

Kindred Planning & Zoning Commission Meeting Minutes
Wednesday, November 17th, 2021 ~ 6:30pm ~ Kindred City Hall

1. Call to Order at 6:34pm

Members present: Kersting, Thompson, Lammers. Absent: Mauch & Woller-Cornog.

Others present: Auditor Arnaud, PWS Schock, City Engineer Anthony Sommerfeld, Jason DuBord, Mark Erickson, Jamie Swenson, Mark Ottis, Tyler Kilde, Lance & Kari Nokleberg, Rob Sahr, Mike Brown, Lloyd Hoffarth.

2. Approval of meeting minutes

Motion to approve meeting minutes of 10/20/2021 by Thompson, second by Lammers; RCV – Motion Passed Unanimously.

3. Public Hearing: Variance Application by Lance & LaVonne Nokleberg for 140 Linden St, Reduced Rear Setback for Accessory Structure

Mrs. Kersting opened the public hearing for the variance.

Lance Nokleberg stated that he misunderstood the setback requirement for using the property line versus the gravel line at the alley way with the original variance application (P&Z approved on 08/19/2020 for max sq ft ground coverage and building height). The required rear setback for an accessory structure is 10' from the rear property line. This is what was indicated on the prior variance application and building permit documents for the new accessory structure. Lance said the foundation for the new garage was placed about 5' off the east property line, but only 3.5' off the rear property line because he had measured from the gravel line of the alley. No survey was completed, however, Lance said that property pins were located upon excavation of the previous garage foundation. The new foundation is already set with rebar and floor heat plumbing. He had building inspector Mike Blevins to the site when it was determined that the garage was not placed as his site plan had indicated. Lance said he planned to have an overhead door on the south side of the garage, accessing the alley.

Board asked Public Works for an opinion on the reduced setback and alleyway proximity. PWS Rich Schock, also Lance's neighbor, said that it could be left where the foundation is currently set without much issue of the building being in the way for alley clearance. However, access to the rear of the garage could be a concern. In a previous discussion, Lance told Rich he doesn't want to have a grass driveway from the alley to the garage. Rich said that gravel could be used, but pouring concrete past the property line is not allowed and can cause big issues with snow removal and maintenance if it is poured into the alleyway. Rich also noted that having a rear overhead door with the building only 3.5' from the alley right-of-way, wouldn't allow for exterior parking at the rear of the building.

Lammers shared that he has concerns with an alleyway setback of less than 10'. Further discussion on accumulating personal belongings outside the building and type of material that can be used for a driveway. Also discussed whether Lance would consider not having an overhead door on the south/alley side: Lance said that the door was a \$6K expense and was already ordered; he was unsure if the order could be cancelled so he was unsure if he would consider the build without it.

Tabitha shared there was no written comments or contact to City Hall regarding this matter. No further public comment from those in attendance.

Mrs. Kersting closed the public hearing for the variance.

Motion to approve the variance of 3.5' rear setback at 140 Linden St, noting no crushed or poured concrete driveway allowed by Lammers, second by Thompson; RCV – No = Lammers, Thompson, Kersting; Yes = None; Motion Failed.

4. Public Hearings: Proposed Westbrook Addition – Parcel 04-0300-000979-070 Preliminary Plat, Rezone from Agricultural District to SFR-3

Kersting opened the public hearing for the preliminary plat.

Jason DuBord presented an updated preliminary plat for the proposed Westbrook Addition, as the team's engineer was unable to attend due to COVID. DuBord stated that previous concerns with smaller lots were addressed and all lots are now at or above the minimum required width of 60'. The goal is not to have row-housing or cookie cutter type construction. Kersting thanked the developers for bringing the lots into code for SFR-3 zoning, stated she would like to see 9th Ave S continued into the development. Discussion on the number of entrances and emergency response point-of-view on needs.

DuBord shared that the pond/park area was moved more southerly so access is more public friendly. This also helps the Park District's concerns of financials/special assessments. Lammers asked where the public parking would be located? Off of 53rd? DuBord said they would hopefully be able to use portions of the Maple St area as well. Lammers asked about intent for sidewalks or alternate safe routes to school. DuBord said the developers are definitely considering sidewalks, noting that construction costs have increased dramatically in the two years since beginning this development and recent discussions have considered not installing sidewalks to save on special assessments for each lot.

DuBord said the initial thoughts on the fishing pond construction was that the costs would be covered under a ND Game & fish program. It turns out that the costs are not fully funded and would need to be applied for by the Park District. The estimated cost is \$200K, NDG&F grant would pay \$60K, so the developers would be covering the remaining \$140K. Realtor Jamie Swenson shared that the 4.01 acres indicated on the preliminary plat is not the full pond area, only 2.5 acres would be the pond, the other 1.5 acres would be available for parks/greenspace and off-street parking. Lammers stated that off-street parking would be important so as to not clutter up streets in front of residences. DuBord said the developers want to keep costs to the Park District at a minimum and the developers want to pay for all that they can. They have discussed covering the costs for a gravel parking lot to start with, but promising that at this time is uncertain. Rob Sahr and Mike Brown of the Park District said they are hoping to get an additional 1-2 acres of land on the west of the indicated preliminary platted park area for more parking and recreation area. DuBord said that the NDG&F has specific slope requirements for the pond but design and pond layout is negotiable to maximize space use. Mark Erickson said that irregular (kidney bean) shaped ponds increase shoreline fishing access versus a simple oval or rectangular shaped pond.

Kersting noted that the preliminary plat is missing about 4 acres of the 29.71-acre parcel that is being platted. This is on the far west side of the platted area. According to ordinance, the full parcel needs to be included.

MLGC President Tyler Kilde asked about utility easements not being indicated on the plat, and whether lift stations would be required as those are not indicated either. DuBord again said he would confirm this with the development team and engineer. City Engineer Anthony Sommerfeld (Moore Engineering) and PWS Rich Schock said that lift stations would very likely need to be included as gravity is not an option for this area. Kilde said that Westbrook and MLGC connections could be reviewed for strategic placing of lift stations. Sommerfeld noted that fewer lift stations are ideal to reduce operations and maintenance costs, and the full master plan of the developments should be considered so adequate infrastructure is included.

Kilde also stated that MLGC is currently undergoing plans to request the city to vacate a portion of rights-of-way for Linden St and Maple St by 7th Ave S, noting that he had submitted a preliminary plat just today. Sommerfeld and Schock said that Linden St easements will need to remain for the existing water main that is a direct source from the water reservoir to the water tower. They also shared that there has been very "infant" stage discussion on updates or removal of 7th Ave S due to clearance issues at Elm St and RR/VW tracks. Kersting noted again that she strongly encourages 9th Ave S to continue into the development and not create a dead-end road. Sommerfeld noted that Moore Engineering and the Public Works Committee did a full review of the preliminary plat and submitted a letter itemizing the areas to be remedied and/or discussed.

Kersting recommended tabling the preliminary plat until more of the details are incorporated into the documentation. DuBord stressed that the developer team would like to move forward with the preliminary

plat, knowing that the details would be put together into the final plat document/process. Lammers said that there are a lot of items remaining that are not included, even a portion of the land being platted itself. Kersting asked what the options were for the preliminary plat decision: Tabitha shared that the board could table the decision until a later date, they could deny it, or they could approve it with conditions of specific items to be addressed. Referring to the ordinance, it also says that a preliminary plat is valid for two years after approval allowing plenty of time for the final plat to be determined. Tabitha shared that the letter from Moore Engineering and the PW Committee was just provided to the developers late this afternoon, so they have had little-no time to review the documents provided. It is very specific and included exactly what would need to be added to the preliminary plat, and it also included specific comment from the attorney team on the plat language; using this as a list of “conditions” for approval of the preliminary plat would be valid. The letter also states that an additional meeting needs to be held between the PW Committee and the developers. DuBord said the developers would like to see the preliminary plat approved and be able to move forward to save time; they are willing to plan, discuss, and revise as the city requests.

Sommerfeld discussed a few items on the Engineer/PW list including: the angles of the intersection of Linden St and 8th Ave S, the temporary turnarounds on the west ends of Linden St & Maple St causing issues with easements on the lots, lift station locations, and current or existing easements on properties that may need a title opinion to be completed. He also said that a preliminary plat is a good way to see if this specific area of the community is suitable for development. The final plat details can be addressed if the city board’s all agree that this area is a good fit for residential homes.

Mike Brown asked if the Park District would need to sign on the plat documents or not? Tabitha shared confirmation with the attorney that the land dedication to the park district can be completed either by plat signature (easiest, clearest way) or by using deed work after the plat is approved (more paperwork).

DuBord said that this development all began with the plan to bring a fishing pond to Kindred as a unique amenity. The preliminary plat is the first step in planning, many more agencies involved will continue to progress the plans.

Lammers noted it is hard to consider pushing off the list of items that need to be addressed. Mark Ottis shared that PVI Developers experience with Newport Ridge was that P&Z and City Council help special meetings to expedite the process when it was necessary. Lammers said it can take quite a bit of time to go through these processes and having dedicated developers and city staff is helpful.

No written comments were submitted and no additional public comments were had.

Kersting closed the public hearing for the preliminary plat.

Motion to approve the Preliminary Plat for Westbrook 1st Addition with conditions outlined by Public Works Committee, Moore Engineering, and Ohnstad Twichell and to schedule a meeting with the Public Works Committee by Lammers, second by Thompson; RCV – Motion Passed Unanimously.

Kersting opened the public hearing for the rezone from Ag to SRF-3.

Mark Ottis asked who was requesting the rezone to be completed. The application submitted by Westbrook Development, LLC with the written approval of the legal owner, Barbara Ottis, had submitted to have the rezoning and preliminary plat completed simultaneously. DuBord said that the rezone could be held off until a later time when the preliminary plat is further revised and ready for final plat approval. All agreed to close the public hearing and table any action until a later date is determined.

Kersting closed the public hearing for the rezone. No action taken.

- 5. Permit Report** – One new building permit issued since last month: one new single-family residential.

6. Additions

Lance Nokleberg asked to confirm his next steps or options on the construction of the new garage on his property. He noted that the plumbing inspection was already completed and he had the money invested. What can be done to verify the placement and complete the work? Can the decision be changed? Tabitha shared that the board could rescind the previous motion, revise it, and re-vote.

The board said Lance could move the foundation to be set back 10' from the rear property line and keep the overhead door on the south side of the garage; that would be within the code and would require no additional requests or variances. If he should decide to not have the overhead door on the south side of the garage, he could apply for another variance.

7. Adjournment

Motion to adjourn at 8:03pm by Thompson, second by Lammers; RCV – MP

P&Z Board Member

Tabitha Arnaud, City Auditor

Date approved