

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
August 10, 2015

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 6:30 p.m.

Present: Greg Meyer, Bruce Parker, Lynn Binnie, Tom Hinspater, Daniel Comfort, Kristine Zaballos, John Tanis (Alternate). Absent: Sherry Stanek. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

Hearing of Citizen Comments. There were no comments.

Approval of the Plan Commission Minutes. The minutes of June 8, 2015 and July 13, 2015 were postponed to be reviewed at the September meeting.

Review extra-territorial 2 lot certified survey map at 10438 N. County Line Road for Robert E. Walenton and Barbara E. Walenton. City Planner Chris Munz-Pritchard explained that this extra-territorial certified survey map is for land located in Rock County, Town of Lima. She recommended approval with Rock County requirements.

Mark Moritz, Surveyor representing the property owners, stated that the property owners own both lots. Lima Township requires that a lot line adjustment be done by a certified survey map. The drainage ditch is to be attached to the parcel that has the drainage tile. In the event that a lot is sold, the drainage tile and the ditch are not separated.

Moved by Binnie and seconded by Parker to approve the extra-territorial 2 lot certified survey map at 10438 N. County Line Road for Robert E. Walenton and Barbara E. Walenton with the City Planner's conditions. 1. The applicant shall meet all conditions set by Rock County and the Town of Lima for final approval. 2. The Final CSM shall be reviewed by City Staff and recorded with Rock County. Aye: Binnie, Parker, Hinspater, Comfort, Zaballos, Tanis, Meyer. No: None. Motion Approved.

Public hearing for a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Spaiu LLC. (Bajram Spahijoski, Agent) to serve beer and liquor at 162 W. Main Street (for a "Class B" Beer and Liquor License) at Fratelli's. (This would also include the sidewalk café area.) Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a transfer of the "Class B" Beer and Liquor License. There is no change in the area and the sidewalk café area is included.

Plan Commission members voiced concerns of: maximum hours of operation; keeping the sidewalk area clear of snow and debris at the close of each business day.

Bajram “Bennie” Spahijoski stated that the restaurant hours are until 10:00 p.m. When the restaurant closes, the sidewalk café will be closed.

Chairperson Meyer closed the public comment.

City Attorney McDonell stated that Plan Commission should go with the standard closing time for hours of operation.

Moved by Binnie and seconded by Zaballos to approve the conditional use permit to serve alcohol by the drink subject to the City Planner conditions and with the added clarification #4 maximum sidewalk café hours of operation will go by what is allowed by the sidewalk café permit & #5 keeping the sidewalk area clear of snow and debris at the close of each business day (See attached conditional use permit.) Aye: Binnie, Zaballos, Parker, Hinspater, Comfort, Tanis, Meyer. No: None. Motion approved.

Review proposed certified survey map to divide three lots into four lots to build a new duplex on the 4th lot and review the proposed site plan at 527, 531-533, and 601,603 W. Main Street for Robert E. Freiermuth. City Planner Chris Munz-Pritchard explained that on April 13, 2015 the Commission recommended to the Common council to rezone the property to R-3A Overlay Zoning. One of the stipulations of that approval was to have any proposal for that area to come back to the Plan Commission for review. At this meeting the applicant was looking for approval of the certified survey map and to look over his proposal and give preliminary approval for the proposed duplex. Each unit of the duplex has 5 bedrooms, 2 bathrooms, living area and kitchen. Munz-Pritchard wants the stormwater to be 100% okay. The stormwater approval will be necessary prior to starting construction. There will need to be an easement showing what parking spots go to each building. There will need to be the required usable open space. The landscaping plan will be sent to the Urban Forestry Committee to review.

Chairperson Meyer opened the public comment.

Bob Freiermuth explained the report on stormwater management for this proposal was done by his engineer SEH out of Brookfield. Freiermuth will be providing 2 catch basins on site.

Plan Commission members voiced concerns of: traffic patterns, being able to drive from Main Street through the parking area to Boone Court; all traffic should come and go from Main Street or from Boone Court.

City Planner Munz-Pritchard was not in favor of closing off access from one street or the other and suggested that because of the narrowness of the driveway, it should be labeled one way. Bob Freiermuth explained that he has not had a problem with the traffic and does not see it as being a problem. He could put speed bumps in. When asked about removing the driveway between the parking areas, he stated that he did not want to give up anything. It is easier for the flow of traffic to have the access on the property. It is also helpful for him when doing his

maintenance work for the properties. At a future date, he could put in parking stops or a locked gate.

Kori Oberle, resident of Boone Street, wanted to encourage the Plan Commission to look at the impact of the traffic. She has concerns of public safety with the Bethel houses across Center Street from Big Brick Park, two churches that have programs on days other than Sunday that use the park, and with the alley way next to the park. The police reports have many incidences with vehicles which do not stop at the stop signs at the intersections with W. Center Street. She requested that the Plan Commission look at the big picture when looking at individual projects. Kori Oberle stated that with this project, 531 W. Center Street and 604 W. High Street, there would be an additional 2 dozen vehicles in this area. She felt that a traffic study should be done for the area and consideration be made for traffic control at intersections.

Chairperson Meyer closed the public comment.

Plan Commission Member Parker requested that the connecting drive be reduced to 12 feet instead of 30 feet. There should also be no parking in that area. Parker also suggested that item 2.b. of the Planner recommendations be changed to require the hard surfacing prior to occupancy.

City Planner Chris Munz-Pritchard stated that they could do 12 feet but leave leeway for turning radius. She also stated that the Plan Commission could make a suggestion for a traffic study for the Center Street and Boone Court area. This was a valid point and it would be good to have on record. In the R-3A Overlay District, this proposal is a permitted use. Munz-Pritchard would like to see everything (including hard surfacing) done prior to occupancy, or at least a date set for completion. If the project is not done, the property owner will be fined. She also stated that area has drainage issues. If the City Engineer, Strand and Associates, does not approve, the project cannot be done.

Moved by Binnie and seconded by Tanis to approve the certified survey map with the recommendations of the City Planner, adding to 2b. "before occupancy" at the end of the sentence for surfacing the parking area; and adding "6. Owner agrees to implement traffic calming measures in case of cut through issues between Main Street and Boone Court; and "7. Applicant to work with the City Planner to narrow the section above the lettering "proposed Lot 4" on the site plan to approximately 12 feet based on traffic recommendations.; "8. Plan Commission recommends after the project is completed, that the City Council consider a traffic study in the area. (See attached Review Approval) Aye: Binnie, Tanis, Zaballos, Parker, Hinspater, Comfort, Meyer. No: None. Motion approved.

Plan Commission Member Zaballos stated that the traffic study should not to be done in the summer.

City Planner Munz-Pritchard stated that it needs to be done in the next few years.

Public hearing and make recommendation to the City Council for consideration of a change in 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 for 531 W. Center Street, (Tax ID# CL 00040) for Randall Aschbrenner. (The owners of the property are Gordon and Jill Backman.)

Public hearing for a Conditional Use Permit, in an R-2A Overlay Zoning District, to allow for 6 unrelated persons to live in the house located at 531 W. Center Street for RLA Properites LLC. (Randall Aschbrenner). (The current property owners are Gordon and Jill Backman).

Chairperson Meyer opened the public hearing for both the consideration of the R-2A Overlay Zoning and consideration of the Conditional Use for 6 unrelated persons to live in the house at 531 W. Center St.

City Planner Chris Munz-Pritchard explained that this is a single family home with 6 bedrooms and 2 baths. Her recommendations included that the parking requirements need to be met; the Wisconsin Rental Weatherization Certification needs to be met; and the owner must pull a building permit with verification of the floor plan and existing number of bedrooms (inspection to be done by the building inspector).

Richard Helmick voiced his concern of the parking. It appears that the parking takes up more than 40% of the rear yard area. Munz-Pritchard explained that it must be under 40% impervious for the whole lot. Helmick is also concerned about the parking having the 3 foot setback requirement from the property line; and with the whole area being accepted by the Plan Commission and the City Council as a high density area, the infrastructure for the area must also be considered. There have been a series of near misses with the traffic on W. Center Street and children and church groups etc. that use the park space. The City should look at a wide scope when the traffic study is done.

City Attorney McDonell explained that definition wise, the 40% includes the building. There is no additional building being built, so it will be considered an existing non-conforming use. Plan Commission can consider even if the proposal is over 40%.

Randall Aschbrenner explained that the lot would be 38% impervious surface. He would be removing the single car garage and widening the concrete area for parking. He wants to make the angle parking as tight as possible. Aschbrenner stated that the whole area needs traffic revisions. He wants Plan Commission input on the impervious surface. When asked how many bedrooms were in the house, Aschbrenner stated there were 6 bedrooms and a third floor that could be another whole apartment. He said he wasn't touching anything on the inside at all. He would be closing off the third floor so the tenants would not be able to use it.

Chairperson Meyer closed the public comment.

Plan Commission Member Parker voiced his concerns about the plans, no site measurements, room divisions, entrances & exits. He stated the old assessor cards sometimes have floor plans in them. He was also concerned about the green space.

City Planner Munz-Pritchard stated that she would pull the assessor cards for information when these R-2A Overlay Zoning requests come in.

Randall Aschbrenner stated that he could flip the parking area around so it was close to the house and have more green space toward the property line. He would like to keep the project moving forward. Everything is time sensitive. He will already have to sit on the property for 9 months before he will be able to rent.

Plan Commission members wanted the plans to be revised including a floor plan and a site plan showing the parking.

City Attorney McDonnell stated that the Plan Commission can require the plans to come back to the Plan Commission or allow the City Planner to review and approve.

Plan Commission Member Binnie stated that if we make the recommendation for the zoning, it has to go to Council for two readings, the second which would be the day after the September Plan Commission meeting.

Moved by Binnie and seconded by Parker to make recommendation to the City Council to grant the R-2A Overlay Zoning to the property at 531 W. Center Street; and the applicant would come back for the September Plan Commission meeting to continue the public hearing for the consideration of the Conditional Use Permit to allow 6 unrelated persons to live in the house at 531 W. Center Street. He will come back with a site plan including parking and floor plans with more detail. Aye: Binnie, Parker, Zaballos, Hinspater, Comfort, Tanis, Meyer. No: None. Motion approved.

Public hearing and make recommendation to the City Council for consideration of a change in 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 for 228 S. Church Street, (Tax ID# CL 00116) for Randall Aschbrenner. (The owner of the property is Clarence J. Koslowski.)

Public hearing for a Conditional Use Permit, in an R-2A Overlay Zoning District, to allow for 6 unrelated persons to live in the house located at 228 S. Church Street for RLA Properites LLC. (Randall Aschbrenner). (The current property owner is Clarence J. Koslowski.)

Chairperson Meyer opened the public hearing for both the consideration of the R-2A Overlay Zoning and consideration of the Conditional Use for 6 unrelated persons to live in the house at 228 S. Church St.

City Planner Chris Munz-Pritchard explained she would like to change her recommendation to include improved plans. This is a single family home that needs upgrades. The rear addition will be removed. Her recommendations included that the parking requirements need to be met; the Wisconsin Rental Weatherization Certification needs to be met; an inspection by the City Building Inspector must be done to verify the existing 6 bedrooms; and the owner must pull a

building permit with verification of the floor plan and existing number of bedrooms prior to doing any work.

Randall Aschbrenner explained that both properties would need the Wisconsin Rental Weatherization Certificate because they would be non-owner occupied. When asked how many bedrooms the home has, Aschbrenner stated that currently there are five bedrooms, but there is room for a sixth bedroom upstairs. At one time this was considered a duplex. Randall said he wanted to maximize the property, but he was willing to move forward as a 5 bedroom. He cannot back out of his offer if he is approved for 5 unrelated persons, but he wants approval for 6 unrelated persons.

City Planner Munz-Pritchard stated that if a home has been used as a single family home for one year, it cannot go back to being a duplex.

Daniel Richardson, 445 W. Center Street, stated that they bought their property with the understanding that it was surrounded by single family residences. He felt that every time a house in the area goes up for sale, it is not in the spirit of the zoning ordinance of the City of Whitewater to change the zoning so there can be more students living in the homes.

Chairperson Meyer closed the public comment.

Plan Commission members voiced concerns of: the driveway of the property is located at the intersection of Franklin and Janesville Streets; need decent set of plans; there are 5 existing bedrooms and the request is for 6 unrelated persons to live there; postponing the public hearings.

City Attorney McDonell recommended that the Plan Commission get an agreement from the applicant to postpone, unless he wants a decision right now. An immediate decision may not be in the applicant's best interest. Plan Commission could postpone with certain requirements to be brought back for action at the next meeting.

When asked if he was in agreement to postpone, Randall Aschbrenner stated that he did not want to postpone. He wants to make sure he is moving forward. He will follow any recommendations.

City Attorney McDonell stated that the Plan Commission has the authority to postpone even if Mr. Aschbrenner does not agree to it.

The Plan Commission would like an existing floor plan and a floor plan showing any proposed remodeling. They would also like a site plan and parking plan showing the new parking arrangement.

Moved by Parker and seconded by Comfort to postpone these items (9 & 10) until the next Plan Commission meeting on September 14, 2015. The public hearings for both the rezone and the conditional use permit will remain open for that meeting. Aye: Parker, Comfort, Binnie, Hinspater, Zaballos, Meyer, Tanis. No: None. Motion approved.

Information Items:

- a. Possible future agenda items.

Councilman Chris Grady had submitted some proposed changes to Chapter 19.19 R-2A Overlay Zoning to the Council. They suggested a couple changes and have sent it to the Plan Commission to hold the public hearing and make a recommendation.

Application submittals for the September meeting are due on Friday.

- b. Next regular Plan Commission Meeting – September 14, 2015.

Moved by Comfort and seconded by Zaballos to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 8:30 p.m.

Chairperson Greg Meyer