

## Minutes of Plan Commission Meeting August 21, 2018

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

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

Also in attendance were Administrator Geick, Tom Pinion, Attorney Truman, Bekah Hargraves, Jacob Kufner, and Dale Harding.

### **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 Liston, seconded by Kolb to approve the minutes of the July 31, 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.

### **New Business**

- a. Consideration of a request 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 – Dale Harding, former manager of the mobile park introduced himself to the Commission. Engineer Pinion presented background. Harding said that demolition could not start until the end of July; it has now started and will continue until all trailers are gone. Liston moved to pass on to the Council with a positive recommendation to rezone the property to B-3 as requested. Franzen seconded the motion. Kolb asked Harding for a timeline. Harding said that by the end of the month, the west side would be cleaned out, and they would then start on the east side. He said that they would have to leave Lot 1 until the property is sold because the main water comes underneath that trailer. Pinion asked if that trailer would be occupied or unoccupied. Harding said that they would be given notice at the first of the month to be out by the end of September. O’Neill asked to add the provision that the rezoning of the property not take place until the property is vacant. Attorney Truman said that this could make things complicated. She said that if they did not comply, it could shift the burden on to the City to make sure compliance is met. She agrees with Liston that the owners have made good progress. Kolb asked if the City could take enforcement action. Truman answered in the affirmative; however, the practicality that happens with an enforcement action is that the City would end up paying out of pocket and try to collect on the back end, which would make things more complicated. O’Neill dropped with consideration. On roll call for the motion, Ayes – Franzen, Liston, O’Neill, Kolb, Fitzwilliams, and Wedekind. Nay – 0, motion carried 6-0.
- b. Consideration of a request to rezone the 2-acre parcel on the west side of Vine Street in the NE¼ of the SE¼ of Section 2, T11N, R6E, located at 729 Vine, from R-1A Single Family Residential to NRO Neighborhood Residential Office classification by Rabeka Hargraves and Jordan Darrow to allow the operation of a beauty shop in the existing single-family residence – Rabeka Hargraves, 729 Vine Street introduced herself to the Commission. Pinion said that there are two definitions in the zoning code that regulate what he will call home-based businesses. He stated one of them is a home occupation, and the other is a professional home office. When the definition of these two uses are read they describe the type of uses allowed in those definitions, but the definitions also contain a list of specific prohibited uses under either definition, either instance, barber shops, and beauty parlors are prohibited. Therefore, in a residentially zoned district there is no way to do it, unless the zoning code is changed. He said that if it rezoned to a Neighborhood Residential Office District, which is one that was a unique district created in 2000 then there is an opportunity for the homeowner to include personal or professional services as a conditional use with that NRO zoning. The definition of personal or professional services among other things includes barbershops and beauty salons. He said that Hargraves and Darrow own a home where there was a seal-coating business run out of it, so the basement is equipped for it, there is access, and off-street parking. Kolb asked if this zoning could be confined to just this one home, Pinion answered in the affirmative. Kolb asked Hargraves it would be just be one chair, and if she had any intentions of expanding. She said that she would be the only person, and she has no intentions of expanding. Kolb said that it is a big enough lot on a dead end street; he sees no problem doing this. Kolb moved to recommend rezoning this property to NRO as requested. Liston seconded the motion. On roll call vote for the motion, Ayes – Liston, O’Neill, Kolb, Fitzwilliams, Wedekind, and Franzen. Nay – 0, motion carried 6-0.
- c. Review a one lot Certified Survey Map for a fractional part of the NW¼ of the NE¼ and a fractional part of the NE¼ of the NW¼ of 2, T11N, R6E, City of Baraboo, Sauk County, Wisconsin located at 324 Lynn Avenue for Jacob Kufner –

Jacob Kufner, 324 Lynn Avenue introduced himself to the Commission. Pinion said that Kufner currently owns two separate tax parcels, which neither could be sold independently. He said that the house straddles the parcel line between them. It was moved by Liston, seconded by O'Neill to approve the CSM as presented. On roll vote for the motion, Ayes – O'Neill, Kolb, Fitzwilliams, Wedekind, Franzen, and Liston. Nay – 0, motion carried 6-0.

