

**PLANNING AND ZONING COMMISSION MINUTES**  
**City of Waverly, Iowa**  
**City Council Chambers**  
**March 5, 2015**

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

1. Members Present: Barb Anderson; Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson; Susan Franke; David Huser; Kathy Olson.

Members Absent: Kate Payne; Heidi Solheim; Bill Wilson; Edith Waldstein, Council Liaison; Tim Kangas, Council Liaison.

City Staff Present: Ben Kohout, Zoning Specialist (Secretary)

2. Approval of Agenda:

Motion By: Huser

Seconded By: Anderson

Move that the agenda be amended to list item B.2. first to accommodate a request those wishing to speak have the opportunity to do so in an expedited manner due to other engagements for the evening. Mr. Baglmann recommended the agenda be approved as amended to list item B.2. first.

Yes: 6

No: 0

Absent: 3

3. Approval of Previous Minutes:

Commissioner Olson confirmed with the Commission the minutes should be amended to accurately reflect Council Liaison Waldstein being present. The minutes were also recommended to be amended to reflect Council Liaison Kangas not being present.

Motion By: Anderson

Seconded By: Olson

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

Yes: 6

No: 0

Absent: 3

4. Communications:

- i. Board of Adjustment – February 9, 2015 Minutes; March 9, 2015, no meeting.
- ii. Workshop learning opportunity for Commissioners in Waterloo on March 31 – Registration due to Comm. Dev. Office on March 2 by 12pm.

B. Public Hearings:

1. Public Hearing on the Rezoning Request from R-1 to C-2 for approx. 1.3 acres of a 24.4 acre property located on the south side and in the 3000 block of East Bremer Avenue, and to amend the CLUP from Church to Commercial.

Mr. Ben Kohout introduced the item and clarified the request is to extend the C-2 zoning limits further west, to the westernmost property line, at the same distance south from the Highway 3 right-of-way as existing C-2 zoning limits. This request is different from the one introduced at the February Commission meeting as the C-2 request is smaller and will be to simply go straight to the west, at a depth of approximately 300 feet from the East Bremer Ave. right-of-way.

Mr. Kohout stated he had one visit from Ms. Eleanor Sharnhorst, of 411 30<sup>th</sup> Street SE, who was interested in the boundary of the rezoning request. No concerns were stated during this office visit.

Mr. Bagelmann opened the public hearing.

Mr. John Mohlis, of 109 30<sup>th</sup> St. SE, spoke in opposition to the request. Mr. Mohlis stated he would like to know what type of commercial development will occur prior to having the Commission recommend action on this request.

There being no one else present wishing to comment, Mr. Bagelmann closed the public hearing.

Ms. Olson confirmed with Mr. Kohout there is no immediate development site plan under consideration with this rezoning request. Ms. Olson inquired if the Commission should postpone recommending action until a site plan is submitted to further support this request. Mr. Kohout stated a site plan is not typically required for approval and to follow past process, it may be best if the Commission render a recommendation in support of or not in support of the request, following comment by the applicant.

Mr. Wes Gielau, property manager for GLSW, LLC, stated the request reflects a desire to allow the frontage to entertain any commercial endeavors, such as offices, a gas station or other similar commercial applications. Mr. Gielau confirmed for the Commission there are no immediate plans for development under consideration with this rezoning request.

Mr. Kohout confirmed for the Commission a visual buffer will be required with any commercial development adjacent to residential, pending final approval of the ordinance amendment by the City Council, currently under consideration.

Mr. Dane confirmed with Mr. Gielau there is no desire by the applicants to keep an R-4 designation between the existing R-1 properties to the west and the current C-2 designation. Mr. Gielau stated the desire is to have the entire frontage as C-2 to allow for future commercial development across the entire frontage along East Bremer Avenue (State Highway 3 East).

Mr. Gielau confirmed for the Commission the Iowa Department of Transportation has been involved on driveway locations and the proposed four lots that may front onto Highway 3 would be accessed by two driveways, with

one of the driveways to be a shared drive and the furthest east lots would be accessed with the extension of Pine Street.

Mr. Kohout confirmed for the Commission the existing zoning of the property and zoning limits followed the previously approved “build out” plan of Rolling Meadows, extended west. Mr. Kohout explained the property owner may or may not follow the planned development, following review and recommendation of the Planning Commission.

Mr. Dane stated he does not think a specific development type or specific land use should be determined by the Commission, and the Commission should carefully evaluate the allowable uses within the zoning districts.

Ms. Buresh confirmed with Mr. Kohout the future Cedar River Parkway extension is planned to enter onto East Bremer Avenue to the west of the subject property and funding is not there to immediately construct this extension easterly past the Cedar River.

Motion By: Huser

Seconded By: Anderson

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-1 to C-2 and amendment of the CLUP to commercial for the area described to the City Council.

Yes: 3

No: 3

Absent: 3

Those Casting a “No”: Dane, Franke, Olson.

2. Public Hearing on Special Provisional Use Requests for indoor recreational use as a fitness club and wrestling camp boarding house uses in R-4 zoned property at 350 1<sup>st</sup> Ave. NW.

Mr. Bagelmann stated he received one phone call as a concern about parking on 4<sup>th</sup> St. NW surrounding the existing indoor recreational use out of the structure.

Mr. Dane stated he received a phone call from a resident nearby that is concerned with parking on both sides of 4<sup>th</sup> Street SW and a concern of the caller that additional usage out of the building would potentially cause additional parking problems for nearby residents.

Mr. Kohout confirmed for the Commission no correspondence was received on this request.

Mr. Bagelmann opened the public hearing.

There being no comments, Mr. Bagelmann closed the public hearing.

Mr. Bagelmann confirmed with Mr. Kohout there are two separate requests before the Commission with this request.

Mr. Andrew Bell, AHTS Architects, speaking on behalf of the applicant, Deneui Holdings, LLC, addressed the Commission. Mr. Bell stated the fitness club use employs one person at the facility at any one time. Mr. Bell confirmed for the Commission there is 24 hour availability of the structure for the fitness club use.

Mr. Bell confirmed for the Commission there are an anticipated 50 wrestling camp participants anticipated at any one time. Mr. Bell stated he understands from the applicant there is an anticipated two week stay for the camp event and that the age group would be between 8-18 years old. Ms. Anderson confirmed for the Commission she understands the wrestling camp may be targeted to children.

Mr. Bagelmann confirmed for the Commission the plans did not specify meals for those attending a wrestling camp event. Mr. Bell confirmed for the Commission the plans that are being contemplated by the applicant include a lounge area with tables and Mr. Bell has not been asked to design a meal preparation area to cook hot foods. Mr. Bagelmann and Mr. Dane stated they think the definition of boarding house, as allowed for in the Code may not be met if food is not provided.

Mr. Dane stated the code requires off-street parking to be met and for meals to be provided to occupants of a boarding house application. Mr. Dane stated concern over no off-street parking provided for this property.

Mr. Huser stated he thinks parking is not the duty of the Commission to evaluate the number of parking spaces and demand for the area.

Mr. Kohout stated for the Commission the R-4 district uses are required to provide for off-street parking. Mr. Kohout stated the adjacent Fareway grocery store is unique in that the use was not required to provide for off-street parking, as it is in the C-3 district and this use functions more in line with C-2 uses, where off-street parking is required. Mr. Kohout stated the subject property, with the R-4 designation, is required to provide for off-street parking and staff recognizes the old High School use of the building pre-dates the current off-street standard. Mr. Kohout stated this is a unique property located on the fringe of the C-3, downtown commercial district and similar uses, and residential applications. Mr. Kohout stated he thinks the Commission may state conditions of approval with this request, such as time requirements to consider if off-street parking will be required, in a wait and see approach.

Ms. Franke confirmed with Mr. Kohout the commercial businesses allowed without special provisional use considerations would be professional business service establishments, as defined by the code. Mr. Kohout stated uses within the R-4 typically follow a "by appointment" type of business and are geared to service the residents in the area such as a church or day care use.

Mr. Kohout stated during conversations with the current school district business manager, it was confirmed while being used as Junior High school, there were 48 staff members that reported to work at the building and more than likely parked on the street surrounding the building.

