

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, April 9, 2019

1

1 The Meeting of the Plan Commission Sub Committee of the City of Onalaska was called to order
2 at 4:30 p.m. on Tuesday, April 9, 2019. It was noted that the meeting had been announced and a
3 notice posted at City Hall.

4

5 Roll call was taken, with the following members present: Ald. Jim Binash, Skip Temte, City
6 Engineer Jarrod Holter

7

8 Also Present: Planning Manager Katie Aspenson

9

10 **Item 2 – Approval of minutes from the previous meeting**

11

12 Motion by Skip, second by Jarrod, to approve the minutes from the previous meeting as printed
13 and on file in the City Clerk’s Office.

14

15 On voice vote, motion carried.

16

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

18

19 Ald. Binash called three times for anyone wishing to provide public input and closed that portion
20 of the meeting.

21

22

Consideration and possible action on the following items:

23

24 **Item 4 – Review and Consideration of a Conditional Use Permit request filed by Ruth**
25 **Mashak, 729 Redwood Street, Onalaska, WI 54650 for the purpose of allowing the**
26 **operation of a home occupation (offering piano lessons) at the property located at 729**
27 **Redwood Street, Onalaska, WI 54650 (Tax Parcel #18-5898-1)**

28

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

38

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

42 **Substantial Evidence:** This condition provides notice to the owner/developer that they

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43 are to follow procedure for orderly development in the City of Onalaska in order to
44 promote the health, safety and welfare of the City.

45
46 2. All conditions run with the land and are binding upon the original developer and all heirs,
47 successors and assigns so long as the conditional use is being actively used. **Substantial**
48 **Evidence:** This condition acknowledges and provides public notice of the term and puts
49 the owner/developer and future owners on notice that they are bound by the conditions
50 and that they can continue the use as long as they follow the conditions and actively use
51 the conditional use.

52
53 3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and
54 Building Code requirements, as amended. **Substantial Evidence:** This condition
55 assures the owner/developer understands they must follow the city’s Unified
56 Development Code and Building Code, which they are required to follow in every way,
57 and that as they are receiving the benefit of being allowed to have a use that is not within
58 the standards of the City’s zoning code, failure to follow City ordinances may result in
59 loss of their Conditional Use Permit.

60
61 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued
62 use. **Substantial Evidence:** This shifts the burden to the owner of the property to
63 provide proof that the use is active and continuing. Ensuring that existing permits are
64 still valid and being properly used ensures compliance with the City’s procedures and
65 ordinances, and promotes interaction and communication with the City, which furthers
66 orderly development and the health, safety and welfare of the City.

67
68 Motion by Ald. Binash, second by Skip, to forward with the four stated conditions to a public
69 hearing at the April 23 Plan Commission meeting review and consideration of a Conditional Use
70 Permit request filed by Ruth Mashak, 729 Redwood Street, Onalaska, WI 54650 for the purpose
71 of allowing the operation of a home occupation (offering piano lessons) at the property located at
72 729 Redwood Street, Onalaska, WI 54650 (Tax Parcel #18-5898-1).

73
74 On voice vote, motion carried.

75
76 **Item 5 – Review and Consideration of a Conditional Use Permit request filed by Leah**
77 **Berlin and Jim Bressi of Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 54601 on behalf**
78 **of David & Barbara Hegenbarth of Hegenbarth Investments, LLC, 2400 Cedar Creek**
79 **Lane, Onalaska, WI 54650 for the purpose of allowing the operation of a meal**
80 **prep/catering establishment at the property located at 910 2nd Avenue North, Onalaska, WI**
81 **54650 (Tax Parcel #18-1276-0)**

82
83 Katie said the CUP before the subcommittee today is to allow the operation of catering services
84 at the establishment previously called “2 Beagles Brewpub.” Kwik Trip is working to develop a

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85 “Take Home Meal” program, and has selected this location to test the preparation and delivery
86 system for the new program. Food will be prepped, cooked, and packaged for delivery to retail
87 Kwik Trip locations. The intended use is predicted to be less intensive than the previous
88 restaurant uses as there will be substantially decreased public traffic for the new establishment.
89 There will be eight anticipated employees, with delivery truck traffic predicted at two deliveries
90 a week and one semi-truck for product pickup daily. Katie said a CUP for catering services is
91 permitted only by Plan Commission approval, and pursuant to standards set forth in Sections 13-
92 8-11. While the city has no basis for denial of the CUP, it has found a basis to impose the
93 following conditions:

- 94
- 95 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
96 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
97 and improvements installed per approved plans prior to issuance of occupancy permits.
98 **Substantial Evidence:** This condition provides notice to the owner/developer that they
99 are to follow procedure for orderly development in the City of Onalaska in order to
100 promote the health, safety and welfare of the City.
101
 - 102 2. All conditions run with the land and are binding upon the original developer and all heirs,
103 successors and assigns so long as the conditional use is being actively used. **Substantial**
104 **Evidence:** This condition acknowledges and provides public notice of the term and puts
105 the owner/developer and future owners on notice that they are bound by the conditions
106 and that they can continue the use as long as they follow the conditions and actively use
107 the conditional use.
108
 - 109 3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and
110 Building Code requirements, as amended. **Substantial Evidence:** This condition
111 assures the owner/developer understands they must follow the city’s Unified
112 Development Code and Building Code, which they are required to follow in every way,
113 and that as they are receiving the benefit of being allowed to have a use that is not within
114 the standards of the City’s zoning code, failure to follow City ordinances may result in
115 loss of their Conditional Use Permit.
116
 - 117 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued
118 use. **Substantial Evidence:** This shifts the burden to the owner of the property to
119 provide proof that the use is active and continuing. Ensuring that existing permits are
120 still valid and being properly used ensures compliance with the City’s procedures and
121 ordinances, and promotes interaction and communication with the City, which furthers
122 orderly development and the health, safety and welfare of the City.
123

124 Motion by Ald. Binash, second by Skip, to forward with the four stated conditions to a public
125 hearing at the April 23 Plan Commission meeting review and consideration of a Conditional Use
126 Permit request filed by Leah Berlin and Jim Bressi of Kwik Trip, Inc., 1626 Oak Street, La

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127 Crosse, WI 54601 on behalf of David & Barbara Hegenbarth of Hegenbarth Investments, LLC,
128 2400 Cedar Creek Lane, Onalaska, WI 54650 for the purpose of allowing the operation of a meal
129 prep/catering establishment at the property located at 910 2nd Avenue North, Onalaska, WI
130 54650 (Tax Parcel #18-1276-0).

131
132 Skip asked if the catering service is a contractor to Kwik Trip or part of the Kwik Trip.

133
134 Katie said the catering service will be leased and operated by Kwik Trip.

135
136 Skip asked if the service will be a contractor to Kwik Trip.

137
138 Katie responded, "It is Kwik Trip," and she said Kwik Trip will lease the building.

139
140 Ald. Binash noted the building already is set up for a large parking lot, and that it also has a large
141 kitchen facility.

142
143 On voice vote, motion carried.

144
145 **Item 6 – Review and Consideration of a Conditional Use Permit request filed by Dan Wick,**
146 **Parks & Recreation Director of the City of Onalaska, 415 Main Street, on behalf of the**
147 **City of Onalaska, 415 Main Street, Onalaska, WI 54650 for the purpose of allowing the**
148 **construction of a perforated aluminum screen behind and a wood canopy over the existing**
149 **stage at Dash-Park located at 200 Main Street, Onalaska, WI 54650 (Tax Parcel #18-96-1)**

150
151 Katie said Dash-Park was constructed in 2016-2017, with the City of Onalaska accepting the
152 park in 2018. Dave and Barb Skogen have requested to donate stage improvements to Dash-
153 Park, which would include a perforated aluminum screen behind and a wood canopy to enhance
154 the performance area. At its March 25 meeting, the Parks and Recreation Board recommended
155 approval of the donation to the Common Council, which take the request under consideration
156 Tuesday evening. If the Common Council approves the donation, the intention is to have the
157 construction of the improvements in 2019. Structures in the P-1 District require CUPs per Plan
158 Commission approval, and pursuant to standards set forth in Sections 13-8-11.

159
160 The substantial evidence regarding Conditions of Approval is as follows:

- 161
162 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
163 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
164 and improvements installed per approved plans prior to issuance of occupancy permits.
165 **Substantial Evidence:** This condition provides notice to the owner/developer that they
166 are to follow procedure for orderly development in the City of Onalaska in order to
167 promote the health, safety and welfare of the City.

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- 169 2. All conditions run with the land and are binding upon the original developer and all heirs,
170 successors and assigns so long as the conditional use is being actively used. **Substantial**
171 **Evidence:** This condition acknowledges and provides public notice of the term and puts
172 the owner/developer and future owners on notice that they are bound by the conditions
173 and that they can continue the use as long as they follow the conditions and actively use
174 the conditional use.
175
- 176 3. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and
177 Building Code requirements, as amended. **Substantial Evidence:** This condition
178 assures the owner/developer understands they must follow the city’s Unified
179 Development Code and Building Code, which they are required to follow in every way,
180 and that as they are receiving the benefit of being allowed to have a use that is not within
181 the standards of the City’s zoning code, failure to follow City ordinances may result in
182 loss of their Conditional Use Permit.
183
- 184 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued
185 use. **Substantial Evidence:** This shifts the burden to the owner of the property to
186 provide proof that the use is active and continuing. Ensuring that existing permits are
187 still valid and being properly used ensures compliance with the City’s procedures and
188 ordinances, and promotes interaction and communication with the City, which furthers
189 orderly development and the health, safety and welfare of the City.
190

191 Motion by Ald. Binash, second by Skip, to forward with the four stated conditions to a public
192 hearing at the April 23 Plan Commission meeting review and consideration of a Conditional Use
193 Permit request filed by Dan Wick, Parks & Recreation Director of the City of Onalaska, 415
194 Main Street, on behalf of the City of Onalaska, 415 Main Street, Onalaska, WI 54650 for the
195 purpose of allowing the construction of a perforated aluminum screen behind and a wood canopy
196 over the existing stage at Dash-Park located at 200 Main Street, Onalaska, WI 54650 (Tax Parcel
197 #18-96-1).
198

199 Skip asked Jarrod if the Public Works Department will construct the stage improvements.
200

201 Jarrod the project will be contracted out, noting that DBS had performed the original work at
202 Dash-Park. Jarrod said he assumes DBS also will perform the improvements.
203

204 Ald. Binash noted the screen and canopy will face west, which will provide protection from the
205 wind and sun.
206

207 On voice vote, motion carried.
208

209 **Item 7 – Review and Consideration of a request to amend Site Plan Permit #181016**
210 **Conditions of Approval filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650,**

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211 **for the purpose of changing Condition #26 tied to the construction of a five-unit**
212 **Townhome/Row House development at the property located at 2215-2217-2219-2221-2223**
213 **Abbey Road, Onalaska, WI 54650 (Tax Parcel #18-4511-315)**
214

215 Katie said the applicant is the owner of the parcel in question, and he has received the following
216 city approvals to allow the construction of a five-unit townhome/row house development:
217

- 218 • Rezoning from Single Family Residential (R-1) to Multifamily Residential (R-4) in 2018.
- 219 • Subdivision of the parcel into four developable lots in 2018.
- 220 • A variance to increase street-yard setbacks and modify typical property setbacks due to
- 221 site and location of Dairyland Powerline easement in 2018.
- 222 • Site Plan Permit No. 181016 and the associated Conditions of Approval to construct the
- 223 five-unit townhome. Katie noted the Conditions of Approval were included in
- 224 subcommittee members' packets.
- 225

226 Katie said that as part of the Site Plan review process, city staff members work to ensure that a
227 proposed development complies with standards in the Unified Development Code (for example:
228 landscaping, parking, green space requirements, setbacks, et cetera). Further, the Planning
229 Department reviews proposed architectural building elevations for all four sides of a structure as
230 part of the process. Katie said the applicant originally did not propose any architectural features
231 outside of vinyl siding on the eastern side of the structure that is directly visible from Abbey
232 Road. Katie said city staff requested that a "stripe of brick façade" be added to this side of the
233 structure to enhance curb appeal along Abbey Road, which has consistently been applied to the
234 other multifamily developments along Abbey Road in addition to a mini-warehouse use. The
235 applicant offered to decrease the amount of brick façade that was originally proposed on the
236 northern side of the structure that went up the length of the garages by half and instead wrap the
237 brick façade around the eastern side for a consistent look.
238

239 Katie said city staff agreed with the proposal and drafted Condition No. 26 for the Conditions of
240 Approval tied to this development to reflect the proposed change in architecture. Upon
241 completion of city review, city staff sent the Site Plan Permit and associated Conditions of
242 Approval for review by the applicant, noting that if he signed the Site Plan Permit, he is agreeing
243 to adhere to all stated Conditions of Approval. Katie referred to a copy of a letter written by the
244 applicant included in subcommittee members' packets, noting he is requesting to no longer
245 provide the brick façade along the eastern façade and instead return to the original proposal of all
246 vinyl siding with no additional architectural features. Katie said city staff does not agree with
247 the requested change and noted that as the Site Plan Permit represents an agreement between the
248 applicant and the City of Onalaska, any change to the Conditions of Approval must be approved
249 both by the Plan Commission and the Common Council. Katie said the subcommittee is being
250 asked to consider amending Condition No. 26 of Site Plan Permit No. 181016 as requested by
251 the applicant.
252

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253 Motion by Ald. Binash, second by Skip, to consider a request to amend Site Plan Permit
254 #181016 Conditions of Approval filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI
255 54650, for the purpose of changing Condition #26 tied to the construction of a five-unit
256 Townhome/Row House development at the property located at 2215-2217-2219-2221-2223
257 Abbey Road, Onalaska, WI 54650 (Tax Parcel #18-4511-315).

258

259 Skip noted there is no recommendation from the Planning Department either to approve or deny
260 the applicant's request, and he asked Katie, "Does this mean you are not for it?"

261

262 Katie reiterated city staff is not in agreement with the requested change.

263

264 Ald. Binash said it is his understanding that the applicant wishes to modify Condition No. 26 to
265 reflect that he does not want to provide the brick façade.

266

267 Katie told Ald. Binash he is correct.

268

269 Ald. Binash asked, "If that occurs, that is not in compliance with the signed Site Plan?"

270

271 Katie noted a Site Plan includes a list of Conditions of Approval and said a contractor must sign
272 the Site Plan Permit before construction may begin on a project. Doing so means the contractor
273 agrees to follow all the Conditions of Approval. Katie said, "The applicant in this case signed it
274 and agreed to put this architectural feature on the eastern side. After the fact, while now under
275 construction, he is requesting to no longer do this. Because we've passed our point of no return,
276 so to say, and the building is already being constructed, it's up to the Plan Commission and the
277 Common Council to decide if the developer has to follow what he agreed to do in the beginning,
278 or if you are willing to change it so that he doesn't have to do it. It's no longer up to staff at this
279 point. Now it's up to [the Plan Commission] and [the Common] Council to make that decision."

280

281 For clarification, Skip asked Ald. Binash if his motion recommended approval of the request.

282

283 Motion and second withdrawn.

284

285 Ald. Binash said, "In this area, we want a similar type of setting with all the buildings and/or
286 warehouses that are in the area. Something that would be different would stand out amongst all
287 the other apartments and warehouses or storage units that are in the area. Is that my
288 understanding?"

289

290 Katie said, "Whenever we have these Site Plan Permits, other communities have very strict
291 architectural controls. They say how much of whatever feature you have to do. Typically when
292 the Planning Department reviews it, we're not that prescriptive. But we do look at all sides. We
293 don't want to have large, uninterrupted facades that don't break it up and add a unique feature to
294 it. In this particular case, we had compromised with reducing architectural features on the

Reviewed 4/11/19 by Katie Aspenson

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295 northern side to bring it instead to the eastern side. The reference to the other structures is that
296 during this process that we've had on different developments in that same area, we had requested
297 similar features be installed on the street side, in particular. That was agreed to and complied
298 with.”

299

300 Motion by Ald. Binash, second by Skip, to forward to the Plan Commission without
301 recommendation review and consideration of a request to amend Site Plan Permit #181016
302 Conditions of Approval filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650, for
303 the purpose of changing Condition #26 tied to the construction of a five-unit Townhome/Row
304 House development at the property located at 2215-2217-2219-2221-2223 Abbey Road,
305 Onalaska, WI 54650 (Tax Parcel #18-4511-315).

306

307 On voice vote, motion carried.

308

309 **Adjournment**

310

311 Motion by Ald. Binash, second by Skip, to adjourn at 4:47 p.m.

312

313 On voice vote, motion carried.

314

315

316 Recorded by:

317

318 Kirk Bey