

PLANNING AND ZONING COMMISSION MINUTES
UNAPPROVED
City of Waverly, Iowa
City Council Chambers
August 6, 2015

A. Call to Order: 7:00 P.M.

1. Members Present: Barb Anderson; Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson; David Huser; Kathy Olson; Bill Wilson (Arrived at A.3.); Kate Payne; Heidi Solheim.

Members Absent: Susan Franke.

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

2. Approval of Agenda:

Motion By: Huser

Seconded By: Anderson

Move that the agenda be approved as printed.

Yes: 7

No: 0

Absent: 2

3. Approval of Previous Minutes:

Motion By: Olson

Seconded By: Huser

Ms. Olson stated the minutes should be corrected in item B.1. to reflect the attendance of Mr. Bruce Coleman, and not Rick Coleman.

Move that the minutes of the July 2, 2015 Planning and Zoning Commission meeting be approved as amended.

Yes: 8

No: 0

Absent: 1

4. Communications: Board of Adjustment Minutes – July 13, 2015

B. Public Hearings:

1. Public Hearing on rezoning request from C-3 to R-4 for 314 1st Ave. SE.

Mr. Bagelmann stated Coleman Real Estate Investment Properties, LLC, is requesting a zoning change for property located on the south side of 1st Ave. SE, in the 300 block. The request is to change the existing C-3, Commercial District, zoning to R-4, Multiple Family Residential – Transitional District, zoning to reflect the actual usage of the property. The Comprehensive Land Use Map designates the property as Residential. Following public notice through mailings to those within 250 feet and posting in the local newspaper

at least one week in advance, the Commission will consider all public comment prior to recommending action to the City Council.

Mr. Bagelmann opened the public hearing.

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

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

Motion By: Olson

Seconded By: Anderson

Move that the Planning and Zoning Commission recommend approval of the zoning change for 314 1st Ave. SE from C-3 to R-4 for the property described to the City Council.

Yes: 8

No: 0

Absent: 1

2. Public Hearing on rezoning request from R-1 to R-2 and to amend the Comprehensive Land Use Plan from Public to Residential for a property located at 101 30th Street SW.

Mr. Bagelmann stated Seth Engelbrecht, applicant and property owner, is requesting the rezoning of one lot located on the southeast corner of 30th Street SW and East Bremer Avenue. The request is to change the zoning designation from R-1, Single Family Residential, to R-2, One and Two Family Residential, and will allow for duplex development on the subject property. The Comprehensive Land Use Map designates the property as Public. Staff is requesting the Commission amend the Comprehensive Land Use Map from Public use to Residential use to better reflect this privately owned property. Following public notice through mailings to those within 250 feet and posting in the local newspaper at least one week in advance, the Commission will consider all public comment prior to recommending action to the City Council.

Mr. Bagelmann opened the public hearing.

Mr. John Moehlis, of 109 30th St. SE, spoke in opposition to the request. Mr. Moehlis stated concerns over the property devaluing single family residences in the area, R-2 zoning is not fitting with surrounding land uses, parking spaces on the property are a concern, and potential landlord under maintenance if a duplex is permitted on the property. Mr. Moehlis stated later in the discussion that he has a concern over any proposed work on the sewer line in the area as the depth could lead to safety concerns for those workers connecting other structures and possible trench collapse.

Mr. Jim Mehmen, of 303 30th St. SE, spoke in opposition to the request. Mr. Mehmen stated concerns over the R-1 designation being prominent for at least 28 years on this property, concerns over spot zoning nature of the request, and duplex style construction not matching existing single family residences along 30th St. SE. Mr. Mehmen also stated later he does not think a 25 foot setback enforced for the property would match the 75 foot setback of existing homes and thinks anything proposed should match the 75 foot setback to be consistent with the development area.

Mr. Russ Bruns, of 607 30th St. SE, spoke in opposition to the request. Mr. Bruns stated concerns over a duplex style fitting on the property and a building setback enforced of 25 foot not matching his 100 foot setback from 30th St. SE right-of-way.

Mr. Gary Girth, representing property owner of 207 30th St. SE, spoke in opposition to the request. Mr. Girth stated a concern over not knowing the style of development proposed. Mr. Girth stated later in the discussion a concern over any new proposed dwelling not meeting the 75 foot setback, as the other residences area along 30th St. SE.

Mr. Randy Suits, of 201 30th St. SE, stated his opposition to the request. Mr. Suits stated a concern over allowing a driveway servicing two dwellings in close proximity to the intersection possibly causing traffic conflicts.

Ms. Olson confirmed with Mr. Kohout there is a 75 foot setback for the residences fronting onto 30th St. SE.

Ms. Anderson stated support of the request. Ms. Anderson confirmed with Mr. Kohout existing property owners along 30th St. SE may be permitted building additions up to 25 feet away from the right of way of 30th St. SE and she finds additional requirements to move the setback further back to match residences today is not in the spirit of the Ordinance.

Mr. Dane confirmed with Mr. Kohout there is an existing area of approximately a 75 foot long building envelope, as measured north to south, and while observing the required setbacks. Mr. Kohout confirmed for the Commission the rear yard setback of 30 feet would be enforced from the side opposite the presented architectural front entrance of the structure. Mr. Kohout stated a 10 foot side yard setback for a duplex or single family residence would be enforced. Mr. Dane stated he recognizes the request can impact the existing development to the South.

