



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW  
COMMISSION

Agenda

January 14, 2013

City of Whitewater Municipal Building  
312 W. Whitewater St., Whitewater, Wisconsin

6:00 p.m.

1.	Call to order and Roll Call.
2.	<b>Hearing of Citizen Comments.</b> 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.
3.	Review minutes of October 8, 2012, October 22, 2012, and November 12, 2012.
4.	Plan Commission Training Session.
5.	Information Items: a. Update on Zoning Rewrite. b. Possible future agenda items. c. Next regular Plan Commission Meeting – February 11, 2013
6.	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 c/o Neighborhood Services Manager, 312 W. Whitewater Street, Whitewater, WI, 53190 or [jwegner@whitewater-wi.gov](mailto:jwegner@whitewater-wi.gov).

The City of Whitewater website is: [whitewater-wi.gov](http://whitewater-wi.gov)

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
October 8, 2012

**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, Karen Coburn, Bruce Parker, Jacob Henley, Rod Dalee, Cort Hartmann.

Absent: None.

Others: Wallace McDonell (City Attorney), Latisha Birkeland (Neighborhood Services Manager/City Planner).

**Hearing of Citizen Comments.** There were no citizen comments.

**Approval of the Plan Commission Minutes of September 10, 2012.** Moved by Binnie and seconded by Coburn to approve the Plan Commission minutes of September 10, 2012. Motion approved by unanimous roll call vote.

**Review proposed Extra-territorial Certified Survey Map for a land division to create two residential lots located on Piper Road for Steve Piper.** City Planner Latisha Birkeland explained that the land for this certified survey map is located in Cold Spring Township, Jefferson County. They are just creating one lot, the most western lot. The remaining parcel is 32 acres. This land is outside the City sewer service area and immediate growth area. The township has already approved the certified survey map. The City has no issues with this proposal.

There were no citizen comments.

Moved by Binnie and seconded by Parker to approve the proposed extra-territorial certified survey map for a land division to create a residential lot located on Piper Road for Steve Piper subject to the conditions of the City Planner. (See attached Extra-Territorial Certified Survey Map approval.) Aye: Meyer, Binnie, Coburn, Parker, Henley, Dalee, and Hartmann. No: None Absent: None. Motion approved by unanimous roll call vote.

**Public hearing for consideration of a conditional use permit to allow for an automotive repair business to be located at 648 S. Janesville Street for David S. Meyer.** City Planner Latisha Birkeland explained that every year the City reviews inoperable vehicle licenses. Because of the inoperable vehicles sitting on the lot at Meyer's Auto Supply, Mr. Meyer was sent an application form. As there has not been a license for the property for a long time, City Staff researched and found that the Common Council had removed the inoperable license permit

at their September 5, 1995 meeting, requiring that all inoperable vehicles be removed, terminating the license and not allowing a renewal license as of November 6, 1995. The property was under different ownership at that time.

Meyer's Auto Supply has been performing auto repair work on this property, which is the reason for the inoperable vehicles on the lot. Auto repair work is considered a conditional use in the B-1 Zoning District. Mr. Meyer is requesting a conditional use permit for automobile repair and service so he can continue his business there.

The Plan Commission voiced concerns: that the fence should be an opaque fence; the fence on the west lot line should be installed yet this fall; the fence should not have to be installed until there is development; the fence would be important for the land behind the building with the trees which has a designation of R-1 Zoning.

David Meyer explained that he has had the repair shop for three years come December. He works on between 2 and 10 vehicles per day. The inoperable vehicles will be parked on the west portion of the lot.

City Planner Birkeland explained that the fence being installed now would insure that it would be there when there was development of the neighboring properties.

Plan Commission Member Parker explained that the critical fence to be installed would be the north lot line, from the northwest corner of the lot to the west lot line. This part of the fence should be installed as soon as possible. The opaque fence should be at least 6 feet tall.

Chairperson Meyer opened the hearing to the public.

Ann Zarinnia asked if the owner would be responsible for the cost to put up the fence.

