

## **PLAN COMMISSION - MINUTES**

**September 12, 2023**

At 6:00 p.m. Chairperson Allen called the meeting to order and noted compliance with the open meetings law.

Present: Jim Allen, Dean Bothell, Don Larson, Patricia Witter, Doug Hill, Gary Kowalke

Others Present: Julia Potter, Traci Stanford, William Clary, Brad Stuczynski, Jeremy Peach, Melissa Ryan, Matt Krogman, Morgan Olson, Lorna Sherwood, Jay Sherwood, Brittney Schraufnagel, Randy Puttkamer, Pat Stack, Laura Stack, Joe Weis, Randy Thomas, Sharon Thomas, Jeff Orkfritz, Brandon Wegner, Don Leatherberry, Luke Haddix

Absent: None

The Pledge of Allegiance was recited.

Moved by Bothell, second by Larson, to adopt the agenda as posted. Motion carried unanimously.

Moved by Kowalke, second by Bothell to recommend the Village Board approve the driveway permit for 806 Connie Road (PIN 191-0431-00000) per the Zoning Administrator's recommendation to replace the driveway as is. Motion carried unanimously.

At 6:11 p.m. Chairperson Allen opened the public hearing regarding application of JCW Baraboo LLC for a conditional use permit under sections 7.14 and 17.28(4)(c) of the Municipal Code of West Baraboo, Wisconsin, to allow for construction of 10 multi-family residences with 12 units per building on property located at 1850 W. Pine Street (PIN 191-0002-30610), currently zoned as Commercial.

Village Clerk, Traci Stanford, swears in Zoning Administrator, Jeremy Peach and Matt Krogman with JCW Baraboo LLC.

Peach gave an introduction and summary of 1850 W. Pine of which the owner has submitted a conditional use permit proposing to put up 10 buildings with 12 units each. The property is zoned commercial and is in a highway corridor overlay district and is consisting of two phases. The first phase has 10 buildings with 12 units each and the rest of the outlying property consists of the following: to the east is Wynsong Estates which is a single family residential neighborhood; immediately north is a 66 foot strip of land zoned commercial in the Town of Baraboo; south is land zoned commercial which is in the Village of West Baraboo; northwest is land in the Town of Baraboo zoned agricultural and consisting of several dwellings with a number of recreational vehicle sites; and across CTH BD and to the west is a multi-family residential development, a farm and farmhouse and a single family home within the commercial zoning district of the Village.

Matt Krogman states they are working off previous developers, two of them had plans for this site over the last few years. We started looking at this project with our architects and engineers, how do we match the land use specifically with the types of use around it. We not only decided that it would make the most sense to develop from east to west as opposed to west to east. We wanted to make sure we did not make one of the errors that I feel a lot of developers do when working in towns and villages especially along side single family residential areas. We run into these density and massive issues where you have single family homes and you have these wonderful developments and then someone plunks a 90 unit 3-story apartment building right next to it and understandably that can make people frustrated. Our market study told us a number of things. There really isn't any market rate class A multi-family availability in this market. Some of the newer stuff that has been built and developed would be considered class B as it doesn't offer forced air, things like that. The other thing that we were made aware of in the market study was there is no specific demographic that doesn't need additional housing. A previous developer was sort of right on the money with the senior or active adult type component here. We didn't want to have an age restricted facility in this phase one. We wanted to make this accessible to all demographics; new families, older folks that maybe wanted to get out of taking care of their single-family home that they have been in for a long time and they don't want to shovel, mow lawn, no repairs. Their single-family home is now opened up for other folks that want to move into the neighborhood and it allows that natural cycle of residential use and home ownership sort of flow through. In this first phase, we tried to design this as close to a single-family residential feel as you can get in a multi-family type use. This is where I wish I had a larger site plan for everyone to see, but we have essentially developed that east rectangle as we are splitting it into what would be essentially a circle that you would see in a residential neighborhood. Everything is single story with a mix of 1, 2 and 3 bedrooms. There are no steps or stairs in anything so it is accessible for all folks that want to avoid steps/stairs. We have a significant amount of green space, walking path, dog run, community garden, half basketball court, sandy volleyball court on the west side of this phase to make sure it is in the middle of phase one and two. From a finished perspective, we have granite countertops, stainless steel appliances, each has its own garage door, single entry, entry through the garage. The goal here was to try to make this feel as close to a residential neighborhood as possible. We wanted to pay special attention to site line screening, light abatement to make sure that we do not have lights overflowing. We are figuring out how to screen the east side of our lot. There is a significant amount of mature tree growth. We are going to try to maintain as much of that as possible. When we get to the point of clearing that site, making sure that we walk that line to see what trees we can leave with the civil excavators to make sure that stuff can stay and if for some reason we open any site lines up, we will come back and fill that with proper trees as necessary. We are looking to layout our phase one to match what you guys have to the east and make sure we are complimentary of that development and sort of extending that feel as opposed to just saying what are the dollars and sense that we have here, let's go as dense as possible and really be an asset.

Allen asks Clerk Stanford if the Village received any correspondence from the public. Stanford reports she did not receive any correspondence. However, William Clary did receive an email from Randy Thomas, S4150 Whispering Pines Drive, Baraboo, WI 53913.

Zoning Administrator, Jeremy Peach reads through his memo (dated 9/11/23) on Conditional Use Permit Standards, per the Village Municipal code and the proposed plans by JCW Baraboo LLC. Peach continues to read through his recommendation approving the Conditional Use Permit with the 12 conditions listed in his memo.

At 6:39 p.m. Clerk Stanford swore in the members of the public who attended and wished to speak at the hearing. Those people were Morgan Olson, Lorna Sherwood, Jay Sherwood, Brittney Schraufnagel, Randy Puttkamer, Pat Stack, Laura Stack, Joe Weis, Randy Thomas, Sharon Thomas, Jeff Orkfritz, Brandon Wegner, Don Leatherberry and Luke Haddix.

6:40 p.m. Lorna Sherwood asks if the senior housing apartments are separated from the single family or the other families or is there a certain area for them. Matt Krogman responds stating their development does not have an age specific or regulation on any of it. A previous developer had contemplated it. All units will be accessible to anyone of any age.

Lorna Sherwood also asks if there is more than one way in and out of these apartment complexes? Krogman responds, there is just one access from the west. There is a traffic study being done for WisDOT to make sure we see the impacts. Krogman anticipates a turn lane may need to be added.

6:42 p.m. Brandon Wegner speaks stating he is an immediate neighbor directly to the east of the property. He is not opposed to this development. He wants a natural buffer. There are beautiful natural oaks and red pines and things on the far east side of the old Bixby property. He wants a 40-foot natural buffer of what is currently there leaving the trees. He has concerns about the walking path.

6:45 p.m. Brittney Schraufnagel thanks everyone for taking the time to listen to them. She lives in the Wynsong subdivision. Her home is located on the east line and butts up against her property. The buffer is a nice visual screen and has beautiful established trees along with wildlife. Brittney provided pictures of her backyard and some of her neighbors lots as well. She would like the current 40-foot buffer strip and trees to remain in place. She would like to see the Village of West Baraboo require the JCW Development to leave that buffer strip in place with the fully developed trees. She supports this housing development but wants the current buffer to remain.

6:51 p.m. Joe Weis speaks stating that his property borders the proposed project. He wants to compliment the developers for the planning and sensitivity they have put into the aesthetics of this development and housing is much needed. The natural barrier that we are referring to and attempting to preserve are the whispering pines and have a lot to do with the appeal of the neighborhood. They provide an enjoyable habitat for wildlife. We would like to maximize the protection of and retention of the natural barrier that already exists. He would like to see the proposed walking path moved.

