



# AGENDA

## VILLAGE OF LITTLE CHUTE PLAN COMMISSION MEETING

PLACE: Little Chute Village Hall – Village Board Room

DATE: Monday, August 19, 2024

TIME: 5:00 p.m.

**Virtually attend the August 19<sup>th</sup> , Plan Commission meeting at 5 PM by following the link here:**

Join Zoom Meeting: <https://us06web.zoom.us/j/87157925189>

Meeting ID: 871 5792 5189

Dial by your location: +1 309 205 3325 US

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 July 8, 2024
2. Public Hearing – Conditional Use Request for Duke Rentals, 3070 Spirit Court
3. Discussion/Action – Conditional Use Request for Duke Rentals, 3070 Spirit Court
4. Items for Future Agenda
5. 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 August 15, 2024

## MINUTES OF THE PLAN COMMISSION MEETING OF JULY 8, 2024

### Call to Order

The Plan Commission meeting was called to order at 5:00 PM by President Vanden Berg

### Roll Call

PRESENT: President Vanden Berg  
Jim Moes  
Bill Van Berkel  
Larry Van Lankvelt  
Todd Verboomen  
Kent Taylor  
EXCUSED: Tom Lonsway

STAFF PRESENT: Beau Bernhoft, Jessical Titel

### Public Appearance for Items Not on the Agenda

None

### Approval of Minutes from the Plan Commission Meeting of June 10, 2024

*Moved by Commissioner Verboomen, seconded by Commissioner Van Lankvelt to approve the Plan Commission Meeting Minutes of June 10, 2024.*

All Ayes – Motion Carried

### Discussion/Recommendation – CSM Smith Pharmacy 1902 & 1914 Freedom Rd

Director Titel presented and application to combine two existing parcels at 1902 and 1914 Freedom Rd into one lot for the proposed Smith Pharmacy Project. Staff have reviewed and recommend approval.

*Moved by Commissioner Moes, seconded by Commissioner Verboomen to recommend approval to the Village board of CSM as presented.*

All Ayes – Motion Carried

### Discussion/Recommendation – Site Plan for Smith Pharmacy

Community Development Director Titel presented the site plan for the proposed Smith Pharmacy building. The proposed parking lot does not meet the 15-foot wide buffer required by zoning code and would need an exception to the landscape buffer width. Commissioner Moes asked the depth of the parking stalls, they would be 10x20. Mr. Nick Smith was available to answer questions and stating parking is their biggest concern, the drive through traffic is significant and this addresses this issue. Many elderly customers appreciate the wider stalls. They are trying to make the parking lot and drive through as large as possible to accommodate traffic and customers. Moes stated a reduced depth of stalls would add 4 feet. Mr. Smith stated the easier accessibility for elderly customers and handicapped vehicles was the reason for the added depth of stalls.

*Moved by Commissioner Van Lankvelt, seconded by Commissioner Verboomen to approve the site plan for Smith Pharmacy as presented.*

Ayes 6, 1 Nay (Moes) – Motion Carried

### Discussion/Recommendation – CSM Bela, LLC 1501 & 1825 Rosehill Rd

Community Development Director Titel presented combining two existing parcels 1501 and 1825 Rosehill Rd into one lot. There is an existing rail easement on the property that will be released/terminated as no longer

needed. Staff have reviewed and recommend approval to the Village Board.

*Moved by Commissioner Moes, seconded by Commissioner Van Lankvelt to recommend approving the CSM and abandoning the Rail easement.*

All Ayes – Motion Carried

### **Items for Future Agenda**

### **Adjournment**

*Moved by Commissioner Moes seconded by Commissioner Verboomen to Adjourn Plan Commission Meeting at 5:16 PM*

All Ayes – Motion Carried

### **VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_  
Michael Vanden Berg, Village President

Attest: \_\_\_\_\_  
Laurie Decker, Village Clerk

**VILLAGE OF LITTLE CHUTE  
PLAN COMMISSION  
NOTICE OF PUBLIC HEARING**

**CONDITIONAL USE REQUEST**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on August 19, 2024 at 5:00 p.m. by the Plan Commission, for consideration of a conditional use under authority provided in Section 44 Village Code of Ordinance. The applicant requests a conditional use permit for light manufacturing (construction equipment rental and sales for Duke Rentals). The property is Zoned; CH-Commercial Highway in the Village of Little Chute, Outagamie County, Wisconsin.

