

## **PLANNING AND ZONING COMMISSION MINUTES**

**City of Waverly, Iowa  
City Council Chambers  
December 4, 2014**

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

1. **Members Present:** Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson; Susan Franke; David Huser; Kate Payne; Kathy Olson Heidi Solheim; Bill Wilson.

**Members Absent:** Barb Anderson; Edith Waldstein, Council Liaison

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

2. **Approval of Agenda:**

Motion By: Olson

Seconded By: Huser

Move that the agenda be approved as printed.

Yes: 8

No: 0

Absent: 1

3. **Approval of Previous Minutes:**

Motion By: Bagelmann

Seconded By: Huser

Chair Bagelmann called for clarification of item D.1., paragraph four. Secretary Kohout stated the paragraph may be amended to better clarify the statement by deleting the word "in".

Vice-Chair Dane stated in regular business item C.1., regarding review of U-1 Zoning District guidelines, he thinks better clarification should be made to mention to the topic of discussion to include some concern over removing the U-1 from some properties where there is a portion in the residential zoning district and in the environmentally sensitive district.

Mr. Huser stated he thinks the minutes and changes proposed should be reviewed by Staff and brought forth to the next month's meeting in January 2015 for final review so as to formally approve revised minutes after review once changes are made. Mr. Huser stated he finds the U-1 and R district designations for the same property may be beneficial for interested property buyers and should remain. Mr. Kohout confirmed the minutes will be revised and will take consideration of statements made by Mr. Huser so as to accurately reflect the discussion. Mr. Huser will follow up with Mr. Kohout prior to the next month's meeting to accurately reflect the comments made at the November 2014 meeting.

Move that the minutes of the November 6, 2014 Planning and Zoning Commission meeting be reviewed at the January 8, 2015 meeting following changes to be made by staff and consulting with Mr. Huser.

Yes: 8                    No: 0                    Absent: 1

4. Communications: Board of Adjustment Minutes from Nov. 10, 2014 were presented by staff.

**B. Public Hearings:**

None

**C. Regular Business:**

1. Set Public Hearing for Special Provisional Use for Roof Mounted Solar Energy Panel Array at 70 6<sup>th</sup> Ave. NW.

Paul Greene, Industrial Services Manager from Nestle, stated they are in the process of installing a 132 panel solar array on top of the main facility loading dock on the west side of their structure. Mr. Greene stated there is cabling that remains and they are seeking to abide by the special provisional use provisions as outlined in the City Code.

Mr. Kohout confirmed for the Commission the Code requirements for this solar energy system and stated the intention is to seek public input prior to formal approval so as to anticipate and minimize any potential impacts to neighboring properties such as glare. Mr. Kohout confirmed the application was brought forward to the Zoning office for formal review after initial review by the building inspection office and that the work is in process and no formal approval has been given. Mr. Kohout confirmed for the Commission there are few applications of this type that come forward and the contractor has been working with the building inspector to ensure compliance with the electrical code and the contractor assumed this was the only step needed to install the solar panels. Mr. Kohout stated that may be why work has started on this without formal approval.

Commissioner Olson stated she has concern over the code requirements as there seems to be confusion for staff in enforcing the provisions. Mr. Kohout confirmed for Ms. Olson this is the second solar panel request the City has reviewed since the Code provisions were enacted in 2010.

Mr. Kohout confirmed with Mr. Wilson the code provisions may allow for waiving of the process for special provisional use in the situation where anonymity may be required for uses. Mr. Kohout stated this is not the case in this instance as there are residences in proximity that may be impacted and does not meet the anonymity intention provided for in the Code.

Mr. Dane stated he thinks the inspection services for Waverly need to be better incorporated with the Zoning Code review process and stated support of the City to employ building code personnel to better communicate with Zoning staff in situations that require coordination prior to giving approval such as in this case for solar panel installation.

Mr. Huser stated he would like staff to research a waiver process for solar array panels and to place a waiver process as a topic on the Agenda for January 2015.

Motion By: Huser

Seconded By: Olson

Move that the Planning and Zoning Commission set a public hearing for the January 8, 2015 Commission meeting to hear this roof mounted solar panel request.

Yes: 8

No: 0

Absent: 1

2. Set Public Hearing for Rezoning of property at 350 1<sup>st</sup> Ave. NW from R-4, Multiple Family Residential-Transitional to C-3, Central Business Commercial District.

Andrew Bell, architect at AHTS Architects, on behalf of Deneui Holdings, Inc., stated they are anticipating accommodating a wrestling camp layout where the gymnasium facilities and classrooms would be used to house students in a camp setting. Mr. Bell advised the Commission in working with City Staff, the C-3 zoning request could be a better match for the wrestling camp use and other retail and service opportunities.

Mr. Kohout stated the existing athletic fitness business in the gymnasium is a use that was not formally approved and would be brought into conformance with the C-3 designation.

Mr. Bagelmann confirmed with Mr. Bell the intention is to allow for most of the service and retail businesses allowed for in C-3 to be ready to move in and to not have the R-4 designation where most any use of a commercial nature would need a special provisional use and subsequent public hearing and formal approval prior to being allowed to move in.

Mr. Kohout confirmed for Mr. Huser there are City owned vacant flood buyout properties across the streets to the northwest and to the north of this facility.

Ms. Olson confirmed with Mr. Kohout the residential usage may be allowed in the current R-4 designation or on the upper levels with C-3 designation or on the main levels with special provisional use with C-3 designation.

Mr. Kohout read over the rezoning procedure as listed in the Code for the Commission.

Mr. Wilson confirmed with Mr. Kohout a boarding house use in the R-4 is a special provisional use process that is similar to past request granted by the City along 4<sup>th</sup> Street SW. Mr. Wilson also confirmed with Mr. Kohout a wrestling camp function may more resemble a commercial use as it is paid

instruction given with an overnight stay and staff would view this as a commercial endeavor more than a residential application.

Commissioner Solheim confirmed with Mr. Kohout a rooming house may be considered for review as a special provisional use in the R-4.

Mr. Dane stated his concern about the Commission recommending approval of uses he thinks the owner should research the property prior to purchasing and trying to line up the desired uses with the Code requirements ahead of time should be anticipated and discussed prior to purchasing said property.

Mr. Bell stated for the Commission he thinks the current inspection function the City conducts under contract with the Bremer County inspections office works well and thinks better coordination and communication may be able to be accomplished if the inspection service would be a City hired position.

Mr. Dane confirmed with Mr. Kohout the Code defines professional commercial establishments in the City Code and these are a permissive use in the R-4.

Motion By: Huser

Seconded By: Franke

Move that the Planning and Zoning Commission set a public hearing for the January 8, 2015 Commission meeting to hear this rezoning request from R-4 to C-3.

Yes: 8

No: 0

Absent: 1

3. Ordinance Amendment to include provisions for visual barriers between multifamily and non-residential uses from low density residential land uses.

Mr. Kohout read through the ordinance draft for the Commission and noted the amendments following comments received from Commissioners Dane and Franke and comments from the November 2014 Commission meeting.

Mr. Huser confirmed with Mr. Kohout the amendment in the landscaping maintenance section to adjust the length of time someone has to replace a dead planting used for screening was adjusted from six months to nine months to account for seasonal considerations to better ensure plant survival.

Mr. Wilson confirmed with Mr. Kohout the mention of landscaping that is damaged needs to be replaced means if the plant used for screening is dead, the language should be adjusted from "not healthy" to "damaged". After further discussion amongst the Commission, it was determined any plantings need to be alive at all times and of sufficient screening function to maintain the screen and the current language is permissible to recommend as presented. Mr. Kohout confirmed with the Commission staff will enforce the submitted site plan that is approved and if the plan shows a tree and the tree dies, they

need to maintain the health of the trees and replace them if necessary to meet the Code requirements.

Mr. Wilson expressed a desire to promote landscape requirements in addition to screen adjacent land uses in order to beautify areas and present a more desirable environment. Mr. Kohout stated this topic of discussion may be better addressed under the topic of corridor planning and for the Commission to consider thinking of view sheds from a roadway and to envision pedestrian movements through a commercially zoned property for ways to improve upon current development standards.

Mr. Dane confirmed with Mr. Kohout poured concrete may be utilized as a visual barrier.

Following discussion amongst the Commission, fencing was thought to be able to include poured concrete and to remove the term “vinyl” from the fencing options presented.

Commissioner Payne stated there may be a purposeful review board or function the City may need to employ in order to have a say in what would be appropriate for a particular application to achieve screening or a special provisional use model.

Mr. Huser confirmed with Mr. Kohout tall chain link fencing may be erected following this ordinance amendment for security purposes in addition to meeting the screening requirements, as long as the screening requirement is met.