Ms. Payne confirmed with Mr. Kohout required parking spaces would be two spaces for each single family unit, regardless of bedrooms. Mr. Kohout stated should the duplex be rented out, parking would be needed at the rate of one parking stall per bedroom, up to a maximum of four, per living unit. Mr. Kohout also stated occupancy in a rental property for a single family residential unit is specified at the rate of number of bedrooms plus one.

Mr. Mehmen confirmed for the Commission the history of the subject property included a single family residence that was acquired by the Iowa Department of Transportation and removed.

Mr. Wilson stated his concerns with the request include not seeing a site plan drawing showing the construction configuration so as to better decide if the request is in scope with the adjacent residences to the south.

Mr. Huser stated a concern with the Code requirements or a covenant in the area and the request possibly not being met as it pertains to a duplex request affecting the neighborhood structures in the area. After some discussion regarding covenants governing the area amongst the Commission and those in attendance, there are no known covenants affecting the request. Mr. Huser recommended the Commission entertain a setback requirement that would

match the residences to the south, while entertaining a motion on the request in the form of a zoning agreement.

Ms. Solheim supports the request and does not support additional restrictions with the rezoning request as presented.

Mr. Kohout confirmed for the Commission there is no development plan proposed for the subject property.

Ms. Waldstein confirmed with Mr. Kohout any more restrictive setbacks enforced with a rezoning request may be in the form of a zoning agreement and Mr. Kohout was unsure of the formal procedure for entertaining this request without consultation with the City Attorney.

Motion By:

Seconded By:

Move that the Planning and Zoning Commission recommend approval of the rezoning request for 101 30th Street SE from R-1 to R-2 for the area described to the City Council.

Yes: 3

No: 5

Absent: 1

Those that cast a “yes” vote: Anderson, Huser, Olson

C. Regular Business:

1. Review Preliminary Plat for Highpoint Second Addition for 15 residential lots in NE Waverly.

Mr. Bagelmann stated Waverly Real Estate, Inc., applicant, is requesting a preliminary subdivision plat for 15 residential lots known as Highpoint Second Addition. The Comprehensive Land Use Map shows these properties as Residential. Following review of the preliminary plat, a final plat and construction documents may be brought forward within 12 months for review and recommendation by the Commission. The Leisure Services Commission will review the plat request for parkland and comparison to the open space plan at the August 20, 2015 Leisure Services Commission meeting.

Mr. Bagelmann confirmed a triangular lot that shows up at the intersection of the proposed 2nd Ave. NE extension westerly to connect with 10th St. NE is to be further discussed between the City and Waverly Real Estate, Inc. for the best roadway configuration scenario.

Mr. Dane confirmed with Mr. Kohout the subject property is under the ownership of Waverly Real Estate, Inc. Mr. Dane stated support of the lots and the proposed lot sizes and configuration.

Mr. Huser confirmed with Mr. Kohout the proposal for public land within the development will be reviewed by the Leisure Services Commission to meet Code requirements. Mr. Kohout stated the current configuration shows a paved walkway to the Southeast corner of the proposed preliminary plat into a detention area to meet the parkland requirement. Mr. Huser stated a concern

of the parkland dedication process as he is concerned with the City being able to maintain additional parkland with existing staff and budget considerations.

Motion By: Huser

Seconded By: Dane

Move that the Planning and Zoning Commission recommend approval of the preliminary plat creating 15 residential lots for the property described to the City Council.

Yes: 8

No: 0

Absent: 1

2. Review Preliminary Plat for Cedar Point First Addition for four commercial lots in SE Waverly.

Mr. Bagelmann stated GLSW, LLC, applicant, is requesting a preliminary subdivision plat for four commercial lots known as Cedar Point First Addition. The property is located on the South side of and within the 3000 block of East Bremer Avenue. The Comprehensive Land Use Map was amended recently to show this property as commercial. Following review of the preliminary plat, a final plat and construction documents may be brought forward within 12 months for review and recommendation by the Commission.

Mr. Kohout showed the Commission the plat and noted the two lots on the West would utilize a new common shared commercial driveway off of E. Bremer Ave. and the two East lots would utilize a newly constructed extension of Pine Street.

Ms. Solheim confirmed with Mr. Kohout new commercial development on the lot that adjoins the current "R-1" designation would be required to satisfy the Visual barrier Code requirements with a minimum six foot tall vegetative or fence barrier.

Mr. John Moehlis confirmed with Mr. Kohout there are no site plans for review at this time with this subdivision plat request.

Mr. Mehmen confirmed with Mr. Kohout the proposed lots would go to the South approximately at a depth equal to three lots fronting onto 30th St. SE deep.

Motion By: Dane

Seconded By: Anderson

Move that the Planning and Zoning Commission recommend approval of the preliminary plat creating four commercial lots for the property described to the City Council.

Yes: 8

No: 0

Absent: 1

D. Old Business:

None

E. New Business:

None

F. Adjournment:

Motion By: Anderson

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 8:15 P.M.

Respectfully Submitted,

Ben Kohout, Secretary