

CITY OF ONALASKA MEETING NOTICE

COMMITTEE/BOARD: Plan Commission Sub-Committee

DATE OF MEETING: February 12, 2019 (Tuesday)

PLACE OF MEETING: City Hall–415 Main Street

TIME OF MEETING: 4:30 P.M.

PURPOSE OF MEETING

1. Call to Order and roll call.
2. Approval of minutes from the previous meeting.
3. Public Input (limited to 3 minutes per individual).

Consideration and possible action on the following items:

4. Review and consideration of a Conditional Use Permit request filed by Kathy Edwards of Hands That Care, 616 8th Avenue North, Onalaska, WI 54650 for the purpose of allowing the operation of a home occupation (in-home massage therapy business) at the property located at 616 8th Avenue North, Onalaska, WI 54650 (Tax Parcel # 18-2350-0).
5. Review and consideration of a Conditional Use Permit request filed by Jarrod Holter, City Engineer / Director of Public Works of the City of Onalaska, 415 Main Street, Onalaska, WI 54650, on behalf of the City of Onalaska, 415 Main Street, Onalaska, WI 54650 for the purpose of constructing a 160' x 60' addition to the west of the existing structure with a new driveway along the western edge of the property line of the property located at 252 Mason Street, Onalaska, WI 54650 (Tax Parcel # 18-5905-0).

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the committee may attend this meeting to gather information about a subject over which they have decision making responsibility.

Therefore, further notice is hereby given that the above meeting may constitute a meeting of the Common Council and is hereby noticed as such, even though it is not contemplated that the Common Council will take any formal action at this meeting.

NOTICES MAILED TO:

Mayor Joe Chilsen

* Ald. Jim Binash – Chair

Ald. Jim Olson

Ald. Jerry Every

Ald. Diane Wulf

Ald. Ron Gjertsen

Ald. Kim Smith

* Jarrod Holter, City Engineer

City Attorney City Administrator

La Crosse Tribune Dept. Heads.

Coulee Courier FOX

WKTY WLXR WKBT WXOW WLAX

*Committee Members

*Knutte Temte

* *Kevin Schubert

Kathy Edwards

Benjamin Phillips/Manuel & Lynnae Rivera

Richard & Judith Volden

Plan Commission Members

Onalaska Omni Center

Onalaska Public Library

* * Alternate Member – for City Engineer

Date Notices Mailed and Posted: 2-6-19

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

6. Review and consideration of a rezoning request filed by Benjamin Phillips of Phillips Outdoor Services, Inc. on behalf of Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650, to rezone the properties located at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650 from R-1 (Single Family Residential District) and T-C (Transitional Commercial) to B-2 (Community Business) for the purpose of moving and operating the Phillips Outdoor Services, Inc. business at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650 (Tax Parcels # 18-3607-0 & 18-3567-10).
7. Review and consideration of a Conditional Use Permit request filed by Benjamin Phillips of Phillips Outdoor Services, Inc. on behalf of Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650, for the purpose of constructing a second principal structure (40' x 120' storage building) on a single parcel located at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650 (Tax Parcels # 18-3607-0 & 18-3567-10).
8. Review and consideration of a request by Gerald Valley, General Merchandise Manager of Shopko to host an extended tent sale event in 2019 at 9366 State Road 16, Onalaska, WI (Tax Parcel #18-3589-9).
9. Review and consideration of an annexation application for N5560 Abbey Road and N5538 Abbey Road, Tax Parcel #'s: 10-2329-1 & 10-2333-0 (.84 acres total) filed by Richard & Judith Volden, 573 Fairway Creek Drive, Onalaska, WI 54650.
10. Notification of presentations to be held at Plan Commission meeting on February 26, 2019 by Hoisington Koegler Group inc. (HKgi) regarding discussion and feedback on:
 - a. Community Development Authority (CDA) draft Redevelopment Plans for State Road 16 and Downtown Onalaska
 - b. Unified Development Code / Zoning Ordinance Rewrite Project
11. Adjournment.



CITY OF ONALASKA

Agenda Item:

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STAFF REPORT

Plan Commission Sub-Committee – February 12, 2019

Agenda Item: Review and Consideration of a Conditional Use Permit (CUP) request to allow a home-based business, Hands That Care, a Single Family and/or Duplex Residential (R-2) District.

Applicant/Owner: Kathy Edwards, 616 8th Avenue North, Onalaska, WI 54650

Parcel Number: 18-2350-1

Site Location: 616 8th Avenue North, Onalaska, WI 54650

Background:

This Conditional Use Permit (CUP) request pertains to allowing a home occupation in a residential zoning district. “Hands That Care” is a massage therapy-based business providing relaxation and stress relief services in a calming environment. The applicant intends to utilize one (1) room in the residence and would see clients one (1) at a time. The clients will be able to park in the garage/driveway, with no on-street parking needed.

A Conditional Use Permit is permitted only by approval of the Plan Commission 13-5-16 (d) and pursuant to standards set forth in Sections 13-8-11. The City has no basis for denial of the Conditional Use Permit, but has found a basis to impose the following conditions:

Substantial Evidence Regarding Conditions of Approval:

1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.

Substantial Evidence: This condition provides notice to the owner/developer that they are to follow procedure for orderly development in the City of Onalaska in order to promote the health, safety and welfare of the City.

2. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.

Substantial Evidence: This condition acknowledges and provides public notice of the term and puts the owner/developer and future owners on notice that they are bound by the conditions and that they can continue the use as long as they follow the conditions and actively use the conditional use.

3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and Building Code requirements, as amended.

Substantial Evidence: This condition assures that the owner/developer understands they must follow the City’s Unified Development Code and Building Code which they are required to follow in every way and that as they are receiving the benefit of being allowed to have a use that is not within the standards of the City’s zoning code, failure to follow City ordinances may result in loss of their conditional use permit.

CITY OF ONALASKA

4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.

Substantial Evidence: This shifts the burden to the owner of the property to provide proof that the use is active and continuing. Ensuring that existing permits are still valid and being properly used ensures compliance with the City's procedures and ordinances and promotes interaction and communication with the City which further orderly development and the health, safety and welfare of the City.

Action Requested:

As a public hearing will be held, testimony based on substantial evidence from the public should be listened to and considered before deciding on the requested Conditional Use Permit application. Only where no reasonable conditions could exist to allow the Conditional Use, may a Conditional Use Permit be denied.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION SUB-COMMITTEE:

February 12, 2019

Agenda Item 4:

Review and Consideration of a Conditional Use Permit request filed by Kathy Edwards of Hands That Care, 616 8th Avenue North, Onalaska, WI 54650 for the purpose of allowing the operation of a home occupation (in-home massage therapy business) at the property located at 616 8th Avenue North, Onalaska, WI 54650 (Tax Parcel # 18-2350-0).

1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining applicable building permits. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
2. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.
3. Owner/developer shall abide by the City's Ordinances, Unified Development Code and Building Code requirements, as amended.
4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

CONDITIONAL USE PERMIT APPLICATION

Property Address:
616 8th Ave. N

Parcel Number:
18- 2350-0

Zoning District:

Applicant: Kathy Edwards

Contact:

Mailing Address: 616 8th Ave N

City, State, Zip: ONALASKA, WI 54650

Phone Number: 608-385-3703

Email: kathyjune@charter.net Primary Contact

Business: HANDS That Care

Owner/Contact: KATHY Edwards

Mailing Address: 544 2 Ave. N

City, State, Zip: Onalaska, WI 54650

Phone Number: 608-385-3703

Email: kathyjune@charter.net Primary Contact

Property Owner: Kathy Edwards

Contact:

Mailing Address: SAME ↑

City, State, Zip:

Phone Number:

Email: Primary Contact

The undersigned hereby makes application at the location stated herein. Ther undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant: <i>Kathryn J Edwards</i>	Date:
Signature of Property Owner: <i>Kathryn J Edwards</i>	Date:

Compatibility with Surrounding Neighborhood:
I know and I am compatible with all my neighbors. I have lived here since 2002.

Consistency with the Comprehensive Plan:
I would be seeing just one client at a time so there will be no parking issues.

Importance of Services to the Community:
I work with stress relief techniques.

Neighborhood Protections (avoidance of negative externalities):
I have been working with a favority of people for over 40 years in a calm + peaceful environment.

Other Factors (pertinent to the proposed use):

OFFICE USE ONLY:	Date Submitted:	Permit Number:
Permit Fee:	<input type="checkbox"/> Cash <input type="checkbox"/> Check #	Application Received by:



CONDITIONAL USE PERMIT APPLICATION

The following checklist will ensure the timely processing of your permit:

➔ **Overview/ Cover Letter Describing the following:**

- ▶ Detailed Description of Proposed Conditional Use
- ▶ Description of how Proposed Conditional Use Meets Unified Development Ordinance Standards (use form on next page or attach an explanation each of the following:)

 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and polices)
 - ▶ Importance of Services to the Community (provided by the proposed use)
 - ▶ Neighborhood Protections (avoidance of negative impacts)
 - ▶ Other Factors (pertinent to the proposed use)

➔ **Site Sketch and Photographs** (if applicable)

➔ **\$250 Permit Application Fee** (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Conditional Use is a land use or development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require additional conditions set by the Plan Commission & Common Council before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Application for:

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Fence | <input type="checkbox"/> Two Structures on one parcel | <input type="checkbox"/> Parking Lot |
| <input checked="" type="checkbox"/> Home Occupation | <input type="checkbox"/> Automotive Repair / Sales | <input type="checkbox"/> Use _____ |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Warehousing / Storage | <input type="checkbox"/> Other _____ |

Brief Description of Proposed Conditional Use:

I will be using one room in my home for HANDS That Care. I will see one client at a time and they can park in my garage. (so off street parking) I help people relax and relief stress.

Proposed conditional use must meet the requirements of the Unified Development Ordinance. Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Councilors are unable to discuss this matter outside of a scheduled public meeting. Thank you.

APPLIED 250.00
TENDERED 250.00

PAID BY: KATHRYN EDWARDS
OK 250.00 FEB 18 10:27

18-2350-0 / 616 8TH AVE N 250.00

CITY OF ONALASKA
REC#: R00135680 1/22/2019 3:21 PM
DEPT: 450 PLANNING & ZONING
OFFER: 01 TERM: 1
TRBY: CASH 01

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF ONALASKA**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on

**TUESDAY, FEBURARY 26, 2019
APPROX. 7:00 P.M.
(or immediately following public input)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application submitted by Kathy Edwards of Hands That Care, 616 8th Avenue North, Onalaska, WI 54650 for review and consideration of request for a Conditional Use Permit (CUP) to allow the operation of an in-home massage therapy business at the property located at 616 8th Avenue North, Onalaska WI 54650.

Property is more particularly described as:

Computer Number: **18-2350-0**

Section 04, Township 16, Range 07

1ST ADDN TO GUENTHER ADDN LOT 5 BLOCK 4

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney concerning this matter.

More detailed information on this item will be posted to the City of Onalaska website www.cityofonalaska.com the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

Dated this 8th day of February, 2019.

Cari Burmaster
City Clerk

<p>Pursuant to Act 67 passed in December 2017 the standard for review of Conditional Use Permits by Planning Commissions has changed in two significant ways. First, the burden of proof for denying a permit or imposing a condition is on the City and not on the applicant. In other words, unless there is a substantial reason to impose a condition or deny a permit, the permit must be issued without conditions. Second, any condition imposed must be based upon substantial evidence. Substantial Evidence must be fact based and cannot be based upon personal feeling, emotion or conjecture.</p>
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Properties within 250 ft of Parcel No's. 18-2350-0

1 inch = 100 feet



Disclaimer: This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.



CITY OF ONALASKA

Agenda Item:

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STAFF REPORT

Plan Commission Sub-Committee – February 12, 2019

Agenda Item: Review and Consideration of a Conditional Use Permit (CUP) request to construct a 160' x 60' addition to the west of the existing structure.

Applicant/Owner: Jarrod Holter, on behalf of City of Onalaska, 415 Main Street, Onalaska, WI 54650

Parcel Number: 18-5905-0

Site Location: 252 Mason Street, Onalaska, WI 54650

Background:

This Conditional Use Permit (CUP) request pertains to allowing the construction of a 160' x 60' addition to the west of the existing structure with a new driveway along the western edge of the property line of the property located at 252 Mason Street, Onalaska, WI 54650 (Tax Parcel # 18-5905-0).

A Conditional Use Permit is permitted only by approval of the Plan Commission 13-5-15 (b) and pursuant to standards set forth in Sections 13-8-11. The City has no basis for denial of the Conditional Use Permit, but has found a basis to impose the following conditions:

Substantial Evidence Regarding Conditions of Approval:

1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.

Substantial Evidence: This condition provides notice to the owner/developer that they are to follow procedure for orderly development in the City of Onalaska in order to promote the health, safety and welfare of the City.

2. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.

Substantial Evidence: This condition acknowledges and provides public notice of the term and puts the owner/developer and future owners on notice that they are bound by the conditions and that they can continue the use as long as they follow the conditions and actively use the conditional use.

3. Owner/developer shall abide by the City's Ordinances, Unified Development Code and Building Code requirements, as amended.

Substantial Evidence: This condition assures that the owner/developer understands they must follow the City's Unified Development Code and Building Code which they are required to follow in every way and that as they are receiving the benefit of being allowed to have a use that is not within the standards of the City's zoning code, failure to follow City ordinances may result in loss of their conditional use permit.

CITY OF ONALASKA

4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.

Substantial Evidence: This shifts the burden to the owner of the property to provide proof that the use is active and continuing. Ensuring that existing permits are still valid and being properly used ensures compliance with the City's procedures and ordinances and promotes interaction and communication with the City which further orderly development and the health, safety and welfare of the City.

Action Requested:

As a public hearing will be held, testimony based on substantial evidence from the public should be listened to and considered before deciding on the requested Conditional Use Permit application. Only where no reasonable conditions could exist to allow the Conditional Use, may a Conditional Use Permit be denied.

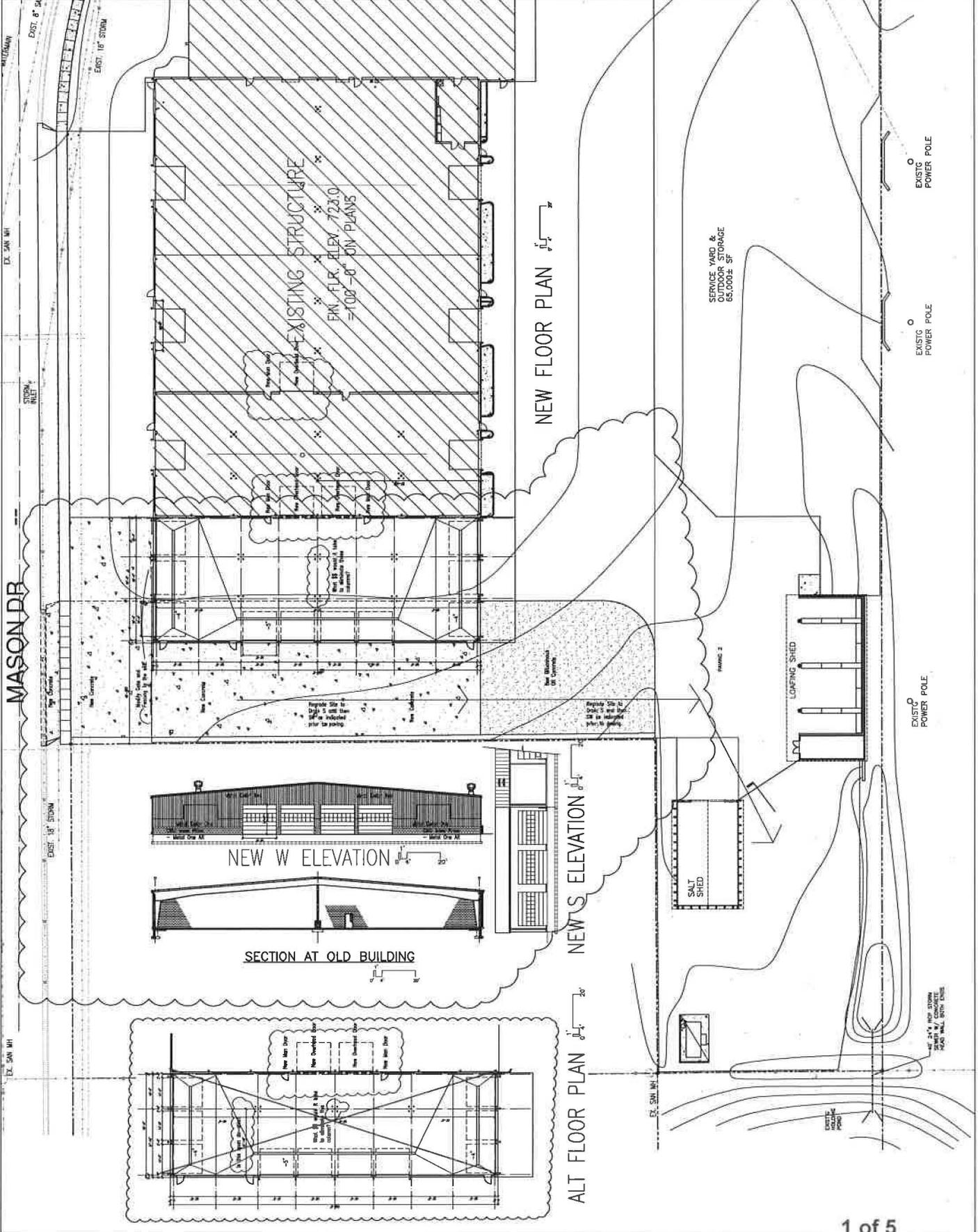
REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION SUB-COMMITTEE:

February 12, 2019

Agenda Item 5:

Review and Consideration of a Conditional Use Permit request filed by Jarrod Holter, City Engineer / Director of Public Works of the City of Onalaska, 415 Main Street, Onalaska, WI 54650, on behalf of the City of Onalaska, 415 Main Street, Onalaska, WI 54650 for the purpose of constructing a 160' x 60' addition to the west of the existing structure with a new driveway along the western edge of the property line of the property located at 252 Mason Street, Onalaska, WI 54650 (Tax Parcel # 18-5905-0).

