

ZONING AND PLANNING MEETING
Regular Meeting
January 16, 2018 7:00

Roll call: Quiring, Brandvold, Luebbe, Rosenbaum

Absent: Barbeau

Also in attendance: Administrator Welti

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

Agenda – No changes

Motion by Rosenbaum, seconded by Luebbe to approve the agenda as presented, motion carried.

Minutes from the November 20, 2017 meeting and public hearings were read.

Motion by Quiring, seconded by Rosenbaum to accept the November 20th minutes, motion carried.

Election of Officers

Motion by Luebbe, seconded by Rosenbaum to elect the slate of officers noted below, motion carried.

Chair – Richard Quiring

Vice Chair – Rob Barbeau

Secretary – Mathew Rosenbaum

Chairperson Report From Council Meeting - Chair Quiring informed members that Council agreed with and approved the Planning & Zoning recommendations made at the November meeting and public hearings.

Concerns from General Public-None

Old Business-

A. None

New Business-

A. None

Adjourn the meeting-

Motion by Rosenbaum, seconded by Brandvold to adjourn the meeting at 7:30 p.m., motion carried.

Next Regular Planning & Zoning meeting is Monday, March 19, 2018 at 7:00 PM

ZONING AND PLANNING MEETING

Regular Meeting
May 14, 2018 7:00

Roll call: Quiring, Barbeau, Brandvold Luebbe

Absent: Rosenbaum

Also in attendance: Administrator Welti, Matt Dempsey

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

Agenda – Add fence setback for I-1 District and review of variances to New Business agenda

Motion by Barbeau, seconded by Luebbe to approve the agenda as amended, motion carried.

Minutes from the January 16, 2018 meeting and public hearings were read.

Motion by Luebbe, seconded by Brandvold to accept the January 16th minutes, motion carried.

Chairperson Report From Council Meeting - Chair Quiring did not attend the January Council meeting. Administrator Welti reported that he informed Council of the election of officers.

Concerns from General Public-Matt Dempsey asked the Planning & Zoning Board to consider reviewing the fence setback in an I-1 District. Dempsey informed the Planning & Zoning Board that a relative owned a parcel that was zoned I-1 and that the setback for an I-1 district is 10 feet. Dempsey felt the setback was too great and it should be reduced.

Old Business-

A. None

New Business-

- A. I-1 Fence Setbacks - Planning & Zoning Board members discussed the fence setback of an I-1 District. Administrator Welti reviewed the I-1 Code and the businesses permitted in an I-1 District. The City has approximately five properties zoned I-1. Planning & Zoning members discussed the distance, possible reasons for a 10 foot setback and wanted more information as to fence setback distances of similar districts in other communities.
- B. Variances - Administrator Welti reviewed a memo drafted by the City Attorney, and a memo created by the League of Minnesota Cities regarding variances. Planning & Zoning Board members reviewed the legal standards of practical difficulties and undue hardship. Members also discussed other factors including economic factors, and neighborhood opinion based upon the guidance provide by the documents.

Adjourn the meeting-

Motion by Barbeau, seconded by Brandvold to adjourn the meeting at 8:40 p.m., motion carried.

Next Regular Planning & Zoning meeting is Monday, July 16, 2018 at 7:00 PM

Planning & Zoning Board
City of Medford
Public Hearing for Nevils Lot Combination Request
May 14, 2018 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Rich Quiring, Rob Barbeau, Mary Brandvold, and Dennis Luebbe

Members absent: Matthew Rosenbaum

Others Attending: Andy Welti, Judy Bauer, Brian Paulson, Matt Dempsey, Andrew Nevils, Charles Speiker

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Andrew Nevils' lot combination request for the property located at 210 3rd Ave SW; Lot 7, Block 40, Johnson & Company's Addition (Parcel No. 16-101-4007), and Lot 1, Block 3, Jones First Addition (Parcel No. 16-105-0301).

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

1. Staff presentation-Andy Welti presented background information about Andrew Nevils' lot combination request. City code requires a principal structure be built upon a parcel before an accessory structure. Mr. Nevils intends to build a garage on the parcel that does not contain a home or principal structure. An administrative land survey has been conducted to create one lot from the two existing lots. The newly created lot would meet the City's minimum lot size for a buildable residential lot (75' X 120'). The land is currently zoned R-1.

Two other property owners in this area of the City with the similar lot layouts have applied for and been granted approval to combine lots through an administrative land survey for the purpose of building accessory structures.

2. Applicant's presentation-Andrew Nevils stated that he intends to build a garage or shed upon the parcel that does not contain a principal structure or home. He asked Planning & Zoning to approve the administrative land survey and lot combination request so that he could build the garage or shed. He intends to store his hobby items in the shed, so fewer items would be placed in his yard.
3. Statements from the public-Chair Quiring opened the public hearing for public comments. Bryan Paulson and Charles Speiker, neighbors of Andrew Nevils, were present to voice their support for the Nevils' request for a lot combination.

Judy Bauer asked why the City hasn't combined all of the lots that are of a similar layout in this area of the City. Administrator Welti informed Ms. Bauer that it is the choice of the private land owner as to whether lots are combined, sold, etc. The cost of the administrative land survey and lot combination process is the responsibility of the individual land owner.

4. 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.

Discuss the proposal among board members-

Luebbe said he supported the lot combination request.

5. Action-Recommendations made to City Council.

- A. Motion by Brandvold, seconded by Barbeau to recommend to the Council to approve the lot combination request for Andrew Nevils' property located at 210 3rd Ave SW; Lot 7, Block 40, Johnson & Company's Addition (Parcel No. 16-101-4007), and Lot 1, Block 3, Jones First Addition (Parcel No. 16-105-0301). Motion Carried.

Motion by Barbeau, seconded by Brandvold to adjourn the public hearing. Motion carried.
Public hearing adjourned at 7:15 p.m.

Planning & Zoning Board
City of Medford
Public Hearing for Maas Front & Rear Yard Setbacks Variance Request
June 4, 2018 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Rich Quiring, Rob Barbeau, Mary Brandvold, Dennis Luebbe and Matt Rosenbaum

Members absent:

Others Attending: Andy Welti, Joe Maas, Howard Wolf and Dave Nelson

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Joe Maas's front and rear yard setbacks variance request for the property located at 311 3rd St NE, Medford.

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

1. Staff presentation-Andy Welti presented background information about the front and rear yard setbacks variance request.

Joe Maas is requesting a variance to reduce the front yard setback by 10 feet (15 foot front yard setback) and the rear yard setback by 5 feet (20 foot rear yard setback) to build a principal structure (home) upon the undeveloped lot located at 311 3rd St NE; Lot 5 and N 20' of Lot 6 Block 28, Medford. The property is zoned R-1.

The undeveloped property or lot located at 311 3rd St NE was created through an administrative land survey, and approved by the Planning & Zoning Board and Council in November of 2015. The minimum lot size allowed in the City of Medford is 75 ft. X 120 ft. The lot located at 311 3rd St NE (Parcel A on the attached survey) is 79 ft. X 141 ft.

Setbacks for principal structures or homes are 10 feet for side yards and 25 feet for front and rear yards.

Each lot line or yard of a corner lot abutting a street is considered to be a front yard according to Medford City Code and must meet the front yard setback of 25 feet. In reviewing aerial images of homes built on corner lots in Medford in the recently developed subdivisions, all homes also have one 25 foot rear yard setback, the rear yard is directly opposite the front of the home.

Based upon the aerial images, it appears all homes on corner lots in recently developed subdivisions in Medford meet the setback requirements.

Upon review of variances granted since 1999 it appears no newly constructed homes built upon corner lots were granted a variance for setbacks.

Luebbe asked when the lot was created. Welti answered 2015. Luebbe asked if any questions or concerns were raised at the time the lot was created about a builder being able to meet setback requirements. Welti stated no.

