

MINUTES OF THE PLAN COMMISSION MEETING – NOVEMBER 12, 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
Steve Eggert
John Elrick
Richard Schevers (6:03)
Bill Van Berkel
Roy Van Gheem

EXCUSED: Trustee Jim Hietpas

ALSO PRESENT: Community Development Director Jim Moes, Village Administrator
Charles Kell, Village Clerk Vicki Schneider, Dave Schmalz- McMahon,
Irene Hietpas, Robert & Katherine Berken

Public Appearance for Items Not on the Agenda

None

Approve Minutes of the Plan Commission Meeting of October 8 and the Minutes of the Special Plan Commission Meeting of October 30, 2012

Moved by Commissioner Elrick, seconded by Commissioner Eggert to approve the minutes of October 8, 2012 and October 30, 2012 as presented.

Ayes 5, Nays 0 – Motion Carried

Action – Approval of Off-Street Parking for Salon Indulgence

J. Moes reported that this property would be required to have 11 off-street parking stalls and as proposed they have 7 off-street stalls and they are requesting approval of using the Village's public parking lot to serve as the additional required off-street parking stalls. J. Moes stated staff is recommending approval of the off-street parking for the Salon. J. Moes stated the public parking stalls will not be for the exclusive use of the salon. Commissioner Elrick commented that this downtown business is providing more off-street parking than a lot of the other downtown businesses.

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to approve the Off-Street Parking for Salon Indulgence as presented.

Ayes 6, Nays 0 – Motion Carried

Review/Recommendation – CSM – John & Sharon Johannes – 401 Madison Street

J. Moes reported that these property owners recently purchased the house next door and it has been razed and they now wish to combine the two lots into one lot and staff is recommending that the Commission recommend approval of the CSM to the Village Board. Commissioner Elrick asked why the CSM shows Washington Street and staff commented that is Hwy. N and the bridge.

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to recommend to the Village Board approval of the CSM for John & Sharon Johannes – 401 Madison St. as presented.

Ayes 6, Nays 0 – Motion Carried

Review/Recommendation – Zoning Change Request filed by Irene Hietpas – CSM 5150, Lots 1 & 2 from RC Residential Conventional Single Family District to RT – Residential Two Family District

Commissioner Eggert stated that most of the area is single family and this was zoned single-family for a reason and he doesn't see a reason to change it. J. Moes stated that these are two vacant lots and everything on this side of the street is zoned single-family with the exception of the area on the corner of Hwy OO which is zoned two-family and the other side of Rosehill Rd. is zoned industrial. Mr. Eggert stated that he lives on Joyce Street and he commented that compared to the rest of the neighborhood, the duplexes are not maintained by the landlords and he provided additional comments on why he was not in favor of allowing duplexes in single-family zoning. Commissioner Elrick stated he would like to see the whole stretch of this side of the road zoned RT as it is across from industrial zoning. Irene Hietpas, 1002 W. Ann St., Kaukauna, stated that her realtor is suggesting that she make this zoning change request as she has had the property for sale for two years and only two people have expressed interest in the lots but because of the busy street they want to put up duplexes instead of single-family homes. Mrs. Hietpas commented on more tax money coming into the Village if there are duplexes on the lots instead of them remaining vacant. Discussion took place.

Moved by Commissioner Eggert to make no recommendation to the Village Board.

Motion died for lack of a second.

Moved by Commissioner Van Berkel, seconded by Commissioner Schevers to recommend approval of the rezoning to the Village Board.

Further Discussion: Commissioner Elrick asked if the Village Board could rezone the entire five lots. J. Moes stated the Village Board would have to send a recommendation to the Plan Commission. J. Moes explained the reason these lots were not originally zoned RT is because there were single family homes in the area and because parts of this area were annexed into the Village at the required single-family zoning. Commissioner Elrick stated he would like to see the five properties zoned RT although he supports the motion but he would like this relayed to the Board. J. Moes stated he will inform the Board of Commissioner Elrick's position.

Commissioner Schevers asked Mrs. Hietpas if she owned the other two vacant lots to the south and Mrs. Hietpas stated she did not own those lots. Commissioner Van Gheem stated he agrees with Commissioner Elrick. Discussion continued.

Vote on the Motion:

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

J. Moes stated that the Village Board will be asked to schedule a public hearing on the zoning change request and adjacent property owners and Mrs. Hietpas will be sent a notice of the public hearing.

Review/Recommendation – Preliminary Assessor's Plat – 2012 Amendment to the 1917 Assessor's Plat of the Village of Little Chute – Lots 1 through 19 Bluff Avenue between Taylor St. and Buchanan St.

Dave Schmalz explained the procedure for recording this plat map and he explained why he felt bringing it forward preliminarily before it is sent to the State was important. Kate Berken, 182 Grant St., thanked Mr. Schmalz for providing the preliminary plat after everything they have gone through in the 10-year process. Mrs. Berken also made statements that this ordeal

started in 2002 and no land existed south of Grant St. and that is why they went ahead with the abandonment. Mrs. Berken stated that in 2001 and 2002 the Plan Commission reviewed the survey and the Village Board, specifically President Rooyakkers stated at the time that if any land was found south of Grant St. then the road would be reopened. Mrs. Berken further commented on the road being closed illegally and she commented on the court case and going to appeals court and the Judge ruling that the Village could intervene on this case and that is against Wisconsin State Statutes. Mrs. Berken commented on this costing the Village, them, and the Gloudemans family lots of money. Mrs. Berken made comments that the 1917 assessor's plat was not correct and she commented on the errors she feels are in the map. Mrs. Berken commented that this is a travesty because no one tried to work this out and she believes this is because they made some problems for people and are not liked and if the rules are not known, they should be checked out. Mrs. Berken further commented that she believes the land should have gone to the Gloudemans family heirs. Mrs. Berken commented that because the Village took away their land their lot isn't big enough to build their retirement home and she thinks they need to do their job and they should represent all citizens. Mrs. Berken stated she did not support what was being presented. Mrs. Berken stated what she wants is for the road to be reopened and she explained why. Discussion took place. J. Moes asked Mrs. Berken if what she was saying is, that the land that isn't owned by anybody, according to her, it should go to the Gloudemans heirs and the Judge and appeals court decided that wasn't the case. J. Moes stated the surveyor platted the map according to the rulings in the court cases. Mrs. Berken stated that if the Judge doesn't have to go by the rules then why does the assessor's plat. Mrs. Berken stated she objects to the road being closed illegally and it should continue to where it was. President Vanden Berg asked Mr. Schmalz if the map, to the best of his knowledge and ability, comply with the court decisions. Mr. Schmalz provided some history of the parcels along the canal and stated the bottom line in survey law is the call to a monument rules and in this case both the Fairview Heights and the First Edition called the south line the Government Canal line. Mr. Schmalz noted that the reference to the court cases are on the map because he felt it was pertinent but he is agreeable to revise the map and there is time to do that. Mr. Schmalz stated he firmly believes he has the map drawn to best of his ability according to the two court cases but he is fine if the Commission want to have the Village Attorney review it. Mrs. Berken made further statements including that the court ruled that they were supposed to get their taxes back and she is still waiting for that and she would appreciate the land south of lot 15, that they take care of, coming back to them and the north line of lot 15 should have been extended to Roosevelt St. J. Moes stated that once the Village Board adopts the amended plat, anyone that disagrees can then sue to have it changed.

Moved by Commissioner Elrick, to recommend to the Village Board approval of the Preliminary Assessor's Plat with the option for the Village Board to determine if the Village Attorney should review the map to assure that the language follows the rulings from the court cases.

Further comments: C. Kell stated that it would be best to have the Village Attorney review the map before it goes before the Village Board although he does trust what Mr. Schmalz submitted.

Commissioner Elrick restated his motion:

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to request the Village Surveyor submit the 2012 Amendment to the 1917 Assessor's Plat map to the Village Attorney for review and then submit it to the Village Board.

Ayes 6, Nay 0 – Motion Carried

Unfinished Business

None

Items for Future Agenda

Commissioner Eggert stated that there is a green box located on the corner of Rosehill Rd. and Hwy. 00 and it is difficult to see the traffic coming down Hwy. 00 from the west. Commissioner Schevers agreed. R. Van Gheem stated that while this isn't a Plan Commission item he can answer that this is County right-of-way and they have talked to the County and they are going to replace the box with a shorter one and it is the utility company that installed that box.

Adjournment

Moved by Commissioner Van Berkel, seconded by Commissioner Elrick to adjourn the Plan Commission meeting at 6:46 p.m.

Ayes 6, Nays 0 – Motion Carried

VILLAGE OF LITTLE CHUTE

By: Michael Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk