

Minutes of Plan Commission Meeting June 19, 2018

Call to Order – Phil Wedekind called the meeting of the Commission to order at 5:15 PM.

Roll Call – Present were Phil Wedekind, Roy Franzen, Pat Liston, Jim O’Neill, and Kate Fitzwilliams. Dennis Thurow and Tom Kolb were absent.

Also in attendance were Mayor Palm, Administrator Geick, Attorney Truman, Engineer Pinion, David Deppe, Ryan, Devine, Bill Devine, Amy Devine, Kerry Zimmerman, Tim Cummings, Russ Will, Matt Boegner, Scott Treul, Tim Deppe, Bill McDonough, Greg Held, Amy Orvis, and Pat Kozel.

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 Liston seconded by O’Neill to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Franzen, seconded by O’Neill to approve the minutes of the May 15, 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.*) – There were no speakers.

Public Hearing

- a. Public Hearing to consider the request of William and Ryan Devine, d/b/a Devine Customer Truck & Auto Repair, LLC, to amend the current Conditional Use Permit to allow the sale of used automobiles at 712 South Blvd. in a B-3 Highway Oriented Business zoning district – Pat Kozel, 812 Vine Street addressed the Commission. He said that he was born and raised in Baraboo and as long as he can remember there has always been cars being worked on and cars being sold at this address and doesn’t understand why it can’t continue. He feels it is the responsibility of the government to help small businesses and enable them to do so. He said that the building looks better than it has in the past and he feels that a thriving business is a beautiful doormat to this City. David Deppe and that he and his son own the building and he is also pleased with the improvements that he and the Devine’s have made and he feels granting the conditional use would give them the opportunity to expand their business and the things they are doing a fine job in making it a good entrance to the City and supports their application. Amy Orvis, employee of Devine Custom Trucks & Auto Repair said that it isn’t just selling vehicles, they would like to be able to loan out vehicles if needed and if someone came in that could not afford to fix their vehicle, they could put a for sale sign in it. She then gave a copy of documentation from their insurance to the Commission. There being no further testimony, the hearing was declared closed.

New Business

- a. Consideration of William and Ryan Devine, d/b/a Devine Custom Truck & Auto Repair, LLC, request to amend the current Conditional Use Permit to allow the sale of used automobiles at 712 South Blvd., in a B-3 Highway Oriented Business zoning district – Pinion gave the property background to the Commission. He said the original CUP was issued to T&D Properties for a shop and office in June 2015. Subsequently the building has been leased or rented out to Devine Custom Truck & Auto, and is a similar use with a shop and office area. He said that the addition of used car sales is what triggers the need to amend the CUP. He said this is an allowable use under the B-3 zoning district; however, this is in the City’s Conditional Use Overlay District, and every new use requires regulation as a Conditional Use. Ryan Devine addressed the Commission. He said that he and his brother started the business in hopes to help people quality, honest, and fair repairs. He said they offer free vehicle inspections for customers and local people. He said they feel that with the ability to be able to help those people a little further by selling their cars and getting them into something decent would positively affect the community. Liston questioned the number of vehicles that are at this location on a regular basis. Devine assured the Commission that cars are not being sold there. O’Neill asked Deppe why he never stored his trucks at this location and he stated that there was an offer on his existing property, but it never materialized. Liston stated that this is at least the fourth or fifth that has come before the Commission to sell cars along this corridor and everyone was denied. He said that this is the Gateway to the City and he is opposed to auto repair shops selling cars along this corridor. Devine asked if there was a way that the property could be

grandfathered because there was used car sales in the past. Pinion said that because that use was discontinued for more 12 consecutive months, any resumption of that use requires a conditional use. It was moved by Liston to deny the request to allow the sale of used automobiles at 712 South Blvd. O'Neill seconded the motion. Both the motion and second were withdrawn. O'Neill revised the motion to approve the request for a conditional use permit to sell used automobiles at 712 South Blvd. Liston seconded the revised motion. One roll call vote for the motion Ayes- Franzen, and Fitzwilliams. Nay – Liston, O'Neill, and Wedekind. The Motion failed 3-2.

- b. Review and approve a one-lot CSM for Tim May, the prospective buyer of land in the City's Extraterritorial Plat Approval Jurisdiction, located on the west side of CTH A, north of Trap Shoot Road, being part of the SE¹/₄ of the NW¹/₄, SW¹/₄ of the NE¹/₄, and SE¹/₄ of the NE¹/₄ of Section 23, T12N, R6E, Town of Baraboo, Sauk County, Wisconsin – Pinion presented the request to the Commission. He said from the City's regulations, the CSM complies with the minimum lot size for both the new lot and the remnant. This also complies with the County regulations. He believes that the Town of Baraboo has favorably reviewed this. Kerry Zimmerman, MSA Professional Services said that this could be contentious. He said that he is representing Mr. May who is interested in buying the 25-acre parcel. He said in talking with Brad Boettcher, who is the Town of Baraboo's Engineer there may be an issue because of the easement to get into this proposed property. He said the Township requires that a person own 50-feet abutting a public road. He is requesting tentative approval from the Commission tonight. He said there won't be any significant changes in the configuration of the lot, it is just a matter of the Town is going to require to be done as far as access off of Highway A. Pinion asked if he has met with the County Conservation Planning and Zoning. Zimmerman said that he has a verbal from Brian Simmert and the County has no problem with it. Zimmerman said that the Town Plan Commission is meeting on June 28. Pinion said that it is customary that the Plan Commission review this after Town approval. It was moved, by O'Neill, seconded by Liston to postpone the CSM review until the July 17 meeting. On roll call vote for the motion, Ayes – Liston, O'Neill, Fitzwilliams, Wedekind, and Franzen. Nay – 0, motion carried 5-0.
- c. Review and approve Site Plan and Architectural Renderings for Harrington Holdings, LLC, d/b/a Balanced Rock Winery, for Phase I of the approved SIP to construct a winery and plant a vineyard on Lot 1 of CSM #5675, a 22-acre parcel at 1065 Walnut Street located in the SE¹/₄ of the SE¹/₄ of Section 2, T11N, R6E and the NE¹/₄ of the NE¹/₄ of Section 11, T11N, R6E, City of Baraboo, Sauk County, Wisconsin – Matt Boegner, 1411 19th Street, and Scott Treul, Friede & Associates introduced themselves to the Commission. Pinion presented the background for the project. This is before the Commission for the review of the site plan and building renderings. Treul gave a detailed presentation of site plan, elevations, building layout, and renderings to the Commission. The building is 6,000 sq. feet. Liston said that from Walnut Street the building looks like a pole barn, he would like to see it dressed up. He said that this is the entrance to Devil's Lake. He would like to see better landscaping also. Fitzwilliams said that she likes the design. Boegner said that that part of his vision was to have a place where people to go and sit and enjoy themselves. He said most winerys are very much set up for wine tasting, buy a bottle of wine and go. Mayor Palm spoke on Tom Kolb's behalf stating that he expressed concern regarding the amount of white that was uninterrupted. After a lengthy discussion, O'Neill moved to approve the site plan and architectural renderings for the Balanced Rock Winery, contingent the Plan Commission approving the landscape plan. Franzen seconded the motion. On roll call vote for the motion, Ayes – O'Neill, Fitzwilliams, Wedekind, Franzen. Nay – Liston. Motion carried 4 to 1.
- d. Consideration of a Request by Capitol Housing II, LLC to review a combined GDP/SIP in accordance with Steps 3 & 4 of the Planned Development process to construct a 70-unit multi-family residential complex, located at 325 Lynn Street, in a B-1 Central Business zoning district – Tim Cummings introduced himself to the Commission. He said that Knothe & Bruce Architects is a company that he and his partner, Bill McDonough have been working with since the 70's. He said the lot was a bit challenging with the slope and the existing condition. He said he was drawn to the lot because of history. Greg Held, Knothe & Bruce Architects addressed the Commission. Held gave a detailed presentation of the floor plans. He said that they are trying to pump up the ratio of the larger apartments on the riverside. He said that north side of the building is narrower and the building widens out moving south. He said that the exterior walls, angled walls, trying to get views to the riverfront from as many units as possible, which makes it unique. He the north side of the building is four stories, and the south side on Lynn Street is only two stories. He then gave a detailed explanation of how they will deal with the slope of the lot. He explained the proposed parking plan. A question was raised asking the space between the building and river and will it sidewalk for the public to use or restricted to tenants. It was stated that there is an easement along there. Pinion said that there is a sanitary sewer easement, but he does not have a distance on that. Held thinks that east of the parking area there will be some significant stormwater feature, obviously landscaped, but there will be some place on this site, being this close to the river, the stormwater will have to be treated, and MSA has been engaged to work with designing that. Stormwater

Management was then discussed. Liston said he has a problem combining the GDP and SIP, he feels they should be separate, he wants to see a color rendering of what the building is going to look like, he wants to see the landscaping, and the materials being used on the building. Liston moved to approve the GDP as presented. Franzen seconded the motion. On roll call vote for the motion, Ayes – Fitzwilliams, Wedekind, Franzen, Liston, and O’Neill. Nay – 0, motion carried 5-0.

- e. Review and approve a one-lot CSM for the property at 325 Lynn Street, being Lots 1, 2 and 3 of the Original Plat of the Village of Baraboo, now the City of Baraboo and lands located in the fractional NW¹/₄ of the NW¹/₄ of Section 1 and the fraction NE¹/₄ of the NE¹/₄ of Section 2, T11N, R6E, City of Baraboo, Sauk County, Wisconsin – It was moved by Liston to approve the CSM as presented. Franzen seconded the motion. On roll call vote for the motion, Ayes – Wedekind, Franzen, Liston, O’Neill, and Fitzwilliams. Nay – 0. Motion carried 5-0.

Adjournment - It was moved by Liston, seconded by Franzen to adjourn at 6:30 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee