

PLANNING AND ZONING COMMISSION – 05/11/2018

The Planning and Zoning Commission met on May 11, 2018 at Noon in the Council Chambers at the City Hall.

Present: Brent Scheve, Nella Seivert, Russ Blenkinsop, John Bolton, Sheri Tyrrel, Amy Rueschenberg

Absent: Mary Murtaugh

Also Present: Recording Secretary Renee Hansen, Planning & Zoning Administrator, Gene Gettys, Todd Valline, Brett Shields, Troy Schaben, Rosalie Andersen & Dar Gessert - HMU

Chairperson Scheve called the meeting to order. It was moved by Tyrrel and seconded by Seivert to approve the agenda. The motion carried unanimously.

Conflicts of interest are to be stated if and when applicable.

It was moved by Rueschenberg and seconded by Blenkinsop to re-elect Scheve as Chairperson and Seivert as Vice-Chairperson for 2018. The motion carried unanimously.

It was moved by Seivert and seconded by Rueschenberg to approve the minutes from the 10/25/2016 meeting. The motion carried unanimously

Chairperson Scheve stated the purpose of the meeting was to hold a public hearing for the request from Peak 7 for the creation of the Peak 7 Addition.

Discussion: Neighbor Schmitz, via conversation with Gettys, expressed their support of the improvements. Neighbor Lemons, via conversation with Gettys expressed concerns with the development. Brett Shields, owner of Peak 7, explained that the purpose of the division of the south 100' is to ultimately sell that portion to Fifth Generation Investments (Bomgaars) who own the property directly to the south. Gettys explained the subdivision ordinance. Valline explained that Bomgaars would be planting trees at the north edge of the 100' and a fence will surround their entire property. The fencing along the east side of their property would have privacy slating installed. Schaben & Andersen expressed concern for their property values. They also wondered who is responsible for the upkeep of the trees on the berm. It was clarified that there is an easement agreement that the property owner is responsible for the maintenance of the trees on the East berm.

It was moved by Seivert and seconded by Tyrrel to close the hearing. The motion carried unanimously.

It was moved by Seivert and seconded by Rueschenberg to approve the request to create the Peak 7 Addition.

Ayes: Seivert, Rueschenberg, Bolton, Scheve, Blenkinsop, and Tyrrel

Nays: None

The motion carried unanimously and the action to allow the creation of Peak 7 Addition will be recommended to the City Council at the next regular Council meeting.

Chairperson Scheve stated the purpose of the meeting was to hold a public hearing for the request from Marion Maiwald for the Re-zoning of 1807 5th St. from R-2 to I-2

Discussion: Gettys explained that the City acquired this property via a Nuisance Property Ordinance. Maiwald purchased it with the understanding that he had 30 days to start cleanup on the property. He has complied with this agreement. Maiwald is requesting a re-zoning to erect a storage building. Gettys showed the Commission two examples that were similarly re-zoned in the City of Harlan. Gettys indicated in the prior examples and the current scenario this could be considered 'spot zoning' due to not being contiguous i.e. divided by a street. Future situations of this nature will be reviewed on a case by case basis. The Commission review the I-2 zoning ordinances.

It was moved by Rueschenberg and seconded by Seivert to close the hearing. The motion carried unanimously.

It was moved by Blenkinsop and seconded by Tyrrel to approve the request to re-zone 1807 5th St from R-2 to I-2.

Ayes: Seivert, Rueschenberg, Bolton, Scheve, Blenkinsop, and Tyrrel

Nays: None

The motion carried unanimously and the action to re-zone 1807 5th St. from R-2 to I-2 will be recommended to the City Council at the next regular Council meeting.

There being no further business, the meeting on motion adjourned at 12:35 pm.

Renee Hansen, Recording Secretary

These minutes are as recorded by the Secretary and are subject to approval at the next called meeting of the Commission.