

Plan Commission Meeting Minutes

Town of Holland
Sheboygan County, Wisconsin

Date: Tuesday, September 4, 2012

Time: 7:30 pm

Place: Town of Holland Hall, W3005 County Road G

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

1. Call to order
Chairman Don Becker called the meeting to order at 7:31 PM.
2. Pledge of Allegiance
The 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.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call:
Attendees: Donald Becker, Dave Huenink, Trevor Mentink, David Mueller, Jan Rauwerdink, Eugene Schmitz, Jack Stokdyk, Roy Teunissen
Absentees – unexcused: Nathan Vosquil
Other attendees: Tom Huenink – Building Inspector, Louise Huenink - Clerk
6. Adopt agenda as official order of business
Don Becker requested that agenda item 19 be moved to follow item 9 so that Jamie Rybarczyk could participate. David Mueller made a motion to adopt the agenda with that change and Jack Stokdyk supported. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
David Huenink made a motion to approve the minutes and Jack Stokdyk supported. The motion passed by a unanimous voice vote.
8. Review/approve attendance records for prior meeting(s).
David Mueller made a motion to approve the attendance records and David Huenink supported. The motion passed by a unanimous voice vote.

9. Public input

Elden Mondloch – N752 Knepprath Road

Mr. Elden Mondloch owns an 80 acre parcel that is zoned A-1. He would like to divide off 10 acres that includes the house and other buildings and have it rezoned to A-5. Mr. Mondloch intends to keep the 70 remaining acres as A-1. His grandson, Jeffrey Ternes, provided maps showing three options of how the parcel could be divided. Jeffrey intends to purchase the 10 acre parcel and possibly grow vegetables to sell at Farmers Markets. He may also have a horse or chickens in the future. It is possible that additional acreage would be purchased from Mr. Mondloch by Mr. Ternes in the future. The Plan Commission stated the proposed rezoning was consistent with the Comprehensive Plan because the property is within an agricultural transition area. They also informed the family that both the old and new parcels could not be divided again for 10 years. However, a boundary line adjustment could be done to transition land without having this restriction. The process was explained and an application form was provided.

Kelly Brumirski

Kelly is the general leader of the local Sheboygan County 4-H “Rangers” club and asked for permission to put up a permanent sign. The club has already raised funds for the sign. They have received permission from Gordy Seegert to erect the sign on his land on the south side of County Road A between Gibbons Rd and Hwy 32. Kelly provided detailed drawings of the proposed sign and wanted to make sure the sign would conform to the Town’s ordinances. The Plan Commission discussed which existing ordinance section covered this type of sign. It was decided that §330.65(E) was appropriate because the sign specifically promotes the Sheboygan County 4-H organization and the sign will be located within that county. The Chairman requested that this specific ordinance be sent to the 4-H general leader.

10. Public hearing for:

A request by Kurt and Carrie Kraus for a change of zoning from A-1 to A-5 and a conditional use permit for a non-farm residence. The Kraus property is located at N734 County Road KW, parcel number 59006067362 (2.0 acres, zoned A-5) adjacent to parcel number 59006067363 (35.24 acres, zoned A-1). 1.0 acre of A-1 land is to be merged with the 2.0 acres of A-5 land to become an enlarged parcel. This is deemed a boundary line shift between adjacent parcels, not a land division. The conditional use permit is for a single family residence on parcel number 59006067362 to replace the house that was lost to a fire.

David Huenink gave a brief summary of this application which had also been discussed at the prior meeting during the Public Input. He also stated that the additional 1 acre has not yet been acquired. Eugene Schmitz asked if the A-5 parcel would meet the required road frontage limits and Kurt Kraus stated that it would. Jack Stokdyk made a motion to close the Public Hearing and David Mueller supported. The motion passed by a unanimous voice vote.

11. Public hearing for:

A request by Peter and Laurie Stueber for a change of zoning from R-1 to A-5. The Stueber property is located at N1787 Dulmes Road, parcel number 59006062360 (3.0 acres, zoned R-1). This change of zoning is being requested primarily to allow keeping horses on the property.

