

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

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, June 28, 2016. It was noted that the meeting had been announced and a notice posted
3 at City Hall.

4
5 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Bob Muth,
6 City Engineer Jarrod Holter, Paul Gleason, Skip Temte, Andrea Benco

7
8 Also Present: City Clerk Cari Burmaster, Interim Land Use and Development Director Katie
9 Aspenson

10
11 Excused Absences: Jan Brock, Craig Breitsprecher

12
13 **Item 2 – Approval of minutes from previous meetings (April 26, 2016 and June 16, 2016)**

14
15 Motion by Andrea, second by Ald. Muth, to approve the minutes from the April 26, 2016 and
16 June 16, 2016 meetings 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 noted that the Plan Commission will not formally be discussing the Payment in
23 Lieu of Taxes (PILOT) program as it was tabled for 30 days at the June 21 Plan Commission
24 Sub-Committee meeting and said it will be discussed at the July 26 Plan Commission meeting.
25 Mayor Chilsen then called for anyone wishing to provide public input.

26
27 **Cherryl Jostad**
28 **117 Hillview Boulevard**
29 **La Crescent, Minn.**

30
31 “This is information regarding the PILOT. I do thank Katie for keeping interested parties up to
32 date. I am aware of the fact that you’re not discussing it tonight, but you did indicate that during
33 the public comment we could make comments. I really want to thank you for the opportunity to
34 speak tonight as well as the listening session and the Q&A document or fact sheet. I did have
35 some questions that I wanted to raise, and I thought maybe if they were brought up tonight they
36 could be added to the fact sheet [or] Q&A document. Question No. 1 talks about the Wisconsin
37 Statutes that are interpreted to mean that the city can negotiate PILOT agreements with tax-
38 exempt entities that aren’t specifically spelled out in the statutes. I would like to know which
39 Wisconsin Statute. It didn’t really state that in there. And it seems to be that the city has
40 interpreted, according to the verbiage that was put in there, something that has been stated now
41 as a right to do that. I would like some clarification on that. In Question No. 12 of the Q&A
42 document, it states that the City of Onalaska has continually had to reduce services to stay under

Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

2

43 the state-mandated levy limit – and there’s obviously more verbiage before and after – but I
44 would be interested in knowing what services have been reduced in the years since 2002, [which]
45 was the indicated time that non-mandated public entities started to be charged PILOT
46 agreements. It would be interesting to know what actually has been cut. Question No. 5 stated
47 that there are 15 PILOT agreements in place, and of these it would be helpful to know how many
48 are for the tax-exempt groups versus those that are mandated that had been brought up during the
49 meeting. Question No. 13 ... talks about the local government [having to] have a compelling
50 interest when establishing something such as a PILOT. Also, information I found said that
51 simply desiring to find a new revenue stream, as indicated in what the city provided in their
52 Q&A document, stated, *‘to assist in the city’s burden providing city services which benefit tax-*
53 *exempt agencies.’* I’d like to understand what the compelling interest is for that. Again, I’d like
54 to reiterate something that was brought up in the listening session. It’s my understanding that
55 PILOT agreements are voluntary. But when an organization comes and asks for a Conditional
56 Use Permit or any of those six types of documents that were listed ...”

57

58 Cari told Cheryl she had reached her three-minute time limit.

59

60 **Todd Wiedenhaft, Owner of Lost Island Wine**

61 **570 Theater Road**

62 **Onalaska**

63

64 “I’m here to speak in support of the amendment to our Conditional Use Permit to extend our
65 winery serving hours to 11 p.m. Currently state law requires that we close at 9 p.m. with the
66 winery permit, and serving hours for beer that we recently have with that permit is midnight. We
67 are looking to be able to serve both until 11 p.m. We don’t want to go until midnight because I
68 don’t want to be a bar, so to speak. We get a lot of tourists staying in our hotels and spending
69 money in our restaurants, and a lot of them visit our winery. When we have couples that come in
70 and one would like a glass of wine and one wants a beer, I have to turn one down and allow the
71 other one to have one. We’re just simply here in support of that extension to 11 p.m. for the
72 winery serving hours. Thank you.”

73

74 **Neil Jennings**

75 **3765 Emerald Drive East**

76 **Onalaska**

77

78 “In regards to the change to Coronado Circle, [my neighbors] elected [me] to come tonight.
79 They were getting tired of coming and they thought I didn’t have anything else to do, so I
80 thought I would come and represent us from out there. They all agree to be for it and [to
81 proceed] with the project.”

82

83 **Jeff Pralle**

84 **4026 Beverly Drive**

Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

3

85 **Onalaska**

86

87 “I represent Valley View Business Park, so I would like to speak to both [Item No.] 5 and [Item
88 No.] 4 because I do represent part of Nathan Hill up there. I would like to see you approve that
89 [because] I think it’s a good change for Coronado Circle. And then [regarding Item] No. 4 with
90 Lost Island Wine, [Todd Wiedenhaft] just spoke and explained that. I do manage that building.
91 My office is in that building. I just can’t say enough about that young couple. They’ve worked
92 hard building that business up. They started in a little space and they’ve expanded throughout
93 the building. It is really a hidden treasure in the City of Onalaska. If you haven’t been there and
94 seen their courtyard and seen their retail area and what they do in there, it is just awesome. I
95 certainly hope you approve their Conditional Use Permit and allow them to extend their hours
96 because I think it’s a benefit to the City of Onalaska.”

97

98 **Bill Bader, Pastor of St. Paul’s Evangelical Lutheran Church**

99 **W6474 Wendtland Road**

100 **Onalaska**

101

102 “I understand the PILOT issue is not on the agenda for tonight. Would input then [July 26] be
103 more beneficial?”

104

105 Mayor Chilsen said, “You can do it either way. You could do both, actually, if you wish.”

106

107 Bill Bader said, “First of all, Mr. Mayor and [Plan Commission] members, it’s a great blessing
108 that has been afforded to our congregation thus far. And I should probably know way more than
109 I do about the project itself and the proposal. It causes some concern about going forward with
110 the ministry of the congregation, and how that impacts everybody I’m not sure. Maybe more
111 information will be forthcoming about that.”

112

113 Mayor Chilsen said Katie would be able to provide ample information regarding the PILOT
114 program.

115

116 **Skip Temte**

117 **1051 Wilson Street**

118 **Onalaska**

119

120 “The reason I’m up here is because when I’m sitting back there I can only talk about what’s on
121 the agenda, so I have something to suggest for the agenda. I think it would be beneficial if the
122 last item on the agenda each month was a poll of the Plan Commission to see if [its members
123 have] any suggestions for future agenda items. Then at that time the rest of the Commission
124 could say ‘yes’ or ‘no,’ but no discussion of the item itself. ... I think by not having this we’re
125 missing an opportunity that we, the commissioners, get input from people [regarding] possible
126 things that should be on the agenda. I would like to suggest that as a change to our agenda.

Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

4

127 Thank you.”

128

129 Katie read into the record the following email dated June 22 from Dave Konkol, Pastor of
130 Administration and Missions, First Free Church, 123 Mason Street, Onalaska: “*City of Onalaska*
131 *Plan Commission, regarding the proposed PILOT Ordinance. My name is Dave Konkol and I*
132 *am writing on behalf of the pastors and elders of First Free Church. I was unable to attend the*
133 *June 16 meeting where this issue was discussed, but I am hoping that these comments will be*
134 *added to the public record. We are a religious charitable organization. As such, we are exempt*
135 *from paying taxes, although last year we paid almost \$7,400 in property taxes on a portion of*
136 *our property in excess of 10 acres. Those who choose to give their resources to support the work*
137 *of the church can declare these resources as tax-exempt charitable donations. We are just one*
138 *of a variety of organizations considered to serve public purposes and who have been given this*
139 *privilege. We understand your interest in seeking more revenue streams for the City of*
140 *Onalaska. And we understand how tax-exempt organizations benefit from city services that they*
141 *may not be supporting with taxes. That may seem unfair or unreasonable to some. So we are*
142 *eager to understand what this PILOT program is all about and what it will mean for us and for*
143 *the many other nonprofit, tax-exempt organizations in our community, including hospitals and*
144 *schools.*

145

146 *Churches in the U.S. first received an official federal income tax exemption in 1894. Simply put,*
147 *there was a time – and we believe that time includes today – that churches were seen as*
148 *providing important and valuable, even crucial, social services and social instruction that*
149 *benefit the community. We, for example, gave over \$84,000 in the past year to people in*
150 *financial crisis, including those who we serve in our food pantry. Most of these neighbors of*
151 *ours are not members of our church. In addition to this, we offer at no cost a number of classes,*
152 *courses and groups serving those who are divorced, the grieving, and those recovering from*
153 *addiction to drugs and alcohol. In April we hosted an event to inform our community of the*
154 *problem of human trafficking. Staff from Gundersen Health Systems and a member of the La*
155 *Crosse Police Department were part of that event. Later this year we will be hosting a major*
156 *event on the crisis of pornography and its devastating effects on marriages and families, and*
157 *how to avoid and to recover from these effects. For the past three years we have hosted an*
158 *annual alcohol-free event on our church property which was open to the entire community,*
159 *called SoberFest. Later this month we are joining forces with the organizers of “Celebrate*
160 *Onalaska” to provide volunteers to oversee a family-friendly, alcohol-free play area. We also*
161 *open our facility to community groups throughout the year at no cost, including a senior fitness*
162 *program and the Women, Infants and Children Nutrition Program.*

163

164 *Over 2,000 men, women and children attend our services each week. We teach them to live*
165 *honest, righteous lives. To be good citizens. To serve others, to serve our community, and to be*
166 *charitable with their time, talent and resources. We teach them to love God and to love their*
167 *neighbors. We believe that we continue to provide a real and meaningful, and even crucial,*
168 *service to our community by simply being a church that does what it is meant to do: to be salt*

Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

5

169 *and light in our world. So, as you consider the merits of this proposed ordinance we would*
170 *simply ask that you consider the broader issue of the value that certain organizations provide to*
171 *a community and whether this added value warrants their continuing to be exempt from the*
172 *payment of taxes, including payments in lieu of taxes. There was a reason for granting tax-*
173 *exempt status to certain nonprofit organizations going back 122 years. And we would like to*
174 *believe that the City of Onalaska continues to support those reasons. Or do you believe this is a*
175 *different day and a different time? We want to be good neighbors, and we believe we are. And*
176 *we plan to continue to be good neighbors regardless of your final decision. Thank you.”*

177

178 Katie read into the record the following email dated June 24 from Karen Cartwright, 1702
179 Bernard Court, No. 1, Sparta: *“Dear Ms. Aspenson – This email is to voice my opposition to the*
180 *taxing of nonprofits’ land. If Onalaska would approve this, it would affect all of Wisconsin.*
181 *Currently I live in Monroe County, yet I am planning on moving to Onalaska. I am looking*
182 *forward to membership at the YMCA, which I pass on my way to the First Free Church we*
183 *attend. Onalaska is a financially healthy community and has no need to impose burdensome*
184 *taxation on institutions that support the community at large and bring a favorable quality of*
185 *living to the area. Please cast your vote against PILOT.”*

186

187 Katie read into the record the following email dated June 26 from Jack Sobotta, a member of
188 Rivers Harvest Church:

189

190 *“Dictionary entry overview: What does PILOT program mean?*

191 *PILOT program (noun)*

192 *The noun PILOT program has two senses:*

193

194 *1. Activity planned as a test or trial*

195 *2. A program exemplifying a contemplated series; intended to attract sponsors*

196

197 *Familiarity information: PILOT program used as a noun is rare.*

198

199 *Katie, this may sound very personal and I believe it is truly meant to be. I personally believe*
200 *that Satan is trying to use Onalaska to take away the many ways God uses to bless many people.*
201 *If the church should lose their tax-exempt status there will be many people that the church*
202 *blesses in so very many ways that will be, so to speak, left without the help of God intended for*
203 *them. Katie, in good conscience, don’t allow this to happen. Try to understand that what the*
204 *true church is is not the structure, but is all the people that worship together in this building.*
205 *Another thing is if our churches lose this tax exemption, the people in these congregations will*
206 *be double-taxed just to keep the doors open to help the people in these communities, and many*
207 *cuts will have to be made, and that will mean many people may have to leave the church and*
208 *fend for themselves, so how will the pastors be able to raise the needed funds to pay for this extra*
209 *tax burden? I know what the church has done for me and my family in a true crisis in our lives,*
210 *so I am asking the [Plan Commission] to truly consider the many good things that the church*

Reviewed 6/30/16 by Katie Aspenson

211 *does for the community. I truly believe this will be detrimental to not only this community but*
212 *the many other communities that will suffer from this tax burden.*

213
214 *I would also like to give you a personal testimony of how the church (body of believers) has*
215 *helped me to be out in the community to help those less fortunate to get the help (blessing) that*
216 *was needed to survive. My wife and I have volunteered in many areas like nursing homes and*
217 *jail ministry (31 years), and it was with the help from our church family that we were able to do*
218 *this. So please take these kind of things into consideration, for if this will suffer our churches*
219 *this tax burden, just remember the Town of Onalaska will also suffer loss. In all essence this can*
220 *be a no-brainer decision, so please consider what our great country was founded on, and do*
221 *likewise for this community. It is not the monies that make a great community, but the efforts of*
222 *the many people. This is God's plan, not man's. At the chance of sounding too Christian, also*
223 *consider these scriptures:*

224
225 *'Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt*
226 *love thy neighbor as thyself: I am the Lord.'* (Leviticus 19:18 in the King James Version of the
227 *Bible)*

228 *'It is better to trust in the Lord than to put confidence in man. It is better to trust in the Lord*
229 *than to put confidence in princes.'* " (Psalm 118: 8-9 in the King James Version of the Bible)

230
231 Cari told Katie the three-minute time limit had expired and noted she has a copy of Jack
232 Sobotta's e-mail if commission members wish to read it in its entirety.

233
234 Mayor Chilsen called three times for anyone else wishing to provide public input and closed that
235 portion of the meeting.

236
237 **Consideration and possible action on the following items:**

238
239 **Item 4 – Public Hearing: Approximately 7:00 P.M. (or immediately following Public**
240 **Input) – Consideration of an application for a Conditional Use Permit (CUP) request filed**
241 **by Todd Wiedenhaft, Lost Island Wine, LLC, 570 Theater Road, Ste. 100, Onalaska, WI**
242 **54650 and Jeff Pralle, Valley View Business Park, LLP, P.O. Box 325, Onalaska, WI 54650-**
243 **0325 to amend the Conditional Use Permit to add the extension of wine serving hours to**
244 **11:00 P.M. to be consistent with brewery serving hours in the tasting room at Lost Island**
245 **Winery at 570 Theater Road, Ste. 100, Onalaska, WI 54650 (Tax Parcel #18-4017-5)**

- 246
247 1. Conditional Use Permit Fee of \$250.00 (PAID).
248
249 2. Site Plan Permit Approval required for any exterior improvements. Building Permits
250 required for any structural modifications, electrical, plumbing or HVAC modifications.
251
252 3. No outdoor storage.

- 253
254 4. Applicant agrees to install odor mitigation measures as dictated by negative impacts to
255 adjacent land uses as required by the Land Use & Development Director or Plan
256 Commission.
257
258 5. Compliance with City Ordinance 9-2 including, but not limited to, obtaining a Discharge
259 Permit.
260
261 6. Removal of spent grain and other byproducts from the premise in a timely manner as
262 determined by the Land Use & Development Director.
263
264 7. CUP to be re-reviewed by the Plan Commission prior to onsite business expansions (i.e.,
265 packaging operations) and at the time of any significant expansions in quantities brewed
266 (either as a singular expansion or a cumulative effect).
267
268 8. Wine is allowed to be served until 11:00 P.M. in the tasting room at Lost Island Wine.
269
270 9. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
271 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
272 and improvements installed per approved plans prior to issuance of occupancy permits.
273
274 10. All conditions run with the land and are binding upon the original developer and all heirs,
275 successors and assigns. The sale or transfer of any or all portion of the property does not
276 relieve the original developer from payment of any fees imposed or from meeting any
277 other conditions.
278
279 11. Any omissions of any conditions not listed in the minutes shall not release the property
280 owner/developer from abiding by the City's Unified Development Code requirements.
281

282 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
283 Conditional Use Permit request to modify the existing CUP.
284

285 **Todd Wiedenhaft, Owner of Lost Island Wine**
286 **570 Theater Road**
287 **Onalaska**
288

289 "I certainly would speak in favor of adding a little value to our community, especially on the
290 tourism side. We do get a lot of travelers who visit our winery. And now that four weeks in
291 we've added our brewery we also have had a substantial increase in traffic due to that as well. It
292 would be nice to serve both wine and beer to customers to the same time of the night at the end
293 of the day. For us, it's adding tourism value to our community and our hotels and restaurants, as
294 well as all the other locals who like to come and visit our 'little oasis,' as Jeff [Pralle] calls it.

Reviewed 6/30/16 by Katie Aspenson

295 Thank you. I appreciate it.”

296

297 **Jeff Pralle**
298 **4026 Beverly Drive**
299 **Onalaska**

300

301 “I don’t think I need to say anything more, but I’m in favor. Thank you.”

302

303 Mayor Chilsen called three times for anyone else wishing to speak in favor of the Conditional
304 Use Permit request to modify the existing CUP and closed that portion of the public hearing.

305

306 Mayor Chilsen called three times for anyone wishing to speak in opposition to the Conditional
307 Use Permit request to modify the existing CUP and closed the public hearing.

