



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

ETZ Members Present: Lisa Moody (Chair), Patricia LaRue, Craig Hinzman, Dan Pearson, Jason Kjos, Lowell Enerson
Members Absent: None
City PC Members Present: Craig Hofland, Rebecca Prendergast
Staff Present: Brandy Howe and Sam Wessel (City of River Falls), Wendy Sanders (Town of Troy staff consultant)
Others Present: Jon Smits (City IT Technician), Mr. Hetchler (Applicant), Joel Schlitz (Applicant's attorney)

CALL TO ORDER/ROLL CALL

Meeting convened at 6:30 p.m.

PUBLIC COMMENTS

None.

PUBLIC HEARING

Consideration of 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

Howe presented the staff report. Howe reported that Mr. Hetchler applied to rezone two parcels in the Town of Troy. Both front County Highway U (formerly Mann Lane); combined, both parcels measure 0.8-acre. The existing zoning is Exclusive Agricultural. Permitted uses in this district include farming, agriculturally-related dwellings, and farm-related structures and buildings. Note that single family homes that are not occupied by someone that earns a substantial portion of their livelihood from farming are not a permitted by right use or even by special use. The agricultural district, just to the south of CTH M is slightly less restrictive in that single family homes are permitted (no farming requirement) as well as limited other non-agricultural uses such as schools, churches, parks, and civic uses. As mentioned, the current zoning for both parcels is Exclusive Agriculture. A single-family home was an existing non-conforming use in this district before it was destroyed by a fire in November 2018. The remains of the house were later demolished in 2019. Had Mr. Hetchler elected to rebuild the house at the same location and dimensions, staff would have permitted it; however, because the structure was demolished and the nonconforming use is no longer present, it cannot be reestablished. This is because nonconforming uses expire after one year of destruction or discontinued use. Staff did consult with the City attorney on this matter and he agreed with our assessment. Therefore, under the current zoning, 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). In light of staff's findings, Mr. Hetchler has requested to rezone his property Highway Commercial, which happens to be the only commercial zoning district in the ETZ. It is staff's understanding based on conversations with Mr. Hetchler 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. The list of permitted uses in the Highway Commercial is broad given it's the only commercial district in the ETZ. Note, though, that most of the uses in the district would require a substantially larger piece of property in order to make them work. As mentioned, Mr. Hetchler has not yet identified a specific use, but he is seeking to build an approximately 50' x 90' building. If the rezoning is approved, staff will work with Mr. Hetchler to site the building in conformance with the Highway Commercial zoning. The ETZ ordinance lists several items for the City Council to consider when making decisions on whether to rezone land out of exclusive agricultural. From staff's perspective, there will be very few if any negative impacts to the Exclusive Ag zone given the fact that the land isn't currently farmed and several of the neighboring properties are also not actively farmed. Staff reviewed the proposed rezoning against the Official Map, Comprehensive Plan, and the preferred conceptual layout for the Mann Valley Corporate Park. The land with within the sewer service area boundary and planned for either future commercial or business park per the Mann Valley concept plan. It is staff's interpretation that the proposed rezoning is consistent with the City's future plans for this area. Staff recommends the ETZ Committee move to recommend approval of the proposed rezoning of the subject site from Exclusive Agricultural to Highway Commercial. Howe noted that per 62.23(7a)(c), Wis. Stats., the governing body (City Council) may approve the proposed rezoning unless it receives a favorable vote by a majority of the ETZ Committee (4 members).

Chair Moody asked if the applicant would like to make a statement. Mr. Schlitz spoke on Mr. Hetchler's behalf. He indicated that they agree with the staff report and that it reflects that Mr. Hetchler's request fits within the City's plan for the area. Mr. Schlitz asked the ETZ Committee to approve the request which would give Mr. Hetchler an opportunity to gain economic value from the property.

Pearson asked Mr. Hetchler what his intended use is if the property is to be rezoned commercial. Mr. Hetchler responded that he'd like to have an electrical business on the site. He noted that he would tear down the existing garage to then build a 50'x90' structure on the site.

Hofland asked if Mr. Hetchler anticipates additional traffic. Hetchler indicated that he does not plan to have a storefront on the site and there would not be any negative traffic impacts.

Enerson asked what Mr. Hetchler plans to do with the other existing building on the site. Hetchler responded that he would keep it to store personal items. The smaller of the two buildings would be removed.

Chair Moody asked for public comments.

Doug Black, 674 County Rd M, addressed the Committee to present a petition on behalf of himself and the neighbors to request that the Committee deny the rezoning. He asked that the Committee consider the families that live in the area. He suggested that the City should reconsider its position and allow Mr. Hetchler to rebuild his home on the site.

Ryan Brill, 670 County Rd M, addressed the Committee to emphasize Mr. Black's request for denial. He noted he feels this way for two reasons: 1) Mr. Hetchler's past practices related to burning commercial waste and renting without leases, and 2) concern for a loss in property value due to commercial business in close proximity. These worries are amplified by the lack of a firm known future use for the property.

Chair Moody asked for any additional public comments, hearing none, she closed the public hearing. Chair Moody asked for a motion to begin discussion.

Pearson asked to modify the meeting format to allow discussion prior to a motion being placed on the table. It was agreed to move forward in the less formal manner.

Pearson noted that moving from Exclusive Ag to Highway Commercial is moving from one extreme to another. He asked staff if there are another option. Howe responded that the Highway Commercial district is the only commercial zoning in the ETZ and the only other district that would allow the use that Mr. Hetchler has proposed is the industrial district. Pearson asked a follow-up on whether restrictions could be placed on the property with the Highway Commercial zoning to prevent something like a gas station being built. Howe responded that district standards and limitations on the size of the lot would limit, or more likely, preclude, the applicant's ability to build a gas station or similar commercial use. Pearson added to his concerns that this request feels like a spot zoning. Mr. Schlitz offered that Mr. Hetchler would not be opposed to having restrictions placed on his property if rezoned to prohibit certain uses, like gas stations. Sanders commented that contract zoning is not permitted, meaning conditions or restrictions cannot be placed on the type of use permitted in that zone. Hinzman noted that the southerly parcel isn't conducive to construction of a building given the setbacks; he asked if the applicant would build on the northerly parcel. Mr. Schlitz responded that Hetchler has not sited the building yet; he was waiting to see if the rezoning would be approved.

LaRue stated that she feels sorry for Mr. Hetchler, but she is not sold on the idea that this should 0.8-acre parcel be rezoned.

Chair Moody asked for a motion.

MOTION: LaRue made a motion that the ETZ Committee deny the rezoning of 5 County Highway U (formerly Mann Lane) and land adjacent to the north. Pearson seconded.

Chair Moody asked for further discussion. Hearing none, a roll call vote was called.

M/LaRue, S/Pearson – motion carried 6-0.

ADJOURNMENT

Pearson made a motion to adjourn at 7:15 p.m.

M/Pearson, S/LaRue – motion carried 6-0.

Respectfully submitted,

A handwritten signature in blue ink that reads "Brandy Howe". The signature is written in a cursive, flowing style.

Brandy Howe, AICP, Sr. Planner