

PLANNING & ZONING COMMISSION MEETING MINUTES
February 3, 2015 - 7:00 p.m.

Chairman Carbonetti called the meeting to order at 7:00 p.m. City Clerk Wells called roll. Commission members present: Jim Carbonetti, Mike Grieshop, John Killeen, Tom Condon and Phil Smith. Commissioner Jim Hutchinson was absent. Also present were City Clerk Wells and Community Development Director Santeler.

Planning and Zoning Commission Minutes of January 6, 2015 – Approved

Moved by Commissioner Condon, seconded by Commissioner Smith to accept the minutes of the Planning and Zoning Commission meeting of January 6, 2015, as presented. All ayes. Motion carried.

PT, LLC and BAPA, LLC (owner of record) and MPEC Equity Holdings (contract purchaser) Seeking Relief from Section 17.20.080, Lot Area, Yard and Bulk Regulations (Table 1) to allow for lesser rear yard setback requirements and from 17.32.050, Required Number of Parking Spaces, to allow for a lesser number of spaces for property located at 317 S. Division St.

City Clerk Wells stated that subsequent to the hearing in January, Community Development Director Santeler received an e-mail from a representative of the petitioners stating that due to site concerns, they wished to withdraw their petition. The City Council did not take any action on the initial petition so as not to preclude the petitioners from refile at later date. Should the petitioners refile, the process would start over with a public notice and full hearing fees.

Open Hearing in the petition of Gerald and Julienne Zell (owners of record) Seeking reclassification of property pursuant to Section 17.52.060 of the Harvard Zoning Ordinance from M-1 Manufacturing Use District to R-3 Residential Use District for property located at 401 East Park St.

Commissioner Carbonetti opened the hearing in the petition of Gerald and Julienne Zell (owners of record). The petitioners are seeking reclassification of property pursuant to Section 17.52.060 of the Harvard Zoning Ordinance from M-1 Manufacturing Use District to R-3 Residential Use District. Subject Property is located at 401 East Park St., Harvard.

The parties of interest in the petition were present. 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. City Clerk Wells presented into record the signed petition as submitted by the petitioners.

Staff Report

Attached to the petition.

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, Gerald Zell reviewed the petition for reclassification. The petitioners are looking to sell subject property and with the current zoning, the property cannot be used for any permitted use in the M-1 Manufacturing District due to insufficient lot size.

Questions by Planning and Zoning Commissioners to Petitioners

Chairman Carbonetti noted that the petition for reclassification is consistent with the rest of the surrounding residential properties.

Vote on Petition

Moved by Commissioner Smith, seconded by Commissioner Condon to recommend to the City Council that the petitioner's request be granted for reclassification of the subject property located at 401 East Park St. from M-1 Manufacturing Use District to R-3 Residential Use District. The Planning and Zoning Commission further finds that:

1. The reclassification, if granted, will not alter the essential character of the locality; and
2. The reclassification will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located and will, in general conform to the intent and purpose of this ordinance.

Roll call vote: Carbonetti, aye; Grieshop, aye; Killeen, aye; Condon, aye and Smith, aye. Motion approved five to zero.

City Clerk Wells advised that the Planning and Zoning Commission's recommendation will come before the City Council at their next regular meeting on Tuesday, February 24th, 2015, at 7 p.m. which will be held in the conference room at Harvard Diggins Library, 900 E. McKinley St. . The petitioners were advised to be in attendance.

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

**Open Hearing in the petition of Frank and Harriet Lenhart (owners of record)
Seeking a conditional use pursuant to Section 17.44.072 of the Harvard Zoning Ordinance to allow an apartment above a first floor business use in the B2, Central Business District for property located at 37 North Ayer St. and 39 North Ayer St.**

Commissioner Carbonetti opened the hearing in the petition of Frank and Harriet Lenhart (owners of record). The petitioners are seeking a conditional use pursuant to Section 17.44.072 of the Harvard Zoning Ordinance to allow residential living quarters above a first floor business use in the B-2 Central Business District. Subject Property is located at 37-North Ayer St. and 39 North Ayer St. (residential living quarters above each property).

The parties of interest in the petition were present. 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. City Clerk Wells presented into record the signed petition submitted by the petitioners.

Staff Report

Attached to the petition. Community Development Director Santeler reported that downtown housing units are part of an inspection program every 5 years and recommended that if approved, the units be subject to an inspection prior to the issuance of an occupancy permit.

Identification of Objectors/Supporters/Witnesses/Audience Participation

No objectors, supporters or witnesses were identified.

Presentation of Evidence by Petitioners

Terry Leonard, 3317 Route 23, Harvard is the son-in-law of the petitioners and was present on their behalf. Upon being sworn in by City Clerk Wells, Mr. Leonard reviewed the petition for a conditional use to allow residential living quarters above a first floor business at each of the subject properties.

- Prior use of the second level of 37 N. Ayer was 3 apartments and the petitioners are seeking approval of a conditional use to utilize one of the apartments as residential living quarters. Any expansion beyond the existing unit would necessitate building permits.
- Prior use of the second level of 39 N. Ayer St. was Dick Montgomery's photography studio and the petitioners are seeking approval of a conditional use to allow the second level to be utilized as residential living quarters.

Questions by Planning and Zoning Commissioners to Petitioners

- At the Commissioner Killeen's inquiry, Mr. Leonard stated there were renovations/repair on the roof and north wall at 39 N. Ayer St. subsequent to the fire that burned the two adjacent buildings.
- 39 N. Ayer has 2 gravel parking spots directly behind it adjacent to the alley. Community Development Director Santeler stated that should the property be sold or if a permit is pulled, the

property would be subject to hard surfacing requirements. In addition, there are municipal lots available to downtown tenants at either a daily or monthly permitting fee.

Vote on Petition

Moved by Commissioner Condon, seconded by Commissioner Killeen to recommend to the City Council that the petitioner's request for a conditional use to allow an apartment above a first floor business in the B-2 Central District for property located at 37 North Ayer and 39 North Ayer St. be approved as presented, contingent on property being subject to an inspection by the Community Development Dept. prior to the issuance of an occupancy permit with the following findings of fact:

1. The conditional use, if granted, will not alter the essential character of the locality; and
2. The granting of the conditional use will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located and will, in general conform to the intent and purpose of this ordinance.

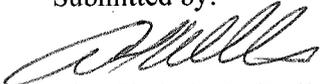
Roll call vote: Grieshop, aye; Killeen, aye; Condon, aye; Smith, aye and Carbonetti, aye. Motion approved five to zero.

City Clerk Wells advised that the Planning and Zoning Commission's recommendation will come before the City Council at their next regular meeting on Tuesday, February 24th, 2015, at 7 p.m. which will be held in the conference room at Harvard Diggins Library, 900 E. McKinley St. The petitioners were advised to be in attendance.

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

At 7:20 p.m., moved by Commissioner Grieshop, seconded by Commissioner Killeen to adjourn the meeting. All ayes. Motion carried.

Submitted by:


City Clerk Andy Wells

Date: 2/17/2015