The application was for both a rezoning and a conditional use permit. However the public notification accidentally omitted mentioning the Conditional Use Permit, so the Plan Commission could only discuss the rezoning part of the application. The Conditional Use Permit portion of this application will be addressed at the next Plan Commission meeting.

David Huenink gave a brief summary of this application which had also been discussed at the prior meeting during the Public Input. Don Becker asked if the Conditional Use Permit was necessary since the parcel has an existing house on it. Trevor Mentink pointed out that doing the Conditional Use Permit could make for a cleaner sale when a parcel is sold. Jack Stokdyk made a motion to close the Public Hearing and David Mueller supported. The motion passed by a unanimous voice vote.

12. Discuss/act on foregoing request by Kurt and Carrie Kraus

Dave Huenink made a motion to recommend the Town Board approve the request by Kurt and Carrie Kraus for a change of rezoning from A-1 to A-5. The reasons stated included that the parcel would then become entirely A-5 instead of partially A-1, that the parcel would become conforming by meeting the A-5 required acreage and road frontage, and that the A-1 parcel from which the one acre was acquired would still conform to A-1 requirements. Jack Stokdyk supported the motion, which then passed by a unanimous roll call vote. Don Becker – Yes, Dave Huenink – Yes, Trevor Mentink – Yes, David Mueller – Yes, Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes

While discussing the Conditional Use Permit, the topic of specifically allowing accessory buildings arose. Don Becker suggested any accessory structures should be compatible with the primary structure, the surrounding area and that it should not be located in the front yard. After much discussion, Trevor Mentink suggested that the topic of accessory buildings within conditional use permits be tabled until the next meeting. Since there had been no accessory building on the Kraus property previously, this was agreed. David Huenink made a motion to grant a Conditional Use Permit for a Non-Farm Residence with our standard conditions for a non-farm residence along with the additional condition that the rezoning request be approved by the Town Board. Roy Teunissen supported the motion, which then passed by a unanimous roll call vote. Trevor Mentink – Yes, David Mueller – Yes, Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Don Becker – Yes, Dave Huenink – Yes.

13. Discuss/act on foregoing request by Peter and Laurie Stueber

Don Becker made a motion to recommend the Town Board approve the request by Peter and Laurie Stueber for a change of rezoning from R-1 to A-5. The reasons stated included that the parcel would then become consistent with the Comprehensive Plan which shows this area to be agricultural, and would eliminate an inland R-1 parcel that is contrary to current zoning. David Huenink supported the motion, which then passed by a unanimous roll call vote. Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Don Becker – Yes, Dave Huenink – Yes, Trevor Mentink – Yes, David Mueller – Yes.

14. Discuss/act on wind farm project proposed within the Town of Sherman and development of a wind farm ordinance

Don Becker stated not much is happening at the moment and that the Town Board is still involved with the project.

15. Discuss/act on initiation of revocation of all conditional use permits and to reverse rezoning approved in 2012 in connection with the CG Services Sauk Trail Road location

On September 4, 2012 Kevin Claerbaut delivered copies of the two signed Land Covenants and Conditional Use Permits that were stamped by the Register of Deeds showing that the documents were filed on August 31, 2012. Don Becker made a motion to allow our previous actions to stand. David Mueller supported the motion, which passed by a unanimous voice vote.

During the discussion it was determined that in the future the Plan Commission Clerk should be responsible for filing documents with the Register of Deeds. This will facilitate the process, avoid delays and insure the Town receives proper documentation. The current application procedure and fee will be updated to reflect this change.

16. Discuss/act on the ongoing violation of the Town of Holland zoning ordinances and take appropriate action including the potential revocation of prior actions by the Plan Commission with respect to the CG Services Smies Road location

Don Becker reported that the Smies Road property had not yet been purchased by CG Services. Kevin Claerbaut therefore tried to get the current landowners to sign the application in order to make it a legally binding request. The owners called both Don and the Town's attorney to find out what really was going on and their potential liability. The owners also asked if this issue could be tabled for one more month as they decide what to do next. Jack Stokdyk pointed out that per the Town's attorney's latest letter there will be no more extensions. After substantial discussion, it was decided that the Town should no longer pursue resolution of this improperly submitted application and the numerous applicant delays. Jack Stokdyk made a motion to abide by the attorney's letter, to revoke prior Plan Commission actions and deny the application request, and to recommend to the Town Board to enforce the Zoning Ordinance. David Mueller supported the motion, which then passed by a unanimous roll call vote. Dave Huenink – Yes, Trevor Mentink – Recused, David Mueller – Yes, Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Jack Stokdyk – Yes, Don Becker – Yes.

17. Discuss/act on General Code providing another onsite training

Don Becker reported he talked with someone from General Code and they would be willing to come and provide another training session. Proposed dates were requested for this event. The Plan Commission is requesting the training be held on either January 22, 2013 or January 29, 2013 starting at 7:00pm.

18. Discuss/act on including additional permitted uses and conditional uses within zoning districts

During the previous Plan Commission meeting it was discovered that certain business types were not addressed in our ordinances. After discussion it was decided to recommend adding "Land excavation and earth moving" and "Trucking business" as conditional uses in B-1. The Town's attorney will be requested to draft an ordinance to make this affective.

19. Discuss/act on non-agricultural accessory structures in the A-5 district

Currently within the A-5 district accessory buildings used for agricultural purposes is a permitted use. However, other accessory buildings are not addressed. Jamie Rybarczyk joined this discussion by phone. He advised against an earlier suggestion, to have an accessory building as a permitted use provided a non-farm residence had been granted with a Conditional Use Permit. After discussion it was decided that we should add a provision in the Standard Conditions for a non-farm residence to allow up to two accessory buildings with a combined footprint not to exceed 1000 square feet. Jamie was directed to draft some purposed wording. This will be reviewed at a future meeting.

20. Discuss/act on an excavation business that may not have a conditional use permit.

Jack Stokdyk reported that an advertisement offering excavation services was in the Lakeshore Weekly. The business is apparently owned by Randy Joosse and located at the intersection of County Road A and Highway 32. It is unclear if this business has a valid Conditional Use Permit. It was discussed that Randy had previously been in the excavation business, but had stopped that service. It appears that he has resumed a small scale operation. A letter will be sent to Randy Joosse asking for a description of the current business and its conformance to the Town's ordinances.

21. Discuss/act on on-going issues:

a. Status of applications in process.

Estate of Douglas Mamayek - Don Becker reported he talked with the family's attorney, Ed Ritger. The family is working on getting the Land Covenant & Conditional Use Permit signed and turned in to the Register of Deeds.

David Otte - Louise Huenink reported that this processing is now complete.

b. County Farmland Preservation Plan – Farm Preservation Areas.

Don Becker reported that both he and Dave Mueller were unable to attend the last meeting. Don will speak with a County Planning person to see what's been done so far.

c. Directive from the Town board to review all previously approved CUPs for home occupations and businesses - The purpose is to review for compliance and to possibly revise the CUPs. No new information at this time.

d. County Shoreland Ordinance – David Huenink stated that the County has issued the final draft and is planning an open house on September 18 for the public. David will send out information about the open house. The ordinance is expected to take effect in January 2013.

22. Public input:

Jack Stokdyk

Jack requested that the wording in Conditional Use Permits be stronger regarding not extending the 90 day deadline for proof of filing at Register of Deeds. Upon discussion, it was suggested that the Town assume the responsibility of delivering future Land Covenant/Conditional Use Permit documents to the Register of Deeds. This would improve the current process and Conditional Use Permits could be considered immediately effective after the applicant has appropriately signed and returned such documentation to the Clerk. This topic will be placed on next month's agenda.

23. Adjourn

Jack Stokdyk made a motion to adjourn at 10:03 PM and David Mueller supported. The motion passed by a unanimous voice vote.

Respectfully submitted,
Louise Huenink
September 4, 2012