

APPROVED

**PLAN COMMISSION MEETING
Town of Troy
August 3, 2017
Hudson Wisconsin 54016**

Members Present: Dan Pearson, Lowell Enerson, Joe Radlinger, Paul Mahler, David Wolf, Jennie Boeder, Jan Cuccia

Members Absent:

Staff Present: Rob Jones, Wendy Sander

Recording Secretary: Amanda Randall

Others present: Ann Robey, Darren Robey, Maxine Schiltgen, Jim Schiltgen, Deb Larsen, Chas Garbe, Joe Granberg, Dick Muenich

AGENDA:

1. Call to order;
2. Approve minutes;
3. Acknowledgement of application for actions as regulated under SDO;
4. CSM with Exception to Design Standards-336 South Cove Rd, Richard and Pat Muenich
5. Public Hearing/Discuss and Recommend-Conditional Use Permit
 - Applicants: James and Ann Robey
 - Address: 580 County Road U
 - Request: Contractor Storage Yard to continue lawncare/landscaping/snow removal business
6. Discuss and consider frequency of Conditional Use Permit Reviews;
7. Discuss and consider process for future planning of the Commercial Zoning District;
7. Building Permits;
8. Committee Reports & Correspondence
9. Adjourn.

AGENDA:

1. Call to order;

Jan Cuccia called the meeting of the Troy Plan Commission to order at 7:00 p.m. followed by the Pledge of Allegiance.

2. Approve minutes;

The minutes of the July 6, 2017 Plan Commission were previously distributed.

Lowell Enerson moved to approve the minutes of the July 6, 2017 Plan Commission. David Wolf seconded. Motion carried.

**3. Acknowledgement of application for actions as regulated under SDO;
Jennie Boeder moved that the Plan Commission accept the application for CSM for the Muenich's at 336 South Cove Road. David Wolf seconded. Motion carried.**

4. CSM with Exception to Design Standards-336 South Cove Road, Richard and Pat Muenich

Rob Jones explained that the applicant has submitted a CSM application for a subdivision of a 5.009-acre lot at 336 South Cove Road. The lot is zoned Agriculture-Residential and generally would be required to maintain a dwelling density of not less than one unit for three acres. However, in section 135-7.C. the ordinance does allow for 'the single lot split exception.' This exception allows lots to subdivide if the following conditions are met: 1) the lot is not located in a major subdivision; 2) the lot was legally created prior to July 31, 1996; 3) the lot contains an area of no less than 5.0 acres and no more than 6.0 acres; 4) the division results in a maximum density ratio of one dwelling unit per 2.5 acres; and 5) the minimum lot size is 2.0 acres. This proposed subdivision meets all these criteria.

The applicant is also requesting an Exception to Design Standards for the three front setbacks between the two lots. Lot 6, containing the existing home, is on a corner and therefore has two fronts. This lot is 3.003 acres in size so it has required front setbacks on both fronts of 150'; they are proposing a setback of 76' on the west front and 113' on the south front (both fronts are on South Cove Road). The Exception would give them more options if they ever decided to add on to the house. The home was built before the 150' setback went into effect. On Lot 7, the applicant is requesting a setback of 113' on the front. Dan Pearson arrived and the chair was turned over to him.

Joe Granberg of Granberg Surveying spoke on behalf of the applicants. There are no topographical features that would prevent a house being built on Lot 7 at the 150' setback; they would like any future buyer to have maximum flexibility on house placement. It would also be in line with the existing house on Lot 6. The neighboring house to the east is set back more than 150'. If a buyer asked for a setback reduction after this CSM was approved, they would need to apply for a variance which has stringent criteria. As there's no hardship, a variance would not be granted. **Jan Cuccia moved that that the Plan Commission recommend to the Town Board to approve the CSM dated June 26, 2017 for Richard and Pat Muenich at 336 South Cove Road and to approve the Exception to Design Standards on Lot 6, reducing the 150' front setback to 76' and the other front to 113' with no further exceptions. Joe Radlinger seconded. Motion carried. Jan Cuccia made a friendly amendment to add that the map should be modified to show the 150' front setback on Lot 7. Radlinger seconded the friendly amendment.**

5. Public Hearing/Discuss and Recommend-Conditional Use Permit, James and Ann Robey at 580 County Road U for Contractor Storage Yard to continue lawncare/landscaping/snow removal business;

The applicant is requesting a Conditional Use Permit to legally operate a Contractor Storage Yard within an Ag-Res District.

Dan Pearson opened the public hearing for a contractor storage yard to continue lawncare/landscape/snow removal business for James and Ann Robey at 580 County Road U at 7:36 p.m.

Maxine Schiltgen of 588 Brummel Road spoke. Her property abuts the Robey property to the north. She is concerned about a lot line issue and the access road that was used for the sand pit. She also had a concern with drainage issues and a fence that was moved. She would like to see property lines respected and to stop encroachment on her property.

Chas Garbe spoke; he owns property on the east side of the Robeys. As a neighbor, he has no issues with their proposal.

No one else spoke. The public hearing closed at 7:51 p.m.

Wendy Sander explained that a few months ago, the Town became aware that the Robeys were operating this business out of their home without a Conditional Use Permit. The property is 6.5 acres and they leave their property to perform the actual work so this type of business is allowed but it does require a Conditional Use Permit. They do live on the property and have several pieces of equipment to store on site.

Rob Jones explained that the Town's ordinance lays out 19 items to consider while looking at a CUP. The ordinance then lists 14 items to add as potential conditions. He briefly summarized the conditions that resulted from the former joint Town and County process for conditionally permitting contractor storage yards. There was discussion on the second access and if the second driveway is allowed since the lot is only 6.5 acres; in the Town only lots over 20 acres can have second driveways. However, this is a county road and the county issues the driveway permits. The second access may also predate the Town's driveway ordinance and the Robey's home, which they built in 2005. The Robeys also have a driveway for their home. The second driveway entrance is extra wide with half (20') belonging to the Robeys and half (20') belonging to the Schiltgens. Per Town Ordinance, the storage yard will need to be landscaped and screened from County Road U.

Jennie Boeder moved that the Plan Commission recommend to the Town Board to grant the Conditional Use Permit for James and Ann Robey at 580 County Road U with the following conditions: 1) that the permit be limited to the existing business at the current gravel area and current size; 2) that the property be maintained in a neat and orderly manner; 3) that there be no signage; 4) that equipment and storage be screened by plants and fences; 5) that access be limited to the current driveway on the applicant's property; 6) that the Conditional Use Permit be non-transferable; and 7) that the owner reside at the property. The Applicant shall within 2 months of the grant of the Conditional Use Permit submit plans for screening that is acceptable to Staff and shall implement such plan within 1 year of the grant of the Conditional Use Permit. Lowell Enerson seconded. Motion carried.

6. Discuss and consider frequency of Conditional Use Permit Reviews;

Wendy Sander reported that Staff has a multi-page list of CUPs in the Town; some may not even exist anymore. They went through the list and pulled out the contractor storage yards since one was on tonight's agenda. The County process was to approve the CUP and then staff would review in two years. It is assumed they made site visits as they had to confirm that each condition attached to the permit was adhered to. None came back to the county committees at any point. If they weren't following conditions, staff would work with them to bring them into compliance. The permit was then pulled if they didn't come into compliance. Exceptions to conditions were sometimes given, usually for landscaping that couldn't be installed due to weather. Wendy Sander suggested setting a review period of two years and having Staff conduct the review and report. **Jan Cuccia moved that the Plan Commission recommend to the Town Board that the Town establish a policy of Staff review of new Conditional Use Permits for every two years to ensure compliance and if issues arise to report to the Plan Commission. Jennie Boeder seconded. Motion carried.**

7. Discuss and consider process for future planning of the Commercial Zoning District;

Rob Jones and Wendy Sander explained the rezoning process in the LECR district to rezone for Commercial in the Highway 35 corridor. They presented future land maps from Comprehensive Plans of the City of River Falls and City of Hudson, both showing use of land in the Town of Troy. There was discussion on actively seeking commercial development. Cedar Corp. and the County EDC are options for helping the Town find commercial developers. Cedar put together a pro and con list for what makes the Town desirable and what doesn't; the Town has a lot of land, a lower tax rate, lower land prices, and favorable demographics. But the Town has no water and sewer, no TIF district, most land is privately owned, and the development process would be longer. There was discussion on annexation laws, incorporating into a village, and town center requirements. Besides incorporating into a village in order to protect the Town borders, boundary agreements and purchasing development rights (PDR) are also options. The consensus of the Plan Commission is that protecting the Town's borders from annexation is the ultimate goal. A multiprong approach of talking to large owners, exploring PDRs, and exploring the political route was suggested. Work on this will need to be budgeted for next year. In the interim, the Plan Commission will continue discussion.

8. Building Permits;

Building permits were reviewed.

9. Committee Reports & Correspondence;

Jan Cuccia reported she attended a county board meeting and testified in support of the resolution against the State bill that would allow the prohibited wedding venue on the river in Somerset to operate. The resolution passed and there should be local ones coming up as well. The Commission was provided a copy of the letter the County sent regarding a vegetation removal violation in the Riverway on Salishan Drive.

10. Adjourn

Paul Mahler moved to adjourn the meeting of the August 3, 2017 Plan Commission at 9:40 p.m. David Wolf seconded. Motion carried.