

## **Hartford Planning and Zoning Minutes - Regular Meeting May 31, 2011**

President Munce called the meeting to order at 7:00 p.m. with the following members present: Campbell, Cunningham and Mitchell. Kuehl arrived at 7:03pm and Ham arrived at 7:04pm. Bender was absent with notice. City Administrator, Teresa Sidel was also present, along with the city code enforcer/building inspector, Orlin Punt and SECOG representative Toby Brown. The May 10, 2011 minutes were reviewed. A motion was made by Cunningham, second by Mitchell to approve the minutes of the May 10, 2011 meeting – all voted yes, motion carried.

**Correspondence/Visitor Recognition:** The Planning and Zoning Board held discussion regarding the land usage of Tract 1, Block 1 and Tract 1, Block 2 of North Community Addition, Lots 2&3, Block 3 of North Community Addition and the W199.58' of Lot 5 of North Community Addition. Dan Wheeldryer came before the Board to complain that this land that surrounds his business is not zoned for agriculture and asked how this land can be used as such. The Board noted that in May of 2010 this land was put into a Rural Service District by ordinance #553. Rural Service Districts do allow lands to be used for agriculture. Planning and Zoning Ordinance #539, Section 14.01- Uses and Structures states; a lawful use existing at the time this ordinance is adopted or amended may continue even though such use does not conform with the district regulation. The Board noted that even though this land does not conform to the district's zoning regulation, it has been used for agriculture for many years prior and as long as it continues to be used for agriculture each year, the use may continue as such. Bill Haugen Jr. was also present as the landowner and noted that both city ordinances allow agriculture use of this land and pointed out that both ordinances went through two council readings and a public hearing, which allowed any opposition to the ordinances to be heard by the city council – there was no opposition at the time the ordinances were passed. It was the consensus of the Planning and Zoning Board to allow the agriculture use of this land to continue.

### **Old Business:**

\***Review Proposed Zoning Districts** – Toby Brown, with SECOG, reviewed with the Board proposed revisions to the city's zoning ordinance. Mr. Brown asked the Board to carefully review the current regulations and note any additions, deletions or changes that they would like to see made for the good of the city. Brown will be completing a draft proposal for the Board to discuss at their June 14<sup>th</sup> meeting.

\***In-Home Businesses** – The Planning and Zoning Board reviewed proposed changes to the current Home Occupations section of the city's Planning and Zoning Regulations. After minor discussion by the board, no action was taken. It was the consensus of the Board to place this item on their June 14, 2011 agenda for more discussion.

### **New Business & Updates:**

\***Review Drainage Plans for 207 W 5<sup>th</sup> Street** – The city received a complaint regarding the water run-off and drainage at 207 W 5<sup>th</sup> Street. The complainant noted that their property, which lays southeast of 207 W 5<sup>th</sup> Street, seems to have additional water since this construction project began. The developer for this project addressed the Board and reviewed once again the drainage plan. High elevation on this plot is approximately in the middle of the property. Drainage from the north end of his property flows to the north and collects in the city's storm water system. Drainage from the south end of his property flows to the southeast and then runs the natural drainage course south and back west. The developer did not change any elevations and the drainage plan for the south follows the natural flow that has been in place for many years. It was noted that the additional water that is being seen by the complainant may be a result of water flowing off of rooftops and concrete rather than having the natural soil to absorb it as was the case before development occurred. The Board believes that the development's drainage was constructed to the plans that were approved by the city engineers.

\***Tammen House** - The Planning and Zoning Board was informed that the Tammen House was Demolished on May 26, 2011 and is now in compliance with the conditions imposed by the Board for Building Permit #2009-43.

\***Asphalt Mixing Plant** – The Board was informed that Minnehaha County did approve temporary use permit #11-02, which allows Knife River Midwest to operate a portable asphalt mixing plant at 46543 Hwy 38 – Zacharias Gravel Pit. Conditions were placed on this temporary use permit by the county.

**Adjournment:** A motion was made by Ham, second by Campbell, to adjourn at 8:56 pm - all voted yes, motion carried.

Minutes recorded by City Administrator, Teresa Sidel