

BELLEVILLE PLAN COMMISSION
REGULAR MEETING MINUTES

TUESDAY, AUGUST 16, 2011

7:30 p.m. *(Note change in time)*

Belleville Village Hall, 24 West Main Street

Chairman Terry Kringle called the meeting to order. Members present were: Donna Moore, Lance Williston, Larry Enlow, Tyler Kattre, Ben O'Brien and Howard Ward. Professional staff present was Bill Preboski and Matt Dregne. Visitors: Jeff Christen, Mark Christen, Gene Cate, Pat McGowan, Ed Short, Randy Lyle, Bob Carlson and Michael Parkin.

Tyler Kattre, a new member was introduced to each PC member. Each one told a little bit about themselves.

Visitors wishing to speak

Michael Parkin inquired as why the Landmark sign does not have to meet the Downtown Design Standards. He was told to ask the Building Inspector.

Motion by Donna Moore, seconded by Lance Enlow to approve the July 13, 2011 minutes as printed. Motion carried.

The next meeting will be September 21 at 7:00 due to the possible absence of at least 3 members of the commission.

Cate Machine Redevelopment Plan Review/Site Plan

Ed Short was the spokesperson for Cate Machine. Terry wanted to review the concerns of the August 4 letter from MSA. Exeter Design responded to those issues in a letter dated August 12, 2011. MSA then responded with a letter dated August 16, 2011. Kevin did not review the latest submittal from Exeter Design since he thought the meeting was on Wednesday, but his preliminary verbal report to Terry was there didn't seem to be anything that he was overly concerned about. The biggest concern was the setback from the high water mark of the river. Ed talked to the DNR and they stated it was between 50' and 75', but they said it was more of a Village ordinance. At the present time the shortest setback is 55.5' and 64.1 is the other distance. Terry stated our ordinance adopts the county ordinance which is the 50-75 feet setback requirement. The Conditional Use Permit they presently have does not pertain to this building, so the CUP does not have to be amended.

General – No 1 and No 2 were revised and addressed.

Erosion Control - #3 was ok and #4 was addressed. There will be 2 stock piles located off building lot. The extra sand or topsoil temporarily on lot 9.

Stormwater: No 1- Cates are exempt because the development is less than 20,000 square feet, but the land owner is going after the stormwater credit and they need to achieve the 1% quality rate in the 10 year release. They sized the stormwater basin so if they ever expand this will be taken care of. This does not have anything to do with lot 8 or 9.

No 2(a) was addressed.

No 2(b) Unclear - Not addressed but Ed Short stated Lot 9 stormwater runoff will not pass through the development. Proposed and existing grades will not allow this to happen.

No 2(c): Was addressed.

No 2(d): Not addressed and not clear.

No 3: Not addressed. No grading permit application is attached.

No 4: Not addressed.

Site Plan- 1, 2, 3 and 4 were all addressed. The current curb cut for their entrance is old construction and it did not have an apron, only curb cuts and pavement was put right behind it. Unfortunately the pavement drops from the curb and once the curb fills over ½ inch deep it spills into the property. They are going to saw cut about 45 feet and create a ridge to keep the street water in the street and not on their property. The retaining wall is not exceeding 4 feet in height, so no structural detailing is required. This wall will be made of layered stone. There will be floor drains installed to collect the runoff from the vehicles/equipment which will connect to a french drain outside.

Entrances – Ok

Parking – No new parking is being created.

Utilities – Was addressed. There will not be water or sewer in the building at this time, but stub will be installed so at a later date it can be added if needed. There will be electricity in the building.

Lighting –

1: No plan addresses all the requirements as shown.

2, 3, 4 and 5: Addressed on lighting plan dated 8-15-11.

Landscape: Meets the requirements.

Stormwater Utility: This is not for the Plan Commission. They didn't have to submit a plan because they were under 20,000 sq.ft., but submitted a plan so they can qualify for a stormwater credit for their property.

There are no further issues that the Plan Commission needs to deal with. Kevin Lord still has to approve the lighting plan and a few other small items. **Motion by Lance Williston, seconded by Howard Ward to approve the site plan of Cate Machine Redevelopment for the additional building to be added to lot 10 on the condition that the comments and questions in the August 4, 2011 letter from MSA are all answered before the building permit can be issued. Motion carried.**

Preliminary review of CUP violation by Landmark at 321 5th Avenue.

Terry received a complaint from Christen Brothers Service dated 7-15-11 for a possible violation of Landmark's Conditional Use Permit at 321 Fifth Avenue. The complaint states: Our business is experiencing continuous problems from the property south of our location – Landmark Industries. They are emitting dust and debris that collects on our customers vehicles and disrupts our business. We believe they are in violation of their Conditional Use permit and this is unacceptable and must be addressed. This has been an ongoing issue since the grain dryer and storage bins have been built. They included pictures of the problem. Signed by Jeff Christen. When there is a complaint, the first thing the Plan Commission will do is review the Conditional Use Permit and determine whether or not some additional things need to be done. If the Plan Commission does determine that there may be a violation of the CUP, a hearing would be conducted at a future meeting where both sides could present information. At that meeting, some kind of a decision would be made. This could be: ask for additional information and carry the hearing over to a future meeting; Modify the CUP; Revoke the CUP; Refer the matter to the Zoning Administrator for prosecution; or Take no action. The original CUP was written for Agri Services and a CUP stays with the property as long as the property is used as the conditional use was permitted. Jeff presented more recent colored pictures. There was a short break while the pictures were passed around. Landmark believes they have not committed any violations of the CUP. They stated the property is zoned Industrial and everything that has happened there is reasonable for the type of zoning they have. The present dryer was put in by Agri Services, but Landmark added a new bin. The original site plan had the expansion of bins included in it. Two years ago, Landmark wanted to amend the site plan and add a new dryer. After much discussion, they withdrew the request. Terry stated he felt there was a possible violation of the CUP. The CUP states in Use Restricted: The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reason of appearance, noise, dust, smoke, odor or other similar factors. The question is, has Christen Brothers presented information or evidence that would indicate that there is a possible violation. Bill

Preboski referred to the pictures and asked what the dust/debris was. Jeff Christen said the bees wings are pink during harvest and now they are gray/tan in color. **Motion by Ben O'Brien, seconded by Lance Williston, there is enough evidence and information to proceed with a hearing. Motion carried.** Howard Ward, Village President, excused himself from speaking to each of the business owners since he is a member of the Plan Commission and will have to vote on the issue. Jerry Jansen was appointed by the Village to contact both Christen Brothers and Landmark to see if they can come up with a solution to the problem.

The Building Inspector, Kelly Green, visited Landmark on July 21, 2011 and found the entire area to be very clean. The fence along the property line did not have any noticeable dust on the poles or screening material. One car in the Christen Brothers parking lot had dust on it, but he could not tell if it was from corn/grain dust or possible from the bike trail. Mike from Landmark said the dust may be caused by farmers emptying their bins this time of year and when they do, they get extra amounts of dust and dirt from their bins. When certain size grain wagons unload from the bottom into the ground bins there is not a good way to keep the dust down. If the wind is from the south/southeast the problem is worse for the Christen Brothers property. The CUP for this property was issued to Agri-Services, Inc. A Public Hearing will be scheduled for September 14, 2011. Terry would like to take this into the drying season. If Terry receives any kind of improvement report from April Little or Howard Ward, the public hearing will be put off until October. Terry will be making this decision.

Proposal for Intergovernmental Agreement between the Village of Belleville and the Town of Montrose.

Matt Dregne presented a revised draft 8-15-11. Line 75 & 77, eliminate "the". Line 181-183: penalty was reduced to an additional 5 years. (10 years total) Terry pointed out that in the original document; there was a very stiff penalty if the Village tried to annex territory that was not defined in this document. The school property needs to be added to the planned area description. Line 57: This was added so that there is a difference between the Joint Planning Area and the Rural Preservation Area. The Village is only concerned with the Joint Planning Area, and the Rural Preservation Area is the rest of the ½ mile which is not in the future growth. In regards to the Rural Preservation Area, Town of Montrose might make certain decisions that should first go the Joint Planning Committee for review and recommendation. Another thing is that the Village agrees not to annex any territory in this area, and if it does, you pay the tax amount for 10 years. Other wise it is 5 years in the Joint Planning Area. If the town wanted to change its Land Use Plan, this would have to go the Joint Planning Committee for a recommendation. In the Joint Planning Area, the document says the Joint Planning Committee is required to prepare a recommended Joint Neighborhood Plan for this area. That plan is to go to both boards and each need to decide whether they will include that neighborhood plan in their own adopted comprehensive plans. There should be a map of this area and something that indicates what the expected future land uses will be. You may want to show public anticipated public infrastructures. Lines 133 – 136: Joint Planning Area Comprehensive Plan: If you own land in that area, you can do anything with your land while it is still in the town as long as it is allowed by the existing policies of the township, but if you want to change zoning or land division, you can only do this if they annex to the Village and then it has to be consistent with the adopted plan. This document says the Village will limit its Extraterritorial Plat Review to just the first ½ mile, so anything outside that ½ mile the Village will not look at as far as a land division. This keeps the line of communication open between the 2 municipalities. Recommendations are not set in stone. The Joint Neighborhood Plan shall include a future land use map, prohibit any change in zoning or land division in this area that is inconsistent with the plan and prohibit any change in zoning or division of land in this area unless such land is first annexed to the Village. Section 9: Effective date and term of the agreement. Matt put in wording that if this plan is not adopted by a certain date the plan would terminate. If the plan falls apart and if an agreement can't be reached, the Village would not to be bound by this agreement. Appendix A; Future Village Development. This will not include any of the presently Village owned land. If the Village

annexes land, it has to follow its own comprehensive plan for the use of the land for the next 10 years. The areas north of the cemetery between the Badger Bike Trail and Hwy 69, along Gehin Road and north of Gehin Road up to Little Lakes, the area across from the Sugar River Park along Remy Rd, and the school property would be defined. We should have a map of these areas. The Town and the Village would need to follow the statutory process to amend their Comprehensive Plan. The process would include public hearing, public participation, and etc to meet the requirements. The Bell Rose subdivision is listed in the Village's Comprehensive Plan but it should be included in the Joint Planning Area if for reason in the future it wants to be annexed and we need the land between Bell Rose and the river. Matt asked if 12 months was long enough to complete the process. It should be OK since we already have plans for the areas. Terry will correct the 2 errors on 75 & 77, line 159 Joint Planning Area should be upper case, and Appendix A should be the Joint Planning Area. The next step would be to present this to the Village Board so they can look at it and see if they have any concerns. Terry would like to send the Town of Montrose a comparison draft. Matt already has a function on his computer to do this. He said it will look like a lot of changes because so many things have been moved around and it might shock them. Terry will look at it first. Bill suggested making a list of the most significant changes for the Town.

Proposal for 10-6-4 – Unincorporated Areas within Extraterritorial Plat Approval Jurisdiction.

This is on hold until we get the agreement finalized.

Motion to adjourn by Donna Moore, seconded by Howard Ward. Motion carried.

Submitted, Mary Austin