

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # CUP-2022-01-29-TJRVJM Real Estate LLC

Date: March 8, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeff White, Member	x	Matt Parmentier, Town Attorney

Public Hearing – Application for Conditional Use Permit by TJRVJM Real Estate LLC for Highland Farm

Applicant: TJRVJM Real Estate LLC

Location/Description of Property: W8232 Lone Elm Rd / T07-16-16-03-02-004-00

Parent parcel acres: 5.092 +/-

Current zoning: A-2

Proposed parcel acres: same

Area of Dedication acres: none

Proposal: Conditional use permit for multiple potential agri-tourism businesses

Base Farm Tract (BFT) Acres: 231.3 +/- (Lynn Hinz BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 220.286 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 11.014 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town's Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: Kelsie Lally

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published February 20 and 27, 2022.

Overview of public hearing by Town Attorney

Parmentier commented on the process and agenda, provided handouts including the agenda, a site map, copy of the application, and supplemental materials, copy of Zoning Regulations 17.51 Conditional Accessory Uses and 17.72-17.74 Criteria for decision making (a)-(c) reviewed. Criteria (d) does not apply.

Presentation of application:

Lally presented the same concept plan presentation initially provided during the concept plan review on 2/14/22 outlining the agri-tourism business options including converting the granary barn to a bakery, a coffee shop operating from 7 am – 2 or 3 pm, wedding venue, business meeting venue, agricultural learning experiences, live outdoor music venue (small 2-3 person Bluegrass band (violin, cello)), greenhouse dinner venue, greenhouse planting sessions and/or petting zoo. Parking for larger event will include east pasture parking and a shuttle bus from the Oshkosh restaurants. Lally stated the investors are interested in giving back to the community.

Public comments on application:

- Phyllis Moss, 3472 Lone Elm Rd, property owner across the street, is interested about the plan. They are concerned the road is currently pretty quiet and a country road with little traffic. Parking cars on the road will be

a safety issue. They like their solitude and view. They are concerned with light pollution. The recent greenhouse currently has lights on 24 hrs and are concerned with future lights.

- Mary Braasch, 3482 Lone Elm Rd, property owner across the street at an angle, stated Oshkosh Truck uses the road heavily on Lone Elm Rd. They are wondering if there will be a sunset clause or a review date and would like the Town to consider the possibility of a slower speed limit.
- Jerry Borski, TN Eldorado Fire Dept (EFD) Fire Chief, asked if the owner will be submitting a commercial building plan to the state and whether EFD will have an opportunity to review as there is a concern from a safety & fire protection perspective.

Applicant's response to public comments:

Lally stated they are waiting on submitting building plans to the state as architecture plans are expensive. They are waiting for approval by the Town first. They are willing to have the Town look at the building plans and provide input.

Testimony in support of application (offered three times):

Dave Jahns spoke in favor of the application stating it will be good for the Town bringing in more revenue and the ordinances will address the parking.

Testimony in opposition of application (offered three times):

None.

Discussion, deliberation, and possible action by EPC:

EPC discussed concerns about traffic safety, light pollution, parking, EFD review and term/renewal condition options brought up by neighbors and Fire Chief.

EPC general comments:

- The conditional accessory use for agri-tourism and proposal seems to be for agri-tourism to be a primary use although these would be pleasant businesses in Town.
- The bakery license will be reviewed by the State annually. A liquor license would be needed from the Town Board and could not use the existing liquor licenses by the associated restaurants in Oshkosh (different property location and County).
- Max number of vehicles for the property? – 100 per Lally
- Conditional approval needs to fit in the Comprehensive Plan of protecting our rural atmosphere.

Parmentier commented that EPC has the ability to limit approval of the application (vs. options to approve as is or fully deny).

EPC reviewed each of the line items in the Highland Farm Conceptual Vision submitted with the application:

- General:
 - EPC suggested a site plan, landscape plan and lighting plan be submitted for approval.
 - Times of operation for 5 AM – 11 PM, Monday – Sunday: question if this is use-specific times open to the public or time staff will be at the property, or both? Need clarification on when staff will be present on site during all approved business operations (e.g., weddings, business meetings).
 - Include a no street parking clause in the permit.
 - Include requirement for professional waste service in the permit (not specific to Waste Management).
 - Include requirement to follow the sign ordinance in the permit.
 - Discuss Town road maintenance concerns with Town Patrolman, Mike Pionke, prior to taking action on the application.
- Weddings in large barn:
 - Lally clarified this will be an indoor/outdoor wedding venue.

- Question from EPC whether barn wedding venue will be approved by the State – Lally will research.
- Question from EPC if weddings will be live music and/or recorded music – likely both.
- Ability to limit noise level needs exploration and research.
- Concern from EPC on whether weekly weddings year-round meet the definition of an accessory use vs. a primary use (i.e., commercial use). Needs further exploration and research.
- Business meetings in large barn:
 - Concern from EPC on whether weekly business meetings of 200/ year year-round meet the definition of an accessory use vs. a primary use (i.e., commercial use). Needs further exploration and research.
- Learning experiences located throughout property:
 - Will take place during school hours and include bus transportation.
- Live Music outside near greenhouse or in large barn:
 - Music events could be individually approved as opposed to written in a permit.
 - Amplification concerns.
 - Proposal needs further exploration and research.
- Greenhouse dinners – no concerns as proposed
- Greenhouse planning sessions - no concerns as proposed
- Commercial bakery in large barn – no concerns as proposed (noting request from Fire Chief to review & provide input on plans)
- Coffee shop in small barn – no concerns as proposed. State codes will dictate max occupancy.
- Petting zoo
 - Since owner does not currently own the land necessary for the petting zoo, EPC recommend this be a future amendment to the permit after the land is acquired.

Future actions:

Parmentier summarized the proposed concerns and will provide an email summary to Lally and EPC members following the meeting. Parmentier reviewed the process for continued review of the application and next steps. Lally stated there is no specific time frame needed for the application. Parmentier clarified that future discussion will take place at open meeting(s) but will not be in the form of a public hearing. The EPC will continue review and discussion of the application at a Special EPC Meeting on Monday, April 4, 2022 at 7:00 p.m.

Adjourn:

Motion made by Wenker/White to adjourn the public hearing. Brenner adjourned at 8:37 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission