

PLANNING AND ZONING COMMISSION MONTHLY MEETING

Council Chambers

4/23/13 6:30 P.M.

Present: Nick Colbert, Larry Wright, Joel Amandus, Brenda Parker, Lyle Brown, Ed Delaney, Ron Welder

Absent:

Staff: Doug Krogmeier, Heather Huebner

Visitors: Kevin Thie, Kim Renaly, Diane French, Jason & Marissa Huffman, Joseph Auge, Tanner Lair, Connie Knox, David Haworth and Lori Beckert

Chairman Nick Colbert called the meeting to order at 6:30 P.M. with seven members present.

ACTION ON MINUTES

The minutes from March 26, 2013 were approved on a **motion by Amandus, seconded by Delaney** after a correction had been made by Colbert. The wording was changed from “business” to “residence” as it pertained to the discussion on the Habitat for Humanity house. Motion passed yes-7, 0-no.

NON AGENDA ITEMS

Joseph Auge of 2603 Avenue G, the former Kings Daughters property, stated his dilemma regarding the selling of this property. He claimed that he is having potential purchasers back out of the sale due to the need to rezone the property. He asked if he should go through the rezoning process prior to selling the property. Staff stated that would be classified as “spot zoning” which the City does not do anymore and that the State frowns upon it. Krogmeier went on to explain the best possible scenario would be to talk to the neighbors and get their support for whatever type of use the potential owner would want. After getting the support from the neighbors the Conversion to Special Use Permit process could begin. Approval of the Special Use Permit could be a condition for the sale of the property if that is what the buyer/seller would want to agree upon. Staff explained the Special Use Permit Process.

PUBLIC HEARINGS

13-04: Commission review/consideration of a Special Use Permit for Cottage Business (Salon above garage) for Jason/Marissa Huffman at 710 Denmark Hilltop.

Krogmeier reviewed the staff report. He reported that the Huffman’s are wishing to put in one salon chair and that they have good parking facility to accommodate customer. Staff sees no problem with this Special Use Permit.

Colbert opened the public hearing at 6:39 P.M.

Jason Huffman reported that they have been paying rent for Marissa to work outside of the home three days a week and that this Cottage Business permit would allow her to see her clients in her personal business. Welder questioned what her hours would be. Marissa explained that they would be during daytime or evening hours, whenever convenient to the customer but not late at night. Colbert questioned if there was anyone in favor or opposed who wished to speak – no one in favor, no one opposed.

Colbert closed the public hearing at 6:41 P.M.

Commission reviewed finding of fact.

Brown made a motion, seconded by Parker to approve Special Use Permit for Cottage Business (Salon above garage) for Jason/Marissa Huffman at 710 Denmark Hilltop.

Motion passed 7-yes, 0-no.

13-05A: Commission review/consideration of a Property Rezoning for R&K Management Corp (Subway) at 2011 Avenue L.

Krogmeier reviewed staff report. He recommended that a fence be put up to deter headlights from shining into residence's homes. He stated that Public Works was concerned with the alley access, so it was proposed that a curb and gutter system be put up on the north side of the property to limit alley access.

Colbert opened up the public hearing at 6:48pm

Kevin Thie, co-owner of the property, reported that he along with his business partner, Bob Dowell, was approached to purchase the property of 2011 Avenue L. He claimed that Subway has been in existence at that location for the last 23 years and he has co-owned it for the last 12 years. He claimed that they have had many issues regarding parking and vehicle collisions because of the tight space. He would like to increase the parking. He is anticipating spending \$40,000-\$50,000 to pave the space if granted the rezone and special use permit. Parker questioned if he envisioned enlarging the store. He claimed that possibly in the future but not anytime soon. He agreed with staff regarding the alley usage and expressed his interest in enhancing the neighborhood not bringing the level of prosperity down.

Kim Renaly, of 2017 Avenue L, spoke in opposition of the Rezoning and Special Use Permit. She claimed that she does not have a problem with Subway or owners themselves as she worked for them for many years but she does not like the idea of the expansion as she lives directly next to the property in question. She claims that there is much Subway trash that is constantly blowing around the neighborhood and foresees's it getting worse. She also takes issue with the noise of people in the parking lot late at night. Renaly went on to explain the condition of the alley behind Subway and she foresee's it getting worse should they increase their parking lot. She closed her statement with the fact that her grandchildren and dogs are in her yard and she does not want the Subway trash to interfere with her home. It was questioned how long she owned the property. She stated that she has been there approximately 22 years and that Subway was there prior to her purchasing the property.

Connie Knox, 2036 Avenue J, spoke neither for nor against the rezone/SUP. She came to the public hearing questioning if the entire block was being rezoned or just the property. Staff explained it was just the property. Knox went on to question if the alley could be paved.

Diane French, 2023 Avenue L, reported that her main concern is the traffic in the alley. She reported that she has lived at her residence for the past 26 years. She expected the traffic by living on the highway, but has seen an increase in the alley traffic. She claims that the semi-truck that delivers to Subway is contributing to potholes and conditions in the alley. She agrees with Renaly regarding the noise and lights from the current Subway parking lot and feels it might get worse should the parking lot expand. Brown questioned if she has noticed an increase of traffic since the bypass. She claims it has not affected the alley traffic.

Colbert closed the public hearing at 6:54pm

Colbert opened up Commission discussion. Parker agrees with the concerns of the neighbors but also feels that it would be great for Subway to expand parking. Welder questions if paving the alley is an option. Staff reports that it could be a condition to the approval. It was questioned who would pay for it. Krogmeier explained that it differs in many cases. Sometimes specific

neighbors will pay if all agree. Delaney commented that if the alley gets paved it will encourage traffic. Amandus questioned which direction was the traffic usually headed and Renaly answered “both, but mostly westbound to avoid the street light.” Wright questioned if there was a way to install a sound barrier, potentially trees, bushes, tables, chairs or something of that nature to keep noise a little further away from fence line. Krogmeier commented that if space is required for a buffer zone, it would seriously hinder the parking layout making it less pointless. Parker questioned hours, which Thie stated 7am until midnight. Colbert advised that a fence will cut down on noise and trash. Delaney questioned if it would block headlights and it was stated that a privacy fence is solid and would deter any headlights. Delaney questioned Thie if he could redirect the semi-truck from using the alley and Thie agreed. It was questioned if the truck would have enough room to load/unload if it wasn’t using the alley. Amandus claimed that the extra lot space should allow enough room for the truck. Colbert reminded the Commission that the alley condition is not a Planning and Zoning issue that would fall under the Public Works Department.

Amandus made a motion, seconded by Wright to approve Property rezoning for R&K Management Corp (Subway) at 2011 Avenue L.

Motion passed 7-yes, 0-no.

Staff stated that property rezoning will get sent to City Council for final approval.

Commission reviewed finding of fact.

Amandus made a motion, seconded by Wright to approve Special Use Permit for R&K Management Corp (Subway) at 2011 Avenue L with the following conditions

- 1. An 8 foot privacy fence be installed along the west and north sides of the property. The north side of the fence will run as far as possible to 20th Street to deter traffic from using the alley.**

Motion passed 7-yes, 0-no.

Staff stated that Special Use Permit will get sent to Board of Adjustment and Appeals for final approval.

Commission took a five minute recess:

Re-opened at 7:25pm

OLD BUSINESS

None

OTHER/NEW BUSINESS

Comprehensive Plan Update – Recommendation for Council to adopt:

Colbert stated that Amandus, Wright, and Brown worked on the plan and that he (Colbert) feels it is a good plan. He goes on to state that it is important to have an updated plan and Parker agrees. He claims that the city is moving west and with the new industry going into Wever, IA the city of Fort Madison has potential to increase in business. Colbert feels we should make the recommendation to Council for the adoption of this plan. Amandus stated that the Comprehensive Plan works as a good guide/reference. Colbert states his only problem was trying to read it from both the hard copy and his computer. Krogmeier stated that once it is updated and approved hard copies will be made for everyone. Parker apologized for not being a part of the reviewing as she was preoccupied with her mother’s passing. The commission gave

their condolences. Brown stated that he feels it is a positive document for the future and likes that it is not a static document and can be changed and updated. He goes on to state that it is a good recommendation if enough money can be found.

Visitor, Lori Beckert, 2006 Hwy 61, asked if she could comment on the adoption of the plan. Colbert granted her the floor. Beckert spoke in opposition of the Comprehensive Plan. She began by reading the definition of Sustainability indicating that with the commission's passage of the comprehensive plan that they were following "'isms" the path towards communism, fascism or an agenda dictated by the United Nations." Welder seriously questioned the motivation behind her comments and strenuously objected to her comments that the plan had a political agenda. Beckert stated that there are items in this plan that infringes on property owners rights. Welder questioned what specifics might she be referring to. Beckert answered that she had been to several of these comprehensive plan meetings and she doesn't think people understand the plan and that officials are being guided by a bad plan. She claims that there hasn't been enough review. Amandus questioned her issues to which Beckert states that she isn't saying to throw the entire plan out, but recommends taking a closer look. Amandus states that the plan is just a guide. Delaney questioned if she felt we should not have a plan at all. Beckert felt that there are portions of the plan that indicates that industry/merchants will take over the school systems. Wright claims that the focus of the plan is to support camaraderie and teamwork between local business/industry and the school systems in the form of mentor and apprentice programs. Beckert feels that the plan is too broad. Colbert states that City Council will hold a public hearing and he suggests that she gets her ducks in order and be there. Beckert states that there are communities all over the country in similar situations resulting with the following proclamation. Beckert produces Agenda 21 that governor Terry Branstad signed on June 6, 2012 to support her statements. Beckert states that she just wants the commission to look at the plan with a little more scrutiny. Wright states, "we may not be exact, but this commission needs to take the lead and be a part of the process because the City needs a new comprehensive plan. All we have done, in good faith, with a contractor, who was presented to this commission and approved by the City Council, is follow the same structure that communities all over the state and nation, to have a plan." Wright goes on to request specific chapters and wording that she takes issue with and he would be happy to address. Beckert claimed that she does not agree with corporate entities to benefit from public funds. She states that Southeast Regional Planning Commission and Fort Madison Partners are groups that are specifically named. She states that she requests the plan be gone through with a fine tooth comb and an open mind. Colbert interjects and states that he has given her enough time to make her points.

Wright makes a motion to recommend to Council to adopt the Comprehensive Plan as of the latest version. Brown seconds. Vote: 6-yes; 0-no; 1 abstain. Parker abstains from the vote as she feels she does not have enough information.

Review ISU P&Z Workshop:

Commission reviewed Planning & Zoning Workshop that was attended on April 2, 2013. It was felt that it was well represented by Fort Madison, which allowed many questions to be directed at the City of Fort Madison's specific circumstances. Colbert mentioned that he is using the workbook from the workshop as a tool as it pertains to Fort Madison. Parker noted that the workshop was invaluable. Wright noted that the workshop helped him to understand why having a Comprehensive Plan is so important to communities.

Updating the code:

Staff explained the need to update the city's code. Krogmeier mentioned that the city code is pretty old and does not work with many of our neighborhoods. Krogmeier noted a fact that was mentioned at the workshop that many communities Special Use Permit and Variance requests do not go in front of both Planning & Zoning and Board of Adjustment and Appeals. If Special Use Permits and Variance requests went only to the BOAA then P&Z could focus more on the Comprehensive Plan and Zoning Code and as a commission could help the city move forward. Colbert recommended it go to council for approval to make the change. Colbert asked Staff to bring recommendations to P&Z for changes.

With no further business brought before the Commission

Motion was made by Welder to adjourn and was seconded by Brown.

Motion was passed unanimously. The meeting was adjourned at 7:50 P.M.

Nick Colbert, Chairman of Planning and Zoning Commission