

**Plan Commission
of the City of Onalaska**
Tuesday, April 26, 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, April 26, 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, Jan Brock, Skip Temte, Craig Breitsprecher, Andrea Benco

7
8 Also Present: City Clerk Cari Burmaster, Interim Land Use and Development Director Katie
9 Aspenson, City Attorney Sean O’Flaherty

10
11 Excused Absence: Paul Gleason

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

14
15 Motion by Skip, second by Craig, to approve the minutes from the previous meeting as printed
16 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 for anyone wishing to provide public input.

23
24 **Rich Gillette, Root River Racing Representative**
25 **1922 Maplewood Place**
26 **Onalaska**

27
28 “I’m here for Item No. 6. I’ll be leasing the building that Wieser Brothers, Incorporated will be
29 putting up, and I will be able to answer any questions as per the purpose or the use of the
30 building.”

31
32 Mayor Chilsen called three times for anyone else wishing to provide public input and closed that
33 portion of the meeting.

34
35 **Consideration and possible action on the following items:**

36
37 **Item 4 – Public Hearing: Approximately 7:00 P.M. (or immediately following Public**
38 **Input) – Consideration of a Conditional Use Permit request filed by the City of Onalaska**
39 **for City & Wisconsin Department of Natural Resources (WDNR)-owned parcels along**
40 **Irvin Street, 1st Avenue, and 2nd Avenue South (State Road 35) to construct the Great River**
41 **Landing (Tax Parcels #18-1-0, 18-9-100, 18-6-0, 18-15-0, 18-20-1, 18-19-0, 18-16-0, 18-18-0,**
42 **18-2-2).**

- 43
44 1. Contingent upon finalization of Public & Semi-Public rezoning designation.
45
46 2. Any future improvements to this parcel will be subject to additional City permits.
47
48 3. Owner shall have all plans reviewed and approved by the City prior to obtaining a
49 building permit. Owner must have all conditions satisfied and improvements installed
50 per approved plans prior to issuance of occupancy permits.
51
52 4. All conditions run with the land and are binding upon the original developer and all heirs,
53 successors and assigns. The sale or transfer of any or all portion of the property does not
54 relieve the original developer from payment of any fees imposed or from meeting any
55 other conditions.
56
57 5. Any omissions of any conditions not listed in committee minutes shall not release the
58 property owner/developer from abiding by the City's Unified Development Code
59 requirements.
60

61 Katie said the City of Onalaska and the Wisconsin Department of Natural Resources own the
62 land within the CUP request. Parks are outright permitted in the P-1 District; however,
63 structures require CUPs according to Section 13-5-18. Katie said the property is in the process
64 of being rezoned to the P-1 District. Katie said the following decision criteria were utilized to
65 review the submitted conditional use:
66

- 67 • **Compatibility:** Section 13-5-18 of the City of Onalaska Code of Ordinances
68 conditionally permits recreational conditional uses, which in this case is the Great River
69 Landing Trailhead Facility. Properties located within 250 feet include residential
70 dwellings, commercial businesses, a utility substation, railroad property and parkland.
- 71 • **Consistency with Comprehensive Plan:** This area is designated as Parks & Open Space
72 and Downtown Mixed Use District. These districts are intended to include
73 environmentally sensitive areas such as wetlands, steep slopes and floodplains, publically
74 owned recreation facilities and other permanently protected open spaces.
- 75 • **Importance of Services to the Community:** According to Chapter 10
76 (“Implementation”) of the 2015 Comprehensive Plan, a goal is to “*continue to maintain a*
77 *community-wide park and recreation system that provides high quality facilities to fulfill*
78 *the expanding needs of the community.*” An associated strategy is to “*continue to*
79 *implement the Great River Landing Plan.*” The purpose of the CUP application is to
80 facilitate the construction of the Great River Landing, which will provide safe and
81 accessible access to the waterfront with clear connectivity to downtown and Main Street.
- 82 • **Neighborhood Protections:** This project has routinely been reviewed by the public,
83 Great River Landing Committee, Community Development Authority and the Common
84 Council in terms of design, use and safety. The City will be responsible for maintenance

85 and upkeep of the Great River Landing Trailhead Facility and the remainder of the site,
86 including paved walks, plaza area and vegetated areas.

- 87 • **Conformance with Other Requirements of City/State Ordinances/Statutes:** The city
88 will abide by all required ordinances/statutes as necessary associated with building the
89 Great River Landing.

90

91 Katie said staff recommends the attached five conditions if the Plan Commission approves the
92 CUP.

93

94 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
95 CUP request.

96

97 Mayor Chilsen called three times for anyone wishing to speak in favor of the CUP request and
98 closed that portion of the public hearing.

99

100 Mayor Chilsen called three times for anyone wishing to speak in opposition to the CUP request
101 and closed the public hearing.

102

103 Motion by Andrea, second by Craig, to approve with the five attached conditions a Conditional
104 Use Permit request filed by the City of Onalaska for City & Wisconsin Department of Natural
105 Resources (WDNR)-owned parcels along Irvin Street, 1st Avenue, and 2nd Avenue South (State
106 Road 35) to construct the Great River Landing.

107

108 Skip noted that most of the maps he has seen refer to the lower road as Front Street rather than
109 First Avenue and asked about the street's official name.

110

111 Jarrod said it has been platted as First Avenue.

112

113 On voice vote, motion carried.

114

115 **Item 5 – Public Hearing: Approximately 7:10 P.M. (or immediately following the previous**
116 **hearing at 7:00 p.m.) – Consideration of a Conditional Use Permit request filed by Mike**
117 **Gavin, 2902 Wildrose Lane, Onalaska, WI 54640 on behalf of Jeannette Moe, W8206 Main**
118 **Street, Holmen, WI 54636 for the purpose of allowing three (3) structures on a single parcel**
119 **at 1605, 1613, 1621 & 1637 Main Street, Onalaska (Tax Parcels #18-728-2, 18-728-0 & 18-**
120 **727-1).**

121

122 1. Contingent upon finalization of Transitional Commercial (T-C) District rezoning
123 designation.

