

**Plan Commission
of the City of Onalaska**

Tuesday, January 27, 2015

1

1 The Meeting of the Plan Commission of the City of Onalaska was called to order at 7:00 p.m. on
2 Tuesday, January 27, 2015. It was noted that the meeting had been announced and a notice
3 posted at City Hall.

4
5 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Jim Bialecki,
6 City Engineer Jarrod Holter, Jan Brock, Ron Johnson, Skip Temte, Craig Breitsprecher, Andrea
7 Benco

8
9 Also Present: City Clerk Cari Burmaster, Land Use and Development Director Brea Grace,
10 Planner/Zoning Inspector Katie Meyer

11
12 **Item 2 – Approval of minutes from previous meeting**

13
14 Motion by Ald. Bialecki, second by Andrea, to approve the minutes from the previous meeting
15 as printed and on file in the City Clerk’s Office.

16
17 On voice vote, motion carried.

18
19 **Item 3 – Public Input (Limited to 3 minutes per individual)**

20
21 Mayor Chilsen called for anyone wishing to provide public input.

22
23 **Alexander Abraham**
24 **853 Aspen Valley Drive**
25 **Onalaska**

26
27 “I am talking about the purpose of Item No. 7, [which is] Tax Parcel No. 18-5961-4. I am just
28 requesting for the committee to waive the owner-occupancy permit for my home which I am
29 planning to build over there for this tax parcel, which I was totally unaware of that when I
30 purchased this lot at the very beginning. I was totally unaware, so I am just requesting the Plan
31 Commission to waive that for me ownership [requirement] until that time [to sell to another
32 party].”

33
34 Mayor Chilsen called three times for anyone else wishing to provide public input and closed that
35 portion of the meeting.

36
37 **Consideration and possible action on the following items:**

38
39 **Item 4 – Public Hearing: Approximately 7:00 PM (or immediately following Public Input)**
40 **– Discussion and consideration of an amendment to the Unified Development Code (UDC)**
41 **regarding variance fees**

42

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43 Katie said this item is in reference to a potential fee increase for variance applications. Katie
44 noted that the Board of Zoning Appeals had reviewed and approved a fee increase from \$100 to
45 \$300 on September 15, 2014. Katie also noted that staff had reviewed approximately 20
46 different communities to determine what they charge for a variance fee. Katie said staff
47 recommends that the Plan Commission consider an ordinance amendment to charge a \$300 fee
48 for all variance application requests.

49

50 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of an
51 amendment to the Unified Development Code (UDC) regarding variance fees.

52

53 **Diane Oldani Wulf**

54 **910 Orchid Place**

55 **Onalaska**

56

57 “As a former Board of Zoning Appeals member from 2003 to 2014, I fully support the proposed
58 increase of all variance application requests from \$100 to \$300. When I was first appointed to
59 the Board of Zoning Appeals in 2003, the cost for an application was then \$100. Today, in 2015,
60 it remains \$100. The amount of staff time, in addition to the two legal publication postings that
61 is involved, in my opinion, clearly supports the increase. Thank you.”

62

63 Mayor Chilsen called three times for anyone else wishing to speak in favor of an amendment to
64 the Unified Development Code (UDC) regarding variance fees and closed that portion of the
65 public hearing.

66

67 Mayor Chilsen called three times for anyone wishing to speak in opposition to an amendment to
68 the Unified Development Code (UDC) regarding variance fees and closed the public hearing.

69

70 Motion by Ald. Bialecki, second by Craig, to approve an amendment to the Unified
71 Development Code (UDC) regarding variance fees.

72

73 Skip pointed out a typographical error – specifically, an ‘e’ where the number three should be –
74 in an edited copy of the ordinance included in commission members’ packets.

75

76 Brea noted that commission members’ packets include the actual ordinance that would be
77 adopted and pointed out that the amount (\$300) is correct on this copy.

78

79 Craig, who also serves on the Board of Zoning Appeals, noted that the board’s support for the
80 fee increase was unanimous.

81

82 On voice vote, motion carried.

83

84

85 **Item 5 – Public Hearing: Approximately 7:10 PM (or immediately following Public**
86 **Hearing at 7:00 PM) – Discussion and consideration of an amendment to the Unified**
87 **Development Code (UDC) regarding determining fence height**

88
89 Katie said the UDC currently specifies maximum heights for residential and commercial fences.
90 However, it does not specifically give a method for determining fence height. Katie noted that
91 the two language amendments have been included in commission members’ packets and read as
92 follows:

- 93
- 94 • *“Fence heights shall be measured at a point from ground elevation to top of fence at site*
95 *of fence installation.”*
 - 96 • *“In the event that a fence is placed on top of a retaining wall or similar structures and*
97 *shares a vertical support system, the height of the fence shall include the height of both*
98 *structures. If the fence and the retaining wall have independent vertical support*
99 *structures, the fence and retaining wall heights may be measured separately.”*

100
101 Katie noted that commission members’ packets include a copy of the actual ordinance that would
102 be adopted.

103
104 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of an
105 amendment to the Unified Development Code (UDC) regarding determining fence height.

106
107 Mayor Chilsen called three times for anyone wishing to speak in favor of an amendment to the
108 Unified Development Code (UDC) regarding determining fence height and closed that portion of
109 the public hearing.

110
111 Mayor Chilsen called three times anyone wishing to speak in opposition to an amendment to the
112 Unified Development Code (UDC) regarding determining fence height and closed the public
113 hearing.

114
115 Motion by Andrea, second by Ald. Bialecki, to approve an amendment to the Unified
116 Development Code (UDC) regarding determining fence height.

117
118 On voice vote, motion carried.

119
120 **Item 6 – Public Hearing: Approximately 7:20 PM (or immediately following Public**
121 **Hearing at 7:10 PM) – Discussion and consideration of an amendment to the Unified**
122 **Development Code (UDC) regarding directory/multitenant signage, electronic message**
123 **board signage, residential signage, and signage for places of worship and educational**
124 **facilities**

125
126 Katie said staff has been working on temporary signage throughout the community with multiple
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127 commercial businesses. Staff also has been working with a number of those businesses to invest
128 long term in the community by erecting additional permanent signage. Katie said that in order to
129 both accommodate this and also provide more options for signage, staff is proposing a number of
130 amendments to allow for more effective signage for businesses, places of worship and
131 educational facilities. Katie noted that commission members' packets include both an edited
132 version of this item as well as a final copy.

133

134 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of an
135 amendment to the Unified Development Code (UDC) regarding directory/multitenant signage,
136 electronic message board signage, residential signage, and signage for places of worship and
137 educational facilities.

138

139 Mayor Chilsen called three times for anyone wishing to speak in favor of an amendment to the
140 Unified Development Code (UDC) regarding directory/multitenant signage, electronic message
141 board signage, residential signage, and signage for places of worship and educational facilities
142 and closed that portion of the public hearing.

143

144 Mayor Chilsen called for anyone wishing to speak in opposition to an amendment to the Unified
145 Development Code (UDC) regarding directory/multitenant signage, electronic message board
146 signage, residential signage, and signage for places of worship and educational facilities.

147

148 **Diane Oldani Wulf**

149 **910 Orchid Place**

150 **Onalaska**

151

152 "I'm here this evening to address specifically Section 13-6-21 – 'Signs Permitted.' What is
153 being proposed this evening is under 'b' – 'Residential, Places of Worship, and Educational
154 Facilities,' (1) 'Home Occupation Signage.' [It reads], '*One (1) sign per premise, not exceeding
155 twenty-four (24) square feet in area, stating only the name and business or profession of the
156 occupant. Sign shall be a permanent sign and not be illuminated.*' Earlier today I forwarded a
157 copy of a picture to staff that I had taken over the weekend showing a 4-foot by 6-foot sign in my
158 front yard. I'm assuming everyone has gotten a copy of that. I personally don't think the picture
159 did it justice as the background was white with snow and so was the sign, but I think you get the
160 idea."

161

162 Diane showed commission members what both a 3 square foot and a 4-foot by 6-foot sign area
163 would look like and said, "I just want you to get an idea of what the size of that [would look
164 like]. Why the need to increase a sign up to 800 percent is my question. I have a difficult time
165 envisioning signs such as the 24 square foot popping up throughout Onalaska. Do note that any
166 business or any individual may put these signs in their front yard. They do not have to have a
167 Conditional Use Permit. They can have a cleaning business, sell makeup, sell candles – anything
168 – and have up to a 24 square-foot sign in their front yard. I ask that you consider a more

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169 palatable sized sign, something in-between a 3 square-foot sign and a 24 square-foot sign. I'm
170 not against the signs. It's just, in my opinion, the sheer size of them. Thank you."

171
172 Mayor Chilsen called three times for anyone else wishing to speak in opposition to an
173 amendment to the Unified Development Code (UDC) regarding directory/multitenant signage,
174 electronic message board signage, residential signage, and signage for places of worship and
175 educational facilities and closed the public hearing.

176
177 Motion by Craig, second by Skip, to approve an amendment to the Unified Development Code
178 (UDC) regarding directory/multitenant signage, electronic message board signage, residential
179 signage, and signage for places of worship and educational facilities.

180
181 Brea said, "About the question on signage in residential areas [and] home occupation signage,
182 this item was brought up to us before the public hearing tonight, so we've been looking at it. We
183 have our list of municipalities that we queried just to see where we fall in relation to those other
184 communities. There is a wide spread of [municipalities] that are probably using a standard sign
185 ordinance that has been around for decades – 2 square feet for home occupation signage to a
186 larger amount such as the 24 square feet. What is the right answer? Katie and I and Craig
187 Breitsprecher had met, and that's where the 24 square feet came from. We knew that something
188 larger than 2 square feet would be necessary, in our opinion, for effective signage. If the
189 commission wants to discuss this point further, one of the things we could do is pull the section
190 from what we're advancing tonight and we could continue discussions on just home occupation
191 signage at the next Plan Commission meeting. Then if we want to amend the ordinance from 2
192 square feet and put a special amendment together for that ... That's Option A, and I think that's
193 maybe more of what I'm recommending versus trying to hammer out something tonight and
194 getting the wording right for the ordinance change [as Option B]."

195
196 Motion by Ald. Bialecki, second by Andrea, to amend the previous motion to exclude approval
197 of Section 13-6-21(11)(b)(1), "Home Occupation Signage."

198
199 Jan asked how a decision had been arrived at regarding home occupation signage not exceeding
200 24 square feet.

201
202 Craig said, "The demonstration was real effective as far as demonstrating the difference between.
203 However, the person bringing that forward never addressed whether a 3 square-foot sign was
204 effective or not. That's a dramatic difference; I can certainly attest to that. But one of the things
205 that I think over a number of years after dealing with this type of signage is, generally speaking,
206 what constitutes effective signage? What square footage in an outdoor environment, which isn't
207 like bringing a 4-by-6 sheet of paper into a closed environment ... That doesn't really reflect
208 how that is absorbed in the outside arena. What we see in the outside is anything, once you take
209 it outside, decreases in size instantaneously because it's such a massive area that it's applied to.
210 Bringing it in here and demonstrating for [us] is kind of a smoke-and-mirrors situation. One of

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211 the things I looked at too is, looking at a community like, for example, Rochester, Minnesota –
212 they allow 24 square feet. So it's not just me, but it seems to be that's an effective amount of
213 square footage that allows for the fonts to be large enough to be easily absorbable by passersby
214 so they know that that is the business that's located there. And businesses, whether they're
215 located in your home if we're going to allow those to exist, have the same right to be visible for
216 their clients as anybody in a commercial area. We need to make sure that that happens
217 effectively. It was my recommendation that 24 feet should generally suffice to make that
218 happen. It doesn't have to be that big. I think painting the picture that, 'Up and down the street
219 that's all you're going to see is everybody who has anything that they want to do out of their
220 home is going to have a 24 square-foot sign' is a little misleading.”

221
222 Brea said, “As we were looking at this today and looking at other municipalities, some things
223 that came to my mind is that right now we aren't regulating the maximum height. We are, but
224 the maximum height can be extremely high for a residential area. So one of the things I want to
225 step back and take a look at is, should these be low-profile signs? Should we have a maximum
226 [height] of 6 feet versus a 30-foot sign in a residential area? It's not just changing the maximum
227 square footage, but I think there are a couple of other pieces we want to look at as well.”

228
229 Craig said, “I agree with Brea. I think that's the one thing that wasn't addressed in this. When
230 we look at an overall height, generally I say we need to stay about 30 inches above ground level
231 to the bottom of the sign. Why? Because we get snow that piles that high periodically. We
232 want to make sure that the owners have an opportunity to keep that visible. Now, you add
233 perhaps 4 feet on top of that, you're looking at about a 7-foot maximum height. Is that where we
234 want to go? I think that's what we need to discuss, and that's why it would be pulled off. As far
235 as compromising on square footage, I don't think so because you're going back in that other
236 direction and heading back to that 3 square feet again. And I don't think that that's even close to
237 being appropriate. Let's make sure that we have ordinances that allow for success of these
238 businesses.”

239
240 Andrea said, “But I would add that in a residential neighborhood a sign of that size and that
241 height would be imposing in something that's supposed to be a non-commercial district. And I
242 think that's what you have to balance in residential. This is not a commercial district. I'm 5 feet
243 tall, so a 7-foot sign that's 24 square feet is going to be a big imposition if I'm out for a walk or
244 chatting with neighbors. I think in residential that maybe 24 [square feet] may be too big and
245 maybe 7 [feet] is too high, so it needs to be looked at. But I wouldn't just discount it just
246 because it doesn't look that big to you inside this room.”

247
248 Craig said, “No. But for demonstration purposes, clearly that misrepresents what's out there –
249 clearly. That can be demonstrated in a number of ways.”

250
251 Amendment to the motion restated:

252
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253 To remove Section 13-6-21(11)(b)(1), “Home Occupation Signage.”

254

255 For clarification, Brea said the title “Home Occupation Signage” would remain as No. 1 and
256 “Reserved for future use” would be placed in brackets where the text is.

257

258 Vote on the amendment:

259

260 On voice vote, motion carried, 7-1 (Skip Temte).

261

262 Original motion restated:

263

264 To approve an amendment to the Unified Development Code (UDC) regarding
265 directory/multitenant signage, electronic message board signage, residential signage, and signage
266 for places of worship and educational facilities, with Section 13-6-21(11)(b)(1), “Home
267 Occupation Signage” being removed.

268

269 Skip asked if removal of this section means there would be no restrictions.

270

271 Mayor Chilsen told Skip he is correct.

272

273 Brea suggested perhaps retaining the previous language that states a maximum of 3 square feet is
274 permitted.

275

276 Skip asked, “The current would still stay?”

277

278 Mayor Chilsen said, “Not presently. Not the way it’s worded now.”

279

280 Craig said, “If we’re pulling that off of consideration, that automatically leaves the previous
281 ordinance in effect.”

282

283 Skip told Craig he is incorrect because this would be a new ordinance.

284

285 Brea said, “I think we should leave it at 3 [square feet]. I think we should leave that section in
286 and replace 24 [square feet] with 3 [square feet].”

287

288 Cari said, “I would say that since we’re doing the ordinance, the ordinance would change and
289 that the old language would be inserted there because we’re not changing that language because
290 we have an ordinance on the books right now. So without changing the ordinance, that’s what
291 we have. When you come forward the next time and you’re doing the changes to the ordinance,
292 that’s where that whole language would be removed because we’re not removing ... If you’re
293 not going to change it with this ordinance – which is what you just did; you just pulled it out –
294 then you’re leaving what we currently have on the books. That’s my interpretation.”

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295
296 Skip said, "I can see a lot of legal problems there on changing ordinance with that philosophy
297 because then people can say, 'But this was in the old one and it isn't in the new one, and since
298 you didn't exactly repeal it in the new one you omitted it by mistake and it needs to be put back
299 in."

300
301 Cari told Skip he is incorrect and said, "We always address which section of the ordinance is
302 replaced. Always in the ordinance it lays out which section is replaced. I'm saying when this
303 goes forward for a reading to Administrative and Judiciary what will need to be done when [City
304 Attorney] Sean [O'Flaherty] sends this ordinance to me is the old language will appear in that
305 section because we've now removed this language we don't want there because you're going to
306 be addressing that when you do this in a couple of months. That's normally what happens. We
307 only replace certain sections. We leave the old sections and we replace the other sections.
308 That's the typical process every time we do an ordinance."

309
310 Craig noted that the Plan Commission is exempting the section in question from change by the
311 motion Ald. Bialecki made.

312
313 Cari said there is the option of having nothing on the books.

314
315 For clarification, Brea asked Cari if she is recommending that the language in this section state 3
316 square feet is the maximum size for home signage.

317
318 Cari said yes and stated, "If you don't want to change that at this point in time, I'm saying the
319 old language would come back in there. Then as you go forward the next couple of months with
320 the discussion, that's the section you're discussing, and at the point where we get the language
321 that you want we would have to do another public hearing. Then we would do an ordinance just
322 addressing that particular section, and that new ordinance would repeal that section and replace it
323 with the new language."

