

Minutes of Plan Commission Meeting July 17, 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.

Also in attendance were Mayor Palm, Administrator Geick, Tom Pinion, Anita LaCoursiere, Ruanne Schoonover, Jane and Greg Hammel, Carol Bassett, Tim Cummings, William McDonough, Greg Held, and Al Mueller.

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 June 19, 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 Wisconsin Power & Light (Owner) and American Transmission Company (Applicant) for a Conditional Use Permit to allow the expansion of the existing substation and the construction of a new self-contained control house in a B-1 Central Business zoning district, located at their Lynn Street substation on the south side of the Baraboo River between Vine and Walnut Streets, 125 Vine Street, City of Baraboo – There being no speakers, the hearing was declared closed.
- b. Public Hearing to Consider the request of Linda Porter and Ruanne Schoonover for a Conditional Use Permit to convert the existing two-unit condominium to two Side-by-Side single-family residential dwellings in a R-1A Single-Family Residential zoning district, located at 421/423 10th Avenue, City of Baraboo – There be no speakers, the hearing was declared closed.
- c. Public Hearing to Consider the request of Greg Hammel for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 1 of Springbrook Hills to two side-by-side single-family residential dwellings in a R-1A Single-Family Residential zoning district, located at 1410/1412 Lake Street, City of Baraboo - There being no speakers, the hearing was declared closed.

New Business

- a. Consideration of Wisconsin Power & Light’s (Owner) and American Transmission Company’s (Applicant) request for a Conditional Use Permit to allow the expansion of the existing substation and the construction of a new self-contained control house in a B-1 Central Business zoning district, located at their Lynn Street substation on the south side of the Baraboo River between Vine and Walnut Streets, 125 Vine Street, City of Baraboo – Anita LaCoursiere, ATC addressed the Commission as the applicant for Wisconsin Power & Light’s request. She said the substation is at the end of its lifecycle and needs be upgraded. Pinion asked if the footprint of the substation will be expanded, LaCoursiere answered in the affirmative. LaCoursiere presented the plans for the expansion, security, and fence plans. Kolb questioned the clearance needed for landscaping. LaCoursiere stated that normally they do not put landscaping at substations for security. Kolb said that his issue is that the City spent hundreds of thousands dollars to reclaim the land along the riverfront and has done a Riverfront Design Guidelines, which includes that area of the substation, and this plan is ugly. He was hoping that eventually that this entire substation could be moved to some other location. She said that she has worked with Pinion regarding the layout that was planned for the substation. Franzen said that there is a Riverwalk down to Vine Street, and the plan was to have that riverwalk go all the way to Walnut Street, and he doesn’t see any plans that Power and Light is going to put in that riverwalk. LaCoursiere said that she does not believe that

the topography at the river's edge would allow that. Franzen said that there is some room, but not much. LaCoursiere said that she would leave this to Pinion because she has been working with him. She thought if a walkway and bike trail would be installed it would be on the sub property and then there would have to be retaining wall installed, if that were even possible. Franzen said that the City would have to get an easement, which they do not have now, but it was in the plan. LaCoursiere asked if this was on the north side or south, and it was stated that it was the plan to have on both sides. She said that she does not remember that being discussed, but that would be an issue. Kolb asked if surrounding property owners were contacted and LaCoursiere answered no because they are expanding on their property; however, Pinion stated that surrounding properties within 200 feet were notified regarding the public hearing. Mayor Palm stated that the substation along the beltline coming into Madison has a fence, but it is fielded and has mesh going through it to diminish the view to the inside. Liston said that he feels that there are things that can be done to the substation to make it fit better into the community. It was stated that the City has been interested in moving this substation since 2006-2007. LaCoursiere said that the work being done on the substation is on WP&L land, ATC are the people that are upgrading and replacing their facilities, and that is because there are two or three separate lines that come in and they have to service those, and with sensitive customers, they can't have outages. The Commission feels that there is some way to dress it up. LaCoursiere said that they are not the owners, they are just replacing a fence, and ATC standards state that when a fence is replaced, it has to be with a no cut, no climb fence. O'Neill asked if the no cut, no climb fence could be made to be less conspicuous. LaCoursiere said that there is a vinyl that be woven in, which could be considered as an option. It was asked if the fence that is existing could be dressed up also, and it was stated that the fence belongs to WP&L, and they would have to agree to it, and there would be a cost. Kolb asked if it would unreasonable to postpone this request until next month to allow the City to investigate some of the issues. Pinion said that he believed under City Ordinances, the Commission has 30 days to decide on Conditional Use permits, and the next meeting would be more than 30 days. Kolb then asked if the Commission could hold a special meeting because he feels that these are significant issues. Pinion answered in the affirmative and stated that it the nature of the conditional use, what triggers the need for that is the addition to the building. He said that the existing substation is a permitted, conforming use, and anytime that changes, or there is a new use, it is the subject of the conditional use. He said if the City wanted to negotiate with the property owner to improve the appearance, he is not sure that is part of this conditional use permit proceeding, and he would have to defer to the City Attorney's advice on that. Geick said that he did speak with Attorney Truman, and the City can place conditions on landscaping and other things around this facility within the new State law requirements, especially because the City did go through the process of creating the plans that we have right now. He said that those plans were given to ATC and to Alliant. He feels that the Commission can have a meeting within the next 30 days and have some time to work out the details. Kolb moved to postpone the request and the Plan Commission meet within the next 30 days so that the Commission can look at some of the other issues. O'Neill seconded the motion. On roll call vote for the motion, Ayes – Thurow, Franzen, Liston, O'Neill, Kolb, Fitzwilliams, and Wedekind. Nay – 0, motion carried 7-0.

