

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
January 8, 2018

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

**Call to order and roll call.**

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Greg Meyer, Kristine Zaballos, Lynn Binnie, Sherry Stanek, Tom Miller, Bruce Parker, Andrew Crone (Alternate). Absent: Tom Hinspater. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

**Hearing of Citizen Comments.** No Comments.

**Approval of the Plan Commission Minutes.** The minutes of December 11, 2017 were not available for review.

**Review monument sign with an electronic message board for the Whitewater High School at 534 S. Elizabeth Street for the Whitewater Unified School District.** City Planner Chris Munz-Pritchard introduced the sign proposal and read her recommendations.

Chairperson Meyer opened for public comment.

Mark Elworthy, District Administrator for the Whitewater Unified School District, was present at the meeting along with the Business Manager Matthew Sylvester-Knudtson. Mark Elworthy explained that they wanted the sign to be welcoming to the community and to residents, and to be used as people come into the school district and identify where the high school is. This position will be the most visible for the community. The sign will be backlit with a colored LED. The brick will match the brick of the high school. It is a programmable sign. Two people are in charge of the sign. At busy times the sign can go to time and temperature and then go back to messages. The default is to time and temperature. Mark Elworthy stated that they had listened to Russ Devitt's concerns and suggestions. The School Board then approved the sign as proposed. Between 8 p.m. and 8 a.m. they will dim down the electronic sign and turn off.

Russ Devitt explained that he has lived in that area for 30 years. He said the traffic is intense at morning and night. He suggested that the place for the sign would be further west or closer to the school. It is a nice sign, just in the wrong place.

Chairperson Meyer closed the public comment.

Plan Commission Members voiced concerns of: The sign should be 10 feet off the public right of way (property line); with the setback of 25 feet off of Walworth Ave., need to make sure the

sign will not be placed where a future sidewalk would be; if traffic is a problem, the time/temperature is a good idea; the scrolling needs to be slower; it was noticed that the Washington School sign scrolls before you can read it; item #3 on the Planner Report needs to be written clearer; #7 on the Planner Report should be changed to be “approving” instead of “requesting” and “shall” after schools; makes sense having the sign at the entrance.

Plan Commission Member Binnie asked a former bus driver about the proposed location. The bus driver told him it would be safer in the proposed location because vehicles will be stopped there. Binnie asked if the Plan Commission should specify what should happen if there are traffic concerns.

City Attorney McDonnell stated that a condition could be added such as, “if the sign is found by the Plan Commission in the future to have caused safety hazards, the Plan Commission reserves the right to impose conditions and restrictions on the use of the sign for safety purposes.” The applicant will have an inherent right to due process. If the Plan Commission has a safety concern, any action the Plan Commission takes requires public input and sufficient record to impose conditions. There are enough safeguards for the applicant.

Moved by Binnie and seconded by Parker to approve the monument sign with an electronic message board for Whitewater High School with the planners recommendation with the updates to #3 and #7; and add: If the sign is found to by the Plan Commission in the future to have caused safety hazards, the Plan Commission reserves the right to impose conditions and restrictions on the use of the sign for safety purposes. Aye: Binnie, Parker, Zaballos, Stanek, Miller, Crone, Meyer. No: None. Motion approved. (See attached Monument Sign Review with conditions.)

**Review 3 lot Certified Survey Map at 662 E. Milwaukee Street for Frawley Enterprises of Whitewater Limited Partnership (Mike Frawley)** Chairperson Meyer opened the discussion.

City Planner Chris Munz-Pritchard explained some of the history of the parcel area. The certified survey map (CSM) is being proposed to create three (3) lots. The lot is located on the corner of Newcomb and Milwaukee Streets. The lot is zoned B-3 Highway Commercial and Light Industrial. The buildings and business use are existing and not being altered with this CSM. Lot width and Lot Area minimum requirements on the three lots has been met. The front and rear yards will not be affected by the creation of the three lots. The interior (or side yard) minimum requirement of 15 feet is not clear. Lot 2 shows a canopy at 13.1 feet from the new property line. This canopy would fall under accessory structures. In non-residential districts the size and location of detached accessory structures shall be treated as conditional uses when the square footage exceeds eight hundred square feet. In other districts, accessory structures are not to be closer than five feet to property lines and 10 feet to alley ways. Chris Munz-Pritchard recommended that the Plan Commission grant conditional approval to allow for a Certified Survey Map (CSM) for a lot division to create three lots at 662 E. Milwaukee Street subject to the following conditions of approval. 1. If there is to be cross access usage on all three of these lots, a driveway easement shall be established to allow access to the structure through the adjacent lot. It would also be in the best interest of the owner to establish a cost sharing program for maintenance. 2. Approval of the canopy on lot 2 being 13.1 feet from the new property line.

3. Approval by Engineering, Building Inspector, Fire Inspector and other City departments. 4. Any other conditions identified by City Staff or the Plan Commission.

Chairperson Meyer opened for public comment.

Mike Frawley, representing Frawley Enterprises of Whitewater Limited Partnership and Frawley Oil Company, stated that they are negotiating a purchase agreement with Casey's General Stores from Iowa. Frawley is exiting their retail business and selling all of their locations. Frawley will continue to operate their wholesale petroleum and lubricant business. Mike Frawley stated that time is of the essence as they are hoping to close the first week in February. When asked about accessing the properties, Mike Frawley stated they would have an access easement agreement which works well for customers for them and for Casey's.

There was no public comment, so Chairperson Meyer closed the public comment.

Moved by Binnie and seconded by Stanek to approve the Certified Survey Map (CSM) for Frawley Enterprises of Whitewater Limited Partnership. Aye: Binnie, Stanek, Parker, Zaballos, Miller, Crone, Meyer. No: None. Motion approved.

**Public hearing for a change in the District Zoning Map for the parcel at 328 W. Main Street (Hamilton House) from PD (Planned Development) Zoning District to R-3 (Multi-family Residence) Zoning District classification under Chapter 19.21 of the Zoning Ordinance of the City of Whitewater for James and Lori Heckendorf. (The current property owner is FW Properties LLC.)** This item will be discussed with the following item.

**Public hearing for a conditional use permit to allow for "Honors' Student Housing" permitting 18 students to live in the home at 328 W. Main Street (Hamilton House) for James and Lori Heckendorf.** Chairperson Meyer opened the public hearing for a change in the District Zoning Map for the parcel at 328 W. Main Street (Hamilton House) from PD (Planned Development) Zoning District to R-3 (Multi-family Residence) Zoning District classification under Chapter 19.21 of the Zoning Ordinance of the City of Whitewater for James and Lori Heckendorf (The current property owner is FW Properties LLC.) and the public hearing for a conditional use permit to allow for "Honors' Student Housing" permitting 18 students to live in the home at 328 W. Main Street (Hamilton House) for James and Lori Heckendorf.

City Planner Chris Munz-Pritchard gave a description of the property. The current zoning is PD. The Future Lane Use Map shows the area as Central Business. The PD issued August 30, 1990 (b) stated "the buyer agreeing that the property will be zoned PCD (now PD) pursuant to Whitewater Municipal Code Chapter 19.39, with uses limited to: home occupation/professional home offices; hotel; bed and breakfast; professional offices; antique shop; banks and other financial institutions; specialty shops; drug store; insurance agency; clinics (medical and dental); jewelry store; restaurant (this use shall specifically exclude drive-in, drive-through or fast food/carry out type establishment); tourist information and hospitality center; variety store; charitable or non-profit institutional and facilities; conference center; art/photo studios and public office." The applicant is requesting a change in zoning from a Planned Development (PD) to R-3 Multifamily residence. In addition he is requesting a Conditional Use Permit (CUP)

to allow 18 students to live in the home. City Planner Chris Munz-Pritchard recommended against the proposed Zoning Map Amendment and Conditional Use Permit per eight findings she presented to the Plan Commission which are in her Planner Report.

Chairperson Meyer opened the public comment.

James and Lori Heckendorf were at the meeting to present their proposal. James Heckendorf explained that they were looking to rezone the property to be able to house up to 18 individuals. There are 11 bedrooms, 6 upstairs, 2 on the ground floor and 3 on the lower level. Currently the home is set up for 21 beds, some double occupied. There are only bedrooms and bathrooms on the second floor. They would use stringent criteria in choosing their tenants. They would use a local management company. If this proposal is approved, they would have an open house on Memorial weekend.

Chairperson Meyer read the letter from the owners of the property about trying to sell the property and supporting the Heckendorfs' proposal.

City Planner Chris Munz-Pritchard stated that with this change in use, other regulations would be required such as handicap accessibility, sprinklers, and engineer stamped drawings.

Plan Commission Member Crone suggested renting to the University as a house for special students. It would be great for certain criteria students.

James Heckendorf explained further that there is no assurance of good tenants, even with a resume, but that would be their risk. They are hoping that the home being fully furnished would attract students who will take care of it. There would be a 24 hour notice for the manager to have access to the individual bedrooms, but they would always have access to the common areas. They would have one year term leases.

Plan Commission Members voiced their concerns of: who's cleaning up the kitchen, cupboards and refrigerator; concern of the number of parking spaces; handicap accessibility; egress windows, enhanced fire safety; do applicants reside in Whitewater; reasons for not having free rental for tenant watching over the property.

James Heckendorf responded that he has a duplex with 3 and 4 tenants who self-police to make sure things are done. He stated that the parking would be controlled through a sticker process. He has spoken to the Police Department who stated they have ample spots for parking in the downtown area. There is no handicap access to the building. There is an egress window on the east side and the west side of the building. James Heckendorf has spoken with the Landmarks Commission. He says all the interior will remain the same. There will be house rules with quiet hours after 10 p.m. on week days and 12 a.m. on weekends. No alcohol will be allowed in the common areas or outside on the property.

Neighboring property owners voiced their concerns. James Hartwick had concerns about parking and safety. There are not enough details for this proposal at this time. The neighborhood has a problem with the proposed density and the parking regulations of the

occupants. He suggested an idea for the future for a private dorm with an iron clad relationship with the University and potential owners with live in management. He opposed the proposal as is today.

Chris Munz-Pritchard noted that the minimal parking requirement is 9 stalls per code, one per bedroom. In the R-3, the requirement would be 80% of 18 or 15 parking stalls.

Bruce Cohen, 326 W. North Street, opposed the zoning change. He understands it is a difficult property to move. His concerns are increased traffic on North Street, potential increase in noise and disruption especially on the weekends; the definition of residents could run afoul with fair housing standards in the future; no assurance that this property would not be resold and not run as is proposed; this change would negatively impact property values of adjacent properties; it is a beautiful and historical property, consigned for possible damage and mistreatment from a transient population for one year stints with no real reason to care for the property.

Chris Grady, 318 W. North Street, represented himself and Brian Veale, his other neighbor across W. North Street from the Hamilton House property. They both feel the biggest problem is the parking, 9 spaces for 18 people and the traffic that goes along with that. When properties change from single family to a rental, things don't get taken care of. There is also not enough green space.

Lori Grady voiced concerns of the furnishings. The kitchen is not large. Right now the guests never enter the kitchen area. Eighteen people couldn't possibly make do. Two people is enough.

Greg Gauger, 153 N. Fremont St., asked if there would be a resident advisor or live in.

Joan Schaeffer asked if when the applicants retired, would they sell all their rentals and move south.

James Heckendorf appreciated the concerns. He didn't think they would have 18 tenants. He thought they would add an additional refrigerator and microwave and that they would allow mini-refrigerators in the rooms. They were looking at \$400 to \$500 for an unfurnished room and \$600 + for furnished. They plan to live long term here. The income would be future cash flow for retirement. A room with a bathroom means they are not trashing a joint bathroom. Density, green space and parking are the main concerns. Other buildings are not maintained as well. It is not going to be an issue for congregating. Having a couple in the building would help safeguard the property. Their sons attend UW-Whitewater. Lori has been a member of the water ski team for 32 years. They have roots here and intend to stay here. They would need 12 to 15 tenants per year in order to make it work.

Chairperson Meyer closed the public comment.

Plan Commission members gave their input about this proposal. The items of concern were: parking, each tenant having a car and backing onto W. North St.; the electrical in the home being large enough to support all the computers, coffee makers, refrigerators, etc.; quiet times and how they are going to enforce them; way too many tenants for the property; appreciates the idealism;

can't provide parking, can't add vehicles to park; can't support the proposal, the density is too high and the lot is too small; the applicant has done a good job with the properties he owns; need to consider all the work forefathers did to get the property where it is now; the White Building needs parking for their events; changing to R-3 is a problem and a mistake; amend the PD to allow on a smaller scale; like idea of graduate, upper classmen, but don't know how this can be regulated; need a really tight plan; want to see criteria and have it presented to Plan Commission; graduate, international, veterans – make it legal from attorney; not enough students to make sustainable with this location, picked a real narrow target; discussion of quality students taking quality care of the building – students have not cared well for the property where the Olsen Funeral Home was; if unable to sell as a bed and breakfast, making this work by deferring action so the applicant can come back with a fully developed business plan, fully vetted by attorney with all the information for what the State requires for whatever occupancy; could be used as a single family home; can't see 18 unrelated, but would consider with 11 unrelated; need an organized system; 18 tenants is not fair to the neighbors; the home is too important to fall into disarray; student housing, high density does not fit in the neighborhood; any business would have a problem with parking too; there are vacancies in the store fronts downtown; need to attract and keep single family homes; need to strengthen and maintain the homes we have; support family occupied homes.

City Attorney McDonell stated for the record that a conditional use permit is a Plan Commission decision. A rezone, Plan Commission recommends to the City Council and City Council makes the decision. Depending on the end of the hearing, the rezone might go to City Council. If the zoning is a PD, goes with the land. Plan Commission should vote on the rezoning to be fair to the applicant and let the applicant know where he stands, unless there is some agreement between the applicant and the Plan Commission. Within 30 days of the Plan Commission's recommendation to the City Council for the rezone, it must go to Council for their decision unless there is an agreement between the City Council and the applicant to extend the time.

When asked if the applicant was open to extending the time period of the zoning, James Heckendorf stated that he has a contingent offer.

The Plan Commission stated that the Plan Commission is a long way from being able to give the applicant guidance, can't give the applicant specifics. Plan Commission needs a plan with a lower proposed occupancy, a plan for vetting residents; set some criteria and have it legally reviewed by the applicants' attorney; proof of electric capabilities; State requirements – getting architectural plans; input from the Fire Inspector.

The applicants asked what type of zoning would work for this property so they could research it.

The zoning would be a PD (Planned Development). It would be an amendment to the existing PD.

Moved by Meyer and seconded by Stanek to recommend to the City Council to deny the rezoning of the property at 328 W. Main St. to an R-3 (Multi-family Residential) Zoning District based on the reasons expressed by the Plan Commission at this meeting. Ayes: Meyer, Stanek, Binnie, Crone, Zaballo, Parker, Miller. No: None. Motion approved.

Moved by Parker and seconded by Stanek to deny the conditional use permit to allow for “Honors’ Student Housing” permitting 18 students to live the home at 328 W. Main Street (Hamilton House) for James and Lori Heckendorf based on the reasons expressed by the Plan Commission at this meeting. Aye: Parker, Stanek, Binnie, Zaballos, Miller, Meyer, Crone. No: None. Motion approved.

**Information Items:**

- a. Possible future agenda items. City Planner Chris Munz-Pritchard stated that we have a few items for the next Plan Commission meeting. They include:

Possible Plan Commission Items for February 12, 2017

- Conditional Use Permit application to serve alcohol by bottle or glass for Veronica Espinoza at the American Legion at 292 S. Wisconsin Street.
- Conditional Use Permit application for 314 W. North Street to expand the parking area.

Possible Plan Commission Item for March 12, 2017

- CSM and Rezoning for additional parking spaces across from the main entrance to the Fairhaven building at 435 W. Starin Road.

Plan Commission Members suggested other items which include: Possibly adopt a policy for the Plan Commission on ex parte communication; and the best answer around recusals.

The Plan Commission Housing Sub-Committee planned a day and time for their next meeting. It will be held on Wednesday, January 17, 2018 at 5:00 p.m. in the Municipal Building City Manager Conference Room. Items suggested for the agenda were: “Discussion of a moratorium on further R-2A Zoning for at least 6 months; Could add the R-3A area west of the University, and What we need to know in order to make good decisions.”

- b. Next regular Plan Commission Meeting – February 12, 2018.

Moved by Binnie and seconded by Parker to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 9:20 p.m.

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Chairperson Greg Meyer