

## Minutes of Plan Commission Meeting September 20, 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, Pat Liston, Jim O’Neill, Tom Kolb, and Kate Fitzwilliams (arrived at 5:19 p.m.). Roy Franzen was absent.

Also in attendance were Ed Geick, Atty. A. Bolin, Ray Bolton, Todd Frawley, Deb Nelson, Harry Nelson, David Mitchell, and Scott Ewing.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: Kolb moved, seconded by O’Neill 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 August 16, 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.

### **Public Hearing**

- a. Public Hearing to consider request by Church of the Nazarene for a conditional use permit to allow a variable message sign in an R-1A Single-Family Residential zoning district, located in the SE¼ of Section 26, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 1800 Crawford Street, Baraboo – There were no speakers so the hearing was declared closed.
- b. Public Hearing to consider the request of HARDEB LLC for a conditional use permit to allow the construction of a new Type I Easting Establishment with a drive—thru and pickup service in a B-2 Central Neighborhood zoning district, located in the NW¼ of Section 35, T12N, R6E, City of Baraboo, Sauk County, Wisconsin at 844 8<sup>th</sup> Avenue – There were no speakers so the hearing was declared closed.

### **New Business**

- a. Consideration of the Church of the Nazarene’s request for a conditional use permit to allow a variable message sign in an R-1A Single-Family Residential zoning district, located in the SE¼ of Section 26, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 1800 Crawford Street, Baraboo – Mary Small, 514 7<sup>th</sup> Avenue, representing the Church of the Nazarene introduced herself to the Commission. Attorney Bolin said the request is for an on-premises electronic variable message sign, which would be 12 square feet and the sign requires a conditional use permit. Bolin said that the Commission can approve or deny the conditional use permit and they could apply conditions. Wedekind asked Small if this is in lieu of what the church already has, or a separate sign. Small stated that it is a separate sign and that the old sign has already been torn down. Bolin said that this sign would replace the old sign. O’Neill asked the difference between the signs. Small said that the current sign has to manually be changed and the new sign, the messages would be electronically changed by a computer inside the building. O’Neill said that he has concerns regarding the light illumination; especially during the winter months because it is a residential district and at night could be shining in citizens windows. He asked if it would be possible to turn the sign off at night by 10:00 p.m. Small said that the Pastor said that they would comply with whatever was necessary. O’Neill asked if the message would be steady or changing and Small replied that as far as she knew it would be steady as to what is going on at the time and then change for the following Sunday. Kolb said that the concern that he had is that there is another church and a funeral home in the area and he doesn’t want to start a precedent. Liston said that he has a hard time with these signs and doesn’t think that they belong in the City because he doesn’t feel that they add any aesthetic value to the City. He said that he agrees with Kolb with the other church and funeral home in the same area, if the Commission approves these it would be opening a can of worms in essentially a residential district. Liston asked if the neighbors had been reached out to regarding this Church’s request. Bolin stated that the neighboring properties were notified of the public hearing. Liston said that he can’t vote for this request. Kolb asked Small what the current lighting is on the existing sign and she did not know. A citizen who lives a block down from the church said that there is a light on the existing sign at night and she did receive notice of the public hearing, which is part of the reason that she was in attendance. She said that the light that is shining on the sign isn’t any brighter than is on the Redlin Funeral Home. She said that she that there is some light on it at night, she thinks it goes off at night and she is guessing about 10:00 p.m. Liston moved to deny the request for the conditional use permit for a variable message sign. O’Neill seconded the motion. One roll call vote for the motion, Aye – Liston, O’Neill. Nay – Thurow, Kolb, Fitzwilliams, and Wedekind. Motion failed 2-4. Kolb moved to approve the request for the conditional use permit for a variable message sign, providing that the light is on no longer than 9:00 p.m. and that the variable message is only changed on a special occasion, or weekly basis. Fitzwilliams seconded the motion. Liston said that he can’t vote for this and he feels that he doesn’t feel that they Commission has enough information, the person doing the sign isn’t in attendance; therefore, the Commission doesn’t know what they are voting on. O’Neill said that he opposed to the light and is not going to vote for it. Liston said that Small is in a terrible position, the person that should be here to explain what the sign is all about isn’t in attendance; therefore, how can the Commission vote on something that they have very little information on. Kolb stated that he would like a little more information. Kolb and Fitzwilliams withdrew their motion. It was moved by Fitzwilliams to postpone the request for a conditional use permit for a variable message sign for the Church of the Nazarene

until the next Plan Commission meeting, and that the person who knows all about the sign be in attendance. O'Neill seconded the motion. On roll call vote for the motion, Aye – Liston, O'Neill, Kolb, Wedekind, Thurow, and Fitzwilliams. Nay – 0. Motion carried 6-0.

- b. Consideration of HARDEB LLC for a conditional use permit to allow the construction of a new Type I Eating Establishment with a drive—thru and pickup service in a B-2 Central Neighborhood zoning district, located in the NW¼ of Section 35, T12N, R6E, City of Baraboo, Sauk County, Wisconsin at 844 8<sup>th</sup> Avenue –Ray Bolton, Architect with ADCI, 30 Wisconsin Dells Parkways, Lake Delton introduced himself to the Commission. He stated that Deb and Harry Nelson, the owners of the project and Todd Frawley were also in attendance. He stated that the Plan Commission had the drawings and said that the only thing that Engineer Pinion wanted was a sidewalk to the north; however, as they understand it, there is not enough space between the sidewalk and the property line (the curb); therefore, he decided not to require that. He said that the packet which has the rendering, site plan was submitted. He said that the Site Plan and Stormwater Management Plan have been submitted to Pinion. He said that the rendering that they are indicating shows the proposed site and location, there would be four tenants, Dominos is the only one sure tenant at this time and Mr. and Mrs. Nelson will operate that as owners. Wedekind asked if all will be filled at the same time, or just start with Dominos. Bolton said that the entire structure will be built and it will be unfinished on the inside for future tenants. Kolb asked if the rendering is the actual true colors, etc., and it was answered in the affirmative. Kolb asked what type of materials they were and Bolton stated stone and LP Smart Siding; the colors are listed on the elevations. Kolb asked if Pinion had approved the landscaping, lighting, and stormwater management plans and Bolton believed he did. Bolin said that Pinion did review everything submitted and was okay with it all. It was moved by Liston to approve the request for a conditional use permit to allow the construction of a new Type I Eating Establishment with a drive-thru and pickup service in a B-2 Central Neighborhood zoning district, located at 844 8<sup>th</sup> Avenue, subject to the City Engineer approving stormwater management plan, site plan, lighting, and landscaping plan. Bolin stated that there are two things that need to be done, approving the conditional use permit, which because there is a drive-thru, but also approving the site plan. Liston's motion was to approve the conditional use permit. Seconded by O'Neill. On roll call vote for the motion, Aye – Kolb, O'Neill, Liston, Fitzwilliams, Thurow, and Wedekind. Nay – 0. Motion carried 6-0
- c. Consideration of a site plan for a proposed multi-tenant retail building that will include a Type I Eating Establishment with a drive-thru and pick up service at 844 8<sup>th</sup> Avenue for HARDEB LLC – Liston moved to approve the site plan as presented. Thurow seconded the motion. Kolb said that he is surprised that this does not include sidewalk, this is a busy thoroughfare. It was stated is sidewalk along 8<sup>th</sup> Avenue, but none along 9<sup>th</sup> Avenue. Geick said that there is sidewalk along the north side of 9<sup>th</sup> Avenue, there just won't be sidewalk along the south side of 9<sup>th</sup> Avenue. Geick said that there is a still a question as far as student traffic and pedestrian traffic crossing the street, it is assumed that there is quite a bit of that due to the fact that this will be a popular site and this is something that might be considered for the further by the developers working a crosswalk of something in there, which would be a wise and safe thing to do. It was stated that vehicles will only be allowed to turn right off of 8<sup>th</sup> Avenue to enter the property and right onto 8<sup>th</sup> Avenue when exiting. Fitzwilliams asked Nelsons if would be in charge of trying to fill the other tenant spots. Mr. Nelson said that they have outgrown their existing location, and Dominos Pizza is going through a reimage program and the current location is unable to comply with their standards. He said that inside will be like a pizza theater where customers will be able to watch their pizza being made. Mrs. Nelson said that it will be full sit-down restaurant. Geick said that this lot is an odd shape; however, he feels that they have a nice design that fits well with additional usually potentially in the future. O'Neill said that he likes the idea; however, feels that the Geick's idea of a crosswalk possibly should be made a condition. O'Neill asked if the street was marked for a crosswalk and if not how it could be done. Geick said that the owners could do it, or the City could do it at a later time. O'Neill said that he would like to add this as a condition to the approval. Liston said that the problem is that there could be five crosswalks and the kids won't use them. Nelson said that there were never any crosswalks at Culvers when they occupied their first location. O'Neill moved to amend the original motion to require a crosswalk. Liston didn't feel that it was the owner's responsibility to paint a crosswalk on a public street. The motion to amend dies for a lack of a second. On roll call vote for the motion, Aye – Thurow, Fitzwilliams, Liston, O'Neill, Kolb, and Wedekind. Nay – 0. Motion carried 7-0.
- d. Consideration of the Final Plat for the 2<sup>nd</sup> Addition to Pleasant View, a 10-lot residential subdivision on the east side of CTH T (Taft Ave) at Tillberry Drive, located in the SW¼ of the SW¼ of Section 30, T12N, R7E in the City of Baraboo, Sauk County, Wisconsin for D Mitchell LLC – David Mitchell, 901 Connie Rd, West Baraboo, and Scott Ewing, Grothman & Associates, 625 E. Slifer Street, Portage introduced themselves to the Commission. Attorney Bolin said that this is a follow-up review of the Final Plat for the 2<sup>nd</sup> Addition to Pleasant View. She said the Preliminary Plat was approved at the May 17<sup>th</sup> Plan Commission meeting and there have been no changes since them; therefore, it will be ten new lots as shown on the Plat. She said since the Preliminary Plat was approved, State Statutes do require that we approve the Final Plat if it was submitted within 36 months. Kolb moved, O'Neill seconded to approve the Final Plat for the 2<sup>nd</sup> Addition to Pleasant View as submitted. On roll call vote for the motion, Aye – Wedekind, Kolb, O'Neill, Liston, Fitzwilliams, and Thurow. Nay – 0. Motion carried 6-0.
- e. Review a Conceptual Development Plan in accordance with Step 2 of the PUD Process for the proposed redevelopment of the former Blue & White Motel Site, located on the southeast corner of Walnut and Mulberry Street in an R-3 multi-family residential zoning district – Attorney Bolin said that this is an informal discussion, which is the second step of the PUD process, a review of the project so that they can get the Commissions input and come back with the final project. Scott Ewing said that property contains 3.41 acres and is located at the intersection of Walnut and Mulberry. He said that there are existing cottages on this property and they are proposing to create a PUD that would create a 5-lot subdivision plat. He said that that is an existing house at the corner and another one to the south, the one on the intersection will remain a single-family

use. He said that Lots 1, 2, 3, and 4 would be for single family residential homes. He said Lot 5 is a larger, 2.42 acre lot. He said that at this time the existing zoning is R-3 which would allow 3500 square feet per unit, which would equate overall to like 44 units; however, Mitchell is only proposing a total of 16 units; 12 on the larger lot and then four single-family homes. Ewing then presented his proposal to the Commission showing a map of the current cabins and where a proposed 6-unit and three duplexes would go on Lot 5. He said that there is be a lot of parking, including underground parking. He then explained the proposed stormwater management. He said that this is what they feel the proposal looks good and is a good fit for this property. He said that the proposal does not over densify it; it is leaving green space and allowing a little more room. Kolb said that there was a proposal years ago that had a lot of density and he likes this concept better because there are fewer people, with the school and the amount of traffic in that area. Kolb also feels that the single family units enhance the area. David Mitchell stated those lots 1 and 2 and is single family and will front off of Mulberry, and lots 3 and 4 will be single family and will share a driveway fronting on Mulberry. Ewing stated that the PUD is more flexible because in an R-3 zoning it is limited to a 4-unit; however, they are proposing a 6-unit, because of how it is placed; it seems to be more efficient that way to build a structure. Mitchell added that the grade works well for getting the garages under the six-unit. Liston asked if these would be rental units or owned. Mitchell stated that they would be rentals. It was the consensus of the Commission was favorable to move forward with the project.

The meeting was adjourned at 6:43PM.

**Adjournment** - It was moved by Liston and seconded by Kolb to adjourn at 5:55 p.m. The motion carried unanimously.

Phil Wedekind,  
Mayor Designee