



October 14, 2021

City of La Crosse Common Council  
400 La Crosse St.  
La Crosse, WI 54601

**Re: *Agenda Matter Numbers 21-1190 and 21-1192***

Dear La Crosse City Council:

Residents of the Green Island neighborhood have requested I review the request for rezoning by Bethany Lutheran Homes (“Eagle Crest”) matter numbers 21-1190 and 21-1192 and whether alternatives to the blanket request be made.

The purpose of the application, I have been told is so that Eagle Crest can build a 4 story building within their current footprint. None of the neighbors object to the this plan but do not desire a rezoning that results in unintended consequences - the proverbial Pandora’s Box. The current zoning district (R-5) contains a height restriction of 45 feet or three stories and the City administration has determined a variance or exception is not possible. Consequently, Eagle Crest has been forced to apply for R-6 rezoning for its entire 5 acre parcel. Under R-6 zoning buildings can be built up to 100 feet in height or ten stories.

In La Crosse both R6 zoning and 10 story buildings are not common and the Green Island neighbors would prefer not to have 10 story buildings looming behind them. The current administration of Eagle Crest agrees and is open to limitations provided they can still add a fourth, not a tenth story. The City Planning Department has correctly stated that conditional zoning is not allowed (ie you are R6 on the condition you do not build above 5 stories). There are multiple alternatives though and the City Council should take those into consideration and refer this matter for thirty days while those are worked out.

Two viable alternatives are (a) Eagle Crest entering into a Development Agreement with the City whereby Eagle Crest agrees not to build above five stories or add additional buildings or (b) Eagle Crest could place a restrictive covenant on itself restricting the height. Either the covenant could run to the benefit of either the neighbors or the City Council. In each of these alternatives the current Eagle Crest administration’s intent could be carried out while restricting actions of some future administration or owner.

Rezoning is voluntary to the City Council. The decision to rezone is grave and unintended consequences should be avoided. Please vote to refer matter 21-1190 and 21-1192 for thirty days so the unintended consequences to the neighbors can be allayed.

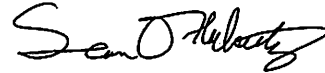
4819-1643-5455, v. 1

October 14, 2021  
Page 2

Thank you for your attention to this matter.

Sincerely,

**O'FLAHERTY LAW, LLC**



Sean O'Flaherty

[sean@lacrosselaw.com](mailto:sean@lacrosselaw.com)

(608) 785-3255

SOF/nls

cc: Mr. Patrick Scheller (via email)