

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
December 3, 2015

A. Call to Order: 7:00pm

1. Members Present: Barb Anderson; Hank Bagelmann, Chairperson; Bill Wilson; Edith Waldstein, Council Liaison; Richard Dane, Vice-Chairperson; David Huser; Kathy Olson; Kate Payne; Heidi Solheim.

Members Absent: Edith Waldstein, Council Liaison.

City Staff Present: Ben Kohout, 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: 0

3. Approval of Previous Minutes:

Motion By: Huser

Seconded By: Anderson

Move that the minutes of the November 5, 2015 Planning and Zoning Commission meeting be approved.

Yes: 8

No: 0

Absent: 0

4. Communications: Board of Adjustment – December 14 meeting cancelled.

B. Public Hearings:

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

Mr. Bagelmann stated Deneui Holdings, Inc., property owner of 350 1st Ave. NW, is requesting a zoning change from R-4, Multi Family-Transitional to C-3, Central Business District Commercial. The future land use plan shows this property as “Mixed Use”, commercial and residential and is located adjacent to commercial properties to the south and east and residential properties to the north and to the west. Mr. Bagelmann reviewed the history of past requests for this property in 2015 with Mr. Kohout, which included approval of special provisional uses and approval of a Board of Adjustment variance on off-street parking.

Mr. Kohout confirmed for the Commission there was no correspondence received by the public on this request, after publicly advertising this request with mailings and posting in the local newspaper.

Mr. Bagelmann opened the public hearing.

Mr. Kohout reviewed the current structure conditions and site plan layout with the Commission. Mr. Kohout explained this property was designed for a school use only and the zoning change request reflects the applicant's desire to expand uses in the building to include C-3 district uses, which would be consistent with other Bremer Avenue downtown building uses.

Ms. Payne confirmed with Mr. Kohout off-street parking in C-3 is required when residential usage is proposed, and not required for other C-3 uses.

Ms. Solheim confirmed with Mr. Kohout the current R-4 approved special provisional uses are wrestling camp boarding house and indoor recreational usage. Mr. Kohout stated parking required under the R-4 designation for these uses and any other permitted uses on the first floor were waived by the Board of Adjustment and approved by the Council. There was discussion about what defines a boarding house.

Mr. Dane confirmed with Mr. Kohout the current R-4 special provisional uses and uses on the first floor were approved for a variance of uses requiring 57 spaces. Mr. Bagelmann read the Board of Adjustment variance granted in 2015.

Mike Deneui, owner of Deneui Holdings, Inc., stated he inherited the building with no parking spaces and is looking to expand uses out of the structure to maximize the available floor space. Mr. Deneui stated the building is on the National Register of Historic Places and there are restrictions on what one may do to the facility, inside and out, to remain eligible to be on this listing. Mr. Deneui confirmed for the Commission required building code updates may be made and that changes may be made, but that some changes may jeopardize this listing.

Mr. Deneui reviewed the current structure layout with the Commission. Mr. Deneui confirmed for the Commission the entrances to the building are on the South, East and North sides. Mr. Deneui stated adding catering businesses, insurance agents, music teacher, a dance studio business are desired with the C-3 zoning change. Mr. Deneui confirmed with the Commission the auditorium is not planned to be utilized as parking demand would be high. Mr. Deneui stated he has invested in updating the structure to current building code standards for commercial usage. Mr. Deneui plans to continue updating the facility to accommodate future businesses, should the Commission recommend approval and Council ultimately approve this zoning change request.

Mr. Huser confirmed with Mr. Kohout the existing parking demand is very low around the building with the current Gym 24 business and Wrestling Camp uses. Mr. Kohout stated there is ample parking along 1st Avenue NW and that many times it has been observed at very low utilization. Mr. Kohout also stated after speaking with the police department, there have been no complaints on parking or increase in parking tickets for parking violations around the building after being utilized commercially.

There being no one else present wishing to speak on this request, Mr. Bagelmann closed the public hearing.

Mr. Dane confirmed with Mr. Kohout there have been two R-4 special provisional use requests in 2015, both for this property.

Mr. Dane stated his opposition to the request due to parking demand for uses allowed in C-3 district and the R-4 special provisional use process seems to work well in addressing future uses as they come up for review.

Ms. Anderson stated her support of the request as the building itself and its historic nature may limit certain alterations that may not allow other high traffic demand uses found in the C-3 district.

Mr. Huser stated his support of the request as the building utilization is an asset to the community.

Mr. Kohout stated this property was placed in an R-4 designation in the early 1970's City zoning district map and this property could have easily been a C-3 district.

Motion By: Anderson

Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of this rezoning request at 350 1st Ave. NW property as described from R-4 to C-3 to the City Council.

Yes: 7

No: 1

Absent: 0

Those casting a "no" vote: Dane

C. Regular Business:

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

Mr. Bagelmann 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 Board of Adjustment direction to research ordinance amendments on different allowances.

Mr. Bagelmann stated that following discussion at the November Commission meeting, Staff is providing language to allow for a five foot front yard encroachment and ten foot rear yard encroachment but no encroachment in the required side yard setbacks. In addition to decks, customary steps are also considered with this amendment to be allowed within five feet of a property line. Window wells are considered with this ordinance to be allowed five feet into the required setbacks. In no case are allowances for any of these items proposed on recorded easements.

Mr. Kohout reviewed the ordinance draft with the Commission and noted the changes are to apply deck setback relief to corner lots with limited depth to afford corner lot owners uncovered deck construction in the rear yard. Mr. Kohout stated no changes to this ordinance amendment are proposed to the language from the November 2015 Commission presentation.

Mr. Kohout confirmed steps and accessibility ramps would be allowed within five feet of a property line and viewed the same with this ordinance provision. Mr. Kohout stated the policy enforced today reflects this ordinance provision.

Motion By: Solheim

Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval for the ordinance amendments governing yard setback exceptions for decks, steps and window wells as provided by City Staff.

Yes: 8

No: 0

Absent: 0

D. Old Business:

None

E. New Business:

1. The Commission reviewed and approved the Commission 2016 meeting schedule.

F. Adjournment:

Motion By: Anderson

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 8:05p.m.

Respectfully Submitted,

Ben Kohout, Secretary