

Village of Fall Creek
Minutes of Public Hearing & Plan Commission Meeting
January 27, 2015

1. **Call to Order:** 6:30 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Chairman Chester Goodman, Jeff Ballentine, Helen Hartmann, Bob Jenkins, Dane Zook. Members Absent: Curt Strasburg, Curt Van Auken. Staff Present: Deputy Clerk Joan Drehmel. Also Present: Kelley Gustaveson, Aaron Wilhelm and 9 citizens.
3. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and an agenda was posted in the three public places and newspapers were notified. Neighboring property owners within a 300' radius of the properties were also notified.
4. **Adopt Agenda:**
 - MOTION (Hartmann/Zook) to adopt the agenda as printed. PASSED, without negative vote.
5. **Public Hearing re: Kelley Gustaveson Petition to Rezone 628 S State Street from Single-Family Residential District (R1) to Two-Family Residential District (R2):** Chairman Goodman opened the public hearing at 6:32 p.m. Kelley Gustaveson explained that the building at 628 S State Street burned in 2014. She is trying to decide the best use of the property. She does not see it remaining a single-family home due to the expense of bringing it back up to code to make it habitable. She may decide to subdivide the property and build duplexes, she may decide to sell it. Several property owners in attendance commented on the future value of their properties if the rezone was allowed, thought her plans were too vague, preferred the property remain single-family to keep the quiet atmosphere of the neighborhood. Chairman Goodman noted that he had received 2 written comments from property owners in opposition to the rezone, and 1 in favor of it. As there was no other comment, he closed the public hearing at 7:10 p.m.
6. **Consider Petition to Rezone 628 S State Street:** Plan Commission felt that the property was of no use in its current state, but felt that Gustaveson's plan was too vague. They didn't feel comfortable issuing a "blanket" rezone for the property without a definite plan.
 - MOTION (Zook/Jenkins) to recommend denying petition to rezone 628 S State Street. PASSED, roll call vote: Goodman-yes, Hartmann-yes, Jenkins-yes, Zook-yes, Ballentine-yes.
7. **Public Hearing re: Aaron Wilhelm Petition to Rezone 349 W Lincoln Avenue from Single-Family Residential District (R1) to General Agricultural District (A1) and Parcel ID 127-1033-06-020 from Multi-Family Residential District (R3) to General Agricultural District (A1):** Chairman Goodman opened the public hearing at 7:11 p.m. Aaron Wilhelm explained that he would like to establish an LLC for his seed and chemical sales. Because of that, his property would have to be zoned agricultural. The properties, at one time, were zoned R1 and R3, but have been grandfathered in as agricultural use. Chairman Goodman closed the public hearing at 7:15 p.m. as there was no other comment.
8. **Consider Petition to Rezone 349 W Lincoln Avenue and Parcel ID 127-1033-06-020:** Dane Zook thought that to avoid "spot-zoning", Commercial (C2) might be a better option. Two properties to the south of Wilhelm's lots are zoned Commercial (C2). The Commission wondered if a change in zoning would affect taxes.
 - MOTION (Hartmann/Zook) recommending approval of petition to rezone 349 W Lincoln from Single-Family Residential District (R1) to General Agricultural District (A1) and Parcel ID 127-1033-06-020 from Multi-Family Residential District (R3) to General Agricultural District (A1), pending information on how it will affect taxes compared to Commercial District (C2). PASSED, roll call vote: Hartmann-yes, Jenkins-abstain, Zook-yes, Ballentine-yes, Goodman-yes.
9. **Public Hearing re: Aaron Wilhelm Petition for Conditional Use Permit to Allow Sale of Seed and Chemicals at 349 W Lincoln Avenue:** Chairman Goodman opened the public hearing at 7:25

p.m. Aaron Wilhelm explained that he has been selling seed and chemicals for several years on a verbal approval by the previous Village President and Zoning Administrator. He would like to continue to do so, but via the proper procedure. Chairman Goodman closed the public hearing as there was no other comment.

10. Consider Petition for Conditional Use Permit at 349 W Lincoln Avenue:

- MOTION (Zook/Ballentine) recommending approval of petition for Conditional Use Permit to allow sale of seed and chemicals at 349 W Lincoln Avenue. PASSED, roll call vote: Jenkins-abstain, Zook-yes, Ballentine-yes, Goodman-yes, Hartmann-yes.

11. Public Hearing re: Village of Fall Creek Petition to Rezone Wellhouse #1, more fully described as follows: A parcel of real estate in the NE 1/4 of the SE 1/4 of Section One (1), Township Twenty-Six (26) North, Range eight (8) West, more fully described as follows: Commencing at the Northwest (NW) corner of the said NE 1/4 of the SE 1/4, the point of beginning; thence continuing South along the West line of the NE 1/4 of the SE 1/4 One Hundred Twenty-Four (124) feet; thence Easterly along a line parallel to the North line of the NE 1/4 of the SE 1/4, One Hundred Fifty (150) feet; thence Northerly along a line parallel to the West line of the NE 1/4 of the SE 1/4, One Hundred Twenty-Four (124) feet; thence Westerly along a line parallel to the North line of the NE 1/4 of the SE 1/4, One Hundred Fifty (150) feet to the point of beginning; and all of the right-of-way of USH 12, lying immediately to the North of said described parcel and between it and the current Village limits, more fully described as commencing at the Southwest (SW) corner of the SE 1/4 of the NE 1/4 of Section One (1), Township Twenty-Six (26) North, Range Eight (8) West thence Easterly for a distance of One Hundred Fifty (150) feet from Urban Transitional District (UT) to Public Properties District (PP): Chairman Goodman opened the public hearing at 7:45 p.m. He explained that the property listed above, when annexed into the Village, came in zoned as Urban Transitional District (UT). All Village property is zoned as Public Properties District (PP) and it is requesting the same for this property. There was no comment, so Chairman Goodman closed the public hearing.

12. Consider Petition to Rezone Wellhouse #1:

- MOTION (Hartmann/Ballentine) recommending approval of petition to rezone Wellhouse #1 from Urban Transitional District (UT) to Public Properties District (PP). PASSED, roll call vote: Zook-yes, Ballentine-yes, Goodman-yes, Hartmann-yes, Jenkins-yes.

13. Adjourn:

- MOTION (Jenkins/Zook) @ 7:48 p.m. PASSED, without negative vote.

Joan Drehmel, Deputy Clerk