



Agenda

Planning and Zoning Commission
Oelwein Community Plaza, 25 West Charles Street, Oelwein
8:15 AM

July 13, 2020
Oelwein, Iowa

Mayor: Brett DeVore
Mayor Pro Tem: Warren Fisk

Roll Call

Approve Minutes

1. Consideration of a motion to approve the minutes of the October 21, 2019 meeting

Variance Requests

2. Discussion and recommendation of a request from RISE, Ltd. for a variance at 219 and 223 East Charles which would allow for the construction of a new group home
3. Discussion and recommendation of a request to construct a 15' x 10' bedroom addition within three feet of the front (north) property line at 201 6th Avenue SE

Old Business

New Business

4. Discussion on variance for 406 3rd Street SE

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



City of Oelwein
Planning and Zoning Commission
October 21, 2019

The October 21, 2019 meeting of the City of Oelwein was called to order at 8:15 A.M.

PRESENT: Roger Boleyn, Carol Tousley, Savannah DeJong, Dave Gearhart
ABSENT: Travis Granberg
VACANCIES: Two (2)
ALSO PRESENT: Gary Crawford, Kimberly and Joshua Boone-Wallis, Rod Eckhoff, Ernest Steinman, Steve Sanders and Julie Shebek of Iowa RSA No. 12

Approve Minutes A motion was made by Gearhart, seconded by Boleyn to approve the minutes of the August 19, 2019 meeting. All voted aye.
Motion Carried

#19Z08: Hub Properties, 315 East Charles is seeking a variance which if approved would allow three front yard parking spaces.

Boleyn verified the parking would be off of 4th Avenue NE. Gearhart felt this would be an eyesore from Charles and DeJong stated it was too close to other property.

A motion was made by Gearhart, seconded by Tousley to recommend denial of the request. All voted aye.
Motion Carried

#19Z09: Wallis Transport, 103 6th Street NW is requesting a variance for a home occupation allowing for a business office with no employees, no traffic and would not be open to the public.

Gearhart questioned why they were asking for a variance and if there would be signage. Kimberly Boone-Wallis replied if this property was being used as a business office that could be used for tax purposes. She also stated there would be no signs.

A motion was made by DeJong, seconded by Tousley to recommend approval of the request. All voted aye.
Motion Carried

#19Z10: Rod and Kim Eckhoff, 108 8th Avenue SE have requested a variance which if approved would authorize construction of a 6' privacy fence within 3" of the side (north) lot line.

Neighboring property owners William and Barbara Weber have indicated they have no objections to the proposed fence.

A motion was made by DeJong, seconded by Boleyn to recommend approval of the request. All voted aye.

Motion Carried

#19Z11:

Iowa RSA No. 12 Limited Partnership is requesting a variance to construct a 150' monopole telecommunications tower on leased land at 725 2nd Avenue SE. Iowa RSA had previously requested and received a variance to construct this tower north of the former Donaldson facility in November, 2018.

Julie Shebek of Iowa RSA stated the former tower location was unusable due to ground contamination. The proposed tower is for capacity purposes and would be FAA approved. She stated the tower is engineered to fall in a safe manner.

Gearhart reported he has spoken with residents of Southlawn Court and Southlawn Terrace Condominiums. Persons he had spoken with are not in favor.

Ernie Steinman, Vice President of the Condominium Association stated residents are concerned with property values and questioned if it would interfere with television reception. He feels towers in the city limits are a bad idea.

Shebek said they have not seen a decrease in property values near other tower locations or interference with television reception. She stated State law does not allow for discrimination on tower placement.

Tousley reviewed the city's zoning ordinance and stated the proposed tower exceeds the allowed height of 75 feet.

Gearhart asked if State law makes it safe for the children in the neighborhood. There is concern over the possible radio waves. People in the area don't want it.

A motion was made by Gearhart, seconded by Boleyn to recommend the request be denied. All voted aye.

Motion Carried

Respectfully,

Jay Shekleton,
Commission Secretary

CITY OF OELWEIN

Office of

BUILDING AND ZONING INSPECTOR

NOTICE TO INTERESTED PROPERTY OWNERS

BOARD OF ADJUSTMENT

Refer to Appeal No. 20 Z 01

Date June 5, 2020

Dear Property Owner:

An application for an appeal from the City of Oelwein Zoning Ordinance has been filed with the Board of Adjustment by RISE Ltd.. The property is situated in the C1 Commercial Zoning district and is located at 219 and 223 East Charles Street. The request, if approved, would authorize Construction of a new group home.

The Zoning Administrator was required, under the provision of the Zoning Ordinance, to deny the request because Zoning Ordinance Section 206.3 requires a
Special Exception.

However, the Board of Adjustment, under certain conditions and safeguards, may have the authority to grant the request. A public hearing will be held by the Board of Adjustment on June 25, 2020 at 8:00 A.M. in the Council Chambers at City Hall, at which time you may submit your views on the matter in person, by writing, or by representative.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing.

BOARD OF ADJUSTMENT

BY Jay Shekleton
Jay Shekleton, Secretary

NUMBER 20 Z 01

APPEAL TO BOARD OF ADJUSTMENT
CITY OF OELWEIN

APPLICANT RISE Ltd.
ADDRESS 106 Rainbow Drive
LOT DESCRIPTION 219 and 223 East
Charles
ZONE C1 Commercial

DATE June 5, 2020
FILING FEE \$ _____
xx LETTER STATING NATURE OF APPEAL ATTACHED
6/15/20 DATE REFERRED TO PLANNING COMMISSION
_____ ADMINISTRATIVE OFFICER'S REVIEW ATTACHED

SHOW LOT DIMENSIONS

SEE ATTACHED

LOCATION AND SIZE
OF BUILDING

ADJOINING PROPERTY OWNERS NAMES AND ADDRESSES

DATE OF HEARING 6/25/2020

DATE PLAN COMMISSION'S
RECOMMENDATION RECEIVED
_____ ATTACHED _____

Timothy Barker 1021 21st Avenue S
Wisconsin Rapids, WI 54495

Timothy Wright 920 7th Avenue NE

DATE OF PUBLICATION NOTICE
6/19/2020

John & Lennora Steinbronn 16271 50th Street
Oelwein Iowa 50662

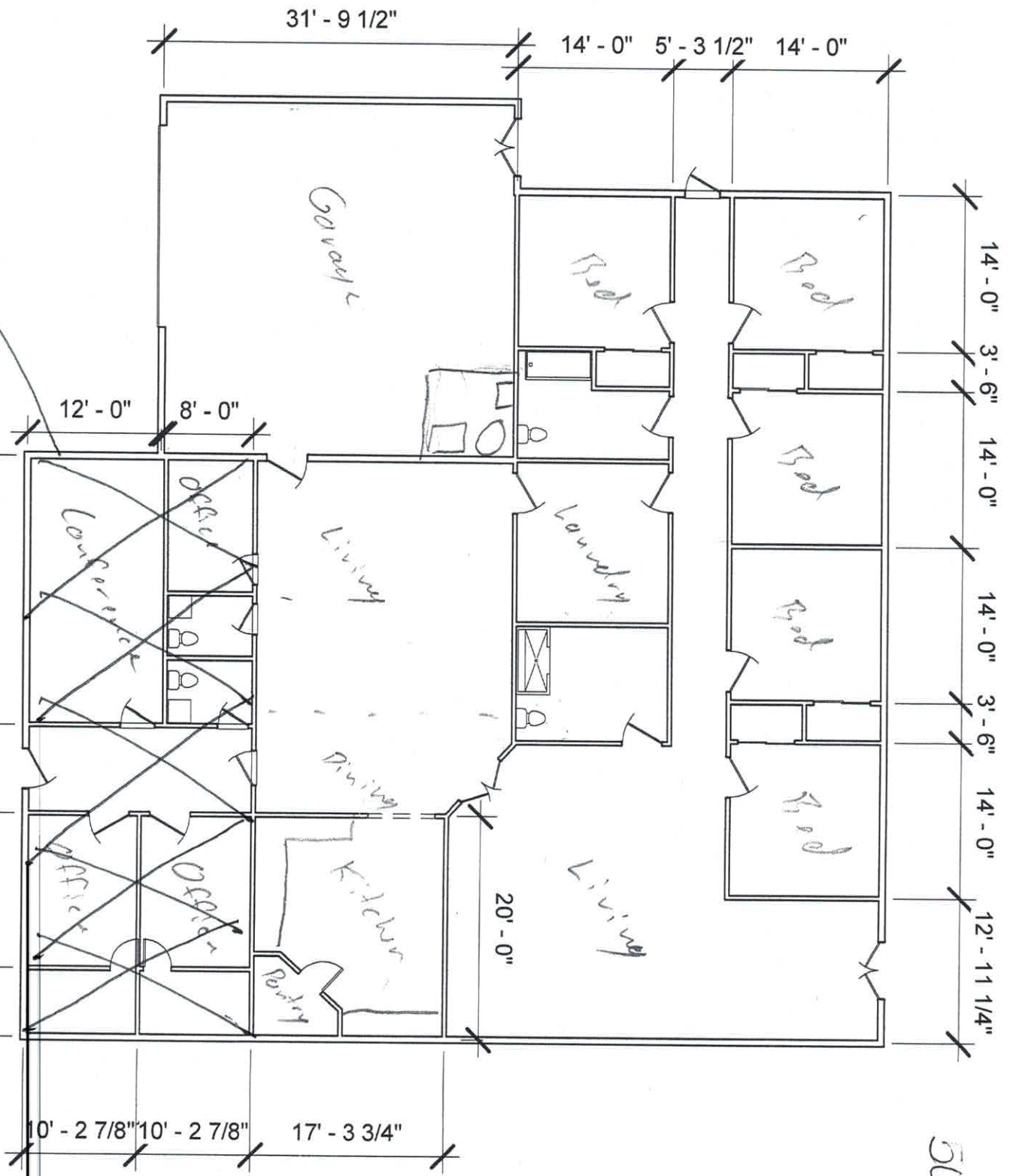
REMARKS:

James & Jayme Hurley 2036 Wapsie Access Blvd
Independence Iowa 50644

Reed/Medina Trust 218 East Charles

Cardin Mgr. Trust 1802 Jonas Dr, Unit 1
Toni Lynn Rabroker Trustee Kerrville TX 78028

The office space will be included in new plans



5625

RISE, Ltd.

106 Rainbow Dr
Elkader, IA 52043
(563) 245-1868

Item 2.

June 2, 2020

Subject: Request for Variance

RISE, Ltd. is requesting a variance for the lots at 219 and 223 E. Charles St.

We are currently working towards building a new home to replace our current group home located at 303 N. Frederick Ave. This would be the home to five of our clients who are cared for by one to two staff on site at any given time. In total we currently employ 13 residential staff in Oelwein and are working to add another service area and would anticipate the addition of up to 6 additional staff at that site. Those that live in the home have intellectual and physical disabilities. These lots are attractive for this project in that they are close to the library and other downtown businesses, thus allowing those living in the home to have walking access to the downtown businesses and services.