City Attorney McDonell explained that with a Conditional Use Permit (CUP), the Plan Commission can put reasonable conditions on the permit. And it is the responsibility of the property owner to pay for those requirements. Non-conforming or grandfathering is a different issue and not what we have here.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Coburn to approve the conditional use permit to allow for an automotive repair business to be located at 648 S. Janesville Street subject to three conditions. (See attached Conditional Use Permit Approval.) Ayes: Binnie, Coburn, Meyer, Henley, Parker, Dalee. No: Hartmann. Motion approved.

**Public hearing for consideration of a change of the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 9, specifically Section 9.06.010 Livestock, addressing an amendment to allow for a permitted use for the keeping of a small number of backyard chickens in Whitewater residential areas.** Latisha Birkeland explained that there are two known properties that have

chickens. A stay was made to allow the chickens to remain where they are until an amendment to the livestock ordinance was considered. Other communities in the area have adopted ordinances to allow for chickens in residential areas.

Peter Underwood, 1638 W. Wildwood Road, wanted to include Christian Zaballos as part applicant, as he is very interested in allowing chickens in residential areas and wanted to give his allowance of \$25 to contribute toward the cost of the application. Peter Underwood stated that his and his wife's interest in chickens was related to their concern for community and environmental sustainability, and the fact that they have friends in other communities who have raised chickens.

Prior to investing in their own chickens, they contacted all their neighbors. They all were o.k. with idea. So he ordered his chickens (sexed chickens – which means he got all female chickens, no roosters). They wanted to be unobtrusive, so they made a mobile chicken tractor which can be moved to fresh grass every couple of days and had poultry netting which they used when they were home to allow the chickens a larger area to run. The violation of the chickens was not by complaint, but only that they existed. Underwood explained the extensive back up material he provided which included letters from Ron Kean, UW-Extension Poultry Specialist, from the College of Agriculture and Life Sciences at the University of Wisconsin, Madison, and from Shelby Molina D.V.M. , District Veterinarian, WI Dept. of Agriculture, Trade & Consumer Protection. Both gave a lot of information for raising chickens in an urban area. Peter Underwood also wrote a template for an ordinance for Whitewater. He suggested a minimum of 4 chickens, but 6 would be best. They are social animals. A small flock of birds would require a small structure. Chicken tractors can be moved every couple of days or put in the shade on hot days. Underwood was concerned about required setbacks for the structure. The larger the setback, the less room he would have to move his chicken tractor in.

Plan Commission Member Binnie thanked the Underwoods for all the work they put in. He agreed that backyard chickens should be allowed. He wanted some clarity of the fencing and was impressed with the recommendations of Shelby Molina D.V.M. for a model ordinance. A few items needed to be added to the proposed City Ordinance which include: no breeding or hatching; poultry feed and storage, waste composting. Binnie did not feel the City needed to have a permit or site plan.

Peter Underwood stated that he has seen a mix across the board for communities for permits and fees. He feels that the permits and fees just add a layer of work for the City Staff. He recommends that if there is a permit required that the property owner apply for the permit which would then be approved by the city.

Chairperson Meyer opened the public hearing for public comment.

Jeff Knight expressed his concerns of making sure having chickens in an urban area is done properly. The Underwoods are a good model for how to do it. Knight's Son and Daughter-in-law live in another community near a home that has chickens. The chickens are not very well taken care of and at times run loose around the neighborhood which is not a pristine opportunity.

Knight liked that fact that the Underwoods asked their neighbors about raising chickens in their back yard.

Ann Zarinnia, who lives next door to the Underwoods, stated that Peter Underwood had come to talk to them about having chickens. Since the chickens have lived there, the neighbors have enjoyed them. Their grandchildren love them. There are no smells or sounds. The chickens not only provide healthy food or are pets, but they provide for a better way of life. Whitewater has changed in the last 20 years. This is a huge opportunity for the City. It will help reaffirm what Whitewater is all about. It will be good for kids in Whitewater. Zarinnia also felt that it might be possible for the high school shop class to build chicken coops and then sell them.

Sharon & Rob Holden, 255 S. Indian Mound Parkway, thoroughly enjoy the chickens. They provide for a sense of community by bringing people together. They are very educational. There is no negative impact on property values.

Rollie Cooper, 1127 W. Walworth Ave., explained that he had started raising chickens when he was 10 years old as a 4H project. His family had 100 chickens every year. None of their projects generated complaints. He is very thankful for Whitewater and being able to raise animals and plants. He would encourage a limit of 8 chickens in order to feed a larger family or extended families. There is a period of time when chickens molt and during that time do not lay eggs. He is strongly in favor of the proposal.

Kristine Zaballos, lives in Whitewater and works for the UW-Extension which is responsive to people. The Extension writes for the community's best interest. Zaballos is also a former Plan Commission member. They have 1 1/3 acres in the City of Whitewater. In the recent past their property was an operating farm. The Zaballos family keeps bees. Prior to starting them, they did ask their neighbors. They have been doing this for four years. Zaballos feels that the less regulations we have, the better it is for the community. She thinks that as a community we can handle it. She supports the ordinance change.

Christian Zaballos expressed his support of the ordinance change, as being able to have chickens would help teach children responsibility; if there is an excess of eggs, they could be shared with neighbors; and the opportunity would build community.

Chairperson Meyer closed the public hearing.

Plan Commission Member Bruce Parker stated that he was 100 % for this proposal. He likes the coop design. Plan Commission must look at what will fit the entire community. There are homes within 2 feet of property lines, so there needs to be a setback (18 inches would be too close). Six or eight chickens would not make that much difference.

When asked what was the minimum area needed per chicken, Peter Underwood explained that the size of the enclosure should allow for 2 sq. ft. per hen (for the coop enclosure) with adequate run space. (You could allow 3 sq. ft.) The chickens do like to roost. It would be good to provide a perch in the upper area inside the enclosure. Peter felt that a 5 foot setback from the property line would be appropriate.

Plan Commission Member Hartmann questioned the number of chickens and had concerns of the other animals that may be attracted into neighborhoods because of them. The chicken droppings set in the ground become dust and then can become airborne and possibly cause disease. He was also concerned if a chicken gets loose and hurts someone, who is liable? Hartmann would also like to make sure a property owner checks with his neighbors before acquiring chickens.

Peter Underwood explained that there are potential diseases from most all animals. Injury potential by a hen is very minor. Hens are much safer than dogs or cats. Underwood also suggested that neighbor approval is not always the best way to work it. It can create difficulty in enforcement. It would be best to create the ordinance to minimize the nuisance.

Moved by Binnie and seconded by Meyer to have City Staff work on an ordinance amendment. Any public comments should be given to City Staff. Any permit would not be a conditional use. A staff permit would be made in perpetuity. The ordinance should include items from Shelby Molina, D.V.M.'s communication. The draft ordinance amendment will be presented to Plan Commission for their review and recommendation to the City Council. Ayes: Meyer, Binnie, Coburn, Parker, Henley, Dalee, Hartmann. No: None. Motion approved.

**Review and make recommendation to the City Council for the discontinuation of the abandoned unpaved alley between East North Street and East Main Street West of and adjacent to the Oak Grove Cemetery in the City of Whitewater.** City Planner Latisha Birkeland explained that the property owner who owns lots 6 & 7 on N. Wakely Street would like to make a lot facing E. North Street, and requested the alley way be vacated.

City Attorney McDonell stated that there is a lot on Wakely Street that has been deeded to the City that would receive part of the land. Once an alley is abandoned, one half of the property goes to each abutting property owner. This will be on the Common Council agenda for November 20, 2012. This is one of Plan Commission's miscellaneous duties. Whenever there is a change in an alley or street, Plan Commission reviews and comments, in this case, a recommendation to the Common Council if the alley should be discontinued.

Chairperson Meyer opened for public comment. There were no public comments. Chairperson Meyer closed public comment.

Plan Commission Member Parker suggested that the owner of lots 6 & 7 check into available utilities on E. North Street.

Moved by Parker and Seconded by Hartmann to approve and make recommendation to the Common Council to approve the discontinuation of the abandoned unpaved alley between E. North Street and E. Main Street west of and adjacent to the Oak Grove Cemetery in the City of Whitewater. Ayes: Meyer, Binnie, Coburn, Parker, Henley, Dalee, Hartmann. No: None. Motion approved.

