

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

December 3, 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, Peg Jerome
MEMBERS EXCUSED: None.
MEMBERS ABSENT: None.
OTHERS PRESENT: Nathan Sampson, Bryan Meyer, David Lange, Mike Harding, Gregg Stangl, Maureen Freedland, 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 6:30 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. 865 Phillip Wanke, N7546 County Road M, Mindoro, WI 54644, acting on behalf of Doyle R and Shirley A Gates Trust, W4806 Voss Rd, Mindoro, WI 54644, applies for a Conditional Use Permit on land zoned General Agriculture District for a proposed farm residence on part of a 123.38 acre Base Farm Tract. The property is described as Lot 1 of Certified Survey Map No. 117, Volume 14. Tax Parcel 5-1222-2. Town of Farmington.

Appearing in favor: Phillip Wanke, N7546 County Road M, Mindoro, WI 54644. Petitioning for Lot 1, this had previously been approved and it was under the old zoning laws and I did not build at that time. I’m looking at moving forward at this time to get everything up to the current codes. Trying to move things forward to build my house there on lot 1.

Chair, Pedretti gave a brief explanation on why this needed to be heard.

No questions from committee or staff.

Appearing in favor: Doyle R Gates, W4806 Voss Rd, Mindoro, WI 54644. I’m the father-in-law giving and we’re giving 2 point whatever acres to our daughter and son-in-law. It’s just a small residential, it’s accessible.

No questions from the committee

Sampson expressed the need to include the easement in the transfer of the property to Wanke.

Discussion and questions on how to complete the process of creating the easement ensued.

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

No one else appearing in favor or opposition.

The hearing portion is closed.

Correspondence (Sampson): Correspondence in form of a copy of the Town of Farmington Plan Commission Minutes from a meeting held on Tuesday, November 27th (Read into the record).

Staff Recommendation (Sampson): Recommendation is for Approval. The Conditional Use Permit (CUP) is consistent with the La Crosse County Comprehensive Land Use Plan for residential use and residential density in a Certified Farmland Preservation Zoning District. The recommended conditions of approval CUP No. 865 are as follows:

1. Conditional Use Permit No. 865 is approved for one (1) single family residence on the 2.12 acre Lot 1 of Certified Survey Map Volume 14, Page 117 and is transferable in its entirety to all future owners, heirs or assignees for continued single family residential use;
2. All future farm residences proposed on the 123.38 acre Base Farm Tract, shall be allowed by Conditional Use Permit approval only and at densities authorized by the La Crosse County Zoning Ordinance;
3. The remainder of a minimum 35 acres of the Base Farm Tract, shall be deed restricted to allow future agricultural development and uses only. No future farm or non-farm residences are authorized within this deed restricted area; and
4. These conditions and restrictions shall apply until lifted and/or amended by the La Crosse County Board of Supervisors.

Pedretti: Does the applicant understand the conditions?

Applicant indicates that he does.

Motion by Wehrs/Becker to approve Conditional Use Permit No. 865 subject to the four (4) conditions. Doyle Gates voiced his concern that the acres stated in the Permit and the acres that he actually owns are different. Sampson explained that the acres were taken from the tax roll and that what he is indicating may include that portion that lies within County Road M.

7 Aye, 0 No. Motion carried unanimously.

SIGN PERMIT APPEAL NO. 2012-01 Nicole A Kucirek and Holden C Zitzmann, W4444 County Road FO, La Crosse, WI 54601. Permit denied to construct a 4foot X 8 foot, two (2) sided, free-standing, on premise sign. Sign height will be 15 feet above grade and 8 feet above road grade. Town of Greenfield. Tax parcel 6-124-4. Property address: W4444 County Road FO.

Appearing in favor: Holden C Zitzmann, W4444 County Road FO, La Crosse, WI 54601. I'm here to ask permission to put up a sign at our horse boarding facility. We feel this sign would really help us get business. We're just getting started and not a lot of people know about us. Our main goal is getting the word out that we're in town and want to do this small business. I think the concerns with the sign is that it's safe in the area. One of the things we did when we designed the sign is that we made it quick and easy to read. There's not anything distracting on it (picture of the sign displayed on the overhead). Just has basic information on it as you can see so people driving by don't spend a lot of time looking at it because we don't want anybody to get into an accident. Other than that I've also got some pictures (pictures displayed on overhead) here that show, on the right side, I guess they're kind of hard to see, the sign will be off, you see where, that white building is our garage, it'll be off the road that far. So, it won't block the view of anybody going by. And also the bottom picture is a view from us leaving our driveway and it will be in line with that post right there (referring to overhead). It'll be back that far so it doesn't block our view point. So, I don't really think there's concern for a traffic issue that I've noticed yet. The other thing too that was talked about was the appearance of it. It's a professionally done sign, it's not something that we just put together, we paid to have it put together. And we'd also like La Crosse Sign Pro to put it up so that it's stable and safe and it lasts many years.

Pedretti requested an explanation from Corporation Council or Sampson what is in violation, what's not in our code and why this is getting appealed.

Sampson explained that Corporation Council asked the same question and went on to say that it is height compliant, it is compliant by area for certain types of signs, but an illuminated, on-premise sign is not allowed in a residential or the rural district.

Discussion was opened up to committee for questions. Questions about distance of neighbors, whether neighbors had been talked to and whether the illuminated lights could be put on a timer were asked by

Supervisor Wehrs. Applicant responded that there are regulations about how far they have to be from the neighbors, and that they have not talked to the neighbors yet, but have had some neighbors stop by and voice their support for the business and that a timer is something they could look into that.

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 6th 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.

Sampson listed, from the ordinance, what types of signs are allowed in the rural district and which ones are not. Since this type of sign is neither, it is prohibited.

Discussion by committee and staff on what types of signs are allowed, which ones are not and why this particular sign is not considered an allowable sign in this district.

Appearing in favor: Maureen Freedland, La Crosse County Board Supervisor. I'm here primarily because I wanted to hear the first appeal of a denial of a sign. I think that the fact that this is the first and that it is going on a year is a testament to the usability of the Sign Ordinance in general and also of the staff in working with applicants to come up with something that works for the county and for the land owner. I have not visited this land. I'm not personally familiar with it. I did speak to staff about it last week. One of the things that I learned is that the neighbors were notified, so they did have the opportunity to come here and state what they wanted. As far as why no bigger sign is allowed in this particular district, I'll remind you of the discussion we had about preserving the rural character and being compliant with Comprehensive Plans and with desires that have been stated of people to keep the rural land as rural as possible without a lot of signs and to allow variances by Conditional Use Permit as the need for them come up. So that's why we're here and that's why you have the opportunity to do this. My only caution would be that, since this is rural land and there is already a piece of land for sale, it is possible that homes might go up in this area and this might affect homes. That's a caution. I would ask you to think about perhaps a Conditional Use Permit for a certain length of time so that perhaps in five (5) years, I'm not sure, I'm just throwing that number out, you can re-assess how much development there has been in that area so you can see if that's still appropriate. Of course, any house that would buy it now would know that there's a sign but later on you don't know what the totality of the area will be and what kind of protection you might want to have. So, I would be careful about the illumination also. Particularly if there is the ability to turn this off during certain hours and otherwise, I'm in favor of having this sign. It sounds like a really nice business and these seem like really nice people that are going to help develop and start a small business and I'm in favor of doing all that we possibly can to promote the business.

Discussion was opened up to questions from the committee and staff. Sampson noted that there is not a mechanism in the Ordinance, in the Chapter that allows for the committee to authorize a Conditional Use Permit. It's an appeal of a denial and the committee has to vote yeah or nay. Conditions can be placed on appeals; they are for Board of Adjustment. Corp Council gave the opinion that it is not a Conditional Use Permit but that you have certain amount of flexibility to put certain conditions on the sign.

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

The hearing portion is closed.

Correspondence (Sampson): Correspondence from Highway Commissioner Ron Chamberlain in the form of an email dated Tuesday, November 27th, addressed to Sampson (read into the record). Lois Meinking, Clerk for the Town of Greenfield stopped in our office this morning and stated the Town has no concerns about the sign.

Staff Recommendation (Sampson): Staff makes no recommendations.

Motion by Ebert/Wehrs to grant a variance to the Ordinance to allow the 4X8 sign with lighting.

Corp Council stated that liability cannot be taken away by the committee.

Discussion was opened up in regards to the motion and damage to the sign during road maintenance by the Highway Department. Applicant stated that the sign will be put up professionally and they will hold no liability to the Highway Department if the sign becomes damaged during road maintenance. Discussion turned to the illumination issue and whether the lights should be on all the time, put on a timer or manually shut off for a time period.

Motion by Becker/Jerome to amend the original motion to state that the sign will be turned off from 10PM to 6AM.

7 Aye, 0 No. Motion carried unanimously.

Further discussion on the amendment of the motion and the motion itself ensued.

7 Aye, 0 No. Motion carried unanimously as amended.

Motion by Londre/Wehrs to adjourn at 7:20 pm.

7 Aye, 0 No. 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.*