

APPROVED

**PLAN COMMISSION MEETING
Town of Troy
August 2, 2018
Hudson Wisconsin 54016**

Members Present: Dan Pearson, Jan Cuccia, Paul Mahler, Joe Radlinger, David Wolf, Dean Albert

Members Absent: Jennie Boeder

Staff Present: Wendy Sander

Recording Secretary: Amanda Randall

Others present: Suzanne Van Mele, Jason Kjos, Ben Fochs, Rebecca Mariscal, Barb Garbe, Chas Garbe, Ann Robey, Darren Robey, Mike Ganz, Evonne Ganz

AGENDA:

1. Call to order;
2. Pledge of Allegiance
3. Approve minutes;
4. Public Hearing/Discuss and Recommend-Conditional Use Permit
Applicants: Michael & Evonne Ganz (Settlement Hill Farm)
Address: 565 County Road U
Request: Conditional Use Permit for seasonal wedding venue
5. Discuss and consider, Farmland Preservation Zoning Code amendments;
6. Discuss and consider, "other" Zoning Code amendments;
7. Discuss and consider extension of Ordinance 171-A, Moratorium on the Administration of Municipal Code Chapter 171-Lower St. Croix Riverway Zoning;
8. Building Permits;
9. Utility Permits;
10. Committee Reports & Correspondence
11. Adjourn.

AGENDA:

1. Call to order;

Dan Pearson 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 June 7, 2018 Plan Commission were previously distributed.

Jan Cuccia moved to approve the minutes of the June 7, 2018 Plan Commission. David Wolf seconded. Motion carried.

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

Applicants: Michael and Evonne Ganz (Settlement Hill Farm)

Address: 565 County Road U

Request: Conditional Use Permit for a seasonal wedding venue

Dan Pearson called the public meeting to order at 7:03p.m.

Michael and Evonne Ganz spoke to the application. They've owned the historic German farmstead since 1996. They've had a few events through the years to try to raise money to fix up the barn and then began hosting weddings. They are requesting a Conditional Use Permit to operate a seasonal wedding venue from May through October with hours of operation from 8:00 a.m. to 11:00 p.m. There would be one wedding per week to stay within the allowed 24 days. Wedding ceremonies usually begin at 4:00 p.m. and the receptions would end at 11:00 p.m. They have a long driveway so there would be no traffic backup on the road. There would be noticeable traffic before the ceremony but after that guests leave at different times. Music stays inside the barn due to decibel restrictions and two layers of siding. There is minor amplification during the ceremony so guests can hear the vows. Guests bring in their own licensed caterer and alcohol; there is no food preparation on site. Satellites are brought in. They feel it has little impact on neighbors as the farm is surrounded by the Garbe's farm fields. Their property is zoned Ag-Res. They feel they are helping preserve the rural area by preserving this historical barn. They have been working with the state inspector to comply with State Statute regarding wedding barns. They have a few weddings coming up that were scheduled last year but will not schedule any more until they get permission from the Town, the State inspector, and the River Falls Fire Department.

Chas Garbe of 772 County Road N spoke in favor of the application. He is happy they've put such effort into the barn as there are very few barns left. He feels it is a compatible use for the area as there is limited housing surrounding the property. He supports the continued and more extensive use as a wedding venue.

Ann and Darren Robey of 580 County Road U spoke in favor of the application. There have been no noise or traffic issues in the past and they support the continued use of the barn as a wedding venue. They noted that they have sat on their deck while weddings were happening and have not been able to hear anything.

Melbern and Kathryn McElwain sent a letter in support of the application stating that they have no concerns with holding weddings on the Ganz property and that they have no desire to limit the number of functions at the property.

Mike Moody, River Falls Fire Department Assistant Chief/Inspections sent an email stating that the barn will need to comply with the State code regarding “wedding barns” and any applicable fire codes.

No one else spoke. The public hearing closed at 7:20 p.m.

Wendy Sander of Cedar Corp. explained that the Town sent a letter to the Ganzs’ in April 2018 about getting the after-the-fact Conditional Use Permit. The Commission site visit was prior to tonight’s meeting. This parcel is 7.53 acres, zoned Ag-Res, and is located off a heavily traveled County road. They are requesting a maximum capacity of 275. Parking is on the north side in a grassy area. Receptions will be held inside the existing barn with ceremonies outside. Garbage will be disposed of in a dumpster on the east side of the parcel. The applicant is open to providing more vegetative screening if needed. They have been working with the State building inspector, including a planned structural analysis of the barn venue. In 2017, the State approved S.S. 101.05(6) relating to barns being used for social events such as weddings. This law allows building code exemptions for these venues if they satisfy certain criteria. The Settlement Hill Farm venue meets a majority of the requirements under this code and they are working to comply with the remaining items. In order to recommend granting a Conditional Use Permit, the Plan Commission should be first generally comfortable that the proposed use is a farm-based activity eligible to use the Ag Tourism provisions of the Town Ordinance.

Cedar Corp. recommended that the Commission consider four core criteria of the Town Zoning Code when evaluating the proposal:

1. Ag-Tourism (170-A) provides an opportunity for residents to utilize their farm for limited business or enterprise. Farm-related weddings are explicitly listed in the definitions and year-round activities require a Conditional Use Permit.
2. Traffic/Parking (170-Q) has specific dimensional requirements and design criteria. Parking areas must be dustless, screening is required, and parking on this parcel would be required to be 75’ from the road right-of-way and 25’ from neighboring residential property. There should be no parking along the driveway as it’s too narrow. Parking is not allowed along any County road and the Town has not heard any concerns from the County about the driveway. The River Falls Fire Department will look at the turning radius for fire trucks. There are trees between the parking area and the road to provide screening.
3. Performance standards (170-W) apply in all districts throughout the Town. Noise cannot extend past the property line, the Town can limit lighting and require downcast lighting, and garbage must be contained in an enclosed building.
4. Conditional uses (170-V) were reviewed. Reasonable conditions should be placed on proposed uses to limit the impact on the neighborhood.

The barn is not required to be sprinklered per the new State law. The McElwains are beyond 300’ from the property so they should not have headlights shining into their house. Additional lighting should not be needed for the parking area.

The Commission discussed the application. Jan Cuccia noted that using an existing, historical barn that dates to the 1920s fits not only the Ag Tourism ordinance but also the Town's goal of farmland preservation and the TDR program. Paul Mahler added that this type of use is what the Town had in mind when writing the Ag Tourism ordinance: the Ganzs' are saving an old barn that's not in a residential subdivision; it's used on a limited, seasonal basis with a set number of events and with no impact to the surrounding neighborhood. Dan Pearson agreed and added that the area is losing these old barns and that this is a good use on a limited basis.

Joe Radlinger moved that the Plan Commission recommend to the Town Board to approve the Conditional Use Permit for Mike and Evonne Ganz at 565 County Road U with the following conditions: obtain the required state permit, local permits, and the fire inspection by the River Falls Fire Department; the Conditional Use Permit will be up for review in two years; the season runs from May through October; hours of operation are 8:00 a.m. to 11:00 p.m.; there are no more than 24 events per year; the number of attendees is not to exceed 275; parking is in designated areas only; and there is no amplified music outside the barn during the reception. Jan Cuccia seconded. Discussion followed regarding state permit versus state inspection. **Joe Radlinger moved to amend the motion to read "pass state inspection per State Statute 101.05(6)" instead of "state permit". Jan Cuccia seconded. Motion unanimously carried.**

4. Discuss and consider Farmland Preservation Zoning Code amendment;

Wendy Sander and Rob Jones of Cedar Corp have been assisting the Farmland Preservation Ad Hoc Committee, comprised of Dean Albert, David Wolf, Jason Kjos, and Cliff Jennings. The Town is trying to join the State programs for both Agricultural Enterprise Area (AEA) and the Farmland Preservation Certified Zoning District (FPD). Active farmers in both the AEA and FPD areas would be eligible for up to \$10/acre tax credit (with a signed contract for the AEA portion and verification of soil and water conservation best management practices within the FPD). The AEA application has been submitted and they are now working on the FPD application. The State has reviewed the Town's current Agricultural Zoning District guidelines and has recommended text amendments to the Town Zoning Code to bring it into compliance with the State Farmland Preservation Zoning District requirements. The FPD would need to be in place by the end of the year so qualified farmers could get the tax credits for the 2018 tax year. Wendy Sander reviewed the proposed schedule that would be needed for that to happen. As this involves zoning changes, the County will need to consent and DATCP has to certify it. The Commission reviewed the map of farmland preservation areas. There are some similarities between the Town and State zoning but also some differences, such as under the State's zoning a residence is an accessory use to the farm. Definitions and uses were discussed. The Town's absolute priority is that rezoning out of Exclusive Ag is an option for property owners so they can develop their land if they wish and that the TDR program remain in place. The Ad Hoc Committee will begin work on the text amendments.

5. Discuss and consider "other" Zoning Code amendments;

An email was sent out asking for suggestions on possible Zoning Code amendments. The responses were reviewed. These should be coordinated with Farmland Preservation changes. The following section amendments will be put on hold for now and taken up at a later date: signs, canopies, and billboards; home occupations; parking; mother-in-law structures/spaces; and

adding duplexes as a Conditional Use in Ag Res. The following amendments will be reviewed immediately:

- Wendy Sander will review language inconsistencies in the Ag-Res District for next month.
- Ag-tourism should be defined so that no new buildings are allowed.
- Wendy Sander has minor changes for Non-Conforming Uses, Structures, or Lots and will review at next month's meeting.
- Riverway, nonconforming setbacks: the County's jurisdiction should be more clearly stated.
- Gravel pits: rules should be more specific to make it more restrictive and keep the pits in Ag-Res unless the farmland ordinance requires it in Exclusive Ag.

In addition, Jan Cuccia asked Commission members to forward to her any suggestions on Conditional Uses to delete or add.

6. Discuss and consider extension of Ordinance 171-A, Moratorium on the Administration of Municipal Code Chapter 171-Lower St. Croix Riverway Zoning

Every two years the Town decides whether or not to extend the moratorium on Riverway Zoning. The Commission reviewed in their packets several Riverway cases that the County is currently dealing with. **Dean Albert moved that the Plan Commission recommend to the Town Board to extend the Moratorium on the Administration of Municipal Code Chapter 171-Lower St. Croix Riverway Zoning for two more years. Paul Mahler seconded. Motion carried.**

7. Building Permits;

Building permits were reviewed.

8. Utility Permits;

There were no utility permits to review.

9. Committee Reports & Correspondence

There were several memos from the County regarding Riverway properties.

10. Adjourn

David Wolf moved to adjourn the meeting of the August 7, 2018 Plan Commission at 9:31 p.m. Joe Radlinger seconded. Motion carried.