308

309 Katie said Todd is looking to extend the existing CUP and extend wine serving hours from 9
310 p.m. to 11 p.m. Doing so would match up with Lost Island Wine’s brewery hours. Katie said
311 staff reviewed Compatibility, Consistency with the Comprehensive Plan, Importance of Services
312 to the Community, and Neighborhood Protections. Katie said staff compiled 11 conditions of
313 approval tied to the development.

314

315 Motion by Andrea, second by Ald. Muth, to approve with the 11 attached conditions an
316 application for a Conditional Use Permit (CUP) request filed by Todd Wiedenhaft, Lost Island
317 Wine, LLC, 570 Theater Road, Ste. 100, Onalaska, WI 54650 and Jeff Pralle, Valley View
318 Business Park, LLP, P.O. Box 325, Onalaska, WI 54650-0325 to amend the Conditional Use
319 Permit to add the extension of wine serving hours to 11:00 P.M. to be consistent with brewery
320 serving hours in the tasting room at Lost Island Winery at 570 Theater Road, Ste. 100, Onalaska,
321 WI 54650.

322

323 On voice vote, motion carried.

324

325 **Item 5 – Public Hearing: Approximately 7:10 P.M. (or immediately following the previous**
326 **hearing at 7:00 p.m.) – Consideration of an amendment to the Nathan Hill Estates**
327 **Subdivision Planned Unit Development (PUD) for 415-417 Coronado Circle (Lot 1 of**
328 **Certified Survey Map 1601242) and 462-468 Timbercrest Drive, submitted by Brian Miller**
329 **of Nathan Hill Estates, LLC, 1820 Tahoe Place, Onalaska, WI 54650 (Tax Parcels #18-**
330 **5955-0 & 18-5955-2)**

331

332 1. Applicant shall abide by all requirements and conditions of previous Drainage and
333 Stormwater Plan approvals and with previous subdivision, plat and PUD approvals for
334 Nathan Hill Estates.

335

336 2. Homeowner’s Association or Condominium Association will be established to address

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

9

337 maintenance, repair and replacement of Coronado Circle, the buildings including all
338 common areas and green spaces, stormwater management/easement areas, as well as any
339 ownership or use restrictions. Additionally, the Homeowner's Association document
340 shall include:

- 341
- 342 a. Annual contribution from each property for property taxes, repair and replacement
 - 343 fund;
 - 344 b. The Homeowner's Association shall reserve the right to lien each property if an
 - 345 owner defaults on such homeowner's payments due to the association; and
 - 346 c. The Homeowner's Association shall provide a statement of outstanding fees due and
 - 347 annual fees anticipated at the request of the owner or owner's realtor (collectively, the
 - 348 "City Requirements).

349

350 3. All Homeowner's Association or Condominium Association documents shall be recorded
351 with the La Crosse County Register of Deeds prior to any land transfers. The Planning
352 Department shall be provided with a copy of all Homeowner's Association or
353 Condominium Association documents intended for recording for conformation of
354 inclusion of the City Requirements. Failure to include the City Requirements shall cause
355 revocation of all permits for the development and shall cause no new permits to be
356 issued. Following recording of such documents, the recorded copies should be placed on
357 file with the City of Onalaska Planning Department. No amendment to the Homeowner's
358 Association or Condominium Association documents shall occur without a delivery of
359 the amendment to the Planning Department.

360

361 4. Submittal of a Preliminary/Final and Subdivision Plat for review and approval by the
362 Plan Commission and Common Council. All abutting property lines to be modified to
363 centerline of the Coronado Circle easement. All drainage, access and utility easements
364 shall be reflected in the plat.

365

366 5. Creation and recording of legal documents to define ownership, access easements,
367 drainage easements, utility easements (both for public water main, hydrant and private
368 service connections) and maintenance of Coronado Circle.

369

370 6. The final lift of asphalt is required for the private street known as Coronado Circle. The
371 property owner of Coronado Circle (drive) shall provide a copy of a contract for the final
372 lift of asphalt to be installed to the City Engineer. The final lift shall be installed to the
373 satisfaction of the City Engineer prior to October 15th, 2016 or prior to the final
374 occupancy of any of the units under construction on the final 6-unit building (422-424-
375 426-428-430-432 Coronado Circle), whichever is sooner.

376

377 7. Coronado Circle (drive) shall not have on-street parking on both sides. Restriction
378 should be added to the association documents.

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

10

- 379
380 8. Owner/developer must pay all fees and have all plans reviewed and approved by the City
381 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
382 and improvements installed per approved plans prior to issuance of the occupancy permit.
383
384 9. All conditions run with the land and are binding upon the original developer and all heirs,
385 successors and assigns. The sale or transfer of any or all portion of the property does not
386 relieve the original developer from payment of any fees imposed or from meeting any
387 other conditions.
388
389 10. Any omissions of any conditions not listed in the minutes shall not release the property
390 owner/developer from abiding by the City's Unified Development Code requirements.

391
392 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
393 amendment to the Nathan Hill Estates Subdivision Planned Unit Development.

394
395 Mayor Chilsen called three times for anyone wishing to speak in favor of the amendment to the
396 Nathan Hill Estates Subdivision Planned Unit Development and closed that portion of the public
397 hearing.

398
399 Mayor Chilsen called three times for anyone wishing to speak in opposition to the amendment to
400 the Nathan Hill Estates Subdivision Planned Unit Development and closed the public hearing.

401
402 Katie said this request is to review proposed changes to that Nathan Hill Estates Subdivision
403 PUD on the "center island" of Coronado Circle that is currently vacant and owned by Nathan
404 Hill Estates, LLC. The applicant is proposing the following changes:

- 405
406 • Reduce the density of the "center" parcels to allow for two twindos, a total of four units
407 in the center two parcels. Currently the property owner has approval to construct two
408 triplexes for a total of six units. Earlier in 2016, the property owner requested an increase
409 to 24 residential units, which was the original approved density. The property owner now
410 intends to reduce the overall density of Coronado Circle to 22 residential units.
411 • Modify the eastern parcel of the island to accommodate approximately 10 parking stalls
412 to serve residents in this area.

413
414 Katie noted that commission members' packets include a letter from the applicant, a proposed
415 conceptual drawing of the two twindos, and a site plan layout dated May 6, 2016 that includes
416 the layout of three six-plexes and two previously approved triplexes. The triplexes would
417 become twindos with this application. Katie also noted that the applicant had made an effort to
418 contact all the citizens who had commented at a previous Plan Commission meeting and show
419 them the plan, the letter and his intentions.

420

Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
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Tuesday, June 28, 2016

11

421 Motion by Ald. Muth, second by Andrea, to approve an amendment to the Nathan Hill Estates
422 Subdivision Planned Unit Development (PUD) for 415-417 Coronado Circle (Lot 1 of Certified
423 Survey Map 1601242) and 462-468 Timbercrest Drive, submitted by Brian Miller of Nathan Hill
424 Estates, LLC, 1820 Tahoe Place, Onalaska, WI 54650.

425
426 Andrea thanked the residents who have been involved in the process.

427
428 On voice vote, motion carried.

429
430 **Item 6 – Discussion and consideration of an amendment to the Unified Development Code**
431 **(UDC) regarding Conditional Use Permits**

432
433 Katie said commission members’ packets include both a “red-lined” and a clean copy of the
434 proposed ordinance. The list of changes includes:

- 435
- 436 • Detailed list and description of conditions that may be added to a CUP
 - 437 • Requires recording of CUP and conditions with the La Crosse County Register of Deeds
 - 438 • Description of termination of CUPs
 - 439 • Process to formally amend an existing CUP
 - 440 • Updated conditional uses in the following: Public & Semi-Public, Residential, Highway-
441 Oriented, Industrial & Agricultural, Recreational, and Special Conditional Uses

442
443 Katie welcomed feedback from the Plan Commission and said depending on what is said this
444 evening this item would come back before the commission for a public hearing at its August 23
445 meeting.

446
447 Andrea asked why a CUP and its conditions should be recorded with La Crosse County.

448
449 Katie said it is her understanding that if it is transferred upon ownership it would be found in the
450 deed search. Owners would know what uses have been allowed in the past and what conditions
451 were associated with them.

452
453 Andrea said it is her understanding that CUPs and their conditions are recorded by the city.

454
455 Katie said they are kept on file.

456
457 Jarrod said the La Crosse County Register of Deeds is the official depository for all deeds and
458 records concerning parcels. Jarrod said the cost to record something is minimal.

459
460 Paul said he agrees that it is a good idea to record a CUP and its conditions with the La Crosse
461 County Register of Deeds. However, Paul also noted that there is no provision stated for

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

12

462 removing the recorded document or recording a termination when a business terminates or when
463 it no longer is effective. Paul asked Katie to speak with City Attorney Sean O’Flaherty about
464 adding a provision that the recording will be removed or negated officially with another recorded
465 document in the future.

466
467 Skip referred to the June 21 Plan Commission Sub-Committee meeting, at which time he had
468 asked Katie to change the word “radius” to “circumference” in Section 13-5-19.

469
470 Katie said the word “circumference” appears in the clean document.

471
472 Andrea said radius and circumference are not the same, noting that radius is the distance from a
473 point.

474
475 Skip said a radius is a distance from the center to the circumference.

476
477 Andrea said a circumference is a circle that can be placed anywhere around a property and not
478 necessarily on the property itself. Andrea noted the circumference is the distance around the
479 circle and said “radius” is the appropriate term for notification.

480
481 Skip said that radius is a quantity and not a point.

482
483 Paul said he disagrees with both Skip and Andrea and suggested Section 13-5-19(4)(c) read as
484 follows: “*Such use shall not be located with 2,500 feet of another adult-oriented use.*” Paul said
485 he believes this clearly implies a straight line measurement.

486
487 Katie highlighted the following changes:

- 488
- 489 • The different types of conditions have been included under Section 13-5-10.
 - 490 • Section 13-5-10(g) lists the recording of conditional use requirements.
 - 491 • Section 13-5-11 addresses amending a Conditional Use Permit, and it also addresses both
492 minor and major modifications.
 - 493 • Section 13-5-15 (“Public and Semi-Public Conditional Uses”). Telecommunications and
494 towers are now a Conditional Use in all districts. Preschools have been included under
495 (f), and parking lots and daycares have been included under (g).
 - 496 • Home occupations have been updated under Section 13-5-16 (“Residential Conditional
497 Uses”). A home occupation shall be conducted only within the enclosed area of the
498 dwelling unit or an attached garage, and shall not exceed 25 percent of the area of any
499 floor unless determined otherwise by the Plan Commission. Tourist homes are defined as
500 a place where the entire house or limited rooms in an individual’s house are rented to
501 travelers for one or more nights, and include renting of rooms or properties through
502 internet sites.

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

13

503
504 Katie referred to (e) under Section 13-5-16, which reads “*Garden sheds no greater in size than*
505 *100 square feet in R-1 and R-2 districts,*” and said the city typically does not allow accessory
506 structures without a principal structure. Katie said there are vacant properties in the city located
507 immediately adjacent to another residential home. A citizen who owns land and does not want to
508 haul a lawn mower to a site if he/she does not live next to it might want to leave the mower in a
509 shed on the property. Katie said individuals would need to obtain a CUP to have an accessory
510 structure without a principal structure. Katie asked if this should be allowed and said that in the
511 past sheds and garages have been allowed to remain, but it was necessary to obtain a CUP and it
512 had a specific timeline as to when it needed to be removed.

513
514 Andrea referred to Section 13-5-16(d) (“Tourist Homes”) and noted it does not state that an
515 individual must live in the home. Andrea was told that a citizen could utilize an empty home as
516 a tourist home. Andrea noted that 13-5-16(e) does not say “garden sheds on vacant lots,” and
517 she said it is her understanding that a garden shed may be no larger than 10-by-10 feet.

518
519 Katie said there is currently a 20-percent accessory coverage rule, which is determined by where
520 a home is placed. Katie said there is no rear yard if someone has a vacant piece of land;
521 therefore, the city cannot tell him or her where to place an accessory structure. Katie said, “In
522 theory, we would say that you couldn’t put it any closer than your neighbor that lives beside
523 you.”

524
525 Paul said he interprets Section 13-5-16(d) to mean he would need a Conditional Use for a small
526 garden shed, but not a larger one. Paul said he is not comfortable with allowing a secondary
527 structure without a primary structure, adding that he “[does not] see a compelling reason to begin
528 allowing that.”

529
530 Andrea said she also is not comfortable with allowing a secondary structure without a primary
531 structure because she envisions some landowners constructing a shed on an empty lot and then
532 neglecting it. Andrea asked if CUPs would be required for all sheds if they are not allowed
533 without a primary structure.

534
535 Katie said sheds would be allowed as accessory structures if there is a principal structure, and
536 citizens would need to obtain a building permit.

537
538 Motion by Andrea, second by Paul, to remove the accessory structure clause in Section 13-5-
539 16(d).

540
541 On voice vote, motion carried.

542
543 Katie continued highlighting changes:

544
Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

14

- 545 • Brewpubs have been added in the B-1 District under Section 13-5-17(h), as have wineries
546 and microbreweries in both the B-2 and M-1 districts.
547 • Regional craft breweries have been added under Section 13-5-18(d). Cold storage
548 warehousing has been included under Section 13-5-18(f).
549 • A significant section has been added to under Section 13-5-19 (“Adult Oriented Uses”).
550 • Indoor rock facilities, indoor inflatable and trampoline parks, live action, real-life escape
551 and live action role playing games are allowed in the B-2 and M-1 districts under Section
552 13-5-19(b) (“Recreational Conditional Uses”).
553 • Parking lots are outright permitted.
554

555 Motion by Mayor Chilsen, second by Andrea, to move to the August 23 Plan Commission
556 meeting for public hearing consideration of an amendment to the Unified Development Code
557 (UDC) regarding Conditional Use Permits.
558

559 On voice vote, motion carried.
560

561 **Item 7 – Discussion and consideration of an amendment to the Unified Development Code**
562 **(UDC) regarding Establishment of Zoning Districts (Permitted & Conditional Uses)**
563

564 Katie said all the section headings changed due to the amendments to the CUP section of the
565 UDC and the addition of a new section. Therefore, it became necessary for staff to update the
566 Zoning Districts Section. The list of changes includes:
567

- 568 • Updated references to Conditional Uses (section number changes)
569 • Inserted R-160 Special Single-Family Residential District ordinance into the section. The
570 city has one (1) neighborhood with this zoning district, which may have been removed
571 from the UDC in error.
572 • Updated and generalized Permitted Uses in Commercial/Industrial Zoning Districts
573 • Removed/replaced confusing setback language in Zoning Districts as needed
574

575 Katie highlighted the following changes:
576

- 577 • A description of how a street yard can be averaged has been added under Section 13-2-
578 5(3)(a).
579 • Section 13-2-6 is the addition of the R-160 Special Single-Family Residential District.
580

581 Andrea asked how twindos figure into Section 13-2-6 (“R-2 Single-Family and/or Duplex
582 Residential District”).
583

584 Katie said twindos and duplexes are the same, in term of zoning, both are for 2-unit housing.
585

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

15

586 Katie continued highlighting changes:

587

- 588 • Grouping (retail stores, personal service establishments, food stores) has taken place
589 under Section 13-2-10(a) (“T-C Transitional Commercial/Business District”).

590

591 Katie asked if the Plan Commission wishes to include community gardens under Section 13-2-
592 10(a). Katie noted there is a community garden located near Mayo Clinic, and there also are
593 informal community gardens located in other sections of the city.

594

595 Paul said he is inclined not to add it.

596

597 Ald. Muth said he agrees with Paul, stating it seems illogical to require a permit from the city if a
598 group of citizens wishes to have a neighborhood garden.

599

600 Mayor Chilsen said he wishes the city had more community gardens and added he does not
601 believe the city needs to legislate this.

602

603 Motion by Andrea, second by Paul, to delete all references to neighborhood gardens in the
604 Zoning District Section of the Unified Development Code.

605

606 On voice vote, motion carried.

607

608 Katie continued highlighting changes:

609

- 610 • Uses have been grouped accordingly under Section 13-2-11(a) (“B-1 Neighborhood
611 Business District”) and Section 13-2-2(a) (“B-2 Community Business District”).

612

613 Jarrod stated he likes seeing the different uses listed in the UDC and said, “I’m not saying there
614 is any certain one that I’d be against taking in or out, but I just hate lowering the list so much that
615 you can’t tell what’s allowed.”

616

617 Paul said he approves of what Katie has done because, for example, it is impossible to list every
618 retail use.

619

620 Katie said that historically when there is a long list of uses the UDC includes a section that
621 specifically states if something is similar in nature to something that is outright permitted there is
622 flexibility.

623

624 Paul referred to Section 13-2-11(a), which reads “*The following uses, provided that they shall be*
625 *retail establishments selling and storing only new merchandise,*” and noted that bars and credit
626 unions are not retail establishments. Paul suggested either deleting “selling and storing new
627 merchandise” or simply stating “*Permitted Uses.*” Paul returned to Section 13-2-5(3)(a) (“R-1

Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**
Tuesday, June 28, 2016
16

628 Single-Family Residential District”) and asked for an example of what is meant by a street yard
629 being averaged between two abutting property street yard setbacks as determined by the
630 Inspection Department.

631
632 Katie cited the example of a vacant lot located between two lots, and one of the lots was
633 constructed prior to the city’s 25-foot setbacks – perhaps both houses are set back 21 or 22 feet.
634 Katie said a newer home “would look out of place” if no averaging occurred. Katie said this is
635 allowing to keep the neighborhood character.

636
637 Paul asked if someone would not be allowed to build to the 25-foot minimum on a vacant lot in
638 the middle if both adjacent properties had a setback of 40 feet.

639
640 Katie said the minimum states it can be 25 to 40 feet, noting this essentially allows a reduction to
641 go less, or possibly more, than what the setback is.

642
643 Paul complimented Katie for her work on the documents and suggested establishing a file for
644 items that are ambiguous. Paul also suggested bringing forward proposals for clarifications once
645 every one to two years.

646
647 Motion by Andrea, second by Paul, to move to the August 23 Plan Commission meeting for
648 public hearing consideration of an amendment to the Unified Development Code (UDC)
649 regarding Establishment of Zoning Districts (Permitted & Conditional Uses).

650
651 On voice vote, motion carried.

652
653 **Item 8 – Review and Consideration of a Certified Survey Map (CSM) submitted by Tyler**
654 **Edwards on behalf of Menard, Inc. Properties, 5101 Menard Drive, Eau Claire, WI 54703,**
655 **to merge six (6) parcels and reconfigure four (4) parcels (26.99 acres) at 1301 Sand Lake**
656 **Road/County Road S/902 Club Road, Onalaska, WI 54650 (Tax Parcels #18-4525-10, 18-**
657 **4523-12, 18-4523-13, 18-4523-21, 18-4523-22 & 18-4523-23)**

- 658
659 1. CSM Fee of \$75.00 + \$10.00 per lot x 4 lots = \$115.00 (PAID).
660
661 2. Green Fee of \$638.47 for new lots. Green Fee to be paid prior to issuance of a building
662 permit on vacant land.
663
664 3. Recorded copy of Final CSM to be submitted to City Engineering Department.
665
666 4. New lot pins required. Intermediate lot stakes required for all lots over 150’ in depth.
667
668 5. CSM shall note all easements (water, sewer, access, etc.).
669
670 6. Any future improvements to these parcels will be subject to additional City permits (i.e.,

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

17

671 building permits, zoning approvals).

672

673 7. All conditions run with the land and are binding upon the original developer and all heirs,
674 successors and assigns. The sale or transfer of any or all portion of the property does not
675 relieve the original developer from payment of any fees imposed or from meeting any
676 other conditions.

677

678 Katie noted that properties within 250 feet of the properties in question include a variety of
679 commercial businesses, U.S. Highway 53, Sand Lake Road and vacant land. The
680 Comprehensive Plan identifies this area as Commercial. This district is intended to
681 accommodate large- and small-scale commercial and office development. Katie said Menards,
682 Inc. has six parcels and the primary store, lumber center, accessory structure and driveways cross
683 all the parcels. The intention of the lot reconfiguration is to have the entire Menards store and
684 associated development to be on a single parcel, and to create three vacant parcels for future
685 development opportunities.

686

687 Motion by Paul, second by Skip, to approve with the seven listed conditions a Certified Survey
688 Map (CSM) submitted by Tyler Edwards on behalf of Menard, Inc. Properties, 5101 Menard
689 Drive, Eau Claire, WI 54703, to merge six (6) parcels and reconfigure four (4) parcels (26.99
690 acres) at 1301 Sand Lake Road/County Road S/902 Club Road, Onalaska, WI 54650.

691

692 Paul asked Jarrod if he sees any engineering-related complications.

693

694 Jarrod said the CSM included in commission members' packets is the final version, noting that
695 staff had been provided copies of a map that included water main easements. Jarrod said the
696 water main easement is for the water services that go into the lots and they will not be crossing
697 someone else's property.

698

699 Skip asked Katie if rezoning changes will be necessary.

700

701 Katie said it is a combination of the M-2 zoning district and the M-1 zoning district. Katie said
702 some of the lots will be split zoned after the CSM is approved. Therefore, staff will need to
703 work with the applicant to update the rezoning accordingly.

704

705 Andrea inquired about the location of the driveway accesses.

706

707 Jarrod said he assumes the applicant will record cross lot easements. Jarrod said that at the time
708 of development the owner will request driveways through the site plan permit. They will be
709 evaluated on a need-to basis. Jarrod noted that Lot 1 came in for a development in
710 approximately 2006 and said the Engineering Department denied a driveway to Riders Club
711 Road. Instead, a "right-in, right-out" was allowed.

712

713 On voice vote, motion carried.

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Item 9 – Review and Consideration of a Certified Survey Map (CSM) submitted by Gregory Collins, Axley Brynelson, LLP, 2 E. Mifflin Street, Ste. 200, Madison, WI 53703 on behalf of Moeller Properties II, LLC, 5100 Park Boulevard East, Ste. 120, Madison, WI 53718 and Paul Robinson, 4133 Kinney Coulee Road North, Onalaska, WI 54650 to reconfigure two (2) parcels (16.09 acres) at 4101 Kinney Coulee Road North & 4133 Kinney Coulee Road North, Onalaska, WI 54650 (Tax Parcels #18-3402-1 & 18-3403-0)

1. CSM Fee of \$75.00 + \$10.00 per lot x 2 lots = \$95.00 (NOT PAID).
2. Green Fee of \$638.47 for new lots. Green Fee to be paid prior to issuance of a building permit on vacant land.
3. Recorded copy of Final CSM to be submitted to City Engineering Department.
4. New lot pins required. Intermediate lot stakes required for all lots over 150' in depth.
5. CSM shall note all easements.
6. Property owner to submit a City of La Crosse approval letter for connection to City of La Crosse sanitary sewer to City Engineer.
7. Property owner to obtain WisDOT approval letter for any drainage onto WisDOT right-of-way.
8. Property owner to obtain La Crosse County approval letter for any proposed work in drainage/access easement.
9. Kinney Coulee Road North abutting Lot 1 to be brought up to City standards.
10. If at any point in the future the City reconstructs Kinney Coulee Road North or extends sewer, owner may be special assessed.
11. Any future improvements to these parcels will be subject to additional City permits (i.e., building permits, zoning approvals).
12. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of any or all portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.

Katie noted that properties within 250 feet of the properties in question include a variety of
Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

19

756 commercial/industrial businesses in the La Crosse Industrial Park, La Crosse County Landfill,
757 residential and agricultural land. The Comprehensive Plan identifies this area as Commercial.
758 Katie said the purpose of the CSM is to add additional land to 4101 Kinney Coulee Road North,
759 which is owned by Moeller Properties II, LLC. Katie noted she had distributed to commission
760 members an updated version of the CSM.

761
762 Jarrod noted that North Kinney Coulee Road has an existing 8-inch water main along it from the
763 La Crosse Landfill Complex. Jarrod said the City of La Crosse sanitary sewer serves down to
764 the city limit line and noted that the developer will connect into a manhole to provide sanitary
765 sewer service for Lot 1. The developer will need to obtain a letter from the Wisconsin
766 Department of Transportation regarding stormwater because it will be necessary to pond water
767 on site. Jarrod described Condition Nos. 9 and 10 as being “one in the same,” noting that the
768 pavement structure (2 inches of asphalt) on North Kinney Coulee Road will not be adequate to
769 carry the loading of what is being proposed at this site (truck dealership). Jarrod said there must
770 be a discussion regarding how to address street improvements. Jarrod referred to Condition No.
771 9 and suggested that if the developer is required to bring the road up to city standards it be
772 deferred until the time of development. Jarrod said the city would special assess the road back if
773 it reconstructs the road. Jarrod predicted that the roadway likely would hold for the building of
774 the site, but it ultimately must be repaired.

775
776 Paul expressed reluctance over addressing this as part of a land division because the Plan
777 Commission will be deciding whether to approve a change in boundaries of the land. Paul noted
778 that the Plan Commission is not addressing any future use and suggested that this should be
779 addressed at the time of approval for a particular project rather than simply dividing the land.
780 Paul said he would prefer to see Condition Nos. 9 and 10 removed “because to me we’re looking
781 at, is a land division something we’re going to approve? And it’s still vacant land.”

782
783 Jarrod said it is his duty as City Engineer to inform the Plan Commission that he does not believe
784 the road is adequate, noting the code reads that the infrastructure must be brought up to
785 improvement when there is a land subdivision. Jarrod said he agrees that requirements may be
786 made or the roadway may be assessed back during the site plan process. Jarrod said he would
787 not object to deleting Condition No. 9; however, he said he wants to retain Condition No. 10.

788
789 Andrea noted that it is one lot and portions of it are not up to code.

790
791 Jarrod said the road is adequate if someone constructs one residential home on the lot.

792
793 Paul said it is his understanding that there are two lots located north of the highway and the
794 proposal is to move the boundary between them.

795
796 Katie told Paul he is correct.

797

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

20

798 Paul said he approves of deleting Condition No. 9 and retaining Condition No. 10 because
799 “improving the road affects both sides.” Paul also asked if Paul Robinson has recently sold the
800 south side.

801

802 **Gregory Collins**
803 **2 East Mifflin Street, Suite 200**
804 **Madison**

805

806 “In terms of the ownership of the land to the south, I think there are about 6 or 7 acres just south
807 of Paul Robinson’s property. That is owned by my client. I don’t know how far down it goes on
808 the south side, but it’s about 6 or 7 acres that my client acquired a number of years ago.”

809

810 Paul asked Gregory if his client owns the proposed new Lot 1.

811

812 Gregory said yes.

813

814 Paul asked if Paul Robinson will be retaining the proposed new Lot 2.

815

816 Gregory said yes.

817

818 Motion by Jarrod, second by Skip, to delete Condition No. 9 from a Certified Survey Map
819 (CSM) submitted by Gregory Collins, Axley Brynelson, LLP, 2 E. Mifflin Street, Ste. 200,
820 Madison, WI 53703 on behalf of Moeller Properties II, LLC, 5100 Park Boulevard East, Ste.
821 120, Madison, WI 53718 and Paul Robinson, 4133 Kinney Coulee Road North, Onalaska, WI
822 54650 to reconfigure two (2) parcels (16.09 acres) at 4101 Kinney Coulee Road North & 4133
823 Kinney Coulee Road North, Onalaska, WI 54650.

824

825 On voice vote, motion carried.

826

827 Paul asked Jarrod where the road ends that is approved to full city standards.

828

829 Jarrod said it ends at the city limit line. Jarrod said the City of La Crosse likely went 200 feet
830 past the city limit line bringing the road down from 43 feet in width to 24 feet in width.

831

832 Paul asked if the improvement must begin further west when the section of road that abuts the
833 properties is improved.

834

835 Jarrod said the improvement would begin at the westerly lot line of Lot 1 at the city limit line.

836

837 Paul said it might be logical to straighten out the road as a frontage road.

838

839 Motion by Skip, second by Andrea, to approve with 11 conditions a Certified Survey Map

Reviewed 6/30/16 by Katie Aspenson

**Plan Commission
of the City of Onalaska**

Tuesday, June 28, 2016

21

840 (CSM) submitted by Gregory Collins, Axley Brynelson, LLP, 2 E. Mifflin Street, Ste. 200,
841 Madison, WI 53703 on behalf of Moeller Properties II, LLC, 5100 Park Boulevard East, Ste.
842 120, Madison, WI 53718 and Paul Robinson, 4133 Kinney Coulee Road North, Onalaska, WI
843 54650 to reconfigure two (2) parcels (16.09 acres) at 4101 Kinney Coulee Road North & 4133
844 Kinney Coulee Road North, Onalaska, WI 54650.

845

846 On voice vote, motion carried.

847

848 **Adjournment**

849

850 Motion by Ald. Muth, second by Andrea, to adjourn at 8:23 p.m.

851

852 On voice vote, motion carried.

853

854

855 Recorded by:

856

857 Kirk Bey