

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

January 3, 2012
County Board Room – Administrative Center
6:01 p.m – 7:23 p.m

MEMBERS PRESENT: Donald Meyer, Marilyn Pedretti, Tina Wehrs, Don Bina, Bev Mach, Bob Keil
MEMBERS EXCUSED: Dennis Manthei
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Bryan Meyer, Jonathan Kaatz, Nathan Sampson, Annette Kirchhoff (Recorder)

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 6:01 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. 1880 Dennis Hatz, PO Box 452, Bangor, WI 54614; acting on behalf of Joyce L Hatz, W643 County Road B, Bangor, WI 54614, and on behalf of Todd A & Michelle L Paulus, W631 County Road B, Bangor, WI 54614. Petitions to rezone Parcel A from Agriculture District "A" to Exclusive Agriculture District, a 0.26 acre parcel described as: Part of Lot 1 of Certified Survey Map No. 10 in Volume 12; Commencing at the south ¼ corner of Section 2; thence N44°59'49"E 1515.03' to the southeast corner of said Lot 1 and POB; thence along the south line of said Lot 1 S89°44'55"W 86.90'; thence N19°32'47"E 271.96' to the northeast corner of said Lot 1; thence S00°54'57"W 255.94' to the POB. Town of Bangor. AND to rezone Parcels B & C from the Exclusive Agriculture District to Agriculture District "A"; Parcel B being a 0.26 acre parcel described as: Part of the SW-SE, Section 2, T16N, R5W; Commencing at the south ¼ corner of Section 2; thence N44°59'49"E 1515.03' to the southeast corner of Lot 1 of Certified Survey Map No. 10 in Volume 12; thence along the south line of said Lot 1 S89°44'55"W 86.90' to the POB; thence S19°32'47"W 26.27'; thence S89°44'55"W 447.88' to the easterly R/W line of County Road B; thence along said R/W line N11°06'23"E 25.21' to the southwest corner of said Lot 1; thence N89°44'55"E 451.81' to the POB. Town of Bangor. AND Parcel C being a 3.77 acre parcel described as: Part of the SW-SE, Section 2, T16N, R5W; Commencing at the south ¼ corner of Section 2; thence N31°07'56"E 837.03' to the easterly R/W line of County Road B and POB; thence along said easterly R/W line N11°06'23"E 160.28'; thence along said easterly R/W line N27°48'20"E 104.40'; thence along said easterly R/W line N11°06'23"E 79.64'; thence N89°44'55"E 447.88'; thence S00°00'00"E 329.74'; thence N90°00'00"W 542.79' to the POB. Town of Bangor.

Appearing in favor: Dennis Hatz, 1520 LaBus Dr, Bangor, WI 54614. What we are trying to do here is clear up a lot line issue between Paulus and my mother Joyce. That would be the Parcel "B" & Parcel "A". The house was built – ok – originally Paulus bought the parcel right there (refers to screen) that's 3.1 acres. When he built his house he crowded it too much to the south – he added a deck. So, between discussions we decided what we would do is – this is zoned Residential with conditions, we would remove this piece here and put it back into Exclusive Agriculture on Parcel "A", Parcel "B", which is in Exclusive Agriculture right now would become Residential with conditions and then Parcel "C" is Exclusive Agriculture right now – would like that to be zoned residential.

Pedretti: You want to use it for Residential but it will be zoned Ag A – correct? I want to make sure we are using the correct terms here.

Hatz: Excuse me?

Pedretti: Your application was to rezone to Agriculture District "A", not Residential. You're going to use it for Residential but it's going to be zoned Ag "A" correct?

Hatz: Actually, I think that is something that was a misprint from what I had discussed with Nate Sampson.

Sampson: Actually if I could clarify?

Meyer: Yes, please.

Sampson: Dennis that Agriculture A does allow you to do certain uses. When the ordinance changes, we discussed that ordinance revision, that Agriculture "A" designation would revert to Rural. What you're seeking now is Agriculture "A" which is in effect a Rural Residential use. So, that is the appropriate district.

Hatz: I thought we were doing it to Residential, the way we discussed it. I think I have something that says to Residential.

Sampson: Probably not the zoning district.

Hatz: Ok.

Meyer: Any other questions from the committee?

No one else appearing in favor or in opposition.

Bluske: I would like to ask Mr. Hatz if he has gone to the Town Board. We have no recommendation from the Town of Bangor.

Hatz: Yes, I have a signed letter, I don't have it with me, from Kenny Manke they approved it in, I'm going to say October.

Bluske: Ok, thank you.

Correspondence (Bluske): None

Staff Recommendation (Bluske): Staff recommends approval on this – it is not going to change the existing land use at all.

Motion Keil/Pedretti to approve.

6 Aye, 0 No, Manthei excused. Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 849 Roger A & Joann G Henderson, N6193 State Road 108, West Salem, WI 54669. Petitions for an after-the-fact Conditional Use Permit to amend existing Conditional Use Permit No. 526 to operate several retail businesses along with an insurance business. The businesses are called J&R Custom Framing & Gift Shop, Chalk It Up, and Greater Insurance Service. The existing Real Estate Office and Remodeling Business are still in operation on land zoned Exclusive Agriculture District at N6193 State Road 108 on land described as: The SE-SW of Section 15, T17N, R6W. Town of Hamilton.

Appearing in favor: Roger Henderson, N6193 State Road 108, West Salem, WI 54669. I am in favor, obviously of this, I want to make one correction, it's the one store which would be the large building, 44 X 80 is where the retail store is.

Bluske: Jon, could you pull up the aerial on this and I'd like you to point to that building.

Henderson: Ok, it's the one right beside the road. The one right on the road.

Bluske: Probably the one right next to the 8.

Henderson: At one time we did have some overflow merchandise in the Quonset, but that has since been removed. We don't allow anybody to shop there anymore.

Pedretti: Just for clarification, you're saying that everything for this conditional use permit is going to happen in that building and that building only? Or, you're just saying that's where the retail will happen?

Henderson: That's where the retail will happen. We have.....

Pedretti: But the other buildings, you want part of this conditional use permit?

Henderson: We have some of the material stored there.

