

Pursuant to due call and notice thereof, a Planning Commission meeting was held on Wednesday, May 20, 2025 at 5:30 p.m.

PRESENT: Jim Read, Jeff Manthe, Aaron Goebel, Tayler Heinen

ABSENT: Bryan Becker, Dick Glatzmaier

The meeting was called to order at 5:30 p.m.

MINUTES OF APRIL 2025

Motion was made by Jeff Manthe to approve the minutes, second by Aaron Goebel, all in favor and carried.

PUBLIC HEARING-SHORT TERM RENTAL ORDINANCE

The public hearing was opened at 5:31 p.m.

Jim Read gave a brief explanation of the Ordinance Prohibiting Short-Term Rentals within the City of Avon and also the Ordinance to Regulate Short-Term Rentals within the City of Avon. The City did receive information from the Stratford Association and the Avon Area Lakes Association stating they are against allowing short-term rentals due to safety issues and decrease in property values.

Gabe Jarnot and Matt Harkins, representing the Stratford Association which consists of 92 homes in the City of Avon. The association had their annual meeting with 90% of association members voting to support a ban on short-term rentals. Mr. Harkins stated one problem with adopting an ordinance to license short-term rentals is that the ordinance wouldn't give any redress to a HOA. It was noted that one of the rentals had a large number of people at the Stratford Beach and issues were escalated. They heard from several residents that felt this was a safety issue. If someone is renting a short-term rental these renters are possibly using the Stratford beach/landing and the association is then liable. The association does not allow all of these renters to use the private beach/landing and covenants do not cover bringing civil suits. If this happens anywhere else in the city that doesn't have a community property and a renter is misbehaving and causing problems the City can step in and fine the owner of the property, the HOA doesn't have any recourse.

Jodi Austing-Traut and Aaron Goebel discussed state statute regarding HOA's banning short-term rentals and stated HOA's can have their own rules regarding the association property. James Noske, practicing attorney who lives in the Stratford subdivision was present at the meeting and stated he studied the bylaws. It is correct that the HOA can regulate short term rentals. In this situation, the Stratford Association only has covenants that run with the land that allow the association to completely control the beach and landing. It does not give any authority to regulate short-term rentals. If that authority was to be obtained through an addition to the covenants, it would require at least the majority of all homeowners to agree which would be a nightmare. From a practical point of view, it does not have the authority to regulate short term rentals.

Mr. Meyer stated if we look at all of the challenges we have in the City, legislature is going to cut aid to counties, they are going to shift tax liabilities on counties, a lot of counties are looking at 16-20% levy increases to offset that, they will call a special session and we will be faced with the same things. Valuation and taxes on the lake will just keep climbing. These rentals should be in commercial zones as you have spot zoning here where you have a short-term rental which is regulated by the Dept. of Health with hotel requirements. We have a rental that allows 15 people, where do we get parking for 15 people on a residential property. Many cities have regulated short-term rentals out of existence with a substantial amount of tax dollars to mitigate those problems along with a degradation effect on adjacent property. Mr. Meyer spoke to the local hotel owner who opposed these short-term rentals as she needs all of the business she can get. Short term rentals are a very good thing for the person that owns the property as they pay \$6500 for property taxes on a single-family property and are essentially running a hotel. The Avon Area Lakes Association works hard to develop assets to improve the resource in the community along with the Stratford Association. They don't have the financial means to start suing each other to regulate VRBO's within their jurisdiction. These residents pay property taxes and they are coming to the city to say this entire area and the rest of the lake does not want these types of properties in Avon. Mr. Meyer is opposed to short-term rentals.

Brett Boese stated that he has been operating his short-term rental for a year and half in Avon. He stated that even if the association had the authority to regulate short-term rentals, there still is no practical way to stop bad rental behavior and an absentee homeowner short of filing a civil suit against that person. Mr. Boese noted that his property is a regulated short-term rental which is normally rented for a week and a half. He has not received complaints. The neighbor that just moved in next door is in support of his rental. He is confused about the issue of noise, etc. as he is not aware of any complaints.

