



Plan and Architectural Review Commission Meeting Agenda
City of Whitewater Municipal Building
Community Room- First Floor
312 W. Whitewater St.
Whitewater, WI 53190
Monday, May 8, 2023 @ 6:00 p.m.

Please join the meeting from your computer, tablet or smartphone:

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AGENDA

1. Call To Order And Roll Call
2. Election Of Chairperson, Vice-Chairperson And Representative To The Urban Forestry Committee.
3. Hearing Of Citizen Comments
No formal Plan Commission Action will be taken during this meeting, although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Plan Commission discusses that particular item.
4. Approval Of The Plan & Architectural Review Commission Minutes Of April 10, 2023

Documents:

[PARC APRIL MINUTES.PDF](#)

5. Public Hearing Regarding Review And Possible Approval Of A Conditional Use Permit For A Drive-Through Service Lane Attached To A Proposed Restaurant/Coffee Shop And Site Plan Review For A Proposed Restaurant/Coffee Shop Located At 1280 W. Main Street, Parcel #/A 1709 00002: Lot 2 CSM 1709 For DSDH – Whitewater LLC – Dave Herbeck.

Documents:

1. [STARBUCKS PLANNERS REPORT.PDF](#)
2. [2023-04-27_STARBUCKS TRAFFIC REVIEW LETTER.PDF](#)

3. [PROPERTYREPORT.PDF.PDF](#)
4. [CRASH MEMO.PDF](#)
5. [CUP APP.PDF](#)
6. [PLAN REVIEW APP.PDF](#)
7. [B-1.PDF](#)
8. [MAY 2023 NOTICE OF PUBLIC HEARING WHITEWATER.PDF](#)

6. Review And Possible Approval Of An Extraterritorial Certified Survey Map (CSM) For: Portion Of The SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWN 5 NORTH, RANGE 14 EAST, TOWN OF KOSHKONONG, JEFFERSON COUNTY, WISCONSIN

Documents:

1. [CSM PLAN REP.PDF](#)
2. [23310 P1.PDF](#)
3. [23310 P2.PDF](#)

7. Next Plan And Architectural Review Commission Meeting – June 12, 2023

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:

Neighborhood Services Director
312 W. Whitewater Street,
Whitewater, WI, 53190
cbennett@whitewater-wi.gov

It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information over which they may have decision-making responsibility; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
IN-PERSON AND VIRTUAL MEETING
6 p.m. April 10, 2023

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

Video: <https://vimeo.com/816370603>

- 1. Call to Order and Roll Call:** Chairperson Tom Miller called the meeting to order at 6 p.m.
PRESENT: Miller, Neil Hicks, Brienne Brown, David Stone, Sherry Stanek and Jill Gerber. Attorney Jon McDonnell and Neighborhood Services Director Chris Bennett also attended.
ABSENT: Bruce Parker and Andrew Crone.
Video: 0:20
- 2. Hearing of Citizen's Comments:** None.
Video: 0:50
- 3. Review and Approval of Minutes:** Hicks motioned for approval of the March 13, 2023 PARC meeting minutes. Stone offered a second. Motion passed unanimously.
Video: 1:30
- 4. Review And Possible Approval Of An Extraterritorial Certified Survey Map (CSM) For: Portion Of The SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWN 5 NORTH, RANGE 14 EAST, TOWN OF KOSHKONONG, JEFFERSON COUNTY, WISCONSIN:** Stone motioned, with a second from Brown, to approve the extraterritorial CSM. Passed unanimously.
Video: 2:10
- 5. Public Hearing Regarding Consideration Of A Conditional Use Permit (CUP) For A Proposed Detached Residential Accessory Structure Located At 647 W Harper St, Parcel #/A2744 00001: Lot 1 CSM2744 For Bryan D Sokolik And Lisa K Sokolik:** GIS Intern Ben Kloskey presented the Planner's Report and briefed the PARC on the Sokolik's request to build a garage that exceeds the minimum set by ordinance. Attorney Christina Green of Sweet & Maier, S.C. in Elkhorn also appeared on behalf of the Sokolik's, as they retained her services to secure the CUP. Brown motioned, with a second from Hicks, to approve the Sokolik's CUP request with the conditions stipulated in the Planner's Report. Passed unanimously.
Video: 4:20
- 6. Public hearing regarding site plan review for an addition to the current office building located at 107 County Road U, Whitewater, WI 53190, parcel #/05-15-3312-000 for Johns Disposal Service:**
Britten Langfoss with Angus-Young Architects/Engineers out of Janesville and Madison appeared on behalf of Johns Disposal. After presentation of the Planner's Report from Bennett and comments from Langfoss Brown motioned, with a second from Hicks, to approve the CUP request for Johns Disposal with the conditions stipulated in the Planner's Report. Passed unanimously.
Video: 12:50

7. Next Plan and Architectural Review Commission Meeting: May 8, 2023.
Video: 0:50

8. Adjourn: Motioned by Brown, with a second from Miller. Passed unanimously. Adjourned 6:22.

Respectfully submitted,
Chris Bennett
Neighborhood Services Director

DRAFT

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Chris Bennett, Director of Neighborhood Services

Date: May 8, 2023

Re: Item 5: Public Hearing regarding review and possible approval of a Conditional Use Permit for a drive-through service lane attached to a proposed restaurant/coffee shop and site plan review for a proposed restaurant/coffee shop located at 1280 W. Main Street, Parcel #/A 1709 00002: Lot 2 CSM 1709 for DSDH – Whitewater LLC – Dave Herbeck.

Summary of Request	
Requested Approvals:	Conditional Use Permit for a drive-through service lane attached to a proposed restaurant/coffee shop and site plan review for a proposed restaurant/coffee shop
Location:	1280 W. Main Street, Parcel #/A 1709 00002
Current Land Use:	Retail
Proposed Land Use:	Retail
Current Zoning:	B-1 – Community Business
Proposed Zoning:	Same
Future Land Use, Comprehensive Plan:	Community Business

Synopsis

In front of the PARC for consideration is a request for a Conditional Use Permit for a drive-through service lane attached to a proposed coffee shop/restaurant at 1280 W. Main Street. Concurrently, the PARC is conducting site plan review for the same property.

The site is currently home to Whitewater Quick Lube, which is an oil change facility. The owner intends to redevelop the parcel by demolishing the current structure and building a stand-alone outlet of the Starbucks Coffee Company.

Per the city’s B-1 zoning code, restaurants without drive-through facilities are a permitted use. Restaurants with a drive-through require a CUP regardless of the zoning district. Per the city’s B-1 zoning district, plan review is required for any development.

Conditional Use Permit

Regarding the conditional use permit for the drive-through, the code requires that the drive-through maintain visual continuity and attractive pedestrian movement along the street front.

The drive-through is situated at the rear of the building. Vehicles enter the drive-through from the east, travel west and exit west. There are two lanes that merge to one.

The movement of vehicles is not going to hamper or mar the building's visual continuity. At worst, passers-by will see a stack of cars in the parking lot waiting for service in the drive-through. Cars are allowed to stack in the parking lot to facilitate safe access to the drive-through.

The drive-through will also not detract from pedestrian movement on the street front. It is situated at the back of the development. Vehicles will, primarily, enter and exit the business on West Main St. A limited number of vehicles will likely enter and exit the business and drive-through from West Salisbury Lane, which is east of the parcel. This will not affect the drive-through.

Traffic within the Walmart parking lot, on private property, is not the city's concern.

Strand Associates studied traffic at the proposed Starbucks. Their memo is included. Strand reached the following conclusion:

“The proposed Starbucks that will replace the existing Quick Lube on an outlot to Walmart will result in traffic volume increases on the driveways to the site. The eastern driveway is likely to be most impacted, but the increases are anticipated to be minor. The daily travel patterns for a Starbucks are well suited to a Walmart as they tend to be busier at different times of the day. The section of Main Street that this site is located on has substantial excess capacity to support the redevelopment of the area.

Given the results of this analysis it appears that the proposed Starbucks is a good fit for this site.”



PLANNER'S RECOMMENDATIONS

The city recommends the PARC approve the Conditional Use Permit application for a drive-through service lane attached to a proposed coffee shop/restaurant at 1280 W. Main Street, subject to findings on the following page, and subject to the following conditions of approval:

1. The CUP shall run with the current business owner. Any transfer of business ownership will require a separate conditional use permit for the operation of the drive-through.
2. Any other conditions identified by the PARC.

SUGGESTED FINDINGS TO BE MADE BY THE PLAN COMMISSION

Conditional Use Permits are required to be reviewed in relation to a set of standard criteria presented in the Zoning Ordinance (Section 19.66.050). See the following page for suggested findings:

Analysis of Proposed Conditional Use Permit for: 1280 W Main Street		
<i>Conditional Use Permit Review Standards per Section 19.66.050:</i>		
STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	The proposed use is surrounded by B-1.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	In compliance with all regularions.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Yes	In compliance with all regularions
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The proposed use is consistent with the Comprehensive Plan.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with the use requirements of the B-1 District.

Site Plan Review

As stated, the parcel for which the Starbucks is proposed is zoned B-1 – Community Business. Per 19.27.010 the B-1 Community Business District is established to accommodate retail shopping and service needs in a manner compatible with the desired community character. The district should be located in relative proximity to residential areas and major traffic routes.

The proposed restaurant/coffee shop is a permitted use. The drive-through is a conditional use discussed previously.

A review of the plans submitted, reviewed against the city's B-1 ordinance, shows the following:

Lot area

- Per B-1: 15,000 square feet.
- Parcel: 31, 127 square feet.

Lot width

- Per B-1: 50 feet.
- Parcel: 197.79 square feet at the rear.

Yard requirements

- Per B-1
 - Front and street side: 15 feet.
 - Side: 10 feet.
 - Rear: 20 feet.
- Parcel
 - Front and street side: roughly 76 feet.
 - West side: 32.61 feet.
 - Rear: 34.07 feet.
 - East side: 90.96 feet.

Lot coverage

- Per B-1: No provision for maximum.
- Parcel: Total impervious surface area is 19,678 square feet.
 - 11,449 open, green space.

Building height

- Per B-1: Maximum five stories or 100 feet, whichever is greater.
- Parcel: 18 feet.

Parking

- Per 19.51.130, there must be one stall for each 200 square feet of primary floor area for restaurants, bars and places of entertainment.
- Per A1.1 in the plans there is 2,190 usable square feet in the building, meaning 12 parking stalls are required.
- The developer is providing 28 spaces – two of which are handicapped accessible.

Lighting

- C3.1 provides the photometric plan.

- Maximum fixture height is thirty-five feet in all commercial, industrial and institutional districts.
- Fixture height at the development is 23 feet, and the fixtures are shielded.
- Average illumination levels within parking lots shall not exceed 2.5 footcandles. The illumination level at any property line shall not exceed 0.5 footcandles above the ambient lighting conditions on a cloudless night where the property adjoins land in a residential district, and 2.0 footcandles above the ambient lighting conditions on a cloudless night where the property adjoins land in any other zoning district.
- Per C3.1, all average illumination levels are within standards.

Landscaping & screening

- There are no minimum requirements for landscaping in B-1. The developer is leaving ample space for foliage, and shows flora and fauna on page C 1.4.
- Dumpsters and any utility equipment – HVAC systems and the like – are screened from view.

Access

- Traffic within the shopping center, on private property, is not the city’s concern.
- The B-1 district is meant to be located in proximity to residential areas and major traffic routes.
- Strand Associates studied traffic at the proposed Starbucks. Their memo is included.
- Strand reached the following conclusion:
 - “The proposed Starbucks that will replace the existing Quick Lube on an outlot to Walmart will result in traffic volume increases on the driveways to the site. The eastern driveway is likely to be most impacted, but the increases are anticipated to be minor. The daily travel patterns for a Starbucks are well suited to a Walmart as they tend to be busier at different times of the day. The section of Main Street that this site is located on has substantial excess capacity to support the redevelopment of the area.

Given the results of this analysis it appears that the proposed Starbucks is a good fit for this site.”

Architecture

- C2.0 and C2.1 show the building’s exterior and elevations. The building is to be constructed with brick veneer, aluminum and wood in earth tones. The building will blend well with its surroundings, be aesthetically pleasing and carry design cues from other Starbucks locations.

Planner’s Recommendations

The city recommends site plan approval, subject to any conditions stipulated by the PARC.

Site Plan Review for: 1280 W Main Street

Plan Review Standards per Section 1919.63.100:

STANDARD	EVALUATION	COMMENTS
1. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located	Yes	The proposed use is surrounded by B-1 uses.
2. The proposed development will be consistent with the adopted city comprehensive plan	Yes	Comp plan shows area marked for retail.
3. The proposed development will be compatible with and preserve the important natural features of the site	Yes	Site contains no natural features.
4. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property	Yes	The proposed use is consistent with the Comprehensive Plan.
5. The proposed development will not create traffic circulation or parking problems	Yes	The project is consistent with the use requirements of the B-1 District.

<p>6. 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>The building will fit and augment its surrounding area.</p>
<p>7. 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>N/A</p>	<p>N/A</p>
<p>8. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties</p>	<p>Yes</p>	<p>The structure will not affect the sun and light.</p>



Strand Associates, Inc.®
910 West Wingra Drive
Madison, WI 53715
(P) 608.251.4843
www.strand.com

April 27, 2023

Mr. Brad Marquardt, P.E., Public Works Director
City of Whitewater
312 West Whitewater Street
Whitewater, WI 53190

Re: Review of Proposed Starbucks Traffic Impact
City of Whitewater, Wisconsin (City)

Dear Mr. Marquardt:

Strand Associates, Inc.® (Strand) reviewed the traffic impacts of the Starbucks that is proposed to replace the Whitewater Quick Lube (Quick Lube) located at an outlot of Walmart Supercenter on Main Street. This evaluation included a review of Main Street roadway volumes and capacity, an evaluation of anticipated driveway volumes for both Walmart driveways, and potential traffic signal warrant triggers that could require follow-up investigation.

There is an additional redevelopment proposed for the neighboring Hawk Bowl property. The preliminary site plans show that redevelopment using the three existing access points on that property and there is no proposed connection to the Walmart parking lot. No consideration of volumes from that redevelopment was included with this evaluation as it will use separate access points.

Main Street Daily Traffic Evaluation

Average annual daily traffic (AADT) volumes were reviewed for the segment of Main Street in front of Walmart on the Wisconsin Department of Transportation (WisDOT) Traffic Count Map interactive mapping Web site. Data was available back through 2006 with the most recent AADT value of 8,700 vehicles per day (vpd) that was counted in 2022. The data shows a roadway that has fluctuated in volume from a low of 5,500 to 9,400 vpd over the past 16 years. The general growth trend taken for the 16 years shows an annual growth rate of slightly more than 2 percent per year.

Main Street is a four-lane undivided roadway through this area. According to the WisDOT Facilities Development Manual, the range of capacity for a four-lane undivided roadway is 17,500 to 47,000 vpd. The exact capacity is influenced by items such as access density and number of left turns. Given the use of Main Street through this area, it was assumed that the capacity is 20,000 vpd. Even the highest AADT of 9,400 vpd from 2018 is only approximately one-half the capacity of Main Street in this area. Exhibit 1 shows the Main Street AADT volumes from 2006 through 2018.

Mr. Brad Marquardt, P.E., Public Works Director
 City of Whitewater
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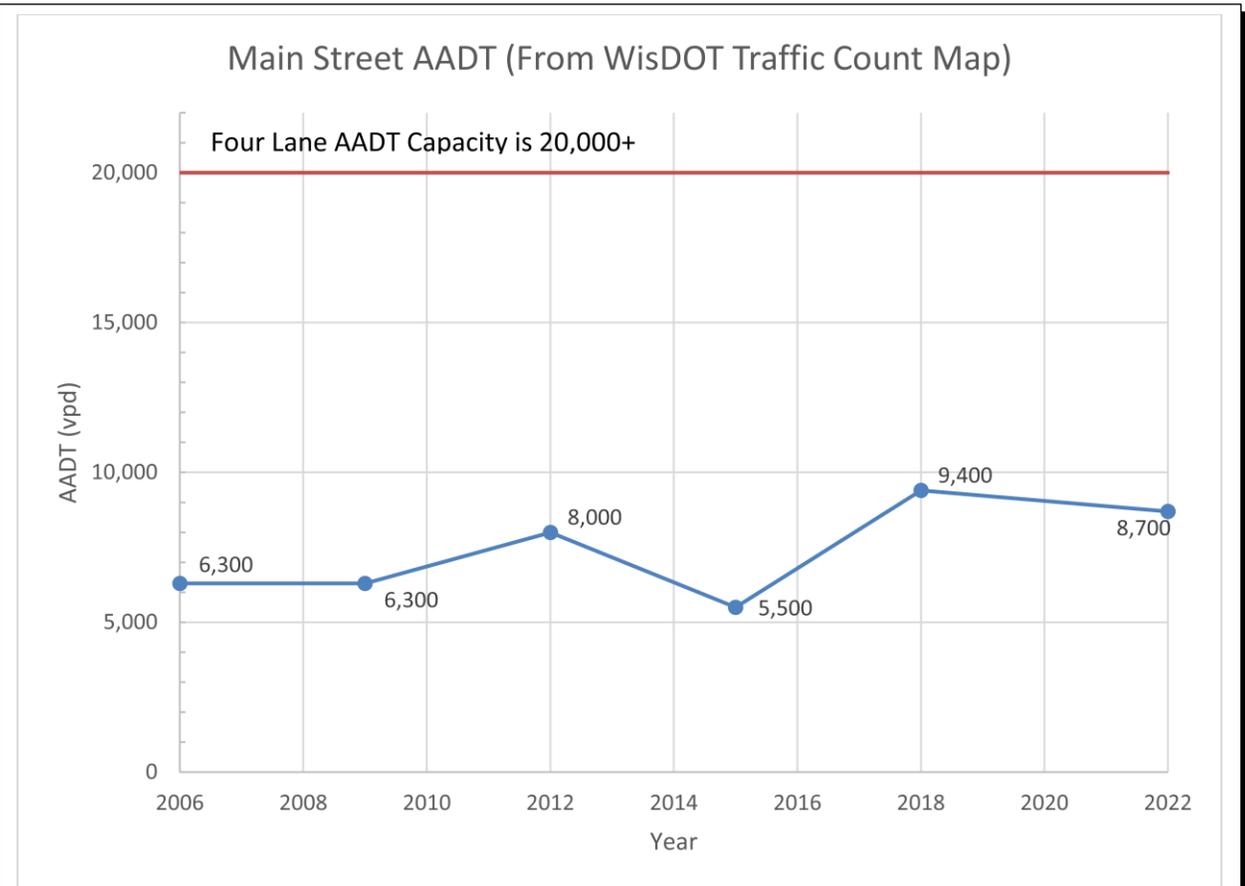


Exhibit 1 Main Street AADT History

ANTICIPATED DRIVEWAY VOLUMES

Strand performed a trip generation using the Institute of Transportation Engineers’ Trip Generation Web-based application based on the *Trip Generation Manual, 11th Edition* to determine the volumes generated by Walmart, the existing Quick Lube, and the proposed Starbucks. Two driveway scenarios were considered. The first is the existing traffic with Walmart and Quick Lube. The second scenario is with Walmart and the proposed Starbucks. Strand also created a comparison summary to show the increase in traffic on the eastern Walmart driveway when Starbucks replaces Quick Lube. The Walmart traffic was assigned to the driveways with 30 percent of the traffic using the west driveway and 70 percent using the east driveway following existing traffic patterns. All traffic from Quick Lube or Starbucks was assigned to the east driveway.

Exhibit 2 shows the driveway volumes in the existing condition.

Mr. Brad Marquardt, P.E., Public Works Director
City of Whitewater
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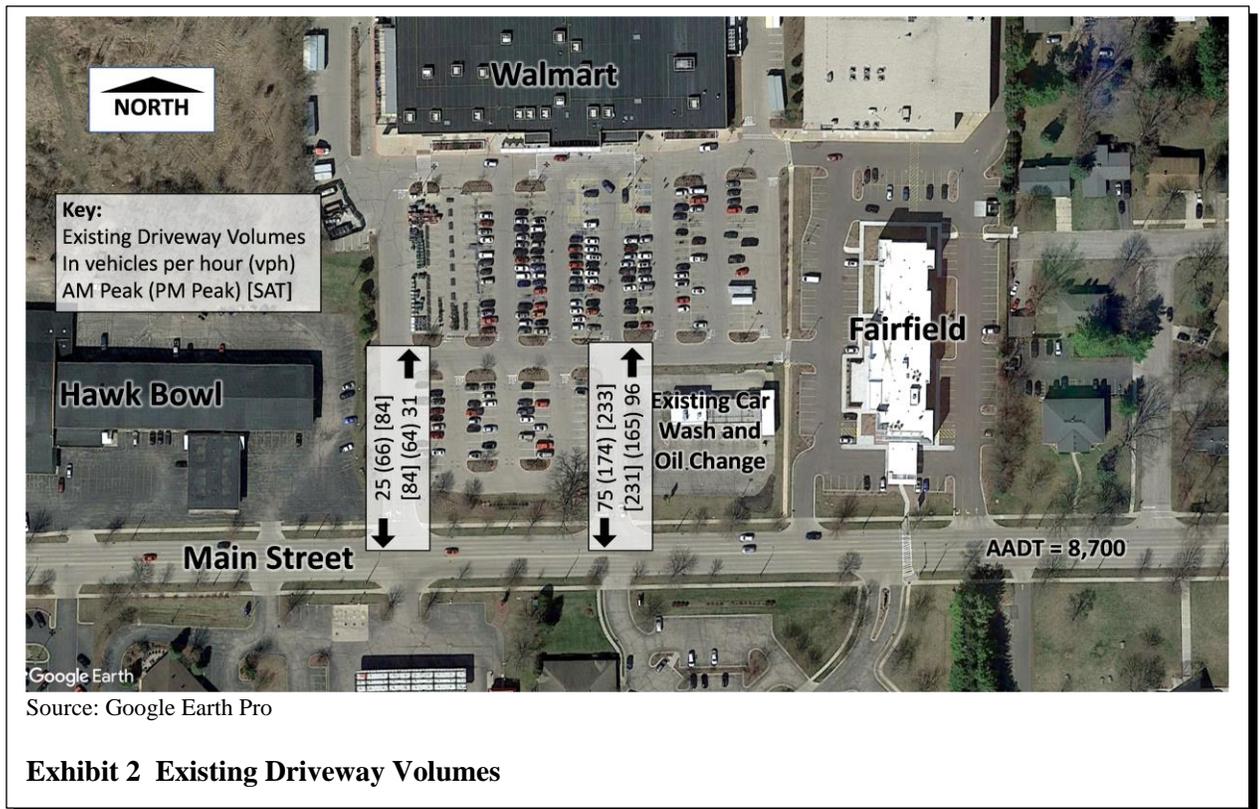


Exhibit 3 shows the driveway volumes with the proposed Starbucks.

Mr. Brad Marquardt, P.E., Public Works Director
City of Whitewater
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Exhibit 4 shows the change in driveway volumes with Starbucks replacing Quick Lube.

Mr. Brad Marquardt, P.E., Public Works Director
 City of Whitewater
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Traffic increases from Starbucks are minimal with the largest volume increases occurring during the AM peak hour as this is typically the busiest time for them. The volume increases that are observed in the field may be slightly lower for the east driveway. Some existing Walmart traffic may shift to the west driveway when Starbucks is busiest to find shorter wait times at the stop signs, resulting in more modest increases at both driveways.

The proposed Starbucks is compatible with the rest of the site as the busy hours for Starbucks are typically different from Walmart. Starbucks is busiest during the AM peak hours when Walmart use and traffic will be at its lowest. Also, during the PM peak hour when Walmart is experiencing heavier traffic, Starbucks is experiencing lower traffic volumes. Saturdays is when the site will likely be busiest as both land uses will likely see increased traffic volume during the late morning hours. It is on a Saturday when it is most likely that some of the Walmart traffic will shift to the western driveway.

Traffic Signal Warrant Triggers

After review of the potential traffic volumes for the site it does not appear that the intersection will satisfy the 8- or 4-hour traffic signal warrants. When Starbucks first opens, there will likely be additional congestion on the eastern driveway as traffic volumes for new stores is typically high at opening. As the overall Walmart and Starbucks site has two driveways, traffic will find an equilibrium between the two driveways over time.

If pronounced delay occurs on a regular basis after the initial opening demand has passed and traffic has had time to adjust, then it may be necessary to conduct an intersection traffic count to evaluate the hourly

Mr. Brad Marquardt, P.E., Public Works Director
City of Whitewater
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turning movement volumes throughout the day. If traffic signal warrant thresholds were met at that time, then discussions on potential traffic control improvements could happen.

Conclusion

The proposed Starbucks that will replace the existing Quick Lube on an outlot to Walmart will result in traffic volume increases on the driveways to the site. The eastern driveway is likely to be most impacted, but the increases are anticipated to be minor. The daily travel patterns for a Starbucks are well suited to a Walmart as they tend to be busier at different times of the day. The section of Main Street that this site is located on has substantial excess capacity to support the redevelopment of the area.

Given the results of this analysis it appears that the proposed Starbucks is a good fit for this site.

Please call 608-251-4843 with any questions.

Sincerely,

STRAND ASSOCIATES, INC.®

A handwritten signature in black ink, appearing to read "Kyle Henderson", with a long horizontal flourish extending to the right.

Kyle R. Henderson, P.E.



Walworth County, WI Land Information Division



Property Details

Municipality: CITY OF WHITEWATER
 Parcel Number: /A170900002
 School District: 6461-WHITWATER UNIFIED SCHO
 Zoning District:

Owner Information

Owner Name: DSDH WHITEWATER LLC
 Owner Name 2:
 Mailing Address: 9251 WILLOW LN
 FREMONT WI, 54940

2022 Valuation Information

Land: \$229,500.00
 Improvements: \$417,200.00
 Total: \$646,700.00
 Acres: 0.7200
 Fair Market Value: \$675,200.00
 Assessment Ratio: 0.9577422900
 Mill Rate: 0.0182041150

Tax Information

First Dollar Credit: \$74.47	School Credit: \$1,077.81
Special Assessment: \$0.00	Lottery Credit: \$0.00
Delinquent Utility Charge: \$0.00	Special Charges: \$0.00
Managed Forest Land Taxes: \$0.00	Private Forest Crop Taxes: \$0.00
Total Billed: \$11,698.13	Woodland Tax Law Taxes: \$0.00
Net Tax: \$11,698.13	

Tax Jurisdictions

GATEWAY TECHNICAL \$430.47
 CITY OF WHITEWATER \$4544.11
 WHITEWATER UNIFIED SCHOOL DIST \$4837.68
 WALWORTH COUNTY \$1960.34

Elected Officials / Voting Districts

Supervisory District: Al Stanek (D4)
 State Representative: Ellen Schutt (R) (Wisconsin's 31st Assembly District)
 State Senator: Stephen Nass (R) (Wisconsin's 11th Senate District)
 US Representative: Bryan Steil (R) (Wisconsin's 1st District)
 US Senator: Ron Johnson (R), Tammy Baldwin (D)

Special Assessments / Charges

Soil Classification

<u>Soil Type</u>	<u>Soil Name</u>	<u>Acres</u>
GsB	GRISWOLD LOAM, 2 TO 6 PERCENT SLOPES	0.7162

Property Address

1280 W MAIN ST WHITEWATER

Legal Description

LOT 2 CERT SURVEY NO. 1709 RECORDED IN VOL 8 CS PG 102 WCR. NW 1/4 SEC 5 & NE 1/4 SEC 6 T4N R15E. EXC COM NE COR LOT 2, S84D33'W 191.94', S5D51'17" E 162.51', ALG ARC OF CURVE, CHORD S29D11'27"E 15.85', S84D 35'28"W TO W LN LOT 2, N5D27"W TO N LN LOT 2, E TO POB. OMITTS /WUP-159A & PART OF /WUP-159. EXC. S 12' OF LOT 2 AS SOLD TO CITY OF WHITEWATER IN VOL 491 PG 739 WCR. CITY OF WHITEWATER

Disclaimer

The information provided in this property information page is not official information. All official tax information is recorded in the Walworth County Treasurer's Office. To verify tax payment/payoff status, contact the Walworth County Treasurer's Office at 262-741-4251.



Office of Public Works
312 W. Whitewater Street
P.O. Box 178
Whitewater, Wisconsin 53190

www.whitewater-wi.gov
Telephone: (262) 473-0139
Fax: (262) 222-5902

May 1, 2023

To: Common Council,
Plan and Architectural Review Commission

From: Brad Marquardt, P.E., Public Works Director

Re: Crash and Citation History on Main Street

The Police Department provided crash and citation history along W. Main Street from 12th Place to Indian Mound Parkway dating back to January, 2018. The following is a breakdown of the data.

CRASH DATA	
YEAR	# OF CRASHES
2018	5
2019	8
2020	3
2021	6
2022	3
2023	3

CITATION DATA	
OFFENSE	# OF CITATIONS
No License Related	101
No Insurance Related	29
Failure to Yield Related	21
Speed Related	52
OWI Related	28
Other	6
Seat Belt	14



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

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

CONDITIONAL USE PERMIT APPLICATION

Address of Property: _____

Owner's Name: _____

Applicant's Name: _____

Mailing Address: _____

Phone #: _____ Email: _____

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

Existing and Proposed Uses:

Current Use of Property: _____

Zoning District: _____

Proposed Use: _____

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

Conditions

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

APPLICATION REQUIREMENTS

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

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

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

STANDARDS FOR REVIEW AND APPROVAL

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

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	

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

Applicant's Signature:  _____

Date: 04/07/2023

Printed: _____

TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

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

ACTION TAKEN:

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

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date

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 to 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 Manager / City Planner. 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 consultants 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.
7. 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. 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 consultant staff 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/or 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 Manager/ City Planner 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 Neighborhood Services Manager / City Planner 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 the 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
Minor Site/Building Plan (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
Major Site/Building Plan (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
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400

**Note: 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 -----

Name of Applicant: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Applicant's Email Address: _____

Project Information:

Name/Description of Development: _____

Address of Development Site: _____

Tax Key Number(s) of Site: _____

Property Owner Information (if different from applicant):

Name of Property Owner: _____

Property Owner's Mailing Address: _____

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the Neighborhood Services Department -----

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

Printed Name of Applicant/Petitioner

04/07/2023

Date of Signature



Signature of Property Owner (if different)

Printed Name of Property Owner (if different)

04/07/2023

Date of Signature

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 _____.
2. Agenda Published in Official Newspaper on _____.
3. Notices of the public review mailed to property owners on _____.
4. Plan Commission holds the public review on _____. 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.

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

City of Whitewater
Application for Plan Review

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: _____
Applicant's Address: _____
Phone # _____

Owner of Site, according to current property tax records (as of the date of the application): _____ _____ _____
Street address of property: _____
Legal Description (Name of Subdivision, Block and Lot or other Legal Description): _____ _____ _____ _____
Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)
Name of Individual: _____
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 Land Use:
Principal Use: _____
Accessory or Secondary Uses: _____
Proposed Use

No. of occupants proposed to be accomodated: _____
No. of employees: _____
Zoning District in which property is located: _____
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;	
B. The proposed development will be consistent with the adopted city master plan;	
C. The proposed development will be compatible with and preserve the important natural features of the site;	
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	

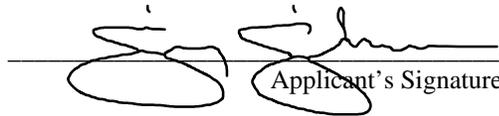
STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	
F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;	
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;	
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	

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.



Applicant's Signature

04/07/2023

Date

APPLICATION FEES:

Fee for Plan Review Application: \$100

Date Application Fee Received by City _____ Receipt No. _____

Received by _____

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: _____

Date set for public review before Plan & Architectural Review Board: _____

ACTION TAKEN:

Plan Review: _____ Granted _____ Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date



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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.

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

A Guide for Applicants

Type of Development Review Being Requested	Planning Consultant Review Cost Range
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Certified Survey Map	Up to \$300
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Annexation	\$200 to \$400
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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.

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Section A: Background Information

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

Applicant's Information:

Name of Applicant: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Applicant's Email Address: _____

Project Information:

Name/Description of Development: _____

Address of Development Site: _____

Tax Key Number(s) of Site: _____

Property Owner Information (if different from applicant):

Name of Property Owner: _____

Property Owner's Mailing Address: _____



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 04/07/2023

Date of Signature 04/07/2023

Chapter 19.27 - B-1 COMMUNITY BUSINESS DISTRICT

19.27.010 - Purpose.

The B-1 community business district is established to accommodate retail shopping and service needs in a manner compatible with the desired community character. The district should be located in relative proximity to residential areas and major traffic routes.

(Ord. No. 1914A, 2-18-2016)

19.27.020 - Permitted uses.

