

CITY OF ONALASKA MEETING NOTICE

COMMITTEE/BOARD: Board of Zoning Appeals
DATE OF MEETING: April 15, 2019 (Monday)
PLACE OF MEETING: City Hall – 415 Main Street (Room 112)
TIME OF MEETING: 6:30 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. **Public Hearing Approximately 6:30PM (or immediately following public input)** - Request for variance filed by Nicholas Roush of Roush Rentals (DNC Holdings, LLC), 707 La Crosse Street, Office 102, La Crosse, WI 54601 who requests to appear before the Board of Zoning Appeals for the purpose of requesting a variance for the required number of parking spaces needed for the construction of a new multi-family housing development at the property located at 9522 Highway 16 Frontage Road, Onalaska, WI 54650.
5. Adjournment

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the Board 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		*Craig Breitsprecher
**Ald. Jim Binash		*Brent Larson
Ald. Jim Olson		*Robert Wehrenberg
Ald. Jerry Every		*Kristen Odegaard
*Ald. Diane Wulf – Chair		
Ald. Kim Smith		Nick Roush
*** Ald. Ron Gjertsen		
City Attorney	City Administrator	
La Crosse Tribune	Dept. Heads	
Coulee Courier		
WKTY WLXR WLAX, WKBH		Onalaska Omni Center
WLSU WKBT WXOW		Onalaska Public Library

*Committee Members ** Alternate ***2nd Alternate

Date Notices Mailed/Posted: 4-1-2019

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.



CITY OF ONALASKA

STAFF REPORT

Board of Zoning Appeals – April 15, 2019

Applicant/Property Owner:	Roush Rentals LLC (DNC Holdings LLC), 707 La Crosse Street Suite 102, La Crosse, WI 54601
Site Address:	9522 East 16 Frontage Road, Onalaska, WI 54650
Parcel No:	18-3613-3
Zoning District:	Multi-Family Residential (R-4)
Adjacent Land Uses:	Commercial (Office, Personal Service, Retail) & Golf Course
Requested Action:	Request for a variance from Section 13-7-10 Mobility Standards, which require two (2) parking stalls per dwelling unit for Multi-Family Dwellings.

The property in question is zoned Multi-Family Residential (R-4) and the variance request pertains to Tax Parcel # 18-3613-3 (containing 4.64 acres) where the applicant intends to construct two multi-family apartments, garages, and off-street parking. The applicant rezoned the parcel to Multi-Family (R-4) and obtained a Conditional Use Permit to allow two (2) principal structures on a single parcel in 2018. The project is currently under Site Plan Review, with final design contingent upon the outcome of this variance request.

As shown in the attached Site Plan, the proposed number of parking stalls includes 46 garage spaces and 84 surface parking spaces, totaling 130 parking stalls (minimum required for 65 multi-family dwelling units). As shown in the application materials, the applicant intends to increase the number of dwelling units to 79 units, however at the same time reducing the overall bedroom count (no 3-bedroom apartments, only 1-bedroom and 2-bedroom units are now proposed). This change would require an additional 28 parking stalls to meet the Unified Development Code parking minimum requirements. The applicant notes that the total number of bedrooms from the original proposal (mixture of 1, 2, & 3-bedroom units) would decrease from 130 bedrooms to 118 bedrooms, thereby decreasing the overall density of the development. As stated by the applicant, bedroom counts versus overall dwelling unit counts is a better predictor of overall project density.

The parcel in question is 4.64 acres and nearly 50% of the parcel is “unbuildable”. The parcel contains a stream channel along the western parcel line (shown on the Site Plan), in addition to wetlands near the center of the parcel. Per Wisconsin Department of Natural Resources (WDNR) requirements, no development may occur within fifty (50) feet of the wetland boundary. This WDNR rule is meant to protect environmental aspects of the parcels and in effect, reduces the amount of buildable land for the overall parcel. If the parcel had been five (5) acres, the applicant would have applied for a Planned Unit Development (PUD) to account for the environmental characteristics of the site and been able to request a parking reduction through that process. As the parcel does not meet PUD requirements (5-acre minimum), the only option to reduce the number of parking spaces for the development is through the variance request process.

Public Hearing Notice:

A Public Hearing notice for the requested variance were posted on March 19th and April 5th, 2019 at least seven days prior to the scheduled Public Hearing, and written notification was given to all neighboring parcels within two hundred and fifty (250) feet of said parcel.

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Section of the Zoning Code from which Variance is being Requested:

Section 13-7-10, Code of Ordinances, City of Onalaska, Wisconsin states,

“Use

Dwellings: Multi-family, two-family

Minimum Parking Required

2 stalls for each dwelling unit (no back-to-back parking)”

Consistency with the Comprehensive Plan:

The Comprehensive Plan’s Future Land Use Plan identifies this parcel as *Mixed Use District/Smart Growth Area*. This district allows complementary land uses including housing (primarily multi-family), retail, offices, commercial services, and civic uses in an efficient, compact development.

Decision Criteria:

The requested variance is a:

- Area variance – *Provides an increment of relief from a physical dimensional restriction such as a building height or setback. The applicant has the burden of proof to demonstrate that unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions “unnecessarily burdensome”.¹*
- Use variance – *Permits a landowner to put a property to an otherwise prohibited use. The applicant has the burden of proof to demonstrate that they would have no reasonable use of the property without a variance.¹*

For the Board of Zoning Appeals to grant a variance, it must find that all the following criteria are met²:

- I) *Denial of variance may result in hardship to the property owner due to physiological consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.*

Yes – criteria has been met. This parcel has been available for a considerable amount of time, with multiple inquiries for potential development; but due to “site constraints” the development opportunities continually fell through. The “constraints” in particular include the following: stream channel, steep slopes, wetlands, and a fifty (50) foot wetland setback; which total nearly fifty (50) percent of the 4.64 acres. The applicant has shown in the Site Plan a creative design to maximize the remaining buildable land to contain two (2) multi-family apartments and associated parking. Of the 4.64 acres, the applicant is proposing 2 acres of impervious surface which includes the buildings (38,462 SF) and 1.12 acres of surface parking/drive aisles to meet original minimum parking standards. Very few parcels in the City of Onalaska have the degree of environmental characteristics that prohibit development as found in parcel in question.

- II) *The conditions upon which a petition for a variance is based are unique to the property for which variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.*

Yes – criteria has been met. Other Multi-Family Residential (R-4) zoned parcels developed in the last five years have not had the noted environmental characteristics. Generally, these R-4 sites (while some are smaller than others), are flat with few constraints outside of required setbacks. As

¹ Markham, L. & Roberts, R. (2006) *Zoning Board Handbook: For Wisconsin Zoning Board of Adjustment and Appeals* (2nd ed.).

² As required by Sec. 13-8-44, Code of Ordinances, City of Onalaska, Wisconsin.

CITY OF ONALASKA

nearly fifty (50) percent of the parcel in question is “unbuildable” due to environmental constraints, this is a unique situation as compared to other multi-family developments seen by the City of Onalaska. Further, there have been a number of other multi-family developments that have pursued the option of Planned Unit Developments as they are larger than 5-acres and in every case the applicant requests and receives reductions in parking stall requirements. This option is not available to the parcel and applicant in question as it is 4.64 acres overall.

III) *The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.*

Yes – criteria has been met. There is no indication that the purpose of the requested variance is based exclusively upon value or income potential motivations. As stated by the applicant, the intention is to increase the number of dwelling units; but decrease overall density through number of available bedrooms. The reason for this change is to accommodate demonstrated market conditions for multi-family developments and provide smaller, workforce housing options for new and existing residents in Onalaska.

IV) *The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.*

Yes – criteria has been met. The requested variance is not believed to be detrimental to adjacent properties or the public welfare. However, as a public hearing will be held, testimony from the public should be listened to and considered before deciding on the requested variance.

V) *The proposed variance will not undermine the spirit and general and specific purposes of the Zoning Code, specifically the standards of Section 13-1-6.*

Yes – criteria has been met. The requested variance is not believed to undermine the spirit of the Zoning Code as the development upholds legislative purpose and intent of the Zoning Code Sections 13-1-6 (c) & (h) which state, “to protect the character and the stability of the residential, business, manufacturing and to other districts within the City and to promote the orderly and beneficial development thereof” and “to stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the City.

Staff recommends approval of the proposed variance, as staff believes that all five (5) criteria have been met.

Staff recommends the following Conditions of Approval if Board of Zoning Appeals should approve the variance request:

- 1) Property owner to obtain Site Plan Permit, Building Permits, and State Plan Approvals as needed prior to construction activities.
- 2) Any omissions of any conditions not listed shall not release the property owner/developer from abiding by the City’s Unified Development Code requirements.
- 3) All conditions run with the land and are binding upon the property owner and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original property owner from meeting any conditions.



Dear Members of the City of Onalaska Variance Committee,

Roush Rentals is planning a wonderful new multifamily housing project for the city of Onalaska at 9522 E Hwy 16 Frontage Rd. We are very excited to create this new housing asset for Onalaska. Our project will help bolster the commercial health of the region and bring millions of dollars in additional tax base to the City of Onalaska.

Our variance request is related to the parking requirements as they relate to building density and unit count. As this project has evolved, we have closely watched rental housing trends, local market demands and the needs of our customers. We see a shift in market demands to less bedrooms and more desire for community spaces, amenities and storage. Our proposed change to this project is actually a reduction in density and bedroom count to better fit the local market demands and growing needs for workforce housing. This change will have little effect on total project value or cost as it's simply a shift in use of square footage.

Our original proposal had a total of 65 units and 130 bedrooms. By the City of Onalaska rules, 2 parking stalls are required per unit, and we met that requirement at 130 parking stalls. Our proposal would raise the unit count to 79 units, but LOWER the total bedroom count to 118 (a density reduction). Making this change, by the Onalaska City Code would then require 158 parking spots, which is not possible due to lack of buildable area (slope and wetlands). In understanding this request, it's important to take a look at parking requirements from an industry standard approach, the industry is shifting to parking stalls per bedroom vs. parking stalls per unit. This is because bedroom count tends to be a better indicator of population density vs. the number of units. For example, the City of La Crosse's current rules require 1 parking space per bedroom. By these rules, our proposed revision would only need 118 spaces. I've attached a simple spreadsheet illustrating the numbers of our requested change. Side note: at the moment, the City of La Crosse and other municipalities are looking to lower that ratio even further, as we see market trends toward fewer cars per household. Our data agrees. In our 20+ years of experience, we see the actual parking ratio at about .7 cars per bedroom.

In summary, we are asking for a variance of 28 parking spaces as we still intend to build the original 130 spaces proposed. With the slight reduction in bedrooms and density, by holding to 130 spaces we'll be afforded more guest parking and mitigate the street parking demand. I so appreciate your consideration in this matter and trust you agree granting this variance request is in the best interest of the City of Onalaska. Please see the additional pages for our answers to the application questions.

Most Sincerely,

A handwritten signature in blue ink, appearing to read "Nick Roush", is written over a light blue horizontal line.

Nick Roush
President
Roush Rentals

Original Density

Number of Units	Bedrooms per Unit	Total Bedrooms (Density)	
13	3	39	
39	2	78	
13	1	13	
65	Total Units	130	Total Beds in Development
2	Onalaska Stalls per Unit	1	Industry Std. Stalls per Bedroom
130	Required Total Stalls	130	Industry Std. Total Stalls

Proposed Density Revision

Number of Units	Bedrooms per Unit	Total Bedrooms (Density)	
39	2	78	
40	1	40	
79	Total Units	118	Total Beds in Development
2	Onalaska Stalls per Unit	1	Industry Std stalls per bedroom
158	Required Stalls	118	Industry Std. Total Stalls

1. Unnecessary Hardship; Unfortunately, City of Onalaska parking requirements create an unnecessary hardship. The current ordinance does not relate the number of parking stalls to building density, only the number of units. Our request is to lower building density, but under the current rules it has the “unnecessary burdensome” consequence of raising the parking requirement. This is one of the reasons why the City of Onalaska is currently planning to change its parking requirements for multifamily housing.
2. Unique Physical Characteristics;
 - a. Lack of Buildable Area: Because the site has substantial slope, wetlands and wetland protected areas, the buildable area of the site is substantially reduced (by about 50%). These site challenges have been the precluding factor for previous development. We have creatively maximized the buildable and parking space for this project, but there is simply no more room to create additional parking.
 - b. PDD zoning not possible, parcel is slightly too small: Because the parcel is just less than 5 acres, the project is not eligible for Planned Development District Zoning by the rules in the City of Onalaska. Under PDD zoning, parking and density considerations can be taken on a case by case basis, employing context sensitive thought and design. This type of zoning could allow for a parking code deviation.
3. Value or Income Potential; This request has little or no effect on value or income as it does not change the proposed construction of the parking lot or the square footage of the buildings. It is simply a change in the quantity of units and bedroom counts to better match market trends and demand.
4. Public Interest Protection; This change does not harm the public interest in any way. This request actually creates more guest parking and therefore lowers the burden for on street parking, protecting the public interest. It also helps the public interest by supplying more of the size and type of housing our market is asking for, helping the long term viability of the project and creating a solid economic asset for the City of Onalaska. It also helps the public interest by bolstering population in close proximity to the commercial hubs of Onalaska.



CITY OF ONALASKA

415 MAIN STREET
ONALASKA, WISCONSIN 54650-2953

PLANNING / ZONING DEPARTMENT

Request for Variance

Board of Zoning Appeals, City of Onalaska, WI

Application Fee: \$300.00

Date 3/20/19

I (we), Roush Rentals, LLC, the owner(s) of the following described property, do hereby make request to appear before the Board of Zoning Appeals to seek a variance from the City ordinance requirement that:

See Attached

For the purpose of: See Attached

DESCRIPTION OF PROPERTY:

Tax Parcel # 18-303-3 Street Address 9522 Hwy 16 Frontage Rd. Onalaska, WI 54650

- PLEASE ATTACH:
- Application Fee of \$300.00
 - Copy of Plot/Site Plan (include parcel dimensions, setbacks, structures, paving, etc.)
 - Site Photographs

Owner Information - (attach additional sheet if more room is needed)

Name of Owner (printed) <u>Roush Rentals</u>	Phone Number	Address <u>707 La Crosse St. Ofc 102</u>
Signature <u>[Signature]</u>		City, State, Zip <u>La Crosse, WI 54601</u>
Name of Owner (printed) <u>Nicholas Roush</u>	Phone Number	Address
Signature <u>[Signature]</u>		City, State, Zip

Contact Person if other than Owner

Name of Contact (printed)	Phone Number	Address
Signature		City, State, Zip

For Office Use: Date Complete Application Received: _____ Initials: _____

Enclosures: \$300 Filing Fee Response to 5 Criteria Plot/Site Plan/Site Photographs

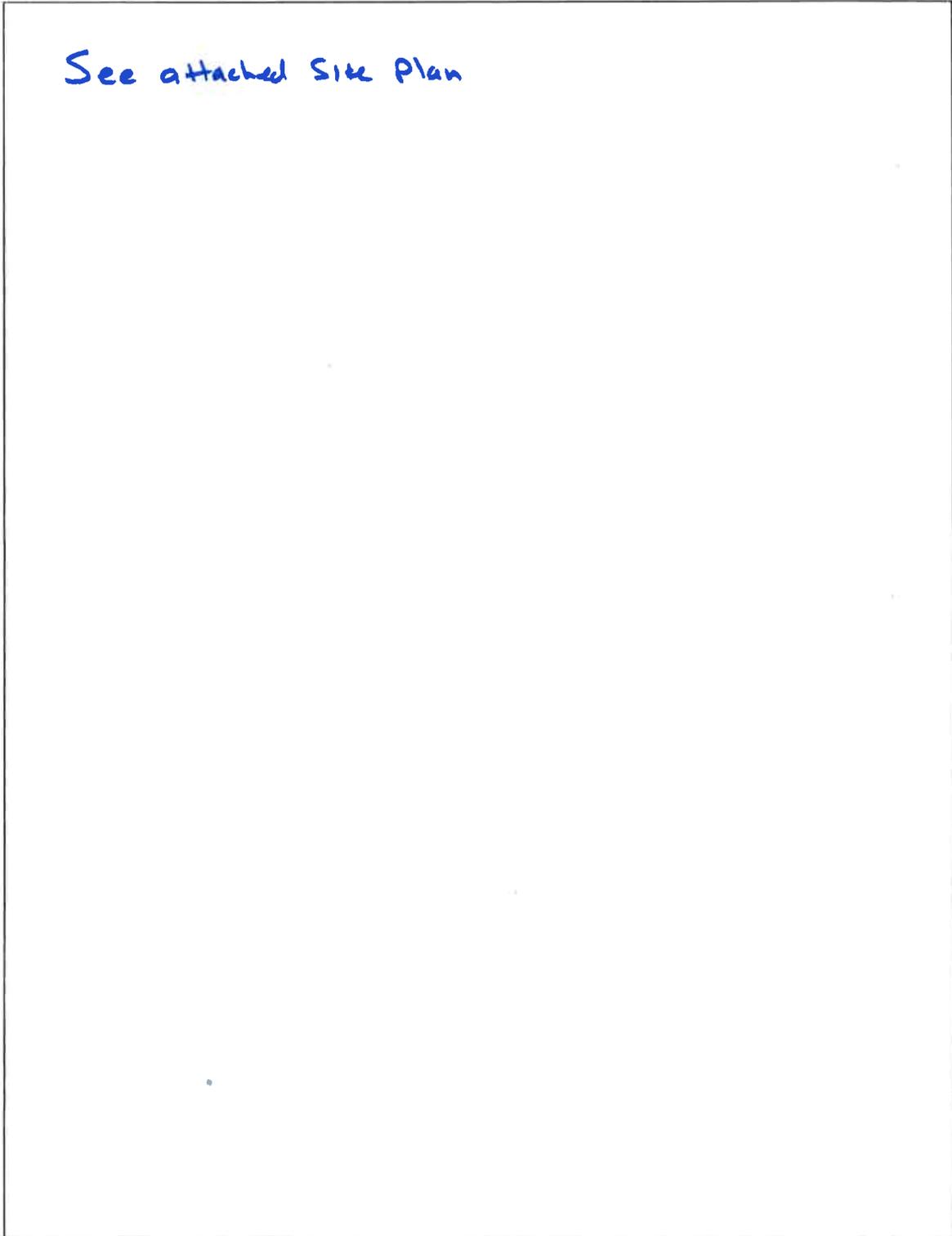
18-3613-3 / 9522 HWY 16 FRONTAGE RD #9#00

Rev. 11/13/15

CITY OF ONALASKA
 REC#: R00138336 3/20/2019 4:41 PM
 TRAN: 450 PLANNING & ZONING
 OPER: C2 TERM: 2
 TRBY: CASH 02

Request for Variance – CITY OF ONALASKA, WI

SITE DIAGRAM SKETCH: Please sketch the location of the proposed structure(s), as well as all existing buildings, including accessory structures (i.e., swimming pools, sheds), parcel lines, right-of-ways, streets and alleys. Include on this map distances between structures and between the structure(s) and parcel lines.



Request for Variance – CITY OF ONALASKA, WI

Please answer the following questions to help the Board of Zoning Appeals understand your requested variance. Your answers will be provided to the Board of Zoning Appeals as part of your application. As required by Sec. 13-1-6, Code of Ordinances, City of Onalaska, WI, in order for the Board of Zoning Appeals to grant a variance, it must find that the following criteria are met.

1. Unnecessary Hardship: Unnecessary hardship is present when compliance with the strict letter of dimensional requirements unreasonably prevents a property owner from using the property for a permitted purpose, or would render conforming to such requirement “unnecessarily burdensome”. Explain how you find your appeal meets this test: (Use additional paper if necessary.)

See Attached.

2. Unique physical characteristics of your property must be present. These include characteristics that prevent a proposed development from complying with the ordinance being appealed. Explain how you find that your property meets this standard:

See Attached.

(Please continue on the next page.)

Request for Variance – CITY OF ONALASKA, WI

3. Explain if this request for a variance is based exclusively on motivations of value or income potential of the property:

See Attached.

4. Explain why the granting of this variance will not be contrary to, or harm, the interest of the public:

See Attached

If you have any questions about completing this application, please feel free to contact the City of Onalaska's Planning / Zoning Department at 608-781-9590.

**PUBLIC HEARING NOTICE
CITY OF ONALASKA
BOARD OF ZONING APPEALS**

Please take notice that the Board of Zoning Appeals for the City of Onalaska will hold a public hearing on:

**MONDAY, APRIL 15, 2019
6:30 PM**

in Onalaska City Hall, 415 Main Street, Onalaska, WI 54650, at which time they shall consider an application filed by Roush Rentals, LLC, 707 La Crosse Street, Office 102, La Crosse, WI 54601 who requests to appear before the Board of Zoning Appeals for the purpose of requesting a variance for the required number of parking spaces needed for the construction of a new housing development at the property located at 9522 Highway 16 Frontage Road, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number: 18-3613-3

Section 11, Township 16, Range 7,

CERTIFIED SURVEY MAP NO. 91 VOL 15 DOC NO. 1598907 LOT 1

SUBJ TO RESTR IN DOC NO. 1720506

YOU ARE FURTHER NOTIFIED that the Board of Zoning Appeals 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/Board of Zoning Appeals. This posting will contain the Board of Zoning Appeals Agenda and all attachments referencing this item.

Dated this 22nd day of March, 2019.

Cari Burmaster

City Clerk

Properties within 250 ft of Parcel No. 18-3613-3

1 inch = 200 feet

