

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
December 10, 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.** The minutes of the October 8, 2012, October 22, 2012 and November 12, 2012 were not approved at the meeting. They were inadvertently left off the agenda. Moved by Dalee and seconded by Coburn to amend the agenda to note that change and to allow items #4 and #6 to be exchanged at the request of Chairperson Meyer. Ayes: Dalee, Coburn, Binnie, Parker, Henley, Hartman, Meyer. Noes: None. Abstain: None. Motion approved by unanimous roll call vote.

**Review proposed Certified Survey Map for a lot division of the property located at 727 E. Clay Street for Tom Egnoski.** City Planner Latisha Birkeland explained that Tom Egnoski is looking to split one large lot into two smaller lots. The property is located in an R-2 (One and Two Family Residence) Zoning District. The second lot is very narrow at the street. The lot width would be required to be 70 feet at building setback line for a single family structure and 100 feet for a duplex. There are accessory structures toward the back of the lot. Accessory structures are not allowed to be placed on a lot prior to the principal structure. There is one driveway access at this time. An easement would not be required if the driveway is used by the same owner. When one of the parcels is sold, an easement for the driveway would be required. The “multi-family” classification should be changed to “two family or greater structure” to allow for a two family structure. Multi-family is defined as having more than two attached dwelling units.

Mark Moritz, Surveyor, Landmarks Surveying, explained that there would be two driveways at the time of the sale. They would like the requested deadline of June 1, 2013 for removal of accessory structures to be extended to 2 years. There are plans to build as soon as the existing house is sold.

There were no citizen comments.

Moved by Meyer and seconded by Dalee to approve the proposed certified survey map for a lot division of the property at 727 E. Clay Street subject to the conditions of the City Planner. (See attached Certified Survey Map approval.) Aye: Meyer, Binnie, Coburn, Parker, Henley, Dalee, and Hartmann. No: None. Abstain: None. Motion approved by unanimous roll call vote.

**Public hearing for consideration of 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).**

City Planner Latisha Birkeland explained that this proposal was to be on the last Plan Commission meeting but was removed by the applicant. The conversion of a single family home into a duplex requires a conditional use permit. The property is located in an R-3 (Multi-family) Zoning District which is the zoning located to the North, South and East of the property. West of the property is an R-2 (One and Two Family) Zoning District. The applicant plans to put an addition on the current structure. Each unit will have 5 bedrooms and two bathrooms. The current home has a 20 foot setback. The required setback is 30 feet. With a conditional use, the Plan Commission can determine the setback if there are reasons to vary from the requirements of the District. The proposal for parking is 10 stalls, 2 more than required, but will accommodate all 10 tenants. The driveway opening location has been changed to the southeast corner of the lot, which allows easier egress for the neighbor's access to their garage. The landscaping plan is slightly short of the requirements, but as a conditional use, the Plan Commission can approve the plan, require additional plantings or substitute a different treatment if they would like. The utilities, drainage and grading have been reviewed by Mark Fisher, Strand and Associates, the City Engineer. The area disturbed by this project is less than an acre and will need to comply with all codes necessary for construction. If in the future there are additional increases in density along Scott Street, the application will be reviewed by the City Engineer for drainage requirements. There may be a requirement to get an easement along the south side of 361 S. Scott Street to have access to the storm sewer main.

Plan Commission Member Henry explained that a driver has to be very alert when driving on Scott Street. It is very narrow. Water in this area drains from the west. Houses are built on limestone. She would like to see definite solutions before there is more development & traffic in the area.

Matt Kuehl explained that traffic flow, parking and related concerns will be addressed. They are many months away from future development, but they will keep the communication going.

Chairperson Meyer opened the hearing to the public.

Tom Hoffman, 363 S. Janesville St., explained that all houses in that area were designed as single family dwellings. He has concerns with the parking. They are providing 10 stalls. Where will visitors park? In the summer they will park on the streets. He would like to see neighborhood preservation go farther than Park Street. It is not necessary to make a duplex. Save the neighborhood.

Matt Kuehl explained that it is their intention to provide a neighborhood look and feel. There are a number of multi-family residences in the area. Homes are run down. They want to improve them and provide a more traditional look, to provide a community feel. We don't need another big box.

Pam Mattingly, 377 S. Janesville Street, explained that her main concern is access to her driveway and garage. She has concerns of more students in the neighborhood. The parking on Scott Street is a problem no matter what. Worst day of the year in this area is St. Patrick's Day. Mattingly asked if it would be possible to install a speed limit sign or a warning sign. Even with her concerns, she feels comfortable with what the applicant wants to do.

Bob Freiermuth stated that the building would be capable of housing students, homeowners or sold as condo units. The colors are rustic red (farmhouse red with lap siding), white trim, gray shingles on the roof. The existing house is rented now. The first floor bedroom will not be occupied for the summer. There will be no egress window when they are working on that area.

Chairperson Meyer closed the public hearing.

Plan Commission Members voiced concerns of congestion of people and cars; blacktop vs gravel, would like the project to remain gravel until they do their next project; would like to revisit the sidewalk;

Bob Freiermuth would like to keep the parking area in gravel until they know what the plans will be for the area. There may be a community parking lot in the future.

Matt Kuehl asked that the temporary gravel parking area be allowed up to 24 months after construction is completed.

Plan Commission Member Bruce Parker explained that there is room to work around the tree for the sidewalk installation. The sidewalk can go around the tree to the driveway. He also noted that gravel is no better than blacktop for drainage. They have the same drainage issues.

Moved by Binnie and seconded by Parker to approve the 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 subject to the City Planner conditions and drainage is to be reviewed upon any additional projects in the area. (See attached Conditional Use Permit Approval.) Ayes: Binnie, Coburn, Meyer, Henley, Parker, Dalee. No: Hartmann. Abstain: None. 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: Title 9, specifically to create Section 9.06.015 Backyard Chicken Ordinance, to allow for a permitted use in Title 19 (Zoning Ordinance) for the keeping of a maximum of 6 backyard chickens for single family dwellings in Whitewater residential zoning districts (R-1, R-1X, R-2, R-3 and R-4).** City Planner Latisha Birkeland explained how the proposed Backyard Chicken Ordinance came about. Under the current Whitewater ordinances, chickens are not

allowed in residential districts. Mr. Peter Underwood applied for an ordinance amendment to allow for a small amount of chickens in the back yard of residential properties. Mr. Underwood provided all kinds of information to move forward with this ordinance amendment. Plan Commission reviewed the application and comments were heard from the public. Plan Commission directed staff to work with the applicant to provide a first draft for the Plan Commission to review. The first draft was reviewed by Plan Commission, with a few changes to be made prior to holding the public hearing on the proposed ordinance.

Peter Underwood explained a little more about having backyard chickens. They are not noisy; keeping a small flock does not cause concern of public health. Legalization is a positive movement. Underwood was hoping not to have to have a permit or site plan, but would be okay with it to have approval. He understands the City wants control of any possible nuisance. There were a couple of items in the draft ordinance he wanted to address. The sale of eggs at a farmer's market requires a license. An egg producer selling directly to the consumer does not require a license. He also made a suggestion to clarify the wording for scatter feeding. "The main food source for the chickens should be provided in dedicated feeding containers and scatter feeding as the primary food source is prohibited (small amounts of scratch grains that do not accumulate on the property is allowable). The reason for this, per Dr. Shelby Molina, district veterinarian for the Wisconsin Department of Agriculture, Trade and Consumer Protection, is to minimize the number of pests that are attracted to the property. Peter Underwood endorsed the ordinance with the exception of being able to sell eggs.

Chairperson Meyer opened the public hearing for public comment.

