

**CITY OF HUBBARD  
PLANNING COMMISSION MINUTES  
OCTOBER 18, 2022**

**CALL TO ORDER.** The Hubbard Planning Commission meeting was called to order at 6:30 p.m. by Planning Commission Chair Scott Stierle.

**Planning Commission Present:** Planning Commissioner Glenn Holum, Planning Commission Chair Scott Stierle, Planning Commissioner Nik Kulikov, Planning Commissioner Fil Kartal, Planning Commissioner Patrick Marnell.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, Administrative Assistant/Court Clerk Julie Hedden, Public Works Superintendent Mike Krebs, City Planner Holly Byram, MWVCOG.

**FLAG SALUTE.** Planning Commission Chairman Scott Stierle led the group in the flag salute.

**SWEARING IN OF PLANNING COMMISSION MEMBER.**

**a) Patrick Marnell.**

Director of Administration/City Recorder Vickie Nogle swore in Planning Commissioner Patrick Marnell with a term ending December 31, 2024.

**CONTINUED PUBLIC HEARING FROM SEPTEMBER 20, 2022 – APPLICANT REQUEST TO CONTINUE TO JANUARY 17, 2022.**

**a) Planned Unit Development #PUD 2022-01 / 11984 Broadacres Road NE, Hubbard (Icon Construction & Development, LLC. Attn: Harlan Borow; Frank J Bronec QTIP Trust & Columbia Trust Company TRE) The 56.38 acres (54.42-acre Parcel 1 plus abutting rights-of-way) Bear Creek Planned Unit Development (PUD) Subdivision is a proposed residential development totaling 324 dwelling units on 204 lots.**

Planning Commission Chairman Scott Stierle continued the Public Hearing from September 20, 2022, at 6:33 p.m.

City Planner Holly Byram recommended the Planning Commission continue this public hearing to January 17, 2022, Planning Commission meeting. She said the applicant requested additional time to respond to the recommended conditions of approval and to the public testimony that was received at the open Public Meeting that was held September 20, 2022. S stated there has been a change in the team that brought forth the application, the developer, Icon Construction, is leaving the project and the property owners want to continue with the current application.

MSA/Planning Commissioner Glenn Holum /Planning Commissioner Patrick Marnell motioned to continue the public hearing for the Bear Creek PUD, file #PUD 2022-01, to the January 17, 2023, Hubbard Planning Commission meeting. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, Planning

Commissioner Nik Kulikov, and Planning Commissioner Patrick Marnell were in favor. Motion passed unanimously.

**b) Variance #VA 2022-02 / 3735 5<sup>th</sup> Street, Hubbard (Lance Courtney). Request to waive setback requirement for an accessory structure.**

Planning Commission Chairman Scott Stierle opened the Public Hearing at 6:38 p.m.

Planning Commission Chairman Scott Stierle read the legislative hearing statement.

City Planner Holly Byram, MWVCOG, read the criteria standard script.

Planning Commission Chairman Scott Stierle asked for any declarations of ex parte contact, bias, or conflict of interest. Planning Commissioner Fil Kartal said he drove past the property that is being discussed.

City Planner Holly Byram summarized the staff report. She stated this is a land use application for a major variance. The applicant lives at 3735 5<sup>th</sup> Street, Hubbard and what they are requesting is to restore a historic garage structure on their property which would require a major variance of the side yard (street side) set back. The property is zoned R1, which requires a side yard setback of 20 feet, and the garage is shown as 5 feet 4 inches from the side property line along C Street. This standard can only be satisfied if the variance is granted.

City Planner Holly Byram said the property is located at the intersection of 5<sup>th</sup> Street and C Street, and the house is a single family dwelling with one existing driveway and a historic garage pad that is paved with no current driveway to it, both accessed off of the C Street side. The applicant is proposing to use the existing footprint, the pad and the concrete walls and simply extend the walls up and cover it with a roof. The issue with this is in a R1 zone, a garage accessing the street has to be set back 20 feet and this historic garage would only be set back 5 feet 4 inches. She went on to say the applicant states that homes in this district enjoy a similar setback for their historic structures and he is simply trying to recoup the structure that was there previously.

City Planner Holly Byram stated there are a couple of important criteria to look at when granting this variance, that the variance would not create significant adverse impact on the appearance, function or safety of the subject property and it also wouldn't impose limitations on other properties in the area. The reason for the 20-foot setback is to ensure that houses provide sufficient off street parking, typically a minimum of 2 parking spaces met by a garage and driveway, and in this case the house has an existing driveway that can provide that off street parking. She went on to say in this case in order to access the proposed garage the applicant will need to pour a driveway apron so a vehicle can access the public street that is paved there on C Street, so the driveway apron would look just like his other driveway apron, which would bring this off street parking space into compliance. Furthermore, the City did not receive any concerns from neighbors about the proposal.

City Planner Holly Byram said the last section of criteria is about non-conforming uses which are uses and structures that are put into place before a certain code or ordinance is adopted. While the

City encourages them to come into compliance eventually, they are grandfathered in or allowed to remain. The criteria to consider to change the non-conforming use or structure for this are, does the alteration result in a non-conformity of the use and would they have no greater impact on the neighborhood. She went on to say the concrete pad and have the walls so the proposed garage will reduce the nonconformity of the existing pad, and there will be no greater impact on the neighborhood and it can be argued that building the permanent garage would be an improvement over the temporary structure that is there.

City Planner Holly Byram said Staff recommends approval of the application subject to the conditions of approval listed on page 9 of the Staff Report.

City Planning Commission Chairman Scott Stierle asked if there were any questions of staff from the Planning Commission before we continue and accept public testimony.

Planning Commission Chairman Scott Stierle asked if there was anyone who would like to speak in support.

Matt Kennedy, 3635 5<sup>th</sup> Street, said he grew up on 4<sup>th</sup> Street and staff has noted that it is a historic garage, and what troubles him is the applicant has had to come down here and go for a variance to put the roof back on an existing building. He went on to say the applicant is not asking to build anything or create any different setback than has been there since at least the 1970's. Furthermore, he is in favor of the applicant doing this project, which would be big improvement to the neighborhood to put a long missing roof on an existing structure.

Planning Commission Chairman Scott Stierle asked if there was anyone who would like to speak in opposition of the application, and if there was anyone who would like to speak neither for nor against the application. There was none.

Planning commission Chairman Scott Stierle asked if the Planning Commission would like the applicant to address any of the testimony.

Planning Commissioner Glenn Holum asked the applicant to clarify that the drainage slopes away from the building and by adding an apron you are not going to get a grade that slopes into the building.

Lance Courtney said that is correct, the drainage will not change by adding the apron.

Planning Commission Chairman Scott Stierle said before he closed or continued the public hearing if there are any additional questions from the Planning Commissioners of staff or anyone. He went on to say as a reminder that once he closed the hearing only Commissioners or staff may speak. There were none.

Planning Commission Chairman closed the Public Hearing at 6:56 p.m. and said he will entertain discussion on the application and/or a motion.

MSA/Planning Commissioner Fil Kartal /Planning Commissioner Patrick Marnell motioned to approve Major Variance file #VAR 2022-02, and adopt the recommended findings and conditions of approval contained in the Staff Report as presented. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, Planning Commissioner Nik Kulikov, Planning Commissioner Patrick Marnell were in favor. Motion passed unanimously.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be November 15, 2022 at 6:30 p.m.)** MSA/Planning Commissioner Glenn Holum /Planning Commissioner Patrick Marnell moved to adjourn. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov, Planning Commissioner Fil Kartal, Planning Commissioner Patrick Marnell were in favor. Motion passed unanimously. Meeting was adjourned at 7:00 p.m.




Scott Stierle  
Planning Commission Chairman

**ATTEST:**



Vickie L. Nogle, MMC  
Director of Administration/City Recorder  
Recording



Julie Hedden  
Administrative Assistant/Court Clerk  
Transcribing