



REGULAR VILLAGE BOARD MEETING

MEETING NOTICE AND AGENDA

**WHITEFISH BAY VILLAGE HALL
5300 North Marlborough Drive**

Monday, December 3, 2018, 6:00 PM

- I. Call to Order and Roll Call

- II. Consent Agenda – Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration under General Business.
 1. Minutes of the regular meeting held on November 19, 2018.

- III. Report of Village Officers
 1. Village Attorney
 2. Village Manager
 3. Village President
 4. Miscellaneous Trustee

- IV. Petitions and Communications – This is an opportunity for anyone to address the Village Board on any issue NOT on the current agenda. While the Board encourages input from residents of the Village, it may not discuss or act on any issue that is not duly noticed on the agenda.

- V. General Business
 1. Discussion/action on recommendations from the Ad Hoc Teardown/Rebuild Committee.
 2. Discussion/action on appeal of ARC decision regarding the denial of a Certificate of Appropriateness for demolition of the house at 4640 N. Lake Dr.
 3. Discussion/action on 2019 Tree Pruning Contract.

- VI. Adjourn

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Ad Hoc Teardown/Rebuild Review Committee may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.wfbvillage.org)

REGULAR VILLAGE BOARD MEETING

A regular meeting of the Board of Trustees of Whitefish Bay was held in the Board Room of Whitefish Bay Village Hall, 5300 North Marlborough Drive, November 19, 2018

Pursuant to law, written notice of this meeting was given to the press and posted on the public bulletin boards.

I. Call to Order and Roll Call

President Siegel called the meeting to order at 6:00 pm.

Present: Trustees Saunders, Demet, Miller, Fuda, Serebin, Davis and President Siegel

Also Present: Village Manager Paul Boening
Village Attorney Chris Jaekels
Director of Public Works John Edlebeck
Library Director Nyama Reed
Director of Building Services Joel Oestreich
Police Chief Michael Young
Finance Director Jen Amerell
Assistant Village Manager Tim Blakeslee
Deputy Clerk Caren Brustmann

II. PUBLIC HEARING ON 2019 VILLAGE BUDGET

1. Public Discussion - None
2. Board Discussion - None

III. Consent Agenda

It was moved by Trustee Serebin, seconded by Trustee Miller, and unanimously carried by the Village Board to approve the following item on the consent agenda as presented.

1. Minutes of the regular meeting held on October 15, 2018
2. Minutes of the regular meeting held on November 5, 2018.
3. Investment Report for October, 2018.
4. Approval of request from Whitefish Bay Civic Foundation to possess alcohol at the Cahill Warming House during a private holiday party on 12/15/18.
5. 2019 Whitefish Bay Business Improvement District Operating Plan.

IV. Report of Village Officers

1. Village Attorney – No report
2. Village Manager -

Village Manager Paul Boening reminded the Board the Village Hall administration office will be closed on Thursday, November 22nd and Friday, November 23rd for the holiday. It was also noted the BID holiday stroll will take place on Friday, November 23rd at 5:00pm.

3. Village President – No report
4. Miscellaneous Trustees – No reports

V. **Petitions and Communications** - None

VI. **General Business**

1. Discussion/action to adopt Resolution No. 3031 to extend the tax levy for the year 2018 and to adopt the 2019 Budget for the following funds:

- General Fund
- Library Fund
- Debt Service Fund
- Capital Fund
- Special Assessment Fund
- Borrowed Money Fund
- TID No.1 Fund
- TID No. 2 Fund

It was moved by Trustee Serebin, seconded by Trustee Demet, and unanimously carried by the Village Board to adopt Resolution No. 3031 to extend the tax levy for the year 2018 and to adopt the 2019 Budget for the following funds:

- General Fund
- Library Fund
- Debt Service Fund
- Capital Fund
- Special Assessment Fund
- Borrowed Money Fund
- TID No.1 Fund
- TID No. 2 Fund

2. Discussion/action to adopt Resolution No. 3032 to adopt the 2019 Budget for the following utility funds:

- Water Utility
- Sewer Utility
- Stormwater Utility

It was moved by Trustee Serebin, seconded by Trustee Fuda, and unanimously carried by the Village Board to adopt Resolution No. 3032 to adopt the 2019 Budget for the following utility funds:

- Water Utility
- Sewer Utility
- Stormwater Utility

3. Discussion/action to adopt Resolution No. 3033 authorizing the extension of assessments, special charges, and delinquencies on the 2018 tax roll for the following:

- Streets, sidewalks, alleys and sewer improvement assessments
- Business Improvement District assessments
- Delinquent water/sewer/stormwater user charges
- Miscellaneous delinquent charges

It was moved by Trustee Saunders, seconded by Trustee Serebin, and unanimously carried by the Village Board to adopt Resolution No. 3033 authorizing the extension of assessments, special charges, and delinquencies on the 2018 tax roll for the following:

- Streets, sidewalks, alleys and sewer improvement assessments
- Business Improvement District assessments
- Delinquent water/sewer/stormwater user charges
- Miscellaneous delinquent charges

4. Discussion/action to adopt Resolution No. 3034 – A Resolution to Increase Local Sewer User Charges.

It was moved by Trustee Fuda, seconded by Trustee Demet, and unanimously carried by the Village Board to adopt Resolution No. 3034 – A Resolution to Increase Local Sewer User Charges.

VI. Adjourn

There being no further business, it was moved by Trustee Fuda, seconded by Trustee Saunders, and unanimously carried by the Village Board to adjourn the meeting at 6:07pm.

Caren Brustmann
Deputy Clerk

Village of Whitefish Bay Policy Report

Date: November 29, 2018

Prepared By:
Tim Blakeslee
Assistant Village Manager

Reviewed By:
Paul Boening
Village Manager

Joel Oestreich
Director of Building Services

AGENDA ITEM:

Discussion/action on recommendations from the Ad Hoc Teardown/Rebuild Committee

BACKGROUND:

There are approximately 4,600 single-family homes in the Village of Whitefish Bay. From 2013-2017, there were a total of 12 residential teardowns/rebuilds in the Village. To date, there have been two permits issued for residential demolitions in 2018. In November of 2017, the Village of Whitefish Bay Board of Trustees discussed the topic of residential home teardowns/rebuilds and subsequently appointed an Ad-Hoc Teardown Rebuild Review Committee (TDRB) to review information and to investigate possible changes related to home teardowns and rebuilds in Whitefish Bay. The initial staff memo from November of 2017 is included as Attachment 1.

The TDRB committee first met on January 15, 2018, this first meeting focused on the existing demolition permit process, the existing Architectural Review Committee (ARC) submittal process, and various other topics that the TDRB committee members had concerns about. At the second meeting on February 5, 2018, the committee reviewed 2017 ARC activity and data and heard several ARC case studies presented by former ARC chair Roy Wagner. The third meeting took place on March 19, 2018, and discussion focused on an update from the Village Attorney regarding ARC educational meetings and a progress report on research topics to date. At the meeting on April 16, 2018, the TDRB committee took action on five items for staff to either implement or research further.

UPDATE 10-22-18:

At the most recent TDRB committee meeting on October 22, 2018, Village staff provided an update on progress, staff recommendations, other considerations, and information collected from other communities (if applicable) which is outlined in the charts below. The TDRB committee discussed each of these items and recommended that the Village Board take action on various items via four motions. Each of the motions passed unanimously at the October 22nd Committee meeting. A summary of the discussion and recommendation from the TDRB committee action is outlined in red below. Staff has prepared a list of suggested motions that incorporates the Committee's recommendations (page 8).

In addition to time spent at the aforementioned meetings, various Committee members also attended numerous ARC meetings, discussed topics/projects with staff and conducted independent research on applicable matters. Village staff members spent considerable time throughout the review process to support the Committee's efforts by completing research, providing information/data to the Committee, finalizing recommendations and by ultimately preparing this Policy Report for Village Board consideration.

TDRB Committee Recommendation #1	Continued Education of ARC Members (Motion Passed, 5-1)
Current Status:	There are currently 11 ARC members. 8 existing ARC Members have been in attendance for Attorney Jaekels' "refresher" sessions regarding the Design Guidelines and ARC's responsibilities and authority.
Other Considerations:	3 ARC Members have not had the "refresher" session with Attorney Jaekels as of today. Staff is working to schedule a session for these members. If a group session cannot be conveniently scheduled, Attorney Jaekels will meet directly with each member.
Staff Recommendation:	Village staff recommends education for new ARC members via Attorney Jaekels immediately following their appointment. Additionally, staff recommends that Attorney Jaekels conducts a refresher course for ARC members every 3 years or on an as-needed basis.
TDRB Committee Discussion	Discussion focused on the need for education and that it be made a requirement for both ARC members and BOA members because they review similar material. There was discussion regarding education regarding rear setbacks and the design area.
TDRB Committee Motion (10/22/18):	TDRB moved to recommend that the Village Board approve required educational sessions with the Village Attorney for new ARC and BOA members upon their initial appointment and that refresher educational sessions be conducted with ARC and BOA members every three years or on an as-needed basis. Motion Passed, 5-0.

