

REGULAR NORWALK PLANNING AND ZONING MEETING 3.22.2021

Call to order

The regular meeting of the Norwalk Planning and Zoning Commission was held at the Norwalk City Hall, 705 North Avenue, Monday, March 22, 2021. The meeting was called to order at 5:45 p.m. by Chairperson Judy McConnell. Those present at roll call were Elizabeth Thompson, John Fraser, AJ Samuelson, Zach Webster, Megan Regennitter and Donna Grant. Absent: None

Staff present included: Elliot Klimowski, City Planner, Luke Parris, Community Development Director, and Hillarie Ramthun, Community Development Coordinator.

Approval of Agenda – 21-17

Motion by Regennitter and seconded by Thompson to approve the agenda. Approved 7-0

Approval of Minutes – 21-18

Motion by Thompson and seconded by Regennitter to approve the minutes from the February 22, 2021 meeting. Approved 7-0

Consideration and recommendation on the 1021-1043 Sunset Drive façade improvements —21-19

This consideration is for façade improvements along the commercial business strip at 1021-1043 Sunset Drive. The City has implemented another round of the Commercial Improvement Grant Program which assists business owners in making aesthetic improvements to buildings while adhering to the City's Architectural requirements. In utilizing the benefits of this program, the façade improvements at this Sunset property will include the addition of a parapet to add height to the structure while allowing the ability to add/update façade materials on existing structure and new parapet. Staff believes the proposed improvements meet the intent of the architectural standards to provide quality, long-lasting commercial spaces in Norwalk and that Architectural standards will be met.

Applicant, Mark Eggers, was available for questions. Stephanie Poole, Simonson & Associates was also available for comment and questions.

McConnell inquired if signage would be updated. Eggers and Poole both explained that it had not been discussed as they are in the preliminary stages of planning at this time.

Webster motioned to approve the façade improvements at 1021-1043 Sunset Drive and Samuelson seconded. Approved 7-0

Request from AB Rental Property, LLC for the approval of the Final Plat of B, B&G Estates Plat 2

—21-20

This request from AB Rental Property, LLC is for the approval of a Final Plat creating two lots within the two mile boundary in unincorporated Warren County west of 50th Avenue. The plat area is a flag lot with access off 50th Avenue and the proposed request would create an interior lot accessible by ingress/egress easement on the existing drive path. The proposed plat is compatible with the Comprehensive Plan and is located between possible future park areas identified on that Plan. Staff does not recommend denial, although moving forward, additional agreements, such as voluntary annexation agreements, will be required while making requests for properties within that two mile boundary of the City.

Brad Kuehl, Bishop Engineering, was available for comment or questions. Kuehl did request documents regarding voluntary annexation agreements so they could be looked over by the land owner, as this information was not provided prior to this P&Z meeting.

Regennitter motioned to approve the Final Plat of B, B&G Estates Plat 2 and Grant seconded.

Approved 7-0

Request from Signature Development of Iowa, LLC for the approval of the Final Plat of Shadow Creek Estates Plat 1 —21-21

This request is for the approval of the Final Plat of Shadow Creek Estates Plat 1 which will contain 12 Single-Family residential lots and right-of-way for two public streets and is located south of Beardsley Street. Samuelson motioned to approve the Final Plat of Shadow Creek Estates Plat 1 and Grant seconded. Approved 7-0

Public hearing and recommendation on an amendment request regarding solar panel additions to the Zoning Ordinance—21-22

Public hearing opened 6:11 p.m.

At the end of 2020 a special use permit request went before the Board of Adjustment for a solar array that was a standalone structure located in the rear yard of the lot. This request prompted Staff to review the current City Code and it does not openly discuss solar panels. Previously, rooftop panels have been allowed with no problems or concerns, but rear yard solar arrays may be considered an accessory structure. During a recent Council meeting the topic was discussed and decided that solar panels should be directly addressed in the zoning ordinance. Staff pulled together the following information for ordinance consideration:

- Add definitions to the ordinances for Solar Energy Systems, Ground Mounted Solar Energy Systems, and Building Mounted Solar Energy Systems
- Allow Building Mounted Solar Energy Systems as an accessory use in all zoning districts.
- Allow Ground Mounted Solar Energy Systems not exceeding 50% of the principal building footprint as an accessory use in all zoning districts.
- Requirements for open space would still need to be met - 30% in Residential districts, 20-25% in Commercial & Industrial districts, and 50% in the Ag district
- Requirements for general accessory structures would still need to be met - yard requirements (rear & side, no more than 30%), setback requirements (5 foot), building separations (10 foot), and height requirements (6 foot).

Will Reasoner of Dickinson Law firm and Lisa Niebuhr, 563 Beardsley Street spoke in detail opposing the amendment to the Zoning Ordinance.

Additional members of the community who spoke regarding the want for very specific language added to the amendment for ground solar arrays were: Glen Blumer, 5301 Clearwater Drive; Mick Fouts, 575 Beardsley Street; Scott McMurray, United Properties Investment; Les Bruner, 559 Beardsley Street.

Public hearing closed 7:02 p.m.

During deliberation Commissioners all agreed on the need for additional revisions before they could vote on this item. Regennitter made a motion to table the item to allow Staff to revise the amendment and Webster seconded the motion. Item Tabled, vote 7-0

(Grant left the meeting)

Public hearing and recommendation on an amendment regarding temporary sales to the Zoning Ordinance—21-23

Public hearing opened at 7:14 p.m.

During Staff review of the City's current Sale of Fireworks section in the City Ordinance, it was discovered that Norwalk is not in line with other metro communities and the City Attorney expressed concern that continuing with this method may leave the ordinance open to be challenged. It was discussed that the City should develop general requirements for temporary sales which would encompass temporary sales of fireworks as well as other long-term temporary sales opportunities.

This is what the Commission will need to consider with this amendment:

- Redefines the term Temporary Sales. The ordinance currently does not have a specific definition for temporary sales and simply references the definition of a flea/farmers market. A temporary sale would then be defined as an outside sale conducted by a business separate from the principal business at the site that lasts for longer than 24 hours.
- Specifically define a Temporary Sales Tent as a fabric tent with sides that can be raised or lowered.
- Create a new section of the General Provisions to deal with temporary sales. Set regulations that:
 - Require a permit
 - Occur from a Temporary Sales Tent, as defined
 - Require property owner consent
 - No storage containers located on site
 - Follow principal building setbacks
 - Parking at the site is not negatively affected
- Allow as a permitted accessory use in the commercial (C-2 and up) and industrial districts.

Public hearing closed at 7:24 p.m.

Samuelson motioned to approve the amendment regarding temporary sales to the zoning ordinance and Regennitter seconded. Approved 6-0

City Council Update- None

Economic Development Update- None

Community Development Update- Trail work has begun. The City is trying to procure a grant for sidewalk grant program. Steering committee meeting for the Comp Plan coming up. New Urbanism meeting will take place the week of 3/29/2021. DNR will visit the City to do an in person audit for stormwater requirements.

Next meeting Date – April 12, 2021

Adjournment – 21-24

Motion by Samuelson and seconded by Fraser to adjourn the meeting at 7:32 p.m. Approved 7-0

Judy McConnell, Chairperson

Elliot Klimowski, City Planner