

CITY OF DECORAH
BOARD OF ADJUSTMENT
MAY 19, 2022 AT 5:15PM
MEETING MINUTES

Members present included: Sue Sander, Ron Onsager, Janelle Pavlovec, Dan Bellrichard
Absent: Kraig Tweed

Others present: Greg Swanson, Travis Goedken, Lorraine Borowski, Jon Anderson, Jeffrey Albert, Keri Sand, Dave Smutzler, Emily Neal, Kirsten Olson, Martin Refsal, Hanna Garry, Mike Voltmer, Tade & Natalie Kerndt, Russ Novak, Craig & Urvashi Patel, Laurie Worcester, Leslie White, Chad Bird (via Zoom)

Zoom: Multiple zoom participants

Call to Order at 5:16pm

Approval of the Agenda

Motion by Onsager seconded by Bellrichard for the approval of the agenda.

Roll call vote:

Ayes: Onsager, Bellrichard, Pavlovec, Sander

Nays: None

Motion Passed

Motion by Bellrichard and second by Pavlovec to open the Hearing on an Appeal of the Zoning Administrator's Interpretation of Zoning Code for Kwik Trip proposed use at 308 College Drive pursuant to Decorah City Code Chapter 17.23.

Roll call vote:

Ayes: Bellrichard, Pavlovec, Sander, Onsager

Nays: None

Motion Passed

Jon Anderson, City Attorney, spoke to the board and asked that they make their decision based on the set of facts in front of them which include some of the C2 district businesses that were located on College Drive. He would like the board to hear from the former City Manager – Chad Bird and from Mike Voltmer – Former chair of the Planning and Zoning from 1993.

Greg Swanson, City of Decorah's Zoning Administrator gave an overview on the Kwik Trip proposed use at 308 College Drive and why he believed he zoned it properly. This location is currently zoned in the C2 district. Similar businesses in this district, such as Decorah Mart and Casey's, which were re-zoned in 2016 and 2017 were passed by the Planning and Zoning Commission and City Council.

Jon Anderson, City Attorney, had asked Chad Bird to talk to the Board. Chad's address is 2716 Clearview Dr. Burlington, IA and his current job is City Manager for the City of Burlington Iowa. Chad had worked for the City of Decorah as the City Manager, City Zoning Administrator and City Flood Plain Manager from October 2011 – March 2021. Chad states that the Casey's and Decorah Mart, located on College Drive offer the same services today as they did in 2011. Bob's Standard was also located on College Drive at the time when Chad had started working for the City of Decorah. He said Bob's Standard offered

maintenance repair and fuel services. He couldn't remember if it had a car wash bay. In 2016, Casey's located on College Drive had a site plan review done because they wanted to expand the store. In 2017, Decorah Mart had submitted a sign permit for their store along with some concrete work.

Jon Anderson, City Attorney, had asked Mike Voltmer to talk to the Board. Mike's address is 2806 College Drive. Mike was Chairman of the Planning and Zoning Commission in 1992 and 1993. He was also Chairman of the Planning and Zoning Comprehensive Plan. The Comprehensive Plan was in place to update the city zoning and city facilities, streets. The last time this was updated was in 1973. A firm in Des Moines had helped them get the Plan in place. It took them almost two years to get the new zoning plan completed.

Appellants:

Martin Refsal: 308 Day Street

Hanna Garry: 602 North Street

Martin would like the board to look at what the current zoning ordinance states and not go by what it doesn't state. Hanna said that gas stations are stated to be allowed in the C1 district. She stated that the similar uses the Zoning Administrator used between a gas station and convenience store were not similar to what a gas station is labeled as in the C2 district.

Interested Parties:

Tade Kerndt – property owner of the proposed Kwik Trip at 308 College Drive. Tade introduced his attorney Adam Van Dyke and Karen Karr with Brown Winick, located at 666 Grand Ave #2000, Des Moines, IA 50309. Karen had stated that the language in the ordinance is what needs to be looked at. The ordinance states that retail sales are allowed. Karen would like the Board to support the decision of the Zoning Administrator because the ordinance states that gas stations are a retail use, along with a wash station.

Sue Sander, Board Chair, called for a five minute recess at 6:50pm.

Sue Sander, Board Chair, reconvened the meeting at 6:55pm.

Public Comment: Each person has three minutes to speak

Jim Tripp – wrote a letter

707 Center Ave. Decorah, IA 52101

He is in support of the appeal due to conversations with neighbors and his own research in the zoning codes.

Spencer McKinney – wrote a letter

1105 Nordic Dr. Decorah, IA 52101

He is in support of Kwik Star coming to Decorah. Kwik Star offers more than most convenience stores.

Kate Scott

405 E Broadway St. Decorah, IA 52101

She is against Kwik Star on College Drive. She said Kwik Star is allowed in the C1 district, not in the C2 district.

Brandon Schmitt

107 Quarry St. Decorah, IA 52101

He is against Kwik Star coming on College Drive. He said that it will lower his property value.

Deb Schmitt

107 Quarry St. Decorah, IA 52101

Wants the Board to look at zoning codes.

LeRoy Smith

409 Day St. Decorah, IA 52101

He is against Kwik Star on College Drive. He said it is not zoned properly.

Becky Schrandt-Miles

209 Mound St. Decorah, IA 52101

She is against Kwik Star on College Drive. Kwik Star is classified as a gas station.

Liz Rog

1591 Manawa Trail Rd. Decorah, IA 52101

She is against Kwik Star on College Drive. She said gas stations don't belong in the C2 District.

Russell Novak

2036 Grandview Rd. Decorah, IA 52101

He is in support for Kwik Star to come on College Drive. He said gas stations have changed in the last 30 years. Gas stations and convenience stores should both be allowed in the C2 district.

Bailey Loots

1850 Canoe Valley Rd. Decorah, IA 52101

She is against Kwik Star on College Drive. Gas stations are allowed in C1 not in C2.

Maya Rasmussen

1850 Canoe Valley Rd. Decorah, IA 52101

She is against Kwik Star on College Drive. She said a change in major roadways deserves a change from C2 to a C1 district, since this isn't happening, it should stay as a C2 district.

Mary Wagner

311 View Street. Decorah, IA 52101

She read a letter from her husband. They support Kwik Star on College Drive. He would like Decorah to thrive.

Sara Cousins

2215 Middle Calmar Rd. Decorah, IA 52101

She is against Kwik Star on College Drive. She doesn't think it was zoned properly.

Herb Hageman

300 Pleasant Hill Drive. Decorah, IA 52101

He is in support for Kwik Star on College Drive. Herb said with Locust Road and Pole Line Road coming to that intersection, it will be utilized. He said Kwik Star has done this for some time and they know what they are doing.

Charles Lore

808 Ridge Rd. Decorah, IA 52101

He is in support for Kwik Star. He believes it will give Luther College students job opportunities. It will also be helpful for bus drivers.

Cy Nelson

505 Leif Erikson Drive. Decorah, IA 52101

He is against Kwik Star on College Drive. He thinks it is too big for down town Decorah.

Darrel Jensen

803 Serenity Court. Decorah, IA 52101

He is against Kwik Star on College Drive. He thinks it's an awful project and the community will suffer.

Megan Wachholz

409 Day Street. Decorah, IA 52101

She is against Kwik Star on College Drive. She doesn't think 20 gasoline pumps belong on College Drive.

Motion by Onsager and Second by Pavlovec to close of the Hearing on an Appeal of the Zoning Administrator's Interpretation of Zoning Code for Kwik Trip proposed use at 308 College Drive pursuant to Decorah City pursuant to Decorah City Code Chapter 17.28.

Roll Call Vote:

All Ayes

Nays: None

Motion Passed

Rules of Conduct -

Sue Sander, Board Chair, said that Kwik Trip brings neighborhood convenience, retail sales and services. She stated that the terminology has changed over the years and that gas station and convenience store have similar meaning.

Ron Onsager, Board Member, said that the definition of a gas station is out of date. Convenience store is primarily a retail business. A significant part of the items Kwik Star sells are grocery and retail items. Kwik Star serves drive in, ready to eat food.

Janelle Pavlovec, Board Member, said that Ron had said all the things that she would have said.

Dan Bellrichard, Board Member, said that the different zoning districts list the some of the same permitted uses. The two current businesses on College Drive have been treated as a permitted use.

Motion by Onsager and Second by Sander to deny the Appeal of the Zoning Administrator's Interpretation of Zoning Code for Kwik Trip proposed use at 308 College Drive pursuant to Decorah City Code Chapter 17.23.

Roll Call Vote:

All Ayes

Nays: None

Motion Passed

Other Business: Next meeting, June 1, 2022 at 5:15pm.

Motion by Onsager and Second by Sander to Adjourn at 8:02pm

Roll Call Vote:

All Ayes

Nays: None

Motion Passed

Meeting Adjourn: 8:02pm