- b. Consideration of Linda Porter and Ruannae Schoonover for a Conditional Use Permit to convert the existing two-unit condominium to two Side-by-Side single-family residential dwellings in an R-1A Single-Family Residential zoning district, located at 421/423 10th Avenue, City of Baraboo – Pinion said that this request is something that the Commission routinely considered in the past. He said that this particular Condominium was considered in 2007 for the same reason, the Commission recommended approval; however, when it came time to file the appropriate documents, because it is a Condominium Association, there has to be a document dissolving the Condo Association. He said that when it was submitted to the County Property Lister it was rejected because the Condo Association was still intact. Therefore, since the Conditional Use Permit was not fulfilled within 12 months it becomes void. Pinion said that Schoonover and her neighbor have requested to repeat history and dissolve the condominium association, create the two side-by-side attached dwellings per the CUP; the CSM is included in the packet as well as the covenants that were prepared by the attorney at that time. Pinion said that those two components comply with the City's CUP requirements. He said that the City would have to see documentation of the Condominium dissolution before any of the documents could be recorded. It was stated that Schoonover found the document entitled Declaration of Removal from Condominium Ownership by 10th Avenue. Pinion said that the document has not been recorded, but all the pieces are in place. It was moved by Liston to approve the Conditional Use Permit as requested, conditioned upon the Declaration of Condominium dissolution be recorded. Fitzwilliams seconded the motion. On roll call

vote for the motion, Ayes – Thurow, Franzen, Liston, O’Neill, Kolb, Fitzwilliams, and Wedekind. Nay – 0, motion carried 7-0.

- c. Review and approve a two-lot Certified Survey Map to convert the two-unit 10th Avenue Condominium No. 1 to side-by-side single-family residential attached dwellings at 421/423 10th Avenue – It was moved Liston, seconded by Kolb to approve the CSM as presented. On roll call vote for the motion, Ayes – Franzen, Liston, O’Neill, Kolb, Fitzwilliams, Wedekind, and Thurow. Nay-0, motion carried 7-0.
- d. Consideration of Greg Hammel’s request for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 1 of Springbrook Hills to two side-by-side single-family residential dwellings in an R-1A Single-Family Residential zoning district, located at 1410/1412 Lake Street, City of Baraboo – Greg Hammel addressed the Commission. Pinion said that this is a traditional two-unit duplex and not a Condo Associations. He said that Hammel has an attorney working on the covenants; therefore, there is no draft included, but the City typically will not sign the CSM in the absence of those documents. It was moved by Liston, seconded by O’Neill to approve the CUP as requested. On roll call vote for the motion, Ayes – Liston, O’Neill, Kolb, Fitzwilliams, Wedekind, Thurow, and Franzen. Nay – 0, motion carried 7-0.
- e. Review and approve a two-lot Certified Survey Map to convert the existing two-unit residential dwelling on Lot 10 in Springbrook Hill Subdivision to side-by-side single-family residential attached dwellings at 1410/1412 Lake Street – It was moved by O’Neill, seconded by Franzen to approve the 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.
- f. Consideration of Request to vacate Outlot 4 of the First Addition to Pleasant View Subdivision – a 20-foot side unimproved pedestrian path right-of-way on the east side of Manassas Drive between Lots 25 and 26 of the First Addition to Pleasant View Subdivision – Carol Bassett introduced herself to the Commission. Pinion said that Bassett contacted him, she is the owner closest to the north side of the outlot. He said that she has an existing deck that is only a few steps off the ground going into a side entrance. He said that she would like to expand that to make it easier going in and out; however, the City’s rules are that it cannot be closer than 6-feet from the lot line. Therefore, to Bassett’s amazement, there is 32 feet between her deck and her neighbor’s to the south deck and neither were aware that there was 20-foot reserved right-of-way for a pedestrian path. Bassett and her neighbor have submitted a petition asking for this to be vacated. Pinion gave the background of the entire Pleasant view Subdivision, from preliminary to existing. Liston asked if the City owned the property. Pinion stated that it is Outlot 4, which was dedicated as part of the Final Plat to the City. Pinion then gave the background of ownership of parcels. Pinion said that if the Commission favorably reviews this petition, there will be a public hearing, notice published, and then the Council will consider a resolution to formally vacate that right-of-way. It was moved by Liston to move this to Council with a positive recommendation. Kolb seconded. Franzen questioned ownership after vacation. Pinion said that anytime a right-of-way is vacated, it is split down the middle and half goes to each property owner at no cost. On roll call vote for the motion, Ayes – Kolb, Fitzwilliams, Wedekind, Thurow, Franzen, Liston, and O’Neill. Nay – 0, motion carried 7-0,
- g. Consideration of a Request from Bruce Braithwaite to rezone the 5.3-acre parcel on the north side of South Blvd. in the SE¼ of the NW¼ of Section 3, T11N, R6E, located at 1420 South Blvd. and formerly occupied by the Honey Boy Mobile Home Park, from MH-P, Mobile Home Park to a B-3, Highway Oriented Business zoning classification by Bruce Braithwaite – Pinion said that Bruce Braithwaite told him that something came up and he would be unable to attend the meeting. He said that the property is listed with a realtor and has been discussed at the staff level. He said that if the owner had not initiated this, rezoning could only happen under two instances, the property owner petitions, or the City undertakes the action. Pinion said that everything to and south and east is zoned B-3, and I-4 to the west; therefore, Braithwaite showed some interest in zoning it to a Highway Oriented Business, which is a little less permissive, it’s more commercial than I-4 allows industrial uses as well. Pinion feels that this is consistent with the City’s Comprehensive Plan and a very appropriate request given the fact that the park is closed and listed for sale. Liston feels that there are more issues other than rezoning, because it is such a mess. He said that he would like to hear something from Braithwaite such as when the rest of the trailers will be out of there, and what he is going to do to clean up the property. It was the consensus of the Commission to take no action due to the absence of the representative, and will be placed on the next meeting agenda.
- h. Consideration of a Request by Capitol Housing III, LLC to review the SIP in accordance with Step 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 – Greg Held, Knothe Bruce Architects introduced himself to the Commission. Pinion gave the background for this project. Pinion said that final step in the planning

development process is the specific implementation plan, which the Commission deferred action on that for additional detail. He said that the Developer's design team is here to provide additional detail of the building materials, color renderings, final site plan, and landscaping plan, which is what the Commission asked for. Kolb questioned the lighting. Pinion said that the site lighting was not included due to being technical pieces, and the stormwater management plan is being prepared, as well as the site lighting plan. He said that in the past the Commission has allowed those to be administratively reviewed and approved. Held gave the Commission a detailed presentation of the revised site plan. He said that they have gotten some better grades. He said that there was talk about cleaning up some of vegetation along the river; however, it sounds like this is going to be a separate permit obtained from the DNR, so it is not really addressed in the presentation. Pinion said that site has a surface feature for stormwater management, called a vial filtration facility. Although, that may lend itself to this site, due to the topography, it is his understanding that the developers are looking more into an underground system so that the green space is available to the tenants. Held then presented the color renderings, and materials being used on the building. Pinion stated that the name of the development will be River Ridge and feels that it is a very fitting name. It was moved by Liston, seconded by Franzen to approve the SIP 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.

- i. Discussion of Wisconsin Act 67 and its effect on local zoning authority – It was the wish of Liston that Attorney Truman was available for discussion. It was stated that she was at a Library Board meeting. Pinion stated that it describes that the City is pretty much handcuffed, so he is not sure how much flexibility the City has; however, Attorney Truman thinks that there is some. He said that the burden is on the City to defend the conditions that they might want to impose. Franzen asked if the City could pass new laws to make it easier to impose conditions. Pinion said that if the worst-case scenario was taken, it eliminates the City's ability to really regulate conditional uses. Pinion said something that was discussed conceptually it was allow the City to create a new special zoning district that has very specific uses and eliminates the ones that are not wanted, so the City is not obligated to approve them, but that would be a public hearing for changing the rezoning ordinance. He also said that there would probably be a lot of input from the public. He said that Mayor talked ab out starting an ADHOC committee to start reviewing some of those things. Alderman Kolb suggested that the City revisit design guidelines for that corridor, so it is not a 30-second solution, or a 30-day solution. Mayor Palm said that he has been thinking a lot about an ADHOC Committee and Chapter 17 has not been looked at for 12 years. He said what the legislation has done; it may provide an opportunity to look at the zoning ordinance to see if there are things that can be done to help ourselves.

Adjournment - It was moved by Liston, seconded by Kolb to adjourn at 6:28 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee