

5. There shall be no outside storage on the subject property without Plan Commission approval.
6. No dumpsters may be stored on the property without Plan Commission approval.
7. There shall be no overnight parking of semi trucks or trailers in the proposed parking/loading area east of the building addition, except in emergency situations not more than four times in any calendar year.
8. All exterior lighting shall be full (90 degree) cut-off style lighting, with a high pressure sodium or incandescent light source. The petitioner shall submit a lighting plan for City staff approval prior to the installation of any lights.
9. The existing kitchen and bath store building shall be removed before the proposed building addition is occupied, or earlier if required by the City Council.

Moved by McCrea and Telfer to approve the amendments to the conditional use permit for changes to the proposed "Kitchen and Bath Store" to be located at 417 W. Whitewater Street for Home Lumber with the City Planners recommendations and conditions of :

1. Black Hills Spruce;
2. Maintain the Dryvit band on lower portion of building.
3. Extend the Dryvit band along the bottom of the building along the mansard roof area of the "Kitchen & Bath" retail store.
4. Extend the mansard roof on the eastern elevation over the southern most service door.

Motion approved by unanimous roll call vote.

Jay Savignac stated that once he has his permits and time line, he will go back to the City Council with a construction deadline.

City Planner Mark Roffers stated that the ordinance allows for one year to start the project and two years to finish.

**PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A "CULVER'S" RESTAURANT TO BE LOCATED ON HWY 12/W. MAIN STREET WEST OF HAWK BOWL FOR PHYLLIS FEULING.** Chairperson Gilpatrick opened the public hearing for the consideration of a conditional use permit for a "Culver's" restaurant to be located on Hwy. 12/W. Main Street west of Hawk Bowl for Phyllis Feuling. Zoning Administrator Bruce Parker explained that approval of this proposal is subject to approval of the certified survey map. This is a conditional use because there will be a drive through window. Phyllis Feuling and Tom Stelling, Architect, were present to explain and answer questions.



Tom Stelling explained that the basic structure will be a 98 seat facility. The building will have a blue metal roof with white fascia and soffit. The walls will be split faced white block. The building will have awnings. They would like to have vinyl siding around the back of the building and around to the drive through window. They will be working with City Staff on the new lighting plans.

Jeanette Lee, Gene Lee, neighboring residents speaking for the senior residential facilities on the west side of Whitewater, voiced their opinions for the project. They want to have a "Culver's" in Whitewater. It would be an asset. They all like "Culver's". They drive to Ft. Atkinson and Janesville to go to "Culver's".

Chairperson Gilpatrick closed the public hearing.

The Board voiced their concerns: that the sidewalk along entire Hwy. 12 frontage should be put in at the time of construction; If traffic lights would be considered; move the 25 speed limit sign out to Taco Bell; When the by-pass is in and DOT abandons US Hwy. 12, the City will have jurisdiction and financial responsibility for the current Main Street/Hwy. 12; the possibility of either having the building all brick or with vinyl on two sides, like in Ft. Atkinson; some Board Members prefer shingle roof, some like the metal roof.

Stelling stated that the Staples store and the Westsider have metal roofs. This building will be 500 feet from the nearest residence.

The crosswalk would be located on the east side of Indian Mound Parkway. The City will need to work with DOT to move the speed limit sign further west.

City Planner Mark Roffers recommendations for approval are:

1. The project shall be developed in accordance with the revised site plan (last revision 4/9/01), landscape plan (4/9/01), utility plan (9/11/00), and building elevations (4/9/01), except as indicated below:
  - a) Reduce the size of the monument sign to a maximum of 64 square feet in area and 10 feet in height, provided that it is at least 30 feet from any street right-of-way.
  - b) Show a sign on only one exterior wall of the building, not exceeding 50 sq.ft. in area or 10% of that façade area.
  - c) Clarify that canvas awnings will in fact be provided over the building windows.
  - d) Remove suggestions of vinyl siding from the exterior of the building.
  - e) Indicate that the wallpac light will be shielded and contain a high pressure sodium fixture.

3. Prior to issuance of an occupancy permit, the landscape plan shall be revised and resubmitted for staff approval including the following changes:

- a) Per the requirements of the zoning ordinance, show all existing trees with a diameter of 4 inches or greater. Incorporate appropriate mature trees in the landscape plan.
- b) For the entire Culver's site, add a minimum of eight canopy trees, eight ornamental or evergreen trees, and 70 shrubs.
- c) Within the above total, add an ornamental tree within each of the landscaped islands.
- d) Focus required additional landscaping along the frontages of Highway 12 and the future Indian Mound Parkway, and within the 15 foot wide strip on the east side of the parking lot.
- e) Stone ground cover around the building should be decorative stone.
- f) Remove existing pavement and seed the Highway 12 frontage area of the Hawk Bowl site between the Culver's site and the shared access drive, as delineated on the 3/21/01 site plan.

4. Prior to the installation of any pole lighting, the "Illumination Site Plan" shall be revised and resubmitted for staff approval, including the following changes:

- a) Clearly indicated on all parts of the plan whether 400 watt or 1000 watt fixtures are proposed, with 400 being the preferred option.
- b) Remove "tilt up" installation of light fixtures. Per the City's lighting ordinance, only full cutoff fixture installation (using flat lenses) is permitted per the definition in 19.09.623 of the zoning ordinance.
- c) The type of light fixture shall be approved by staff per the City's lighting ordinance.
- d) Reduce lighting levels so that the maximum lighting level at any property line is 2.0 foot-candles and the average lighting level within within the parking lot is 2.5 foot-candles. (Average parking lot lighting levels may be slightly increased with specific written justification.)

5. Prior to the issuance of a building permit, utility and grading plans shall be subject to the review and approval of the City Engineer and/or Engineering Consultant.

6. Prior to the issuance of an occupancy permit, the applicant shall work with the current (March 2001) property owner and the City to assure that an agreement is in place to comprehensively address stormwater management.

7. prior to the issuance of an occupancy permit, the transportation access plan into the site shall be subject to the review and approval of the City's Engineering Consultant. The petitioner's engineer shall supply any information required by the City's Engineering Consultant on the access proposal, including whether it is adequate to serve anticipated traffic.

8. The petitioner or current property owner shall install public sidewalk along Highway 12 and remove pavement and seed the appropriate areas of the Hawk Bowl site along Highway 12, both as shown on the site plan, at the time the restaurant is developed.

9. At the time Indian Mound Parkway is extended to the west of the subject property, the owner shall install the proposed second driveway, unless directed otherwise by the City.

10. The applicant, current property owner, and/or future property owner shall enter into a "contract for improvements" (development agreement) with the City, specifying responsibilities for public improvements, including the future installation of Indian Mound Parkway, utilities, and stormwater facilities (see condition #1 of CSM approval).

Moved by McCrea and Hutchison to approve the conditional use permit for the proposed Culver's Restaurant to be located on Hwy. 12/Main Street west of Hawk Bowl for Phyllis Feuling with the conditions/recommendations of the City Planner (with number 4 & 5 to be reviewed by City Staff). The motion approves the metal roof and the split stone on the whole building. See exhibits. Motion approved by unanimous roll call vote.

**CERTIFIED SURVEY MAP FOR CULVER'S RESTAURANT TO BE LOCATED ON HWY 12/W. MAIN STREET** There are a couple of changes to the certified survey map. The map is to include two additional easements: a ten foot water utility easement and a 24 foot shared access easement.

City Planner Mark Roffers recommendations are:

1. Prior to the recording of the certified survey map, the subdivider shall enter into a development agreement with the City, specifying responsibilities for public improvements. Specifically, the development agreement shall include the following or similar provisions:

- a) The current owner or any future owner shall be responsible for the dedication of sufficient right-of-way and installation of a street meeting the City's collector street standards in the road right-of-way adjacent to Lot 1 if (i) any development occurs on currently unplatted lands owned by the property owner to the north of Lot 1 or to the immediate west of that right-of-way or (ii) not later than 10 years from the date of execution of the development agreement.
- b) The current owner or any future owner shall be responsible for the installation of acceleration and deceleration lanes on the north side of Highway 12 adjacent to Indian Mound Parkway extended under conditions (i) or (ii) above.
- c) The current owner or any future owner shall be responsible for the installation of any required public utilities in that same road right-of-way (not including signalization) under conditions (i) or (ii) above and as are necessary to adequately serve the Culver's restaurant and nearby future development.