



City of Oskaloosa
Planning and Zoning Commission
Lower Level Conference Room
City Hall, 220 S. Market Street
Oskaloosa, IA 52577

Agenda
March 14, 2016
4:30 PM

1. Roll Call

Chair: Campbell____; Members:Blomgren;____;Jensen____; Keep____;
Tarbell____; Tews____;Wagner____;

2. Approval of the Minutes

A. Approval of the Minutes from the January 11, 2016 meeting

Documents: [PZ MINUTES 1-11-2016.PDF](#)

3. Street and Alley Vacations

A. Consider the vacation and sale of unused sections of public right-of-way lying between 1216 and 1302 Green Street, between 816 and 902 South 12th Street, and adjacent to 600 6th Avenue East.

Documents: [UNUSED ROW AGENDA.PDF](#), [ADJACENT PROPERTY OWNER RESPONSES.PDF](#), [UNUSED 8TH AVE E ROW.PDF](#), [UNUSED GREEN ST ROW.PDF](#), [UNUSED S 5TH ST ROW.PDF](#), [UNUSED ROW RESOLUTION.PDF](#)

4. Ordinances

5. Adjournment

If you require special accommodations, please contact the City Manager's Office at least 24 hours prior to the meeting at (641) 673-9431.

CITY OF OSKALOOSA
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
January 11, 2016

A regularly-scheduled meeting of the Planning and Zoning (P&Z) Commission for the City of Oskaloosa was called to order at 4:30 p.m. on Monday, January 11, 2016, by Pamela Blomgren, at 220 South Market Street, Oskaloosa, Iowa.

COMMISSION MEMBERS PRESENT: Pamela Blomgren, Wyndell Campbell, Andrew Jensen, R. D. Keep, Sarah Tarbell, Stephen Tews and Gabriel Wagner. COMMISSION MEMBERS ABSENT: None. CITY STAFF PRESENT: Akhilesh Pal, Wyatt Russell, Misty White (attorney representing the city) and Marilyn Johannes. OTHERS PRESENT: Several members of the public including Council Members Steve Burnett, Tom Walling and Joe Caligiuri; Dylan Mulfinger, city management analyst; and City Manager Michael Schrock (later in the meeting).

Minutes from the November 9, 2015 Planning and Zoning Commission meeting.

It was moved by Campbell, seconded by Keep to approve the November 9, 2015 Planning and Zoning Commission minutes. The vote was: YES – Blomgren, Campbell, Jensen, Keep, Tarbell, Tews and Wagner. No – none. Motion carried.

Consider amending the City of Oskaloosa zoning ordinance by rezoning the properties located at 416 North 11th Street, 1201 C Avenue East, and 1265 C Avenue East from R-1 (Single Family Residential) to R-3 (Multiple Family Residential).

Blomgren announced that before the vote on this matter the public would be allowed to comment and asked for a motion and second before beginning discussion. It was moved by Keep, seconded by Campbell to approve rezoning of the properties located at 416 North 11th Street, 1201 C Avenue East, and 1265 C Avenue East from R-1 (Single Family Residential) to R-3 (Multiple Family Residential). (Jensen left the meeting room during discussion of the matter due to a conflict of interest.)

Blomgren asked for public comments.

Jay Christensen, MHP Administrator, commented on the request stating the reason for the rezoning request is to have consistent zoning across all of the Mahaska Health Partnership properties for possible future development and sign placement. Christensen stated that a 20 year plan has been prepared regarding future development in the area. Blomgren asked about the 20 year plan and Christensen responded the plan has been provided to the city but it is just a guide because the plan is not hospital board approved.

Blomgren noted receipt of many emails and petitions against rezoning of the properties.

Victoria Wolfe, 406 North 11th; Sharon Shaulis, 408 North 11th; Diana Shadduck, 1205 C Avenue East; Jason Van Zetten, 423 North Park; Kelli Breuklander, 1283 C Avenue East; Matt Moore who noted he grew up near the hospital (attorney speaking on behalf of the neighborhood residents), 914 Fox Run Dr.; Gary Capps, 701 North 8th; and Fred Northway, 1204 C Avenue East; spoke against the rezoning. Comments received included: need to hold the residential line, an invasion into residential area, affects the value of adjoining properties, smoke-free campus so smokers smoke in front of

residential properties and leave cigarette butts, constant noise from operations at hospital now (24 hour a day operation, snow plowing, helicopters, sirens, vehicles coming and going at all hours).

Blomgren asked Christensen how long the hospital has owned the property at 1265 C Avenue East and Christensen said since 1996 and the structure was demolished in 2000. Blomgren stated the hospital is a draw for the community as well.

Campbell asked if a site plan is required for improvements if the properties are rezoned in the future and stated he believes the fear here is a fear of the unknown, and the hospital supersedes most of the current homeowners and he believes expansion of the hospital is important.

Pal said if improvements are less than 25% of the overall hospital property, do not need site plan approval, but would need city staff approval and meet code requirements.

Tarbell wondered if hospital personnel could meet with area residents to discuss some of their concerns like the church did when they wanted to expand. Tarbell said she does not like not having a specific plan with all of the opposition. Tarbell also said that she was not comfortable that site plan approval will not be required if redevelopment is less than 25%.

Christensen said would need a conditional permit if rezoned R-3. Russell said depends on use of property. Pal responded the Board of Adjustment approves conditional permits.

Blomgren asked if can put up a sign in R-1 or R-3. Pal said depends on size of sign. Russell said if he denied a sign, could take to Board of Adjustment. Pal said have to prove a hardship to Board of Adjustment if sign can be erected.

Keep said should remain R-1 now, but in 2-3 years hospital board puts together plans and property needs to be R-3, ask for rezoning then.

Campbell pointed out property owners can sell to other than hospital and asked if the hospital's long term plans are public. Christenson said the plans are not public but they can be shared upon request.

Tarbell said residents have right to know what is coming. Blomgren said they can find out. Campbell asked if the plan was a public document. Christensen responded not necessarily because not board approved, but he would share it.

Tews said see proposal, key word residential, still a residential area, and Tews called for the question.

Blomgren pointed out the Planning and Zoning Commission is charged with certain responsibilities, state code says must be reasonable, and called for the vote on the motion on the floor for approval of rezoning the properties located at 416 North 11th Street, 1201 C Avenue East, and 1265 C Avenue East from R-1 (Single Family Residential) to R-3 Multiple Family Residential). The vote was: YES – Blomgren, Campbell, Tews and Wagner. No – Keep and Tarbell. Motion carried.

Keep commented the Planning and Zoning Commission only makes a recommendation to City Council. City Council will make the final decision.

It was noted the matter would be on the next city council meeting agenda which is January 19, 2016, but only to schedule the public hearing on the matter that will be held at the February 1, 2016 city council meeting.

(Jensen reentered the meeting.)

Consider recommending approval of a revision to Oskaloosa Municipal Code Section 12.24.070.

Due to an inconsistency in Oskaloosa Municipal Code Section 12.24.070 regarding street and alley vacation fees, the code needs to be amended to remove the inconsistency.

It was moved by Wagner, seconded by Tews to recommend approval of a revision to Oskaloosa Municipal Code Section 12.24.070 to correct the inconsistency. Tews said he would like for a change in the fees to be considered. Blomgren asked staff for a clarification as to whether the Planning and Zoning Commission can recommend a change in city fees and provide the information to the commission at the next meeting. The vote was: YES – Blomgren, Campbell, Jensen, Keep, Tarbell, Tews and Wagner. No – none. Motion carried.

Commission and staff discussed the upcoming Planning and Zoning Workshop as noted on the email provided by Dylan Mulfinger, City Management Analyst, to be held at 5:30 p.m. on February 9, 2016, at the Oskaloosa Public Library. Russell said the workshop is presented by the ISU Extension and urged all commission members to attend. Russell said if the commission has any questions regarding commission matters, this is a good time to ask them because there is a question and answer period. Russell asked commission members to let Mulfinger know if they can attend and noted that a meal will be provided. Blomgren noted she has attended the workshop and it is worthwhile.

Election of Chairman and Vice-Chairman

Staff noted that annually at the first regular commission meeting of the year there is to be an election of officers. Blomgren said she is relinquishing chair and nominated Wyndell Campbell as chair. Keep seconded the motion. The vote was: YES – Blomgren, Campbell, Jensen, Keep, Tarbell, Tews and Wagner. No – none. Motion carried. Campbell said he will accept the appointment pending approval from his organization.

Blomgren said the current vice-chair is Andrew Jensen. It was moved by Campbell, seconded by Blomgren to retain Andrew Jensen as vice-chair. The vote was: YES – Blomgren, Campbell, Jensen, Keep, Tarbell, Tews and Wagner. No – none. Motion carried.

The meeting adjourned at 5:50 p.m.

Minutes by Marilyn Johannes



Planning & Zoning Commission

Meeting Date: March 14, 2016

Requested By: Public Works Department

Item Title:

Consider the vacation and sale of unused sections of public right-of-way lying between 1216 and 1302 Green Street, between 816 and 902 South 12th Street, and adjacent to 600 6th Avenue East.

Explanation:

Recently, a number of property owners have approached the city with requests to acquire unused portions of public right-of-way (ROW) abutting their properties. After city staff investigation, it was verified that the following public ROW areas are not needed for public use and should be considered for disposal:

1. The 50 ft X 120 ft public ROW area lying between 1216 and 1302 Green Street (This area is zoned R-3 Multiple Family Residential and no utilities are present)
2. The 60 ft X 140 ft public ROW area lying between 816 and 902 South 12th Street (This area is zoned R-2 Urban Family Residential and an easement for an electric pole guywire and MCG line may be needed in the southwest corner)
3. A 50 ft X 66 ft section of South 5th Street lying adjacent to 600 6th Avenue East (This area is zoned R-2 Urban Family Residential and no utilities are present)

The adjacent property owners expressed that they do not want to purchase these areas, but they are willing to acquire ownership. According to Oskaloosa Municipal Code Section 12.24.060, vacated streets or alleys cannot be disposed of by gift. Therefore, the recommendation is to sell these areas for \$1.00 plus any filing and recording costs.

In each case, the adjacent property owners were contacted and offered their share of the unused ROW. If vacation and sale are approved, the areas will be divided as shown on the attached location maps. Vacation of these areas will not limit access to other properties. None of these properties currently meet the minimum lot width or area for their respective zoning. Therefore, attempts to build homes on these lots would require variances.

Recommended Action:

Staff recommends the Planning & Zoning Commission recommend approval of the vacation and sale of the above mentioned sections of unused public ROW.

Budget Consideration:

The adjacent property owners do not wish to purchase these unused public ROW areas. Therefore, minimal revenue of \$1.00 per property owner plus any filing and recording costs will be collected. Typically, alleys are sold for \$0.50 per square foot and streets are sold for \$1.00 per square foot.

Attachments:

Location Maps, Resolution, Adjacent property owner's responses

UNUSED 8TH AVENUE EAST RIGHT-OF-WAY

Adjacent Property Owner:	Address:	Response:
Barbara & Roger Sarver	816 South 12th Street	Would like all or half of the property if available
Amy Slobe	902 South 12th Street	Would like all or half of the property if available
Josh & Angie Stevens	1308 7th Avenue East	Would like their adjacent (5 X 60) foot section

UNUSED PUBLIC RIGHT-OF-WAY ON GREEN STREET

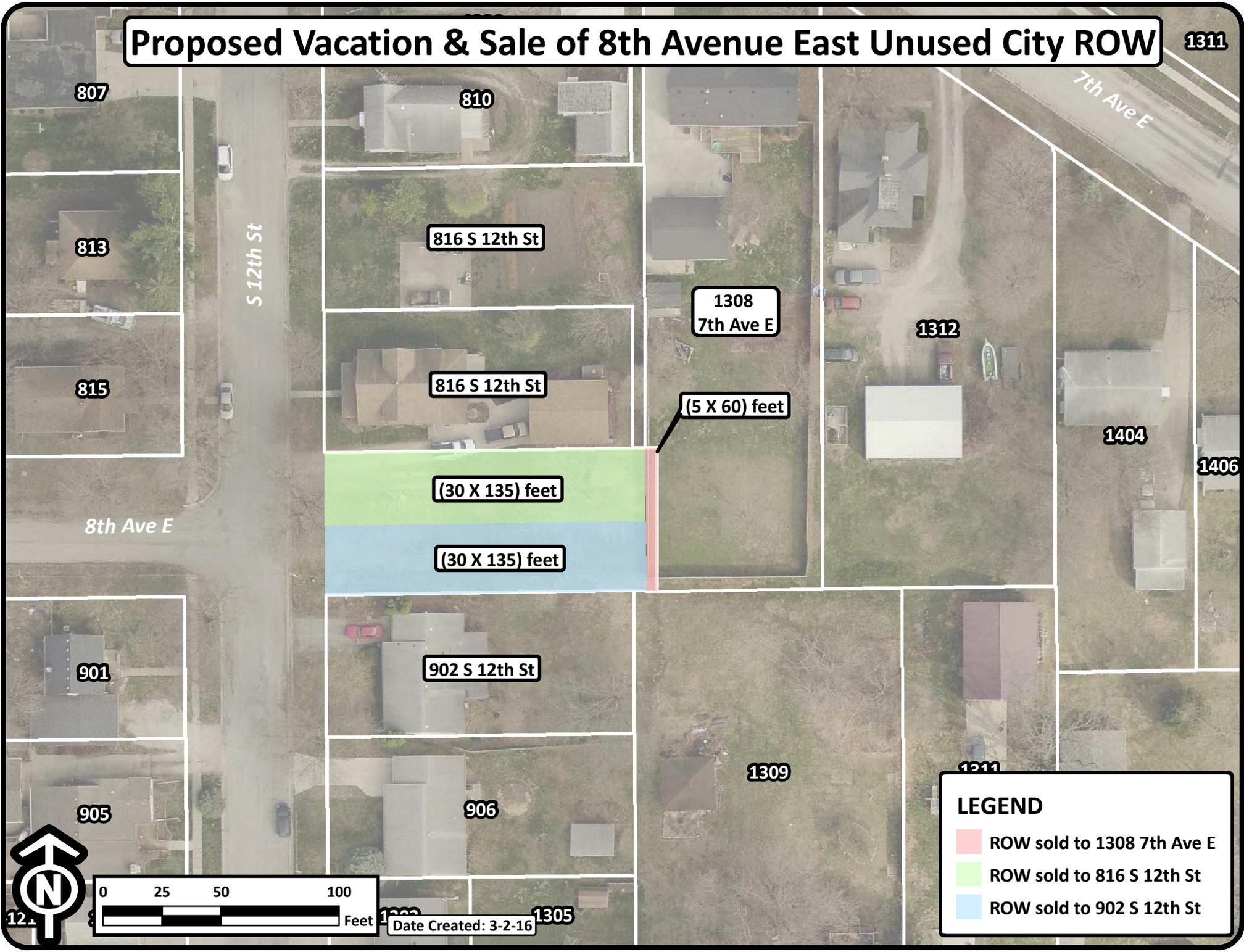
Adjacent Property Owner:	Address:	Response:
Sandra Hughes	1302 Green Street	Would like all of the property if available
Jerry & Joyce Allen	1216 Green Street	Not interested in the property

