

AGENDA FOR THE PLAN COMMISSION

Members noticed must notify the person who prepared agenda (see below) at least 24 hours before the meeting as to whether they will not be able to attend this meeting.

Date and Time: Tuesday, April 17, 2018, **5:15 PM**

Location: Council Chambers, Municipal Building, 101 South Blvd, Baraboo, Wisconsin

Plan Comm Notices: Mayor Palm, P. Wedekind, D. Thurow, R. Franzen, P. Liston, J. O'Neill, T. Kolb, K. Fitzwilliams

Others Noticed: T. Pinion, E. Geick, E. Truman, Jeremiah Thompson, Margaret Romano, Adolfo Morales, Ana Torres, Library, and Media.

PETITIONERS OR REPRESENTATIVES MUST BE PRESENT OR SUBJECT WILL NOT BE HEARD BY THE COMMISSION!

1. Call to Order

- a. Note compliance with the Open Meeting Law.
- b. Approve agenda.
- c. Approve March 20, 2018 meeting minutes.

2. 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.)

3. Public Hearing

- a. Public Hearing to consider the request of Jeremiah Thompson and Margaret Romano for a Conditional Use Permit to allow the use of their property at 416 5th Avenue as a short-term rental dwelling.

4. New Business

- a. Consideration of Jeremiah Thompson's and Margaret Romano's request for a Conditional Use Permit to allow the use of their single-family home at 416 5th Avenue as a short-term rental dwelling.
- b. Consideration of a request by Adolfo Morales and Ana Torres to review a Specific Implementation Plan for Stage 2 in accordance with Step 4 of the PUD Process of the previously approved General Development Plan for the redevelopment of the former Action Electric building to add a taco bar restaurant to the existing Las Milpas Hispanic Store, located at 609 8th Avenue on the southwest corner of Summit Street and 8th Avenue in a B-2 Central Neighborhood Business zoning district.

5. Adjournment

Phil Wedekind, Mayor Designee

Agenda prepared by Kris Jackson, 355-2730, Ext. 309
Agenda Posted by Kris Jackson on April 13, 2018, 2018

PLEASE TAKE NOTICE, that any person who has a qualifying as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 135 4th St., or phone 355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

It is possible that members of, and possibly a quorum of members of, other governmental bodies of the City of Baraboo who are not members of the above Council, committee, commission or board may be in attendance at the above stated meeting to gather information. However, no formal action will be taken by any governmental body at the above stated meeting, **other than the Council, committee, commission, or board identified in the caption of this notice.**

FOR INFORMATION ONLY, NOT A NOTICE TO PUBLISH.

PLAN COMMISSION ITEM SUMMARY
April 13, 2018

SUBJECT: CONSIDERATION OF JEREMIAH THOMPSON’S AND MARGARET ROMANO’S REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE USE OF THEIR SINGLE-FAMILY HOME AT 416 5TH AVENUE AS A SHORT-TERM RENTAL DWELLING.

SUMMARY OF ITEM A: Following is an excerpt from the Definitions in our Zoning Code:

SHORT-TERM RENTAL DWELLING (2446 08/23/2016) Any single-family dwelling that is rented to any person on a day-to-day basis or for a period of time of less than 30 consecutive nights. Any advertising of a short-term rental dwelling shall be conclusive proof that a dwelling is being used as a short-term rental dwelling. Any real property that is used for short-term rental shall no longer be considered a single-family dwelling.

As part of the adoption of the State budget last year, the law changed AGAIN regarding short-term dwelling units. The new law – Section 66.1014 of the Wisconsin State Statutes is included in the packet.

Since the new law applies to a residential dwellings offered for rent for a fee and for more than 6 but fewer than 29 consecutive days, it may be worth limiting the propose CUP to fewer than 6 consecutive days. Any use of a single-family residence as a short-term rental dwelling is also subject to the provisions of the City’s Room Tax regulations, which requires a license from the City and payment of room tax along with the requisite reporting.

