

ZONING AND PLANNING MEETING

Regular Meeting

January 21, 2020, 7:00 p.m.

Roll call: Brandvold, Quiring, Rosenbaum, Stinocher

Absent: Luebbe

Also in attendance: Administrator Welti, Chad Langeslag, Joe Duncan, and Cathleen Gasner

Regular meeting called to order by Chairman Quiring at 7:44 p.m.

Agenda – Motion by Brandvold, seconded by Stinocher, to approve the agenda, motion carried.

Minutes from the Nov. 18, 2019 and Nov. 25, 2019 meeting and public hearing were read.

Motion by Brandvold, seconded by Stinocher to accept the minutes, motion carried.

Election of Officers:

Motion by Rosenbaum, seconded by Brandvold to elect Quiring Chair. Motion carried.

Motion by Quiring, seconded by Brandvold to elect Rosenbaum Vice Chair. Motion carried.

Motion by Brandvold, seconded by Rosenbaum to elect Stinocher Secretary. Motion carried.

Chairperson Report From Council Meeting – Chair Quiring reported that he attended the Council meeting. Council approved the recommended lot combination of lots 602 and 608 3rd Ave SE and the ordinance amendments allowing zoos and pet stores in certain zoning districts.

Concerns from General Public- none.

Old Business- none.

New Business- Members reviewed the Main Street 2021 Improvement Project and applicable sections of the City's Comprehensive Plan related to infrastructure maintenance. Members found that the Main Street 2021 Improvement Project was in compliance with the City's Comprehensive Plan. Motion by Rosenbaum, seconded by Stinocher finding the Main Street 2021 Improvement Project is in compliance with the City of Medford's Comprehensive Plan. All members voting aye, motion carried.

Adjourn the meeting- Motion by Rosenbaum, seconded by Stinocher to adjourn the meeting, motion carried.

Next Regular Planning & Zoning meeting is Monday, March 16, 2020 at 7:00 p.m.

Planning & Zoning Board
City of Medford
Public Hearing for Todd Nelson's Request for Approval of the Preliminary Plat
and Zoning Designation for 5th Avenue Apartments.
January 21, 2020 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Brandvold, Quiring, Rosenbaum, Stinocher

Members absent: Luebbe

Others Attending: Administrator Welti, Chad Langeslag, Joe Duncan, Cathleen Gasner, and Todd Nelson

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Todd Nelson's request to approve the preliminary plat and zoning designations for the 5th Avenue Apartments Plat:

Chairman Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

Staff presentation-Administrator Welti presented a memo regarding Todd Nelson's request to approve the preliminary plat and zoning designations for the 5th Avenue Apartments Plat.

In July, Planning & Zoning held a public hearing and made a recommendation to the City Council to approve the rezone request on a preliminary basis; the exact boundaries were to be defined and approved on the plat. Council supported Planning & Zoning's recommendation.

Lot 1 Block 1 of 5th Avenue Apartments is to be zoned as R-2, and lots 1-9 of Block 2 of 5th Avenue Apartments are to remain zoned as R-1.

Mr. Nelson intends to develop the property in phases. The first phase will include the development of one 16-unit apartment and garage structure in the northwest corner of the property. Mr. Nelson also plans to excavate the entire pond or storm water retention basin in the first phase and use the excavated materials to prepare the remaining developable area for future development.

Future phases will include the development of townhomes, single family lots, and apartments.

City staff reviewed the preliminary plat documents. The plat documents meet City zoning requirements.

Per Council's request, the development will include sidewalks along 3rd Ave SE and 3rd St SE. The sidewalks will be constructed in future phases of the development.

The City is requiring the storm water retention basin and surrounding area to be sized to accommodate a back to back storm event. The City's engineer reviewed the storm water analysis and storm water

infrastructure as depicted in the plat. The City's engineer will confirm this requirement is met as soon as soil test results are received.

The sanitary sewer lines servicing the apartments will be private lines and the responsibility of the property owner to maintain. The City will only assume responsibility of the maintenance at the main, as is standard City policy.

Upon Planning & Zoning's recommendation and Council's approval of the preliminary plat and zoning designation, the next step in the process will be for Mr. Nelson to submit the final plat for approval. The City is awaiting soil test results prior to taking action on the final plat.

Construction may proceed once the final plat has been approved, the plans and other miscellaneous documents are reviewed and approved by staff, and the developer pays the required fees.

Members and the public asked the following questions of Administrator Welti, Joe Duncan and Todd Nelson.

Would there be adequate parking for visitors and guests? Staff responded that the minimum City parking requirement as stipulated in Code is met. Mr. Nelson referenced a parking study that found on average 1.5 stalls are needed to meet the needs of people age 50 and over. The apartment parking area has approximately 20 extra stalls and the townhome garages and driveways will provide two stalls to the resident and enough space should exist to accommodate one guest parking space.

How will the owner finance the construction of the apartments? Mr. Nelson stated he would privately finance the construction.

Who will maintain the parking area and drive? Mr. Nelson responded it was not a street and it would be his responsibility to maintain.

A resident was concerned that people may park on a private drive that exists along the west side of the unused railroad tracks. Staff clarified the location of the rail line and setbacks of buildings. If parking in that area became an issue, the City and law enforcement could get involved and signs could be posted at the entrance to the private drive.

Would curb and gutter exist along 3rd Ave SE? The answer is no. New curb and gutter would only exist along 3rd St SE.

Could the parking area and drive also be used by some as a street? Mr. Nelson stated he could install a break away barrier if it became necessary. Installation of speed bumps was also discussed.

Will neighbors on 3rd Ave SE be looking at the back of the apartment buildings? Staff responded that code requires the sides of an apartment to have the appearance of a front of a building. Mr. Nelson stated all units would have decks.

Applicant's presentation- Todd Nelson stated his intent was to build apartments, townhomes and develop lots to be sold for the development of single family homes. The apartments would be built with amenities, including community room/recreation area and exercise spaces to accommodate people 50+ years of age, and his intent was to market the units to this age group. The first phase would include the construction of one, sixteen unit apartment building and recreation area with garages. Apartments will include decks.

Townhomes will be built at zero entry. The goal is to build units for people who desire independence.

The construction of future phases would include apartments, townhomes, and the single family lots, based on demand.

Statements from the public- None.

Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Brandvold, seconded by Rosenbaum to close the public hearing. Motion carried.

Action-Recommendations made to City Council.

A member asked how an individual polices crime free housing. Mr. Nelson responded that he has been trained in the proper process to conduct checks prior to renting units. Apartments will have a security system and all units will be locked.

Rosenbaum stated he was concerned about crime. He also felt the construction of new apartments, townhomes and single family homes would bring new revenue to the City.

Chair Quiring stated the City has limited lots and housing available. This development could be staged and constructed to meet demand. The City needs options for people who want to rent and not own. People moving into these units from existing homes would free up homes in Medford for other individuals to purchase. Infrastructure will need to be built within the City in the near future, the new tax base would be beneficial.

Motion by Rosenbaum, seconded by Stinocher to make a recommendation to the City Council to approve the preliminary plat and zoning designation of Lot 1 Block 1 of 5th Avenue Apartments as R-2, and lots 1-9 of Block 2 of 5th Avenue Apartments are to remain zoned as R-1. All members voted aye. Motion carried.

Motion by Rosenbaum, seconded by Brandvold to adjourn the public hearing at 7:44 p.m. Motion carried.

ZONING AND PLANNING MEETING
Regular Meeting
May 11, 2020, 7:00 p.m.

Roll call: Brandvold, Quiring, Rosenbaum, Stinocher, Luebbe

Absent:

Also in attendance: Administrator Welti, Chad Langeslag

Regular meeting called to order by Chairman Quiring at 7:17 p.m.

Agenda – Motion by Luebbe, seconded by Rosenbaum, to approve the agenda, motion carried.

Minutes from the Jan. 11, 2020 meeting and public hearing were read.

Motion by Luebbe, seconded by Rosenbaum to accept the minutes, motion carried.

Chairperson Report From Council Meeting – Chair Quiring reported that he attended the Council meeting and provided Council with a summary of the actions taken at the January Planning & Zoning public hearing and meeting.

Concerns from General Public- none.

Old Business- none.

New Business- none.

Adjourn the meeting- Motion by Rosenbaum, seconded by Brandvold to adjourn the meeting at 7:22 p.m., motion carried.

Next regular Planning & Zoning meeting is Monday, July 20, 2020, at 7:00 p.m.

Planning & Zoning Board
City of Medford
Vacation of 2nd St SE and 3rd St SE platted south of 3rd Ave SE
May 11, 2010 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 p.m.

Members present: Rosenbaum, Quiring, Luebbe, Brandvold, Stinocher

Members absent:

Others Attending: Andy Welti, Chad Langeslag, Todd Nelson, Kim Nelson

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the vacation of 2nd St SE and 3rd St SE platted south of 3rd Ave SE Village of Medford.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

Staff presentation-Administrator Welti presented the City's vacation of 2nd St SE and 3rd St SE platted south of 3rd Ave SE to the board.

The Developer's Agreement with Todd Nelson, Dated 6/24/19, included a provision for the City to vacate the public right of way of sections of 2nd St SE and 3rd St SE platted south of 3rd Ave SE. Todd Nelson's preliminary plat illustrates these sections of streets to be vacated will not be needed in the proposed development. Upon Mr. Nelson proceeding with his development, the City has no need for the right of way sections that are proposed to be vacated.

All utility providers were contacted and given an opportunity to indicate whether they opposed the vacation. No opposition was received. Comments regarding the location of utilities were forwarded to Mr. Nelson.

Applicant's presentation-None.

Statements from the public-None. *The public hearing was closed to the public. The Planning & Zoning packet was made available to view online and the public was provided with the option of submitting written comments or being called during the hearing to provide verbal comments. No public comments were received and no individual requested to be called to make verbal comments.

Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Luebbe, seconded by Rosenbaum to conclude the public hearing.

Discuss the proposal among board members-

Action- Motion by Rosenbaum, second by Brandvold to make a recommendation to City Council to approve the vacation of 2nd St SE and 3rd St SE platted south of 3rd Ave SE. Motion carried.

Motion by Brandvold, seconded by Rosenbaum to adjourn the hearing at 7:08 p.m. Motion carried.

Planning & Zoning Board
City of Medford
Public Hearing for Todd Nelson's Request for Approval of the Final Plat
for Fifth Avenue Apartments Addition.
May 11, 2020 – 7:00 PM

Chairman Quiring opened the hearing at 7:08 p.m.

Members present: Brandvold, Quiring, Rosenbaum, Stinocher, Luebbe

Members absent:

Others Attending: Administrator Welti, Chad Langeslag, Todd Nelson, Kim Nelson

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Todd Nelson's request to approve the final plat for the Fifth Avenue Apartments Addition Plat:

Chairman Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

Staff presentation-Administrator Welti presented a memo regarding Todd Nelson's request to approve the final plat for the Fifth Avenue Apartments Plat.

Administrator Welti noted the following changes made to the plat documents since the preliminary plat was approved.

City staff reviewed the final plat documents. The plat documents meet City zoning requirements.

The City is requiring the storm water retention basin and surrounding area to be sized to accommodate a back-to-back 1% storm event. The storm water retention basin has increased in size; the basin is now 6 feet in depth and the overall length and width has increased. The property owner intends to establish turf in the retention basin and mow/maintain the area as open space. Without a permanent wet pool, an even larger storm event will be accommodated. The City's engineer reviewed the storm water design and storm water infrastructure as depicted in the plat. The developer provided soil infiltration rate test results and the City's engineer verified the design parameters are valid and that the pond should function as designed.

An easement has also been added to cover the water main that will be constructed between 3rd Ave SE and 5th Ave SE.

Upon Planning & Zoning's recommendation and Council's approval of the final plat, construction may proceed once the plans and other miscellaneous documents are reviewed and approved by staff, and the developer pays the required fees.

Applicant's presentation- Todd Nelson stated that soil borings had been obtained and provided to the City Engineer for review. Todd stated the pond would be mowed and sloped to provide access.

Statements from the public- None. *The public hearing was closed to the public. The Planning & Zoning packet was made available to view online and the public was provided with the option of submitting written comments or being called during the hearing to provide verbal comments. No public comments were received and no individual requested to be called to make verbal comments.

Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Rosenbaum, seconded by Luebbe to close the public hearing. Motion carried.

