MINUTES
TOWN OF RHINE PLAN COMMISSION, With Public Hearing
Wednesday, March 22, 2023 at 6:30 PM
W5250 County Road FF, Elkhart Lake, WI 53020

Join Zoom Meeting
https://us06web.zoom.us/j/87054930011?pwd=VkVJN1FqTEZSN0lLWThDOE9MM2VpUT09

Meeting ID: 870 5493 0011 Passcode: 633744

All members present, Amy, Lex, Paul Dirkse

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Call to order and compliance with open meeting requirements:

1. Pledge of Allegiance:

2. Approve minutes of the January 11, 2023 meeting: Motion to approve by Pfaller. 2nd by Eberle All in favor.

3. Public comments of a general nature (other than items on the agenda):

   Joanie Fiorenza: She would like to have a discussion on the position of a zoning administrator at the next meeting. She has had conversations with Chairman Platz regarding this.

   There were no other public comments.

4. Discuss and possibly act on:
   The application of Jess G. Mortimer of N7650 Highway 57, Plymouth, WI 53073 to obtain a Conditional Use Permit to operate a dog kennel at that business. The property is zoned R1 and is parcel 59018260140. (Note: This is a continuation of a previous public hearing.)

   a. Deliberation and recommendation of Plan Commission for Mortimer CUP application:

      The proposed CUP was reviewed and additions were recommended. Fiorenza and Eberle visited the site. Fiorenza believes the operations are a hobby and that a CUP is not needed at this time.

      Fiorenza would like to omit sections7.1 to 7.5 of the proposed CUP. She would like to replace section 7 with "compliance with AKC standards", and have those attached to the CUP.

      Jacob recently had contact from Mortimer's neighbor who stated that dogs were still running loose. He also complained of barking. Jacob reviewed the proposed terms of a CUP.

      Johanson noted that Mortimer did make an application for a CUP, and he stated that he wanted to make it a business. She agrees with the draft of the CUP. She would like to note the allowed number of adult dogs, 5 months or older. She agrees with sections 7.1 to 7.8 and would like to add a set number of adult numbers and a procedure for dealing with complaints.

      Johanson motioned to approve a CUP with up to 8 adult dogs, 5 months or older, with the addition of an item to address the control of barking and to comply with AKC standards. 2nd by Pfaller.

      Roll call: Eberle – yes. Fiorenza – yes. Johanson – yes. Pfaller – yes. Jacob – yes.

5. **Public Hearing**:

The purpose of this public hearing is to discuss and possibly act on the application of Joan Girard and Angela Girard of N7346 Schwaller Drive, Plymouth, WI for a Conditional Use Permit to operate a Bar and Grill at N7323 Highway 67, Plymouth, WI. (Parcel 59018259692)

A public hearing was conducted at the previous meeting for a rezone. Many people commented on that at the time. He reminds people that the Plan commission only makes a recommendation to the Town Board. The Town Board makes the final decision. The plan commission needs to make a recommendation on both matters tonight. A rezone is basically about land use. A CUP application is about the neighborhood and neighbors. Many emails were received regarding the application.

Public comments regarding Girard CUP application only: Several people expressed their concerns about this application. Most revolve around how the business would affect the neighborhood in an adverse manner. (noise, traffic flow, safety, light pollution, zoning) Septic needs were discussed.

Jacob commented on the number of emails and phone calls, which have been received. All emails have been circulated among committee members. 43 oppose the CUP. 11 in favor In January, there were 9 in opposition. Unofficial total: 15 yes, 52 no. Comments are appreciated and taken into consideration.

Plan Commission deliberation:

Johanson noted that a CUP is required to be presented to the building inspector, and this CUP application has not been presented to the building inspector. She also explained that the Plan Commission might not entertain an application for a CUP that is not permitted in the current zoning. She would like to see more of a business plan.

Paul Dirkse reviewed procedural status. He was not aware of the wording in 4.09 considering application to the building inspector. The town could take the approach that the clerk is the building inspector's agent. He has no problem proceeding with the application. Normally a rezone would take place first. In this case, the applications need to be considered together.

Fiorenza voiced lighting concerns. Also, she believes the concerns stated in emails and public comments have been blown out of proportion.

Will the proposed use be detrimental to the area? Johanson noted all of the comments from residents who have expressed their concerns that the business would/could be a detriment. However, CUPS must be based on substantial evidence, not personal feelings and speculations. There are fears, but no evidence.

Pfaller has concerns about the highway and driveway access. There could be a problem with sewer and drainage and streets. Greg Neal answered questions about the sewer system. Neal explained it would have to be accepted into the sewer system and explained what would have to happen. A certified study would need to be completed to see if the lift station could handle the additional flow. If the current system could not handle the increased flow, the system /station would have to be updated. Discussion on possible impact on sewer system and feasibility of it followed

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Review of draft of CUP and conditions followed. It will be available only if TB gives permission to grant rezone.

Motion by Johanson that the plan commission recommends the town board not approve the proposed draft of a CUP because it was heard before a rezone was granted. 2nd by Eberle.

Jacob said that the proposed motion is a procedural question, not about the CUP. Discussion followed.

Vote: Eberle - yes. Fiorenza – no. Johanson - yes. Pfaller – no. Jacob – no.

Motion by Fiorenza that the plan commission recommend the TB approve the CUP as discussed. No 2nd.

Motion by Pfaller that the plan commission recommend that the town board deny the proposed CUP. 2nd by Eberle. Vote: Eberle – yes. Fiorenza – no. Pfaller – yes. Johanson – yes. Jacob - yes. Motion carried.

6. Discuss and possibly act on:

The application of Joan Girard and Angela Girard of N7346 Schwaller Drive, Plymouth, WI to rezone parcel 59018259692 at N7323 Highway 67 Plymouth, WI from R1 to B1. Parcel is 1.12 acres. (Note: This is a continuation of a previous public hearing.)

Deliberation and recommendation of Plan Commission for Girard rezone

Johanson had asked for identification of easements and covenants pertaining to parcel. Jacob responded that under advisement of attorney, those items should be made a point of consideration at town board, but the plan commission could proceed.

Dirkse briefly outlined matters to be taken into consideration of a rezone.

Decision making form reviewed by plan commission members.

Will a rezone to b1 be detrimental to property or the community as a whole? Johanson needs more information. Johanson noted the many comments by town residents about possible detriment to the area and their concerns.

Fiorenza quoted state statues 87.3 01 and 66.1001 (3) and remarked that decisions should not be unduly influenced by public opinion.

Significant grade change might be needed in order to build brought up by Johanson. This could affect neighbors and environment.

Motion by Eberle that the board not recommend the rezone to B1. 2nd by Johanson. Vote: Eberle – yes. Fiorenza – no. Johanson – yes. Pfaller – yes. Jacob – yes.

Both recommendations will be passed to town board at April 11 meeting.

7. Chairman's comments:

8. Next meeting date: (as needed) May 10, 2023.

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9. Adjournment: Motion to adjourn at 9:35 by Johanson. 2nd by Pfaller. All in favor.

Please note, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town of Rhine at (920) 876-3413 or clerk@tn.rhine.wi.gov.

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