

ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE JOINT MEETING BETWEEN THE COMMON COUNCIL OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN AND THE CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW COMMISSION, WHITEWATER, WI.

June 11, 2012

The joint meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. COUNCILMEMBERS PRESENT: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell. PLAN COMMISSION MEMBERS PRESENT: Henry, Meyer, Binnie, Dalee, Coburn, Henley. PLAN COMMISSION MEMBERS PRESENT: ABSENT: Hartmann, Parker, Comfort.

ZONING REWRITE COMMITTEE DISCUSSION: Neighborhood Services Manager/City Planner Latisha Birkeland stated that this is the first joint meeting of Council and the Plan Commission since the zoning rewrite process began last summer. Carolyn Esswein and Larry Witzling, consultants from GRAEF, gave an overview of the project, including progress on all points of the contract. They also included the results of stakeholder interviews held on November 9 and 10, 2011.

REVIEW OF ITEMS DISCUSSED AT THE ZONING STEERING COMMITTEE MEETINGS Four Meetings of the Zoning Re-Write Steering Committee have been held since last Fall. A map of existing zoning was presented as well as a table of zoning issues based on input, showing major and minor priorities, potential solutions and the relevant zoning sections of Municipal Code that would be affected. Changes to existing zoning would include a proposed R-5 Zoning Overlay, which would have increased housing density, as well as a proposed R-3 overlay with increased housing density (eight units per building as opposed to the previous four units) as well as changes including a proposed R-2 Overlay District.

The proposed R-2 Overlay District would have occupancy based on number of original bedrooms in the housing unit and would be approved through a conditional use permit which would consider the size of the room along with a definition of what would qualify a room as a bedroom. This overlay district is proposed for the area just south of downtown. Permitted off-street parking would be reviewed and approved by City staff, and would be based on the number of off-street parking spaces being less than the number of bedrooms in the unit when there are more than three bedrooms.

Birkeland gave an overview of code enforcement being provided, emphasizing collaboration between the Police Department and Neighborhood Services Department. The Neighborhood Services Department is in the process of streamlining conditional use applications and procedures for Plan Commission.

Proposed code changes for each zoning district including Planned Community Development and Agricultural Transition were covered. Parking changes were discussed by the Steering Committee but have not been agreed upon.

Councilmember Singer spoke in support of streamlining the process and reorganizing the code in order to create a straightforward zoning document. He wants to assure that the citizens involved in these zoning changes have sufficient opportunity for input. Larry indicated that the rights of petition would be changed in revised zoning areas, but conditional use of a particular property would not be guaranteed.

PUBLIC COMMENTS

North Street resident Chris Grady spoke as a member of the Steering Committee. He felt that the committee members did not have enough information prior to the last meeting to consider all the information presented. He is concerned that some properties, such as the deep lots on Fremont Street, would see demolition of existing buildings to be replaced by small apartment complexes. Under the new proposal, this would be an allowed use. He noted that there are only a couple small areas zoned R-1 in Whitewater. This means that the changes in R-2 zoning would cover most of the City and not be appropriate in such a large area. In response, Larry stated that these difficulties are why an overlay, as opposed to a zoning change, is proposed. Birkeland indicated that information would come to committee members earlier for the next meeting.

Jeff Knight, also a member of the Zoning Re-Write Steering Committee, indicated that the housing density increases will be in a small part of the community. This will help the city overall. He recommended patience with the process and praised Graef's work so far. He suggested that housing use may not best be based on number of bedrooms in a building.

James Hartwick of the Historic Starin Park Neighborhood Association indicated that there is a trust issue in the community concerning increased density of housing in the community. He defended the R-0 overlay as a good idea, but is concerned about the R-2 boundary areas around the R-0 neighborhood causing the one-family neighborhood to shrink over time as building density and occupancy rates increase next door.

A number of homeowners agreed that single family housing and neighborhoods need to be protected by zoning and were concerned about the increase of occupancy in the R-2 zoning overlay. There is concern for the permanent residents of the city in the face of the large number of students living here.

Bob Freiermuth, a landlord in Whitewater, stated that the City does have a University and needs housing for University employees and students. The University provides many benefits for the City and density should be increased closest to the University for the benefit of students and to lessen the impact on other neighborhoods in the City.

DISCUSSION AND DIRECTION FROM THE CITY COUNCIL AND PLAN COMMISSION

Plan Commissioner Henley questioned whether the zoning designations could be simplified overall. The planners answered that zoning codes are conventions and traditions and there is a risk of confusing everyone when a change is made. Also, Henley noted that there seemed to be added density included in the zoning but not added protection for single family neighborhoods. Graef representatives responded that increasing density in the area of the R-3 overlay should relieve population pressure on other areas of the city. Parking has not yet been discussed.

Plan Commissioner Henry noted that historically most students have lived in the community and not in dorms. The evolution of parent owned housing for students has added problems of its own. She is in favor of streamlining zoning and enforcement although it is difficult, as a landlord, to know how many people are living in a unit.

Councilmember Abbott spoke against limiting students to living in segregated areas of Whitewater. The vast majority of students are responsible members of the community. Councilmember Kidd noted that this is an interim report and that protecting neighborhoods is an economic growth issue. The University should not be the only thing to grow in Whitewater. There needs to be a wider base of

development. Graef representatives noted that previously there seemed to be consensus that the neighborhoods on the perimeter of the city did not need any changes but that they would be happy to look at these neighborhoods also. Councilmember Kidd stated that many of the people who work in the industrial park do not live in the City. He believes there should be more R-1 zoning in the City. Graef representatives stated that this should first be in the Comprehensive Plan.

Councilmember Winship indicated that no one had called him to complain about the higher density possibilities to the west of the campus. The overlay to the south of campus is not necessarily that close to the campus. He feels that basing building use on number of bedrooms would raise the price of single family homes with more bedrooms. Council should be allowed to pick and choose those parts of the plan that fit Whitewater.

Councilmember Binnie asked about the discarded R-5 zoning area. Graef representatives stated that this would have been a small area with up to 8 units per building with 3 people per unit. It was determined to add no more zoning classifications than already existed. Binnie stated that a conditional use permit for a development of this nature had just been approved by the Plan Commission and added that the overlay to the R-3 zoning would make this a permitted use as opposed to conditional use. Binnie noted that property owners on Fremont Street can request R-0 classification but none have done so.

Councilmember Binnie stated that it is a good idea to have all paperwork to developers a week before their appearance before the Plan Commission but that this has not been a large problem. The Plan Commission often allows for staff approval of changes by the planner so that the developer does not have to come back for another meeting. Binnie believes that the housing problem in the City is not in the \$200,000-\$400,000 price range, but rather in the \$125,000-\$160,000 range for good quality housing. Some people who work at Generac live in Janesville and ride a bus to Whitewater because they believe that they cannot afford to live here.

Councilmember Olsen agreed that there should be more R-1 zoning in the City. He is concerned that there needs to be consistency in zoning to protect single family housing. Singer agreed that targeted density makes a lot of sense. Graef representatives stated that rezoning areas from R-2 to R-1 is much more contentious as people believe they are losing their property rights. It is also a more complicated process.

Birkeland concluded by stating that it seems to be agreed that the R-3 overlay to the west of the University is a good idea. There was a discussion concerning whether the overlay to the south of Main Street should be considered as an option. Graef representatives suggested that there should be a definition of "family" in the document. Enforcement and compliance issues should also be addressed.

Olsen believes that the specific language can be worked out between Graef and the City Attorney.

It was moved by Olsen and seconded by Winship to adjourn the joint meeting of the Plan Commission and City Council. Motion carried by unanimous voice vote. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele R. Smith

City Clerk