



**Ad Hoc Teardown/Rebuild Review Committee Minutes**  
**Monday, April 16, 2018, at 5:00 pm**  
**Whitefish Bay Library Program Room**

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

The meeting was called to order at 5:02 pm

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

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 March 19, 2018.**

Trustee Serebin moved to approve the minutes from March 19, 2018. Roy Wagner seconded. Motion passed 6-0.

**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 asked the committee to discuss the recommendations that Village Manager Paul Boening included in his memo that was part of the packet. The idea would be for staff to research any recommendations and present the options to the Village Board. Meg Baniukiewicz asked if the committee will meet after staff develops their recommendations. Trustee Fuda stated that he wasn't sure at this point.

Trustee Fuda introduced the first bullet point which was to continue to provide educational opportunities for ARC Members. Trustee Fuda provided a recap of the meetings that Village Attorney Chris Jaekels has already completed with ARC.

Roy Wagner believes that the meetings with Village Attorney Chris Jaekels didn't add any value for the committee members. Wagner stated that each ARC member has a number of years of experience interpreting and applying the guidelines.

Lynn Ludke believes the meetings with Village Attorney Chris Jaekels were extremely helpful based on the ARC meetings she has attended. She thinks it will be helpful for any new members as well.

Trustee Fuda believes the meetings with Village Attorney Chris Jaekels were helpful and that committee members have been better able to articulate code sections and have both tabled and denied recent projects. Lynn Ludke agreed and said ARC decisions came after productive discussion.

Trustee Fuda asked for audience feedback

*Jennifer West (1006 E Colfax) stated that she has sat through a number of meetings. She said the more education, the better.*

*Douglas Guinn (820 E Birch) stated that floor area ratios shouldn't be in ARCs scope.* Trustee Fuda stated this topic will be discussed later in the meeting.

**Trustee Serebin moved to recommend that the Village Attorney continue to provide educational opportunities for ARC Members. Lynn Ludke seconded. Motion passed 5-1 (Wagner Dissenting).**

Trustee Fuda introduced the second bullet point which would require ARC Applicants to include PDF plans with a submittal to allow placement online. Meg Baniukiewicz asked if the Village knows what technology would be used to handle this process.

Village Manager Paul Boening stated that the Village works with a website provider that handles a number of municipal governments throughout the country and he is confident the Village could handle it. Boening also mentioned that the Village has software that can compress PDF files.

Lynn Ludke stated that it sometimes takes a couple days to get files copied for an open records request and that she would be lucky to get the plans the day of the meeting. She said it would be helpful to have a way for residents to get plans in the interim before they are being posted online. Trustee Serebin suggested that the developer should provide six to ten extra sets of paper plans that residents can have if requested.

Sarah Malik asked if an open records request was required. Village Manager Boening stated that a records request is not required to view plans, but it is required to copy and obtain plans. Trustee Serebin asked what was required to obtain records. Village Manager Boening and Chris Jaekels discussed the Village's open records procedures and requirements.

Roy Wagner believes there is a lot of inconsistency from applicant submissions and that it often depends on who is preparing the plan. He said that many only provide a large full plan set. Meg Baniukiewicz stated that most could have 11 x 17 copies too and that they could submit them. Trustee Serebin stated that the Village could make it standard. Roy Wagner

stated that online placement would provide better uniformity. Trustee Serebin reminded the group that not everyone has online access. Sarah Malik stated that the more methods of access, the better.

**Trustee Serebin moved to recommend that ARC Applicants include PDF plans with submittals to allow placement on the Village website and to provide 10 extra 11 x17 plan copies. Sarah Malik seconded. Motion passed 6-0.**

Trustee Fuda introduced the third bullet point which was increasing ARC submittal deadlines to enable longer notice period in advance of meetings. Village Manager Boening described the current submittal process.

Trustee Fuda said that Paul can look into logistics. Trustee Serebin mentioned passing along additional costs to the developer. Meg Baniukiewicz stated that she doesn't believe a quality project can fail on a Thursday and be resubmitted on Monday. Village Manager Boening agreed and said a change increasing the submittal deadline would make that moot.

Roy Wagner said that the downside is that many of the applicants are under a certain amount of urgency. If the Village increases the submittal deadline it could delay projects as much as a month. He said that currently, ARC tables projects to give applicants a chance to come back at no additional fee.

Trustee Serebin stated that on the flip side applicants will pay closer attention to the design guidelines and may be less likely to submit something knowing that they will get turned down.

Lynn Ludke and Trustee Serebin asked Joel if he will talk to applicants if he saw something that will likely fail or needs to be fixed prior to the meeting. Joel said that if there are issues that he knows about, he will work with the applicant and try to resolve them prior to the meeting. Joel said he once told an applicant their project will likely fail, but that the applicant wanted ARC to tell them "no". Lynn Ludke said she's seen some resubmitted plans that are not altered very much from the first time they are presented to ARC.

Roy Wagner said that ARC will ask an applicant how their project complies with the guidelines and that sometimes they will come back with minimalistic responses. Trustee Fuda discussed a committee for large and small projects.

*Jennifer West (1006 E Colfax) asked if neighbors get a notice each time a project appears. Trustee Fuda confirmed they do. Meg Baniukiewicz asked if plans could be on file at the library for review. Village Manager Boening said that the Village could explore that.*

*Susie Van Cleave (5353 N Berkeley Blvd) stated that if plans are rejected by ARC they can still appeal to the Board of Appeals.*

Sarah Malik stated that having multiple submittal deadlines can be difficult. Chris Jaekels stated that the Village could investigate how to make deadlines work.

Trustee Fuda moved to recommend that Village Staff explore increasing ARC submittal deadlines to enable longer notice periods in advance of meetings and also to explore placing plans at the Library for review. Meg Baniukiewicz seconded. Motion passed 6-0.

Trustee Fuda introduced the fourth bullet point which was floor area ratio. Meg Baniukiewicz asked Village Attorney Chris Jaekels if the floor area ratio was adjusted, could a resident build a larger house with a variance request. Jaekels stated that they would be able to go to the Board of Appeals. Meg Baniukiewicz stated that could flood the Board of Appeals.

Village Attorney Chris Jaekels stated that he did more research into legal non-conforming homes. He said that for the current owner it has little impact until they would go to sell the house. The homeowner may have to purchase an endorsement and provide zoning information to the purchaser. It would depend on where the floor area ratio is set to determine how many homes would be affected.

Sarah Malik suggested doing a housing inventory of the village housing stock.

Lynn Ludke said in her experience she's never had to get a zoning endorsement for a legal non-conforming home.

Roy Wagner stated that he thought floor area ratio could be another objective standard that is used prior to ARC getting a project. ARC should only get projects that have passed the objective standards. Wagner suggested that the Village look at what other communities are doing and what other tools are out there.

Meg Baniukiewicz suggested looking into Winnetka which has floor area ratio built into the design guidelines. Lynn Ludke suggested seeing where Shorewood was with their design guideline process. Paul Boening described what Shorewood currently has in their design standards.

Trustee Fuda believes that looking into floor area ratio is not needed. The Village has only twenty teardowns in thirteen years. The recent ARC education has made the design guidelines effective and that making home legal non-conforming is overkill. Trustee Fuda believes the current tools are proven and that they work.

Trustee Serebin said it's not a big problem, but there is a trend and that we should address it. There have been many large additions and teardowns on the last five ARC agendas. Trustee Fuda said he's looked at 13 years of data and that ARC has rejected projects using the current design guidelines.

Sarah Malik asked about how the Village would set a floor area ratio. Village Manager Paul Boening stated that it would have to be approved by the Village Board. Village Attorney Chris Jaekels said that the Village would have to generate the floor area ratio by hand from scratch for every single house in the Village.

Roy Wagner believes the tool is applicable and worth investigating.

*Susie Van Cleave (5353 N Berkeley Blvd) stated that 20% of the homes in the Village are already legal non-conforming and she believes it's no big deal.*

**Roy Wagner moved to recommend that Village Staff investigate the implementation of Floor Area ratio as part of the Village design guidelines and to research what tools other communities are using. Trustee Serebin seconded. Motion passed 5-1 (Fuda Dissenting).**

*Tom Florsheim (832 E Birch Ave) stated that he believes the floor area ratio is the most important topic for the committee and that the trend is overwhelming. He said he believes this was short changed and wasn't examined properly. Trustee Fuda stated that the committee just voted to investigate floor area ratio.*

*George Bezold (4938 N Larkin St) Believes that the Village needs to investigate neighbor needs.*

Trustee Fuda introduced the fifth bullet point which was the creation of an ARC subcommittee to review certain types of projects to enable review by the same ARC members. Trustee Fuda noticed that time was running out and encouraged comments on the final four items. Lynn Ludke said there should be a checklist at ARC for the continuity between meetings. Roy Wagner said that they have a checklist that the applicant must highlight at ARC already.

Sarah Malik suggested a staff review memo is important for future ARC meetings.

Trustee Serebin said that she feels the committee should get together following the staff review of the bullet points. Trustee Fuda agreed and said that Village Staff should get back to the group regarding proposed scope, cost, and timeline once research is completed. Trustee Fuda said he wants to be sensitive to staff time.

Trustee Serebin believes the property cards could be used for floor area ratio and that it would be evenly inaccurate. Sarah Malik suggested using the assessor's information as a base to start.

*Douglas Guinn (820 E Birch) stated that the notice that goes out to residents should indicate the design area.*

Village Attorney Chris Jaekels believes that there should be a vote on the final four items and that it could be one motion.

Roy Wagner stated that an ARC subcommittee makes logical sense, but may not work because applicants would feel that it would be unfair.

Trustee Serebin suggested that some projects may not need to go to ARC and only need staff's review. Trustee Fuda suggested that staff research and develop impact statements on the last four items i.e. define what it is and how much time is it going to take. Then staff should bring that information back.

Trustee Serebin moved that staff investigate and scope the creation of an ARC subcommittee to review certain types of projects to enable review by the same members, potential modifications to ARC submittal checklist including if some projects should be reviewed by Village Staff, a review of the existing design area criteria, and provide ARC members with a staff review memo for certain types of projects. Lastly, the research for all items should be presented to the Teardown/Rebuild Committee when it is completed. Meg Baniukiewicz seconded. Motion passed 6-0.

- IV. A motion was made by Trustee Serebin to adjourn the meeting at 6:03 p.m. Seconded by Roy Wagner Motion carried 6-0.**

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