

**CONDITIONAL USE PERMIT APPLICATION**

Applicant (name and address):

GMX Real Estate Group, LLC +

3000 Dundee Road, Suite 408, Northbrook, IL 60062 +

Owner of property (name and address), if different than Applicant:

Onalaska 9016, LLC +

3000 Dundee Rd, Suite 408, Northbrook, IL 60062 +

Architect (name and address), if applicable:

Scott Shust, JTS Architects +

450 East Higgins Road, Suite 202, Elk Grove Village, IL 60007 +

Professional Engineer (name and address), if applicable:

Mark Erickson, P.E. - Everyday Surveying and Engineering, LLC +

711 S. Hillcrest Pkwy, Altoona, WI 54720 +

Contractor (name and address), if applicable:

N/A +

Address(es) of subject parcel(s): 3900 WI-16, La Crosse, WI 45601

Tax Parcel Number(s): 17-10315-200

Legal Description (must be a recordable legal description; see Requirements): \_\_\_\_\_

See Word document Exhibit A +

Zoning District Classification: C2-Commercial

A Conditional Use Permit is required per La Crosse Municipal Code Sec. 115- 353

*If the use is defined in Sec.:*

- 115-347(6)(c)(1) or (2), see "" on the next page.
- 115-353 or 356, see "" on the next page.

Is the property/structure listed on the local register of historic places? Yes \_\_\_\_\_ No X

Description of subject site and **CURRENT** use: Vacant Macy's Department Store Building +

Description of **PROPOSED** site and operation/use (detailed plan of the proposed site):

Demolition of Existing Macy's Department Store Building to allow for construction of three QSRs and a carwash. See redevelopment plan & phasing plan for future details.

Type of Structure **proposed**: Multiple commercial retail bldgs., QSRs, car wash

Number of **current** employees, if applicable: 0 for closed Macy's

Number of **proposed** employees, if applicable: 25 for demo. work, 185 new employees for redev.

Number of **current** off-street parking spaces: 419 parking stalls for existing Macy's

Number of **proposed** off-street parking spaces: 524 parking stalls for overall redevelopment

\* If the proposed use is defined in Sec. 115-347(6)(c)

\_\_\_\_\_ (1) and is proposed to have 3 or more employees at one time, a 500-foot notification is required and off-street parking shall be provided. Will there be 3 or more employees at one time? Y\_\_ N\_\_

or

\_\_\_\_\_ (2) a 500-foot notification is required and off-street parking is required.

Where the side or rear lot line abuts or is located across an alley from any residential zoning district, abutting residential property owners shall be notified of the privacy fence provision by the City Clerk.

Any Conditional Use Permit required pursuant Sec. 115-347(6) shall be recorded with the La Crosse County Register of Deeds at the owner's expense.

**\*\*If the proposed use is defined in Sec. 115-353 or 115-356, abutting property owners shall be notified of the privacy fence provision by the City Clerk.**

Check here if proposed operation or use will be a parking lot:   X  

Check here if proposed operation or use will be green space: \_\_\_\_\_

\*Demolished area will remain green space until future development

Applicant/property owner may be subject to a payment in lieu of taxes for a period of twenty (20) years or until the property tax valuation of any new structure or improvements is equal to or greater than the base year valuation of the improvement or structure being demolished.

In accordance with Sec. 115-356 of the La Crosse Municipal Code, a Conditional Use Permit is required for demolition or moving permits if the application does not include plans for a replacement structure of equal or greater value. **Any such replacement structure shall be completed within two (2) years of the issuance of any demolition or moving permit.**

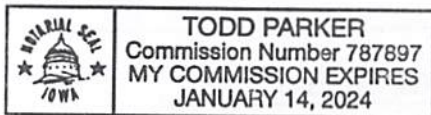
If the above paragraph is applicable, the Conditional Use Permit shall be recorded with the La Crosse County Register of Deeds and should the applicant not complete the replacement structure of equal or greater value within two (2) years of the issuance of any demolition/moving permit, the applicant or property owner shall be subject to a forfeiture of up to \$5,000 per day for each day not completed.

**CERTIFICATION:** I hereby certify that I am the owner of the subject parcel(s) or authorized agent and that I have read and understand the content of this application and that the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

<u>Todd Smutz</u>	11/2/23
(signature)	(date)
502-229-8337	tsmutz@gmxre.com
(telephone)	(email)

IOWA  
STATE OF WISCONSIN    )  
  )ss.  
JONASSEN  
COUNTY OF LA CROSSE    )

Personally appeared before me this 2 day of November, 2023, the above named individual, to me known to be the person who executed the foregoing instrument and acknowledged the same.



Todd Parker  
Notary Public  
My Commission Expires: 01-14-2024

**Applicant shall, before filing with the City Clerk's Office, have this application reviewed and the information verified by the Director of Planning & Development.**

Review was made on the 16th day of November, 2023.

Signed: [Signature] Planning Manager  
Director of Planning & Development

**AFFIDAVIT OF OWNER**

STATE OF IOWA )  
 ) ss  
COUNTY OF JOHNSON )

The undersigned, Todd Smutz, Authorized Agent of Onalaska 9016, LLC, being duly  
*(owner of subject parcel(s) for Conditional Use)*

sworn states:

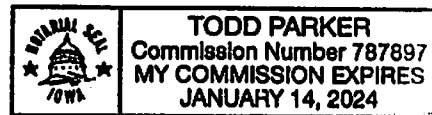
1. That the undersigned is an adult resident of the City of Iowa City,  
State of Iowa.
2. That the undersigned is a/the legal owner of the property located at:  
Former Macy's Dept. Store- 3900 WI-16, La Crosse, WI 54601  
*(address of subject parcel for Conditional Use)*
3. By signing this affidavit, the undersigned property owner authorizes the application for a  
conditional use permit/district change or amendment (circle one) for said property.

Todd Smutz  
Property Owner  
Authorized Agent of Onalaska 9016, LLC

Subscribed and sworn to before me this 2 day of November, 2023.

Todd Parker

Notary Public  
My Commission expires 01-14-2024.



GMX Conditional Use Permit Application  
Exhibit A

Legal Description for Parcel 1 of Valley View Mall- Macy's Building & Parking Lot

PARCEL 1: PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, AND PART OF GOVERNMENT LOT 2 OF SECTION 15, AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER SECTION 15, ALL BEING IN TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 89°32'55" EAST ALONG THE SOUTH LINE THEREOF 647.50 FEET TO THE SOUTHEASTERLY RIGHT OF WAY OF STATE ROAD 16 (FORMERLY US HIGHWAY 16); THENCE NORTH 21°48'58" EAST ALONG SAID RIGHT OF WAY 215.16 FEET; THENCE NORTH 28°43'49" EAST ALONG SAID RIGHT OF WAY 95.84 FEET; THENCE NORTH 37°43'10" EAST 478.44 FEET TO A KNOWN POINT ON SAID RIGHT OF WAY; THENCE NORTH 35°52'20" EAST ALONG SAID RIGHT OF WAY 194.95 FEET; THENCE NORTH 50°03'42" EAST 323.64 FEET TO A POINT ON SAID RIGHT OF WAY AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 36°39'39" EAST 108.60 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 26°00' AND A RADIUS OF 268.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 121.61 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 66°20'21" WEST 120.57 FEET; THENCE SOUTH 79°20'21" WEST 21.20 FEET TO A POINT OF CURVE CONCAVE TO THE SOUTHEAST, HAVING A CENTRAL ANGLE OF 8°24'13" AND A RADIUS OF 268.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 39.31 FEET; THE CHORD OF SAID CURVE BEARS SOUTH 75°08'14.5" WEST 39.27 FEET; THENCE SOUTH 36°39'39" EAST 321.00 FEET; THENCE NORTH 53°20'21" EAST 257.00 FEET; THENCE SOUTH 36°39'39" EAST 49.00 FEET; THENCE NORTH 53°20'21" EAST 83.51; THENCE SOUTH 81°39'39" EAST 15.53 FEET; THENCE SOUTH 36°39'39" EAST 1.77 FEET; THENCE SOUTH 81°39'39" EAST 3.30 FEET; THENCE SOUTH 36°39'39" EAST 27.66 FEET; THENCE SOUTH 81°39'39" EAST 78.95 FEET; THENCE SOUTH 36°39'39" EAST 28.82 FEET; THENCE NORTH 53°20'21" EAST 236.25 FEET; THENCE NORTH 36°39'39" WEST 28.08 FEET, THENCE NORTH 53°20'21" EAST 16.76 FEET; THENCE NORTH 08°20'21" EAST 39.47 FEET; THENCE NORTH 08°20'21" EAST 42.42 FEET; THENCE 44°22'52" EAST 38.33 FEET TO A POINT OF A CURVE CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 21°02'31" AND A RADIUS OF 38.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 13.96 FEET, THE CHORD OF SAID CURVE BEARS NORTH 33°51'36.5" EAST 13.88 FEET; THENCE NORTH 23°20'21" EAST 89.57 FEET; THENCE NORTH 08°20'21" EAST 128.91 FEET; THENCE NORTH 36°39'39" WEST 315.76 FEET TO THE SOUTHEASTERLY RIGHT OF WAY OF STATE ROAD 16 (FORMERLY US HIGHWAY 16); THENCE SOUTH 55°45' WEST ALONG SAID RIGHT OF WAY 273.35 FEET; THENCE SOUTH 34°15' EAST ALONG SAID RIGHT OF WAY 10.00 FEET; THENCE SOUTH 55°45' WEST ALONG SAID RIGHT OF WAY 419.45 FEET; THENCE SOUTH 46°05'26" WEST ALONG SAID RIGHT OF WAY 99.79 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 0°18'50" AND A RADIUS OF 2,775 FEET AND A CHORD THAT BEARS SOUTH 53°33'42" WEST 15.20 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 15.20 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE PROPERTY CONVEYED TO PR VALLEY VIEW LIMITED PARTNERSHIP, BY QUIT CLAIM DEED RECORDED ON FEBRUARY 23, 2010 IN DOCUMENT NO. 1544960, MORE PARTICULARLY DESCRIBED AS FOLLOWS: PART OF GOVERNMENT LOT 2 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15; THENCE SOUTH 27°35'46" WEST 1,518.56 FEET TO THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15 AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 16 (FORMERLY US HIGHWAY 16). SAID INTERSECTION RECORDED AS NORTH 89°32'55" EAST 647.50 FEET FROM THE SOUTHWEST CORNER OF

**GMX Conditional Use Permit Application  
Exhibit A**

THE NE 1/4 OF THE NW 1/4; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 21°50'25" EAST (RECORDED AS NORTH 21°48'58" EAST) 215.16 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 28°43'49" EAST 95.84 FEET, THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, ALONG THE ARC OF A CURVE HAVING A CHORD BEARING OF NORTH 37°43'10" EAST 478.44 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 35°55'26" EAST 194.98 FEET (RECORDED AS NORTH 35°52'20" EAST 194.95 FEET); THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, ALONG THE ARC OF A CURVE HAVING A CHORD BEARING OF NORTH 50°03'42" EAST (RECORDED AS NORTH 50°13'42" EAST) 323.64 FEET, THENCE SOUTH 36°39'39" EAST 108.60 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 26°00'00" AND A RADIUS OF 268.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 121.61 FEET. THE CHORD OF SAID CURVE BEARS SOUTH 66°20'21" WEST 120.57 FEET; THENCE SOUTH 79°20'21" WEST 21.20 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 08°24'13" AND A RADIUS OF 268.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 39.31 FEET THE CHORD OF SAID CURVE BEARS SOUTH 75°08'14.5" WEST 39.27 FEET; THENCE SOUTH 36°39'39" EAST 321.00 FEET; THENCE NORTH 53°20'21" EAST 257.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 36°39'39" EAST 49.00 FEET; THENCE NORTH 53°20'21" EAST 83.51 FEET; THENCE NORTH 78°48'33" WEST 66.09 FEET, THENCE SOUTH 53°20'21" WEST 39.16 FEET TO THE POINT OF BEGINNING.

**Legal Description for Parcel 2 of Valley View Mall- Macy's Building & Parking Lot (Easements & CCRs)**

PARCEL 2: EASEMENT RIGHTS AND PRIVILEGES AS CONTAINED IN CONSTRUCTION, OPERATING AND RECIPROCAL EASEMENT AGREEMENT RECORDED ON OCTOBER 23, 1979 IN VOLUME 636, PAGE 261, AS DOCUMENT NO. 901840. AS AMENDED BY FIRST AMENDMENT TO CONSTRUCTION, OPERATING AND RECIPROCAL EASEMENT AGREEMENT RECORDED OCTOBER 22, 1980, IN VOLUME 652, PAGE 534, AS DOCUMENT NO. 912094. AS ASSIGNED BY ASSIGNMENT OF OPERATING AGREEMENT RECORDED FEBRUARY 2, 1981 AS DOCUMENT NO. 914931. AS FURTHER ASSIGNED BY ASSIGNMENT AND ASSUMPTION AGREEMENT RECORDED AUGUST 19, 2004 AS DOCUMENT NO. 1401940. AS FURTHER AMENDED BY SECOND AMENDMENT TO CONSTRUCTION, OPERATING AND RECIPROCAL EASEMENT AGREEMENT RECORDED FEBRUARY 23, 2010 AS DOCUMENT NO. 1554962. AS FURTHER ASSIGNED BY ASSIGNMENT AND ASSUMPTION AGREEMENT RECORDED APRIL 19, 2017 AS DOCUMENT NO. 1692059



November 1, 2023

Mr. Tim Acklin  
Planning Administrator  
City of La Crosse  
400 La Crosse Street  
La Crosse, WI 54601

***RE: GMX La Crosse Planned Development District & CUP Demolition Permit Narrative***

Dear Mr. Acklin:

Because of the extensive planning involved with the Macy's parcel redevelopment at the Valley View Mall, this letter is intended to provide a narrative of our proposed project phasing plan and estimated timeline to accompany our application for a Conditional Use Permit for the demolition of the existing Macy's building. We have had a lot of interest in this redevelopment project and we are thankful to have the opportunity to bring it to your community for your consideration.

We understand that there is a concern regarding the approval of an overall plat of subdivision showing the existing Macy's building crossing the new proposed lot lines. Because we will need a recorded plat with legal descriptions of each of the lots to complete the sale and leasing of our proposed lots, we would like to first accomplish this step before doing any physical work on the property. However, we propose that GMX would apply concurrently for the Conditional Use Permit to demolish the existing Macy's building shortly after the plat is approved, signed, and recorded, as further described below.

### **Phase 1 - Demolition of Existing Macy's Building**

This phase would be funded by the sale of one or several of the lots within the redevelopment. We propose to pay the Conditional Use Permit (CUP) fee for the demolition of the Macy's building as a condition to record the plat. After the plat is recorded, GMX's general contractor would then pull the demolition permit and complete demolition of the existing Macy's building. We anticipate that demolition, including utility disconnects would occur over a 2-to-3 month period.



Mr. Tim Acklin

GMX La Crosse GMX La Crosse Planned Development District & CUP Demolition Permit Narrative  
November 1, 2023

Page | 2

### **Phase 2 - Extension of Utilities to Lots & Resurfacing/Construction of Common Drives**

GMX will provide all utilities to each individual lot during this phase, rerouting some of the existing utilities wrapped around the former Macy's building. These utility extensions and addition of any site utility structures will occur concurrently with the resurfacing/replacement of common drives as indicated on the redevelopment plan to ensure occupants access to their respective lots as well as access by emergency service vehicles to future construction sites. We anticipate that pavement work and utility extensions would occur over a 3-to-4 month period.

### **Phase 3 - Construction of First Wave of Occupants**

Currently, GMX is negotiating contracts and leases with a best-in-class international coffee-themed QSR on the proposed Lot 2, a best-in-class national chicken-themed QSR on the proposed Lot 4, a national best-in-class Asian-themed QSR on the proposed Lot 5 and a national best-in-class car wash operator on the proposed Lot 8. In addition, we are proposing the subdivide a portion of our property to "square-off" the Hy-Vee parking lot on the proposed Lot 9 so that it has an adequate parking field to serve its customers. Various lot building approvals and permits will obviously be required to construct the proposed building structures, but we anticipate that the construction of these occupants would occur over a 5-to-6-month period from receipt of said approvals and permits.

