

MINUTES
December 11, 2018 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers

Present: Jodi Hansen, Rochelle Conway, Andrew Anderson, John Sayles, Wendi Ingram, and Steve Nienhaus

Excused: Robert McFadden

Staff: Andrew Fangman, City Planner, Community Development
Dave Gobin, Community Development Director, Community Development
Christa Bailey, Office Coordinator, Community Development

Chairperson Jodi Hansen opened the meeting at 5:30 p.m and read the Mission Statement.

Minutes:

Steve Nienhaus motioned to approve the minutes submitted for the November 13, 2018 meeting; seconded by John Sayles. All ayes, motion carried.

Subdivision:

Subdivision Case PZS #13 – Gander Ridge Phase II Subdivision – Otis L. and Shawne A. Hindbaugh – 3 lots – 8.76 acres – 3802 Tipton Road

Bob DeKock, 102 Sterling Woods Ct, an attorney in Muscatine was present to discuss the proposed subdivision which would relocate the parcel lines of the 3 lots in a more logical manner. It would create a lot containing the Hindbaugh residence, a new lot to the north, and an outlot along the U.S. 61 Bypass. John Sayles questioned whether the owners are aware that the lot next to U.S. 61 Bypass is landlocked and not buildable because there is no frontage. Andrew Fangman corrected the statement explaining that there is frontage along the U.S. 61 Bypass. Bob DeKock stated that the land is currently used for farming and will probably continue to be used as such. However, if they were ever to change the use of the land, they may get an easement over lot 2 to get to the property.

Wendi Ingram motioned to approve the subdivision case; seconded by Andrew Anderson. All ayes, motion carried.

Other:

Request from City Council for a recommendation from the Planning and Zoning Commission on a change to parking lot surfacing standards

Andrew Fangman explained the request from City Council is in reference to City Code Section 10-27-8 which states the standards for all parking lots, garages, drive lines, and driveways is to be hard surfaced with materials such as cement or asphalt. The section lists surfacing materials that are not permitted including gravel and also states that other types of hard surfacing, that are not specifically prohibited, may be permitted with approval by the City Engineer. Fangman explained the current code was largely adopted in order to help the area comply with federal air quality standards.

Santos Saucedo, 3 Nelson Dr, was present to discuss the request. Saucedo explained that the proposed change is an attempt to stay consistent and have all comparable businesses have the same requirements for hard surfacing, regardless of when their parking lots were constructed. Saucedo provided a handout with examples of businesses that currently used gravel for expansions to their parking lots. Saucedo expressed concerns that grandfathered businesses are allowed to get away with expanding the lots with gravel even though they are not supposed to but new businesses are held to the code standards which is causing some businesses to move out of town. Saucedo then explained that he is looking for a recommendation pertaining particularly to trailer storage lots not the typical day-to-day parking lots and with a code change more businesses would be allowed to grow within the City of Muscatine. Saucedo also listed several alternatives that could be considered including calcium chloride, magnesium chloride, and tree sap alternatives.

Wendi Ingram questioned how many businesses have left Muscatine due to the constrictions for hard surfacing. Saucedo stated that he knows of at least 3 but he is not comfortable with stating the business names. Jodi Hansen stated

she would be interested in knowing the locations the businesses moved to instead and what their ordinances are. Saucedo said he would request the locations from the businesses. Hansen suggested then the staff could get the ordinance information from those locations.

John Sayles expressed his concerns about how current businesses were allowed to expand the lots using gravel but is not sure what the city can do now to enforce it. Sayles also questioned whether the request is for trailer storage because some people may be able to take advantage of the code if it is not clearly stated. Saucedo explained the request is for storage of semi-trailers and heavy industrial equipment and he is also wanting to try and cover everything so the city can stay consistent.

Jodi Hansen requested more information on grandfathering. Andrew Fangman explained that if the parking lot was not hard surfaced prior to the code change, that exact lot can remain as is as long as the use is not abandoned for over a year. Any expansions to the lot or new lots must be up to the code hard surfacing requirements. Fangman stated that there is no current permit required to expand parking lots so it can be done without the city's knowledge. Businesses will slowly add gravel to expand the current lot so that it is not particularly noticeable.

Steve Nienhaus questioned whether there any rules about water and dust pertaining to the grandfathered properties. Fangman answered yes, there are. Saucedo stated that yes there are rules but they are not regulated, no fines are given out and it is hard to maintain the regulation. Fangman said that the code was changed to the hard-surfacing requirements because it was too difficult to regulate.

Saucedo asked the commission to look at the request from a business owner's point of view, they can buy land in Muscatine and spend more money for hard surfacing or they can move a few miles away where there are no hard-surfacing requirements. Saucedo stated he wants the code change to allow businesses to expand with more surfacing options and to get rid of a code that is not even enforced. John Sayles asked when Saucedo would like a recommendation by because he felt like more information and research is needed before providing one. Saucedo stated that if it takes longer that is fine as he just wants to be able to allow an alternative.

Andrew Fangman stated the he wanted to point out that several businesses have gone through the process of having an alternative hard surface approved by the City Engineer which is allowed per City Code. Saucedo asked for an example and Fangman explained that Mike Steele with Plaza Storage was approved for an alternative hard surface for the storage units on Grandview.

Andrew Anderson agreed with John Sayles that more time and information is needed before giving a recommendation. Dave Gobin reminded the commission that SIP federal requirements need to be considered in this decision. Jodi Hansen then asked the commission to list the questions they need answered by staff and/or Saucedo to further the discussion. The questions were as follows:

Who has previously been affected by this code?

What future people will be affected?

What would be the ramifications of the code change?

What effect would the code change have on SIP federal requirements?

How many companies moved outside of town due to the code?

How many companies are currently grandfathered in?

How many companies are currently looking to expand and will be forced to move if the code remains the same?

How many companies in Muscatine are currently out of compliance?

How many of the non-compliant companies are grandfathered?

How many companies have recently paid to pave lots?

How many companies are currently complaining about the code and threatening to move?

The companies threatening to move, are they eligible for TIF if they were to expand or apply for a variance?

What are the alternative materials? Pros and cons

What would the dust control measures be if the code were to change?

What type of material would be required for the access to the trailer storage?

What are the zoning ordinances in surrounding communities pertaining to trailer storage?

The commission discussed the need for a special meeting to review all the information that will be gathered pertaining to the questions prior to providing a recommendation. The commission came to a consensus that a special meeting is necessary and decided to schedule it for the fifth Tuesday of January 2019.

John Sayles motioned to approve the request for a special meeting to be scheduled on the fifth Tuesday of January; Steve Nienhaus seconded. All ayes, motion carried.

Santos Saucedo stated that he also is open to reducing the requested code changes to only M-1 and M-2 zoned parcels at this time and revisiting the C-2 code in the future.

Meeting adjourned.

ATTEST:

Respectfully Submitted,

Jodi Hansen, Chairperson
Planning & Zoning Commission

Andrew Fangman, Secretary
City Planner