We initiated the processes of replacing our current group home at 303 N. Frederick Ave because the home is not handicapped accessible. It is an older two story home. While a ramp has been added to the back of the home it is not ideal and a bit challenging to use. The interior of the home has a very small bathroom on the main level and thus is not safe for someone with a walker or arm crutches to use, and is impossible for someone who is wheelchair bound to use. There is only one large bedroom on the main level. The other bedrooms are on the 2nd level which involves stairs that are narrow and steep, again not ideal, if not impossible to navigate for someone with a physical disability. In addition the living area on the first floor does not have walkways that are easy to navigate for someone who uses a walker, arm crutches, or a wheelchair. Also the other two bathrooms upstairs are small and again difficult to use for our clients with disabilities.

These accessibility issues limit our current residents, as well as those who we may consider in the future. Anyone that has a physical limitation is almost always impossible to consider for services in that home, and could also force those currently living in the home to have to move out should they become dependent on a wheelchair for mobility. In time, this could limit our ability to keep this home full and open. Not only does this affect those living in these homes but it could eliminate 5-6 job opportunities.

The new home construction would involve creating a space that is a flush entry into the home, a one level home that is slab on grade with an above ground storm shelter, and fully handicap accessible space. This would be impossible to achieve in our group home located at the 303 N. Frederick home. I have included an initial blueprint that we created with Jesse Dinsdale and his students enrolled in one of his design classes. While this is not the blueprint for the group home we would build at this location, it will give you a good idea of what we are trying to achieve. Our intentions are to work with a local Architect to create a new blueprint once we have removed the zoning barrier we are currently working with you on. I also would like to point out that while RISE, Ltd. has no intentions of this home being a short term venture, should circumstances outside of our control dictate otherwise, the home could easily be converted into a very attractive family home.

This construction will be a collaboration from the Alternative Living Corp Board of Directors and RISE, Ltd. RISE, Ltd. purchased Alternative Living Corp on 9/1/18, and the ALC Board has committed some of their

remaining funds to this project. RISE, Ltd. will be committing their own cash reserves to this project. I share this because I feel it is important that this will be a cash project, and will not involve grants or loans. RISE, Ltd is committed to standing on it's own with the support of the Alternative Living Board to fund this project and make a business presence in the Oelwein area.

The home at 303 N. Frederick once vacated will be listed for sale, thus creating more housing. The house is a 7 bedroom home with 3 bathrooms. The home is in good condition and has some very beautiful characteristics. It would make a great home for a family due to its size.

Finally, I would also like to share a bit of RISE, Ltd's history:

RISE Ltd. is a private, nonprofit, 501c3 Corporation. It receives revenue through the receipt of donations, grants, and fees for services.

RISE Ltd. is governed by an at-large voluntary elected Board of Directors who oversee the operations.

RISE, Ltd. began in 1976 by parents of adults with disabilities. It started in the basement of Scenic Acres, formerly the Clayton County Care Facility, as an activity program. RISE, Ltd. formally incorporated in May 1980. In June 1981 RISE, Ltd. became licensed as a Work Activity Center and offered its first residential services in November 1982.

RISE, Ltd. purchased Alternative Living Corporation on September 1, 2018 which began its expansion of its business into the Oelwein area.

RISE, Ltd.'s primary purpose is to provide an array of services to people with disabilities. The service that RISE, Ltd. provides is provided with the intent of being the least restrictive and integrated as we can make available at any given time. RISE, Ltd. strives to change its services to reflect each individual's respective needs.

We are a private non-profit organization whose purpose is to provide services to adults who are disabled, primarily persons with intellectual disability (mental retardation), mental illness, and other developmental disabilities.

RISE, Ltd. offers a variety of services including residential supports and supervision and day habilitation services.

Today RISE, Ltd. is certified to provide the following services:

- *Hourly and Daily Supported Community Living (SCL)-MR Waiver*
- *Consumer Directed Attendant Care (CDAC)-MR Waiver*
- *Home & Vehicle Modification-MR Waiver*
- *Respite-MR Waiver*
- *Day Habilitation-MR Waiver*
- *Transportation-MR Waiver*
- *Home Based Habilitation*
- *Supported Community Living (SCL)-Chapter 24*
- *Elderly Waiver*

What this means is that we provide services that allow individuals to live in the least restrictive/most independent setting. We want to provide a space that gives them a home environment that they can take

ownership and pride in. It is our hope that those around us do not even know we exist because we blend the neighborhood just as any homeowner/family would. I understand that the last time we asked for variance there were concerns that we would be disruptive to the neighborhood, however I wonder if we are even noticed in our current locations. I know I personally have mentioned to many individuals that I have met and done business with in Oelwein in the last nearly two years that RISE, Ltd. purchases Alternative Living Corp and the majority of the time they did not know either entity. In my opinion that is a testament to how well our services go unnoticed.

If you should have any further questions or need any further clarification please do not hesitate to contact me by email (jpensel@riseltd.net) or by phone 563-245-1868, ext. 101.

Thank you for your time, consideration, and support of our mission.

Sincerely,

Jessica A. Pensel

Jessica A Pensel
Executive Director
RISE, Ltd.

CITY OF OELWEIN

Office of

BUILDING AND ZONING INSPECTOR

NOTICE TO INTERESTED PROPERTY OWNERS

BOARD OF ADJUSTMENT

Refer to Appeal No. 20 Z 02

Date July 7, 2020

Dear Property Owner:

An application for an appeal from the City of Oelwein Zoning Ordinance has been filed with the Board of Adjustment by Christine Griffiths. The property is situated in the R1 Residential Zoning district and is located at 201 6th Avenue SE. The request, if approved, would authorize construction of a 15' x 10' bedroom addition within three feet of the front (north) property line.

The Zoning Administrator was required, under the provision of the Zoning Ordinance, to deny the request because Zoning Ordinance Section 202.4 requires a 25' setback.

However, the Board of Adjustment, under certain conditions and safeguards, may have the authority to grant the request. A public hearing will be held by the Board of Adjustment on July 23, 2020 at 8:00 A.M. in the Council Chambers at City Hall, at which time you may submit your views on the matter in person, by writing, or by representative.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing.

BOARD OF ADJUSTMENT

BY  Joy Shekleton, Secretary

NUMBER 20 7 02

APPEAL TO BOARD OF ADJUSTMENT
CITY OF OELWEIN

APPLICANT Christine Griffiths DATE July 7, 2020
ADDRESS 201 6th Avenue SE FILING FEE \$ 75.00 paid
LOT DESCRIPTION Lot 1, Block 8 XX LETTER STATING NATURE OF APPEAL ATTACHED
Grandview Addition _____ DATE REFERRED TO PLANNING COMMISSION
ZONE R1 Residential _____ ADMINISTRATIVE OFFICER'S REVIEW ATTACHED

SHOW LOT DIMENSIONS

50 x 140

See attached

LOCATION AND SIZE
OF BUILDING

ADJOINING PROPERTY OWNERS NAMES AND ADDRESSES

DATE OF HEARING July 23, 2020

Matt Properties 203 Y Avenue
Sumner, Iowa 50674

DATE PLAN COMMISSION'S
RECOMMENDATION RECEIVED
ATTACHED

Susan Schuelke 520 2nd Street SE

DATE OF PUBLICATION NOTICE
July 17, 2020

Mary Jane Fitzgerald 134 6th Avenue SE

Greg Helmuth 5721 22nd Ave Tr1
Vinton Iowa 52349

REMARKS:

Federal Nat'l Mortgage PO Box 650043
Dallas TX 75265

Larry Lewis 616 2nd Street SE

City of Oelwein, Iowa

Application for Variance (6/29/2020)

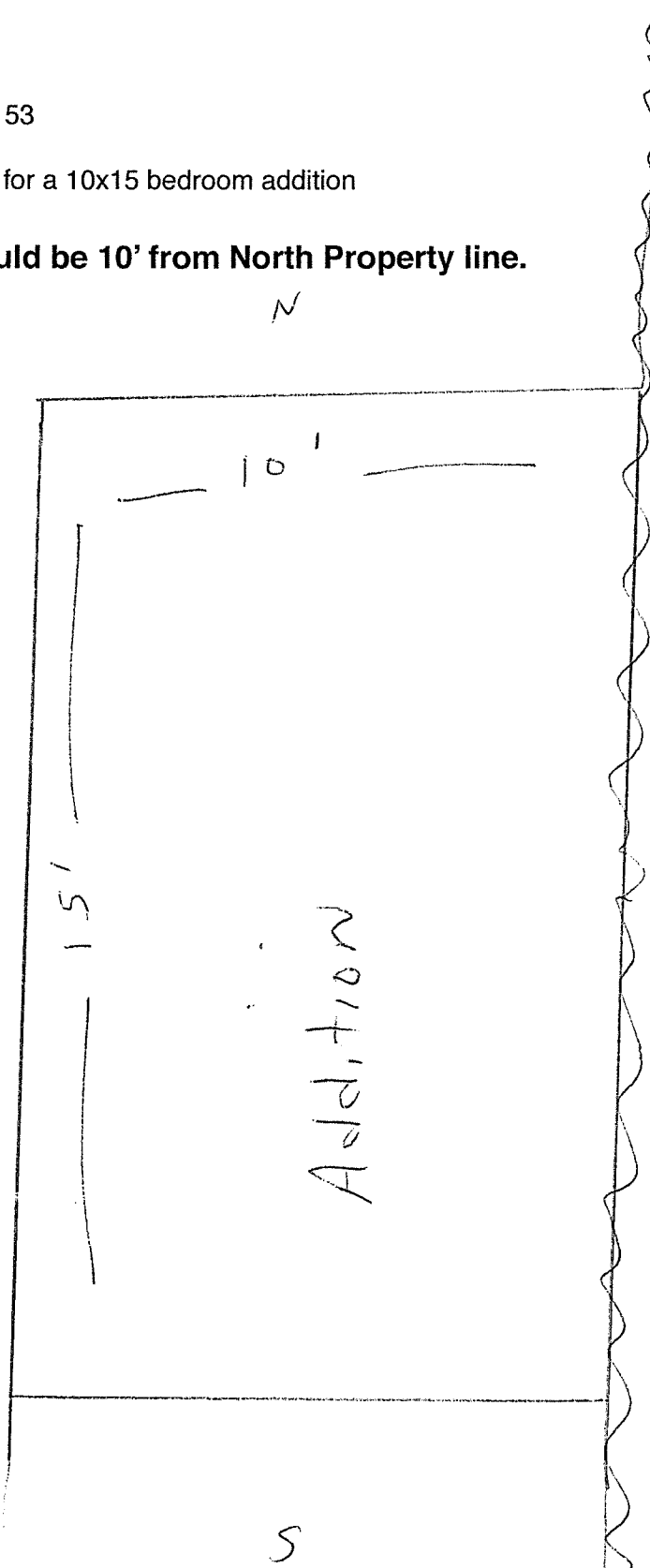
Colleen Edwards
201 6th Avenue SE
Phone # (563) 581-1153

Applying for variance for a 10x15 bedroom addition

The Variance would be 10' from North Property line.

Hospital

2ND Street



Existing SIDE of House

The City is working with a development group to build a 30 unit apartment complex on 406 3rd Ave SE. This apartment complex will also include a commercial component on the end of the building. The commercial unit is zoned appropriately, but in order to put in the apartment, a variance for multi family must be provided. City staff wants to work with both planning and zoning and board of adjustment to understand the need for this variance and how this will help the community. This discussion will allow for the commission to work on questions for staff before a recommendation is needed to board of adjustment.

Dylan Mulfinger

City Administrator
City of Oelwein
20 2nd Ave SW Oelwein, Iowa 50662
319-283-5440