TDRB Committee Recommendation #2	Recommend that ARC Applicants include PDF plans for placement on WFB website & provide 10 extra paper sets (Motion Carried, 6-0)
Current Status:	At the meeting on June 21, 2018, ARC discussed and approved adding PDF plans to the submittal checklist for new homes and additions. After this, Assistant Village Manager Blakeslee worked with the Building Services Department to develop a way for plans to be included as links in the ARC meeting packets on the Village website.
Other Considerations:	ARC members have expressed satisfaction with the plans added to the website and several have said they have used this method to review plans prior to the meeting.

<p>Staff Recommendation:</p>	<p>Staff recommends continuing to add plans on the village website. These plans are public and are easy to access including outside of Village Hall hours. If needed, interested residents would be able to view plans at the library if they do not have home Internet access.</p> <p>Staff recommends not implementing the recommendation to make 10 copies of plans for each item. Staff recommends this primarily because open records access requires uniformity for all and having ten copies available would raise a fairness question if someone is not able to obtain one of those copies. Additionally, making copies of plans for agenda items that don't have public interest could use a significant amount of paper that could be devoted someplace else. However, residents are still able to come in and view plan sets at no cost, submit an open records request to obtain a copy of the plans or view the plans online.</p>
<p>TDRB Committee Discussion</p>	<p>Discussion focused on what plans were posted online and if there was any pushback from developers/applicants. The Committee was happy that this was already implemented.</p>
<p>TDRB Committee Motion (10/22/18):</p>	<p>N/A – Not needed</p>

<p>TDRB Committee Recommendation #3</p>	<p>Recommend that staff explore increasing ARC submittal deadlines and explore placing plans at the Whitefish Bay Library for review (6-0)</p>
<p>Current Status:</p>	<p>Staff has discussed internally and Director of Building Services Joel Oestreich has also communicated with ARC's Chairperson about changing the submittal deadlines to 17 days from 10 days.</p> <p>Staff has placed plans online in lieu of placing a paper copy at the library at this time.</p>
<p>Other Considerations:</p>	<p>The submittal deadline is specified in the Village's Zoning Code. Therefore, any change to the existing 10 day deadline would require an amendment.</p>
<p>Staff Recommendation:</p>	<p>Staff recommends changing the submittal deadlines to 17 days from 10 days. A 17 day submittal deadline would allow more prep time for Village Staff, would allow agendas to be sent to neighbors approximately 7 days sooner and would prevent items from a quick turnaround at the next meeting if an item is tabled.</p> <p>Staff also recommends encouraging residents to review plans online at the library in lieu of placing paper copies of plans at the Whitefish Bay Library for review. Staff can evaluate this at a later time if there is a demand for plans at the library.</p>
<p>TDRB Committee Discussion</p>	<p>Discussion focused on how much time residents would get to review items, a deadline for written neighbor comments that are provided to ARC, and what is considered a public record.</p>

TDRB Committee Motion (10/22/18):	TDRB moved to recommend that the Village Board adopt revised ARC submittal deadlines that would change the deadline for submittals from 10 days prior to the meeting to a deadline 17 days prior to the meeting. It was further moved that neighbor comments must be received two business days prior to an ARC or BOA meeting for them to be included in the meeting packet for each respective committee. Residents may still attend in person and provide feedback after the packet submittal deadline. Motion Passed, 5-0.
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TDRB Committee Recommendation #4	Recommend that staff investigate the implementation of Floor Area Ratio (FAR) and research tools other Municipalities are utilizing (5-1)								
Current Status:	Village Assessor Marty Kuehn was able to successfully create a database that contains the FAR of all residential properties in Whitefish Bay. Attachment 2 is a graphical illustration of the distribution and number of homes in FAR percentage ranges (i.e. # of homes between 20% and 30%). Attachment 3 includes the FARs of the 13 new homes in Whitefish Bay along with the FAR of the corresponding teardowns.								
Research from other communities:	<p>Staff compiled information from a number of municipalities regarding their process for setting appropriate structure size on a lot. A summary is included below and full research is included in Attachment 4:</p> <table border="1" data-bbox="500 1150 1430 1896"> <tr> <td data-bbox="500 1150 1430 1188" style="text-align: center;">Cedarburg</td> </tr> <tr> <td data-bbox="500 1188 1430 1335">Cedarburg uses a combination of FAR, lot coverage, setbacks, and offsets. The residential FAR range is from 20% to 36% based on zoning district. FAR does not apply to the older downtown district</td> </tr> <tr> <td data-bbox="500 1373 1430 1411" style="text-align: center;">Shorewood</td> </tr> <tr> <td data-bbox="500 1411 1430 1484">Shorewood uses maximum height and lot coverage requirements.</td> </tr> <tr> <td data-bbox="500 1522 1430 1560" style="text-align: center;">Sun Prairie</td> </tr> <tr> <td data-bbox="500 1560 1430 1707">Sun Prairie uses a combination of FAR, maximum number of floors, minimum landscape surface ratio, and minimum lot areas. Residential FAR range from 10% to 27.5% based on zoning district.</td> </tr> <tr> <td data-bbox="500 1745 1430 1782" style="text-align: center;">Brookfield</td> </tr> <tr> <td data-bbox="500 1782 1430 1896">Brookfield uses a combination of FAR, maximum height, lot coverage, setbacks, offsets, minimum lot widths, and minimum lot area. Residential FAR max is 25%.</td> </tr> </table>	Cedarburg	Cedarburg uses a combination of FAR, lot coverage, setbacks, and offsets. The residential FAR range is from 20% to 36% based on zoning district. FAR does not apply to the older downtown district	Shorewood	Shorewood uses maximum height and lot coverage requirements.	Sun Prairie	Sun Prairie uses a combination of FAR, maximum number of floors, minimum landscape surface ratio, and minimum lot areas. Residential FAR range from 10% to 27.5% based on zoning district.	Brookfield	Brookfield uses a combination of FAR, maximum height, lot coverage, setbacks, offsets, minimum lot widths, and minimum lot area. Residential FAR max is 25%.
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	<table border="1"> <tr> <td data-bbox="496 191 1433 233" style="text-align: center;">Muskego</td> </tr> <tr> <td data-bbox="496 233 1433 380">Muskego uses a Floor Area Ratio requirement. Residential FAR range from 15% to 25% based on zoning district. Properties within the RL-1, RL-2, and RL-3 Lakeshore Residence Districts are exempt from maximum FAR requirements.</td> </tr> <tr> <td data-bbox="496 415 1433 457" style="text-align: center;">Franklin</td> </tr> <tr> <td data-bbox="496 457 1433 499">Franklin uses maximum height and lot coverage requirements.</td> </tr> <tr> <td data-bbox="496 531 1433 573" style="text-align: center;">Greendale</td> </tr> <tr> <td data-bbox="496 573 1433 678">Greendale uses a combination of FAR, a maximum massing ratio, and height. Residential FAR range from 35% to 50% based on zoning district.</td> </tr> <tr> <td data-bbox="496 716 1433 758" style="text-align: center;">St. Francis</td> </tr> <tr> <td data-bbox="496 758 1433 831">St. Francis uses maximum height and lot coverage requirements.</td> </tr> <tr> <td data-bbox="496 867 1433 909" style="text-align: center;">Lincolnwood, IL</td> </tr> <tr> <td data-bbox="496 909 1433 1052">Lincolnwood uses a combination of FAR, maximum building coverage, maximum impervious coverage, minimum lot size overage, setbacks, and maximum building height. Residential FAR max is 60% to 66% based on zoning district.</td> </tr> </table>	Muskego	Muskego uses a Floor Area Ratio requirement. Residential FAR range from 15% to 25% based on zoning district. Properties within the RL-1, RL-2, and RL-3 Lakeshore Residence Districts are exempt from maximum FAR requirements.	Franklin	Franklin uses maximum height and lot coverage requirements.	Greendale	Greendale uses a combination of FAR, a maximum massing ratio, and height. Residential FAR range from 35% to 50% based on zoning district.	St. Francis	St. Francis uses maximum height and lot coverage requirements.	Lincolnwood, IL	Lincolnwood uses a combination of FAR, maximum building coverage, maximum impervious coverage, minimum lot size overage, setbacks, and maximum building height. Residential FAR max is 60% to 66% based on zoning district.
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Other Considerations:	Of the municipalities referenced above, those that utilize a FAR are not considered comparable to Whitefish Bay with regard to average lot size and age of housing stock. The Village of Shorewood, which is very comparable to Whitefish Bay in terms of single-family residential development, does not utilize a FAR. Shorewood regulates home size in the same manner as Whitefish Bay (setbacks, height regulations, and lot coverage restrictions). Instituting a FAR in a built-out, established community with a significant number of small/narrow lots would not be without consequence. Per the FAR information provided by the Village Assessor, instituting an after-the-fact FAR of 39% in Whitefish Bay would make over 700 of the existing homes legal non-conforming.										
Staff Recommendation:	To not institute a FAR but to instead continuing focusing on education of ARC members, consistent application of the Design Guidelines especially with regard to scale/mass and neighborhood compatibility.										
TDRB Committee Discussion	Discussion focused on the potential consequences of instituting a Floor Area Ratio in a built-out community with unique housing stock and many narrow lots. (Particularly the resulting impact of making many existing homes legal non-conforming). The Committee also reviewed the research provided by Village Staff, and discussed the importance of providing additional data to ARC during their review. There was also a discussion regarding what documentation ARC should receive prior to a meeting.										

