TOWN OF TROY PLANNING COMMISSION

N8870 Briggs Street, East Troy, WI 53120

Plan Commission Minutes

Meeting Date: April 3, 2024
Meeting Called to Order: 7:00 pm
Plan Commission Members Present
Chairman Jerry Arntson, Vice Chair Brett Knorr, Andy Lamping, Joel Jenswold, Chaz Self and Plan Commission Secretary Darrel Markham
Plan Commission Members Not Present
Jeff Gepfert, John Kendall
Pledge of Allegiance
Verification of Proper Posting
Approve minutes of monthly meeting
Andy Lamping / Brett Knorr motion to approve the minutes from the December 6, 2023 meeting.
Motion carries 5 ayes and 0 opposed.
New Business
CSM with a Farm Separation petitioned for by Joseph A Chapman as applicant and owner to separate farm structures, including primary residence, from farmland. The property is zoned A-1 (10.6 ac), A-2 (26.6 ac), and C-2 (27.8 ac) and is located at N9291 Adams Road, East Troy and identified as Tax Key# LT 700003 located within the E ½ NW ¼ SEC 7 T4N R17E.
Joel Jenswold: Why are we reviewing this CSM?
Mike Greeson: The owners are separating the farm buildings for their daughter so she can live in the farm house and then leave the remaining acreage for the Chapman's to farm. There is no need to rezone in the future since the remaining land will be deed restricted.
Darrel Markhkam: The commission is doing this as a double check in regards to making a small acreage lot in an agricultural area. The County actually does this as a staff review but the Towns typically have the whole commission review these CSM's to make sure they have no issues with the proposal.
Jerry Arntson: Who approves or is in charge of the deed restrictions?
Darrel Markham: The County requires it. We have reviewed them in the past or not reviewed them. The idea is just that they don't build on the remnant parcel in the future.
Jerry Arntson: So we can be reasonably sure that the County will handle that.
Cindy Chapman: We have an attorney working on the deed restrictions for the County's approval
Joel Jenswold / Jerry Arntson motion to the Town Board to recommend approval of the CSM as presented.
Motion carries 5 ayes and 0 opposed.
Approval: No issues seen with the proposed CSM
Concerns: The County to review and enforce the County required deed restrictions on the two future parcels.

CSM with a Farm Separation petitioned for by William E O'Connell and Nancy A O'Connell (Kevin O'Connell, Executor) as applicant and owner to separate farm structures, including primary residence, from farmland. The property is zoned A-1 and is located at W4072 County Road J, East Troy and identified as Tax Key# LT 1600007 located within the SW ¼ SW ¼ SEC 16 T4N R17E.
Brett Knorr: I see the lot size is 5.44 acres including the right of way and 5.00 acres without the right of way.
Darrel Markham: This has been a discussion point in the past of which acreage is the correct one in regards to the less than 5 acre requirement of the County.
Mike Greeson: It will be up to the Township if they want to accept the right of way dedication or not.
Brett Knorr: Would the lot be taxed as a 5.00 acre lot or a 5.44 acre lot?
Mike Greeson: It would be 5.00 acres.

Darrel Markham: How did the "vision corner" get laid out at the intersection of Scout Road and CTH J?
Mike Greeson: There was an old deed of County Road J that describes that corner.
Joel Jenswold: No deed restriction is presented. Will the County take care of that process?
Mike Greeson: Yes, the County will handle that requirement.
Brett Knorr / Joel Jenswold motion to the Town Board to recommend approval of the CSM as presented. Motion carries 5 ayes and 0 opposed.
Approval: No issues seen with the proposed CSM
Concerns: The County to review and enforce the County required deed restrictions on the two future parcels.

