

PLANNING COMMISSION MINUTES

DATE: January 28, 2013

TIME: 4:30 p.m.

PRESENT: Commissioners Boettcher, English, Buelow, Davis, Ballard, Porter, Olson, Hahn, and Gromek

STAFF PRESENT: City Planner, Mark Moeller

The meeting was called to order at 4:30 p.m. by Chairman Porter.

Approval of Minutes – January 14, 2013

The minutes for January 14, 2013 were reviewed and upon motion by Commissioner Olson and second by Commissioner Boettcher were unanimously approved as submitted.

Bed & Breakfast and Tourist Homes – Proposed Amendments

Chairman Porter called on Mark Moeller, City Planner to provide a summary of this agenda item. Mr. Moeller noted that during its meeting of January 14th, the Commission had considered a staff generated proposal to extend the application of the Bed and Breakfast/Tourist Home concept to low density (AG, R-R, and R-S) residential districts within the City. He stated that, as currently defined, both Bed and Breakfast and Tourist Home facilities are designed to provide temporary housing to transient guests for compensation, by resident families. The only major difference between these is that Bed and Breakfast facilities are typically licensed to serve breakfast while Tourist Homes are not. Commission discussion of this proposal stemmed from a request by a citizen (Amy Redeppening) who desires to establish a Tourist Home at 1735 Garvin Heights Road which is located within an R-R (Rural Residential) low density zoning district.

Mr. Moeller explained that since approximately 1986, Bed and Breakfasts and Tourist Homes had been permitted within R-1, R-1.5, R-2, and R-3 Districts. Again, within R-1 and R-1.5 districts, a maximum of 4 guest rooms are permitted given approval of a conditional use permit for the use. As a conditional use, the City Board of Adjustment would need to approve it during a public hearing process that is preceded by notice to the immediate neighborhood. Within the R-2 district, facilities offering no more than 5 guest rooms would be "Permitted" uses (no special approvals required). The number of guest rooms could be greater than 5 units only if the user obtained a conditional use permit. Within the R-3 district, Bed and Breakfast and Tourist Home facilities for any number of guest rooms would be considered under permitted provisions, again meaning that no special approvals would be required for the use. Along with meeting underlying

PLANNING COMMISSION MEETING MINUTES

JANUARY 28, 2013

PAGE 2

requirements of applicable underlying zoning districts, all such uses would be subject to City Code Section 43.54.1 defining standards for all Bed and Breakfasts and Tourist Home facilities. Key to these, are that such facilities must be located on property which is owned and occupied by a resident family. Additionally, such uses are currently only permitted within structures that have demonstrated community historical significance, a term that is not defined in the ordinance. Other current provisions do not require additional parking for guest rooms but do require that all such uses are subject to the hotel/motel tax as defined in Chapter 64. As noted during the January 14th meeting, since adoption of 1986 provisions, one new Bed and Breakfast facility (Alexander House) was added to the City. Of 3 existing, the other 2 had been established prior to adoption of the ordinance.

Mr. Moeller stated that following Commission discussion of this matter, it had directed staff to prepare a draft amended ordinance reflecting the following general considerations:

- Given the low density “character” of applicable (AG, R-R, and R-S) zoning districts, limit or restrict the maximum number of guest rooms, with the ability to increase the number if certain conditions exist.
- Present ordinance requires no off-street parking standard for guest rooms. If the ordinance is to be modified, consider an off-street parking standard to it.
- Implement B&B and Tourist Home facilities only as conditional within all 3 districts. As such, all would require formal approval by the Board of Adjustment. Under this process, the proposed use would be a transparent to the immediate neighborhood.

Given the previous, Mr. Moeller stated that staff had prepared ordinance amendments to Section 43.54.1. In summary these included:

- a) Current provision requires home to be located within host/host family residence (the principal dwelling). Proposed language would require that the home be located on the same lot as the host/host family residence.
- b) Current language requires that the home shall have demonstrated community historical significance. Mr. Moeller explained that two options are presented, the philosophy of the first would continue to require that Bed and Breakfast and Tourist Homes be located within structures with historical significance. Additionally, in responding to the Redeppening request, additional language would permit homes located along arterial or collector streets provided that they have direct access to those streets. In these cases, homes would not have to demonstrate historical significance. Mr. Moeller further noted that this option included language which would serve to define the term “demonstrated community historical significance”.

A second option to this subsection would simply serve to delete any locational

PLANNING COMMISSION MEETING MINUTES

JANUARY 28, 2013

PAGE 3

standard and allow Bed and Breakfast and Tourist Homes to be located within any location of the City if applicable standards are met.

- (c) Language is added that would exclude undevelopable land area of a lot in calculating maximum guest room density.
- (f) Language is added to require the provision of one off-street parking space per guest room. This parking would need to be consistent with design standards of City Code Section 43.37.
- (g) Delete existing provision and restructure to specify an "unlighted" wall sign. This provision would be in line with existing home occupation sign standards.
- (j) Language added to address homes that may be located on properties with on-site sewer. He noted that not all homes within the City are connected to City sewers. This language is designed to address those scenarios.

In addition to the previous, the following zoning district amendments are proposed:

- AG (Agricultural) – add language that would limit homes to no more than two guest rooms. However, if all guest rooms are located within existing habitable floor space of principal dwelling, permit an increase to five guest rooms (if allowed by buildings/other codes). The use under this district would be treated as conditional, requiring Board of Adjustment hearing and approvals prior to implementation.
- R-R (Rural-Residential) – add language limiting the maximum number of guest rooms to two. However, if all are located with existing habitable floor space of the principal structure on the lot, permit an increase to three guest rooms (if allowed by building/other codes). Again, the use would be treated as conditional within this district.
- R-S (Residential-Suburban) – same language as proposed for the R-R district.
- R-2 (One to Four Family Residence) – modify present Bed and Breakfast/Tourist Home references by moving present language from accessory to permitted sections of this district. This change would not modify implementation of the use within this district.

Chairman Porter then opened the meeting to Commission discussion.

Commissioner Boettcher noted that it was appropriate to add language to the ordinance that would address on-site sewer issues.

Commissioner Olson stated that he felt the changes that staff had proposed adequately covered concerns brought up during the past meeting. He further concurred with the concept of applying limited numbers of guest rooms within AG, R-R, and R-S districts as conditional.

In response to a question by Commissioner English, Amy Redeppening noted that her home was not in close proximity to most other homes within the neighborhood.

Chairman Porter asked what the Commission's feeling was of proposed options to

PLANNING COMMISSION MEETING MINUTES

JANUARY 28, 2013

PAGE 4

subpart b of the Bed and Breakfast Ordinance. Commissioner Olson stated that he preferred option 2 that would serve to delete language limiting Bed and Breakfast and Tourist Homes to certain locations within the City. In short, he did not feel there was a problem in opening these concepts to any City location provided that applicable ordinance requirements are met.

Commissioner Davis concurred with Commissioner Olson's statement, and the consensus of most was that the ordinance should be modified to employ the option 2 philosophy.

Commissioner Olson again noted that, given provisions of proposed Section 43.54.1, Bed and Breakfast and Tourist Homes are subject to a number of standards. Additionally, given that uses would be permitted only as conditional, he felt that there would be adequate transparency to establishing them and minimizing abuse. Given a poll of the Commission, the majority in attendance appeared to favor option 2.

Discussion then ensued relative to subsection e of Section 43.54.1 requiring that guest stays be limited to a maximum of 29 continuous days. Mr. Moeller noted that the 29 continuous day provision evolves from language contained in Chapter 64 related to the hotel/motel tax. Here, the tax is a requirement for transient housing that is provided for a period of less than 30 days. Concern was noted that if a Bed and Breakfast/Tourist Home use was permitted, stays could exceed this period. In that event, questions surfaced relative to ordinance management and enforcement. Again, Mr. Moeller noted that since 1986, one Bed and Breakfast facility has been added to the Cities current supply of 3. Currently, none are a problem. However, in addressing the Commission's concern, staff would develop a couple of options for review. He suggested that this could be accomplished by way of an email to all for response. The conclusion of those present was that this approach would be acceptable.

Other Business

Mr. Moeller explained that a public hearing related to the zoning of annexed properties within the Pleasant Valley Terrace Subdivision area had been established for the Commission's meeting of February 11th. That meeting may also include a hearing for a revised Bed and Breakfast and Tourist Home Ordinance.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.



Mark Moeller
City Planner