

Date: October 6, 2020
To: Village of East Troy Plan Commission
From: Tim Schwecke, AICP, Zoning Administrator
Subject: Proposed amendments to the zoning code relating to truck stops; Kwik Tip Inc., applicant
Application: 2020-18; <https://s.zoninghub.com/S7VH8FYEQE>
Meeting: October 12, 2020 Plan Commission meeting

Kwik Trip has submitted an application to amend the text of the Village's zoning code as set forth in the proposed ordinance.

The ordinance as proposed would allow truck stops in the Highway Business (HB) district as a conditional use and prescribes various development standards.

Review procedures The Plan Commission is advisory with regard to text amendments. The Village Board makes the final decision. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment. If the Village Board wishes to make significant changes in the proposed amendment to the zoning map, as recommended by the Plan Commission, the procedure in s. 62.23(7)(d), Wis. Stats., shall be followed prior to Village Board action.

Notice requirements As required by the Village's zoning code and state statute, a class II public hearing notice was published, a copy of which is attached.

Public Comment As of this date, we have received not any public comments.

Potential motion for approval:

Recommend to the Village Board the approval of the proposed ordinance as drafted.

Attachments:

1. Public hearing notice
2. Proposed ordinance, Public Hearing Draft

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Monday, October 12, 2020, to consider an amendment of the Village's zoning code (Chapter 510 of the Village of East Troy municipal code) relating to truck stops. The proposed amendment may affect allowable uses within the Village. The proposed amendment will not affect the zoning map. A copy of the proposed ordinance will be on file and open for public inspection in the office of the Village Clerk during normal office hours (and when open) for a period of two weeks prior to the public hearing. Details are available online: <https://s.zoninghub.com/S7VH8FYEQE>

The meeting will be conducted online via Zoom. Log in details will be included on the meeting agenda. The Plan Commission meeting starts at 6:30 pm and the public hearing will be conducted in the order listed on the meeting agenda.

For information regarding this public hearing, contact Tim Schwecke, Zoning Administrator, at 920-728-2814. All interested parties will be heard at the public hearing. Written comments may be submitted (1) online on the Village's zoning website <https://villageofeasttroy.zoninghub.com/home.aspx>; (2) to the Village Hall by Tuesday, October 6, 2020; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on September 25 and October 2, 2020

ORDINANCE 2020-

- Public Hearing Draft -

**AN ORDINANCE TO MAKE REVISIONS TO THE ZONING REGULATIONS IN
CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE**

WHEREAS, the Village Board for the Village of East Troy adopted zoning regulations for the Village of East Troy and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 510 of the Village of East Troy municipal code, which is titled "Zoning;" and

WHEREAS, Kwik Trip Inc. submitted a petition to amend the zoning code to allow truck stops in the Highway Business (HB) zoning district; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on October 12, 2020; and

WHEREAS, within a reasonable time after the public hearing, the Plan Commission reported its recommendation to the Village Board as set forth in this ordinance; and

WHEREAS, the Village Board considered the Plan Commission's recommendation at its meeting on October 19, 2020; and

WHEREAS, the Village Board accepted the Plan Commission's recommended text amendment without revision OR with minor revision.

WHEREAS, the Village Board for the Village of East Troy, after careful review and upon consideration of the recommendation of the Plan Commission of the Village of East Troy and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of East Troy, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE, the Village Board of the Village of East Troy, Walworth County, Wisconsin, do ordain as follows:

Section 1. Create subsection 510-42(S) to read as follows:

- S. Truck stop. A place where fuels primarily for tractor trucks are offered for retail sale. Ancillary uses are limited to retail sale of motor vehicle fuel for cars, motorcycles, and light trucks; retail sale of food and beverages; a restaurant; sleeping quarters; overnight parking; a truck wash; truck scales; tire repair and sales; light maintenance activities, such as engine tune-ups, lubrication, and minor repairs; and other incidental uses customarily associated with a truck stop. The term does

not include transferring or off-loading of goods, or long-term storage or parking of vehicles. This use shall adhere to the following regulations:

- (1) All access drives and parking areas must be hard surfaced.
- (2) Parking spaces for tractor trucks must be clearly marked.
- (3) The subject property, in whole or in part, must be located within 1,250 feet of an Interstate highway interchange. Such measurement is taken from the center point of the two intersecting right-of-ways.
- (4) A bufferyard with a minimum opacity of 0.60 must be installed and maintained along all lot lines that abut a residentially zoned property. A bufferyard with an opacity of 0.50 must be installed and maintained along all lot lines that abut a commercial or institutionally zoned property, except when such parcel has a truck stop or a fuel station.
- (5) Areas designated for daily parking of tractor trucks must be located at least 250 feet from any abutting residentially zoned property.

Section 2. Amend the Table of Land Uses (referenced as 510 Attachment 1) as follows:

1. Include truck stops under Section 510-42, titled “Commercial Uses” and indicate it is a conditional use in the Highway Business (HB) zoning district.

Section 3. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific Section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted this [redacted] day of **October**, 2020

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk