

**DRAFT**  
**Plan Commission Meeting Minutes**  
Town of Holland  
Sheboygan County, Wisconsin

Date: Monday, October 6, 2014

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 7:30 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: Don Becker, Dave Huenink, Trevor Mentink, David Mueller, Eugene Schmitz, Roy Teunissen, Jack Stokdyk, Nate Voskuil  
Absentee(s) None  
Attendee:– Tom Huenink – Building Inspector , Louise Huenink - Clerk
6. Adopt agenda as official order of business  
David Huenink made a motion to adopt the agenda as presented , Jack Stokdyk supported the motion.  
The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).  
Eugene Schmitz made a motion to approve the minutes David Mueller supported. The motion passed by a unanimous voice vote.
8. Review/approve building permits report  
Tom Huenink replied to Roy Teunissen’s query at a previous meeting about Landen Klug’s fish farm on Cty-G. Tom said that Landen is not ready to start on his fish house yet and it seems a long way off. Tom says Landen does have a permit for the current greenhouse being built on the property.

Tom Huenink reported on a house on DeWitt Road that had materials dumped in the front yard. Tom called inquiring about it and the material was cleaned up in two days. The building will be refurbished sometime.

Roy Teunissen asked about a house and shed with new roofs on Cty-KW. It was done in last month and he suspects no building permit was issued.

Jack Stokdyk made a motion to approve the building permits report as presented and David Mueller supported. The motion passed by a unanimous voice vote.

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## 9. Public input

Diane Kitelinger with her sister and brother were present and spoke on wanting to divide the land they own jointly on Stokdyk-Ingeles Road. They had been at a previous meeting as well. After some discussion with the Plan Commission it was suggested that they work with the Sheboygan County Planning Department on doing a boundary line adjustment with an abutting parcel they also jointly own behind this one which would enable access from Foster Road. Their original proposal to do a land division would have created a new parcel with no road frontage, which is not allowed. Emily Vetting from County Planning was in attendance and will work with Diane and her siblings.

## 10. Discuss/act on Land Division request by Sheboygan County and/or Glacial Lakes Conservancy on behalf of South Amsterdam LLC

Aaron Brault and Emily Vetting from the Sheboygan County Planning Department were present and representing the applicant. A recorded document stating that Sheboygan County “may act as an agent of South Amsterdam, LLC” for land division applications of the subject parcel was provided.

Aaron presented an overview of the Amsterdam Dunes property and ownership status. The large parcel being divided has some land extending east of Westshore Drive. Aaron explained a 50-year deed restriction on this area that prevents ownership by a tax-exempt entity until sometime in 2018. Two of the three existing property owners in the affected area agreed to waive that restriction to enable the County to purchase the large parcel. Since the waiver was not unanimously accepted, the parcel is currently being leased from South Amsterdam, LLC with an option to purchase. The intent is to divide off the deed restricted Lake Michigan beach front area into three lots and also to create an outlot where Westshore Drive exists. After all the deed restricted areas are sold or the deed restriction expires, the County will take over ownership of the remainder of the large parent parcel.

Jamie Rybarczyk from Foth had prepared a staff report regarding the application. The Plan Commission used it as method to review the application and develop proposed conditions.

### **Planner Comments:**

1. The creation of Lots 1-3 and Outlot 1 comply with the provisions of Chapter 330 (Zoning) of the Town of Holland Code of Ordinances.
2. The creation of Lots 1-3 and Outlot 1 comply with the provisions of Chapter 220 (Land Division) of the Town of Holland Code of Ordinances with the following except:
  - a. The creation of Lots 2 and 3 will have access to Westshore Drive which is a private street. Per Section 220-16(B)(2), all lots shall abut a public street. Based on the unique character and history of the immediate area, the Town of Holland Board of Appeals approved a variance request to allow the creation of Lots 2 and 3 on a private street verse a public street. The variance request was expanded to include Lot 1 in the event access to the Lot was constructed on Westshore Drive instead of Amsterdam Road.
3. The creation of Lots 1-3 and Outlot 1 comply with the intent, goals, objectives and policies of the Town of Holland Comprehensive Plan: 2030.

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## **Surveyor Comments:**

Most of the comments in the staff report were addressed before the Plan Commission meeting and a revised plat was provided. One additional comment was suggested at the meeting. The remaining comments on the survey are:

1. Under the Surveyors Certificate, the word 'registered' needs to be changed to the word 'professional'.
2. Westshore Drive should be labeled as a private street.
3. In the sentence regarding easements, remove "and a stormwater drainage easement is hereby granted, conveyed and dedicated to the Town of Holland"

## **Town Policy Concerns:**

1. Under Wisconsin Statute Chapter 236, the creation of four (4) or less parcels or buildings sites requires review and approval of a Certified Survey Map by the local planning agency. The review and approval process for a Certified Survey Map, unlike a Subdivision Plat, does not require the petitioner or property owner to prepare a developer agreement, dedicate lands for public rights-of-way or parks, prepare stormwater management and erosion control plans, install improvements (i.e. public streets, street lamps, street signs, 79 street trees), prepare plans (street plans, grading plans, planting plans) and maintenance agreements, or conduct site inspections. However, under the Town of Holland Chapter 220 (Land Division) Ordinance, the creation of three (3) or more lots or building sites, inclusive of the original remnant parcel, requires review and approval of a Subdivision Plat by the Town of Holland Plan Commission and Board.

Since the division of land is solely for the conveyance of land at this time, it is the opinion of the Town staff that several of the provisions required under the Chapter 220 (Land Division) of the Town of Holland Code of Ordinances for a Subdivision Plat are unnecessary at this time; therefore, it is the recommendation of the Town staff that the Town of Holland Plan Commission and Board waive the following provisions as part of the review and approval of the Local Subdivision (Final Plat) for The Shores of Amsterdam Dunes:

- Section 220-13 Developer agreement
- Section 220-14 Dedication of lands
- Section 220-17 Streets
- Section 220-19 Stormwater management and erosion control plans
- Section 220-21 Grading and surfacing
- Section 220-22 Street sections
- Section 220-23 Street lamps
- Section 220-24 Street name signs
- Section 220-25 Street trees
- Section 220-26 Public and private sewage disposal facilities
- Section 220-27 Public and private water facilities
- Section 220-28 Stormwater management and erosion control facilities
- Section 220-29 Other utilities
- Section 220-30 Plans
- Section 220-32 Inspection

2. Since the division of land is solely for the conveyance of land at this time, and based on the simplicity of the Local Subdivision (Final Plat) for The Shores of Amsterdam Dunes, it is also the recommendation of the Town staff that the Town Plan Commission and Board waive Section 220-38 (preliminary plat preapplication procedure) and Section 220-39 (preliminary plat procedure), and accept the Local Subdivision for The Shores of Amsterdam Dunes as the petitioner's submittal of a Final Plat.

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**Public Comments** (presented by Don Becker and David Huenink on behalf of landowners not present at the meeting):

1. Rick Johnstone expressed verbal concerns about an improper parcel number being referenced in earlier documentation and also that drainage be the responsibility of Sheboygan County. The application and supporting documentation was checked and the proper parcel number was verified to be listed. Drainage was verified as being addressed on the plat.
2. David and Bonnie Dickmann provided a written statement in support of the County's intentions to preserve the area.

**Motion #1:**

Don Becker made a motion that the Town of Holland Plan Commission recommend to the Town of Holland Board approval to grant waivers from Chapter 220 (Land Division) of the Town of Holland Code of Ordinances regarding the Local Subdivision (Final Plat) for The Shores of Amsterdam Dunes presented by Aaron Brault (petitioner) and South Amsterdam LLC (property owner) located at the NW ¼, Section 31, Town of Holland, based on the following finds:

1. The division of land creates logical parcel shapes and sizes based on the relationship and proximity to neighboring developed parcels.
2. The division of land will access the private street (Westshore Drive) without further expansion. On September 25, 2014, the Town of Holland Board of Appeals granted a variance allowing the parcels to be served by the private street verse a public street.
3. The division of land does not require the construction and dedication of any public rights-of-way.
4. The division of land is for conveyance purposes at this time and not for development.
5. The division of land does not create any new blocks or flag lots.
6. The division of land preserves all environmentally sensitive areas and private/public easements.

The waivers recommended by the Plan Commission include

- Section 220-13 Developer agreement
- Section 220-14 Dedication of lands
- Section 220-17 Streets
- Section 220-19 Stormwater management and erosion control plans
- Section 220-21 Grading and surfacing
- Section 220-22 Street sections
- Section 220-23 Street lamps
- Section 220-24 Street name signs
- Section 220-25 Street trees
- Section 220-26 Public and private sewage disposal facilities
- Section 220-27 Public and private water facilities
- Section 220-28 Stormwater management and erosion control facilities
- Section 220-29 Other utilities
- Section 220-30 Plans
- Section 220-32 Inspection
- Section 220-38 Preliminary Plat Preapplication Procedure
- Section 220-39 Preliminary Plat Procedure

Trevor Mention supported the motion. David Huenink recused himself from the vote. The motion passed with a roll call vote. Don Becker – Yes, David Huenink – Recused, Trevor Mentink – Yes, David Mueller – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Jack Stokdyk – Yes, Nate Voskuil – Yes.

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## **Motion #2:**

Jack Stokdyk made a motion that the Town of Holland Plan Commission recommend to the Town of Holland Board approval of the local subdivision (Final Plat) request for The Shores of Amsterdam Dunes presented by Aaron Brault (petitioner) and South Amsterdam LLC (property owner) located at the NW ¼, Section 31, Town of Holland, subject to the following conditions:

1. Subject to petitioner addressing the surveyor comments to the satisfaction of the Town of Holland Board.
2. Subject to the Local Subdivision (Final Plat) being approved by the Village of Cedar Grove.
3. Subject to the Local Subdivision (Final Plat) being approved by Sheboygan County.
4. 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.
5. 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 petitioner fails to timely pay any taxes, permit fees, professional fees and/or any other amounts owed to the Town of Holland, then this Plat shall be subject to review and termination.

