

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:

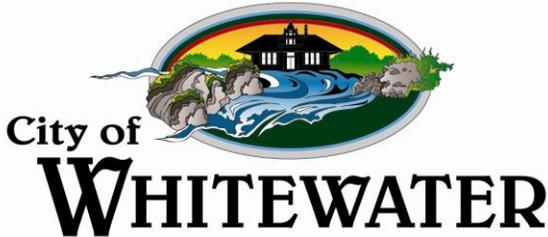
Zoning Rewrite. City Planner Latisha Birkeland explained that the last Zoning Rewrite Committee meeting was held on September 19th. Since that time, City Staff has been trying to determine what is best for public participation and how to move things along more smoothly. City Attorney McDonnell explained 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.

Chairperson Greg Meyer



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

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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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Telephone: (262) 473-0540

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