

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
June 8, 2015

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

**Call to order and roll call.**

Vice-Chairperson Binnie called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Lynn Binnie, Sherry Stanek, Tom Hinspater, Jon Tanis (Alternate), Harry Devitt (Alternate). Absent: Greg Meyer, Daniel Comfort, Kristine Zaballos, Bruce Parker. Others: Wallace McDonnell (City Attorney), Chris Munz-Pritchard (City Planner).

**Election of Chairperson, Vice-Chairperson, Plan Commission Representative to the Community Development Authority, Plan Commission Representative to the Urban Forestry Commission and Plan Commission Representative to the Technology Park Architectural Review Committee.** City Planner Chris Munz-Pritchard asked for nominations for Chairperson.

Election results are:

Greg Meyer - Chairperson  
Lynn Binnie - Vice-Chairperson  
Tom Hinspater - CDA  
Sherry Stanek - Urban Forestry

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

**Approval of the Plan Commission Minutes.** Moved by Sherry Stanek and seconded by Jon Tanis to approve the Plan Commission minutes of May 11, 2015. Aye: Stanek, Tanis, Binnie, Devitt, Hinspater. Motion approved.

**Public hearing for a Conditional Use permit (tavern and other places selling alcohol by the drink) for Taco Fresco Garret Witterholt, LLC., Amador Cortez, (Agent), to serve wine by the bottle or glass at 175 W. Main Street (for a Class “C” Wine License).** Vice-Chairperson Binnie opened the public hearing.

City Planner Chris Munz-Pritchard explained that this proposal is to amend the current Conditional Use Permit to serve beer (a Class “B” Beer) to include serving wine (for a Class “C” Wine License) by the Bottle or Glass in addition to expanding the licensed area into the sidewalk café area, at 175 W Main Street for Taco Fresco Garret Witterholt, LLC.

The site has been a restaurant. No changes are proposed to the existing site plan, traffic flow, exterior lighting, or building exterior. No information about hours of operation or maximum capacity have been provided by the applicant.

The restaurant is located on the first floor of 175 W Main Street. The buildings in the vicinity are a mix of ground floor businesses and primarily upper-story office or residential uses.

There was no public comment. Vice-Chairperson Binnie closed the public hearing.

Moved by Jon Tanis and seconded by Sherry Stanek to approve the conditional use permit to serve wine and to expand the licensed area into the sidewalk café area at 175 W. Main Street and to recommend to the City Council to approve the change in the license. Aye: Tanis, Stanek, Binnie, Hinspater, & Devitt. No: None. Motion approved.

**Public hearing for a Conditional Use permit to allow for a seasonal outdoor café and drive thru at 1170 W. Main Street for Clara Rocha/Karina's Mexican Restaurant.**

Vice-Chairperson Binnie opened the public hearing.

City Planner Chris Munz-Pritchard explained that this proposal involves converting the drive through area to a seasonal outdoor café during the summer/warm months. The area would then be converted back to a drive thru area during the winter/cold months (19.27.030). This maximizes the space to the full potential.

Public Comment: Eric Kiernan of KC Computers requested that the Restaurant add additional lighting on the back of the building by the drive through area.

Vice-Chairperson Binnie closed the public hearing.

Plan Commission members commented: Sherry Stanek inspected the site to get a better understanding of the layout. She felt it would be an asset to the community.

Moved by Stanek and seconded by Tanis to approve the conditional use permit to allow for a seasonal outdoor café and drive through at 1170 W. Main Street subject to the City Planner conditions. (See attached Conditional Use Permit.) Aye: Stanek, Tanis, Binnie, Hinspater, & Devitt. No: None. Motion approved.

**Public hearing for an amendment to the existing Conditional Use permit to allow for the sale of alcoholic beverages by the glass (tavern and other places selling alcohol by the drink) to expand into the seasonal outdoor café area at 1170 W. Main Street for Clara Rocha/Karina's Mexican Restaurant (a Class "B" Beer and Liquor License).** Vice-Chairperson Binnie opened the public hearing.

City Planner Chris Munz-Pritchard explained that the amendment to the Conditional Use Permit to expand the service of alcohol by the glass into the seasonal outdoor café ("Class B" Beer and Liquor License) is subject to the City Planner recommended conditions and pending licensing board approvals.

