

## 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, October 16, 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, Sherry Zawistowski, Bekah Hargraves, Brian Pierce, Dan Hellenbrand, Brad Servin, Scott Hewitt, Dan Goff, 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. Roll Call
- c. Approve agenda.
- d. Approve August 21, 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 Sherry & Dwayne Zawistowski, d/b/a DEZ Tactical Arms, Inc., for a Conditional Use Permit to allow the construction of a retail firearms store with an indoor shooting range on a 10-acre parcel in the E $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 3, T11N, R6E in a B-3 Highway Oriented Business zoning district, located in the Conditional Use Overlay District at 1223 South Blvd, City of Baraboo.
- b. Public Hearing to consider request of Rabeka Hargraves and Jordan Darrow for a Conditional Use Permit to allow a beauty shop in the existing single-family residence on the 2-acre parcel on the east side of Vine Street in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, T11N, R6E, in an NRO Neighborhood Residential Office zoning district, at 729 Vine Street, City of Baraboo.
- c. Public Hearing to consider request of BP Operators LLC for a Conditional Use Permit to allow a variable message sign for Pierce's Express Market in a B-3 Highway Oriented Business zoning district, located in the SW $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 36, T12N, R6E, City of Baraboo, Sauk County, Wisconsin at 935 8<sup>th</sup> Street.

#### **4. New Business**

- a. Consideration of Sherry & Dwayne Zawistowski's, d/b/a DEZ Tactical Arms, Inc., request for a Conditional Use Permit to allow the construction of a retail firearms store with an indoor shooting range on a 10-acre parcel in the E $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 3, T11N, R6E in a B-3 Highway Oriented Business zoning district, located in the Conditional Use Overlay District at 1223 South Blvd, City of Baraboo.
- b. Consideration of Rabeka Hargraves and Jordan Darrow request for a Conditional Use Permit to allow a beauty shop in the existing single-family residence on the 2-acre parcel on the east side of Vine Street in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, T11N, R6E, in an NRO Neighborhood Residential Office zoning district, at 729 Vine Street, City of Baraboo.
- c. Consideration of BP Operators LLC's request for a Conditional Use Permit to allow a variable message sign for Pierce's Express Market in a B-3 Highway Oriented Business zoning district, located in the SW $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 36, T12N, R6E, City of Baraboo, Sauk County, Wisconsin at 935 8<sup>th</sup> Street.
- d. Consideration of request to rezone the 0.26-acre parcel on the northwest corner of the intersection of South Parkway and Quarry Street being part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 2, T11N, R6E, located at 404 South Parkway, from R-1A Single Family Residential to NRO Neighborhood Residential Office classification by Daniel J and Adelina Hellenbrand to allow the operation of a beauty shop in the existing single-family residence.

- e. Consideration of request to vacate the portion of the unimproved right-of-way of Crestview Drive (formerly Lorna Drive) lying north of 2<sup>nd</sup> Street between Lot 8 of Rehbein's Addition to the City of Baraboo and Outlot 1 of Sauk County Certified Survey Map No. 4973.
- f. Review Concept Plan for a Proposed Amendment to the General Development Plan & Specific Implementation for Oak Park Place, a multi-family residential senior living complex at 800 Waldo Street.
- g. Review Conceptual Plan for a 7-unit Condominium Development on a 2.46-acre parcel on the north side of Inverness Trail for Vintage Investments.
- h. Discussion and possible recommendation to eliminate certain Conditional Uses in the Conditional Use Overlay District.

## 5. Adjournment

Phil Wedekind, Mayor Designee

Agenda prepared by Kris Jackson, 355-2730, Ext. 309

Agenda Posted by Donna Munz on October 12, 2018

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**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, 101 south Blvd., 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  
OCTOBER 16, 2018**

**SUBJECT: CONSIDERATION OF SHERRY & DWAYNE ZAWISTOWSKI'S, D/B/A DEZ TACTICAL ARMS, INC., REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A RETAIL FIREARMS STORE WITH AN INDOOR SHOOTING RANGE ON A 10-ACRE PARCEL IN THE E<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub> OF SECTION 3, T11N, R6E IN A B-3 HIGHWAY ORIENTED BUSINESS ZONING DISTRICT, LOCATED IN THE CONDITIONAL USE OVERLAY DISTRICT AT 1223 SOUTH BLVD, CITY OF BARABOO.**

**SUMMARY OF ITEM A:** The Zawistowski's have an accepted Offer to Purchase on the 10-acre parcel immediately east of Glacier Valley Ford and said property is located in the Conditional Use Overlay district so all proposed uses are regulated as conditional uses. They currently operate DEZ Tactical Arms with a manufacturing/assembly facility in Adams County and a retail store in Wisconsin Dells. They are interested in combining these current facilities into a single operation with room for future expansion that could include an indoor shooting range. They are seeking zoning approval at this time as they are in the process of developing their site plan and buildings plans for a future site plan review. They hope to break ground next summer and be operational next fall.

**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?)**

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**SUBJECT: CONSIDERATION OF RABEKA HARGRAVES AND JORDAN DARROW REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A BEAUTY SHOP IN THE EXISTING SINGLE-FAMILY RESIDENCE ON THE 2-ACRE PARCEL ON THE EAST SIDE OF VINE STREET IN THE NE <sup>1</sup>/<sub>4</sub> OF THE SE <sup>1</sup>/<sub>4</sub> OF SECTION 2, T11N, R6E, IN AN NRO NEIGHBORHOOD RESIDENTIAL OFFICE ZONING DISTRICT, AT 729 VINE STREET, CITY OF BARABOO.**

**SUMMARY OF ITEM B:** This property was recently rezoned to an NRO Neighborhood Residential Office zoning district for the purpose of establishing a  
The new owners of this property on Vine Street would like to establish a beauty shop on the lower level of the existing residence. In single-family residential districts, beauty shops are specifically prohibited as a home occupation as well as a professional home office. The Zoning Code contains the following definition:

PERSONAL OR PROFESSIONAL SERVICES. Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment bases. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices, or clinics, veterinary clinics, **barber shops, beauty shops**, and related land uses.

The property was recently rezoned to NRO-Neighborhood Residential/Office which allows Personal or Professional Services as a Conditional Use. Accordingly, the property owners are now seeking a Conditional Use Permit for the proposed beauty shop. As previously discussed, this property was formerly used as a (seal coating) contractor's office and there is a second driveway that provides off-street parking for customers of the beauty shop.

**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?)**

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**SUBJECT: CONSIDERATION OF BP OPERATORS LLC'S REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A VARIABLE MESSAGE SIGN FOR PIERCE'S EXPRESS MARKET IN A B-3 HIGHWAY ORIENTED BUSINESS ZONING DISTRICT, LOCATED IN THE SW<sup>1</sup>/<sub>4</sub> OF THE NE <sup>1</sup>/<sub>4</sub> OF SECTION 36, T12N, R6E, CITY OF BARABOO, SAUK COUNTY, WISCONSIN AT 935 8<sup>TH</sup> STREET.**

**SUMMARY OF ITEM C:** Pierce’s Express Market has replaced and updated their sign with a variable message sign. All such signs are regulated as Condition Use Permits. Their “new” sign includes an electronic variable message sign.

Following is an excerpt from the definitions section of our Zoning Code:

Electronic Variable Message Sign. A sign that displays messages where the message may be changed electronically, either by using a frame by frame display or by scrolling the message. This sign shall not change the message displayed at intervals of less than two seconds, not shall a scrolling message travel at a rate slower than 16 light columns per second or faster than 32 columns per second. This sign shall only display letters or numbers of no art animations or graphics may be displayed. This sign shall not contain, include or be illuminated by lights or illuminations that flash, scintillate, blink, flicker, vary in intensity, nor shall such signs be illuminated to a degree of brightness that is greater than necessary for adequate visibility, using standards applied by the Wisconsin Department of Transportation.

For comparison sake, the following is a summary of the DOT’s standards for variable message signs as contained in Section 84.30(4)(bm) Stats, which basically says the message must be:

- completely static while displayed
- be displayed for 6 seconds or more
- change within 1 second
- lighted only to the brightness needed to make it visible, so that it is not hazardous to motorists – must not flash

**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?)

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**SUBJECT:** CONSIDERATION OF REQUEST TO REZONE THE 0.26-ACRE PARCEL ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH PARKWAY AND QUARRY STREET BEING PART OF THE SW ¼ OF THE NE ¼ OF SECTION 2, T11N, R6E, LOCATED AT 404 SOUTH PARKWAY, FROM R-1A SINGLE FAMILY RESIDENTIAL TO NRO NEIGHBORHOOD RESIDENTIAL OFFICE CLASSIFICATION BY DANIEL J AND ADELINA HELLENBRAND TO ALLOW THE OPERATION OF A BEAUTY SHOP IN THE EXISTING SINGLE-FAMILY RESIDENCE.

**SUMMARY OF ITEM D:** The new owners of this property on Parkway would like to establish a beauty shop on the ground level of the existing residence. The principal use of the property has been single-family residential but the property was previously used as a contractor’s office (Peterson Electric), which was located on the opposite side of the garage from the residence. In the existing single-family residential districts, beauty shops are specifically prohibited as a home occupation as well as a professional home office. The Zoning Code contains the following definition:

PERSONAL OR PROFESSIONAL SERVICES. Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment bases. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices, or clinics, veterinary clinics, **barber shops, beauty shops**, and related land uses.

The NRO-Neighborhood Residential/Office zoning district allows Personal or Professional Services as a Conditional Use. Accordingly, the property owners are seeking rezoning to an NRO zoning classification so they can apply for a Conditional Use Permit.

**ACTION:** Forward to Common Council for a Public Hearing on the Re-Zoning with a recommendation to Approve/Conditionally Approve/or Deny the Proposed Re-Zoning to an NRO Neighborhood Residential/Office zoning classification.

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**SUBJECT: CONSIDERATION OF REQUEST TO VACATE THE PORTION OF THE UNIMPROVED RIGHT-OF-WAY OF CRESTVIEW DRIVE (FORMERLY LORNA DRIVE) LYING NORTH OF 2<sup>ND</sup> STREET BETWEEN LOT 8 OF REHBEIN'S ADDITION TO THE CITY OF BARABOO AND OUTLOT 1 OF SAUK COUNTY CERTIFIED SURVEY MAP NO. 4973.**

**SUMMARY OF ITEM E:** The property owner on the northeast corner of 2<sup>nd</sup> Street and Crestview Drive would like to build a new house on the vacant lot, which abuts an unimproved stub-end extension of Crestview Drive. The property owner owns the land on all three sides of the unimproved right-of-way and has no intention of ever extending it. The City's building regulations require right-of-way to be fully improved prior to an occupancy permit being issued at the completion of the construction of a new house. The lot on which he intends to build also abuts a portion of improved right-of-way and the vacation of the unimproved stub-end extension of Crestview Drive would not only eliminate all of the unimproved right-of-way, but also provide him additional frontage on the existing improved street right-of-way thereby allowing the issuance of an occupancy permit upon the completion of the construction of his new house.

Pursuant to §66.1003(4), Stats., the vacation process begins with a resolution from the Common Council stating the intention to pursue the vacation of the street, which was done on September 25<sup>th</sup>. There must be a hearing not sooner than 40 days after the initial resolution, which is tentatively scheduled for November 13. Notice must be provided to adjacent property owners, but in this case there are no such owners other than the petitioner, Bruce W. Jackson. The Plan Commission has traditionally provided a recommendation to the Common Council concerning all proposed vacations.

The stub-end right-of-way serves no purpose and neither the Official Map nor the Comprehensive Plan contemplate any future extension. The owner has filed a petition to vacate this right-of-way and is anxious to begin construction prior to winter and has requested the City initiate the requisite vacation procedure.

**COMPLIANCE/NONCOMPLIANCE: N/A**

**ACTION: Provide recommendation to the Common Council.**

**SUBJECT: REVIEW CONCEPT PLAN FOR A PROPOSED AMENDMENT TO THE GENERAL DEVELOPMENT PLAN & SPECIFIC IMPLEMENTATION FOR OAK PARK PLACE, A MULTI-FAMILY RESIDENTIAL SENIOR LIVING COMPLEX AT 800 WALDO STREET.**

**SUMMARY OF ITEM F:** This is an informational item only. Should this project proceed, the owners will need to amend both their CUP and PUD that will be reviewed by the Commission at a future date.

In September 2017, Oak Park Place was granted approval to expand their existing facility with the addition of 6 new independent living units in addition to the 12 new independent living units previously approved in November 2016. Part of that expansion included a "sun room" on each of the three stories. The owner would like to convert these "sun rooms" to dwelling units on the first and second floor of the recent addition. Following is a summary of existing units:

Date	Independent Living Units	Assisted Living Units	Memory Care Units	Total Units	
1-Aug-17	55	40	34	129	Current Unit Count
	18	10	0	28	Proposed Additions
<b>TOTALS</b>	<b>73</b>	<b>50</b>	<b>34</b>	<b>157</b>	

Lot Area 321,926 Sq Ft  
 Req'd Area 2,500 Sq Ft/Unit  
**Max. Density 129 Units**

**COMPLIANCE/NONCOMPLIANCE: N/A**

**ACTION: Provide informal feedback relating to the proposed redevelopment project. No formal action is necessary and any feedback you care to offer is non-binding.**

**SUBJECT: REVIEW CONCEPTUAL PLAN FOR A 7-UNIT CONDOMINIUM DEVELOPMENT ON A 2.46-ACRE PARCEL ON THE NORTH SIDE OF INVERNESS TRAIL FOR VINTAGE INVESTMENTS.**

**SUMMARY OF ITEM G:** This is an informational item only. Should this project proceed, the owners will prepare a formal Submittal in accordance with the Chapter 18 - Subdivision & Platting for careful review by the Commission at a future meeting.

The City regulates Condominium Plats the same as Subdivision Plats. The General Code of Ordinance encourage developers to consult with the Plan Commission for advice and assistance regarding the subdivision regulations and other considerations to assist the developer in planning their project.

The proposed project area was formerly an expansion area of the Greens Condominium. The Condominium Declaration for that development included a deadline for future expansion, which has since lapsed. Accordingly, the developer intends to create a new Condominium for this project. Included in the packet is a location map of the subject property. The developer will provide a preliminary layout plan of the project at Tuesday's meeting.

**COMPLIANCE/NONCOMPLIANCE: N/A**

**ACTION: Provide informal feedback relating to the proposed redevelopment project. No formal action is necessary and any feedback you care to offer is non-binding.**

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**SUBJECT: DISCUSSION AND POSSIBLE RECOMMENDATION TO ELIMINATE CERTAIN CONDITIONAL USES IN THE ZONING CODE.**

**SUMMARY OF ITEM H:** At our last meeting, we discussed the Legislature's recently approved ACT 67 and how that has changed the way a municipality can regulate private property, including the use of CUP regulations, and considered the creation of a list of prohibited uses that would only apply to the Conditional Use Overlay District (map attached).

Pursuant to the request of the Plan Commission at the August 21 meeting, the City Attorney and City Zoning Administrator have conducted research into possible definitions of certain terms used in the City's Zoning Code. This research included reviewing other municipality's definitions of said terms, where applicable (not all municipalities define these terms). See the packet for the suggested definitions and the list of prohibited uses in the Conditional Use Overlay District.

If the Commission decides certain uses should be eliminated, the process parallels that of a rezone since it requires an amendment to our Zoning Code.

**ACTION: Forward to Common Council for a Public Hearing to amend the Zoning Code with a recommendation to Approve/Conditionally Approve/or Deny the proposed amendment.**

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## 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):

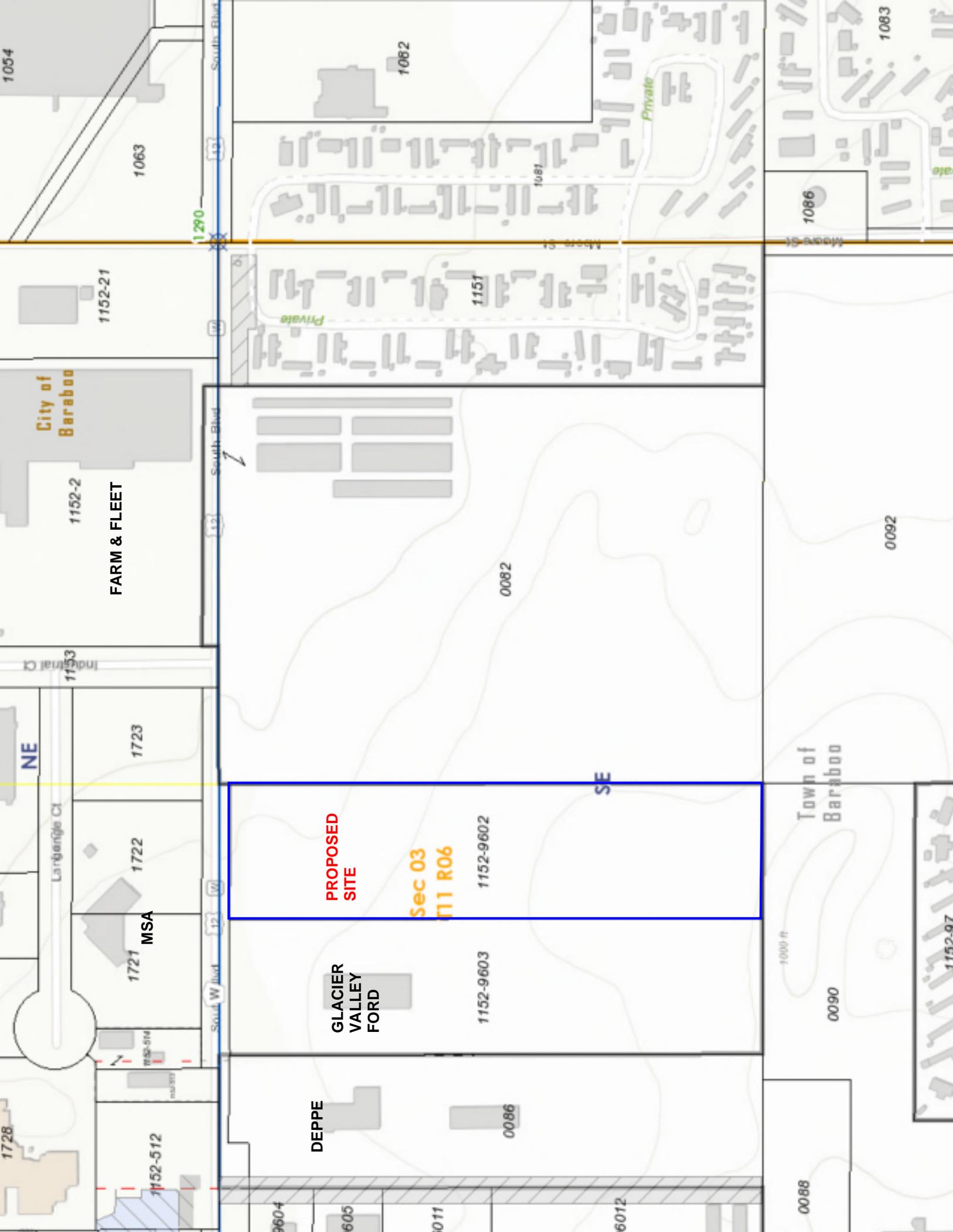
- a. Agricultural chemical manufacturing or processing plants, distribution facilities handling predominantly agricultural chemicals, storage facilities handling predominantly agricultural chemicals or bulk sale facilities – **LEAVE ON LIST**
- b. Agricultural services – **Kolb asked for definition. 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



City of Baraboo

FARM & FLEET

DEPPE

GLACIER VALLEY FORD

PROPOSED SITE

Sec 03  
T11 R06

SE

Town of Baraboo

1054

1063

1290

1082

1081

1083

1086

1152-21

1151

1152-2

1152-2

0092

1153

1723

1722

1721

MSA

1152-9603

1152-9602

1000 ft

0090

1728

1152-512

9604

605

0011

0086

6012

0088

1152-07

South Blvd

South Blvd

South Blvd

Industrial Ct

Lariganje Ct

MSA-514

MSA-512

Private

Private

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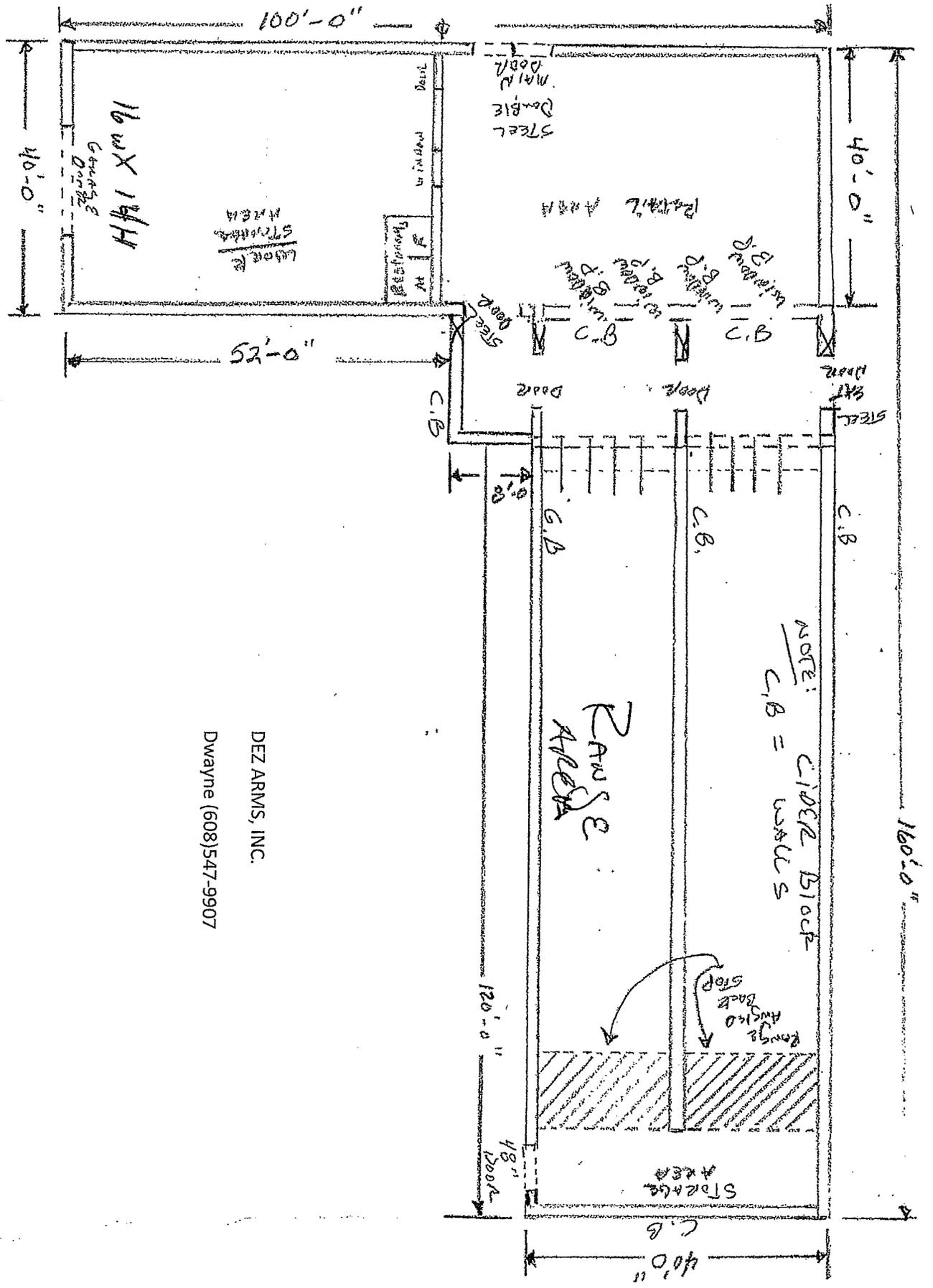
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DEZ ARMS, INC.  
 Dwayne (608)547-9907

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.)

<b>FOR TREASURER USE ONLY</b>
Receipt # _____
Account # 100-22-4440

Date of Petition: 8/27/18

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:

1. Name and address of each owner: (Please attach additional pages as necessary.)

Rabekah Hargraves and Jordan Darrow  
729 Vine St.  
Baraboo, WI 53913

2. Name and address of applicant if not an owner. Describe interest in site (if tenancy, attach copy of current lease):

\_\_\_\_\_

3. Address of site: 729 Vine St. Baraboo, WI 53913

4. Tax parcel number of site: 206-1096-00000

5. Accurate legal description of site (state lot, block and recorded subdivision or metes and bounds description) (Attach copy of owner's deed):

2.06 acre lot, single family residence

6. Present zoning classification: R-1A

7. Requested conditional use: NRO to open beauty salon  
in basement

8. Brief description of each structure presently existing on site:  
Just single family residence,  
no other structures

PAID  
 OCT 02 2018  
 CITY OF BARABOO

9. Brief description of present use of site and each structure on site:

single family residence, that is only structure  
on property.

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)

No new structures, or structural changes  
needed.

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

Will use same as residence currently has.  
no new sewer or water needed.

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.)

Charles Ganser 700 Vine St. Baraboo  
Dan and Mary Gander 724 Vine St. Baraboo

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.

I will not hire more than solely myself as employees.  
I will abide by all regulations for new zoning  
regarding parking, signage etc. I will not ever  
rebuilt a new facility to run business, will  
always be ran out of existing home.

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 27 day of August, 2018.

Juday Dano  
Property owner  
Rachel Hargrave  
Property owner

I certify that that I have reviewed this application for completeness.  
Date: \_\_\_\_\_ Zoning Administrator: \_\_\_\_\_

My name is Rabekah Hargraves and my fiancé, Jordan Darrow and I have both been Baraboo natives for each of our 26 years of life. We love this community and everything it has to offer while raising our family. I graduated Cosmetology School in 2012 and later that year opened my first business with a partner in Wisconsin Dells, named Bella Vita Salon, LLC. I co-owned and managed this salon for 4+ years and eventually decided the commute was too much. In March of 2017, I relocated and opened my own salon space within Salon Ice, LLC, in Baraboo and have been there ever since.

My Fiancé and I recently purchased our Forever Home from my relatives at 729 Vine Street, Baraboo. We plan to raise our children here and stay in the area. Having two infant daughters, we realized it would be beneficial to our family for me to be able to stay at home and raise our children, but still be able to follow my passion of Cosmetology.

Our home is a single-family residence, previously owned by my grandparents since 1981. My grandfather and uncles owned a Seal Coating Business and ran their shop/office out of the bottom of the home for many years. The lower level of our home at this location, is still currently setup for that business. There is no need to build or add any new structures on the property. This also means there will be no need for new water and/or sewer hookups. The space has a separate entrance, two if you count the large garage door that is close by as well. This area also has its own off-street parking, completely separate from our own personal driveway.

(PHOTOS ATTACHED)

The other end of Vine Street, closer to the Baraboo River, is currently zoned Commercial, as well as, less than a block away from our home, on the opposite side of the street is a commercially zoned Church.

I am solely the only employee of my business and I don't foresee that changing. This means there should be no change in amount of vehicle traffic or foot traffic in our neighborhood in the idea of me running my business on our property. The off-street parking that we currently have would also aid in this factor of keeping traffic low and to a minimum.

With previously owning a Beauty Salon myself and currently running and managing one as well still, I do have a current Federal Tax I.D. Number and all state required licenses to perform Cosmetology and run my business solely by myself. The lower level meets all the requirements needed to be approved for a new Cosmetology Establishment, so for the salon end of things, it would only take a Change of Address and a New Site Plan to transfer my business licenses to the new location. That leaves the City of Baraboo Zoning of our residence being the only detail in the way of me opening my own in-home Salon on our property.

I hope you can take all things listed above into great consideration, along with my application, and grant my wish of rezoning our property, in hopes of being able to raise my children, quietly working from home, and stay a Baraboo local forever with my family! Thank you for your time and consideration.



Imagery ©2018 Google, Map data ©2018 Google 100 ft

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.)

<b>FOR TREASURER USE ONLY</b>
Receipt # _____
Account # 100-22-4440

Date of Petition: 2 Oct 2018

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:

1. Name and address of each owner: (Please attach additional pages as necessary.)

Brian W. Pierce E13663 Cty U. Baraboo, WI 53913  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Name and address of applicant if not an owner. Describe interest in site (if tenancy, attach copy of current lease):

\_\_\_\_\_  
 \_\_\_\_\_

3. Address of site: 935 8th Street

4. Tax parcel number of site: 206 9317-31000

5. Accurate legal description of site (state lot, block and recorded subdivision or metes and bounds description) (Attach copy of owner's deed): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Present zoning classification: \_\_\_\_\_

7. Requested conditional use: digital Reader Board 18-19 sq ft

\_\_\_\_\_  
 \_\_\_\_\_

8. Brief description of each structure presently existing on site:

Masonry/steel Structure  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Brief description of present use of site and each structure on site:

Grocery / gas store

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)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 2 day of October, 2018.

  
\_\_\_\_\_  
Property owner

\_\_\_\_\_  
Property owner

I certify that that I have reviewed this application for completeness.	
Date:	Zoning Administrator:





**BLAIR COMPANIES**  
 ARCHITECTURAL MARKING  
 SIGN & RETAIL - Blair Inc.

address: 5107 Kistler Avenue  
 Altoona PA 16601

telephone: 814.949.3207

fax: 814.949.3292

web: blaircompanies.com

**Project Information**

client: SP

address: 316 STRASSET  
 25496001715290

store #: 8493473

date: 05/15/12

rendered: JDT

file name: SP\_8493473\_15

category:

REVISIONS

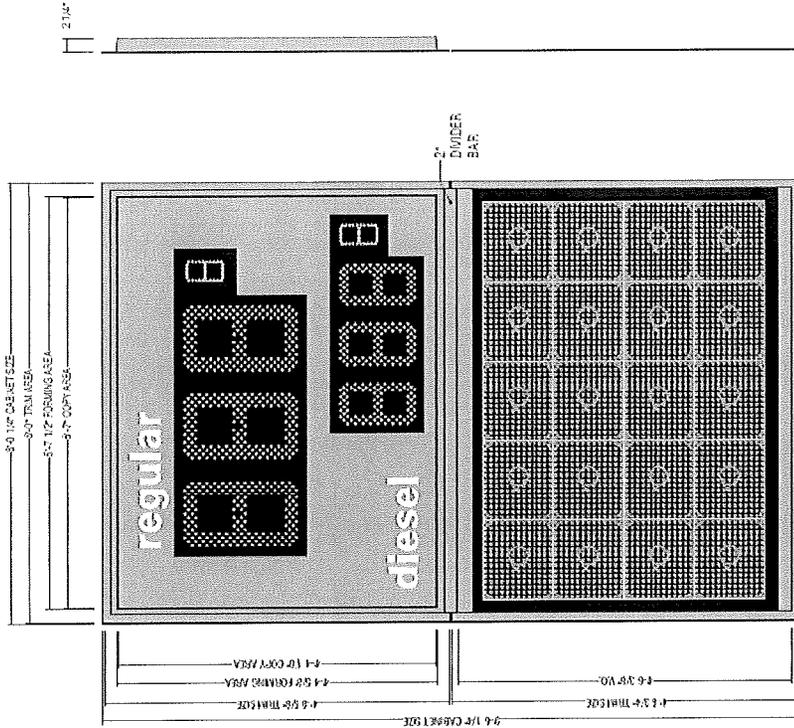
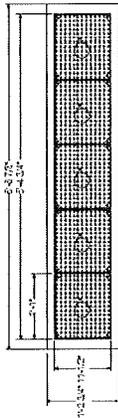
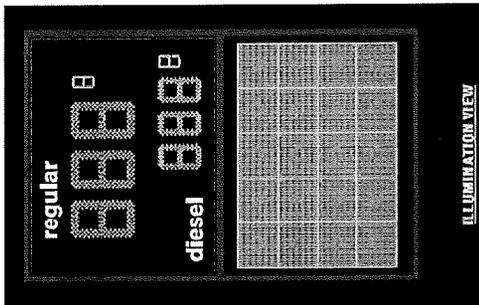
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 2. 05/21/12 JDT Started to increase the thickness  
 of the sign.

**NOTES**

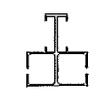
Drawing will require 90 days  
 after date on cover. If production  
 request is sent in after 90 days  
 24 hours is required to re-view  
 approval.

These drawings are not for  
 construction. The information  
 contained herein is intended to  
 express design intent only.

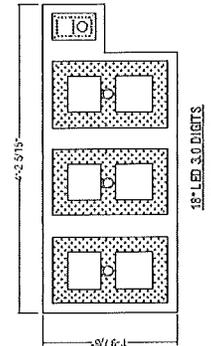
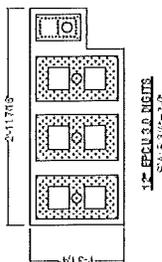
This original design is the sole  
 property of the Blair Companies. It  
 cannot be reproduced, copied or  
 distributed in whole or part without  
 the express written consent  
 from the Blair Companies.



regular 1 7/8  
 diesel 1 7/8  
 STAINLESS STEEL COPY



2- DIVIDER BAR  
 Will be supplied with other than what  
 this we required items to fit.  
 15 needed for each side of cabinet.



**FRONT VIEW**  
 SCALE 3/4"=1'-0"

**SIDE VIEW**  
 SCALE 3/4"=1'-0"

Phone 608 647 0544 - Daniel

For Office Use:	Date		Date
<input type="checkbox"/> Application given by _____	_____	<input type="checkbox"/> Notices Mailed by _____	_____
<input type="checkbox"/> Fee received by Treasurer _____	_____	<input type="checkbox"/> Public Hearing Published by _____	_____
<input type="checkbox"/> Filed with City Clerk _____	_____	<input type="checkbox"/> Plan Commission Held _____	_____
<input type="checkbox"/> Zoning Administrator Certification _____	_____	<input type="checkbox"/> Public Hearing Held _____	_____
<input type="checkbox"/> Referred for Staff Review _____	_____	<input type="checkbox"/> Council Action _____	_____
<input type="checkbox"/> Public Hearing Set _____	_____		

**City of Baraboo**  
 101 South Blvd.  
 Baraboo, WI 53913  
 (608) 355-2730 phone  
 (608) 355-2719 fax

**PETITION FOR ZONING CHANGE**

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

FOR TREASURER USE	
Receipt # _____	PAID OCT 02 2018 CITY OF BARABOO
Account # 100-22-4440	

Date of Petition: 10-2-18

The undersigned, being all the owners of the real property covered by this zoning change request, hereby petition the City of Baraboo Plan Commission and Common Council as follows:

- Name and address of each owner: Daniel J + Adelina Hellenbrand  
404 South Parkway, Baraboo, WI 53913
- Address of site: 404 South Parkway, Baraboo, WI 53913
- Tax parcel number of site: 206-0988-00000
- Accurate legal description of site (state lot, block, and recorded subdivision or metes and bounds description) (Attach copy of owner's deed): \_\_\_\_\_  
\_\_\_\_\_
- Present zoning classification: single family dwelling
- Requested zoning change: NRO
- Brief description of structures presently existing on site (include photos): one story  
single family ranch style home
- Brief description of present use of site and structures thereon: Primary residence
- Brief description of any proposed change in use or structures if request for zoning change is granted (include change in number of employees): Beauty shop, Adelina  
only employee
- The following arrangements have been made for serving the site with municipal sewer and water: Has City sewer + water.

11. Name, address, and tax parcel number of all owners of each parcel immediately adjacent to the boundaries of the site and extending 200 feet from and all the owners of the land directly opposite from the site extending 200 feet from the street frontage of such opposite land. (see section 17.11(1)(c) and City Code).
12. A scale map or survey showing the location, boundaries, dimensions, uses, and size of the site and its relationship to adjoining lands is attached. The map or survey shows the approximate location of existing structures, easements, streets, alleys, loading areas and driveways, off street parking, highway access and access restrictions, existing street, side and rear yards, surface water drainage, grade elevations and the location and use of any lands immediately adjacent to each of the boundaries of the site and extending 200 feet, plus the location of any existing structures on each such identified parcel. The name and address of each owner is attached.
13. A statement with supporting evidence indicating that the proposed zoning change or special zoning exception shall conform to the purpose, intent, spirit and regulations of the 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.

Dated this 2nd day of Oct., 2008.

Property Owner

David Hellebrand  
Property Owner

Property Owner

William Hellebrand  
Property Owner

I have reviewed this application for completeness:

Date: \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_

Quarry St.

33' 11"

31' 10"

15' 3"

12' 10"

13'

16' 6"

10' 1"

9' 10"

12' 10"

17' 10"

23' 7"

garage

14'

6' 3"

28'

salon

33' 9"

19'

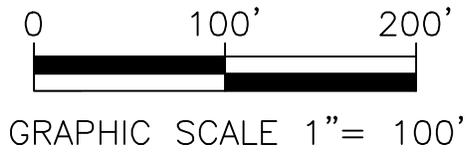
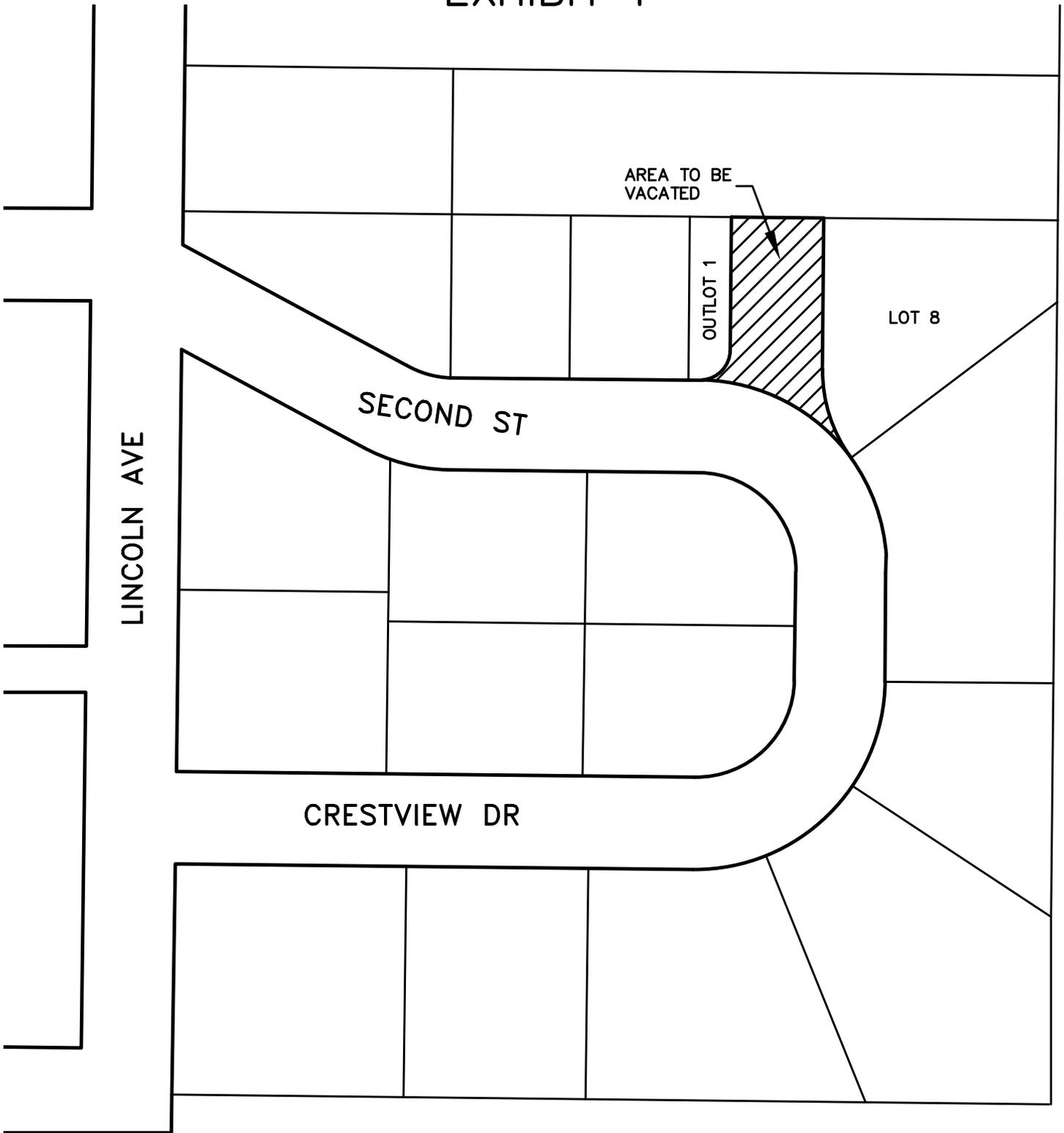
29' 10"

South Park way





# EXHIBIT 1



## PARKING SUMMARY

	Current Standard Parking Stalls	Proposed Parking Stalls
Below Grade Standard Stall	50	66
Below Grade Accessible Stalls	2	2
Surface Parking	60	54
Surface Accessible Stalls	3	5
<b>Total Stalls</b>	<b>115</b>	<b>127</b>

122 Standard 5 Accessible

Required Parking Stalls: BGO 17.41 All Residential Dwellings Two (2) Stalls per each dwelling unit\*

\*Variance can be granted for senior housing and disable person to 1.5 stalls for each dwelling unit

Parking Calculations:	
71 Senior Apartments @ 1.5 stalls	107 stalls
1 Stall for each three (3) Assisted Living and memory care unit = $86/3 = 28$ stalls	28 stalls
<b>Total Required</b>	<b>135 stalls</b>
	Minus 8 Stalls

Existing Units:	
159 Units/8.03 Acres = .0511 Acre per unit	
<del>159</del>	
Proposed Units:	
159 Units/8.03 Acres = .0505 Acre per unit	

157











**17.08 PROPOSED DEFINITIONS** (*Atty Note: These are new definitions which, if adopted, would be included in §17.08 of the Municipal Code, resulting in the renumbering of the subsections of the section – the new numbers are intentionally left out on this copy*):

**AGRICULTURAL SERVICES.** Includes all operations pertaining to the sale, handling, transport, packaging, storage or disposal of agricultural equipment, products, by-products or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities

**AMUSEMENT AND RECREATION SERVICES.** The operation of sports, amusement, and recreation services such as, but not limited to, bathing beaches, swimming pools, riding academies, carnival operations, exposition operations, horse shows, picnic grounds operations, rental of rowboats and canoes, and shooting galleries.

**BUS DEPOT.** A facility where buses are stored and maintained.

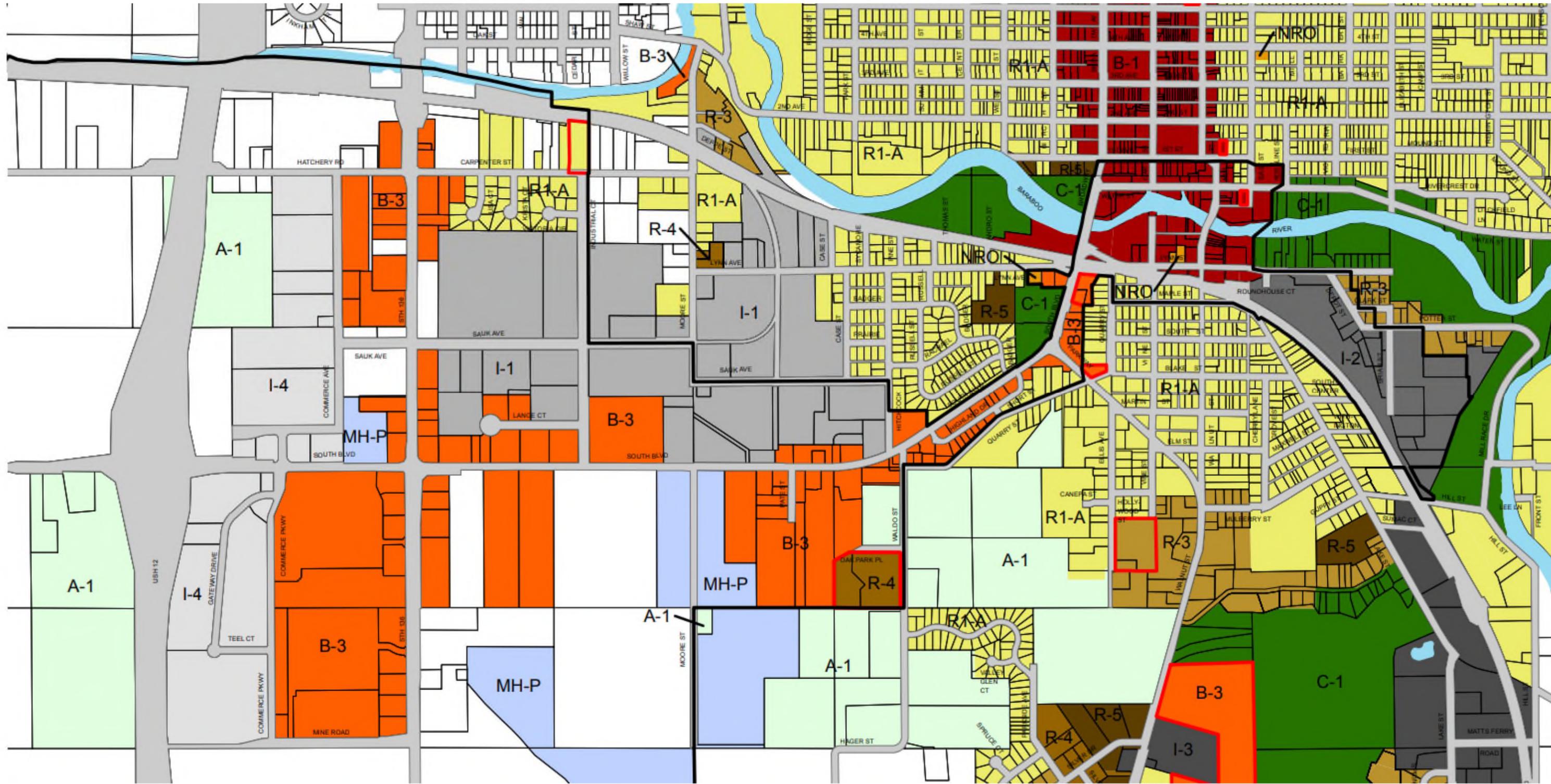
**INDOOR INSTITUTIONAL.** All indoor public and private institutional facilities such as gyms, swimming pools, libraries, museums and community centers, schools, colleges, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons and similar land uses.

**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:

(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.
- b. Agricultural services.
- c. Amusement and recreation services.
- d. Animal shelters.
- e. Asphalt products manufacturing or processing plants.
- f. Automobile car washes.
- g. Automobile sales establishments.
- h. Automobile service stations.
- i. Automotive, implement and recreation vehicle sales.
- j. Blacksmith shops which, for the purposes of this section, is defined as the forging and shaping of iron.
- k. Boarding houses.
- l. Building supplies.
- m. Bulk building products manufacturing or processing plants involving bio-hazardous components.
- n. Bus depots.
- o. Campgrounds.
- p. Cemeteries.
- q. Communication towers, except as otherwise allowed by State or Federal law or for personal or business use.
- r. Cultivation.
- s. Contractors, with the exception of offices and/or showrooms and where no building or other materials are stored or constructed on the premises.
- t. Dry cleaning establishments.

- u. Electronic circuit assembly plants.
- v. Electroplating plants.
- w. Exterminating shops.
- x. Feed lots.
- y. Foundries and forge plants.
- z. Fraternities and sororities.
- aa. Garages, which, for the purposes of this section means an establishment where the repair and/or servicing of motorized vehicles, including body repair, painting and engine rebuilding, occurs.
- bb. Garden supplies, with the exception of supplies that are stored outside.
- cc. Grazing of livestock.
- dd. Hazardous chemical manufacturing or processing plants, distribution facilities handling predominantly hazardous chemicals, storage facilities handling predominantly hazardous chemicals or bulk sale facilities.
- ee. Highway salt storage areas.
- ff. Indoor institutional, except as otherwise permitted by state or federal law.
- gg. Industrial liquid waste storage areas.
- hh. Junkyards and auto graveyards.
- ii. Landfills or facilities for the treatment, storage or disposal of waste.
- jj. Licensed Manufactured Home Parks.
- kk. Meat and meat products manufacturers.
- ll. Metal reduction and refinement plants.
- mm. Mining operations (gravel pits).
- nn. Mobile home dealers.
- oo. Motor and machinery service and assembly shops.
- pp. Non-Commercial community buildings for social gatherings, emergency shelters, laundry or similar common usage for a Manufacture Home Park community.
- qq. Paint products manufacturing.
- rr. Parking lots not accessory to a principal structure.
- ss. Penal and correctional institutions, except as otherwise permitted by state or federal law.
- tt. Petroleum products storage or processing.
- uu. Photography studios, including the developing of film and pictures.
- vv. Plastics manufacturing, other than molding operations and assembly operations.
- ww. Printing and publishing establishments that use non-biodegradable inks and/or volatile organic compounds.
- xx. Press Rooms.
- yy. Pulp and paper manufacturing.
- zz. Recreation and utility trailer dealers.
- aaa. Salvage yards.
- bbb. Self-service storage facility.
- ccc. Self-storage rental sheds.
- ddd. Service buildings normally accessory to the permitted use.
- eee. Sexually oriented businesses, as defined in Section 12.15.
- fff. Storage buildings that serve an existing permitted use.
- ggg. Trailer sales or rental establishments.
- hhh. Waste transfer stations.
- iii. Wholesale establishments.
- jjj. Any business or industry involved the above ground bulk storage of LP or propane gas
- kkk. All metal clad or cinder block buildings.
- lll. All non-taxable or tax-exempt properties including, but not limited to, churches, schools, day care centers, except as otherwise allowed by state or federal law.



## **CONDITIONAL USE OVERLAY DISTRICT**

(boundary defined by bold black line)