

## Minutes of Plan Commission Meeting November 17, 2015

**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 and Jim O’Neill. Kate Fitzwilliams was absent.

Also in attendance were Tom Pinion, Scott Zietlow, Hans Zietlow, Scott Turner, and Dave Malone.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: Wedekind said that one change would be made to the agenda, moving item e, Review and recommendation of GROW Baraboo to item c. It was moved by Kolb, seconded by Thurow to approve the agenda as revised. Motion carried unanimously.
- c. Minutes Approval: It was moved by Liston, seconded by O’Neill to approve the minutes of the October 20, 2015 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**

Request of Kwik Trip, Inc. for a Conditional Use Permit to allow the construction of a Convenience Store and Fueling Facility to be located at 1330 South Boulevard, Baraboo, Wisconsin – There being no testimony, the hearing was declared closed.

### **New Business**

- a. Request of Kwik Trip, Inc. for a Conditional Use Permit to allow the construction of a Convenience Store and Fueling Facility to be located at 1330 South Boulevard, Baraboo, Wisconsin – Scott Zietlow, Director of Real Estate for Kwik Trip, 1626 Oak Street, LaCrosse, Wisconsin introduced himself to the Commission. Engineer Pinion said that this is a familiar request as it was reviewed two years ago. He said that this is the property on the NE quadrant of US Hwy. 12 and South Blvd. He said that there was a conditional use permit approved at that time, along with a site plan; however, since nothing was done for a period of 12-months it expired. Kolb questioned the area that was not being built on. Zietlow said that there was a fuel restriction by Turner Oil from 1956 that the title company didn’t find, usually they go away in 50-years; however, there is a strange State Statute that they can be reinstated if it done within the 50-years; therefore, it is now restricted for fuel for another 50 years. He said that the store will be nicer than the one previously proposed; it has been upgraded to a 7,000 square foot, rather than 5,000 square foot. He said that once the store is built the empty lot will become available. Wedekind asked how big the lot is and it was stated that it is 1.16 acres. Pinion said that at this time there are two driveways on to South Blvd. and off of South Blvd., one is directly across from the driveway that serves Deppe, WCCC, and the Dollar Tree, so it will be convenient in terms of traffic there, at least it will function like a 4-way intersection, although two of the legs are really private driveways. He said that the City will want them wide enough so that there will be a lane for right out, a lane for left out, and a lane for inbound traffic. Kolb asked if this was in the plan or something that needs to be stipulated. Pinion said that it is something that the Commission may stipulate in the site plan, the driveways will be wide enough to do that, and it is a matter of providing the appropriate pavement markings on the property to encourage people to use it appropriately. It was moved O’Neill to approve the Conditional Use to allow the construction of a Convenience Store and Fueling Facility to be located at 1330 South Boulevard conditioned upon proper lane markings. Kolb seconded the motion. On roll call vote for the motion, Ayes – Thurow, Franzen, Liston, O’Neill, Kolb, and Wedekind. Nay – 0, and the motion carried.
- b. Review and approve Site Plan for proposed Kwik Trip Convenience and Fueling Facility at 1330 South Blvd. – Zietlow said that the elevations shows a much larger building, 4-sided architecture. He said that there will be ten fueling islands with 20 positions. It was moved by Liston, seconded by Franzen to approve the Site Plan as presented. Pinion said that the Site Plan meets the requirements for the City, although we would be looking for the technical documents, such as the Stormwater Management Plan, Landscape Plan, and Lighting Plan; therefore, any approval should be contingent upon satisfactory review and approval of those administratively. Liston then added the approval of Stormwater Management Plan, Landscape Plan, and Site Lighting Plan by the City Engineer to his motion. On roll call for the motion, Ayes – Franzen, Liston, O’Neill, Kolb, Wedekind, and Thurow. Nay – 0, and the motion carried.
- c. Review and recommendation of GROW Baraboo – 2015 Community and Economic Development Plan Update as an Amendment to the City’s Comprehensive Plan– Mayor Palm said that the Economic Development Commission has been working on a strategic plan and also an action plan, which is being called GROW Baraboo. He said that this is a plan that is jointly being adopted by the Village of West Baraboo. He said that at this time what we would like to be able to do is use the GROW Baraboo Plan as an updated Chapter 8 to the Comprehensive Plan that was done years ago. He said that as the Commission may recall, there were things in that Comprehensive Plan that were probably were very specific then, but we were in a different economy then than we are now, and we have also learned a lot. He went on to say although that the Baraboo Riverfront is a very important aspect of our Economic Development potential in Baraboo, so are the “bookends”,

which is the intersection of Highway 12 and 33 on the west side of the town, and certainly the east side of town. He said that it is difficult when people drive into town and see a lot of abandoned buildings on the outskirts, it kind of sets a pace for what they are going to think about the community; therefore, we are working together with the Village of West Baraboo. He said that one of things that we want to do with this plan in 2016, if approved at the budget, is to do a joint redevelopment plan for the west and east side of town with the same consultant, and the plans will be prepared at the same time. He said that with a favorable vote this evening a 30-day notice for a public hearing will have to be called at the second meeting of the Council in December. Based on the Council action that night, then it would become the new Chapter 8. Liston said that from what he has read it sounds like it is being revived, with a lot more energy. He said that it sounds like the City of Reedsburg, who was pulling out of it is now going to be back in it, as well as Sauk City and Prairie du Sac, so where does that leave the City of Baraboo as far as SCDA. Mayor Palm said that he is on the Task Force for SCDA and for the last couple of years, the SCDC just ran in place and there wasn't anything going on. He said that they came up with looking at it and saying that they are not getting on benefit out of giving the money that they give ever year; therefore, that along with the idea that what they are seeing is that many community the size of Baraboo are hiring people that will slide in for economic development positions, not that we have to follow the crowd, but it is imperative to use that someone is watching out for the Baraboo area economy. He said that when the Retail Market Analysis was done in 2011 it was realized that we had two major markets, one called convenience market that serves the Baraboo area, and the very specific market, where people would come in a buy something from Farm and Fleet, or Menards, which is called a Destination Market. He said that the Convenience market served approximately 33,000 residents, and the Destination Market served approximately 100,000, so what was realized was that the economy for the City of Baraboo doesn't stop at the City limits, it is the Baraboo area, and if each one were treated separately, we would just fight each other for the same bones instead of trying to grow the whole economy organically. He said that he is looking to have funds put aside this year, not only by the City, but also by the Village and the Chamber of Commerce. Directed back to the question of what is going on with SCDC, things were not going well and they looked around at other county-wide economic development groups and what was seen is that the model is moving away from the old standard, which was municipalities getting together and trying to figure out how to do economic development, and that worked well when there was 17% unemployment with Badger closed. He said that we needed to get business into Sauk County; the SCDC was successful in doing that. However, fast forward the model 40 years and now we have 3.2% unemployment, there isn't a company in town that says they have enough workers, so the dynamics have changed, but the SCDC's model has not. He said most of what is being seen now is successful models out there are private/public, where there private side investment and public side support, so that is what the Task Force is being charged with, coming up with a model that will work in Sauk County. He said that the question Liston asked is are these going to be conflict with each other, or are they going to work harmoniously with each other, working on the area wide economy is our responsibility, SCDC needs to take a look at a more county-wide effort as to how we are going to identify ourselves as a place for people to come to live, work and bring their business, because at this time, we have a labor shortage, we don't have enough qualified workers. Kolb asked if a qualified person in economic development on a part-time can be found. Palm said that initially the position will be filled internally by using the vast knowledge that Pat Cannon has. At this time he splits his time between the Community Development Authority and Economic Development; therefore, we will be moving him out of Donahue Terrace into an office space that will allow him to concentrate on Economic Development for the time he is in that space. It was moved by Liston to send this to the Council and schedule the public hearing. Franzen seconded the motion. On roll call vote for the motion, Ayes – Liston, O'Neill, Kolb, Wedekind, Thurow, and Franzen. Nay– 0, and the motion carried unanimously.

- d. Review and recommendation concerning proposed amendment to the Zoning Code to include a minimum time of residency in the definitions for a single-family dwelling and a two-family dwelling – referred from Common Council – Pinion said this started in July when the idea of establishing the ability to regulate short term rental in Baraboo was introduced. He said that it has progressed to the point where we decided to change the definition of a dwelling, send it to the Council with a minimum occupancy of 30-days. The first reading didn't generate any questions, between the first and second reading a couple people who operate this type of establishments expressed some concern; therefore, the Council sent it back to the Commission. He said that if the Commission wants to regulate this then the staff needs some direction on how best to achieve that goal. Kolb said that he would like to see these things in Baraboo, but on a limited basis; therefore, is there any way to regulate it through licensing, or conditional use permit so that they don't overly proliferate and the City would have some control. Pinion said that if the City were going to let them exist there are several different ways that we could attempt to regulate them. He said that administratively it won't be easy no matter how it is done, at this time if nothing is done it would be on a complaint basis and the police department would response. He said that from a zoning perspective these are located in single family neighborhood, no more than three unrelated persons are suppose to reside there; however, the Zoning Administrator is not going to check on a weekly basis on the tenants to see if they are complying. Liston felt that even if the Commission would approve this it will still be on a complaint basis. Pinion said that a new license could be created for this purpose, or could try to modify an existing permit that is issued by the Treasurer for all establishments that provide overnight accommodations, a.k.a. "Room Tax". He said that under Chapter 3 of the City Ordinance a retail sales tax (room tax) is imposed, and people that provide overnight accommodations for less than 30 days are obligated to enroll in the program, obtain a permit, and pay the 6% sales tax. Kolb felt that if it were done through CUP the City would be able to regulate them better. Wedekind said by license there could be an agreement that they would have to have neighborhood approval. Liston felt that the Commission is trying to find a solution for a problem that doesn't exist. Thurow feels that something should be developed that would spell out what could be done. Kolb agreed with Thurow and said it would be better to be pro-active. Franzen said that he has

rented short-term three times this year and felt that it was very convenient to have. He said that he thinks it is a good thing to bring people to the City; however, he agrees that some problems may arise, but it is short-term. Kolb asked if the City does nothing if the room tax can still be collected. Pinion said at the very least he felt that they would be notified that they would need to get a permit for the room tax. Pinion said that he would place in on next month's agenda for more discussion.

- e. Review and approve, conditionally approve, or reject 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 NE1/4 of the NE1/4 and the NW1/4 of the NE1/4, Section 23, T12N, R6E in the Town of Baraboo, Sauk County, Wisconsin – Pinion said that this was the topic of discussion last month. Liston said that the petition is not in attendance and it should be an automatic denial. Pinion said that since it was submitted there is a 90 day clock that starts ticking by State Statutes, if the Commission does nothing it will automatically be approved. He said that he did notify the surveyor that this would be a topic for discussion and because of the 90day clock we would likely look to take action. He said that this is the same as was before the Commission and because the applicant couldn't decide where he wanted to establish the required preservation area easement, whether it would be on Lot 1 as the City is requiring, or elsewhere on the home farm as the County may allow; therefore since this is up in air the motion to approve it was withdrawn, but it is something because of the statutory clock that it has to be looked at. He went on to say that since there is not documentation that demonstrates there's any preservation easement on this, it doesn't comply with the City's ordinance. Kolb moved to reject the CSM as submitted. O'Neill seconded the motion. On roll call vote for the motion, Aye – O'Neill, Kolb, Wedekind, Thurow, Franzen, and Liston. Nay – 0, and motion carried.
- f. Review and approve two lot Certified Survey Map of Lot 1, Block 2, Rolling Meadows subdivision plat, being a part of the NW1/4 of the SW1/4 of Section 30, T12N, R7E, City of Baraboo, Sauk County, Wisconsin, by Legacy Housing, LLC – Dave Malone, 1303 Capitol View Court, Waunakee then addressed the Commission. He said that this lot was originally a single family home lot and he is requesting to divide it into two lots so that it is more conforming to the other lots in the subdivision. Pinion this CSM meets all requirements in the subdivision and planning ordinance. It was moved by Kolb, seconded by Liston to approve the CSM as presented. On roll call vote for the motion, Ayes – Kolb, Wedekind, Thurow, Franzen, and O'Neill. Nay – 0, and the motion carried.

**Adjournment** - It was moved by O'Neill and seconded Kolb to adjourn at 6:05 p.m. The motion carried unanimously.

Phil Wedekind,  
Mayor Designee