

**MINUTES OF THE ALTOONA, WI  
REGULAR PLAN COMMISSION MEETING  
June 10, 2019**

**(I) Call Meeting to Order.**

The meeting was called to order by Mayor Brendan Pratt at 5:30 p.m. held in the Council Chambers at Altoona City Hall.

**(II) Roll call.**

Members present: Brendan Pratt, Andrew Schlafer, Dean Roth, Bill Hoepner, Andraya Albrecht, and Matthew Biren.

Also Present: City Administrator Mike Golat  
City Planner Joshua Clements  
Management Analyst Roy Atkinson  
City Clerk Cindy Bauer

Absent: Barb Oas-Holmes

**(III) Citizen Participation Period.**

Motion by Hoepner/Roth?? to close Citizen Participation Period. **Motion carried.**

**(IV) Approval of minutes.**

Motion by Biren/Hoepner to approve the minutes of the May 13, 2019 Regular Plan Commission meeting. **Motion carried.**

**(V) Unfinished Business** – none.

**(VI) New Business**

**(VI)(5) Discuss setback and garage relationship requirements for 1 and 2 family homes in Altoona Municipal Code (No Action).**

Mayor Pratt recused himself from this item.

This agenda was requested by Mayor and Chairperson Pratt to discuss setback and garage relationship requirements in Altoona Municipal Code.

As you may recall, setback requirements of Chapter 19.28 “R-1 One-Family Dwelling Districts” was amended in December 2017 (part, Ord 12B-17). That was part of a broader action that included, among other provisions, reducing the minimum setback in the R-1 and R-2 District from 30 to 16 feet, and street-facing garage doors from 30 to 24 feet.

The general purpose is to create a “public face”, frontage, or public-private interface, a more interactive and visually appealing environment. In particular, homes forward of garages, especially those with porches, are suggested to improve social interaction between occupants, their neighbors, and the public (particularly with those on foot, bicycle, or similar). This standard is consistent with “placemaking” principles the City has worked hard and diligently to advance.

The purpose of creating this garage setback provision was specifically discussed at the Plan Commission on December 11, 2017, as well as the subsequent Council meeting on December 14, where the Ordinance

was approved. The power point from the Council meeting is enclosed, and the video/audio is available on the City website.

While there have been questions provided to the Zoning Administrator and Building Inspector regarding this provision, these questions are similar to meeting other ordinances, such as fences or permits for accessory buildings. Some “just don’t like it”. However, it is not a technical challenge from an architectural, engineering or land design perspective, except in unusual circumstances (such as challenging topography or “V-shaped” lots).

Permits have been issued for new one-family and two-family structures that meet the garage/setback requirements. New developments (Hillcrest Greens II) were permitted to meet the requirements, without resistance.

#### Statutory Considerations

According to WI Stats [§ 66.1001\(3\)](#), after Jan 1, 2010, any zoning or subdivision ordinances enacted or amended shall be consistent with the comprehensive plan. “*Consistent with*” means *furtheres or does not contradict the objectives, goals, and policies contained in the comprehensive plan* ([§ 66.1001\(1\)\(am\)](#)).

Therefore, whenever there are updates to the Zoning Title, Staff examines the Comp Plan to ensure that the proposal meets this statutory provision by “furthering”, or at minimum “does not contradict”. In addition to implementing best practices, the action in 2017 to improve flexibility of land development, especially small lots, through reduced minimum building setbacks included that garage provision of the Comprehensive Plan.

At this time, eliminating this particular provision would contradict the Comprehensive Plan and WI Stats., therefore City Staff cannot recommend removal.

However, there may be provisions added or changed regarding this specific provision while maintaining consistency with the Comprehensive Plan and complementary to the purpose of the provision, such as:

- Modify the dimensions of the covered porch that may be utilized to meet the requirement;
  - The Comp Plan does not specify a specific dimension
  - Current is 6’ x 24’; RPDG is 6’ x 8’
- Provide an avenue for *alternative compliance* provided certain conditions are present or met.

The following homebuilders spoke:

Cody Filipczak, C&M Home Builders commented on their design building plans in Hillcrest Greens doesn’t think it should be an issue that the city pushes.

Paul Holzinger, Eau Claire, supports the idea of the garage can be in front of the house, not in the back of the lot as currently stated in the code.

Dave Fitzgerald, 1735 South Shore Drive in Altoona?? Makes a lot of sense not to make the current rule, allow the garage to be in the front of the house.

Discussion followed. Concensus of the committee was to remove the provision regarding the garage setback.

Motion by Roth/Hoepner to direct staff to come back with an ordinance to remove the provision. **Motion carried.**

Mayor Pratt returned to the meeting at 5:53 p.m.\

**(1) Discuss/consider Site Plan for Harvest Ridge Apartments in the R-3 District as submitted by Jason Griepentrog.**

City Planner Clements explained that the proposed Site Plan for Harvest Ridge Apartments in the R-3 zoning district includes two 12-unit buildings and associated vehicle parking, stormwater, and landscaping. The parcel is adjacent to a dedicated right-of-way, so created by a CSM of the parent parcel. The parcel is currently not developed.

The property is located immediately west of Hillcrest Estates, east of Gibson's Water Care, and south of Altoona Mini-Storage. The parcel is accessed by N. Hillcrest Parkway.

City Staff is working with the petitioner to create a development agreement to address the future road construction along the frontage.

Staff Recommended Approval Conditions:

1. Easements shall be dedicated to accommodate the extension of water to the valve box and hydrant.
2. Add two additional native canopy trees near the right-of-way frontage, approximately as indicated in the staff report recommendation.
3. Add native canopy trees along the west of the property at 25 – 30 foot spacing (approx. 11 specimens) to improve delineation between adjacent commercial use, approximately as indicated in the staff report recommendation.
4. Minimum species diversity - To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area, the maximum percentage of any one tree species on the site shall be 33%. All species shall be native or native hybrid as recommended by the WI Department of Natural Resources. Maple species are discouraged as a predominate selection due to relative abundance in the region.

Staff provided several recommended elements (voluntary, see Staff Report) of the development not directly relating to existing provisions of Altoona Municipal Code, concerning garage bicycle parking, electrical service in vehicle parking areas sufficient for future charging of electric vehicles, building performance construction standards, and solar-ready construction measures.

Motion by Biren/Roth to approve the Site Plan for Harvest Ridge Apartments, with staff recommended conditions (1-4). **Motion carried.**

**(VI)(2) Discuss/consider modification to an approved Final Implementation Plan for The Clubhouse in the Hillcrest Greens Planned Community Development regarding refuse enclosure.**

City Planner Clements explained that the plan for The Clubhouse was approved by the Plan Commission on 2015 August 10 and has been completed. Clements noted that in the Civil plan from The Clubhouse, the refuse enclosure for the eastern building was to be located immediately to the east of the garage door to the below grade vehicle parking.

The trash enclosure was constructed near the street, before the driveway descends to the below grade parking. As shown in the grading plan and the images in the enclosed staff report, that would not have been a functional location.

At some point during the construction process, a determination was made that the refuse enclosure could be moved. The City has no record of consultation on this item, and has not been provided with evidence of such.

There are two issues with the current location of the refuse enclosure:

- Residents of the Bay Homes, which are higher in elevation, look down upon and into the enclosures, resulting in nuisance complaints.
- The enclosure is located only a few feet from the future sidewalk, along the primary east-west road of Hillcrest Estates – St. Andrews Drive

There are two options for resolution:

- Permit the enclosure to remain with an added roof and landscape buffer.
- Relocate the enclosure to a location interior to the site.

The present location of the enclosure places the primary visibility on the public (immediately adjacent to sidewalk and primary neighborhood road) and neighbors. While the enclosure cannot be “hidden” on this site, relocating to be accessed from the parking area, on the south end of the parking lot of the accompanying building, is between the building and street, but less impactful to the public or neighbors.

Staff has brought this decision point to the Plan Commission, as this was an unpermitted change that is drawing complaint.

Sean Bohan, spoke on behalf of the owner of this development and commented on the error of communication with the City regarding the final location of this dumpster. The option the developer is hoping for is to permit the dumpster enclosure to remain with an added roof and landscape buffer.

