

PLANNING AND ZONING COMMISSION MONTHLY MEETING
Council Chambers
10/28/2014 6:00 P.M.

Present: Ron Welder, Larry Wright, Neal Boeding, Joel Amandus, Lyle Brown, Brenda Parker
Absent: Ed Delaney, Council Liaison Kevin Rink
Staff: Doug Krogmeier, Emily Britton
Visitors: City Manager David Varley

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

ACTION ON MINUTES

The minutes from September 23, 2014 were tabled pending corrections.

NON AGENDA ITEMS

None

Zoning Review: Proposed Code Changes: 10-19 Off-Street Parking and Loading

Staff reviewed report.

Wright expressed concern about the code being referred to as “unenforceable,” and said it was not unenforceable but was either simply not enforced, or a choice was made not to enforce it. He continued to explain his concern that this commission will make changes that could be considered unenforceable. Brown then asked if a building is owned and for sale for several years if it is grandfathered in when it sells or if the new owner is required to pave the lot. Krogmeier indicated the property would no longer be grandfathered with such a change. Brown then asked why the “grandfathered” status could not go with the property. Krogmeier pointed out that some lots would never get paved if that were the case. Brown then requested clarification on the definition of “off-street” and if that differed from an alleyway. Krogmeier stated that “off-street” refers to “off the public right of way”. Brown then asked if the parking spots located off the alley on some downtown properties count as off-street, and Krogmeier said yes because they are located on the private lots. He then pointed out adjustments to this code can be made, and suggested the commission review and discuss some of these issues. Parker asked if residential is included in this as commercial is, and Krogmeier explained that it is different for a residential property that is considered single-family. Parker then suggested the number of families residing in a house should be taken into account, and Krogmeier said it would be hard to draw that line and know how many separate families were residing in one place. Brown then indicated his neighbor has gravel parking in his front yard, and Krogmeier said it should not be that way but may be grandfathered in. Parker asked who checks if properties are vacant to know when that grandfather status may change. Krogmeier clarified that the status would change when the property use changes. Boeding then pointed out that a single-family house does not typically change use, therefore if grandfathered in it would stay that way, and Krogmeier agreed that it likely would. Wright asked how these changes would comply with the Comprehensive Plan, and Krogmeier said the goal is the same, and that is to clean up the city even though there will probably always be some gravel lots. Moving forward properties will meet these requirements anyway. Parker mentioned there are currently several bars in town with gravel lots. Brown then stated the goal is to make the city look more attractive and nice, so they should be paved, but Krogmeier said City Council is more likely to throw the whole thing out before approving the requirement for completely paved lots. Wright asked if Faeth’s would remain gravel because it is grandfathered in and unlikely to expand, to which Krogmeier answered yes. Welder brought up The Flower Cottage, and during their Special Use Permit hearing it was indicated they plan to demo the house behind and add parking, but Krogmeier said if it was going to be required to be paved it should have been a condition of the approval for the Special Use Permit. Boeding then asked if that property would require re-zoning because it’s residential and Krogmeier said no, that was the purpose of the Special Use Permit. Boeding mentioned his thought was we’re moving backwards and Wright agreed. Wright asked if there was anywhere else in the code where grandfathering something was referred to this way, and Krogmeier did not know of anything. Boeding asked how to know if the interpretation had changed since this section

of code was originally written. Parker questioned whether there was another option besides leaving the section in or taking it out, particularly if it could be changed. She also suggested differentiating commercial and residential. Wright pointed out that “off-street parking” needs to be defined if it is referred to in the code. Welder asked City Manager Varley his opinion on the matter. Varley said it is hard to write code that applies to all situations, but this Commission has the right to make recommendations to City Council as to what it should be. It can only be hoped they’ll listen and realize the time and effort put in on the issue. He suggested the Commission recommend whatever they think is best. Wright mentioned that the Comprehensive Plan was written stating how it should be, and this seems to be going against that. Brown asked about adding something about having a second access or back door and allowing for employee/tenant parking. Parker requested clarification that this is only for current structures, not for new construction, and Krogmeier said any new construction would require a portion be paved but not necessarily the entire lot. Wright indicated they don’t want to make it so hard on new businesses as to chase them away, but it is important to move forward and make things look better. He said if this is pulled out the whole thing might as well be pulled out. Krogmeier said it became an issue after not being enforced in the first place. Boeding asked who is responsible for enforcing it, then he and Parker asked if it is possible to enforce now. Krogmeier explained that municipal infractions could be written, go to court, and let the judge review the code to determine, but people would ask why it is just now being enforced after being in the code for so long. Brown pointed out that it seems odd to be written “continuation of use” as opposed to “change of ownership,” and Krogmeier said this is because if the use does not change it would seem as though the new owner is being picked on. Krogmeier went on to point out there was never an exception written for special events such as Rodeo. There are some things that need to be specified and one option was to throw that out, however that does not seem feasible in case the city grows and something is added later on such as an arena of some sort. Brown suggested that since Rodeo is temporary and lasts only 10 days, maybe an exception can be written in for events lasting a set amount of continuous days. Boeding clarified that official Rodeo events only last 8 days, but Wright said that 10 days sounds good. Welder asked Krogmeier what he needs from the commission based on their discussion. Krogmeier said some adjustments for stadiums and arenas can be worked on. Parker added that being a small town, adjustments should be made for what is reasonable here. She then asked if there is a way to give tax breaks to help with the cost of requiring pavement. Krogmeier said that city taxes are the only ones that could be affected, but it is an idea. Brown asked how to address downtown, and Krogmeier said it is almost a whole other issue because it is so different. Brown asked if being in a historic district mattered, and Krogmeier said it is something to consider but there are apartments planned to be added and parking for those needs to be addressed. Varley mentioned special regulations allowed for downtown areas in some other cities. Welder said that is an idea to consider, and stated that based on the discussion the commission feels that code change #1 isn’t going anywhere as written, #2 and #3 are fine. Krogmeier agreed to continue working on this, but asked the commission to contact him with any more ideas. Parker suggested a committee work on this, and Welder nominated Wright and Boeding who both agreed.

No action was taken on the issue.

OLD BUSINESS

None

OTHER/NEW BUSINESS

Parker asked if a zoning change can be forced on properties such as the furniture store that burned down. Krogmeier said it is dependent on the nature of the building, which, in this case, is no longer there, and either way it changes after 12 months and can be denied as commercial in the future. Brown asked what could be built on the vacant lot now, and Krogmeier said a house or other residential structure now that the building footprint is gone.

Parker moved, seconded by Wright, to adjourn.

Motion was passed unanimously. The meeting adjourned at 7:10.

Ron Welder, Chairman of Planning and Zoning Commission