

**TOWN OF RHINE PLANNING COMMISSION**  
**Meeting Minutes – May 10, 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 6:32 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 May 2 and 4. Published April 26 and May 3.
  
2. **Pledge to the Flag:**
  
3. **Minutes of February 8, 2017:** A motion to accept the minutes as written was made by Frank Zimmermann. 2<sup>nd</sup> be Joanie Fiorenza. All in favor. No nay votes.
  
4. **Public Comments:** No public comments of a general nature.

There were no public comments.

6. **Public Hearing:** *To consider the request of Robert Rosenbeck of 191 A W Rhine Street, Elkhart Lake, WI 53020 to rezone approximately 16.75 acres located at Garton Rd. and Little Elkhart Lake Rd., Elkhart Lake, WI from A1(Prime Agricultural Land) to A2 (Small Farming Operations). (Parcel number 59018255860)*

**Public comments:**

Chairman Purkey addressed that yesterday there was an error found on one of the applications. The application reads Garton Rd. and Little Elkhart Road. It should be Keystone Road. He said in order not to compromise the integrity of the planning commission we could not hear and act on this request tonight. He offered options on how to act on this.

One is to hold off until the next planning commission in June and then go to the Town Board in July. Another option is to hold this at the next Town Board meeting just prior to the Town Board on June 6 at 6:30. This meeting would be joint with the Town Board and the Town Board could act on it at that night which would not cost the applicants any more time. Purkey will confirm with the Town Board Chairman that he is ok with this and we can proceed. This would be republished showing Keystone Rd as the address

### **Planning Committee Deliberation: Tabled**

## **6. Public Hearing:**

*To consider the request of Rodney Arnold of N9433 Highway 67, Elkhart Lake, WI 53020 to rezone approximately 2 to 3 acres located at N9433 Highway 67, Elkhart Lake, WI from A1 (Prime Agricultural Land) to R1 (Residential).*

### **Public comments:**

No public ocmments regarding this request from Rodney Arnold.

### **Planning Committee Deliberation:**

Mark Pfaller queried how the size and configuration of the lot were arrived at. Rodney Arnold explained that the lot is configured because wehre the L section goes off is where the PERK test comes in. It is configured that way because of PERK testing. The size was determined because he is selling it to family and they only want 2 acres. Also, he wants to keep enough land for himself so he can retain his zoning and keep his horses. Pfaller asked what the properties to the North and South are zoned. Arnold is not sure. He thinks one is zoned R1.

He also thought this way would make it easier to get approval for the driveway. Pfaller explained that the Town of Rhine subscribes to a smart growth plan. Generally the town attempts to try to keep larger lots instead of smaller ones for several reasons. Certainly there are exceptions to this.

Zimmermann asked if the state would give them a culvert permit. Arnold said it probably will not need one because the land slopes in two directions.

Zimmermann expressed his concerns with R1 zoning. Fiorenza suggested taking 5 acres and rezoning to A2, hobby farm instead. There is enough acreage to do this. Arnold said he would have to ask if his buyer would want to purchase 5 acres. Mrs. Kelly Arnold expressed her concerns that that would not work because it would adversely affect their pasture area.

Larry Eberle remarked that he does not mind rezoning to R1 but he does not like the design of the cutoff. He would like to see the area being split off into a full rectangle, not a small jogged off area. This could prevent problems in the future.

Pfaller asked about how this would affect the long range plan. Eberle said he has given up on it because it has been violated so many times already. Many exceptions have been made.

There was a brief discussion regarding having an R1 section on Highway 67. Mrs. Arnold explained that being on a major highway affords easier accessibility to get to work, during winter months.

Zimmermann said there is a variety of properties and zones in the area. His only concern was with the R1 because someone could put more than one home there in the future. Mrs. Arnold enforced that the likelihood of there ever being 2 homes on that lot are very unlikely and she does not want neighbors.

Eberle reiterated that he would like to see it turned into a rectangular piece if possible. It would mean selling an additional  $\frac{1}{4}$  acre or so.

No further deliberation.

Motion to approve the rezong from A1 to R1 by Eberly. Second by Frank. No discussion. NO nays. Roll call vote: Joanie, no. Mark, no. Frank, Larry, Todd, yes.

This recommendation will go to the Town Board for final deliberation and/or approval.

Next meeting: as needed. Possibly June 6 just before the Town Board meeting.

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

Chairman information report: Review of Rezone application. Is it clearly defined enough as it currently is worded? Would it be better to make the requirements more stringent? More like the BOA? Do we want to require a certified survey that is less than 5 years old. Currently we require a legal description and a site map, not a survey. Zimmermann feels a certified survey map should be made a requirement for a rezone request. There is an issue with the cost of that. Booher expressed that that would require more due diligence on the part of the applicant before they come to the planning commission.

There was a discussion among the committee members regarding requirements for a rezone application. Zimmermann feels like the legal description is not enough information.

Zimmermann suggested that perhaps the members should consider changes and it could be acted on later. Recommendation could be considered at the next planning commission.

Eberle said that the survey could be a helpful tool. However, perhaps it is not always necessary to have a certified survey before a recommendation is made from the planning commission as it is usually an expensive item. If the applicant comes with a drawing with measurements, etc. If the planning commission recommends to approve it, it could be a requirement to provide a certified survey map before the Town Board acts on the request. If the recommendation is denied, then the applicant has not obtained the cost of a survey for nothing.

Fiorenza has expressed a desire to have a better explanation and clarification of A2 and A5 zoning.

Next meeting is June 2.

Motion to adjourn by Frank at 7:10. 2<sup>nd</sup> by Joanie. No nays

Respectfully submitted,  
Lexann Hoogstra, Clerk/Treasurer  
Town Rhine