

**CITY OF PRINCETON
PLAN COMMISSION**

WEDNESDAY FEBRUARY 19, 2020 at 2:00 p.m.

Council Chambers, 431 W. Main Street, Princeton WI

1. **Call to Order**
2. **Approval of Minutes from June 20, 2019 minutes**
3. **Conditional Use Permit Application, Jean Plout for property at 102 W Water Street to allow an Air B & B rental use for the home (not a Bed and Breakfast)**
RECOMMENDATION: Review application as presented, discussion on conditions and recommendations on application to forward to the Common Council for a public hearing at the March 24, 2020 City Council meeting.
4. **Adjourn**

**CITY OF PRINCETON
PLAN COMMISSION**

Thursday JUNE 20, 2019 at 9:00 a.m.

Council Chambers, 431 W. Main Street, Princeton WI

1. **Call to Order.** Meeting was called to order by Chrnm Charlie Wielgosh. Also in attendance was Arwin Moldenhauer, Les Mosolf, Mary Ernest, and Dan Kallas. Also in attendance was Nancy Hiestand and Bob Mosolf. The Pledge of Allegiance was cited.

2. **Approval of Minutes from April 30, 2019 minutes** were approved on a motion by Kallas, 2nd by Mosolf. 5 Ayes 0 Nays 0 Absent Motion carried

3. **Conditional Use Permit Application, 678 Riverbend Lane, Nancy Hiestand to allow an Air B & B in a portion of the home and/or in accessory building.**

RECOMMENDATION: Review application as presented, discussion on conditions and recommendations on application, forwarding to the Common Council for a public hearing at the June 25, 2019 City Council meeting.

Nancy Hiestand explained that she is looking to create an Air Bed & Breakfast rental, utilizing a portion of her home and also the accessory building (garage) which has available space on its second floor. The home has 4 unused bedrooms and 3 bathrooms. The Air B & B concept was explained noting units are reserved over the internet. The space above the garage has a kitchenette, bathroom, bedroom and open space. Mosolf asked if the property is affected by flooding and Nancy said the roadway will get flooded, but the buildings have always been dry. High water situations may limit the availability of the units from time to time. Heistand felt the proximity to the park and river would be beneficial and an attractant to visitors to Princeton. Ernest asked for some additional clarification on the number of renters that would at the location at one time. Also, the code section was read on the Bed and Breakfast which prohibited an individual staying at one location more than 10 days in a year thereby assuring the units were short term rentals vs. a more permanent occupancy.

Ernest then made the motion to approve the request as presented for an Air B & B at the Hiestand property at 689 Riverbend Lane with the following capacity:

- 2 Occupants per room for the four bedroom units in the home (8 people per house) and
- 4 Occupants for the accessory building unit.

Bob Mosolf said in viewing the property, there is plenty of parking to accommodate tenants. It was noted there is municipal water/sewer for the property. Wielgosh also felt there was adequate parking and plenty of space to accommodate guests at this location, especially with its remote nature. Wielgosh then 2nd the motion.

A roll call vote was then taken with all in attendance voting Aye (5) , 0 Nays 0 Absent recommending the approval of the Air B & B unit(s) at 678 Riverbend Lane with the occupancy stipulations as presented.

4. **Adjourn** Meeting was adjourned on a motion by Mosolf, 2nd by Ernest. Motion carried.

CONDITIONAL USE PERMIT APPLICATION

Please Print Clearly

APPLICANT INFORMATION

Name of Applicant: Jean Plout
Business Address: 102 W. Water St., Princeton, WI
Mailing Address: Po Box 17
if different from above
City, State, ZIP: Princeton, WI 54968
Work Phone: _____
Mobile Phone: 920-291-7464

This application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The application shall also be accompanied by a list of the names and addresses of all persons owning land within 300 feet of the property for which the conditional use permit is requested. Other such information may be requested as relevant to determine and provide for enforcement of this Chapter.

IMPORTANT: I understand that the issuance of a permit is subject to the accuracy of the information supplied on this form, and the adherence to all City of Princeton ordinances, policies, and regulations regarding said application in the City of Princeton. Further, I understand that the City of Princeton retains the right to revoke this permit anytime prior to or during the permit season. My signature constitutes my agreement with these stipulations.

Jean Plout
Signature

2/4/20
Date

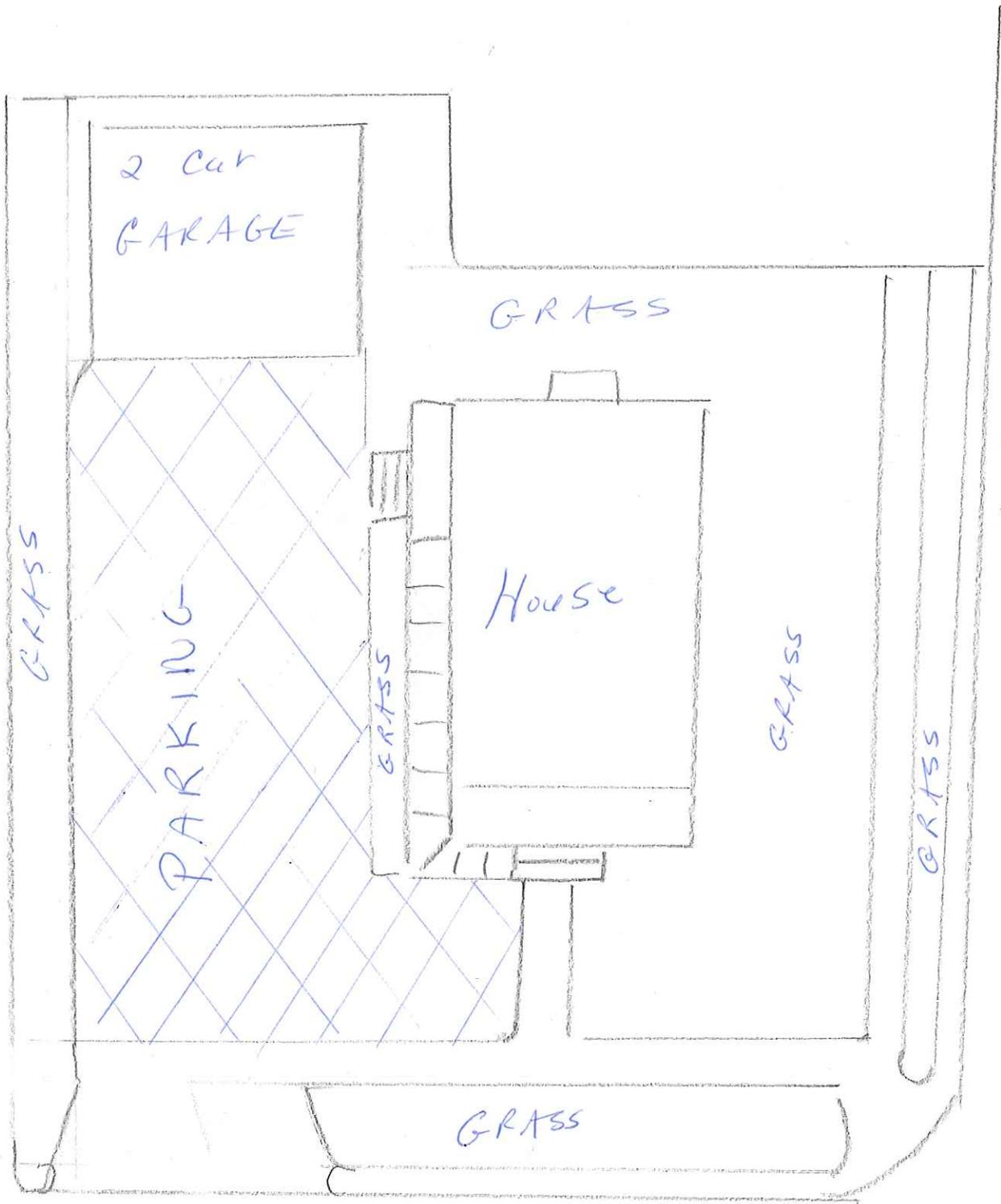
Received By:
[Signature]
City Administrator

2/4/2020
Date

2/4/20

Hi, I would like to apply for a Conditional Use Permit. My husband and I have remodeled the 102 W. Water Street property. The house has 4 bedrooms upstairs. 1 full bath upstairs and 1 half bath downstairs. We hope to use as an Air B&B. Not a Bed & Breakfast as no one will be residing there fulltime. Visitors will have full use of entire house. Downstairs there is a great/living room, dining room, full kitchen and laundry room. There is a lot off street parking.

Jean Plout



2 Car
GARAGE

GRASS

GRASS

PARKING

GRASS

House

GRASS

GRASS

GRASS

July 23

102 WEST WATER ST

conditional uses.

§ 430-36. Initiation of conditional use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this article in the zoning district in which such land is located.

§ 430-37. Application for conditional use.

An application for a conditional use shall be filed on a form prescribed by the City and a fee paid as prescribed in Chapter 182, Fees. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in § 430-40 hereinafter. The application shall also be accompanied by a list of the names and addresses of all persons owning land within 300 feet of the property for which the conditional use permit is requested. The Plan Commission or Common Council may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

§ 430-38. Hearing on application.

All requests for conditional uses shall be to the Plan Commission and Common Council, or either body can, on their own motion, apply conditional uses when applications for rezoning come before it. Upon receipt of the application and statement referred to in § 430-37 above, the Plan Commission will accept the request and review it for conformance with the code. The item is then forwarded to the Common Council for a public hearing and final action taken by the Council on each application for a conditional use within 30 days after such request is filed at such time and place as shall be established by the Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 430-39. Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 notice under the Wisconsin Statutes in the official City newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Common Council and Plan Commission, and the owners of record as listed in the office of the City Assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least 10 days prior to the date of such public hearing.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 430-40. Standards for conditional uses.

- A. **Standards.** No application for a conditional use shall be recommended for approval by the Plan Commission or granted by the Common Council, unless these bodies shall find all of the following conditions are present:
- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate floodplain regulations governing the site.
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- B. Application of standards. When applying the above standards to any new construction of a building or an addition to an existing building, the Common Council and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- C. **Additional considerations.** In addition, in passing upon a conditional use permit, the Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

§ 430-41. Denial of application for conditional use permit.

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Common Council, the City shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission and/or Council has used in determining that each standard was not met.

§ 430-42. Conditions and guarantees.

The following conditions shall apply to all conditional uses:

- A. Conditions. Prior to the granting of any conditional use, the Plan Commission may recommend and the Common Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in § 430-40 above. In all cases in which conditional uses are granted, the City shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- B. Site review. In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may review the site, existing and proposed structures, architectural plans,

neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

- C. Alteration of conditional use. No alteration of a conditional use shall be permitted unless approved by the Common Council, upon the recommendation of the Plan Commission.
- D. Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Common Council, upon the recommendation of the Plan Commission, may require the use of certain general types of exterior construction materials and/or architectural treatment.
- E. Sloped sites; unsuitable soils. Where slopes exceed 6% and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

§ 430-43. Validity of conditional use permit.

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within 24 months of the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently performed. Approximately 45 days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Common Council may extend such permit for a period of 90 days for justifiable cause, if application is made to the Common Council at least 30 days before the expiration of said permit.

§ 430-44. Complaints regarding conditional uses.

The Common Council shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Common Council shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in § 430-40 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in § 430-39 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Common Council may, in order to bring the subject conditional use into compliance with the standards set forth in § 430-40 or conditions previously imposed by the Common Council, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that § 430-40A and B will be met, the Common Council may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Common Council shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

§ 430-45. Bed-and-breakfast establishments.

- A. As conditional use. Bed-and-breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to this article.
- B. Definition. As used in this chapter, the following terms shall have the meanings indicated:

BED-AND-BREAKFAST ESTABLISHMENT

Any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- C. State standards. Bed-and-breakfast establishments shall comply with the standards of Ch. ATCP 73, Wis. Adm. Code.

§ 430-46. Home occupations.

- A. Intent. The intent of this section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- B. Restrictions on home occupations. Except as provided in Subsection C below, home occupations are a conditional use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:
 - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two additional vehicles to be parked on or near the premises.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises. This shall not be interpreted to include delivery and/or pick-up services such as United Parcel Service, Federal Express, etc., in the conduct of their normal operations.
 - (7) No more than 25% of the gross floor area of the principal building shall be utilized by the home occupation.
 - (8) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited.
 - (9) The types and number of equipment or machinery may be restricted by the Common Council.