

# **PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING**

October 29, 2012  
County Board Room – Administrative Center  
6:38 p.m – 7:20 p.m

**MEMBERS PRESENT:** Marilyn Pedretti, Tina Wehrs, Andrew Londre, Dave Holtze, Ray Ebert, Richard Becker  
**MEMBERS EXCUSED:** Peg Jerome  
**MEMBERS ABSENT:** None.  
**OTHERS PRESENT:** Nathan Sampson, Bryan Meyer, Charlie Handy, Chad Vandenlangenberg, Gregg Stangl, 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 6:38 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. 1910** Terrance Herbst, acting on behalf of and together with Steven C, Judy K, and Michelle N Herbst, W5602 Stone Hill Rd, La Crosse, WI 54601. Petitions to rezone from the Exclusive Agriculture District to the Agriculture District “A” an approximate 1.43 acre parcel to construct a 1,008 sq. ft. shed occupied by an accessory to residential/agricultural use. Property is described as: Part of the NE/NE of Section 14, T16N, R6W. Town of Hamilton. Property location: between W2994 and W2958 Pleasant Valley Rd. Tax Parcel 7-333-0.

**Appearing in favor:** Terrance Herbst, W5602 Stone Hill Rd, La Crosse, WI 54601. We asked for the rezoning, it’s a very small parcel by other Ag A area. We would like to build an agricultural/personal use type building. We’d strictly use that area for a garden area. We have two (2) tractors and a bunch of attachments to use on that little bit of land. It’s never been plowed under, that we know of, since we’ve owned it since, I think 1998.

Discussion on how many acres there are and how many will be tilled.

Discussion was opened up to committee for questions. Supervisor Holtze questioned how long he’s owned the land, whether or not he had ever had a building on it and whether the neighbors have a problem with it. Applicant stated that he has owned it for quite a while but never built on it and that some of the neighbors had come to the Town meeting with questions but had no problems with it that he knew of.

Discussion was opened up to the staff for questions. Sampson had questions in regards to the Town Meeting the applicant attended. Applicant stated he started the process on September 6<sup>th</sup> and that it got talked about with zoning and they needed to go back to the Town. Handy had mentioned that something needed to be done with the Comprehensive Plan and that’s why it got delayed in getting to this meeting.

Committee Chair, Supervisor Pedretti called for anyone else wishing to speak in favor of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti called for anyone wishing to speak in opposition of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti closed the hearing portion.

**Correspondence (Sampson):** Two pieces of correspondence; one in the form of minutes received October 26<sup>th</sup>, 2012 from Town of Hamilton Clerk, Sara Shultz (read into record). Also received a letter from Clerk Schultz dated and received July 5, 2012 as an email (read into record).

**Staff Recommendation (Sampson):** Recommendation is to approve, the town has found this petition to be consistent with their Comprehensive Plan allowing for post-frame type buildings consistent with the agricultural setting. Staff recommendation of approval is subject to the recording of three (3) deed restrictions indicating:

1. No further subdivision of this parcel;
2. Residential use is not allowed; and
3. These conditions may only be amended or lifted by the La Crosse County Board of Supervisors.

Chair Pedretti asked the applicant if he understood the conditions.  
Applicant indicated that he did.

**Motion by Holtze/Wehrs to approve Zoning Petition No. 1910 with three (3) conditions.  
6 Aye, 0 No, 1 Excused (Jerome). Motion carried unanimously.**

**ZONING PETITION NO. 1912** Benjamin J and Amy K Breidenbach, N5498 State Road 35, Onalaska, WI 54650, acting on behalf of Michael J and Angela D Horge, W6884 Cloverdale Rd, Onalaska, WI 54650. Petitions to rezone from the Residential District "A" to the Commercial District "B" an approximate 1,245 sq. ft. parcel for parking use and described as follows: Part of Lot 1, Block 1, Cloverdale Addn. located in the NW/SW, Section 29, T17N, R7W, Town of Onalaska, and further described as beginning at the Northwest corner of said Lot 1 and the easterly right-of-way line of State Highway 35, thence, along the North line of said Lot 1, N88°42'54"E 55.08-ft; thence S13°15'37"E 17.5-ft; thence S76°44'23"W 53.52-ft to said easterly right-of-way line; thence N13°59'06"W 28.93-ft to the POB. Town of Onalaska. Property location: W6884 Cloverdale Rd. Tax Parcel 10-832-0.

**Appearing in favor:** Benjamin J Breidenbach, N5498 State Road 35, Onalaska, WI 54650. I have the residence and business at N5498 State Road 35, Onalaska. We would like to purchase that 1,200 square feet from the neighbor, Horge, to expand needed parking for our business. The impact of this addition would be a couple of things. Easier and safer access and parking for patients/customers for our business, an existing chiropractic business that's been here for twelve (12) years and we've outgrown our existing parking area. This would allow us to add four (4) additional parking spots that are needed. We have no plans of moving as this is our residence also. There would not be any negative impact because the only neighbor that we have is one that's allowing us and encouraging us to perform this project. Requesting approval of rezone of those 1,200 square feet.

Discussion was opened up to committee for questions. Supervisor Pedretti questioned the right-of-way and whether or not the Department of Transportation could take that from them. Applicant explained that it is back 60 feet from the parcel and would not be in the right-of-way.

Discussion was opened up to the staff for questions of which there were none.

Committee Chair, Supervisor Pedretti called for anyone else wishing to speak in favor of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti called for anyone wishing to speak in opposition of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti closed the hearing portion.

Sampson made a statement that Mr. Breidenbach appeared before the Board of Adjustment also in regards to the Horge lot. That lot was platted prior to the 20,000 square foot requirement for un-sewered residential lots and they obtained a variance to reduce the lot size by 1,245 square feet. So they've went through that process.

**Correspondence (Sampson):** There is one (1) piece of correspondence from the Town of Onalaska Clerk, Melissa Erdman; the e-mail was dated Wednesday, October 10, 2012 (read into record).

**Staff Recommendation (Sampson):** The Residential District A zoned property is adjacent to the Breidenbach parcel with a planning class of non-residential and is zoned Commercial B. The boundaries of zoning classes are considered to be general and not follow particular parcel boundaries. Staff finds this petition to be consistent with the Comprehensive Plan and the recommendation is to approve Zoning Petition No. 1912, to rezone this approximately 1,245 square foot property to the Commercial District B with no conditions.

**Motion by** to Ebert/Wehrs approve Zoning Petition No. 1912 with no conditions.  
**6 Aye, 0 No, 1 Excused (Jerome). Motion carried unanimously.**

**CONDITIONAL USE PERMIT NO. 863** Neil Hendrickson, acting on behalf of Beverly M Bockenbauer, N6435 County Road C, West Salem, WI 54669, applies for a Conditional Use Permit on land zoned Exclusive Agriculture District to operate a mobile welding business, d/b/a Harley's Mobile Welding and to include outdoor storage. Property is described as: Certified Survey Map no. 134, Volume 11, Lot 1; Document No. 1569644. Town of Hamilton. Property location: N6435 County Road C. Tax Parcel 7-648-2.

**Appearing in favor:** Neil Hendrickson, N6435 County Road C, West Salem, WI 54669. I'm here for this Conditional Use Permit. This is a mobile unit on a trailer, it's trailer mounted. When somebody needs something welded, I would go to that location and weld it up for specific farmers or whoever.

Discussion was opened up to committee for questions. Committee asked questions about storage, what would be stored and where it would be stored and whether or not it would be enclosed. Applicant explained that the 9-ft X 5-ft trailer would be stored on site and went on to explain that it would be stored outside in one of two different locations depending on weather circumstances.

Discussion was opened up to the staff for questions. Staff questioned whether or not there would be any work done on-site or deliveries of supplies made on-site. Applicant explained that there may be small projects done on-site but no projects would be stored there and that all supplies were picked up off-site. Staff questioned whether or not there would be additional equipment applicant would like to include on the Permit. Applicant stated that he may buy a larger enclosed trailer, depending on business, maybe an 8-ft X 12-ft, something like that to store cords and miscellaneous items in.

Committee Chair, Supervisor Pedretti called for anyone else wishing to speak in favor of this petition.

**Appearing in favor:** Beverly Bockenbauer, the landowner, went on record in support of this petition. She also stated that her copy of the petition was sent to the wrong address. Her address is the same as the applicants. So noted for the record.

Committee Chair, Supervisor Pedretti called for anyone else wishing to speak in favor of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti called for anyone wishing to speak in opposition of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti closed the hearing portion.

**Correspondence (Sampson):** One piece of correspondence from the Town of Hamilton, received from Sara Schultz, Town of Hamilton Clerk and it was an email received and dated September 23, 2012 (read into record). One correspondence in opposition that does not get read into record as no one is present to answer questions.

**Staff Recommendation (Sampson):** To approve subject to eight (8) conditions as follows:

1. The Conditional Use Permit is issued specifically to Neil Hendrickson, doing business as Harley's Mobile Welding, N6435 County Road C, West Salem, WI for contractor storage;

~~The business location as approved in this permit is N6504 County Road C. Applicant stated that the address is an error and condition was stricken from the record. Taking the conditions down to seven (7).~~

2. Items to be stored include one (1) ¾ ton truck, one (1) 9 X 5 foot single-axle trailer, an 8 X 12 foot trailer, one (1) air compressor, torch sets and tanks, welding rod and miscellaneous welding supplies, miscellaneous hand tools and safety equipment all in accordance with the CUP Questionnaire submitted by the applicant;
3. All equipment associated with the business shall be reported to the local assessor on an annual basis;
4. This CUP is approved for contractor storage associated with the mobile welding business only, (and you (the committee) may wish to reconsider this) the recommendation was: ~~no on-site repair or fabrication work associated with the business is allowed resulting in customer traffic;~~

~~Outside storage of only the vehicle and trailers is allowed west of the detached garage only;~~

5. All waste generated shall be disposed of or recycled in a code compliant manner; and
6. This permit is non-transferable.

Discussion by committee on conditions.

**Motion by** Wehrs/Becker to remove condition number five (5), "Outside storage of only the vehicle and trailers is allowed west of the detached garage only".

**6 Aye, 0 No, 1 Excused (Jerome). Motion carried unanimously.**

Discussion by committee on Condition number four (4).

**Motion by** Ebert/Becker to strike "no on-site repair or fabrication work associated with the business is allowed resulting in customer traffic" from condition number four (4).

Discussion by committee on the motion. Applicant was asked if he understood the condition. Applicant indicated he did understand and agreed to the amending of condition number four (4) as moved by committee.

**6 Aye, 0 No, 1 Excused (Jerome). Motion carried unanimously.**

**Motion by** Becker/Londre to approve Conditional Use Permit No. 863 as amended with six (6) conditions.  
**6 Aye, 0 No, 1 Excused (Jerome). Motion carried unanimously.**

**CONDITIONAL USE PERMIT NO. 864** Larry Mikshowskey, W1425 State Road 33, Bangor, WI 54614, acting on behalf of Darlene Faas, W1405 County Road H, Coon Valley, WI 54623, applies for a Conditional Use Permit on land zoned Exclusive Agriculture District for an existing farm residence on Lot 1 (2.38 acres) of a proposed Certified Survey Map located within an approximate 35.88 acre Base Farm Tract. Property is described as: Part of the NW/SE, Section 16, T15N, R5W. Town of Washington. Property location: W1405 County Road H. Tax Parcel 12-358-0.

**Appearing in favor:** Larry Mikshowskey, W1425 State Road 33, Bangor, WI 54614. On behalf of Darlene Faas. I would like to inform you why Darlene is selling her farmland that is zoned Exclusive Agriculture. Due to health issues and the financial impact of trying to continue to own the farmland and keep up with paying the bills, Darlene has chosen to part with 33.40 acres of farmland and she would like to rezone her house along with 2.38 acres of land per the Certified Survey Map (CSM) made up by Coulee Region Land Surveyors. I have an agreement with Darlene to purchase the 33.40 acres of farmland and my plan is to continue to farm it. My wife and I presently own the adjacent farmland that is located directly to the East and North of Darlene's land. My wife and I both grew up on dairy farms and have owned and operated our farm for the past 22 years. Our farming operation consists of 73 acres of organic farmland. We would appreciate the opportunity to expand our farm by purchasing the 33.40 acres from Darlene.

Committee Chair, Supervisor Pedretti asked the staff to clarify the discrepancy in acreage. On the front it says 35.88 and he's talking about 33.40. Sampson clarified by stating it was the difference between the actual acres and the acres minus the CSM lot.

Discussion was opened up to committee for questions. There were none.

Discussion was opened up to the staff for questions. There were none.

Committee Chair, Supervisor Pedretti called for anyone else wishing to speak in favor of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti called for anyone wishing to speak in opposition of this petition (called three (3) times).

Committee Chair, Supervisor Pedretti closed the hearing portion.

**Correspondence (Sampson):** Correspondence was received in the form of an email from Chairman for the Town of Washington, Dan Korn, dated and received October 27, 2012 (read into record). There were also minutes submitted from the Town Clerk, Barb Muenzenberger, eluding too the same.

**Staff Recommendation (Sampson):** Conditional approval, this Conditional Use Permit is consistent with the La Crosse County Comprehensive Plan use for residential use and residential density. Approval is subject to the recording of three (3) deed restrictions indicating:

1. Conditional Use Permit No. 864 applies only to a proposed 2.38 acre Lot 1 of a proposed Certified Survey Map and is transferable in its entirety to all future owners, heirs or assignees;
2. The remainder of the 35.88 acre Base Farm Tract shall be limited to continued and future Ag development and uses only. No future farm or non-farm residences are authorized on the remainder of this Base Farm Tract; and
3. These restrictions shall apply until lifted by the La Crosse County Board of Supervisors.

**Motion by** Becker/Holtze to approve Conditional Use Permit No. 864 with three (3) restrictions.  
**6 Aye, 0 No, 1 Excused (Jerome). Motion carried unanimously.**

**Motion by** Becker/Holtze to adjourn at 7:20 pm.  
**6 Aye, 0 No, 1 Excused (Jerome). Motion carried unanimously.**

Hearing adjourned at 7:20 pm.

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