

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

October 25, 2010
County Board Room – Administrative Center
6:00 p.m – 6:42 p.m

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

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Don Meyer, Chairman, 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.

SPECIAL EXCEPTION PERMIT NO. 2010-13 Brent Brudos a/k/a Retaining Wall Specialists, N1045 Brookside Dr, La Crosse, WI 54601; acting on behalf of Troy T & Stacie J Atherton, 1921 Cherokee Ave, La Crosse, WI. Petitions to perform grading and backfilling in order to construct 3 retaining walls affecting an area 20-ft X the width of the lot which is approx. 90-ft on slopes in excess of 20% all lying in the Shoreland District of the Black River on land zoned Residential District "A" and described as: Lot 90 of 5th Addn. to Hiawatha Islands Addn. Town of Campbell.

Appearing in favor: Brent Brudos, N1045 Brookside Dr, La Crosse, WI 54601. Representing Troy & Stacie Atherton. I gave you a map of what will happen. We'll rip rap up to the bottom line. There's a three (3) railroad tie high wall that's rotting and tipping over – we'll take that out and put in a 3-ft 4-inch high wall, then come back 7-ft and put in a 2-ft 4-inch high wall, come back another 6-ft and put up another 2-ft 4-inch high wall. We'll put in 14 steps through here to go down to the dock. They want to garden on the terraces. Right now it's hard to mow and grass won't stay on the hillside.

QUESTION Bina: There's three (3) partial walls existing on the north end. Will you leave those?

ANSWER Brudos: Those will come out.

QUESTION Bluske: Can you describe how you install those walls so they don't tip over, especially in high water?

ANSWER Brudos: There's a foot of gravel underneath them, then washed rock in the block and cores of the block, and a foot behind the wall. The water comes in through the retaining wall and goes back out. Water doesn't affect it. I have put them on the Black River 14-ft high and they've been completely underwater at times. It doesn't bother them.

QUESTION Keil: I'm concerned about the gardening on top of the walls. What will keep it from eroding?

ANSWER Brudos: There's a 4-inch cap that will go on top of the wall – that will be above the elevation of the dirt.

Appearing in favor: Troy Atherton, 1921 Cherokee Ave, La Crosse, WI 54603. I agree with everything Brent said. The hill is steep, hard to mow, dangerous. The original wall is breaking out, my father-in-law stood on it and it gave out. It's a safety issue and shouldn't affect anyone else around us. You won't see it. It will be cut out – it should beautify it from the water.

QUESTION Bluske: We noticed on both sides of your lot it's rip-rapped to the top. Why did you decide against rip rap?

ANSWER Atherton: So we could get use of the property – gardening. We have a garden on the north side and it would be nice to have more space for that.

No one else appearing in favor or opposition.

Correspondence, Bluske: Correspondence received from the Town of Campbell dated October 14, 2010 read into record in support of Special Exception Permit #2010-13. No reply from Wisconsin Department of Natural Resources (DNR).

Staff Recommendation, Bluske: Approval subject to the following **five (5)** conditions:

1. This permit is granted specifically to perform grading and backfilling to construct three (3) retaining walls the full width of Lot 90 of the 5th Addition to Hiawatha Islands Addition;
2. The smallest amount of bare ground shall be exposed for as short a time as feasible. There shall be no net increase in fill;
3. Temporary ground cover such as mulch or jute netting shall be used with permanent cover to prevent run-off from the terraces;
4. An Erosion Control Permit is required from our Department of Land Conservation before any construction is commenced; and
5. Gardening is not an approved use because of the filling and grading on slopes of greater than 20%.

QUESTION Pedretti: DNR has not responded, but they need their approval as well?

ANSWER Bluske: Yes.

QUESTION Meyer: Did you hear the conditions? Can you live with those?

ANSWER Atherton: Yes.

QUESTION Mach: What happens if the DNR doesn't approve?

ANSWER Bluske: They have the opportunity to appeal our Findings. We won't know that until we get something in writing.

Motion Manthei/Keil to approve with the five (5) conditions.

7 Aye, 0 No. Motion carried.

ZONING PETITION NO. 1855 Thomas A & Marla L Breidel, W1645 County Road A, Mindoro, WI 54644. After-the-fact petition to rezone from the Exclusive Agriculture District to Residential District "A", a 1.5 acre residence and parcel that no longer conforms to the residence of the farm owner, on land described as: Lot 2 of Certified Survey Map No. 131 in Volume 7. Town of Farmington.

Appearing in favor: Thomas Breidel, W1645 County Road A, Mindoro, WI 54644. Lived here, which was at one time 100 acres, for 20 years. I owned it with two friends, primarily for hunting. Me and one of my friends surveyed off two (2) 1.5 acre parcels. Gerald Stellick put on a trailer house on his property. I figured we were zoned Exclusive Agriculture and needed 40 acres for a trailer house. My house is stick-built. I figured all the correspondence with people at open book that I was Agricultural A, the land not being good for farming. They all brought up recreational use. As time went by, one of the owners is 75 years old; the other partner's health went bad. An offer came up and I sold the land. I didn't know anything was wrong. I went through the La Crosse Land Title. Then I received a letter I was in violation, that I should have rezoned into residential. That's what I'd like to do now.

No one else appearing in support or in opposition.

Correspondence, Bluske: Correspondence from Town of Farmington Plan Commission dated October 21, 2010 read into the record recommending approval to the town board. Not subject to the Town of Farmington 2 acre minimum lot size.

QUESTION Bluske: Did you attend the town board meeting and did they approve this too?

ANSWER Breidel: Town board meets the beginning of next month, I believe.

REMARK: We'll wait for official action from the town.

Staff Recommendation, Bluske: Approval to Residential District "A". Does not change existing land use.

Motion Bina/Manthei to approve with recommended conditions.

7 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 818 Sherry K Noble d/b/a Noble Insurance Service, 1117 Riders Club Rd, Onalaska, WI 54650; acting on behalf of Jeanette Baker, W5822 County Road OS, Onalaska, WI 54650. Petitions to operate an insurance agency with agent offices at W5822 County Road OS, on 0.99 acres zoned Agriculture District "A" and described as: Lot 1 of Certified Survey Map No. 162 in Volume 2. Town of Medary.

Appearing in favor: John Noble, N4915 Clifford Dr, Onalaska, WI 54650. We look to obtain this property with a Conditional Use Permit (CUP) to operate an insurance office. (Distributes a handout to the committee).

COMMENT Pedretti: It says "See attached". There's no attached.

REPLY Sherry Noble: He said it would be on the overhead.

REMARK Vandenlangenberg: I've got it (displays site plan on the screen).

REMARKS John Noble: That's a parking plan for eight (8) spaces, two (2) locations for a sign – one (1) part of the landscaping concept in front of the house.

QUESTION Bluske: Could you zoom in and use the laser pointer to show the parking area?

REPLY Noble: These are the eight (8). We'd relocate the LP tank. We'd have a retaining wall here (refers to screen). We'd like to put "Noble Insurance" on that. On the south property line we'd like to have an 8-ft by 3 or 4-ft wide and 7-ft tall stand with smaller lit sign, breaker stone, or an unlit sign with indirect lighting. Similar to Eagle Bluff, just down the street.

QUESTION Pedretti: You'll cut into the hill to get those extra parking spots?

ANSWER Noble: We would be. The footprint is about 2,300 sq. ft. We'd cut it to here (refers to screen) slope it back appropriately and retain it with limestone rock.

QUESTION Pedretti: Are you changing the driveway approach?

ANSWER Noble: Not at this time. We're concerned about safety – traffic and walkers. We talked to Mr. Holter about putting a mirror down there. If we widen this and have access for two vehicles, it would allow people leaving a better view down the street.

REMARK Pedretti: With a business you'll have more traffic. In the winter with icy situations, it looked rather dangerous.

QUESTION Mach: How much traffic is there on County Road OS there?

ANSWER Noble: I think the count was 7,500 vehicles (per day) the city told us, not specific to this location but in the general area.

QUESTION Bluske: Will there be any residential use? Rent anything out? Live there?

ANSWER Noble: No. If we have contract agents, we'll rent them office space. No plans to rent for habitation.

QUESTION Pedretti: Why don't you just rezone?

ANSWER Noble: The comprehensive plan has it as residential. It seemed better suited as a CUP.

Appearing in favor: Sherry Noble, N4915 Clifford Dr, Onalaska, WI 54650. Not a lot of traffic coming to me. I do a lot of business insurance so I have to go to the place of business. It's a minimal amount coming into the office.

Appearing in support: Mary Jones, 757 Sand Lake Rd, Onalaska, WI 54650, representing the Nobles as their real estate agent. I'm a past customer of theirs and came to the office maybe eight (8) times and have never seen a customer, but I do know she's quite busy. I have 6-10 clients who have used her. The property is suited for what they want to do. It requires minimal change other than parking. When they go to sell it will still be intact as a residence.

QUESTION Mach: If they take the hill away, do we need approval from someone?

ANSWER Bluske: (Refers to screen). The green lines are contours 2-ft apart. If they go back into the hillside, they'll be about 6-ft high in back and he indicated he'd put in a retaining wall a limestone.

REMARK Mach: He's talking about widening the driveway.

REPLY Bluske: Yes – an Erosion Control Permit would be required, and a driveway permit for widening.

Appearing in support: Gary Lass, 2110 Esther Dr, Onalaska, WI 54650. I'm the real estate agent representing the owner of the property, Jeanette Baker. The contours are pretty gradual where they'll cut that parking lot. It's maybe 10% grade – it's easily done without disrupting the hillside. The owner is in support of this. It is kind of a commercial transitional area. There are other homes converted to businesses along OS. The property directly west has been annexed by the city and the zoning changed to commercial use. They split it into three (3) parcels and the immediate parcel to the west will be developed to be a service business type company. I talked to Jason Gilman and he didn't say specifically what the business will be, but the zoning is appropriate for that use. The highest and best use of this property is commercial use. We don't see the neighbors being disturbed. You can't see any neighbors on the same side of the street. With the Franciscan Skemp Clinic across the street, it is the trend. It sounds like the use of the property by the Nobles is not much of an impact – most of their business is done on the road.

QUESTION Bluske: I noticed from your impact statement the septic system has been checked out?

ANSWER Lass: I haven't ordered an inspection – I don't know if that's been done or not.

QUESTION Bluske: The septic system is in the front left side?

ANSWER Lass: Yes – in the southwest corner.

ANSWER Noble: It's been approved. We talked to the sanitation department and there is room to expand. The drainfield comes down to the south and goes to the east. It terminates about 20-ft from the west property line. There's room to expand closer to the property line. There's a 4-inch clean-out that's accessible right off the porch.

No one else appearing in support or opposition.

Correspondence, Bluske: No correspondence from the town, I believe they're acting on this after the 9th?

REMARK Keil: We met on site.

QUESTION Bluske: Did you take action?

ANSWER Keil: No.

Staff Recommendation, Bluske: Approval subject to the following **six (6)** conditions:

1. This permit is granted to operate an insurance agency at W5822 County Road OS; called Noble Insurance Service;
2. Hours of operation – 8 AM – 5 PM;
3. One professional unlighted sign is allowed with a zoning/occupancy permit;
4. An Erosion Control Permit is required to perform landscaping to accommodate off street parking for up to eight (8) vehicles;
5. The La Crosse County Highway Department shall be consulted to accommodate a commercial driveway entrance and to make it safer for exiting onto County Road OS; and
6. This permit is non-transferable.

QUESTION Meyer: Did you hear the conditions?

ANSWER John Noble: Could you repeat number 2 through 6?

REPLY Bluske: 2. Hours of operation are 8 am to 5 pm; 3. One professional unlighted sign is allowed with a zoning/occupancy permit.

QUESTION Lass: An independent sign permit could be applied for an additional sign, correct?

ANSWER Bluske: Yes.

QUESTION Noble: As far as location of the one unlit sign, are there specifications for that?

ANSWER Bluske: We have a 50-ft setback from the right-of-way. I think the back of the sidewalk is the property line.

QUESTION Noble: We have the option to pursue a variance?

ANSWER Bluske: Yes. (Items 4 and 5 regarding an erosion control permit requirement and commercial driveway entrance were read into the record). The reason for the driveway requirements is the retaining wall at the corner. You almost have to pull out onto the sidewalk, leaving the front of the vehicle hanging into the road. It would be safer if the end of the driveway were moved a little to the west, or at least widened. (Number 6 read into the record).

QUESTION Noble: Is there a timeline for widening the driveway?

ANSWER Bluske: Spring is soon enough.

QUESTION Pedretti: Your recommendation is to consult with the highway department – they don't have to physically do something right this minute?

ANSWER Bluske: Yes – If I had my way the driveway would start in the middle of the lot and curve up.

QUESTION Noble: What about the option of using a mirror? The city maintains the sidewalk and retaining wall. Should we include them too?

ANSWER Bluske: It probably wouldn't hurt. Depending on the shape of the mirror – it could cause a bad reflection in the evening; it might shine the wrong way. It's not something we'd issue a permit for but it could end up being a safety hazard.

Motion Wehrs/Keil to approve with recommended conditions.

