

Minutes of Plan Commission Meeting December 5, 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 7:30 p.m. by Chairman Donald Becker.
2. The Pledge of Allegiance was recited.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through October 2011. Files more recent than that are in the Clerk's hands.
5. The Agenda 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.
6. Roll Call showed in attendance Chairman Donald Becker, Dave Huenink (arriving late), Jack Stokdyk, Eugene Schmitz, Roy Teunissen, Trevor Mentink, Jan Rauwerdink, David Mueller, Nathan Voskuil. Absent excused was Tom Huenink.
7. As amended, the Minutes of the November 7, 2011 meeting were approved on a motion by Jack Stokdyk. The motion was supported by Roy Teunissen and passed by a unanimous voice vote.
8. Public input: none
9. Discuss/act on Jamie Rybarczyk's proposal/recommendations regarding trucking businesses in the Town. Jamie appeared and participated in the meeting. The PC plans to send individualized letters to each of eight trucking firms that are known to exist, covering the following points:
 - Offer choices where applicable
 - If ownership changes, new owner will need new CUP
 - Site plan and plan of operation may or may not be waived
 - Get a fix on the number of trucks and employees
 - Express allowable growth

- Town fees are waived
- Action is by way of the letter, not by the usual CUP application process
- The Town reserves the right to review each case annually

In addition to the letters, the PC plans to publish a notification to the public about a window of opportunity for undiscovered/undetected trucking firms to come forward by a certain date, before which favorable treatment is granted, after which the usual CUP application process runs.

MOTION 1: Dave Huenink moved to recommend to the Town Board to:

- 1) Waive all Town fees associated with actions needed to bring existing known trucking operations into compliance with the zoning ordinance, and
- 2) Publish a notification to request disclosure to the Plan Commission by the trucking firms not yet identified by the Plan Commission within thirty days of the second publication. Failure to notify the Plan Commission within 30 days would lead to a forfeiture of their right to be treated as existing transportation-related operations.

The motion was supported by David Mueller and passed by unanimous voice vote.

MOTION 2: Eugene Schmitz moved to recommend to the Town Board that the Town send a letter to Joose trucking describing the two options to bring its operations into compliance with existing ordinances:

- 1) Land division and rezone from A-5 to A-4, or
- 2) Rezone the entire parcel to A-4.

The motion was supported by Roy Teunissen and passed by unanimous voice vote.

MOTION 3: David Mueller moved to send a letter to Solo Transport identifying the preferred option of treating the business as a home occupation in the A-5 district (no zoning change needed) as the best alternative to bring the operation into compliance with our zoning ordinances. The letter will point out that as a home occupation one commercial vehicle (one tractor with one semi-trailer, or one straight truck) could be parked on the property. The letter would also state that the Plan Commission would waive the site plan and plan of operation potentially required in 330-55 of Town Code. The motion was supported by Dave Huenink and passed by unanimous voice vote.

MOTION 4: Roy Teunissen moved to recommend to the Town Board to amend the zoning ordinance, adding to A-4 a provision that would allow a non-agricultural trucking business that existed before January 1, 2012 to continue

with non-agricultural hauling; and, upon acceptance by the Town Board, to issue a letter to Lamroe Transport, advising it to:

- 1) Apply for a rezone from A-5 to A-4 and a CUP, or
- 2) Apply for a CUP for a home occupation under A-5 and park the trucks elsewhere. One commercial vehicle could be parked on the property

The motion was supported by Chairman Becker and passed by unanimous voice vote.

MOTION 5: Chairman Donald Becker moved to recommend to the Town Board to modify B-1 to add transportation-related activities to the list of conditional uses and to apply the following four conditions for new/expanding transportation-related businesses:

- 1) All transportation-related operations will be limited to the A-4 or B-1 zoning districts,
- 2) All transportation-related operations will require a Conditional Use Permit and shall comply with the requirements of article 330-49 of the Town Zoning Ordinance (application requirements including Site Plan and Plan of Operation),
- 3) If a rezone is required, the rezone shall be consistent with the goals, objectives, and policies of the Town of Holland Comprehensive Plan Year 2030, and
- 4) If a land division (CSM) is required, the new lots shall comply with all applicable Town Zoning Ordinance and Town/County Land Division Ordinance requirements.

The motion was supported by Roy Teunissen and passed by unanimous voice vote.

MOTION 6: Jack Stokdyk moved to recommend to the Town Board to send letters to the four grandfathered trucking businesses (Brill's Mechanix Express, David DeMaster Trucking, Dutchland Trucking, Feider Trucking), advising them that their operations are legal nonconforming and advising them of the applicable restrictions with this finding. Supported by Chairman Becker and passed by unanimous voice vote.

10. Discuss/act on **home occupation** clarification and parameters. Dave Huenink moved to table this item until next month. Supported by Jack Stokdyk and passed by unanimous voice vote.
11. Discuss/act on termination/revocation of CUP previously granted to James Eischen. Eischen was non-responsive to multiple letters requesting compliance with the zoning ordinance. Trevor Mentink moved to revoke the CUP on parcel 59006063454. Supported by Dave Huenink and passed by a unanimous roll call vote.

12. Reports regarding Shoreland Zoning Stakeholders Group. Mitigation Guidebook was a subject of the last meeting. A tentative schedule is ready for Corporate Counsel. Approval in March is likely, with a hearing in June, and implementation in the fall. Next meeting January 6, 2012.
13. Review status of conditional use permits. Hal Steffen and Mamayek need to be reminded to make progress (Clerk follow-up).
14. Discuss/act on setting the date of the next meeting. (Monday, January 2, 2012 is a Federal holiday.) The next meeting was set to be on January 2, 2012.
15. Public input: Chairman Becker gave a CG Services update, recounting recent telephone conversations. Currently Gerry Antoine is leading relations with CG Services. Small wind turbines probably only need a building permit.
16. The attendance record of November 2011 was approved on a motion by David Huenink. Dave Mueller supported the motion which passed by a unanimous voice vote.
17. The meeting adjourned about 10:15pm on a motion by Jack Stokdyk, supported by David Mueller, and passed by unanimous voice vote.

Respectfully submitted, Syd Rader 12/06/2011