

City of Decorah  
Planning and Zoning Commission  
January 11, 2021 – 7:00pm  
Meeting Minutes

Electronic meeting pursuant to Iowa Code section 21.8 – In circumstances where such a meeting is impossible or impractical due to concerns about COVID-19 and social distancing for the safety of commission members and the public.

In support of Iowa Governor Kim Reynolds' proclamation declaring a State of Public Health Disaster Emergency in Iowa, the current COVID-19 situation makes it "impossible and impractical" to meet in one location. Due to this the Decorah City Hall was partially closed to the public for the January 11, 2021 Planning & Zoning Commission meeting. Seating was limited to ensure distancing. The public was invited to participate via electronic means.

Members present included: Jared Essa, Ryan Delaney, Terri Byrnes, Tony Clarke, Marla Klocke, Joel Zook, and Nathan Thompson *via Zoom*.

Others present: City Attorney John Anderson and various citizens logged into the Zoom platform (~28).

*The Zoom link connection video was intermittent. Audio was connected consistently throughout the meeting.*

Consider election of chair and vice-chair

**Motion by Thompson and second by Klocke to appoint Tony Clarke as chair and Joel Zook as vice-chair of the Commission.**

**Roll call vote: Ayes, unanimous.**

**Motion passed.**

Consider approval of minutes from the December 14, 2020 regular meeting.

**Motion by Zook and second by Delaney to approve the minutes from the December 14, 2020 regular meeting.**

**Roll call vote: Ayes, unanimous.**

**Motion passed.**

#### 7:00pm – public hearing

Public hearing on a request for rezoning of property; *Allan J Dahlen and Patricia J Dahlen, for land along Old Stage Road and in Section 14 and Section 23, Township 98 North, Range 8 West of the Fifth P.M., all within the City of Decorah, Winneshiek County, Iowa parcels from F-1 Floodplain to C-4 Shopping Center Commercial*

*Bird reviewed the rezoning application and noted it is for land owned by the Dahlen Family and situated along Old Stage Road / County Road A52. He stated the land is currently zoned as F-1 Floodplain and the application proposes rezoning 16.75 acres of the land to C-4 Shopping Center Commercial zoning. Bird said the proper notice was published in the Decorah newspaper on Thursday, December 31, 2020.*

*Commission member Klocke stated she had received an email from Randy Haugen, 2836 Lower Dam Road, Decorah, which supported the proposed rezoning.*

*Tade Kerndt, 2750 US Hwy 52, speaking as a representative for the Dahlens, said there have been two flood studies completed for Decorah, one specifically on this site. He said the study showed minimal impact. He also noted the application request is in alignment with the City's Comprehensive Plan documents for future land use and growth. He also stated the rezoning is conditioned on the rezoning agreement document which will require a proper site plan.*

*Kerndt stressed the need for business growth and activity and said the City and Downtown need this type of larger scale commercial growth to remain strong and vibrant.*

*Brian Huinker, 1310 College Drive, Decorah, said he appreciates how tough a decision this is for the Commission and the community. He sees the economic versus environmental struggles and impacts. He spoke in favor of economic development and said he could not imagine a community without the Walmart, which was the subject of a similar discussion many years ago. He sees this rezoning as a positive force in the community.*

Clarke asked for comments from attendees on the Zoom screen.

Molly McNicoll, 203 Hollihan Street and member of the Decorah Sustainability Commission presented a few slides and maps. She noted, on behalf of the Commission they didn't really have a recommendation for P&Z but they wanted to review some of the flood studies and maps available.

She said Decorah is very lucky there are many sources of information relative to this subject. She reviewed some of the work the Sustainability Commission has reviewed and discussed. She stated the commission's goals and vision are "protecting our community and ensure that developments are not vulnerable to flooding nor increase the risk of flooding for others."

She also touched on the Iowa Flood Center study and the Woodwell Center study recently completed. She discussed the 100 year and 500-year flood models.

Peter Van Der Linden, 101 Grove Street, said the commission should reject this rezoning application. He said this application conflicts with the future land use section of the city's Comprehensive Plan. He said the rezoning proposal just doesn't make sense for the community. He said this project would only increase costs for the City and the City could proceed with a negotiated sale at a later time under eminent domain.

Jim Fritz, 315 Riverview Drive, said there should be no filling in of the floodplain in any areas of the city, under any circumstances. He said the floodplain should be a cushion for high water events. Changes in this parcel will change the flow of the river. He said little changes over the years add up over time. He said the community needs more green spaces.

Clara Muggli – Toyloy, 2503 River Road, she reiterated the points previously made by McNicoll. She noted the Iowa Flood Center report states floodplain development, in general, greatly influences the severity of flood events. She said we all know flood plain development impacts flooding. She said we need to take a larger view of development.

Tim Wagner, 505 Franklin Street, agrees with previous comments. Said he has only lived in Decorah for five years but has seen the river reach its banks twice. He does not think it is a wise choice of the commission to consider or vote on this application. He urged the commission to do what is the best for the community.

Karen McLean, 317 Riverview Drive, encourages the commission to not approve this rezoning application. She also pointed out the Woodwell study looks at not only river flooding but also pluvial flooding which looks at ground water and storm water systems are inundated. She also noted the Iowa Flood Center data does not take in to account climate change and future rain events.

Ted Shocker, 1787 Old Stage Road, appreciates all the scientific studies and information. He shared that localized flooding is more real than many realize. He said in August 2016, flooding covered the road and closed access to Freeport. He said he is concerned about development and how it will impact flooding upstream and downstream. He said it is a false choice to pick livelihoods over lives. He said lives of those not as protected are important. He urged the commission to vote against this proposal.

Kevin Lee, 2526 173<sup>rd</sup> Avenue, he hoped the commission would deny the rezoning application. He said flood plain should be enhanced and not reduced. He said the best use of the land would be to have plantings and vegetation, maybe even over row crops. He said there could be a prairie plantings seed crop that could generate revenue.

39:20

Kerndt spoke again, responded to a question about what has changed. He said quite a bit has changed. The Luther College levee and Jim Fritz have brought fill into the floodplain and changed the course of the river. He also said no one speaking tonight spoke against those to applications for fill. He said he feels folks are speaking with emotion and what they feel may happen.

He said there is not much land left to even consider developing.

Clarke asked if there were any final comments from the public. Hearing none, he closed the public comment section. He asked if the commission members had any comments to make during the hearing portion.

He asked if Bird had final comments. Bird stated he wanted to comment on something Kerndt noted. He reviewed the three action items coming next on the agenda and recommended they are in this order because they build on each other.

42:30

Discussion and possible action on a Right-of-First Refusal document for land along Old Stage Road and in Section 14 and Section 23, Township 98 North, Range 8 West of the Fifth P.M., all within the City of Decorah, Winneshiek County, Iowa

Bird reviewed the item and described the agreement. He said he negotiated the agreement to put the city in the first position to be able to purchase the land. He said his motivation came from comments during the discussion on this matter last year, to preserve and protect the floodplain area. The key question he asked during this process is how can the public protect the rest of the land. If a small portion of the land is developed, how can the city preserve the rest of the land. He said the agreement would allow for the city to buy any or all of the rest of the land.

He said the agreement proposes, in exchange for rezoning, the owners will give the city the right to be first to buy the land. He called on City Attorney John Anderson and Kerndt to provide additional information if necessary.

Anderson noted the version in front of the commission reflects the changes the commission discussed at the December 14, 2020 meeting. It said it doesn't change the nature or intent of the agreement.

There was no further discussion or comments.

**Motion by Klocke and second by Essa to recommend approval of the Right-of-First Refusal.**

**Roll call vote:**

**Ayes, Klocke, Essa, Thompson, Byrnes, Delaney, Clarke**

**Nays, Zook**

**Motion passed on a vote of 6-1.**

49:24

Discussion and possible action on a conditional rezoning agreement for land along Old Stage Road and in Section 14 and Section 23, Township 98 North, Range 8 West of the Fifth P.M., all within the City of Decorah, Winneshiek County, Iowa

Clarke asked Bird to review the rezoning agreement. Bird stated that a rezoning in the floodplain comes with several conditions and some conditions that could be negotiated with the landowners. He noted the first such item is to seek a permit from the Board of Adjustment to place fill in the floodplain. He also noted the code is unclear on which should come first, the Board of Adjustment action to place fill or the rezoning from the P&Z Commission. He said staff recommends the rezoning process first.

Bird also noted the agreement holds that the land owner would have two years to seek a permit from the Board of Adjustment and also must have an approved site plan presented.

He also noted the applicant would be bound by the agreement's terms for site plan, fill, floodplain codes and other commercial development requirements.

Anderson noted he clarified information regarding the land owners.

Zook noted he believes the agreement is a good document. He suggested changing the phrase "all of the property" to "part of" or "some of" the property being suitable for development.

Anderson asked Zook if "some of" the property would be alright. Zook agreed.

There was no further discussion or comments.

**Motion by Zook and second by Klocke to recommend approval of the Conditional Rezoning Agreement with the edit as discussed to clarify that part of the property is identified in the Comprehensive Plan as appropriate for commercial development.**

**Roll call vote:**

**Ayes, Klocke, Zook, Byrnes, Delaney, Essa, Thompson, Clarke**

**Unanimous.**

**Motion passed on a vote of 7-0**

58:16

Consider **Resolution No. 2021-1** on a request for rezoning of property; *Allan J Dahlen and Patricia J Dahlen, for land along Old Stage Road and in Section 14 and Section 23, Township 98 North, Range 8 West of the Fifth P.M., all within the City of Decorah, Winneshiek County, Iowa parcels from F-1 Floodplain to C-4 Shopping Center Commercial*

*Bird reviewed the application for rezoning again. He reiterated the rezoning is for 16.75 acres from F-1 Floodplain to C-4 Shopping Center.*

*He further noted the petition / application was received and presented to the Planning & Zoning Commission on November 9, 2020. The commission set the public hearing on November 9, 2020 for December 14, 2020 at 7:00pm for a public hearing on Conditional Rezoning Agreement.*

*The Commission held a public hearing on the Conditional Rezoning Agreement on December 14, 2020 at 7:00pm and then set a public hearing on the rezoning amendment for January 11, 2021 at 7:00pm.*

*He referenced 16 review points noted in Iowa Administrative Code section 414.3 for the commission to review and consider collectively and / or individually. He noted the points ask the commission to consider such elements as traffic, light and air, the environment, the economy, the use of land, and density, to name a few. He said at the public hearing, the commission should discuss and analyze the 16 factors for consideration of the rezoning request, pursuant to the code.*

*He asked Clarke to work through the points of review. He noted some commission members had submitted their thoughts in advance of the meeting. They are on record in the Zoning Administrator's office.*

*Clarke reviewed each point and asked the commission members to discuss.*

i. In accordance with the Comprehensive Plan?

*Zook said this is the sticking point for him. He believes the Comp Plan is not clear on this issue. On one hand the Plan states this area could be commercial use but it also says it is in the floodplain and should not be developed. He said his decision is based on the map that does not show the entire area. He feels the proposal is larger than the area noted in the Comp Plan. He believes the Plan should prevail and he says it is just not clear.*

*Byrnes submitted written comment that the rezoning follows the comprehensive plan in the fact that the City of Decorah is trying to plan ahead to mitigate any issues that may arise as a result of rezoning. The City is trying to protect the remaining land open and natural.*

*Essa noted in a written comment the City has developed a more comprehensive levee maintenance and inspection process and joined the National Flood Insurance Program.*

ii. To preserve the availability of agricultural land?

*Comments noted this would not be an issue or was irrelevant.*

iii. To consider the protection of soil from wind and water erosion;

*Comments noted this would not be an issue or was irrelevant.*

iv. To encourage efficient urban development patterns;

*Byrnes noted the City needs to encourage growth in Decorah. She said, yes, there will be some sacrifices, however, the good outweighs the bad if it is done correctly. Comprehensive plan states that one of the guidelines is controlled urban development. Rezoning this while planning preservation techniques is about as controlled as you can get.*

v. To lessen congestion in the street;

*Byrnes submitted a written comment that with this rezoning and growth, let's think outside the box to lessen congestion in the street. Maybe a frontage road could be put in to decrease the fear of congestion on Old Stage Road to Freeport.*

*There were no other comments.*

vi. To secure safety from fire, flood, panic, and other dangers;

*Byrnes wrote that proper planning would be key to protect the area from future flooding. There were no comments on this section.*

vii. To promote health and the general welfare;

*Byrnes noted rezoning this land and bringing in growth promotes the general welfare of people. We are able to offer more employment to the surrounding communities which bring them to Decorah not only for work but healthcare, dining, and shopping. Again, look at the big picture.*

viii. To provide adequate light and air;

*There were no comments on this section. Clarke didn't see how it would be relevant.*

ix. To prevent the overcrowding of land;

*Clarke noted the area is more open and would provide for larger lots better suited for growth. There were no other comments.*

x. To avoid undue concentration of population;

*Byrnes and Clarke didn't see how this proposed project would increase population density.*

xi. To promote the conservation of energy resources;

*There were no comments on this section.*

xii. To promote reasonable access to solar energy;

*Clarke stated he believed such a project or development could help improve solar viability. Byrnes agreed.*

xiii. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

*Byrnes said she believed traffic should be addressed during the site plan review.*

*There were no comments on this section.*

xiv. With reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses;

*There were no comments on this section.*

xv. With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city;

*Byrnes thought this area represented a good opportunity for develop and there are not many areas in Decorah for development.*

*There were no other comments on this section.*

xvi. With consideration of the smart planning principles under [section 18B.1i](#) (and may include the information specified in [section 18B.2, subsection 2ii](#)).

*Byrnes wrote she believed the rezoning applicants have tried to be very diligent about the smart planning principles in Section 18B.1. The applicants have tirelessly worked with the city, the P&Z commission, and the City Attorney to come to an agreement where everyone has had input and come to an agreement that has satisfied all parties.*

*They have done a good job of putting for the effort to collaborate and do what they can for the good of the city on paper. It states right in #4 OCCUPATIONAL DIVERSITY stating that the establishment of businesses in locations near existing housing, infrastructure, and transportation should be promoted. This parcel of land is exactly that and promoting growth is a positive thing. Some of the other items are not applicable as this is being asked to be rezoned to commercial vs residential. The City of Decorah is trying their best to make sure natural resources and areas are being preserved along with the rezoning of this parcel.*

*Bird reviewed the Smart Planning principals and emphasized three:*

#### **7.8 Economic Development Summary**

*In general, the City of Decorah enjoys a measure of success in regard to economic development. Like all communities in this period of economic struggle, there are challenges, but Decorah's economic outlook is better than many other comparable communities. One of Decorah's challenges is finding a balance between attracting a diversity of industry and manufacturing while also protecting sensitive environmental areas. Revitalization of abandoned or underutilized properties within the city limits is an area for improvement.*

#### **11.5 Occupational Diversity**

*Decorah should promote increased diversity of employment and business opportunities, promote access to education and training, expand entrepreneurial opportunities, and promote the establishment of businesses in locations near existing housing, infrastructure, and transportation.*

*Clarke concluded the points may also be addressed during the site plan approval process.*

*Delaney asked about the elevation of the Waste Water Treatment Plant and if the area was built up or if it had always been at its current level.*

*Bird said he did not know if the plant was raised.*

*There was no further discussion or comments.*

*Clarke noted this is one step in a long process. He also noted this project may mean economic development, through jobs, and retail activity.*

1:15:33

**Motion by Clarke and second by Byrnes to recommend approval of resolution no. 2021-01.  
Roll call vote:  
Ayes, Clarke, Byrnes, Klocke, Delaney, Essa, Thompson  
Nays, Zook  
Motion passed on a vote of 6-1.**

Consider C-3 Commercial Design Review re: 212 Winnebago Street, *Anderson Law Offices – change in sign design*

*Bird reviewed the application and noted the only change is the addition of a couple more names to the sign. He noted the material and size are the same.*

*Bird noted the Historic Preservation Commission chair did see the application and appreciated the opportunity to review it.*

**Motion by Klocke and second by Zook to recommend approval of the C-3 Commercial design review for the sign at 212 Winnebago for the Anderson Law Offices.  
Roll call vote: Ayes, unanimous.  
Motion passed.**

Consider a Site Plan Review re: 909 South Mill Street, *Mill Street Mocha – commercial building*

*Bird recommended the commission table this site plan application as there were several issues left unresolved. He also noted it may need a variance to complete the project as proposed.*

*Klocke noted she had a conflict with the project as she is involved in its design. She stepped out of the room for the discussion and vote.*

**Motion by Zook and second by Delaney to table the site plan review for 909 South Mill Street until the plan is completed.  
Roll call vote: Ayes, unanimous. Abstain: Klocke  
Motion passed.**

Consider a request for rezoning of property; 909 South Mill Street, *Mill Street Mocha – commercial building, Block 4 Paine and O'Connor Lot 1, except North 2', Section 21, Township 98 North, Range 8 West of the Fifth P.M all within the City of Decorah, Winneshiek County, Iowa parcels from R-3 Multi-family Residential District to C-1 Highway Commercial District and setting a date for a public hearing February 8, 2021 at 7:00pm*

*Bird noted the proposed project for this site will seek a rezoning from residential to commercial to allow for the use as a commercial drive-thru coffee shop.*

**Motion by Delaney and second by Essa set Monday, February 8, 2021 at 7:00pm as a date and time for a public hearing on the rezoning of this lot at 909 South Mill Street.  
Roll call vote: Ayes, unanimous. Abstain: Klocke  
Motion passed.**

Other business

- a. *Mural discussion committee*  
*Bird noted the Historic Preservation Commission is interested in meeting with P&Z about possible community regulations and standards. He asked if there were any volunteers.*

*There were no takers.*

Other business

There being no other business, the meeting was adjourned at 8:27pm

Respectfully submitted,



Chad A. Bird  
City Manager  
Zoning Administrator