

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
7:00 pm
November 5, 2015

A. Call to Order:

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

Members Absent: Barb Anderson; Hank Bagelmann, Chairperson; Bill Wilson; Tim Kangas, Council Liaison; OPEN SEAT

City Staff Present: Ben Kohout, Secretary; Edith Waldstein, Council Liaison.

2. Approval of Agenda:

Motion By: Huser

Seconded By:

Move that the agenda be approved as printed.

Yes: 5

No: 0

Absent: 3

3. Approval of Previous Minutes:

Motion By:

Seconded By:

Move that the minutes of the October 1, 2015 Planning and Zoning Commission meeting be approved.

Yes:

No:

Absent:

4. Communications: Board of Adjustment – October and November 2015 meetings cancelled.

B. Public Hearings:

C. Regular Business:

1. Review Final Plat for Prairie Park Second Addition for seven residential lots in NE Waverly.

BNKD Development, Inc., applicant, is requesting a preliminary subdivision plat for seven residential lots known as Prairie Park Second Addition located east of the current Tumbleweed Trail, extended. The Comprehensive Land Use Map shows these properties as Residential. This plat follows the submission and approval of the preliminary plat for Prairie Park Second Addition as approved by the City Council and represents the second phase of the approved preliminary plat for Prairie Park.

Ms. Olson confirmed with Mr. Kohout the stubbed streets for Tumbleweed Trail and Clover Lane, as shown on the attachments, are planned to continue outward to promote connectivity with future development.

Motion By: Huser

Seconded By: Solheim

Move that the Planning and Zoning Commission recommend approval of the final plat creating seven residential lots in Prairie Park Second Addition to the City Council.

Yes: 5

No: 0

Absent: 3

2. Review Final Plat for Omni Development First Addition.

Mr. Dane stated Twin B, LLC, applicant, is requesting a final subdivision plat for eight residential lots known as Omni Development First Addition located east of 13th Ave. SW, extended. The Comprehensive Land Use Map shows these properties as Mixed Use (residential and commercial). This plat follows the submission and approval of the preliminary plat for Omni Development as approved by the City Council and represents one phase of the approved preliminary plat.

Mr. Dane stated he has a concern with the proposed cul de sac exceeding the City Code ordinance requirement of 500 feet. Mr. Kohout stated the Code is silent on whether the cul de sac requirement applies to private or public streets and noted there are other dead end private drives that are privately maintained that exceed 500 feet.

Mr. Huser stated he supports the design as the cul de sac proposed closely resembles other examples from around the community.

Motion By: Olson

Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of the final plat creating eight residential lots in Omni Development First Addition to the City Council.

Yes: 5

No: 0

Absent: 3

3. Review Final Plat for Omni Development Second Addition and development agreement accompanying said plat.

Mr. Dane stated Twin B, LLC, applicant, is requesting a final subdivision plat for 27 residential lots known as Omni Development Second Addition located on current 1st St. SE, extended, between the Cedar River Parkway and Flintstone Drive.

The Comprehensive Land Use Map shows these properties as Mixed Use (residential and commercial). This plat follows the submission and approval

of the preliminary plat for Omni Development as approved by the City Council and represents one phase of the approved preliminary plat.

Mr. Dane stated the plat contains four lots (lots 24-27) that do not meet the minimum lot requirements for the current R-4 zoning district. The applicant has worked with City Staff to propose these four lots be governed by a Development Agreement that allows the lots to be built upon only after the City reviewing and adopting ordinance amendments allowing for zero lot line development of one-family attached homes. Said ordinance amendment will be recommended by the Planning Commission and approved by the City Council.

Ms. Olson confirmed with Mr. Kohout the four lots, 24, 25, 26, 27, cannot be developed until such time an ordinance is in place to allow for development. Mr. Kohout stated the timing of the platting process, and accompanying ordinance amendment. Ms. Olson expressed concern over four lots being offered for a zero lot line attached housing mixed with detached single family home lots.

Mr. Kyle Helland, of Helland Surveying, who prepared the plat, addressed the Commission. Mr. Helland stated the timing of infrastructure installation includes Fall 2015, following plat approval by the City. Mr. Helland stated regarding providing service lines from the main services of water and sewer to the four subject lots under development agreement, he would defer to the City Engineer how this should be done so as to prevent digging up new street to cap services at the main service line. Mr. Helland stated this proposed street is the same as presented on the preliminary plat approved by the City Council.

Mr. Huser stated support for the request as this reflects the City's stated policy goals to provide for more affordable housing options. Mr. Huser stated the proposed lot layout providing for zero lot line may be more cost effective for builders who in turn can reduce the cost of housing being offered.