TDRB Committee Motion (10/22/18):	TDRB moved to recommend that the Village Board direct staff to require Floor Area Ratio data points be provided on new homes and rebuilds of the subject property, two adjacent properties, and the rear abutting property on the ARC predevelopment checklist. It was further moved that the packet of items provided to ARC members prior to a meeting and posted online should include full plan sets of new homes and additions and it should include neighbor comments that meet the deadline imposed in the second motion above. Motion Passed, 5-0.
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TDRB Committee Recommendation #5	Investigate an ARC Subcommittee to review certain types of projects, direct staff to review potential modifications to ARC Checklist, review whether some projects could be reviewed by staff, review existing design area criteria and provide ARC members with a staff memo for certain types of projects (6-0)				
Current Status:	<p>Staff does not recommend the creation of an ARC subcommittee due to scheduling logistics and time constraints for members. Staff believes that continued education of ARC members and uniform application of Design Guidelines is a better approach to achieving consistency of review.</p> <p>Joel has worked on revisions to the ARC checklist and reviewed these items with the ARC Chair. The proposed checklist is included as Attachment 5. A copy of the existing checklist is also included (Attachment 6).</p> <p>Staff has reviewed items that currently go to ARC and believes that pergolas and arbors could be removed. Additionally, staff believes garages and sheds could be added to the list as long as staff confirms the design matches the home.</p>				
Research from other communities:	<p>Staff conducted research from the North Shore communities and several other area communities regarding their process for staff memos and online public information for ARC type agenda items. A summary is included below:</p> <table border="1" data-bbox="496 1476 1432 1921"> <tr> <td data-bbox="496 1476 1432 1518" style="text-align: center;">Glendale</td> </tr> <tr> <td data-bbox="496 1518 1432 1703">Detailed information for each agenda item is included in the packet which is posted to the website. A single memo for all items. One paragraph for each item. The memo outlines if the project meets zoning code requirements, but it does not provide a staff recommendation on subjective measures.</td> </tr> <tr> <td data-bbox="496 1738 1432 1780" style="text-align: center;">Shorewood</td> </tr> <tr> <td data-bbox="496 1780 1432 1921">Only the agenda is posted on the website. Staff memos are prepared for sign requests only (due to less familiarity with that code section). Shorewood staff mentioned they may change this memo requirement in the future.</td> </tr> </table>	Glendale	Detailed information for each agenda item is included in the packet which is posted to the website. A single memo for all items. One paragraph for each item. The memo outlines if the project meets zoning code requirements, but it does not provide a staff recommendation on subjective measures.	Shorewood	Only the agenda is posted on the website. Staff memos are prepared for sign requests only (due to less familiarity with that code section). Shorewood staff mentioned they may change this memo requirement in the future.
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Other Considerations:	If the revised checklist is strong enough for ARC review, a memo may not be needed. Staff already confirms that a project meets zoning code requirements prior to an item reaching ARC.										
Staff Recommendation:	Staff does not recommend the creation of an ARC subcommittee due to scheduling logistics and time constraints for members. Staff recommends implementation of a revised ARC checklist as opposed to a staff memo and staff review of pergolas, arbors, garages, and sheds as opposed to ARC review of these items.										
TDRB Committee Discussion	There was discussion regarding how to address the design area issue, what the revised ARC checklist is, that the checklist could be used as a memo while promoting consistency in the review process. There was also discussion about including the checklist as a public record, what projects ARC is currently reviewing and projects staff should be reviewing as opposed to ARC.										
TDRB Committee Motion (10/22/18):	TDRB moved to recommend that the Village Board direct staff to provide the ARC project checklist for a project as part of ARC meeting minutes. It was further moved that Village staff should review pergolas, arbors, garages, and sheds as opposed to ARC. It was further moved that ARC and Village staff should set a meeting at a future date to discuss and further define the concept of 'design area' in the Village. Motion Passed, 5-0. <i>Update: At the 11/15/18 ARC meeting, Director of Building Services Joel</i>										

	<i>Oestreich presented suggested language to amend the current Design Area criteria. A copy of the revised definition that incorporates feedback from ARC is included as Attachment 7.</i>
Motion #	Suggested Village Board Motions (Based on Committee Recommendations)
1	Move to require educational sessions with the Village Attorney for new ARC and BOA members upon their initial appointment and that refresher educational sessions be conducted with ARC and BOA members every three years or on an as-needed basis.
2	Move to amend the ARC submittal deadline from 10 days prior to the meeting to 17 days prior to the meeting and to institute a written feedback submittal deadline of two business days prior to an ARC or BOA meeting for such comments to be included in the corresponding meeting packet. <i>(If motion is approved, staff will prepare a Zoning Code amendment for subsequent review by the Plan Commission and Village Board)</i>
3	Move to direct staff to require Floor Area Ratio data points be provided on new homes and rebuilds for the subject property (existing and proposed), two adjacent properties, and the rear abutting property on the ARC predevelopment checklist.
4	Move to direct staff to include full plan sets for new homes and additions in the meeting packet and to post the full plan sets online and to also include copies of written feedback that is submitted by the deadline imposed in the second motion above.
5	Move to direct staff to provide the ARC project checklist for a project as part of ARC meeting minutes.
6	Move to amend the review process to require Village staff review of pergolas, arbors, garages and sheds as opposed to ARC. <i>(If motion is approved, staff will prepare an Ordinance amendment for subsequent review by the Village Board – no Plan Commission review required, not a Zoning Code amendment)</i>
7	Move to direct staff to prepare a Zoning Code Amendment to incorporate the revised Design Area definition as reviewed by ARC on 11/15/18.

ATTACHMENTS:

1. Initial Staff Memo – November 2017
2. FAR Homes – Percentages
3. FAR Data – 13 Newest Homes
4. Other Community Research
5. Proposed ARC Checklist
6. Current ARC Checklist
7. DRAFT Design Area Revision
8. DRAFT Minutes from the TDRB Committee Meeting held on 10/23/18



VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Julie Siegel & Village Board of Trustees

REPORT FROM: Paul Boening – Village Manager

AGENDA ITEM: Discussion/action regarding residential structure
teardowns/rebuilds/additions.

ACTION REQUESTED: Ordinance Resolution Motion Information Only

BACKGROUND

In the past five years, a total of 12 new homes have been constructed in Whitefish Bay. Eight of those homes were built between 2016 and 2017. Of those projects, 11 included demolition (teardown) of an existing home. Director of Building Services Joel Oestreich informed me that there are five developers handling the majority of the teardown/rebuild projects. As a side note, four of those developers happen to reside in Whitefish Bay.

This past summer, ARC Chairperson Roy Wagner contacted President Siegel via email to pass along the following concern:

I believe there is an ARC issue I would like to bring to your attention and perhaps the full board. While we do have Design Guidelines, lot overbuilding is becoming an increasing acrimonious neighborhood issue.

President Siegel and Trustee Serebin subsequently met with Mr. Wagner to discuss his concerns in further detail. Mr. Wagner explained that both complete rebuilds and home addition projects were of concern with regard to lot “overbuilding.”

In the months that followed that meeting, I have received copies of email messages/letters pertaining to the topic from Jen Anderes, Kathy Rogers, David Pritchard, Brian Tobiczky, Paul Hunter and Jennifer West. Copies of those messages/letters are attached.

Trustee Miller and Trustee Serebin requested placement of the teardown/rebuild/addition topic on a Village Board agenda.

RECOMMENDED ACTION BY VILLAGE BOARD

The Village Board has not previously reviewed this specific topic. Therefore, staff is requesting Board direction regarding how to proceed.

For the purposes of discussion, the Board should determine whether residential teardowns/rebuilds/additions constitute a problem in Whitefish Bay. If so, how should the Village work to address the issue?

Potential discussion topics could include:

- **Design Guidelines** (Section 16.31 of the Zoning Code, attached) – Attorney Jaekels contends that Whitefish Bay has the most modern design guidelines in the State of Wisconsin. The guidelines include language that enables ARC to deny plans based upon such factors as scale, massing, and/or compatibility with neighborhood patterns. Attorney Jaekels has offered to appear before the ARC to provide a “refresher” session related to ARC’s ability to utilize such authority.
- **Zoning Requirements** – Key provisions that apply to such projects include setbacks, maximum lot coverage and structure height. Attorney Jaekels can speak to the legality of amending such requirements for new homes. If that is a possibility, the Board will need to consider the fairness of applying different Zoning standards to new projects. On the flip side, amending such provisions in an entire Zoning District would cause many existing properties to become legal non-conforming.
- **Economic Factors** - Given the profit margin associated with teardowns/rebuilds, we anticipate that such projects will continue so long as the housing market remains strong. From a property value perspective, construction of new homes adds to Whitefish Bay’s equalized property value. A steady continuation of interior/exterior remodels and additions are other factors that have enabled Whitefish Bay’s equalized value to increase.
- **Property Owner/Developer Rights** – Village officials have received questions about why “perfectly good homes” have been demolished. As the Board is aware, property owners are afforded many rights that are protected by law including utilizing property for a permitted use. The existing Zoning Code requirements and Design Guidelines were authored to comply with such protections while still providing ARC with the authority to apply the aforementioned guidelines.

Joel Oestreich will be in attendance at the meeting and will be able to answer any questions related to the ARC process, demolition/construction, etc. Attorney Jaekels will be able to address both the history of Design Guideline adoption and the legal implications of potential modifications.

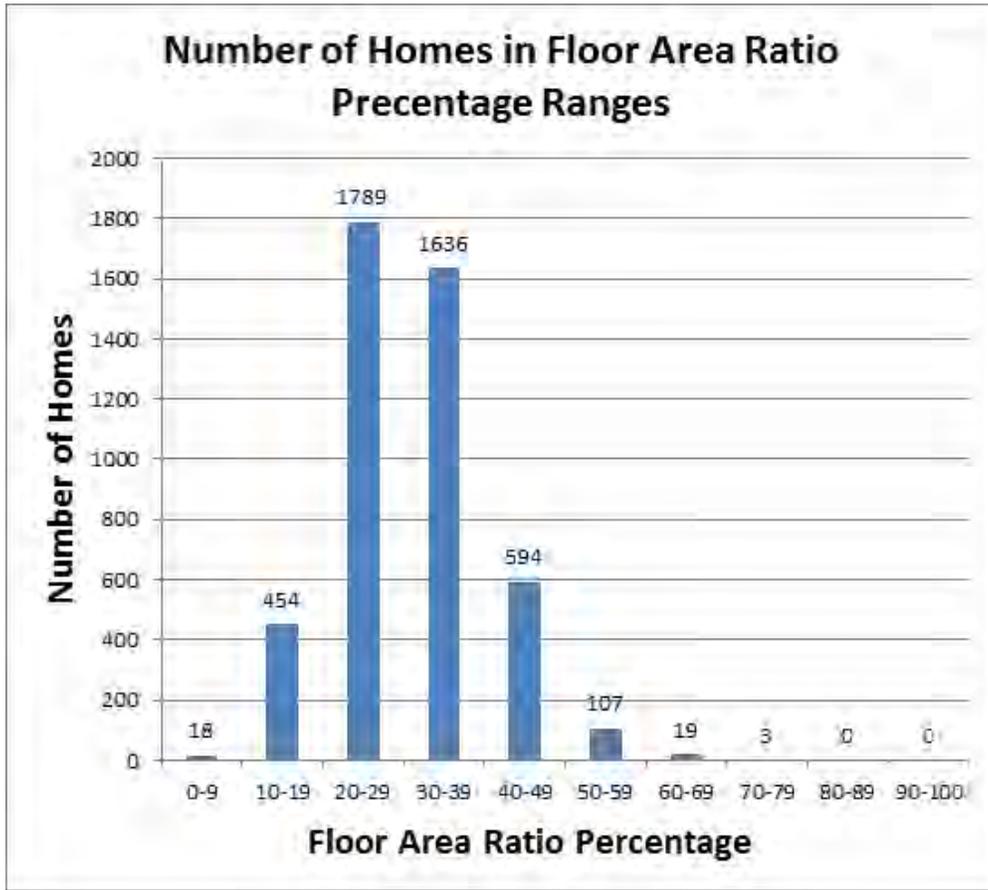
Potential Village Board options include the following:

- Proceed under the existing requirements, guidelines and processes (No action necessary).
- Direct Attorney Jaekels to appear before ARC to provide a “refresher” session related to ARC’s ability to enforce the Design Guidelines.
- Direct staff to provide additional information for review at a future Board meeting. If so, what information would the Board like staff to assemble?
- Appoint a Committee to review the topic in further detail and/or ask ARC to provide feedback/suggestions for Village Board consideration.

The Board may also suggest options that are not listed above. Again, since this is a new topic, staff is seeking direction from the Board regarding whether the subject warrants additional review. If so, how would the Board like to proceed?

C: Department Heads
Attorney Jaekels

Attachment 2:



% Range	Count	Total
0-9	18	0.39%
10-19	454	9.83%
20-29	1789	38.72%
30-39	1636	35.41%
40-49	594	12.86%
50-59	107	2.32%
60-69	19	0.41%
70-79	3	0.06%
80-89	0	0.00%
90-100	0	0.00%
Total	4620	

Attachment 3:

Address	New FAR	Old FAR
835 E Glen	49.50%	30.53%
4623 N Morris	54.00%	27.08%
6250 N Lake	17.35%	7.40%
5134 N Woodburn	65.97%	18.53%
4821 N Newhall	48.61%	18.63%
122 W Devon	44.57%	0.00%
825 E Lake Forest	62.99%	24.60%
5850 N Lake Dr	41.35%	27.72%
740 E Beaumont	51.70%	27.08%
1015 E Colfax	44.22%	19.31%
1414 E Fairmount	61.60%	20.67%
910 E Silver Spring	14.14%	8.50%
4704 N Wilson	26.29%	11.74%

West Allis

Floor Area Ratio. The floor area ratio on a lot in the RC-1 Residence District shall not exceed 1.2.

Floor Area Ratio. The floor area ratio on a lot in the RC-2 Residence District shall not exceed 1.8.

PDD-1 - Planned Development Districts - Residential:
 In order to provide for the best utilization of the project site with relation to topography, open space and recreation areas, structure location and design, flexibility will be allowed in the establishment of population density, setback and side yard restrictions, maximum lot coverage and floor area ratio.

Sun Prairie

Zoning District	Maximum Number of Floors (#F)	Minimum Landscape Surface Ratio (LSR)	Maximum Floor Area Ratio (FAR)	Minimum Lot Area (sq ft) (MLA)	Maximum Building Size (sq ft) (MBS)
Rural Holding (RH-35ac)	1	70%	.100	5 acres	(na)
Countryside Res. (CR-5ac)	1	70%	.100	5 acres	(na)
Estate Res. (ER-1)	1	70%	.100	5 acres	(na)
Suburban Res. (SR-4)***	1	25%	.250	1 acre	(na)
	2	30%	.275	1 acre	(na)
Mixed Residential (MR-8)***	1	25%	.250	1 acre	(na)
	2	30%	.275	1 acre	(na)
Urban Residential (UR-12)**	1	25%	.250	1 acre	(na)
***	2	30%	.275	1 acre	(na)

Muskego

RC-1 - Rural Country Estate District -20%
 RC-2 - Rural Country Estate District -20%
 RC-3- Rural Country Estate District -20%
 RCE - Country Estate District -15%
 RSE - Suburban Estate District-25%
 RS-1 - Suburban Residence District -25%
 RS-2 - Suburban Residence District -25%
 RS-3 - Suburban Residence District - -25%
 ERS-1 - Existing Suburban Residence District -25%
 ERS-2 - Existing Suburban Residence District -25%
 ERS-3 - Existing Suburban Residence District-25%
 RL 1 - exempt.
 RL - 2 - Exempt
 RL 3 - exempt

**EXAMPLE OF RESIDENTIAL ZONING DISTRICT REGULATIONS
CITY OF BROOKFIELD, WISCONSIN, ZONING CODE**

Zoning Regulations
Form PLN-40
04-25-11

To the user: This data is provided by the City of Brookfield for informational purposes only. The City does not warrant or guarantee the accuracy or reliability of this data. The recipient of this data assumes any risk of its use for any purpose.

ZONING DISTRICT	SETBACK (STREET)	OFFSET (INTERIOR)	MAXIMUM HEIGHT	MAXIMUM F.A.R.	MINIMUM LOT WIDTH	MINIMUM LOT AREA	MAXIMUM DENSITY	MAXIMUM LOT COVERAGE (Footprint)	MINIMUM LANDSCAPE SURFACE RATIO	AREA REGULATION
"R-1" SINGLE FAMILY RESIDENTIAL	50'	25' 20' (2) 50' (1)	35' principal 15' access.	25%	150'	30,000 sq. ft.	—	20% principal 5% access.	—	1 BR--1,800 2 BR--1,800 3 BR--1,800 4 BR--2,000 5 BR--2,200
"R-2" SINGLE FAMILY RESIDENTIAL	50'	25' 20' (2) 50' (1)	35' principal 15' access.	25%	130'	25,000 sq. ft.	—	20% principal 5% access.	—	1 BR--1,600 2 BR--1,600 3 BR--1,600 4 BR--1,800 5 BR--2,000
"R-3" SINGLE FAMILY RESIDENTIAL	50'	25' 20' (2) 50' (1)	35' principal 15' access.	25%	130'	22,500 sq. ft. (3) 20,000 sq. ft.	—	20% principal 5% access.	—	1 BR--1,400 2 BR--1,400 3 BR--1,400 4 BR--1,600 5 BR--1,800
"M-1" MULTIPLE FAMILY RESIDENTIAL	50' (4)	20' (5)	35' principal 15' access.	20% 25% (6)	180'	20,000 sq. ft.	2.9 units per acre (7)	35% all buildings and surfaced areas	65%	1 BR-- 800 2 BR--1,000 3 BR--1,300 4 BR--1,500 5 BR--1,700
"M-2" MULTIPLE FAMILY RESIDENTIAL	50' (4)	20' (5)	35' principal 15' access.	20% 25% (6)	120'	20,000 sq. ft.	5.8 units per acre (7)	35% all buildings and surfaced areas	65%	1 BR-- 800 2 BR--1,000 3 BR--1,300 4 BR--1,500 5 BR--1,700

- NOTES: (1) Minimum 50' when adjacent to a railroad or a less restrictive zoning district for lots created after 8-15-89
 (2) Minimum 20' for lots created prior to 8-15-89 or for lots not created by subdivision
 (3) Minimum 20,000 sq. ft. lot area for lots created prior to 8-15-89 or for lots not created by subdivision
 (4) Minimum 100' between buildings across private streets or drives
 (5) Minimum 40' between buildings
 (6) On lots one acre or less
 (7) Subject to plan and method of operation approval of Section 17.100 of Zoning Code calculated at 15,000 sq. ft. open space per unit in "M-1" and 7,500 sq. ft. of open space per unit in "M-2"

REFER TO CITY ZONING CODE FOR SPECIFIC REGULATIONS (Chapter 17 of Municipal Code)

The Zoning Code is available on the City' web site at www.cityofbrookfield.com

§ 455-21 R-1 Single-Family Residential District.

E. Height and area (principal buildings).

- (1) Minimum lot width.
 - (a) Existing lots of record on the effective date of this chapter, provided that no further division takes place: 30 feet. Lots less than 60 feet in width may only be used for single-family homes and their accessory structures.
 - (b) Lots platted subsequent to the effective date of this chapter: 50 feet. Lots less than 60 feet in width may only be used for single-family homes and their accessory structures.
- (2) Maximum building height, except as provided under § 455-13: 35 feet or 2.5 stories, whichever is less.
- (3) Minimum front setback, except as provided under § 455-12:
 - (a) Uncovered porches and decks: 20 feet.
 - (b) Principal structure: 25 feet.
- (4) Required side yard depth, except as provided under § 455-12.
 - (a) Lots 35 feet in width or greater.
 - [1] North or west side: 10% of lot width or five feet, whichever is less.
 - [2] South or east side: 20% of lot width or 10 feet, whichever is less.
 - (b) Lots less than 35 feet in width. Side setbacks shall be established by the Zoning Board of Appeals.
- (5) Required rear yard depth, except as provided under § 455-13: 25 feet.

Brookfield

St. Francis

Table 15-3.0205

R-4 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0	0.15	0.3
Gross Density (GD)	2.081	2.108	2.148
Net Density (ND)	2.081	2.48	3.068
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	16,000	13,000	10,000
Minimum Lot Width at Setback Line (feet)	95 110 – corner	90 105 – corner	85 100 – corner
Minimum Front Yard (feet)	40	35	30
Minimum Side Yard (feet)	10	10	10
Minimum Side Yard on Corner Lot (feet)	30	25	19
Minimum Rear Yard (feet)	30	30	30
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.2	0.2	0.25
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 Bedrooms	1,600 s.f.	1,600 s.f.	1,600 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	1,900 s.f. – total 1,050 s.f. – 1st floor	1,900 s.f. – total 1,050 s.f. – 1st floor	1,900 s.f. – total 1,050 s.f. – 1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

Franklin

Greendale

Where may I locate the addition?

- Location on the house:
 - On rear
 - On sides of lots 65 feet or wider: one-story, 20 ft. minimum front yard setback
- Minimum rear-yard setback:
 - Greater of 30 feet or 40% of lot depth
- Minimum side-yard setback:
 - 9 feet

How large may it be?

- Maximum Floor Area Ratio (See page 16):
 - 0.45 (Single-family R-4)
 - 0.40 (Single-family R-5)
 - 0.35 (Duplex without basement R-4)
 - 0.50 (Duplex or Multifamily R-5)
- Maximum Massing Ratio:
 - 1.35 (Single-family R-4)
 - 1.30 (Single-family R-5)
 - 1.40 (Duplex or Multi-family R-5)

Height:

- One story; two stories permitted on rear of single-family detached houses only

Room type:

- May not add bedroom

How may I build the addition?

Roof type:

- Match the original house
- Hip or flat

Roof slope:

- Match house roof
- Lower pitch to avoid original features, including windows

Exterior wall configuration:

- Parallel and perpendicular to the original

Exterior wall location:

- Flush with or inset within original walls

Original windows:

- Leave unobstructed

Original outside walls behind addition:

- Open for required access only
- Leave intact as much as possible

What else should I consider?

- Roofs (Page 40)
- Windows (Page 42)
- Doors (Page 44)
- Siding (Page 46)
- Detailing (Page 48)
- Color (Page 50)

Construction of an enclosed addition will change the original composition of the house. It will affect the site's exterior spaces and vistas.

Lincolnwood, IL

Residential Zones

Use Category	R-1	R-2	R-3
Lot Standards (single-family dwelling units)			
Minimum lot size (square feet)	9,000 SF	7,000 SF	5,400 SF
Maximum impervious coverage: %	60%	60%	60%
Maximum building coverage (%)	35%	35%	35% (Note 4)
Minimum Ground Floor Area Per Dwelling			
SF detached 1-story dwelling without basement	1,700 SF	1,400 SF	1,300 SF
SF detached 1-story dwelling with basement	1,500 SF	1,200 SF	1,100 SF
SF detached dwellings with (1 + stories)	1,000 SF	800 SF	700 SF
Building Standards			
Maximum building height (feet) peaked roof SF detached measured to roof peak	35 feet	35 feet	35 feet
Maximum building height (feet) flat roof SF detached measured to the highest point of the flat roof	22 feet	22 feet	22 feet
Finished 1st floor height limit SF residential (elevation at top of curb to the top of the finished first floor)	Max. 3 feet	Max. 3 feet	Max. 3 feet
Maximum building height (feet) nonresidential	40 feet	40 feet	40 feet
Maximum FAR			
SF detached, lot size ≥ 6,000 SF	0.6	0.6	0.6
SF detached, lot size < 6,000 SF or total floor area < 3,600 SF	0.66	0.66	0.66
Nonresidential permitted or special uses	0.5	0.5	0.5
Yard Standards			
Minimum front setback (feet) (Note 3)	25 feet	25 feet	25 feet
Maximum front yard coverage with impervious surface (%)	50%	50%	50%
Minimum interior side setback (feet) single-family detached dwellings	5 feet or 10% of lot width*	5 feet or 10% of lot width*	5 feet or 10% of lot width*
Minimum interior side yard setback (feet) nonresidential uses	15 feet each side yard	15 feet each side yard	15 feet each side yard
Minimum corner side setback (feet)	10 feet	10 feet	10 feet
Minimum rear setback (feet)	30 feet	30 feet	30 feet

ARC's Finding of Facts

Project Address: _____

Project Description: _____

Meeting Date: _____

Representatives Present: _____

Members Recusing: _____

Discussion Key:

Neighbors in Attendance: _____

Discussion Keys: _____

Conditions: _____

Moved to Approve/Table/Deny: _____

Seconded By: _____

Vote _____

Signed _____
Chairperson

Secretary

ARC Checklist

Setbacks compatible per 16.31 1. A.?

Front	YES	NO
Side	YES	NO
Rear	YES	NO

Height

Most Design areas limited to 25'	YES	NO
Between 25.1' – 30' design area must have a pattern of this height	YES	NO
Between 30.1' – 35' addition requirements met per RDG	YES	NO

Entries and Porches

Entries are consistent with the Design Area	YES	NO
Entry is consistent with the style of the home	YES	NO
Entries should be retained with remodels	YES	NO
Entry is prominent and oriented to the street (unless Design Area pattern)	YES	NO

Garages and Parking Areas

Garages location is consistent with Design area	YES	NO
Attached garage is NOT the dominant feature when viewed from the road	YES	NO
Attached garages at the front or side are not wider than ½ the width of the structure	YES	NO
Three garages meet RDG specs in 16.31 1 D. iii.	YES	NO
Attached garages on corner lots does not cause paving at or near the corner	YES	NO
Front facing attached garage single door can't exceed 30% of the combined width of structure	YES	NO
Driveway pavement is minimized as per the RDG	YES	NO

Scale and Massing

Compatible to the adjacent houses	YES	NO
Scale and mass facing public street is compatible with Design Area	YES	NO
Foundation height is compatible with Design Area	YES	NO

Specific Design Elements of Architectural Style

Proposed project is architecturally consistent on all sides concerning the following:		
Siding material is consistent with style of house	YES	NO
Roofing material is on approved list	YES	NO
Roof slopes are compatible	YES	NO
Window styles/size/proportions are compatible	YES	NO
Decorative features are compatible (corbels, rails, columns, etc.)	YES	NO
Chimneys (generally masonry)	YES	NO
Garages and Sheds are compatible with house style	YES	NO

If no to any of the above, mitigation measures are (16.31 III. B. 1-7)

Section B. – Agenda Items

Project Address: _____

Project Description: _____

Sign Posted _____ **Sign Returned** _____

Meeting Date: _____

Representatives Present: _____

Members Recusing: _____

Discussion Keys: _____

Neighbors in Attendance: _____

Discussion Keys: _____

Conditions: _____

Moved to Approve: _____

Seconded By: _____

Vote: _____

Signed _____
Chairperson **Secretary**

Section C. - Checklist

ARC Checklist Completed? YES NO

Are setbacks compatible: YES NO

To the Design Area of adjacent properties

Height if exceeds 25 ft. YES NO

See RDG – Already has special exception

Scale and massing is generally compatible to design area YES NO

Specific Design Architectural Style issues:

Natural building materials YES NO

Roof material (on list) YES NO

Roof slope – compatible YES NO

Window styles – compatible YES NO

Chimneys (masonry generally) YES NO

Exterior lighting does not affect neighbor YES NO

Site plan does not impair lot's beauty YES NO

Other _____

If no to any of the above, mitigation measures are:

Attachment 7

Proposed Design Area Definition

Design Area. The Design Area of a property shall be as outlined in 1 -3 below, and/or subject to such refinements as might be made by the Building Inspector to deal with unique circumstances such as curved streets, cul de sacs, subdivision or zoning district boundaries, and the like. All homes in the Design Area must be homes located within the Village boundaries. Additionally, a reasonable effort will be made to include a minimum of 8 homes in the Design Area.

1. For parcels abutting Lake Michigan the design area shall consists of 6 residential parcels on both sides of the subject parcel. Homes only abutting Lake Michigan shall be considered in the Design Area.
2. For interior lots the Design Area shall consist of all abutting residential parcels and all interior residential parcels on both sides of the street within the block of the subject parcel. In no case should residential parcels abutting Lake Michigan be considered in the Design Area.
3. For corner lots the Design Area shall consist of all abutting residential parcels, all corner residential parcels within 300 feet of the subject parcel, and any residential parcel located directly across the street. In no case should residential parcels abutting Lake Michigan be considered in the Design Area.



Ad Hoc Teardown/Rebuild Review Committee Minutes
Monday, October 22, 2018, at 6:00 pm
Whitefish Bay Village Hall Board Room

I. **Call to Order and Roll Call:**

The meeting was called to order at 6:02 pm

Present: Trustee Fuda (Chairman), Trustee Serebin, Meg Baniukiewicz, Lynn Ludke, Sarah Malik

Absent with notice: Roy Wagner

Also Present: Paul Boening – Village Manager, Joel Oestreich – Building Services Director, Tim Blakeslee – Assistant Village Manager, Chris Jaekels – Village Attorney

II. **Approval of minutes from April 16, 2018.**

Trustee Serebin moved to approve the minutes from April 16, 2018. Meg Baniukiewicz seconded. Motion passed 5-0.

III. **Discussion/action regarding topics/process modifications/submittal requirement changes for staff to research and subsequently present to the Village Board for consideration.**

Trustee Fuda introduced the topic and summarized the meetings thus far and what the committee charged staff to research. Village Manager Boening provided community background on the topic. Boening said that staff will review each committee recommendation from the previous meeting item followed by committee discussion to provide a direction moving forward.

Item 1: Village Manager Boening began by summarizing item 1 and suggesting that education continues for new ARC members via the Village Attorney immediately following their appointment. Additionally, staff recommends that the Village Attorney conducts a refresher course for ARC members every 3 years or on an as-needed basis. Trustee Fuda agrees with Village Manager and thinks this has been an important step already for ARC members.

Attachment 8

Trustee Serebin suggests using the term “required” vs. recommended training and that it should be for ARC and BOA.

Lynn Ludke said that ARC has done a really good job, but there still have been some questions about rear setback requirements. She sees additions that have gone beyond their neighbors and is wondering how that is the case. Building Services Director Oestreich says there are two layers to this and that a hard line is in the zoning code and then ARC can use the design guidelines to apply a more stringent guide based on the neighborhood. Ludke said they should all be compatible but some are way beyond. Building Services Director Oestreich said he can't say why ARC approved some and not others, but the checklist that is being developed will help. Village Attorney Chris Jaekels said that many of the homes she is discussing pre-date the design guidelines and was part of the reason they were created in the first place.

Sarah Malik asks about the design area that the guidelines take into consideration. Trustee Serebin and Trustee Fuda summarize the design area issue.

Item 2: Village Manager Boening began by summarizing item 2. Staff recommends continuing to add plans on the village website. These plans are public and are easy to access including outside of Village Hall hours. If needed, interested residents would be able to view plans at the library if they do not have home Internet access. Staff recommends not implementing the recommendation to make 10 copies of plans for each item. Meg Baniukiewicz asked what is PDFed and on the website? Oestreich says that it's just for new homes and additions. Trustee Serebin asked if there has been pushback from developers. Oestreich said there has not been. Meg Baniukiewicz suggested making sure the full plan set for these is posted online. There is agreement from the board and this will be covered under another item.

Item 3: Village Manager Boening began by summarizing item 3. Staff recommends changing the submittal deadlines to 17 days from 10 days. A 17 day submittal deadline would allow more prep time for Village Staff, would allow agendas to be sent to neighbors approximately 7 days sooner and would prevent items from a quick turnaround at the next meeting if an item is tabled. Lynn Ludke asked how this would help residents. Oestreich said that it will give residents approximately 7 days more time to review. Lynn Ludke suggested a deadline for neighbor comments to be included in the packet provided to ARC, otherwise they need to show up at the meeting. Oestreich said this is a good idea. Village Attorney Jaekels and Trustee Serebin talk about neighbor submissions and public records.

A member of the audience, Terry Quantance (725 Lake View), asked what is considered a teardown, does it include a house that is removed with one wall standing. Oestreich described that a teardown as a total removal. Trustee Fuda says that teardowns were the charge of the committee.

Attachment 8

Item 4: Village Manager Boening began by summarizing item 4. Staff recommends to not institute a FAR but to instead continue focusing on the education of ARC members and consistent application of the Design Guidelines. Boening notes that of the municipalities referenced above, those that utilize a FAR are not considered comparable to Whitefish Bay with regard to average lot size and age of housing stock. The Village of Shorewood, which is very comparable to Whitefish Bay in terms of single-family residential development, does not utilize a FAR. Boening describes the issues with legal non-conforming homes and that staff is looking to educate and create consistency with the design guidelines so a FAR is not needed. Trustee Serebin asked how the various communities were chosen to research. Assistant Manager Blakeslee said it was based selecting a variety of community sizes and the accessibility of various zoning codes.

A member of the audience, Kathy Rodgers (5059 Woodburn), asked why legal non-conforming homes are an issue. Trustee Fuda and Village Attorney Chris Jaekels describe issues related to value, resale, and fairness with other property owners. Kathy Rodgers asked if there are legal non-conforming structures in the Village now. Village Attorney Chris Jaekels stated that yes this is the case, but it's not good policy to create more. Trustee Fuda believes there would be unintended consequences for creating a max FAR, such as developers building all future homes to the max FAR. Lynn Ludke asked could you create a FAR for just rebuilt homes moving forward. Jaekels was concerned with creating legal non-conforming properties and giving some property owners more right to improve their property than others. Sarah Malik welcomed the FAR data that was provided and did not expect most homes to be between 20% and 40%. She expected it to be higher. She said we need time to see how these recommendations play out before moving forward. Trustee Serebin recommended providing FAR as a data point for ARC meetings, but not as a requirement. Sarah Malik thought this was a great idea. Meg Baniukiewicz cautions using FAR as the only tool, developers will work around it.

A member of the audience and ARC member, Dave Domres (5021 Idlewild), was asked if FAR as a data point would be helpful. He said that it would be helpful as a data point, but wasn't sure he would want it as a requirement. What would be more helpful was clarifying the design area.

A member of the audience, Douglas Guinn (820 E Birch), said that ARC Member and Teardown member Roy Wagner said ARC didn't feel comfortable deciding size and that there need to be rules.

Item 5: Village Manager Boening began by summarizing item 5. Staff does not recommend the creation of an ARC subcommittee due to scheduling logistics and time constraints for members. Oestreich stated that he has worked on revisions to the ARC checklist and it is included in the packet. Oestreich also believes staff can review pergolas, arbors, garages, and sheds to cut down on ARC reviewing them. Village Manager Boening also described the staff reports from other communities.

Attachment 8

A member of the audience and ARC member, Dave Domres (5021 Idlewild), said that cutting down the minor projects would greatly help ARC. There was a discussion about what ARC currently reviews.

Lynn Ludke asked about working on the design area. Trustee Fuda said that reviewing the design area could and should be an entirely different meeting. There was a discussion on any future Teardown meetings. Trustee Fuda and Village Manager Boening suggested that ARC set a meeting to review the design area that the Village Manager Boening will keep the Teardown Committee informed. ARC deals with the design area most and should review it.

Lynn Ludke asked about rear setbacks. Oestreich stated that the new checklist brings more attention to them but it is the onus of the applicant to answer.

Sarah Malik stated she believes that a checklist that stays with the project would be just as good as a staff memo. Trustee Serebin asked if the checklist would be part of the public record. Oestreich stated that it would be.

A member of the audience, Kevin Whaley (722 Lake View), said he wanted to see more done about area/mass. He read his email that he sent to the committee. There was a discussion about how to obtain the FAR on a property. Trustee Fuda reminds attendees of the scope of the committee and that we need to remember the rights of all individual including the homeowner/property owners and mentioned these rebuilds have generated about \$30,000 of additional tax revenue which keeps the Village tax rate stable for everyone else. Mr. Whaley says that is fundamentally wrong and that the design guidelines are the expressed social policy of the Village. Trustee Fuda thanked Mr. Whaley for his comments.

The Committee proceeded to make the following motions based on the discussion:

Sarah Malik moved to recommend that the Village Board approve required educational sessions with the Village Attorney for new ARC and BOA members upon their initial appointment and that refresher educational sessions be conducted with ARC and BOA members every three years or on an as-needed basis. Trustee Serebin seconded. Motion passed 5-0.

Trustee Serebin moved to recommend that the Village Board adopt revised ARC submittal deadlines that would change the deadline for submittals from 10 days prior to the meeting to a deadline 17 days prior to the meeting. It was further moved that neighbor comments must be received two business days prior to an ARC or BOA meeting for them to be included in the meeting packet for each respective committee. Residents may still attend in person and provide feedback after the packet submittal deadline. Meg Baniukiewicz seconded. Motion passed 5-0.

Sarah Malik moved to recommend that the Village Board direct staff to require Floor Area Ratio data points be provided on new homes and rebuilds of the subject property, two adjacent properties, and the rear abutting property on the ARC predevelopment checklist. It

Attachment 8

was further moved that the packet of items provided to ARC members prior to a meeting and posted online should include full plan sets of new homes and additions and it should include neighbor comments that meet the deadline imposed in the second motion above. Motion passed 5-0.

Trustee Serebin moved to recommend that the Village Board direct staff to provide the ARC project checklist for a project as part of ARC meeting minutes. It was further moved that Village staff should review pergolas, arbors, garages, and sheds as opposed to ARC. It was further moved that ARC and Village staff should set a meeting at a future date to discuss and further define the concept of 'design area' in the Village. Motion passed 5-0.

IV. A motion was made by Trustee Serebin to adjourn the meeting at 8:12 p.m. Seconded by Sarah Malik. Motion passed 5-0.

MEMORANDUM

To: Board of Trustees of the Village of Whitefish Bay

From: Christopher J. Jaekels, Village Attorney

Date: November 28, 2018

Subject: Appeal of Request for Certificate of Appropriateness for Demolition of Historically Designated Home at 4640 N. Lake Drive (John Brodersen a/k/a 4646 Lake Drive LLC)

Background of Ownership and Historic Designation

In 2007, the Whitefish Bay Historic Preservation Commission designated the home at 4640 N Lake Drive ("Property") as both an historic structure and historic site under Section 16.25 of the Municipal Code (the "Historic Preservation Ordinance") with the consent of the then owner of the property. The Property was later purchased by the current owner of the real estate, John Brodersen (a/k/a 4646 Lake Drive LLC).

Current Request for Demolition

On October 8, 2018, Mr. Brodersen applied for a demolition permit to demolish the residence on the property. On October 13, 2018, Mr. Brodersen applied for a "Certificate of Appropriateness" under Section 16.25 of the Village Code, which would enable him to demolish an historic structure (the residence).

The ARC Decision

Pursuant to the Ordinance, the Architectural Review Commission ("ARC") heard the request at its November 15, 2018 meeting. At that meeting, Robert Ruvin appeared on behalf of Mr. Brodersen. Mr. Ruvin stated that he had purchased the structure (but not the land) from Mr. Brodersen and 4646 Lake Drive LLC on a Bill of Sale and that he was looking for a place to move the structure, but that he had been unsuccessful thus far. Under the Ordinance the **applicant** must show that he has made good faith efforts for a period of at least sixty (60) days to secure a buyer who agrees to, or otherwise secures a means to, preserve, relocate, reuse, or otherwise rehabilitate the structure utilizing a reasonable level of resources available to the owner or buyer. The ARC noted that Mr. Brodersen and 4646 Lake Drive LLC no longer owned the structure and therefore could not be granted a Certificate of Appropriateness by the ARC. The applicant did not provide evidence of his sixty (60) day efforts as required. The ARC voted to deny the application. The ARC and the Village Attorney then advised Mr. Ruvin that he could undertake sixty (60) days worth of efforts to secure a buyer for the structure and then apply for a Certificate of Appropriateness himself.

The Appeal

Under the Historic Preservation Ordinance, appeals from determinations of the ARC with regard to Certificates of Appropriateness are to be brought to the Village Board. This is a requirement in State Statutes. The Village Board is to render its decision based on the record and any additional evidence presented to it by the applicant. In this case, the sole question is whether at the time of the ARC meeting the applicant met the requirements of the Ordinance for a Certificate of Appropriateness. The Applicant was no longer the owner and made no presentation as to his efforts to sell or save the structure as is required by the Ordinance. The ARC denied the application on this basis. The Village Board can uphold or reverse the decision of the ARC. The current owner of the structure remains eligible to show the necessary efforts to preserve the structure and submit a new application for a Certificate of Appropriateness for demolition.

CJJ:das

From: Rob Ruvin [<mailto:rob@robertruvin.com>]
Sent: Monday, November 26, 2018 9:09 AM
To: Oestreich, Joel
Subject: 4640

Hi Joel:

We would like to appeal the November 15th ARC decision to deny the Certificate of Appropriateness to dismantle the home located at 4640 N Lake Drive to the Village Board on December 3rd.

Thank you,

Rob Ruvin & John Brodersen

Rob Ruvin
414-688-3706 (txt)
rob@robertruvin.com



CERTIFICATE OF APPROPRIATENESS APPLICATION FORM

Incomplete applications will not be processed for Commission review. Please print legibly.

1. HISTORIC NAME OF PROPERTY OR HISTORIC DISTRICT (if known):

4640 N. Lake Drive, 1 property no Historic District

2. NAME AND ADDRESS OF OWNER:

Name(s): JOHN BRUDERSEN

Address: 4640 N. Lake Drive

City: Whitefish Bay State: WI Zip: 53211

Phone Number (home/cell): (414) 807 8080

Phone Number (work): same

Email address: john@jbbfoods.com

3. APPLICANT, AGENT OR CONTRACTOR (if different from owner): (SAME)

Name(s): Rob RUVIN/RUVIN CONSULTING

Address: P.O. Box 170215

City: milwaukee State: WI Zip: 53217

Phone Number (home/cell): (414) 688 3706

Phone Number (work): (SAME)

Email address: rob@robertruvin.com

4. ATTACHMENTS (Because projects can vary in size and scope, please call the Building Services at 414-962-6690 for submittal requirements):

Demolition

Exterior Modification

5. DESCRIPTION OF PROJECT: Describe all proposed work including materials, design, and dimensions per Municipal Code Section 16.25(5)(b)(1-3) as applicable. Additional pages may be attached.

Demolition of structure, backfill with construction grade fill. Home will be deconstructed and parts will be reused, donated or sold.

6. Do you agree with the Historic Designation on your home? Yes No

7. SIGNATURE OF APPLICANT:

[Signature]
Signature

JOHN BRUDERSEN
Printed Name

10/23/18
Date

This form and all supporting documentation **MUST** arrive by 4:30 noon on the deadline date established to be considered at the next Architectural Review Commission Meeting. Any information not provided to staff in advance of the meeting will not be considered by the Commission during their deliberation. Please call if you have any questions and staff will assist you.

Contact the Building Services Department with Questions
414-962-6690
5300 N. Marlborough Drive, Whitefish Bay, WI, 53217

Staff Use Only

ARC Chair Signature

Date



Village of Whitefish Bay
5300 N. Marlborough Drive
Whitefish Bay, Wisconsin 53217

Phone: 414-962-6690

Fax: 414-962-5651

Memorandum

To: Julie Siegel, Village Board President
All Village Board Trustees

From: John Edlebeck, Public Works Director
Kevin Kaegi, Public Works Superintendent/Village Forester

Date: November 28, 2018

Re: 2019 Winter Tree Pruning Contract

Each year the Village hires a contractor to prune trees within the street parkway or on public lands throughout the Village. The tree pruning, throughout the entire village, is completed on a 7-year cycle. The contractor is hired to do the tallest and largest trees. Village crews will work in the same area pruning the smaller trees. The 2019 pruning area is provided on the attached map. Due to limited labor and the cost of the equipment necessary to reach the taller trees, the Village has found that this is a cost effective way of managing our urban forest.

The Village received two bids on November 16, 2018 after inviting seven qualified contractors to bid. A qualified bidder must have a "Certified Arborist" on its' staff. The two bids received were:

First Choice Tree Care, Inc. – \$79.25/Tree
M & M Tree Service – \$84.00/Tree

First Choice Tree Care has previously completed quality forestry related projects for the Village of Whitefish Bay, specifically treating our village ash street trees as part of our Emerald Ash Borer Management Program.

Recommendation:

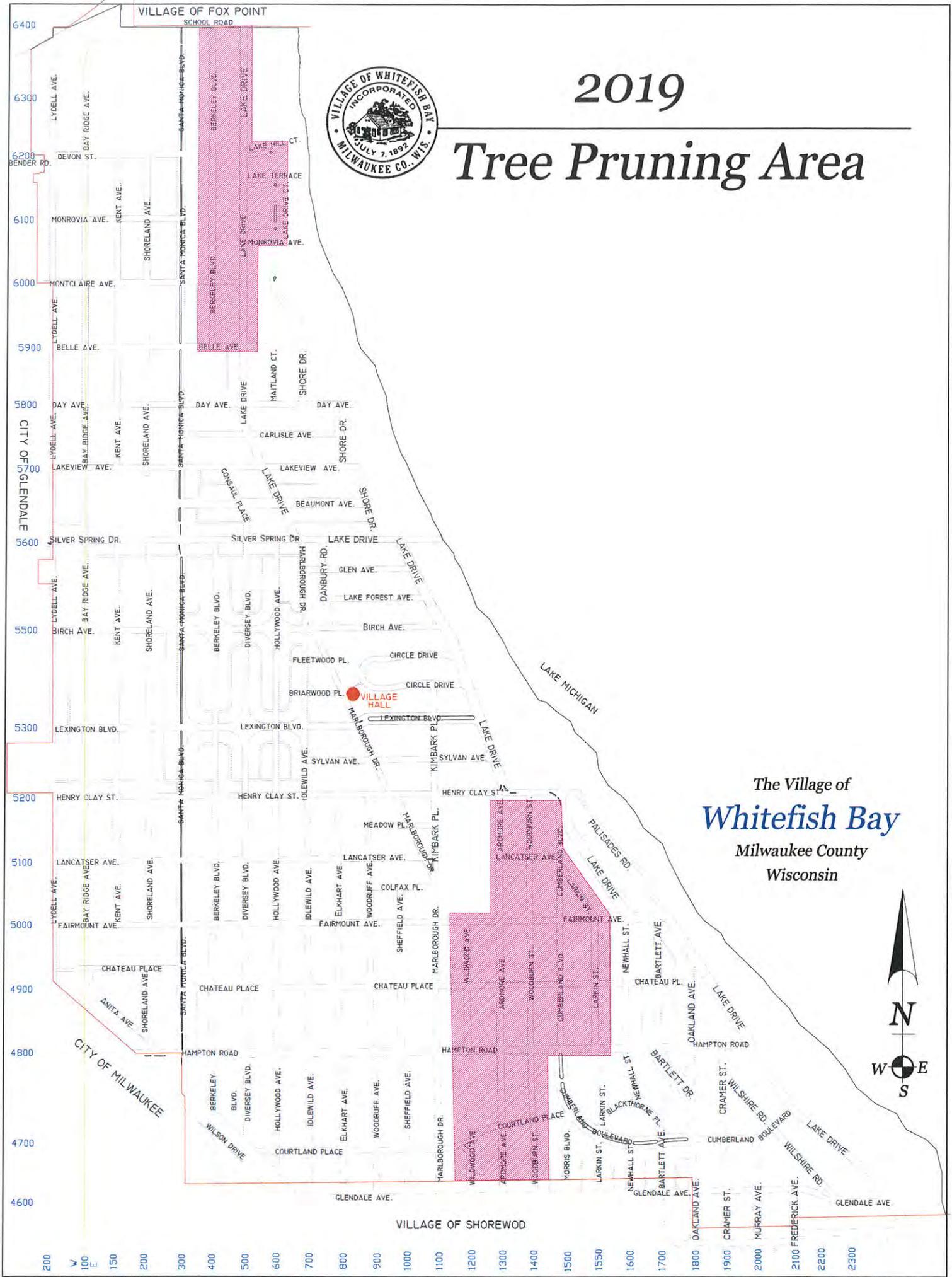
Award the 2019 Tree Pruning Project to the low bidder, First Choice Tree Care, Inc. With approximately 550 trees to prune within the 2019 designated area, this project is anticipated to come in under the budgeted amount of \$44,000 from Account # 88000-231.

Encl.



2019

Tree Pruning Area



The Village of
Whitefish Bay
Milwaukee County
Wisconsin