**Informational Items:**

**Zoning Rewrite.** City Planner Latisha Birkeland explained that the last Zoning Rewrite Committee meeting was held on September 19<sup>th</sup>. Since that time, City Staff has been trying to determine what is best for public participation and how to move things along more smoothly. City Attorney McDonell explained that the Zoning Ordinance changes would come to the Plan Commission to hold the public hearing and then make recommendation to the City Council. When the ordinances come to the Plan Commission they will be very detailed.

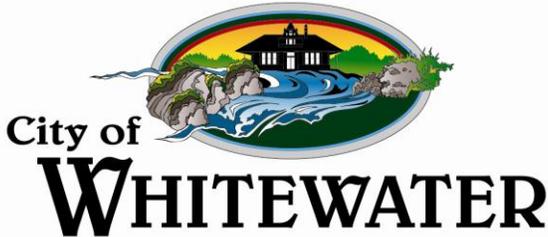
**Future agenda items.** Plan Commission will hold a special meeting on October 22, 2012. Birkeland explained that the item that was to be on tonight's meeting, but by staff error, was not noticed properly. She thanked the Plan Commission members who would be available for that meeting and apologies to the applicant.

**Next regular Plan Commission meeting – November 12, 2012.**

Moved by Hartmann and seconded by Meyer to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 8:11 p.m.

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Chairperson Greg Meyer



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

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Telephone: (262) 473-0540

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## Extra-Territorial Certified Survey Map

Plan Commission Meeting Date : September 10, 2012  
Property Owner: Steve Piper  
Applicant: Steve Piper  
Property ID Number: 004-0515-2244-000  
Property Address: Piper Road, Town of Cold Spring, Jefferson County  
Whitewater, WI 53190

**REGARDING:** An approval for Extra-Territorial Review of a Certified Survey Map for a land division to create a residential lot on Piper Road.

Approved subject to the following conditions:

1. The applicant shall meet all conditions set by Jefferson County for final approval.
2. Final Certified Survey Map shall be reviewed by City Staff and shall be recorded with Jefferson County.

This permit was prepared by:

Latisha Birkeland  
Neighborhood Services Manager/City Planner



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

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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date : October 8, 2012  
Property Owner: David S. Meyer  
Applicant: David S. and Christine Meyer  
Property ID Number: /T 00022A  
Property Address: 648 S. Janesville Street  
Whitewater, WI 53190

**REGARDING:** An approval for a conditional use permit (CUP) to allow for an automotive repair business to be located at 648 S. Janesville Street for David S. Meyer.

Approved subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. If the business is sold, the new owner/operator must return to the Plan Commission for approval of automobile repair and servicing.
2. For any storage of inoperable vehicles on the site, the applicant would need to request that the Common Council consider allowing this property to be eligible for an inoperable vehicle permit.
3. A 6 foot opaque fence is to be installed along the north property line by December 31, 2012. A 6 foot opaque fence is to be installed along the remaining side and rear property lines by June 30, 2013.

This permit was prepared by:

Latisha Birkeland  
Neighborhood Services Manager/City Planner

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
October 22, 2012

**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, Bruce Parker, Jacob Henley, Rod Dalee, Cort Hartmann, Donna Henry (Alternate).

Absent: Lynn Binnie, Karen Coburn.

Others: Wallace McDonell (City Attorney), Latisha Birkeland (Neighborhood Services Manager/City Planner).

**Hearing of Citizen Comments.** There were no citizen comments.

**Public hearing for consideration of a proposed lot division (Certified Survey Map) and a conditional use permit for the construction of a duplex on the new vacant lot for the property located at 478 W. Ann Street.** City Planner Latisha Birkeland thanked the Plan Commission to be able to hold this special meeting. This project on W. Ann Street does not require a certified survey map for a lot division. The property already has two lots and will just require a lot line adjustment. This property is in a B-3 Zoning District which would require the west parcel with the single family home to meet the standards of the R-2 Zoning District. The new duplex lot would be required to meet the R-3 Zoning District standards. Both proposed projects meet the required standards. When reviewing this proposal with the Comprehensive Plan, B-3 Zoning District allows new residential R-3 Standards when mixed with commercial. Birkeland does not feel that a mixed use would be appropriate in this residential area, and she stated that she would not recommend that the Commission deny the permit because of the lack of mixed use. Parking lots of five stalls or larger are required to install a fence for screening, the Plan Commission would need to determine what is needed.

City Attorney McDonell explained that they will not be splitting the lot, as there are two lots 9 & 10. They are owned by the same owner and were taxed as one property. This does not change the fact that two parcels exist. Once the lot line adjustment is finalized, a separate tax parcel number will be assigned to each lot.

Attorney Mitch Simon explained how tax parcel numbering works. He had talked to Donna at Walworth County who told him if this proposal went through the two parcels would be assigned new tax parcel numbers. He also explained the ownership of the properties under different names.

Mike Kachel stated that as Mitch Simon had said, they are not creating two lots. The proposal is for a slab on grade duplex, 3 bedrooms in one unit and 4 bedrooms in the other. There will be two furnaces, two central air, and two water heaters. The building will be wood construction with asphalt shingle roof. The exterior will be cement and vinyl siding, earth tone colors.

Plan Commission members voiced concerns of: the duplex being a long building and if shutters could be installed to break up the length; snow removal; instead of fence along the city right of way, install a row of low shrubs; across the street are single family homes, would like to see some landscaping installed in the front yard of the duplex.

Chairperson Meyer opened the hearing for public comment.

Bob Freiermuth stated that he saw no need for the fence. The arborvitae and other landscaping would be sufficient. Freiermuth owns property on the other side of the street.

Attorney Mitch Simon explained that there was 15 feet to the parking space for persons with a physical disability so a fence on the Franklin Street side of the parking area would not be needed.

Chairperson Meyer closed the hearing for public comment.

City Attorney McDonell explained that for the record, when the application first came in, it was thought that the property was only one lot. When Attorney Simon got involved, he found that it was two existing lots. So the motion will be for the conditional use permit only.

Latisha went over her conditions and the additional items that were asked for at this meeting.

Moved by Henry and Parker to approve the conditional use permit for the construction of a duplex on the vacant parcel at the property located at 478 W. Ann Street for DLK Enterprises Inc. with the conditions of the City Planner as amended at the meeting. (See attached conditional use permit.) Ayes: Meyer, Parker, Henley, Dalee, Hartmann, Henry. No: None. Absent: Binnie, Coburn. Motion approved.

### **Informational Items:**

**Next regular Plan Commission meeting – November 12, 2012.** City Planner Latisha Birkeland informed the Plan Commission of upcoming items: Applications for a conditional use permit for the Springbrook Apartments on Caine St. to add a one bedroom and an efficiency apartment to both buildings; an amendment to the conditional use permit at 224-226 S. Wisconsin St. to change the parking and dumpster area; a conditional use permit to add a unit to 361 S. Scott Street; and a conditional use permit for the construction of a detached garage larger than 800 sq. ft. at 555 E. Clay Street. The chicken ordinance may also be on.

Moved by Hartman and seconded by Dalee to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 6:25 p.m.

Chairperson Greg Meyer



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and Building Inspections*

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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: October 22 2012  
Property Owner: DLK Enterprises Inc.  
Applicant: DLK Enterprises Inc.  
Property ID Number: /TR 00051  
Property Address: 478 W. Ann Street  
Whitewater, WI 53190

**REGARDING:** An approval to allow for a lot division by lot line adjustment and for a conditional use permit (CUP) for the construction of a duplex on the new vacant lot for the property located at 478 W. Ann Street.

Approved subject to the following conditions:

1. Establish the parking lot in accordance with the submitted plans and City Code. This includes grading and surfacing of the lot to be dust-free. Hard surface shall be required no later than August 1, 2013.
2. Shutters to be installed to dress up the building.
3. Arborvitae to be installed along the east side of the lot; and a short hedge to be installed along the west side of the lot.
4. Landscaping to be installed in the front yard.

