

## Minutes of Plan Commission Meeting October 18, 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, and Tom Kolb. Kate Fitzwilliams was absent.

Also in attendance were Tom Pinion, Ed Geick, Atty. A. Bolin, Mark Carlson, Jonathon Tipton, Brent Hesselberg, Scott Zietlow, Betty Matthews, and Katy \_\_\_\_\_.

### **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 Kolb to approve the minutes of the September 20, 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 of 1022 & 1024 Parkside LLC, c/o Tracy Papandrea, for a Conditional Use Permit to convert the two existing two-unit condominium to side-by-side single-family residential dwellings at 1016/1018 and 1022/1024 Parkside Avenue, Baraboo of Baraboo, Wisconsin – There were no speakers so the hearing was declared closed.

### **Old 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 – Pinion said that Jonathon Tipton, Pastor of the church, and Brent Hesselberg of the Sign Shop were in attendance. He then presented a picture of the sign the Hesselberg sent in that is super-imposed from last meeting. He said that the variable message is going to be smaller than the back lit fluorescent lit, changeable message board. He said he doesn't think many sign companies sell the changeable lettered signs, and the way to the future seems to be the electronic ones. He said the City ordinance limits the sign to 12 square feet, which is seen not occupying the entire space of the old sign. He said that in the month's summary he gave the Commission the characteristics of the how the sign has to be operated, not only in accordance with the definition in our Zoning Code, but also with the DOT's requirements. Kolb asked Hesselberg is the sign would be any brighter than the original. Hesselberg answered that it would be a lot less bright because the original cabinet was 3 x 24 square feet of visible lighted area, this cabinet has a potentially lighted area of 10 square feet, and because it is only digital letters that light up, which technically only pick up less than 30% of that square footage. He said that the sign dims at night and it can be adjusted; it can be programmed to come on and go off at a certain time. Kolb asked Pastor Tipton what the hours of operating on the current sign were. Tipton said that currently it would come on at dusk and shut off between 10:00 and 10:30 in the evening. Kolb said that he doesn't want a sign that is flashing messages in a residential area, and asked how often he would anticipate changing the sign. Tipton said that they would put a couple of different messages on it, service times and a positive, encouraging statement; however, it would not be a fast move, but more a fade out and fade in, so it wouldn't cause any distraction for traffic, and each one would be left up for approximately for 30-45 seconds so it would give people time enough to read it without being distracted. Hesselberg that that this sign is totally programmable in the software. O'Neill asked if the sign is capable of flashing and scrolling. Hesselberg said that it can be programmed to do anything, but it isn't a full color video screen. O'Neill has a concern that once the Commission sets a precedence of allowing variable message signs in a residential neighborhood, it could get out of hand. O'Neill said that if the Commission would approve this he would not like to see it go so late at night and turn off possibly 10:00 at the latest. Kolb wanted to clarify that if the Commission permitted this, they would want it off by 10:00 p.m., a six second between messages, and no graphics. Franzen said that it could be set longer than six seconds between messages, six seconds is the DOT minimum rule. Kolb moved to approve the request for a conditional use permit to allow a variable message sign in an R-1A Single-Family residential zoning district at 1800 Crawford Street with the condition that it is off by 10:00 p.m., 30 seconds between changes of messages, and there will be no graphics. Franzen seconded the motion. On roll call for the motion, Ayes – Thurow, Franzen, Liston, O'Neill, Kolb, and Wedekind. Nays – 0, motion carried 6-0.

### **New Business**

- a. Consideration of 1022 & 1024 Parkside LLC's request for a Conditional Use Permit to convert the two existing two-unit condominium to side-by-side single-family residential dwellings at 1016-1018 and 1022/1024 Parkside Avenue, City of Baraboo, Wisconsin – Mark Carlson said that the Papandreas are in the process of dissolving the condominium, and then would live divide the duplexes to zero lot so each duplex can be owned by individual rather than a condo arrangement. Liston asked if there currently were more condos in this complex than these, Carlson said that there wasn't. Wedekind asked if there was a fire wall between them and Pinion said that he doesn't have the written report, but has been told that there is. He said that the only document that the City would need before the CSM could get recorded is the dissolution of the

condominium association and that is something the Papandreas are working on with their attorney. It was moved by Liston, seconded by O'Neill to approve the request for Conditional Use Permit to convert the two existing two-unit condominiums to zero lot line duplexes. On roll call vote for the motion, Ayes – Franzen, Liston, O'Neill, Kolb, Wedekind, and Thurow. Nay – 0, motion carried 6-0.

- b. Review and approve a four-lot Certified Survey Map for side-by-side single-family residential dwellings at 1016/1018 and 1022/1024 Parkside Avenue, City of Baraboo, Wisconsin for 1022 & 1024 Parkside LLC, c/o Tracy Papandrea – Liston moved, Kolb seconded to approve a four-lot CSM as presented. Kolb asked if it was necessary to add a conditional that they follow the zero lot line code. Pinion said in order for them to do the side-by-side they have to follow Code, the CSM is one component of that and they have to sign the agreement. Liston amended his motion to be conditioned on full compliance with City Code. Kolb seconded the amended motion. On roll call vote for the motion, Ayes – Liston, O'Neill, Kolb, Wedekind, Thurow, and Franzen. Nay – 0, motion carried 6-0.
- c. Review and recommendation on the annexation and zoning upon annexation of two parcels of land on the north side of the 1300 block of South Blvd (CTH W), located in the SW¼ of the NE¼ Section 3, T11N, R6E in the Town of Baraboo, totaling approximately 1.17 acres owned by KT Real Estate Holdings, LLC – Scott Zietlow, 1626 Oak Street, LaCrosse, WI, representing Kwik Trip introduced himself to the Commission. Pinion said KT Real Estate Holdings has acquired two parcels between their existing Kwik Trip development and MSA Professional Services on the north side of South Blvd., immediately east of the existing Kwik Trip. He said that they have expressed the intention to supplement their current development by adding diesel fuel islands. He said that all necessary annexations papers have been submitted. He said construction will begin in the spring. Pinion said that they will have to amend the original conditional use permit once it is formally in the City and the site plan review is before the Commission at this time. He said that they have to touch up the landscaping plan; they will have the existing driveway configuration. He said that the intersection of the driveways seem to be working very well since traffic has died down some. Kolb moved, Liston seconded to recommendation the annexation of the two parcels of requested. Pinion said that as part of the annexation the Commission should consider what they want the property zoned once annexation has occurred. He said that everything along this corridor is zoned B-3. Kolb amended his motion to include the property being zoned B-3 upon annexation. Liston seconded the amended motion. Franzen asked Zietlow if the exit that currently comes out of their present station that runs down to the corner and then up Hwy. 12 up to O'Reilly's is always going to be accessible. Zietlow said that it is his understanding that exit will not be there forever. Franzen asked if Kwik Trip would put a stop there and not allow that to happen. Zietlow said that is doesn't know what is going to happen to the corner lot. Liston said that it isn't an entrance, it is just an exit and one can't hinder from that because it is a divided highway. Pinion said that there is median opening where it could be used for ingress as well as egress and it is a shared driveway by easement, it is prescribed by easement to provided shared access to that western 100 feet of what Kwik Trip's ownership is. It is a separate lot that they will be looking to sell individually, if they can secure a cross parking easement to give them that he is sure that will be part of the negotiations, but Zietlow isn't the one that can so that. Liston feels that it would be helpful because entering could be a dangerous situation, exiting would be less so because you have to go north. Pinion and Franzen said that exiting vehicles could go north or south due to the median opening. Pinion said that this has worked for O'Reilly's with the extra traffic from Highway 12, a year from now when the thru traffic is moved over a mile, it will make it an easier cross-traffic movement, South Blvd. may become a little bit busier at the intersection, but this gives people an option. On roll call vote for the motion, Ayes – O'Neill, Kolb, Wedekind, Thurow, Franzen, and Liston. Nay – 0, motion carried 6-0.
- d. Discussion of possible changes to the City of Baraboo Ordinances, Chapter 17, Subchapter III: Sign Code – Attorney Bolin said that there was a recent Supreme Court case that basically said that any regulation of signs based on the content of the signs is unconstitutional because it stops the free speech, so it is subject to \_\_\_\_\_ scrutiny. She said that she feels that the Code really has to be looked at and changes made, but she wanted to bring it before the Commission first to get thoughts and directions. She said that mainly what is being recommended by lots of different organizations is instead of content, look at time period, so, for example, in order to allow political signs, everybody can have one extra sign, this dimension, 60 days before an election, that type of thing. O'Neill asked if the time period can be regulated, Bolin answered in the affirmative. She said another example would be if a house is being sold, an extra sign can be placed on their property. It was verified that a sign can't be designated as a political sign, etc., because that is content. Pinion said that the Commission was given a copy of the Sign Code that shows the parts that are in conflict with the Supreme Court decision. Bolin said that she skimmed through the ordinance and said that these are things that could possibly be a problem. She said what she wants from the Commission is how they want staff to move forward with the sign, and what they want to see in the ordinance. Liston asked the timeframe for redoing the ordinance. Bolin said that it isn't a rush; however, the key for the City is going to be is that things that would be unconstitutional, we won't \_\_\_\_\_. Liston said that he would like more time to look at the Code. O'Neill understands the need for the changes and feels it should move forward. Franzen said that the Sign Code was reviewed not too long ago and he feels disappointed that it doesn't suite where the City wanted it to go, he isn't a lawyer and doesn't always know what the law is for Federal, and if it wrong it has to be fixed. It was stated that the Supreme Court decision was started due to directional signs. She said that there are two categories that the City will still be able to regulate what they say, government signs are one of them. She said that other thing the City can still regulate is off-premises signs. Bolin asked if to the Commission wanted her to bring back a draft next month, Liston said he would like to see a work in progress, but he doesn't think it is going to be an easy thing to draft and will take some time.

**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