

TOWN OF HOLLAND PLAN COMMISSION
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
W3005 County Road G, Cedar Grove, WI 53013
Monday, January 4th, 2021 7:00pm

1. Call to order:
Plan Commission Chair David Huenink called the meeting to order at 7:00pm.
2. Pledge of Allegiance:
Chair David Huenink led the attendees in the Pledge of Allegiance.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met:
Plan Commission Clerk Janelle Kaiser certified that the requirements of the Wisconsin Open Meeting Law had been met. The agenda for this meeting was posted in three places within the Township and on the Town's website.
4. Record retention certification:
Plan Commission Clerk Janelle Kaiser stated record retention is up to date.
5. Roll call:
Attendees: Don Becker, David Huenink, Faith Opsteen, Jack Stokdyk, Matt Teunissen, Bryan Kaiser, Roy Teunissen, David Mueller, and Craig Droppers
Absentee(s):
Signed-In Attendees: Carl Weingaertner, Kenneth MacKenzie, Judith MacKenzie, Andy Gronik, Brian Bruggink, and Jeff Freund
Other Attendees: Janelle Kaiser – Clerk, Tom Huenink – Building Inspector
6. Adopt agenda as official order of business:
Motion by Roy Teunissen, seconded by David Mueller, to adopt the agenda as presented for the January 4th, 2021 Plan Commission meeting; the motion carried by unanimous voice vote.
7. Plan Commission procedures and opportunities for improvement:
The Plan Commission continued work on a project with the purpose of implementing improvements to procedures currently practiced by the Plan Commission as it relates to application submissions by property owners for land divisions, rezonings, and conditional use permits. The next Plan Commission meeting will start at 7:00pm to continue discussion of this topic. Janelle Kaiser and Faith Opsteen will meet to make progress on standard forms for procedure improvements.
8. Review/approve minutes of previous meeting(s)
Motion by Donald Becker, seconded by David Mueller, to approve the minutes from the December 7th, 2020 Plan Commission meeting as presented; the motion carried by unanimous voice vote.
9. Building inspector items:
 - a. Review/approve building permits report:
Motion by Jack Stokdyk, seconded by David Mueller, to approve the December 2020 building inspection report submitted by Tom Huenink as presented; the motion carried by unanimous voice vote.
 - b. Review/approve building permit requests needing Plan Commission review:
None

- c. Discuss follow-up items:
Janelle Kaiser reported that a letter and conditional use permit application will be mailed to property owner Karl Hoffman on January 5th. For details about this follow-up item, please see item 9c. within the minutes from the December 7th, 2020 Plan Commission at www.townofholland.com.

10. Public input

- a. Property owner Jeffrey Freund was present to discuss a potential rezoning from A-5 to A-T (agricultural tourism) and related conditional use permit (CUP) application for the property at W1841 Cole Road. Jeff provided information for commission members to review about his future request to conduct outdoor events on his property. He proposed 2 options for accessible parking areas to be used by event attendees. One of the parking areas would be accessed from Hawe Road, which is a public road, and the other area would be accessed from Cole Road, which is a private road. The Town of Holland's A-T ordinance specifies that guest access to any agritourism use shall be via either a public or a private road with at least 2 driving lanes and a surfaced roadway of at least 16 feet in width and shoulders at least one foot in width on each side. The Plan Commission advised Jeff that any parking area used for agritourism on his property must meet these requirements. Following the discussion about parking access on Jeff's property, a member of the Plan Commission advised that the outdoor events should be agriculturally related and aligned with the agricultural tourism zoning ordinance.

