

MINUTES
TOWN OF RHINE PLANNING COMMISSION
Wednesday, December 11, 2019 6:30 pm

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

1. **Call to Order:** Meeting was called to order at 6:30 pm by Bill Jacob.
2. **Compliance with Open Meeting Requirements:** Meeting was published 11/27 and 12/4/2019.
3. **Pledge to the Flag:**
4. **Approve Minutes of the October 9, 2019 meeting:** There was a motion to approve the minute as presented by Joanie Fiorenza. 2nd by Christa Johanson. All in favor.
5. **Public Comments of a General Nature:**
Lawrence Perrin wants to know if anything is being done about lowering the speed limit on Little Elkhart Lake Rd. Jacobs explained that there have been no recent requests for this, and that he should contact Al Feld, Chairman of the Roads Committee.
6. **Public Hearing:**

To consider the application of Jeffrey D. Rudnick of W6173 County Road A North, Elkhart Lake, WI 503020 for a Conditional Use Permit to buy and sell vehicles on the internet. A Wisconsin Wholesaler License is needed. (Parcel 59018257811)

Public Comments:

Mark Pfaller recused himself from this portion of the meeting due to a conflict of interest.

Alan Rudnick explained that the CUP is being requested in order to obtain a wholesale automobile dealer's license, which would allow the applicant, his son, to buy and sell cars on the internet. He would also like permission for Jeff to continue operating his towing business at that location. When they purchased the property, they thought it was zoned commercial.

Committee Member Discussion:

Paul Boucher, alternate, was asked to step into the meeting and to vote on this.

Jacob noted that 2 letters have been received from neighbors, one is from an anonymous writer, and he would like to read them into the record. Johanson and Eberle objected to reading anonymous comments into the record. Fiorenza stated that some of the comments in the first letter are good and that issues noted therein should be considered. Johanson noted that the committee members do have the letters and that they can be used for deliberation.

Eberle motioned to not read the letters into the minutes. 2nd by Johanson. Roll call vote: Eberle – do not read. Fiorenza – yes, read them. Johanson – do not read them. Booher – voted yes to read them into the record. Jacob – yes, read them into the record. Jacob read 2 letters from neighbors into the record regarding this request and noted comments from another person.

He clarified that when Rudnick purchased the property he thought it was zoned for commercial use. There is not an existing CUP for this business. The subject property is zoned R1 and is approximately 2.8 acres.

Eberle would like to table this request and have the applicant return with more information. 2nd by Fiorenza. Roll call vote: Eberle – yes. Fiorenza – yes. Booher – no. Johanson – no. Jacob – no.

Johanson would like to deny this application and then have the applicant return for a rezone. She does not feel that tabling this is the appropriate action. There will be no additional fee to the applicant.

Booher believes the applicant should apply to rezone the property for commercial use first, then request a CUP if needed. He also mentioned the town's ordinance regarding inoperable vehicles. He suspects the applicant may be in violation of that ordinance.

Johanson explained that an R1 zone would not allow for this type of business; however, a B1 zone could potentially allow for this. She noted where the ordinances could be found. Potential fines for violation could be severe. She suggested to the applicant that he make a good faith effort to comply with those and to clean up the property.

Johanson motioned to recommend to the town board to approve the application as presented. 2nd by Booher. Roll call vote. Booher - no. Eberle - no. Fiorenza - no. Johanson - no. Jacob - no. Motion failed.

To consider the application of WPS Corporation of 700 North Adams Street, Green Bay, WI 54307-9001 for multiple Conditional Use Permits for a WPS Gas Regulator Station Site.

Requested permits are for the following sites:

County Line Road, just west of Little Elkhart Lake Road, in Elkhart Lake, WI
Parcel 59018250851

N8644 Little Elkhart Lake Road, Elkhart Lake, WI 53020
Parcel 59108254120

N8972 Jung Road, Elkhart Lake, WI 53020
Parcel 59018252165

W6118 County Road EH, Town of Rhine
Parcel 59018251230

County Line Road, just east of STH 67
Parcel 59018251120

Garton Road
Parcel 59018260290

Public Comments:

Scott Sheppard from WPS reviewed a power point presentation which explains the project. This project involves a gas line that runs from Chilton to Rhine, including Plymouth and Johnsonville. Existing vintage steel from the 1950's needs to be replaced. New valve nests need to be installed into the existing system. He also explained regulator stations and additional highlights of the project. They would like to replace the existing station on Garton Rd.

Jacob asked if there were any alternatives to the proposed plans. Sheppard explained how locations were chosen and the public service guidelines that WPS must comply with.

Paula Perrin would like to know what the final project is going to look like and how large it will be. She would like to see more landscaping in the area, as she does not want to live in an area that looks like a refinery.

Terry DeMaster would like to see as little lighting as possible, to hear as little noise as possible, and to be sure there is no drainage onto the road or their farm fields. She would like to see the fencing covered with trees or shrubbery. She understands the need for the repairs, but would like to see minimal impact to home owners.

Keith Wichmann has a concern about the location of the main lines.

Steve Deibele is concerned about the cosmetics as well. As an engineer, he is in agreement with how WPS is planning on doing things. He inquired as to why a CUP is needed or if there is a different kind of permit process for this. Johanson explained the town ordinances regarding land use.

Frank Schobert does not want the project to be within 150 feet of his house. He has concerns about devaluation of his property.

Katie Wolf also lives across the street from the Garton property and is concerned about the size of the building, environmental impact, and cosmetics of the property. Her husband is concerned about possible adverse health issues. He would like to know what chemicals will be used on the sites and coming off of them.

There were no other public comments.

Committee discussion:

An engineer from WPS explained how the sites were chosen and that the Garton Rd. site was chosen because 2 pipes connect there. WPS reps explained that the route has been chosen by the Public Service Commission. A brief discussion regarding choice of locations and how WPS mitigates concerns with the homeowners followed.

Pfaller wants to ensure that concerns of the neighbors and landowners are addressed. A WPS rep reviewed the extensive efforts from WPS to approach neighbors and address their needs.

Sheppard briefly addressed safety concerns. He also said they can work with the town on cosmetic concerns. Environmental concerns have already been addressed by WPS and state entities.

The old pipe stays in the ground, and it is currently in private easements. Also, drainage is addressed in their landscaping plans. Lighting needs at the locations is minimal. Most noise would only occur in the case of an emergency.

Johanson has researched Wisconsin Statutes regarding CUP's and how much authority a town has in approving or denying them. She is empathetic to homeowners, but she does not see how the town can say no to the requests.

Legal counsel has recommended issuing a separate CUP for each location. Fiorenza recommended making a boiler plate for each location and then customizing them as needed per parcel. Jacob reminded WPS that they will need a county driveway permit for each location.

County Line Road, just west of Little Elkhart Lake Road, in Elkhart Lake, WI
Parcel 59018250851

Johanson made a motion to recommend to the board approval of this CUP, subject to the following conditions: no lighting, an approved landscaping plan, drainage as explained in the provided application package, and upgraded vinyl fencing with green coating. There was continued discussion about these suggestions. 2nd by Pfaller. Roll call vote: All in favor.

N8644 Little Elkhart Lake Road, Elkhart Lake, WI 53020
Parcel 59108254120

Johanson made a motion to recommend to the board approval of this CUP, subject to the following conditions: no lighting, an approved landscaping plan, drainage as explained in the provided application package, and upgraded vinyl fencing with green coating. There was continued discussion about these suggestions. 2nd by Eberle. Roll call vote: All in favor.

N8972 Jung Road, Elkhart Lake, WI 53020
Parcel 5901825

Johanson made a motion to recommend to the board approval of this CUP, subject to the following conditions: no lighting, an approved landscaping plan, drainage as explained in the provided application package, and upgraded vinyl fencing with green coating. There was continued discussion about these suggestions. 2nd by Fiorenza. Roll call vote: All in favor.

W6118 County Road EH, Town of Rhine
Parcel 59018251230

Johanson made a motion to recommend to the board approval of this CUP, subject to the following conditions: no lighting, an approved landscaping plan, drainage as explained in the provided application package, and upgraded green vinyl coated fencing closest to the equipment. There was continued discussion about these suggestions. 2nd by Pfaller. Roll call vote: All in favor.

County Line Road, just east of STH 67
Parcel 59018251120

Johanson made a motion to recommend to the board approval of this CUP, subject to the following conditions: no lighting, an approved landscaping plan, drainage as explained in the provided

application package, and upgraded green vinyl coated fencing closest to the equipment. There was continued discussion about these suggestions. . 2nd by Eberle. Roll call vote: All in favor.

Garton Road (new building needed)

Parcel 59018260290

Motion by Johanson to recommend the requested cup subject to no lighting, approved landscaping plan, drainage as explained in the provided application package, and upgraded green vinyl coated fencing closest to the equipment, as well as a CSM be provided in advance of the TB meeting. 2nd by Pfaller. Roll call vote: All in favor.

Jacob wants to see approved landscape plans and drafts of the CUP before the TB meeting on Jan. 7, 2020.

7. Chairman information report and any additional new business:

8. Next meeting date: (as needed)

9. Adjournment: Motion to adjourn by Eberle at 8:55 pm. 2nd by Johanson. All in favor.