

## **MINUTES OF THE PLAN COMMISSION MEETING – OCTOBER 10, 2011**

### **Call to Order**

Plan Commission meeting was called to order at 5:45 p.m. by Village President, Michael Vanden Berg

### **Roll Call**

PRESENT: President Vanden Berg  
Trustee Bill Peerenboom  
John Elrick  
Richard Schevers  
Roy Van Gheem (5:49)  
Bill Van Berkel

EXCUSED: Jerry Verstegen

ALSO PRESENT: Village Administrator Chuck Kell, Community Development Director Jim Moes,  
Village Clerk Vicki Schneider

### **Public Appearance for Items Not on the Agenda**

None

### **Approve Minutes of the Plan Commission Meeting of September 12, 2011**

*Moved by Commissioner Schevers, seconded by Commissioner Elrick to approve the minutes of September 12, 2011 as presented.*

Ayes 5, Nays 0 – Motion Carried

### **Review/Recommendation-Amending Village Code Sec. 44-50-CB-Central Business District**

J. Moes recommended changes to current Village Code Sec. 44-50 CB to allow for gas stations, convenient stores, and automobile wash facilities when attached to a gas station as a conditional use and changes to the permitted accessory signs and permitted principal uses and structures sections. Discussion took place. Commissioner Elrick stated that he would like to see the word “prohibited” put back in the ordinance instead of the word “discouraged” as gas stations, convenience stores that sell fuel, and automobile wash facilities when attached to a gas station can still be allowed as a conditional use. Commissioner Elrick stated that he did not have a problem with the amendment change that aligns the requirements for permitted accessory signs with those of the Design Review Manual. Commissioner Peerenboom questioned how often the Design Review Board meets as he doesn’t want business owners burdened with waiting for a meeting if the approval process is switched from the Village Board to the Design Review Board. Staff stated the Design Review Board meets as requested and meetings are scheduled within a week or two of the request.

*Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to recommend to the Village Board to Set a Public Hearing to Amend Village Code Section 44-50-CB-Central Business District and to leave the word “Prohibited” in section 44-50(a)(2).*

Ayes 5, Nays 1 (Van Gheem) - Motion Carried

*Moved by Commissioner Peerenboom seconded by Commissioner Van Berkel to Enter into Public Hearing for the Variance Request for 700 Randolph Drive.*

Ayes 6, Nay 0 – Motion Carried Unanimously

### **Public Hearing - Variance Request – 700 Randolph Drive for Construction of a Six-Foot High Open Woven Wire Fence – Lee Real Estate Investments, LLC**

J. Moes stated that owner wants to install a six-foot high woven wire fence on the property line on the south and north borders of the property and Village code requires a 40 foot setback for fences in front yards unless

they are 42 inches or less and opaque fencing is required. J. Moes stated the applicant is requesting that the outside storage area be allowed up to the Hartzheim Drive right-of-way. Commissioner Peerenboom questioned if owner was only planning to put in gravel on a portion of the lot on the west side of the property. Mr. Lee stated that he is trying to find a contractor to let him know whether he should gravel any of it, because he would like to use that portion to put snow and storage will not be placed in this area. Commissioner Peerenboom questioned if the Village allowed any fencing above six-feet. J. Moes stated that the Village does allow for fencing taller than six-foot in cases where the property is used for storage or for security fencing. Commissioner Peerenboom commented that it doesn't seem like a six-foot fence is accomplishing much if the storage is higher than that. Mr. Lee commented that all of the surrounding properties have six foot fences installed on their property lines. Commissioner Van Gheem stated that Hartzheim Dr. has been scheduled a few times but there are design issues and right now it looks like it will be a minimum of two to three years before it will go in. Commissioners Elrick and Peerenboom commented that they would like to be able to readdress the 40 foot setback variance when Hartzheim Dr. is put in. Bill Loehrke, Utility Sales and Service, stated that all but one business has fencing up to the property line and questioned if his business would be required to move their fencing when Hartzheim Dr. goes in. J. Moes stated that in previous years, before the right-of-way was acquired, fencing up to the property line was allowed but that has since been changed. J. Moes stated that the fences that are in place right now are allowed but if the fencing is damaged and fixed or replaced, the owners will be required to comply with the 40 foot setback requirement. Mr. Loehrke commented that if he was to lose 40 feet of his property that would be a major loss and they are stretched on space now. Commissioner Elrick stated if a property owner wanted to put a driveway in, he wants the right to have the variance come back to the Commission so it can be required that the fence be moved back. Dennis Curtin, 512 Randolph Drive, questioned what is being done with the drainage problems and he commented on his concerns with the lack of space being available on his property for snow storage. J. Moes commented on the land being divided before it was in the Village and there were not any plans for drainage and the Public Works Director has been trying to figure out a way to deal with the problems. Commissioner Van Gheem stated they are trying to improve drainage in that area but it is going to take some time and there are no plans to go on to individual properties. Mr. Lee commented his plans to create drainage swales as the surrounding properties drain onto his parcel.

*Moved by Commissioner Elrick, seconded by Commissioner Peerenboom to Exit Public Hearing for the Variance Request for 700 Randolph Drive.*

Ayes 6, Nay 0 – Motion Carried Unanimously

#### **Action on Variance Request for 700 Randolph Dr. – Lee Real Estate Investments, LLC**

Commissioner Peerenboom questioned if the owner was required to take care of the draining issues on his property before the fencing can go up. J. Moes stated that the drainage issues are not a part of the variance request, only the height and opacity of the fence. Commissioner Van Gheem stated that Public Works is not requiring the swell on the south side of Mr. Lee's property and he is improving his property on his own. Commissioner Elrick questioned if the Commission could put a condition on placement and opacity of the fence that would require it to be brought back to the Commission for review when Hartzheim Dr. is put in place. J. Moes stated that "yes" the Commission could do whatever it is they are trying to accomplish but noted that moving the fence later could cause the property owner to incur substantial costs to move it

*Moved by Commissioner Elrick, seconded by Commissioner Peerenboom to the Approve Variance Request for 700 Randolph Drive – Lee Real Estate Investments, LLC with the condition that when Hartzheim Drive is put in the Commission retains the right to have the fence moved and/or for it to become an opaque fence.*

Further Discussion: Trustee Peerenboom asked Mr. Lee if he understood what the motion meant. Mr. Lee stated that he did and from a practical standpoint with the existing fence that is there today on the eastern half of

the parcel, which existed long before he knew where Randolph Drive was, it sets right on the property line and if a road is put in, it needs to be backed up. Mr. Lee further stated that 40 feet is a long ways but he understands something will need to be done when the road goes in and overall it improves the neighborhood and the development and they all benefit from that. Mr. Lee stated that he would accept the condition for the fence. Commissioner Van Gheem questioned if an adjoining fence goes down in the meantime, will it be required to be moved back because technically right now the right-of-way is there and it can't be placed on the property line. J. Moes stated they would not issue a permit for replacement or installation of a fence without a variance from this body if it was proposed to be placed closer than 40 feet from the property line. R. Van Gheem asked if this proposal was manageable. Commissioner Elrick stated if it goes down they have to apply for a variance to put it back up in the same spot or put it back 40 feet and just obtain a permit. Commissioner Van Gheem stated his concern is that they are setting the stage for them to be placed in the same place and the goal of the code is to back them up. Commissioner Elrick stated the variance is for this property only and if it happens to the other properties they need to apply for a variance to put it back where it was.

Vote on the Motion:

Ayes 5, Nays 1 (Van Gheem) - Motion Carried

#### **Unfinished Business**

None

#### **Items for Future Agenda**

None

#### **Adjournment**

*Moved by Commissioner Elrick, seconded by Commissioner Schevers to adjourn the Plan Commission meeting at 6:18 p.m.*

Ayes 6, Nays 0 - Motion Carried Unanimously

#### **VILLAGE OF LITTLE CHUTE**

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By: Michael R. Vanden Berg, Village President

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Attest: Vicki Schneider, Village Clerk