- b. Carl Weingaertner was present to propose a vertical agriculture business on the property at W2385 County Road A South. The property is owned by Brian Bruggink and a portion of the buildings and property would be leased by Carl Weingaertner. Brian Bruggink was present to participate in the discussion. Carl's business would focus on the indoor production of hemp and microgreens. Brian stated that he does not want to change the current B-1 (business) zoning classification for the property, though Carl and Brian recognized that agriculture is not listed as a permitted or conditional use in the B-1 zoning district per the Town of Holland Code. The Plan Commission noted that this type of activity would be permitted in all other agricultural zoning districts in the Town of Holland. Carl proposed that vertical agriculture be added to the business district as a conditional use, as many vertical farming activities incorporate controlled environments into operations. Some examples of vertical farming activities are hydroponics, aquaponics, and aeroponics with building usage as a common structure choice. Carl would utilize some of the existing buildings on the property at W2385 County Road A South for indoor vertical farming operations. The Plan Commission advised Carl that he would need to follow the procedure documented in Town of Holland Code Section 330-103 to petition a change to the Town of Holland Zoning Ordinance (Chapter 330). The Plan Commission acknowledged that the fee for the petition procedure should be discussed at the next board meeting, as the fee is somewhat substantial while the work involved to update the zoning ordinance due to a petition can vary considerably. The Plan Commission advised Carl that if he decided to apply for a petition as mentioned above as well as a CUP, he should have his application submitted by January 13th, 2021. A public hearing would be held for both the petition and the CUP, with any CUP approval decided upon by the Plan Commission being contingent upon the petition decision made by the Holland Town Board. Carl could also submit for a petition in February and follow up with a CUP application to be reviewed by the Plan Commission in March.

- c. Andy Gronik was present to discuss a CUP application that was tabled by the Plan Commission in September 2020. The CUP application submitted by Andy in August 2020 and tabled in September 2020 was to construct a third (a windmill) and fourth (observation tower) accessory structure on his property. A previous CUP application submitted by Andy in June 2020 and approved by the Plan Commission in July 2020 was for a second accessory structure (accessory building). Following the approval of the first CUP, the Town of Holland endured a very heavy rainfall in short period of time. Following that rainfall, Andy determined that the accessory building should not be constructed in the planned location. His revised plans also changed the size of the proposed building so the square footage of the structure will be below the maximum aggregate footprint allowed for a single accessory structure, thereby removing the requirement for the conditional use permit to construct it. The change in the location of the planned accessory building potentially impacted the proposed location of the third and fourth accessory structures. Andy submitted a new site plan to the Town of Holland in early October 2020 but stated that he was waiting for input from the Wisconsin Department of Natural Resources regarding the location of a proposed accessory structure on his property. Prior to the January 2021 Plan Commission meeting, Andy was still waiting for approval from the DNR. Andy submitted a second updated site plan on January 4, 2021. It was discussed by the Plan Commission at the January meeting that the existing conditional use permit on file to construct the accessory structure should be revoked upon the start of construction of the newly proposed structure. Building Inspector Tom Huenink inquired about inspection requirements for the proposed windmill and observation tower. He stated that he is not qualified to inspect structures of that type. Chair David Huenink informed him that the windmill would not need an inspection, but the observation tower should be inspected for safety purposes since people would be on it. The Plan Commission discussed whether there would be any commercial building code inspection requirements for the tower. David will follow up with the individuals at Sheboygan County who were involved in constructing a similar tower at the Sheboygan Marsh to obtain more information. Andy will follow up with his engineer or architect asking him which agency in Wisconsin would be responsible to approve the plans and conduct the inspection(s). The need for insurance on the observation tower was also discussed.

11. Conditional use permit review for 59006064701 and 59006061081:
- a. Roy Teunissen informed the Plan Commission that Hilbelink Auto Repair at 59006064701 is no longer operating and has not operated for a period of 12 months or greater. Therefore, the process for initiating CUP revocation may begin.
 - b. Roy Teunissen informed the Plan Commission that Lamroe Transport LLC at 59006061081 is no longer operating and has not operated for a period of 12 months or greater. Therefore, the process for initiating CUP revocation may begin.

The process for revoking a conditional use permit is documented in Town of Holland Code Section 330-52. Chair David Huenink and Clerk Janelle Kaiser will work together to create a standard form letter to send when revocation is appropriate per Section 330-52. Prior to completing the form letter, Janelle Kaiser will contact Town Attorney Gerry Antoine regarding whether a property owner could waive (in writing) the requirement per Town Code to hold a public hearing and wait 90 days for the property owner to bring their property into conformity with regulations of the district if they are no longer in need of the CUP. If the property owner

does not waive these requirements, or is unable to waive these requirements, the Town should go through the standard process as documented in 330-52.

It was noted during the meeting that when a letter of this sort is sent to each permit holder, a copy of the current CUP on file should be included.

12. Review parcel 59006074660 for ordinance compliance:

The property owner at 59006074660 has an accessory building with a guest area that is used for short-term rentals. This contains a bedroom, bathroom, and a small area with a mini-refrigerator, bar sink, microwave oven, coffee maker, and storage. The parcel is being reviewed for ordinance compliance because a single-family residence also exists on the parcel and our ordinances state that a parcel cannot contain more than one dwelling. Per Holland Town Code, a dwelling unit is defined as one or more rooms designed, occupied, used, or intended to be occupied or used, as separate living quarters, with a food preparation area and sleeping and sanitary facilities provided within such room(s).

The property owner has agreed to provide pictures of the area of the building that holds the mini-refrigerator, bar sink, microwave oven, coffee maker, and storage. This would help the Town determine whether a food preparation area as defined by the Holland Town Code exists. At the time of the January meeting, the property owner had not provided pictures, and therefore ordinance compliance cannot be determined. However, the Town recognizes that the short-term rental advertisements listed by the property owner with certain lodging marketplace(s) mention a “kitchen.”

The Town of Holland Plan Commission intends to revise the definition of food preparation area within the Town Code for clarification purposes. This will allow the Town residents and officials to better determine what constitutes compliance with Town ordinances.

13. Proposed new private road east of Hawe Road:

Andy Gronik has proposed converting a long driveway into a named private road for his property which abuts both Hawe Road and Cole Road, in order to create a new road address. The Town of Holland has no jurisdiction over private roads in the Town and there is no ordinance to allow for or prohibit this action. However, for public safety purposes, the road name must be unique in both the Town of Holland and Sheboygan County because the address will be registered for emergency medical services (EMS), the sheriff’s department, and local fire departments. Sheboygan County will be responsible for assigning the specific address to the property if a new private road is created.

This matter will be discussed at the Town Board, as a road sign consistent with town standards should be installed by the Town. The property owner should then be required to reimburse the Town of Holland for the actual expense of purchasing and installing the road sign. The town will also need to send a letter authorizing the change to the Cedar Grove postmaster.

14. Ongoing issues:

a. Applications being processed:

CG Services, Smies Road: A CUP had been approved but has not been recorded due to the incomplete land transfer. Chair David Huenink contacted the attorney who is helping Mark and Kevin with the land transfer in December 2020 and has not heard back from him. In early December, the attorney communicated that the updated deed would be sent shortly. After some discussion, the Plan Commission decided by unanimous consent that a certified letter should be sent to Kevin Claerbaut of CG Services with regard to an incomplete land transfer between Kevin and Mark DeMaster, which is preventing the completion of land covenant and CUP documents at the Town level. The letter will explain that a public

hearing will be scheduled to take up the matter of revoking the approved CUP for the land that he does not own per Sheboygan County Land Records Web Portal.

- b. Possible updates to § 330 Permitted Uses and § 330-12 Use Regulations:
Chair Huenink provided notes and a draft ordinance for the proposed changes to the Town Code sections listed above. He will send the proposed changes, including a revised definition of food preparation area, to Town Attorney Gerry Antoine for review. Janelle Kaiser will prepare a public hearing notice to be published in the Sheboygan Press to provide notice of the proposed changes to the Town of Holland zoning ordinance as well as Chapter 280, which also includes the food preparation area definition.

- c. Potential limitations for constructing accessory buildings and residences:
No new information to report. This item will be discussed at a future Plan Commission meeting.

- d. Conditional use permit review schedule:
The Plan Commission selected 4 conditional use permits to be reviewed at the February board meeting.
The Plan Commission discussed whether it would be possible for the Town Board to delegate authority to the Plan Commission to make decisions about CUP revisions, as the revisions vary in complexity. The fee could be determined on a case-by-case basis dependent upon the amount of work required to amend the CUP.

15. Public input:

Kenneth MacKenzie advised that the Town of Holland should do what they can to protect themselves against any potential liability as it relates to the proposed observation tower mentioned in Section 10.b. of these minutes.

16. Review/approve attendance records for previous meeting:

Motion by David Mueller, seconded by Roy Teunissen, to approve the attendance records as presented; the motion carried by unanimous voice vote.

17. Adjourn:

Motion by Jack Stokdyk, seconded by David Mueller, to adjourn at 10:16PM; the motion carried by unanimous voice vote.

Respectfully submitted,
Janelle Kaiser, Clerk