

**Plan Commission Sub Committee**

**of the City of Onalaska**

Tuesday, January 20, 2015

1

1 The Meeting of the Plan Commission Sub Committee of the City of Onalaska was called to order  
2 at 4:30 p.m. on Tuesday, January 20, 2015. It was noted that the meeting had been announced  
3 and a notice posted at City Hall.

4

5 Roll call was taken, with the following members present: Skip Temte, City Engineer Jarrod  
6 Holter, Ald. Jim Bialecki

7

8 Also Present: Land Use and Development Director Brea Grace, Planner/Zoning Inspector Katie  
9 Meyer

10

11 **Item 2 – Approval of minutes from previous meeting**

12

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

15

16 On voice vote, motion carried.

17

18 **Item 3 – Public Input (limited to 3 minutes per individual)**

19

20 Ald. Bialecki called three times for anyone wishing to provide public input and closed that  
21 portion of the meeting.

22

23 **Consideration and possible action on the following items:**

24

25 **Item 4 – Discussion and consideration of an amendment to the Unified Development Code**  
26 **(UDC) regarding variance fees**

27

28 Katie said staff is recommending an increase from \$100 for all variance application requests to  
29 \$300, noting this had been mentioned at the December 16 Plan Commission meeting. This  
30 increase would cover publication costs as well as a portion of staff time (approximately five  
31 hours to process the applications). Katie noted that a public hearing regarding this item will be  
32 held at the January 27 Plan Commission meeting.

33

34 Motion by Ald. Bialecki, second by Skip, to move to a public hearing at the January 27 Plan  
35 Commission meeting consideration of an amendment to the Unified Development Code (UDC)  
36 regarding variance fees.

37

38 Skip asked if this item requires a public hearing.

39

40 Katie said a public hearing is necessary because it is an ordinance amendment, adding that the  
41 \$100 fee is currently in the ordinance.

42

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43 For clarification, Brea noted it is in the Zoning Ordinance and said, “Statutorily, any changes in  
44 the Zoning Ordinance have to have a public hearing.”

45

46 On voice vote, motion carried.

47

48 **Item 5 – Discussion and consideration of an amendment to the Unified Development Code**  
49 **(UDC) regarding determining fence height**

50

51 Katie said staff is recommending the addition of two pieces to determine fence height, noting the  
52 suggestions that were made at the December 16 Plan Commission meeting have been  
53 incorporated into the two suggestions. Katie also noted a public hearing will be held at the  
54 January 27 Plan Commission meeting.

55

56 Motion by Ald. Bialecki, second by Skip, to move to a public hearing at the January 27 Plan  
57 Commission meeting consideration of an amendment to the Unified Development Code (UDC)  
58 regarding determining fence height.

59

60 On voice vote, motion carried.

61

62 **Item 6 – Discussion and consideration of an amendment to the Unified Development Code**  
63 **(UDC) regarding directory/multitenant signage, electronic message board signage,**  
64 **residential signage, and signage for places of worship and educational facilities**

65

66 Katie noted that staff had modified the areas that were discussed at the December 16 Plan  
67 Commission meeting and said staff is moving this item forward with the proposed amendments  
68 as listed in committee members’ packets. Katie added a public hearing for all the proposed  
69 changes will be held at the January 27 Plan Commission meeting.

70

71 Motion by Ald. Bialecki, second by Skip, to move to a public hearing at the January 27 Plan  
72 Commission meeting consideration of an amendment to the Unified Development Code (UDC)  
73 regarding directory/multitenant signage, electronic message board signage, residential signage,  
74 and signage for places of worship and educational facilities.

75

76 Skip said, “I know this isn’t going to solve all problems, but I hope that it will cut down on the  
77 problems that come before us.”

78

79 On voice vote, motion carried.

80

81 **Item 7 – Consideration of a non-substantial modification determination to the Nathan Hill**  
82 **Estates Subdivision Planned Unit Development (PUD) for a portion of Lot 21 (Lot 2),**  
83 **submitted by Alexander Abraham, 853 Aspen Valley Drive, Onalaska, WI (Tax Parcel #18-**  
84 **5961-4)**

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85

86 Brea said Alexander Abraham and Ann Mary Isacc purchased the property located at 3807  
87 Emerald Drive East either in 2012 or 2013. Brea noted that Alexander and Ann Mary had come  
88 forward in 2013 and obtained a subdivision approval from both the Plan Commission and the  
89 Common Council. One of the conditions on the subdivision approval was compliance with all  
90 the original plat conditions. This carried forth the condition that this property, originally part of  
91 Lot 21, needed to be owner-occupied. Brea said Alexander told her that when he purchased the  
92 property he was unaware they were required to be owner-occupied. Brea said this goes back to  
93 the deed restrictions, which inaccurately reflected the City of Onalaska’s approval of the plat.

94

95 Brea said, “As we were discussing this last spring when it became well-known that the issue with  
96 properties being rental-occupied that should have been owner-occupied, staff had talked with  
97 Alexander Abraham and told him about the duplex that he had put on one of the properties  
98 (Parcel ‘A’). We informed him that it had to be owner-occupied, and that since he didn’t know  
99 about the conditions when he bought it, and that since it was constructed as a duplex, when the  
100 property was transferred it would be required to be owner-occupied. He’s understood that.”

101

102 Brea said Alexander wants to rent out a single-family home on the other lot he has purchased,  
103 adding that Alexander does not want this to be his primary residence. Brea said Alexander wants  
104 the same condition applied to this lot, meaning that if he constructs a single-family home for  
105 rental it remains rental-occupied until the time he transfers it. Brea said she is concerned that  
106 allowing this request might lead to complications for other properties in the area that have not yet  
107 been developed. Brea said, “This would be precedent-setting. Last spring we had noted that as  
108 our benchmark – anything that was built, upon transfer would have to be owner-occupied if it  
109 was rental.”

110

111 Brea said the Plan Commission’s task is to first determine if this is a substantial modification of  
112 the Nathan Hill PUD. Brea said a public hearing would be required if it is determined to be a  
113 substantial modification. Brea noted she had spoken with City Attorney Sean O’Flaherty about  
114 this matter and said the Plan Commission could deny the request or approve the request if it  
115 determined to be a non-substantial modification.

116

117 Ald. Bialecki said he is unsure if this is a substantial change.

118

119 Skip said he is of the opinion this is a non-substantial change, but added, “Knowing how the  
120 people out in that area feel about it, I question whether we should have a public hearing on it.”

121

122 Ald. Bialecki said he is open to holding a public hearing and asked if this item would have to be  
123 moved forward to the Plan Commission as a substantial change in order to do so.

124

125 Brea said yes and added, “If the city decides to reiterate the position that it was taking last spring  
126 that anything that hasn’t been constructed has to comply with the original conditions of the plat,

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127 then we should look at denying this request and not bringing the public. [We'd be] saying we  
128 are going back to the original plat conditions.”

129  
130 Motion by Ald. Bialecki, second by Skip, to determine that the Nathan Hill Estates Subdivision  
131 Planned Unit Development (PUD) for a portion of Lot 21 (Lot 2), submitted by Alexander  
132 Abraham, 853 Aspen Valley Drive, Onalaska, WI is a non-substantial modification.

133  
134 On voice vote, motion carried.

135  
136 Motion by Ald. Bialecki, second by Jarrod, to deny a request by Alexander Abraham, 853 Aspen  
137 Valley Drive, Onalaska, WI to construct a rental-occupied single-family home on Parcel B, 3807  
138 Emerald Drive East, Onalaska, WI. A structure constructed at this location must be owner-  
139 occupied.

140  
141 Skip asked Ald. Bialecki to expand on his motion.

142  
143 Ald. Bialecki said the owner must live on the property if Alexander is going to construct a  
144 single-family home on the site.

145  
146 Brea said, “The scenario is if we allow him to build on his vacant piece of property ... As you  
147 recall, Lots 2 and 3 haven't been built on yet. There are other situations where people could  
148 come in and ask for the same exemption. [They could ask], ‘Can we just rent it out for the time  
149 being until the market turns around or until we sell it?’ There are a number of lots that haven't  
150 been developed that I think we're opening ourselves up to more rental [property] in the short  
151 term.”

152  
153 Ald. Bialecki noted that over time other municipalities with a significant amount of rental  
154 properties have eventually seen these properties owned by individuals residing in other cities.  
155 Ald. Bialecki cited the City of La Crosse as an example of this.

156  
157 Skip used himself as an example of someone who is serving in the armed forces and purchases a  
158 house in an owner-occupied area. Skip asked if he would be unable to rent out the house if he  
159 were to be transferred.

160  
161 Ald. Bialecki said it is possible other municipalities in states such as Virginia and California  
162 where a significant number of military bases are located have provisions that address this. Ald.  
163 Bialecki said he does not ever recall addressing this issue with local military personnel.

164  
165 Brea said, “I want to remind us about Terry Herbst's request on Crestwood Drive. He had  
166 essentially asked the same thing. He wanted his apartment complexes to be rental-occupied, and  
167 he would sell them again after he was done. Upon his transfer they would be owner-occupied.  
168 The Plan Commission denied that request in late spring/early summer [of 2014]. I'm just putting

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169 things in perspective and making sure we're consistent with past decisions and future decisions.  
170 I want to raise those points, and I guess that's where I'm coming from on recommending that we  
171 don't grant approval on this."