Plan Commission Member Schlafer asked if surrounding property owners were notified of this agenda item. Clerk Bauer indicated that the surrounded property owners were not made aware of this item being on the Plan Commission meeting. Schlafer would like to hear feedback from the property owners before making a final decision.

Consensus of the committee was to have staff work with the developer to come up with other possible locations that might be feasible.

Motion by Hoepner/Biren to bring this item back to a future Plan Commission Meeting with additional proposed locations and to contact surrounding property owners for comments. **Motion carried.**

#### **(VI)(9) Discuss zoning response to short term rentals (Discussion)**

City Planner Clements explained that over the past several years, the region has experienced an increase in “short term rentals”, which are defined as leasing out a dwelling or portion thereof for periods less than 14 days (in some places, less than 30 days is the threshold). These rentals are advertised through multiple means, including, but not limited to: Air B&B, Craigslist, HomeAway, and others.

From a municipal regulation and neighborhood cohesion perspective, frequent short-term rentals may change the dynamic of a neighborhood and may create nuisances, such as noise, traffic, parking, and others.

This is an area of evolving law as State legislatures consider statues that impact if and how local jurisdictions may regulate short term rentals, and legal cases are tried and ruled. In 2017, the State Budget included provisions limiting the ability of local jurisdictions to regulate short-term rentals for lease periods seven days or longer.

In the State of Wisconsin, short-term rentals:

- Must obtain a “hotel, motel, and tourist room house” license and complete an annual inspection by the County Health Department
- Must register with the Dept. of Revenue for a license to collect room taxes
- The short-term rental must meet all local zoning requirements to obtain a tourist room house permit.

Staff recommends constructing standards and conditions for short-term rentals as an accessory use to any dwelling unit, in any zoning district (a placeholder for short term rental is proposed in Ch. 19.61).

### **Proposed Response**

- Create definition of short-term rental in Altoona Municipal Code, mirroring State definitions, separate and distinct from a Bed & Breakfast (which is the primary purpose of the use, versus a hosted or unhosted short term rental).
  - Owner-occupied vs Not owner occupied (business)
- Short-term rentals are required to obtain a Zoning Certificate or Conditional Use confirming all local standards are met. Require that the owner and 24-hour contact information is furnished.
- Short-term rentals are required to furnish a copy of their *Hotel, Motel and Tourist Room House License* and WI DOR *seller's permit* (sale tax & room tax).
- Require annual re-certification.
- Owner-occupied short-term rentals (<7 days) as a permitted accessory use of all dwellings in all zoning districts, subject to Zoning Certificate.
  - Limit the number of bedrooms, according to Uniform Dwelling Code
  - Require a minimum of one off-street parking space per bedroom leased
- Short-term rentals that are not owner occupied are a conditional use of all dwellings in all zoning districts.
  - Require a minimum of one off-street parking space per bedroom
  - Require posting of contact information & DATCP license
- Limit the number of permitted short-term rental units (<7 days) in multi-unit buildings (25 percent, proposed); and initiate 6-month window for short-term rentals >7 days.
- Create a penalty or mechanism to deter and respond to violations
- Q: Accessory dwelling unit as a short-term (<7 day) rental?
- Q: Differentiate between 1-6 day versus 7+ day rentals, per State Statute?
- Q: Institute a 180-day cap (window) on 7+ day rentals?

Mark Erickson, 2212 Lake Road, Altoona spoke on behalf of 10 plus residents that are in the vicinity of a property that is currently renting out their house. Erickson and other neighbors had concerns with the activities at this house in regards to noise and extra traffic.

Suggestions by the Plan Commission Members was for staff to contact the owner for a possible solution.

Staff to draft the suggested short term rentals and bring back to a future Plan Commission Meeting for final review. Proposed suggestion was the following:

- \*Prohibit rental of homes for less than 7 nights
- \*Require a Conditional use permit
- \*Collect room tax

**(VI)(3) Discuss/consider recommendation to City Council regarding a Certified Survey Map (CSM) to subdivide parcel #201-1045-02-020 and parcel #201-1045-07-000 on North Hillcrest Parkway and dedicate public right-of-way consistent with City of Official Map as requested by Lee Haremza. (Public Hearing scheduled at the 2019 June 13 Council Meeting).**

City Planner Clements explained that the proposed CSM submitted by Lee Haremza subdivides the existing parcel #201-0145-02-020 (Lot 4 CSM #3116 V17 pg 287-288) of 1.820 acres to 1.44 acres and dedicates public right-of-way consistent with Altoona Official Map Res 5A-92. To accommodate road curvature, Mr. Haremza is working with Mega-Holiday to reshape that property (#201-1045-07-000, Lot 3 CSM #905 V5 pg 22-24) of 1.150 acres to 1.08 acres. Clements recalled that the Site Plan for Mr. Haremza's project "Ry Estates" was approved on March 11 for a 16-unit residential building.

Motion by Hoepner/Roth to recommend to Council approval of the proposed Certified Survey Map. **Motion carried.**

**(VI)(4) Discuss/consider recommendation to City Council regarding a Certified Survey Map (CSM) to subdivide parcel #201-2012-06-000 at 428 Division Street into two parcels as requested by Brendan Pratt. (Public Hearing scheduled at the 2019 June 13 Council Meeting).**

Mayor Brendan Pratt recused himself from this agenda item at 7:28 p.m. as he is the applicant.

City Planner Clements explained that this proposed CSM submitted by Brendan Pratt subdivides the existing parcel #201-2012-06-000 of 0.30 acres and located at 428 Division Street into two parcels (0.15 acres and 0.15 acres). The lot includes an existing house. The proposed lots meet all City of Altoona lot size and dimension requirements. The existing house will meet all proposed lot line setback requirements.

Motion by Roth/Biren to recommend to Council approval of the proposed Certified Survey Map. **Motion carried.**

Mayor Pratt returned to the meeting at 7:32 p.m.

**(VI)(6) Discuss/consider recommendation to City Council regarding amendment to Chapter 15.04 "Building and Mechanical Code" concerning exterior finish required.**

City Planner Clements referred to the staff proposed amendments to Chapter 15.04, enclosed in the Plan Commission Member's packet. Clements noted that added text is in **bold**, removed text is in ~~strike through~~, and all changes are **highlighted**. Clements said that while the Plan Commission does not technically exercise jurisdiction over Title 15, proposed modifications are intended to implement policy directives of the Commission.

Clements recalled that the Plan Commission has discussed the issue of temporary tarp structures during the Commission meeting on 2017 May 17 and directed staff to research other municipalities in regards to definition of temporary structures, permitting and regulation, and bring back at a future meeting. The general direction was to confirm Building Inspector Eric Velin's interpretation that tarp structures, and the similar, are not permitted by current standards. This direction was generally affirmed, without formal action, during the 2019 May 13 Commission meeting.

There are two avenues for accomplishing this policy objective:

- (1) Amend the Buildings & Construction Title 15
- (2) Amend the Zoning Title 19

Staff proposes to utilize both avenues to ensure clarity, as well as address other related gaps related to interpreting existing standards concerning exterior finish and building character. I have discussed these changes with Matt Flatland, Building Inspector, and he with his colleagues in the building inspection profession.

Summary of the proposed modifications to Chapter 15.04:

- (1) Exterior Finish Required (15.04.120):
  - a. Clarify that "unfinished wood, oriented strand board, tarp, fabric" as prohibited materials;

- b. Require that repairs or additions shall utilize uniform materials, color, etc., as the existing structure;
- c. Accessory buildings shall meet wind and snow loading requirements;
- (2) Create reference to the City Official Map with regard to issuance of building permits;
- (3) Clarify that driveways and parking areas require building permits (for the purposes of inspection in relation to lot lines, and positive drainage).
- (4) Update references to State Agencies
- (5) Update and refer to Site Plan standards in Title 19 – Zoning

Separately:

- (6) Amend Chapter 19.24 “Districts Generally” in the Zoning Title to explicitly prohibit “tarp shelters”, while also creating a procedure for permitting temporary buildings during construction projects.

The proposed changes would require a Public Hearing before the City Council as well as their affirmative action.

Motion by Hoepner/Roth to recommend to Council approval of an ordinance amending Title 15 more specifically to amend Chapter 15.04 “Building and Mechanical Code”. **Motion carried.**

**(VI)(7) Discuss/consider recommendation to City Council regarding adoption of proposed Chapter 19.61 “Accessory Buildings and Uses” to define and regulate accessory uses of property (Public Hearing at the June 27, 2019 Council Meeting).**

City Planner Clements explained that the proposed Chapter 19.61 follows discussion by the Plan Commission on October 15, 2018 regarding accessory dwelling units. This effort also follows multiple discussions and recommendation of the Chippewa Valley Housing Task Force regarding general support for permissive zoning regarding accessory dwelling units. See the meeting materials from the October 2018 Plan Commission for additional references and resources.

The proposed structure of Chapter 19.61 “Accessory Buildings and Uses” is substantially similar to the City of Eau Claire (18.30), as well as the research of comparison jurisdictions, specifically regarding specific uses and structures (accessory dwelling units; detached garages and workshops; home occupations; solar arrays; wind energy systems). The Chapter provides for specific performance standards and criteria for the establishment of certain accessory uses, due to their nature and potential impacts on adjacent or area properties. These uses include, but not limited to:

- (1) Accessory Dwelling Units
  - a. Three types: Interior, Attached, and Detached

The proposed standards are based upon ADU studies, examples from communities that have enabled ADUs and have experience in administering the standards.

Seeks to balance enabling ADUs with reasonable standards, managing or seeking to prevent potentially undesirable effects, while otherwise being a simple. These include:

- Meet all requirements of Uniform Dwelling Code
- Size limitations – both net size as well as percentage of primary dwelling
- Location on a lot
- Entrance location
- Character and materials
- One of the accessory dwelling units on site has to be owner occupied for R-1
- No secondary access off the same frontage.

- (2) Farm Stand  
Currently “reserved” as a placeholder until sufficient time can be dedicated to proposing appropriate standards.
- (3) Gardening  
Same language as provided for in 19.24, proposed to be relocated
- (4) Heating Appliance  
Same language as provided for in 19.24, proposed to be relocated.
- (5) Home Occupation
  - a. Further define “home occupation” uses permitted on properties for which 1-family or 2-family dwelling is the principal use. At present, the definition is somewhat vague yet limiting.
    - i. **19.08.120 Home occupation.**  
“Home occupation” means a customarily use carried on for gain or as a hobby entirely within a dwelling or within an accessory building by a member or members of a family therein, and which is clearly incidental and secondary to the residential use of the premises and does not change its character. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(10), 1970)
    - ii. **19.08.130 Home professional office.**  
“Home professional office” means the office or studio of a physician, surgeon, clergyman, architect, artist, engineer, attorney at law or similar professional person, located in the dwelling of the clergyman, principal practitioner, but not including any display of such use outside the dwelling. (Ord. 11A- 93 § 1 (part), 1993; Ord. A-56 § 3(11), 1970)
  - b. Provide for flexibility in carrying on small business activities from a residential property, while addressing expected or potential impacts on nearby properties or public utilities.
  - c. **Pet Boarding**
- (6) Seeks to address frequent questions and nuisance complaints stemming from business and similar activities in residential neighborhoods.
- (7) Mobile Food Establishment
  - a. Referring to Ch 5.20 regarding permitting and operational requirements.
- (8) Short Term Rental
  - a. Reserved. Identified as an item to define and to create standards, but no language proposed at this time.
- (9) Solar Array
  - a. Confirm the understanding that solar arrays are systems permitted as an accessory structure in all zoning districts.
  - b. The parameters and standards for the permitting of wind energy systems is largely dictated by Wisconsin Statutes 66.0401 & 66.0403.
- (10) Wind Energy Conversion System
  - c. The parameters and standards for the permitting of wind energy systems is largely dictated by Wisconsin Statutes 66.0401 & 66.0403 and Administrative Code PSC 128 and PSC 196.378.
  - d. Creating the entry in Altoona Municipal Code provides procedural reference to State Statutes regarding the process for a land owner to seek permit of a wind energy system and applicable standards for approval.



There may necessarily be accessory uses not included or defined as the proposed Chapter is written. These can be added by amending the Chapter without having to create entirely new provisions or work-arounds.

Motion by Albrecht/Biren to recommend to Council approval of an ordinance amending Title 19 more specifically to create Chapter 19.61 “Accessory Buildings and Uses” with the modifications suggested. **Motion carried.**

**(VI)(8) Discuss/consider recommendation to City Council regarding amendment to Chapter 19.24 “Districts Generally” to reflect zoning districts as defined (Public Hearing at the 2019 June 27 Council Meeting).**

See Enclosed:

- Proposed amendments to Chapter 19.24 “Districts Generally”

See staff proposed amendments to Chapter 19.24, enclosed in your packet. Added text is in **bold**, removed text is in ~~strike through~~, all changes are **highlighted**.

The proposed amendments to Chapter 19.24 is initiated by the discussion regarding prohibition of “tarp structures” in the Zoning title, as well as clarifying defined circumstances under which temporary structures may be permitted. City staff had previously identified updates to the Chapter, but did not dedicate time to refinement or advance for consideration. Some of these items necessitated re-arranging items to more appropriate areas of the Title, such as would be accomplished by creating Chapter 19.61 Accessory Buildings and Uses.

Summary of the proposed modifications to Chapter 19.24:

- (1) Update references to established Zoning Districts. Refer to Ch 19.68 for rezoning procedure.
- (2) Create Section regarding “Temporary Buildings and Structures”
  - a. Define conditions for use of temporary buildings during construction projects.
  - b. Confirm that “Tarp Shelters” and similar, are prohibited.
  - c. Differentiate between “tarp shelters” and tents or canopies, the latter being those customarily used to create shade or shelter from precipitation, rather than to those with side walls and used for outdoor storage.
- (3) Eliminate general “accessory buildings and uses” (19.24.050) which become duplicative with anticipated creation of Chapter 19.61.
- (4) Eliminate “basement dwellings prohibited” (19.24.060), as there is no building code related rationale, as all dwellings must meet minimum egress and ventilation requirements.
- (5) Eliminate “additional uses permitted when” (19.24.080) due to duplication with other existing code sections.
- (6) Update code requirements for “Modular homes”, which are prefabricated homes that meet the Uniform Dwelling Code (separate and distinct from manufactured homes that are utilized in manufactured home communities). These codes were updated at the state level in 2007, where this entry in Altoona’s ordinance was last amended created in 1994. This update permits modular homes to be utilized as dwellings in Altoona and principal dwelling or as an accessory dwelling unit, provided all applicable standards are met.

Potential future considerations regarding Chapter 19.24:

(1) Pole Buildings (19.24.090)

This entry was created in 1987 to prohibit pole buildings in residential districts and require a conditional use in all other districts. The concern was likely aesthetic, as pole buildings typically feature large, blank facades typically made from steel siding. These have become more common as a less expensive construction technique for commercial and storage uses that require open “shop-like” settings. However, they are also used in some buildings that become more office-type uses with proper insulation and finishing.

“Pole building” is a construction technique with a corresponding construction code. The remaining concern is likely aesthetic and design-based. Staff recommends that future code amendments, likely more significant changes considered after the Comprehensive Plan is updated, reflect building design and performance directly.

Motion by Schlafer/Hoepner to recommend to Council approval of an ordinance amending Title 19 more specifically to amend Chapter 19.24 “Districts Generally”. **Motion carried.**

**(VI)(10) Chippewa Valley Housing Task Force (Discussion)**

City Planner Clements and Eau Claire Planning Director Allen are working on scheduling the next meeting to take place later this month.

**(VI)(11) Future Plan Commission Agenda Items (Discussion)**

- Hillcrest Greens IV Plat for Hillcrest Greens II PCD
- Ordinance revisions RE: Short Term Rentals
- Rezoning: N. Willson Properties (City); 711 Fairfax

**(VII) Miscellaneous Business and Communications**

**(VIII) Adjournment.**

Motion by Roth/Biren to adjourn at 8:47 p.m. **Motion carried.**

Minutes transcribed by Cindy Bauer, Altoona City Clerk