

CITY OF ONALASKA MEETING NOTICE

COMMITTEE/BOARD: Plan Commission
DATE OF MEETING: April 26, 2016 (Tuesday)
PLACE OF MEETING: City Hall – 415 Main Street (Common Council Chambers)
TIME OF MEETING: 7:00 P.M.

PURPOSE OF MEETING

1. Call to Order and roll call.
2. Approval of minutes from the previous meeting.
3. Public Input (limited to 3 minutes per individual)

Consideration and possible action on the following items:

4. **Public Hearing: Approximately 7:00 PM (or immediately following Public Input)** and Consideration of a Conditional Use Permit request filed by the City of Onalaska for City & Wisconsin Department of Natural Resources (WDNR)-owned parcels along Irvin Street, 1st Avenue, and 2nd Avenue South (State Road 35) to construct the Great River 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, 18-2-2).
5. **Public Hearing: Approximately 7:10 PM (or immediately following the previous hearing at 7:00 p.m.)** and Consideration of a Conditional Use Permit request filed by Mike Gavin, 2902 Wildrose Lane, Onalaska, WI 54650 on behalf of Jeannette Moe, W8206 Main Street, Holmen, WI 54636 for the purpose of allowing three (3) structures on a single parcel at 1605, 1613, 1621 & 1637 Main Street, Onalaska (Tax Parcels #18-728-2, 18-728-0, and 18-727-1).
6. **Public Hearing: Approximately 7:20 PM (or immediately following the previous hearing at 7:10 p.m.)** and Consideration of a Conditional Use Permit request filed by Treavor Millin, 200 Twilite Street, La Crescent, MN 55947 for the purpose of allowing warehousing/storage/small engine repair at 566 & 570 Lester Avenue, Onalaska (Tax Parcels #18-4011-0 & #18-4012-0).

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the committee may attend this meeting to gather information about a subject over which they have decision making responsibility.

Therefore, further notice is hereby given that the above meeting may constitute a meeting of the Common Council and is hereby noticed as such, even though it is not contemplated that the Common Council will take any formal action at this meeting.

NOTICES MAILED TO:

* Mayor Joe Chilsen, Chair

Ald. Jim Binash

Ald. Jim Olson

*Ald. Jim Bialecki

Ald. Bob Muth

Ald. Barry Blomquist

Ald. Harvey Bertrand

* Jarrod Holter, City Engineer

City Attorney Dept Heads

La Crosse Tribune Charter Com.

Onalaska Holmen Courier Life

WIZM WKTY WLXR WKBH

*Jan Brock

*Paul Gleason

*Knut Temte

*Craig Breitsprecher

* Andrea Benco - Chair Parks & Rec.

** Victor Hill - Vice Chair Parks & Rec.

JD Manske Family Land Holdings, Inc.

Treavor Millin

Wieser Brothers

Mike Gavin

Keith Heinze

Onalaska Public Library

Date Notices Mailed and Posted: 4/22/16

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

7. **Public Hearing: Approximately 7:30 PM (or immediately following the previous hearing at 7:20 p.m.)** and Consideration of an amendment to the Unified Development Code (UDC) regarding fences.
8. Reconsideration of a rezoning request filed by Wieser Brothers G.C. Inc., 200 Twilite Street, La Crescent, MN 55947 on behalf of Oak Forest Dental, 1062 Oak Forest Drive, Onalaska, WI 54650, from Single Family and/or Duplex Residential (R-2) to Neighborhood Business (B-1) for the purpose of constructing a dental office at 1217 Quincy Street, Onalaska, WI 54650 (Tax Parcel #18-675-4).
9. Discussion and consideration regarding the Onalaska Payment In Lieu of Taxes Policy.
10. Review and consideration regarding a request from Keith Heinze on behalf of Luther High School to allow an exception to Section 13-6-6- 1 (h) Removal/ Security for Removal regarding abandoned cell towers.
11. Review and consideration regarding a second request from Keith Heinze on behalf of Luther High School to allow an exception to Section 13-6-6- 1 (h) Removal/Security for Removal regarding abandoned cell towers.
12. Adjournment



CITY OF ONALASKA

Agenda Item:

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STAFF REPORT

Plan Commission – April 26, 2016

- Agenda Item:** Public Hearing & Consideration of a Conditional Use Permit request.
- Applicant:** City of Onalaska, 415 Main Street, Onalaska, WI 54650
- Parcel Number:** 18-1-0, 18-9-100, 18-6-0, 18-15-0, 18-20-1, 18-19-0, 18-16-0, 18-18-0, 18-2-2
- Site Location:** City & WDNR-owned parcels along Irvin Street, 1st Avenue, and 2nd Avenue South (State Road 35), Onalaska, WI 54650
- Existing Zoning:** In process of being rezoned to Public & Semi-Public (P-1) District.

Background:

The City of Onalaska and the Wisconsin Department of Natural Resources (WDNR) own the land within the Conditional Use Permit request. Parks are outright permitted in the P-1 District, however structures require Conditional Use Permits per Section 13-5-18 and pursuant to standards set forth in Sections 13-8-11.

Standards for Review:

The following decision criteria were used to review the submitted conditional use:

1. **Compatibility.** The City of Onalaska and the Wisconsin Department of Natural Resources (WDNR) land is located along Irvin Street, 1st Avenue, and 2nd Avenue South (State Road 35). Section 13-5-18 of the City's Code of Ordinances conditionally permits recreational conditional uses, in this case the Great River Landing Trailhead Facility. Properties within 250 feet of the properties in question include a variety of residential dwellings, commercial businesses (retail, restaurants, and personal service offices), a utility substation, railroad property and parkland.
2. **Consistency with Comprehensive Plan.** The Comprehensive Plan identifies this area as *Parks & Open Space & Downtown Mixed Use District*. The Parks & Open Space District is intended to include environmentally sensitive areas such as wetlands, steep slopes and floodplains, publicly-owned recreation facilities and other permanently protected open spaces. The Downtown Mixed Use District is intended for mixed-use central business district with pedestrian-focused development with a mix of uses including residential, personal service, commercial, institutional, and civic uses.
3. **Importance of Services to the Community.** According to the Chapter 10: Implementation of the 2015 Comprehensive Plan, a "Goal: *Continue to maintain a community-wide park and recreation system that provides high quality facilities to fulfill the expanding needs of the community*" and associated Strategy "*Continue to implement the Great River Landing Plan*". The purpose of the Conditional Use Permit application is to facilitate the construction of the Great River Landing which will provide safe and accessible access to the waterfront with clear connectivity to downtown and Main Street.

CITY OF ONALASKA

4. Neighborhood Protections. The Great River Landing project has routinely been reviewed by the public, Great River Landing Committee, and the Common Council in terms of design, use, and safety. The City will be responsible for maintenance and upkeep of the Great River Landing Trailhead Facility and the remainder of the site including paved walks, plaza area, and vegetated areas.
5. Conformance with Other Requirements of City/State Ordinances/Statutes: The City will abide by all required ordinances/statutes as necessary associated with building the Great River Landing.

Action Requested:

If the requested Conditional Use Permit is approved by the Plan Commission, staff recommends including the attached conditions of approval. As a public hearing will be held, testimony from the public should be listened to and considered before deciding on the requested Conditional Use Permit application.

**REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY
PLAN COMMISSION:**

April 26, 2016

Agenda Item 4:

Public Hearing and Consideration of a Conditional Use Permit request filed by the City of Onalaska for City & WDNR-owned parcels along Irvin Street, 1st Avenue, and 2nd Avenue South (State Road 35) to construct the Great River 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, 18-2-2).

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



CONDITIONAL USE PERMIT APPLICATION

The following checklist will ensure the timely processing of your permit:

- ➔ Overview/ Cover Letter Describing the following:
 - ▶ Detailed Description of Proposed Conditional Use
 - ▶ Description of how Proposed Conditional Use Meets Unified Development Ordinance Standards (use form on next page or attach an explanation each of the following):
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and polices)
 - ▶ Importance of Services to the Community (provided by the proposed use)
 - ▶ Neighborhood Protections (avoidance of negative impacts)
 - ▶ Other Factors (pertinent to the proposed use)
- ➔ Site Sketch and Photographs (if applicable)
- ➔ \$250 Permit Application Fee (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Conditional Use is a land use or development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require additional conditions set by the Plan Commission & Common Council before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Application for:

- | | | |
|--|---|--|
| <input type="checkbox"/> Fence | <input type="checkbox"/> Two Structures on one parcel | <input type="checkbox"/> Parking Lot |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Automotive Repair / Sales | <input type="checkbox"/> Use _____ |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Warehousing / Storage | <input checked="" type="checkbox"/> Other <u>Great River Landing</u> |

Brief Description of Proposed Conditional Use:

Allow construction of the Great River Landing Trailhead Facility and site.

Proposed conditional use must meet the requirements of the Unified Development Ordinance. Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Councilors are unable to discuss this matter outside of a scheduled public meeting. Thank you.



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

CONDITIONAL USE PERMIT APPLICATION

Property Address: along Irvin Street,
1st Avenue South, 2nd Avenue South

Parcel Number: 18- See Staff report

Zoning District: * in process of P-1

Applicant: City of Onalaska

Contact: Katie Henderson

Mailing Address: 415 Main Street

City, State, Zip: Onalaska, WI 54601

Phone Number: _____

Email: _____ Primary Contact

Business: _____

Owner/Contact: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number: _____

Email: _____ Primary Contact

Property Owner: _____

Contact: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number: _____

Email: _____ Primary Contact

I, the undersigned hereby make application of the lot(s) stated herein. I, the undersigned agree that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code/Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant: Kawgen Date: 4/11/16

Signature of Property Owner: _____ Date: _____

Compatibility with Surrounding Neighborhood: See Staff report

Consistency with the Comprehensive Plan: See Staff report

Importance of Services to the Community: See Staff report

Neighborhood Protections (avoidance of negative externalities): See Staff report

Other Factors (pertinent to the proposed use): See Staff report

OFFICE USE ONLY	Date Submitted: <u>4/11/16</u>	Permit Number: <u>X</u>
Permit Fee: <u>✓</u>	<input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check	Application Received by: <u>[Signature]</u>

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF ONALASKA
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on

**TUESDAY, APRIL 26, 2016
APPROX. 7:00 P.M.
(or immediately following public input)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application for a Conditional Use Permit (CUP) filed by City of Onalaska, 415 Main Street, Onalaska, WI 54650, to allow the construction of the Great River Landing on land located west of 2nd Avenue South between Irvin and Locust Street, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number: 18-1-0
Section 8, Township16, Range 7

ORIGINAL TOWN OF ONALASKA E1/2 LOTS 1 THRU 10 BLOCK 1 EX VAC C&NW RR
R/W

Property is more particularly described as:

Computer Number: 18-15-0
Section 8, Township16, Range 7

ORIGINAL TOWN OF ONALASKA LOTS 1, 2, 3, 4, 5, 6 BLOCK 3 & OLD LAX/ONA
SHORTLINE RR R/W SUBJ TO UTILITY ESMT IN V1605 P915 BLDG 888 SF

Property is more particularly described as:

Computer Number: 18-16-0
Section 8, Township16, Range 7

ORIGINAL TOWN OF ONALASKA LOTS 7 & 8 & N 20FT OF E1/2 LOT 9 & W1/2 LOTS
9&10 BLOCK 3

Property is more particularly described as:

Computer Number: 18-18-0
Section 8, Township16, Range 7

ORIGINAL TOWN OF ONALASKA E1/2 LOTS 9&10 BLOCK 3 EX 20 FT OF E1/2 LOT 9

Property is more particularly described as:

Computer Number: 18-19-0
Section 8, Township16, Range 7

ORIGINAL TOWN OF ONALASKA PRT LOTS 11 THRU 16 BLOCK 3 BEG ON SLY LN
BLOCK 2 AT A PT 31FT SWLY (MEASURED AT R/A WITH C/L MAIN TRACK C&NW
RR) FROM C/L NLY 26.8FT TO A PT 26.9FT (MEASURED AT R/A WITH C/L) FROM C/L
SWLY P/W IRVIN ST 23.4FT TO A PT 50FT (MEASURED AT R/A WITH C/L) FROM C/L
NWLY P/W C/L & 50 FT DISTANT THEREFROM TO SLY LN LOT 16 NELY ALG SLY
LOT LN TO A PT 33FT (MEASURED AT R/A WITH C/L) FROM C/L NWLY P/W C/L &
33FT DISTANT THEREFROM TO NLY LN LOT 16 SWLY ALG NLY LN LOT 16 TO
NWLY COR SELY ALG WLY LN BLK 3 TO N LN IRVIN ST NELY TO POB

Property is more particularly described as:

Computer Number: 18-2-2

Section 8, Township16, Range 7

ORIGINAL TOWN OF ONALASKA VAC C&NW&LAX/ONA SHORTLINE RR R/W
RUNNING THRU ORIGINAL TOWN OF ONALASKA EX PRT SOLD TO CITY OF
ONALASKA IN V685 P433

Property is more particularly described as:

Computer Number: 18-20-1

Section 8, Township16, Range 7

CERTIFIED SURVEY MAP NO. 96 VOL 3 LOT 1 DOC NO. 970775 -

Property is more particularly described as:

Computer Number: 18-6-0

Section 8, Township16, Range 7

ORIGINAL TOWN OF ONALASKA E1/2 LOTS 1 THRU 10 BLOCK 2 EX VAC C&NW RR
R/W

Property is more particularly described as:

Computer Number: 18-9-100

Section 8, Township16, Range 7

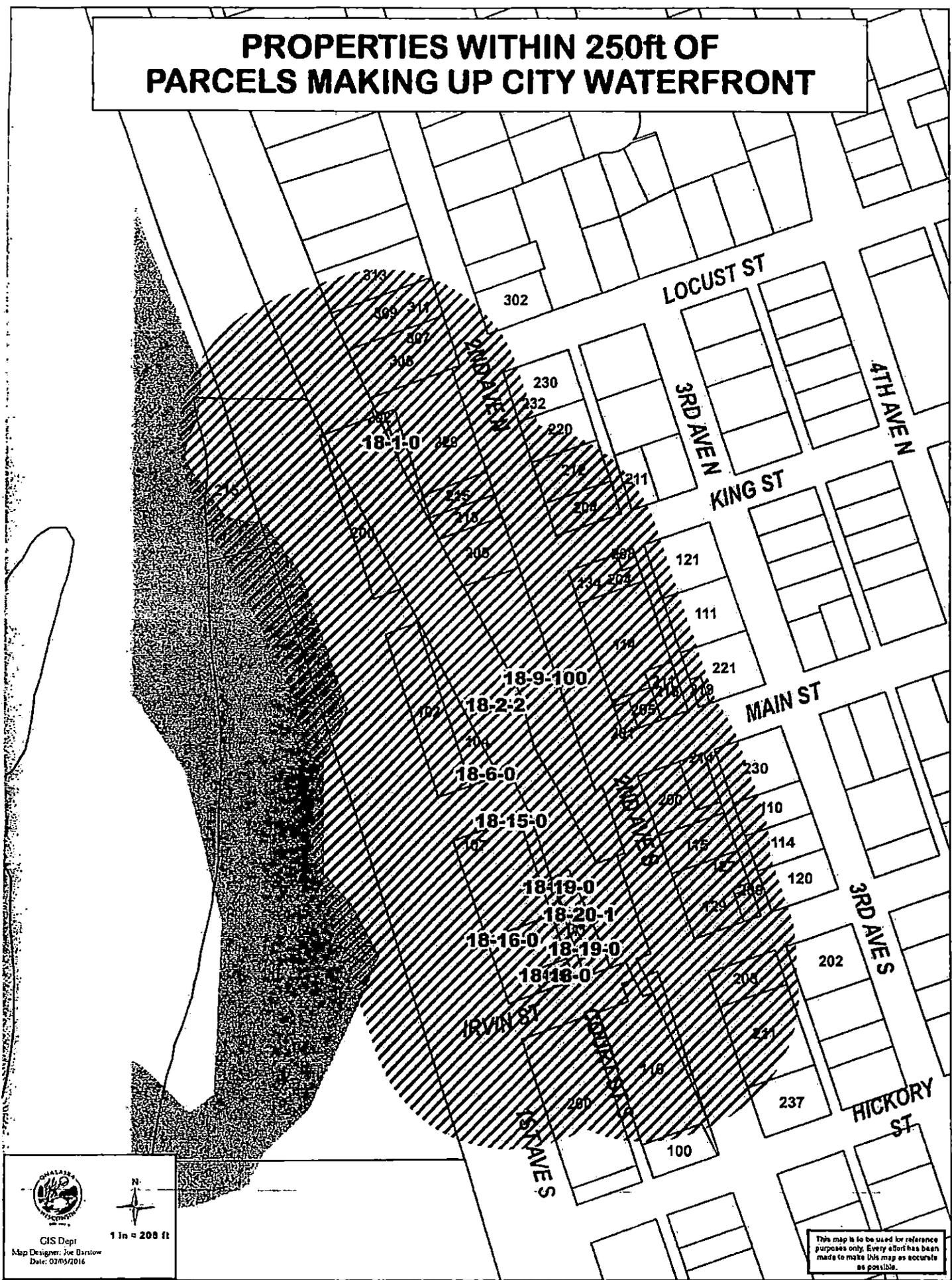
TPP PLAT NO. 7190-05-21-4.04 PRCL 24 PRCL 25, PRCL 26 & PRCL 27 & PRCL 28 & TPP
PLAT NO. 7190-05-21-4.03 PRCL 17 SUBJ TO RESTR IN DOC NO. 1527409 & 1527410 &
1528443 & 1528675 & 1525989

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all
persons interested, their agent or attorney concerning this matter.

Dated this 1st day of April, 2016.

Cari Burmaster
City Clerk

PROPERTIES WITHIN 250ft OF PARCELS MAKING UP CITY WATERFRONT





 GIS Dept
 Map Designer: Joe Barlow
 Date: 02/03/2016



 1 in = 200 ft

This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.



CITY OF ONALASKA

STAFF REPORT

Plan Commission – April 26, 2016

Agenda Item:

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- Agenda Item:** Public Hearing & Consideration of a Conditional Use Permit request.
- Applicant:** Mike Gavin, 2902 Wildrose Lane, Onalaska, WI 54650
- Parcel Numbers:** 18-728-2, 18-728-0, & 18-727-1
- Site Locations:** 1605, 1613, 1621, & 1637 Main Street, Onalaska, WI 54650
- Existing Zoning:** In process of being rezoned to Transitional Commercial (T-C) District.

Background:

In 2004, the applicant had the east adjacent properties rezoned to Transitional Commercial to facilitate the dental and office uses in existence today at 1621 & 1637 Main Street. The applicant intends to continue the same style of development on the properties currently under review with a new professional office where a residence and garden are today. The three (3) parcels in question will be merged together to form a single parcel that will have a total of three (3) principal structures. The construction of more than one (1) principal structure on a single lot is permitted only by Conditional Use Permit per Section 13-1-14 (b) and pursuant to standards set forth in Sections 13-8-11.

Standards for Review:

The following decision criteria were used to review the submitted conditional use:

1. **Compatibility.** The sites are located west of the intersection of Main Street and 17th Avenue North. Properties within 250 feet of the properties in question include a variety of residential dwellings, commercial businesses (retail, restaurants, and personal service offices), a utility substation, railroad property and parkland.
2. **Consistency with Comprehensive Plan.** The Comprehensive Plan identifies this area as The Comprehensive Plan identifies this area as *Mixed Use District "Smart Growth Areas"*. This district allows complementary land uses including housing, retail, offices, commercial services, and civic uses in an efficient compact development. This district is meant to be highly accessible by pedestrian and bicycle traffic, and additional site design should ensure that these are comfortable areas for non-motorized transportation methods.
3. **Importance of Services to the Community.** Chapter 8: Economic Development Goal 4, Objective 2 states, "*By encouraging reinvestment, redevelopment and infill development on vacant or underutilized land in the downtown business district and using cluster and node development concepts for infill development along key corridors.*" This project is both redevelopment and infill development occurring in a clustered development pattern along Main Street – a key corridor in Onalaska.

CITY OF ONALASKA

4. Neighborhood Protections. The property development shall conform to all standards within the Transitional Commercial (T-C) District that will provide screening and neighborhood-compatible architecture and design. The proposed development shall be reviewed in the Site Plan Review process including architecture, screening, parking, setbacks, landscaping, and other elements by City staff.

Action Requested:

If the requested Conditional Use Permit is approved by the Plan Commission, staff recommends including the attached conditions of approval. As a public hearing will be held, testimony from the public should be listened to and considered before deciding on the requested Conditional Use Permit application.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION:

April 26, 2016

Agenda Item 5:

Public Hearing and Consideration of a Conditional Use Permit request filed by Mike Gavin, 2902 Wildrose Lane, Onalaska, WI 54650 on behalf of Jeannette Moe, W8206 Main Street, Holmen, WI 54636 for the purpose of allowing three (3) structures on a single parcel at 1605, 1613, 1621 & 1637 Main Street, Onalaska (Tax Parcels).

1. Contingent upon finalization of Transitional Commercial (T-C) District rezoning designation.
2. Tax Parcels #18-728-2, 18-728-0, and 18-727-1 shall be combined into one (1) parcel. Contact La Crosse County Land Records Department to complete this condition. Parcel modification to be completed prior to issuance of building permit.
3. Green Fee of \$638.47/acre to be paid to City prior to obtaining a Building Permit.
 $\$638.41 * .62 \text{ acre} = \395.81 dollars.
4. Any future improvements to this parcel will be subject to additional City permits and fees (i.e., site plan, building permits).
5. Owner shall have all plans reviewed and approved by the City prior to obtaining a building permit. Owner must have all conditions satisfied and improvements installed per approved plans prior to issuance of an occupancy permit.
6. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
7. Any omissions of any conditions not listed in committee minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.