Aaron Goebel wanted to make sure everything was clear. There is one rental in the neighborhood that is not licensed and there was one incident at the beach with this rental property. Gabe stated there were multiple instances at the beach. One which was escalated. Gabe stated they heard from multiple residents regarding problems occurring on the beach. Aaron Goebel noted he has not heard one complaint in the five years that he has been on the council, except for this one beach incident and he thought this property was not licensed vs. the one that is licensed he has not heard any complaints at all.

Bob Pflipsen, representing Avon Area Lakes Association which consists of 144 current members. Many of these members live around Middle Spunk Lake. At their March meeting they had a unanimous vote to request a ban on short-term rentals. The resolution submitted to the Planning Commission from AALA states they have experienced noise and safety issues and are also concerned about property values.

Jeff Meyer stated that even though the Avon Police Department is not getting phone calls, it doesn't mean there aren't issues that are happening on the property and stated there are people running jet skis after hours on the lake. Brett Boese stated that his property does not have motorized boats/jet skis. Mr. Meyer stated when you have a hotel on the water with a dock there is the potential for other people to bring boats and use that dock. Aaron Goebel stated said there

is a public launch where anyone can use this lake.

Gabe Jarnot stated these rentals benefit the property owner but not the community. It was noted that these rentals bring people to town to utilize the bike trail, restaurants and shopping. People have to stay in Albany or St. Joe for events as there are not a lot of options in Avon. Many times these rentals are used for family events who want to stay close to relatives in Avon. It was noted that some people are not fond of the accommodations that we have in the City. Matt Harkins understands the argument but doesn't feel it is a huge imposition to stay at another city and drive 6 minutes to join a family in Avon. There could be benefits as far as bringing people to town to use City amenities but they will also be going to St. Joe or Albany for groceries, etc. He feels the benefits are small compared to the detriment rentals cause. It was noted that short-term rentals should be in a commercial zone.

There was discussion regarding collecting on the Stratford Association dues. Corey Nellis stated that there isn't an option whether to pay the dues or not. The argument is that they aren't paying because they don't use the beach and launch area. There is still an obligation to pay those fees when you move into the neighborhood.

Matt Harkins asked if the City would deploy police to remove people from the beach area if it is requested and/or fine and remove licenses. Mr. Noske stated that this was discussed last year and the Avon Police have stated that they do not want to enforce this area. Corey noted that this is private property and the owners do have the right to regulate who is on private property. Mr. Nellis also noted that the language in the covenant doesn't just limit to specific residents. If his kids come home for 4th of July, they use the beach. There is an inherent liability by our association by the sheer means that we own that property. Mr. Nellis does not know if the association mitigates the liability. The way to mitigate is to sell the property and not own it anymore. This is no different than if someone was out on a boat and swam to our beach and got hurt and they are not a member of the association, there still is liability. If there is someone on the property that does not have the legal right to be there it is trespassing.

There was discussion of how many other areas in the City outside of the Stratford Association area will be affected by this decision. There are approximately 30-40 houses on Chinook-from Fischers down Chinook, Minnie Lake, Angelfish and Waters Edge will all be affected by this decision.

Motion was made by Jeff Manthe to close the public hearing, second by Aaron Goebel, all in favor and carried.

Jeff Manthe stated that based on the comments from the community he is not sure it is worth it to proceed with moving forward with allowing short term rentals. He feels there is a benefit to having additional lodging. The short-term rental that is currently licensed through the County would be grandfathered and would be allowed to continue. This is a legal non-conforming use and he was following the rules that were in place at the time. The council will take action on the rental that is not licensed. It was noted that there are other short-term rentals on Middle Spunk that are located in the township that follow the County regulations. Mr. Manthe stated we need to continue as a City to find ways to bring people to town.

Jim Read stated that he was on the fence until the Stratford meeting where the magnitude of opposition to these rentals impressed him. There was a great deal of reporting of bad behavior at the one rental. Mr. Read understands that Stratford is not the entire city but it does contain a significant amount of people that feel that the character of the neighborhood is at stake and is in favor of prohibiting them.

Aaron Goebel stated he does see these rentals as a benefit to the City. He does understand the safety complaints from the people that live on the lake. He believes there are ways to enforce but feels it may not be worth it if there will only be two rentals allowed anyway and the one rental has followed the rules and has been responsible.

Motion was made by Jim Read to recommend to adopt Ordinance No. 244, to Prohibit Short Term Rentals in the City of Avon, second by Jeff Manthe, all in favor and carried.

PUBLIC HEARING INTERIM USE-BARRELL MILL

The public hearing was opened at 6:32 p.m.

Jordan Hobbs from the Barrell Mill was present at the meeting to discuss his request for one storage container on the north side of his building and two containers on the south side of the building. His main location is on Chinook in a residential district and the warehouse is located on the corner of Chinook and Stratford. He stated that business is slow right now and they are trying to consolidate the operation to their main shop. He would like to eliminate having to pay someone to run back and forth all day long. Mr. Hobbs stated this will not add any noise or dust and would get his delivery truck down to one trip per day instead of all day long. He would prefer to not have to fence the storage containers in and would rather paint them the color of the existing building. Jodi Austing-Traut explained that this is a non-conforming property and they are not allowed to expand. It is important to support our businesses. Jesse Springer and Jeff Meyer stated painting the containers to match the building would suffice and they wouldn't need a fence.

FINDINGS OF FACT:

- A. The proposed use does not adversely affect the general health, welfare, and public safety. Explain any affects: *Yes, it does not.*
- B. The use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district in which it is located. How does the proposed use fit these criteria? *It doesn't fit zoning, but it is already non-conforming. Doesn't make it any more or less non-conforming.*
- C. The use shall not depreciate values of surrounding property. Explain effects of the proposed use on surrounding property values. *Yes, the use will not depreciate value but may improve the neighborhood without a truck going up and down the road all day.*
- D. The use shall not be hazardous, detrimental or disturbing to present any potential surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution vibration, general unsightliness or other nuisances. Explain effects of proposed use. *Yes, it would have less effects that currently driving. No more smoke, dust odor, fumes.*

Recommend painting to match building.

- E. The use shall not create traffic congestion, unsafe access, or parking needs that will cause inconveniences to the adjoining properties. Explain the transportation needs for the proposed use. *Yes, this will reduce traffic.*
- F. The use shall be served adequately by essential public services such as streets, police, fire protection and utilities. Explain how the proposed use will be served. *Yes, the property is already covered by those things.*
- G. The use shall not create excessive additional requirements at public cost for public facilities and services and shall not be detrimental to the economic welfare of the City. Justify this statement. *Yes, it would not create more cost to the City.*
- H. The use shall preserve and incorporate the site's important natural and scenic features into the development of adjacent vacant land. Will these criteria be met? *Yes, no adjacent vacant land. No impact.*
- I. The use shall cause minimal adverse environmental effects. List any effects. *These areas are already impervious so no change.*
- J. The use shall not adversely affect the potential development of adjacent vacant land. List any potential problems. *Yes. A cemetery abuts one side of the property. Won't adversely affect properties.*

Motion was made to close the public hearing by Jeff Manthe, second by Aaron Goebel, all in favor and carried.

Motion was made by Aaron Goebel to recommend approval of the Interim Use Permit for The Barrel Mill with changes below, second by Jeff Manthe, all in favor and carried.

- 1. Remove line 3 regarding fencing and replace with "paint storage units to match existing building".***
- 2. To keep the storage containers in good conditon.***
- 3. To allow up to 3 temporary structures.***

NEW PLANNING COMMISSION MEMBER

Tayler Heinen was sworn in a planning commissioner.

Motion to adjourn the meeting at 6:54 p.m. by Jeff Manthe, second by Aaron Goebel, all in favor and carried.

Respectfully Submitted
by Amy Pease