

Minutes of Plan Commission Meeting February 6, 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 7:31 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 December 2011. 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 Eugene Schmitz and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Dave Huenink, Jack Stokdyk, Eugene Schmitz, Roy Teunissen, David Mueller, Trevor Mentink, Jan Rauwerdink. Absent excused were Nathan Voskuil and Tom Huenink.
7. As amended the Minutes of the January 2, 2012 meeting were approved on a motion by Eugene Schmitz. The motion was supported by David Mueller and passed by a unanimous voice vote.
8. Public input: Doug Hamilton proposed to merge two adjacent parcels and build an accessory building. The two parcel have the same owner and are separated by a private road. One parcel has Lake Michigan frontage and has a residence, and the other lies to the west on the other side of the road, is low and wet, and is unbuilt. It is proposed to build the garage on the latter parcel. Some fill may need to be added beneath the garage to elevate it above wet ground. It would violate the Zoning Ordinance to build an accessory building on a parcel before there is a residence. However, if the two parcels are merged into one parcel, the PC recognized that an accessory building could be added, subject to size and height limitations set forth in the Zoning Ordinance.

Daniel Brill sought advice to build a storage shed on his farm. The PC didn't take issue with the proposal.
9. Public hearing of a request by CG Services LLC, Kevin Claerbaut, Ben Claerbaut, Myrle Claerbaut for:

- a. A change of zoning from A-1 to A-2 on parcels 59006075991 and 59006075980.
- b. A conditional use permit for an existing landscape and supply business (CG Services LLC) presently conducted on parcels 59006075991 and 59006075980.
- c. A conditional use permit for animal units greater than one per acre on parcels 59006075991 and 59006075980 for which A-2 zoning is requested.

Parcels 59006075991 (2.3 acres) and 59006075980 (14.9 acres) are located at N1403 Sauk Trail Road.

Kevin Claerbaut and Jon Arentsen appeared and spoke in favor of their request. No one spoke against.

The Plan Commission raised questions about chemical storage, retail sales, parking, what kind of goods sold.

Jack Stokdyk raised concerns about parking: the number of parked vehicles and where parked.

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

10. Discuss/act on foregoing request for change of zoning and conditional use permits.

Trevor Mentink recused himself.

Jamie Rybarczyk appeared as the representative of the requestors.

Chairman Becker and others observed that a change of zoning from A-1 to A-2 is obviously necessary.

Jack Stokdyk objected to not having customer/employee parking shown on the site plan.

The conditions for the CG Services Landscaping CUP were agreed to (Jamie Rybarczyk follow-up):

1. Conditions in general:
 - a. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of the Town of Holland.

b. Operation of the use permitted shall be in strict conformity to the approved Site Plan and Plan of Operation (including photos and maps) filed in connection with the Application for this Permit, and annexed hereto.

c. CG Services, LLC and its members, agents and employees shall comply with the requirements and provisions of the Town ordinances (including but not limited to §330-23 A-2 Agricultural District – 5-Acre Density and §330-56 Landscape and Supply Operations Standards), state statutes and all other applicable regulations of any kind.

d. 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.

e. This Permit is issued on the condition that either Myrle Claerbaut or Ben Claerbaut is an owner of Parcels 59006075980, 59006075991 and 59006076060. If neither Myrle Claerbaut nor Ben Claerbaut is an owner of all of these parcels, then this Permit shall be subject to review and termination.

f. This Permit is issued on the condition that either Kevin Claerbaut or Jon Arentsen is a member of and actively involved in the operation of CG Services, LLC. If neither Kevin Claerbaut nor Jon Arentsen is a member or actively involved in the operation of CG Services, LLC, then this Permit shall be subject to review and termination.

g. 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.

h. The Premises owners and CG Services, LLC shall timely pay all taxes, permit fees, professional fees and any other amounts owed to the Town of Holland. If the Premises owners or CG Services, LLC fail to timely pay any taxes, permit or professional fees, or other amounts owed to the Town, then this Permit shall be subject to review and termination.

2. Conditions on Operations.

a. CG Services, LLC's landscape and supply business may be

operated on the Premises in conjunction with the permitted uses including the family farmstead and family farming business.

b. CG Services, LLC shall comply in all respects with the Plan of Operation submitted with its Permit Application.

c. Parcel No. 59006076060 may be used only for the following: seasonal/incidental use (less than 50% of the year) of the agricultural building on the Parcel for indoor storage of landscape vehicles and equipment; use of not more than five (5) landscape bins for bulk storage of retail materials; parking of CG Services, LLC's employees' vehicles along the east property line.

3. Conditions on the Site.

a. This Permit is issued for the combined Parcels 59006075980 and 59006075991. If either of these Parcels is no longer owned by Myrle Claerbaut or Ben Claerbaut, then this Permit is subject to review and termination.

The conditions for the animal unit CUP were agreed to (Jamie Rybarczyk follow-up):

a. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of the Town of Holland.

b. Operation of the use permitted shall be in strict conformity to the approved Site Plan (including photos and maps) filed in connection with the Application for this Permit, and annexed hereto.

c. CG Services, LLC and its members, agents and employees shall comply with the requirements and provisions of the Town ordinances (including but not limited to §330-23 A-2 Agricultural District – 5-Acre Density), state statutes and all other applicable regulations of any kind.

d. 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.

e. This Permit is issued on the condition that either Myrle Claerbaut, Ben Claerbaut or Kevin Claerbaut has an ownership interest in Parcels 59006075980, 59006075991, 59006076090, 59006076060, 59006076010, 59006076050 and 59006076061. If any one of these

Parcels is not owned by either Myrle Claerbaut, Ben Claerbaut or Kevin Claerbaut, then this Permit shall be subject to review and termination.

f. 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.

g. The Premises owners shall timely pay all taxes, permit fees, professional fees and any other amounts owed to the Town of Holland. If the Premises owners fail to timely pay any taxes, permit or professional fees, or other amounts owed to the Town, then this Permit shall be subject to review and termination.

h. This Permit is issued for the combined Parcels identified above to be used in a family farming operation. If any of these parcels are no longer owned by either Myrle Claerbaut, Ben Claerbaut or Kevin Claerbaut, then this Permit is subject to review and termination.

In relation to the Smies Road property, Dave Huenink moved to grant a compliance extension for 30 days to allow the operators to provide evidence of a purchase agreement. Supported by Jack Stokdyk and passed by a unanimous voice vote.

Chairman Donald Becker moved to direct Jamie Rybarczyk to incorporate comments made at this meeting and to revise:

- a. The conditional use for the landscape operation
- b. The rezoning
- c. The conditional use for animal units
- d. The site plan and plan of operation

Supported by Dave Huenink and passed by a unanimous voice vote.

11. Discuss/act on draft Ordinance no. 1-2012 amending Chapter 330. Chairman Donald Becker moved to recommend to the Town Board to adopt Ordinance 1-2012 after holding a public hearing, if required. Supported by Jack Stokdyk and passed by a unanimous voice vote. The public hearing will be before the Board, if needed. Mr. Antoine will be contacted (Chairman Becker follow-up) to determine if a public hearing is needed. The timeline envisioned last month for Brian Bruggink will be challenging to meet. The Bruggink matter will be on the agenda

for March PC when the PC may approved a CUP on the condition that the Board approve the Ordinance change the following week.

12. Discuss who will represent Town of Holland at future Ag Planning Committee meetings aimed at updating Sheboygan County Farmland Preservation Plan. Chairman Becker and David Mueller will attend the next meeting on on February 8, 2012.
13. Review responses to letters sent to trucking firms. Steve Joosse returned a signed application for rezone from A-5 to A-4. Lamroe Transport has not returned a signed application. Daniel Brill appeared in person at this meeting. Other trucking firms have not replied. Chairman Becker suggested sending out reminder letters to which the original letter be attached. The PC agreed to that.
14. Reports regarding Shoreland Zoning Stakeholders Group. The next move is up to Sheboygan County Legal Department.
15. Review status of conditional use permits. The only incomplete is the Mamayek Estate. Chairman Becker had contacted Attorney Antoine, following up on the sense of the January PC meeting. Chairman Becker reported that Mr. Antoine had not yet been successful in getting Ritger to move on this. Chairman Becker reported that he had sent an email to Mr. Antoine suggesting that Antoine send a letter to Ritger pointing out that the PC would be more careful and critical with regard to conditions placed in any CUP for clients that Ritger represents if Ritger cannot finish the Mamayek matter.
16. Public input: Jack Stokdyk would like to develop a standardized list of conditions for business CUPs. Dave Huenink pointed out that the PC already has a standardized list of condition for other types of requests. Dave Huenink would like to impose deadlines for key progress steps associated with CUPs. Chairman Becker would like to address at the next meeting a template for business CUPs. Otte Bus Service, Inc. was informally reviewed. David Otte should be invited (clerk follow-up) to the next meeting for further informal discussions.
17. As amended the attendance record of January 2012 was approved on a motion by David Mueller. Dave Huenink supported the motion which passed by a unanimous voice vote.
18. The meeting adjourned about 10:30pm on a motion by Jack Stokdyk, supported by Jan Rauwerdink, and passed by unanimous voice vote.

Respectfully submitted, Syd Rader 3/9/2012