

**TOWN OF RHINE PLANNING COMMISSION**  
**Meeting Minutes – Wednesday, February 8, 2017**

Chair: Todd Purkey

Members Present: Larry Eberle, Joanie Fiorenza, Frank Zimmermann

Also Present: Lexann Hoogstra, Clerk/Treasurer

Several guests:            See sign in sheet

1. **Call to Order – Compliance with Open Meeting Requirements:** The meeting was called to order by Planning Commission Chair, Todd Purkey at 6:30 PM on Wednesday, February 8, 2017 at the Rhine Town Hall, W5250 CTH FF, Elkhart Lake, WI. The notice was published in the Plymouth Review on January 24 and January 31, 2017 to comply with the Open Meeting Law. The notice was posted on January 20, 2017.

2. **Pledge to the Flag:**

3. **Minutes of October 31, 2016:** A motion to accept the minutes as written was made by Frank Zimmermann. 2<sup>nd</sup> be Larry Eberle. All in favor. No nay votes.

4. **Public Comments:** No public comments of a general nature.

5. **Discuss future of property at Garton Road as requested by Ed Ritger:**

Mr. Ritger addressed the committee. He came before the town several years ago to put a tower on his property and possibly a single wind turbine. He did put up a meteorological tower and has been studying the feasibility of installing a wind turbine. The results have not been as favorable as he had hoped for. The meteorological tower will be taken down this spring.

He inquired about the long range plans for this area and was shown a map of the long range plan. There was a brief discussion concerning how this affects his property.

His property is currently zoned A1. This is the old Miller farm. Only about 10 of the 35 acres is tillable. He does not see the A1 zoning as a logical use for the future. He gave a description on the current use of surrounding land, some of which is in Elkhart Lake

Todd Purkey asked Mr. Ritger to clarify his intent in addressing the committee this evening. Ritger stated he came for information and to investigate future plans and use of the land. It is currently not being marketed for sale. He wants to have pertinent questions answered so he can plan for the future accordingly and properly.

**6. Public Hearing: To consider the request of Justin Ehlenbeck of 1711 Mayflower St., New Holstein, WI 53061 rezone approximately 16.1 acres located at W5312 Koeser Lane, Elkhart Lake, WI 53020 from A1(Prime Agricultural Land) to A2 (Small Farming Operations). (Parcel number 59018250641)**

**Public comments:**

Justin Ehlenbeck: He would like to split the parcel down to 16.1 acres and rezone it to A2 in order to build on it. His concerns are about the driveway. They are also purchasing a 2 acre parcel that has an older home on it. There might be issues with the driveway as it will be over 1000 feet long.

Eberle asked for clarification on the farmstead and if it is already zoned A2. Justin said the field is A1. The house is A2 or A4. He explained that he wants to keep the 2 acres and the house a separate parcel from the 16.1 he wishes to split off. There was a review of handouts and maps and where the access to the land would be.

Mark Kleinhans: He owns the adjoining property at the end of Rhine Road. He wanted to clarify if this land adjoins his property.

There were no other public comments.

**Planning Committee Deliberation:**

Larry Eberle made a motion to approve the applicant's request to rezone to A2. 2<sup>nd</sup> by Joanie Fiorenza.

Frank has questions about the location of the driveway. He is not comfortable with rezoning to A2. He thinks A5 is a better option.

Discussion amongst the sellers regarding the driveway. Eberle explained the ordinance allows a driveway of up to 1000 feet. Anything over that would require a variance.

Zimmermann explained that A2 requires 5 acres. The 2 acres that the house is on is A4. A5 is a minimum of 12 acres. He feels that is a good rezone for the property, and it guarantees the property can't be split later. Discussion amongst committee about A5 vs. A2 and road, driveway requirements.

Eberle is satisfied with A2. The potential is there to subdivide it, but if it is subdivided, new buildings would have to comply with subdivision requirements. Fiorenza is comfortable with rezoning to A2. It falls into the long range plan, as does A5.

Purkey inquired why the applicant requested rezoning to A2 vs. A5. The applicant, Justin Ehlenbeck, said A2 allowed them to keep options open at this point. However, they purchased the land to be private and independent.

Eberle noted that if the land was broken into 3 parcels, all parcels would need road access.

Zimmerman said that if the land is A5 it keeps it more clean, now and in the future. If it rezones to A2, it allows the possibility of creating a subdivision later. He is not in favor of that. He wants to preserve it as Ag land, and A5 would help with that.

Purkey explained that even if the planning commission recommends to approve this, that it still has to go to the Town Board for approval.

Booher mentioned that the long range plan was designed to preserve larger lots, not smaller ones. He feels that A5 would be the correct zoning as it would preserve and protect more green space and Ag land.

The motion is to recommend to the Town Board to rezone the land to A2 by Eberle. 2<sup>nd</sup> by Fiorenza. 2 Ayes. 2 nays.

**Roll call Vote:** Zimmermann – no. Eberle – yes. Fiorenza – yes. Purkey -- no. He feels we should think of this more as an A5 than an A2.

This final tied vote will go to the Town Board.

Justin asked if the TB recommends rezoning to A5, and if he decides to accept that, will they have to come back to the planning commission or if the Board can make the change? It was explained that the T B could make the change to A5 and there would not be a necessity to go to the planning commission

Joanie had some items to discuss with the Committee. She had questions about the Gillman rezone and was confused about the CUP rezone which Paul Dirkse had written. Purkey explained there will be an ordinance on it. It will not go into the ordinance book, but a

separate book of ordinances. Purkey also asked Dirkse how we follow this through the system. Legal counsel recommends that it is attached to the property and deed and that it is recorded with the county. The town's attorney has been asked to do this.

Next meeting: as needed.

Motion to adjourn at 7:21 p.m. by Zimmermann. 2<sup>nd</sup> by Fiorenza. All in favor. No nay votes.

Respectfully submitted,  
Lexann Hoogstra, Clerk/Treasurer  
Town Rhine