

APPROVED

PLAN COMMISSION MEETING

Town of Troy

March 19, 2019

Hudson Wisconsin 54016

- Members Present:** Dan Pearson, Jan Cuccia, Paul Mahler, Jennie Boeder, David Wolf, Dean Albert
- Members Absent:** Joe Radlinger
- Staff Present:** Wendy Sander, Rob Jones, Ron Siler, James Erickson
- Recording Secretary:** Amanda Randall
- Others present:** Suzanne Van Mele, Adam and Beth Nigon, Tom Burns, Sean Coffey, Lowell Enerson, John and Mary Sias, Jim and Terri Johnson, Ashley Norman, Mone't Morning, Stokely De Freitas, Bob Supers, Bridget Solberg, Karla Solberg, Tom and Dorothy Marty, Emma and Eric Olson, Wendy Theobald, Scott Soderberg, Cathy Soderberg, Pat Cernohous, Nick and Hitomi Iverson, Jason and Beth Gallagher, Jeff and Emily Janisch, Dan and Crystal Braley, others were present who did not sign in.

AGENDA:

1. Call to order;
2. Pledge of Allegiance
3. Approve minutes;
4. Acknowledgement of Conditional Use Permit applications as regulated by Chapter 170 V(4)(c);
5. Public Hearing/Discuss and Consider-Conditional Use Permit
 - Applicants: John P. Cernohous
 - Address: 486 Coulee Trail
 - Request: Conditional Use Permit to host up to 24 weddings per year from May through October
6. Building Permits;
7. Committee Reports & Correspondence
8. Adjourn.

AGENDA:

- 1. Call to order;**

Dan Pearson called the meeting of the Troy Plan Commission to order at 7:03 p.m. followed by the Pledge of Allegiance.

2. Approve minutes;

The minutes of the December 6, 2018 Plan Commission were previously distributed.

Jan Cuccia moved to approve the minutes of the December 6, 2018 Plan Commission. Dean Albert seconded. Motion carried.

3. Acknowledgement of Conditional Use Permit applications as regulated by Chapter 170 V(4)(c)

Dean Albert moved that the Plan Commission acknowledge the Conditional Use Permit application for owner Cyril Cernohous and applicant John Cernohous, at 486 Coulee Trail to host up to 24 weddings per year from May through October. David Wolf seconded. Motion carried.

4. Public Hearing/Discuss and Recommend-Conditional Use Permit

Applicants: Cyril Cernohous-owner, John P. Cernohous-applicant
Address: 486 Coulee Trail
Request: Conditional Use Permit to host up to 24 weddings per year from May through October

Dan Pearson called the public meeting to order at 7:09 p.m.

John Cernohous presented the Conditional Use Permit application to hold up to 24 weddings per year from May through October at 486 Coulee Trail. He handed out to the Commission a new packet of additional information that the Commission and Staff were not given the opportunity to review prior to tonight's meeting. He explained what he feels are similarities between his proposal, Settlement Hill, and the YMCA along with an overview of the approval process for both facilities. He noted that neither property farms nor do they intend to and his family actively farms on this site. He noted that the use of new buildings is not explicitly prohibited by the Ag-Tourism ordinance. He further explained that the Town has approved new construction of a wedding venue at the YMCA and that Settlement Hill uses and made improvements to an existing pole shed and barn. He also noted that the Town is constructing a new building in Glover Park that could potentially be used for weddings. The applicant also stated that the proposed venue exceeds the required setbacks and is setback further than Settlement Hill and the YMCA are from their neighbors. He is confident there won't be any noise leaving the property. He further noted that the driveway is designated as a future road to connect Coulee Trail and Tower Road so he feels that additional traffic near these homes is appropriate. He stated there would be no traffic backup on Coulee Trail due to the length of his driveway. He explained that two-way traffic is rare at wedding venues but they have four bypass areas just in case. He stated that there would be no more traffic than when the family operated a daycare for many years. Parking would be in a designated grassy area. He further stated that property values should increase and not decrease as some neighbors are claiming due to new housing developments by both Settlement Hill and the YMCA. He concluded with his belief that the application meets or exceeds all guidelines as provided by law and is asking to be treated fairly.

Wendy Sander gave a brief overview of the application. She explained that the applicant is proposing to remodel an event venue on a 37-acre parcel. The venue space will be accessed via a shared driveway crossing two additional parcels that are owned by co-applicants. The parcels together appear to contain multiple residences, a tree farm, woods, wetlands, and row crops. The applicant is planning to add a more residential-type siding and roofing and pour a concrete floor in the existing shed. The existing shed is 5,200 square feet and he would like to add a 4,000 square foot addition. He plans on no more than 296 guests and would have 105 parking spaces. The building will be heated, air conditioned, and they will put in a new well and septic system. There is a proposed outdoor ceremony site. Wendy Sander pointed out that the YMCA property is not a true comparison as the YMCA came in under a non-profit retreat facility and they requested an additional service within that facility. Rob Jones added that the new multipurpose building in Glover Park is in a Conservancy district so that also is not comparable to the applicant's proposal. Settlement Hill did apply for their CUP under Ag-Tourism. Wendy Sander reviewed the criteria and potential considerations the Commission should consider under Ag-Tourism and Home Occupations. She noted that this application was received in October of 2018 so it falls under the prior version of the Ag-Tourism ordinance; the new ordinance will take effect next week.

John Sias of 508 Coulee Trail spoke to the proposal and expressed disappointment in the short notice of the application and the meeting schedule. He's concerned with traffic, noise, lighting, location, and property values.

Ashley Norman of 489 Apple Pine Circle is concerned with noise. She doubts the applicant can control the noise and she reviewed some decibel research. She noted that Settlement Hill has admitted that sound is difficult to control and has been heard beyond the property line per their neighbors. She believes traffic is still a nuisance to the area in this new proposed location and that the proposal doesn't meet multiple ordinances.

Sean Coffey of 510 Orchard Drive spoke against the proposed venue. He is concerned with the safety and visibility of pedestrians and cyclists on Coulee Trail. He discussed concerns with the cost of additional law enforcement and road repair needed for the increased traffic. As a police officer, he expressed skepticism that the venue will be able to get off-duty law enforcement to work security due to policy restrictions and rules. He's concerned with noise, light, and property values. He stated he would litigate if this were approved.

Jenny Cernohous, John Cernohous' wife, spoke to the application. She is upset at the controversy with their neighbors and noted that the family has been there for four generations. She remembers the area before it was developed and that they are trying to preserve the farm way-of-life. They've tried very hard to preserve this farm. She mentioned the winery on Coulee Trail and the amount of traffic and activity. They are trying to stay within the Town's laws.

Tom Burns of 541 Orchard Drive spoke against the proposal. He is concerned with traffic speeds on Coulee Trail and the danger of the increased traffic on the road.

Ben Fochs of 2529 Powell Avenue urged the board to not make a decision tonight and to consider public input along with legal counsel.

Mone't Morning and Stokely De Freitas at 494 Coulee Trail spoke against the proposal. Her family owned a wedding venue and she noted how difficult it can be to get people to leave at the end of a wedding. She also mentioned the darkness of the driveway entrance. She is also concerned with noise and mentioned that she can hear the Cernohous's dog barking from her home. She also noted that there was not a lot of time to prepare for this meeting.

Nick Iverson at 484 Coulee Trail spoke against the proposal. His property is directly along the driveway that would be used to access the venue. He presented an overhead view of his property and the neighboring properties. He is concerned with the increased traffic on the driveway and the safety of his kids and all neighborhood kids. He stated he would take legal action if this is approved.

Beth Nigon at 487 Bauer Road spoke against the proposal due to safety concerns for the neighborhood children. She questioned how the applicant plans to prevent cars from accessing the property off Orchard Drive.

Bob Supers of 535 Orchard Drive spoke against the proposal. He has concerns about potential access to Orchard Drive. He's also concerned with noise and enforcement if complaints are made.

Jim Johnson of 490 Coulee Trail spoke against the proposal, as he feels it does not meet the required ordinances. He is concerned with noise, traffic, and headlights. He questioned if this would be a legal use of the driveway and disagreed with comparing the proposed venue to Settlement Hill due to the isolation of that farm.

Anjanette Conway of 523 Orchard read a statement on behalf of Kent and Sue Mitchell of 514 Orchard Drive, as they were not able to attend the meeting. They are concerned with the noise potential and feel the YMCA and winery are unfair comparisons due to location and distance to neighbors.

Emily Janisch at 500 Autumn Blaze Trail spoke against the proposal. She is concerned about wedding guests accessing their neighborhood and the potential danger to neighborhood children. She feels that this adult venue does not belong in close proximity to a family neighborhood.

Wendy Theobald of 542 Autumn Blaze Trail spoke and is concerned with the traffic, speed, and noise. She is concerned with pedestrians and cyclists on Coulee Trail. She is also concerned with wedding guests accessing their neighborhood and the safety of children.

Jody Schaben of 499 Autumn Blaze Trail spoke against the proposal. She noted that there are 109 homes in the area and is concerned with pedestrian and cyclist safety along with noise.

Dan Braley of 494 Apple Pine Circle is concerned with noise, safety, children, and property values. He's been to several barn weddings and feels there is no way to control the sound within the barn.

Jason Gallagher of 509 Orchard Drive questioned emergency vehicle access and if the fire chief has given any approvals.

Letters of opposition were entered into the record from the following residents: Benjamin and Angela Heyen, 414 Jordyn Lane; Denise Monroe, 492 Coulee Trail; Dan Monroe, 492 Coulee Trail; Nicholas Iverson, 484 Coulee Trail; Dan and Crystal Braley, 494 Apple Pine Circle; Chris and Rhonda Benjamin, 479 Virgil Road; Charles and Shanna Jerrick, 425 Jordyn Lane; John Sias, 510 Coulee Trail; Kimberly Wiseman, 525 Olivia Court; Michael and Jeanette Kunz, 493 Autumn Blaze Trail; Melissa Burgraff, 480 East Cove Road; Joe and Kim Behnke, 453 Jordyn Lane; Jason Gallagher, 509 Orchard Drive; Eric and Amanda Kaufmann, 468 Dylan Court; Kyle and Karen Brunner, 433 Jordyn Lane; Kyle and Ashley Norman, 489 Apple Pine Circle; Jim and Terri Johnson, 490 Coulee Trail; Nancy and Randy Sambolt, 493 Apple Pine Circle; and Tom and Pat Burns, 541 Orchard Drive.

As no one else asked to speak, Dan Pearson closed the public hearing at 8:45 p.m.

The application was discussed. Dean Albert questioned the status of the driveway as it's designated as a future roadway; John Cernohous stated that it is 67' wide and that his father owns it. He says it is not an easement and the driveway serves two houses. It was mentioned that when a third house was built back there the driveway was not allowed to come off Coulee Trail; it had to come off Virgil Road. He has not talked to the Hudson Fire Department yet but says they will meet all state and local fire regulations. Paul Mahler and Rob Jones also expressed concern with emergency vehicle access on the driveway; it would need to be much wider than it is currently. Potential traffic backups on Coulee Trail were discussed. Mr. Cernohous said that if new laws require him to obtain a liquor license, he would do so.

Wendy Sander reviewed the criteria for the Commission to consider as the applicant is proposing this venue under Ag-Tourism and a Home Occupation. She noted that the application did not have a lot of detail and perhaps the new packet the applicant presented tonight does. She also explained that the revised Zoning Code covering Ag-Tourism did not change the intent, it simply clarified some language. The YMCA's CUP was discussed again and it was explained again that they fall under non-profit retreat centers, which is different from Mr. Cernohous's proposal.

Wendy Sander guided the Commission to consider if the proposed use: 1) meets the intention of the code and is a farm-based activity eligible to use the Ag-Tourism provision; 2) is subsidiary; and 3) does not conflict with the purpose of the Ag-Res district. First, the Commission discussed the fact that Settlement Hill is a historical barn and Mr. Cernohous's shed is fairly new; he is planning to gut it and add on to the building. Jan Cuccia and Jennie Boeder felt that this does not meet the intention of the ordinance. Second, the proposed venue is on Cyril Cernohous's property and John Cernohous, his son, will be managing it. The subsidiary use provision was meant to include roadside stands or home offices while the principal use of the property is the home. This location does have farm-related items adjacent to the site. Rob Jones noted that the

updated Ordinance explicitly prohibits new structures to be built for a subsidiary use as was intended by the previous version of the Ordinance. Third, the purpose of the district is “intended to provide for the maintenance, preservation and enhancement of agricultural and rural residential lands.” The Commission should consider if this proposal meets that purpose.

The Commission agreed that the intent of the Ag-Tourism ordinance was to preserve the old barns within the Town and to make a little extra income to help with that preservation. Neighbor opposition was discussed and how much to factor that into any decisions. While the Ordinance should be the main focus, safety and welfare should be considered as well. Mr. Cernohous was asked if he was willing to amend terms of operation, such as venue size, hours, number of events, and number of guests, to attempt to minimize impacts. He stated he wishes to be treated the same as the YMCA and Settlement Hill.

While the application is complete, Wendy Sander feels that there isn't enough information in it to put conditions on plus there is the new information presented tonight to consider. Mr. Cernohous stated that he has submitted all the information that was required.

Paul Mahler moved that the Plan Commission table until next month the Conditional Use Permit application for the Cernohous wedding venue at 486 Coulee Trail to give the Commission a chance to review and seek any additional information from the applicant. Jan Cuccia seconded. Motion carried.

5. Building Permits;

Building permits were reviewed.

6. Committee Reports & Correspondence

The St. Croix County Board of Adjustment issued decisions on four variances for Calda Donna LLC for constructing a new home on the river.

7. Adjourn

Dean Albert moved to adjourn the meeting of the March 19, 2019 Plan Commission at 9:32 p.m. David Wolf seconded. Motion carried.