

## MINUTES OF THE PLAN COMMISSION MEETING – MAY 14, 2012

### Call to Order

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

### Roll Call

PRESENT: President Vanden Berg

John Elrick

Richard Schevers

Bill Van Berkel

Roy Van Gheem

EXCUSED: Trustee Bill Peerenboom

ALSO PRESENT: Community Development Director Jim Moes, Village Administrator Charles Kell, Village Clerk Vicki Schneider, Park & Recreation Director Tom Flick, Jean Kessler, Ben Schultz of Bace, Inc., Kip Golden of Keller, Dennis Curtin of Press Color, Bill Loehrke of Utilities Sales and Service, Gene Lee of Casper Truck, Jerry Gloudemans, Mike Gloudemans, Tom Hietpas, Ken Pennings

### Public Appearance for Items Not on the Agenda

None

*Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to Enter into the Public Hearing.* Ayes 5, Nays 0 – Motion Carried

### Public Hearing – Variance Request – 512 Randolph Drive – Press Color – Applicant requests a variance to add to the existing principle building and construction of a new loading dock

J. Moes explained that the proposed addition to the building exceeds the maximum allowed building size for the parcel, the property currently doesn't meet certain landscaping requirements, and the paving in the front doesn't meet the required setback. J. Moes stated that the maximum allowed square footage is 11,516 and the addition as proposed is 12,000, the zoning of the property is commercial highway, and it does meet the front setback requirement of 40 ft. J. Moes reported that the building was built in the late 60's or early 70's and may not have been in the Village when it was built. Commissioner Van Gheem stated there are issues with storm water in this area and he asked if plans for storm water had been addressed and J. Moes responded that nothing is shown.

Kip Golden from Keller explained the need for the business to expand and the need for the 4,000 sq. ft. addition and the project includes moving the loading dock to the front of the building and moving the driveway from the east side to the west side and making it smaller, green space and landscaping will be added to the front, a larger green space would be added to the west side, and the majority of the parking will be moved to the rear of the building. Mr. Golden stated they could take a look at the storm water situation and work with the Village on this and he stated that the impervious area will actually be decreased with the added green space. Dennis Curtin from Press Color stated the neighbors were notified and two neighbors were present. Bill Loehrke, Utility Sales and Service, stated he did not have any objections to the project. Gene Lee of Casper Truck Equipment stated his only concern is the drainage issues and he doesn't want the water from the back parking area to run on to his property but he is pleased that the neighbors are trying to make improvements. R. Van Gheem stated the Village is working to address the storm water needs in this area but the businesses need to develop a plan to address the needs on their parcels and he wouldn't vote in favor of the variances unless the storm water issues are addressed and now is the time to address them. Discussion took place on the storm water issues. J. Moes commented that the best solution would be for the applicant to acquire land to the north as this would take care of the problem of the lot being too small for the proposed addition and the storm water could be routed to the north. Mr. Curtin stated his dilemma is that he is running out of space and if he can't do an addition he will have to look for property somewhere else. Mr. Curtin stated purchasing the property to the north isn't an option. Discussion continued on the storm water issues.

*Moved by Commissioner Van Gheem, seconded by Commissioner Schevers to Exit the Public Hearing.* Ayes 5, Nays 0 – Motion Carried

**Public Hearing – Variance Request – 606 Wilson Street – Jean Kessler – Applicant requests a variance to remove the existing principle building and construct a new building**

Commissioner Elrick was excused from participating as a Plan Commission member for this agenda item.

*Moved by Commissioner Van Gheem, seconded by Commissioner Schevers to Enter into the Public Hearing.*

