

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

October 31, 2011
County Board Room – Administrative Center
6:00 p.m – 6:27 p.m

MEMBERS PRESENT: Donald Meyer, Marilyn Pedretti, Tina Wehrs, Don Bina, Bob Keil, Bev Mach, Dennis Manthei
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Bryan Meyer, Chad Vandenlangenberg (Recorder), Nathan Sampson, Jonathan Kaatz, Charlie Handy

CALL TO ORDER

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

REMARKS MEYER: Before we get started, Special Exception Permit #2011-10 for Michael Solberg was removed from the agenda tonight.

ZONING PETITION NO. 1878 Robert J Soucek, N6726 Niedfeldt Rd, Bangor, WI 54614. Petitions for an after-the-fact petition to rezone from the Exclusive Agriculture District to Agriculture District "A", a 2.21 acre parcel for continued residential use at N6726 Niedfeldt Rd on land described as: Lot 1 of Certified Survey Map No. 42 in Volume 9. Town of Burns.

Appearing in favor: Robert Soucek, N6726 Niedfeldt Rd, Bangor, WI 54614. I am here to ask that this property be rezoned. I am not sure what you want from me.

QUESTION Meyer: Please explain to us what you are trying to do here?

ANSWER Soucek: When we first built in the Town of Burns, you needed to have 35 acres. I only have 2.2. My ex-father-in-law gave that property to his daughter. We are now divorced and I got the land in the divorce and now it's not zoned right.

QUESTION Pedretti: So, for the most part, this is just a clean up in order to have it zoned correctly. There seems to be an issue with the driveway as it goes through a property that is not yours?

ANSWER Soucek: The driveway crosses the neighbor's property, Christopherson's. There was an extra part to the north added on in case it would need a driveway it would have access to the road.

QUESTION Pedretti: When you were in, were you advised of your three options to resolve this? Have you decided which option you are going to go with?

ANSWER Soucek: He didn't say I had to have anything done yet as far as the driveway goes.

QUESTION Pedretti: Were three options given to this applicant?

ANSWER Sampson: I am not sure, this petition I didn't take in. The applicant was made aware that the access was an issue.

QUESTION Pedretti: Tonight, we don't need to deal with that, we can approve this, but then he can't access his property.

ANSWER Sampson: The existing access is not a legal access, he does not have an easement to go through the property and he doesn't own the property. The only way it would be legal would be for him to construct a new access point where he has frontage on Niedfeldt Road.

QUESTION Pedretti: But, another option would be for him to get legal access from that neighbor.

ANSWER Sampson: He could get an easement, yes.

QUESTION Pedretti: He could purchase some land from the neighbor as well?

ANSWER Sampson: Correct.

QUESTION Pedretti: And you are aware of those options?

ANSWER Soucek: Yes. I wasn't going to put a new driveway in if I didn't need to.

REMARKS Pedretti: One option will have to be taken. You will have to decide which option to take. It will then be contingent upon our approval tonight, I would assume. We would hate to approve somebody and then they are not legally crossing someone's land.

REMARKS Sampson: What you are acting upon is the rezone of this property according to the petition. According to the ordinance, he does not have legal access at this point. If he were to purchase or be granted a legal access, legally that portion should be zoned Agricultural District A also.

QUESTION Pedretti: Even if it is an easement?

ANSWER Sampson: Correct. It is for a residential use.

QUESTION Bina: We heard a little bit about that. The driveway you have going to your house is on the neighbor's property?

ANSWER Soucek: Yes, when we built this 15 odd years ago, we went by the old fenceline in the woods. After that, we constructed a new house on there and we had to have it surveyed. They managed to survey it 15 to 20 feet off the old fenceline so that put the driveway on the neighbor's land.

QUESTION Bina: So, you have to do something with that driveway. You could get him to sign a Quit Claim Deed, maybe.

ANSWER Soucek: I am pretty sure that he will give me an easement, I just didn't know that I had to have that to get it rezoned. We always had that area to the north that has access to the north in case Christopherson would have an issue.

QUESTION Bina: If we approve this, he can't legally get to his own house. How much time would you allow him to negotiate a solution to that?

ANSWER Sampson: We would be willing to work with Mr. Soucek on that.

QUESTION Bina: Is that a key issue that would throw out this whole project?

ANSWER Sampson: No.

QUESTION Mach: Same questions basically, how can we approve this if he has no legal access?

ANSWER Soucek: I have legal access, don't I? I can get to the highway from my property. It just isn't where the gravel driveway is right now. We had it surveyed once and the line was south a ways. We had him re-survey it and add that on there so that I had legal access to the highway.

Appearing in opposition: None.

Correspondence, Sampson: There is one piece of correspondence, a resolution from the Town of Burns, received on 10/12/11. It is resolution #10-11-2011-3 (read into the record). The Town Board approved this.

Staff Recommendation, Sampson: Recommendation is to approve, the use will not change. The easement is not approved. Options would be to purchase and rezone, a driveway agreement and rezone or relocate the driveway to a suitable location.

QUESTION Meyer: They would be in the form of conditions on this. One of those options need to be taken.

ANSWER Sampson: That would be the department recommendation.

QUESTION Pedretti: And also, no further sub-dividing?

ANSWER Sampson: That was part of the township resolution and recommendation.

QUESTION Pedretti: So that automatically goes on?

ANSWER Sampson: Correct.

Motion Pedretti/Wehrs to approve subject to the recording of deed restrictions indicating only one single family residence is allowed on this 2.2 acre parcel; and, no further subdividing of this parcel until these restrictions are amended by the County Board and that legal access to this parcel is not being utilized and is required.

7 Aye, 0 No. Motion carried.

QUESTION Pedretti: We don't mean to be difficult, we just want to make sure that everything is legal so you don't come back in two years and find out you have something else illegal. You do understand about the driveway and the three options?

ANSWER Soucek: Yes.

ZONING PETITION NO. 1879 Brandon M Witte, N6377 Johnson Coulee Rd, Holmen, WI 54636. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A", a 3.32 acre parcel for continued residential use at N6377 Johnson Coulee Rd on land described as: Lot 1 of Certified Survey Map No. 78 in Volume 12. Town of Onalaska.

REMARKS Pedretti: I am going to abstain from the discussion and voting on this petition as Brandon is my nephew.

Appearing in favor: Brandon M Witte, N6425 Johnson Coulee Rd, Holmen, WI 54636. The main reason that I am looking to rezone is for the future. I was working on the family farm and this was part of the family farm at one time. It has since been broken up, inherited and sold off. I am trying to keep the status of this correct and to have the option in the future to sell it. Right now, I am one of the only occupants that can live there. It is less than 35 acres, so technically I am illegally occupying it. I did meet with the Town Board from Onalaska in the month of September. The wording was incorrect on the public notice so they were not able to rule on it. I therefore have a follow-up meeting with them in November to get their recommendation and approval. It will be continued residential use. I am not looking to split it either. I was supposed to be able to purchase land to the west or to the south of me, but that is no longer an option. I am stuck with the 3.3 acres now.

Appearing in opposition: None.

Correspondence, Sampson: No correspondence other than an email that I had submitted to the Town of Onalaska to verify that Mr. Witte was on their agenda for September and November, and he is.

Staff Recommendation, Sampson: We are recommending approval subject to the recording of deed restrictions for only one single family residence and no further subdividing without future county board approval.

Motion Bina/Keil to approve rezone to Ag. A subject to the recording of deed restrictions indicating only one single family residence is allowed on this 3.32 acre parcel; and, no further subdividing until these restrictions are amended by the county board.

6 Aye, 0 No, 1 Abstained. Motion carried.

CONDITIONAL USE PERMIT NO. 845 Patricia A & Alan G Brice, W5111 Keil Coulee Rd, La Crosse, WI 54601. Petitions to operate a business to make customized pet blankets, fabric items, custom embroidered fabric items and to laser engrave customized pet memorials and awards on 4.56 acres of land zoned Agriculture District "A" at W5111 Keil Coulee Rd and described as: Part of the SE-SW of Section 24, T16N, R7W described in tax parcel 9-1207-0. Town of Medary.

Appearing in favor: Patricia Brice, W5111 Keil Coulee Rd, LaCrosse, WI. What I would like to do is cutting and sewing of fabric inside my home, running a small non-commercial embroidery machine inside

my home, designing on my computer and printing to a laser-engraving machine which will be located in my attached garage. I plan to use an exhaust system to exhaust the smoke to the outside. I may employ one other person to help me with orders and design on the computer. There may be a slight increase in traffic, average of two or three deliveries per week by small carrier such as UPS. Sales will be by internet, phone or trade shows. I wouldn't have any customers at the home. I won't have a sign and the property will not be changed. No additional storage is needed and I do not expect any semi or large trucks. I would not operate between 9pm and 7am and I will not leave any equipment unattended. I can't think of many potential negative impacts. The engraving and cutting does produce some smoke and fumes which will be exhausted to the outside. I did check to see if there were any other regulations and it looks like there are exemptions if you produce less than 10 tons per year. I talked to Renee Bashell at the Dept. of Commerce – Small Business Clean Air Assistance Program. She indicates that they don't even regulate businesses that small. This will produce less emission than a wood burning stove. My goal is to start this up and if it is successful...I have been approved for a small business loan to purchase the laser-engraving machine, I would like to eventually get out of my house and get a storefront. I would like to expand and hire more people. I have registered as an LLC and also applied for any permits, sellers permit, etc. I intend to comply with everything and hope that there are positive impacts as well.

QUESTION Mach: Your driveway is a little steep. Can you tell us about how the delivery drivers use the driveway?

ANSWER Brice: During the winter, they get winched out if they try and get up the driveway. We usually leave a vehicle down there with the doors unlocked and they can put packages in that. My other option is to pick them up at the office.

Appearing in opposition: None.

Correspondence: From the Town of Medary dated October 14, 2011. On October 11, 2011 the Town of Medary Board met and the Town Board approved this permit subject to 7 conditions.

Staff Recommendation: Staff recommends approval subject to following thirteen (13) conditions, which include the town's conditions:

1. This permit is granted to allow the owners to operate a business to make customized pet blankets, embroidered fabric items, laser engraved pet memorials, and awards at W5111 Keil Coulee Road;
2. Number of employees: Owner plus one additional employee. Hours of operation: 7 am to 9 pm Monday to Sunday;
3. No customers will be served on premise, but deliveries are allowed;
4. Sales will be through trade shows, telephone and internet;
5. Machines itemized for the business shall be reported to the local assessor yearly;
6. The area planned for woodworking and engraving shall have a properly installed exhaust system installed with filters;
7. The fire department shall be contacted and informed of fabric quantities;
8. No signage is allowed;
9. This permit is non-transferrable;
10. There will be no changes to the applicant's property; no new buildings or structures, no added lighting;
11. There will not be any added storage on the property;
12. There will not be any semi-trailers or large trucks coming to the property; and
13. The equipment will never be operated unattended.

QUESTION Meyer: Fabric quantities...what are you getting at, that is kind of vague?

ANSWER Sampson: The idea there was that there may be a large amount of flammable materials that the fire department may want to be aware of.

QUESTION Meyer: Mrs. Brice, do you understand and agree to those conditions?

ANSWER Brice: Yes, I do.

QUESTION Wehrs: Was there anything in the conditions regarding the number of employees and the hours of operation?

ANSWER Sampson: Yes, number 2 was number of employees; owner plus one additional and hours of operation to be 7am to 9pm, Monday thru Sunday.

Motion Manthei/Keil to approve, subject to the recommended conditions
7 Aye, 0 No. Motion carried.

Motion Pedretti/Wehrs to adjourn at 6:27 PM.
7 Aye, 0 No. Motion carried.

Hearing adjourned at 6:27 p.m.

Approved 11/28/11
Chad Vandenlangenberg, Recorder.