



City of Onalaska Meeting Notice

COMMITTEE/BOARD: Plan Commission Sub Committee
DATE OF MEETING: December 10, 2019 (Tuesday)
PLACE OF MEETING: City Hall – 415 Main Street (Common Council Chambers)
TIME OF MEETING: 4:30 P.M.

PURPOSE OF MEETING

1. Call to Order and roll call
2. Approval of minutes from previous meeting
3. Public input: (limited to 3 minutes / individual)

Consideration And Possible Action On The Following Items:

4. Review and Consideration of Invoice No: 018-021-18 from Hoisington Koeigler Group inc. for UDC / Zoning Re-write Project
5. Review and Consideration of an Easement Agreement for 1785 East Main Street, Onalaska, WI 54650
6. Discussion and Consideration of the Proposed Zoning for County Road PH Properties
7. Adjournment

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the commission 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	*Knutte Temte
* Ald. Tom Smith – Chair	
Ald. Jim Olson	* *Kevin Schubert
Ald. Dan Stevens	
Ald. Diane Wulf	Laddie Galloway, Acme Commercial Properties
Vacant	
Ald. Kim Smith	
* Jarrod Holter, City Engineer	
City Attorney City Administrator	
La Crosse Tribune Dept. Heads.	Plan Commission Members
Coulee Courier	Onalaska Omni Center
WKTY WLXR WKBT WXOW WLAX	Onalaska Public Library
*Committee Members	* * Alternate Member – for City Engineer

Date Notices Mailed and Posted: 12-4-19

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.



CITY OF ONALASKA

STAFF REPORT

Plan Commission Sub-Committee – December 10, 2019

Agenda Item: Review and Consideration of Invoice No: 018-021-18: Hoisington Koegler Group Inc. for UDC / Zoning Ordinance Re-write Project.

Attached is the 18th Invoice for the UDC / Zoning Ordinance Re-write Project totaling \$11,615.75 dollars.

Original Contract Amount:	Billed to Date:	Payment Requested:
\$108,000.00	\$108,000.00	\$11,615.75



Hoisington Koegler Group inc.
 123 North 3rd Street, Suite 100
 Minneapolis, MN 55401-1659

Katie Aspenson
 City of Onalaska
 415 Main Street
 Onalaska, WI 54650

December 3, 2019
 Invoice No: 018-021 - 18

Project 018-021 Onalaska - UDC/Zoning Ordinance Rewrite
Professional Services from November 1, 2019 to November 30, 2019

Task 04 Draft UDC and Zoning Map

- Internal team collaboration
- Preparation and attendance at staff meeting
- Preparation of draft report
- Preparation of draft UDC
- Preparation of second draft
- Project coordination
- Prepare draft Definitions chapter
- PUD overlay district mapping

Professional Personnel

	Hours	Rate	Amount	
Associate				
Miller, Jeffrey	46.00	130.00	5,980.00	
Trapp, Rita	42.25	130.00	5,492.50	
Professional II				
Chamberlain, Laura	11.50	85.00	977.50	
Professional I				
Richmond, Beth	52.75	70.00	3,692.50	
Totals	152.50		16,142.50	
Total Labor				16,142.50
				Total this Task
				\$16,142.50

Billing Limits	Current	Prior	To-Date	
Total Billings	16,142.50	96,384.25	112,526.75	
Limit			108,000.00	
Adjustment				-4,526.75
				Total this Invoice
				\$11,615.75

Outstanding Invoices

Number	Date	Balance
15	8/14/2019	12,100.62
16	9/6/2019	12,826.02



CITY OF ONALASKA

STAFF REPORT

Plan Commission Sub-Committee – December 10, 2019

Agenda Item: Review and Consideration of an Easement Agreement for 1785 East Main Street, Onalaska, WI 54650.

Property Owner: Acme Commercial Properties, LLC
PO Box 6060, Abilene, TX 79608-6060

Parcel Numbers: 18-725-1

Site Locations: 1785 East Main Street, Onalaska, WI 54650

Background:

This property was approved for a Conditional Use Permit on November 22, 2005 by the Plan Commission to install a telecommunication facility at 1735 East Main Street, Onalaska. Common Council then gave it final approval on December 13, 2005. Attached are the documents related to the conditions of the Conditional Use Permit and Conditions related to the Site Plan Permit. Further background information of this property can be found in the attached letter. Acme Commercial Properties, LLC will be providing a proposed Easement Agreement for consideration at the upcoming Plan Commission meeting.

Action Requested:

Acme Commercial Properties, LLC would like to work with the city to clarify and acknowledge the access to the communication tower by entering into a formal Easement Agreement with the City of Onalaska.

589 **telecommunication facility consisting of a stealth pole with a fenced in equipment shelter**
590 **near the Well Street Station (reservoir), east of State Highway 35 & north of Main Street,**
591 **Onalaska, WI 54650 (Parcel #18-725-0).**

- 592
- 593 1. CUP Fee of \$150.00.
- 594
- 595 2. Owner shall submit a visual analysis, photo simulation showing what the tower
- 596 will look like in its surroundings, prior to Plan Commission determination.
- 597
- 598 3. Maximum height shall not exceed 1 foot for each 3 feet the tower is set back from
- 599 the nearest property line unless approved by the Plan Commission as a “stealth
- 600 facility”.
- 601
- 602 4. Owner shall provide a Site Plan Permit with all submittals required by Section 13-
- 603 1-135 (o) of the Zoning Code.
- 604
- 605 5. Tower and equipment, grading and land disturbance shall not be visible by the
- 606 public.
- 607
- 608 6. If the Plan Commission determines that the facility is not a “stealth” application,
- 609 this site does not qualify for a Conditional Use Permit.
- 610
- 611 7. Owner/developer must pay all fees and have all plans reviewed and approved by
- 612 the City prior to obtaining a building permit. Owner/developer must have all
- 613 conditions satisfied and improvements installed per approved plans prior to the
- 614 issuance of occupancy permit.
- 615
- 616 8. Owner/developer must notify the City prior to any utility connection to public
- 617 utilities.
- 618
- 619 9. All conditions run with the land and are binding upon the original developer and
- 620 all heirs, successors, and assigns. The sale or transfer of all or any portion of the
- 621 property does not relieve the original developer from payment of any fees
- 622 imposed or from meeting any other conditions.
- 623
- 624 10. Any omissions of any conditions not listed in the Plan Commission Minutes shall
- 625 not release the developer/property owner from abiding by the City’s Subdivision
- 626 Ordinance and Zoning Code requirements.
- 627

628 Motion by Ald. Giese, second by Ald. Gonczy, to approve with ten conditions the Conditional
629 Use Permit/Stealth Determination submitted by Arthur and Pearly Brueske, 1315 3rd Avenue
630 North, Onalaska for the purpose of erecting a wireless telecommunication facility consisting of a

**CITY OF ONALASKA
SITE PLAN PERMIT**

COPY

DATE: September 1, 2006

Cingular Wireless – Well St. Station
Brueske Site

SITE PLAN PERMIT #: 060901

1. Site Plan Permit Fee of \$100.00.
2. Owner/developer shall submit details of tower including height, diameter and color.
3. Structure, fencing / land disturbance shall not be visible by public. Dark gray color scheme – 42" maximum diameter and 80' height maximum to insure stealth appearance to blend into surroundings per Plan Commission approval.
4. Letter of FAA approval required.
5. Owner shall insure open access for all vehicle equipment types to City reservoir.
6. Owner shall disclose any lighting on proposed tower.
7. Exterior storage is prohibited.
8. Owner/developer must 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 the issuance of the occupancy permit.
9. Owner/developer must notify the City prior to any utility connection to City owned utilities.
10. 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.
11. Any omissions or any conditions not listed in Plan Commission minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.
12. Owner shall provide own lock at gates – coordinate with Utility Dept.
13. Owner shall maintain road to tower.

Acme Commercial Properties, LLC
PO Box 6060
Abilene, TX 79608
(325) 691-0495

November 13, 2019

Ms. Lisa Ranney
City of Onalaska
Onalaska, WI

Re: Request for an Easement Agreement
1785 E. Main Street
Parcel No.: 018-000725-001

Dear Ms. Ranney,

Acme Commercial Properties LLC owns a communication tower at the address of 1785 E. Main Street in Onalaska (Parcel 018-000725-001). Our property is a small "parcel" (~60' x60') consisting of a compound around the tower and ground equipment. The parcel sits inside a larger "parent tract". Since the tower was built (2007), access to the site was a road that comes off Main Street, runs northwest paralleling Highway 53 and then loops around to the right and climbs up to the top of the ridge and then to the site. The City of Onalaska is the current owner the parent tract and Acme would like to request the City to work with us in getting an Easement Agreement in place to acknowledge our access road.

As background, let me summarize the chain of events leading up to the present situation.

In 2005, Arthur & Pearly Brueske entered into an Option and Lease Agreement with Cingular Wireless, to allow Cingular to build a tower on their land; the Option and Lease Agreement was never recorded in the public records; and after the tower was built (in 2007), Cingular subsequently gave their rights to the parcel and tower to the Brueskes. Maybe knowing they were intending to give the tower to the Brueskes was why the Option and Lease Agreement was never recorded by Cingular???

In 2007, the Brueskes created an entity for themselves named Beer Cave Hill LLC, with Arthur Brueske as the President of the company. The Brueskes executed a Quit Claim Deed from themselves into their company to convey ownership of the tower and parcel. The Option and Lease Agreement had easement language stating access was granted across the parent tract in order to get to a public road... and that the owner of the parent tract (Bruskes) would execute an Easement Agreement across the parent tract upon request by the parcel owner. At the time, an Easement Agreement wasn't an issue since the Brueskes and Beer Cave Hill were the same folks.

In 2011, Beer Cave Hill (Brueskes) sold the tower and parcel to a third party, Telecom Lease Advisors, LLC (TLA). Since the original Option and Lease Agreement was never recorded... the Option and Lease Agreement was referenced in the Assignment and Assumption Agreement that conveyed the parcel and tower rights from Beer Cave Hill to TLA. The access easement was still implied.

Later in 2011, TLA sold the tower and parcel to Acme Commercial Properties LLC. Again, the unrecorded Option and Lease Agreement was referenced in the Assignment and Assumption Agreement, along with the implied access easement.

However, now forward to 2019... Acme was going to request an Easement Agreement from the Brueskes, but learned that they no longer own the parent tract... the City of Onalaska does. I'm not sure how/when the parent tract was conveyed to the City. And even though the access easement has been in place for 12 years, Acme would like to work with the City to clarify and acknowledge our access to the tower by requesting an Easement Agreement from the City of Onalaska, as the current owner of the parent tract. Acme can prepare the Easement Agreement for the City's review and we already have a surveyor's legal description of the existing road that can be used for the Easement Agreement. Thank you for considering Acme's request and I'd be happy to discuss in further detail... or provide supporting documentation that the City might require to consider our request.

Sincerely,
Acme Commercial Properties, LLC

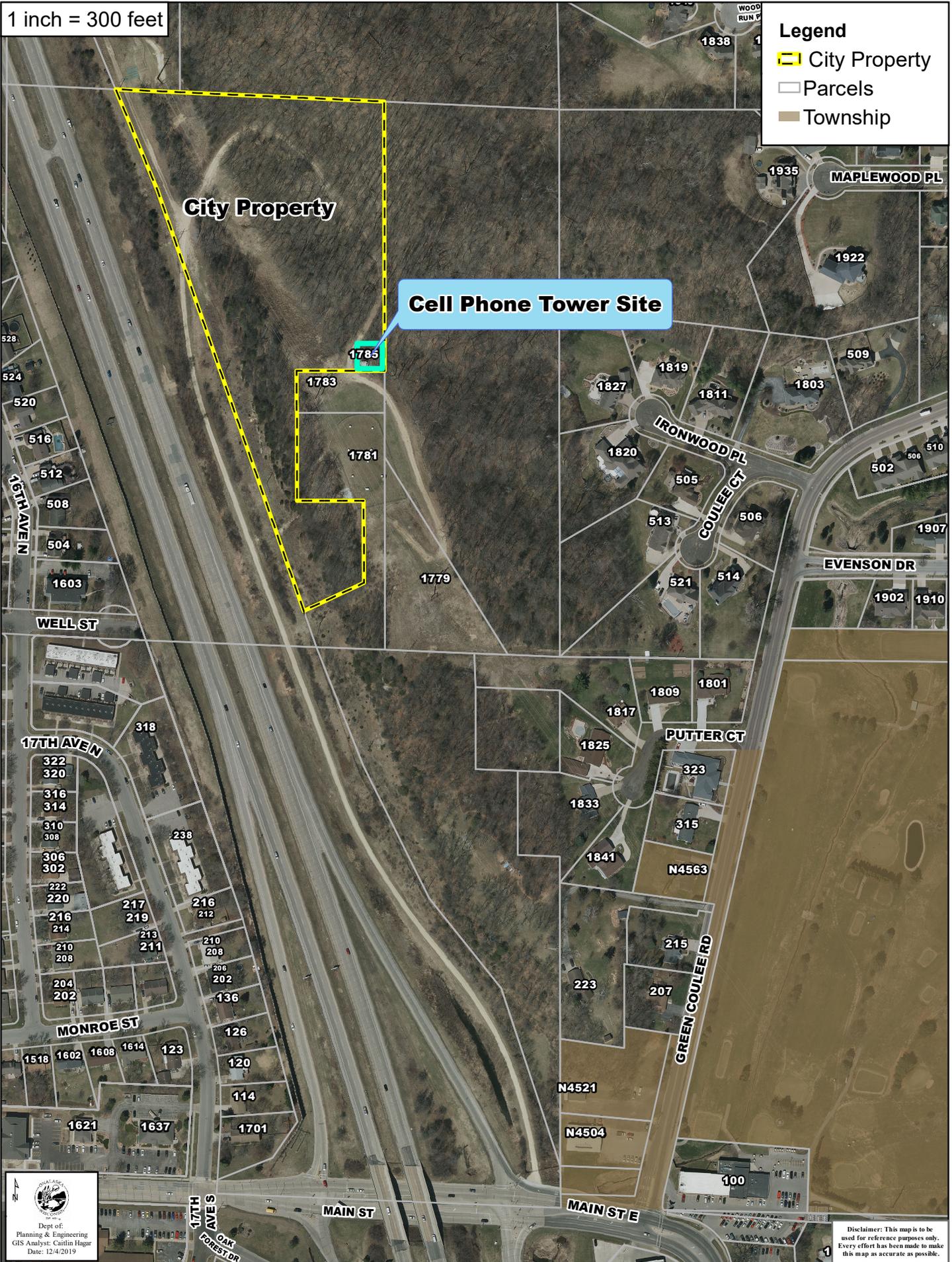


Laddie C. Galloway
Site Acquisition
(325) 669-8110 mobile
lgalloway@txoexploration.com

1 inch = 300 feet

Legend

-  City Property
-  Parcels
-  Township



City Property

Cell Phone Tower Site



Dept of:
Planning & Engineering
GIS Analyst: Caitlin Hagar
Date: 12/4/2019

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

STAFF REPORT

Plan Commission Sub-Committee – December 10, 2019

Agenda Item: Discussion and Consideration of the Proposed Zoning for County Road PH Properties, Onalaska, WI 54650.

Site Locations: See Attached Map

Background:

As part of the comprehensive review of the City of Onalaska's current zoning map, City staff propose that the twelve parcels as identified on the included map along County Road PH be rezoned from Single Family Residential (R-1) to Mixed-Use Neighborhood (MU-N) to be in conformance with the Future Land Use Map within the 2015 Comprehensive Plan. This recommendation is based on the current development in this neighborhood, including comments from PH residents regarding the ability to walk to commercial areas, mixture of commercial and residential uses and recent development in this neighborhood. For example the current mixture of the neighborhood includes Olive Juice Quilts, River of Life Assembly of God and the Bronson Development; in addition to being located directly next to big box retail and commercial strip developments.

The purpose of the MU-N Mixed Use Neighborhood District is to provide areas for the development and redevelopment of land based on the design principles of traditional neighborhoods including a mix of complementary uses consisting of residential, commercial, civic, institutional, and open space uses in close proximity to each other; a mix of housing styles, types and sizes to accommodate households of all ages, sizes and incomes; compact and human scale design; an interconnected street system with sidewalks, bikeways, and transit access; retains existing buildings with historical or architectural features that enhance the community's visual character; and preserves and incorporates significant environmental features.

Neighbors are concerned about the proposed rezoning from R-1 to MU-N. City Staff met with multiple residents a number of times to discuss the implications of the proposed zoning and residents are seeking to maintain the zoning in this area as R-1 Low Density Residential. The purpose of the R-1 Low Density Residential District is to encourage the establishment and preservation of neighborhoods with single-household detached dwellings.

Action Requested:

City staff is asking that the Plan Commission make a determination of whether the twelve properties in question should stay R-1 or be proposed to be rezoned to MU-N in the comprehensive rezoning map. This action does not approve the rezoning but gives direction to staff on what zoning to include in the new zoning map.

Properties within 250 ft CORD PH Residents

1 inch = 200 feet

