

CITY OF WHITEWATER COMMON COUNCIL  
Joint Common Council and Plan and Architectural Review  
Commission meeting

## **Zoning Rewrite Project Discussion**

October 8, 2013- 5:30-9:30 PM  
Innovation Center  
1221 Innovation Drive, Whitewater, WI 53190

- 1) Call to order, roll call
- 2) Approval of the minutes of the Joint Common Council and Plan and Architectural Review Commission meeting of September 10, 2013.
- 3) Introduction of the zoning rewrite project
- 4) Review of residential sections
- 5) Next steps
- 6) Adjournment

Please contact Latisha Birkeland at 262-473-0143 or [lbirkeland@whitewater-wi.gov](mailto:lbirkeland@whitewater-wi.gov) if you have any questions.

CITY OF WHITEWATER  
JOINT CITY COUNCIL AND PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Cravath Lakefront Building Community Room  
September 10, 2013

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

**Call to order and roll call, and introduction.**

Council President Singer called the joint meeting of the City Council and Plan and Architectural Review Commission to order at 5:30 p.m.

City Council Present: Patrick Singer, James Winship, Lynn Binnie, Phil Frawley, Ken Kidd, Stephanie Abbott.

Plan Commission Present: Greg Meyer, Bruce Parker, Karen Coburn, Jeffrey Eppers (Alternate), Sherry Stanek (Alternate).

Others: Larry Witzling (Zoning Rewrite Consultant), Latisha Birkeland (City Planner), Pat Cannon (CDA Director), Wallace McDonell (City Attorney), Cameron Clapper (City Manager).

**Timeline and overview of issues**

Larry Witzling explained what was requested in the RFP and if it was addressed in the discussions. Witzling stated that when this process is done, the City should revise the Comprehensive Plan to address and acknowledge new standards developed during the zoning code rewrite process and to assure continued consistency between the Plan and zoning code as required by Wisconsin State Statutes. The biggest issues that impacted the discussion are: streamlining and frustration with unfair treatment; neighborhood versus landlord conflict; neighborhood change and community; relationship to planning vision; commercial approval process, university accommodation; committee and review and text; and unresolved issues that touch zoning but don't rely on it, such as housing, huge market shifts, quality of life, neighborhood revitalization and the university as an economic driver. Overview of proposed changes include: process improvements – fairer and faster; commercial and industrial development, changes from dimensional issues to plan development applications; and residential, which will be at the next discussion on October 8, 2013.

**Comments from Steering Committee members**

Jeff Knight, Community Development Authority and Zoning Rewrite Steering Committee Member, noted that he was glad to see this moving forward now. Knight wanted Whitewater to be competitive and stand out in the commercial and industrial sectors which would go along with a lot of things such as marketing and highways.

### **Review of commercial sections**

Larry Witzling explained that the Commercial sections of the zoning code would be reviewed at this meeting and the residential sections would be reviewed at the next meeting on October 8, 2013. All zoning changes will be done as a whole. Witzling went through the changes, made during the Zoning Rewrite meetings, with the City Council and the Plan Commission. There was discussion among the group and updates were made on some of the changes.

The Sign code was not included in the zoning rewrite.

Council President Singer asked that City Planner Birkeland and City Attorney McDonell summarize in laymen's terms (a brief synopsis) what is happening with the zoning rewrite.

Plan Commission Coburn received a letter of a concerned citizen noting that there is no provision for the public to speak.

Larry Witzling stated that the letter was not an uncommon response. Those that become interested, are interested because it affects them personally. The Plan Commission will hold the public hearing at which time the public can get involved. Witzling stated that usually there are one or two big issues. The Plan Commission could pass the rest of the code and then take one more look at the controversial issue(s). Some items need to be addressed, but are not zoning issues.

City Manager Clapper stated that there is a need to communicate. The City has done as much notification for the Zoning Rewrite as any other meeting. The meeting is being recorded also.

There will be no public comment at the next Zoning Rewrite Project Discussion on October 8, 2013. The City Council and Plan Commission will be reviewing the changes to the residential sections of the Zoning Code. The public is invited to listen.

### **Next steps**

The next meeting will be October 8, 2013. It will be a joint meeting with City Council and Plan Commission to review the residential sections of the proposed zoning rewrite. Latisha Birkeland will try to schedule the meeting at the Innovation Center.

### **Adjournment**

The meeting adjourned at approximately 9:30 p.m.

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City Council President Patrick Singer

## Latisha Birkeland

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**From:** Ryan Hughes [warhawkcountry@gmail.com]  
**Sent:** Friday, August 16, 2013 12:22 PM  
**To:** Cameron Clapper; Latisha Birkeland  
**Subject:** zoning rewrite

**Categories:** Red Category

Cameron & Latisha,

I have been a property owner in Whitewater since 2005 and am a 2003 graduate of UWW. With the west overlay zoning concept in process, I recently purchased the blighted Olsen Funeral Home property on the corner of Prince and Main Street. I have seen the campus buildings transform for the better and my hope is to continue with that just off campus. I feel that the prominent location I have could serve as a new benchmark for what student housing needs to be. I foresee a quality, architecturally pleasing, masonry building with underground parking.

As the draft rewrite sits today, I feel that the "Lot Area" (19.22.040) too restrictively limits development in this area. I would prefer to see the density restriction be controlled by required setbacks, lot width, open space requirements & building height.

In my eyes it would be unfortunate for the community to be deprived the additional tax base and quality construction that could be offered in this area and more particularly this site.

I appreciate your time and hope I have your support.

Ryan

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Ryan C. Hughes  
Campus Edge Apartments, LLC  
8820 Hollybush Lane, Verona, WI 53593  
Phone: (608) 279-9969  
[warhawkcountry@gmail.com](mailto:warhawkcountry@gmail.com)

## Latisha Birkeland

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**From:** David Saalsaa [dsaalsaa@sbcglobal.net]  
**Sent:** Tuesday, April 30, 2013 2:45 PM  
**To:** Latisha Birkeland  
**Cc:** Tami Brodnicki; rtelfer@ameritech.net; Kristine Zaballos; Nate Parrish  
**Subject:** Downtown Whitewater, Inc street level residential policy  
**Attachments:** Street level residential letter.docx

Hi Latisha,

Please find attached the policy of DTWW, board of directors concerning the subject of street level residential in the B-2 commercial district as outlined in the current B-2 ordinance. As I stated in our conversation with you today, it is the very strong recommendation of DTWW that no change in the current ordinance be allowed. In my conversations with the retail businesses in the downtown, I find strong support for our policy as well. Please share this policy letter with Larry and any others so they understand that DTWW will work hard to assure the success of our retail district and that any change in this ordinance allowing street level residential will be looked upon as a setback to our efforts.

Regards,  
Dave Saalsaa

## Latisha Birkeland

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**From:** Mike Kachel [leonk@idcnet.com]  
**Sent:** Tuesday, February 07, 2012 11:18 AM  
**To:** Latisha Birkeland  
**Subject:** Zoning Committee

Latisha,

After attending the zoning committee meeting last week, I must say I am sorry for the way the townspeople of Whitewater acted. They took the "committee" meeting over like it was a town hall meeting. They acted completely inappropriately by not allowing the "committee" to discuss the agenda as they were enlisted to do. I believe the committee will have to take a more stern position regarding public input, after all the array of people on the committee was intended to represent each facet of the community, they were empowered to act on behalf of these people, not to be placed on the committee as a powerless figurehead.

Once again, I do apologize

Sincerely,

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Mike Kachel  
D.L.K. Enterprises, Inc.

## Latisha Birkeland

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**From:** Christine Riedel [walton\_rentals@sbcglobal.net]  
**Sent:** Wednesday, September 26, 2012 2:18 PM  
**To:** Latisha Birkeland  
**Subject:** FW: Zoning Re-write concerns

**Categories:** Red Category

Latisha I wanted to thank you for all the hard work you have been doing and to share a few of my thoughts with you from the Zoning Re-write meeting last week.

The initial goal of the committee was to make getting building permits, etc. more expedient to complete. We have been moving forward at a slow pace and maybe the process will speed up once we get from the college and residential into the commercial and industrial portion. I am concerned with this from a personal stand point and I feel it is also important for the City of Whitewater to streamline business into town.

When discussing the bedroom size – I had some concerns. I agree that a closet being turned into a bedroom is a problem, however in some of our homes we have actual bedrooms that are on the small side. The house was initially built with the room being intended as a bedroom, and was not a closet.

When adding on to a driveway and requiring it to be paved is fine but we cannot require the old driveway to be paved or re-paved. I feel it was vague the way we left it. An example is if someone adds on a 2<sup>nd</sup> bathroom to their home – we cannot require them to bring the existing bathroom up to the new codes. If we require them to do the entire driveway then people will not make improvements to their property or may not pull permits and work around the system.

I know the process is slow but I feel we need to also be voting or polling each member on items and not just rushing through the process, it is leaving a lot of unanswered questions.

I would appreciate it if you could forward my concerns to Larry.

Thank you

Russell Walton

## Latisha Birkeland

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**From:** R Helmick [rrhelmick@att.net]  
**Sent:** Wednesday, February 01, 2012 12:40 PM  
**To:** Latisha Birkeland  
**Cc:** James and Rose Mary Leaver  
**Subject:** zoning advisory meeting

I will be unable to attend the full meeting this evening of the zoning advisory board. Unfortunately, the meetings are held on the same nights that the Landmarks Commission holds its meetings.

I want to, again, re-iterate my concerns with any weakening of the present, R-2 zoning regulations which effect my property. I understand that other interests in the city are lobbying for a change that would allow as many occupants in a building as the number of the building's bedrooms.

I vigorously oppose such a change. First of all, it would be next to impossible to regulate what constitutes an original bedroom. As too frequently happens now, landlords quickly chop older, single family homes into apartments as soon as possible in order to increase their rental income. Secondly, and more importantly, increased density will bring about an increase in crime, trash, noise, and general neighborhood neglect - especially considering the age of the prospective renters and their transient conditions.

Please do not allow our current zoning regulations to be weakened. We need to protect what few remaining, single family residences that are left in the central part of the city. With UW-W proposing the addition of hundreds of new students each year over the next five years, the city must take steps to protect its family neighborhoods if it expects to continue to receive the benefits derived from a stable, involved community.

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## Latisha Birkeland

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**From:** Christine Hayes [thehayesfamily@me.com]  
**Sent:** Thursday, February 02, 2012 8:12 AM  
**To:** Latisha Birkeland  
**Cc:** kbrunner@whitewawter-wi.gov  
**Subject:** Rezoning

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Latisha,

We were unable to attend the meeting last evening. As we have lived in the HSPNA neighborhood for 25 years, served on a variety of committees, including City Council, and worked diligently to preserve and maintain the type of quality of life in our city that residents seek, we are appalled by the concert that rental properties could have as many tenants as there are bedrooms. This proposal is nothing more than an attempt by rental property owners to get around the efforts of the citizens who live in these areas and who have worked to maintain the neighborhoods. It all comes down to a desire to get more money anyway possible. Please do not allow the greed of a few cause the demise of years of effort to protect our citizen occupied neighborhoods.

Sincerely,  
Glenn & Christine Hayes

## Latisha Birkeland

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**From:** James and Rose Mary Leaver [jrleaver@sbcglobal.net]  
**Sent:** Monday, May 07, 2012 11:43 AM  
**To:** Latisha Birkeland  
**Subject:** Re: Next Zoning Rewrite Steering Committee Meeting

Thank you, Latisha, I did receive the agenda and have forwarded it to HSPNA members. Certainly urgent family situations take precedence over an agenda, important though these meetings are to our members, and I hope your father is doing well after surgery.

Has an information packet been provided to members of the steering committee about the state of the zoning rewrite? I was unable to find a packet at the library. Is the committee prepared to vote on recommendations and take them to the Plan Commission and Council?

I know you are aware of HSPNA's concern re this entire zoning rewrite issue for a host of reasons. But I also believe that if homeowners "in R-2 District, S of UW-W" were aware of the "No. of Bedrooms" issue proposed for their neighborhood, as shown on the map provided at one of the meetings, they would be very concerned indeed. There are few homeowners in the central city (indeed, the city as a whole) who realize that this extensive overhaul is proposed, since it has been virtually absent from media coverage except for the initial announcement (May 2011), a short item in the Janesville Gazette, and some mention made at the League of Women Voters candidates forum.

Rose Mary Leaver  
473-5602

## Latisha Birkeland

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**From:** kevin collins [kcm1950@yahoo.com]  
**Sent:** Thursday, September 13, 2012 3:13 PM  
**To:** Latisha Birkeland  
**Subject:** rezoning

ms birkeland

i am opposed to changing the zoning law concerning non- related people living in a house. changing the situation to unlimited groups based on the number of bedrooms would be a mistake. we already have too much student housing in whitewater. just look at all the for rent signs that are found in the city. this change would allow for the development of a student ghetto in the center of the city.

we need more affordable housing for young families. the homes that would be converted into multiple housing units are the same homes that could be sold to families once the state's economy improves.

thank you for your consideration.

kevin and marsha mckinnon

716 w. peck st

whitewater

262 473 6722

## Latisha Birkeland

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**From:** Drucker, Thomas L. [druckert@uww.edu]  
**Sent:** Monday, September 17, 2012 7:47 AM  
**To:** Latisha Birkeland  
**Subject:** Re-Zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Richard Helmick has brought to our attention the plan to re-zone our neighbourhood (we live at 230 South Cottage Street) to allow for more than three unrelated individuals to live in the same house. While we recognize that such higher density is fairly common as a matter of practice, we can't help thinking that the legalization of such an increase would make it more common and lead to a further flight of families looking for single-family dwellings. We also recognize that the increased enrollment at the university with a lack of corresponding increase in housing available on campus is bound to push the need for rental properties even beyond last year's. Nevertheless, the consequences of a decrease in the number of homes occupied by the owners may not be so easy to reverse. We'll plan to show up at Wednesday's hearing. With best wishes,

Thomas Drucker  
230 South Cottage Street  
Whitewater, WI

[druckert@uww.edu](mailto:druckert@uww.edu)

## Latisha Birkeland

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**From:** Courtney Walker [russncourtney@hotmail.com]  
**Sent:** Monday, September 17, 2012 2:33 PM  
**To:** Latisha Birkeland  
**Subject:** Zoning Concern

Latisha and Zoning Commission,

In July 2001 our family moved to Whitewater from Colorado. For the past 11+ years we have lived at 268 S Prairie Street. Whitewater has been a wonderful community where we have been fortunate enough to raise our 4 kids.

We would like to share our concerns with your proposal to rezone our neighborhood to allow rentals to house as many unrelated people as there are bedrooms. As college housing has gradually increased on our street over the past 11 years we have seen a gradual increase in noise, property destruction and theft on our property.

The house directly next to us has just become college housing and we have seen an exponential increase in issues. Just over the past week our family has been awoken to noise on Thursday, Friday and Saturday nights from the parties' next door. We had students "hanging out" in our backyard and urinating in our bushes on Saturday night. I also witnessed someone urinating on my front tree on Friday night. We picked up from our front yard a garbage bag full of empty beer cans, beer boxes and a half bottle of rum, that all came from just over the weekend. You should also find a police report from us on September 3, 2012 where we had \$1200 worth of golf clubs stolen from inside our garage. And, this is all just within the past 2 weeks. Besides that, South Prairie Street has become almost full of parked cars from students that live in the houses around us.

What was once a nice family neighborhood has become like a college dorm. But the difference is there is nobody "in charge" of making sure college students are behaving. The landlords don't always know what is going on and it has forced the homeowners to feel like we are babysitting the students in our neighborhood. We are the ones who get woken up in the middle of night, we are the ones who clean up the messes and we are the ones to take the hit from financial destruction to our properties. While the Whitewater Police has told us they try to keep an eye on things it is unrealistic to expect them to sit parked on our street full time. They have a whole town to take care of.

The only benefit I can see by allowing our neighborhood to be rezoned would be for the landlords' (who own these homes) bottom line. They will be the ones who make more money by cramming more students in their rentals. This change leaves the rest of us with lower property values and having to deal with the increased noise, trash and theft.

The reason why we chose to move to Whitewater was because of the University and the vitality a college can bring to a town. We do realize that with a University comes unique challenges for a community. We are aware that not all college students are "troublemakers" and that a few bad apples can spoil the bunch.

I am asking you to please remember the families who live in this neighborhood. And if the landlords' really need more room for college students let them purchase our homes at full value before our property values really hit the bottom.

## Latisha Birkeland

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**From:** Ben McCready [mccready@idcnet.com]  
**Sent:** Friday, November 16, 2012 2:39 PM  
**To:** Latisha Birkeland  
**Subject:** We Want and Need a Zoning Change

We have been asked fairly often what our position is on the rezoning study currently underway. We are in strongly in favor of our home (located at 727 W. Center Street), our side of Center Street, and our immediate area being rezoned to either an R-2 Overlay (as many residents as there are original bedrooms) or to R-3.

Given the demographic, traffic (vehicular and pedestrian), and greatly increased density changes to this area since we first moved into our home in 1990, it only makes sense that our home, street and immediate area be rezoned to the proposed R-2 Overlay or to an R-3 area as soon as possible. We would be very happy to discuss our desire for a zoning change either privately or publicly, along with our recommendations as to which streets and what area should be rezoned. Having lived in our home for 22 years and watching the dramatic changes to our street and neighborhood over the years, we feel that nobody understands our neighborhood better than we do and we look forward to talking with you about this issue.

Sincerely,  
Ben and Anne McCready  
727 W. Center Street  
262 473 0922

## Latisha Birkeland

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**From:** Glenn Hayes [thehayesfamily@icloud.com]  
**Sent:** Tuesday, May 07, 2013 10:09 PM  
**To:** Latisha Birkeland  
**Cc:** James Hartwick; Jim Winship; Patrick Singer; Ken Kidd; Cameron Clapper  
**Subject:** Zoning Concerns

Dear Latisha,

I sincerely appreciate the zoning updates received from Jane Wegner. Unfortunately, I will not be able to attend the meeting as I will be out of town. I have endeavored to get through the 200 page document forwarded, but I must admit that the task proved too daunting for the time I had available. Nor do I have the resources to hire legal counsel to digest the document and promote my interests. I have to trust those elected and appointed to do what is best for the citizens of our city. I sincerely hope that the single family neighborhoods will be protected.

Obviously, it is vital to maintain the integrity of the Historic Starin Park Neighborhood.

I beseech you maintain our family neighborhoods and our quality of life. I thank you for your efforts and integrity.

Sincerely,  
Glenn C. Hayes  
135 N. Esterly Ave.

## Latisha Birkeland

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**From:** McCreedy [mccreedy@idcnet.com]  
**Sent:** Sunday, September 15, 2013 9:16 AM  
**To:** Cameron Clapper; Michele Smith; Latisha Birkeland; Lisa Otterbacher; Jane Wegner; Brian Uhl; Tim Gray; Patrick Singer; Phil Frawley; Stephanie Abbott; Jim Winship; Lynn Binnie; Ken Kidd; McCreedy  
**Subject:** Our "Neighborhood" Is Worse Than Ever

I just want to thank everyone for their concern about the wholesale changes that have occurred in our "Zoning Overlay District" over the past 10-15 years and the change from a 30% student occupancy rate to a more than 80% student occupancy rate today. As everyone is well aware, we badly need the proposed change to a district/area where the number of students in a residence is determined by the number of original bedrooms – a change that reflects the reality of the situation and that will enable us and other residents to market and sell our homes as the best/only suitable use. This neighborhood is no longer viable for single family/owner occupied residences.

Last night in our neighborhood was another example of why this change cannot come too soon – hordes of kids milling about, shouting, running every which way when the police appeared, looking for parties blocking/yelling at traffic from 10:00 PM until after bar time. This noise used to abate somewhat around 2:30 AM but since Toppers expanded their hours on Center Street a couple years ago, we now often have noise until 3:30 AM (not to mention many pizza boxes and dozens of beer cans up and down Center Street, on our lawn, on our FRONT PORCH, and next to our house which is also used as a bathroom because of the shrub cover). Students keep very different hours than single family/owner occupied residents keep and, because our neighborhood/area is now 80% student-occupied housing, we are awakened once or twice a night most nights of the week, including every Thursday, Friday and Saturday night.

As many of you know, I have taken some time to walk this "Proposed Overlay District" and document the change in housing occupancy over the past 15 years (and going back to when we first moved to this neighborhood in 1990). Those of you who have walked this area with me over the past 6 months have all been shocked at how many residences you thought were owner-occupied are, in fact, now student residences. I have also talked to all but a few of the single family/owner occupied residents of this area. More than 30 of these people support the zoning change and only 2 oppose it (including my friend, Richard Helmick).

We are looking forward more than you can imagine to the new "Zoning Overlay District." Until then, please keep a good eye on 718 Center Street as it seems to be the main "Party/Noise House" this semester (one of many, though, sadly). We look forward to the meeting October 8.

Sincerely,

Ben and Anne McCreedy  
727 W. Center Street  
262 473-0922