Mr. Bagelmann confirmed with Mr. Kohout following previous evaluation by the City of parking on 4<sup>th</sup> Street NW, specifically on both sides, it was determined to not restrict parking on either side of this area of 4<sup>th</sup> Street NW.

Mr. Bell stated he would support entertaining conditions of approval the Commission may deem fit for a recommendation of approval for both uses, specifically on the parking matter. Mr. Bell recommended the Commission

approve the request with the condition the uses be allowed and the uses be brought back following a trial period to see if additional parking considerations are warranted and should be enforced according to providing for the required number of off-street parking spaces. Mr. Bell stated there are 58 existing on-street spaces surrounding the structure and there is an open grass area south of 1<sup>st</sup> Ave. NW, under the ownership of the applicant that could be further considered as an off-street parking lot area to accommodate the requested uses. Mr. Bell stated the owner has considered moving the fitness center entrance to the south side of the structure, promoting those patrons to park on 1<sup>st</sup> Ave. NW, where there are 20 existing diagonal spaces, thereby reducing the number of cars being parked on 4<sup>th</sup> St. NW. Mr. Bell explained the property owner does not want to provide for off-street parking initially as it is considered to be expensive for the owner to do so. Mr. Bell explained after some time with the uses and tenants paying rent, the owner then could afford to install the required off-street parking. Mr. Bell stated he and the owner were unaware of the requirement for off-street parking when starting the process of remodeling to accommodate the existing fitness center use out of the structure.

Mr. Bagelmann stated he supports the condition of a trial period of one year, then bringing the request back for both uses to further evaluate the impacts of traffic and parking around the structure.

Mr. Huser confirmed with Mr. Kohout a permanent dust-free hard surface is required for off-street parking spaces required to be established by the Code. Mr. Huser confirmed with Mr. Kohout there are existing off-street parking spaces that are gravel that pre-date the requirement of dust-free parking. Mr. Huser stated support of evaluation the unique situation of this property and considering relief of the required off-street parking requirement.

Mr. Dane stated concern over the Commission entertaining waiving of the required off-street parking requirements for this request.

Mr. Huser stated he would support the owner changing the main entrance for the structure to be located to the south of the structure, along 1<sup>st</sup> Ave. NW.

Motion By: Huser

Seconded By: Anderson

Move that the Planning and Zoning Commission recommend approval of the indoor recreational use fitness club and wrestling camp boarding house uses to the City Council, with the condition this request sunsets in October 2016 and be reviewed again at that time.

Yes: 4

No: 2

Absent: 3

Those casting a “No”: Dane, Franke

3. Public Hearing on the Rezoning Request from A-1 to R-1 for approximately 9 acres located on the southeast side of 2<sup>nd</sup> Avenue NE and 10<sup>th</sup> Street NE.

Mr. Kohout stated Waverly Real Estate, LLC, is requesting the rezoning of approximately 9 acres located on the southeast corner of 2<sup>nd</sup> Avenue NE and 10<sup>th</sup> Street NE. The request to change the zoning designation from A-1 to R-1 is complimentary with the Highpoint subdivision located to the east of the

subject property. The Comprehensive Land Use Map designates the property as Residential.

Mr. Kohout confirmed for the Commission there were no comments received on this request.

Mr. Bagelmann opened the public hearing.

Mr. Troy Miller, of 1203 1<sup>st</sup> Ave. NE, stated he has a concern over additional traffic through Highpoint subdivision when a roadway connection is made with 2<sup>nd</sup> Ave. NE and the existing 2<sup>nd</sup> Ave. NE in Highpoint subdivision, nearest 12<sup>th</sup> St. NE.

Ms. Franke confirmed with Mr. Miller the mailboxes are on each lot within the existing subdivision.

Mr. Kohout confirmed for Mr. Miller a roadway connection with 2<sup>nd</sup> Ave. NE, 10<sup>th</sup> St. NE and future 2<sup>nd</sup> Ave. NE connection would need to be engineered to accommodate a three way intersection at a curve.

Mr. Kohout confirmed for Mr. Miller the rezoning request to R-1 would require all lots to be a minimum lot size of 9,000 square feet and may be similar in size to the existing lots in Highpoint Subdivision.