1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining applicable building permits. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
2. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.
3. Owner/developer shall abide by the City's Ordinances, Unified Development Code and Building Code requirements, as amended.
4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.







City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

CONDITIONAL USE PERMIT APPLICATION

The following checklist will ensure the timely processing of your permit:

➔ **Overview/ Cover Letter Describing the following:**

- ▶ Detailed Description of Proposed Conditional Use
- ▶ Description of how Proposed Conditional Use Meets Unified Development Ordinance Standards (use form on next page or attach an explanation each of the following):
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and polices)
 - ▶ Importance of Services to the Community (provided by the proposed use)
 - ▶ Neighborhood Protections (avoidance of negative impacts)
 - ▶ Other Factors (pertinent to the proposed use)

➔ **Site Sketch and Photographs (if applicable)**

➔ **\$250 Permit Application Fee (Payable to the City of Onalaska)**

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Conditional Use is a land use or development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require additional conditions set by the Plan Commission & Common Council before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Application for:

- | | | |
|--|---|---|
| <input type="checkbox"/> Fence | <input type="checkbox"/> Two Structures on one parcel | <input type="checkbox"/> Parking Lot |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Automotive Repair / Sales | <input type="checkbox"/> Use _____ |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Warehousing / Storage | <input checked="" type="checkbox"/> Other <u>Building Add'n</u> |

Brief Description of Proposed Conditional Use:

Construct a 160' x 60' addition to the west
of the structure with a new driveway along the
western edge of the property line.

Proposed conditional use must meet the requirements of the Unified Development Ordinance. Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Councilors are unable to discuss this matter outside of a scheduled public meeting. Thank you.



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

CONDITIONAL USE PERMIT APPLICATION

Property Address:
252 Mason St

Parcel Number:
18-

Zoning District:
P-1

Applicant: City of Onalaska

Contact: Jarrod Holter

Mailing Address: 415 Main Street

City, State, Zip: Onalaska, WI 54650

Phone Number:

Email: Primary Contact

Business:

Owner/Contact:

Mailing Address:

City, State, Zip:

Phone Number:

Email: Primary Contact

Property Owner: City of Onalaska

Contact:

Mailing Address: 415 Main Street

City, State, Zip: Onalaska, WI 54650

Phone Number:

Email: Primary Contact

The undersigned hereby makes application at the location stated herein. Ther undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant: *[Signature]* **Date:** 1-24-19

Signature of Property Owner: *[Signature]* **Date:** 1-24-19

Compatibility with Surrounding Neighborhood:

Consistency with the Comprehensive Plan:

Importance of Services to the Community:

Neighborhood Protections (avoidance of negative externalities):

Other Factors (pertinent to the proposed use):

OFFICE USE ONLY:	Date Submitted:	Permit Number:
Permit Fee:	<input type="checkbox"/> Cash <input type="checkbox"/> Check #	Application Received by:

**PUBLIC HEARING NOTICE
BEFORE THE CITY OF ONALASKA
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on:

**TUESDAY, FEBRUARY 26, 2019
APPROX. 7:10 P.M.
(or immediately following public hearing at 7:00 PM)**

in Onalaska City Hall, 415 Main Street, Onalaska, WI 54650, at which time they shall consider an application for a Conditional Use Permit (CUP) filed by Jarrod Holter, City Engineer / Director of Public Works of the City of Onalaska, 415 Main Street, Onalaska, WI 54650, on behalf of the City of Onalaska, 415 Main Street, Onalaska, WI 54650 who is requesting to construct a 160' x 60' addition to the west of the existing structure with a new driveway along the western edge of the property line of the property located at 252 Mason Street, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number: **18-5905-0**
Section 32, Township 17, Range 07
EAGLE BUSINESS PARK LOT 5

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney, concerning this matter.

More detailed information on this item will be posted to the City of Onalaska website www.cityofonalaska.com the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

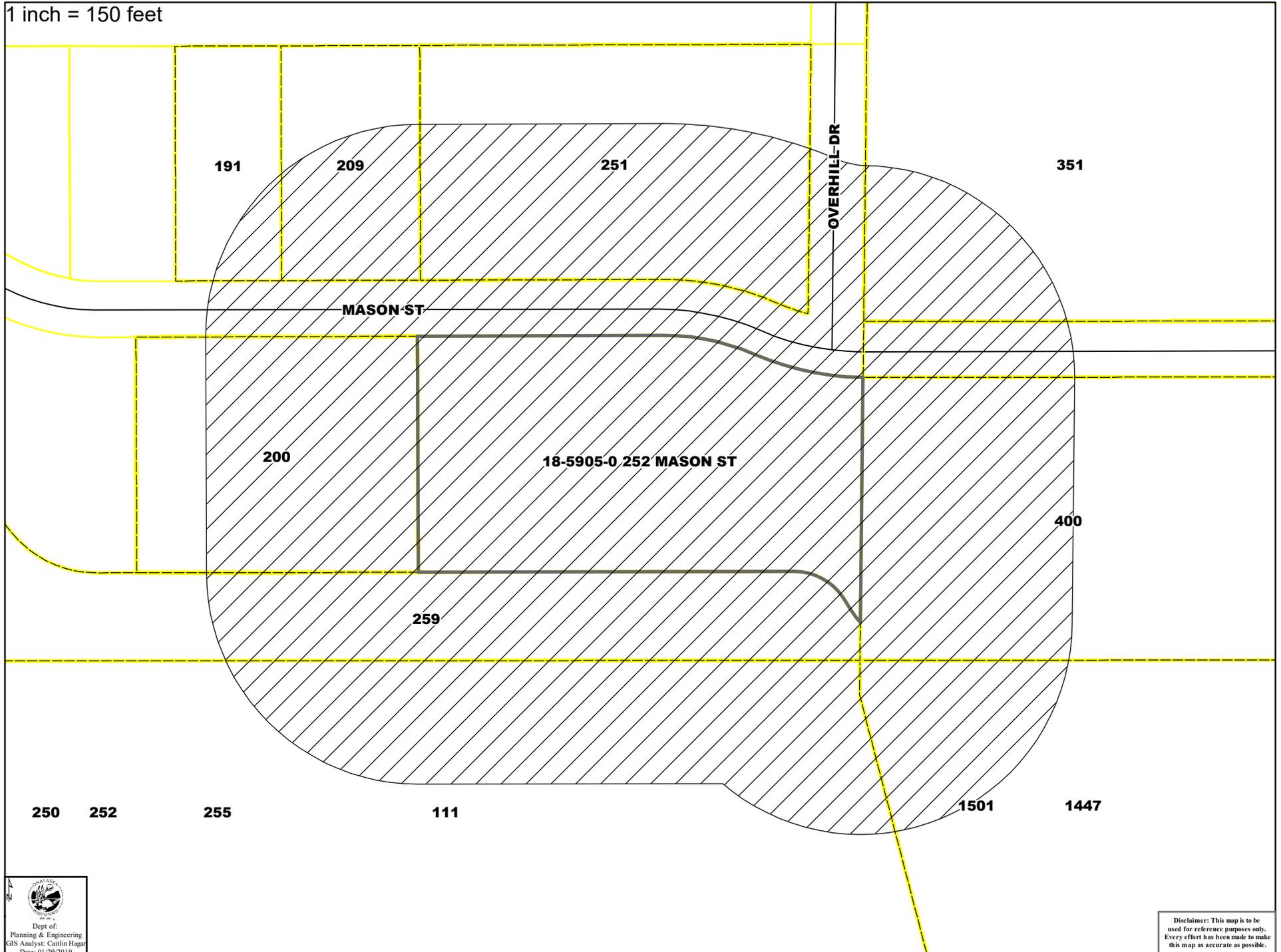
Dated this 15th day of February, 2019.

Cari Burmaster
City Clerk

<p>Pursuant to Act 67 passed in December 2017 the standard for review of Conditional Use Permits by Planning Commissions has changed in two significant ways. First, the burden of proof for denying a permit or imposing a condition is on the City and not on the applicant. In other words, unless there is a substantial reason to impose a condition or deny a permit, the permit must be issued without conditions. Second, any condition imposed must be based upon substantial evidence. Substantial Evidence must be fact based and cannot be based upon personal feeling, emotion or conjecture.</p>
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Properties within 250 ft of Parcel No's. 18-5905-0

1 inch = 150 feet





CITY OF ONALASKA

STAFF REPORT

Plan Commission Sub-Committee – February 12, 2019

<u>Agenda Item:</u>	Review and Consideration of a rezoning request.
<u>Applicant:</u>	Benjamin Phillips of Phillips Outdoor Services, INC, 2726 Larson Street, La Crosse, WI 54650
<u>Property Owner:</u>	Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650
<u>Parcel Numbers:</u>	18-3607-0 & 18-3567-10
<u>Site Location:</u>	9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650
<u>Existing Zoning:</u>	Transitional Commercial (T-C) and Single Family Residential (R-1) Districts
<u>Neighborhood Characteristics:</u>	Properties within 250 feet of the properties in question include a variety of commercial businesses (retail, office, personal service, etc.) and a golf course zoned Transitional Commercial (T-C) and Light Industrial (M-1).
<u>Conformance with Land Use Plan:</u>	The Comprehensive Plan identifies this area as <i>Commercial</i> . This district is intended to accommodate large and small scale commercial and office development. A wide range of retail, service, lodging, and office uses are appropriate in this district.

Background:

Benjamin Phillips of Phillips Outdoor Services, Inc (doing business as Phillips Fencing, Inc) has contracted to purchase the properties in question as a new company home location. The properties in question are currently zoned Transitional Commercial (along the frontage road) and Single Family Residential just north. The intention is to redevelop the properties in question for the following purposes:

- allow for retail traffic in the existing structure;
- utilize the existing natural outdoor garden to showcase products and services offered by the business;
- construct a second principal structure north of the existing parking lot to store inventory, products, and equipment securely and out of sight; and
- enclose the rear of the property with a decorative high-quality fence products to allow for additional parking.

The use “Trade and Contractor’s offices & supply stores” is outright permitted in the Community Business (B-2) District and as the proposed second principal structure will cross existing parcel lines with different zoning districts, a rezoning is necessary to facilitate the redevelopment of these properties. The City will require that the two (2) noted tax parcels be merged to ensure that buildings do not cross parcel boundaries. Lastly, a 0.03 acre parcel is included in the sale, which is located in the Town of Medary. In order for the applicant to have full use of the land, annexation of this parcel and merging with others will be required.

Action Requested:

As a public hearing will be held at the Plan Commission meeting, testimony from the public should be listened to and considered before deciding on the requested rezoning application.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION SUB-COMMITTEE:

February 12, 2019

Agenda Item 6:

Review and Consideration of a rezoning request filed by Benjamin Phillips of Phillips Outdoor Services, INC on behalf of Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650, to rezone the properties located at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650 from R-1 (Single Family Residential District) and T-C (Transitional Commercial) to B-2 (Community Business) for the purpose of moving and operating the Phillips Outdoor Services, INC business at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650 (Tax Parcels # 18-3607-0 & 18-3567-10).

1. Rezoning Fee of \$300.00 (PAID).
2. Contingent upon approval of a Conditional Use Permit to allow two (2) principal structures on a single parcel.
3. Exterior storage is prohibited unless appropriately screened from public view.
4. Applicant/owner to merge Tax Parcels # 18-3607-0 & 18-3567-10 into one (1) parcel provided the rezoning request is approved.
5. Tax Parcel # 9-57-3 is located in the Town of Medary. Applicant/owner to annex said parcel within one (1) year of rezoning approval and merge said parcel with adjacent parcels (listed in Condition #5 above) under the same ownership.
6. Site Plan Permit required for new development in advance of building permit applications, including detailed architectural plans, landscape, drainage, erosion control, and other required information/plans (fire accessibility, hydrant locations, etc.). Any future improvements to these parcels may be subject to additional City permits (i.e., building permits).
7. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
8. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
9. Any omissions of any conditions not listed in committee minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.

City of Onalaska Department of Planning and Zoning
415 Main Street
Onalaska, WI 54650

1/28/2019

To whom it may concern:

Thank you in advance for your time regarding the future home of Phillips Outdoor Services, Inc. (currently doing business as, Phillips Fencing, Inc.). We are seeking a new place to call home, one that will allow our company to better serve the community and our customers.

Below are a few points outlining our vision of the company and this property:

- Current zoning for this property is split between T-C and R-1. We are requesting B-2 zoning for the operation of our growing company.
- Continue improving the quality of customer service to the community by offering an accessible and visible location where customers can visit and view the many products and services available to them, while also providing them with the opportunity to build rapport with our team.
- Increase our retail traffic and the overall consumer traffic to this business community. Because of the existing access road, it will not negatively affect flow of traffic on HWY 16.
- Maintain the beautiful storefront and the natural outdoor garden to showcase the many products and services we offer; allowing our customers to walk and view these products in their natural setting.
- Enclose the rear of the property with one of our decorative, high quality fence products (the equivalent of the design that encloses the outdoor garden now) for both security and aesthetical reasons. Primary use for this space is parking.
- Proposing an additional outbuilding for our business to operate, where we can store inventory, products, and equipment securely and out of sight. Please see site plan for more details.
- Phillips Outdoor Services' mission is 100% customer satisfaction—guaranteed!
- We have been serving the tri-state area since 1975 and have received many customer satisfaction awards for our customer service, superior products, and unsurpassed installations.
- Our principles and family-culture have built the foundation for our success, and we are excited to continue growing and serving our community.

We look forward to hearing back from you and are excited to bring our business to the City of Onalaska. Please let me know if you have any questions at this time.

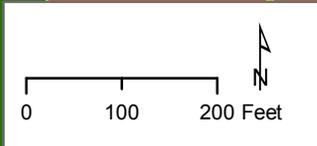
Sincerely,
Benjamin L. Phillips
608_769_8076

City of Onalaska, WI

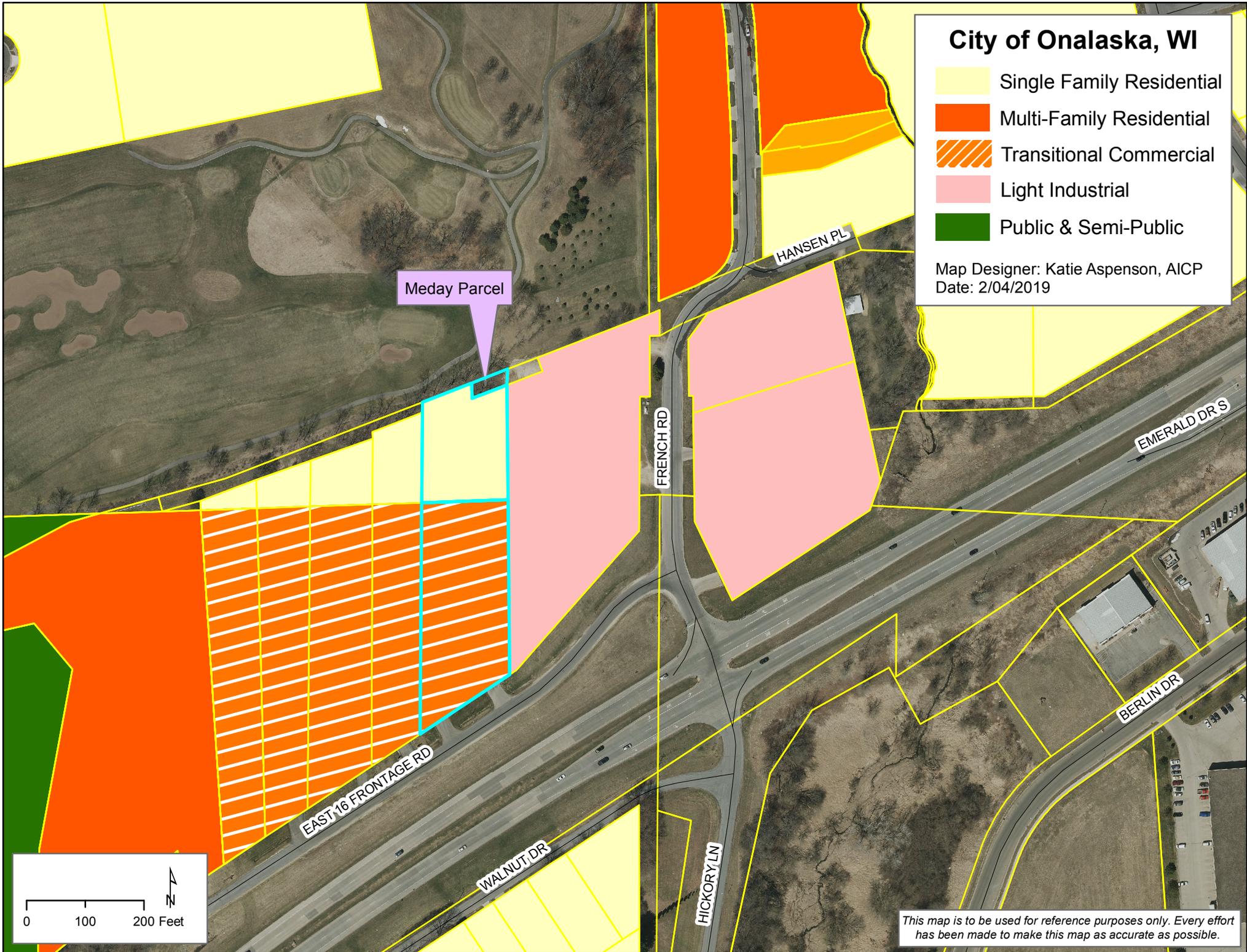
- Single Family Residential
- Multi-Family Residential
- Transitional Commercial
- Light Industrial
- Public & Semi-Public

Map Designer: Katie Aspenson, AICP
Date: 2/04/2019

Meday Parcel



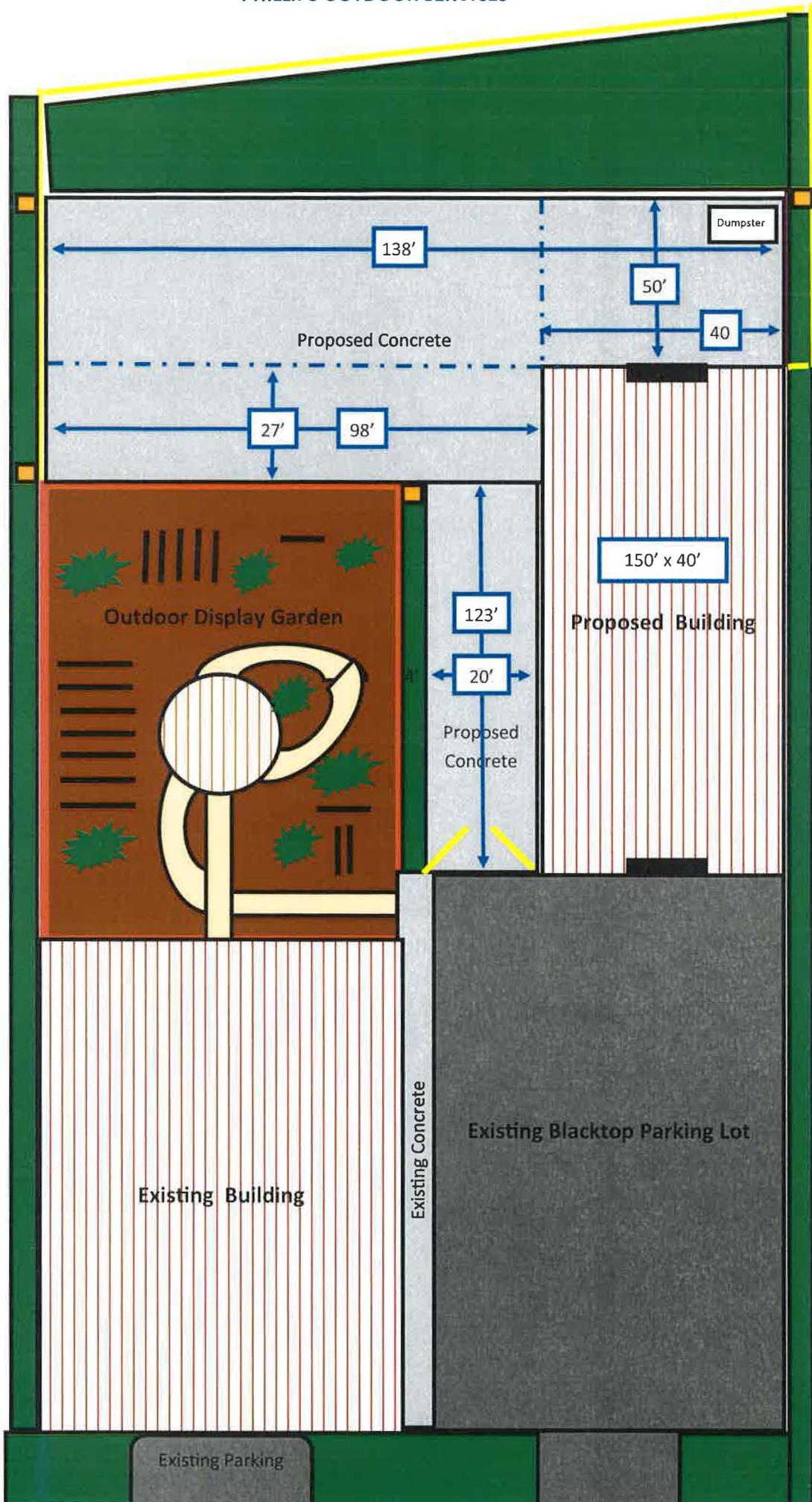
This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.



PHILLIPS OUTDOOR SERVICES

- Light Pole
- Proposed Fence
- Existing Fence
- Concrete
- Existing Blacktop
- Landscaping

3' setback

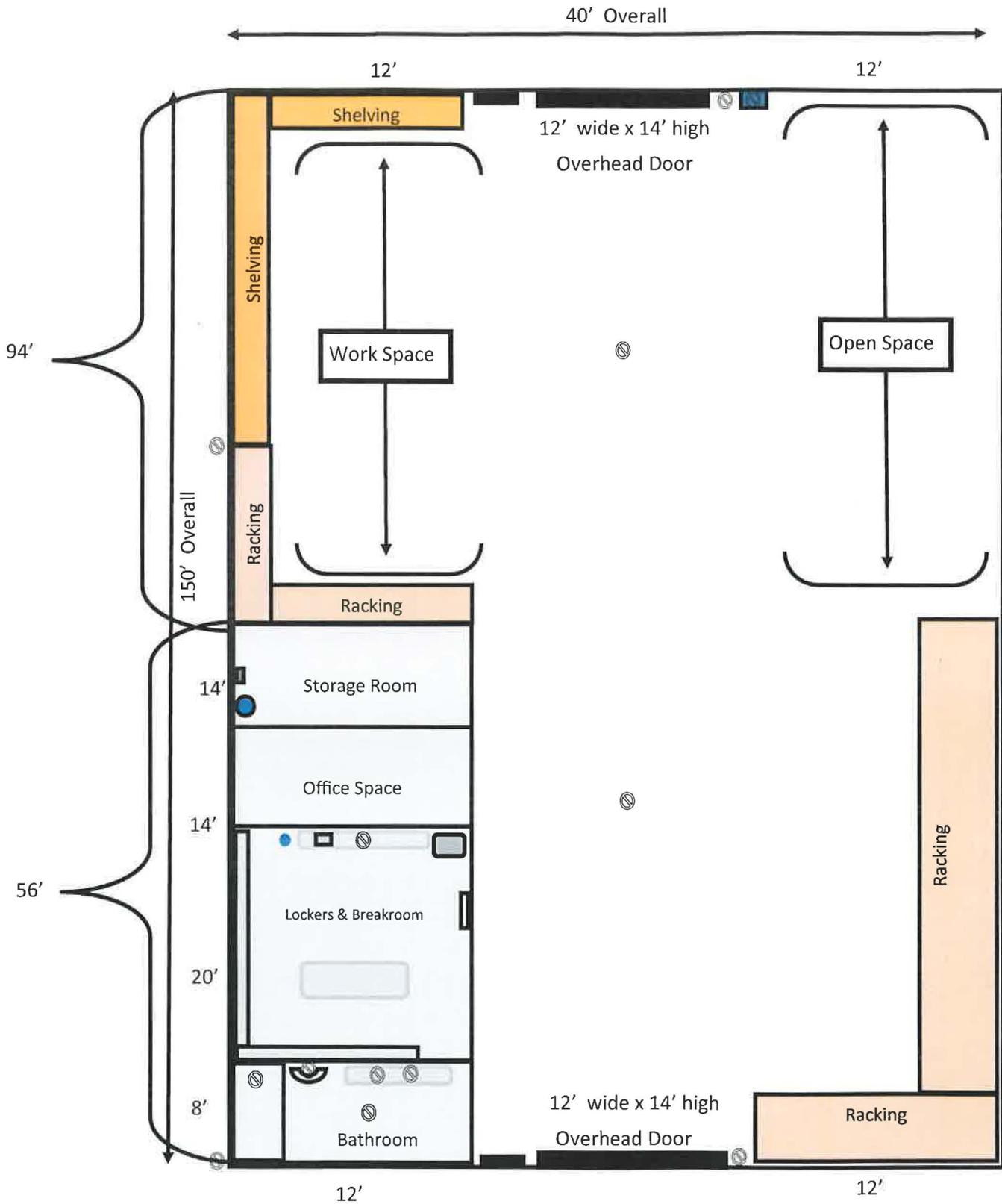


3' setback

Existing Parking

PHILLIPS OUTDOOR SERVICES

150' long x 40' wide x 20' overall height



Building Materials:

- Wood framed.
- Steel Roof
- S2 Storage
- Decorative Steel Siding / color match existing building
- Concrete floor
- 1 Hour fire rating—10 feet from property line
- Stone on the front to match existing building
- Heated
- Emergency Lighting



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

REZONING OR TEXT AMENDMENT APPLICATION

The following checklist will ensure the timely processing of your application:

➔ **Overview/ Cover Letter Describing the following:**

- ▶ Detailed Description of Proposed Rezoning or Text Amendment
- ▶ Description of how Proposed Rezoning Meets Unified Development Code Standards
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and policies)

➔ **\$300 Permit Application Fee** (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Map or Text Amendment to the City of Onalaska Unified Development Code / Zoning Ordinance may be proposed at any time. Amendments to the Zoning District Map or Overlay District Map proposed by the public shall be initiated by submitting a completed application by owners of all parcels proposed to be rezoned. The application for amendments to the Text of the UDC / Zoning Ordinance shall include the text in question as well as proposed text.

Request for Amendment to:

- Zoning District Map (Rezoning) Zoning Ordinance (Text Amendment)
- Zoning Overlay District Map (Rezoning)

Description of Request to Amend the Unified Development Code - Zoning Ordinance: (Text and/or Map(s)):

Existing Zoning District: T-C ; R-1 Proposed Zoning District: B-2

REQUESTING CHANGE FROM EXISTING T-C ; R-1 ZONING TO B-2 FOR THE PURPOSE OF OPERATING OUR BUSINESS AT THIS LOCATION. THANK YOU

Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Alderpersons are unable to discuss this matter outside of a scheduled public meeting. Thank you.

CITY OF ONALASKA

REC#: R00136069 1/28/2019

TRAN: 450 PLANNING & ZONING

OPER: CI TERM: 1

TRBY : CASH 01

18-3607-0 & 18-3567-10 / 3550 E 16TH FRO

Paid BY: PHILLIPS FENCING INC

CK 300.00 REF: SW - 5911

APPLIED 300.00

TENDERED 300.00

CHANGE 0.00



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

REZONING OR TEXT AMENDMENT APPLICATION

BEH@PHILLIPSSTENCING.COM

Property Address:
9550 E. 16TH FRONTAGE RD

Parcel Number:
18-3607-0 ; 18-3567-10

Zoning District:

Applicant: SAME AS

Contact:

Mailing Address:

City, State, Zip:

Phone Number:

Email: Primary Contact

Business: PHILLIPS OUTDOOR SERVICES, INC

Owner/Contact: BENJAMIN L. PHILLIPS

Mailing Address: 2726 LARSON ST

City, State, Zip: LA CROSSE WI 54603

Phone Number: 608 783 4200

Email: Primary Contact

Property Owner: Manuel & Lynnae Rivera

Contact:

Mailing Address: 2811 Morning Glory Pl

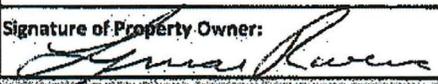
City, State, Zip: Onalaska WI 54650

Phone Number: 608-386-9657

Email: Lynnae@ManuelRivera.com Primary Contact

The undersigned hereby makes application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant:  Date: 1-28-19

Signature of Property Owner:  Date: 1-23-19

OFFICE USE ONLY:	Date Submitted:	Permit Number:
Permit Fee:	<input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check #	Application Received by:

**PUBLIC HEARING NOTICE
BEFORE THE CITY OF ONALASKA
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on:

**TUESDAY, FEBRUARY 26, 2019
APPROX. 7:20 P.M.
(or immediately following public hearing at 7:10 PM)**

in Onalaska City Hall, 415 Main Street, Onalaska, WI 54650, at which time they shall consider a Rezoning Application filed by Benjamin Phillips of Phillips Outdoor Services, Inc. on behalf of Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650, who is requesting to rezone the properties located at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650 from R-1 (Single Family Residential District) and T-C (Transitional Commercial) to B-2 (Community Business) for the purpose of moving and operating the Phillips Outdoor Services, INC business at this new location.

Property is more particularly described as:

Computer Number: **18-3607-0**

Section 11, Township 16, Range 07

PRT NE-NE COM NE COR W ALG N LN 257.2FT TO POB S 525FT TO N
R/W STH-16 S50D15MW 178.5 FT N 627FT E 148FT TO POB EX .71AC FOR
R/W IN V1083 P804

Computer Number: **18-3567-10**

Section 11, Township 16, Range 07

PRT SE-SE COM NE COR SEC 11 W 257.2FT TO POB N 188FT TO S R/W
OLD CTH-B S64DW 64FT N TO C/L OLD CTH-B S64DW ALG C/L TO PT N
OF & 148FT W OF POB S TO S LN SE-SE E ALG S LN 148FT TO POB

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney, concerning this matter.

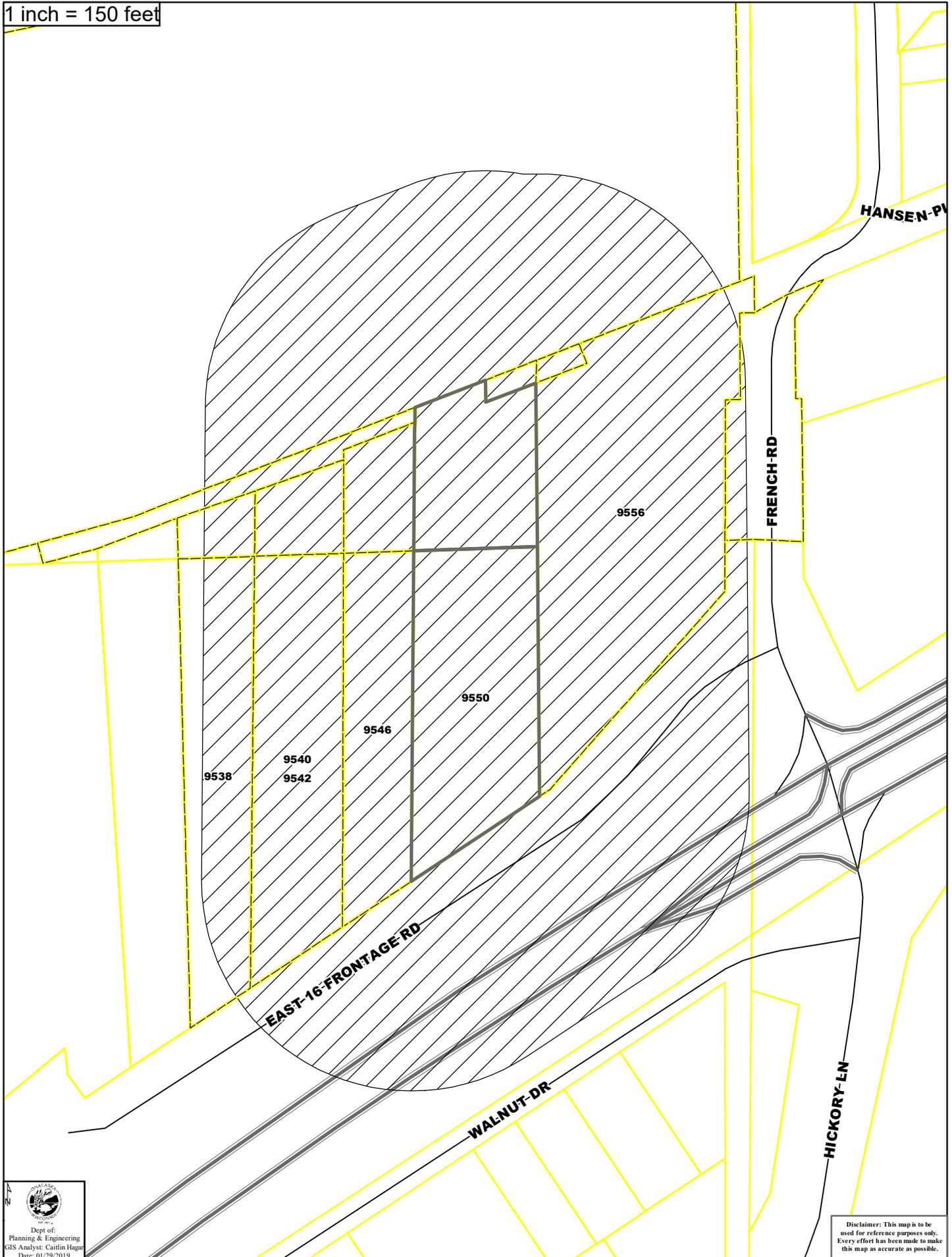
More detailed information on this item will be posted to the City of Onalaska website www.cityofonalaska.com the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

Dated this 8th day of February, 2019.

Cari Burmaster
City Clerk

Properties within 250 ft of Parcel No. 18-3607-0 & 18-3567-10

1 inch = 150 feet





CITY OF ONALASKA

STAFF REPORT

Plan Commission Sub-Committee – February 12, 2019

- Agenda Item:** Review and Consideration of a Conditional Use Permit (CUP) request to allow two (2) principal structures on a single parcel.
- Applicant/Owner:** Benjamin Phillips of Phillips Outdoor Services, INC, on behalf of Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650
- Parcel Number:** 18-3607-0 & 18-3567-10
- Site Location:** 9550 East 16 Frontage Road & State Road 16, Onalaska, WI 54650

Background:

This Conditional Use Permit (CUP) request pertains to allowing the construction of two (2) principal structures on a single parcel located at 9550 East 16 Frontage Road & State Road 16, Onalaska, WI 54650 (Tax Parcels # 18-3607-0 & 18-3567-10). A request to rezone both parcels is underway, which will be required as the proposed second principal structure will cross two (2) parcels with two (2) different zoning districts.

A Conditional Use Permit is permitted only by approval of the Plan Commission 13-1-12 (d) and pursuant to standards set forth in Sections 13-8-11. The City has no basis for denial of the Conditional Use Permit, but has found a basis to impose the following conditions:

Substantial Evidence Regarding Conditions of Approval:

1. The Conditional Use Permit is contingent upon approval of the rezoning of Tax Parcels #18-3607-0 & 18-3567-10 from Transitional Commercial (T-C) and Single Family Residential (R-1) Districts, respectively, to Community Business (B-2) District as the second principal structure will cross parcel lines and zoning districts.

Substantial Evidence: This condition requires appropriate zoning in order for the Conditional Use (two principal structures on a single parcel) to be allowed. If the rezoning is not approved, the Conditional Use Permit will be null and void as the proposed use is not allowed in the Single Family Residential (R-1) District and the proposed structure crossing parcel lines and zoning districts.

2. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.

Substantial Evidence: This condition provides notice to the owner/developer that they are to follow procedure for orderly development in the City of Onalaska in order to promote the health, safety and welfare of the City.

CITY OF ONALASKA

3. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.

Substantial Evidence: This condition acknowledges and provides public notice of the term and puts the owner/developer and future owners on notice that they are bound by the conditions and that they can continue the use as long as they follow the conditions and actively use the conditional use.

4. Owner/developer shall abide by the City's Ordinances, Unified Development Code and Building Code requirements, as amended.

Substantial Evidence: This condition assures that the owner/developer understands they must follow the City's Unified Development Code and Building Code which they are required to follow in every way and that as they are receiving the benefit of being allowed to have a use that is not within the standards of the City's zoning code, failure to follow City ordinances may result in loss of their conditional use permit.

5. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.

Substantial Evidence: This shifts the burden to the owner of the property to provide proof that the use is active and continuing. Ensuring that existing permits are still valid and being properly used ensures compliance with the City's procedures and ordinances and promotes interaction and communication with the City which further orderly development and the health, safety and welfare of the City.

Action Requested:

As a public hearing will be held, testimony based on substantial evidence from the public should be listened to and considered before deciding on the requested Conditional Use Permit application. Only where no reasonable conditions could exist to allow the Conditional Use, may a Conditional Use Permit be denied.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION SUB-COMMITTEE:

February 12, 2019

Agenda Item 7:

Review and Consideration of a Conditional Use Permit request filed by Benjamin Phillips of Phillips Outdoor Services, INC on behalf of Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650, for the purpose of constructing a second principal structure (40' x 120' storage building) on a single parcel located at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650 (Tax Parcels # 18-3607-0 & 18-3567-10).

1. The Conditional Use Permit is contingent upon approval of the rezoning of Tax Parcels #18-3607-0 & 18-3567-10 from Transitional Commercial (T-C) and Single Family Residential (R-1) Districts, respectively, to Community Business (B-2) District as the second principal structure will cross parcel lines and zoning districts.
2. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining applicable building permits. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
3. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.
4. Owner/developer shall abide by the City's Ordinances, Unified Development Code and Building Code requirements, as amended.
5. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

CONDITIONAL USE PERMIT APPLICATION

The following checklist will ensure the timely processing of your permit:

➔ **Overview/ Cover Letter Describing the following:**

- ▶ Detailed Description of Proposed Conditional Use
- ▶ Description of how Proposed Conditional Use Meets Unified Development Ordinance Standards (use form on next page or attach an explanation each of the following):
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and polices)
 - ▶ Importance of Services to the Community (provided by the proposed use)
 - ▶ Neighborhood Protections (avoidance of negative impacts)
 - ▶ Other Factors (pertinent to the proposed use)

➔ **Site Sketch and Photographs** (if applicable)

➔ **\$250 Permit Application Fee** (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Conditional Use is a land use or development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require additional conditions set by the Plan Commission & Common Council before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Application for:

- | | | |
|--|--|--------------------------------------|
| <input type="checkbox"/> Fence | <input checked="" type="checkbox"/> Two Structures on one parcel | <input type="checkbox"/> Parking Lot |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Automotive Repair / Sales | <input type="checkbox"/> Use _____ |
| <input type="checkbox"/> Bed & Breakfast | <input checked="" type="checkbox"/> Warehousing / Storage | <input type="checkbox"/> Other _____ |

Brief Description of Proposed Conditional Use:

PROPOSING TO SET BUILDING (FOR SZ STORAGE) THREE FEET FROM PROPERTY LINE. BUILDING WILL COMPLY WITH FIRE AND DRAINAGE STIPULATIONS.

Proposed conditional use must meet the requirements of the Unified Development Ordinance. Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Councilors are unable to discuss this matter outside of a scheduled public meeting. Thank you.

0.00 CHANGE

250.00 TENDERED

250.00 APPLIED

CK 250.00 REF:SM - 5910

PAID BY: PHILLIPS FENCING INC

18-3607-0 & 18-3567-10 / 9550 E 16TH FRO

=====
 TKBY : CRSH 01
 OPER: CI TERM: 1
 TRAN: 450 PLANNING & ZONING
 REC#: R00136068 1/28/2019
 CITY OF ONALASKA

4:00 PM



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

CONDITIONAL USE PERMIT APPLICATION

BEMO PHILLIPS FENCING.COM

Property Address:
9550 E. 16TH FRONTAGE RD

Parcel Number:
18-3607-0 & 18-3567-10

Zoning District:

Applicant: SAME AS BUSINESS

Contact:

Mailing Address:

City, State, Zip:

Phone Number:

Email: Primary Contact

Business: PHILLIPS OUTDOOR SERVICES

Owner/Contact: BENJAMIN L. PHILLIPS

Mailing Address: 2726 CARSON ST.

City, State, Zip: LA CROSSE, WI 54603

Phone Number: 608 783 4200

Email: Primary Contact

Property Owner: MANUEL : LYNNAL RIVERA

Contact:

Mailing Address: 2811 MORNING STAR PL

City, State, Zip: ONALASKA, WI 54650

Phone Number: 608 - 386 - 9654

Email: Primary Contact

The undersigned hereby makes application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant: 	Date: 1-28-19
Signature of Property Owner: 	Date: 1-28-19

Compatibility with Surrounding Neighborhood:

Consistency with the Comprehensive Plan:

Importance of Services to the Community:

Neighborhood Protections (avoidance of negative externalities):

Other Factors (pertinent to the proposed use):

OFFICE USE ONLY:	Date Submitted:	Permit Number:
Permit Fee:	<input type="checkbox"/> Cash <input type="checkbox"/> Check #	Application Received by:

**PUBLIC HEARING NOTICE
BEFORE THE CITY OF ONALASKA
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on:

**TUESDAY, FEBRUARY 26, 2019
APPROX. 7:30 P.M.
(or immediately following public hearing at 7:20 PM)**

in Onalaska City Hall, 415 Main Street, Onalaska, WI 54650, at which time they shall consider a Conditional Use Permit (CUP) Application filed by Benjamin Phillips of Phillips Outdoor Services, Inc. on behalf of Manuel and Lynnae Rivera, 2811 Morning Glory Place, Onalaska, WI 54650, for the purpose of constructing a second principal structure (40' x 120' storage building) on a single parcel located at 9550 East 16 Frontage Road and State Road 16, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number: **18-3607-0**

Section 11, Township 16, Range 07

PRT NE-NE COM NE COR W ALG N LN 257.2FT TO POB S 525FT TO N R/W STH-16 S50D15MW 178.5 FT N 627FT E 148FT TO POB EX .71AC FOR R/W IN V1083 P804

Computer Number: **18-3567-10**

Section 11, Township 16, Range 07

PRT SE-SE COM NE COR SEC 11 W 257.2FT TO POB N 188FT TO S R/W OLD CTH-B S64DW 64FT N TO C/L OLD CTH-B S64DW ALG C/L TO PT N OF & 148FT W OF POB S TO S LN SE-SE E ALG S LN 148FT TO POB

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney, concerning this matter.

More detailed information on this item will be posted to the City of Onalaska website www.cityofonalaska.com the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

Dated this 15th day of February, 2019.

Cari Burmaster
City Clerk

Pursuant to Act 67 passed in December 2017 the standard for review of Conditional Use Permits by Planning Commissions has changed in two significant ways. First, the burden of proof for denying a permit or imposing a condition is on the City and not on the applicant. In other words, unless there is a substantial reason to impose a condition or deny a permit, the permit must be issued without conditions. Second, any condition imposed must be based upon substantial evidence. Substantial Evidence must be fact based and cannot be based upon personal feeling, emotion or conjecture.

Properties within 250 ft of Parcel No. 18-3607-0 & 18-3567-10

1 inch = 150 feet





CITY OF ONALASKA

STAFF REPORT

Plan Commission Sub-Committee – February 12, 2019

Agenda Item:

8

Agenda Item: Review and consideration of a request by Gerald Valley, General Merchandise Manager of Shopko, to host an extended tent sale event in 2019 at 9366 State Road 16, Onalaska, WI Tax Parcel #18-3589-9.

Background:

The City of Onalaska allows outdoor sales and displays as a permitted accessory use in certain zoning districts subject to the following conditions (Section 13-6-14):

- 1) **Outdoor displays, sales areas, and temporary tents are limited to thirty (30) days per calendar year unless otherwise approved by the City Plan Commission. Temporary tent(s) may be installed for a maximum of one hundred and eighty (180) days annually.**

City staff received a request from Shopko of Onalaska on January 25, 2019 to allow the operation of their seasonal garden center that lasts from April 1, 2019 through August 31, 2019 (typically). Shopko typically has three (3) temporary tent structures size 1,860 SF, 1,025 SF, and 1,025 SF that will collectively sell hard goods and assorted flowers, vegetables, and flowers. The two smaller structures will be condensed and closed completely no later than July 4, 2019 (typically). The last structure which houses cash registers is typically closed no later than August 31, 2019.

Recommended Action:

Approve the request by Shoko to allow an extended tent sale event in 2019 at 9366 State Road 16, Onalaska, WI, conditioned upon obtaining a tent permit for each tent from the Onalaska Inspection Department.

01/24/19

Planning Commission

City-of-Onalaska

415 Main Street

Onalaska, WI. 54650.

To whom it may concern:

My name is Gerald Valley General Merchandise Manager Shopko Onalaska.

I request your approval to install 3-Temporary sales tents for approximately 150-days

From 4/1/19to 8/31/19 in the parking lot at Shopko Onalaska 9366 Highway 16.

The tents (See last years site plan(on file)for specific location)~same map as 2018.

Structure1=1860 square feet sells hard goods and assorted flowers

Structure2=1025 square feet sells vegetables

Structure 3=1025 square feet sells flowers

As the growing/planting season slows down structures 2 and 3 are condensed and closed completely as soon as possible no later than 7/4/19(typically). Structure 1 which houses our cash registers is the last structure closed no later than 8/31/19(typically).

Thanks for your time and consideration.

Respectfully,

Gerald Valley

General Merchandise Manager

Shopko Onalaska

608-781-5444



CITY OF ONALASKA

Agenda Item:

9

STAFF REPORT

Plan Commission Sub-Committee – February 12, 2019

Agenda Item: Review and Consideration of an annexation application for N5560 Abbey Road & N5536 Abbey Road (.84 acres).

Applicant/Owner: Richard & Judith Volden, 573 Fairway Creek Drive, Onalaska, WI 54650

Parcel Numbers: 10-2329-1 & 10-2333-0

Site Location: N5560 Abbey Road & N5536 Abbey Road, Onalaska, WI 54560

Existing Zoning: La Crosse County Zoning: “Commercial”.

Neighborhood Characteristics: Commercial Development.

Conformance with Comprehensive Plan: The Comprehensive Plan identifies this area as being within the City’s smart growth planning area. The Comprehensive Plan identifies review criteria for annexations, of which the follow are applicable:

The City should approve proposals for annexation into the City of Onalaska only when meeting the following utilities and community facilities criteria, or if other important community goals are met:

- The annexation is in an area designated for growth on the City’s Future Land Use Map.*
- The increased tax base and overall benefit to the City of approving the annexation outweigh the actual financial impact on the community for providing police, fire, road maintenance and other public improvements and services to the annexation area.*

Background: The properties at N5560 & N5538 Abbey Road are directly adjacent to Abbey Road (recently annexed into the City of Onalaska). The applicant is requesting that these parcels (.3 acres & .54 acres, respectively) be annexed into the City of Onalaska to obtain access to City water and sanitary sewer infrastructure.

As the automatic zoning applied to annexed parcels is Single Family Residential (R-1), the applicant intends to immediately request a rezoning to Light Industrial (M-1) District to accommodate existing businesses.

Action Requested: Staff supports this annexation request. Approval is recommended with the attached conditions of approval.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION SUB-COMMITTEE:

February 12, 2019

Agenda Item 9:

Review and Consideration of an annexation application for N5560 Abbey Road and N5538 Abbey Road, Tax Parcel #'s: 10-2329-1 & 10-2333-0 (.84 acres total) filed by Richard & Judith Volden, 573 Fairway Creek Drive, Onalaska, WI 54650.

1. Payment of annexation application review fees: \$450.00 dollars (PAID).
2. Payment of East Avenue North Sanitary Sewer Fee: \$1,186.00 per acre * .84 acres = \$996.24 dollars.
3. Topography Map Fee: \$10.00 per acre * .84 acres = \$10.00 dollars (minimum fee).
4. Green Fee: \$638.47 per acre * .84 acres = \$536.31 dollars.
5. Annexed land to be placed in the Light Industrial (M-1) Zoning District upon ordinance adoption.
6. Owner/developer shall connect both properties to City water and sewer utilities within one-year of annexation approval.
7. Owner/developer must notify City prior to any utility connection to City-owned utilities takes place.
8. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
9. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
10. Any omissions of any conditions not listed in minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.

PETITION FOR ANNEXATION

TO: City Clerk
City of Onalaska
415 Main Street
Onalaska, WI 54650

TO: City Clerk
Town of Onalaska
W7052 Second Street
Onalaska, WI 54650

We, the undersigned, Richard & Judith Volden
(Printed Name(s))

do hereby respectively petition the City of Onalaska, Wisconsin, to annex the real estate described hereinafter to the City of Onalaska, which is to be detached from the township of Onalaska, County of LaCrosse, Wisconsin to the City of Onalaska and that the subject property be zoned

M-1 = Light Industrial upon annexation.

The property, which is the subject of this petition, is contiguous to the current boundaries of the City of Onalaska. A complete and accurate legal description and a scaled map of the area is attached hereto and incorporated herein by reference as EXHIBIT "A".

This instrument constitutes a Petition for direct annexation pursuant to Section 66.0217(2), Wisconsin Statutes. The number of electors residing within the boundaries of this property is 0 and the undersigned are the sole owners and fee title holders to these properties. Therefore, pursuant to Section 66.0217(4), no notice or publication is required.

A copy of this Petition is being mailed to the State of Wisconsin, Department of Administration, for review as required by Section 66.0217(6), Wisconsin Statutes along with the requisite Department of Administration annexation fee. See Annexation Review Fee Guide.

A complete and detailed legal description and map must accommodate this petition at the time of application in order for it to be placed on the Plan Commission Meeting agenda. Short forms or abbreviated legal descriptions will not be accepted. Maps must be to scale and dimensioned.

SIGNATURES OF PETITIONERS	ADDRESS OF PROPERTY	DATE OF SIGNATURE
<u>Richard A. Volden</u>	<u>N 5538 ABBEY RD</u>	<u>1-2-19</u>
<u>Judith A. Volden</u>	<u>N 5538 ABBEY RD</u>	<u>1-2-19</u>
<u>Richard A. Volden</u>	<u>N 5560 ABBEY RD</u>	<u>1-2-19</u>
<u>Judith A. Volden</u>	<u>N 5560 ABBEY RD</u>	<u>1-2-19</u>

Tax Parcel Identification Numbers: 5538 - 10-2333-0 55-60 - 10-2329-1
Contact Person: Richard Volden Telephone (608) 792-3458
Address: 573 Fairway Creek Dr, Onalaska Email: R.Volden36@6mo.com

For office use:	Date: <u>1/2/19</u>	Initials: <u>VA</u>
Enclosures:	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Legal Description <input type="checkbox"/> Map

415 Main Street, Onalaska, WI 54650 Land Use & Development Director 608-781-9590

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Office use only:

Name: Richard Volden
Address: 573 Fairway Creek Dr
Onalaska Wis 54650
Email: R.Volden36@6-mail.com

1. Town where property is located: Town of Onalaska
2. Petitioned City or Village: City of Onalaska
3. County where property is located: La Crosse
4. Population of the territory to be annexed: 0
5. Area (in acres) of the territory to be annexed: _____
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): _____

Petitioners phone: _____
Town clerk's phone: 608-783-4958
City/Village clerk's phone: 608-781-9530

Contact Information if different than petitioner:

Representative's Name and Address:

City State Zip
Phone: _____
E-mail: _____

Surveyor or Engineering Firm's Name & Address:
Couler Region Surveyors
917 S. 4th St - PO Box 1954
La Crosse, WI 54601
City State Zip
Phone: 608-784-4219
E-mail: _____

Required Items to be provided with submission (to be completed by petitioner):

1. Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
2. Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
3. Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - Unanimous per s. 66.0217 (2), or,
 - OR
 - Direct by one-half approval per s. 66.0217 (3)
5. Check or money order covering review fee [see next page for fee calculation]

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- State the purpose of the petition: -Direct annexation by unanimous approval; OR
-Direct annexation by one-half approval; OR
-Annexation by referendum.
- Petition must be signed by: -All owners and electors, if by unanimous approval.
-See 66.0217 (3) (a), if by one-half approval.
-See 66.0217 (3) (b), if by referendum.
- State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- The land may NOT be described by: -Aliquot part;
-Reference to any other document (plat of survey, deed, etc.);
-Exception or Inclusion;
-Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- The map shall be an *accurate reflection* of the legal description of the parcel being annexed. As such, it must show:
-A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
-Bearings and distances along all parcel boundaries as described.
-All adjoining as referenced in the description.
- The map must include a **graphic scale**.
- The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).
- If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

City of Onalaska, WI

Map Designer: Katie Aspenson, AICP

Date: 2/04/2019

CORD OT

N5560 Abbey Road

ABBEY RD

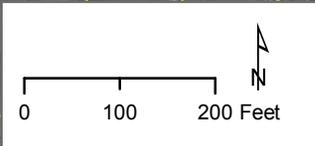
N5538 Abbey Road

INDUSTRIAL BLVD

COMMERCE RD

PENNEY LN

CLOVERDALE RD



This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.