

Minutes of Plan Commission Meeting April 19, 2022

Call to Order – Mike Palm called the meeting of the Commission to order at 7:00 PM.

Roll Call – Present were Mike Palm, Phil Wedekind, Roy Franzen, Jim O’Neill, Tom Kolb, Dee Marshall, and Matthew Boeggner.

Also in attendance were Tom Pinion, John & Raquel Schwanbeck, Bob & Janet Konen, Robert Simon, Stacy Jax, Kerry Zimmerman, Barry Hartup, and Brian Heller.

Call to Order

- a. Note compliance with the Open Meeting Law. Mayor Designee Palm noted compliance with the Open Meeting Law.
- b. Agenda Approval: There was a motion and a second to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: Kolb stated that New Business, Item c should be Motion carried 6-1, not 6-0. It was moved by Kolb, seconded by Marshall to approve the minutes of the March 15, 2022 meeting with the correction. Motion carried unanimously.

Public Invited to Speak (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – There were no speakers.

Public Hearings

- a. The request of Kardannic Properties, LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 39 of Parkside Subdivision to two side-by-side single-family attached residential dwellings at 1130/1132 Spruce Drive, City of Baraboo, Sauk County, Wisconsin. – Brian Heller, 307 Mulberry Street addressed the Commission, speaking for both Public Hearing for Kardannic because the same issues apply to both cases. He advised the Commission that a healthy community has multiple segments of the housing market, rental properties, single family (owner occupied), and also rental properties in the single-family detached or duplexes. He said that he moved to Baraboo in 2010 and since that, time has seen a lot rental properties disappear from the market, endangering a segment of the housing market. Brian would like the Commission to look at the entire market.
- b. The request of Kardannic Properties, LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 2 of Harding’s Addition to two side-by-side single-family attached residential dwellings at 307/309 Mulberry Street, City of Baraboo, Sauk County, Wisconsin – Heller spoke to this public hearing when speaking to the above; therefore, this hearing was declared closed.
- c. The request of Robert Simon for a Conditional Use Permit for a Professional Home Office for insurance sales at Lot 2 Block 6 Victory Heights, 515 Badger Drive, City of Baraboo, Sauk County, Wisconsin. – There being no speakers, the hearing was declared closed.

New Business

- a. Consider John Schwanbeck’s request for a Conditional Use Permit to allow the sale of limited firearms as a Home Occupation at 1514 Ash Street, City of Baraboo, Sauk County, Wisconsin. – Pinion presented the background to the Commission. Pinion said that this request does fall within the definition of a home occupation. Kolb asked Schwanbeck if he has applied to the ATF for a license, Schwanbeck stated that he has not done it yet; however, it is a requirement, but he was told by ATF that the first step would be to get the property properly zoned. Kolb asked if he deals in ghost guns and Schwanbeck answered no. It was stated that Schwanbeck does have a home security system. Schwanbeck said that as far as selling anything, he does not ever plan to have any inventory of firearms. Kolb moved to approve the conditional use permit providing the highlighted sections of Home Occupation in the City Code (listed below) are followed:

(56) HOME OCCUPATION. (2235 08/22/2006)

- (a) A “Home Occupation” is defined as the production of goods and/or services, customarily conducted for gain or support, within a residence by a member of the family residing in the residence, and that has three or more of the following characteristics:

1. The direct sales of merchandise or service to customers at the residence, or meeting directly with customers at the residence.
2. Non-immediate family employees come to the residence.
3. The delivery of materials used in the home occupation to the residence.
4. Equipment used in the home occupation is stored outside the residence.

5. Evidence of use as a home occupation visible or audible from off the property.

Regardless of circumstances, a home occupation shall not include a daycare not required to be licensed by the State, home sales parties not exceeding twice per calendar month, an activity engaged in by persons under the age of 18 years, or private lessons offered in a home, such as music or reading.

(b) If a home occupation is permitted as a conditional use for a residence, it shall comply with the following general conditions:

1. Retail sales are not permitted within a home occupation building.
2. Shopping by customers is not permitted within a home occupation building.
3. Displayed items produced by the home occupation may be displayed but not sold.
4. A home occupation shall produce no offensive noise, vibration, dust, odors, smoke, heat, pollution, glare, or radio, electrical, or television interference or otherwise produce a nuisance.
5. No materials which decompose by detonation shall be allowed in conjunction with a home occupation.
6. No home occupation shall be permitted which changes the outside appearance of the dwelling or is visible from the street.
7. Materials used in or produced by a home occupation may not be stored or displayed outside of any building.
8. Nonresident employees of a home occupation may be permitted by the Plan Commission if the Plan Commission makes the following findings:
 - i. That no non-resident employee shall perform any work or services at the site of the home occupation,
 - ii. That a non-resident employee shall not work out of a branch office located in his/ her home within the City unless the said branch office is also granted a conditional use permit, and
 - iii. That a non-resident employee shall not report for work at the site of the home occupation and leave his/her vehicle parked in the vicinity of the home occupation during the work day.
9. The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be in excess of what is compatible with a residential neighborhood. There shall be no deliveries to or from a home occupation with a vehicle larger than a 30-foot long single-unit truck nor more than one delivery per day. Trucks shall not operate out of resident districts as part of a home occupation.
10. No more than one (1) home occupation shall be permitted per each lot.
11. A home occupation shall be carried on wholly within buildings on the lot by resident occupants and the total area devoted to the home occupation shall not exceed 20 percent of the gross floor area of the dwelling unit.
12. No home occupation shall be permitted that generates sewerage or water use in excess of what is normal for a residential dwelling.
13. No home occupation shall be permitted which requires plumbing, electrical, or structural changes when such changes are not dictated by the primary residential use of the property.
14. Home occupation uses shall meet all applicable fire and building code safety requirements.
15. No home occupation involving visits to the site of the home occupation by customers or the loading and unloading of business-oriented material shall be operated between the hours of 8:00 p.m. and 8:00 a.m.
16. The following uses are prohibited as home occupations:
 - i. Veterinary clinics, pet grooming or boarding.
 - ii. Antique shop.
 - iii. Automobile or other motor vehicle repair or paint shops.
 - iv. Barber shops and beauty parlors.
 - v. Furniture stripping and/or refinishing.
 - vi. Gift shops.
 - vii. Manufacturing or assembling items for sale from components not made on the same premises.
 - viii. Mortuaries.
 - ix. Photographic studios.
 - x. Private clubs.

no ghost guns are allowed, and a license is obtained through ATF. Franzen seconded the motion. On roll call for the motion, Ayes – Wedekind, Franzen, O’Neill, Kolb, Marshall, Boeggner, and Palm. Nay – 0. Motion carried 7-0.

- b. Consider the request of Kardannic Properties, LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 39 of Parkside Subdivision to two side-by-side single-family attached residential dwellings at 1130/1132 Spruce Drive, City of Baraboo, Sauk County, Wisconsin. – Pinion presented background to the Commission. It was moved by Wedekind, seconded by Kolb to approve the conditional use as presented. On roll call vote for the motion, Ayes – Franzen, O’Neill, Kolb, Marshall, Boeggner, Palm, and Wedekind. Nay – 0, motion carried 7-0.
- c. Review and approve a 2-Lot Certified Survey Map for Kardannic Properties, LLC to create two side-by-side single-family attached residential dwellings in an R-1A Single-Family Residential zoning district at 1130/1132 Spruce Drive, City of Baraboo, Sauk County, Wisconsin, being Lot 39 of Parkside subdivision located in the NW1/4 of the NE1/4 of Section 11, T11N, R6E in the City of Baraboo, Sauk County, Wisconsin. – Moved by Kolb, seconded by Marshall to approve the CSM as presented. On roll call vote for the motion, Ayes – O’Neill, Kolb, Marshall, Boeggner, Palm, Wedekind, and Franzen. Nay – 0, motion carried 7-0.
- d. Consider request of Kardannic Properties, LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 2 of Harding’s Addition to two side-by-side single-family attached residential dwellings at 307/309 Mulberry Street, City of Baraboo, Sauk County, Wisconsin. – Pinion presented background to Commission. Moved by O’Neill, seconded by Marshall to approve the Conditional Use Permit as presented. Kolb acknowledged Bryan Heller’s concerns. On roll call vote for the motion, Ayes – Kolb, Marshall, Boeggner, Palm, Wedekind, Franzen, and O’Neill. Nay – 0, motion carried 7-0.

- e. Review and approve a 2-Lot Certified Survey Map for Kardannic Properties, LLC to create two side-by-side single-family attached residential dwellings in an R-3 Three- and Four-Family Residential zoning district at 307/309 Mulberry Street, City of Baraboo, Sauk County, Wisconsin, being Lot 2 of Harding's Addition, located in the NE1/4 of the SW1/4 of Section 2, T11N, R6E in the City of Baraboo, Sauk County, Wisconsin. – Moved by Kolb, seconded by Wedekind to approve the CSM as presented. On roll call vote for the motion, Ayes – Marshall, Boeggner, Palm, Wedekind, Franzen, O'Neill, and Kolb. Nay – 0, motion carried 7-0.
- f. Consider the request of Robert Simon for a Conditional Use Permit for a Professional Home Office for insurance sales at Lot 2 Block 6 Victory Heights, 515 Badger Drive, City of Baraboo, Sauk County, Wisconsin. – Pinion presented the background for this request to the Commission. He said that this is a request for a Professional Home Office, which differs a little from the previous request of a Home Occupation. He said that this request would entitle Mr. Simon to put up a sign that would not exceed four square feet, but it meets every provision of a Home office definition. It was moved by Franzen, seconded by Marshall to approve the Conditional Use as presented. On roll call vote for the motion, Ayes – Boeggner, Palm, Wedekind, Franzen, O'Neill, Kolb, and Marshall. Nay – 0, motion carried 7-0.
- g. Review and approve a one-lot Certified Survey Map for Ann Downing for land on the south side of CTH W in the City's Extraterritorial Plat Approval Jurisdiction, being part of the NE1/4 of the SE1/4, Section 5, T11N, R7E, Town of Greenfield, Sauk County, Wisconsin. – Pinion presented this CSM to the Commission. He said that it does comply with the City's subdivision and platting ordinance. He said that the CSM has been reviewed and approved by both the Plan Commission and the Town Board of Greenfield. It was moved by Kolb, seconded by Wedekind to approve the CSM as presented. On roll call vote for the motion, Ayes – Palm, Wedekind, Franzen, O'Neill, Kolb, Marshall, and Boeggner. Nay – 0, motion carried 7-0
- h. Review and approve a one-lot Certified Survey Map for Stacy Jax for land on the west side of Rocky Point Road in the City's Extraterritorial Plat Approval Jurisdiction, being part of the NW1/4 of the NW 1/4 of Section 29, T12N, R7E, in the Town of Greenfield, Sauk County, Wisconsin. – Pinion presented this CSM to the Commission. He said that this was also reviewed and approved by the Town of Greenfield. Wedekind moved, Kolb seconded to approve the CSM as presented. On roll call vote for the motion, - Ayes – Wedekind, Franzen, O'Neill, Kolb, Marshall, Boeggner, and Palm. Nay – 0, motion carried 7-0.
- i. Review a three-lot Certified Survey Map for H. Allan Davis for land on the south side of Gall Road in the City's Extraterritorial Plat Approval Jurisdiction, being part of the NW1/4 of the SW1/4, Section 12, T11N, R7E, Town of Baraboo, Sauk County, Wisconsin. - Pinion said that the CSM is in the Town of Baraboo Sanitary District No. 1. This means that the 2-acres or 35 acres does not apply. He said that each of the lots comply and the Town of Baraboo has reviewed and approve the CSM. Moved by O'Neill, seconded by Kolb, to approve the CSM as presented. On roll call vote for the motion, Ayes – Franzen, O'Neill, Kolb, Marshall, Boeggner, Palm, and Wedekind. Nay – 0, motion carried 7-0.
- j. Consider Amending Section 18.02(9) of the Subdivision and Platting Ordinance to require a minimum 50-foot setback from the right-of-way of STH 33 from CTH T (Taft Avenue) east approximately 3,650 feet to the eastern City Limits. – Pinion said that this is a housekeeping item. He said that anytime there is a land division adjoining a state highway it goes through a Trans 233 review. It was moved by Kolb, seconded by O'Neill to forward to Council with a positive recommendation to amend Section 18.02(9) as presented. On roll call vote for the motion, Ayes – O'Neill, Kolb, Marshall, Boeggner, Palm, Wedekind, and Franzen. Nay – 0, motion carried 7-0.
- k. Request to rezone the City-owned land on the west side of Lake Street between Well No. 7 and Lot 1 of Springbrook Hills subdivision from I-3, Industrial/Business to R-4, Four thru Twelve Unit Multi-Family Residential, for Devil's Lake Townhomes, LLC. – Pinion presented the request to the Commission. He presented the map to the Commission. He said the developer is the same finishing the apartment building on Lynn Street, and have express an interest in developing some townhouses. He said the Council did approve a pre-development agreement with them. He said one of the provisions was that they provide a site plan, have the property rezoned before the City executes a developer's agreement and ultimately conveys the property. Pinion said that they are living up to the conditions of the pre-developer's agreement. Pinion said that ultimately

consist of 3 building, the two outer buildings are ten unites apiece, and the center one is nine units. It was moved by Kolb, seconded by Wedekind to forward to Council with a positive recommendation to rezone the property from I-3 to R-4. On roll call vote for the motion, Ayes – Kolb, Marshall, Boeggner, Palm, Wedekind, Franzen, and O’Neill.

Pinion then thanks Palm and Marshall for their service to the Plan Commission.

Adjournment - It was moved by Kolb, seconded by Wedekind to adjourn at 4:32 p.m. The motion carried unanimously.

Mike Palm
Mayor Designee