

## PLANNING COMMISSION MINUTES

**DATE:** April 7, 2014

**TIME:** 4:30 p.m.

**PRESENT:** Chairperson Porter, Commissioners Boettcher, Ballard, Davis, Buelow, Fritz, Hahn, and L. Olson

**ABSENT:** Commissioner M. Olson

**STAFF PRESENT:** City Planner, Mark Moeller and Assistant City Planner, Carlos Espinosa

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The meeting was called to order at 4:30 p.m.

### Approval of Minutes – March 10, 2014

The minutes from the Commission's meeting of March 10, 2014 were reviewed. Following a motion duly made and seconded, the minutes were approved as submitted.

### Public Hearing – Rezone Request R-1 to R-1.5

Chairman Porter introduced this item and concluded by calling on the applicant, or his representative, to present the petition.

Mike Rivers, 80 Forest Oaks Court, noted that he was the developer of the Valley Oaks Subdivision. He explained that following preliminary plat approval of the total development in 1986, six final plats, representing various parts of the development, have been approved since that time. Given this development, 195 housing units presently exist within the development. Along with home sites, the development included two parks, both of which have fully developed since that time. Additionally, his company had constructed an entrance sign into the development.

Mr. Rivers explained that all of the various final plats for the development included restrictive covenants laying out expected developer performance standards (beyond City zoning) within each phase. He further explained that the intent and purpose of the full development was to provide a mix of housing. Given this, initial zoning of the development included R-1, R-1.5, and R-3 classifications. Of these, R-3 zoning was applied at the immediate entrance into the development while R-1.5 sites were located near the center of the development on the west and east sides of Valley Oaks Drive. Of these, the R-1.5 district that was located at the westerly side of Valley Oaks Drive has since been rezoned R-1, and includes single family detached homes.

A seventh final plat, including 39 single family detached homes, was approved in 2003. Although this was to be the last platted development within Valley Oaks, the plat was

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not recorded. Including 21.57 acres and following recent re-evaluation, he has been working with a LaCrosse developer in proposing that the use strategy of this area be revised to include twin homes rather than single family detached structures. Although the revised plat for a twin home development has not yet been prepared, he envisioned that the maximum number of units would be increased to 76.

At this point, Mr. Rivers called on Dick Barbour, the proposed developer of the project from LaCrosse, to provide additional comment.

Mr. Barbour noted that he has been in business within the area of LaCrosse for over 32 years, and has significant experience in twin home development. He stated that this housing style is a desired option to single family detached homes by baby boomers.

As outlined by Mr. Rivers, the intent of this request is to facilitate twin home development within the Valley Oaks Seventh Addition. He stated that on March 15<sup>th</sup>, he and Mr. Rivers had hosted an open house for Valley Oaks residents to explain the purpose of the request and to outline project scope. From that, he understood that neighbors did have concerns of potential increased traffic flows, storm water drainage, and property values.

In defining the revised project, he noted that streets throughout would have standard widths similar to what currently exists within Valley Oaks and that sidewalks would be constructed to serve all lots.

In describing proposed units, he envisioned that each would have a minimum of two bedrooms and baths while some may have basements. Of these, some may be finished, while others may be customized based upon ownership. He stressed that in terms of curb appeal, each would be designed to look differently from the street. For those concerned of the impact on property values, he encouraged a visit to the Waterford Subdivision which currently has a blend of twin home and single family detached housing. Within that development, he felt this mix worked quite well.

Mr. Barbour emphasized that he and Mr. Rivers had made contacts to local realtors and citizens throughout the community. From those discussions, it was apparent that there was a strong interest in this style of housing. He further noted that the development would be subject to specific covenants and bylaws. All that would be enforced by an appointed/elected committee of the homeowner's association, created for the development. He further stress that the subsequent final plat for the development will meet all City standards.

Mr. Barbour concluded by noting that, if approved, the development would provide new tax base to the City, and given a semi retired focus, will not add pressure to the existing school system. He stated that he would like to begin the project this summer. He further added that the first two lots into the Seventh Addition would be retained for single family detached purposes. With this, the "transition" to the twin home concept would occur within the development.

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Chairman Porter then called for Commission questions of the developer.

Commissioner Boettcher asked if the development would include single family homes. Mr. Barbour replied that although such use would be permitted within the R-1.5 District, that concept would be up to Mr. Rivers.

In response to a question from Commissioner Davis, Mr. Rivers replied that he and Mr. Barbour are not, at this point, looking at restricting age limits to 55 and over. Although this is the age group which would typically take advantage of such housing, it would be open to any age group.

Commissioner Fritz asked for clarification of the notice that was provided of the meeting. Carlos Espinosa, Assistant City Planner, responded that as with all rezone public hearing issues, notice was provided to property owners within 350 feet of the site. This notice, along with that required to the newspaper, had been provided.

In response to a question, Mr. Barbour noted that although public transit would not serve the area, the homeowners association could assist those that need that kind of service.

Chairman Porter clarified that the first lots within the development would be set aside for single family detached purposes. Mr. Barbour said that this was so. Additionally, he noted that Outlot A on the approved final plat would continue to be used for its intended purpose, that being storm water management. In addition to this, he envisioned that the storm water management system would include rain gardens throughout.

Chairman Porter stated that he is aware of similar developments throughout the area that are currently struggling. Mr. Barbour replied that he felt the need was very strong in Winona for this type of housing, and was confident it would go over quite well. In response to a question by Commissioner Davis, Mr. Barbour again replied that the intent with visual quality of units was to create various types of front yards. In part, that will include locating garages so that not all face the street. At this point, he referenced a number of pictures of current units he has developed showing this form of concept.

Commissioner Hahn asked how, given demographic data and economic research, quickly Mr. Barbour anticipated units to be absorbed. In response, Mr. Barbour noted that he and Mr. Rivers have received a fairly extensive amount of interest in this development. Given this, it was his opinion that full build out would occur quickly.

Chairman Porter asked Mr. Barbour for his opinion on the anticipated impact on existing homes within the development. Mr. Barbour replied that, although a stated concern of the neighborhood, he did not feel that the construction of twin homes would compromise property values. Commissioner Davis concurred with this generalization.

Mr. Barbour further noted that covenants would require the planting of trees within boulevards throughout the development.

Chairman Porter stated that Mr. Barbour had made a reference to the County Planner in his notes. Mr. Barbour explained that he has worked with Jason Gilman extensively in the past in the Onalaska area.

Mr. Rivers stated that it was very important that proposed twin home units look visually different. He fully supported this and emphasized that this is an item that would be included within covenants for the development. He further noted that the area which now includes Shady Oak Court was originally slated to be a multiple family structure phase within the development. He also emphasized that the mix of housing styles within the Waterford development does not appear to have been a problem to property values in that area. He further felt that future residents would upgrade to higher quality finishes in units. These units would be of high quality.

There being no further questions of the developers, Chairman Porter called on Mr. Espinosa, Assistant City Planner, to provide a summary of the staff report. Mr. Espinosa then summarized the staff report as found on Exhibit A of the permanent minutes. In concluding, the report found that:

1. There was no error or oversight in the original R-1 zoning or the rezoning of the parcels in question.
2. Adjacent land uses have not changed significantly since the original zoning.
3. Potential uses of the R-1.5 zoning would not impose "undue hardship" on surrounding properties.
4. In addition to the petitioner, the proposed rezoning benefits the subdivision's housing diversity in conformance with original plans for the area.
5. Because the Comprehensive Plan generally supports the request, the proposed rezoning should not be construed as spot zoning.

Given the previous, Mr. Espinosa outlined the following options to the Commission:

1. Recommend approval of the request, as submitted.
2. Recommend denial of the request. If denial is recommended, specific reasons should be given. These reasons should pertain to the potential uses of the proposed zone.
3. Recommend modification of the request.
4. Table the item to allow staff time to answer additional questions.

In response to a question from Chairman Porter, Mr. Espinosa noted that although the Comprehensive Plan has designated this area "limited residential", given the staff analysis, it was felt that the proposed R-1.5 district would fit in with the intent and purpose of low density characteristics of the Comprehensive Plan. As such, it had been concluded that the R-1.5 District would be consistent with the Comprehensive Plan. Commissioner Buelow stated that the initial environmental assessment worksheet for this project had called for a total density of 350. As of now, 195 dwelling units had been constructed.

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In response to a question, Mr. Espinosa explained that the Commission's meeting this afternoon was an off meeting. Although it would have been conceivable to hold off until next week to meet, the City may have run into problems with the 60 day rule in doing this.

At this point, Chairman Porter opened the public hearing and called for anyone who wished to speak to present first their name and address.

Ben and Gayle Goetzman, 22076 East Burns Valley Road, stated that although they had no objection to the development as proposed, they were concerned of potential storm water issues that may evolve from additional development upstream of their property. They explained that they are currently located at the intersection of Valley Oaks Drive and East Burns Valley Road and, historically, have experienced significant storm water issues resulting from the development. Although problems have been corrected, their intent this afternoon was to encourage that if development occurs, consideration be given to how that development may impact storm water drainage. It was noted by Chairman Porter that if the rezoning is to be approved, the next step in the development process would be the submittal of a final plat for the development. He presumed that such a plat would include a number of things, one being a comprehensive storm water management plan. Mr. Espinosa responded that this was true.

Tom Wynn, 279 Valley Oaks Drive, noted the following concerns:

- He asked how it was possible to have a public hearing this afternoon when no one knew the hearing was occurring. He did not feel that most neighbors knew the hearing was proceeding this afternoon.
- Although the developer referenced a homeowner association, no such housing association currently exists within the remainder of Valley Oaks. As a result, it was his feeling that restrictive covenants are not being enforced as they should be.

Jim Stier, 53 Oak Wood Court, stated that although a new sidewalk would be built within the limits of the seventh addition, those would not be extended to current sidewalk locations. He asked how these extensions would occur. Mr. Espinosa stated that given discussion with the City Engineer this afternoon, individual property owners would be responsible for this action. Estimate costs pertaining to a sidewalk would be \$27 per lineal foot. Mr. Stier further noted that although utilities in the area appear to be acceptable, he had concerns with storm water drainage and traffic increases.

Steve Kohner, 84 Forest Oaks Court, stated that both he and his wife may be interested in downsizing their home in the near future. Given this, and given that they like the Valley Oaks area; they were fully supportive of the proposal.

Jill Schmidt, 238 Oak Leaf Drive, stated that she too favors the concept and encourages approval of the rezoning.

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Mrs. Wynn, 279 Valley Oaks Drive, questioned the homeowner's association concept in relation to other subdivisions within Valley Oaks. She noted that although the concept appears to be a great idea, it would take a lot of work and persistence in making it happen.

Mrs. John Ayoub, 75 Shady Oaks Court, concurred with the previous comments and noted that a single homeowner's association should provide consistent guidance and enforcement to the entire valley. She further noted that her issue with the development does pertain to storm water management.

There being no further comments from the public, Chairman Porter closed the public hearing.

In response to a question from Commissioner Buelow, Mr. Rivers felt that the dam, that is currently located above the development, would be retained. Again, in addressing storm water management concerns that had been raised this afternoon, additional planning will be undertaken with final plat preparation.

At this point, Commissioner Davis recommended approval of the request to rezone the Valley Oaks Seventh Addition from R-1 to R-1.5. This motion was seconded by Commissioner Olson. Upon discussion, Commissioner Hahn stated that he has significant concerns of the lack of transparency regarding hearing notice. Chairman Porter stated that although he understood this concern, he also understood that the City is, by law, required to provide notice to certain people. If deviations occur, the problem to staff is where these end in that they may never go far enough. Commissioner Fritz stated that he too had concerns with the fact that notice did not extend to others within the valley. He suggested tabling the matter in order to allow additional resident feedback.

Chairman Porter stated that the change could impact many. Many current residents of the valley purchased their lots on an assumption that this area would be developed for single family detached purposes. Given that reliance, he was concerned that that trust would be compromised. He further noted that, in his mind, not all concerns had been properly addressed. When the question was called, the vote of the Commission was as follows: ayes; Commissioners Boettcher, Ballard, Davis, Buelow, and L. Olson; naves; Chairman Porter, Commissioners Fritz, and Hahn; abstaining none.

Chairman Porter declared the motion adopted and referenced the fact that the next step in the process would be submittal to Council for an additional hearing. He thanked those who had taken the time to come this afternoon.

### **CEQC Meeting**

Chairman Porter called on Mr. Espinosa to provide a summary of the most recent Citizen's Environmental Quality Committee meeting. Mr. Espinosa noted that during the Committee's last meeting of February 25<sup>th</sup>, it had decided to meet on April 8<sup>th</sup> for its next

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meeting which would be tomorrow. He emphasized that on March 19<sup>th</sup>, the Environmental Quality Board had approved a final draft of the document entitled "Tools to Assist Local Government in Planning for and Regulating Silica Sand Projects". This document recommends air quality monitoring at silica sand facilities. Given this information, the purpose of the Committee's meeting tomorrow would be to review these recommendations and to provide guidance as to how they may be implemented by the City. Commissioner L. Olson stated that he felt current regulations were adequate and that there was no further need to adopt more local rules of this issue.

Following brief discussion, it was suggested that the next time that the Committee provides recommendation to the Planning Commission; Committee representatives should appear in person.

### Commission Bylaws

Mark Moeller, City Planner, explained that the only reason this item had been included on the agenda was that it had been requested by the Chair during the last meeting. No further action of it is needed.

### Adjournment

There being no further business to come before the Commission, the meeting was adjourned.



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Mark Moeller  
City Planner