

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, February 27, 2017

Chairman Dave Prudden called the monthly meeting of the Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Trustee Prudden, Bob Grant, Trustee Petersen, Sarah Lobdell, Fritz Frazier (arrived at 5:53 pm)

Plan Commissioner Absent: Bob Ahern

Also present: Steve Beers, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Annie Porter, John Porter, Duane Ratay, Village Attorney Dale Thorpe, Sammi Wendling

Visitors Heard

None

Approve Minutes

Trustee Petersen/Commissioner Lobell 2nd made a MOTION to approve the minutes for the November 28, 2016 Plan Commission meeting, as presented, and the MOTION carried without negative vote.

Trustee Petersen/Commissioner Grant 2nd made a MOTION to approve the January 9, 2017 Joint Session with Village Board and Plan Commission meeting, as presented, and the MOTION carried without negative vote.

Public Hearing

Amendment to Section 18-13, Definitions – Impervious surface

McCarthy explained the definition of Impervious Surface was modified to include aggregate, gravel, pavers and pavement; limerock was removed from the definition. The Public Hearing was opened at 5:31 pm. No one spoke for or against the proposed ordinance. The Public Hearing was closed at 5:32 pm.

Trustee Petersen/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the ordinance amending Section 18-13 of the Municipal Code regarding Impervious Surface, as presented, and the MOTION carried without negative vote.

General Business

Proposed Ordinance Amendment: Section 18-211(j), Access Standards, Distance from Property Line – Set Public Hearing

McCarthy stated the Municipal Code lists three feet as the standard setback distance from the property line in all areas of the code except for in Section 18-211(j), where it lists the standard setback as five feet. The modification to three feet would make that section consistent with the rest of the Municipal Code.

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to set a public hearing on Proposed Ordinance Amendment to Section 18-211(j), Access Standards, Distance from Property line, at the next monthly Plan Commission meeting scheduled for Monday, March 27, 2017. The MOTION carried without negative vote.

Conditional Use Permit Application Filed by Rebecca Millar and Annie Calteaux for the

Property Located at 228 First Avenue

The owners of the property at 228 First Avenue submitted a Conditional Use Permit Application to install a second driveway on the same street frontage as the existing driveway. The applicant has proposed to construct a detached garage which the second driveway will serve. The municipal code requires that the CUP process is followed and a public hearing is required for approval.

Trustee Petersen/Commissioner Grant 2nd made a MOTION to set a public hearing on the Conditional Use Permit application filed by Rebecca Millar and Annie Calteaux for the property located at 228 First Avenue to construct a second access point serving the same frontage road as the existing access point at the next monthly Plan Commission meeting scheduled for Monday, March 27, 2017, and the MOTION carried without negative vote.

Certified Survey Map Filed by Kenneth Pariser for the Property at 398 Hillcrest Drive

An updated application and certified survey map for the property at 398 Hillcrest Drive was filed on February 7, 2017. The application has been reviewed by the village attorney, village engineer and staff without any concerns and is recommended for approval with the standard conditions.

Commissioner Lobdell/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the Certified Survey Map filed by Kenneth Pariser for the property at 398 Hillcrest Drive, and the MOTION carried without negative vote.

Report on Short-Term Rental Complaints

Village staff received a complaint from a local property owner about short-term rentals (less than 30-days) in areas of the Village where it is not allowed. The complaint listed 11 properties in the Village which are advertised online at Airbnb.com, trails.com, vrbo.com and homeaway.com. The properties were sent cease and desist notices from the Building & Zoning Department. Unfortunately, there is very little staff can do without an admission from the renter or property owner that they are renting short term in an unauthorized zoning district. In the past, the police officers have had issues with issuing the proper municipal citations to the property owners due to technicalities and necessary evidence to successfully prosecute citations for short term rentals; however, staff recently met and ironed out some of those issues. Proof of the short term rental is still required, but staff is optimistic some citations will be issued. McCarthy added that an advertisement online does not constitute proof of rental, it simply means property owners are marketing their home. Complaints typically arise from a “party house” scenario when there is a noise complaint or inappropriate behavior reported and McCarthy said there is a better chance of police responding and issuing citations in those types of cases rather than trying to figure out if a house is being rented short term.

Proposed Ordinance Amendment to the LR-0 Zoning District to Authorize Short-Term Rental Under CUP Process

North Lakeshore Drive lakefront property owners John and Annie Porter submitted a request to Village Board and Plan Commission members to direct staff to look into a proposed Zoning Code amendment to allow consideration of Tourist Rooming Houses in the LR-0 Lakefront Residential District only under the Conditional Use Permit process. McCarthy stated the Porter’s contacted her as a direct result of the letters that were sent to the 11 property owners cited in the citizen complaint about short term rentals. There are some areas in the Village where short term rentals are permitted and those include Abbey Springs Planned Development (single-family residences only), Abbey Villas, Abbey Ridge, the Village Center Zoning District (permitted use by right), and the Neighborhood Business and Community Business Center Districts (allowed by Conditional Use Permit). Short term rental properties are required to file the proper permits with the state and village, and they are required to pay room tax to the Village. If the commission wishes to pursue the request, certain conditions could be placed on the short-term rentals including a minimum lot size, that the owner must be on site, and that all required permits are obtained through the state and Village, and all room tax payments are current. Petersen stated he is opposed to short term rentals in the LR-0 District. Lobdell stated she is open to considering the proposal as long as it is not a permitted use by right and

that there are proper controls in place. Staff recommended mailing a notice with a survey to all the LR-0 Lakefront Residential Property owners and holding an informational meeting to gauge feedback if the Plan Commission members want staff to formally present a proposed amendment for consideration at a required public hearing. Commissioner Grant recommended establishing a procedure for going about allowing short term rentals in the LR-0 District if the proposal is considered. John Porter stated he began renting his gatehouse during the offseason in November, 2015 and was unaware that it was not allowed until they received the warning letter from the Building & Zoning Department. He stated they do not desire to rent their property out during the summertime due to being so busy with family and friends; however, he was surprised by the interest shown for renting in the off season. Annie Porter stated she shares the same concerns brought up earlier in the meeting and also would not want to be a neighbor to a party house which is why they screen their renters and are on site when they stay at the property. Lakefront property owner Steve Beers suggested looking into the proposal and coming up with guidelines in order to mitigate any potential problems. He stated that Keefe Real Estate offers vacation rentals in several neighborhoods including Abbey Springs and Geneva National and stated there are no problems with party houses. Since the cost of renting is often between \$5,000 and \$15,000 for the month, he stated it is not college kids who are renting the properties. Thorpe stated there are two options: have staff take time to draft something and then have a public meeting to solicit public comment, or send out a questionnaire and if there's a lot of positive feedback then have staff draft an ordinance amendment. Trustee Prudden/Commissioner Grant 2nd made a MOTION to direct staff to send out a survey to the owners of property in the LR-0 Lakefront Residential District and invite them to attend the monthly Plan Commission meeting in June, and the MOTION carried on a 3-1 vote with Trustee Petersen opposed.

Adjournment

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to adjourn the meeting at 5:57 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 03/27/17