

**Planning Commission Meeting
June 9th, 2011 7:00 pm**

Attendees:

Susan Keachie, Joni Brooks, Fred Schlicting and Max Taubert.

Members of the Public:

Kit Danish, Cheryl O'Bryon, Michael O'Bryon, Dennis Edwards, Dave Palm

In Ray's absence, Max Taubert led the meeting.

Minutes

Joni read the minutes from last month. Susan made a motion to approve, Max 2nd and all were in favor.

Correspondence

A letter from Judy Kerr, resident was submitted for consideration by the Commission regarding the Kit Danish Food Cart Request. It was decided to delay the reading of the letter until that request was under discussion.

Updates:

Susan got a letter from Mark Abeles-Allison regarding TIF districts that she emailed to everyone. Joni also found a document regarding TIF districts and suggested commission members read it for more information on that possibility for the Business Park. The paper, published by COWS/Center On WI Strategy, is called:

Efficient and Strategic TIF Use
A Guide for WI Municipalities

Susan did meet with Karl Kastrovsky from Bayfield County Zoning regarding the Class Action Rezone and will report on that later in the meeting.

Elisabeth Larson request for Short Term Rental Permit: Jesse Kaseno and Sheila Cadotte, Agents.

There was a short discussion determining the location and the purpose of the application. Fred made a motion to approve and Joni 2nd. All were in favor of recommending that the Board approve the Permit request with the Short Term Rental list of conditions attached. (Those Conditions are attached to these Minutes.)

Kit Danish Food Cart Request

Judy Kerr letter read aloud by Max.

Kit Danish was given an opportunity to describe her proposal and explain her needs for operating a food cart in the Marina Shops area. She distributed sample menus to the group. She hopes to be somewhere down by the shops at the Marina, operating 11-9 daily serving hamburgers, hot dogs and homemade French fries on a seasonal basis. She will supply her own trash and recycling containers and is self contained as far as water goes. She has tanks that will hold fresh water and waste water and can be emptied and filled with a 5-gallon pail. She will need an electrical plug in. She feels the best location for her cart would be at the end of the shops near the Sea Hag.

Issues identified:

- Questions about future Marina area development.
- Is this a Transient business? (Direct Seller, mobile vender) and should the number of transient sellers be limited?
- The County grandfathered existing buildings and businesses in the past

Cheryl O'Bryon: expressed a concern about the effect on existing businesses that are paying property taxes and employing more people. She feels that allowing the Cart will cut into the profits of existing businesses already supplying the same product.

Kit: expressed what she observed was a "disconnect" between the marina and downtown businesses and would like to work together to direct and refer people to the downtown area.

Dave Palm: would like to see downtown businesses do the same for the Marina shops

At this time the Commission agreed that their role was not to get involved in the business structure or in any way be in a position to determine if a business had a chance to succeed, would compete with other businesses, or have any say at all as to how the business operated *except* to determine if the Marina is an appropriate location and suggest that all business meet local, county and state requirements.

Susan: expressed the opinion that we are not really looking at transient vendor but a new business located at the Marina.

Dennis: Expressed the opinion that we should control growth of business in the Town and only allow a certain number of mobile vendors

Joni: Made reference to several responses of local residents and property owners to questions posed in the Comprehensive Plan Survey of 2006. Responses included those referring to maintaining the character of the waterfront and most residents responded that they thought there was currently enough business to serve the population. The Comprehensive Plan also presents in the Economic Element that it would encourage people who live here to be able to make a living so as to remain a resident.

Joni also reported on the position of the City of Bayfield regarding peddlers; i.e. business that would operate on the streets and sidewalks. Since Bayfield set their policy no peddler permits have been issued. They also have a Semi-permanent Merchant permit that costs \$250.00, allows a business to set up on private property and requires them to obtain a Conditional Use Permit.

Dave: thinks that the cart should be considered a lease

Dennis: cart should not be allowed to operate during Corny Day and other fundraising events.

Max: asked Kit about the Health Dept. requirements. Kit responded that she has been approved for operation by the Bayfield County Health Dept

Fred: agrees with the idea of a lease with the Town

Max: had concerns about litter but they have been answered

Considerations for approval of the lease:

- One year trial lease
- Can not compete with non-profit and charitable fundraising events/occasions
- Locate at the end of the row of shops by the Sea Hag

Joni: asked whether the bright yellow cart blended in with the shops. Dave commented that the intent was to keep the shops looking weathered and fitting into the historic marine image. Kit said she could design screens if necessary.

Kit answered Dave's question about the design and function of the exhaust fans and grease disposal.

Location:

Dave: there is a propane tank between the Good Earth and Comes A Boat and Day-O Charters uses the space between the Good Earth and the Green Shed for fuel delivery.

Fred made a motion that the Plan Commission forward Kit Danish's request to the Town Board without a firm recommendation, however, if the Board chooses to take action we would recommend these Guidelines:

Offer a 1(one) year lease with the same conditions as other leaseholders at the Marina

Establish a footprint location near the Sea Hag

Not allow any operation during scheduled fundraising events

Joni 2nd the motion and all were in favor.

