

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
7:00 pm
April 16, 2015

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

1. Members Present: Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson;; Kathy Olson; Kate Payne; Heidi Solheim; Bill Wilson, Arrived at C.1.

Members Absent: Barb Anderson; Susan Franke; David Huser; Tim Kangas, Council Liaison.

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

2. Approval of Agenda:

Motion By: Olson

Seconded By: Dane

Move that the agenda be approved as printed.

Yes: 5

No: 0

Absent: 4

3. Approval of Previous Minutes:

Motion By:

Seconded By:

Move that the minutes of the March 5, 2015 Planning and Zoning Commission meeting be approved, with corrections on last name spelling of property owners' names as amended in item B.1.

Yes: 5

No: 0

Absent: 4

4. Communications:

- i. Board of Adjustment – April 13, 2015 Agenda.

B. Public Hearings:

C. Regular Business:

1. Reconsideration of rezoning request from R-1 to R-3 with Zoning Agreement for 1000 block of 2nd Ave. NE.

City Staff is requesting the Commission to review a rezoning request from R-1 to R-3 recommended with a vote of 4 for, 2 against, with 3 absent on March 5, 2015. Waverly Real Estate, LLC, is requesting the rezoning of approximately 2.7 acres located on the northwest corner of 2nd Avenue NE and 10th 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 explained staff has drafted a zoning agreement to address the concerns expressed by the public and the Commission and to propose for the Council to review and render a decision. Staff is requesting the Commission review and recommend on this request and the corresponding zoning agreement. Mr. Kohout stated the Council is interested in hearing the reaction of the Commission members to the drafted zoning agreement language, currently under consideration as a second reading by the City Council.

Mr. Bagelmann opened the meeting to public comments.

Mr. Darrel Hirsch, of 1038 3rd Ave. NE, stated he thinks the nearby properties or the property in question may lend itself to parkland development for enjoyment of nearby residents. Mr. Hirsch confirmed with Mr. Kohout the property could be rezoned to an R-2 designation. Mr. Kohout stated the applicant desires to create a legal regime in a fashion with the R-3 request that would not be attainable with the R-2 development as the R-2 would require property lines to be established between the units. The resulting R-3 designation does not require property lines to be established between the units.

Ms. Freda Slawson, of 320 9th St. SE, spoke in opposition to the R-3 request. Ms. Slawson stated the proposal for five duplexes may be too much housing for the area. Ms. Slawson stated the proposed zoning agreement language seems to address most of the concerns over height of future structures on the property.

Mr. Terry Cheville, of 320 9th St. SE, spoke in opposition to the R-3 request. Mr. Cheville expressed a concern over resulting drainage problems onto this property, which is west and downhill of the proposed development site.

Ms. Olson stated she thinks the zoning agreement does address most of the concerns from neighboring property owners, except for the creation of parkland requested. Ms. Olson confirmed with Mr. Kohout the zoning agreement was signed by the applicant, Waverly Real Estate, LLC.

Ms. Solheim stated she finds the zoning agreement address the concerns of the neighbors and recognizes this infill development may be cause for concern with the neighbors adjacent to this property. Ms. Solheim stated support of the proposed duplex style as requested to provide for more housing styles in this area in NE Waverly.

Mr. Bagelmann stated he supports the requested zoning agreement and finds the language addressing the water drainage onto adjacent properties is an important inclusion in the ordinance.

Ms. Payne confirmed with Mr. Kohout the development plan presented at the March 2015 Commission meeting showed five duplexes. Mr. Kohout stated discussions with the developer stated the result may be four or five duplexes for a total of eight or ten units total, dependent upon a final detailed site plan meeting all applicable setback and drainage considerations.

Mr. Dane stated support over the zoning agreement language to accompany the ordinance as he finds the items meet the comments of concern expressed at the March Commission meeting. Mr. Dane stated he has a concern over the Commission making a formal motion of support as the Commission is a recommending body and not a legislative body. Mr. Dane stated support of the Council directing the Commission to review the document.

Ms. Waldstein confirmed for the Commission the City Council desired the Commission to review the agreement to capture comments on the language of the zoning agreement to see if it is agreeable with the concerns expressed by the public at the March Commission meeting.

Mr. Kohout stated staff desires to capture input from Commission members that are present at this meeting and that were not at the March meeting. Mr. Kohout confirmed for Ms. Olson the zoning agreement language was generated based off of comments received from the Commission and the public comments at the March Commission meeting.

Ms. Waldstein stated she believes because this zoning agreement was not a part of the original request, she finds value in bringing this item back to the Commission for comments to provide to the Council while they continue consideration of this request at future meetings.

Mr. Wilson stated there are existing duplexes already in place along 2nd Ave. NE and finds this proposal as a logical continuation of this style of housing in this area and supports the request. Mr. Wilson confirmed with Mr. Kohout because of the protest received by property owners, the Council vote needs $\frac{3}{4}$ of the Council members to vote approval for the request to be approved.

Ms. Payne stated she finds the language addresses the items discussed previously.

Mr. Kohout confirmed for Mr. Hirsch that should the Council decide to not vote to recommend this zoning change to R-3, they applicants could apply for an R-2 zoning designation.

Mr. Kohout stated the public infrastructure installation for this area should assist with future development requests on the east side of 10th Street NE due to the developer installing infrastructure to service the needs of the subject property.

Mr. Kohout confirmed for the Commission should this request to rezone the property to R-3 not be approved, an application for the same request must wait one year prior to submitting again. A rezoning request to R-2 would be able to be entertained at the next regularly scheduled Planning Commission meeting, per the City Code.

Mr. Kohout confirmed for Ms. Waldstein with the development plan, measurements between the structures would need to be made to see if the R-2, with setback requirements, would be able to accommodate the same style and number of housing proposed with this R-3 request.

D. Old Business:
None

- E. New Business:
None
- F. Adjournment:

Motion By: Dane

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 7:43pm.

Respectfully Submitted,

Ben Kohout, Secretary