TOWN OF EAST TROY PLANNING COMMISSION MINUTES
February 7, 2024 at 6:30 P.M.

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

Chairman Cook explained the procedure of the proposal and explained that this Commission operates on a split meeting format and this is the Public Hearing portion of the Planning Commission Meetings. The commissioner's viewing and decision-making meeting will be on February 21, 2023 at 6:30 P.M., if a decision is not made in this meeting. The petitioner or agent will present their request, then we will ask for people in favor or opposed to the petition to speak and the petitioner will then have a chance for rebuttal. All comments need to be addressed to the commission and not the applicant.

1. APPROVAL OF MINUTES
   Minutes from December 6, 2023.
   A motion was made by Commissioner Wucherer to approve the December 6, 2023 minutes
   Seconded by Commissioner Smith
   Motion approved unanimously

2. REZONE / CSM
   N8356 Weber Lane
   East Troy, WI 53120
   Parcel No. P ET 2300005
   Fred and Judith Kmiec, Owners
   Mike Greeson V2G Surveying Applicant
   Whereas, the owner, Fred and Judith Kmiec, along with Mike Greeson V2G Surveying, are requesting approval of a three-lot certified survey map of their existing 55.37-acre parcel, of which a good portion is wetland area, for family planning. Mike Greeson V2G Surveying, explained that Kmiec's adult son and daughter have been active with their parents in their estate and family planning. After last year's land separation/CSM request the family's attorney advised them to take into account their age and it was recommended to make changes to their original request in order to keep their family on the homestead as long as possible. Their daughter and her family are proposing to live in the existing home on lot 1 and their son is proposed to build a future home on lot 2. The remaining lot 3 (50 acres) would be placed into a family trust for the family to share. Each of the lots would not be further divisible and will be deed restricted as such. Walworth County Zoning has stated they will need to change the zoning of lot 2 becoming A-5 (under 2 acres), which is a zoning requirement. There was discussion among Commissioners, about the definition of a consistency review and if the burden of this has been met in order to grant this zoning change without an amendment of the 2050 Land Use Amendment. The plan to have deed restrictions and be not dividable again in the future without a conditional use in the commissioner's opinions went a long way towards feeling that this change would be consistent with neighboring properties. It was specifically clarified that the Commission agrees that this is a similar practice as the train of thought as shoreline averaging; and

   Motion made by Commissioner Smith to APPROVE the REZONE /CSM REQUEST as stated at N8356 Weber Lane East Troy, WI Parcel No. P ET 2300005
   Seconded by Commissioner Zess
   Motion passed unanimously

3. CONDITIONAL USE
   N8826 Highway ES
   Town of East Troy, WI 53120
   Parcel No: P ET 1600006D1
   Karl Sawyer, Owner / Farris, Hansen & Associates, Applicant

   Whereas, the owner, Karl Sawyer, along with Warren Hansen, Farris, Hansen & Associates, are requesting approval of a Conditional Use to use the proposed property as a fill site. The goal of the project is to have the area filled by July 2024 and topsoiled and grassed by Fall to improve the drainage and the ascetics of the property; and

   Whereas, Karl Sawyer, explained that the proposed property on highway ES has been used to provide highway fill when I-43 was built which left the land unsustainable for fruitful agricultural use since that time.

The property has been in the Sawyer family since 1934 and was purchased from his father's estate after his passing. Currently the DOT has approved a fill permit given to Musson Brothers for their State Highway 20 project. Only clean fill is being used and compacted. A storm water management plan was prepared to take over five acres of drainage from I-43, another acre from County Highway ES as well as drainage from this 4.2-acre parcel. There is a current low point on the site of 818 of the northern part; they plan to use 820 for the low point of the proposed infiltration basin. Slopes of the basin will have 2-3 feet of compacted imported clay for stabilization. All of this work must be done with the DOT. Sawyer's Excavating LLC. will be doing a portion of the work but in conjunction with the DOT. Karl explained that the ability to fill 40,000 yards of clean fill in one "shot" from the County Highway ES Project was a once in a lifetime opportunity. Karl also explained that the DOT is only able to fill the top 1/3 of the property and from there he has to obtain his own permitting to continue the fill the rest of the property. Zoning requires any filling over 2 acres requires a permit and this is at 2.1 acres. There was discussion among Commissioners, about future planning for the property. Karl revealed that he has future plans to purchase small areas of land surrounding the property from the DOT and if that goes through, he would like to build a berm and plant trees for further drainage. Karl also has an agreement to purchase in the future, a neighbor's home and adjoin the properties. Karl would possibly rezone at that time as this property is in the future business corridor in the 2050 Land Use Plan.

Motion made by Commissioner Celley to APPROVE the CONDITIONAL USE at N8826 HWY ES East Troy, WI Parcel No. P ET 2300005.
Seconded by Commissioner Denhart.
Motion passed unanimously.

4. Other Business & Public Comments
   Further discussion was had regarding a new format for the Planning Commission applications and possibly a separate form for variances vs conditional uses which lay out a clearer lay out for what commissioners would like to see in the application packet. Chairman Cook, asked to have further discussion at the March 6, 2024 meeting and if Commissioners would share any documents through Secretary Olson and discuss at the next meeting.

5. Adjourn
   Motion made by Commissioner Denhart to adjourn.
   Seconded by Commissioner Zess.
   Motion passed unanimously.

Respectfully Submitted,
Jennifer Olson
Planning Commission Secretary
February 14, 2024