

MINUTES
TOWN OF RHINE PLANNING COMMISSION
Wednesday, May 9, 2018

GENERAL MEETING – 6:30 PM

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

1. **Call to Order:** Compliance with Open Meeting Requirements - (Published April 25, 2018 and May 2, 2018.) Called to order at 6:35 pm. by Todd Purkey.
2. **Pledge to the Flag**
3. **Approve Minutes of the April 11, 2018 meeting:** Motion to approve as presented by Zimmermann. 2nd by Fiorenza. All in favor. No nays.
5. **Public Hearings**

To re-consider the application of Karen A. Rosenthal of 703 High Avenue, #302, Sheboygan, WI 53081 to rezone her property located at N9363 State highway 57, Elkhart Lake, WI 53020 from A1 to A2 to A4 or B1. The parcel # is 5901825059 - 59018250600. Land is approximately 15 acres. Consideration of this application was tabled from the meeting in April, pending further information.

Public Comments:

Todd Smith, Realtor from Pleasant View Realty: Todd reviewed some issues from the last hearing, wherein the Planning Commission requested further information. The applicant retained Tony Lulloff to do survey work and a map for this project. There were concerns regarding the corner of EH and Highway 57 and issues about the cell phone tower area being zoned B1. Lulloff surveyed that piece of land separately, and the new request is to keep that area as small as possible and zoned A1 instead of B1. If the cell phone tower ceases to exist, the chance of anyone else using that parcel for that kind of use is remote.

He explained items on the Survey Map.

There were no other public comments. The meeting moved on to deliberation of the planning commission.

Zimmermann had comments on the farm section. He expressed that leaving that area 4 to 6 acres would allow a new owner some options. He would support allowing 5 acres to be rezoned to A4. He does have concerns about the little corner area that is 2+ acres regarding potential right of way problems, as well as easement and driveway requirements. He would like to see that corner area rezoned to A5.

Susan Bemis had a question about the use of the driveway on the cell tower parcel. Todd Smith clarified that he does not wish to sell the land to the cell phone tower company; the company leases it from the Rosenthals. Farmers are currently using the driveway with no problems. .

Pfaller: He agrees with Zimmermann. The intersection at the little corner does present a problem with traffic. He would advise not allowing a curb cut on that area. He suggests splitting the land into 2 parcels, not 3.

Fiorenza and Eberle agree with Mark.

Eberle suggested that after the tower is no longer usable, the owner could come to the Board of Appeals to overrule a decision made tonight. Joanie asked why the Planning would not rezone it to R1 then. Eberle explained what the process/option would be and that the Board of Appeals has more power than the Planning Commission.

There was further discussion regarding the different zoning types, including Conservancy.

A motion to zone the farm building section of the land with 5 acres to A4 was made by Zimmermann. 2nd by Fiorenza. Roll call vote: Zimmermann -yes. Eberle - yes. Fiorenza - yes. Pfaller - yes. Purkey - yes. No nays.

Regarding the land on the east side of 57, Zimmermann motions to change the 12.7 acres to A5. 2nd by Pfaller.

Discussion: Joanie said if it is C2 you can't put a business there. It was clarified that you cannot put a business on A5. She prefers rezoning to C2.

Roll call vote: Zimmermann - yes. Eberle - no. Fiorenza - no. Pfaller - no. Purkey - no. Motion did not carry.

Fiorenza motions to rezone that property (the east side) in its entirety to C2. 2nd by Eberle. Roll call vote: Pfaller - yes. Fiorenza - yes. Eberle - yes. Zimmermann - yes. Purkey - yes. No nays.

Application of Karen Rosentahl to rezone was approved to rezone the farmhouse parcel to A4, with 5 acres and the remaining East side to C2. This recommendation will be sent to the Town board for review in June.

To consider the application of Brian S. Biller of N7575 Golf Course Road, Plymouth, WI to rezone his property located at N7575 Golf Course Rd, Plymouth, WI from A2 to R1. There are 2 parcels, 59018259112 and 59018259450. Number of acres to be rezoned is approximately 14.4 acres.

Public comments:

Brian Biller reviewed the power point presentation which he provided. He mentioned he has reviewed the Town of Rhine's Vision Statement thoroughly before making this request. He would like to rezone his 2 parcels from A2 to R1. The land is split between the railroad and the highway, plus it has steep terrain, which makes it very difficult to be able to farm the land at all.

Page 5 shows a layout of the proposal. The town's ordinances were studied and taken into consideration before choosing a design to layout new parcels. He has split the area into lots that would agree with town road frontage and driveway requirements. There might be a need for culverts on 2 of the parcels later.

He also took into consideration some other existing parcels and layouts, see page 6, and used that to gauge what would be appropriate for the project. Brian also explained some benefits to the town if this is allowed. His proposal aligns with the town's Long Range Plan. Brian expressed that it is difficult to express a hardship other than due to the invasive species it is hard to maintain the land in good condition as it is currently zoned and used. Allowing this project would provide income which would allow him to be a better steward of the land.

Zimmermann asked about driveways. Brian said there would be no easement driveways. There would be 6 proposed lots. There is a home on one lot now.

There were no other public comments.

Deliberation by Planning Commission:

Zimmermann: Said the zoning has to be changed, but if it went R1, some parcels could have 2 homes. If there were 2 homes, there would be an easement driveway and possibly another culvert. He's not fond of R1 but he doesn't know if other options could prevent there being more than one home on a lot.

Fiorenza asked if there could be a covenant to address this and require that there could only be one home per lot. Paul Booher reminded the committee that the town has done a conditional rezone in the past, and this seems like an ideal place to do a conditional R1 rezone.

Pfaller asked if the sewer goes along the road. It does not. He had a question about the well and septic. Hein Plumbing is confident that the land will support conventional sewer systems for the homes.

Pfaller said the town has had issues with wells in that area for years. He said there was a time when the water level in Crystal Lake went down. The residents of LEL also had issues at the same time.

Booher expressed that he and Joanie have each lived there for many years and have never had a problem with the wells. Crystal Lake is a seepage lake, meaning that "God fills the lake".

Eberle: An R1 district allows for a 1 or 2 family dwelling. He clarified that the commission would like to limit these units to 1 family only. He asked Brian if he had walked the land to define if the lots would be buildable. There was a brief clarification of the small rectangular area owned by the RR. The only wet space he owns is off of Highway 67 to the east. Everything else is highland, dry land. He has never had any wet space in the area other than the little RR area. Except for the very back of lot 2 has a small wet area which would not be buildable.

Eberle likes the proposed use of the land and the project. Purkey asked if we had required proof of wells being able to be built before allowing the rezone. The applicant does not have that yet. Fiorenza and Pfaller feel it would be advisable to obtain that information.

Eberle motions to approve the request with a minimum of one residential home per lot, each lot be culverted to Golf Course Road. 2nd by Fiorenza.

Discussion: Joanie wanted to ask what happens if the well situation doesn't PERK, then what? Biller will do the due diligence for this. Eberle wanted to clarify that the lots would be able to handle the water, sewer, and disposable matters.

Pfaller thinks LaBudde Creek is a navigable waterway, which makes that area a shoreland area. He asked if Brian has spoken with Kathy at the county yet. Brian has. Pfaller mentioned the plan is well thought out.

Zimmermann noted that if this all works and each lot is functional, it would create heavy traffic on Golf Course Road. He wants him to get a culvert permit before they are installed. Frank wants to inspect the road before construction begins, and if there is any damage, then Biller is responsible for the damage. Frank said the county does ALL of our road work. The county would fix it and Biller would receive the bill.

Billier asked if he sold an empty lot, how would he be held responsible for a different owner's damage? He also added that this project might become a 6 year project.

Roll call vote: Zimmermann - yes. Eberle - yes. Fiorenza - yes. Pfaller - yes. Purkey - yes All in favor. No nays. Commission recommends approval to the Town Board.

6. **Chairman information report:** None
7. **Next meeting date:** (as needed)
8. **Adjournment:** A motion to adjourn was made by Zimmermann at 7:30 p.m. 2nd by Fiorenza. All in favor. No nays.

APPROVED

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