

Village of **Little Chute**

AGENDA

VILLAGE OF LITTLE CHUTE PLAN COMMISSION MEETING

PLACE: Little Chute Village Hall – Village Board Room

DATE: Monday, March 20, 2017

TIME: 6:00 p.m.

- A. Call to order
 - B. Roll Call
 - C. Public Appearance for Items Not on the Agenda
1. Approval of Minutes from the Plan Commission Meeting of December 12, 2016
 2. Discussion—Site Plan – Little Chute Diamond Club
 3. Discussion/Possible Action—Outagamie County – Request for Annexation Review
 4. Discussion—Variance Standards
 5. Unfinished Business
 6. Items for Future Agenda
 7. Adjournment

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made with as much advance notice as possible to the Clerk's Office at 108 West Main Street, (920) 423-3852 March 16, 2017

MINUTES OF THE PLAN COMMISSION MEETING—DECEMBER 12, 2016

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

Larry Van Lankvelt

Bill Van Berkel

Brian Huiting

Richard Schevers

Jeff Elrick

EXCUSED: Todd Verboomen

ALSO PRESENT: Village Administrator James Fenlon, Community Development Director Jim Moes

Public Appearance for Items Not on the Agenda

None

Approve Minutes from the Plan Commission Meeting of October 11, 2016

Moved by Commissioner Van Berkel, seconded by Commissioner Van Lankvelt to Approve the Minutes of October 11, 2016

Ayes 6, Nays 0 – Motion Carried

Public Hearing—1330 Holland Road

Moved by Commissioner Schevers, seconded by Commissioner Van Lankvelt to Enter into Public Hearing

Ayes 6, Nays 0 – Motion Carried

Director Moes stated that this is a request to construct a building 34.4 feet from the front lot line, the minimum setback is 40 feet. The property is zoned commercial highway district. The building will enclose piping that is currently exposed. There have been no objections from neighbors.

Moved by Commissioner Van Lankvelt, seconded by Commissioner Van Berkel to Exit out of Public Hearing

Ayes 6, Nays 0 – Motion Carried

Action—Request on 1330 Holland Road Variance

Moved by Commissioner Van Berkel, seconded by Commissioner Huiting to Approve the 1330 Holland Road Variance

Ayes 6, Nays 0 – Motion Carried

Unfinished Business

None

Items for Future Agenda

None

Adjournment

Moved by Commissioner Huiting, seconded by Commissioner Schevers to Adjourn the Plan Commission Meeting at 6:04 p.m.

Ayes 6, Nays 0 – Motion Carried

VILLAGE OF LITTLE CHUTE

By: Michael Vanden Berg, Village President

Attest: Laurie Decker, Village Clerk



Keller

PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES
N218 State Road 55
Sun Prairie, WI 53590
PHONE 608.798.5703
1.800.238.2334
FAX 608.798.5004

MADISON
271 Lake Drive
Sun Prairie, WI 53590
PHONE 608.318.2338
1.800.318.2334
FAX 608.318.2337

MILWAUKEE
W204 N11500
Germantown Road
Germantown, WI 53022
PHONE 262.250.9710
1.800.336.2534
FAX 262.250.9740

www.kellerbuilds.com

WISCONSIN

LITTLE CHUTE DIAMOND CLUB

PROPOSED BUILDING FOR:

LITTLE CHUTE,

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REVISIONS

PROJECT MANAGER:

J. ELRICK

ARCHITECT:

K. SPERL

DRAWN BY:

S. BURTON

EXPEDITOR:

SUPERVISOR:

PRELIMINARY NO.:

CONTRACT NO.:

DATE:

2-17-17

SHEET:

SP1.0

SITE PLAN

SCALE: 10'-0" x 10'-0"





Keller

PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES

P.O. Box 820

Kenosha, WI 53140

PHONE 920.761.5795

FAX 920.761.5204

MADISON

711 Lake Drive

Sun Prairie, WI 53590

PHONE 608.318.2338

FAX 608.318.2337

MILWAUKEE

9204 N 150th

Calwaukee Road

Waukesha, WI 53122

PHONE 262.231.9710

FAX 262.236.2534

WAUSAU

5605 Lee Avenue

Wausau, WI 54401

PHONE 715.846.3141

FAX 715.846.3181

LITTLE CHUTE DIAMOND CLUB

WISCONSIN

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REVISIONS

PROJECT MANAGER: J. ELRICK

ARCHITECT: K. SPERL

DRAWN BY: S. BURTON

EXPEDITOR:

