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Minutes of Plan Commission Meeting March 5, 2012

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 7:32 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 January 2012. 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 Roy Teunissen and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Dave Huenink, Jack Stokdyk, Roy Teunissen, David Mueller, Trevor Mentink, Jan Rauwerdink, Nathan Voskuil. Absent excused were Eugene Schmitz and Tom Huenink.
7. As amended the Minutes of the February 6, 2012 meeting were approved on a motion by Dave Huenink. The motion was supported by David Mueller and passed by a unanimous voice vote.
8. Public input: Craig Broetzmann presented plans for an accessory building to be set back less than the standard feet from the side line: about 10 feet instead of the required 20 feet. The Plan Commission advised Craig to contact the Town clerk about the Board of Appeals process.
9. Public hearing of a request by Kevin and Michele Hilbelink for a conditional use permit for a home occupation (auto repair shop). The Hilbelinks live at N1312 Rauwerdink Road, parcel no. 59006064701, zoned A-5, 6.4 acres. Kevin Hilbelink appeared and spoke in favor of his request. No one spoke against. Hilbelink would use pole shed for the auto service, make no alternations, have no outdoor storage, have no employees, and have a business sign. Jack Stokdyk moved to close the public hearing, supported by Roy Teunissen, passed by unanimous voice vote.
10. Public hearing of a request by Steve L. Joosse/Joosse Trucking Inc. for a change of zoning from A-5 to A-4 and for a conditional use permit for the continuation of transportation-related activities serving the basic agricultural industry. The Joosse

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property is located at W1897 DeMaster Road, parcel no. 59006072432, zoned A-5, 5.29 acres. Steve Joosse appeared and spoke in favor of his request. No one spoke against. Dave Huenink moved to close the public hearing, supported by David Mueller, passed by unanimous voice vote.

11. Public hearing of a request by John and Janelle Jepson for a change of zoning from A-1 to A-5. The Jepson property is located at N1946 Dulmes Road, parcel no. 59006061973 (11.64 acres, zoned A-5) adjacent to parcel no. 59006061951 (110.3 acres, zoned A-1). 14.43 acres of A-1 land is to be merged with the 11.64 acres of A-5 land to become an enlarged parcel. This is deemed a boundary line shift between adjacent parcels, not a land division. John Jepson appeared and spoke in favor of his request. No one spoke against. Jack Stokdyk moved to close the public hearing, supported by Roy Teunissen, passed by unanimous voice vote.
12. Public hearing regarding the draft Town of Holland Ordinance Number 1-2012, Ordinance Amending Chapter 330 of the Town of Holland, Sheboygan County, Wisconsin. No one from the public commented. Chairman Becker summarized the proposed changes aloud. In doing so, two typographic errors were found in the text. In paragraph II and III, '330-25' should read '330-35'. The clerk will have Jamie Rybarczyk make the necessary corrections. David Mueller moved to close the public hearing, supported by Jan Rauwerdink, passed by unanimous voice vote.
13. Discuss/act on foregoing request by Kevin and Michele Hilbelink. The Plan Commission studied A-5 and Article VII Home Occupations. There were no conditional uses listed in A-5 that would be consistent with an auto repair shop. A-5 would allow this use as an accessory permitted use provided the use meets the requirements of a home occupation as defined in Article VII. The Plan Commission found that all requirements would be met except that Kevin Hilbelink intends to use an accessory building. A change of zoning from A-5 to B-1 would conflict with the Comprehensive Plan. The Plan Commission felt that automotive repair done entirely within the pole building with no stored or parked vehicles outside would not be problem in an A-5 district and in a generally agricultural area. The Plan Commission discussed modifying 330-55-F to read:

F. Unless a conditional use permit, or an approved site plan and plan of operation, is obtained according to the provisions set forth in Article VI, home occupations shall:"

Through the added underlined words, the Plan Commission will have greater flexibility to allow home occupations while having the vehicle to place limitations on home occupation that protects the residents in neighboring areas.

Chairman Donald Becker moved to table the request until next month for the purpose of getting input from Jamie Rybarczyk regarding possible revision to 330-55-F. Supported by Jack Stokdyk. Passed by unanimous roll call vote.

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14. Discuss/act on foregoing request by Steve L. Joosse, Joosse Trucking Inc. The Plan Commission was quite familiar with the request. In fact, the PC requested that Mr. Joosse submit the request. No new issues were identified.

Dave Huenink moved to:

- (1) Recommend to the Town Board to approve the rezoning from A-5 to A-4
- (2) Grant a conditional use permit for continuation of transportation-related activities serving the basic agricultural industry, contingent on the Board's approval of the rezoning, with these conditions:
 - This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of the Town of Holland.
 - Steve L. Joosse/Joosse Trucking Inc. and its members, agents and employees shall comply with the requirements and provisions of the Town ordinances, state statutes and all other applicable regulations of any kind.
 - A copy of the recorded Land Covenant, as required by §330-54 of the Town Zoning Code shall be filed with the Clerk of the Town of Holland Plan Commission within three (3) months of the date of issuance of this Permit.
 - This Permit is issued on the condition that Steve L. Joosse is a member of and actively involved in the operation of Joosse Trucking Inc. If Steve L. Joosse is not a member or actively involved in the operation of Joosse Trucking Inc. , then this Permit shall be subject to review and termination.
 - Town of Holland representatives may enter upon and inspect the Premises at any time to verify compliance with the terms of this Permit and all other Town Ordinances, state statutes and applicable regulations.

Supported by David Mueller. Passed by unanimous roll call vote.

15. Discuss/act on foregoing request by John and Janelle Jepson. The Plan Commission requested that a plat of survey be provided to the Town clerk.

Dave Huenink moved to recommend to the Town Board to approve the requested change of zoning from A-1 to A-5 for the 14.43 acres that will be merged with the existing A-5 parcel via a boundary line shift. Supported by Jack Stokdyk. Passed by a unanimous roll call vote.

16. Discuss/act on foregoing draft Town of Holland Ordinance Number 1-2012, Ordinance Amending Chapter 330 of the Town of Holland, Sheboygan County, Wisconsin. Two typos in the text were noted: In paragraphs II and III, '330-25' should be corrected to '330-35'.

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Chairman Donald Becker moved to recommend to the Town Board to adopt Ordinance 1-2012 with corrections. Supported by Roy Teunissen. Passed by unanimous roll call vote.

17. Discuss/act on CG Services requests for rezoning 2 parcels from A-1 to A-2, a landscape business CUP, and an animal unit CUP (the public hearing was held on February 6, 2012). Trevor Mentink recused himself. The Plan Commission reviewed the conditions attached to the two CUPs. The words “specifically beef cattle” on page 1 were removed from the animal unit CUP. The words “use of not more than five (5) landscape bins for bulk storage of retail materials” were removed on page 3 from the CG Services CUP.

Jack Stokdyk moved to:

- (1) Recommend to the Town Board to approve the rezoning from A-1 to A-2 on parcels 59006075991 and 59006075980
- (2) Approve the CUP for animal units, deleting the words “specifically beef cattle,” contingent on Town Board approval of the rezoning,
- (3) Approve the CUP for the landscape business after deleting the words “use of not more than five (5) landscape bins for bulk storage of retail materials” from condition 2.c. of the draft CUP, contingent on Town Board approval of the rezoning.

Supported by Dave Huenink. Passed by unanimous roll call vote.

Consideration of the Smies Road parcel had been tabled in the February Plan Commission meeting. Kevin Clearbaut and Jon Arentsen reported that they have a verbal agreement to purchase the property through a land contract presently being drawn up by their attorney. They expect to have a signed agreement within a couple weeks. For the property to be used for the landscape business it will need to be rezoned and the approval of a CUP.

18. Review/act regarding responses to letters and questionnaires sent to trucking firms. The Joose Trucking case was concluded tonight. Lamroe will be concluded next month. Dave DeMaster Trucking, the largest trucker in the township, did not respond to Plan Commission inquiries. Dan Brill also did not respond. Mark Brill and Dan Feider have indicated that they prefer to retain their legal non-conforming status. Steve Oelhafen is interested in pursuing a CUP. The Plan Commission decided to have Gerry Antoine draft a brief letter acknowledging that Dave DeMaster Trucking and Brill’s Mechanix Express have elected to retain their legal non-conforming status by failing to respond to our earlier letters and to advise them of the restrictions this status places on their companies. This decision on the part of the business owners freezes the size of their operations in terms of tractors, trailers, and property improvements that support these operations, and limits the maintenance costs to existing property improvements to 50% of the value of the asset. This letter is to be sent by registered mail and a copy of the receipt placed in the Town files along with a copy of the letters.

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Chairman Becker moved to table consideration of Cedar Ridge, Hy-Way Transit, and Otte Bus Company until next month. The motion was supported by Dave Huenink, and passed by unanimous voice vote. The clerk will advise the three parties that these matters will be on next month's agenda and that it would be helpful if they would attend.

19. Reports regarding Shoreland Zoning Stakeholders Group. This matter is still held by County Legal and it is not clear when Legal will act.
20. Review status of conditional use permits. Only the Mamayek CUP is seriously delinquent. The clerk should contact Attorney Antoine to follow up with Ritger again. Dave Huenink reported that the land transfer was recorded at Sheboygan County Register of Deeds.
21. Public input: Jack Stokyk would like to develop a template for conditional use permits. It was agreed that this should be on our agenda for the next meeting and that the list should start with those conditions identified for the Joose CUP (Item 14 above) and add other potentially applicable conditions by reviewing the CG Services CUP.

CG Services/Smies Road should be on next month's agenda, even if there are no new developments.

Kevin Claerbaut asked, what if he sold a part of 58 acres to another party, would he need a plat of survey or a certified survey map.

Dave Huenink requested that future agenda include a topic entitled: On-Going Issues. No items should be dropped from the agenda until they have been closed out by final action taken by the Plan Commission or Town Board.

Chairman Becker reviewed the Heads of Local Government Meeting held last week at which Kevin Struck had a presented information on amending the comprehensive plan.

22. Review attendance record of March 2012. The record was approved on a motion by David Mueller, supported by Dave Huenink, passed by a unanimous voice vote.
23. Adjourn. The meeting adjourned at about 10 p.m. on a motion by Jack Stokdyk, supported by Roy Teunissen, passed by a unanimous voice vote.

Respectfully submitted, Syd Rader 3/26/2012