Mr. Kohout confirmed for Mr. Miller the subject in question does not include the two existing lots with residences immediately west of 1<sup>st</sup> Ave. NE and also confirmed these lots are zoned as A-1 and would require R-1 prior to allowing for any further subdivision.

There being no further comments, Mr. Bagelmann closed the public hearing.

Motion By: Dane

Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval of the rezoning request from A-1 to R-1 for the area described to the City Council.

Yes: 6

No: 0

Absent: 3

4. Public Hearing on the Rezoning Request from R-1 to R-3 for approximately 2.7 acres located on the northwest side of 2<sup>nd</sup> Avenue NE and 10<sup>th</sup> Street NE.

Mr. Kohout stated Waverly Real Estate, LLC, is requesting the rezoning of approximately 2.7 acres located on the northwest corner of 2<sup>nd</sup> Avenue NE and 10<sup>th</sup> Street NE. The request is to change the zoning designation from R-1 to R-3 to allow for the potential of condominium housing development on the subject property. The Comprehensive Land Use Map designates the property as Residential.

Mr. Kohout stated for the Commission he received a letter from Mr. and Mrs. Terry Cheville, of 308 9<sup>th</sup> St. SE, which stated a concern over water drainage onto their property from the subject property.

Mr. Bagelmann opened the public hearing.

Mr. Tim Bruxvoort, of 302 9<sup>th</sup> St. NE, spoke of concern over water drainage onto their property from the subject property. Mr. Bruxvoort also stated he is concerned with additional traffic resulting from any development of the subject property. Mr. Bruxvoort stated he is concerned with the allowable uses

in the R-3 designation and possible resulting higher density housing than single family homes.

Mr. Darrel Hirsch, of 1038 3<sup>rd</sup> Ave. NE, spoke of concern of this lot being developed for housing and he finds the property may be better suited as a public park land to serve northeast Waverly residents. Mr. Hirsch stated he and neighbors may be interested in purchasing the property and dedicate the land to the City for use as a park.

Mr. Clay Flaig, of 320 10<sup>th</sup> St. NE, spoke in opposition to the rezoning request as the request does not fit with the surrounding zoning.

Mr. Aaron Miller, of 1026 3<sup>rd</sup> Ave. NE, spoke in opposition to the request and possible condominium and higher density housing on the property due to its relative close proximity to his single family residence.

Mr. Mark Schellhase, of 1026 2<sup>nd</sup> Ave. NE, spoke in opposition to the request due to possible increase in traffic in the area from resulting housing.

Ms. Sharon Escobar, of 1026 3<sup>rd</sup> Ave. NE, spoke in opposition to the request due to possible higher density housing styles being visible from the backyard.

Mr. Gary Wendel, of 314 9<sup>th</sup> St. NE, spoke of concern over the water drainage situation as the water runs onto his property from the subject property.

Ms. Dianne Wendel, of 314 9<sup>th</sup> St. NE, spoke in opposition to the request for housing and stated the land could better serve the residents in the area as a public park land.

Mr. Terry Cheville, of 308 9<sup>th</sup> St. NE, spoke in opposition to the request for the resulting housing styles other than single family and of concern over drainage conditions as his property experiences water drainage onto his property that is relieved by an existing swale he constructed years ago on the east side of the property line. Mr. Cheville stated a concern over possible lower quality construction on the property.

Mr. Kohout confirmed for the Commission staff is recommending one entrance to serve any residential development on the western area of the lot. Mr. Kohout showed a site plan of 6 duplexes that was submitted by the applicant. Mr. Kohout explained drainage, setbacks from the right-of-way and driveway locations will have to be reviewed against City code requirements prior to any building permit issuance.

Ms. Franke confirmed with Mr. Kohout the property is under contract to be sold, contingent upon the rezoning being approved.

Ms. Franke confirmed with Mr. Kohout sanitary sewer is required for development on this property and that the number of homes shown on the site plan demonstrates a higher density of housing may help a purchaser to recoup money spent on sanitary sewer.

Ms. Mary Cheville, of 308 9<sup>th</sup> St. NE, spoke of concern over drainage and resulting water run-off coming from the east on the subject property side onto the west properties. Ms. Cheville stated there is an existing swale on the east side of their property line that assists with reducing water run-off onto her property.

Mr. Darrel Hirsch, of 1038 3<sup>rd</sup> Ave. NE spoke of concern of existing water pressure and possible reduction in water pressure servicing his property and neighbors with any new development. Mr. Hirsch stated he recalls a past rezoning request for apartments years ago that never came to be.

Ms. Sharon Escobar, of 1026 3<sup>rd</sup> Ave. NE, spoke in opposition to the request due to possible higher density housing styles being visible from the backyard and would like to see conditions imposed to limit housing styles to be more compatible with existing housing in the area.

There being no further comments, Mr. Bagelmann closed the public hearing.

Ms. Olson confirmed with Mr. Kohout housing density is not called out in the CLUP, only that this property may entertain residential development.

Mr. Dane stated support of the request and site plan submitted as it seems it may be denser than the surrounding area but seems to be a reasonable development style for this property.

Ms. Franke stated concern over the resulting driveway from this possible development and pending development of 2<sup>nd</sup> Ave. NE extended to accommodate the High Point Subdivision continuation meeting with 10<sup>th</sup> St. NE.

Mr. Huser confirmed with Mr. Kohout this rezoning request is in close proximity to the property owned by Mr. Flaig, and located on the east side of 10<sup>th</sup> St. NE within the past two years, was recommended denial due to residential being serviced by septic systems. Mr. Kohout stated sanitary sewer connection was desired by the City Staff prior to recommending approval to the Planning Commission and until sanitary sewer were to be made available, housing density will be lower. Mr. Kohout stated should this request be approved, sanitary sewer would be easier to attain on the east side of 10<sup>th</sup> St. NE and a higher density of housing can be better serviced by a sanitary sewer line.

Mr. Kohout confirmed for the Commission surface water drainage plans will be evaluated by City Staff to ensure water running off the property will not be increased above required standards.

Mr. Kohout confirmed for the Commission a site development plan for zero lot line developments may come before the Commission if the requirements allow for it. Mr. Kohout also stated the roadway connection with 2<sup>nd</sup> Ave. NE and 10<sup>th</sup> St. NE would be shown as part of the Highpoint Subdivision plat review when and if that subdivision plat comes forward at a future date.

Mr. Kohout confirmed for the Commission what infill development is and stated this request is an example of development surrounded by existing development.

Ms. Olson confirmed with Mr. Kohout the proposed R-3 request and subsequent site plan showing duplex style construction is an attempt to increase housing density to assist the developer with future reimbursement for necessary sanitary sewer line extension costs to service this property and subsequent houses.

Mr. Huser stated he would like to see the housing styles restricted to what the site plan presented demonstrated as long as other zoning setback standards can be met. Mr. Kohout he is not in favor of zoning agreements and would rather see the Commission approve or deny the request on its own merits as it can be difficult for future property owners to monitor the zoning agreements.

Motion By: Huser

Seconded By: Franke

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-1 to R-3 for the area described to the City Council.

Yes: 4

No: 2

Absent: 3

Those casting a "No": Anderson, Franke

C. Regular Business:

1. Review and Comment on Minor Subdivision within two miles of City of Waverly.

Property owner at 1591 212<sup>th</sup> St. in NE Waverly is requesting to subdivide property resulting in 7.48 acres. The property is generally located on the NW corner of the intersection of County Road V21 and Garden Avenue. The 2 mile agreement with the County allows for the Commission to review and comment prior to approving minor subdivision plats.

The Commission reviewed the request and noted on the south side of this intersection, the CLUP shows a roadway corridor. Mr. Kohout stated the buildings are being shown on a new lot, separate from the open land. There were no concerns expressed over this request.

D. Old Business:

1. Corridor Planning update from Staff.

Mr. Kohout stated the group of Payne, Olson and himself conducted a meeting over a conference phone call. Mr. Kohout stated he will have to finalize the notes and will share them with the Commission at the next meeting.

E. New Business: None

F. Adjournment:

Motion By: Anderson

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting Adjourned at 9:12 p.m.

Respectfully Submitted,

Ben Kohout, Secretary