**CITY OF TIOGA**

Planning & Zoning Commission Meeting Minutes

October 14, 2015

A meeting of the Planning & Zoning Commission of the City of Tioga was called to order at 5:30 p.m. on Wednesday, October 14, 2015, at the Tioga City Hall, by President of the Planning & Zoning Commission Dan Larson.

PRESENT: President Dan Larson, Planning & Zoning Commission Members, Travis Wittman, Don Zacharias, Eli Auger, and Tioga Deputy Auditor Desiree Hanson.

ABSENT: Barry Ramberg

Guest: Wayne Knutson, Ray Chatwin, Jeff Moberg, Kevin Killough, Don Knudson, Shane Gehring, Dwight Gehring, Ronda Davidson, Antonio Conti, Heather Weflen

**Minutes:** Wittman made a motion to approve the minutes of September 16, 2015, second by Auger Roll call: Ayes: Zacharias, Wittman, Ramberg, Auger, and Larson

Wittman made a motion to approve the minutes of the special meeting held on September 21, 2015, second by Zacharias. Roll call: Ayes: Zacharias, Wittman, Ramberg, Auger, and Larson.

**Modifications/Approval of Agenda:**

Larson advised Planning and Zoning board to move Agenda Item #12 to Agenda #1. . **Wittman made a motion to approve the modifications of the agenda, second by Auger. Roll Call: Ayes: Zacharias, Wittman, Auger, Larson**

**Old Business**

**Ben Johnson** – Advised he had talked to the president of the Planning and Zoning Board Dan Larson about looking over the current planning and zoning ordinances and making some recommendations for changes to the City Commission. The first item is in regards to the mobile home section; Johnson stated right now it’s contradictory as there is a definition that mobile homes are not allowed in the city at all and a section where they are permitted use in certain spots. The second item is percentage of lot coverage for buildings. There is no maximum square footage for a lot in regards to what you can build on it. Johnson advised the board if they notice other items missing and think should be added they should compile a list, send to Johnson and they can go over the list before making recommendations to the City Commission for changes. Johnson also stated the board should come up with a dollar amount on what projects can be approved automatically, such as projects less than $1,000 or $5,000 so they don’t have to go through 2 meetings. The projects can be administratively approved by a building inspector when that position has been filled. Wittman asked Johnson what he thought about a percentage of the property value to get immediate building approval. Johnson thought a dollar amount by project description plus expenses. The building inspector would have to look at the spot, the drawings, and then give the approval. Johnson also spoke to Agenda Item # 2; Wayne Knutson’s building application for a garage. Johnson stated the City Commission had sent the application back to the Planning and Zoning board as they did not see anything out of compliance and would like them to rethink their decision as the previous recommendation was based off old information that is no longer in the ordinances. Johnson reminded the board they cannot deny something that is not currently in our ordinance. After a short discussion on the garage size, **Zacharias made a recommendation to leave the garage size of 40’ X 50’ as requested, second by Wittman. Roll Call: Ayes: Zacharias, Wittman, Auger, Larson.**

**42 Grill – (Not Present)** Conditional Use Application. Zacharias asked why 42 Grill, owned by Jodeen Bergstrom Dean, was able to submit another application as his understanding was that if they had not become compliant by October 1st they could no longer operate. Johnson stated the permit was approved through October 1st and they would have the right to reapply for a permit but must go through the process to get the permit approved. At this point, Police Commissioner Ronda Davidson, asked if she could speak. Davidson stated in January when the application was approved 42 grilled was advised that compliance must be met by October 1st or they had to shut down. Davidson asked why we were not enforcing this decision. She also asked why, if Dean wasn’t in compliance, we would allow her to continue operating. Davidson advised that there was a recording of the meeting in January and it was clear to her that she was not given the option to reapply if compliance was not met. Larson stated she went ahead and reapplied again and bought herself a couple more weeks as the board is unsure at this point if compliance was met. Johnson then advised that the application must go through the process again. Johnson suggested to the board members to move on with Agenda Items and give Dean until the end of the meeting to show up as he would not like to see something that drastic take place without her in attendance. At 6:30 pm Larson called to open the discussion of 42 Grill Condition Use application. **Wittman made a motion to deny, second by Zacharias**. Johnson advised the board they need to discuss the fact that Dean was not present, she did not submit any paperwork showing the building was brought up to compliance with building codes and that it was conditionally a conditional use in the sense that she had to request renewal of that conditional use because the place is not zoned for what it’s used for and at this point we do not know if the building is up to code such as handicap bathroom, structurally sound, etc. Larson opened the floor once again for a motion. At this point the same motion was made followed by the roll call. **Roll Call: Auger, Wittman, Zacharias, Larson**

**Heather Weflen –(Present)** Deck Building Application. Larson stated Weflen was replacing a metal step with a small deck with treated wood on cement footings. Weflen explained to the board that she needs to move the stairs so her dogs have a landing to come out onto to get into the back yard. The current steps are too narrow and don’t line up with her doggie door. **Wittman made a motion to approve the deck application, second by Auger.** **Roll Call: Ayes: Auger, Wittman, Zacharias, Larson.**

**Jeff Moberg –(Present)** 40 X 60Pole Barn Building Application. Discussion was held on whether the property at Moberg’s Trade Winds RV Park was zoned C1 or C2 as there were 2 different maps and each one showed Mobergs property as being zoned differently. Larson’s concern with the 2 different zones is the difference in setbacks. Moberg stated the setbacks are an item that needs to be addressed as the lots on main street are 25 foot wide and with 10 foot setbacks you can only build a 5 foot wide structure. Johnson stated Moberg may need to request a variance. Moberg stated he had already built a building on commercial property and built to the property line and now would have to build 25 feet back. Moberg stated that his original permit was approved for C1 zoning and could go back and find the original if needed. At this point discussion was held again on the 2 different maps. The old map showed the property was in C2 and the most recent map showed the property in C1 and there is confusion as to when it changed. Moberg questioned the businesses that were operating in this area under the conditional use permits if the zone had changed. Johnson explained the conditional use under the new ordinance have conditions and every time you apply for the permit you meet it and it stays in the same zone it was originally in. Under the new ordinance there are things that are automatically permitted and allowed and sometimes you have to apply for a conditional use. Johnson explained back when the boom started and Moberg received the conditional use he could do that out of zoning but he had to reapply every so often. Larson stated Moberg has a corner lot however it still fronts Welo Street and if it the zoning is C2 he doesn’t see an issue with putting up the building. Johnson stated the most recent map updated from last year shows the property as C2 so Moberg would be within correct setbacks. Moberg has one year from date of approval to construct the building. **Zacharias made a motion to approve the building application, second by Auger. Roll Call: Auger, Wittman, Zacharias, Larson**

**Dwight McMonagle (Not Present) –** Building Application–-Handicap Deck. Larson drove by the property and stated there was plenty of room to build the deck. **Wittman made a motion to approve the building application, second by Auger. Roll Call: Auger, Wittman, Zacharias, Larson**

**Austin Nielson (No representation)**–Building Application-Fence. Larson stated the fence will be on south side of property. Wittman asked if it was only a side fence. Moberg stated it would run from garage to front of house. There is a fence on the north side of property and the west side. **Wittman made a motion to approve, second by Zacharias. Roll Call: Auger, Wittman, Zacharias, Larson**

**Don Knudson (Present) –** Pole Shed Building Application – Knudson stated he would like to build the pole building to store his RV and Boat. Larson asked about the angle of the building from the drawing that was presented. Knudson is approximately a mile out of town and owns 2.2 acres so he will have enough room to build the shed at an angle and the separation from home is within code. **Auger made a motion to approve, second by Zacharias. Roll Call: Auger, Wittman, Zacharias, Larson**

**Kim Mary (Not Present) –** Building Application to place a manufactured home in R & R Trailer Court. **Wittman made a motion to approve, second by Auger. Roll Call: Auger, Wittman, Zacharias, Larson**

**Shawn Travis (Present) –** Building Application to remodel and add kitchen at DJ’s Lounge. Larson asked Travis if he was going to build the café in the bar. Travis stated it would be built in the front area where there was a café many years ago. He will put a false wall to separate the kitchen from the dining area, replace the old wall that separated the bar from the bowling alley and the café will have its own separate rest rooms. Wittman asked if there would be a bar up front. Travis stated the front part is the dining area and the back part of the building is the bar. There will be separate entrances to the bar and also the dining room so that children can eat there also. The patrons in the bar will be served by a waitress that comes from the front to the back. Travis is going through all the codes that are required by the ND State Health Department. **Wittman made a motion to approve, second by Auger. Roll Call: Auger, Wittman, Zacharias, Larson**

**Jim & Veronica McGinnity (Not Present) –** Conditional Use Renewal. **Wittman made a motion to approve for one year, second by Auger. Roll Call: Auger, Wittman, Zacharias, Larson**

**Big Tex RV Park (Present)** – Conditional Use Renewal. Larson asked about the distance between the RV’s. Ray Chatwin, Representation for Charles Barton, stated that the park follows state code of 10 feet between RV’s with slide outs out. **Zacharias made a motion to approve for one year, second by Auger. Roll Call: Auger, Wittman, Zacharias, Larson**

**Oil Capital Ready Mix (Not Present)** - Conditional Use Renewal. Larson stated Tioga Ready Mix was now under new ownership by Oil Capital Ready Mix. He had spoken with the manager and there would be three campers hooked up to septic and 3-5 spots would have no hookups. **Wittman made a motion to approve the application for one year, second by Zacharias. Roll Call: Auger, Wittman, Zacharias, Larson.**

Dwight Gehring – Conditional Use Application to place camper on private property. Shane Gehring, representative for Dwight Gehring explained the conditions of why they would like to place their camper on a piece of Dennis Rehak’s land until his father could find a house. Dennis Rehak is selling this piece of land to Dwight Gehring and holds the contract deed. Larson asked if there was a letter and Deputy Auditor Hanson stated Dennis Rehak had been in the office earlier in the day as he could not make it to the meeting. Rehak explained the situation with the Gehrings and had no issues with them moving their camper on this piece of land. Shane stated they had the camper hooked up to water, sewer and electric.

**Wittman made a motion to approve the application for one year on condition a letter of approval is received by Rehak by the upcoming commission meeting, Zacharias seconds the motion. Roll Call: Auger, Wittman, Zacharias, Larson**

Hanson asked if she could speak. She wanted to remind the board that November’s meeting falls on the 11th and City Hall will be closed that day. The board decided to move November’s meeting to Tuesday the 10th starting at 6:30.

Ordinance Addition/Deletion Recommendation:

The Planning and Zoning board discussed the building area and off street parking requirements and after a lengthy discussion between the board and Antonio Contio from Ackerman Estvold the recommendation for changes was made to the City Commission. These changes would need to go through Attorney Ben Johnson to be rewritten before go to City Commission. The changes that are being sent to Mr Johnson are as follows:





**With no further business Wittman made a motion to adjourn the at 8:13 p.m, second by Auger. Roll Call: Auger, Wittman, Zacharias, Larson.**

The next regular meeting of the Planning & Zoning is scheduled for November 10, 2015 at 6:30 p.m., to be held at the Tioga City Hall.

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 Dan Larson, President of the City Planning & Zoning

ATTEST:

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Desiree Hanson, Deputy Auditor