

**Plan Commission
of the City of Onalaska**
Tuesday, August 25, 2020
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1 The Meeting of the Plan Commission of the City of Onalaska was called to order on Tuesday,
2 August 25, 2020. It was noted that the meeting had been announced and a notice posted at City
3 Hall.

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5 Roll call was taken, with the following members present: Mayor Kim Smith, Ald. Tom Smith,
6 City Engineer Jarrod Holter, Jan Brock, Amber Pfaff

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8 Also Present: City Administrator Eric Rindfleisch, Planning Manager Katie Aspenson, Ehlers
9 Senior Municipal Advisor Sean Lentz

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11 Excused Absences: Craig Breitsprecher, Skip Temte

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13 **Item 2 – Approval of minutes from previous meeting**

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15 Motion by Jarrod, second by Ald. T. Smith, to approve the minutes from the previous meeting as
16 printed and on file in the City Clerk’s Office.

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18 On voice vote, motion carried.

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

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22 Mayor K. Smith called for anyone wishing to provide public input.

23
24 **Clarence Newberry**
25 **2610 East Avenue North**
26 **Onalaska**

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28 “I’m talking about the Century Place development. I’d really like to remind the committee to
29 look very closely at the traffic consequences of putting 280 units in with only one exit onto East
30 Avenue. It’s a ‘T’ intersection at the top of a hill. People are accelerating from both directions.
31 It’s a fairly high bike and pedestrian area, mostly with people running, walking, riding.
32 According to Mr. Roush, we’re talking about 1,700 vehicles going through that intersection more
33 than do now per day. I think that’s a real safety issue at the top of that hill, and that’s a lot of
34 vehicles – all of them stopping, accelerating, turning. Let’s say two-thirds go north down to
35 Sand Lake [Road]. I’ve been turning on to that road for six years, and people on Sand Lake are
36 going a pretty good speed even with the roundabout, so that’s a challenge. Now you’re going to
37 add, say, 1,100 vehicles down at that intersection. Maybe a third go south on East Avenue
38 through the neighborhood. [That’s] another 600 vehicles a day in that direction. I think the
39 traffic is a serious issue. [So is] the safety of the people around here and the noise level. I’m
40 hoping the committee will seriously consider that [and] at least do a significant traffic study and
41 see if that intersection can handle that and the intersection down at Sand Lake and the safety of
42 the neighborhood. I appreciate you giving me this time to speak. Thanks.”

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Jamie Dewitt
2418 Thomas Court
Onalaska

“I’ve talked to you before, but I still have concerns about Century Place. Again, back to what Mr. Newberry said, it’s the traffic. [And] not only that, but [also] the density. If you drive around the area, whether you’re driving on Sand Lake, East Avenue, or even into Holmen a little bit, there are so many apartment complexes going up and things of that nature. Just the density on this end of town is very concerning to me with the population and the traffic. I would just like to have more information.”

Frances Lee Edwards
2426 Thomas Court
Onalaska

“I spoke to you once before, and I also sent in a letter – some of you may have seen it. ... I also am concerned about the traffic, and I realize probably with that many people that Mr. Roush is having put in for 280 units, it would also probably necessitate the need for sidewalks along East Avenue. I don’t know that that would help with the safety with so many vehicles in that area. I also think, like the other people have said, there seems to be an awful lot of rental units and multifamily dwelling complexes going up on the north side of town. I’m also concerned about the foot traffic and the vehicle traffic and the noise. And I’m also thinking our neighborhood would be the eyes and ears for Mr. Roush as far as things happening, if that was to go through, and we definitely would tell him. I have a lot of reservations about it going through even though I’m trying to be open to the possibility of that happening. I don’t think that some of the possible L-1 possible developments that were presented are necessarily what would be happening. I think it kind of creates a little bit more fear to present the ones that would be the least wanted by our area. I don’t know if it’s considered putting 280 units in that small of an area to be a ‘pack and stack’ type of development. I wonder what the bottling company’s perspective on all this is. I can’t quite get my head out of the idea that what might be used as justification like a \$30 million development or the amount of taxes that Onalaska would save. It wouldn’t necessarily increase the tax base if something down the road would happen that the collection of that ... those monies would be kicked down the road.”

Frances was informed she had reached her three-minute speaking limit.

Nick Roush, Roush Rentals, LLC
1707 La Crosse Street, Office 102
La Crosse

“We did have a productive meeting with the neighbors and elected officials. I think, most

85 importantly, in hearing everyone’s concerns tonight we listened to those concerns and I
86 completely understand those very legitimate concerns. We shared our plans for development and
87 did our best to answer the questions that came up. I think we did a pretty good job in
88 demonstrating that we would be responsible buildings and owners. Regarding traffic and safety,
89 I had a great conversation with Jarrod Holter, who can speak to those things later on. The way
90 Century Place was originally designed, it was meant to collect traffic routed to an arterial, and
91 then route traffic onto a commuting route so the vast majority of traffic would turn left and make
92 their way to [County Trunk Highway] OT. I think that the traffic there can be supported based
93 on that conversation. There was also a lot of concern regarding an increase in crime, and we
94 really don’t see that with our developments at all. I can actually count on one finger how many
95 times the police have been to any of our developments, all of our new developments. We do
96 extensive criminal background [and] financial checks, and we rent to awesome people – people
97 just like you and me who are renting right now. [They’re] new to the community or [they’re] an
98 empty-nester [or it’s their] first job – all those great things. And I think it’s a really important
99 thing as we look at the chain of custody in housing for the City of Onalaska in allowing people to
100 set roots in the community. I think what we’re proposing is a beautiful new development with
101 35 percent green space, which is very high. It’s not overpacked from a density perspective at all;
102 in fact, it’s a lower density than most of our other developments that we have. We demonstrate
103 responsible and sustainable building practices, stormwater management – all of those things that
104 would be a great addition to the neighborhood. This goes without saying, but it would be a huge
105 boost in tax base, and definitely higher and better use versus an industrial use. I hope I can get
106 everybody’s support this evening. I think it’s going to be a great project. I think we will be
107 responsible neighbors and do the right things for the neighborhood. ... I’m here to answer your
108 questions tonight when our [item] comes up. Thank you so much.”

109
110 **Ann Brandau**
111 **4033 Mary Drive**
112 **Onalaska**

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114 Ann asked if the Plan Commission already had addressed the issues pertaining to Pineview
115 Estates.

116
117 Mayor K. Smith told Ann this is general public input and that the commission has not yet held
118 the public hearing if her item calls for one.

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120 Ann said she will reserve comment for the public hearing.

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122 Mayor K. Smith called three times for anyone else wishing to provide public input and closed
123 that portion of the meeting.

124
125 **Consideration and possible action on the following items:**

126
Reviewed 09/03/2020 by Zach Peterson

127 **Item 4 – Public Hearing: Approximately 7:00 P.M. (or immediately following Public Input)**
128 **to consider a proposed project plan, boundaries and creation of Tax Incremental District**
129 **No. 6 and associated Resolution 35-2020**
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131 Katie noted the Joint Review Board had met earlier Tuesday evening and said Sean Lentz of
132 Ehlers had provided a background and given a presentation. Katie said the land in question is
133 primarily vacant and located on the eastern side of Sand Lake Road, south of County Road S.
134 Katie told commission members Sean will be giving a presentation to them this evening.
135

136 Mayor K. Smith asked if Sean’s presentation will occur before or after the public hearing.
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138 Sean told Mayor K. Smith he is willing to give his presentation first so that he can provide more
139 background and answer any questions commission members might have.
140

141 Sean told commission members he has been working with city staff on the creation of proposed
142 TID No. 6, and he said the most important step in the process is this evening’s public hearing to
143 discuss the proposal both with the public at large as well as the other taxing jurisdictions, noting
144 that the latter had occurred earlier tonight.
145

146 Sean’s PowerPoint presentation included the following information:
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- 148 • In order to effectively get development to occur at the site – which currently is not
149 supplied with utilities such as stormwater, water, and sewer – and also to create improved
150 traffic modes through this area so that private development may occur, either the City of
151 Onalaska would have to be responsible for those costs, or the development group would
152 need to come up with those costs. The first option would be very difficult for the city as
153 it would be responsible for those costs, and a private developer would have difficulty
154 making a development proceed. Tax Increment Financing captures tax revenue from new
155 construction to create a funding source for incentive and infrastructure for development.
- 156 • The areas within the boundaries of the city that are being proposed to be put into the
157 district currently has a taxable value to it. That is the base value, which is taxed by all the
158 taxing jurisdictions. All the taxing jurisdictions collect their share of the tax revenue off
159 that base. When a TID is created, the base value is frozen. During the life of the TIF, the
160 taxing jurisdictions continue to collect revenue on that base value for their individual
161 budgets. When a new district is created, any new value up and above that base is
162 categorized as increment value. Instead of the tax revenue from that increment going to
163 all the jurisdictions, it only flows to the city, which in this case is TID No. 6. This is not
164 taking existing revenue either from the city or the other taxing jurisdictions. Rather, it is
165 a way to capture new value that is developed and benefitting from the infrastructure on
166 the site.
- 167 • The purpose of TID No. 6 is to create a mixed-use district to provide a variety of housing
168 and commercial uses. The goal is to install new infrastructure improvements, expand

- 169 residential and commercial activity in Onalaska. Mixed use is the best fit for the site as
170 there is a mix of commercial and residential in this area.
- 171 • The expenses primarily are infrastructure related (e.g. streetlights and engineering
172 services; traffic roundabout; sewer, water, and stormwater utilities; and temporary
173 roadway). The cost will be between \$5 million and \$5.5 million. If the Plan
174 Commission, the Common Council and the Joint Review Board all approve the project
175 plan, the projects may then be paid for with revenues from the TID. The City of
176 Onalaska must approve the projects on an individual basis as it moves through the
177 implementation of the TID.
 - 178 • The expectation is that throughout the life of the TID, the TIF could bring in \$62.6
179 million in new taxable value to the city. The maximum life of the TID is 20 years. When
180 the development occurs, the revenue grows from \$258,344 early in the life of the district
181 to \$1,234,531 at the end when the full \$62.6 million is developed. That stream of
182 revenue is what is available to pay back the infrastructure project costs.
 - 183 • There are four separate debt issues that would be done in order to provide up-front
184 financing to pay for the infrastructure costs. The funding source to pay back the debt
185 issues would be the captured increment value and taxes on that increment value. Based
186 on the \$62.6 million, and paying back the \$5.5 million and interest expense, the
187 projection is the district would have sufficient revenues to pay back those costs in
188 advance of the 20-year term. Based on the projection, that would occur in 2033.
 - 189 • The Joint Review Board's initial meeting was earlier this evening. The JRB is comprised
190 of all the taxing jurisdictions, and representatives are active participants in the discussion
191 and creation of a TID. The new taxes on the \$62.6 million will not go to the other taxing
192 jurisdictions; they are captured in the TIF. At the end of the TID's life, those
193 jurisdictions and the City of Onalaska's general fund benefit from having the newly
194 developed \$62.6 million in taxable value as it becomes part of the general fund tax base
195 for the City of Onalaska, La Crosse County, Western Technical College, and the Holmen
196 School District.
 - 197 • The Plan Commission will vote on a resolution recommending approval of TID No. 6 to
198 the Common Council. If the Plan Commission approves TID No. 6 this evening, and the
199 Council approves it at its September 8 meeting, the Joint Review Board will meet
200 September 16 to vote on the creation of TID No. 6.

201
202 Jarrod shared the following project plan for the projects that are needed for TID No. 6:

- 203
204 • An expansion of the stormwater ponding area next to the Menards property by the U.S.
205 Highway 53 off-ramps. The ponding area will be constructed large enough so that all the
206 water from the east side of Sand Lake Road may go over to the ponding area. This will
207 allow for more developable land not only in TID No. 6, but also in the future
208 development area owned by Mayo Clinic.
- 209 • A box culvert that will drain the east side of Sand Lake Road.

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- 210 • An interceptor storm sewer pipe that will reach the TID No. 6 area.
- 211 • Sanitary sewer and watermain connections through TID No. 6. This would allow for
- 212 future development to occur after TID No. 6 is in, and also for looping of infrastructure
- 213 within the TID.
- 214 • A possible roundabout for traffic control at the intersection of Sand Lake Road, County
- 215 Trunk Highway S, and County Trunk Highway SN. The road improvements would
- 216 extend to the intersection of Krause Road, one of the primary entrances to the new
- 217 development.
- 218 • Streetlighting improvements along Sand Lake Road.
- 219 • A road connection to direct traffic to the existing roundabout located at Sand Lake Road
- 220 and Riders Club Road.

221
222 City Administrator Rindfleisch noted most of the land in the proposed district is undeveloped,
223 with the Menards parcel being the lone exception, and he explained the reason the existing
224 Menards building is included in the TID is so that there is a contiguous district that appears
225 logical on the map. City Administrator Rindfleisch noted the existing taxes Menards pays are
226 part of the base value. Therefore, all the taxing entities still would collect from the base value of
227 the existing Menards building. City Administrator Rindfleisch said that by examining the
228 assumptions made on the development, development is planned for the east side of Sand Lake
229 Road. If any of the parcels on the west side would develop, that would accelerate the potential
230 closure of the district.

231
232 Mayor K. Smith opened the public hearing and called for anyone wishing to speak in favor of a
233 proposed project plan, boundaries and creation of Tax Incremental District No. 6 and associated
234 Resolution 35-2020.

235
236 Mayor K. Smith called three times for anyone wishing to speak in favor of a proposed project
237 plan, boundaries and creation of Tax Incremental District No. 6 and associated Resolution 35-
238 2020, and she closed that portion of the public hearing.

239
240 Mayor K. Smith called for anyone wishing to speak in opposition to a proposed project plan,
241 boundaries and creation of Tax Incremental District No. 6 and associated Resolution 35-2020.

242
243 **John Edwards**
244 **2426 Thomas Court**
245 **Onalaska**

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247 “I don’t quite understand TIF districts, but it seems like unlike the Roush properties, where
248 there’s a \$3 million increase in taxable income to the city, it appears the City of Onalaska already
249 owns this land and therefore wants to develop it, and therefore has to come up with cash to do
250 that. Since the taxpayers won’t get any benefit for years, the taxpayers are going to wind up

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251 financing this for years. Once it does get going, the city sells the land and there's years of
252 taxable income lost [and] the taxpayers get stuck again for all kinds of stuff. Unlike Roush, we
253 don't see any benefit because it doesn't go into the tax base."

254

255 Mayor K. Smith told John the Plan Commission will attempt to address his questions when it
256 returns to the discussion.

257

258 Mayor K. Smith called three times for anyone else wishing to speak in opposition to a proposed
259 project plan, boundaries and creation of Tax Incremental District No. 6 and associated
260 Resolution 35-2020, and she closed the public hearing.

261

262 Motion by Ald. T. Smith, second by Amber, to approve a proposed project plan, boundaries and
263 creation of Tax Incremental District No. 6 and associated Resolution 35-2020.

264

265 City Administrator Rindfleisch noted the City of Onalaska does not own any of the land within
266 the district outside of the streets located within the district. City Administrator Rindfleisch noted
267 the individuals who own the land have done so since the 1970s, and he also noted the City of
268 Onalaska does not own Century Place. City Administrator Rindfleisch further pointed out the
269 city does not own any developable land within its boundaries, and he explained that in order to
270 have a TIF district, it must meet the "but for clause," which means unless the "but for"
271 development ____ of some kind, the development would not occur. City Administrator
272 Rindfleisch said, "I think that is a strong case here. There are some substantial infrastructure
273 costs that either the ____ utilities or the general fund of the city would need to bear upon
274 development. It would put those costs upon the developer, and the development would not
275 occur. We are collecting a limited amount of taxes for the ____ land, and substantial taxes from
276 the Menards property. Those taxes would remain collected and dispersed to all four taxing
277 entities, as it would remain that way. It's only during the incremental timeframe where we're
278 collecting an increment to offset the infrastructure costs that the new tax would not be set until
279 we close the district, pay the expenses off, and then all taxing entities would benefit from the
280 higher rate of development in the area."

281

282 Jan asked Sean if the district would close in 2033 if it is paid off, or if it would continue until
283 2041.

284

285 Sean told Jan the maximum life of the district is 20 years, and the expenditure period – the
286 period in which the city may incur costs and charge them to the district – is the first 15 years of
287 the 20 years. Sean said that is approximately 2035, and he explained the cash flow projection
288 shows there would be sufficient funding in 2033 to pay off the expenditures unless there were
289 any new expenditures the city anticipated adding to the TID between 2033 and 2035. Sean said
290 there really would be no reason to keep it open; therefore, the TID could be closed in 2033. Sean
291 said the TID could be extended if expenditures were added through an amendment process.

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292 However, if everything is paid back by 2035, the expenditure period deadline, no new
293 expenditures may be incurred after that. Sean said the district must be closed at that point.

294
295 Ald. T. Smith asked Sean if any remaining funds after all the expenses are paid are redistributed
296 to the City of Onalaska as well as the other taxing jurisdictions.

297
298 Sean told Ald. T. Smith if all the TID-related expenses are paid back by 2033 and the Financial
299 Services Director discovers there is \$100,000 remaining in the TID fund after all the
300 expenditures have been paid, the \$100,000 would be redistributed to all the taxing jurisdictions
301 based on the most recent tax bill. To be specific, there is a percentage of the tax bill for the City
302 of Onalaska, the Holmen School District, La Crosse County, and Western Technical College.

303
304 Mayor K. Smith asked what would happen if the development does not proceed as forecasted
305 after 30 years and it falls short.

306
307 Sean noted the length of time is 20 years, and he said the city collects all the new tax revenues on
308 the increment value during the life of the TIF. However, the city issues the four debt issues, and
309 in a scenario where the revenue would not be sufficient to pay the debt, the city would have to
310 cover the shortfall in the 20-year life. Sean said a recommendation he makes regarding TIDs is
311 the city must do everything it can, with the assistance of financial professionals, to match up its
312 expenditures with its expectations of the revenue coming into the TIF, and to do everything
313 possible to ensure there is no shortfall. Sean said there is risk if something unforeseen occurs,
314 but Ehlers normally recommends having sufficient revenue not only to cover the expenditures,
315 but also to have a cushion in case something happens in an effort to ensure there is no shortfall at
316 the end of the TIF. Sean told commission members that revenues exceed expenses over the life
317 of a TIF in most districts in the state, and they are paid back. Sean said municipalities put forth a
318 tremendous amount of effort to ensure that happens.

319
320 City Administrator Rindfleisch noted the project would not proceed if the developer had to
321 assume all the costs, and he said the project may commence before the city has to start some of
322 the capital projects. City Administrator Rindfleisch noted 2025 is the earliest the city is looking
323 at doing some of the major debt issuances, and he said one way city staff can ensure there is a
324 proper cash flow is that there is no need to proceed with issuing the debt for the projects if the
325 first phases are not in the ground. City Administrator Rindfleisch said, "There are some
326 moments when we can stop the expenses going forward. Approving this today does not mean
327 we're approving those million dollars' worth of debt issuances. Those take steps down the road.
328 If no dirt is moved and no walls go up, there's no need to move forward with any of the
329 expenses."

330
331 Jan asked if there is any type of insurance the city may have for unforeseen circumstances.

332

333 Sean said he recommends that as the city moves through the implementation of the TID and
334 decisions are brought forward to the Plan Commission and the Common Council to approve
335 expenditures, the individuals who serve on those bodies are given information sheets that show
336 how something will be repaid, what the risks are, and what could occur in between. Sean said
337 the individuals serving on those bodies will have sufficient information regarding what is already
338 there in the TIF, and what is expected through building permits and other steps that indicate that
339 development will continue to occur. Sean said, “You really have the best information available
340 to know the level of risk you’re taking throughout the life of the TID.”

341
342 Sean said what he meant by “unforeseen,” for example, is if the state decided it would cover all
343 school district costs 10 to 15 years from now, meaning the school district’s share of local taxes
344 no longer existed. Sean noted that action would have a big impact on TIDs throughout the state.
345 Sean cited a significant weather event that inflicts a significant amount of property damage to the
346 TID as another example, noting it could have a negative impact on cash flow to the district. Sean
347 said having a district at the outset that shows it can pay back by 2033 is a cushion so that if plans
348 are altered, there is flexibility in ensuring that costs are paid back during the 20-year life of the
349 district.

350
351 On voice vote, motion carried.

352
353 **Item 5 – Public Hearing: Approximately 7:10 P.M. (or immediately following Public**
354 **Hearing at 7:00 P.M.) to consider a General Development Plan to create a Planned Unit**
355 **Development (PUD) application filed by Adam Aspenson of Traditional Trades, Inc., 1641**
356 **Sand Lake Road, Onalaska, WI 54650 on behalf of Elmwood Partners Limited**
357 **Partnership, 1859 Sand Lake Road, Onalaska, WI 54650, to allow for a mixed-use**
358 **development containing a combination of townhomes, multi-family dwellings, and**
359 **commercial uses located at Sand Lake Road, 1500 Sand Lake Road, and Sand Lake Road,**
360 **Onalaska, WI 54650 (Tax Parcels # 18-4515-0, 18-4516-0, and 18-4521-0)**

- 361
362 1. Planned Unit Development Application Fee of \$700.00 (PAID).
363
364 2. Adhere to Conditions of Approval for the Rezoning application as approved by the
365 Common Council on September 8, 2020:
366 a. Rezoning Fee of \$300.00 (PAID).
367 b. Park Fee of \$922.21 (per unit) and Green Fee of \$638.47/acre will be due prior to
368 obtaining a Building Permit, as applicable. Note: if the Green/Park Fees increase in
369 the future, the property owner will be required to pay the increased Green/Park Fees
370 at the time of the development.
371 c. If future lot divisions are to occur, applicant/owner to a Certified Survey Map and/or
372 Preliminary and Final Plats as applicable, as approved by the Common Council.
373 d. Any future improvements to this property will be subject to additional City permits
374 (Site Plan, Building Permits, etc.).

- 375 e. Owner/developer shall pay all fees and have all plans reviewed and approved by the
376 City prior to obtaining a building permit. Owner/developer must have all conditions
377 satisfied and improvements installed per approved plans prior to issuance of
378 occupancy permits.
- 379 f. All conditions run with the land and are binding upon the original developer and all
380 heirs, successors and assigns. The sale or transfer of all or any portion of the property
381 does not relieve the original developer from payment of any fees imposed or from
382 meeting any other conditions.
- 383 g. Any omissions of any conditions not listed in committee minutes shall not release the
384 property owner/developer from abiding by the City's Unified Development Code
385 requirements.
- 386
- 387 3. Final Implementation Plan(s) to be submitted for review and approval prior to any
388 development activities.
- 389
- 390 4. Park Fee of \$922.21 (per unit) and Green Fee of \$638.47/acre will be due prior to
391 obtaining a Building Permit, as applicable. Note: if the Green/Park Fees increase in the
392 future, the property owner will be required to pay the increased Green/Park Fees at the
393 time of the development.
- 394
- 395 5. If future lot divisions are to occur, applicant/owner to a Certified Survey Map and/or
396 Preliminary and Final Plats, Condominium Plats as applicable, as approved by the
397 Common Council.
- 398
- 399 6. Any future improvements to this property will be subject to additional City permits (Site
400 Plan, Building Permits, etc.).
- 401
- 402 7. All erosion control BMPs (Best Management Practices) to be installed prior to the start of
403 any construction activities. Swale areas/stormwater ponds to be dug prior to start of
404 construction and prior to initial grading to act as sediment traps. Track pad(s) to be
405 installed with a minimum of 3 to 6-inch stones, one (1) foot deep and fifty (50) feet in
406 length. All disturbed areas to have black dirt placed and seeded within seven (7) days of
407 disturbance.
- 408
- 409 8. As-builts of all utility work required to be submitted to the Engineering Department.
- 410
- 411 9. Owner/developer to submit final, colored renderings of all four (4) sides of proposed
412 buildings noting architectural elevations with details and materials to be approved by the
413 Planning Department.
- 414
- 415 10. Any future improvements to these parcels will be subject to additional City permits (i.e.,
416 site plan approvals, building permits, zoning approvals). Owner/developer shall pay all

417 fees and have all plans reviewed and approved by the City prior to obtaining a building
418 permit. Owner/developer must have all conditions satisfied and improvements installed
419 per approved plans prior to issuance of occupancy permits.
420

421 11. All conditions run with the land and are binding upon the original developer and all heirs,
422 successors and assigns. The sale or transfer of all or any portion of the property does not
423 relieve the original developer from payment of any fees imposed or from meeting any
424 other conditions.
425

426 12. Any omissions of any conditions not listed in minutes shall not release the property
427 owner/developer from abiding by the City's Unified Development Ordinance
428 requirements.
429

430 Katie said this Planned Unit Development (PUD) request is to facilitate a multi-phased
431 development located on vacant land east of Sand Lake Road in Onalaska to allow for a mixture
432 of mixed-use development of multi-family housing (rowhouses/apartments) combined with
433 commercial uses. It is the intention that the existing parcels will be re-organized and subdivided
434 in the future to facilitate the above the development. This development is expected to create and
435 retain new jobs, provide high-quality housing for all ages, and deliver an overall proposed
436 \$65,000,000 development with a positive social and economic impact for the City of Onalaska
437 and surrounding areas. Katie noted the development is divided into Areas A-E, which are as
438 follows:
439

- 440 • **Area A:** Townhomes (2 to 8-unit rowhouses with attached garages)
- 441 • **Area B:** Mixed-Use allowing residential and commercial (1-2 story structures)
- 442 • **Area C:** Multi-Family Apartment(s) – will be constructed in 4-5 sub-phases
443 approximately 330 condo units, 3-4 stories in height with underground parking
- 444 • **Area D:** Mixture of Commercial and Multi-Family Apartment(s)
- 445 • **Area E:** Commercial uses
446

447 The tentative schedule for implementation is as follows:
448

- 449 • **Phase 1:** Begin construction of “Area C – Subphase 1” and “Areas A & B” in 2021.
- 450 • **Phase 2:** Continue with construction of “Area C – Subphases 2-5” every two years as the
451 structure obtains Occupancy status.
- 452 • **Phase 3:** “Areas D & E” will occur as driven by the market. It is possible that Phase 3
453 could occur at any time after Phase 1.
454

455 Katie noted a cover letter, General Development Plan, proposed architectural design standards
456 and Area C building rendering, proposed principal and accessory uses for specific areas as noted,
457 proposed changes to lot dimensions/site dimension standards tables, and proposed changes to

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458 General Development Standards all were included in commission members' packets. Katie told
459 commission members the applicant is requesting additional permitted uses, primarily in different
460 dwelling types in addition to potentially a brewery, winery or distillery. The applicant also seeks
461 the ability to construct temporary shelters for construction purposes only. Katie said city staff
462 also considered density and the following criteria: effect on adjacent properties, adequacy of
463 public & private services/infrastructure, overall design, scale and massing of structures, building
464 elevations and setbacks, landscaping, screening and buffering, and open space provision and
465 design. The packet includes a variety of proposed architectural treatments for all principal and
466 accessory structures. The samples include information related to façade materials, roof lines,
467 number of stories, and color palates. The applicant included a conceptual landscaping plan, and
468 he has examined open space opportunities. There are areas in which the applicant is asking for
469 no deviation from the city code. Katie noted a public hearing will be held this evening, and that
470 there are 12 conditions of approval tied to this development.

471
472 Mayor K. Smith opened the public hearing and called for anyone wishing to speak in favor of the
473 General Development Plan to create a Planned Unit Development (PUD).

474
475 **Adam Aspenson, Traditional Trades**
476 **1641 Sand Lake Road**
477 **Onalaska**

478
479 "I'm in favor of the proposed Planned Unit Development. I believe this project will complement
480 the surrounding neighbors while bringing a warm and inviting mixed-use area to the community.
481 The 77-acre development is broken down into five different areas, A through E on your General
482 Development Plan. These areas will have a mix of townhomes, multilevel condominiums, and
483 commercial use buildings. We look forward to working with the City of Onalaska on creating a
484 beautiful mixed-use development." Adam added he is available to answer questions.

485
486 Mayor K. Smith called three times for anyone else wishing to speak in favor of the General
487 Development Plan to create a Planned Unit Development (PUD) and closed that portion of the
488 public hearing.

489
490 Mayor K. Smith called three times for anyone wishing to speak in opposition to the General
491 Development Plan to create a Planned Unit Development (PUD) and closed the public hearing.

492
493 Motion by Jarrod, second by Ald. T. Smith, to approve with the 12 stated conditions a General
494 Development Plan to create a Planned Unit Development (PUD) application filed by Adam
495 Aspenson of Traditional Trades, Inc., 1641 Sand Lake Road, Onalaska, WI 54650 on behalf of
496 Elmwood Partners Limited Partnership, 1859 Sand Lake Road, Onalaska, WI 54650, to allow for
497 a mixed-use development containing a combination of townhomes, multi-family dwellings, and
498 commercial uses located at Sand Lake Road, 1500 Sand Lake Road, and Sand Lake Road,
499 Onalaska, WI 54650 (Tax Parcels # 18-4515-0, 18-4516-0, and 18-4521-0).

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500
501 Mayor K. Smith asked Katie if the temporary structures would be addressed in the conditions of
502 approval, and she also asked how additional information could be gathered regarding the
503 structures.

504
505 Katie told Mayor K. Smith she had not specifically included any conditions related to the
506 temporary structures, noting she had written about them in the staff report as that is a question of
507 a use the applicant is seeking. Katie asked Adam to provide additional details regarding the
508 temporary structures.

509
510 Adam said he is seeking to construct a temporary shelter that would keep the workers out of the
511 elements during the construction process, noting it will help accelerate the construction process
512 so that the deadlines may be met.

513
514 Mayor K. Smith asked Adam what type of materials would be utilized to construct the shelter.

515
516 Adam said it would be a canvas tent that might be similar to one seen in the Valley View Mall
517 parking lot in which Halloween costumes are sold. Adam estimated the tent would measure 20-
518 by-30 feet, and he told Mayor K. Smith the structure would be taken down prior to final
519 occupancy.

520
521 Jarrod noted Adam's submittal states: "*Temporary structures for construction purposes only.*
522 *Shelter must be removed before occupancy permit is issued.*" Jarrod said the commission could
523 add something in the submittal, or a 13th condition could be added.

524
525 Katie noted the International Building Code only allows temporary structures to be up a
526 maximum of 180 days in a calendar year, and she said the Inspection Department would need to
527 determine what type of permit would be needed if Adam wished to exceed 180 days. Katie
528 noted a permit is required for each individual tent on site.

529
530 Mayor K. Smith noted movable trailers that include a break room and an office are more
531 commonly seen at construction sites, and she asked Adam if he is saying a tent would be an
532 alternative to a trailer.

533
534 Adam told Mayor K. Smith he is seeking a structure in which the workers may construct small
535 sections of walls if there is rain or excessive heat. Adam added the structure will be next to the
536 site.

537
538 Jarrod said there likely also will be a job trailer at the site and told Mayor K. Smith the workers
539 need a structure that has more horizontal space and the ability to be spread out.

540

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541 Katie noted the General Development Plan is before the commission this evening, and that the
542 Final Implementation Plan still must come before the Plan Commission. Katie said additional
543 information such as the number of tents and the number of days the tents will be utilized may be
544 brought forward with the Final Implementation Plan.

545
546 Jarrod said he would like the Final Implementation Plan to include information such as the size
547 of the structure, adding he believes the presence of the structures will allow construction to
548 proceed more quickly.

549
550 Mayor K. Smith said she believes there will be building codes that must be adhered to for the
551 safety of the workers at the site.

552
553 On voice vote, motion carried.

554
555 **Item 6 – Public Hearing: Approximately 7:20 P.M. (or immediately following Public**
556 **Hearing at 7:10 P.M.) to consider Theater Road Center Planned Commercial Industrial**
557 **Development (PCID) Amendment application filed by Don Brenengen of Brenengen**
558 **Chevrolet Cadillac, 531 Theater Road, Onalaska, WI 54650, on behalf of Time Enterprises,**
559 **Inc., 3151 Edgewater Drive, La Crosse, WI 54603 to allow deviations from the Sign**
560 **Ordinance on the parcel located at 531 Theater Road, Onalaska, WI 54650 (Tax Parcel**
561 **#18-3580-5)**

- 562
563 1. Planned Unit Development Fee \$700.00 (PAID).
564
565 2. Owner/developer shall abide by all Conditions of Approval for the Theater Road Center
566 PCID as approved by the Common Council on June 14, 1994:
567 a. Storm sewer plan to be approved by the Engineering Department. Developer to be
568 aware that temporary retention will be necessary until that time in the future when the
569 City approves installation of the storm sewer at the underpass on the capital
570 improvements budget.
571 b. Engineering Department to approve utility, drainage, and landscaping plans.
572 c. Green Fee of \$100.00 plus \$10.00 per acre.
573 d. All dumpsters to be enclosed by 6' opaque fence.
574 e. All parking stalls to be a minimum of 2' from property lines and minimum 180 square
575 feet.
576 f. Landscaped islands will be required at the development of these lots.
577 g. Theater Road right-of-way to be a minimum of 80 feet wide, dedicated upon
578 completion of improvements. Theater Road to be a minimum of 53 feet back to back,
579 30" curb and gutter concrete. City to reimburse oversized material costs over 37 feet
580 in width and 2" pavement.
581 h. Erosion control plan to be approved and on file in the Engineering Department.
582 i. All lot corner stakes to be in and visible.

- 583 j. Where feasible, developer to work with the owners/developers of Pralle Center
584 regarding storm sewer design. Pralle Center storm sewer has additional capacity.
585 k. Lighting to be shielded down type lighting.
586 l. Require one tree for every 25 feet of street frontage, minimum of 1-1/2" ·DBH.
587 m. No parking allowable on frontage roads.
588 n. Storm Sewer Fee of \$4,215 per acre. Developer to install storm sewer in Theater
589 Road. Developer to reimburse the City the remainder of the fee after cost of
590 installation. Parking to abide by Zoning Code requirements.
591 o. Developer to hire independent soil testing/pavement design firm for the proper
592 pavement installation on Theater Road. Minimum design of 3" of pavement and 611
593 of base. Design to be approved by the Engineering Department.
594 p. Developer required to install conduit for signalization at the intersection of CTH
595 "PH" and Theater Road on the north side of PH.
596 q. Development to have a maximum of one central pylon sign along
597 r. 1-90 (research with DOT).
598 s. Sidewalk required on both sides of Theater Road at the time of development.
599 t. Utilities on private areas to be installed and turned over to the City in proper
600 easements as approved by the Engineering Department.
601 u. Water main in Theater Road to be a minimum of 12" diameter extended the full
602 length of Theater Road and looped at Rudy Street. City to reimburse for oversized
603 materials cost over 8" water main.
604 v. Developer to be aware of the City's plans to extend additional storm sewer to the La
605 Crosse River from the north side of Highway 16 from the underpass at Theater Road
606 and 1-90. Developer to grant the City storm sewer easement for this extension if
607 necessary.
608 w. Developer to extend Rudy Street and water main to the intersection at Theater Road
609 according to the City's design. City to reimburse the cost of extending Rudy Street at
610 that time in the future when it is approved and placed on the capital improvements
611 list. Developer to be aware that he may need to cost-share future signal lights on "PH"
612 and Theater Road.
613 x. Street lights required on Theater Road per City policy.
614 y. Developer to provide approximate schedule of installation for this development in
615 order that the City of Onalaska can schedule storm sewer improvements and alleviate
616 outfall concerns.
617 z. Developer responsible for making utility plans available to prospective buyers
618 showing street lights and fire hydrants.
619 aa. Inspector required on site at all times while utility work is in progress.
620 bb. All conditions shall be met prior to issuance of Occupancy Permits.
621 cc. Developer to furnish City with copies of utility as-builts and unit prices prior to
622 acceptance of utilities.
623 dd. Developer to obtain approval letter from utility companies (overhead power).
624 ee. Plan to show all utility easements and setbacks, including 30-foot green space and 50-

- 625 foot building setback along the interstate. Due to possible storm sewer installation in
626 the 30- foot green space, no structures of any kind (including signs) to be installed in
627 this area. Copy of covenants and deed restrictions to be reviewed and on file in the
628 Clerk's office.
- 629 ff. Topo Fee of \$10.00 per acre.
- 630 gg. Developer to install private frontage road from Pralle Center at the gap between
631 Ward's and Kohl's to Theater Road at that time in the future when this lot develops.
- 632 hh. Access to lots adjacent to PH must be a minimum of 150 feet north of the intersection
633 on Theater Road. Developer to work with the developer of Pralle Center regarding
634 access into their parking lot from the west lot. Developer required to submit access
635 plans for east lot regarding access onto PH.
- 636 ii. Any omissions of any conditions not listed in Plan Commission minutes shall not
637 release the developer/property owner from abiding by the City's Subdivision
638 Ordinance and Zoning Code requirements.
- 639
- 640 3. Owner/developer shall abide by all Conditions of Approval for the Conditional Use
641 Permit to allow an Electronic Message Center Sign at 531 Theater Road as approved by
642 the Common Council on April 9, 2002:
- 643 a. CUP Fee of \$150.00
- 644 b. Owner/developer to submit details/photos of like signs and an elevation of proposed
645 sign with
- 646 c. dimensions
- 647 d. Owner/developer to provide information on the intensity and movement configuration
648 of the sign to ensure code compliance.
- 649 e. Sign to be located on principal pylon signs.
- 650 f. Owner/developer must pay all fees and have all plans reviewed and approved by the
651 City prior to obtaining a building permit. Owner/developer must have all conditions
652 satisfied and improvements installed per approved plans prior to the issuance of
653 occupancy permits.
- 654 g. Owner/developer must notify City prior to any utility connection to City owned
655 utilities takes place.
- 656 h. All conditions run with the land and are binding upon the original developer and all
657 heirs, successors and assigns. The sale or transfer of all or any portion of the property
658 does not relieve the original developer from payment of any fees imposed or from
659 meeting any other conditions.
- 660 i. Any omissions of any conditions not listed in Plan Commission minutes shall not
661 release the developer /property owner from abiding by the City's Subdivision
662 Ordinance and Zoning Code requirements.
- 663
- 664 4. Owner/developer shall abide by all Conditions of Approval for the Theater Road Center
665 PCID Amendment as approved by the Common Council on May 8, 2018:
- 666 a. Applicant shall comply with original PCID conditions of approval.

- 667 b. Obtain a Site Plan Permit for proposed development prior to any construction
668 activities.
- 669 c. Obtain sign permits for all individual sign replacements and/or re-faces.
- 670 d. Owner/developer shall pay all fees and have all plans reviewed and approved by the
671 City prior to obtaining a building permit.
- 672 e. Owner/developer must have all conditions satisfied and improvements installed per
673 approved plans prior to issuance of occupancy permits.
- 674 f. All conditions run with the land and are binding upon the original developer and all
675 heirs, successors and assigns. The sale or transfer of all or any portion of the property
676 does not relieve the original developer from payment of any fees imposed or from
677 meeting any 741 other conditions.
- 678 g. Any omissions of any conditions not listed in committee minutes shall not release the
679 property owner/developer from abiding by the City's Unified Development Code
680 requirements.
- 681
- 682 5. Obtain a Sign Permit prior to installation and follow all standards of Title 14 (Sign Code)
683 for Electronic Message Center Signs, excluding the one hundred (100) square foot
684 maximum per side size requirement.
- 685
- 686 6. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
687 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
688 and improvements installed per approved plans prior to issuance of occupancy permits.
- 689
- 690 7. All conditions run with the land and are binding upon the original developer and all heirs,
691 successors and assigns. The sale or transfer of all or any portion of the property does not
692 relieve the original developer from payment of any fees imposed or from meeting any
693 other conditions.
- 694
- 695 8. Any omissions of any conditions not listed in committee minutes shall not release the
696 property owner/developer from abiding by the City's Unified Development Code
697 requirements.
- 698

699 Katie said the applicant is proposing to install a new freestanding sign along Interstate 90 to
700 replace the existing message center and sign at 531 Theater Road, Onalaska serving the
701 Brenengen Chevrolet-Cadillac dealership. Currently, there is approximately a 295 square-foot
702 sign that includes a 93.5 square-foot electronic message center. The applicant is proposing to
703 replace this sign with a new 270 square-foot sign that includes a 170 square-foot electronic
704 message center. The location of the sign will not change, and if approved the new electronic
705 message center portion of the sign will be required to follow all standards mandated by the Sign
706 Ordinance in terms of safety, illumination, automatically adjust intensity of display according to
707 natural ambient light conditions, and message timing. The Sign Ordinance allows a maximum of
708 100 square feet per sign for electronic message centers, and the request is to increase beyond the

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709 maximum by 70 square feet. As this property has a PCID Overlay, the applicant is able to
710 request deviations from the Sign Code. Katie noted a public hearing will be held this evening,
711 and that there are eight conditions of approval tied to this development.

712

713 Mayor K. Smith opened the public hearing and called for anyone wishing to speak in favor of the
714 Theater Road Center Planned Commercial Industrial Development (PCID) Amendment
715 application.

716

717 **Don Brenengen**
718 **3151 Edgewater Drive**
719 **La Crosse**

720

721 Don identified himself as the owner of Brenengen Chevrolet-Cadillac dealership and Time
722 Enterprise, Inc., and he noted the application states the sign, which had been operating since
723 2011, had recently ceased to function. Don noted that industry standards had changed
724 substantially since then, and he said, "One of the major drivers with this is new technology for
725 electronic signs, and also factory incentives that are changing in a matter of days. I sent one
726 example of a factory incentive in my packet that showed that the whole timeline for the incentive
727 was only eight days. In an eight-day timeframe you can't put together a radio ad [or] a TV add.
728 You could send out an email to customers, but communicating with customers is, as you know
729 today, extremely fragmented between the different radio sources, the different TV sources, the
730 ability to mute advertising. The visual sign we have there is a very important part of our
731 advertising strategy and communication with customers. There are over 32,000 vehicles a day
732 that go past that location from some information that I saw and included in the packet. What this
733 does by changing the electronic sign is we're updating to the newest technology, which actually
734 the sign itself has sensors that check the ambient lighting in the area, and it reduces or intensifies
735 as the light needed so that it can communicate effectively but not overpower the surrounding
736 area.

737

738 I also put together a satellite view of our location and a map that shows the distance from any
739 residential housing. From what I can determine, and from what the Watchfire Sign Company
740 and the La Crosse Sign Company can determine, there should be no visual impact from this sign
741 on any residential housing. Our site is in kind of a unique location along the freeway, and we're
742 distanced significantly from any residential housing. I know light concern is an issue for
743 residents. It would be an issue for me if I was a resident in that area. One of the things I did on
744 the recommendation of the sign companies [is] they thought I should have a 10-by-20 sign; in
745 other words, larger yet. I think with the new technology ... and then [by] increasing the size we
746 were able to communicate an effective message without overpowering everything. My intent is
747 to reduce the overall size of the sign, and actually reduce the height by about 2 feet. In my
748 opinion, it even lessens the impact of that sign in that location.

749

750 A lot of things have happened in the last 10 years. One of the things is there is increased

751 competition, and clawback from manufacturers to reduce margins. We're consistently searching
752 for new and better ways we can communicate an effective message that will be received by
753 customers in a time-sensitive manner, and also a cost-effective manner. This is one of the items
754 that we feel is very valuable to that location, and to our business. If we can attract more people
755 to that location, surrounding businesses also benefit from the traffic. Our neighbor, Dahl Ford,
756 Dahl Honda, if we get people to come and look at our lot, [it's] the same thing when people go to
757 their lot we get some spinoff, so it's actually good for everybody. Again, I'm not trying to
758 overpower the area, and I'm very sensitive to the distance from residential. The other thing it
759 does do by having an electronic sign [is] you're able to keep your message. Let's say, for
760 example, Chevrolet and Cadillac changes their logo, we can change it electronically without
761 having to take down a plastic sign and have it redeveloped. Plastic signs get faded. If you look
762 along that corridor, you'll see there are some signs that are missing panels. This is another way
763 to help clean that up and make it look good in the area. Again, it's a multifaceted approach and
764 very beneficial.

765
766 One of the things the last several months have brought to our attention is the need to change
767 messages in a hurry. With the COVID outbreak, we had to shut down part of our business for
768 periods of time. We changed our service hours, we changed our sales hours, mask requirements
769 – a whole host of things. It's another way for us to communicate those types of things to our
770 customers. Also, because of that sign location, there are a number of accidents that happen every
771 winter because of icy conditions. My thought is we would be able to ... They have new software
772 available that [allows] police departments [to] dial in and change the message, if needed. Those
773 would be one of the things I'd be looking into to also get that on there so there would be some
774 public access in times of need to change or communicate with drivers. There are a number of
775 things that are available today. The way that people communicate with each other, some of the
776 studies I've put together and put in for examples, it's electronic. We're all getting accustomed to
777 reading electronic messages no matter if we're in the airport or wherever. By increasing the
778 clarity of this sign, the time it takes to see the message is reduced because of the increased
779 crispness of visibility, so actually it's less distractive."

780
781 Mayor K. Smith called three times for anyone else wishing to speak in favor of the Theater Road
782 Center Planned Commercial Industrial Development (PCID) Amendment application and closed
783 that portion of the public hearing.

784
785 Mayor K. Smith called three times for anyone wishing to speak in opposition to the Theater
786 Road Center Planned Commercial Industrial Development (PCID) Amendment application and
787 closed the public hearing.

788
789 Motion by Ald. T. Smith, second by Amber, to approve with the eight stated conditions the
790 Theater Road Center Planned Commercial Industrial Development (PCID) Amendment
791 application filed by Don Brenengen of Brenengen Chevrolet-Cadillac, 531 Theater Road,
792 Onalaska, WI 54650, on behalf of Time Enterprises, Inc., 3151 Edgewater Drive, La Crosse, WI

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793 54603 to allow deviations from the Sign Ordinance on the parcel located at 531 Theater Road,
794 Onalaska, WI 54650 (Tax Parcel #18-3580-5).

795
796 Jarrod said he believes residential areas are a significant distance away from the sign, stating he
797 believes the sign both would be an asset to the corridor and also blend in.

798
799 For clarification, Jan asked if the size of the entire sign is decreasing, but the size of the
800 electronic messaging board will be increasing.

801
802 Katie told Jan she is correct.

803
804 On voice vote, motion carried.

805
806 **Item 7 – Public Hearing: Approximately 7:30 PM (or immediately following Public**
807 **Hearing at 7:20 PM) to consider Pineview Estates Planned Unit Development (PUD)**
808 **Amendment application filed by the City of Onalaska, 415 Main Street, Onalaska, WI**
809 **54650, to amend the Pineview Estates PUD associated with the Pineview Estates**
810 **Subdivision which encompasses twenty-eight (28) parcels in Onalaska, WI**

- 811
812 1. Owners shall abide by all requirements and conditions of the Pineview Estates Final Plat
813 approved by the Common Council on June 11, 1996.
814
815 2. Owners shall abide by all Conditions of Approval for the Pineview Estates Planned Unit
816 Development as approved by the Common Council on April 13, 1999:
817 a. PUD fee of \$700.00.
818 b. All fees must be paid.
819 c. Owner/developer to submit a scaled map showing all proposed setbacks, existing
820 structures, topography and a master drainage plan.
821 d. Owner/developer to submit a narrative accompanying PUD map describing the nature
822 of the PUD and its effect on the development.
823 e. Owner to submit a utility feasibility statement outlining the effect of the PUD on
824 services specifically storm water drainage and sanitary sewer.
825 f. Owner to submit any amendment or addition to existing covenants.
826 g. Owner/developer shall closely coordinate all building siting and sanitary sewer lateral
827 placement with the City Inspection Department by submitting with each building
828 permit application a profile of proposed sanitary lateral, drainage plan & site plan
829 showing neighboring residences and conformance with the PUD plan.
830 h. Owner/developer to include provision in covenants preventing the disturbance of
831 vegetation on 30% slopes and a 10' buffer around such slopes.
832 i. Owner/developer will be able to apply for a building permit when ordinances has its
833 3rd and final reading at the Common Council one month after approval of zoning
834 request at the Council meeting in which the recommendation from the Plan

- 835 Commission is heard.
836 j. Owner/developer must pay all fees and have all plans reviewed and approved by the
837 City prior to obtaining a building permit. Owner/developer must have all conditions
838 satisfied and improvements installed per approved plans prior to the issuance of
839 occupancy permits.
840 k. Owner/developer must notify City prior to any utility connection to City owned
841 utilities takes place.
842 l. All conditions run with the land and are binding upon the original developer and all
843 heirs, successors and assigns. The sale or transfer of all or any portion of the property
844 does not relieve the original developer from payment of any fees imposed or from
845 meeting any other conditions.
846 m. Any omissions of any conditions not listed in Plan Commission minutes shall not
847 release the developer/property owner from abiding by the City's Subdivision
848 Ordinance and Zoning Code requirements.
849 n. Owner/developer to submit all covenants as recordable documents, part of the PUD.
850 o. Owner/developer to record covenants with PUD.
851 p. Owner/developer to submit covenants prior to 3rd & final reading of ordinance.
852
853 3. As noted in Condition #2 this development is based upon a previously approved
854 development by the Common Council with specific Conditions of Approval. Below are
855 Conditions of Approval that are recommended to be deleted as they refer to Covenants
856 that are no longer valid or enforced.
857 a. Owner to submit any amendment or addition to existing covenants.
858 b. Owner/developer to submit all covenants as recordable documents, part of the PUD.
859 c. Owner/developer to record covenants with PUD.
860 d. Owner/developer to submit covenants prior to 3rd & final reading of ordinance.
861 e. Owner/developer to include provision in covenants preventing the disturbance of
862 vegetation on 30% slopes and a 10' buffer around such slopes.
863
864 4. Owners within the PUD shall not disturb of vegetation on 30% slopes and a 10' buffer
865 around such slopes.
866
867 5. Owners to comply with existing Drainage Plan on-file in the Engineering Department.
868
869 6. Owners to comply with the following setbacks for the Pineview Estates Planned Unit
870 Development:
871 a. Street Yards: As defined for individual parcels on the map on file in the Inspection
872 Department.
873 b. Side Yards: Minimum six (6) foot side yard setbacks, as allowed in the Low Density
874 Residential (R-1) District.
875 c. Rear Yards: Minimum thirty (30) foot side yard setbacks, as allowed in the Low
876 Density Residential (R-1) District.

- 877
878 7. Any future improvements to these parcels will be subject to additional City permits (i.e.,
879 site plan approvals, building permits, zoning approvals). Owners shall pay all fees and
880 have all plans reviewed and approved by the City prior to obtaining a building permit.
881 Owners must have all conditions satisfied and improvements installed per approved plans
882 prior to issuance of occupancy permits.
883
884 8. All conditions run with the land and are binding upon the original developer and all heirs,
885 successors and assigns. The sale or transfer of all or any portion of the property does not
886 relieve the original developer from payment of any fees imposed or from meeting any
887 other conditions.
888
889 9. Any omissions of any conditions not listed in minutes shall not release the property
890 owner/developer from abiding by the City's Unified Development Code requirements.
891

892 Katie said the Pineview Estates Final Plat was approved in 1996, and it included 28 parcels (27
893 residences and one park). In 1998, five residential homes were constructed, and 10 homes were
894 constructed in 1999. In April 1999, the Pineview Estates Planned Unit Development (PUD) was
895 approved, and it included special setbacks for the 27 residential parcels, some of which were
896 already constructed or were under construction at the time. As per the Conditions of Approval,
897 the developer was to provide a map that detailed all special setbacks. The varied setback
898 allotments for street yards were defined on the map and have been enforced by the Inspection
899 Department for when building permits were pulled for vacant parcels. Included in the
900 Conditions of Approval are numerous referrals to covenants, and within those covenants is a
901 special 20-foot side yard setback. This setback was not noted on the previously mentioned map;
902 however, the Engineering Department has a partial copy of the covenants that noted the 20-foot
903 side yard setback. Whether the covenants or the amendments to the covenants were recorded is
904 not known to city staff at this time.
905

906 Katie noted the Pineview Estates Subdivision is fully built out as of 2012. The city received a
907 request to construct an addition to one of these residences and build the addition within a 6-foot
908 side yard setback from the principal structure to the parcel line. In performing background
909 research, city staff found the partial copy of the covenants that noted the 20-foot side yard
910 setback. As the PUD requires the covenants – and thereby the setbacks – to be adhered to, the
911 addition to the residence cannot take place. The property in question is one that was built prior
912 to the requirements of the special setbacks, and therefore is considered Legal Non-Conforming.
913

914 Katie told commission members that city staff completed additional research and found that of
915 the 27 residential properties, only 16 parcels have the required 20-foot setbacks. The (a) shown
916 after some numbers indicates averaging the two corners of a residence to the associated parcel
917 line which is common practice for establishing the side yard setback. Those without the (a) are
918 actual measurements. The remaining 11 residences are therefore considered either 1) Legal Non-

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23

919 Conforming Structures (those built prior to 1999), and 2) Illegal Non-Conforming Structures
920 (built after 1999) as they do not meet the required setbacks. Due to the timing of the PUD and
921 the continued construction of residences, the 20-foot side yard setback was not consistently
922 enforced by the city. Katie said city staff is proposing the following solution:

923

924 Amend the Planned Unit Development to remove references to the Covenants. If completed, the
925 city would no longer have the ability/be required to enforce the 20-foot side yard setback. All
926 the residences would be allowed to follow standard Low Density Residential (R-1) District
927 setbacks for rear and side yards:

928

a. Side Yard: 6-foot minimum; and

929

b. Rear Yard: 30-foot minimum.

930

c. Continue to allow and enforce the varied street yard setbacks as defined on the map
931 provided by the developer and enforced by the city.

932

933 Katie told commission members that if the city were to take this action, all of the residences in
934 Pineview Estates would become “Legal and Conforming Structures,” and would be able to
935 utilize the aforementioned setbacks for any future additions. Katie also asked commission
936 members to bear in mind that these residential properties have already been used the above-noted
937 setback at the time of construction. Katie said if the city were to approve this change, it does not
938 remove the covenants that still are enforced for this particular subdivision. The City of Onalaska
939 would have no responsibility to enforce the 20-foot side yard setback. Any disputes would need
940 to go before the subdivision’s architectural committee. The city only would review after the fact.
941 Katie said it would remove any nonconforming issue, explaining that by nonconforming she
942 means if any of the homes were to, for example, be destroyed by a tornado or a fire, the
943 homeowner would not be allowed to rebuilt in the current capacity. A homeowner also would
944 experience difficulties obtaining financing, and Katie said the city is attempting to remove that
945 issue for the 11 residences. Katie noted a public hearing will be held this evening, and also that
946 there are nine conditions of approval tied to this development.

947

948 Mayor K. Smith opened the public hearing and called for anyone wishing to speak in favor of the
949 Pineview Estates Planned Unit Development (PUD) Amendment application filed by the City of
950 Onalaska, 415 Main Street, Onalaska, WI 54650, to amend the Pineview Estates PUD associated
951 with the Pineview Estates Subdivision which encompasses 28 parcels.

952

953 Mayor K. Smith called three times for anyone wishing to speak in favor of the Pineview Estates
954 Planned Unit Development (PUD) Amendment application filed by the City of Onalaska, 415
955 Main Street, Onalaska, WI 54650, to amend the Pineview Estates PUD associated with the
956 Pineview Estates Subdivision which encompasses 28 parcels, and she closed that portion of the
957 public hearing.

958

959 Mayor K. Smith called for anyone wishing to speak in opposition to the Pineview Estates
960 Planned Unit Development (PUD) Amendment application filed by the City of Onalaska, 415

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961 Main Street, Onalaska, WI 54650, to amend the Pineview Estates PUD associated with the
962 Pineview Estates Subdivision which encompasses 28 parcels.

963

964 **Ann Brandau**
965 **4033 Mary Drive**
966 **Onalaska**

967

968 “I think there are a couple of big issues that came up within the community within our
969 subdivision. The first thing that I think everyone that I communicated with was disappointed in
970 is that the city never reached out to us. The city never came to us and asked us, ‘What do we do
971 about this particular issue? We have concerns about the current PUD. Can you please assist us,
972 [and] can we come to some kind of an agreement on what we might want to do?’ Everyone that
973 I’m aware of who purchased in this area purchased their lots in large part because they were
974 larger than the average city lot. They provided additional space, and they also provided
975 additional setbacks from the 6-foot [setback] that is being proposed. I don’t think we can go
976 back and undo what the developers did at the time. However, I would note that there a couple of
977 points that I hope the Plan Commission will take into consideration when you’re looking at this
978 application. It required at the time of the development of any nonconforming considered illegal
979 nonconforming, [and] that those plans had to come in front of the architectural control
980 committee. They had to provide site plans. They had to provide grading, landscaping, soil and
981 erosion controls, driveway locations, et cetera. Then they were to be approved by the
982 architectural control committee before it came to the Inspection Department in the City of
983 Onalaska for compliance with soil erosion control concerns that might be involved with that
984 plan. It says specifically in the covenants that approval by our architectural control committee
985 does not constitute approval by the city or ensure compliance with city building codes or replace
986 any city permit requirements.

987

988 What I am hearing is that somehow between the original architectural committee that may have
989 approved a building site that was in variance to those setback rules. When that came to the city,
990 no one at the city had any concerns about it. The building permits were authorized, and the
991 construction took place. I guess I’m confused on some level as to why the city’s building
992 permits would be authorized if they were in fact aware of the setbacks unless the architectural
993 committee approved them and the City of Onalaska said, ‘OK, we’ll accept that as a variance to
994 those setback rules.’ We have an architectural committee in place. We have a right to be able to
995 resolve our issues that may occur in this regard. And as Katie said, there’s no question that those
996 covenants apply to every home that’s in the subdivision at this point. They have to come to us
997 with any requests for modifications, buildings, et cetera. We are asking that the Plan
998 Commission deny this application outright, [and] if there is going to be a modification that the
999 city allow the subdivision to actually bring forward to the city a proposal and plan that we think
1000 would be appropriate and acceptable to our neighborhood.”

1001

1002

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1003 **Mark Hansen**
1004 **4046 Beverly Drive**
1005 **Onalaska**

1006
1007 “I would also like the Plan Commission to deny this and let us resolve it with some work with
1008 the committee. I bought the lot from Bernard Pralle because of the space. I didn’t want a 6-foot
1009 side setback. I realize there are some things that have happened out here. There are various
1010 setbacks out here. A lot of us have had to comply. There were some who weren’t [complying].
1011 They aren’t very far off. My whole idea would be, why don’t we leave the side yards where they
1012 are today and move forward? But I would please hope that the Plan Commission would consider
1013 denying this for the residents out here. We had 20 out of 27 people sign a petition requesting
1014 that the Plan Commission would not go forward with this.”

1015
1016 **Paul Molling**
1017 **4116 Beverly Drive**
1018 **Onalaska**

1019
1020 “My sentiments are the same as Ann and Mark. We built out here with the fact that we wanted
1021 the setbacks that were in the plans. I think the aesthetics that we were all looking for out here are
1022 there. I also would ask that if we go through and create, our current setbacks would be
1023 grandfathered in where they are today moving forward. [I have] the same sentiment as Ann and
1024 Mark, and I hope that [the Plan Commission] agrees with us.”

1025
1026 **Kristine Valk**
1027 **4053 Beverly Drive**
1028 **Onalaska**

1029
1030 “My husband and I were the very first home to build out here, in 1998. There were a lot of other
1031 areas to build, and what was particularly appealing to us is that the yards, the setbacks were very
1032 large and we weren’t on top of each other, especially when you look at how our neighbors are
1033 being side-by-side. That is something that I am hoping this committee takes into consideration
1034 and denies the application because I think this is what was appealing to the residents when we
1035 were building: [It was] the fact we had the setbacks the way they were. We had the yard space
1036 that we had. It really beautified our neighborhood. I think these were important things to
1037 everyone when we came out here and built – particularly us when we looked at lots. If we
1038 wanted to be 6 feet side-by-side, we would have been in Aspen Valley or we would have gone
1039 somewhere else. This is a unique little area in Onalaska, and I think that’s what our neighbors
1040 have appreciated. Then there’s always the other consideration. Again, I would concur with my
1041 other neighbors who have spoken already, and to say to deny this application.”

1042
1043
1044

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1045 **Alex Berry**
1046 **4131 Beverly Drive**
1047 **Onalaska**

1048
1049 “We [she and her husband, Reginald] moved here 10 years ago from densely populated Oak
1050 Park, Illinois. We spent months looking for the perfect home for our family, and we decided this
1051 was the best neighborhood because of all of the items mentioned by our neighbors, Ann, Mark,
1052 Paul, and Kristine. We have big yards, open spaces, and a tight-knit community. I want to
1053 concur with my neighbors that we would like you to deny this request and keep the covenants as
1054 they are.”

1055
1056 **Scott Thesing**
1057 **4158 Beverly Drive**
1058 **Onalaska**

1059
1060 “I also want to show my support for the comments that were made earlier tonight by my
1061 neighbors. My wife, Jill, and I were one of the last houses to build at the end of the cul-de-sac.
1062 We were attracted to the community, and also the subdivision because of the spacious field that
1063 it has in this area. I think the map does not do this justice. Until you drive down the road and
1064 get a real feel for the neighborhood ... And even though the houses are spread out, it is a close-
1065 knit community and our subdivision. I support the rest of the comments made by my neighbors
1066 and ask the Plan Commission to deny this request.”

1067
1068 **Laurie Butler**
1069 **4142 Beverly Drive**
1070 **Onalaska**

1071
1072 “I will make this short and simple. I’m going to agree with everything my neighbors mentioned,
1073 and I feel the same way they do.”

1074
1075 **Tom Groth**
1076 **4034 Beverly Drive**
1077 **Onalaska**

1078
1079 “My wife and I bought here about two years ago, and we were drawn here by the large lots, the
1080 large yard spaces, and the houses spaced apart. I would like to state my opposition to the
1081 amendment, and that I agree with my neighbors.”

1082
1083 Mayor K. Smith called three times for anyone else wishing to speak in opposition to the
1084 Pineview Estates Planned Unit Development (PUD) Amendment application filed by the City of
1085 Onalaska, 415 Main Street, Onalaska, WI 54650, to amend the Pineview Estates PUD associated
1086 with the Pineview Estates Subdivision which encompasses 28 parcels, and she closed the public

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1087 hearing.

1088

1089 Katie said that if the Plan Commission were to approve removing the reference to the covenants,
1090 it does not remove the covenants. Katie stated the 20-foot side yard setback remains in effect,
1091 and the enforcement falls to the architectural review committee and no longer to the city. Katie
1092 said the city has a longstanding practice of not enforcing covenants, and she stated this is one
1093 case where the city should be enforcing covenants. Katie said that when the city approved the
1094 site plans as they were provided for the individual residences that did not have the 20-foot side
1095 yard setback, it was an error. Katie noted she was not a City of Onalaska employee when it
1096 occurred and said it is her understanding it was not on the map the developer was requested to
1097 provide to the city – only the street yard setback appeared on the map. Katie reiterated it was
1098 found in another department’s files, and she stated she cannot specifically address why they were
1099 approved. Katie said even if something is approved in error, it does not make it right and legal,
1100 and she stressed it still makes it a non-conforming structure. Katie said the structures are
1101 considered non-conforming because they do not meet the required setbacks.

1102

1103 Katie said if the city were to approve this amendment, the covenants would remain in effect.
1104 The 20-foot side yard setback would remain in place. However, Katie noted the 11 properties
1105 that do not meet it would have issue with the covenants and no longer with the city. Katie said
1106 every property essentially would be grandfathered in, which is what is being requested, and they
1107 no longer would be non-conforming. Katie acknowledged having received the petition and noted
1108 every member of the Plan Commission had seen it. Katie said the petition contained facts city
1109 staff members believed were incorrect, and they attempted to address this to the Plan
1110 Commission. Katie said, “Essentially, we’re just trying to remove the ability of the non-
1111 conforming structure and allow these buildings to retain,” and she said the Plan Commission also
1112 has the option to take the map that was created by city staff and require that it be the side yard
1113 setback. Katie explained that that action would not allow any building addition to occur that
1114 would encroach upon the setback as it is today. It also would remove all the non-conforming
1115 concerns as they now would be in conformance with their particular side yard setbacks for every
1116 property.

1117

1118 Katie pointed out a number of the properties that began construction before the PUD came into
1119 effect. Those properties are considered legal non-conforming as they already were under
1120 construction, and they were not required to have the 20-foot side yard setback for the city to
1121 enforce. They were considered legal non-conforming once the PUD came into effect and they
1122 were constructed. Katie explained that if a homeowner were to refinance and a financial
1123 institution called the City of Onalaska, city staff would have to tell the financial institution the
1124 property is legally non-conforming or illegally non-conforming. The homeowner would have
1125 difficulty with banking as a result, and Katie said, “We’re trying to remove any error, or the city
1126 issuing permits in error.”

1127

1128 Mayor K. Smith asked Katie if the Plan Commission needs to arrive at a decision this evening.

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1129
1130 Katie referred to the staff report and told Mayor K. Smith there is an individual who wishes to do
1131 an addition and reduce it down to the 6-foot side yard setback. Katie said, “As stated in the
1132 petition, and as stated here this evening, there are covenants. I’m not aware if they have met
1133 with the architectural review committee to see if it even would be possible on their end. This is
1134 something the city is trying to get out of, which is enforcing it. If we were to remove this
1135 restriction tonight, any person in that area would have to go to the architectural committee. If the
1136 architectural committee decided to allow deviation from the 20-foot, that would be up to them,
1137 and we could issue a permit after the fact. I do know there was a want to begin construction
1138 before the weather changed, but that’s all that I have at this time in terms of timeliness.”

1139
1140 Amber noted Katie had said homeowners with non-conforming homes would have issues
1141 refinancing, and she asked if that means they also would have an issue selling a home and the
1142 buyer would have an issue obtaining a loan for the home.

