

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
September 14, 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, Daniel Comfort, Kristine Zaballos, Sherry Stanek, John Tanis (Alternate). Absent: Tom Hinspater. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

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

**Approval of the Plan Commission Minutes.** Moved by Binnie and seconded by Comfort to approve the minutes of June 8, 2015 and July 13, 2015, and August 10, 2015. Aye: Binnie, Comfort, Parker, Zaballos, Stanek, Tanis, Meyer. No: None. Motion approved.

**Public hearing for a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Gus' Pizza Palace LLC., George Christon, (Agent), to serve beer and wine by the bottle or glass at 135-139 W. Main Street (for a Class "B" Beer License and a Class "C" Wine License).** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a conditional use permit request for Gus' Pizza. Gus' Pizza is moving to a new location. This is a transfer of the conditional use to serve beer and wine by the glass (the existing Class "B" Beer License and Class "C" Wine License) to the new location at 135-139 W. Main Street.

Ken Kienbaum, Whitewater citizen, sees no problem with the move. Gus' Pizza has been in business here for 40 years.

Chairperson Meyer closed the public hearing.

Moved by Tanis and seconded by Stanek to approve the conditional use permit for the sale of beer and wine by the bottle or glass at 135-139 W. Main Street for Gus' Pizza LLC., George Christon, (Agent). Aye: Tanis, Stanek, Binnie, Zaballos, Parker, Comfort, Meyer. No: None. Motion approved.

**Public hearing for an amendment to the Conditional Use Permit for minor changes to the Specific Implementation Plan for Fairhaven Corporation/Prairie Village Development at Burr Oak Trail/County U and Fremont Street.** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a request to amend their conditional use permit to vary their proposal by adding a grounds building and a community center/outdoor activity space. She recommended that: 1. Any utilities located outside of the roadway need to have easements added; The Grounds Building and Community Center must follow the same architectural integrity and landscaping as the Planned Development (PD) approved in 2007.; The lot line on the Westerly edge of the property will need to be moved to accommodate future buildings on N. Acorn Ridge.; Any other conditions identified by City Staff or the Plan Commission.

Paul Kuening, Executive Director for Fairhaven Corp., explained that they have been able to expand with the improvement of the economy. They should have only three lots available by the end of the year.

Chairperson Meyer closed the public hearing.

The Plan Commission voiced concerns about adjusting the west lot line; and asked about the outdoor activity space.

City Planner Munz-Pritchard stated they would need to adjust the west lot line to accommodate homes to be located on the west side of N. Acorn Ridge. She has told Fairhaven that they could go ahead and prepare a certified survey map for that change.

Paul Kuening stated that the outdoor activity space is for a garden, bocce ball, horse shoe, and a bench enclosed area. He stated that the existing community center is using a future residence. It will become another housing unit when the transfer takes place.

Moved by Comfort and seconded by Tanis to approve the minor changes to the Specific Implementation Plan for Fairhaven Corporation/Prairie Village Development. Aye: Comfort, Tanis, Parker, Zaballos, Stanek, Meyer. Binnie Abstained. No: None. Motion approved.

**Public hearing for a Conditional Use Permit for an addition to the building at 617 E. Milwaukee Street (“Beer Here”) for John Cordio.** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the existing structure is a non-conforming structure. John Cordio wants to expand his building to the west. Expansion of a non-conforming building comes to the Plan Commission. Munz-Pritchard explained that she did not have the applicant submit building plans because she did not want to make him go to that expense if it were not possible for him to build. He will be coming back to the Plan Commission at a later date for the conditional use permit to expand his liquor license area.

Ken Kienbaum, Whitewater citizen, felt there should be no problem with building the addition. It is a good business with a lot of clientele and the addition would be good for that area.

John Cordio, owner, explained that the main reason he wants to expand is to compete with other businesses in the area. He is looking at adding a grill and fryer. On the west end, he would like to add a screen area. Safety is the main reason. He will be adding a kitchen area and expanding seating. The posted seating for the existing building is 49 people.

Pete Weston, Architect, explained that the addition was the most effective way to expand the business. The existing building is 1500 sq. ft.; a big part of it is the old storage garage. The addition will increase the building size to 2300 sq. ft. The net seating for the new building will be 60 people.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Comfort to approve the conditional use permit for 617 E. Milwaukee Street with the findings suggested by the City Planner. The floor plan is to be approved by the City Planner.

Plan Commission Member Parker expressed concern about not seeing a floor plan and elevation plans. Plan Commission Member Binnie stated that it only needed to come to the Plan Commission because of the setback. Otherwise it is a permitted use. City Planner Chris Munz-Pritchard stated that when the applicant comes back for his conditional use permit to expand the area to serve alcohol, she will provide the plans.

