

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

January 3, 2011
County Board Room – Administrative Center
6:00 p.m – 7:35 p.m

MEMBERS PRESENT: Don Meyer, Marilyn Pedretti, Beverly Mach, Tina Wehrs,
Donald Bina, Dennis Manthei
MEMBERS EXCUSED: Robert Keil
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Charlie Handy, Bryan Meyer, Jonathan Kaatz,
Chad VandenLangenberg (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.

CONDITIONAL USE PERMIT NO. 821 Fred W & Elizabeth Schomberg, W3796 Logging Rd, West Salem, WI 54669. Petitions to amend Conditional Use Permit No. 422 to allow continued top soil stockpiles, removal and sale on approx. 9.0 acres of land zoned Exclusive Agriculture District described as: Part of the S½-NW of Section 33, T16N, R6W, Beginning at the NE corner of the SW-NW thence south along the East line 300' to the POB; thence West 250', thence South 450', thence East 850', thence North 450', thence West 600' to the POB. Together with an existing haul road access. Town of Barre.

Appearing in favor: Fred W. Schomberg, W3796 Logging Rd., West Salem, WI 54669. I am applying for this permit to extend what we have been doing. We have been taking off topsoil, this will be the last of it. I have had a dispute the county staff, I thought that I had enough zoned before, but they have indicated that I needed a little more and that is why I am here.

QUESTION Pedretti: Can you show us where you were allowed to do this before?

ANSWER Schomberg: There was 50 acres before that.

QUESTION Pedretti: Was that part of this?

ANSWER Schomberg: I thought that it was.

ANSWER Bluske: Actually, it is the shaded area shown on the map. The first Conditional Use Permit #422 covered the shaded area and it was in question because he did not own the parcel below it, #7 on the map. Maybe he had a lease on it or something.

REMARKS Schomberg: No, that is my neighbor's. That was a goof up at the time.

QUESTION Pedretti: So, instead of going to the south, you will be going to the east?

ANSWER Schomberg: Correct.

No one else appearing in support or opposition.

Correspondence, Bluske: A letter from the Town of Barre dated December 16, 2010 from Cathy Stello, Clerk. The Town Board met on Tuesday, December 14, 2010. The Town Board approved the amendment to the original Conditional Use Permit.

Staff Recommendation, Bluske: Staff recommends approval subject to 5 conditions.

1. This permit is granted to allow for topsoil removal, sale and stockpiling on a 450-ft X 850-ft parcel together with a haul road for ingress/egress;
2. An approved erosion control permit is required to prevent water run-off from the site;

3. Anytime the total disturbed area accounts for more than 1.0 acre, the parcel and owner will be subject to an after-the-fact Non-Metallic Mining Permit;
4. This permit terminates Conditional Use Permit No. 422 in its entirety; and
5. This permit is non-transferable.

QUESTION Meyer: Fred, can you live with those conditions?

ANSWER Schomberg: Yes.

**Motion Bina/Pedretti to approve with the conditions as stated.
6 Aye, 0 No, 1 excused (Keil). Motion carried.**

ZONING PETITION NO. 1858 Steve Eide & Mike Brown, 2520 Losey Ct, La Crosse, WI; acting on behalf of the Knights of Columbus, N3020 State Road 16, La Crosse, WI. Petitions to rezone from the Agriculture District "A" to the Commercial District "B", a 2.48 acre parcel for continued use as restaurant, bar, banquet and meeting facility at N3020 State Road 16, described as: Part of the N½-SE of Section 28, T16N, R7W described in tax parcels 9-1305-3 and 9-1311-0. Town of Medary.

Appearing in favor: John Young, 757 Sand Lake Road, Onalaska, WI 54650. I am the agent for the Knights of Columbus, the owners of this property. Mike Brown, one of the petitioners is here as well. The Knights of Columbus have been using this property since the 1970's and they have built this facility in the early 70's. It has been used as a bar/restaurant/banquet facility. They have been allowed to use the property under the current zoning of Agricultural District A. They can't sell it with that zoning for a new owner to purchase it and use it in the same manner. We are here to rezone it. The buyer is here to answer questions about the new business.

Appearing in favor: Mike Brown, 1906 Caledonia St., LaCrosse, WI 54601. Our purpose is to buy it and turn it into a bar and grill type establishment which is pretty much what it is now except that we would put it back on the tax rolls. We will employ around 25 people and be open 7 days a week. This should be good for the community and I'm hoping that this goes through.

QUESTION Meyer: Do you see any differences to the way it is operating right now?

ANSWER Brown: Right now it is only open limited hours, only a couple days a week. We'll be open 7 days a week for lunch and supper and also have weddings and stuff out there.

QUESTION Bina: We did go out there to view the property. Does this property have city sewer and water?

ANSWER Brown: No, there is an existing septic system and well on-site.

QUESTION Pedretti: You mentioned lunch and supper, at some point down the road do you anticipate adding breakfast?

ANSWER Brown: At some point if we could do that, yes, we would.

QUESTION Pedretti: Are you at all concerned with the traffic going in and out there?

ANSWER Brown: There are five lanes of traffic there with a turn lane in the middle and two lanes on either side of it. So, you do have a place to pull in the middle and make a turn. There are two driveways there, one is a little easier to use and we will try to direct people into using that one.

QUESTION Pedretti: We can't control the access to Highway 16, but it is a concern that I have heard from several people regarding this proposal. It appears that you will be doing some interior remodeling to the building. Do you plan any exterior remodeling?

ANSWER Brown: In the spring we will dress up the outside, but right now we are concentrated on the interior.

QUESTION Pedretti: But, you are not talking about expanding the current building size, correct?

ANSWER Brown: No, it will be the same size. It will be flooring, walls, kitchen equipment, tables, chairs, etc.

REMARKS Pedretti: And it appears that the parking lot size will be sufficient.

QUESTION Pedretti: Does anyone know how or why this is currently zoned Agricultural District A?

ANSWER Bluske: This is original zoning.

QUESTION Pedretti: And Commercial District B is the appropriate zoning district for this business?

ANSWER Bluske: It is.

QUESTION Bluske: There appears to be two separate signs here. One may be in the right-of-way of the state road and the other one pretty close to it. The WDOT regulates the signage here. Are you anticipating changes to any of the signs?

ANSWER Brown: I plan to check with the WDOT to see what I can and can't do. I don't own it yet, so I can't ask those questions yet. We will put appropriate signs up there. There are two signs existing and we can use them.

QUESTION Bluske: For sure, there is adequate parking there. Are you looking at the more northerly entrance as your permanent entrance, the first one comes up on you real quick?

ANSWER Brown: I would like to put some signs up to use the south one as the enter and the north one as the exit, that would give them more time to see the traffic as you are getting out. It is also flatter and the south one has a slight slope to it. We want people to leave using the lower one.

QUESTION Bluske: That is the north one?

ANSWER Brown: Correct.

Appearing in opposition: Bob Seaquist, council member for the City of La Crosse 8th District, 202 Zephyr Circle, LaCrosse. The 8th district is the closest city district to this property. I was surprised and shocked to find out that the city does not have extra-territorial power over this section of Medary. If the city had, I would be opposing this in that manner. This seems like a bad idea. We see the traffic volume and to put a business that relies on a turnover of people seems like a bad idea. My wife works at "Trees for Today" across the way during the summer and they hear the accidents on a daily basis. You see the same thing on a Saturday at the Knights of Columbus Hall. People trying to enter using the left turn lane and people trying to leave turning south have a problem. The occasional use with the Knights of Columbus is endurable. The area has become more congested with commercial activity with the used car business and Edward's mini-storage along with Bittersweet. When the road was a two lane road, there were problems. When they re-designed it to be four lanes without an access road was a mistake. The Knights of Columbus has been there, but they are a low-impact business. When Mr. Brown and Mr. Eide are done with the property, if it was still zoned commercial, I am worried about what would go in there next. If we were honest with the people of LaCrosse County, we wouldn't allow any development along that right-of-way. My personal feeling is that there should not be a rezoning, at a maximum maybe a Conditional Use Permit to allow the catering and restaurant business and insisting that the signage remain the same as it is now, so that we don't have an increase of visual junk out there.

QUESTION Pedretti: Are you aware of what the long-range plan is for out there? It seems like this is a commercial corridor?

ANSWER Seaquist: Yes, I am aware and I think that it is a stupid idea.

QUESTION Pedretti: As a landowner along there, what other business should go there? It is going from a restaurant to a restaurant which seems compatible. What other business could you see being acceptable? The owner does have a right to sell the property.

ANSWER Seaquist: The owner does have a right to sell the property, but we as public officials have the privilege or duty to do what is best for the whole county and all of the people, not just the owner or potential purchaser of the property. Are you going to continue a crappy use, or are you going to try and do the right thing and at least not allow it to become any worse than it is?

REMARKS Pedretti: That is my struggle with this as well. I would like to see some type of conditional zoning so that it is not left wide open. I struggle with that as well. Looking at it from your perspective as

a city council member you have to deal with that property's rights and also the health and safety of everyone around there. As a KC, they are looking at what they can do with that property.

REMARKS Seaquist: Again, it is not my duty to protect the Knights of Columbus. It is my duty to try and do what is best for the people in the City of LaCrosse and the surrounding area. That is not good to allow continued development in that location. If my neighbor decides that the only way to sell his house is to become a hazardous waste dump, that is great for him, but it isn't great for everyone else in the residential neighborhood.

REMARKS Wehrs: I would like to point out that it is our duty here at this committee level to make sure that we have proper zoning. In this case, we are going from an agricultural type zoning which is not appropriate for this piece of land. That is what our duty is. The long range plan calls for commercial.

QUESTION Seaquist: It is zoned properly at the moment, isn't it? Maybe it should be returned to farming.

ANSWER Wehrs: Obviously it isn't zoned properly because that is not what it is being used for.

REMARKS Seaquist: We know that there is a substantial structure already there.

REMARKS Wehrs: And parking.

REMARKS Seaquist: I haven't asked, but I'm sure that there are a number of accidents along that corridor. Pretty soon the DOT is going to want to put in an access road. Who is going to pay for that? It ends up being the city taxpayer who pays for this type of development and we don't get anything from it. Where are you going to put an access road in there anyhow? When they designed it, there were few opportunities and there would be substantial condemnations if they were going to put in a safety corridor now.

REMARKS Wehrs: It would be nice to know, factually, instead of just assuming the accident count. Do the number of accidents increase when there is an event going on here? I use businesses on that road now and do not have a problem with it.

REMARKS Seaquist: Who is brave enough to go into Bittersweet? You have a 50% chance of being rear-ended coming out of there.

REMARKS Handy: Just for the committee's information, the DOT has studied this corridor. They rate corridors on a scale from A to F. This corridor consistently rates between D and F. The DOT solution is to create a new north south corridor, it is not to make improvements to the Highway 16 corridor. They want to take the traffic off of the Highway 16 corridor. This solution is opposed by the City of LaCrosse.

QUESTION Meyer: Question for Mike, we are talking about increased traffic, do you see that as a problem right now?

ANSWER Brown: Right now there are 29,000 cars that go past there, I don't know if I am going to increase traffic significantly. With this mind set, we would have never built anything along there, out by the mall or anything. I'm going to start with 25 employees, where would they go otherwise? The parcel is already being used for this purpose, I'm just going to put it on the tax rolls and employ people that are in need of jobs right now. If I don't do this, someone else may do something worse with the property.

QUESTION Meyer: We talked about signs and we have explained that we don't have jurisdiction on signs out there?

ANSWER Bluske: The state DOT will have jurisdiction over the signs out there.

Remarks Mach: I just want to make a comment. I have watched the development along Highway 16 for years now, especially the development along the west side that has continued without good ways to get back onto the highway. Maybe it was done thinking about a north/south road, which I am not in favor of either. We have created an area and businesses with traffic problems. I am seriously thinking about traffic and more accidents.

No one else appearing in support or opposition.

REMARKS Meyer: One last comment from me, I'd like to say that there have been a lot of things talked about tonight that have nothing to do with zoning. It isn't what we did do or what we should do, but we have done it. Right now we are just talking about the zoning of this property.

Correspondence, Bluske: I have correspondence from the Town of Medary dated December 21, 2010. The Town Board met on Tuesday, December 14, 2010. The Town Board voted unanimously to approve this rezone petition.

REMARKS Bluske: I did ask the WDOT if they had any requests for signage out there and they indicated that they have had none.

Staff Recommendation, Bluske: This is consistent with the County's Comprehensive Plan for this area as a non-residential use. Therefore, we are recommending approval to the Commercial District B.

QUESTION Meyer: No conditions?

ANSWER Bluske: No conditions.

QUESTION Pedretti: I am concerned about not placing any conditions. If it changes to Commercial District B it can be just about anything. What happens in two years when the restaurant doesn't make it, then anything goes?

ANSWER Bluske: (Reads into record the Zoning Ordinance, Commercial B District and list of businesses which would be allowed). If it zoned permanently, anything in that list would be allowed to go in there.

QUESTION Pedretti: But, if we zone it conditional, then we can limit the use and eventually they would need to come back to us and we would have more say in it? Obviously there are some things that just wouldn't work out there.

ANSWER Bluske: Correct.

REMARKS Pedretti: I am not real thrilled with the traffic situation even though it isn't part of the zoning issue, but in a way it is as part of the safety issue. The long range plan seems to work with it. I would be happy putting a condition on it, so I would make that motion to put a condition on it for a restaurant, bar, banquet and/or meeting facility.

QUESTION Meyer: Mike, did you hear what he had to say?

ANSWER Brown: Yes, we had a similar discussion when we met with the Town of Medary. That is a problem with the bank because if I don't go through with it, they have to sell it and they're not in favor of any conditions because they want to get their money back out of it. They don't want to come back here every time they have a new buyer for the property to see if it is ok. They are pretty adamant that it needed to be classified as commercial property without limitations. It would limit their options for resale.

REMARKS Meyer: But, we are changing it to B with a condition.

REMARKS Brown: Right, and they don't like that condition because if they go to sell it, they can only sell it to a bar or a restaurant. It is difficult to get a loan right now. We could lose our funding if this goes through that way. We had the same conversation with the Town of Medary.

REMARKS Meyer: Well, if anyone else wants to purchase it, they could come in to have it changed.

REMARKS Brown: You can ask the realtor here what a pain that is to have to come back in here time and again every time you have a new buyer. The proposed district is not manufacturing, it is retail just like everything else is up and down that road.

REMARKS Meyer: One advantage is that we would be getting taxes from this property now.

REMARKS Brown: Correct, plus we'll be adding 25 employees. My funding won't go through if there is that condition on it.

REMARKS Bina: I would suggest that you vote on the amendment first.

QUESTION Meyer: Should we make a motion then?

ANSWER Pedretti: I already have the motion.

QUESTION Wehrs: So, you have already spoken to your bank about this and they won't give you the loan if we approve this as conditional zoning?

ANSWER Brown: We would have to go back for reconsideration on the whole thing. This came up at the Town of Medary as they had their issues with it and wanted to limit it to a bar/restaurant only. The long term plan is commercial. Some things listed wouldn't be appropriate, but that property doesn't justify all of the uses. The bank wants to keep it as broad as possible so they can sell it and get their assets out of it.

Motion Pedretti/Wehrs to add a condition of the approval that the only business allowed would be a restaurant, bar, banquet and/or meeting facility.

1 Aye, 5 No, 1 excused (Keil). Motion denied.

Motion Bina/Manthei to approve Zoning Petition #1858.

4 Aye, 2 No, 1 excused (Keil). Motion carried.

ZONING PETITION NO. 1860 Paul Pretasky; acting on behalf of Interstate Development of La Crosse LLC, 333 Park Plaza, La Crosse, WI. Petitions to rezone from the Agriculture District "A" and Commercial District "B" with conditions for no residential use to Commercial District "B" for sales and service of recreational vehicles (campers) on four parcels totaling 4.45 acres, with addresses of 2316, 2320 and 2402 Bainbridge St. and described as: Lot 2 of Certified Survey Map No. 147 Volume 9 and part of the NW-SE of Section 18, T16N, R7W described in tax parcels 4-137-2, 4-134-0, 4-139-0 and 4-140-0. Town of Campbell.

Appearing in favor: Paul Pretasky, 3155 Cliffside Dr, LaCrosse, WI 54601. We are looking at buying this property and before we enter into a purchase agreement we are trying to develop that land into an RV dealership where we sell and service RV's.

QUESTION Pedretti: A proposed building for sales and service?

ANSWER Pretasky: Yes, a 9000 square foot building for sales and service.

QUESTION Pedretti: In that building?

ANSWER Pretasky: Correct.

QUESTION Pedretti: There will be outside storage as well?

ANSWER Pretasky: Most of our inventory is stored outside and we have a lot of inventory.

QUESTION Pedretti: Will you still be storing stuff at the old site? I'm trying to figure out the volume that we are talking about. Is it the same volume you have currently and you are going to just shift it over?

ANSWER Pretasky: Pretty much, this will be a brand new dealership. We will keep the name, but just move it here. The other location will not be used for RV sales if we move.

QUESTION Pedretti: So, it will be the same volume that you see now as far as customers coming in, etc.

ANSWER Pretasky: Yes, it will be the typical amount of customers we see now.

QUESTION Pedretti: Will you discuss signage? Is this a good time to ask about signage?

ANSWER Pretasky: We plan to have one interstate sign and then just signs on the building itself.

QUESTION Pedretti: Will the interstate sign be like a billboard?

ANSWER Pretasky: No, it will be like the Days Inn sign. That is what we have looked into. You have to work with the airport because the planes will come right over it. We are pretty sure that we can do a 25 to 30 foot sign there.

QUESTION Meyer: If someone down at the campgrounds needed a repair, will you do it down there, what will you do there? Will there be repairs made down at the campground yet?

ANSWER Pretasky: If we move with this project, all of our service will be at this building. We will still have a repairman that travels. We have always provided that service, but we will not have a service facility down at the campground.

QUESTION Meyer: So, you would send him down from the sales office?

ANSWER Pretasky: Right. Our mobile technician goes to every campground that calls us.

QUESTION Meyer: How does this affect the contract that you have with the city?

ANSWER Pretasky: I do not have any lease with the city. I have nothing to do with the city.

QUESTION Meyer: What about Mark (Pretasky), does he?

ANSWER Pretasky: I don't know about that.

QUESTION Meyer: Are there covenants around there that you are supposed to meet?

ANSWER Pretasky: I am not aware of any.

QUESTION Bluske: When we were on tour, we noticed that there has been some land disturbance activity. What is going on there and do you have a stormwater plan in place?

ANSWER Pretasky: We don't own the property. We haven't done anything to the property.

QUESTION Bluske: Do you know who did the tree removal out there?

ANSWER Pretasky: Well, I would have to assume the current property owner.

QUESTION Bluske: The reason that I am asking is that we had rezoned a property to the south which was very sensitive to water runoff. You will need to keep that on your property so that it doesn't affect the homes in the surrounding area. Have you taken that into consideration?

ANSWER Pretasky: I was not aware of the water issues. I own a property in LaCrosse and when I built I had restrictions to make the water come into certain spots, so I am aware of things like that. When we build, the building will be here and the rest will be vacant storage land.

QUESTION Bluske: Can you show the committee how you will have the units on display? Will it be blacktopped or gravel, etc?

ANSWER Pretasky: There is an existing driveway right here and we plan to have a horseshoe entrance like a roundabout. The building will sit next to that. We plan to line up the units along the fence to get the exposure to the traffic. The back storage lot will have any type of storage for winter, whatever. It is a big property and a huge investment and we have to be able to use all of the land.

QUESTION Pedretti: Is our map wrong as we have the proposed building being on the second lot down?

ANSWER Bluske: We placed it based on data that we received. If he says it is on the northern lot we can go along with that.

QUESTION Pedretti: Does that pose a problem with the bike trail coming up, we looked at that when we were out there?

ANSWER Bluske: The bike trail will be within the right-of-way.

REMARKS Pretasky: I may have done that wrong, it is confusing me.

REMARKS Bluske: This house is still here, but the other one is gone.

REMARKS Pretasky: They are all gone. There are no houses, they have been torn down. I was thinking that the house was in the next section and I was working on a really tight space.

Appearing in favor: Mark Pretasky, N1025 Lauterbach Rd, LaCrosse, WI 54601.

QUESTION Meyer: How does this affect the city contract? Does that just end now?

ANSWER Pretasky: Correct. If we stay there we have to abide by that and would have to make payments to the city. By leaving, we would not owe them anything. There is no contract that states we have to stay there. In fact, we believe that the city wants us to move.

QUESTION Meyer: So, you are not violating any contract?

ANSWER Pretasky: Not at all. There is no problem. I've talked to Steve Caroline and he agrees that this is the best.

QUESTION Meyer: Are you and Paul both involved in this LLC?

ANSWER Pretasky: If we proceed ahead on this property, we would both be involved, yes.

QUESTION Meyer: So it would be Paul and Mark Pretasky?

ANSWER Pretasky: Correct.

REMARKS Paul Pretasky: That LLC that you are talking about, that is who owns the property currently. That isn't us, that is who owns it.

REMARKS Meyer: Well, then it is stated a little strange then.

REMARKS Paul Pretasky: I didn't put that on there. That is a copy from the owner that gave it to me. Mark nor I are part of Interstate Development of LaCrosse, LLC. That is who owns the property.

REMARKS Mark Pretasky: Correct, and they did give us approval to speak on their behalf.

REMARKS Meyer: Well, I read this as that was the Pretasky's.

Appearing in Opposition: Terry Schaller, 2312 Bainbridge St, LaCrosse, WI 54603. We have the house that is right in the middle of that development. We are more concerned about groundwater, the wells are still there and have not been capped. The gas lines are still there. We watched all of the stuff getting torn down. We watched as Dalles Ellefson tore down the trees.

QUESTION Pedretti: Who was that?

ANSWER Schaller: Dalles Ellefson, I believe. If this is being changed from Ag. A to Commercial B without any conditions, I am worried. I would like to see some conditions. I don't what is proposed, but don't want to see a truck stop because we still have to live there. Usually, the homeowner that lives there is the one coming up with the short end of the stick. I'm wondering if my property taxes will go up or down because we are living next to this. Concerning the water issues, when they built the Days Inn, that is when the problems started. My dad needed to put a ditch in because the water went right to our front yard. Everything slopes right down off of Bainbridge St. The Days Inn site is all blacktopped. Right now this is gravel, if it stays that way, there probably won't be a problem. Everything is sand and it soaks right in. I am really not opposed or against it, I don't mind the campers. When they tore the houses down and cut the trees down, that is when we got the noise from the interstate. Before, it didn't seem to **too** bad. My great-grandparents owned this land and my grandparents got this land as a wedding present. So did his brothers and sisters.

QUESTION Meyer: So, your main concern is the water?

ANSWER Schaller: Yes, that is one of them.

QUESTION Meyer: If there are more, what are they? If you think that we need to put conditions on this, what should they be?

ANSWER Schaller: He knows that he needs to control the water, he's done it before. I just don't want to have to dig a pond on my property and don't want water in my basement.

QUESTION Wehrs: What about your backyard along the fence there? Do you want to see some type of buffer along there?

ANSWER Schaller: No, not necessarily, I don't think that campers are bad to look at.

QUESTION Wehrs: And you do not currently have a fence there already?

ANSWER Schaller: No, before Dave Pretasky has always had boats back there. He would bring them in 50 at a time, but they would never stay there, a week later they would be gone.

QUESTION Wehrs: The trees that were cut down, they were not barriers for your lot, were they?

ANSWER Schaller: No, when they were cutting them down, I asked them to leave them on the fenceline and they did. The old fencing is still there and is protruding from some of those trees. There used to be hogs there. The city used to dump garbage here and the hogs would eat it. As kids, we used to go out there to pick out the cans and jars, etc.

QUESTION Bina: You stated that you have a well, you don't have city water and sewer out there?

ANSWER Schaller: We have city sewer but everyone on the island has their own well.

QUESTION Bina: And you stated that there are wells on this property currently?

ANSWER Schaller: Yes, they are still there sticking out of the ground.

QUESTION Bina: When they start developing this property, they will need an erosion control plan put together so that the water is controlled out there. There will be a collection system with a pond or something?

ANSWER Bluske: I did talk to the Land Conservation Department regarding this. Any time there is disturbance which is greater than 4000 square feet on a commercial property, besides an erosion control plan, you need a stormwater pond, which means that you need to keep everything on your property. Runoff can run off your property in the same direction and in the same amount as in the past, but they cannot increase the flow.

REMARKS Schaller: As long as it isn't all blacktop, there shouldn't be a problem as everything should soak in.

Appearing in Opposition: Debbie Kendhammer, 2304 Bainbridge St, LaCrosse, WI 54603.

QUESTION Kendhammer: I only have a question. On this map it excludes the Owen property while on the other map it includes it. Which one is correct? It has the lines going through it.

ANSWER Bluske: The lines on the map are just indicating the zoning on the parcel.

QUESTION Schaller: We were under the impression that the zoning of that property was Agricultural District A. When did it get changed to Commercial District B? Do they plan on buying the Owen House?

ANSWER Bluske: The parcels to the south which are shaded are still Residential District A. I don't have that petition in front of me, but I can get you that answer, when the Owen and that other parcel were rezoned to Commercial District B with conditions.

No one else appearing in favor or opposition.

Correspondence, Bluske: Correspondence from the Town of Campbell dated December 15, 2010. The Town Board met and took action on this petition on December 14, 2010. The Town of Campbell Board did not have any objections.

Staff Recommendation, Bluske: Staff took a look at this and determined that this petition is consistent with both the town and county land use plans for this area to be non-residential.

Motion Manthei/Bina to approve Zoning Petition No. 1860.

QUESTION Pedretti: I have the same concern over this one as I did the last one. If we approve this as Commercial District B, there are other uses that can go in there. I am wondering if the owners would allow us to rezone it to Commercial District B with conditions limiting it to RV Sales and Service?

ANSWER Pretasky: As a business owner and purchaser, I am not interested in the property unless it is all just Commercial District B.

QUESTION Pedretti: Question for Jeff, I know that you read the list of Commercial District B uses and anything is certainly possible in that area. There is some residential. Are there limits on anything around them?

ANSWER Bluske: The area next to them, shown on the map as the hatched area, is Commercial District B with conditions and the condition was placed that there could be no residential. This is similar to that area on the south end of the island where they want to see commercial and industrial but there are existing homes in there. This area, the future land use is commercial. Typically when that happens, the value of the land goes up and doesn't go down. The assessor can only assess the property under the current use, not any potential, not until it happens.

QUESTION Petretti: Until what happens, until it gets rezoned?

ANSWER Bluske: Until it gets rezoned.

REMARKS Mach: I don't have a question, but I am not happy with no conditions on this Commercial B.

QUESTION Wehrs: I am still confused. You are not the owners of Interstate Development, LLC. You are buying something from someone else.

ANSWER Pretasky: Correct.

REMARKS Wehrs: I know that it is always risky to rezone something, but we are rezoning it properly. If it is supposed to be commercial, you should go with it.

6 Aye, 0 No, 1 excused (Keil). Motion carried unanimously.

SPECIAL EXCEPTION PERMIT 2010-14 Shawn S Welte, PE for Davy Engineering Co., 115 6th St S, La Crosse, WI; acting on behalf of the Town of Campbell, 2219 Bainbridge St, La Crosse, WI. Petitions to amend Special Exception Permit No. 2010-12 to include the land adjacent to the south of the land approved in Permit 2010-12 for the construction of a new sewage Lift Station. The purpose of the amendment is to include additional lands for staging, construction and stockpiling involved in the new construction on land zoned Residential District "A" and described as: Lot 17 of Terpstra Addn. to Hiawatha Island Addn. Town of Campbell.

Appearing in favor: Shawn Welte, 115 6th St S, LaCrosse, WI 54601. I'm with Davy Engineering and basically the Town of Campbell is proceeding with the construction of the sewage lift station under the Special Exception Permit that we had previously for this. The contractor has requested the use of the adjacent vacant lot directly to the south. The lift station is inside the fenceline there. The adjacent property owner has done some landscaping here and a portion of it is on the town property next to the access easement that they have. We do not see any issues with him using this lot. They would have to restore it to what it is currently. The contractor would need to take care of any erosion control and we have not discussed any additional erosion control measures at this time. We wanted to get through the Special Exceptions Permit first and then take care of the rest. The contractor that was hired by the town is Winona Mechanical out of Winona, MN.

QUESTION Bina: When you were here the last time, you felt that the small piece was enough?

ANSWER Welte: Correct.

QUESTION Bina: Now, because of the new contractor, he wants more room?

ANSWER Welte: Yes, he wants more room and equipment wise, access may be an issue as well. We are limited, we are looking at a tracking pad up above there. The reality is that we could have asked 6 contractor's how they were going to go about this and they all would have given us a different answer.

QUESTION Bina: The size of the system won't change?

ANSWER Welte: No, we are not changing those designs at all.

QUESTION Bluske: We have some concerns over the drainage here. There was a separation distance of 100 feet. There are questions regarding dewatering that are going on. Can you help the committee picture where the water is going and if it will have any sediment in it?

ANSWER Welte: That is one of our concerns as well. The contractor is trying to do this while there is still frost in the ground and the water is at a low level and not during high water periods. It is in his best interest to do so as the materials on site, being sand, are not conducive to doing this any other time. He is responsible for any dewatering permits. A standard DNR permit is 70 gallons or less, anything higher than that is considered a high capacity dewatering well and he will need to go through the sedimentation requirements required by the state and there would probably be some additional requirements from the county. We are required a dewatering plan, which we haven't done yet because we are not sure what he is going to do yet.

QUESTION Bluske: There is a hose out there, will that be used?

ANSWER Welte: No, that is actually the fire department's dry hydrant. They occasionally use. The City of LaCrosse has water that runs along this side of the street and serves some of the homes out here. The border between the city and the town jumps back and forth across the street here. They are all served, sewer wise, by the city. The Town of Campbell is all served by individual wells and does not have a public water system. There is a small sand point well on site that will have to be abandoned per Wisconsin regulations in the NR code.

No one else appearing in favor or opposition.

Correspondence: None.

Staff Recommendation, Bluske: Recommend approval subject to 8 conditions.

1. This permit is granted specifically to perform excavation and grading in the Shoreland District of the Black River for the purpose of demolishing and rebuilding Sewage Lift Station No. 5 on Nakomis Avenue in part with the parcel to the north.
2. The Town of Campbell owns this parcel in conjunction with the parcel to the north with approved Special Exception Permit #2010-12.
3. There is a residence at 1407 Nakomis Avenue directly west and adjacent, as well as a 15" culvert to the north of the proposed disturbance and a 10-ft. wide concrete service drain to the south on Comanche Way. It is imperative the contractor installs silt fence around this project that meets Department of Natural Resources standards and is installed properly.
4. Blowing and drifting sand could be a problem at this site, so any excess materials shall be removed from the site if drifting cannot be contained.
5. This permit creates a deviation from La Crosse County Erosion Control Permit No. 1098-10, which would cause an amendment to said plan, including dewatering.
6. A copy of the DNR dewatering permit is required to be part of this permit and placed in our file.
7. There shall be daily cleaning of the street if there is any tracking related to this site.
8. This permit expires at the end of August, 2011.

QUESTION Meyer: Did you hear all of the conditions and can you live with those?

ANSWER Welte: I did and I do not see any problems or issues with those.

Motion Manthei/Pedretti to approve Special Exception Permit #2010-14 with all recommended conditions.

6 Aye, 0 No, 1 excused (Keil). Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 822 Paul Kammel; acting on behalf of Kammel Custom Excavating LLC, N975 Broadhead Rd, La Crosse, WI; acting on behalf of Duane, Paul and Terry Kammel and Linda Walker, N1004 Broadhead Rd, La Crosse, WI. Petitions for an after-the-fact permit to operate an excavation business with soil stockpiles; 5 dump trucks, 3 dozers, 3 backhoes, 1 tractor hoe, 1 compactor, 6 trailers, 2 semis, 1 grader and 2 pickups which includes 2 storage buildings and outside storage, on land zoned Exclusive Agriculture District and Agriculture District "B" and described as: The NW-SE of Section 20, T15N, R6W, EXCEPT Lot 1 of Certified Survey Map No. 92, Volume 1. Town of Greenfield.

Appearing in favor: Paul Kammel, N975 Broadhead Rd, LaCrosse, WI 54601. I am making an application to park my excavating equipment at N1004 Broadhead Rd.

QUESTION Meyer: Can you give us a little more detail on this?

ANSWER Kammel: I own an excavating business and we have dump trucks, backhoe's and dozers that have been parked here since 1986. The county is indicating that I need a Conditional Use Permit to continue.

QUESTION Meyer: So, this is after-the-fact?

ANSWER Kammel: Yes, it is.

QUESTION Bluske: I took the committee out to this site on our tour. Can you tell the committee what this operation is back here. There seems to be a backhoe stored back here. There was a lot of snow so we couldn't see real well. What are you storing back here, what kind of stockpiles are there and are you doing any excavating at this site or the smaller one to the west?

ANSWER Kammel: The first site that you are looking at is just for storage. We store sand there and have some brush stored there. That is our burning site, when it is needed. Mostly it is just a storage area.

QUESTION Bluske: Are you storing asphalt there or concrete?

ANSWER Kammel: No. There may be one truckload of concrete back there. The material that is there is shale and we are just using it for sand storage. The second area you pointed to was used years ago, but hasn't been used for a long time.

QUESTION Bluske: There doesn't appear to be a haul road or anything going back there, is there?

ANSWER Kammel: There is a road that goes back there, but it is not in use anymore. I don't see it happening, but it may be used for storage at some point in the future. The machine that you see there is only there because we decided not to bring it down to park with the rest of the equipment this year.

QUESTION Bluske: You are indicating on your impact statement that you have 3 employees, is that including you?

ANSWER Kammel: Yes, that includes me.

QUESTION Bluske: Do you have proper sanitation in any of the buildings for the employees when they are working on site?

ANSWER Kammel: Yes, in the house that is there.

QUESTION Bluske: And, who is living in that house currently?

ANSWER Kammel: My mom is still living there.

QUESTION Bluske: In doing our research to prepare for this, is this your house right here?

ANSWER Kammel: Yes.

QUESTION Bluske: We did not find any access easement that was recorded for this. Would you be objectionable to us indicating that there should be an access easement going to that?

ANSWER Kammel: That can be as that was purchased from my parents back in 1979.

QUESTION Bluske: This goes back to your brother back here?

ANSWER Kammel: Yes, and I had him sign a statement that said there were no issues and he didn't have any objections to me crossing that property for my business.

QUESTION Bluske: If we look at the map, you have siblings that are co-owners of the farm?

ANSWER Kammel: Correct.

QUESTION Bluske: And how many of them are there, four?

ANSWER Kammel: There would be the four of us and we also have a document that they all signed that didn't have any objections to me using the property for this purpose.

QUESTION Bluske: Do you lease it from them or is it just an arrangement?

ANSWER Kammel: Right now we are the owners of this, but it is an arrangement with my mother. We are in a lessor/lessee program with her until she passes away.

QUESTION Bluske: So she has a live estate or something?

ANSWER Kammel: Yes, forever, as long as she is alive.

QUESTION Bluske: You do not store any hazardous materials out there? When we were out there we noticed between the two buildings, possibly some gravel, do you recycle asphalt?

ANSWER Kammel: We do keep on hand one or two loads of crushed rock for small quantities so we don't need to run to the quarry.

QUESTION Bluske: Do you do your own vehicle maintenance?

ANSWER Kammel: We do our own.

QUESTION Bluske: And you have barrels and stuff marked for oil and stuff?

ANSWER Kammel: Yes, we do and we have a contract with Rock, they come and pick up our waste oil. They take the filters and everything for us.

QUESTION Bluske: The only thing that possibly looked like a violation were these fuel oil barrels here, I think that they need to be in a container of some kind?

ANSWER Kammel: I am in the process of purchasing some confinement for those. They are fuel barrels for the fuel for our equipment.

QUESTION Bluske: In the future, if the company expands, will you need more ground to operate?

ANSWER Kammel: I don't plan to get any larger. As far as I am concerned, I don't need to be any larger or employ any more people. I don't see anything changing and I am satisfied where I am at.

QUESTION Bina: We evidently rezoned something years ago for your dad's business. Will that get thrown out now?

ANSWER Bluske: He is not proposing to rezone that and it is proposed to remain as Ag. District B. That is the hashed area and is approximately five acres.

REMARKS Kammel: It is about that. He was operating a wholesale bait business there and at that time that was the best fit zoning and that is what they thought was appropriate.

QUESTION Bina: So, he did rezone it?

ANSWER Kammel: Yes.

QUESTION Bina: So, that will stay, then?

ANSWER Bluske: Yes, that will stay.

QUESTION Bluske: We did not receive any correspondence from the Town of Greenfield on this petition, have you talked to them?

