

**BELLEVILLE PLAN COMMISSION  
REGULAR MEETING MINUTES**

WEDNESDAY, MARCH 9, 2011

7:00 p.m (Immediately following public hearing)  
Belleville Village Hall, 24 West Main Street

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Terry Kringle called the meeting to order following the Public Hearing. Roll Call stayed the same along with professional staff and visitors.

**Motion by Larry Enlow, seconded by Lance Williston to approve the minutes of February 9, 2011 as printed. Motion carried.**

The next meeting will be April 13, 2011.

**Act on public hearing #1 – Changing hardware store from a conditional use to a permitted use in Business Highway (B-H) districts**

In B-H zoning the ACE hardware building is presently required to have a conditional use. The Village wants to change hardware stores in B-H from a conditional use to a permitted use to bring it more in line with other types of businesses found in a B-H district. **Motion by Gary Ziegler, seconded by Lance Williston, to recommend to the Village Board that a hardware store be a permitted use in the Business Highway zoning district. Motion carried.**

**Act on exception in Village Wide Design Guidelines (7.4) for change in roof overhang for Productive Holdings.**

Lex Dutch was present. He was requesting some minor changes in their building plans in order to get closer to their budget. They would like to change the pitch of the roof from a 1/12 to a ¼ /12. This will lower the front of the building by 37". They would like to eliminate the 8" overhang on the front of the building and make it all on one plane. They still intend to keep the two different textures and colors on the upper (darker) and lower portions (lighter) of the building, with contrasting trim. They have yet to determine the colors. The contrasting band of color that matches the awnings on the lower part of the building will remain. The width, color and location (height) may change as their designer finishes the building's pallet. Bill Preboski explained the roof slope has been eliminated from our Village Wide Design Guidelines but they will need an exception for the overhand. Our Village Wide Design Guidelines states in 7.4 that canopies, awnings, covered porches, and/or gable-roof projections shall be provided along facades that give access to the building to accentuate entrances and give shelter to visitors. Minimum depth of coverage shall be three (3) feet, and the underside of the projection shall be between eight and twelve (8-12) feet above the sidewalk. **Motion by Jim Schmitz, seconded by Gary Ziegler to grant an exception to the requirement of 3 feet for an overhang to the Productive Holdings building. Motion carried.**

**Title 10-6 revision to meet requirements of Wisconsin Act 376**

10-6-1 amendment was already approved by the Village Board. The following amendment revisions to Title 10-6 Land Division Regulations were reviewed by the Plan Commission.

**Sec. 10-6-1 Authority.**

These regulations are adopted under the authority granted by Chapter 236, Wis. Stats. To the extent that this Chapter contains time limits, deadlines, notice requirements or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin Statutes, the time limits, deadlines, notice requirements or other provision that provide protections for a subdivider contained in Chapter 236 shall apply.

## Sec. 10-6-5 General Provisions.

a) **Compliance; Additional Regulations.** Any person dividing land within the Village, or within its extraterritorial plat approval jurisdiction which results in a subdivision, shall prepare a plat of the subdivision or a certified survey map in accordance with the requirements of this Chapter, and:

- 1) The provisions of Ch. 236, Wis. Stats.;
- 2) Any Village or County ordinance that is in effect when the developer submits a preliminary plat, or a final plat if no preliminary plat is submitted.
- 3) The rules of the ~~department of commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by public sewer, where provision for public sewer has not been made~~
- 4) The rules of the department of transportation relating to provision for the safety of entrance upon and departure from the abutting state trunk ~~highways or connecting highways~~ and for the preservation of the public interest in investment in such highways.
- 5) As a condition of approval, the Village Board may require that the developer make and install any public improvements reasonably necessary or that the developer execute a surety bond or provide other security to ensure that he or she will make those improvements within a reasonable time. The developer may construct the project in such phases as the Village Board approves, which approval may not be unreasonably withheld. If the project will be constructed in phases, the amount of any surety bond or other security required by the Village Board shall be limited to the phase of the project that is currently being constructed. The Village may not require that the developer provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.
- 6) The Village may require as a condition for accepting the dedication of public streets, alleys or other ways, or for permitting private streets, alleys or other ways, or for permitting private streets, alleys or other public ways to be placed on the official map, that designated facilities shall have been previously provided without cost to Village specifications and under Village inspection, such as, without limitation because of enumeration, sewerage, water mains and laterals, storm water management or treatment facilities, grading and improvement of streets, alleys, sidewalks and other public ways, street lighting or other facilities designated by the Village Board, or that a specified portion of such costs shall be paid in advance as provided in Wis. Stat. § 66.0709.
- 7) The Village may require as a condition of approval that the developer be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
- 8) The Village may require as a condition of approval the dedication of easements by the developer for the purpose of assuring the unobstructed flow of solar or wind energy across adjacent lots in the subdivision.
- 9) The Village shall not condition approval upon compliance with any requirement other than those specified in this section.

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**Deleted:** Transportation contained in the Wisconsin Administrative Code (Chapter HY 33)

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**Deleted:** <#>Village ordinances and regulations (only within the Village);¶  
<#>Master plan or master plan component adopted by the Village;¶  
<#>The rules of the Division of Plumbing, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H 85 for subdivisions not served by public sewer;¶  
<#>The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program;¶  
<#>Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board;¶

## Sec. 10-6-12 Condominium Developments.

- a) **Purpose.**
- 1) The Village Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
  - 2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Village of Belleville determines that this factor makes a condominium development dissimilar, both physically and in ownership, management and control.
  - 3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
    - a. Additional population density;
    - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
    - c. Additional demands upon Village area parks, recreation areas, utility facilities and schools;
    - d. Additional traffic and street use.
- b) **Portions of Chapter Applicable to Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:
- 1) Section 10-6-10 relating to land suitability and construction practices.
  - 2) Section 10-6-21 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 10-6-40 shall not apply, since condominiums have separate technical standards set forth in Ch. 703, Wis. Stats.
  - 3) Section 10-6-101 relating to fees for review.
  - 4) Article E relating to required improvements.
  - 5) Article D relating to design standards for improvements.
  - 6) Sections 10-6-6, 10-6-7 and 10-6-8.
- c) **Exceptions.** This Section shall not apply to the following condominiums:
- 1) Any condominium plat recorded prior to the effective date of this Chapter.
  - 2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

### **Sec. 10-6-21 Preliminary Plat Procedure.**

- a) Prior to submitting a final plat for approval, the subdivider shall prepare and submit a preliminary plat. The subdivider shall file with the Village within the timelines approved on the Plan Commission Action Table prior to a scheduled Plan Commission meeting a written application for approval of the preliminary plat, including completion of a "Checklist for Preliminary Plats" provided by the Village Clerk-Treasurer, and pay the required fees (see Section 10-6-85). The

application shall include all data required by this Chapter accompanied by five (5) copies of the plat. The preliminary plat shall cover the entire parcel owned or controlled by the subdivider, even though only a portion thereof is proposed for development at the time. The preliminary plat shall be clearly marked "preliminary plat," and shall be in sufficient detail to determine whether the final plat will meet layout requirements. The subdivider may elect to submit a development plan in lieu of a preliminary plat when he or she owns or controls forty (40) contiguous acres or more of land. The subdivider shall still submit a preliminary plat for that part which is to be included in the final plat. The Village shall, within ninety (90) days from the date all required information has been received, as determined by the Chairperson of the Plan Commission, or within such extended time as agreed by the developer, approve, approve conditionally, or reject the preliminary plat, and shall state in writing any condition of approval or reasons for rejection. Failure of the Village Board to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat. The Village Board shall refer the application to the Plan Commission for a recommendation regarding the conformity of the preliminary plat or development plan within the provisions of this Chapter and Wisconsin law. (Revised 00-10-01)

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- b) Within 2 days after a preliminary plat is submitted for approval, legible copies, together with a list of the authorities to which the plat must be submitted for approval under Wis. Stat. § 236.10 or objection under Wis. Stat. § 236.12(2), furnished by the developer at the developer's expense, shall be sent by the Village Clerk to the agencies having objecting authority, pursuant to Wis. Stat. § 236.12(2). In lieu of this procedure, the developer may submit the original plat to the Wisconsin Department of Administration for distribution to objecting authorities.
- c) The Plan Commission shall refer the preliminary plat or development plan to the Village Engineer, the Parks Committee, and all appropriate committees for comments and recommendations prior to making a recommendation to the Village Board (see Section 10-3-50).

## **Sec. 10-6-22 Final Plat Procedure.**

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If the preliminary plat has been approved or approved conditionally by the Village Board, the subdivider may make written application to the Village and pay the required fees for the approval of a final plat. The application shall be submitted within the timelines approved on the Plan Commission Action Table prior to the scheduled Plan Commission meeting, and shall be accompanied by five (5) copies of the plat. The final plat may, if permitted by the Village Board, be for only that part of the preliminary plat that the developer proposes to record at the time.

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Within 2 days after a final plat is submitted for approval, legible copies, together with a list of the authorities to which the plat must be submitted for approval under Wis. Stat. § 236.10 or objection under Wis. Stat. § 236.12(2), furnished by the developer at the developer's expense, shall be sent by the Village Clerk to the agencies having objecting authority, pursuant to Wis. Stat. § 236.12(2). In lieu of this procedure, the developer may submit the original plat to the Wisconsin Department of Administration for distribution to objecting authorities.

The Village Board shall refer the final plat to the Plan Commission for a recommendation that the final plat conforms to the preliminary plat, including any conditions of approval and Village plans and ordinances. The Plan Commission shall refer the plat to the Village Engineer, a planner or another person charged with the responsibility to review plats, who shall provide the Village with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered, and is not required to be submitted in writing. After receipt of these comments and recommendations, the Plan Commission shall

**Deleted:** provisions of this Chapter. The Plan Commission shall refer the plat to the Village Engineer and appropriate committees for comments and recommendations.

make a determination and forward its recommendation to the Village Board. ~~The Village shall give at least 10 days prior written notice of the Village Board's intention to act on the final plat to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat, but failure to give such notice shall not invalidate any such plat. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of approval, and to Village plans and ordinances, and has been submitted within 36 months after the last required approval of the preliminary plat, it is entitled to approval. If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. The Village Board shall approve or reject the final plat within sixty (60) days of its submission, unless the time is extended by agreement with the developer. If the Village Board or another authority fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the clerk of the authority which has failed to act. If a plat is rejected, the reasons therefore shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons supplied to the developer.~~ A copy of the recorded plat shall be returned to the Village Clerk-Treasurer prior to the issuance of a building permit. (Rev 98-10-2) (Revision 00-10-01)

**Deleted:** Upon determining that the final plat meets the requirements of this Chapter and any additional requirements, has been submitted within twenty-four (24) months from the approval date of the preliminary plat, and all preliminary plat conditions have been met, the Village Board shall approve the final plat within sixty (60) days of the date all required information has been received by the Board.

### Sec. 10-6-23 Certified Survey Map Procedure.

When a land division is created as defined herein, the subdivider shall first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map, in accordance with Sec. 236.34, Wis. Stats., and this Chapter, shall be submitted to the Plan Commission within the timelines approved on the Plan Commission Action Table prior to the regular meeting of the Plan Commission. ~~Certified Survey Maps shall be approved by the Plan Commission, except that when a certified survey map involves the dedication of streets or other public areas to the Village as required in 10-6-21 of this Chapter, approval of the Village Board shall also be required. The Plan Commission, and where required the Village Board, shall, within 90 days of the filing, unless the time is extended by agreement with the subdivider, approve, approve conditionally, or reject the map. Failure to act within the 90 days, or any extension of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk. Conditions of approval or reasons for rejection shall be stated in writing and provided to the subdivider.~~ The subdivider shall record the map with the applicable county register of deeds within ~~6 months after the date of the last approval of the map, and within 24 months after the first approval of the map.~~ Failure to do so shall necessitate reapproval of the map by the Plan Commission. ~~The certified survey map shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. A copy of the recorded survey map shall be returned to the Village Clerk-Treasurer prior to the issuance of a building permit. (Revised 00-11-02)~~

**Deleted:** The Plan Commission shall, within sixty (60) days of the filing, approve, approve conditionally, or reject the map and shall notify the subdivider of its decision. When the

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### Sec. 10-6-40 Preliminary Plat.

b) **Plat Data.** All preliminary plats shall show the following:

7) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes; the location of manholes, ~~catch basins,~~ hydrants, power, and telephone poles; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract, shall be indicated by their direction and distance from the tract, size, and invert elevations.

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**Sec. 10-6-63      Blocks.**

- a) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.
- b) Blocks in residential areas as measured in the long dimension from street centerline to street centerline shall not be less than six hundred (600) feet nor more than one thousand two hundred (1,200) feet in length unless otherwise dictated by exceptional topography or other limiting design factors.

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**Sec. 10-6-64      Lots.**

- h) Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.

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**Motion by Larry Enlow, seconded by Lance Williston to recommend the approval of these amendments    Motion carried.**

Motion by Donna Moore, seconded by Larry Enlow to adjourn the meeting.    Motion carried.

Submitted,  
Mary Austin - Secretary