

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014**

MEMBERS PRESENT: Conard, Senkus, Potter, Neset and Pratt

MEMBERS ABSENT: None

OTHERS PRESENT: Larry Dunn, Wendy Dunn, Jennifer O'Neill, Roger Humphrey, Mike Hoefler, Jim Zeller, James & Charlene Ebben, Marc Putman, Tom McCormick, Dan Czuprynski, Jeff Holmes, Bob Carlson, Steve Dockery, Tim and Betty Caruso, Denny Darnold, David Gray and Elizabeth Moline

Chairman Neset called the meeting to order at 6:30 p.m.

MINUTES. Motion by Conard, second by Neset to approve the minutes of the September 30, 2013 meeting. **MOTION CARRIED, 5-0.**

Elizabeth Moline, Secretary, distributed a copy of Section NR 118.01 Purpose, Municipal Code § 255-2. Purpose and a Checklist for Findings and Conclusions. She stated that two of the applications referenced 'Purpose' so the handouts were for easy reference, and the checklist was prepared to assist with the Board's review of the variance requests. The checklist included the standards from Municipal Code § 255-91, E. with further explanation of each item.

David Gray, Building Inspector/Asst Zoning Inspector explained the general protocol for the meeting. He asked that people sign in so that this information is recorded in the minutes. He stated there are three applications (hearings) based upon the date the city received the applications, i.e., Mr. Tom Irwin first, St. Croix Marina second and Pier 800 third, as stated in the agenda. He introduced e-mails received after packets were provided to the Board members to be included in the staff report from Denny Darnold. The applicant will give testimony, then the hearing is open for public comment and close the hearing for deliberation by the board.

Chairman Neset opened the first hearing and noted it was for an application from Thomas R. Irwin, 1321 Boulder Point Drive, requesting variances to the required front yard setback pursuant to Municipal Code Chapter § 255-25, Dimensional Requirements for 609 Knollwood Dr., 613 Knollwood Dr., and 621 Knollwood Dr. in reference to constructing new single-family residences. The properties are zoned R-1, One-Family Residential District and are legally described as Lots 10, 11, and 13 of Knolls Ridge, City of Hudson, St. Croix Co., WI.

APPEAL NO. 229. Chairman Neset requested the staff report.

Gray stated that there was a letter received from Knollwood Drive residents noting strong opposition regarding the variance requests of Thomas Irwin, and he read the letter (dated May 6, 2014 and attached). Darnold stated the zoning classification is R-1, One-Family Residential, and the front yard setback is 30 feet. The request for variances is to reduce to 25 feet for the front yard setback being a five (5) foot variance within the Knollwood Drive development for three lots. The lots have steep grades on the south one-half of the lots which limits construction to an area of approximately 35 feet with the current required setback of 30 feet. The allowance of a variance will allow five (5) additional feet of buildable area and would reduce the amount of disturbance of steep slopes on the southern part of the lots.

CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014

Tom Irwin thanked the Board for taking the time to hear his request. He stated he met with staff regarding this request and went over the three (3) items included in his packet. He referenced the photos in his packet (Exhibits 2 and 3) and noted that as you enter the development (from Ninth Street) that the first two lots (south side of Knollwood Drive) are 25 feet setbacks, and these lots are adjoining those that he is requesting 25 feet. He demonstrated approximately five (5) feet distance from the edge of the podium area.

He further stated that a larger retaining wall than the existing one (Lot 12, 617 Knollwood Drive) would be required and is an unnecessary cost which is an unnecessary hardship. The unique property limitations are the steep slopes as shown on the diagram (Exhibit 1) and photo (Exhibit 3), the adjoining lots having 25 feet setbacks and are not built on yet. The public interest is protected as you reduce the amount of slope to be disturbed with less erosion control required and enhances from potential hazards and is better looking without retaining walls.

Pratt questioned why a house couldn't be designed without a change in setback. Irwin referenced Exhibit 1 showing the 25 foot setback and the 30 foot setback and the 35 foot footprint without disturbing the hill. Pratt asked if retaining walls would be built if there was a 25 foot setback. Irwin responded that the goal is to not have to construct a retaining wall.

Conard and Neset noted lots with 25 foot setback and there being a reason to change to 30 feet. Darnold stated that prior to 1993 the setback was 25 feet. The Zoning Code was amended and changed to 30 feet. Three years later when trying to require 30 feet in older parts of town, the code was amended to go to 25 feet within the older neighborhoods.

Dan Czuprynski, 616 Knollwood Drive, stated he has conflicted feelings. He knows Irwin as a responsible property owner and is probably better than a lot of others. When Irwin originally approached him, he did not oppose his request; but he misunderstood as he thought they would be further back. Lot 12 (617 Knollwood Drive) is right across the street, put in retaining wall, moved in with expecting that the look and feel would be maintained. The original developer went bankrupt and Irwin bought the lots, and he respects that. Upon review, he notes uniform looking curb appeal, nice street, nice neighbors, and adhere to zoning laws that were put in place at the time. Anthony (Aderhold, 605 Knollwood Drive) put the letter together but couldn't make the meeting so that is why he is here.

Irwin stated that he knows these folks and didn't realize they didn't understand; not talking about a whole lot – not major difference. The two first lots are 25 feet like the jogs that exist but could do smaller retaining walls.

Senkus asked for clarification of the width, and Irwin responded 105 feet. Gray noted that side yard setbacks are 10 feet.

Motion by Potter, second by Conard to close the hearing. **MOTION CARRIED, 5-0.**

CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014

Potter noted that lots 15 and 14 are 25 feet, and lot 12 is 30 feet; and Chairman Neset said correct with lots 15 and 14 being smaller lots. Chairman Neset stated there are the three criteria that need to be addressed.

Conard stated that lot 12 is already built on with 30 foot setback, and the three lots all look similar to him with lot 10 being slightly smaller. Chairman Neset noted that her site visit of lot 10 showed that it doesn't have as big a slope issue as the other two; all have slope issues from the cemetery.

Potter noted with the two existing lots with 25 feet, one lot with 30 feet, one existing lot with 30 feet and two lots with 25 feet why it would change site lines and affect traffic and speed; and she noted that it appeared the rest of the lots were built on. Gray noted that all are built on except one on the north, and lots 16 and 17 were preexisting but are set back 30 feet with walkout slopes. Pratt noted that he does not see how 35 feet (buildable area) is a constraint when the lots are 107 feet wide. It was noted that lot 10 has 75 feet as straight line with the balance as curve. Pratt noted he had trouble with hardship. Senkus stated she has trouble finding a hardship looking at the lots and width and working with 35 feet depth – plenty of space; 87 foot width with the 10 foot side yard setbacks is a sizable house including a garage without requiring a variance.

Conard stated he has a concern in regard to the public protection criteria to change to the 25 feet with the existing residence at 30 feet, and the lots have width. Gray noted that a wider house will be different, and Pratt commented that the existing is pretty wide. Chairman Neset stated we have to look at the neighbors and how they feel and look at it from a broader scale – building a wider house wouldn't make much difference. Potter noted that the property owner might not build at the 25 foot setback if the variance is granted. Conard stated that you can use the 35 feet and do a retaining wall as it has been done. Gray noted that the lot was configured for a tuck-under garage.

Conard questioned what hadn't been reviewed, and Chairman Neset noted the unique property limitations. Conard noted that the lots look similar, slopes similar; don't see them as unique. Potter noted that lots haven't changed since platted. Gray and Darnold noted that utilities and street were constructed upon approval of the preliminary plat (by the plan commission); and the final plat is brought back and is approved by the plan commission and common council, so improvements were in place.

Conard commented that he would look at this in a different way if 617 Knollwood Drive wasn't already constructed on, and Potter agreed. Conard asked if the review checklist had to be filled out, and Moline responded that this was prepared to be used as reference to assist with addressing the standards. Potter stated she was struggling with hardship and not seeing an issue to prevent development. Chairman Neset stated she did not see unique characteristics. Senkus stated that one lot has been built on without needing a variance.

Motion by Conard, second by Pratt to deny the variance requests (front yard setback from 30 feet to 25 feet) for 609 Knollwood Drive (lot 10), 613 Knollwood Drive (lot 11) and 621 Knollwood Drive (lot 13) as the three statutory requirements cannot be supported as there is no unnecessary

CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014

hardship, don't see any unique property limitations and protection of the public interest is not maintained because of the impact on the neighbors. **MOTION CARRIED, 5-0.**

Chairman Neset opened the second hearing and noted it was for an application from St. Croix Marina, 16 First Street, requesting variances to the required setbacks pursuant to Wisconsin Administrative Code NR 118.06(1)(e)1. Ordinary high water mark setback and NR 118.06(1)(f)1. Bluffline setback in reference to constructing a pavilion on a portion of the marina property commonly referred as the "The Point." The area is generally located west of STH 35 (Second Street), north of I-94, and south of Buckeye Street. The property is zoned I-1, Light Industrial District. The property is legally described as St. Croix Marina Condominiums, Document #375098, Volume 1, Page 6 and Amended and Restated Declarations, Document #375067, Volume 639, Pages 501-519 and as further amended, City of Hudson, St. Croix County, WI.

APPEAL NO. 230. Chairman Neset requested the staff report.

Gray stated an e-mail (dated May 16, 2014 and attached) was received after the packets were provided to the Board from Michael Wenholz, Department of Natural Resources (DNR); and he read the portion pertaining to the St. Croix Marina application.

Darnold stated St. Croix Marina is requesting variances from the (St. Croix National Scenic Riverway) setback of 100 feet from the ordinary high water mark (OHWM) to zero (0) feet and setback of 40 feet from slopes of 12% or greater to construct a pavilion on what is referred to as "The Point" which is a peninsula with grass area, fire pit, seeding and covers the entire point at the marina site. The DNR didn't think the setback from the bluffline was applicable, but Darnold disagreed because of the slopes greater than 12%. The Marina proposes an open air structure with a roof at a height of 18 feet, set on paved area, a seating area and a fire pit. The code changed about eight years ago that included flat pavers to be considered as structures. Darnold stated he had met with Mr. Wenholz to review the application.

Pratt commented that the DNR suggested that options exist and asked if these were discussed. Darnold responded that some items were discussed during their dialog as to what kind of improvements could be made that would be non-structural. The existing fire pit with surface such as pea gravel or permeable material would be allowed, but there was a strong objection to the pavilion itself.

Senkus questioned the recognition of permeable materials as there may be some sort of hard surface that is also permeable. Darnold responded that the DNR did not offer that consideration.

Bob Carlson, 1704 Laurel Avenue, President of the Board of Directors for the Marina, stated he was present in behalf of Ron Jansen, another director that is in California. He stated that the Marina is different; it is not a single family development. It is 300 houses called slips with 300 owners and roughly 600 individuals involved. They (representatives of the Marina) entered into this process (of how to improve the point area) about two years ago as the area is useless. It is a grassy area that is hard to care for and is unsightly. Of the 300 users, about 54% are renters; and additionally, they rent sites for overnight visitors with lots of people coming in from families

CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014

during the summer.

He gave a brief history and purpose being that the area was built in the 1900's as a lumber mill pond. All of the property is in the designated floodplain. Sometime in the 1970's there was a bunch of concrete that was taken up in the city (possibly Second Street) and was put on the point area. In 1994-95, the shoreline area was improved. In 1981 the St. Croix Marina Condominium was established and legally became real property and has been taxed that way. The Marina is the basis for taxes. During the 1990's they demolished all the older buildings including two houses and put in two new structures. They installed a removable structure at the south end, and in the 2000's they improved the flotation deck, electricity and deck surfaces of all six docks. They did the work on their own with their own capital without variances and so forth and have a history of upgrading the property for all. They also provide good will for law enforcement, EMTs, WI DNR, and St. Croix County Sheriff at their own expense. The local sailing club uses the clubhouse facilities. The clubhouse is reserved about 100 times per year for scout meetings and the like; boater safety courses two times a year. They entered the process knowing they would have some difficulties; however, they are at a real disadvantage as they have not talked to the people at the DNR.

He further stated that when you refer to hardship, there are elderly that stay on site and use the facilities and would appreciate shade and some protection from weather. He noted that contractors have given them some bids.

As to hardship, this is the only place to do this, and everything is in the floodplain. He again stated that they haven't had an opportunity to talk to the DNR and asked if the matter can be tabled. Potter asked if he was requesting that, and he responded yes or at least some direction. Darnold suggested a postponement to allow him and the Marina to talk with the DNR as their comments came in Friday. The gentleman (Mr. Wenzholz) was out of town and unable to attend tonight's meeting. Darnold commented also the Board should consider looking at the purpose of the Riverway and Municipal Code as conflict to the purpose is a concern. The formal request is up to the Board.

Larry Dunn, 707 Lund Street N, stated he was concerned about cutting out the view. He has a picture from people that used to own the marina in 1971 that showed the area was industrial and looked like h___. He has been here 35 years, been in marina for 18 years; and quite frankly, it was a mess. He thinks it is freeway and bridge riprap. He doesn't want a 24 foot roof right in his side yard, have an existing fire pit there now, elderly are moved up and down ramps.

Carlson commented that they want to improve the view for people on the river and would be a nice addition.

Jim McCormick, slip owner in Dock D with Larry (Dunn) in Dock E and treasurer for the Marina, stated the Marina has had about \$18,000 net income left in the last five years – add depreciation, and they have lost a considerable amount of money. They have \$1.4 million revenue, employ 18 people and have long standing facilities as Hudson businesses. More than half of the slips are rented that maintain the quality of the facilities that they are part of, and it is necessary to keep up the area. The e-mail from the DNR, received last Friday, is a determination

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014**

for the future and indicates the Marina cannot do minor improvements; can't compete with competitors. Bayport spent \$2.4 million to upgrade. There has been no discussion, and the DNR answer is to throw some pebbles out there. If variance is denied, they start over; and there is nothing more to discuss. Minnesota has some of the same issues. Some zoning boards are granting the variances, and the DNR will appeal so dialog can be done. DNR does not have carte blanche. Last year was their lowest year of income and can't ignore their facilities and compete.

Potter asked what the height was, and the response from someone was 15 feet. She commented that this would cut into the sight line, and Carlson responded that it is basically an open air facility like an umbrella.

Pratt asked about the wildlife, and the response was plenty of geese. Conard asked about deterioration from flooding. Carlson stated it has been flooded about six times in recent years. The structure will be built to resist flooding as much as possible with anchors to hold it in place because of wind also. McCormick stated pavers are an advantage for flooding purposes as pea gravel would wash away. Pratt asked if pavers would be for the floor of the pavilion, and the response was yes and the area around it for about 1600 sq. ft.

Motion by Potter, second by Senkus to close the hearing. **MOTION CARRIED.** 8:48 p.m.

Conard stated he would like to see dialog go on. He is conflicted but would like to move ahead noting the DNR and Marina people should talk. Pratt asked how we force them to the table. McCormick suggested the Board approve and force the DNR to appeal. Darnold stated that based on the criteria, if an appeal of a decision is made, the issue goes to circuit court. He suggested the Board consider postponement and allow deliberation between the DNR and Marina.

Motion by Potter, second by Pratt that based on the applicant's request to postpone the request for variances to provide time for the DNR, Marina and City to review. **MOTION CARRIED.** 5
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Carlson asked if they had to reapply; and Darnold responded a meeting would be set after further review, and the five members here would have to be present.

Chairman Neset opened the third hearing and noted it was for an application from Timothy & Betty Caruso/Jennifer O requesting variances to the side yard setback pursuant to Municipal Code Chapter § 255-25, Dimensional Requirements for OFC, Office District; Municipal Code Chapter § 255-34 A.(4) Landscape Requirements; Municipal Code Chapter § 255-18 St. Croix River Wild and Scenic Riverway and Shoreland Protection Overlay District in reference to Wisconsin Administrative Code NR 118.06 (1)(e)1. Ordinary high water mark setback, NR 118.06(1)(f)1. Bluffline setback and NR 118.06(5) Slope preservation zone standards in reference to renovation of an existing building at 811 First Street and constructing another building to the south and parking area. The property is zoned OFC, Office District and is generally located at First and Elm Streets west of First Street (commonly known as the former Nor-Lake warehouse facility). The property is legally described as part of Sections 24 and 25, T29N, R20W being part of Lots 1, 2, 3, 4 and 5, Block 7, of Daniel M Addition; part of Lot 1, Block 8 of Buena Vista Addition; part

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**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014**

of vacated Elm Street west of First Street, City of Hudson, St. Croix County, WI.

APPEAL NO. 231. Chairman Neset requested the staff report.

Gray referenced the e-mail (dated May 16, 2014 and attached) from Michael Wenzholz, Department of Natural Resources (DNR); and he read the portion pertaining to the Caruso/O'Neill application.

Darnold stated the application from Timothy and Betty Caruso/Jennifer O'Neill requests five (5) considerations:

- 1) side yard for south building from 20 feet to 10 feet being a 10 foot variance
- 2) parking lot setbacks from the south and west property lines from 10 feet to 4 feet (being 6 foot variances)
- 3) bluffline setback in the area south of Elm Street and along the west property line for proposed parking from 40 feet to zero (0) being a 40 foot variance
- 4) Ordinary high water mark setback from 100 feet to 65 feet (at the nearest point to west property line) being a 35 foot variance
- 5) slope preservation areas in the south area at two locations where the parking lot is proposed.

Darnold stated that during his discussion with the DNR, he noted that this a disturbed site because of the former railroad, driveways, pathway improvements and over time changes made by development. The current property owners did not create the conditions that now exist. In consideration of the Riverway regulations, look at 'Purpose' in Chapter NR 118; and he read NR 118.01. He noted that the area is connected to the public sanitary sewer system.

Chairman Neset questioned where the west property line was, and Darnold responded just east of the trail about 10 feet. He further stated that the southwest portion of the trail encroaches on private property, and it is the intent of the parks department to move it.

Conard asked if the issues were discussed with the DNR, and Darnold responded yes. He stated that he thinks this area has been disturbed with manmade slopes and small in area with different developments over the years, but the DNR does not agree. He is not speaking for the DNR but noted they question if the area is natural or has been disturbed.

Roger Humphrey, Humphrey Engineering said he has been President of Humphrey Engineering for 17 years and practiced for 28 years with licenses for professional engineering and land surveying. He introduced Mike Hoefler, HAF Group as the project architect and Marc Putman, Putman Planning & Design.

Mike Hoefler, HAF Group noted that he is representing Jenny O'Neill, O'Neill Law firm and their move to main street (First Street). He referenced the site plan. He looked at the overall scale of the area, what repair work could be done, the size and what it could be used for; and office seems the best. The development team moved forward. The property has been rezoned. They looked at being proportionate in the size of buildings with the neighbors. They propose

CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014

taking an area out of the center of the existing building to allow access off the main street (First Street) and connection to the parking lot (about 2,000 sq. ft.) and will look like two smaller buildings, more scaled to the neighborhood. The current loading dock area is about four feet above the parking lot, and stairs will be constructed by First Street. The south building will also have access come off of the parking lot as the clientele requires more accessibility.

Class A buildings are proposed with plaster, stucco, generous amounts of glass with two towers that designate the entrances to the buildings. The building on the north will be 9,000 sq. ft., and the south building will be 5,800 sq. ft. – not too large.

Neset asked if they are using the exact footprint of the (former) Nor-Lake building, and Mike responded yes but will be cutting out the center area. Potter asked about the height, and Mike responded about the same – 35 feet including the towers with the tower about 6 feet. Potter asked if the view from across the street was considered; and Mike responded there is nothing across from the south building, but some views will be reduced.

Humphrey referred to the large size board on display of page C2.2 of the proposed plans. He noted the parking lot further to the east; storm water management with roof drains, rain gardens and subsurface chambers below paved surface and into water; (existing) storm sewers on north and south areas.

Marc Putman, Putman Planning and Design distributed three documents (The Pier 800 Site: Past to Present, 4 pages 11 x 17; colored aerial view, 1 page 11 x 17 and enlarged diagram of the southwest corner of the site with red markings noting changes, 1 page 11 x 17). Putman stated they took the site plan and showed the accumulated history of the site over 100 years with the railroad being there before 1900. The railroad was the first disturbance done with horses and boxes to fill to the river side created from cuts for the railroad. He noted 1938 photo with Building 1 with the road around it being the existing trail and the 1957 photo with Building 1 and Building 2. He does not have any photos from the 1890s, but railroad lines were shown on 1939 documents. Since that time, slopes were created, areas disturbed and multiple changes made. NR 118 was created in 1980 to protect the natural beauty and improve whole circumstances with the best management practices which is getting to some of the critique of the DNR.

Humphrey stated that NR 118 designates river town zones; and they are Osceola, Prescott, St. Croix Falls and Hudson. This is unique property within a river town district – not same; Hudson stands out from the rest. The population review of the river town districts shows 59% of the total density is Hudson – much more urban; shoreline aspects are entirely different; Osceola – it's way above the water.

Putman confirmed that there is a difference. The second unique property limitation is the umbrella of the entire ordinance – why pick out only four communities to have something other than the rest.

Putman continued that with everything taken into consideration as to whether variances should be granted, they have provided information for the three key elements – unnecessary hardship, unique property limitations and protection of the public interest. Literal enforcement of the code

CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014

is why standards should not apply to provide a positive balance to the full array of all elements. They seek minimal relief for the variances; have done their best for parking and grading with the site; rigid rules; naturally occurring conditions that are not of their doing or the present owners. He reviewed the Owner Responses to DNR Opinions as noted on the handout with additional comments that it is unnecessarily burdensome; disturbed railroad ties; well used site; it is not a self-serving event; revisit the purpose of NR 118 to reduce the adverse effects and look at what they are trying to do. They just received the DNR information recently but have tried to respond to the DNR observations in a positive way.

Humphrey stated there have been cuts, filling, full land disturbance prior to the creation of NR 118. The DNR referenced the rezoning, but there is no reasonable use possible without a variance. Financial basis is not being used as a hardship; it is the intent to maintain property values. The DNR said it is not unique, and he referenced the aerial photo showing size, slope, location, uses north and south of the property, railroad bed, area down to the river and sits within river town zone. He referenced page 2 of the handout pointing out the slope preservation zones that are like measles and stated the sq. ft. of each with the total being less than 9,000 sq. ft. He pointed out areas with 12% slope more than 25 feet in length but less than 50 feet with the orange/red being more than 50 feet. Anything next to the building is manmade and referenced the photos on page 3 of the handout. There is concrete debris and poor soil conditions. As noted on page 3, the absence of variances denies any reasonable permitted use of the property.

Putman referred to the Owner Responses to the DNR and observations. He noted the Mitigating Revision Options. He clarified that this is all one project and not two. He noted the southwest corner plan amendment (small diagram on lower right corner of page 3 of the handout and the one page, 11 x 17 enlargement) compared with page C2.2 (page 4 of the handout). He pointed out the existing terraced area referenced; the American Disabilities Act (ADA) requirements to get to the building; the removal of parking stalls and that the Riverway Ordinance does require reasonable accommodation of disabled persons; much focus on the buildings and their improvements; view from the centerline of the channel being approximately 3,013 feet with islands and tress in the way – tough to see building; not disturbing trees that shield area and not opposed to replanting trees and offer of public use of the parking lot.

Conard asked if the existing trail would still have to be moved with the mitigating action. Humphrey noted property line and noted that there are possible changes that could be done.

Pratt asked about the parking availability for the proposed occupancy. Darnold stated that off-street parking is based on net usable area of the building(s); so if you take out hallways, bathrooms, mechanical rooms, etc., 67 stalls would be required with 71 being proposed including the four being proposed for removal. The north building is open tenant space so used the entire area with the maximum of 67 – could be less.

Chairman Neset inquired about the parking lot setback. Darnold responded that the parking setback is 10 feet from the property line, and the proposal varies with the request for variance being the least amount. Conard asked if this has been before the park board and/or plan commission, and Darnold responded no. Darnold noted that adjustments need to be made and/or variances granted so there is a ‘clean plan’ for review purposes.

CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014

Steve Dockery, 927 Second Street uses Orange Street to get to the river. He stated the city did not want vehicles down there and driving up. The area was for bikes, canoes, kayaks; and about two years ago, the boat docks were to be taken out. The city is known for its beauty and trail like settings as noted on travelwisconsin.com. How can we have an entire city block of parking; not a lawyer – they raped the land earlier with law put in effect to prevent what was done in the past. Three houses look at green pasture to river, and how does it increase value to go from a park like setting to a parking lot – would not be able to see my house with advertising for parking lot – uniqueness because it is a river town – ordinance put in because it is unique being one of four in state, but they want to change to a parking lot view – agree that something needs to be done – Nor-Lake is an eyesore because of setup and ordinance it is hard to do anything with it – go back to 1938 or think of a better plan so we do not have a parking lot for 67 cars leaking oil, various fluids, conduit out to the river to 60-100 feet away – don't swim in middle of river; swim a block away at beach; can't swim with car fluids – do we want this? – storm sewer at Orange and Myrtle with river flowing south – eyesore and try to improve community but do not want to risk my children to provide a parking lot.

Betty Caruso, 1128 Third Street, stated they have owned the property for about 10 years and one of the three houses he (Dockery) is talking about. She has mixed feelings about the site, but the last 3 years they have put in about \$10,000 for tilling, spraying weed killer, seeded and watered and are still battling it. Drainage, infiltration comes off the city streets and will be improved with the development. Would like to do condos but don't want to look like Stillwater; not building in front of houses; will address lighting; it is exciting; it is a good transition for the neighborhood and will benefit the area.

Humphrey stated the parking lot will have an entrance to Orange Street with curb and gutter, surmountable in the middle, and gate for fire code. There will be a storm sewer device and/or infiltration system to hold the water before being infiltrated or discharged to the river.

Jennifer O'Neill, attorney here in Hudson and lives in River Falls stated many of her clients are disabled/elderly. She stated the area she has now is too small; and when driving past this site, she saw a beautiful space for clients and staff. She has a love for the community and natural resources, and it will not be a big/ugly parking lot but a beautiful usable space.

Pratt questioned what could be done about the parking lot in terms of view such as landscaping the property to alleviate that concern. Putman responded that additional shrubs are possible, could plant materials that grow fast; not normal to see vegetation in a parking lot; downtown guidelines include issue regarding parking lots such as dividing with landscape islands and noted subsurface treatment system for best management practice; can do screening.

Motion by Potter, second by Senkus to close the hearing. **MOTION CARRIED.** 9:08 p.m.

Potter stated we received an enormous amount of information and presented additional information tonight. It is a huge change and impact to the neighborhood, and we know what the neighbors think. Pratt stated that knowing what he knows now he would like to go back to the site again possibly with a guide. Chairman Neset and Potter agreed. Conard asked if we had

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS
PUBLIC HEARING & MEETING
MAY 20, 2014**

talked to the DNR, and Darnold responded he had met with Mr. Wenholz last Friday. Conard asked if something could happen there; and Darnold responded yes being similar to the previous application.

Pratt stated that the application builds a good case. Darnold referenced the purpose as per NR 118 and city code and if there are unique considerations or are within the scope of NR 118. There was only one public comment for the rezoning in regard as to whether they are going to provide enough parking because they don't want to see the street used for parking. There have been no prior public comments other than one gentleman that came in to review the proposal. Darnold stated the Board can act on all or part tonight; it is up to the Board. The DNR representative is not available this week, but Darnold could contact him on Monday.

Conard stated he would like to see a meeting with the DNR to alleviate legal action. He would like to postpone to have more time to digest, have mediation and to view site; and Potter agreed. Darnold stated that we would need to post and conduct any site visit as a meeting with a minimum of 24 hours notice.

Motion by Conard, second by Potter to postpone to provide more time to review with a site visit with Darnold and applicant to meet with the DNR. **MOTION CARRIED.**

OTHER BUSINESS FOR INFORMATION PURPOSES ONLY OR FOR UPCOMING AGENDAS. Nothing else.

Motion by Potter, second by Conard to adjourn. **MOTION CARRIED.** 9:17 p.m.

Respectfully submitted, Elizabeth Moline, Secretary