

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: March 13, 2022

Re: **Item # 5:** Public hearing for a proposed Conditional Use Permit to sell and serve beer and liquor by the drink (For a “Class B” Liquor License) at 804 W. Walworth Avenue, Parcel #BIR 00014, for Mobin Ahmad.

Summary of Request	
Requested Approvals:	Conditional Use Permit (CUP) to serve alcohol by the drink (“Class B” Beer and Liquor License)
Location:	804 W. Walworth Avenue (Tax Key:/BIR 00014)
Current Land Use:	Retail & Gas Station
Proposed Land Use:	Retail & Gas Station
Current Zoning:	B-1 Community Business
Proposed Zoning:	Same
Future Land Use, Comprehensive Plan:	Community Business

Description of the Proposal:

Mobin Ahmad is the proprietor of the Whitewater Petroleum Company at 804 W. Walworth Avenue in the City of Whitewater. The parcel is the site of a gas station, convenience store and commercial property that is currently vacant.

Ahmad submitted a CUP application to serve alcohol by the drink at the establishment under a “Class B” beer and liquor license.

Ahmad previously applied for a “Class B” beer and liquor license. At its February 9 meeting the city’s Alcohol Review and Licensing Committee recommended that the Common Council approve Ahmad’s request.

At its February 21 meeting the Common Council tabled consideration of the ARLC’s decision, pending approval of Ahmad’s CUP. The Common Council is expected to render a decision, if necessary, on Ahmad’s license application at its March 21 meeting.

Ahmad is planning changes to the interior of the store. Ahmad is planning for an area on the east side of the store where hot food will be served and where liquor and beer will be available, along with some seating.

The sale of alcohol by the glass or bottle is appropriate for this location. Alcohol service is going to be incidental to the food service, and this is likely not going to be an establishment where people come only to drink. There is little reason to expect negative impacts to nearby properties.

PLANNER'S RECOMMENDATIONS

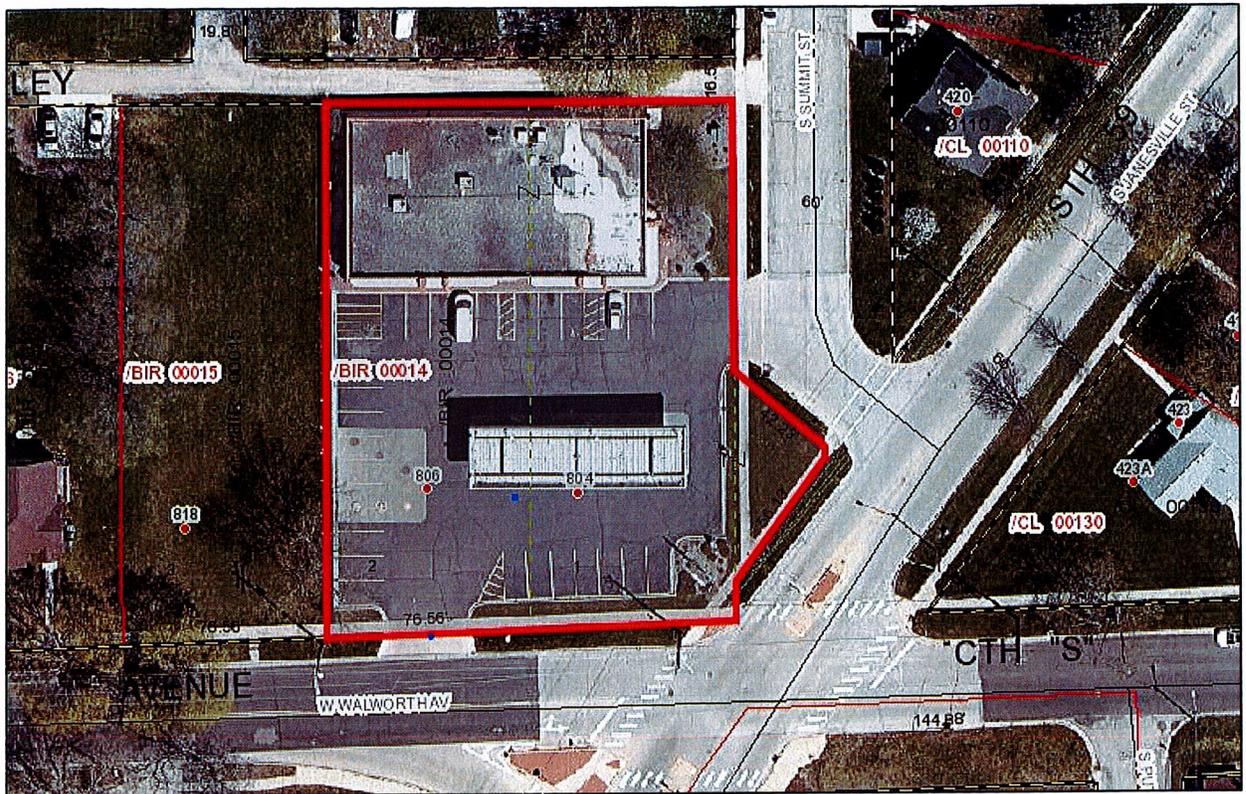
The city recommends the Plan and Architectural Review Commission approve Ahmad's Conditional Use Permit application, subject to the following conditions:

1. The conditional use permit shall run with the business owner and not the land. Any change in business ownership will first require approval of a conditional use permit amendment.
2. No alcohol is to be served outside the hours provided for by statute per the "Class B" beer and liquor license.
3. Alcohol is not to be carried or served outside unless the applicant applies for and receives a sidewalk café permit. Alcohol may be served inside the facility until the restaurant closes in the evening, or until bar time, whichever is earlier.
4. Maximum occupancy is to be established in consult with the fire inspector, fire chief and building inspector.
5. The property shall comply at all times with the city's noise and occupancy ordinances, and may be inspected by the city at any time to ensure such compliance.
6. The applicant must comply with all conditions and statutes applicable to a "Class B" beer and liquor license.
7. Any additional conditions added 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: 804 W. Walworth Avenue (Tax Key:/BIR 00014)		
<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	Property is well-maintained with ample parking. Serving alcohol by the glass at this facility will not depress surrounding property values.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	All regulations are complied with. No concern from the city.
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	All regulations are complied with. No concern from the city.
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 proposed use is consistent with the Comprehensive Plan.





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 13th day of March, 2023 at 6:00 p.m. to hold a public hearing for a Conditional Use Permit to sell and serve beer and liquor (For a Class “B” beer and liquor license) at 804 W. Walworth Avenue, Parcel #BIR 00014, for Mobin Ahmad.

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.

For information, call (262) 473-0540

Chris Bennett, Neighborhood Services Director



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: 804 W Walworth Ave, Whitewater WI 53190

Owner's Name: MOBIN AHMAD

Applicant's Name: MOBIN AHMAD (Whitewater Petroleum Company)

Mailing Address: 804 W Walworth Ave, Whitewater WI 53190

Phone #: 630-853-3093 Email: miles.petroleum@gmail.com

Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): Parcel # BIR 00014
Lots 1 and 2 BLK 2. PT of discontinued of Summit st.

Existing and Proposed Uses:

Current Use of Property: Gas station and convenience store.

Zoning District: _____

Proposed Use: Gas station, convenience store and a grill.

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, de restrictions, highway access restrictions, increased yards or parking requirements may be offer "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

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.	This property is very well maintained. Parking lot is clean and big enough. We have over 20 parking spots. None of the neighbor will face any problem.
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	All the utilities are present. Landscape is in good condition and have plenty of parking.
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.	We will follow all the rules and regulations of the city of Whitewater.
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: Mobin Ahmad

Date: 1-17-23

Printed: MOBIN AHMAD

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: MOBIN AHMAD

Applicant's Mailing Address: 804 W Walworth Ave
Whitewater, WI 53190

Applicant's Phone Number: 630-853-3093

Applicant's Email Address: milespetroleum@gmail.com

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: 804 W Walworth Ave, Whitewater
WI 53190



Walworth County, WI Land Information Division

Property Details

Municipality: CITY OF WHITEWATER
 Parcel Number: /BIR 00014
 School District: 6461-WHITWATER UNIFIED SCHO
 Zoning District:

Owner Information

Owner Name: MOBIN AHMAD
 Owner Name 2:
 Mailing Address: 804 W WALWORTH AV
 WHITEWATER WI, 53190



2022 Valuation Information

Land: \$59,000.00
 Improvements: \$638,700.00
 Total: \$697,700.00
 Acres: 0.7400
 Fair Market Value: \$728,500.00
 Assessment Ratio: 0.9577422900
 Mill Rate: 0.0182041150

Tax Information

First Dollar Credit: \$74.47	School Credit: \$1,162.80
Special Assessment: \$0.00	Lottery Credit: \$0.00
Delinquent Utility Charge: \$200.00	Special Charges: \$0.00
Managed Forest Land Taxes: \$0.00	Private Forest Crop Taxes: \$0.00
Total Billed: \$12,826.54	Woodland Tax Law Taxes: \$0.00
Net Tax: \$12,626.54	

Tax Jurisdictions

GATEWAY TECHNICAL \$464.41
 WHITEWATER UNIFIED SCHOOL DIST \$5219.20
 WALWORTH COUNTY \$2114.93
 CITY OF WHITEWATER \$4902.47

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

DELINQUENT MUNI SERVICES FEE \$200.00

Soil Classification

<u>Soil Type</u>	<u>Soil Name</u>	<u>Acres</u>
PsB	PLANO SILT LOAM, 2 TO 6 PERCENT SLOPES	0.7363

Property Address

804 W WALWORTH AV WHITEWATER
 806 W WALWORTH AV WHITEWATER

Legal Description

LOTS 1 & 2 BLK 2. ALSO THAT PT OF DISCONTINUED SUMMIT STREET
 DESC AS: COM N 1/4 COR SEC 8 T4N R15E, N88D52'57"E 1281.43',
 N1D07'03"W 47.98' TO POB, N0D50'06"E 78.95', S49D28'16"E 42.23', ALG
 CURVE, CHORD S6D06'24"E 6.87', S37D15'28"W 56.13' TO POB. BIRGES
 ADD 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.