Tioga Planning and Zoning Meeting

December 11, 2014

Minutes

Members present: John Wilson, Gary Spooner, Don Zacharias, Travis Wittman, Dan Larson

Members absent: none

Visitors present: Jodie Bergstrom-Dean, Dave Dean, John Grubb, Rich Zakrajsek, Kevin Killough, Roxy Uhlich, Drake McClelland, Ralph Myers, Melissa Koch

The Tioga Planning and Zoning meeting was called to order by Dan Larson at 5:30 pm on December 10, 2014 at Tioga City Hall.

Zacharias made a motion and Wittman seconded to dispense the reading of the November 12, 2014 meeting minutes. Being no errors or omissions, the minutes were approved as submitted. All voted aye, motion carried.

Public hearing was held on R&R Trailer application for conditional use permit for allowing campers to be placed in the trailer court in order to become in compliance with the existing ordinance. R & R Trailer has been operating since May 12, 1953. Rich Zakrajsek recommended to approve the conditional use permit for 1 year. Ralph Myers expressed his concerns about a fee of $300 that will be charged every year the conditional use permit is renewed. Wittman stated that having one-year conditional use permit helps to re-evaluate the city plans more often. Drake McClelland stated that the fee was set by the City Commission based on what the surrounding areas charge for the permit. Wittman made a motion and Wilson seconded to approve R&R Trailer’s conditional use permit for 1 year for allowing campers in the trailer court. All voted aye, motion carried.

Public hearing was held on Neset Consulting application for conditional use permit for 1 year to allow 2 trailers stay on the property and have one employee staying in each trailer. Roxy Uhlich from Neset Consulting added that there are more trailers placed on the property but only 2 trailers are used for housing.. Wilson made a motion and Wittman seconded to approve Neset Consulting conditional use permit for 1 year as presented. All voted aye, motion carried.

Public hearing was held on Tioga Ready Mix application for conditional use permit for 1 year to allow up to 15 campers on the property. P & Z members expressed their concern on the spacing between the campers which creates fire hazard. Wilson made a motion and Spooner seconded to table the conditional use permit application to have a representative from Tioga Ready Mix present at the meeting and to look into the state safety requirements regarding spacing between campers. All voted aye, motion carried.

Public hearing was held on 42 Grill application for conditional use permit for 2 years. Jodeen Bergstrom requested to have a closed meeting due to the confidentiality of the contracts that she has and that present her future plans. Due to the absence of the city attorney, the meeting didn’t go into the executive session. Jodeen stated that 42 Grill is trying to make improvements on the building but didn’t have decent contractors to do the work. She also stated that with the summer being the busiest time of the year, 42 Grill is limited on the time frame when the improvements can be done. Jodeen stated that they don’t have an alternative building where they can relocate their business during the time of reconstruction. She noted that they will be considering to relocate outside the city limits if they will be hassled by the city regulations. Jodeen noted that 42 Grill brings sales tax money to the Tioga Fund and is a family-friendly business. She requested to have the discussion tabled until the next meeting so that she can have her attorney present and can elaborate on her plan of action. Jodeen stated that she is aware of the bathroom issue but they are unable to resolve it since the gas meter can not be moved. Wilson questioned Jodeen if they are playing to rebuild the structure. Jodeen answered that they have no other option. She added that they are limited on what they can do on the existing lots. Rich stated that he wasn’t contacted by Jodeen to discuss the future plans and noted that the property needs to be rezoned from industrial to commercial before a new structure can be built. Spooner inquired about the building permit for 10x25 building that was submitted by 42 Grill on 4/2/2012 and was revoked on 4/30/2012 by Jodeen’s request. Jodeen stated that it was supposed to be a handicap-accessible modular house but they were unable to do it and put a structure instead. Larson indicated that Jodeen was supposed to work with Rich and P & Z members. He also stated that the compliance with the building code is important for 42 Grill and their customers as well as City protection. Jodeen indicated that she requested a closed meeting at the previous P & Z meeting and doesn’t deny that she is out of compliance with the building code. Spooner asked Jodeen what will happen if the closed session will be denied. Jodeen replied that they will have to work through it, but couldn’t elaborate on the topic since she has pending contracts that are not signed. Jodeen stated that now when she is aware about the re-zoning that will be required in order to build a new structure, her plans might change. Zacharias made a motion and Spooner seconded to table the decision on 42 Grill application until next month contingent upon the following conditions: a) the city attorney is present at the next meeting and can advise on the closed meeting request; b) Jodeen contacts Rich and other members of the P & Z committee about the future plan of action; c) the final recommendation will be made at January meeting. All voted aye, motion carried.

Board members discussed Ordinance 5.0201 Definition 37 Occupancy and Single Family Home. Larson recommended to improve the enforcement for the zoning ordinance violations. The definition of “a family” was discussed. Larson stated that the limit of 3 unrelated people living in one dwelling is very stringent and recommended to include an enforcement clause and increase the number of unrelated people that can reside in one dwelling. Wilson suggested to allow 4 unrelated people in one dwelling. The board decided to do more research and discuss the ordinance at January meeting.

Being no further business, the meeting adjourned at 7:00 pm.

Tanya Weflen,

City Deputy Auditor