

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
November 6, 2014

A. Call to Order: 7:00 p.m.

1. Members Present: Barb Anderson; Richard Dane, Vice-Chairperson; Susan Franke; David Huser; Kate Payne; Kathy Olson Heidi Solheim.

Members Absent: Hank Bagelmann, Chairperson; Bill Wilson.

City Staff Present: Ben Kohout, Zoning Specialist (Secretary); Tim Kangas, Council Liaison; Edith Waldstein, Council Liaison.

2. Approval of Agenda:

Motion By: Anderson	Seconded By: Huser
Move that the agenda be approved as printed.	
Yes: 7	No: 0 Absent: 2

3. Approval of Previous Minutes:

Motion By: Solheim	Seconded By: Anderson
Move that the minutes of the October 2, 2014 Planning and Zoning Commission meeting be approved.	
Yes: 7	No: 0 Absent: 2

4. Communications: Board of Adjustment Agenda – Nov. 10, 2014

B. Public Hearings: None

C. Regular Business:

1. Review of “U-1” Zoning District Guidelines

Staff is seeking input from the Commission on a proposal to eliminate “U-1” designation on most properties with a residence upon them in order to better reflect the actual usage. The Waverly ordinance currently has a floodplain ordinance which regulates construction in high risk flood prone areas and this creates confusion for some. Staff is seeking to rezone single family residential properties from “U-1” to appropriate “R” district designations which would be adjacent. Staff has received correspondence from at least one property owner in this situation and has fielded numerous calls on this in the past. Staff finds doing so would better clarify the intended uses for the properties while still observing the flood hazard requirements.

Secretary Kohout showed existing zoning maps and properties that have current “U-1” zoning designations. Mr. Kohout explained staff is seeking to change properties with residences that have “R” district designations and “U-1” designations to the adjacent “R” district to better identify the properties as residential. Doing so, Mr. Kohout explained, would relegate the property to having one singular zoning designation reflecting the actual usage and conveying a singular zoning designation to follow. Mr. Kohout explained for flood prone properties, there are existing provisions in the City Code that address development within these areas and the “U-1” designation is duplication. Mr. Kohout also stated with current mapping available that includes soil types, topography information and flood hazard maps, the “U-1” may have value in certain applications but not for existing residential properties when adjacent to “R” districts. Mr. Kohout presented the current zoning map to the Commission and highlighted areas that meet this criteria that could be petitioned to be changed by the City, following obtaining property owner consent and following the rezoning procedures. Mr. Kohout stated he thinks it would be appropriate to allow for the “U-1” district to be shown on properties adjacent to a river or waterway that do not have residences upon them. Mr. Kohout presented maps and showed the Commission the areas in question include numerous privately owned residential properties along the Cedar River and in the proximity to the Dry Run Creek.

Commissioner Huser stated he does not support changing the “U-1” designation as he finds it may be useful for property owners and potential buyers of properties to ascertain the highest and best usage of properties and to best determine where hazardous areas are on the property. Mr. Huser stated it may be misleading if the zoning maps are changed in the river areas where water is present and finds the current zoning map and boundaries acceptable. Mr. Huser supports no change in the “U-1” zoning designations as presented by staff.

Commissioner Anderson confirmed with Mr. Kohout the “U-1” designation serves to highlight properties that have environmental factors that may limit development and that the existing FIRM maps already show areas prone to flooding. Ms. Anderson stated support for this endeavor.

Commissioner Payne confirmed with Mr. Kohout staff is not proposing to eliminate the “U-1” designation, only to propose properties with residences upon them to have one “R” district to better clarify for the owner the allowable uses under one district designation.

Mr. Kohout clarified for the Commission the “U-1” designation considers more than floodplain considerations and also includes adverse soil or drainage way characteristics and are best suited for preservation as open space or buffers between land uses.

Commissioner Solheim confirmed with Mr. Kohout that a benefit in showing residentially used properties as “R” would be there would be no need to change the “U-1” boundaries to mirror the floodway designations if Flood Insurance Rate Maps are changed, as with the inflatable dam.

Acting Chair Dane stated support of “U-1” being shown on maps that do not follow property lines so a potential buyer of property may be able to ascertain the usable size of property or size of property shown suitable for construction. Mr. Dane discussed title opinion searching of properties and if doing away with “U-1” might not clearly show any adverse property impacts the “U-1” designation may show in such a search.

Ms. Payne confirmed with Mr. Kohout the “U-1” designation allows for residential construction on existing lots of record and that floodway considerations restricting development would need to be followed.

