

MINUTES
September 8, 2015 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers

Present: Larry Wolf, John Sayles, Allen Harvey, David Colton, Dyann Roby, and Jodi Hansen.

Excused: Rochelle Conway.

Staff: Andrew Fangman, City Planner, Community Development
Adam Thompson, Community Development Coordinator
Stephanie Oien, Office Coordinator, Community Development

Also: Marsha Daufeldt, Troy Mitchell, Clark Johnson, Amanda Bueneman, and Tony Joseph.

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

Minutes: Minutes from July 14, 2015, were approved on a motion from Sayles; seconded by Roby. All ayes, motion carried. Staff reported that the minutes from August 11, 2015, meeting were not complete and would be submitted at a later meeting date.

Easements:

Utility Easement Vacation – James L. and Pat J. Powers – Lots 14 and 15 Riverbend Second Addition – 3302 Clermont Drive

No one was present to discuss this request. Fangman advised that a separate item for review was approved unanimously by the Zoning Board of Adjustment. Harvey stated that Commission policy was not to hear requests without a representative present. Fangman stated that the Commission has more flexibility to review requests without representation than the Zoning Board of Adjustment. He also noted that there are representatives serving on the Commission and the Zoning Board of Adjustment. He added that a number of utility easement vacation requests in this area have already been approved by the Commission and that the utility companies have signed off on the vacation plat. Roby motioned to approve the request as submitted; seconded by Sayles. All ayes, motion carried.

Utility Easement Vacation – Clark Johnson – Lot 1 of University Development Subdivision – 2701 University Drive

Clark Johnson, 1709 University Drive, was present to discuss his request. Mr. Johnson advised that he wanted to construct a building with no set back from the property line. Harvey asked if there was a setback requirement. Fangman advised that there is no side yard setback requirement in the M-1 Zoning Classification. Roby asked if the building will be a storage building. Johnson advised that the building would be additional storage units. Adjacent property owner Amanda Bueneman expressed concerns about the project. Ms. Bueneman advised that there would still be a 7 ½ foot utility easement on the south side of her lot. She was concerned about having enough access for utility vehicles if she develops her property in the future. Sayles stated that utilities for future development should come in off of University Drive. Fangman stated that the easement is in place to serve the properties behind. He stated that all relative utilities have signed off on proposal as unnecessary. He added that the easements are designed for running utility lines not service work. Ms. Bueneman asked how water runoff would be handled if Mr. Johnson constructs a building on the property line. She also asked about placing a fence along her property. Mr. Johnson replied that the building would have gutters and downspouts tied to a tile that would lead to a detention pond on the property. Sayles asked how the building would be maintained if placed directly on the property line. Harvey asked if the proposed structure would have to go through staff's site plan review process. Fangman acknowledged that it would have to go through this review. Hansen asked what the process was for this project after the Commission. Fangman advised that request before the Commission is a very narrow focus; building placement will be handled at the Community Development Department. After the Commission, there will be a public hearing at City Council. Roby expressed concerns about setback and access issues. Tony Joseph stated that he understood the focus of the Commission was on the easement only but he shared the setback concerns of Ms. Bueneman. Ms. Bueneman asked if she could attend the site plan review. She expressed concerns about separation for fire protection. She stated that she was worried that her

concerns would not be addressed at this review. She advised that she wanted the minutes to reflect that if this project were allowed to move forward then should she would plant a forest on her property and not develop it further. Fangman advised that he would take her concerns to the site plan review committee and that the review was at a staff level and not public. Mr. Johnson stated that when he purchased his property he knew what the setback and code regulations were and that City Code allows him to build up to the property line. Bueneman stated that the original site plan showed a fence and asked how it would be installed. Johnson stated that the fence would not be needed behind the building. The building itself would act as a barrier and the fence could go up to the building. Sayles motioned to approve the request as submitted; seconded by Wolf. All ayes, motion carried.

Subdivision:

Papoose Forest Subdivision – JBR Rainbow LLC – 2 Lots – 2.01 Acres – West end of Arbor Oaks Drive

Attorney Chuck Coulter of Stanley, Lande & Hunter was present to discuss the request. Mr. Coulter advised that his client Bill Parks recently purchased a portion of the property. Mr. Parks lives on Lot 7 of the proposed subdivision. Mr. Coulter explained that Mr. Parks wants to put Lot 9 and a portion of Lot 7 into a forest reserve. He advised that there is a 2 acre minimum for this action. He stated that Outlot A was not a buildable lot. Harvey noted a slight gap to Cedar Street. Mr. Coulter replied that it was a requirement of City Zoning Code to have a footing on a city street. Harvey asked if Arbor Oaks was a private drive. Coulter advised it was. Harvey questioned if placing the property in a forest preserve would limit what can be done on abutting lots. Coulter advised that the forest preserve makes the land tax exempt. It will not extend to adjacent properties and Mr. Parks will plant more trees. Sayles asked if there are tree counts, regulations, and inspections from the County Conservation Board. Coulter acknowledged this. Harvey asked if the outlot could be sold and have access off Burnside Avenue. Coulter responded that there is not enough frontage for another subdivision. Fangman explained that the proposed reserve will have all unbuildable land. Harvey advised that the plat shows separate owners on different parcels. Coulter advised that the owners are separate at the moment but will be placed under the same business name. Roby motioned to approve the request as submitted; seconded by Hansen. All ayes, motioned carried.

Re-Zoning:

Re-zoning Case No. Z-135-15 – GTM Properties (Marsha Daufeldt and Troy Mitchell) – 2107 Grandview Avenue – M-1 Light Industrial to R-6 Multi-Family Residential

Marsha Daufeldt and Troy Mitchell or GTM Properties, 1501 Plaza Place, were present to discuss their request. Their contractor, Rob Armey, was also present. Mr. Mitchell noted that they saw a need for affordable apartments in Muscatine. He advised that they believed this was an above zoning and would allow lower residential zoning use. Harvey asked how many units would be provided. Ms. Daufeldt stated there would be 14 apartments in the front building and six units in the rear building. Each building will have a laundry area. Sayles asked if they would they build additional units if this request was approved. Fangman replied that per zoning code they could construct additional units. Roby commended them for their efforts and asked if they would take Section 8 requests for units. Ms. Daufeldt advised that they have enough interest in their units that she doesn't believe they will need to take Section 8 requests. She stated that they would take Section 8 requests if needed but there is a lot of paperwork associated with these requests. Fangman stated that staff supports this request. He explained that it meets a number of Comprehensive Plan goals. He added that this is the best case scenario for the current buildings. Wolf motioned to approve the request as submitted; seconded by Hansen. All ayes, motion carried.

Adjourn.

Respectfully Submitted,

Andrew Fangman, Secretary
City Planner

ATTEST:

Allen Harvey, Chairperson
Planning & Zoning Commission