

**Plan Commission Sub Committee
of the City of Onalaska**

Tuesday, December 11, 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, December 11, 2018. It was noted that the meeting had been announced
3 and a 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: City Administrator Eric Rindfleisch, Planner/Zoning Inspector 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 Ariel**
25 **Stouder of SAC Wireless, 540 West Madison Street, Chicago, IL 60661 on behalf of**
26 **wireless carrier AT&T, 930 National Parkway, Schaumburg, IL 60173, American Tower**
27 **Corporation, 10 Presidential Way, Woburn, MA 01801, and CenturyTel of Wisconsin,**
28 **LLC, 2615 East Avenue South, La Crosse, WI to replace three (3) existing antennas with**
29 **three (3) new antennas, add three (3) new Remote Radio Units (RRU), add one (1) Raycap**
30 **surge protection unit, and install new cabling on existing tower supports to the existing**
31 **telecommunications tower located at 580 Lester Avenue, Onalaska, WI 54650 (Tax Parcel #**
32 **18-4013-0)**

33

34 Katie said this CUP request is to amend the existing telecommunications facility by replacing
35 three existing antennas with three new antennas. Three new remote radio units would be added,
36 as would one Raycap surge protection unit. Also, new cabling would be installed on the existing
37 tower supports to the existing telecommunications tower. Katie noted subcommittee members’
38 packets include copies of the Project Plan Set, a Narrative and Statement of Justification for the
39 Project, photo simulations (existing and proposed views), and the Conditional Use Permit
40 application. The structure is a 160-foot monopole. AT&T utilizes six antennas mounted in three
41 sectors at a level of 110 feet. The existing AT&T cabinets are within an equipment shelter
42 within a fenced-in facility at the base of the tower. There is no intention to make improvements

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43 to or replace the equipment cabinets as part of this application. Katie said according to the
44 applicant, there will be no impacts to noise, air, light or water with the proposed project, and no
45 noise, light, dust or vibrations will be generated. Also, there will be no environmental concerns
46 as the radio frequency emissions are within applicable Federal Communications Commission
47 guidelines, and the height and footprint of the structure will not change.

48

49 Katie noted CLS Group, LLC had completed a Structural Analysis Report that states based on
50 the analysis results, the structure meets the requirements per the applicable codes. Also, both the
51 tower and the foundation can support the proposed equipment. The city has no basis for denial
52 of the CUP, but has found a basis to impose the following four conditions:

53

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

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

60

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

67

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

75

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

82

83 Motion by Skip, second by Ald. Binash, to forward with the four stated conditions to a public
84 hearing at the December 18 Plan Commission meeting review and consideration of a Conditional

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85 Use Permit request filed by Ariel Stouder of SAC Wireless, 540 West Madison Street, Chicago,
86 IL 60661 on behalf of wireless carrier AT&T, 930 National Parkway, Schaumburg, IL 60173,
87 American Tower Corporation, 10 Presidential Way, Woburn, MA 01801, and CenturyTel of
88 Wisconsin, LLC, 2615 East Avenue South, La Crosse, WI to replace three (3) existing antennas
89 with three (3) new antennas, add three (3) new Remote Radio Units (RRU), add one (1) Raycap
90 surge protection unit, and install new cabling on existing tower supports to the existing
91 telecommunications tower located at 580 Lester Avenue, Onalaska, WI 54650 (Tax Parcel # 18-
92 4013-0).

93

94 On voice vote, motion carried.

95

96 **Item 5 – Review and Consideration to Vacate and Discontinue portions Green Street and**
97 **Hickory Street (between 1st Avenue South and Court Street South) in the City of Onalaska,**
98 **WI submitted by Marvin Wanders of Three Sixty Real Estate Solutions, LLC, P.O. Box**
99 **609, La Crosse, WI 54602**

100

101 1. Vacation/Discontinuance Request Fee \$300.00 (PAID).

102

103 2. All conditions run with the land and are binding upon the original developer and all heirs,
104 successors and assigns. The sale or transfer of all or any portion of the property does not
105 relieve the original developer from payment of any fees imposed or from meeting any
106 other conditions.

107

108 3. Any omissions of any conditions not listed in committee minutes shall not release the
109 property owner/developer from abiding by the City's Unified Development Code
110 requirements.

111

112 Katie said that on October 22 Marvin Wanders of Three Sixty Real Estate Solutions, LLC
113 requested that the City of Onalaska vacate portions of Green Street and Hickory Street between
114 1st Avenue South and Court Street South. The applicant is requesting the
115 vacation/discontinuance to allow the land to be utilized for future development by Three Sixty
116 Real Estate Solutions, LLC, provided that the Common Council approves the proposed project.
117 Katie noted that on November 13 the Common Council had approved a Preliminary Resolution
118 to vacate and discontinue portions of Green Street and Hickory Street between 1st Avenue South
119 and Court Street South. A public hearing has been scheduled for review and consideration of the
120 proposed vacation request at the January 8 Common Council meeting. Katie noted
121 subcommittee members' packets include copies of the applicant's letter request and an exhibit
122 showing the proposed vacation/discontinuance area as well as the legal description. Katie also
123 noted there are three conditions of approval.

124

125 Motion by Ald. Binash, second by Skip, to discuss the possibility of vacating and discontinuing
126 portions Green Street and Hickory Street (between 1st Avenue South and Court Street South) in

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127 the City of Onalaska, WI submitted by Marvin Wanders of Three Sixty Real Estate Solutions,
128 LLC, P.O. Box 609, La Crosse, WI 54602.

129
130 Ald. Binash noted this project is going forward to Tuesday evening's Common Council meeting,
131 and also to a stakeholder meeting regarding development in downtown Onalaska that will be
132 held January 8. Ald. Binash said he is not certain if this is an item the Plan Commission
133 Subcommittee should be addressing at this time, or if it should make a recommendation.

134
135 City Administrator Rindfleisch asked that, if possible, this item be forwarded to the Plan
136 Commission with a positive recommendation, and he said, "Regardless of the status of the Three
137 Sixty Development, the city owns both sides of the proposed vacation. Regardless of if it's the
138 Three Sixty project or some future project, it possibly could make for one contiguous parcel –
139 now or the future. Any vacation later on, if we could sell a portion of that off, obviously half of
140 it goes to either property owner. I would recommend a positive action, just in particular because
141 both right-of-ways that we're vacating actually have buildings on them right now. It would clear
142 things up a little bit that this is not actually right-of-way. [Rather], this is city-owned land."

143
144 Jarrod noted the city has utilized these two pieces of right-of-way for buildings, including the old
145 City Shop building, an outbuilding on the Hickory Street right-of-way, and an outbuilding along
146 the Green Street right-of-way between South Court Street and the platted 1st Avenue. Jarrod
147 noted that one may access the area between the South Court Street and the platted 1st Avenue via
148 either Elm Street or Irvin Street. However, this area is inaccessible due to the grade difference
149 from the platted street area that is being vacated down to 1st Avenue. Jarrod said it is not
150 possible to install a street down to 1st Avenue. Jarrod said, "I don't think we're limiting any
151 options by not having these sections in the public right-of-way."

152
153 Ald. Binash said what he was looking for was to state that whether Marvin Wanders' project is
154 approved or not, the Plan Commission Subcommittee is still going to approve this area to be
155 vacated so that if the city ever has any type of development in the area, "we'll already be ahead."

156
157 Skip asked City Administrator Rindfleisch if the subcommittee would be prevented from making
158 another motion to forward this item to the Plan Commission if the motion were to be approved.

159
160 City Administrator Rindfleisch noted the original motion simply was to discuss this item, which
161 the subcommittee has done. City Administrator Rindfleisch noted that no vote had occurred on
162 that motion, and he told Skip, "In effect, you're amending the original motion at this point in
163 time unless you vote on discussing it and then move on to the next motion." City Administrator
164 Rindfleisch said the motion on the floor either must be amended or disposed of.

165
166 Motion by Ald. Binash, second by Skip, to amend the previous motion and forward to the Plan
167 Commission with the three stated conditions a request to vacate and discontinue portions Green
168 Street and Hickory Street (between 1st Avenue South and Court Street South) in the City of

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5

169 Onalaska, WI submitted by Marvin Wanders of Three Sixty Real Estate Solutions, LLC, P.O.
170 Box 609, La Crosse, WI 54602.

171

172 On voice vote, motion carried.

173

174 **Item 6 – Presentation by Hoisington Koegler Group inc. (HKGi) on the Unified**
175 **Development Code/Zoning Ordinance Rewrite Project**

176

177 Katie noted HKGi representatives will be at the December 18 Plan Commission meeting.

178

179 **Item 7 – Review and Consideration of an Invoice from Hoisington Koegler Group inc.**
180 **(HKGi) for UDC/Zoning Ordinance Rewrite Project**

181

182 Katie noted the invoice will be included in the Plan Commission packet for consideration at the
183 December 18 meeting.

184

185 Motion by Skip, second by Ald. Binash, to forward to the Plan Commission review and
186 consideration of an invoice from Hoisington Koegler Group inc. (HKGi) for UDC/Zoning
187 Ordinance Rewrite Project.

188

189 On voice vote, motion carried.

190

191 **Item 8 – Update regarding 202 3rd Avenue South, Onalaska – Intent to Raze Notice sent on**
192 **November 30, 2018 to property owner**

193

194 Katie said the Planning Department had been working with the property owner for several
195 months regarding property maintenance and questions received from the public. Katie said staff
196 had executed a Special Inspection Warrant to enter the interior of the house and complete an
197 inspection to determine if there were any animals residing in the structure. Katie said it was
198 deemed that that did not occur. However, due to the condition of the interior, city staff has sent
199 an Intent to Raze Notice to the property owner. The property owner has an opportunity to
200 present a timeline and schedule of improvements to be made within 30 days. Katie said it is
201 staff's understanding that that is occurring, noting this simply is an update to make subcommittee
202 members aware of the action the city has taken.

203

204 Ald. Binash asked if the property in question is located on a corner lot.

205

206 Katie said yes.

207

208 Ald. Binash asked if there is a retaining wall in front.

209

210 Skip asked if the structure is located on the east side or the west side.

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211
212 Katie said it is located on the west side and noted the house has a fence and a ramp. Katie
213 reiterated city staff entered the premises via a Special Inspection Warrant. Staff completed an
214 inspection, and Katie said the city had issued an Intent to Raze Notice to the property owner due
215 to the condition of the house.

216
217 Ald. Binash asked if the condition of the house is hazardous to the owner's health.

218
219 Katie said that based on the condition of the interior, "it was not deemed appropriate."

220
221 City Administrator Rindfleisch asked Katie if she had been able to discuss the likely value to
222 make the house habitable, noting it might be salvageable if it is more than 50 percent of the value
223 of the property itself.

224
225 Ald. Binash asked if an Intent to Raze Notice means a property will be leveled.

226
227 Katie said yes.

228
229 Ald. Binash asked if the city intends to level the property if the owner does not comply.

230
231 Katie said yes, noting that no one currently lives in the house. Katie said the property owner is
232 absent from the area, and also that the city still collects taxes on the property. Katie added
233 someone still is paying the taxes and utilities.

234
235 **Adjournment**

236
237 Motion by Skip, second by Ald. Binash, to adjourn at 4:47 p.m.

238
239 On voice vote, motion carried.

240
241
242 Recorded by:

243
244 Kirk Bey