CONDITIONAL USE PERMIT APPLICATION

The following checklist will ensure the timely processing of your permit:

➔ Overview/ Cover Letter Describing the following:

- ▶ Detailed Description of Proposed Conditional Use
- ▶ Description of how Proposed Conditional Use Meets Unified Development Ordinance Standards (use form on next page or attach an explanation each of the following):
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and polices)
 - ▶ Importance of Services to the Community (provided by the proposed use)
 - ▶ Neighborhood Protections (avoidance of negative impacts)
 - ▶ Other Factors (pertinent to the proposed use)

➔ Site Sketch and Photographs (if applicable)

➔ \$250 Permit Application Fee (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Conditional Use is a land use or development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require additional conditions set by the Plan Commission & Common Council before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Application for:

- | | | |
|--|---|---|
| <input type="checkbox"/> Fence | <input type="checkbox"/> Two Structures on one parcel | <input checked="" type="checkbox"/> Parking Lot |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Automotive Repair / Sales | <input type="checkbox"/> Use _____ |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Warehousing / Storage | <input checked="" type="checkbox"/> Other <u>Multiple structures on 1 lot</u> |

Brief Description of Proposed Conditional Use:

Will be constructing a 3rd building on Main St. Similar in design and material to 1621 and 1437 Main. Allowing additional parking to

Proposed conditional use must meet the requirements of the Unified Development Ordinance. Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Councilors are unable to discuss this matter outside of a scheduled public meeting. Thank you.

CITY OF ONALASKA
 REC#: R00036686 03/23/2016 11:19 AM
 PLANNING & ZONING

OPEN PERMIT
 TRK# 01
 250.00
 250.00
 0.00



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

1637 Main St **CONDITIONAL USE PERMIT APPLICATION**

Property Address: 1605 - 1613 Main
 Parcel Number: 18-727-1
 18-728-2 & 18-728-0
 Zoning District: R-2 → T.C.

Applicant: Mike Gavin
 Contact: Mike
 Mailing Address: 1637 Main St
 City, State, Zip: Onalaska WI 54650
 Phone Number: 608 781 3973
 Email: mgavin@1637mainst.com Primary Contact

Business:
 Owner/Contact:
 Mailing Address:
 City, State, Zip:
 Phone Number:
 Email: Primary Contact

Property Owner: Jeanette Mae
 Contact: Jeanette
 Mailing Address: W 8206 Main St
 City, State, Zip: Hudson, WI 54636
 Phone Number:
 Email: Primary Contact

I, the undersigned, hereby make application for the location of the herein proposed use, and I hereby agree that all laws, ordinances, codes, rules, regulations, and the laws and regulations of the State of Wisconsin, shall be applicable to the proposed use, and I agree to comply with all such laws, ordinances, codes, rules, regulations, and the laws and regulations of the State of Wisconsin.

Signature of Applicant: *[Signature]*

Date: 3/22/2016

Signature of Property Owner: *[Signature]*

Date: 3/22/2016

Compatibility with Surrounding Neighborhood:
 Similar design and material to adjacent professional
 business (1621) - (1637 Main St)

Consistency with the Comprehensive Plan:
 Project will be in line with the trend
 to convert Main St to a more commercial
 district

Importance of Services to the Community:
 Increasing tax base, will be site of
 multiple professional business

Neighborhood Protections (avoidance of negative externalities):
 Entire Area (All 3 Buildings and Lots) will
 be fenced off

Other Factors (pertinent to the proposed use):
 Allow the removal (adjustment) of the lateral
 set back on adjoining property (1621 Main)

OFFICE USE ONLY	Date Submitted: 3/22/16	Permit Number:
Permit Fee: \$200	Check #:	Application Received by: [Signature]

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF ONALASKA
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on

**TUESDAY, APRIL 26, 2016
APPROX. 7:10 P.M.
(or immediately following public hearing at 7:00P.M.)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application for a Conditional Use Permit (CUP) filed by Mike Gavin, 1637 Main Street, Onalaska, WI 54650, to allow the construction of a third building on lot similar in design and material to 1621 and 1637 Main Street on land located at 1605 and 1613 Main Street, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number: 18-727-1

Section 4, Township16, Range 7

ASSESSORS PLAT OF ONALASKA PRT OUTLOT 9 COM S ¼ COR SEC 4 S88D28M0SE
1553.46FT ALG S LN SEC 4 N2D22MOSE 33 FT TO POB N2D22M0SE 219.25FT S88D28M0SE
219.06 FT S2D22M0SW 219.25FT N88D28M0SW 219.06FT TO POB & PRT OL 9 BEG SE COR
LOT 9 BLK 4 HEATHER HILLS ADDN N88D33MW 65.49FT S2D51MW 154.49FT TO N R/W
STH-157 S88D28ME 66.79FT N2D22ME 154.57FT TO POB

Property is more particularly described as:

Computer Number: 18-728-2

Section 4, Township16, Range 7

ASSOSSORS PLAT OF ONALASKA PRT OUTLOTS 9&10 COM SW COR OL 10 S88D33ME
ALG S LN 1308.16FT N 33FT TO N R/W LN MAIN ST & POB N 150FT S88D33ME 90FT S 150FT
TO N LN MAIN ST N88D33MW ALG N LN MAIN ST 90FT TO POB

Property is more particularly described as:

Computer Number: 18-728-0

Section 4, Township16, Range 7

ASSESSORS PLAT OF ONALASKA PRT OUTLOT 9 COM SW COR OL 10 S88D33ME ALG S
LN 1398.16FT N 33FT TO N LN MAIN ST & POB N 150FT S88D33ME 90FT S 150FT TO N LN
MAIN ST N88D33MW ALG N LN MAIN ST 90FT TO POB

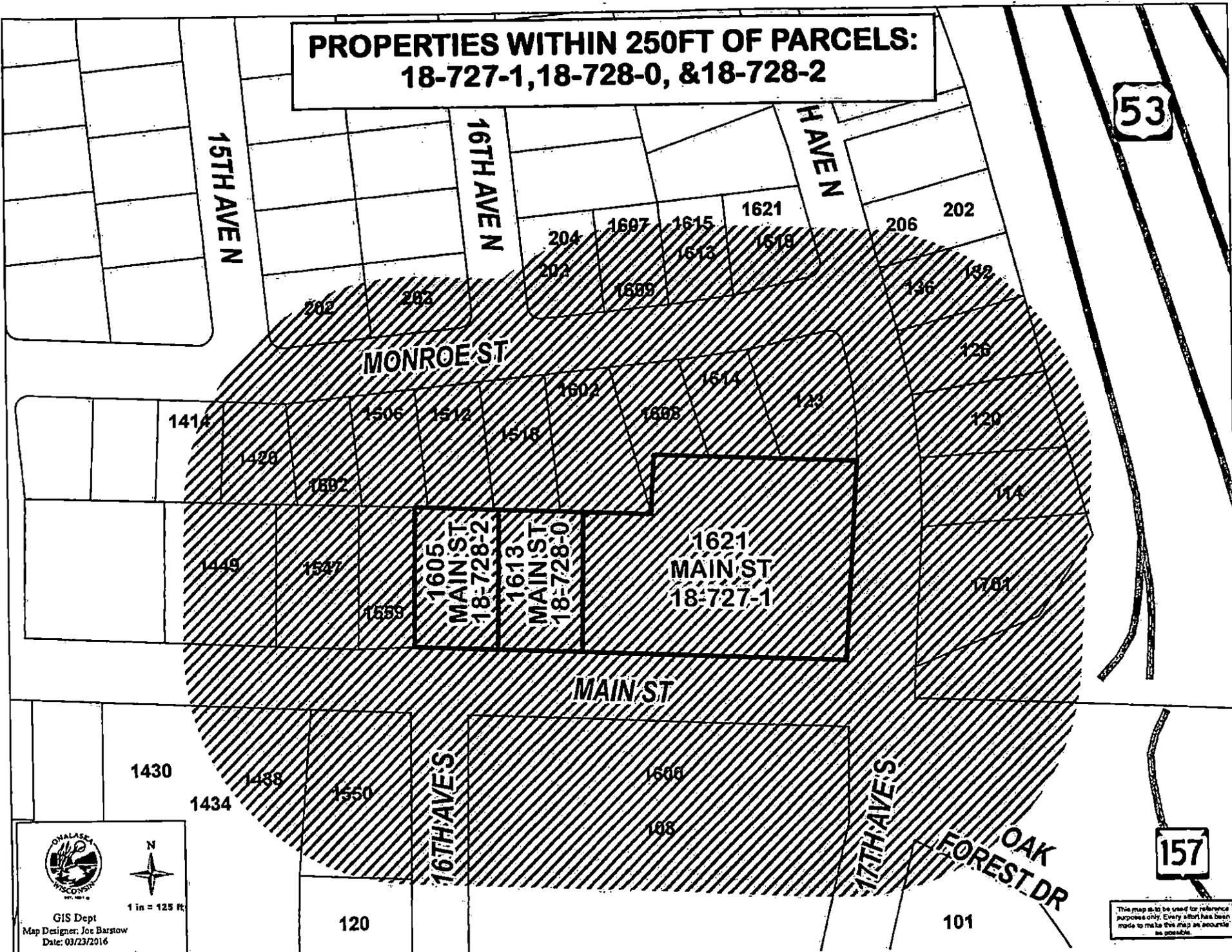
YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney concerning this matter.

More detailed information on this item will be posted to the City of Onalaska website www.cityofonalaska.com the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

Dated this 1st day of April, 2016.

Cari Burmaster
City Clerk

**PROPERTIES WITHIN 250FT OF PARCELS:
18-727-1, 18-728-0, & 18-728-2**



GIS Dept
 Map Designer: Joe Barstow
 Date: 03/23/2016
 1 in = 125 ft

This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.



CITY OF ONALASKA

Agenda Item:

6

STAFF REPORT

Plan Commission – April 26, 2016

- Agenda Item:** Public Hearing & Consideration of a Conditional Use Permit request.
- Applicant:** Treavor Millin, Wieser Brothers, 200 Twilite Street, La Crescent, MN 55947 on behalf of Rich Gillette, Root River Racing, 100 Twilite Street, La Crescent, MN 55947
- Parcel Numbers:** 18-4011-0 & 18-4012-0
- Site Locations:** 566 & 570 Lester Avenue, Onalaska, WI 54650
- Existing Zoning:** Light Industrial (M-1) with a Planned Commercial Industrial District (PCID)

Background:

Wieser Brothers General Contractor, Inc intends to construct a building and parking lot to be leased to Root River Racing. The building will be 14,672 SF and consist of space to store transportation trucks, trailers, and race vehicles inside the building. There will also be light repairs inside the building and two (2) offices for business operations. The project is proposed to have seven (7) parking stalls. The proposed building architecture includes 8-foot raked finished precast gray panels and a combination of dark green and brown metal panels above. The overhead doors are proposed to be light tan color facing north and a single overhead garage door facing Lester Avenue.

The proposed use of storage and light vehicle repair in a Light Industrial (M-1) Districts is permitted by Conditional Use Permit per Section 13-5-16 (c), 13-5-17 (d), and pursuant to standards set forth in Sections 13-8-11.

