

*Village of Fall Creek*  
*Minutes of Public Hearing & Plan Commission Meeting*  
*March 29, 2022*

1. **Call to Order:** 5:00 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Village President Tim Raap, Helen Hartmann, Karen Hurd, John Kuehn, Evan Nyberg, Curt Strasburg, Curt Van Auken. Members Absent: None. Staff Present: Administrator/Public Works Director Jared McKee, Deputy Clerk Joan Drehmel. Also Present: 9 citizens.
3. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and an agenda was posted at the three public places and local newspapers were notified, as well as property owners within 300' of the property requesting a rezone.
4. **Adopt Agenda:**
  - MOTION (Kuehn/Strasburg) to adopt the agenda and the addendum to the agenda. PASSED, without negative vote.
5. **Public Hearing Regarding Petition to Rezone Properties (Tax ID# 127-2306-01-000 and #127-2311-01-000) on Water Tower Road from Urban Transitional (UTD) to Single Family Residential District (R1):** Village President Tim Raap opened the public hearing at 5:02 p.m. Ivan Sackett, petitioner and property owner, explained he would like to construct a single-family home on the lots listed. The remaining two lots would stay UTD until any future development. Dane Zook asked the Plan Commission to review the zoning code, parts of which are outdated and tend to discourage development. He was in favor of the rezone request, and the ordinance amendment request. There was no more discussion and President Raap closed the public hearing at 5:10 p.m.
6. **Plan Commission Recommendation on Above Petition:** Mr. Sackett was asked if he would consider including the 2.75-acre piece (Tax ID# 127-2310-03-000) that abuts the lot closest to Water Tower Road, thereby avoiding "island zoning". He was agreeable if the application could be amended to reflect that.
  - MOTION (Kuehn/Strasburg) recommending to the Village Board approval of the petition to rezone properties (Tax ID#127-2306-01-000, #127-2311-01-000, and #127-2310-03-000) on Water Tower Road from Urban Transitional District (UTD) to Single Family Residential (R1). PASSED, without negative vote.
7. **Public Hearing Regarding Petition to Amend the Code of the Village of Fall Creek, Chapter 268 Zoning, Section 23.1.A(3) to Add: (d) Owner-Occupied Main Floor Living on the Part of the Building that is Not Being Utilized as Office Space:** Karen Hurd relinquished her seat on the Plan Commission and joined the audience, stating she would not be acting as part of the Plan Commission for agenda item #7 and #8. President Raap opened the public hearing at 5:16 p.m. He explained that for this petition a notice of the public hearing was published in the newspaper, but it was not a requirement to notify neighboring property owners. The petition is for an amendment to the village code, specifically conditional uses allowed in the Downtown Business District. He also noted that because the Downtown Business District is an overlay of the Commercial District, it would be wise to consider rewording the C1 conditional uses if the petition is approved.

Norma Dehnke of 110 E Lincoln Avenue asked if the conditional use could have a restriction attached to it; the permit would expire when the property was sold.

Amy Boettcher of 125 E Lincoln Avenue said she thought the Village's Comprehensive Plan intended to keep the business area specific for that purpose. She thought that if vacant buildings become rental spaces the existing businesses would encounter other problems like

parking, pets, and garbage cans on the sidewalk. She felt that changing the zoning code would be a set-back: the Village would not benefit from it, one person would.

Marsha Pilgrim of 122 S State Street felt the Downtown Business District was originally designed to encourage businesses and to help them grow. She wondered what would stop the next vacant building from becoming residential. Her and her husband's dental office has been in business since 1985, and they experienced the loss of the grocery store and the hardware store. She stated it has taken time to fill those spaces and wouldn't want that to happen again. Sheena Kaatz of 131 N State Street suggested more specific wording in the amendment such as "earning an income from the business".

Bill Boettcher, Village Architect noted the state building code made some major changes in 2018 that should be considered. The owner would have to do more than just move in furniture; they would have the expense of complying with these new regulations, and any potential buyer that wanted to turn it back into all commercial space would have to do the same. It could make the property unsellable.

Amy Boettcher of 125 E Lincoln Avenue stated the fire inspector told her that he only inspects commercial properties, not residential. This should be considered because it could be hazardous to other buildings next door if someone does not comply with fire regulations. There were no other comments, so President Raap closed the public hearing at 5:40 p.m.

- 8. Plan Commission Recommendation on Above Petition:** Curt Van Auken reiterated the amendment would be in the Village Code and everyone from this point on would be governed by it, therefore it is important to be forward thinking. The commission discussed whether the wording of the amendment was too vague, did it need more requirements, and how does it fit with the original plan for the Downtown Business District. President Raap reported that other municipalities do allow residential-commercial, but they have standards in place. John Kuehn noted living on site could be beneficial to some business owners, and clearer verbiage could help in considering the amendment. Curt Van Auken stated he would like to have the wording for the criteria in place before approving the amendment. President Raap suggested forming a committee to work on the wording of the criteria.

Helen Hartmann left the meeting (via phone) at 6:07 p.m.

- MOTION (Van Auken/Strasburg) to recommend to the Village Board denying the petition because of the wording, but to form a committee to create criteria for a conditional use permit. The issue will come back to the Plan Commission for review. PASSED, without negative vote.

Karen Hurd resumed her seat on the Plan Commission.

- 9. Discuss Combining or Moving the Zoning Administrator Role Under the Village Administrator:** President Raap explained this agenda item was tabled from the 2/24/2022 meeting to gather more information. Karen Hurd reported her research revealed that the Zoning Administrator should not be part of the Plan Commission, and that he is the enforcer of the code, not the police department. The Village ordinance states that it is a position that is appointed each year, so it could be assigned to the Village Administrator.

- MOTION (Strasburg/Hurd) recommending to the Village Board, when amending the zoning code, to include wording that states a village employee or non-village resident may hold the position of Zoning Administrator. PASSED, without negative vote.

- 10. Adjourn:** @ 6:50 p.m.

Joan Drehmel, Deputy Clerk