Action-Recommendations made to City Council.

Motion by Rosenbaum, seconded by Brandvold to make a recommendation to the City Council to approve the final plat of Fifth Avenue Apartments Addition. All members voted aye. Motion carried.

Motion by Rosenbaum, seconded by Stinocher to adjourn the public hearing at 7:16 p.m. Motion carried.

ZONING AND PLANNING MEETING
Regular Meeting
July 20, 2020, 7:00 p.m.

Roll call: Brandvold, Quiring, Harris, Stinocher

Absent: Luebbe

Also in attendance: Administrator Welti

Regular meeting called to order by Chairman Quiring at 7:00 p.m.

Agenda – Motion by Brandvold, seconded by Stinocher, to approve the agenda, motion carried.

Minutes from the May 11, 2020 meeting and public hearings were read.

Motion by Stinocher, seconded by Brandvold to accept the minutes, motion carried.

Chairperson Report From Council Meeting – Chair Quiring reported that he attended the Council meeting and provided Council with a summary of the actions taken at the May Planning & Zoning public hearings and meeting. He reported that Council approved the Fifth Avenue Apartments Addition Final Plat and the street vacations.

Concerns from General Public- none.

Old Business- none.

New Business-

Planning & Zoning members reviewed a memo presented by Administrator Welti regarding lot combinations.

The City of Medford has received several requests for lot split/combinations over the past 10 years. Many of the lot combinations have occurred in the Scenic Heights Addition.

The City of Medford has approximately 6 buildable lots remaining within the City that have been platted and are serviced by City water and sewer. City Code for the *Requirements for Recording and Conveying Real Property*, the code that describes the lot split/combination process, gives the City the right to approve or deny lot split/combination requests.

Brief discussion has occurred with recent lot split/combination requests as to whether the City should be combining buildable lots. Discussions have not occurred when a property owner applies to combine a nonbuildable lots or a lot that is buildable with a lot that is not buildable. The City may want to provide more of an indication as to whether the City will approve/deny lot combination requests to property owners who ask about combining buildable lots, lots that exceed the minimum lot size of 75 feet X 120 feet.

Considerations of lot split/combinations of buildable lots:

- 1) The City has had several conversations with prospect developers in recent years. It is a challenge to find developers who want to finance and develop residential lots.

- 2) Lot combinations potentially decrease the tax base of a City if the home that is built upon a combined lot is not of significantly more value than the surrounding homes. If a home built upon a combined lot is nearly double the value of the surrounding homes, then there is little/no loss of tax base.
- 3) Property owners can purchase an abutting lot and leave it undeveloped. The lot could be developed when the property owner sells the home and abutting undeveloped lot.
- 4) According to City Code, the owner cannot place an accessory use or build an accessory building (storage shed, garage) upon a lot unless a principal structure (home) has been built upon the lot.
- 5) The survey, administrative and legal costs of the administrative land survey process are approximately \$1,500 to \$3,000.
- 6) In future developments, the developer should be encouraged to plat corner lots that are bigger than the minimum lot size so the lots are appealing to build upon given the two 25 front yard setbacks. In addition lots bigger than the minimum lot size should be considered for platting in areas that may be less appealing to build to make the lot more appealing.

Harris stated that corner lots can be a challenge to build upon if the dimensions are similar to the minimum lot size because the 25 foot setback reduces the buildable area. Future construction may include more slab on grade, and larger footprint, because of the high cost to build a home.

Quiring stated that precedent has been established for allowing lot combinations. He posed the question as to what would the reason be for not allowing future lot combinations.

Members also discussed the impact of lot combinations upon property values.

It was mentioned that one nearby City requires unused water and sewer services to be removed from lots that are combined. The cost of which deters individuals from combining lots.

Administrator Welti stated he would be creating a form similar to one that another City uses that would require the person seeking the lot split/combination or administrative land survey to be responsible for conducting all of the administrative work necessary to vacate easements that may be involved in the process.

No action was taken regarding lot combinations.

Adjourn the meeting- Motion by Brandvold, seconded by Stinocher to adjourn the meeting at 7:40 p.m., motion carried.

Next regular Planning & Zoning meeting is Monday, July 21, 2020, at 7:00 p.m.

ZONING AND PLANNING MEETING

Special Meeting

September 2, 2020, 6:00 p.m.

Roll call: Quiring, Harris, Luebbe

Absent: Brandvold, Stinocher

Also in attendance: Administrator Welti, Chad Langeslag

Special meeting called to order by Chairman Quiring at 6:00 p.m.

Agenda – Motion by Luebbe, seconded by Harris, to approve the agenda, motion carried.

New Business-

Planning & Zoning members reviewed a memo presented by Administrator Welti regarding patios.

A property owner was excavating the front yard and appeared to be getting ready for construction. Upon receiving correspondence from the City Administrator requesting a permit application, the property owner submitted a permit application to City Hall and indicated his intent was to install a patio in the front yard. Upon checking code and consulting with the City Attorney, the City Attorney concluded that a patio is an accessory use and must meet the setback standard, which is 25 feet for the front yard.

Administrator Welti expects more patio requests in the future as it is a trend in home upgrades.

Upon contacting three nearby cities, two allow patios to be placed in the front yard without a permit. One does not have setback regulations for patios. The other City reported a setback requirement of 20 feet. The third City reported a patio would be allowed as there is no reference to regulation in code.

Administrator Welti reviewed options with Planning & Zoning members that ranged from leaving code as is to amending code to allow patios with additional requirements.

Planning & Zoning members discussed whether to include a setback. Members felt a setback should be required in order to prevent resident complaints regarding snow plowing, utility construction, etc. depositing material on a patio. Members discussed whether to allow permanent structures to be built upon a patio, consensus was to not allow. Allowing only an unattached patio was discussed but members chose to not include it as a requirement. Making property owners aware that water, sewer, and other utilities are typically located in the front yard was emphasized. Property owners would be responsible for removing and replacing patios that must be excavated in order to repair, install and maintain utilities.

Planning & Zoning consensus was to hold a public hearing to consider amending Medford Code to allow patios to be placed in the front yard with the following requirements

- a) rise cannot exceed more than 1 foot above the exterior finished grade
- b) cannot include permanent structures built on top of the patio
- c) must be setback 10 feet from the front property line

Amending Chapter 4 of Medford City Code will require a public hearing.

Adjourn the meeting- Motion by Harris, seconded by Luebbe to adjourn the meeting at 6:30 p.m., motion carried.

Next regular Planning & Zoning meeting is Monday, September 21, 2020, at 7:00 p.m.

Planning & Zoning Board
City of Medford
Public Hearing for Ultra Outlets of MN LLC
Conditional/Interim Use Permit
September 2, 2020 – 6:30 P.M.

Chairman Rich Quiring opened the hearing at 6:30 P.M.

Members present: Kris Stinocher, Rich Quiring, Tom Harris, Dennis Luebbe

Members absent: Mary Brandvold

Others Attending: Andy Welti, Simone Hellevik

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Ultra Outlets of MN LLC request for the approval of a conditional use permit to allow a church on the property located at: BLK 1 LOT 1 EXCEPT ALL TH PT LYING E & S OF FOLLOWING DESC LINE: COM 321.67' W OF SE COR LOT 2 TH N361.29' E1220.57' TO E LN LOT 1 AND THERE TERMINATING MG MEDFORD ADDN MG MEDFORD ADDN; AND BLK 1 LOT 2 EXCEPT COM 319.83' E OF NW COR TH S308.63' NELY 436.90' W309.71' TO BEG AND EXCEPT ALL TH PT LYING E & S OF FOLL DESC LINE: COM 321.67' W OF SE COR LOT 2 TH N 361.29' E1220.57 TO E LN LOT 1 AND THERE TERMINATING MG MEDFORD ADDN City of Medford, Steele County, Minnesota.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

Staff presentation- Administrator Welti presented a memo to the Board.

Ultra Outlets of MN LLC is requesting a Conditional Use Permit to locate a church within one of the existing vacant spaces. According to Medford City Code, churches are allowed to be located upon a C-3 district as a conditional use.

Conditional Use Permits are assigned to the property and remain as long as the original use exists. Interim Use Permits are typically assigned to a temporary use. The church has indicated it is interested in leasing space from Ultra Outlets of MN LLC for a period of 1-2 years. The City could consider granting an Interim Use Permit for a period of four years, which will allow the church to lease the property for up to four years. If the church was still leasing at the end of four years, the property owners would have to reapply for an interim or conditional use permit.

The church does not appear to have a negative effect on the Comprehensive Plan nor upon the health, safety, and general welfare of occupants or surrounding lands. The church does not appear to have a negative effect upon findings 1-7 as listed on the Conditional/Interim Use Permit Request form. The existing parking spaces at the Outlet Center will accommodate the church's attendees. In recent years, an increasing number of churches have moved into former commercial spaces.

Applicant's presentation- Ms. Hellevik stated the church would likely be located in the former GAP store, on the west side of the center property.

Statements from the public-None

Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Luebbe, seconded by Harris to conclude the public hearing. Motion passed.

Discuss the proposal among board members- Zoning members asked if a space would be remodeled. Ms. Hellevik confirmed minor remodeling would be done within the existing store space. Members asked about the existing membership of the church. Ms. Hellevik stated they have approximately 300 members. Members asked if the services could be held outside in response to COVID. Ms. Hellevik replied it is a possibility.

The Planning and Zoning Committee considered Ultra Outlet of MN LLC's request for a IUP for up to 4 years to allow a church to be located upon the property. The Planning and Zoning Board found the following:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or sheltered from public view from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
5. The use is consistent with the purposes of this Land Use Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the Comprehensive Plan of the City.
7. The use will not cause a traffic hazard or congestion.

Action-Make a recommendation to the City Council to either approve or deny the interim use permit.

Motion by Harris, seconded by Luebbe, to make a recommendation to City Council to approve Ultra Outlet of MN LLC's request for an interim use permit to allow a church to be located upon the property for up to 4 years. Motion passed.

Motion by Stinocher, seconded by Harris, to adjourn the hearing at 6:50 p.m. Motion carried.

Planning & Zoning Board
City of Medford
Public Hearing for Proposed Ordinance Amending Section 4.25, Residential District (R-1),
An Ordinance Regulating Patios
Medford City Code
September 21, 2020 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Quiring, Brandvold, Luebbe, Stinocher, Harris

Members absent:

Others Attending: Administrator Welti, Chad Langeslag

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the proposed ordinance amending section 4.25, Residential District (R-1), An Ordinance Regulating Patios, Medford City Code.

Chairman Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

Staff presentation - Administrator Welti presented a memo regarding the proposed ordinance amending section 4.25, Residential District (R-1), Medford City Code. The following is a summary:

A property owner was excavating the front yard and appeared to be getting ready for construction. The property owner submitted a permit application to City Hall and indicated his intent was to install a patio in the front yard. Upon checking code and consulting with the City Attorney, the City Attorney concluded that a patio is an accessory use and must meet the setback standard, which is 25 feet for the front yard.

The City received one other inquiry within the past year about installing a patio or similar surface in a front yard. If the City begins to allow patios to be placed in the front yard, more patios may be placed in front yards in the near future. The likely number of patios placed in the front yards in the near future would likely justify amending City code rather than granting variances. Home makeover shows are showing updates to properties that include adding sitting areas in front yards.

Upon contacting three nearby cities, two allow patios to be placed in the front yard without a permit. One does not have setback regulations for patios. The other City reported a setback requirement of 20 feet. The third City reported a patio would be allowed as there is no reference to regulation in code.

At the September 2 Special Meeting, the Planning & Zoning Board chose to consider allowing patios to be placed in the front yard. At the direction of the Planning & Zoning Board and Council, City Attorney Rahrck drafted ordinance 2020-03 for consideration.

Considerations of regulation of patio size:

Square footage is easiest to administer and regulate. However, a homeowner may have a large front yard and only be allowed to install a relatively small patio or a homeowner may have small front yard and be allowed to install a relatively large patio.

Percentage of front yard is more difficult to administer and additional questions arise as to interpretation (ex: include the setback distances in the percentage calculations?) However, the size of the patio could be proportional to the size of the front yard.

Applicant's presentation- none

Statements from the public- none

Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Luebbe, seconded by Brandvold to close the public hearing. Motion carried.

Planning & Zoning Discussion:

Members discussed whether to regulate patios by square footage or percentage of the front yard. Members discussed the maximum square footage, which they correlated with the typical 25 foot setback of a principal structure and 10 foot setback of a patio as proposed in the ordinance. Members discussed whether wood structures would be considered patios. Patio pavers and cement slabs would be considered patios. Members discussed how to differentiate between driveways and patios; it would be based upon whether an impervious surface application for a driveway was submitted and the statement made by the property owner. Brief discussion related to regulations of patios and driveways occurred. Members discussed corner lots and the placement of a patio; only one front yard patio would be allowed per lot. General statements or questions about whether to allow patios in front yards were posed.

Action-Recommendations made to City Council.

Motion by Luebbe, seconded by Harris to make a recommendation to the City Council to adopt ordinance 2020-03 as presented, including the maximum of a 350 square foot patio. All members voted aye. Motion Carried.

Motion by Brandvold, Seconded by Stinocher to adjourn the public hearing at 7:35 P.M. Motion carried.

ZONING AND PLANNING MEETING
Regular Meeting
September 21, 2020, 7:00 p.m.

Roll call: Brandvold, Quiring, Harris, Stinocher, Luebbe

Absent:

Also in attendance: Administrator Welti, Chad Langeslag

Regular meeting called to order by Chairman Quiring at 7:35 p.m.

Agenda – Motion by Luebbe, seconded by Stinocher, to approve the agenda, motion carried.

Minutes from the July 20, 2020 meeting, and September 2, 2020 meeting and public hearing were read.

Motion by Harris, seconded by Brandvold to accept the minutes, motion carried.

Chairperson Report From Council Meeting – Chair Quiring reported that he attended the Council meetings and provided Council with a summary of the actions taken at the July 20 and September 2 Planning & Zoning public hearings and meeting. He reported that Council did not take action on the lot split/combination, which was the same action as the Planning & Zoning Board. He reported that Council approved the Interim Use Permit for Ultra Outlets of MN LLC, which was the recommendation of the Planning & Zoning Board.

Concerns from General Public- none.

Old Business- none.

New Business- none.

Adjourn the meeting- Motion by Harris, seconded by Stinocher to adjourn the meeting at 7:44 p.m., motion carried.

Next regular Planning & Zoning meeting is Monday, November 16, 2020, at 7:00 p.m.

Planning & Zoning Board
City of Medford
Vacation of Street/Right of Way – Amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004
December 7, 2020 – 4:30 PM

Chairman Quiring opened the hearing at 4:30 p.m.

Members present: Quiring, Luebbe, Brandvold, Harris

Members absent: Stinocher

Others Attending: Andy Welti

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the vacation of street/right of way – amending the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

Staff presentation-Administrator Welti presented information regarding the City's proposed action to amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.

The City Attorney was contacted by a title company requesting the City correct the legal description on a street vacation performed in 2004. The street vacation was for a crescent-shaped portion of a cul-de-sac on Fourth Avenue SW.

According to the City Attorney, the legal description for the portion of the street to be vacated was based upon a survey provided by Hosfield and Associates. It was determined that Hosfield's legal description had an error in it. The title company is requesting that the City adopt an amended resolution that contains the corrected legal description. Other than correcting the legal description, this action will not change the vacation that occurred on April 26, 2004.

The City Attorney and City Administrator recommend Planning & Zoning recommend to Council vacation of street/right of way – amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.

Applicant's presentation- The City Administrator presented the information noted above.

Statements from the public-None. *The public hearing was closed to the public. The Planning & Zoning packet was made available to view online and the public was provided with the option of submitting written comments or being called during the hearing to provide verbal comments. No public comments were received and no individual requested to be called to make verbal comments. No public participated through the virtual meeting that was made available.

Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Luebbe, seconded by Brandvold to conclude the public hearing. All members voted aye.
Motion Carried.

Discuss the proposal among board members-

A member asked if the amendment to the legal description would alter the vacation completed on April 26, 2004. Administrator Welti confirmed it would not alter the vacation.

Action- Motion by Harris, second by Brandvold to make a recommendation to the City Council to approve the vacation of street/right of way – amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004. All members voted aye. Motion carried.

Motion by Brandvold, seconded by Harris to adjourn the hearing at 4:44 p.m. All members voted aye. Motion carried.