

APPROVED

**PLAN COMMISSION MEETING
Town of Troy
September 7, 2017
Hudson Wisconsin 54016**

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

Members Absent: David Wolf

Staff Present: Wendy Sander

Recording Secretary: Amanda Randall

Others present: Rick Hager, Patti Muenich, Richard Muenich, Ray Knapp, Suzanne Van Mele, Daniel Koekpe, Mike Zimm

AGENDA:

1. Call to order;
2. Approve minutes;
3. Public Hearing/Discuss and Recommend-Conditional Use Permit
Applicants: Dan & Kristin Koepke
Address: 570 Coulee Trail
Request: Amendment(s) to Conditional Use Permit
4. Discuss and consider process for future planning of the Commercial Zoning District;
5. Building Permits;
6. Committee Reports & Correspondence
7. 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 August 3, 2017 Plan Commission were previously distributed.

Lowell Enerson moved to approve the minutes of the August 3, 2017 Plan Commission. Paul Mahler seconded. Motion carried.

3. Public Hearing/Discuss and Recommend-Conditional Use Permit, Dan & Kristin Koepke for Amendment(s) to Conditional Use Permit at 570 Coulee Trail

Dan and Kristin Koepke of Cracker Barrel Winery, located at 570 Coulee Trail, submitted an application to amend their Conditional Use Permit asking that they be allowed to have amplified music and food trucks on site.

The public hearing to amend the Conditional Use Permit for Dan and Kristin Koepke of 570 Coulee Trail opened at 7:04 p.m.

Dan Koepke, resident of 570 Coulee Trail and owner of Cracked Barrel Winery, spoke. The winery would like to be able to have live music outdoors on the patio. An audio specialist, Mike Zimm, came out to the winery and took measurements of ambient sounds (the highway noise) with and without music at all property lines from 3:30 p.m. to 7:30 p.m. using a 1500 watt speaker. He presented the technical data results from the sound test: they would expect the music to be about 27 decibels at the property lines, which is considered quieter than a library. He stated that the road noise masks any noise under 70 dBA on the east, north, and south side of the property lines. It was noted that if there was a noise complaint from any neighboring properties, decibels would be measured from the complainant's property line. He also played audio clips of the highway noise alone and then with the music playing at 86 dB, which is much louder than the level they would be playing at. There was discussion on how much crowd noise would add to the music noise. Mike Zimm said you'd need a full band with professional speakers to hear it over the traffic and it would be unlikely that neighbors would be able to hear anything over a murmur. There was discussion on the fact that people move here for peace and quiet.

Richard Muenich, 336 South Cove Road spoke. He has been to the winery to purchase wine and noticed the highway noise. He feels it is a good land use, a good location, and that the Town has the tools to control activity through the Conditional Use process.

Ray Knapp, Town Board Supervisor, spoke. He noted that sound is on a logarithmic and not linear scale. He also recapped the Town Board discussion from last year when the music and food trucks were part of an amendment request for the winery. He said the Town Board at that time thought the food trucks sounded more like a restaurant and the land is not zoned for that use.

Ben Fochs, 685 County Road MM spoke. He is concerned about who bears the burden of proof on complaints.

Rick Hager, 491 Old Highway 35 South spoke. He lives directly across Highway 35 from the winery. He is opposed to the outdoor music and food trucks and presented 14 signatures from neighbors who also oppose the request. He said that he can hear the winery and his neighbors all the time as sound carries. He does not believe he won't be able to hear the music and he moved here for the quiet. He does not think this was the intended use for the property.

Jodie Duntley of 424 North Glover Road spoke. She is about a mile away and does not want to hear muffled music in the quiet of their neighborhood. She suggested allowing special events a few times a year as a compromise.

The public hearing to amend the Conditional Use Permit for Dan and Kristin Koepke of 570 Coulee Trail closed at 7:54 p.m.

Wendy Sander explained that the proper application was received and that there was a site visit. When talking in front of the winery it was difficult to hear one another over the highway noise. The applicant stated in their application that they feel this would enhance their business as food and music happen at many other area wineries. They explained that the music would not be loud; a single guitar or similar instrument. In Section W of the Town's zoning code it states that there can be no noise carrying beyond lot lines and noise cannot be a nuisance; exempt noises are highway noise, farm noises, lawnmowers, chainsaws, and other normal yardwork equipment. This ordinance has to be followed no matter what conditions are part of a Conditional Use Permit. She also noted that noise is one of the hardest things to regulate. Neighbors can file a written complaint with the Town if there are issues and the Town would follow up. This would not trigger a review of the Conditional Use Permit but the Town can review the Permit at any times if there's no compliance. The Town could restrict live music and food trucks to hours and certain days; they are open until 8:00 p.m, Wednesday through Sunday. She also explained food vendor licensing requirements. There was discussion on the difference between restaurants and food vendors, which are two different things according to the State. It was noted that this property is also in the Land Eligible for Commercial Rezoning and they could ask for rezoning.

The application was discussed as presented. It was noted that a winery is a use related to Ag, which the Town is trying to promote. The music and trucks could potentially be limited to a certain number of days and hours; it was suggested the applicant be allowed to pick the days so they have some flexibility. The Commission agreed that food trucks are not restaurants. The applicant clarified that they withdrew their request for live music and food trucks last year so they could go forward with the other amendments they were requesting at that time.

Jennie Boeder moved that the Plan Commission recommend to the Town Board to grant the Conditional Use Permit amendments to allow food vendors and live music two days per week provided the music is not heard beyond the applicant's property line and provided there is only one food vendor at a time and all parking is to be on winery property and not on Coulee Trail. The applicant will return in one year for review of the Conditional Use Permit. Jan Cuccia seconded. Motion carried.

4. Discuss and consider process for future planning of the Commercial Zoning District; Wendy Sander presented information on the incorporation process; it is extensive and expensive. The steps are: 1) petition for residents; 2) circuit court review; 3) pay state fee; 4) state review board; and 5) referendum. If the referendum passes, the Town is incorporated. There was discussion about the "identifiable community center" requirement; if the Town does not have one, they can explain why the absence does not matter. With both Hudson and River Falls so close, a community center may not be needed. Towns can also use special legislation to incorporate. She suggested contacting our local representative and/or senator to set up a meeting with the Department of Administration to feel out the level of support. Ray Knapp noted that the last time the Town had discussions with the State on incorporation, the State traveled up here. Lowell Enerson questioned how many acres the Town has lost to annexation; Wendy Sander will

try to find out. The Town Board had asked if the Town should be more worried about protecting borders or good development as other options will need to be explored if the Town does not incorporate. Discussion will continue at the next meeting.

5. Building Permits;

Building permits were reviewed.

6. Committee Reports & Correspondence;

St. Croix Electric has an application in at the County on burying power lines. Jennie Boeder mentioned that the City of Hudson is having a public hearing on September 19th at 6:30 p.m. at City Hall regarding plans for developing County Road F south of 94 to Rivercrest Elementary.

7. Adjourn

Lowell Enerson moved to adjourn the meeting of the September 7, 2017 Plan Commission at 8:58 p.m. Jennie Boeder seconded. Motion carried.