

Minutes of Plan Commission Meeting December 7, 2009
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 7:02 p.m. by Chairman Donald Becker.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Clerk Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through September 2009. 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 David Mueller. The motion was supported by Ken Nyhuis and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Ken Nyhuis, Jack Stokdyk, Jan Rauwerdink, Eugene Schmitz, David Mueller, Roy Teunissen, Dave Huenink (arriving late). Excused were Joel Van Ess and Trevor Mentink. Absent was Tom Huenink.
7. The Minutes of the meeting on October 5, 2009 were approved on a motion by Jan Rauwerdink. The motion was supported by David Mueller, passing by a unanimous voice vote.
8. Public input: none
9. Deliberation/action on the previously tabled request by Kevin Claerbaut and Jon Arentsen for a conditional use permit for their landscaping business. Representing the requestors, Ben Claerbaut disclosed that they are hoping/planning to move all the operations of CG Services to the Smies Road site. The only way the current Zoning Ordinance could allow the request is through a change of zoning to B-1, but the requestors are firmly against such a change of zoning.

Jack Stokdyk moved to table this matter until March 2010 by which time the Zoning Ordinances will have changed to facilitate the request. Supported by Eugene Schmitz and passed by a unanimous voice vote.

Later in the meeting there was discussion about the minimum acreage for landscaping businesses. The range discussed was 1-3 acres. A one-acre minimum was meant to accommodate a small-scale enterprise. The language of the Zoning

Ordinance may be designed to give the Plan Commission discretion over the minimum acreage.

10. Public Hearing:

On a request by Mark and Renee TeLindert (sellers) and Christopher and Nicole Strysick (buyers) for a change of zoning. The TeLinderts are planning to sell five acres of their A-1 land (59006064880) to adjacent owners, the Strysicks who own A-5-zoned 59006064881 at W1463 County Highway GW. Since this is a change of boundaries between adjacent properties, it is not deemed a land division. The five acres to be sold by the TeLinderts to the Strysicks is described as Lot 1 in a Certified Survey Map drawn by Dennis J. Van Sluys, L-20728, October 2009, 5.0 acres +/- . It is requested that the zoning of Lot 1 be changed from A-1 to A-5, which would be merged with the Strysick's adjacent, 2-acre, A-5 property. After the merger, and assuming the change of zoning is approved, the Strysicks would end up owning 7 acres +/- of A-5 land at the southeast corner of Hoitink Road and County Highway GW. Such a merged parcel would meet the minimum road frontage and minimum acreage requirements of A-5.

Jamie Rybarczyk had analyzed the request from the standpoint of the draft Comprehensive Plan and draft Zoning Ordinance. He recommended placing a "deed restriction" against further subdivision of the merged 7 acres, effective forever.

No one spoke against the request.

Mark TeLindert arrived late, after most of the discussion had ended, but finally had a chance to speak in favor of his request. He accepted the recommendation for a deed restriction.

Roy Teunissen moved to close the public hearing. The motion was supported by David Mueller, passing by unanimous voice vote.

11. Deliberation/action on the foregoing request by Mark and Renee TeLindert (sellers) and Christopher and Nicole Strysick (buyers).

It was noted that, if the request were granted, the existing non-conforming A-5 parcel would become conforming. The Plan Commission arrived at a consensus concerning Rybarczyk's recommendation for a deed restriction against further division of the merged parcel.

Motion: Dave Huenink moved to recommend to the Board that this parcel be rezoned from A-1 to A-5 and be merged into the existing A-5 parcel because the current non-conforming A-5 parcel would become conforming to the Zoning Ordinance as to the size and road frontage, and the parent parcel would also continue to conform to its zoning district, and we recommend that a deed restriction (to be placed on the face of the CSM) be put on the merged A-5 parcel

in perpetuity against further division, to uphold the intent of the Comprehensive Plan. Supported by Jack Stokdyk and passed by a unanimous roll call vote.

12. Presentation by Jamie Rybarczyk of Foth:

3 handouts: (1) chapter 330 v4, (2) chapter 335 v1, (3) chapter 6 planning recommendations for compliance with chapter 91 of the Wisconsin state statutes in regard to the farmland preservation program, Sheboygan county farmland preservation plan 2005.

With discussion by the Plan Commission Chapter 330 v4 was further marked up and left with Rybarczyk to make presentable.

Because Plan Commission members need more time to digest what's in it, Chapter 335 v1 was not much addressed and will be on the agenda for January 2010. However, Chairman Becker's markups were given to Rybarczyk to make them presentable.

13. Review the consequences to the Town of Holland of the transition from the Farmland Preservation Program to the Working Lands Initiative. The Town will liable for collection of Wisconsin-mandated fees when land is rezoned out of A-1, effective January 1, 2010. For every acre of land zoned out of A-1, about \$600 will be owed to Wisconsin. Tabled until January 2010.
14. Review of steps for approving and issuing a conditional use permit. Tabled until January 2010.
15. Public Input: Craig Droppers reiterated his concern about tree lines encroaching/interfering with adjacent farming. He reasoned that if buildings have a setback, why not a setback for tree lines.
16. The attendance record for October 2009 was approved on a motion by David Mueller, supported by Jack Stokdyk, passing by a unanimous voice vote.
17. The meeting adjourned at 9:40 p.m. on a motion by David Mueller, supported by Roy Teunissen, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
December 8, 2009