

MINUTES
June 11, 2024 – 5:30 p.m.
Planning and Zoning Commission
Muscatine City Hall
City Council Chambers

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

Excused: Steve Nienhaus and Mark Seaman

Staff: Andrew Fangman, Assistant Community Development Director, 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:

Andrew Anderson motioned to approve the August 8, 2023 minutes; seconded by Kayla Bendorf. All ayes, motion carried.
Sharon Froelich motioned to approve the April 9, 2024 minutes; seconded by Andrew Anderson. All ayes, motion carried.

Preliminary/Final Plat and Associated Annexation and Severance Requests for Niemann Acres:

Angela Nieman has submitted a combined preliminary/final plat for Niemann Acres. The proposed subdivision would split the existing 11.1-acre property located at 2720 Isett Ave into two lots and includes an annexation and severance request that would adjust the Muscatine city limit to align with the boundary between the two proposed lots.

Steve Kundel, 300 E 2nd St Ste 300, was present as an attorney to represent Angela Niemann. Mr. Kundel stated the proposed subdivision would split the property into two lots with the front lot, Lot 1, to remain owned by Ms. Niemann and the back lot, Lot 2, to be sold to another party. Mr. Kundel explained the property is currently partially within the city and partially in the county so the request to annex and sever is to shift the city and county lines to make Lot 2 fully within city limits and Lot 1 fully within county limits.

Jodi Hansen questioned how many acres Lot 2 would be and Mr. Kundel shared that it would be 8 acres. Andrew Anderson inquired if the plan for Lot 2 is to building a single-family home to which Mr. Kundel replied yes. Ms. Hansen asked if there is a buyer for Lot 2 yet and Mr. Kundel responded yes.

Brad Kopf, 2716 Isett Ave, voiced concerns about the road that would need to be put in to reach the back lot, Lot 2, including potential damage and reduced property values. In regards to the potential damage concerns Mr. Kopf shared that according to the proposal the road will be constructed very close to the north side of his property which he has a landscaping wall and a pool in that area and the vibration from the road construction may threaten the integrity of his landscaping wall and damage the pool. The house is also close to the north property line and with the foundation being mostly underground on that side the road construction vibration may stress the foundation. Mr. Kopf added that the water flow towards the north side of his property will increase as well due to rain drainage and snow removal from off the road which may cause further damage to his property especially his fence as the snow would most likely be plowed up against it. To the concern of reduced property values Mr. Kopf explained properties near roads are worth less market value as the increased traffic and noise is less attractive to buyers and the new road will impact his property in the same way. Mr. Kopf expressed the road development could constitute a nuisance and any development creates an undue hardship for the him and the neighboring property.

Kent Jurgersen inquired as to how far his property is from the property line and if the fence is on the property line. Mr. Kopf disclosed the fence is within 2 to 3 feet of the property line so there is nowhere to plow the snow except directly against the fence. Andrew Anderson questioned how wide the area for the road will be to which Steve Kundel responded 30 feet. Mr. Kundel then clarified that a road will not be constructed, it will be a driveway that would be 10 to 12 feet wide at the most and Mr. Kundel suggested that the buyer could construct the driveway in a way to relieve the drainage concerns.

Andrew Fangman read a letter from Don and Debbie Reinier, 1972 N Isett Ave, as they were unable to attend the meeting. In the letter the Reiniers expressed they are not in support of the proposed development as they left living within the city limits to build their home in the county because they do not wish to live within a neighborhood which comes with extra traffic and noise among other things. The Reiniers shared that if a road and housing is added back on Lot 2 it will have a negative impact on their reasonable use of their land in several different manners. Their property value will be financially and intrinsically diminished, their personal use of their property could be impacted by unknown future possibilities not stated within the proposal and any development will alter the habitat for the wildlife in the area.

Sharon Froelich asked for clarification that one single-family house will be built and not several houses or a multi-unit house. Andrew Fangman stated only one single-family house can be built on the property as it is zoned Agricultural so if the owner wanted to do anything else with the property, such as rezoning or another subdivision, the owner would have to come before the Commission again.

Angela Niemann, 2720 Isett Ave, disclosed the proposed width for the driveway is actually 60 feet at the entrance and then tapers down to the width of 30 feet along the neighboring properties which allows for proper drainage. Kent Jurgensen asked if there would be an issue to keep the width at 60 feet all the way back to where the house will be built. Ms. Niemann explained they tapered down on purpose as a width of 60 feet is the minimal area needed to build a house so if the width was kept at 60 feet all the way back the house could be built anywhere on Lot 2 and she did not want this to be a possibility hence the tapering down to 30 feet. Mr. Jurgensen then commented he thinks the width for the driveway should be 50 feet. Ms. Niemann responded she was willing to do that if that is what it takes for the lots to be split but she will need to have the lots resurveyed and Lot 2 will become larger so the buyer will have to pay more since it will be sold at a price per acre. Andrew Anderson shared that he trusts the surveyor's expertise and if the surveyor states the setup of the current proposal is plausible then he sees no need to make Ms. Niemann change it. Mr. Anderson then added that this proposal is actually one of the best options to keep the area undeveloped and that all of the property owners who commented on this proposal seemed to share the same want of keeping the area undeveloped as possible.

A. Action on proposed Niemann Acres Preliminary/Final Plan

Andrew Anderson motioned to approve the subdivision; seconded by Kayla Bendorf. All ayes, motion carried.

B. Action on request to annex the portion of the proposed Lot 2 not currently located within the City of Muscatine

Andrew Anderson motioned to approve the annexation; seconded by Sharon Froelich. All ayes motion carried.

C. Action on request to sever the portion of the proposed Lot 1 currently located within the City of Muscatine

Andrew Anderson motioned to approve the severance; seconded by Kayla Bendorf. All ayes, motion carried.

Law Enforcement Training Facility & Range at the Municipal Airport:

The Muscatine Police Department and Muscatine County Sheriff's Office are proposing to collaboratively develop a joint law enforcement training facility and range at the Muscatine Municipal Airport south of the Runway 12/30, roughly 3,000 feet northwest of the terminal building.

Jodi Hansen shared that a meeting was held on-site on June 6, 2024 to physically view the proposed location which several of the Commission members attended.

Tony Kies, Muscatine Police Chief, was present to discuss the proposal. Chief Kies explained the proposal is to construct a handgun and rifle range and a training facility building within the Muscatine Airport which both the Police Department and County Sheriff's Office will use. Chief Kies commented that the closest neighbors did attend the on-site meeting and the general consensus was that the location is good.

Kent Jurgensen questioned if the range and training facility will only be used by the Muscatine Police Department and Muscatine County Sheriff's Office or if they plan to possibly rent them out. Chief Kies responded right now they will be the only ones but they plan to host training which law enforcement officers from across the state will attend and will use the range and training facility then.

Tyler Montez, 506 1st St, shared that the Police Department and Sheriff's Office were using the public ranges in West Liberty or Wilton so he thinks the range should be in a location where on the weekends the public can use it too.

A. Action on amending City Code Section 10-3-1 to allow a law enforcement training facility and range as a permitted use in the Agriculture Zoning District, provided it is located at the Muscatine Municipal Airport and only available for use by law enforcement personnel

Kayla Bendorf motioned to approve the amendment; seconded by Kent Jurgersen. All ayes, motion carried.

B. Action on approving the location of the shooting range, as required by Iowa Code Section 657.9(1)

Sharon Froelich motioned to approve the shooting range location; seconded by Kayla Bendorf. All ayes, motion carried.

Meeting adjourned at 6:12 p.m.

ATTEST:

Respectfully Submitted,

Jodi Hansen, Chairperson
Planning and Zoning Commission

Andrew Fangman, Secretary
Assistant Community Development Director