124

125 2. Tax Parcels #18-728-2, 18-728-0, and 18-727-1 shall be combined into one (1) parcel.

126 Contact La Crosse County Land Records Department to complete this condition. Parcel

- 127 modification to be completed prior to issuance of building permit.
128
129 3. Green Fee of \$638.47/acre to be paid to the City prior to obtaining a building permit.
130 \$638.41 * .62 acre = \$395.81 dollars.
131
132 4. Any future improvements to this parcel will be subject to additional City permits and fees
133 (i.e., site plan, building permits).
134
135 5. Owner shall have all plans reviewed and approved by the City prior to obtaining a
136 building permit. Owner must have all conditions satisfied and improvements installed
137 per approved plans prior to issuance of occupancy permits.
138
139 6. All conditions run with the land and are binding upon the original developer and all heirs,
140 successors and assigns. The sale or transfer of any or all portion of the property does not
141 relieve the original developer from payment of any fees imposed or from meeting any
142 other conditions.
143
144 7. Any omissions of any conditions not listed in committee minutes shall not release the
145 property owner/developer from abiding by the City's Unified Development Code
146 requirements.
147

148 Katie said that in 2004 the applicant had the east adjacent properties rezoned to Transitional
149 Commercial to facilitate the dental and office uses in existence today at 1621 and 1637 Main
150 Street. The applicant intends to continue the same style of development on the properties
151 currently under review with a new professional office where a residence and garden are currently
152 located. The three parcels in question will be merged together to form a single parcel that will
153 have a total of three principal structures. Katie said the applicant intends to continue the same
154 type of development in terms of use and the design of the features. The following decision
155 criteria were utilized to review the submitted conditional use:
156

- 157 • **Compatibility:** The sites are located west of the intersection of Main Street at 17th
158 Avenue North. Properties within 250 feet of the properties in question include a variety
159 of residential dwellings and commercial businesses.
- 160 • **Consistency with Comprehensive Plan:** This area is identified as Mixed Use District
161 Smart Growth Area. This district allows complementary land uses including housing,
162 retail, offices, commercial services and civic uses in an efficient compact development.
- 163 • **Importance of Services to the Community:** Chapter 8 ("Economic Development")
164 Goal 4, Objective 2 states: "*By encouraging reinvestment, redevelopment and infill*
165 *development on vacant or underutilized land in the downtown business district and using*
166 *cluster and node development concepts for infill development along key corridors.*" This
167 project is both a redevelopment and an infill development occurring in a clustered
168 development pattern along Main Street – a key corridor in Onalaska.

- 169 • **Neighborhood Protections:** The property development shall conform to all standards
170 within the Transitional Commercial District that will provide screening and
171 neighborhood-compatible architecture and design. The proposed development shall be
172 reviewed in the Site Plan Review process, including architecture, screening, parking,
173 setbacks, landscaping and other elements by city staff.
174

175 Katie said staff has attached seven conditions of approval if the Plan Commission approves the
176 CUP.
177

178 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
179 CUP request.
180

181 Mayor Chilsen called three times for anyone wishing to speak in favor of the CUP request and
182 closed that portion of the public hearing.
183

184 Mayor Chilsen called three times for anyone wishing to speak in opposition to the CUP request
185 and closed the public hearing.
186

187 Motion by Craig, second by Skip, to approve with the seven attached conditions a Conditional
188 Use Permit request filed by Mike Gavin, 2902 Wildrose Lane, Onalaska, WI 54640 on behalf of
189 Jeannette Moe, W8206 Main Street, Holmen, WI 54636 for the purpose of allowing three (3)
190 structures on a single parcel at 1605, 1613, 1621 & 1637 Main Street, Onalaska.
191

192 Andrea inquired about the notification radius and said she is surprised that there was no public
193 input. Andrea also said she assumes the neighbors on the west side were notified.
194

195 Katie told Andrea that they were. Katie also noted that the neighbors had been notified in March
196 about the rezoning application and said the fact this item was coming forward had been stated.
197 Katie said the neighbors will be notified in the future if a proposed use is not a permitted use and
198 if it also is a conditional use.
199

200 On voice vote, motion carried.
201

202 **Item 6 – Public Hearing: Approximately 7:20 P.M. (or immediately following the previous**
203 **hearing at 7:10 p.m.) – Consideration of a Conditional Use Permit request filed by Treavor**
204 **Millin, 200 Twilite Street, La Crescent, MN 55947 for the purpose of allowing**
205 **warehousing/storage/small engine repair at 566 & 570 Lester Avenue (Tax Parcels #18-**
206 **4011-0 & 18-4012-0).**
207

- 208 1. Tax Parcels #18-4011-0 & 18-4012-0 shall be combined into one (1) parcel. Contact La
209 Crosse County Land Records Department to complete this condition. Parcel modification
210 to be complete prior to issuance of building permit.

- 211
212 2. Any future improvements to this parcel will be subject to additional City permits and fees
213 (i.e., site plan, building permits).
214
215 3. Owner shall have all plans reviewed and approved by the City prior to obtaining a
216 building permit. Owner must have all conditions satisfied and improvements installed
217 per approved plans prior to issuance of an occupancy permit.
218
219 4. All conditions run with the land and are binding upon the original developer and all heirs,
220 successors and assigns. The sale or transfer of any or all portion of the property does not
221 relieve the original developer from payment of any fees imposed or from meeting any
222 other conditions.
223
224 5. Any omissions of any conditions not listed in committee minutes shall not release the
225 property owner/developer from abiding by the City's Unified Development Code
226 requirements.
227

228 Katie said Wieser Brothers General Contractor intends to construct a building and parking lot to
229 be leased to Root River Racing. The building will be 14,672 square feet and consist of space to
230 store transportation trucks, trailers and race vehicles inside the building. There also will be light
231 repairs inside the building as well as two offices for business operations. Seven parking stalls
232 will serve the development. The proposed building architecture includes 8-foot raked finished
233 precast gray panels and a combination of dark green and brown metal panels above. The
234 overhead doors are proposed to be light tan color facing north, and a single overhead garage door
235 facing Lester Avenue. The proposed use of storage and light vehicle repair in a Light Industrial
236 District is permitted by CUP per Section 13-5-16(c), 13-5-17(d), and pursuant to standards set
237 forth in Section 13-8-11. The following decision criteria were utilized to review the submitted
238 conditional use:

- 239
240 • **Compatibility:** The zoning of the land within 250 feet of the proposed site is Light
241 Industrial. The uses within 500 feet along the same street of the proposed site include a
242 car wash, cell tower, retail, a multitenant commercial building, U.S. Fish & Wildlife
243 offices, and other professional offices. The proposed use would not have outdoor storage
244 and would be required to move through the site planning process to ensure compatibility
245 with neighboring commercial uses.
246 • **Consistency with Comprehensive Plan:** This area is identified as Commercial District.
247 This district is intended to accommodate large and small-scale commercial and office
248 development. A wide range of retails, service, lodging and office uses are appropriate in
249 this district.
250 • **Importance of Services to the Community:** Chapter 9 ("Land Use") Goal 4, Objective
251 3 states: "*By promoting infill development and redevelopment.*" This project is infill
252 development occurring on vacant land surrounded by development along Lester Avenue.

- 253 • **Neighborhood Protections:** The applicant will be required to move through the site
254 planning process to ensure adequate parking, landscaping, lighting and architecture, in
255 addition to other factors for the business. The applicant does not intend to have outdoor
256 storage or exterior storage of refuse/recycling containers.

257
258 Katie said staff recommends the attached five conditions of approval if the Plan Commission
259 approves the CUP.

260
261 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
262 CUP request.

263
264 Mayor Chilsen called three times for anyone wishing to speak in favor of the CUP request and
265 closed that portion of the public hearing.

266
267 Mayor Chilsen called three times for anyone wishing to speak in opposition to the CUP request
268 and closed the public hearing.

269
270 Motion by Ald. Muth, second by Andrea, to approve with the five attached conditions a
271 Conditional Use Permit request filed by Treavor Millin, 200 Twilite Street, La Crescent, MN
272 55947 for the purpose of allowing warehousing/storage/small engine repair at 566 & 570 Lester
273 Avenue.

274
275 Craig expressed concern over potential noise coming from small engine repair and racing
276 vehicles being stored at the site.

277
278 Rich Gillette told Craig that noise will be contained within the building, and also that the race
279 machines will not be run outside the building. Rich also promised to ensure that Wieser Brothers
280 takes precautions to sound proof the building to the shop work area. Rich said the larger shop
281 area is designated for larger race haulers, adding that it is best to unload the haulers inside
282 because the ATV Series begins in early February. Rich said the shop area where maintenance
283 will be performed on the ATVs can get loud in a confined space, but he promised to make every
284 effort to reduce the amount of noise. Rich explained that the ATVs are four-wheelers that
285 compete on motorcross tracks.

286
287 Jan asked what type of fuel the ATVs use, and if it emits an odor while repairs are being
288 performed.

289
290 Rich told Jan that a race fuel is utilized, and also that a ventilation system will be installed. Rich
291 said the building will have no more than 120 race tires and 8 gallons of race fuel. The oil that is
292 utilized in the machines will be deposited into a 54-gallon receptacle that is recycled monthly
293 and removed from the property. VP Racing Fuels manufactures the race fuel, which is MRX-02,
294 oxidized and unleaded. Rich said the machines typically are run for less than 3½ minutes.

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295
296 Jan asked if the fuel is more flammable or less flammable.

297
298 Rich said it likely is less flammable than pump gas.

299
300 Skip noted that in the past individuals have come before the Plan Commission and have not had
301 adequate air conditioning for an automotive operation. As a result, the doors to the business
302 were left open in the summer and neighbors registered complaints. Skip asked Rich to ensure
303 that there is adequate air conditioning when the building is constructed.

304
305 Rich said the shop area where vehicle maintenance will occur will be air conditioned. Rich said
306 there will be a block wall between the shop and the open area where the rigs will be located.

307
308 Andrea encouraged Rich to consider including rain garden features that will address some of the
309 runoff from the roof.

310
311 Rich said he only plans to lease the building from Wieser Brothers for a few years until he is
312 settled in the home he is constructing in the Village of Holmen. Rich said he will take ownership
313 of the building at that point.

314
315 Jarrod said he had spoken to Wieser Brothers' engineer about stormwater at the site.

316
317 On voice vote, motion carried.

318
319 **Item 7 – Public Hearing: Approximately 7:30 P.M. (or immediately following the previous**
320 **hearing at 7:20 p.m.) – Consideration of an amendment to the Unified Development Code**
321 **(UDC) regarding fences.**

322
323 Katie said the UDC Section 13-6-10 for Fences specifies a number of regulations pertaining to
324 fences in residential and nonresidential zoning districts. The proposed language updates the
325 entire section of the fence ordinance, and it also includes all the amendments recommended by
326 the Plan Commission at its March 22 meeting. Katie noted that legal counsel has reviewed the
327 proposed updates.

328
329 Mayor Chilsen opened the public hearing and called for anyone wishing to speak in favor of the
330 amendment to the Unified Development Code regarding fences.

331
332 Mayor Chilsen called three times for anyone wishing to speak in favor of the amendment to the
333 Unified Development Code regarding fences and closed that portion of the public hearing.

334
335 Mayor Chilsen called three times for anyone wishing to speak in opposition to the amendment to
336 the Unified Development Code regarding fences and closed the public hearing.

337
338 Motion by Skip, second by Andrea, to recommend to the Common Council approval of an
339 amendment to the Unified Development Code (UDC) regarding fences.
340
341 Ald. Muth said he is pleased with what has been done to improve the ordinance.
342
343 Craig asked Sean, “When it comes to things like this fence setbacks these things can vary
344 depending, probably like everything else, on the particular zone. Is that correct? And that’s non-
345 discriminatory in nature?”

346
347 Sean told Craig he is correct.

348
349 On voice vote, motion carried.

350
351 **Item 8 – Reconsideration of a rezoning request filed by Wieser Brothers G.C. Inc., 200**
352 **Twilite Street, La Crescent, MN 55947 on behalf of Oak Forest Dental, 1062 Oak Forest**
353 **Drive, Onalaska, WI 54650 from Single Family and/or Duplex Residential (R-2) to**
354 **Neighborhood Business (B-1) for the purpose of constructing a dental office at 1217 Quincy**
355 **Street, Onalaska, WI 54650 (Tax Parcel #18-675-4).**

- 356
357 1. Rezoning Fee of \$300.00 (PAID).
358
359 2. Green Fee of \$638.47/acre to be paid to City prior to obtaining a Building Permit.
360 \$638.41 * .255 acre = \$162.81 dollars.
361
362 3. Any future improvements to this parcel will be subject to additional City permits and fees
363 (i.e., building permits).
364
365 4. Owner/developer shall pay all fees and have all plans review and approved by the City
366 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
367 and improvements installed per approved plans prior to issuance of occupancy permits.
368
369 5. All conditions run with the land and are binding upon the original developer and all heirs,
370 successors and assigns. The sale or transfer of any or all portion of the property does not
371 relieve the original developer from payment of any fees imposed or from meeting any
372 other conditions.
373
374 6. Any omissions of any conditions not listed in committee minutes shall not release the
375 property owner/developer from abiding by the City’s Unified Development Code
376 requirements.
377
378 7. The rezoning will only be effective when the owner of Parcel No. 18-675-4 has

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379 purchased Parcel No. 18-675-13 – CONDITION ADDED BY PLAN COMMISSION on
380 3/22/16.

381
382 Katie said the Comprehensive Plan identifies this area as Mixed Use District Smart Growth,
383 which allows complementary land uses including housing, retail, offices commercial services
384 and civic uses in an efficient compact development. This district is meant to be accessible by
385 pedestrian and bicycle traffic, and additional site design should ensure that these are comfortable
386 areas for non-motorized transportation methods. Katie said the applicant owns the property
387 under review, which is currently zoned Single Family and/or Duplex Residential (R-2) District.
388 The purpose of this rezoning is to construct a dental office and rezone the property to
389 Neighborhood Business (B-1) District. Katie noted that Condition No. 7 is not an allowable
390 condition of approval to be attached to the rezoning request because it is considered a conditional
391 rezoning, which the Plan Commission cannot do. Katie noted that the applicant has an offer to
392 purchase Tax Parcel No. 18-675-13 on record with the city.

393
394 Katie read into the record the following letter from the applicant dated April 19, 2016: *“To the*
395 *members of the Plan Commission and City of Onalaska, Wisconsin: This is to inform you that an*
396 *accepted, signed offer to purchase agreement exists between me, the buyer, and Joyce Diveley,*
397 *the seller, for Parcel No. 18-675-13, 702 Sand Lake Road. The plan is to combine 702 Sand*
398 *Lake Road and 1217 Quincy Street into a single parcel for the purpose of constructing a new*
399 *dental facility facing Sand Lake Road. Rezoning approval of Parcel No. 18-675-4, 1217 Quincy*
400 *Street, R-2, is necessary to match the zone of 702 Sand Lake Road, and would allow combination*
401 *of the two parcels for development. The offer is contingent upon final rezoning approval by the*
402 *Common Council in June 2016. The sale will conclude the following rezoning approval. This*
403 *satisfies committee concerns that both properties are owned by me in order to create one parcel*
404 *for commercial development. Thank you for your consideration. David Huggett of Oak Forest*
405 *Dental.”* Katie said the action requested this evening is to remove Condition No. 7 from the
406 attached conditions of approval and reconsider the rezoning request with only the first six
407 conditions of approval for this development.

408
409 Motion by Craig, second by Andrea, to delete Condition No. 7 from a rezoning request filed by
410 Wieser Brothers G.C. Inc., 200 Twilite Street, La Crescent, MN 55947 on behalf of Oak Forest
411 Dental, 1062 Oak Forest Drive, Onalaska, WI 54650 from Single Family and/or Duplex
412 Residential (R-2) to Neighborhood Business (B-1) for the purpose of constructing a dental office
413 at 1217 Quincy Street, Onalaska, WI 54650.

414
415 On voice vote, motion carried, 6-0, with one abstention (Skip Temte).

416
417 Motion by Andrea, second by Craig, to approve with the six listed conditions a rezoning request
418 filed by Wieser Brothers G.C. Inc., 200 Twilite Street, La Crescent, MN 55947 on behalf of Oak
419 Forest Dental, 1062 Oak Forest Drive, Onalaska, WI 54650 from Single Family and/or Duplex
420 Residential (R-2) to Neighborhood Business (B-1) for the purpose of constructing a dental office

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421 at 1217 Quincy Street, Onalaska, WI 54650.

422

423 Andrea expressed concern over the high volume of traffic at that intersection, noting that four
424 motorists had driven around her automobile when it was stopped at the crosswalk even though a
425 pedestrian was in the middle of the street. Andrea said, “I think having this driveway right at this
426 intersection is going to be even more challenging than what we have right now. If it can be
427 pushed back any more ... I just don’t see how it’s going to be navigable for people on feet or
428 bikes.”

429

430 Skip said, “This is on the east side of Sand Lake Road, and most of the traffic involved on
431 Quincy Street is on the west side. I personally see no real problem there because there is very
432 little traffic on Quincy on the east side rather than the west side.”

433

434 Andrea said she is concerned about pedestrians attempting to cross Sand Lake Road at that
435 intersection.

436

437 Skip noted that the driveways are located on Quincy Street and said he does not know how that
438 affects the traffic on Sand Lake Road.

439

440 Craig said there might be an increase in the amount of traffic attempting to access Sand Lake
441 Road from the Quincy Street intersection. Craig said, “Until the [Plan Commission]
442 Subcommittee meeting, I was still under the impression that it was a different parcel.
443 Understanding that it was on that parcel, it made a lot more sense to me and I felt more
444 comfortable with it. That’s still a busy intersection and this will increase traffic, but I think it’s
445 better.”

446

447 Skip noted that a dental office generates very little traffic.

448

449 Andrea said, “It’s not so much numbers. It’s the complicated nature of getting across that street.
450 It’s not the volume of traffic I’m expecting out of the dental office. It’s the fact that now you
451 have a four-way where you already have messy traffic and people don’t respect pedestrians.
452 Now you’re adding a driveway at that intersection, and it just makes it much more complicated
453 for people trying to move through there. It’s just a terrible intersection right now.”

454

455 Skip pointed out that the driveways are located on the east side of Sand Lake Road on Quincy
456 Street and said, “There isn’t much coming from that way.”

457

458 Jarrod said he agrees with Andrea in that it is a busy intersection, and he said he also agrees with
459 Skip in that there will not be a noticeable increase in the amount of traffic generated by this
460 business. Jarrod said work has begun on the 2017 Capital Improvements Budget, which will
461 include the addition of three rapid-flashing beacon signs along the Sand Lake Road/12th Avenue
462 South corridor. Specifically, they would be placed at the intersection of Sand Lake Road and

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463 Quincy Street; the intersection of 12th Avenue South and Well Street; and the intersection of 12th
464 Avenue South and Green Street. Jarrod predicted that the traffic volume along the 12th Avenue
465 South/Sand Lake Road corridor will increase with further development along Riders Club Road
466 and other future plans in the city.

467
468 Jan compared the business' driveway to that of the driveway leading into Co-op Credit Union on
469 French Road.

470
471 Jarrod noted that the Co-op Credit Union driveway is a right turn in only and is not an out.
472

473 Jan suggested perhaps having one entrance/exit. Jan also inquired about the proposed rapid-
474 flashing beacon signs.

475
476 Jarrod said they would be the same as the beacons located on East Main Street.

477
478 On voice vote, motion carried, 6-0, with one abstention (Skip Temte).

479
480 **Item 9 – Discussion and consideration regarding the Onalaska Payment in Lieu of Taxes**
481 **Policy.**

482
483 Katie said several questions had been raised at the March 22 Plan Commission meeting
484 regarding the PILOT program, including the following:

- 485
- 486 • Ensuring that all non-profits are equally represented in the PILOT program.
 - 487 • PILOTs applied to a portion or entire value of non-profit property.
 - 488 • Requiring PILOTs of all non-profits without requiring city-approved permits such as a
489 CUP.

490
491 Katie said that at its April 12 meeting the Common Council sent back the policy to the Plan
492 Commission for review and noted that a memo was written to specifically address the questions
493 raised by Plan Commission members. Katie said, "In lieu of a PILOT policy, in order to be more
494 clear and concise regarding it, it is recommended that it take form of an ordinance. I do have a
495 number of questions to discuss with the Plan Commission regarding this policy, before moving it
496 forward to the Common Council for consideration."

497
498 Katie noted that the ordinance refers to pulling a building permit and asked if there should be a
499 PILOT agreement to be conditioned upon based on a building permit of that amount. Katie cited
500 the example of an entity doing a building addition or site plan approval and said this typically
501 means a substantial business is involved and that there are ways the city can catch the PILOT.
502 Katie noted that there typically is a dollar figure associated with these types of renovations and
503 asked, "Is there a threshold once you break, for example, \$10,000 or \$50,000 or \$100,000 or \$1
504 million? At what point do we want to consider that they have broken this threshold and a PILOT

Reviewed by Katie Aspenson 04/28/2016

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13

505 should be considered?"

506

507 Craig said his initial response is to defer to Sean and say, "If we treat somebody differently
508 because they reach a certain plateau, aren't we arbitrarily ...?"

509

510 Sean said, "The issue that's being raised is a subset of what ... Frankly, it's taking something off
511 context. The process begins when the owner has demonstrated its intent to expand, improve,
512 replace or acquire a facility. It gives examples of things that might give evidence of that – one of
513 which is pulling a building permit. If you're pulling a building permit so that you can replace the
514 doors in your facility, you're not improving, replacing, acquiring or expanding your facility.
515 You're just doing maintenance. That wouldn't be subject to initiation. If you're doing
516 something that's going to fundamentally change what you have, that's what starts this process
517 going."

518

519 Craig said, "But when we set a limit based on that and once that threshold is crossed and we start
520 setting limits beyond that, shouldn't we follow that through to its logical conclusion? In other
521 words, whatever that amount is follows with the amount of the renovation. I think if we say you
522 can only go this high, then it becomes kind of an arbitrary decision, doesn't it?"

523

524 Sean said, "My response was intended to say I think that putting a dollar figure would not
525 necessarily be appropriate. I think what's appropriate is the intent either to do an expansion, an
526 improvement, a replacement or an acquisition of a facility. That's a determination that is made
527 based upon the facts and circumstances at hand. Unfortunately, or fortunately, the situation is
528 this is a case-by-case decision that has to be made. Setting a dollar figure does make it arbitrary.
529 The people who are doing the inspections or issuing the permits will be in the best position to tell
530 whether this is general maintenance – which there would be no reason to initiate anything – or if
531 this is a change that is occurring."

532

533 Skip said, "I think we have a problem here that we are looking at the trees and what are the
534 things that we can make out of them. I think we need to step back right now and look at the
535 forest. In other words, why do we have tax-exempt organizations? Do we want to do away with
536 them? Is this program going to be voluntary? If it's voluntary, a non-tax organization basically
537 provides services within the amount of money that they're raising. If their money has to be
538 diverted to pay for a PILOT, they're going to offer less services. There's a trade-off there.
539 Should they pay the PILOT and cut back on their services if they have a choice? Or should they
540 say, 'We want to pay zero PILOT and keep the services that we're doing?' That's if it's
541 voluntary. Now, we make it mandatory. You can call it a PILOT, but this is no longer a PILOT.
542 This is a tax. It's required by the law to be paid. Now you call it a PILOT, but it's a tax of a
543 certain rate on non-taxable organizations. So we have now abolished non-tax organizations for
544 city purposes. What is it that we want to do? We need to look back at the forest here and not at
545 what we can make out of the trees."

546

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14

547 Jan said, "I'm having a lot of trouble with this, semantics-wise. First of all, if we set some sort
548 of an amount, why wouldn't I do five small projects over 15 years as opposed to one larger
549 project? Or on the other hand, with the door issue, if I replace my hollow core doors with solid
550 core doors, I would consider that to be an improvement. To a home that certainly would be an
551 improvement. But is it in the eye of the beholder?"

552
553 Sean said, "There is a case-by-case basis that this is premised on. That's what this is based on.
554 The idea of setting a dollar limit creates problems in application. The difference between a
555 daycare center which has nine children in it and the YMCA is tremendous if you set a dollar
556 figure where a \$10,000 change to a daycare center with nine children in it might be a substantial
557 change, while \$10,000 at the YMCA is a relative drop in the bucket given its square footage and
558 just given its scope. I think it is somewhat in whether there is a change in use or a change in
559 whether there's an expansion or whether it's asking for something from the city with respect to
560 either expanding or materially improving the property."

561
562 Katie said, "This was just for a discussion purpose of whether the dollar amount can work.
563 Based on the examples just provided by Sean, it's not the best idea. It was just an option for
564 discussion. Skip, from a previous comment that you made in the past about making sure that if
565 the city does move forward with this that we're being open and notifying tax-exempt properties
566 of what we want to do so it doesn't come out of left field at other entities. One topic for
567 discussion is if we would contact all the tax-exempt parcels in the city and let them know of this
568 ordinance that we're looking to adopt and invite them to some sort of a public meeting to provide
569 feedback on it. That could be an option that the city could do. It's a way to notify and have an
570 honest discussion and be as transparent as possible. In reference to the one question you raised,
571 this is meant to be a voluntary process. We can't force every single tax-exempt property in the
572 city to get a PILOT with the city. That is not possible. We're not telling people that they have to
573 do it. It's just if they meet their criteria that is listed out specifically within the ordinance such as
574 Sean had mentioned in terms of doing an expansion to their building or changing the use of their
575 building or needing a Conditional Use Permit or needing to sign a development agreement –
576 something out of the ordinary [and] out of typical maintenance practices that in that case we start
577 to discuss PILOTs with them at that point.

578
579 This isn't retroactively impacting everybody, and it is still meant to be done on a voluntary basis.
580 That's something where, as listed out in the ordinance, the Planning Department and the
581 Assessor's Department would work and do some sort of public engagement. One thing that we
582 could do is, as other municipalities have done, send out letters to every tax-exempt property and
583 ask them if they're interested in participating in the PILOT program. That would be a way that
584 we can potentially capture additional PILOTs that we don't currently have if people are
585 voluntarily willing and able to do so. Those are just a couple items that we could move forward
586 with this based on the consideration of the Plan Commission."

587
588 Andrea inquired about the number of non-profits in the city.

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589
590 Katie said according to the City Assessor there are approximately 370 tax-exempt properties in
591 Onalaska. This comprises 6 percent of the parcels within the city, and it can include wetlands,
592 Wisconsin Department of Natural Resources land, State of Wisconsin land, City of Onalaska
593 land, or Onalaska School District land. Katie noted that 31 percent of the city is considered tax-
594 exempt based on the total number of acres.

595
596 Skip asked Sean if it would be legal to apply a PILOT to the Onalaska School District.

597
598 Sean said it would be legal to do so.

599
600 Skip said he believes it would be fair to extend a PILOT to the Onalaska School District based
601 on the fact the district “has great assets in the city.” Skip pointed out that the district expands
602 beyond the city, and also that there are people within the city who do not belong in the school
603 district.

604
605 Craig told Skip he understands some of the points he has made and said, “One of the things that I
606 don’t think anybody up here wants to do is do away with tax-exempt properties or entities or
607 anything like that. I think the concern has generally been when you have tax-exempt properties
608 hosting ongoing, every day, for-profit activities of a consistent nature, and I don’t mean charging
609 admission to a football game like the school does. That’s not an ongoing, every day thing. But
610 if you’re running an ice-cream parlor as a for-profit business on a tax-exempt property, is that
611 portion of that property still to be considered tax-exempt? I’m not so sure about that. And I
612 don’t think we’re taking advantage of anybody when we ask those types of questions.”

613
614 Andrea noted that there are a variety of tax-exempt places that require a significant amount of
615 city services and said, “We as taxpayers pay for those services. I know on the Park [and
616 Recreation] Board one of the great frustrations we have is that for [several] years we have,
617 because of our constraints, been required to hold at a zero-[percent] increase budget. People
618 move here because they like our parks. Our parks are languishing now because we don’t have
619 the money to upkeep those parks. It seems to me that some of the tax-exempt organizations in
620 the area might be interested in paying a PILOT – voluntarily – in order to support some of the
621 things that are bringing them to this community. There are other communities that have had
622 success in offering PILOT options. They’ve been voluntarily paid. They have provided extra
623 money in the coffers. I just think that putting the whole burden of city services on taxpayers
624 when we have some significant tax-exempt organizations out there is not fair also. That’s my
625 concern. I think we need to talk about it. Maybe we decide we don’t want to do it, but I think
626 we need to talk about it because I just don’t think it’s fair to everybody to have to pay for things
627 they may or may not be using so that we can all live here in this city that we all love.”

628
629 Skip told Andrea, “That’s sort of the argument, in the opposite way, of why elderly people say,
630 ‘Why should I pay so many school taxes? I have no children going to schools whatsoever, and

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631 I'm not getting any benefit from them at all. Why should I support the schools?' Because it's
632 part of our civic duties to support the schools. It's part of our civic duties to support the parks.
633 And if we as taxpayers don't want to pay enough taxes to support our parks, there's a message
634 there."

635
636 Craig said, "But that also extends to our tax-exempt properties. They have a civic duty at a
637 certain point also."

638
639 Skip responded, "Again, why do we have them to start with?"

640
641 Craig noted that they were given that status under the auspices that what they were doing is
642 basically a non-profit operation. Craig said, "When they use that shelter – and I think we're
643 starting to see some of that – [they do it] with honest reasons. They want to do it because they
644 want to grow and expand, and they want to finance those expansions. That's wonderful. But at
645 that point in time they really extend beyond what we would normally consider as a tax-exempt
646 type situation."

647
648 Skip told Craig there are laws that address this and noted that tax-exempt organizations cannot
649 make profits and not pay their taxes under the federal government. Skip said, "Now we're taking
650 and looking at another aspect of making the non-taxable organizations taxable."

651
652 Craig responded, "I don't want to pay property taxes then, either, because I pay taxes. It's an
653 interesting scenario, and you can make arguments both ways. I guess personally I like the idea
654 of a skeleton structure, and I think we're heading in the right direction where we have a
655 volunteer program. And I think there needs to be something in place that triggers a review that
656 can start that PILOT process. I think what we're putting together looks to be heading in the right
657 direction. The thing I would struggle with is, what do we use as a definition that kind of gets us
658 into that mode? I'm not sure where to go with that."

659
660 Sean asked, "Just by that definition, you mean other than the one I read earlier that initiates that
661 process?"

662
663 Craig said, "I think that that's OK. But is it all of those or just one of those? I know that we
664 can't put a dollar figure on it because that would be kind of strange. Like you said, you have
665 different entities that really operate at completely different levels."

666
667 Sean said, "From the review of these types of policies that we've done across the state and from
668 the ad-hoc implementation of this that has occurred over the past 10 years, the acquisition of an
669 entity coming in and purchasing property to build a facility or to buy a facility and convert it
670 from taxable to tax-exempt is something that would typically trigger that. I think that's real easy
671 to see why at least that would be reviewed." Sean cited the example of Goodwill purchasing one
672 of the city's more valuable pieces of land and made it tax-exempt. Sean said this action reduced

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17

673 the ultimate taxable base of this and stated, “To speak very frankly, if Mayo only builds a
674 hospital, that’s a tax-exempt entity. There will be no increase to the tax base. In fact, there will
675 be a reduction to the tax base if that occurs. So I think acquisition is relatively clear. With
676 respect to the expansion and improvement, I think we’re seeing ... When we wrote this we saw
677 those as synonyms in some way. If you have a facility and you’re doing expansion onto another
678 lot or you’re expanding your footprints significantly, which suggests you’re going to be utilizing
679 more city services because what we’re talking about is the use of city services – use of the
680 streets, use of police and fire. Use of city services is really what the PILOT is aimed at. If
681 you’re using more services, then you share in the cost of those services.” Sean cited the example
682 of having a non-profit facility for 50 senior citizens, noting that if this number were to increase to
683 200 he would expect an increase in the number of trips that will occur going to that facility.
684 There also would be an increased use of city streets, and Sean predicted he would have more
685 emergency calls. Sean said, “That would be an expansion, so I think expansion is very clear, in
686 my mind.” Sean said he believes “improvement” was seen as another word for “expansion.”
687

688 Craig said, “I understand why that’s in there too because it’s something that at least can generate
689 a discussion. That doesn’t mean a PILOT develops out of that. That simply means that at least
690 you have that discussion. I guess I’m OK with that.”
691

692 Andrea said, “My intent is not to have them pay some full tax assessment the rest of us would
693 pay. We could also at that point take a look and say, ‘What would be appropriate?’ or, ‘What
694 would you be comfortable paying for these services?’ I’m not suggesting by any means that we
695 assess them at full value.”
696

697 Mayor Chilsen said, “They would pay just the city’s portion of the mill rate.”
698

699 Katie noted that as the ordinance is currently written, the PILOT would be applied to the entire
700 property versus only an improved portion of the property. Katie said the last two PILOTs that
701 were agreed to were based on a percentage of the property that was being used for a daycare and
702 not the entire property as a whole. Katie said this had been negotiated and told the Plan
703 Commission this is a process the city is attempting to avoid “so that it’s very clean and concise
704 as to why we’re making these determinations and how we’re going about making these
705 determinations.” Katie asked, “Are we consistent moving forward with utilizing one method?
706 Or did we want to be able to use a different method as well?”
707

708 Andrea asked, “How complicated would it be to base that on anticipated service requirements of
709 the parcel?” Andrea cited the example of a senior living facility that has 50 residents and likely
710 will need to make one emergency call a week. Andrea said more emergency calls would be
711 likely if the number of residents at the facility increases to 200 and asked, “Can you base it on
712 the fact that whole parcel is using those services versus a church that might have a worship hall
713 and a daycare and you would only focus the PILOT on the daycare because that would be the
714 only regular use?”

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715
716 Sean said he believes the assessor would use a certain methodology in determining the value that
717 would be utilized in the PILOT. Sean said a senior facility utilizes a discounted cash flow from
718 the number of residents at a senior center. This method provides a more reasonable value. Sean
719 a similar occurrence occurs with a daycare center. Sean also cited the example of a not-for-profit
720 gymnasium that is only open one day a week and said it would be valued different than a daycare
721 center.

722
723 Mayor Chilsen said he believes the Plan Commission should consider either sending forward or
724 not sending forward is what will be the “trigger.”

725
726 Craig said, “I think what’s already been defined constitutes a pretty good trigger. I’m not sure
727 we can refine it a whole lot more than that. And remember that we can always do that as this
728 comes into play and we learn more about it. But right now we’re taking reasonable steps to try
729 to put something in place that we think is fair.”

730
731 Skip said, “I think we’re missing some very, very important data before we can go any further,
732 and that is what Katie said about notifying all the non-profits and getting their input. I think we
733 need to have their input just like we have a public hearing before we can make any further
734 decisions on this. I think we should see what they feedback they give to her before we then take
735 that into account and then go forward from there.”

736
737 Sean said, “Maybe the suggested direction would be to send it forward with a recommendation
738 that it be sent back for a public forum about this after appropriate notice is given.”

739
740 Ald. Muth said he believes it is important to hold a public forum because tax-exempt properties
741 will make incorrect assumptions and stated, “The idea of having all of them come in and answer
742 their questions and answer their concerns would be an excellent idea before we go any further.”

743
744 Sean said he believes the Plan Commission should moderate the public forum, with the rest of
745 the Common Council receiving an invitation to it, before this item goes before the full Council.

746
747 Andrea noted that this is an ordinance and said she hopes the Plan Commission follows the same
748 procedure it would to instigate an ordinance. Andrea referred to the sign ordinance and said she
749 does not believe this is different because taxes are involved.

750
751 Cari said what constitutes a public hearing being held at the Plan Commission level is if there is
752 a change in the zoning code. Cari noted that this is not in the zoning code, but rather in the
753 finance section. Cari said this does not require a public hearing and noted that a public forum is
754 not required. However, there is a request to hold a public forum because input is being sought.

755
756 Mayor Chilsen said he and Katie could put together the public forum, and Council members and

757 the Plan Commission could attend and take notes.

758

759 Andrea said she is unsure that having individuals provide comments will be as constructive as
760 talking and attempting to arrive at a solution.

761

762 Katie said staff can work with the City Assessors and La Crosse County land records to
763 determine the number of tax parcels that are tax-exempt before sending out letters of invitation.

764

765 Andrea inquired about the city's existing PILOTs, asking if they would be grandfathered in as
766 they are or if they would be reassessed.

767

768 Katie said they would not be modified.

769

770 Ald. Muth asked, "Is there a way to put what we're looking at on the city site?"

771

772 Katie said a copy of the ordinance has been included in the Plan Commission packet, which is
773 online. Katie said a copy of the ordinance also can be sent in the invitation letter to the public
774 forum.

775

776 **Item 10 – Review and consideration a request from Keith Heinze on behalf of Luther High**
777 **School to allow an exception to Section 13-6-6-1 (h) Removal/Security for Removal**
778 **regarding abandoned cell towers.**

779

780 Katie said Luther High School has an inactive cell phone tower and associated facilities on its
781 property, and she said there is an ordinance that specifically notes how they must be removed
782 and decommissioned. This mainly focuses on the tower and the support equipment. The
783 deadline for total removal is July 31, 2016. Katie noted that commission members' packets
784 include an excerpt from the ordinance explicitly stating what must occur. Katie said Luther High
785 School is requesting an exception to allow the foundation of the cell tower and the base and the
786 existing electrical service to remain in ground and be repurposed for a different accessory
787 structure such as a pole, cross, pole sign or another form of artwork. Katie said, "It is not
788 requiring that Luther do this. It is allowing them the ability to do so if they wish."

789

790 Motion by Andrea, second by Craig, to approve a request from Keith Heinze on behalf of Luther
791 High School to allow an exception to Section 13-6-6-1 (h) Removal/Security for Removal
792 regarding abandoned cell towers and repurpose the electrical, foundation, and base.

793

794 Craig asked if Luther High School has an idea as to how it will be repurposed.

795

796 **Keith Heinze, Luther High School Representative**
797 **206 South Elm Street**
798 **La Crescent, Minn.**

799
800 Keith said a flagpole has been mentioned; however, he also noted that flagpoles are costly. Keith
801 said another option, and the one he prefers, is to place a cross at the site. Keith said the cross
802 likely would be made of iron and have lights in the front and back. Keith said a pole sign also
803 might be an option; however, he added he does not believe this is an appropriate location for one.
804

805 Craig asked if there was an agreement with the cell phone company that held it responsible for
806 removal.
807

808 Keith said this will be addressed in Item 11, noting Luther High School's lease with the company
809 was to remove 3 feet below grade. The current ordinance requires that the foundation/base be
810 removed down to 5 feet. Keith said, "If we leave it there and use it, they will pay us for not
811 having to take the foundation down. That will allow us to spend the money to put something in
812 its place."
813

814 On voice vote, motion carried.
815

816 **Item 11 – Review and consideration of a second request from Keith Heinze on behalf of**
817 **Luther High School to allow an exception to Section 13-6-6-1 (h) Removal/Security for**
818 **Removal regarding abandoned cell towers.**
819

820 Katie said if Luther High School chooses not to repurpose, it is asking that it be allowed to
821 remove the foundation/base down to 3 feet. The ordinance did not specify how deep removal
822 had to go to when the cell tower was erected and the lease agreement went into effect. The lease
823 agreement Luther High School has with the cell tower states 3 feet. Katie said Luther High
824 School would be required to pay for the remaining 2 feet if it is required to go down to 5 feet.
825 Katie said, "This is allowing them an opportunity that if for some reason the accessory structure
826 does not occur and they do decide to just remove the base, it would only go down to 3 feet.
827 There would not be a time limit associated with either of these exceptions before you this
828 evening."
829

830 Motion by Craig, second by Andrea, to approve a second request from Keith Heinze on behalf of
831 Luther High School to allow an exception to Section 13-6-6-1 (h) Removal/Security for Removal
832 regarding abandoned cell towers and remove the foundation/base down to 3 feet.
833

834 On voice vote, motion carried.
835

836 **Adjournment**
837

838 Motion by Andrea, second by Ald. Muth, to adjourn at 8:22 p.m.
839

840 On voice vote, motion carried.

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841

842

843 Recorded by:

844

845 Kirk Bey