

Village of Fall Creek
Minutes of Public Hearing & Plan Commission Meeting
November 14, 2024

1. **Call to Order:** 5:01 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Chairman Tim Raap, Curt Van Auken, Curt Strasburg, Evan Nyberg, Bill Boettcher. Members Absent: Sheena Kaatz, John Mason. Staff Present: Village Administrator Jared McKee, Deputy Clerk Mallory Miles. Also Present: 8 citizens.
3. **Pledge of Allegiance**
4. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and the agenda was posted at the three public places and local newspapers were notified. A letter was sent to residents living within 300ft of the proposed location.
5. **Adopt Agenda:**
 - MOTION (Strasburg/Nyberg) to adopt the agenda as printed. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input/Correspondence:**
 - Ben Burch, 376 Willow Ct, stated concerns regarding the Conditional Use Permit for a High Tunnel/Greenhouse located near his property. Some of his concerns related to environmental impacts, runoff into stream, the look of community, and the long-term maintenance of the high tunnel/greenhouse.
 - Tom Bornick, 363 Willow Ct, also voiced concerns regarding the Conditional Use Permit for the High Tunnel/Greenhouse located near his home. Tom stated that since the property was purchased it has evolved into agriculture business, but the lot is zoned R1. He was also concerned about the look of the property with items that have been put on the lot including a shanty, pallet fence on border of creek and the visual effect on neighboring homes. Tom stated he would like the Plan Commission to deny the request of the Conditional Use Permit.
 - Justin Befort, 329 Willow Ct, was not present but did correspond via email prior to the meeting. He stated concerns regarding the equipment to be placed on the lot, materials and dimensions of the proposed structure, along with possible electricity in the structure which would be seen from his home.
7. **Request for Conditional Use Permit for Vacant Lot North of County Highway J and West of the Creek for High Tunnel/Greenhouse Structure:**
 - a. **Public Hearing:** Chairperson Tim Raap opened the public hearing at 5:08 p.m. by sharing the owner's application for a high tunnel/greenhouse and shared public hearing protocol from the Plan Commission handbook. Village Administrator Jared McKee shared information about the application, the zoning process listed in the Village ordinance, reason for a Conditional Use, and the structure would be used for agricultural purposes which is what the property has been used for.
 - Herbert Ruscin, E11940 County Rd J, asked if the owners stated a reason for requesting the permit.
 - Tom Bornick, 363 Willow Ct, questioned if the application would be for one structure or multiple structures in the future. Raap stated that a new permit would be needed for individual structures.Raap closed the public hearing at 5:22 pm.
 - b. **Consideration of Request for Conditional Use Permit:** Raap reviewed the process for considering a Conditional Use Permit. The Plan Commission would have three choices on deciding: approval, approval with conditions, or denial. After this decision has been made, the recommendation goes to the Village Board for action.

The Plan Commission discussed the zoning district of the property, the use of the property currently and from previous owners. Discussion took place regarding the structure being used for agricultural use, not for retail use, and what is permitted in the Village for such

things. The Plan Commission also discussed the future land use of the property and adjacent properties in the Village.

- MOTION (Boettcher/Strasburg) to recommend the Village Board deny the permit because it does not meet zoning regulations and the vision of the comprehensive plan for the Village. PASSED, without negative vote.

8. Consider Certified Survey Map of Village of Fall Creek for Part of Parcel #127-1033-06 (John and Michelle Kuehn): Committee member Bill Boettcher recused himself for agenda

items 8 and 9. Chairperson Raap introduced the CSM which is located Northwest of the Fall Creek Pond and North on Highway 12. Village Administrator Jared McKee stated that a 33 ft easement be added to the back lot. The property owner agreed with the revision and would ask surveyors to generate a revised document. Administrator McKee also noted that the proposed map would need a revision on the dates of the map.

- MOTION (Strasburg/Nyberg) to approve the certified survey map for part of parcel #127-1033-06 contingent that the easement on the back lot gets recorded along with the date being revised on map. PASSED, without negative vote.

9. Consider Request of Village of Fall Creek and John & Michelle Kuehn to Rezone Part of Parcel #127-1033-06 from Urban Transitional (UT) to Public Properties District (PPD)

a. Public Hearing: Chairperson Tim Raap opened the public hearing at 5:51 pm. There were no comments during the public hearing. Raap closed the public hearing at 5:52 pm.

b. Consider Rezone Request:

- MOTION (Strasburg/Nyberg) to approve the request to rezone part of parcel #127-1033-06 from Urban Transitional (UT) to Public Properties District (PPD). PASSED, without negative vote.

10. Downtown Business District Building Permit Applications: Committee member Bill Boettcher returned to his chair. Raap introduced the application from Sarah Williams, owner of Ice Cream & Extras at 130 W Lincoln Ave. The application was for external paint colors and façade on building. The Village Architect's report states the paint colors fall under the minor trim color designation of the Village of Fall Creek Code along with Downtown Business District Guidelines.

- MOTION (Van Auken/Strasburg) to recommend approving the paint color and façade request at Ice Cream & Extras. PASSED, without negative vote.

11. Downtown Business District Sign Applications: Raap introduced the sign application for Ice Cream & Extras, 130 W Lincoln Ave. The Village Architect's report states the logo sign and side building sign meets the requirements of the sign code along with Downtown Business District Guidelines. He stated the projecting sign would need to be adjusted due to the mounting location not meeting Village code. This sign would need to be raised up so the bottom of the sign would be at least 10 ft high, or the sign could be turned flat against the building.

- MOTION (Van Auken/Nyberg) to recommend approving the sign plans at Ice Cream & Extras contingent on the projecting sign be raised to the 10ft height or turned flat. PASSED, without negative vote.

Raap introduced the sign application for Unity Bank, 103 E Lincoln Ave. The Village Architect's report states the signs meet the intent of the Downtown District guidelines along with the Village Zoning Code. There was a discussion on the amount of signage allowed on a building per square foot along with brightness of LED lights on signs allowed in the Village.

- MOTION (Boettcher/Strasburg) to recommend approving the sign plans at Unity Bank contingent on painting over existing lower sign, along with adding dimming capability to LED lit signs. PASSED, without negative vote.

12. Adjourn: @ 6:06 pm.

Mallory Miles, Deputy Clerk

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