EXTRATERRITORIAL ZONING COMMITTEE
CITY OF RIVER FALLS/TOWN OF TROY
JULY 23, 2020 at 6:30 pm

**Please note that due to the ongoing COVID-19 public health emergency, some or all members of this governing body may attend via telephone or internet.

The City Council Chambers will be open to the public but limited to 10 attendees or less due to social distancing. (Use the lower level doors.) For your personal safety and the safety of our community, interested persons are invited to watch from their homes in lieu of attending the meeting in person**

The public may view and/or participate in the meeting by:

- Calling Toll Free **1-844-992-4726**, access code: **132 746 7297**
- Visiting the web link: [https://tinyurl.com/y8gotf4x](https://tinyurl.com/y8gotf4x)

AGENDA

CALL TO ORDER/ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENTS – Non-Agenda Related Topics

PUBLIC HEARING

1. Public Hearing to Consider an ordinance to amend the Extraterritorial Zoning Map of the City of River Falls at 5 County Highway U (formerly 5 Mann Lane) from Exclusive Agricultural to Highway Commercial

   **MOTION:** Recommend approval/denial of an ordinance to amend the extraterritorial zoning map of the City of River Falls for land located in the Town of Troy (5 County Highway U).

ADJOURNMENT

Agenda posted at City Hall; published in Star Observer July 16, 2020
CITY OF RIVER FALLS/TOWN OF TROY
EXTRATERRITORIAL ZONING COMMITTEE
JULY 23, 2020
STAFF REPORT

ITEM: Rezoning for land at 5 CTY U (formerly Mann Lane) and the adjacent property to the north
APPLICANT: Tony Hetchler of Power House Properties, LLC
OWNER(S): Power House Properties, LLC
STAFF: Brandy Howe, Senior Planner

BACKGROUND
Tony Hetchler submitted an application to rezone two parcels in the Town of Troy from Exclusive Agriculture to Highway Commercial. The subject parcels are depicted below. Combined, both parcels measure 0.8-acre. Street view images of both parcels are included on the following page.
Both parcels are zoned Exclusive Agriculture in the City of River Falls’ extraterritorial zoning jurisdiction. The single-family home, shown below, was an existing non-conforming use in this district. The house was destroyed by a fire in November 2018 and was demolished in 2019.
ANALYSIS

Existing Zoning
As mentioned, the existing zoning is Exclusive Agriculture, depicted on Exhibit 1. Per **17.108.150** of the Municipal Code, the intent of the Exclusive Agricultural district is to preserve productive agricultural soils, maintain agriculture as a permanent, viable land use and economic activity, control untimely and uneconomical expansion of urban facilities and services, avoid conflicting land uses. Permitted uses in this district include farming; agriculturally-related dwelling (i.e., occupied by a person who earns a substantial portion of their livelihood from arming); farm-related structures and buildings; and in-season roadside stands.

Note that a single family house, as was located on the site before the fire, is not a permitted by right use in this district unless it is an ag-related dwelling. It is staff’s understanding that the site is not used agriculture, thus a new single family house would not be permitted. Had Mr. Hetchler elected to rebuild the house after the fire in the same location with the same dimensions (footprint), City staff would have permitted it; however, because the structure was demolished and the nonconforming use is no longer present on the property, it cannot be reestablished. Note that staff consulted with the City attorney and he agreed with this assessment. Therefore, Mr. Hetchler is not permitted to build another single-family home unless it meets district specifications (i.e. the site must also be actively farmed). Further, **17.108.160** indicates that any nonconforming use that is abandoned for one year shall be discontinued permanently.

Surrounding Uses
The neighboring properties to the north, west, and south and used for farming. Properties to the east occupy four single-family homes on lots ranging in size from 0.4 to 3.5 acres. It is staff’s understanding that at least 3 of these properties are not farmed and are thus nonconforming as there is no clear agricultural connection based on aerial images and property ownership in the vicinity.

Proposed Zoning
Mr. Hetchler is requesting that his properties be rezoned to a commercial district. The Highway Commercial district (**17.108.110**) is the only commercial district in the ETZ. It is staff’s understanding based on conversations with the applicant that he does not have a specific use in mind for the site; he is simply seeking a zoning designation that will allow him to use the property since the exclusive agricultural district is considerably more restrictive. It is his understanding that the Highway Commercial district provides the most flexibility in terms of setbacks, land uses, and salability of the property. At this point in time he is thinking he would like to construct a 90’x50’ building, potentially with garage openings for tenant use.

Per **17.108.110**, the intent of the highway commercial district is to provide for commercial activities related to the vehicular traffic along highways. Permitted uses in the commercial district include:

- Establishments serving food and drink
- Theaters, drive-in theaters and places of amusement, assembly or recreation, (including dance halls, meeting halls, reception halls and auction halls and private ball fields in the River Falls Township)
- Motels, tourist courts and inns
- Automobile, marine and recreational sales and service
- Retail lumber, building materials and supplies, equipment rental or repair
- Shopping centers, specialized retail
- Special and personal services, professional offices
- Veterinary clinics, animal hospitals
- Uses clearly similar in character/incidental to those above
The district dimensional standards for the ETZ Highway Commercial district are as follows:

- Maximum height – 35 feet
- Rear setback – 20 feet
- Side setback – 10 feet
- Front setback – 67 feet from ROW setback; 100 feet from CTH U centerline

**Zoning Amendments**

Chapter 17.108.200 of the ETZ ordinance outlines the procedure for zoning map amendments. The City Council may amend the district regulations in accordance with Section 62.23(7a) and (f), Wis. Stats. In addition, when considering an amendment of the Exclusive Agricultural zoning district, decisions on requests for rezoning shall be based on findings that consider the following:

1. **Adequacy of existing or proposed public facilities to serve the development.** Public sewer and water are not available to serve this development. If well and septic systems are not presently on the site for commercial use, the applicant will be required to work with the appropriate governmental agency to secure these services.

2. **Burdens which these facilities place on local government.** Not applicable.

3. **Suitability of the land for development.** This land is planned for future urban development per the City’s Comprehensive Plan and proposed Mann Valley Corporate Park conceptual plan (see discussion on the following pages).

4. **Air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas which the development causes.** No adverse effects are anticipated as a result of the proposed building/business.

5. **Potential for conflict with remaining agricultural uses in the area.** The limitations of the site given its small size make it highly unlikely that the type of commercial development that might conflict with agriculture in the area would be possible (i.e. gas stations, customer-based uses that require ample parking, etc.).

6. **Need of the proposed development for a location in an agricultural area.** The applicant’s request for rezoning is not particularly based on the need for commercial at this location, but rather his inability to make use of his land given zoning and site limitations.

7. **Availability of alternative locations.** Not applicable.

8. **Productivity of the agricultural lands involved.** The size of the lot makes it impractical for a farm operation.

9. **Location of the proposed development to minimize the amount of agricultural land converted.** Minimal impacts given the small area of land to be removed from the Exclusive Ag zone.
**Consistency with Plans**

Section 66.1001(3), Wis. Stats. requires consistency between the comprehensive plan and zoning. The 2005 Comprehensive Plan calls for compact residential neighborhoods within City sewer and water service areas contiguous to the City. The subject property is within the water/sewer service area (see Official Map, right). These neighborhoods may also be known as Traditional Neighborhood Developments (TNDs). Each new TND would be pedestrian-oriented with a variety of housing types and densities and would have a neighborhood park and a mix of uses, such as commercial, civic, and religious, office, and services.

The subject property is located within an area initially planned as a TND (area shown, right). This overall TND site is approximately 664-acres, of which, about 464 acres are developable land. The remaining 200 acres consist of existing residences on large lots and resource protection areas “RPAs” (slopes greater than 20%, or floodplain). This area could accommodate 1,392 residential units at 3 dwelling units per acre as well as commercial, park, and civic/institutional uses.

A shift in thinking for the Mann Valley area occurred around 2009 when the River Falls City Council set a major goal of identifying additional land for industrial or corporate park development. This goal was included in the approved 2009-2011 Work Plan under Promote Economic Vitality as “Identify Additional Business Park Sites.” After a comprehensive study of available sites in and surrounding the community, the Mann Valley areas was approved as the site for a future corporate park. In 2011, the City purchased 85 acres in Mann Valley for a future corporate park. In 2013, the City purchased an additional 240 acres of land in Mann Valley brining the total land owned by the City for future development in Mann Valley to 325 acres. At that time, it was decided that revisions to the master plan for that area would be needed. In 2018, the City of River Falls hired a consultant to develop a conceptual layout for a new Mann Valley Corporate Park. The preferred concept, shown below, was vetted by staff, and informally approved by City Council at a workshop in October 2018 (a public hearing for a formal amendment for this area will occur in August 2020). The preferred concept plan depicts Mr. Hetchler’s property as planned for either future business park uses or a mixed-use area with commercial and/or high-density residential. The proposed commercial zoning is consistent with the mixed-use designation as depicted in the Mann Valley concept, below.
Conclusion
As indicated above, farming is the predominant land use of the area surrounding the subject parcels. However, existing uses and the configuration of parcels abutting County M/Division Street indicate the landscape is changing from exclusive farming. Further, the subject parcels lie within the Mann Valley Corporate Park planning area, which is a priority development area for the City. The proposed rezoning of the parcels in question align with the City’s plans for this area. Given these factors and the applicant’s inability to use the subject site under the existing zoning designation, staff recommends that the ETZ Committee approve the proposed rezoning for this area.

NOTIFICATION/PUBLIC COMMENT
A notice of the proposed rezoning was mailed to property owners within 300 feet of the parcels proposed for rezoning. A class 2 notice advertising the public hearing was placed in the Star Observer. No written comments have been received to date. This written report was submitted to the Department of Agriculture, Trade, and Consumer Protection (DATCP) in accord with Section 17.108.200 of the Municipal Code.
STAFF RECOMMENDATION
Staff recommends the ETZ Committee make move to recommend approval of the proposed rezoning of the subject site from Exclusive Agriculture to Highway Commercial.

NEXT STEPS
Per 62.23(7a)(c), Wis. Stats., a majority vote of the ETZ Committee (6 members) is required. State law further states that the governing body (i.e. City Council) shall not adopt the proposed map amendment without the positive recommendation by the majority vote of the ETZ Committee.

1. ETZ Committee public hearing and recommendation – July 23, 2020
2. Class 2 notice of City Council public hearing to be published in August 6th and 13th editions of Star Observer
3. City Council review and 1st reading of an ordinance to amend the ETZ zoning map – August 11, 2020
4. City Council public hearing, 2nd reading, and action on ordinance to amend the ETZ zoning map – August 25, 2020

ATTACHMENTS
1. Existing zoning Map
2. Ordinance to amend the ETZ zoning map
ORDINANCE NO. 2020-__

AN ORDINANCE TO AMEND THE EXTRATERRITORIAL ZONING MAP OF THE CITY OF RIVER FALLS FOR LAND LOCATED IN THE TOWN OF TROY

THE COMMON COUNCIL OF THE CITY OF RIVER FALLS HEREBY ORDAINS AS FOLLOWS:

Section 1. The Extraterritorial Zoning Map of the City of River Falls is hereby amended by changing the zoning of land as depicted in Exhibit 1 and described below:

NORTH 100 FEET OF SOUTH 265 FEET OF WEST 120 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ of SE ¼) OF SECTION 34, TOWNSHIP 28N, RANGE 19W, TOWN OF TROY, ST. CROIX COUNTY, WISCONSIN.

ALSO PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QURATER (SE ¼ OF SE ¼) OF SECTION 34, TOWNSHIP 28N, RANGE 19W, TOWN OF TROY, ST. CROIX COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: Commencing at the Southeast corner of said Section 34; thence N88°16’30”W along section line 1317.85 feet to the Southwest corner of said Southeast Quarter of the Southeast Quarter; thence N01°59’40”E along West line of said Southeast Quarter of the Southeast Quarter, 265.00 feet to place of beginning; thence N01°59’40”E 89.58 feet; thence S85°31’35”E 283.27 feet; thence S01°59’40”W 76.00 feet; thence N88°16’30”W 283.00 feet to said West line and place of beginning.

Property Address: 5 County Highway U, River Falls, WI 54022

Tax ID: 040-1130-20-00 assessed with 040-1129-70-000

Section 2: Procedural Requirements. Council hereby confirms that all procedural requirements for extraterritorial zoning map amendments of Section 17.108.200 of the Code of Ordinances of the City of River Falls and has complied with §66.23(7a) and (f), Wis. Statutes.

Section 3: Effective Date. This ordinance shall take effect the day after passage and publication as provided by law.
FOR THE CITY OF RIVER FALLS

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Dan Toland, Mayor

ATTEST:

__________________
Amy White, City Clerk

Adopted: ________________

Published: ________________