

MINUTES
CITY OF GRISWOLD
PLANNING & ZONING COMMISSION
October 5, 2011
6:00 P.M.
GRISWOLD COMMUNITY BUILDING

The meeting was called to order at 6:01 PM with Commission members Diane Anderson, Vicki Jones, and Dustin Wyman present.

Anderson made a motion to approve the agenda, seconded by Jones. Approved 3-0.

Jones made a motion to approve the minutes of the September 14, 2011, meeting as presented. Seconded by Anderson. Approved 3-0.

Wyman introduced John McCurdy with the Southwest Iowa Planning Council (SWIPCO), the organization contracted by the City to facilitate the review of the zoning ordinance. He gave a broad overview of the purpose of zoning before discussing the different zones the Planning and Zoning Commission is proposing and why.

Commission Member Joe Sponsler entered the meeting at 6:18 PM.

Ron Croxell asked why the residential district for the Faith Lutheran Church on the west side of Highway 48 had not been continued north. Mr. Croxell referenced a setback placed on the former C&W Lumber Mart property. McCurdy stated that the property questioned was left as I-1 because there is currently a business there. Mr. Croxell asked if this zoning would prevent him from building a house. McCurdy stated that it would, as single family residences are not allowed in the I-1 Light Industrial District.

Chairman Wyman opened the public hearing.

Ruth Hunnolt asked if junk cars would be allowed in the C-2 Highway Commercial District. McCurdy said these would be handled under the City's nuisance ordinances. Tony Hunnolt had the same concerns.

Cheryle Atkins asked the following questions:

- Would a dollar store would be allowed in the C-2 Highway Commercial District.
A: Yes it would be allowed.
- If a structure or land is considered non-conforming and changes hands, who is responsible to make it conforming?
A: The burden is not on either the buyer or the seller, but it is the seller's responsibility of due diligence to ensure a property can be used as intended after the sale.
- How would a home that has a large non-conforming garage be handled?
A: The garage would continue and does not have to change, but the footprint of the building cannot change in the future. You cannot make a nonconforming property more nonconforming.

- Who knows the zoning code and how is it to be enforced?
A: Building permits go through the Administrative Officer, who is currently the City Administrator.

Barry Moore asked the following questions:

- In an I-1 zone could you build a house?
A: No.
- If part of the land is currently being farmed, if sold could it still be farmed?
A: Yes

Mr. Moore commented on how the addition of the storage units to his property on the south side of the City has increased the City's tax base and that it seems like a slap in the face if he is unable to do what he wants to do with the property.

City Manager Jessica Kinser explained that Mr. Moore and Wesco Agronomy had been sent letters about a district change in error. They were both previously zoned I-1 and the zoning was not proposed to change.

Chairman Wyman talked about non-conforming uses, and how there would be instances where current uses would be "grandfathered" in. He stated that the philosophy of the Commission was not to "spot" zone. Wyman also spoke about the Commission's logic behind the C-2 Highway Commercial District.

Tom Sandbothe asked the following questions:

- What setbacks apply in the C-2 Highway Commercial District for businesses?
A: As written in the draft being discussed, a business or industry is required to have 10,000 square feet in lot area; a minimum lot width of 75 feet; maximum height of 55 feet; minimum front yard of 150 feet from the center line of the fronting street or highway, provided no building shall be located closer than 25 feet from a street or highway right-of-way...; no minimum rear yard; no minimum side yard except that no building shall be located close than 25 feet from any street or highway right-of-way line; maximum ground coverage of 60%.

McCurdy noted that the Commission should consider whether a business or industry in the C-2 Highway Commercial District could have no minimum side yard when adjacent to a residence.

Mayor Jerry Putnam asked if there is language requiring a business or industry to install and maintain a privacy fence in the C-2 District if businesses are located on both sides. McCurdy stated that as written a privacy fence is not required.

Mr. Sandbothe expressed concerns because he is considering building a warehouse west of his current property and how the 25 feet would apply. McCurdy stated that yes, Mr. Sandbothe would have to abide by the 150 feet rule for the part of the building facing Highway 92 and that yes, there would have to be a 25 foot setback from the right-of-way on Harrison Street.

Mr. Sandbothe then asked if each City had different setbacks in their zoning ordinances. McCurdy explained that each city is able to set its own zoning districts, setbacks, and language. The Griswold Planning and Zoning Commission started from a model ordinance which he has used in other communities in southwest Iowa. It is only a model and the Commission can change any language that is not statutorily required or any State rules or regulations.

Julie Adams asked if there were actions that a property owner could take to have a zoning district or setback issue considered further should the proposed zoning ordinance pass.

A: Yes. The Zoning Board of Adjustment is to provide administrative review and hear appeals of the Building Permit Official's decisions and make decisions related to appeals for the granting of conditional uses and variances.

Barry Moore asked what dictates commercial from industrial and why his property is zoned as I-1- Light Industrial?

A: Under the proposed ordinances, the I-1 actually allows all the uses of C-1 and C-2 except a residence with the exception of living quarters for a watchman/security guard.

Carol Hogueison asked the following questions:

- Why is her property at 5th and Union Streets proposed to be in the I-1 Light Industrial District when it is not being used that way.

A: The original 1970 map shows the property in the I-1 zone. The proposed district map keeps this property as part of the I-1 zone. The I-1 designation is most appropriate for the current use based upon what districts are around the property.

- What if it was zoned as Residential?

A: If zoned R-1 Residential, the current use of the property would be non-conforming. If the property or structure were to be abandoned or the current use discontinued for 30 days, the use of the structure would have to conform with the district, meaning it would have to be used as permitted in the R-1 language.

McCurdy then discussed the roles of the Planning and Zoning Commission and the Zoning Board of Adjustment.

Barry Moore stated that he would like his property at 805 Troy Road to be zoned as C-2 Highway Commercial. Mr. Moore asked if his land sold could it still be farmed if in the I-1 zone. McCurdy stated that yes it could still be farmed.

Ron Croxell stated that he would like his property at 705 Adair Street to be zoned as Residential and expressed his discontent with keeping the property zoned as I-1 which would prohibit him from changing and/or rebuilding the house at the property. Chairman Wyman stated that he would like to speak further with Mr. Croxell to better understand his issue.

Larry Jones requested that home-based businesses be able to have more than one sign as long as the total dimensions of the signs are within the total 32 square feet allowed.

A representative from Wesco Agronomy stated that he did not oppose the zoning district for the company's property in the south side of the city.

Chairman Wyman officially closed the public hearing.

Vicki Jones made a motion to table the approval of the Zoning Ordinance and Zoning District Map. This was seconded by Diane Anderson.

Wyman made a motion to adjourn the meeting, with Anderson seconding the motion.

With no further business to be discussed, the meeting adjourned at 7:23 P.M.

Jessica Kinser
Planning & Zoning Commission Secretary
City Manager