

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
April 19, 2018

Call to Order: 5:30pm

A.

1. Members Present: Hank Bagelmann, Chairperson; Richard Dane; Mary French; Adam Hagensick; Kate Payne, Vice-Chairperson

Members Absent: Lance Gritters; David Huser; Kathy Olson; Heidi Solheim; Council Liaison Edith Waldstein

Staff: Ben Kohout, Zoning Specialist/PZ Commission Secretary

2. Approval of Agenda:

Mr. Bagelmann recommended item B.1. (Omni Development Second Addition) be moved to the last position for consideration.

Motion By: French

Seconded By: Payne

Move that the agenda be approved as amended.

Yes: 5

No: 0

Absent: 4

3. Communications: None

B. Public Hearings:

1. Public Hearing on Re Zoning Request from R-4, Multiple Family Residential District, to R-2, Residential District for existing lots in Stonehaven 5 Subdivision.

Mr. Kohout stated the City of Waverly Community Development staff is requesting a zoning change from R-4 to R-2 for residential lots in the Stonehaven 5 subdivision in SE Waverly. The lots are fronting onto 1st Street SE and Stone Lane. The request stems from ordinance amendments to the R-4 zoning district, which no longer allows for single family home construction. The proposed R-2 designation allows for one and two family residential units.

Public notice was given to those within 250 feet of the subject properties and publicly advertised in the local Waverly newspaper.

Mr. Bagelmann opened the public hearing.

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

Mr. Dane confirmed with Mr. Kohout the plat was originally presented and approved by the City as an R-4 zoning designation. Mr. Dane inquired about the future of Stone Lane going northbound and Mr. Kohout stated he is unsure about future plans.

Motion By: Dane

Seconded By: French

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-4 to R-2 for properties as described within the Stonehaven 5 subdivision plat to the City Council.

Yes: 5

No: 0

Absent: 4

2. Public Hearing on Re Zoning Request from R-3, Townhome Residential District, to R-1, Single Family Residential District for existing lots in Stonehaven 4 Subdivision.

Mr. Bagelmann stated the City of Waverly Community Development staff is requesting a zoning change from R-3 to R-1 for residential lots in the Stonehaven 4 subdivision in SE Waverly. The lots are fronting onto 16th Avenue SW, Flintstone Dr. and Rubble Rd. The request stems from ordinance amendments to the R-3 zoning district, which no longer allows for single family home construction. The proposed R-1 designation allows for single family residential units.

Public notice was given to those within 250 feet of the subject properties and publicly advertised in the local Waverly newspaper.

Mr. Kohout confirmed for the Commission there were some phone calls received from the public regarding the nature of the request and no concerns.

Mr. Bagelmann opened the public hearing.

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

Mr. Dane stated support of the request.

Motion By: Payne

Seconded By: Hagensick

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-3 to R-1 for properties as described within the Stonehaven 4 subdivision plat to the City Council.

Yes: 5

No: 0

Absent: 4

3. Public Hearing on Re Zoning Request from R-4, Multiple Family Residential District, to R-1, Single Family Residential District for existing lots in Stonehaven 3 Subdivision.

The City of Waverly Community Development staff is requesting a zoning change from R-4 to R-1 for residential lots in the Stonehaven 3 subdivision in SE Waverly. The lots are on the east side of 1st Street SE. The request stems from ordinance amendments to the R-4 zoning

district, which no longer allows for single family home construction. The proposed R-1 designation allows for single family residential units.

Public notice was given to those within 250 feet of the subject properties and publicly advertised in the local Waverly newspaper.

Mr. Kohout confirmed for the Commission no comments were received.

Mr. Bagelmann opened the public hearing.

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

Ms. French stated an observation of this request resulting in R-1 being adjacent to R-4 to the North (Omni Second Addition).

Mr. Dane reviewed the side yard setbacks of the residences with Mr. Kohout and side yard setbacks of 5 feet were permitted with the plat approval.

Ms. French confirmed with Mr. Kohout the current R-1 standards call for a 10 foot side yard setback.

Motion By: Dane

Seconded By: Payne

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-4 to R-1 for properties as described within the Stonehaven 3 subdivision plat to the City Council.

Yes: 5

No: 0

Absent: 4

4. Public Hearing on Re Zoning Request from R-3, Townhome Residential District, to R-4, Multiple Family Residential District for lot 51 in Stonehaven 4 Subdivision.

Mr. Bagelmann stated the City of Waverly Community Development staff is requesting a zoning change from R-3 to R-4 for lot 51 in the Stonehaven 4 subdivision in SE Waverly. The lot is fronting onto 3rd St. SW and 16th Ave. SW. The request stems from ordinance amendments to the R-3 zoning district, which no longer allows for greater than four homes connected. This development has six attached. The proposed R-4 designation allows for more than four residential units to be attached in one structure, following site plan review and approval.

Public notice was given to those within 250 feet of the subject properties and publicly advertised in the local Waverly newspaper.

Mr. Kohout explained there is an existing structure which contains six single family attached residences, and the requirement is that a maximum of four are permitted in the R-3. Mr. Kohout stated the site plan was approved as it was in compliance with the R-3 provisions at the time.

Mr. Bagelmann opened the public hearing.

Mr. Dennis Nieman, of 109 Flintstone Dr., stated concern of the R-4 district allowing for potential multi story building with multiple residences within one structure. Mr. Lehmann confirmed with Mr. Kohout this is a possibility, but the current site plan approved for the property would not permit this. Mr. Kohout also confirmed a revised site plan would be required for any changes to desired housing and layout, and that the site plan would be reviewed and voted on by the Planning Commission and City Council prior to approval.

Mr. Bagelmann closed the public hearing.

Mr. Dane confirmed with Mr. Kohout the development is in compliance and would be with the rezoning request.

Ms. French stated support of the request as the location transitions from commercial on the west to residential on the east.

Motion By: French

Seconded By: Hagensick

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-3 to R-4 for lot 51 as described within the Stonehaven 4 subdivision plat to the City Council.

Yes: 5

No: 0

Absent: 4

5. Public Hearing on Re Zoning Request from R-4, Multiple Family Residential District, to R-2, One and Two Family Residential District for Rolling Meadows Subdivision.

Mr. Bagelmann stated the City of Waverly Community Development staff is requesting a zoning change from R-4 to R-2 for specific residential lots in Rolling Meadows subdivision in SW Waverly. The request stems from ordinance amendments to the R-4 zoning district, which no longer allow single family and two family residences. This development was planned to have single family and two family residential lots. The proposed R-2 designation allows for single family and two family residential units.

Public notice was given to those within 250 feet of the subject properties and publicly advertised in the local Waverly newspaper.

Mr. Kohout reviewed the aerial photograph of the subdivision with the Commission and stated there are a couple of duplexes and zero lot line homes mixed with the detached single family homes in this subdivision.

Ms. French confirmed with Mr. Kohout the R-2 is a better zoning district than R-1A because of the existence of a duplex condominium, which is permissive in R-2 and not in R-1A.

Mr. Bagelmann opened the public hearing.

Mr. James Junk of 1403 Robertson Road stated he does not support apartment houses as he has concerns with the density of this style of housing and numbers of people in a relatively

small area, and potential low income persons with current and future development of Rolling Meadows.

Ms. Susan Franke, of 715 Sunny Slope Dr., confirmed the area being rezoned to R-2 does not include the current townhome construction project occurring in the Northeast corner of Rolling Meadows Subdivision.

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

Ms. French stated she supports those that live in apartments and that their incomes are not necessarily low.

Mr. Dane confirmed with Mr. Kohout some of the lots have a width less than the lot width minimum in the current R-2 district of 65 feet.

Motion By: French

Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-4 to R-2 for lots described within the Rolling Meadows subdivision plat to the City Council.

Yes: 5

No: 0

Absent: 4

6. Public Hearing on Re Zoning Request from R-4, Multiple Family Residential District, to R-2, Residential District for existing lots in Omni Development Second Addition.

Mr. Bagelmann stated the City of Waverly Community Development staff is requesting a zoning change from R-4 to R-2 for residential lots in the Omni Development Second Addition subdivision in SE Waverly. The lots are fronting onto 1st Street SE and the request stems from ordinance amendments to the R-4 zoning district, which no longer allows for single family home construction. The proposed R-2 designation allows for one and two family residential units.

