

MINUTES
August 11, 2015 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers

Present: Rochelle Conway, John Sayles, Allen Harvey, David Colton, Dyann Roby, and Jodi Hansen.

Excused: Larry Wolf.

Staff: Andrew Fangman, City Planner, Community Development
Dave Gobin, Community Development Director
Stephanie Oien, Office Coordinator, Community Development

Also: Devin Pettit, Mike Riggan, Gary Allison, and Jeff Hollenbeck.

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

Minutes: Minutes from July 14, 2015, meeting were submitted at the meeting. Harvey requested to hold them for review and discussion at the next meeting.

Easement:

Utility Easement Vacation – Jeff Hollenbeck – Lots 3 and 4 Riverbend Fifth Addition – Baton Rouge Road

Jeff Hollenbeck was present to discuss his request. Mr. Hollenbeck explained that each single lot is too small to build a house. He advised that he and his wife were going to place a house in the center of both lots. Fangman stated that staff was in favor of the request. Hansen motioned to approve the request as submitted; seconded by Sayles. All ayes, motion carried.

Subdivisions:

Riggan Subdivision – Michael Riggan – 3 Lots – 27.7 Acres – Northeast of the northwest corner of the Stewart Road/49th Street intersection – Unincorporated Muscatine County

Gary Allison, attorney for Michael Riggan, was present to discuss the request. Harvey asked if Muscatine County Board of Supervisors had taken action on the subdivision request. Allison stated that they had received a variance from the County's Zoning Board of Adjustment to continue existing usage. He advised that the subdivision request will go to the County's Zoning Commission next. Roby asked if the property was being divided for development. Allison replied that the property would not be divided for development. Sayles questioned if the variance was required for the size of the lots. Allison acknowledged that the variance was required for the lot size in the respective County zoning classification. Roby motioned to approve the subdivision as submitted; seconded by Conway. All ayes, motion carried.

New Zoning Ordinance

Animal Regulations: Fangman presented the proposed animal regulations. He noted that he had adjusted the beehive regulations after previous Commission discussions. He stated that there had been a lot of feedback from the public for loosening the current 2 acre restriction for chickens. He asked for Commission recommendations. Harvey asked if a provision could be added to allow for individual variances. Fangman stated that there could be a general variance provision added. He stated that there is a national trend to be more permissive but acreage requirements are all over. Conway stated that if the requirement was left at 2 acres anyone could request a variance. Fangman advised that Commission consensus was needed then the proposed ordinance would go to City Council and the city's attorney. He will bring the ordinance back to the Commission for formal approval and support.

Yard Regulations: Fangman presented the proposed yard regulations for discussion. He advised that there were two significant changes. First, all of the yard regulations have been placed together rather than spread throughout the Zoning Ordinance. The second change prohibits unscreened outside storage in the front yard. Sayles asked if this would prohibit vehicle storage in the front yard. He followed with questions about the definition of front yard and whether clarity is needed to show requirements versus definition. Fangman replied that the front yard would be the front of the building visible from the street. He added that the front, side, and rear yards are related to the main structure and not any accessory structures. He stated that he could add an illustration of the yard definition. There was a consensus from the commission to add an illustration. Harvey stated that Section 5E was confusing. Fangman replied he copied the language from an existing code section and that he would rewrite with more clarity. Harvey noted that there were exceptions to yard requirements for window air units and asked central air units should be added. Colton asked where MPW transformers would fall in these regulations. Hansen asked for more detail of "stored objects". Fangman clarified if objects were designed to be outside in a yard then they could stay. Sayles asked if the yard setback requirements currently listed in the individual zoning chapters will move to this new section. Fangman responded that he intended to leave in current location and not have multiple locations for such regulations. Fangman asked if the Commission would like to add regulations for cargo storage containers. He added that current Code prohibits the container but is not easily found or described. Hansen asked about regulations for temporary storage pods for moving. Harvey asked if regulations need to distinguish between containers and dumpsters. The consensus of the Commission is to add regulations about temporary pods with a limit of 30 days.

Election of Officers

Sayles nominated Harvey as chair and Wolf as vice chair. All ayes, motioned carried.

Adjourn.

Respectfully Submitted,

Andrew Fangman, Secretary
City Planner

ATTEST:

Allen Harvey, Chairperson
Planning & Zoning Commission

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 handles 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