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Plan Commission Meeting Minutes
Town of Holland
Sheboygan County, Wisconsin

Date: Monday, April 4, 2016
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 Don Becker so certified.
4. Record retention certification.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call.
Attendees: Don Becker, David Huenink, Trevor Mentink, David Mueller, Eugene Schmitz, Jack Stokdyk, Matthew Teunissen, Roy Teunissen
Absentee(s) excused: Nathan Voskuil
Attendee: Tom Huenink – Building Inspector, Louise Huenink - Clerk
6. Adopt agenda as official order of business.
David Huenink said that agenda items 10 and 11 may need to be addressed later pending Kevin Struck's arrival. David Huenink made a motion to adopt the agenda with this one change. David Mueller supported the motion. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
Don Becker asked if action was taken on item 12 that dealt with the Board of Appeals training notification. Louise Huenink said she sent the Town Clerk the information on the matter. David Huenink believed that the Clerk did not understand the action needed and that was why it was not on the Town Board's agenda last month. David will contact the Town Clerk. David Huenink made a motion to approve the minutes as presented. Jack Stokdyk supported the motion. The motion passed by a unanimous voice vote.
8. Building Inspector Reports:
 - a. Review/approve building permits report.
Tom Huenink stated that the building permit request on Marine Drive, for which he had requested Plan Commission advise, has been approved. Jack Stokdyk made a motion to approve the building permits report. David Mueller supported the motion. The motion passed by a unanimous voice vote.

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b. Follow-up item(s):

Don Becker asked Tom if he had recently been out to Luigi's Pizza to see if they had stopped building. Tom said he had not. Tom has not seen or heard anything from the State about a permit. Luigi's attorney said that the Town of Holland does not have the jurisdiction for issuing a building permit. The Town of Holland's attorney said the Town does have the right.

9. Public input.

Grant VanDriest – N1066 Sauk Trail Rd., Parcel # 59006066690, 4.88 acres zoned R-1

Mr. VanDriest would like to expand his distillery operation and start selling retail from his property. He stated that he is planning on widening and paving his driveway and to add onto it to lead to the outbuilding he uses for his business. Grant was told he will need to get a building permit from Tom Huenink for the driveway improvement. After some discussion, there appear to be three additional tasks: 1) Obtain a liquor license and operator license, assuming these are required in this situation where the manufacturer directly does retail sales. 2) Rezone part of the property from R-1 to B-1, which will cause split zoning. 3) Request a business Conditional Use Permit.

Shane Anderson would like to build a separate in-law apartment in a new shed on his property so that they can care for his elderly mother in the near future. Don stated that this subject was coming up later on tonight's agenda. Currently under today's Town ordinances a second separate residence is not allowed. The Town also has a minimum square footage for residences. A suggestion was to divide the property in two and build the second residence, but this may not work due to road frontage requirements. Another option is to request a change in the Town's ordinances, though this option is rarely used.

10. Discuss/act on sample letters to property owners regarding proposed rezoning.

Kevin Struck from the UW-Extension handed out a sample of one of the letters that will be mailed out to property owners informing some of them of proposed rezoning. Other sample letters were in the packet. The letters will be going out on the Town's letterhead which Don Becker will be sending Kevin. He walked through the three paragraphs. One explains about changing from one zoning district to another and how this will affect them. Another talks about the open house and the website the property owners can go to for more information. David Huenink suggested that Kevin use 'Public Information Meeting' instead of 'Open House' since that is what the Town normally uses. Kevin said this will not be the same for he will not be giving a presentation, only walking around and answering any questions. After a short discussion it was agreed to keep Open House in the letters and that some or all of the Plan Commission members would be in attendance so that they could help answer questions.

The three letters discuss the rezoning from A-1 to A-1-S, A-3 and A-PR. Kevin feels that A-PR will be the one he will get the most questions about. Don Becker suggested that in the last sentence of the second paragraph of the A-PR letter that Kevin add the word "currently" to 'could not build'. David Huenink informed Kevin that it is "Plan Commission" not "Planning Commission". Kevin said he would make the changes. He said it would take approximately two weeks to write all the letters and mail them out, so a date sometime after that would need to be set for the open house. See item 11 for date and time.

Don then asked about parcels under 20 acres that are adjacent to other parcels owned by the same person, so they meet the same A-1 requirements as a 20-acre parcel. There was some discussion which lead Don to say that a statement such as "any parcel less than 20 acres must be zoned A-PR" be added to the draft ordinances and Kevin said it could be done.

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11. Discuss/act on scheduling a Public Information Meeting regarding the proposed zoning ordinance changes.

The “Open House” will be held on May 11, 2016 at 7:00pm

12. Public Hearing on Neil Teunissen application

Neil requested to rezone the R-1 parcel to A-2 and to add 1.99 acres to the parcel so that the farm buildings are with the residence on the same parcel. Taking this acreage from the 18.77 acre A-1 parcel appears to make it nonconforming under the A-1 requirements, though the same owner has adjacent A-1 parcel(s). Matt Teunissen said he has several small A-1 parcels but they are all zoned A-1 because they are all next to each other. Don will ask Kevin Struck if this is an issue when he arrives. David Huenink made a motion to close this public hearing. David Mueller supported the motion. The motion passed by a unanimous voice vote.

13. Discuss/act on Neil Teunissen application

For Neil’s request to rezone the R-1 parcel to A-2 it was discussed that a conditional use permit would be needed for the residence. Therefore, two motions were made.

1) David Huenink made a motion to recommend to the Town Board to approve the rezoning from R-1 to A-2 and A-1 to A-2 so that the entire resultant parcel after a boundary line adjustment is A-2. David Mueller supported the motion. The motion passed by a roll call vote.

David Huenink – Yes, Trevor Mentink – Yes, David Mueller – Yes, Eugene Schmitz – Yes, Jack Stokdyk – Yes, Roy Teunissen – Yes, Don Becker – Yes.

2) David Huenink made a motion, contingent on the Town Board’s approval of the above rezoning, to approve the conditional use permit for the single family residence with all the normal conditions for such in an agricultural area. David Mueller supported the motion. The motion passed by a roll call vote.

David Mueller – Yes, Eugene Schmitz – Yes, Jack Stokdyk – Yes, Roy Teunissen – Yes, Don Becker – Yes, David Huenink – Yes, Trevor Mentink – Yes.

14. Discuss/act on situation of Kevin Gerard’s lakefront parcels with multiple houses

Kevin Gerard brought this topic to the Plan Commission in January 2016 during Public Input because he had received a letter from Sheboygan County about being in noncompliance. He said he wanted to work with the County of Sheboygan and the Town of Holland to resolve any issues. There was extensive discussion to provide an understanding of the situation. Later in January a member of the Plan Commission researched things and sent Kevin an email on January 27th with some possible options. The topic had been placed on the February agenda, but Kevin called to say he was not ready. The topic was then placed on the March agenda, but Kevin called the day of the meeting saying he needed additional time to do research. He was informed that the Town would postpone action for only one more month. The topic was placed on the April agenda. It appears that instead of working with the County and Town to resolve the situation, Kevin has contacted a lawyer. On the Friday evening before the Monday Plan Commission meeting a lawyer, Jonathan Hyndiuk, claiming to represent Kevin Gerard sent a letter to the Town’s Attorney asking to remove this topic from the April agenda. The letter specifically mentions the attorney “cannot readily conclude a permanent kitchen ever existed”. Apparently the attorney was not provided information in some statements made by Kevin in January. Don Becker spoke with the Town’s attorney about this request. Gerry Antoine replied that there was no authority regarding what can and cannot be discussed at Town meetings. Don contacted the County to get their assessment of the situation, but the proper person was not available on such short notice.

The Plan Commission members were updated on the latest developments. It was agreed that the apparent violations needed to be addressed. Matt Teunissen said that the guest house may not meet the setback requirements of the R-1 zoning district. This needs to be investigated since the Town issued a

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building permit for this accessory building, called a guesthouse, based upon the survey showing the 'proposed guest house.' Don appointed David Huenink and Matt Teunissen to investigate and work with Gerry Antoine, the Town's attorney, on this matter. This topic will be on the May agenda.

15. Discuss/act on amending the Zoning Code to establish a special exception procedure
Don Becker said the Town's attorney, Gerry Antoine, would work on it as time allowed.
16. Discuss/act on requiring Plan Commission review of certain type of building permits prior to issuance
Tom Huenink asked if a person would need to submit a CSM to show changes to or adding an accessory building. Tom should feel free to reach out to any Plan Commission member if he feels unsure about a request for a building permit. Don Becker recommended that "finishing the interior of an existing accessory building" and "any request the building inspector may have for the Plan Commission" be added to the list of items listed in minutes from last month as permit actions to go to the Plan Commission prior to issuance of the permit(s). Don also said this would be a policy and not an ordinance. Don volunteered to draft the language by the May 2, 2016 meeting. The Plan Commission agenda will have a recurring monthly agenda item for the building permit reviews.
17. Discuss/act on requiring a Driveway Placement Approval form with relevant PC applications
This will apply to new construction. It was decided that this subject should be addressed by the Town's Director of Public Works and Property, Nathan Voskuil, at the May 2, 2016 meeting.
18. Discuss/act on Implements of Husbandry permitting
Don Becker said there was a company that is looking for towns to pilot their software to issue permits. Lloyd and Don in the audience attended a meeting concerning this topic and spoke about how a town can opt out of the permitting. They said most municipalities are opting out because of all the additional work that would be involved and no revenue to cover it. If the Town of Holland decides to opt out, the farmers must still meet the bridge weight limits and there are no exceptions. These permits are for exceeding set limits. For towns that opt in they will need to renew their choice every November 15, but if they opt out that choice does not require annual renewal.

Roy Teunissen made a motion to recommend to the Town Board to opt out of Implements of Husbandry permitting. David Mueller supported the motion. The motion passed by a unanimous voice vote.
19. Discuss/act on accommodating multi-generation families residing in one property
This topic has come up several times recently relating to care for aging parents. The Town feels this is a very worthy step for a family to make, but current ordinances do not allow two separate residences on one parcel.
Roy Teunissen asked how the Town will differentiate between an out building and living quarters when an apartment is created. Don asked if it is possible that a conditional use permit be used to permit this under certain circumstances. It was suggested that septic systems could also be an issue if an apartment or another building was added onto a parcel. This issue is not just for parents moving in, it also would pertain to children moving back home. Roy asked what other municipalities are doing to handle this type of request. It was suggested we ask the Towns Association about this subject. A conditional use permit could be specific to the owner, so if a property was sold the new owner would have to get a new conditional use permit before finishing their purchase agreement. Don said he would talk with Rhonda for the Towns Association and also with the association itself for information and then maybe do a survey. David Huenink said a survey would be better if done before having the topic on a Towns Association meeting. The Plan Commission needs to draft a document for the Town Clerk to send out. David & Louise Huenink agreed to work on the wording of the survey.

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20. Discuss/act on ongoing issues:

- a. Status of applications being processed.
David Huenink made the comment that the latest conditional use permit for CG Services – Smies Road was filed with the Register of Deeds last Friday.
- b. Rezoning and boundary line adjustment for Theresa Feldmann property on WI-32
Louise Huenink to send a reminder letter about the action needed for rezoning. The time window for having the related rezoning done in conjunction with the Town-wide rezoning is getting short. There will be a cost to the property owner if the request comes in after the town-wide rezoning is complete.
- c. After zoning changes – Zoning violation in R-1 district and failure to obtain building permits for improvements.
Held over to the May 2, 2016 agenda
- d. After zoning changes – Create a revised Zoning Ordinance Summary
Held over to the May 2, 2016 agenda

21. Public input.

Jack Stokdyk talked again about returned checks and the Town possibly charging a fee. He also said there is currently no time limit set for a fine when someone does not meet a timeline set by the Plan Commission. He feels there should be consequences for late or no action taken. One possibility is when an application is submitted and they don't meet all the needs by a certain time the application becomes void and they will need to resubmit the application and pay another application fee. The Town's Schedule of Forfeitures was brought up and may need to be reviewed. David Mueller and others like the idea but we need to figure out how to implement. This will be put on the May 2, 2016 agenda.

22. Review/approve attendance records for prior and current meeting(s).

David Huenink made a motion to approve the attendance records as presented and discussed. David Mueller supported the motion. The motion passed by a unanimous voice vote.

23. Adjourn.

Jack Stokdyk made a motion to adjourn at 10:08 PM. Roy Teunissen supported the motion. The motion passed by a unanimous voice vote.

Respectfully submitted,
Louise Huenink, Plan Commission Clerk
April 4, 2016