

Hartford Planning and Zoning Minutes - Regular Meeting February 24, 2015

Chairman Munce called the meeting to order at 7:00 p.m. with the following members present: Bender, Bjergaard, Cunningham, Haugen, McMahon and Wegleitner. City Administrator Teresa Sidel, Public Works Superintendent Craig Wagner and City Code Enforcer/Building Inspector Paul Clarke were also present.

Approval of the Agenda: A motion was made by Bjergaard, second by Cunningham to approve the February 24, 2015 agenda as set – all voted yes, motion carried.

Approval of the Minutes: The minutes from the January 27, 2015 meeting were reviewed. A motion was made by Haugen, second by Bjergaard, to approve the January 27, 2015 minutes – Wegleitner abstained with all others voting yes, motion carried.

Hearings/Petitions/Applications:

A motion was made by Bender, second by Cunningham, to adjourn as the Planning and Zoning Board and reconvene as the Board of Adjustments – all voted yes, motion carried.

*** 7:05 Variance Hearing – 508 Cloverleaf Drive:** Matt Cain of 508 Cloverleaf has submitted a variance application to the city to allow the placement of a fence and shed 2 feet within a drainage easement. Both the fence and shed were placed within a drainage easement area at the time the house was constructed. Mr. Cain indicated that both were erected through his contractor and he was unaware that the contractor did not secure the proper city permits for placement. The city's zoning ordinance clearly states that fences cannot be built within drainage ways and/or drainage easement. The city's zoning ordinance on accessory buildings states that any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense. Haugen noted that the wording of the city's accessory building ordinance 12.03 (A3) is unclear as to if shed are allowed or not allowed in drainage areas and it leaves it open to opinion – Haugen recommends that this ordinance be modify to clearly define if structures are allowed or not within easement areas. Discuss was held between the Board and Mr. Cain. A motion was made by Haugen, second by Cunningham to deny the fence variance but grant the shed variance contingent on the city's engineers determination that the shed does not impede the intended use of the drainage easement – Bender, McMahon and Wegleitner voted no with Cunningham, Bjergaard, Haugen and Munce voting yes – motion failed for lack of concurring vote of two-thirds of the members of the Board of Adjustment. A motion was made by Munce, second by Bjergaard to table this variance hearing until the city engineers look at the property and can give the city their determination as to if the shed impedes the intended use of the drainage easement or not – Wegleitner, Haugen, Bender voted no, with McMahon, Cunningham, Munce and Bjergaard voting yes, motion carried

A motion was made by Cunningham, second by McMahon, to adjourn as the Board of Adjustments and reconvene as the Planning and Zoning Board – all voted yes, motion carried.

***7:15 Conditional Use Hearing – 204 S Kingsbury Avenue:** Hartford Mini Storage has submitted a condition use application for 204 S Kingsbury Avenue for the erection of two mini storage buildings. The owners of this property currently have 5 storage units upon this block and would like to add two more units along Kingsbury and South Street. The Board reviewed their site plan and discussed building sizes, setback areas and fencing. Jeff Bossman was present to address questions from the Board. A motion was made by Haugen, second by McMahon to approved the conditional use application with the following conditions: 1) A fence and a gate are placed along the east side of the property line; 2) A 12.5 foot setback is maintained from the west property line and a 20 foot setback is maintained from the east property line – all voted yes, motion carried.

A motion was made by McMahon, second by Wegleitner, to adjourn as the Planning and Zoning Board and reconvene as the Board of Adjustments – all voted yes, motion carried.

*** 7:30 Variance Hearing – 204 S Kingsbury Avenue:** Hartford Mini Storage has submitted a variance request to the city for a 35 foot south setback, which required a 5 foot variance, and for a variance to allow 2 – 36 foot driveways along the south side or a rollover curb. The site plan submitted to the city shows the 35' south side setback and 2 – 36 foot driveways. Jeff Bossman was present to represent the owner and he noted that the owner is now asking for a 25 foot south side setback and noted that one 72 foot driveway is preferred over two 36 foot drives. Since the site plan submitted does not reflect these changes, the Board noted that the city will need to re-post the variance request with the changes. The Board asked the owner to submit an updated site plan and then the Board will re-address this variance request. A motion was made by Bjergaard, second by Bender to table the variance

request for 204 S Kingsbury Avenue until a new site plan is submitted to the city and the proper notices have been posted – all voted yes, motion carried.

A motion was made by Bender, second by Cunningham, to adjourn as the Board of Adjustments and reconvene as the Planning and Zoning Board – all voted yes, motion carried.

New Business/Updates:

***Annexation of Property:** There is one property in town that has been completely surrounded by the City on all sides. City services are established in this area and development continues. It is the consensus of the Planning and Zoning Board that it is in the best interest of the city to annex this property. A motion was made by Munce, second by Bender to have the City Administrator send a letter, approved by the city attorney, to the property owner and ask for a voluntary annexation – all voted yes, motion carried. The Board will also review other property adjacent to the city and discuss future annexations at their next regularly scheduled meeting.

***Review of Current Zoning Ordinance:** Toby Brown with SECOG was present to discuss with the Board a review of the city's current zoning ordinances. Mr. Brown would like to present a codified version of the current zoning regulations to the Board at their 2nd meeting in March; at which time, the Board will begin a review of each chapter and discuss the regulations in more depth.

***Code Enforcement and Building Inspector Report:** The January code enforcement/building inspection report was reviewed. City code enforcer/building inspector Paul Clarke was present to address any questions from the Board.

***City Administrator Updates:**

- The city is moving forward with the re-sale of 2 lots across from the pool.
- Party status has been granted to the City by the Public Utilities Commission regarding the Dakota Access Pipeline.
- The February 26th hotel opening has been delayed due to the shipping strike.
- Bids were opened for the Diamond Trail re-alignment project and will be reviewed by the council on March 10th.

Adjournment: A motion was made by Bjergaard, second by Cunningham to adjourn at 8:58 pm - all voted yes, motion carried.

Minutes recorded by City Administrator Teresa Sidel