

**Plan Commission
of the City of Onalaska**
Tuesday, April 24, 2018
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1 The Meeting of the Plan Commission of the City of Onalaska was called to order at 7:00 p.m. on
2 Tuesday, April 24, 2018. It was noted that the meeting had been announced and a notice posted
3 at City Hall.

4
5 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Jim Binash,
6 City Engineer Jarrod Holter, Jan Brock, Paul Gleason, Craig Breitsprecher, Steven Nott

7
8 Also Present: City Administrator Eric Rindfleisch, Deputy City Clerk JoAnn Marcon,
9 Planner/Zoning Inspector Katie Aspenson, City Attorney Sean O’Flaherty

10
11 Excused Absence: Skip Temte

12
13 **Item 2 – Approval of minutes from previous meeting**

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15 Motion by Ald. Binash, second by Craig, to approve the minutes from the previous meeting as
16 printed and on file in the City Clerk’s Office.

17
18 On voice vote, motion carried.

19
20 **Item 3 – Discussion regarding Wisconsin 2017 Act 67 (related to Conditional Use Permits)**

21
22 Katie said, “Wisconsin 2017 Act 67 has great impacts to the way that the City of Onalaska can
23 issue Conditional Use Permits. City legal counsel and city staff put together a fact sheet that
24 discusses what types of Conditions of Approval are now allowable, how the Plan Commission
25 may respond to public testimony heard during a public hearing, how the Plan Commission may
26 act on Conditional Use Permits, and whether the Plan Commission may deny a Conditional Use
27 Permit application. With this recent legislation, city staff and legal counsel intend to propose
28 text amendments that you’ll see at the following meeting to address some of the concerns related
29 to Act 67 within our current UDC. The intent of this agenda item is to inform and discuss with
30 the Plan Commission the impact of Act 67 on their ability to create and issue Conditional Use
31 Permits moving forward, especially since we have three Conditional Use Permits on the docket
32 tonight we’ll be going through in our new format.”

33
34 Sean noted that most of his points are addressed in the fact sheet and said he wanted to highlight
35 the following points:

- 36
37 1. The major change in Act 67 is to shift the burden with respect to conditions from if a
38 condition is proposed by the City of Onalaska Planning Department. Sean said the
39 property owner used to bear the burden of showing that a condition was not appropriate.
40 The burden has now shifted – the Plan Commission may not approve any condition for a
41 CUP unless there is substantial evidence the condition is needed in order to carry out the
42 purpose of the Zoning Ordinance, which is the health, safety and welfare of the City of

43 Onalaska. Sean said substantial evidence means that the condition must be reasonable
44 and to the extent, practical and measurable. Also, to the extent that it has to be narrowly
45 tailored as possible. Sean said, “You will hear in the staff reports now that there will be
46 more discussion of what the evidence or the rationale for each of the conditions are
47 because if that is not in the staff report, then you are not going to be able to vote
48 [because] you would not have heard evidence as to why you can have that condition.”
49

50 2. Substantial evidence is not opinion; rather, substantial evidence has to be based upon
51 some type of study or fact-based evidence that is provided. Sean said, “One of the key
52 things about substantial evidence is, to the extent that there is evidence provided or
53 commentary provided at public hearings that is not fact-based or substantial evidence,
54 that may not be considered for decision making or for discussion purposes. Just to make
55 sure I’m not putting too fine a point on it, often at hearing when there are conditions that
56 the public is very interested in, a lot of people will come in and they will give their
57 opinion. If they’re not based upon a study or they aren’t presenting anything factual, it
58 does not matter how many people speak. Their opinions are no longer able to be taken
59 into consideration.”
60

61 3. Sean stressed this is not a City of Onalaska rule and said, “The [Wisconsin] Legislature
62 made this decision and changed how we’re doing this. It was signed by the Governor,
63 and we’re not in a position to be able to do anything differently than what Act 67 says
64 directly. These are the new rules we are operating under.”
65

66 Paul asked if the evidence-based information must be written, or if it is possible for an expert in
67 a particular field to verbally address the Plan Commission.
68

69 Sean told Paul an expert in a professional field may address the Plan Commission and said the
70 expert must verbally cite that he/she is giving his/her professional opinion, depending upon what
71 the issue is.
72

73 Steven said it was his first impression that the public will have the most difficulty with Act 67
74 and noted the city hires staff to provide fact-based studies. Steven said, “What we might want to
75 consider doing is when we do our public hearing notices, if we wanted to reference that per State
76 Act 67, only evidence-based input can be considered or discussed by the commission just so that
77 when folks are coming they understand that. That might be a way to mitigate it.”
78

79 Sean said he has a proposed statement that may be put on notices, stating, “I think it should be
80 read, especially for the first few months.” Sean told Mayor Chilsen he suggests that the Mayor
81 read the statement before the first public hearing on evenings when multiple Conditional Use
82 Permit applications come before the Plan Commission. Sean suggested that the statement also
83 be posted somewhere or at the bottom of the meeting agendas.
84

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Tuesday, April 24, 2018

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85 Steven asked if perhaps a one-sentence notice should be included on the public hearing notices.

86

87 Mayor Chilsen suggested that City Administrator Rindfleisch and Katie work on the details.

88

89 Craig said, "I'm not really huge on these changes. I think it's important for the public to have
90 input. I think that's part of a community being responsible to the people who actually live here
91 and foot the bills. The only way to get this changed is to take it back to the Legislature and have
92 them ..."

93

94 Sean told Craig he is correct.

95

96 Paul asked if Sean's statement could be sent out with the public hearing notices.

97

98 Mayor Chilsen said he will let City Administrator Rindfleisch, the Planning Department, and the
99 City Clerk's Office determine how to inform the public of Act 67's effects.

100

101 Ald. Binash asked, "Since it's not on the agenda and this was only a discussion regarding
102 Wisconsin Act 67, can you really read this prior to any public ...?"

103

104 Sean said, "We can read it during this topic because it is topical to this topic. This comes right
105 before the hearings tonight."

106

107 Jan said she agrees with Craig and inquired about the rationale behind the Wisconsin State
108 Legislature removing both public opinion and the opinions of Plan Commission members.

109

110 Sean told Jan her question is a political question and not a legal question, and he suggested that
111 she ask the politicians in attendance this evening.

112

113 Jan asked, "Do they have any evidence-based fact to do this?"

114

115 Sean told Jan he had not read the legislative history on it.

116

117 City Administrator Rindfleisch suggested that Sean's statement be read prior to the first public
118 hearing.

119

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

Reviewed 4/30/18 by Katie Aspenson

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Item 4 – Public Input (limited to 3 minutes per individual)

Mayor Chilsen called for anyone wishing to provide public input.

Jeffrey Moorhouse
1979 Sandalwood Drive
Onalaska

“I’m representing Onalaska United Methodist Church at 212 4th Avenue North. I’m just letting you know I have Agenda Item No. 9, and I’m in the audience if you have questions regarding that item. I am here to answer them. Thank you.”

Paul Borsheim, Borton Construction, Inc.
2 Copeland Avenue
La Crosse

“I’m here on behalf of Honda Motorwerks. We have Item No. 7 on tonight’s agenda. I’m here to answer any questions and speak on behalf of this project.”

Misty Lown
3057 Edgewater Drive
La Crosse

“I’m here in regard to [Item] No. 6 and [I will] answer any questions on behalf of my husband and myself with Ironside Properties.”

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

Consideration and possible action on the following items:

Item 5 – Public Hearing: Approximately 7:00 P.M. (or immediately following Public Input) – consideration of a Conditional Use Permit application to allow the conversion of existing commercial space into a one (1) bedroom apartment at 513 2nd Avenue South, Onalaska, WI 54650, submitted by Curt Fossum, 324 6th Avenue North, Onalaska, WI 54650 (Tax Parcel #18-68-0)

Katie said the applicant has requested a CUP to allow the conversion of existing commercial space into a one-bedroom apartment in a Neighborhood Business (B-1) Zoning District. The property in question has two levels, and the applicant is requesting to add one one-bedroom apartment on the second level, thereby replacing the commercial use. This conversion is

169 permitted only by Conditional Use Permit per Section 13-5-16(c).

170

171 Katie said the following decision criteria were utilized to review the submitted conditional use:

172

173 • **Compatibility:** The property in question is located in the northern building, at the
174 southeast corner of the intersection of State Trunk Highway 35 and Fern Street. The
175 zoning of land within 250 feet of the proposed site includes the Neighborhood Business,
176 Community Business, Multifamily Residential, and Single-Family and/or Duplex
177 residential districts. The uses within 500 feet include a restaurant, personal service
178 establishments, retail, residential dwellings, and a church.

179 • **Consistency with Comprehensive Plan:** The Comprehensive Plan’s Future Land Use
180 Plan identifies this parcel as “Downtown Mixed-Use District.” The intent of this future
181 land use district is to have pedestrian-focused development with a mix of uses, including
182 residential, personal services, commercial, institutional and civic uses. Multiple-story,
183 mixed-use buildings that include high quality architecture, signage, lighting and
184 streetscape amenities are strongly encouraged.

185 • **Importance of Services to the Community:** According to the Comprehensive Plan, a
186 Housing Policy includes, “*Infill development providing housing opportunities shall be*
187 *encouraged in Onalaska. Infill site, especially in the central portion of the city, shall be*
188 *considered ... when deemed compatible with the Plan.*” This property is located in the
189 central portion of the city and is a mixed-use development of commercial services and
190 multifamily residential dwellings.

191 • **Neighborhood Protections:** The request to allow one one-bedroom apartment would
192 not require any exterior changes to the property. The conversion of commercial to
193 residential may modify existing traffic patterns in the neighborhood, which could be
194 more conducive to the residential surroundings.

195

196 Katie read the Conditions of Approval and the substantial evidence for each condition:

197

198 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
199 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
200 and improvements installed per approved plans prior to issuance of occupancy permits.
201 **Substantial Evidence:** This condition provides notice to the owner/developer that they
202 are to follow procedure for orderly development in the City of Onalaska in order to
203 promote the health, safety and welfare of the city.

204

205 2. All conditions run with the land and are binding upon the original developer and all heirs,
206 successors and assigns so long as the conditional use is being actively used. **Substantial**
207 **Evidence:** This condition acknowledges and provides public notice of the term and puts
208 the owner/developer and future owners on notice that they are bound by the conditions
209 and that they can continue the use as long as they follow the conditions and actively use
210 the conditional use.

- 211
212 3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and
213 Building Code requirements, as amended. **Substantial Evidence:** This condition
214 assures the owner/developer understands they must follow the city’s Unified
215 Development Code and Building Code, which they are required to follow anyway, and
216 that as they are receiving the benefit of being allowed to have a use that is not within the
217 standards of the city’s zoning code, failure to follow city ordinances may result in loss of
218 their Conditional Use Permit.
219
- 220 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued
221 use. **Substantial Evidence:** This shifts the burden to the owner of the property to
222 provide proof that the use is active and continuing. Ensuring that all existing permits are
223 still valid and being properly used ensures compliance with the city’s procedures and
224 ordinances, and promotes interaction and communication with the city, which furthers
225 orderly development and the health, safety and welfare of the city.
226

227 Katie said staff recommends the four noted conditions of approval to be tied to this development.
228

229 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
230 Conditional Use Permit application.
231

232 Mayor Chilsen called three times for anyone wishing to speak in favor of the Conditional Use
233 Permit application and closed that portion of the public hearing.
234

235 Mayor Chilsen called three times for anyone wishing to speak in opposition to the Conditional
236 Use Permit application and closed the public hearing.
237

238 Motion by Ald. Binash, second by Craig, to approve with the four listed conditions a Conditional
239 Use Permit application to allow the conversion of existing commercial space into a one (1)
240 bedroom apartment at 513 2nd Avenue South, Onalaska, WI 54650, submitted by Curt Fossum,
241 324 6th Avenue North, Onalaska, WI 54650 (Tax Parcel #18-68-0).
242

243 On voice vote, motion carried.
244

245 **Item 6 – Public Hearing: Approximately 7:10 P.M. (or immediately following previous**
246 **hearing at 7:00 P.M.) – consideration of a Conditional Use Permit application to allow the**
247 **operation of a child care center at 980 12th Avenue South, Onalaska, WI 54650, submitted**
248 **by Mitch Lown of Ironside Properties, LLC, 1220 Oak Forest Drive, Onalaska, WI 54650**
249 **(Tax Parcel #18-3131-2)**
250

251 Katie said Mitch Lown of Ironside Properties, LLC has requested a CUP to allow the operation
252 of a child care center in a Light Industrial (M-1) Zoning District (Children’s Treehouse

253 Daycare). The child care center will serve up to 144 children, and it is expected that there will
254 be between 33 and 35 employees, including teachers and administrative staff/cook when at
255 maximum capacity. The breakdown of staff includes administrative staff/cook (3), classroom
256 teachers (20), and float staff (5), totaling 28 full-time employees and five to seven part-time
257 employees. The business would operate Monday through Friday from 6:30 a.m. to 6 p.m. Katie
258 noted that Children’s Treehouse Daycare has been in business in the City of Onalaska for 10½
259 years, growing from 63 children to its current capacity of 104 children. The daycare does not
260 have room to expand in its current facility located in Oak Forest Business Park in terms of
261 allowing and caring for additional children and playground space. The daycare facility currently
262 is located within a multitenant building where it shares parking with other businesses throughout
263 the day. According to the applicant, of the 35 employees with the business, approximately 30
264 staff members arrive in personal vehicles and are on-site between 9 a.m. and 3 p.m. The
265 majority of the families do drop-off and pickup between 6:30 a.m. and 8:30 a.m., and 4:45 p.m.
266 and 5 p.m. According to the applicant, the maximum number of families for drop-off/pickup has
267 been 12 vehicles at one time. There are 60 parking stalls serving the property in question. Katie
268 noted that commercial daycare facilities are permitted only by Conditional Use Permit per
269 Section 13-5-15(c).

270
271 Katie said the following decision criteria were utilized to review the submitted conditional use:
272

- 273 • **Compatibility:** The property is located on the western side of 12th Avenue South and is
274 zoned Light Industrial (M-1). Such daycares are conditionally allowed provided all
275 principal structures and uses have at least a 6-foot side yard setback. The existing
276 building in question has an approximate 15-foot side yard setback to the north,
277 approximate 85-foot yard setback from 12th Avenue South, 20-foot setback to the rear,
278 and 90-foot setback to the south. The zoning of the land within 250 feet of the proposed
279 site includes Light Industrial, Multifamily Residential, Single Family and Duplex
280 Residential, Single-Family Residential, and Public and Semi-Public Districts. The uses
281 within 500 feet along the same street of the proposed site include a combination of retail,
282 dance studio, financial institution, restaurant, office, personal service establishments, and
283 multifamily dwellings.
- 284 • **Consistency with Comprehensive Plan:** The Comprehensive Plan identifies this area as
285 a Commercial District. This district is intended to accommodate large and small-scale
286 commercial and office development. A wide range of retail, service, lodging and office
287 uses are appropriate in this district.
- 288 • **Importance of Services to the Community:** According to the Comprehensive Plan, a
289 Land Use Objective of the city states, “*promoting compatible infill development (infill
290 development occurs on land that is underdeveloped or vacant lots in development areas)
291 throughout the city.*” This property is located in a Commercial District and is offering a
292 needed service to the greater Onalaska community.
- 293 • **Neighborhood Protections:** Children’s Treehouse Daycare is moving from its present
294 location along Oak Forest Drive, and obtaining a CUP will bring this property into

295 compliance with the UDC. The building will be remodeled from the current use of a
296 dance studio, and will comply with all the requirements to become a licensed daycare.

297

298 Katie read the Conditions of Approval and the substantial evidence for each condition:

299

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

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

306

307 2. All conditions run with the land and are binding upon the original developer and all heirs,
308 successors and assigns so long as the conditional use is being actively used. **Substantial**
309 **Evidence:** This condition acknowledges and provides public notice of the term and puts
310 the owner/developer and future owners on notice that they are bound by the conditions
311 and that they can continue the use as long as they follow the conditions and actively use
312 the conditional use.

313

314 3. Owner/developer shall abide by the City's Ordinances, Unified Development Code and
315 Building Code requirements, as amended. **Substantial Evidence:** This condition
316 assures the owner/developer understands they must follow the city's Unified
317 Development Code and Building Code, which they are required to follow anyway, and
318 that as they are receiving the benefit of being allowed to have a use that is not within the
319 standards of the city's zoning code, failure to follow city ordinances may result in loss of
320 their Conditional Use Permit.

321

322 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued
323 use. **Substantial Evidence:** This shifts the burden to the owner of the property to
324 provide proof that the use is active and continuing. Ensuring that all existing permits are
325 still valid and being properly used ensures compliance with the city's procedures and
326 ordinances, and promotes interaction and communication with the city, which furthers
327 orderly development and the health, safety and welfare of the city.

328

329 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
330 Conditional Use Permit application.

331

332 Mayor Chilsen called three times for anyone wishing to speak in favor of the Conditional Use
333 Permit application and closed that portion of the public hearing.

334

335 Mayor Chilsen called three times for anyone wishing to speak in opposition to the Conditional
336 Use Permit application and closed the public hearing.

337
338 Motion by Craig, second by Steven, to approve with the four listed conditions a Conditional Use
339 Permit application to allow the operation of a child care center at 980 12th Avenue South,
340 Onalaska, WI 54650, submitted by Mitch Lown of Ironside Properties, LLC, 1220 Oak Forest
341 Drive, Onalaska, WI 54650 (Tax Parcel #18-3131-2).

342
343 Jan asked if child care centers are required to have an outdoor play area.

344
345 Katie said child care centers are required to have a certain amount of fenced-in area based on the
346 number of children.

347
348 Jan asked where the outdoor play area will be located at this child care center.

349
350 Katie said she believes it is expected to be on the northern part of the building, in the side yard
351 and the front yard.

352
353 On voice vote, motion carried.

354
355 **Item 7 – Public Hearing: Approximately 7:20 P.M. (or immediately following previous**
356 **hearing at 7:10 P.M.) – consideration of a Conditional Use Permit application to allow the**
357 **construction of an automotive dealership/vehicle sales/repair facility at 207 Marcou Road,**
358 **Onalaska, WI 54650, submitted by Paul Borsheim of Borton Construction, Inc., 2**
359 **Copeland Avenue, Suite 201, La Crosse, WI 54601 on behalf of Marvin Wanders of Stizo**
360 **Development, LLC, P.O. Box 609, La Crosse, WI 54602-0609 (Tax Parcel #18-3627-2)**

361
362 Katie said the applicant is requesting a CUP to construct a new Honda Motorwerks dealership to
363 be located at 207 Marcou Road in Onalaska. The proposed development includes an
364 approximate 19,600 square foot facility and will sell both new and used vehicles. The service
365 area will have a combination of full and quick service lanes, alignment bay, and a detail area.
366 The timeline for construction is to begin in mid-June 2018, with completion by December 2018.
367 The sale of vehicles, vehicle repairs, et cetera, on a parcel in the Light Industrial (M-1) District is
368 permitted only by Conditional Use Permit per Section 13-5-16(g).

369
370 Katie said the following decision criteria were utilized to review the submitted conditional use:

- 371
372
- 373 • **Compatibility:** The zoning of the land within 250 feet of the proposed site includes
374 Multifamily Residential, Public and Semi-Public, and Light Industrial. Uses within 500
375 feet along the same street of the proposed site include financial institutions,
376 condominiums, a golf course, a grocery store, and a mixed-use facility with a restaurant
377 use and personal service businesses. This is the last commercial site in this area.
 - 378 • **Consistency with Comprehensive Plan:** The Comprehensive Plan identifies this area as
Commercial. This district is intended to accommodate large and small-scale commercial

379 and office development. A wide range of retail, service, lodging, and office uses are
380 appropriate in this district.

- 381 • **Importance of Services to the Community:** According to the Comprehensive Plan, an
382 Economic Development Objective of the city states, “*by attracting firms that complement*
383 *existing industries and increase business for established companies.*” This request is
384 proposed to complement the other dealerships in Onalaska, and may complement existing
385 retail in the area. The business owner is actively attempting to get closer to customers in
386 the Onalaska and West Salem markets.
- 387 • **Neighborhood Protections:** The applicant will be required to submit a full site plan set
388 for review and approval to ensure compatibility with the UDC (lighting, signage, buffers,
389 setbacks, architecture, et cetera). The property owner intends to install a vegetated buffer
390 similar to the adjoining property (Associated Bank) and notes an existing sizable berm
391 that would separate the dealership from the La Crosse Country Club golf course. The
392 proposed project of allowing the sale of vehicles on a parcel that currently allows the
393 repair of vehicles should not cause any negative consequences to the neighborhood area.

394
395 Katie read the Conditions of Approval and the substantial evidence for each condition:
396

- 397 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
398 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
399 and improvements installed per approved plans prior to issuance of occupancy permits.
400 **Substantial Evidence:** This condition provides notice to the owner/developer that they
401 are to follow procedure for orderly development in the City of Onalaska in order to
402 promote the health, safety and welfare of the city.
403
- 404 2. All conditions run with the land and are binding upon the original developer and all heirs,
405 successors and assigns so long as the conditional use is being actively used. **Substantial**
406 **Evidence:** This condition acknowledges and provides public notice of the term and puts
407 the owner/developer and future owners on notice that they are bound by the conditions
408 and that they can continue the use as long as they follow the conditions and actively use
409 the conditional use.
410
- 411 3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and
412 Building Code requirements, as amended. **Substantial Evidence:** This condition
413 assures the owner/developer understands they must follow the city’s Unified
414 Development Code and Building Code, which they are required to follow anyway, and
415 that as they are receiving the benefit of being allowed to have a use that is not within the
416 standards of the city’s zoning code, failure to follow city ordinances may result in loss of
417 their Conditional Use Permit.
418
- 419 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued
420 use. **Substantial Evidence:** This shifts the burden to the owner of the property to

**Plan Commission
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Tuesday, April 24, 2018

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421 provide proof that the use is active and continuing. Ensuring that all existing permits are
422 still valid and being properly used ensures compliance with the city's procedures and
423 ordinances, and promotes interaction and communication with the city, which furthers
424 orderly development and the health, safety and welfare of the city.

425
426 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
427 Conditional Use Permit application.

428
429 Mayor Chilsen called three times for anyone wishing to speak in favor of the Conditional Use
430 Permit application and closed that portion of the public hearing.

431
432 Mayor Chilsen called three times for anyone wishing to speak in opposition to the Conditional
433 Use Permit application and closed the public hearing.

434
435 Motion by Ald. Binash, second by Jarrod, to approve with the four listed conditions a
436 Conditional Use Permit application to allow the construction of an automotive dealership/vehicle
437 sales/repair facility at 207 Marcou Road, Onalaska, WI 54650, submitted by Paul Borsheim of
438 Borton Construction, Inc., 2 Copeland Avenue, Suite 201, La Crosse, WI 54601 on behalf of
439 Marvin Wanders of Stizo Development, LLC, P.O. Box 609, La Crosse, WI 54602-0609 (Tax
440 Parcel #18-3627-2).

441
442 Jan asked if she may express an opinion.

443
444 Sean told Jan she may express her opinion and said, "In order to impose a condition or an order
445 to deny it, you're going to have to make findings about any conditions that you impose."

446
447 Jan said, "We have car dealerships in our community that I think are an asset to our particular
448 community. I think this would be an asset to our community. I'm just not sure that I believe this
449 is the right location based on several thoughts, [such as] the lighting in the area, [and] the ingress
450 and the egress. There's an apartment building near there. It's not too far to the intersection. The
451 left turn out also worries me a little bit. The timing of the light at [County Highway] OS and
452 Marcou Road, that way it's pretty long for those people who sit on Marcou and Midwest Drive.
453 [I am also concerned about] exhaust, the hours of operation, the noise, the disposable hazardous
454 fluids, the driveway. I am assuming that a car carrier can go around the building, but a car
455 carrier is still a big vehicle to come into that particular area. I'm just not sure this is the right
456 location. I wish I could see this over on Theater Road over by the car dealerships that are over
457 there."

458
459 Steven asked, "Have we done a traffic study ourselves?"

460
461 Jarrod told Steven this area was zoned Commercial and said he believes there are other uses that
462 would generate more traffic than the car dealership would. Jarrod addressed Jan's concerns

463 regarding access to the site by a car carrier and told her this site likely is easier to access than one
464 on Theater Road. Jarrod said, “As far as the traffic goes in this area, it was designed for it. We
465 have a signalized intersection at East Main Street and Marcou Road and Market Place. That is
466 designed for it. The timing of the light is of particular interest to many who live in the area due
467 to the fact that because of the traffic volumes that go into Market Place and the traffic coming off
468 of State Highway 16, that light is actually controlled by the Wisconsin Department of
469 Transportation. They control the timing to assist with the traffic coming off of [STH] 16 so the
470 left turns do not back up, which causes delays for the left turns coming out of Marcou Road.
471 That was all part of the development from the traffic study that was done when the Wal-Mart
472 was put in 15 years ago and the traffic that comes into that area. Basically, in order to make the
473 area function as a whole there are sacrifices made to the traffic coming from Marcou Road. It
474 usually does not back up more than a few cars. You’ll see a few more cars backing up at peak
475 times or if there are events at the [La Crosse] Country Club. It would have to be monitored. If
476 you would see more cars at such a point, we would have to talk to the DOT and have them add,
477 let’s say, 10 seconds to the left turn if we were experiencing problems. The timing of the
478 intersection as far as the length of time between green cycles is not going to change no matter
479 what goes here. But I think overall by having the signalized intersection, that area can handle
480 this development at that location.”

481
482 Jan asked if Associated Bank has a CUP for the property.

483
484 Jarrod said it is a permitted use within that zoning district.

485
486 City Administrator Rindfleisch said, “In terms of the use of the property being in the proper
487 zone, I think traffic certainly is an issue wherever we develop in the area and it should be
488 considered. Based on the course of evidence, would I rather see something of a higher density
489 construction? Personally, yes. But it fits all the requirements and I see no reason to deny it.”

490
491 On voice vote, motion carried, 4-2 (Craig, Jan).

492
493 JoAnn noted that Paul had recused himself from this item.

494
495 **Item 8 – Public Hearing: Approximately 7:30 P.M. (or immediately following previous**
496 **hearing at 7:20 P.M.) – consideration of a Rezoning application filed by Terry Weiland,**
497 **600 L Hauser Road, Onalaska, WI 54650 to rezone a parcel at 2201 Abbey Road,**
498 **Onalaska, WI 54650 from Single Family Residential (R-1) District to Multifamily**
499 **Residential (R-4) District for the purpose of constructing a four (4) unit townhome/row**
500 **house (Tax Parcel #18-4511-301)**

501
502 1. Rezoning Fee of \$300.00 (PAID).

503
504 2. A Park Fee of \$922.21 per unit x 4 units = \$3,688.84 dollars to be paid to the City prior

- 505 to obtaining a Building Permit.
506
507 3. Payment of East Avenue North Sanitary Sewer Fee: \$1,140.00 per acre * 2.35 acres =
508 \$2,679.00 dollars to the City prior to obtaining a Building Permit.
509
510 4. Topography Map Fee: \$10.00 per acre * 2.35 acres = \$23.50 dollars to the City prior to
511 obtaining a Building Permit.
512
513 5. Street right-of-way for a future street must be dedicated along south parcel line or
514 owner/developer to work with City for dedication of street right-of-way in a new
515 location. Future street must be installed to City standards. (NEW)
516
517 6. Landscaping screening required along the northern boundary to screen residential
518 dwellings through the use of evergreens, deciduous material, fencing or an action similar
519 in nature. Plant names and sizes to be indicated on a landscaping plan. Plant screening
520 shall be sufficient to provide year-round screening within three (3) years of installation
521 and any plant material which does not live shall be replaced within six (6) months.
522 Screening must effectively obscure view from adjacent residential areas. The minimum
523 width of the screened area to the north shall be ten (10) feet. If fencing is to be used,
524 owner/developer shall submit fence detail to Land Use and Development Director for
525 review and approval. (NEW)
526
527 7. One (1) tree per twenty-five (25) feet of street frontage required on the boulevard of all
528 streets. Trees will be required to be planted prior to issuance of Occupancy Permit.
529 Overall site landscaping to also include one (1) square foot of landscaping per ten (10)
530 square feet of "parking area." (NEW)
531
532 8. Outdoor lighting installations shall not be permitted closer than three (3) feet to an
533 abutting property line and shall not exceed fifteen (15) feet in height and shall be
534 adequately downcast, shielded and hooded so that no excessive glare or illumination is
535 case upon the adjoining properties. (NEW)
536
537 9. Exterior storage is prohibited.
538
539 10. Site Plan Permit required for new development in advance of building permit
540 applications, including detailed architectural plans, landscape, drainage, erosion control,
541 and other required information/plans (fire accessibility, hydrant locations, etc.). Any
542 future improvements to these parcels may be subject to additional City permits (i.e.,
543 building permits).
544
545 11. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
546 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
547 and improvements installed per approved plans prior to issuance of occupancy permits.

548
549 12. All conditions run with the land and are binding upon the original developer and all heirs,
550 successors and assigns. The sale or transfer of all or any portion of the property does not
551 relieve the original developer from payment of any fees imposed or from meeting any
552 other conditions.

553
554 13. Any omissions of any conditions not listed in committee minutes shall not release the
555 property owner/developer from abiding by the City's Unified Development Code
556 requirements.

557
558 Katie said the request before the Plan Commission is to have the applicant rezone the property
559 from Single-Family Residential to Multifamily Residential. Katie noted the Comprehensive Plan
560 identifies this area for residential units and said higher density residential development may be
561 appropriate in locations adjacent to transportation corridors, commercial areas, and schools.
562 Katie said the four-unit townhome/row house development would occur on the northern side of
563 the property. Potentially, in the future additional development might occur on this parcel and at
564 that time, additional zoning permits (as needed) will be obtained by the owner. Such
565 developments might include further subdividing the parcel to allow for two twindo parcels and
566 another parcel with a five-unit townhome/row house. The property owner will be required to
567 obtain a Site Plan Permit and comply with the UDC (landscaping, parking, green space
568 requirements, setbacks, et cetera) and obtain all required permits from other relevant state
569 agencies prior to construction activities. Katie said there are 13 conditions of approval and noted
570 Condition Nos. 5, 6, 7 and 8 are new conditions since the April 10 Plan Commission Sub
571 Committee meeting.

572
573 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
574 rezoning application.

575
576 **Terry Weiland**
577 **600 L Hauser Road**
578 **Onalaska**

579
580 "I'm the owner of the property, and obviously I'm in favor of it. I just want to make one
581 comment. There is a barricade up on Abbey Road right now. My position is neutral on that.
582 I'm not in favor of the barricades or anything with my project that needs to have the barricades
583 removed to allow access to the northern part of Abbey Road. Thank you."

584
585 Mayor Chilsen called three times for anyone else wishing to speak in favor of the rezoning
586 application and closed that portion of the public hearing.

587
588 Mayor Chilsen called three times for anyone wishing to speak in opposition to the rezoning
589 application and closed the public hearing.

**Plan Commission
of the City of Onalaska**
Tuesday, April 24, 2018
15

590
591 Motion by Craig, second by Ald. Binash, to approve with the 13 listed conditions a rezoning
592 application filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 to rezone a parcel
593 at 2201 Abbey Road, Onalaska, WI 54650 from Single Family Residential (R-1) District to
594 Multifamily Residential (R-4) District for the purpose of constructing a four (4) unit
595 townhome/row house (Tax Parcel #18-4511-301).

596
597 Steven said he reads Conditions No. 6 and 7 as being somewhat similar and asked if Condition
598 No. 7 also is for screening purposes.

599
600 Katie said this is a standard rule the city has for all development.

601
602 Steven referred to Condition No. 6, which states in part that any plant material that does not
603 survive shall be replaced within six months, and he asked if this also should be part of Condition
604 No. 7.

605
606 Katie said no and told Steven, “Typically the trees that are in the one for every 25 linear feet
607 belong in the boulevard. If the developer does put in the trees and they plant them in the
608 boulevard, then they’re essentially becoming city property. At that point, any replacement is our
609 responsibility.”

610
611 Jan asked if the planned four-unit development will be similar to the three-unit structure located
612 next door.

613
614 Terry said yes and told Jan, “It’s basically going to look like that three-unit, but [it is designed]
615 for special needs. I think the interiors are different. ... The ones I am proposing are three-
616 bedroom and three-bath.”

617
618 Jan asked if there are future plans to subdivide the property for more housing.

619
620 Terry said, “It’s kind of a difficult piece to work with because there is a power line that basically
621 divides the property in half. I’m working with the northern part right now to get a four-unit in.
622 ... There will be a road that will separate the northern portion from the southern portion, then I
623 will develop the southern portion into a duplex lot and another multi lot.”

624
625 Jan asked if the units will have a similar design.

626
627 Terry said yes and noted the next proposed building would be five units.

628
629 On voice vote, motion carried.

630
631 **Item 9 – Review and Consideration of a Final Implementation Plan (FIP) for a Downtown**

Reviewed 4/30/18 by Katie Aspenson

Planned Unit Development (D-PUD) application filed by Jeffery Moorhouse of Onalaska United Methodist Church, 212 4th Avenue North, Onalaska, WI 54650 for the purpose of expanding United Methodist Church utilizing a three-phased approach which include the following parcels located at 212 4th Avenue North, 222 4th Avenue North, 412 Locust Street, 418 Locust Street, 213 5th Avenue North, and 415 King Street, Onalaska, WI 54650 (Tax Parcels #18-229-0, 18-228-0, 18-233-0, 18-234-0, 18-232-0, & 18-231-0)

1. Site Plan review will be required prior to construction of Phase 1 and Phase 2. If any major modifications to Phases 1 & 2 are proposed, City Staff may submit said changes to the Plan Commission for consideration.
2. Final Implementation Plan for Phase 3 is required prior to repurposing the Single-Family Residences on site as noted in the attached documentation. Site Plan review may be required prior to executing Phase 3.
3. Owner/developer to abide by the Airport Overlay Height Zoning Ordinance and obtain any necessary permits from the City of Onalaska and/or City of La Crosse as needed.
4. All erosion control BMPs (Best Management Practices) to be installed prior to the start of any construction activities. Swale areas/stormwater ponds to be dug prior to start of construction and prior to initial grading to act as sediment traps. Track pad(s) to be installed with a minimum of 3 to 6-inch stones, one (1) foot deep and fifty (50) feet in length. All disturbed areas to have black dirt placed and seeded within seven (7) days of disturbance.
5. As-builts of all utility work required to be submitted to the Engineering Department.
6. Owner/developer to submit final, colored renderings of all four (4) sides of proposed building noting architectural elevations with details and materials to be approved by the Planning Department.
7. Any future developments to these parcels will be subject to additional City permits (i.e., site plan approvals, building permits, zoning approvals). Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
8. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
9. Any omissions of any conditions not listed in minutes shall not release the property

**Plan Commission
of the City of Onalaska**

Tuesday, April 24, 2018

17

675 owner/developer from abiding by the City's Unified Development Code requirements.

676

677 Katie said this D-PUD request is to facilitate a three-phase development to Onalaska United
678 Methodist Church located at 212 4th Avenue North. The properties in question are all owned by
679 United Methodist Church, and the alley that separates said parcels has been completed for the
680 street vacation. United Methodist Church now owns the entire block. Phase 1 of the
681 development includes providing better access to the facility with a covered canopy entrance, new
682 vestibule, and restrooms to serve guests. Phase 2 of the development moves the existing
683 fellowship hall to the main floor to be on the same level as the sanctuary, which allows for
684 additional lower level entrance and classroom space. Phase 3 of the development includes
685 repurposing the single-family homes on their property. Katie said this Final Implementation
686 Plan will only be for Phases 1 and 2, and Phase 3 will have its own FIP in the future.

687

688 The tentative schedule for implementation is as follows:

689

- 690 • **Phase 1:** 2018 construction/completion
- 691 • **Phase 2:** 2025 construction/completion
- 692 • **Phase 3:** 2030 construction/completion

693

694 Katie noted the staff report includes the Standards for Review, focusing on Permitted Uses,
695 Conditional Uses, Density (effect on adjacent properties, adequacy of public and private
696 services/infrastructure, overall design, scale and massing of structures, building elevations and
697 setbacks, landscaping, screening and buffering, open space provision and design, retention of
698 natural, cultural and historic resources), Setbacks, Building Height, Environmental Design, Open
699 Space, Architecture, Parking, Street, Utilities, Drainage, Circulation/Access, Landscaping, and
700 Signs. Katie said there have been no substantial changes in terms of what originally was
701 proposed in the General Development Plan compared to the Final Implementation Plan. Katie
702 noted both city staff and the Plan Commission have reviewed this, adding that there are nine
703 conditions of approval tied to this development. A condition to vacate the alley that was
704 included in the April 10 Plan Commission Sub Committee minutes has been fulfilled.

705

706 Motion by Ald. Binash, second by Craig, to approve with the nine listed conditions a Final
707 Implementation Plan (FIP) for a Downtown Planned Unit Development (D-PUD) application
708 filed by Jeffery Moorhouse of Onalaska United Methodist Church, 212 4th Avenue North,
709 Onalaska, WI 54650 for phases 1 & 2 for the purpose of expanding United Methodist Church
710 utilizing a three-phased approach which include the following parcels located at 212 4th Avenue
711 North, 222 4th Avenue North, 412 Locust Street, 418 Locust Street, 213 5th Avenue North, and
712 415 King Street, Onalaska, WI 54650 (Tax Parcels #18-229-0, 18-228-0, 18-233-0, 18-234-0,
713 18-232-0, & 18-231-0).

714

715 Craig expressed his appreciation for the efforts of the United Methodist Church congregation and
716 said he believes it likely is the best use of the land given the limited space.

Reviewed 4/30/18 by Katie Aspenson

717
718 Katie noted this FIP is only for Phases 1 and 2.

719
720 Mayor Chilsen asked that the motion reflect that this only is for Phases 1 and 2.

721
722 On voice vote, motion carried.

723
724 **Item 10 – Consideration of a non-substantial alteration determination to the Theater Road**
725 **Center PCID located at 531 Theater Road, submitted by Paul Borsheim of Borton**
726 **Construction, Inc., 2 Copeland Avenue, Suite 201, La Crosse, WI 54601, on behalf of Time**
727 **Enterprise, INC, P.O. Box 155, West Salem, WI 54669 (Tax Parcel #18-3580-5)**

- 728
729 1. Applicant shall comply with original PCID conditions of approval.
730
731 2. Obtain a Site Plan Permit for proposed development prior to any construction activities.
732
733 3. Obtain sign permits for all individual sign replacements and/or re-faces.
734
735 4. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
736 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
737 and improvements installed per approved plans prior to issuance of occupancy permits.
738
739 5. All conditions run with the land and are binding upon the original developer and all heirs,
740 successors and assigns. The sale or transfer of all or any portion of the property does not
741 relieve the original developer from payment of any fees imposed or from meeting any
742 other conditions.
743
744 6. Any omissions of any conditions not listed in committee minutes shall not release the
745 property owner/developer from abiding by the City’s Unified Development Code
746 requirements.

747
748 Katie said this request is to review and determine whether the proposed changes to the Theater
749 Road Center PCID constitute a substantial alteration. Katie said that at its April 10 meeting the
750 Plan Commission Sub Committee made a determination that the alteration to the PCID is non-
751 substantial. Katie said the applicant is proposing a 3,201 square foot to the rear of the Brenengen
752 facility to allow additional service bays and a detailing station. The exterior of the proposed
753 addition will be required to match the existing facility façade. Katie said city staff intends to
754 begin the process of reviewing the site plan request contingent upon approval to the proposed
755 project. Katie noted there are six conditions of approval tied to this development.

756
757 Motion by Craig, second by Ald. Binash, to approve the non-substantial alteration with the six
758 listed conditions the Theater Road Center PCID located at 531 Theater Road, submitted by Paul
759 Borsheim of Borton Construction, Inc., 2 Copeland Avenue, Suite 201, La Crosse, WI 54601, on
Reviewed 4/30/18 by Katie Aspenson

**Plan Commission
of the City of Onalaska**
Tuesday, April 24, 2018
19

760 behalf of Time Enterprise, INC, P.O. Box 155, West Salem, WI 54669 (Tax Parcel #18-3580-5).

761

762 On voice vote, motion carried.

763

764 **Adjournment**

765

766 Motion by Ald. Binash, second by Craig, to adjourn at 8:01 p.m.

767

768 On voice vote, motion carried.

769

770

771 Recorded by:

772

773 Kirk Bey