

**Plan Commission  
of the City of Onalaska**  
Tuesday, April 23, 2019  
1

1 The Meeting of the Plan Commission of the City of Onalaska was called to order at 7:00 p.m. on  
2 Tuesday, April 23, 2019. It was noted that the meeting had been announced and a notice posted  
3 at City Hall.

4  
5 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Tom Smith,  
6 City Engineer Jarrod Holter, Paul Gleason, Skip Temte

7  
8 Also Present: City Administrator Eric Rindfleisch, Deputy City Clerk JoAnn Marcon, Planning  
9 Manager Katie Aspenson, Ald. Diane Wulf, Ald. Boondi Iyer

10  
11 Excused Absences: Jan Brock, Craig Breitsprecher, Steven Nott

12  
13 **Item 2 – Approval of minutes from previous meeting (April 9, 2019)**

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15 Motion by Skip, second by Paul, to approve the minutes from the previous meeting (Special Plan  
16 Commission meeting held April 9, 2019) as printed and on file in the City Clerk’s Office.

17  
18 On voice vote, motion carried.

19  
20 **Item 3 – Public Input (limited to 3 minutes per individual)**

21  
22 Mayor Chilsen called three times for anyone wishing to provide public input and closed that  
23 portion of the meeting.

24  
25 **Consideration and possible action on the following items:**

26  
27 **Item 4 – Public Hearing: Approximately 7:00 P.M. (or immediately Public Input) for**  
28 **consideration of a Conditional Use Permit request filed by Ruth Mashak, 729 Redwood**  
29 **Street, Onalaska, WI 54650 for the purpose of allowing the operation of a home occupation**  
30 **(offering piano lessons) at the property located at 729 Redwood Street, Onalaska, WI 54650**  
31 **(Tax Parcel #18-5898-1)**

32  
33 Katie said this CUP request pertains to allowing a home occupation in a residential zoning  
34 district. The applicant wishes to offer piano lessons at her residence and see students one at a  
35 time. It is expected that there would be a maximum of 30 students per week, with teaching hours  
36 between 1 p.m. and 8 p.m. – most lessons will occur after 3 p.m. – Monday through Friday.  
37 Teaching will occur January through May, and September through December, with some select  
38 teaching with fewer students in June and July. Parents and students will be able to park in the  
39 driveway, with a maximum of one car parked in the street, if needed. A CUP for this use is  
40 permitted only by Plan Commission approval, per Section 13-5-16 (d), and pursuant to standards  
41 set forth in Sections 13-8-11. While the city has no basis for denial of the CUP, it has found a  
42 basis to impose the following conditions:

Reviewed 4/25/19 by Katie Aspenson

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72
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.
  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 furthers orderly development and the health, safety and welfare of the City.

73 Katie noted a public hearing will be held this evening, and that only where no reasonable  
74 conditions could exist to allow the Conditional Use, may a Conditional Use Permit be denied.

75  
76 Mayor Chilsen inquired about the number of lessons.

77  
78 Katie told Mayor Chilsen there will be a maximum of 30 students per week.

79  
80 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the  
81 Conditional Use Permit request.

82  
83 Mayor Chilsen called three times for anyone wishing to speak in favor of the Conditional Use  
84 Permit request and closed that portion of the public hearing.

85  
86 Mayor Chilsen called three times for anyone wishing to speak in opposition to the Conditional  
87 Use Permit request and closed the public hearing.

88  
89 Motion by Skip, second by Ald. T. Smith, to approve with the four stated conditions a  
90 Conditional Use Permit request filed by Ruth Mashak, 729 Redwood Street, Onalaska, WI 54650  
91 for the purpose of allowing the operation of a home occupation (offering piano lessons) at the  
92 property located at 729 Redwood Street, Onalaska, WI 54650 (Tax Parcel #18-5898-1).

93  
94 Skip said he believes “something like this is an untold burden on our citizens” with the cost of  
95 this evening’s public hearing. Skip further stated he believes the city should be able to establish  
96 something more efficient for certain requests. Skip said, “We can’t disapprove something if we  
97 don’t have substantial evidence, and there are many things where there really won’t be any  
98 substantial evidence because of the type of thing that is being asked for. I think the city should  
99 take it on hand, when they have the available resources, to try to streamline our Conditional  
100 Permit things to get some things out of there, like this one here. I think this is a financial burden  
101 on someone like this.”

102  
103 On voice vote, motion carried.

104  
105 **Item 5 – Public Hearing: Approximately 7:10 P.M. (or immediately following previous**  
106 **hearing at 7:00 P.M.) for consideration of a Conditional Use Permit request filed by Leah**  
107 **Berlin and Jim Bressi of Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 54601 on behalf**  
108 **of David & Barbara Hegenbarth of Hegenbarth Investments, LLC, 2400 Cedar Creek**  
109 **Lane, Onalaska, WI 54650 for the purpose of allowing the operation of a meal**  
110 **prep/catering establishment at the property located at 910 2<sup>nd</sup> Avenue North, Onalaska, WI**  
111 **54650 (Tax Parcel #18-1276-0)**

112  
113 Katie said this CUP request is to allow the operation of catering services at the establishment  
114 previously called “2 Beagles Brewpub.” Kwik Trip is working to develop a “Take Home Meal”  
115 program, and has selected this location to test the preparation and delivery system for the new  
116 program. Food will be prepped, cooked, and packaged for delivery to retail Kwik Trip locations.  
117 The intended use is predicted to be less intensive than the previous restaurant uses as there will  
118 be substantially decreased public traffic for the new establishment. There will be eight  
119 anticipated employees, with delivery truck traffic predicted at two deliveries a week and one  
120 semi-truck for product pickup daily. Katie said a CUP for catering services is permitted only by  
121 Plan Commission approval, per Section 13-5-21 (c), and pursuant to standards set forth in  
122 Sections 13-8-11. While the city has no basis for denial of the CUP, it has found a basis to  
123 impose the following conditions:

- 124  
125 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City  
126 prior to obtaining a building permit. Owner/developer must have all conditions satisfied

127 and improvements installed per approved plans prior to issuance of occupancy permits.  
128 **Substantial Evidence:** This condition provides notice to the owner/developer that they  
129 are to follow procedure for orderly development in the City of Onalaska in order to  
130 promote the health, safety and welfare of the City.

131  
132 2. All conditions run with the land and are binding upon the original developer and all heirs,  
133 successors and assigns so long as the conditional use is being actively used. **Substantial**  
134 **Evidence:** This condition acknowledges and provides public notice of the term and puts  
135 the owner/developer and future owners on notice that they are bound by the conditions  
136 and that they can continue the use as long as they follow the conditions and actively use  
137 the conditional use. As stated by the applicant, the intention is to utilize this parcel for  
138 this use for a “temporary” time period (approximately three years). Upon cessation of the  
139 use by the applicant (Kwik Trip), this Conditional User Permit will be null and void and  
140 transferable as this same use with a different applicant may have a notably different  
141 business plan which may cause different impacts on neighboring properties.

142  
143 3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and  
144 Building Code requirements, as amended. **Substantial Evidence:** This condition  
145 assures that the owner/developer understands they must follow the city’s Unified  
146 Development Code and Building Code, which they are required to follow in every way,  
147 and that as they are receiving the benefit of being allowed to have a use that is not within  
148 the standards of the City’s zoning code, failure to follow City ordinances may result in  
149 loss of their Conditional Use Permit.

150  
151 4. Owner/developer shall provide annual notice to the Planning Department to ensure use of  
152 the Conditional Use Permit (**UPDATED CONDITION**). **Substantial Evidence:** This  
153 shifts the burden to the owner of the property to provide proof that the use is active and  
154 continuing. Ensuring that existing permits are still valid and being properly used ensures  
155 compliance with the City’s procedures and ordinances, and promotes interaction and  
156 communication with the City, which furthers orderly development and the health, safety  
157 and welfare of the City.

158  
159 Katie noted a public hearing will be held this evening, and that only where no reasonable  
160 conditions could exist to allow the Conditional Use, may a Conditional Use Permit be denied.

161  
162 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the  
163 Conditional Use Permit request.

164  
165 Mayor Chilsen called three times for anyone wishing to speak in favor of the Conditional Use  
166 Permit request and closed that portion of the public hearing.

167  
168 Mayor Chilsen called three times for anyone wishing to speak in opposition to the Conditional

169 Use Permit request and closed the public hearing.

170

171 Motion by Paul, second by Skip, to approve with the four stated conditions a Conditional Use  
172 Permit request filed by Leah Berlin and Jim Bressi of Kwik Trip, Inc., 1626 Oak Street, La  
173 Crosse, WI 54601 on behalf of David & Barbara Hegenbarth of Hegenbarth Investments, LLC,  
174 2400 Cedar Creek Lane, Onalaska, WI 54650 for the purpose of allowing the operation of a meal  
175 prep/catering establishment at the property located at 910 2<sup>nd</sup> Avenue North, Onalaska, WI  
176 54650 (Tax Parcel #18-1276-0).

177

178 Skip said it appears to him the four stated conditions already are covered by the city's  
179 ordinances. Skip also said that after examining CUPs for several years as a member of the Plan  
180 Commission, he wonders, "Is this something that just keeps our staff busy and keeps us busy up  
181 here rather than really accomplishing anything that's beneficial to the city?"

182

183 On voice vote, motion carried.

184

185 **Item 6 – Public Hearing: Approximately 7:20 P.M. (or immediately following previous**  
186 **hearing at 7:10 P.M.) for consideration of a Conditional Use Permit request filed by Dan**  
187 **Wick, Parks & Recreation Director of the City of Onalaska, 415 Main Street, on behalf of**  
188 **the City of Onalaska, 415 Main Street, Onalaska, WI 54650 for the purpose of allowing the**  
189 **construction of a perforated aluminum screen behind and a wood canopy over the existing**  
190 **stage at Dash-Park located at 200 Main Street, Onalaska, WI 54650 (Tax Parcel #18-96-1)**

191

192 Katie said Dash-Park was constructed in 2017-2018, with the City of Onalaska accepting the  
193 park in 2018. Skogenheim, LLC has requested to donate stage improvements to Dash-Park,  
194 which would include a perforated aluminum screen behind and a wood canopy above to enhance  
195 the performance area. At its March 25 meeting, the Parks and Recreation Board recommended  
196 approval of the donation to the Common Council, which approved the donation at its April 9  
197 meeting. The intention is to have the construction of the improvements in 2019. Structures in  
198 the P-1 District require CUPs per Plan Commission approval via Section 13-5-18, and pursuant  
199 to standards set forth in Sections 13-8-11.

200

201 The substantial evidence regarding Conditions of Approval is as follows:

202

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

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

209

210 2. All conditions run with the land and are binding upon the original developer and all heirs,

211 successors and assigns so long as the conditional use is being actively used. **Substantial**  
212 **Evidence:** This condition acknowledges and provides public notice of the term and puts  
213 the owner/developer and future owners on notice that they are bound by the conditions  
214 and that they can continue the use as long as they follow the conditions and actively use  
215 the conditional use.

216  
217 3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and  
218 Building Code requirements, as amended. **Substantial Evidence:** This condition  
219 assures that the owner/developer understands they must follow the city’s Unified  
220 Development Code and Building Code, which they are required to follow in every way,  
221 and that as they are receiving the benefit of being allowed to have a use that is not within  
222 the standards of the City’s zoning code, failure to follow City ordinances may result in  
223 loss of their Conditional Use Permit.

224  
225 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued  
226 use. **Substantial Evidence:** This shifts the burden to the owner of the property to  
227 provide proof that the use is active and continuing. Ensuring that existing permits are  
228 still valid and being properly used ensures compliance with the City’s procedures and  
229 ordinances, and promotes interaction and communication with the City, which furthers  
230 orderly development and the health, safety and welfare of the City.

231  
232 Katie noted a public hearing will be held this evening, and that only where no reasonable  
233 conditions could exist to allow the Conditional Use, may a Conditional Use Permit be denied.

234  
235 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the  
236 Conditional Use Permit request.

237  
238 Mayor Chilsen called three times for anyone wishing to speak in favor of the Conditional Use  
239 Permit request and closed that portion of the public hearing.

240  
241 Mayor Chilsen called three times for anyone wishing to speak in opposition to the Conditional  
242 Use Permit request and closed the public hearing.

243  
244 Motion by Ald. T. Smith, second by Skip, to approve with the four stated conditions a  
245 Conditional Use Permit request filed by Dan Wick, Parks & Recreation Director of the City of  
246 Onalaska, 415 Main Street, on behalf of the City of Onalaska, 415 Main Street, Onalaska, WI  
247 54650 for the purpose of allowing the construction of a perforated aluminum screen behind and a  
248 wood canopy over the existing stage at Dash-Park located at 200 Main Street, Onalaska, WI  
249 54650 (Tax Parcel #18-96-1).

250  
251 Skip said he finds the conditions to be “kind of silly,” and he stated, “The owner/developer will  
252 pay fees. Who’s going to pay these fees? Who is going to pay the fees that are required by

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253 Condition [No.] 1?”

254

255 Katie said the city will be waiving the fees as it is the owner of the structure. Katie also said  
256 permits still need to be pulled and noted there will not be permit fees as this is a City of Onalaska  
257 project.

258

259 Skip next addressed Condition No. 3 and asked if the City of Onalaska is bound by law to  
260 comply with its ordinances and codes. Skip also asked, “If they’re not, isn’t that malfeasance?”  
261 Skip said he also finds this condition to be “silly,” and also that, “I think we need to be looking at  
262 the whole picture of all these Conditional Permits in that because all three tonight seem to me to  
263 be kind of, ‘huh?’ ”

264

265 Mayor Chilsen told Skip that while he will look into the points he has raised this evening, the  
266 city must follow legal procedures.

267

268 On voice vote, motion carried.

269

270 **Item 7 – Review and Consideration of a request to amend Site Plan Permit #181016**  
271 **Conditions of Approval filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650,**  
272 **for the purpose of changing Condition #26 tied to the construction of a five-unit**  
273 **Townhome/Row House development at the property located at 2215-2217-2219-2221-2223**  
274 **Abbey Road, Onalaska, WI 54650 (Tax Parcel #18-4511-315)**

275

276 Katie said the applicant is the owner of the parcel in question, and he has received the following  
277 city approvals to allow the construction of a five-unit townhome/row house development:

278

- 279 • Rezoning from Single Family Residential (R-1) to Multifamily Residential (R-4) in 2018.
- 280 • Subdivision of the parcel into four developable lots in 2018.
- 281 • A variance to increase street-yard setbacks and modify typical property setbacks due to  
282 site and location of Dairyland Powerline easement in 2018.
- 283 • Site Plan Permit No. 181016 and the associated Conditions of Approval to construct the  
284 five-unit townhome. Katie noted the Conditions of Approval were included in Plan  
285 Commission members’ packets.

286

287 Katie said that as part of the Site Plan review process, city staff members work to ensure that a  
288 proposed development complies with standards in the Unified Development Code (for example:  
289 landscaping, parking, green space requirements, setbacks, et cetera). Further, the Planning  
290 Department reviews proposed architectural building elevations for all four sides of a structure as  
291 part of the process. Katie said the applicant originally did not propose any architectural features  
292 outside of vinyl siding on the eastern side of the structure that is directly visible from Abbey  
293 Road. Katie said city staff requested that a “stripe of brick façade” be added to this side of the  
294 structure to enhance curb appeal along Abbey Road, which has consistently been applied to the  
Reviewed 4/25/19 by Katie Aspenson

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295 other multifamily developments along Abbey Road in addition to a mini-warehouse use just  
296 south and east of this development during the Site Plan review process. Katie said the applicant  
297 offered to decrease the amount of brick façade that was originally proposed on the northern side  
298 of the structure that went up the length of the garages by half and instead wrap the brick façade  
299 around the eastern side for a consistent look of brick. Katie noted Plan Commission members'  
300 packets include the original building elevations, which do show initial proposal of all vinyl.  
301 Katie also noted the area she had drawn in green shows where the strip of brick façade was going  
302 to be continued along the eastern side.

303  
304 Katie said city staff agreed with the applicant's proposal and drafted Condition No. 26 for the  
305 Conditions of Approval tied to this development to reflect the proposed change in architecture.  
306 Upon completion of city review, city staff sent the Site Plan Permit and the associated  
307 Conditions of Approval for review by the applicant, noting that if he signed the Site Plan Permit,  
308 he is agreeing to adhere to all stated Conditions of Approval. Katie referred to a copy of a letter  
309 written by the applicant included in Plan Commission members' packets and noted he is  
310 requesting to no longer provide the brick façade along the eastern façade and instead return to the  
311 original proposal of all vinyl siding with no additional architectural features. Katie said city staff  
312 does not agree with the requested change and noted that as the Site Plan Permit represents an  
313 agreement between the applicant and the City of Onalaska, any change to the Conditions of  
314 Approval must be approved both by the Plan Commission and the Common Council. Katie said  
315 the Plan Commission is being asked this evening to consider amending Condition No. 26 of Site  
316 Plan Permit No. 181016 as requested by the applicant.

317  
318 City Administrator Rindfleisch reiterated what Katie had stated in the staff report in that city  
319 staff – himself included – does not agree with the applicant's request. City Administrator  
320 Rindfleisch said, "It was put in the original CUP as one of the conditions. It is one of the only  
321 things we can do at that time for Site Plan approval to look for enhancements that enhance the  
322 value of the building and the entire neighborhood by having some architectural feature facing the  
323 main thoroughfare. It was agreed upon by all parties at that point in time, and I don't see any  
324 evidence proposed here that would signify that we should go away from our standard procedure  
325 of having some architectural design facing the street."

326  
327 Motion by Paul, second by Skip, to deny a request to amend Site Plan Permit #181016  
328 Conditions of Approval filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650, for  
329 the purpose of changing Condition #26 tied to the construction of a five-unit Townhome/Row  
330 House development at the property located at 2215-2217-2219-2221-2223 Abbey Road,  
331 Onalaska, WI 54650 (Tax Parcel #18-4511-315).

332  
333 Paul said he does not see any basis to approve the applicant's request to amend the Site Plan  
334 Permit, stating, "It sounds like it was agreed to. At the time, it was a reasonable point to be in  
335 agreement on. At this point in time, I do not see a basis for it." Paul referred to the applicant's  
336 letter that was included in Plan Commission members' packets and noted it states the eastern

337 side of the building sticks out 4 feet out of the ground, and that the brick will look like it is  
338 floating and completely out of place. Paul noted he had examined the building, and he told the  
339 Plan Commission there is currently 3 or 4 feet of exposed basement wall on that end of the  
340 building. Paul said, "I agree that if it's left like that, starting brick 3 feet up and ending 6 feet up  
341 is going to look silly. But I'm also looking at the elevation that was apparently submitted by the  
342 applicant, which appears to show fill basically up to the floor level as opposed to 3 feet down. I  
343 guess my feeling is that if the applicant submitted that elevation showing fill up to the floor level,  
344 that's part of the approved requirements. And I think staff is well within their rights to insist that  
345 the fill be added up to basically the bottom of the brick. I don't think there was any discussion  
346 on that point. I think that's something that staff should insist on."

347  
348 Ald. Tom Smith asked if it is known why the applicant changed his mind.

349  
350 City Administrator Rindfleisch told Ald. Tom Smith the evidence review is included in the letter  
351 found in Plan Commission members' packets. To be specific, and as mentioned by Paul, the  
352 eastern side of the building sticks out 4 feet out of the ground, and the brick will look like it is  
353 floating and out of place. Further, the full height stone pillars, as per the original plan, will be  
354 facing the corner of Abbey Road and the northern (front) of the townhomes, which will face the  
355 future road, thereby adding curb appeal.

356  
357 Paul said it does not appear that the applicant intends to fill the final 3 feet, and therefore he does  
358 not want the brick sitting up well out of the ground. Paul said another possible factor in the  
359 applicant's mind is the brick on the front of the building on either side of the garage was to be  
360 reduced to half-height. Paul noted it already is there and is full height.

361  
362 Katie said staff has minimum standard when conditions are created and told Paul that if the  
363 applicant chose to go the full height of the garage, it is possible that was not articulated to the  
364 contractor.

365  
366 Paul said he assumes the contractor who installed the stone was not informed, "it was done, and  
367 the cost is there. But I'm in full agreement with staff's recommendation on this. I don't think  
368 we should be second-guessing staff on something such as this."

369  
370 On voice vote, motion carried.

371  
372 **Item 8 – Review and Consideration of Invoice No: 018-021-11 from Hoisington Koegler**  
373 **Group, inc. for UDC/Zoning Rewrite Project**

374  
375 Katie noted the amount due is \$4,736.25.

376  
377 Motion by Ald. T. Smith, second by Skip, to approve payment of Invoice No: 018-021-11 from  
378 Hoisington Koegler Group, inc. for UDC/Zoning Rewrite Project in the amount of \$4,736.25.

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379

380 On voice vote, motion carried.

381

382 **Adjournment**

383

384 Motion by Ald. T. Smith, second by Paul, to adjourn at 7:36 p.m.

385

386 On voice vote, motion carried.

387

388

389 Recorded by:

390

391 Kirk Bey