

Minutes of Plan Commission Meeting June 21, 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, Pat Liston, Jim O'Neill, Tom Kolb, and Kate Fitzwilliams.

Also in attendance were Tom Pinion, A. Bolin, Mike Bisbach, Brett Schwartzter, and Don and Karen Stanley.

Call to Order

- a. Note compliance with the Open Meeting Law. Palm noted compliance with the Open Meeting Law.
- b. Agenda Approval: Liston moved, Kolb seconded to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Kolb, seconded by Franzen to approve the minutes of the May 17, 2016 meeting. Motion carried unanimously.

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.

New Business

- a. Consideration of a 2-lot Certified Survey Map on the 15.58-acre parcel north of Pleasant View Subdivision, located in the SW¹/₄ of Section 30, T12N, R7E, in the City of Baraboo for Don and Karen Stanley – Mike Bisbach of Jewel Associates addressed the Commission. Engineer Pinion said that this is the NE corner of Pleasant View Subdivision, Lot 1 is 14.8 acres and Lot 2 is on the corner of Valley View Drive. As part of Lot 2, the Stanley's are conveying an easement for a hammer-head turn-around so that the City can safely and efficiently plow snow and collect refuse. He said that the CSM meets the minimum requirements for the City. Kolb asked if the Stanley's would be building a home on Lot 1 and it was answered in the affirmative. Bisbach said that they have sited their house such that it doesn't preclude the eventual connection, if they so desire to Pleasant View, Tillberry, and with the development that is to the north in the future. He said that part of moving the house down was because the sanitary sewer that was on Tillberry was a block into the street so it would require a lot of street construction and was very deep; therefore it was a lot more economical. Liston said that he feels the City should be promoting density, what they are doing is perfectly legal according to the City ordinance; however, he can't vote for it because he feels that there should not be 14 acre parcels in the City. Karen Stanley said that part of the reason they are going off just the one street route at the end of Valley View is to leave open the potential connectivity of Tillberry and Pleasant View Drive, so that if those roads connect, eventually there will be more in that proposed development and will be homes on both sides of the street. Don Stanley said that originally they had over 20 some lots plotted that this would reduce that number if they wanted to develop around their home site. Kolb said that he agrees with Liston and feels that the City should be promoting density. He said he wouldn't vote against it, but if the potential is to have buildable lots. O'Neill asked if their intention was to develop it in the future. Karen Stanley said that it wouldn't be them, but eventually if they kept 3 acres for themselves, they could look at selling the remaining property. She said that there is a lot of building going on in Rolling Meadows at this time, so there will be a lot of homes for sale, so she doesn't feel that there will be a huge need for the remaining 12 acres to be developed within the next ten years. It was moved by O'Neill, seconded by Kolb to approve the 2-lot CSM on the 15.58-acre parcel north of Pleasant View Subdivision as presented. On roll call vote for the motion, Ayes – Thurow, Franzen, O'Neill, Kolb, Fitzwilliams, and Wedekind. Nay – 0. Liston abstained. Motion carried.
- b. Consideration of a 1-lot Certified Survey Map on the 3.494-acre parcel on the northeast corner of Lynn Street (bounded by South Blvd on the west, the Baraboo River on the north, Vine Street on the east, and Lynn Street on the south), located in the NE¹/₄ of Section 2, T11N, R6E, in the City of Baraboo for the City of Baraboo – Pinion said that this is the former Boo Canoe site and the western portion of the Alliant property. He said that the CSM is combining the half dozen parcels west of Vine Street that are all under City ownership. He said that the CSM also cleans up a little bit of the ROW along the southern boundary, when Lynn Street was rebuilt several years ago the curve was softened, encroached into the City-owned land, knowing that at some point it was to be dedicated. Liston said that he can't believe that a government building is being built on the best piece of land in the City. It was moved by Kolb, seconded by Franzen to approve the CSM as presented. On roll call vote for the motion, Ayes – Franzen, O'Neill, Kolb, Fitzwilliams, Wedekind, and Thurow. Nay – Liston. Motion carried 6-1.
- c. Consider defining, adjusting uses, and providing consistency to the regulation of warehouses, self-storage rental sheds, mini-storage facilities, and mini-warehouses in the City's Zoning Code – Attorney Bolin said that it was pointed out to Pinion that there were many inconsistencies in the ordinance as to where mini-warehouses, or storage facilities were allowed. She said that in one section of the ordinance said a mini-warehouse was permitted, but it also said that it was prohibited; therefore, it was decided that the ordinance needs to be cleaned up. She said that there are four different terms used in the ordinance that are similar uses, and what it being done is defining warehouse and taking away the three terms, mini-warehouse, the mini-storage facility, and the self-storage rental sheds, and replacing them with the term self-service storage facility. She stated the reason that this term is being used is because it is a State-defined term so it is referenced in State Stats and it is usually good to be consistent with that. The ordinance will then be cleaned up where the use is allowed. Kolb said that it would just be allowed in I-3 and I-4 and only by conditional use. Bolin confirmed that as correct. Liston moved, Kolb seconded to approve. On roll call vote for the motion, Ayes – Liston, O'Neill, Kolb, Fitzwilliams, Wedekind, Thurow, Franzen. Nay – 0,

and the motion carried.

- d. Consider amending the Zoning Code to regulate short-term rentals of residential dwellings as a Conditional Use in residential zoning districts – Pinion said that this is a continuation of the short-term rental saga, which started over a year ago. He said the last directive given by the Commission was to try to regulate them as conditional uses, which seemed to be the most appropriate, so Attorney Bolin has crafted language to try to do that. Bolin said that the existing language will be cleaned up just a little bit. She said dwelling was defined as a one family dwelling; however, throughout the ordinance it referred to a single family dwelling; therefore, she will go through the ordinance and make it single-family dwelling to be consistent. She then said that dwelling, short-term rental will be added and the short-term rental dwelling will be a conditional use in the residential districts. Kolb said that when this issue was originally talked about, the only thing talked about was the single-family dwellings, and now there is a potential, through conditional use to have them in every one of the residential districts, which he strongly objects to and would never vote for. He said that he could live with the two-family occupied duplex and none of the rest of them. O’Neill asked if this ordinance would permit an absentee landlord renting to a second party and then the second party vacating it and renting it a third party. Bolin said that there are two layers of that, first of all that could happen right now, but if a house was rented and that person who is renting it decided to sub-lease it for short-term rentals, that person who wants to sub-lease it for short-term rentals under this ordinance would have to get a conditional use permit in order to do so. Pinion said that the conditional use would need the owner’s consent as well. Pinion said that in addition to a conditional use permit, the City also would issue a separate permit for a room tax permit. Pinion said that if there are concerns whether people could rent their apartments as a short-term rental, at this time the way the ordinance is drafted, technically they could do that; therefore, if the Commission wanted to limit it more, single family homes are not located exclusively in single-family zoning district, they are allowed in any residential district, so if the Commission wants to allow them in a single-family home, it could be drafted to say a single-family home only, or single and two-family homes only. However, if the Commission were to do that Pinion feels that they should be allowed in other residential districts by conditional use. Kolb said that his preference would be that it would be tied to the type of housing, rather than the zoning district. Attorney Bolin asked what the Commission’s concerns are if this goes beyond a single family, or owner-occupied. Kolb stated an absentee landlord that has a 4-plex or an 8-plex and rents one apartment; he doesn’t think it would be fair to the other renters. Attorney Bolin thought the best way to do this is to restrict it to a single-family dwelling, a two-family, or two-flat dwelling and then at the conditional use stage have the Commission consider whether or not it is appropriate given the configuration. After more length discussion, Kolb moved that short-term rental dwellings be limited to single-family dwellings only as a conditional use. Liston seconded. After more discussion, O’Neill moved to amend the motion that short-term rentals be limited to a detached single-family dwelling. Kolb and Franzen both agreed to the amended motion. On roll call vote for the motion, Ayes – O’Neill, Kolb, Fitzwilliams, Wedekind, Thurow, Franzen, and Liston. Nay – 0, and the motion carried.
- e. Consideration of revising the Height Limitation Zoning Ordinance and corresponding Height Limitation Zoning Map for the Baraboo-Dells Airport – Liston moved, Franzen seconded to revise the Height Limitation Zoning Ordinance and corresponding Height Limitation Zoning Map for the Baraboo-Dells Airport. On roll call vote for the motion, Ayes – Kolb, Fitzwilliams, Wedekind, Thurow, Franzen, Liston, and O’Neill. Nay – 0, and the motion carried.
- f. Consideration of a proposed parking lot expansion at 129 8th Avenue for Community First Bank – Brett Schwartz, Community First Bank introduced himself to the Commission. Pinion gave the Commission the background on this issue and said that the applicant is asking for the southern eight stalls that were originally proposed. He said that the bank has said that this is a final solution to their parking and would not intend to build anything further and maintain the area north of the parking lot as green space. Kolb asked Schwartz if the bank would be willing to put in some landscaping on the north side of the proposed parking lot. He said he would definitely take it to the board, but it would all depend on cost. He said that they would like to work with the City to get the request approved. Liston moved to approve the request subject to the submission of an updated landscaping plan and a stormwater management plan. Kolb seconded the motion. On roll call vote for the motion, Ayes – Fitzwilliams, Wedekind, Thurow, Franzen, Liston, O’Neill, and Kolb. Nay – 0, and the motion carried.

Adjournment - It was moved by Liston and seconded by Kolb to adjourn at 5:58 p.m. The motion carried unanimously.

Phil Wedekind,
Mayor Designee