Roll call for motion.

Ayes: Binnie, Comfort, Parker, Zaballos, Stanek, Tanis, Meyer. No: None. Motion approved.

**Public hearing and make recommendation to the City Council concerning amendments to Chapter 19.19 R-2A Residential Increased Occupancy Overlay Zoning District in the Zoning Ordinance of the City of Whitewater to provide that when bedrooms are being added as part of interior remodeling or external addition, common space (square footage excluding basements, bedrooms, bathrooms, halls, and closets) must exceed 75 square feet per allowed unrelated resident.** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard suggested that a permit be needed for the building inspector to verify the status of the building prior to the Plan Commission meeting, so it can be verified for discussion at the meeting. Munz-Pritchard also added an example of how to calculate the 75 sq. ft of common space underneath each section, so everyone is figuring it the same way. The example of 604 W. High Street where they wanted to change the den/dining room into a bedroom went to the City Council to receive guidance.

Councilperson Chris Grady, 318 W. North St., explained that the ordinance was for those houses in the R-2A area that had more than 3 bedrooms to allow 1 unrelated person per bedroom. Now people are adding bedrooms to have more people in the homes. If you are adding bedrooms how much living space do you need per person in order to make a quality living place for student rentals. Councilperson Grady proposed amendments to Chapter 19.19 R-2A Residential Increased Occupancy Overlay District.

Richard Helmick, Boone Ct. resident, explained that the neighborhood in general does not support a lot of traffic. There is a need for a traffic study where streets cross Center Street (S. Prairie St. and Boone Ct.). Wanted to bring that to the attention of the Plan Commission to make sure they go forward with that recommendation. Wholesale remodeling to add bedrooms, if this change in the ordinance can in any way slow that down, he is all for it.

Chairperson Meyer closed the public hearing.

Plan Commission Members voiced concerns of: having a traffic study makes sense; shouldn't it be done prior to approval of more R-2A properties; there were hours of discussion on the R-2A overlay; it was to allow the older, larger homes with more bedrooms to be able to rent to the number of persons for which they had bedrooms; the requests for R-2A zoning have morphed to allow things that were not intended; we need a standard to go by; what about "existing" bedrooms?; it is hard to regulate what is considered a bedroom or not a bedroom; there should be a kitchen and common space.

City Planner Chris Munz-Pritchard stated that the traffic study would be warranted in that area. It would determine if 4 way stops are needed.

City Attorney McDonell read the code 19.09.064 for requirements for bedrooms. The Municipal Code and State Code require bedrooms to be at least 10' by 10' for one person. We need to make sure there is enough living space for the number of existing bedrooms – at least 75 sq. ft. McDonell stated that the Plan Commission could recommend to City Council to be approved with the changes as discussed at this meeting or request to have the document brought back to the Plan Commission to see the final document.

Chris Munz-Pritchard clarified that the Plan Commission wanted to keep the language for the 75 sq. ft. and how to calculate it; a reference to the bedroom definition; and to have the building inspector make an inspection and verify bedrooms etc. prior to being presented to Plan Commission. Munz-Pritchard will send the finished document to the Plan Commission.

Moved by Binnie and seconded by Zaballos to recommend the change to 19.19 to the City Council with the suggested revisions which would include: changing "permit" to reference that an inspection must be requested; elaborate exactly what the inspector will be looking for; add in the reference to the definition of bedroom and an example of how the building is calculated. Ayes: Binnie, Zaballos, Comfort, Parker, Stanek, Tanis, Meyer. No: None. Motion approved.

**Continuation of the 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 Properties LLC. (Randall Aschbrenner). (The current property owners are Gordon and Jill Backman).** Chairperson Meyer announced the continuation of the public hearing for 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 the City Council has approved the R-2A Zoning contingent upon the Plan Commission approving the conditional use permit. Her recommendations included that the parking requirements need to be met; parking stalls and driveway are to be hard surfaced with concrete or asphalt; the Wisconsin Rental Weatherization Certification needs to be met; an inspection shall be done by the City Building Inspector to confirm the existing 5 bedrooms. Any conversion of an existing room into a bedroom will require a building permit.

There was a long discussion about the parking, impervious surface and the ordinance and how it should be interpreted.

Plan Commission Member Binnie stated his displeasure with the applicant who clearly misstated the number of bedrooms in the house at the last meeting. It was found out at Council, thus the creation of a proposed ordinance to amend the R-2A Zoning Ordinance to include common space. The truth is important. OK with the six bedrooms and six occupants. Binnie thinks the parking cannot be decided at this meeting.

Randall Aschbrenner, the applicant, explained that he wanted the number of parking stalls to match the number of unrelated persons living in the home. The discrepancy in the number of bedrooms was his fault. He had a two unit approved 18 months ago with the same type of plans. He has done 35 to 45% more work on this one.

Ken Kienbaum, Whitewater citizen, would like to see the parking settled for the applicant. The concrete around the house needs to be reduced. The City should change the ordinance as far as parking on the street, especially in a residential area.

Richard Helmick, Boone Ct. resident, was concerned about increasing density in this area. What constitutes a lodging house?

City Planner Chris Munz-Pritchard stated that all R-2A rezoning properties must have the rental weatherization done within two years of the granting of the R-2A Residential Overlay Zoning. City Attorney McDonell stated that this requirement runs with the land and not the owner of the property. If there is a sale, the time line for the weatherization requirement is still the same.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Comfort to approve the conditional use permit for 531 W. Center Street to allow for 6 unrelated persons to live in the house subject to the City Planner recommendations and contingent upon being able to have six parking stalls installed to code. (Subject to the parking being no more than 6 stalls, but also being in compliance with City Code as interpreted by the City Attorney, City Planner and Building Inspector.) Aye: Binnie, Comfort, Parker, Zaballos, Stanek, Tanis, Meyer. No: None. Motion approved.

**Continuation the 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.)**

**Continuation of 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 announced the continuation of 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 that this is an existing single family. The applicant is proposing a change to the District Zoning Map for R-2A (Residential Overlay) Zoning District and a conditional use permit request to increase the non-related persons from 3 to 6. The applicant plans to remodel the second floor. If it is unable to be rehabbed, he would like to replace the existing structure. Parking stalls are required to be hard surfaced with concrete or asphalt. Within two years, the owner shall provide certification that the property meets the requirements of the Wisconsin Rental Weatherization Program or a statement by a state-certified rental weatherization inspection that states that it meets the State of Wisconsin rental unit efficiency standard. An inspection by the City Building Inspector will be required to confirm the existing 5 bedrooms. Any conversion of an existing room into a bedroom will require a building permit. The proposal will also be subject to any other conditions identified by City Staff or the Plan Commission.

Plan Commission Members voiced concerns of: the types of plans submitted for the proposal. The existing footprint of the house and the plans don't match, and would like to postpone this item until decent plans are submitted. No elevation plans were submitted. Full floor and site plans and elevation plans for the building need to be submitted. If Plan Commission does not consider any new construction, has there been enough submitted for remodeling?; the contingency is for 5 unrelated persons and not six?

City Planner Chris Munz-Pritchard stated that she met with the applicant. If the structure is staying the same on the interior with upgrades for code reasons, detailed plans may not be necessary. If the applicant will be adjusting walls etc, we will need detailed plans. We also need to know the parking to determine the impervious surface.

Randall Aschbrenner stated that he would submit a revised plan with new parking. He will reduce the driveway approach to 12' in width. He will use the existing envelope. He will remodel, start over from every room. Ashbrenner stated that the L shaped driveway reduces the impervious surface. He plans to have stall 1 and stall 4 be for compact cars only. If he remodels, he plans to move walls around.

Ken Kienbaum, Whitewater citizen, stated that he was okay with redoing the inside of the house, but not the outside of the house. He felt it would deteriorate the value of the neighboring homes.

Chairperson Meyer closed the public hearing.

Plan Commission Member Binnie confirmed that the bedrooms do not exist as shown on the plan submittal. Plan Commission is to determine whether this home is appropriate housing for five unrelated persons.

Moved by Parker and seconded by Meyer to postpone items 9 and 10 so the applicant can come back with detailed plans showing complete removal and replacement with floor plans, elevation plans and site plan or plans showing the complete remodeling of the home with the existing footprint and any alterations to the exterior of the building. The parking off S. Franklin Street is to be 100% on site and meet the ordinance requirements. Aye: Parker, Meyer, Comfort, Stanek, Tanis. No: Binnie, Zaballos. Motion approved.

**Information Items:**

Chris Munz-Pritchard noted that the joint meeting of the CDA, Plan Commission and the City Council scheduled for Wednesday night had been cancelled.

- a. Possible future agenda items.  
Plan Commission Member Parker asked for lawn parking to be put on a future agenda. He wanted to know who was enforcing and if the property owners are notified. Parker was also concerned about the sidewalk cafés that extend into the sidewalk so far that there is not the four foot clearance required for pedestrians to get past the business.
- b. Next regular Plan Commission Meeting – October 12, 2015.

Moved by Comfort and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 9:10 p.m.

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Chairperson Greg Meyer