Standards for Review:

The following decision criteria were used to review the submitted conditional use:

1. **Compatibility.** The zoning of land within 250 feet of the proposed site is light industrial. The uses within 500 feet along the same street of the proposed site include a car wash, telecommunication (cell tower) site, retail, a multi-tenant commercial building, US Fish & Wildlife Offices and other professional offices. The proposed use would not have outdoor storage and would be required to move through site planning process to ensure compatibility with neighboring commercial uses.
2. **Consistency with Comprehensive Plan.** The Comprehensive Plan identifies this area as *Commercial District*. This district is intended to accommodate large and small-scale commercial and office development. A wide range of retails, service, lodging and office uses are appropriate in this district.
3. **Importance of Services to the Community.** Chapter 9: Land Use Goal 4, Objective 3 states, "By promoting infill development and redevelopment." This project is infill development occurring on vacant land surrounded by development along Lester Avenue.

CITY OF ONALASKA

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

Action Requested:

If the requested Conditional Use Permit is approved by the Plan Commission, staff recommends including the attached conditions of approval. As a public hearing will be held, testimony from the public should be listened to and considered before deciding on the requested Conditional Use Permit application.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION:

April 26, 2016

Agenda Item 6:

Public Hearing and Consideration of a Conditional Use Permit request filed by Treavor Millin, 200 Twilite Street, La Crescent, MN 55947 for the purpose of allowing warehousing/storage/small engine repair at 566 & 570 Lester Avenue, Onalaska (Tax Parcels #18-4011-0 & #18-4012-0).

1. Tax Parcels #18-4011-0 & 18-4012-0 shall be combined into one (1) parcel. Contact La Crosse County Land Records Department to complete this condition. Parcel modification to be completed prior to issuance of building permit.
2. Any future improvements to this parcel will be subject to additional City permits and fees (i.e., site plan, building permits).
3. Owner shall have all plans reviewed and approved by the City prior to obtaining a building permit. Owner must have all conditions satisfied and improvements installed per approved plans prior to issuance of an occupancy permit.
4. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
5. Any omissions of any conditions not listed in committee minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.

WI Development, LLC
200 Twilite Street
La Crescent, MN 55947

March 22, 2016

Members of the Onalaska Common Council
City of Onalaska
415 Main Street
Onalaska, WI 54650

RE: Conditional Use Permit Application

Dear Common Council:

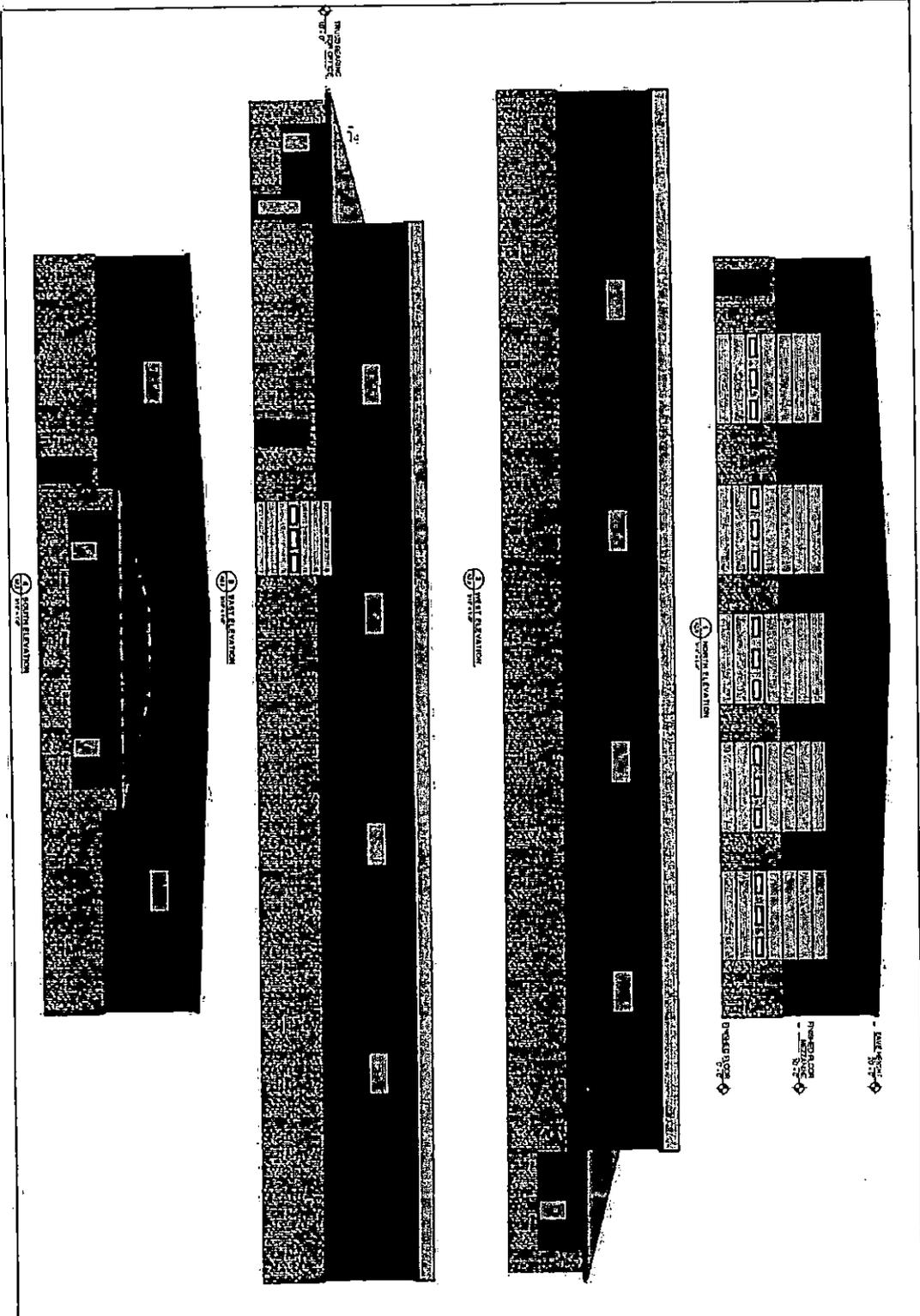
Enclosed you will find the conditional use application for our proposed building at 570 & 566 Lester Avenue on land that is presently owned by WI Development. Wieser Brothers General Contractor, Inc. is prepared to begin construction on a building that will be leased to Root River Racing as soon as possible.

The building will consist of space to store transportation trucks and trailers as well as race vehicles inside the building. There will also be light repairs taking place within the building. One end of the building will also have two (2) offices for business operations.

The building will be constructed out of raked finish precast panels up 8', with metal panels above. There will be a small office bump out constructed with similar materials. We feel the building will mesh well with the style and uses of the surrounding buildings.

Sincerely,

Jeff Wieser
President



⊕ NORTH ELEVATION

⊕ MAIN ELEVATION

⊕ ROOF ARCH ELEVATION

⊕ NORTH ELEVATION

- 1st Floor
 - 2nd Floor
 - 3rd Floor

A2.0

GRUNWALDT & HALVERSON
 Architects and Engineers
 37000 Church Drive, Columbia, MD 21046
 Phone: (410) 326-7000

ROOF ARCH ELEVATION
 HOLLAND, VA

ELEVATIONS

NO.	DATE
1	
2	
3	



CONDITIONAL USE PERMIT APPLICATION

The following checklist will ensure the timely processing of your permit:

➔ Overview/ Cover Letter Describing the following:

- ▶ Detailed Description of Proposed Conditional Use
- ▶ Description of how Proposed Conditional Use Meets Unified Development Ordinance Standards (use form on next page or attach an explanation each of the following):
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and policies)
 - ▶ Importance of Services to the Community (provided by the proposed use)
 - ▶ Neighborhood Protections (avoidance of negative impacts)
 - ▶ Other Factors (pertinent to the proposed use)

➔ Site Sketch and Photographs (if applicable)

➔ \$250 Permit Application Fee (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Conditional Use is a land use or development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require additional conditions set by the Plan Commission & Common Council before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Application for:

- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Fence | <input type="checkbox"/> Two Structures on one parcel | <input type="checkbox"/> Parking Lot |
| <input type="checkbox"/> Home Occupation | <input checked="" type="checkbox"/> Automotive Repair <i>not for customer sales</i> | <input type="checkbox"/> Use _____ |
| <input type="checkbox"/> Bed & Breakfast | <input checked="" type="checkbox"/> Warehousing / Storage | <input type="checkbox"/> Other _____ |

Brief Description of Proposed Conditional Use:

THE PROPOSED BUILDING WILL BE PRE-ENGINEERED STEEL WITH RAKED PRECAST SIDING UP 8' ABOVE THE BUSINESS IS A RACE SHOP, RACE VEHICLES & HAWKERS WILL BE STORED & WORKED ON INSIDE THE BUILDING.

Proposed conditional use must meet the requirements of the Unified Development Ordinance. Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Councilors are unable to discuss this matter outside of a scheduled public meeting. Thank you.

TR	1	CASH	51	
		PER	WIESER	
		DATE	141854	
		AMOUNT	250.00	
				250.00
				0.00

CITY OF ONALASKA
REF#: R00056698 05/23/2016 11:21 AM
TRAIN: 450 PLANNING & ZONING



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

CONDITIONAL USE PERMIT APPLICATION

Property Address:
570 566 LESTER AVE

Parcel Number:
184012-0 / 18-4011-0

Zoning District:
L645 INDUSTRIAL (M-1)

Applicant: WIESER BROTHERS GENERAL CONTRACTORS
Contact: TREVOR MILLIN

Mailing Address: 200 TWILITE ST.
City, State, Zip: LA CRESSENT, MN 55947
Phone Number: (507) 895-8903
Email: trevorn@wieserbrothers.com Primary Contact

Business: ROOT RIVER RACING
Owner/Contact: RICH GILLETTE
Mailing Address: 100 TWILITE ST. SUITE A
City, State, Zip: LA CRESSENT, MN 55947
Phone Number: (507) 269-2324
Email: rootriver@live.com Primary Contact

Property Owner: W I Development
Contact: JESS WIESER
Mailing Address: 200 Twilight St
City, State, Zip: Lacrescent mn
Phone Number: 507-895-8903
Email: JessW@Wieserbrothers.com Primary Contact

The undersigned hereby makes application for the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska, the development code/zoning ordinance and with all other applicable city ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant: *[Signature]*

Date: 3/21/16

Signature of Property Owner: *[Signature]*

Date: 3/21/14

Compatibility with Surrounding Neighborhood:
THE SURROUNDING BUILDINGS HAVE SIMILAR MATERIALS TO OUR PROPOSED PROJECT. METAL SIDING BUILDING. THERE ARE BUILDINGS WITH PRECAST BRICK, SPLIT FACED BLOCK METAL SIDING, & A CELL PHONE TOWER ON THE SAME BLOCK. THIS BUILDING WILL BLEND VERY NICELY WITH THOSE EXISTING BUILDINGS.