Permitted uses in the B-1 district include:

- A. Art, music and school supply stores and galleries;
- B. Antique, hobby and craft shops;
- C. Automotive and related parts stores, without servicing;
- D. Hotels and motels;
- E. Small appliance repair stores, computer or software sales and service;
- F. Barbershops and beauty parlors;
- G. Banks and other financial institutions without drive-through facilities;
- H. Camera and photographic supply stores;
 - I. Caterers;
 - J. Clothing and shoe stores and repair shops;
 - K. Clinics, medical and dental;
 - L. Department stores;
 - M. Drugstores;
 - N. Florist shops;
 - O. Food and convenience stores without gasoline pumps;
 - P. Furniture stores;
 - Q. Hardware stores;
 - R. Insurance agencies;
 - S. Jewelry stores;
 - T. Liquor stores without drive-through facilities;
 - U. Meat markets;
- Resale shops;

- V. W. Paint, wallpaper, interior decorating and floor covering stores;
- X. Professional offices;
- Y. Restaurants without drive-through facilities;
- Z. Self-service laundries and drycleaning establishments;
- AA. Sporting goods stores;
- BB. Stationery stores, retail office supply stores;
- CC. Variety stores;
- DD. Movie theaters;
- EE. Charitable or nonprofit institutions and facilities;
- FF. Tourist homes and bed and breakfasts;
- GG. Existing residences must meet the following standards:
 - 1. Limited to no more than four unrelated persons.
 - 2. Number of parking spaces is determined using the R-3 parking regulations for the residential units.
- HH. Any other similar uses not specifically listed above that are consistent with the purpose of this district;
- II. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, per the requirements of Chapter 19.55.
- JJ. Light assembly uses including electronics, pottery, printing, contractor shops (heating, electrical, plumbing, general contracting) provided that there are no significant environmental emissions (odor and waste).

(Ord. No. 1914A, 2-18-2016)

19.27.025 - Permitted accessory uses.

Permitted accessory uses in the B-1 district include:

- A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
- B. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
- C. Outside storage and trash dumpsters where located outside of the required yards in Section 19.27.060 of this chapter and enclosed by a decorative opaque fence, wall or landscaping designed to provide a total visual screen;
- D.

Outside display of merchandise, which may be subject to limitations as part of site plan review;

- E. Outside display and temporary storage of motor vehicles where the principal use on the lot includes the sale, repair or servicing of such motor vehicles. No vehicle in inoperable condition shall be stored for greater than thirty days;
- F. Up to two vending machines for dispensing of a product, but only if accessory to a commercial business use. Vending machines may be lit only when the principal use on the lot is in operation, unless such machines are screened from the public right-of-way and adjacent properties;
- G. Outdoor seating for restaurants within designated areas;
- H. Temporary retail uses, such as seasonal and special event sales, subject to the approval of the zoning administrator, who may set specific time and area limitations;
- I. Essential services;
- J. Wireless telecommunications support facilities, per the requirements of Chapter 19.55.

(Ord. No. 1914A, 2-18-2016)

19.27.030 - Conditional uses.

Conditional uses in the B-1 district include:

- A. Entertainment establishments, including clubs, but excluding adult entertainment;
- B. All uses with drive-in and drive-through facilities (for which the conditions shall, among other issues, maintain visual continuity and attractive pedestrian movement along the street fronts);
- C. Automobile and small engine vehicle sales or rental facilities, including incidental repair and service within the principal building;
- D. Automobile repair and service within the principal building;
- E. Car washes;
- F. Private recreation uses;
- G. Public and semipublic uses;
- H. Taverns and other places selling alcoholic beverages by the drink; for which consideration shall be given but is not limited to conditions regarding, the following issues:
 - 1. Parking;
 - 2. Type of business;
 - 3. Signage;
 - 4. Outdoor seating;
 - 5. Provisions for avoiding noise and lighting nuisances;

6. Buffering and fencing consistency;
 7. Compatibility with the immediately surrounding neighborhood or district.
- I. Light assembly/retail uses not permitted elsewhere in this district. Subject to the following restrictions:
 1. No environmental emission (noise, odor, waste);
 2. All truck delivery during weekdays;
 3. All of the requirements of Chapter 19.51, traffic, parking and access, and Chapter 19.57, general performance standards, to be met;
 - J. Gasoline service stations, including incidental repair and service within the principal building;
 - K. Day care centers, adult and child;
 - L. Funeral homes and crematory services;
 - M. Veterinary clinics, provided that no service including animal boarding is offered outdoors;
 - N. More than one principal structure on a lot;
 - O. Large retail and commercial service developments, as described and regulated in Chapter 19.485.
 - P. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.
 - Q. New residential construction or existing residential modification resulting in addition of units or bedrooms. The residential unit must meet the following standards:
 1. A limit of four unrelated persons.
 2. Three hundred fifty square feet of usable open space shall be required for each dwelling unit for structures with two or more units.
 3. Number of parking spaces is determined using the R-3 parking regulations for the residential units.
 4. A first floor residential unit may be permitted if it meets the following standards:
 - a. The unit is ADA compliant.
 - b. Any residential unit access must:
 - i. Exit from the rear of the principal structure; or
 - ii. Have a main street access which must be through a common entryway used by a nonresidential use.
 - c. Not occupy more than fifty percent of the first floor.

(Ord. No. 1914A, 2-18-2016)

19.27.040 - Lot area.

Minimum lot area in the B-1 district is seven thousand square feet for lots existing at the time of adoption of the ordinance codified in this chapter, and fifteen thousand square feet for all other lots.

(Ord. No. 1914A, 2-18-2016)

19.27.050 - Lot width.

Minimum lot width in the B-1 district is fifty feet.

(Ord. No. 1914A, 2-18-2016)

19.27.060 - Yard requirements.

Minimum required yards for principal buildings, outside storage, and dumpsters in the B-1 district are:

- A. Front and street side, fifteen feet (but may be greater if needed to meet fire safety requirements);
- B. Interior side, ten feet, except that no side yard will be required for buildings designed for common wall construction;
- C. Rear, twenty feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen feet under a conditional use;
- D. Shore yard, seventy-five feet. All shoreland shall be in compliance with Chapter 19.46 and in addition may require DNR approval;
- E. Any yard abutting a residential district or residential use, thirty feet or the height of the nearest principal building or structure on the lot being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission;
- F. There shall be no accessory buildings within the required front yard setback.

(Ord. No. 1914A, 2-18-2016)

19.27.070 - Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

(Ord. No. 1914A, 2-18-2016)

19.27.080 - Building height.

Maximum building height in the B-1 district is five stories or one hundred feet (whichever is greater), with the exception that the maximum building height is three stories within one hundred feet of a residential use or a property zoned as a residential district. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.

(Ord. No. 1914A, 2-18-2016)

19.27.090 - Plan review.

Plan review in accordance with Chapter 19.63 shall be required for any development in the B-1 district. Building design shall be consistent with the recommendations of the city's comprehensive (master) plan; contribute to the uniqueness and character of the neighborhood, district and community; and include materials, colors, styles and features tailored to the building's site and context. Substantial modifications to standardized prototype and corporate franchise designs may be required to meet these criteria. Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan; generous in quantity; aesthetically pleasing; appropriate to the site, community and region; and in accordance with accepted professional standards.

(Ord. No. 1914A, 2-18-2016)

19.27.100 - Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued.

The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in Section 18.04.030(a) (1) of the Whitewater Municipal Code. The fee amounts shall be set by the city council. The fee will be recommended by the parks and recreation board and then approved by the common council. The fee will be on record at the city clerk's office.

(Ord. No. 1914A, 2-18-2016)



Neighborhood Services
Department
*Planning, Zoning, Code
Enforcement, GIS
and Building Inspection*
www.whitewater-wi.gov
Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 8th day of May, 2023 at 6:00 p.m. to hold a public hearing regarding consideration of a Conditional Use Permit for a drive-through service lane attached to a proposed restaurant/coffee shop located at 1280 W. Main Street, Parcel #/A 1709 00002: Lot 2 CSM 1709 for DSDH – Whitewater LLC – Dave Herbeck

The Conditional Use Proposal is on file in the Neighborhood Services Office located at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING TO THE NAME AND ADDRESS LISTED BELOW.

For information, call (262) 473-0540

Chris Bennett, Neighborhood Services Director

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Chris Bennett, Director of Neighborhood Services

Date: May 8, 2023

Re: Item 6: Review and possible approval of an extraterritorial Certified Survey Map (CSM) for: Portion of the SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWN 5 NORTH, RANGE 14 EAST, TOWN OF KOSHKONONG, JEFFERSON COUNTY, WISCONSIN

Synopsis

In front of the PARC for consideration is a Certified Survey Map for land in the Town of Koshkonong. Kathy J. Doering-Kilkenny is the owner. Surveyor Mark Miritz executed the CSM because the property is being rezoned.

The parcel is less than a mile and a half from the town's border with the City of Whitewater, which triggers extra-territorial review.

The city recommends the PARC approve the CSM.

CERTIFIED SURVEY MAP NO. _____

CERTIFIED SURVEY MAP OF A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWN 5 NORTH, RANGE 14 EAST, TOWN OF KOSHKONONG, JEFFERSON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, MARK L. MIRITZ, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF KATHY J. DOERING-KILKENNY, OWNER, I HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND THAT THE CERTIFIED SURVEY MAP HEREON SHOWN IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF IT AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATE STATUTES, AND WITH CHAPTER 15 OF JEFFERSON COUNTY ORDINANCE, JEFFERSON COUNTY, WISCONSIN.
A CERTIFIED SURVEY MAP OF A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWN 5 NORTH, RANGE 14 EAST, TOWN OF KOSHKONONG, JEFFERSON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE N 01°17'20" W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36, 615.93 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE CENTERLINE OF OLD HIGHWAY 12 AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE N 01°17'20" W 426.70 FEET TO A FOUND IRON ROD; THENCE N 86°32'24" W 440.62 FEET TO THE CENTERLINE OF OLD HIGHWAY 12; THENCE S 44°45'41" E ALONG SAID CENTERLINE 638.23 FEET TO THE POINT OF BEGINNING, AND CONTAINING 93,678 SQUARE FEET OR 2.15 ACRE(S) OF LAND, MORE OR LESS.



Mark L. Miritz
MARK L. MIRITZ
WI PROFESSIONAL LAND SURVEYOR S-2582
APRIL 1, 2023

OWNER'S CERTIFICATE:

KATHY J. DOERING-KILKENNY, OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED HEREON. I ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL: TOWN OF KOSHKONONG, JEFFERSON COUNTY, CITY OF WHITEWATER.

KATHY J. DOERING-KILKENNY

STATE OF WISCONSIN)
COUNTY OF JEFFERSON) **SS**

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2023
THE ABOVE NAMED KATHY J. DOERING-KILKENNY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

_____, _____ COUNTY, WISCONSIN.
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

TOWN OF KOSHKONONG APPROVAL:

APPROVED BY THE TOWN BOARD OF THE TOWN OF KOSHKONONG ON THIS _____ DAY OF _____, 2023

BILL BURLINGAME, TOWN CHAIRPERSON

JEFFERSON COUNTY APPROVAL:

APPROVED BY THE PLANNING AND ZONING COMMITTEE OF JEFFERSON COUNTY ON THIS _____ DAY OF

_____, 2023

MATT ZANGL, DIRECTOR

CITY OF WHITEWATER APPROVAL:

RESOLVED, THAT THE CERTIFIED SURVEY MAP HEREON, BEING LOCATED IN THE EXTRATERRITORIAL PLAT JURISDICTION AREA FOR THE CITY OF WHITEWATER, WISCONSIN, KATHY J. DOERING-KILKENNY, OWNER, IS HEREBY APPROVED BY THE CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW COMMISSION.

DATED THIS _____ DAY OF _____, 2023. _____
CITY CLERK