

Minutes of Plan Commission Meeting December 20, 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 Boegner.

Also in attendance were Tom Pinion, Adolfo Morales, Chad Sauey, Brett Sauey, Gregg McArthur, Randy Kuhnau, Tom Kuester, Gary Wegner, and Randy Scott.

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 O’Neill, seconded by Wedekind to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Wedekind, seconded by Boegner to approve the minutes of November 15, 2022 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.*) – Gregg McArthur addressed the Commission regarding the proposed annexation in from of the Commission. He said that other parcel owners, Tom Kuester, Chad and Brett Sauey, and Randy Scott are also in attendance. He said the petitioned area includes 122.55 acres. He said the proposed plans that will be brought forward at a future meeting are in compliance with the Master Plan. McArthur states that as landowners, they all a common goal that stands with commitment to preserve the history, the natural beauty in the area throughout that sustained area.

Public Hearing

- a. Request of Adolfo Morales and Ana Torres (Owners) to grant a Conditional Use Permit to allow a used automobile dealership to operate at 1341 Carpenter Street, City of Baraboo, Sauk County, Wisconsin – Mayor Nelson stated that a correspondence was received and distributed to the Commission and Mr. Morales from Trina Cromwell and will be part of the record. There being not speakers, the hearing was declared closed.

New Business

- a. Consider the request of Adolfo Morales and Ana Torres (Owners) for a Conditional Use Permit to allow a used automobile dealership to operate at 1341 Carpenter Street, City of Baraboo, Sauk County, Wisconsin – Pinion presented the background to the Commission. He said that the Commission revoked the permit a couple of months ago due to compliance issues. He said the Police Department has talked to Morales during the interim and reportedly provided him with a list of thing in the form of an abatement notices to bring the existing property in to compliance with underlying zoning. He said that most of those items have been completed and Mr. Morales has applied for a new Conditional Use Permit to resume a used automobile dealership at this location. Kolb said that it was his understanding that Morales would be allowed to reapply when all conditions were met, and without knowing if all conditions have been met, he feels it is premature to be dealing with issue at this time. Pinion said that since Mr. Morales the Police Dept did not contact him during the last couple of months, he decided to apply for a new CUP and that the public hearing that was held earlier this evening is a requirement but the Plan Commission has up to 60 days to render a decision. Kolb said the other concern he has is that he spoke with the Police Department who said that Morales has a couple other properties that he recently acquired and that some of the vehicles that were from 1341 Carpenter are parked, perhaps illegally, in some of those areas. Mr. Morales addressed the Commission regarding their concerns. Pinion asked if all vehicles on Carpenter Street are licensed and operable and Morales answered in the affirmative. Pinion said that the conditional use permit is restricted to the use only described in the application and since storage of personal vehicles and/or recreational vehicles were not part of that original application they are not supposed to be there. O’Neill felt that the application is premature and before it is considered, the Commission should have assurance from the Police Department that Mr. Morales is in full compliance with the underlying zoning regulations. Pinion explained the Commission’s options regarding this request. Kolb asked if the request could be postponed until January meeting to have time to speak with Police Dept CSO’s to make sure everything is in compliance. Pinion will check when fire inspection was done and bring the report to the Commission. It was the consensus of the Commission to make no decisions and bring back to next meeting with CSO’s.
- b. Review and recommendation on the annexation and zoning upon annexation of a eight (8) tax parcels of land on the south side of Baraboo on both sides of STH 123 (Walnut Street/CTH DL), located in the SW ¼ and the SE ¼, of the

SE ¼ Section 11, T11N, R6E and the NE ¼ of Section 14, T11N, R6E, all in the Town of Baraboo, totaling approximately 122 acres owned by Valhalla Valley LLC, Thomas Kuester/Permasite LLC, the Estate of Darla Kuester, Devil's Lake Properties LLC, and SDL Holdings LLC – Pinion presented the back ground and said that all requirements of an annexation petition have been fulfilled and simultaneously filed with the Town Clerk, subsequently sent to the Department of Administration. He said that the Town's review of the annexation expressed a concern about the potential for a RV Campground within the annexed area. Pinion said the Valhalla Valley property, which is on the west side of State Rd 123, also known as Walnut Street have expressed interest in only developing it as a single-family residential subdivision. Since it is the Plan Commission's prerogative to forward this annexation petition to the Council with a recommendation to approve the annexation and a recommendation on zoning upon annexation. He said that the properties on the east side of State Rd 123 are currently zoned either AG (Agriculture), SFR (Single-Family Residential), or RCOM (Recreational Commercial) according to the County's records. Our ordinance provides that properties that do not have specific development plans for permanent zoning purposes are to be temporarily zoned A-1, Agricultural Transition Zoning District upon annexation. Tom said that the City's Comprehensive Plan does extend beyond our boundaries and the petitioners' prospective conceptual development plans are predominantly consistent with our Comp Plan. Pinion said that the Town of Baraboo's Comprehensive Plan is more restrictive and the opportunity to amend that plan is extremely limited, which is what the petitioners explained caused them to pursue annexation to the City. Pinion said that he is still working on the RFP for revisions to the City's Comprehensive Plan and hopes to have it finished in the near future. Kolb said that he would prefer the to wait for the completion of the updated Comprehensive Plan and that he tends to like infill projects rather than annexation of territories outside City boundaries, but that doesn't mean he would not be in favor of this annexation. Kolb is concerned if part of this would require of TID and water and sewer, which is an expensive proposition and if we have the capacity for the sewer and if it would be problematic. Kolb said he likes the idea of the A-1 designation; however, he is not in of the suggested B-3 designation for the former North Shore Restaurant and Bar property. Pinion presented steps and procedures for water and sewer extensions, etc. McArthur addressed the Commission saying that they have been working on this project for three years with little progress to date. He said that it there plans are about preserving the natural beauty of the area and will likely include nature trails, and possibly a bike trail. His vision is to look out the window and see deer and other wildlife. He said that all the developers that have been spoken to are very understanding of the collective property owners' goals and needs. O'Neill thanked the group for wanting to keep the natural beauty but asked what the actual plans were, single-family homes, apartments, etc. Gregg McArthur explained that apartments are not part of any current plan, but single-family homes, that the developers consider to be more akin to a vacation villas that could be used for vacation rentals, are an option the developers are considering. He also explained the property that formerly had a go cart track on it, will be cleaned up. Pinion explained that all of the property on the east side of State Rd 123 and the easterly 400 feet of property on the west side of State Rd 123 are located within the Town of Baraboo Sanitary District No. 1. Pursuant to the Agreement between the District and the City, their sanitary sewer collection system is allowed roughly 54,000 gallons of wastewater per day and currently are contributing less than half of that volume. He said that it is speculation, but the City's would likely attempt to renegotiate the Agreement with the District to use their existing sanitary sewer. He said that would certainly make more sense economically compared a parallel line or installing a lift station.. Pinion said that the Water Resource Recovery Facility has sufficient capacity to easily handle this type of development. Randy Scott said he has no objections or immediate plans for the B-3 zoned property. He said that he would be interested in learning more about the B-3 zoning designation versus A-1. O'Neill would like to see more concrete plans before annexation. Kolb moved to recommend approval of the annexation with a condition that all of the properties to be annexed be initially zoned A-1. Wedekind seconded the motion. Brett Sauey and Chad Sauey, owners of Valhalla Valley LLC's 72 acres on the west side of State Rd 123 stated that it is their sole intention, and always has been, to have nothing more than single-family residential homes on their property so they see no need for a-1 zoning and respectfully requested that the Plan Commission support an initial zoning of R-1A for their property. Pinion said that the City would have as much control with the residential zoning as with A-1, possibly more. Kolb amended his initial motion to recommend the approval of the proposed annexation, with the parcels on the west side of Walnut Street being zoned R-1A, and A-1 for all the parcels on the east side of State Rd 123. Wedekind seconded that amended motion. On roll call vote for the motion, Ayes – Wedekind, Franzen, O'Neill, Kolb, Hartup, and Boegner. Nay – Nelson. Motion carried 6-1.

Adjournment - It was moved by Wedekind, seconded by Franzen to adjourn at 6:20 p.m. Motion carried unanimously.

Rob Nelson, Mayor