

MINUTES OF THE PLAN COMMISSION MEETING – JULY 11, 2011

Call to Order

Plan Commission meeting was called to order at 6:00 p.m. by Village President, Michael Vanden Berg

Roll Call

PRESENT: President Vanden Berg
Trustee Bill Peerenboom
John Elrick
Richard Schevers
Roy Van Gheem
Bill Van Berkel
Jerry Verstegen

ALSO PRESENT: Village Administrator Chuck Kell, Community Development Director Jim Moes,
Village Clerk Vicki Schneider, LCSD Reps Dave Botz and Jim Fochs, Pat Hietpas,
Attorney Steve Frassetto

Public Appearance for Items Not on the Agenda

None

Moved by Commissioner Peerenboom, seconded by Commissioner Elrick to Enter into the Public Hearing.

Ayes 7, Nays 0 – Motion Carried Unanimously

Public Hearing – Conditional Use – Little Chute School District – 20kw Wind Energy System

J. Moes explained that the system is proposed to be a 100 foot tower located on the north end of the high school parking lot and it meets all of the Village's setback requirements and staff's recommendation is to approve the Conditional Use Request. Mr. Fochs had questions regarding high voltage signage and whether the tower would have to be labeled high voltage because the tower will put out 480 volts not 600 volts. Mr. Fochs also commented on Renewegy informing him that the pounds of concrete for the base required per Village ordinance is significantly overstated and it is much more than is needed for this type of tower and he asked the Plan Commission to go along with whatever the State requires for concrete as the Village's ordinance will require them to go from a Class 2 to a Class 4 foundation and that will increase the costs by \$2,000 to \$3,000 and the engineered Class 2 base is sufficient for the State. J. Moes stated that the recent amendment to the code for wind energy systems did not change the wind load pressures that have been required in the Village for the last 20 years and a 40 pound wind resistance load is required and what they are proposing is approximately half of what village code requires and would be less than what is required for a bill board. J. Moes stated that if the system is not over 600 volts, the high voltage signage will not be required. Discussion took place.

Commissioner Van Gheem stated that there was not enough information being presented to review the request to change the requirements for the footing and if the School District wants to pursue that further, it would have to be brought back to the Commission. President Vanden Berg informed Mr. Fochs that they would have to request a variance or a change to the ordinance. Mr. Fochs stated it is not an issue and they can move forward but he wanted to bring it to the Commission's attention that the State has approved a Class 2 foundation for this size of system in other communities.

Moved by Commissioner Elrick, seconded by Commissioner Peerenboom to Exit the Public Hearing.

Ayes 7, Nays 0 – Motion Carried Unanimously

Approval of Plan Commission Meeting Minutes of June 13, 2011

Moved by Commissioner Schevers, seconded by Commissioner Van Berkel to approve the minutes of June 13, 2011 as presented.

Ayes 7, Nays 0 – Motion Carried Unanimously

Action on Conditional Use Permit for Little Chute School District for a 20 kw Wind Energy System

Commissioner Van Berkel commented that he understands that the School District wants to keep moving forward with this project and he agrees with Commissioner Van Gheem that there is not enough information presented at this time for him to make a decision on the footing and he isn't in favor of a making a change to the footing requirements. J. Moes stated that if the Commission approves the Conditional Use Permit as recommended, they will have to meet the codes and if they wish to ask for a variance or a change to the code, that is a separate process.

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to Approve the Conditional Use Permit for Little Chute School District for a 20 kw Wind Energy System.

Further Discussion: A homeowner that lives across from the High School asked if the wind system was or was not going to be built. President Vanden Berg stated that the presumption is if the motion is approved the wind system will be built in September. Dave Botz, LC School District Administrator, commented that letters were sent to all the property owners around the High School inviting them to an informational meeting that the School District held and a notice of this informational meeting was published twice in the *Times-Villager* and all residents were invited to this question and answer session. Cari Slosarski, owner of an eight unit apartment building on Cherry Lane across the street from the High School, stated he had never received a letter from the School District and the notice he received about this hearing was the only one he received regarding this matter. Mr. Slosarski stated he opposed this thing very heavily as it is unfair to his tenants to have to hear the wind turbine. Mr. Botz stated the residents would not hear the turbine and you would have to stand underneath it to hear it and Kaukauna School District and businesses in the Valley have this size of turbine. Mr. Botz stated that the fans from the school's exhaust units produce more noise than this turbine will. Mr. Slosarski asked what it would do to his property value and he doesn't understand why it is being built at the school in a residential area. Commissioner Peerenboom stated he can't speak as to whether the school sent Mr. Slosarski a letter but he was notified of this hearing by the Village and the Commission wants to hear what the public has to say and he asked Mr. Slosarski to address the Commission in an orderly manner. Mr. Slosarski again stated that this is not a proper place to put a wind turbine as his renters have to look at it and wonder about the noise. Commissioner Peerenboom stated he understands the concerns and he has been to the Renewergy plant and he agrees with Mr. Botz that unless you are standing directly beneath the unit, you do not hear it, but he does agree with Mr. Slosarski's comments about the aesthetics and he strongly agrees that there will not be any type of noise issue and if there are issues, the Village has ordinances in place to address the noise. Nedd Schommer, W. Lincoln Avenue, pointed out that the football field lights at 90 feet are almost as high as the wind turbine.

Vote on the Motion:

Ayes 7, Nays 0 - Motion Carried Unanimously

Discussion/Recommendation – Rezoning 306 & 312 W. Lincoln Avenue back to RC – Residential Single Family District from the current zoning as CB – Central Business District

J. Moes stated that the Plan Commission needs to make a recommendation to the Village Board if they decide the properties should be rezoned and the Village Board would then set a public hearing and adopt an ordinance rezoning the properties. President Vanden Berg stated he understands that there is an accepted offer on the property as of today so his recommendation is to table this matter for at least 30-days to allow the parties to work out the details on closing on the property. Commissioner Van Gheem stated that he felt the Commission should be deciding on the proper zoning for these properties and he doesn't understand what negotiations have to do with the rezoning. President Vanden Berg stated he understands that the potential buyer doesn't want the zoning changed at this time. Commissioner Van Gheem stated it should be looked at as to the zoning and if it is appropriate and not looking at a project or a person. J. Moes stated that if they wanted to make this property a multi-family project they would have to apply for a conditional use from the Village Board and a single-family home could not be built as it is zoned commercial business district but if they wanted to build an office building on it and they applied for a building permit they could do that. Discussion continued. Pat Hietpas stated he is involved with this potential project and commented that everyone would be comfortable with the possible

project that involves US Ventures and this is not a bogus deal and it is real and he is very comfortable with it. Attorney Frassetto, representing Mr. Van Dyn Hoven, stated that they would hope that the expense of posting notices for public hearings and proceeding down that path could be avoided until US Ventures can talk with the Village. Commissioner Van Berkel stated that he cannot see even considering rezoning Lot 9 back to RC and he has not heard any good reason at this point as to why Lot 27 should be changed back to RC. Commissioner Peerenboom stated he agrees that Lot 9 should stay as is but as far as Lot 27, that was rezoned for a specific project that is no longer viable so he believes the neighbors are asking for it to be rezoned back to RC which is what it was prior to the project. Discussion continued.

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to recommend to the Village Board that the properties not be rezoned back to RC – Residential Single Family District.

Further Discussion: Commissioner Peerenboom stated he will not support the motion as he thinks it should be sent back with a recommendation of rezoning to RC and any new developer can come and ask for a conditional use so the neighbors know what is going there and there isn't any concrete plan and he doesn't feel it should remain zoned as CB.

Vote on the Motion:

Ayes 6, Nays 1(Peerboom) – Motion Carried

Discussion/Recommendation – Comprehensive Plan Amendment

J. Moes stated that the next three items are all related to the same property. J. Moes reviewed the area that is located in the northwest corner of the Village. J. Moes stated that the property owners are requesting and it is being recommended by staff to change the land use map and that takes a Public Hearing by the Plan Commission. J. Moes reviewed the rezoning request from RC to CH for the Van Groll farm lots. J. Moes stated that staff is recommending that the Commission recommends approval of the CSM at this time so that can move forward and that dedicates the streets and creates the four lots. J. Moes stated he recommends September 12th for a public hearing on the Comprehensive Plan.

Moved by Commissioner Van Gheem, seconded by Commissioner Verstegen to Set a Public Hearing on September 12, 2011 for the Comprehensive Plan Amendment.

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Recommendation – Rezoning Van Groll Farm Lots 1, 2, 3 & 4 from RC – Residential Conventional Single Family to CH – Commercial Highway District

J. Moes stated no action is needed at this time as these lots cannot be rezoned until the Comprehensive Plan is amended. Commissioner Peerenboom questioned why we would want to change the Plan. J. Moes stated because of market conditions, the large tracts of residential land that are identified in the plan may be needed for more commercial development now. Pat Hietpas stated that the trend now and for the next 10 years is for multi-family developments and there has been a lot of interest in French Road and developing the business park there. Pat Hietpas stated that they also own 29 acres north of this area and that land is being annexed into Appleton and that land is also in the process of being rezoned to commercial. No action was taken.

Discussion/Recommendation – CSM –Evergreen LC Development, LLC

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to recommend to the Village Board Approval of the CSM for Evergreen LC Development, LLC as presented.

Further Discussion: Commissioner Peerenboom asked if approving the CSM locked the Village into anything and J. Moes stated it only approves the certified survey map which defines the lot lines and the streets.

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Recommendation – Replat of Hickory Estates Lots 4, 5, 6, 7 & 8

J. Moes stated this plat had previously been approved by the Village and the developer has changed the lot lines slightly and staff's recommendation is to recommend approval of the plat to the Village Board. J. Moes stated the extraterritorial rights are granted to the Village because it is in a location that may eventually become part of the Village and the property is located a mile or more from Village utilities and it would likely be 20 years or more before this area may become part of the Village.

Moved by Commissioner Elrick, seconded by Commissioner Schevers to recommend to the Village Board Approval of the Replat of Hickory Estates Lots 4, 5, 6, 7 & 8 as presented.

Ayes 7, Nays 0 – Motion Carried Unanimously

Unfinished Business

None

Items for Future Agenda

None

Adjournment

Moved by Commissioner Van Berkel, seconded by Commissioner Elrick to adjourn the Plan Commission meeting at 6:40 p.m.

Ayes 7, Nays 0 - Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk