

# PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

February 28, 2011  
County Board Room – Administrative Center  
6:00 p.m – 7:47 p.m

**MEMBERS PRESENT:** Don Meyer, Marilyn Pedretti, Beverly Mach, Tina Wehrs,  
Donald Bina  
**MEMBERS EXCUSED:** Robert Keil; Dennis Manthei  
**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.

**ZONING PETITION NO. 1862** Timothy J & Wendy R Markgren, 1501 Pioneer Dr, Holmen, WI 54636; OBO Markgren Landscape Group, Inc., W7069 County Road ZN, Onalaska, WI 54650. Petitions to rezone from the Industrial District to Commercial District "B", a 1.414 acre parcel at W7069 County Road ZN to further the landscaping business and add a single family residence to the structure on land described as: Lot 1 of Certified Survey Map No. 27, Vol. 3. Town of Onalaska.

**Appearing in favor:** Tim Markgren, W7069 County Road ZN, Onalaska, WI 54650. Petitioning to rezone to build a home for my family, my primary residence. Won't affect neighbors, business won't increase. If anything will be nicer appearing building. Addition will be behind the office closer to Balduzzi.

**QUESTION Bluske:** Show the committee (using laser pointer on the screen) the office and the side the house will be on, where you'll move the other buildings. That's where the house will go?

**ANSWER Markgren:** Yes. Won't affect the office. Didn't want to tear down the office and start over. Phone lines and equipment is set in the office. I thought the best spot is behind. I talked with Dave Balduzzi; he had no problem with the addition. Traffic won't change, our business won't change. I'm rescinding my rights to manufacture, the Industrial Zoning which I don't do anyway.

**QUESTION Pedretti:** There seemed to be a septic behind the office. Will you have to move your well or septic?

**ANSWER Markgren:** We'll be 12-ft away with the addition; the code is 10-ft. We're close but it should be fine. If anything we'll redo it or add on.

**QUESTION Pedretti:** Does the septic have to separate from the commercial?

**ANSWER Bluske:** It needs to be sized for number of bedrooms, employees.....

**QUESTION Pedretti:** That's taken care of when they get the house permit.

**ANSWER Bluske:** Yes.

**QUESTION Pedretti:** But there is sufficient room on this site for a house with the drain field and everything?

**ANSWER Markgren:** There's a lot of green space behind there. It could be doubled or tripled in size probably.

No one else appearing in favor or opposition.

**Correspondence**, Bluske: Correspondence from the Town of Onalaska, an e-mail dated February 25, 2011 read into the record approving Zoning Petition No. 1862 but indicating the Town's Comprehensive Plan is not consistent with this proposed use. They indicate if the plan is not changed, they do not grant approval.

QUESTION Bluske: Maybe we can ask Mr. Markgren if he's made application with the Town?

ANSWER Markgren: That whole district is pretty much residential. I didn't think it was out of line to ask for this petition. I'm not sure what it's listed as on the Comprehensive Plan – the whole Midway area is a natural area, when it's not. It's residential and mixed use.

REMARK Bluske: I can confirm that. I wanted to make sure Tim understood they have a process. The Town Plan calls for that area to be conservation residential – large conservation lots. There's commercial at each corner down there along with Balduzzi's Lumber Yard. The business he (Markgren) is occupying now was a screw factory and they're not doing that now. A down zoning should be okay in that area. Wanted to make sure that was in the record and he understood.

QUESTION Pedretti: So it's in the plan as Conservation Residential?

ANSWER Bluske: Yes.

QUESTION Pedretti: So, this fits that, or it doesn't because it will be "Commercial/Residential"?

ANSWER Bluske: I don't have access to the text portion of the Town's plan. Their plan might call for "Mixed Use"; residential and commercial. I don't know if they looked at the detail of that. Our plan is consistent.

**Staff Recommendation**, Bluske: Project is consistent with County Plan but not the Town Plan, which calls for Conservation Mixed Use. Recommend approval when the Town submits correspondence that they have amended their plan. We need something from the Town indicating their plan has been amended to reflect this use. If the committee goes along with this, Tim, you can't start anything until the Town's plan has been amended.

QUESTION Meyer: Jeff, who contacts them to make this change?

ANSWER Bluske: Mr. Markgren has to make the application with the Town of Onalaska to initiate the change in the Town's Land Use Plan.

QUESTION Meyer: Do you understand that?

ANSWER Markgren: Not at all.

REMARK Bluske: You'll have to speak with the Town Chairman to get on the agenda.

QUESTION Markgren: They approved it at their meeting last week. Did they not approve anything?

REPLY Bluske: Let me read it to you again (e-mail correspondence dated February 25, 2011 read again).

QUESTION Meyer: Our comprehensive plan is okay, isn't it?

ANSWER Bluske: It is. I don't know why they indicated our's wasn't.

REMARK Meyer: So they have to change, the county doesn't?

REPLY Bluske: That's correct.

QUESTION Bina: You're losing me. This is now Industrial and the Town is saying they didn't put Industrial in their plan, they put Conservation-Residential. The Town changed it from their old plan, which was Industrial, to something else. Now they're saying they won't go back to Industrial, which the screw factory was in, and now they want Timothy to get it rezoned to whatever they put in there, which was something else. Our plan still says Industrial, I presume?

ANSWER Bluske: Our plan calls for non-residential and that allows the mixed use. Their (planning) classification, not zoning, calls for Conservation-Residential.

QUESTION Bina: We can approve, but it won't happen because they need to change their town plan. Would they be willing to go with Commercial? They might not go with Commercial. But he could get it rezoned to what they had in the plan. That shouldn't take a public hearing on their part.

ANSWER Bluske: It's the classification they have to get approved; because they've approved the rezoning. But they say they won't approve rezoning until the plan has been changed. They have to be consistent.

REMARK Bina: Then we should have something different than Commercial District "B" in ours.

REPLY Bluske: Our zoning district Commercial District "B" allows him to continue his business, but also allows a residential use. The Town is looking for a classification that fits that. So if there's a motion (to approve), it would be passing this contingent on the Town amending their land use plan.

QUESTION Wehrs: I apologize Tim; we're making this more confusing than it is. The Town has a plan and the county another and unfortunately they're not the same in this case. If we pass it, you're fine with the county, you don't have to come back; but you do need to go to the Town. And you're asking them to amend their comprehensive plan. You won't have to come back to the county if you're approved.

QUESTION Meyer: Do you understand what you need to do?

ANSWER Markgren: Yes, I wish they'd told me that last week.

**Motion Bina/Wehrs recommended approval contingent on the Town of Onalaska submitting official correspondence that they have amended their land use plan to show the proposed use is consistent with their plan.**

**5 Aye, 0 No, 2 excused (Keil, Manthei). Motion carried.**

**CONDITIONAL USE PERMIT NO. 823** Fred W & Elizabeth Schomberg, W3796 Logging Rd, West Salem, WI 54669. Petitions to excavate & sell borrow materials from an approx. ½ acre site along the north side of Logging Rd on land zoned Exclusive Agriculture District and described as: The South 25' of the East 400' of the SW-SE of Section 16, T16N, R6W, and that part of the NW-NE of Section 21, T16N, R6W lying northerly of Logging Rd; EXCEPT that part lying easterly of the private driveway. Town of Barre.

**Appearing in favor:** Fred Schomberg, W3796 Logging Rd, West Salem, WI 54669. The project was started 11 years ago when we started our house. We had an original permit that ran out. We used some of it on the other farm for fill. We hadn't gotten it done and I want to get it done and grassed in.

QUESTION Pedretti: So, you took some off and used it on your farm somewhere else?

ANSWER Schomberg: Originally, we had a permit and sold it (fill). The permit ran out.

QUESTION Pedretti: Then you moved it around the farm and that's acceptable, but now you want to sell it?

ANSWER Schomberg: Yes – I'm hoping there's 5,000 yards there, maybe 1,000, but it's down to where I want to get it done.

QUESTION Pedretti: We did a drive-by and it looks like you went into the right-of-way – has the Town of Barre given permission to go into the right-of-way?

ANSWER Schomberg: Yes.

QUESTION Bluske: On the overhead is an aerial photo that shows the slopes are over 30% - those are in red. The fence line is here?

ANSWER Schomberg: Correct.

QUESTION Bluske: And your driveway is here. You can see the black right-of-way here. When the road was put in, this was shaved off for the road, wasn't it?

ANSWER Schomberg: Correct.

QUESTION Bluske: The issue is that you can't disturb slopes over 30%, but if it's previously disturbed, he can re-disturb them. Explain to the committee, because this is an upper field – it's flat then it goes downhill here. How will you meld these two – will there be a terrace here?

ANSWER Schomberg: We'll level it out so it blends right into the field, as we've done in the past. We've hauled black dirt in as we take it out – we'll level that in, mainly so we can see coming out of our driveway, to get the sight coming out. We do no-till on the lower side and leave the stocks on, or else it's in hay.

No one else appearing in favor or opposition.

**Correspondence**, Bluske: Nothing from the Town of Barre, but it sounds like Mr. Schomberg attended a meeting. The town will have ten days to submit something to us.

REMARK Schomberg: The permit has been signed by the Town Chairman, they've approved it.

REMARK Bluske: We will need something in our file that says that.

REPLY Schomberg: I brought it in when I applied for the permit – you should have it.

REMARK Bluske: There's nothing in there. The only thing we have is a diagram. We don't have anything from the Town.

REPLY Schomberg: I took it to the Town Chairman with the permit and brought it in.

REMARK Bluske: That's something we can get.

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

1. This permit is granted to allow the removal of borrow materials with no stockpiling. If more than one (1) acre is disturbed an after-the-fact Non-Metallic Mining Permit will be required;
2. Access to this site is from the private driveway – no access is allowed onto Logging Rd;
3. Nothing can be taken from the right-of-way of Logging Rd unless specifically approved by the Town Board including ditching and final sloping;
4. An approved erosion control permit is required before any borrow materials are removed;
5. This permit expires the end of September 2011; and
6. This permit is non-transferable.

QUESTION Bluske: Maybe we can ask Mr. Schomberg if he'll be done with this by September 2011?

ANSWER Schomberg: I cannot make that promise if there is 5,000 yards there. I don't know who would take it all. I've talked to Hess and he can use a couple hundred yards. I don't want to go through this process every year. But I will abide by the others and get that plan.

QUESTION Meyer: What can we change it to Jeff?

ANSWER Bluske: It's up to the committee – 2 years, 3 years....

REMARK Schomberg: You said 2011 – I could live with 2012.

REPLY Bluske: We will change the recommendation to 2012.

QUESTION Meyer: All of the other conditions are acceptable to you?

ANSWER Schomberg: I'm okay with them (inaudible).

**Motion Bina/Wehrs to approve with the six (6) conditions (condition #5 is amended to the end of September 2012)**

**5 Aye, 0 No, 2 excused (Keil, Manthei). Motion carried.**

**ZONING PETITION NO. 1863** David Herlitzke; OBO D&E Herlitzke Trust, 2131 Market St, La Crosse, WI 54601. Petitions to rezone from the Agriculture District "A" to Commercial District "C", a 0.86 acre parcel on the northeasterly side of County Road Z for commercial parking adjacent to a commercial storage area on land described as: Part of the NE-NW in Section 15, T17N, R8W described in tax parcel 10-1555-1. Town of Onalaska.

No one present, deferred to the end of the meeting by Chairman Meyer.

**CONDITIONAL USE PERMIT NO. 824** Todd & Tonia Wright, W7091 Gaarder Rd, Holmen, WI 54636. Petitions to operate a landscaping and excavating business and a contractor's storage for a separate unrelated owner & business off Gaarder Rd and County Road V on 35.04 acres zoned Exclusive Agriculture District and described as: Part of the W ½-NE of Section 31, T18N, R7W described in tax parcels 8-352-2 and 8-354-2. Town of Holland.

**Appearing in favor:** Todd Wright, W7091 Gaarder Rd, Holmen, WI 54636. I've had a Conditional Use Permit (CUP) on County Z, next to the Herlitzke property. The same use, no complaints I'm aware of. Talked to Chad and we'll sell that property and wanted to do the same thing on this new property, ninety percent of our business is new construction; grading, seeding, sodding and decorative edging and rock. While we were here, we thought we'd include the school area in case we had some sod or bushes to sell.

QUESTION Mach: Will you have supplies around the outside of the old school? Will you be using the school at all?

ANSWER Wright: When I included it, I didn't have a lot of thoughts about it. Right now I might store some seed in there. If we fix it up it might make a good office. But I don't have any concrete plans.

QUESTION Mach: What would have to be done to allow them to do that?

ANSWER Bluske: I will defer that to Nate – I don't know if that's on the Historic Register.

REMARK Mach: I don't know the answer to that. I'm on the Historic Sites Preservation Commission. I'm not as educated in the history of La Crosse County as some other members, but we certainly wouldn't want anything done to that old school building that would make it in worse shape than it is. We're just now nominating a building that was used as a barn for years. Some of those old buildings last a long time. We need to look into that.

REMARK Bluske: I'll have Nathan address it as well. Whenever you change occupancy of a building, a new permit is required, along with changing the structure. We don't know if the inside is structurally sound, but we have a 50-ft setback requirement from the road right-of-way. If it reaches 50%....Nate can finish the question.

REMARK Sampson: In the general zoning ordinance, you're limited over the lifetime of the structure, to 50% of the assessed value. As an example, if a building is assessed at \$100,000 and you make \$20,000 in improvements, you've used up 20% of the 50%. Now as a result of that improvement ten years down the road the structure is assessed at \$200,000, you have 30% of \$200,000 you could use. So it's a cumulative 50% (that can be used) over its lifetime. I'm assuming there isn't a high assessed value for this building.

REPLY Wright: The assessed value is not a lot – the tax bill is only about \$2, so it's not a lot. As far as the building, we'd like to see it stay. We could paint and maintain it. I thought of having a "mini-barn" out there, more like Trees Today has. We had a lot of thought through the years of what we'd do with the school. We haven't done anything yet, but our interest was to maintain its character.

REMARK Mach: We have a meeting of the Historic Sites Preservation Commission Friday morning. I could check into that.

REMARK Sampson: Todd – also under the 50% rule we don't include the cost of general maintenance such as painting or roofing.

REMARK Wright: That's good to know – it's actually a sound building. We painted some of it last spring. It has a nice wood floor. It's in good shape for being vacant 30 years.

REMARK Mach: You look like someone who might value the history of that building – that would be nice.

REPLY: Wright: We don't want to alter it a lot or destroy anything.

REMARK Bina: The zoning wouldn't be affected by the setback of that building – the building was there before the zoning. I assume the building is okay sitting there.

REPLY Bluske: That was the answer Mr. Wright just received. He can do maintenance on it, but if he does something to the structure or adds on... He still needs an occupancy permit from us to change from a schoolhouse to whatever.

QUESTION Pedretti: The Town met a couple of weeks ago and wasn't concerned about the storage of some machinery. For the record could you explain what Jordan Hanson is doing with the property?

ANSWER Wright: That's in the area along Gaarder Road. Besides landscaping, it's an active farm – we milk cows and farm it all. A guy does a lot of my field work and parks tractors there – Jordan Hanson. He parks a flat-bed semi that he hauls my bulldozer on, he and I both have dump trucks. He does my hauling and parks it there a lot. I wanted to include those vehicles. They're not specifically farm vehicles so I thought they should be included in the plan.

QUESTION Bluske: Do we have an aerial photo we can bring up? When the committee went to the site, it was evident the fields you've been working on and the buildings, it's pretty distinct this is where the operation will be, correct?

ANSWER Wright: Right.

QUESTION Bluske: Tell us what the buildings will be used for. It says on your Impact Statement that you alone have six vehicles, a Bobcat, and a bulldozer. If this other person stores something, we need to know what those individual items are. We are concerned people pay personal property taxes. We want that person to report their equipment to the town. Besides the ag equipment, what does he have?

ANSWER Wright: He has a Ford dump truck. We were kind of in a hurry – my wife brought in an application the last day – she only wrote Bobcat and bulldozer on the questionnaire. I called Chad and he said bring a list tonight. We have two dump trucks, one is mine, one is Jordan's. A one ton and Bobcat trailer. One semi tractor and a dump trailer. One semi and a flat-bed trailer. Three or four miscellaneous trailers. A lot of times it's only one semi and trailer but thought I better put two. What if the day Chad drives through there's two parked there. There will be other vehicles with farm plates and our personal vehicles – I didn't include those.

QUESTION Bluske: There were a couple of seed trailers out there – were they yours?

ANSWER Wright: One's mine, one's Jordan's. Straw mulcher, different things.

REMARK Wright: I've operated the business there for a few years I still had the one on the Prairie in place. I wasn't sure if I even had to come down. I'd say all the equipment is used on the farm; nothing is specific just to landscaping.

REPLY Bluske: If it's used one day for landscaping, it's part of a separate business.

QUESTION Bluske: When we were visiting the last petition we were by your place. The County Board reacts to this March 17. If this is approved, there's still equipment out on Brice's Prairie – I don't know whose that is. Are you selling that out there?

ANSWER Wright: I'm selling it. Willie Lamprich and I worked together a lot – he parked there. I think he'd continue to do so. Jerry Knobloch is buying the place – that's the guy I'm buying this farm from. It's kind of a trade. Those two are friends so I think he'd like to stay there and get a Conditional Use Permit in his name.

REMARK Bluske: One of the conditions on the Conditional Use Permit there is that it's not transferable. Whatever equipment is out there the day county board approves this has to be gone, or they need an application made with us.

REPLY Wright: Okay. Once I knew what was going on tonight I figured I could give him a heads-up.

QUESTION Bina: How many acres do you own there? Do you own the whole farm?

ANSWER Wright: That's what we're working on. We own 80 acres now. Hopefully in the next month the other 160 acres of Knobloch's will be ours. That's kind of the trade deal.