Address: 3070 Spirit Court

Parcel #: 260400511

Legal Description: LOT 1 CSM 8307 LESS PARCEL 246 TPP NO: 1130-63-21-4.25 CONV IN DOC #2312778

Current Owner: Spartan Holdings, LLC

Applicant: Ben Dawson – Duke Rentals

DATE OF HEARING: August 19, 2024

TIME OF HEARING: 5:00 p.m.

PLACE OF HEARING: Village Hall

Board Room

108 West Main Street

Little Chute, WI 54140

If you have any questions, please contact the Zoning Administrator at (920) 423-3870

Publish: August 14

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.



## Item For Consideration Plan Commission

Plan Commission Meeting Date: 8/19/24

Prepared On: 8/13/24

Agenda Item Topic: Conditional Use Request – Duke Rentals

Prepared By: Jessica Titel, Community Development Department

### **REPORT/STAFF ANALYSIS**

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**Applicant:** Ben Dawson – Duke Rentals

**Owner:** Spartan Holdings, LLC

**Address/Parcel #:** 3070 Spirit Court, Parcel #260400511

**Request:** A request has been submitted by Duke Rentals for a conditional use permit at 3070 Spirit Court. The applicant is requesting a conditional use permit for construction equipment rental and sales, which is a special exception in the Commercial Highway District ([Sec 44-51](#)). The conditional use will apply to the entire property. The applicant is also planning to add an outdoor storage area for their rental equipment. The outdoor storage area will be screened in accordance with Zoning Code requirements.

**Zoning Classification:** CH Commercial Highway District

**Background:** The parcel is approximately 2.09 acres in area and contains a building that is approximately 10,000 square feet in size. The subject parcel is located within an area with a mix of commercial and light industrial uses. The plan of operation for the proposed conditional use is attached.

The application, zoning map, aerial map, notice of hearing are all attached to this report. Letters of notice of this public hearing on this item have been mailed to all property owners within 100 feet and noticed in the paper.

### **RECOMMENDATION/PLAN COMMISSION ACTION**

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Staff is recommending approval of the Conditional Use Permit for Duke Rentals with the following conditions:



## **Item For Consideration Plan Commission**

1. Per Section 44-393 of the Zoning Code, any outside storage in commercial or industrial districts shall be located within an opaque fenced area; outside storage is not permitted in any required front yard.
2. The building must meet all applicable commercial building code requirements based upon the proposed use.
3. All applicable ordinances shall be followed.
4. Complaints submitted to the Village shall be reviewed and enforced in accordance with Section 44-124 of the Zoning Code.

Respectfully Submitted,

Jessica Titel, Community Development Director

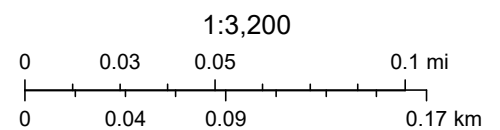


# Vicinity Map - Duke Rentals Conditional Use Permit



8/13/2024, 9:05:28 AM

 Parcels

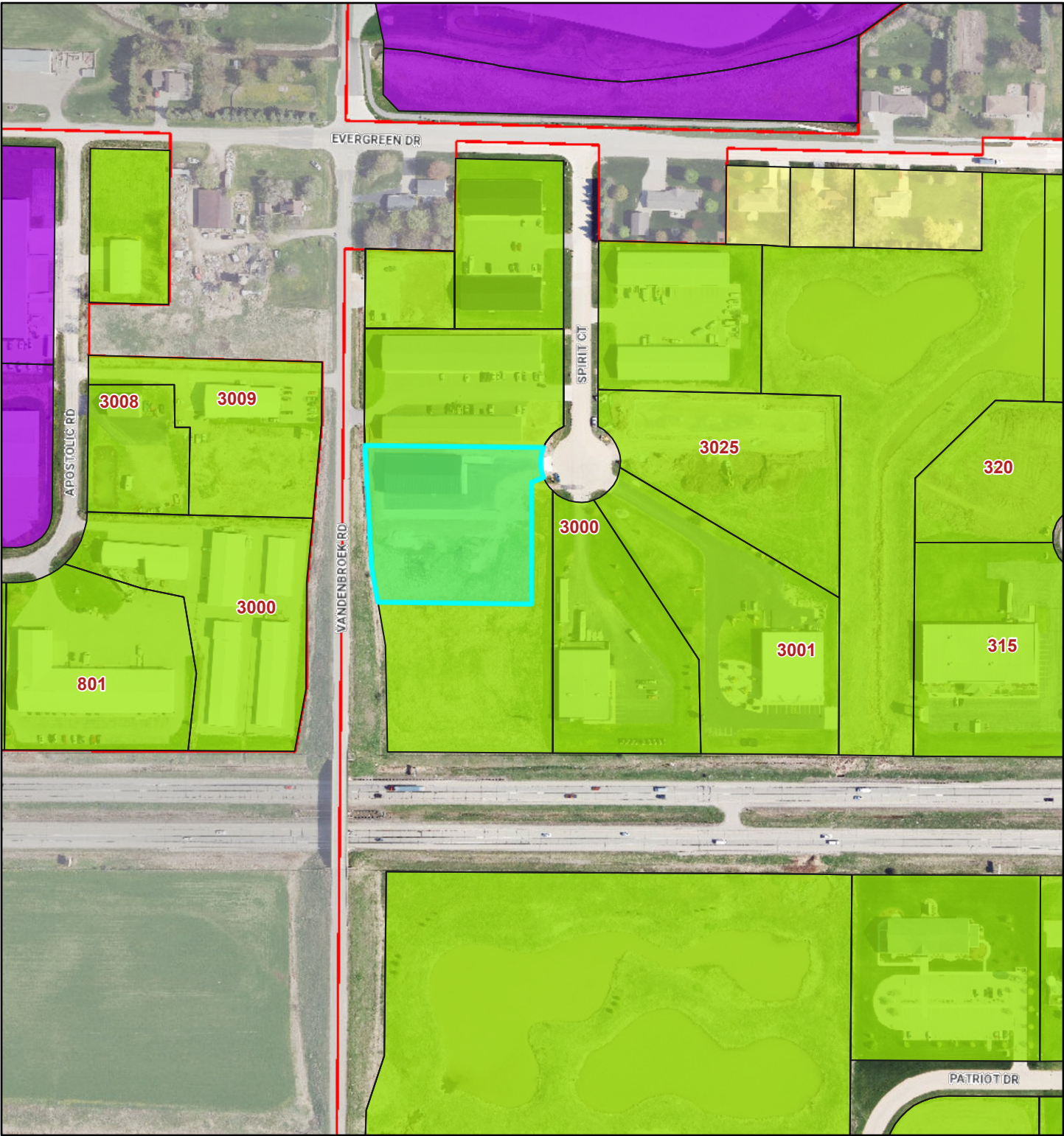


Outagamie County, Village of Little Chute, REL & Associates, Inc.

Village of Little Chute  
Robert E. Lee & Associates, Inc., Outagamie County



# Zoning Map




8/13/2024, 9:00:55 AM

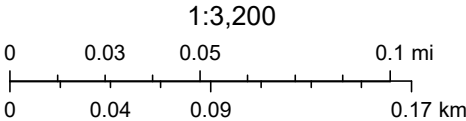
 Parcels

**Zoning**

 CH: Commercial Highway District

 ID: Industrial District

 RC: Residential Single-Family



Outagamie County, Village of Little Chute, REL & Associates, Inc.



Village of Little Chute Application for CONDITIONAL USE UNDER CHAPTER 44 ZONING CODE

Application fee \$125.00

Date filed 7/29/24

The undersigned owner(s) of the property herein described hereby petition for a Conditional Use under the Village of Little Chute Zoning Ordinance Chapter 44, in the Village of Little Chute, Outagamie County, Wisconsin

Property location: 30770 Spirit Court

Legal Description: \_\_\_\_\_

LOT 1 CSM 8307 LESS PARCEL 246 TPP NO: 1130-63-21-4.25 CONV IN DOC #2312778

Current Zoning Classification: CH Commerical Highway

Petitioner(s) request permission be granted for the following conditional use(s): \_\_\_\_\_

Light Industrial use for construction equipment rental and sales for Duke Rental. An outdoor storage area  
will also be added to accomodate equipment storage. Outdoor area is shown on attached site plan.

Petitioner(s) reason(s) for requesting the above described conditional use are as follows: \_\_\_\_\_

Light industrial uses and construction equipment rental is a conditional use in the CH zoning district. The  
proposed use is compatible with other existing uses surrounding this parcel.

The business provides rentals and sales of scissor lifts, boom lifts, telehandlers, industrial forklifts, light and  
general dirt equipment.

Business hours are 7:00 AM to 5:00 PM Monday through Friday.

Equipment associated with the business includes 2 semis and services vans.

Number of employees is expected to be 10.

**Attach Surveys, building plans, drainage plans, site plans, statements of days & hours of operation, estimates of additional traffic generated, statements regarding effect on neighboring properties and any other additional information which may assist in determining that the proposed use is appropriate that such use is not hazardous, harmful, offensive or adverse to the environment or the value of the neighborhood or the community.**

Owner(s) Name(s) Totton Real Estate LLC

Owner(s) Address 103 W 28th Street Atlantic Iowa 50022

Phone Numbers 515-232-6596

APPLICANT(S) Signature(s) 

Date Signed 7-30-2024

Supplemental Materials to Conditional Use Application

3070 Spirit Court, Little Chute, WI

- A. The property is currently zoned CH Commercial Highway. This application is for a Conditional Use (special exception use) for a light manufacturing and/or construction equipment sales and service use as allowed under Section 44-51 of the ordinance. This Supplement provides additional information regarding outdoor storage that would be allowed as an accessory use, if approved. Applicant is a potential purchaser of the property that is engaged in the business of rental and sales of scissor lifts, boom lifts, telehandlers, industrial forklifts, light and general dirt equipment. The outdoor storage lot would be used for the inventory of equipment for sale or rental and the parking of trucks and vans.

As noted in the Application, the hours of business operation are 7:00 am to 5:00 pm, however the outdoor yard would be used for storage 24 hours/day, without restriction on the types of equipment and inventory stored there or method of storage. Maximizing storage area will require boom lifts to be raised for storage.

- B. The application requires the applicant to address the ordinance standards of Section 44-119. Answers are in bold:

No application for a conditional use shall be granted by the plan commission or village board on appeal unless such commission or board shall find that the following conditions are present:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

**The use is consistent with surrounding properties. Onsite storage and lot access will be limited to employees only, so public impact will be insubstantial.**

- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

**The property is surrounded by CH-zoned properties and the uses of the surrounding properties are generally consistent with the proposed use and outdoor storage yard. The zoning class in the area is commercial and even within that broad zoning class, some of the surrounding buildings and uses fall into heavier user categories.**

- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**Surrounding properties are used for compatible purposes.**

- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

**A building already exists on site and the application is for the proposed use. The addition of the storage yard will have minimal impact and will be handled consistent with applicable regulations.**

- (5) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

**Building currently exists and this application is for the use. If the application is granted, the new storage yard will be constructed and used consistent with applicable regulations.**

- (6) That the proposed use does not violate floodplain regulations governing the site.

**No known impacts.**

- (7) That, when applying the above standards to any new construction of a building or an addition to an existing building, the plan commission or village board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.

**Not applicable, as this is an existing building. The storage yard is an essential element of operating a business engaged in the rental of large equipment.**

- (8) That, in addition to passing upon a conditional use permit, the plan commission or village board shall also evaluate the effect of the proposed use upon the following:
- a. The maintenance of safe and healthful conditions.
  - b. The prevention and control of water pollution including sedimentation.
  - c. The existing topographic and drainage features and vegetative cover on the site.
  - d. The location of the site with respect to floodplain and floodways of rivers and streams.
  - e. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - f. The location of the site with respect to existing or future access roads.
  - g. The need of the proposed use for a shoreland location.
  - h. Its compatibility with uses on adjacent land.
  - i. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

C. Applicant has attached a hand-drawn exhibit to demonstrate the location and general dimensions of the proposed storage yard. The exterior boundaries on three sides will comply with requirements. In addition, the applicant will comply with screening requirements of Section 44-193. As depicted on the plan, Applicant is aware of screening requirements in the ordinance and will either provide the 10-foot wide buffer with evergreens, shades, ornamentals and shrubs OR will use a six-foot high sight-tight fence with shade and evergreen trees per ordinance. The applicant may elect to use fence in some directions and trees in others. Applicant is open to the plan commissions views on this topic.

D. The property is currently owned by Spartan Holdings, LLC. Applicant is a potential purchaser of the property. The current zoning class is CH Commercial Highway and is surrounded properties in that class, in addition to public roadways.



