

CITY OF OSKALOOSA
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
January 4, 2017

A regularly-scheduled meeting of the Planning and Zoning (P&Z) Commission for the City of Oskaloosa was called to order at 4:32 p.m. on Wednesday, January 4, 2017, by Chair Wyndell Campbell at 220 South Market Street, Oskaloosa, Iowa.

COMMISSION MEMBERS PRESENT: Pamela Blomgren, Wyndell Campbell, R. D. Keep, David Kurtz, Linda Russell, Stephen Tews and Gabriel Wagner. COMMISSION MEMBERS ABSENT: None. CITY STAFF PRESENT: Andrew Jensen and Marilyn Johannes.

Campbell welcomed new Planning and Zoning Commission appointee Linda Russell to the commission.

Minutes from the December 6, 2016 Planning and Zoning Commission meeting.

It was moved by Blomgren, seconded by Keep to approve the December 6, 2016 Planning and Zoning Commission minutes. Motion carried unanimously.

Citizens to be Heard

Tews reported the assessor said \$3,400 in tax revenue per year will be lost because Casey's is expanding their parking lot.

Consider the vacation of an unused section of street right-of-way lying between 815 and 901 South F Street.

Tawny Jenkins, on behalf of the owner of the property at 815 South F Street, Russ Parker Enterprises LLC, has requested the unused street right-of-way adjacent to that property be vacated, the street vacation application fee be waived, and Russ Parker Enterprises LLC be allowed to purchase the right-of-way for \$1.00 plus recording and transfer costs.

Jensen said staff recommends the property be sold according to the adopted fee schedule of \$1.00 per square foot which would amount to a total of \$12,144. He also explained a variance for minimum lot width would need to be obtained by the future property owner before a structure could be built on the lot. Parker's intention is to build a garage on the property.

It was moved by Tews to table action on the matter due to ambiguity. The motion died for lack of a second.

It was moved by Blomgren, seconded by Kurtz to vacate the unused street right-of-way lying between 815 and 901 South F Street according to staff's recommendation that it be sold at \$1.00 per square foot.

Campbell asked about the building that is currently on the property. Jensen said it is staffs' understanding that all items on the property are personal items of the applicant. If the lot is not sold to the applicant, all items will need to be removed from the property.

Tews said he wishes the lot could be squared up by moving property lines. Campbell commented adjoining property owners have the first right of refusal given option to purchase, and said that we have to work with what is there now. Keep said these properties were probably developed before the city had zoning codes. The house at 815 South F Street was built in 1910 and maybe at that time 8th Avenue wasn't there.

Campbell said Parker wants to build a garage on the property, perhaps to increase his property value.

Jensen said Parker does not live at this residence. This is a city-owned lot that will be sold with the understanding there no guarantee that a variance will be granted.

Campbell called for a roll call vote: The vote was: YES – Blomgren, Campbell, Keep, Kurtz, Tews and Wagner. NAYS – None. Motion carried.

Discussion on work associated with the repeal and replacement of sidewalk ordinance 17.08.120 – Required Public Sidewalk.

On November 21, 2016 the city council passed an ordinance amending the Oskaloosa Municipal Code creating 17.08.120 – Required Public Sidewalk. However the new language adopted allowing the City Council to serve as an appeals board for rules and regulations specified in Title 17 Zoning was in violation of the state code that indicates appeals of items within Title 17 Zoning is the responsibility of the city council appointed Board of Adjustment.

Campbell gave an overview of Planning and Zoning Commission action on the sidewalk ordinance and the need to remove the language in violation of the state code.

Jensen explained that in Title 17 the only appeals board allowed is the Board of Adjustment. The only appeal available after an item is taken to the Board of Adjustment is to take it to federal court. Jensen told the commission that the city has received a legal opinion that the ordinance is in effect except for the city council appeals requirement.

Jensen said staff is recommending the city council repeal the current language and replace it with satisfactory language. Two potential options that exist include deleting 17.08.120(A)(3) and allow appeals to be heard by the board of adjustment; or to remove the appeal process to city council and the requirement for sidewalks to be installed for residential projects.

Campbell asked if need to just repeal A3 or replace all. Jensen said that at the city council meeting the previous evening that city council voted 7-0 to refer the sidewalk ordinance to the Planning and Zoning Commission with the recommendation to remove the appeals process and the residential requirement. Jensen said that the vote should be considered by Planning and Zoning, but should not be understood as a dictate to the Commission. Jensen said that larger residential developments typically trip the subdivision process, which includes sidewalk provisions. If the residential requirement is removed from the proposed ordinance, sidewalks would be required in commercial and industrial areas, and so sidewalks would be built in all larger developments.

Keep said did not intend to circumvent the Board of Adjustment. Campbell summarized the action taken by city council regarding adoption of the sidewalk ordinance after receiving the recommendations from the Planning and Zoning Commission.

It was moved by Tews to remove Item 3 from 17.08.120 and include reference to the fact the Board of Adjustment is the appeals board for this section of the code. Campbell said he recognizes the motion but this is just a discussion item and the next step is to schedule the public hearing on the matter at the next Planning and Zoning Commission meeting in February. Jensen said he will present language to the commission at the February meeting. Keep said he likes the idea of reference to the Board of Adjustment as the appeals board for this section of the code. Tews concurred that he liked notation on where to go regarding appeals.

Campbell commented that if we remove the residential properties from the ordinance we are removing the original intent of the Planning and Zoning Commission. Tews said the city needs to follow the active transportation plan. Campbell said instead of sidewalks to nowhere, he sees it as sidewalks to opportunity. Blomgren reiterated that including residential was the intent of the commission, and she does not want to see the residential part removed.

Jensen said language included was if development large enough to require a site plan, need to consider installation of sidewalks. If not large enough to require a site plan, the building official oversees construction and decision on requirements.

Kurtz said need to consider public safety too when considering the need for sidewalks.

Campbell said the public hearing on the matter will be held at the February 7 Planning and Zoning Commission meeting.

Discussion of potential future agenda items.

Jensen said staff would like to discuss the concepts of "Minor Subdivisions" and "Minor Modifications" with the commission.

Jensen explained what triggers a subdivision. He explained many communities have minor subdivisions. Adopting language to deal with minor subdivisions would be friendlier to small subdivisions. Jensen said the section of the code dealing with subdivisions does not require Planning and Zoning Commission approval but staff would like to discuss the matter with the Planning and Zoning Commission before it goes to City Council.

Jensen said a minor modification for example might allow for a modification for a side setback if within a small margin close to meeting requirements but not quite. These situations would miss the hardship requirement. Since they would not create a hardship, they would not be eligible to be considered by the Board of Adjustment. If minor modification language is adopted, small modifications would be allowed for the good of the community.

Campbell stated so give minor modifications to building official or city engineer. If meets certain criteria could be approved. Need to determine the conditions. Concerned about exceptions becoming the rule.

The meeting adjourned at 5:35 p.m.

Minutes by Marilyn Johannes