

Village of Fall Creek
Minutes of Public Hearing & Plan Commission Meeting
March 6, 2025

1. **Call to Order:** 5:30 pm
2. **Roll Call:** Members Present: Chairman Tim Raap, Curt Van Auken, Curt Strasburg, Evan Nyberg, Sheena Kaatz, John Mason, Bill Boettcher. Members absent: none. Staff Present: Village Administrator Jared McKee, Deputy Clerk Mallory Miles. Also Present: Village Engineer Gareth Shambeau, and 7 citizens.
3. **Pledge of Allegiance**
4. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and the agenda were posted at the three public places and local newspapers were notified.
5. **Adopt Agenda**
 - MOTION (Strasburg/Kaatz) to adopt the agenda as printed. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input/Correspondence:** none
7. **Consider Certified Survey Map of Vern Ming for Parcel #127-1074-030-20:**

Administrator McKee shared that this CSM meets all technical requirements to split lot, and it was sent to Village Engineer. The map includes approaches to sidewalk, frontage details, and utilities. Discussion took place on the zoning in that area. Although this CSM is located in a section that is zoned R2, the entire area has been developed only as single-family homes.

 - MOTION (Strasburg/Mason) to recommend to the Village Board to approve the CSM as presented. PASSED without negative vote.
 - MOTION (Kaatz/Van Auken) to schedule a public hearing for a rezone initiated by the Village for entire section in that area currently zoned R2. PASSED without negative vote.
8. **Consider Final Plat for Business Park East Expansion:** Village Engineer Shambeau stated the radius and the name of the street, Pierce Ave, were added to the map.
 - MOTION (Kaatz/Mason) to accept the final plat of Business Park East Expansion and recommend approval to Village Board. PASSED, without negative vote.
9. **Consider Final Plat for Creekside Estates II:** Administrator McKee noted utility easements were added to correlate with Creekside Estates, there is now a village outlot to access lot 4 and utilities were put on the back side of the double lots. The corrections also show all lots having the requested 70 feet frontage. He recommends approving the final plat. Village Engineer noted the correct numbering of lots and street names were added.
 - MOTION (Boettcher/Nyberg) to approve the final plat of Creekside Estates II as recommended. PASSED without negative vote.
10. **Request of Mary Xiong to Rezone Parcels #127-1031-010-50 and #127-1031-010-70 from Residential to Urban Transitional**
 - a. **Public Hearing:** Chairperson Tim Raap opened the public hearing at 5:55PM. Raap reviewed a conditional use permit was previously requested for this property. It is coming back for consideration, first asking for a rezone. Neighbors within a 300-foot radius were notified of the rezone and voiced their concerns along with concerns from the agenda item below of a conditional use permit.
 - Vern Ming, 133 Randall Rd: asked for clarification on the structure being requested on the conditional use permit and if there would be fertilization on the lot. He also asked about the location of the structure in relation to the creek.

- Tom Bornick, 363 Willow Ct: asked the Plan Commission to deny the request to rezone this property and to keep it at Residential 1 as that is what the Village intended from the past. Tom, along with other residents, are concerned about the look of the property.
- Justin Befort, 329 Willow Ct: shared his concerns regarding the aesthetic nature of the lot now with the pallet fence along with the creek and the debris on the property that is sometimes found in the creek. He asked the Plan Commission to deny the request.
- Sue Bornick, 363 Willow Ct: addressed some of the same concerns as the above citizens and shared that it is unsightly to see the livestock on the property along with the sheds and shanties that were built. She asked the Plan Commission to deny the request.
- Mary Xiong, owner of the property: shared her reason for asking for the rezone is the right thing to do in order to move forward with their business.
- Pachia, daughter of the owner: stated they have been using this property for over 10 years now, they keep the area clean and have no issue with their direct neighbors. They are hoping to continue to provide fresh vegetables for the community.

Raap closed the public hearing at 6:05.

- b. Consider Rezone Request:** The Plan Commission asked the owners of the property about what the existing structures hold and what the new structure would contain. The Plan Commission discussed the zoning district of Urban Transitional and what that means in the Village. Administrator McKee also shared information regarding the Village zoning ordinance 16.2.8 in relation to screening for ag use as many of the concerns stated by the public were related to the makeshift fence and pallet structure on the property, McKee felt it was important to share this ordinance information to clear any concern.
- MOTION (Kaatz/Mason) to recommend approval of the rezone request from Mary Xiong from Residential 1 (R1) to Urban Transitional (UT). PASSED, voice vote with Strasburg voting no.

11. Request of Mary Xiong for Conditional Use Permit for Vacant Lots North of County Hwy J and West of the Creek for High Tunnel/Greenhouse Structure

- a. Public Hearing:** Chairperson Raap opened the public hearing at 6:07. Raap shared the connection between this item and previous item. Some members of the public had concerns with the rainwater runoff and pesticide use along with the structure. The owners of the property responded that pesticide use will be more contained with the structure of a high tunnel and the structure would be a temporary structure with no concrete and that the structure could possibly be moved further away from the creek. Raap closed public hearing at 6:14PM.
- b. Consider Conditional Use Request:** Raap summarized the previous discussions regarding this conditional use request. Members discussed the main concerns from some of the public were the aesthetic of the lot and the pallet fence and shed currently on the lot. If the structure could be moved on the lot, it would be more appealing to some neighbors. The conditional use permit would allow for areas of concern to be enforceable.
- MOTION (Kaatz/Boettcher) to approve the Conditional Use Permit of Mary Xiong as follows:

- A timeline should be made for current structures including the fence and buildings to be removed
- If new structures need to be built, applicants must go through the Village ordinance process.
- This approval is for the one high tunnel structure.
- If another structure needs to be built, or the property is sold, it will need to come back to the commission requesting a conditional use.
- If the structure becomes damaged or misplaced, it needs to be repaired in a timely manner.
- If possible, the structure will need to move to the south and to be in line with the setback of the neighboring farm structures.

PASSED, voice vote with Van Auken voting no.

12. Consider Amendments to Village Zoning Code, Title 16 Related to, But Not Limited To, Signs and Zoning Uses

- a. **Public Hearing:** Raap opened the public hearing at 7:09PM. No comments were made so Raap closed the public hearing at 7:11PM.
- b. **Consider Amendments to Village Zoning Code:** Administrator McKee reviewed the proposed changes including:
 - Definitions
 - Fences and screening
 - Zoning uses and requirements
 - Signs

Member Evan Nyberg left @ 7:30PM

- MOTION (Boettcher/Strasburg) to recommend the Village Board to approve Title 16 with modifications as presented. PASSED, without negative vote.

13. Consider Approval of Amendment of Official Transportation Map: McKee presented proposed amendments and stated that officially mapped roads will be used to show planned development and the Department of Transportation will use the map to review speeds and access onto Highway 12.

- MOTION (Strasburg/Mason) to recommend the Village Board approve amendments to be added to the Village of Fall Creek Official Transportation Map. PASSED, with Boettcher abstaining.

14. Adjourn: 7:47 PM.

Mallory Miles, Deputy Clerk