

TO: Planning Commission Members  
Honorable Mayor and City Council Members  
FROM: Paul Kenaga, Zoning Administrator  
DATE: June 18, 2014  
RE: Meeting Minutes  
Tuesday, June 3<sup>rd</sup>, 2014

The Planning Commission met at 5:15 p.m., on Tuesday, June 3<sup>rd</sup>, 2014, in the City Council Chambers at City Hall. The following members were present: Donald Smith, Jerry Steffes, Dave Hanifl, Richard Wieser, Patty Dockendorff, Mani Edpuganti. Ex-officio members John Graf, Bill Waller and Shawn Wetterlin were in attendance. Linda Larson and Skip Wieser were not present. Paul Kenaga was also in attendance

1. Meeting was called to order by Chairman Smith and roll call taken. The minutes of May 6<sup>th</sup>, 2014 and May 15<sup>th</sup>, 2014 will be approved at the next regular meeting of the Planning Commission as they were not distributed for approval.

2. The Planning Commission of the City Zoning Authority held a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 5:20 o'clock P.M. to consider an application for a zoning classification from R-1B to R-3. The zoning change request concerns certain premises situate in said City described as follows, to wit: Parcel number 25.0136.000, more commonly identified as 201 North Elm Street.

The Public Hearing was opened.

James Lintelman @ 421 Main Street gave a short history of the building. Mr. Lintelman is a member of the congregation that owns the building and has most recently been using it as a child care center. Jim remembers that the building was a store with an attached residence, prior to being a childcare center, since at least 1960 and that's why a duplex seems, in the current owner's opinion, to be a reasonable use of the building. Pastor also spoke in favor of making this a permitted use.

Tyler @ 503 North 2<sup>nd</sup> Street feels that a duplex as proposed doesn't fit in the neighborhood.

Judy Storlie @ 28 South Elm Street also feels that a duplex would change the character of the neighborhood.

Gretchen Cook @ 517 North 3<sup>rd</sup> Street would like to know where the additional parking for the duplex would be located.

Jerry Abnet @ 518 North 2<sup>nd</sup> Street stated that there is not any available room for a garage for off-street parking.

Tyler @ 503 North 2<sup>nd</sup> Street believes that the traffic on Elm Street is heavy now and this duplex will only add to the problem. Also, if it were to be R-3, a more dense use could be made since up to eight (8) units would be a permitted use.

Public meeting closed.

It was the consensus of the Planning Members that more information concerning this property must be available for the next meeting. Clearly the structure has been being used for many years for non-permitted uses. Even the child care was beyond the permitted size. No doubt many of the uses were legal non-permitted uses. Chairman Smith outlined the issues. We have a structure with 2 kitchens and 2 living spaces that exists in a single family zoning district yet permitting a zoning change to R-3 permits incompatible and from neighbor testimony, 'undesirable' uses of up to 8 apartments. Changing a zoning for the single lot within a district is seldom appropriate. He suggests that we take some time to thoughtfully review the options that are available. Perhaps an interim permit, or conditional use, or other 'vehicle' is possible. Also of interest is past permits for uses or documentation of any kind. Mr. Kenaga was asked to research any past uses and it seems appropriate to meet with the applicant prior to the next meeting of the Planning Commission.

Motion to table this request until the next regular meeting at July 8, 2014 @ 5:20 p.m. was made by Hanifl and seconded by Dockendorff.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

3. The topics of 'retail sales' in Residential Districts per City Code chapters 112 and 116 and zoning ordinances governing garage sales in Residential Districts were referred to the Planning

Commission by the Council. A draft of an addition to the zoning ordinances was reviewed. The goal was to make unambiguous the City's rules and thus avoiding any disputes over interpretation. There was a spirited discussion in which the public was allowed to participate. The draft was revised and adopted as the consensus of the Planning Commission. That draft governing garage/yard is attached to these minutes and is forwarded to the Council. It makes clear that buying product for 'retail' or 'wholesale' resale from a home in a residential district is not permitted. Recalling that only expressly permitted activity is permitted in any district, rules for 'garage/yard sales' in a residential district were drafted. If the Council supports the direction the Planning Commission would follow the procedure for amending the Zoning Ordinance and call for a Public Hearing at their July meeting with the public hearing to be held at their August meeting. At the same time the City Attorney would review and offer suggested clarification on the rules governing itinerate and peddlers sales.

4. Review of comments from Public Meeting with City Council, School Board and Planning Commission. The comments the city received from the Public Meeting were shared. The City Administrator will request the comments that the School Board received be shared as well. The public comments are attached to these minutes. Many reflected the need to conserve park land.

5. There being no further business to discuss, Motion by Steffes seconded by Wieser to adjourn the meeting at approximately 8:20 p.m.