



## Plan & Architectural Review Meeting

Whitewater Municipal Building Community Room,  
312 West Whitewater St., Whitewater, WI 53190  
\*In Person and Virtual

**Monday, May 13, 2024 - 6:00 PM**

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Citizen participation is welcome during topic discussion periods.

**Plan and Architectural Review Commission**  
May 13, 2024, 6:00 – 8:30 PM (America/Chicago)

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## MINUTES

### CALL TO ORDER AND ROLL CALL

Meeting was called to order by Chairman Miller at 6:00 p.m.

#### PRESENT

Councilmember Neil Hicks  
Board Member Brian Schanen  
Chairperson Tom Miller  
Board member Carol McCormick  
Board Member Jeffery Weigel  
Board Member Michael Smith

#### ABSENT

Board Member Bruce Parker  
Board Member John Beerman

#### STAFF

Taylor Zeinert, Economic Development Director  
Allison Schwark, Planner

Attorney Jonathan McDonell

Llana Dostie, Neighborhood Services Administrative Assistant

1. Approval of Minutes from April 8, 2024 Plan and Architectural Review Commission.  
Motion made by Councilmember Hicks, Seconded by Board member McCormick.

Voting Yea: Councilmember Hicks, Board Member Schanen, Chairperson Miller, Board member McCormick, Board Member Weigel, Board Member Smith

### **HEARING OF CITIZEN COMMENTS**

*No formal Plan Commission action will be taken during this meeting although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Commission discusses that particular item.*

### **ELECTIONS OF CHAIRPERSON, VICE CHAIRPERSON AND REPRESENTATIVE TO THE URBAN FORESTRY COMMITTEE**

#### **Election of Chairperson**

Board Member McCormick nominated Tom Miller for Chair with a Second from Board Member Hicks. Board Member Smith nominated Neil Hicks with a second by Board Member Weigel.

On the motion for Tom Miller as chair.

Ayes: Miller, Schanen, McCormick

Nays: Smith, Weigel, Hicks

On the motion for Neil Hick as chair.

Ayes: Smith, Weigel, Schanen, Hicks, McCormick

#### **Election of Vice Chair.**

Board Member Schanen nominated Tom Miller with a second from Board Member Smith.

Ayes: Weigel, Schanen, Hicks, McCormick, Miller, Smith

#### **Election of Representative to Urban Forestry Commission.**

Board Member McCormick asked Board Member Weigel if he was an alternate. Staff member Dostie confirmed that he was an alternate. Attorney McDonnell confirmed that if he is an alternate he cannot service as a representative.

Board Member Hicks nominated Board Member Carol McCormick with a second from Board Member Schanen.

Ayes: Hicks, Miller, Smith, Weigel, Schanen

Abstain: McCormick

## **SITE PLAN REVIEWS**

2. Site Plan review and possible approval of remodel for of the Fire Department Bunkhouse Tax Parcel #'s /OT 00156 and /OT 00159 for the City of Whitewater Fire Department located at 312 W Whitewater Street.

Planner Schwark gave a brief description on the project. Planner would like to have the property should be rezoned institutional and the multi parcels need to be combined. Board Member McCormick asked why the female bathroom only has one sink and one mirror while the men's bathroom has two. Whether this had to do with square footage or less females in the department. And if there rational regarding it. Planner Schwark stated she had no knowledge as to why. Economic Director Zeinert stated Strand was contracted to do the plans. Board Member Smith asked if it was a fair questions to ask the number of mean and the number of woman. Economic Director Zeinert stated that is something we can ask Chief Freeman but at this time she had no knowledge of that information personally. Planner Schwark stated that she was not asked to review the plans with the Fire Department and only was requested to review the plans for the Plan Commission. Economic Director Zeinert asked if there where any other concerns other than the sink ratio, zoning or planning. Board Member Schanen asked how long an approval is typically good for. Planner Schwark stated typically the project needs to get started within a year before it expires. From that they have until the building permit expires with the standard building permit being good for two years. All said in and done they could techincally have three years.

Motion made by Chairperson Miller, Seconded by Board Member Smith.

Voting Yea: Councilmember Hicks, Board Member Schanen, Chairperson Miller, Board member McCormick, Board Member Weigel, Board Member Smith

## **DISCUSSION**

3. Discussion about where the Plan Commission would like to see Dog Daycare & Boarding Facilities be place with a conditional use in our zoning districts.

Planner Schwark explained that this is a discussion item we placed on the agenda it is a discussion that we have to have tonight because we now have to make a decision on a lower item. This is a discussion we wanted to bring to the Plan Commission to get feedback. This is something that we need to change or ordinance and adapt to new and up and coming businesses coming to Whitewater. This is an area that is kind of a grey spot in our ordinance we currently don't have any areas to allow this type of business. Planner Schwark feels that this wasn't the City's intent to restrict this kind of business, however, when the code was written something like this wasn't included. In

some of our zoning districts we do allow veterinary services and this is the closest that we get to a doggie day care, dog park or dog facility. Planner Schwark wanted to bring this to the Board's attention and ask for feedback about where in our city would be a good location within our city zoning and land use to add this type of business in as a Conditional Use within the City. Chairman Hicks loves the idea of it. With communications that he has had with residents he feels that it is in a good location where it is sited. He doesn't want to see it in a residential district or an industrial district which could harm to the dogs by scaring them or causing them to bark more because you have loud machinery or traffic. Chairman Hicks stated that he felt his dog would like it.

Board Member McCormick stated she owns a pet and likes the idea of a dog boarding facility in Whitewater that it is needed. We did have a resident that was concerned about the noise. Concern about the railroad tracks making the dog barking worse. Board Member Smith shared he used to live in the area and can't see that the dogs barking would be any louder than the train. Planner Schwark stated that as we get into the scope of rewriting the code it sounds like a B-3 business district that the Plan Commission feels that this is a suitable for this type of business. She asked about an M-1 district. Economic Development Director Zeinert asked Planner Schwark to explain what an M-1 district is and Board Member Schanen asked also for a B-1 and B-3. Planner Schwark stated that an M-1 stated that this zoning will have your more industrial uses along with some lighter industrial uses. Examples manufacturing, freight terminals, research facilities and offices. B-3 zoning district that is highway commercial district is set up to accommodate your not nuisance industrial commercial that is highway oriented with higher land use. Examples would be private recreation facilities, mini warehouses. Board Smith stated that it sounded that B-3 is more restrictive than M-1. Planner Schwark stated that with the M-1 and B-3 districts in relationship to Dog Daycare and Dog Boarding facilities that they would be similar since we would be added this as a conditional use permit. Both would require the applicant to come forward and apply for a conditional use permit that would have to be approved by the Plan Commission. Board member Smith stated from what he is hearing an M-1 would be louder than a B-3. He stated that it sounds like a B-3 would be better and asked for more examples. Planner Schwark stated a general example is where the Dog Daycare that is proposed to locate is B-3. Board Member Schanen asked if downtown is zoned differently. Planner Schwark stated the downtown district is a B-2 Central Business District and this is completely different from a B-3 district and Dog Daycares or Dog Boarding facilities would still not be allowed in those districts. Board Member Hicks asked about the minimum lot size in an M-1 is. Planner Schwark stated 20,000 square feet. Board Member Hicks asked about whether the setbacks would be less than a B-1 and B-3. Planner Schwark stated that the setbacks would be front yard 30 ft, side yard 15 ft and rear yard 30 ft. Compared to a B-3 where the front is 15 ft, side yard is 15 ft and the rear yard is 20 ft. Planner will bring it back as a draft for our code ordinance.

**PUBLIC HEARING FOR REVIEW AND POSSIBLE APPROVAL**

4. Discussion and possible approval of a Conditional Use Permit for sale of alcohol by the drink located at 210 W Whitewater St., Parcel # /OT 00144 for Daniel Rodriguez d/b/a as Lloyd's formally known as Blacksheep.

Board Member Smith asked why if there was an alcohol board why they needed to approve since he was new. Planner Schwark explained that it is because of the conditional use permit. Our code only allows for sales by taverns alcohol by the drink with a conditional use permit. So because we have ownership change and they want to continue to sell alcohol by the drink we need to approve a new conditional use permit.

Motion made by Board member McCormick, Seconded by Board Member Schanen.

Voting Yea: Councilmember Hicks, Board Member Schanen, Chairperson Miller, Board member McCormick, Board Member Weigel, Board Member Smith

5. Discussion and possible approval of a Conditional Use Permit for sale of alcohol by the drink located at 162 W Main St., Parcel # /OT 00014 for Teuta Ademi d/b/a as Fanatico's.

No discussion.

Motion made by Board member McCormick, Seconded by Chairperson Miller.

Voting Yea: Councilmember Hicks, Board Member Schanen, Chairperson Miller, Board member McCormick, Board Member Weigel, Board Member Smith

6. Discussion and possible approval of a Conditional Use Permit for a proposed Dog Daycare Facility located on vacant land on Bluff Road Tax Parcel # /A323600002 for Daniel and Jhienelly Kistle d/b/a The Royal Hounds of Whitewater.

Planner Schwark explained that they are here for a Conditional Use Permit and Site Plan review. This is located on vacant land in our B-3 Highway Commercial District. Planner Schwark stated that dogs would not be kept overnight for boarding. Applicant corrected that. There is an outdoor area and parking lot for 8 vehicles. As previously discussed this is not something that our current zoning allows for in the B-3 district but the most similar land use requiring a Conditional Use Permit would be a vet clinic use. So we are using that to accommodate this request. In review the site plan it does appear to be in compliance with all of the requirements of the B-3 zoning ti area. It meets the minimum lot area and the minimum lot width. The building also meets all set backs. Planner Schwark had the item as pending due to the discussion that needed to be had. Planner Schwark would like the board to ponder these three questions as they make a decision tonight. Is the B-3 an appropriate location that you feel is appropriate for this business operation? Does the site plan show an adequate screening and buffer zone for noise control? And if the use is compatible with the zoning designation how many animals should be kept onsite at a time and what are the appropriate hours of operation? Applicants Daniel and Jhienelly Kistle 327 E Clay Street Unit 19. Daniel stated that they do intend to board dogs at nights. They would like to operate from 7 a.m. to 7 p.m. They put the parking lot on the north side because that is a time when the dogs are not their control and most likely to make noise and the building will serve as a buffer to

the neighborhood to the south. As for the yard with a 6 foot privacy fence along with a wall of arborvitae to further act as a buffer. Also, barky dogs are not allowed in since he can't have the dog agitating all the other dogs. He stated he has run a facility like this in Atlanta, GA behind luxury condos without complaint. Chairman Hicks stated that if the hours are 7 a.m. to 7 p.m. that the dogs would be boarded inside overnight. Applicant Daniel confirmed, yes they would inside their kennels. Board Member Smith asked about how many dogs. Applicant Daniel stated that there would be 40 total overnight at maximum capacity. He anticipates something more like 10 per average night. Board Member asked if he had room for 40 dogs and he stated it was engineered to do so. Board Member Schanen asked if that was assuming a mixture of sizes since 40 chihuahuas takes up less space than 40 greyhounds. Applicant Daniel stated that was correct that they would have space for 20 small and 20 large dogs. they will have 4 separate yards both indoors and out for large and small dogs separated. Board Member McCormick asked whether there would be someone there at all times. Applicant Daniel stated yes that in the begin he would be there until it takes off and there would be a minimum of 2 people onsite at all times. Chairman Hicks stated that he sees the dumpster with the chain link fence and asked about slats. Applicant Daniel confirmed that there would be slats. Board member Wiegel asked about how many staff he intended to have on hand. Applicant Daniel stated 2 once it is busier up to 4. And in the future 3 but there will always be a minimum of 2 onsite. Board Member Miller asked about vets and whether people would have to use their vets. Applicant Daniel stated that there would be strict vaccination records requirements and no sick dogs would be accepted. Board Member Schanen asked about the garage doors and the outside area and if it was going to be free access or would it be more of ok it's recess time, time to go outside. Applicant Daniel stated that on bad weather days they would keep them inside mostly. On fair weather days they would like them roam in and out. Board Member McCormick asked about their their statement on the application. Applicant Daniel confirmed that they do own a series of group homes and are expanding that. Chairman Hicks stated that I agree with this and we don't want to turn and business away from the the city we are growing. This is a market that is needed. He understands that the parking lot to the north is probably the most uncontrolled time for the barking. And I would also trust that if there was a nuisance dog that it would be addressed before it causes a larger issue. As far as the Planners questions. Number 1 I believe that we should have Dog Daycare or boarding facilities in the B-3 zoning district. Taking into account what the owners mentioned the arborvitae and 6 foot solid cedar fence noise control is adequate to mitigate noise. As for number 3 when we talk about 24 hours and the dogs would only be allowed outside from 7 a.m. to 7 p.m. that should affect someone's time sleeping. I also assume that if we go 24 hours there would be a plaque with a phone number so that if there is an issue someone can have a phone number to have the matter addressed. Attorney McDonnell stated that both the site plan and the conditional use can be approved together. Board member Miller amended his motion to include both the site plan and Conditional Use Permit. Planner Schwark stated that a couple of items to take into consideration that on the site plan it does look like the dogs enter and leave the outside area via garage door. There should be a condition within the conditional use that those garage doors should be closed after 8:00 pm. everyday or whatever time the board feels is appropriate, along with a maximum number of

animals. The owner mentioned that there would be no more than 40 dogs and Planner Schwark recommends that be added to the conditional use permit as a condition that they will never exceed that amount. In addition to that if anyone is nervous about the noise or would like to reevaluate this project does after they are open we can always have them come back for a look back period after one year of business operation to ensure that we have not received any noise complaints if we feel that is going to be a problem. Amend motion to include the garage doors should be closed between 7:00 p.m. to 7:00 a.m. and the planner's comments. And amended motion to include a max number of dogs up to 40 dogs.

Motion made by Chairperson Miller, Seconded by Board Member Smith.

Voting Yea: Councilmember Hicks, Board Member Schanen, Chairperson Miller, Board member McCormick, Board Member Weigel, Board Member Smith

7. Discussion and possible approval of a Conditional Use Permit for a New Wireless Telecommunication Facility and Free Standing Tower to be located at 312 Elkhorn Road. Tax Parcel #'s /A919 00002 and /A91900003 for LCC Telecom Services.

Planner Schwark stated this currently a vacant lot on the corner. They are requesting a 195 foot self supporting tower in a 100 x 100 foot lease area. They are requesting a variance because they are not building a building or screen roof top. The current proposed tower doesn't meet our set back ordinance. All the property around the tower is proposed land use is for residential. Board Member Smith asked if the set back requirements only had to do with the tower falling. Planner Schwark stated that not only is it for the safety but it also has to do with cell towers having health affects on individuals if they are living too close them and aesthetic reasons and reduced property value. Chairman Hicks stated that this may be a case of code not catching up to new engineering. They are designed to fall on themselves and there is a letter from an engineer in the packet. Board Smith asked about the radio waves. Representative John Burchfield from LLC Telecom Services 10700 W Higgins Road, Suite 240, Rosemount IL 60018 along with Jake Remington from Husch Blackwell, LLP 511 N Broadway, Suite 1100, Milwaukee WI 53203 who can speak on the state statute and federal requirements. This is for At & t to fill in a gap in their coverage on the southeast end of town. As far of the health concerns, cell phone towers are non-ionizing radiation. They are like radio and TV and don't pose a cancer risk. Board Member McCormick stated that she noticed based on their study there were other potential places to put this. The place chosen had the best signal. John Burchfield stated that yes they chose this parcel for various reasons. The parcel is a small parcel with existing trees and there is other trees on another parcel. It is boarder on the other side by B-1, Kwik Trip and Dollar General. Board Member McCormick stated that when she first saw the plans she thought you got to be kidding this is my neighborhood. This is a gateway into the eastern portion of Whitewater and don't think that it is a very welcoming sign to see an 192 foot tower and I'm sure we will be getting a lot of complaints from neighbors. This might diminish property values. John Burchfield stated that diminishing property values is speculative and we can have studies going both ways. As far as aesthetic the trees on the property should provide enough cover. Other landscape options can be discussed. The tower is currently set back from

the road. We have a 100 x 100 foot lease area but currently the plan is to only build a 70 x 70 foot fence area. We have extra space to add in drainage landscaping. Board Member Smith asked if this was a purchased property John was unsure if this was contingent on approval but yes it is a purchase. Board Member Smith also asked if there were other opportunities further away of that intersection. John Burchfield stated no not to meet that coverage area objective. We have another tower we are looking at putting in the City but that is further west to cover the southwest portion part of town. Board Member Smith asked if they had a output measurement of radiation that is emitted from the tower. John Burchfield stated that the FCC regulates that and has set standards. Economic Director Zeinert asked Planner Schwark to explain what a variance is. The current code requires that the exterior surfacing of buildings that hold the equipment has to be an exterior wall and a roof building over the equipment. The applicant has stated that this is not their current standard and they would like a variance to veer away from that. With the variance they would move forward and have to be heard in front of the Board of Zoning Appeals. The Board of Zoning Appeals would then decide if they have a hardship in order to grant that variance. If they feel there is a hardship on this property and there is valid reason they for why they don't or shouldn't meet our code requirements the Board of Zoning Appeals would then go forward and grant that variance, however if there is not a hardship and they have made the determination that they shouldn't be accepted they would deny the variance and the applicant would have to appear before the Plan Commission to show that they meet all our code requirements. Chairman Hicks had a question on the variance language for wireless telecommunication towers is that specific to the B-3 district or city wide. Planner Schwark stated that is city wide related to all zoning districts that allow telecommunication facilities as a conditional use permit. Board Member Wiegel asked outside of the better cell phone coverage what other benefits are there for the City. John Burchman state that the main benefit that he could point out other than commercial cell phone coverage. AT & T is contracted for First Net they won the bid for that. First Net is the first network nation wide solely dedicated to First Responders. So this is something that AT & T is installing on all towers that Tillman is doing for them. The main benefit is safety. The coverage would extend over the eastern side of the city including all of Tripp Lake. Board Member McCormick asked would it be possible to do it in a more rural location or near a business park which is not that far from the intersection. John Burchman stated if there is something that can be discussed about the type of tower or appearance of the tower to make this more palatable to some of those residents we can try to discuss that. As far as moving to another location these things are engineered fairly specifically as to where they can go. If they move 600 feet to the east they are not going to get the type of coverage they are looking for and will increase the need for more sites in the future. Board Member McCormick asked is this a major difference or minimal difference. John Burchman stated he is not an RF engineer so he has to give a generic answer. You may get signal outside but not in a vehicle or building. Board Member Smith asked about what the signal strength since when you talk about 600 feet and double there is not a tower every 1200 feet. John Burchman stated it depends on the height of the tower. Cell phone towers he has seen can range from 40 feet above the ground to 400 feet above the ground. The taller you can get the towers up the more area you can cover. It also depends on traffic. So if you have more traffic on

a tower at any given time the functional range of the towers is less. Chairman Hicks stated he had a few things. He stated that he does work with wireless quite a bit but doesn't work in the industry. As for the support structure itself they are an outdoor cabinet and work fine for him but knows that they won't work fine for everyone. However, if we do provide that variance there would be fencing to cover entirely he would expect that it is blocked from all view even the top. Secondly with the set backs with the engineer letter that it is a 1/3 fall which is 65 feet but looking set backs they are currently less than 65 feet. If we approve it I would like to see setbacks at 1/3 of tower height which is 65 feet preferable from your lease area but if that can't be done the lot lines. Also, to go into RF coverage if things got to be changed but there is land to the south east that has more rural area. We can change power levels to increase the coverage area. John Burchman stated that they could do opaque fence and landscaping as approval. As far as the set backs we can look at that, reengineer or modify that. Having the 50 foot set back is better in the back is better for front landscaping. Chairman Hicks recommend that they don't use arborvitae since no one waters it and they die. John Burchman stated that they had looked at matching the landscaping that was in the middle of the roundabout. Jake Remington stated on the set backs issue wouldn't require a variance because going back to 66.0404 (r) if there is an ordinance that requires set backs it can be no greater than any other commercial structures. However under 66.0414 (2)(g) if an applicant provides an engineering certification showing that the structure is designed to collapse within a smaller area than the setback than those set backs don't apply. Board Member Schanen asked about what type of coverage is being improved here is it 4G or 5G. Jake Remington and John Burchman both stated it is likely the latest which is 5G. Chairman Hicks stated that in defense of the project the City did move to all cellular devices to First Net this would benefit the City not just he people within the City. Planner Schwark stated there is a benefit to bringing another cellular tower into the City of Whitewater it will improve the overall service of the area and help in the community. However, I do think there is a better location other than the proposed location before the board tonight. This is a gateway into your city center and this is what you see when you come into the City of Whitewater. Is surrounded by valuable residential land that will probably soon be developed and I don't feel this use is compatible with your surrounding and adjacent land uses. I do feel it will diminish the property values in this area. Motion was made to deny the conditional use permit for wireless telecommunication facility. Board Member Smith I wish it was just a 1/4 mile south. Jake Remington asked if the location of the tower was inconsistent with the surround uses. Chairman Hicks stated that as you come in 12 there residential and yes Kwik Trip and Dollar General but there is residential down Clay Street and there open farm land. Board Member McCormick stated that Walton is developing in that area shortly. Jake Remington asked it is the look of tower or the height or just a cell phone tower in that location I'm just looking for clarity. He stated that if the board wanted to table it they could propose a lower height or different type of structure instead of self supporting. Board Member McCormick stated that it is not the height that is the issue by the location. John Burchfield stated that yes if they move this significantly southwest they will lose coverage over the lake. There are a lot of issues moving a particular sight once we have got a location in mind. Board member McCormick stated

that don't they get monetary reward. John Burchfield stated yes but some people do want it and some don't.

Motion made by Board Member Schanen, Seconded by Board member McCormick.

Voting Yea: Board Member Schanen, Chairperson Miller, Board member McCormick, Board Member Weigel

Voting Nay: Councilmember Hicks

Voting Abstaining: Board Member Smith

## **FUTURE AGENDA ITEMS**

Chairman Hicks asked about the rezone of the library. Planner Schwark stated that the rezoning application and even though we are the City of Whitewater we are going to follow all the appropriate steps. And it requires a Public Hearing so it will be back in June. Chairman Hicks also asked that we do the same for the Fire Department.

Board member requested that they get an update on the old White Elephant. Economic Director Zeinert stated the Bowers House and asked if they wanted an update from the contractor of what they are doing or have done. Board Member McCormick stated, yes.

Board Member Schanen asked if it is possible to combine the parcels for the fire department. Staff Member Dostie explained that is all of City Hall and we currently sit on 9 parcel numbers.

## **NEXT MEETING DATE JUNE 10, 2024.**

## **ADJOURNMENT**

Meeting was adjourned at 7:25 p.m.

Motion made by Board member McCormick, Seconded by Board Member Schanen.

Voting Yea: Councilmember Hicks, Board Member Schanen, Chairperson Miller, Board member McCormick, Board Member Weigel, Board Member Smith

**Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to:**  
c/o Neighborhood Services  
312 W. Whitewater Street  
Whitewater, WI 53190  
or ldostie@whitewater-wi.gov