

Village of Fall Creek
Minutes of Public Hearing & Plan Commission Meeting
July 15, 2019

1. **Call to Order:** 6:00 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Chairman Chester Goodman, Helen Hartmann, Curt Van Auken, Tom Williamson, Dane Zook. Members Absent: Curt Strasburg. Staff Present: Deputy Clerk Joan Drehmel. Also Present: Village Trustee Matt Mattoon and Tim Raap, and 16 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, newspapers were notified, and property owners within 300 feet of 126 S Liberty Street were notified.
4. **Adopt Agenda:**
 - MOTION (Zook/Williamson) to adopt the agenda as printed. PASSED, without negative vote.
5. **Public Hearing Regarding G & A Sports LLC and James Kinsella Petition to Rezone 126 S Liberty Street from Commercial – C1 to Residential Single Family – R1 or Residential Two-Family - R2:** Chairman Goodman opened the public hearing at 6:01 p.m.

Richard Ziemann cautioned against spot zoning, and noted the scheduling of a Plan Commission meeting followed by a Special Board meeting felt like the issue was being rushed through. He felt there was little commercial property in the Village, and if the petition was approved, there would be one less. He suggested leaving it zoned commercial and changing the ordinance to allow a church as a conditional use permit. Matt Mattoon agreed that the ordinance should be amended.

James Kinsella of Revival Church explained the church has been meeting in individual homes, and most recently at the school. When this property became available they considered possible renovations to make the space work better for their purposes: installing restrooms, constructing office space and modifying the entrance. The current parking lot would suit the needs of their parishioners.

Dane Zook noted that the property is in the Downtown Business District and was included in the district for a reason. Amending the current ordinance requires a first and second reading at two separate Village Board meetings which may adversely affect the sale of the property. He suggested rezoning the property temporarily, amending the ordinance to allow a church in a commercially-zoned property, and then rezoning it back to commercial.

Chairman Goodman agreed the work that was done to establish a downtown business district was important. He thought a church at the property would be an asset to the community, and it would prevent another building from remaining vacant. He suggested rezoning the property to R2 like the other residential properties in the area and approving the conditional use permit for a church, with the proviso that when the property is sold, the zoning reverts to commercial and the conditional use permit is void. This way future owners could not put in a duplex without petitioning the Village first.

As there was no other public comment, Chairman Goodman closed the public hearing at 6:32 p.m.
6. **Plan Commission Recommendation Regarding Petition to Rezone:**
 - MOTION (Zook/Williamson) recommending approval of G&A Sports LLC and James Kinsella petition to rezone 126 S Liberty from Commercial C-1 to Residential

- Two-Family R-2. When James Kinsella of Revival Church sells the property, the zoning reverts back to Commercial. PASSED, without negative vote.
7. **Public Hearing Regarding G & A Sports LLC and James Kinsella Petition Requesting a Conditional Use Permit to Allow a Church at 126 S Liberty Street:** Chairman Goodman opened the public hearing at 6:33 p.m. There was no public comment.
 8. **Plan Commission Recommendation Regarding Petition for Conditional Use Permit:**
 - MOTION (Zook/Reetz) recommending approval of G&A Sports LLC and James Kinsella petition for a conditional use permit to allow a church at 126 S Liberty. The conditional use permit is void when James Kinsella of Revival Church sells the property. PASSED, without negative vote.
 9. **Adjourn:**
 - MOTION (Hartmann/Zook) @ 6:35 p.m. PASSED, without negative vote.

Joan Drehmel, Deputy Clerk