



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

February 24, 2016

TO ALL PLAN COMMISSION MEMBERS:

Jane Hansen	Ron Volkert
David Wilford	Mike Kastens
Kyle Hinrichs	Fred Horne
MaryKay Rice	Sarah Skinner (ex officio)

This is to notify you that there is a Plan Commission meeting scheduled for Tuesday, March 1, 2016 at 5:00 p.m. in the Council Chambers of the Civic Center, 156 East First Street, City of New Richmond, WI.

AGENDA:

1. Roll Call
2. Adoption of Agenda
3. Approval of the Minutes of the Previous Meeting, February 4, 2016
 - 1) Public Hearing to consider the following:
 - a) Application for a Conditional Use Permit from Westfield's Hospital and Clinic to allow expansion of an existing hospital within a Z3 District. Property is located at 535 Hospital Road and described as SEC 3 T30N R18W PT SW NW; BEING PT CSM 12/3486; NKA CSM 25-5788 LOT 1 (23.188AC)
 - b) Text Amendments to Chapter 121 of the City Zoning Ordinance, copies of which are on file and available in the office of the City Clerk
4. Action on Public Hearing Agenda
5. Certified Survey Map from Dorset Investments, Inc.
6. Review of Board of Appeals Decisions From 2015
7. Sign Ordinance Update
8. Communications and Miscellaneous
9. Adjournment

**Fred Horne,
Mayor**

cc:

The News	Northwest Cable	City Website
Nick Vivian	Mike Demulling	Bob Meyer
Tom Rickard	Dan Licht	Jim VanderWyst
Mark Samelstad	Beth Thompson	Steve Skinner
Nancy Petersen		

A majority of the members of the New Richmond City Council may be present at the above meeting.

Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2nd 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 16 February 2016

RE: New Richmond – Westfields Hospital; CUP Amendment

TPC FILE: 164.02

BACKGROUND

The City has received plans for proposed expansion/remodeling of the existing Westfields Hospital building located at 535 Hospital Road. The expansion includes a 3,990 square foot addition infilling existing open space between two sections of the building and the other is a 1,525 square foot remodeling of the MRI center of the building. There is also an alternative bid option to enclose the existing ambulance bay. The proposed 3,990 square foot infill to provide more building capacity requires application for a conditional use permit amendment, which is subject to approval by the Plan Commission. A public hearing to consider the application has been noticed for 1 March 2016.

Exhibits:

- A. Site Location Map
- B. Building Floor Plans (2 sheets)
- C. Exterior Building Elevations

ANALYSIS

Comprehensive Plan. The Comprehensive Plan designates the subject site as an institutional use guided to continue in the future. The proposed expansion is consistent with the guided use of the property and consistent with the City's goals to provide for needed services such as medical care within the community.

Zoning. The subject site is zoned Z4 District. Hospitals are allowed in the Z4 District as a conditional use. The proposed infill expansion of the existing principal building to increase capacity is subject to application for a conditional use permit amendment outlined by Section 121-32 of the Zoning Ordinance and approval of the Plan Commission.

Surrounding Uses. The subject site is surrounded by the existing and planned land uses shown in the table below. The proposed expansion will not affect compatibility of the existing use of the property with surrounding land uses.

Direction	Land Use Plan	Zoning Map	Existing Use
North	Institutional HD Residential	Z4 District	Institutional Multiple Family
East	LD Residential	Z4 District	Single Family
South	LD Residential	Z4 District	Undeveloped
West	Open Space	Z4 District	Nature Center

Building Design. Any changes to the exterior of the building will need to have an exterior finish consistent with that of the existing principal building and the building materials must comply with Section 121-49.G.3 of the Zoning Ordinance.

Landscaping. No landscaping plan has been submitted. The proposed infill expansion of the proposed building would require planting of six shrubs in accordance with Table 15 of the Zoning Ordinance. The Hospital recently planted a large outdoor garden as part of their overall remodeling and expansion that exceeds the landscape requirements for the subject site. No additional landscaping is required to comply with the Zoning Ordinance.

Lot Requirements. Lots within the Z4 District require a minimum width of 80 feet and are limited to 40 percent lot coverage in accordance with Table 7. The lot complies with the minimum lot width requirement being approximately 675 feet wide adjacent to Hospital Road. The Lot coverage requirements of the Zoning Ordinance will not be affected by the infill expansion of the existing building.

Setbacks. The proposed building expansion is infilling existing space within the building to make it more usable and increase capacity. As such, the addition does not expand the foot print of the principal building and does not affect existing setbacks to adjacent public rights-of-way or property lines.

Off-Street Parking. The proposed infill expansion of the building area will increase the capacity of the building and necessitates examination of off-street parking demand and supply. The developer must provide information as to the total number of existing parking stalls provided on site. Off street parking requirements for hospitals are recommended by APA standards as two off-street parking stalls per bed and office/clinic spaces at one stall per 200 square feet. The developer will need to provide additional information to allow for a review of the off-street parking provided on site, which is to be subject to review and approval by the Zoning Administrator.

Exterior Lighting. The submitted plans do not identify any exterior lighting to be added to the site. A photometric lighting plan is not to be required based on the limited scope of the infill building expansion, but any fixtures that may be added must have a 90 degree horizontal cutoff as required by Section 121-51.A.1.e of the Zoning Ordinance.

Grading. The developer has not submitted a grading plan or storm water report for the proposed building expansion, which may not be required as the improvement involves infilling an existing section of the principal building with more usable space. All grading, drainage and erosion control issues are subject to review and approval of the Public Works Director.

Utilities. The proposed building expansion and patio do not impact existing sanitary sewer, water or electric service connections to the building. Any utility issues are subject to review and approval of the Public Works Director.

RECOMMENDATION

The proposed expansion of Westfields Hospital is consistent with the policies of the Comprehensive Plan and complies with the requirements of the Zoning Ordinance. Our office recommends approval of the application as outlined below.

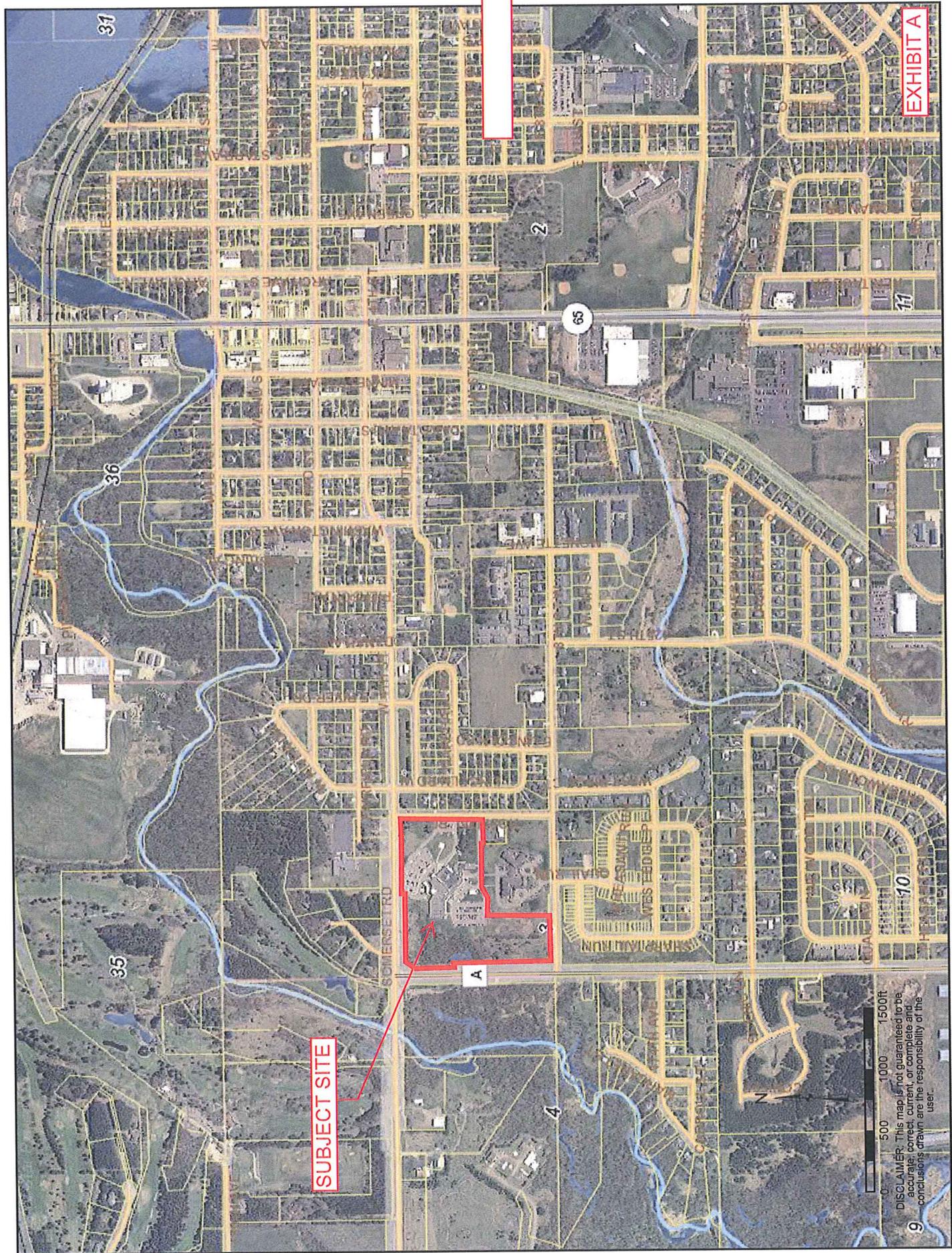
POSSIBLE ACTIONS

- A. Motion to **approve** a conditional use permit amendment for Westfields Hospital, subject to the following conditions:
 - 1. Any changes to the exterior of the building will need to have an exterior finish consistent with that of the existing principal building and the building materials must comply with Section 121-49.G.3 of the Zoning Ordinance.
 - 2. The developer will need to provide additional information as to the total number of hospital beds and medical exam rooms and offices to allow for a review of the off-street parking provided on site, which is to be subject to review and approval by the Zoning Administrator.
 - 3. All grading, drainage and erosion control issues are subject to review and approval of the Public Works Director.
 - 4. Any utility issues are subject to review and approval of the Public Works Director.

- B. Motion to **deny** the application based on a finding that the request does not comply with the requirements of the Zoning Ordinance.

- C. Motion to **table**.

- c. Mike Darrow, City Administrator
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Tanya Reigel, City Clerk

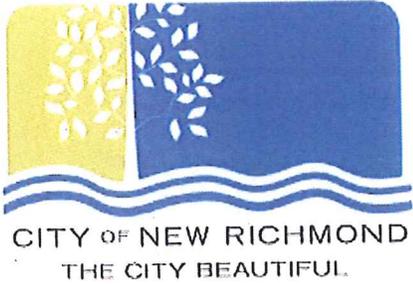


SUBJECT SITE

A

EXHIBIT A

0 500 1000 1500ft
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



City of New Richmond
156 East First Street ❖ New Richmond, WI 54017
Phone: (715) 246-4268 ❖ Fax: (715) 246-7129



By: _____

CONDITIONAL USE APPLICATION

CITY ORDINANCE SECTION 121-259
www.newrichmondwi.gov

APPLICATION FEE: \$250 *Excess \$500⁰⁰*

Application fee should be made payable to City of New Richmond upon submittal of completed application.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: Westfields Hospital and Clinic
Last name: Thomas First name: Kris *243-2858*
Address: 535 Hospital Road City/State/Zip: New Richmond, WI 54017
Phone number: 715-246-2300 Email address: cderrick@derrickbuilt.com

2. Applicant Information: (if different from above)

Company name: _____
Last name: Sant First name: _____
Address: _____ City/State/Zip: _____
Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

535 Hospital Rd

4. Zoning Designation: _____

5. Comprehensive Plan Designation: _____

6. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

- (1) 4000 S.F Building Infill between the clinic and the Cancer Center.
- (2) Expansion of the MRI by approx 5'-6'.
- (3) Possible temporary office separate from the main campus. - out on east side of building by the house.

7. Additional Required Information:

- a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. **Proposed Plans:** In addition to a scaled site plan, the following documentation may be requested: a landscape plan, grading and drainage plan, photometric plan, traffic study, and exterior building elevation drawings showing building materials may also be required if deemed necessary by City Staff. Plans for residential applications may be on 8½"x 11" or 11"x 17" paper; full size plans and digital copies must be submitted for commercial applications.
- c. **Written Narrative:** The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which Section 121-259 (Conditional Uses) of the City Code directs the City Council to evaluate during consideration of conditional use applications:
 - 1) The proposed use is not in conflict with the Comprehensive Plan;
 - 2) The proposed use is not in conflict with any Regulating Maps or other adopted plans;
 - 3) The proposed use is not in conflict with any City Ordinance requirements;
 - 4) The proposed use will not create an excessive burden on parks, streets and other public facilities; and
 - 5) The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

8. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: Westfields Hospital and clinic Date: 1/25/16

Applicant: Chad Derrick Date: 1/25/16

Fee Paid: \$250 Date: 2/1/16 Receipt # 62278

500.00 Engineering Deposit 2/1/16 \$62278

Applications for conditional use approval must be received by the first Thursday of each month; applications received after this date cannot be heard at the Planning Commission meeting the following month.



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MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 17 February 2016

RE: New Richmond – Zoning Ordinance

TPC FILE: 164.01

BACKGROUND

The City of New Richmond adopted comprehensive updates to the Zoning Ordinance and Subdivision Ordinance effective 1 January 2015. City staff was directed to initiate discussion of possible amendments to the Zoning Ordinance and Subdivision Ordinance identified in the course of on-going, day-to-day administration of the development regulations and review of development proposals every six months. City staff is bringing forward proposed amendments for consideration at a public hearing noticed for the Plan Commission meeting on 1 March 2016.

Exhibits:

- A. Draft amendments

ANALYSIS

Driveways. The design and location of driveways are regulated by Section 70 of the City Code. City staff is proposing a number of updates to the provisions regarding driveway location and width to be consistent with development requirements and to provide for administrative approval of exceptions to the standards to facilitate the development review process. These changes include:

- Establishment of a maximum width requirement of 24 feet for residential and 26 ft. for commercial/industrial. Exceptions for non-single family uses and commercial/industrial may be approved by the Public Works Director based on a circulation need specific to a given use or property provided that the exception will not result in congestion in the public street. The most common need for an exception is for commercial and industrial

properties to have accesses wide enough to allow semi-tractor/trailers to enter/exit a site or instances where there are multiple lanes entering/exiting a site with turn lanes.

- Specification that properties are limited to one driveway. Exceptions for non-single family uses may be approved by the Public Works Director based on a circulation need specific to a given use or property provided that the exception will not result in congestion in the public street. Again the need for an exception relates to semi-tractor trailer access to traffic generation by the proposed use necessitating more than one driveway.

Lot Combinations. Wisconsin Statutes 236.45(2)(am) exempts requests to adjust lot lines between abutting properties from the City's Subdivision Ordinance provided that all of the parcels comply with Zoning Ordinance requirements and that no new lots are created. City staff recommends including this exception as part of the Subdivision Ordinance in Section 117-10 for clarification purposes.

Columbariums. City staff received an inquiry regarding allowance of a columbarium at a church within the City. A columbarium is generally consistent with the existing definition of cemetery included in the Zoning Ordinance but are not specified. City staff recommends amending the definition of cemetery to include reference to a columbarium. Cemeteries are a permitted use in the Z3 and Z4 Districts and a conditional use in the Z1 and Z5 Districts.

Funeral Homes. City staff has received an inquiry from an existing funeral home in the City regarding development of a new facility that would include a crematorium. Crematoriums are listed as a separate use from funeral homes by Table 3 of the Zoning Ordinance, but the definition of funeral home does include reference to procedures for preparation for burial, which may be interpreted to include cremation. Crematoriums are highly regulated by the State as to emissions and other possible side effects of the facility (as is the entire mortuary business). A crematorium accessory to a funeral home may be considered to be an incidental component of such facilities. As such, City staff recommends amending the definition of funeral home to reference crematoriums as an included facility for the use. Funeral homes are permitted uses in the Z1, Z2, Z3 and Z6 Districts and a conditional use in the Z4 District.

Site/Building Amendments. The City has recently processed applications for two minor expansions of existing uses at Wisconsin Indianhead Technical College (WITC) and Westfields Hospital. For each application, the use is listed as a conditional use in the respective zoning district the facilities are located. The Zoning Ordinance currently requires a conditional use permit application be processed for such modifications even though the expansion is relatively minor in scope. The same situation would apply to uses subject to site plan review and approval under the current Zoning Ordinance. City staff recommends amending the Zoning Ordinance to provide an exception for minor alterations of an existing use to streamline the development review process for property owners in terms of time and cost. Proposed modifications to an existing permitted use allowed subject to site plan approval or as a conditional use would only require administrative review when the modification would not

result in an increase, traffic, employees, expand any principal building, or otherwise increase the intensity of the use of the site by a factor of more than 20 percent. The site plan modification would be subject to compliance with all requirements of the applicable zoning district and all other performance standards of the Zoning Ordinance.

Parks. City staff noted that Table 3 of the Zoning Ordinance does not identify public parks as an allowed use. City staff also reviewed the definitions of indoor and outdoor recreation and determined that they do not apply to public park facilities. City staff recommends that Table 3 of the Zoning Ordinance be amended to provide for City of New Richmond Parks as a permitted use in all zoning districts and that public parks owned/operated by other public jurisdictions be allowed as conditional uses in all zoning districts except Z7. The conditional use permit process will allow the City oversight of the location and design of non-City parks to ensure consistency with the Comprehensive Plan, compatibility with surrounding land uses and adequate access and other infrastructure needed to serve the park.

Trash Enclosures. City staff was recently challenged that the provisions of Section 121-48.C of the Zoning Ordinance requiring an enclosure for outdoor trash containers does not specify a gate be provided. City staff in that situation interpreted the Zoning Ordinance to determine that a gate is incidental to the structure being an “enclosure”. However, to avoid future confusion over the matter, City staff proposes adding a statement that a solid gate is also required to be provided.

WWTF Buffer Zone. City staff recently reviewed a subdivision sketch plan for a parcel adjacent to the City’s Wastewater Treatment Facility (WWTF). Wisconsin Statutes 110.15(3)(d) establishes a 500 foot setback for any development from the WWTF for public safety and compatibility reasons. City staff recommends incorporation of the WWTF buffer zone requirement as part of the Zoning Ordinance in Section 121-48.G.

Dwelling Restrictions. City staff believes it is necessary to include in Section 121-49.A establishing standards for residential dwellings a provision that prohibits occupancy of a garage or accessory building, tent, and RV for use as a permanent or temporary dwelling. The basis of such a restriction is to ensure public safety regarding waste disposal and maintain the intended character and compatibility of uses within residential areas of the City.

Temporary Structures. The City has had a number of requests for use of temporary structures either while a construction project is ongoing or as an interim measure until an expansion is undertaken. Also, temporary structures are commonly used for construction management during a project. The Zoning Ordinance does not make provision for temporary structures. Use of such structures would be appropriate during the time when construction of a project is ongoing either by the occupant of the proposed building or for project management. However, use of temporary structures as interim space until an expansion or relocation can be pursued may be considered contrary to the intent of the development standards adopted as part of the Zoning Ordinance. The provisions proposed by City staff would limit use of temporary structures approved administratively to those situations where there has been a

building permit issued and use of the temporary structure must cease after a specified time period or after issuance of a certificate of occupancy for the new, remodeled or expanded building. Performance standards are also included addressing compliance with the building code, access to utilities and provision of vehicle access and parking.

Landscaping. Section 121-55.G.2 of the Zoning Ordinance outlines landscape requirements for screening off-street parking areas from adjacent streets and sidewalks. The provisions in effect require planting boulevard trees and either planting a hedgerow or installing a decorative fence along the lot line abutting the public right-of-way. City staff believes that the requirement to install a hedge planting or decorative fence is problematic in that there will be an inconsistent application of the requirement from property to property that will not be visually appealing. Also, the requirement does not adequately consider space required for snow storage. As such, City staff recommends that the specific requirement for a hedgerow planting or decorative fence be removed with a provision stating a generalized landscape strip of turf and/or shrubs be provided along with maintaining the requirement for boulevard trees.

Parking and Loading. Section 121-52A.1.C. talks about parking and driveways. In order to be consistent City staff would recommend changing the Driveways and vehicular entrances to parking lots, garages and parking structures to be no wider than 24 feet for residential and 26 feet for commercial/industrial at the frontage.

RECOMMENDATION

City staff recommends approval of the draft ordinance amending the City Code, Subdivision Ordinance and Zoning Ordinance as presented.

POSSIBLE ACTIONS

- A. Motion to recommend **adoption** of an Ordinance amending the City Code as recommended by the Development Review Committee.

- B. Motion to **table** for further discussion or additional information.

- c. Mike Darrow, City Administrator
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney
Tanya Reigel, City Clerk

ORDINANCE # ___

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:

Section 1. Section 70-39(a)(2) of the City Code (Driveway location, design and construction requirements) is hereby amended to read as follows:

- (2) Number. ~~The number of driveways to serve an individual property fronting on a street shall be one, except where deemed necessary and feasible by the Common Council for reasonable and adequate service to the property, considering the safety, convenience and utility of the street. All property shall be entitled to at least one access to a public street. Single-family uses shall be limited to one access per property; other uses may be allowed additional accesses subject to the following criteria as determined by the Public Works Director:~~
- a. The additional access is necessary to provide adequate on site circulation.
 - b. The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this Section.

Section 2. Section 70-39(b)(1) of the City Code (commercial and industrial driveways) is hereby amended to read as follows:

- (1) Width. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 26 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, ~~the Common Council in its discretion~~ Public Works Director may, at his/her discretion, permit a driveway of additional width subject to the following criteria:
- a. The additional access is necessary to provide adequate on site circulation.
 - b. The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this Section.

Section 3. Section 70-39(c)(1) of the City Code (residential driveways) is hereby amended to read as follows:

(1) Width.

(a) All residential dwellings. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 24 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii.

(b) Other uses. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 24 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii. In instances where the nature of the activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Public Works Director may, at his/her discretion, permit a driveway of additional width subject to the following criteria:

(1). The additional access is necessary to provide adequate on site circulation.

(2) The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this Section.

Section 4. Section 117-10.A of the Subdivision Ordinance (Conformity with this Ordinance required) is hereby amended to include the following provision:

2. This Ordinance shall not apply to the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Zoning Ordinance in accordance with Wisconsin Statutes 236.45(2)(am)3.

Section 5. Section 121-15 of the Zoning Ordinance (definitions) is hereby amended revise the following definitions to read as follows:

Cemetery. A ~~place~~place used for interment of human or animal remains or cremated remains, including ~~a columbariums or mausoleums~~ for vault or crypt internments.

Funeral home. A building used for the preparation of the deceased, including for burial or an accessory crematorium, and the display of the deceased and the conduct of rituals connected with the activities before burial or cremation.

Section 6. Section 121-31 of the Zoning Ordinance (Site Plan Review) is hereby amended to add the following provisions:

K. Plan Modifications.

An amended site plan shall be applied for and administered as required for a new site plan, except that those modifications meeting the following criteria, as determined by the Zoning Administrator, are eligible for administrative approval in accordance with Section 121-30 of this Chapter:

1. Only applications for preexisting uses or uses explicitly classified as permitted uses, including accessory uses or changes in occupancy, of the property by Table 3 of this Chapter are eligible for administrative approval.
2. The site plan modification shall not result in an increase, traffic, employees, expand any principal building, or otherwise increase the intensity of the use of the site by a factor of more than 20 percent.
3. The site plan modification shall comply with all requirements of the applicable zoning district and all other performance standards of this Chapter.

Section 7. Section 121-32.G of the Zoning Ordinance (Conditional Use Permits) is hereby amended to read as follows:

G. Amendments.

4. Holders of a conditional use permit may propose amendments to the permit at any time following the procedures for a new permit as set forth in this Section, except those permit modifications meeting the following criteria, as determined by the Zoning Administrator, may be approved administratively in accordance with Section 121-30 of this Chapter:
 1. Only applications for preexisting uses or uses explicitly classified as allowed uses, including accessory uses or changes in occupancy, by the approved conditional use permit governing the use of the property are eligible for administrative approval.
 2. The site plan modification shall not result in an increase, traffic, employees, expand any principal building, or otherwise increase the intensity of the use of the site by a factor of more than 20 percent.

3. The site plan modification shall comply with all requirements of the applicable zoning district and all other performance standards of this Chapter.

Section 8. Table 3.c of the Zoning Ordinance (Civic) is hereby amended to add “Public park, City of New Richmond only” as a permitted use (A) use within the Z1, Z2, Z3, Z4, Z5, Z6, and Z7 Districts.

Section 9. Table 3.c of the Zoning Ordinance (Civic) is hereby amended to add “Public park, other than City of New Richmond” as a conditional use (C) use within the Z1, Z2, Z3, Z4, and Z5 Districts.

Section 10. Section 121-48.C of the Zoning Ordinance (General Performance Standards – Loading and trash/refuse collection areas) is hereby amended read as follows:

C. Loading and trash/refuse collection areas:

Loading areas and trash/refuse collection areas shall be screened from view from the front of the lot, public rights-of-way and adjacent properties, and located on the lot according to District standards. The screening shall be accomplished with an enclosed structure constructed of materials consistent with that of the principal building and solid gate, as well as evergreen landscaping, earth berms, or a combination of these items as described in Table 15 for uses developed or redeveloped after January 1, 2015, except within the Z6 District where only a fence or other enclosed structure is to be required.

Section 11. Section 121-48 of the Zoning Ordinance (General Performance Standards) is hereby amended to add the following provisions:

G. Waste Water Treatment Facility Buffer Zone.

In accordance with Wisconsin Statutes NR 110.15(3)(d) a 500 foot setback is hereby established for all uses, lots and buildings, except for those owned or operated by the City of New Richmond, from the City Waste Water Treatment Facility (WWTF).

Section 12. Section 121-49.A of the Zoning Ordinance (Additional Building and Lot Regulations – Residential Dwelling Units) is hereby amended to add the following provisions:

3. No garage, tent, accessory building or motor home shall at any time be used as temporary or permanent living quarters; tents, playhouses or similar structures may be used for play or recreational purposes.

Section 13. Section 121-49 of the Zoning Ordinance (Additional Building and Lot Regulations) is hereby amended to add the following provisions:

H. Temporary Structures.

The placement and use of a temporary structure in all zoning districts may be approved by an administrative permit issued by the Zoning Administrator subject to the following provisions:

1. No administrative permit shall be issued for a temporary structure unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property.
2. The administrative permit shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the building inspector for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit.
3. Temporary structures may be placed in a required building setback area, provided that no such structure may be placed within thirty feet (30') of a public right-of-way or obstruct visibility at any street intersection or driveway access.
4. Temporary structures shall comply with all applicable requirements of the Building Code.
5. Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the Building Inspector.
6. There shall be adequate access and off-street parking provided for the temporary structure subject to approval of the Zoning Administrator.

Section 14. Section 121-55.G.2 of the Zoning Ordinance (Landscape Standards) is hereby amended to read as follows:

2. Screening adjacent to public sidewalks and streets shall include at least 2 of the following:

- a. A landscape screening strip at least 5 feet wide, planted with turf grass and deciduous and/or evergreen shrubs.
- b. One deciduous shade tree per every 40 linear feet of perimeter.
- ~~e. A continuous shrub border or hedge no less than 3 feet and no more than 4 feet in height comprised of deciduous and/or evergreen shrubs.~~
- dc. Earth berm (if space permits).
- ~~e. Decorative metal railing system no taller than 4 feet in height.~~
- ~~f. Decorative masonry wall no taller than 4 feet in height.~~

Section 15. Section 121-52A.1.C. of the Zoning Ordinance (Parking and Loading) is hereby amended to read as follows:

- c. Driveways and vehicular entrances to parking lots, garages and parking structures shall be no wider than 24 feet for residential and 26 feet for commercial/industrial at the lot line. The Director of Public Works may approve wider driveways or additional turn lanes to accommodate larger vehicles or high traffic areas in accordance with Section 70-39(b)(1) of the City Code.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:
Published and effective:

CITY OF NEW RICHMOND

By: _____
Fred Horne, Mayor

ATTEST: _____
Tanya Reigel, City Clerk



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: Daniel Licht, AICP

DATE: 17 February 2016

RE: New Richmond – Dorset Investments II, LLC; CSM

TPC FILE: 164.01

BACKGROUND

Dorset Investments II, LLC owns Lots 7 and 12 at the southeast corner of Knowles Avenue (TH 65) and East Richmond Way. The developer has submitted a certified survey map (CSM) to adjust the common lot line between the two parcels. CSM's are processed in accordance with Section 117-20 of the Subdivision Ordinance and require review by the Plan Commission and approval of the City Council.

Exhibits:

- A. Site Location
- B. Certified Survey Map

ANALYSIS

Comprehensive Plan. The Comprehensive Plan guides the subject site for commercial land uses. The proposed CSM will establish for two developable commercial lots consistent with the land uses planned by the Comprehensive Plan.

Zoning. The subject site is zoned Z3 District. The Z3 District allows for a broad range of retail, service, office and mixed use development forms. The proposed CSM will establish for two lots suitable for development of commercial uses as allowed in the Z3 District.

Lot Width. Lots within the Z3 District must have a minimum width of 80 feet. Proposed Lot 13 has a width of 433 feet and proposed Lot 14 has a width of 130 feet. Both lots comply with the minimum width requirements of the Z3 District.

Access/Streets. Proposed Lot 13 abuts Knowles Avenue and proposed Lot 14 abuts Knowles Avenue and East Richmond Way. No access to Knowles Avenue or East Richmond Way is to be allowed from these lots. Access to proposed Lots 13 and 14 will be off of Dorset Lane south of East Richmond Way along the east side of the lots. Dorset Lane exists within a City owned parcel abutting Lot 14. Development of Lot 13 will require extension of the public street overlaying Lot 13 and the St. Croix County owned parcel to the east. The proposed CSM dedicates a 25 foot wide easement to the City for the west half of this future roadway.

Sidewalks. There is an existing sidewalk along East Richmond Way abutting the north side of proposed Lot 14. Development of proposed Lots 13 and 14 will require construction of a five foot wide public sidewalk along the west side of Dorset Lane. Easement for a trail adjacent to Knowles Avenue should also be dedicated with the CSM over Lots 13 and 14.

Easements. Section 117-41.C of the Subdivision Ordinance requires provision of 10 foot wide drainage and utility easements at the perimeter of the proposed lot. The drainage and utility easements may overlay side and rear lot lines, 5 feet on each side. The CSM provides for dedication of drainage and utility easements as required by the Subdivision Ordinance. The existing drainage and utility easement overlaying the existing side lot line may be vacated in the future as it no longer serves a public purpose with the adjustment of the common lot line between the two parcels.

Grading. The CSM application does not include a grading plan. Storm water storage and pretreatment may be handled for proposed Lots 13 and 14 by an existing regional storm water basin with some modifications. Storm water management plans for proposed Lots 13 and 14, including storm water calculations, will be required to be submitted with the required zoning applications for each lot. All grading, drainage and utility issues are subject to review and approval of the Public Works Director.

Utilities. Municipal utilities are available to serve proposed Lots 13 and 14. Sanitary sewer and water utilities are installed within the existing section of Dorset Lane and will be extended to the south line of proposed Lot 13 upon development of the lot and extension of the public street. All utility issues are subject to review and approval of the Public Works Director.

Landscaping. Section 117-40.B of the Subdivision Ordinance requires installation of street trees along public rights-of-way. City staff recommends deferring installation of the street trees required along Knowles Avenue, East Richmond Way and Dorset Lane until proposed Lots 13 and 14 are developed and installation of the required trees be addressed as part of the site plan review approval.

RECOMMENDATION

City staff recommends approval of the proposed CSM subject for Dorset Investments II, LLC, subject to the conditions outlined below.

POSSIBLE MOTIONS

- A. Motion to recommend City Council **approval** of a CSM for Dorset Investments II, LLC subject to the following conditions:
 - 1. All public right-of-way, trail, sidewalk and drainage and utility easement are subject to review and approval of the Public Works Director.
 - 2. All grading, drainage and erosion control issues are subject to review and approval of the Public Works Director.
 - 3. All utility issues are subject to review and approval of the Public Works Director.
 - 4. Installation of street trees required by Section 117-40.B of the Subdivision Ordinance shall be deferred and is to be made a condition of the site plan review approval.

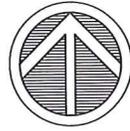
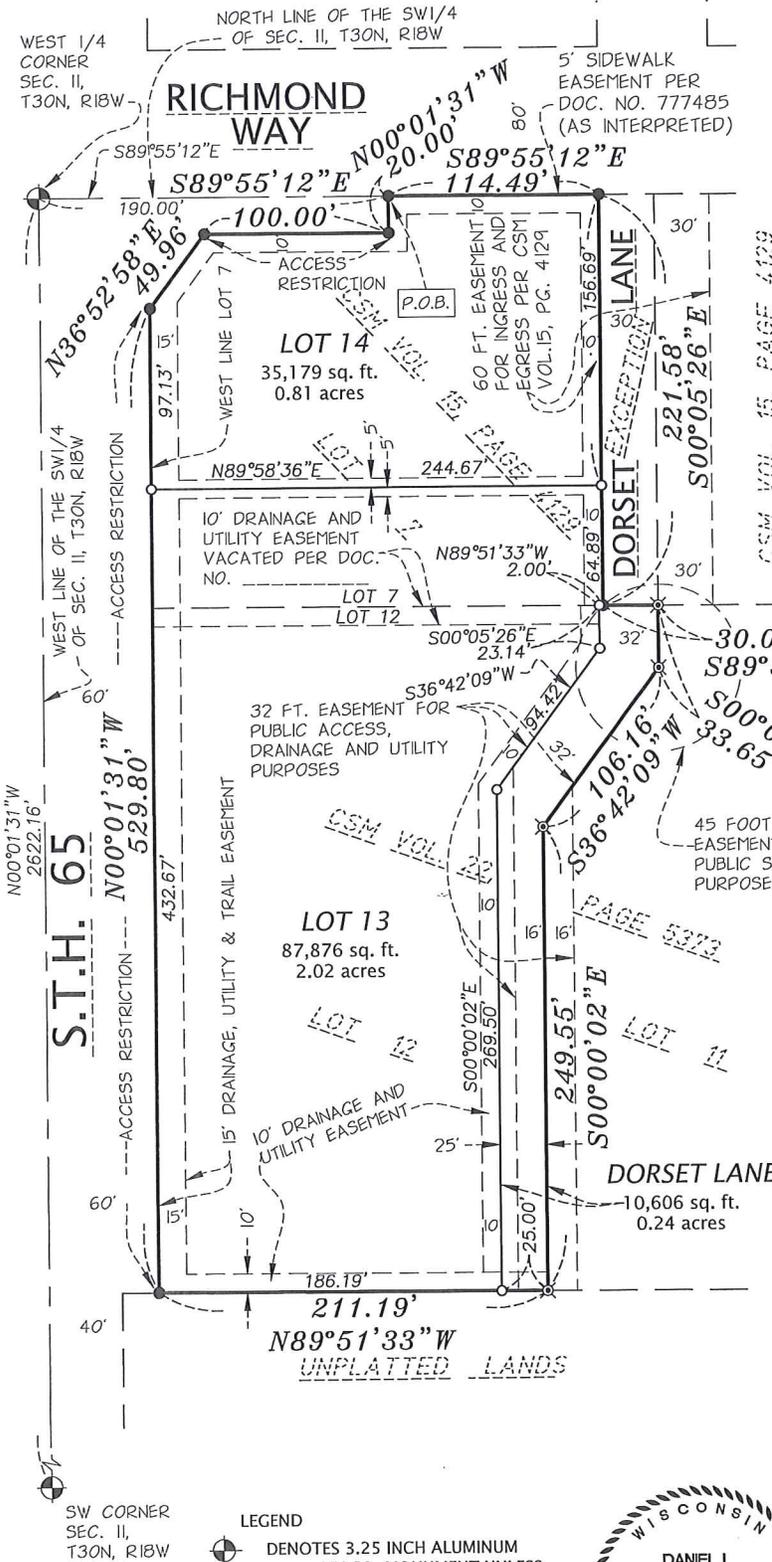
- B. Motion to recommend the application be **denied** based on a finding that the request is not consistent with the Comprehensive Plan and/or Subdivision Ordinance.

- C. Motion to **table** for further discussion.

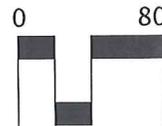
- c. Mike Darrow, City Administrator
Tanya Reigel, City Clerk
Jeremiah Wendt, Public Works Director
Sarah Skinner, Building Inspector

CERTIFIED SURVEY MAP

Located in the Northwest Quarter of the Southwest Quarter of Section 11, Township 30 North, Range 18 West, City of New Richmond, St. Croix County, Wisconsin.



NORTH



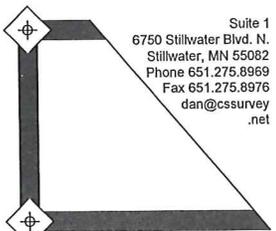
BEARINGS ARE REFERENCED TO THE WEST LINE OF LOT 7, CSM V. 15, P.4129 WHICH IS ASSUMED TO BEAR S00°01'31"E.

OWNERS:
DORSET INVESTMENTS, II, LLC
84 ST CROIX TRAIL S
LAKELAND, MN 55043

- RESTRICTIONS**
1. Direct vehicular ingress or egress to S.T.H. 65 is expressly restricted per Certified Survey Map, Vol. 15, Page 4129.
 2. No improvements allowed between right-of-way line and highway setback line per C.S.M., Vol. 15, Page 4129 and this map.
 3. Lots mapped herein may experience noise levels in excess of S. TRANS 405.04, Table 1 per C.S.M., Vol.15, Page 4129.



THIS INSTRUMENT WAS DRAFTED BY DANIEL L. THURMES



CORNERSTONE
LAND SURVEYING, INC
SHEET 1 OF 2 SHEETS

Suite 1
6750 Stillwater Blvd. N.
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@cssurvey.net

CERTIFIED SURVEY MAP

Located in the Northwest Quarter of the Southwest
Quarter of Section 11, Township 30 North, Range 18
West, City of New Richmond, St. Croix County, Wisconsin.

I, Daniel L. Thurmes, Professional Land Surveyor, hereby certify that I surveyed, divided and mapped part of Northwest Quarter of the Southwest Quarter of Section 11, Township 30 North, Range 18 West, City of New Richmond, St. Croix County, Wisconsin, described as follows:

That part of Lot 7 of Certified Survey Map, Volume 15, Page 4129 and Lot 12 of Certified Survey Map, Volume 22, Page 5373 the property is more particularly described as follows: COMMENCING at the West 1/4 corner of said Section 11; thence on an assumed bearing of South 89 degrees 55 minutes 12 seconds East along the north line of the SW1/4 of said Section 11 a distance of 190.00 feet to the POINT OF BEGINNING; thence continuing South 89 degrees 55 minutes 12 seconds East a distance of 114.49 feet; thence South 00 degrees 05 minutes 26 seconds East a distance of 221.58 feet; thence South 89 degrees 51 minutes 33 seconds East a distance of 30.00 feet; thence South 00 degrees 05 minutes 26 seconds East a distance of 33.65 feet; thence South 36 degrees 42 minutes 09 seconds West a distance of 106.16 feet; thence South 00 degrees 00 minutes 02 seconds East a distance of 249.55 feet; thence North 89 degrees 51 minutes 33 seconds West a distance of 211.19 feet; thence North 00 degrees 01 minutes 31 seconds West a distance of 529.80 feet; thence North 36 degrees 52 minutes 58 seconds East a distance of 49.96 feet; thence South 89 degrees 55 minutes 12 seconds East a distance of 100.00 feet; thence North 00 degrees 01 minutes 31 seconds West a distance of 20.00 feet to the POINT OF BEGINNING. Containing 133,661 square feet or 3.07 acres, more or less.

That I have made this Survey, Land Division and Map at the direction of Dorset Investments II LLC, a Wisconsin limited liability company, owners of said Land. That to the best of my knowledge and belief said map is a correct representation of the Survey and the Land Subdivision made. That to the best of my knowledge and belief I have complied with the provisions of Chapter 236, Section 236.34 of the Wisconsin Statutes and the Subdivision Regulations of the City of New Richmond and St. Croix County in surveying, dividing and mapping of the above parcel of land.
Dated this ____ day of _____, 2016.

Daniel L. Thurmes, R.L.S. No. 2456-008
Professional Land Surveyor
Cornerstone Land Surveying, Inc.
6750 Stillwater Blvd. N. Suite #1
Stillwater, MN 55082

COUNTY TREASURER'S CERTIFICATE
I, _____, being the duly elected,
qualified and acting treasurer of the county of St. Croix,
State of Wisconsin, do hereby certify that the records in
my office show no unredeemed tax sales and no unpaid
taxes or special assessments as of _____,
2016 affecting the lands included in this Certified Survey
Map.

Treasurer Date

OWNER'S CERTIFICATE
Dorset Investments, II, LLC, a Wisconsin limited liability
company, owner, does hereby certify that said company
caused the land described on this Certified Survey Map
to be surveyed, divided, mapped and dedicated as
represented on this Certified Survey Map.

COMMON COUNCIL RESOLUTION
Resolved: that this Certified Survey Map is hereby
approved by the Common Council of the City of New
Richmond at a meeting held this ____ day of
_____, 2016.

Date: _____ Approved _____, Mayor

Date: _____ Signed _____, Mayor

WITNESS, the said Dorset Investments II, LLC, a
Wisconsin limited liability company, has caused these
presents to be signed by David R. Robson, president of
Dorset Investments, II, LLC, a Wisconsin limited liability
company, this ____ day of _____, 2016.

I hereby certify that the foregoing is a copy of a
resolution adopted by the Common Council of the City
of New Richmond, _____, City Clerk

By: _____
David R. Robson, president

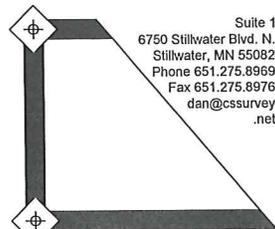
State of _____)
)ss.
_____ County)

Personally came before me this ____ day of
_____, 2016, the above named David R.
Robson, president of Dorset Investments, II, LLC, a
Wisconsin limited liability company to me known to be
such person who executed the foregoing instrument
and acknowledged the same.

Notary Public, _____ County,
My commission expires _____



THIS INSTRUMENT WAS DRAFTED
BY DANIEL L. THURMES

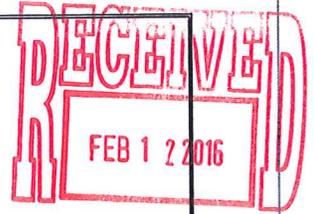


CORNERSTONE
LAND SURVEYING, INC
SHEET 2 OF 2 SHEETS



CITY OF NEW RICHMOND
THE CITY BEAUTIFUL

City of New Richmond
156 East First Street ❖ New Richmond, WI 54017
Phone: (715) 246-4268 ❖ Fax: (715) 246-7129



By: _____

CITY ORDINANCE SECTION 117 & 121
www.newrichmondwi.gov

- SITE PLAN/STORM WATER REVIEW FEE: \$250.00 ESCROW: \$1,500.00
- CONCEPT PLAN FEE: \$150.00 ESCROW: \$1,500.00
- CERTIFIED SURVEY MAP FEE: \$200.00 ESCROW: \$1,500.00
- AMENDED CERTIFIED SURVEY FEE: \$200.00 ESCROW: \$1,500.00

Application fees should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: Dorset Investments, II, LLC

Last name: Robson First name: David

Address: 836 Minnesota St. City/State/Zip: Bayport, MN 55003

Phone number: 651-248-0390 Email address: drobson@bantara.net

2. Applicant Information: (if different from above)

Company name: same

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

xxx Richmond Way PID#261-1216-28-066 & 261-1216-28-085

4. Zoning Designation: 2-3

5. Statement of Intent: Briefly describe what will be done on or with the property: _____

Lot line adjustment between 2 existing Lots in two different CSM's

6. Additional Required Information:

- a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. **Consultant Fees:** Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g., traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.
- c. **Other Information:** In addition to a full size site plan and an 11" x 17" copy, topographic survey, landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by City Staff. Please refer to Sec. 121-31 for further information on Site Plans.

7. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: _____



Date: _____

1/12/16

Applicant: _____

Date: _____

Fee Paid: _____

\$200.00

Date: _____

2-12-16

Receipt # _____

62327

Escrow Paid: _____

2-12-15
\$1500.00

Date: _____

2-12-16

Receipt # _____

62327

Zoning change applications must be received by the first Thursday of each month; applications received after this date cannot be heard at the Planning Commission meeting the following month.

ECKBERG LAMMERS
MEMORANDUM

TO: Mike Darrow, City Administrator
FROM: Nicholas J. Vivian
DATE: February 24, 2016
RE: Requested Plan Commission Review of Board of Appeals Decisions

FACTS

The City of New Richmond has both a Plan Commission and a Board of Appeals. The Plan Commission would like to review the decisions of the Board of Appeals.

QUESTION PRESENTED

Does the City's Plan Commission have the statutory authority to review decisions of the City's Board of Appeals?

BRIEF ANSWER

No. Under Wisconsin Statutes and cases any person, tax payer or any officer, department, board or bureau of the City aggrieved by a decision of the Board of Appeals must file a writ of certiorari to have the matter heard by the St. Croix County Circuit Court. No other review or remedy permitted by State law. By statute, the Plan Commission and the Board of Appeals serve vastly different functions and neither body has review authority over the other.

However, it may be a best practice for the Plan Commission and the Board of Appeals to meet jointly on an annual basis to review ordinances and make recommendations to the Common Council based upon each body's experiences with applications filed in the prior year.

ANALYSIS

The Plan Commission and Board of Appeals were both created by the City under its authority given to it under Wis. Stat. § 62.23. *See Code of Ordinances* §§ 2-136 & 2-137. Pursuant to statute the authority of each body is well defined.

The Plan Commission is charged to make and adopt a master plan for the physical development of the City. Wis. Stat. § 62.23(2). The master plan is to be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the City to best promote public health, safety, morals, order, convenience, prosperity and the general welfare. Wis. Stat. § 62.23(3).

Pursuant to this duty, the Plan Commission is given broad powers “as may be necessary to enable it to perform its functions and promote municipal planning.” Wis. Stat. § 62.23(4). Under statute, the city council is to refer the following matters to the Plan Commission:

The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.

Wis. Stat. § 62.23(5).

Conversely, while the Plan Commission is granted wide powers by statute, the Board of Appeals serves the limited function of allowing those aggrieved of an initial zoning decision to appeal for a special exception to the zoning ordinance so long as the exception is in line with the ordinance’s general purpose and intent. Wis. Stat. § 62.23(7)(e). The Board of Appeals has the following statutory powers:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Wis. Stat. § 62.23(7)(e)(7). Any order granting a variance by the Board of Appeals is limited to six (6) months unless a zoning permit is obtained and the erection or alteration of a building is started or the use is commenced within such period. Code of Ordinances § 2-136(b)(2).

In the event that a person, tax payer or officer, department board or bureau of the City is aggrieved by a decision of the Board of Appeals, they may within thirty (30) days of the decision commence an action seeking “the remedy available by certiorari.” Wis. Stat. § 62.23(7)(e)(10). The Wisconsin Court of Appeals has interpreted this phrase to exclude all other remedies or methods of reviewing a Board of Appeals decision. *Acevedo v. City of Kenosha*, 331 Wis.2d 218, 226 (Wis. Ct. App. 2010). In *Acevedo*, a child care center operator attempted to seek a remedy against both the Board of Appeals and the City of Kenosha. In rejecting the action against the City, the Court held “the language of § 62.23 ... clearly and unambiguously conveys that the mechanism for an appeal of a board of appeals decision is an action in certiorari for review of the board’s decision.” *Id.*

CONCLUSION

Under Wisconsin Statutes and common law, any person, tax payer or any officer, department, board or bureau of the City, including the Plan Commission, aggrieved by a decision of the Board of Appeals must file a writ of certiorari to have the matter reviewed by the St. Croix County Circuit Court. All other review of decisions would be improper under Wis. Stat. § 62.23 and *Acevedo*.

By statute, the Plan Commission and the Board of Appeals serve vastly different functions and neither body has review authority over the other.



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

TO: Plan Commission Members

FROM: Tanya Reigel, City Clerk

DATE: February 19, 2016

RE: Review of Board of Appeals Decisions

Background

In 2015, the Board of Appeals met two times to discuss requests for a variance. The requests were both different in nature. The Board of Appeals has the full authority to approve variances. The Plan Commission only has the ability to review the requests for variance in order to determine if specific ordinances are particularly restrictive or are causing an excessive amount of variance requests. The Plan Commission does not have the ability to appeal the determinations of the Board of Review.

Item #1 – On August 11, 2015 the Board of Appeals met to discuss a request for variance from Extra-Territorial Plan Approval Requirements. The Board approved the request for variance based on the following findings:

- The US Fish and Wildlife Service owns extensive areas of property west of the subject site that creates a barrier for future urban expansion making it unlikely the subject site would develop with urban uses in the future.
- The physical characteristics of the property are such that a majority of the subject site is tree cover and/or floodplain and not utilized for agricultural purposes.

Item #2 – On September 22, 2015 the Board of Appeals met to discuss a request for variance a) to allow a monopole antenna to be installed at an elevation of 130 feet which exceeded the allowed height of 71 feet; and b) to allow the construction of public safety radio system antennas on the City water tower exceeding the allowed height of 15 feet above the water tower. These requests were approved based on the following:

Item a) The analysis provided by the applicant demonstrates that the proposed 130 foot height of the tower is the minimum necessary based on the existing elevation and surrounding topography at the proposed site to provide adequate public safety radio system coverage for the City and surrounding areas to protect health safety and welfare.

Item b) 1. The height of the antennas upon the City water tower provides for the required signal to serve New Richmond and connect to other antennas that are part of the public safety system.

2. The proposed height of the antennas also minimizes the need for additional antennas and tower locations.

On November 3, 2015, the Plan Commission approved a change to the zoning ordinance allowing towers and antennas on municipal water towers to be exempt from height restrictions.

Recommendation

Staff recommends no further changes to the ordinances based on these variance requests.

BOARD OF APPEALS
AUGUST 11, 2015 - 4:00 P.M.

Members Present: Glenn Highum, Mike Kastens, Bob Pierson, and Sarah Mellerud.

Member Absent: Bernard Peterson

Others Present: Tanya Reigel, Dan Licht, Beth Thompson, Bump and Lynn Peterson, Damon Peterson, Jeff Peterson, Arne Skatrud, and Jim Remington.

The meeting of the Board of Appeals was called to order by Glenn Highum.

Roll call was taken.

Mike Kastens moved to adopt the agenda as presented, seconded by Bob Pierson and carried.

Mike Kastens moved to approve the minutes from the previous Board of Appeals meeting on July 21, 2014, seconded by Bob Pierson and carried.

Glenn Highum declared the Public Hearing open to consider the following:

- a) A Petition from Milton Peterson Jr. for a Special Exception/Variance from the Extra-Territorial Plat Approval Requirements as set out in Section 121-35. Property is located at 1702 170th Street, New Richmond

Dan Licht explained the request for variance as outlined in the memo from TPC dated July 27, 2015. The proposal is to divide a 37 acre parcel in two lots, one 29.5 acres and the other 7.5 acres. The current zoning ordinance prohibits this. The recommendation from staff is that the request does not meet the criteria established by Section 121-31.D.1 of the Zoning Ordinance for approval of a variance. Considerable discussion followed.

The Public Hearing was declared closed. Glenn Highum moved to approve the request from Milton Peterson Jr. for variance from Section 121-35.D.2 of the Zoning Ordinance based the following findings:

- The US Fish and Wildlife Service owns extensive areas of property west of the subject site that creates a barrier for future urban expansion making it unlikely the subject site would develop with urban uses in the future.
- The physical characteristics of the property are such that a majority of the subject site is tree cover and/or floodplain and not utilized for agricultural purposes.

Motion was seconded by Bob Pierson and carried.

Bob Pierson moved to adjourn the meeting, seconded by Sarah Mellerud and carried.

Meeting adjourned at 4:55 p.m.

Tanya Reigel
City Clerk



CITY OF NEW RICHMOND
THE CITY BEAUTIFUL

156 East First Street
New Richmond, Wisconsin 54017
ph 715.246.4268 fx 715.246.7129
www.newrichmondwi.gov

July 27, 2015

TO ALL MEMBERS OF THE BOARD OF APPEALS

**Glenn Highum
Mike Kastens
Bernard Peterson**

**Bob Pierson
Sarah Mellerud**

This is to notify you that there will be a meeting of the Board of Appeals of the Building and Zoning Codes of the City of New Richmond Tuesday, August 11, 2015 at 4:00 p.m. in the Civic Center, 156 East First Street.

BOARD MEMBERS ONLY: Please notify me, as soon as possible, if you are unable to attend, so I can arrange for an alternate. Thank you.

AGENDA:

1. Roll Call
2. Adoption of Agenda
3. Approval of the minutes from the Previous Meeting, July 21, 2014
4. Public Hearing to discuss the following:
 - a) A Petition from Milton Peterson Jr. for a Special Exception/Variance from the Extra-Territorial Plat Approval Requirements as set out in Section 121-35. Property is located at 1702 170th Street, New Richmond.
5. Action on Public Hearing
6. Communications and Miscellaneous
7. Adjournment

**Tanya Reigel,
City Clerk**

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.

A majority of the members of the New Richmond City Council may be present at the above meeting.

Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2nd 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.

Copies:

**The News
City Website**

Northwest Community Communications

Come Grow With Us!

BOARD OF APPEALS
JULY 21, 2014 - 4:00 P.M.

Members Present: Glenn Highum, Mike Kastens, Bernard Peterson and Bob Pierson.

Member Absent: Dick Nelson

Others Present: Tanya Reigel, Sarah Skinner and Beth Thompson

The meeting of the Board of Appeals was called to order by Glenn Highum.

Roll call was taken.

Mike Kastens moved to adopt the agenda as presented, seconded by Bob Pierson and carried.

Mike Kastens moved to approve the minutes from the previous Board of Appeals meeting on April 8, 14, seconded by Bernard Peterson and carried.

Glenn Highum declared the Public Hearing open to consider the following:

- a) A Petition from Eric Roberts for a variance from rear yard setback from 20 feet to 14 feet to allow him to build a deck. Property is located at 1316 Osprey Court and described as lot 20 of Paperjack Creek Villas.

Dan Licht explained that the request for variance. Eric Roberts stated that he was not aware when he purchased the property that he was so close to the lot line on the cul de sac. Discussion followed.

Possible Actions

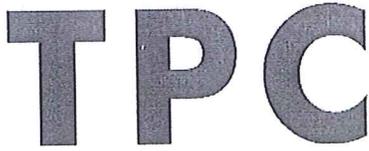
- 1) Motion to approve a variance to allow encroachment of four feet into the required twenty foot rear yard setback based on a finding that the physical characteristics and dimensions of the subject site are unique within the subdivision and that not approving the variance would deny the property owner rights enjoyed by other lots within the same subdivision. Approval of the variance is subject to the following conditions:
 - a. The encroachment shall be allowed only for an open deck structure that shall not have a roof or otherwise be enclosed.
- 2) Motion to deny the application for variance based on finding that:
 - a. The physical conditions and dimensions of the property are not unique to the subdivision.
 - b. The applicant has the option to construct stairs to an at-grade patio that would comply with the requirements of the Zoning Ordinance including rear yard setback.

The Public Hearing was declared closed. Bernard Peterson moved to approve the request to move forward with the variance from Eric Roverts, seconded by Bob Pierson and carried.

Glen Highum declared the meeting adjourned.

Meeting adjourned at 4:25 p.m.

Tanya Reigel
City Clerk



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: New Richmond Board of Appeals

FROM: Daniel Licht, AICP

DATE: 27 July 2015

RE: New Richmond – Peterson ETZ Variance

TPC FILE: 164.02

BACKGROUND

Mr. Milton W. Peterson, Jr. owns a 37 acre property located at 1702 170th Street within Erin Prairie Township currently developed with one residential home. Mr. Peterson is proposing to subdivide the property into one 29.5 acre parcel and one 7.5 acre parcel to build a new home upon the smaller parcel. The subject site is within 1.5 miles of the City of New Richmond boundary and is subject to Extra Territorial Zoning (ETZ) regulations established as Section 121-35 of the Zoning Ordinance. Section 121-35.D.1 of the Zoning Ordinance prohibits any property within the ETZ area from being subdivided if it results in creation of a parcel less than 35 acres in size. Mr. Peterson has applied for a variance from Section 121-35.D.1 of the Zoning Ordinance to allow the proposed subdivision with two resulting lots that are less than 35 acres in size within the ETZ area. A public hearing has been noticed for 11 August 2015 at 4:00 PM for the Board of Appeals to consider the application.

Exhibits:

- A. Applicant narrative
- B. Site Location Map
- C. Detailed Site Location Map/Property Ownership

ANALYSIS

The ETZ regulations in Section 121-35 are enabled by Wisconsin Statutes § 62.23(7a) for the purpose of allowing cities to review subdivision applications within surrounding areas 1.5 miles

from the City's current boundary. Implementation of this statute is consistent with the State's Smart Growth legislation and the policy adopted as part of the Comprehensive Plan to encourage "land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs" for new development. To this end, Section 121-35.D.1 of the Zoning Ordinance limits subdivision of new lots within 1.5 miles of the City boundary to 35 acres or larger so as to ensure the ability to subdivide for roadway and utility corridors with urban expansion. Section 121-35.D.2, 3, and 4 of the Zoning Ordinance also establishes limited exceptions to this requirement:

2. The City may grant approval of a land division dividing a parcel of agriculture land into two parcels, one of which is less than 35 acres in size, if the City determines that the proposed land division will assist and assure continuation of the agricultural use.
3. The City may grant approval of a land division dividing an existing parcel containing 2 or more existing residential buildings into separate parcels for each existing residential building, provided that no new parcel may be created by the division that does not include an existing residential building.
4. The creation of a parcel by certified survey map that is to be transferred to an immediately adjacent property owner is exempt from this Ordinance provided no additional building lot is created.

The applicant has proposed to subdivide an existing 37 acre parcel into a 29.5 acre parcel and 7.5 acre parcel. As shown on Exhibit C of this report, the property is bounded to the west by land owned by the US Fish and Wildlife Service, which may never develop with urban land uses. However, abutting parcels to the north and east are all privately held and may be considered for future urban development that would provide for extension of streets and utilities to the subject site. The proposed subdivision of the subject site resulting in two parcels less than 35 acres in size is prohibited by Section 121-35.D.1 of the Zoning Ordinance and does not meet any of the exception criteria established by Sections 121-35.D.2, 3, and 4 of the Zoning Ordinance. To allow for the proposed subdivision, the applicant is requesting a variance from Section 121-35.D.1 of the Zoning Ordinance. Application for variance is to be considered by the Board of Appeals with their decision based upon a finding that the request satisfies the criteria established by Section 121-33.D.1 of the Zoning Ordinance:

- a. Denial of the variance may result in unnecessary hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of a variance would not be so general or recurrent nature as to suggest that this Ordinance should be changed.

- b. The conditions upon which a petition for variance is based are unique to the property for which the variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- c. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.
- d. The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
- e. The proposed variance will not undermine the spirit and general and specific purposes of this Ordinance.

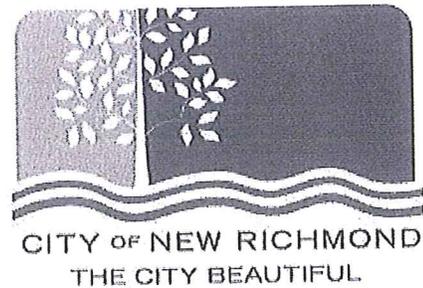
The applicant's narrative outlining the reasons why they believe a variance should be approved to allow the proposed subdivision does not include any description of physiographical considerations unique to the property that would make compliance with the Zoning Ordinance an unnecessary hardship. Rather, the applicant's narrative discusses their intended occupancy of the land, which is reason defined by the property owner and not a land use issue. The request to subdivide the property is therefore not exceptional, extraordinary, or unusual in circumstances or conditions applying only to this parcel, but which may be applicable to other property owners and other large rural parcels within the ETZ area. The granting of a variance as proposed would be contrary to the intent of Section 121-35 of the Zoning Ordinance to preserve the City's ability to continue grow and develop with corridors for extension of streets and utilities unimpeded by rural subdivisions and granting the variance may be detrimental to future public welfare if the subdivision were to be a physical barrier to urban expansion.

RECOMMENDATION

The request does not meet the criteria established by Section 121-31.D.1 of the Zoning Ordinance for approval of a variance. The request for variance is not based on unnecessary hardship to the property owner due to physiographical considerations, conditions upon which the request for variance is based are not unique to the property, approval of a variance would grant the property owner rights not enjoyed by other property owners within the ETZ area, and approval of the variance would be inconsistent with the intent of the Comprehensive Plan and implementation of the Zoning Ordinance regulations established for properties within the ETZ area. City staff and our office recommend the variance application be denied.

POSSIBLE MOTIONS

- A. Motion to **deny** the application for variance based upon a finding that the applicant has not demonstrated that the request satisfies the criteria established by Section 121-33.D.1 of the Zoning Ordinance:
- The applicant has not identified any physiographical considerations unique to the property that cause unnecessary hardship in complying with the Zoning Ordinance.
 - The conditions upon which the request for variance is based are not unique to the property and may be applicable to other properties within the ETZ area.
 - Approval of a variance would grant this property owner rights not enjoyed by other property owners within the ETZ area in accordance with the Zoning Ordinance.
 - Approval of the variance is inconsistent with the intent of the Comprehensive Plan and implementation of the Zoning Ordinance regulations established for the ETZ area to promote efficient development patterns and relatively low municipal, state governmental and utility costs.
- B. Motion to **approve** the application based upon a finding that the request satisfies the criteria of Section 121-33.D.1 of the Zoning Ordinance:
- THE BOARD OF APPEALS MUST STATE SPECIFIC FINDINGS FOR APPROVAL.
- C. Motion to **table** for further discussion/more information.
- c. Mike Darrow, City Administrator
Beth Thompson, Community Development Director
Nick Vivian, City Attorney
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Tanya Reigel, City Clerk
Milton W. Peterson, Jr.



VARIANCE APPLICATION

City Ordinance Section 121-33
www.newrichmondwi.gov



By: _____

City of New Richmond
156 East First Street ❖ New Richmond, WI 54017
Phone: (715) 246-4268 ❖ Fax: (715) 246-7129

APPLICATION FEE: \$250 1st Request \$300.00 2nd Request
ESCROW: \$500

Application fee should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Last name: Peterson, Jr. First name: Milton W
Address: 1702 170th St. City/State/Zip: New Richmond, WI 54017
Phone number: 715-781-1746 Email address: _____

2. Applicant Information: (if different from above)

Last name: _____ First name: _____
Address: _____ City/State/Zip: _____
Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

4. **Legal Description** That part of the NW 1/4 of the NE 1/4 Section 8-30-17, Town of Erin Prairie, St. Croix County, WI,; lying North of the Willow River

5. **Variance Requested** Special Exception/Variance from the Extraterritorial Plat Approval requirements as set out in Sec. 121-35

6. **Lot Size** 337,500 **Square Feet** **Width** 450 **Length** 750
Setback: Front _____ **Rear** _____ **Left** _____ **Right** _____

Variance applications must be received by the first Thursday of each month; applications received after this date cannot be heard at the Board of Appeals meeting the following month.

7. **Proposed Use** Ag/Residential

8. **Reason (hardship, unique situation, etc.)** Intend to divide a 37 acre parcel of land into two parcels of ^{1.5}9 acres and ^{29.5}28 acres. ^{29.5}28-acre parcel being sold to my son and daughter-in-law and my

wife and I will build on the 9 acre. I am sight impaired and need assistance.

9. **Additional Required Information:**

- a. **Written Narrative:** The narrative should describe in detail the nature of the intended use, why you believe the variance should be granted.
- b. **Consultant Fees:** Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g., traffic study analysis) the applicant shall be responsible for paying the entirety of those costs.

10. **Other Information:** In addition to the written narrative, a scale map of the lot and how existing buildings are laid out on that lot, as well as, where the addition or new building would be placed if the variance is granted.

11. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: *Wilton Peterson Jr*

Date: July 15, 2015

Applicant: _____

Date: _____

Fee Paid: \$250 Date: 7/16/15 Receipt # 61452

Escrow Paid: \$500 Date: 7/16/15 Receipt # 61452

Answer to No. 9(a) of Variance Application

Milton and Lynn Peterson (herein after the Peterson's) would like to divide their land into two parcels. (See attached site plan)

The first parcel will be approximately 7.5 acres which will be home to the Peterson's new home. The second parcel will be approximately 29.5 acres, which contains the current home. This home is to be sold to the Peterson's son, Jayman and Jayman's wife Theresa.

Currently the property is zoned ag-residential. The Willow River flows along the southerly portion of the property. The US Fish and Wildlife borders the westerly border. It should be noted that the US Fish and Wildlife owns large parcels of land running west of Mr. Peterson's property following the twists and turns of the Willow River to the City of New Richmond. The property currently contains a residential dwelling along with a barn that is home Mr. Peterson's three horses. These horses have access to about 8-9 acres of pasture land. This pasture land has not been tilled since the early 1980's and has been used for years for the use of Mr. Peterson's horses. The rest of the property is largely made up of trees and brush.

The Peterson's would like to build this new home to be close to their son, daughter-in-Law, and grandchildren. Milton wants to be able to ride his horses when he chooses to do so. Milton is also sight impaired and needs daily assistance. The new home will be built with one level that will take in mind Milton's disability as well the Peterson's age. Jayman Peterson, will also play a crucial role in assisting his parents on a daily basis.

The use of the property will not change. The horses will remain and will still have access to their current pasture. The construction of the home will not impact the trees and flora along the Willow River. The new home is to be set back several hundred feet from the Willow River.

The purpose of this variance request is not based exclusively upon the Peterson's desire to increase the value or income potential of the property. The Peterson's intend to stay at their new home as long as they are physically able to do so.

The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located. The new home is being built to fit into the property as it is currently used. The Peterson's are well aware of the importance of maintaining the rural nature of the area. The new home would not be incompatible with the adjacent neighboring lots and agricultural lands.

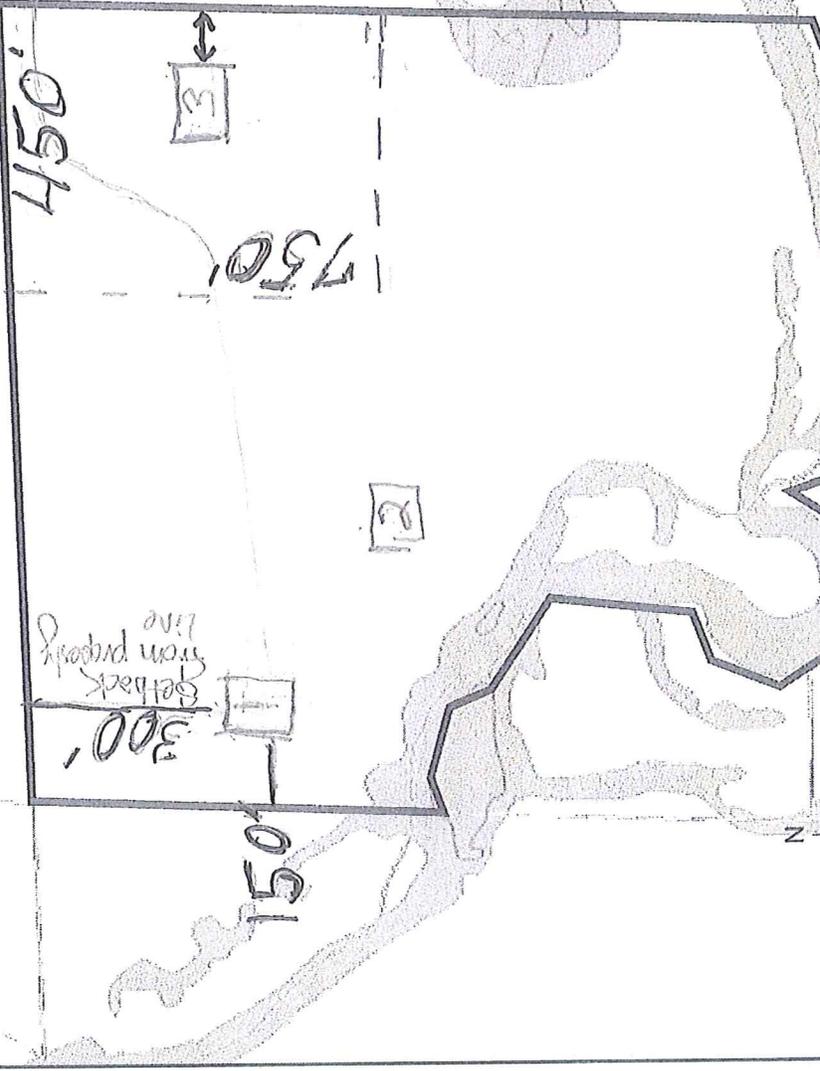
The proposed variance will not undermine the spirit of the general and specific purposes of this Ordinance. The Peterson's have owned this property for a number of years and are not asking this board for a variance to divide their land into several parcels. Milton and Lynn simply want to split a small piece of land from their current parcel that will enable them to continue to enjoy their property as they age. The proposed use of the land is not to be changed. The land will stay as ag/residential.

- 1- EXISTING DWELLING
- 2- OUTBUILDING
- 3- PROPOSED DWELLING

170TH ST

CURRENT DRIVEWAY

7.15 acres Apx



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



Tax Parcels Feature Information

PID: 012102130100
ALI ID: 08.30.17.110A
Owner Name: PETERSON, MI
Property Address: 1702 170TH S
Post Office: NEW RICHMOND
Zip Code: 54017
Acres: 37.000
Tax Year: 2015

Report



BOARD OF APPEALS
SEPTEMBER 22, 2015 - 4:00 P.M.

Members Present: Glenn Highum, Bernard Peterson, Mike Kastens, Bob Peirson, and Sarah Mellerud

Others Present: Tanya Reigel, Dan Licht, Beth Thompson, Mike Darrow, Terry Andersen, Steven T'Kach and Steve Pott

The meeting of the Board of Appeals was called to order by Glenn Highum.

Roll call was taken.

Mike Kastens moved to adopt the agenda as presented, seconded by Bernard Peterson and carried.

Mike Kastens moved to approve the minutes from the previous Board of Appeals meeting on August 11, 2015, seconded by Bob Peirson and carried.

Glenn Highum declared the Public Hearing open to consider the following:

a) A Petition from St. Croix County to allow a monopole antenna support structure to be installed at an overall elevation of 130' AGL exceeding the allowed height of 71 MSL by 59'. Property is located at 1445 North Fourth Street, New Richmond.

Dan Licht explained that this request fits the criteria for allowing a variance. The Airport Commission and Plan Commission have approved this monopole. The Federal Aviation Administration has almost finished its approval process. There was discussion regarding the existing water tower at that location. The Plan Commission placed the following condition on their approval: The existing decommissioned water tower shall be deconstructed within one year from the date that the monopole tower construction is complete.

b) A Petition from St. Croix County to allow construction of public safety radio system antennas upon the City water tower at 1245 St. Croix Avenue at a height 23 feet above the height of the water tower exceeding the allowed height of 15 feet above the height of the water tower.

Dan Licht explained this request and that our zoning ordinance encourages locating antennas on the City water towers. Staff will be initiating a change to the zoning ordinance allowing an exemption for public safety antennas. Glenn Highum declared the Public Hearing closed.

Mike Kastens moved to approve the request for a variance for construction of a 130 foot tall telecommunications tower upon the St. Croix County Health Services property based on the following finding:

1. The analysis provided by the applicant demonstrates that the proposed 130 foot height of the tower is the minimum necessary based on the existing elevation and surrounding topography at the proposed site to provide adequate public safety radio system coverage for the City and surrounding areas to protect health safety and welfare.

Motion was seconded by Bob Peirson and carried.

Mike Kastens moved to approve a variance for mounting telecommunications antennas upon the City south water tower property based on the following findings:

1. The height of the antennas upon the City water tower provides for the required signal to serve New Richmond and connect to other antennas that are part of the public safety system.
2. The proposed height of the antennas also minimizes the need for additional antennas and tower locations.

3. The applicant's need to provide for public health safety and welfare justifies a variance for the additional height above the City water tower structure than allowed by the Zoning Ordinance. Motion was seconded by Sarah Mellerud and carried.

Mike Kastens moved to adjourn the meeting, seconded by Sarah Mellerud and carried.

Meeting adjourned at 4:13 p.m.

Tanya Reigel
City Clerk



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

September 15, 2015

TO ALL MEMBERS OF THE BOARD OF APPEALS

**Glenn Highum
Mike Kastens
Bernard Peterson**

**Bob Pierson
Sarah Mellerud**

This is to notify you that there will be a meeting of the Board of Appeals of the Building and Zoning Codes of the City of New Richmond Tuesday, September 22, 2015 at 4:00 p.m. in the Civic Center, 156 East First Street.

BOARD MEMBERS ONLY: Please notify me, as soon as possible, if you are unable to attend, so I can arrange for an alternate. Thank you.

AGENDA:

1. Roll Call
2. Adoption of Agenda
3. Approval of the minutes from the Previous Meeting, August 11, 2015
4. Public Hearing to discuss the following:
 - a) A Petition from St. Croix County to allow a monopole antenna support structure to be installed at an overall elevation of 130' AGL exceeding the allowed height of 71 MSL by 59'. Property is located at 1445 North Fourth Street, New Richmond.
 - b) A Petition from St. Croix County to allow construction of public safety radio system antennas upon the City water tower at 1245 St. Croix Avenue at a height 23 feet above the height of the water tower exceeding the allowed height of 15 feet above the height of the water tower.
5. Action on Public Hearing
6. Communications and Miscellaneous
7. Adjournment

**Tanya Reigel,
City Clerk**

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.

**Copies:
The News
City Website**

Northwest Community Communications



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Board of Appeals

FROM: Daniel Licht, AICP

DATE: 15 September 2015

RE: New Richmond; St. Croix County; Telecommunication tower variance

TPC FILE: 164.02

BACKGROUND

St. Croix County currently utilizes a decommissioned water tower at the Health Services Complex located at 1445 North 4th Street for mounting communication antennas and microwave dishes for its public safety radio system. The condition of the water tower structure has degraded over time and is no longer suitable for this purpose and St. Croix County is proposing to erect a 130 foot tall monopole tower upon the subject site for the location of antennas for the public safety radio system. A variance required to allow for the proposed height of the tower above the 70 feet allowed at the subject site by the Zoning Ordinance. A public hearing has been noticed for the Board of Appeals meeting on 22 September 2015 at 4:00PM.

Exhibits:

- A. Site Location
- B. Narrative Attachment for Variance

ANALYSIS

Comprehensive Plan. The HWY 64/65 Comprehensive Land Use Plan guides the subject site for commercial land uses. Installation of the proposed tower upon the subject site for the purposes of locating antennas for the public safety radio system is consistent with the policies

of the Comprehensive Plan to provide for public health safety and welfare as a fundamental government function.

Zoning. The subject site is zoned Z3 District and is also within the Airport Overlay District. Construction of the proposed tower upon the property requires a conditional use permit in accordance with Sections 121-47.D.1 and 121-61.D of the Zoning Ordinance, which have been approved by the Plan Commission on 8 September 2015, with the stipulation that the height of the proposed tower is subject to the review and approval of the Board of Appeals. The approval of the conditional use permit is based upon a finding of there being no other existing structures within the necessary coverage area suitable for location of the antennas, which are necessary to provide for public health safety and welfare.

Surrounding Land Uses. The subject site is surrounded by the following existing and planned uses outlined in the table below. Based on the area of the subject site and distance from any adjacent land uses, the proposed tower will be compatible with the surrounding land uses.

Direction	Land Use Plan	Zoning Map	Existing Use
North	ETZ	ETZ	Agriculture
East	Commercial Mixed Use	Z3 District	Agriculture
South	Medium Density Residential	Z3 District	Commercial Single Family
West	Commercial	Z3 District	Agriculture

Coverage Analysis. Exhibits B, C, D and E of the applicant’s narrative outline coverage and line of sight analysis for a tower installed to the allowed 70 foot height limit for antennas within the Z3 District and the proposed 130 foot height of the tower. The applicant is requesting approval of a variance to allow the proposed tower height of 130 feet, which would be within one foot of the height of the existing decommissioned water tower upon which the antennas are currently mounted. The request for variance is subject to review and approval of the Board of Appeals based upon the criteria established by Section 121-33.D.1. of the Zoning Ordinance:

- a. *Denial of the variance may result in unnecessary hardship to the property owner due to geographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of a variance would not be so general or recurrent nature as to suggest that this Ordinance should be changed.*
- b. *The conditions upon which a petition for variance is based are unique to the property for which the variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial*

property rights possessed by other properties in the same district and same vicinity.

- c. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.*
- d. The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.*
- e. The proposed variance will not undermine the spirit and general and specific purposes of this Ordinance.*

The coverage area for the 130 tower provides a stronger signal for most of New Richmond to improve service and extended coverage west towards Somerset based on the topography surrounding the subject site. The 130 foot tower height is also needed to ensure connections between microwave antenna locations and minimize the need for additional antennas and tower locations. In that the radio system is needed to provide for public health safety and welfare, the coverage analysis adequately demonstrates the need for the proposed 130 foot tower and justifies a variance for the additional height above 70 feet allowed within the Z3 District under the criteria established by Section 121-33.D.1. of the Zoning Ordinance.

RECOMMENDATION

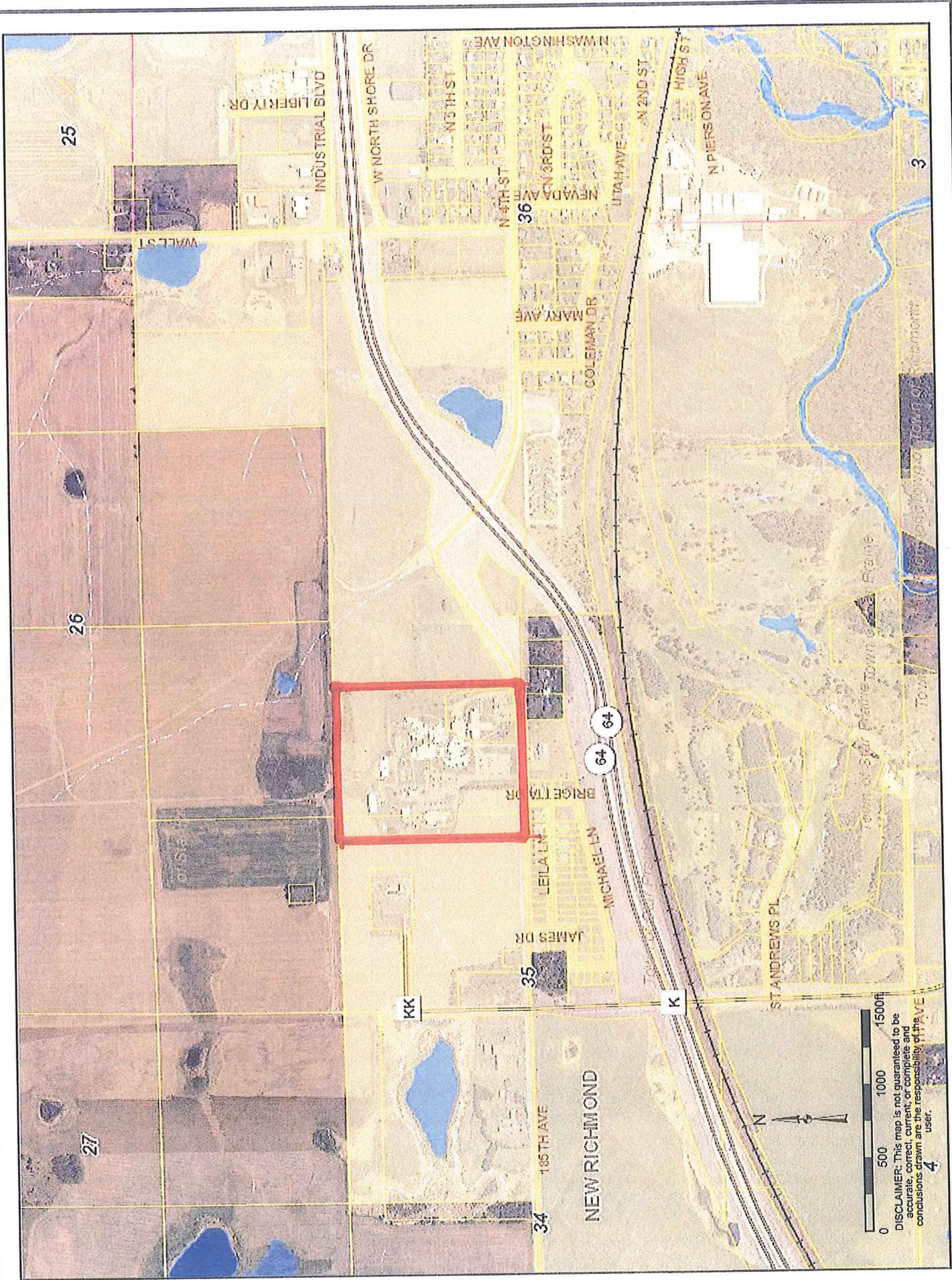
The proposed construction of a 130 foot monopole tower upon the St. Croix County Health Services site is consistent with the criteria for a conditional use permit and variance and complies with the requirements of the Zoning Ordinance. The Development Review Committee considered the variance application at their meeting on 27 August 2015 and recommends approval subject to the finding outlined below.

POSSIBLE ACTIONS

- A. Motion to **approve** a variance for construction of a 130 foot tall telecommunications tower upon the St. Croix County Health Services property based on the following finding:
 - 1. The analysis provided by the applicant demonstrates that the proposed 130 foot height of the tower is the minimum necessary based on the existing elevation and surrounding topography at the proposed site to provide adequate public safety radio system coverage for the City and surrounding areas to protect health safety and welfare.

- B. Motion to **deny** the application based on a finding that the request is inconsistent with the policies of the Comprehensive Plan and requirements of the Zoning Ordinance.
- C. Motion to **table** for further discussion.

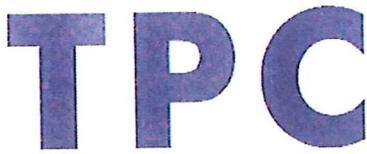
- c. Mike Darrow, City Administrator
Beth Thompson, Community Development Director
Tanya Reigel, City Clerk
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director



0 500 1000 1500ft

DISCLAIMER: This map is not guaranteed to be accurate, correct, or complete and conclusions drawn are the responsibility of the user.

4



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Board of Appeals

FROM: Daniel Licht, AICP

DATE: 15 September 2015

RE: New Richmond; St. Croix County; South City water tower variance

TPC FILE: 164.02

BACKGROUND

St. Croix County is proposing to mount communication antennas and microwave dishes for its public safety radio system on the City water tower located at St. Croix Avenue and Paperjack Drive. The installation of the antennas upon the existing, City owned water tower is subject to review by the Development Review Committee and issuance of a building permit pursuant to Section 121-47.D.2 of the Zoning Ordinance. A variance is also required to allow for the proposed height of the antennas above the water tower. A public hearing has been noticed for the Board of Appeals meeting on 22 September 2015 at 4:00PM.

Exhibits:

- A. Site Location
- B. Plan set dated 06/16/15

ANALYSIS

Comprehensive Plan. The Comprehensive Land Use Plan guides the subject site for industrial land uses. The City owned watertower is part of the municipal utility system and allowed as an essential service facility. Installation of the proposed antennas upon the City water tower for

the public safety radio system is consistent with the policies of the Comprehensive Plan to provide for public health safety and welfare as a fundamental government function.

Zoning. The subject site is zoned Z7 District. Location of the antennas is a permitted use upon the City owned, existing structure subject to the performance standards outlined in Section 121-47.F of the Zoning Ordinance.

Surrounding Land Uses. The Zoning Ordinance encourages location of antennas upon existing structures, such as the City water tower, so as to minimize the number of towers within the City and minimize conflicts with surrounding land uses. The location of the antennas on the existing City owned water tower will be compatible with the surrounding land uses shown in the table below.

Direction	Land Use Plan	Zoning Map	Existing Use
North	Industrial	Z3 District	Industrial
East	Commercial	Z3 District	Commercial
South	Commercial	Z3 District	Undeveloped
West	Industrial	Z7 District	Industrial

Height. Table 12 of the Zoning Ordinance limits the height of antennas mounted on City water towers to not more than 15 feet above the height of the structure. The proposed antennas include a WHIP for VHF antennas that extends 23 feet above the height of the tower. The mounting of the VHF antennas is required at this height to ensure connections to other antennas on the system according to the applicant, making a variance application required. The request for variance is subject to review and approval of the Board of Appeals based upon the criteria established by Section 121-33.D.1. of the Zoning Ordinance:

- a. *Denial of the variance may result in unnecessary hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of a variance would not be so general or recurrent nature as to suggest that this Ordinance should be changed.*
- b. *The conditions upon which a petition for variance is based are unique to the property for which the variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.*
- c. *The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.*

- d. *The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.*
- e. *The proposed variance will not undermine the spirit and general and specific purposes of this Ordinance.*

The height of the antennas upon the City water tower provides for the required signal to serve New Richmond and connect to other antennas that are part of the public safety system. The proposed height of the antennas also minimizes the need for additional antennas and tower locations. In that the radio system is needed to provide for public health safety and welfare, the applicant's need justifies a variance for the additional height above the City water tower structure than allowed by the Zoning Ordinance.

RECOMMENDATION

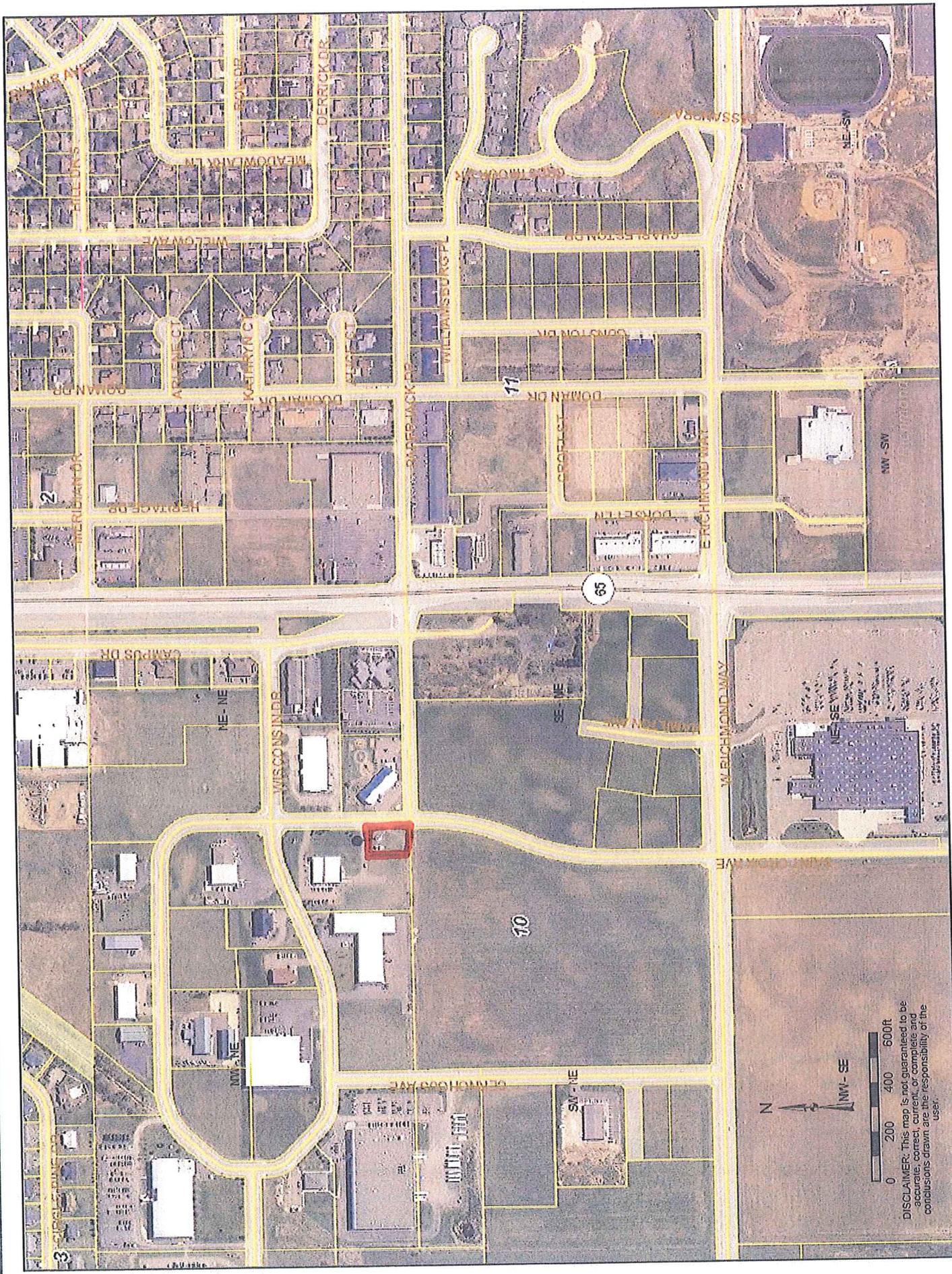
The Development Review Committee considered the application to locate St. Croix County public safety antenna equipment on the City's south water tower at their meeting on 27 August 2015 and approved the request subject to approval of a variance by the Board of Appeals for the height of the antennas above the structure. The requested variance meets the criteria for established by the Zoning Ordinance and City staff recommends approval subject to the findings outlined below.

POSSIBLE ACTIONS

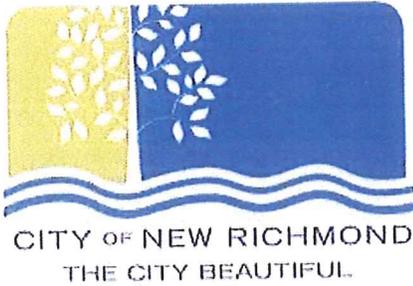
- A. Motion to **approve** a variance for mounting telecommunications antennas upon the City south water tower property based on the following findings:
 - 1. The height of the antennas upon the City water tower provides for the required signal to serve New Richmond and connect to other antennas that are part of the public safety system.
 - 2. The proposed height of the antennas also minimizes the need for additional antennas and tower locations.
 - 3. The applicant's need to provide for public health safety and welfare justifies a variance for the additional height above the City water tower structure than allowed by the Zoning Ordinance.
- B. Motion to **deny** the application based on a finding that the request is inconsistent with the policies of the Comprehensive Plan and requirements of the Zoning Ordinance.

C. Motion to **table** for further discussion.

- c. Mike Darrow, City Administrator
- Beth Thompson, Community Development Director
- Tanya Reigel, City Clerk
- Sarah Skinner, Building Inspector
- Jeremiah Wendt, Public Works Director

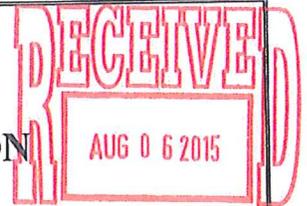


DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



VARIANCE APPLICATION

City Ordinance Section 121-33
www.newrichmondwi.gov



By: _____

City of New Richmond
156 East First Street ❖ New Richmond, WI 54017
Phone: (715) 246-4268 ❖ Fax: (715) 246-7129

APPLICATION FEE: \$250 1st Request \$300.00 2nd Request
ESCROW: \$500

Application fee should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Last name: Thompson - St. Croix County First name: Patrick
Address: 1101 Carmichael Road City/State/Zip: Hudson, WI 54016
Phone number: 715-381-4303 Email address: patrick.thompson@co.saint-croix.wi.us

2. Applicant Information: (if different from above)

Last name: Anderson - St. Croix County First name: Terry
Address: 1101 Carmichael Road City/State/Zip: Hudson, WI 54016
Phone number: 715-381-4910 Email address: terry.andersen@co.saint-croix.wi.us

3. Address(es) of Property Involved: (if different from above)

1445 North 4th Street, New Richmond

4. Legal Description See Attached

5. Variance Requested Allow a monopole antenna support structure to be constructed at an overall elevation of 130' AGL, exceeding the allowed height of 71' MSL by 59'.

6. Lot Size 968,913+/- Square Feet Width 880' +/- Length 1243' +/-
Setback: Front 890' +/- Rear 352' +/- Left 152' +/- Right 725' +/-

Variance applications must be received by the first Thursday of each month; applications received after this date cannot be heard at the Board of Appeals meeting the following month.

7. **Proposed Use** Emergency Communications Monopole Tower

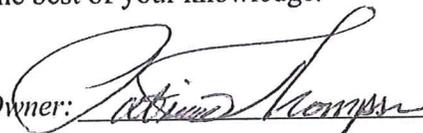
8. **Reason (hardship, unique situation, etc.)** St. Croix County is undertaking a major replacement of its public safety radio system. The antennas in New Richmond are currently mounted to an aging, de-commissioned water tank. A new monopole tower is needed for the radio system upgrade

9. **Additional Required Information:**

- a. **Written Narrative:** The narrative should describe in detail the nature of the intended use, why you believe the variance should be granted.
- b. **Consultant Fees:** Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g., traffic study analysis) the applicant shall be responsible for paying the entirety of those costs.

10. **Other Information:** In addition to the written narrative, a scale map of the lot and how existing buildings are laid out on that lot, as well as, where the addition or new building would be placed if the variance is granted.

11. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner:  Date: 8-5-15

Applicant:  Date: 8-5-15

Fee Paid: \$250 Date: 8-13-15 Receipt # 61594

Escrow Paid: \$500 Date: 8-13-15 Receipt # 61594

Exhibit A

2015 Property Record | St Croix County, WI

Assessed values not finalized until after Board of Review.
Property information is valid as of JUL. 13 2015 10:23PM .

OWNER

ST CROIX COUNTY
1101 CARMICHAEL RD
HUDSON, WI 54016

CO-OWNER(S)

FORMER OWNERS

PROPERTY INFORMATION

Parcel ID: 261-1019-07-351
Alternate ID:
School Districts:
SCH DIST NEW RICHMOND
Other Districts:
UPPER WILLOW REHAB DIST
WITC
TID #8 NEW RICHMOND

PROPERTY DESCRIPTION

SEC 35 T31N R18W SE NW EXC PT TO CSM 7/2100 FORMERLY
577D T STAR PRAIRIE ANNEXED CITY NR #480541 EXP PT TO HWY
AS IN 2521/543 (HWY PROJ 1559-08-24) PARCEL 22 FARM, EXC PT
AS DESC IN 976142
Property Address:
Municipality: CITY OF NEW RICHMOND

<u>Section</u>	<u>Town</u>	<u>Range</u>	<u>Qtr</u>	<u>Qtr</u>	<u>Section</u>	<u>Qtr</u>	<u>Section</u>
<u>Lot:</u>							
<u>Block:</u>							
<u>Plat Name:</u>							
NOT AVAILABLE							
<u>Plat History:</u>							
(2015) NOT AVAILABLE							

DEED INFORMATION

<u>Volume</u>	<u>Page</u>	<u>Document #</u>
		976142
		973693
		870602
2521	543	755907
67	287	70680

TAX INFORMATION

Net Tax Before: .00
Lottery Credit: .00
First Dollar Credit: .00
Net Tax After: .00

LAND VALUATION

Valuation Date:

<u>Code</u>	<u>Acres</u>	<u>Land Value</u>	<u>Improvements</u>	<u>Total</u>
<u>Total Acres:</u>				0.000
<u>Assessment Ratio:</u>				
<u>Mill Rate:</u>				0.000000000
<u>Fair Market Value:</u>				

	<u>Amt. Due</u>	<u>Amt. Paid</u>	<u>Balance</u>
Tax	.00	.00	.00
Special Assmnt	.00	.00	.00
Special Chrg	.00	.00	.00
Delinquent Chrg	.00	.00	.00
Private Forest	.00	.00	.00
Woodland Tax	.00	.00	.00
Managed Forest	.00	.00	.00
Prop. Tax Interest		.00	.00
Spec. Tax Interest		.00	.00
Prop. Tax Penalty		.00	.00
Spec. Tax Penalty		.00	.00
Other Charges	.00	.00	.00
TOTAL	.00	.00	.00
Over-Payment		.00	

INSTALLMENTS

<u>Period</u>	<u>End Date</u>	<u>Amount</u>
---------------	-----------------	---------------

PAYMENT HISTORY (POSTED PAYMENTS)

<u>Date</u>	<u>Receipt #</u>	<u>Source</u>	<u>Type</u>	<u>Amount</u>	<u>General Tax Status</u>	<u>Special Assess. Status</u>	<u>Interest</u>	<u>Penally</u>	<u>Total</u>
-------------	------------------	---------------	-------------	---------------	---------------------------	-------------------------------	-----------------	----------------	--------------

Ordinance 121-47 allows a maximum structure height of 56 feet with an antenna extending 15 feet above the structure for a maximum height of 71'. The County is requesting a variance from Ordinance 121-47 allowing the construction of a 130' monopole tower.

The County has had conversations with the Airport Manager, and he does not object to a replacement structure that does not exceed the existing antenna height.

Narrative Attachment to Variance Application (121-47)

Property Address: 1445 North 4th Street, New Richmond

Property ID: 261-1019-07-351 (Exhibit A)

St. Croix County operates a network of public safety radio sites throughout the County to provide emergency communications to residents and visitors. Reliable communications is critical to the safety and security of the residents, as well as the public safety responders. As the population and activity within the County has grown, some incremental site additions to the system have been made, however demands and expectations for a contemporary public safety radio system have outpaced those enhancements. The County has funded a multi-million dollar improvement project to construct a simulcast countywide radio system. The system has been designed with particular emphasis on population centers and transportation corridors. In New Richmond, two sites have been identified to accomplish the goals of the new system. One of those sites is the existing communications site at the County's Nursing Home on North 4th Street.

The antennas are currently mounted to the water tank that exists on the site. The water tank is no longer used as a water supply and will not be refurbished or maintained in the future. It has been determined that it is not structurally viable for the new system and associated antennas. The radio equipment is housed in an old building on the site that is scheduled for demolition as part of the campus improvements currently underway. When designing a new system, the goal is to mount antennas to existing structures, rather than constructing a new tower. Unfortunately there are no suitable structures in the area where this site is needed,

In addition to the structural issues at the Nursing Home site, Site plans have been developed for the construction of a 130' tall monopole radio tower to be used to support the new antennas, making the new antennas nearly the same height as the existing antennas. Ground elevation at the center of the proposed monopole is 1,040.4' AMSL¹, the tower foundation would extend approximately 6" above grade, which would result in an overall height of the structure being 1171'. The antennas would be mounted in such a way that they did not extend above the height of the tower.

Based on April 30, 2015 survey activity, the measured height of the existing water tank (top safety railing) is 112.3' AGL². Top mounted antennas on the existing water tank increase the overall height of the existing structure with appurtenances to 128.6' AGL. The ground elevation at the water tank is 1,043.4 AMSL, resulting in an overall height of 1172'.

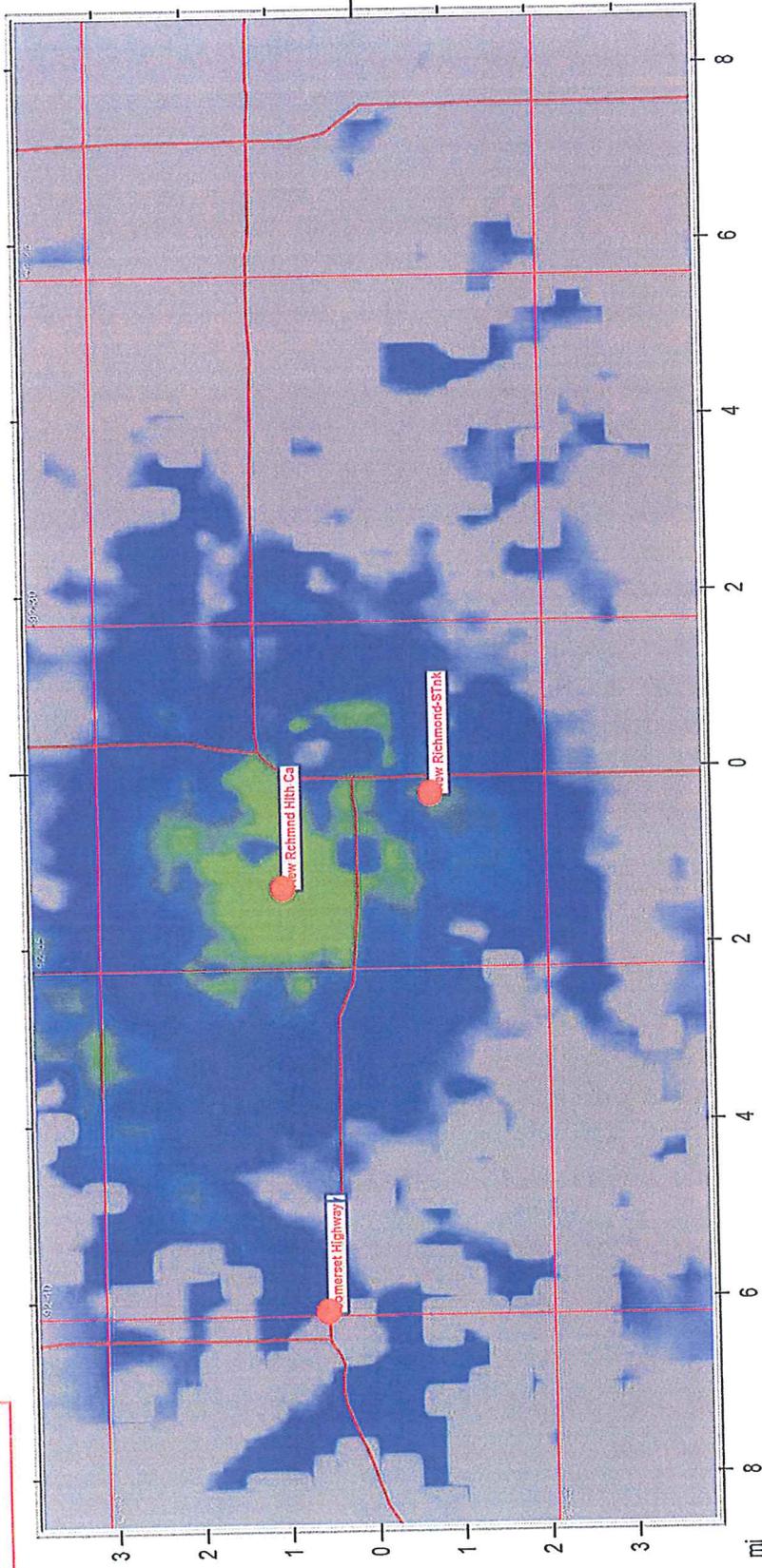
The coverage from the existing antennas is minimally acceptable. The public safety users report coverage issues in several places within the City. It is important that the new antennas not be mounted lower than those existing. The attached coverage maps show the performance of a portable radio talking to the system and the impact of a 70' antenna height (currently allowed by Ordinance 121-47), Exhibit B, compared with the 130' antenna height, Exhibit C. The technology used for contemporary radio networks also requires that the towers be connected with reliable, data connections. This is typically accomplished using microwave radio links. One of the links will require a minimum dish height of 120', due to obstructions along the path. Exhibits D and E, show the path profiles.

¹ AMSL is height Above Mean Sea Level

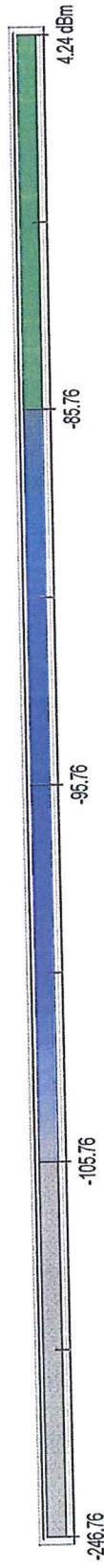
² AGL is height Above Ground Level

Exhibit B

Port Antenna 3' AGL - Aug, 2015 - ZONING ATTACHMENT



PSC Alliance Inc. - 612-216-1502

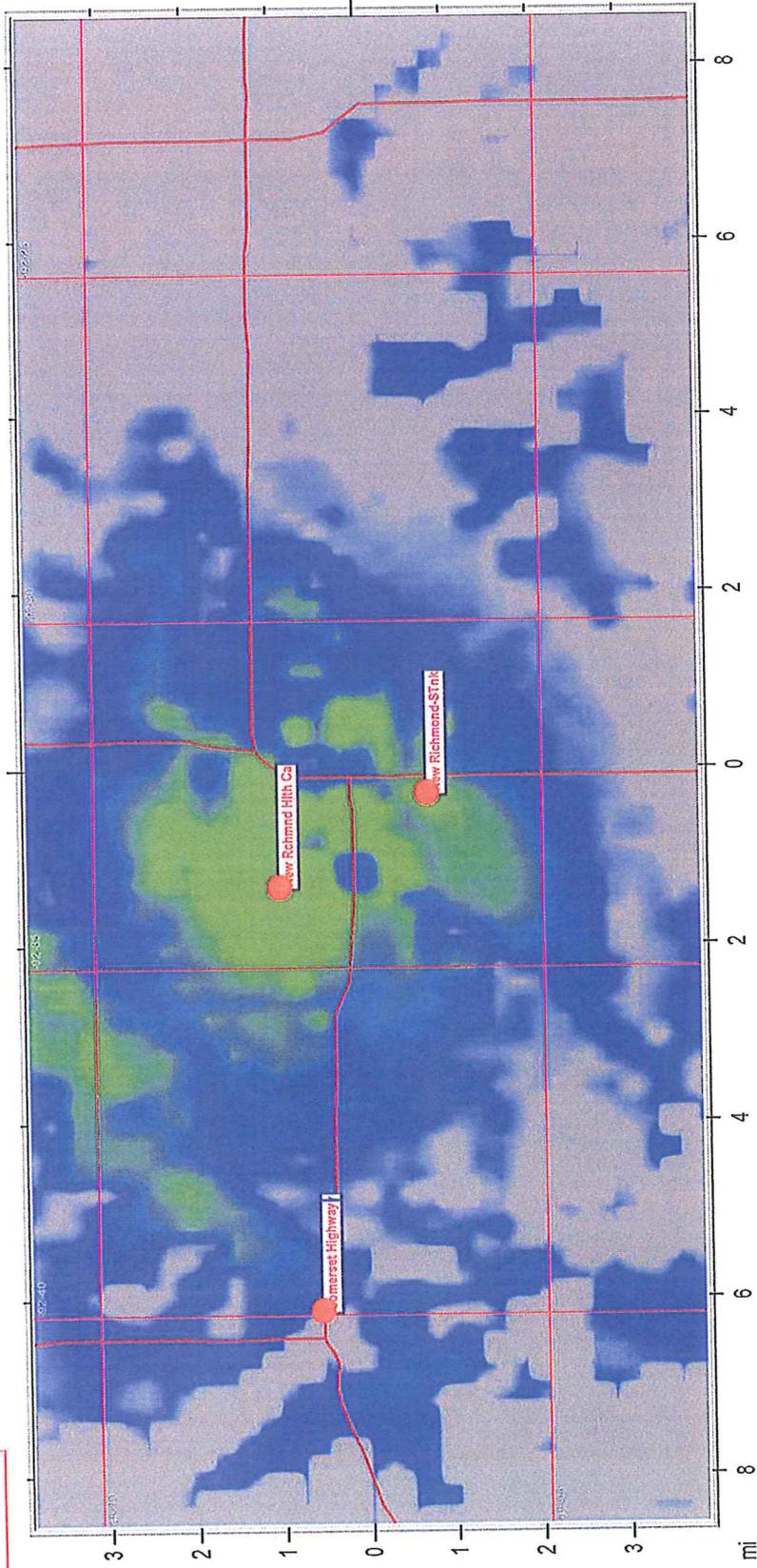


Map Scale: 1:124992 1" = 1.97 mi V/H Size: 7.76 x 17.09 mi

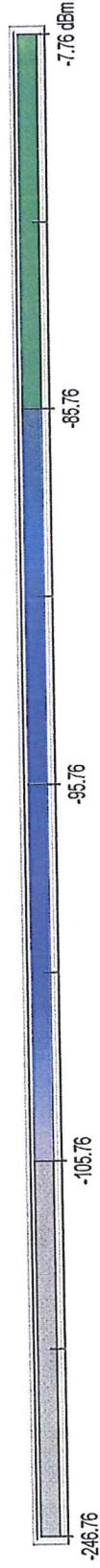
Version 0.18 - INSIDE LITE - FIXED ANTENNA 70' AGL

Exhibit C

Port. Antenna 3' AGL - Aug, 2015 - ZONING ATTACHMENT

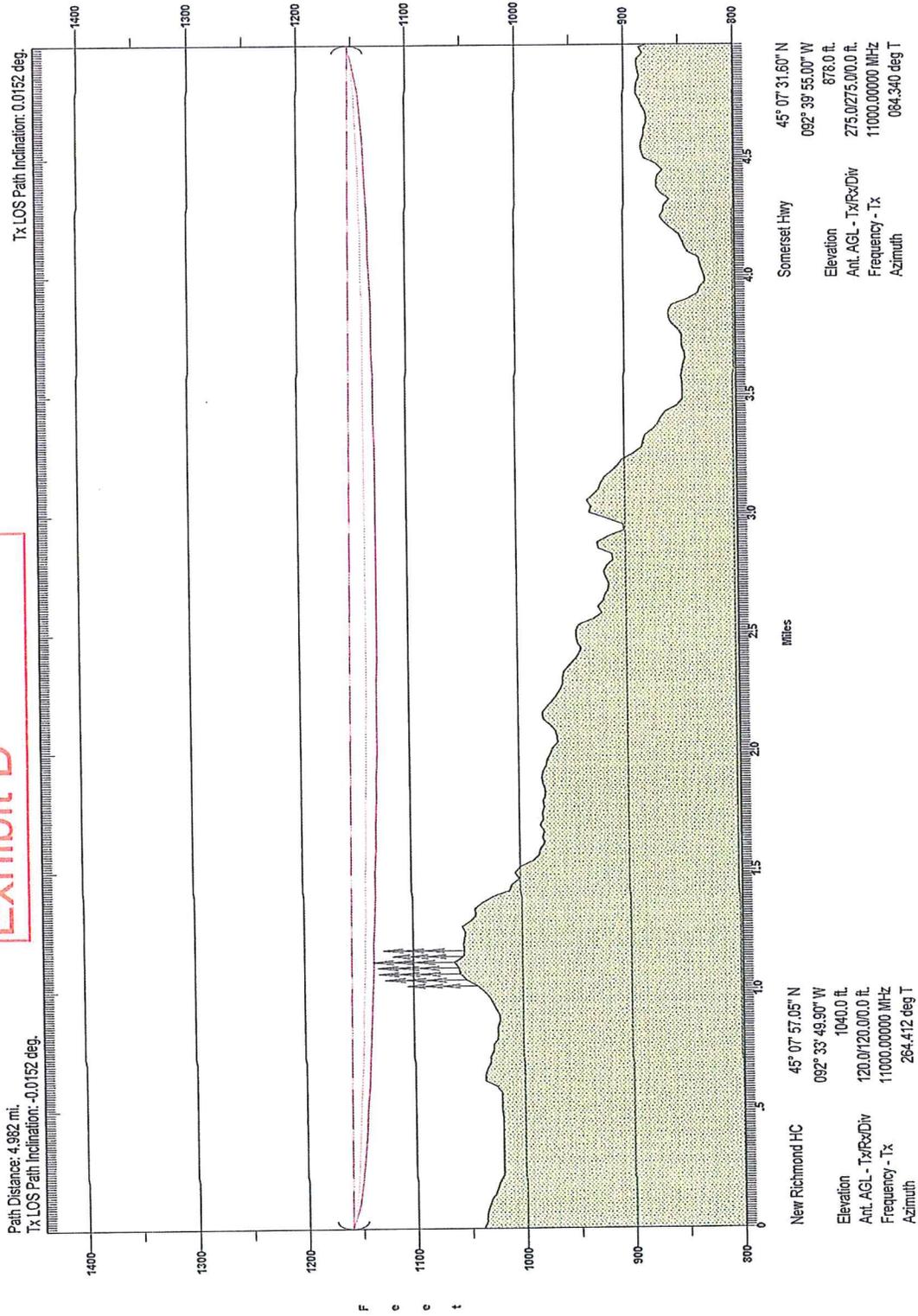


PSC Alliance Inc. - 612-216-1502



St. Croix County Zoning Submission

Exhibit D



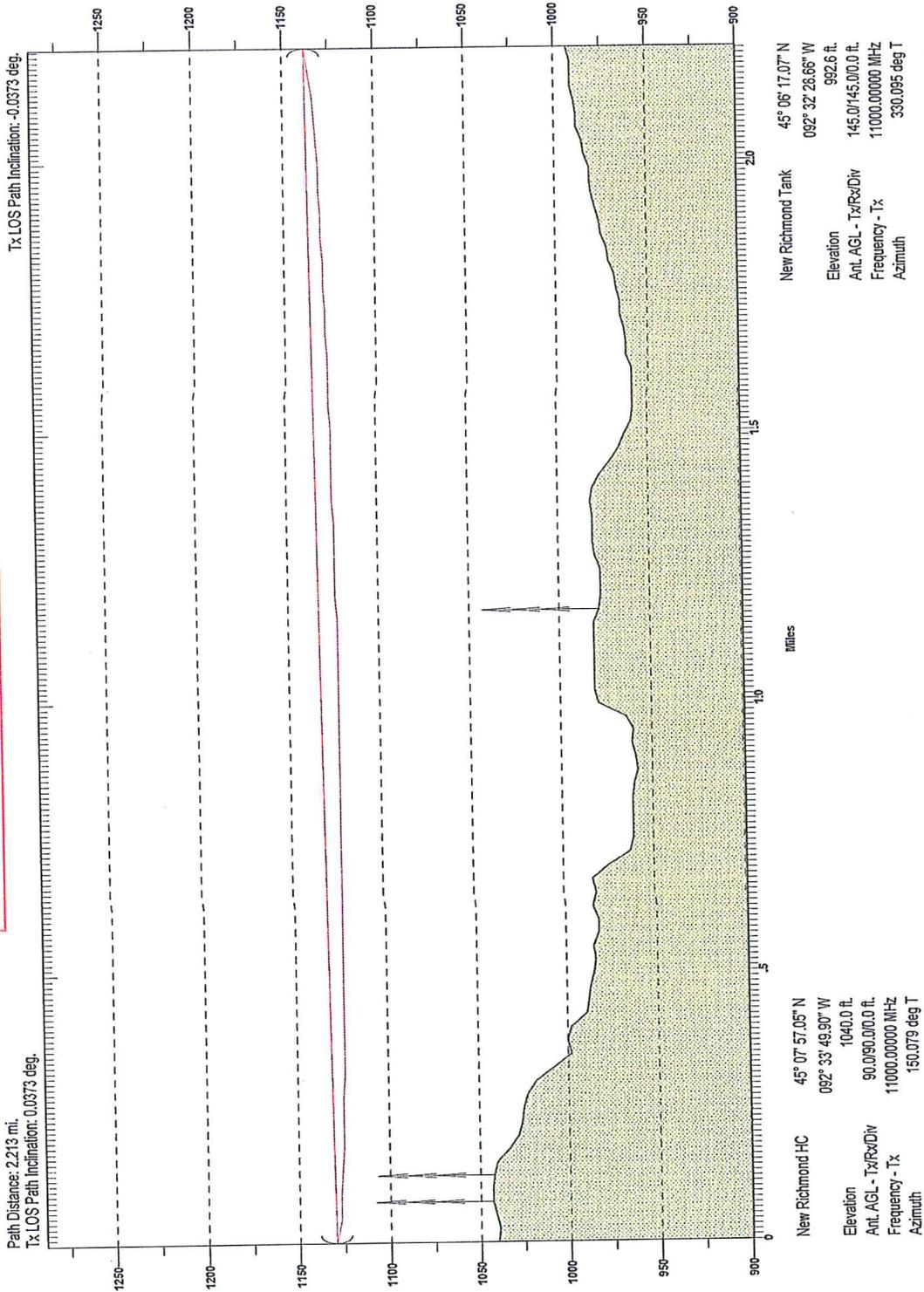
KEY: Profile
K = 4/3 K = 4/3, F = 0.6°F1 K = 4/3, F = 1

August 4, 2015

PSC Alliance Inc.
(612) 216-1502

St. Croix County Zoning Application

Exhibit E



KEY: Profile
K = 4/3

August 4, 2015

PSC Alliance Inc.
(612) 216-1502



NEW RICHMOND NURSING HOME TOWER

ST. CROIX COUNTY

NEW RICHMOND, WISCONSIN

ZONING DRAWINGS

PROJECT DIRECTORY:

ENGINEER:
EDGE CONSULTING ENGINEERS, INC.
624 WATER STREET - 5527A
ST. CROIX COUNTY, WI 54601
CONTACT: ARLEN OSTRENG
PHONE: (608) 644-1449

OWNER:
ST. CROIX COUNTY
1101 CARMICHAEL ROAD
HUDSON, WI 54016
CONTACT: STEPHEN TYKACH
PHONE: (715) 377-5817

RF DESIGN:
PSC ALLIANCE
INTERNATIONAL DRIVE
SUITE 300
BLOOMINGTON, MINNESOTA 55425
CONTACT: STEPHEN TYKACH
PHONE: (651) 774-5228

PROJECT INFO:

SITE LOCATION:
NEW RICHMOND NURSING HOME
NEW RICHMOND, WISCONSIN 54225

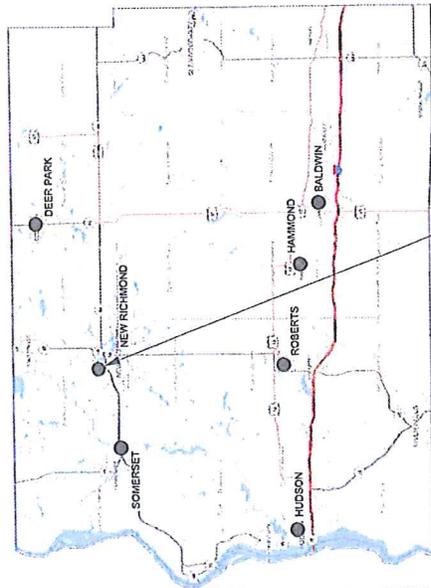
PROPERTY OWNER:
ST. CROIX COUNTY
1101 CARMICHAEL ROAD
HUDSON, WI 54016

1A INFORMATION: (PER 1A CERT.)
TOWER 140' TALL (140' HUB)
LONG: 82°33'49.97" W
GROUND ELEVATION: 1446.2' (NAVD83)

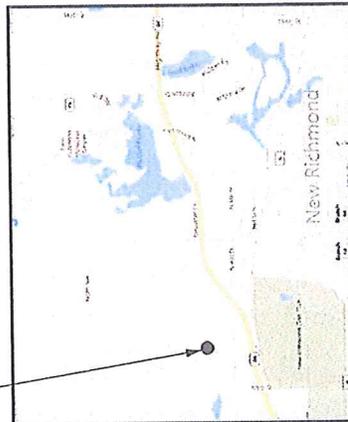
PLSS LOCATION:
SE 1/4 OF THE NW 1/4,
TOWNSHIP 37 NORTH
RANGE 10 WEST
ST. CROIX COUNTY,
WISCONSIN
PARCEL ID: 201-1019-07-351

SHEET INDEX:

NO.:	PAGE TITLE
G-001	COVER SHEET
C-101	OVERALL SITE PLAN
C-102	COMPOUND PLAN
T-201	TOWER LOADING/ELEVATION



SITE LOCATION



SITE LOCATION MAP

SCALE: NTS



www.edge-engineers.com
608.644.1527 ext. 4
Rt. 46, Box 506, WI 53784
Kilbuck, WI
Edge
Consulting Engineers, Inc.

NEW RICHMOND NURSING HOME TOWER
ST. CROIX COUNTY
NEW RICHMOND, WISCONSIN

COVER SHEET

REVISIONS:

NO.	DATE	DESCRIPTION

GRAPHIC SCALE:
0.167" = 1'
DRAWN BY:
AUF: MED
CHECKED BY:
AUF
PLOT DATE:
CUSTODY:
PROJECT NUMBER:
FILE NAME:
CADD JOB:
SHEET IDENTIFICATION:
G-001

ENGINEER SEAL:
I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF WISCONSIN.
SIGNATURE: _____
DATE: _____

TO OBTAIN LOCATION OF
PLANNED PROJECTS, CONTACT
DNR BY WISCONSIN

CALL DIGGERS HOTLINE
1-800-485-5889
TOLL FREE
TODD (FOR HEARING IMPAIRED) 1-800-542-2289
FAX: 1-800-485-5889
REQUESTS MUST BE MADE 14 DAYS
BEFORE ANY WORK BEGINS
NOTICE BEFORE YOU EXCAVATE.



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

MEMORANDUM

TO: Mayor Horne and Plan Commission Members

FROM: Noah Wiedenfeld, Management Analyst

DATE: February 23, 2016

SUBJECT: Sign Ordinance Update

BACKGROUND

The Plan Commission and City Council recently voted in favor of proceeding with the development of a new comprehensive sign ordinance.

As this process begins, it's critical that we listen to the ideas and concerns of local business owners and residents. At the March meeting, City staff will give a brief overview of the public engagement process, which will begin with the following:

- Three public meetings will be held on different dates and at different times - morning, lunch hour, and evening - so as to accommodate for various work schedules. Business owners will receive an invitation in the mail, and the meetings will also be advertised in the New Richmond News, on the City's website and social media, and on the New Richmond Area Chamber of Commerce website.
- For those who are unable to attend the meetings, an online form will be created that allows for the submission of written comments.

The input received from the community will be incorporated into the first draft ordinance.

ACTION

No formal action by the Plan Commission is needed at this time.