

City of Decorah
Planning and Zoning Commission
June 10, 2019 – 7:00pm
Meeting Minutes

Members present included: Nathan Thompson, Ryan Delaney, Joel Zook, Barbara Massman, Tony Clarke, and Stan Moellers.

Absent: Llew Jenkins

Others present: Zoning Administrator / City Manager Chad Bird.

Consider approval of minutes from the May 13, 2019 meeting

Motion by Zook and seconded by Delaney to approve the minutes from the May 13, 2019 regular meeting.

Roll call vote: Ayes, unanimous.

Motion passed.

7:00pm – public hearing

Public hearing on rezoning of property; *Allan Dahlen*, 1780 Old Stage Road / Co Rd A52 parcel(s) from F-1 Floodplain Zoning to C-4 Shopping Center Commercial District, June 10, 2019 at 7:00pm

Bird noted there were several letters and emails regarding this hearing and copies are in the Commission's packet. Bird and Moellers reviewed rules of conduct for public meetings and public hearings. Letters and emails were received from:

<i>Jodi Enos-Berlage</i>	<i>2326 265th Avenue, Ridgeway</i>
<i>Steve and Nan St. Clair</i>	<i>700 West Broadway, Decorah</i>
<i>Stephanie Fromm</i>	<i>Director, WCDI and Decorah Jobs, Inc.</i>
<i>Lyle Luzum</i>	<i>107 Ohio Street, Decorah</i>
<i>Mark Muggli</i>	<i>722 Washington Street, Decorah</i>
<i>Laurie Worcester</i>	<i>504 Valley View Drive, Decorah</i>
<i>Cheryl Ludeking</i>	<i>2005 Centennial Road, Decorah</i>
<i>James Fritz</i>	<i>315 Riverview Drive, Decorah</i>
<i>Maureen Larson</i>	<i>Decorah</i>
<i>Lyle and Sue Otte</i>	<i>304 East Broadway Street, Decorah</i>
<i>Ted and Sarah Schacherer</i>	<i>1787 Old Stage Road, Decorah</i>
<i>Laurie Zaring</i>	<i>1102 Linden Street, Decorah</i>
<i>Kelly Brickley</i>	<i>2559 Magnolia Road, Decorah</i>
<i>Karen McLean</i>	<i>317 Riverview Drive, Decorah</i>

Tade Kerndt, representing the owner and applicant reviewed the application and with what interest he has in seeing the property rezoned. He noted he believes the best use is for commercial development. He also noted the request and application is in keeping with the Comprehensive Plan. Kerndt also made it clear he is not representing Menards. He acknowledged the process for rezoning this area and noted it will include an application with the Board of Adjustment and review with the Iowa DNR and the US Army Corp of Engineers.

Kerndt noted there is not an abundance of developable land in the area and this is one of the last parcels. He said it is the last parcel along Old Stage Road. Kerndt concluded by reciting the last statement in the Iowa Flood Center study presented in August 2018; Any actual impacts due to the Menards development during high flow events are likely smaller than those presented in this report.

Moellers thanked Kerndt for his time and then reiterated the rules of conduct and opened the floor for public comments.

Sue Otte, 304 East Broadway. Noted nothing has changed on this site or with the conditions and all the data is there and available. Vote no.

George Hagen, 402 East Main Street. May consider himself in the floodplain if the levee was breached. He urged the commission to vote no. He asked if this parcel is in the floodplain and what other steps are in the process. He recalled former US President Ronald Reagan would allow people to take care of themselves.

Carol Gilbertson, 722 South Washington Street. Said she sent in an email and wanted to reiterate the email. She asked the commission to refuse the application to rezone.

Jim Fritz, 315 Riverview Drive. Do we look forward or backwards? The Iowa Flood Study looked back to past events. He wondered what the future holds and urged the commission to look to the future. He spoke about Ag practices and the impact they have on flooding. He doesn't want to see this project happen in this location.

Tim Wagner, 505 Franklin Avenue. Why do we keep looking at this same issue? Predictions show more and more water and rain events. He stated this prioritizes profits and socializes costs and risks.

Brian Huinker, 115 Sunset Drive. Thanked the commission for their work. This is not a "no brainer" project. This is in the community's best interests and wants to see Menards built elsewhere. He added flooding is coming, let's have a focused Decorah and increased tax base.

Tim Engelsdorfer, 804 Day Street. Spoke of the flooding in St. Louis, MO. He noted causes are overdevelopment. This area is zoned F-1 Floodplain for a reason. Why would we do anything to increase flooding. Zone smartly for all concerned.

Clara Muggli-Toyloy, 2503 River Road. Any development impacts flooding.

Linda Peterson, 1732 252nd Avenue. Road and property will be underwater and have been in past events. The study indicated heavier rains and more frequent rain events. Please, no development in the floodplain.

Lyle Luzum, 107 Ohio Street. Assume nothing or think of those downstream. This impacts them.

Karen McLean, 317 Riverview Drive. No one knows what may happen. Floods and rain events are occurring more frequently. Spoke about the ad in the paper and wondered who put it in.

Lee Zook, 300 ½ West Water Street. Agreed with other comments and wondered about people and property upstream.

Karen McLean, 317 Riverview Drive. Added the City's Comp Plan speaks against the rezoning in this area.

Peter Van der Linden, 101 Grove Street. Thanked the commission for their service. Spoke about the levee and the vulnerability of the levee structure given the prevalence of woodchucks. He added development is good for Decorah, but weather is getting wetter. Can anyone guarantee Decorah won't flood? Keep what we have safe.

John Kjome, 602 East Broadway. Unfortunate that this keeps coming back up. Home many of us here are gamblers? That's what is happening.

Eddie Atwell, 503 Center Street. Not all is in the floodplain. Look closely at this plan.

Scott Carlson, 405 Decorah Avenue. This is an unpopular decision, study show minimal impact on the site. Plans need to be approved. Iowa Flood Study says this is a fringe area, go with the data.

Willard Hanson, 1006 College Drive. Where were the people during the Gundersen site plan and build out, that was in a floodplain and no comments. He noted the fire training facility is in a floodplain, comments?

Jon Jensen, 2682 Lannon Hill Road. Keeps looking to the flood studies. Keep in mind the proposed costs for flood clean-up. Flooding is very expensive for municipalities. Changes must be made for costs saving economies. The data supports protecting cities.

Seeing there were no further public comments, Moellers closed the public hearing portion of the meeting at 7:44pm.

Consider **Resolution No. 2019 - 04**, a request for rezoning of property; *Allan Dahlen, 1780 Old Stage Road / Co Rd A52 parcel(s) from F-1 Floodplain Zoning to C-4 Shopping Center Commercial District Bird and Anderson prepped the commission for discussion by outlining the full rezoning process.*

Bird asked the commission to review the 16 points for rezoning considerations as distributed to the commission.

Zook noted he still had concerns with how this application reconciles with the city's Comp Plan. He noted it falls outside the Comp Plan and involves too much land area.

Clarke discussed the benefits of development and this area in particular.

Zook mentioned a previous site plan had been approved.

Thompson said this site brings challenges and he appreciates the discussion. He asked if there should be larger community conversations about the watershed. He would be in favor of the proposed project if there were contingencies for mitigation practices on an acre per acre scenario. He believes conversations should happen at the Watershed Authority level.

Moellers said the Iowa Flood Study stated a minimal impact to the site and the Iowa DNR approved a similar previous project.

Motion by Clarke and seconded by Delaney to recommend approval of the rezoning request.

Roll call vote: Ayes, Clarke, Delaney, Moellers.

Nays, Massman, Zook, Thompson.

Motion fails on a 3 – 3 vote.

Consider C-3 Commercial Design Review re: 122 East Water Street, *TJK Herman Enterprises, LLC – remove and replace existing roof due to fire damage, replace windows and signage*

Bird reviewed this C-3 design application and noted it is for several renovation related improvements being made to this building, which suffered some fire damage last summer. He noted there may be some work on the street side windows and front façade, but it will be related to repairs and renovations. No design work is being proposed.

Motion by Thompson and seconded by Massman to recommend approval of the C-3 permit for 122 East Water Street, TJK Herman Enterprises.

Roll call vote: Ayes, unanimous.

Motion passed.

Consider C-3 Commercial Design Review re: 105 East Water Street, *High, Wide & Handsome – new logo for new business and refresh painting on entryway*

New front entry paint and new sign over old sign and awning.

Motion by Massman and seconded by Thompson to recommend approval of the C-3 permit for 105 East Water Street, High, Wide, and Handsome new business.

Roll call vote: Ayes, unanimous.

Motion passed.

Consider a site plan review – *Dry Run Park*

Bird and City Engineer Jeremy Bril presented conceptual plans for a new public park on East Water Street. They stated a committee organized to design and build this park.

The idea is to spring off of one of the Community Visioning concepts and develop this space into a gateway to the Downtown.

The commission appreciated the update and generally liked the concept and layout. The commission asked for final design review to come to the commission in the form of a site plan once the design and plans are completed.

Consider review of City Code Title 16 - subdivisions

Bird and Bril provided an update to the commission by noting city staff has started a review of Title 16 – subdivisions of the city code. The section was last amended 1993, with few or no updates and amendments since.

Bird noted the comments are shared for discussion only at this time with action proposed for July 8. A public hearing would not be required but may be desired by the Commission.

Review proposed offer for sale of public land – Fox & Coon

Bird noted the city has received an offer to purchase the land known as the Fox and Coon Club on the West side of Hwy 52. He stated, as of this writing, there is no proposed development or improvement of the site, simply an offer to purchase.

Bird reviewed a recent appraisal was commissioned by the City and prepared in August 2018.

He noted the appraisal indicated:

Value Indication for the Depreciated Subject Building:

Cost Approach Indicated Value: \$ 95,000

Value Indications for the Subject Property as vacant:

Sales Comparison Indicated Value: \$308,000

Final Value Indication for the Subject Property:

\$308,000

Bird stated the city code provides that the commission should make a recommendation to the council regarding sale of the land, such recommendation may also include recommendations on use and / or zoning changes.

Kelly Bachelder was present and noted he is interested in the property for potential commercial development but did not have specifics in mind.

Massman asked about the process to sell public land and if it required a public bidding or hearing process. Bird said he would seek legal advice, but he believed the council could look at a bidding process.

Motion by Moellers and seconded by Clarke to recommend the sale of city / public land and to recommend it be annexed and zoned C-1 Highway Commercial.

Roll call vote: Ayes, unanimous.

Motion passed.

Discussion and possible action on zoning code sections related to short-term lodging units and rentals

Bird shared short-term rental data with the commission and noted the last discussion on the issue of short-term rentals / AirBnBs was in June 2017. He noted staff believes these units are becoming more prevalent and warrant further discussion.

In a previously prepared spreadsheet of information there were 26 residences on the Airbnb official site and 18 in the area, outside the city limits. Of the 26 in the city, four appear to be in zoning districts that do not allow for rooming houses or boarding houses.

There are 15 Vacation Rental By Owner (VRBO) rooms in the area. Three outside the city limits and none appear to be in violation of the zoning codes.

Bird shared there is no doubt more today and discussion should revolve around inspections, registration, and licensing.

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Staff sent letters to those units believed to be in violation of the current interpretation of the zoning code. Others were in attendance to engage in the conversation.

Lois Humpal, 402 Vernon Street. Owns a unit on Fifth Avenue and stated these are well maintained and taxed.

Eric Rediske, 3171 Scenic River Road. Owns a new unit on West Water Street and sees the benefit of short-term rentals in the community.

Uwe Rudolf and Ruth Caldwell, 510 North Street. Have owned the home here for many years. They have always rented it out for Luther activities.

Delbert Smith, is looking to purchase a home and is wondering about what will be legal or not.

Lyle and Sue Otte, 304 East Broadway Street. Short-term rentals take other units off the market and impact affordable housing.

The commission engaged in discussions about parking, licensing, permits, inspections, and allowable access through zoning.

The commission pledged further discussion.

Other business

There being no other business, the meeting was adjourned at 9:23pm

Respectfully submitted,



Chad A. Bird
City Manager
Zoning Administrator