Ayes 4, Nays 0 – Motion Carried

J. Moes stated that the request is to raze the existing building and construct a smaller new building and they are requesting a variance from the required four parking stalls and one stall will be constructed for the proposed project and currently there are not any parking stalls. A variance would also be required regarding the required 15 ft. south yard setback as the project is proposed with a 14 ft. 7 in. setback. Tom Hietpas, 305 E. Main, spoke against the parking variance because of problems with parking now and he is also against a fenced area for running the dogs because of barking. Mr. Hietpas expressed concern if the business is sold to a company that would have more employees or customers. Jerry Gloudemans stated that Section 44-50 of the Village Code requires parking and there isn't room for parking and section 44-194 of the Village Code requires a fence and a buffer zone with shrubs/trees and that is where they want to put a driveway up to the edge. Mike Gloudemans explained that the lot line goes right along the side of his father's driveway and the concerns are the noise, odor, and potential devaluation of their home. Jerry Gloudemans commented on section 44-3 of the Village Code protecting neighbors from loud and unnecessary noise and dogs running loose, and smell from animal feces which they used to have until just recently as the dogs are now kennelled inside the building and section 44-4 of the Village Code is to protect existing property values. Jerry Gloudemans also expressed concern that he would see over a 6 ft. fence. Mike Gloudemans stated his parents are not opposed to new construction but they are opposed to having the dogs outside running and they are opposed to the existing parking stall as it encroaches on their property and there isn't enough buffer to block out the noise and maybe the plan could be redesigned. Jerry Gloudemans commented on issues with his driveway being blocked or no available parking in front of his house and dogs come out of the building and run and poop on everyone's lawns. Ken Pennings, 535 Wilson St., stated his concerns are about the noise from dogs barking, the smell, and he doesn't want a deterrent when he wants to try to sell his house. Mr. Pennings also commented on the area of 14.7 ft. by 36 ft. being a big area for the dogs to run and the issue of collection of feces on the grassy area. Jerry Gloudemans stated they don't want the driveway in the proposed location because they want a buffer zone. Ben Schultz, BACE Inc., stated he introduced himself to Tom and Jerry last week to inform them that they want to work with them and BACE and Jean Kessler the owner, feel that they are considerably improving the value of the property and the property will comply with the Old World theme. Mr. Schultz stated they are adding a parking stall to a very difficult sized lot and the owner has agreed that another parking spot could be added and the grassy area could possibly be reduced and they are trying to meet the variances the best they can with a very difficult commercial lot that is unbuildable as a residential lot. Mr. Schultz stated they are trying to meet in the middle with the property owners as well as improve the business and downtown Little Chute. Mr. Pennings stated if the run area could be indoors he wouldn't have a problem. Mr. Schultz stated that nothing is going to change in the aspect of running the business except for improving the parking. Jean Kessler, Kamp K9, stated she doesn't know when the barking became an issue because a dog only is taken outside if it is pacing back and forth to go the bathroom and it won't go inside and there are certain dogs that will not go to the bathroom inside and her estimate is only 1 out of 50 dogs won't go to the bathroom inside. Ms. Kessler stated the main reason she wants the grass area is for the very, very, few that have to go outside. Jerry Gloudemans commented on a dog running up and down the street last week. Ms. Kessler stated they keep the dogs inside all the time and the issue with dogs barking at night was due to a previous employee and there is no kenneling and she will be more diligent about the issues and she commented again that it will be very infrequent that a dog has to go outside. Ms. Kessler stated that there is a big sign inside the building that addresses the customers and asks them to let staff know if their dog went to the bathroom on a neighbors lot any she had no idea this was going on as she hasn't heard a thing from the neighbors and she didn't know parking was a big issue as Crafty Corner was on the corner and there was congested parking and it was much busier and they worked together and worked it out.

Ms. Kessler stated she doesn't know where else to go with the grass as she doesn't have any area in the front. Jerry Gloudemans commented that the State, Little Chute, and Outagamie County state that kennel dogs cannot be outside. Ms. Kessler stated there is no kennel. Ms. Kessler apologized and stated she didn't know it was a big problem and if she would have been told she would have addressed the issues. Ms. Kessler stated the only reason she wants a grassy area is to take out the dog that won't go inside and hopefully this would also eliminate the problem of dogs going in neighbors' yards and she will address the problem. Jerry Gloudemans again commented on the laws of kenneling and Mike Gloudemans commented that his father is referring to an issue that was previously happening with dogs being kenneled and dog kennels not being allowed in the Central Business District. Jim Moes stated that it is correct that kenneling is not allowed in the CB district and as the Village's Zoning Administrator, he would not interpret this business as being a kennel as dogs are dropped off to be groomed and not kept overnight but if they would be kept overnight, that would be kenneling. Jerry Gloudemans commented on the improvements he has made to his house and stated now he has to move. Ms. Kessler stated basically nothing will change and the dogs will be kept in as much as they possible can and they only take them out if the dog is showing extreme stress and it would be taken out on a leash to go to the bathroom and they will be picking up after it immediately and the dog will be brought right back in and her estimate is maybe two or three dogs would be taken out in a 30-day timeframe and she further stated that if dogs won't go inside it is likely they won't go on outside concrete and that is why she needs some grassy area and she would be more than happy to put up a fence that cannot be seen through and there will not be any kenneling. Ms. Kessler stated their business hours are from 7 a.m. to 5:30 p.m., five days a week and maybe Saturdays if business picks up. Mr. Hietpas again commented on parking being an issue as there are supposed to be four parking stalls and they are only gaining more traffic in the area. Ms. Kessler stated that customers drop off their dog and are normally in the building 5 to 15 minutes and it is the same when they are picking up their dogs and she will do what she needs to do to make customer's aware of parking issues and her business is limited to dog grooming. Ben Schultz commented that in the CB District for retail space, one space is needed for every 300 sq. ft. and that is why it is calculated as 4 stalls being required but if you look at the drawing and the nature of the business, the actual area of congregation of customers is very small at less than 150 sq. ft. and customers are dropping their dog off and then leaving as opposed to it being an office type building where there is much more space for employees. Mr. Hietpas stated that is his concern that if the business is sold there will be a need for more parking and there is an opportunity now to fix the problem with the parking. Ken Pennings stated that he can't say if they are Jean's customers or customers from the dental office but there are plenty of times when people are also parked in front of his driveway and there isn't much parking in that area.

*Moved by Commissioner Schevers, seconded by Commissioner Van Gheem to exit the Public Hearing.*

Ayes 4, Nays 0 – Motion Carried

Commissioner Elrick rejoined the Commission meeting.

#### **Approve Minutes of the Plan Commission Meeting of April 9, 2012**

*Moved by Commissioner Van Gheem, seconded by Commissioner Elrick to approve the minutes of April 9, 2012 as presented.*

Ayes 5, Nays 0 – Motion Carried

#### **Action on Variance Request for 512 Randolph Dr. – Press Color**

J. Moes stated that while he is all for development and he understands the needs of the applicant in this situation he doesn't see any reason that the Commission should find a hardship for exceeding the maximum size allowed of 11,516 sq. ft. J. Moes stated that they would need to add approximately 1,500 sq. ft. of land or reduce the building by approximately 500 sq. ft. to meet the maximum allowable size for the property. Mr. Moes stated that nothing can be done about the side yard setbacks because the building is already there. Mr. Golden commented that if that is going to be the sticking point, they should be able to address this and it could be reduced by 500 sq. ft. Mr. Curtin commented that looking at it from both sides, what is another 500 sq. ft. and a couple years ago the Village sent out a mailer to everyone asking how they could encourage businesses to stay

here and he wants to stay. Commissioner Van Gheem stated he also wants to see the businesses grow but his concern is that there needs to be some kind of plan to address the water issues and if they don't lay out the site correctly, the Village won't be able to pick up the storm water in the future. Bill Loehrke of Utilities Sales and Service asked if Mr. Van Gheem had any suggestions to address the water problems and Commissioner Van Gheem stated he didn't without knowing their future plans but it could be as simple as easements and swales. Mr. Golden questioned if the property should be draining to the north. Commissioner Van Gheem stated there is a plan for the Village to reconstruct Hartzheim Dr. but they can't get the water there without a plan and he cannot speak for the property owners. Discussion continued on the storm water issues. J. Moes stated that this is a civil matter concerning drainage between the properties and the Village does not have any plans nor responsibility to provide storm sewer to each of the properties as they are not in the business of going through others properties and it is the responsibility of the neighbors to come up with a plan to get the storm water to where the Village has storm water facilities and this area was unfortunately developed without a plan. Commissioner Van Gheem stated the issue is if the companies keep expanding without coming up with a storm water plan the problems are just going to get worse. President Vanden Berg stated the businesses position is that they are not making it worse and are making it slightly better by adding more green space. Mr. Lee commented on the three properties that drain into his undeveloped property to the north and that property may be developed in the future and a potential buyer would be concerned with the issue of water from other properties. J. Moes stated that the drainage issue is not the reason for the variance. Commissioner Van Gheem stated he disagreed because if there were the proper setbacks and green spaces, some of the water issues could and should be addressed. Commissioner Elrick stated he understands the need for the side yard setback variance and they are making an attempt to add landscaping, and he looks at it as they are making it better than it was with the paving setback although he does understand the concerns of Commissioner Van Gheem. J. Moes suggested that if the Commission wishes to grant a variance then as a compromise the addition be reduced to no more than 44 ft. in depth and that area is added to the grass area thereby increasing the grass area north of the blacktop to 10 ft. Commissioner Van Berkel questioned if the 13 stalls north of the property are the required number and Mr. Golden responded that they need that many parking stall. J. Moes confirmed that the recommendation is to reduce the building by approximately 480 sq. ft. and add that 480 sq. ft. to the green space.

*Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to Approve the Variance Request for 512 Randolph Dr. on the condition that the building addition not exceed the maximum allowed coverage for the lot and that any space taken out of the proposed building addition be added as green space.*

Ayes 4, Nays 1 (Van Gheem) – Motion Carried

Commissioner Elrick was excused from participating as a Commission member for the next agenda item.

**Action on Variance Request for 606 Wilson Street – Jean Kessler**

J. Moes suggested as a compromise that they plant a hedge all the way along the south side and extend the parking an additional 24 ft. and that would give them two on-site parking stalls and the grass area would be reduced but he doesn't know if the owner is willing to accept the suggestion. President Vanden Berg asked about only having off- street parking and J. Moes responded that he doesn't know if that would help the situation. Discussion continued on the suggestions made by Mr. Moes. John Elrick, BACE, Inc. stated they would be in support of a 6 ft. high opaque fence, if that is what the neighbor prefers. Commissioner Schevers commented that the lot is too small to build anything else on and the Village wants business and the rebuild will increase the value of the property and with the modifications suggested by Mr. Moes, he believes the project should move forward.

*Moved by Commissioner Schevers to Approve the Variance Request for 606 Wilson Street with the additional parking stall to be added as well as a fence.*

Discussion: Ken Pennings asked if there was enough room between the proposed building and the driveway for another parking stall. It was explained that the cars would park one in front of the other and the width of the parking stall is more than 9 ft. Commissioner Van Berkel asked what the neighbors thought about the proposal and Jerry Gloudemans stated he would have to consult his attorney. J. Moes stated that the Commission can

grant whatever they feel is in the best interest of the Village and the neighbors could file an appeal with the Board of Appeals, if they wish. Mr. Hietpas asked if he would be given the same consideration for a variance and J. Moes responded that each individual variance request is decided on by the Commission with consideration as to if the public is served by the variance. Commissioner Van Gheem stated that while it is not perfect, they are going to substantially improve the side yard setbacks. The current setbacks were reviewed. Commissioner Van Gheem asked what the intent was to catch the storm water on the site. John Elrick stated they have not yet developed the plans for the storm water as they needed to wait to see if the variance requests would be approved. Commissioner Van Gheem stated the storm water will need to be addressed. Discussion continued on storm water drainage.

*Commissioner Van Berkel seconded the motion made by Commissioner Schevers.*

Vote on the Motion – Ayes 4, Nays 0 – Motion Carried

Commissioner Elrick rejoined the Commission meeting.

### **Discussion/Recommendation to Village Board on Proposed Lot Changes and Dedication of Parcel #0568 as Park Land**

Parks Director Tom Flick reviewed the recommendation made by the Park Planning Committee which is to support the creation of a pocket or a mini-park as long as funds are dedicated from the Village Board to construct the amenities. The recommendation is to increase the frontage at 319 W. Lincoln and they would like to see that property resold as residential housing. The park area would incorporate a welcome to Little Chute sign, education and/or historical amenities, benches, and a living Christmas tree to be decorated annually. Commissioner Van Berkel commented that as a member of the Park Planning Committee, they don't like to turn down the chance to get more park land but the area doesn't seem to be real conducive to a park so that is why they didn't need all of the area that was asked to be considered. T. Flick stated that they don't view the location as a destination location because of the issues of it being a busy corner, accessibility, size, and layout but they are in favor of additional park land and it is a positive for the Village by dressing up that corner. T. Flick further stated that they didn't see the need to develop all the area as park land because the bottom line is that someone has to pay to develop it and that is still a question that he and Park Planning Committee have because it is not in the Park Planning five-year concept plan. J. Moes stated that the responsibility of the Commission is to recommend to the Village Board dedication of the park land or denial. J. Moes further stated that he does support the Park Planning recommendation to add the 23.55 ft. to the existing 319 W. Lincoln property as if the Village were to sell that property there will then be additional space to build a proper garage and it would make the property more marketable. J. Moes noted that a variance would be needed for construction of a garage on the parcel. Commissioner Elrick stated that he would not have supported this if it included 319 W. Lincoln because it is good that the Village can sell the property and have a taxable property and he also didn't agree with the welcome sign in this location and he further commented that he doesn't really see why we need this park because it only came up as concession with trying to move forward with the Van Dyn Hoven Development. Discussion continued.

*Moved by Commissioner Elrick, seconded by Commissioner Schevers to recommend to the Village Board to combine parcel #0568 along with existing 319 W. Lincoln Ave. and not dedicate the land as park land.*

Further Discussion: Commissioner Van Berkel asked if it was proper for him to vote on this because he is a member of the Parks Committee and staff stated because he does not have a personal interest in this it would be ok for him to vote. Commissioner Van Berkel also asked the Parks Director if he felt the Parks Committee would be ok with this recommendation. T. Flick responded that there are maintenance concerns and he doesn't think the Committee would have any issues with the recommendation because there were a lot of concerns with developing the area as a park. *Vote on the Motion: Ayes 4, Nays 1 (Vanden Berg) – Motion Carried* Commissioner Elrick stated he did not hear any feedback from President Vanden Berg and President Vanden Berg stated he just felt it is a good location for a welcome to Little Chute sign and to put some amenities there, but he understands the concerns raised.

**Discussion/Recommendation to Village Board – Creating Zoning Code Ordinance Chapter 44, Article XVI East Main Overlay District Section 560 Purpose; applicability & Section 561 General Regulations**

J. Moes stated the purpose is to make the properties whole because of the 2 ft. being acquired for the Main St. project from Sanitorium Rd. to Main St. R. Van Gheem explained the issues with the narrow terraces and it was negotiated with the DOT to purchase 2 ft. and this did impact the properties buildings and signs and this ordinance will help to make the properties whole. Discussion took place.

*Moved by Commissioner Elrick, seconded by Commissioner Van Gheem to recommend to the Village Board approval of creating Zoning Code Ordinance Chapter 44, Article XVI East Main Overlay District Section 560 Purpose, applicability & Section 561 General Regulations as presented.*

Ayes 5, Nays 0 – Motion Carried

**Discussion/Recommendation to Village Board – Amending Village Ordinances – Chapter 44 Zoning Code, Section 46 – RC – Conventional Single Family District (e) Dimensional Requirements**

J. Moes reviewed that this amendment is coming back to the Commission by direction of the Village Board and it was the suggestion of some Board members that they want to only allow for the dimensional requirements on existing single family dwellings but not on vacant lots. The word “existing” has been added at the request of the Board. Commissioner Elrick stated that as the Plan Commission there job is to promote development in an orderly manner and what was sent to the Board last time accomplished that. J. Moes stated that the original recommendation from the Plan Commission to the Village Board removed the wording “less than 7,500 square feet” and included the word “initially” platted prior to 1950 but the word “initially” was removed from what is now being presented and it now reads “on lots platted prior to 1950.”

*Moved by Commissioner Elrick, seconded by Commissioner Schevers to recommend to the Village Board amending ordinance Chapter 44-46 (3) and to strike the word “existing”.*

Further Discussion: Commissioner Van Berkel asked how the language “single-family detached dwellings” would then affect existing lots. J. Moes stated that single family homes are all that are allowed in that district. President Vanden Berg stated that the concern discussed at the Board was what does “single-family dwellings” mean and whether that meant it had to be existing on the property at that time. Commissioner Elrick clarified that the language is intending for zoning and J. Moes and President Vanden Berg agreed that is correct.

Vote on the Motion:

Ayes 5, Nays 0 – Motion Carried

**Unfinished Business**

None

**Items for Future Agenda**

None

**Adjournment**

*Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to adjourn the Plan Commission meeting at 7:52 p.m.*

**VILLAGE OF LITTLE CHUTE**

---

By: Michael Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk