

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
7:00 pm
April 6, 2017

A. Call to Order: 7:00 pm

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

Members Absent: Mary French; OPEN SEAT.

City Staff Present: Ben Kohout, Zoning Specialist/Secretary; Bill Werger, Community Development Director; Edith Waldstein, City Council Liaison .

2. Approval of Agenda:

Motion By: Olson

Seconded By: Solheim

Move that the agenda be approved as printed.

Yes: 6

No: 0

Absent: 2

3. Approval of Previous Minutes:

Motion By: Dane

Seconded By: Solheim

Move that the minutes of the March 2, 2017 Planning and Zoning Commission meeting be approved.

Yes: 6

No: 0

Absent: 2

4. Communications:

- a) Board of Adjustments – March 13, 2017 Minutes
- b) ISU Extension Local Officials Workshop scheduled for April 18, 2017 in Waterloo, Iowa.
- c) June 2017 – PZ Commission will present to Council on 2016 accomplishments, TBD
- d) Chairperson Bagelmann stated he would like to see an appointment made by the Mayor to fill the vacant Commission seat as soon as is practical.

B. Public Hearings:

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

Bartels Lutheran Retirement Community, Waverly, 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 rezoning area described is intended to be sold from Echo Development, LLC, and the contract purchaser, Bartels Lutheran Retirement Community, 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.

Ms. Deb Schroeder, CEO of Bartels Lutheran Retirement Community, addressed the Commission. Ms. Schroeder presented a concept drawing for the Commission to review and stated there was a public meeting held for those within 250 feet of the subject property's boundaries and they entertained approximately 15 persons at the event. Ms. Schroeder stated the timing of Bartels for build out of the proposed R-3 area would not start for at least another five years as they are currently building remaining condominiums on the South adjacent property they own.

Ms. Schroeder confirmed for the Commission storm water management and drainage considerations with any new development will need to be engineered with drawings following submitting an initial site plan with the City for review. She anticipates this process is at least five years away, pending decision of the rezoning request at hand.

Mr. Dale Goeke, attorney representing Echo Development, LLC, the owners of the property, addressed the Commission. Mr. Goeke stated the owners are obligated to sell the property to Bartels, should the rezoning be approved.

Mr. Mike Langreck, property owner at 1916 20th St. NW, addressed the Commission and inquired on age restrictions of the future development, should an R-3 district be approved by the Council.

Commissioner Olson confirmed with Mr. Kohout the proposed structures within an R-3 district could be limited to one story, pending decision of the Council on an ordinance amendment in progress for R-3. Ms. Olson further confirmed with Mr. Kohout the age restrictions on future residents within the future Bartels property would be limited to those 55 years of age and older.

Mr. Werger discussed the process that occurred at a recent Council meeting in 2017 with the Echo Development, LLC zoning change request with the Commission. Mr. Werger confirmed for the Commission the request was tabled by the Council and the applicant withdrew the request. Mr. Werger confirmed for the Commission this request is a new request, because of the previous request being withdrawn prior to the Council voting on the item.

Commissioner Solheim confirmed with Mr. Kohout the proposed R-3 district language referring to horizontal attachment would cover and include the existing housing style currently constructed within the Eisenach subdivision, where four units are attached by common walls on the sides.

Mr. Kohout stated his office received one phone call inquiry regarding drainage considerations as the property owner residing along Knoll Ridge Drive was experiencing

current basement flooding concerns. There were no other phone calls or letters received by the City staff.

Motion By: Olson

Seconded By: Huser

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: 7

No: 0

Absent: 1

2. Comprehensive Land Use Plan and Future Land Use Map amendments.

Following previous meetings held on October 25, 2016, November 15, 2016, December 20, 2016, February 9, 2017, and March 2, 2017, the City Planning Commission and Iowa Northland Regional Council of Governments (INRCOG) reviewed the accomplished goals of the Comprehensive Land Use Plan for Waverly (2011) and the Future Land Use Plan map. Following these meetings, INRCOG is presenting the proposed amendments to each document. The Commission will review the proposed changes and the documents shall be recommended for Council approval.

Mr. Kohout presented the documents for inspection by the Commission. Mr. Kohout confirmed for the Commission the underlined items are being identified as being accomplished or in process.

Ms. Solheim stated the process undertaken for this update was comprehensive and thorough.

Ms. Waldstein confirmed with Staff the documents have been available for public inspection prior to tonight's meeting.

The Commission reviewed the items identified as being updated with Staff.

Mr. Bagelmann stated the City goal is to address the Comp. Plan every five years. Mr. Bagelmann supports the process undertaken for this update and stated support of another update following United States Census information being updated in 2020.

Motion By: Solheim

Seconded By: Payne

Move that the Planning and Zoning Commission recommend approval of the presented changes to the Comprehensive Land Use Plan 2011 and the Waverly Future Land Use Plan map to the City Council.

Yes: 7

No: 0

Absent: 1

C. Regular Business:

1. Review and Recommendation on 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. Staff presented a draft at the March 2, 2017 Commission meeting and is now presenting a draft reflective of comments received.

Mr. Kohout presented the R-3 and R-4 district amendment documents to the Commission for inspection. Mr. Kohout identified changes and inclusions with the amendments from the existing R-3 and R-4 provisions for the Commission. Mr. Kohout stated review of other communities similar in size to Waverly were completed and ordinances were reviewed. Mr. Kohout stated the intent of amendments is to promote neighborhoods that are connected by sidewalks and promote green space for better aesthetic considerations for future inhabitants.

Ms. Solheim confirmed with Mr. Kohout on corner lots, there could be two curb cuts on each frontage of a corner lot, as long as the minimum distance requirements for curb cuts are met.

Mr. Huser stated a concern over the potential of excessive concrete in front of row homes, with each home having their driveway in front of the homes. Mr. Huser stated support of side or rear entrance considerations when siting row homes.

Mr. Kohout stated the provisions call for a maximum amount of impervious surface areas, inclusive of driveways and private drive areas.

Mr. Werger reviewed the process undertaken by staff in evaluating other ordinances with the Commission. Mr. Werger stated the permitted uses in R-3 and R-4 are different in that the R-3 district is intended to provide for condominiums and privately owned units, whereas the R-4 district is intended to provide for entire structures privately owned.

Mr. Kohout stated the ordinance provisions for both R-3 and R-4 districts provides for specific requirements for inclusions of site plans and a site plan review process outlined. The process provides for appeals of the City staff review and denial of a site plan to go before the Planning and Zoning Commission. All of these items were not contained with the current R-3 and R-4 provisions.

Ms. Waldstein stated site plan provisions could help with decision making on future requests for tracts of land being proposed as R-3 or R-4.

Mr. Kohout stated the process involved meetings with the Planning Commission and email correspondence with local developers. Mr. Kohout stated the responses from local developers were limited and non-committal to provision considerations.

Mr. Dane stated concerns on inclusions for resulting grading plans at five foot intervals and drainage plans as an engineer may not be reviewing the plans and providing such information up front could be expensive for a developer. Mr. Dane stated concern over the site plan requirements being in force for two or more structures, regardless of lot size. Mr. Dane thinks the ordinance should be amended to include for a provision for a specified amount of acres or something equivalent to justify requiring detailed grading plans. Mr. Dane stated the requirements could be burdensome for a developer wishing to construct two buildings on a smaller lot, especially on existing smaller lots already zoned as R-3 or R-4.

Ms. Olson stated support of the current ordinance provisions providing for appeals on site plan requirements not being met, as determined by Staff. Ms. Olson further stated support of not changing the ordinance language to establish a minimum lot size requiring a drainage plan, because an applicant could appeal through the current provisions.

