

Community Development Department

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MINUTES
PLAN COMMISSION
February 2, 2021 at 6:30 p.m.
Virtual and City Council Chambers

Members Present: Dan Toland, Lisa Moody, Patricia LaRue, Hal Watson, Craig Hofland, Rebecca Prendergast
Members Absent: None
Staff Present: Amy Peterson, Crystal Raleigh, Brandy Howe, Sam Wessel
Others Present: Larry Kirch, Prologue Planning Group
Trevor Bruce, Bee Restoration
Jennifer Polacek, Wendel Companies
Matt Hieb, Auth Consulting & Associates
Trent Schmidt and Sean Bohan, AEC Engineering
Ben Fochs

CALL TO ORDER

Meeting convened at 6:30 p.m.

APPROVAL OF MINUTES

M/Moody, S/LaRue to approve minutes– motion carried 6-0

PUBLIC COMMENTS

None

ORDINANCES AND RESOLUTIONS

Resolution to approve final plat for Sterling Ponds 3rd Addition

Howe presented the plan sets for Sterling Ponds 3rd Addition, highlighting changes from the original 2003 preliminary plat. Kettering Court was changed to Elgin Court to avoid duplicative street names and two lots on that street were turned into Twin Home lots. Lots in this area were also amended to back all the way up to STH 35 per the recommendation in Sterling Ponds Park Plan. Finally, the mid-block sidewalk found in the first phase and first addition was eliminated since it has caused maintenance issues and the blocks in the 2nd and 3rd addition have a shorter distance. Plan Commission members asked for clarification on the parkland dedication and mid-block sidewalk. Peterson explained the Sterling Ponds Park Plan lowered the requirement for parkland dedication. Raleigh brought up a map showing where the mid-block sidewalks were, showing that the design of future phases would not be impacted by its removal. Moody asked if sidewalks were also eliminated from the cul-de-sac. Howe confirmed there would still be sidewalks there.

M/S Hofland/Watson to approve final plat for Sterling Ponds 3rd Addition- motion carried 6-0

Resolution to approve a General Development Plan (GDP) at Dawes Place

Howe presented a brief history of the site that involved a PUD that was approved, amended and never fully built. The new developer proposes the same number of units (112) in 13 buildings over the same area, but in a different configuration to accommodate the building design. Phase 1 will be built first south of Dawes Place, and Phase 2 will be built later north of Dawes Place. The proposed development meets GDP criteria since the neighborhood, infrastructure, and park were designed to accommodate the same type of development when the neighborhood was first developed. It is also consistent with City plans and will contribute towards school enrollment numbers.

LaRue asked about energy efficiency of the buildings. Developer Trevor Bruce responded saying they go above the minimum insulation requirements and use highly efficient appliances and fixtures. Hofland asked for clarification on which infrastructure is private or public, and what is typical. Raleigh said it varies; there are examples of public utilities on private land and private utilities on private land. Mayor Toland asked which one was better for the City and Raleigh said there are positives and negatives for both, and it varies by site and project. They will figure out which route to approach when submitting the specific implementation plan (SIP).

Watson asked if there were owner occupied units or if they were all rentals. Bruce explained that lumber prices are 42% higher so it's hard to tell how the numbers will work out. When construction costs are higher, it is harder to create rentals because you can't charge much higher than the market rate for rent, and older buildings built less expensively are at an advantage.

M/S Watson/Moody – motion carried 5-0 (Hofland's connection was lost)

REPORTS/DIALOGUE

Director's Report

Peterson mentioned she'd be setting up Plan Commission one-on-one meetings soon for the quarter and that Craig Hinzman has resigned and a new member will join Plan Commission soon.

ADJOURNMENT

Watson made a motion to adjourn at 6:57 p.m.

M/Watson, S/Moody; motion carried 5-0 (Hofland's connection was lost)

WORKSHOP: SPECIAL USE PERMITS

Consultant Larry Kirch presented an update on state law regarding special (conditional) use permits (CUPs). 2017 Wisconsin Act 67 changed how Cities can administer CUPs. Cities must now specifically include conditions in the zoning ordinance and are required to approve a CUP if the conditions are met. This means that a community cannot reject a CUP based on preference or speculation, but it must be based on facts. Conditions imposed must all be reasonable, measurable, and related to the base zoning district's intent. Cities can also place limits on transferring, permit duration, and renewal requirements. Kirch stressed that as long as someone meets the conditions, the City is required to permit it, so it is important to evaluate the zoning code to address this.

Kirch gave 3 options to proceed with CUPs: 1. Staff continues using current code that's out of date the best they can, 2. Reduce number of CUPs and amend code to meet Act 67, or 3. eliminate CUPs altogether and put those uses as permitted in the ideal zoning districts or eliminate them. Howe and Larry showed examples from the City's current code of special and permitted uses and demonstrated how a special

use not commonly found in one zone could just be moved over as a permitted use in another zone. For example, “wood products manufacturing” is a CUP in B-3, but it could be moved to being a permitted use in I-1. Larry also showed a table of uses from Onalaska, WI’s new zoning ordinance written after 67. It compares all uses citywide by zoning district and minimizes the number of conditional uses and creating a table like this could be an eventual goal for River Falls.

Mayor Toland suggested that staff creates a list of uses and recommended action for each of them (relocate or eliminate), and then run it by Plan Commission to see what they think. Kirch said that would be ideal, and it is best to start by eliminating as many CUPs as you can and then figure out where the remaining uses should go. Staff could also eliminate all CUPs temporarily and then slowly work them back into the code as needed. Mayor Toland ask if starting with option 2 and then working towards option 3 would be easiest and Kirch agreed.

LaRue asked about existing CUPs and if they would go away or if they continue, and if they continue, how does it work? Kirch said in his experience, many existing CUPs go away over time and little tracking occurs, so there’s no need to track down existing CUPs, they can just continue like normal. Watson recommended leaving some options open in case a small corner store or unique use that compliments an existing neighborhood so that zoning districts don’t become too homogenous, and Hofland agreed there’s always new and changing uses downtown that it can be difficult to keep up with. Kirch suggested keeping some more open-ended uses as long as certain conditions are kept so that the more unique uses don’t impact their surroundings.

Peterson mentioned that, overall, the goal of tonight is to get Plan Commission’s feedback on whether this project is something they desire to undertake in 2021. Plan Commission members agreed that it sounds like an essential update to make to help staff make the appropriate decisions in light of the state law changes. Howe suggested that broad categories such as “professional services” can capture many of the individually listed land use categories without bringing in unrelated uses where they are not desired in a zoning district. This would allow for flexibility while minimizing impacts to neighboring properties. Mayor Toland affirmed that Plan Commission would like staff to keep working on CUPs and bring back their findings to Plan Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sam Wessel". The signature is stylized and cursive.

Sam Wessel, AICP, Planner