### **Phase 4 – Construction of Second Wave of Occupants**

The next wave may take time depending on eventual project lease-up and/or pad sale demand. GMX is currently planning on constructing a +/- 9,600 multi-tenant building on the proposed Lot 3 along with associated parking. We envision that this lot will lease more quickly than the proposed Lots 6 and 7 to the rear of the development and in close proximity to the mall. While we have had preliminary discussions with a regional financial institution regarding a transaction on the proposed Lot 6 and possibly the proposed Lot 1, it is still too early to forecast the outcome.



Mr. Tim Acklin

GMX La Crosse GMX La Crosse Planned Development District & CUP Demolition Permit Narrative  
November 1, 2023

Page | 3

Based on the foregoing phasing plan, we expect the project redevelopment timeline to look as follows:

Phase 1 - 02/15/24-05/15/24

Phase 2 - 05/15/24-09/15/24

Phase 3 - 06/15/24-12/15/24

Phase 4 - TBD

Thank you for the opportunity to present this redevelopment for the City of La Crosse's review and consideration and/or approval. Please contact me at (502) 229-8337 at your convenience if you have any questions or would like to further discuss.

Best Regards,

A handwritten signature in blue ink, appearing to read "Todd A. Smutz".

Todd A. Smutz

Director of Development

GMX Real Estate Group

[tsmutz@gmxre.com](mailto:tsmutz@gmxre.com)



## PUD BOUNDARY DESCRIPTION

Part of the Southwest Quarter of the Southeast Quarter of Section 10, and part of Government Lot 2 of Section 15, and part of the Northeast Quarter of the Northwest Quarter Section 15, all being in Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin.

Commencing at the North Quarter Corner of said Section 15;  
Thence S13°10'00"E, 325.35 feet to the southeasterly right-of-way line of State Road "16" and  
the **Point of Beginning**;  
Thence S35°53'38"E, 108.60 feet;  
Thence 121.61 feet along the arc of a curve, concave northwesterly, with a chord bearing of S67°06'22"W, a chord length of 120.57 feet, and a radius of 268.00 feet;  
Thence S80°06'22"W, 21.20 feet;  
Thence 39.31 feet along the arc of a curve, concave southeasterly, with a chord bearing of S75°54'17"W, a chord length of 39.27 feet, and a radius of 268.00 feet;  
Thence S35°53'38"E, 321.00 feet;  
Thence N54°06'22"E, 296.16 feet;  
Thence S77°53'19"E, 66.03 feet;  
Thence S81°16'44"E, 15.53 feet;  
Thence S38°59'32"E, 1.77 feet;  
Thence S80°53'38"E, 3.30 feet;  
Thence S35°53'38"E, 27.66 feet;  
Thence S80°53'38"E, 78.95 feet;  
Thence S35°53'38"E, 28.82 feet;  
Thence N54°06'22"E, 236.25 feet;  
Thence N35°53'38"W, 28.08 feet;  
Thence N54°06'22"E, 16.76 feet;  
Thence N09°06'22"E, 39.60 feet;  
Thence N54°06'22"E, 39.47 feet;  
Thence N09°06'22"E, 42.42 feet;  
Thence N45°08'53"E, 38.33 feet;  
Thence 13.96 feet along the arc of a curve, concave northwesterly, with a chord bearing of N34°37'37"E, a chord length of 13.88 feet, and a radius of 38.00 feet;  
Thence N24°06'22"E, 37.01 feet;  
Thence N35°54'06"W, 186.31 feet;  
Thence N54°06'22"E, 136.69 feet;  
Thence N35°53'38"W, 246.88 feet to the southeasterly right-of-way line of State Road "16";  
Thence S56°31'01"W, 273.35 feet along said right-of-way line;  
Thence S33°28'59"E, 10.00 feet along said right-of-way line;  
Thence S56°29'42"W, 419.40 feet along said right-of-way line;  
Thence S46°57'14"W, 99.82 feet along said right-of-way line;  
Thence 15.20 feet along said right-of-way line and the arc of a curve, concave northwesterly, with a chord bearing of S54°19'43"W, a chord length of 15.20 feet, and a radius of 2775.00 feet to the **Point of Beginning**.

Said parcel contains 411,205 square feet or 9.44 total acres, more or less.