

## PLAN COMMISSION

April 8, 2009

The Plan Commission convened and was called to order by Chairperson-Mayor Marsh.

Present at roll call were: Members Mayor Ron Marsh, Nate Klassy, Ronald Spielman, Paul Sniff, & John Frantz. Also present were Engineering Supervisor Alan Gerber, Director of Public Works Kelly Finkenbinder, WWTP Superintendent Gerald Ellefson, Building Inspector Rex Henke, City Attorney Rex Ewald, Alderperson Chuck Schuringa, Phil Wall with Architectural Design Consultants, Inc., Ken Zeitler with Ken's Agri Service, Lauren Meinert with Zweifel Construction, Inc., Ryan Wilson with Fehr-Graham & Associates, Daniel Leuzinger and William Ammon with Danoll Boone Trucking, LLC, Attorney Charles Wellington, & Tere Dunlap with The Monroe Times. Members William Bethke and Keith Ingwell were absent at roll call.

Purpose of Meeting:

1. Discuss and recommend to Council for public hearing and adoption Special Ordinance #139 Rezoning Property to Planned Unit Development District and Adopting General Development Plan and Specific Implementation Plan for Phase I and Phase II of Angelus Planned Unit Development
2. Discuss and possibly approve conditional use permit for home based salon at 311 6<sup>th</sup> Street
3. Discuss and possibly approve conditional use permit to allow accessory building at 1311 13<sup>th</sup> Ave.
4. Discuss proposed green waste recycle project
5. Review and recommend to Council to approve a certified survey map for "Marketplace" near Monroe Truck Equipment
6. Review and discuss PUD application for Northeast Park Condominiums and possibly take action
7. Discuss and possibly take action regarding rezoning of various properties along 4<sup>th</sup> Ave. West and buffer between apartments and storage facility

Motion made by Paul Sniff and seconded by Nate Klassy to approve the minutes from the November 12, 2008 Plan Commission meeting. Motion carried.

- 1. Discuss and recommend to Council for public hearing and adoption Special Ordinance #139 Rezoning Property to Planned Unit Development District and Adopting General Development Plan and Specific Implementation Plan for Phase I and Phase II of Angelus Planned Unit Development**

City Attorney Rex Ewald informed members that they should have received a copy of the proposed Planned Unit Development document.

Phil Wall with Architectural Design Consultants, Inc. was present and informed members that they are proposing a 22-unit addition to the 40-unit building. He also presented the architectural site plans showing the building and parking layouts. The trees will be kept that are in the front.

Exterior elevations were presented at this time.

They will be removing the existing trash enclosure and will be putting it inside the building on the south end.

Mr. Wall informed members of a dry pond that will be present to control the runoff. The pond will be more of a sediment purification pond than a holding pond. There will be another pond present on the property as well.

Mr. Wall presented pictures of the existing building at this time. There will not be any changes made to the three signs that are currently present. A few parking stalls will be lost, however there are only five people in the present building who own a vehicle. The parking stalls are primarily for the employees and guests.

There were prior concerns on the pond being so close to the street. According to Mr. Wall, the pond does drain down and is only three feet deep. The pond will also be contoured.

Attorney Ewald informed members that there were some items that came up that have been worked through. There is a piece of land that was in the ROW of 8<sup>th</sup> Avenue that was not initially included in the description of what Angelus had proposed and has now been incorporated into the plans and the exhibits that will be attached. They wanted to bring the project together as a stand alone as opposed to a phase of the Twining Valley; therefore this will be called the Angelus Planned Unit Development. What is as-built is what the document approves and the as-built is reflected in the various plans, as well as the floor plans that show the as-built as well as the addition. There are also pictures with the existing signage. Attorney Ewald feels confident that the land use that this document approves is a residential care apartment complex, which is a statutory definition.

The Plan Commission makes various findings including impacts on traffic and impacts on the City's municipal services systems, which are embedded in the Planned Unit Development document. Approval of the document constitutes that the findings are not a problem for this project as it is proposed. There is an ordinance that would be introduced to the Common Council and when that is approved then the project is approved.

