

MINUTES
April 9, 2024 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers
Online GoToMeeting

Present: Andrew Anderson, Kayla Bendorf, Sharon Froelich, Jodi Hansen and Kent Jurgensen

Excused: Steve Nienhaus and Mark Seaman

Staff: Andrew Fangman, Assistant Community Development Director, Community Development
Christa Bailey, Office Coordinator, Community Development
April Limburg, Planner, Community Development

Vice Chairperson Andrew Anderson opened the meeting at 5:30 p.m. and read the mission statement.

Minutes:

Kayla Bendorf motioned to approve the September 12, 2023 minutes; seconded by Kent Jurgensen. All ayes, motion carried.

Right of Way Vacation:

PZROW-1-2024 • Undeveloped Alley Right of Way Adjoining 1202, 1204 & 1206 E 4th St

Heidemarie Kremer, a resident of Florida, was present online to discuss the right of way vacation request. Ms. Kremer shared that she owns 1202 E 4th St and is in process of revitalizing the current home but hopes to add a second home on the lower half of the lot which is not currently accessible from the street. Andrew Fangman explained that to create access to the lower half the right of way would need to be vacated and Ms. Kremer would need to purchase the adjacent vacated right of way for them to construct a driveway. Mr. Fangman added that an alley was not constructed so the right of way is not needed but vacating the right of way would affect all the adjacent property owners and not just Ms. Kremer. Andrew Anderson questioned what the impact would be if the right of way were to be vacated and sold to the adjacent property owners. Mr. Fangman stated the property owners are currently responsible for maintaining the adjacent right of way, such as mowing, so that would not change but they would own a larger parcel. Kent Jurgensen commented that 1204 & 1206 E 4th St currently use the right of way to access their backyards which they would no longer be able to do if it is vacated and sold. Mr. Fangman expressed that cutting across the right of way or a property's yard is not lawful.

Jasmine Logel, 1200 ½ E 4th St, voiced that she is in favor of keeping the right of way as is since the owner of 1202 E 4th St has not done anything with the property in several months and does not maintain the house or yard. Ms. Kremer disclosed that the house interior is being worked on and has been gutted but they discovered the house is in much worse condition than expected so the current structure cannot be used as much as they wanted. Ms. Kremer also expressed that there has been a struggle to find local labor so they plan to bring in their own labor.

Max Kauffman, 1609 Foster St, owner of 1206 E 4th St stated that he is opposed to abandoning the right of way. Mr. Kauffman pointed out if the adjacent property owners are responsible for mowing the right of way then he does not see that owning a portion of vacated right of way will make much of a difference. Mr. Kauffman shared that he had provided Community Development staff members with proxies from several surrounding neighbors against the development of the second house, which the owners want to build as a 3D house and several 3D house projects have already failed in the City. Mr. Kauffman added that tools and equipment for the house renovation have been removed from the property.

Michelle Brus, 1204 E 4th St, brought in a video of the right of way and shared it to the Commission Members to show that if an alley were to be created it would cut into her yard and tree line according to the Beacon map. Ms. Brus also commented that she currently uses the right of way to access her backyard so if it was split and sold, she would have to drive through other people's yard to access her backyard. Kayla Bendorf added that if this right of way is vacated 1204 and 1206 E 4th St would not be able to access their backyards. Mr. Fangman clarified that is correct but they are not supposed to be doing it now either.

Jennifer Calcott, 402 Lee St, shared that she is against the reason why the owners of 1202 E 4th St want the right of way. Ms. Calcott added that the owners do not take care of the property as the City has performed abatements at this property including trash removal and snow removal from the public sidewalk.

John Jindrich, 1314 Smalley St, Council Member for the 5th Ward expressed that he agreed with the citizens' concerns spoken here but elected to keep his specific comments for the City Council meeting.

Heidemarie Kremer stated that people claim they do not have a local person to perform maintenance but they do. Ms. Kremer added that she is hearing a lot of resentment for their project so they may decide to abandon the project and demolish the current home then sell the vacant lot.

Sharon Froelich asked for clarification on whether the properties have access to the backyard from the street. Max Kauffman explained that they have access to the front yard from the street but have to go through the right of way to access the backyard. Michelle Brus added that she uses the right of way frequently to access her backyard for projects and such.

No motion was made to recommend the right of way vacation; right of way vacation is not recommended.

Subdivisions:

PZS-1-2024 • Grandview Subdivision • 3 Lots • 2.9 Acres • 1700 Grandview Ave

Norm Nicol, 14250 Buttercup Ln Letts, IA, was present to discuss the subdivision request. Mr. Nicol explained the proposed subdivision is divide the property into 3 lots, one for each building. They have an offer to purchase one of the buildings so they figured they might as well split all the buildings into separate parcels.

on their behalf, stating the lot is bigger than what PMP Holdings needs and they've found a buyer for the vacant portion. Mr. Fangman declared that staff recommends approval of the subdivision.

Kent Jurgensen questioned if the only entrance is on the northeast side of the property and Mr. Nicol clarified entrances are available on each end so no additional driveways would be needed to access the separate parcels.

Kayla Bendorf motioned to approved the subdivision; seconded by Jodi Hansen. All ayes, motion carried.

PZS-2-2024 • Heuer Subdivision • 3 Lots • 1.28 Acres • 2433 Mittman Road

Steve Kundel, an attorney, was present to represent Heuer Construction and discuss the subdivision request. Mr. Kundel explained Heuer Construction purchased 2433 Mittman Road and want to split the property to add 1 lot to their own adjacent property, split off the house, and sell the third lot to the people who use the current area. the proposed subdivision is divide the property into 3 lots, one for each building. They have an offer to purchase one of the buildings so they figured they might as well split all the buildings into separate parcels.

Kent Jurgensen motioned to approved the subdivision; seconded by Jodi Hansen. All ayes, motion carried.

Rezoning:

PZZ-1-2024 • 910 E 2nd St • 2.75 Acres • M-2 & M-1 to C-2

Andrew Fangman stated the City of Muscatine intends to relocate the dredge spoil dewatering operations then make the land available for redevelopment and C-2 allows for a mix of commercial and residential.

Kent Jurgensen inquired if the City has a specific developer in mind. Mr. Fangman explained they plan to do a request for proposals and the area is kind of a gateway so to do something with this property instead of the dredge spoil would be beneficial as the dredge spoil is kind of an eyesore

Jodi Hansen motioned to approved the rezoning; seconded by Andrew Anderson. All ayes, motion carried.

Zoning Ordinance Amendment:

Andrew Fangman explained the amendment is related to the Hawkeye site as it allows for residential to be on the first floor as long as some commercial is also on the ground floor. Mr. Fangman shared the idea for the Hawkeye site is to have commercial facing 2nd St and residential facing the river.

Kayla Bendorf asked if there is other C-2 zoned properties besides downtown, to which Mr. Fangman answered no but this amendment would be beneficial to the areas close to downtown. Ms. Bendorf questioned if a constraint has been placed of how much of the first floor should be nonresidential. Mr. Fangman explained a constraint is not in place but the Commission can recommend one.

Jodi Hansen shared concerns about what type of commercial uses would be allowed on the ground floor next to residential units. Mr. Fangman clarified C-2 typically allows restaurants, retail space, offices or salons. Ms. Hansen added that there should be more clarification of what type of businesses should be allowed and how much of the ground floor should be commercial.

Andrew Andrew motioned to approved the Zoning Ordinance Amendment as is; no second. Motion denied.

Kayla Bendorf motioned to approved the Zoning Ordinance Amendment with the below amendment; seconded by Andrew Anderson. All ayes, motion carried.

“Except for in the area bounded by Mississippi Drive, Oak Street, 5th Street, and Pine Street, a portion of the ground floor of a structure may be used for residential purposes, so long as another portion of the ground floor is being used for a viable commercial purpose.”

Other Business:

Andrew Fangman explained the City is in process of selecting a consultant who will be creating a new comprehensive plan and he is looking for two Commission Members to be included on the consultant selection panel. Mr. Fangman added that Mark Seaman stated he is interested even though he could not attend today. Andrew Anderson and Kayla Bendorf also expressed interest so Mr. Fangman elected to include all three of the interested Commission Members, Mark Seaman, Andrew Anderson and Kayla Bendorf, on the consultant selection panel.

Meeting adjourned at 6:58 p.m.

ATTEST:

Respectfully Submitted,

Andrew Anderson, Vice Chairperson
Planning and Zoning Commission

Andrew Fangman, Secretary
Assistant Community Development Director