

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.

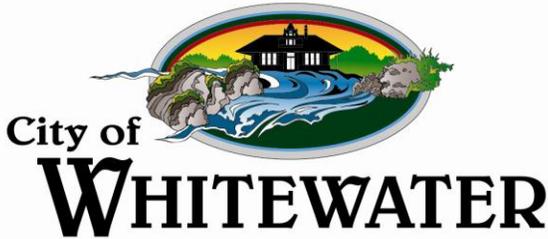
**Possible Future Agenda Items.** City Planner Birkeland stated that there were a few items for the December Plan Commission meeting: a certified survey map for a lot split at 727 E. Clay Street; 361 S. Scott Street for a conditional use permit for an addition to create more dwelling units; and possibly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

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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