Mr. Dane stated support of the zero lot line concept. Mr. Dane stated a concern over lack of a side street providing east-west access to break up this extended stretch of 1st Street SE, from Cedar River Parkway to Flintstone Drive. Mr. Dane stated this and future land subdivisions should consider good traffic access and street connectivity and finds this proposal may not resemble recent subdivision designs to the south of the subject property in this regards.

There was discussion about the required block length in the City of Waverly. Mr. Kohout stated there is a minimum requirement and the proposed roadway length with this plat of 858 feet and the additional existing street from Flintstone Drive to this plat would be approximately 1,300 feet.

Mr. Huser stated support of this roadway length as it resembles the newer road lengths without a side street provided as in Rolling Meadows Subdivision and also contained within Centennial Oaks subdivision. Mr. Huser stated support of the design as presented.

Ms. Solheim stated support of the proposed design and due to there being on-street parking provided on one side, speed of traffic may not be a concern as parked cars may cause slowing of traffic. Ms. Solheim stated providing for roadway access to the east is not possible due to the soccer fields and to the west may not make sense either.

Mr. Kohout stated the looping of water services is to be accomplished by providing for an easement mid-block on the west side and sanitary sewer access is thought of in this manner as well.

Motion By: Olson

Seconded By: Solheim

Move that the Planning and Zoning Commission recommend approval of the final plat creating 27 residential lots in Omni Development Second Addition and the development agreement for lots 24 through 27 to the City Council.

Yes: 5

No: 0

Absent: 3

4. Review Ordinance Amendments to City Code Section 100.7, allowing for one-family attached dwellings.

Mr. Dane stated that in order to further promote the styles of housing and specifically one-family attached dwellings, where an owner would own the residence and yard space on three sides, staff is proposing to amend the ordinance to allow for said housing. Staff has prepared ordinance amendments governing one-family attached dwellings for the Commission to review and recommend their findings on to the City Council.

Mr. Kohout reviewed an ordinance draft with the Commission.

Mr. Kohout stated this ordinance reflects the beginning of City Staff reviewing all of the residential zoning districts. Staff plans on bringing forth further changes following Planning Commission committee review. Mr. Kohout stated with this proposal, changes made would provide for attached one family housing, limited to two, which would also be permitted by ordinance to be established in the current R-3 and R-4 districts as shown on the Waverly Zoning Map.

Ms. Solheim confirmed with Mr. Kohout a 25 foot rear yard setback was proposed. Following discussion, it was determined by the Commission a 30 foot rear yard setback would better match other allowable dwellings and would not further benefit builders.

Mr. Dane confirmed with Mr. Kohout the way the ordinance is drafted, two dwellings would each need the minimum lot area presented. Mr. Dane also confirmed with Mr. Kohout two units on a common lot line would need to be constructed at the same time.

Ms. Solheim stated support of amending the ordinance as presented to change the minimum lot area per unit be amended from 5,000 square feet to 4,000 square feet to better match the 8,000 square foot lot area required for two-family dwellings permitted. Mr. Kohout stated the original 5,000 square feet was envisioned to provide for more yard space for the residence.

Ms. Olson confirmed with Mr. Kohout the reason for proposing this ordinance is to provide for a different style of housing option in Waverly in response to developer inquiries in the past few years. Mr. Kohout stated a by-product of this ordinance amendment may be a reduced cost of construction due to smaller lot size and sharing of a wall and thus, a reduced price on the resulting house.

Mr. Kohout stated upon review with the Commission a side yard setback should not be less than five feet, as a standard practice with building codes is to place detached residential structures in Waverly to be at least five feet on either side of property lines so a ten foot distance is achieved. The proposal presented to the Commission showed 10 percent of the lot width and would result in a four foot setback. There was discussion about home sizes that could be built and the Commission supported the resulting building spaces afforded by proposed provisions of the ordinance. After discussion, the Commission recommended a five foot setback.

Motion By: Solheim

Seconded By: Payne

Move that the Planning and Zoning Commission recommend approval for the ordinance amendments governing one-family attached housing in Section 100.7 of the City Code as provided by City Staff.

Yes: 5

No: 0

Absent: 3

5. Review Ordinance Amendments governing fuel tank setbacks in M-1 and M-2 zoning districts.

Mr. Dane stated City requirements call for fuel tanks in M-1 to be underground and 200 feet from R district property lines and 200 feet from R district property lines in M-2 zoning. Staff is following through on the recommendation of the Board of Adjustments to compare the City code requirements with the State of Iowa Fire Marshall and International Fire Code and Building Codes standards to see what, if any, adjustments may be made to the Code. Following review of the building code requirements and comparing with other communities and their Codes on this matter, staff is recommending the amendments provided by Staff be made to the Code to lessen the setbacks to better match the minimum standards enforced by the State Fire Marshall.

Mr. Dane confirmed with Mr. Kohout the State Fire Marshall is still involved with review prior to placement with the code provisions proposed as the City will expect a letter of approval from the State Fire Marshall office prior to zoning approval and prior to building permit applications. Mr. Kohout

confirmed with Mr. Dane should someone desire to place any size flammable liquid storage tank, a building inspector consultation should take place to determine what approval from the State is needed.

Mr. Kohout stated the visual barrier will be expected for each new tank requiring a building permit.

Ms. Payne stated support of the ordinance proposal.

Mr. Huser confirmed with Mr. Kohout other properties and future applications of the provisions were considered by City staff.

Mr. Dane confirmed with Mr. Kohout the storage of a large number of portable liquid propane tanks would be governed by building code standards based upon the department receiving a complaint for further review of the conditions to see if alterations to the distances need to be met.

Motion By: Olson

Seconded By: Solheim

Move that the Planning and Zoning Commission recommend approval for the ordinance amendments governing fuel tank storage setback requirements in the M-1 and M-2 districts as provided by City Staff.

Yes: 5

No: 0

Absent: 3

6. Review Ordinance Amendments governing yard setback exceptions for decks, steps and window wells.

Mr. Dane stated City requirements call for decks to be considered part of the residential structure and needs to meet setback requirements as imposed for the residence. Staff is following up on recent Board of Adjustment direction to research ordinance amendments that may allow for attached decks on the rear of a structure to be able to encroach within the required customary 30 foot rear yard setback on new and existing construction. Staff is proposing to allow for a 10 foot encroachment in the rear yard setback. In addition to decks, customary steps are also considered with this amendment to be allowed within five feet of a property line. Also, window wells are considered as well to be allowed to encroach five feet into the required setbacks as outlined in the supplied ordinance amendment.

Mr. Kohout stated the proposal for deck ordinance amendment is the result of a recent Board of Adjustment case for a corner lot and the Board recommending the City review ordinance amendments to better address decks encroaching within easements and to propose an ordinance for the City to review. Mr. Kohout presented lot size examples and illustrated how proposed deck encroachments would work on various scenarios. Mr. Kohout stated the intent of the amendment is to benefit pre-existing lot sizes that are smaller that prohibit deck construction and corner lots where a rear yard setback disallows decks from being constructed.

Ms. Payne confirmed with Mr. Kohout the deck height minimum to be considered a deck is 12 inches above grade. Mr. Kohout stated should a deck be constructed less than 12 inches above grade, a deck may extend into the required setbacks as allowed for an at grade patio.

There was discussion about allowing decks at an elevation closer to the rear setbacks than currently allowed. Mr. Dane and Ms. Waldstein were not in favor of allowing decks closer than currently allowed as it may be viewed as more obtrusive to neighbors.

Ms. Payne stated support of the ordinance amendment.

There was discussion about decks in the front yards. The Commission stated support of amending the ordinance as presented to allow for 5 foot deep by 6 foot wide in the front yard setbacks to better promote Americans with Disabilities requirements and wheelchair accessibility.

Mr. Dane confirmed with Mr. Kohout pergolas are not included in the roof definitions in the City Code. Mr. Dane is not supportive of providing for elevated decks with pergolas or roofs within current required setbacks.

There was discussion about enclosed and covered with roof language provided and the Commission desired staff to better clarify this in a future ordinance provision to be reviewed again at a future meeting.

There was discussion about steps and current setbacks enforced.

There was discussion about window wells ordinance amongst the Commission.

Ms. Waldstein confirmed with Mr. Kohout there was one instance of a nonconforming deck on a corner lot requiring a variance to be allowed that is motivating this request. Ms. Waldstein stated she is not supportive of further ordinance consideration if this is not a recurring request to the Board of Adjustments. Ms. Waldstein confirmed Mr. Kohout based the proposed language utilizing the Cedar Falls ordinance for decks, steps and window wells.

Mr. Kohout stated this may be amended to benefit smaller existing lots and corner lots and the language may be able to be reviewed and redrafted to the Commission at next month's meeting.

Ms. Payne stated second story decks in the older parts of the community may be obtrusive and thought should be given to the ordinance language to prohibit this. Ms. Payne suggested the language include a provision to allow for encroachment only on the first floor.

Ms. Solheim stated she does not believe in one family attached homes, as discussed earlier in this agenda, a rear deck may not be allowed and only at grade patios may be permitted, due to the smaller building envelope afforded.

The Commission moved to table the discussion to the next month and to review a revised ordinance proposal reflecting the discussion.

D. Old Business:

None

E. New Business:

1. Mr. Kohout stated there is an open seat on the Commission and if anyone is interested in serving or knows of someone interested in serving, to contact the Mayor about this opening.

F. Adjournment:

Motion By: Dane

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 9:11 p.m.

Respectfully Submitted,

Ben Kohout, Secretary