

**ABSTRACT / SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER,
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

March 18, 2014

A Joint Meeting of the Plan and Architectural Review Commission and the Common Council commenced at 6:30 p.m. in the UW-Whitewater University Center Second Floor Ballroom. The meeting was called to order by Council President Patrick Singer. COUNCIL MEMBERS PRESENT: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. ABSENT: None.

**CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
JOINT AGENDA ITEM WITH THE COMMON COUNCIL
U.W.-Whitewater Campus
University Center Room 275 (Second Floor Ball Room)
800 W. Main Street
March 18, 2014**

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Call to order and roll call.

Council President called the meeting to order at 6:30 p.m.

Plan Commission:

Present: Greg Meyer, Lynn Binnie, Bruce Parker, Kristine Zaballos, Karen Coburn, Dan Comfort, Sherry Stanek (Alternate). Absent: Cort Hartmann.

Others: Larry Witzling (Zoning Rewrite Consultant), Latisha Birkeland (City Planner).

City Council:

Present: Phil Frawley, Stephanie Abbott, James Winship, Lynn Binnie, Patrick Singer, Sarah Bregant, Ken Kidd. Absent: None.

Others: Cameron Clapper (City Manager), Michele Smith (City Clerk).

Continue the meeting from March 10, 2014 for consideration of changes to the City of Whitewater Zoning Ordinance regulations, to enact proposed amendments to the City of Whitewater Municipal Code. The proposed amendments are considered a rewrite of Title 19, the City of Whitewater Zoning Ordinance. The amendments to be considered at this hearing are primarily related to Residential Sections of the Zoning Code. Changes include, but are not limited to, amendments to, or creation of, the following chapters in Title 19 (chapters: 19.06 General Provisions; 19.09 Definitions; 19.12 Zoning Districts; 19.15 R-1 One-Family Residence District; 19.16 R-1X District; 19.18 R-2 One and Two-Family Residence District; 19.19 R-2A Residential Occupancy Overlay District (new District); 19.21 R-3 Multifamily Residence District; 19.22 R-3A University Residential Density Overlay District (new District); 19.24 R-4 Mobile Home District; 19.25 R-O Non-Family Residential Restriction Overlay District; 19.28 B-1A University Mixed-Use Neighborhood Overlay District (new District); 19.31 B-2A Downtown Housing Overlay District (new District); 19.39 PD Planned Development District; 19.49 Wellhead Protection; 19.51 Traffic, Parking and Access; 19.54 Signage Regulations; 19.55 Wireless

Telecommunications Facilities; 19.57 General Performance Standards; 19.58 Noise Restrictions; 19.63 Plan Review; 19.66 Conditional Uses; 19.69 Changes and Amendments; 19.72 Board of Zoning Appeals; 19.75 Administration and Enforcement. Plan Commission Chair Meyer introduced the item. The meeting started at the R-3 Zoning District.

Larry Witzling gave an introduction for the R-3 (Multi-family Residence) Zoning District.

The Plan Commission and City Council went through the remaining portions of the Zoning Rewrite document. There were discussions on many topics including: the overlay zonings, increasing the number of units on a property, green space, and sky exposure plane.

There was concern of the number of people, the number of bedrooms and parking. In an R-3 Zoning District, up to five unrelated persons are permitted to reside in one unit. Moved by Binnie and seconded by Zaballos to recommend to the City Council to make it a conditional use for six or more unrelated occupants per unit in an R-3 Zoning District. Aye: Binnie, Zaballos, Meyer, Coburn, Comfort, Stanek (Alternate). No: Parker. Absent: Hartmann. Motion approved.

There was discussion that any increase in the number of units on a property in an R-3 Zoning should be a conditional use permit. Moved by Binnie and seconded by Stanek to recommend to City Council to strike “than 4” in line 2227. Aye: Binnie, Zaballos, Meyer, Parker, Coburn, Comfort, Stanek (Alternate). No: None. Absent: Hartmann. Motion approved.

Moved by Parker and seconded by Binnie to recommend to the City Council to change yard requirements for all residential districts to have street yard requirements of 60% green space (for grass, landscaping, shrubs, bushes, trees); 10 % can be used for at-grade patios, sidewalks and above ground decks. Side yard requirement of 25% green space (for grass, landscaping, shrubs, bushes, trees). Rear yard requirements of 50% green space (for grass, landscaping, shrubs, bushes, trees). Aye: Binnie, Zaballos, Meyer, Parker, Coburn, Comfort, Stanek (Alternate). No: None. Absent: Hartmann. Motion approved.

Plan Commission Member Parker suggested crafting a provision that the yard requirements for an existing flag lot may be approved by city staff.

Moved by Comfort and seconded by Coburn to put Section 19.21.060(E) and the graph “Sky Exposure Plane” (referred to in lines 2285 & 2286) back in the document. Aye: Binnie, Meyer, Parker, Coburn, Comfort, Stanek (Alternate). No: Zaballos. Absent: Hartmann. Motion approved.

City Planner Latisha Birkeland explained that code enforcement is very difficult. There are two sides, one that says the City is not doing enough and one that says the City is doing too much. In order to do enforcement well, clarification must be made. Words like “consistently” or “constantly” are hard to enforce. She needs to have information and investigation tools to make code enforcement easier. The City Council decides what level of code enforcement there should be for the City of Whitewater.

Moved by Binnie and seconded by Zaballos to recommend to the Common Council the adoption of the changes to the Zoning Ordinance Regulations as discussed during this extended meeting. Aye: Binnie, Zaballos, Meyer, Coburn, Parker, Stanek (Alternate). No: Comfort. Absent: Hartmann. Motion approved.

Council and Plan Commission member Binnie wanted to make the public aware that the City Planner Latisha Birkeland will be leaving the City of Whitewater in about 10 days. Moved by Binnie and seconded by Zaballos that the Plan Commission express appreciation for Latisha Birkeland's years of service with us and wish her well on her next professional endeavor. Motion approved by unanimous voice vote.

Plan Commission Member Zaballos also wanted to thank the City Council for accommodating the Plan Commission into their meeting.

Moved by Coburn and seconded by Zaballos to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 8:55 p.m.

Upon adjournment of the joint portion of the meeting, the Common Council began their regular meetings.

Greg Meyer, Chairperson

COMMON COUNCIL MEETING (NO LONGER JOINT WITH PLAN COMMISSION)

March 18, 2014

It was moved by Winship and seconded by Abbott to approve the Council minutes of 2/20/14 and to acknowledge receipt and filing of the following: Plan and Architectural Review Commission minutes of 2/10/14; Parks and Recreation Board minutes of 2/11/14; Financial Reports for February, 2014; Report of manually-issued checks for February, 2014; Landmarks Commission Minutes of 2/6/14; and Police Department Consolidated Monthly Report for January, 2014. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

PAYMENT OF INVOICES. It was moved by Winship and seconded by Abbott to approve payment of city invoices in the total sum of \$644,029.83. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

ORDINANCE ANNEXING REAL ESTATE OWNED BY JOHN REEB (to be subsequently transferred to Fairhaven) and Waiver of Ordinance Second Reading Requirement. Plan Commission has recommended approval of annexation of property owned by John Reeb. The property will subsequently be purchased by Fairhaven for use in future expansion of the Prairie Village development (Fairhaven). It was confirmed that there is no request for city services to this parcel at this time.

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF WHITEWATER, WISCONSIN

The Common Council of the City of Whitewater, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 14th day of February, 2014, signed by the owners of at least 1/2 of the land in area in the territory (There are

no electors in the territory), the following described territory in the Town of Cold Spring, Jefferson County, Wisconsin, is annexed to the City of Whitewater, Wisconsin:

See Exhibit A to Annexation Ordinance

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be a part of the City of Whitewater for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the city of Whitewater.

SECTION 3. The territory annexed to the City of Whitewater by this ordinance is temporarily zoned as follows, pursuant to sec. 66.0217(8)(a) of the Wisconsin Statutes:

AT Agriculture Transition District

The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the Council not later than March 18, 2015.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of Ward 11 of the City of Whitewater, subject to the ordinances, rules and regulations of the City of Whitewater governing wards.

SECTION 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. Payment to Town. Pursuant to Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually to the Town of Cold Spring, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stat. sec. 70.65 in 2014.

SECTION 7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Abbott. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSTAIN: Binnie. It was then moved by Winship and seconded by Abbott to waive the requirement for a second reading of this ordinance. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSENT: None. ABSTAIN: Binnie. ADOPTED: March 18, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

JANESVILLE TRANSIT SERVICE. Discussion of the Janesville Transit Service (“Innovation Bus”) was removed from the Council Agenda, to be discussed at a later date.

EMERALD ASH BORER. A brochure created to educate the public about Emerald Ash borer was presented. Consensus was to distribute the brochure as presented.

CHAMBER OF COMMERCE REQUEST FOR CLOSURE OF STREETS. Chamber of Commerce representative Marie Koch was present to request permission to close Main Street, from Whitewater Street to Second Street, on Saturday, August 2, 2014. In addition, the Chamber is requesting closure of First Street, between Center and Main Streets. The Street closure request is for the purpose of holding their annual event on August 2nd. It was moved by Winship and seconded by Abbott to approve closure of the Streets as requested by the Chamber of Commerce. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

EXECUTIVE SESSION. The plan to adjourn to executive session was cancelled.

ADJOURNMENT. It was moved by Winship and seconded by Abbott to adjourn the meeting. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk