



AGENDA FOR THE PLAN COMMISSION

Tuesday, May 21, 2024, 5:15 p.m.

Council Chambers, 101 South Blvd., Baraboo, Wisconsin

Members Noticed: R. Nelson, J. Kent, D. Olson, R. Franzen, T. Kolb, B. Hartup, M. Boegner

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

	Pages
1. Call to Order	2
1.a Note compliance with the Open Meeting Law	
1.b Roll Call	
1.c Approve agenda	
1.d Approve April 16, 2024 meeting minutes	4
2. Public Invited to Speak	
<i>(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.)</i>	
3. Public Hearings	
a. Request of JACQUES HOLDINGS, LLC for a Conditional Use Permit to allow the construction of a new Type 2 Eating Establishment with a drive-thru and pickup service in a B-3 Highway Oriented Business zoning district, located on Lot 2 of CSM 7277 in the NE ¼ of Section 03, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 805 State Rd 136.	
4. New Business	6
a. Consider the request of JACQUES HOLDINGS, LLC for a Conditional Use Permit to allow the construction of a new Type 2 Eating Establishment with a drive-thru and pickup service in a B-3 Highway Oriented Business zoning district, located on Lot 2 of CSM 7277 in the NE ¼ of Section 03, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 805 State Rd 136.	
b. Consider a request to rezone the parcel of land located in the SW1/4 of the NE1/4 Section 36, T12N, R6E, City of Baraboo, Sauk County Wisconsin, from R-4, Four through Twelve-Family Residential to R-5, Thirteen and Up Multi-Family Residential, being the easterly 662' +/- of the block surrounded by Jefferson Street on the west, 10 th Street on the north, Washington Avenue on the east and 9 th Street on the south, by the Community Development Authority of the City of Baraboo.	
c. Consider a proposed amendment to the Zoning Code to regulate the use and placement of Shipping Containers.	
5. Discussion Items	
a. Comprehensive Plan Update.	
6. Adjournment	

PLAN COMMISSION ITEM SUMMARY

May 21, 2024

SUBJECT: REQUEST OF JACQUES HOLDINGS, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TYPE 2 EATING ESTABLISHMENT WITH A DRIVE-THRU AND PICKUP SERVICE IN A B-3 HIGHWAY ORIENTED BUSINESS ZONING DISTRICT, LOCATED ON LOT 2 OF CSM 7277 IN THE NE ¼ OF SECTION 03, T11N, R6E, CITY OF BARABOO, SAUK COUNTY, WISCONSIN AT 805 STATE RD 136.

SUMMARY OF ITEM A: JACQUES HOLDINGS LLC are the owners of this property and they have a prospective tenant that would like to construct a new “restaurant” building on this property. Although the proposed use is a Permitted Use in the B-3 zoning district, this property is located in the Conditional Use Overlay District and every new use is regulated as a Conditional Use.

COMPLIANCE/NONCOMPLIANCE:

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

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

SUBJECT: CONSIDER A REQUEST TO REZONE THE PARCEL OF LAND LOCATED IN THE SW1/4 OF THE NE1/4 SECTION 36, T12N, R6E, CITY OF BARABOO, SAUK COUNTY WISCONSIN, FROM R-4, FOUR THROUGH TWELVE-FAMILY RESIDENTIAL TO R-5, THIRTEEN AND UP MULTI-FAMILY RESIDENTIAL, BEING THE EASTERLY 662' +/- OF THE BLOCK SURROUNDED BY JEFFERSON STREET ON THE WEST, 10TH STREET ON THE NORTH, WASHINGTON AVENUE ON THE EAST AND 9TH STREET ON THE SOUTH, BY THE COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF BARABOO.

SUMMARY OF ITEM B: This property, known as Corson Square, is currently occupied by a 40-unit multi-family apartment building and five duplex building, all owned and operated by the Community Development Authority of the City of Baraboo. The 40-unit building is considered non-conforming since the existing R-4 district limits building to a maximum of 12 units. The CDA is requesting to rezone the entire property, which would make the existing 40-unit complex a permitted use and allow them to add a new 35-unit Family Affordable Housing development on this property and remove the existing five duplex buildings.

ACTION: Forward to Common Council for a Public Hearing on the Rezoning with a recommendation to Approve/Conditionally Approve/or Deny the Proposed Zoning Code Amendment.

SUBJECT: CONSIDER A PROPOSED AMENDMENT TO THE ZONING CODE TO REGULATE THE USE AND PLACEMENT OF SHIPPING CONTAINERS.

SUMMARY OF ITEM C: Given the apparent increasing popularity of converting shipping containers to residential dwellings, the City may want to consider regulating this type of use. Included in the packet is a draft of a proposed Amendment to the Zoning Code for your consideration.

ACTION: Forward to Common Council for a Public Hearing on a Zoning Code Amendment with a recommendation to Approve the Proposed Amendment.

DISCUSSION ITEMS:

ITEM A - COMPREHENSIVE PLAN UPDATE: This will be a standing item on the agenda for the duration of Comprehensive Plan Update project. We have a regular monthly meeting with our consultant, SEH, prior to the Plan Commission meeting and our consultant will attend the Commission meeting to provide you with a brief summary of that meeting.

Minutes of Plan Commission Meeting April 16, 2024

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

Roll Call – Present were Mayor Nelson, Jason Kent, Roy Franzen, Jim O’Neill, Tom Kolb, Barry Hartup. And Matt Boegner.

Also in attendance were Tom Pinion, Brian Scarborough, Matt Muchow, and Nate Day.

Call to Order

- a. Note compliance with the Open Meeting Law. Mayor Nelson noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Boegner, seconded by Hartup to approve the agenda as posted. Motion carried 7-0.
- c. Minutes Approval: It was moved by Franzen, seconded by Kolb to approve the minutes of March 19, 2024 meeting. Motion carried 7-0.

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. The request of Brian Scarborough, d/b/a BaraBrew, for a Conditional Use Permit for an electronic variable message sign to be located at 315 South Blvd, in a B-3 Highway Oriented Business District, City of Baraboo, Sauk County, Wisconsin - There being no speakers, the hearing was declared closed. He said the property is the former Oliver Motors site. He said the existing sign is a non-conforming sign that the face will be changed out on and the variable message board would be added below

New Business

- a. Consider the request of Brian Scarborough, d/b/a BaraBrew, for a Conditional Use Permit for an electronic variable message sign to be located at 315 South Blvd, in a B-3 Highway Oriented Business District, City of Baraboo, Sauk County, Wisconsin – Pinion presented the background. He said 12 square foot is the maximum area for copy on a variable message sign and there is more than enough room to add the total square footage based on a total frontage that they have. Nelson has how this compared to the sign on the corner of 8th and Broadway, Pinion said that sign is also 12 square feet, but Scarborough’s requested sign will not be near as bright. Question was raised if the sign would be on all night, Scarborough said that he could have it shut off at 9:00 p.m. when closing. Pinion said that this could be part of the motion, however, there are no other signs with time restrictions. O’Neill would like to see during business hours stipulated in the motion. Kolb moved to approve the conditional use permit with the condition that the sign is operable only during business hours. Boegner seconded the motion. On roll call vote for the motion, Ayes – Kent, Franzen, O’Neill, Kolb, Hartup, Boegner, and Nelson. Nay – 0, motion carried 7-0.
- b. Review the Phase 1 Specific Implementation Plan (SIP) in accordance with Step 4 of the Planned Development rezoning process for KMD Development LLC’s Baraboo Bluffs Estates Amended General Development Plan – Matt Muchow presented the background to the Commission. He said that the clubhouse will no longer be needed because there will no longer be a condominium association, but rather zero lot line duplexes. He said the Phase II would likely be the south side of the development. Kent expressed concern regarding the developer’s commitment to finish the development. Kolb then asked about the landscaping and street lighting, Muchow explained landscaping. Pinion said that street lighting would be a required improvement for the public right-of-ways. Kolb moved, Boegner seconded to approve the SIP for the Baraboo Bluffs Estates amended GDP. On roll call vote for the motion, Ayes - Franzen, O’Neill, Kolb, Hartup, Boegner, Nelson, and Kent. Nay – 0, motion carried 7-0.
- c. Review and approve the Final Plat for Phase 1 of Baraboo Bluffs Estates, a proposed 10-Lot, 3.34-acre Subdivision Plat (Appendix F of the Baraboo Bluffs Estates SIP), being a part of Certified Survey Map No. 7231, located in the S½ of Section 2, T11N, R6E, City of Baraboo, Sauk County, Wisconsin – Matt Muchow presented the background for the request to the Commission. He said that they are currently working on vacating the existing condo plat and declarations. Pinion said that this would not be recorded until the condo plat is vacated. It was moved by Kolb, seconded by Hartup to forward to Council with the recommendation to approve the final plat for Phase 1 of Baraboo Bluffs Estates with the understanding that it could not be recorded until the underlying condo plat has been vacated. On roll call vote for the motion – Ayes – O’Neill, Kolb, Hartup, Boegner, Nelson, Kent, and Franzen. Nay – 0, motion carried 7-0.

Discussion Items

- a. Comprehensive Plan Update – Nate Day addressed the Commission. He said that the Steering Committee went through the Inter-governmental cooperation chapter with good discussion and updated it with ease. He said they have the Land Use chapter coming up and that is the one that they will make sure they get right. He said that they want to

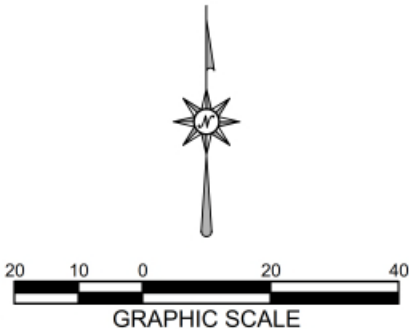
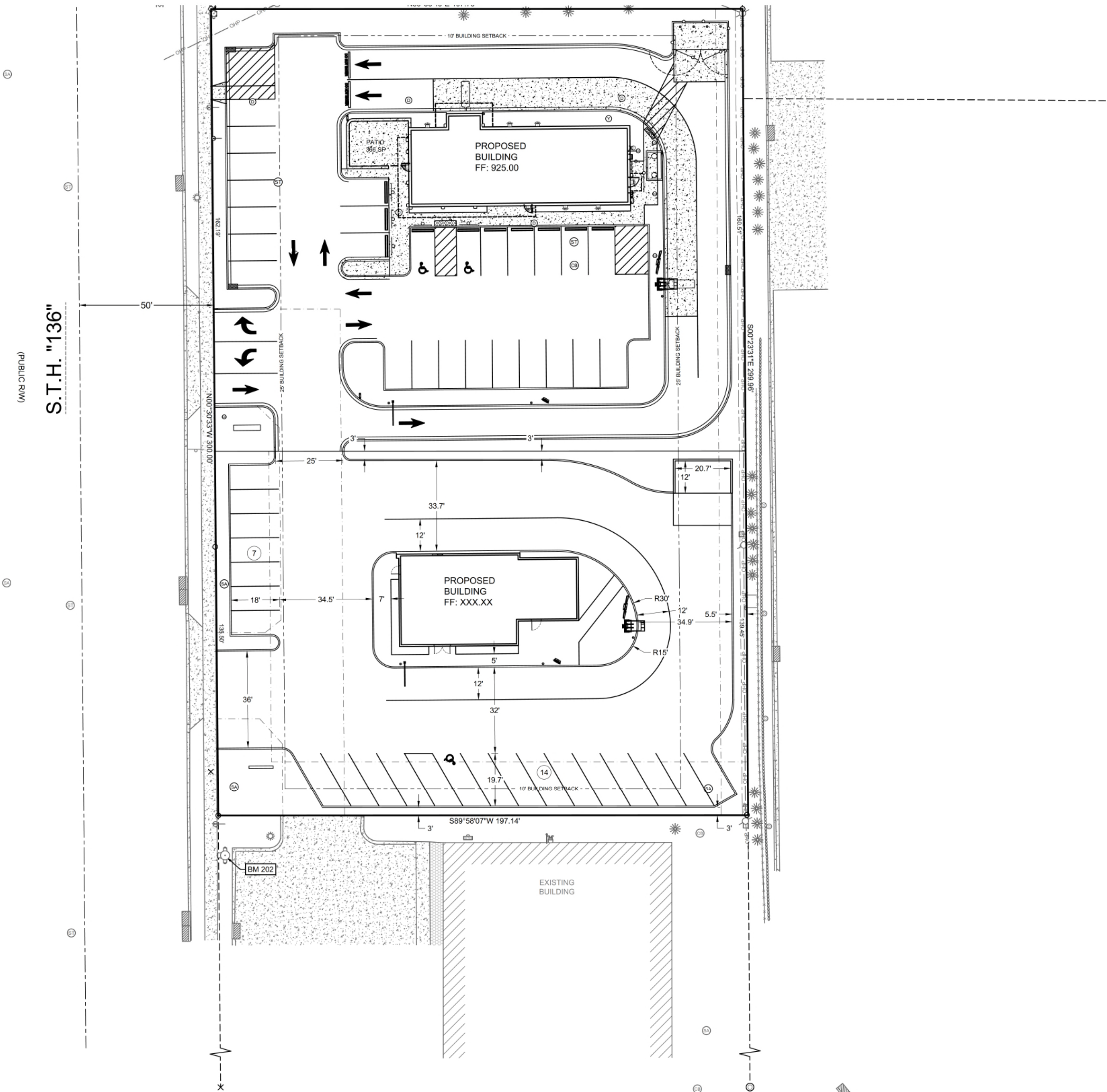
make sure that the voices are heard and take all the public comments that they have heard, survey information, businesses that they have spoken with, the Steering Committee, and Plan Commission. He said that this chapter in particular, they want to make sure that they have everything set with where the developer interests are, where the future land growth wants to happen, are they looking at single family homes, mixed use properties. He said he would like to encourage the Commission to think about the land use chapter. He then discussed the specific items for the Commission to think about. He said that they seem to be on schedule for another public meeting, hopefully the end of May.

- b. Standards for a Certificate of Appropriateness for Locally Designated Historic Places, Structures or Objects – Pinion presented the background. He said that he feels that they were intentionally vague to allow a fair amount of discretion by the Plan Commission. He said that there are no a lot of properties, but he feels that if the Commission ends up changing mid-stream, part of his concern is, if being of property owner and they signed up for this years ago and the criteria changes dramatically they may not feel comfortable and petition to undesignated them. Mayor Nelson thought that it was the consensus of the Commission last month to appoint an Adhoc Committee, including some downtown property owners, some not downtown, and some historic preservation folks to go through the ordinance to see if there were things that may need to be clarified. Kolb said that he also understood that an Adhoc committee would be appointed to look the ordinance over. It was the consensus of the Commission to direct the Mayor to appoint an Adhoc Committee, Jason Kent volunteered to represent the Commission on the committee.

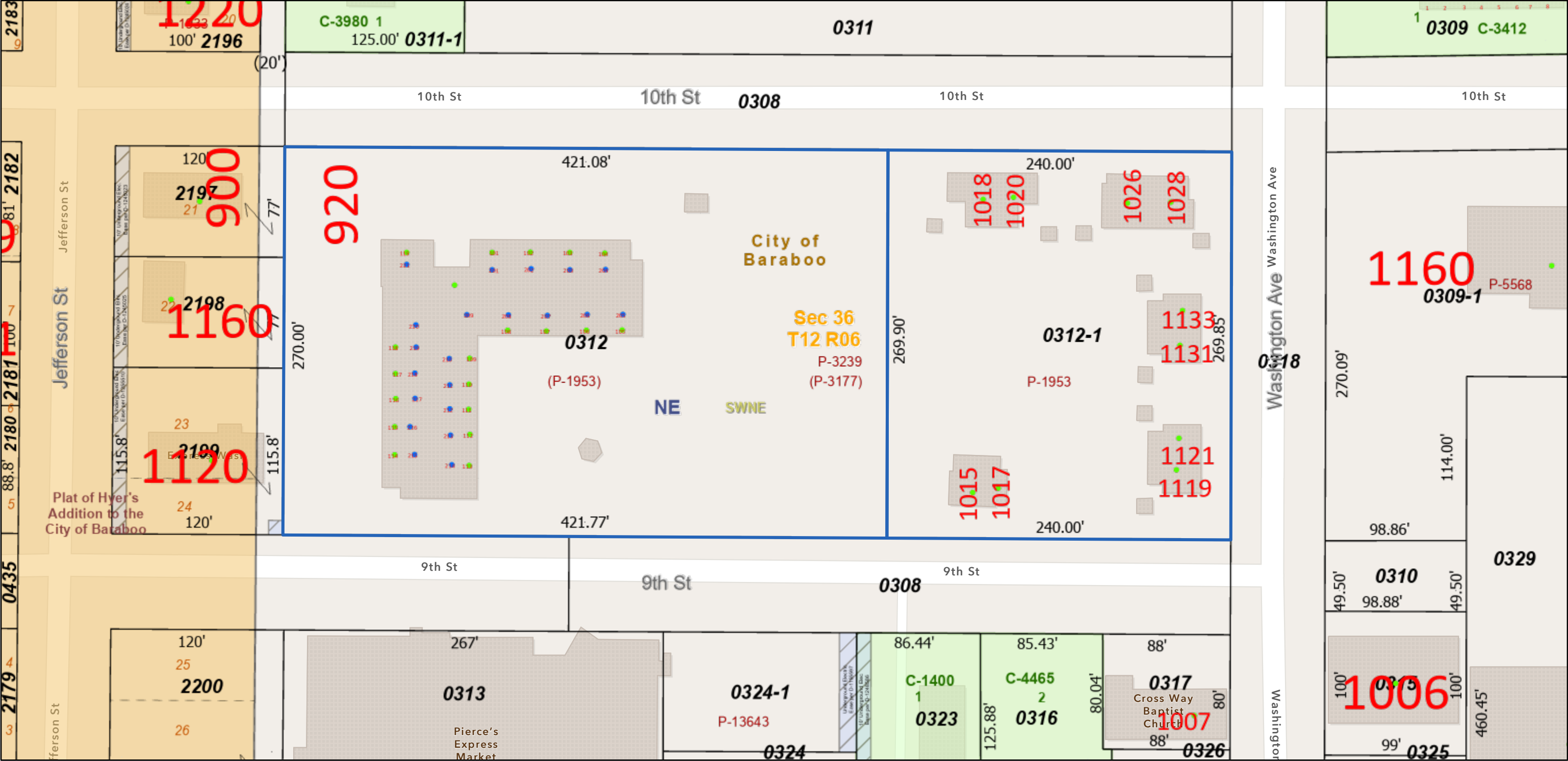
Mayor Nelson thanks Jim O'Neill for terrific work on the Commission and long-standing service. He then Tom Kolb will take O'Neill's place as a citizen representative, and Kent and David Olsen will be the Council representatives.

Adjournment – O'Neill moved, Kent seconded to adjourn at 5:54 p.m.

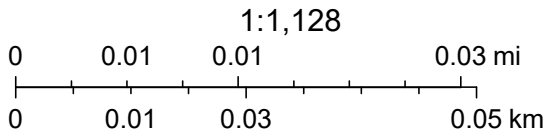
Rob Nelson, Mayor



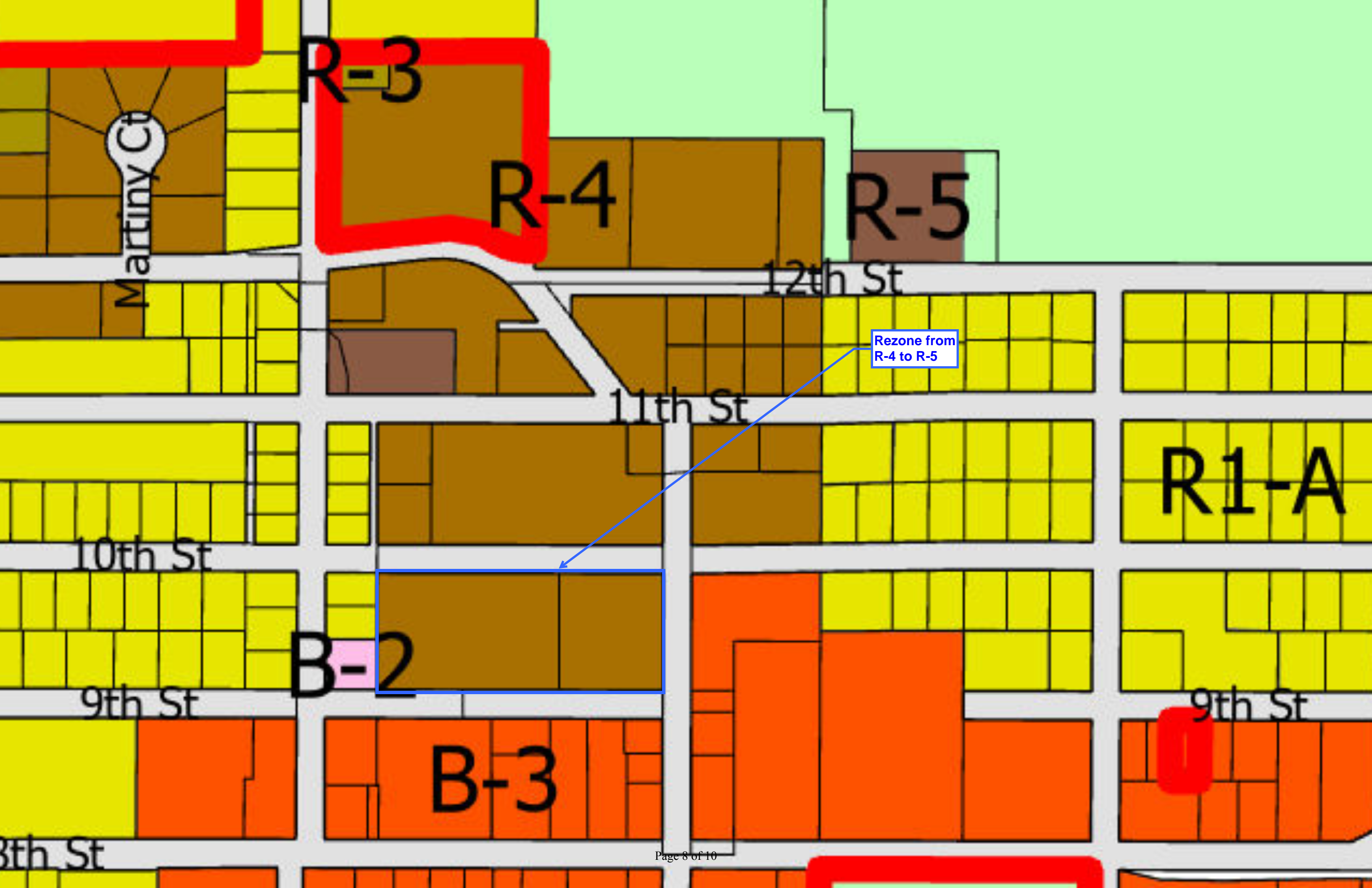
Community Development Authority-Proposed Rezoning



5/13/2024, 10:37:45 AM



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R-3

R-4

R-5

12th St

11th St

10th St

R1-A

9th St

B-2

B-3

9th St

8th St

AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BARABOO BY ADDING SECTION 17.13 REGARDING THE USE AND PLACEMENT OF SHIPPING CONTAINERS ON CERTAIN PARCELS IN THE CITY OF BARABOO

RECITALS

A. Due to changes in international economics, semi-trailers, PODS, and corrugated metal containers, which have been historically used for shipping (collectively, "Shipping Containers"), have become an economical alternative for property owners looking to increase storage quickly and easily.

B. The Plan Commission of the City of Baraboo (the "City") is aware of the increasing prevalence of Shipping Containers being placed on parcels within communities, and pursuant to its zoning powers, desires to regulate their use.

NOW, THEREFORE, THE CITY OF BARABOO, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 17.13 (6) shall be added to the City of Baraboo Zoning Code and shall read as follows:

(6) SHIPPING CONTAINERS

(1) Placement and Restrictions

(A) Shipping Containers may be permanently installed as an Accessory Structures on any parcel zoned I-2.

(B) No Shipping Container may be permanently placed on any parcel of land zoned R-1, R-2, R-3, R-4, R-5, MH-P, or MH-S. One (1) Shipping Container may be temporarily placed on parcels zoned R-1, R-2, or R-3 for no more than 45 days with a Temporary Use Permit issued pursuant to Chapter 14, Subchapter I -Building Code, so long as the Shipping Container is not used for human occupancy.

(C) One (1) A Shipping Container may be installed on any parcel zoned I-2 as an Accessory Structure upon the issuance of a Conditional Use Permit. A Shipping Container may be temporarily placed on parcels zoned I-1, I-2, I-3, or I-4 for no more than 45 days with a Temporary Use Permit issued pursuant to Chapter 14,

Subchapter I -Building Code, so long as the Shipping Container is not used for human occupancy.

(D) Any Shipping Container located on a parcel shall solely be for the sole use of the owner or occupant of said parcel, and in no event shall Shipping Containers be leased out as temporary storage to a party who does not otherwise have a property interest in the parcel upon which the Shipping Container is located.

(E) Shipping Containers shall not to be stacked, permanently or temporarily, one upon another. Each Shipping Container must be securely placed on the ground with any and all necessary footings.

SECTION 2: Section 17.08 (100A) shall be added to the Zoning Code:

(100A) SHIPPING CONTAINER. Any pre-fabricated object originally designed and historically used for transport of material goods, including but not limited to semi-trailers, PODS, and corrugated metal containers.