TOWN OF RHINE PLAN COMMISSION
MEETING MINUTES
Wednesday, July 10, 2024, at 6:30 PM
Rhine Town Hall
W5250 County Road FF, Elkhart Lake, WI 53020

1. Call to Order: Vollbrecht called meeting to order at 6:30 pm.

   Present: Jean Vollbrecht, Paul Boocher, Christa Johanson, Derek Schukow, Larry Eberle, Amy Weber (Clerk/Treasurer).

2. Verify Compliance with Open Meetings Law: The public hearing was posted on June 18, 2024, and published on June 21st and June 28th, 2024. The meeting agenda was posted and the media was notified on July 3, 2024.

3. Pledge of Allegiance

4. Approval of minutes from May 8, 2024: Motion by Johanson to approve meeting minutes as presented. Second by Eberle. Eberle, Schukow, Johanson, Vollbrecht – All in favor. Boocher – Abstain.

5. Public Comments of a General Nature: None.

6. Public Hearing and Action on the following item:

   A. Landgraf Trust, Owner, to rezone vacant land on County Road J, Elkhart Lake, WI 53020. Parcel #59018259130, 4.36 acres from A2 to R1 and .27 acres from B1 to R1. The parcel is 6.12 acres that includes 1.49 acres zoned R1.

      Vollbrecht opened the public hearing at 6:36 pm.

      Documents included: Zoning application (page 1 of 3), trust information, addendum to the zoning application, map of property, page 2 of 3 of the application (a typed description of proposed use), page 3 of 3 of the application (signature page), certified survey map from Hinze, map from the United States Department of Agriculture, zoning GIS web map, blank Plan Commission zoning criteria decision form.

      Public Comments: Paul Farron stated he would like to see the parcel stay the same as it is now. He questioned what the minimum lot size is for an R1 parcel and how many residences are possible at this location. He is concerned about bicycle and pedestrian traffic along County Road J. He would like to see a path or a walkway along this road as the shoulders are very narrow. He would like to see something to help this situation, and if the Commission could help with this it would be appreciated.

      Mark Landgraf (applicant) explained the family's rezone request. The family would like to keep some of the parcel for future family use and to split the remaining of the parcel into parcels of no less than 3/4 acre to sell. He does not feel that adding homes to this area will cause a safety issue with pedestrian or bicycle traffic. He added the parcel is now zoned three different ways and with the rezone it will simplify the parcel.

Approved

Vollbrecht closed the public hearing at 6:48 pm.

Deliberation by the Plan Commission:

Johanson stated her observations first, in the Town's Long Range Plan the map shows areas in the township that the people on the Long Range Plan Committee and Town Board at the time it was created saw the growth for the zoning areas for the benefit of the Town. This parcel is in an area of growth however, it is stated that parcels within ½ mile of the Village should be a minimum of two acres so changing the zoning would allow for parcels smaller than two acres. Second, preemptively rezoning in her opinion is not a good idea. A subsequent owner could rezone these parcels into smaller parcels. In addition, the Landgraf family stated they would like to continue farming this land and farming on a parcel zoned R1 is not a permitted use without a conditional use permit. They would need to come back immediately to continue to farm this parcel. She stated the zoning ordinances are not for the good of the current property owner they are for the good of the Town. She is also concerned that this is a heavily trafficked area and noted the other parcels in the area are mostly an acre.

Boocher stated he is concerned about the possibility of this parcel being split into many smaller parcels. He asked Mr. Farron if this parcel is in the Crystal Lake sanitary district. Farron answered it is not. He explained if it was it could drastically change the minimum size of future lots. Vollbrecht stated this is not a concern since it is not in the Sanitary District.

Eberle explained he sees no reason not to rezone to R1, in the long range we do want to keep residential areas close to the Village and this is the perfect to do that. He prefers to keep the residential areas out of the agricultural land. He also stated the County Road J traffic issue and wanting a sidewalk is also a County issue.

Schukow agreed with Eberle's statements and likes the potential for growth in that area for the Village and the Town. He affirmed it is a highly trafficked area but stated it is Elkhart Lake, a tourist area, so it is expected to be busy. He feels it is in the best interest for the future.

Vollbrecht stated she is in favor of the rezone because it will clean up the parcel since it is zoned three different ways. She believes we need to keep residential in residential areas and this is a planned growth area. Also, the other properties in the area are zoned R1 other than the golf course. This is not spot zoning, and we are actually taking away spot zoning.

Johanson explained in her opinion the Landgraf family should split the parcels into two acre parcels which is in agreement with the long range plan and come back to the Plan Commission and then rezone each parcel to R1. She does not feel approving this rezone to the Town Board is in the best interest of the Town and is not in accordance with our ordinance and Long Range Plan.

Eberle stated he believes, unless something has changed recently, the State does permit landowners to farm undeveloped land regardless of Town zoning.

Schukow asked if the parcels will definitively be sold as 3/4 acre or if the family will change the minimum acreage to something larger. Vollbrecht explained once the parcel is rezoned to R1 they may split the acreage into the minimum required for R1 regardless of what they state

Approved

their intent is at this time. He also asked what kind of farming is occurring on the parcel. Vollbrecht stated it is understood that it is rotational crop farming.

Boocher stated at any point a new property owner could come to the Town and request a different zoning and zoning is not cast in stone and is movable.

Motion by Eberle to recommend to the Town Board to approve the rezone of 4.36 acres zoned A2 to R1, .27 acres zoned B1 to R1, and the remaining 1.49 acres remains R1, to have the entire 6.12 acres zoned R1. Second by Schukow.

Roll call: Eberle – yes, Schukow – yes, Johanson – No, Boocher – yes, Vollbrecht – yes. Motion carried.

Vollbrecht reviewed the Plan Commission Decision Form, Zoning Amendment Criteria with the members (see attached forms for each rezone).

7. Next meeting date: Wednesday, September 11, 2024 at 6:30 pm, if necessary. The deadline for applications for the next meeting is Tuesday, August 6, 2024.

8. Adjourn: Motion to adjourn by Eberle at 7:29 pm. Second by Schukow. All in favor.

Dated: July 10, 2024
Amy Weber, Clerk/Treasurer
Town of Rhine

Approved