COMPLIANCE/NONCOMPLIANCE:

Pursuant to Section 17.37 – *Conditional Use Review and Approval*, I have found the application to be complete and have reviewed it for compliance with the ordinance.

ACTION: Approve / Deny Conditional Use Permit (with certain conditions?)

SUBJECT: CONSIDERATION OF A REQUEST BY ADOLFO MORALES AND ANA TORRES TO REVIEW A SPECIFIC IMPLEMENTATION PLAN FOR STAGE 2 IN ACCORDANCE WITH STEP 4 OF THE PUD PROCESS OF THE PREVIOUSLY APPROVED GENERAL DEVELOPMENT PLAN FOR THE REDEVELOPMENT OF THE FORMER ACTION ELECTRIC BUILDING TO ADD A TACO BAR RESTAURANT TO THE EXISTING LAS MILPAS HISPANIC STORE, LOCATED AT 609 8TH AVENUE ON THE SOUTHWEST CORNER OF SUMMIT STREET AND 8TH AVENUE IN A B-2 CENTRAL NEIGHBORHOOD BUSINESS ZONING DISTRICT.

SUMMARY OF ITEM B: In February 2017, the Commission recommended approval of a PUD to convert the former Action Electric building at 609 8th Avenue to Las Milpas Hispanic Store, which was relocated from its previous location at 830 USH 12 on the west side of Baraboo. At that time, they were seeking approval of what was shown as “Stage 1” but their GDP included a future “Stage 2” area. They are now looking for your feedback for their proposed “Stage 2” and they provided an updated floor plan, accordingly. Although the underlying B-2 zoning district allows a Type 1 Eating Establishment, the PUD restricts the use of the property only to the GDP that was approved by the Common Council. This SIP does not include any significant changes to the building envelope but does modify the existing floor plan. Since this considered a change in use of the property, State-Approved building plans will be required.

COMPLIANCE/NONCOMPLIANCE:

Pursuant to Section 17.36B – *Planned Unit Developments*, I have found the application to be complete and have reviewed it for compliance with the ordinance.

ACTION: Approve/Conditionally Approve/Deny the SIP.

ACTION: Forward to Common Council for a Public Hearing on the Re-Zoning with a recommendation to Approve the SIP for Stage 2.

Minutes of Plan Commission Meeting March 20, 2018

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 (5:20 p.m.).

Also in attendance were Engineer Tom Pinion, Mike Palm, David Mitchell, Tom Greve, Paul Wolter, Harry Machtan, Jim Riley, Tom Wolter, and Kim Slezak.

Call to Order

- a. **Note compliance with the Open Meeting Law.** Wedekind noted compliance with the Open Meeting Law.
- b. **Agenda Approval:** It was moved by Kolb seconded by Franzen to approve the agenda as posted. Motion carried unanimously.
- c. **Minutes Approval:** It was moved by O’Neill, seconded by Liston to approve the minutes of the February 20, 2018 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.*) – Kim Slezak, 1255 Springbrook Drive, addressed the Commission regarding Mitchell’s request for 1310/1312 Lake Street. He said that he does not personally have a problem with it if it is going to be two single-family homes and not a duplex. He also stated that the address of 1310.1312 Lake Street is incorrect; it should be 1224/1226 Lake Street.

Public Hearings:

- a. **Public Hearing to consider the request of D Mitchell LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 62 of the Second Addition to Pleasant View subdivision to two, side-by-side single-family residential dwellings at 1831/1833 Park View Drive, City of Baraboo, Sauk County, Wisconsin** – There were no speakers, and the hearing was declared closed.
- b. **Public Hearing to consider the request of D Mitchell LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 3 of the First Addition to Springbrook Hills Replat to two side-by-side single-family residential dwellings at 1310/1312 Lake Street, City of Baraboo, Sauk County, Wisconsin** – Jim Riley spoke regarding the address and then asked if this request is going for all the lots or just Lot 3. Pinion said that tonight’s agenda item is only for this existing lot, Lot 3. The hearing was declared closed.

New Business

- a. **Consideration of D Mitchell LLC’s request or a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 62 of the Second Addition to Pleasant View subdivision to two side-by-side single-family residential dwellings at 1831/1833 Park View Drive, City of Baraboo, Sauk County, Wisconsin** – Dave Mitchell, 418 13th Street introduced himself to the Commission. Pinion presented the background for this request to the Commission. It was moved by Kolb, seconded by Franzen to approve the Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 62 of the Second Addition to Pleasant View subdivision to two side-by-side single-family residential dwellings at 1831/1833 Park View Drive as requested. On roll call vote for the motion, Ayes – Thurow, Franzen, Liston, O’Neill, Kolb, Fitzwilliams, and Wedekind. Nay – 0, motion carried 7-0.
- b. **Review and approve a two-lot Certified Survey Map for two side-by-side attached single-family residential dwellings at 1310/1312 Lake Street for D Mitchell, LLC** – It was stated that this is the

address that is in question. Pinion then presented a map off the GIS. He stated that Springbrook has street numbers that span two different blocks, the 1200 and 1300 block. He said that on Lake Street, the 1300 block starts below the intersection. Therefore, Lot 3, which is the subject property, is really in the 1300 block of Lake Street, as opposed to the 1200 block of Springbrook. Pinion said that if the address were different from this on the permit, it would be corrected; however, the actual physical address of the property is as noted, 1310/.1312 Lake Street. Pinion gave background for the request. It was moved by Liston, seconded by O'Neill to approve the two-lot CSM as presented, subject to the CUP, which is next on the agenda being approved. On roll call vote for the motion, Ayes – Franzen, Liston, O'Neill, Kolb, Fitzwilliams, Wedekind, and Thurow. Nay – 0, motion carried 7-0.

- c. Consideration of D Mitchell LLC's request for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 3 of the First Addition to Springbrook Hills Replat to two side-by-side single-family residential dwellings at 1310/1312 Lake Street, City of Baraboo, Sauk County, Wisconsin – It was moved by Kolb, seconded by Liston, to approve the CUP as presented. On roll call vote for the motion, Ayes – Liston, O'Neill, Kolb, Fitzwilliams, Wedekind, Thurow, and Franzen. Nay – 0, motion carried 7-0.
- d. Review and approve a two-lot Certified Survey Map for two side-by-side attached single-family residential dwellings at 1831/1833 Park View Drive, for D Mitchell, LLC – It as moved by Kolb, seconded by Franzen to approve the two-lot CSM as presented. On roll call vote for the motion, Ayes – O'Neill, Kolb, Fitzwilliams, Wedekind, Thurow, Franzen, and Liston. Nay – 0, motion carried 7-0.
- e. Review and approve a two-lot Certified Survey Map of Lots 56 & 57 of the 2nd Add'n to Pleasant View Subdivision, located at 1310 and 1320 16th Street, for D Mitchell, LLC – Pinion presented the background regarding this CSM. He said that this CSM is for a simple lot line adjustment. It was moved by Liston, seconded by O'Neill to approve the CSM as presented. On roll call vote for the motion, Ayes – Kolb, Fitzwilliams, Wedekind, Thurow, Franzen, Liston, and O'Neill. Nay – 0, motion carried 7-0.
- f. Review and approve a three-lot Certified Survey Map of a part of Outlots 4 and 5 of English's Addition and lands in the Sw¼ of the NE¼, Section 35T12N, R6E in the City of Baraboo, Sauk County Wisconsin, located at 1320 Crawford Street, for Leif N. Grimstad Living Trust – Pinion presented the background for the proposed CSM. Harry Machtan stated that the Grimstads lived there for 61 years, and he passed away six years ago. It was moved by Liston, seconded by Kolb to approve the CSM as presented. On roll call vote for the motion, Ayes – Fitzwilliams, Wedekind, Thurow, Franzen, Liston, O'Neill, and Kolb. Nay – 0, motion carried 7-0.
- g. Consideration of designating the Downtown Baraboo Historic District and 213 Lynn Street as historic places in the City of Baraboo, pursuant to Section 17.53(4) of the Zoning – Pinion presented the list of the properties that the City has currently dedicated as historic. (Listed included in packet). He said pursuant to the ordinance, the only way that the City can do this is if it meets one of the four conditions in the ordinance, two of which are either the State or Federal Register of Historic Places. He said in this case, the Historic Downtown District and 213 Lynn Street have both been added to both the State and Federal Register. He said the Downtown District was done in 2014 on State, 2015 for the Federal. He 213 Lynn Street was added to State and Federal in 2017. O'Neill asked if the owners of record have been notified pursuant to the ordinance, subchapter 6, procedures. Pinion stated that it looks like this should apply and there has not been a public hearing held or owners notified. He said that the Public Hearing can be set for the next Plan Commission meeting.
- h. Discuss the need for the Plan Commission to Appoint an Ad Hoc Historic Preservation Advisory Committee pursuant to Section 17.53(&) of the Zoning Code – O'Neill said that he feels that it would be very valuable to the Commission to have such an Ad Hoc Committee to advise them of historic preservation. Kolb said that he does not feel very strongly on this one way or another. He said he is amazed at the power that the Plan Commission has when looking at the historic places. He said that he does not remember the Plan Commission ever taking up historic designation. He said this is well spelled out what can and cannot be done. Kolb questions why another committee is needed to look at this. O'Neill said that he would look at the Advisory Board as doing the work for the Commission because they would have the expertise, and knowledge of historical significance for various

properties, etc. Kolb said that this would add one more step, and that those experts could just come before the Commission if needed. Liston agreed with Kolb. Paul Wolter said that the ordinance was passed in 1994; the State mandated that any municipalities that had national register properties must enact an historic preservation ordinance. He said to his knowledge this ordinance has not been enforced. He said if the statute was read, any time a building permit was issued on one of these buildings, a red flag should go off, and they would apply to the Plan Commission to have their designs or plans approved or certificate of appropriateness be done. He went on to say that if the City ordinance were enforced and an appropriate committee were set up, it is a possibility that Baraboo could be certified as a certified local government, and that would open the City up for grant opportunities for historic preservation projects. Wolter said that it is not about designation as it is about enforcement of the ordinance. Kolb said that now that it has been pointed out that the ordinance has not been followed, he still does not feel a special committee is needed. Liston feels that the Commission has been very careful about preserving old historic buildings, and he fails to see what an Adhoc Committee is going to add to it, and he is totally against it. Pinion said that he is aware of this ordinance and when properties that are on the list come for a building permit, if they are proposing any change to the exterior, a Certificate of Appropriateness is required; however, no one has come forth to alter the exterior of a building. He said that typically it is the property owner that has applied for the designation, bought the property knowing that it is historically designated, and wants to preserve it.

Adjournment - It was moved by Liston, seconded by Kolb to adjourn at 5:48 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee

For Office Use:	Date		Date
<input type="checkbox"/> Application given by _____	_____	<input type="checkbox"/> Referred to Council	_____
<input type="checkbox"/> Received by Bldg. Inspector	_____	<input type="checkbox"/> Public Hearing Set	_____
<input type="checkbox"/> Fee received by Treasurer	_____	<input type="checkbox"/> Date Notices Mailed	_____
<input type="checkbox"/> Building Insp. Certified	_____	<input type="checkbox"/> Public Hearing Published	_____
<input type="checkbox"/> Filed with City Clerk	_____	<input type="checkbox"/> Public Hearing Held	_____
<input type="checkbox"/> Referred for Staff Review	_____	<input type="checkbox"/> Plan Meeting Action	_____

City of Baraboo
 135 4th Street
 Baraboo, WI 53913
 (608) 355-2730 phone
 608 355-2719 fax

APPLICATION FOR CONDITIONAL USE PERMIT

(A non-refundable \$250 fee must accompany this application upon filing.)

FOR TREASURER USE ONLY
Receipt # _____
Account # 100-22-4440

Date of Petition: _____

The undersigned, being all the owners of the real property covered by this conditional use request hereby petition the City of Baraboo Plan Commission as follows:

- Name and address of each owner: (Please attach additional pages as necessary.)
Jeremiah Thompson - 416 5th Ave Baraboo
Margaret Romano - 416 5th Ave Baraboo
- Name and address of applicant if not an owner. Describe interest in site (if tenancy, attach copy of current lease):

- Address of site: 416 5th Ave, Baraboo WI
- Tax parcel number of site: 206 1368 00000
- Accurate legal description of site (state lot, block and recorded subdivision or metes and bounds description) (Attach copy of owner's deed):
Sec. 35, T12N, R6E
City of Baraboo Formerly Adams LOT 6 BLK 18
0.0 Acres
- Present zoning classification: _____
- Requested conditional use: We are requesting the use of occasionally renting our home through Air BNB. Our hopes is to open our space for families looking for a home to rent once a month, through Air BNB
- Brief description of each structure presently existing on site:
- Single family home
- garage
- shed attached to garage.
- Brief description of present use of site and each structure on site:

A family of 5 lives here full time.

10. Brief description of any proposed change in use of structures if request for conditional use is granted: (include change in number of employees on site)

- None -

11. The following arrangements have been made for serving the site with municipal sewer and water:

N/A

12. Name, address, and tax parcel number of the owners of each parcel immediately adjacent to the boundaries of the site and each parcel within 200 feet including street and alley right-of-way of each exterior boundary of the site (see section 17.37(3)(a) of City Code.)

13. A scale map or survey map must be attached showing the following: (Note: This section is not required for home occupation requests; skip to 14.) (see section 17.37(2)(a) of City Code.)

- a. Location, boundaries, dimensions, uses, and size of the site and structures and its relationship to adjoining lands.
- b. The approximate location of existing structures on the site, easements, streets, alleys, off street parking, loading areas and driveways, highway access and access restrictions, existing street, side and rear yards, proposed surface drainage, grade elevations.

14. State in detail, the evidence indicating proof that the proposed conditional use shall conform to each of the standards for conditional uses set forth in section 17.37(2)(b) of the City Zoning Code.

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

Notice to Property Owner: Conditional use permits, if granted, are subject to a 10 day appeal waiting time.

Dated this ____ day of _____, 20__.

[Signature]
Property owner

[Signature]
Property owner

I certify that that I have reviewed this application for completeness.

Date: _____ Zoning Administrator: _____

66.1014 Limits on residential dwelling rental prohibited.

(1) In this section:

- (a)** "Political subdivision" means any city, village, town, or county.
- (b)** "Residential dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household to the exclusion of all others.

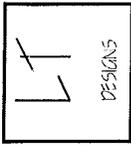
(2)

- (a)** Subject par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.
- (b)** If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.
- (c)** Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).

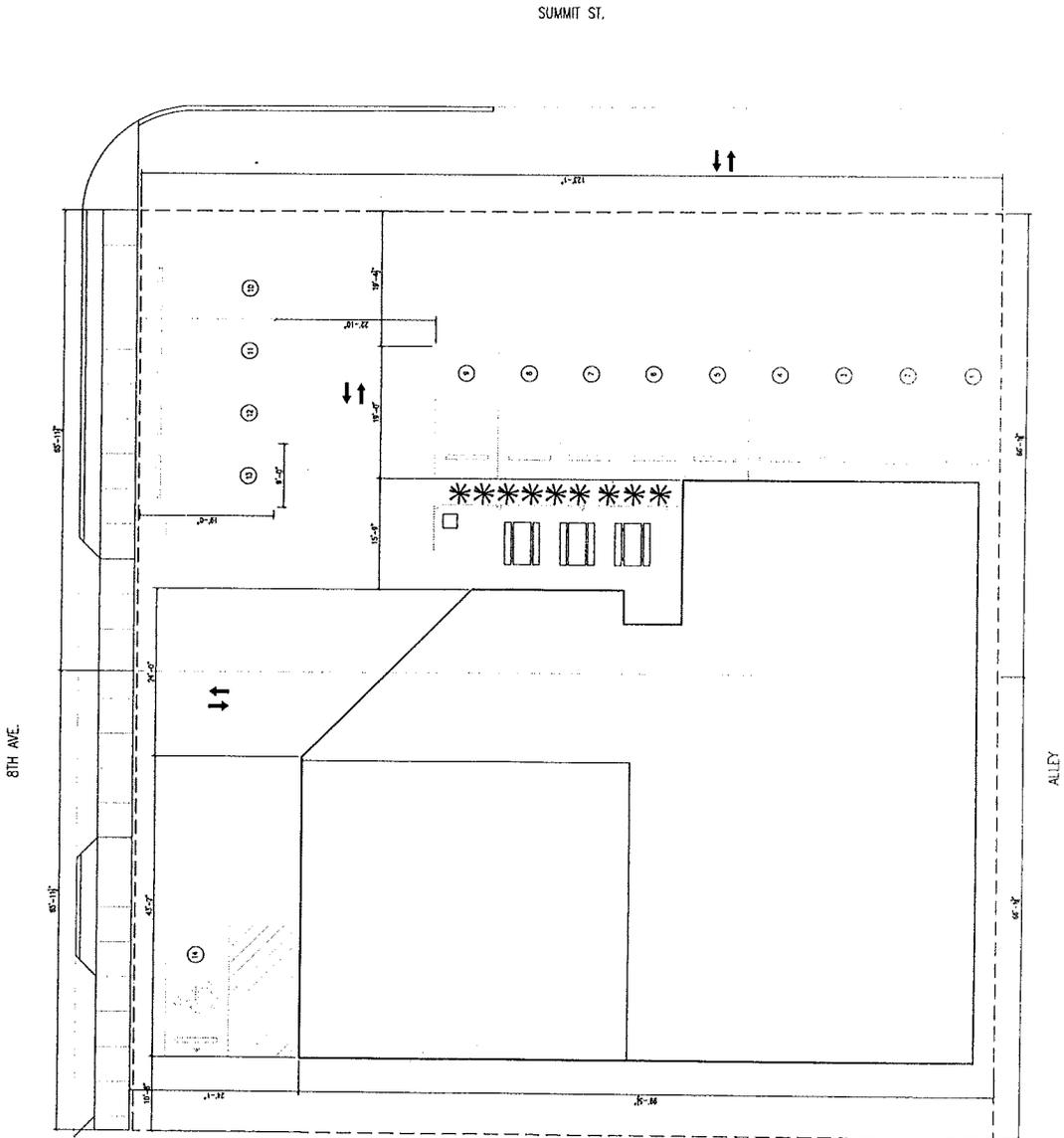
(d)

1. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify clerk of the political subdivision in writing when the first rental within a 365-day period begins.
2. Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 30 nights each year, shall do all of the following:
 - a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. 97.01 (15k).
 - b. Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

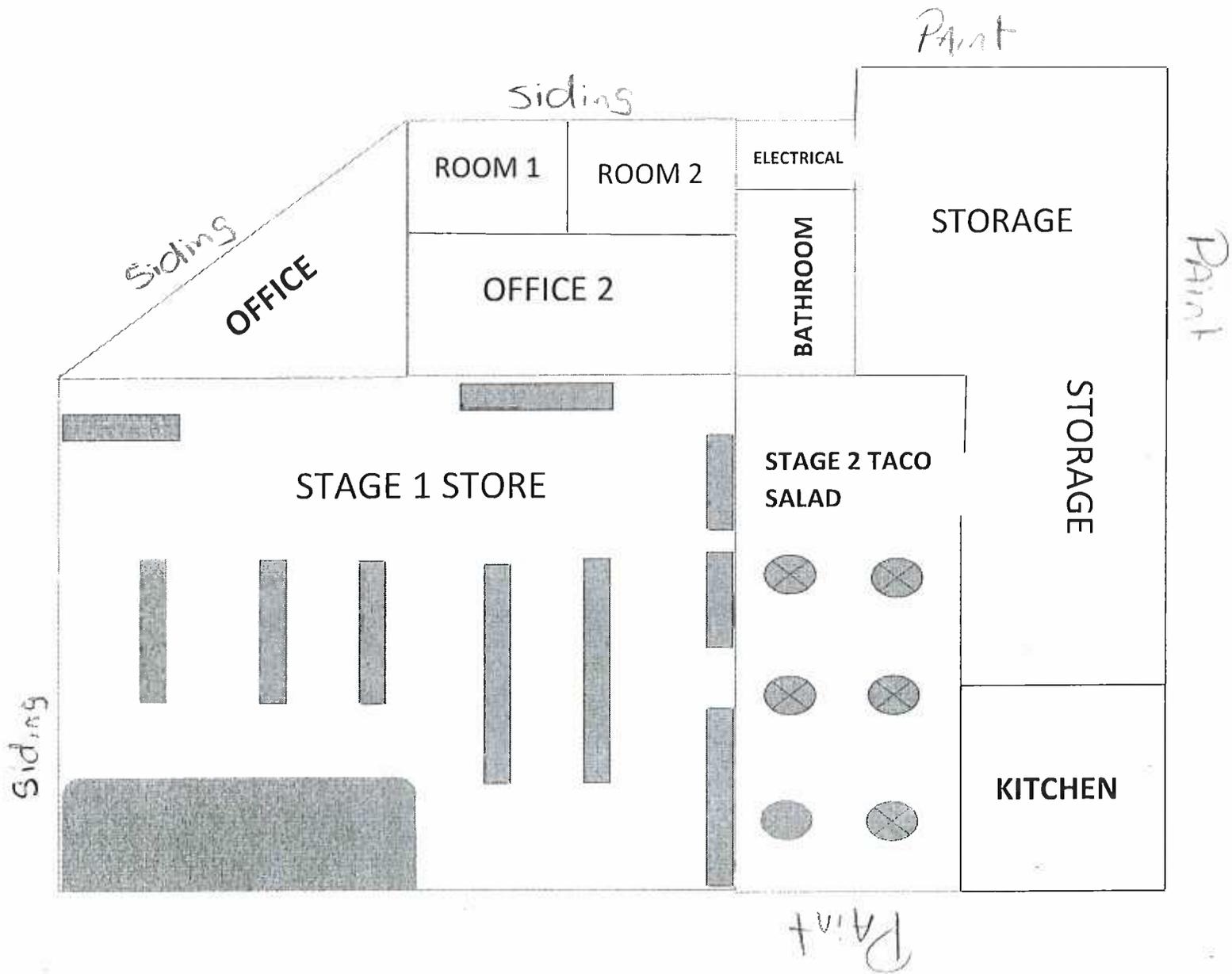
History: 2017 a. 59.

	PROJECT NUMBER 16030	PROJECT TITLE 603 8TH AVE. BARABOO, WI ARCHITECTURAL SITE PLAN	REFERENCE SHEET: AS.1 1/8" = 1'-0"
	DATE 11/08/16		

608-477-3006
 Adolfo Morales
 LTAS Milpas Mexican Store



(From November 15, 2016 Plan Commission Meeting Packet)



(From January 17, 2017 Plan Commission Meeting Packet)

STAGE 1 STORE

WALK IN COOLER

Reception

waiting room

office

office

DELI

8 FT

24 FT.

Wall 6 FT

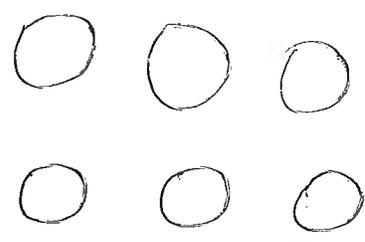
10 FT

RR

M

STAGE 2 TACO SALAD

Storage
Storage
Storage
30 FT



42 FT

KITCHEN

BAR

SAND COOLER

STOVE

WALL

HOOD
14 GA. 1/2 3 BAY

RR 8

RR 8

BREAKROOM

Storage

Storage

3 FT
4 FT
7 FT