2. Applicant's presentation-Joe Maas stated he intends to build a single family home upon the parcel located at 311 3rd St NE in Medford. He could build a home meeting the setbacks; however, he is requesting a variance from the front and rear yard setbacks because the individual who intends to build a home upon the lot wants to build a three stall garage on the home. To accommodate the garage and have space for the home and yard, the layout of the home was designed to have the front of the home face 3rd Ave NE.

Maas stated the front of the home as proposed with the variance would match the front of the home of the property to the west. The alignment would be aesthetically pleasing. The home would increase values in the neighborhood.

Maas stated he measured setbacks of homes throughout Medford. The measurements, mainly taken from the older sections of Medford, showed that setbacks varied on the lots for which he produced aerial images for the Planning & Zoning Board to review.

Chair Quiring stated the Planning & Zoning Board must consider current code and setbacks of properties built in recently developed subdivisions.

3. Statements from the public- Dave Nelson stated he was in favor of a new home being built upon the lot. He stated that what you allow for one individual, you must allow for all individuals and that was his reservation.

Howard Wolf – Provided history of the lot sizes and layout of the block. Howard stated he did not have any concerns with the layout of the home and that he was in favor of the variance request.

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

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

Discuss the proposal among board members-

Criteria for Granting Variances. The Board discussed the 5 criteria that need to be met to grant a variance to the Land Use Ordinance. The variance may be granted only in the event that all of the criteria are satisfied. The board concluded that not all of the criteria have been met for the variance request.

1. The requested variance is in harmony with the purposes and intent of the ordinance because the applicant is proposing to build a home in a residential district.
2. The requested variance is consistent with the comprehensive plan.
3. The property owner does propose to use the property in a reasonable manner because the applicant is proposing to build a home in a residential district.
4. There are not unique circumstances to the property not created by the landowner because the lot meets the minimum lot size as required by City Ordinance. The applicant is proposing setbacks that do not conform to setbacks stipulated in City Ordinance. The circumstances are created by the landowner due to the layout or design of the house plan as designed by the applicant.
5. The variance will maintain the essential character of the locality because the property is zoned R-1 and the applicant intends to build a home upon the property.

5. Action-Recommendations made to City Council.

A. Motion by Luebbe, second by Quiring to make a recommendation to City Council to deny the variance request for the front and rear yard setbacks variance request because the Planning & Zoning Board finds that the impervious surface is in harmony with the general purpose and intent of the land use ordinance, the proposed use is consistent with the comprehensive plan, property owner proposes to use the property in a reasonable manner, the landowner's problem is not due to circumstances unique to the property not caused by the landowner, granting the variance will not alter the essential character of the locality, and the applicant would use the property in a manner that is not allowed under the Land Use Ordinance. Motion Carried Unanimously.

Motion by Rosenbaum, seconded by Brandvold to adjourn the Public Hearing at 8:01 p.m. Motion Carried.

ZONING AND PLANNING MEETING

**Regular Meeting
July 16, 2018 7:00**

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

Absent:

Also in attendance: Administrator Welti

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

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

Minutes from the May 14, 2018 meeting and June 4, 2018 public hearings were read.

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

Chairperson Report From Council Meeting - Chair Quiring provided an update to Planning & Zoning regarding Council's action to approve the variance request of Joe Maas at the June Council meeting. Administrator Welti reported that he informed Council at the May Council meeting that Planning & Zoning discussed fence setbacks in an I-1 district.

Concerns from General Public-none.

Old Business-

- A. I-1 Fence Setbacks - Planning & Zoning Board members discussed the fence setback of an I-1 District. Administrator Welti reviewed the I-1 Code and the results obtained from surveying area communities about setbacks in light industrial districts.

The City of Medford has approximately five properties zoned I-1.

Planning & Zoning members discussed the depths of setbacks, distance between fences created by setbacks, possible reasons for setbacks, depth needed for maintenance of fences, ordinances written to apply to all districts versus specific districts, and other factors to consider. Planning & Zoning members will further discuss the light industrial district fence setback issue at the September meeting.

New Business- none

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

Next Regular Planning & Zoning meeting is Monday, September 17, 2018 at 7:00 PM

ZONING AND PLANNING MEETING
Regular Meeting
September 17, 2018, 7:00 p.m.

Roll call: Quiring, Brandvold, Luebbe
Absent: Barbeau, Rosenbaum
Also in attendance: Administrator Welti

Regular meeting called to order by Chairman Quiring at 7:04 p.m.

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

Minutes from the July 16, 2018 meeting were read.

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

Chairperson Report From Council Meeting - Chair Quiring and Administrator Welti reported that they informed Council at the July Council meeting that Planning & Zoning discussed fence setbacks in an I-1 district.

Concerns from General Public-none.

Old Business-

- A. I-1 Fence Setbacks - Planning & Zoning Board members discussed the fence setback of an I-1 District. The City of Medford has approximately five properties zoned I-1.

Planning & Zoning members discussed whether it was good policy to change setbacks or zoning code often, creating setbacks to address a current issue versus establishing long-term policy, the I-1 fence setback currently impacts 5-6 properties in Medford, changing one setback may result in changing additional setbacks, maintenance challenges and issues of land created by the setbacks, requiring privacy fencing or screening.

In addition the members discussed whether to allow fences to be built upon the property lines of adjoining light industrial parcels if the property owners sign an agreement. Questions were raised about whether the City would require a written agreement, and how disputes between neighbors would be resolved.

Motion by Luebbe, seconded by Brandvold, to table discussion of the fence setback. Planning & Zoning members will further discuss the light industrial district fence setback issue at a future meeting.

- B. R-1 Fence Setbacks - Planning & Zoning Board members discussed the fence setback of an R-1 District.

Planning & Zoning members discussed the two foot setback causing maintenance challenges and issues.

In addition the members discussed whether to allow fences to be built upon property lines if neighboring property owners signed an agreement. Members discussed the main reason for establishing a two foot setback, based upon past Planning & Zoning minutes and current discussions, was to prevent property owners from building fences on property lines that may lead to disputes in the future. Questions were then raised about whether the City would require a written agreement, and how disputes between neighbors would be resolved.

Motion by Luebbe, seconded by Brandvold, to table discussion of the fence setback. Planning & Zoning members will further discuss the R-1 district fence setback issue at a future meeting.

New Business- none

Adjourn the meeting- Motion by Brandvold, seconded by Luebbe to adjourn the meeting at 7:50 p.m., motion carried.

Next Regular Planning & Zoning meeting is Monday, November 19, 2018 at 7:00 PM

ZONING AND PLANNING MEETING
Regular Meeting
November 19, 2018, 7:00 p.m.

Roll call: Quiring, Luebbe, Barbeau, Rosenbaum

Absent: Brandvold

Also in attendance: Administrator Welti

Regular meeting called to order by Chairman Quiring at 7:26 p.m.

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

Minutes from the September 17, 2018 meeting were read.

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

Chairperson Report From Council Meeting - Chair Quiring reported that he informed Council at the September Council meeting that Planning & Zoning discussed fence setbacks in an I-1 and residential districts.

Concerns from General Public-none.

Old Business-

- A. R-1 and R-2 Fence Setbacks - Planning & Zoning Board members discussed the fence setbacks.

Planning & Zoning members continued discussions from the previous meetings regarding neighbor disputes arising over fences placed on the property lines. Upon changing the ordinance to allow fences to be built on property lines, disputes between neighbors will become an issue. However, allowing fences to be built upon property lines would alleviate maintenance challenges. Members expressed that there would be pros and cons to leaving the code as is or changing it. The general consensus was that changing the setback would likely lead to more issues than leaving the setbacks as currently written in the City Code.

Motion by Rosenbaum, seconded by Barbeau, to leave the fence setbacks in R-1 and R-2 districts as currently written. Motion carried.

- B. I-1 Fence Setbacks - Planning & Zoning Board members discussed the fence setbacks of an I-1 District. The City of Medford has approximately five properties zoned I-1.

Planning & Zoning members discussed the 10 foot setback as a reasonable setback to alleviate potential nuisances caused by items stored on an outside lot of a I-1 district. In addition, the setback may be beneficial for utility needs within easements.

Motion by Luebbe, seconded by Barbeau to leave the fence setbacks in an I-1 district as currently written. Motion carried.

New Business- none

Adjourn the meeting- Motion by Rosenbaum, seconded by Barbeau to adjourn the meeting at 8:00 p.m., motion carried.

Next Regular Planning & Zoning meeting is Monday, January 14, 2018 at 7:00 PM

Planning & Zoning Board
City of Medford
Public Hearing
Medford Funeral Home CUP Review
November 19, 2018 – 7:00 PM

Chairman Quiring opened the hearing.

Members present: Rosenbaum, Quiring, Luebbe, Barbeau

Members absent: Brandvold

Others Attending: Andy Welti, John Kilness

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the Medford Funeral Home CUP review for the property located at 310 E. Central Ave., Medford.

Legally described as:

Lots 5, 6, 7 and 8, all in Block 32 in Johnson & Company's Addition to the Village of Medford, Minnesota.
AND
North Half of Vacated First Avenue Southeast abutting said Lot 8.

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

Staff presentation-Andy Welti presented review of the CUP.

According to the issued conditional use permit, the permit for Medford Funeral Home is to be reviewed every three years. Upon review of the special conditions, Medford Funeral Home is in compliance with the special conditions.

Conditional Use Permits are assigned to the property and remain as long as the original use exists. Included in the packet is the revised CUP for Medford Funeral Home. The revised CUP, for your consideration for approval, deletes the reference to the 3 year review requirement, and deletes the reference to the requirement that the CUP only exists as long as the current owner owns the property.

CUPs will remain in effect unless the conditions are not met or until the conditional use is no longer in use.

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 Barbeau, seconded by Rosenbaum to conclude the public hearing.

Discuss the proposal among board members-

The Planning & Zoning Board Finds:

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.

The Planning & Zoning Board proposes the continuation of the following conditions of the CUP:

Conditions

1. The setbacks for an R-1 zoning district shall be followed.
2. The Property shall be used for no other use than as a funeral home.
3. There shall be no crematorium on the Property.
4. The operations shall be conducted in compliance with all municipal, state, and federal laws and regulations.

Action- Motion by Luebbe, seconded by Rosenbaum to make a recommendation to City Council to approve the CUP for Medford Funeral Home. Motion Carried.

Planning & Zoning Board
City of Medford
Public Hearing
Medford Township Town Hall CUP Review
November 19, 2018 – 7:00 PM

Chairman Quiring opened the hearing.

Members present: Rosenbaum, Quiring, Luebbe, Barbeau

Members absent: Brandvold

Others Attending: Andy Welti, John Kilness, and Dave Pike

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the Medford Township Town Hall CUP review for the property located at 400 Central Ave., Medford.

Legally described as:

All that part of Lot 4, Block 37, Johnson and Company's Addition to the Village of Medford, Minnesota, lying west of the following described line:

Commencing at the northwest corner of said Lot 4; thence S 89°36'00" E, assumed bearing, 59.00 feet along the north line of said Lot 4 to the True Point of Beginning; thence S 01°12'30" E 66.00 feet to the south line of said Lot 4; and there terminating.

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

Staff presentation-Andy Welti presented review of the CUP.

According to the issued conditional use permit, the permit for Medford Township Town Hall is to be reviewed every three years. Upon review of the special conditions, Medford Township Town Hall is in compliance with the special conditions.

Conditional Use Permits are assigned to the property and remain as long as the original use exists. Included in the packet is the revised CUP for Medford Township Town Hall. The revised CUP, for your consideration for approval, deletes the reference to the 3 year review requirement, and deletes the reference to the legal description since it is already included in the CUP document.

CUPs will remain in effect unless the conditions are not met or until the conditional use is no longer in use.

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 Rosenbaum, seconded by Barbeau to conclude the public hearing.

Discuss the proposal among board members-

The Planning & Zoning Board Finds:

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.

The Planning & Zoning Board proposes the continuation of the following conditions of the CUP:

Conditions:

1. The permit is contingent upon the ownership of the property by Medford Township.
2. Medford Township cannot rent out the building to any others.
3. Medford Township is responsible for any assessments.

Action- Motion by Rosenbaum, seconded by Barbeau to make a recommendation to City Council to approve the CUP for Medford Township Town Hall. Motion Carried.

Planning & Zoning Board
City of Medford
Public Hearing
Medford Senior Care restaurant IUP Review
November 19, 2018 – 7:00 PM

Chairman Quiring opened the hearing.

Members present: Rosenbaum, Quiring, Luebbe, Barbeau

Members absent: Brandvold

Others Attending: Andy Welti, John Kilness

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the Medford Senior Care restaurant IUP review for the property located at 108 3rd St NE, Medford.

Legally described as:

Lot 1, Block 1, Wencil Old School Third Addition, County of Steele, State of Minnesota.

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

Staff presentation-Andy Welti presented review of the CUP.

According to the issued interim use permit, the interim use permit for Medford Senior Care restaurant is to be reviewed every three years. Upon review of the special conditions, the Medford Senior Care restaurant is in compliance with the special conditions.

Interim Use Permits are typically assigned to a temporary use. The Interim Use Permit has been changed to a Conditional Use Permit since the restaurant is a permanent facility. The drafted CUP includes the same special condition as the original IUP for Medford Senior Care. The CUP, included for your consideration for approval, deletes the reference to the 3 year review requirement.

CUPs will remain in effect unless the conditions are not met or until the conditional use is no longer in use.

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 Barbeau to conclude the public hearing.

Discuss the proposal among board members-

The Planning & Zoning Board finds.

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.

The Planning & Zoning Board proposes the continuation of the following conditions of the CUP:

Conditions

1. Sales and use of alcohol on the premises are prohibited.

Action- Motion by Luebbe, seconded by Rosenbaum to make a recommendation to City Council to approve the CUP for Medford Senior Care restaurant. Motion Carried.

Planning & Zoning Board
City of Medford
Vacation of Utility Easement
November 19, 2018 – 7:00 PM

Chairman Quiring opened the hearing.

Members present: Rosenbaum, Quiring, Luebbe, Barbeau

Members absent: Brandvold

Others Attending: Andy Welti, John Kilness

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the vacation of utility easement request on behalf of the City of Medford for the properties located at 303 1st Avenue NE, 206 2nd Street NE, 304 2nd Avenue NE, and 308 2nd Avenue NE; Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 30, Johnson & Company Addition to the 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-Andy Welti presented to the board the request of Vacation of Easement.

As a title company was preparing title documents for the sale of property located at 303 1st Ave NE, the company found that a garage was built upon the City's utility easement. The title company contacted the City on behalf of the buyer and seller and asked the City to take action in order for the new owner to be provided with a clear title. A survey was completed by the City Engineer in order to determine the exact location of the City's sewer line in relation to the easement provided in Block 30.

Upon receiving the survey, it was determined that property located at 303 1st Ave NE had a building built upon Block 30's easement. It was also determined that the sewer line of Block 30 was installed at an angle and is not fully covered by the easement.

The City Attorney, Engineer, and I recommended to Council that the City vacate the current easement, and create a new easement to provide for an easement on both sides of the sewer line. The creation of the new easement required agreements to be signed by the property owners of 303 1st Ave NE, 206 2nd St NE, and 304 and 308 2nd Ave NE. All owners signed the easement agreements.

All utility providers were contacted and all providers responded that they did not oppose the vacation of the easement.

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 Barbeau, seconded by Rosenbaum to conclude the public hearing.

Discuss the proposal among board members-

Action- Motion by Luebbe, second by Rosenbaum to make a recommendation to City Council to approve the vacation of the utility easement recommend in Resolution 2018-26 as presented.