

PLANNING AND ZONING COMMISSION MONTHLY MEETING

Council Chambers

2/23/16 6:00 P.M.

Present: Ron Welder, Larry Wright, Joel Amandus, Neal Boeding (via phone) Council Liaison
Kevin Rink
Absent: Ed Delaney, Lyle Brown
Staff: Doug Krogmeier, Emily Britton
Visitors: City Manager David Varley, Jimmy Wendorf, Linda Lair, Mark Lair, Sal Gonzalez, Liz
Counts, Brenda Counts, Bill Faeth

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

ACTION ON MINUTES

The minutes from January 26, 2016 were approved on a motion by Amandus, seconded by Wright.

NON AGENDA ITEMS

None

Case #16-01: Variance to reduce required rear yard setback

Staff reviewed report.

Wright asked if a building permit was pulled for this and Krogmeier explained that he was informed by a neighbor when the previous garage structure was taken down so he went to the property and spoke to the owner about the requirement for a permit and the setback requirements however a permit was never taken out. He further explained that he cannot issue a permit now as the structure is in violation of the zoning code. Wright and Welder both made comments to clarify that the owner knew the requirements and built it in violation anyway. Amandus asked if the new garage is in the same footprint as the old, and Krogmeier said it is actually moved in some but not enough to comply as the old garage was built before the zoning code. Amandus pointed out that the neighbor across the alley does have enough room to back out of their garage, to which Krogmeier pointed out the neighbor should not need to back onto the property anyway. Welding expressed his concern that there was a discussion with the property owner that was clearly disregarded.

Welder opened the public hearing at 6:07P.M.

Sal Gonzalez spoke in favor stating the owner believed it to be in compliance at the time of construction. He explained it is hard to know exactly where the property line is and he believes the structure is an improvement to the property and to the neighborhood. He also mentioned that the owner spent \$5-7000 on this improvement and it is a positive so it should not be made into a negative.

Liz Counts spoke in opposition and confirmed that she is the neighbor who initially informed Mr. Krogmeier of the construction that prompted his conversation with the owner. She continued to say there was also a trench dug from the house to the new structure and she does not believe there was a permit for anything like that either. Counts then explained that they have followed all the rules so other people should too and he had plenty of room on his property to push the garage back more to be in compliant so he should not need a variance. She concluded saying we have codes for a reason and they should be followed.

Welder closed the public hearing at 6:11 P.M.

Krogmeier agreed with the previous comment that there is plenty of room on the lot for the structure without a variance if it were moved back to the right place. Amandus asked about any inspections on it and Krogmeier said inspections are driven by permits so with no permits there have been no inspections. The Commission went through the Variance Finding of Fact.

Amandus moved to approve the variance, but with no second the motion died.

**Wright moved, seconded by Amandus, to deny the variance to reduce required rear yard setback.
Motion passed. 4-yes 0-no**

Conlee Subdivision – Review of Final Plat

Staff reviewed report.

Amandus moved, seconded by Boeding, to recommend approval of the Final Plat of the Conlee Subdivision.

Motion passed. 4-yes 0-no

Code Review- Sidewalk Dining

Staff reviewed changes made since the last review and provided clarification. City Manager David Varley explained that each city and downtown is different and it may take some trial and error to see what changes should be made in the future. He said it is likely there will be some issues arise during the first season of allowed outdoor sidewalk dining that may prompt changes in the future and it's hard to know that until it happens. He told the commission to expect to make adjustments in the future to this code in response to unforeseen issues now.

Welder opened the public hearing at 6:37 P.M.

Jimmy Wendorf, The Simple Table 617 7th St, is in favor of the new code and made some minor adjustment recommendations such as allowing some days outside the dates specified to take advantage of particularly nice weather and allowing some kind of outdoor speaker systems. He also mentioned there are some places where street signs are in the way, and specifically pointed out his location where there is a Handicap Parking sign in the way of where he would like to put fencing and it would be nice if the downtown signs were movable like those with weighted bottoms that are not actually attached to the sidewalk.

Bill Faeth, 832 Ave G, also spoke in favor however expressed concerns about the section about cooking or storing food/beverages outside. He initiated a conversation that considered the use of a grill or some out door cooking being a possibility and also touched on the use of a cooler with beverages during hours of operation. The commission was concerned about food/beverage storage being left outside but Krogmeier said it could be adjusted to allow them during business hours but everything must be picked up and stored indoors at the end of each day.

Welder closed the public hearing at 6:46 P.M.

Boeding expressed concerns about allowing some closer to the curb and thought they should all be next to the building to create a continuous space and avoid pedestrians zig-zagging from one to the next along the sidewalk. He was also concerned about allowing 10 days for set up/tear down and said it shouldn't take that long and it's likely they'll serve early so one hard deadline may be better.

OLD BUSINESS

None

OTHER/NEW BUSINESS

None

Wright moved, seconded by Welder, to adjourn.

Motion was passed unanimously. The meeting adjourned at 6:51 P.M.

Ron Welder, Chairman of Planning and Zoning Commission