

TOWN OF HOLLAND PLAN COMMISSION
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
W3005 County Road G, Cedar Grove, WI 53013
Monday, December 2, 2024 7:30pm

1. Call to order:
Plan Commission Chair David Huenink called the meeting to order at 7:31pm.
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 at the Holland Town Hall and on the Town's website. A public hearing notice was posted at the Holland Town Hall and on the Town's website and was published in the Sheboygan Press on November 18, 2024 and November 25, 2024.
4. Record retention certification:
Plan Commission Clerk Janelle Kaiser stated record retention is up to date.
5. Roll call:
Attendees: Chair David Huenink, Bryan Kaiser, Roy Teunissen, Craig Droppers – Alternate, Brody Stapel, Matthew Teunissen, Jack Stokdyk, and David Mueller.
Absentee(s): None.
Signed-In Attendees: Kevin Kappers, Dale Velier, Jane Dederling, Amy TenHaken, Melise DePachter, Ken MacKenzie, Judy MacKenzie, Randy Joosse, Ann Grittinger, Jane Hamilton, Ann Calvert, Scott Albrecht, Doug Hamilton, Ken Tyler, Mary Ann Tyler, Cheryl Baldwin, Larry Britton, Judy Britton, John Dickmann, David Valenti, Annmarie Valenti, Mary Huenink, Mark Huenink, Greg Bachrach, Fred Holt, Elaine Johnson, Douglas Johnson, Amy Q Scott, Ellen Anderson, Lee Kaat, Joseph Bernstein, Diane Holstrom-Meisser, Dana Mueller, Scott Siemon, and William Banner.
Other Attendees: Janelle Kaiser, Town Clerk-Treasurer and Zoning Administrator, and Tom Huenink, Town Building Inspector.
6. Adopt agenda as official order of business:
Chair Huenink proposed that agenda item 12 be discussed following agenda item 10. Motion by Jack Stokdyk, seconded by David Mueller, to adopt the agenda for the December 2, 2024 Plan Commission meeting as modified to include discussing agenda item 12 following agenda item 10; the motion carried by unanimous voice vote.
7. Plan Commission procedures and opportunities for improvement:
No new information to report.
8. Review/approve minutes of previous meeting(s):
Motion by David Mueller, seconded by Roy Teunissen, to approve the minutes from the November 7, 2024 Plan Commission meeting as presented during the December 2, 2024 Plan Commission meeting; the motion carried by unanimous voice vote.
9. Information for Plan Commission from Town Board:
 - a. Request by Kenneth and Jodi Hilbelink for rezonings at W4341 Dekker Road and parcel 59006061782 on Dekker Road:
Chair Huenink reported that the Holland Town Board accepted the recommendation of the

Plan Commission at their November 11, 2024 board meeting and approved Kenneth and Jodi Hilbelink's request for rezonings at W4341 Dekker Road and parcel 59006061782 on Dekker Road, contingent upon Sheboygan County approval and execution of the boundary line adjustment as shown on the plat of survey submitted with their application.

- b. Request by Brian Bruggink of Brian J and Julie K Bruggink Living Trust for a minor land division and rezonings of parcel 59006060331 on DeMaster Road and parcel 59006063682 on Kappers Road:

Chair Huenink reported that the Holland Town Board accepted the recommendation of the Plan Commission at their November 11, 2024 board meeting and approved Brian Bruggink's request for a minor land division and rezonings of parcel 59006060331 on DeMaster Road and parcel 59006063682 on Kappers Road, contingent upon:

- (1) Receipt of a signed and recordable certified survey map that matches the draft map submitted with the application.
- (2) Village of Oostburg approval of the certified survey map, and upon that certified survey map being approved and executed by Sheboygan County.

10. Building inspector items:

- a. Review building permits report:
None. Building Inspector Tom Huenink did not submit a building permit report for the month of November 2024.
- b. Review building permit requests needing Plan Commission review:
None.
- c. Discuss follow-up items:
None.

11. Public input:

Chair Huenink announced that public input may be limited to three minutes per person, with a total public input period limit of sixty minutes. He also noted that there would be a public hearing for the proposed ordinance to amend Holland Town Code Chapter 330 – Zoning later in the meeting, and that the proposed ordinance, for which there was a public hearing at the November 7, 2024 meeting, has not changed, and that this governing body heard public input regarding that ordinance during said meeting. Chair Huenink encouraged the public to submit any new comments regarding the proposed ordinance during the applicable public hearing and encouraged the public to avoid repetitive comments regarding this matter in the interest of time. Let these minutes show that meeting minutes are an official record of the proceedings of the governing body and not intended to be a transcript of said meeting. They must record the substance of what occurred at a meeting and should focus on what was done at the meeting, rather than what was said. Therefore, the following is a summarization of public comment provided at this time:

- a. Janelle Kaiser was contacted by Nathan DeMaster and Ryan DeMaster about a proposed land transaction at N233 County Road LL and some surrounding parcels. Information about the proposal was provided in the December 2, 2024 Plan Commission meeting packet. Upon review of the proposal, which would include several parcel mergers subject to approval by Sheboygan County, the Plan Commission concurred that a Town application would not be required if the transaction was completed as proposed, whereas the resultant parcels would be consistent with the Town's zoning ordinance and would not require any land division or rezoning. They also acknowledged that use of the parcels is

not proposed to change, and that the known existing uses of the parcels are consistent with the Holland Town Code.

b. Public comments about the proposed ordinance to amend Holland Town Code Chapter 330 – Zoning:

- (1) Town of Holland residents and property owners are relying on the officials of the Town to protect their interests, which includes consideration of whether property usage is compatible with the applicable zoning district(s). Commercial uses are not compatible with the Town's Single-Family Residence (R-1) zoning district. The proposed ordinance, which includes the addition of hospitality services as a conditional use in the R-1 district, accurately describes the use planned to be conducted at the dwelling at N2047 Pine Beach Road South and is not compatible with that district. Hotels and motels are used to provide hospitality, and the proposed change would conditionally allow a use with the same intent as those types of facilities. Common sense leads one to conclude that this type of use is incompatible with R-1 zoning, and the Town should act to prevent, rather than promote, such usage of R-1 property. The proposed use of the aforementioned dwelling promotes corporate marketing and employee relationships and activities, which counteracts the Town of Holland residents' interests, and prioritizes corporate interests. Support of Town action to prevent incompatible uses rather than to promote them.
- (2) Comment that adoption of the proposed ordinance would be premature, whereas an appeal of the Town's interpretation that the proposed use of the dwelling at N2047 Pine Beach Road South complies with the Town's zoning ordinance will be heard by the Holland Board of Appeals on December 4, 2024. Only after that meeting, or if any litigation on the matter leads to a decision by a judge, will it be known whether the Town's interpretation is correct or incorrect. The proposed ordinance presumes that the Town's interpretation is correct, and adoption of the ordinance would be irresponsible. Request to table the ordinance until after the Board of Appeals meeting on December 4, 2024.
- (3) Comment that if hospitality services were added as a conditional use in the R-1 zoning district, Town of Holland residents and property owners would need to rely on the Town Plan Commission to set conditions for those permitted conditional uses, much like they relied on the Town officials to enforce its clearly written zoning ordinance, which it seems they didn't want to do.
- (4) Inquiry about whether the Town could inform the public about planned conditions that may be included in future conditional use permits for hospitality service use if the ordinance amendment were to be adopted. Would there be strict conditions? Comment that strict or impossible conditions are preferred. What are the Town's intentions and what sort of conditions would be imposed? Suggestion to work with the public to help create these conditions to minimize hospitality services use in the R-1 district.
Chair Huenink stated that any conditions imposed would need to be reasonable, but certain limitations could be set to regulate aspects of hospitality use, such as proximity, quantity, etc.
- (5) Comment that the existing zoning ordinance is clear.
- (6) Comment that the zoning ordinance is sufficient as it is written and for the Plan Commission to table the decision.
- (7) Question about whether the Plan Commission could table the ordinance during this meeting and how a decision made by the Board of Appeals on December 4,

2024, would affect the proposed ordinance.

Chair Huenink commented that governing bodies of the Town must follow the letter of the law. At this time, a decision has not been made by the Board of Appeals, so the Town's governing bodies are to follow what they believe is the letter of the law today, as it has been interpreted.

(8) Inquiry about why the ordinance is being proposed prior to a decision being made at the December 4, 2024 Board of Appeals meeting.

(9) Let these minutes show that the Clerk received the following message as email correspondence from a member of the public that stated the following, "We would like to add our voice of objection to any change of the residential zoning of Pine Beach Road and other Lake areas in the town of Holland. Hospitality Services should NOT be allowed to have ANY form of retreat, corporate guest houses or any other business endeavor. Leave the woods and Lake Front alone. We have far too much loss and damage to the land near the Lake Front. Previous development in Sheboygan, Haven and other areas detracts/destroys from the quiet natural beauty of these areas."

This correspondence was included in the December 2, 2024 Plan Commission meeting packet.

c. Comments about the property at N2047 Pine Beach Road South:

(1) Inquiry about construction status and occupancy permit issuance for the dwelling at N2047 Pine Beach Road South, and whether the owner, American Orthodontics (AO), is waiting for issues with the use of the dwelling to be resolved prior to conducting their proposed use. Comment that the planned hospitality use of the aforementioned dwelling is incompatible with the ordinance and AO will benefit from it. Inquiry about whether the proposed use of the dwelling was considered when building permits were issued. Inquiry about what is meant by the term footprint. Inquiry about where the Holland Town Code states that hospitality services are an allowed use.

1. Chair Huenink provided:

a. A final inspection of the dwelling has not been called for yet, so it reasonable to say that building construction is still underway. If the building is completed and approved by the building inspector as compliant with the Holland Town Code, then AO could begin using the building to house their guests at no cost to those guests. As of today, the proposed use of N2047 Pine Beach Road South is allowed per Holland Town Code, however, a Board of Appeals meeting will take place on Wednesday, December 4, 2024 at 7:00pm which will include a hearing for an administrative appeal of the Town Plan Commission's adoption of the Town Attorney's interpretation of zoning regulations, to include a review of the legal interpretation that the proposed use of the dwelling at N2047 Pine Beach Road South, Oostburg, Wisconsin complies with Holland Town Code §330-27, R-1 Single-Family Residence District.

b. The proposed ordinance is intended to clarify areas of the Holland Town Code. The proposed ordinance intends to provide clarity, in part, by adding or modifying definitions of certain terms, such as the definition of family.

c. With regard to the proposed use of the dwelling at N2047 Pine Beach Road South, what matters is how the ordinances, which

include definitions that are pertinent to determining the compatibility the proposed use, are written today. He provided the current definition of family as defined by the Holland Town Code.

- d. An explanation of the term footprint and applicable regulations as it pertains to buildings.
- (2) Inquiry about whether the type of entity that owns a property is relevant to its allowed use of a property.
 1. Chair Huenink replied that property ownership structure is not relevant to how a property can be used. He said that there are many properties in the Town owned by limited liability companies or trusts.
 - (3) A hypothetical scenario was proposed. Inquiry of whether it would be consistent with Town ordinances, as a permitted R-1 use, for a property owner to allow guests to stay at their residential property at no cost as long as the guest promised to purchase retail goods from the property owner. A brief discussion was had that focused on the difference between requiring a guest to purchase a retail good versus giving them the option to purchase.
 - (4) There was some discussion about whether a migrant shelter or homeless shelter would be allowed in R-1 because people are not paying to stay there. During the discussion, the potential for increased clarity within the Town's ordinances through ordinance amendments was mentioned. While ordinances must not discriminate against entire groups of people, the permitted and conditional uses allowed within a zoning district are reliant on how those permitted and conditional uses are defined by Town ordinance. Ordinances can be amended to clarify certain definitions or uses.
 - (5) A statement provided by Susan LaBudde was read by Annemarie Valenti at this time. This statement was provided to Plan Commission members in the December 2, 2024 meeting packet and is on file in the Town office.
 - (6) Question posed to Plan Commission to consider whether AO built a single-family home in the R-1 district, or did they build a lodge to be used as part of a corporate marketing strategy as they have advertised on their website. Is the proposed use compatible with the R-1 district?
 - (7) Comment that AO, as a corporation, will have guests; there will not be residents staying there. Allowing AO to do this changes the residential environment of the R-1 neighborhood. Interpretation of ordinance is clear, residents should be living in the R-1 district, and this undervalues and affects more property owners than just the neighbors surrounding N2047 Pine Beach Road South.
 - (8) Comment that it seems the Town is fighting for AO and that it is likely for the Town to be sued if they do not take the side of the people who oppose the proposed use of the dwelling. Comment that members of the public have talked to lawyers who say that the Town's interpretation of its zoning ordinance with respect to this issue is incorrect.
 - (9) Comment that the building permit for the dwelling at N2047 Pine Beach Road South was applied for by American Orthodontics, which indicates that it is not residential in nature. Inquiry about why the Town building inspector didn't investigate proposed use of dwelling before approving the permit. Inquiry about why the Town treasurer did not sign the building permit voucher. Comment that building plans for the dwelling show that bedrooms and bathrooms have matching furniture and fixtures and lights above the exterior side of the bedroom

doors, which indicates commercial use. Inquiry about how the property at N2047 Pine Beach Road South is insured.

1. Chair Huenink noted that how a property is insured is not relevant to determine whether a use is residential or commercial, rather, what matters is how the occupants use the property.

(10) Inquiry about how assessed value of the subject property will affect the assessment of other nearby properties.

1. Chair Huenink stated that the Town assessor would best be able to answer questions about assessment of property.

(11) Comment that neighboring properties will be devalued due to improvements on the subject property. Inquiry about whether a decrease in fair market value to nearby properties will affect how much property tax those property owners pay.

(12) Comment about short-term use of the property by non-residents and how the occupants would not be using it as a family.

12. Exterior lighting on structures at W2730 County Road A South, on which property an existing conditional use permit allows operation of a business that offers indoor storage:

A letter was sent by certified mail to the property owner on October 25, 2024, which provided a deadline of November 22, 2024 to install or provide written evidence of steps taken to complete installation of alternative exterior lighting fixtures, or modify the existing fixtures, on certain buildings on the property. The Plan Commission previously reached consensus that the existing exterior lighting on certain buildings at W2730 County Road A South is adversely affecting neighboring properties due to the angle of which the lighting is directed.

Chair Huenink reported that the Town is in the process of conducting research to confirm the specs of 90-degree cut-off wall-pack lighting fixtures, which are what the property's conditional use permit (CUP) site plan shows is to be installed on Buildings 3, 4, and 5, in order to determine whether the existing exterior lighting fixtures installed are in accordance with said site plan. He also reported that an attorney representing the property owner of W2730 County Road A South emailed a letter to the Town Clerk-Treasurer which pointed to state statutes, created by Wisconsin 2017 Act 67, that require conditional use permit conditions to be "...reasonable and, to the extent practicable, measurable..." The letter asserted that the condition listed in the CUP for the subject property, which disallows the conditional use to adversely affect surrounding properties or create problems relating to light, noise, dust, traffic, storm water, or physical appearance, is unconstitutionally vague.

The Plan Commission again acknowledged that the Sheboygan County Sheriff's Department has not reported concerns to the Town about the existing lighting's traffic impact on State Road 32 and County Road A South.

13. Public hearings for:

- a. Request by Tanner and Sarah Monahan for a minor land division:

The subject property is located at W4037 County Road RR (parcel 59006068461, zoned A-2, 11.45 acres). The request to create two separate parcels via minor land division consisting of approximately 5.00 acres and 6.45 acres, respectively.

Chair David Huenink called the public hearing for Tanner and Sarah Monahan to order at 8:42pm and asked for comments from the public.

Mark Huenink of N412 Six Mile Road stated that he owns land bordering the subject property to the south and to the east. He expressed concern about possible development on the lot if the minor land division were to be approved due to the grass waterway running through the parcel, which allows for adequate drainage of agricultural fields located west

of the subject property. Mark expressed that the waterway should stay intact to allow for adequate drainage to continue if the proposed 5.00-acre parcel were to be built on. Sarah Monahan commented that in order to build a house on the proposed 5.00-acre parcel, submittal of a conditional use permit application to the Town Plan Commission would be required, whereas the subject property is zoned A-2, and that neighbors would be notified of the application if and when it is submitted. The minor land division request is to divide the parcel and does not include a request to build a house, which may or may not happen in the future. Sarah referenced a section of the Town's zoning ordinance which states that that the location and size of a proposed new residence in the A-2 zoning district shall not convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a residential lot or residence, nor shall it significantly impair or limit the current or future agricultural use of other protected farmland.

Chair Huenink asked for any additional comments from the public two more times. There were no other comments from the public.

Motion by Jack Stokdyk, seconded by Roy Teunissen, to close the public hearing for Tanner and Sarah Monahan at 8:50pm; the motion carried by unanimous voice vote.

b. Request by Rhonda Anderson for a minor land division:

The subject property is located at N1838 County Road KW (parcel 59006062852, zoned A-5, 7.40 acres). The request to create two separate parcels via minor land division consisting of 3.825 acres and 3.582 acres, respectively.

Chair David Huenink called the public hearing for Rhonda Anderson to order at 8:50pm and asked for additional comments from the public three times. There were no comments from the public.

Motion by Jack Stokdyk, seconded by Brody Stapel, to close the public hearing for Rhonda Anderson at 8:51pm; the motion carried by unanimous voice vote.

14. Request by Tanner and Sarah Monahan for a minor land division at W4037 County Road RR. Motion by Matt Teunissen, seconded by Roy Teunissen, to recommend that the Holland Town Board approve the request for a minor land division by Tanner and Sarah Monahan to create two separate parcels via minor land division consisting of approximately 5.00 acres and 6.45 acres, respectively, and as shown on the draft certified survey map submitted with the application. The Plan Commission recommends that Holland Town Board approval is contingent upon:
- (1) Receipt of a signed and recordable certified survey map that includes required Town language and matches the draft map submitted with the application.
 - (2) Receipt of a full legal description for the parent parcel or all resultant parcels.
 - (3) Holland Town Board approval of the certified survey map, and upon that certified survey map being approved and executed by Sheboygan County.

The motion carried by roll call vote. Jack Stokdyk: Y; Matthew Teunissen: Y; Roy Teunissen: Y; Brody Stapel: Y; David Huenink: Y; Bryan Kaiser: Y; David Mueller: N.

15. Request by Rhonda Anderson for a minor land division at N1838 County Road KW. Motion by Jack Stokdyk, seconded by Bryan Kaiser, to recommend that the Holland Town Board approve the request for a minor land division by Rhonda Anderson to create two separate parcels consisting of 3.825 acres and 3.582 acres, respectively, and as shown on the certified survey map submitted with the application. The Plan Commission recommends that Holland Town Board approval is contingent upon:
- (1) Holland Town Board approval of the certified survey map, and upon that certified

survey map being approved and executed by Sheboygan County.

The motion carried by unanimous roll call vote. David Mueller: Y; Bryan Kaiser: Y; David Huenink: Y; Brody Stapel: Y; Roy Teunissen: Y; Matt Teunissen: Y; Jack Stokdyk: Y.

Let these minutes show that the Plan Commission recognized that the subject parcel was involved in a land division transaction in 2007, which is more than 10 years ago; therefore, approval of the minor land division would not be in violation of Holland Town Code §220-15F.

16. Public hearing for:

a. Ordinance to Amend Holland Town Code Chapter 330 – Zoning:

Chair David Huenink called the public hearing for proposed Ordinance 2024-09 to order at 9:00pm and asked for comments from the public.

(1) Ellen Anderson introduced herself as an attorney representing David Valenti and Larry Britton. Ellen stated that the Plan Commission decided to table the proposed ordinance at their November 7, 2024 meeting after hearing nearly four hours of public input, and that the proposed ordinance has not changed at all while still facing strenuous opposition from the community.

Ellen said that the proposed ordinance considers the Plan Commission and Town Board's mistaken belief that the Holland Town Code already allows the proposed use of the American Orthodontics house, which is being challenged at the December 4, 2024 Board of Appeals meeting and could be further challenged in the Sheboygan County Circuit Court. Whether the proposed use of the AO house is allowed or not is unknown at this time. Ellen asked that the Town slow down and table the conversation about the ordinance and requested a motion to close the public hearing for the proposed ordinance unless any members of the public present at the meeting had comments other than requesting that the Plan Commission table their discussion about the proposed ordinance.

Chair Huenink asked for any additional comments from the public two more times. There were no other comments from the public.

Motion by Roy Teunissen, seconded by Jack Stokdyk, to close the public hearing for Ordinance 2024-09 to Amend Holland Town Code Chapter 330 – Zoning at 9:04pm; the motion carried by unanimous voice vote.

17. Ordinance to Amend Holland Town Code Chapter 330– Zoning:

Motion by Brody Stapel, seconded by Matthew Teunissen, to take the Ordinance to Amend Holland Town Code Chapter 330 – Zoning off the table and recommend that the Holland Town Board not adopt the proposed Ordinance Amending and Creating Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin as drafted; the motion carried by unanimous roll call vote.

18. Ongoing issues:

a. Applications being processed:

The Plan Commission acknowledged progress on the applications being processed.

b. Conditional zoning and options for its use in the Town of Holland:

The Plan Commission briefly discussed the possibility of incorporating conditional zoning into the Town's zoning ordinance and comprehensive plan. The Plan Commission reached consensus that this possibility should be explored further and that there are certain situations where conditional zoning could be applied. For example, if a parcel, or a portion thereof, is rezoned to the business district and:

- (1) Fails to conduct a permitted or conditional business use within a certain period of time after the rezoning is granted, or
- (2) Discontinues the permitted or conditional business use for a certain period of time after the rezoning is granted, without conducting a different permitted or conditional business use.

In these instances, conditional zoning, where the zoning of an area may revert to its prior district classification, may be applicable in certain areas of the Town. An example could be a parcel in one of the Town's agricultural districts where a portion of the parcel was rezoned to business. If the proposed business use is never conducted or is discontinued, the parcel's zoning may revert back to the agricultural zoning classification that was held prior to the approved rezone to the business district. This example seems to encourage agricultural preservation in certain areas of the Town as set forth by the Town's comprehensive plan.

19. Public input:

- a. Mary Huenink inquired about the building permit for N2047 Pine Beach Road South and whether the public was present at Town meetings at the time of that permit issuance. Chair Huenink provided a brief synopsis of some discussions about the property at prior meetings.
- b. The Plan Commission suggested that other municipal ordinances could be reviewed, and the Wisconsin Towns Association could be consulted, as they continue to consider amendments to the Town's zoning ordinance.
- c. Jack Stokdyk inquired about whether Plan Commission members should have email addresses assigned to them by the Town for receipt of Town-related correspondence from Town officials or members of the public.

20. Review/approve attendance records for previous meeting:

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

21. Adjourn:

Motion Jack Stokdyk, seconded by Roy Teunissen, to adjourn at 10:18pm; the motion carried by unanimous voice vote.