

Plan Commission Sub Committee

of the City of Onalaska

Tuesday, April 21, 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, April 21, 2015. It was noted that the meeting had been announced and
3 a notice posted at City Hall.

4

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

7

8 Also Present: Land Use and Development Director Brea Grace, Planner/Zoning Inspector Katie
9 Meyer, Ald. Bob Muth, Ald. Harvey Bertrand

10

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

12

13 Motion by Skip, second by Jarrod, to approve the minutes from the previous meeting as printed
14 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 – Consideration of an application for a Conditional Use Permit (CUP) filed by R.**
26 **Shane Begley, 14114 S. Country Circle, Gordon, WI 54838 on behalf of Elinor Thorud**
27 **(Sand Lake Development, LLC); Brian Meier (Central States Tower); and Verizon**
28 **Wireless to allow the construction of a multitenant communication facility and a tower**
29 **with an overall height of 125’ at 111 Sand Lake Road, Onalaska, WI 54650**

30

31 1. Conditional Use Permit Fee of \$150.00 (PAID).

32

33 2. Applicant to provide a more detailed collation analysis with an explanation as to why
34 collocation is “technically infeasible,” why the proposed location was selected, including
35 details on coverage and capacity in the applicant’s search ring. To be provided to the
36 City prior to the 04/28/2015 Plan Commission meeting.

37

38 3. As the location of the proposed telecommunications tower and facilities are on leased
39 land, the lease agreement shall not preclude the lessee from entering into leases on the
40 site with other provider(s) and there shall not be any other lease provision operating as a
41 bar to collocation of other providers.

42

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- 43 4. The facility shall be designed to promote site sharing for collocation, with space
44 reasonably available to collocators and such that telecommunication towers and
45 necessary appurtenances, including but not limited to parking areas, access road, and
46 utilities are shared by site users whenever possible.
47
- 48 5. Applicant shall supply the total number of collocation positions designated and proposed
49 positions to be occupied.
50
- 51 6. Applicant to obtain Federal Communications Commission (FCC) license numbers and
52 registration numbers, if applicable.
53
- 54 7. Applicant to obtain a Findings of No Significant Impacts (FONSI) statement from the
55 FCC or Environmental Assessment or Environmental Impact Study (EIS), if applicable.
56
- 57 8. Applicant to obtain a determination of “no hazard” from the Federal Aviation
58 Administration (FAA) including any aeronautical study determination or other findings,
59 if applicable.
60
- 61 9. Applicant to obtain a report prepared by an engineer licensed by the State of Wisconsin
62 certifying the structural design of the tower and its ability to accommodate additional
63 antennas. Applicant to submit a map identifying the fall zone of the support structure,
64 including ice and snow fall zones.
65
- 66 10. Applicant to provide the City with proof of liability coverage, a minimum of \$2,000,000.
67
- 68 11. Removal. It shall be the owner of the telecommunication tower’s responsibility to
69 remove the telecommunications tower and facilities once it is no longer in use and is not
70 a functional part of providing telecommunications service. Site shall be restored to its
71 original condition or a condition approved by the Land Use and Development Director.
72 Restoration shall include removal of any subsurface structure(s) or foundation(s),
73 including concrete used to support the telecommunications tower down to 5 feet below
74 the surface. After a telecommunications tower is no longer in operation, the provider
75 shall have 180 days to effect removal and restoration unless weather prohibits such
76 efforts and an extension is granted by the Land Use and Development Director.
77 Applicant shall record a document with the La Crosse County Register of Deeds showing
78 the existence of any subsurface structure remaining below grade. Such recording shall
79 accurately set forth the location and describe the remaining structure.
80
- 81 12. Performance Bond. The owner of the telecommunication tower shall provide to the City
82 of Onalaska, prior to the issuance of the Conditional Use Permit, a performance bond in
83 an amount based on a written estimate of a qualified remover of said types of structures
84 or Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the

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85 telecommunications tower will be removed when no longer in operation. The City of
86 Onalaska will be named as an obligee in the bond and must approve the bonding
87 company. The City may require an increase in the bond amount after five (5) year
88 intervals to reflect increases in the Consumer Price Index. The owner of the
89 telecommunication tower shall supply any increased bond within a reasonable time, not
90 exceeding sixty (60) days from the City's request. A letter of credit may be substituted in
91 the amount set forth above.

92
93 13. Abandonment. Any antenna, mobile service facility or mobile services support structure
94 that is not operated for a continuous period of twelve (12) months shall be considered
95 abandoned. Upon request by the owner of the antenna, mobile services facility or mobile
96 services support structure, the Land Use and Development Director may authorize one
97 extension to the time limit to abandon for an additional six (6) month period. Such
98 extension shall be based on City finding that the owner or permit holder is actively
99 seeking tenants for the site. After the expiration of the time periods established above,
100 the following shall apply:

101
102 a. The owner of such antenna, mobile service facility or mobile services support
103 structure shall remove said antenna, mobile service facility or mobile services support
104 structure, including all supporting equipment, building(s) and foundation(s) to the
105 depth as otherwise herein required within ninety (90) days of receipt of notice from
106 the Land Use and Development Director notifying the owner of such abandonment.
107 If removal to the satisfaction of the Land Use and Development Director does not
108 occur within said ninety (90) days, the Land Use and Development Director may
109 order removal utilizing the established bond as provided above and salvage said
110 antenna, mobile service facility or mobile services support structure, including all
111 supporting equipment, building(s), and foundation(s). If there are two or more users
112 of a single mobile services support structure, this provision shall not become effective
113 until all operations of the mobile services support structure cease. If a bond has not
114 been previously established or is not current, the City may perform the work and bill
115 or assess the owner or permit holder of the mobile services support structure for the
116 work performed in addition to an administrative fee.

117
118 b. The owner of the telecommunication tower or current owner or operator shall notify
119 the Land Use and Development Director within 45 days of the date when the mobile
120 services facility is no longer in operation.

121
122 14. Site Plan Permit Approval needed prior to issuance of building permit and any
123 construction activities.

124
125 15. Building Permit(s) and Electrical Permit(s) required prior to any construction activities.

126

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- 127 16. Mobile services facilities, support structures and antennas shall be designed and
128 constructed in accordance with the State of Wisconsin Uniform Building Code, National
129 Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire
130 Code, City of Onalaska Building Code, Electronic Industries Association (EIA),
131 American National Steel Institute Standards (ANSI), and American National Standards
132 Institute (ANSI) in effect at their time of manufacture. Mobile service facilities and
133 support structures shall not interfere with or obstruct existing or proposed public safety,
134 fire protection or Supervisory Controlled Automatic Data Acquisition (SCADA)
135 operation telecommunication facilities. Any actual interference and/or obstruction shall
136 be corrected by the applicant at no cost to the City.
137
- 138 17. Fire Prevention. All mobile services facilities shall be designed and operated in
139 accordance with all applicable codes regarding fire protection.
140
- 141 18. Compliance with Airport Overlay Zoning height limitation of 800' AMSL, or compliance
142 with variance if issued by the City of La Crosse Board of Zoning Appeals to exceed this
143 height.
144
- 145 19. Support structure shall comply with the required setbacks as established by the B-2
146 Community Business District of 6' street and side yard setbacks, and 10' rear yard
147 setback, or with an engineering certification showing that a mobile service support
148 structure, or an existing structure is designed to collapse within a smaller area than the
149 setback or fall zone area as required in the B-2 District including snow and ice fall areas.
150
- 151 20. Telecommunication tower and facilities shall be designed to reduce negative impacts on
152 the surrounding environment by implementing the following measures:
153
- 154 a. Mobile services support structures shall be constructed of metal or other
155 nonflammable material, unless specifically permitted by the City to be otherwise.
156
 - 157 b. Satellite dish and parabolic antennas shall be situated as close to the ground as
158 possible to reduce visual impact without compromising their functions.
159
 - 160 c. Equipment compounds shall be constructed of non-reflective materials (visible
161 exterior surfaces only). Equipment compounds shall be designed to blend with
162 existing architecture in the area or shall be screened from sight by mature
163 landscaping, and shall be located or designed to minimize their visibility. "Mature
164 landscaping" shall mean trees, shrubs or other vegetation of a minimum initial height
165 of five (5) feet that will provide the appropriate level of visual screening immediately
166 upon installation.
167
168

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- 169 21. Applicant to provide photo simulations of proposed tower prior to the 03/24/2015 Plan
170 Commission meeting. Tower is encouraged to be designed as a stealth tower (e.g., flag
171 pole).
172
- 173 22. Chain link fence and slats shall be maintained in good repair to screen all equipment.
174 Chain link fence shall not be permitted to have barbed wire.
175
- 176 23. Building, equipment platform and equipment shall be screened by landscaping. Suitable
177 mature landscape screening required along the western and southern boundary facing
178 residential dwellings through the use of evergreens and deciduous materials. Plant names
179 and locations to be indicated on a landscaping plan to be submitted to the Plan
180 Commission or Land Use and Development Director for review and approval. Plant
181 screening shall be sufficient to provide year-round screening within three (3) years of
182 installation and any plant material which does not live shall be replaced within six (6)
183 months. Screening must effectively obscure view from adjacent residential areas. The
184 minimum width of the screened area to the north shall be ten (10) feet.
185
- 186 24. Telecommunication structure & facility shall be constructed and operated in such a
187 manner as to minimize the amount of disruption (i.e., noise, traffic) caused to nearby
188 properties.
189
- 190 a. Noise-producing construction activities shall take place only on weekdays (Monday
191 through Saturday, non-holidays) between the hours of 7:00 a.m. and 7:00 p.m. except
192 in times of emergency repair.
193
- 194 b. Generator shall comply with Ordinance 11-2-9 and the maximum permissible sound
195 levels. Generator shall be designed and screened to reduce noise. Backup generators
196 shall be operated only during power outages and for testing and maintenance
197 purposes.
198
- 199 25. Outdoor lighting installations shall not be permitted closer than three (3) feet to an
200 abutting property line. All lighting shall be adequately downcast, shielded and hooded so
201 that no excessive glare or illumination is cast upon the adjoining properties.
202
- 203 26. All drives/parking areas to be paved with asphalt or concrete.
204
- 205 27. As applicant is proposing the removal of existing parking spaces, applicant to work with
206 City and property owner to verify parking requirements for the existing commercial
207 businesses is maintained.
208
- 209 28. Exterior storage of materials is prohibited.
210

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211 29. Telecommunications tower owners shall provide the Land Use and Development Director
212 a Telecommunications Facility Information Report within 45 days of Plan Commission
213 approval, which provides the City with accurate and current information concerning the
214 telecommunications facility owners and providers. The Report shall include the tower
215 owner name(s), address(es), phone number(s), contact person(s).

216
217 30. All conditions run with the land and are binding upon the original developer and all heirs,
218 successors and assigns. The sale or transfer of all or any portion of the property does not
219 relieve the original developer from payment of any fees imposed or from meeting any
220 other conditions.

221
222 31. Any omissions of any conditions not listed in minutes shall not release the property
223 owner/developer from abiding by the City's Unified Development Code requirements.

224
225 Brea noted that a public hearing regarding this item had been held at the March 24 Plan
226 Commission meeting and said staff believes a CUP still is the correct process for this application.
227 Brea said that although State of Wisconsin Statutes have changed, it has not made the
228 requirement for a CUP void. Brea referred to a handout she had submitted and said, "One of my
229 concerns about this application has been a full submittal on information about why this site was
230 selected, and why other sites are not feasible. The handout was an email with some attachments
231 I received from the applicant today. I added to that some letters I had previously written about
232 what additional information the city was looking for. We feel that the email that was submitted
233 today does help, but it still does not provide the full report that we've requested. Additionally, I
234 have two clarifications about what information we're seeking. One is, we'd like to see a map or
235 some sort of documentation showing where the existing coverage strength and weaknesses are.
236 It might be an RF study and map. I think that would help identify why this site is located and
237 what weakness this proposed cell phone tower would meet. The second piece of information is
238 just a better understanding about what the coverage area is of the proposed tower."

239
240 Brea told R. Shane Begley the Plan Commission has a copy of the email and the attachments he
241 had sent earlier Tuesday. Brea also told Shane she would like to receive the information she is
242 requesting prior to the April 28 Plan Commission meeting.

243
244 For clarification, Ald. Bialecki asked Brea if CUPs are not an option due to the fact the city can
245 neither affirm nor deny cell towers due to a mandate in the 2013 State of Wisconsin Budget.

246
247 Brea said that with the statutory changes that occurred in 2013, the city is not prohibited from
248 denying an application. Brea said, "We can't deny for certain reasons. We can't deny based on
249 aesthetics. We can't deny based solely on requiring that it be set back so far from a residential
250 district. There are reasons where we could deny it, [such as] if we don't get all the information
251 or if the information does not seem accurate. Our current ordinances do require those things
252 [setbacks, aesthetics], so statutes will trump that section of the ordinances that require that. The

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253 statutory change does not void the city’s Conditional Use Permit requirement. Staff and the City
254 Attorney still believe that a Conditional Use Permit should be applied for and should be either
255 approved or denied for any future cell phone towers.”

256

257 Motion by Ald. Bialecki, second by Skip, to refer to the April 28 Plan Commission meeting
258 without recommendation consideration of an application for a Conditional Use Permit (CUP)
259 filed by R. Shane Begley, 14114 S. Country Circle, Gordon, WI 54838 on behalf of Elinor
260 Thorud (Sand Lake Development, LLC); Brian Meier (Central States Tower); and Verizon
261 Wireless to allow the construction of a multitenant communication facility and a tower with an
262 overall height of 125’ at 111 Sand Lake Road, Onalaska, WI 54650.

263

264 On voice vote, motion carried.

265

266 **Item 5 – Consideration of an annexation application for Tax Parcel #9-451-0 (1.995 acres)**
267 **at N4502 French Road, applicant Marianne Buchanan, on behalf of Wesley & Florence**
268 **Spors Irrevocable Trust, W2815 Shorewood Court, West Salem, WI 54669**

269

- 270 1. Payment of all fees including ACT 317 fees (\$831 for first installment).
- 271
- 272 2. Payment of State Road 16 Zone Sanitary Sewer Fee - \$825 per acre @ 2 acres (\$1,650).
- 273
- 274 3. Topography Map Fee - \$10 per acre * 2 acres = \$20 minimum fee.
- 275
- 276 4. Park Fee - \$922.21 per residential unit.
- 277
- 278 5. Annexed land to be placed in the R-1 Single-Family Residential Zoning District.
- 279
- 280 6. Owner/developer must connect to City water and sewer utilities within one year of
- 281 annexation approval.
- 282
- 283 7. Owner/developer must notify City prior to any connection to City-owned utilities takes
- 284 place.
- 285
- 286 8. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
- 287 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
- 288 and improvements installed per approved plans prior to issuance of occupancy permits.
- 289
- 290 9. All conditions run with the land and are binding upon the original developer and all heirs,
- 291 successors and assigns. The sale or transfer of all or any portion of the property does not
- 292 relieve the original developer from payment of any fees imposed or from meeting any
- 293 other conditions.
- 294

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295 10. Any omissions of any conditions not listed in minutes shall not release the property
296 owner/developer from abiding by the City’s Unified Development Code requirements.
297

298 Brea referred to a handout of a conceptual site plan of the proposed credit union that would be
299 constructed on this parcel if all the zoning approvals occur. The parcel is owned by the Wesley
300 and Florence Spors Irrevocable Trust and is located in the Town of Medary. Brea noted there
301 also is a property within the City of Onalaska owned by the Spors and said there is an offer to
302 purchase on both parcels, contingent on zoning approvals. Brea said the Comprehensive Plan
303 supports annexations in this area and considers it as part of a smart growth planning area. There
304 is water and sewer adjacent to this site, and the site is a “balloon on a string” surrounded by the
305 City of Onalaska. Brea said staff recommends that the annexation occur and noted that the piece
306 of property would be brought in after the annexation occurs as part of the R-1 Single-Family
307 Zoning District. A rezoning and a site plan still would need to occur at a later date in order to
308 implement the concept plan.
309

310 Motion by Ald. Bialecki, second by Skip, to approve with the 10 conditions listed an annexation
311 application for Tax Parcel #9-451-0 (1.995 acres) at N4502 French Road, applicant Marianne
312 Buchanan, on behalf of Wesley & Florence Spors Irrevocable Trust, W2815 Shorewood Court,
313 West Salem, WI 54669.
314

315 On voice vote, motion carried.
316

317 **Item 6 – Reconsideration of Rezoning request filed by Laura McCormick & Jean Donohoe,**
318 **426 2nd Avenue South, Onalaska, WI 54650, to rezone two adjacent parcels located at 420**
319 **& 426 2nd Avenue South from Neighborhood Business (B-1) District to Community**
320 **Business (B-2) to allow an increase of use options, including but not limited to a church**
321 **(Tax Parcels #18-41-1 & 18-41-2)**
322

- 323 1. Rezoning Fee of \$150.00 (PAID).
324
325 2. No outdoor storage of articles, goods, materials, finished or semi-finished products or
326 like equipment shall be permitted unless such items are completely screened by city-
327 approved fencing or structural enclosures.
328
329 3. Owner/developer shall pay all fees and have all plans reviewed and approved by the City
330 prior to obtaining a building permit. Owner/developer must have all conditions satisfied
331 and improvements installed per approved plans prior to issuance of occupancy permits.
332
333 4. All conditions run with the land and are binding upon the original developer and all heirs,
334 successors and assigns. The sale or transfer of all or any portion of the property does not
335 relieve the original developer from payment of any fees imposed or from meeting any
336 other conditions.

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- 337
338 5. Any omissions of any conditions not listed in Plan Commission Minutes shall not release
339 the property owner/developer from abiding by the City’s Unified Development Code
340 requirements.
341
342 6. Proof of parking and a list of uses within building square footage shall be provided to the
343 Plan Commission for existing and proposed uses, in accordance to minimum standards
344 established by the Unified Development Code.
345
346 7. Property owner to enter into a Payment in Lieu of Taxes (PILOT) in form and substance
347 acceptable to the City.
348

349 Brea noted that the parcel currently is zoned B-1, and also noted that New Hope Fellowship
350 Church began utilizing the northern building in October 2014. Subsequent to this, a rezoning
351 application was brought forward, and this application has been included in committee members’
352 packets. Brea noted that the Plan Commission had held a public hearing on the matter at its
353 November 18, 2014 meeting and said conditions had been attached to the rezoning that was
354 recommended. The rezoning matter was passed on to the Administrative and Judiciary
355 Committee, where First, Second, and Third and Final Readings were held. Brea pointed out that
356 the Common Council had held the First and Second Reading before this matter was tabled. Brea
357 said staff had received new information about this site, as well as information that was not
358 considered, when the Plan Commission first reviewed the application. Brea said one of the items
359 that she believes was not adequately considered pertained to parking and noted that when The
360 Timbers property was developed it had been approved for 27 parking stalls. In addition, there
361 also was an agreement with the City of Onalaska on an adjacent city property. This no longer is
362 in place. Brea said the staff report includes an estimation of what the parking requirements
363 would be based on some of the uses that are being considered. Brea said staff would require
364 proof of parking for all uses on site, which included proposed uses such as the church, offices,
365 coffee shop or bookstore. This could be in the form of a shared parking agreement with adjacent
366 uses.
367

368 Brea acknowledged that staff had not made the connection that the property was located in the
369 TIF District and said there are concerns about the district’s overall health if there is any loss of
370 value within the district. Brea said the city is required to make a decision on the rezoning based
371 on the health, safety and welfare of citizens, as well as the integrity of the zoning scheme in the
372 city. Brea said, “The two outstanding things that should be considered by the Plan Commission
373 are the parking, and is the use compatible with the commercial zoning in the remainder of the
374 district.”
375

376 Brea noted that zonings cannot be conditional; therefore, there cannot be any conditions on the
377 zoning where rezoning reverts back to what a previous zoning was if the condition did not occur.
378 This means that the proof of parking has to be in place before the Plan Commission acts on the

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379 rezoning. Brea said, “At least that would be my recommendation.”

380

381 Ald. Bialecki noted that the building’s new owners had signed a lease with New Hope
382 Fellowship Church and told the city that the building would be utilized as a church. Ald.
383 Bialecki also pointed out that the church has invested money in the building and asked how
384 much money has been invested in the building for church purposes.

385

386 Travis Becknell, the Pastor of New Hope Fellowship Church, said \$200,000 has been invested
387 for church purposes.

388

389 Ald. Bialecki noted that the request to rezone had come through the November 2014 Plan
390 Commission meeting with five conditions and said it had returned with two more conditions
391 added; specifically, proof of parking and a Payment in Lieu of Taxes (PILOT). Ald. Bialecki
392 said he is aware there is a proposed parking agreement, which the committee received Tuesday
393 afternoon, and also said, “It comes back to the question of the PILOT. That’s where I think we
394 need to bring this back to the [Plan Commission] Sub Committee next month [May 19]. You can
395 take it to the Plan Commission if you want, but I would advise at this point they not touch it
396 because the concept of a PILOT on a church needs to be clarified.”

397

398 Ald. Bialecki said he is aware there is a PILOT in place with First Lutheran Church. However,
399 Ald. Bialecki noted that the PILOT is not on the church, but more so the property next to First
400 Lutheran that the church purchased. This property is utilized for other purposes, such as
401 counseling, and is independent of the operation of the church. Ald. Bialecki said, “I really think
402 we need to reevaluate this. As I understand it, I believe from the Council meeting last week, we
403 initially had that property assessed at \$1.2 million. I heard another figure of \$842,000. This
404 time lag will allow us to, one, come to an agreement on the parking agreement and two, to verify
405 that assessment [because] we do have a new City Commercial Inspector coming on board. Is it
406 indeed worth \$1.2 million or the suggested \$842,000? Then it comes back to the concept of the
407 PILOT – exactly what are we PILOT-ing here? Keep in mind I think the city went at this for a
408 PILOT at first. I don’t know that they were aware that there was going to be a church going into
409 a portion of the north building, so that might slant that differently. We may only be talking about
410 the north part of the building that is not for church purposes. That has to be worked out with you
411 yet.

412

413 The other thing I would like to see here too is that since this property is in a TIF District ... For
414 those who are not familiar with this all the time, when a city sets up a Tax Increment Funding
415 District in a particular area they set up a Joint Review Board. ... I think even if we’re not
416 required to let them review us, I think as a courtesy we should just in case they have any input on
417 it. I think you mean well; everyone does here too. Somewhere in there there’s going to be a
418 happy result, but there are probably three or four big questions out there that need to be
419 addressed.”

420

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421 Motion by Ald. Bialecki, second by Skip, to refer to the May 19 Plan Commission Sub
422 Committee meeting a reconsideration of rezoning request filed by Laura McCormick & Jean
423 Donohoe, 426 2nd Avenue South, Onalaska, WI 54650, to rezone two adjacent parcels located at
424 420 & 426 2nd Avenue South from Neighborhood Business (B-1) District to Community
425 Business (B-2) to allow an increase of use options, including but not limited to a church.

426
427 Ald. Bialecki said this item may be forwarded to the April 28 Plan Commission meeting, but
428 added he is unsure the Plan Commission will act on this item that evening based on the minutes
429 of this meeting, the documents that staff possesses and the history of the properties. Ald.
430 Bialecki said he wants the PILOT to be scrutinized over the next month because he does not
431 believe the entire building can be put into a PILOT.

432

433 **Tom Taylor**
434 **308 West Larkspur Lane**
435 **Onalaska**

436

437 Tom noted he is a retired attorney and said he is speaking to the committee both as an attendee of
438 New Hope Fellowship Church and a 19-year resident of the City of Onalaska. Tom also noted
439 he is a former Long Range Plan Commission member who is “very familiar” with the TIF. Tom
440 said, “The church entered into a lease, effective October 1, with the current owners of the
441 property – Ms. Donohoe and Ms. McCormick. [The church] has been paying \$1,800 a month.
442 You’re absolutely correct [in that] we went forward with building permits in January, which
443 were granted by Brea’s office and we appreciate her cooperation doing that. She left one
444 important part out of the chronology. There was not only a November 18 [Plan Commission]
445 meeting last fall, but there was also a Common Council meeting December 9 that reviewed the
446 Plan Commission’s action and approved going forward with the use and sale of the building for a
447 church. The application originally submitted by Ms. McCormick and Ms. Donohoe referred to
448 both buildings – 420 and 426 2nd Avenue South. It’s important to note we’ve gone forward, and
449 the church is now using the entire north building, [which is] 420 2nd Avenue South. The church,
450 in reliance on the building permits granted by the City Inspector’s office, has in fact incurred
451 roughly \$200,000-plus in expenses, and is going forward currently leasing both the north
452 building, 420 2nd Avenue South, and the south building, and are using them for church purposes.
453 That is the intent. I recognize that that has implications for the TIF and the goal of using TIF
454 increment to pay off the future DNR trailhead or whatever else you’re planning to do. But it’s
455 important to get that chronology out there. The application, plus the Plan Commission’s action
456 in November last year and the Common Council’s action in December, made it very clear that
457 both properties could be used for a church, among other potential uses. And the church in fact is
458 not only leasing the full property, but is planning to buy both buildings. Those negotiations are
459 ongoing, and we’re looking at a purchase price in the neighborhood of \$800,000, plus build-out
460 costs.

461

462 I want you to know that the church is very supportive of what you’re doing, what the chairman is

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463 doing, what the Common Council is doing, and what this body is doing in terms of the
464 Waterfront. I'm very appreciative of that. And we recognize that there may be PILOT payments
465 that have to be negotiated. But I think you were correct in pointing out that the church across the
466 street, First Lutheran, is not paying PILOT payments on the church property that's used for a
467 church – worship purposes and church offices and an educational facility that they have there.
468 That's an important thing to note. That being said, we're willing to sit down with the city and
469 work with you. I know one of the concerns that Pastor Travis has is that the north building
470 construction is done, for all practical purposes. And we would like to proceed and continue to
471 use that – including the new, huge sanctuary. Our hope would be to go forward with the
472 rezoning of 420 2nd Avenue South, if we could today, get approval for that and deal with any
473 negotiations on PILOT payments on 426 2nd Avenue South, if that's a possibility, so that there's
474 no ambiguity about our continuing to use the facility. The other thing I do want to emphasize is,
475 there are 23 on-site parking spaces at 420 and 426 2nd Avenue South. Before this meeting you
476 were provided, as well as the other committee members and Brea, with a copy of a parking
477 agreement that has been reached with Tequila's, [which is] right across the street, to add another
478 27 parking spaces. It's my understanding that the city, for the occupancy that we're proposing
479 for the church, would require 41 parking spaces. We've got 50 – 23 on-site, plus 27 across the
480 street. We're willing to provide you any other documentation you need, but I believe the parking
481 issue will be easily resolved. It's the PILOT issue that you've talked about and working with the
482 Joint Review Board that all has to be sorted out. I want you to know that we'd love to work with
483 you in good faith to do that. The other thing I'd just ask you to think about – this is important,
484 and Pastor Travis and the other people here can speak to it – is the church is a start-up church. It
485 is struggling to make ends meet. Pastor Travis is working at a salary that none of us would ever
486 want to earn – less than \$24,000 a year. The church is receiving, at most, about \$4,500 to
487 \$5,000, on average, per month in charitable donations. We've got \$1,800 a month in rent
488 payable. We've got \$1,000 a month in utilities. You can see that it would be very difficult for
489 us to pay the amount that originally was proposed by the City Planner's office of \$28,000 a year
490 in PILOT payments.

491
492 I would ask that when the city negotiates with the church on this you consider a couple things.
493 One is fairness. There are a number of churches in this community that are not making PILOT
494 payments. An example is First Free Church way up on Mason Street. [The church] pays no
495 PILOT payments. I know that because I've talked to Pastor Shane Holden, who is the Senior
496 Pastor there, and Dave Konkol, who is the Executive Pastor. Many of the other churches and
497 non-profits aren't making that, so I ask you to take that into account. I ask you to take in account
498 the limited finances of the church, which I think is an important factor to look at. Take into
499 account the community benefit. This is a church that is not only willing to open up its worship
500 area as a place where the community can hold important meetings, but above and beyond that
501 they offer a 'Celebrate Recovery' program on Thursday nights. They offer other programs
502 throughout the week. They're about to start a youth program on Thursday nights that works with
503 at-risk youth over at the high school and the middle school. So I ask you to look at the whole
504 impact and take into account that community benefit. This is not a church for an isolated group

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505 of people, but it's reaching out and trying to help the community. Thank you very much.”

506

507 Ald. Bialecki said he would have a difficult time levying a tax on a church, but added, “That

508 needs to be sorted out yet and how that's going to happen [or] if it's going to happen.” Ald.

509 Bialecki also told Tom that he is correct about the sequence of the November 2014 Plan

510 Commission meeting and the December 2014 Common Council meeting and noted two

511 conditions had been added since that time. Ald. Bialecki noted that the documents the church

512 had provided were submitted shortly before the start of Tuesday's meeting.

513

514 Pastor Travis Becknell said, “The longer that the process goes on for the zoning for the church, it

515 unfortunately inhibits people from plugging into the church because unfortunately there has been

516 a poor record of the successfulness of church plants in Onalaska, and some in south Holmen as

517 well. Many people are kind of burned from that; unfortunately, they're unwilling to plug in. The

518 reason why it's so difficult for churches to even incur the idea of taxes at the beginning is

519 because we can't afford for people not to buy in heart, mind and soul to what we're doing

520 because whatever comes in, that's then what comes out. I would second the request, if at all

521 possible, that we go ahead and resolve the zoning on the north building and then make our

522 PILOT arrangements around the south building. Again, the parking is very adequate for what we

523 have – well above the ratio that it needs to be. And with the south building, we would commit in

524 good faith, as we have, to be able to work out these PILOT payments that would be equitable for

525 the city, and that there would be things that we could do – even fundraisers for the project itself.

526 But [we ask that you] allow us to have the ability to grow at such a ... I don't want to use the

527 word 'desperate,' but at an important time in the church's history. [We hope] there is a way of,

528 because they are two parcels for the city, going ahead and allowing the church to meet without

529 threat or worry in the north building, and then the south building is what we focus most, if not

530 all, of these arrangements on for the south building.”

531

532 Ald. Bialecki said, “I'm going to have my motion stand yet, and then I'll come back to the

533 additional reason why. However, do note this on the Plan Commission meeting, that the Sub

534 Committee referred it for 30 days. The reason I ask that it be there is if the City Attorney feels

535 we could pursue, with allowing the use, parts of that building, allow the Plan Commission to

536 make that decision [along with] the Council. Then we'll come back to the other portion and the

537 PILOT, whatever that may be.”

538

539 **Craig Breitsprecher**

540 **967 10th Avenue North**

541 **Onalaska**

542

543 Craig, a member of the Plan Commission, asked Ald. Bialecki to clarify his proposal.

544

545 Ald. Bialecki said, “What I'm saying is that based on what we have so far, we [the Plan

546 Commission Sub Committee members] want to come back in another month. We have ample

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547 time to make sure these parking arrangements and the documents [we received] a half-hour ago
548 are OK. [I want to make sure] the City Attorney is good with them and city staff is good with
549 them. Then [we would] negotiate what, if any, terms and if there is going to be any sort of a
550 PILOT agreement. [It] also [gives] the Joint Review Board the opportunity to know what we're
551 up to and give their seal of approval on it. And since our Commercial Assessor is now on board
552 too, that person may want to take a look at those properties. Are they overly assessed, or are
553 they not? [I] just [want to give this item] a 30-day window [for review] without [rushing] that
554 through to the Plan Commission. The other request, if everyone is comfortable letting a portion
555 of that go now, let that go to the Plan Commission. I am not, because I have all those questions
556 out there to be answered.”

557

558 Craig asked, “So initially you kind of want to pull that off the agenda for next week Plan
559 Commission meeting?”

560

561 Ald. Bialecki said yes and stated he believes that was his original motion. Ald. Bialecki also said
562 he believes there is a wish to receive a partial answer and stated he is not yet willing to do this
563 without having City Attorney Sean O’Flaherty evaluate what has been done so far.

564

565 Brea said, “Historically, when we’ve rezoned properties we try to extend zoning districts. We
566 don’t ‘spot zone.’ We don’t jump across parcels. We’d rather have an extensive district, so to
567 speak. I guess I’m not comfortable rezoning one of the properties [the northern property] and
568 not the southern property. As far as the parking agreements, there are requirements in the zoning
569 ordinance as far as the terms of off-premise parking. It has to be in a form acceptable to the City
570 Attorney. We may require a deed restriction so that the parking is always available. We also
571 look at what other uses may be using that parking area and what time those uses are to make sure
572 it’s alternating times and alternating uses. As far as the building permit goes, there has not been
573 any final occupancy permit granted on that, so that’s not yet complete. Another point I wanted
574 to make is that as we have been doing the rezoning, rezonings take awhile in the city. They take
575 First, Second, Third and Final Readings if more information comes up or people have comments
576 on it. That’s just speaking a bit to the timeline. As far as a PILOT agreement, staff never said
577 the PILOT agreement would be for \$28,000. The PILOT agreement would be discussed, but the
578 PILOT agreements, historically in the city, have always been based on the assessed value for
579 when the tax-exemption status is being applied. I know there is some question about the current
580 assessed value of the property, so there is time for that to be resolved before any PILOT
581 agreement starts. Every year, that PILOT agreement amount is based on the assessed value or
582 some other agreed-upon amount.”

583

584 Ald. Bialecki said the 30-plus day window will allow all parties involved to perform research
585 and inquired about a timeframe in which the church might want to purchase the property.

586

587 Pastor Travis Becknell said the church is interested in purchasing the property and noted that
588 terms have been discussed. Pastor Becknell said the only delay is due to the fact the rezoning

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15

589 has not gone through.

590

591 Ald. Bialecki asked Pastor Becknell if it is accurate to say that the church will purchase both
592 buildings within the next year.

593

594 Pastor Becknell said the church would move toward purchasing the building at the first available
595 convenience.

596

597 For clarification, Ald. Bertrand asked if New Hope Fellowship Church is proposing to make the
598 church out of only half of the property.

599

600 Ald. Bialecki told Ald. Bertrand he is correct.

601

602 Ald. Bertrand asked if the rezoning would only be for one side.

603

604 Brea noted the rezoning is for both parcels and said it is her understanding that there are some
605 church offices in the north building, which also is where church services occur. Brea said there
606 are some church-related uses that are looking at the south building, including offices and
607 possibly a coffee house or bookstore.

608

609 Ald. Bialecki explained to Ald. Bertrand that the three primary issues regarding this item relate
610 to parking, the input of the Joint Review Board, and whether or not there will be a PILOT
611 agreement.

612

613 Skip said, "This whole thing concerns me in that it seems to me right now that the city is now
614 imposing a lot of conditions on these people that should have been done before the approval in
615 November and December. So now we are putting a big burden on them because of things that
616 we did not do. This concerns me greatly."

617

618 Ald. Bialecki said he agrees with Skip.

619

620 Skip said, "All of this should have been done before the parking. When they came in with the
621 request for these things, these should have been made clear back in November and not in April.
622 This burden that's being placed on them concerns me very much. Yes, I agree that what we're
623 requiring is what the city should require. But we haven't done things right, and that concerns
624 me. So I'm going to have to vote against this."

625

626 Ald. Bialecki asked Skip if he would prefer that the Plan Commission Sub Committee approve
627 the rezoning request.

628

629 Skip said yes and stated, "My point is that we've made some mistakes, and therefore we need to
630 live with what we've done. I'm in favor of approving it."

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631
632 Ald. Bialecki said that while Skip has made substantial arguments in favor of approving the
633 rezoning request he wants the city to follow its process as there still are questions that need to be
634 answered.

635
636 Brea said she believes the questions related to parking are important as staff would like to find a
637 parking solution so that the property and the use are in compliance with the zoning code. Brea
638 said, “Rather than just let it go through, let’s address the issue. Even though a lot of people have
639 looked at this throughout the last few months, let’s look at it and come up with some long-term
640 parking agreements.”

641
642 Pastor Becknell said one of the positive aspects about the church is that it is not necessary to
643 utilize the building concurrently, but rather on an alternating basis. Pastor Becknell said this is a
644 primary reason the church has been able to grow, while no businesses have been successful in
645 sustaining themselves at this location. Pastor Becknell said, “We’re one of the unique fits for
646 what was an awkward-fitting building. But now we are at the point where the limitations that are
647 on us are stifling that growth and stifling what we could do. Honestly, these are things that we
648 probably could have all fixed fairly easily at the beginning.”

649
650 On voice vote, motion carried, 2-1 [Skip Temte].

651
652 **Item 7 – Consideration and review of a request by Ralph Kloiber of HOM Furniture to**
653 **host two (2) thirty (30) day tent sale events in 2015 at 9519 State Road 16, Onalaska, WI**
654 **54650 (Tax Parcel #18-3625-4)**

655
656 Katie said this is a similar request that HOM Furniture had put forth in 2014. HOM Furniture is
657 looking to host two 30-day tent sale events in its parking lot. The events are scheduled from
658 May 15 through June 13, and August 14 through September 13. Katie said staff recommends
659 that the request be approved, conditioned upon HOM Furniture obtaining a tent permit for each
660 event. Katie noted that HOM Furniture has obtained a tent permit for the first 30-day sale and
661 said the store will need to return to obtain its second tent permit.

662
663 Motion by Ald. Bialecki, second by Skip, to approve a request by Ralph Kloiber of HOM
664 Furniture to host two (2) thirty (30) day tent sale events in 2015 at 9519 State Road 16,
665 Onalaska, WI 54650.

666
667 On voice vote, motion carried.

668
669 **Item 8 – Update on Town of Onalaska’s Incorporation Petition**

670
671 Brea noted that the Town of Onalaska is proceeding with its Incorporation Petition and said it is
672 her understanding it will be taken to the Department of Administration as part of the next step in

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17

673 the process. Brea said the city will be working with MSA Professional Services on creating a
674 response regarding the petition. Brea predicted this is an item that will return before the Plan
675 Commission in the future.

676

677 **Item 9 – Update and discussion about Cooperative Boundary Agreement with Village of**
678 **Holmen**

679

680 Brea reported that both city staff and elected officials have been in discussions about creating a
681 Cooperative Boundary Agreement between the City of Onalaska and the Village of Holmen.
682 Brea noted that discussions “have been going very well” and said the next step is to create a draft
683 of what such an agreement would say. Brea noted that at its April 14 meeting the Common
684 Council had approved a resolution whereby the joint Plan Commissions would hold a public
685 hearing on the draft boundary plan. Brea also noted that this will be a future agenda item and
686 said the plan is to schedule a joint public hearing with the Village of Holmen Plan Commission
687 either for late June or early July. Brea said the joint public hearing is contingent upon the
688 Village of Holmen Board approves its resolution authorizing the joint public hearing. The
689 Village of Holmen Board is scheduled to vote on this Tuesday evening.

690

691 **Adjournment**

692

693 Motion by Ald. Bialecki, second by Skip, to adjourn at 5:10 p.m.

694

695 On voice vote, motion carried.

696

697

698 Recorded By:

699

700 Kirk Bey