

## Minutes of Plan Commission Meeting April 2, 2007

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 7:30 p.m.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. The Agenda was adopted as the official order of business on a motion by Eugene Schmitz. The motion was supported by Jan Rauwerdink and passed by a unanimous voice vote.
5. Roll Call showed in attendance Chairman Donald Becker, Matthew Sproehlich, Ken Nyhuis, Eugene Schmitz, Dave Huenink, Jan Rauwerdink, and Tom Huenink. Absent were Claus Weingaertner, John Kucksdorf, and David Mueller.
6. The March 5, 2007 minutes were approved on a motion by Ken Nyhuis, supported by Dave Huenink, passed by unanimous voice vote.
7. Public Input: Lee Lemahieu asked about an apparent change of zoning on her property – a mis-reading of her tax bill. Trevor Mentink complained about not being notified of the Navis-Stecker request; he had not been listed on the request as being within 200 feet of the Navis property. Chairman Becker offered to take the complaint up with legal counsel.
8. Restrictive Covenants: Town Clerk Sharon Claerbaut presented her findings regarding the processing of restrictive covenants, which are required in some cases by the Zoning Ordinance. Ted Scharl suggested that restrictive covenants are best drawn up by lawyers, not by laymen. Chairman Becker suggested that Attorney Gerry Antoine could draw up the RCs for a fee that would be passed on to the requestors. Accordingly a meeting will be arranged between Antoine and the Clerks.
9. Public Hearings on five requests:

**A request from DuWayne Navis, James Navis, and Brian Stecker** for a conditional use permit for a gas station/mini mart. It would be built on a recently rezoned B-1, 3.00-acre lot divided from a parent parcel 59006060650, located at the northwest corner of County Highway A South and State Highway 32, two miles west of the Village of Oostburg. Brian Stecker spoke in favor of the request. Trevor Mentink had questions about the nature of the development, e.g. lighting. An unidentified man asked if diesel engines would be idling at night. Jan Rauwerdink asked about the positioning of driveways (plans are not developed yet). Ken Nyhuis questioned the applicability of State lighting standards. *Matthew Sproehlich moved to close the public hearing, supported by Ken Nyhuis, passed by unanimous voice vote.*

**A request from Wendel and Diane Voskuil** for a conditional use permit for a single family residence. It would be built on a recently rezoned A-5, 3.94-acre lot ("lot 2") divided from parent parcel 59006060300, located at the northeast corner of County Highway A South and Gibbons Road, one mile west of the Village of Oostburg. There were no public comments either pro or con. *Eugene Schmitz moved to close the public hearing, supported by Ken Nyhuis, passed by unanimous voice vote.*

**A request from Jean A. Koning Family Trust** Dated April 30, 1999; Marion Clara Koning, and Evelyn Gertrude Konings for lot division and a change of zoning from A-1 to A-5 on a new 6.00-acre parcel (Lot 1) divided from parent parcel 59006063780. Lot 1 includes the existing house and buildings, located at W2228 Walvoord Road. Ted Scharl spoke in favor of the request and passed out an enlarged C.S.M., showing that the road frontage meets Town requirements, and a survey map of the entire 79-acre farm. Scharl gave an assurance that the restrictive covenant covers both the 79-acre parent parcel and the 6-acre lot. *Jan Rauwerdink moved to close the public hearing, supported by Dave Huenink, passed by unanimous voice vote.*

**A request from Leroy Richards and Samuel Payne** for a conditional use permit for a single family residence. It would be built on Lot 4, 5.04 acres, recently rezoned A-5 and divided from parent parcel 59006063451, located near W2375 Hofteizer Road. Leroy Richards and Samuel Payne did not attend the meeting. An unidentified man commented (1) that 3 parcels drain into the same creek which does not drain well and (2) asked if the Richards parcel was substandard farmland or not and (3) commented that that land had always been farmed and (4) commented that the people of the Town want a rural atmosphere. Chairman Becker commented that the site map is incomplete, not showing a driveway or septic system. Jan Rauwerdink pointed out that the indicated setback of 40 feet is short of the required 50 feet. *Jan Rauwerdink moved to close the public hearing, supported by Matthew Sproehlich, passed by unanimous voice vote.*

**A request from Dan Brill** for a conditional use permit to operate a business on a 2-acre parcel (590060663431) zoned A-5, located at W2438 Hofteizer Road. Nature of proposed business: small engine/motorcycle repair. Dan Brill declined to comment. An unidentified man questioned the hours of operation. Brill's response was daytime, 8 a.m. to 6 p.m. Jan Rauwerdink questioned customer parking. Brill's response was that there is some. Chairman Becker commented that there is no home on the property and referenced Sections 20.210 and 20.220 of the Zoning Ordinance, adding that home occupations does not fit this case. *Ken Nyhuis moved to close the public hearing, supported by Matthew Sproehlich, passed by unanimous voice vote.*

10. Deliberate and take action on five requests:

**A request from DuWayne Navis, James Navis, and Brian Stecker.** By this time in the meeting, Brian Stecker had departed. Chairman Becker commented that we lack information and may need the advice of attorney Antoine regarding the notification issue. Matters in which information is lacking include: hours of operation, lighting, hours of pump operation, overnight parking for semis, idling diesel engines, amount of parking, position of driveways, engineering advice regarding underground storage tanks, groundwater protection, stormwater runoff, location of tanks and fillports, landscaping, comprehensive set of drawings, review of our engineering consultant prior to any Plan Commission action, septic system, car wash. Chairman Becker offered to invite consulting engineers to the May Plan Commission meeting to make presentations. *Dave Huenink moved to table the request for one month, supported by Matthew Sproehlich, pending (1) receipt of engineering/architectural drawings from the requestor, (2) selection of an engineering consultant, (3) answers to all the issues/concerns listed above. Motion passed by unanimous voice vote.*

**A request from Wendel and Diane Voskuil.** *Dave Huenink moved to table the request for one month, supported by Matthew Sproehlich, pending receipt of a site plan drawn to scale, showing septic system, outbuildings and pending receipt of an acceptable restrictive covenant.*

**A request from Jean A. Koning Family Trust.** The road frontage was seen to be sufficient. *Eugene Schmitz moved to recommend to the Board approval of the zoning change and the land division, supported by Jan Rauwerdink. The motion passed by a unanimous voice vote.*

**A request from Leroy Richards and Samuel Payne.** Neither Richards nor Payne attended the meeting. The application was seen to be incomplete: the site drawing does not show a septic system nor a driveway. The public hearing raised the issue of storm water management that the requestor has not addressed. The drawing show a setback of 40 feet, less than the required 50 feet. *Dave Huenink moved to table the request for one month, supported by Matthew Sproehlich, pending receipt of a site drawing and responses that address the issues/concerns cited above. The motion passed by a unanimous voice vote.*

**A request from Dan Brill.** The discussion cited Sections 20.02.86 (definitions) and 20.210 (home occupations) of the Zoning Ordinance. It was noted that (1) the property is zoned A-5, non-conforming by reason of acreage, (2) the definition of home occupation mandates that the business be incidental, (3) there is no dwelling unit on the property, (4) the standards of 20.210.01 do not fit the request. *Chairman Becker moved to deny the request for a conditional use permit, supported by Matthew Sproehlich, based on the considerations cited above. The motion passed by a unanimous voice vote.* Brill indicated his intention of returning in May 2007 with a new request (\$300 fee waived) for a change of zoning to B-1

and for a conditional use permit for the proposed business.

11. Comprehensive Plan: Two meetings are coming up on April 16, to look at UW-Extension survey questionnaire, and on May 21, to review/score the proposals. The May 21 meeting requires pre-work on the proposals.
12. Revised application form for rezoning/CUP/lot division: The Clerk handed out a revised application form (see attached). It will likely need more work, following consultation with Attorney Antoine, taking into account his need for specific information for restrictive covenants.
13. Revision of Attachment G to the Zoning Ordinance: The Clerk handed out a revised Attachment G (see attached). The revisions were made using document revision tracking.
14. Public Input: An unidentified man asked if overnight parking at the gas station/mini-mart was part of the Navis-Stecker request. (By this time Brian Stecker had left the meeting.)
15. The attendance record for March 2007 was approved on a motion by Matthew Sproehlich. The motion was supported by Dave Huenink and passed by a unanimous voice vote.
16. The meeting adjourned at 9:55 p.m. on a motion by Eugene Schmitz, supported by Jan Rauwerdink, passed by a unanimous voice vote.

Respectfully submitted,  
Syd Rader, Clerk Plan Commission Town Holland  
April 4, 2007