

PLAN COMMISSION - MINUTES

September 7, 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, Tristan Gardner, Matt Krogman, Cindy Moy, Norbert Moy

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 Bothell, second by Larson, to adopt the minutes of the August 3, 2023, Plan Commission meeting. Allen and Kowalke abstained as they were not in attendance of the August 3, 2023 meeting. Motion carried.

Jeremy Peach, Zoning Administrator gave a brief update.

Moved by Bothell, second by Kowalke to recommend the Village Board approve the proposed certified survey map (CSM) dividing property owned by Mathy Construction Company (PIN 191-0003-02201) per the Zoning Administrator's recommendation with the condition that Lot 2 of the proposed CSM shall be labeled Lot 1. Outlot 1 will remain labeled Outlot 1. Motion carried unanimously.

At 6:07 p.m. Chairperson Allen opened the public hearing regarding application by JCW Baraboo LLC for a special exception from Section 18.07(6)(d) of the Municipal Code of West Baraboo to allow for creation of a flag lot in a proposed two-lot certified survey map dividing property located at 1850 W. Pine Street (PIN 191-0002-30610).

Village Clerk, Traci Stanford, swears in Zoning Administrator, Jeremy Peach.

Peach gave an introduction and brief summary of 1850 W. Pine of which the owner needs to subdivide their 26-acre parcel. Owner is proposing a multi-family residential development. From a feasible, financial and logistic standpoint they are proposing to subdivide which creates a flag lot. The front parcel will be 7.7 acres with a 66 foot wide access point that goes back to the rear of the property which is the East side of the parcel and that is 17.9 acres in size.

Allen asks if it is a 66 foot wide easement for the flag portion of the lot and a regular street in our community is what width? Peach explains a right of way is generally 66 feet and we have a variation in the Village greater than that. Allen wants that stated on the record.

Clerk, Stanford swears in applicant, Matt Krogman of JCW Development. Matt Krogman speaks of the lot size and splitting the lots. It begins with the banking and financial folks that JCW is working with on this project. What has been submitted is a proposed two-phase development. Both phases are relatively sizeable. The first phase is approximately 30 million dollars in total development expenditure. Our projection in phase 2 is a little less, probably closer to 25 or 26 million dollars. As we get into the financing of the first phase, if we were to leave this lot all in one parcel, that entire parcel would be tied in as collateral for the first position loan on phase one. Assuming that all goes as planned, if in 18 to 24 months we get phase one built and it starts to absorb and everything is going well, we come back and say this has been a fantastic development, we want to proceed with phase two to then go get another lender to work through the phase two incentive work through collateral, we would have to essentially work with the primary bank that holds the first position lien on the entirety of phase one on collateral modification doc, we are going to end up with essentially a very similar split that we are projecting right now and creating a significant amount of financial and legal burden further down the road and makes it a lot easier for us especially working both with the community especially in our current economic environment. I cannot crystal ball what is going to happen 24 to 30 months from now but it would be great if we could have proposed and completed phase one and two all in one shot, but again then we start working with a project of that size and scope from a financial perspective, now you start limiting even the banks and the financial folks that can work on something like that. That credit size just gets too big for even most of the large regionals. So, from a simplicity perspective, again, financially, legally, order of operations and process it makes it a lot easier for us to split this lot now and have them be independent collateral pieces.

The other component is we will probably not develop from west to east. There are a number of reasons why, and I know that was proposed from a previous developer and in my view, when you are developing something, if I was to develop west to east, yes you would have immediate access to the road and then you could extend that out via an easement, but if we built phase 1 on the west and then came in and built phase two to the east, we would have all of that heavy grading and semi-truck traffic on the existing road we just built. It would destroy it. All of the tenants in that phase one would have trucks going back and forth for an entire year right along side them. It just doesn't make a whole lot of sense to develop from west to east. If you would prefer to go from the east side which is much more lower density single level community almost single-family home kind of open feel and then bring that to the west. We don't need to disturb tenants as much while we are doing phase two and allows us to have easy road access and so those are multiple components combined from east to west development. The legal and financial framework collateralization avoiding any further modifications. This really seemed like the path of least resistance to all parties involved.

Gary Kowalke asks a question to applicant. So, the 66 foot easement that you request for the flag lot now would never go away, so phase one and phase two in the future would not be incorporated?

Matt Krogman answers. We contemplated how that could functionally work. Once everything is built and stable, let's say five or six years down the road that is something that is in place because we would also be looking at an incentive component to both. I am not sure how we

would end up combining the development agreements for each portion of that development. That would be a bit of a nightmare to try to re-join the tax assessment in the proposed duration of repayment of the TID and there were no incentives and you could match up bank renewals and get a bank to take out the whole thing, it could be conceivably combined and all back into one parcel, but I wouldn't foresee that happening until incentives run out and the developer's agreement essentially goes away. You are probably looking at a 15 to 17 year time horizon for something like that.

Attorney Potter explains the idea on the incentives is they are requesting tax increment financing and that is based on the tax assessment during the life of the TID of a particular parcel so it is easier if we are going to do separate phase one and phase two to have phase one on a separate tax parcel from phase two because then we can measure sort of what the assessed value is and what increment has been generated by that first phase to then give incentives based on the first phase and do the second phase separately. So it is easier, generally it is a pretty common request of legal and the lenders to have the phases separated because you can get different financing and the banks don't have to deal with each other and it makes it a little easier to have separate phases for the Village. It doesn't really address the flag lot issue because you could reconfigure the lots in a way to get rid of the flag lot, but still made them separate so that would end up in some unused space. This is one of the things discussed in Jeremy's memo.

Gary Kowalke asks if JCW has a development or a plan for the first phase.

Matt Krogman states that has all been submitted and will be the conditional use permit you will see on Tuesday, September 12, 2023.

Krogman speaks about the green space on the outside and inside including community garden, walking paths, dog park on the interior, half basketball court, volleyball court. It should be a really nice addition to the Village.

Kowalke asks about the flag lot. Potter explains the Village has standards in your ordinance that say when you can grant an exception. Jeremy talks about that with details in his memo.

Pat Witter asks if the 66 foot easement just ends. Potter explains it is a little confusing because what you have here are sort of two separate things; how the lot is going to be configured and then it just so happens that there is a pre-existing 66 foot wide easement that has been there and was there before they purchased it. So, the outlines in purple is the lot boundary that they are looking at. That easement is going to continue to remain but that is not really what we are talking about. We are talking about allowing them to make a lot that has that flag pole.

Jim Allen asked when we are trying to bring two different developments together, your development and then there is Whispering Pines behind you. Is there going to be anything done, or plans to do some sort of berm or anything like that between the two developments?

Krogman responds saying they addressed this in the zoning ordinance. I believe between residential and this is zoned commercial so there is a requirement to have proper trees and screening. If everyone is familiar with the lot, the east side of this lot is very heavily wooded currently and one of the things we had talked about on the landscaping plan is that we would

prefer to leave as many of those trees as possible. I know that the civil engineer that is going to be doing the excavation work on site is probably going to want to get rid of as many trees as possible to make their life easier, but I think what we have talked about is highly likely that once everything is approved and finalized we are probably going to walk that east edge of the property line to say okay how far do we need to take these trees back to open it to how it is actually designed and laid out. I would prefer to leave as many of those old growth trees as absolutely possible as a natural buffer and barrier between the two and if there are spots that get opened up and it is deemed not enough barrier than we have already discussed that we are more than happy to come back in and add additional trees, plantings and arborvitae to shield that and make sure we have a proper break.

Allen asks Clerk Stanford if the Village received any correspondence from the public. Stanford reports none.

Zoning Administrator Peach reads through his memo (dated 9/5/23) on special exception standards (municipal code). Peach recommends that the Village Board grant the special exception. For the reasons set out in his memo, an unnecessary hardship exists due to the unique physical characteristics of the property and the granting of the special exception will neither harm the public interest nor undermine the purpose of the Village Codes.

Krogman speaks about reconfiguring the lot in different ways. Excel Engineering spent a few months working through all the different options and the ways to best maximize the layout of this lot. Both from a functional perspective, green space maximization for potential tenants and folks that will reside there and we could not come up with a better option. This was essentially the most efficient way to go.

Witter asks if there will be a 40 foot buffer. The plans do show a 40 foot buffer and they have not requested a variance to the 40 foot buffer.

Krogman explains the shared access and the Wis DOT is requiring a traffic study.

There was no testimony of any members of the public.

At 6:51 p.m. Chairperson Allen closed the public hearing. Deliberate and formulate recommendation to Village Board regarding special exception application.

Moved by Hill, second by Larson to recommend the Village Board grant the special exception for the reasons contained in the zoning administrator's memo and stated on the record at the meeting. Motion carried unanimously.

Moved by Larson, second by Bothell to recommend the Village Board approve the certified survey map subject to the conditions recommended in the Zoning Administrator's memo. Motion carried unanimously.

At 7:06 p.m. Chairperson Allen opened public hearing regarding Village Board Resolution 23-11 Adopting Tentative Amendments to Chapter 17 regarding front yard setbacks. No public comment. At 7:07 p.m. Chairperson Allen closed the public hearing.

Motion by Larson, second by Hill to recommend adopting the amendments to the zoning code set out in Village Board Resolution 23-11. Motion carried unanimously.

At 7:08 p.m., it was moved by Hill, second by Larson to adjourn. Motion carried unanimously.

Respectfully submitted,
Traci Stanford, Clerk/Treasurer