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Plan Commission Meeting Minutes Town of Holland Sheboygan County, Wisconsin

Date: Monday, July 7, 2014

Time: 7:30 pm

Place: Town of Holland Hall, W3005 County Road G

The numbering of the Minutes corresponds to that of the Agenda:

1. Call to order
Chairman Don Becker called the meeting to order at 7:30 PM.
2. Pledge of Allegiance
The Pledge of Allegiance was recited.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met.
Chairman Becker so certified.
4. Record retention certification.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call:
Attendees: Don Becker, Dave Huenink, Eugene Schmitz, Roy Teunissen, Jack Stokdyk,
Absentee(s) excused: - Trevor Mentink, Nate Voskuil, Tom Huenink – Building Inspector
Attendee:– Louise Huenink - Clerk
6. Adopt agenda as official order of business
Eugene Schmitz made a motion to adopt the agenda as presented and David Huenink supported the motion. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
Louise Huenink pointed out that in item 10 the applicant's last name needed to be corrected from Krug to Klug and correct DuMey to DeMez. David Huenink made a motion to approve the minutes with the changes mentioned and Jack Stokdyk supported. The motion passed by a unanimous voice vote.
8. Review/approve attendance records for prior meeting(s).
Jack Stokdyk made a motion to approve the attendance records as presented and Roy Teunissen supported. The motion passed by a unanimous voice vote.
9. Review/approve building permits report
Jack Stokdyk made a motion to approve the building permits report as presented and David Huenink supported. The motion passed by a unanimous voice vote.

DRAFT

10. Public input

There was no public input at this time.

11. Public hearing for:

A) A request by Karl Hoffman for a Conditional Use Permit for a part time business he runs from his property. The applicant was unable to attend and no one spoke on this matter from the panel. Jack Stokdyk made a motion to close the public hearing and Roy Teunissen supported. The motion passed by a unanimous voice vote.

B) A request by David Klug for a minor land division, a rezoning from A-1 to A-5 and a Conditional Use Permit for a non-farm residence. David was in attendance and provided a map to show approximately where the house would be built by his daughter. He also pointed out that there is an existing driveway that cuts through his woods that could be used if approved for use. Don Becker reminded David of the 20:1 ordinance to which David said this would not be an issue. David Huenink pointed out that the land needed to make the 100 acres does not have to be contiguous, but must be within the same base farm tract, to which David Klug says it is. David need to decide which 100 acres will be dedicated to farming since there will be a deed restriction set on that parcel going forward. Jack Stokdyk made a motion to close the public hearing and David Huenink supported. The motion passed by a unanimous voice vote.

12. Discuss/act on request by Karl Hoffman

Karl's business salvages metal from old refrigeration units. Roy said that as long as Karl can keep everything inside and the place does not look like a junkyard he has no problem. David Huenink asked about the removal of the freon gas, Don Becker stated that Karl does not deal with the removal of the gas so this will not be an issue. Don feels this request fits well with the Plan Commission's current standard conditions. Don walked through the business standard conditions to see there would be any issues in which there appears not to be. Don said the Plan Commission could use an aerial view map from the County's GIS system to show the building Karl is using for his business as his Site Plan. The application contains the Plan of Operations information. Jack suggested that the Plan Commission make a motion on the condition of Karl providing information on the number of vehicles used by the business that are on the property. Also, should there be a condition regarding the storing of a trailer for a week or more before it is moved indoors? Need to ask Karl what is the normal time period in moving an item from the outside to the inside. Also need to ask about the number of employees if any. Don suggested that this topic be tabled until the questions of number of employees, number of vehicles and how long do items sit outside, and the length of time until he discards scrap material. Louise Huenink will contact Karl to get this information. Jack Stokdyk made the motion to table this request until the Plan Commission gets the answers needed. Eugene Schmitz supported. The motion passed by a unanimous voice vote.

13. Discuss/act on request by David Klug

Everything appears to be consistent with the Town's ordinances. David needs to provide the Plan Commission with a Certified Survey Map, the description of acreage to be set aside for Farmland Preservation and the legal land description of the parcel being divided for the creation and filing of the Conditional Use Permit. Don Becker suggested that three motions be made:

- 1) approve the minor land division contingent on receiving the CSM of the land being divided off, and a legal specification of the 100 acres being subject to Farmland Preservation.
- 2) approve the rezoning from A-1 to A-5.
- 3) approve the CUP for a non-farm residence contingent on the board approving the first two items.

DRAFT

1) David Huenink made the motion to recommend to the Town Board to approve the minor land division, contingent on receiving the CSM and a legal specification of the 100 acres being subject to Farmland Preservation. Eugene Schmitz supported the motion, which passed with a roll call vote. Don Becker – Yes, David Huenink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Jack Stokdyk – Yes.

2) Don Becker made the motion to recommend to the Town Board to approve the rezoning from A-1 to A-5 for the new parcel. David Huenink supported the motion, which passed with a roll call vote. Eugene Schmitz – Yes, Roy Teunissen – Yes, Jack Stokdyk – Yes, Don Becker – Yes, David Huenink – Yes.

3) Eugene Schmitz made the motion to recommend to the Town Board to approve the CUP for a non-farm residence, with the standard conditions for such, and contingent upon the Town Board approving the land division and the rezoning. Don Becker supported the motion, which passed with a roll call vote. David Huenink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Jack Stokdyk – Yes, Don Becker – Yes.

14. Discuss/act on the apparent zoning ordinance violation by Revive Church

Rick TenDolle was present and he asked to have this topic explained to him. Don Becker stated that the building the church is holding services in is not intended for human use but agricultural. Don also stated that the Plan Commission had told him months ago about this and that he needed to work on a solution of possibly moving the church elsewhere. Rick said that churches don't have a zoning, but Don said they did per the Town's attorney. (Need to see Don's notes) In the beginning the Plan Commission stated they are in favor of what Rick and the church are trying to do with the youth of the area. The issue is with the barn being used. Per the Town's ordinances, which are taken from both the County of Sheboygan and the State of Wisconsin, there is a potential of getting a Conditional Use Permit for using the barn if Rick would file one. So the options are – Rick files for a CUP or move the church to a better location. The Plan Commission is concerned about the safety of the people since the barn was not built to handle the number of people attending and their sanitary needs. Rick said that attendance is 100 people at a maximum, with about 55 people this past Sunday. Rick needs to provide proof that they meet the building codes or that they don't apply. Rick will need to contact the Department of Safety and Professional Services to help in determining the answers. The Plan Commission has given Rick several months to look into options and now they need to act on one of the options presented. Louise Huenink will put this topic on the next meeting's agenda and Rick will need to fill out and file the application for a CUP, by July 16th to make the public hearing notification filing for August's meeting. If he cannot file and provide the answers about the building safety and sanitary needs by then, the topic will be handled at the September meeting. Rick felt the Town was discriminating against his church, but Don said that Townships have the right to enforce their ordinances as long as they do not discriminate against churches and that the Town's ordinance on this subject has been on the books for a long time. A section of the State Statutes makes it clear that a CUP can be issued for A-1 land for religious uses. Eugene Schmitz stated that most buildings have an occupancy restriction that must be followed. Rick said they are far from full capacity. An associate of Rick's asked if the Town had received a complaint about the church and was told that a Plan Commission member brought the church to the Plan Commission's attention. He then asked if it was because of the type of church that they are, the answer was no.

15. Discuss/act on the possible Conditional Use Permit violation by CG Services, LLC

Roy Teunissen and Jack Stokdyk stated that it appears nothing has changed on the property located at W1901 Smies Rd., with Jack driving by this evening on the way to the Plan Commission meeting. David Huenink said on the south fence, no sign of construction appears to have been done, the berm

DRAFT

looks like the height has not changed but possibly some new plantings have been put in, the north fence has not been moved, but they have added a large block wall a few feet in front of the fence and does not connect to the building to the south. There have been mulch piles on the north side between one of the buildings and the berm. Per Jack, Kevin has not met the three conditions, so end of discussion. On June 3rd Gerry Antoine notified Kevin and his attorney of the possible violations, where after Kevin called Don Becker asking if he could change the north fence from wood to stone block. Don said the condition stated the height must be 6 ft. tall so if the stone block fence is 6 ft. then it meets the condition. Kevin also informed Don that he took out some of the existing plantings that died and replaced them with others and allowed spacing for growth. On a third call he asked if barn siding could be used as fencing on the south side, where Don said he can do what is needed but must meet the height requirements set in the conditions. The minutes need to show the wording of the conditions as found in the filed document.

The nonconformities listed are:

- (1) The berm and landscape plantings along Smies Road must be modified to achieve a minimum of eight feet in total height and additional plantings must be added to provide a density sufficient to screen property from public view;
- (2) The opaque fence on the north side of the Premises must be moved to the location indicated on the approved site plan, or the approved site plan must be modified to show the current location of the fence;
- (3) The opaque fence on the south side of the Premises must be installed as provided for in the approved site plan

Don Becker made a motion that the Plan Commission determined that CG Services, LLC is not in compliance with the conditions set for the property at W1901 Smies Rd., specifically the three mentioned in the Notice of Nonconformity issued on 4/14/2014 (see the three points above). Roy Teunissen supported the motion, which passed with a roll call vote. Roy Teunissen – Yes, Jack Stokdyk – Yes, Don Becker – Yes, David Huenink – Yes, Eugene Schmitz – Yes.

16. Discuss/act on a clause in building permits stating construction must start within one year and be completed within three years. The Plan Commission needs to see the document/permit that Tom Huenink gives out. The Plan Commission should take the §330-112 (b) wording and incorporate it into the building permit. It was suggested that we should make it match the wording in the standard conditions document. The Plan Commission needs to ask Gerry Antoine to draft an ordinance to amend §330-112 (b). Once the draft is ready, we need to setup a public hearing so it can be adopted. It was stated that the start time of the building permit does not need to be the same time limit as in the Town's condition – building permit = 9 months and the CUP = start within 1 year and be completed within 3 years. It was decided that a time limit be set on the building permit which everyone agreed on 3 years for completion. The Plan Commission needs to talk to Tom Huenink to add new wording to his building permits.

17. Discuss/act on ongoing issues:

- a. Status of applications being processed.
All applications are current at this time.
- b. Extension of recertification of our ordinances
Don Becker said the letter went out last week submitted to DATCP asking for an extension to 2015.

DRAFT

18. Public input:

Roy Teunissen asked if Landon Klug needed a building permit for the greenhouse he is erecting on County G since his name does not appear in Tom Huenink's building permit report. Don said he will send an email to Tom about this.

Jack Stokdyk asked about the ordinance listed during the Revive' Church's discussion. Don said it covers 'religious use'.

David Huenink spoke about the American Heritage land that has recently been in the papers. In the past there was no funding for the Sheboygan County to purchase this land, but now with the option of selling Wetland Mitigation Credits they will have the funds and a way to protect the wetlands in this area. David also mentioned that the County is planning to keep the area in a natural state with an information building and a few nature trails for viewing flora and fauna and for bird watching. David will be attending a County Board meeting and provide support for the project.

19. Adjourn

Jack Stokdyk made a motion to adjourn at 10:18 PM and Roy Teunissen supported. The motion passed by a unanimous voice vote.

Respectfully submitted,
Louise Huenink, Plan Commission Clerk
July 8, 2014