This permit was prepared by:

Latisha Birkeland  
Neighborhood Services Manager/City Planner

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
November 12, 2012

**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, Bruce Parker, Jacob Henley, Rod Dalee, Lynn Binnie, Karen Coburn, Donna Henry (Alternate).

Absent: Cort Hartmann.

Others: Wallace McDonell (City Attorney), Latisha Birkeland (Neighborhood Services Manager/City Planner).

**Hearing of Citizen Comments.** There were no citizen comments.

**Public hearing for a conditional use permit for the construction of an 864 sq. ft. detached garage to be located at 555 E. Clay Street for Patrick McCormick. (This is 64 sq. ft. more than the maximum size (800 sq. ft.) allowed for a detached accessory structure.)** City Planner Latisha Birkeland explained that the Board of Zoning Appeals had granted a variance on October 25, 2012 for the location of the proposed building for the applicant, Patrick McCormick. This proposal comes to the Plan Commission for a conditional use permit to allow for the structure to be more than 800 sq. ft. (864 sq. ft.) City staff received no comments in regard to this proposal. If the Plan Commission were to approve the conditional use permit, there were two conditions the City Planner recommended. 1) The requirement of a building permit and compliance with all building codes. 2) The building must have a 5 foot setback off property lines.

Patrick McCormick stated that the building will be the same color as the house and have the same pitch of the roof. The building will be mainly for storage.

Chairperson Meyer opened the public hearing for public comment. There were no comments. Chairperson Meyer closed the public hearing.

Plan Commission Member Binnie noted that there were larger outbuildings on the neighboring property.

Moved by Henley and Coburn to approve the conditional use permit with the conditions of the City Planner. (See attached conditional use permit.) Ayes: Meyer, Parker, Henley, Dalee, Binnie, Coburn, Henry. No: None. Absent: Hartmann. Motion approved.

**Public hearing for an amendment to the conditional use permit for the addition of a one bedroom unit and a studio unit to each building at 533 and 539 W. Caine Street for Jay Myers.** City Planner Latisha Birkeland explained that in 2007, two 20 unit apartment buildings were approved. The first floor in each of the buildings has a weight room and a common room. 2009-2010 a third building was approved but did not come to fruition. The applicant would like to change the weight rooms into studio apartments and the common rooms into one-bedroom apartments for a total of 4 units, two in each building. The parking requirement is 3 stalls per each unit. The site plan was approved with additional stalls allowed for in green space on the north end of the site, so that if ever the spaces were needed, they could be installed. With the four additional units the property still has over 2.68 stalls per unit. Staff is not recommending the installation of the additional parking area. City Council is looking at the parking on Caine Street to allow parking on the south side of the street with no parking from 2 to 5 a.m. They approved the first reading of the ordinance. Birkeland wanted to make sure the provision for the additional parking area carried through for this proposal so if needed, the parking could be added. This property is located in an R-3 (Multifamily Residence) Zoning District. The proposal will require State Approved plans in order to go forward. The Building Inspector has reviewed the plans and has no issues with them. There will be no exterior alterations to the building. As an added note, the approval in 2007 provided that the signage could come to City staff as long as it was within the guidelines, not to exceed 32 sq. ft. in area and 6 feet in height. The signage does not need to be a part of this approval.

Plan Commission voiced concerns of: the sidewalk next to the sign on the site plan is not there on the building closest to Caine Street, and the sidewalk near the private drive has not been installed; the studio apartment window is very small; what is the percentage of students living in the Springbrook Apartments.

City Planner Birkeland stated that anything in the prior approval (2007) must be taken care of.

Matt Kuehl, representing the owner of Springbrook Apartments LLC., stated that Jay Myers is the successor owner. Whatever was required regarding the bike path and sidewalks, he will comply. The purpose for the additional units in each building is to fill the need for more studio and one-bedroom apartments. The weight room and activity room are better used as apartments. A new weight room will be installed in a part of the storage area.

Bob Freiermuth stated that three storage places will be lost. He explained that the three bedroom units have more storage space than is needed, so the three places will not be missed. There are bicycle racks in the garages which are locked and heated. Bicycles are not allowed in the apartments. Freiermuth explained that there is a formula for the window size to the room and they will comply with all requirements. The tenants are either upper classmen, grad students or just graduated and working in Whitewater.

Chairperson Meyer opened the public hearing to public comment. There were no comments. Chairperson Meyer closed the public hearing.

Bob Freiermuth stated that the four sidewalks coming off the side of the building are to a sliding door with screen access to apartments. These sidewalks would be a maintenance hazard. There is no reason to go that way. It is a secured building and tenants are directed to use the south side of the building. They plan to have the new apartments ready for occupancy next fall.

Moved by Henry and seconded by Coburn to approve the amendment to the conditional use permit with the conditions of the City Planner and the additional condition that the two prior approved sidewalks next to the sign and near the private drive be installed on or before occupancy. (See attached conditional use permit.) Ayes: Meyer, Parker, Henley, Dalee, Binnie, Coburn, Henry. No: None. Absent: Hartmann. Motion approved.

**Public hearing for a conditional use permit for the conversion of a single family home into a duplex by the construction of an addition to the home located at 361 S. Scott Street for Whitewater Housing Services (R.L. Freiermuth).** This item was removed from the agenda by the applicant on Friday, November 9, 2012 at 10:00 a.m.

**Review plat for acquisition and dedication of street easements for Milwaukee and Newcomb Streets.** City Planner Latisha Birkeland explained that this plat for acquisition and dedication of street easements for Milwaukee and Newcomb Streets is in preparation for a right of way expansion for the Department of Transportation project scheduled to be completed in 2017. These easements are required for the project. The City will have to hire a right of way agent to negotiate with property owners in order to gain these easements. Strand has reviewed the plat and recommends that the Plan Commission recommend to the City Council to approve.

Moved by Parker and seconded by Binnie to recommend the plat for acquisition and dedication of street easements for Milwaukee and Newcomb Streets to the City Council. Ayes: Meyer, Parker, Henley, Dalee, Binnie, Coburn, Henry. No: None. Absent: Hartmann. Motion approved.

**Work Session for the review of the draft of the Chicken Ordinance.** City Planner Latisha Birkeland went through the draft of the proposed chicken ordinance with the Plan Commission. Some of the items the Plan Commission considered were: to limit the properties allowed to have chickens to single and duplex properties; to discourage scatter feeding to deter other critters from feeding in the area (use feeders); disposing of waste (composting, garbage); permit requiring site plan and charging for permit (initial one time fee of \$10).

Ann Zarinnia noted that the reason for the initial fee is for the responsibility factor, especially if you have children involved. It makes good sense to have an initial fee. Mrs. Zarinnia also noted that if the chickens were regulated as pets and a conditional use was required, it could escalate to then require all pets to require the same.

Chairperson Meyer asked about the sale of excess eggs and how to make sure you got a good product.

Peter Underwood stated that it is against the law to sell eggs unless you are licensed by the State.

Plan Commission Member Parker asked if there was any type of notice required to be sent to surrounding neighbors.

City Attorney McDonell explained that if the Plan Commission made it a conditional use, then notices to property owners would officially be made. Plan Commission can make it a simple or involved application. This ordinance was made to be simple. The public hearing could change the direction of the ordinance. Then we would adjust the proposed ordinance.

Kristine Zaballos suggested the City consider making a page with information about having chickens such as: suggesting residents check with the neighbors; and to let them know they need a license from the State in order to sell eggs, etc.

Peter Underwood stated that he liked the ordinance. It was very comprehensive. If the ordinance is followed, the potential for nuisance is very small. He endorses the current draft of the ordinance with the additional comments from the Plan Commission. He feels it is a practical solution/ordinance which allows residents to have chickens, and is protective of other residents.

City Planner Birkeland and City Attorney McDonell will prepare the proposed ordinance for the public hearing.

**Discussion of Site Plan Review.** City Planner Latisha Birkeland put this item on the agenda to check in with the Plan Commission to make sure she is giving them the information they need to do their job.

Plan Commission Member Coburn stated that she feels that the Commissioners would like to see appropriate plans for landscaping. The Urban Forestry Committee members like to be aware of these plans also. She also requested information on approving, for example, a new driveway, and how to deal with permeable surfaces.

City Planner Birkeland indicated that all major landscaping plans are reviewed by City Forester Chuck Nass and the Urban Forestry Committee if needed. Coburn acknowledged.

Plan Commission Member Binnie asked when landscaping plans are required. City Planner Birkeland responded that they would be required if there are standards in the code for a particular project in a specific area.

Plan Commission Member Parker said he feels that the site plan and landscaping plans are critical to the Plan Commission and the Urban Forestry Committee. Sizes of trees over 4 inches in diameter and existing landscaping should be shown on plans.

City Attorney McDonell stated that the Plan Commission can have a training session on types of information in areas which the Plan Commission members would like to take a look at. Plan Commission can have an information session to talk about things.

**Informational Items:**

**Update of Zoning Rewrite.** City Planner Latisha Birkeland explained that staff had addressed the City Council at their last meeting. The Consultants proposed an agenda and adjustment to the schedule. The proposal was to have two work sessions, 3 hours long with a break at 1 1/2 hours. Items to be discussed would be guidelines and ways to streamline for commercial, industrial and manufacturing. Staff will also be meeting with Mitch Simon to go over individual challenges with the code, to bring up to the consultants. Then back to the zoning text changes. They want to make sure they hit the intent of what the project is about. The next Zoning Rewrite Committee meeting will be after January 1, 2013.

**Possible Future Agenda Items.** City Planner Birkeland stated that there were a few items for the December Plan Commission meeting: a certified survey map for a lot split at 727 E. Clay Street; 361 S. Scott Street for a conditional use permit for an addition to create more dwelling units; and possibly the public hearing for the chicken ordinance.

**Next regular Plan Commission meeting – December 10, 2012.**

Moved by Coburn and seconded by Henley to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 8:00 p.m.

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Chairperson Greg Meyer



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

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0540

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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date : November 12, 2012  
Property Owner: Patrick A. McCormick Trust  
Carol A. McCormick Trust  
Applicant: Patrick McCormick  
Property ID Number: /A1366 00001  
Property Address: 555 E. Clay Street  
Whitewater, WI 53190

**REGARDING:** An approval for a conditional use permit (CUP) for the construction of an 864 sq. ft. detached garage to be located at 555 E. Clay Street. (This is 64 sq. ft. more than the maximum size (800 sq. ft.) allowed for a detached accessory structure.)

Approved subject to the following conditions:

1. The applicant shall apply for a building permit and comply with all required building codes.
2. The building must have a 5 foot setback off property lines.

This permit was prepared by:

Latisha Birkeland  
Neighborhood Services Manager/ City Planner



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: November 12, 2012  
Property Owner: Springbrook Apartments LLC.  
Applicant: Jay Myers  
Property ID Number: /A4173 00001  
Property Address: 533-539 W. Caine Street  
Whitewater, WI 53190

**REGARDING:** An approval for a conditional use permit (CUP) for the addition of a one bedroom unit and a studio unit to each building at 533 and 539 W. Caine Street.

Approved subject to the following conditions:

1. The applicant shall comply with all required building codes. State approved plans must be received prior to the issuance of a building permit.
2. The two sidewalks (the north and south sidewalk closest to the private driveway and the east/west sidewalk off the east end of building A) are to be installed on or before occupancy of the new studio and 1 bedroom units. (Owner is no longer required to install the 4 sidewalks going to the north from Building A.)

This permit was prepared by:

Latisha Birkeland  
Neighborhood Services Manager/ City Planner



Neighborhood Services Department  
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Plan Commissioners:

The first Plan Commissioner training has been scheduled on our regular meeting date of January 14, 2013.

All training materials will be prepared and available at the meeting. Some topics that will be discussed, but not limited to, will be:

- 1) Roles of Plan Commissioners and staff
- 2) Meeting procedures and requirements
- 3) Procedures related to applications and review
- 4) Regulatory planning vs. community planning
- 5) Etc.

Please contact me if you have any questions,

A handwritten signature in black ink, appearing to read "Latisha Birkeland".

Latisha Birkeland  
Neighborhood Services Manager / City Planner