

1. Meeting called to order

President Dobbs called the meeting to order at 6:00 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin.

2. Roll Call/Introductions

Members present: Thomas Knitter, Trustee Wanggaard, President Dobbs, Jonathan Schattner and Joseph Minorik.

Absent: Bill Folk & Duane Michalski

Also Present: Planning Director Peter Wagner, and Public Works Director Tom Lazcano.

3. Approval of Minutes

Motion by Trustee Wanggaard to approve the minutes from the January 6, 2020 Plan Commission meeting. Seconded by Thomas Knitter. Motion carried unanimously.

4. Citizens' Comments

Thomas Isaacson – 3315 Taurus Dr. – asked for explanation of valid signatures and what is to be considered for petition.

Dobbs states Peter Wagner will go through and explain this his report.

5. Non-Public Hearing Items

Joseph Minorik requested to recuse himself from this non-public hearing item.

A. REVIEW – Determine the validity of a protest petition regarding the proposed rezoning of parcels located along STH 31. (Parcel ID Nos. 104-04-23-31-129-000 & 104-04-23-31-130-000)

Peter Wagner read from his Plan Commission Report:

“On December 13, 2019, a Caledonia resident submitted a protest petition to the Village Board pertaining to a request to rezone the properties located on the northeast corner of STH 31 & STH 38 from R-3, Suburban Residential District (sewered), to B-3, Commercial Service District, for commercial development. The Plan Commission recommended approval of this request at their November 25th meeting. As a result of this petition, the Village Board deferred action on the proposed ordinance until the Village Plan Commission had an opportunity to determine if the petition is valid at its December 16th meeting. Section 20-168 allows for the protest of a rezoning before the Village Board if it meets certain criteria.

This Section states the following:

In the event a protest against a proposed change or amendment is filed with the county clerk at least twenty-four (24) hours prior to the date of the meeting of the board of supervisors at which the recommendation of the planning and development committee is to be considered, duly signed and acknowledged by the owners of fifty (50) percent or more of the area proposed to be altered, or by abutting owners of over fifty (50) percent of the total perimeter of the area proposed to be altered included within three hundred (300) feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the planning and

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development committee has had a reasonable opportunity to ascertain and report to the board of supervisors as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the land owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths (¾) of the members of the board of supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

Therefore, to be considered a valid protest petition, the following must be included:

- 1) Statement of protest.
- 2) Parcels must be abutting subject property.
- 3) Valid property description of abutting parcel.
- 4) Valid abutting parcel owner signature
- 5) Parcel owners protesting the rezoning must have frontage along the subject property that is more than 50% of the total perimeter of subject property.

The protest petition included a protest statement. It included 14 parcels. All 14 parcels had valid property descriptions; however, only eight were abutting the subject properties. Based on language in Sec 20-168, only abutting parcels along the perimeter of the parcel in question qualify as part of a protest petition. As a result, six of the nine submitted signatures qualify as valid signatures. Signatures for 3045 STH 31, 3109 STH 31 and 3115 STH 31 is not considered valid as the properties don't abut the subject parcels. Included with this report is a map showing surrounding parcels. (For reference, these three parcels are located north of 11-S on the map and noted as A, B, C). Furthermore, to be considered a valid protest petition, the abutting property owners must have property frontage that is more than 50% of the total perimeter of the subject property. The 6.12-acre parcel has a perimeter of 2,841 feet. The numbers of abutting parcels with a valid property owner signature and valid property description have a total frontage of 1,803 feet. This is approximately 63% of the total perimeter thus meeting the more than 50% requirement. For the 0.45 acre parcel, the total perimeter is 590 feet. Protesting property owners have 0 feet of frontage, thus not meeting the more than 50% requirement.

In summary, staff has reviewed the protest petition and has concluded that the petition is valid for the parcel with Parcel ID No. 104-04-23-31-129-000, as the petition meets the criteria outlined in Section 20-138. However the petition does not apply to parcel with Parcel ID No. 104-04-23-31-130-000 as it does not meet the criteria outlined in Section 20-138.”

Motion by Johnathan Schattner to authenticate the proposed submission pertaining to the rezoning of the 6.12 acre Parcel ID No.104-04-23-31-129-000 from R-3 Suburban Residential District to the Commercial Service District. The signing of the petition may we request the protesting of parcel with Parcel ID No. 104-04-23-31-130-000. With the condition that the technical correction be of the submitted affidavit be notarized. Including a copy of the signatures from the protester that originally circulated it, personally collecting all signatures of all protesters with full acknowledge and agreeance of the affidavit.

Seconded by Thomas Knitter. Motion carried unanimously.

6. - Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Jonathan Schattner. Motion carried unanimously. Meeting adjourned at 6:19 p.m.

Respectfully submitted,
Erika Waege
Building/Engineering Admin