Mr. Kohout confirmed for the Commission staff is seeking to change properties to a singular zoning designation when a residence is upon a property that has the “U-1” and R district designation. Mr. Kohout explained parks and open areas with structures designed to accommodate floodwaters would remain as “U-1”.

Commissioner Olson confirmed with Mr. Kohout changing the zoning map from “U-1” to “R” does not do away with floodplain insurance ratings for homeowners as the risk assessment is based off of FEMA FIRM maps.

Mr. Kohout explained the goals of changing “U-1” include simplifying property zoning designation and regulations for residential property owners, to better reflect that actual conditions of the property and to reduce duplication of regulations such as for the flood prone areas. Mr. Kohout stated he has received one letter from a property owner requesting this action for their property and Mr. Kohout thinks other property owners may benefit from this proposed action. Mr. Kohout stated next steps include identifying the properties on a list, contacting property owners for consent and bringing forth an ordinance amendment for review. Timing includes staff bringing this back in early 2015, once properties are identified and consent is finalized.

D. Old Business:

1. Landscaping ordinance amendment update from Staff.

Mr. Kohout presented a landscaping ordinance proposal that Commissioner Dane and Commissioner Franke helped to draft.

Mr. Kohout stated the proposal includes provisions for defining when visual barriers would be required, three options for screening which include a live vegetative barrier, berming of seeded dirt with taller vegetation on top or a solid structural fence.

Ms. Payne confirmed with Mr. Kohout the screening requirements need to be in place and satisfied prior to receiving a building permit. Ms. Payne also confirmed for the Commission screening requirements are very common place and supports this version as it seems reasonable to accomplish screening undesirable views from residential properties. Ms. Payne stated she supports the proposal as drafted.

Ms. Olson confirmed with Mr. Kohout the current Waverly Area Veterans Post project in NW Waverly is currently under the guidance of existing resolution and agreements in place. Council person Waldstein confirmed there is a resolution approved for \$100,000 and money needs to be used for landscaping and there may be a question in if the Council resolution in place would require minimum planting standards on the west side of the property.

Mr. Kohout stated the process included looking at other communities and what they use in past Commission meetings, considering enforcement procedures with existing staff functions, and providing clear and direct language in order to set a minimum standard.

Commissioner Solheim thinks clarification is needed in addressing providing a barrier across from a street if residential is across from non-residential.

Mr. Kohout stated the ordinance does address existing non-residential uses and only in cases where there are substantial changes being made or reconstruction shall there be a need to establish screening from residential.

Ms. Olson stated a need for the ordinance to better clarify when a site plan needs to be submitted. Mr. Kohout stated the plan should be submitted concurrent with the building and parking lot plans for the benefit of considering everything for construction.

2. Rental ordinance update from Staff.

City staff have been working with a local Waverly landlords group and gaining their input following the rental ordinance being recommended by the Planning Commission. Staff anticipates presenting an ordinance proposal to the Council for consideration in November 2014.

Mr. Kohout summarized for the Commission the process for drafting has included taking the draft recommended by Planning Commission to the Council and to a group of landlords. The draft being presented to Council

will reflect the Housing Quality Standards typically employed by HUD. Mr. Kohout stated the ordinance provided for review will cover registration as mandatory with an initial fee only, minimum maintenance standards, maximum occupancy standards based on bedrooms meeting minimum standards and minimum off-street parking standards. The inspection process would include going through the Bremer County Inspections office, as they are currently contracted for City building inspection services.

Mr. Dane confirmed with Mr. Kohout elevators are not required and if they are provided for, they need to be operational with the code ordinance.

Mr. Kohout confirmed for the Commission the required minimum bedroom height of 7 feet will be looked at to address circumstances where attic spaces may contain a knee wall and the majority of space is 7 feet in height. Mr. Kohout stated staff intends to allow for these circumstances and will review the ordinance accordingly.

Mr. Kohout confirmed for the Commission sleeping room provisions include a need for an egress window unless provisions are provided to meet other accepted building code methods are employed and approved by the building inspector. Mr. Kohout stated staff will review the provisions with the building code inspector for Waverly to provide for clear language.

The Commission stated support for provisions restricting off-street parking spaces in the front yard areas and also to provide for an improved surface requirement so no rental property may use grass areas to meet minimum parking space requirements.

E. New Business:

1. Mr. Dane requested a copy of the housing needs study completed by Maxfield. Mr. Kohout will send out a copy to the Commission members following the meeting.

F. Adjournment:

Motion By: Huser

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting Adjourned at 8:40pm.

Respectfully Submitted,

Ben Kohout, Secretary