Pedretti: That's what we need to clarify, is what's happening in which building.

Henderson: Ok.

Pedretti: If you're saying only that building, that's the only building you can do. We want to make sure you don't dismiss that – you do have a plan there and it's a very nice plan, but for the record could you explain a little bit more what you are going to do on that property?

Henderson: The retail part of it is going to be in the building I pointed out on 108. The other one is we have overflow in there sometimes. If something doesn't sell and we want to take it off the shelves until we have a sale, then we'll have a sale like during the summertime and then that will move out of the building.

It's pretty well cleaned out already. We had a nice sale this past summer and a lot of that material is gone.

Meyer: Any other questions from the committee?

Mach: So, is it correct to say that you're going to use this permit to operate several retail businesses – is that what you wanted to say?

Henderson: One, one retail business. I'm sorry, let me clarify, it is J&R Custom Framing & Gift Shop, which was the original intent, and then Chalk-it-Up is in the same building. It's two different businesses because one we kind of got into by accident and one we started out with. So, that may be where the communication breakdown is.

Mach: And then you also, this lists Greater Insurance Service.

Henderson: Yeah, that one we don't have a computer in the house so the Quonset building is where I have a little office for that. I did talk to Chad about that; he said I don't need a conditional use permit for that.

Mach: So maybe we should take that out?

Bluske: No, you do.

Henderson: I do?

Bluske: Every single building you're occupying has to be covered by a conditional use permit. So that's not a true statement and I don't think he would ever say that.

Henderson: I misunderstood maybe.

Bluske: Probably.

Mach: So, it's ok the way it's written.

Bluske: Well, he's not finished yet, he's gotta tell the committee every single building and what's in each building. Even the previous conditional use permit, they have to picture this in their mind.

Henderson: Ok. The previous conditional use is in the Quonset. The amended one is going to be in the 44 X 80 building that I pointed out and the Quonset building.

Bluske: Ok. Then you've got buildings Real Estate Face Lifters, which is a remodeling business and the real estate office that you haven't discussed yet.

Henderson: The real estate office is in the Quonset building. We're no longer doing Real Estate Face Lifters.

Bluske: You're not?

Henderson: No.

Bluske: So, there's no remodeling business at all anywhere on the site – or construction?

Henderson: No.

Bluske: So, I guess to finish it up on that Mr. Henderson, then Chalk-it-Up, J&R Custom Framing, Greater Insurance and the Real Estate are only in two buildings? The Quonset hut and....

Henderson: There's no real estate either.

Bluske: I thought you said that you had a computer for that in the Quonset hut?

Henderson: For insurance. And, my personal computers are the same.

Bluske: Well if the committee doesn't have any questions here, go ahead first, because I might have some more.

Bina: Roger, are you storing any of your material in any other building besides these two? That's the whole question because we need to put all the buildings for whatever projects you're working on in here.

Henderson: No, there's no material in any other building.

Meyer: Any other questions?

Bluske: Mr. Henderson, the committee has to know your hours of operation, what you plan on doing for signage, things like that. Does the fire department know what you're doing there if they have to respond?

Henderson: They drive by but they have never stopped in. As far as signage goes, what is out there is all we have.

Bluske: Some of the committee wasn't out there on the site so....

Henderson: There's a couple of signs by the building away from the road one of them is about a 4 X 6, maybe near the building and the Chalk-It-Up sign is a little smaller, maybe 3 X 2 maybe, and then there is a small sign more near the road where the old milk producers sign was, it's a little 2 X 2 maybe.

Bluske: And hours of operation?

Henderson: Hours of operation are 9am – 5pm, Monday through Saturday.

Bluske: And how many employees do you have?

Henderson: Just the two of us – Joann and I.

Bluske: Ok, just family. That's all I have.

Meyer: Committee, any more questions? Ok, I guess that's it for now.

Henderson: Thank you.

Meyer: Anyone else here in favor of this petition?

Appearing in favor: Rich Schomburg, W3679 County Road C, Chairman of the Town of Hamilton, we passed this through our Resource and Planning Committee and they approved it. We consider Roger's place there quite attractive and it's a good business. I wish more people would keep their buildings up nice. As fine as he does. Thank you.

Pedretti: You said the Resource and Planning Committee approved it?

Schomburg: Yes.

Pedretti: The town board hasn't gotten to it, but it will?

Schomburg: Yes, the town board has – we had the meeting previous to our last town board meeting.

Pedretti: So, the town board would meet in the next ten days...

Schomburg: Yes, the town board passed it.

Pedretti: So they have no issues, just they haven't gone through that formal...

Schomburg: No issues whatsoever.

Pedretti: Ok, great thanks.

No one else appearing in favor or opposition.

Correspondence (Bluske): Received a letter from the Sara Schultz, Town of Hamilton Clerk on 12/29/11 addressed to Nate Sampson (read into record).

Staff Recommendation (Bluske): Recommends approval subject to twelve (12) conditions:

1. The owner's, Roger and Joann Henderson of N6193 State Road 108, West Salem, will be the sole employees of the following businesses: The Greater Insurance Service, Chalk-It-Up and J&R Custom Framing and Gift Shop. Originally, I had the Real Estate Office and the Real Estate Face Lifters, but I have deleted them. So, those businesses cannot return;
2. The hours of operation are Monday through Saturday, 9am – 5pm;
3. A minimum of fifteen (15) spaces shall be maintained for customers, those are parking spaces;
4. The personal property shall be reported yearly to the local assessor and all businesses shall be reported to the Department of Revenue;
5. All buildings used in connection with the businesses shall be reported to the local assessor yearly as well. It's noted that the 44 X 80-ft building is used for all the retail businesses and the Quonset Hut has the Insurance Company in it;
6. No signage is allowed unless permitted by this department with a proper zoning/occupancy permit;
7. Since Agricultural buildings have been converted to a commercial use, After-the-fact zoning/occupancy permits are required for all buildings that have seen a change in occupancy;
8. No outside storage of anything related to the business is allowed;
9. The responding fire department shall be contacted regarding types of supplies being maintained on the site;
10. This permit is granted specifically for the businesses itemized here, any change will require another public hearing and permit;
11. The previous, existing Conditional Use Permit No. 526 is terminated in its entirety; and
12. This permit is non-transferable, which means new owners would have to reapply.

Meyer: Roger, can you live with all those conditions he read off?

Henderson: Response is inaudible.

Meyer: Ok, but nothing in there that's no good?

Henderson: Response is inaudible.

Meyer: Committee, Marilyn?

Pedretti: The signage one – umm... he currently has a couple of signs; it's not that he has to take them down; he just has to get a permit for them?

Bluske: Yes.

Pedretti: Again, nice spot, you keep those buildings up beautifully, I wish other ones in the county did the same.

**Motion Pedretti/Keil to approve with the twelve (12) conditions.
6 Aye, 0 No, Manthei excused. Motion carried unanimously.**

CONDITIONAL USE PERMIT NO. 850 Teresa M Bagneifski and Jim Whitaker, W5744 Sherwood Dr, La Crosse, WI 54601. Petitions to operate a mobile food sales business, known as Big Mama's Gyro, which includes the parking of the business trailer for cleaning, maintenance and repair at W5744 Sherwood Dr, on land zoned Residential District "A" and described as: Lot 2 of Skyline Subdivision. Town of Shelby.

Bluske states that the application is incomplete as it was never signed. Asks Mr. Whitaker to sign the application. James Whitaker comes forward and signs the application.

Appearing in favor: James Whitaker, W5744 Sherwood Dr, La Crosse, WI 54601. My wife and I operate a concession trailer, it's small, we sell food, Gyros. Most of the time we are at Dave's Guitar Shop parking lot, just for lunch and we do other events like the Interstate Fair or La Crosse County fair. We do some other ones too. We're open approximately 34 weeks a year. We store it, what happened was, about two years ago I had the trailer parked out in front of our house on the street, and I wasn't aware of some of the neighbors not being happy about it. Nobody ever complained to me directly. And I got a call from Jeff Brudos, the Town of Shelby Administrator, and he told me we would have to talk it over or whatever. So this would have been in 2009, late 2009. I went to the Town of Shelby to get a Conditional Use Permit at that time. They approved it, both boards that needed to hear about it. But I was talking to my wife shortly afterwards and there was three people that came to the Shelby meetings that were opposed to us having that. I think those same three people are here today. And we decided at that time to rent a storage space at Security Self Storage on Mormon Coulee Road across the street from Wal-Mart. We just pay them a fee and then we can park it there all we want. But I still need to bring it home at least once a week, or somewhere, and clean it. So I had been bringing it home and I wasn't aware that that was going to be a problem. I thought if there was no complaints and that I was just there briefly, it wouldn't be a big deal. So, that was two years ago. So, for two years now, we've been doing that. Then someone from the La Crosse County Zoning Department, Chad, I can't pronounce his last name; I'm sorry, called me and said somebody had complained. He said we need to move forward with a Conditional Use Permit. That's what I'm here today for. I am hoping the board will allow me to park my trailer in my driveway up to two days a week for cleaning and maintenance. And that's all. We don't sell anything there, we don't store anything there, we never do any business there or anything like that it's just for cleaning. I can't do it at Security Self Storage, I can't do it Dave's Guitar Shop, I can't do at any event that we go to like Steamboat days or something like that. It just cannot be done. And that's what I'm asking you for.

Meyer: I think one question we had was about run-off. Where it was going to go down the hill?

Whitaker: Runoff from washing the outside of it?

Meyer: Yeah. Or dumping the water or whatever.

Whitaker: Well, when you say dumping the water do you mean the water we use in the trailer?

Meyer: Washing the trailer or whatever. Any excess water you have, let's put it that way.

Whitaker: We wash it just like I would wash my car. I've never been; I mean I hose it off. So, I don't know, the interior water that we use when we are operating the trailer, we do take care of that. That's part of our permit we have through the county health department. Actually, we have to deal with that in a specific way. So, that's what we're hoping that you'll do. It's not a big deal; we never park it on the street. That was the condition with the Town of Shelby; they had one condition, that we never park it on the street. And, so we don't.

Meyer: Tina?

Wehrs: Do you plan to leave it overnight, or do you just plan on bringing it home, cleaning it and then taking it back to the storage?

Whitaker: No, we leave it overnight.

Wehrs: Ok, would it be, are you keeping your location across from Wal-Mart the storage? You're keeping that also, this is just...

Whitaker: Yes, and I have a picture of it too with me, in the picture so you can get the scale. It's a very small trailer, it's 6 X 12. When we go an event, any event, we're always the smallest trailer. And, we haven't any problem. There was a guy that was at the Town of Shelby meeting that was concerned about

vermin, I don't know what he meant by that, he didn't specify it, but like I said we don't do any cooking or anything like that. We don't do anything at home and all our stuff is stored off-site. We have an agreement with the Coulee Region Business Center, on Kane Street, and that's where we have our freezers so have everything stored there. And, we've done everything we can to avoid parking it in our driveway and we don't park it there very often. What I'd like if you could allow me to have it is we would like to be able to park it there any of the nights Tuesday, Wednesday and Thursday night for cleaning. But we would only probably use it one day a week. Like I said we're open, last year, it depends on the weather, but we were open 34 weeks last year. And then four weeks we were at an event where we were there that whole week. So, those weeks we were not at home at all. So, what I'm really asking you to be able to do is park the trailer in the driveway for about 50 days a year.

Meyer: Committee, any more questions?

Bluske: Mr. Whitaker, when the committee was out there on the site, it appeared, because your garage door was open, there's some water coolers or something in there that you'd typically not see in a residential area. And, it looked like there was freezer inside there, maybe it was for residential. What else is stored in your garage related to that business?

Whitaker: Nothing.

Bluske: Are those water coolers part of it?

Whitaker: No.

Bluske: We couldn't see behind the coolers if there was something else.

Whitaker: No, I have just personal stuff in the back. We park a car in there. There is a freezer, but we don't use it. There's a refrigerator, we don't use that. Some tools, my motorcycle.

Bluske: Ok, tell the committee, because this a residential area and if you're going to be cleaning this there, do you clean the inside, is there grease that you dispose of? What else is in the inside that you have to get rid of? Dumping in your septic or something like that?

Whitaker: No we don't do anything like that. Our trailer doesn't have a fryer, the inside of it is a grill, a flat top grill that's gas driven and there's a refrigerator and four sinks. And that's it, so we don't have any grease or anything and the grease that we get off the grill we dispose of once a year. The water that we use in the trailer, it gets collected into a holding tank and that's taken and dumped at a facility in West Salem during the county fair week. And, the cleaning of the inside, there's nothing left over when we are done with it, we just basically wash it in the inside, we don't hose it or anything it's not like there's going to be a lot of water running out of it or something. And that's it. I mean we're basically; it's like a small restaurant.

Pedretti: You talk about the cleaning, it's a question we keep coming back to, you have a very steep back yard, so, when you say you're cleaning it you're just cleaning the inside so you're taking just typical kitchen cleaners to clean out the inside. But then are you also washing the outside? You say you're washing it like a car?

Whitaker: Right.

Pedretti: Where does that water go? I just see it going right down that back embankment and into your neighbor's yard.

Whitaker: Well, I don't know, the back yard goes, I've never measured it but, I mean there's gonna, when I wash my car, I mean there's gonna be some water that runs away from it. But it's not a significant amount; I've never had a complaint. And, I've never had a complaint before, washing our cars and I've never complained to any of our neighbors when they wash their cars, it's just never been a big issue.

Pedretti: Right and washing a car is certainly acceptable in that neighborhood. It's just that there's such steep embankments and then you're going down into your neighbor's house and etcetera. A little bit different when you're looking at a business that you're cleaning out. I guess I can understand taking it home to clean out the inside because you can't do that in a storage shed, but washing something that big in an area that seems rather difficult to contain the water on-site. That was our concern when we looked on site.

Whitaker: Well, if that's a concern, what I could do that we haven't done, we hadn't even considered it, I wasn't aware that would be an issue, I suppose we could take the trailer to a washing site and wash it there. The outside. I wouldn't have any problem with that at all. Like a car wash where you can just drive in and do it. That would be fine. I didn't really think that would be a significant issue; I wasn't aware that could even be a possibility or I probably would have been doing that already.

Pedretti: But sometimes it is that you're not aware of it but your neighbors are getting all this water on their lawn and they're not happy about it, they don't say anything because they may not say something to you because they want to be a good neighbor and that's what I'm looking at when we were out there. It

seems like that is a very steep embankment, water's got to go somewhere, so that was a concern I know we, at least I did, I saw right away. Thank you

Whitaker: Sure

Meyer: Any other questions? Jeff, you are done?

Bluske: As long as you're up there Jim, you'd indicated that you'd gone to the Town of Shelby. The only correspondence we have comes from the Plan Commission and it says they were going to place it on their January 11th agenda, this wasn't last year, their next meeting is this coming January 11th that you have to go back to?

Whitaker: No, that's all been settled, I'm sure it was January 11th of 2010.

Bluske: Ok – thank you

Whitaker: If you – that's for sure – I just talked to Jeff Brudos about this on the – last week on the 31st when I paid my property taxes. I specifically talked to him about this issue. He was still ok with it as long as it was ok with you.

Bluske: Oh.

Pedretti: Does it still need to be on their agenda if, or don't they have to recommend on a CUP?

Bluske: Yeah, they do.

Pedretti: Oh, ok. I mean when you do a CUP, is it the same as when you do the zoning and you get that piece of paper and they're supposed to get on the agendas?

Bluske: Yeah.

Whitaker: And, we tried to minimize this. I mean, we don't try to be a pain to anybody. We've just done everything we can to not be irritating to other people around us.

Meyer: Ok, thank you for now.

No one else appearing in favor.

Appearing in Opposition: Richard Rabe, N1658 Hagen Rd, La Crosse, WI 54601. I've got the property that's immediately to the west of the property. First, I just want to thank the committee for doing this at a time when regular people work regular 8-5 jobs can participate. So, thank you. First point is you've already mentioned, it is a residential community and it seems like more and more we're getting cluttered up with people parking different business trailers for different amounts of time at different homes throughout the coulee and it's just getting to be too much. When this came up before the Town of Shelby the original request was to park the trailer, now we're looking at cleaning and maintenance it's just becoming a growing affair which I disagree with as well. The other issue with respect to drainage, we are downhill from the adjacent property and every drop of water that comes off that property makes it more and more difficult for me to grow grass on my property. I've got serious erosion problems and anything and everything that contributes to the water flow down that hill just does more and more damage to my property. We are opposed; my wife and I are opposed to this variance. Thank you.

Meyer: Just a minute, I have a question. Was the Town of Shelby petition to park it there permanently?

Rabe: No. It was conditional use to park the trailer periodically.

Meyer: Oh, periodically?

Rabe: Periodically, yes, yes. And the other thing I wanted to mention is when this came before the Town of Shelby, the Zoning Committee there had recommended to the council not to approve, but council overrode that recommendation. So although council approved it, the Shelby zoning committee had recommended against.

Meyer: Ok, Jeff, do you have any questions?

Bluske: No.

Meyer: Anybody else here opposed? You can just sit right there sir and hit that red button.

Peschau: Thank you Mr. Chairman.

Appearing in opposition: Dave Peschau, W5733 Sherwood Dr, La Crosse, WI 54601. We were at that meeting at the Town of Shelby; my objections are really two fold. Number one, I just have a basic belief that a residential neighborhood does not and should not be used for parking of commercial vehicles. I have no problem with Jim operating his business, the office side of it, just like a number of other people that we know in Shelby that operates their business out of their homes. No issue whatsoever. It's the commercial vehicle part. When my wife and I received the notice, if you read what we received, we were not told anything about two days a week we were told that that's what they want to do is park it period, and I have an objection to that. Historically, it has been during Jim's work weeks, his 34 weeks, it's there

every night. And, does it get parked, I'm not sure. According to what we received, there is no indication that it would be taken away on any day period, including the other 18 weeks out of the year. There were no preclusions in what we received as a notice that they would be parking it anywhere else. So, my objection is very simple, I don't believe commercial vehicles should be parked. We have other issues in our neighborhood regarding that area or that issue. And, I would certainly like to see, if you decide, if it's the will of the board to move forward with it, I would certainly ask for some clarification as to making sure that this is the only vehicle. In other words, if he changes to another trailer that he has to come back to you. No mention of his van that he uses to pull it in this request but he does use a van. So I'd like to see some clarifications if it's the will of the board to grant the Conditional Use Permit. Thank you.

Meyer: Jeff?

Bluske: No.

Meyer: Anyone on the committee with any questions?

Inaudible remark from the audience.

Meyer: You will in a minute. Anyone else here opposed?

Appearing in opposition: Timothy Betlach, W5736 Sherwood Dr, La Crosse, WI 54601. I live in the adjoining property, just north of the request for the Conditional Use Permit. And, I do have some information and I would appreciate it if someone else would read it. In the past when we've approached boards in regards to this, it didn't come across very well; fingers were pointed so I guess if someone would like to read this, I'll take my seat.

Bluske: Is it from the neighborhood or is it from yourself.

Betlach: It's from my wife and I.

Bluske: Is that appropriate?

Meyer: I think so. The author is here so...

Bluske: Alright, the author is here, Tim and Paula Betlach are the ones that have signed this. So, if there are any questions, you can answer. This is dated January 3rd of 2011.

"Dear County Planning, Resources & Development Committee Members, We are against the conditional use permit No. 850 for Teresa Bagneifski & Jim Whitaker. We live on Sherwood Drive and feel that the aesthetics of Big Mama's Gyros commercial food business trailer is more fitting for an industrial park. This impacts us directly because we are adjoining property owners to the applicants. In 2009, Big Mama's Gyros commercial food business trailer was parked on the street of Sherwood Drive. At times, there was an extension cord from the trailer on the street to their home. Neighbors were concerned about the storage of a commercial trailer on a residential street, so this was addressed with the Shelby town board in December 2009 and January 2010. Neighbors were concerned about aesthetics and not wanting our neighborhood to look like an industrial park. We were also concerned about traffic/pedestrian safety with a commercial food business trailer occupying part of the street. The traffic flow on Sherwood Drive became compromised with commercial vehicles parked on the street. In 2010 & 2011, Big Mama's Gyro commercial food business trailer was parked in the Bagneifski/Whitaker driveway. Would a conditional use permit allow them to resume parking Big Mama's Gyro commercial food business trailer on the street of Sherwood Drive? We are against this. If a permit is granted, what are the parking restrictions? Who will enforce them? How do you keep a neighborhood looking like a residential neighborhood rather than a neighborhood with residential/commercial zoning? We did not become property owners in Greenwald Coulee with the possibility of our neighborhood being changed to commercial/residential zoning. Will the land zoning be changed from residential District A in the town of Shelby to residential/commercial zoning? Thank you for considering the aesthetic and traffic safety implications for our neighborhood. Sincerely, Tim & Paula Betlach, W5736 Sherwood Drive, La Crosse, WI 54601." I am going to keep this for the record.

Meyer: Do you have any questions about what's in that letter?

Bluske: No. The only thing I questions is the date, it's a year ago.

Meyer: The date is really today isn't it?

Betlach: Yes, it is the year is incorrect. It should be 2012

Bluske: Ok, I'll change it.

Meyer: Committee, questions?

Appearing in opposition: My names is Gerald Rausch, and I live about 3 doors north of Jim Whitaker's and I was involved in the issue in Shelby at the time because of the parking on the street. Tonight, I'm more concerned with the general issue of commercial efforts in the entire neighborhood period. This is not directed directly at Jim, it's directed at anybody that wants to bring commercial vehicles and structures into a residential neighborhood. And, it has been a problem in the past. Jim has been pretty good about keeping that trailer in the driveway. However, his application for Conditional Use Permit doesn't list any conditions, or do you people just assign those?

Meyer: Jeff would assign them eventually and we would approve them.

Rausch: In any case, I'm opposed.

Meyer: What would some of the conditions you would be interested in?

Rausch: Well, the one that has already been discussed is how many days a week the dog gone trailer is going to be there for cleaning and so on. And, what can be done there? For example, Jim himself admits he can wash it in a commercial truck wash instead of in his driveway. And yet he does have a means of moving it there and getting it washed. In fact, I've never seen him wash the thing in the driveway.

Meyer: You mentioned conditions and Jeff takes them so I just wondered what they might be.

Rausch: Yeah. I'm just against the whole issue of commercial equipment on our street.

Meyer: Committee, questions?

No one else appearing in favor or opposition.

Meyer: Jeff, you want to summarize?

Correspondence (Bluske): I have got correspondence from the Town of Shelby but it has no date on it. This comes from Chairperson Kopp so I think this is maybe something from 2010 or 2011. It refers to some motion of minutes being approved for December 14 of 2009, so I'm thinking this must be in January of 2010. (Correspondence read into record). I don't have any correspondence from the town from the January 11th meeting.

Meyer: But, I don't quite see where that letter pertains to what we are talking about tonight.

Bluske: And I think that's the issue that some of the people that objected to tonight – said things have changed. And, I don't know why the town didn't react to the current one.

Meyer: It's to an old procedure that the town of Shelby was trying to do.

Staff Recommendation (Bluske): Staff recommends denial based on the residential neighborhood and limited area for cleaning and storage. We consider it a health issue. Recommend denial.

Meyer: Committee?

Wehrs: I'm just struggling why you need to park it there if you're renting somewhere to park it?

