



---

110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358  
(319) 643-5888 • Fax (319) 643-2305 • [www.westbranchiowa.org](http://www.westbranchiowa.org) • [city@westbranchiowa.org](mailto:city@westbranchiowa.org)

**PLANNING AND ZONING COMMISSION MEETING**

**Tuesday, January 26, 2021 • 7:00 p.m.**

**\*\*West Branch City Council Chambers, 110 N. Poplar St.**

*Council Quorum May Be Present*

1. Call to Order
2. Roll Call
3. Approve Agenda/Move to action.
  - a. Approve minutes from the November 24, 2020 Planning & Zoning Commission Meeting. / Move to action.
4. Public Hearing/Non-Consent Agenda. /Move to action.
  - a. Approve \_\_\_\_\_ as Chairperson of the Planning & Zoning Commission. / Move to action.
  - b. Approve \_\_\_\_\_ as Vice Chairperson of the Planning & Zoning Commission. / Move to action.
  - c. Public Hearing – Amending Chapter 165- add Section 50 – Swimming Pools
  - d. Approve language for Ordinance 780 – Swimming Pools and recommend forwarding to the West Branch City Council. / Move to action.
5. Old Business
6. City Staff Reports
  - a. Building Incentive Program
7. Comments from Chair and Commission Members
8. Next regular Planning & Zoning Commission meeting Tuesday, March 23, 2021.
9. Adjourn

**\*\* *Electronic Meeting (Pursuant to Iowa Code section 21.8) An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of commission members, staff and the public presented by COVID-19. You can watch and/or participate in the meeting at the following link <https://zoom.us/j/829677991> or dial in phone number 1-312-626-6799 with Meeting ID 829 677 991.***

---

**Planning & Zoning Commission Members:** Chair John Fuller, Vice Chair Ryan Bowers, Sally Peck, Emilie Walsh, Brad Bower, Matt Van Scoyoc, Jim Hoffman • **Zoning Administrator:** Terry Goerd • **Deputy Clerk:** Leslie Brick  
**Mayor:** Roger Laughlin • **Council Members:** Colton Miller, Nick Goodweiler, Jodee Stoolman, Jerry Sexton, Tom Dean  
**City Administrator/Clerk:** Redmond Jones II • **Fire Chief:** Kevin Stoolman • **Police Chief:** John Hanna  
• **Public Works Director:** Matt Goodale

*(These minutes are not approved until the next Commission meeting.)*

**City of West Branch Planning & Zoning Commission Meeting**  
**November 24, 2020**  
**West Branch City Council Chambers, 110 North Poplar Street**

*An Electronic Meeting (pursuant to Iowa Code Section 21.8) of the Planning & Zoning Commission of the City of West Branch, Cedar County, IA was held on Tuesday, September 22, 2020 at 7:00 p.m. because a meeting in person was impossible or impractical due to concerns for the health and safety of Commission Members, Staff and the Public presented by COVID-19.*

*Until further notice, all of our Planning & Zoning Meetings will be held electronically. Persons may still attend, observe and participate in the meeting at the Council Chambers, City Office, 110 N. Poplar St, West Branch, Iowa. Social distancing practices shall be observed for any persons attending the meeting in person at City Hall.*

Chairperson John Fuller called the Planning & Zoning Commission meeting to order at 7:01 p.m. Roll call (in person) Commission members present: John Fuller. Commission members present (via Zoom): Emilie Walsh, Ryan Bowers, Brad Bower, Jim Hoffman and Matt Van Scoyoc. Sally Peck was absent. City Staff present: Deputy Clerk Leslie Brick, and Terry Goerdt. Via Zoom: City Administrator Redmond Jones and Public Works Director Matt Goodale.

**APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION.**

Approve the agenda for the November 24, 2020 Planning & Zoning Commission meeting. /Move to action. Motion by Fuller to approve the agenda. Absent: Peck. Motion carried on a voice vote.

Approve minutes from the September 22, 2020 Planning & Zoning Commission meeting. /Move to action. Motion by Fuller to approve the minutes. Absent: Peck. Motion carried on a voice vote.

Approve minutes from the November 10, 2020 (Special) Planning & Zoning Commission meeting. /Move to action. Motion by Fuller to approve the minutes. Absent: Peck. Motion carried on a voice vote.

**PUBLIC HEARING/NON-CONSENT AGENDA**

Public Hearing – Amend Chapter 165.34 – I-2 Area Regulations.

Fuller opened the public hearing at 7:10 p.m. There were no public comments. Fuller closed the public hearing at 7:11 p.m.

Approve Ordinance 779 – Amend Chapter 165.34 – I-2 Area Regulations. Move to action.

Brick reminded the commission that this code section lacked area regulations which needed to be determined for this particular zoning. Brick said the language in the ordinance is what was discussed and approved by the commission at a previous meeting.

Motion by Bowers, second by Bower to approve the proposed ordinance and forward to the City Council for their approval. Absent: Peck. Motion carried on a voice vote.

Discussion – Request from Ajay Kshetry for adding fuel pumps to the Jack & Jill grocery store property at 119 E. Main St., West Branch. Current zoning CB-1).

Fuller invited property owner Kshetry (attending via Zoom) to describe his request for adding fuel pumps at Jack & Jill. Kshetry said he purchased the property earlier this year and has gotten comments from store patrons that they would like to be able to purchase gas at his store rather than going up to the interstate for

that service. Kshetry said he would offer a ten cent gas discount and a full service option for those needing it. Kshetry said he wanted to help residents and the city by offering gas once again on Main Street. The commission was provided comments from the City Engineer on Kshetry's request to rezone the property to CB-2, which allows fueling stations. Currently the property is zone CB-1, which does not allow this type of activity.

In a memo from the City Engineer, the following concerns were listed: service stations pumps are required to be 35' from the right of way (Chapter 165.45), area is in a floodplain and is subject to the provisions of Chapter 160, parking will be reduced and they will need to provide access for fuel trucks to enter the property to fill tanks (fuel trucks cannot back out onto the street), the property is near the historic/preservation district which may also create limitations.

Based on the information provided by Kshetry, the commission expressed concerns that adding fuel pumps to the parking lot would add additional congestion to the property given its single vehicle access and the ability to meet set-back and area regulations of the CB-2 zoning. The commission continued discussions on the subject and felt that the property being in the floodplain might be the biggest obstacle to overcome. Councilperson Sexton questioned store parking and how that would be affected. Goerdt said the code requires one space for every two hundred square feet (of retail space) and said that a variance would be needed to reduce the number of parking spaces. Fuller suggested that Kshetry review the zoning requirements for CB-2 to determine if those could be met along with other concerns mentioned by the commission and City Engineer. Fuller said he appreciated the proposal but added that more work was needed by Kshetry to convince the commission that this project is able to move forward.

#### Discussion – Proposed meat locker at 600 Division St., West Branch. (Current zoning HCI).

Brick introduced the topic and said that the property owner was unable to attend the meeting due to illness. Brick provided background information on the proposed project which would include a building addition to the existing property at 600 Division St. The addition would serve as the purpose of a slaughter house and retail store for selling its products. A building permit was submitted and denied in October due to a zoning. Brick said during the review process of appropriate zoning or if a variance could be considered, the definition of slaughter house, meat locker and butcher shop came into question. Brick said an internal meeting was held to discuss other concerns of this type of activity on the city's sewer system and that more information had been requested by the property owner but to date had not been received. Brick said she wanted to prepare the commission for further discussions in the coming months as the subject may return.

#### **OLD BUSINESS:**

##### Review draft Ordinance 780 – Amend Chapter 165.50 – Swimming Pools

Brick presented revised ordinance language to the commission based on City Council comments. Brick said the Council reviewed the draft ordinance at the November 2<sup>nd</sup> Council meeting and had requested that the fence requirement for above ground pools be removed as that would be too restrictive. They also requested that the requirement of a permit for temporary pools be eliminated as it really served no purpose. The commission was agreeable with the suggestions and felt that the new proposed language was acceptable.

##### Set date for Public Hearing on amending Chapter 165.50

Fuller set January 26, 2021 for a public hearing to amend Chapter 165.50 – Swimming Pools.

#### **STAFF REPORTS:**

Brick reminded Walsh and Hoffman that their commissions would expire on December 31<sup>st</sup>. Both agreed to another four year term.

Goerdt asked when the City would be doing a recodification of the City Code since so many ordinances had been passed in recent months. Brick replied that she had been working with staff since early this year on reviewing the Code for a full update. Brick said the majority of the Code was reviewed and recodification will occur in early to mid-2021. Brick said the project was a major undertaking and going forward, the Code will be reviewed and updated on an annual basis.

**COMMENTS FROM CHAIR AND COMMISSION MEMBERS:**

Fuller asked Jones to consider a special census request for 2022 or 2023. Fuller felt that the City's continued growth, waiting until 2030 may be too long and that by doing a special census early would result in more tax dollars sooner.

Adjourn

Motion by Hoffman, second by Walsh to adjourn the Planning & Zoning Commission meeting. Motion carried on a voice vote. The meeting adjourned at 7:54 p.m.

Submitted by:

Leslie Brick

Deputy City Clerk

## NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON THE PROPOSED AMENDMENT TO SECTION 165  
(adding Section 50 – Swimming Pools) OF THE WEST BRANCH ZONING ORDINANCE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held by the West Branch Planning and Zoning Commission in the Council Chambers at the City Office, located at 110 N. Poplar Street in West Branch, IA at 7:00 p.m. on **Tuesday, January 26, 2021**. The public hearing will add Swimming Pool regulations to Chapter 165 “Zoning Regulations”.

All interested persons are invited to attend these meetings and be heard on the aforementioned proposed adoption of the amendment. Further information regarding same may be obtained by contacting the West Branch City Clerk.

ORDINANCE NO. 780

AN ORDINANCE AMENDING CHAPTER 165 “ZONING REGULATIONS.”

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that the clarification of certain sections in the Zoning Code will lead to a clearer understanding of the Code’s requirements; and

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that a more uniform and consistent wording in the language contained within certain sections in the Zoning Code will aide in making the Zoning Code more navigable and lead to more consistent interpretation of the requirements; and

WHEREAS, the Planning & Zoning Commission recommends to the City Council of the City of West Branch, adoption of these amendment recommendations in the Zoning code; and

WHEREAS, the City Council of the City of West Branch, Iowa has reviewed these recommendations and concurs with the Planning & Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 165 “ZONING REGULATIONS” of the Code of West Branch, Iowa is hereby amended by revising the following subsections to Chapter 165.

165.50 – Amend Chapter 165 by adding section 50: SWIMMING POOLS

165.50 SWIMMING POOLS

165.50 – DEFINITIONS:

1. “Permanent” is defined as a pool that is installed or left up year round and winterized for continued use.
2. “Temporary” is defined as a pool that is taken down or dismantled during the winter months.

Swimming pools intended for private use by persons that reside on the property or their guests are permitted, provided the following conditions are met:

1. Setbacks: (for temporary and permanent pools)
  - a. Residential zones
    - i. The use must be set back a minimum of ten (10) feet from any side or rear lot line.
    - ii. The use may not be located in the front yard unless the use is set back at least forty (40) feet from the front property line.

b. Non-residential zones

- i. In non-residential zones, the use must be set back a minimum of ten (10) feet from any side, rear, or front property line, unless the property on which the use is located is directly abutting or across the street from a property zoned residential. In the case of such an adjacency, the use must comply with the setback requirements for residential zones

2. Permit Required

- a. Permanent (in-ground) pools with a depth of twenty four (24) inches or more, require a permit.

3. Fence Requirement (for permanent pools only). Swimming pools with a depth of twenty four (24) inches or more and the edge of which is less than four (4) feet above grade, must be completely enclosed by a fence according to the following specifications:

- a. The fence must be at least four (4) feet in height and must be constructed so that a sphere, five (5) inches in diameter, cannot pass through the fence.
- b. A principal or accessory building may be used as part of the enclosure.
- c. All gates and doors opening through the enclosure must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in use, except the door of any building which forms a part of the enclosure need not be so equipped.
- d. The building official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by an enclosure built to the specifications of this paragraph.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

First Reading:  
Second Reading:  
Third Reading:

---

Roger Laughlin, Mayor

Attest:

---

Leslie Brick, Deputy Clerk