

MINUTES
TOWN OF RHINE PLANNING COMMISSION
Wednesday, March 13, 2019

Present: Bill Jacob (chair), Mark Pfaller, Larry Eberle, Joanie Fiorenza, Christa Johanson

1. **Call to Order:** Meeting was called to order at 6:32 by Bill Jacob.
2. **Compliance with Open Meeting Requirements:** Meeting was published Feb 28 and March 6, 2019.
3. **Pledge to the Flag:**
4. **Approve Minutes of the January 9, 2019:** A motion to approve the minutes as presented was made by Fiorenza. 2nd by Johanson. All in favor.
5. **Public Comments of a General Nature:** None
6. **Public Hearing:**

To consider the application of Kristi and Jason Gillman of Elkhart Lake, WI to rezone their property at N8154 Snake Road, Elkhart Lake, WI from A5 to A2 (approximately 6 acres of the land only). Parcel # is 59018255410.

Public Comments: Mike Koehler: Potential buyer of the property is here in case the committee has questions for him. No other public comments.

Committee Deliberation:

Jacobs briefly reviewed the current request. Minutes from previous meetings pertaining to the parcel are presented.

Johanson inquired of Mr. Koehler if his intention is for the land to remain residential. He reiterated that his intention is to build a 2500 to 4000 square foot home, and he will not have livestock on the property. He clarified that his goal is have a home for his family and not for raising livestock or for any agricultural reasons.

There was a discussion with Gillman regarding driveway access to the new lot. Kristi Gillman showed the committee where the driveway access would be, as per her CSM. The private drive would be shared, with an easement.

Gillman's intended use for the remaining 12 acres was reviewed with her. Kristi said they would be building their home on it. She thought she could not go back to R1 and that the parcel had to remain ag per the previous conditional rezone. Johanson has looked at the recorded deed and asked about her for the on the remaining acres. Kristi said her intentions are to have a maximum of 2 horses which she

currently owns. Johanson asked about changing the original rezone to address the number of horses on the land she is retaining.

Fiorenza reviewed the original rezone and terms and conditions of that.

Joanie asked Kristi if she ever looked into a C2 upland zoning. (She has not.) A C2 zone is to preserve and protect woodland areas. She has spoken with the DNR about the land. Joanie discussed the pros and cons of a C2 zone. She recommended that Kristi look at C2 as it might have benefits for her. Kristi replied that she does not mind keeping the zoning as A5 as it was granted. She does not feel that the homes being built will have any negative effect on the neighborhood.

Eberle mentioned that the town has a policy – not an ordinance - to not share driveways. He also brought up the terms of the original rezone. Al Feld was contacted before about the driveway, and he felt there would be no issues with it.. Christa said the town probably does not have a legal reason to not permit the driveway. She is also highlighting that there are no neighbors in attendance to express any concerns about the rezone.

Christa does not have a problem with the driveway. She isn't sure how splitting the land would relate to the conditional rezone that was granted earlier. Jacob has discussed this with the town's attorney. He suggested just altering the permissible animal count to be adjusted with the new lot size.

Christa read the conditionals of the original rezone into the record.

There was continued discussion regarding the driveway(s) and the number of horses that would be permitted on the portion of land Gillmans are retaining.

Motion by Fiorenza that the request to rezone to A2 be denied and that the land should convert to R1 the 6 acre parcel only. 2nd by Johanson. Discussion: Larry states that would be breaking the original contract approved by the board. Jacob stated that the town could address the number of animal units. Vote on that motion: Joanie withdraw the motion before a vote was taken.

New motion by Fiorenza: Deny the request to rezone from A5 to A2 on the 6 acre lot. 2nd by Johanson. Roll call vote: All yes.

2nd motion by Johanson to rezone the 6 acre parcel from A5 to R1. 2nd by Pfaller. Continued discussion on rezoning and the driveway. Roll call vote: Eberle - no, Fiorenza - yes. Johanson - yes. Pfaller - yes. Jacob - yes. This recommendation will be presented to the Town Board.

Jacob asked if the commission should make any recommendation on the remaining 12 acres. Joanie thinks Gillman should look at C2 for her remaining 12 acres for a lot of reasons and it would provide her a lot of benefits.

Johanson doesn't want to rezone the 6 acre lot to A2 due to animals, and that is why she prefers R1. She has no concerns about the 12 acres remaining A5 or with the driveway easement.

Larry motioned to ask the Town Board to recommend that the remaining 12 acres revert to R1 zoning and the TB derives a solution to the shared driveway. 2nd by Joanie. Jacob asked about horses. Larry said R1 allows no horses and they would have to come back for a CUP for horses. Joanie acknowledged

the lawyer recommends keeping it at A5. Johanson said that if fairness to the applicant, she has already been given a solution from the board regarding the horses.

Roll call vote: Eberle - yes, Fiorenza - yes, Johanson - no, Pfaller - no, Jacob - no. That motion did not carry.

7. **Other Business:** Johanson noted that as per town ordinances, under section 4.05, the planning commission is charged with reviewing the zoning map at least every 5 years. She inquired when this was last done. There was a brief discussion of the Long Range Plan commission and its work. Booher that the maps have not been reviewed in the last 5 years. That will occur when the TB reviews the pending addendum to the LRP. Once that is approved, the maps will be reviewed. He explained the process of this.
8. **Next meeting date:** as needed.
9. **Adjournment:** Motion to adjourn at 7:43 p.m. by Fiorenza. 2nd by Johanson. All in favor.