Public notice was given to those within 250 feet of the subject properties and publicly advertised in the local Waverly newspaper.

Mr. Kohout confirmed for the Commission no comments were received.

Mr. Kohout reviewed the subject area with the Commission.

Mr. Bagelmann opened the public hearing.

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

Ms. French stated her concern on this request to R-2 as the property to the west will remain as an R-4 designation, and could come forward with an R-2 or R-1, to follow suit with this request.

Mr. Kohout confirmed for the Commission the property to the west of the Omni subdivision is shown as a future Mixed Use designation on the Future Land Use Map. Mr. Kohout stated he believes there should be road connectivity within the property to the west, perhaps continuing northbound from Stone Lane and into Cedar River Parkway. Mr. Kohout noted the existence of a large retention basin under construction.

Mr. Kohout confirmed for the Commission should an R-4 development occur to the west, screening and buffering requirements are to be met prior to approval.

Mr. Bagelmann stated a concern over potential road connectivity meeting with Cedar River Parkway in proximity to 1st St. SE.

Mr. Dane confirmed with Mr. Kohout there are only a few lots left, as the majority of lots have been constructed upon, including two duplexes on the lots closest to Cedar River Parkway.

Mr. Dane stated support of the development as an R-4 in the former district criteria and thinks the R-4 should stand instead of R-2 because this would go against the original intent of the granting of the development previously. He would be supportive if the southern lots were to be R-2 and the northern lots be R-4, so as to create a transition of density between Cedar River Parkway and the Stonehaven development.

Ms. French stated she thinks the transitioning of densities should govern and not the proposed zoning district of R-2, so as to prevent what she considers to be spot zoning.

Mr. Kohout stated the district proposed represents what is currently within the subdivision and a remedy to the fact that a single family residence would not be permitted to be reconstructed, if left as an R-4 district.

Mr. Dane confirmed with Mr. Kohout a non-conforming ordinance amendment to provide for reconstruction of single family homes in R-4 is being presented to the City Council and has had the first of three required readings to amend the ordinance. Mr. Dane stated he does not support the rezoning change because the proposed ordinance amendment should remedy the ability for residences to be able to be rebuilt, should they be destroyed and require to be rebuilt.

Ms. Payne stated she supports the request as she thinks the rezoning of a property to bring it into compliance is necessary and an unintended consequence of amending the code.

Mr. Kohout stated staff has received calls from appraisers who include the fact a home is not able to be rebuilt in R-4 with re-finance requests or mortgage loan requests. Mr. Kohout stated the intent of this subdivision and the others considered has been for single family home use. Mr. Kohout stated a building permit cannot be issued for single family home on R-4 zoned property.

Mr. Kohout stated an important reason to consider this rezoning would be an open lot in R-4 being able to be granted a permit for a multiple-family housing project, where single family was envisioned.

Mr. Bagelmann discussed with the Commission about postponing this rezoning request to the May 3 Planning and Zoning Commission meeting. Mr. Dane agreed with postponing a decision on this request. The Commission did not agree to this.

Mr. Hagensick confirmed with Mr. Dane he does not support the southern lots being rezoned to R-2, or the northern lots.

Ms. Payne stated she believes this request is similar to the other rezoning requests heard tonight and supports this request. Ms. Payne stated her concern over voting differently on this request than the other requests heard tonight.

Mr. Kohout explained to the Commission a “no” vote would be to recommend Council to not approve the request and would force a super majority vote of the Council for the item to be approved.

Mr. Dane confirmed with Mr. Kohout a lack of motion would allow this item to be removed from consideration.

Motion By: French

Seconded By: Payne

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-4 to R-2 for properties as described within the Omni Development Second Addition subdivision plat to the City Council.

Yes: 2

No: 3

Absent: 4

Yes: Hagensick, Payne

No: Bagelmann, Dane, French

C. Regular Business:

None

D. Old Business:

None

E. New Business:

1. Mr. Dane stated he would like Mr. Huser to state concerns, if any, and to clarify statements made at the March 2018 Commission meeting regarding the rezoning of subdivisions and how it may relate to lending from banks.

F. Adjournment:

Motion By: French

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 6:34 pm.

Respectfully Submitted,
Ben Kohout, Secretary