

MINUTES
May 25, 2017 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers

Present: Jodi Hansen, Rochelle Conway, Wendi Ingram, Jordan Pahl and Gary Mowl.

Excused: John Sayles and Steve Nienhaus.

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

Also: Fire Marshal Mike Hartman, Greg Jenkins, Matt Schweizer, Emily Bockelman, and Joel Kraushaar.

Chairperson Jodi Hansen opened the meeting at 5:30 p.m.

Zoning:

Fangman gave a brief presentation about the changes to state code regarding fireworks. These changes are effective June 1, 2017. He indicated that there are two items state code offers to local municipalities – should use be allowed per State Code, restricted, or not allowed; and where sales are allowed. He explained that, within this state law, cities have the option to limit or prohibit the use of fireworks devices, but they cannot prohibit sales.

The following were proposed changes to City Code:

- Use dates – July 1-8 and December 26 to January 3, which are more restrictive than State Code.
- Sale locations – Sales to be permitted in all zoning districts that allow retail sales.
- Additional setbacks
 - Property line: 20 feet
 - Any residence: 150 feet
 - Non-residential structure located on another parcel: 50 feet

Fangman noted that the State Fire Marshal's office has adopted National Fire Protection Association (NFPA) standard 1124, 2006 edition, as part of their regulations. City staff also intends to use this reference for regulation and enforcement.

Matt Schweizer, 1718 Pearlview Court, with Hy-Vee Mainstreet noted that doing nothing with the current zoning ordinance doesn't allow for much retail. Mr. Schweizer encouraged the Commission to consider the following:

- Request for zoning change allowing more retail sales area;
- Very limited time for sales and is a very temporary situation;
- Hy-Vee wants to sell, not use the fireworks devices;
- Hy-Vee has more stringent restrictions already, including 150-foot setbacks from their building and fencing;
- Non-profit groups may benefit from sales.

Emily Bockelman of Lone Tree was present to represent Jim Simmons, manager of Hy-Vee on Second Avenue. Ms. Bockelman seconded Mr. Schweizer's consideration and expanded on the non-profit benefit. She indicated that there was an opportunity for MCSA to get a large donation from a percentage of the sales. She also encouraged the Commission to expand sales to all retail zones.

Fire Marshal Mike Hartman stated that City staff was working on a compromise to best serve the community. Hartman noted that he supported the additional setback distances suggested by Fangman.

Commissioner Pahl asked how the proposed 150-foot setback from any residence measured up with the Hy-Vee Mainstreet site. Fangman pulled up MAGIC and demonstrated for those in attendance.

Commissioner Ingram expressed concerns about precautions that would be set for general protection. Hartman replied that NFPA 1124 had regulations for safety. He cited an example that tents cannot sell lighter unless they were in a sealed package.

Commissioner Hansen asked Hartman his opinion, as the fire marshal, of the proposed setbacks. Hartman responded that he believed they were appropriate and reasonable. Hansen asked if there were any thoughts about different setbacks from senior citizen homes. Fangman replied that he was treating them as a residence unless the Commission would ask for something different.

Joel Kraushaar, 3413 Baton Rouge Road, asked for clarification on the setbacks. He questioned if the 50-feet from non-residential structures would be in addition to the 20-foot setback from the property line. Fangman replied that the proposed setbacks would be measured from the edge of the structure to the setback item referenced.

Commissioner Pahl stated that she believed the 150-foot setback was a little excessive. Commissioners Mowl and Conway noted they approved the proposed setbacks.

Fangman asked Commissioners to keep in mind that most of the structures that will be seen will not be permanent structures and this was a seasonal sale. As a result, the setbacks and code changes could be adjusted for the next year.

Greg Jenkins, Muscatine Chamber of Commerce, questioned what are the required setbacks for a gas station to a residence. Fangman responded that he did not know those readily and that was a question more suitable to the building division staff. He added that there are additional safety regulations built into permanent structures. Hartman noted that there are a lot more regulations for temporary structures selling fireworks devices. Jenkins added that he wanted the City to be liberal to keep sales in Muscatine.

Commissioner Hansen questioned how strip malls would be handled if sales were extended to all retail zones. Hartman answered that NFPA 1124 would require additional fire controls/preventative measures to be in place. He added that the fire marshal will inspect and permit sales. He noted that some paid fire departments, including Muscatine, will act as an extension for the state fire marshal's office and conduct inspections prior to permitting.

Mowl motioned to accept the proposed change to allow sales in all zoning districts that permit retail sales and proposed setbacks, as listed above; seconded by Conway. All ayes, motioned carried.

Adjourn.

Respectfully Submitted,

Andrew Fangman, Secretary
City Planner

ATTEST:

Jodi Hansen, Chairperson
Planning & Zoning Commission