It was agreed by all that although it was decided not to treat this enterprise as transient at this time; it would be important for the Plan Commission to address that issue and planning for the Marina area as a whole soon.

Town Road 15 Abandonment

After beginning discussion of the abandonment of Town Road 15 Kit Danish noted that adjacent property owners had not been notified of the meeting, she is one of the adjacent land owners. Becky Nicoletti is another that may be affected by the abandonment of the road.

Fred made a motion to table the discussion until the July meeting and all affected property owners can be notified. Max 2nd the motion and all were in favor. Ray will need to send out notices to adjacent property owners before the next meeting.

Class Action Rezone

Susan reported on her meeting with Karl Kastrovsky, Bayfield Zoning Administrator, regarding the Class Action Rezone outlined in the Comprehensive Plan under Land Use. Karl suggested that the Town hold a Public Meeting informing residents of the reasons why and the proposed action to be taken. Large maps showing Current Zoning, Proposed Zoning changes, and Future Land Use should be displayed at the

meeting. All affected land owners should be notified of the meeting. The reasons for and the impact of these Zoning changes should be explained and any questions answered. The Town of Bell would be the first Town to apply for the Class Action Rezone. The cost of the rezone is reduced by doing more than one parcel at a time. We currently have 17 parcels identified for rezoning. The cost for rezoning 11-20 parcels is \$1050.

Fred suggested that we look at rezoning the land set aside for the Business Park at the same time. Karl had suggested that we carefully consider whether the zoning should be Commercial or Industrial for the Business Park. It would be an important exercise to go down the list of acceptable uses in both classifications to determine the best zoning for the Park. Joni suggested we may want to split the property into some area of each. This will be put on the agenda for next month's meeting.

Susan also asked Karl about the process for reducing lot sizes in the Commercial zoned areas of the Town. This is another action outlined in the Comprehensive Plan allowing the Town to infill its Commercial district instead of creating more. Karl suggested that the Town create a Municipal District Overlay for its downtown area. Both the Class Action Rezone and the Municipal District Overlay are new processes outlined in the County Comprehensive Plan.

The Municipal District Overlay will come before the Planning and Zoning Committee for review next Thursday, June 16th at 4 pm at the Washburn Courthouse. Susan will attend and encouraged other Commission members if they are able.

Zoning issues should be on our Agenda for the July meeting.

Fred made a motion to adjourn and Joni 2nd. The meeting was adjourned at 9:15 pm

The next meeting will be on Thursday July 7th at 7 pm at the Community Center.

Town of Bell
Permit and Variance Application
Criteria For Approval or Disapproval

The following criteria will be used when determining whether a permit or variance application will be approved:

1. The Plan Commission will consult with Bayfield County Planning and Zoning for opinions relating to a permit or variance request;
2. Determine whether the application falls within the list of acceptable uses for the zoning area that it is planned for and if not, why;
3. Determine whether the planned project is compatible with the Town of Bell Comprehensive Plan;
4. An application must be received at least 10 working days prior to the scheduled Plan Commission meeting for it to be put on that month's meeting agenda;
5. The review process will require notification of the permit applicant and adjacent property owners of the dates of the Plan Commission and Town Board review of the application; and
6. Applicants will have an opportunity to address the Plan Commission and the Town Board.

The following conditions will apply to all permits for short-term rentals in the Town of Bell:

1. Any objections by adjacent property owners will result in denial of a permit;
2. The duration of permit is 5 years and is non-transferrable; and
3. The permit holder or their agent must be located within 35 miles of rental unit and must be available 24 hrs. per day.

The following conditions, as recommended by the Bayfield County Zoning Department, will be applied to all short-term rental permits as needed (the terms are attached). The Bayfield County conditions with applicable checked off items will be returned to the Bayfield County Zoning Department with all applications approved by the Town of Bell.

Bayfield County
Recommended Criteria
(for Short-Term Rentals)

- Obtain necessary permits (Planning and Zoning; Health Dept, etc.)
- Room Tax must be paid to Town Board
- Adequate Sanitary System
- No RV's, pop-up campers, tents or other means of overnight stays allowed
- All vehicle & utility trailer parking must be contained on the property (not allowed to park on roads)
- All camp fires must be attended and extinguished by 11 :00 pm
- Quiet hours from 11 :00 pm to 7:00 am
- Pets must be restricted to the property
- Property line delineation must be agreeable with both neighbors
- Contact number(s) must be available for owner/agent 24 hrs per day
- Property must remain free from citations, nuisance, disorderly conduct, or any other type of illegal activity
- Land Use and DNR lake regulations are included in rental information (for lake shore property)
- Occupancy limits (per structure)
- Review lake shore access and erosion due to human traffic
- Duration of permit, transfer rights, etc.
- Garbage and recycling materials should be properly disposed of on a daily basis
- Trespass laws must be abided by at all times
- No fireworks allowed (except July 4th with proper permits)
- Other recommendations as deemed necessary for public health and safety