PLANNING & ZONING COMMISSION MEETING MINUTES
October 1, 2013 - 7:00 p.m.

Chairman Carbonetti called the meeting to order at 7:00 p.m. Clerk Wells called roll. Commission members present: Jim Carbonetti, Mike Grieshop, Jim Hutchinson, Glenda Miller, John Killeen and Tom Condon. Commission member Phil Smith was absent. Also present were City Clerk Wells and members of the audience.

Planning and Zoning Commission Minutes of June 4, 2013 – Approved
Moved by Commissioner Grieshop, seconded by Commissioner Killeen to accept the minutes of the Planning and Zoning Commission meeting of June 4th, 2013, as presented. All ayes. Motion carried.

Edward and Elaine Cassens/713 Klaman St. - Variation to Increase Size of Accessory Use
Chairman Carbonetti opened the hearing in the petition of Edward and Elaine Cassens for property located at 713 Klaman Street, Harvard. City Clerk Wells confirmed that the fees have been paid. The Certificate of Publication was noted and entered into the record. Certified notices were sent to adjacent property owners. The completed petition was entered into the record as submitted by the petitioners who are seeking relief from Section 17.36.050, Size of Accessory Use of the Harvard Municipal Code for a variation to increase the total accessory use from 656 sq. ft. to 805 sq. ft. to build a garage. The parties of interest in the petition were present.

Staff Report:
Community Development Director Santeler reported that the petitioners have a limit of 576 sq. ft. for a single accessory use and they are looking for relief to put up a 300+ sq. ft. garage. The petitioners meet all the setbacks and everything else is in order.

Identification of Objectors/Supporters/Witnesses
No objectors, supporters or witnesses were identified.

Presentation of Evidence by Petitioners
Upon being sworn in by City Clerk Wells, Elaine Cassens, 713 Klaman St., Harvard gave an overview of the petition seeking relief from Section 17.36.050, Size of Accessory Use of the Harvard Municipal Code for a variation to increase the total accessory use from 656 sq. ft. to 805 sq. ft. build a garage.

Questions by Planning and Zoning Commissioners to Petitioners
- At Commissioner Killeen's inquiry as to the use of the extra square footage, Mrs. Cassens confirmed that the extra storage is strictly for storage and vehicles and will not be used for any type of business.
- At Mrs. Cassens inquiry, Community Development Director Santeler indicated the petitioners would have one year from the date the permit is issued to extend the existing driveway.

Audience Participation: None

Vote on Petition
Moved by Commissioner Hutchinson, seconded by Commissioner Miller to recommend to the City Council to approve the petitioner's request for relief and a variation from Section 17.36.050, Size of Accessory Use, to increase the square footage requirements from 656 sq. ft. to 805 sq. ft. to build a garage. Roll call vote: Carbonetti, aye; Grieshop, aye; Hutchinson, aye; Miller, aye; Killeen, aye and Condon, aye. Motion approved six to zero.

Clerk Wells advised that the Planning and Zoning Commission's recommendation will come before the City Council at their next regular meeting on Tuesday, October 22nd, 2013, at 7 p.m.

Moved by Commissioner Miller, seconded by Commissioner Condon to close the hearing. All ayes. Motion carried.

Harvard Division Investments LLC (owner) and Casey's Retail Co. (Contract Purchaser) - Conditional Use to Operate Gasoline Service Station, Fence and Rear Yard Setback Variations

Chairman Carbonetti opened the hearing in the petition of Harvard Division Investments LLC (owner) and Casey's Retail Co. (contract purchaser). City Clerk Wells confirmed that the fees have been paid. The Certificate of Publication was noted and entered into the record. Certified notices were sent to adjacent property owners. The completed petition was entered into the record as submitted by the petitioners who are seeking a conditional use pursuant to Section 17.52.070 of the Harvard Municipal Code to allow the operation of a gasoline service station. The petitioners are also seeking relief from Section 17.20.080, Lot Area, Yard & Bulk Regulations (Table 1) of the Harvard Municipal Code for a variation to allow for a lesser rear yard setback abutting a residential zone and from Section 17.110.040, Solid Fence, to allow a fence in a front yard. The subject property is located at northwest corner of Division St (US Highway 14) and South Park Ave. and is zoned B3 Commercial District. The parties of interest in the petition were present.

Staff Report: None

Community Development Director Santeler indicated there was no additional staff report.

Identification of Objectors/Supporters/Witnesses

No objectors, supporters or witnesses were identified.

Presentation of Evidence by Petitioners

ARC Design Resources are the design engineers and consulting firm representing Casey's Retail Co. Upon being sworn in by City Clerk Wells, Project Manager Ryan Swanson gave an overview of the proposed project, layout, landscape and lighting plans as submitted with the petition. The petitioners are seeking a conditional use for a gasoline service station. The petitioners are also seeking relief from Section 17.20.080, Lot Area, Yard & Bulk Regulations (Table 1) of the Harvard Municipal Code for a variation to reduce the rear yard setback requirement of 40' abutting a residential district to 24' at the southwest corner of the parcel continuing northward 131.81' commencing with an increase in setback to 34.9' to the northwest limits of the parcel and from Section 17.110.040, Solid Fence, for a variation to allow for a solid 6' fence which will be put along the rear of the property to continue on that portion of Park Avenue that is considered front yard. The project is located primarily just off the southwest corner of US Highway 14 (Division St.) and Route 173. Casey's Retail Co. is proposing to remove the southern restaurant and car dealer to construct the proposed Casey's building and site. Parking would be located in front of the building with six fueling islands under a canopy. Access is proposed off of South Park Ave. and Division St. The petitioners have been in contact with IDOT and the land owner has agreed to consolidate and shift the driveway south as depicted on the proposed layout.

Questions by Planning and Zoning Commissioners to Petitioners

- Commissioner Miller inquired if there were any existing gas tanks on this site. Mr. Swanson and Community Development Director reported that the land owner conducted an environmental investigation that didn't turn up any issues.
- There will be enhancements made with cross access with an agreement in place between Casey's and Harvard Division Investments for the south side of China Buffet with perhaps some additional green space. The existing layout plan to the north may be subject to change with the China Buffet landowners as they review the engineering plans.
- At Commissioner Killeen's inquiry, Mr. Swanson confirmed there would only be green space with no pavement to the west of the new structure which is adjacent to a residential area nor would there be any delivery or storage in that area. Mr. Swanson noted that Casey's uses all LED lighting which is a little more subdued.
- Commissioner Killeen brought up discussion of the general congestion in the area and difficulty exiting off S. Park Avenue and Highway 14 and traveling north. Mr. Swanson noted initial conversations with IDOT over the turn lanes which will be a little longer subject to final IDOT approval. Community Development Director Santeler noted that there are currently two or three exits off Highway 14 which will be consolidated and reduced to one.

- At Commissioner Carbonetti's inquiry, Mr. Swanson indicated that Casey's current intent is be open 24 hours.
- At Commissioner Condon's inquiry whether Casey's is a franchise or corporately owned, Mr. Swanson stated that Casey's is corporately owned.
- At Commissioner Grieshop's inquiry, Mr. Swanson noted that Casey's does not service over-the-road trucks for fueling.

Audience Participation:
Adjoining property owner Dennis Burger, 107 S. Park Ave., inquired how far off the property line the fence would be. Community Development Director Santeler stated that the fence can be placed on the property line. Mr. Swanson said current plan is for the fence to be 1' inside Casey's property line but there have been instances where that can be shifted a little bit. Mr. Burger also inquired about property values which Mr. Swanson said typically go up because of how clean Casey's keeps the site and based on what's there right now. Also noted was that the lights under the canopy are by far the brightest and the fence and building should shield the property owner from any lights on the site. Based on light levels in Casey's model, they show zero foot candles on the property owner's side of the property. In the back of the property, there will only be security lights which are mounted 10' high.

Vote on Petition
Moved by Commissioner Condon, seconded by Commissioner Hutchinson to recommend to the City Council to approve the petitioner's request for a conditional use pursuant to Section 17.52.070 of the Harvard Municipal Code to allow the operation of a gasoline service station and to grant relief from the Harvard Zoning Code for the following variations:

- Section 17.20.080, Lot Area, Yard & Bulk Regulations (Table 1) of the Harvard Municipal Code to reduce the rear yard requirement of 40' abutting a residential district to 24' at the southwest corner of the parcel continuing northward 131.81' commencing with an increase in setback to 34.9' to the northwest limits of the parcel.
- Section 17.110.040, Solid Fence, to allow a solid 6' fence that will be put along the rear of the subject property to continue on that portion of Park Avenue that is considered front yard.

Roll call vote: Grieshop, aye; Hutchinson, aye; Miller, aye; Killeen, aye; Condon, aye and Carbonetti, aye. Motion approved six to zero.

Clerk Wells advised that the Planning and Zoning Commission's recommendation will come before the City Council at their next regular meeting on Tuesday, October 22nd, 2013, at 7 p.m.

Moved by Commissioner Killeen, seconded by Commissioner Grieshop to close the hearing. All ayes. Motion carried.

City of Harvard/Text Amendment to Establish Regulations for Agriculture Uses in a Residential Zoning District
Chairman Carbonetti opened the hearing in the petition of the City of Harvard for a text amendment to amend Section 17.20.100, Permitted Uses in Zoning Districts, Table 3 and Section 17.56, Definitions to establish regulations for agricultural uses in a residential zoning district. City Clerk Wells stated that a text amendment does not require any fees or notices to adjoining owners. 2 The Certificate of Publication was noted and entered into the record. Clerk Wells presented into record the signed petition submitted by the petitioner which was brought to the Commission by motion and direction of the City Council. The parties of interest in the petition were present.

Staff Report:
Community Development Director Santeler reviewed the issue which came up where farming is occurring in a residential district. The zoning code currently allows farming in most all of the zoning districts and does not prohibit farming in subdivisions with fully developed lots or parcels.

Identification of Objectors/Supporters/Witnesses/Audience Participation
No objectors, supporters or witnesses were identified.

Presentation of Evidence by Petitioners

Upon being sworn in by City Clerk Wells, City Administrator Dave Nelson gave an overview of the City of Harvard's petition and proposed ordinance for a text amendment to establish regulations for agricultural uses in a residential zoning district. There is a current issue where a commercial farming operation is occurring in Turtle Crossing which is a developed neighborhood with water, sewer, roads, curb & gutter, phone, cable, gas, etc. along with drainage structures. The City Council received and reviewed neighbor complaints with a determination that the farming operation is not compatible in a developed neighborhood. There are two other subdivisions where this activity could take place. The proposed ordinance defines farming/agriculture uses, development and fully developed lot or parcel and would not allow farming agriculture uses in fully developed lots or parcels in the R1, R1A, R1B, R2, R3, R55 and R-T Zoning districts. Section 17.20.100, Uses Permitted in Zoning Districts, Table 3 would be amended to allow farming in undeveloped parcels in R1A, R1B, B3 and BP Zoning Districts.

Questions by Planning and Zoning Commissioners to Petitioners

City Administrator Nelson and the Commission discussed and clarified various locations in town where the ordinance would apply. The ordinance would not apply to undeveloped areas that are annexed and in corporate limits but not developed pursuant to the definition of a fully developed lot or parcel.

Commissioner Grieshop brought up discussion on language "for a profit" in the definition of farming/agricultural uses that might create a loophole that would allow farming a 5-acre garden not used for profit. After further discussion about incorporating setback requirements that would allow for a homeowner to have a garden, City Clerk Wells suggested amending the language in Section 3 of the proposed ordinance under the definition of Farming/Agricultural Uses to include *"The cultivation or preparation of soil in order to produce a crop for profit or for other than personal consumption."*

Audience Participation: None

Vote on Petition

Moved by Commissioner Killeen, seconded by Commissioner Miller to recommend to the City Council to approve the petitioner's request to approve an ordinance Amending Section 17.20.100, Uses Permitted in Zoning Districts, 17.20.100 Table 3 and Section 17.56, Definitions of the Harvard Municipal Code, amending the definition of Farming/Agricultural Uses as discussed. Roll call vote: Hutchinson, aye; Miller, aye; Killeen, aye; Condon, aye; Carbonetti, aye and Grieshop, aye. Motion approved six to zero.

Moved by Commissioner Hutchinson, seconded by Commissioner Condon to close the hearing. All ayes. Motion carried.

At 7:45 p.m., moved by Commissioner Grieshop, seconded by Commissioner Miller to adjourn the meeting. All ayes. Motion carried.

Submitted by:

City Clerk Andy Wells

Date: 10-17-13