ANSWER Kammel: Yes, I am first on the agenda for a meeting to occur on January 12, 2011.

No one else appearing in favor or opposition.

Correspondence: None.

Staff Recommendation, Bluske: Staff took a look at this and because it is after-the-fact there are a number of conditions to deal with:

1. The County Land Use Plan indicates this property should remain Agriculture and Rural Residential, therefore, these conditions must be held to this strict use considering the size of the business and equipment;
2. No topsoil or borrow materials may be taken from this site. It appears two (2) borrow sites have been disturbed along the northerly property line. The site furthest east can be used to stockpile clean gravel, breaker concrete but no asphalt of any kind. This easterly site can also be used to store workable equipment;
3. Nowhere on the farm can inoperable vehicles or junk equipment be stored;

4. This permit allows for an excavation business and storage of licensed and operable equipment in the area depicted on the application surrounding the existing buildings and 150-ft southeasterly of the private driveway;
5. After-the-fact Zoning/Occupancy Permits are required for the three (3) existing farm buildings that were converted to commercial use;
6. No part of the existing home or garage may be used for this operation;
7. The DNR shall be contacted by the applicant for proper containment of the three (3) fuel tanks adjacent to the residential garage;
8. Absolutely no fluids or hazardous materials are allowed on the ground but in properly permitted and marked containers. An approval letter from the DNR is required for our files;
9. A letter from the La Crosse County Environmental Health Department is required for our files indicating proper restroom facilities exist for employees;
10. All equipment owned or leased, shall be reported yearly to the local assessor. The Town shall go back 2 years to assess this equipment as omitted property.
11. The Paul Kammel parcel does not have an easement to their single family residence. An easement shall be recorded in conjunction with the Duane & Sandra Kammel private drive easement that indicates there is a maintenance agreement between the excavation business and private residences;
- ~~12. Hours of operation to be 6:00am to 6:00pm, Monday thru Saturday.~~
13. Clean gravel and recycled asphalt may be stored between the two (2) larger commercial and maintenance sheds;
14. Off-street and off-easement parking is required;
15. This permit is non-transferable; and
16. If any of these conditions are not met, this permit is subject to termination.

QUESTION Kammel: I have a question regarding the permits for the buildings. The buildings are still being partially used for agricultural purposes. This is still a farm.

REMARKS Meyer: Jeff, I had the same question.

ANSWER Handy: He is asking about the requirements for the Zoning/Occupancy Permits for the three buildings. This does not mean new zoning. Because the use is changed from exclusively farming to some farming and some commercial, a new permit is required to change the occupancy.

QUESTION Kammel: As far as the sanitary facility is concerned, that shouldn't be a problem, right?

ANSWER Bluske: All that I am asking is that you contact the Environmental Health Department to see if that is an allowed practice. If they say it is fine, they will send me an email indicating that.

QUESTION Kammel: Normally, there is nobody there because we are gone all of the time. If we are not gone, we would be out of business. We can abide by the rest of those conditions. I am assuming that you will send me those in writing?

ANSWER Bluske: The Town Board can add conditions if they like and the County Board will act on this the 3rd Thursday of the month. After they act on it, I will send you something in writing.

QUESTION Meyer: The three employees that you have really don't work there during the day?

ANSWER Kammel: No usually, there is nobody there. They park there, pick up the equipment and then leave.

REMARKS Bluske: When you discuss this with the Environmental Health Department you can mention it to them and they will indicate what you need to do.

QUESTION Bina: On the other hand, there was a person there when we drove in the yard for our tour. They will be there when they are working on the machinery for maintenance or repair. One of the first items was in regards to farming and you stated no junk was allowed?

ANSWER Handy: The farm machinery is allowed under state statute, the commercial machinery is not.

REMARKS Bina: That is the point that I wanted to make, it is the junk coming from the business.

REMARKS Bluske: Correct, the junk associated with the business.

QUESTION Wehrs: You had the hours of operation in condition #12, what were those?

ANSWER Bluske: They were 6am to 6pm, Monday thru Saturday.

QUESTION Wehrs: I do not think that is realistic for a dump truck business, do you? Sometimes they can go until 9pm. Is it a big deal not to have that condition?

ANSWER Bluske: It doesn't matter to me.

QUESTION Wehrs: I am assuming that you work some Sundays during the summer as well, correct?

ANSWER Kammel: Not necessarily.

REMARKS Bluske: This would not really matter to us if you wanted to drop that condition.

REMARKS Wehrs: Yes, rather than having something that is conflicting or something that someone can complain about, we might as well take it out.

REMARKS Bina: I would agree. He is on call and if someone calls, he is going to go.

REMARKS Bluske: We will remove #12, so there will only be 15 conditions.

QUESTION Wehrs: Also, you stated that no part of the house can be used for business use. Where do you do your office work from?

ANSWER Kammel: I do that out of my house, not my mom's.

Motion Wehrs/Mach to remove the #12 condition regarding the hours of operation.

6 Aye, 0 No, 1 excused (Keil). Motion carried.

Motion Manthei/Pedretti to approve Conditional Use Permit #822 subject to the remaining 15 conditions.

6 Aye, 0 No, 1 excused (Keil). Motion carried.

Motion Pedretti/Manthei to adjourn at 7:35 PM.

6 Aye, 0 No, 1 excused (Keil). Motion carried.

Hearing adjourned at 7:35 p.m.

Approved as amended.01/31/11

Chad VandenLangenberg, Recorder.