Harvey County Court House – Community Room

June 6, 2017, 7 p.m.

* Meeting Called to Order at 7 p.m. by Chair Lynne Vigil. Members present were Lynne Vigil, Phil Kimerer, Jack Bender, Wayne Alison, Duane Miles, Mike Koehn, Pat Wendling, Gina Bell, Carol Buller, Trinity Muth, Karen Jacobs
* Guests: Frank Gaeddert, Steven Zeiset, Ann Zeiset, Bonnie Hogan, Paul Mullet, Teresa Mullet, Andrew Wray and Dan Garber.
* An amendment was made adding Trinity Muth to new business on the agenda. A motion for approval of agenda was made by Kimerer and seconded by Alison. The motion passed unanimously. Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth.
* A motion for approval of minutes from April 11, 2017 meeting was made by Kimerer and seconded by Muth. The motion passed unanimously. Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth.
* A motion was made to close the planning commission by Miles and seconded by Koehn. The motion passed unanimously. Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth.
* Next was consideration of V17-2. **Steven and Ann** **Zeiset** was requesting a variance from the 5 acre requirement in the Subdivision Regulations Article 1, Sec. 1.03D (a). Specifically, the applicant is requesting that his property be approximately 3.75 acres rather than the required 5 acres. This was an existing home (12732 NW 24th) that has been there since 1900. Alison recommended approval. Wendling Seconded. Passed unanimously. Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth.
* A motion was made to close the board of zoning appeals by Bender and seconded by Kimerer. The motion passed unanimously. Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth. Chair Vigil has chosen to vote only when there is a tie.
* A motion was made by Kimerer to open the planning commission. A second was made by Buller. The motion passed unanimously. Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth.
* Application for rezoning of approximately 73 acres (8524 W. Dutch) from A-1 Agriculture to R-S Rural Single Family by **Paul Mullet**. The applicant is requesting a rezoning of a tract of land in the southeast corner of the southeast quarter of Section 7, Township 22S, Range 1 West of the 6th P.M. from Agricultural to R-S, Rural Single Family Residential zoning district. The property presently is being used as a single residence on an Agricultural piece of ground. The cost of the home with all of the land was too high, no buyer was found for the property. Mullet would like to rezone the property so he can plat the property and split into lots. Andy Wray (9004 Mission Road), spoke against the rezoning because he opposed the subdivision plat request. Wray felt there was a blind spot on Dutch due to incline in landscape that could be cause for traffic issues (Comprehensive Plan Policy 3.3 -2. He also was concerned about effects on ground water from the sewer systems that would be involved in the sub-division (Comprehensive Plan Policy 3.3-4). Wray said nitrates were already and issue in the area. His final concern was ribboning (Comprehensive Plan 3.6-8). Wray said these things would warrant not approving the sub-division. Wray was informed that the consideration for the property at this time was zoning and not the plat itself. Questions were asked about the existing sub-division south of the proposed property for zoning change. If they still have lots for sale? What type of sewer systems are used there. What kind of sewer system will be used for this sub-division? Bell told the commission questions about sewer systems could be addressed at the time of platting. **Kimerer a motion to approve the zoning change and was seconded by Miles. Motion passed with 6 voting for the zoning change (**Kimerer, Alison, Miles, Koehn, Buller and Muth).  **and one opposed (Pat Wendling). At 44:34 on the recording of the meeting- Chair Vigil announced that motion carries. Bell announced that the zoning would now go before the county commissions, but would have to wait two weeks. At 44:50, Bender spoke up “Record mine as a nay. I didn’t have an opportunity to vote. I didn’t get my words out so I’m also a nay.”**
* Kimerer gave an update on the committee that is working on proposed changes to the Subdivision Regulations. Kimerer said they are making headway and should have something to present to the commission by July.

* Chair Vigil proposed **moving the July 5th meeting to July 11th. Muth motioned to move the meeting to July 11, second by Buller. Motion passed unanimously.** Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth.
* In administrator update- Bell said she had sent letters to two of the properties in the floodway that are currently in violation of flood plain regulations after a visit from the state. She is hoping to get these two properties cleared up so that some other issues can be addressed. Letters were also sent to a property owner who has a mobile home that needs to be removed from the ditch near Essex Heights and SW 24th. Also at this same property is a non-conforming salvage yard that is operating on a non-permitted property.
* A change to By-laws for the planning and zoning commission and board of appeals was approved by a motion by **Alison and second by Wendling with approval by County Counsel. Motion passed unanimously.** Voting in favor of the variance was Kimerer, Bender, Alison, Miles, Koehn, Wendling, Buller and Muth.
* Muth addressed the board about his intention to present a Conditional Use Application next month to the board. Muth plans to apply for CUP for a zombie hunting – entertainment business on his property to tie in to the neighbors, corn maze and pumpkin patch business. He plans to present his CUP on July 11.
* **Kimerer made a motion to adjourn the meeting and seconded by Muth. Motion passed unanimously.**