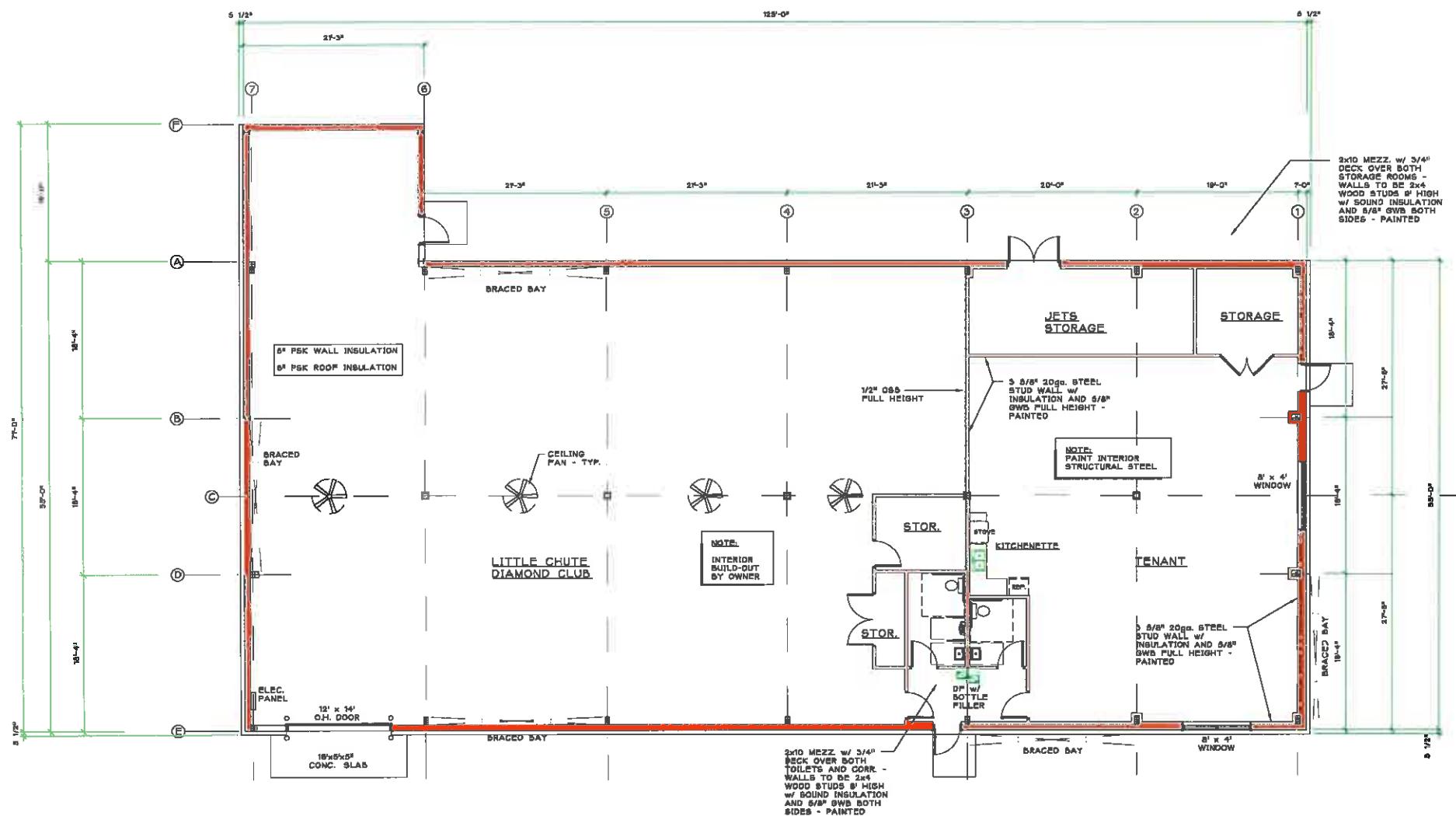
SUPERVISOR:

PRELIMINARY NO.:

CONTRACT NO.:

DATE: 2-17-17

SHEET: A1.0



FLOOR PLAN
SCALE: 1/8"=1'-0"

NORTH

"PRELIMINARY"



Keller

PLANNERS | ARCHITECTS | BUILDERS

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218 State Road 55
P.O. Box 620
Kaukauna, WI 54130
PHONE 920.763.7375
1.800.238.2534
FAX 920.765.5001

WAUSAU
1204 N 115th Street
Waupaca, WI 54490
PHONE 282.250.0710
1.800.238.2534
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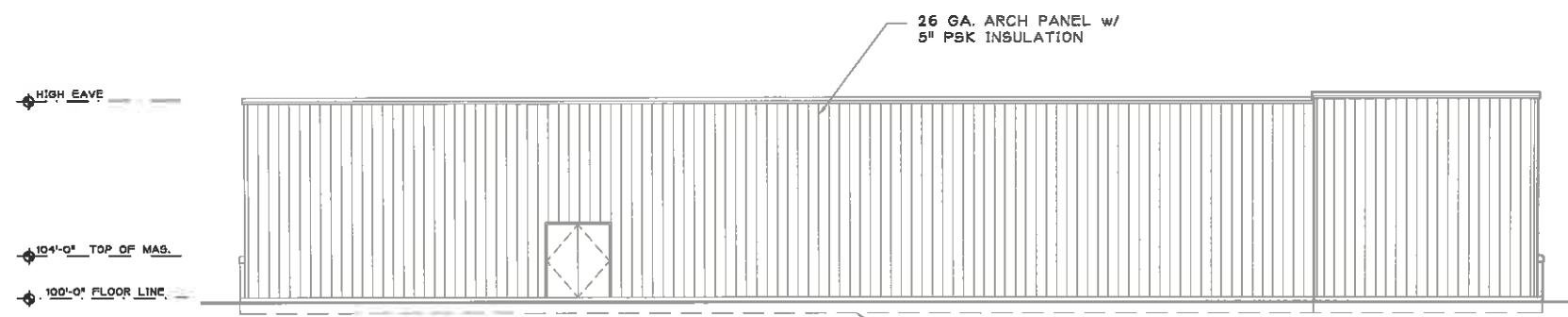
LITTLE CHUTE

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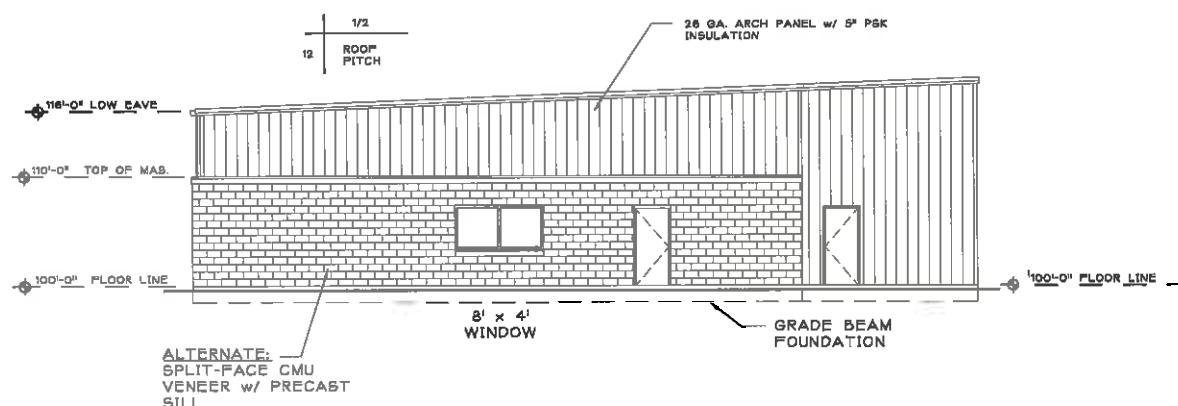
REVISIONS

PROJECT MANAGER: J. ELRICK
ARCHITECT: K. SPERL
DRAWN BY: S. BURTON
EXPEDITOR:
SUPERVISOR:
PRELIMINARY NO: _____
CONTRACT NO: _____
DATE: 2-17-17
SHEET: A2.0



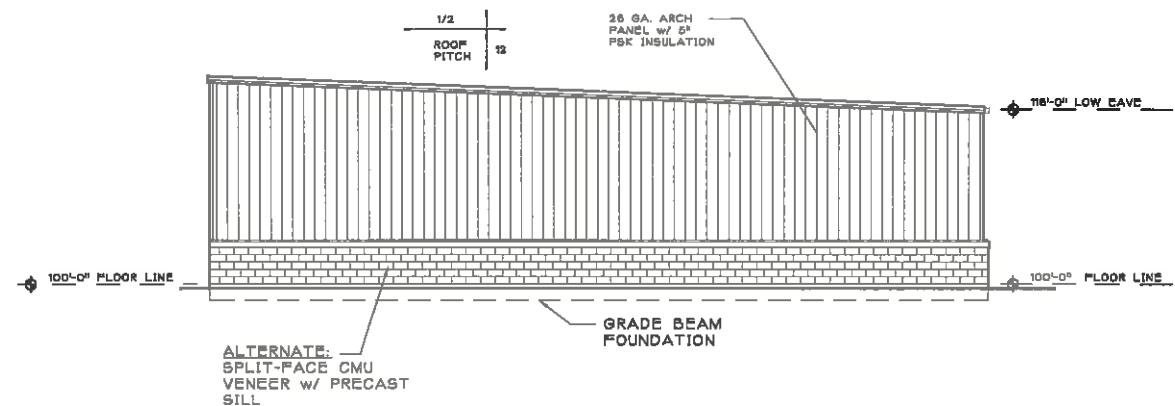
EAST ELEVATION

SCALE: 1/8"=1'-0"



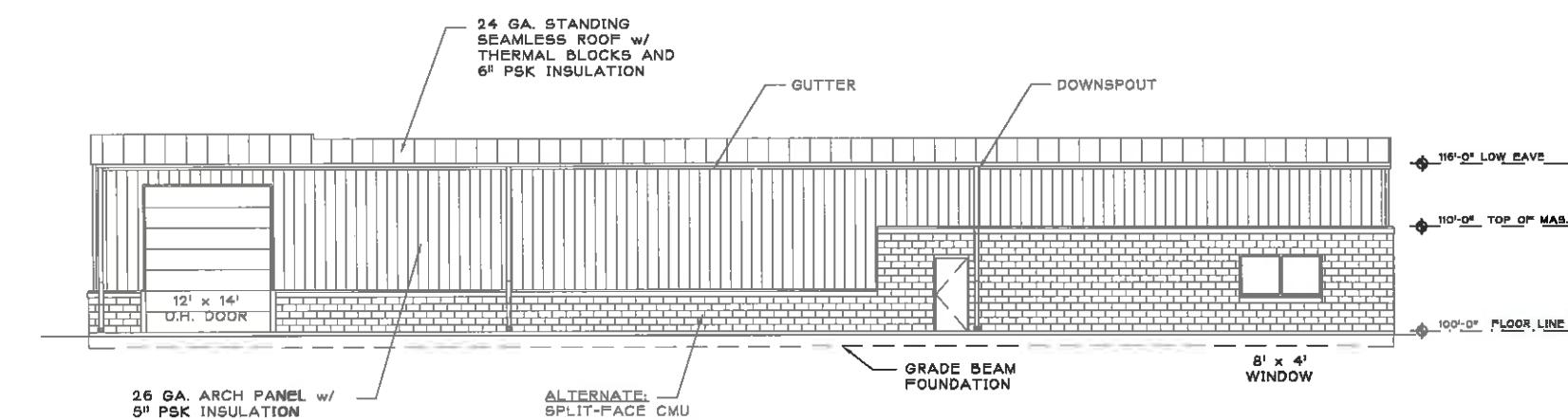
SOUTH ELEVATION

SCALE: 1/8"=1'-0"



NORTH ELEVATION

SCALE: 1/8"=1'-0"



WEST ELEVATION

SCALE: 1/8"=1'-0"

"PRELIMINARY"

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Name: **OUTAGAMIE COUNTY**

Address: **1419 HOLLAND RD**

APPLETON, WI

54911-8985

Email: **BRIAN.VANSTRATEN@OUTAGAMIE.ORG**

Office use only:

1. Town where property is located: **TOWN OF GRAND CHUTE**

2. Petitioned City or Village: **VILLAGE OF LITTLE CHUTE**

3. County where property is located: **OUTAGAMIE COUNTY**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **226.83**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **101165700;
101165900; 101165800; 101166200; 101166100; 101166000;
101166300; 101166400; 101166800; 101166700; 10166600;
101166601; 101166500**

Petitioners phone:

920-832-1521

Town clerk's phone:

920-832-5644

City/Village clerk's phone:

920-423-3852

Contact Information if different than petitioner:

Representative's Name and Address:

**BRIAN VAN STRATEN, DIRECTOR SOLID
WASTE & RECYCLING, OUTAGAMIE
COUNTY**

1419 HOLLAND RD

APPLETON, WI

54911-8985

Phone: **920-832-1521**

E-mail:

BRIAN.VANSTRATEN@OUTAGAMIE.ORG

Surveyor or Engineering Firm's Name & Address:

**JAMES E. MOES, COMMUNITY
DEVELOPMENT DIRECTOR, VILLAGE OF
LITTLE CHUTE**

108 W. MAIN ST

LITTLE CHUTE, WI

54140

Phone: **920-423-3870**

E-mail: **JIM@LITTLECHUTEWI.ORG**

Required Items to be provided with submission (to be completed by petitioner):

1. Legal Description meeting the requirements of [s.66.0217 \(1\) \(c\)](#) [see attached annexation guide]
2. Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
3. Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - Unanimous per [s. 66.0217 \(2\)](#), or,
OR
 - Direct by one-half approval per [s. 66.0217 \(3\)](#)
5. Check or money order covering review fee [see next page for fee calculation]

(2012)

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$350 Initial Filing Fee (required with the first submittal of all petitions)
\$200 – 2 acres or less
\$350 – 2.01 acres or more

\$2000 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)
\$200 – 2 acres or less
\$600 – 2.01 to 10 acres
\$800 – 10.01 to 50 acres
\$1,000 – 50.01 to 100 acres
\$1,400 – 100.01 to 200 acres
\$2,000 – 200.01 to 500 acres
\$4,000 – Over 500 acres

\$2350 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee received: _____

Payee: _____

Check Number: _____

Check Date: _____

Amount: _____

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- State the purpose of the petition:
- Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- Petition must be signed by:
- All owners and electors, if by unanimous approval.
 - See [66.0217 \(3\) \(a\)](#), if by one-half approval.
 - See [66.0217 \(3\) \(b\)](#), if by referendum.
- State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- The land may NOT be described only by: -Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- The map shall be an *accurate reflection* of the legal description of the parcel being annexed. As such, it must show:
 - A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoiners as referenced in the description.

- The map must include a graphic scale.

- The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by [s. 66.0217 \(4\)](#).
- If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

A PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES WHERE NO ELECTORS RESIDE IN TERRITORY

We, the undersigned, constituting all of the owners of real property in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the Village of Little Chute, petition the Village Board of the Village of Little Chute to annex the territory described below and shown on the attached scale map to the Village of Little Chute, Outagamie County, Wisconsin:

Described as; Commencing at the Southeast Corner of the Southwest quarter of Section 17 Township 21 North Range 18 East and Point Of Beginning, North along the center section line 3,815.6 feet more or less to the South line Interstate Highway 41 right of way, thence West along said right of way 684.6 feet, thence North 10 feet, thence continuing Westerly along said right of way 1,431.6 feet, thence Southwesterly along said right of way 444.5 feet more or less to the East line of French Road, thence Southwesterly along east line of French Road right of way 611.6 feet, thence continuing Southerly along said right of way 3155.6 feet more or less to the South line of said Section 17, thence East along the South line of Section 17 T21N R18E 2,597.9 feet more or less to the Point of Beginning. Described area containing 226.83 acres more or less.

The current population of such territory is 0 persons.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

Signature of Petitioner,

Date of Signing,

Address

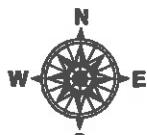
OUTAGAMIE COUNTY
RECYCLING & SOLID WASTE
1419 HOLLAND RD
APPLETON, WI 54911

Brian Van Dusen March 2, 2017

See attached map on reverse.

Village of Little Chute
**Outagamie County
Annexation**

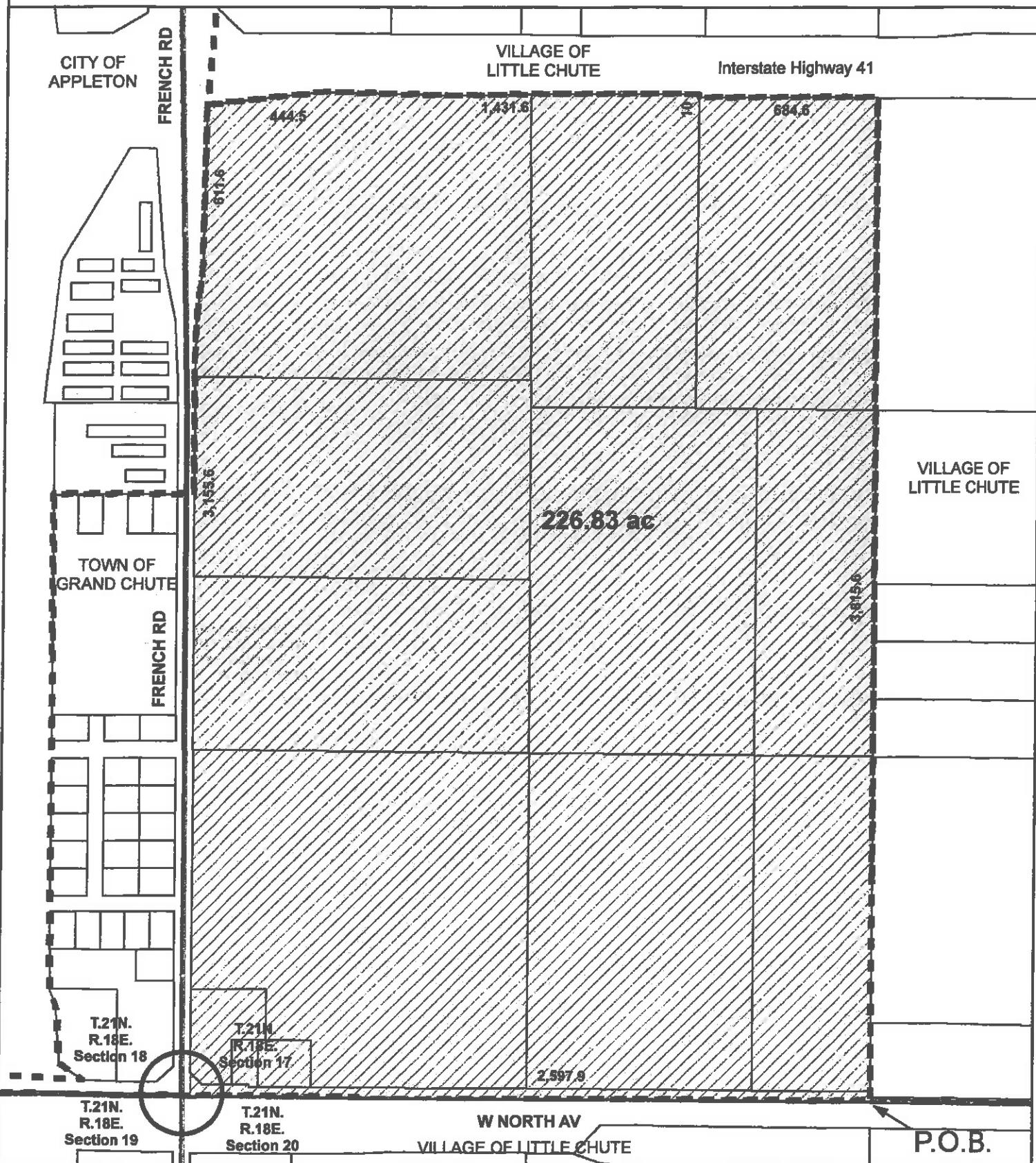
March 2017



1 inch = 500 feet

0 500 Feet

- Parcel
- Municipal Boundary
- PLSS Section Boundary
- Proposed Annexation



RESOLUTION NO.: 146—2016-17

COPY

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The Outagamie County Recycling & Solid Waste Department is requesting to annex a portion
2 of the Solid Waste campus to the Village of Little Chute. This portion of the Solid Waste
3 campus is located within the Town of Grand Chute. The purpose of the annexation is to provide
4 a continuance of water, fire protection, and sewer services. These municipal services will
5 further support the permitting of the Northwest Landfill per WDNR Natural Resources Code
6 514 in which the WDNR Plan of Operation shall require a draft leachate treatment agreement
7 for the acceptance of leachate by the Village of Little Chute and subsequent treatment of
8 leachate generated within the Northwest Landfill once operational. The Plan of Operation also
9 requires the necessity for fire protection services which the Village of Little Chute shall provide
10 as a continuance of operations. Over the past year, county staff proactively engaged the
11 landfill's municipal neighbors (City of Appleton, Village of Little Chute, and Town of Grand
12 Chute) to plan for the potential Northwest Landfill.

14 NOW THEREFORE, the undersigned members of the Highway, Recycling & Solid Waste

15 Committee recommend adoption of the following resolution.

16 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize submitting
17 a Petition for Annexation to the Village of Little Chute for 13 county-owned parcels depicted on the
18 attached map, which by reference is made a part hereof, and

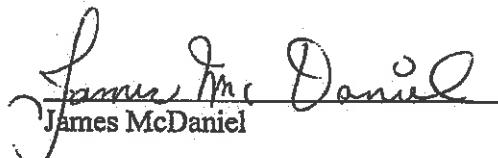
19 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
20 of this resolution to the Outagamie County Director of Recycling and Solid Waste, and the Outagamie
21 County Planning Director.

22 Dated this 14th day of February 2017

23
24 Respectfully Submitted,
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HIGHWAY, RECYCLING &
SOLID WASTE COMMITTEE


Don DeGroot


James McDaniel

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Ken VandenHeuvel

Dennis Clegg

Bob Buchman

Bob Buchman

Duly and officially adopted by the County Board on: February 14, 2017

Signed:

Bob Buchman
Board Chairperson

County Clerk

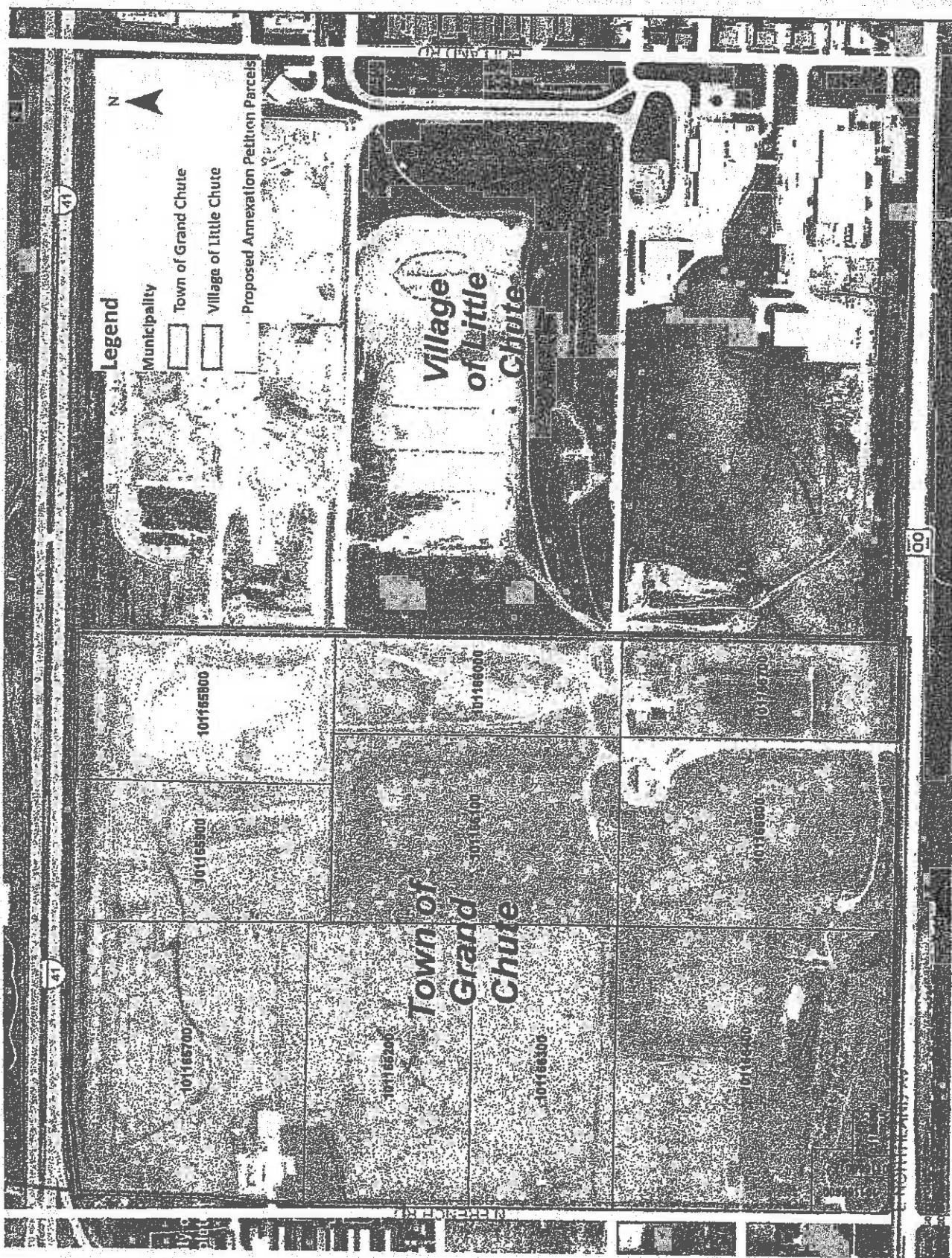
Approved:

2-15-17

Vetoed: _____

Signed:

M. M. Clegg
County Executive



OUTAGAMIE COUNTY BOARD MEETING
FEBRUARY 14, 2017

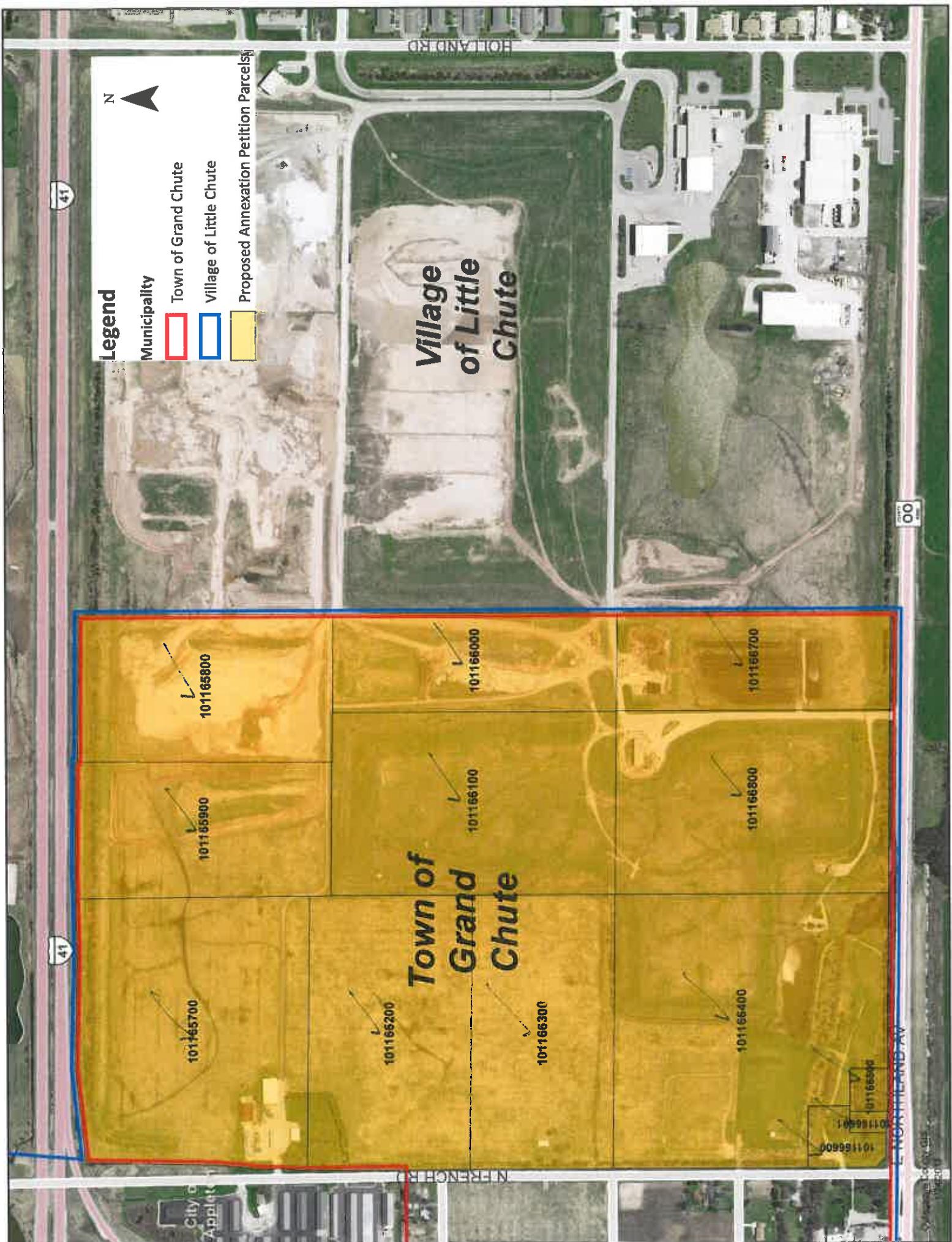
RESOLUTION NO. 146—2016-17

Supervisor De Groot moved, seconded by Supervisor Buchman, for adoption.

RESOLUTION NO. 146—2016-17 IS ADOPTED.

1. THOMPSON	YES	13. WEBAND	YES	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	YES	27. CULBERTSON	YES
4. PATIENCE	Absent	16. LEMANSKI	YES	28. STURN	YES
5. GABRIELSON	YES	17. CROATT	Absent	29. BUCHMAN	YES
6. FOSS	YES	18. SPEARS	YES	30. GRIESBACH	Absent
7. HAMMEN	YES	19. STUECK	Absent	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	YES	21. THYSEN	YES	O'CONNOR-SCHEVERS	YES
10. LAMERS	YES	22. HAGEN	Absent	34. RETTLER	YES
11. MEYER	YES	23. KLEMP	YES	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	Absent	36. SUPRISE	YES

Item 7 Passed (30 Y - 0 N - 0 A - 6 Absent) Majority Vote >



Village of Little Chute
REQUEST FOR PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Variance Standards

PREPARED BY: James P. Fenlon, Administrator

REPORT DATE: March 16, 2017

ADMINISTRATOR'S REVIEW/COMMENTS: (See Below)

EXPLANATION: On March 6th, members of the Little Chute Plan Commission (along with staff) attended a Zoning Board Workshop presented by the Center for Land Use Education through the College of Natural Resources at the University of Wisconsin Stevens Point. While the three hour training session provided coverage of a number of areas related to land use and planning, perhaps the most applicable to this body is the consideration of variances. With the information that was provided at the training, staff prepared the attached handout as information for commission members. The document itself is self-explanatory and is meant to provide an overview of standards for variance.

Should you have any questions on this matter, please do not hesitate to contact Director Moes or myself.

RECOMMENDATION: Provided for information.

VARIANCE STANDARDS

State law sets three standards for granting a zoning variance. Applicants must provide evidence to the local board that their situation meets the standards. All three standards must be met in order for a variance to be granted.

- Unnecessary hardship
- Unique property feature
- Not contrary to public interest

1. Unnecessary Hardship

Application of the zoning ordinance to the site must cause unnecessary hardship. When does unnecessary hardship occur?

Unnecessary hardship may be present when the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

No Self-Imposed Hardships The State Supreme Court also ruled that a hardship may not be self-imposed. An example of a self-imposed hardship would be someone who builds at a setback and later requests a variance for an addition within the setback area. Such a variance should be denied because the applicant created the hardship by building at the setback and restricting future building or expansion options.

Loss of Profit Not Hardship Loss of profit is not in itself an unnecessary hardship, nor is additional expense incurred to comply with zoning ordinances. For instance, limiting the number of units which can be built on a parcel may reduce potential profits but is not an unnecessary hardship.

Due to Regulations The hardship cannot be one that would have existed in the absence of the zoning ordinance. Some properties may not be buildable because of the physical nature of the property. For instance, if an entire parcel consists of land with a steep slope, or is entirely covered with wetlands, the property would not be suitable for development whether or not there was an ordinance regulating such development. In such extreme cases, the only reasonable use may be for open space uses.

2. Unique Property Limitations

Unique physical characteristics of the property prevent applicant from developing in compliance with the ordinance.

Physical Features Wetlands, topography and steep slopes are some characteristics which may limit use of a property.

Property Limitations – Not Applicant’s Circumstances The property must qualify for the variance, not the situation of the applicant.

Violations/Previous Variances not Grounds for Variance Existing violations on other properties, or variances previously granted, are not grounds for a variance. Applications must be evaluated individually based on the variance standards.

Amend Zoning Ordinance Variances should not be granted for property features affecting many parcels in the same way. The proper remedy in such a situation is to amend the zoning ordinance.

3. Public Interest Protected

Granting of a variance must not harm the public interest.

Look to Ordinance Objectives Board members should look to the objectives statement in their local ordinance to determine what constitutes public interest.

Not Just Lack of Opposition The fact that there is no objection to a variance from neighbors or area residents does not necessarily mean a variance would not harm the public interest.

Minimum Relief Landowners who do qualify for a variance are to be granted only the minimum relief necessary for them to have reasonable use of their property. Boards also have the authority to impose conditions on a variance to protect the public interest. Examples of conditions for variances to shoreland standards include such as erosion control measures or vegetative screening.

Applicants must prove their situation meets all three of these standards. Zoning officials and zoning board members can ask applicants questions to help determine if the standards are met or if there is an alternative that would not require a variance.