

**Special Plan Commission
of the City of Onalaska**
Wednesday, March 3, 2021
1

1 The Special Meeting of the Plan Commission of the City of Onalaska was called to order at 5:15
2 p.m. on Wednesday, March 3, 2021. 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: Mayor Kim Smith, Ald. Tom Smith,
6 City Engineer Jarrod Holter, Skip Temte. Jan Brock and Craig Breitsprecher participated
7 remotely.

8
9 Also Present: Planning Manager Katie Aspenson, Ald. Diane Wulf, City Attorney Amanda
10 Jackson

11
12 Excused Absence: Amber Pfaff

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

15
16 Motion by Craig, second by Ald. T. Smith, to approve the minutes from the previous meeting
17 (February 23, 2021) as printed and on file in the City Clerk’s Office.

18
19 On voice vote, motion carried.

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

22
23 Mayor K. Smith called three times for anyone wishing to provide public input and closed that
24 portion of the meeting.

25
26 **Consideration and possible action on the following items:**

27
28 **Item 4 – Public Hearing: Approximately 5:15 P.M. (or immediately following Public Input)**
29 **to consider text amendments to the Unified Development Code (UDC) regarding the**
30 **following:**

- 31
32
 - Animal/Veterinary Clinic or Hospital and Animal Boarding, Shelter or Daycare Center
 - Setbacks in Section 13.02.63.A-B; and
 - 34 • Principal Uses Table 13.02.22-1

35
36 Mayor K. Smith opened the public hearing and called for anyone wishing to provide input
37 regarding text amendments to the Unified Development Code.

38
39 Mayor K. Smith called three times for anyone wishing to provide public input regarding text
40 amendments to the Unified Development Code and closed the public hearing.

41
42 Katie said commission members’ packets include the existing language for Animal/Veterinary
Reviewed 03/04/2021 by Katie Aspenson

**Special Plan Commission
of the City of Onalaska**

Wednesday, March 3, 2021

2

43 Clinic or Hospital, and also Animal Boarding, Shelter or Daycare Center. Katie said, “When we
44 had a request for a potential new clinic that considered doing animal boarding, we went to our
45 new code and started looking at it. This is a vacant piece of property that is currently adjacent to
46 a residential use. In looking at this, we found some discrepancies in the fact that we list 50 feet
47 setback in certain cases, [and] 100 feet setback in certain cases. It was determined that when we
48 reviewed it this is something we can clean up. It would be more clear and consistent between
49 these two types of uses.”

50

51 Katie cited the example of someone having an indoor animal boarding facility, noting that
52 facility currently only needs to be 50 feet away from a residence. However, Katie said an
53 argument could be made that an animal hospital is performing the same functions and the use is
54 exclusively interior. The setback for an animal hospital is currently 100 feet, and Katie said,
55 “The use inherently of animals coming to a facility and staying there for a period of time, we
56 wanted to make that consistent so that all would be treated the same. We also wanted to make
57 sure that when we had a person who had an animal facility and they wanted to do boarding that
58 we were directing them to the proper use.” Katie noted commission members’ packets include
59 language that states all principal structures and uses shall be a minimum of 50 feet to be
60 consistent with the next section. If boarding, sheltering, or day care centers are provided,
61 individuals must follow all of those standards.

62

63 Katie next addressed 13.02.63.B.6 (“Animal Boarding, Shelter or Daycare Center”), noting an
64 indoor facility shall be located a minimum of 50 feet from a residence. Katie also noted
65 13.02.63.B.5 was supposed to be amended and changed from 100 feet to 50 feet. Katie said, “If
66 it is proposed as staff to move forward to the Administrative and Judiciary Committee and also
67 to the Common Council, we would also request that B.5 be restated to say: *‘All outdoor
68 designated areas shall be located a minimum of 50 feet from a residence.’* That way, we’re
69 being consistent across the board. If it’s an interior use or an exterior use, everything is 50 feet.

70

71 Mayor K. Smith noted the distance is 100 feet for chickens, which she also noted is another
72 outdoor animal. Mayor K. Smith said, “I’m just thinking consistency-wise.”

73

74 Katie said chicken coops do not need to be 100 feet away.

75

76 Mayor K. Smith said, “From the property line.”

77

78 Katie told Mayor K. Smith that was just for notifying individuals if a property wishes to have
79 chickens. Katie said that no longer is in the code “because it was too convoluted an approach.”
80 Katie said citizens must follow the city’s ordinance regulations found in Title 7 and Title 13 for
81 setback and building permit regulations.

82

83 Katie next addressed possibly adding a new principal use (“Personal Service”) to the Principal
84 Uses Table, explaining that this is another way of showing hair salons, massage therapy,

**Special Plan Commission
of the City of Onalaska**
Wednesday, March 3, 2021
3

85 tattoo/body piercing, and other uses that did not fall anywhere into the code. Katie noted
86 “Personal Service” has been added to the B-1, B-2, and B-3 Business Districts, and also to the
87 Mixed-Use Districts (Mixed Use-Neighborhood, Mixed Use-Community, Medical Campus
88 Facility). Katie said, “It’s not to delineate those uses in particular. It’s uses of that nature that
89 are done on a one-on-one personal service basis.”

90
91 Mayor K. Smith inquired about having any of the Personal Service Principal Uses in a senior
92 living center residential complex.

93
94 Katie said there may be senior care facilities in the Mixed Use-Neighborhood and the Mixed
95 Use-Commercial districts, and she told Mayor K. Smith, “Those would be comingled uses that
96 would be allowed, but not in a strictly residential neighborhood. It would have to be in that
97 commercial area so that those uses can work together.”

98
99 Ald. T. Smith asked, “Someone who wanted to do hair in their house, that wouldn’t fall under
100 this?”

101
102 Katie told Ald. T. Smith there is a separate part of the ordinance that specifically ties to home
103 occupations and whether it is considered major or minor.

104
105 Jan asked if this was precipitated by a specific clinic wanting to locate in the City of Onalaska.

106
107 Katie told Jan that is correct and said staff had received a request for a new animal hospital that
108 wished to locate in the city. Katie said the individuals who wanted to locate the animal hospital
109 in the city expressed an interest of perhaps offering boarding in the future, and she stated,
110 “Because of that, my intent to them is don’t build it to a standard of one. Make sure if you think
111 this might be a future use that you build it in a way that satisfies all future requirements. If you
112 wanted to build an outdoor pen in the future, you could do that as long as you did that being
113 more proactive and forward-thinking. That’s what precipitated the discussion. That’s how we
114 usually find out if our code is working or not. It’s when people ask us questions.”

115
116 Jan said she was concerned that the change was occurring for only one thing. However, Jan also
117 said it appears the city is making it more consistent overall. Jan also said she would like to hear
118 from some residents who live near these facilities.

119
120 Craig asked staff if there is something unique about the distances that are being recommended,
121 and he said, “In my opinion, I think we should make everything related to property lines as
122 opposed to the residence itself. In other words, if we’re going to have a minimum of 100 feet
123 from a residence, I would like that to read 100 feet from a residential property line. The same is
124 true with the 50-foot setback. Is there anything that makes that illogical?”

125
126 Katie said, “This has happened throughout the code. In certain instances, we say to the residence

**Special Plan Commission
of the City of Onalaska**
Wednesday, March 3, 2021
4

127 versus the property line. Typically, we use the property line. The one item to note is that
128 residences are required to have a 30-foot setback. It would need a minimum of a 20-foot setback
129 onto an abutting property (to meet the 50-foot setback). This is the case of the one that had come
130 in. There is a residential that is an abutting neighbor; it's to their rear yard. Of the 50 feet that is
131 being proposed this evening, 30 of it would be from the house. Not every house is exactly 30
132 feet. Some people have larger lots. Some people have 200-foot deep lots. No matter what, they
133 still have to follow minimum setbacks. This would mean they'd have to do 30 feet on the
134 residential property they could count, plus an additional 20 feet. The 20 feet we're looking at,
135 that is 10 feet plus the standard 10-foot rear yard setback. We're basically suggesting that at a
136 minimum, double the rear yard setback on the business property. That's kind of how that 50 foot
137 comes into effect, so 30 feet of the residential, plus another 20 on the commercial.

138
139 If we did it from the property line, my concern is that we're taking up so much of their land in
140 terms of a setback that they can't use their land. My question is, are we looking at taking where
141 we're saying, 'You can do this, but if your lot happens to only be 100 feet deep, you can't build
142 here.' We're saying it's not possible to do that."

143
144 Craig noted it would not be a taking unless it is a preexisting structure because there is nothing to
145 take.

146
147 Katie said, "My concern is that if we have a too large setback we're saying, 'You can build the
148 structure but you can't use your entire parcel.' But if this is one of the only lots that we have in
149 the community, do you want to not allow them to develop? It could be three-quarters, it could be
150 half of their property on a setback that's no longer useable to them for that use."

151
152 Craig said he can see where the scenario could occur on smaller lots.

153
154 Katie told commission members she is open to changing the 50 feet if they wish to do so, and she
155 said, "The 50 foot is just to be consistent for all the standards within those two districts."

156
157 Jarrod said, "We're OK with them having a structure and doing business out of it to the setbacks.
158 But we're just worried about the boarding, sheltering or daycare services. We're worried about
159 the actual possibility of noise from those animals, or what is the nuisance that could be coming
160 from that effect? If they have the building to the normal setbacks, we're probably OK with that.
161 But are we OK with a dog kennel if they put the kennel in the actual back of the structure? Then
162 it would be that 50 feet. But maybe the kennel is in the middle of the structure. It's hard to
163 define that. I understand it would be very hard to regulate that way. It would be hard for our
164 Planning Department to regulate that, so this is probably the cleanest. I think our intent is to
165 keep the nuisance away from the residential people."

166
167 Motion by Ald. T. Smith, second by Skip, to approve text amendments to the Unified
168 Development Code (UDC) regarding Animal/Veterinary Clinic or Hospital and Animal

**Special Plan Commission
of the City of Onalaska**
Wednesday, March 3, 2021
5

169 Boarding, Shelter or Daycare Center Setbacks in Section 13.02.63.A-B; and Principal Uses Table
170 13.02.22-1. The language in Section 13.02.63.B.5 would be changed to read: “*All outdoor*
171 *designated areas shall be located a minimum of 50 feet from a residence.*”

172
173 On voice vote, motion carried.

174
175 **Adjournment**

176
177 Motion by Ald. T. Smith, second by Craig, to adjourn at 5:34 p.m.

178
179 On voice vote, motion carried.

180
181
182 Recorded by:
183
184 Kirk Bey