

**CITY PLAN COMMISSION**  
Wednesday, January 16, 2019

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

**Roll Call:** Members Steven Hurley, Dennis Statz, Mike Gilson, and Laurel Hauser were present. Excused: Member Jeff Norland. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

**Adoption of the Agenda:** Moved by Ms. Hauser, seconded by Mr. Hurley to adopt the following amended agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from December 19, 2018.
4. Consideration of: Conceptual Planned Unit Development (PUD) for Aaron Hilpipre, for property located at 709 Jefferson Street.
5. Consideration of: Zoning text amendments regarding accessory building setbacks.
6. ~~Consideration of: Memorial Drive zoning restrictions and pedestrian access.~~
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn.

Carried.

**Approval of minutes from December 19, 2018:** Moved by Mr. Gilson, seconded by Ms. Hauser to approve the minutes from December 19, 2018. All ayes. Carried.

**Consideration of: Conceptual Planned Unit Development (PUD) for Aaron Hilpipre, for property located at 709 Jefferson Street:** Mr. Sullivan-Robinson stated that this property is located on the corner of Jefferson Street and 7<sup>th</sup> Avenue. It was recently rezoned to C-5. Mr. Hilpipre purchased the property in 2018 and has converted the commercial space into two residential units. His desired use is long and short term residential. There are two buildings on the lot. The smaller building contains two single-family residential units and the larger building contains four single-family residential units. Currently, zoning allows multiple-family residential as a conditional use, but density rules would not allow more than three units. So, the only option for Mr. Hilpipre is to apply for a variance or a planned unit development.

Mr. Sullivan-Robinson added that the conceptual PUD allows for feedback from the Commission. No recommendations are made at this time. However, Mr. Hilpipre is requesting a combined preliminary/final PUD, which requires a decision at the conceptual review.

Mr. Hilpipre stated that he lives in De Pere and had purchased the property at 709 Jefferson Street, with four residential units. The lower area had been commercial space. He started renovating the building and after speaking with the City, he discovered that his initial plan would be too difficult to complete with the building/zoning code requirements.

Based on review by City staff, it was concluded that reverting back to Multi-Family Residential would be the most feasible option. He currently has apartments in use and would be permitted for short-term rentals in the rest of the building. He stated that he currently plans for 3 of the 6 total units to be short-term rentals.

Ms. Hauser asked about the ability to restrict the number of short-term rentals.

Mr. Olejniczak stated that the City likely couldn't prohibit short-term rentals, but it could restrict them to rental periods of at least 7 days for half the year, with the other half of year as long-term rentals at least 30 days in length.. He will verify this with the City Attorney.

Mr. Olejniczak pointed out that Mr. Hilpiper shares a driveway with the neighboring property owner,

Mr. Hurley suggested looking into obtaining an easement with the driveway. The neighbors may someday want a fence installed.

Mr. Olejniczak will check into the number of on-street parking spaces available.

After further discussion, it was moved by Ms. Hauser, seconded by Mr. Statz to approve the combined preliminary/final PUD and direct staff to consult with the City Attorney for options restricting short-term rentals and use of the commercial area. All ayes. Carried.

**Consideration of: Zoning text amendment regarding accessory building setbacks:** Mr. Sullivan-Robinson stated that this was a follow-up from the last meeting. He figured out lot width number for setbacks using a 135 foot median. Thirty-five non-conforming properties were found.

Mr. Gilson said it makes no sense for a 1000 square-foot accessory building to be 5 feet from the lot line when a house is required to be 10 feet. A shed under 100 square-feet only has to be three feet from the lot line. All accessory buildings should be 10 feet from the lot line.

Mr. Hurley stated the setback is for the Fire Department. He thought that the Fire Chief should be contacted regarding any safety concerns with setbacks and accessory buildings. Staff will check with the Fire Chief. A setback penalizes people for having larger lots.

Mr. Olejniczak stated that staff checked into other communities. The current 5-foot setback is not out of the ordinary.

Mr. Gilson stressed that a setback for a garage should be 10 feet. The City has a variance process that can be used if someone wanted a setback closer than 10 feet. It was moved by Mr. Gilson, seconded by Mr. Hurley to require a 10-foot setback for accessory buildings and if anyone wanted to build an accessory building closer than 10 feet to the lot line they should go through the variance process.

Mr. Olejniczak recalled that in older neighborhoods with detached garages there were variances granted. The houses were so close to the lot line.

Ms. Hauser thought that this should be left alone. There is no one coming in asking for this.

A vote was taken on the motion. Motion failed, with Mr. Gilson and Mr. Hurley voting aye and Mr. Statz and Ms. Hauser voting no.

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

**Adjourn:** Moved by Ms. Hauser, seconded by Mr. Hurley to adjourn. All ayes. Carried. Meeting adjourned at 6:40 p.m.

Respectfully Submitted,

Cheryl Nault  
Community Development/Building Inspection Secretary