

DRAFT

Minutes of Plan Commission Meeting June 4, 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. Call to order by Chairman Don Becker at 7:35 PM.
2. 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. Incoming clerk Catherine Fiske-Knuth said that April 2012 PC files had been put in the file cabinet in the file room of Town Hall.
5. Adopt Agenda as official order of business. Jack Stokdyk so moved. Eugene Schmitz supported the motion which passed by a unanimous voice vote.
6. Roll call. Attendees: Donald Becker, Roy Teunissen, Trevor Mentink, Eugene Schmitz, Jack Stokdyk, Jan Rauwerdink, David Mueller, Catherine Fiske-Knuth, Syd Rader. Absentees, excused: Tom Huenink, Dave Huenink. Absentees, unexcused: Nathan Vosquil.
7. Approval of DRAFT Minutes of previous meeting on May 7, 2012. (Draft minutes of prior meetings can be found on our web site at www.townofholland.com). As amended the minutes were approved on a motion by David Mueller, supported by Roy Teunissen, passing by a unanimous voice vote.
8. Public input: Roy Teunissen asked what the incoming clerk's e-mail address would be. Cathy said she would choose an appropriate e-mail address and let everyone know.
9. Public hearing of a request by Mark Fischer and Randy Will (dba Majestic Storage) for a conditional use permit for their self-storage business. The business is conducted on parcel 59006077051 at N772 Sauk Trail Road. The parcel is zoned B-1.

Fischer and Will did not appear. Dena Jacque, a neighbor of Majestic Storage, appeared and spoke with concern about adequate screening and helicopter landings by a customer visiting her storage unit. Jacque suggested that a line of trees be planted to screen tall boats and the like stored outdoors.

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

10. Public hearing of a request by Mike Matysik (dba Classy Woods LLC) for a conditional use permit for his woodworking business. The business would be conducted in rented facilities on parcel 59006060740 at W2695 County Road A South. The current zoning is B-1.

Jan Rauwerdink inquired as to whether business equipment was to be stored within the buildings. Mike Matysik confirmed that they would be stored within the present buildings. The question was raised as to whether any future expansion would include new buildings. Mike Matysik said that any expansion would be within the present buildings only.

DRAFT

Mike Matysik appeared and spoke in favor of his request. No one spoke against.

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

11. Public hearing of a request by Kevin Claerbaut and Jon Arentsen (dba CG Services LLC) for a change of zoning and a conditional use permit. Zoning would change from A-1 to A-4 on parcel 59006076210 at W1901 Smies Road. The conditional use permit is for the operation of a landscaping business.

Kevin Claerbaut did not appear until after the public hearing was closed. Jon Arentsen did not appear. No one spoke against.

Roy Teunissen said he needed access for custom farming via a road adjacent to the Smies property. Jack Stokdyk asked what can the PC decide if Kevin Claerbaut and Jon Arentsen do not own the property. Chairman Don Becker said the PC cannot act on an application unsigned by the property owner. In the past month Gerry Antoine sent another letter to the applicants. Jack Stokdyk said the PC ought to impose controls on the number of simultaneous uses: animals or landscaping but not both. Doubts were expressed all around about the carrying capacity of the three-acre parcel for landscaping materials, debris piles, snowplowing equipment, mowing equipment, and animals. The parcel is difficult to screen from the adjacent elevated Interstate highway.

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

12. Discuss/act on foregoing request by Mark Fischer and Randy Will. Chairman Becker asked about recent contact with the applicants. Outgoing clerk Syd Rader described a phone call from Randy Will who was unaware of the pending application. Chairman Becker expressed concern about weeds and brush at Majestic Storage. Indoor storage and storage is a better fit in M-1 than in B-1. Chairman Becker said the PC needs a valid application and more information regarding: surface, screening, indoor storage, outdoor storage, and expansion plans. Both the incoming and outgoing clerks were assigned to contact the applicants by email, recommending that they apply for M-1 and a CUP. Jack Stokdyk questioned whether B-1 is even a possibility. The Comprehensive Plan was consulted and found consistent with Majestic Storage.

Jack Stokdyk moved to table the request until we receive more information and suggests that the PC entertain a request for M-1 rather than the present B-1. David Mueller supported the motion which passed by a unanimous voice vote.

13. Discuss/act on foregoing request by Mike Matysik. The hours of operation was discussed with the resulting decision of Monday through Sunday 7 AM to 6 PM with allowance for additional hours during peak production periods. The maximum number of employees was determined to be 2 full time employees or 4 part time employees. The business CUP template provided by Jamie Rybarczyk (who was in attendance) was invoked for the Matysik request. The PC then proceeded to modify and adapt it:

DRAFT

1. This Conditional Use Permit is subject to the provisions of §330-51 (*Amendment of a Conditional Use Permit*) and §330-52 (*Termination of a Conditional Use Permit*) of the Town of Holland Zoning Ordinance, Chapter 330. In the event the petitioner sells Classy Woods LLC and/or expands the business on the subject property, the petitioner shall notify the Town of Holland Plan Commission. At that time, the Town of Holland Plan Commission, at its sole discretion, shall determine if the Conditional Use Permit requires an amendment. Any extension in footprint of building will trigger a review.
2. This Conditional Use permit is granted for and limited to parcel 59006060740.
3. This Conditional Use permit is for Mike Matysik (dba Classy Woods LLC) to allow for a woodworking business.
4. The petitioner shall comply with the requirements of chapter 330-35 B-1 zoning district of the Town of Holland Zoning Ordinance, Chapter 330.
5. The petitioner shall comply with the requirements of Article VI (*Conditional Use*) of the Town of Holland Zoning Ordinance, Chapter 330.
6. The petitioner shall comply with the requirements of Article XII (*Signs*) of the Town of Holland Zoning Ordinance, Chapter 330.
7. The petitioner shall comply with the requirements of Article XII (*Off-Street Parking and Loading*) of the Town of Holland Zoning Ordinance, Chapter 330.
8. The petitioner shall comply with the requirements of Article XIV (*Performance Standards*) of the Town of Holland Zoning Ordinance, Chapter 330.
9. The allowed uses, per this Conditional Use Permit, shall not create negative impacts, including but not limited to lighting, noise, dust, traffic, stormwater, physical appearance, etc., on the surrounding properties.
10. Land Covenant. As required by §330-54 (*Recording*) of the Town of Holland Zoning Ordinance, Chapter 330, the petitioner shall file a land covenant with the Clerk of the Town of Holland Plan Commission within three (3) months of the date of issuance of this Conditional Use Permit.
11. Property Inspection. The petitioner and property owner agrees to allow the subject properties to be inspected by representatives acting under the direction of the Town of Holland Plan Commission or Board at any reasonable time.
12. Town Attorney Review. The Town of Holland Plan Commission's recommendation shall not be in full force and effect until such time that the Town Attorney has reviewed the conditions and placed them in final form.
13. Payment of Charges. The petitioner shall timely pay all taxes, permit fees, professional fees and any other amounts owed to the Town of Holland. If the

DRAFT

petitioner fails to timely pay any taxes, permit fees, professional fees and/or any other amounts owed to the Town of Holland, then this Permit shall be subject to review and termination.

14. Petitioner may have two full-time or four part-time employees.
15. Petitioner may have a maximum of three vehicles.
16. Hours of operation are Monday through Sunday, 6 a.m. to 7 p.m. with extended hours during periods of peak demand.

Jack Stokdyk moved to grant a CUP with the foregoing conditions to Mike Matysik following a review by Attorney Gerry Antoine. The motion was supported by David Mueller and passed by a unanimous roll call vote. (Trevor Mentink recused himself.)

14. Discuss/act on foregoing request by Kevin Claerbaut and Jon Arentsen. Kevin Claerbaut and Jamie Rybarczyk appeared and Claerbaut provided necessary paper work with appropriate signatures. The requested intention of use for the three acres is landscaping, family farming, and raising of livestock. The town policy concerns discussed were: is the size of the property large enough to accommodate the intended uses and number of animals, type and adequacy of screening, number of pieces of equipment and attachments. The question of equipment as raised by Don Becker resulted in a decision to allow 10 vehicles for landscaping, 40 attachments and 10 semitrailers maximum. Roy Teunissen questioned the size of the area for the large amount of equipment. Jack Stokdyk raised the question of employees which is intended to be addressed by the change in zoning from A-1 to A-2 so as to be covered by the rules for family farm. Jack Stokdyk also opined that all 4 intended uses should not be allowed at the same time. Kevin Claerbaut explained his impression of the property as a “staging area” where the many possible tasks would be conducted at intervals and for short periods of time. Don Becker expressed the concern about the look of the property as it is highly visible from I-43 and the fact that adequate screening is not possible. Kevin Claerbaut asked for a definition of debris. Stumps, brush and concrete were the predominant concerns. Removal of the debris at the end of the landscape season was proposed.

Jack Stokdyk moved to ask Jamie Rybarczyk and Kevin Claerbaut to compile and take into consideration the Planning Commission’s concerns in redrafting the conditions of the CUP. Roy Teunissen supported the motion and it was passed by unanimous voice vote.

15. Discuss/act on Depies CUP for various businesses. (The public hearing was held on May 7, 2012.) Jamie Rybarczyk reviewed his staff report. Questions raised included what method is used to signify a sit down restaurant and it was determined that the wording “non-sit-down restaurant” will be used for clarification. Don Becker raised the question of number of trailers and parking areas on property. It was determined that the maximum numbers will be 24 power units and 50 trailers to be parked on the north and east section of the property. It was also determined that the maximum number allowable does not apply during emergencies. The site is not to be used for warehousing and hazardous materials are not allowed except during emergencies. Freight is not to be off-loaded and stored. Jamie Rybarczyk will adjust the staff report and get it to the Depies and the PC.

DRAFT

16. Discuss/act on modification of standard procedure for Land Covenant/Conditional Use Permit processing: addition of steps to check for payment of fees and taxes. It was decided to insert between steps 6 and 7 a new step: The clerk contacts the Town Treasurer about the status of payments of fees and taxes by the CUP grantee. (If fees or taxes are unpaid, the process halts.) Fees include money escrowed in connection with Jamie Rybarczyk's consulting services.
17. Review and take action for violation of Town Ordinances with respect to the Smies Road property that continues to be used for landscape business operations. (The public hearing was held on February 6, 2012.) This agenda item was found inapplicable in light of earlier events in the meeting (see items 11 and 14).
18. Discuss/act on on-going issues:
 - a. Template for business CUPs. Jamie Rybarczyk provided a template. This topic will drop off the list of on-going issues. The template was applied in connection with the Matysik request.
 - b. Shoreland Zoning Stakeholders Group. Dave Huenink was not present to give the report.
 - c. Incomplete conditional use permits. Hilbelink dropped off the list but, alarmingly, CG Services and Steve Joosse are still on. A condition of the CG Services and Joosse CUPs is that the paperwork be done within three months of issuance. The incoming clerk was assigned to draft letters to Kevin Claerbaut, Jon Arentsen, and Steve Joosse, warning them of impending violations of their CUPs.
 - d. Responses from trucking firms to letters and public notice: Kevin Brill. The evidence from PC files for issuance of a CUP to Brill in September 1997 was found and reviewed. A PDF copy of the evidence should go into the electronic folder for CUPs granted. . This topic will drop off the list of on-going issues.
 - e. County Farmland Preservation Plan – Farm Preservation Areas. Bret Zemba needs to tell us what percentage compliance with DATCP. Next meeting June 6, 2012.
 - f. Directive from the Town board to the PC to review all previously approved CUPs for home occupations and businesses. The purpose of the directive is to review for compliance and to revise the CUPs. Chairman Becker will need to consult Gerry Antoine about the legal grounds to re-open previously reissued CUPs.
19. Public input: David Mueller urged everyone to vote on June 5th. Jack Stokdyk noted that Dave DeMaster opted to not seek a new CUP, meaning that the size and scope of the grandfathered trucking business is capped. A new building is being, or was recently, constructed on the DeMaster premises.
20. Review attendance record of May 2012. The record was approved on a motion by David Mueller, supported by Jan Rauwerdink, passing by a unanimous voice vote.
21. Adjourned at 10:50 PM on a motion by Jack Stokdyk, supported by David Mueller, passing by a unanimous voice vote.

Respectfully submitted,
Catherine Fiske-Knuth
June 6, 2012