TOWN OF EAST TROY PLANNING COMMISSION MINUTES
August 21, 2024 at 6:30 P.M.

Chairman Cook called the meeting to order at 6:30 P.M. Commissioners, Smith, Russell, Gordon, Denhart, Celley and Jahner were in attendance. Secretary Olson was also in attendance.

Chairman Cook explained the procedure of the meeting and explained that this Commission operates on a split meeting format and this is the Decision-Making portion of the Planning Commission Meetings. All comments need to be addressed to the commission and not the applicant.

1. APPROVAL OF MINUTES
   No Minutes were approved at this time.

2. REZONE
   Lot on Swoboda Road
   East Troy, WI 53120
   Parcel No: P ET 3100007
   William and Pamela Burki, Owner/ Applicants
   On Wednesday, August 7, 2024 William and Pamela Burki/owner/applicants, spoke requesting a Rezone to change 57.19 acres that are currently zoned as A-1 and R-1 to become C-2. Their intention is to sub divide the lots to create a family homestead. They would like to create 3 lots that are 7.8 acres for each of their sons and one lot that is 23.8 acres for themselves. They would also like to separate two lots that are approximately 5 acres each on the East side of the property to be sold off as independent parcels to help fund the project. They are only requesting a Rezone at this time and will return for approval of their CSM if approved for the zoning change. Commissioners asked to clarify where the R-1 was carved out as well as the existing access points. The easement that runs down the center that goes to the back and allows access to the agricultural area back there. The access point to the two 40-acre agricultural lots behind their parcel would remain giving them access. The 2050 land use plan has this lot planned for RR under rural density residential zoning.
   There was discussion amongst Commissioners stating that the lot is prime agricultural, and generally that land is preserved by the Commission. As an agricultural community that wants to stay an agricultural community prime agricultural land is important. Commissioner Smith, stated that the fact that it is zoned as prime agricultural land, doesn't always mean that it is that it is and maybe a soil sample would help to make that determination as they have done in the past. Commissioners requested more time to research the proposal. Commissioner Denhart, noted the criteria for rezoning A-1 land and that all of those criteria will have to be noted. Chairman Cook also noted that it is conforming A-1.
   Five residents, spoke about the project. Many were seeking clarification about how the applicant's intentions for splitting up the land and if the associated access points would impact their property line and future plans for their land. Much of the discussion was related to the access points and any associated setbacks. The commissioners explained that with the access points already existing, the setbacks would not change for the homeowner. A resident also asked if they were planning for overhead or below ground for their electrical and internet access. The common ending statement was that the residents would much rather see a homestead and one family owner on the property than a subdivision or apartments. The applicant was given time for a rebuttal, they added that their hope is to also lease out some of the land and have that area farmed in each yard. Chairman Cook, also reminded the audience that at this time, the applicant is only asking for a rezone. They will have to come back before the Planning Commission to seek approval of a land separation and certified survey map to move forward with their plans.
   Motion was tabled to decision making meeting.
   On this date, Wednesday, August 21, 2024 the Planning Commission met to hold their discussion making meeting. Commissioner Cook brought forth information that he researched after the last meeting. Cook noted that in 2021 the Rohrs property was granted a similar request and is located in close proximity to the parcel in this request. For the record, Cook wished to note that the property was a non-conforming A-1 property and was 17.98 acres. Cook spoke to Katelyn Hastings, at County Zoning Administration, regarding this request and confirmed that C-2 zoning would be consistent with the 2035 and 2050 Comprehensive Plans. The parcel is listed under Rural Density Residential Zoning. Commissioner Russell stated that this being the collective vision from the County and we corroborated it as a Town in planning it seems wise to follow it. Commissioner Smith countered that he is torn because while it meets the other criteria to approve, he can't get past the fact that the property is conforming and has what was stated as 84% of the land being prime agricultural. It is difficult to rationalize the property being above 50% Prime. Commissioner Celly countered Smith's point by making reference to the letters submitted by the former owner and the neighboring farmer who stated that the land did not yield the crops as an A-1 would and that the soil is better described as rocky and sandy. Celley feels that their assessment of the land may be more accurate than a broad soil study of the area. Commissioner Jahner asked if the parcel touched the Village of East Troy, and we would be at risk of them annexing the property. The panel of Commissioners stated that the property did not pose any such risk. There was discussion regarding the approval of a rezone without a CSM, and if it was possible to make a CSM a condition of the rezone. The consensus is that they can not require a CSM in order to approve the rezone and that the C-2

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Zoning would require that it can be broken up into no less than 5-acre parcels and that the intent of the applicant would have to be trusted. The applicant would have to bring the CSM back to the Planning Commission for approval once it has been drafted.
Motion made by Commissioner Celley to APPROVE the Zoning Request.
Seconded by Commissioner Smith.
Motion passed unanimously.

3. Other Business & Public Comments
   Discussion regarding the procedures surrounding Planning Commission Minutes and the role Commissioners play in editing for grammar, spelling and punctuation errors that may occur. Commissioners may not alter the content of the minutes unless voted upon by the entire commission. Attorney Mills confirmed that Planning Commission meeting minutes can not be written by Commissioners or Town Supervisors.

4. Adjourn
   Motion made by Commissioner Denhart to adjourn.
   Seconded by Commissioner Gordon.
   Motion passed unanimously.

Respectfully Submitted,
Jennifer Olson
Planning Commission Secretary
August 22, 2024 Revised for approval October 3, 2024 as discussed in October 2, 2024 Planning Commission Meeting.

*Please note for complete understanding of what occurred please view the LIVE video footage at https://www.youtube.com/@TownofEastTroy/streams *

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