

**MINUTES  
TOWN OF RHINE PLANNING COMMISSION  
Wednesday, June 13, 2018**

Present: Mark Pfaller, Larry Eberle, Joanie Fiorenza, Frank Zimmermann

1. **Call to Order:** Meeting was called to order at 6:30 by Mark Pfaller.
2. **Compliance with Open Meeting Requirements:** Meeting was published May 30 and June 6, 2018. It was also posted in 3 places and on the Town's website.
3. **Pledge to the Flag:**
4. **Approve Minutes of the May 9, 2018 meeting:** A motion to approve the minutes of May 9, 2018 was made by Zimmermann . 2<sup>nd</sup> by Eberle. Joanie mentioned that a correction needs to be made on page 2 where it states, " A motion to zone the farm building section of the land with 5 acres to A4 was made by Zimmermann. 2<sup>nd</sup> by Pfaller" The motion was 2<sup>nd</sup>ed by Fiorenza, not Pfaller. Clerk will make the correction. . All in favor with the exception of making the noted correction.
5. **Public Comments (general nature):**

None

5. **Public Hearings:**

*To consider the application of Stanley Holzmann of W6299 Holzmann Rd., Elkhart Lake, WI 53020 to rezone the property located at Holzmann Road from A1 to A5. Property to be rezoned is approximately 12 acres of the total lot which is approximately 40 acres. The parcel is number 59018251831.*

Larry Holmzann is sitting in for Stanley, who could not be present. Jeff Holzmann is a nephew of Stan Holzmann and is representing him tonight. He explained that 5 of the acres is currently being rented. It is a vacant field now, but would become part of the 12 acres to be rezoned. He provided a new survey map.

*Fiorenza makes a motion to recommend the Board approve the application to rezone to A5. 2<sup>nd</sup> by Zimmermann.*

Discussion: Frank said the publication in the paper had a typing mistake. It read A4, not A5. However, the application was correct. He does not feel it prevents the Board from moving forward. Pfaller recommends that a correction be sent to the newspaper twice before the Town Board meeting.

**Roll call vote: All in favor, with no nays.**

*To consider the application of Louis A. Prange (of N7124 Willow Rd., Sheboygan Falls, WI 53085), on behalf of Jim McIlvaine (of 5324 Old Farm Rd., Racine, WI 53402) to rezone the property located at W5422 Garton Road, Plymouth, WI 53073 from A1 to A4. Property to be rezoned is approximately 2.7 acres. The parcel is number 59018257440.*

Louis Prange presented a new map to the members of the commission. The owner just found out they have to put in a mound system. The new map shows 3.464 acres to be rezoned. (New map in the file)

*Eberle inquired which farms McIlvaine owned and he made a motion to approve the application as presented. 2<sup>nd</sup> by Zimmermann.*

Discussion: Pfaller asked for clarification of A4 as per the ordinance book. Prange has discussed it with the board chairman, who expressed that A5 would be appropriate zoning. Pfaller found an item in the ordinance book he had questions about. (Section 4.05 1 c d.) Pfaller asked Booher to clarify as he is a member of the ordinance committee. Booher feels that A4 is the correct zoning.

**Roll call vote: All in favor, with no nays.**

Prange then pointed out an issue on the survey which shows a small right of way that should have been transferred to the town previously. Eberle explained that the owner can have it removed by requesting it at the Register of Deeds. .

*To consider the application of Anthony P. Landini of 48889 Bootjack Rd., Lake Linden, MI 49945 to rezone the property located at W4601 CTH FF, Elkhart Lake, WI from A1 to A5. Property to be rezoned is approximately 35.84 acres. The parcel is number 59018256322.*

Eberle excused himself from this consideration as he has had a personal interest in the property previously.

Landini was asked to clarify why his request has changed since his last request. Landini explained that because of future deliberations by the planning commission and town board, he made changes that would be more amenable to the town and its zoning requirements relating to acreage.

Zimmermann clarified that each lot would become 17.92 acres. The driveway on the east side could be a public concern. Landini has spoken with Mr. Ed. Harvey from Sheboygan Highway Dpt. . He expressed that a driveway permit could be issued.

Roy Levin owns the property to the west of Landini's. He still has the same concerns as when the request was to rezone to A2, because of the Budde Creek watershed and possible issues that could arise if there was new construction. Pfaller explained that a shoreland permit from the county would be required for any construction on that site. He thinks the county would take care of any of those items of concern. Roy is also concerned about the location of the driveway.

Larry Eberle reviewed the distance and setbacks for driveways that the town has been using. Booher mentioned that there is nothing in the ordinances that says where the driveway has to be.

Levin is also concerned about possible drainage puddles and drainage tiles. The committee briefly discussed this issue. Zimmermann feels that Levin's rights need to be protected as well.

Pfaller suggested that any sales agreement indicate the issue of drain tiles and responsibility of any potential new owners be included in the sales agreement. Levin and Landini can work this out between themselves.

Levin inquired about building setbacks.

Pfaller asked if there is a possibility to have a developers agreement between the current owner of the property and the municipality, with caveats which require the owner to meet certain conditions. Eberle and

Zimmermann are against that idea. Fiorenza agrees with Pfaller. Pfaller thinks it is best if the Town Board make that decision.

Pfaller indicated that the town and the county are serious about taking care of LaBudde Creek.

Heather Kelly: Requested more information as far as what the future plans of the land are and why Landini wants to rezone from A1 to A5.

Landini showed a map of his land and proposed rezones to help explain that. The A5 zoning would limit any further subdivision from being built.

She commented that her family is 5<sup>th</sup> generation dairy farmers. They know the importance of local dairy farmers and the shortage of land that small farmers are facing. Therefore, she has personal reservations of converting potential dairy land into residential. She read part of the town's long range plan into the record and wants to be sure the committee is taking the long range plan into consideration as well as the future of dairy farmers.

Eberle: The town has been working on the LRP for many years. He showed a map of the LRP. If the town starts dividing land into parcels that works against preservation of farmland, then the town is working against itself. 70% of the township wants the land to remain agricultural. He feels this is farmland and it should not be divided into residential land.

Booher addressed the concerns of Heather. He was chairman of LRP Committee. A5 was created in order to preserve ag land. A5 is a minimum of 12 acres, and it is still Ag land. His explanation gave clarification to the meaning of an A5 zoning.

Heather further mentioned she recognizes someone's right to request a rezone. What are the parameters to help prevent lots of people from subdividing all of their land into smaller than 35 acres. Booher mentioned we will probably see more of this because farmers don't have traditional retirement funds. If he can sell off part of his land into smaller parcels to help support himself in later years, it will probably see more requests.

Eberle: Has been a long- term advocate that farmers can do what they want with their land. However, rules of society require that people work together for the good of the community. There will be more issues in the future of people wanting to split ag land into smaller parcels, and the town needs to decide how to control it.

Levin: He has also looked at the long term plan. He would like it to be taken into consideration when a decision is made. If this request is granted, what prevents the land from being split up further in the future? He does not want to see more homes being built in his area.

Eberle: Explained the town DOES have a subdivision ordinance.

Zimmermann: If this could get parceled out, there is a chance that a small farmer could want to purchase it because they might not have funds to purchase the entire 35+ acres. The average small farmer could not afford to purchase the entire 35 acres. People should have some rights as to what they do with their property.

Fiorenza commented about the LRP. No one knows what will happen 20 years from now and it is likely that this plan will be revisited and revised.

Mark Pfaller addressed Mr. Landini.. The town is trying to weigh the balance of development and the preservation of the environment and the land. The purpose is to try to consolidate residential units closer to services such as police, fire, sewer, etc. He is fearful that if this is allowed, it will set a precedent, and that would defeat all of the purposes the town has been trying to uphold.

*A motion to recommend the town board approve the request to rezone from A1 to A5 was made by Zimmermann.*

2<sup>nd</sup> by Fiorenza, but she would like to add that if approved, a stipulation would be added that any damage done to existing tiles by the property owner would be the responsibility of the property owner to correct.

Roll call vote: Zimmermann - yes. Fiorenza - yes. Pfaller - no..

There is a simple majority so it will be recommended to the Town Board to approve it with the stipulation stated above.

6. **Chairman information report:** None
7. **Next meeting date:** (as needed)
8. **Adjournment:** Zimmermann motioned to adjourn at 7:48 pm. 2<sup>nd</sup> by Fiorenza. All in favor.

NOTICE IS HEREBY ALSO GIVEN that although a quorum of Rhine Town Board may be present and may take part in these discussions, no formal action or vote may take place at this meeting.

ANY PERSON REQUIRING SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE CLERK AT 876-3413 24 HOURS PRIOR TO THE MEETING

Approved