



**Plan Commission
Meeting Minutes
June 25, 2019**

3930 N. Murray Ave Village of Shorewood, WI 53211

1. Call to order.

The meeting was called to order at 6:37 p.m.

2. Roll call.

President Allison Rozek	No
Trustee Jessica Carpenter - Acting Chair	Aye
Leah Blankenship	Aye
Eric Couto	Aye
Tim Hansmann	Aye
Therese Klein	Aye
Barbara Kiely Miller	Aye
Sangeeta Patel	Aye
Daniel Wycklendt	No

3. Statement of Public Notice.

Staff posted and publicly noticed the meeting according to local and state regulations.

4. Approval of May 28, 2019 meeting minutes.

Ms. Kiely Miller asked about the conditional use permit referenced in the minutes and why it was not on the agenda for the evening's meeting. Mr. Griepentrog explained that upon further review of the application it was determined that the use was a permitted use and that no conditional use application was required.

Ms. Kiely Miller moved to approve the minutes, seconded by Mr. Hansmann.

Vote 7-0 to approve.

5. Discussion and recommendation pertaining to updating the Village's Comprehensive Plan in 2020.

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission.

Last month, this topic and two options, a simple update (hiring an intern) and a full-blown, new comprehensive plan (hiring a consultant), were discussed. The Village Board is currently in their initiatives/prioritization phase discussing on July 1st and confirming the initiatives on July 15th. Having a recommendation from the Plan Commission as to what range of update they would like to see is important so the budget impact is known.

Included in the meeting materials was detail on the Comprehensive Plan's six driving elements and goals. Mr. Griepentrog felt these elements were still relevant but asked the Plan Commission to confirm. Each individual chapter had broad stated goals and objectives which narrow down more strategically what to focus on. The specifics come in via elements from previous plans that could be adopted and implemented.

Mr. Griepentrog felt the goals and objectives haven't changed that much but that the specific recommendations are what probably have. The Transportation and Parking Analysis being done will provide defined recommendations, and the CDA is intending to do a housing study, which will provide further recommendations. There are also long-range financial plans that document what the village's streets need. Mr. Griepentrog stated that if the Commission felt the overall goals and objectives were still in line with what the community valued then a narrower focused update would be his suggestion.

Mr. Griepentrog informed the commission of comparable municipalities and the cost with updating their plans. He said Whitefish Bay was conducting a narrowed focused update of their plan at \$23,000, Greenfield was updating their plan with a consultant at \$30,000 and that Hudson and Sun Prairie were doing full updates of their plans, with Sun Prairie paying \$100,000 and Hudson paying \$103,000.

Mr. Couto asked what kind of review process the 2011 plan has gone through to see where we are with regards to updates. Mr. Griepentrog explained that in his year and a half with the Village the plan has never been reviewed fully. The Village has a lot of plans and what is typically referenced is the Vision 2025 plan, which gets a lot of discussion during staff meetings in terms of its six objectives. The comprehensive plan is on the older end of the Village's plans having been adopted in 2011. The Vision 2025 plan was adopted in 2015 and probably then overtook as the more current plan for the village. The comprehensive plan should be the Village's overarching document that all the committees and the Village Board reference. Mr. Couto asked about what the ballpark estimated cost of the full update would be. Mr. Griepentrog stated that a new plan from scratch would be approximately \$100,000 and would include community engagement and visioning sessions. Each element would have its own public engagement meeting via public hearing or a community event. The larger scale updates definitely have more public engagement and input but Mr. Griepentrog stated that was done previously and if not a lot has changed dramatically the village will have input from the traffic study being conducted and the housing study that is to be conducted.

Ms. Kiely Miller commented that who was on the Village Board when the original plan was approved has changed and that the overall goals and views on what we should be doing may have changed in the last ten years. She said there could be philosophical differences in regards to development with the current board. Ms. Kiely Miller added that the recommendations provided in each chapter state who is responsible for the implementations and a lot list staff, leading one to think a larger staff would be needed to accomplish tasks. She wondered when the village board is discussing priorities for 2020 if the comprehensive plan recommendations are referenced at all. She also suggested it would be helpful to have an organizational chart that references all the plans the Village has. Mr. Griepentrog felt the comprehensive plan could serve that purpose by referencing the various plans and studies within it. He said the Vision 2025 Plan has a similar implementation chart but adopting and implementing are two different things and if a plan is no longer referenced it is simply an old plan on the shelf. Mr. Griepentrog stated he finds great value in the comprehensive plan but the question is if \$100,000 effort will reveal anything different from the existing main overarching goals. Ms. Kiely Miller asked if there was something in the middle of just updating the numbers and starting from scratch. Mr. Griepentrog stated that yes he believed there was something in the middle and that the Village is kind of doing some updates now with the traffic study and the housing studies. In the lesser version there will still be public engagement also.

Mr. Griepentrog said that the discussion was also to consider the time he would be working on the plan and how the Village wants to use his time as the update could take

away from other things. Ms. Kiely Miller added that even with a consultant/intern Mr. Griepentrog' s time would be needed to supervise the project.

Ms. Klein asked when the Vision 2025 Plan was completed. Mr. Griepentrog said 2015. Ms. Klein said that with the comprehensive plan in 2011 and the vision plan in 2015 plus the major initiatives (traffic and housing study) that a full rewrite doesn't seem appropriate with the work that is in progress.

Ms. Patel asked if the consultant would be able to combine the 2025 Vision Plan and the comprehensive plan. She said if the goal was to get down to one plan and if the Village was to spend the money it made sense to do that now. Mr. Griepentrog said a consultant, not an intern, could be hired to do a lesser scaled version which is what Whitefish Bay and Greenfield are doing.

Mr. Couto asked if the 2025 plan has meet the same level of review as the comprehensive plan. He asked if the goals written in 2015 for the 2025 plan are being reviewed and if the Village is where it wants to be or if the plan has been shelved also. Mr. Griepentrog said the goals are not reviewed as they are overarching concepts but the specific recommendations with the plan were reviewed last year prior to the initiatives. The staff doesn't have monthly meetings regarding the Vision 2025 plan. Mr. Couto added that if plans are being combined he would like to make sure they are being reviewed and the percentage to goals are being met accordingly.

Ms. Patel asked if the comprehensive plan update was required by law whereas the vision plan is not. Mr. Griepentrog confirmed yes.

Trustee Carpenter added that because the comprehensive plan is required by state statute she would like to consolidate the comprehensive plan and the vision plan together so that one plan is looked at moving forward. This could help with initiatives as well. She added that she is passionate about historic preservation and noticed that there was only one sentence in the comprehensive plan regarding it. Having one document/comprehensive plan would help guide trustees to prioritize their initiatives and what path they should be taking. Mr. Griepentrog added that the comprehensive plan is required to be updated once every ten years but the plan could be a living document that is reconfirmed yearly as a guiding principle for the village.

Mr. Hansmann asked if the update route is chosen would there be any public meetings during the process. Mr. Griepentrog stated there would be some public meetings; it is more a matter of how many. His initial thought is to update two chapters at a time and then bring them to the Plan Commission but it depends on how much needs to be updated.

Ms. Kiely Miller said it would be nice to have one reference point that trustees and other community stakeholders can reference for the direction of the village.

Trustee Carpenter asked if it is chosen to consolidate plans can this be done without a total re-write. Mr. Griepentrog stated yes.

Ms. Kiely Miller asked if existing zoning codes would be changed as part of the update. Mr. Griepentrog stated this would be a part of the Land Use Chapter review and if there are changes in the chapter the code would be changed to meet the updated chapter. Ms. Kiely Miller said that maybe there are some chapters that do not require as much of an update as others. Mr. Griepentrog said the Plan Commission could give direction to work on more specific chapters than others and how much budget efforts need to be put into the update.

Mr. Hansmann said that with the existing plan and comprehensive plan being the backbones there is no reason to start all over with a whole new consultant and instead do an update to consolidate the comprehensive plan and vision plan. Ms. Klein agreed.

Ms. Patel asked what is required to meet the state statute threshold of review. Mr. Griepentrog said that the village has to adopt a public engagement strategy that defines how you are going to update the plan and then follow that engagement plan, adopt the whole plan by resolution and submit the plan to the state.

Trustee Carpenter asked if everyone was comfortable with a middle of the road update and not a full rewrite that would consolidate the Vision 2025 and comprehensive plan. Mr. Hansmann asked about the public engagement part and what kind of threshold would be established. Mr. Griepentrog said he didn't have an answer to that but would consult with the commission as we got closer to the process on options for public engagement.

Mr. Griepentrog said that based on the recommendation of not a full rewrite and dependent on the budget approved, by either hiring a consultant or intern he thought we could develop the public engagement strategy and it would come back to the plan commission to approve that.

Mr. Couto asked what the due date was for the update. Mr. Griepentrog said the deadline was January 18, 2021. The penalty for not meeting the deadline would be that no new village ordinances could be adopted because all new ordinances would have to meet up with your current comprehensive plan.

Ms. Kiely Miller said that the comprehensive plan is more important than other plans if ordinances are supposed to be grounded in it.

Mr. Hansmann asked how specific the commission needs to be in the recommendation. Mr. Griepentrog is looking more for direction on rewrite or update for the recommendation.

Mr. Hansmann moved to recommend to the Village Board an update of the existing Comprehensive Plan that would incorporating the Vision 2025 plan and be dependent upon public engagement.

Mr. Couto added that the Village is also doing a parking plan and a housing plan and asked to amend the motion to include those plans.

The motion with the amendment states to recommend to the Village Board an update of the existing Comprehensive Plan that would incorporating the Vision 2025 plan, existing planning efforts and be dependent upon public engagement. Seconded by Ms. Kiely Miller. Vote 7-0 to approve.

6. Discussion of Short Term Rental regulations and enforcement procedures.

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission.

He explained he gave the Village Board an update in April and this is a recap on what the current regulations are and what we can and cannot enforce. The village has a ban on tourist homes in residential districts but the state statutes were updated in 2017 and prohibits local municipalities from enforcement for stays of 7 days or more. We have communicated with residents that if they would like to rent out their residential properties it has to be under these circumstances and a license is required from the Health Department. When a complaint is received a letter is mailed from the Planning Department to the owner stating that the property cannot be rented for 6 days or less

and a license from the health department is required. The Health Department sends a letter also, and the police follow up on the complaint with a report. If the police documents a stay in violation of the letter, the owner is issued a citation and they go to court.

Mr. Griepentrog said the next step could be the Village adopting more strict requirements such as licenses/permits and other regulations.

Ms. Klein asked for clarification on what a tourist house is. Mr. Griepentrog said the Village Code uses the term tourist home but does not have a definition. The state has a definition of tourist rooming house that states "all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourist or transients" and the Village Attorney has said this definition is sufficient.

Ms. Kiely Miller asked if you are renting a space for longer than seven days you are ok but you still need a license. Mr. Griepentrog said yes and the license is through the Health Department. Ms. Kiely Miller asked if we want further regulations. Mr. Griepentrog gave the example of Madison, WI who requires a local permit and with that permit requires a guest log which documents the length of stays. The local permit is subject to these reporting mechanisms so it is easier to enforce that you are abiding by regulations. He said the local permits were not stopping the activity (because of the state statutes) but were making more administrative work.

Ms. Kiely Miller said that if someone were doing this through a marketplace or a site like Airbnb that that site would be taking care of the payment and collect sales taxes. Mr. Griepentrog said the Village does not have its own room tax and that any tax funds generated goes to the State.

Ms. Kiely Miller said she was surprised after doing some research just how many rentals were available and that with the Democratic National Convention next year the timing is good to look at this now.

Mr. Griepentrog said the question is whether this is a benefit to residents to make a little extra money or more of a nuisance. Mr. Couto said there is no reason it couldn't be both. Ms. Kiely Miller referenced an email that was shared by Trustee Bockhorst about a listing that said a property for rent slept 18 individuals and that she didn't think anyone would want 18 strangers staying next to them. Mr. Griepentrog said he would have to confirm with the village attorney but felt the number of guests allowed to stay could be regulated with a local license and require documentation.

Mr. Hansmann asked if the village had the staff to take this on. Mr. Griepentrog said the first question that was asked was if this was a problem and it was put on a complaint basis. There have been two houses getting a number of complaints with one that has not gotten any complaints since the initial letter was sent. He asked if two bad examples are enough to proceed with a code rewrite.

Ms. Kiely Miller said she has rented condos but more in vacation communities not residential neighborhoods. She questioned what would be done if a violation is noted by the police because you can't kick out the renters.

Mr. Couto said it makes sense as a village to afford residents more relief than just a letter if a violation continues. It may not be a huge problem everywhere but at some locations it is a problem, and there should be a process to give residents more immediate relief.

Ms. Patel agreed and said that a permit would help keep tabs on how much it occurs in the village. She also said it is a safety issue for the property owners renting their property and for those renting and staying in the space. Mr. Griepentrog said that there is a building inspection required with the Health Department license and that the one property who obtained a license did have an inspection.

