

MINUTES
January 3, 2023 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall – City Council Chambers

Present: Jodi Hansen, Nancy Jensen, Larry Murray and Julie Wolf

Excused: Robert McFadden

Staff: April Limburg, Planner, Community Development
Christa Bailey, Office Coordinator, Community Development

Chairperson Jodi Hansen opened the meeting at 5:30 p.m. and read the mission statement.

Minutes:

Larry Murray motioned to approve the November 1, 2022 minutes; seconded by Nancy Jensen. All ayes, motion carried.

Conditional Use Cases:

Conditional Use Case ZBACU0002-2022 filed by Kirk Butcher to allow a storefront retail business selling tobacco, cigars, and vape products located at 839 Park Ave allowed by Section 10-17-2 of City Code.

Jose Elzofri, 4325 Avenue of the Cities Moline, IL, was present to discuss the conditional use request on Kirk Butcher's behalf as Mr. Elzofri is the building tenant and is responsible for operating the business. Mr. Elzofri stated that he operates two smoke/vape shops in the Quad Cities and is hoping to expand. Mr. Elzofri shared that Kirk Butcher originally listed the building for sale but after it sat on the market for a long period of time he was able to persuade Mr. Butcher into renting the building space to him but he may still buy the building if the smoke/vape shop is approved and does well.

Julie Wolf questioned if April Limburg had been contacted by any of the neighboring properties with concerns or comments, to which Ms. Limburg responded no.

Nancy Jensen requested verification on the type of products that would be sold, if the products would be limited to only the products listed in the request or if he would include alternative products. Mr. Elzofri reassured that his business would only sell tobacco, cigar and vape products.

Larry Murray motioned to approve the conditional use request; seconded by Nancy Jensen. All ayes, motion carried.

Conditional Use Case ZBACU0003-2022 filed by the City of Muscatine for a flood plain development permit seeking permission to install, as part of Phase 6A and 6B of the West Hill Area Sanitary and Storm Sewer Separation Project, a new sanitary sewer line behind the 100 block of East Fulliam Avenue, the proposed work would not result in any change to existing ground elevations. Such work in a designated flood plain constitutes a conditional use per City Code 10-4-5(B) and Federal FEMA regulations, and requires the approval of the Zoning Board of Adjustment.

Andrew Fangman, Assistant Community Development Director, was present to discuss the conditional use request on behalf of the City of Muscatine. Mr. Fangman explained that as part of Phase 6A and 6B of the West Hill Area Sanitary and Storm Sewer Separation Project it is necessary to install a new sanitary sewer line in the Flood Plain District located behind Papoose Creek and the 100 block of East Fulliam Ave and as City Code constitutes any work done in a Flood Plain District a conditional use which the Zoning Board of Adjustment is required to approve for the flood plain development permit. Mr. Fangman stated the proposed work would not result in any changes to the existing ground elevations as the final grade will be returned to the exact grade measured prior to commencement of the work.

Terry Romine, 1616 1st Ave, shared that he owns two properties, 117 and 121 East Fulliam Ave, that will be impacted by this project as he understands that it will require the parking lot at 121 East Fulliam Ave to be torn up but will be replaced by the City after the work is done. Mr. Romine also stated the fence and garage on his 117 East Fulliam Ave property are

located in the flood plain so he wanted to find out how long the project plans to work in that specific area for. Mr. Fangman explained that he is not knowledgeable on the timeline or specifics of the project plans and directed Mr. Romine to contact Pat Lynch the City Engineer as he designed it.

Julie Wolf queried whether the Board is tasked with approving the project design itself. Mr. Fangman clarified that the Board is only responsible for approving the conditional use which allows the excavation and work to be completed in the location that falls within the Flood Plain District. Mr. Fangman added that the City of Muscatine is federally mandated to complete this project.

Larry Murray motioned to approve the conditional use request; seconded by Julie Wolf. All ayes, motion carried.

Meeting adjourned at 5:52 p.m.

ATTEST:

Respectfully Submitted,

Jodi Hansen, Chairperson
Zoning Board of Adjustment

April Limburg, Secretary
Planner I