

Minutes of Plan Commission Meeting January 19, 2016

Call to Order – Phil Wedekind called the meeting of the Commission to order at 5:15 PM.

Roll Call – Present were Phil Wedekind, Dennis Thurow, Roy Franzen, Tom Kolb, Pat Liston, Jim O'Neill, and. Kate Fitzwilliams.

Also in attendance were Tom Pinion, Richard Blakeslee, Dan Gillette, Steve Higgins, Jerome Mercer, Dave Malone, Todd Halvenslaben, Dave Leatherberry, Ryan Roberts, and Ben Bromley.

Call to Order

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: Kolb moved, Franzen seconded to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Liston, seconded by O'Neill to approve the minutes of the November 17, 2015 meeting. Motion carried unanimously.

Kate Fitzwilliams arrive at 5:20 p.m.

Public Invited to Speak (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – There were no speakers.

Public Hearing

Request of Kwik Trip, Inc. for a Conditional Use Permit for a Variable Message Sign at 1330 South Blvd., Baraboo, Wisconsin – There being no testimony, the hearing was declared closed.

New Business

- a. Request of Kwik Trip, Inc. for a Conditional Use Permit for a Variable Message Sign at 1330 South Blvd., Baraboo Wisconsin – Ryan Roberts, Representative for Kwik Trip addressed the Commission for the request. Engineer Pinion said according to the Sign Ordinance, variable message signs are allowed; however, are regulated as conditional uses. The maximum size of 12 square feet is allowed. Pinion then presented a cut sheet of the monument sign that they propose to use. He said that the sign does comply with the ordinance. O'Neill asked if the sign code address the frequency which the message can be changed and Pinion answered in the affirmative. He said that he believes that it is every six seconds and when it scrolls across it can't distract traffic. Franzen said that they are the same as the DOT requires. He said that it is a static sign every six seconds and can't be flashing. Franzen moved, Liston seconded to approve the conditional use request as presented. On roll call vote for the motion, Ayes – Thurow, Franzen, Liston, O'Neill, Kolb, Fitzwilliams, and Wedekind. Nay – 0, and the motion carried.
- b. Review and approve a two-lot Certified Survey Map for the David A. and Deloris E. Leatherberry Living Trust for land in the City's Extraterritorial Plat Approval Jurisdiction, located on the west side of CTH A approximately 1/2 mile north of Crawford Street, in the NE 1/4 of the NE 1/4 and the NW 1/4 of the NE 1/4, Section 23, T12N, R6E, in the Town of Baraboo, Sauk County, Wisconsin. – Richard Blakeslee, Blakeslee Land Surveying introduced himself to the Commission. Pinion said that this is the third time the Commission has seen this survey; however, this time they have agreed that the preservation area easement would be put Lot 1 and the County has said that they would endorse that. He went on to say that Lot 2 meets the ordinances, meets a special exception number 6 for that particular purpose, since it is under the County's clustering development so it meets the City's Land Division Code. It was moved by Liston, seconded by Kolb to approve the SCM as presented. On roll call for the motion, Ayes – Franzen, Liston, O'Neill, Kolb, Fitzwilliams, Wedekind, and Thurow. Nay – 0, and the motion carried.
- c. Review and approve a one-lot Certified Survey Map for Dan Gillette for land in the City's Extraterritorial Plat Approval Jurisdiction, located on the south side of CTH W approximately 1/3rd mile east of STH 113, in the NW 1/4 of the NE 1/4 of Section 7, T11N, R7E in the Town of Greenfield, Sauk County, Wisconsin – Dan Gillette introduced himself to the Commission. Pinion said that this is the Wild Rose Ranch; Gillette is proposing to create a 2-acre lot around the second house to be able to sell it. He said that this meets the County's and the City's requirements. It was moved Liston, seconded by Kolb to approve the CSM as presented. On roll call vote for the motion, Ayes – Liston, O'Neill, Kolb, Fitzwilliams, Wedekind, Thurow, and Franzen. Nay – 0, and the motion carried unanimously.
- d. Review and approve a one lot Certified Survey Map for Expeditions Unlimited, LTD for land in the City's Extraterritorial Plat Approval Jurisdiction, located on northwest corner of CTH DL and Old Lake Road, in the NE 1/4 of the NW 1/4 of Section 13 and the SE 1/4 of the SW 1/4 of Section 12, T11N, R6E in the Town of Baraboo, Sauk County, Wisconsin – Steve Higgins introduced himself to the Commission. Pinion said that Expeditions Unlimited owns a host of contiguous tax parcels. Pinion said that he would categorize this as a housekeeping item, where they are combining all of their ownership into a single lot. It was moved by Kolb, seconded by Liston to approve the CSM as presented. On roll call vote for the motion, Aye – O'Neill, Kolb, Fitzwilliams, Wedekind, Thurow, Franzen, and Liston. Nay – 0, and the motion carried.

- e. Review and approve the First Addendum to the Plat of Pleasant View Condominium – Jerome Mercer, Cross, Jenks, Mercer, and Maffei said that this is a follow-up from previously. He said that there were 22 original units in the subdivision, only about 12 were developed, they are removing the ten. He said this request is for the Commission to approve the subdivision after the vacant land is removed and only have the 12 unit condominium development. Pinion said that there are no issues, initially the Commission looked at a two-lot CSM, Register of Deeds didn't like that configuration since it involved multiple owners on a single lot; therefore, they have changed it to a single lot CSM for the vacant piece and then a Plat of the condominium for the 12. He said it does meet the City's Land Division Code. He said it will require an amendment to the Declaration of the Condominium, which Mercer has drafted, the Acting City Attorney and he has looked at it and there are no issues. It was moved by O'Neill, seconded by Liston to approve the First Addendum to the Plat of Pleasant View Condominium as presented. On roll call vote for the motion, Aye – Kolb, Fitzwilliams, Wedekind, Thurow, Franzen, Liston, and O'Neill. Nay – 0, and motion carried.
- f. Review and Approve Preliminary Plat for Rolling Meadows North, a 92-lot subdivision located in the NE¼ of the SW¼ & a fractional part of the NW¼ of the SW¼ of Section 30, T12N, R7E in the City of Baraboo, Sauk County, Wisconsin by Legacy Housing, LLC – Dave Malone, and Todd Halvenslaben of Vierbicher introduced themselves to the Commission. Pinion said that this was in front of the Commission previously as a concept plan where they said they wanted to purchase the vacant land from the original Preliminary Plat that was approved in 2004. He said that they haven't changed anything as far as the configuration of that. This Preliminary Plat shows a minor modification to a couple of street names. He said that the piece that they will move forward on a final plat with the Commission's approve would be what was originally 24 lots is now 23 because in the 12 years the DNR has modified the stormwater management regulations so they need to convert one of the lots to an infiltration basin. Pinion said that if the Commission favorably reviews and approves this, he would suggest that the Commission impose the conditions that an approved Sub-Divider's Agreement, City Engineer's approval of plans and specs, and the payment of all fees prior to approval of the Final Plat. It was moved by Liston, seconded by O'Neill to approve the Preliminary Plat with the conditions that an approved Sub-Divider's Agreement, City Engineer's approval of plans and specs, and the payment of all fees prior to approval of the Final Plat. On roll call vote for the motion, Ayes – Fitzwilliams, Wedekind, Thurow, Franzen, Liston, O'Neill, and Kolb. Nay – 0, and the motion carried.
- g. Review and recommendation concerning proposed amendment to the Zoning Code to include a minimum time or residency in the definitions for a single-family dwelling and a two-family dwelling – referred from Common Council – Pinion said that this went to the Council in the form of an ordinance to modify the definition of a dwelling. He said that there are only two properties that advertise the use of their houses as short-term rentals. He said that he has had correspondence with both of these owners. Pursuant to the strict interpretation of other City ordinances they are required to get a permit to rent their facility and anytime they do this, they have to get a room tax permit, so if a room tax permit is issued it seems appropriate that a condition could be imposed that it be rented to single families only, defined as what the zoning code defines it as, no more than three un-related persons. He said that this seems like a reasonable way to regulate it initially since there are only two properties. He said when it was brought up, the problem doesn't exist; however, other communities have dealt with this and it became a real problem and the City may want to get ahead of it. He said that this could be done as a conditional use, or a zoning change could be done, which ever the Commission feels comfortable with. Franzen said that he is not particularly comfortable with it being single family, it seems too restrictive. Fitzwilliams agreed with Franzen, Pinion said that the difficulty is that the underlying zoning is a single-family residential zoning district, so by allowing the property to violate the zoning code, even on a short-term basis. He said that the Zoning Administrator go out on a daily, weekly, or monthly basis taking a head count of who is in what home and whether they are related or not, but since it is the zoning regulation, it would seem appropriate to impose that restriction, if the permits were to be issued. He said a conditional use could give more flexibility. Franzen would be in favor for the conditional use to give more flexibility. He said that it sounds like the City doesn't have a problem; however, it can be a problem, but the people who are renting out their houses generally have to supply references to people who are coming. Liston asked Pinion when is reached out to the owners, what type of people are they advertising for and getting. Pinion said that he didn't ask for that type of detail. He said that when one of the owners were here, he talked about renting it to families or a couple of families at a time. He said that the other owner talked about renting it most of the year, so he assumed it is a host of different categories of renters. Liston said that he agrees with Franzen regarding the conditional use permit. Kolb asked mechanically how this would work. Pinion stated that when they came in for a room tax permit, they would be told at that time they would also need to secure a conditional use permit. The Conditional use permit would be a fee of \$250 and it any conditions can be imposed on it. This would be a public notice, so property owner within 200 feet would be notified that it has been applied for. It was the consensus of the Commission that the permit should run with the owner and not the property. Franzen asked if the owner of these properties have them just for this purpose. Pinion said that one resides there and when rented stays with relatives who live in town, the other property is an absentee owner and when not rented, the property is vacant. A question was raised if this will go back to Council and Pinion said that if it is an ordinance change to add a conditional use it will go back to Council. Pinion said that he will draft an ordinance amendment with the conditions being a part of the ordinance and bring it to next month's meeting.

Adjournment - It was moved by Liston and seconded O'Neill to adjourn at 5:43 p.m. The motion carried unanimously.

Phil Wedekind,
Mayor Designee