

PLANNING AND ZONING COMMISSION MONTHLY MEETING

Council Chambers

6/24/14 6:00 P.M.

Present: Ron Welder, Larry Wright, Ed Delaney, Brenda Parker, Neal Boeding, Joel Amandus, Lyle Brown, Council Liaison Kevin Rink

Absent: none

Staff: Doug Krogmeier

Visitors: Nic Blindt, Tony Blindt, Billie Mosher

Chairman Ron Welder called the meeting to order at 6:00 P.M. with seven members present.

ACTION ON MINUTES

The minutes from May 27, 2014 were approved on a motion by Delaney, seconded by Parker.

NON AGENDA ITEMS

Welder pointed out that The Democrat published the meeting time as 6:30 not 6, and even though neighbors were notified of the correct time it needs to be corrected for the future. He also explained from now on, comments from the public on non-agenda items will be limited to 5 minutes only.

14-08: A. Final Plat Review of Hoenig Subdivision.

Staff reviewed the report, clarifying that the subdivision review and rezoning are close but are two independent issues to be addressed separately. Krogmeier also specified that the subdivision is currently outside city limits and is to be reviewed as a subdivision within 2 miles of city limits.

Welder opened the public hearing at 6:05.

No comments from the public

Welder closed the public hearing at 6:05.

Amandus requested clarification on which section was being rezoned, and Krogmeier confirmed it was only the small parcel that is not currently in city limits and is being annexed in. Parker asked Krogmeier to point out on the map where the city limit lines are. Welder questioned a strip of ground that Krogmeier explained happened due to the creation of Reve Court which was used by Huffman's to avoid annexation into city limits at the time. Krogmeier continued to explain that since then Huffman's will be annexing in because they needed city services and he believed they are currently working on an agreement prior to beginning the annexation process; which will also require a rezoning such as this one. Welder questioned if there is a motion to recommend to City Council to waive title 11, and Wright questioned if this Commission wants to waive Title 11 in its entirety or if there is a way to keep it in place to give them the opportunity to address the parts they want. He explained he is concerned that later on it could become part of the city and they may not want all parts of Title 11 waived. Krogmeier explained that whether it is waived or approved, the commission is saying they have done everything they have to do and it would be addressed further if they decide to subdivide again in the future, also with the easement to the parcel behind it could possibly be sold later and developed with a way to access it. Krogmeier explained that the county simply needs city approval before recording a subdivision of a parcel as such, so City Council needs to be able to sign off on it. Parker asked how it would be treated differently if it was already in city limits, and Krogmeier explained that it would not be a lot

different since it is not being split into buildable lots, and although they would ask more questions in that case the issues to be addressed would be similar.

Delaney motioned, seconded by Neal Boeding, to recommend to City Council to waive Title 11.

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

14-08: B. Rezone property to be annexed in (5701Ave O) owned by Jim Baier Inc. from R-1 Single Family Dwelling District to B-2 Business District, General Retail.

Staff reviewed report.

Welder opened the public hearing at 6:12.

There were no comments from the public.

Welder closed the public hearing at 6:13.

Amandus questioned the zoning of the house next door, which Krogmeier stated is outside city limits. Amandus then asked if the owner of the house and lot next door later decided to subdivide and build houses if the city would be responsible to build a road to access possible houses built behind. Krogmeier answered that it would be the responsibility of the person building the subdivision to provide access to them, and the house currently has access from the highway.

Wright questioned the easement, and Krogmeier pointed out on the map that there is a strip next to the building being constructed that, although is not big enough for a street, is big enough for a driveway and he is sure Jim Baier Inc. will ensure adequate access if necessary in the future.

Amandus motioned, seconded by Wright, to recommend rezoning from R-1 Single Family Dwelling District to B-2 Business District, General Retail.

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

14-09: A. Variance to exceed lot coverage on a lot that is too small for a residential property at 2912 Avenue J.

Staff reviewed report.

Welder opened the public hearing at 6:18.

Tony Blindt spoke in favor, however didn't have much to add and said most information was given during staff's review of the report. Billie Mosher questioned if Blindt will be living in the house, and Blindt answered that his son plans to live there but travels for work and they plan to live out of town after retirement and will use it to stay when their son is out on business and they come back to visit family.

Welder closed the public hearing at 6:20.

Rink asked if there are currently any drainage issues or any other issues that will affect the alley. Krogmeier addressed Blindt, who said it does not seem to have any issues with drainage or pooling of water at this time. Parker asked about the taxidermy comment during the staff report review. Krogmeier explained that Blindt originally wanted to set up a taxidermy business on the property, but since a residence is required on the parcel to do so it is not something that will or can be addressed at this time. He added that a Special Use Permit cannot be applied for until the structure is at least two years old, so it may be something to consider in the future but is not a concern at this time. Parker questioned if there would be a use for the property otherwise, and Krogmeier said it currently has a garage, but converting it to a residence will be the best use for the lot as it is in a residential neighborhood. Parker also asked about the current setback of the building, and Krogmeier said it currently sets closer to the property line than normal however that will be addressed in the next agenda item. The commission found no concerns during the Variance Finding of Fact.

Parker motioned, seconded by Brown, to approve the variance to exceed lot coverage on a lot that is too small for a residential property at 2912 Avenue J.

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

14-09: A. Variance to reduce side yard setback at 2912 Avenue J.

Staff reviewed report.

Rink questioned if the reduced setback would affect safety, as has happened in the past where a neighbor built a fence on the property line and it didn't leave enough room between for the fire department to easily enter the structure. Krogmeier said this setback is further than that particular case and at this time the fire chief will not allow a fence to be built within three feet of a structure. Boeding questioned a white object shown on the overhead view of the property and Blindt answered that it is an LP tank that was used for heat in the garage. Krogmeier then stated that the structure as a residence would require permanent heat, and Parker asked if the tank will be removed completely from the property.

Welder opened the public hearing at 6:30.

No comments from the public.

Welder closed the public hearing at 6:31.

Parker mentioned she didn't think it would make sense to make the owner offset the add-on to the structure. Amandus asked if there is an entry to the building on that side, to which Blindt explained there is not and the entrances will only be on the north and south sides of the structure. Blindt was asked if there are plans for a driveway or garage in the future, and he answered that the only potential plan would be to add a sidewalk from the city sidewalk to the front door in the future. The commission found no concerns during the Variance Finding of Fact.

Delaney motioned, seconded by Parker, to approve the variance to reduce side yard setback at 2912 Avenue J.

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

OLD BUSINESS

Wright pointed out that it was previously discussed to get hard copies of the Comp plan and asked if that was still a possibility.

OTHER/NEW BUSINESS

Wright mentioned adding a possible parking space on Ave G due to the change in use of a specific property.

Brown motioned, seconded by Parker, to adjourn.

Motion was passed unanimously. The meeting adjourned at 6:40.

Ron Welder, Chairman of Planning and Zoning Commission