

Minutes of Plan Commission Meeting September 6, 2011

Held at the Town Hall on County Highway G

Town of Holland, Sheboygan County, Wisconsin

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

1. The meeting was called to order at 7:31 p.m. by Chairman Donald Becker.
2. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
3. Record Retention Certification: Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through July 2011. Files more recent than that are in the Clerk's hands.
4. The Agenda as amended was adopted as the official order of business on a motion by Jack Stokdyk. The motion was supported by Eugene Schmitz and passed by a unanimous voice vote.
5. Roll Call showed in attendance Chairman Donald Becker, Dave Huenink, Tom Huenink, Jack Stokdyk, Eugene Schmitz, Roy Teunissen, David Mueller, Jan Rauwerdink, Nathan Voskuil. Absent excused was Trevor Mentink.
6. The PC meeting minutes of August 1, 2011 were approved with amendments on a motion by Jack Stokdyk, supported by David Mueller, and passed by unanimous voice vote.
7. Public input: Ted Scharl gave a preview of an uncoming request for a conditional use permit for a single-family residence.
8. Public hearing of a request by Alan and Debra DenBoer for a change of zoning of parcels 59006073601 and 59006073651 from A-1 to A-5. According to a plat of survey, the boundary between the two adjacent parcels has been moved north. The DenBoers further request a conditional use permit for a single-family residence on the northern parcel of 12.26 acres shown on the plat of survey. The northern parcel is accessed from Frontage Road and the southern parcel is located at W1514 DeWitt Road where there is already a residence.

Alan and Debra DenBoer appeared and spoke in favor of their request. No one spoke against. The DenBoers do not have a prospective buyer for the north parcel that they want to sell. With respect to a conditional use permit for a residence, Chairman Becker said that the PC normally wants to see a site plan. David Huenink supported having a time limit on the start of construction and on the completion of construction. The north parcel is in a state of nature, not presently farmed, and is not the best farmland.

Jack Stokdyk moved to close the public hearing. Dave Huenink supported the motion which passed by a unanimous voice vote.

9. Discuss/act on the foregoing request by Alan and Debra DenBoer. The request was seen as consistent with the Comprehensive Plan which envisions residential development east of I43. The boundary line movement is a Sheboygan County matter. The 20:1 farmland preservation set-aside does not apply. Farmland quality is poor.

David Huenink moved to recommend to the Town Board to approve the request by Alan and Debra DenBoer to change the zoning from A-1 to A-5. Eugene Schmitz supported the motion which passed by a unanimous roll call vote.

10. Discuss/act on the lack of responsiveness of CG Services LLC with regard to correcting the violation of state statutes and the Town of Holland ordinances by operating a landscape business on land not zoned for that use and failing to have a conditional use permit for the business.

Kevin Claerbaut appeared and explained the new application (received 9/3/2011) for a change of zoning from A-1 to A-2 and a CUP for landscaping business. This request does not precisely correspond with any of the options developed previously with the help of Jamie Rybarczyk. The latest application was not accompanied by a satisfactory site plan and plan of operation. In any case, the application came too late to be noticed for the September PC meeting and thus could not be acted on. The PC recommended that Kevin secure the services of Jamie Rybarczyk of Foth, especially for the production of a satisfactory site plan and plan of operation, necessary to support the application.

Kevin expressed concern about limitation on animal units on lands rezoned to A-2. Chairman Becker questioned whether A-2 code allows for additional animal units with a CUP. At less than 20 acres, A-1 and A-2 are the same in allowance of 1 animal unit per acre. The question arose: is the acreage base on tax parcel or on the sum of contiguous parcels. David Mueller offered to research this question.

Jack Stokdyk moved that we would like a completed application for rezoning/CUP with supporting documentation by October 17, 2011 at the latest. Dave Huenink supported the motion which passed by a unanimous roll call vote. 'Supporting documentation' includes a satisfactory site plan and plan of operation. The October 17 deadline implies a hearing at the November 7, 2011 PC meeting.

11. Discuss/act on reviewing zoning and CUPs for trucking businesses in the Town. Chairman Becker and Eugene Schmitz had met in the past month, developing options for each case. Chairman Becker reviewed the cases based on his hand-written notes from the meeting.

In summary the main options are:

1) Rezone to A-4 for cases of agricultural hauling, e. g. Feider. However, Feider trucking has existed so long that it may be seen as legal non-conforming on A-1.

2) Rezone to B-1 and grant CUP for cases of non-agricultural hauling, e.g. DeMaster and Lamroe Transport. B-1 code will have to change to allow a residence and to resolve conflict with animals. The Brills have horses. Land divisions may be necessary. B-1 is appropriate for the larger trucking firms, especially DeMaster which is so large as to be in a class by itself.

3) Rezone to A-5 with a CUP for trucking in cases where business is not done routinely and the business involves only a single truck and single trailer, e.g. Oelhafen. A-5 code will need to change to accommodate existing cases.

Chairman Becker differentiated cases in which the CUP is granted to either owner or to the land.

Jamie Rybarczyk will be asked to draft code revisions for A-5 and B-1 for review at the October PC meeting.

12. Discuss/act on Working Lands Initiative issues regarding existing non-farm residences on base farm tracts and the recordkeeping associated with them. Since Chairman Becker has not conferred with Keith Foye, Eugene Schmitz moved to table this matter until the next PC meeting. Jack Stokdyk supported the motion which passed by a unanimous voice vote.
13. Reports regarding Shoreland Zoning Stakeholders Group. Dave Huenink attended the last meeting which dealt with mitigation. The next meeting is in October, skipping September. The wrap up is expected by the end of this year.
14. Review status of conditional use permits. Attorney Gerry Antoine sent (9/1/2011) warning letters to Eischen, Lammers, Stefan, Feyereisen, extending 90 days for compliance. This matter should be on the agenda of the December 2011 PC meeting.
15. Review of eCode 360 training on August 4, 2011. Jack Stokdyk liked the ability to search by keywords. User IDs are optional, giving the ability to make embedded noted that only the user can see. Code in other jurisdictions can be searched. Training of PC can be arranged in January or February 2012, taking 45 minutes.
16. Public input: Jack Stokdyk questioned whether CG Services is in arrears on payments into their escrow account used to offset Foth's billings to the Town.

Currently CG Services owes the Town another \$629 for Foth services already rendered.

17. The attendance record for August 2011 was approved on a motion by Dave Huenink, supported by David Mueller, passing by a unanimous voice vote.
18. The meeting adjourned about 10 p.m. on a motion by Jack Stokdyk supported by David Mueller, passing by a unanimous voice vote.

Respectfully submitted, Syd Rader, Clerk of the Plan Commission, 9/7/2011