1143
1144 Katie said, “It’s possible if they reached out to the city and received that information. Not all do,
1145 but if they did reach out we’d have to provide that information.”

1146
1147 Motion by Jarrod, second by Ald. T. Smith, to deny with the nine stated conditions Pineview
1148 Estates Planned Unit Development (PUD) Amendment application filed by the City of Onalaska,
1149 415 Main Street, Onalaska, WI 54650, to amend the Pineview Estates PUD associated with the
1150 Pineview Estates Subdivision which encompasses twenty-eight (28) parcels in Onalaska, WI.

1151
1152 Jarrod described this area as being unique and said the City of Onalaska probably never should
1153 have become involved with the side yard setback issue more than 20 years ago. Jarrod expressed
1154 regret that the lines of communication to city staff had not been stronger, noting he had been a
1155 City of Onalaska employee when the development had gone in. Jarrod said he supports denying
1156 the amendment application because it will be very difficult for the Inspection Department to
1157 enforce. Jarrod further stated, “It’s going to be something where I think you should almost make
1158 a custom zoning district here with the PUD and have the setbacks be a minimum of 20 [feet], but
1159 then what they are today, and as shown on Katie’s map, and move forward with that. So what’s
1160 there is there, and that’s what we would move forward with. I understand that from a staff
1161 enforcement standpoint that’s a nightmare trying to have varying enforcement of different side
1162 yard setbacks. I get questions as a staff member – not often, but I get questions.

1163
1164 It would be very difficult to enforce, but I do agree with the consensus of the neighborhood that
1165 they were in this neighborhood with that understanding. I do also understand Katie saying the
1166 review board for the subdivision could go out and not allow a request. But if the city legally has
1167 a 6-foot side yard setback, the homeowner’s association would have to sue the people to ____
1168 build because from what I understand we’d have to issue a permit if it’s 6 feet. I don’t have a
1169 good answer here, but I just hate approving it when the whole neighborhood premise from the
1170 beginning was with the 20-foot setback.”

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1171
1172 Mayor K. Smith asked if this item may be brought back before the Plan Commission if it is
1173 denied this evening and city staff meets with the architectural board and a determination is made
1174 that what is being presented this evening is the best solution.

1175
1176 Katie told Mayor K. Smith said she recommends referring the item as opposed to denying it if
1177 commission members are uncertain that this is the final statement they would want to occur.
1178 Katie said referring the item would move it to the next Plan Commission meeting or a
1179 subsequent meeting, and the item would not move forward to the Common Council on
1180 September 8, whereas it would go before the Council that evening if the commission votes to
1181 deny. Katie noted the Council would have the opportunity to affirm the denial, turn it over, or
1182 send it back to the Plan Commission.

1183
1184 Jarrod asked Katie if she could present another version of the plan to the Plan Commission if its
1185 members vote to deny the plan before the commission this evening.

1186
1187 Katie asked to have a couple minutes to seek out the answer to Jarrod's question.

1188
1189 Mayor K. Smith stated she does not believe all the facts have been fully conveyed to the
1190 residents in the neighborhood, or perhaps the city does not have the best solution. Mayor K.
1191 Smith also said, "I don't want to close any doors at this point."

1192
1193 Ald. T. Smith said some of the information presented to the residents in the neighborhood
1194 appears to have surprised them. Ald. T. Smith also noted the individuals who had addressed the
1195 commission this evening had stated they had purchased the properties "on the assumption of
1196 right or wrong." Ald. T. Smith said, "It just seems like we need to know a little bit more. Is
1197 there a compromise that is a win-win for everybody? I understand what the city's
1198 responsibilities are, but I'm just not comfortable about making a final decision on anything yet
1199 until we know that this is the best option."

1200
1201 City Administrator Rindfleisch told commission members if the intent is to follow through with
1202 the wishes of the neighborhood, he suggests voting it down and waiting for the neighbors to
1203 come back. City Administrator Rindfleisch reminded commission members this is an attempt to
1204 provide the residents what they are asking for, which is control through the architectural review
1205 committee within themselves. Denying the request also would allow for the properties that are
1206 there to become legal conforming, and to remove the city from the position in which it now finds
1207 itself. City Administrator Rindfleisch noted the city does not enforce the covenants, but now it
1208 has been placed in a position of having to serve as the enforcement arm for the covenants in only
1209 one area of the city. City Administrator Rindfleisch said the residents are welcome to make a
1210 presentation in the future if they wish, and he also noted there are 10 parcels out of 26 homes that
1211 are non-conforming.

1212

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1213 City Administrator Rindfleisch said, “If the desire is to outright deny the request, then deny the
1214 request. There is no reason to force something down everyone’s throat. [Make sure] that a third
1215 of the neighbors understand that their parcels may have difficulty financing and we will not be in
1216 the business of enforcing the covenants because we can’t be. ... Understand that we attempted to
1217 assist them. If they are not receptive to the attempt to assist, then there’s really no point to force
1218 it upon anybody. Just vote to deny, and if it becomes an issue down the road let the neighbors
1219 come with an issue at that point in time.”

1220
1221 Mayor K. Smith noted there is a resident who will not be able to proceed with a project because
1222 the city will not be able to approve a building permit.

1223
1224 City Administrator Rindfleisch noted the resident must approach the architectural committee and
1225 said, “If we deny it at this point ... We’ll approve it based on our zoning. If the architectural
1226 committee hasn’t been involved, they can sue their own neighbors.”

1227
1228 Katie said if the Plan Commission denies the application as it is written today, the City of
1229 Onalaska must continue to enforce the 20-foot side yard setback. Katie noted the property owner
1230 could not come to the city and request a building permit because the city must enforce the
1231 covenants. Katie said that means nothing may occur in the side yard setback, and she explained,
1232 “Only if we were to approve this application could the city approve a building permit to allow
1233 them to do that. Then the committee could sue the property owner and there could be a whole
1234 wave of information.” Katie reiterated the solution before the commission this evening is not the
1235 only solution, and she pointed out it is the easiest solution for the city to remove non-conformity.
1236 Katie said, “That’s the reason behind this. It was doing research and finding out that there are 11
1237 properties that to some degree was the fault of the city for approving these permits. We’ve
1238 created an issue, and this is staff trying to correct mistakes that were made in the past.”

1239
1240 Katie referred to the suggestion Jarrod had made earlier regarding case-by-case decisions and
1241 used the property located at 4058 Beverly Drive as an example. Katie noted the property has
1242 side yard setbacks of 14 and 18.5 feet, and she said the city could approve the aforementioned
1243 setbacks as they are on the map she had created. But if in the future a property owner wanted to
1244 decrease that setback with an addition, he/she would need to approach the architectural review
1245 committee and seek approval, and he/she also would have to request that the city amend the
1246 PUD. Katie noted that is the only way the city may change a setback, and she pointed out that if
1247 any one of the 27 properties owners wanted a side yard setback of less than 20 feet, he/she would
1248 need to come in on a one-on-one basis; a public hearing would have to be held; and the Plan
1249 Commission would review requests on a case-by-case basis. Katie told commission members
1250 that if the application is denied tonight and the Common Council affirms the denial September 8,
1251 there is no waiting of one year. Another application could be brought forward at any time, and
1252 the city could proceed again.

1253
1254 Jarrod suggested that Katie contact the residents in the neighborhood and see if there is another

1255 way the residents would perhaps support the existing setbacks shown on the map. Jarrod said the
1256 Plan Commission could hold another PUD hearing and gather comments with another plan.
1257 Jarrod noted the residents who had addressed the commission this evening had made it clear they
1258 do not want to change what already is in place regarding the city's current 6-foot side yard
1259 setback even though they have control with the architectural review committee. Jarrod suggested
1260 utilizing a variation of the map that was included in commission members' packets, and he said
1261 that while he agrees it is cumbersome for the city to have a PUD every time someone wants to
1262 change into the zone between 6 feet and 20 feet, "but I think it's just going to be part of living
1263 out there, and it's part of what we're going to have as part of how this was approved.
1264 Theoretically, every year you could have a PUD amendment out there."

1265
1266 Katie told commission members if they approve the map as it is shown, it is another way non-
1267 conformity may be removed as it would be in conformance with the plan on file.
1268

1269 Jarrod said that while he agrees with what Katie had suggested, he believes the Plan Commission
1270 should hold another public hearing if that is the option the commission chooses. That would
1271 allow the public to provide input regarding a new plan.
1272

1273 Amber noted many of the individuals who provided public input this evening reside in legally
1274 conforming houses, and she said her primary concern is for the individuals who reside in non-
1275 conforming homes as they would be unable to refinance, and they would not be able to rebuild in
1276 the same capacity should they lose their home to a natural disaster. Amber said she believes this
1277 is really impacting the individuals who reside in non-conforming homes, and she told
1278 commission members she would like to have them provide input as to what they need. Amber
1279 said, "The fact that we are more or less enforcing the covenants right now with this 20-foot
1280 setback, making it more consistent that we only have the 6-foot setback, and that the
1281 homeowners' association can enforce their covenants for that neighborhood ... I think that is
1282 something that should fall to the neighborhood basis [and] they can vote on what they want to do
1283 and not to fall at the city level."
1284

1285 On voice vote, motion carried.
1286

1287 **Item 8 – Review and Consideration of a rezoning application submitted by Nick Roush of**
1288 **Roush Rentals, LLC, 1707 La Crosse Street, La Crosse, WI 54601 on behalf of C.C . of La**
1289 **Crosse, Inc., PO Box 1625, La Crosse, WI 54602, to rezone Light Industrial District to**
1290 **Mixed Use High Density Residential (R-4) to allow for a multi-family development on the**
1291 **property located at 430 Century Place/2651 East Avenue North, 475 Century Place, 455**
1292 **Century Place, 435 Century Place, and 415 Century Place, Onalaska, WI 54650 (Tax**
1293 **Parcels # 18-6303-0, 18-6302-0, 18-6301-0, 18-6300-0, and 18-6299-0)**
1294

1295 1. Rezoning Fee of \$300.00 (PAID).
1296

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- 1297 2. Park Fee of \$922.21 (per unit) due prior to obtaining a Building Permit. Note: if the Park
1298 Fee increases in the future, the property owner will be required to pay the increased Park
1299 Fee at the time of the development.
1300
- 1301 3. Development contingent upon amending the Century Place Planned Unit Development to
1302 accommodate proposed uses, as approved by the Common Council.
1303
- 1304 4. If future lot divisions or lot re-configurations are to occur, applicant/owner to obtain a
1305 Certified Survey Map/Plat as approved by the Common Council. New CSM/Plat to show
1306 new street right-of-way.
1307
- 1308 5. Owner/developer to submit a Vacation/Discontinuance Request for all or a portion of
1309 Century Place to facilitate proposed development.
1310
- 1311 6. Site Plan Permit required for new development in advance of building permit
1312 applications, including detailed architectural plans, water, sewer, landscape, stormwater,
1313 drainage, erosion control, and other required information/plans (fire accessibility, hydrant
1314 locations, etc.).
1315
- 1316 7. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
1317 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
1318 and improvements installed per approved plans prior to issuance of occupancy permits.
1319
- 1320 8. All conditions run with the land and are binding upon the original developer and all heirs,
1321 successors and assigns. The sale or transfer of all or any portion of the property does not
1322 relieve the original developer from payment of any fees imposed or from meeting any
1323 other conditions.
1324
- 1325 9. Any omissions of any conditions not listed in committee minutes shall not release the
1326 property owner/developer from abiding by the City's Unified Development Code
1327 requirements.
1328

1329 Katie said the applicant intends to rezone the above-mentioned properties from Light Industrial
1330 (I-1) to High Density Residential (R-4). The proposed project would have multiple phases and
1331 buildings for multifamily housing with high quality materials and a mixture of 1, 2, and 3-
1332 bedroom units to accommodate a wide variety of residential needs. The proposal includes a total
1333 of 280 dwelling units within six apartment buildings and 585 parking stalls in both surface and
1334 garage stalls. Approximately 35 percent (just over 4.5 acres) of the total project will be green
1335 space. In order to accommodate the proposed development, the applicant will need to amend the
1336 Planned Unit Development (PUD) on file with the city and apply to Vacate/Discontinue a
1337 portion/all of Century Place. Katie noted Nick Roush had held an on-site meeting earlier in
1338 August, and she said the Plan Commission is being asked to once again consider the application
1339 as this item was deferred at the July 28 Plan Commission meeting. There are nine conditions of

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1340 approval tied to this development.

1341

1342 Motion by Ald. T. Smith, second by Amber, to approve with the nine stated conditions a
1343 rezoning application submitted by Nick Roush of Roush Rentals, LLC, 1707 La Crosse Street,
1344 La Crosse, WI 54601 on behalf of C.C. of La Crosse, Inc., PO Box 1625, La Crosse, WI 54602,
1345 to rezone Light Industrial District to Mixed Use High Density Residential (R-4) to allow for a
1346 multi-family development on the property located at 430 Century Place/2651 East Avenue
1347 North, 475 Century Place, 455 Century Place, 435 Century Place, and 415 Century Place,
1348 Onalaska, WI 54650 (Tax Parcels # 18-6303-0, 18-6302-0, 18-6301-0, 18-6300-0, and 18-6299-
1349 0).

1350

1351 Ald. T. Smith stated he appreciates the fact Nick Roush had met with community members, and
1352 he complimented Nick on his presentation as well as for being willing to address some of the
1353 concerns that were raised. Ald. T. Smith said he agrees with the residents that traffic along East
1354 Avenue likely is the biggest concern, and he also said he believes the city must continue to
1355 monitor the traffic if this item is approved as there already is a significant amount of traffic on
1356 that street.

1357

1358 Ald. T. Smith said, "It will continue to be busy, and I think we have to find ways to slow down
1359 the traffic and find better ways. I'm hoping we'll continue to do that. ... From the city
1360 perspective, beside the traffic, the land has been vacant for nine years. We look at the possibility
1361 of it being filled in as industrial. There is always the chance something could come to town, but
1362 probably not in the real immediate future. I think this project definitely does provide potential
1363 tax revenue [of] up to \$30 million. I know it will take some time to get there. I looked up the
1364 tax revenue, and right now Kwik Trip is paying \$8,500 for the revenue that is coming into the
1365 city. If there was a \$30 million investment there today, our tax revenue would be \$168,000. It
1366 would actually benefit the entire city. ... As much as I do understand the concerns in the
1367 neighborhood, I think Nick has promised to be a good citizen. I think it's a good idea, and I will
1368 be supporting it."

1369

1370 Jarrod addressed the traffic concerns that have been raised, noting that East Avenue was installed
1371 in 1993 when the Oak Park subdivision came into the city. Sand Lake Road and East Avenue
1372 are collector streets, which are meant for residential streets to funnel into before feeding traffic
1373 into the arterial streets. East Avenue was installed wider than a typical city street (43 feet versus
1374 37 feet), and there is extra room for passing and parked automobiles. Jarrod said East Avenue is
1375 not a residential street, and he acknowledged that the grade of the hill coming off Sand Lake
1376 Road onto East Avenue is significant. However, Jarrod said, "That street was intentionally put
1377 where it was because it offered the best sight distance in both directions. If you actually go up
1378 there and look back toward the south, there is at least 300 feet back where you can see, and the
1379 sight distances are actually very good on top of the hill."

1380

1381 Jarrod said there likely will be approximately 1,500 trips a day if a 280-unit apartment complex

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1382 is constructed, and he told commission members he believes more of the trips will go toward
1383 Sand Lake Road because there will be easy access to U.S. Highway 53, which in turn will allow
1384 easy access to the north and to the south on that arterial. Jarrod admitted traffic along East
1385 Avenue will increase, but he said, "I think the overall design of things, the residential street
1386 coming out on the collector [street], is what you would see in normal development." Jarrod
1387 addressed the intersection of Sand Lake Road and East Avenue and said the new roundabout
1388 located at County Trunk Highway OT will slow down some of the traffic and provide more gaps
1389 for motorists driving onto Sand Lake Road. Jarrod said, "The overall intersection down there,
1390 even with the increase of traffic from this development, I don't think it's going to warrant
1391 intersection control of a roundabout or a traffic signal without something else happening in the
1392 corridor. I see this area handling it. From a traffic standpoint we did not require a traffic impact
1393 analysis because I think it's going on the collector and I didn't see a problem with it."

1394
1395 Ald. T. Smith asked Jarrod if a traffic study may be requested or if other recommendations may
1396 be made at any time if traffic becomes noticeably busier along East Avenue.

1397
1398 Jarrod told Ald. T. Smith staff consistently reviews traffic in certain areas in the city and is
1399 addressing areas of concern in the Capital Improvements Budget. Jarrod noted staff has
1400 examined the intersection of East Avenue and Riders Club Road a few times, and he said it
1401 appears that motorists will drive faster on a wider street such as East Avenue. However, Jarrod
1402 also pointed out there is more room for motorists to turn onto a wider street; there is a passing
1403 area; and there is ample room to drive even if there is a significant snowfall. Jarrod said he
1404 believes there was an understanding that East Avenue would carry a significant volume of traffic
1405 when it was installed.

1406
1407 Jarrod said the development will be required to install sidewalks on their frontage. That
1408 sidewalk will connect to the sidewalk that was installed as part of the roundabout. The sidewalk
1409 installation along East Avenue from Century Place to Flint Court is part of the Capital
1410 Improvements Budget. It would offer a north-south sidewalk connection within the community.
1411 Jarrod noted more individuals are coming from the new roundabout area as well as the new
1412 sidewalk system that was installed as part of a La Crosse County project. Jarrod noted
1413 individuals currently must walk in the street near the YMCA, and he said he believes there must
1414 be a sidewalk connection in the neighborhood.

1415
1416 On voice vote, motion carried.

1417
1418 **Item 9 – Review and Consideration of a site plan amendment submitted by Jansen Dahl of**
1419 **Chase 2010, LLC, 3819 Creekside Lane, Holmen, WI 54636 to modify the parking**
1420 **stall/stall striping requirements located at 2520 Midwest Drive, Onalaska, WI 54650 (Tax**
1421 **Parcel # 18-3568-40)**

1422
1423 Katie referred to an aerial image the applicant submitted and said the applicant is requesting to

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1424 designate areas for the display of inventory, rather than stripe individual parking stalls. The city
1425 has historically required that all parking stalls be individually marked in order to show that
1426 minimum parking requirements have been satisfied. Katie noted Condition No. 23 that was part
1427 of the associated Site Plan Permit was included in commission members' packets, and she
1428 pointed out that 72 stalls (32 for employees, 40 for customers, as well as three ADA stalls) were
1429 required for public parking as part of that condition. Katie told commission members the city
1430 does not have a minimum parking stall requirement for the part shown as "private parking," and
1431 the original counts have changed from what was installed. "Private parking" includes parts
1432 vehicles, loaner vehicles, vehicles being worked on, sales inventory, et cetera. Katie said the city
1433 intends to continue to require the minimum number of public parking, which the applicant has
1434 shown on the proposed image (40 customer stalls and 32 employee stalls). As daily employee
1435 counts fluctuate, the applicant intends to utilize the employee parking stalls interchangeably with
1436 the "service" parking stalls shown on the attached plan. The minimum required ADA stalls have
1437 been provided as required.

1438

1439 Katie said the areas that are "boxed out" on the aerial image are the same dimensions as those
1440 originally proposed that meet minimum parking stall dimensions of 9 feet by 18 feet. Per the
1441 applicant, the "boxed out" effect is becoming an industry trend allowing more flexibility in the
1442 placement of display vehicles for vehicle sales/dealerships. The "boxed out" areas total 212
1443 parking stalls that are proposed to not be individually striped. If approved both by the Plan
1444 Commission and the Common Council, city staff intend to make changes to the Unified
1445 Development Code to reflect this standard for vehicle sales businesses moving forward.

1446

1447 Motion by Jarrod, second by Amber, to approve a site plan amendment submitted by Jansen
1448 Dahl of Chase 2010, LLC, 3819 Creekside Lane, Holmen, WI 54636 to modify the parking
1449 stall/stall striping requirements located at 2520 Midwest Drive, Onalaska, WI 54650 (Tax Parcel
1450 # 18-3568-40).

1451

1452 Jarrod asked Katie if the minimum parking requirement would be met if there was another use in
1453 the building instead of automobile sales.

1454

1455 Katie said the parking requirements for the public would be met.

1456

1457 Jarrod said he likes the white stripe that is present as it shows the vehicles have a defined area.

1458

1459 Amber noted she has both been employed by car dealerships and purchased automobiles from
1460 them, and she said they want the outlined parking spaces because of public parking. Amber
1461 noted either sales or service department staff members typically pull inventory vehicles in and
1462 out. Therefore, any damage to the inventory likely would be dealership and not public related.
1463 Amber also pointed out the dealership incurs additional maintenance costs by having to paint the
1464 lines. However, that maintenance is required as the lines will be removed by snowplows or rain,
1465 and the paint ends up in the water system. Amber said, "The less paint we have on the ground,

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1466 probably the better off we are.”

1467

1468 Mayor K. Smith told Katie if the city is changing the rule for this going forward, she said,
1469 “Something to think about would be making sure if it is vehicle inventory rather than customer
1470 parking, that there are correct accessibility to the property for fire control.”

1471

1472 Katie said the dealership still would be required to maintain minimum drive aisles, noting all of
1473 that is accomplished during Site Plan review. The Fire Chief examines every Site Plan submitted
1474 to the city and ensures that the Fire Department’s vehicles are able to maneuver around a site.

1475

1476 Mayor K. Smith said, “If there were no lines at all, I don’t know how you would regulate that.”

1477

1478 Katie said she believes that at a minimum the city would require the “boxed out” effect, and she
1479 noted the city only would do this for these types of businesses. Katie said the city generally
1480 requires the striping to ensure the minimum stalls are shown. However, Katie also noted the city
1481 does not regulate how many cars a dealership sells, and she asked if it is better to allow a
1482 dealership to widen or reduce the space based on the amount of inventory they have in stock.

1483

1484 On voice vote, motion carried.

1485

1486 **Adjournment**

1487

1488 Motion by Ald. T. Smith, second by Jarrod, to adjourn at 9:29 p.m.

1489

1490 On voice vote, motion carried.

1491

1492

1493 Recorded by:

1494

1495 Kirk Bey