

Minutes of Plan Commission Meeting March 5, 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 7:31 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 Matthew Sproehlich. The motion was supported by Dave Huenink and passed by a unanimous voice vote.
5. Roll Call showed in attendance Chairman Donald Becker, Matthew Sproehlich, John Kucksdorf, Ken Nyhuis, Eugene Schmitz, Dave Huenink, Jan Rauwerdink, and Tom Huenink. Absent were Claus Weingaertner and Daniel Teunissen.
6. Approval of Minutes of previous meetings – February 5, 2007 and February 19, 2007. The February 5, 2007 minutes were approved on a motion by Eugene Schmitz, supported by Ken Nyhuis, passed by unanimous voice vote. The February 19, 2007 minutes were approved on a motion by Matthew Sproehlich, supported by Eugene Schmitz, passed by unanimous voice vote.
7. Public Input: Ted Scharl submitted a new application for change of zoning on behalf of Konings Family Trust. He distributed copies of a pertinent certified survey map which was studied by the Plan Commission.
8. Public Hearing on two requests:

A request from DuWayne and James Navis for a change of zoning from A-1 to B-1 on a new 3.00-acre lot to be divided from a parent parcel (59006060650) of about 36.87 acres zoned A-1. The proposed lot is located at the northwest corner of County Highway A South and State Highway 32, two miles west of the Village of Oostburg. The purpose of the request is to allow a mini-mart/gas station to be built on the new lot.

Brian Stecker, agent of the Navis brothers and prospective buyer of the three-acre site of the proposed gas station/mini mart, spoke in favor of the request. Reid Rathjen, a business-owning neighbor of Navis, spoke in favor of the request. No one spoke in opposition to the request.

On the part of the Plan Commission, Jan Rauwerdink questioned the lighting of the proposed gas station/mini mart, from the standpoint of anticipated light pollution. Eugene Schmitz asked why not locate the gas station/mini mart in Oostburg; the applicant indicated that the climate in Oostburg was inhospitable.

A conditional use permit for a gas station/ mini mart was not requested in the original Navis application but was belatedly requested by the applicants at this meeting. This request for a conditional use permit will have to be legally noticed, meaning that the request cannot be heard until next month, and may entail a \$300 fee unless waived by the Town Board.

Dave Huenink observed that the applicants have the options of (1) combining the parent parcel with adjacent parcels to form a super parcel of ≥ 35 acres such that the super parcel retains A-1 zoning or (2) rezoning the 33.87 parent parcel A-1 to A-2.

A request from Wendel and Diane Voskuil for a change of zoning from A-1 to A-5 on a new 3.94-acre lot (“lot 2”) and for a change of zoning from A-1 to A-2 on a new 16.43-acre lot (“lot 1”). These

two lots would result from the division of the A-1 parent parcel 59006060300, located at the northeast corner of County Highway A South and Gibbons Road, one , mile west of the Village of Oostburg. Lot 2, on the western end of the parent parcel, is the proposed site of a future single-family residence.

Neighboring businessman Reid Rathjen raised no objection to the proposed rezoning.

A conditional use permit for a single-family residence was not requested in the original Voskuil application but was belatedly requested by the applicants at this meeting. This request for a conditional use permit will have to be legally noticed, meaning that the request cannot be heard until next month, and may entail a \$300 fee unless waived by the Town Board.

9. Deliberate and take action on two requests:

The Navis request for a change of zoning. Dave Huenink observed that the request meets the requirement of the Zoning Ordinance and the Comprehensive Plan. Chairman Becker observed that the affected land has the highest rating for agricultural use. Ken Nyhuis had a question about the extraterritorial rights of Oostburg. The zoning compatibility of nearby properties was considered: businesses are already established at the intersection of County A and Highway 32. Noted that harsh lighting from a gas station/mini mart may be objectionable to neighbors.

Dave Huenink moved to recommend to the Board approval of the request for lot division and for change of zoning of the gas station/mini mart 3.00 acre parcel from A-1 to B-1 contingent on merger of the parent 33.87-acre parcel with an adjacent parcel, such that the latter exceeds 35 acres and retains A-1 zoning; contingent on the execution of a restrictive covenant preventing further subdivision of the associated parcels for a period of ten years. The motion was premised on the following reasons: The request satisfies the Zoning Ordinance; Road frontage is sufficient; Businesses are already established nearby; Oostburg was not hospitable to this new gas station/min mart; No opposition at the public hearing was voiced. The motion was supported by Matthew Sproehlich and passed by a roll call vote. Voting yes: Matthew Sproehlich, Ken Nyhuis, Eugene Schmitz, Dave Huenink, Donald Becker. Voting no: John Kucksdorf. Jan Rauwerdink recused.

The Voskuil request for a change of zoning. Chairman Becker had investigated whether the waterway through the Voskuil property was navigable; Sheboygan County advised that the Plan Commission should first rule on the request, then the County should rule on navigability and outlots, that being the proper sequence of events. The request was seen as consistent with the Zoning Ordinance and the Comprehensive Plan. The subject property is only one mile west of Oostburg but Oostburg did not send a representative to take a position on the proposed development.

Eugene Schmitz moved to recommend to the Board approval of lot division and rezoning of lot 2 from A-1 to A-5 and rezoning of lot 1 from A-1 to A-2; by reason that (1) No objections were expressed at the public hearing, (2) lot 1 will still be farmed, (3) lot 1 will be made conforming, (4) There's no conflict with the Zoning Ordinance. The motion was supported by Ken Nyhuis and passed by a roll call vote. Voting yes: all seven eligible members of the Plan Commission.

10. Discuss the merits of land covenants as required by the zoning ordinance. Town of Holland is the only town in the county requiring restrictive covenants. There have been practical problems getting restrictive covenants through the County's register of deeds and planning departments. Chairman Becker posed the question, should we do nothing or make a change? The consensus answer was that we should wait until the comprehensive planning process is completed, before taking up this question.
11. Comprehensive Plan: Discussion of timeline of coming activities and coordinate or make decisions on matters that may be necessary to keep this project moving. A stack of six competing proposals was copied to Plan Commission members who are expected to study the proposals and reply with the "Review Checklist for Comprehensive Plan Proposals." Chairman Becker advised weighing the qualifications of the individuals doing the work rather than the qualifications of the employer firms. The next meeting of the Comprehensive Planning group will be on April 16 and then again on May 21. At the latter meeting the proposals will be evaluated on a scale of 1-5, using the projector and screen as a tool

of group collaboration. Chairman Becker bade the clerk reply to the six firms, acknowledging receipt of their proposals.

12. Public Input: The Voskuil conditional use permit application will need to be legally noticed prior to the regular April Plan Commission meeting, entailing a fee of \$300 unless the Board decides to waive it. Doug Hamilton requested that applications for rezoning/conditional use permit be posted on the Town's website. The Town agreed to the request, though certain personal data will be redacted.
13. The attendance record for February 2007 was approved on a motion by Matthew Sproehlich. The motion was supported by Jan Rauwerdink and passed by a unanimous voice vote.
14. The meeting adjourned 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
March 7, 2007