Trustee Carpenter said that there needs to be solutions for when there are problems with a property being rented. She added she feels for the neighbors of the Ardmore property being rented and that it is not an ideal living situation, which is what people move to Shorewood for. Ms. Kiely Miller asked what the issues were with the rental on Ardmore. Trustee Carpenter said that the issues raised have been noise, renting on weekends and backyard conversations not appropriate for young families/children.

Ms. Patel said that one of the objectives in the comprehensive plan was to have owner occupied homes and that this follows outside of that and should be regulated.

Mr. Couto asked with the current process, how long it was from a complaint being filed before residents would get some relief. Mr. Griepentrog said he cannot promise relief but can promise to send the letters. The Health Department has a per statute clear process where they send a letter and require a license within 60 days and if they advertise the property without a license a citation is issued. Planning cannot give a citation based on solicitation we have to have evidence it happened before a citation can be issued. From a health perspective, these can be solved but whether that provides relief to the neighbors could be different. Mr. Couto said that 95% of the time this will not be an issue but for the 5% of the time it is an issue he feels there should be some process that can be followed that can be done if a property is a nuisance. Mr. Griepentrog said there are specific elements to meet a nuisance property and those violations can be moved forward on. Nuisance issues are typically why the police department is called. He wished the state was more flexible but the burden of proof is difficult.

Ms. Patel asked if we require a license/permit and they received a certain number of complaints if the license can be pulled. Mr. Griepentrog stated that is a possibility but if they list the rental for a week there is little that can be done to stop it. Trustee Carpenter said that if a permit requires a check in/check out log book then that could be verified. Mr. Griepentrog said this could be done in developing a local permit that is useful and enforceable and not burdensome to administer.

Ms. Kiely Miller asked if there is a property that is a nuisance can you document it to the point where you could communicate it with the state and have their state license pulled or taken off the Airbnb site.

Mr. Hansmann said that if the local inspector had to sign off on the license with the health department couldn't that inspector report any issues also. Mr. Griepentrog said he cannot speak to the health department's process but assumed a license could be pulled if there are violations. It is a lot of chasing for currently little results.

Ms. Patel asked if there was some way of calling a property a business use if it was more than 50% rental and if that was the case if it would require different zoning and couldn't operate in a residential district. She questioned how broad the state statute was and that it shouldn't be such an absolute. She said there should be ways to regulate the rental and that the statute saying if you rent it for seven days that there was nothing you can do seemed too broad.

Mr. Griepentrog said that we tried to document what we do know and if it continues to be a problem he will be tasked to work on it more. This discussion was an education discussion.

7. Discussion of Village efforts related to energy goals and sustainability

Mr. Griepentrog asked to defer this item as President Rozek was not in attendance and the item had been added to the agenda at her request.

8. Update on 2020 Census

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission. He explained that the Plan Commission was designated by President Rozek as the Census Complete Count Committee. Last year he met with Census representatives that gave him a timeline overview of the 2020 Census and explain how it was important to have a designated committee to ensure you have the proper data and representation for political and other reasons. They were to provide training for the committee as to what it means to be a part of this committee. There was some administrative mix up on their end and have reached back out in June explaining the training needs to be done by August.

A poll will be sent out to commissioners to confirm a time to meet for an hour to explain the committee role.

Ms. Kiely Miller asked if the committee was a promotional role as opposed to a counting role. Mr. Griepentrog stated yes.

9. Schedule next meeting.

The next meeting was scheduled for July 23, 2019

10. Future agenda items.

Ms. Kiely Miller asked about the short antenna/5G technology and if we approve these systems. Mr. Griepentrog said they are required to have a conditional use permit but the ones installed now were approved as an approved use prior to his hire.

They are strictly limited to how they can be regulated but that a conditional use permit is required.

Ms. Kiely Miller asked about public safety/health concerns surrounding them. Mr. Griepentrog explained that per state statutes the frequency of the systems cannot be reviewed.

11. Adjournment.

Mr. Couto moved to adjourn the meeting at 7:52 p.m., seconded by Mr. Hansmann.

Ms. Klein reminded the commissioners and encouraged them to attend the Transportation and Parking Analysis Town Hall meetings on June 26th at 1 p.m. and 6 p.m.

Vote to adjourn 7-0.

Recorded by,



Crystal Kopydlowski
Planning Department Administrative Clerk