leading away from the pub, during the hours that only the pub is open.

- 2) One concern the public may have with a brewery is the "smell" factor. Please provide information on this.

A 1 Barrel brewery produces 31 gallons of beer per batch, and the actual brewing process for each batch takes about four hours from start to finish. During this time, the negligible odor that is generated is very pleasant, often compared to the smell of baking bread. The weeks-long fermentation process generates no odor whatsoever. The likely source of offensive odors in other breweries could be undisposed spent grain that is allowed to rot. We will have no such undisposed grain, as there will be very little of this kind of waste, and we will be removing it immediately to be fed to livestock, long before it can start to smell.

- 3) Please show the location of proposed signage on the exterior elevation of the structure.

Please see attached.



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
From: Latisha Birkeland, Neighborhood Services Director / City Planner
Meeting Date: October 14, 2013
Re: Consideration of a change in the District Zoning Map for the parcel located at 319 W. James Street (Tax Parcel # /TR 00025) to rezone from R-3 (Multi-family Residence) Zoning District to a B-2 (Central Business) Zoning District for the development of a restaurant.

Summary of Request

The applicant, Tyler Sailsbery, is requesting a district zoning map change from R-3 Multi-family residence to a B-2 Central Business District for the development of a restaurant.

Analysis

The Comprehensive Plan was adopted in 2010. The future land use plan guides the City's development and redevelopment standards. One of the policies in the land use chapter states: "Follow the land use recommendations that are mapped and described on this *Plan* when reviewing new rezoning requests and making detailed and use decisions."

Mr. Sailsbery's rezoning application addresses two goals in the Comprehensive Plan:

- 1) 319 W. James Street (and the adjacent parcels to the east) are identified as opportunities for redevelopment. (Page 102)
- 2) The future land use plan shows that 319 W. James Street (and the adjacent parcels to the east) would be guided for Central Business. Any rezoning of these parcels should be designated as B-2 Central Business District. (See future land use map)

This requested rezone is contiguous from the west side zoning of B-2; expanding the B-2 area is not a spot zoning. This is in conformity with the Comprehensive Plan. The terms "Spot" or "Island" zoning are commonly referred to as a bad planning. If the Master Plan supports the rezoning, then the rezone would meet the intended goals and policies of the Comprehensive Plan, thus not bad planning.

Recommendation

The application of a B-2 Central Business District to this area of the City would be consistent with the recommendations and policies outlined in the Comprehensive Plan. I therefore recommend that the Plan and Architectural Commission recommend to the Common Council, to approve the request to change the District Zoning Map from R-3 Multi-family Residence to B-2 Central Business.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the District Zoning Map for the following area to rezone from R-3 (Multi-family Residence) Zoning District to B-2(Central Business) Zoning District, under Chapter 19.30 of the Zoning Ordinance of the City of Whitewater for a proposed restaurant.

The following parcel, located at 319 W. James Street is being requested to change to B-2 for the development of a restaurant: Tax Parcel Numbers /TR 00025 City of Whitewater, Walworth County, Wisconsin.

NOTICE IS FURTHER GIVEN that the Plan Commission of the City of Whitewater will hold a public hearing in the Municipal Building Community Room, 312 W. Whitewater Street, on Monday, October 14, 2013, at 6:00 p.m. to hear any person for or against said change. Opinions for or against said change may also be filed in writing.

The proposal is on file in the office of the Zoning Administrator, 312 W. Whitewater Street, and may be viewed during office hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Michele Smith, City Clerk

Dated: September 17, 2013

Publish: in "Whitewater Register"

on September 19, 2013 and September 26, 2013 (legal ad)

MICHAEL L SIMON
 MAUREEN H SIMON
 353 W ANN ST
 WHITEWATER WI, 53190

CITY OF WHITEWATER 'PUMP HOUSE
 312 W WHITEWATER ST
 WHITEWATER WI, 53190

~~CITY OF WHITEWATER 'PUMP HOUSE
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

ROSA M VERDUZCO
 232 WISCONSIN ST
 WHITEWATER WI, 53190

DALE D PIEPER
 1224 W LAUREL ST
 WHITEWATER WI, 53190

ELENA PARTIDA
 331 W. JAMES ST
 WHITEWATER WI, 53190

MARC L LINSE
 338 W ANN ST
 WHITEWATER WI, 53190

FAYE A ENGBRETSON
 340 W ANN ST
 WHITEWATER WI, 53190

BEVERLY J STONE
 PO BOX 291
 WHITEWATER WI, 53190-9100

GEOFFREY R HALE
 JACQUELINE A HALE
 599 S FRANKLIN ST
 WHITEWATER WI, 53190

JONATHAN A KEHM
 CHERYL A KEHM
 147 W MAIN ST
 WHITEWATER WI, 53190

~~BEVERLY J STONE
 PO BOX 291
 WHITEWATER WI, 53190-9100~~

JUDITH A WILDERMUTH
 N7701 ENGEL RD
 WHITEWATER WI, 53190

DALE N STETTLER TRUST
 GAYLE M STETTLER TRUST
 PO BOX 657
 WHITEWATER WI, 53190

THOMAS J STONEQUIST
 KATHARINE STONEQUIST
 N6468 WHITE OAK CT
 DELAVAN WI, 53115

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

~~NEIL H STONE
 BEVERLY J STONE
 PO BOX 291
 WHITEWATER WI, 53190-9100~~

~~NEIL H STONE
 BEVERLY J STONE
 PO BOX 291
 WHITEWATER WI, 53190-9100~~

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
 312 W WHITEWATER ST
 WHITEWATER WI, 53190~~

STATE OF WISCONSIN DEPT OF TRA
 MADISON WI, 53702

CITY OF WHITEWATER
PETITION FOR CHANGE OR AMENDMENT OF ZONING

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by the Zoning Ordinance.

A change or amendment may be initiated by the City Council, the Plan Commission, or by a Petition of one or more of the owners, lessees, or authorized agents of the property within the area proposed to be changed.

PROCEDURE

1. File the Petition with the City Clerk. Filed on 9-16-13.
2. Class 2 Notices published in Official Newspaper on 9-19-13 & 9-26-13.
3. Notices of Public Hearing mailed to property owners on 9-30-13.
4. Plan Commission holds PUBLIC HEARING on 10-14-13.
They will hear comments of the Petitioner and comments of property owners. Comments may be made either in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision on the recommendation they will make to the City Council.
6. City Council consideration of the Plan Commission's recommendation and final decision on adoption of the ordinance making the change.

7. The Ordinance is effective upon passage and publication as provided by law.

PLEASE COMPLETE THE FOLLOWING APPLICATION. If there is more than one applicant for an area to be rezoned, add additional pages with the signatures of the owners, indicate their address and the date of signature.

Refer to Chapter 19.69 of the City of Whitewater Code of Ordinances, entitled CHANGES AND AMENDMENTS, for more information on application and protests of changes.

City of Whitewater
Application for Amendment to Zoning District or Ordinance

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Tyler Salsbery Phone # 715-281-8505
Applicant's Address: 141 W Whitewater Street Suite A

Owner of Site, according to current property tax records (as of the date of the application):
Dale Pieper
Street address of Property: 319 W James St
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
Parcel number TR/ 00025

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)
Name of Individual: Self Prepared Name of Firm: _____
Office Address: _____ Phone: _____
Name of Contractor: _____
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 Zoning District or Ordinance to be Amended:
The Commercial Building is located in R-3 Multi Family Residence

Proposed Zoning District or Ordinance
In line with the master plan I would like to change the zoning to B-2 Central Business District

Zoning District in which Property is located: R-3
Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:

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
A. The proposed amendment for future structure, addition, alteration or use will meet the minimum standards of this title for the district being proposed;	Yes, it complies and fits the Master Plan for this
B. The Proposed development will be consistent with the adopted city master plan;	Yes, exactly what the plan calls for.
C. The proposed development will be compatible with and preserve the important natural features of the site;	We hope to highlight the green space and utilize the outdoor seating grants and programs, developed by the council, to provide more outdoor dining in the Downtown.
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	Turning the vacant space into a usable space and cleaning up the area surrounding the space should improve the value of the neighboring properties. We have never had nuisance complaints for The Black Sheep and expect the same for this location.

STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	There is adequate parking available near and at this location.
F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;	We will be well within the guidelines for the B2 central business district and hope to preserve as much of the existing building architecture and style as we can while making repairs to the facade. We do intend to add an outdoor dining area as many current customers have expressed interest and the council has pushed for these changes.
G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;	Not Applicable
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	No

CONDITIONS

The city of Whitewater Zoning Ordinance authorizes the Plan Commission to hold a public hearing and make recommendation to the City Council for the proposed changes (Section 19.69).

TJ/SW
Applicant's Signature

9/16/2013
Date

APPLICATION FEES:

Fee for Amendment to Zoning or Ordinance: \$200

Date Application Fee Received by City 9-16-13 Receipt No. 6,010749

Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 9-30-13
Date set for public review before Plan & Architectural Review Board: 10-14-13

ACTION TAKEN:

Public Hearing: Recommendation Not Recommended by Plan & Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION: _____

Signature of Plan Commission Chairman

Date

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City’s review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City’s planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant’s Information:

Name of Applicant: Tyler Sailsbery

Applicant’s Mailing Address: 141 W Whitewater Street Suite A
Whitewater WI 53190

Applicant’s Phone Number: 715 281 8505

Applicant’s Email Address: Tyler@eatatblacksheep.com

Project Information:

Name/Description of Development: Casual Joes Whitewater/ 319 W James Street

Address of Development Site: 319 W James Street, Whitewater WI 53190

Tax Key Number(s) of Site: Parcel number TR/ 00025

Property Owner Information (if different from applicant):

Name of Property Owner: Dale Pieper

Property Owner’s Mailing Address: 1224 W LAUREL ST

Whitewater, WI

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

TJA S/W
Signature of Applicant/Petitioner

Signature of Property Owner (if different)

Tyler Sailsbery
Printed Name of Applicant/Petitioner

Printed Name of Property Owner (if different)

9/16/2013
Date of Signature

Date of Signature

Applicant will be wholly responsible



Whitewater



In January some of The Black Sheep staff ventured 6,000 miles across the US in pursuit of the best BBQ. The research was the start of Casual Joes, a new fast casual restaurant that will offer families and residents in Whitewater an additional dining option with the hopes of keeping more business in Whitewater. This will be the second Casual Joes, as we opened our first in Wausau, WI in conjunction with our Food Network debut.

After a great deal of research and number of classes about BBQ and Distillation, and after painstakingly looking for a location that would add value to Whitewater and be a relaxing and quiet spot to have a restaurant, we have an accepted offer to purchase on the building, contingent on us getting the zoning and licensing we need. We are excited to move forward in establishing Whitewater as a destination and to being an active part of the community.

We also look forward to helping in the redevelopment of an area the city master plan calls to become commercial. We want to see our downtown and city grow to the point where there are no vacancies, and we want to continue to help put Whitewater on the map. Too many dollars have left the community, and The Black Sheep and Casual Joes are helping to change that.

Our plans are to open in the first quarter of next year. We expect to be open from approximately 10:30 AM to 2:00 AM Sunday through Friday and 10:30 AM to 2:30 AM Saturday, though we will have more limited hours within the first few months. There should be approximately 5 staff working lunch and dinner during the week, and staff 8 working on the weekend. We expect to employ 5-7 full time employees and 8-10 part time employees. We expect to employ an additional 3-5 full-time employees once the distillery is in operation.



The décor will be in line with that of The Black Sheep and the industrial feel of the location. Because it is larger than The Black Sheep (casual Joes Whitewater has an exterior square footage of 4032 square feet), there is

space for us to hold larger demonstration classes and banquets. Pictures of one of the locations where we did research demonstrate our design style for the location (Journeyman Distillery).

The materials will largely be recycled and repurposed, blended with modern and industrial pieces to create a relaxed, industrial, urban vibe. Faux burlap will be used as the fabric to dampen any noise and to soften the hard lines and metals. The color scheme will focus on neutral grays and taupes with deep charcoals as an accent.



In an effort to invest in Whitewater and ensure that our business has a stable foundation and continues to draw people from surrounding communities, we will be installing a distillery, which is why the liquor license is vitally important to the success of this restaurant. We have had a number of customers at The Black Sheep that have tried our craft cocktails and infused alcohols and requested we make them available for purchase, so they can replicate at home what we are offering at the restaurant. Additionally, we want to be able to better regulate and control the spirits that we are infusing. We feel the addition of Casual Joes fine craft cocktails to the mix of other local offerings, such as the microbrewery by Lakefront and the great wines from Staller winery, is natural fit.

Additionally, it is extremely important to me that I continue to provide exceptional and award winning food. This is the start of the menu, with additional options to be added as we refine our menu.

★ Sides ★

Cheese Curds	\$3.95	Hand Cut Fries	\$1.95
Cranberry Coleslaw	\$1.95	Beer Cheese Fries	\$2.95
Bacon Mac and Cheese	\$3.95	Corn Bread	\$1.50

★ Toppings ★	★ Signature Sauces ★
Caramelized or Raw Onion	Red Pepper Mustard
Quick Kraut	Traditional BBQ
Bacon +\$1.50	Cranberry BBQ
Bear Cheese Sauce +1.50	Pesto Ranch
Tomatoes	North Carolina
Red Onion	Basil Vinaigrette
Pickles	 Blue Cheese Ranch

★ Desserts ★

Ice Cream Floats	\$2.50
Bread Pudding	\$2.50
Shakes <small>(Chocolate, Vanilla, Strawberry)</small>	\$2.95

★ Merchandise ★

Frozen Brats	\$4.49	T-Shirts	\$15.99
Frozen Specialty Brats	\$5.49	Hats	\$24.99
Snack Sticks	\$4.00		

Check for additional Merchandise at CasualJoes.com

★ Signature Items ★

*Meal comes with Hand-Cut Fries and a Drink
Upgrade to Mac & Cheese, Beer Cheese Fries, or Curds - \$1.00

	On it's Own	Meal
Joey Be Good <small>Darn bread topped with pulled pork, BBQ, and oole slaw.</small>	\$5.25	\$8.00
Double Trouble <small>Traditional Brat topped with pulled pork with caramelized onion.</small>	\$5.50	\$8.25
Our Cuban <small>Pork piled with pickles, swiss cheese and mustard.</small>	\$4.99	\$7.74
The Wisconsin <small>Brat with Beer Cheese Sauce, Caramelized Onion, Sweet Slow and Bacon.</small>	\$5.50	\$8.25
Grilled Cheese <small>4 Cheeses and Grilled.</small>	\$3.99	\$6.74
Park Nachos <small>Nachos piled with pork, beer cheese, bag.</small>	\$4.99	\$7.74

★ Meet the Meats ★

*Meal comes with Hand-Cut Fries and a Drink
Upgrade to Mac & Cheese, Beer Cheese Fries, or Curds - \$1.00

	On it's Own	Meal
The Traditional Brat	\$3.99	\$6.74
TLC Brat <small>(Tequilla Lime Chicken)</small>	\$3.99	\$6.74
Pulled Pork	\$5.95	\$8.70
Brisket	\$6.50	\$9.25

★ Salads ★

The Rancher <small>Tequilla brat, tomatoes, pesto ranch tortillas monterey jack.</small>	\$8.95
Hog Wild <small>Greens, pulled pork, cheddar, coleslaw and vinaigrette.</small>	\$8.95
Brat & Onion <small>Caramelized onion, bacon, sliced brat and vinaigrette.</small>	\$8.95
Brisket <small>Blue Cheese Dressing, cranberries, candied nuts, mixed greens and sliced brisket.</small>	\$8.95
Side Salad	\$2.95

The building and structure will remain the same with the exception of adding an outdoor dining area through the CDA outdoor dining program, as well as adding a kitchen, bathrooms, and a compact still similar to the one below from Great Lakes



Distillery.

Once we know we can move forward as a result of required zoning changes and being awarded a liquor license, we will work with Design Alliance Architects to redraw and submit lighting and elevation plans to the state. However, these cost are prohibitive if we are unable to move forward.

Being that we are rezoning for B-2 Downtown Business District, we hope to utilize some of the downtown area parking. Public downtown lots A and B are within a block and typically have adequate parking spaces available as customers from The Black Sheep use them and numerous are left still available. We would like to keep as much green space as possible to keep in line with the neighboring park, but we have over 3,000 feet of space for parking if necessary, as noted in the drawing below and the photo showing the lot size. This is something we will work with neighborhood services to determine, but we would hate to pave more downtown grass and green space if it's not necessary.

Signage



This is a picture of the actual sign, which is 3 feet round.

1. Sign to be illuminated with Sloan brand LED with 2 power supplies.
2. Sign face will be 3/16" translucent white polycarbonate decorated with single color translucent 3M brand vinyl. Rendering below.

Waste disposal will be as marked in the attached drawing and will be covered by a wood fence off of our deck and out of view of diners.

In conclusion, it is important for me to offer a distillery in order to attract individuals from outside of Whitewater to visit the area. Wisconsin has only 14 licensed distilleries while it has over 200 microbreweries, which leads to an increasing draw to visit distilleries, particularly as the culture has a growing and renewed emphasis on infused spirits and fine custom cocktails. Therefore, visiting a distillery becomes an event, a destination, and likely a day trip. Furthermore, we know that without the liquor license at The Black Sheep, it would be very hard for us to survive as a business. The liquor license makes business possible. In addition, we work very hard to bring positive attention to the area (such as bringing the Food Network here), and we look forward to continuing to draw positive attention to Whitewater. We were featured in the travel section of *The Kenosha News* and *The Wisconsin Rapids Tribune* in the past week, as well as in articles in 12 local and statewide newspapers in the past month.

It is our goal to grow the community and increase economic development in the area. This will happen not only by opening the restaurant, bringing people in to dine, and employing new workers, but also by creating a distillery that will allow us to produce a product to sell all over the state and nation which is proudly stamped "Distilled in Whitewater, WI."

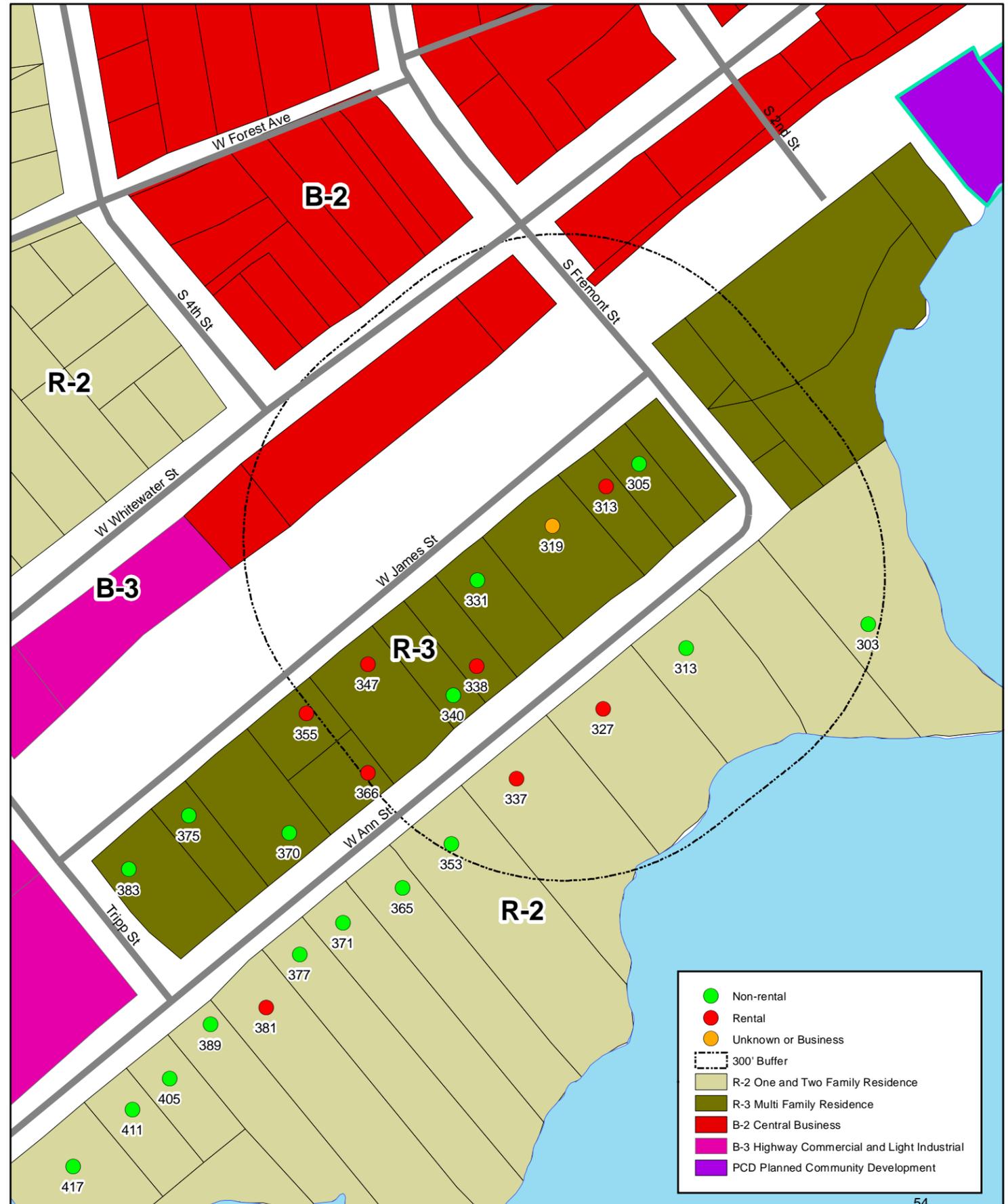
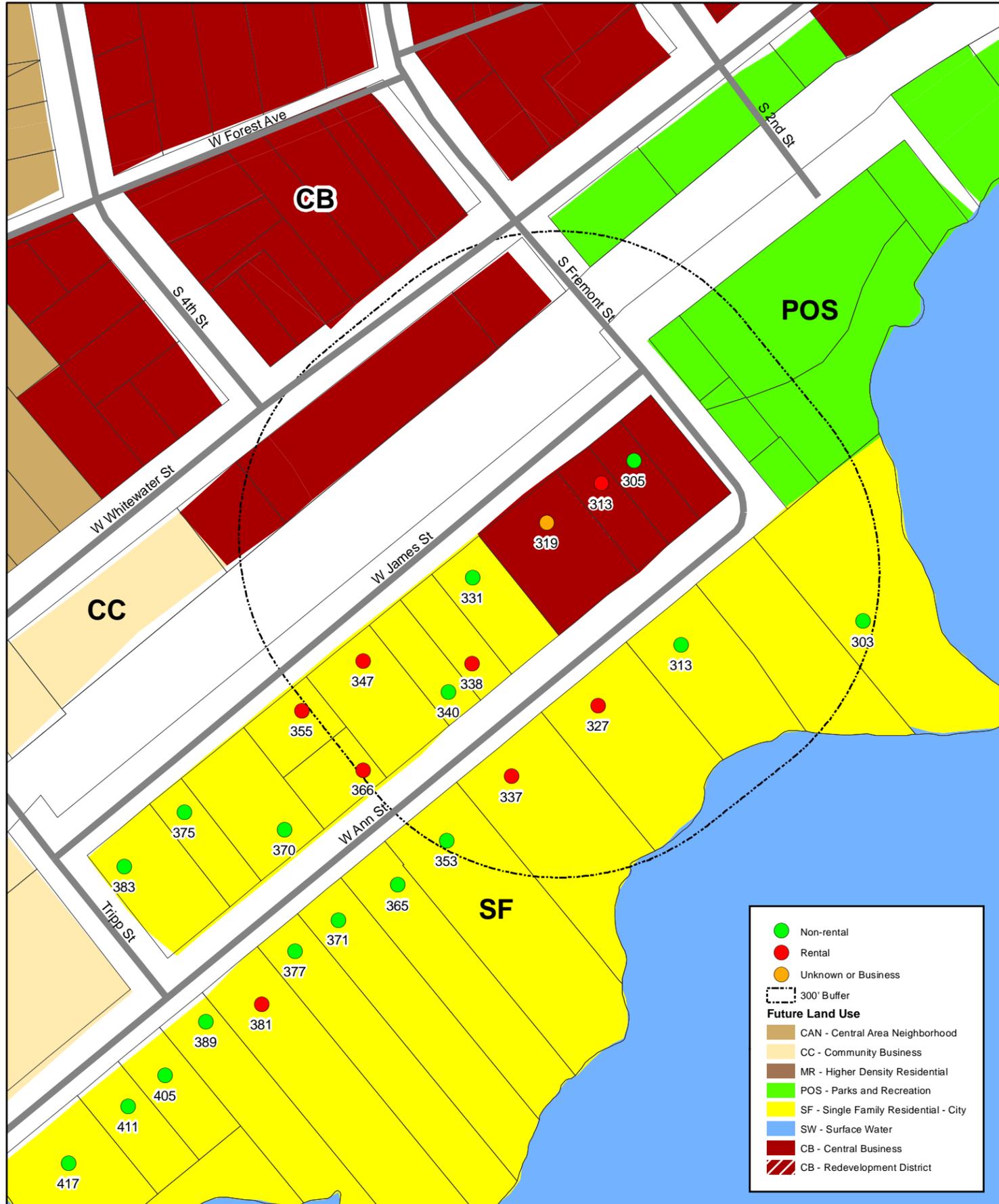


Casual Joes Whitewater

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100



319 James Street - Zoning and Future Land Use





October 3, 2013

To members of the Plan and Architectural Review Commission

I am writing in regard to the proposed Conditional Use Permit (for a Class B Beer and Liquor License) at 319 West James Street in Whitewater.

I would like to state that I am totally against the proposal to change the District Zoning map to rezone that area from R-3 (multi family residence) to Zoning District B-2 (central business) for a proposed restaurant.

Changing a residential area into a business area would lower the quality and safety of the neighborhood. The potential problems of noise and additional traffic (especially during late night hours) would be very high.

It makes no sense to change a residential area into a business area when other applicants for the Class B Beer and Liquor License are already located in business areas. The Ann and James Street area should remain what it is; a family neighborhood.

Sincerely,

Judy Wildermuth
313 West Ann Street
Whitewater, WI 53190



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
From: Latisha Birkeland, Neighborhood Services Director / City Planner
Meeting Date: October 14, 2013
Re: Request for a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Tyler Sailsbery to serve beer and liquor at 319 W. James Street (for a "Class B" Beer and Liquor License) for a new restaurant, tavern and distillery (Casual Joes).

Summary of Request

Location: 319 W. James Street

Current Land Use: Vacant – previously an automotive repair shop

Proposed Use: Restaurant, tavern and distillery

Current Zoning: R-3 Multi-family Residence District

Proposed Zoning: B-2 Central Business District

Comprehensive Plan's Future Land Use Designation: Central Business

Surrounding Zoning and Land Use:

Zoning

North: B-2

East and West: R-3

South: R-2

Current Land Use

Business use on 1st floor and some residential on 2nd floor

Residential

Residential

Summary of Request

The Conditional Use Permit application is to convert the previous Fort Auto Body building into a restaurant, tavern and distillery. For this to happen, the applicant will need to receive:

- 1) An approved rezone from R-3 Multi-Family Residence District to a B-2 Central Business District (see additional staff memo)
- 2) An approved Conditional Use Permit for a tavern and other places selling alcoholic beverage by the drink, including expansion of existing uses

The first stage of this proposal is to establish a restaurant and tavern at this site. The second stage is to install a distillery. The applicant, Mr. Tyler Sailsbery, has provided an in-depth statement of use that describes the business and the distilling process, so I will not wholly repeat that in this staff report. The Plan and Architectural Review Commission should consider the redevelopment of this site by the standards in the B-2 Central Business Zoning District, as applied for by the applicant.

The permitting process to allow of the retail sale of distilled products may take a few months to a few years with the Department of Revenue and Alcohol and Tobacco Tax and Trade Bureau (TTB). During this time, Casual Joe’s would sell infused alcohols by the glass, if approved by the Plan and Architectural Review Commission, as Mr. Sailsbery currently does at the Black Sheep restaurant.

The plans for this restaurant and distillery will be officially drawn by a licensed architect and submitted to the State for review. The proposed interior layout may change slightly once officially drawn, such as bathrooms, etc. All plan updates must also be submitted for staff review.

Hours and Employees

Casual Joe’s will employ 5-7 full-time employees and 8-10 part-time employees. Once the distillery is in operation, they expect to employ an additional 3-5 full-time employees.

Hours **limited hours within the first few months**

Sunday – Friday 10:30 AM to 2:00 AM

Sunday 10:30 AM to 2:30 AM

Parking

If this site is rezoned to B-2 Central Business District, then all uses are exempted from parking requirements of Section 19.51.130 except if off-street parking is specifically required for a particular conditional use under Section 19.30.030. Parking is not required for this use.

There are public parking lots (Lots A and B) as close as 250 feet to the property. The James Street parking lot (Lot K) has restricted permit parking from 6:00 PM – 8:00 AM. Parking permits for Lot K sell out every year.

Mr. Sailsbery has stated in his statement of use that he would prefer not to add a parking lot on the site. I agree with Mr. Sailsbery and would like to see the green space remain along the west side of the property.

This project needs State approval. Greg Noll, Building Inspector, stated that depending on the requirements from the State, a handicapped parking stall might need to be added. If this is the case, Mr. Sailsbery and staff have reviewed options for this requirement, if needed. Parking could be officially designated along the street, along the front of the building or in the rear. Mark Fisher, City Engineer, sketched out some concepts for parking. Staff would like to work with Mr. Sailsbery if the State requires the handicapped stall(s).

Exterior

The exterior changes include adding a deck and a smoker area along the south side of the building. The site plan shows the deck to be at least 15 feet from the property line. Keep in mind that the B-2 Zoning District does not indicate setback requirements.

The smoker area and deck will be fenced with a combination wood and aluminum iron fencing standing between 36-40 inches tall. Please see the attached photos. The smoker will be a double barrel smoker, similar to the one in the attached photo.

Waste disposal will be located on the southwest side of the deck and enclosed by a wood fence to screen the view from the adjacent properties and diners.

Signage

The sign dimensions and placement shall comply with the B-2 Central Business District regulations. Mr. Sailsbery has shown the proposed signage. All lighting will need to comply with the Code Standards.

Conditions to be considered for Conditional Use Permit

The City received one written comment as of 5:00 PM as of 10/9/13. This has been included in the packet.

On 9/30/13 The Alcohol Licensing Committee recommended approval of a Class B Beer and Liquor License, with conditions, for Tyler Sailsbery to the Common Council. On 10/1/2013 the Common Council approved a Class B Beer and Liquor License, with conditions, for Tyler Sailsbery.

Pending comments received at the public hearing, I recommend that the Plan and Architectural Review Commission approve the Conditional Use Permit (tavern and other places selling alcohol by the drink) for Tyler Sailsbery to serve beer and liquor at 319 W. James Street (for a “Class B” Beer and Liquor License) for a new restaurant, tavern and distillery (Casual Joes) subject to the following conditions:

1. 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 and Architectural Review Commission.
2. The applicant shall make the building and site renovations in accordance with the plans submitted to the City of Whitewater, pending any changes required by the State Building Code.
3. The applicant shall work with staff in determining where on-site parking shall be placed after the State determines a need for a handicapped stall(s).
4. The applicant shall comply with all required City, State and Federal Codes.
5. Approval of the conditional use permit is conditional upon an official rezone of the parcel from R-3 Multi-Family Residence District to B-2 Central Business District.
6. Approval of the conditional use permit shall incorporate all conditions from the alcohol license approval from Common Council.

Analysis of Proposed Project

Standard	Evaluation	Comments
Conditional Use Permit Standards (see section 19.66.050 of zoning ordinance)		
The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.	Maybe	Rezoning this property to B-2 Central Business District is in conformance with the Comprehensive Plan. The east, west and south land use is residential. This may be a concern to those owners/tenants.
Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	Parking is not required as a part of the B-2 Central Business District standards. However, if on-site parking is established, staff would work with the applicant to ensure the standards of the code are met.

Standard	Evaluation	Comments
The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance [or through a variance].	Yes	There shall be no minimum required ordinance design and dimensional standards or setbacks within the B-2 district.
The conditional use conforms to the purpose and intent of the city master [comprehensive] plan.	Yes	The Comprehensive Plan identifies the site as appropriate for “Central Business” uses.
The conditional use and structures are consistent with sound planning and zoning principles.	Yes	Project is consistent with the purpose, character and intent of the future land use classification and zoning district.



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

www.whitewater-wi.gov
Telephone: (262) 473-0540

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 14th day of October 2013 at 6:00 p.m. for a public hearing for consideration of a Conditional Use Permit (for a “Class B” Beer and Liquor License) for Tyler Sailsbery to serve beer and liquor at 319 W. James Street for a new restaurant (Casual Joes).

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 5:00 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



Latisha Birkeland, Neighborhood Services Director/City Planner

MICHAEL L SIMON
MAUREEN H SIMON
353 W ANN ST
WHITEWATER WI, 53190

CITY OF WHITEWATER 'PUMP HOUSE
312 W WHITEWATER ST
WHITEWATER WI, 53190

~~CITY OF WHITEWATER 'PUMP HOUSE
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

ROSA M VERDUZCO
232 WISCONSIN ST
WHITEWATER WI, 53190

DALE D PIEPER
1224 W LAUREL ST
WHITEWATER WI, 53190

ELENA PARTIDA
331 W. JAMES ST
WHITEWATER WI, 53190

MARC L LINSE
338 W ANN ST
WHITEWATER WI, 53190

FAYE A ENGBRETSON
340 W ANN ST
WHITEWATER WI, 53190

BEVERLY J STONE
PO BOX 291
WHITEWATER WI, 53190-9100

GEOFFREY R HALE
JACQUELINE A HALE
599 S FRANKLIN ST
WHITEWATER WI, 53190

JONATHAN A KEHM
CHERYL A KEHM
147 W MAIN ST
WHITEWATER WI, 53190

~~BEVERLY J STONE
PO BOX 291
WHITEWATER WI, 53190-9100~~

JUDITH A WILDERMUTH
N7701 ENGEL RD
WHITEWATER WI, 53190

DALE N STETTLER TRUST
GAYLE M STETTLER TRUST
PO BOX 657
WHITEWATER WI, 53190

THOMAS J STONEQUIST
KATHARINE STONEQUIST
N6468 WHITE OAK CT
DELANAN WI, 53115

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~NEIL H STONE
BEVERLY J STONE
PO BOX 291
WHITEWATER WI, 53190-9100~~

~~NEIL H STONE
BEVERLY J STONE
PO BOX 291
WHITEWATER WI, 53190-9100~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

~~CITY OF WHITEWATER
312 W WHITEWATER ST
WHITEWATER WI, 53190~~

STATE OF WISCONSIN DEPT OF TRA
MADISON WI, 53702



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

www.whitewater-wi.gov
(262) 473-0143

CONDITIONAL USE PERMIT APPLICATION

Address of Property: 319 W James Street, Whitewater.

Owner's Name: Dale Pieper

Applicant's Name: Tyler Sailsbery

Mailing Address: 141 W Whitewater Suite A, Whitewater, WI

Phone #: 715-281-850 Email: Tyler@eatatblacksheep.com

Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): _____

Parcel number 00025

Existing and Proposed Uses:

Current Use of Property: Vacant Auto Repair Shop

Zoning District: R-3

Proposed Use: Restaurant with full liquor license

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

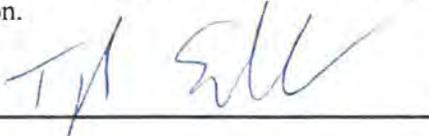
**Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.

STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	<p>The change should increase the value of the area and is in-line with the Master Plan. The reduction of vacant space should increase surrounding property values and matches the use of surrounding properties.</p> <p>The addition of our unique Brat and BBQ restaurant, which has appeared on the Food Network, would be a draw for people to come and explore our</p>
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	<p>In similarity with the design and updates to The Black Sheep, it is important for me to keep the building and surroundings historically accurate. Furthermore, I have meet with Pat Cannon, who is overseeing the outdoor cafe grants, as we crafted the best option for the property.</p>
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	<p>Everything conforms as it should.</p>
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	<p>The conditional use would be a step towards accomplishing the goals of The Master Plan.</p>

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

Applicant's Signature: 

Date: 7/16/2015

Printed: Tyler Salberg

TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. \$100.00 fee filed on 9-16-13. Received by: Jwegner Receipt #: 6010749
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on 10-3-13.
- 3) Notices of the Public Hearing mailed to property owners on 9-30-13.
- 4) Plan Commission holds the PUBLIC HEARING on 10-14-13. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

ACTION TAKEN:

Condition Use Permit: Granted _____ Not Granted _____ By the Plan and Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date



Whitewater



In January some of The Black Sheep staff ventured 6,000 miles across the US in pursuit of the best BBQ. The research was the start of Casual Joes, a new fast casual restaurant that will offer families and residents in Whitewater an additional dining option with the hopes of keeping more business in Whitewater. This will be the second Casual Joes, as we opened our first in Wausau, WI in conjunction with our Food Network debut.

After a great deal of research and number of classes about BBQ and Distillation, and after painstakingly looking for a location that would add value to Whitewater and be a relaxing and quiet spot to have a restaurant, we have an accepted offer to purchase on the building, contingent on us getting the zoning and licensing we need. We are excited to move forward in establishing Whitewater as a destination and to being an active part of the community.

We also look forward to helping in the redevelopment of an area the city master plan calls to become commercial. We want to see our downtown and city grow to the point where there are no vacancies, and we want to continue to help put Whitewater on the map. Too many dollars have left the community, and The Black Sheep and Casual Joes are helping to change that.

Our plans are to open in the first quarter of next year. We expect to be open from approximately 10:30 AM to 2:00 AM Sunday through Friday and 10:30 AM to 2:30 AM Saturday, though we will have more limited hours within the first few months. There should be approximately 5 staff working lunch and dinner during the week, and staff 8 working on the weekend. We expect to employ 5-7 full time employees and 8-10 part time employees. We expect to employ an additional 3-5 full-time employees once the distillery is in operation.



The décor will be in line with that of The Black Sheep and the industrial feel of the location. Because it is larger than The Black Sheep (casual Joes Whitewater has an exterior square footage of 4032 square feet), there is

space for us to hold larger demonstration classes and banquets. Pictures of one of the locations where we did research demonstrate our design style for the location (Journeyman Distillery).

The materials will largely be recycled and repurposed, blended with modern and industrial pieces to create a relaxed, industrial, urban vibe. Faux burlap will be used as the fabric to dampen any noise and to soften the hard lines and metals. The color scheme will focus on neutral grays and taupes with deep charcoals as an accent.



In an effort to invest in Whitewater and ensure that our business has a stable foundation and continues to draw people from surrounding communities, we will be installing a distillery, which is why the liquor license is vitally important to the success of this restaurant. We have had a number of customers at The Black Sheep that have tried our craft cocktails and infused alcohols and requested we make them available for purchase, so they can replicate at home what we are offering at the restaurant. Additionally, we want to be able to better regulate and control the spirits that we are infusing. We feel the addition of Casual Joes fine craft cocktails to the mix of other local offerings, such as the microbrewery by Lakefront and the great wines from Staller winery, is natural fit.

Additionally, it is extremely important to me that I continue to provide exceptional and award winning food. This is the start of the menu, with additional options to be added as we refine our menu.

★ Sides ★

Cheese Curds	\$3.95	Hand Cut Fries	\$1.95
Cranberry Coleslaw	\$1.95	Beer Cheese Fries	\$2.95
Bacon Mac and Cheese	\$3.95	Corn Bread	\$1.50

<p>★ Toppings ★</p> <p>Caramelized or Raw Onion Quick Kraut Bacon +\$1.50 Beer Cheese Sauce +1.50 Tomatoes Red Onion Pickles</p>	<p>★ Signature Sauces ★</p> <p>Red Pepper Mustard Traditional BBQ Cranberry BBQ Pesto Ranch North Carolina Basil Vinaigrette Blue Cheese Ranch</p> 
---	---

★ Desserts ★

Ice Cream Floats	\$2.50
Bread Pudding	\$2.50
Shakes <small>(Chocolate, Vanilla, Strawberry)</small>	\$2.95

★ Merchandise ★

Frozen Brats	\$4.49	T-Shirts	\$15.99
Frozen Specialty Brats	\$5.49	Hats	\$24.99
Snack Sticks	\$4.00		

Check for additional Merchandise at CasualJoes.com

★ Signature Items ★

*Meal comes with Hand-Cut Fries and a Drink
Upgrade to Mac & Cheese, Beer Cheese Fries, or Curds - \$1.00

	On it's Own	Meal
Joey Be Good <small>Dorn bread topped with pulled pork, BBQ, and cole slaw.</small>	\$5.25	\$8.00
Double Trouble <small>Traditional Brat topped with pulled pork with caramelized onion.</small>	\$5.50	\$8.25
Our Cuban <small>Pork piled with pickles, swiss cheese and mustard.</small>	\$4.99	\$7.74
The Wisconsin <small>Brat with Beer Cheese Sauce, Caramelized Onion, Sweet Slaw and Bacon.</small>	\$5.50	\$8.25
Grilled Cheese <small>4 Cheeses and Grilled.</small>	\$3.99	\$6.74
Pork Nachos <small>Nachos piled with pork, beer cheese, bbq.</small>	\$4.99	\$7.74

★ Meet the Meats ★

*Meal comes with Hand-Cut Fries and a Drink
Upgrade to Mac & Cheese, Beer Cheese Fries, or Curds - \$1.00

	On it's Own	Meal
The Traditional Brat	\$3.99	\$6.74
TLC Brat <small>(Tequilla Lime Chicken)</small>	\$3.99	\$6.74
Pulled Pork	\$5.95	\$8.70
Brisket	\$6.50	\$9.25

★ Salads ★

The Rancher <small>Tequilla brat, tomatoes, pesto ranch tortillas monterey jack.</small>	\$8.95
Hog Wild <small>Greens, pulled pork, cheddar, coleslaw and vinaigrette.</small>	\$8.95
Brat & Onion <small>Caramelized onion, bacon, sliced brat and vinaigrette.</small>	\$8.95
Brisket <small>Blue Cheese Dressing, cranberries, candied nuts, mixed greens and sliced brisket.</small>	\$8.95
Side Salad	\$2.95

The building and structure will remain the same with the exception of adding an outdoor dining area through the CDA outdoor dining program, as well as adding a kitchen, bathrooms, and a compact still similar to the one below from Great Lakes



Distillery.

Once we know we can move forward as a result of required zoning changes and being awarded a liquor license, we will work with Design Alliance Architects to redraw and submit lighting and elevation plans to the state. However, these cost are prohibitive if we are unable to move forward.

Being that we are rezoning for B-2 Downtown Business District, we hope to utilize some of the downtown area parking. Public downtown lots A and B are within a block and typically have adequate parking spaces available as customers from The Black Sheep use them and numerous are left still available. We would like to keep as much green space as possible to keep in line with the neighboring park, but we have over 3,000 feet of space for parking if necessary, as noted in the drawing below and the photo showing the lot size. This is something we will work with neighborhood services to determine, but we would hate to pave more downtown grass and green space if it's not necessary.

Signage



This is a picture of the actual sign, which is 3 feet round.

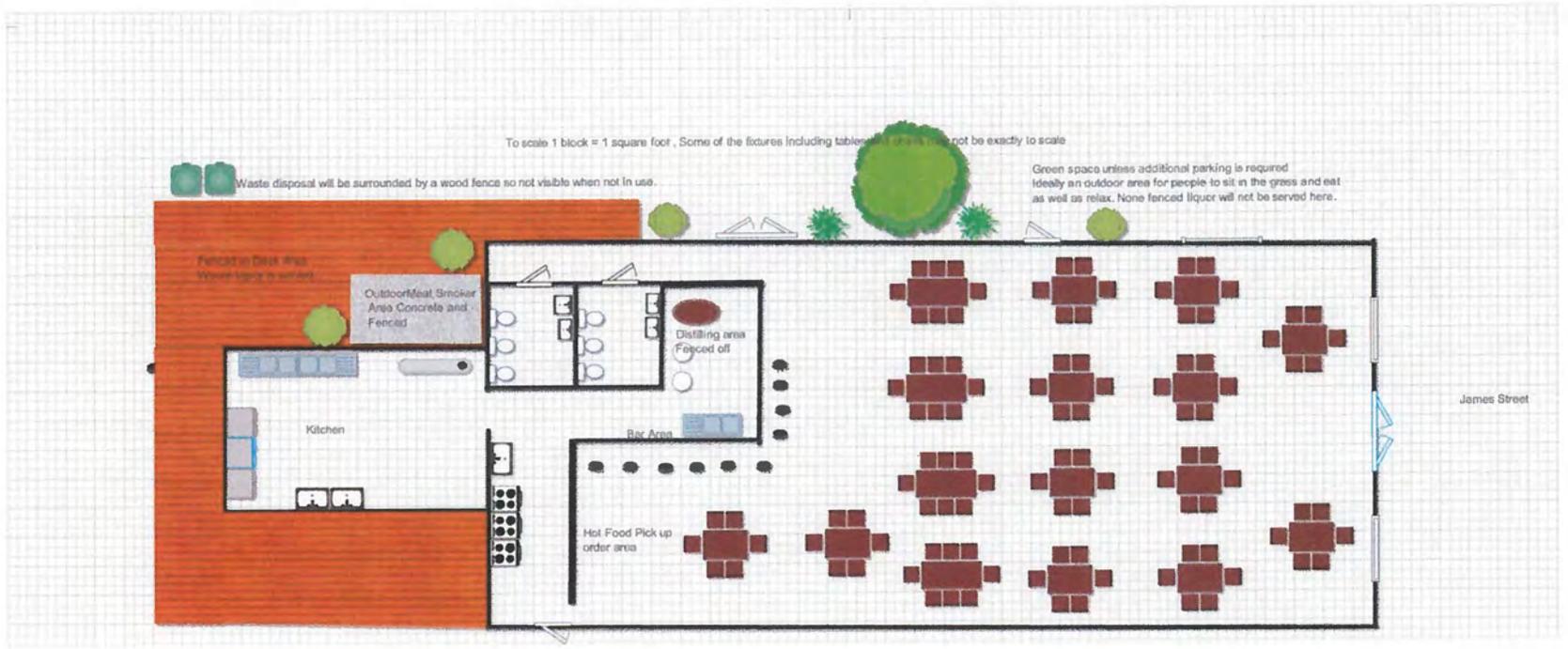
1. Sign to be illuminated with Sloan brand LED with 2 power supplies.
2. Sign face will be 3/16" translucent white polycarbonate decorated with single color translucent 3M brand vinyl. Rendering below.

Waste disposal will be as marked in the attached drawing and will be covered by a wood fence off of our deck and out of view of diners.

In conclusion, it is important for me to offer a distillery in order to attract individuals from outside of Whitewater to visit the area. Wisconsin has only 14 licensed distilleries while it has over 200 microbreweries, which leads to an increasing draw to visit distilleries, particularly as the culture has a growing and renewed emphasis on infused spirits and fine custom cocktails. Therefore, visiting a distillery becomes an event, a destination, and likely a day trip. Furthermore, we know that without the liquor license at The Black Sheep, it would be very hard for us to survive as a business. The liquor license makes business possible. In addition, we work very hard to bring positive attention to the area (such as bringing the Food Network here), and we look forward to continuing to draw positive attention to Whitewater. We were featured in the travel section of *The Kenosha News* and *The Wisconsin Rapids Tribune* in the past week, as well as in articles in 12 local and statewide newspapers in the past month.

It is our goal to grow the community and increase economic development in the area. This will happen not only by opening the restaurant, bringing people in to dine, and employing new workers, but also by creating a distillery that will allow us to produce a product to sell all over the state and nation which is proudly stamped "Distilled in Whitewater, WI."





Distillation Process

Distilling alcohol begins with the fermentation process, in this process you start with your carbohydrate and your yeast combined in still. The yeast starts the fermentation process of your carbohydrate base which varies depending on the type of liquor you are producing. This is the exact same process as making beer and uses the same equipment as for example Randy's uses for fermentation. This base is most often corn, wheat, or sugars and in most cases will be a mixture of the carbohydrate base to yield different tastes. This mix of carbohydrates and yeast is then heated in the still for a set amount of time. The mix is heated to a temperature below boiling point but above the point alcohol starts to evaporate typically between 145 and 170, which allows the alcohol to evaporate. As the pressure in the kettle increases the vapor with a higher alcohol concentration is forced the cap arm of the still, which is a pipe that leads to the top of the area to collect the alcohol.



From there the vapor passes through a serpentine, and a cold water bath condenses the vapors in the coils. This process convert the from a vapor back into a liquid form. This liquid is drained and what yields is your alcohol. What follows all depends on the type of liquor you are producing, if you are aging the liquor this involves putting it in an oak barrel to age for a period of time.

Sale of Alcohol

The retail sale of infused alcohol will be limited to (not to exceed) 4(four liters) of alcohol per customer in our original packaging. Retail sales will start when we open and be limited to no later than 11:59 pm though we don't expect to be open that late. All of this is done to comply with the regulations set forth in chapter 125 of the state statues.

We have been working with the Department of Revenue and the TTB to ensure compliance and understand that the restaurant will be open before we will have all the permits from the TTB which can take substantial amounts of time(a few months to years) to allow us to sell our own distilled products. We will sell by the glass infused alcohols (alcohols that have been stepped in herbs for example rosemary, thyme, chai) until we can have approval on location and labeling of products through the TTB for our own line of distilled products. Both before and after our goal is to remain committed to affordable dinning that is sophisticated but approachable for every family in Whitewater. We will be a family friendly dinning establishment.

Latisha Birkeland

Subject: FW: Follow-up items

From: Jordan Hoffman [<mailto:info@eatatblacksheep.com>]

Sent: Thursday, October 10, 2013 12:49 PM

To: Latisha Birkeland

Subject: Re: Follow-up items

Hey Latisha,

I am planning on keeping the exterior color of the building the same. The fencing we are using would be a combination wood and aluminium iron fence standing at between 36-40 inches tall. Similar to the the fencing pictured below. The fence will be the same surrounding the smoker and used to keep it our of reach of customers for their safety. The fencing around the trash totes would use the same color stain as on our other fencing but would be made of solid wood similarly to the picture below so they would not be visible to patrons. Our smoker will be a double off set smoker similar to what we use at The Black Sheep now but a double barrel (similar to the one pictured below) rather than a single barrel. We would have the disposal picked up on James street as to not disturb Anne Street.





Sincerely,

Tyler