Ms. Solheim confirmed with Mr. Kohout the ordinance does provide for an applicant to appeal a denial of a site plan to the Commission, as in the example of requiring a drainage plan for a lot proposing for two or more structures on a lot.

Mr. Huser stated a concern over potential expenses for developers to show a detailed grading plan as part of a site plan submittal as outlined in the proposal.

There was discussion about how to best accommodate drainage plans and resulting grading plans and who should inspect the drainage considerations.

Mr. Bagelmann stated he thinks the goals of the ordinance amendment should focus on the overall land density and allow for City staff to review the ordinance requirements being met.

Ms. Solheim stated support of the drainage provisions as she thinks the developer needs to give thought to the proposed site plan inclusions to protect the adjoining property owners and to housing density proposed. She thinks the Commission should focus on the housing density proposed and allow for Staff to evaluate street and other specified site plan considerations and finds the proposed language meets this stated goal for the Commission.

Mr. Werger stated there are inspections being completed on-site during new home construction which does not consider exterior drainage considerations as this is typically a function of the public works and zoning offices to check for compliance. Mr. Werger stated the time for drainage inspection is at the time of construction to ensure entire neighborhoods are comprehensively being drained in accordance with what the City engineering department is providing for with current and anticipated infrastructure improvements.

Mr. Huser stated he supports the ordinance amendments as provided but he has some reservations on the language. He stated he thinks most of the ordinance is acceptable and can come back for further review following adoption, if need be.

Ms. Payne stated grading plans should be amended to two foot intervals to better achieve the goals of obtaining overall drainage plan to get a cumulative view of neighborhood drainage patterns.

Ms. Solheim questioned staff why providing for three structures attached in R-4 and not four structures attached. Mr. Werger stated the intent of allowing for three units in R-4 is to provide for apartment construction and not allow for condominium construction. Mr. Werger further explained that the intent is to provide for condominiums in R-3 and for structures entirely owned by a single owner in the R-4 districts. Mr. Werger confirmed for the Commission an individual may convert structures into Condominium units in R-4.

Ms. Solheim confirmed with Mr. Kohout there is a minimum recreation space requirement separate from parkland requirements with every development in R-3 or R-4 districts. Mr. Kohout explained for the Commission the intent is to enforce the R-3 and R-4 district language providing for recreation space outside of parkland requirements as the parkland

requirement only applies for subdivision plat reviews and not with individual structures being proposed on one property.

Ms. Waldstein stated support of changing the supplied language to better clarify the recreation space required shall be for “outdoor recreation space”. The Commission agreed to the proposed change to the supplied language.

The Commission discussed the maximum building coverage requirement and maximum impervious coverage requirement. Mr. Kohout explained there is a separate maximum amount of building coverage from impervious coverage in the R-3 district so as to better clarify the intent of how large structure coverage shall be.

The Commission discussed the 90 percent impervious coverage and density requirements in the R-4 district language provisions. Mr. Kohout stated sidewalks from within any development connecting to adjacent existing trail networks will be expected and can be meeting the recreation space requirement in lieu of providing for 10 percent of recreation space.

Motion By: Olson

Seconded By: Solheim

Move that the Planning and Zoning Commission recommend approval of the ordinance amendments to the R-3 and R-4 districts as proposed by Staff to the City Council.

Yes: 6

No: 1

Absent: 1

Commissioner Dane cast the “no” vote.

D. Old Business:

None

E. New Business:

1. Mr. Huser stated he thinks proper decorum addressing the Commission and staff during meetings is an important consideration for an efficient meeting and thinks there are cases where allowing for leniency can be made to quickly address citizens questions that may not be germane to the topic at hand. Mr. Bagelmann stated he thinks the intent of proper decorum is not to have full disclosure, but to stay on topic and to allow for questions not pertaining to the topic to be addressed by Staff at a different time.

F. Adjournment:

Motion By: Payne

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 8:25 pm.

Respectfully Submitted,
Ben Kohout, Secretary