UNUSED SOUTH 5TH STREET RIGHT-OF-WAY

Adjacent Property Owner:	Address:	Response:
William & Terri Day	600 6th Avenue East	Would like all of the property if available
Clow Valve Company	902 South 2nd Street	Not interested in the property

Proposed Vacation & Sale of 8th Avenue East Unused City ROW

1311



807

810

813

816 S 12th St

1308
7th Ave E

815

816 S 12th St

1312

1404

1406

8th Ave E

(30 X 135) feet

(5 X 60) feet

(30 X 135) feet

901

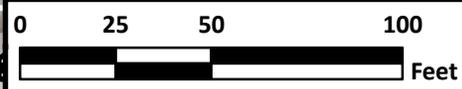
902 S 12th St

905

906

1309

1311

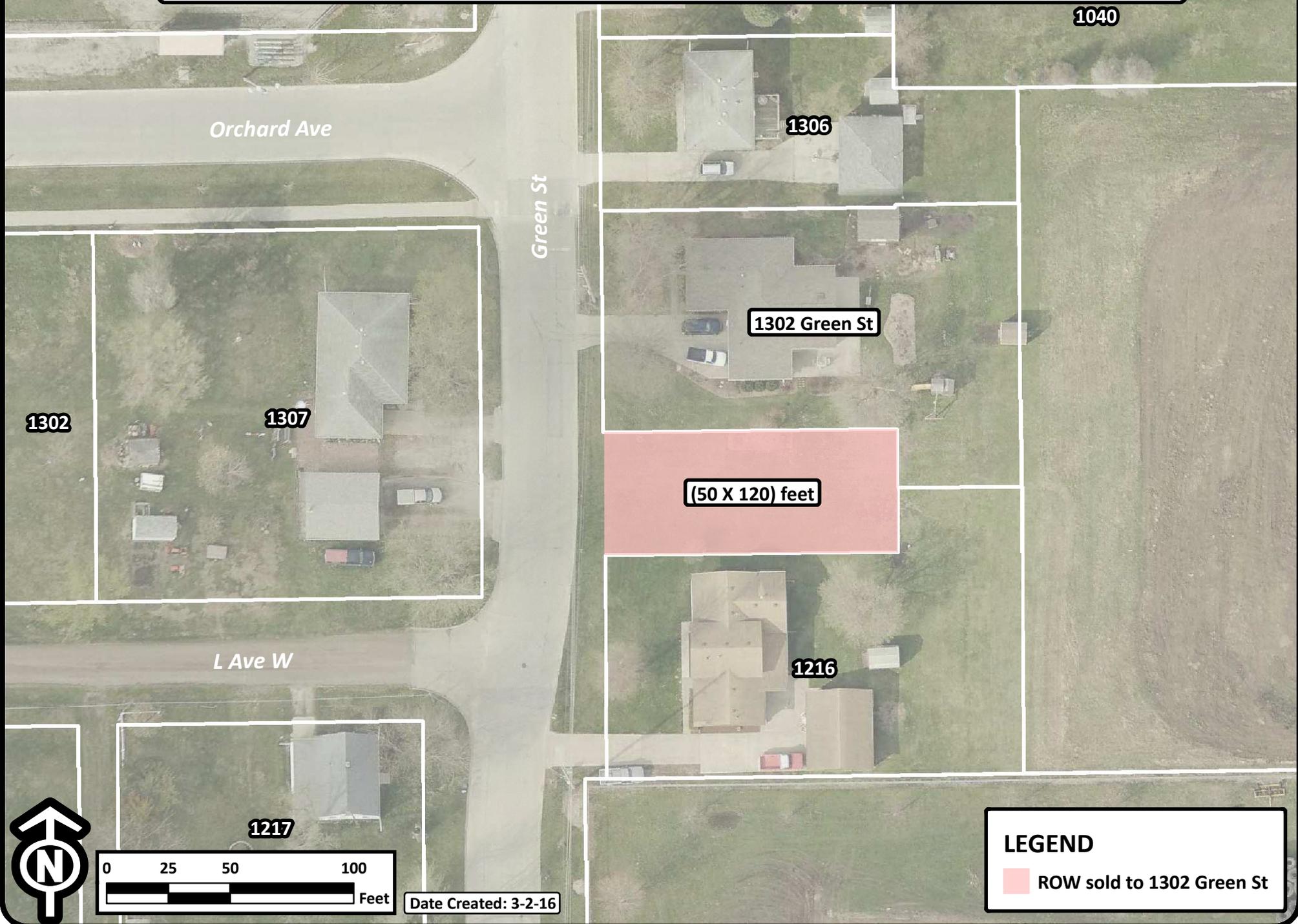


Date Created: 3-2-16

LEGEND

- ROW sold to 1308 7th Ave E
- ROW sold to 816 S 12th St
- ROW sold to 902 S 12th St

Proposed Vacation & Sale of Green Street Unused City ROW



1040

Orchard Ave

Green St

1306

1302 Green St

1302

1307

(50 X 120) feet

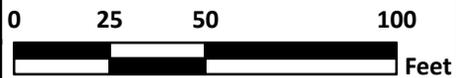
L Ave W

1216

1217

LEGEND

 ROW sold to 1302 Green St



Date Created: 3-2-16



501

Proposed Vacation & Sale of South 5th Street Unused City ROW

609

6th Ave E

S 5th St

701

715

600
6th Ave E

608

610

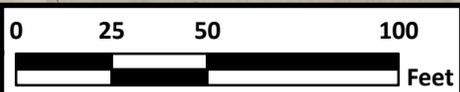
616

(50 X 66) feet

502

508

510



Date Created: 3-2-16

LEGEND

 ROW sold to 600 6th Ave E

RESOLUTION NO. _____

A RESOLUTION APPROVING THE QUIT CLAIM DEEDS TO VACATE THE PUBLIC RIGHT-OF-WAY LYING BETWEEN 1216 AND 1302 GREEN STREET, BETWEEN 816 AND 902 SOUTH 12TH STREET, AND ADJACENT TO 600 6TH AVENUE EAST IN OSKALOOSA, AND THE SALE OF SAID PUBLIC RIGHT-OF-WAYS.

WHEREAS, a request has been made and the City wishes to vacate the public right-of-ways at the following locations and legally described as follows:

1. Between 1216 and 1302 Green Street:
Lot B of North Fair Plat 2 of the City of Oskaloosa, Mahaska County, Iowa
2. Between 816 and 902 South 12th Street:
The 140 foot by 60 foot section of 8th Avenue East lying between Lot 22 and Lot 23 of Burnside's Addition of the City of Oskaloosa, Mahaska County, Iowa
3. Adjacent to 600 6th Avenue East:
The South 50 feet of Lot 34 of Houtz's 2nd Addition of the City of Oskaloosa, Mahaska County, Iowa

WHEREAS, said request has been reviewed by the Planning and Zoning Commission and recommended for approval; and,

WHEREAS, the City of Oskaloosa held a Public Hearing pursuant to Oskaloosa Municipal Code 12.24.030 and Iowa Code 362.3; and

WHEREAS, the City Council of Oskaloosa has vacated the public right-of-ways described above, subject to the retention of easement rights for utilities and ingress-egress to the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oskaloosa, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Oskaloosa, Iowa, that David Krutzfeldt, Mayor, is hereby authorized and directed to execute Quit Claim Deeds on behalf of the City of Oskaloosa, Iowa, conveying the above described real properties to the adjoining property owners and that the Mayor and City staff are further authorized to take necessary action to accomplish said conveyance.

BE IT FURTHER RESOLVED by the City Council of the City of Oskaloosa, Iowa, that the said Quit Claim Deeds be and are hereby approved and the city clerk is hereafter authorized to deliver said deeds after execution to the adjoining property owners.

PASSED AND APPROVED this _____ day of March, 2016.

David Krutzfeldt, Mayor

ATTEST: _____
Amy Miller, City Clerk