- d. Discussion and possible recommendation to eliminate certain Conditional Uses in the Zoning Code – Liston said that he understands that the Mayor has appointed an AdHoc Committee to study this issue and is wondering why it is in front of Plan, given the fact that a Committee has already been appointed to look at the issue and make recommendations on the issue. He said it seems to him that the more people that look at an issue, the more confusing it becomes. He feels that this issue should move forward with the appointment Committee without the Commission's involvement. Kolb feels that one of the issues on the overlay district is quite different than looking at the entire City and the zoning structure. He said that longer the City waits on a conditional use overlay district, the more requests the City will have. He prefers to get the issue moving. Liston said that he does not see the Mayor letting this move forward, without the recommendation of the AdHoc Committee, regardless of what the Commission does. Pinion believes that part of the agenda for tomorrow's night meeting of the AdHoc Committee is to define their purpose. He said the Mayor has expressed an interest in a total rewrite of Chapter 17, entire zoning code. He said this was presented last month for informational purposes, if the Commission has a concern about the future of the overlay district, along the river corridor and South Blvd., and truly wants to prevent certain uses during the interim, this is the quickest and most effective way to do so, within the confines of that boundary. He said he does not think it runs counter to the Mayor's effort to have the AdHoc Committee involved in providing input and advice during the rewrite of the entire zoning code. However, if the Commission is not concerned about other applications popping up and getting something that is not wanted in this corridor, then this is an exercise to be taken. Truman said that it is her understanding that the reason this is on the Commission's agenda is for this very minute portion of the zoning code, just the conditional use overlay district, with a possible recommendation to the Council. Liston asked what the ramifications if the Commission did away with conditional uses in the overlay district. Pinion said that there might be some that the Commission would want. He said that every single use, whether it is a permitted use, or conditional use in the underlying zoning district is regulated as a conditional use. He said that is did not include anything that was listed as a permitted use, only the conditional uses in the underlying district. Pinion said the way it is drafted, the ones that would survive would be prohibited, and the ones that the Commission would take off the list would be allowed as a conditional use. The Commission then went through the list one by one, with the following result:

**17.36C CONDITIONAL USE OVERLAY DISTRICT.** (2252 04/10/07) A conditional use overlay district, within which all permitted and conditional uses for the underlying zoning district become conditional uses, is created with the following boundaries: (description intentionally omitted).

(1) **PROHIBITED USES** (regardless of underlying zoning classification):

- a. Agricultural chemical manufacturing or processing plants, distribution facilities handling predominantly agricultural chemicals, storage facilities handling predominantly agricultural chemicals or bulk sale facilities – **LEAVE ON LIST**
- b. Agricultural services – **Kolb asked for definition. He asked if this were allowed, he would like it defined. Pinion said that he would define it, as someone would hire, not necessarily retail sales of agricultural products. – LEAVE ON LIST (DEFINE).**
- c. Amusement and recreation services – **Pinion said it is a service, not necessarily retail sales. He said each use is not defined in the zoning code; therefore, it is up to the Zoning Administrator and staff to interpret. O'Neill asked is amusement and recreation service include a water park. Pinion said that would be lodging and a recreation facility. He would think an amusement service is one that would provide pinball games, and digital games. LEAVE ON LIST (DEFINE)**
- d. Animal shelters – **LEAVE ON LIST**
- e. Asphalt products manufacturing or processing plants – **LEAVE ON LIST**
- f. Automobile car washes – **LEAVE OF LIST**
- g. Automobile sales establishments – **Franzen said that people that want to sell cars want to be on the main entryway. Pinion asked if the Commission wants to make a distinction between used or new auto sales. The Commission did not want to make the distinction. LEAVE ON LIST, the existing ones are grandfathered.**
- h. Automobile service stations – **LEAVE ON LIST**
- i. Automotive, implement and recreation vehicle sales – **LEAVE ON LIST**
- j. Blacksmith shops – **LEAVE ON LIST (DEFINE). Geick asked if blacksmith shops would include tool and die. Truman said that it is not defined; therefore, it is the plain meaning in the dictionary then yes.**
- k. Boarding houses – **LEAVE ON LIST.**
- l. Building supplies – **LEAVE ON LIST.**
- m. Bulk building products manufacturing or processing plants involving bio-hazardous components – **LEAVE ON LIST.**
- n. Bus depots – **LEAVE ON LIST (DEFINE). Geick asked if this would prohibit trolley operations for tourism.**
- o. Campgrounds – **LEAVE ON LIST.**
- p. Cemeteries – **LEAVE ON LIST.**
- q. Communication Towers - **LEAVE ON LIST. Truman said the Commission could leave this on the list and then add exception for unless otherwise prohibited by State Statues. She said also, exclude for personal use, or personal business use.**
- r. Cultivation – **LEAVE ON LIST.**
- s. Contractors-building construction **LEAVE ON LIST. Contractors that specialize in building construction. Truman said the Commission is saying that they would like to keep this prohibited, with the exception of a showroom or an office, as long as it is contained internally, and nothing outside.**
- t. Dry cleaning establishments – **LEAVE ON LIST.**
- u. Electronic circuit assembly plants **LEAVE ON LIST.**
- v. Electroplating plants – **LEAVE ON LIST.**

- w. Exterminating shops – **LEAVE ON LIST.**
- x. Feed lots – **LEAVE ON LIST.**
- y. Foundries and forge plants – **LEAVE ON LIST.**
- z. Fraternities and sororities – **LEAVE ON LIST.**
- aa. Garages -- for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding – **LEAVE ON LIST.**
- bb. Garden supplies – **LEAVE ON LIST (DEFINE).** Truman said that she is hearing that the Commission is saying it would be an okay use, along as there was no outside storage. Pinion said that garden supplies in in broadest sense could be statutes, fountains. Truman said that it could also be lawn mowers, small engines. Kolb said to eliminate outside storage such as compost, mulch, etc.
- cc. Grazing of livestock – **LEAVE ON LIST.**
- dd. Hazardous chemical manufacturing or processing plants, distribution facilities handling predominantly hazardous chemicals, storage facilities handling predominantly hazardous chemicals or bulk sale facilities **LEAVE ON LIST.**
- ee. Highway salt storage areas **LEAVE ON LIST**
- ff. Indoor Institutional – **Commission asked for definition. Pinion said it is not defined; however, institutional sort of go with incarceration. LEAVE ON LIST. Truman said she would suggest defining this better. She said that it sounds like everyone interprets this to be incarceration.**
- gg. Industrial liquid waste storage areas – **LEAVE ON LIST.**
- hh. Junkyards and auto graveyards – **LEAVE ON LIST.**
- ii. Landfills or facilities for the treatment, storage or disposal of waste – **LEAVE ON LIST**
- jj. Licensed Manufactured Home Parks – **LEAVE ON LIST.**
- kk. Meat and meat products manufacturers – **LEAVE ON LIST.**
- ll. Metal reduction and refinement plants – **LEAVE ON LIST.**
- mm. Mining operations (gravel pits) – **LEAVE ON LIST.**
- nn. Mobile home dealers – **LEAVE ON LIST.**
- oo. Motor and machinery service and assembly shops – **Pinion said small engine repair, etc. LEAVE ON LIST**
- pp. Non-Commercial community buildings for social gatherings, emergency shelters, laundry or similar common usage for a Manufacture Home Park community. – **LEAVE ON LIST.**
- qq. Paint products manufacturing – **LEAVE ON LIST.**
- rr. Parking lots not accessory to a principal structure – **LEAVE ON LSIT.**
- ss. Penal and correctional institutions **LEAVE ON LIST.**
- tt. Petroleum products storage or processing – **LEAVE ON LIST.**
- uu. Photography studios, including the developing of film and pictures – **REMOVE FROM LIST.**
- vv. Plastics manufacturing, other than molding operations and assembly operations – **LEAVE ON LIST.**
- ww. Printing and publishing establishments that use non-biodegradable inks and/or volatile organic compounds – **LEAVE ON LIST.**
- xx. Press Rooms – **LEAVE ON LIST.**
- yy. Pulp and paper manufacturing – **LEAVE ON LIST.**
- zz. Recreation and Utility trailer dealers – **LEAVE ON LIST.**
- aaa. Salvage Yards – **LEAVE ON LIST.**
- bbb. Selective cutting – **Pinion said that this is a thinning a plantation of pine trees, or selectively cutting, and removing trees from wooded land. – REMOVE FROM LIST.**
- ccc. Self-service storage facility – **LEAVE ON LIST.**
- ddd. Self-storage rental sheds – **LEAVE ON LIST.**
- eee. Service buildings normally accessory to the permitted use – **Pinion said that this would be an accessory building, no principal use conducted out of it. It would be a storage building. LEAVE ON LIST.**
- fff. Sexually oriented business as defined in Section 12.15. – **LEAVE ON LIST.**
- ggg. Storage buildings that serve an existing permitted use – **LEAVE ON LIST.**
- hhh. Trailer sales or rental establishments – **LEAVE ON LIST.**
- iii. Trucking terminals other than those used as on-site distribution centers – **LEAVE ON LIST.**
- jjj. Waste transfer stations – **LEAVE ON LIST.**
- kkk. Wholesale establishments – **This would be distributors selling to customers. LEAVE ON LIST.**
- lll. Any business or industry involved the above ground bulk storage of LP or propane gas – **LEAVE ON LIST.**
- mmm. All metal clad or cinder block buildings. – **LEAVE ON LIST.**
- nnn. All non-taxable or tax-exempt properties (i.e. churches, schools, day care centers, etc.) – **There was a brief discussion regarding daycare centers and churches. Commission decided to LEAVE ON LIST.**

Attorney Truman asked if there was anything not on the list that the Commission would like prohibited. It was stated that there probably is, and maybe the ADHoc Committee will find something. Pinion asked the Commission if they wanted to make a recommendation to the Council to amend the Zoning Code. It was moved by Liston, seconded by Kolb to recommend amending the Zoning Code with the Commission's recommendations. Motion carried unanimously.

**Adjournment** - It was moved by Kolb, seconded by O'Neill to adjourn at 6:10 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee