

Village of Withee

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PLANNING COMMISSION MEETING

The Village of Withee Planning Commission met on March 23, 2022, at 6:00 p.m. in the Municipal Building, Conference Room.

Everett Lindgren called the meeting to order at 6:03 p.m.

ROLL CALL

Roll call was answered by Kevin Thorson, Lynn Van Winkle, Everett Lindgren, Troy Hatlestad, Randy Shelton, and Pat Esker. Village Clerk Niemi recorded the minutes. Absent was Terry Pawlukiewicz. Representing ABBC, LLC were Brock Pottinger and Ben Hanvelt. Also, present were John and Leslie Frankewicz, Cindy Cardinal, Leslie Craven, Mary Rosiejka, Nora Keller, and Che-Che Myher.

The plan commission was called to consider an application for changing the zoning at 1013 Division Street, parcels 191.0205.000 and 191.0206.000, from R-1 Single-Family Residential to R-2 Multi-Family Residential, to allow for renting apartments to tenants without age restrictions.

APPEARANCES

Ben Hanvelt and Brock Pottinger introduced themselves and said Ben's brother and a friend are also part of the LLC and all live in Rice Lake. Ben and his brother have many rental units. They are requesting the change to the zoning so they can fill the apartments. Otherwise, they can't afford to purchase it at half capacity. Currently the program it is in is age and income restricted. Their manager feels that if the age restriction was removed, she could easily fill the apartments with quality tenants. Van Winkle asked if they would pursue income restrictions, Hanvelt answered that it had to remain with income restrictions for the current program. J. Frankewicz addressed the capacity issue and said that the building hasn't been filled due to poor management such as not returning potential tenant inquiries. He is opposed to dropping the age restriction completely but could see 40 as a good age due to maturity. J. Frankewicz stated that he and Leslie are concerned because when young renters were living there the police were called many times. J. Frankewicz feels with proper management it could be filled. Hanvelt had talked to the tenants and most felt the current manager was better about answering concerns. Pottinger said they based their request on information from the manager that the age and income restrictions are making it difficult to find tenants. The manager told them she is getting many applications and if the age was dropped, she could easily fill the remaining apartments. Hanvelt addressed the concerns of police issues and stated that he and his brother own several units in Menomonie, River Falls, Hudson, Chippewa Falls, and Thorp and that potential tenants are screened for previous evictions, credit score, and criminal charges which helps to make sure quality tenants are selected. They want good tenants, so they don't have destruction of property. L. Frankewicz asked if it was age or income making it hard to fill. Hanvelt answered that the manager said it was age. The income restriction runs through 2030 due to this government program. Pottinger had a form listing the income restriction available for anyone interested. Shelton asked about

the pet policy because a past renter let his dog trespass into Shelton's yard which caused his dogs to bark. Hanvelt answered that cats and dogs are allowed with dog weight limited and aggressive breeds forbidden.

Lindgren asked about capacity limitations. There are 11 apartments made up of five one-bedroom and six two-bedrooms. The application screening limits number of people and occupants must be on the lease. Van Winkle asked how that would be addressed if they violated the lease. Thorson asked if the property manager would check on such issues. Hanvelt answered that between the manager, tenants, and maintenance person they would be aware of issues. Violators would get a letter and eviction process would proceed. Myher questioned if background screening would be done because past tenants were using drugs and having domestic fights. She is against having younger people and doesn't want to go through that again. She also doesn't want a fence. Pottinger and Hanvelt addressed the background check which covers criminal records, rental history, and employer reference. They reiterated that they want good tenants too. Cardinal also doesn't want a fence and thinks it would rot and fall over. Shelton commented that he would like the privacy fence as it was bad with just the one dog stirring up his dogs. Hanvelt mentioned that the current conditional use had required a fence. Shelton said it had been a combination of trees and fence, but the trees died, and the fence fell. Myher was concerned about ambulances getting to the back with a fence there. Van Winkle questioned what it looks like in the back. It was mentioned that there is no road so ambulance personnel would access through the building or the sidewalk.

Cardinal said she has never seen the current manager since she started which is approximately two years. Cardinal involved an Indianhead board member to get some issues addressed. Hanvelt said that the current manager would be retained on a trial period. Cardinal also asked if the pets that are there would be grandfathered. Hanvelt said if the lease was signed allowing pets, then that would have to be examined. Cardinal mentioned that her lease was supposed to be renewed annually, but she only signed the original lease. Hanvelt said he would have to look into that. The lease is the tool to either renew or evict. The government program allows for eviction for multiply issues such as noise complaints and police calls. Hanvelt stated that tenants are on either monthly or annual leases. He and Pottinger have found that the program has not been run consistently nor correctly. L. Frankewicz said that almost all apartments were filled with elderly but when Indianhead allowed younger tenants, it caused issues. She said that the younger people don't want to work so they will meet the criteria. Hanvelt said they wouldn't meet the screening process due to no income. Shelton asked if the requirement is that whoever lives there be on the lease. Hanvelt responded that adults would be on the lease. Shelton was concerned if a person was living there, and their criminal boyfriend moved in how it would be handled. Hanvelt hoped that the tenants would make them aware of the situation. Leases usually allow for an overnight guest but limit how many nights. Hanvelt said they would update the outside lighting but is unable to promise to extend the sidewalk on the west side. Cardinal noted that the property has been continually written up by the fire inspector for not working exit lights and the west side not being opened for fire truck access.

There was discussion on the age limit. Hanvelt answered that they can't discriminate on older tenants and families. He felt the screening process is going to make it so quality tenants are selected. Pottinger said the current age restrictions eliminate a lot of potential renters. L. Frankewicz asked if the motion for rezoning is only if ABBC LLC buys the property and it was confirmed by Lindgren. She has concerns that if the rezoning goes through there will be problems again. Hanvelt and Pottinger said they also want quality

tenants because they want to run the apartments for a profit. They want to limit their exposure to damages. If police are called in for numerous calls, they start to lose their good tenants. Pottinger has past experience with the complacency of a non-profit being run poorly.

Lindgren mentioned that the Village was supposed to be receiving a payment in lieu of taxes (PILOT) from Indianhead but their last payment received was in 2018 for 2017 PILOT. The Village took legal action and the courts ruled in Indianhead's favor to discontinue PILOT payments. If ABBC LLC purchases the building, the Village would receive real estate taxes. Thorson asked about the location of the manager. Hanvelt replied that she is out of Eau Claire, but that tenants and maintenance person usually help keep an eye on the property.

REQUEST FOR REZONING

A Van Winkle/Thorson motion to recommend board approval of the zoning change from R-1 Single-Family Residential to R-2 Multi-Family Residential for 1013 Division Street, parcels 191.0205.000 and 191.0206.000, contingent on the sale to ABBC LLC carried with all ayes.

A Shelton/Hatlestad motion to adjourn at 6:56 p.m. carried with all ayes.

Ellen Niemi
Village Clerk