Consistency with the Comprehensive Plan:
THE BUILDING WILL BE GOING IN A "MIXED USE" AREA. WE FEEL OUR BUILDING WILL HAVE A HIGH ARCHITECTURAL QUALITY WITH LANDSCAPING & SITE DESIGN THAT MATCHES THE SURROUNDING BUILDINGS.

Importance of Services to the Community:
ROOT RIVER RACING PROVIDES JESS AND MECHANICS AS WELL AS RACES, SOME THAT IS NOT ALL THAT COMMON. THE BUSINESS PROVIDES AN OPPORTUNITY FOR PEOPLE IN THE COMMUNITY OF ONASKA TO FOLLOW A RACE TEAM AS IT TRAVELS THE COUNTRY.

Neighborhood Protections (avoidance of negative externalities):
THERE WILL BE NO NEGATIVE IMPACTS ON THE SURROUNDING PROPERTIES WITH THIS PROJECTS DUMPSTERS WILL BE INSIDE OF AN ENCLOSURE.

Other Factors (pertinent to the proposed use):

OFFICE USE ONLY	Date Submitted: 3/23/16	Permit Number:
REMOVED TO	Checked by:	Application Received by:

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF ONALASKA
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on

**TUESDAY, APRIL 26, 2016
APPROX. 7:20 P.M.
(or immediately following public hearing at 7:10P.M.)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application for a Conditional Use Permit (CUP) filed by Wieser Brothers General Contractor, 200 Twilite Street, La Crescent, MN 55947, to allow for the construction of a pre-engineered steel building with raked precast siding for a race shop on land located at 570 and 566 Lester Avenue, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number: 18-4012-0
Section 10, Township16, Range 7
VALLEYVIEW BUSINESS PARK ADD LOT 12 BLOCK 2

Property is more particularly described as:

Computer Number: 18-4011-0
Section 10, Township16, Rangè 7
VALLEYVIEW BUSINESS PARK ADD LOT 11 BLOCK 2

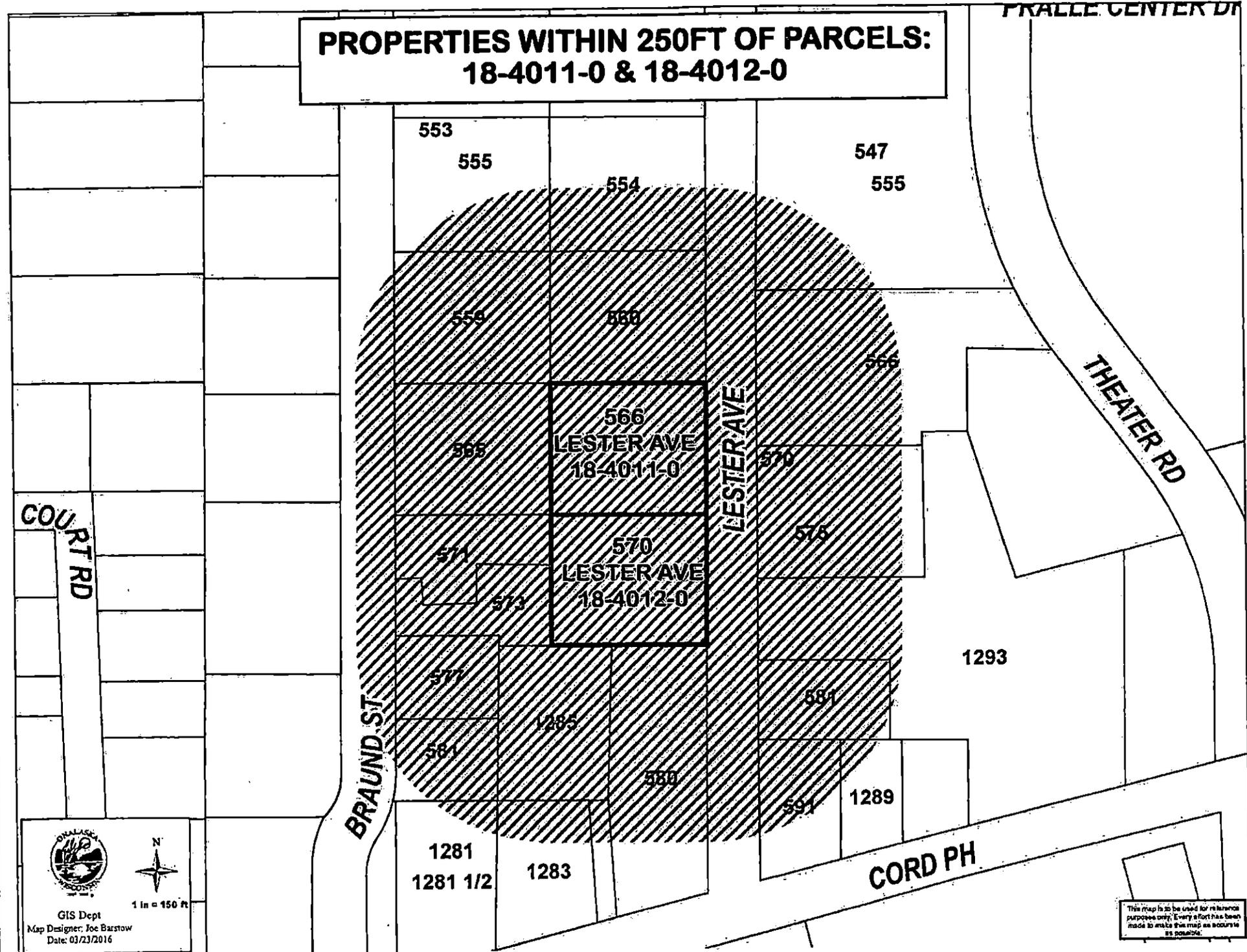
YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney concerning this matter.

More detailed information on this item will be posted to the City of Onalaska website www.cityofonalaska.com the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

Dated this 1st day of April, 2016.

Cari Burmaster
City Clerk

**PROPERTIES WITHIN 250FT OF PARCELS:
18-4011-0 & 18-4012-0**




GIS Dept
Map Designer: Joe Barstow
Date: 03/23/2016
1 in = 450 ft

This map is to be used for reference purposes only. Every effort has been made to make the map as accurate as possible.



CITY OF ONALASKA

STAFF REPORT

Plan Commission – April 26, 2016

Agenda Item:

7

Agenda Item: Discussion and consideration of consideration of an amendment to the Unified Development Code (UDC) regarding fence.

Background: The UDC Section 13-6-10 for Fences specifies a number of regulations pertaining to fences in residential and non-residential zoning districts. The attached document is proposed language to update the entire fence section to provide clear regulations on fence heights and setbacks in all zoning districts in addition to removing redundant language. It also includes amendments proposed by the Plan Commission in March 2016.

Requested Action: As a public hearing will be held, testimony from the public should be listened to and considered before deciding on the proposed text amendment to the Unified Development Code.

ORDINANCE NO. -2016

AN ORDINANCE TO AMEND CHAPTER 5 OF TITLE 13,
OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO
APPLICATION FOR CONDITIONAL USES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS

FOLLOWS:

SECTION I. Section 10 Chapter 6 of Title 13 of the Code of Ordinances of the City of Onalaska is hereby deleted in its entirety and replaced with:

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CHAPTER 6
ACCESSORY USES AND
MISCELLANEOUS STANDARDS

Sec. 13-6-10 Fences.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fence Regulations.**
- (1) **Fence Heights.**
- a. Fences in residential districts shall not exceed a height of six (6) feet in rear and side yards, unless allowed through an issued Conditional Use Permit. Fences shall not exceed a height of four (4) feet in the street yard.
- b. Fence heights for street yard in non-residential zoning districts shall be determined through site plan review and/or review by the Planning Department.
- c. Fences in commercial and industrial zoning districts may not exceed eight (8) feet in height in the rear or side yard.
- d. Fences in public and semi-public zoning districts may not exceed six (6) feet in height in the rear or side yard.
- e. Fence heights shall ~~may~~ be measured ~~at a from a point point up to~~ (3) three inches above from ground elevation to the top of fence-at site-of-installation.
- f. In the event that a fence is placed on top of a retaining wall or similar structure and shares a vertical support system, the height of the fence shall include the height of both structures. If the fence and the retaining wall have independent vertical support structures, the fence and retaining wall heights may be measured separately.
- (2) **Fence Setbacks.**

Comment [a1]:

- a. Fences in residential districts may be placed up to the lot line in rear and side yards. Fences shall not be closer than three (3) feet to any public right-of-way, unless it is a decorative style fence less than three (3) feet in height.
- b. Fences in all non-residential zoning districts adjacent to public right-of-ways shall be set back a minimum of three (3) feet or comply with the specified zoning district street yard setback; whichever is less. Fences may be placed up to the lot line in rear and side yards.
- c. Property owners shall locate fences so that each side of the fence may be properly maintained by the owner of the fence while on said owners property.

~~(e) Security Fences. Security fences are permitted up to lot lines in all non-residential zoning districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.~~

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~~(d)(c) Prohibited Fences. No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.~~

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~~(e)(d) Fences to be Repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.~~

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~~(e)(e) Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. Temporary fences shall not be erected for more than forty-five (45) days.~~

~~(e)(f) Nonconforming Fences and Hedges. Any fence or hedge existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this Section.~~

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____ day of _____, 2016.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

ORDINANCE NO. -2016

AN ORDINANCE TO AMEND CHAPTER 5 OF TITLE 13,
OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO
APPLICATION FOR CONDITIONAL USES

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ACCESSORY USES AND
MISCELLANEOUS STANDARDS

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 - b. Fence heights for street yard in non-residential zoning districts shall be determined through site plan review and/or review by the Planning Department.
 - c. Fences in commercial and industrial zoning districts may not exceed eight (8) feet in height in the rear or side yard.
 - d. Fences in public and semi-public zoning districts may not exceed six (6) feet in height in the rear or side yard.
 - e. Fence heights may be measured from a point up to (3) three inches above ground elevation to the top of fence.
 - f. In the event that a fence is placed on top of a retaining wall or similar structure and shares a vertical support system, the height of the fence shall include the height of both structures. If the fence and the retaining wall have independent vertical support structures, the fence and retaining wall heights may be measured separately.
- (2) **Fence Setbacks.**
- a. Fences in residential districts may be placed up to the lot line in rear and side yards. Fences shall not be closer than three (3) feet to any

public right-of-way, unless it is a decorative style fence less than three (3) feet in height.

- b. Fences in all non-residential zoning districts adjacent to public right-of-ways shall be set back a minimum of three (3) feet or comply with the specified zoning district street yard setback; whichever is less. Fences may be placed up to the lot line in rear and side yards.
- c. Property owners shall locate fences so that each side of the fence may be properly maintained by the owner of the fence while on said owners property.
- (c) **Prohibited Fences.** No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (d) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (e) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. Temporary fences shall not be erected for more than forty-five (45) days.
- (f) **Nonconforming Fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this Section.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____ day of _____, 2016.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

REZONING OR TEXT AMENDMENT APPLICATION

The following checklist will ensure the timely processing of your application:

- ➔ Overview/ Cover Letter Describing the following:
 - ▶ Detailed Description of Proposed Rezoning or Text Amendment
 - ▶ Description of how Proposed Rezoning Meets Unified Development Code Standards
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and policies)
- ➔ \$300 Permit Application Fee (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Map or Text Amendment to the City of Onalaska Unified Development Code / Zoning Ordinance may be proposed at any time. Amendments to the Zoning District Map or Overlay District Map proposed by the public shall be initiated by submitting a completed application by owners of all parcels proposed to be rezoned. The application for amendments to the Text of the UDC / Zoning Ordinance shall include the text in question as well as proposed text.

Request for Amendment to:

- Zoning District Map (Rezoning)
- Zoning Ordinance (Text Amendment)
- Zoning Overlay District Map (Rezoning)

Description of Request to Amend the Unified Development Code - Zoning Ordinance: (Text and/or Map(s)):

Existing Zoning District: _____ Proposed Zoning District: _____

Update to Section 13-6-10 (Fences) pertaining to fences in residential & non-residential zoning districts.

Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Alderpersons are unable to discuss this matter outside of a scheduled public meeting. Thank you.

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF ONALASKA
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on

**TUESDAY, APRIL 26, 2016
APPROX. 7:30 P.M.
(or immediately following public input at 7:20PM)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an amendment to the City of Onalaska Code of Ordinances regarding the Fences in Residential and non-residential Zoning Districts (Title 13, Chapter 6, Section 10).

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney concerning this matter.

Dated this 1st day of April, 2016.

Cari Burmaster
City Clerk



CITY OF ONALASKA

Agenda Item:

8

STAFF REPORT

Plan Commission – April 26, 2016

- Agenda Item: Review & Consideration of a rezoning request.
- Applicant: Weiser Brothers G.C. Inc., 200 Twilite Street, La Crescent, MN 55947
- Parcel Number: 18-675-4
- Site Location: 1217 Quincy Street, Onalaska, WI 54650
- Existing Zoning: Family and/or Duplex Residential (R-2) District
- Neighborhood Characteristics: Properties within 250 feet of the properties in question include a variety of residential dwellings and personal service related businesses and offices.
- Conformance with Land Use Plan: The Comprehensive Plan identifies this area as *Mixed Use District "Smart Growth Areas"*. This district allows complementary land uses including housing, retail, offices, commercial services, and civic uses in an efficient compact development. This district is meant to be highly accessible by pedestrian and bicycle traffic, and additional site design should ensure that these are comfortable areas for non-motorized transportation methods.
- Background: The applicant owns the property under review which is currently zoned Single Family and/or Duplex Residential (R-2) District. The purpose of this rezoning is to construct a dental office and rezone the property to Neighborhood Business (B-1) District.
- Condition #7: The rezoning will only be effective when the owner of Parcel No. 18-675-4 has purchased Parcel No. 18-675-13, is not an allowable Condition of Approval to be attached to the rezoning request. The applicant has an offer to purchase Tax Parcel # 18-675-13 on record with the City.*
- Action Requested: Removal of Condition #7 and reconsideration of the rezoning request.

REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION:

April 26, 2016

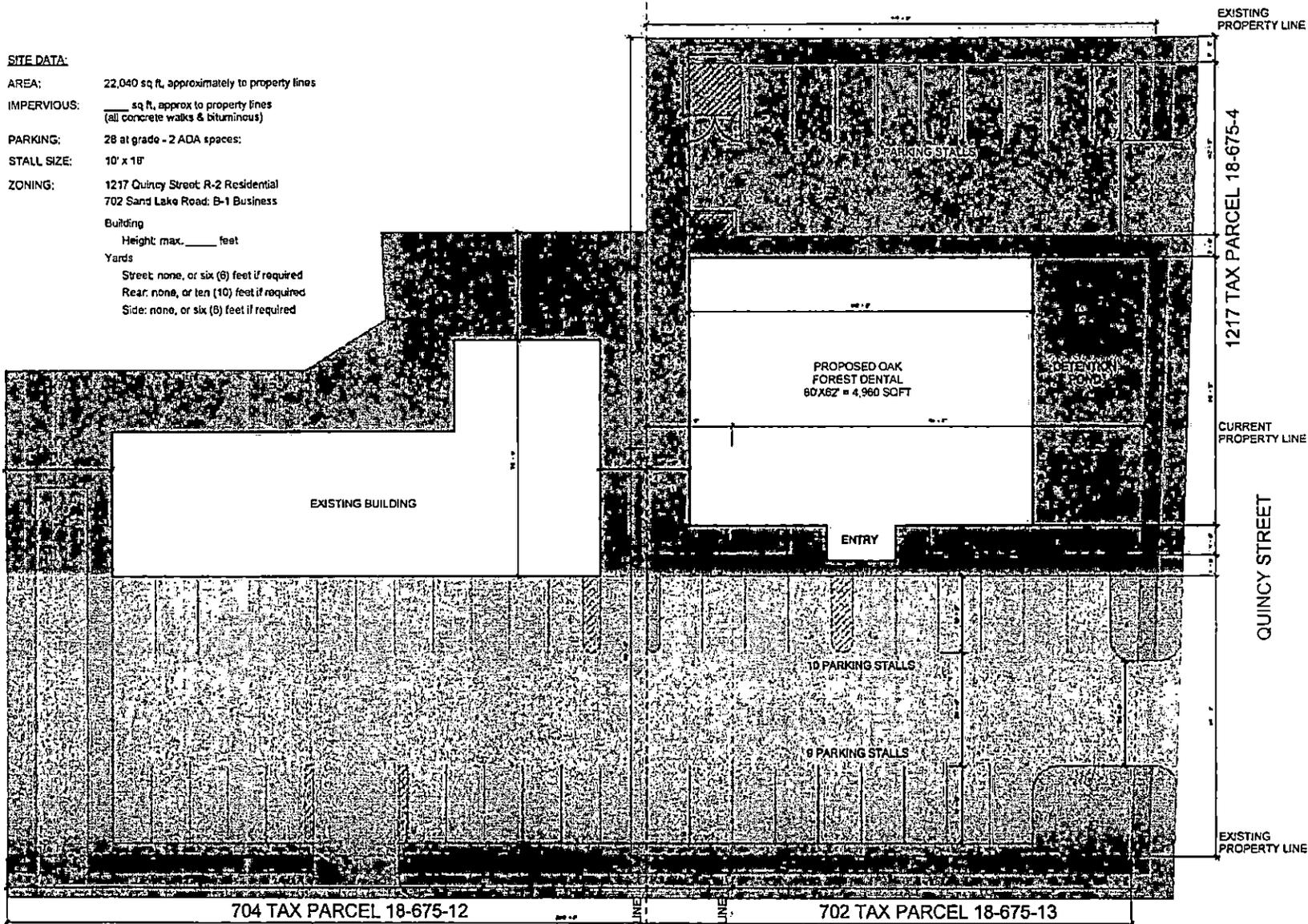
Agenda Item 8:

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

1. Rezoning Fee of \$300.00 (PAID).
2. Green Fee of \$638.47/acre to be paid to City prior to obtaining a Building Permit.
\$638.41 * .255 acre = \$162.81 dollars.
3. Any future improvements to this parcel will be subject to additional City permits and fees (i.e., building permits).
4. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
5. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
6. Any omissions of any conditions not listed in committee minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.
7. The rezoning will only be effective when the owner of Parcel No. 18-675-4 has purchased Parcel No. 18-675-13. – CONDITION ADDED BY PLAN COMMISSION ON 3-22-2016.

SITE DATA:

AREA: 22,040 sq ft, approximately to property lines
 IMPERVIOUS: ___ sq ft, approx to property lines
 (all concrete walks & bituminous)
 PARKING: 28 at grade - 2 ADA spaces:
 STALL SIZE: 10' x 18'
 ZONING: 1217 Quincy Street: R-2 Residential
 702 Sand Lake Road: B-1 Business
 Building
 Height: max. ___ feet
 Yards
 Street: none, or six (6) feet if required
 Rear: none, or ten (10) feet if required
 Side: none, or six (6) feet if required



PROJECT TITLE: OAK FOREST DENTAL
 PROJECT LOCATION: 702 SAND LAKE ROAD ONALASKA, WI 54650

PROJECT NO: 16115
 DRAWING DATE: 02/17/16
 DRAWN BY: JW
 SET TYPE: CONCEPT

REVISIONS	NO.	DATE

SHEET TITLE: Concept Site Plan

SHEET NO. A101

1 CONCEPT SITE PLAN



PROPOSED PROPERTY LINE
 CURRENT PROPERTY LINE

SAND LAKE ROAD

EXISTING PROPERTY LINE
 1217 TAX PARCEL 18-675-4
 CURRENT PROPERTY LINE
 QUINCY STREET
 EXISTING PROPERTY LINE

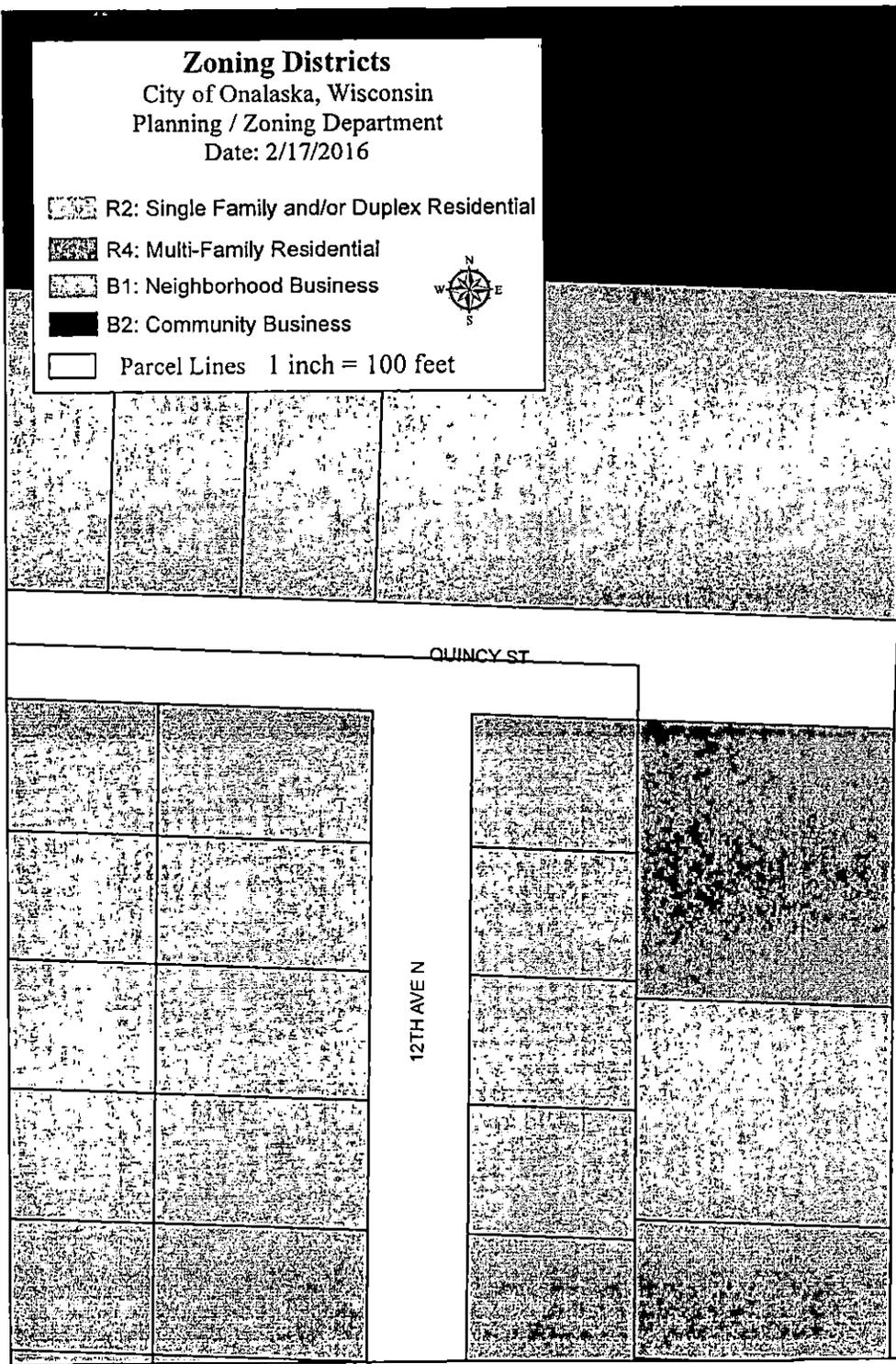
704 TAX PARCEL 18-675-12

702 TAX PARCEL 18-675-13

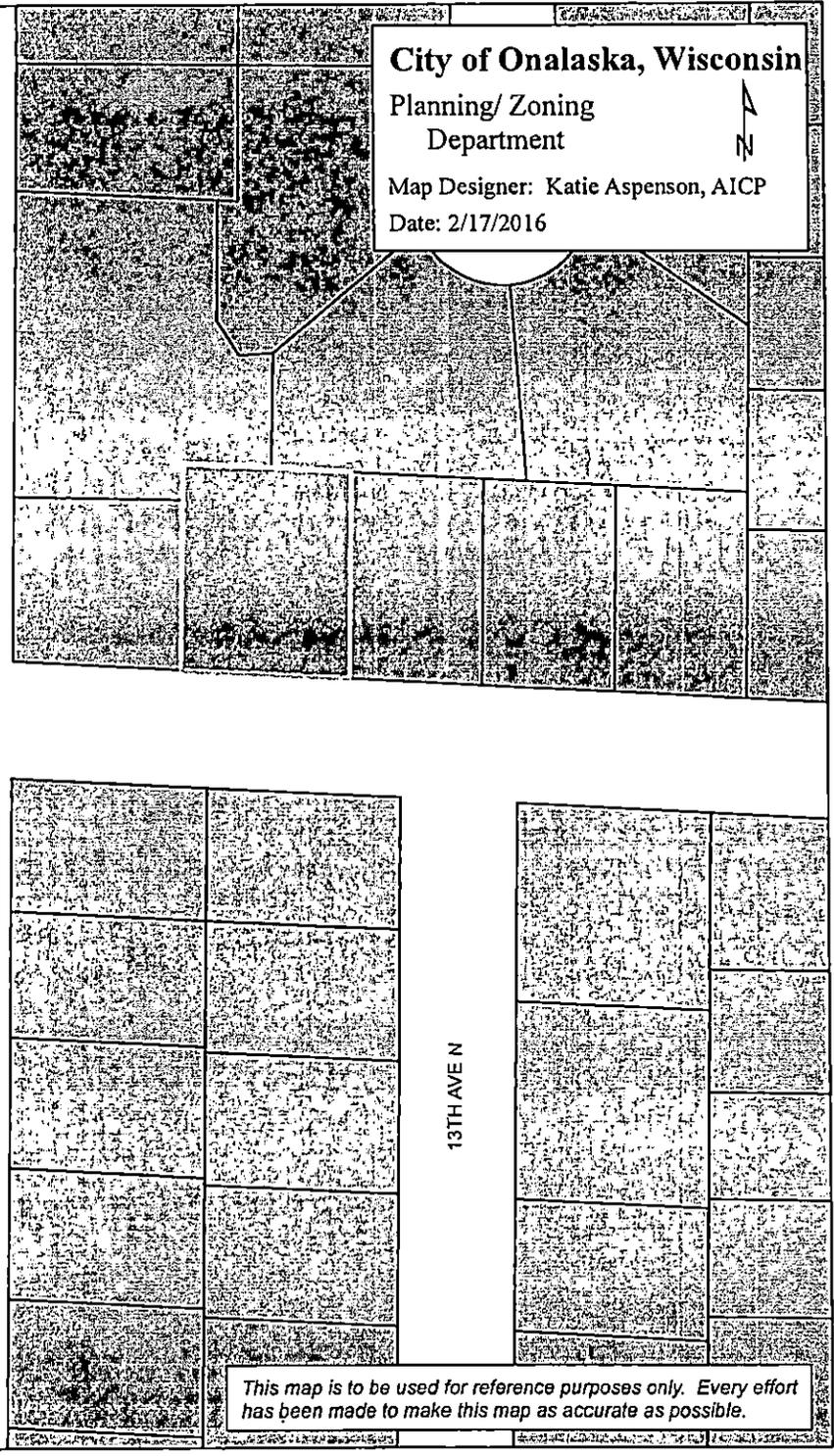
Zoning Districts

City of Onalaska, Wisconsin
Planning / Zoning Department
Date: 2/17/2016

-  R2: Single Family and/or Duplex Residential
-  R4: Multi-Family Residential
-  B1: Neighborhood Business
-  B2: Community Business
-  Parcel Lines 1 inch = 100 feet



City of Onalaska, Wisconsin
Planning/ Zoning
Department
Map Designer: Katie Aspenson, AICP
Date: 2/17/2016



This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

REZONING OR TEXT AMENDMENT APPLICATION

The following checklist will ensure the timely processing of your application:

- ➔ Overview/ Cover Letter Describing the following:
 - ▶ Detailed Description of Proposed Rezoning or Text Amendment
 - ▶ Description of how Proposed Rezoning Meets Unified Development Code Standards
 - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
 - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and policies)
- ➔ \$300 Permit Application Fee (Payable to the City of Onalaska)

If incomplete, no further processing of the application will occur until the deficiencies are corrected.

A Map or Text Amendment to the City of Onalaska Unified Development Code / Zoning Ordinance may be proposed at any time. Amendments to the Zoning District Map or Overlay District Map proposed by the public shall be initiated by submitting a completed application by owners of all parcels proposed to be rezoned. The application for amendments to the Text of the UDC / Zoning Ordinance shall include the text in question as well as proposed text.

Request for Amendment to:

- Zoning District Map (Rezoning) Zoning Ordinance (Text Amendment)
 Zoning Overlay District Map (Rezoning)

Description of Request to Amend the Unified Development Code - Zoning Ordinance: (Text and/or Map(s)):

Existing Zoning District: R2 Proposed Zoning District: B1

REZONING from R2 to B1, to facilitate the opening of a dental clinic. Two dentists will be practicing out of this facility.

Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Alderpersons are unable to discuss this matter outside of a scheduled public meeting. Thank you.



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

REZONING OR TEXT AMENDMENT APPLICATION

Property Address:
1217 QUINCY ST. ONALASKA

Parcel Number:
18-675-4

Zoning District:
R2

Applicant: **WIESER BROTHERS G.C. INC.**

Contact: **Bob Conway**

Mailing Address: **200 TWILITE ST.**

City, State, Zip: **LACROSSE WIS 54601**

Phone Number: **608-785-8903**

Email: **bobc@wieserbros.com** Primary Contact

Business: **OAK FOREST DENTAL**

Owner/Contact: **DR. DAVE HUGGETT**

Mailing Address: **1062 OAK FOREST DR.**

City, State, Zip: **ONALASKA WI 54650**

Phone Number: **608-781-4992**

Email: **dhuggett@oakn.com** Primary Contact

Property Owner:

Contact: **DAVE HUGGETT**

Mailing Address: **1062 OAK FOREST DRIVE**

City, State, Zip: **ONALASKA, WI 54650**

Phone Number: **608-781-4992**

Email: **dhuggett@oakforestdental.com** Primary Contact

The undersigned hereby makes application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

Signature of Applicant:  Date: **2-16-16**

Signature of Property Owner:  Date: **2-16-16**

OFFICE USE ONLY: Date Submitted: **2/16/16** Permit Number: **123**

Permit Fee: **300** Cash Check # **11129** Application Received by: **VJ**

CITY OF ONALASKA
 REC#: R00034211 02/17/2016 1:33 PM
 TRAN: 450 PLANNING & ZONING
 OPER: C1 TERM: 1
 TRKY: CASH 01

18-675-4 1217 QUINCY ST 300.00

Paid By: WIESER BROTHERS
 CK 300.00 REF: SW - 141319

APPLIED 300.00
 TENDERED 300.00
 CHANGE 0.00



CITY OF ONALASKA

STAFF REPORT

Plan Commission – April 26, 2016

Agenda Item:

9

Agenda Item: Discussion and consideration regarding the Onalaska Payment In Lieu of Taxes Policy as adopted by the Common Council on February 9, 2016.

Background:

At the March Plan Commission meeting, a number of questions were raised regarding the following:

- Ensuring that all non-profits are equally represented in the PILOT program.
- PILOTs applied to a portion or entire value of non-profit property.
- Requiring PILOTs of all non-profits without requiring City approved permits (such as a Conditional Use Permit).

The purpose of a PILOT agreement is to assist in the City's burden of providing City services which benefit tax-exempt organizations such as street lighting, street cleaning and maintenance, police and fire protection, and snow removal.

On April 12, 2016, the Common Council sent the PILOT Policy to be reviewed back to the Plan Commission. Onalaska legal counsel is in the process of making changes to the policy to address Plan Commission questions, mainly related to the PILOT process. Attached are the modified draft PILOT Ordinance and an associated memo describing changes and rationale from Attorneys Amanda Jackson & Sean O'Flaherty.

MEMO

TO: Katie Aspenson
FROM: Attorneys Amanda Jackson/Sean O'Flaherty
DATE: April 18, 2016
RE: PILOT Policy

Attached to this memo is a draft ordinance codifying the PILOT policy for consideration by the Plan Commission and Common Council. By codifying the City's PILOT policy there will be no question from local tax-exempt organizations with respect to what the policy is or what is expected from tax-exempt organizations and when. The ordinance provides clearly that it applies to all tax-exempt organizations (charitable, religious, benevolent, educational etc.) and that the policy is voluntary *except that a PILOT shall be required in all instances in which the City can legally require a PILOT* such as in a conditional use permit, development agreement or other similar agreement or condition. We would encourage that a copy of the ordinance be mailed to all of tax-exempt properties upon its passing to make them aware of the ordinance and also to encourage participation in a voluntary PILOT agreement. The City cannot require a PILOT from all tax-exempt organizations as a blanket rule however the City can require a PILOT as a condition to a CUP, development agreement or other similar zoning condition.

By codifying the PILOT policy, the procedure for how the policy will be carried out is made public, including the calculation of municipal services for purposes of calculating the PILOT amount. This allows for greater transparency and understanding of the program. It also allows a tax-exempt organization which is considering an expansion or other work that may trigger a PILOT to be able to better plan and budget for the impact of a potential PILOT.

Chapter 5

Payment in Lieu of Taxes

3-5-1 Payment in Lieu of Taxes

Sec. 3-5-1 Payment in Lieu of Property Taxes (“PILOT”).

- (a) **Purpose.** There is created a fair share payment in lieu of taxes program in which the City seeks payments from owners of tax-exempt properties in recognition of the services those properties receive from the City. Payments received through this program are intended to diversify the City’s revenue sources, compensate the City for lost revenues resulting from the large portion of the City’s land area that is tax-exempt and reduce the subsidy of service provision to tax-exempt properties by owners of taxable properties. By creating this ordinance, the City seeks to generate additional revenues needed to maintain the high level of services it provides to residents, businesses and visitors, even during times of limited financial resources and challenging city budgets.
- (b) **Definitions.**
- (1) "Assessor" is the City of Onalaska Assessor
 - (2) “Owner” means a tax-exempt organization or institution that owns or intends to acquire real property in the City of Onalaska.
 - (3) “PILOT” means Payment in Lieu of Taxes.
- (b) **Administrative Authority.**
The City Finance Department is authorized and directed to carry out the program established in this section, with assistance to be provided by other City departments as noted.
- (c) **Procedure.**
- (1) **Initiation.** The procedures described in this subsection shall be initiated by the Finance Department whenever the City Planning Department or Assessor receives a new application for property tax exemption or whenever the Planning Department notifies the Assessor and Finance Director that an Owner has demonstrated its intent to expand, improve, replace or acquire a facility, as evidenced by an application for a building permit, certificate of occupancy, development agreement, zoning change, conditional use or variance.
 - (2) **PILOT Project Profile.** The Planning Department shall contact the Owner regarding the possibility of an agreement to make payments in lieu of taxes to the City. As part of this communication, the Planning Department shall provide the Owner with a new Pilot project profile form on which the Owner is asked to provide the information about the tax-exempt institution and its existing and proposed facilities that is necessary for development of a PILOT. The Planning Department shall ask the Owner to submit for the new PILOT project profile form and the master plan for the project.
 - (3) **Communication.** Once the Owner submits the new PILOT project profile form and master plan showing existing and proposed facilities, the Assessor shall calculate the

anticipated amount of the PILOT and the Finance Director, Attorney and a representative from the Planning Department shall discuss the formulation of the PILOT agreement and the amount of the annual payment with the owner.

(4) Guidelines for establishing PILOT amount. The PILOT amount shall be calculated by multiplying the value of the owner's property by the City's mill rate each year in which the property is determined to be tax exempt. The Assessor shall estimate the value of the tax-exempt property, including both existing facilities and new construction, using standard appraisal methodologies that the Assessor deems most appropriate.

(5) PILOT Agreement. The Attorney's office in conjunction with the Finance Department shall draft the PILOT agreement between the City and Owner. If the Owner's tax exempt property contains multiple buildings or facilities and the Owner anticipates multiple alterations to the buildings or facilities, the agreement may take the form of a comprehensive agreement that applies to all buildings and facilities on the property. The provisions of a PILOT agreement may include but shall not be limited to the following:

a. The parties agree that the City will provide the Owner's property with public services typically funded by the property tax, such as fire and police protection, street maintenance and street lightening.

b. The Owner of the tax exempt property understands that it may still be subject to special assessments, special charges, special taxes or fees charged by the City pursuant to the City's statutory authority.

c. The Owner agrees to pay an annual PILOT for the tax-exempt property. The method of calculating the PILOT shall be specified, as shall the technique for annually adjusting the PILOT for inflation.

d. The Owner shall pay the entire PILOT on or before January 31 of the year following the tax year for which the PILOT was calculated. Alternatively the Owner may pay ½ of the PILOT on or before January 31st with the other ½ being paid on or before July 31st.

e. The City may use the PILOT revenues for purposes it deems appropriate. The Finance Director shall treat all PILOT payments as general fund revenues and accounted for specifically in the General Property Taxes category.

f. The City reserves the right to grant or deny the Owner's application for tax-exempt status, pursuant to § 70.11, Wis. Stats. If the City grants tax-exempt status, the City may review, reconsider and, if necessary, alter that tax-exempt status each January. If part or all of the property does not qualify for tax-exempt status, the impact on the PILOT shall be specified.

g. The agreement shall be considered void from the date of its execution if the Owner does not become the holder of legal title to the property by December 31 of the tax year or if the Assessor determines that the property is no longer tax exempt.

- (d) **Execution.** The PILOT shall be executed when the Owner of the tax exempt property, the Mayor, the Clerk and the City Attorney have signed the Agreement.
- (e) **Awareness.** The Planning Department along with the Assessor shall develop, implement and continuously maintain a campaign to create awareness of the faire share payment in lieu of taxes program among property owners requesting exemption and current owners of tax exempt properties.
- (f) **Impact.** Whether or not an Owner has entered into a PILOT shall not have an effect on the property's tax exempt status.

- (g) **When Required.** A PILOT agreement shall be a voluntary agreement except in all instances in which the City can legally require a PILOT, for example a conditional use permit, development agreement or other similar agreement or condition.



CITY OF ONALASKA

Agenda Item:

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STAFF REPORT

Plan Commission – April 26, 2016

- Agenda Item: Review & Consideration of a request for an exception regarding cell tower abandonment.
- Applicant: Keith Heinze on behalf of Luther High School, 1501 Wilson Street, Onalaska, WI 54650
- Parcel Number: 18-1015-0
- Site Location: Luther High School, 1501 Wilson Street, Onalaska, WI 54650
- Existing Zoning: Public & Semi-Public (P-1) District
- Neighborhood Characteristics: Properties within 250 feet of the properties in question includes a variety of residential dwellings including, single family homes, twindos/duplexes, and apartment buildings, in addition to two commercial uses (retail and financial services).
- Background: The applicant currently has an inactive cell phone tower and associated facilities located at Luther High School and the City has been working with Luther High School to appropriately decommission the tower and support equipment. The deadline for total removal is July 31, 2016.

Section 13-6-6 1 (h) Removal/Security for Removal states the following, *"It is the express policy of the City of Onalaska and this ordinance that telecommunications towers be removed once they are no longer in use and are not a functional part of providing telecommunications service, and that it is the telecommunications provider's responsibility to remove such telecommunications towers and restore sites to original conditions or conditions approved by the City of Onalaska Land Use and Development Director or designee. Restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to 5 feet below the surface."*

Luther High School is requesting an exception from the Plan Commission to allow the foundation/base and electrical service to remain in ground and be re-purposed as the foundation for a different accessory structure, such as flag pole, cross, pole sign, or other form of artwork.



LUTHER HIGH SCHOOL

Keeping Christ in High School Education

To: City of Onalaska, Plan Commission

Re: Request for Exception 1 to Section 6 of Chapter 6 of Title 13 of the Code of Ordinances of the City of Onalaska

Date: April 7, 2016

From: Keith Heinze, Facilities and Operations Director, Luther High School

The one-time six (6) month extension pertaining to our inactive cell phone tower and facilities at 524 Oak Forest Drive (Luther High School), Tax Parcel #18-1015-0 will end April 30. The 90 day timeline to decommission the tower and all other support equipment is July 31.

In the interest of maintaining the unique location of the site (It is in the line of sight for both football and baseball fans and very easily viewed from Wilson Street and Oak Forest Drive and Highway 157.) Luther High requests an exception to this ordinance which requires removal of the foundation to 5 (five) feet below grade. As a point of information, no depth requirement for removal was stipulated in the ordinance at the time the permit for the pole was issued in May 2007.

The requested exception, therefore, is that we do not remove the foundation but be allowed to repurpose it with an accessory structure such as a flag pole, cross, pole sign, or other form of artwork. The electrical service would remain to allow for lighting options.

"We Preach Christ Crucified" 1 Corinthians 1:23a



CITY OF ONALASKA

STAFF REPORT

Plan Commission – April 26, 2016

Agenda Item:

11

- Agenda Item: Review & Consideration of a second request for an exception regarding cell tower abandonment.
- Applicant: Keith Heinze on behalf of Luther High School, 1501 Wilson Street, Onalaska, WI 54650
- Parcel Number: 18-1015-0
- Site Location: Luther High School, 1501 Wilson Street, Onalaska, WI 54650
- Existing Zoning: Public & Semi-Public (P-1) District
- Neighborhood Characteristics: Properties within 250 feet of the properties in question includes a variety of residential dwellings including, single family homes, twindos/duplexes, and apartment buildings, in addition to two commercial uses (retail and financial services).
- Background: The applicant currently has an inactive cell phone tower and associated facilities located at Luther High School and the City has been working with Luther High School to appropriately decommission the tower and support equipment. The deadline for total removal is July 31, 2016.

Section 13-6-6 1 (h) Removal/Security for Removal states the following, *"It is the express policy of the City of Onalaska and this ordinance that telecommunications towers be removed once they are no longer in use and are not a functional part of providing telecommunications service, and that it is the telecommunications provider's responsibility to remove such telecommunications towers and restore sites to original conditions or conditions approved by the City of Onalaska Land Use and Development Director or designee. Restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to 5 feet below the surface."*

Luther High School is requesting a second exception from the Plan Commission to allow the foundation/base to be removed down to three (3) feet below the surface, instead of the required five (5) feet. At the time of the cell tower installation in 2007, the City did not have a specified removal depth and Luther High has a current lease agreement that the cell tower owner would remove to a depth of three (3) feet.



LUTHER HIGH SCHOOL

Keeping Christ in High School Education

To: City of Onalaska, Plan Commission

Re: Request for Exception 2 to Section 6 of Chapter 6 of Title 13 of the Code of Ordinances of the City of Onalaska

Date: April 7, 2016

From: Keith Heinze, Facilities and Operations Director, Luther High School

The one-time six (6) month extension pertaining to our inactive cell phone tower and facilities at 524 Oak Forest Drive (Luther High School), Tax Parcel #18-1015-0 will end April 30. The 90 day timeline to decommission the tower and all other support equipment is July 31.

The present ordinance requires removal of the foundation to 5 (five) feet below grade. As a point of information, no depth requirement for removal was in the ordinance at the time the permit for the pole was issued in May 2007. The lease agreement we have with the cell tower company is removal of the foundation to 3 (three) feet below grade.

The requested exception, therefore, is that the depth for removal be 3 (three) feet.

"We Preach Christ Crucified" } Corinthians 1:23a