

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

March 29, 2010
County Board Room – Administrative Center
6:00 p.m – 6:45 p.m

MEMBERS PRESENT: Marilyn Pedretti, Beverly Mach, Donald Bina, Bob Keil, Tina Wehrs
MEMBERS EXCUSED: Dennis Manthei, Don Meyer
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Charlie Handy, Bryan Meyer, Chad Vandenlangenberg, Mike Weibel (Recorder)

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Vice-Chair, Marilyn Pedretti at 6:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of the Wisconsin Open Meetings Law.

The procedures for tonight's meeting were explained to those gathered. This meeting is being recorded.

CONDITIONAL USE PERMIT NO. 807 Richard M & Mary S Schmidt, W2912 Kloss Rd, La Crosse, WI. Petitions to operate a wooden die manufacturing business from the lower level of their home at W2912 Kloss Rd, on 1.15 acres of land zoned Exclusive Agriculture District and described as: Lot 1 of Certified Survey Map No. 139 in Volume 4 described in tax parcel 6-24-1. Town of Greenfield.

Appearing in favor: Richard M Schmidt, W2912 Kloss Rd, La Crosse, WI 54601.

We have to move our business, we are in Onalaska right now, a highway to be built through the building where we are at, so we want to build onto our house and manufacture our dies there. We have no employees, just myself and my wife; everything we do is UPS in and out so no extra traffic. That's about it.

QUESTION Bina: So, is your lot big enough for putting that addition on?

ANSWER Schmidt: Yes

QUESTION Bina: So, you'll have enough room to your boundary, your lot line?

ANSWER Schmidt: Actually where it shows on the map the addition doesn't come anywhere near where that shed is. It's probably 10-ft in front of that shed, and the shed is going to be taken down also, so that's a little misleading there.

QUESTION Mach: In your comments that you gave us you stated there were no plans for expansion, do you mean beyond the proposed additions?

ANSWER Schmidt: Right, if for some reason we would have to expand, we would move somewhere else.

QUESTION Bluske: If you look at the diagram on screen there is a dashed line that's 25-ft, we consider that a rear yard and we consider that an area you can't build in without a variance. When we were out there it was hard to tell where that property line was, we were using the shed as a, cause we are showing it on the drawing there, the property line is running through it, so I'm glad you stated it will be removed, that vertical easement,

ANSWER Schmidt: We had that taken off.

QUESTION Bluske: There was something recorded?

ANSWER Schmidt: Yes.

QUESTION Bluske: I don't think we found that, so no one has to use that?

ANSWER Schmidt: No, when my dad's farm was sold, we had that taken off.

QUESTION Pedretti: What year, do you know?

ANSWER Schmidt: 10-years ago, maybe more than that.

Also appearing in favor: Mary Schmidt – I’m married to Rich Schmidt – Just for clarification I wanted to state that where you show the garage and the house (on map) where it is right now, and the proposed addition, where he is showing the garage now will be removed and the addition will be sliding closer to the existing house and the addition will actually be not any bigger than the existing house, it will just be facing at a different angle. So it will be kind of “L” shaped.

No persons appearing in opposition.

Correspondence: Correspondence from the Town Chairman dated March 25, 2010 addressed to myself. Have no objections at present time but would like to know what neighbors think. They don’t indicate they’ve had a meeting they still have 10-days from this meeting to give us something more formal in writing.

Department recommends: The Land Use Classification is: **Agriculture Preservation**: The purpose of the Agricultural Preservation District is to preserve agricultural land for food and fiber production; protect productive farming by preventing conflicts between incompatible uses; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs of providing services to scattered non-farm uses; promote orderly urban growth; implement the provisions of the County Farmland Preservation Plan, when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under ss. 91.11 (1) (b) Wis. Stats. Staff recommends approval, this not changing the land use, subject to 8 conditions:

1. Permit granted for a wooden die manufacturing business.
2. Business to be contained in lower level of home only.
3. Two employees – husband and wife.
4. No customers on site
5. Refuse not to be mixed with residential waste.
6. Personal property to be reported to local assessor yearly during assessment collection.
7. This permit is transferable.
8. This permit is subject to an approval from the County’s Board of Adjustment for construction within the 25-ft rear yard requirement and detached shed lying over the property line shall be removed.

Motion Bina/Keil to approve with conditions noted.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

CONDITIONAL USE PERMIT NO. 808 Verizon Wireless, c/o FMHC Corporation – Attention Peter Schau, 8A, W. Davenport St, Ste – 201, Box 8, Rhinelander, WI 54601. Petitions to continue to operate its existing 190-ft guyed communication tower and facility as it currently existed on Terminated Conditional Use Permit No. 45 on 2.3 acres of land zoned Transitional Agriculture District and described as: Lot 1 of Certified Survey Map No. 198 in Volume 1; T/W a 20-ft access easement. Town of Hamilton.

Appearing in favor: Peter Schau, FMHC Corp. 8A W Davenport St, STE-201, Rhinelander, WI 54601. Last year we were here on behalf of ALLTEL which Verizon acquired about a year ago. Looking to replace the existing tower at that time got a new Conditional Use to replace it with a new shorter tower, free standing structure vs. a guyed tower. Before ALLTEL could construct that tower they were acquired by Verizon Wireless and are combining the two networks. Construction of the tower was suspended, essentially 12 months went by and that Conditional Use Permit expired, so they could make a final decision on the needs at this site with the new combined network. So they decided to continue to use this site as it has been used in the past.

REMARKS Bluske: Just to reiterate what Peter has already indicated, we started out with Conditional Use Permit 17 which is for this site, which we are here to re-authorize. Based on a new site which came in as Conditional Use 787 we terminated Conditional Use 17 because we thought they were going to build on a new site. As Peter has indicated they are not going to build on a new site, so I just wanted to indicate that we are going to terminate the old new site number 787 and go back to number 17 which doesn’t exist anymore and now will have the new number 808.

No persons appearing in opposition.

Correspondence – (1) Received a phone call today from Town Chairman Rich Schomberg – stated he could not make the meeting tonight but the Town had no problem with this. (2) Letter from Town Clerk received March 23, 2010. Town Board has approved Conditional Use for Verizon.

Department recommends: Approval subject to 4 conditions:

1. Permit is subject to provisions of Chapter 28 Telecommunications Ordinance but not subject to reporting and annual fees.
2. Permit is transferable.
3. This Conditional Use terminates Conditional Use No. 787 in its entirety.
4. No change in existing land use.

Motion Wehrs/Keil to approve with conditions.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

SPECIAL EXCEPTION PERMIT NO. 2010-04 Gregory A and Susan J LaPoint, 3315 Lakeshore Dr, La Crosse, WI; also acting in behalf of Joseph M Weber, N4360 Esther Dr, Onalaska, WI. Petitions to do filling and grading in connection with a new home which includes filling on a neighbors lot directly and adjacent to the north; also to place rip rap; and to create 2 storm water ponds on the adjacent lot to handle drainage on 2 lots zoned Residential District "A" in the Shoreland District of Lake Onalaska on lands described as: Part of the SE-SE of Section 1, T16N, R8W described in tax parcels 4-1468-0 and 4-1465-0. Town of Campbell

Appearing in favor: Greg LaPoint, 3315 Lakeshore Dr, La Crosse, WI 54603. Basically, we would just like to raise the lot. My lot is at the bottom of the screen; Joe's lot is next to mine, his mother, Joyce, is the next lot to his. Now that I've had to raise my lot up, there would be a big hole between the two lots, because her house is high, my house will be high his lot (Weber) would be really low so we'd like to raise that lot to blend the 3 lots.

QUESTION Bluske: Greg, can you indicate on the map where the existing drainage used to go? So the committee can understand there won't be a drainage problem there, with all this fill.

ANSWER LaPoint: Well the lowest part of all three lots would be the south side of my lot and then the middle lot was also another low spot. That's one of the reasons Mary Jo Webster wanted the rain gardens put in. So this part here (indicates on map) was always about the lowest spot of my lot so the water always ran that way towards the Lake, this whole lot here or Joe's was lower than my lot so that always had drainage towards the Lake so what we did is left the high point of that lot right in there (indicates on map) so that the majority of it continues to go toward the lake, and then she (Mary Jo Webster) asked us to put in a rain garden here and then one here to collect the little bit that now goes this way and used to go that way, and then on the other side of Joe's lot his mother's, Joyce, also low on that side so that would be where the rest of the water would go. Besides the 2000 flood I haven't ever had any puddling or noticed any water anywhere except for the 2000 flood.

QUESTION Bluske: Maybe you could show them where you would place the rip rap around the property?

ANSWER LaPoint: In this shaded area (indicates on map) coming around the house here, I'd like to, I raised this whole spot around my house is up about 5 to 6 feet so there's quite a hill going down, and if the water comes up like it did in 2000 it would eat away at the grass so I'd like to put rip rap around there just to save the lot in case of a flood.

Also appearing in favor: Joe Weber, N4360 Esther Dr, in the Town of Medary. I'm the owner of the lot next door. I used to live in the Town of Campbell and was actually on the Town Board for 4 or 5 years before I moved and certainly understand the issues with drainage and water in the Town of Campbell. I think Greg has worked very well with many as far as the containment ponds, we don't have any objections, the biggest issue was with the requirement for him to raise his property and the reason for this house being built, there was a house fire which actually totaled his house so, therefore, they had to build a new house and had to raise it to about the 1965 flood level, I believe, so we had his property and my

mother's property raised to that level and my lot that I own would basically been a containment pond all of itself. The thought process was let's bring in some fill level it out, make it a little more appealing so we wouldn't have all that water just sitting there. Greg's done a nice job with Mike Harding with the drawings and getting the grades and having the runoff continue to go towards the Lake as it had. My mother, winters in Texas and is on her way home but she has no problems with the project.

No persons appearing in opposition.

QUESTION Bluske: Greg, your time frame for completion?

ANSWER LaPoint: Shooting for mid-June, July 1 at the latest. Will have everything done when we move in.

Correspondence: None

Department recommends: Approval subject to 5 conditions:

1. This permit is granted specifically for any area outside 15-ft flood protection area of the home.
2. The fill and grading involve placing approximately 200 lineal feet of rip rap, filling an adjacent landowner's property and constructing two rain garden ponds, along with fill for a driveway.
3. An approved erosion control permit shall be held enforceable and maintained until all open ground has been seeded with no erosion before the expiration of this permit.
4. This permit is subject to any state or federal permits also required for this project, along with conditions the Town of Campbell may add.
5. This permit expires September 30, 2010.

Motion Bina/Keil to approve with conditions.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

ZONING PETITION NO. 1834 Heath G and Nicole S Popowich, W6644 Lawrence Pl, Onalaska, WI; acting in behalf of Robert E Smith, N4923 East Ave, Onalaska, WI. Petitions to rezone lands from the Residential District "A" to Commercial District "B", 0.583 acres in order to construct a 50-ft X 74-ft steel outbuilding for an electrical business with 3 employees and storage with frontage and driveway off Lawrence Pl, the parcel contains an existing homestead on land described as: Part of the SW-SE of Section 32, T17N, R7W described in tax parcel 10-1207-0 and the West 25-ft of that part of the SW-SE of Section 32, T17N, R7W described in tax parcel 10-1205-0. Town of Onalaska.

Appearing in favor: Heath Popowich, W6644 Lawrence Pl, Onalaska, WI 54650. Have petitioned for this rezone in order to construct a storage building and operate a business out of that. It was brought to my attention when I was in to get a permit for an addition to my house that this area is mixed use, there is commercial property across the street, that it may be a possibility of going to commercial property here since there are commercial properties adjacent to it. So, I started the paperwork to get things going in this direction.

QUESTION Bluske: When we were out on the site with the committee it looked like you were cutting a lot of wood there and in that area including the additional 25-ft it looked like quite a hill you will be cutting into, can you describe your process there?

ANSWER Popowich: On the South part of the property where it says the 50-ft (on the map) there is a sloping hillside. So that building will be cut into that, there will be a concrete retaining wall, a concrete wall that the building will set on, actually will be tucked into the hillside, will maintain the 25-ft setbacks of course, so slopes, I have talked to the erosion control people about that, on the house addition so I have talked to them about erosion and disrupting that hillside a bit in order to put that building in, when I come back 25-ft, I think it's about 6-ft of vertical that I'll be digging into that hillside once I get that 25-ft of setback I do have a list of signatures from all the neighbors of surrounding property, you may have a partial list, I have a more inclusive list, that includes all the neighbors that adjoin the property or are down Lawrence Place. They're in approval of having this done.

QUESTION Bluske: Ok, with the addition of this business maybe you could tell us how many employees you might have and if you have to have restroom facilities which might increase the size of the septic system and have you contacted the Health Dept. and are on top of all that too?

ANSWER Popowich: It will be a storage building for equipment and supplies – will not be open to the public, will not be any bathroom facilities for the public, it's a storage building. I have contacted the Environmental Health Dept. in regard to the addition (to residence) and the building and have signed off on the additional bedroom in the house but the building is a storage building.

QUESTION Handy: So no employees on the site?

ANSWER Popowich: They will pick-up, on my business proposal here I have 3 employees, they will pick-up items in the morning they take home their own vehicles, there will be a vehicle there also, they'll pick up their own items in the morning and take them to the job site, whenever they need, additional product for the job. Delivery trucks, there will be small delivery trucks, this has gone to the Town of Onalaska Board, we have discussed this with them, it has passed, their issue was with the road and having delivery trucks, it is a substandard road that's been there for years, so that was their concern, it's not semi traffic it's just small 1-3 ton delivery trucks to drop off items, it did pass the town board planning committee but that was an issue that was brought up.

QUESTION Pedretti: This hasn't been to the Town Board yet, just the Plan Commission?

ANSWER Popowich: It has been to the Planning and the Town Board both.

No persons appearing in opposition.

Correspondence: (1) Site investigation report by Land Conservation Dept. (read into record). (2) Town of Onalaska recommendation received March 24 is to approve rezone to Commercial District "B".

Department recommends: Land Use Plan indicates non-residential land uses – this is consistent with Plan recommend approval.

Motion Wehrs/Keil to approve Petition No. 1834.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

TERMINATION OF CONDITIONAL USE PERMIT NO. 277 – TERMINATION NO. 72 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 277 filed by Kevin Kenyon, N6071 County Road DE, Bangor, WI; current owners Emerson Jentz, N6071 County Road DE, Bangor, WI; and passed by the County Board in June of 1993, to operate an excavating business and contractor's storage yard on land zoned Agricultural District "A". **Reason for terminating** – Business has not been in operation for a period of 12 consecutive months. Town of Burns.

No persons appearing.

Department recommends: Termination.

Motion Bina/Keil to terminate Conditional Use Permit No. 277.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

TERMINATION OF CONDITIONAL USE PERMIT NO. 300 – TERMINATION NO. 73 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 300 filed by Clay Zimmerman, W518 Jewett Rd, Bangor, WI; current owners Cory and Heather Everson, W518 Jewett Rd, Bangor, WI; and passed by the County Board in January of 1994; to operate a mail order business and warehousing on land zoned Agricultural District "A". **Reason for terminating** – Business has not been in operation for a period of 12 consecutive months. Town of Burns.

No persons appearing.

Department recommends: Termination.

Motion Keil/Mach to terminate Conditional Use Permit No. 300.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

TERMINATION OF CONDITIONAL USE PERMIT NO. 65 – TERMINATION NO. 74 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 65 filed by David Graff, N6220 Eric Ave, Onalaska, WI; current owner Theodore & Sarah Johnson, N6220 Eric Ave, Onalaska, WI; and passed by the County Board in September of 1983; to operate a small engine repair business on land zoned Residential District “A”.

Reason for terminating – Business has not been in operation for a period of 12 consecutive months. Town of Onalaska.

No persons appearing.

Department recommends: Termination.

Motion Wehrs/Keil to terminate Conditional Use Permit No. 65.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

TERMINATION OF CONDITIONAL USE PERMIT NO. 28 – TERMINATION NO. 75 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 28 filed by Maynard Swenson, N5336 State Road 35, Onalaska, WI; current owners Jason Alberty, N5336 State Road 35, Onalaska, WI; and passed by the County Board in July of 1981, to operate a portable popcorn stand on land zoned Agricultural District “A”. **Reason for terminating** – Business has not been in operation for a period of 12 consecutive months. Town of Onalaska.

Voluntary letter of termination of file.

No persons appearing.

Department recommends: Termination.

Motion Keil/Wehrs to terminate Conditional Use Permit No. 28.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

TERMINATION OF CONDITIONAL USE PERMIT NO. 357 – TERMINATION NO. 76 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 357 filed by James Wang & Maynard Mickelson, 1005 La Crosse St, La Crosse, WI; current owners James Wang, 502 11th St N, La Crosse, WI; and passed by the County Board in May of 1996, to operate a licensed game farm on land zoned Agricultural District “A”. **Reason for terminating** – Business has not been in operation for a period of 12 consecutive months. Town of Medary.

No persons appearing.

Department recommends: Termination.

Motion Mach/Wehrs to terminate Conditional Use Permit No. 357.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

Motion Keil/Bina to adjourn.

5 – Aye, 0 – No, 2 Excused (Meyer, Manthei)

Meeting adjourned at 6:45 P.M.

*Approved 5/3/10
Mike Weibel, /Nathan Sampson/ Recorder*