



To: City of Whitewater Plan Commission and City Council  
From: Mark Roffers, AICP, Planning Consultant  
Date: April 5, 2001  
Re: Conditional Use Permit and CSM, Proposed Restaurant with Drive-Through Lane, Culvers Restaurant, Northeast Corner of USH 12 and Indian Mound Parkway Extended

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### **Background Information**

The applicant is requesting Plan Commission approval of a conditional use permit for a Culvers Restaurant on the City's west side. The applicant is also requesting City Council approval of a certified survey map (CSM) to create the 1.58 acre restaurant lot, following a recommendation from the Plan Commission. The site is zoned B-1 Community Business District, allowing restaurants with drive-through lanes as conditional uses.

The proposed Culvers restaurant would have a capacity of 98 persons. The building is proposed to be white or cream colored brick with a blue metal roof (it is unclear whether blue canvas awnings are proposed). Parking for 58 cars is proposed. The project would initially obtain public street access via the existing Hawk Bowl driveway to USH 12.

This project was before the Plan Commission as a concept plan in August 2000. Since that time, the petitioner has revised plans to respond to comments (most plan revisions completed in September), and the City's Engineering consultant reviewed engineering plans. The petitioner and property owner have spent most of this period working with WisDOT on an acceptable plan for road access.

### **Analysis**

In my opinion, this project meets zoning ordinance standards for granting a conditional use permit, subject to the following recommended suggestions, conditions, and a development agreement:

1. The building would be one of the highest quality buildings in the West Main Street area. I suggest that cream colored brick be used. The building elevations are also a little unclear in two respects: canvas awnings should be used and no vinyl siding should be used. The City's sign ordinance allows a wall sign on only one side of the building—the petitioner will have to remove two of the proposed wall signs. Additionally, the proposed monument sign at the southwest corner of the site (sheet S-2) is larger than ordinance maximums.
2. Public road access is a main issue associated with this development proposal. The revised solution for a Highway 12 access location is consistent with the earlier recommendations of both the City's planning and engineering consultants. City staff have reached a verbal agreement with the current property owner (DLK) to build Indian Mound Parkway in the future. A traffic study for the previously-proposed Culver's site in the Mulberry Glen development suggested that one access drive was acceptable there. I would like to have the petitioner's engineer work with the City's consulting engineer to assure that the single shared access to the currently proposed site will be sufficient to handle anticipated traffic.

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3. The City's engineering consultant reviewed a grading plan for this project in October, and offered recommendations in an October 5 letter. Stormwater would not be detained on the site. Neither the current property owner, petitioner, nor City has arrived at a plan for managing stormwater in the general vicinity. Adding close to an acre of hard surface will increase run off downstream. A commitment to comprehensively address stormwater in this area should be part of this development approval.
4. The proposed site layout is well conceived and meets City ordinances. I have a few minor suggestions included in the "recommendations" section.
5. The proposed landscape plan should be upgraded based on standards recently applied to other recent commercial projects on West Main Street. The "recommendations" section of this report includes those upgrade recommendations.
6. The lighting plan does not meet the City's exterior lighting ordinance in terms of the type of fixtures proposed, degree of cut-off angle (full cut-off required), maximum illumination levels, and type of illumination. A significantly revised plan is necessary to meet the requirements.
7. The CSM is basically ready for approval. The complexity and number of public improvement issues suggests that a development agreement between the current property owner and City is warranted, as authorized in the subdivision ordinance.

### **Recommendations**

I recommend that the Plan Commission approve the conditional use permit for the Culver's restaurant at the northeast corner of West Main Street and the future Indian Mound Parkway extension, subject to the following conditions:

1. The project shall be developed in accordance with the revised site plan (last revision 3/21/01), landscape plan (9/11/00), utility plan (9/11/00), and building elevations (8/9/00), except as indicated below.
2. Prior to issuance of a building permit, the site plan shall be revised and resubmitted for staff approval including the following changes:
  - a) The petitioner should consider shifting the central parking aisle, including the two landscaped islands, roughly 10 feet to the south to improve circulation at the drive-through lane entrance area.
  - b) All paved areas shall be shown as being enclosed with concrete curb (double lined).
  - c) A 5-foot wide concrete walkway and crosswalk shall be added between the proposed public sidewalk in Highway 12 and the proposed walkway running along the east side of the Culver's store.
  - d) The proposed public sidewalk along Highway 12 shall be relocated slightly south near the southeast corner of the property so that all parts of it are in the public right-of-way.
  - e) Dumpster enclosure materials shall be indicated, and shall be compatible with the building.
  - f) A small bike rack shall be shown, labeled, and later installed.
3. Prior to issuance of a building permit, the sign plan and building elevations shall be revised and resubmitted for staff approval including the following changes:
  - 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 least 30 feet from any street right-of-way.

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- 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.
4. 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.
  5. 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 indicate 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 cut-off fixture installation (using flat lenses) is permitted per the definition in 19.09.623 of the zoning ordinance.
    - c) Per the City's lighting ordinance, convert fixtures from metal halide to high pressure sodium.
    - d) Reduce lighting levels so that the maximum lighting level at any property line is 2.0 footcandles and the average lighting level within the parking lot is 2.5 footcandles. (Average parking lot lighting levels may be slightly increased with specific written justification.)
  6. 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.
  7. 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.
  8. 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.
  9. 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.
  10. 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.

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11. 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 #2 of CSM approval).

I further recommend that the Plan Commission recommend City Council approval of a one lot certified survey map (CSM) to facilitate this development, subject to the following conditions:

1. Prior to receiving City signatures on the certified survey map, the following changes shall be made to the CSM:
  - a) Show a "shared access easement" and a 10 foot wide utility easement along the north property line of Lot 1.
  - b) Add the following note: "NOTE: The shared access easement shall allow cross access for future commercial development in the vicinity, if determined appropriate by the City of Whitewater. The owner of Lot 1 may not restrict cross access or any necessary driveway construction to facilitate cross access."
  - c) On the second page, change the name of the City Clerk to Michele Smith.
2. 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.
  - d) The current owner or any future owner shall install sidewalk along the full length of Lot 1 in the West Main Street right-of-way upon the development of the restaurant on Lot 1, and along both sides of the future collector street under conditions (i) or (ii) above.
  - e) The current owner or any future owner may, at the City's discretion, be responsible for providing land and/or contributing a proportionate financial share to a regional stormwater solution to address current and future runoff from the current landholdings.
  - f) The current owner shall provide to the owner of Lot 1 perpetual cross-access rights to use the Hawk Bowl access drive to Highway 12.

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