

CITY PLAN COMMISSION
Wednesday, August 21, 2019

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Chairperson David Ward in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Kirsten Reeths, Mark Holey, David Hayes, Debbie Kiedrowski, Jeff Norland, David Ward, and Dennis Statz were present. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, Community Development Secretary Cheryl Nault, and several members of the public.

Adoption of agenda: Moved by Mr. Norland, seconded by Mr. Holey to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 17, 2019 and August 6, 2019.
4. Consideration of: Comprehensive Plan Update – Timeline and Public Participation Plan.
5. Consideration of: Zoning Code sec. 20.31(4)(b) – Surfacing of parking lots.
6. Consideration of: Tourist Rooming House ordinance review.
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn.

Carried.

Approval of minutes from July 17, 2019 and August 6, 2019: Moved by Mr. Holey, seconded by Mr. Hayes to approve the minutes from July 17, 2019. All ayes. Carried.

Moved by Ms. Reeths, seconded by Mr. Norland to approve the minutes from August 6, 2019. All ayes. Carried.

Consideration of: Comprehensive Plan Update – Timeline and Public Participation Plan: Mr. Olejniczak stated that the contract for the Comprehensive Plan update with the consultant, Vandewalle & Associates has been signed. He went over the project timeline. The kick-off meeting is scheduled for October 16th, with completion in June, 2020. It was noted that the December Plan Commission meeting will be held on the 11th instead of the regular scheduled date of the 18th. A resolution is required to approve the adoption of a public participation plan. The timeline may get adjusted over time.

A short discussion was held. Moved by Mr. Norland, seconded by Ms. Kiedrowski to recommend to Council approval of Resolution 2019-01 recommending the adoption of a public participation plan for the update of the Comprehensive Plan.

Mr. Holey questioned whether or not Plan Commission members are allowed to attend non-Plan Commission meetings that would be held with staff, the Mayor, and Vandewalle, as well as how much they would be able to participate. Mr. Olejniczak responded that the open meetings law must be complied with. Mayor Ward added Plan Commission members could attend for informational purposes.

A vote was taken on the motion. All ayes. Carried.

Consideration of: Zoning Code sec. 20.31(4)(b) – Surfacing of parking lots: Mr. Olejniczak stated that this item was brought back for discussion for two issues. The first is getting clarification on what surfacing is required and secondly, if there should be other exemptions besides single-family, two-family, and private professional storage uses.

Mr. Sullivan-Robinson stated that previous discussion had been held including different options for surfacing of parking lots based on location of the parking lot, overall size of the parking lot, type of use related to the parking lot, intensity of the use, or no change at all. It seemed as though the Commission was not in favor of changing the code based on some of the issues discussed, such as being able to use gravel or crushed cement or asphalt as an alternative to asphalt or cement. They thought that the ordinance should better defined how driveways and parking areas can be surfaced.

Mr. Sullivan-Robinson offered a couple of new options regarding surfacing. One of the options included allowing brick and porous/permeable pavement and pavers. The other option defines the current regulations with an addition that the asphalt or concrete must meet a carrying capacity of 4000 pounds. This also creates a separate section for the exemption that any heavy equipment vehicular storage areas not open to the general public do not need to be paved. Although, those areas must be maintained in a durable dustless position. Any driveway leading to that area must be paved with asphalt or concrete. As of now, paving is required. If one believes they have a hardship or reason not to pave, it can be brought to the Zoning Board of Appeals for a variance request.

Mr. Holey thought that the ordinance should just be made clearer and by combining the two options presented. Another thing to consider is requiring an additional 5 feet of concrete to buffer the gravel from the sidewalk, if gravel is allowed.

Ms. Kiedrowski thought that the seasonal use exemption should also be added.

Mr. Olejniczak agreed with Mr. Holey's comment about adding a concrete apron within 5 feet of a sidewalk, if a sidewalk exists.

Mr. Sullivan-Robinson was directed to come back to the next Plan Commission with a final draft including the changes discussed and a recommendation could then be made to Council.

Consideration of: Tourist Rooming House ordinance review: Mr. Olejniczak provided a brief history of previous Plan Commission meetings in which tourist rooming houses were discussed. For a long time Sturgeon Bay did not allow tourist rooming houses, aka short-term rentals or vacation rentals in the City, except in commercial or multi-family zones. It was requested that it be looked at. Since 2016 the City has allowed them anywhere in the City with a license and a few minor restrictions. Not long after the City opened it up to allow tourist rooming houses, the state legislature adopted rules that prohibited cities from restricting tourist rooming houses with a rental period of more than 7 days. But, you could restrict tourist rooming houses that operated for 6 or fewer days, as well as restricting the 7th -28th day period to no more than 180 consecutive days in an 365 day period. There have been some complaints and concerns from hotels about the impact of tourist rooming houses.

Mr. Statz met with some hotel and tourist rooming house owners to create an ordinance. He said that everyone who currently owns a tourist rooming house would be grandfathered in.

Jerry Kobishop, Sturgeon Bay, stated that he has three tourist rooming houses in Thunderhill Estates. He charges \$150 per night and offers a free family pass at the YMCA.

Jennifer Bacon, 728 Georgia Street, said that she doesn't own a tourist rooming house, but manages them. She has 4 employees. It is a busy season at this time and would rather this discussion be brought up in the winter. There is a short-term rental group that has been formed. They want to be part of the solution, not the problem. Tourist rooming houses should continue to be reviewed. Everyone should work together as a community.

Elaine Carmichael, 408 Snake Island Road, stated that tourist rooming houses are not the same as a hotel or resort. Currently, tourists have 3-4 day stays. People who run short-term rentals want to share the experience of Sturgeon Bay. Reviewing this in fall would be a better idea.

Alisa Landman, 330 N Joliet Avenue, stated that she has two short-term rentals. Most guests stay 3 – 5 days. Many guests are first time visitors.

Ben Keleny, 313 S Lansing Avenue, also owns two short-term rentals, along with one long-term rental. If anything changed, a lot of dollars will go away to other communities.

Mayor Ward stated that he didn't see a need to be hasty about this. He did suggest that we see how many rentals that we have and what the trend is.

Mr. Hayes mentioned that he owns a B & B and wondered what the differences were between that and a tourist rooming house.

Ms. Kiedrowski thought that the Marquette study that was included in the packet was useful information. She didn't think that the seven day limit made any sense.

Ms. Bacon added that Airbnb's and VRBO's (vacation rentals by owner) collect state taxes and submits them back to zip codes. There is an issue on how the tax is being distributed.

Mr. Norland wondered if the building was not operated as a short-term rental, what would it be operated as? Mr. Kobishop responded that he really didn't want to be in permanent rental business. The revenue is different. Ms. Carmichael responded they would leave one of their rentals for family and the other would be office.

Mr. Olejniczak explained that the reason for consecutive 180 days is to make it easier for municipalities to monitor and regulate. The ordinance mimics state rules. The City cannot prohibit a rental period of 7 days or longer in a consecutive 180 day period. You can pick your 180 days and let the City know what they are. The 180 days is a level that the City can regulate up to. The City can leave the ordinance as it is today and it would be in compliance with state statute. Currently, a short-term rental is allowed as long as it is licensed, pays room and state tax, is inspected by the Dept. of Agriculture, Trade and Consumer Protection, and the owner lives in Door, Brown, or Kewaunee counties or has a manager that lives in one of those counties. Also, the owner cannot have a sign larger than 2 square feet.

Ms. Bacon stated that the rest of Door County will follow suit with Sturgeon Bay's actions.

Mayor Ward would like more research done and will discuss this again at a few future meeting.

Mr. Sullivan-Robinson will draft an ordinance with what the state will allow us to regulate up to, along with what the current ordinance is.

Public comment on non-agenda Plan Commission related items: No one spoke during public comment.

Adjourn: Moved by Mr. Norland, seconded by Mr. Statz to adjourn. All ayes. Carried. Meeting adjourned at 7:08 p.m.

Respectfully Submitted,

Cheryl Nault
Community Development Secretary