

PLANNING & ZONING COMMISSION MEETING
CITY OF DYERSVILLE

August 8, 2016

Meeting called to order by Chairman Olberding at 6:30 P.M.

Roll Call: Present: Commission Members: Roger Gibbs, Pat Graham, Dan Olberding,
Wayne Stelken, Bec Willenborg, Jim Willenbring

Absent: Ryan Cahill, Bob Meinert, Mike Murphy

1st Item: Approve Minutes of the July 11, 2016 Meeting

Chairman Olberding asked for comments or changes and there were none.

Gibbs made a motion to approve the minutes of the July 11, 2016 meeting. Motion seconded by Willenborg.

Roll Call Vote: **Ayes:** Roger Gibbs, Pat Graham, Dan Olberding, Wayne Stelken,
Bec Willenborg, Jim Willenbring

Nays: None

Motion Carried

2nd Item Petition to Rezone property from R-2 to C-1 (Intersection of 12th Avenue SE & 13th Street SE, Parcel #0732307012). Petition submitted by Grandview Development / Bill Hermsen.

Steve Burroughs, 1301 11th Avenue SE, was present and advised he is the first property to the east of the lot to be rezoned. He originally signed the petition but after thinking a lot about the issue he is now against the rezoning. He feels having a commercial business on that lot will diminish his property value, which will lower the taxes for the city. He was originally told the property might be used for a coffee shop. He thinks that is OK but is worried if that is what it will actually be and what it could be used for in the future. He has enough signage light coming in his house from Shopko at night and doesn't want any blinking lights. He feels there are too many options and therefore is not in favor of the rezoning; he doesn't have a problem with a home being built there.

Charlie Klostermann, 1307 11th Avenue SE, advised Burroughs is his neighbor to the west. He advised that Burroughs expressed all of his concerns. He purchased his property thinking that lot would not commercial and feels it should stay that way. He did not sign the petition.

Rod Lammers, 1304 11th Avenue SE, advised he has the same concerns. He thought it would be residential and wants to keep it that way.

Bill Hermsen, developer, arrived and advised Linda Nightingale would like to purchase the property and maybe open a coffee shop. Hermsen doesn't know how soon she plans to build but it could be a few years. For now it might just be an investment for her. The property to the west of this lot is the laundry mat. He advised that all the lots from the sales barn to the one

adjacent to this one are all zoned C-1. This lot is part of phase 2 and he forgot to have it zoned C-1 at the beginning.

Chairman Olberding asked City Administrator, Mick Michel, if the city had any issues. Michel advised the city has no position on this matter. The commission needs to determine what the best use would be for Lot 1. If approved, this lot can be anything allowed in a C-1 district. The commission can put restrictions on the use if they choose to approve it. Then, in the future, any change to the use of the building would need to come before the commission again. The commission has 30 days to take action. They can provide a favorable or unfavorable report to the council. If they provide no report at all, it is viewed as a favorable report. The council can approve or deny this request. However, if an unfavorable report is given to the council, the council can only overturn it with a super majority vote.

It was asked if the building permit process restricted any use. Michel advised that in a way it does. The building permit can only be approved if the use of the structure falls within the allowed uses.

Entrances to the business were discussed. Michel advised the front of the property would most likely be 12th Avenue SE. The city would like to have the driveway on 13th Street SE. If there are multiple entrances/exits the city would only permit one to be on 12th Avenue SE since that has been determined to be a major thoroughfare. In the future if 12th Avenue SE is continued, it would connect back to the old highway. It already connects to 17th and 18th Street SE.

The commission asked Hermsen if he has any plans to put a residential home on this lot and he said he does not. If anything it would maybe be a townhouse. It was asked if an apartment building would be allowed under C-1. Michel advised it could. Hermsen stated he could build an apartment complex right now as an R-2. He would rather see a nice business building there instead of an apartment building. He said any commercial business could go into the laundry mat or Putz's building in the future. There is no way to predict the future.

Covenant restrictions were discussed. These restrictions are between the developer and the homeowners. The city has no say in those matters. Hermsen believes the phase 2 homeowners are on the same covenant as the phase 1 owners. To overturn any restrictions, it could take the approval of all the homeowners or however many are stated within the covenant. Covenants cannot supersede the city code. Michel advised the City would take no action as it is a matter between property owners. It was asked how long covenants last, Hermsen thought his were 20 years. It is up to the members to continue it or nullify it.

Burroughs does not want a business with late hours or bright blinking lights and LED signs. Klostermann advised that if the entrance would be on 13th Street SE there would be a good chance of having a lighted sign on the east which would shine right on Burroughs property. Michel advised that signs do fall under a permit process and some of that can be controlled through the permit.

The commission asked if Linda would buy the property if not rezoned and Hermsen advised she asked to get it rezoned so she probably would not. The commission asked if this was spot zoning and Michel advised it was not. It is an extension of the C-1 district that is adjacent. The question was asked if someone would be willing to buy the property as R-2 residential. The thought was maybe for multifamily use.

After no further discussion Gibbs made a motion to deny the Petition to Rezone property from R-2 to C-1 (Intersection of 12th Avenue SE & 13th Street SE, Parcel #0732307012). Motion seconded by Willenborg.

Roll Call Vote: **Ayes:** Roger Gibbs, Pat Graham, Dan Olberding, Wayne Stelken,
Bec Willenborg, Jim Willenbring

Nays: None

Motion Carried

The meeting adjourned at 7:05 PM on a motion by Willenborg, seconded by Willenbring.

Lori A. Panton

Lori A. Panton – Recording Secretary

8/8/16
Date