Eugene Schmitz supported the motion. David Huenink recused himself from the vote. The motion passed with a roll call vote. Trevor Mentink – Yes, David Mueller - Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Jack Stokdyk – Yes, Nate Voskuil – Yes, Don Becker – Yes

## 11. Discuss/act on the apparent zoning ordinance violation by Revive Church

Rick TenDolle was present and said the youth group will be moving from the current site and that the church is considering other options than using the shed to hold their services. He is asking to keep things simple and is willing to work with the Plan Commission. Rick stated that within a year the shed would convert back to agricultural use. The current attendance is around seventy people and they meet for about 1 1/2 hours for services. The Church is taking baby steps but is not considering staying in the shed for a long period of time. Rick reported that the State of WI informed him that there would be no problem in having the shed setup for public use. He was told to hire an architect to see what would need to be done to the shed for public use. Don Becker informed Rick that the Town does not do inspections on commercial buildings. It appears that the State feels they do not need to get involved and that this issue should be handled by the Church and the Town of Holland. Don Becker repeated a number of times that the Town must follow our ordinances and cannot allow this situation to continue as it is. Don informed Rick that he would need to apply for a Conditional Use Permit and that the total process could take 3-6 months for completion. Rick asked why that was necessary when they would be moving sometime next year and couldn't the Town just work with them a little longer. Jack Stokdyk brought up a recent ad in the Lake Shore Weekly which stated the Church was celebrating its one year anniversary at the shed, and then asked Rick what is a little longer? Rick could not give a definitive answer. Don stated that the Plan Commission has been patient but are bound by rules that must be followed so something must be done. Again the Conditional Use Permit was mentioned and Don said that the timing depended on how soon the Church complied with the conditions set within the permit. Don suggested that we table this topic until the next meeting while Rick looks into what it would cost to get the building up to code and be ready to apply for a Conditional Use Permit. Rick suggested he could hold services within his home which can handle a large number of people and he also emphasized that the Church is not trying to cheat. Don said as things stand at this moment we are violating our ordinances. For the next Plan Commission meeting the Church needs to either submit a Conditional Use Permit application or provide a firm date the shed will stop being used. Jack Stokdyk made the motion to table this topic until the November 3, 2014 Plan Commission meeting and David Mueller supported. The motion passed by a unanimous voice vote.

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12. Discuss/act on the Conditional Use Permit application by CG Services, LLC  
Don Becker received the application and check from Kevin Claerbaut, but upon inspection found that the application was incomplete because it was missing the property owner's signature. It appears that the property owner is very upset with Kevin and wants him to either vacate the property or buy it. Tom Huenink said when he talked to Kevin he indicated that he was going to purchase the property and put up another building for his landscaping business. Tom informed him that if he did, he would have to apply for yet another Conditional Use Permit.  
After discussion, it was decided to proceed with processing the CUP application. A Public Hearing and action will be scheduled for the November 3, 2014 Plan Commission meeting. That allows Kevin four weeks to get the application signed by the property owner, otherwise it will be denied since its incomplete currently.
13. Discuss/act on revision of Town of Holland Ordinances supporting WI Working Lands Initiative  
Kevin Struck from the University of Wisconsin Extension presented a marked up version of the Town's zoning ordinance. He color coded parts to be deleted and parts to be changed. In many places, he also included comments.  
The Plan Commission needs to review the Town of Sherman's zoning ordinance for ideas. Kevin will email it to Don as a pdf file and Don will distribute. This topic will be scheduled again for the next meeting.
14. Discuss/act on request by Karl Hoffman – Louise to report responses to questions asked by Plan Commission  
Louise reported the answers Karl provided to the Plan Commission's questions. There is now sufficient information to process a Conditional Use Permit. This will be scheduled for the November 3, 2014 meeting.
15. Discuss/act on a clause in building permits stating construction must start within one year and be completed within three years  
This topic is tabled until the November 3, 2014 meeting.
16. Discuss/act on ongoing issues:
  - a. Status of applications being processed.  
All applications are current at this time.
  - b. Use of both primary & secondary structures for vacation home rentals in the R-1 district  
Steve Jones is researching options. This topic is tabled until a future meeting.
17. Public input:  
Jack Stokdyk inquired about when Tom Huenink looks into situations outside of building permits, does he get compensated? Don Becker confirmed that Tom is compensated for those situations.
18. Review/approve attendance records for prior meeting(s).  
David Mueller made a motion to approve the attendance records as presented and Nate Voskuil supported. The motion passed by a unanimous voice vote.
19. Adjourn  
Jack Stokdyk made a motion to adjourn at 10:21 PM and David Mueller supported. The motion passed by a unanimous voice vote.

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Respectfully submitted,  
Louise Huenink, Plan Commission Clerk  
October 7, 2014