6:53 p.m. Randy Thomas speaks and says he also lives on Whispering Pines Drive and is one of the neighbors along the west side of the development. He has lived in the subdivision for about

20 years and feels they have been extremely fortunate to not have any developments behind them. Randy Thomas states he would like to make a point, he doesn't know why Traci Stanford was not copied on his email but he did have personal correspondence/emails with William Clary and the secondary emails with Brad Stuczynski, Jeremy Peach and William Clary specifically regarding this development and some questions about the setbacks, etc. Our concern is we are not used to having neighbors behind us, but we also understand the need and so we appreciate the consideration from the developers as well as the Board in giving us an appropriate setback as we would like to see 35 or 40 feet from each lot line to start the path. Then you would have additional 20 or 30 feet to the apartments there.

6:56 p.m. Randy Puttkamer, Town of Baraboo Plan Commission and Supervisor says he was contacted by some of the people who reside in the Wynsong subdivision who have concerns about the natural buffer. They are not against the development. They want the trees left there if at all possible. There is a concern with the walking path so close to their rear lot lines.

6:57 p.m. Morgan Olson, Town of Baraboo Clerk, states they had a Town Board meeting to discuss this development. He presented a draft Resolution to provide to the Village of West Baraboo.

6:58 p.m. Luke Haddix speaks and states he lives on Whispering Pines with all of these fine people. Just here to kind of be in support of trying to maintain that natural buffer and appropriate setbacks for privacy, lighting and all of those things.

Attorney Julia Potter reads on the record the proposed Resolution provided by the Town of Baraboo.

Kowalke asks how wide the tree line or current buffer strip is. Krogman responds that the southeast corner that is being referred to is fairly dense and it runs a third of the way to the west across that south line. So, there are a lot of trees there.

Witter asks what possibility is there of preserving some kind of a reasonable buffer. She says she notices from the photo a lot of these are red pine and knows that when they get big you essentially have a telephone pole with a greenery on the top so they do not provide much in the way of a screen or sound barrier or anything. You talked about additional plantings maybe with those, but I guess after listening to everybody, my question for you is what possibility is there to preserve as much as possible.

Krogman responds, he appreciates all of the comments and concerns from everyone. He personally cannot say the number of hours he has had into this over the last year or year and a half. He apologizes, he wishes their partners from Excel Engineering were here, but they couldn't make it today. The reason the detention pond is where it is on the south end of the lot is there is a natural grade from the north to the south. From the north end of the lot to the south end of the lot it is a natural grade either six or eight feet. Without a significant amount of dirt movement, you naturally then have to keep the detention ponds on the south side of the lot. The walking path will be crushed gravel as we want to make sure it is a natural pervious surface, something that would blend in as much as humanly possible. We had originally looked at how do

we get that path to function with water draining and water runoff. In between essentially what would be the rear of the buildings because all of the buildings face the street. On the outer ring of the east side from the rear of the building there has to be a swale there to that southeast detention area that allows for that water to run off to make sure we are in compliance with DNR.

Otherwise, we are going to get flooding. So, the option for a walking path is either it needed to be 4 feet off the back of the building which that won't fly because then everyone will be walking by the bedroom windows or to have that swale between the walking path and the buildings.

There is a reason that is the most densely wooded area on the lot, it is where all the water runs.

That land stays extremely fertile for tree growth. Unfortunately, that also means that has to be where the detention pond goes. In terms of how can we maintain or retain as many of those trees.

We have heard that conversation, we plan on before we start any excavation to walk the site physically marking trees. If you are asking to leave trees for 40 feet from the edge of the property line all the way in, the detention pond cannot fit and then we will not be compliant with the DNR. Additional testing was done on the site. Once we had our initial soil borings that showed a substantial amount of sandy, rocky soil below the subsurface, we actually like to see that from a construction perspective because it is a great base to build on and great water drainage as opposed to clay where water just sits and holds. We spent additional dollars to have the soil engineers go out and do an infiltration study basically to say this is what the DNR requires as a minimum that you have to calculate for water runoff. They wanted to minimize the detention pond but the testing did not come back to where they can do that.

7:09 p.m. Brandon Wegner, Luke Haddix and Brittney Schraufnagel ask Krogman questions and the discussion continues back and forth about the ponds, 55-foot setback, walking path, buffer, swale, leaving it as natural, etc.

7:12 p.m. Clerk Stanford Swears in Brad Stuczynski. Stuczynski speaks about retention ponds and detention ponds. The pond being proposed is not a year-round wet retention pond. This is meant to be dry most of the time. So, after a storm it would fill up with water and it is designed to drain within a day or two.

Randy Thomas asks about putting a berm between the apartments and the path. Krogman responds that it would not be a berm but a swale for drainage. Suggestions to move the walking path to the back the of the buildings. That would cause privacy/security issues as the bedrooms are all located in the back the apartments.

Krogman speaks about the property management company. He wants a walking path included as an amenity as the Great Sauk Trail goes right past the entrance. Jim Allen states it was the goal of the Village when the forest property was purchased, the Village wanted a corner of that area to be a central point for all of the different trails to come to that forest and they could park and then get on their bikes or whatever they are doing and go to any of the trails, i.e., 400 Trail or the other trails that are being developed right now. Krogman states maybe there is a way to rework the path so it doesn't run along that east edge. Maybe, he will take that back to Excel and figure out what that contemplation looks like. It would have to be run through the community garden and dog run. It is something we can take under advisement and modify it.

Attorney Potter speaks about setbacks. There is a setback required for structure which is 25 feet and then there is a required 40-foot buffer zone. Within the buffer zone there needs to be an effective visual screen and the code allows it to be either plants or a fence with the nice side facing out. Then the code says there are things that cannot fall within that buffer zone like parking of vehicles, storage of materials or accessory uses. It cannot be used for storage or refuse disposal equipment such as dumpsters or garbage cans and cannot be designated as a street or driveway. You have to have that visual screen, you cannot have buildings and you cannot use it as roadways and that kind of stuff, but there wouldn't be a prohibition in the code for having a path through that area as long as that visual screen is maintained.

Randy Thomas asked Matt Krogman if JCW is asking for an exception to be made to the 40-foot buffer zone.

Krogman asks if the visual screen is a minimum of 6 feet in height. So there has to be an effective screen and there is a buffer of 40 feet but it does not indicate that the entire 40 feet needs to be all screened or buffered. It just needs to be an effective screen in that buffer.

Attorney Potter explains there is not a request to modify because if there was, it would have to go to the Zoning Board of Appeals and it would be a separate process. No matter what, they will have to comply with that requirement as a minimum and then the question here is because this is a condition use, does the Board want to require something above and beyond the bare minimum in the zoning code in order to make this compatible.

Kowalke asks about putting sidewalks in the front of the units like you do in a municipality. Krogman states the sidewalk would then essentially be in the road.

Jim Allen asks about the 12,000 square foot dog area. He has noticed around West Baraboo, Baraboo and other places, that when dogs need to be controlled. Where he lives, there is no control there for the dogs. The dog owners are not picking up after their dogs. Will there be a requirement here for clean-up of dogs. If dogs are left to run, it will destroy that entire 40-foot setback. Will dogs be allowed to run in other areas besides the designated dog area? Krogman responds that there will be limitations. He states they do plan to have a full-time on-site manager.

7:28 p.m. Lorna Sherwood asked when will this project begin and how long is it going to take. Krogman states the project should begin November, 2023, and will run 12 to 14 months.

7:31 p.m. Brittney Schraufnagel asks if phase 2 will involve three or four-story units. Krogman states, no, they will be two story. It is considered to be medium density. Brittney wants to see a natural visual screening.

Brad Stuczynski has one other comment. He states the walking path necessitates taking trees down but grading to connect the slopes also requires that some trees will have to be removed because you have a building and then that grade doesn't match where it comes into the site. There will have to be some amount of space required for tree removal. Otherwise, if you remove the soil, but keep the trees, you kill the trees. Krogman states those are good points. Krogman and Stuczynski talk back and forth about 55 feet of trees. You also have to allow space for

constructing the building which requires probably 15 or 20 feet of clearance to go around to construct the building. You cannot keep those trees up until 55 feet.

Jim Allen states there will be 50 trees that they plant right now and 193 shrubs to be put in that area as well.

Brandon Wegner asks if Krogman knows how many feet would be needed if the walking path is to be vacated when you have the swale and construction. Do you have an estimate, is it 30 feet, is that reasonable? Krogman states he cannot speak to that.

Allen states when a development is being developed and it is going to have a walking path and you take the walking path away, I will guarantee you in five years that walking path will be there. The people that are walking are still going to walk and they are going to make the path.

Kowalke asks if there is enough water there because the subdivision to the south have proposed a booster station and I see there is a 12-inch main going in there. Krogman states there is a plan for a booster on every building.

Pat Witter states she is a big fan of the buffer zone. Matt has said they would try to maintain as much of the buffer. Trees are valuable and they grow slowly so planting some trees will take a long time to grow. We should try and preserve as much as we can. If there are things that can be done to move that path, I think that needs to be looked at.

Krogman states the intention is not to remove all of the trees. Randy Thomas wants to be included in the walk thru of the trees with Krogman.

Brandon Wegner wants the recommendation to be that there is a natural area left untouched. Maybe that is only 25 feet so that the detention pond is not moved so that the DNR doesn't change the approval because we all need development in the area but I wouldn't leave it open ended and I would love for the recommendation to be a certain minimum area of untouched area.

Krogman respectfully and completely understands as he is in a similar situation and his intention is not to take down the screening. But, putting all of the requirements for screening on JCW, I believe is a little bit unfair because there is also a substantial amount of land. We both have land on butts and so trees could also be planted and used as a buffer on your sides and the park side. I am respectful that those are not existing now so you would have to come back and plant them but then to maintain an additional let's say 25-foot buffer would essentially blow this plan out and we would have to start from square one. There is no way we can have that done by Thursday. If I push back, respectfully so, I feel it is a little unfair that we have to shoulder the entire burden of the entire setback while we are within all of the zoning codes as they are currently drawn.

Dean Bothell asked what kind of natural buffer exists on any of the properties that are in this Wynsong residential development. Brittney Schraufnagel responds saying to look at the first page of the pictures she has provided and that is all she has. Bothell asks if those people have any plans or do you have any plantings that buffers on the backside of their property.

Bothell says he notices a lot of these pines are red pines and they have an average life expectancy of about 90 years and while it is hard to determine exactly from these pictures, I am guessing they are at least 50 years old. Schraufnagel says there is a lot of shrubbery, not just trees.

Bothell asks if there is anything that can be done to make that walking path a little further away in that corner. Is that possible? Krogman states, as mentioned, the only way to keep that walking path between the property line and the back of those east buildings would be to have that walking path end up about 3 or 4 feet away from the back of the buildings. That becomes a privacy/security concern. The only option would be to figure out how to potentially reroute the walking path and remove it from the entire east side. A resident asks if the walking path can go through the trees. Krogman states there is a grading issue. There are some areas where it is about five feet higher than the finished grade is in other areas. To keep it regular and draining properly to the south, this needs to be graded evenly so there is going to be some high and low points that we actually have to have three or four-foot retaining walls in some spaces. It has to be graded properly for drainage.

7:49 p.m. Chair, Jim Allen calls the hearing to a close. Deliberate and formulate recommendation to the Village Board regarding the conditional use permit application of JCW Baraboo LLC.

Moved by Kowalke, second by Larson to recommend the Village Board approve Zoning Administrator, Jeremy Peach's recommendation to approve the Conditional Use Permit with all the conditions as recommended except #10 remove "or fencing" and require coniferous plantings and require that as many existing trees as are reasonably possible to be kept with a walk through including the Village Engineer or designee, the buffer zone must be 40-feet and the walking path be either removed or relocated. Motion carried unanimously.

At 8:04 p.m., it was moved by Hill, second by Bothell to adjourn. Motion carried unanimously.

Respectfully submitted,  
Traci Stanford, Clerk/Treasurer