

PLANNING AND ZONING COMMISSION MONTHLY MEETING

Council Chambers

3/25/2014

6:30 P.M.

Present: Joel Amandus, Ron Welder, Lyle Brown, Larry Wright, Brenda Parker, Council Liaison Kevin Rink
Absent: Ed Delaney
Staff: Doug Krogmeier, Emily Britton
Visitors: Bob Manka, Liza Garcia-Hidalgo, Dot Turner, Mark Lair

Chairman Ron Welder called the meeting to order at 6:30 P.M. with five members present.

ACTION ON MINUTES

The minutes from February 25, 2014 were approved on a motion by Amandus, seconded by Brown.

NON AGENDA ITEMS

None

14-04:Request to rezone 1225 37th Street from R-6 Multi-Family Dwelling District to B-3 Service and Wholesale District for Ophelia Garcia.

Staff reviewed report.

Welder opened the public hearing at 6:33.

Welder invited anyone opposed to speak their opinions, but there were no comments. When asked to speak in favor, Liza Garcia-Hidalgo mentioned that after it was brought to their attention as an option they decided to go ahead with the process to have it changed. Lair said he appreciated the fact they are going through the process and rezoning it while others would not bother. Amandus questioned the planned uses for the building to clarify that it will only be used for the flea market they have done in the past, which Garcia-Hidalgo confirmed. Amandus also pointed out that the building is unique and would not be good for much else, then asked Krogmeier why it is being changed to B-3 specifically. Krogmeier answered that B-3 Service and Wholesale District zone will allow for their needs as well as avoid "spotting" of zones by keeping things continuous. Parker asked if the apartments in the building would be affected by the rezoning, and Krogmeier affirmed that the apartments are allowed within commercial buildings in a B-3 zone, therefore would not be affected. Parker also inquired the previous use of the building as it was clearly not built as a residential building. Lair commented that it was used by a trucking company years ago, and Krogmeier mentioned the use at that time was likely grandfathered in when the area was zoned. Welder then requested clarification that staff recommends B-3 as opposed to B-2 or B-4, and Krogmeier informed the Commission B-3 seemed to be the best choice to fit their needs while keeping things continuous.

Welder closed the public hearing at 6:37.

Finding of Fact was completed with no concerns.

Wright motioned, seconded by Amandus, to approve the request to rezone 1225 37th Street from R-6 Multi-Family Dwelling District to B-3 Service and Wholesale District for Ophelia Garcia.

Vote: Yes-5, No-0; Motion Passed

14-05: Variance to reduce required front yard setback from 25' to 21 feet for Dorothy Turner at 509 Crescent Lane.

Staff reviewed report.

Welder opened the public hearing at 6:40.

Welder invited anyone with opinions opposing approval to speak, however there were none. Manka spoke to compliment Krogmeier on his explanation and said the neighboring fence will somewhat hide the deck so it will not appear to stick out. Manka also suggested adding a sketch on the back of the agenda (or neighbor notices) because neighbors discussed the variance amongst themselves and did not fully understand the issue. He went on to explain that neighbors did not want to ask the homeowners for clarification, however they were quite nice when he did ask them and even staked out the yard to show the changes. Manka then took the opportunity to thank the commission members for their service. Turner added that she is obviously in favor, and she also said she expects the new deck to add curb appeal to the house.

Welder closed the public hearing closed at 6:43.

The commission reviewed the Variance Finding of Fact and found no concerns.

Parker motioned, seconded by Brown, to approve the variance to reduce required front yard setback from 25' to 21 feet for Dorothy Turner at 509 Crescent Lane.

Vote: Yes-5, No-0; Motion Passed

Innsbrook Residential Urban Renewal Area Plan: Review for conformance with the Comprehensive Plan.

Staff reviewed report.

Welder opened the public hearing at 6:47.

Amandus asked if the sewer would run under the road as usual and Krogmeier answered yes and mentioned that Mohrfeld has been successful so far with this subdivision development. Welder added that he noticed they have started on the 5th house already, then invited anyone opposed to speak, but there were no comments. Manka spoke in favor, but requested clarification on what type of tax would go toward this project. Krogmeier explained that the City is working to enter into a development agreement with the developer and create a TIF (Tax Increment Finance) District that would allow the Cities portion of taxes for new houses over the next 10 years to be used to finance the road and utilities. Manka then questioned the percentage, and went on to explain he felt it is only fair that citizens are aware of the amount of taxes being used because although the new potential increase in taxes received should offset the amount used on this project, the city will take on additional cost in other areas to maintain the road, for example costs for plowing snow. Krogmeier insisted that the agreement has not been finalized. Then Lair asked if someone else were to purchase one of the lots from Mohrfeld if they would receive that portion of the taxes or if Mohrfeld would still get it until the end of the term, which could be as long as ten years. Krogmeier informed that these issues, among others, will be specified in the agreement, which council will have to approve. Parker then questioned the qualification to be determined low -moderate income, which Krogmeier explained the developer has not requested or received any grants requiring LMI.

Welder closed the public hearing at 6:53.

Amandus motioned, seconded by Wright, to recommend to council approval of the Innsbrook Residential Urban Renewal Area Plan for conformance with the Comprehensive Plan which is the general plan for development of the City.

Vote: Yes-5, No-0; Motion Passed

OLD BUSINESS

None

OTHER/NEW BUSINESS

Krogmeier explained, although he has begun looking into the code updates, there is a large amount of research involved and he is working on determining what areas of the code need updated. He went on to say there was not enough prepared to address it at this meeting. Parker inquired about the necessary research, and Krogmeier stated the research would be done by him and passed on to the commission to adjust and approve. He then welcomed the commission to review any areas of the code and recommend changes, and suggested starting with things that have come up recently. Then some commission members briefly discussed the Comp Plan with Rink and Lair for clarification on the surveys to be done. Wright then mentioned starting the code changes with the area of the code that deals with parking lot requirements, and Krogmeier agreed that area needs reviewed and mentioned that city manager Byron Smith has been working on that for council to review. Wright then expressed concern that if changes are going to be made it needs to happen soon before more decisions are made setting precedents that are based on the current code which is subject to change, and Manka agreed.

**Amandus motioned, seconded by Wright to adjourn.
Motion was passed unanimously. The meeting adjourned at 7:04.**

Ron Welder, Chairman of Planning and Zoning Commission