The Commission stated support to include language to allow for “similar materials” to allow for iron or other fencing material that would not be specifically listed and to be akin to the options spelled out in the ordinance language to provide for a little flexibility in applications.

Ms. Solheim confirmed with Mr. Kohout residential fencing may be no taller than six feet and the proposed amendment includes language the visual barrier fence must be at a minimum of six feet tall.

Mr. Huser stated he thinks there may be a need to establish a maximum height of six feet for a fence. Following discussion amongst the Commission, there was not support for establishing such an amendment to the ordinance as presented.

Motion By: Olson

Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of the ordinance amendment to include provisions for a visual barrier with the agreed to amendments by the Commission to the City Council.

Yes: 8

No: 0

Absent: 1

4. The Commission will review and approve the upcoming 2015 meeting schedule provided by staff.

The upcoming calendar meeting was reviewed and decided in some situations the second Thursday would work and the majority of meetings can still occur on the first Thursday of the month.

Motion By: Huser

Seconded By: Dane

Move that the Planning and Zoning Commission approve the 2015 meeting schedule provided by staff.

Yes: 8

No: 0

Absent: 1

**D. Old Business:**

1. Rental ordinance update from Staff.

Mr. Kohout stated the Council reviewed the rental ordinance amendment that will utilize a similar version and format of requirements to that of the Housing Quality Standards utilized by the federal agency Housing and Urban Development (HUD).

Mr. Kohout confirmed for Mr. Dane there is a requirement for windows in every bedroom and if above grade, they need to meet the standards for the year the home was constructed, and egress windows for basements will be enforced. In addition, Mr. Kohout stated there will be off-street parking requirements expected and for those properties that may not be able to meet the minimum requirements, they will need to appeal to the City for approval.

Mr. Kohout confirmed for the Commission screening of off-street parking spaces established on a rental property is not in the version presented to the Council. Mr. Kohout confirmed there are no requirements that prohibit parking on the grass in residential districts.

2. U-1 Zoning change for multiple properties update from Staff.

Mr. Kohout presented a zoning map of the City showing properties that shared a residential zoning designation, or "R" district, and an environmentally sensitive designation, or "U-1" district, with properties expected to be requested to be changed by the City with consent of property owners to an adjacent "R" district to better conform those properties that are utilized residentially. Mr. Kohout stated the flood plain ordinance identifies the hazards for many of these properties and is viewed as unnecessary and is looking to bring this item back at a future Commission meeting as a regular business item for review and recommendation to the Council.

Mr. Huser stated he finds there is not a real problem to solve with this as he finds value in the current zoning map showing properties as an R district and U-1 district as it identifies hazards.

Mr. Kohout stated to further illustrate the reason why staff desires to move forward is he received correspondence from a property owner in SW Waverly that expressed a concern over their property showed as a U-1 property and would like their property changed to a R district to better illustrate the usage of the property in relation to the surrounding properties that are zoned as R.

Mr. Dane stated support of the way the current map shows U-1 zoning and R zoning for certain residentially used properties. Mr. Dane stated he thinks the hazard line could better be readjusted to better follow the floodway hazard line in some fashion on the zoning maps.

Mr. Bagelmann stated he supports placing this item back on the January 2015 agenda along with updated minutes so as to better discuss this item and at that time decide on moving it forward. Mr. Kohout confirmed he can accommodate this request.

### 3. Corridor Planning update from Staff.

Mr. Kohout stated this item was last discussed in April, 2013, and due to the City not hiring any consultants to review the Code, staff would like to bring this topic back for the January and/or February 2015 meeting. Staff would like the Commission to establish a task force committee to work with Staff to establish basic zoning ordinance considerations to further promote gateways into the community and research possible ways to achieve a more unified development standard to promote greenery and other treatment standards for new development to accommodate the listed goals in the City Comprehensive Land Use Plan.

Mr. Bagelmann recommended Ms. Payne to work with staff on a committee with other willing Commission members to start the process of identifying the topics of corridor planning to include with possible corridor planning items to consider in ordinance form to further enhance the gateways and corridors into Waverly. Mr. Wilson expressed an interest in also working on the committee.

Mr. Huser stated support of looking at land uses along the gateway corridors as he mentioned Cedar Falls as a community to study in how they accomplish their corridor planning.

### E. New Business:

None

### F. Adjournment:

Motion By: Franke

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 7:48 p.m.

Respectfully Submitted,

Ben Kohout, Secretary