

PLANNING AND ZONING COMMISSION MINUTES

City of Waverly, Iowa

City Council Chambers

7:00 pm

February 2, 2017

A. Call to Order:

1. Members Present: Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson; Mary French; Adam Hagensick; David Huser; Kathy Olson; Kate Payne; Heidi Solheim.

Members Absent: Edith Waldstein, City Council Liaison.; OPEN SEAT

City Staff Present: Ben Kohout, Secretary; Bill Werger, Community Development Director.

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: Solheim

Seconded By: French

Move that the minutes of the January 5, 2017 Planning and Zoning Commission meeting be approved.

Yes: 8

No: 0

Absent: 0

4. Communications: None given by Staff.

B. Public Hearings:

1. Public Hearing on Rezoning Request from A-1 to R-3 for 31.49 acres on East Side of 20th St. NW.

Mr. Bagelmann stated Echo Development, LLC, of Cedar Falls, Iowa, has applied for rezoning of 31.49 acres on the east side and in the 1400 block of 20th Street NW from A-1, Agricultural to R-3, Multiple Family Residential. The area is described in a supplied legal description from Clapsdale-Garber Associates (CGA), received on January 24, 2017. The rezoning area described is intended to be sold and no more than four-plex dwellings within the proposed rezoning area are desired. The proposed rezoning will match the adjacent south property, and there is A-1 zoning to the north and west, with R-1, single family zoning to the east. There are accessible City streets immediately adjacent to the east and south, along with City of Waverly water and sewer service availability to this property. The Future Land Use Plan calls this area out for residential usage. Public notice was given to those within 250 feet of the subject property and publicly advertised in the local Waverly newspaper.

Mr. Bagelmann opened the public hearing.

Mr. Kohout reviewed maps and the legal description presented by the applicant with the Commission. Mr. Kohout stated the request follows the Future Comprehensive Land Use plan and services for water and sewer service are available. Mr. Kohout stated notification was given to property owners within 250 feet of the subject property. Mr. Kohout stated the request is to rezone property no matching up with property lines and that a subsequent plat of survey and/or subdivision plat would be required prior to the Commission reviewing a subdivision request. Mr. Kohout stated for the Commission a Zoning Agreement has been agreed to by Echo Development, LLC, which would limit the maximum allowed attached residences to no more than four residences per structure. Mr. Kohout stated this would mirror the existing development style to the south, within Eisenach Village subdivision. Mr. Kohout did not receive any comments on this request.

Ms. Fern Kruger, of 1623 Knight Avenue, spoke against the request as it would be a concern for continuation of the street northbound could open up their neighborhood to through traffic.

Mr. Wade Kelly and Ms. Siendra Kelly, of 1205 Charlene Street spoke against the request as he had concerns over lowering of home values in the area, lower income properties, and lack of specifics offered at the time of this rezoning request. Mr. Kelly confirmed with Mr. Kohout this rezoning request is the first action required prior to undertaking a land subdivision request and the applicants are not required to submit a preliminary plan as it is not required by the City Code. Ms. French confirmed for Mr. Kelly rezoning is the first part of land subdivision. Mr. Kelly expressed a concern of potential persons who have a criminal background could reside within the R-3 in close proximity to a local school building. Ms. Kelly stated she is concerned about the seeming non-compatible R-1 zoning to the east with the R-3 proposed with this request. Ms. Kelly stated a concern over having the Wartburg College cross country track and a proposed roadway extension northbound and resulting conflicts with pedestrians and vehicular traffic and also with rental property concerns within R-3 zoning.

Mr. Steve Troskey, of CGA, addressed the Commission. Mr. Troskey stated the R-3 subject property is sought to be sold to Bartels Lutheran Retirement Community, who owns adjacent south property with four-plex style condominium housing.

Ms. Rachel Nosbisch and Mr. Adam Nosbisch, of 1209 Charlene Street, spoke against the request. Ms. Nosbisch stated her concern over housing style compatibility with existing detached single family housing. Mr. Nosbisch stated a concern over surface water drainage concerns to adjacent property owners.

Mr. Steve Troskey addressed the Commission on the storm water concern. Mr. Troskey stated engineers are held to State Law and all of the surface water accumulated on the property is not allowed to be released at a higher rate as it were prior to development.

Ms. French confirmed with Mr. Kohout the airport landing zone areas are not a concern with the proposal to rezone and provide additional housing on the subject area. Ms. French confirmed with Mr. Werger that 20th St. NW would seek to be improved to handle local collector road vehicle numbers anticipated with additional residential housing in the future.

Ms. Olson confirmed with Staff the boundaries of the rezoning request.

Ms. Solheim confirmed with Staff the existing roadways that are “stubbed” adjacent to the subject property would be expected to be continued for roadway connectivity to the extents of the subject property and ultimately connecting with 20th St. NW.

Ms. Payne confirmed with staff R-3 is adjacent to R-1 currently with the Eisenach Village subdivision adjacent to Jadestone subdivision in Northwest Waverly (along 20th St. NW) and also Stone Haven Four adjacent to Centennial Oaks Estates in Southeast Waverly (along 3rd St. SW).

Mr. Dane confirmed with staff a subdivision plat would be reviewed and recommended to Council prior to Council action. Mr. Dane confirmed with Mr. Troskey there is a contingency between Echo Development, LLC and Bartels Lutheran Retirement Community should this rezoning request be allowed, a sale would take place.

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

Mr. Dane stated he supports the request, and recognizes the potential density and anticipated traffic generation allowed with the Zoning Agreement which would permit up to attachment of four single family homes per structure.

Mr. Huser and Ms. French stated support of the request anticipated with the Eisenach village style of development, which is an attractive style development.

Motion By: Huser

Seconded By: French

Move that the Planning and Zoning Commission recommend approval of the rezoning request from A-1 to R-3 for 31.49 acres on the East side of 20th Street NW as described in the supplied legal description.

Yes: 8

No: 0

Absent: 0

2. Public Hearing on Rezoning Request from A-1 to R-1A for 24.54 acres on East Side of 20th St. NW.

Echo Development, LLC, of Cedar Falls, Iowa, has applied for rezoning of 24.54 acres on the east side and in the 1600 block of 20th Street NW from A-1, Agricultural to R-1A, Residential District. The area is described in a legal description completed by CGA, dated January 20, 2017. The proposed rezoning is intended to reflect a future subdivision lot to facilitate the construction of single family detached, attached single family dwellings and two-family dwellings only. The south property is A-1 and is proposed to be rezoned to R-3; A-1 zoning is to the north and west; R-1, single family zoning is to the east. There are accessible City streets immediately adjacent, along with City of Waverly water and sewer service availability to this property. The Future Land Use Plan calls this area out for residential usage. Public notice was given to those within 250 feet of the subject property and publicly advertised in the local Waverly newspaper.

Mr. Bagelmann opened the public hearing.

Mr. Kohout presented a legal description and maps of the subject property for Commission review.

Mr. Dane confirmed with Mr. Kohout two family attached homes, where owners would own each individual lot where the home sits upon, are included within the R-1A district

provisions. Mr. Dane confirmed with staff there are not a lot of similar style developments containing two family attached homes within Waverly and questioned the rezoning request.

Mr. Werger confirmed for the Commission the Council has budgeted for improvement of 20th Street NW, which would be the primary access road to service most any development proposed within this area of NW Waverly.

Mr. Kohout stated he did not receive any correspondence on this request following notification to property owners.

There was discussion amongst the Commission regarding future development and improvement of 205th St. (22nd Ave. NW). The Commission stated upgrades to this roadway should be considered to accommodate future development along 20th St. NW.

Ms. Solheim stated support of the request as the potential styles and lot widths afforded by the R-1A district seem to be popular with those purchasing housing.

Mr. Werger stated the minimum lot width afforded by the R-1A are 75 feet wide for detached single family and 50 feet wide for attached single family, with a zero foot setback common lot line.

Ms. Olson confirmed the boundaries of the rezoning request do not include the existing farmstead fronting onto 20th St. NW.

Mr. Dane stated support of including the existing farmstead property encircled by this request to be included in the rezoning from A-1 to R-1A. Mr. Kohout stated that action would require the consent of the property owner and consent is not obtained by tonight's meeting.

Motion By: Huser

Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval of the rezoning request from A-1 to R-1A for 24.54 acres on the East side of 20th Street NW as described in the supplied legal description.

Yes: 8

No: 0

Absent: 0

C. Regular Business:

1. Review and Recommendation on Minor Subdivision Plat along 1st Street SE.

Mr. Larrie Steenhard, in conjunction with the adjacent property owners and their surveyor, Terry Van Laningham PLS Inc., are seeking to create four individual zero lot line homes out of the existing two duplex structures on lots 64 and 65 of Stone Haven Plat 5. The resulting four lots are accompanied by the required covenants that shall serve to address any common elements on the attached structures, including sanitary and water service lines servicing each home. The resulting lots will be Parcels "JJ", "KK", "LL" and "MM" as shown on the survey plat supplied by the surveyor and dated November 14, 2016. The attached covenants are to be signed and recorded with the plat. The Future Land Use Plan shows this area as residential and City staff finds City infrastructure accommodations have been met.

Mr. Kohout reviewed plat maps with the Commission to show the location of the request. Mr. Kohout stated the existing condominium plats are desired by the current property owners to be changed to provide for zero lot line single family home lots. Mr. Kohout also presented

covenants and agreements, which are required to be submitted at the time of subdivision. Mr. Kohout stated services and future maintenance are clarified with the covenants.

Ms. Solheim confirmed with Mr. Werger the covenants run with the properties and do not sunset.

Ms. French expressed a concern with property owner of resulting parcel “MM” coming forth at a future time to request another lot subdivision. Mr. Kohout advised the resulting lot with and setback requirements may prohibit any resulting feasible lot formed.

Mr. Huser and Mr. Dane stated a concern with allowing for subdivision of properties where private service lines are not separate. Mr. Werger advised the Commission staff is not interested in allowing for the practice of permitting shared private service lines due to owner confusion on sharing of maintenance costs. Mr. Werger stated all four property owners in this case have consented to the formation of the shared lot line configuration and is not concerned with this application. Mr. Werger confirmed for the Commission each of the residences in question have their own respective water and sewer service lines within their property boundaries.

Ms. Solheim stated support of the request as the proposed action resembles recently amended zoning district regulations for the R-1A and R-2 providing for zero lot line homes.

Ms. Olson stated she supports the request due to the lots in question have their own private water and sewer lines, as opposed to past requests for splitting duplexes that have shared water and sewer lines.

Ms. French stated support of the request as the resulting lots meet all other requirements in the zoning district.

Motion By: Olson

Seconded By: Solheim

Move that the Planning and Zoning Commission recommend approval of the minor plat creating Parcels “JJ”, “KK”, “LL” and “MM” and attached covenants on the plat of survey dated November 14, 2016 to the City Council.

Yes: 8

No: 0

Absent: 0

3. Review of Proposed Changes to Waverly Comprehensive Land Use goals and Future Land Use Map.

City Staff has contracted a review of the Comprehensive Land Use plan and the goals outlined from 2011 for an audit of achievements with the Iowa Northland Regional Councils of Government (INRCOG) of Waterloo. In addition, Staff and the Commission reviewed the Future Land Use Plan from 2011 and compared recent development trends with the map to see if any changes are warranted. A full comprehensive plan and map review, with public and stakeholder review, will be budgeted following Census update information to be presented in 2020. INRCOG will review the proposed changes to both documents with the Commission and determine what changes, if any, are required before formally recommending action at the March 2, 2017 meeting.

Comments:

Mr. Kohout advised the Commission following consultation with INRCOG, it was determined that a workshop session may better accommodate the discussion necessary to fulfill the agenda of providing for changes to the Future Land Use Plan and changes to the goals outlined.

Following review with the Commission, it was determined that February 9, 2017 at 7pm. At Waverly City Hall would be the best time and date to meet on this topic.

Mr. Werger stated staff anticipates several changes to the Future Land Use Plan that may require careful review by the Commission at the February 9 meeting date, if the Commission approves of the proposed action recommended by staff.

Mr. Kohout stated the Future Land Use Plan map received from INRCOG has three versions for consideration; one with floodway, one with floodplain areas, and one without.

Staff advised the Commission the changes to the floodplain map are anticipated in October 2017 as FEMA shall issue revised Flood Insurance Rate Maps (FIRMS) to insurance providers around that time to determine flood insurance coverage rates for property owners.

Ms. Solheim stated she supports the Economic Development Commission review of the Future Land Use Plan for inclusions or modifications. Mr. Werger stated the Commission could review at their scheduled February 14 meeting.

4. Review and Comment on minor subdivision request for property located outside of Waverly City Limits and within two miles of the City limits.

Per State Code, requests for land subdivision in the County within two miles of the City limits shall be brought forward to the City Planning and Zoning Commission for review and comments prior to the County taking action.

The request is to create two (2) lots out of existing "Lot 4" in the Mark Halbach Subdivision on the northeast corner of County road C-33 and Dakota Avenue.

Staff finds the area is not a part of the indicated areas of the Waverly Future Land Use Map and appears to not impact any future development considerations for Waverly.

Comments:

The Commission reviewed the request and offered no comments on the request.

5. Review and Comments of Ordinance Amendments to R-3 and R-4 Zoning Districts.

City Staff from the Community Development department has reviewed the R-3 and R-4 ordinance provisions for conformance with the goals set forth in the last Comprehensive Land Use Plan. The goals were listed in the Housing section and the proposed ordinance amendments to the R-3 and R-4 districts aim to provide for revisions that will achieve a medium to high density of housing options, while reflecting some common elements from other Iowa communities. This draft follows the adoption of the R-1, R-1A and R-2 residential districts approved by the City in 2016.

Following review and receiving comments on this draft, Staff can create a formal ordinance draft for discussion at a Planning Commission workshop in February 2017 with the goal of coming forth with a draft for Commission consideration in March 2017.

Mr. Kohout reviewed the draft proposal with the Commission and the attached documents as delivered to the Commission members ahead of the meeting.

Mr. Werger stated the goal of R-3 is to keep attached homes between two and four attached units only. Mr. Werger stated staff is interested in hearing input on inclusion of two family homes within the R-3. Mr. Werger stated the goal for R-4 is to promote greater than four units and to be reviewed as a possible special provisional process for inclusion of two family attached and possible site plan review. Mr. Werger stated the overall intent for the creation of these districts is to better address predictability for density of housing proposed and to allow for some oversight of potential amenities to be considered by the Council and Planning Commission. Mr. Werger stated staff is interested in promoting maximum allowances for impervious surface area, to better allow for surface drainage and to minimize cost of installation and maintenance of storm water infrastructure and to promote an aesthetically pleasing place to reside within, as much as is practical.

Mr. Kohout stated the R-3 and R-4 districts are reflective of 10 communities and others within Iowa which include the five communities immediately above and below Waverly's population, as reported on the Census. Mr. Kohout reviewed the inclusions supplied to the Commission.

Staff stated an interest in continuing the discussion and review with the Commission at a future workshop session.

Mr. Bagelmann stated support of the requesting zoning amendments and stated support of including an executive summary to note proposed inclusions so as to better understand the inclusions proposed by Staff.

Mr. Huser and Mr. Dane stated support of accommodations to review the PD, Planned Development District with future rezoning ordinance amendments.

The Commission agreed to review the inclusions at the upcoming March 2, 2017 Commission meeting, pending a large agenda. Should there be little or no regular business items. A review could be accommodated during this date.

D. Old Business:

1. The Commission discussed street connections and potential roadway needs for 20th St. NW to accommodate future development. Mr. Werger advised the Commission there are City Code provisions for accommodating city street connectivity with subdivision requests.

E. New Business:

1. Meeting Date and Time for the Future Land Use Plan were finalized for February 9, 2017 at 7pm in the Waverly City Hall, 200 1st St. NE.
2. The Commission agreed to obtain the Economic Commission thoughts on the Future Land Use plan amendments at their February 14, 2017 meeting.

F. Adjournment: Motion By: Payne

Move that the Planning and Zoning Commission meeting be adjourned.
Meeting Adjourned at 8:52pm. Respectfully Submitted, Ben Kohout, Secretary