Whitaker: When we originally went to the Town of Shelby, two years ago, it was to be able to park it there every day. But after I listened to some of my neighbors here, my wife and I decided that it would be best if we just rented a place where we could park it almost all the time. And, that's what we do. I mean we rented at Security Self Storage that following week and we've been there ever since and we're going to be there this year again. It's parked there from Friday afternoon until Tuesday morning, absolutely guaranteed every week. No exceptions, so I don't know. We do have to clean it every week. It has to be done, on the inside for sure. We get inspected more with that little trailer than any restaurant in La Crosse. That's because of the nature of the business. It just, we get inspected five or six times a year by the health department. So, we keep it as clean as we possibly can. And, it's the easiest for me to do it in my driveway. It just is. If I would have known there was an issue with washing it, I would just take it to the car wash. It's no big deal, I could care less. And, I made it very clear to Chad that I was only asking for two days a week so the wording in this, I'm not sure exactly what other individuals are drawing, you know inferring or whatever. I'm not asking to park it there all the time. I'm asking to park it there Tuesday night or Wednesday night or something, whatever it turns out to be. The fairs that we go to start on different days, there different, for instance, La Crosse County Fair is a five day fair, it starts on Wednesday, we set up on Tuesday so I usually clean it Monday night and then just get in and take it there. Then it's parked there all week. Apple Fest in La Crescent is a four day fair, starts on Thursday so we set up Wednesday afternoon. It would be helpful to me if I could have it in there that I could park Tuesday, Wednesday or Thursday and then just be done with it. And, that's all I'm asking for. I'm not

asking to park it there permanently, I'm not asking to do any business there; I'm not asking to be difficult to be around or anything like that. And that's what it is. We do everything we can keep it away from our home.

Meyer: I was going to ask for your rebuttal, but I guess we got it.

Whitaker: And that's it, I was very clear to him though that I wasn't...it was two days is all I'm asking for.

Wehrs: Just a follow up with a question. Could you just not take it home on Tuesday and then clean it and then take it back? And not park it there overnight?

Whitaker: It depends, for instance, I'll give you an example; One day last year I was just loading some soda cans, that's what we sell, and one slipped out of my hand and it hit the floor, I don't know how it did it, but it must have hit just perfectly and it just spewed out like a fountain. It was everywhere. Ceiling, all over me, everywhere, so everything had to come out of the trailer, be washed, I mean I'm talking sugared soda here so you can imagine that you know we could get like flies or something in there and we cannot have that, the health department would just really have an issue with that. So, everything had to come out and be cleaned and then put back in. It just takes a day to do that if that situation comes up. If it just needs a light cleaning, or something, that is possible. Just take care of it and then take it back to storage. That is absolutely possible.

Pedretti: The cleaning of the inside, you could do this at the storage shed where you have it, it's just when you do like a major cleaning, that's where the struggle comes in?

Whitaker: Correct.

Pedretti: I guess I was understanding that you needed to take it to your house at night because the cleaning of the inside, you don't have the running water or what have you at the storage shed.

Whitaker: Well, I don't actually ever do any work at night, I mean as soon as it gets dark; I'm pretty much done working on it. I usually get done at Dave's about 1:30 or 2 o'clock. By the time I button everything up and get back home, it's probably about 2, 2:15, 2:30, so by the time I take care of everything I need to do, it's several hours.

Pedretti: And the picture you showed us is just this white trailer, but the other side says something?

Whitaker: It says Gyros on it. No lettering or phone numbers.

Pedretti: Because I'm just trying to figure out why neighbors would find this offensive? Because people park trailers in their driveways all the time. So, why is this an offensive thing to have parked? I can understand not parking on the street, that would be very dangerous. I'm trying to get a better grasp so; this just looks like a plain old trailer. But the other side does have advertising?

Whitaker: It just says Gyro (inaudible)

Bluske: I know the public hearing portion is over, but when I was reading that letter a light just came on and that was that extension cord that they ran out there. Jim had mentioned that there was a freezer and a refrigerator in this trailer. Do you have to take that back to plug it in or does Security Self Storage have a place to plug it in?

Whitaker: No, they don't.

Bluske: They don't have a plug in?

Whitaker: No. Well, I don't know. Everything is stored off-site.

Bluske: So, how do you keep the refrigerator and freezer going?

Whitaker: I don't, everything is taken out on a daily basis, stored and picked up the next day. The license that I have with the County Health Department is very strict about (inaudible).

Pedretti: So, you say you store it off-site, where do you store it, at your house?

Whitaker: It all goes to the Coulee Region Business Center on Kane Street.

Pedretti: So, you have a routine that you work doing the day, but you take it over there, empty out all the perishables or supplies and then you want to take it home to clean it out....

Whitaker: Or take it to storage.

Pedretti: Or take it to storage if you don't need to clean it?

Whitaker: Right.

Keil: Could you clean it and take it back to storage and not leave it overnight?

Whitaker: That's what she just asked me, I could if it... I could definitely improve on it I guess. If it was anything big like I had to remove the refrigerator or something like that it takes a lot of time. But if it's just a normal cleaning, I could do that and then store it the same day.

Meyer: Can we put something like that in his conditions?

Wehrs: You said you have a garage, would this fit in the garage?

Whitaker: It does not.

Wehrs: It's too high?

Whitaker: Correct – the door is too short.

Meyer: He seems to be doing everything right, except that parking and cleaning.

Mach: Jeff, staff recommended denial for health reasons, what are your main health issues?

Bluske: The commercial cleaning on the parcel. He indicated that he washes it in the driveway. One neighbor said he's never seen him wash it. You guys gotta weigh that. There was water coolers that were right to the front end of the garage door; he hasn't discussed what those are used in. That was about as unsanitary as anything I've ever seen. If the public is going to take water out of something like that, there's everything that's blowing around right there. He says the refrigerator and the freezer aren't used, we can't qualify that. And, there could have been other things related to the business that were still in there. And, businesses like this should not be in residential neighborhoods.

Mach: I'll move that we deny his request.

Wehrs: You're moving that we deny....

Mach: His request.

Wehrs: Is there anything that we can do after this if we approve that and then to say that he could at least take it home and clean it and take it back?

Pedretti: (inaudible)

Wehrs: So he can never park it there even for an hour or ever, basically?

Pedretti: Not if we deny it.

Meyer: No second Bev.

Pedretti: I know again, that we've closed the public portion; I got the impression that some of the neighbors weren't sure what was going on up there. Thinking like Tina in terms of not keeping it over night, I can understand, it becomes commercial looking. I haven't heard how you would clean this off site easily. So, I think that's what we're struggling with. I don't like the idea of washing the outside at all. And, he has stated he could take it somewhere else. That just goes downhill and we had one neighbor say that that's a problem with erosion, not from this, but erosion in general. So, I wouldn't want to add to that.