Consistency Review in relation to a Land Use Map Amendment and/or Rezone petitioned for by the Jeffery Miller Trust as applicant and owner to amend the land use designation from Other Agricultural, Rural Residential and Open Land (5 to 19 acres per Dwelling) - AG2 to Suburban-Density Residential (1.5 to 4.9 Acres per Dwelling) [Town of Troy] or Urban Density Residential - Less than 5.0 ac / du - RU [County]. The property is zoned C-2 and C-1 and is located at W4551 County Road J, East Troy and identified as Tax Key# LT 1900002 located within the NE ¼ NE ¼ SEC 19 T4N R17E.
Brett Knorr: This is my first experience with a Consistency Review. Could someone please provide me with some education on the process?
Samantha McCoy: I spoke with Darrin Swanke at the County to get a place to start with this process also? Kate Hastings at the County suggested the Consistency Review to determine if the existing Land Use Designations are sufficient to allow a rezone from C-2 to C-3 zoning on the parcel. If they are then a zoning change can just be requested. If the Land use designations are not sufficient for the rezone from C-2 to C-3 then the owners should request a Land Use Plan Map Amendment to make the rezone possible.
Jerry Arntson: So this is just a review to see if it could possibly progress to further examination and then could possibly be turned down at that point?
Samantha McCoy: Yes. The owners are trying to create a second lot for their children but the current zoning of C-2 will not allow that. So the question tonight is can we just proceed with the rezone since the Land Use Designation is close enough or do we need to do the Land Use Map Amendment first so that the zoning could then be possibly changed after the Land Use Map Amendment is possibly allowed.
Brett Knorr: What is their justification for changing from C-2 to C-3?
Samantha McCoy: The owners have lived on the property around 30 years and they would like to have another house where their adult children could come visit.
Joel Jenswold: Are you aware there was a request in 2009 that was refused?
Samantha McCoy: Yes, that request involved creating 3 lots instead of just the two they are requesting now.
Joel Jenswold: I am concerned about the environmental impacts and where the wetland delineation is going to end up.
Samantha McCoy: Yes, that is why we are having the wetland delineation performed by SEWRPC. Not to get too far into the weeds but I believe that the question tonight is in regards to is the current Land Use Designation and if it is close enough to allow a future zoning change or does the Land Use Designation need to be changed.
Jerry Arntson: My concern is would we be allowing 2 or 3 extra homes if we make changes?
Samantha McCoy: The property owner would be open to placing a deed restriction on the property allowing only 2 total homes where there is now one on the property.
Darrel Markham: I think we need to focus on whether we want to allow the Land Use Designation to change from AG2 to something else that would allow more development of the parcel?
Joel Jenswold: Yes, I believe the current Long Use Plan document is concerned with the quality of the habitat and even a threatened turtle species.
Darrel Markham: If we go through the process of changing the Land Use Designation from AG2 to another designation that allows smaller lots. Then a possible zoning change is much more achievable to allow smaller lot sizes.
Jerry Arntson: This is considered INRA, who decides if one additional house would impact the lake itself?
Chaz Self: Would the DNR be involved in the watershed question?

Darrel Markham: The DNR has a large amount of data on how much impervious surface will negatively affect the lake from runoff but I don't think they would be involved in this decision in a direct way.
Jerry Arntson: Would this board entertain the idea of changing the C-2 area to C-3 after knowing where the wetland delineation would be?
Samantha McCoy: The lot could have C-2 and C-3 designation.
Jerry Arntson: So one possibility would be to leave the existing home zoned C-2 and the newly carved out lot on C-3?
Samantha McCoy: Yes, and at that point we would have a survey to show all the details of the wetland delineation and proposed lot.
Darrel Markham: It may be difficult to fit a C-3 lot onto an area where it would not overlay the AG2 Land Designation.
Samantha McCoy: INRA does not mention C-3 residential uses so are those two layers compatible? The County will follow the Town's interpretation of if the Land Use Designation is consistent with the proposed zoning changes.
Brett Knorr: Has the Town had anything that was historically similar?
Darrel Markham: On County A there was a parcel with +34 acres of A-1 land and the guy wanted to build a house on it. The Land Use Map was amended which then allowed the zoning to be changed to A-2.
Brett Knorr: Since we need to wait for the wetland designation to be completed before we make an informed decision I think we should table a decision until we have that information.
Brett Knorr / Andy Lamping motion to table this item until the wetland delineation is completed and presented on a drawing with the proposed lots.
Discussion:

> Jerry Arntson: If the wetland designation shows enough room for the proposal we would entertain the idea of a second house/lot?
> Samantha McCoy: Will you require the Plan Map Amendment or just the rezone?
> Joel Jenswold: That will depend on the wetland delineation.
> Jerry Arntson: Board is leaning toward a second house being ok? Correct?

Motion carries 5 ayes and 0 opposed.

Vice-Chair Election
Jerry Arntson / Chaz Self motion to have Brett Knorr serve as vice chair of the planning commission.
Motion carries 5 ayes and 0 opposed.

Walworth County Zoning Decisions-Including Board of Adjustment Decisions and Correspondence; Other Correspondence:
Planning Commission Training at the County - Let Darrel or Michael know if you would like to attend.
County powerpoint included for your reference on what they would like to see regarding our recommendations to them.
Contact list of all PC Members included for your reference

Planning Commission Member to Report to Town Board
Chaz Self

Adjourn
Jerry Arntson / Andy Lamping motion to adjourn.
Motion carries 5 ayes and 0 opposed.

Submitted By,
Darrel Markham
Plan Commission Secretary

Chair Approval _____