

At the Public Hearing held in the Council Chambers by the City Council, February 1, 2021, the following proceedings were held and entered in this record in the following words and figures to wit:

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City Clerk

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Mayor

The Mayor called the Public Hearing to order at 6:30 P.M.

Roll Call - Aldermen Bryant, Budd, Burtle, Dorchinecz, Driskell, Lanzotti, Olive, and Skultety(via Zoom) were present.

Also present were Mayor Barry, City Clerk Lilly, City Attorney Romano, HBO Goodall, Mary Daigh(via Zoom), Bill Newberry, Andrea Conrath, Valerie and Mark Miles, Owen Lasswell, Kellie Hamell, Scott Alberssen, and Steve Dorchinecz. Plan Commission members Kevin Hamell, Pat Kretzer, Tony Verardi, Scott McClure, Matt Yard, and Jim Altman(via Zoom).

Mayor Barry announced that the purpose of the Public Hearing was to consider the request of Nicholas and Denise Root to rezone from Residential(R-2) to Commercial(C-1) property located at 822 East Vine.

Mayor Barry opened the meeting to the Plan Commission, City Council, and the audience to speak in regards to the proposed ordinance changes.

Acting Chairman Kretzer began the discussion with the history of this request. Initially this property had been Industrial-1 but was changed by the City Council to Residential-2 in the 1990's. Mr. Root had requested to rezone from Residential-2 to Industrial-1 in 2004, and in 2008 he made another request to rezone from Residential-2 to Commercial-1. The requests were approved by the Plan Commission on both occasions, but later were denied by the City Council. The area is highly Industrial or Commercial all around this property. Mr. Root stated that Mayor Montgomery had voiced his support for the rezone at the time, and he was then turned down by the City Council. Mr. Root felt this was unfair and has continued to pursue this project.

The process of a Quasi-judicial hearing due to protest was also discussed by Acting Chairman Kretzer. City Attorney Romano noted that this process occurs if there is a signed protest by 20% of the frontage neighbors. One neighbor, Mary Daigh, had submitted a letter of protest against the re-zone, stating that she did not want the storage facility built next to her property due to noise. There were no other objections by neighbors in the area.

Acting Chairman Kretzer mentioned that Commercial-1 zoning allows for a variety of options. He also noted the screening clause in the City Code; Mr. Root stated that he is willing to construct a privacy fence along the side of the property to assist with the noise. He further stated that he is trying to improve himself, his property, and the area. Mr. Root reiterated that he is only interested in constructing more storage facilities in the area. Alderman Burtle noted that due to the present zoning around this property as Industrial or Commercial, the City should not restrict potential business growth in the area. This development will have a positive impact on the subject property value, and perhaps other properties in the area, most certainly increasing property values and real estate tax revenue.

City Attorney Romano suggested that Acting Chairman Kretzer abstain from voting on this issue due to a potential conflict; he is an owner of similar facilities in the immediate area.

The Plan and Zone Commission recessed to another room for further discussion and voted (6-0 with one abstention) to recommend to the City Council to approve the request and rezone the property located at 822 East Vine from Residential-2(R-2) to Commercial-1(C-1).

Motion by Alderman Driskell and seconded by Alderman Bryant to adjourn the meeting. Motion carried (8-0).

The Public Hearing adjourned at 7:06 P.M.