

APPROVED

PLAN COMMISSION MEETING

Town of Troy

April 4, 2019

Hudson Wisconsin 54016

Members Present: Dan Pearson, Jan Cuccia, Jennie Boeder, David Wolf, Dean Albert, Joe Radlinger

Members Absent: Paul Mahler

Staff Present: Wendy Sander, Rob Jones, Ron Siler

Recording Secretary: Amanda Randall

Others present: Kerry Jacobson, Mike Jacobson, Ty Dodge, Beth Nigon, Nancy Sambolt, Dorothy Marty, Tom Marty, Suzanne Van Mele, Jim Johnson, Terri Johnson, Dan Monroe, Karla Solberg, Bridget Solberg, Ashley Norman, Anjeanette Conway, Chris and Jackie Williams, Tiffany Wolte, Joe Saderl, Rebecca Mariscal, Mary and John Sias, Sean Coffey, Larry Ruemmele, Tom Burns, Jason Gallagher, Kyle Brunner, Chris Williams. Others were present who did not sign in.

AGENDA:

1. Call to order;
2. Pledge of Allegiance
3. Approve minutes of March 19, 2019 meeting;
4. Discuss and consider approval CSM from:
 - Applicants: KAJ Properties LLC (Kerry Jacobson)
 - Address: 435 Brick Circle Hudson WI PID #040-1036-70-000
 - Request: Land Division & Exception to Design Standards
5. Discuss and consider CUP – Cernohous wedding venue tabled from March 19, 2019 PC meeting
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 7:08 p.m. followed by the Pledge of Allegiance.

2. Approve minutes;

The minutes of the March 19, 2019 Plan Commission were distributed.

Jan Cuccia moved to approve the minutes of the March 19, 2019 Plan Commission. David Wolf seconded. Motion carried.

3. Discuss and consider approval CSM from:

Applicants: KAJ Properties LLC (Kerry Jacobson)

Address: 435 Brick Circle

Request: Land Division & Exception to Design Standards

Rob Jones began by explaining that the applicant has submitted a CSM application for a subdivision of a 7.01-acre lot at 435 Brick Circle. It is zoned Ag-Res. The proposed subdivision would create two buildable lots (2.530-acres and 3.695-acres) and an outlot compliant with the minimum lot size and density requirements of Chapter 135. The existing parent parcel abuts the terminus of the Brick Circle right-of-way with 66-feet of frontage. The driveway for the existing home runs approximately 200' from the property boundary to the existing cul-de-sac bulb through the town right-of-way. As the parent parcel is not compliant with current subdivision standards, the applicant is seeking consideration of an Exception to Design Standards for relief from the design standards of 135-6.G requiring a minimum lot width of 120-feet at right-of-way.

The proposed layout would create Outlot 1 provided "for future Town road purposes" as well as a 66-foot staff for driveway access to Lot 2 (the existing home). The driveway access for Lot 1 is not detailed. As drafted, only the outlot has any frontage on public right-of-way. Lot 1 and Lot 2 would require access to Outlot 1 for ingress and egress. However, that parcel would remain privately owned. Declaring Outlot 1 area public right-of-way would clear up the access issue for Lot 1. A designated driveway location is needed for Lot 2.

Surveyor Ty Dodge spoke on behalf of the applicant. He explained that this parcel was a CSM lot with a 66' access easement for future town road purposes on the north as shown on the map. They would prefer to use the existing driveway and bring it to the joint driveway standard along the eastern boundary and then break off to each lot. The septic system for Lot 2 is on Lot 1. Their plan is to allow Lot 1 to keep that current system and install a new system on Lot 2. They still need to do a perc test on Lot 2 and will ask the county if they need to do a soil test on Lot 1. They would also like to request the setback be reduced from 150' to 75' on the north side of Lot 1.

Rob Jones explained that the Town requires that the shared portion of shared driveways be built to a reduced Town road standard per Chapter 125 with a base width of 16' with 12' wide asphalt on the top. Minor subdivisions have no paving requirements but major subdivisions require paving within 2 years. As currently shown, both lots are landlocked. They can dedicate the Outlot as public right-of-way now to create access. There's a note on the subdivision plat for Red Brick Addition regarding development to the west requiring extension of the road. There is also a vacant larger parcel to the north of these lots. At some point the public road would need to be constructed if the surrounding land is developed. A similar note would be added to this CSM if Outlot 1 becomes dedicated public right-of-way.

The applicant will come back in May with the changes to the driveway, the 75' setback, the dedicated public right-of-way, and the CSM note.

4. Discuss and consider, CUP – Cernohous wedding venue tabled from March 19, 2019 PC meeting

The Plan Commission held a site review and Public Hearing on March 19 to consider an application for a CUP for Cyril and John Cernohous at 486 Coulee Trail. This agenda item was tabled at the March 19, 2019 Plan Commission meeting and therefore not discussed at the March Town Board meeting. The Town received additional written comments that have been entered into the record from Bridget Solberg of 517 Orchard Drive and Rod and Mary Ellner of 475 Virgil Road, both in opposition to the proposal.

Wendy Sander reviewed last month's meeting and the new information provided by the applicant. The applicant provided further information as to the extent of the renovation of the existing outbuilding. They are proposing to replace the walls, floor, siding, and roofing. The applicant also provided additional information regarding the ownership and operation of the proposed use: the site is owned by Cyril Cernohous and John Cernohous will operate the proposed use. The criteria to consider along with code background information on Ag Tourism (170-A), Major Home Occupations (170-R), and the purpose of the Ag-Res district were reviewed. All three of these criteria would need to be met for approval. Approval, denial, or conditional approval options were also reviewed.

The Commission discussed the application. The use and age of the existing building was discussed and it was noted that the extent of renovations would leave nearly nothing existing to maintain along with a new addition. It was the consensus of the Commission that this proposal does not meet all three required criteria, as the use is not secondary to the residential use of the premises, the operator is not the principal resident of the property, and it does not maintain the rural atmosphere of the area due to the health and safety issues. It was noted that no one spoke in favor of this proposal at the public hearing. There was discussion on the differences between this proposal and Settlement Hill due to location and traffic impacts. There was further discussion on neighborhood impact, dust, health, safety, traffic, alcohol, and noise. Rob Jones added that when you look at the entire zoning code, it frowns upon building new structures that aren't homes or agricultural buildings. Any other structures should look at rezoning.

Jan Cuccia moved that the Plan Commission recommend to the Town Board to deny the Conditional Use Permit application for Cyril and John Cernohous for a wedding venue at 486 Coulee Trail based on the following: 1) the proposed use does not meet the purpose of the Ag-Residential District as described in Chapter 170, Section E, 1, because it does not maintain, preserve and enhance the agricultural and rural residential lands; 2) the traffic and noise associated with the proposed use would be incompatible with allowed uses and become a nuisance to the neighbors, as prohibited by Chapter 170, Section R, 5(c); 3) the applicant has not demonstrated that the use will not be detrimental to or endanger the public health, safety, or general welfare of Town residents or the general public per Chapter 170, Section V 8 (a); 4) the proposed use does not meet the purpose of a Home Occupation, as described in Chapter 170, Section R, 1, because the applicant managing the

use does not live on the property proposed for the wedding venue; 5) the proposed use would not be clearly secondary and incidental to the residential use of the premises and not compatible with residential uses as required by Chapter 170, Section R, 2(b); 6) the proposed use is not proposed to be conducted within a principal dwelling unit, and existing attached garage or other permitted structure as required by Chapter 170, Section R, 2(g). The applicant is instead proposing to substantially modify an existing shed and construct a major addition; and 7) the application does not meet the definition of Ag Tourism which states that it is a farm-based business that combines the elements and characteristics of agriculture and tourism. Jennie Boeder seconded. Motion carried.

5. Building Permits;

Building permits were reviewed.

6. Committee Reports & Correspondence

The County sent a copy of the one land use application they've received this month, which was for the land division on Brick Circle. Dan Pearson thanked Jan Cuccia for her years of Plan Commission service; she has asked to step down from the Commission and another Town Board member will take her place. He will also get ahold of people for reappointments due this year. The Town will also start working on the commercial development process and farmland preservation.

7. Adjourn

Jan Cuccia moved to adjourn the meeting of the April 4, 2019 Plan Commission at 8:14 p.m. David Wolf seconded. Motion carried.