Nate Klassy inquired about the Twining Valley PUD at this time. Attorney Ewald explained that the existing facility for Angelus was Phase V of the development, however it is completely separate ownership and with the addition it made sense that this be made a stand-alone planned unit development.

Motion made by Nate Klassy and seconded by Paul Sniff to recommend to Council for public hearing and adoption Special Ordinance #139 Rezoning Property to Planned Unit Development District and Adopting General Development Plan and Specific Implementation Plan for Phase I and Phase II of Angelus Planned Unit Development. Motion carried.

**2. Discuss and possibly approve conditional use permit for home based salon at 311 6<sup>th</sup> Street**

Mayor Marsh informed members that this item has been withdrawn. They have decided not to submit the permit this evening.

**3. Discuss and possibly approve conditional use permit to allow accessory building at 1311 13<sup>th</sup> Ave.**

Engineering Supervisor Alan Gerber explained that this is for an outbuilding at Ken's Agri-Services at 1311 13<sup>th</sup> Avenue. They would like to rebuild a garage on the existing foundation and extend it 8 feet further to the east.

Paul Sniff questioned if it is currently under a conditional use. According to Mr. Gerber, they don't know if there is a conditional use present so that is why he recommended they bring it before the Plan Commission so they are covered in the future.

Discussion took place on the location of the storm sewer and sanitary sewer at this time. The 8-foot diameter storm sewer would be south of the accessory building and the extra footage that is proposed would be going the other direction.

Ken Zeitler with Ken's Agri-Services informed members that they would really like to take down everything except for the existing foundation underneath and put the entire building up new instead of just leaving the walls there. However, the construction costs would be affected. He would like to use the building for truck storage.

Motion made by Ronald Spielman and seconded by John Frantz to approve the conditional use permit to allow an accessory building at 1311 13<sup>th</sup> Ave. Motion carried.

**4. Discuss proposed green waste recycle project**

Bill Ammon with Danoll Boone Trucking was present to discuss plans for a proposed green waste recycling project in the North Industrial Park. He is looking at some acreage to grind green waste materials and pallets and turn that into a mulch to provide to the City of Monroe or other communities.

Mr. Ammon described how yard waste is being handled in Dubuque, Iowa and fifteen surrounding communities at this time.

Mr. Ammon explained that it is a big investment for a community to purchase a grinder, a turner, and other equipment necessary to process yard waste and many communities cannot afford it.

Mr. Ammon would like to set up a place in Monroe or work with each village individually and set up a site like they did in Iowa. This would be an excellent approach for small towns, but for a City it can be hectic because of the quantity of yard waste coming in.

Mr. Ammon explained that when he was in Manchester, Iowa they had 32 customers in 45 minutes. Manchester is a community with a population between 15,000-20,000 people.

Attorney Charles Wellington arrived at this time.

According to Mr. Ammon, his grinder would also have the capability of recycling asphalt shingles.

This would be a long venture and would need to be approached slowly. He feels Monroe and surrounding communities are large enough to do this. Mr. Ammon has a meeting with the Dept. of Natural Resources on Friday, April 10, 2009.

Recycling is not getting done fast enough now. Recycling of asphalt shingles would not be dirty if contained correctly and green waste recycling would not be a dirty system either.

Mr. Ammon feels Danoll Boone Trucking can save the City money and foresees the County becoming involved as well. They would employ 2-5 people to begin with, but that could change with growth. City residents would be able to use the mulch. He feels the City of Monroe should calculate how much it costs them to handle green waste each year.

Nate Klassy questioned how many acres would be needed in the North Industrial Park. According to Mr. Ammon, most green waste recycling sites have 16-20 acres.

Costs for buildings and equipment were addressed at this time.

Nate Klassy informed those present that he toured the recycling site in Verona owned by the Bruce Company approximately 1-½ years ago and they were grinding shingles, pallets, etc. and he found it to be dusty and noisy. It was all done outside and it took up a lot of space. He is not sure if the North Industrial Park is the best site for this because of the dust and noise that would affect neighboring businesses. Mud would most likely also get onto the streets at times when it is wet.

Mr. Ammon explained that there are two options. The first option would be for the City to have a lot like is currently present at the airport and Danoll Boone Trucking would maintain it by doing the grinding and turning to get the product ready for the City to do what it would like with it. The second option would be to have a green waste recycling site in the North Industrial Park where everyone would benefit. Mr. Ammon feels having another company manage the green waste will be cheaper than the City doing it themselves.

**5. Review and recommend to Council to approve a certified survey map for "Marketplace" near Monroe Truck Equipment**

City Engineer Alan Gerber presented a certified survey map for Marketplace Development at this time. The only change requested was for a dedication of a 20-foot right-of-way dedication along the west side of 6<sup>th</sup> Avenue West.

Mr. Gerber would like to ask for a 100-foot dedication on the north side in the future. He can see a roadway going all the way over to Youth Cabin Road in the future, which would be an extension of 2<sup>nd</sup> Street.

Marketplace Development is buying Lot 1 on the certified survey map from Monroe Truck Equipment, which includes the right-of-way vacation that was done approximately a month or two ago. Lot 2 on the certified survey map is the remaining portion that stays with Monroe Truck Equipment with the exception of the 20-foot dedication.

Motion made by Ronald Spielman and seconded by Paul Sniff to recommend to Council to approve the certified survey map for "Marketplace" near Monroe Truck Equipment. Motion carried.

## **6. Review and discuss PUD application for Northeast Park Condominiums and possibly take action**

City Attorney Rex Ewald informed members that there is not a document for the Plan Commission to act upon at this time. He would like this to be considered at the next Plan Commission meeting, which may need to be a special meeting to keep things moving along.

Attorney Charles Wellington feels between City Attorney Ewald and himself they are moving forward with the PUD application. The Declaration of Condominium has been reviewed by Attorney Ewald, which they will be discussing between themselves. When Attorney Ewald has the PUD documents, they will be ready to move forward.

Mayor Marsh questioned Attorney Ewald if there was anything he still needed to complete the PUD document. According to Attorney Ewald, he still needs some pictures otherwise he has everything else he needs to complete the PUD document. The Plan Commission will have some blanks they will need to fill in and there are some policy issues that may need to be debated. There are elements of this project that probably should go forward and he feels there will be something approved by the Plan Commission.

Attorney Ewald agrees with Attorney Wellington that if the consideration waits until the next regularly scheduled Plan Commission meeting in May the earliest action by the Common Council would not take place until the mid-June meeting as opposed to mid-May if there was an interim meeting of the Plan Commission scheduled. Attorney Ewald is confident he would have a proposed document ready in advance for the members to review regardless of when the meeting is held.

Nate Klassy questioned Attorney Wellington about a letter dated March 18, 2009 at this time. Mr. Klassy would like to see maps of the existing building on the property, the distance to the property lines and the setbacks, and any other similar information. Attorney Wellington informed Mr. Klassy that he has one set of new drawings that he will be providing to Engineering Supervisor Alan Gerber. Mr. Gerber can make copies of the drawings for those who would like them.

Nate Klassy informed members that from past experience most problems that occur are lot line problems and water coming from a building onto another person's property. He would like to avoid these types of problems by taking care of them ahead of time.

Mayor Marsh questioned if the garage on the west side could be moved to the other side of the complex by making some adjustments. According to Attorney Wellington, there will be some reconfiguring on the east side and a third garage on the east side would not fit very well according to Architect Dennis Oostdik.

Ronald Spielman questioned the status of the buffer requirements and snow removal for this property at this time. Nate Klassy informed members that Werner Rast, some members from the Board of Appeals, and himself have went to this property during the winter and the snow from the big parking lot was moved to the west. The Riddle family that currently lives next to the property seems satisfied with the snow removal process and Mr. Klassy does not know if they have problems with water in their basement. However, if the Riddle family sold their home in the future how would the new residents feel? Mr. Klassy would like to avoid having any problems in the future.

Discussion on easements took place at this time. According to Attorney Wellington, there is an alley that goes through there that has not been vacated and according to Alan Gerber a storm sewer goes through there, as well as sanitary sewer. Mr. Gerber would like drawings showing easements that are present, because more easements may be necessary for sanitary sewer. A site plan will also be needed showing existing buildings and neighboring buildings so buffers and other items can be addressed.

Mayor Marsh feels there are some concerns that need to be addressed and also the urgency to get this reviewed and approved during the construction season. Members will need the PUD document ahead of time, as well as copies of drawings to have time to review them before the next meeting takes place. Members agreed to hold a special meeting on April 15, 2009 at 5:00 p.m. and to only address this agenda item at that meeting.

Motion made by Nate Klassy and seconded by Paul Sniff to postpone the review of this agenda item until the April 15, 2009 Plan Commission meeting. Motion carried.

**7. Discuss and possibly take action regarding rezoning of various properties along 4<sup>th</sup> Ave. West and buffer between apartments and storage facility**

Attorney Rex Ewald explained that the buffer yard rules are complex and very confusing. What would need to be done in this situation is to rezone the Monroe Village Apartments to R-3 (Multiple Family Residence District) and would adjoin M-1 (Light Industrial District). There is some form of private right-of-way and he does not know the legal status of it, but it is probably an easement at least.

Attorney Ewald does not feel the buffer rules address the situation where a buffer requirement is raised by our rezoning existing development. There are rules on who needs to supply the buffer when land is first developed.

Attorney Ewald explained that there is no definition for vacant land in the City Code, so what does vacant mean. Is it vacant next to the storage sheds, which are non-conforming uses in both R-3 and M-1 zoning districts? Is it vacant land to the east where there is a field between these structures and International Ingredients? These are issues that cannot be defined; therefore it is a problem to even apply the vacant rule.

According to Attorney Ewald, the best way to handle this situation may be for the Plan Commission to simply use their authority. If a change is proposed to either one of these say you are going to let them do that change so you are not prevented by non-conforming rules to do that change, but it will continue to be a non-conforming use. Every change will need to come back to the Plan Commission for review. There is not a pathway that is fail safe through the rules as they exist to figure out the buffering requirement.

Attorney Ewald informed members that there are some problems present in the City Code in regard to zoning. If they look at the buffering rule for example, if there is an existing R-3 Zoning District and the proposed use is zoned R-3 the rules require a Class D buffer between the existing R-3 zoning and the proposed R-3 zoning.

Mayor Marsh inquired if the zoning for the apartment buildings is changed to R-3 (Multiple Family Residence District) that would still be non-conforming, but if 50% or more damage occurred to the buildings would they still be able to rebuild with approval from the Plan Commission? According to Attorney Ewald, the Plan Commission could make that approval which would result in it still being non-conforming. What the Plan Commission would do would change what is a non-conforming use to a non-conforming structure and the non-conforming structure is due to a lack of buffer. The use would be permitted in the R-3 zoning district. Therefore, things would be improved considerably to say the land can be used the way it is, but the buffer rules create a non-conforming issue themselves, but not as serious of a non-conforming issue as use.

Discussion on easements took place at this time. According to Engineering Supervisor Alan Gerber, there is a private access easement and sanitary sewer easement, which is 40-foot wide between the apartment buildings and the storage sheds.

Motion made by Nate Klassy and seconded by John Frantz to rezone the Monroe Village apartment buildings from M-1 (Light Industrial District) to R-3 (Multiple Family Residence District) zoning. Motion carried.

Motion made by Paul Sniff and seconded by Nate Klassy to adjourn. Motion carried.

Darci J. Dammen - Secretary