

**Plan Commission  
of the City of Onalaska**

Tuesday, February 24, 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, February 24, 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, Skip Temte, Craig Breitsprecher, Andrea Benco

7  
8 Also Present: Ald. Jack Pogreba, Amanda Halderson Jackson from O’Flaherty Heim Egan &  
9 Birnbaum

10  
11 Excused Absence: Ron Johnson

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

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

17  
18 On voice vote, motion carried.

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

21  
22 Mayor Chilsen called three times for anyone wishing to provide public input and closed that  
23 portion of the meeting.

24  
25 **Consideration and possible action on the following items:**

26  
27 **Item 4 – Public Hearing: Approximately 7:00 PM (or immediately following Public Input)**  
28 **– Regarding rezoning request filed by Traditional Trades, 1853 Sand Lake Road,**  
29 **Onalaska, WI 54650, to rezone the properties at 1735 Pine Ridge Drive, 1150 Oak Timber**  
30 **Drive, and 1140 Oak Timber Drive, Onalaska, WI 54650 from Single Family Residential**  
31 **(R-1) District to Single Family and/or Duplex Residential (R-2) (Tax Parcels #18-6282-0,**  
32 **18-6273-0, 18-6272-0)**

- 33  
34 1. Rezoning Fee of \$150.00 (PAID).  
35  
36 2. Obtain a Certified Survey Map to amend boundaries of Tax Parcels 18-6273-0 and 18-  
37 6272-0 to reflect rezoning request.  
38  
39 3. Park Fee of \$922.21 per residential unit prior to issuance of building permit.  
40  
41 4. All associated setbacks for a twindo dwelling to be followed according to Section 13-2-6  
42 of the Zoning Ordinance.

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2

- 43
- 44 5. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
- 45 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
- 46 and improvements installed per approved plans prior to issuance of occupancy permits.
- 47
- 48 6. All conditions run with the land and are binding upon the original developer and all heirs,
- 49 successors and assigns. The sale or transfer of all or any portion of the property does not
- 50 relieve the original developer from payment of any fees imposed or from meeting any
- 51 other condition.
- 52
- 53 7. Any omissions of any conditions not listed in minutes shall not release the property
- 54 owner/developer from abiding by the City's Unified Development Code requirements.
- 55

56 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the

57 rezoning request.

58

59 **Adam Aspenson**  
60 **1853 Sand Lake Road**  
61 **Onalaska**

62

63 "I'm with Traditional Trades. I'm asking for your support on the rezoning of these two lots on

64 Pine Ridge Drive. If you have any questions I'll be back here. Thanks."

65

66 Mayor Chilsen called three times for anyone else wishing to speak in favor of the rezoning

67 request and closed that portion of the public hearing.

68

69 Mayor Chilsen called for anyone wishing to speak in opposition to the rezoning request.

70

71 **Jennifer Black**  
72 **No address given**

73

74 Jennifer noted that she, her mother and her sister own the property at 1642 Pine Ridge Drive and

75 said, "I do not occupy the property, but my mother does. We are not opposed to rezoning, but

76 we would like that to be owner-occupied rezoning so that if it is rezoned each person in that

77 multiple family would own their own unit and it would not be rental."

78

79 Mayor Chilsen called three times for anyone else wishing to speak in opposition to the rezoning

80 request and closed the public hearing.

81

82 Jarrod said the Planning Department staff had supplied him with some background to be shared

83 with the Plan Commission. Jarrod referred commission members to their packets and noted

84 there is a yellow-and-orange drawing that depicts the lots in the area of Pine Ridge Drive and

Reviewed 2/26/15

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85 Oak Timber Drive. Jarrod said this is a rezoning request for two lots along Pine Ridge Drive in  
86 the vicinity of Oak Timber Drive. The parcels are 18-6282-0 (1735 Pine Ridge Drive) and 18-  
87 6273-0 (1150 Oak Timber Drive). Both properties abut Pine Ridge Drive. One (1735 Pine  
88 Ridge Drive) is a triangular lot that possesses significant frontage, and the other (1150 Oak  
89 Timber Drive) is located on the corner of Oak Timber Drive and Pine Ridge Drive. Jarrod said  
90 the applicant is applying to modify the boundary of 1150 Oak Timber Drive to allow an  
91 additional 16½ feet. A Certified Survey Map will be brought in at that point to perform a  
92 transfer and obtain more land on the corner lot. Jarrod noted it still will be a single-family lot  
93 that meets minimum frontages next to the lot to be rezoned. The rezoning also would take effect  
94 on the portion of the other lot. Jarrod referred to the map and noted that this is depicted by the  
95 red line. The properties currently are zoned R-1, and notices were sent to property owners within  
96 250 feet. Jarrod said the proposed rezoning in this area, which was labeled Mixed Density  
97 Housing, is consistent with the Comprehensive Plan. Jarrod also noted that with the addition of  
98 the 16½ feet at 1150 Oak Timber Drive and the triangular-shaped lot at 1735 Pine Ridge Drive,  
99 these are larger lots that may accommodate this density.

100

101 Andrea asked if the other twindos located across the street are owner-occupied, and also asked if  
102 this is a restriction placed on these lots.

103

104 Jarrod said he would have to ask the owner of Traditional Trades, adding that he believes some  
105 of the twindos presently are rentals. Jarrod said he believes the intention is to have these twindos  
106 be owner-occupied.

107

108 Adam noted that some are owner-occupied and some are rentals. Adam also pointed out that  
109 leases typically are between \$1,500 and \$1,600 per month, which means desirable tenants are  
110 residing in these units.

111

112 Andrea asked Adam if he would object to a condition requesting that the rezoned properties must  
113 be owner-occupied.

114

115 Adam said, "With all of our properties, I guess we like the option of, if it doesn't sell, to have the  
116 option of being able to lease it."

117

118 Jan noted there are properties across the street that are zoned R-1 and said she understands  
119 Adam's thought of wanting the properties being discussed tonight to be zoned R-2. However,  
120 Jan noted there are properties zoned R-1 "all around us."

121

122 Jarrod noted that the developed located across the street was part of a Planned Unit Development  
123 and had a custom zoning overlay. Jarrod noted this was outlined within the original development  
124 when the office building and the buildings around this area were constructed. Jarrod pointed out  
125 that Fraser Way, the cul-de-sac in the area, also was part of the PUD. However, the area across  
126 the street was not part of the original PUD. Jarrod said the original PUD boundary was Pine

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127 Ridge Drive.

128

129 Motion by Ald. Bialecki, second by Craig, to approve with the seven conditions attached a  
130 rezoning request filed by Traditional Trades, 1853 Sand Lake Road, Onalaska, WI 54650, to  
131 rezone the properties at 1735 Pine Ridge Drive, 1150 Oak Timber Drive, and 1140 Oak Timber  
132 Drive, Onalaska, WI 54650 from Single Family Residential (R-1) District to Single Family  
133 and/or Duplex Residential (R-2).

134

135 Jan asked if this does not include a restriction for owner-occupied.

136

137 Ald. Bialecki said the motion is to approve with the seven conditions listed.

138

139 Motion by Andrea to amend the previous motion and add a condition that states the properties at  
140 1735 Pine Ridge Drive, 1150 Oak Timber Drive and 1140 Oak Timber Drive be owner-occupied  
141 upon sale.

142

143 Andrea asked if this condition can be in effect the first two years the lots are on the market and  
144 then revert back if they do not sell.

145

146 Mayor Chilsen said he believes it would be possible to do so, adding it would have to be an  
147 amendment.

148

149 Motion by Andrea, second by Jan, to amend the previous motion and add a condition that states  
150 the properties at 1735 Pine Ridge Drive, 1150 Oak Timber Drive and 1140 Oak Timber Drive be  
151 owner-occupied for the first two years.

152

153 Andrea explained that the first sale would be owner-occupied unless it does not sell within two  
154 years. Andrea further clarified her amendment, stating, "Basically it's just to get the first person  
155 in there to be an owner-occupied, which acknowledges the comments that we got. It fits in with  
156 the subdivision, where there is a lot of owner-occupied around it. If we can get somebody in  
157 there that's owner, that's great and then maybe it stays owner. If he can't sell it I don't want him  
158 to be stuck with this thing because we've put this condition on the sale."

159

160 Ald. Bialecki said, "Adam will build. He hopes to sell. But he will probably lease for \$1,600 a  
161 month. Does that mean Adam has to occupy the other part of the twindo?"

162

163 Andrea said, "It means whoever owns the twindo has to occupy the twindo."

164

165 Ald. Bialecki pointed out that if Adam constructs four or five twindos a year he cannot live in all  
166 of them.

167

168 Andrea said, "You can't sell it to somebody who is going to lease it out. He [Adam] is the owner

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169 right now, so he can do what he wants.”

170

171 Ald. Bialecki pointed out that Adam might have to live on the property until it is sold.

172

173 Andrea inquired about the proper wording when the Plan Commission requires owner-occupied.

174

175 Mayor Chilsen noted the Plan Commission has never placed any term limits on owner-occupied.

176

177 Skip said, “From a standpoint of a professional economist, which I consider myself having  
178 taught it in education, I’m against the city having owner-occupied restrictions on anything.  
179 Houses sell because people have money to be able to buy them, and the wages determine  
180 whether it’s going to be owner-occupied or rented. Now, when you put a restriction on that  
181 you’re actually stunting the growth of the city. I think that even when you have a rental the city  
182 actually has more control over rental properties than they have over owner-occupied. And you  
183 don’t find all owner-occupied places looking nice. In fact, some of the worst places you’ll ever  
184 find are owner-occupied. So I think this stigma of owner-occupied is something that the city  
185 should not get involved in. This is something that should be either sort of a covenants of a  
186 homeowners association or something like that, but not the city. The city should not be involved  
187 in that because they’re actually restricting the freedoms of a lot of people for the benefit of a few.  
188 Therefore, as I say, I myself philosophically am against the city being involved in designating  
189 anything owner-occupied.”

190

191 Craig said, “Skip, essentially I agree with you. One of the discussions, though, I think we’ve all  
192 had lately is that propensity towards an abundance of rental units as opposed to owner-occupied,  
193 which is kind of something we wanted to focus on or has been focused on in the long range plan.  
194 And although I don’t want to go parcel by parcel and indicate whether we should get involved in  
195 making it owner-occupied or non-owner occupied, I think we still need to keep that perspective  
196 in mind for the general good of the community. But I do want to ask the owners one more time,  
197 what is the intention of these twindos? Is it to sell them to individual owners? Or is it to lease  
198 them?”

199

200 Adam said, “My intention is to sell. I just want to have the flexibility to be able to lease.”

201

202 Craig said, “I understand that. I just wanted to ask that question directly because how this all  
203 ends up is how it’s going to help me in how I perceive things like this in the future.”

204

205 Ald. Bialecki said he understands how someone who plans to construct and then sell a property  
206 would prefer to have some flexibility. However, the condition of owner-occupied would be  
207 imposed once the structure is transferred to a new owner.

208

209 Jan complimented Adam for the look of the units located in the development and said she is sure  
210 this is why the individuals who own them would like to keep the neighborhood visually

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211 appealing. Jan asked if the majority of the properties located in this area are owner-occupied.

212

213 Adam said Traditional Trades currently leases out 33 units in this area and estimated that another  
214 20 are owner-occupied.

215

216 Jarrod said that while he understands Andrea's reasoning behind the amendment, he also pointed  
217 out that the preference is to rent a unit up front so it doesn't sit vacant. Jarrod said Adam is  
218 requesting the flexibility to rent a property because he hopes to rent it out and then eventually  
219 sell it once he starts selling a variety of properties. The tenants would have to move once their  
220 lease has expired, and the property would be sold once the stock of other properties has  
221 dwindled.

222

223 Andrea told Jarrod her amendment is "upside down."

224

225 Jarrod said, "Not what you're trying to do necessarily, but it just limits them. Once he builds this  
226 unit it could sit vacant for two years, which is not a good thing, either. One other clarification is  
227 if this amendment would pass as proposed, when does the two years start? Is it as of today's date  
228 of the rezoning and then it doesn't get built for two years and the amendment is up? Or is it at  
229 time of occupancy? When does the two years start?"

230

231 Andrea said, "My intention for the two years was once it was ready to be occupied. We have  
232 this propensity to come in with a plan and we get a plan and we approve a plan and people move  
233 into the neighborhood. Then things change as they do, and then they come back with what  
234 remains and they start changing all the conditions in that neighborhood. I just think that citizens  
235 lose confidence in the neighborhood they thought were living in if it keeps changing. This is not  
236 radical change, and this is a neighborhood that I'm very familiar with. I think it's a great  
237 neighborhood, but I know how that feels when you think you know what your neighborhood is  
238 going to be and then it changes. That's what I'm trying to address with this – to at least hear out  
239 the fact that they came and spoke tonight."

240

241 Ald. Bialecki addressed Adam and said, "You would have no problem with that – once you  
242 build, you might lease. But when you sell, the new owner must be owner-occupied."

243

244 Adam asked Ald. Bialecki to repeat what he just said.

245

246 Ald. Bialecki said that there would be a stipulation that once Adam sells the property it would be  
247 an owner-occupied unit.

248

249 For clarification, Craig explained, "At the point at which you first sell it. You can lease it up to  
250 that point. But at the point you first sell it, from that point on it must be owner-occupied. Does  
251 that bother you at all? In other words, you can lease it as long as it takes to get it sold. That may  
252 be five years. I don't know."

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253

254 Adam said he would be agreeable to this.

255

256 Ald. Bialecki suggested to Andrea that she withdraw her amendment and add Condition No. 8.

257

258 Andrea asked Adam if he thinks what is being proposed is unreasonable.

259

260 Adam said, "So what you're telling me is I can lease it until I'm able to sell it. I think that's  
261 more than fair. My intent going into this was selling it anyway."

262

263 Ald. Pogreba noted that the construction wall between units is different for a twindo being  
264 constructed for owner-occupancy versus one being constructed for rental. Ald. Pogreba said the  
265 unit must be constructed properly so that it may be sold separately, stating that if a property is  
266 going to be leased it must be constructed to be sold separately.

267

268 Jarrod said Traditional Trades has been following this with all its units so they are able to be  
269 sold.

270

271 Amendment to the motion and second withdrawn.

272

273 Motion by Craig, second by Ald. Bialecki, to amend the previous motion and add Condition No.  
274 8 that states once the units are sold they remain as owner-occupied from that point forward.

275

276 Jarrod said it is important to clarify that since this is a twindo, one side may be sold and the other  
277 side may be rented until it is sold. Jarrod pointed out that it will be sold as two different sides, so  
278 one side still could be rented out if the other side is sold.

279

280 Craig said his definition of "unit" would be one half of the twindo.

281

282 Ald. Bialecki said he has no doubt of the capabilities and where Traditional Trades is going with  
283 its business. However, Ald. Bialecki noted that there are properties in other communities that are  
284 owned by individuals living in other cities. Ald. Bialecki said the new condition is "a check for  
285 the city down the road" so the City of Onalaska does not experience this problem in the future.

286

287 Vote on the amendment:

288

289 On voice vote, motion carried, 6-1 (Skip Temte).

290

291 Vote on the original motion, as amended:

292

293 On voice vote, motion carried, 6-0, with one abstention (Skip Temte).

294

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295 **Item 5 – Consideration of a request to extend the Final Plat submittal requirement for one**  
296 **year, as requested by Dr. Leo Bronston, on behalf of French Valley, LLC, 1202 County**  
297 **Road PH, Suite 100, Onalaska for the French Valley Neighborhood Plat (Tax Parcels #18-**  
298 **4480-0, 18-4481-0, 18-4482-1, 18-4485-0)**

299

300 a. Amendment of the March 2008 Development Agreement between French Valley, LLC  
301 and the City of Onalaska prior to the commencement of any construction activities,  
302 including public improvements. Developer is advised to schedule adequate time for the  
303 amended Development Agreement to be reviewed and approved by the City’s Plan  
304 Commission and Common Council.

305

306 b. All permits must be current prior to the start of any construction activities (i.e., sanitary  
307 sewer and water approvals from WDNR). All plans and specifications must be  
308 resubmitted to the City for review & approval (i.e., stormwater plan).

309

310 Motion by Ald. Bialecki, second by Skip, to approve with the two attached conditions a request  
311 to extend the Final Plat submittal requirement for one year, as requested by Dr. Leo Bronston, on  
312 behalf of French Valley, LLC, 1202 County Road PH, Suite 100, Onalaska for the French Valley  
313 Neighborhood Plat.

314

315 Jan asked if there a limit to the number of extensions that may be given.

316

317 Jarrod said no, stating it is important to ensure that the city obtain proper review each time.  
318 Jarrod referred to the two conditions of approval included in commission members’ packets and  
319 said they should be included with the approval.

320

321 Ald. Bialecki asked that Conditions ‘a’ and ‘b’ be added to the motion.

322

323 Jarrod explained the two conditions state that French Valley, LLC must resubmit all its plans and  
324 specifications to the Engineering Department. French Valley, LLC also must obtain all the  
325 proper permits and approvals. Jarrod said, “You’ll be keeping the general layout and schematic  
326 and the intention of the development, but it basically will all have to get reapproved again to  
327 meet current standards.”

328

329 Andrea asked if the city is waiting on any infrastructure or development in this area.

330

331 Jarrod said there has not been anything in particular delaying this project and noted a booster  
332 station that will serve the development will be constructed in the future. Jarrod said, “Depending  
333 on how development occurs, it may actually be better the longer it waits.”

334

335 On voice vote, motion carried.

336

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337 **Item 6 – Discussion and consideration of an amendment to the Unified Development Code**  
338 **(UDC) regarding Telecommunication Structure and Towers**

339

340 Ald. Bialecki told Mayor Chilsen that everything he has read from what was submitted by the  
341 Planning Department had been presented at the February 17 Plan Commission Sub-Committee  
342 meeting.

343

344 Amanda said this is a State of Wisconsin mandate that is part of the 2013 biennial budget. This  
345 mandate stripped local regulation of communication towers, and this ordinance reflects this.

346

347 Skip referred to citizens who had objected to the construction of a cell phone tower near  
348 American Legion Post 336 and said he interprets this mandate as saying any objections by  
349 citizens are meaningless because they are against State of Wisconsin law. Skip said he also  
350 interprets the mandate to mean companies now may line the bluff with cell phone towers similar  
351 to those by Nutbush City Limits.

352

353 Ald. Bialecki asked Amanda to research this.

354

355 Amanda said the state statute is very clear that design cannot be a factor.

356

357 Andrea said she assumes the Comprehensive Plan does not have to be changed because the  
358 ordinance has changed.

359

360 Ald. Bialecki said this will eventually go before the Administrative & Judiciary Committee to be  
361 crafted into ordinance form.

362

363 Motion by Ald. Bialecki, second by Skip, to approve an amendment to the Unified Development  
364 Code (UDC) regarding Telecommunication Structure and Towers.

365

366 Jarrod said this item should be set up for a public hearing at the March 24 Plan Commission  
367 meeting because a public hearing is required to change the zoning ordinance.

368

369 Motion and second withdrawn.

370

371 Andrea said if the ordinance is not changed then the city has no ordinance. This means the city  
372 cannot charge fees.

373

374 Jarrod told Andrea she is correct.

375

376 Andrea said the city's only option is to accept an ordinance and raise the fees as high as possible.

377

378 Amanda noted the fee for a Class 1 co-location is \$3,000.

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379

380 Motion by Ald. Bialecki, second by Skip, to refer to the March 24 Plan Commission meeting for  
381 public hearing discussion and consideration of an amendment to the Unified Development Code  
382 (UDC) regarding Telecommunication Structure and Towers.

383

384 On voice vote, motion carried, 6-1 (Craig Breitsprecher).

385

386 **Item 7 – Review and Discussion on Plan Commission Handbook**

387

388 Jarrod noted commission members’ packets include a website where they may obtain  
389 information about the Plan Commissioners Handbook. Jarrod said Land Use and Development  
390 Director Brea Grace and Planner/Zoning Inspector Katie Meyer will be able to answer any  
391 questions.

392

393 **Adjournment**

394

395 Motion by Craig, second by Andrea, to adjourn at 7:32 p.m.

396

397 On voice vote, motion carried.

398

399

400 Recorded By:

401

402 Kirk Bey