Rob Holder, 255 Indian Mound Parkway, stated that he supported Peter in his effort to support the ordinance for sustainability and being able to grow his own produce. He had no concerns.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Parker to recommend to the City Council to move adoption with the removal of the prohibition of the sale of eggs (#11 Section 1) and changing Section 1(a)(10) on scatter feeding as Mr. Underwood suggested. Coburn asked if there would be renewal application fees. City Planner Birkeland stated that the renewal will be at no charge. The license will be automatically renewed if there are no changes and no verified complaints. Ayes: Meyer, Binnie, Coburn, Parker, Henley, Dalee, Hartmann. No: None. Motion approved by unanimous roll call vote.

**Public hearing for consideration of a change of the District Zoning Map for the following area to rezone from M-1 (General Manufacturing) Zoning District, under Chapter 19.36 of the Zoning Ordinance of the City of Whitewater; to WUTP (Whitewater University Technology Park) Zoning District, under Chapter 19.38 of the Zoning Ordinance of the City of Whitewater: the lots located in certified survey maps 4442 and 4443 in the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.** City Planner Latisha Birkeland explained that the official Ordinance for the Whitewater University Technology Park Zoning District was recommended by the Plan Commission to the City Council in 2009 along with the

Whitewater University Technology Park Covenants. The certified survey maps were approved earlier this year. The Technology Park Covenants will be recorded after the zoning change.

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

Moved by Dalee and Henley to approve the change in zoning from M-1 (General Manufacturing) Zoning District to WUTP (Whitewater University Technology Park) Zoning District for the properties of the certified survey maps 4442 and 4443 in the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, both of the Certified Survey Maps are associated with the Whitewater University Technology Park. Ayes: Meyer, Binnie, Coburn, Parker, Henley, Dalee, Hartmann. No: None. Motion approved by unanimous roll call vote.

**Informational Items:**

**Zoning Rewrite.** City Planner Latisha Birkeland explained that the next meeting for the Zoning Rewrite Committee will be held in late January. Carolyn Esswein, one of the consultants from GRAEF will be leaving the firm, but Larry Witzling will still be there.

**Future agenda items.**

There were no items yet for the January meeting, but we will plan to have a work shop-training session for Plan Commission members.

**Next regular Plan Commission meeting – January 14, 2013.**

Moved by Meyer 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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## Certified Survey Map

Plan Commission Meeting Date : December 10, 2012  
Property Owner: Thomas Egnoski  
Applicant: Thomas Egnoski  
Property ID Number: /HAS 00075  
Property Address: 727 E. Clay Street  
Whitewater, WI 53190

**REGARDING:** An approval for a Certified Survey Map for a land division to create a second residential lot at 727 E. Clay Street.

Approved subject to the following conditions:

1. The CSM shall be recorded prior to the issuance of a building permit for the principal structure for Lot 2 and within six months of the approval.
2. There shall be separate driveways, one for each lot at the time of the sale.
3. Two existing accessory structures on Lot 2 shall be completely removed by December 10<sup>th</sup>, 2014 unless a principal structure is present or under construction.

This permit was prepared by:

Latisha Birkeland  
Neighborhood Services Manager/City Planner



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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: December 10, 2012  
Property Owner: Whitewater Housing Services  
Applicant: R. L. Freiermuth  
Property ID Number: /K 00011  
Property Address: 361 S. Scott Street  
Whitewater, WI 53190

**REGARDING:** An approval for a conditional use permit (CUP) 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.

Approved subject to the following conditions:

1. All approved landscaping shall be installed no later than six months from date of Certificate of Occupancy.
2. The applicant shall apply for a building permit and comply with all required building codes.
3. Establish the parking lot in accordance with the submitted plans and City Code. Hard surface shall be required to be installed no later than 24 months after construction is complete.
4. The current driveway shall be removed once the new access has been established.
5. The sidewalk shall be extended to the new driveway at the south property line.
6. The applicant will work with staff in regard to the points of the landscaping.
7. If there is a need for an easement on the south side of the property for the stormsewer, that the easement be included in the proposal.
8. Plan Commission encourages the potential for additional parking on a gravel basis.

This permit was prepared by:

Latisha Birkeland  
Neighborhood Services Manager/ City Planner