

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

June 4, 2012
County Board Room – Administrative Center
6:00 p.m – 7:15 p.m

MEMBERS PRESENT: Marilyn Pedretti, Andrew Londre, Dave Holtze, Peggy Jerome, Richard Becker
MEMBERS EXCUSED: Tina Wehrs
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Jonathan Kaatz, Charlie Handy, Bryan Meyer, Annette Kirchhoff (Recorder)

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Marilyn Pedretti, 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.

CONDITIONAL USE PERMIT NO. 856 Michael P Sheldon & Larry V Sebranek, N1753 Hess Rd, La Crosse, WI 54601, applies for a Conditional Use Permit to operate a second hand retail store selling used items, older unused items and antiques in an existing building on a 0.40 acre parcel that is zoned Exclusive Agriculture District and described as follows: Part of the NW/SE, Section 8, T15N, R8W, Town of Washington. Tax parcel is 12-193-0. Property address is W1890 State Road 33.

Appearing in favor: Michael P Sheldon, N1678 County Road M, Coon Valley, WI 54623. Basically all we're planning on doing is all the things we've accumulated all these years, we're just going to open up a shop and just sell it like a garage sale. That's basically what we're doing.

Pedretti: And if you could explain for the record how many days a week you're talking about. Customers?

Sheldon: We were talking that we'd like to apply for three (3) days if possible. We can't tell you exactly if it's going to be consistent every week but we're probably going to average between one (1) to three (3) days a week once we get it going.

Pedretti: And anticipated customers?

Sheldon: All we were thinking by the car count, we were estimating about up to fifteen (15) cars would probably pull in a day.

Pedretti: And again for the record, there is no indoor plumbing?

Sheldon: No indoor plumbing. But we were planning on putting out a porta-potty. That will be there. And we'll have water on-site.

Pedretti: Alright. And I assume you guys are co-signing on this. We'll get your name and address into the record and then maybe we'll have questions for each of you.

Sheldon: Go ahead Larry.

Appearing in favor: Larry Sebranek, N1753 Hess Rd, La Crosse, WI 54601.

Pedretti: Anything you need to add to that?

Sebranek: No, that's about it.

Pedretti: Just make sure you speak right into the mic; we're having a hard time....

Sebranek: Yeah.

Pedretti: That's fine. We've got your... Questions from the committee of the applicants?

Pedretti: Did you attend a town meeting?

Sebranek: We went to one already and we're on the agenda for the next one.

Pedretti: You did go to a town meeting?

Sebranek: We did, yes.

Pedretti: Ok. I guess the other question I had was you're planning on doing the sales inside this building – it would all take place inside, you're not talking about any outside sales?

Sebranek: Right.

Pedretti: Ok, any other questions from the committee?

Jerome: The town didn't make a decision yet? Is that it, is that why you're on the agenda again or?

Sebranek: Well the first meeting we went to they said we'd have to come here first, go see the zoning commission.

Jerome: Alright.

Sebranek: So then we got to go back.

Jerome: Thank you.

Sampson: Mr. Sebranek, have you checked with the DOT on the access or change in use of that access, if that's...if they have any problems with that?

Sebranek: I guess we never talked to them.

Sampson: Ok. Have you checked with the state at all about the public use of that building?

Sebranek: No we haven't.

Sampson: Ok. And you stated your plan was to use a porta-potty out there. There is no water supply or any well or...

Sebranek: Right. There's no well.

Sampson: And have you spoken with Environmental Health Department? Will they issue any kind of a permit for that do you know?

Sebranek: We didn't talk to them either.

Sampson: Ok. And this isn't on any historical register list, this building or anything like that?

Sebranek: No.

Sampson: Ok. Any ideas on hours of operation?

Sebranek: It wouldn't be any more than eight (8) hours in one day.

Sampson: Possibly like nine to five or...

Sebranek: Right.

Sampson: Ok.

Pedretti: Anything else Nate?

Sampson: Number of employees? Just you two (2) gentlemen?

Sebranek: Just us two (2).

Sampson: No further questions.

Pedretti: Ok. I'm having a hard time with the plan, it doesn't seem very flushed out to me but maybe we'll get to that yet with some of the other recommendations.

Becker: Thank you. I just want to make sure I've got this understood here. You were before the town board and they said they won't do anything until this committee and the county board does something?

Sebranek: They said we had to come and talk to the zoning committee, which we did, with Nate. And then he said we have to go through this meeting first. And then we have to go back to the town after that.

Becker: Ok, if I thoroughly understand that if it is the will of this committee to refer this for thirty (30) days, you're going to be caught in that catch twenty-two again right?

Sebranek: Yes, we are.

Becker: Ok. Thank you.

Pedretti: Nate, you want to address that a little bit better?

Sampson: If I could clarify that a little bit. The town board meets on June 13th, which will be a week from Wednesday. The county has a chance to...or I should say the town has a chance to react to a conditional use permit application before, at tonight's hearing or within ten (10) days following tonight's hearing. So they technically, by ordinance, have until the 14th to react. They'll react on the 13th, in fact I've spoke with Dan Korn today. They have this on their agenda for June 13th and they'll be notifying me right away on the morning of the 14th so that we can get the county board report down to the County Clerk's Office and get it mailed out.

Pedretti: Now I've heard some concerns because this was on the May agenda, the applicants weren't there; there was some concerns about what if our conditions don't match what they want.

Sampson: Whatever the town decides to place on this conditional use permit at their town board meeting, those go on the conditional use permit.

Pedretti: We don't need to come back to do anything?

Sampson: No.

Pedretti: They'll get added automatically?

Sampson: Yes.

Pedretti: Thank you for that clarification.

Holtze: Do you have a recommendation of conditional uses?

Pedretti: We're not that far.

Holtze: We're not that far, ok. Because I'm concerned about parking and things like that that I haven't heard any discussion on.

Pedretti: Yes, I think we all are. At this point we're offering the applicant the chance to explain the business to the best of their ability and then we'll go to the conditions. If we don't feel like we're covering everything in your plan. Mr. Londre?

Londre: When you initially spoke to the town, and they said you have to talk to this group and to Nate, did they say anything else about your potential business or did they just say we're not going to deal with this at all until you talk to us (PR&D Committee)?

Sebranek: They were not going to deal with anything until we came to this meeting.

Pedretti: Ok. Any other questions for the applicants?

Sampson: And maybe if I could elaborate on that a little bit more for the benefit of the committee. Mr. Korn's words were that when they discussed this CUP, when it was before them last time, they heard no objections but they wanted to reserve their right to possibly place conditions on the permit. And some towns like to act first, some towns would rather have the county hear it first and this is the case where I think the town wants the county to hear the CUP first.

Pedretti: Ok. Thank you (to the applicants) anyone else asking to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: We'll close the public hearing portion and now we'll hear from the staff.

Correspondence (Sampson): I have no official correspondence other than the phone conversation I had with Chairman Korn this afternoon.

Staff Recommendation (Sampson): Staff recommendation is for approval (subject to the following conditions):

1. This petition is approved specifically for Michael Sheldon and Larry Sebranek to operate a retail store selling second hand and used items, older unused items and antiques in an existing approximately 34-ft X 26-ft school house;
2. This permit is non-transferable;
3. There shall be no outside storage;
4. A minimum of six (6) parking spaces shall be provided;
5. A turn around lane or area shall be provided so that vehicles are not required to back onto Highway 33 for exiting;
6. Contact the La Crosse County Environmental Health Department so they can certify code requirements relating to water supply and waste water disposal; such certification in the form of a memo or email shall be made part of this file;
7. It shall be the applicants responsibility to make sure any code requirements regarding public use of this building are met;
8. The applicant must contact the DOT and provide documentation from the DOT indicating that the change in use of this access is acceptable;
9. The employees are limited to the two (2) applicants; and
10. The hours of operation would be limited to any three (3) days per week, eight (8) hours per day, or the equivalent.

Pedretti: Ok, Thank you. Applicants understand those conditions? They are nodding their head yes, for the record. Questions or concerns from the committee on any of those recommended conditions?

Holtze: Nate, do you think that six (6) parking places is sufficient for the highway access that's right on 33 (Highway).

Sampson: I do for the...actually what I did was I based that number on our Commercial "B" parking requirements for the square footage of that building and what I came up with was, it's approximately 884 square feet for the building, and estimating at a parking space of 18 X 9-ft, which is very liberal parking area, I figure that at six (6) spaces.

Holtze: Ok, because we're assuming that maybe both gentlemen will be there working so they've got four (4) for the public and a turnaround of some sort.

Sampson: And they were estimating fifteen (15) customers per day. The lot width was actually 132-ft wide so you know that's certainly open to suggestion by the committee for debate.

Londre: Thank you. I guess I would love to see that place turn into a business personally. But one concern I have is, as it was noted earlier, it doesn't seem like the whole plan is incredibly well thought out. And so I'm a little nervous about the fifteen (15) customers. It just a little arbitrary and it's well we assume it will be fifteen (15). I would like to know that it would be based on something a little more concrete because if you underestimate that I would really hate to not make sure there's not enough parking and then have people parking on a very busy highway as a result of underestimating the number. I mean, I would love to think that you guys would be overwhelmed with business, that would be my hope bit I guess I'm just hesitant about that.

Pedretti: And that was a concern when we were on the tour is it seemed like a lot of traffic. It's nice visibility up there on the top but with a limited amount of parking and a turnaround that's key, why we asked for the turnaround. It could cause a danger if you're having ten (10) customers, twelve (12) customers but again, who knows how it's going to turn out. I just want to make sure there's no outside storage, does that also mean there's no outside sales?

Sampson: It does not, but that could certainly be included.

Pedretti: I'm just thinking in terms that if you start getting bigger things that don't fit into the building that's not really storage if you have it outside and you're trying to sell it.

Sampson: Correct.

Pedretti: I guess I would...well...but if it's something on the porch to show off some antiques, it doesn't seem like it's an issue but I'm concerned about putting something bigger outside on the lawn and then you start attracting more stuff outside on the lawn. Is storage the same as sales? I guess I'm looking for...

Sampson: I would say no. So, if you wanted to limit sales to the interior and on the porch I would make that a condition.

Pedretti: I would like to do that. I guess I could do the motion.

Motion by Pedretti/Becker to add to condition number three (3) the wording "and no outside sales beyond the front porch."

Pedretti: Any other discussion?

Londre: I'm sorry, I'm still a little unfamiliar with rules of how we need to operate but with the addition of that possible requirement when is it the opportunity of the individuals to say whether or not that's ok with them?

Pedretti: We'll check with them.

Londre: Ok.

Pedretti: I was kind of keeping an eye out to see you raised your hand if you did a concern. We'll get to Mr. Becker and then we'll ask your input. Mr. Becker.

Becker: Thank you madam chair. Nate, with the conditions that we have on is there anything to prohibit them from maybe having a semi trailer and storing stuff?

Sampson: That would not be a permitted use. We don't allow storage containers for detached accessory buildings within the county. We've had a couple of cases where in fact, a lot I believe up on the prairie a lake lot, that had one of the heavy piggy back storage containers that were dropped on top of the ground. We had to conduct enforcement proceedings to get it removed.

Becker: So what I envision will not happen then?

Sampson: That's correct.

Becker: Thank you.

Pedretti: Mr. Holtze, you had something?

Holtze: I...

Sampson: If I could qualify that, it may happen but we would issue enforcement orders ordering its removal.

Holtze: I would assume that what we are trying to prevent is a contractor's yard or a farm implement sales situation. I guess I have no objection to try and keep it clean out there although I don't want to tie their hands to the point where they can't make it go either. Is there a way that they could maybe sell something out there but not leave it on the grounds overnight? In other words, if they brought something to sell that day and remove it so it doesn't stay over – could that be allowed because I'd hate to see them end up getting something they could sell but they can't get it in the building and...

Pedretti: But then where does it go at night if it doesn't go in the building?

Holtze: It's got to go back to their own property someplace, I don't know. I'm just trying to not tie strings on their hands.

Pedretti: If we could ask the applicants to turn on their microphone there, the little red button and if one (1) of you would speak to it? And again, your name is Mr. Sheldon?

Sheldon: Mike Sheldon, yes.

Pedretti: Ok. We're talking about the amendment to add no outside storage beyond the porch.

Sampson: Sales.

Pedretti: No. No outside sales, excuse me. You have an issue with that? See any problem with that?

Sebranek: I kind of like his idea (Holtze's) where we can put it there but...

Pedretti: Can you talk into the microphone, please. This is Mr. Sebranek.

Sebranek: I like his idea about being able to put something out and try to sell it and remove it in the evening. Because we do have a very small door on our school house.

Pedretti: But you also understand our concern of it becoming, you know, one of those lawn ornaments that gets spread out all over and attract lots of attention and garbage so that's what I think our concern is.

Sebranek: Right.

Pedretti: I don't know how you can cover both. Any suggestions?

Holtze: You're saying no sales outside the building or the porch?

Pedretti: That's what I'm saying.

Holtze: So it can only be that big (estimates length with arms).

Pedretti: It's a rather large porch. Mr. Becker.

Becker: I'd like to follow up on Mr. Holtze's idea. Could we do what Mr. Holtze is suggesting but only limit it to one (1) item per day?

Pedretti: It's your call. It's hard to monitor.

Becker: Why don't I hear the reaction from Nate on that?

Sampson: Um, one (1) item per day? It might not suit the needs of the applicant, but what about no inventory for sale shall remain outdoors from 6 PM to 9 AM in the morning?

Holtze: I like that.

Pedretti: We like that? Is that a motion?

Holtze: Yes it is.

Motion by Holtze/Becker to add the wording "and no inventory for sale shall remain outdoors from 6 PM to 9 AM."

Sampson: I'm going to make that a separate condition.

Pedretti: Let's do that.

Jerome: (Inaudible on both recordings)

Pedretti: That's still on the floor; this was an amendment to my motion so...give me a minute for how we do this parliamentary. If you could withdraw that motion for just a minute, both of them just withdraw that motion and we'll vote on the original. No, it really should be part of the same because we're saying no outside storage on the porch so it should be part of the same.

Holtze: Because you said no sales.

Pedretti: We'll keep it part of my amendment to my motion. This is an amendment to my motion. All right. All those in favor of the motion, the amendment to my motion...

Londre: Are we still in discussion though?

Pedretti: We are still in discussion.

Holtze: On the amendment.

Londre: Yes, right.

Pedretti: Mr. Londre.

Londre: Thank you madam chair. Um, you asked earlier, sort of as an aside, ok, well I like the amendment, I like sort of that compromise, but then again what happens at night when you have to bring it in, do you say it doesn't matter, figure it out, or what if he only has so much space on the inside? Is that reasonable? I don't feel like we finished discussing that sort of side comment that I think actually is kind of important.

Pedretti: Me personally, I think it's reasonable. If they can't get it inside or on the porch, you know, overnight I think it's a hazard it could be an issue. Not necessarily a hazard, but it could be an issue with

how that place becomes, the look of it. If they can't find room inside, I'm assuming they'd have a trailer to haul it off site. You have another question (to Londre)?

Londre: And that's reasonable, the applicants feel that that's fair?

Pedretti: They are affirmative. Thank you. So, any other discussion? The vote on the amendment to limit sales outside during the day as we have it originally listed. All those in favor say Aye? Opposed?

5 Aye, 0 No, 1 Excused (Wehrs). Motion carried unanimously.

Becker: Madam Chair, didn't Mr. Sampson mention a time?

Pedretti: Oh, yes, it was 6 PM to 9AM.

Becker: Ok, thank you.

Pedretti: I'm sorry; I should have repeated the whole motion. Now on the original motion adding to item number three (3) "and outside sales limited to the front porch other than the amendment." All those in favor say Aye. Opposed?

5 Aye, 0 No, 1 Excused (Wehrs). Motion carried unanimously.

Pedretti: So we have condition number three (3) set.

Sampson: Can you repeat that one more time?

Pedretti: Yes. Number three (3) is: No outside storage and no sales beyond the porch except for inventory for sale between the hours of 9 AM and 6 PM, let's do it that way. Ok?

Becker: I just have a follow up question.

Pedretti: Yes please.

Becker: Mr. Sampson, um, what would happen when they go back to their town board and let's say they don't like the amendment that we put on, they don't want it, what happens?

Sampson: You mean the town doesn't like the amendment?

Becker: Yep.

Sampson: I don't know that we've ever ran into that situation.

Becker: Ok.

Sampson: Typically the town and the county, we have to accept any conditions the town places and I think the town, I'd have to check the ordinance, but I think the town may have to also.

Becker: Well what's going through my mind here is even though the Pedretti amendment was well thought out here, they may not want it. They may stricken it.

Sampson: And what I will do is provide these conditions to the town prior to their meeting so their aware of those conditions that the PR&D has recommended. And, you know, I guess we've never ran into that situation where the town has stricken a condition.

Becker: Ok, thank you.

Pedretti: If they do, could it come to the Business portion for clarification technically? Or would it have to go back through a...might be something to check with corp. council in the future.

Sampson: Let me check the ordinance real quickly of we've got a minute. (Sampson looks through the ordinance).

Pedretti: While he's looking that up, do we have any other concerns with any of the ten (10) conditions?

Holtze: We basically covered the DOT.

Pedretti: Yep.

Holtze: We covered the state building inspector, we covered the environmental health.

Pedretti: Yes.

Holtze: I guess, and the parking, I guess I have no more.

Pedretti: Ok. Mr. Londre.

Londre: Thank you madam chair. Um, would it fall under the environmental condition if there's bathroom service provided outside in a porta potty or an outhouse of some kind? I've never operated such a thing but in the winter that seems like it might be an issue.

Holtze: You don't spend a lot of time there.

Londre: No. Is that something to deal with?

Pedretti: I believe that will be the Environmental Health Department will be looking into that and making some determinations.

Londre: Thank you.

Sampson: If I could?

Pedretti: Yes, please.

Sampson: Quoted from the ordinance "The County zoning agency reviews the proposal as submitted. Any conditions deemed necessary by the county zoning agency or the town board shall be made an integral part of the permit, these conditions shall be complied with by the applicant and any deviation or alteration as set forth in the permit shall constitute a violation of the terms of this CUP." It does not address a conflict with the town. And I can't recall a case where we've run into that.

Pedretti: I can't either.

Sampson: It's a good question.

Pedretti: Any other discussion? If not I'll take a motion to approve this.

Motion by Londre/Jerome to approve this Conditional Use Permit with the ten (10) conditions.

Becker: Didn't we already approve this?

Pedretti: No we just approved the motion to amend condition number three (3).

Becker: Ok, thank you.

Pedretti: You're welcome. All those in favor say Aye. Opposed?

5 Aye, 0 No, 1 Excused (Wehrs). Motion carried unanimously.

Pedretti: Again, we'll refer these conditions to the town so you don't have to have them memorized. And then you'll meet with the town and they'll keep us posted as well. Thank you for your patience.

ZONING PETITION NO. 1899 Philip D & Julie A Kish, N7834 Skoy Coulee Rd, Mindoro, WI 54644, petitions to rezone 8.25 acres from the Exclusive Agriculture District to Agriculture District 'A' to allow for one existing and one future single family residences on the following described lands: That part of the NW/SE and that part of the SW/SE lying westerly of County Road M, Section 30, T18N, R6W, Town of Farmington. Tax parcel is 5-1209-0. Property address is N7831 County Road M; AND petitions to rezone 34 acres, more or less, from the Exclusive Agriculture District to Transitional Agriculture the following described lands: The NW/SE and the SW/SE except that part lying westerly of County Road M and except that part lying southerly of Skoy Coulee Road and Schultz Road and except that part of said NW/SE described in Document No. 1575366, Section 30, T18N, R6W, Town of Farmington. Part of tax parcel 5-1210-1. Property address is N7828 County Road M.

Pedretti: Mr. Kish?

Kish: Yes.

Pedretti: Would you go up to the podium please?

Appearing in favor: Good evening. I have a little statement kinda to read through.

Pedretti: Your name and address.

Kish: My name is Philip Kish; my address is N7834 Skoy Coulee Rd, Mindoro, WI 54644. I, Philip Kish, am petitioning that parcel number 5-1209-0 be rezoned from Exclusive Ag to Ag A. The parcel is approximately 8.25 acres which currently contains a house with a separate garage. I am looking, or I obtained the property about two and half years ago after the owners passed away. The rezoning of that parcel to Ag A would allow two (2) single homes to occupy that 8.25 acres. The lot size of each home would be approximately two (2) to four (4) acres each. We have no current plans to construct any buildings at this particular time. It's basically for the future use. The impacts of the rezone would be as follows: a potential tax base increase for the township; any future construction would be set back further from the road to meet the setback requirements; adjacent properties and neighbors would not be affected since the topography and the position of the property limit visibility and usage; and approximately thirty-four (34) acres of tax parcel 5-1210-1 would be rezoned from Exclusive Ag to Transitional Ag and would be deed restricted to not allow any residences on that designated acreage. This should align with long term county and town comprehensive plan. The Town of Farmington's planning commission has already met and recommended the approval of the requested rezones as long as the deed restrictions are enforced. I.E. the proposed restrictions of a maximum of two (2) single family homes to be allowed on that 8.25 acre property and the said approximate 34 acres may not have any more residential building sites. Thank you.

Pedretti: Nice job.

Kish: Thank you for your consideration.

Pedretti: Hold on there, thank you that was well done. Questions from the committee?

Holtze: Mr. Kish, when are you planning to take the building down? This says the house is going to be torn down?

Kish: I am looking at tearing that house down once I get approval so that I can build in the future.

Holtze: But you're not going to leave it there until you decide to develop the lots?

Kish: No.

Holtze: It's coming down?

Kish: Yes.

Holtze: Ok.

Pedretti: Any other questions? Staff?

Sampson: If I could just ask Mr. Kish, have you been to the town board yet?

Kish: The town board meeting is on, was scheduled for tomorrow night but obviously with the election got moved to the 12th, next Tuesday, whenever that is. But we did go to the Town of Farmington's Planning Commission.

Sampson: Yes.

Kish: Which basically did recommend approval for, as we laid it out?

Pedretti: Ok.

Sampson: Thank you.

Kish: I have plenty of pictures and aerials if anybody has any questions.

Pedretti: We do have an aerial up on the screen as well. Any other questions? Thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None

Pedretti: Ok, staff recommendations.

Correspondence (Sampson): Correspondence in the form of plan commission meeting minutes from the Town of Farmington Plan Commission from Tuesday, May 15th (read into record). No further correspondence.

Staff Recommendation (Sampson): Staff recommendation is approval subject to the recording of deed restrictions indicating only two (2) single family residential use parcels are allowed on the 8.25 acre parcel to be zoned Agriculture District "A"; and number two (2) no future non agricultural development, including residential ag development, is allowed on the approximately 34 acre parcel zoned Transitional Agriculture.

Pedretti: Ok, thank you. And those conditions you understand (addressing the applicant)

Kish: Yes.

Pedretti: Committee?

Motion by Becker/Londre to approve with the conditions listed.

Pedretti: Any other discussion? Mr. Holtze.

Holtze: Do we want to put anything in there about the current building that they said was coming down?

Sampson: I don't think so. We've restricted it to the two (2) building sites so even if he would, for some reason, decide to renovate the existing one that would be an option for him but as we've heard tonight he's stated on the record he intends to raze that and reconstruct so I think we're ok.

Holtze: Ok.

5 Aye, 0 No, 1 Excused (Wehrs). Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 857 Gary L & Tammy L Simmons Revocable Trust, W7207 Heram Rd, Holmen, WI 54636, applies for a Conditional Use Permit to use a proposed 40-ft x 64-ft detached accessory garage to store materials and equipment relating to a construction business known as Simmons Construction, LLC, on a 40.65 acre parcel that is zoned Exclusive Agriculture District and described as follows: Part of the SW/NE, part of the SE/NE, part of the NW/SE & part of the NE/SE, Section 34, T18N, R7W, Town of Onalaska. Tax parcel is 10-1353-1. Property address is N7556 County Road D.

Appearing in favor: Gary L Simmons, W7207 Heram Rd, Holmen, WI 54636. I guess I was here to petition to use the proposed 40 x 64 foot building that is not built yet. We'd be looking to build it to use it for construction equipment storage. I also, I just acquired this property last, I think, July. Have been clearing it, for about thirty (30) years it hadn't been farmed, so I am clearing it and do have farming equipment, tractors stuff like that. It would be multi-use storage building for farm equipment and then possibly a little bit on the residential side, you know like a boat or something like that. But also, I do have a construction company and would like to have, you know, the ability to store my construction equipment in there.

Pedretti: Where do you currently store your construction equipment?

Simmons: My brother is my business partner. He has a shop in Trempealeau County. We do a lot of our work north of Holmen, and so we have one (1) shop there. On my property in Holmen I have a detached garage too that I use for a little bit of storage.

Pedretti: Ok, you're saying in your impact statement that you have twelve (12) employees. You say it's a small construction company but twelve (12) employees sounds kind of large to me. But they won't be on-site; they won't be coming to this...

Simmons: Correct, we're always meeting on the job sites. We don't have anybody coming and like I said, we do most of our work north. I am probably the furthest south of anybody I employ. No, actually one guy is out of Sparta, but most of our work is north. There's no meeting at the shop, you know some companies will meet at the shop and then commute with vehicles, we've never done that. Twelve (12) is the highest number we've had and that's what it's been the last couple of summers. It goes from twelve (12) down to, you know, winter months is probably like four (4), you know depending on the season.

Pedretti: Ok, we need clarification on that because that driveway is a little scary coming out of that corner. If you're having people coming in and out all day long and such. I just wanted clarification, it's just you would be bringing the equipment out in the morning and coming back at the end of the day.

Simmons: Correct and, you know, the majority of the time it would be just my work truck and my truck. And I do plan to, if you've been out there, I do plan to build a house up on top as the driveway wraps around on top. So, it will be my residence. And then just to have that ability versus buying a commercial site, paying that cost, constructing a building, all the costs associated with that. I don't think I'm a large enough construction company, at this point, to do that.

Pedretti: Ok and you have 40 acres. A lot of it didn't look very tillable, but you're going to have some of it will be tillable, or is it going to be pasture land? When you said you were going to farm, I'm just curious what you're going to have in the storage shed.

Simmons: Yeah, the bottom, I mean there's an easy 5 acres that will be tillable that it's not worked up yet but still, one of the neighbors is going to be working that up yet. Um, some of the hillier ground, some of that could be. It used to be farmed years ago but I might pasture it too. I do have beef cattle.

Pedretti: Ok because it is Exclusive Ag. Just trying to figure out what's going to go in this building besides your construction equipment and your, you know what kind of equipment. Any questions from the committee? Staff?

Sampson: If I could go along those same lines that Chairperson Pedretti had, Mr. Simmons, on the Conditional Use Permit Questionnaire, you had listed equipment materials, vehicles, etc. that are associated with your business. It included construction materials, forklift, two (2) skid steers, scaffolding, miscellaneous construction equipment, an F350 Ford Truck, a 4700 International truck and six (6) trailers. Construction trailers, is that correct?

Simmons: Yes.

Sampson: Do you intend to store all of that equipment at that site?

Simmons: No. And a majority of it is out on job sites, especially summer. Winter, there's still a lot of it that is out on job sites. We do have the other site up in Trempealeau County that a majority of that would be...

Sampson: We really should know what's being stored in there for equipment because that equipment has to be reported to the local assessor annually. So if you could kind of clarify which items you intend to store there. That's really a necessity of this Conditional Use Permit.

Simmons: Um, it's really tough to pin down just because of the nature of my business. A majority of the time it will be out and about. But if we want to restrict it, I have no problem with that because I do have another source of storage. When I listed all those items, those were just pieces of equipment that I have. I don't know, I can't remember the exact wording of it, I'm sure I have it in this file, but if that was just listing equipment I own, yes. I didn't know if the question was interpreted to what I'm going to store in that building. All that stuff wouldn't fit.

Sampson: Sure, that's why I asked too because the questionnaire asks for equipment you have that's associated with your business. So, I didn't want to include all of this on the Conditional Use Permit when you're reporting to the local assessors. That's really what the committee needs to know is the equipment you will be storing out there.

Simmons: Ok. Other than the trailers, there's a couple that are like flatbed type trailers for hauling skid steer, car hauler type trailers. I do have, the other ones would be enclosed trailers – job trailers, which those a lot of times never come back to my site. I mean they just go from site to site and/or if one comes back it heads out to another job site and another one would possibly come back depending on, you know, loading up, you know, tools, whatever depending on location if I pull it off one job site I bring it home for the evening, I take off with it the next day to another job site. I don't know if you're looking for me to say the exact...I'm going to have one (1) skid steer, one (1) forklift, you know, two (2) trailers. I mean if you're looking for me to narrow it down like that or I guess I would look maybe as a recommendation of what would be allowed because I would be looking for the approval for as much as I could put there just for the luxury of having that. But if you want to minimize it, I guess I would look for you guys to tell me this is what...

Pedretti: Maybe for clarification, this is co-owned by your brother. So I think what we're trying to get at is, what is going to be stored here that you are going to claim as equipment that is here. That gets claimed to the assessor. Or, is it in Trempealeau County getting claimed in Trempealeau County? Or, is it at your house being claimed there. It has to get claimed somewhere. You can't have equipment just moving around and there's no claim on it. There's no assessment on it so therefore you not paying tax where as any business that has a business established and they have all this equipment in it; that gets assessed. That's what we're trying to clarify. What is it that you have in that building that belongs to you that you're going to claim on your assessing? Your part of the business or whatever that's going to be in that building.

Simmons: I could give you list, if your looking for that right now. But like our forklift, it has not been back at one of our shops in probably a full calendar year. But I guess I would say two (2) of the four (4) job trailers, one (1) of the two (2) open trailers would be there. As far as skid steers, I own two (2) skid steers, but I do like having one there for if it's snowing in the middle of winter. Otherwise I do have some pigs in the barn right now and will have beef cattle there. I don't know if I will get them there, there's a lot of fencing to be done, I don't know if I would get them there this year so that skid steer is ag as well as construction use. But as far as scaffolding and things like that, majority of the time it's on job sites. I don't know if I'm answering...

Pedretti: Mr. Londre.

Londre: Thank you madam chair. So is the question then, if it's on a job site, I don't know the exact regulations for this, but then does that mean that if it spends the majority on a job site that's within the county is then...

Pedretti: It needs to be claimed somewhere.

Londre: I mean, I guess that's my question, so let's say he has a skid steer or scaffolding, if it, if he claims it from the business and the job site, well it's not in the shed that we're talking about approving or the whatever, but it's on a job site and the job site happens to be north of Holmen somewhere, well then do you just claim it as within that shed in La Crosse County because the job site is in La Crosse County? How does that work, I mean it's sort of like it's in limbo because it's neither here nor there. It's on the job site.

Sampson: The taxation on that equipment has to be paid to some municipality. Where they choose to claim that where it's at during that time period is really up to the owner. But we have to know.

Simmons: Um, my address in Holmen right now is where our business address is established. And when I relocate my residence out there then our business address will change to that site. My brother's site in Trempealeau County, even though that he's got equipment and stuff like that, we don't have any of the business mailings and things like that going, so as far as IRS, um any correspondence we get goes to my address in Holmen. The W7207. Um, I do have an accountant and they take care of all that so I guess I'm kind of, you might be talking a little over my head I guess.

Sampson: Construction equipment or manufacturing equipment is taxed, it is taxable property and that's paid to a local unit of government. So really that's what we are looking for. For what equipment you're going to be storing there, that you're going to be reporting to the local assessor.

Pedretti: So would it be that whole list because you're saying that your company is your...

Simmons: Yeah. In essence, I guess would have to say that.

Pedretti: Mr. Holtze.

Holtze: Is it possible that he could get with his accountant and with Nate and come up with this list? Is it something we have to spell out in our...

Pedretti: Generally we do spell it out.

Sampson: Yes.

Pedretti: We do spell it out in the conditions, because if you don't then it gets abused. Next thing you know they're hauling...

Holtze: Yeah I would assume that Nate would not put something in there that we couldn't accept. I was just trying to facilitate it because it's hard to put a guy on the spot like that. You know, with a question that wasn't anticipated.

Pedretti: No, but it's on the application. It is anticipated, it's on the application. They need to list all the equipment they're going to store in that building. And then we put it as a condition. We've even, down to, you know, how many skid steers, how many trailers etc. So it is part of the process. He has everything listed there currently?

Sampson: Yes in the ahh...

Pedretti: Obviously, it's not all going to fit in the shed at one time but at some point it could be in his shed.

Sampson: I think I can address that in the conditions.

Pedretti: That would be part of the condition?

Sampson: Yes.

Pedretti: Thank you. Ok, now we've got that cleared up completely and totally.

Simmons: Ok.

Pedretti: Thank you for your patience on that.

Sampson: Another question, on the floor plan, Mr. Simmons has showed a toilet facilities?

Simmons: Yes.

Sampson: Have you gotten a soil site evaluation or sanitary permit yet?

Simmons: Um, Mark Palmer, he has been out there, he's marked them. He also, when I, to kill two birds with one stone he marked for the future house, septic system and then the holding tank and I think I owe him three (3) checks and then he'll send that through to state and county level I'm assuming.

Sampson: Do you know if both structures are served off the same system?

Simmons: No, the house one would be off the north and this would be just a holding tank between the garage and existing barn probably.

Sampson: Ok, thank you.

Simmons: I was kind of looking for his recommendation on location on that holding tank.

Sampson: Ok, thanks.

Pedretti: Anything else? Ok, thank you.

Simmons: Thanks.

Pedretti: Anyone else wishing to speak in favor? Go ahead.

Appearing in favor: Doug Ender, N7540 County Road D, Holmen, WI 54636. I own a property immediately south of Mr. Simmons. And I am pro for allowing this for a couple different reasons. As a small business man, you know, he employs right now a dozen people because it's summer time. To me he puts food on the table and a paycheck in the bank. I am pro small business. He needs a safe, secure weather proof building to secure his equipment for a business. Maybe cost prohibitive to rent space in an Industrial Park or wherever else. So that's one reason. The second, the set back from road I think is 160-ft, my home is probably 500-ft. I think that's a pretty fair buffer zone for noise or visual distraction. The other homes are much further away if that's a concern of noise or visual presentation of his equipment. I don't see the problem. If it was agricultural equipment, tractors, they're going to make noise anyway. So, I have no objection to his storing equipment there.

Pedretti: Ok. Thank you, any questions from the committee? Mr. Holtze.

Holtze: So yours is the house that's just visible from the applicant's property looking past the barn?

Ender: Yes, that's me, correct.

Holtze: That's the one I questioned because that would be the one that would have an objection if anybody would.

Ender: Is that all?

Pedretti: I believe that's it.

Sampson: I don't have anything.

Pedretti: Nothing?

Sampson: No questions.

Pedretti: Thank you.

Ender: Thank you all board members.

Pedretti: Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None

Pedretti: We'll close the hearing portion.

Correspondence (Sampson): Madam Chair, I have correspondence from the Town of Onalaska, from the Town Clerk, dated and received May 9, 2012 (read into record). Mr. Simmons went through a variance. We didn't receive any correspondence on the action on the Conditional Use Permit. Gary, can I ask if you've been to the town for the Conditional Use Permit?

Simmons: No, I haven't and Chad, when he set it up, he had said I would be coming here first and then there, I think, on the 11th and 12th.

Sampson: Ok, and again they have ten (10) days to react.

Pedretti: I think they have thirty (30) don't they?

Sampson: They do, yes that's correct because I think we've got interpretation from corp council that even though it is a CUP, and it's not listed in statutes as being allowed that thirty (30) days, we have to give them that.

Pedretti: But they should, June 11th or 12th, that's sufficient time before county board.

Sampson: No further correspondence.

Staff Recommendation (Sampson): Staff recommendation would be approval subject to eight (8) conditions as follows:

1. This permit is granted specifically to Gary Simmons, doing business as Simmons Construction LLC and is located at N7556 County Road D, Holmen, WI;
2. This permit is non-transferable;
3. This permit is granted to allow storage of contractor, contractor's equipment, supplies and vehicles only;
4. The equipment to be stored on site can include one (1) forklift, two (2) skid steers, scaffolding, one (1) F-350 2011 Ford Truck, or equivalent, one (1) 4700 International truck, or equivalent, six (6) trailers, and miscellaneous other construction hand and power tools and materials as listed on the applicant's impact statement;
5. All equipment, vehicles and supplies shall be stored inside; no outside storage of anything related to the business is allowed;
6. No employees, other than the owner, are allowed as indicated on the impact statement;
7. No retail or wholesale of any items is allowed; and
8. All materials, equipment and vehicles related to the business, shall be reported to the local assessor every year the business is in operation prior to January 1st of each year.

Pedretti: Do you understand the eight (8) conditions?

Simmons: Yes I do.

Pedretti: Any problems with those?

Simmons: No I don't.

Pedretti: Thank you. Committee? Mr. Holtze.

Holtze: When you were reading the condition on the equipment, it says "can include"? Is that the way I heard?

Sampson: Can include.

Holtze: So you're not saying it all has to be there?

Sampson: All at once, correct.

Holtze: Ok thank you.

Pedretti: Alright, I'll entertain a motion.

Motion by Becker/Jerome to approve with the eight (8) conditions.

5 Aye, 0 No, 1 Excused (Wehrs). Motion carried unanimously

ZONING PETITION NO. 1901 Mark Vehrenkamp, 383 E Tilson St, West Salem, WI 54669, action on behalf of Altra Federal Credit Union, 2715 Losey Blvd S, La Crosse, WI 54601-7441, petitions to rezone 0.53 acres from Commercial District 'B' to Commercial District 'C' to allow for a sheet metal business on the following described lands: Lot 1 of Certified Survey Map, Volume 8, Page 34, Town of Campbell. Tax parcel is 4-746-1. Property address is 1638 Caroline St.

Appearing in favor: Mark Vehrenkamp, 383 E Tilson St, West Salem, WI 54669. I work for Dave's Sheet Metal, my dad is the owner, well he was the owner, he just retired last year and I took over the business. We've been in business for about 25 years. We've always rented. We are a small shop, one (1) to two (2) men. We're looking to buy this property and - it's a pole shed pretty much. It's really in rough shape. We're willing to fix it up and make it more presentable. It's going to be mostly our shop. We have machinery inside, nothing really powered too much. It's all hand stuff mostly. We make some noise but not any more than a roofer would and we don't make noise all the time. You know, we might not make noise for weeks. We make a little bit of noise here and there but not as much. Right now our location is 1107 Liberty St; it's in the old Freddy's Market on the north side of La Crosse. It was a grocery store at one time and there is actually three (3) different companies that are in the same building. There's Labor Ready, and then there's an ice sculpture place in there too. We're right in the middle of it. They have no problems with us working there. Labor Ready is actually an office environment and they can't even hardly hear us. We don't disturb them. We are actually in a residential area now in La Crosse and we'd just be moving across the bridge on to French Island. Dave's Sheet Metal would be buying both lots that says Altra on there (refers to map). We just want the one lot to be commercial "C"; and the other one would stay Commercial "B". Korish, right behind us. He is automotive. He does car work, you know whatever. So he makes probably just as much or more noise than we would make. It's just in rough shape right now. There is a bathroom there but it's in really bad shape and they had to pull the well because it got contaminated. We do plan on putting a new well in and revamping the, well redoing, the plumbing, the plumbing kind of existing already but it's in really, really rough shape. I would never go to the bathroom there. So the plumbing does exist. We do plan on putting a well in and redoing the bathroom. There's no retail or nothing like that, it's just a shop. It's just me personally mostly and ah, occasionally, you know not a lot of traffic, very, very little traffic. An occasional worker you know or a company might come and see me about a job or something like that. But then really no major increase in traffic. Most of the times our jobs are located on the job site. Sometimes we do make, we don't do really big jobs, we mostly to small to like medium size jobs. We've always been a small business. Our hours are Monday thru Friday 7:30 AM - 4 PM. That's about all.

Pedretti: That's good. Questions from the committee? Mr. Becker.

Becker: Thank you madam chair. I'm looking at the letter that ah, says residents that live around 1630 Caroline St that have talked about moving in and are ok with it. You've got two (2) names, because of the printing in here or because when it was copied you can't see...who was the person that's staying at 16...

Vehrenkamp: Right next door, Chester. If you look on the map (refers to overhead), straight north is Chester, right next door, yeah, right there.

Becker: So the full names is what sir?

Vehrenkamp: Um, Richard Chester.

Becker: That's what I'm after. Thank you.

Vehrenkamp: I've talked with him and he's definitely ok with it. I've talked to Kelly too. And I quick talked to a lot more people I guess down the block but...I don't think it would affect them very - very little. Chester would be the only person that would really; they might be able to hear us once in a while. But if we stayed to during the daytime hours, I mean it's I don't think that would be...

Pedretti: Yes, when we went out on tour that seemed to be the closest.

Vehrenkamp: Yes, Chester would probably be the closest. Yes.

Pedretti: Thank you. Mr. Londre.

Londre: Thank you madam chair. Um, just for my own understanding, you currently operate your business on the north side of La Crosse?

Vehrenkamp: Yes.

Londre: And you're moving to the Town of Campbell?

Vehrenkamp: Yep.

Londre: Is there a reason for that? Are you expanding your business or transplanting it?

Vehrenkamp: No. I'm renting right now and we've been renting for 25 years. My dad never wanted to buy a business, well buy a building. I don't know why. I've got quite a few years left in me so I would like

to put my money towards something instead of rent. I don't plan on doing anything else for a while. At least put my money into something instead of paying everything into rent. And that's why I'm doing this.

Londre: Ok, thank you.

Pedretti: Supervisor Jerome.

Jerome: Thank you madam chair. My question concerns the noise and in the building that you're in now. You say there's very little noise, but it's a converted grocery store. Is that what you said?

Vehrenkamp: Yes.

Jerome: And so what do you think you would have, would you kind of update this building to something comparable so the noise would stay minimal?

Vehrenkamp: Right. There is no heat in this building, there is hardly any insulation, it's just a pole shed right now pretty much. I would have to sound proof the walls to a point, I mean there's hardly anything. Got to gut it pretty much right now. Start over. There is very little electrical, it's pretty much just a pole shed right now. It's in really rough shape. The mice walk right through the walls; I mean it's that bad.

Jerome: Thank you.

Pedretti: Any other questions? Thank you. Oh, sorry, staff did you have questions?

Sampson: No.

Pedretti: Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed (called three (3) times)?

Appearing in opposition: None.

Pedretti: Thank you. We'll close the public hearing. Mr. Sampson.

Correspondence (Sampson): Madam Chair I have one (1) piece of correspondence from the Town of Campbell dated May 10, 2012 and received that same date (read into the record). No further correspondence.

Pedretti: Thank you

Staff Recommendation (Sampson): Staff recommendation would be for approval subject to the recording of a deed restriction indicating that this approval is conditional on the Town of Campbell amending their Comprehensive Land Use Plan.

Pedretti: Ok, so that's the one (1) condition. Town of Campbell is in process, correct? Of amending their Comp Plan?

Sampson: Yes, I believe so.

Pedretti: They're the ones that are in process?

Sampson: Yes.

Pedretti: Do you understand that needs to happen before you can...? Ok. I just have a question, there's no other Commercial "C" in this area at this point but it's in the Long Range Plan to be?

Sampson: No. This is all Commercial "B". The proposed use didn't fit in with that Commercial "B" District. So that's the reason for petitioning to go to Commercial "C".

Pedretti: Ok. Questions from the committee? Mr. Holtze.

Holtze: Do we have any indication that the Town of Campbell is in favor of doing the amendment to their plan?

Sampson: I am assuming they are in this particular case. Because the board had already approved and had no objections to the business change at location.

Holtze: Did they know they would need to do that then?

Sampson: Yes. In fact, Charlie Handy spoke with Chairman Scott Johnson on this very issue.

Pedretti: Any other questions? What about signage? Do we deal with signage at all?

Sampson: Not in the Town of Campbell.

Pedretti: Ok, thank you. Any other questions? If not, I'll entertain a motion.

Motion by Holtze/Londre to approve with the condition as stated.

Sampson: (Addressing the applicant) I just wanted to make mention that if you need any example of those deed restrictions or something that needs to be recorded, we can help you with that too. We have examples you can use. Just get in touch with us and we'll do what we can.

5 Aye, 0 No, 1 Excused (Wehrs). Motion carried unanimously.

Motion by Jerome/Londre to adjourn at 7:15 pm.

5 Aye, 0 No, 1 Excused (Wehrs). Motion carried unanimously

Hearing adjourned at 7:15 pm.

*The above minutes may be approved, amended, or corrected at the next committee meeting.
Annette Kirchhoff, Recorder.*