

## Harmony EDA Minutes

January 20, 2022  
7:30 AM

Community Center  
Council Room

Present: Kerry Kingsley, Steve Donney, Steve Sagen, and Greg Schieber

Also Present: Chris Giesen. Andy Batstone joined via virtual meeting for discussion purposes only.

The special meeting was called to order at 7:34 AM by Kerry Kingsley.

### **Discuss Recommendations for Changes to Zoning Code: Conditional Use Permits for Certain Retail Facilities**

The board had a lengthy discussion as a follow up to the matters brought up by Schieber during the member open forum at the previous meeting and preliminarily in the fall of 2021. At the regular January 2022 meeting the board agreed to have Kingsley and Schieber review a potential draft zoning ordinance change that would apply a conditional use permit process to certain commercial uses. Kingsley and Schieber reported that they met the week prior and discussed several items related to a proposed draft ordinance. In particular, the definition of a retail variety store and specific performance standards that would apply to the new conditional use permit, if approved.

It was noted that the EDA only has oversight of development matters and that zoning changes would need to be reviewed by the planning and zoning commission and city council. Any action on this matter would be recommendation only.

As a second layer to the discussion, it was noted that a prospective project likely falling into the definition of a retail variety store (as defined in the proposed zoning amendment) was potentially considering the development of a privately held parcel in the community. This project may be moving forward in the near future and that this discussion could run into conflict with that project's timeline. It was noted, if of concern to the board, that while the board's discussion is timely the public review process for a zoning ordinance amendment might not finish before the prospective project moves forward.

Schieber reviewed a draft of the committee's recommendations, giving an overview of the proposed zoning ordinance amendment. Kingsley thanked Schieber for his work. Schieber noted that while he feels this matter is of importance, if he is in the minority opinion, he understands.

After reviewing the draft proposal, the board discussed at length. Donney noted he was of a similar opinion as the last meeting; that he's not sure he wants to draw a line on requirements for certain businesses over others. He noted that he may have a conflict of interest on the matter and didn't want to overstep any of his roles. Donney wondered if the chamber of commerce might have advice for the city? He noted that he would like to see this proposed ordinance be discussed by the planning and zoning commission. The board discussed conducting some kind of community survey but determined the effort

might not be quick enough and valuable enough relative to other avenues to learn the sentiment of Harmony residents.

Kingsley asked if the process could be slowed down to get proper input from all of the boards and public. He didn't want to rush anything through.

Schieber noted that a moratorium could be established by the city council, which would be an "emergency stop button" if the council felt they did not have enough time to review and react to the question at hand.

Batstone proposed that a 3-4 month moratorium could give the council and public a chance to talk about the project and learn more about the public's sentiments.

Sagen inquired if the performance standards would apply to other buildings. Giesen replied that the performance standards in the proposed ordinance would only apply in situations where the property use falls under the definition of a retail variety store given in the ordinance.

Donney expressed concern that a moratorium might kill a project unnecessarily as even if the council approved such a measure, the council might not ultimately take any action on a zoning change.

After hearing discussion from all members, Kingsley suggested perhaps the fairest way forward would be for the council to issue a moratorium for 3 months to allow the process and public to move forward. Noting that even if a prospective prospect is concerned about a moratorium, a short 3 month timeline shouldn't delay construction if this conversation is all for nothing.

Motion by Kingsley, second by Schieber to recommend that the city council meet within three days to institute an emergency moratorium on the issuance of zoning permits to applicants that would fall under the definition of a retail variety store as defined in Schieber's draft zoning amendment proposal. Discussion followed.

Schieber noted that he seconded the motion to allow for the motion to proceed to discussion and that a moratorium is not his first option. Kingsley noted that his motion isn't trying to stop business from coming to town, but to provide the public a chance to provide input. Donney asked if the motion could be amended to provide that the council meet as soon as possible as opposed to within three days, noting he is less favorable of a moratorium. Kingsley and Schieber were agreeable to the friendly amendment and amended the motion to accommodate Donney's suggestion that the board request the council meet as soon as possible instead of within three days. Batstone concurred that a 3 month deadline for a moratorium makes sense. Schieber concurred with Donney that he is less favorable to a moratorium but could support one with a timeframe. Sagen noted that he would like additional public input. Kingsley called the question. The board asked Giesen to read aloud the motion as amended. Motion carried 3-0-1 as amended; Donney abstained.

Discussion continued. Consensus of the board was that since a moratorium is being requested from council, the board should also recommend that planning and zoning consider the draft zoning ordinance proposal; starting that review process. Motion by Donney second by Sagen to recommend that the planning and zoning commission consider the draft zoning ordinance proposal created by Schieber, as recommended by the committee. Motion carried unanimously.

There was no other business.

Hearing no objections, Kingsley adjourned the meeting. The meeting adjourned at 8:50 AM.