

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

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, June 12, 2018. 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: Planner/Zoning Inspector Katie Aspenson, City Administrator Eric Rindfleisch

9
10 **Item 2 – Approval of minutes from the previous meeting**

11
12 Motion by Skip, second by Ald. Binash, to approve the minutes from the previous meeting as
13 printed 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 else wishing to provide public input and closed that
20 portion 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 Tom**
25 **Vierling of Better Hearing Center, 515 2nd Avenue South, Onalaska, WI 54650 on behalf of**
26 **BHC Properties, LLC, N5794 Rivendell Court, Onalaska, WI 54650 to install an Electronic**
27 **Message Center sign approximately seventy-three (73) feet from a residential parcel line at**
28 **1101 Main Street, Onalaska, WI 54650 (Tax Parcel #18-789-0)**

29
30 Katie said this CUP request pertains to allowing an Electronic Message Center Sign to be
31 constructed closer than 100 feet from a residential property line at 1101 Main Street, which is a
32 commercial business center. The applicant’s proposal is to install an Electronic Message Center
33 on top of the existing freestanding monument sign, which is appropriately set back a minimum of
34 5 feet from the property line. It is located approximately 73 feet from the residential property
35 located across the street. Katie said they would be separated from the sign by Main Street. The
36 message center portion of the sign will be 15 square feet (3 feet by 5 feet, per side). A maximum
37 of 32 square feet is allowed. Katie noted the CUP is permitted only by approval of the Plan
38 Commission and said the city currently has no basis for denial of the CUP. However, the city
39 has found a basis to impose four Conditions of Approval. The Conditions of Approval and the
40 substantial evidence for each condition are as follows:

- 41
42 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

2

43 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
44 and improvements installed per approved plans prior to issuance of occupancy permits.
45 **Substantial Evidence:** This condition provides notice to the owner/developer that they
46 are to follow procedure for orderly development in the City of Onalaska in order to
47 promote the health, safety and welfare of the City.

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

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

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

70
71 Katie noted a public hearing will be held at the June 26 Plan Commission meeting, and she said
72 only where no reasonable conditions could exist to allow the Conditional Use may a CUP be
73 denied.

74
75 Motion by Ald. Binash, second by Skip, to forward with the four stated conditions of approval to
76 a public hearing at the June 26 Plan Commission meeting review and consideration of a
77 Conditional Use Permit request filed by Tom Vierling of Better Hearing Center, 515 2nd Avenue
78 South, Onalaska, WI 54650 on behalf of BHC Properties, LLC, N5794 Rivendell Court,
79 Onalaska, WI 54650 to install an Electronic Message Center sign approximately seventy-three
80 (73) feet from a residential parcel line at 1101 Main Street, Onalaska, WI 54650 (Tax Parcel
81 #18-789-0).

82
83 Skip asked Katie if the Planning Department foresees any complications with this request.

84

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

3

85 Katie said no as it meets the code, as permitted. Katie also said the applicant will have to follow
86 the new standards the city has within the Sign Code regarding illumination.

87
88 Skip asked Katie if she sees no problem with the sign being less than 100 feet from a residential
89 property.

90
91 Katie said the applicant is allowed to do this through the issuance of a CUP.

92
93 Ald. Binash noted subcommittee members' packets include photographs of two signs and asked
94 if they already exist on the property.

95
96 Katie said the sign on the right, which advertises the Stanley McDonald Agency, is the existing
97 sign, and she told Ald. Binash the proposed sign is the one stating "Celebrate the Sounds of Your
98 Life." Katie said, "That is an example of what the message center will say," and she told Ald.
99 Binash the sign will be superimposed on top of the existing sign.

100
101 On voice vote, motion carried.

102
103 **Item 5 – Review and Consideration of a Conditional Use Permit request filed by Amy**
104 **Deters of Christian Chapel Daycare, 1415 Well Street, Onalaska, WI 54650 on behalf of**
105 **Onalaska Church of Christ, 1415 Well Street, Onalaska, WI 54650 to allow the operation**
106 **of a child care center at 1415 Well Street, Onalaska, WI 54650 (Tax Parcel #18-723-0)**

107
108 Katie said Amy Deters of Christian Chapel Daycare has requested a CUP to allow the operation
109 of a child care center in a Single Family and/or Duplex Residential (R-2) Zoning District.
110 Christian Chapel Daycare has been in business in the City of Onalaska for 42 years and is a
111 licensed child care center serving children from ages 2 to 12, Monday through Friday from 6
112 a.m. to 6 p.m. The child care center also offers before- and after-school care, summer care, and
113 it also operates as a 4K site in partnership with the Onalaska School District. Christian Chapel
114 Daycare currently has 19 employees, eight of which are full-time. Katie said Christian Chapel
115 Daycare is an example of a daycare located in the City of Onalaska that has existed without the
116 use of a CUP, and she told subcommittee members that Christian Chapel Daycare would become
117 a conforming business upon approval of the CUP request.

118
119 The Conditions of Approval and the substantial evidence for each condition are as follows:

- 120
121 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
122 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
123 and improvements installed per approved plans prior to issuance of occupancy permits.
124 **Substantial Evidence:** This condition provides notice to the owner/developer that they
125 are to follow procedure for orderly development in the City of Onalaska in order to
126 promote the health, safety and welfare of the City.

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

4

127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168

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

Motion by Skip, second by Ald. Binash, to forward with the four stated conditions of approval to a public hearing at the June 26 Plan Commission meeting review and consideration of a Conditional Use Permit request filed by Amy Deters of Christian Chapel Daycare, 1415 Well Street, Onalaska, WI 54650 on behalf of Onalaska Church of Christ, 1415 Well Street, Onalaska, WI 54650 to allow the operation of a child care center at 1415 Well Street, Onalaska, WI 54650 (Tax Parcel #18-723-0).

On voice vote, motion carried.

Item 6 – Review and Consideration of a Conditional Use Permit request filed by Pastor Jerry Hatlevig of Connect Church, PO Box 431, Onalaska, WI 54650 on behalf of Cathedral of Praise Church of La Crosse, Inc., 3340 Kinney Coulee Road South, Onalaska, WI 54650 to allow the construction of two (2) accessory structures (garage and pergola), a driveway and a paved path at 3340 Kinney Coulee Road South, Onalaska, WI 54650 (Tax Parcel #18-3654-61)

Katie said this CUP request pertains to allowing the construction of a 24-by-30 foot garage with a concrete drive and pad, a 20-by-30 foot pergola for shade in the children’s play area, and a 4-foot wide concrete bicycle path inside the play area for the child care facility. The amendment of

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

5

169 a Conditional Use is permitted only by approval of the Plan Commission. The Conditions of
170 Approval and the substantial evidence for each condition are as follows:

- 171
- 172 1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
173 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
174 and improvements installed per approved plans prior to issuance of occupancy permits.
175 **Substantial Evidence:** This condition provides notice to the owner/developer that they
176 are to follow procedure for orderly development in the City of Onalaska in order to
177 promote the health, safety and welfare of the City.
178
 - 179 2. All conditions run with the land and are binding upon the original developer and all heirs,
180 successors and assigns so long as the conditional use is being actively used. **Substantial**
181 **Evidence:** This condition acknowledges and provides public notice of the term and puts
182 the owner/developer and future owners on notice that they are bound by the conditions
183 and that they can continue the use as long as they follow the conditions and actively use
184 the conditional use.
185
 - 186 3. Owner/developer shall abide by the City's Ordinances, Unified Development Code and
187 Building Code requirements, as amended. **Substantial Evidence:** This condition
188 assures the owner/developer understands they must follow the city's Unified
189 Development Code and Building Code, which they are required to follow in every way,
190 and that as they are receiving the benefit of being allowed to have a use that is not within
191 the standards of the City's zoning code, failure to follow City ordinances may result in
192 loss of their Conditional Use Permit.
193
 - 194 4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued
195 use. **Substantial Evidence:** This shifts the burden to the owner of the property to
196 provide proof that the use is active and continuing. Ensuring that existing permits are
197 still valid and being properly used ensures compliance with the City's procedures and
198 ordinances, and promotes interaction and communication with the City, which furthers
199 orderly development and the health, safety and welfare of the city.
200

201 Katie said the applicant will be required to obtain site plan review if the Plan Commission
202 approves this item, noting the applicant is under conceptual review today with city staff.
203

204 Motion by Skip, second by Ald. Binash, to forward with the four stated conditions of approval to
205 a public hearing at the June 26 Plan Commission meeting review and consideration of a
206 Conditional Use Permit request filed by Pastor Jerry Hatlevig of Connect Church, PO Box 431,
207 Onalaska, WI 54650 on behalf of Cathedral of Praise Church of La Crosse, Inc., 3340 Kinney
208 Coulee Road South, Onalaska, WI 54650 to allow the construction of two (2) accessory
209 structures (garage and pergola), a driveway and a paved path at 3340 Kinney Coulee Road
210 South, Onalaska, WI 54650 (Tax Parcel #18-3654-61).

Reviewed 6/14/18 by Katie Aspenson

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

6

211
212 Skip asked Jarrod if he sees any _____ problems with the presence of more pavement.
213

214 Jarrod noted the existing parking lot is gravel and told Skip that while there will be a little bit of
215 driveway, it will be “relatively insignificant compared to the size of the lot.” Jarrod added he
216 does not foresee any difficulties.

217
218 On voice vote, motion carried.
219

220 **Item 7 – Review and Consideration of a Conditional Use Permit request filed by Leo**
221 **Bronston, 1202 County Road PH, Suite 100, Onalaska, WI 54650 on behalf of River of Life**
222 **Assembly of God, Inc., 1214 County Road PH, Onalaska, WI 54650 to allow restaurant(s)**
223 **on a portion of the property at 1214 County Road PH, in the process of being rezoned to**
224 **Transitional Commercial (T-C) District, located at 1214 County Road PH, Onalaska, WI**
225 **54650 (Tax Parcel #18-3542-0)**
226

227 Katie said this CUP request pertains to allowing a restaurant or restaurants on the property in the
228 process of being purchased from River of Life Assembly of God, Inc. (approximately 1.3 acres)
229 directly adjacent to Dr. Bronston’s existing commercial property, and IT is in the process of
230 being rezoned from Single Family Residential (R-1) to Transitional Commercial (T-C) District.
231 Katie noted a restaurant use requires a CUP and said there are five conditions of approval. In
232 addition to the four standard Conditions of Approval, staff has added the following condition:
233

- 234 1. The Conditional Use Permit is contingent upon approval of the rezoning of a portion (1.3
235 acres) of Tax Parcel #18-3542-0 from Single Family Residential (R-1) District to
236 Transitional Commercial (T-C) District where the proposed use (restaurant) is permitted
237 through issuance of a Conditional Use Permit by the Plan Commission.
238

239 In reference to this condition, Katie said the CUP will be “null and void” if the rezoning does not
240 continue to go through as the proposed use is not allowed in the R-1 Zoning District.
241

242 The other Conditions of Approval and the substantial evidence for each condition are as follows:
243

- 244 2. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
245 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
246 and improvements installed per approved plans prior to issuance of occupancy permits.
247 **Substantial Evidence:** This condition provides notice to the owner/developer that they
248 are to follow procedure for orderly development in the City of Onalaska in order to
249 promote the health, safety and welfare of the City.
250

- 251 3. All conditions run with the land and are binding upon the original developer and all heirs,
252 successors and assigns so long as the conditional use is being actively used. **Substantial**

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

7

253 **Evidence:** This condition acknowledges and provides public notice of the term and puts
254 the owner/developer and future owners on notice that they are bound by the conditions
255 and that they can continue the use as long as they follow the conditions and actively use
256 the conditional use.

257

258 4. Owner/developer shall abide by the City’s Ordinances, Unified Development Code and
259 Building Code requirements, as amended. **Substantial Evidence:** This condition
260 assures the owner/developer understands they must follow the city’s Unified
261 Development Code and Building Code, which they are required to follow in every way,
262 and that as they are receiving the benefit of being allowed to have a use that is not within
263 the standards of the City’s zoning code, failure to follow City ordinances may result in
264 loss of their Conditional Use Permit.

265

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

272

273 Motion by Skip, second by Ald. Binash, to forward with the five stated conditions of approval to
274 a public hearing at the June 26 Plan Commission meeting review and consideration of a
275 Conditional Use Permit request filed by Leo Bronston, 1202 County Road PH, Suite 100,
276 Onalaska, WI 54650 on behalf of River of Life Assembly of God, Inc., 1214 County Road PH,
277 Onalaska, WI 54650 to allow restaurant(s) on a portion of the property at 1214 County Road PH,
278 in the process of being rezoned to Transitional Commercial (T-C) District, located at 1214
279 County Road PH, Onalaska, WI 54650 (Tax Parcel #18-3542-0).

280

281 Ald. Binash asked Katie if she knows what type of restaurant will be constructed on the property.

282

283 Katie noted that Dr. Bronston is in attendance and told Ald. Binash the subcommittee is welcome
284 to ask him questions.

285

286 **Doctor Leo Bronston**

287 **163 East Larkspur Lane**

288 **Onalaska**

289

290 Dr. Bronston said he has received a letter of intent from Jersey Mike’s Subs, and he also told the
291 subcommittee there is another corporation restaurant that has expressed interest. Dr. Bronston
292 said it is a slightly larger template of approximately 2,500 square feet, and he told subcommittee
293 members he does not have a letter of intent at this time and therefore he is not at liberty to
294 disclose the entity.

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

8

295
296 Skip asked Jarrod if he foresees any traffic-related problems due to the presence of a restaurant.
297

298 Jarrod noted these are “relatively smaller commercial sites” and said a traffic impact analysis
299 was not required for the site. Jarrod said, “We really haven’t for sites this small. We have for
300 larger sites such as the Wal-Mart when it came into the area and Home Depot. Those are larger
301 traffic generators, but we haven’t for these. I think the secondary driveway will assist in getting
302 people in and out and take some of the traffic from the Jansen Place intersection. That actually
303 operates at a lower level of service today, so I think with the extra driveway and the traffic
304 circulation pattern they have, hopefully with some sort of professional space in there – not just
305 restaurants – we will be able to have it function properly.”

306
307 Ald. Binash asked if the rezoning from R-1 to T-C is en route to be approved.

308
309 Katie said the Plan Commission unanimously approved the rezoning at its May 22 meeting, and
310 that this item will be going before the Common Council this (Tuesday) evening. Katie noted the
311 item is appearing on the Non-Consent Agenda.

312
313 On voice vote, motion carried.

314
315 **Item 8 – Review and Consideration to Vacate and Discontinue Abbey Court, submitted by**
316 **Abbey Court Apartments, LLC, 1310 West Wisconsin Street, Sparta, WI 54656**

317
318 1. All conditions run with the land and are binding upon the original developer and all heirs,
319 successors and assigns. The sale or transfer of all or any portion of the property does not
320 relieve the original developer from payment of any fees imposed or from meeting any
321 other conditions.

322
323 2. Any omissions of any conditions not listed in committee minutes shall not release the
324 property owner/developer from abiding by the City’s Unified Development Code
325 requirements.

326
327 Katie said Abbey Court Apartments, LLC had made a request April 9 that the City of Onalaska
328 vacate Abbey Court that separates the parcels owned by the applicant. The applicant is
329 requesting the vacation/discontinuance to allow the land to be utilized for future development by
330 Abbey Court Apartments, LLC. This is one of the conditions of approval that is tied to the
331 Planned Unit Development on file with the City of Onalaska. Katie noted that on May 8 the
332 Common Council had approved a Preliminary Resolution to vacate and discontinue Abbey
333 Court. Katie also noted a public hearing has been scheduled for review and consideration of the
334 proposed vacation at the July 10 Common Council meeting. Katie noted subcommittee
335 members’ packets include an applicant letter request as well as an exhibit showing the proposed
336 vacation/discontinuance area and a legal description. Katie said she is seeking a

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, June 12, 2018

9

337 recommendation by the Plan Commission to the Common Council. If the Plan Commission
338 recommend approval, staff recommends the two attached conditions of approval.

339

340 Motion by Ald. Binash, second by Skip, to approve with the two stated conditions of approval a
341 request to vacate and discontinue Abbey Court, submitted by Abbey Court Apartments, LLC,
342 1310 West Wisconsin Street, Sparta, WI 54656.

343

344 Ald. Binash said Abbey Court Apartments, LLC will not be constructing a roadway and asked if
345 Abbey Court Apartments, LLC wishes to move the land into use for buildings.

346

347 Jarrod said the city would be releasing the public right-of-way that could be utilized for roadway
348 purposes. Therefore, it no longer would be a public street. Jarrod said the site plan the
349 developer has submitted has the first 200 feet remaining as a street and then being transferred to
350 a new, private street system after that. Jarrod explained that the first 200 feet would be private
351 and look similar to how it currently appears. However, the city would not have to perform
352 maintenance on it over time.

353

354 On voice vote, motion carried.

355

356 **Adjournment**

357

358 Motion by Ald. Binash, second by Skip, to adjourn at 4:48 p.m.

359

360 On voice vote, motion carried.

361

362

363 Recorded by:

364

365 Kirk Bey