

Minutes of Plan Commission Meeting May 17, 2022

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

Roll Call – Present were Mayor Nelson, Phil Wedekind, Roy Franzen, Jim O’Neill, Tom Kolb, Barry Hartup, and Matthew Boeggner.

Also in attendance were Tom Pinion, Mikka Roessler, Al, Stacy LaMarche, Mark Hamden-Krause, Brent Bellini, Jessica & Tm Horn, Linda Statz, Jake Buswell, and Ted & Lisa Rogers.

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 Kolb, seconded by Wedekind to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Wedekind, seconded by Franzen to approve the minutes of the April 19, 2022. 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.*) – Stacy LaMarche, 220 3rd Street addressed the Commission regarding Item a, Short-Term Rentals. He spoke on his concern of four people/1 bathroom in the ordinance. He would like to see this removed from the ordinance, or opened up to something more user friendly to Air BNB houses.

Mark Hamden-Krause, 211 3rd Street addressed the Commission on Short-Term Rentals. Hamden-Krause said the original ordinance passed in 2019, he has owned his Air BNB for seven years, they were out in the open with their plans, they did everything that was asked and by the rules, and now the amendment comes up. He feels it unfair that owner of existing short-term rentals did not have the chance to speak or have an open discussion. He said there was a meeting held in June 2019 for discussion, it was indicated that there would be a future meeting to discuss various items brought up and it never happened. He said he was notified by the City in November that the ordinance was not followed. He would like to see an open forum held to go through the items he felt were discussed.

New Business

- a. Review Zoning Code regulations for Short-Term Rentals – Pinion said that this was requested by Commissioner Kolb. Kolb has had conversations with some citizens that have expressed interest with the occupancy limitations on the short-term rental regulations in the zoning code. Kolb presented a history on short-term rentals. He said that it started when the City decided to look at all the zoning because state statutes changed regarding conditional use permits. October 24, 2018 is when the AdHoc Committee instructed the City Attorney to look at different municipalities and how they dealt with short-term rentals, which she presented ordinances from three different municipalities. He said they picked the ordinance from Ashwaubenon. He said there were several things that were not likes; they had much stricter parking regulations that the Committee felt were unnecessary. City Attorney was the directed to make those recommendations and present then to the Plan Commission. Kolb said that in January 2019 the final draft was approved. March 12, 2019 the Council reviewed the recommendation of the Commission and passed the ordinance. Kolb stated at both of these meetings, there were public hearings where any one from the public could attend, no one attended. Kolb said that a lot of time was put in to this issue and there were several opportunities for public input and comments. Nelson said he feels that the bathroom and square footage requirements were redundant. He feels that what is trying to be done is to balance the opportunity for people to rent their homes and make some income, but also protect the integrity of the neighborhood. After a lengthy discussion regarding bathrooms, parking, license fees, and property managers, it was the Commission’s desire to have staff work on proposed changes discussed and bring back to the Commission in June.
- b. Review and approve an Agreement between the City of Baraboo and the town of Greenfield to allow the development of property in the NE1/4 of the NW1/4 of Section 30, T12N, R7E, located on the east side of Taft Ave (CTH T) and north of Man Mound Road, that was originally designated as “conservancy” in the 2008 Cooperative Plan and Boundary Agreement – It was moved by Wedekind, seconded by Boeggner to forward to City Council with the recommendation to approve the agreement between City of Baraboo and Geenfield to allow the development of the property in question. Franzen feels that once something is in conservancy, it should not change. Kolb feels it is unique because conservancy is defined in the agreement. O’Neill agrees with

Franzen and would not be in favor of this. Nelson asked given the agreement as it stands now what the options for the Statz's in terms of use of the property. It asked if it would fall under zoning code, or does this supersede zoning. Pinion said that according to the title company, it supersedes zoning, and he would tell you that it clouds the title. He said that there was never a formal use restriction on it, just that any development on it would require the City of the Town to agree that it could be developed. He said that this is proposed for one single family dwelling only, it meets the underlying zoning code that the City permanently zoned it when it was annexed, so he doesn't know as part of that whether it was going to be declared conversation, it could have easily been zoned conservancy, and he is uncertain as to the reason why it wasn't done if that was the intentional purpose to the conserve this land. Wedekind amended his motion to restrict the future use of Lot 2 to a single family home. Motion restrict future use of Lot 2 to a single family home. Boeggner seconded the motion. On roll call vote for the amended motion, Ayes – Wedekind, Franzen, O'Neill, Kolb, Hartup, Boeggner Nelson. Nay – 0, motion carried 7-0. On roll call vote for the motion to recommend approval of the agreement with the Town of Greenfield to allow the development of the conservancy property with the restriction of only the single family home. Ayes – Kolb, Hartup, Boeggner, Nelson, and Wedekind. Nay – Franzen and O'Neill. Motion carried 5-2.

- c. Review and approve a 2-Lot Certified Survey Map for Ted and Lisa Rogers in an R-1A Single-Family Residential zoning district at 720 and 726 Island Court, being part of the NW1/4 of the SW1/4 of Section 35, T12N, R6E in the City of Baraboo, Sauk County, Wisconsin – Pinion presented the background. It was moved by Kolb, seconded by Wedekind to approve the CSM as presented. On roll call vote for the motion, Ayes – O'Neill, Kolb, Hartup, Boeggner, Nelson, Wedekind, and Franzen. Nay – 0, motion carried 7-0.
- d. Review and approve a 4-Lot Certified Survey map for the City of Baraboo in an R-4 Four thru Twelve-Unit Multi-Family Residential zoning district on the west side of Lake Street between Well No. 7 and Lot 1 of Springbrook Hills subdivision, being a part of Lot of CSM 1698 located in the SE1/4 of the NW1/4 of Section 12, T11N, R6E in the City of Baraboo, Sauk County, Wisconsin – Pinion presented the background on the CSM. It was moved by Kolb asked Buswell the purpose of the lot divisions. Buswell said that the main reason if for financing purposes, three separate smaller loans. He said that they prefer dealing with smaller banks. It was moved by Nelson, seconded by Boeggner to approve the CSM as presented. On roll call vote for the motion, Ayes – Kolb, Hartup, Boeggner, Nelson, Wedekind, Franzen, and O'Neill. Nay – 0, motion carried 7-0.
- e. Review a Conceptual Development Plan in accordance with Step 2 of the Planned Development process for Devil's Lake Townhomes, LLC for a three-building, 29-unit townhouse development project on the City-owned land on the west side of lake Street between Well No. 7 and Lot 1 of Springbrook Hills subdivision from R-4, Four thru Twelve Unit Multi-Family Residential, to a Planned Unit Development for Devil's Lake Townhomes, LLC – Pinion presented the background to the Commission. It was the consensus of the Commission to move forward.

Adjournment - It was moved by Kolb, seconded by Wedekind to adjourn. Motion carried unanimously.

Rob Nelson
Mayor