172

173 On voice vote, motion carried.

174

175 **Item 8 – Review and consideration of a request to allow outdoor display and storage for**  
176 **greater than thirty (30) at HotSpring Spas and Pools at 576 Theater Road, submitted by**  
177 **Melissa Staige of HotSpring Spas & Pools, 576 Theater Road, Onalaska, WI (Tax Parcel**  
178 **#18-3583-1)**

179

180 Brea noted that in 2012 both she and former Assistant Planner Deena Murphy had worked with  
181 HotSpring Spas and Pools because there was a large amount of items being stored outside.  
182 HotSpring Spas and Pools addressed the situation by constructing a small accessory structure and  
183 fencing on the rear of the property. Brea said hot tubs were placed behind the fenced-in area and  
184 noted that the number of hot tubs being stored outside – both on the Theater Road side and the  
185 rear of the building – has increased. Brea noted her department had recently sent a letter to the  
186 business asking its owners to comply with two items: outdoor storage, and outdoor sales. Brea  
187 said outdoor storage is required to either be screened or completely inside. Brea addressed  
188 outdoor sales, referring to committee members' packets and noting the request is to allow  
189 outdoor sales on the property. Brea noted that the book store located adjacent to HotSpring Spas  
190 and Pools will be closing, meaning the business' owners likely will control the entire parcel.  
191 This will give the owners more driveway/parking area to hold outdoor sales.

192

193 Brea said, "Our ordinances require that outdoor sales be shown on the site plan, and that they're  
194 limited to 30 days per calendar year unless approved by the Plan Commission. I think our  
195 ordinances are intended to allow limited sales such as a truck sale or a special event. The request  
196 is being made that they be allowed to display it more frequently than that. It doesn't give us a  
197 timeline in the letter, so I don't know if it would be always on display. I'm looking at the  
198 request, and again I bring up consistency. There are other hot tub [businesses] in town. They  
199 also received letters about outside storage, requiring them to be cleaning it up, and the outdoor  
200 sales is in a fenced-in, enclosed area. If we allow it here, where else would we allow it? If it's  
201 longer than 30 days, how many days is it and how do we justify that?"

202

203 Motion by Ald. Bialecki, second by Skip, to deny a request to allow outdoor display and storage  
204 for greater than thirty (30) at HotSpring Spas and Pools at 576 Theater Road, submitted by  
205 Melissa Staige of HotSpring Spas & Pools, 576 Theater Road, Onalaska, WI.

206

207 On voice vote, motion carried.

208

209

210

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211 **Item 9 – Review and consideration of a request to extend the Final Plat submittal**  
212 **requirement for three years, as requested by Kevin Fry, on behalf of Elmwood Partners,**  
213 **1859 Sand Lake Road, Onalaska, for the 4<sup>th</sup> Addition to the Country Club Estates Plat**  
214 **(Tax Parcels #18-3566-100 & 18-4479-0)**  
215

216 Motion by Ald. Bialecki, second by Skip, to approve a one-year extension for Elmwood Partners,  
217 1859 Sand Lake Road, Onalaska, for the Final Plat submittal for the 4<sup>th</sup> Addition to the Country  
218 Club Estates Plat.  
219

220 Ald. Bialecki noted that a three-year extension had inadvertently been approved at a previous  
221 Common Council meeting and said approving a one-year extension will rectify the situation.  
222

223 Brea said this will go back to what the Plan Commission had originally recommended, adding  
224 that she had made a mistake when she copied and pasted the Plan Commission items into the  
225 Common Council agenda.  
226

227 On voice vote, motion carried.  
228

229 **Item 10 – Review and discussion of 2015 Comprehensive Plan Update, Chapter 5 – Utilities**  
230 **& Community Facilities**  
231

232 Katie noted that this chapter has been included in committee members' packets. Katie also noted  
233 staff has reviewed this chapter and said the goal is to take it before the Board of Public Works at  
234 its February 3 meeting. This item will go before the Plan Commission at its January 27 meeting.  
235

236 Motion by Ald. Bialecki, second by Skip, to approve 2015 Comprehensive Plan Update, Chapter  
237 5 – Utilities & Community Facilities and move it to the January 27 Plan Commission meeting.  
238

239 On voice vote, motion carried.  
240

241 **Adjournment**  
242

243 Motion by Ald. Bialecki, second by Skip, to adjourn at 4:52 p.m.  
244

245 On voice vote, motion carried.  
246  
247

248 Recorded By:

249  
250 Kirk Bey