QUESTION Bina: You will be running the farm then?

ANSWER Wright: Right. We've been renting it for 5 years now.

No one else appearing in favor or opposition.

**Correspondence**, Bluske: Correspondence from the Town of Holland dated February 9, 2011 approving Conditional Use Permit No. 824 by a 3 to 1 vote read into the record.

**Staff Recommendation**, Bluske: Staff recommends approval subject to the following thirteen (13) conditions:

1. This permit is granted specifically to allow for the operation of a landscaping business and excavation business at W7091 Gaarder Rd;
2. Operations and storage of equipment will be confined to the areas designated on the application;
3. Hours of operation are: 7 AM – 7 PM seven (7) days per week;
4. Number of employees not including family is three (3);
5. Equipment: six (6) vehicles; a bobcat and trailer, a dozer and trailer; a mulcher and trailer; two (2) dump trucks, semi and flat bed and semi and dump trailer;
6. Small amounts of decorative rock, sand, gravel, mulch, sod and edging will be stored on site;
7. Hand tools and equipment will be stored inside;
8. The former Long Coulee School building and surrounding 1.5 acres will be used for the sale of trees, sod, plants and other landscaping materials;
9. A Zoning/Occupancy Permit is required for a change in occupancy of the school building;
10. A 4-ft X 4-ft unlighted sign is approved;
11. All equipment and trailers shall be reported to the local assessors yearly;
12. This permit is non-transferrable; and
13. This permit replaces and terminates Conditional Use Permit No. 492 on Brice's Prairie in its entirety.

QUESTION Meyer: Did you hear all of them and agree with them? Any questions – now is the time to ask.

QUESTION Wright: If the vehicle list would change, is it just a matter of letting the assessor know?

ANSWER Bluske: There's one thing that's a measure of success. When the sheer amount of equipment changes, we want people to come back in and be honest with us – that they're growing. Sometimes an area won't be large enough to store everything. If this area gets packed, (referring to screen) we don't want it to overflow. It's up to the committee if they want to see a fuller list. But if you change a pick-up like going from a 1975 Chevy to a 1980 Dodge – we don't care about that. It's the sheer number. If you anticipate having something else we could put it on the list, but if you have a major change, you've got to come back in and amend the Conditional Use Permit.

REMARK Wright: I don't see any major changes. I've been doing this for a while and that sums up what we have.

**Motion Pedretti/Meyer to approve Conditional Use Permit No. 824 with the thirteen (13) conditions stated.**

**5 Aye, 0 No, 2 excused (Keil, Manthei). Motion carried.**

**CONDITIONAL USE PERMIT NO. 825** F. David & Diane M Wolf, W2105 County Road B, West Salem, WI 54669. Petitions to operate a coach busing/transport business on 4.69 acres of land lying south of County Road B, on land zoned Exclusive Agriculture District and described as: Part of the NE-SE of Section 6, T16N, R5W; commencing at the East ¼ corner of said Section 6, S72°52'33"W 444.67' to the southerly right-of-way line of County Road B and the POB; S6°4'26"W 160'; S27°48'19"W 220.22'; S7°46'13"E 194.49'; N89°30'1"W 311'; N0°29'59"E 633.14' to said southerly right-of-way line; along said southerly right-of-way line S81°54'52"E 165.85'; continue along said southerly right-of-way line S73°44'52"E 107.9'; continue along said southerly right-of-way line on the arc of a 3852.71' radius curve, concave to the northeast, the chord of which bears S74°45'27.5"E 135.8' to the POB. Together with a 20' & 16.5' access easement. Town of Bangor.

**Appearing in favor:** David Wolf, W2105 County Road B, West Salem, WI 54669 and Mark Wolf, W1028 Jewett Rd, Bangor, WI 54614.

REMARKS David Wolf: Applying for a Conditional Use Permit. In April, Mark bought a house about 7 miles away. He operates "The Redneck Express". He doesn't have room at his house to park buses. I'm applying for the Conditional Use Permit for maintenance and parking at my place, which is zoned Ag. He has the room to park there but needs the Conditional Use Permit. It will be my land, his buses. So, I'd like approval of this.

QUESTION Meyer: Can you use the light and show us where you'll park (refers to screen)?

ANSWER Mark Wolf: On that small area there.

ANSWER David Wolf: There's an area on the south side that's quite large.

QUESTION Pedretti: You'll park the buses there and do some maintenance, but you won't run the business from that building?

ANSWER D. Wolf: He runs the business out of his house and parks the buses there because he doesn't have room at his house.

QUESTION Pedretti: Just confirming that there isn't any business being run, that it's just parking and maintenance, correct?

ANSWER D. Wolf: Yes.

QUESTION Bluske: (Refers to screen) When he zooms in on this, the parcel looks the same – this is a little more detailed drawing. When we came out to view the site, we came up to about here on the driveway. We didn't see what the road looked like getting back here. I'm concerned that the well doesn't get hit. The area marked for bus storage and employee vehicles is back here, an area 100-ft X 150-ft. Then they marked off a 40-ft X 70-ft area on the south side of the barn for the shop. Will you still bring farm machinery in there?

ANSWER D. Wolf: Yes.

QUESTION Bluske: Maybe finish that up and explain how many buses you have or propose.

ANSWER D. Wolf: He originally had two, now he has three and that was to be a back-up bus. Now he might get a fourth bus, but that would be it. The shop is for maintenance of the buses and he and I are the only ones in there.

QUESTION Bluske: Getting around the well with the buses isn't a problem?

ANSWER D Wolf: The well has a couple of large boulders around it. If they hit the well, they wouldn't have a car left.

QUESTION Vandenlangenberg: Do you have access through the Hot-Line Freight property, too?

ANSWER D. Wolf: I do. The problem with that is you'd have to put in a substantial driveway from the south corner back to the shop, and that's Ag yet. The road would be costly. The milk haulers come in on the same road he was using now. That's why we continue to use that.

QUESTION Bluske: So, you'd like to see four buses on there?

ANSWER D Wolf: Yes.

REMARK Bluske: So, if you wanted five, you'd need to come back in and amend this?

REPLY D. Wolf: Yes.

No one else appearing in favor or opposition.

**Correspondence**, Bluske: No correspondence from the Town of Bangor.

QUESTION Meyer: Have you been to the Town of Bangor?

ANSWER D. Wolf: Yes. I have a letter here from Ken Manke. The Town Board has approved it. Everything around it is zoned commercial anyway, so it's not a big issue. There'd be no more traffic than there is now.



QUESTION Meyer: Jeff – is that what you need?

ANSWER Bluske: This sheet indicates the Planning Commission met December 13, 2010 and the Town Board approved this January 17, 2011. He can have this back. The Town's Association had a meeting last Thursday and I talked with the Town Chairman – he said it's been approved. I'll get a letter.

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

1. This permit is approved specifically for the operation of a coach busing and transport business out of the existing barn on 4.69 acres at W2105 County Road B, West Salem, WI 54669;
2. An area 40-ft X 70-ft deep on the south end of the barn can be used for servicing the small commercial bus service;
3. An outside area south of and adjacent to said barn 100-ft X 150-ft can be used for storage of four (4) buses and employee vehicles;
4. A 16.5-ft access easement is approved and shall be maintained open for inspections and access at all times;
5. The 4.69 acres shall be maintained under the ownership of the farm owner. Any sale or transfer will result in this permit being terminated immediately; and
6. This is part of a large drainage area, so a contact should be made with the Land Conservation Department for Storm Water Management.

QUESTION Meyer: What did you say about employees' cars?

ANSWER Bluske: The employees' cars can be parked on the back end along with the buses. Maybe there's more than one operator – they'll need to park a vehicle out there.

QUESTION Meyer: Did you understand these conditions?

ANSWER D. Wolf: Yes – I understand them all. The drainage I will take care of with Conservation – I'll have them out to look at it.

**Motion Wehrs/Bina to approve Conditional Use Permit No. 825 with the six (6) conditions stated.**

**5 Aye, 0 No, 2 excused (Keil, Manthei). Motion carried.**

(Last item heard)

**ZONING PETITION NO. 1863** David Herlitzke; OBO D&E Herlitzke Trust, 2131 Market St, La Crosse, WI 54601. Petitions to rezone from the Agriculture District "A" to Commercial District "C", a 0.86 acre parcel on the northeasterly side of County Road Z for commercial parking adjacent to a commercial storage area on land described as: Part of the NE-NW in Section 15, T17N, R8W described in tax parcel 10-1555-1. Town of Onalaska.

**Appearing in favor:** Dave Herlitzke, N410 Ten Mile Circle, Coon Valley, WI 54623. Looking to have this rezoned for parking in River Rock Storage Condos. Are there questions?

QUESTION Meyer: The parking? For what?

ANSWER Herlitzke: For the storage condos.

QUESTION Meyer: For the people that are there?

ANSWER Herlitzke: For the owners of the storage condos.

QUESTION Meyer: Why do they need it?

ANSWER Herlitzke: To get the required parking for the county.

QUESTION Meyer: Are there businesses going in out there?

ANSWER Herlitzke: Yes.

QUESTION Meyer: Tell us what they are and why they need the parking.

ANSWER Herlitzke: The storage condos – I guess you can run a business there. We met with Chad regarding this and it would be a good addition to this parcel.

QUESTION Pedretti: We drove out there. Some buildings are up and we do have a map. Most up are on the far south-east side, the parking is going on the northwest side – correct?

ANSWER Herlitzke: Yes.

QUESTION Pedretti: You're saying people will park way over there and walk down here to a shed they store things in?

ANSWER Herlitzke: It would give them extra parking to these units. If they need additional parking, this would be additional to what they have at their buildings.

QUESTION Pedretti: These are storage sheds?

ANSWER Herlitzke: These are storage condos.

QUESTION Pedretti: But you think people will park there to use a shed way over there?

ANSWER Herlitzke: Yes, it would give us extra parking over there.

QUESTION Pedretti: And, these storage condos – the Town doesn't maintain the street – it's all theirs?

ANSWER Herlitzke: It's private.

QUESTION Pedretti: But this parking allows for commercial business to happen?

ANSWER Herlitzke: Yes.

QUESTION Pedretti: But we don't have any say with that – that's not an issue with us?

ANSWER Herlitzke: It's private.

QUESTION Pedretti: But this parking allows for some commercial business to happen?

ANSWER Herlitzke: Yes.

QUESTION Pedretti: And we don't have any say with that?

ANSWER Bluske: For the record. We started out with a condo plat that has restrictions on it Mr. Herlitzke – you can't assume the committee knows it just because Chad might know it. So, I'm going to try and explain this and you'll offer a picture in their mind how you'll correct his. The parcel is zoned Commercial District "C". But, in declarations, when the condominium was created, it was only for storage, not for businesses; no retail or wholesale. The company came in – maybe Chad found out there was a business being ran out there, which is allowed under Commercial District "C" but is not in the condominium association. So, he has to tell us if he's amending the condominium association. In a condominium there's a percentage of interest that each person has in the common elements and there's maintenance fees. We care less about who pays maintenance fees. As a committee we have to know that the people who are already owners have been notified this will happen. When they record declaration of restrictions percentage on their deeds, these people have to be allowed to amend and sign in that this will happen. Our ordinance indicates if you're going to run a business, you need off-street parking associated with the building. That's what we're trying to find out from Mr. Herlitzke how this (refers to screen) ties into the building over there, when the building is supposed to have the parking, and how they intend to amend the condominium plat to accommodate this. That's where we are – you have to explain that if I didn't do a good job.

REPLY Herlitzke: We are amending the declarations and will have a meeting of all the owners. We're trying to separate the two halves of the parcel to have one side for personal storage and the other side for more of a business district. That's the options we're exploring right now. This piece would add to that and help us make that happen.

QUESTION Meyer: Have these people voted on this yet? Are you doing this on your own?

ANSWER Herlitzke: No – we have not brought it before the owners yet. We're just trying to see if this piece can be rezoned.

QUESTION Mach: How can we make a decision to allow something when the association hasn't met on this?

ANSWER Herlitzke: The developer has the majority votes. There's 61 units out there and there's 7 or 8 actual votes. The LLC has the majority to do this.

QUESTION Pedretti: You're rezoning this to Commercial "C" for parking. Anything could go in there once it's Commercial "C", correct?

ANSWER Bluske: Yes.

QUESTION Pedretti: Do we need to be concerned about putting conditions on that, or is that not an issue?

ANSWER Bluske: The issue before this committee – and we have to hear this so it's in the record. If somebody appeals our decision because it was based on testimony it was going to happen, this committee does have the right to say no if they don't feel the parking is in the correct spot. It would artificially reflect we have the space for it when it should happen somewhere else. I want Dave to answer the question – there's 61 potential units, how many are out there right now?

ANSWER Herlitzke: Ten.

QUESTION Bluske: How many of them have a business in them?

ANSWER Herlitzke: Only one listed as a business owner that I know of. Gary's Locksmith – that's how it's deeded. I don't know about anyone else who has a business out there.

QUESTION Bluske: On the site here (refers to screen) the committee saw some wells, so there must be a pump house somewhere?

ANSWER Herlitzke: Right here there is a well house that takes care of all...there's exterior hydrants for each building to use. Number 25 has a separate holding tank with a bathroom in it. It's a spec – nobody owns it yet. If we could, we'd like to split it down the middle and have this side be the business district and this side be a storage condo. That's our plan – There'd be no buildings on there – that's a restriction – whatever you guys need to do. We talked and the setbacks wouldn't work, we're not going to change the complete condo plat to put more buildings on there. It would be used strictly for entrance and more parking.

REMARK Bluske: From the department standpoint, the ten buildings the committee saw out there – the occupancy permit was for cold storage; no business going on. Anybody occupying the building differently is in violation of the occupancy permit for the building. Part 2 of this is when you start a business, it is occupied differently than cold storage – you're running a retail business that according to our ordinance, needs parking equal to the size of the building to be adjacent to the building – not out here. We're trying to find out from Dave if they're intending to split this in half, if there's a business here they'll have to amend this side. But these buildings might not be spaced like they are over here. They might be building/space/building/space because if these are occupied by businesses, they need parking the size of that building adjacent to it, or one and one half times the size. We're not hearing that right now. You've indicated you might do part 1 and part 2. This might not just be parking out here – you might have buildings when you amend your plat.

REPLY Herlitzke: When we met with Chad, there are some restrictions on that parcel. I don't know exactly what these are. If we sold a building to run a business out of it and we need one and a half times the parking, they could buy the lot next to it – obviously don't build the building – but put parking there.

REMARK Bluske: If these were kept where they are, the parking for these could be out here.

REPLY Herlitzke: Correct. When we met with Chad we didn't talk that it had to be directly adjacent. If that's in there, that's something we missed. We were thinking along the lines if somebody had a cabinet shop out there with two employees. The employees could park out there and walk to their building. If that was missed in the discussion, that was our fault.

REMARK Bluske: This committee cannot get into the legality of where you'll provide that. The issue comes in when you're talking with the other people out there, and their interests are going to change. You can't give them parking on something that's a common element. It has to be designated as a parking spot. I don't think anyone would get a business out there knowing that you're paying maintenance on something somebody else is using for their private business. This is truth in advertising. You might not sell anything on account of that. Now you have to convince the committee that it's a good idea to rezone that parcel. The condominium has an unheard issue because you guys are a majority of the property owners.

QUESTION Meyer: You talked about splitting the property; half of it business and half of it not?

ANSWER Herlitzke: Yes.

QUESTION Meyer: Jeff – how would that work into what we're doing here?

ANSWER Bluske: I think most of the buildings are along this side (refers to screen). If he cuts this in half, he gives the one that has the business and the one with the septic...because the well and septic have maintenance issues that everybody who's hooked up to it has to pay, and not anybody else. If he arranges the building differently than they are here; he might want to sell lots on this side – he could do that. If he wants to get into condominium where there's maintenance agreements, they have to pre-determine where these buildings will go that will have businesses in them, because they should be providing parking. If the buildings go up to the lot line and they can't build them here, they can use the space adjacent to the building for parking. We're dealing with a lot of unknown here.

QUESTION Meyer: I understood when he was drawing the line, the businesses would be up here (refers to screen). But the existing building is on the other side?

ANSWER Bluske: We know of one and there's another one that has septic and a bathroom that somebody could run a business in.

QUESTION Bina: We have a proposal that is undefined at this point. If we approve it, we have a business in that half of it. So, I'm not sure where we are, where we're going, and how we'll get to where you want it to be.

REPLY Bluske: I can't be in support or not – that's Dave's job. You have to be comfortable with what he tells you.

REMARK Herlitzke: This is because of concerns Chad brought to us, as far as parking. The adjacent property is owned by one of the LLC owners. That's why it was offered up for this purpose. It won't make or break the project. We thought it would help down the road for sales. It would give us some options and that's why we thought we'd give it a shot. There are a lot of unknowns to this. We have to work on it with Mary Jo from Land Conservation. It was an idea that came about.

REMARK Bina: It sounds like you wanted businesses on part of it – small businesses.

REPLY Herlitzke: We'd target, for example, a contractor running his business out of his home. If they have a couple of employees making cabinets – that's what we're looking for. We're not looking at retail – we can't accommodate parking or septic. We dealt with the state on plumbing – everything has been approved by the state. The unit owns the holding tank. It has to be pumped – that's a cost incurred by them. We're trying to keep everything as individual as possible. We thought it would be a better way to promote this and increase sales.

QUESTION Bina: There are only 4-5 other owners out there that have a voice in this besides yourself?

ANSWER Herlitzke: Yeah, I think there'd be 8 votes instead of 61.

QUESTION Bina: The 61 is based on your math with everything filled up out there?

ANSWER Herlitzke: Correct.

QUESTION Bina: Don't you think you were a little premature coming in here?

ANSWER Herlitzke: I guess I thought it was an understanding of what we wanted to do and there was not an exact plan. We thought the first step was to get it rezoned and attached to the condo plat. The lot has restrictions so no buildings can go on it. We thought if we got it rezoned we could work the plan through. Our surveyor said we should see if it is viable. We met with the town; they said they still have work to do – I don't know if I'm saying this right, but their comprehensive plan isn't done correctly. It could be summer before they change it. It's not a make or break deal for this project.

QUESTION Meyer: Did you say the area proposed for parking is owned by one of the constituents...

ANSWER Herlitzke: Yes.

QUESTION Meyer: So, he or she will own the land and people will park on it?

ANSWER Herlitzke: It would be sold to the LLC. Then the condo association will own that.

QUESTION Pedretti: You keep mentioning restrictions. It looks like a 66-ft easement. Will it continue to be an easement?

ANSWER Herlitzke: Yes, I think Fish and Wildlife has the easement on it – we have to grant them access from (County Road) Z to cross the railroad tracks and the DNR bike trail to get to their marsh land. There is no more railroad crossing there – there’s a ditch between here and there (refers to aerial photo on screen) and there is nothing here, right now. It has to be passable.

QUESTION Pedretti: So, it’s a permanent easement on that property, but the ownership would switch to the LLC?

ANSWER Herlitzke: Correct.

REMARK Pedretti: My concern by rezoning to Commercial “C” is that it’s not circumventing the process; you’re not trying to say the storage shed a half mile away is using this for parking – that’s not going to happen. If you’re talking about switching this into two separate sections and this parking lot is closer, I could maybe see that. But if you’re doing this to qualify for parking spaces no one will ever use, I have a problem with that.

REPLY Herlitzke: If we could sell those adjacent buildings and say that you have “x” amount of square footage of parking to go with it, that’s the goal. We’re not going to tell somebody on the far end “Here’s your square footage over there.” That would be poor for sales.

QUESTION Pedretti: One business does exist there. Does it have enough parking?

ANSWER Herlitzke: No, it does not.

QUESTION Pedretti: And how will you rectify that?

ANSWER Herlitzke: We’re working with Chad on that right now.

QUESTION Meyer: You want to comment on that, Chad?

ANSWER Vandenlangenberg: Dave Herlitzke, Sr. and Jr. are supposed to be working on a parking plan to submit to our office. We’ll calculate square footage of parking based on square footage of business – buildings available for business use. They need to talk to their surveyor and attorney to determine what is viable as well. There’s a lot involved we don’t have the answers for yet, but we’ll eventually get to a parking plan that comes to us for approval.

REMARK Mach: I think there’s so many questions that it’s too soon to make a decision about this, a decision to move forward anyway. You keep talking about “61” – if you follow the parking ordinances you wouldn’t have 61 buildings. If you put businesses in there and have space for parking 1.5 times the size of the building, you’re not going to have 61 total sheds. To me, there’s too many questions to answer before we make any decisions.

QUESTION Wehrs: Is your goal, when you sell them, to be storage or businesses?

ANSWER Herlitzke: They’re advertised as business or storage condos. They can be an extension of the business – that’s where we’ve gotten into “where is the line?” That’s where we’ve been working with Chad. They’re zoned Commercial “C”. If someone wants to jump in with a business; we’re trying to make sure we’re representing these correctly.

QUESTION Wehrs: I understand it’s hard with this large of a project to foresee that, but you need to come and say “We’re going to market these 20” for businesses with parking and the rest storage. That plan would help a lot. I’m not saying I wouldn’t want businesses because it’s a good idea and needed. But is there a reason you can’t come in with a new plat?

ANSWER Herlitzke: And that’s what we’re working on with Chad. This piece got brought in because of the parking thing. It’s a small piece to the complete puzzle. We’re trying to get it all laid out so it’s done correctly. The project was purchased from two other people and a lot of the details weren’t worked out correctly so now we’re trying to work with Chad to get these rectified. That’s why this piece got thrown in there – it was offered to us and they said they’d be willing to sell this if it helped the project. That’s where we’re at today.

REMARK Wehrs: It will help you in the long run, because if someone buys this for their business and we come in and tell them they can't run their business out of there, it's not good for either one of us.

REPLY Herlitzke: Exactly. That's why we've spent many hours with Chad trying to get this figured out.

REMARK Wehrs: That's my thought that you come back in with a more complete plan. It's better marketing for you....

REPLY Herlitzke: This is just a small piece to the puzzle.

REMARK Wehrs: The problem is if we rezone this tonight and you went out and sold to someone and they ran their business out of it, and we told them they couldn't, that would be on us. We've had these problems with condo plats in the past – they buy thinking something – that's where it comes on us. That person comes in saying "It's your fault." That's what we have to prevent.

REMARK Bina: If this is a step in putting that plan together, I have no problem with that. It looks like you are working with Chad in laying it out the right way. I'm for starting a business if we can do it legally and eventually get big enough and move off here. It's a good incubator.

REPLY Herlitzke: And that's what we're looking at – an incubator system – and try to regulate it. Chad's been great to work with. We have the time and this is one of those pieces to utilize that and we cannot attach it to the condo plat until it's rezoned.

REMARK Pedretti: My concern is – you're talking about incubators for setting up businesses. When this was approved it was approved as storage sheds. There's a big difference in traffic....

REPLY Herlitzke: And when it was approved there was verbiage it could be an extension of a business in the declarations. Without getting into those details, you can have it as an extension of the business. You cannot service customers on site right now. That's what we're trying to change....

REMARK Pedretti: And that makes a difference – here's the truth in advertising again. Neighbors around there say "They're storage sheds, I can handle that." Somebody who's got a business with people coming and going all day long, they may not have okayed that.

REPLY Herlitzke: Exactly, and that's what we're trying to do.

QUESTION La Crosse County Surveyor, Bryan Meyer: Have you approached the USFW Service about the easement and having it reduced?

ANSWER Herlitzke: Yes, we have – our surveyor and attorney have been working on that. We told them what our plan was – they said as long as there were no buildings or obstructions to their ingress/egress. There is a problem because the railroad pulled the railroad crossing that was there. There's no driveway access - it's a ditch with no culvert.

QUESTION Bluske: Put the condo plat on the screen one more time because I want the committee to visualize this. There are two issues. He can indicate the condominium plat is advertising it both ways, but when the original permit for the building was taken out, the occupancy – the use of the building was issued for storage, not a business. As soon as the occupancy changes, a new permit must be obtained. It's used differently – you're adding insulation, somebody's working in there. It's not cold storage anymore. As soon as somebody works there, (Department of) Commerce says you need a bathroom. If you have a bathroom you need water, if you need water you need a septic system. All the space around the buildings is common, owned by everybody in the condominium common space. If everybody has use of the well, everybody is using it as a common space. As soon as you stick a septic system in here, it's not common. As soon as they change occupancy of the building we have to apply everything in our ordinance to the proposed use. If it requires off-street parking, they have to have it. They have to show where 1.5 times the area of the building is going to be. That can't be common area unless everybody is willing to pay for it. This is where we protect the people already there and from somebody coming in and buying a storage unit but not saying how I'll occupy it. It's his job to tell everybody "This is how you'll occupy it." And if you're going to occupy it somewhere else, you're going to have to deal with us. You might not have the space to occupy it anymore in that way. He's telling us he's working on a plan, it's not going to be what it is now – it can't happen.

REMARK Bina: I agree, that's a proposal. There's nothing filled in on the upper side. But if he divides the lots into two segments....

REMARK Bluske: He can do what he wants with a different layout.

REMARK Bina: That's what I heard you were talking about in your plans, which we don't have on our table.

REMARK Bluske: If he tells you that and it's in the minutes, we have to take it for face value. Then we're reacting to that 66-ft strip.

**Appearing in favor:** Todd Wright, W7091 Gaarder Road, Holmen, WI 54636. I've been a neighbor to the association for 15 years. They've done a good job with it. I'm not up to date with the different things we're talking about, but it seems like that's just a worthless piece of land that nobody's used for 20 years. My opinion was if he could rezone it and incorporate it in to his plan; that would be a good thing.

**Appearing in favor:** Troy Atherton, 1921 Cherokee Avenue, La Crosse, WI 54603. I own one of the sheds and I don't have a problem with this – he may be getting the cart before the horse somewhat. He would have to re-plat everything and go before the committee of River Rock Storage, LLC. I could see parking a vehicle there even though I'm quite far away. I have parking in front of my building for one vehicle. It's not 1.5 times my shed. But if you're just talking parking, I have no problem with that, especially if they have to tie it into the building so it's not common ground. That would make a lot of sense to me.

No one else appearing in favor or opposition.

QUESTION Wehrs: You have just a storage building, right? Not a business in your building?

ANSWER Atherton: No, just storage.

REMARK Wehrs: If people ran businesses out of here, and there was a lot of traffic in here that broke down the road and it had to be fixed – that's what happens. And you have to pay for it even though you didn't run a business out of there.

REPLY Atherton: I see that, but I also see some advantages, because it's out in the middle of nowhere. Having some traffic there would make me feel better, too, because there's somebody there. It's all paying the dues. The more we sell, the cheaper it is for me for maintenance because it's spread out. Is it off-set by the increased traffic? Possibly.

REMARK Herlitzke: The other thing we talked about is if we had a separate side for business, we'd have separate dues. It would be in the declarations how they were divided up. If we had to use just building number, they would be assessed more toward their dues.

REMARK Wehrs: That would be really good to know.

REPLY Herlitzke: And that's something we have to do with the declarations with our attorney. Then we have to have a full meeting with all the owners. This is just a piece of what we're trying to do.

REMARK Wehrs: I don't want you to think like we're picking on you, but this happens where somebody comes in and says "It will be assessed differently, we'll change the declarations," and it never happens. Then people are charged to replace a road they had no idea about. Just so you know why we're being this thorough.

REPLY Herlitzke: I know, and we've went through a lot of this stuff with Chad, too. We went through the declarations; purchased the project from other parties so we're making sure everything is done correctly. That's why we're here tonight; to see if this is a good piece to the puzzle. If not, we'll still make changes to do that.

**Correspondence,** Bluske: Correspondence from the Town of Onalaska; an e-mail dated February 25, 2011 read into the record approving with the understanding the Town and County comprehensive plan changes are approved.

REMARK Bluske: The County's plan is consistent, the Town's is not.

**Staff Recommendation**, Bluske: Staff recommends approval; project is consistent with the County's Plan, but not the Town plan. We recommend approval only when the Town plan has been amended and written correspondence is received from the Town indicating as such. A copy of that is required for our files.

REMARK Pedretti: I don't see an issue with making this a parking lot, with no other structures on it. You've told me there's restrictions on it. We have it on record you are coming out with another plan, so if it doesn't, there's something to come back on. I struggle with that you're not trying to circumvent the system. I hear tonight that you're not trying to do that just so it looks good on paper. I still don't think anyone will walk that far to park their car. As long as there's not another building going in there, and it sounds like that's not possible with USFW. I don't see an issue.

**Motion Pedretti/Bina to approve contingent on the Town of Onalaska amending their Town Land Use Plan to indicate this use is consistent with their plan and file official correspondence indicating this change.**

REMARK Meyer: I think you're here early. There's a lot of detail that should have been taken care of long before you came to this committee: Marilyn Tina and Bev all talked about them. They are there to bring these points up, not to be critical – that's their job.

REMARK Mach: I know this sounds better, but I still think it's too early to vote yes.

REMARK Wehrs: Because we're rezoning for the parking, we're not here to vote on the condo plat. I hope you go through with what you're saying. It will cause you fewer headaches down the road.

REMARK Pedretti: I strongly recommend the occupancy issue – that cannot happen again in the future.

**3 Aye, 2 No (Meyer, Mach), 2 excused (Keil, Manthei). Motion carried.**

**Motion Pedretti/Bina to adjourn at 7:47 PM.**

**5 Aye, 0 No, 2 excused (Keil, Manthei). Motion carried.**

Hearing adjourned at 7:47 p.m.

*Approved: April 4, 2011  
Nathan Sampson, Recorder.*