

DENISON DEVELOPMENT ORDINANCES REVISION PROJECT

Denison Stakeholder's Meetings

November 10, 2008

4:00 Session: Realtors/Developers

Attendees:

Name	Email	Telephone
Susan Frazier	susan@frazierbuilding.com	
Don Luensmann	dluensmann@cdcia.org	263-5621
Mike Rauch	mike@mccordrealestate.com	
Roger Preul	roger54@frontiernet.net	263-4694
Berneil Preul	mccordin@frontiernet.net	
John Venteicher	john@nepplrealestate.com	263-4663
Denny Neppl	denny@nepplrealestate.com	263-4663

Question: What questions or issues do you have regarding the City's zoning or development regulations?

Issues:

- This should have been done before. Zoning doesn't always line up with the use and this should be looked at.
- Issues with non-conforming R-3 uses in R-1 districts. Older two-story homes that have been converted into 2-4 apartments. They always have just been ok. Now the city is requiring conformance with the zoning code and it is causing hardship for the owners.
- There is a handful of property owners that are stuck. They bought the properties as apartments.
- The city has no records more than 20 years old, therefore it cannot document the legality of conversions. There is no record as to whether approvals were given.
- There was little or no code enforcement until recently. It was more like: "it's ok today, but you shouldn't do that in the future...".
- Specific case: Property owner had a duplex with separate entrances, separate furnaces, electrical... thinks it was built as a duplex. The day he sold it, the new owner was told by the zoning officer that he could not occupy the second unit.
- Another example: 6-plex built as a 6-plex. Granted non-conforming use status. If damaged more than 50%, he cannot rebuild. In that case, insurance won't cover cover 100% replacement, therefore owner has a white elephant and cannot sell.
- Another form of relief for the 6-plex would be to rezone to a multi-family district. Question as to whether that request would raise issue of spot-zoning.
- Chamber rep: I don't have zoning comments. I just want to annex more property, because we don't have enough industrial land. Denison needs to expand east and west

on Highway 30. Also, north on 59 and 39. South on 59 would be tough, because of the terrain and the airport. But, we can go in other directions.

- Solutions? The appeals process needs to be worked on.
- At time of downzoning, some properties were declared “legal”. Some were questionable and were required to go through the appeal process. It would be interesting to see a summary of that process.
- Stormwater issue: When you have stormwater running off the end of a dead-end street that causes damage to private property, doesn't the city have to do something about it?
Gary L.: Yes, in that case where the drainage is coming off a public street, I believe that the city bears some responsibility to rectify the situation.

5:00 Session: Business Community

Attendees:

<u>Name</u>	<u>E-Mail Address</u>	<u>Phone</u>
Lois Bliesmann	bliesman@frontiernet.net	263-5057
Mark Ramthun	mramthun@dmuonline.com	263-4154
Joyce Kehl	gkehl@frontiernet.net	263-2836
Elaine Gotto	egcpa@frontiernet.net	263-6189
Jerry & Sandy Bryan	backstge@frontiernet.net	263-5507
Brad Nelson		263-4245
Kent Hollrah		263-5061
Mark Rinehardt	mhrinehardt@ccmhia.com	263-1620

Issues:

- Downtown parking issues. In days gone by apartments were allowed to be built without off-street parking. Also, residences were converted to duplexes or triplexes. There are off-street parking needs because people are parking on the street.
- DMU official: our concern is regarding providing adequate setbacks and protecting row for utility locations. There are current ordinances against planting trees in area between sidewalk and curb, and we support those ordinances. Gary: we recommend that specific species of trees be allowed in that area.
- Public parking lot behind store downtown. Residents of downtown apartments are parking there all day, depriving shoppers of use of the lot. There is a two-hour limit on street parking, but not on this public parking lot.
- Overall, there is not enough parking downtown. The landscape bumpouts removed 48 parking spaces.
- Question: What would you think about additional residential uses downtown? Upper story rehabs or even new infill construction?
 - There isn't any available space for new development downtown.
 - There are a lot of apartments existing in areas immediately adjacent to downtown.
- Part of parking problem downtown is due to the County buying a property and turning it into a medical facility. Employees and visitors put a real strain on downtown parking. Downtown needs a ramp, not another apartment house.

- Alternative opinion: thinks there are underutilized buildings downtown and that additional housing would be a good thing – provided there is parking.
- Question: Do you feel that the lack of parking is hurting the retail downtown?
Response: No. But there isn't much retail left downtown. Most uses are now offices, not retail. Seems like downtown is full everyday with office users.
- We do have an issue with retail store owners who park in front of their business because they don't want to walk a ways. Two hour limit is only enforced if you complain. Then they will come and mark the tires.
- People are driving up on the downtown nodes to drop people off at businesses.
- Thinks property owners should provide for their own parking. Gary: typically in a downtown core area property owners don't provide their own parking and usually the city gets involved in meeting district parking needs through public parking facilities.
- Attorney: The history of this town is that if you wanted something approved or changed, it was easily done. Don't know whether that was good or not. The problem is that this community is so hungry for development that, if someone wants to build something, who's going to stand in the way? Even if it's not in conformance with the current zoning or land use plan. Maybe we need to consider more if a project is in the community's long term interest.
- Property owner was in process of converting single-family to duplex. He was told that he could go ahead and finish and occupy as a duplex, but if he was to sell the property, it would have to be converted back at that time. So he did not complete the conversion. Gary: doesn't sound right...zoning rights go with the property, not the owner. Selling the property should not kick in an enforcement action.
- East of 24th, on 9th Ave north, there is no sidewalk on part of the street. Thinks there should be sidewalks in neighborhoods for the safety of children.
- Extension of 20th has no sidewalk on either side, down to the park. This is a dangerous area for kids to walk.
-Gary: One of the roles of the Planning Commission is to recommend capital improvement projects to the City Council. Perhaps they should make a recommendation to install sidewalks in these locations.
- Will this project be involved with trying to protect historic buildings from having their original windows boarded up and other changes? Gary: described Historic District Ordinances.
- Many downtown buildings have good brick on the front, but cheaper brick on the sides and back. Owners typically cover those sides with drivet. Rumor is that we will not be able to do that in the future. Gary: there are no rules against that currently, and if that is the only practical approach to improving the building, it would have to be considered.ould have to be considered.
- How do you find out what the zoning ordinance says? Gary: we will be putting the ordinance on the city's website. We will also be simplifying how the zoning code works so that it will be easier to use.