

MINUTES OF THE MEETING
OF THE
ALLAMAKEE COUNTY
PLANNING AND ZONING COMMISSION

March 15, 2010

Board of Supervisors' Room, Courthouse, Waukon, Iowa

Meeting was called to order at 6:00 P. M. by Chairperson John Smola.

Roll call of Commission Members:			Term Expires
	Nancy Everman	Present	2010
	Kirby Cahoon	Present	2011
Chair	John Smola	Present	2012
	James Pladsen	Present	2013
Vice-Chair	Duane Leppert	Present	2014

Planning and Zoning Staff present: Tom Blake, Zoning Administrator. See attendance sheet for public and others in attendance.

All Board members voting "AYE" unless noted. MCU means Motion Carried Unanimously.

Cahoon made a motion to approve the February 22, 2010 minutes as presented. Everman seconded. MCU

Smola presented the proposed meeting agenda. Motion made by Everman to approve the agenda as presented. Pladsen seconded. MCU

Chairperson Smola opened the Public Comment Period.

- Barry Fruechte—Addressed the Commission regarding the Nonconforming Lots of Record section of the 2008 zoning ordinance. He purchased a lot in Valle Vu Estates Subdivision near New Albin in 1979 and an adjoining lot in 1998. Blake had informed him that his adjoining lots may now be consolidated into one lot under Ordinance section 114.3 "Nonconforming Lots of Record." He felt that previously buildable lots should remain as individually buildable and asked the Commission to consider an ordinance change that would exempt any previously conforming lots. Commissioners discussion was held regarding the variances, rezoning and the Urban Growth Area options that were available to persons in a similar position and the need to know the number of impacted lots. This report was being prepared by Blake but was not yet available.
- Colleen Gragg, Jason Brink, Joe Palmer and George Ashbacher each addressed the Commission in support of exempting platted lots in existence prior to the new ordinance.

There being no further comment, Smola closed the Public Comment Period.

Smola called for Old Business:

- **Commercial Zone Principal and Accessory Uses:** Blake recommended a change in the permitted and accessory uses in the Commercial (C-1) District adding “Retail Sales and Service, Dwelling Unit above a store or shop” to the permitted uses and “Dwelling Unit in a commercial structure for the owner, operator or caretaker of the business.” to the Allowed Accessory Uses. Discussion was held regarding the use and district. Blake advised that Clayton and Winneshiek County had similar language in their ordinance and that this use was appropriate in this district. Everman made a motion to approve the ordinance change as presented. Cahoon seconded. Blake advised that a Resolution regarding the ordinance amendment would be prepared for the Commission to consider at the next regular meeting, after a public hearing on the proposed ordinance change. Smola delayed the vote on this motion until later in the meeting when a similar item was scheduled to be discussed under New Business.
- **Cluster Development:** Smola advised the Commission of a proposed process for drafting and reviewing an outline for a Cluster Development ordinance. The outline would be reviewed by the Administrator, Commission and Legal Counsel. Smola advised that the public would have an opportunity for input on the ordinance. No action taken.

Zoning Administrator Report—Blake presented a report on the building permits issued since the last meeting and provided the Commission an update on items of interest. Also, Blake updated the Commission on the report regarding non-conforming lots (less than 3 acres) of continuous frontage that were of common ownership.

New Business:

- **Committee for Responsible Zoning**—Jason Brink—Brink presented a revised Zoning Ordinance Section 114.3, Nonconforming Lots of Record. He asked the Commission to review and take action to recommend the Board of Supervisors adopt the proposed section. It is as follows:

114.3 Lots and Subdivisions of Record on June 3, 2008

On any lot or subdivision of record that existed on June 3, 2008, lots, subdivisions and structures may be improved, modified, constructed and repaired in compliance with the zoning ordinance and subdivision regulations that existed on June 3, 2008. This provision shall apply even though such lots, subdivisions, structures, improvements, modifications, construction and repairs fail to meet the requirements set forth in this Zoning Ordinance and Subdivision Regulations, provided that such lots, subdivisions, structures, improvements, modifications, construction and repairs comply with

the zoning ordinance and subdivision regulations that existed on June 3, 2008.

The Commission discussed the proposal. Consensus to further discuss the proposal after the Nonconforming Lots Impact Report was completed by Blake.

- Revisions to Form A (from the Plat Review Committee) were reviewed. The platting procedure and the use of the form were discussed. No objections or comments regarding the revisions were given.
- New Permitted Use Discussion—Community Meeting and Recreation Building—Blake presented information regarding a possible project by Lansing and that there was not a use description in the ordinance. Neighboring County codes were presented that allowed for a Community Meeting and Recreation Building in Agricultural and Residential Zones. Discussion was held regarding the types of facilities covered, profit and non-profit entities, public and private, whether fees would be charged, and the proper districts for the new use. Cahoon made a motion to adopt the proposed ordinance amendment to provide for a principal use of “Community Meeting and Recreation Building” in the A-1, R-1, R-2, and R-3 districts. Pladsen seconded. MCU. Blake advised that a Resolution regarding the ordinance amendment would be prepared for the Commission to consider at the next regular meeting, after a public hearing on the proposed ordinance change.
- Smola re-stated the two motions dealing with the addition of ‘retail business and ancillary housing’ and ‘Community Meeting and Recreation Building’ to various district. A vote was called; both passed MCU.
- Smola announced to the public a reminder that the Zoning 101 training offered by the Iowa State University Extension Office (Gary Taylor) was scheduled for March 30th and interested members of the public were encouraged to attend.
- Commission member’s consensus to also present the ordinance language modification regarding the Bluffland Protection District Overlay section 302.3.2 at the planned Public Hearing at the next regular meeting. The modification was presented and approved by the Commission on January 18th, 2010.

Motion made by Everman and seconded by Pladsen to adjourn the meeting. MCU

Tom Blake, Zoning Administrator