

**Plan Commission
of the City of Onalaska**
Tuesday, August 23, 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, August 23, 2016. 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. Bob Muth,
6 City Engineer Jarrod Holter, Paul Gleason, Skip Temte, Craig Breitsprecher, Andrea Benco

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

10
11 Excused Absence: Jan Brock

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

14
15 Motion by Andrea, second by Ald. Muth, to approve the minutes from the previous meeting as
16 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 and consideration of an amendment to Title 13, Part 9, Chapter 3,**
28 **Section 50-61 of the Unified Development Code (UDC) regarding the City of Onalaska-**
29 **Airport Overlay Zoning District Ordinance**

30
31 Katie told the commission that the La Crosse City Council had amended its Airport Overlay
32 Zoning District Ordinance in July, and she said the City of Onalaska has the responsibility to
33 administer and enforce that ordinance within Onalaska municipal limits. This excludes variance
34 requests, which are heard by the City of La Crosse’s Board of Zoning Appeals. Katie said the
35 city must adopt a new Airport Overlay Zoning District in order to continue administering and
36 enforcing the ordinance as approved by the City of La Crosse.

37
38 Katie noted there are four key changes:

- 39
40
 - The Airport Height Zoning District elevations will be tied to “contour elevations” instead
41 of “cells” for more precise elevation limitations.
 - Allows for an increase of up to 10 feet above height limitations, provided a permit is

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43 obtained.

- 44 • Provides clarification of when permits are required for development in certain instances.
45 • Refers to and requires the Federal Aviation Administration’s requirements for marking
46 and lighting per the current version of Advisory Circular 70-7460 – Obstruction Marking
47 and Lighting.

48

49 Katie said that as new applications are received the City of Onalaska will continue to partner
50 with both the City of La Crosse and the La Crosse Regional Airport to ensure that each entity
51 fact-checks the other and everyone is in agreement as new development comes forward.

52

53 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of an
54 amendment to Title 13, Part 9, Chapter 3, Section 50-61 of the Unified Development Code
55 (UDC) regarding the City of Onalaska-Airport Overlay Zoning District Ordinance.

56

57 Mayor Chilsen called three times for anyone wishing to speak in favor of an amendment to Title
58 13, Part 9, Chapter 3, Section 50-61 of the Unified Development Code (UDC) regarding the City
59 of Onalaska-Airport Overlay Zoning District Ordinance and closed that portion of the public
60 hearing.

61

62 Mayor Chilsen called three times for anyone wishing to speak in opposition to an amendment to
63 Title 13, Part 9, Chapter 3, Section 50-61 of the Unified Development Code (UDC) regarding the
64 City of Onalaska-Airport Overlay Zoning District Ordinance and closed the public hearing.

65

66 Motion by Paul, second by Andrea, to approve an amendment to Title 13, Part 9, Chapter 3,
67 Section 50-61 of the Unified Development Code (UDC) regarding the City of Onalaska-Airport
68 Overlay Zoning District Ordinance.

69

70 Skip referred to the land use section and noted it states that wildlife conservation areas are not
71 allowed. Skip asked if the Mississippi Flyway Wildlife of the federal government located in
72 zones B-1, B-2 and B-3.

73

74 Katie told Skip she is unable to answer his question this evening.

75

76 Skip said, “I don’t think it really concerns us. I was just pointing out there seems to be a conflict
77 in what they’ve written [compared] to what reality exists.”

78

79 Katie promised to speak with City of La Crosse and La Crosse Regional Airport representatives
80 and report to the Common Council at its September 13 meeting if there are questions.

81

82 On voice vote, motion carried.

83

84

85 **Item 5 – Public Hearing and consideration of an amendment of Chapter 5 of the Unified**
86 **Development Code (UDC) section regarding Conditional Use Permits**

87
88 Katie noted this is the second time the Plan Commission has seen the modified ordinance and
89 said the following list of changes have been made to the section:

- 90
91
- 92 • Detailed list and description of conditions that may be added to a Conditional Use Permit.
 - 93 • May require recording of Conditional Use Permit and conditions with the La Crosse
94 County Register of Deeds (as determined by Plan Commission). If it is deemed as
95 necessary, the Plan Commission would add a Condition of Approval and the city would
96 collect the amount of money it would take to record and also to terminate and have it as a
97 Conditional of Approval.
 - 98 • Description of termination of Conditional Use Permits.
 - 99 • Process to formally amend an existing Conditional Use Permit.
 - 100 • Updated Conditional Uses in the following: Public & Semi-Public, Residential, Highway-
101 Oriented, Industrial & Agricultural, Recreational, and Special Conditional Uses.

102 Katie noted that “Bed and Breakfasts” has been updated, but the updates are more in particular to
103 the zones in which it is allowed. It was previously allowed in only one commercial district, and
104 it has been expanded to be allowed in all commercial districts where it may be deemed
105 appropriate in obtaining a CUP. Katie said food-related businesses have been added to the P-1
106 District, and she cited the example of a school having a concession stand. Katie said schools are
107 not businesses, but they may obtain a CUP for fundraising efforts. Katie also said a CUP could
108 be obtained if the city wishes to have a food truck (either mobile or stationary) at the Great River
109 Landing.

110
111 Katie also noted that a variance request had come forward within the last month to allow the
112 conversion of commercial space to multifamily units, and she pointed out that the city’s
113 ordinance does not allow this to happen. Katie also pointed out that the ordinance is supposed to
114 promote mixed-use development. The ordinance does allow multifamily in a mixed-use district
115 to become commercial, but not the opposite. Katie said, “What we have done is we have it
116 written in to allow adding multifamily units to existing mixed-use development in the B-1, B-2,
117 TC and M-1 districts with a Conditional Use Permit, and in the Residential conditional use
118 section of the code. And then also to allow the Plan Commission to determine the minimum
119 green space requirement. This would only be for additional for existing businesses. There are a
120 variety of mixed-use developments, some very near to City Hall, that have no green space at all.
121 If we’re going to continue to ask our residents to invest in their businesses and if we want them
122 to make the highest and best-use decision, that might be something for consideration. If we
123 allow everything else but multifamily and we’re trying to promote mixed use development along
124 our major corridors and in our downtown, this is one step to allow that to happen.”

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126 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of an
127 amendment of Chapter 5 of the Unified Development Code (UDC) section regarding Conditional
128 Use Permits.

129
130 Katie read into the record the following email from Ben Thorud, whose request for a variance to
131 convert existing commercial space into four efficiency apartments, to obtain a waiver from the
132 requirement 45 percent green space standard required for buildings with eight units, was denied
133 by the Board of Zoning Appeals on August 18: *“Katie, I hope you had a great weekend and
134 again, thanks for the education and time over the last three weeks. I understand this upcoming
135 Tuesday there is a meeting to discuss some proposed changes with how the Zoning Code for
136 multifamily – or more specifically, the repurposing of commercial to multifamily – may work.
137 While I cannot attend this week’s meeting, I do want to let you know that I would definitely
138 support the potential changes that were discussed briefly with the Board of Zoning Appeals on
139 August 18. For us, converting commercial space to multifamily while keeping the overall
140 building mixed use yet will be good for the residents and the City of Onalaska. Thanks in
141 advance.”*

142
143 Mayor Chilsen called three times for anyone else wishing to speak in favor of an amendment of
144 Chapter 5 of the Unified Development Code (UDC) section regarding Conditional Use Permits
145 and closed that portion of the public hearing.

146
147 Mayor Chilsen called three times for anyone wishing to speak in opposition to an amendment of
148 Chapter 5 of the Unified Development Code (UDC) section regarding Conditional Use Permits
149 and closed the public hearing.

150
151 Motion by Craig, second by Andrea, to approve an amendment of Chapter 5 of the Unified
152 Development Code (UDC) section regarding Conditional Use Permits.

153
154 Skip referred to Section 13-5-14, which includes Bed & Breakfasts, and noted there is no
155 mention of Airbnb (vacation homes for rent).

156
157 Katie told Skip that Airbnb is listed under the sections referring to tourist homes. Katie noted
158 that Airbnb is regulated differently than a bed and breakfast.

159
160 Paul referred to Section 13-5-17 (“Highway-Oriented Conditional Uses”), Item ‘g,’ which states
161 *“Any development within 500 feet of the existing or proposed rights-of-way of freeways,
162 expressways, interstate and controlled access traffic ways and within 1,500 feet of their existing
163 or proposed interchange or turning lane rights-of-way may be permitted as a conditional use.”*
164 Paul asked if this means that any development that occurs within the aforementioned distances
165 has to be specifically approved as a conditional use.

166
167 Katie said this section of the ordinance was not modified and told Paul it can be changed.

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168
169 Paul said, “We haven’t abided by that. Fifteen hundred feet is almost a third of a mile. If we’re
170 saying absolutely any development within 1,500 feet of an interchange has to be permitted only
171 as a conditional use, that’s a lot of property. Number one, we haven’t been abiding by it and
172 number two, it’s an incredibly onerous provision.”

173
174 Mayor Chilsen said, “If we’re not enforcing it we should get rid of it. If we’re going to keep it,
175 we should enforce it.”

176
177 Motion by Paul, second by Skip, to amend the previous motion and delete Section 13-5-17(g) of
178 Chapter 5 of the Unified Development Code.

179
180 Craig said, “On the face of it, it looks like Paul has made a good point, but I want to make sure
181 we’re not missing something here.”

182
183 Andrea noted there are interchanges located by Farm & Fleet and on State Trunk Highway 35.

184
185 Paul said there are four and noted it would cover where United States Highway 53 and Sand
186 Lake Road meet, and also where U.S. Highway 53 and County Trunk Highway OT meet at the
187 north end of the city.

188
189 Craig said, “What concerns me most is that it’s five city blocks. ... That seems a little much.”

190
191 Paul said Katie could confer with legal counsel and determine if there is something the Plan
192 Commission is not taking under consideration if the amendment to the motion passes. Paul
193 added, “It could always be brought back in at the [Common] Council [meeting on September
194 13].”

195
196 Andrea said, “It doesn’t say we can’t develop it. It just says we have to do it with a CUP. I
197 suspect that has to do with line of sight issues and maybe drainage and right-of-way issues. It’s
198 not that we can’t do it.”

199
200 Jarrod said he agrees with Paul in that another layer is being added to the zoning codes that apply
201 to these circumstances. Jarrod noted many of the items would be included in a site plan review
202 or through the regular Zoning Code.

203
204 Craig cited the example of Sand Lake Road and asked Jarrod what provisions are in place that
205 allow the city flexibility in terms of where developments may occur in relation to the
206 aforementioned intersections.

207
208 Jarrod noted that Interstate 90 and the expressways all have controlled access and said neither the
209 city nor the Wisconsin Department of Transportation would allow driveways without a review.

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210 Jarrod noted that this is addressed in other locations of the code and said, “The way I see this,
211 this is almost built in as a failsafe that you have control of anything happening within an
212 interchange. You ultimately have to approve anything within that distance of the interchange to
213 have oversight over what would be put in at that location because it’s such an important feature
214 of the community. But I would say that these distances are so large. There are high
215 development patterns in these areas that every one of these is going to be coming in for a
216 Conditional Use Permit. You’re going to be delaying a lot of development, and unnecessarily.
217 Hopefully you have enough items in other parts of the Zoning Code and with our site plan
218 permitting process that we review items thoroughly via other methods besides just blankly
219 making a Conditional Use Permit application. I guess that’s where I come back to we have other
220 methods that we do enough review within the city. If we didn’t have any site plan review or
221 other items that we do, then maybe you would want to have everybody come in for a Conditional
222 Use Permit. But I think that we do those things with other avenues.”

223
224 Paul said he believes that there would be hundreds of single-family homes that each would
225 require a CUP if this were enforced literally.

226
227 Katie said residential uses do not allow highway-oriented conditional uses and noted that only
228 certain zoning districts refer to this section.

229
230 Paul said he agrees with Jarrod in that there are several other methods and reviews that
231 something undergoes. Paul said he still favors removing Section 13-5-17(g) and obtaining input
232 from legal counsel.

233
234 Jarrod said the properties located by Interstate 90 are zoned M-1, meaning that the entire area
235 would fall under this provision.

236
237 Vote on the amendment:

238
239 On voice vote, motion carried.

240
241 Katie asked if the Plan Commission wishes to discuss the allowance of food businesses in the P-
242 1 District.

243
244 Andrea complimented Katie for adding it.

245
246 Paul said he supports adding it.

247
248 Katie asked if the Plan Commission wishes to discuss the multifamily unit conversion.

249
250 Andrea asked why the Board of Zoning Appeals had denied Ben Thorud’s request for a variance.

251
Reviewed 8/25/16 by Katie Aspenson

252 Katie said the variance states that one must meet five statutory requirements, including specific
253 physiographical hardships of the land must prevent someone from doing what he/she wishes so
254 he/she obtains the smallest variance possible. Katie said the desire to convert commercial to
255 residential is not a valid reason to give one a variance. Katie also noted that there was 35.6
256 percent green space on site and said it would have been necessary to remove parking so that
257 additional green space could be gained. Katie said Ben's arguments to do so were not
258 necessarily found to be hardship. Katie also said Ben plans to come forward if the ordinance is
259 adopted as such to ask for this specific CUP.

260

261 Craig, who also sits on the Board of Zoning Appeals, said he believes the board likely would
262 have been inclined to grant Ben's appeal if it could have found a way around some of the criteria
263 it is required to utilize for evaluation. Craig said he believes Ben will be able to do some of the
264 things he wishes to do, with input from the Plan Commission, by bringing his request forward to
265 the commission.

266

267 Katie said one of the criteria of a variance is there should be a change to the Zoning Code if it is
268 more favorable to do so.

269

270 Vote on the original motion, as amended:

271

272 On voice vote, motion carried.

273

274 **Item 6 – Public Hearing and consideration of an amendment of Chapter 2 of the Unified**
275 **Development Code (UDC) regarding Establishment of Zoning Districts (Permitted &**
276 **Conditional Uses)**

277

278 Katie noted this is the second time this item has been reviewed by the Plan Commission and said
279 a general list of changes includes:

280

- 281 • Updated references to Conditional Uses (section number changes).
- 282 • Inserted R-160 Special Single-Family Residential District ordinance into the section. The
283 city has one (1) neighborhood with this zoning district, which was removed from the
284 Unified Development Code in error.
- 285 • Updated and generalized permitted uses in Commercial/Industrial Zoning Districts.
- 286 • Removed/replaced confusing setback language in zoning districts as needed.

287

288 Katie noted that verbiage was changed in TC, B-1, B-2, M-1 and M-3 to state that existing
289 residences are to comply with provisions of R-2 or R-4 residential district requirements,
290 excluding green space. This means that if a house is not zoned Residential, a homeowner still
291 must follow the setbacks of Residential even though a house might be zoned Commercial or
292 Industrial. If a house is removed, then a homeowner must follow the rules of the zoning district
293 as it applies. Katie said the same standards apply for R-4 development, where one must follow

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294 the rules of the R-4 district even though a structure might not be zoned multifamily. Katie said
295 the green space requirement also was excluded because there are properties scattered throughout
296 the city that have no green space and were grandfathered in. Katie asked that the Plan
297 Commission make a motion to make the same change to the M-2 District. Katie also noted that
298 there is a minimum square footage of 500 square feet for a dwelling in the R-4 District and said
299 that is in direct opposition to other codes within the building codes that have specific state
300 standards stating the required square footage for a room. Katie said giving a flat number does
301 not necessarily correspond to what the State of Wisconsin has mandated and what the City of
302 Onalaska's Building Code mandates. Katie asked that that section be removed because other
303 codes already govern it.

304

305 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of an
306 amendment of Chapter 2 of the Unified Development Code (UDC) regarding Establishment of
307 Zoning Districts (Permitted & Conditional Uses).

308

309 Mayor Chilsen called three times for anyone wishing to speak in favor of an amendment of
310 Chapter 2 of the Unified Development Code (UDC) regarding Establishment of Zoning Districts
311 (Permitted & Conditional Uses) and closed that portion of the public hearing.

312

313 Mayor Chilsen called three times for anyone wishing to speak in opposition to an amendment of
314 Chapter 2 of the Unified Development Code (UDC) regarding Establishment of Zoning Districts
315 (Permitted & Conditional Uses) and closed the public hearing.

316

317 Motion by Paul, second by Skip, to approve an amendment of Chapter 2 of the Unified
318 Development Code (UDC) regarding Establishment of Zoning Districts (Permitted &
319 Conditional Uses).

320

321 Motion by Paul, second by Andrea, to amend the previous motion and delete Section 13-2-8(c)
322 ("Property Development Regulations") '1c' ("Building Area"), and edit Section 13-2-15 ("M-2
323 Industrial District") (a) ("Permitted Uses") '15' to state: "Existing residences shall comply with
324 the provisions of the R-2 and R-4 Residential Districts (excluding green space requirements)."

325

326 Vote on the amendment:

327

328 On voice vote, motion carried.

329

330 Vote on the original motion, as amended:

331

332 On voice vote, motion carried.

333

334

335

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336 **Adjournment**

337

338 Motion by Andrea, second by Craig, to adjourn at 7:41 p.m.

339

340 On voice vote, motion carried.

341

342

343 Recorded by:

344

345 Kirk Bey