



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW  
COMMISSION

Agenda

November 11, 2013

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

6:00 p.m.

1.	Call to order and Roll Call.
2.	<b>Hearing of Citizen Comments.</b> 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 October 14, 2013.
4.	Review proposed 40 foot by 60 foot addition to the existing building located at 218 S. Elkhorn Road (Sassy Shirts) for Ben Roytn and Frank Legath, etal. (This addition is for storage.)
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.
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 – December 9, 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](mailto:jwegner@whitewater-wi.gov).

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

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
October 14, 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, Kristine Zaballos, Daniel Comfort. Absent: None. 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 Coburn to approve the Plan Commission minutes of September 9, 2013. Motion approved by unanimous voice vote.

**Public hearing for a conditional use permit (for expansion to include wholesale alcohol operation) for CC Property Development LLC., Christ Christon to have a brewery and taproom at 111 W. Whitewater Street (Second Salem Brewing Company, LLC.).**

Chairperson Meyer opened the 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 taproom at 111 W. Whitewater Street (Second Salem Brewing Company, LLC.).

Plan Commission Member Coburn excused herself from the Board for this item.

City Planner Latisha Birkeland explained that the conditional use permit 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. “A nanobrewery is a scaled-down microbrewery, often run by a sole entrepreneur, who produces beer in small batches”. They are regulated by the Alcohol and Tobacco Tax and Trade Bureau (TTB), and are fully licensed and regulated breweries. The taproom will only be open during hours that the Lakefront Pub is also open. The brewery and tap room will be replacing the Whitewater Street Restaurant. The hours for the taproom would be Monday through Thursday from 3 until 9 p.m. and Friday, Saturday and Sunday from 11 a.m. until 10 p.m. The B-2 (Central Business) Zoning District is exempt from parking requirements. The business is allowed two signs. Birkeland was informed that there were other businesses in the downtown area which had more than two signs. The signage will be checked out. Business owners will have to comply with the Sign Ordinance.

Christ Christon, owner of the Whitewater Family Restaurant and the Lakefront Pub, explained that he had three other business partners for the brewery, Thayer Coburn, Joe Coburn and Carl Brown. In the Lakefront Pub and Grill, Christon provides specialty craft beers and higher end beers. From that they are taking one step forward to provide the downtown area with a small brewery (a one barrel nanobrewery – 31 gallons). In the future they may expand to a larger off site brewery and use the small on site brewery as the “mad test kitchen”. This small brewery would allow them to brew custom beer, or provide a competition for home brewers. Home brewing is a science. There is a love behind it (like art). Christon feels the brewery and taproom will be an economic draw to Whitewater. People from other communities will come to Whitewater for beer and dinner and see other things that Whitewater has to offer. They want the taproom to be enjoyed by the connoisseur, not have it be a bar area. The Whitewater Family Restaurant will close the beginning of November depending on when they can start the work. The capacity of the taproom will be determined by the Fire Inspector and the Building Inspector.

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

Plan Commission Member Binnie stated that it had been indicated that a distillery could be considered a light industrial use; is a brewery considered a light industrial use?

City Planner Birkeland explained that it is an extension of an existing use, not light industrial.

City Attorney McDonell stated that the distillery was appropriate for a conditional use permit approved by the Plan Commission.

Christ Christon explained that he had a dream to pursue. This would be a much bigger draw to Whitewater than breakfast in the a.m. The University is making it so students and faculty do not need to leave campus. Until a student is 20-21 there is no draw to the downtown. Christon stated this would not be a joint liquor license. This would be a second license for beer. He said there was no issue to have two businesses at one location. They have a separate entrance for each business. Christon has been dealing with two businesses for the last 2 ½ years with the Whitewater Family Restaurant and the Lakefront Pub. There has been no problem.

Moved by Binnie and seconded by Zaballos to approve the conditional use permit for CC Property Development LLC. to have a brewery and tap room at 111 W. Whitewater Street. Aye: Meyer, Binnie, Parker, Hartmann, Coburn, Zaballos, Comfort. No: None. Motion approved.

**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.**

**Public hearing 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 Joe’s). These**

items were put together for discussion purposes. Chairperson Meyer opened the public hearings and informed those at the meeting of the procedure for public comment.

City Planner Latisha Birkeland stated that the Plan Commission members received at the meeting, copies of letters from residents and updated maps for zoning and future land use and information on rental vs. owner occupied. The rezone application for 319 W. James Street is to change the current zoning of R-3 (Multi-family Residential) Zoning District to B-2 (Central Business) Zoning District. The City of Whitewater Comprehensive Plan shows that this property is in a re-development district and if the property would be rezoned, the recommendation would be for B-2 (Central Business) Zoning District. The property is contiguous with the southwest corner of the Downtown Triangle of the Central Business District. The request for the change in zoning is just for 319 W. James Street. If the zoning change would happen, a conditional use permit would be needed. The conditional use should be considered as B-2. The B-2 Zoning District identifies parking is not a requirement. James Street has 53 permitted parking stalls. Available stalls would be usable prior to 6:00 p.m. There is permit parking only from 6:00 p.m. to 8:00 a.m. If the Plan Commission would want to require parking or the State requires a disabled stall, Staff will work with the applicant to allow for parallel or nose in parking along the front of the building (similar to what was done on S. Taft Street). Birkeland is not recommending additional parking. The applicant submitted a menu and information about the distillation process. The exterior of the building will have a deck area for outdoor seating. The gray area on the site is the area for the smoker. The business would 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. The business would have limited hours the first few months. Hours of operation would be Sunday through Friday 10:30 a.m. to 2:00 a.m. Saturday would be 10:30 a.m. to 2:30 a.m.

Plan Commission Members voiced concerns of: Is street parking allowed on James Street and Ann Street? Municipal parking lot?; the existing driveway on the property will be green space?

Tyler Sailsbery explained that the trash pickup will be made from James Street. All deliveries will be made through the James Street entrance. Sailsbery wants green space, wants customers to be able to sit and relax outside. The three garage doors will remain to keep the esthetic appeal. The driveway will not be used. He will block it off as appropriate and have grass and green space. Patrons will have access to patio by doors from inside the building. Sailsbery wants to have a place that is interactive with people, family friendly. He loves the location and wants to make something special that invites people with the distillery and specialty items. The beverages will be sold at a premium price that would not be attractive to a student clientele. The business will provide jobs. Sailsbery wants to invest in people in the community.

Plan Commission Members voiced concerns of: Not being able to recommend the restaurant with bar hours, suggested closing at 10 or 11 p.m. with patrons staying for an hour after that; having restricted hours for the deck/patio area; neighbors think college kids are going to migrate there; suggested that Tyler offer additional conditions such as not having all you can drink specials, or selling beers for \$.10; is there concern of contamination of the building with the body shop?: will the lawn be used by patrons?; there is no doubt that it would be a well run business; did the applicant speak with the neighbors?.

Tyler Sailsbery stated that he would close the outside seating at 10 p.m. He thinks the neighbors fear the restaurant will be a student based restaurant. He stated that when you create a premium product, you can focus on who your customer base is. He has no problem with closing the deck area at 10:00 p.m. and the restaurant at 11:00 p.m. Sailsbery is fine with no dime taps or all you can drink specials. He plans to occasionally have a band like he has at the Black Sheep (jazz on Mondays). Sailsbery is looking into any possible contamination at the building. Any concerns of objectionable odors from the distillery because they are not regulated on exhaust should not be a problem, there is very little odor associated with a distillery. Sailsbery would like for families to be able picnic on the lawn. There will be no tables and chairs provided on the lawn. Tyler Sailsbery stated that he talked to a couple people, but failed in not talking to the people in the area prior to moving forward with his proposal.

Chairperson Meyer opened the hearing for public comment. He asked that the public address the Board with questions and comments.

Barry Wescott, 370 W. Ann Street, stated that this restaurant would be 100 yards from his house. He bought the home because it was a quiet neighborhood in the center of town. He stated the restaurant would be too close.

Kathleen Fleming, Hamilton House, and President of the Tourism Council, spoke in favor of the restaurant and distillery. It would be a great asset to the community. She has international business guests stay at the Hamilton House. Casual Joe's would provide a place for them to go. It would provide a place for residents to relax with family and friends. There is not a huge negative for this proposal.

Mitch Olson, Attorney from Milwaukee, representing Beverly and David Stone, who are in opposition to this proposal stated that he believes this would be spot zoning. The first parcel has a drainage feature, the second parcel is a single family home, the owner of which has signed the petition. Because the petition has been filed, a 3/4 vote of the Plan Commission would be required to recommend the proposal. The single parcel is spot zoning. It is not taking the whole block and dealing with it. It should be done comprehensively, not for just one owner. The business should be an office with hours of 8 a.m. to 5 p.m. and not a conditional use. This property is not appropriate for a tavern and distillery even with high end clientele.

Beverly Stone, 303 W. Ann Street and the owner of another property on James Street, voiced her concerns about saving a safe and quiet neighborhood. Petitions have been submitted to the City requesting denial of the rezoning. She opposes the rezone between two single family homes. Wisconsin Statutes do not allow municipalities to regulate the times to serve alcohol. She requests the Plan Commission deny the rezone and conditional use permit for 319 W. James Street.

Francisco Partida, 331 W. James Street, is in opposition to the proposal. Even if the proposal is for quiet music, shorter hours and no drink specials, they can always be changed once the rezoning and conditional use are permitted. The public hearing is open to the entire City for an

opinion; Partida feels that where people live should be considered. Those that live nearby should have more validity.

Marcella Partida, 371 W. Ann St., stated that it is a family oriented neighborhood. She has two small children. The streets are busy as they are. At the intersection of S. Franklin St. and W. Ann St., the vehicles hardly stop. It is a good idea, but this location is not the best. She opposed the proposal.

Rosa Verduco, 313 W. James St., has a family with three children. The bands and the music and looking into or across their yard will give them no privacy. It would take away from the family neighborhood, the peace and quiet.

David Stone, 303 W. Ann Street, stated that a lot of words in the submittals refer to alcohol, making it an important part of the business concept. He opposed the rezoning and conditional use permit for the property at 319 W. James Street. The Comprehensive Plan states that the Plan Commission will consider in the rezoning of property, the relationship to the nature of both existing and future land uses and the details of the proposed development. At the alcohol licensing committee meeting Tyler Sailsbery stated that he expected to make more off the alcohol than the food which makes it more of a tavern atmosphere. He is concerned that noise and music particularly during the later hours would disrupt the neighborhood. A one lot spot zoning does not promote the contiguous efficient development. He requested the Plan Commission vote to deny the rezone and conditional use permit at 319 W. James Street.

Jordan Hoffman, employee, spoke in favor of the business. He went on tours of distilleries. There was no abusive noise or alcohol consumption. The jazz on Mondays at the Black Sheep has no noise pollution outside the building. Tyler Sailsbery is willing to work with the neighborhood and cut his hours. Hoffman just wanted to speak to a couple of points of opposition.

Ryan Hughes, owner of the building at 202-214 W. Whitewater Street, stated that this was sound planning for the community. He said Tyler Sailsbery is so much a part of the community with an active interest and focus on the downtown. Sailsbery found a happy medium in the Black Sheep with fine dining and reasonable prices. The feedback on the Black Sheep is all positive, the upstairs tenants included. Tyler is a family friendly restaurant owner. He brings jobs and tourism to the community. Hughes supports Tyler and his business plan and requests the Plan Commission to do the same.

Diane Lyons, 510 W. Shaw Court, has known Tyler for a long time and knows he is full of integrity. Students are a part of life in Whitewater. This new restaurant is a good opportunity to draw people from other communities especially with his appearance on the Food Network. The community should encourage this business here. It will be casual dining with a peaceful atmosphere.

Joe Neuman, owns a Tech Company in consulting development, was drawn to Whitewater for change and growth. Neuman feels this restaurant would be a great addition and asset to downtown.

Kim McCrea, 963 W. Highland Street, supports Tyler and the restaurant. To her it is not about the alcohol, it is about the food and the quality of the food. It would be nice to have another opportunity to have good food locally. She is in support of the restaurant.

Sherry Stanek, 415 S. Douglas Court, applauds everything Tyler wants to do, but just can't support. She is very concerned with the shortage of owner occupied housing.

Maria Cervantez, 236 N. Queen Street on behalf of her sister who resides at 313 W. James Street, states that the property is 10 feet from the home. Her sister has three children. They feel it is the wrong location.

Chairperson Meyer closed the public hearing.

Tyler Sailsbery explained that it is not easy to find a vacant building that is suitable. Most of the vacant buildings in the downtown, the space is chopped up. If he has to find another location, the proposal will not go forward. Sailsbery wants to live and grow in Whitewater. He will be the best neighbor.

Plan Commission Member asked: if acted on tonight, would the Council be voting on the rezone at tomorrow's meeting? Is there still a requirement for minimum wait of 18 months for rezoning application after one is denied for a parcel? If the property is zoned B-2, would everything in the B-2 Zoning be eligible for that site? A PCD would allow for this use and not open it up to all the uses in the B-2 Zoning District. Can the Plan Commission make a request to the Council to hold a second reading for the public to weigh in? In the past, we have accepted shorter hours of operation from other applicants, would this work for this proposal?

City Attorney McDonell stated that the Council has two readings of an ordinance. They have the right to waive the second reading. The 18 month requirement for rezoning is no longer in effect. In general, if the property is rezoned to B-2, everything allowed in the B-2 Zoning District would be eligible for the site. The Plan Commission can make the request to the Council to hold the second reading to allow for the public to weigh in on a rezone request. McDonell explained that the conditional use allows the Plan Commission to put reasonable conditions on the proposal including hours of operation (not related to alcohol). He would be more comfortable with the applicant offering hours of operation.

Plan Commission Member Binnie appreciated the concerns of the property owners. He stated he would like to find a way to approve the proposal and address the neighbors concerns. Binnie suggested that the proposal be tabled for further discussion after the opportunity is given to the applicant to have a more developed business plan.

Chairperson Meyer stated that he is on the Zoning Rewrite Committee. They do not try to rezone islands or spot zone. There are buffer zones for zoning. This is not a good spot for a bar. There is no buffer from business to residential.

Plan Commission Member Binnie stated that this has been a business for decades. There are concerns for parking. The student drinking is not a huge concern. There are no concerns for infrastructure of the utilities for water and sewer. Specifics in regard to the business plan are needed.

City Attorney McDonell stated that the specific duties for the Plan Commission for the rezone is to grant as requested, modify or deny the request. Rezoning to B-2 allows a variety of uses. The conditional use application requires Plan Commission to look at the proposal more closely before it is allowed.

Plan Commission Member Coburn requested that the Plan Commission think seriously about the proposal being compatible and strengthen existing land use and preserve residential areas.

City Attorney McDonell stated for the record that if the hearing is held open that he advised that what has already been heard from the public should be considered at the continuation of the public hearings. A continuation of the public hearing should have the full notices and publication in the paper.

Moved by Parker and seconded by Comfort to continue the public hearings for both the rezone application and the conditional use application allowing Tyler Sailsbery to come back with more detailed plans and meet with the neighborhood (Ann and James Streets to Tripp Street) and come back with proposed changes (items identified by the Plan Commission). Everything that has already been said as part of the public record will be considered at the continuation of the public hearing. Full notification will be made. Aye: Meyer, Binnie, Parker, Hartmann, Coburn, Zaballos, Comfort. No: None. Motion approved.

The Plan Commission listed some specifics for the applicant to consider which include: privacy for neighbors, live music, hours of operation, patio/deck, drink offerings, parking, as much information as possible so concerns can be mitigated. They would also like more detail for the exterior lighting especially for the deck, what would be used for blocking off the curb cuts, any exterior detail would be helpful. Items on the Application Requirements # 4, 5, 6,7, 8, and 13 would be very helpful in making the decision.

### **Informational Items:**

**Zoning Rewrite.** City Planner Latisha Birkeland explained that the joint workshop with the Council and Plan Commission was held October 15th. Larry Witzling, Graef Consultant for the Zoning Rewrite, received a lot of input. He will be putting together the information. The City should have this update by October 28<sup>th</sup>. Birkeland is sending out a doodle to Council and Plan Commission members to get their schedules so the next meeting can be set.

**Future agenda items.** City Planner Birkeland stated that the next agenda will have the rezone and cup for 319 W. James St., and a site addition for Sassy Shirts located at 218 S. Elkhorn Road.

**Next regular Plan Commission meeting – November 11, 2013.**

Moved by Comfort and seconded by Coburn to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 8:30 p.m.

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Chairperson Greg Meyer

DRAFT



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

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Telephone: (262) 473-0540

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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: October 14, 2013  
Property Owner: CC Property Development LLC.  
Applicant: Christ Christon  
Property ID Number: /TR 00004  
Property Address: 111 W. Whitewater Street  
Whitewater, WI 53190

**REGARDING:** An approval for a conditional use permit (CUP) (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.).

Approved subject to the following conditions:

1. The conditional use 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 5/31/2013 and 9/24/2013, pending any changes required by the State Building Code.
4. The applicant shall comply with all required City Codes.

This permit was prepared by:

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Latisha Birkeland  
Neighborhood Services Director / City Planner



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
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To: City of Whitewater Plan and Architectural Review Commission  
From: Latisha Birkeland, Neighborhood Services Director / City Planner  
Meeting Date: November 11, 2013  
Re: Review proposed 2,400 sq. ft. (40x60) addition to the existing building located at 218 Elkhorn Road for Sassy Shirts

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### Summary of Request

**Location:** 218 Elkhorn Road

**Current Land Use:** Retail and warehouse

**Proposed Use:** Retail and warehouse – addition of cold storage

**Current Zoning:** B-1 – Community Business District

**Proposed Zoning:** (no change proposed)

**Comprehensive Plan’s Future Land Use Designation:**

**Surrounding Zoning and Land Use:**

Zoning

North, West: B-1 Community Business District.

East: B-3 Highway Commercial and Light Industrial District

Southeast: B1 Southwest: R-2

Land Use

Commercial and residential

Commercial

Vacant

**Description of Use**

Sassy Shirts is proposing a 2,400 square foot addition to the west side of their existing facility. The proposed addition will be used for warehouse space (cold storage) for the business. All other operations will remain the same in the current building.

**Building Dimensions and Yard Requirements**

The site is 1.32 acres in size. This addition will still keep this property in compliance with the maximum lot coverage of 50%. The addition will use metal wall panels to match the current type of wall panels. These will be painted to match the current blue and beige building colors. The addition roof peak will be slightly shorter (19’6”) than the existing roof (20’4”) peak.

This addition meets all required setbacks, including being thirty feet (or the height of the nearest principle building, whichever is greater) abutting a residential district or residential use.

**Parking and Ingress / Egress / Outside storage**

The site currently has nine (9) parking stalls located in the street yard. There are six employees at this time and they are not planning to add additional employees. Warehouse/storage additions require a parking stall for every two (2) employees per shift. The current parking area is not being expanded.

An expansion to the existing driveway is proposed along the south side of the building expansion. The addition will allow vehicle traffic into the overhead door as needed.

A dumpster enclosure is proposed along the south side of the building. The enclosure will be a six (6) foot cedar privacy fence for screening.

**Landscaping / Buffer Yard**

The landscaping plan has met and exceeded the required amount and type of plantings for the addition and the required buffer yard. An existing tree canopy exists to the north of the property, also providing screening to the adjacent properties. The City Forester, Chuck Nass has reviewed and approved the landscaping plan.

**Lighting**

The proposed wall lights are the only additional lighting added to the site. Additional lighting will be added to the north and south sides of the addition. The proposed light fixture is shielded, down casting the light. According to the manufactures' features and specifications, the footcandles of the lights would meet the requirements at the property line. The placement of the lighting is appropriate for the building.

**Utilities**

No new utilities will be added.

The applicant is not required to make a formal storm water management plan submittal to the City because the disturbed area is less than 1 acre.

**Signage**

No new signage is proposed at this time.

**Recommendation on Site Plan Review:**

Staff review and general approvals have been given from Greg Noll, Building Inspector; Chuck Nass, City Forester and Mark Fisher, City Engineer.

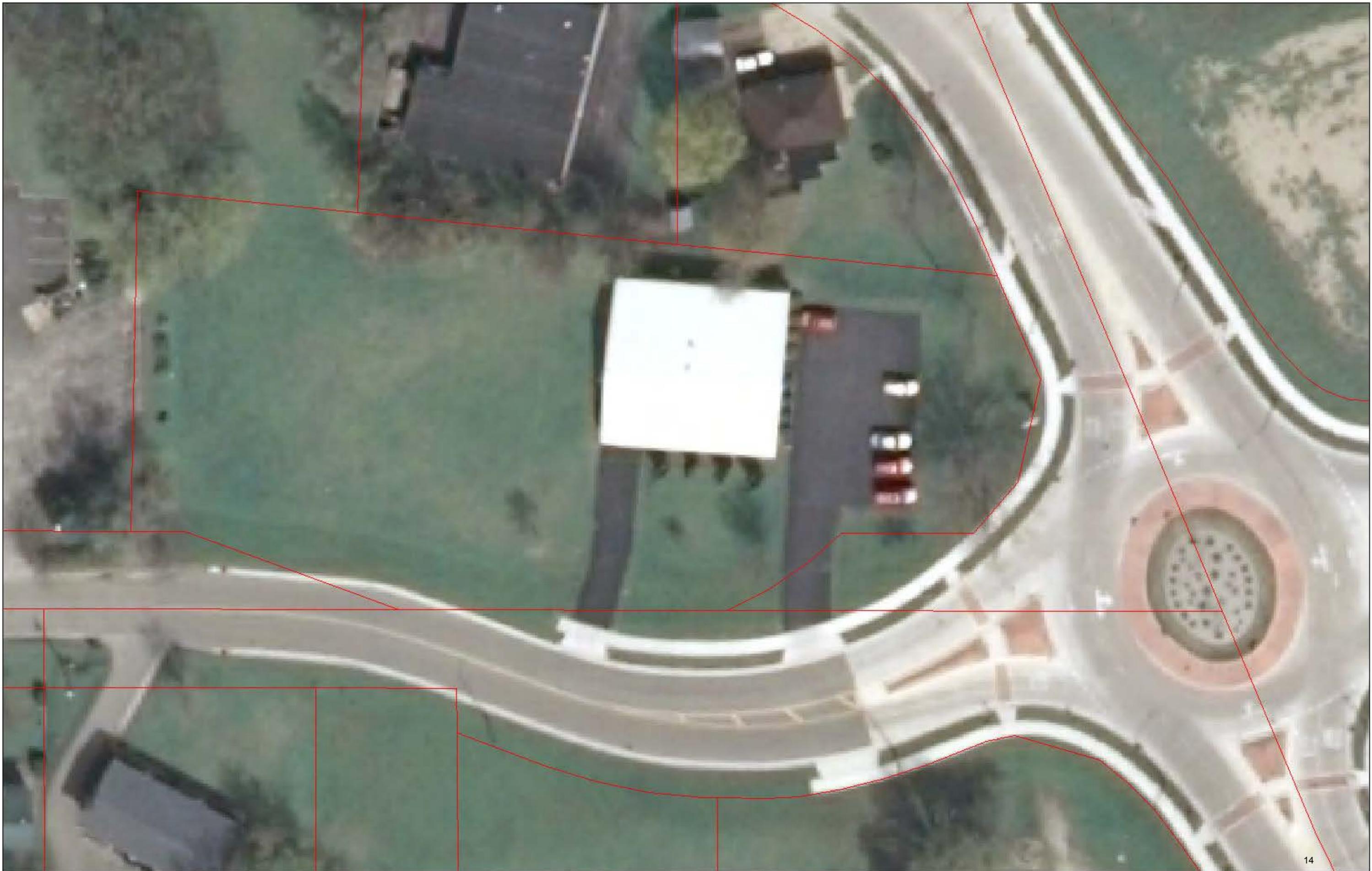
Pending comments received at the public hearing, I recommend the Plan and Architectural Review Commission approve the proposed cold storage addition to the existing building for Sassy Shirts subject to the following conditions:

1. The applicant shall make the building and site renovations in accordance with the plans approved by the Plan Commission dated 11/5/2013.
2. All approved landscaping shall be installed no later than six months from date of Certificate of Occupancy or by August 1<sup>st</sup>, 2014.

**Analysis of Proposed Project**

Standard	Evaluation	Comments
<b>Plan Review Guidelines (see section 19.63.100 of zoning ordinance)</b>		

Standard	Evaluation	Comments
The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;	Yes	Project is consistent with the purpose, character and intent of the B-1 Community Business District.
The proposed development will be consistent with the adopted city master plan;	Yes	Allowing the continuation and expansion of this use is encouraged by the Comprehensive Plan.
The proposed development will be compatible with and preserve the important natural features of the site;	Yes	The site will be improved by the additional landscaping.
The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	Yes	The proposed addition will not create a nuisance to the neighboring uses.
The proposed development will not create traffic circulation or parking problems;	Yes	No additional parking is proposed. A driveway expansion will allow vehicle access to the new addition.
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;	Yes	The proposed addition and current structure are comparable to the other structures in the B-1 Zoning District
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;	N/A	This is not a national or local landmark.
The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	Yes	Project is consistent with the purpose, character and intent of the B-1 Zoning District.





Neighborhood Services Department  
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NOTICE OF REVIEW

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 11th day of November, 2013 at 6:00 p.m. to review a proposed 40 foot by 60 foot addition to the existing building located at 218 S. Elkhorn Road (Sassy Shirts) for Ben Roytn and Frank Legath, etal. (This addition is for storage.)

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



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Latisha Birkeland, Neighborhood Services Director/City Planner

TAXKEY	OWNER	ADDRESS1	ADDRESS2	CITY	STATE	ZIP	PROPERTY ADDRESS
/A 17 00001	JUAN F RODRIGUEZ	903 E CLAY ST		WHITEWATER	WI	53190-0000	903 E CLAY ST
/A 17 00002	THOMAS D CHARLTON	909 E CLAY ST		WHITEWATER	WI	53190-2116	909 E CLAY ST
/A 17 00003	RAYMOND STRITZEL TRUST	530 SOUTH JANESVILLE AVE		WHITEWATER	WI	53190-0000	915 E CLAY ST
/A 919 00001	DAVID S MEYER	CHRISTINE M MEYER	424 S PLEASANT ST	WHITEWATER	WI	53190-0000	929/931 E CLAY ST
/A 919 00002	HARRIET J STRITZEL TRUST	530 SOUTH JANESVILLE AVE		WHITEWATER	WI	53190-0000	312 S ELKHORN RD
/A4054 00003	CONVENIENCE STORE INVESTMENTS	1626 OAK ST		LACROSSE	WI	54603-0000	ELKHORN RD - VACANT LAND
/EAST 00010	JOHN J TINCHER	ELIZABETH A TINCHER	532 W. MAIN ST	WHITEWATER	WI	53190-0000	PRIVATE DRIVE-RICE ST
/HAS 00047A	FUNHUNTERS PROPERTIES LLC	841 E MILWAUKEE ST		WHITEWATER	WI	53190-0000	841 E MILWAUKEE ST
/HAS 00048	<del>FUNHUNTERS PROPERTIES LLC</del>	N7907 COUNTY RD P		WHITEWATER	WI	53190-0000	841 E MILWAUKEE ST
/HAS 00048A	MARK F ZINGSHEIM	852-854 E CLAY ST		WHITEWATER	WI	53190-0000	852-854 E CLAY ST
/HAS 00064	<del>SAI HOSPITALITY LLC</del>	1355 W MAIN ST		WHITEWATER	WI	53190-0000	917 E MILWAUKEE ST
/HAS 00065	SAI HOSPITALITY LLC	1355 W MAIN ST		WHITEWATER	WI	53190-0000	917 E MILWAUKEE ST
/HAS 00066	JOSE C CANO	MARGARITA CANO	115 S. 8TH ST	DELAVAN	WI	53115-0000	204 S ELKHORN RD
/HAS 00066A	GREGORY G GREENWOOD	N7380 COUNTY RD P		WHITEWATER	WI	53190-0000	953 E MILWAUKEE ST
/HAS 00069	960 E MILWAUKEE LLC	449 W WHITEWATER ST		WHITEWATER	WI	53190-0000	960 E MILWAUKEE ST
/HAS 00069A	WHITEWATER MANUFACTURING CO	1108 E BLUFF RD		WHITEWATER	WI	53190-0000	1108 E BLUFF RD
/HAS 00070	MNPL LLC	N588 HOWARD RD		WHITEWATER	WI	53190-0000	928 E MILWAUKEE ST
/HAS 00071	SALLY JO KUTZ	920 E MILWAUKEE ST		WHITEWATER	WI	53190-0000	920 E MILWAUKEE ST
/WUP 00007	MICHAEL S MASON	BECKY S HAHN	N9603 WOODWARD RD	WHITEWATER	WI	53190-0000	FARM LAND
/WUP 00007A	C NYLE GERMANSON	1155 W BLACKHAWK DR		WHITEWATER	WI	53190-0000	340 S ELKHORN RD

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

CITY OF WHITEWATER  
PLAN REVIEW APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on 10-17-13.
2. Agenda Published in Official Newspaper on 11-7-13.
3. Notices of the public review mailed to property owners on 10-24-13.
4. Plan Commission holds the public review on 11-11-13.  
They will hear comments of the Petitioner and comments of property owners.  
Comments may be made in person or in writing.
5. At the conclusion of the public review, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.63 of the City of Whitewater Municipal Code of Ordinances, entitled PLAN REVIEW, for more information on the application.

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

City of Whitewater  
Application for Plan Review

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

Applicant's Name: BEN ROYTEN + FRANK LEGATH, ETAL  
Applicant's Address: 218 ELKHORN RD  
WHITEWATER, WI 53190 Phone # \_\_\_\_\_

Owner of Site, according to current property tax records (as of the date of the application):

Street address of property: 218 ELKHORN RD, WHITEWATER, WI 53190

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

LOT 4 BLOCK 11 LYING S. OF N. LN LOT 6 EXT. LOT 6 BLK 11 EXCLAND TO CITY  
AS IN VOL 226 RECORDS PG 90.

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

Name of Individual: PETER WESTON

Name of Firm: THE DESIGN ALLIANCE ARCHITECTS, INC.

Office Address: 1003 MADISON AVENUE

FORT ATKINSON, WI 53538 Phone: 920-563-3404

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:**

Principal Use: T-shirt screen printing. Current Land Use: \_\_\_\_\_  
Accessory or Secondary Uses: \_\_\_\_\_  
Proposed Use  
Same -- plus additional storage.  
No. of occupants proposed to be accommodated: 6 current employees -- no additional  
No. of employees: 6 employees planned.  
Zoning District in which property is located: B-1  
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 structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;	Yes
B. The proposed development will be consistent with the adopted city master plan;	Yes
C. The proposed development will be compatible with and preserve the important natural features of the site;	Yes
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	Yes

STANDARD	APPLICANT'S EXPLANATION
<p>E. The proposed development will not create traffic circulation or parking problems;</p>	<p>Yes</p>
<p>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;</p>	<p>Yes</p>
<p>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;</p>	<p>Yes</p>
<p>H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.</p>	<p>Yes</p>

**CONDITIONS**

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved uses. Conditions can deal with the points listed below (Section 19.63.080). Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

“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 required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

“Plan Review” may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.



Peter J. Weston, Agent

10-15-13

Applicant's Signature

Date

**APPLICATION FEES:**

*Fee for Plan Review Application: \$100*

Date Application Fee Received by City 10-17-13

Receipt No. 6. 010809

Received by J. Wegner

**TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:**

Date notice sent to owners of record of opposite & abutting properties: 10-24-13

Date set for public review before Plan & Architectural Review Board: 11-11-13

**ACTION TAKEN:**

Plan Review: \_\_\_\_\_ Granted \_\_\_\_\_ Not Granted by Plan & Architectural Review Commission.

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

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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:

Jon Tanis

Applicant's Mailing Address:

P.O. Box 538

Whitewater, WI 53190

Applicant's Phone Number:

262-613-5590

Applicant's Email Address:

tanisconstruction@yahoo.com

### Project Information:

Name/Description of Development:

Sassy Shirts

Address of Development Site:

218 Elkhorn Rd.

Tax Key Number(s) of Site:

Property Owner Information (if different from applicant):

Name of Property Owner:

Ben Royter & Frank Legath, Et. Al.

Property Owner's Mailing Address:

218 Elkhorn Rd.

Whitewater, WI 53538

**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.....\$ 100<sup>00</sup>
- 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

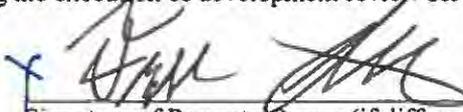
The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at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

  
Signature of Applicant/Petitioner  
Jon Tavis  
Printed Name of Applicant/Petitioner  
10-16-13  
Date of Signature

  
Signature of Property Owner (if different)  
Frank Legath  
Printed Name of Property Owner (if different)  
10-16-13  
Date of Signature



## FEATURES & SPECIFICATIONS

### INTENDED USE

For entrances, stairwells, corridors and other pedestrian areas.

### CONSTRUCTION

Rear housing is rugged, corrosion-resistant, die-cast aluminum. Front cover is one-piece UV-resistant injection molded polycarbonate, internally painted. Captive external hardware is specially treated for corrosion resistance and includes slotted hex-head and tamperproof fasteners.

### FINISH

Dark bronze (DDB) corrosion-resistant polyester powder.

### OPTICAL SYSTEM

One-piece die-formed reflector is diffused aluminum. Refractor is clear UV stabilized polycarbonate, providing IES cutoff distribution and maximum lateral light output. Front cover is sealed and gasketed to inhibit the entrance of outside contaminants.

### ELECTRICAL SYSTEM

Ballast: Metal halide: high reactance, high power factor. HPS: 35S, 50S, 70S, 120V are reactor, normal power factor. 100S 120V is reactor, high power factor. High reactance, high power factor (XHP). Optional for 50S, 70S and 100S, 120V. 208, 240, 277, 347 and TB are standard XHP. Ballasts are 100% factory tested. UL listed 660W, 600V and 4kV pulse rated.

All components are heat-sinked directly to the cast housing for maximum heat dissipation.

Socket: Porcelain, horizontally oriented medium-base socket with copper alloy, nickel-plated screw shell and center contact.

### INSTALLATION

Mount to any vertical surface or to a 4" round square outlet box. Back access through gasketed slot. Top wiring access through 1/2" threaded conduit entry. (Through-wiring requires use of a conduit tee).

### LISTING

UL listed for wet locations. IP65 rated. UL Listed to US and Canadian safety standards (see Options). NDM Certified.

Note: Specifications subject to change without notice.

Catalog Number

Notes

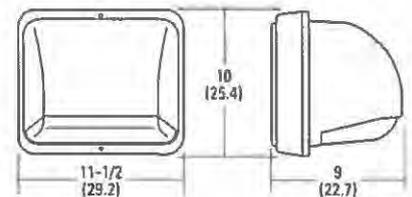
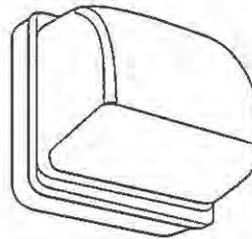
Type

## Cutoff Mini Wall-Packs

# TWAC

METAL HALIDE  
50-100W

HIGH PRESSURE SODIUM  
35-100W



### Specifications

Height: 10" (25.4cm)  
Width: 11-1/2" (29.2cm)  
Depth: 8-15/16" (22.7cm)  
\*Weight: 10 lbs. (4.53kg)

\*Weight as configured example below

## ORDERING INFORMATION

For shortest lead times, configure product using standard options (shown in bold).

Example: TWAC 50M 120 LPI

### TWAC

Series	Wattage	Voltage	Ballast	Options	Finish	Lamp <sup>11</sup>
TWAC	<u>Metal halide</u>	<b>120</b>	(blank) <b>Magnetic</b>	<b>Shipped installed in fixture</b>	(blank) <b>Dark bronze</b>	<b>LPI Lamp included</b>
	<b>50M</b>	208 <sup>2</sup>	XHP High reactance, high power factor <sup>4</sup>	SF Single fuse (120, 277, 347V) <sup>6</sup>	DNA Natural aluminum	L/LP Less lamp
	<b>70M</b>	240 <sup>2</sup>	CWI Constant wattage isolated	DF Double fuse (208, 240V) <sup>6</sup>	DBL Black	
	<b>100M</b>	<b>277</b>		EC Emergency circuit <sup>7</sup>	DMB Medium bronze	
	<u>High pressure sodium</u>	<b>347</b>		DC12 Emergency circuit 12 volt (35 watt lamp included) <sup>8</sup>	DWH White	
	<b>35S<sup>1</sup></b>	<b>TB<sup>3</sup></b>		DC2012 Emergency circuit 12 volt (20 watt lamp included) <sup>9</sup>	DSS Sandstone	
	<b>50S</b>	23050HZ <sup>4</sup>		2DC12 Emergency circuit 12 volt (2 35 watt lamp included) <sup>10</sup>	CR Enhanced corrosion-resistance <sup>10</sup>	
	<b>70S</b>			2DC2012 Emergency circuit 12 volt (2 20 watt lamp included) <sup>11</sup>	CRT Non-stick protective coating <sup>10</sup>	
	<b>100S</b>			QRS Quartz restrike system <sup>7</sup>		
				CSA <b>Listed and labeled to comply with Canadian Standards</b>		
			NOM NOM Certified <sup>4</sup>			
			PE Photocell <sup>8</sup>			
			<b>Shipped separately<sup>9</sup></b>			
			WG Wire guard			

### NOTES:

- 120V only.
- Must specify CWI in Canada.
- Optional multi-tap ballast (120, 208, 240, 277V). In Canada (120, 277, 347V) ships as 120/347.
- Consult factory for available wattages.
- Optional for 120V HPS only (in/a 35S).
- Not available with TB.
- Maximum allowable wattage lamp included.
- Not available with QRS, EC or NOM.
- May be ordered as an accessory as TWAUG U
- Finish applied to housing only.
- Must be specified.

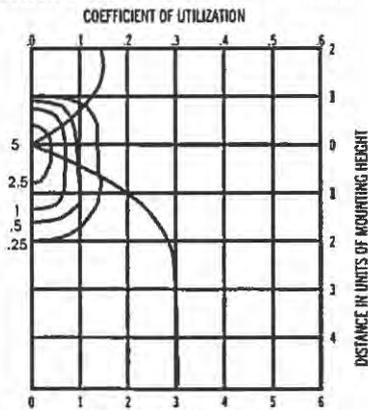
Outdoor

Sheet #: TWAC-M-S\_0

BM-700

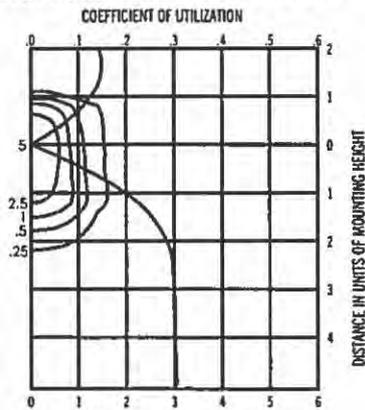
# TWAC Metal Halide, High Pressure Sodium Wall Mounted

**TWAC 50M** Test No. LTL8360



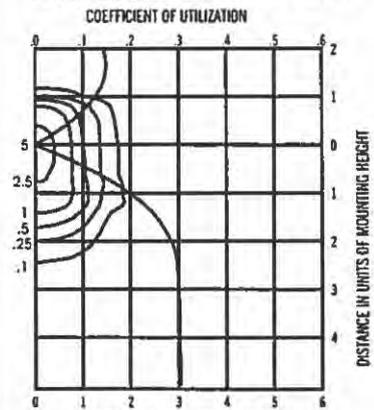
50W Metal Halide lamp, 8500 rated lumens. Footcandle values based on 20' mounting height, Distribution, cutoff.

**TWAC 70M** Test No. LTL8338



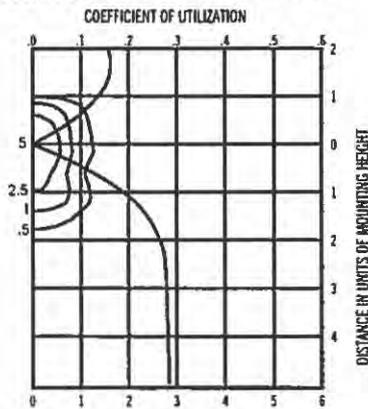
70W Metal Halide lamp, 5200 rated lumens. Footcandle values based on 20' mounting height, Distribution, cutoff.

**TWAC 100M** Test No. LTL8359



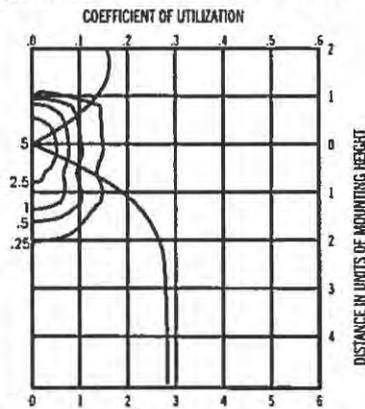
100W Metal Halide lamp, 8500 rated lumens. Footcandle values based on 20' mounting height, Distribution, cutoff.

**TWAC 35S** Test No. LTL8358



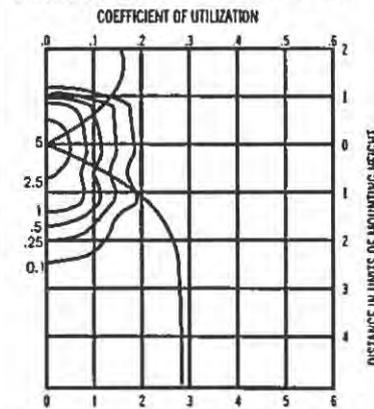
35W High Pressure Sodium lamp, 4000 rated lumens. Footcandle values based on 20' mounting height, Distribution, cutoff.

**TWAC 50S** Test No. LTL8357



50W High Pressure Sodium lamp, 6300 rated lumens. Footcandle values based on 20' mounting height, Distribution, cutoff.

**TWAC 100S** Test No. LTL8337



100W High Pressure Sodium lamp, 9500 rated lumens. Footcandle values based on 20' mounting height, Distribution, cutoff.

## Mounting Height Correction Factor

(Multiply the fc level by the correction factor)

- 8 ft. = 6.25
- 10 ft. = 4.00
- 12 ft. = 2.78
- 15 ft. = 1.78

$$\left( \frac{\text{Existing Mounting Height}}{\text{New Mounting Height}} \right)^2 = \text{Correction Factor}$$



An Acuity Brands Company

Sheet #: TWAC-M-S\_0

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**Lithonia Lighting**  
Outdoor

One Lithonia Way, Conyers, GA 30012  
Phone: 770-922-9000 Fax: 770-918-1209  
www.lithonia.com

# SASSY SHIRTS

218 Elkhorn Road  
Whitewater, WI

## DRAWING INDEX:

- SP-1 SITE PLAN, DRAWING INDEX
- A-1 FLOOR PLAN, WALL SECTION ELEVATIONS

## PROJECT DESCRIPTION:

2,400 S.F. ADDITION TO AN EXISTING BUILDING.  
EXISTING BUILDING IS T-SHIRT SCREEN PRINTING;  
PROPOSED ADDITION IS COLD STORAGE.

## BUILDING INFORMATION:

CONSTRUCTION TYPE:	TYPE VB
EX'G BUILDING FOOTPRINT:	4,940 S.F.
ADDITION FOOTPRINT:	2,400 S.F.
TOTAL BUILDING FOOTPRINT:	7,340 S.F.
NO. OF FLOORS:	1
OCCUPANCY GROUP:	F-1/S-2
SPRINKLERED:	NONE
SOIL BEARING:	3,000psi VERIFIED

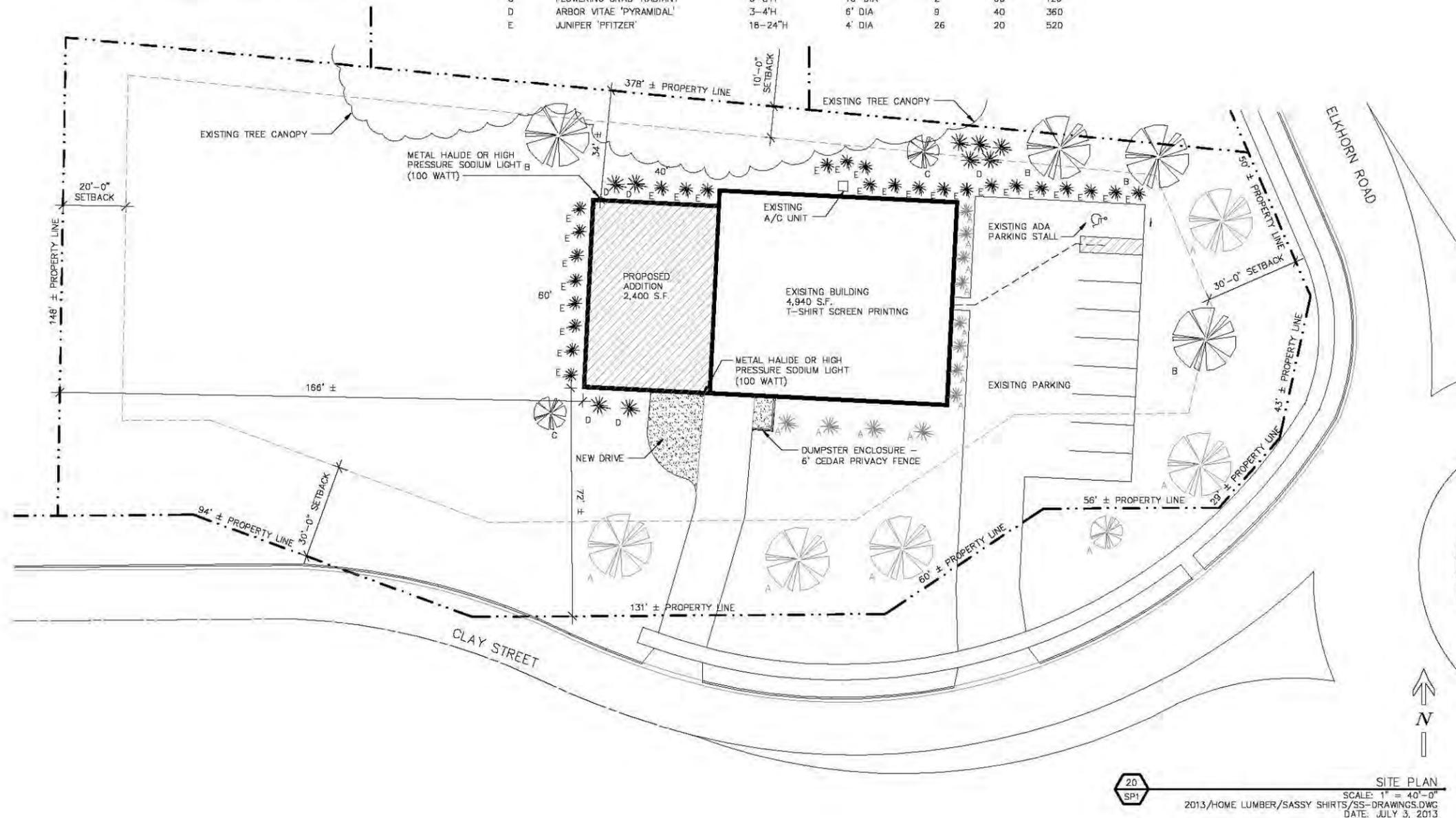
## SITE INFORMATION:

SITE AREA:	57,604 S.F.	(1.32 ACRE)
BUILDING FOOTPRINT AREA:	7,340 S.F.	(12.7%)
EX'G PARKING AREA:	6,355 S.F.	
NEW PARKING AREA:	479 S.F.	(INCLUDES DUMPSTER ENCLOSURE)
TOTAL PARKING AREA:	6,834 S.F.	(11.9%)
GREEN SPACE AREA:	43,430 S.F.	(75.4%)

VERIFY ALL CONDITIONS AND DIMENSIONS  
ON THE JOB AND NOTIFY THE DESIGN  
ALLIANCE ARCHITECTS, INC. OF ANY  
DISCREPANCIES PRIOR TO START.

## PLANTING SCHEDULE

TYPE	DESCRIPTION	PLANTING SIZE	MATURE SIZE	QUANTITY	POINTS	TOTAL POINTS
A	EXISTING TREES TO REMAIN					
B	HONEYLOCUST 'SKYLINE'	2" CAL	30' DIA	4	150	600
C	FLOWERING CRAB 'RADIANT'	6-8"H	10' DIA	2	60	120
D	ARBOR VITAE 'PYRAMIDAL'	3-4"H	6' DIA	9	40	360
E	JUNIPER 'PFITZER'	16-24"H	4' DIA	26	20	520



**SASSY SHIRTS**  
218 Elkhorn Road  
Whitewater, WI

### DRAWING NAMES

SITE PLAN
DRAWING INDEX
STRUCTURAL SUMMARY

### REVISIONS

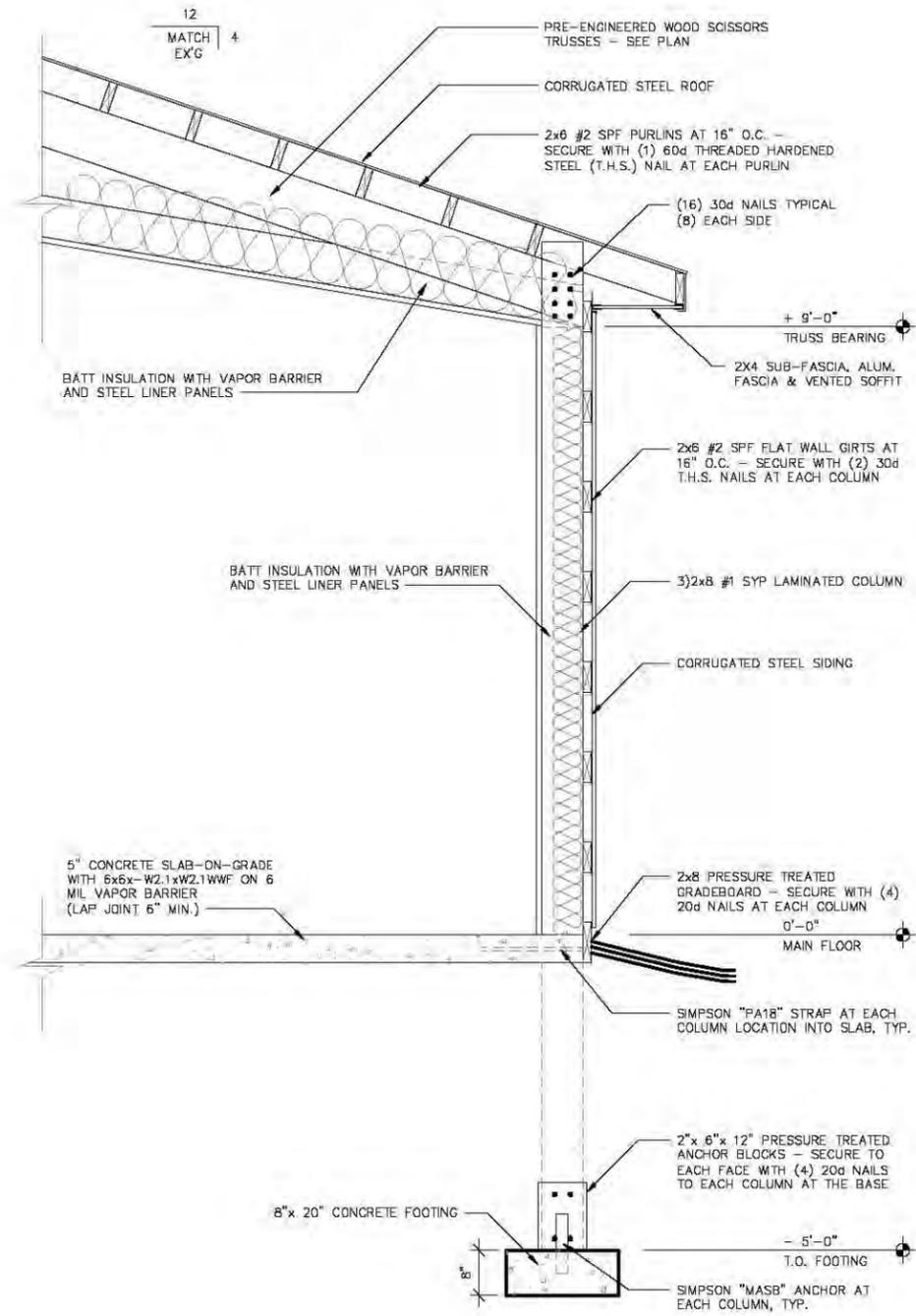
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2	11/5/2013

### PROJECT DATA

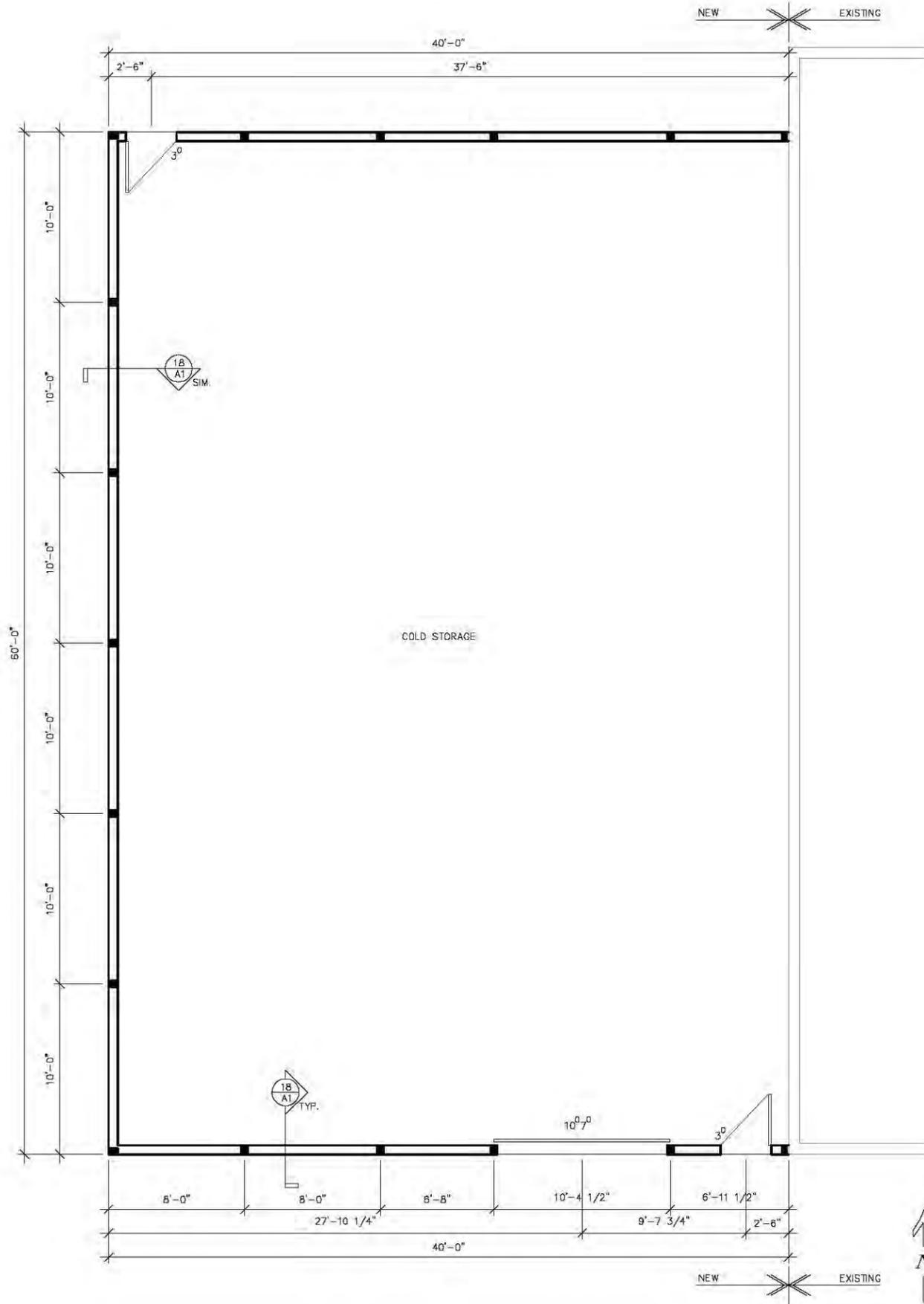
DATE:	9/30/2013
DRAWN BY:	CL
CHECKED BY:	P.W.

SHEET NO.  
**SP-1**

VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.



18  
A1 WALL SECTION  
SCALE: 3/8" = 1'-0"  
2013/HOME LUMBER/SASSY SHIRTS/SS-DRAWINGS.DWG  
DATE: JUNE 26, 2013



20  
A1 MAIN FLOOR PLAN  
SCALE: 1/8" = 1'-0"  
2013/HOME LUMBER/SASSY SHIRTS/SS-DRAWINGS.DWG  
DATE: JUNE 26, 2013

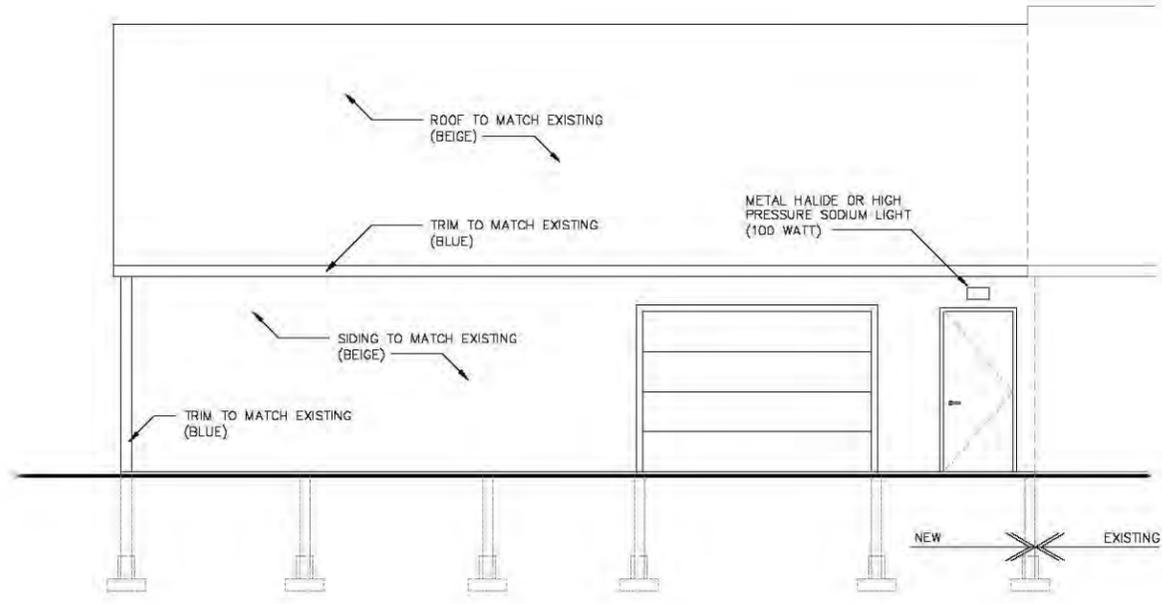
**SASSY SHIRTS**  
218 Elkhorn Road  
Whitewater, WI

DRAWING NAMES	
MAIN FLOOR PLAN	
WALL SECTION	

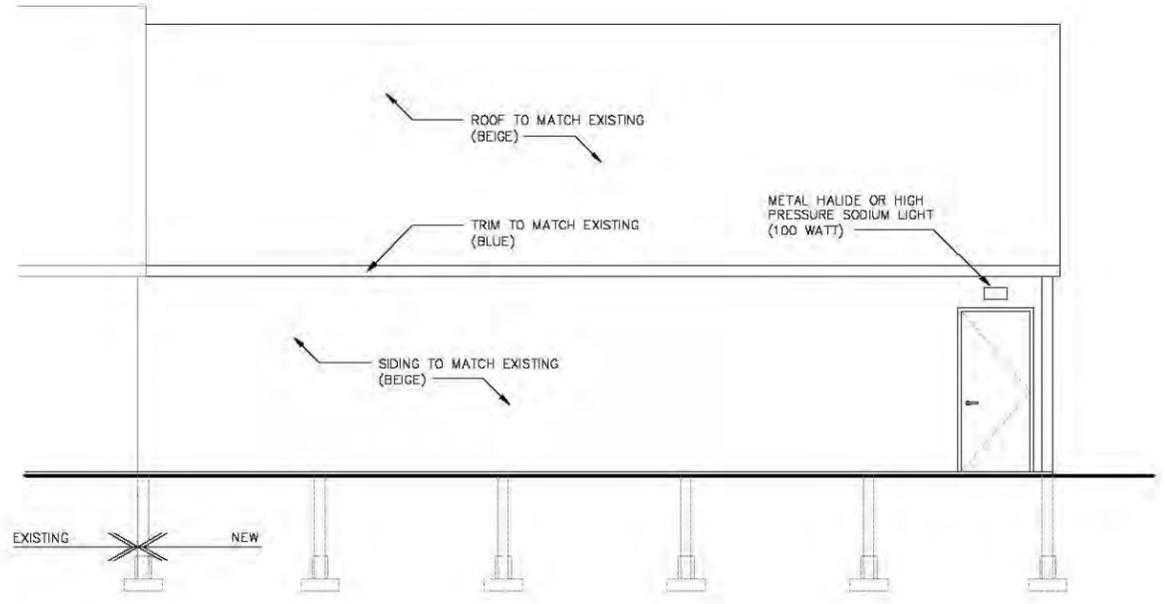
REVISIONS	
1	10/7/2013

PROJECT DATA	
DATE:	9/30/2013
DRAWN BY:	CL
CHECKED BY:	P.W.

SHEET NO.  
**A-1**

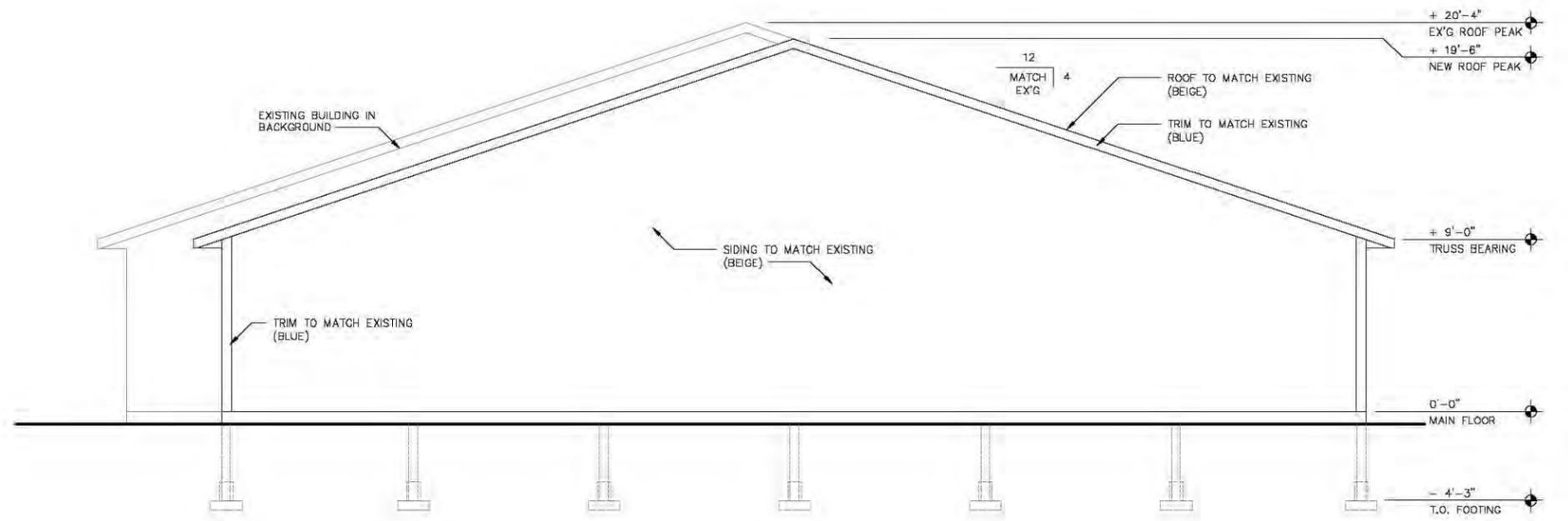


13  
A2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"  
2013/HOME LUMBER/SASSY SHIRTS/SS-DRAWINGS.DWG  
DATE: JUNE 26, 2013



15  
A2 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"  
2013/HOME LUMBER/SASSY SHIRTS/SS-DRAWINGS.DWG  
DATE: JUNE 26, 2013

VERIFY ALL CONDITIONS AND DIMENSIONS  
ON THE JOB AND NOTIFY THE DESIGN  
ALLIANCE ARCHITECTS, INC. OF ANY  
DISCREPANCIES PRIOR TO START.



20  
A2 WEST ELEVATION  
SCALE: 1/8" = 1'-0"  
2013/HOME LUMBER/SASSY SHIRTS/SS-DRAWINGS.DWG  
DATE: JUNE 26, 2013

**SASSY SHIRTS**  
218 Elkhorn Road  
Whitewater, WI

DRAWING NAMES

ELEVATIONS	

REVISIONS

NO.	DATE
1	10/7/2013
2	11/5/2013

PROJECT DATA

DATE:	9/30/2013
DRAWN BY:	CL
CHECKED BY:	P.W.

SHEET NO.

**A-2**  
28



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

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0540

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To: City of Whitewater Plan and Architectural Review Commission  
From: Latisha Birkeland, Neighborhood Services Director / City Planner  
Meeting Date: November 11, 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.

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#### **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:

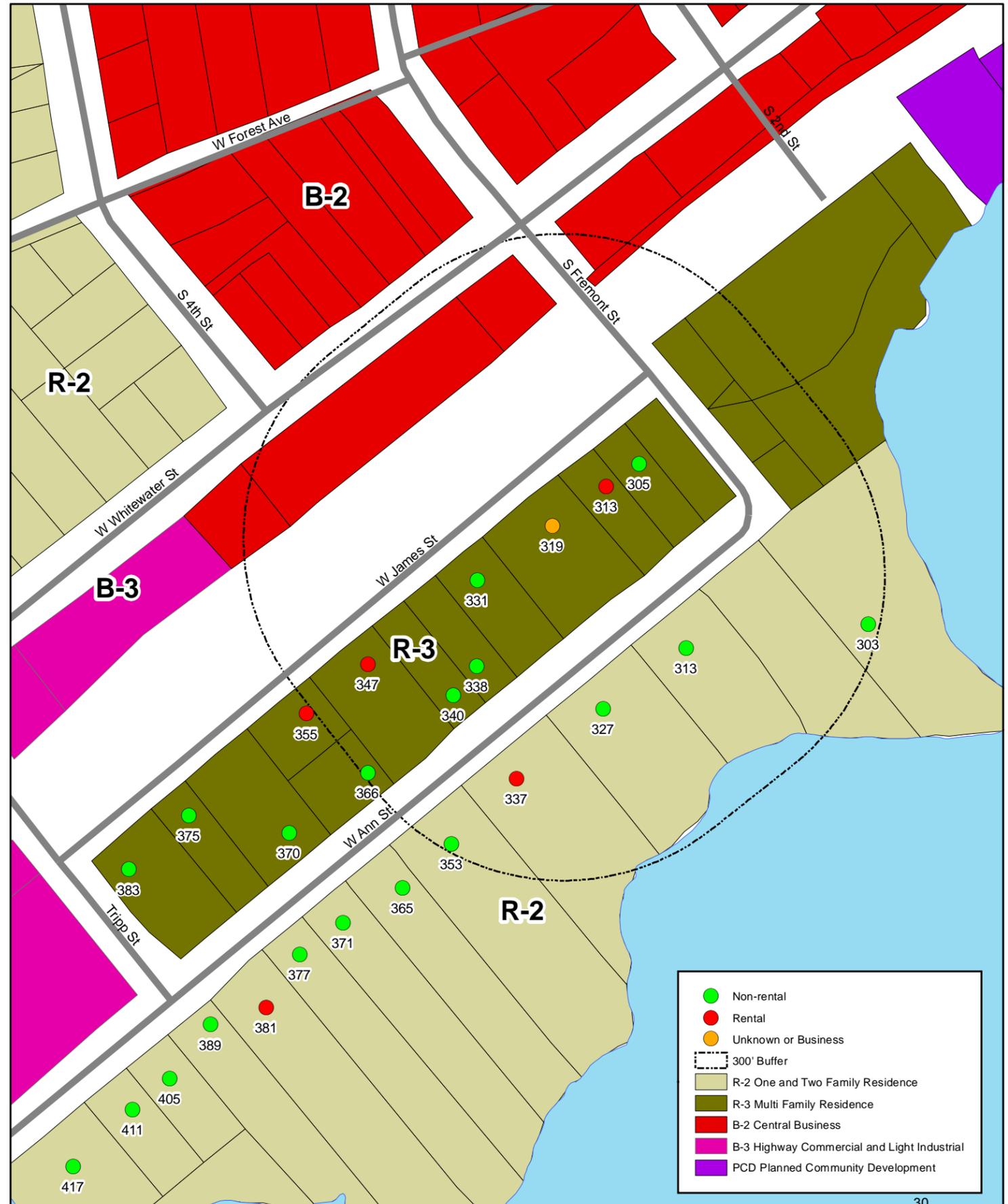
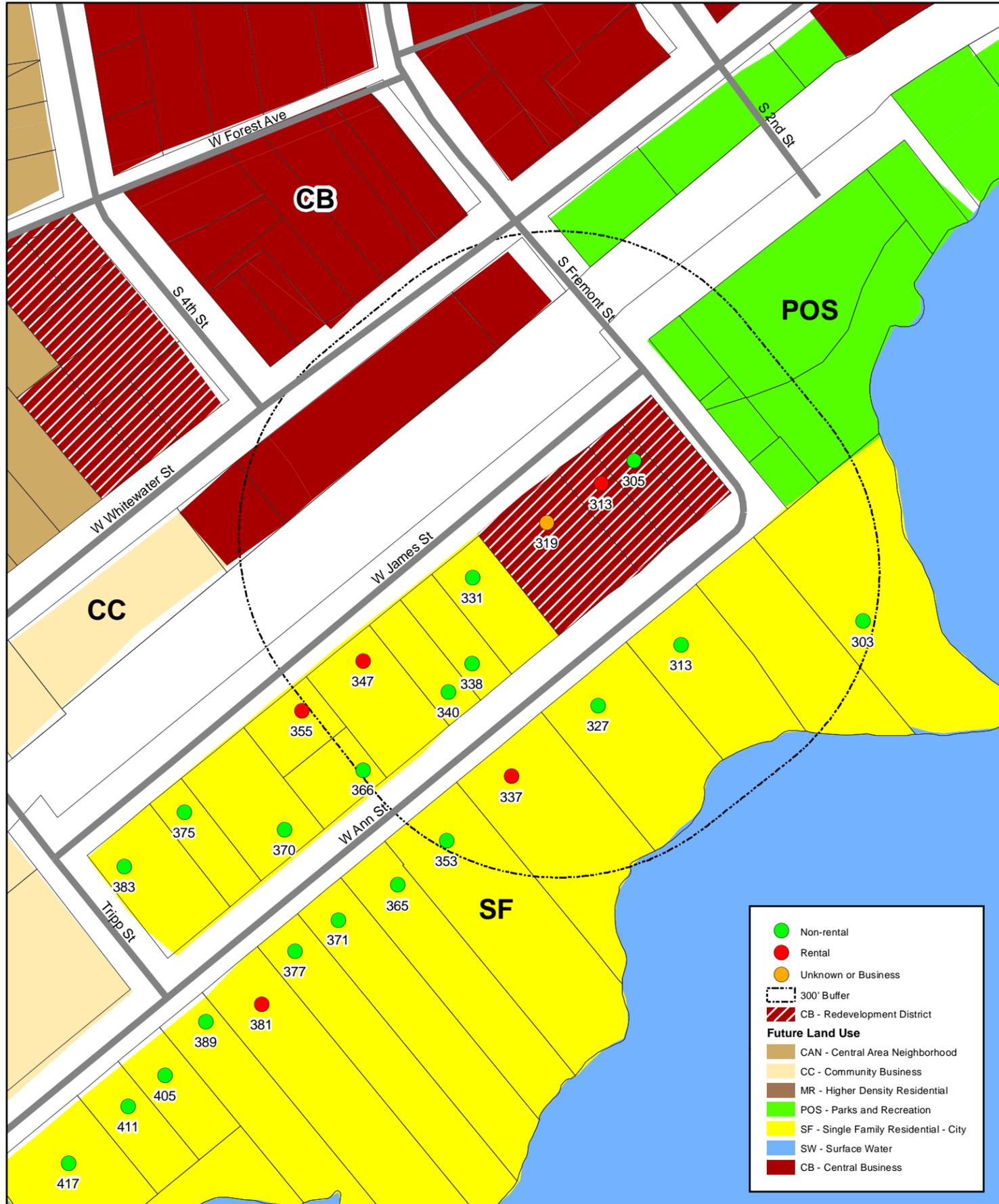
- 1) 319 W. James Street (and the adjacent parcels to the east) are identified as opportunities for redevelopment. (Page 102)
- 2) The future land use plan shows that 319 W. James Street (and the adjacent parcels to the east) would be guided for Central Business. Any rezoning of these parcels should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

# 319 James Street - Zoning and Future Land Use



These Petitions and  
Letters were handed  
out at the last meeting.

## Latisha Birkeland

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**From:** Whitney Henley [whitneyhenley@gmail.com]  
**Sent:** Monday, October 14, 2013 3:57 PM  
**To:** Latisha Birkeland; meyergoof@gmail.com  
**Cc:** info@eatatblacksheep.com  
**Subject:** Rezoning to support Casual Joe's Restaurant

Greetings Latisha and Greg,

I am an employee at UW-Whitewater and a member of W3 (Working for Whitewater's Wellness). I have worked with Tyler Salisbery in several capacities. Tyler has helped with several of our community wellness events and has been very supportive of our efforts.

I am very hopeful that he will be able to get Casual Joe's Restaurant up and going. I think the restaurant will be a great asset to the Whitewater community. Based on the plans that Tyler has shared and the great changes that Tyler has already brought to our community, it seems likely that Casual Joe's will have a really positive impact on the downtown area.

Please encourage the City of Whitewater Plan and Review Board to support this great initiative by rezoning that area back to 'business.' Thank you for considering my request.

Sincerely,

Whitney Henley  
(262) 749.1193

p.s. - I'm also from Kansas City, BBQ capital of the world, and would love to have some great BBQ in the area!  
:)

# FORMAL PROTEST PETITION AGAINST PROPOSED ZONING CHANGE

To the City Council for the City of Whitewater, WI:

Please consider this as a formal protest against the proposed zoning amendment described as follows:

Applicant: Tyler Sailsbery

Parcel: 319 W. James Street, Whitewater, WI. Tax Parcel No. TR 00025

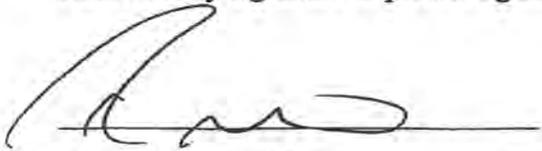
Current Zoning: R-3 (Multi-Family Residence)

Proposed Zoning: B-2 (Central Business)

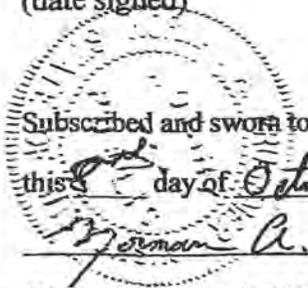
It is my understanding that if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the City Council members voting on this rezoning vote in favor of the change. This Petition is authorized by Wis. Stats. sec. 62.23(7)(2d) and Whitewater City Code sec. 19.69.070.

I own the property at the following address: 313 JAMES

Below is my signature in protest against this zoning change, witnessed and notarized by a notary public.

  
(signature of petitioner)  
Rosa Verducco  
(print full name)  
10-08-13  
(date signed)

~~\_\_\_\_\_  
(signature of petitioner)  
\_\_\_\_\_  
(print full name)  
\_\_\_\_\_  
(date signed)~~

  
Subscribed and sworn to before me  
this 8 day of October, 2013.  
Norman A. Pruson  
Notary Public, State of Wisconsin.  
My Commission expires 1/10/16

# FORMAL PROTEST PETITION AGAINST PROPOSED ZONING CHANGE

To the City Council for the City of Whitewater, WI:

Please consider this as a formal protest against the proposed zoning amendment described as follows:

Applicant: Tyler Sailsbery

Parcel: 319 W. James Street, Whitewater, WI. Tax Parcel No. TR 00025

Current Zoning: R-3 (Multi-Family Residence)

Proposed Zoning: B-2 (Central Business)

It is my understanding that if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the City Council members voting on this rezoning vote in favor of the change. This Petition is authorized by Wis. Stats. sec. 62.23(7)(2d) and Whitewater City Code sec. 19.69.070.

I own the property at the following address: 338 Ann St

Below is my signature in protest against this zoning change, witnessed and notarized by a notary public.

[Signature]

(signature of petitioner)

Marc Linsp

(print full name)

10-13-13

(date signed)

~~\_\_\_\_\_  
(signature of petitioner)  
\_\_\_\_\_  
(print full name)  
\_\_\_\_\_  
(date signed)~~

Subscribed and sworn to before me  
this 13<sup>th</sup> day of OCTOBER, 2013.

[Signature]

Notary Public, State of Wisconsin.

My Commission expires 1/10/16

**FORMAL PROTEST PETITION AGAINST PROPOSED ZONING CHANGE**

**To the City Council for the City of Whitewater, WI:**

Please consider this as a formal protest against the proposed zoning amendment described as follows:

Applicant: Tyler Sailsbery

Parcel: 319 W. James Street, Whitewater, WI. Tax Parcel No. TR 00025

Current Zoning: R-3 (Multi-Family Residence)

Proposed Zoning: B-2 (Central Business)

It is my understanding that if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the City Council members voting on this rezoning vote in favor of the change. This Petition is authorized by Wis. Stats. sec. 62.23(7)(2d) and Whitewater City Code sec. 19.69.070.

I own the property at the following address: 303 W. Ann St. Whitewater, WI 53190

Below is my signature in protest against this zoning change, witnessed and notarized by a notary public.

Beverly J. Stone

(signature of petitioner)

Beverly J. Stone

(print full name)

October 11, 2013

(date signed)

\_\_\_\_\_

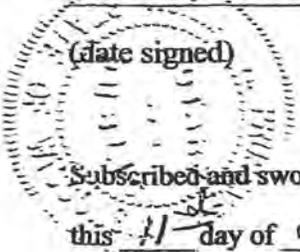
(signature of petitioner)

\_\_\_\_\_

(print full name)

\_\_\_\_\_

(date signed)



Subscribed and sworn to before me

this 11 day of OCTOBER, 2013.

Gorman A. Prasen

Notary Public, State of Wisconsin.

...

To Plan and Architectural Review Commission and Whitewater City Council

Please consider this a protest against the proposed zoning amendment:

Parcel: 319 W. James Street, Whitewater, WI. Tax Parcel # /TR 00025

Current Zoning: R-3 (Residential)

Proposed change: B-2 (Central Business)

Name	Address	Date	Owner (yes or no)
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Margaret Simon	353 W Ann	10-13-13	YES
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Parking  
Noise  
Hours

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To Plan and Architectural Review Commission and Whitewater City Council

Please consider this a protest against the proposed zoning amendment:

Parcel: 319 W. James Street, Whitewater, WI. Tax Parcel # /TR 00025

Current Zoning: R-3 (Residential)

Proposed change: B-2 (Central Business)

Name	Address	Date	Owner (yes or no)
Cheryl Kehn	366 Ann St.	10/13/13	YES
Jon Kehn	366 Ann St.	10/13/13	YES

To Plan and Architectural Review Commission and Whitewater City Council

Please consider this a protest against the proposed zoning amendment:

Parcel: 319 W. James Street, Whitewater, WI. Tax Parcel # /TR 00025

Current Zoning: R-3 (Residential)

Proposed change: B-2 (Central Business)

Name	Address	Date	Owner (yes or no)
Barry Wescott	370 W. Ann	10/13/13	yes

David Stone	303 W. Ann Street	10/13/13	no
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Beverly J Stone owner rental property at 347 W James St 303 W Ann		10-13-13	✓ yes
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This letter is written  
in regard to the rezoning of 319 W. James  
St. from a residential to a business  
and the locating of a restaurant/bar with  
hours from 9:00 A.M. - 2:00 A.M. and 2:30 A.M.  
on SATURDAYS.

I am opposed to this rezoning  
my children reside directly next door and  
this type of business is not safe or  
healthy for them.

Melanie Mize - 331 W. James  
Jenny Mize - 371 W. James

This letter is written in regard to the rezoning of 319 W. James Street from a residential to a business and the locating of a bar/restaurant with hours from 9:00-2:00 AM each day and 2:30 AM on Saturdays. I am opposed to this rezoning.

Andy Bard — 355 James Street

To:

City Council and Plan and Architectural Review Commission

From: Beverly J. Stone

Date: October 11, 2013

I am opposed to the rezoning of 319 West James Street from a residential R-3 zoning and to the issuance of a Conditional Use Permit for applicant Tyler Sailsbery. I request that you deny the rezone and the CUP permit.

I own and reside at 303 West Ann Street in the R-2 zoning district within 100 feet of the rezone parcel and own a single family rental home on James Street within 300 feet of the proposed restaurant/tavern/distillery.

I am opposed to this rezone because of the various issues it will cause to the single family homes on both James and Ann Streets. The homes within the 100 feet on Ann Street are single family-owner occupied as are all the homes along Ann Street to Tripp Street with the exception of a duplex located at 337 Ann Street. All of the homes on Ann Street are in the R-2 zoning district. I also oppose the rezone of one parcel between two single family homes for one person for a commercial establishment that does not "fit" with the single family homes in this R-3 district. The homes on either side of the proposed B-2 establishment are occupied by families with children. The entrance of the home directly adjacent to the east of the proposed restaurant/tavern/distillery at 313 West James Street is approximately 11 feet from the lot line of the proposed rezone property and all but one of the lots on Ann/James Street run longitudinally between the 2 streets.

The applicant did not follow the suggestion that a neighborhood meeting be held prior to a rezone application for larger and potentially controversial projects and the application which I received from the city appears in my opinion to be incomplete as Per pages 6/7 of the application directions for the following reasons:

1. Be drawn to a recognized scale and indicate what the scale is;
2. Indicate clear and legible labels that identify streets, existing and proposed buildings, parking areas and other site improvements;
3. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent features;
4. Show the appearance of proposed light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

There also appears to be a lack of information about the business plan and real details of the operation.

I also wish to address the issues which you are asked to consider on Mr. Sailsbery's application that the city supplied to me on Friday, October 4 as per my request.

1. Not in compliance with land use chapter of master plan, This particular proposal is not the type of business use that would be appropriate at this location; it will diminish property values in both the R-3 and R-2 districts which will lead to reduced tax revenue for both the city and TID 4 and this is being done piecemeal.
2. This site is in a residential neighborhood and will not be compatible with family homes.
3. This will create a nuisance for residents. It will cause traffic congestion on both streets from cars, delivery vehicles and increased pedestrian traffic as well as attract groups of late night people from Whitewater Street bars into these family areas and the vandalism problems they may bring. The noise from music has not been addressed nor has the issue of live bands.

4. The applicant states that there have been no reported "incidents" at the Black Sheep. I doubt, however, that the clientele at Casual Joe's with its fast food menu, distillery, and late hours will be the same clientele that enjoys dining at the Black Sheep.

5. Customers will park as closely to the establishment as possible on both James and Ann Streets creating safety problems for the residential homeowners to safely access/exit their own driveways while watching for both cars and pedestrians walking to their vehicles.

6. This is a large building and will require significant changes. An outdoor area in the rear (Ann Street) will add to the noise and the volume of people that the establishment can contain. As this was a car repair and body shop in the past, a site study should be done as to whether there is contamination problem with food preparation and whether extensive clean up of the site is indicated.

7. The applicant states he will be installing a distillery which can be construed as light industrial use and will require that all of the requirements of Chapter 19.51, "Traffic Parking and Access" and Chapter 19.57 "General Performance Standards" be met. The photograph submitted by the applicant does show a manufacturing/rectifier operation.

As I understand the WI Statutes do not allow a city to restrict the hours of a Class B Beer and Liquor License, the hours are established by law to allow the serving of alcoholic beverages until 2:30 a.m. on Saturdays and 2:00 AM on each other day and remain in effect for the holder of the license, the licensee can at anytime he wishes, have the option of the serving of alcohol until 2:00 a.m. every night.

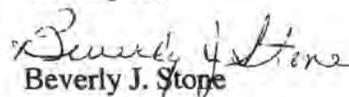
In summary, the portions of the Master Plan that I believe apply in this rezone issue are:

- pg. 57 - Provide a safe and comfortable living environment for all residents;
- pg. 57 - Encourage neighborhood safety;
- pg. 57 - Promote additional residential uses near the downtown area;
- pg. 77 - Ensure appropriate transitions between potentially conflicting land uses/buffer incompatible land uses.

Also in my opinion the parking requirements do apply to establishments of this nature even in the B-2 District. I would ask that you review 19.30.040 Development Standards it states that uses are exempted from parking except if off-street parking is specifically required for a particular conditional use under 19.30.030. In addition 19.30.030 (H) has some conditions for light industrial/retail that are subject to restrictions that have not been identified in staff recommendations.

I ask that you consider the effects this rezone and the CUP will have on the residents and property owners on both James and Ann Streets and will not approve the rezone application or the CUP permit in order to preserve the safety, health, and rights of ownership of the property owners and residents of these R -3 and R - 2 districts.

Thank you,

  
Beverly J. Stope

TO: City Planner, Plan Commission  
FROM: David Stone

I request that you vote no to deny the proposed rezone at 319 James Street for the tavern/ Distillery/restaurant to serve alcohol by the drink.

Since the Casual Joe's application that is stapled to the rezone indicates that the business will be open each night until 2:00 AM and on Saturdays open until 2:30 AM, I am concerned that this will become a bar type of atmosphere late at night. Also even though agenda item number 5 on the Plan Commission states for a "restaurant"; the applicant's proposal stapled to, part of and included with the rezone application states for a distillery, winery, restaurant, serving of cocktails, serving of alcohol's, serving of spirits and product to sell over the nation stamped "Distilled in Whitewater". Therefore the rezone request by the applicant from R-3 to B-2 is for all of the following: tavern, distillery and a restaurant.

Blacks Law Dictionary (2009) page 1758 defines spot zoning as "**Zoning of a particular piece of land without regard for the zoning of the larger area surrounding the land.**"

One of the standards that the plan commission will analyze is the consistency with the adopted city master plan. I believe that there is a great deal more than just the colors on the map to consider during an analysis and I have been reading the Comprehensive Plan. In my opinion, the text of the plan is not consistent with the applicant's proposed use. I have found what is consistent with the master plan throughout the text is residential neighborhood preservation strategies. Also what is consistent with the text of the master plan is cohesive development that fits in with the existing uses. This particular rezone proposal by Tyler Sailsbery is not consistent with the major themes of the comprehensive plan text. In order to attempt to show how I came to these conclusions, I have enclosed numerous quotes from the Comprehensive Plan Text.

According to page 162 of the Comprehensive Plan,

**In their consideration of zoning map changes, the Plan and Architectural Review Commission and Common Council will evaluate the specific timing of the zoning map amendment request, its relationship to the nature of existing land uses, and the details of the proposed development.**

The existing land uses to the East, West and South are all single family residential. To the North is the designated buffer and the Historic Stone Stable. At the corner of Whitewater Street and Fremont Street is the recently refurbished Historic Depot. Along Whitewater Street is the edge of the Business Zoning.

Page 162 of the Comprehensive Plan also states,

*Departures from the exact land use boundaries depicted on the future land use map may be particularly appropriate for properties located at the edges of future land use areas.*

The Comp Plan goal on page 76 provides guidance to future land use:

*Promote a future land use pattern that provides comfortable neighborhoods for all our residents, and maximize compatibility between different land uses.*

In my opinion, the business plan that was submitted attached to the rezone application indicates that a large percentage of this proposed Casual Joe's 2 involves the sale of liquors between the hours of 10PM and 2:00 AM each night and closing at 2:30AM on Saturday nights. Having a bar type atmosphere within close walking distance to the Whitewater Street Bars will result in intermingling of people who have been drinking late at night on Thursday, Friday and Saturday nights. This will probably lead to large crowds of people on the sidewalk in front of 319 James Street late at night. This would change the Ann / James Street comfortable neighborhood and I believe will create a nuisance for me, my mother and the other residents on James Street and on Ann Street.

Objective number 4 on page 76 of the Comprehensive Plan states, in part, **"Plan for new development in a way that minimizes impacts on nearby property owners."**

A tavern / distillery at this location will have major and significant negative impacts on nearby property owners. There will also be noise late at night, there will be traffic congestion problems on Ann and James Street, there will be more cars parked in this area, there will be more public safety issues with some intoxicated pedestrians. James and Ann Street normally have very little vehicle traffic.

Casual Joe's 2 is very different than Rick's along East Main Street, as Rick's tavern is already in an entire contiguous zoning district, (B-3), with properties on both sides of Rick's on Hy 12 all zoned Highway commercial and Light Industrial. With the highway commercial area along highway 12 there is adequate access for beer, liquor and food delivery semi trailers.

According to Policy number 8, page 77 of the Comp Plan,  
**" Avoid locating potentially conflicting land uses close to one another".**

The tavern, distillery proposal of the rezone application is a conflicting land use when there are two single family homes both with children living there within feet of the proposed business. Also it is a conflicting land use with the homes directly to the South on Ann Street as the diagram shows an orange shaded area as the outside area, "where liquor is served".

According to Policy number 6, page 77 of the Comp Plan,  
*" Use transportation and environmental corridor systems to provide appropriate breaks between different land use types and intensities."*

According to Policy number 9, page 77 of the Comp Plan, **“Carefully consider the impact of pre-existing adjoining uses, before approving new development within the City’s planning area.”**

The proposal at 319 James Street is a new development of a bar/distillery/restaurant. Since the adjoining uses are single family residential, I believe that this establishment will have a severe and dramatic impact on the culture of the James/Ann neighborhood and will result in a significant decrease in property values for the nearby homes. In turn there will be a decrease in tax revenue coming into TID #4. I believe that it would be a abuse of discretion from a financial perspective for the city to rezone 319 James Street resulting in a gradual decrease in nearby adjoining residential property values.

Page 81, letter d, of the Comp Plan states, **“Minimize incompatible land uses (e.g., high traffic generators, noisy users) within or adjacent to Single – Family Residential – City areas.”**

A bar/restaurant/distillery is an incompatible land use being proposed right in the middle of a quiet residential area. The delivery and sales of food, beer and intoxicating spirits will be a high traffic generator and a distillery could create odors in the immediate neighborhood. There will be noisy users and possibly music between 11PM and 2AM on Thursday, Friday and Saturday nights and probably on St. Patrick’s Day. This will disrupt the neighborhood and my home at 303 Ann Street.

Since there is a proposal for a distillery, restaurant, bar with more bathroom facilities there will probably be a need to install larger diameter water laterals on site and possibly in the street and sanitary sewer pipes on site and possibly in the nearby city streets specifically to accommodate Casual Joe’s 2. Page 101 of the Comprehensive Plan States, in part, *“Smart Growth Areas are areas that will enable the redevelopment of lands with existing infrastructure and municipal and utility services, that will encourage efficient development patterns that are both contiguous to existing development and at densities which will have relatively low municipal and utility costs.”*

Since a Smart Growth Area is to occur with existing infrastructure, I do not believe that a proposed establishment of this scope and size would be able to do that. Also I do not feel that a spot rezone of one property is encouraging efficient development patterns, when the neighboring properties are residential.

It appears to me, that this spot zoning ( one parcel , at 319 James Street ) is being done so that the applicant can benefit by making a financial profit. That would certainly be a benefit to the applicant, However serving alcoholic liquors at 319 James Street as requested in the rezone application, will substantially decrease surrounding property values and will also diminish the pride the residents have with the James / Ann Street neighborhood. I do not see any public purpose for this tavern/distillery proposal if it is located at this location. I believe that if a tavern/distillery goes in at 319 James Street that it will create a public nuisance for me and many of the resident neighbors.

The property at 319 James Street could be redeveloped under the current (R-3) zoning into residential uses. If the property at 319 James Street was turned into residential, it could increase property values for this property, increase property values in this area and in turn increase the amount of tax revenue coming into TID # 4.

On the Future Land Use Map 5 of the City of Whitewater Comprehensive Plan (2010), in the upper left hand corner, it states, "*Not all lands shown in a future developed land use category are immediately appropriate for development, rezoning, or subdivision.*"

I believe that the above statement currently applies to the property at 319 James Street as the property is not immediately appropriate for rezoning.

This rezoning affects us, as my mother is a nearby property owner and I reside at 303 Ann Street. We will be adversely affected by this proposed rezoning.

It appears that this establishment will be able to give away free samples of liquors. I worry that giving away a free shot will result in the people who are drinking at the Whitewater Street bars having a reason to intermingle with Casual Joe's late at night.

WI. Statutes 125.69(4) "A manufacturer's or rectifier's permit also authorizes the provision of taste samples, free of charge and in an amount not exceeding 1.5 fluid ounces to any one person, of intoxicating liquor" that is manufactured on the premises.

WI. Statutes 125.02(16)(c) "Rectifier" means: A distiller – who by mixing spirits with any materials liquors for sale under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials", or any other name."

I see no reason for the plan commission to establish a tavern in a residential neighborhood. At least a portion of this business is a tavern. The applicant has indicated in the rezone application that he does not own or lease the property at 319 James Street, he will only purchase the property at 319 James Street if he can sell and distribute intoxicating liquors.

According to Wisconsin Statutes (2011-12) Chapter 823 NUISANCES " A nuisance is an unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health or safety of others. I believe that a bar type atmosphere at 319 James Street will interfere substantially with the comfortable enjoyment of my mother's home and will interfere substantially with the comfortable enjoyment of my mother's tenants at the rental home.

The entire James Street block is zoned R-3. The applicant has applied for a rezone of a single parcel which constitutes spot zoning. I believe that spot zoning is not good practice nor appropriate policy for the city to follow.

Blacks Law Dictionary (2009) page 1758 defines spot zoning as "**Zoning of a particular piece of land without regard for the zoning of the larger area surrounding the land.**"

In my opinion, Spot zoning means the improper permission to use a parcel of land for a more intensive use than permitted on adjacent properties.

313 James Street is a adjacent property and 331 James Street is a adjacent property.

Since the entire contiguous Block is zoned (R-3) Residential , to rezone one parcel to B-2 in between all the other residential parcels on this block is spot zoning of one parcel. The R-3 contiguous block is bounded by James Street, Tripp Street, Ann Street and Fremont Street.

The spot zoning request as made by the applicant appears to run contrary to the text of the City of Whitewater Comprehensive Plan (Adopted: February 2, 2010).

The city of Whitewater has purchased the Lyle Klug property at 305 James Street, using Stormwater Utility Funds, for the purpose of installing a stormwater detention pond on the 2 lots by Fremont Street. Therefore, the East End of James Street is not planned to have a "business use" in the future.

This applicant's rezone request appears to me to involve a great deal of sales of alcohol and, probably involves the checking of ID's to make sure customers are age 21. The applicant's proposal does not sound like an upscale restaurant to me. Nor does it appear to be a place for families to take children like "Chucky Cheeses".

Page 57 policy # 10 of the Comprehensive Plan States; **"Promote additional residential uses on redevelopment sites near the downtown to enhance the viability and vitality of the Downtown area"**

According to Page 57, Policy #5 **"Encourage initiatives that strengthen existing neighborhoods through creative reuse of vacant buildings" and encourage "compatible redevelopment."**

Page 57 Objective 1 states. **"Provide a safe and comfortable living environment for all residents and types of households including families, retirees, students, empty nesters, and owners of Whitewater businesses."**

All residents includes the residents of the James / Ann Street neighborhood.

Page 57, Objective number 6 states. **"Work with property owners, residents, and neighborhood associations to encourage neighborhood safety, pride and cohesiveness."**

The plan commission can help those of us who are residents in the James / Ann Street neighborhood have pride and cohesiveness by denying the rezone application and denying the conditional use application.

According to page 53 of the Comprehensive Plan, *"Advance a comprehensive neighborhood preservation strategy to elevate the quality and appearance of all neighborhoods in Whitewater and provide comfortable places for all residents to live."*

I request that the plan commission vote no on the rezone for the purpose of a tavern/distillery/restaurant at 319 James Street and also vote no on the conditional use permit.

Thank you,

David Stone  
303 Ann Street

*David Stone*  
*Oct. 11, 2013*

To: All Council and Plan Commission  
October 11, 2013  
From: David Stone

I request that you vote no to deny the proposed rezone at 319 James Street for the tavern/ Distillery/restaurant to serve alcohol by the drink.

Since the Casual Joe's application that is stapled to the rezone indicates that the business will be open each night until 2:00 AM and on Saturdays open until 2:30 AM, I am concerned that this will become a bar type of atmosphere late at night. Also even though agenda item number O-1 states "Action on request for rezone of property located at 319 W. James Street" ; the applicant's proposal stapled to, part of and included with the rezone application states for a distillery, winery, restaurant, serving of cocktails, serving of alcohol's, serving of spirits and product to sell over the nation stamped "Distilled in Whitewater". Therefore the rezone request by the applicant from R-3 to B-2 is for all of the following: tavern, distillery and a restaurant.

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The existing land uses to the East, West and South are all single family residential. To the North is a designated buffer zone and the Historic Stone Stable. At the corner of Whitewater Street and Fremont Street is the recently refurbished Historic Depot. Along Whitewater Street is the edge of the Business Zoning.

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The Comp Plan goal on page 76 provides guidance to future land use:

*Promote a future land use pattern that provides comfortable neighborhoods for all our residents, and maximize compatibility between different land uses.*

In my opinion, the business plan that was submitted attached to the rezone application indicates that a large percentage of this proposed Casual Joe's 2 involves the sale of liquors between the hours of 10PM and 2:00 AM each night and closing at 2:30AM on Saturday nights. Having a bar type atmosphere within close walking distance to the Whitewater Street Bars will result in intermingling of people who have been drinking late at night on Thursday, Friday and Saturday nights. This will probably lead to large crowds of people on the sidewalk in front of 319 James Street late at night. This would change the Ann / James Street comfortable neighborhood and I believe will create a nuisance for me, my mother and the other residents on James Street and on Ann Street.

Objective number 4 on page 76 of the Comprehensive Plan states, in part, **"Plan for new development in a way that minimizes impacts on nearby property owners."**

A tavern / distillery at this location will have major and significant negative impacts on nearby property owners. There will also be noise late at night, there will be traffic congestion problems on Ann and James Street, there will be more cars parked in this area, there will be more public safety issues with some intoxicated pedestrians. James and Ann Street normally have very little vehicle traffic.

Casual Joe's 2 is very different than Rick's along East Main Street, as Rick's tavern is already in an entire contiguous zoning district, (B-3), with properties on both sides of Rick's on Hy 12 all zoned Highway commercial and Light Industrial. With the highway commercial area along highway 12 there is adequate access for beer, liquor and food delivery semi trailers.

According to Policy number 8, page 77 of the Comp Plan,  
**" Avoid locating potentially conflicting land uses close to one another"**.

The tavern, distillery proposal of the rezone application is a conflicting land use when there are two single family homes both with children living there within feet of the proposed business. Also it is a conflicting land use with the homes directly to the South on Ann Street as the diagram shows an orange shaded area as the outside area, "where liquor is served".

According to Policy number 6, page 77 of the Comp Plan,  
*" Use transportation and environmental corridor systems to provide appropriate breaks between different land use types and intensities."*

According to Policy number 9, page 77 of the Comp Plan, **“Carefully consider the impact of pre-existing adjoining uses, before approving new development within the City’s planning area.”**

The proposal at 319 James Street is a new development of a bar/distillery/restaurant. Since the adjoining uses are single family residential, I believe that this establishment will have a severe and dramatic impact on the culture of the James/Ann neighborhood and will result in a significant decrease in property values for the nearby homes. In turn there will be a decrease in tax revenue coming into TID #4. I believe that it would be a abuse of discretion from a financial perspective for the city to rezone 319 James Street resulting in a gradual decrease in nearby adjoining residential property values.

Page 81, letter d, of the Comp Plan states, **“Minimize incompatible land uses (e.g., high traffic generators, noisy users) within or adjacent to Single – Family Residential – City areas.”**

A bar/restaurant/distillery is an incompatible land use being proposed right in the middle of a quiet residential area. The delivery and sales of food, beer and intoxicating spirits will be a high traffic generator and a distillery could create odors in the immediate neighborhood. There will be noisy users and possibly music between 11PM and 2AM on Thursday, Friday and Saturday nights and probably on St. Patrick’s Day. This will disrupt the neighborhood and my home at 303 Ann Street.

Since there is a proposal for a distillery, restaurant, bar with more bathroom facilities there will probably be a need to install larger diameter water laterals on site and possibly in the street and sanitary sewer pipes on site and possibly in the nearby city streets specifically to accommodate Casual Joe’s 2. Page 101 of the Comprehensive Plan States, in part, *“Smart Growth Areas are areas that will enable the redevelopment of lands with existing infrastructure and municipal and utility services, that will encourage efficient development patterns that are both contiguous to existing development and at densities which will have relatively low municipal and utility costs.”*

Since a Smart Growth Area is to occur with existing infrastructure, I do not believe that a proposed establishment of this scope and size would be able to do that. Also I do not feel that a spot rezone of one property is encouraging efficient development patterns, when the neighboring properties are residential.

It appears to me, that this spot zoning ( one parcel , at 319 James Street ) is being done so that the applicant can benefit by making a financial profit. That would certainly be a benefit to the applicant, However serving alcoholic liquors at 319 James Street as requested in the rezone application, will substantially decrease surrounding property values and will also diminish the pride the residents have with the James / Ann Street neighborhood. I do not see any public purpose for this tavern/distillery proposal if it is located at this location. I believe that if a tavern/distillery goes in at 319 James Street that it will create a public nuisance for me and many of the resident neighbors.

The property at 319 James Street could be redeveloped under the current (R-3) zoning into residential uses. If the property at 319 James Street was turned into residential,

it could increase property values for this property, increase property values in this area and in turn increase the amount of tax revenue coming into TID # 4.

On the Future Land Use Map 5 of the City of Whitewater Comprehensive Plan (2010), in the upper left hand corner, it states, *“Not all lands shown in a future developed land use category are immediately appropriate for development, rezoning, or subdivision.”*

I believe that the above statement currently applies to the property at 319 James Street as the property is not immediately appropriate for rezoning.

This rezoning affects us, as my mother is a nearby property owner and I reside at 303 Ann Street. We will be adversely affected by this proposed rezoning.

It appears that this establishment will be able to give away free samples of liquors. I worry that giving away a free shot will result in the people who are drinking at the Whitewater Street bars having a reason to intermingle with Casual Joe’s late at night.

WI. Statutes 125.69(4) “A manufacturer’s or rectifier’s permit also authorizes the provision of taste samples, free of charge and in an amount not exceeding 1.5 fluid ounces to any one person, of intoxicating liquor” that is manufactured on the premises.

WI. Statutes 125.02(16)(c) “Rectifier” means : A distiller – who by mixing spirits with any materials liquors for sale under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials”, or any other name.”

I see no reason for the city council to establish a tavern in a residential neighborhood. At least a portion of this business is a tavern. The applicant has indicated in the rezone application that he does not own or lease the property at 319 James Street, he will only purchase the property at 319 James Street if he can sell and distribute intoxicating liquors.

According to Wisconsin Statutes (2011-12) Chapter 823 NUISANCES “ A nuisance is an unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health or safety of others. I believe that a bar type atmosphere at 319 James Street will interfere substantially with the comfortable enjoyment of my mother’s home and will interfere substantially with the comfortable enjoyment of my mother’s tenants at the rental home.

The entire James Street block is zoned R-3. The applicant has applied for a rezone of a single parcel which constitutes spot zoning. I believe that spot zoning is not good practice nor appropriate policy for the city to follow.

Blacks Law Dictionary (2009) page 1758 defines spot zoning as **“Zoning of a particular piece of land without regard for the zoning of the larger area surrounding the land.”**

In my opinion, Spot zoning means the improper permission to use a parcel of land for a more intensive use than permitted on adjacent properties.

313 James Street is a adjacent property and 331 James Street is a adjacent property.

Since the entire contiguous Block is zoned (R-3) Residential , to rezone one parcel to B-2 in between all the other residential parcels on this block is spot zoning of one parcel. The R-3 contiguous block is bounded by James Street, Tripp Street, Ann Street and Fremont Street.

The spot zoning request as made by the applicant appears to run contrary to the text of the City of Whitewater Comprehensive Plan (Adopted:February 2, 2010).

The city of Whitewater has purchased the Lyle Klug property at 305 James Street , using Stormwater Utility Funds, for the purpose of installing a stormwater detention pond on the 2 lots by Fremont Street. Therefore, the East End of James Street is not planned to have a "business use" in the future.

This applicant's rezone request appears to me to involve a great deal of sales of alcohol and, probably involves the checking of ID's to make sure customers are age 21. The applicant's proposal does not sound like an upscale restaurant to me. Nor does it appear to be a place for families to take children like "Chucky Cheeses".

Page 57 policy # 10 of the Comprehensive Plan States;" **Promote additional residential uses on redevelopment sites near the downtown to enhance the viability and vitality of the Downtown area"**

According to Page 57, Policy #5 **"Encourage initiatives that strengthen existing neighborhoods through creative reuse of vacant buildings" and encourage "compatible redevelopment."**

Page 57 Objective 1 states."**Provide a safe and comfortable living environment for all residents and types of households including families, retirees, students, empty nesters, and owners of Whitewater businesses."**

All residents includes the residents of the James / Ann Street neighborhood.

Page 57, Objective number 6 states."**Work with property owners, residents, and neighborhood associations to encourage neighborhood safety, pride and cohesiveness."**

The city council can help those of us who are residents in the James / Ann Street neighborhood have pride and cohesiveness by denying the rezone application.

According to page 53 of the Comprehensive Plan, *"Advance a comprehensive neighborhood preservation strategy to elevate the quality and appearance of all neighborhoods in Whitewater and provide comfortable places for all residents to live."*

I request that the city council vote no on the rezone for the purpose of a tavern/distillery/restaurant at 319 James Street.

Thank you,



David Stone  
303 Ann Street

To: All Plan Commission, City Planner

From: David Stone

October 14, 2013

*David Stone*

On the current land use map provided by the city planner in the official rezone request packet on the City of Whitewater Website. I observe that there is shown a buffer(white) between the residential properties(green) on James Street(gray) and the business zoning (red) very close to Whitewater Street. The title at the top of this page as it appears on the City Website is 319 James Street - Zoning. Therefore the properties to the South, East and West are all residential zoning and the property directly to the North of 319 James Street is classified as a "buffer" on the official zoning map. At the corner of Whitewater Street and Fremont Street, I observe the Historic Depot lot which is zoned "Business".

Policy number 6 of Chapter 7: Land Use of the Comprehensive Plan States, "Use transportation and environmental corridor systems to provide appropriate breaks between different land use types and intensities."



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

**FORMAL PROTEST PETITION AGAINST PROPOSED ZONING CHANGE**

**To the City Council for the City of Whitewater, WI:**

Please consider this as a formal protest against the proposed zoning amendment described as follows:

Applicant: Tyler Sailsbery

Parcel: 319 W. James Street, Whitewater, WI. Tax Parcel No. TR 00025

Current Zoning: R-3 (Multi-Family Residence)

Proposed Zoning: B-2 (Central Business)

It is my understanding that if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the City Council members voting on this rezoning vote in favor of the change. This Petition is authorized by Wis. Stats. sec. 62.23(7)(2d) and Whitewater City Code sec. 19.69.070.

I own the property at the following address: 313 W. Ann St Whitewater WI

Below is my signature in protest against this zoning change. witnessed and notarized by a notary public.

*Judy Wildermuth*

(signature of petitioner)

Judith Ann Wildermuth

(print full name)

Oct 14, 2013

(date signed)

\_\_\_\_\_

(signature of petitioner)

\_\_\_\_\_

(print full name)

\_\_\_\_\_

(date signed)

Subscribed and sworn to before me  
this 14<sup>th</sup> day of October, 2013.

*Annette M. Rechek*

Notary Public, State of Wisconsin.

My Commission expires 5/3/2015



## 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.

The following parcel, located at 319 W. James Street is being requested to change to B-2: Tax Parcel Number /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, November 11, 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: October 15, 2013

Publish: in "Whitewater Register"

on October 17, 2013 and October 24, 2013 (legal ad)

TAXKEY	OWNER	ADDRESS1	ADDRESS2	CITY	STATE	ZIP	PROPERTY ADDRESS
/A 53300002	MICHAEL L SIMON	MAUREEN H SIMON	353 W ANN ST	WHITEWATER	WI	53190-0000	353 W ANN ST
/A267400002	<del>CITY OF WHITEWATER 'PUMP HOUSE</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CITY PARKING LOT
/A267400003	<del>CITY OF WHITEWATER 'PUMP HOUSE</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CITY PARKING LOT
/TR 00014A	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CRAVATH LAKEFRONT PARK
/TR 00016	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CRAVATH LAKEFRONT PARK
/TR 00017	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CRAVATH LAKEFRONT PARK
/TR 00018	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CRAVATH LAKEFRONT PARK
/TR 00022	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	305 W JAMES ST
/TR 00023	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	305 W JAMES ST
/TR 00024	ROSA M VERDUZCO	232 WISCONSIN ST		WHITEWATER	WI	53190-0000	313 W JAMES ST
/TR 00025	DALE D PIEPER	1224 W LAUREL ST		WHITEWATER	WI	53190-0000	319 W JAMES ST
/TR 00026	ELENA PARTIDA	331 W. JAMES ST		WHITEWATER	WI	53190-0000	331 W JAMES ST
/TR 00027	MARC L LINSE	338 W ANN ST		WHITEWATER	WI	53190-0000	338 W ANN ST
/TR 00027A	FAYE A ENGBRETSON	340 W ANN ST		WHITEWATER	WI	53190-0000	340 W ANN ST
/TR 00027B	BEVERLY J STONE	PO BOX 291		WHITEWATER	WI	53190-0291	347 W JAMES ST
/TR 00027C	GEOFFREY R HALE	JACQUELINE A HALE	599 S FRANKLIN ST	WHITEWATER	WI	53190-0000	355 W JAMES ST
/TR 00027D	JONATHAN A KEHM	CHERYL A KEHM	147 W MAIN ST	WHITEWATER	WI	53190-0000	366 W JAMES ST
/TR 00031	<del>BEVERLY J STONE</del>	PO BOX 291		WHITEWATER	WI	53190-0291	303 W ANN ST
/TR 00032	JUDITH A WILDERMUTH	N7701 ENGEL RD		WHITEWATER	WI	53190-0000	313 W ANN ST
/TR 00033	DALE N STETTLER TRUST	GAYLE M STETTLER TRUST	PO BOX 657	WHITEWATER	WI	53190-0000	327 W ANN ST
/TR 00034	THOMAS J STONEQUIST	KATHARINE STONEQUIST	N6468 WHITE OAK CT	DELAVAN	WI	53115-0000	337 W ANN ST
/WUP 00260	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CRAVATH LAKEFRONT PARK
/WUP 00261	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	CRAVATH LAKEFRONT PARK
/WUP 00262	<del>NEIL H STONE</del>	BEVERLY J STONE	PO BOX 291	WHITEWATER	WI	53190-0291	303 W ANN ST
/WUP 00263	NEIL H STONE	BEVERLY J STONE	PO BOX 291	WHITEWATER	WI	53190-0291	303 W ANN ST
/WUP 00264	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	
/WUP 00319	<del>CITY OF WHITEWATER</del>	312 W WHITEWATER ST		WHITEWATER	WI	53190-0000	301 W WHITEWATER ST
/WUP 00321	STATE OF WISCONSIN DEPT OF TRANSP			MADISON	WI	53702-0000	RAILROAD

**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 10-17-13 & 10-24-13.
3. Notices of Public Hearing mailed to property owners on 10-24-13.
4. Plan Commission holds PUBLIC HEARING on 11-11-13.  
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.  

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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 Sailsbery 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 area.
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 keep the trees on the property.
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;	<div style="border: 1px solid black; padding: 5px;"> <p data-bbox="561 243 1446 321">There is adequate parking available near and at this location and we will add additional parking. Detail is provided in the supplemental material.</p> </div>
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;	<div style="border: 1px solid black; padding: 5px;"> <p data-bbox="586 474 1531 751">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 some day down the road after we build a relationship with the neighbors. We see this as very important as many current customers have expressed interest and the council has pushed for these changes for outdoor seating.</p> </div>
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;	<div style="border: 1px solid black; padding: 5px;"> <p data-bbox="591 852 773 884">Not Applicable</p> </div>
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	<p data-bbox="586 1220 626 1251">No</p>

**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).

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
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: 10-24-13

Date set for public review before Plan & Architectural Review Board: 11-11-13

**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

## **Tips for Minimizing Your Development Review Costs:**

### **A Guide for Applicants**

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

### **Meet with Neighborhoods Services Department before submitting an application**

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

### **Submit a complete and thorough application**

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

### **For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans**

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

### **For simpler projects, submit thorough, legible, and accurate plans**

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor

plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

### **Submit your application well in advance of the Plan and Architectural Review Commission meeting**

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

### **For more complex projects, submit your project for conceptual review**

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and the planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Director and/or Planning consultant to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

## **Hold a neighborhood meeting for larger and potentially more controversial Projects**

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

## Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
<b>Minor Site/Building Plan</b> (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
<b>Major Site/Building Plan</b> (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
<b>Conditional Use Permit with no Site Plan Review</b> (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
<b>Rezoning</b>	
Standard (not PCD) zoning district	\$400 to \$2,000
Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
<b>Land Division</b>	
Final Survey Map	Up to \$300
Final Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
<b>Annexation</b>	\$200 to \$400
Note on Potential Additional Review Costs: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.	

# 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 53190

**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.

\_\_\_\_\_  
Signature of Applicant/Petitioner

\_\_\_\_\_  
Signature of Property Owner (if different)

\_\_\_\_\_  
Printed Name of Applicant/Petitioner

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

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature



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.

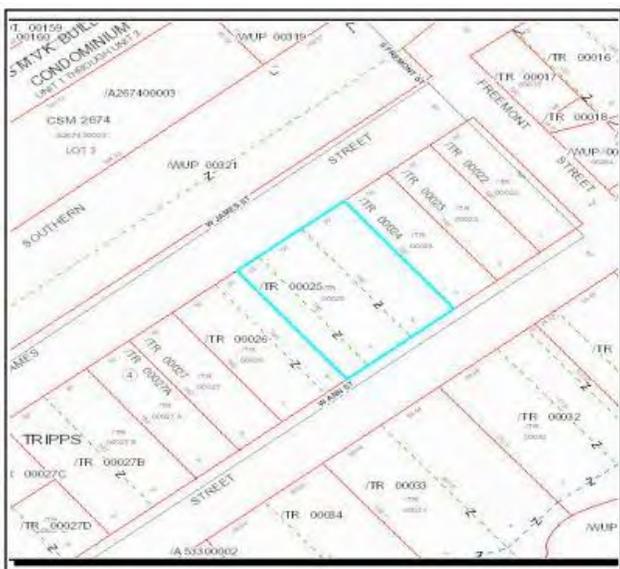
A great deal of research and number of classes about BBQ and Distillation lead to a painstaking search for a location that would not only add value to Whitewater but would be a relaxing and quiet spot to have a restaurant. James Street fit those needs and we have an accepted offer to purchase on the 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 become 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.

## APPLICATION REQUIREMENTS ADDITIONS

### 1a) Hours 10 AM to 11PM Daily

Our plans are to open in the first or second quarter of next year. There should be approximately 5 staff members working lunch and dinner during the week, and 8 staff members 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.



## 1b) Statement of use business Type

It is extremely important to me that I continue to provide exceptional and award winning food. We traveled and took notes at over 60 BBQ restaurants across the USA went into their kitchens to gather recipes and experience. We learned what wood produced what flavors and what cuts are the best and economical for customers. We took people's choice and third overall in the Wisconsin Taste of Excellence contest sponsored by the Wisconsin Pork Producers and the Wisconsin Soy bean council in their pork cook-off. Every graduation we cook over a thousand pounds of pulled pork for hungry diners. Since so many families, churches, graduates, and companies loved our BBQ we started thinking about how to bring that affordable family friendly product to the masses. This prompted our BBQ trip and our pork competition. 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 ★

Caramelized or Raw Onion  
Quick Kraut  
Bacon +\$1.50  
Beer Cheese Sauce +1.50  
Tomatoes  
Red Onion  
Pickles

### ★ Signature Sauces ★

Red Pepper Mustard  
Traditional BBQ  
Cranberry BBQ  
Pesto Ranch  
North Carolina  
Basil Vinaigrette  
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](http://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
<b>Joey Be Good</b> <small>Corn Bread topped with pulled pork, BBQ, and cole slaw.</small>	<b>\$5.25</b>	<b>\$8.00</b>
<b>Double Trouble</b> <small>Traditional Brat topped with pulled pork with caramelized onion.</small>	<b>\$5.50</b>	<b>\$8.25</b>
<b>Our Cuban</b> <small>Pork piled with pickles, swiss cheese and mustard.</small>	<b>\$4.99</b>	<b>\$7.74</b>
<b>The Wisconsin</b> <small>Brat with Beer Cheese Sauce, Caramelized Onion, Sweet Slaw and Bacon.</small>	<b>\$5.50</b>	<b>\$8.25</b>
<b>Grilled Cheese</b> <small>4 Cheeses and Grilled.</small>	<b>\$3.99</b>	<b>\$6.74</b>
<b>Pork Nachos</b> <small>Nachos piled with pork, beer cheese, bbq.</small>	<b>\$4.99</b>	<b>\$7.74</b>

### ★ 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
<b>The Traditional Brat</b>	<b>\$3.99</b>	<b>\$6.74</b>
<b>TLC Brat</b> <small>(Tequila Lime Chicken)</small>	<b>\$3.99</b>	<b>\$6.74</b>
<b>Pulled Pork</b>	<b>\$5.95</b>	<b>\$8.70</b>
<b>Brisket</b>	<b>\$6.50</b>	<b>\$9.25</b>

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. These customers are

interested in replicating the cocktails we offer in the restaurant at home. 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 a natural fit.

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



The building and structure will remain the same for now. We

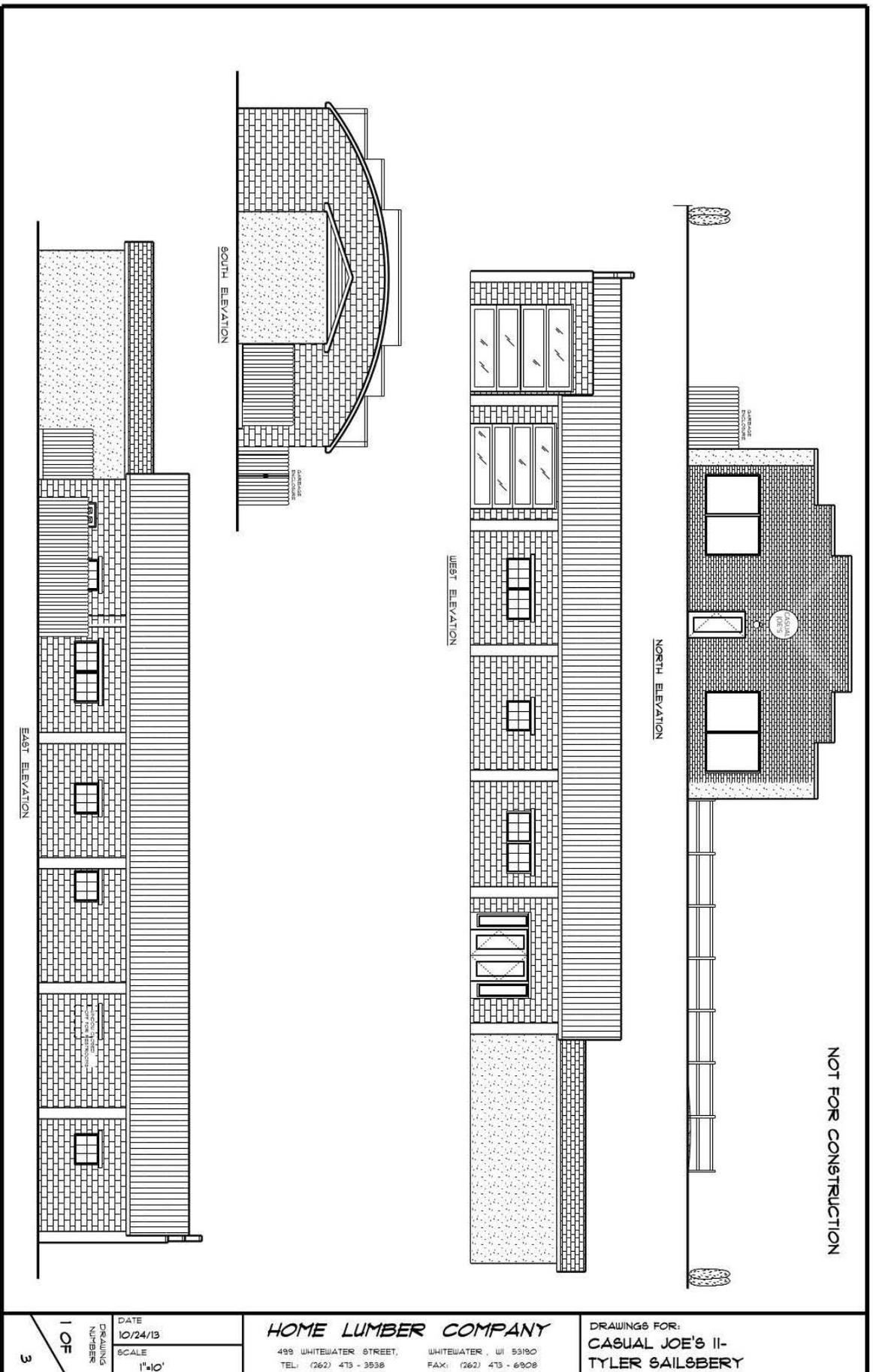
hope to someday add a deck but realize that we must prove we will be a good neighbor first. Then in a year or two we will go back to

the neighbors and the Plan Commission for approval. Then we hope to work with the CDA on their outdoor dining program. Above is a picture of what the still would look like at Casual Joes. (from Great Lakes Distillery Milwaukee WI)

**1c) Limited Drink Specials**

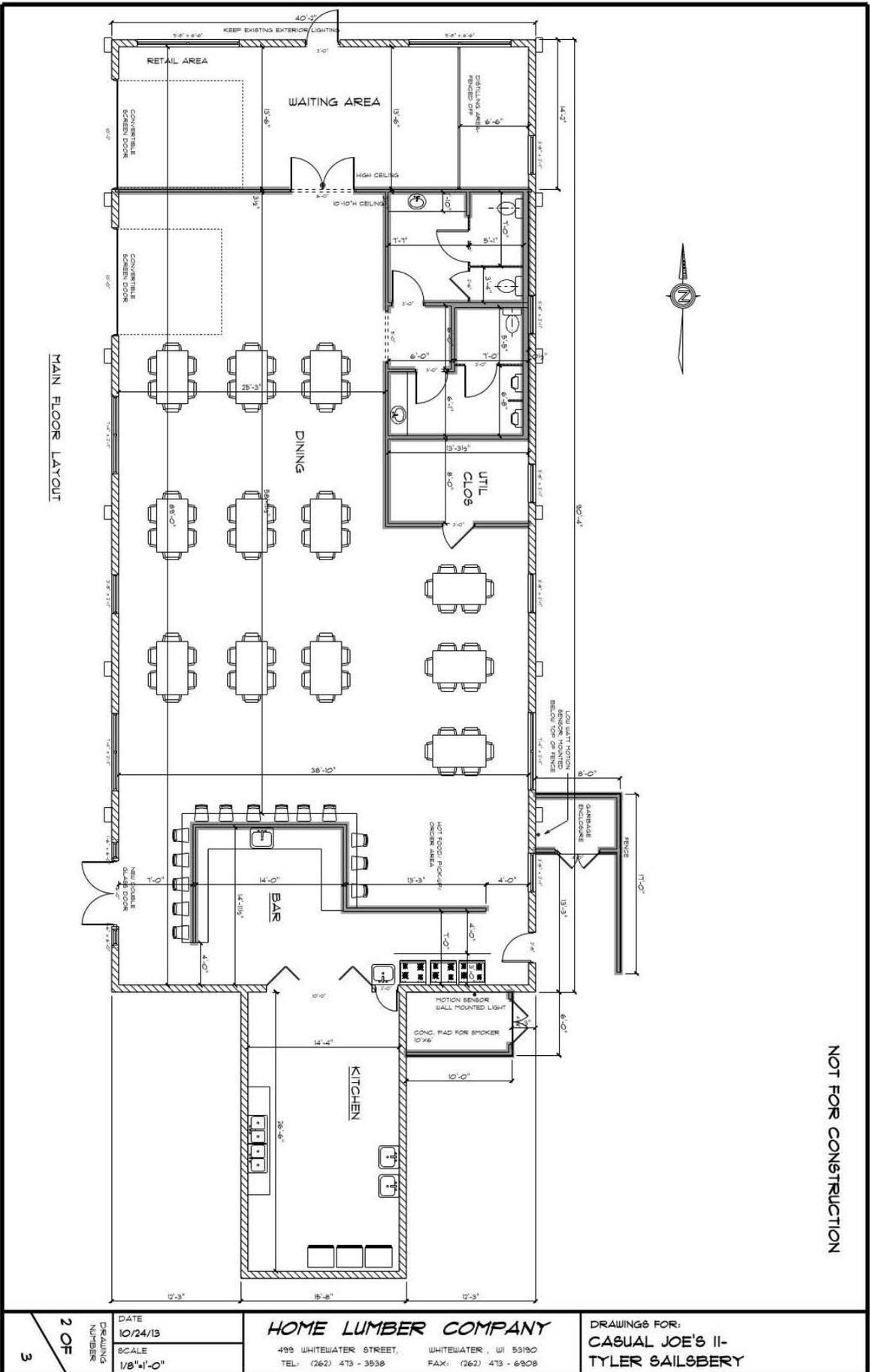
Intending to keep this a family friendly location we will limit the drink specials. We will not offer alcoholic drinks under three dollars (with the exception of birthday and anniversary drinks that will be gifted), most will be in the 5-9 dollars a drink. That means no dime tap offer and no all you can drink options.

2) Proposed Site and Dimensions are noted on image 2 and 3



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1 OF 3	DATE 10/24/13	<b>HOME LUMBER COMPANY</b> 499 WHITewater STREET, WHITewater, WI 53180 TEL: (262) 473 - 3938 FAX: (262) 473 - 6908	DRAWINGS FOR: <b>CASUAL JOE'S II-          TYLER SAILBERRY</b>
	SCALE 1"=10'		





### 3) Building Structures, location, height, and elevation are noted in the above pictures.

The décor and materials are noted below.



The split rail fence will be used to block the current driveway which will turn back into green space so that we can keep the traffic off of Ann Street.

To protect customers from the heat of the outdoor grill we will use a mix of the split rail (featured to the left) and a dog ear natural stained pine privacy fence standing at 6 ft high. The privacy fence (pictured below) will also be used to conceal the back door used to remove the trash as well as the two totes

provided by John's Disposal and we have requested pickup with normal trash pickup to ensure no additional noise or disturbances (totes were used at the request of the neighbors because there would be no additional trucks or pickup days) (noted on the images on page 2 of the plans). We have requested two totes but built the structure with enough space for three in case more trash is produced (we only used one of each at The Fuzzy Pig so we don't expect to but want to be prepared for growth at the advice of Wayne from John's Disposal )



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.



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 very small banquets/fundraisers. 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.

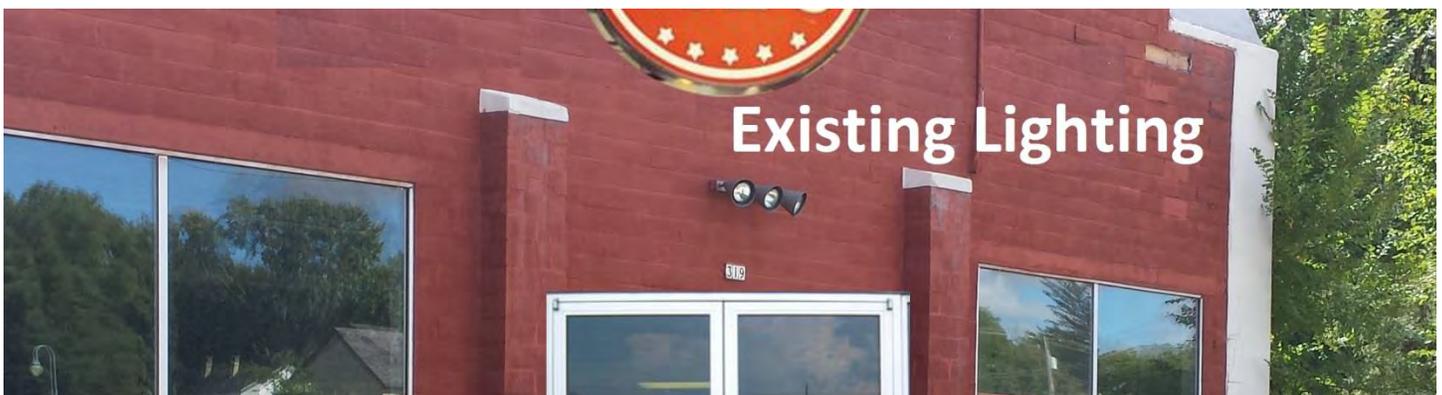


#### 4) Lighting Plan

The location of the two additional exterior lights are noted and described on page two of the blueprint / plans. They will provide lighting for the smoking area in the back and the area where the garbage totes are stored. The will be surrounded by the 6 foot high privacy fence and the light will be mounted at 6 ft and face downward so that no light pollution will bother the neighbors. (This was done at the request of our community meetings and door to door conversations). The type of fixture is pictured below and will use 13 Watt CFL bulbs.



The main lighting on the front of the building will use the existing outlet and will be as shown. There will be two or three 100 watt bulbs for a clear and safe entrance and exit into the restaurant.



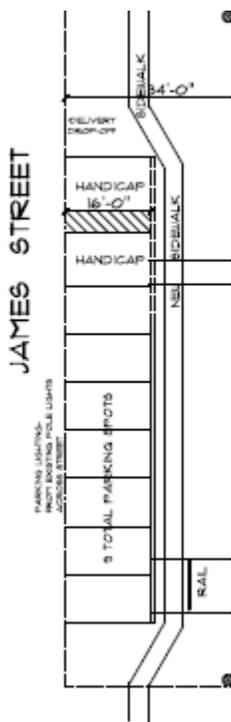


The exterior lighting for parking will use the existing overhead parking from across the street. The lighting provides more than adequate lighting for the parking area and ensures we are not disturbing neighboring residents.

### 5) Elevation Drawings and illustrations shown above.

### 6) Off Street parking

- Off street parking is described in detail in page three of the plans showing new parking stalls, fencing and lighting are described above. This meets and far exceeds all of the requirements for parking in B-2.



Additionally being that we are rezoning for B-2 Downtown Business District, we hope to utilize some of the downtown area parking. We plan to post the sign to the right to help direct our customers if our spots are full. The Sign will be 18" x 24" 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.

Casual Joes Parking Only

Customers Please Refrain From Parking On The Street or in Permit Spots. Overflow Parking Is Available In Lot A & B Near The Cravath Lakefront Building

## 7) Access

Building access is provided in the mockup drawings and will utilize the James Street entrance. Customers will also exit the James street door but a alarmed door will be at the back for an emergence exit. The kitchen will also provide an exit for staff removing trash.

## 8) Loading

We do not anticipate large amount of loading or unloading similarly with the black sheep there may be one to two deliveries a day and they will be brought through the main entrance as is practice at The Black Sheep. We have indicated a quick loading/ drop spot on the map next two our handicap parking spots as indicated on the drawing. Again we expect this to see very little use.

## 9) Landscaping

As a farm to table restaurant we intend to use a portion of the old driveway for an herb garden to grow herbs for use in the restaurant as well as tomatoes for our BBQ sauce. There will be three four foot by 8 foot tiered herb and tomato gardens.

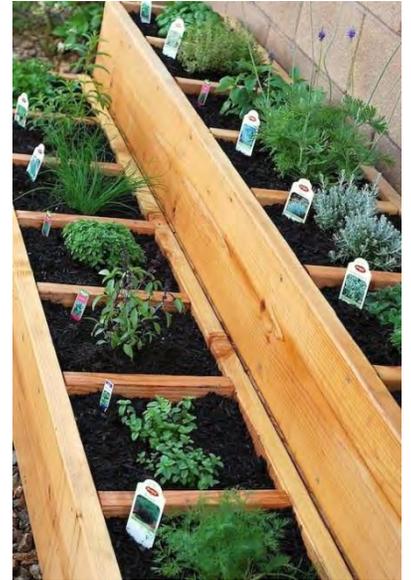
To create additional privacy for the neighbor in the event we are able to someday add an outdoor seating area we will plant Arborvitae - Emerald trees. These trees



will grow to 10-15 feet but can be trimmed regularly and will grow 3-4 feet around.

Both of these items are displayed in page three of the exterior drawings.

Seasonal flowering window boxes will be placed in the front windows with edible flowers and herbs.



## 10) Floor Plans included above.

## 11) 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. An additional rendering can be found below.

## 12) Drainage

We see no need to make changes to the current drainage as no exterior changes affecting drainage will be made.

## 13) Waste Disposal

*Copied from Above*



*The privacy fence (pictured below) will also be used to conceal the back door used to remove the trash as well as the two totes provided by John's Disposal and we have requested pickup with normal trash pickup to ensure no additional noise or disturbances (totes were used at the request of the neighbors because there would be no additional trucks or pickup days) (noted on the images on page 2 of the plans). We have requested two totes but built the structure with enough space for three in case more trash is produced (we only used one of each at The Fuzzy Pig so we don't expect to but want to be prepared for growth at the advice of Wayne from John's Disposal )*

The trash will be brought to the curb following the same schedule as the neighbors as to not be a disturbance. The location and information is again found on page two of the rendering.

## 14) Outdoor Storage

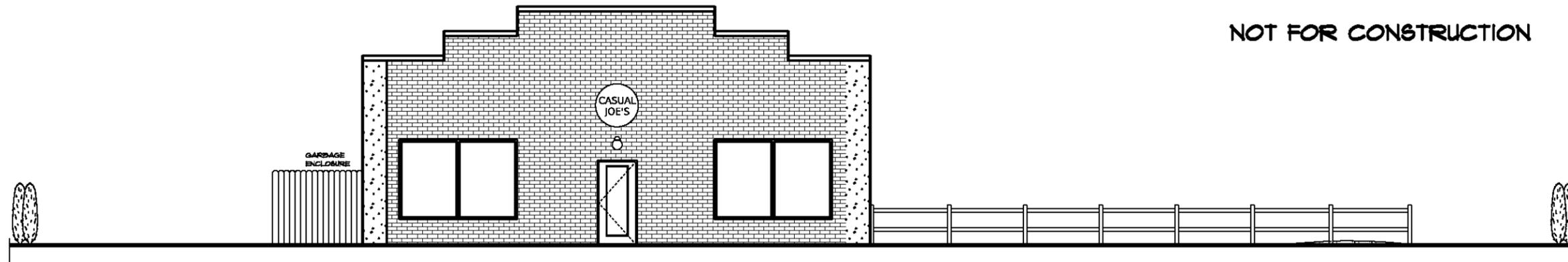
No outdoor storage is requested.

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.

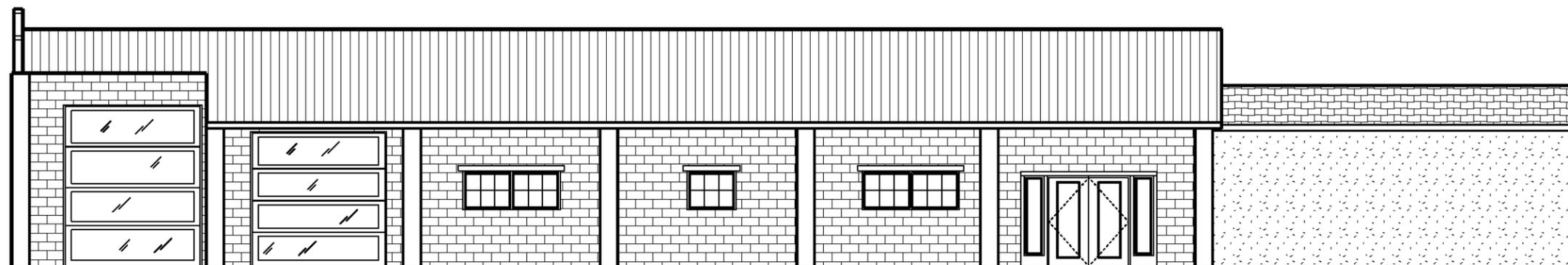
It is our goal to grow the community and increase economic development in the area. This will happen not only by opening the restaurant, bringing people in to dine, and employing new workers, but also by creating a distillery that will allow us to produce a product to sell all over the state and nation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



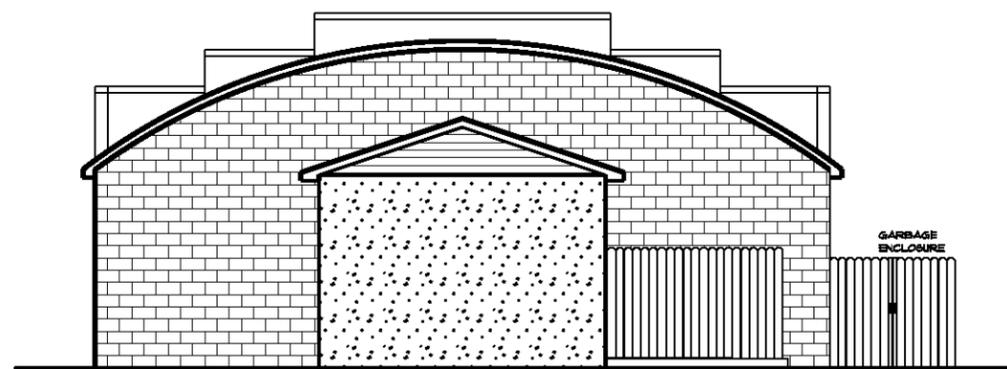
NOT FOR CONSTRUCTION



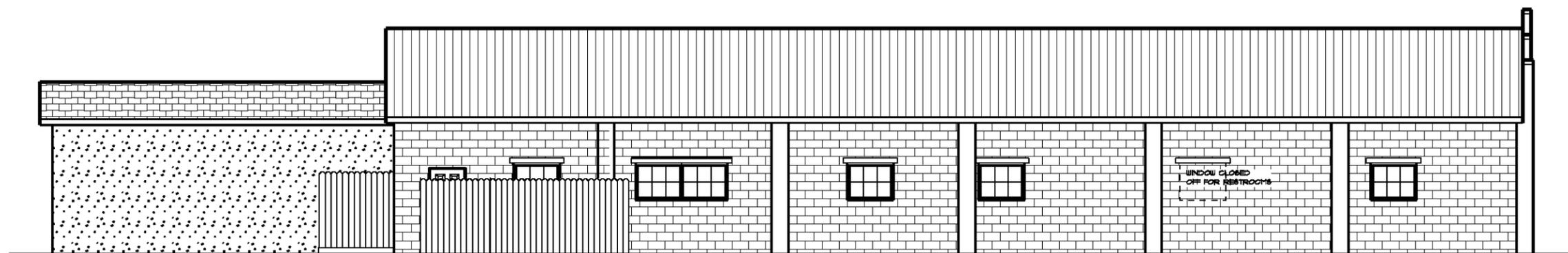
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

DRAWINGS FOR:  
**CASUAL JOE'S II-**  
**TYLER SAILSBERY**

**HOME LUMBER COMPANY**  
499 WHITEWATER STREET, WHITEWATER, WI 53190  
TEL: (262) 473 - 3538 FAX: (262) 473 - 6908

DATE 11/7/13  
SCALE 1"=10'

DRAWING NUMBER

1 OF

3



NOT FOR CONSTRUCTION

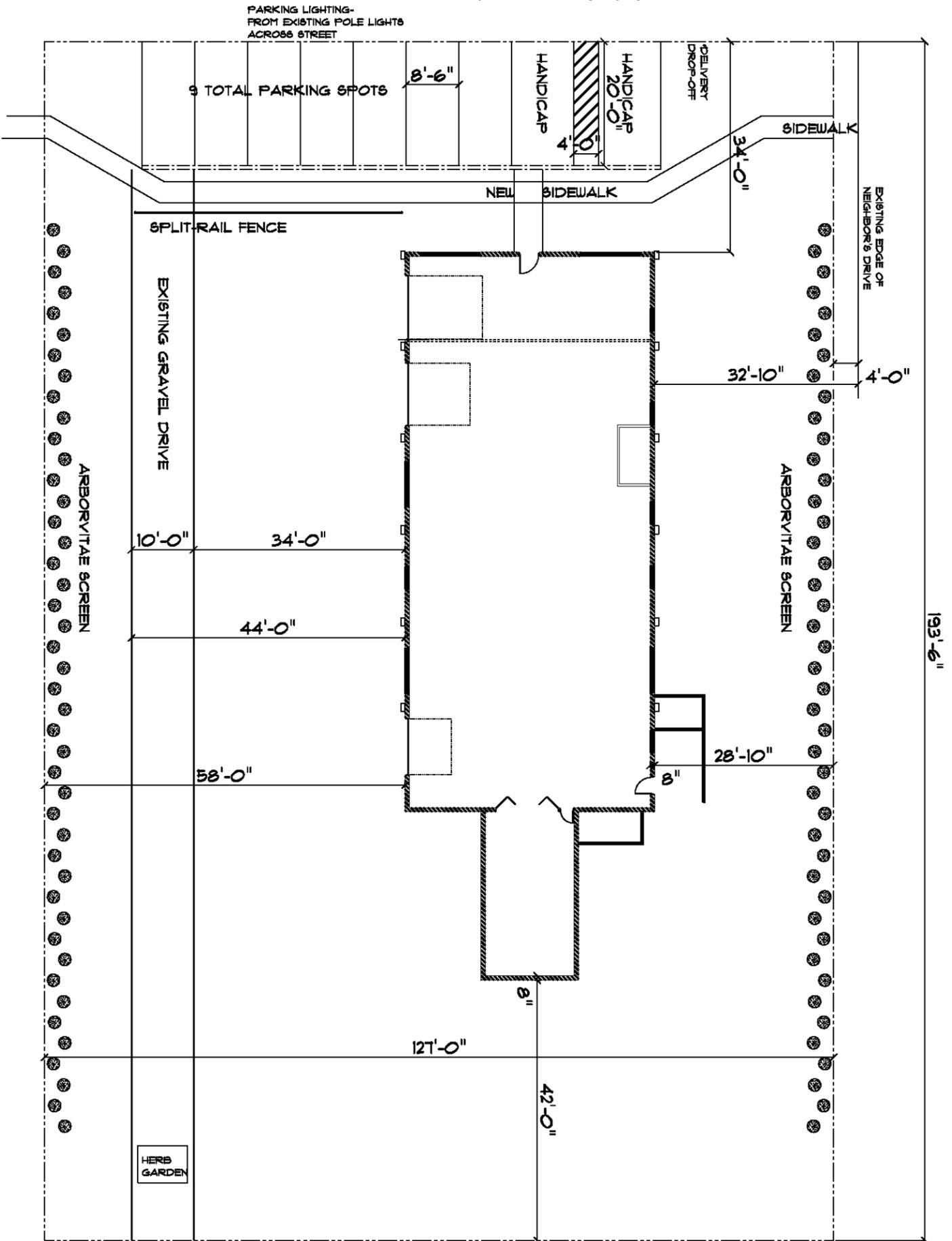
# JAMES STREET

# ANN STREET

**LANDSCAPING KEY**  
(COUNT)

- 3' ARBORVITAE (3)
- HERB GARDEN - VARIETY OF HERBS (4 EDIBLES)

\*REFLECTS NEW LANDSCAPING ONLY



DRAWINGS FOR:  
**CASUAL JOE'S II - TYLER SAILSBERY**

**HOME LUMBER COMPANY**

499 WHITEWATER STREET, WHITEWATER, WI 53190  
TEL: (262) 473 - 3538 FAX: (262) 473 - 6908

DATE: 11/7/13  
SCALE: 1"=20'

DRAWING NUMBER

3 OF 3