

Village of Fall Creek
Minutes of Special Committee for Downtown Business District
June 8, 2022

1. **Call to Order:** 4:00 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Village President Tim Raap, Evan Anderson, Amy Boettcher, Chester Goodman, Karen Herbison, John Kuehn, Jared McKee, Tania Roberts. Members Absent: Curt Strasburg, Jordan Yule. Staff Present: Clerk/Treasurer Renee Roemhild. At the time of the roll call, President Raap appointed Administrator McKee as a member of the committee.
3. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and the agenda was posted at the three public places and newspapers were notified.
4. **Adopt Agenda:**
 - MOTION (Herbison/Goodman) to adopt the agenda as printed. PASSED, without negative vote.
5. **Downtown District Residential Living:** President Tim Raap stated a question has come up regarding changing the zoning regulations to allow for first-floor residential living in the Downtown Business District. The current ordinances allow for residential living above the first floor.

Raap gave a brief overview of the formation of the Blue Ribbon (BR) Committee years ago, along with providing a high-level summary of their findings and recommendations. It was their recommendations that fostered the creation of the Downtown Business District. Some of the things the BR committee mentioned regarding the downtown area in their findings/strategies related to cleaning up the clutter, trying to recruit commercial businesses, and that when opportunities came up with residential buildings in the downtown district they should be converted back to commercial. Raap stated that in summary, the Downtown Business District was to designate business space.

Trustee Chester Goodman stated the idea was to have businesses so people would stop and shop/eat/do business in Fall Creek. Goodman said at one point we talked about moving Village Hall and the Library off of Hwy 12 in order to create more space for businesses. There were a lot of moving parts and expense involved so it didn't happen, but the idea was to maintain and create business space in the Downtown District. Goodman stated the BR Committee put a lot of time and effort into their analysis to determine what was good for the Village; any considered changes should involve just as much time and effort.

Raap stated we should discuss pros/cons for ground floor living and any recommendations this committee would like to make to the Village Board.

Plan Commission Member John Kuehn stated one of the good things for the Village is promoting the Downtown Business District and as it grows it will be good for Fall Creek; we want a nice town to live and raise a family in with our good community values, churches, education, housing, and businesses. He questioned if we were looking for an "all or nothing" situation (allowing first floor living or not) or looking at being able to consider cases without making the mistake of choosing one individual/business while denying another. He wondered if we had language that might define factors that might add up to enough to consider first floor living on a case-by-case basis, such as that it can only be the owner of the business that is allowed to live on the first floor.

Business owner Tania Roberts said a section in the building next to Village Hall had been the Credit Union office and it was converted to another apartment; a conditional use was given 10 years ago to Chris Nelson to allow 50% residential living in his building, even though that was never done. Raap responded it took some time after the Blue Ribbon Guidelines were established to get the zoning regulations in place to enforce them so those situations likely happened before the zoning ordinances were in place.

Village Administrator Jared McKee stated the first part of the flow chart would be to decide if you want first floor living or not. Then, if so, what parameters would you want to put on it.

McKee stated we can all agree we want to have a good Downtown Business District. He spoke with Luke Hansen, the Director of the Eau Claire Area Economic Development Corporation, and asked what his opinion was – if allowing first floor residential living would make us more marketable and questioned if we are losing some business opportunities because we don't allow it. Hansen did not believe either was the case. Hansen provided a letter to the Board recommending they retain the business district footprint within the Village to facilitate growth in the future.

Trustee Karen Herbison stated she thinks, in this situation, the request was sparked from a perfect storm - declining health of spouse, aging parent, etc. Herbison questioned if there was a way to do a temporary allowance. Raap stated the zoning code would not allow "temporary". McKee stated the only way would be a conditional use, which current ordinance does not allow. If you were to change the ordinance to allow it as a conditional use, it opens a broad door for others. Kuehn stated we've already visited the conditional use idea (in a Plan Commission meeting). Goodman said his experience with conditional use is that it's really easy to give it out and really hard to get back, even if conditions change. Once you open the door, it's open. If you want to allow first floor residential living, you'd want to change the ordinances outright. Goodman stated if you're looking at the Downtown District as a business area and you ask an expert for their recommendation, they would not think it's a good idea, just as we've seen from Luke Hansen.

Roberts stated when rebuilding Chicken Chasers after the fire, they had to spend significantly more money to put the residential living on the 2nd floor rather than the 1st floor, as it had been when it was grandfathered in. Business owner Amy Boettcher reiterated the earlier statement that the BR Committee back in 2008 wanted to return apartments back to businesses.

Raap asked if there was any more discussion and stated that no action would mean no change to the ordinances. He asked if anyone wanted more research or had any recommendations. No one did.

6. Downtown District Zoning Map & Ordinances: Raap stated it might be easier to talk about agenda items 6&7 together and offered ideas for discussion asking:

Do we want a visionary adjustment to the Downtown District Guidelines?

Do we still want the same permit/application processes, for example with sign permits being reviewed by the Village architect?

Do we want to address visual clutter?

Are there any other ideas that should be discussed?

Herbison questioned if there was a way to get owners of some of the empty buildings to maintain their property better. McKee and Raap stated we do have ordinances related to upkeep of properties in the residential district and questioned if we should do that for the

commercial district too. McKee offered the idea of the business owners present forming a more formal merchant organization, like a Main Street organization. As seen in other communities, an organization like that can help incentivize local businesses and be a stronger “voice” to the Village Board.

Roberts stated the Downtown District Guidelines have not been fully upheld over the years; she felt the District was pieces, not an interconnected district. Goodman responded that as a member who sat on the Village Board (and Plan Commission) for almost a decade, he did not remember any time we voted against the recommendation of the Village Architect (whose expertise was used to maintain the guidelines and the design harmony within the District.) There may have been some business owners that did things without getting a permit, but applications were not approved if they did not match the District Guidelines. Raap stated if there were misses or non-conformities, that was more of an enforcement issue. Raap said we are now in a better position to handle enforcement because of having a Village Administrator who is also doing the Zoning Administration, rather than putting the burden of enforcing on a volunteer as it had been in the past. Raap stated that makes this a good time to look at the Guidelines, decide if we want any changes or updates, and then work on consistently applying it so that as buildings are updated, we are working toward continuity in the District.

Raap stated he would like to assign groups to work together to look at specific aspects of the Downtown District, to research and report back to the Committee.

The following groups were formed:

- Building Maintenance/Visual Clutter – Amy & John
- Signage – Tania & Chester
- Exterior Facade – Evan & Karen
- Ordinances – Tim & Jared

7. **Downtown District Planning & Permitting Process:** Discussed above.
8. **Adjournment:** @ 5:15 p.m.

Renee Roemhild, Clerk/Treasurer