

PLANNING & ZONING COMMISSION MEETING MINUTES

August 4, 2009 - 7:00 p.m.

Clerk Wells called the meeting to order at 7:00 p.m. and called roll. Commission members present: Glenda Miller, Jim Pagles, John Killeen, Terry Smith, Jim Carbonetti and Don Moede. Member Ken Gabrys was absent. Also present was Mayor Nolan, Administrator Nelson and Community Development Director Santeler.

Mayor Nolan welcomed Jim Carbonetti and Don Moede as new members to the Planning and Zoning Commission. Mayor Nolan reported that Chairman Harry Stafford has left the area and that with the consent of the Planning and Zoning Commission, he would like to appoint Terry Smith, who has a background in city government, to that position. The consensus was to appoint Terry Smith as Chairman of the Planning and Zoning Commission.

Planning and Zoning Commission Minutes of May 5, 2009 – Approved

Moved by Killeen, seconded by Miller to accept the minutes of the Planning and Zoning Commission meeting of May 5, 2009, as presented. All ayes. Motion carried.

Charles/Gayle Gorman Variation Size and Height of Accessory Use at 305 N. Jefferson St.

Clerk Wells noted that Commissioner Killeen has a conflict of interest in the Gorman hearing and recuse himself from the hearing.

Chairman Smith outlined procedure for the hearings and opened the hearing in the petition of Charles and Gayle Gorman, 305 N. Jefferson St., Harvard. 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 has been entered into the record for variations from Section 17.36.050, Size of Accessory Use from 576 sq. ft. to 901 sq. ft. and Section 17.20.080 (K), Height of Accessory Use from 15' to 16' to replace the existing non-conforming garage. The location of the property subject to the petition is 305 N. Jefferson Street, Harvard, IL. The parties of interest in the petition were present.

Upon being sworn in, petitioner Charles Gorman, 305 N. Jefferson St., Harvard, IL reviewed the petition for accessory use size and height variations to replace the existing garage on the subject property. The existing garage is 26' x 40' and is in danger of falling down. The proposed 26' x 35' two-car garage is smaller than the existing garage and will be moved forward a little towards Jefferson St. The height of the proposed structure is about the same as the existing building which requires a variation. The existing garage is actually 1' over the property line; the proposed new garage will have a 12' side yard setback.

Supporters

Chairman Smith asked if there was anyone present who wished to speak in support of the petition. There were none.

Objectors

Chairman Smith asked if there was anyone who wished to speak in opposition to the petition.. Erik Christensen, 300 Church St., Harvard, was sworn in by Chairman Smith. Erik stated that he adjoins the property to the south and indicated that he doesn't really want to oppose the project but has some issues as far as drainage with the garage being moved forward about 7'. Erik stated he has bad drainage and flooding in the garage and basement as it is a low lying area as does property at 304 N. Lincoln and 304 Church St. Eric indicated he would like to see some safeguards in place for drainage before the petition is approved. Community Development Director Steve Santeler reported that he has met with both Mr. Christensen and Mr. Gorman to discuss the issues. The property at 300 Church will receive less water off the roof because the garage is being downsized. Moving the garage farther to the west more in line with the back of the house allows the petitioner to correct the pitch of the driveway which will get more water from the driveway to the road. Steve also noted that Mr. Christensen's garage is low compared to everything else and the topography of the land doesn't allow perfect drainage. Steve felt there could be some sort of resolution to reduce the impact. Mr. Gorman stated that he is bringing in a landscape architect and will make sure that from the garage point back, everything goes to the east and there is a natural runoff to Church St. At the high point, which is going to be the apron of the garage, the flow of water will be to the west towards Jefferson St. At Administrator Nelson's inquiry, Mr. Gorman indicated he was willing to put in drainage pipe around the foundation of the garage and to grade the driveway in such a way as to direct water away from Mr. Christensen's property.

Moved by Carbonetti, seconded by Pagles to close the public hearing. All ayes. Motion carried.

The Planning and Zoning Commission discussed drainage issues. It was suggested that Mr. Christensen put up a retaining type wall which would alleviate flooding problems. Mr. Christensen responded there are a lot of trees that would be in the way.

Moved by Miller, seconded by Carbonetti to recommend to the City Council approval of the petitioner's request for variations to increase the Single Accessory Use Size Requirements of 576 sq. ft. to 901 sq. ft. and to increase the Accessory Use Height requirement of 15' to 16' with the condition that the petitioner put drainage pipe around the foundation of the garage and to grade the driveway to direct water away from Mr. Christensen's property. Roll call vote: Miller, aye; Pagles, aye; Killeen, absent; Smith, aye; Carbonetti, aye and Moede, aye. Motion approved six to zero.

Clerk Wells noted that the recommendation will come before the City Council at their meeting on August 11th, 2009.

JB Sullivans Conditional Use to Construct a Fueling Facility at 1299 S. Division St.

Chairman Smith opened the hearing in the petition of JB Sullivans, Inc., d/b/a Sullivan's Foods and Fund 601 LLC, 1299 S. Division St., Harvard. 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 has been entered into the record for a conditional use to construct a fueling facility. The parties of interest in the petition were present.

Upon being sworn in, Mike Sullivan representing Sullivans Foods and Dan McMahon, Interstate Pump and Tank reviewed the petition for a conditional use to construct a 3 dispenser, 6 bay unmanned fueling facility on the south side of the old bank at 1299 S. Division St., Harvard. Mike related that they have been affected by Wal-Mart and have been putting fuel stations outside of their stores and tying them in to grocery purchases in discounts similar to other retailers in the area. This creates 15-20% additional foot traffic in their stores which increases sales. This would be the fourth fueling facility that Sullivan's has constructed. The petitioner would also like to put up a 200 sq. ft. LED lighted sign out front for pricing and the name, Sullivan's Fuels. The sign would be 7-8' off the ground. The station would sell E-85 and regular blends but would not sell diesel. The tanks themselves are double wall fiberglass; the tank is 20,000 gallons split into two compartments (12,000 and 8,000). Plans include an 8 x 10 block kiosk for monitoring and electrical equipment. The facility would be open 24/7. Payment would be via debit, credit and Sullivan's Fuel cards which are prepaid cards purchased during store hours. The project will take about four weeks to complete, start to finish, pending weather and cure time.

Staff Report

At City Administrator Nelson's inquiry, Mike Sullivan clarified that there would be enough room in and around the canopy for a truck to continue forward without having to back up. Anticipated deliveries would be once or twice a week.

Administrator Nelson indicated that the property is zoned B-3 and the issues before the commission were the special use permit with any conditions, to include a maximum allowance of 200 sq. ft. signage which would have to comply with the City's sign requirements.

Supporters

Chairman Smith asked if there was anyone present who wished to speak in support of the petition. There were none.

Objectors

Chairman Smith asked if there was anyone who wished to speak in opposition to the petition. Upon being sworn in, Jim Olson stated he owns the shop just to the north of Sullivan's property as well as the BP gas station. Jim expressed his concerns that the proposed facility will negatively affect all the gas stations in town which are already having a difficult time.

Moved by Carbonetti, seconded by Miller to close the public hearing. All ayes. Motion carried.

The Planning and Zoning Commission further discussed the petition. Commissioner Miller noted she understood the concerns expressed about the number of gas stations in town, but noted that the fueling facility would help Sullivan's compensate for a decline in their business. Commissioner Pagles stated that the fueling facility could increase the sales tax and fuel tax in the long run by keeping more people in town. There were no concerns to the layout of the proposed station, tanks or traffic flow.

Chairman Smith reviewed the conditions for finding of fact for a special use permit and noted the conditions were met by the petitioner.

Moved by Carbonetti, seconded by Killeen to recommend to the City Council approval of Sullivan's petition for a conditional use to construct a fueling facility at 1299 S. Division St., with the stipulation that the maximum signage allowed is 200 sq. ft. There was further discussion on truck traffic with the consensus that the roads were designed for truck traffic and the parking lot itself is private property. Roll call vote: Pagles, aye; Killeen, aye; Smith, aye; Carbonetti, aye; Moede, aye and Miller, aye. Motion approved seven to zero.

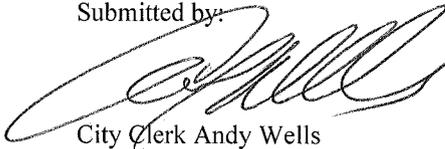
Clerk Wells noted that the recommendation will come before the City Council at their meeting on August 11th, 2009.

Clerk's Report

City Clerk Wells noted there would be a September Planning and Zoning Commission meeting to consider the City's petition for a text amendment pertaining to outside storage in the manufacturing districts. City Clerk Wells also noted that the Commission members received updated zoning codes.

At 7:55 p.m., seconded by to adjourn the meeting. All ayes. Motion carried.

Submitted by:



City Clerk Andy Wells

Date: 08/07/09