

Community Development Department

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MINUTES PLAN COMMISSION MARCH 7, 2023 CITY COUNCIL CHAMBERS

- Members Present:** Patricia La Rue, Chris Holtkamp, Dan Toland, Diane Odeen, Rebecca Prendergast
- Members Absent:** Mike Woolsey (excused) and Lisa Moody (excused)
- Staff Present:** Emily Shively, Amy Peterson, Sterling Hackney, Sam Burns, Kendra Ellner, Keri Schreiner, Ellen Fredrich
- Others Present:** Stephanie Falkers, SRF Consultant

CALL TO ORDER

Meeting convened at 6:30 p.m.

APPROVAL OF MINUTES

La Rue requested the minutes on page 2 reflect a discussion that occurred regarding traffic safety and children crossing Paulson Road to get to the developments on each side of Paulson Road. Motion to approve minutes with the amendment stating concern for pedestrian safety was raised and staff will propose enhanced road crossing. La Rue stated on page 3, the Saturday Properties is shown having 90 units and it should be changed to 190 units. M/Odeen, S/Holtkamp to approve minutes with the two amendments. Motion carried 4/0.

PUBLIC COMMENTS

None.

ORDINANCES AND RESOLUTIONS

PUBLIC HEARING: An update to the City's Comprehensive Plan, to replace the 2005 Comprehensive Plan.

Stephanie Falkers, SRF Consultant, gave a presentation on the update to the Comprehensive Plan, Outdoor Recreation Plan, and Bike and Pedestrian Plan. Falkers explained what a Comprehensive Plan is and what the state statute requirements are. The Comp Plan is the official guide for mapping, subdivision, and zoning for the next 20 years. Falkers stated the process of creating the plan included four phases which are Data Collection, Goal and Strategy Development, Plan Element Exploration, and Plan Recommendation and Review. The Plan was built from community input. Engagement was a key component in the process including interacting with over 5,000 residents through surveys, pop up events, walking and bike tours, open houses, stakeholder meetings, presentations, and virtual engagement activities. The Comp Plan includes 11 chapters and Falkers gave a short summary on them which included Introduction, Goals, Housing, Economic Development, Utilities and Facilities, Recreation, Implementation, Natural and Cultural Resources, Transportation, Land Use, and Intergovernmental Cooperation.

Flakers then went over updates to the plan that were made in response to comments from the public and additional staff review. The Future Land Use Plan and Boundary updates include

adding the extraterritorial subdivision boundary to the map and created a new category called the Rural Preservation area located in River Falls and Troy Townships. This category serves as preservation area and an area of separation between development in township and the City. Falkers asked if there are questions. Holtkamp commented about the preserved areas and they can be expected to grow long term. Falkers stated this is helpful tool as the townships grow in those areas. Also added to the plan is reference to increasing the role of Diversity, Equity and Inclusion specifically in Economic Development and workforce areas. She discussed the need to update the zoning ordinance to support density and development and that will accommodate missing housing needs.

Falkers stated if the plan is forwarded to City Council the next steps include the first reading before City Council is March 14 and the second reading will be March 28.

Mayor Toland opened the Public Hearing.

No public comments.

Mayor Toland closed the public hearing.

M/Holtkamp, S/Odeen made a motion to approve the Comprehensive Plan. Motion carried 4/0.

PUBLIC HEARING: An appeal to the denial of a request for a Certified Survey Map (CSM) at 205 Huppert St (Bill Huppert)

Planner Sam Burns provided a presentation of the appeal. He stated that Bill Huppert is seeking to appeal a rejection of a Certified Survey Map (CSM). If Plan Commission approves appeal, it will be forwarded to City Council for approval, and if Plan Commission denies the appeal there is no further recourse for subdivision approval with the City. Bill Huppert applied for a CSM for 205 Huppert in Township of Troy, in the City's extraterritorial subdivision zone. The 6.5-acre property has two residential buildings, a single-family dwelling and a legal, non-conforming mobile home. Mr. Huppert wishes to take down the mobile home and build a permanent dwelling structure for his son. The original CSM submittal was rejected by Amy Peterson, Community Development Director on December 28, 2022, per municipal code section 16.10.200(C). Mr Huppert is seeking to appeal this decision per municipal ordinance 16.10.200(D).0.

Burns showed the site plan of the property and explained Section 16.10.135 (A) which mandates no building permit or other permission be granted to construct a principal structure on any part pre-existing parcel that did not already contain a pre-existing structure. The reason the CSM was rejected is due to replacing the mobile home with a permanent structure prevents the property from being subdivided. An alternative option would be to annex the property to the City and then subdivide the lot which is permitted by 16.04.040. The applicant applied for the CSM knowing it would be not meet the requirements with the intent of asking for a variance. Per municipal code section 16.04.060, a variance may be permitted if it is determined there are unique conditions of the subdivision, literal application of the title would impose a hardship, and the variance shall not violate Chapter 236 Wis Statute.

The applicant applied for the appeal on the grounds of a unique parcel due to the ETZ location, the parcels current and future land use designation, and unique physical characteristics. Staff found that the ETZ designation does not count as a hardship. Ordinance 16.10.135 prohibits a permanent residence on a new parcel resulting from a subdivision in the ETJ that does not meet minimum lot size requirements. Applicant provided no examples of physical characteristics that result in the hardship. Staff has reviewed the appeal and found the applicant has not

demonstrated unique hardship. Staff recommends approving the resolution denying an appeal request to approve a Certified Survey Map for 205 Huppert Street. Burns stated Plan Commission has two options. The first is to reject the enclosed resolution and approve the appeal, then draft a new resolution to approve the CSM before going to City Council for approval. The second option is to deny the appeal and end the option for the CSM.

Mayor Toland opened the Public Hearing.

Attorney Andrew Nelson, representing Mr. Huppert, stated that he submitted the letter on Mr. Huppert's behalf to the Commission. Mr. Nelson said that before the process started, he had initially contacted staff about the minor subdivision and asked if Sec.16.04.030 would, in the City's opinion, apply where the subdivision of the two lots be considered a minor subdivision and could be submitted via CSM instead of a plat provided all statutory criteria for a CSM are met which he stated they are. He continued and said that they submitted the application knowing that under the reading of Chapter 16 it would likely be rejected by City staff.

He provided explanation regarding why he thought this should be considered a unique situation. First, it had to do with the waiver of subdivision jurisdiction which is different from a waiver of subdivision approval. The first question was whether the property fell within the Extraterritorial Subdivision Boundary or Extraterritorial Zoning Boundary. He stated that Mr. Huppert's property falls within one boundaries jurisdiction but not the other and was thus seeking to waive the jurisdiction but realized that was not an option. He then talked about how another avenue explored was simply replacing the existing mobile home with a permanent structure, however that was not permitted as the Town of Troy would not issue a building permit. Additionally, a lot split is needed to allow his son to hold the title and get lending from banks. He noted the conflict between the Town of Troy and the City of River Falls. He stated that this conflict was unique to the parcel.

Nelson then spoke on the drainage area designated by the Wisconsin Department of Natural Resources and its limitations of future development. He stated that this was an example of a unique characteristic. He then stated what he believed were the two options facing the Plan Commission. One would be finding that under these circumstances, the minor subdivision ordinance doesn't apply and that a subdivision would be permitted. The second, is that a variance is warranted given the unique circumstances associated with the lot. He stated that Mr. Huppert is just looking to put the lot to it's highest and best use and requested that the Plan Commission grant the appeal.

Odeen asked Attorney Nelson if they asked the Township to waive the requirement to subdivide before building the house. Nelson said the township will not waive that requirement. Odeen also inquired about the annexation option and Nelson stated he was not aware of that option and had not discussed that option with Mr. Huppert.

Burns stated the property is contiguous, so annexation is a possibility and was discussed numerous times as an option with Mr. Huppert. Burns stated the cost of connecting to City water and sewer was a concern for Mr. Huppert. Payment deferment is an option and was discussed with Mr. Huppert. Burns also stated that minor subdivisions are not permitted to be waived in extraterritorial subdivision area. The property cannot be subdivided as it is, however if the property was annexed it could be subdivided.

Mayor Toland closed the public hearing.

M/Odeen to approve the resolution denying an appeal for a CSM and variance at 205 Huppert St. S/Holtkamp. The vote to approve the resolution passed 3-1 with Holtkamp, Odeen, and Prendergast voting in favor; and La Rue voting against.

La Rue commented that while ordinances must be followed, it is unfortunate that a father cannot give land to a son to build a home. Odeen stated she too empathizes with the Huppert's situation however a potential solution is annexation. Burns stated that Mr. Huppert expressed concern about utility expense if annexation occurred.

Specific Implementation Plan (SIP) for a 106-unit Multi-Family Development (The Current) on Radio Road at Paulson Road (Capital Investment Partners).

Planner Kendra Ellner provided a presentation on the SIP submitted by Capital Investment Partners for a 106-unit multi-family development. The SIP is the final step for development review for a Planned Unit Development. It includes architectural detail for engineering, landscaping, and stormwater plans. City Council voted to approve the GDP on January 24, 2023.

Ellner shared a site plan and architectural rendering of the property located southeast of Radio Road and Paulson Road. The 5-acre lot known as The Current is part of the Thompson Property annexation. Four residential buildings with a mix of one-, two- and three-bedroom units will include two driveway accesses off Radio Road, and added amenities of a fitness center, tot lot, pet park, and paved trails including a nature trail around the wetland. The applicant was granted flexibility on the 1:1 open space requirement in exchange for the added amenities noted. The property management company will be responsible for maintaining the streets, sidewalks, and nature trail of the property and the City will be responsible for plowing the trail along Radio Road.

Ellner stated criteria has been met for the SIP and there are no concerns from staff. The SIP will be reviewed at the March 28, 2023 City Council meeting upon Plan Commission recommendation. Staff recommends forwarding the enclosed resolution approving the SIP for the site to City Council with favorable recommendation.

M/Holtkamp to approve the Specific Implementation Plan (SIP) for a 106-unit Multi-Family Development (The Current) on Radio Road at Paulson Road (Capital Investment Partners). S/Odeen. Motion carried 4/0.

Specific Implementation Plan and Preliminary Plat for Oak Hill on S. Apollo Road (Twin City Land Development).

Planner Kendra Ellner gave a presentation on a SIP and Preliminary Plat submitted by Twin Cities Land Development for a 110-unit single family and two-family development. The SIP is the final step for development review for a Planned Unit Development. It includes architectural detail for engineering, landscaping, and stormwater plans. City Council voted to approve the GDP on October 25, 2022. The site is located southwest of S. Apollo Road and W. Maple Street. The 110-unit development known as Oak Hill will develop 35 acres of the Wells annexation property. It will include four single family and one twin home options at different price points. Ellner showed proposed images of the options.

The site plan shows three accesses off S. Apollo Road. The development will create a new road alignment with the township road at 879th Street to the northwest of the property. Most of the units, 92, will be in the upper half of the property with a cul-de-sac of 18 homes on the lower half of the property. The proposed development has asked for flexibility from R2 multifamily high density zoning to provide smaller lot sizes for the single-family homes and smaller rear yard

setback for 3 lots. In exchange, the developer will include 9 acres of open space, sidewalks on both sides of the street, a nature trail connection at the southern cul-de-sac to the north side of the development, and public trail head at the southeast corner.

The Preliminary Plat for the Oak Hill subdivision creates 110 single family and two-family lots plus eight outlots designated for stormwater and steep slopes. Outlot 6 will be designated for future public trailhead. Drainage, utility, and trailhead easements are denoted as needed. Street are designed per subdivision ordinance requirements. The developer anticipates submitting for final plat for the first phase this summer. Development will occur in three phases with anticipated completion by 2028.

Staff has examined the conditions of the SIP and Preliminary Plat and has no concerns. The Preliminary Plat and SIP will be reviewed at the Mach 28, 2023 City Council meeting. Staff recommends forwarding the enclosed resolution approving the SIP and Preliminary Plat for the site to City Council with a favorable recommendation.

M/Odeen to approve the Specific Implementation Plan (SIP) and Preliminary Plat for Oak Hill on S. Apollo Rd. S/LaRue. Motion carried 4/0.

Proposal for annexation and rezoning for property located on County Highway U and County Highway M (Gary Moelter).

Assistant Community Development Director Emily Shively gave a presentation on the annexation request from Gary Moelter at Highway M and Highway U property adjacent to the Mann Valley Corporate Park. The parcels consist of 48.61 acres to be annexed from the Town of Troy to the City of River Falls. Staff has determined the property is contiguous to the City boundary and the land use is compatible with the uses in the adjacent city property. With no proposal to develop the property at this time, it will remain agricultural use. Staff is recommending a zoning classification of Agricultural District to allow for continuation of existing use until development occurs. Possible future use is industrial or mixed use. City Council will review the annexation request on March 28, 2023. Staff recommends forwarding the enclosed council ordinance regarding annexation and zoning to City Council with a favorable recommendation.

M/La Rue to approve annexation and rezoning for property located at County Highway U and County Highway M. S/Prendergast. Motion carried 4/0.

Proposal for annexation and rezoning of a portion of City-owned property on County Highway M.

Shively gave a presentation on the proposed annexation and rezoning of City owned property on County Highway M. The City recently purchased the parcel and the western portion is proposed to be annexed to the City while the eastern portion containing a farmstead will remain in the Township.

The property is contiguous to City boundary. The eastern portion contains a drainage area which will be preserved. The western area will be marketed for residential development. Those uses are compatible with the surrounding property. Shively shared a map of the proposed annexation area which shows the eastern portion as being proposed for conservancy zoning and the western portion proposed as R3 Multifamily High Density Residential Zoning. City Council will review the annexation request at the March 28, 2023 meeting. Staff recommends the proposed annexation and application of an R3 Residential for the western portion and conservancy for the eastern portion be forwarded to City Council with a favorable recommendation.

M/Holtkamp to approve annexation and rezoning for a portion of City owned property on County Highway M. S/Odeen. Motion carried 4/0.

REPORTS

Shively gave an update which included the SIP and Final Plat for Thompson Properties being approved in February and the next Plan Commission meeting will be April 5th (date change due to election).

La Rue commented on the development of Saturday Properties, once that is submitted will be looking for making pedestrian safety a priority.

ADJOURNMENT

Commissioner Holtkamp made a motion to adjourn at 7:41 p.m. S/La Rue; motion carried 4/0.

Respectfully submitted,

Angie Bond, Community Development Assistant