

MINUTES
November 12, 2013 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers

Present: Dyann Roby, Jane Reischauer, Allen Harvey, David Colton, and John Sayles.

Excused: Rochelle Conway and Larry Wolf.

Staff: Steve Boka, Director, Community Development
Andrew Fangman, City Planner, Community Development
Adam Thompson, Planning & CD Coordinator, Community Development
Stephanie Oien, Office Coordinator, Community Development

Also: Jimmy Truitt, Jeff and Julie Brown, Don Barko, and Geri Roberson.

Chairperson Allen Harvey opened the meeting at 5:30 p.m. and read the Mission Statement.

Minutes: Roby motioned to approve the minutes of the August 13, 2013, regular meeting; second by Reischauer. All ayes, motion carried.

Vacation:

Right-of-Way Vacation # V-114 • Jimmy Truitt • Charles Street • 2218 New Hampshire Street

Jimmy Truitt was present to discuss his request. Mr. Truitt explained that he bought the house with an existing slab. The original garage was destroyed in 2007 by a tornado. The contractor he hired to construct the garage did not pull a permit prior to starting. Upon applying for the permit it was discovered that the structure did not meet the required setbacks. Truitt would like to purchase a portion of the Charles Street right-of-way in order to meet the setback requirements and complete his project. He acknowledged that the garage is completely built and partially insulated. Roby asked why the garage could not be reconstructed at the original location. Boka explained that the original permit application showed compliant setbacks but were measured from the street. He added that the building was more than 50 percent destroyed so it could not be restored. He explained that Mr. Truitt couldn't apply for a variance of setback requirements to the Zoning Board of Adjustment because a portion of the structure is on City right-of-way. Boka added that there is quite a bit of surplus real estate not being used for the street and Mr. Truitt is maintaining it currently. Sayles asked if there would be a charge for the right-of-way. Boka replied there was and it was a 90-120 day process. Harvey asked for a definition of unimproved. Boka stated it was not in the travel portion of the street and this is not a through street. Roby motioned to approve the request as submitted; second by Colton. All ayes, motion carried.

Subdivision:

Barko Subdivision • Don Barko • 1 lot • 0.413 Acres • Cook Street

Don Barko of 330 Kindler Avenue was present to discuss his request. Mr. Barko explained that he has sold a portion of the rear of Lot 20 pending the approval of the subdivision request. Harvey asked if Cook Street ends at the school. Mr. Barko indicated that it shows that way on the plat, however the asphalt does not extend passed 308 Cook Street. Blacktop does not extend passed the lot in question. Fangman noted that the R-3 zoning classification allows for single family use. Jeff Brown of 213 Cook Street asked if there would be a driveway extended from Cook Street to Kindler Avenue. Mr. Brown also asked if Cook Street were to remain a dead-end. Boka replied that there are no plans for improvement. Geri Robison, 2504 Dawson Street, acknowledged that she is the potential buyer. Ms. Robison explained that she has no intention to build on the lot. Her wish is prevent someone from building behind her house. She plans to mow and keep the property

maintained. She added that the driveway will not continue from Kindler Avenue to Cook Street. Boka reminded the Commission that subsequent divisions of lots after July 1973 are considered a subdivision and that is why this request is before them. Boka added that the lot meets all of the requirements for a single family home. He also noted that the remaining balance of Lot 20 would remain with Lot 18 - Barko's property. Sayles motioned to approve the subdivision as requested; second by Reischauer. All ayes, motion carried.

Adjourn.

Respectfully Submitted,

Steven Boka, Secretary
Director of Community Development

ATTEST:

Allen Harvey, Acting Chairperson
Planning & Zoning Commission