324
325 Brea said the previous language regarding signage measuring 3 square feet would be inserted in
326 this section.

327
328 In response to a question by Andrea, Craig noted that the amendment has been approved and the
329 motion on the floor is to approve the ordinance changes with the home signage area being
330 exempted from any changes.

331
332 Andrea asked if the original motion may be discussed.

333
334 Mayor Chilsen said yes.

335
336 Motion by Andrea, second by Ald. Bialecki, to amend the previous motion and change Section
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337 13-6-27(6b) of the Code of Ordinances of the City of Onalaska to state that electronic signs may
338 only be operational between 7 a.m. and 9 p.m.

339

340 Andrea said this will be uniform with the ordinance that closes down businesses such as car
341 washes at 9 p.m. Andrea said the last line of 6b would read as follows: *“Electronic signs may*
342 *only be operational between 7 a.m. and 9 p.m. to preserve the integrity of the surrounding*
343 *neighborhood.”*

344

345 Jan said she believes electronic signs should be operational until 11 p.m., noting that Kwik Trip
346 is open until midnight.

347

348 Ald. Bialecki said, “Why do I feel like we’ve had this conversation on this and voted on
349 something already? I’m sitting here thinking right now – and unfortunately, we’re going to go
350 another month with this – we’ve been at signs for two years now or more. Do we need a
351 separate sign committee? But nonetheless, continue the conversation.”

352

353 Craig said, “It seems like, and I’ve done some more checking since Andrea brought that up last
354 time, schools and churches have lots of functions that are going on at 9 o’clock. There’s lots of
355 information that they feel like they can impart to those people who participate in those functions
356 between those hours. Now, to go all night, I agree. I don’t think 10 o’clock really hurts
357 anything, and it certainly serves those institutions better. And that’s what we’re here to try to
358 serve.”

359

360 Skip said he believes 9 p.m. is too early to ask those with electronic signs to turn them off.

361

362 Vote on the amendment:

363

364 On voice vote, motion failed, 7-1.

365

366 Original motion restated:

367

368 To approve an amendment to the Unified Development Code (UDC) regarding
369 directory/multitenant signage, electronic message board signage, residential signage, and signage
370 for places of worship and educational facilities, as amended.

371

372 On voice vote, motion carried, 7-1 (Andrea Benco).

373

374 **Item 7 – Consideration of a non-substantial modification determination to the Nathan Hill**
375 **Estates Subdivision Planned Unit Development (PUD) for a portion of Lot 21 (Lot 2),**
376 **submitted by Alexander Abraham, 853 Aspen Valley Drive, Onalaska, WI (Tax Parcel #18-**
377 **5961-4)**

378

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379 Brea noted that both Alexander and Ann Mary Isacc purchased the property, two parcels on
380 Emerald Drive East, a few years ago with the intention of constructing rental homes on the
381 property. Alexander and Mary Ann came forward with a Certified Survey Map and did land
382 divisions. Brea said that when Alexander and Mary Ann brought this forward in 2013, the
383 northern of the two lots was intended to be a twin home. Alexander and Mary Ann subsequently
384 constructed a twin home on this property. The southern parcel, which is located at 3807 Emerald
385 Drive East and identified as Parcel B in commission members' packets, was a vacant lot
386 identified as a single-family home site. When the CSM was approved both by the Plan
387 Commission and the Common Council in 2013, one of the conditions was compliance with the
388 original conditions of the Nathan Hill Planned Unit Development.

389
390 Brea said, "As we discussed in length last spring, some of the conditions from that Planned Unit
391 Development were owner-occupancy requirements so that we didn't exceed a certain percentage
392 of rental-occupied in this neighborhood. The land that Alexander Abraham purchased was part
393 of the original Lot 21. When the plat was passed and when the Planned Unit Development was
394 passed, Lot 21 was conditioned to be a [owner]-occupied property, and any other homes put up
395 there were to be [owner]-occupied. As Alexander Abraham stated, he was unaware of this
396 condition when he purchased the property. He is asking for an exemption in the sense that he's
397 asking to put up the single-family home on Parcel B, and once he sells the property that it be
398 owner-occupied at that time. In reviewing the request, staff has looked back at what the city's
399 position has been previously. Last summer Terry Herbst came in with a request on Crestwood
400 Drive to put in a multiunit apartment complex and to, upon his transfer, then have it be owner-
401 occupied. The Plan Commission and Council denied that request last summer. Staff had
402 informed Mr. Abraham that the twin home that was up, that was his requirement – when the twin
403 home was sold on Parcel A, it had to be owner-occupied. He's asking that essentially that same
404 condition be granted to a home that's not yet constructed. I'm concerned with this because there
405 are a lot of other lands that haven't been developed yet, specifically on Lots 1, 2 and 3. We have
406 to be conscientious about consistency throughout this subdivision. I think that building a spec
407 home would be OK, but having it be rental-occupied is something that ... We just have to look at
408 consistency and how that would be applied across the board throughout the subdivision."

409
410 Andrea referred to the minutes from the January 20 Plan Commission Sub-Committee meeting
411 and asked, for clarification, if the Plan Commission can determine that this is a non-substantial
412 and would still have the right either in the future or this evening to deny the request to construct
413 a rental-occupied property.

414
415 Brea said she had asked Sean for clarification on this and stated that the Plan Commission could
416 determine this to be non-substantial this evening and then either approve or deny the request this
417 evening. Brea said, "If it's determined to be substantial, that's when it has to go to Council, have
418 a public hearing, and then a decision can be made on the request."

419
420 Ald. Bialecki sought further clarification from Brea, asking, "Are you saying that if this is

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421 approved as non-substantial then we can also make a second motion even though it's not listed?"

422

423 Brea said yes.

424

425 Motion by Andrea, second by Craig, to determine that the Nathan Hill Estates Subdivision
426 Planned Unit Development (PUD) for a portion of Lot 21 (Lot 2), submitted by Alexander
427 Abraham, 853 Aspen Valley Drive, Onalaska, WI is a non-substantial modification, and also to
428 deny a request to allow the construction of rental-owned property.

429

430 Ron asked that the motion be reread.

431

432 For clarification, Cari stated that the motion is to approve this as a non-substantial change to the
433 PUD, but to deny a request to have the property be not owner-occupied. Cari also asked Brea if
434 she wants these items together or if she prefers the two to be separated by motions.

435

436 Brea said keeping the items together would be fine.

437

438 Ald. Bialecki asked Brea to obtain clarification from Sean to see if it is necessary to separate the
439 two items.

440

441 Craig said, "As much as I like to let people do what they like with their properties, and it's
442 always that struggle of how do we let them have their property rights as owners, we've kind of
443 established a philosophy on this area based on what this was originally approved at. And our
444 recent past actions would fly in the face of those decisions if we went ahead and approved this.
445 And quite frankly, I think it turns into at that point a precedent-setting thing which I don't want
446 to be involved in – and it sounds like nobody else here does, either. As much as I'd like people
447 to be able to do what they want, it's just not possible here."

448

449 Jan said, "I still have a problem with this. I had a problem when Mr. Herbst came in and we told
450 him that he couldn't [build rental properties and later sell]. We have two letters sitting before us,
451 both saying that these people were told when they purchased these lots in good faith they could
452 build rental properties on them. I agree – the best thing for us to do is to go back to the original
453 conditions where the property should be owner-occupied. That's what the original owners in this
454 Nathan Hill Subdivision purchased into. That's what they should be having. But that's not
455 occurred. Katie and Brea gave us a whole list here of violations that we have; we even have that
456 in our packet here. I don't know what the right answer is here, but I feel like two wrongs don't
457 make a right here. And I just have a real problem. We had several violations. I don't know who
458 told whom what. Brea said that he was told when he built the first one ... I don't know. I can't
459 go back and find out that information. But I have some real concerns about this."

460

461 Craig said, "I don't disagree with you, Jan, and that's what makes it complicated. But the
462 problem is, this planned development was pretty clearly specified originally. It was sold

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463 supposedly under different pretenses by the developer. It's not the city's responsibility to get
464 involved in that discussion. That's something that the buyer has to have with the developer who
465 told him or failed to tell him the conditions that existed here. I don't think we can go back now
466 and change those just because somebody has been misinformed by a developer. That's not our
467 job."

468
469 Brea said, "I think there's one thing we can do better. I agree that it's not the city's
470 responsibility. But on that CSM when the CSM was approved, the condition was to comply with
471 the original terms of the plat and the original [PUD] conditions. It was very brief, and it never
472 was ... Staff didn't go out and pull those original conditions and hand them to the new buyer.
473 We didn't realize there was such a sticking point at that time, otherwise we would have provided
474 some helpful information. Nor were we ever asked to pull those original conditions, either.
475 We'll do what we can to get information out there, but I think it is the buyer's responsibility to
476 do their due diligence on the site before they purchase."

477
478 Jan inquired about Alexander's twin home on the second lot.

479
480 Brea said this was a condition on the CSM.

481
482 Mayor Chilsen reminded the Plan Commission there is a motion and a second on the floor and is
483 contingent upon Sean's approval. Mayor Chilsen also noted that an 'aye' vote is a vote to deny.

484
485 On voice vote, motion carried, 6-1-1. (Jan Brock votes no. Skip Temte abstains).

486
487 **Item 8 – Review and consideration of a request to allow outdoor display and storage for**
488 **greater than thirty (30) at HotSpring Spas and Pools at 576 Theater Road, submitted by**
489 **Melissa Staige of HotSpring Spas & Pools, 576 Theater Road, Onalaska, WI (Tax Parcel**
490 **#18-3583-1)**

491
492 Brea said this is a request from the owner of HotSpring Spas & Pools to utilize the business'
493 parking lot on Theater Road to both display and sell pre-owned hot tubs. Brea said the request is
494 to allow outdoor sales year-round and noted the city's ordinances currently allow outdoor sales
495 up to 30 days per calendar year unless approved by the Plan Commission.

496
497 Motion by Ald. Bialecki, second by Craig, to deny a request to allow outdoor display and storage
498 for greater than thirty (30) at HotSpring Spas and Pools at 576 Theater Road, submitted by
499 Melissa Staige of HotSpring Spas & Pools, 576 Theater Road, Onalaska, WI.

500
501 Skip said, "I think the city idea is that things like this are supposed to be indoors generally for all
502 businesses. This person is trying to do things different than what the city desires. If we were to
503 approve something like this it's sort of setting a precedent to change the whole idea of what we
504 want here."

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505
506 Ald. Bialecki said he agrees with Skip.

507
508 Andrea asked if it would make a difference if HotSpring Spas & Pools erected a tent and held a
509 tent sale.

510
511 Brea said, “Per the Commercial Building Code, a tent can be erected up to six months a year, and
512 then it is considered a permanent structure and then there are a whole set of commercial codes
513 that apply. We looked at a temporary tent policy, and the temporary tents are allowed up to six
514 months. We had discussions about how long is too long. So far with temporary tent sales, we’ve
515 only allowed those twice – I think two 30-day periods. This is going quite a bit from currently
516 allowing 30 days to allowing it year-round.”

517
518 Andrea asked if the city allows some 180-day tent sales for garden centers.

519
520 Brea told Andrea she is correct.

521
522 Andrea said, “So they could do the same kind of thing if they put up a tent, or no?”

523
524 Brea said no and stated, “When we brought that [tent sale] policy forward it... addressed the
525 garden centers specifically.”

526
527 Skip said, “I think that something contained by a tent of this type is quite different than just
528 being opened out in the open. A tent would be a whole different thing and yes, I think that if
529 they wanted to put up a tent and have it in that, I might approve that. But the idea of having
530 things out in the open, that’s almost like open storage.”

531
532 Jan noted that the area where HotSpring Spas & Pools wanted to place the tent is located in front
533 of the Salon Professional Academy and another business. Jan said she had driven around to the
534 rear of the building and discovered hot tubs stacked above the fence. Jan also noted there is a hot
535 tub sitting on the drive between Slumberland and HotSpring Spas & Pools. Jan said, “From what
536 I see in the back, I certainly couldn’t approve what they’re wanting in the front.”

537
538 Brea noted that when she began serving as Land Use and Development Director in 2012 she and
539 former Assistant Planner Deena Murphy had worked on enforcement of outdoor storage,
540 including at the property being discussed. Brea said outdoor storage is allowed when screened
541 and noted that in 2012 HotSpring Spas & Pools had put up the screening behind the building
542 with the intention of having everything back there. Brea said the business had brought the site
543 into compliance, but added it seems as though it is “slipping back out of compliance.” Brea said
544 there is a significant amount of storage on the back side that needs to be cleaned up. Brea said,
545 “It’s outdoor storage that needs to be screened behind that fenced-in area or removed from the
546 site. There are two issues here. One is the outdoor storage; it’s just not allowed. The second is

547 allowing outdoor sales and whether those hot tubs are allowed to be out for display and sale.”

548

549 On voice vote, motion carried.

550

551 **Item 9 – Review and consideration of a request to extend the Final Plat submittal**
552 **requirement for three years, as requested by Kevin Fry, on behalf of Elmwood Partners,**
553 **1859 Sand Lake Road, Onalaska, for the 4th Addition to the Country Club Estates Plat**
554 **(Tax Parcels #18-3566-100 & 18-4479-0)**

555

556 Brea said that when the Plan Commission had last reviewed this item it had made a
557 recommendation for a one-year extension for the final submittal of the plat. Brea said she had
558 erred when she transferred the agenda item from the Plan Commission agenda to the Common
559 Council agenda, noting she had put the three-year request in the agenda item. This item was
560 approved for three years by the Council on the Consent Agenda. Brea said this is an opportunity
561 for the Plan Commission either to work with the three years or recommend a one-year extension
562 to the Council.

563

564 Motion by Ald. Bialecki, second by Andrea, to approve a one-year extension for Elmwood
565 Partners, 1859 Sand Lake Road, Onalaska, for the Final Plat submittal for the 4th Addition to the
566 Country Club Estates Plat.

567

568 Skip asked, “Does this mean that anytime the Council does not agree with what we have
569 recommended that we can bring it up again and make a second recommendation to them?”

570

571 Ald. Bialecki told Skip that the Plan Commission had approved a one-year extension, but it had
572 erroneously appeared on the Council agenda as a three-year extension. Ald. Bialecki said this
573 will correct the mistake and reflect the Plan Commission’s original intention.

574

575 On voice vote, motion carried.

576

577 **Item 10 – Review and discussion of 2015 Comprehensive Plan Update, Chapter 5 – Utilities**
578 **& Community Facilities**

579

580 Katie noted that the fifth chapter of the Draft Comprehensive Plan is before the commission this
581 evening. Included in the staff report is a list of all of the chapters that have been reviewed by the
582 Plan Commission thus far, and also the chapters that have been reviewed by the Long Range
583 Planning Committee. Katie said she welcomes any comments pertaining to this chapter and
584 added that this chapter will be reviewed by the Board of Public Works at its February 3 meeting.

585

586 Ald. Bialecki noted that the Plan Commission Sub-Committee had examined this item at its
587 January 20 meeting and had no questions.

588

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589 Mayor Chilsen asked Katie if she needs any comments this evening.

590

591 Katie said she welcomes comments now, but added she will take them throughout the entire
592 process.

593

594 In response to a question by Ald. Bialecki, Katie said the Common Council will see the entire
595 document. Katie also noted that there will be a public hearing at the Plan Commission level,
596 adding that there also will be an open house.

597

598 Brea explained that the Long Range Planning Committee is serving as the steering committee
599 that is putting together the document. However, Brea also noted that statutorily it is the Plan
600 Commission that must hold the public hearing on the Comprehensive Plan and then make the
601 formal recommendation to the Council. Brea said the Long Range Planning Committee wants to
602 bring the Plan Commission the document in pieces so its members can make comments and she
603 and Katie can go back and work with the Long Range Planning Committee. Brea said there will
604 be a public meeting prior to a public hearing.

605

606 Jan said she has enjoyed reading each chapter.

607

608 Jarrod said all the documents have been “very well-written.”

609

610 Skip said it seems as though there will be a significant effect on the draft if the Town of
611 Onalaska becomes the Village of Midway, particularly on the water district going into Brice
612 Prairie.

613

614 Jarrod said the city’s elected officials would have to decide whether to offer those services to
615 another municipality.

616

617 Brea said it becomes necessary to update the Comprehensive Plan anytime a large area is
618 annexed or anytime there is a significant change. Brea said, “If we’re annexing a huge area it’s
619 worth coming back and looking at that particular piece of property and figuring out utility
620 services and parks and fire and police services. That probably would be an amendment to the
621 plan.”

622

623 **Adjournment**

624

625 Motion by Andrea, second by Ald. Bialecki, to adjourn at 8:03 p.m.

626

627 On voice vote, motion carried.

628

629

630 Recorded By:

631

632 Kirk Bey

Reviewed 1/29/15