

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
June 10, 2019

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

Call to order and roll call.

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Greg Meyer, Lynn Binnie, Bruce Parker, Tom Miller, Sherry Stanek, Lisa Dawsey Smith (Alternate). Absent: Andrew Crone, David Stone. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

Election of Officer Chairperson, Vice-Chairperson, Plan Commission Representative, the Community Development Authority, Plan Commission Representative to the Urban Forestry Commission and Plan Commission Representative to the Technology Park Architectural Review Committee. City Planner Chris Munz-Pritchard asked for nominations for Chairperson. Moved by Bruce Parker and seconded by Tom Miller to nominate Greg Meyer for Chairperson. No other nominations. Motion approved by unanimous voice vote. Moved by Miller and seconded by Stanek to nominate Lynn Binnie for Vice-Chairperson. No other nominations. Motion approved with all ayes except Binnie abstained. Moved by Stanek and seconded by Miller to nominate Bruce Parker for the Plan Commission representative to the Community Development Authority. No other nominations. Motion approved by unanimous voice vote. Moved by Miller and Meyer to nominate Sherry Stanek for the Plan Commission representative to the Urban Forestry Commission. No other nominations. Motion approved by unanimous voice vote. Moved by Parker and seconded by Stanek to nominate Greg Meyer for the Plan Commission representative to the Technology Park Architectural Review Committee. No other nominations. Motion approved by unanimous roll call vote.

Hearing of Citizen Comments. There were no citizen comments.

Approval of Plan Commission Minutes. Moved by Stanek and seconded by Miller to approve the Plan Commission minutes of May 13, 2019. Motion approved by unanimous voice vote.

Public hearing for a conditional use permit to allow for a restaurant with a drive through and a certified survey map at 1415 W. Main Street (Tax ID “s /A3014 0000e and /876 00001) for ALB Restaurants Properties LLC. (Mike Breitfelder). City Planner Chris Munz-Pritchard explained the proposal. They need a conditional use permit in order to have a drive through facility. 1415 W. Main Street is a combination of two parcels. A certified survey map will expand the smaller lot to make it a buildable lot. The minimum lot area requirement is 15,000 sq. ft. per lot. The proposed lot size for the restaurant meets the minimum requirement. City Planner Munz-Pritchard read her recommendations. When the permit is submitted, site grading, utility, stormwater management and traffic circulation will need to be provided.

Mike Breitfelder, ALB Restaurants Properties LLC. stated that Main Street does not have much available space, but they feel they have found a good use for this space. They have talked with both the True Value Hardware and Burtness who feel that this restaurant would be a good addition here. When asked about the parking could be moved further away from the sidewalk, Mike Breitfelder responded that they need to keep the flow for the driveway. They do comply with the setbacks.

Plan Commission Members voiced concerns of: needing a buffer yard for parking; will the restaurant share signs with the hardware store?

City Planner Chris Munz-Pritchard noted that the sign would be too tall if they combine the two signs and would not be structurally sound. There is quite a bit of frontage for the two properties. They will come back for sign approval if they need to.

Mike Breitfelder stated that there was no way to add to the existing sign. It would need to be taken down, do an engineering study and build it to meet the municipal code so that it would not have to come back to the Plan Commission for approval.

Gordon Converse lives near the area. He voiced his concern of only having one driveway for three businesses.

Mike Breitfelder stated that a backup exiting to Main Street is not a concern. They have a stacking length for five cars from the menu board to the pickup window and space for an additional 5 cars behind that.

Plan Commission voiced concerns of: setback for parking from the public right of way; is the driveway to the three properties wide enough to have in and out arrows painted on it?; remove the reasonable hours of operation from the recommendations; the stacking of vehicles at the stop sign at the exit to Main Street; has a reverse drive through been considered?

Mike Breitfelder stated that people will figure out the flow of vehicle traffic. They will be able to identify issues within the first few weeks. If they find they need a stop sign or a yield sign from their property, they will install one.

Moved by Stanek and seconded by Binnie to approve the conditional use permit to allow for a restaurant with a drive through and a certified survey map at 1415 W. Main Street (Tax ID #'s /A3014 00002 and /876 00001) for ALB Restaurants Properties LLC. (Mike Breitfelder) with the City Planner recommendations with the addition of "if there is any way the grassy area could be in line with the parking lot to east"; and remove the condition on the hours of operation. Aye: Stanek, Binnie, Miller, Parker, Dawsey Smith, Meyer. No: None. Motion approved. (See attached conditional use permit.)

Public hearing to consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification

under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area:

<u>Property Address:</u>	<u>Tax ID #:</u>	<u>Property Owner:</u>
256 S. Franklin Street	/CL 00106A	Mr. Whitewater Property Management LLC. (Brad Ceranske)

This item will be discussed with the following item.

Public hearing for consideration of a conditional use permit, in an R-2A Overlay Zoning District, to allow for 4 unrelated persons per unit to live in the house located at 256 S. Franklin Street for Mr. Property Management LLC. (Brad Ceranske). Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the home located at 256 S. Franklin St. according to City files was built approximately 1885. The home has 4 bedrooms and 1 bathroom. The first floor has 1,032 sq. ft. and the ½ story has 504 sq. ft. for a total of approximately 1500 sq. ft. For four persons, the amount of habitable space required is 1390 sq. ft. Per the Building Inspector’ measurements there are 1203 sq. ft. The entire building is existing, nothing has been altered in a very long time. There is a partial basement which is unfinished. Munz-Pritchard read her recommendations if the Plan Commission chose to approve. (Per the applicant, the home has 1820 sq. ft.)

Chairperson Meyer opened for public comment.

Brad Ceranske stated there were 5 bedrooms and 2 bathrooms when he bought the house. It has good parking and is close to campus. When asked about protecting the lawn on the boundaries of the driveway, Brad suggested that he could provide arborvitae bushes. The neighbor already has some flower boxes close to the driveway.

Plan Commission members voiced concerns of: discrepancy in calculations of square footage of usable space (over 600 sq. ft. difference from Building Inspectors measurements); at the last meeting there was a shortage of 61 sq. ft. of usable space in order to allow for 5 persons to live in a residence, in which the 5th person was denied; owner knows the wiring from the house to the garage is a fire hazard; is the square footage requirement stated in the ordinance?

Chairperson Meyer closed public comment.

City Planner Chris Munz-Pritchard explained that at the time the R-2A Overlay ordinance was approved, it didn’t specify if any changes could be made. Livable space is spelled out in our ordinance. 400 sq. ft. for the first person, 330 sq. ft. per each additional person.

Plan Commission members voiced concerns of: some homes have been converted (for ex. adding a 4th bedroom); would like the condition of housing stock maintained; need to know what is

allowed or not allowed for habitable space square footage; a three season porch is not considered habitable space.

City Attorney McDonell stated that this was a two pronged procedure. The Plan Commission is to make a recommendation to the City Council on the zoning, regardless of their decision on the conditional use permit. If the Plan Commission decides there is insufficient sq. ft. to grant the conditional use permit, less sq. ft. than what is mandatory, Plan Commission could deny the conditional use permit. If the Plan Commission denies, the applicant could appeal to the Board of Zoning Appeals.

Moved by Stanek and seconded by Binnie to recommend to the City Council to deny the change in the District Zoning Map for the parcel located at 256 S. Franklin Street, Tax Parcel # /OT 00188 to an R-2A Residential Overlay District Zoning Classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater due to there not being enough square footage per ordinance. Aye: Stanek, Binnie, Miller, Parker, Dawsey Smith, Meyer. No: None. Motion approved.

Moved by Binnie and seconded by Dawsey Smith to deny the conditional use permit for 4 unrelated persons to live in the house at 256 S. Franklin Street due to not enough square footage in the home per the ordinance. Aye: Binnie, Dawsey Smith, Miller, Parker, Stanek, Meyer. No: None. Motion approved.

Public hearing to consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area:

<u>Property Address:</u>	<u>Tax ID #:</u>	<u>Property Owner:</u>
271 S. Janesville Street	/CL 00104	Ceranske Property Management LLC. (Brad Ceranske)

This item will be discussed with the following item.

Public hearing for consideration of a conditional use permit, in an R-2A Overlay Zoning District, to allow for 4 unrelated persons per unit to live in the house located at 271 S. Janesville Street for Ceranske Property Management LLC. (Brad Ceranske). Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained the history of the property. The home was built in the 1900's and has 4 bedrooms and 1 bathroom. According to the City file, the first floor has 969 sq. ft. and the ½ story has 713 sq. ft. for a total of 1682 sq. ft. The conditional use application has 1600 sq. ft. On June 5, 2019 the Building Inspector measured the home and found 748.5 sq. ft. on the 1st floor and 554.5 for the ½ story. There are no signs of any recent changes to the building. 4 parking stalls would be required. Munz-Pritchard read her recommendations.

Chairperson Meyer opened for public comment.

The applicant Brad Ceranske explained that the house is a large 4 bedroom house. It has new windows, siding, has a full basement and is in a good location. They measured the home with wall to wall measurements.

Plan Commission Members voiced concerns of: when the Building Inspector finds a safety concern, does he let the owner know? For example, the loose handrail and another one missing; don't see how 400 sq. ft. is calculated; discrepancy is the hallways, porches and staircases.

There was no further public comment. Chairperson Meyer closed the public comment.

Plan Commission Members voiced concerns of: does the ordinance include closets? closets would not add enough sq. ft. to make up the difference. Four adults living in one unit need more space than a family.

City Attorney McDonell stated that specifically the ordinance does not address closets.

City Planner Chris Munz-Pritchard explained that when Brad Ceranske realized he was over occupying, he came in to try to make it right and submitted a conditional use application.

Brad Ceranske suggested that maybe the parameters should be looked at on a case by case basis.

Plan Commission Member Binnie noted that this property is closer to the standards, but in reality, per measurement, this home is short by exactly the same square footage as the previous item. Plan Commission's hands are tied.

Moved by Binnie and seconded by Parker to recommend to the City Council to deny the change in the District Zoning Map for the parcel located at 271 S. Janesville Street, Tax Parcel # /CL 00104 to an R-2A Residential Overlay District Zoning Classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater due to not enough square footage to meet the ordinance for 4 unrelated persons. Aye: Binnie, Parker, Stanek, Miller, Dawsey Smith, Meyer. No: None. Motion approved.

Moved by Binnie and seconded by Stanek to deny the conditional use permit for 4 unrelated persons to live in the house at 271 S. Janesville Street due to not enough square footage in the home per the ordinance. Aye: Binnie, Stanek, Dawsey Smith, Miller, Parker, Meyer. No: None. Motion approved.

Public hearing for a conditional use permit to allow for an approximately 40' x 48' detached accessory structure (garage) in the street yard at 724 S. Wisconsin Street for Bruce Parker. Plan Commission Member Parker recused himself from the Board.

City Planner Chris Munz-Pritchard explained that Bruce Parker is applying for a conditional use permit to have a detached accessory structure in the street yard area at 724 S. Wisconsin St. He

is proposing an approximately 1900 sq. ft. building. There must be a minimum of 50 ft. setback from the property line, minimum side yard setback of 10 feet. A conditional use permit is required for a structure more than 800 sq. ft. in size. Bruce Parker dropped off a new site plan for the garage, due to electrical lines through the yard and overhead (We Energies requirement). He will have to rotate it about 90 degrees and move it north about five feet. The building will need to match the existing house; the driveway reconfigured to line up with the garage door; and have no more than 15 feet in height (the average height between the peak and the eave of the roof). Bruce Parker will need to agree to remove the existing garage. The lot is 87,000 sq. ft. which would allow for a 1700 sq. ft. accessory structure. The structure fits the guidelines.

Chairperson Meyer opened for public comment.

Bruce Parker stated that he has a problem getting all his toys under one roof. There are power lines over the existing garage. The underground lines require him to move the structure further forward if it is to face the street. The gable end roof allows for some high storage. He is trying to make the building look rustic. The colors will match the house, gray and white. He would like the driveway to go to the center door. He explained that there were a few obstacles to putting the garage in the rear yard, the slope of the yard and the flood plain area. He thinks he will be able to meet the height requirements. His motor home requires a 14 foot high door.

Chairperson Meyer closed the public comment.

Plan Commission Members voiced concerns of: Plan Commission has approved similar before; the applicant's options are limited; the building is not close to neighbors; the closest neighbor Plan Commission has not received any objections to the structure; it is a weird lot; and limitations with the wetland area.

There was a discussion on the amount of time to be allowed for the removal of the existing garage. The applicant asked for 2 years; the Planner thought more than a year. It was suggested to compromise with 18 months.

City Attorney McDonell stated that there is a period of time in which a conditional use is to be started and completed. Because of this time limit, he felt the Plan Commission was in good shape with the 18 months.

Moved by Stanek and seconded by Binnie to approve the updated plan (new location) for the detached accessory structure in the street yard at 724 S. Wisconsin Street for Bruce Parker with the City Planner recommendations and with the removal of the existing garage within 18 months of the completion of the new structure.

Information Items:

City Planner Chris Munz-Pritchard stated that City Attorney Wallace McDonell will run the July 8, 2019 meeting while she is on vacation.

Heritage Days is June 23, 2019. There will be food trucks at the Library and Historic Home Tours. Tickets for the Tours are \$15 and will go toward the rehab at the Bassett House. The Main Street Art will be displayed at the Arts Alliance during Heritage Days. They are 2' x 4' plywood. The theme for the paintings is: Portal to Whitewater.

- a.** Possible future agenda items. Reminder of the July 18, 2019 Local Planning and Zoning Workshop. Please register as soon as possible as spaces are limited.
- b.** Next regular Plan Commission Meeting – July 8, 2019.

Moved by Stanek and seconded by Dawsey Smith to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:50 p.m.

Chairperson Greg Meyer