

PLAN COMMISSION - MINUTES

February 8th, 2021

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

Present: Jim Allen, Patricia Witter, Don Larson, Gary Kowalke, Dennis Parsons, Dean Bothell, Jake Beard

Others Present: Owen Mergen, Julia Potter (Virtual), Matt Morrow

Public Present: Matt Filus, Doug Hill, Larry Hill

The Pledge of Allegiance was recited

Moved by Larson, second by Witter, to adopt the agenda as posted

- Aye – 7
- Nay – 0
- Motion Carried

Moved by Allen, second by Larson, to adopt the minutes of the January 7th, 2021 Plan Commission meeting.

- Aye – 7
- Nay – 0
- Motion Carried

REPORTS:

- A. Zoning Update: Matt Morrow and Owen Mergen provided information to the commission about current zoning issues, including the Raze Order issues for 830 W. Pine Street, recent ordinance violations and resolutions at the U-Haul property located at 625 W. Pine Street and potential future sign ordinance changes. Jake Beard commented about the possibility of having the Baraboo Fire Department assist in razing the Log Lodge structure as a training exercise.
- B. Village Board Update: Jim Allen provided an update about the resolution of billing concerns expressed by Bryce Rudisill of Top Tier Grading Company LLC at 1401 Terrytown Road.
- C. Village Attorney Update: Julia Potter provided information about potential future changes to the Sign Code ordinance, which will be presented to the Plan Commission for review and comment at an upcoming meeting.
- D. The Economic Development/Tourism Commission Update: Gary Kowalke provided an update regarding the installation of the West Baraboo welcome sign. The sign is constructed, stone work is completed, and the sign is expected to be completed in spring 2021.

NEW BUSINESS:

Matt Morrow provided an extensive review of the potential options regarding the request for a Certified Survey Map review submitted by West Hill Development, LLC (Larry Hill, agent) for property located at 622 Connie Rd., 166 Linn St., and 615 W. Hill St. (tax parcel numbers 191-0056-10000, 191-0060-00000, and 191-0061-00000). Larry Hill and Matt Filus answered question about potential options for the property and the ways in which it could comply with the intentions of the landowners. Moved by Bothell, second by Larson, to recommend approval of the proposed CSM submitted by West Hill Development, LLC for property located at 622 Connie Rd., 166 Linn St., and 615 W. Hill St (tax parcel numbers 191-0056-10000, 191-0060-00000, and 191-0061-00000) with the following conditions:

1. That the north accessory structure on proposed Lot 2 and the structure on Lot 3, if found to be within the 25' setback, are certified as legal non-conforming structures and the certificates are on file with the Village Clerk prior to recording of the CSM. If the Zoning Administrator determines that the structure on proposed Lot 2 and Lot 3 are not legal non-conforming structures, then a special exception for these setback violations must be obtained prior to recording of the CSM.
2. That, prior to recording of the CSM, either the variance request to reduce the buffer strip width between Lots 2 and 3 from 10' to 0' is granted by the Zoning Board of Appeals or the property owner agrees to install the buffer strip as required by section 17.26(9) and a note is added to the CSM stating: "For so long as Lot 3 is used for residential purposes and Lot 2 is used for nonresidential purposes, a buffer strip meeting the requirements of the Village Zoning Code must be installed and maintained on Lot 2 for the benefit of Lot 3." Village Staff will check to confirm that the buffer strip is installed.
3. That, prior to recording of the CSM, a note be added to the CSM stating: "For so long as Lot 1 is used for residential purposes and Lot 2 is used for non-residential purposes, a buffer strip meeting the requirements of the Village Zoning Code must be installed and maintained on Lot 2 for the benefit of Lot 1'. Village Staff will check in to confirm that the buffer strip is installed.
4. That, prior to recording of the CSM, one of the following take place:
 - a. An access restriction be added to the CSM along the Lot 2 boundary with STH 33, along with a note requiring that the existing driveway from Lot 2 onto STH 33 be eliminated and a physical access buffer meeting the requirements of the Village Zoning Code be installed and maintained on Lot 2.
 - b. The Village grants the required special exceptions to allow the existing driveway to remain in place. Under option 2, the owner would need to apply for and be granted two special exceptions under section 18.02(5) of the Subdivision Code in order to (1) exceed the maximum number of driveways allowed by Code Section 17.325(3)(c) and (2) to create a double-frontage lot that does not restrict access to STH 33 in violation of Code Section 18.07(6)(b).
 - c. Subject to confirmation from the Village Zoning Administrator that it does not create any additional non-conformities with the Zoning or Subdivision Codes, the applicant (1) modifies the boundaries of Lot 1 so that the eastern lot line extends south to the southern lot line of the CSM (thereby bringing the existing driveway within the borders of Lot 1 and (2) adds to the CSM an access and utility easement along the existing driveway on Lot 1 for the benefit of Lot 2 and any additional properties who make use of the driveway. The properties who will have the right to use the access easement must be clearly identified on the face of the CSM. The CSM should either include the easement terms (e.g., Lot 2 owner is responsible to maintain the easement, no users may park vehicles within the easement, etc.) or state that these terms will be contained in a separately recorded document, which should be properly indexed and recorded with the Sauk County Register of Deeds.
5. That all proposed property irons be set (if they have not been previously set) by the surveyor after final approval of the CSM is granted by the Village of West Baraboo.

6. Add a note to the CSM with the material description and coordinates of the monument used as a tie to the State Plane Coordinate System to the map.
 7. Show the lands that are part of Lot 2 and Lot 3 that are within the STH 33 right-of-way and note indicating these lands are "dedicated to the public" on the CSM.
 8. Correct the following certificate Issues:
 - a. Remove the plan commission recommendation certificate.
 - b. Owner to confirm there are no mortgages on the property or add the mortgagee's certificate to the CSM.
 - c. Correct Larry Hill's actual title (usually "Member" or "Manager") and replace "Registered Agent" with that title throughout the CSM.
- Aye – 7
 - Nay – 0
 - Motion Carried

OLD BUSINESS

Owen Mergen and Julia Potter provided a general update regarding Luke Pelton's proposed development, located at parcel #002-0827-1200 & 191-0002-30610. No action taken.

Adjourn: At 7:09 p.m. it was moved to adjourn by Allen, Second by Larson.

- Aye – 7
- Nay – 0
- Motion Carried

Respectfully submitted,
Owen Mergen, Clerk/Treasurer