7 Aye, 0 No. Motion carried.

ZONING PETITION NO. 1856 Fred J Lezpona a/k/a Lezpona Investments LLP, W6656 Casberg Coulee Rd, Holmen, WI 54636. Petitions to rezone from the Transitional Agriculture District to Residential District "A", 2 parcels containing 4.41 acres total described as: **Parcel A**, being part of the SW-NW of Section 8, T18N, R7W described as: Commencing at the W ¼ corner of said Section 8; thence along the west line N0°43'58"W 933'; thence S89°24'22"E 484' to the POB; thence N0°43'58"W 150'; thence S89°24'22"E 225'; thence S0°43'58"E 300'; thence N89°24'22"W 96.84'; thence S17°16'44"W 317.34'; thence S0°43'58"E 445.93'; thence N89°24'22"W 30.01'; thence N0°43'58"W 900' to the POB; contains 2.41 acres; AND, **Parcel B**, being part of the SW-NW of Section 8, T18N, R7W described as: Commencing at the NW corner of said SW-NW of Section 8; thence along the north line thereof, S89°24'44"E 838.64'; thence S0°43'58"E 910.44'; thence S89°24'22"E 105.24' to the POB; thence N0°43'58"W 275'; thence S89°24'22"E 275'; thence S0°43'58"E 275'; thence N89°24'22"W 140'; thence S0°43'58"E 388.33'; thence N87°11'43"W 30.06'; thence N0°43'58"W 387.17'; thence N89°24'22"W 105' to the POB; contains 2.0 acres. Town of Holland.

Appearing in favor: Fred Lezpona, W6656 Casberg Coulee Rd, Holmen, WI 54636. I'm here to rezone for two (2) building sites, which fall into the plan of being 10 acre parcels, changing part of them to residential.

QUESTION Pedretti: We haven't talked about this at the Town of Holland. You'll rezone that part that says "Parcel A" with the outside, so together it's one lot. That's 12.6 (acres). The other is 11 acres, but then you have a pending lot 1 that only 4 acres?

ANSWER Lezpona: That's the home site – there's a home with buildings. We made that a 4 acre parcel.

REMARK Pedretti: That doesn't follow the 10 acre lot.

REPLY Lezpona: I went on the advice of Zoning and Planning when I sat down with Chad and Jeff – we talked about that. I’m just going on their advice.

QUESTION Pedretti: And the reason for that?

ANSWER Bluske: This wasn’t a test of the town’s (comprehensive) land use (plan) by any means. This parcel started out with more than 40 acres. We looked at something giving him the density of three (3) parcels – how many acres do you have?

ANSWER Lezpona: About 27 (acres).

REMARK Bluske: That’s close to 30, getting three (3) parcels averaging maybe 9 (acres). That’s probably within your consistency range.

QUESTION Pedretti: And the reason for not doing the whole thing is that penalty?

ANSWER Lezpona: Yes.

REMARK Bluske: The conversion fee. Lot 1 is the homestead – that can remain Exclusive Ag, along with the property around parcels A & B.

QUESTION Pedretti: Didn’t we just have a problem with Exclusive Ag on a small parcel?

ANSWER Handy: Sometimes mortgages/banks...

QUESTION Pedretti: But that’s the only time you’d want to change it?

ANSWER Handy: Yes.

REMARK Lezpona: On that piece of property I’ve consulted with the county. They gave me the driveway positions. I spoke with Dennis Osgood – he was there twice to come up with those areas so they’d be safe.

REMARK Pedretti: It’s consistent with other homesteads out there. I’m just trying to understand it. Thank you.

REMARK Bluske: Part of the advice we’d given him and the surveyor. The “handle of the frying pan” (Residential “A” frontage) is only 30-ft and the subdivision ordinance requires 40-ft with 100-ft (width) at the building setback. Intention is to not to be able to sell them by themselves, they’re sold with the bigger parcel.

REMARK Pedretti: That counts toward frontage.

QUESTION Bina: But don’t we have an ordinance that says the roads can be so far apart? There’s basically three driveways with 150-ft here.

ANSWER Lezpona: The ordinance says you can have one driveway every 500-ft. As you come down County T there’s no driveways that are 500-ft.

REMARK Bina: They were put in before the ordinance.

No one else appearing in support or opposition.

No correspondence received.

REMARK Pedretti: Town of Holland Planning Commission meeting is November 9th, the 10th is Town Board.

Staff Recommendation, Bluske: It is consistent with the county plan which calls for residential. Recommend as Conditional Residential District “A” subject to the recording of deed restrictions covering Parcels “A” and “B”:

1. There shall be no further subdividing of either Parcel “A” or “B”; and
2. Parcels “A” and “B” shall be part of two larger Certified Survey Map lots and tax parcels, which shall be assessed and remain as a full CSM with multiple zoning classes.

QUESTION Meyer: Did you hear the restrictions?

ANSWER Lezpona: Yes, I did.

Motion Bina/Manthei to approve as conditional Residential District "A" subject to the recording of the recommended deed restrictions.

7 Aye, 0 No. Motion carried.

Motion Pedretti/Manthei to adjourn at 6:42PM.

7 Aye, 0 No. Motion carried.

Hearing adjourned at 6:42 p.m.

Approved 11/29/2010

Nathan Sampson, Recorder