The spokesperson for Karina's indicated that there would be no music outdoors. The Plan Commission asked about maximum hours of operation. The applicant offered a closing time of midnight.

Moved by Stanek and seconded by Tanis to approve the conditional use permit, subject to the City Planner recommendations, to allow for the sale of alcoholic beverages by the glass (tavern and other places selling alcohol by the drink) to expand into the seasonal outdoor café area at 1170 W. Main Street for Clara Rocha/Karina's Mexican Restaurant (a Class "B" Beer and Liquor License). The Plan Commission accepted the applicants' stipulation that alcohol will not be served in the outdoor café after midnight. (See attached Conditional Use Permit.) Aye: Stanek, Tanis, Binnie, Hinspater, & Devitt. No: None. Motion approved.

**Public hearing for a change in the District Zoning Map to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater for the property located at 604 W. High Street (tax parcel # /CL 00039) for Joa Cain, Frances Cain and Janeen Cain.** Vice-Chairperson Binnie opened the public hearing for the change in the District Zoning Map and for the Conditional Use (the following item) requesting up to four unrelated persons in the residence at 604 W. High Street.

**Public hearing for a Conditional Use permit in an R-2A Residential Overlay Zoning District, to allow for 4 unrelated persons to live in the house located at 604 W. High Street for Joa Cain, Francis Cain and Janeen Cain.**

City Planner Chris Munz-Pritchard explained Item # 7 & 8 Proposed Zoning Map Amendment to Impose the R-2A Residential Overlay District Zoning and to enable up to four (4) unrelated persons in a residence per Chapter 19.19 at 604 W. High Street (tax parcel # /CL 00039) for Joa Cain, Francis Cain and Janeen Cain.

The existing dwelling is a single (one) family residence. This proposal involves a request to amend the Zoning Map to add the R-2A Residential Overlay zoning district to the existing R-2 zoning district and to approve a Conditional Use Permit to increase the number of permitted unrelated individuals residing in a non-family household from three (3) to four (4).

The R-2A Residential Overlay district is established by Chapter 19.19 of the Zoning Ordinance. Adopting the R-2A Residential Overlay district enables the consideration of a Conditional Use Permit, which if approved, would increase the number of permitted unrelated individuals residing in a non-family household from three (3) to four (4). The applicant is requesting that the first floor dining room be converted into a bedroom. The converted bedroom must meet all the codes of a bedroom. A permit also must be obtained to convert the dining room to a bedroom.

Public comment: Richard Helmick stated that the applicant lists the room in question as a "den", and that is not true. Since 1977, he has been inside this property on a number of occasions while owned by three different owners and the room in question has always been a dining room, never a den. A current description of the room as listed on the Zillow web site for its most recent sale describes the room as a den. Richard states that he was present at a number of zoning rewrites and believes that the intent of the R2-A is to utilize existing rooms not to convert dining rooms into bedrooms.

Vice-Chairperson Binnie closed the public hearing.

Plan Commission members commented that the intent of the R-2A and concerning increasing occupancy is not clear in the ordinance. While the Plan Commission has allowed larger homes to convert areas to bedrooms in the past, the size and type of this home causes hesitation to approve the home for the Conditional Use Permit.

Moved (reluctantly) by Tanis and seconded by Binnie to recommend to the City Council to approve the change in the District Zoning Map to impose the R-2A Residential Overlay Zoning District. Aye: Tanis, Binnie, Hinspater, & Devitt. No: Stanek. Motion approved.

Moved (reluctantly) by Tanis and seconded by Binnie to approve the conditional use permit to allow for 4 unrelated persons to live in the house located at 604 W. High Street subject to the City Planner's conditions and City Council granting the change in the District Zoning Map to impose the R-2A Residential Overlay Zoning District. (See attached Conditional Use Permit.) Aye: Tanis, Binnie, Hinspater, & Devitt. No: Stanek. Motion approved.

**Information Items:**

- a. Plan Commission was shown the plans for the ramp renovation at the Armory.
- b. Next regular Plan Commission Meeting – July 13, 2015.

Moved by Stanek and seconded by Tanis to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 8:15 p.m.

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Vice-Chairperson Lynn Binnie