Wehrs: I would make a motion to approve with some conditions.

Meyer: Are you going to read them?

Wehrs: The first condition would be that:

1. No overnight parking;
2. The only washing of the outside of the trailer would be off premise, but could still do inside stuff;
3. Permit granted to park one business trailer in the driveway at W5744 Sherwood Drive, La Crosse only during the daytime hours; does that need to be more specific Jeff?

Bluske: No.

Pedretti: Daytime hours during the week?

Wehrs: No, I think the weekend would be ok if they needed to clean it then.

4. Concession trailer cannot be stored at the property during the months of December, January, February or March and no on street parking;
5. Permit is non-transferrable;

That's it.

Pedretti: I'll second

Meyer: Did you hear all the conditions that Tina read off?

Whitaker: (inaudible)

Meyer: I think I feel like a lot of them here that it seems like you're doing a lot of things right and I'd hate to just push you out of business or make you do something different so I'm going to support Tina's motion.

Meyer: Anyone else with any other comments down there?

Wehrs: Can I add one condition?

Meyer: I guess so.

Wehrs:

6. That any personal property, including the trailer, such as water coolers, freezers, and dispensers shall be reported yearly to the local assessor.

Pedretti: I'll second the amendment.

Meyer: Jeff, I guess I have one question. He's got approved by the health department and everything, wouldn't they have asked some of these questions?

Bluske: They normally don't know where it's going to be stored. They just take a look at the health conditions within the trailer itself. Make sure that they can serve food.

Pedretti: Town of Shelby, they're going to get our conditions and then they have 30 days to chime in or give their recommendation?

Bluske: 30 days starting today...

Pedretti: because that's the process.

Bluske: Yes.

Pedretti: I do want to make sure that the Town of Shelby is still on board with this.

Bluske: I'll give them a call tomorrow.

Pedretti: It sounds like two years ago a whole different thing.

Meyer: Totally different group from what you read and what you're dealing with today.

Mach: And, it does sound like they didn't make a decision.

Bluske: It was last year and it wasn't based on an application. La Crosse County has the application and they have to go, anytime a new application is made they have to react to it. It's their decision if they don't want to put it on the agenda.

**Motion Wehrs/Pedretti to approve with six (6) conditions.
6 Aye, 0 No, Manthei excused. Motion carried unanimously.**

ZONING PETITION NO. 1881 Howard L & Susan K Larson, N5914 County Road E, Bangor, WI 54614. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A", a 0.541 acre parcel for continued single family residential use at N5914 County Road E, on land described as: Part of the SE-NE of Section 21, T17N, R5W; Commencing at the northeast corner of Section 21; thence S29°16'52"W 2290.64' to the northeast corner of a parcel of land described in Volume 1043, Page 207 of La Crosse County Records and the POB; thence S72°07'17"E 123.83'; thence S21°19'22"W 174.56'; thence S10°30'17"W 108.95'; thence S16°12'13"W 132.51' to the southeast corner of the parcel of land described in Volume 1043, Page 207 of La Crosse County Records; thence N00°19'28"E 435.00' along the east line of the parcel described in Volume 1043, Page 207 to the POB. Town of Burns.

Appearing in favor: Howard Larson, N5914 County Road E, Bangor, WI 54614. When I bought the property the maps that I've seen are everything that's up there right now. The house was built in '78 and after talking to Chad, he made me aware that we didn't actually own everything that I thought I owned. So, I have a Quit Claim Deed from the Vetrano's, which are to the north and west, or east I should say of the property. So, the property my wife and I do own now everything that's totally up there, so that's legal. This wasn't surveyed right back in '78, but then Chad found that it's strictly Agricultural and we need it District "A". So, we petitioned to have that changed.

Pedretti: So, this is a housekeeping issue. You own the land it's not a...

Larson: The lands been used.....everything's been there since '78 it just wasn't surveyed properly or properly documented.

Pedretti: Ok.

Larson: It's just a housekeeping or clean up right now.

Pedretti: Thank you.

Bluske: I've just got one question for Mr. Larson. Did you purchase this land from Vetrano or did he give it to you?

Larson: Bought for a dollar.

Bluske: The extra piece?

Larson: Yes.

Bluske: Thank you.

Meyer: That's it? Thank you.

No one else appearing in favor or opposition.

Correspondence (Bluske): I've got a Town of Burns resolution number 12-13-2011 and it's number 3 (read into the record).

Staff Recommendation (Bluske): Staff recommends approval because it is not changing the existing land use.

Motion Keil/Wehrs to approve.

6 Aye, 0 No, Manthei excused. Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 851 Jeffrey W Stingl, 2909 Lakeshore Dr, La Crosse, WI 54603. Petitions for an after-the-fact conditional use permit to operate a boat, motor & blind installation and boat motor maintenance shop, known as part of Mainstream Firearms and Marine, at 2909 Lakeshore Dr, on 0.82 acres of land zoned Residential District "A", and described as: Lot 11, Block 1 of Richmond Addn. Town of Campbell.

Appearing in favor: Jeff Stingl, 2909 Lakeshore Dr, La Crosse, WI 54063. What I am proposing is to do over-flow business. I own a business in Winona, Minnesota called Mainstream Firearms and Marine and we sell unique products that we've been selling for the last 20 years. In the busy times of the year, I have not enough hours in the day, so to speak, to finish everything I do at work. This is a brochure (hands out) if anybody wants to look at it. Gives you rough idea of what I sell there. My proposal is to do maintenance stuff and basic setup of brand new items. Boat blinds set the brand new motor the thing, there's not a lot of stuff involved in it. It just takes man hours to do it and a lot of times I don't have that at work. I work 6 days a week also.

Pedretti: On your impact statement you say you just have one or two customers a night?

Stingl: Yes. Sometimes not even that.

Pedretti: There's not a whole lot of parking there.

Stingl: A lot of it is where I bring the thing home with me from work in one day, finish up whatever I need to do with and bring it back the next day. Because a lot of times it's going out that day.

Pedretti: Ok. So, it's not like you're going to run a full-fledged business.

Stingl: No, no signs, no nothing.

Pedretti: That was my other thought was that signage wasn't needed. You do list between the hours of 7pm and 9pm; I just want to clarify all this for the record.

Stingl: Exactly.

Pedretti: We did notice that to the south of your garage there was some stuff being stored outside.

Stingl: I have like waste oil that I use for my oil changes.

Pedretti: For your own personal?

Stingl: Yeah. That's it. And, I don't do that many oil changes at all, but I have a big diesel that requires quite a bit. I also have a place to get rid of all that stuff, that's why it's in that particular barrel.

Pedretti: It always concerns us when we see barrels outside.

Stingl: I understand that.

Pedretti: There's always that problem of leaking and what's happening and where's it going.

Stingl: If that's a big concern, I'd be happy to get rid of them. Not even do it, not a problem.

Pedretti: Or, store them inside, protected.

Stingl: That's not a problem at all.

Pedretti: Thank you.

Bluske: When we were out on the site, you have some neighbors that seem to be pretty close, have you contacted the neighbors?

Stingl: I spoke to all my neighbors around me, I've lived there for ten years and it's like I keep on telling everybody else, I gotta live there too. The last thing I want to do is make everybody mad at me. I plan on living there quite a bit of time. Most people don't see that I live right across the road from an industrial park. I live; literally, there's a warehouse building, that's what I look at when I look out my front window. I have semis, route trucks; you name it coming by my house from 5 o'clock in the morning until wee hours of the night. My house literally shakes when a semi goes by. It's not like, everybody says it's Residential "A", but you know what, I consider it more closer to the Industrial Park area is where I live. And when I spoke to all my neighbors they were all ok. Not one of them had one complaint about what I do.

Bluske: Jeff, can you tell the committee, and don't assume because you put it in your impact statement, they have to hear this because we are recording this too. Who are going to be the employees that are

going to be working there and what other kind of flammable liquids are you going to be storing on the site?

Stingl: The only people there are family, me and my father; my father will come over in the evenings, which is more bonding time than anything. He'll come over and help me if I need some help or something. As far as flammable liquids, there is none. I don't use any cleaners or anything like that. I'm not washing anything or doing anything like that. The only actual waste I actually have would be some crating materials or some cardboard from products I'm bringing home. And I have a dumpster at work that I take and get rid of them the following day.

Bluske: So, there's no painting, nothing going on?

Stingl: No.

Bluske: It's just all new stuff?

Stingl: Exactly.

Bluske: What if somebody's got an old Mud Devil or whatever, a Go Devil?

Stingl: They can take care of that themselves, I don't mind fixing it, putting a shaft in it or replacing some seals or something like that, but if they want me to do that, I don't want nothing to do with it. It's easier that way. I've welded scags. A lot of times I'll have a person that will stop by that can't get the propeller off because it's literally screwed onto the shaft. You need a four foot bar that's about this big to get that particular prop off. Well they'll stop by and it's like hey can you take my prop off. It takes five minutes to take the prop off and put a new one on. And, away they go.

Bluske: Well that was the next question. Do you do any welding there?

Stingl: I have a welder, but it's for personal use. That's it, that's the only reason I have a welder.

Bluske: Ok, that's all I have.

No one else appearing in favor or opposition.

Correspondence (Bluske): The only correspondence I have comes from the Town of Campbell. It's addressed to Nate Sampson and it's dated November 10th (read into record).

Staff Recommendation (Bluske): Staff has taken a look at this site along with the neighborhood. Since it's residential, we have no choice but to recommend denial.

Pedretti: I think the committee certainly understands that we try to honor the comprehensive plan and etcetera. I think Mr. Stingl makes a good point what is in that neighborhood, what is across. We were on that site, it is close to Industrial. He seems to run a very, he seems to run his operation, for the most part, at his other business; this is just kind of a makeshift. I'm wondering if the committee would be open to approving this with several conditions to make it so it stays residential in appearance. Does the committee have any objection to me listing some conditions?

Meyer: Let's hear them.

Pedretti: All right. If these conditions are acceptable, we'll go from there.

1. Permit is granted specifically for the operation of a boat and motor and accessory shop with maintenance;
2. Hours of operation are 7 to 9 pm by appointment only during the months of July through October with family members the only employees;
3. Off street parking is required at all times;
4. Gas, oil, batteries and any flammable liquids shall be stored inside in properly marked containers, absolutely no dumping on the ground;
5. No more than two (2) boats with trailers may be on the property at any one time;
6. The fire department shall be notified of any quantities of flammable liquids;
7. All work and maintenance will be performed inside the garage or pole shed;
8. Zoning/Occupancy permit is required for the change use of the pole building; and
9. This permit is not transferrable

Sound doable? If so I would make a motion with the nine conditions; motion to approve with the nine (9) conditions, excuse me.

Meyer: Did you hear the conditions?

Stingl: Yes, I did.

Meyer: And are they all right with you?

Stingl: That's fine with me.

Meyer: Ok. I was wondering about the months, July to October?

Stingl: Most of what I sell is related to duck hunting or fishing related, more duck hunting than fishing.

Meyer: So the fall is good then?

Stingl: It's a fall thing.

Meyer: Ok.

Stingl: I see very little of the overflow in the other months, I can handle that. It's between July and October when it's a mad house.

Meyer: Ok. Thank you.

Pedretti: We just want to make sure you understand that these are the conditions. If you break any of those conditions then that will be a cause to bring you back here and.....

Stingl: I understand.

Pedretti: Ok, thank you.

Motion Pedretti/Wehrs to approve with the nine (9) conditions.

6 Aye, 0 No, Manthei excused. Motion carried unanimously.

Stingl: One more question, when they say no more than two boats, I own more than two boats myself.

Bluske: Personal isn't included in that.

Stingl: That's what I wanted to clarify.

Bluske: We assume they're used.

Motion Keil/Pedretti to adjourn at 7:23 P.M.

6 Aye, 0 No, Manthei excused. Motion carried unanimously.

Hearing adjourned at 7:23 p.m.

Approved – 1/30/12.

Annette Kirchhoff, Recorder.