

**WAVERLY PLANNING & ZONING COMMISSION**  
**THURSDAY, DECEMBER 6, 2018**  
**WAVERLY CITY HALL**  
**7:00 p.m.**

**A. ROLL CALL**

Members Present: Bagelmann, Dane, French, Gritters, Huser, Olson, Payne, Solheim

Members Absent: None.

Staff Present: Edith Waldstein, City Council Liaison  
Rachel Leitz, Zoning Administrator

**B. APPROVAL OF AGENDA**

Motion By: Huser                      Seconded By: French

Move that the agenda be approved as printed.

Yes: 8                      No: 0                      Absent: 0

**C. APPROVAL OF MINUTES**

Motion By: Solheim                      Seconded By: Huser

Move that the minutes of the November 8, 2018 Planning and Zoning Commission meeting be approved.

Yes: 8                      No: 0                      Absent: 0

**D. PUBLIC HEARING**

**E. NEW BUSINESS**

**David & Tiffany Finke - Minor Subdivision Request for “GoHawk Hideout Subdivision.”**

Leitz gave a brief summary on the applicant’s request. The applicant is requesting approval of a minor subdivision to be known as “GoHawk Hideout Subdivision.” The property is located out of City limits; however, the City reviews all subdivision and rezoning requests within two-miles of the City limits. The applicant is requesting to subdivide the property into two parcels. The lots are proposed to be 1.74 and 2.00 acres. Leitz described the applicant’s intent to extend an easement for ingress and egress onto Euclid Avenue for both parcels. She also stated the proposed lots are planned to be served by private well and septic systems, which have been preliminarily reviewed by the County whom said a private well and septic system are feasible for both lots. Leitz concluded by stating that the proposed minor subdivision seems reasonable and does not appear to hinder any future plans, in accordance with the City’s Comprehensive Plan. Staff recommended approval of the minor subdivision request creating “GoHawk Hideout

**If you need accommodations for the Planning & Zoning Commission meeting please contact Rachel Leitz at (319) 352-9208 or [rachell@ci.waverly.ia.us](mailto:rachell@ci.waverly.ia.us), thank you.**

Subdivision.”

Olson inquired as to the City’s 2-mile agreement with the County and if there were any concerns regarding the applicant’s proposal.

Leitz stated that the 2-mile agreement with the County has lapsed. This agreement actually picked out areas out of City limits that wouldn’t require review from the City if there was a proposal. However, since that agreement has expired, the City is now required to review all subdivision and rezoning requests within 2 miles of the City border, which includes the applicant’s proposal. Leitz stated this is a check and balance to ensure the County is understanding the City’s future land use plan and the proposal is consistent with that future plan. Leitz stated the request does not appear to hinder any future plans, in accordance with the City’s Comprehensive Plan.

Huser stated that the plat indicates that the water supply will come from the Rural Water Association, which does not match up with the staff report.

Leitz clarified that this was an error that was discussed with the County and surveyor. The applicant is not proposing to connect to the Rural Water Association and will instead have a private well serving the properties.

Motion By: Huser                      Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval of the minor subdivision request for “GoHawk Hideout Subdivision.”

Yes: 8              No: 0              Absent: 0

**Carolyn Huber - Preliminary Plat for “Wilmour’s Woodland Estates.”**

Gritters recused himself from the discussion.

Leitz gave a brief summary on the applicant’s request. She stated the applicant is requesting approval of a preliminary plat for a residential development. The property totals 23.6 acres and the preliminary plat includes 33 single family residential lots and 1 outlot to be known as “Wilmour’s Woodland Estates.” Leitz stated that the property owner has passed away and the heirs of her estate are attempting to divide the property to convey the three parcels to three separate individuals. Leitz indicated that staff has had many conversations with the applicant and stated that they would not support dividing the property into three pieces without planning the property for future development, which is why they are now applying for the preliminary plat. Leitz described proposed lot sizes, setbacks, streets/access, sidewalks and trails, utilities, grading, stormwater/drainage, and parkland dedication. Leitz stated that final specifications for all of the aforementioned would need to be reviewed and approved for the development prior to any development occurring on site, including the inclusion of any necessary easements. Leitz also stated that if there are significant changes, the developer shall be required to submit a preliminary plat amendment to be reviewed and approved by Planning Commission and City Council. Leitz concluded by stating that it is in staff’s opinion that the preliminary plat request is reasonable and

meets the requirements necessary to approve the preliminary plat. Staff recommended approval of the preliminary plat request for “Wilmour’s Woodland Estates,” subject to the conditions listed in the resolution.

Olson inquired as to the outlot that is proposed to be given to Carey Elementary School.

Leitz explained that the applicant has indicated that they would like to give a piece of their land to Carey Elementary. Although the plan in front of the Commission is a full build-out of the site, the parcel will be separated into three outlots, owned by three individuals. Each one of those outlots needs access onto a road. Staff has explained that the outlot must not be given to Carey Elementary School until there is road access to the lot through the parcel to the east. The City does not want to create a land-locked parcel.

French inquired as to the floodplain impact on the parcel.

Leitz stated that the property is quite elevated above the river, therefore, City staff doesn’t believe it impacts the property too greatly, however, it would have to be further reviewed prior to actual development of the site.

Payne inquired if the property size, specifically on the Cedar River, included the areas that extend into the River, therefore, the buildable property size would be quite different.

Leitz stated that was correct.

French asked staff if there were any provisions within the Code that would help preserve the heavily wooded area on the north side of the property. Her concern was not only the viewpoint of said trees, but also their use stabilizing the bank of the river.

Leitz stated there wasn’t any provisions for such, however, language could be added to the resolution regarding the preservation of existing trees on site, if the Planning Commission directed staff to do such.

Olson asked if there is the potential to be three different developers for this property, how does the City ensure consistency.

Leitz stated that the entire property, as is, is tied to the preliminary plat that is being considered. She described if a developer was just to buy one piece, they must abide by the preliminary plat.

Dane inquired as to the required information needed for review of a preliminary plat. He did not believe the applicant should have needed to submit that amount of information nor plan the site out for future development.

Leitz stated that she could not speak to what the City has done in the past, however, the City has more discretion on subdivisions when property is proposed to be split into three parts. She stated that staff has reviewed the Comprehensive Plan and subdividing the property into three parcels does not meet the City’s Comprehensive Plan. Leitz also described that the City Code does not differentiate between minor and major subdivisions in regards to required information needed to

review a proposal. The applicant has followed the procedures of the Code.

Dane stated that he would be in favor of the parcel being split into three pieces. He stated he also did not agree with the conditions listed in the resolution regarding final specifications needing review and approval prior to any development of the site. Dane stated that the City was exhibiting too much control over this process and overreaching.

French expressed her disagreement stating that the submittal requirements are necessary in making a decision on a preliminary plat.

Dane stated that he believed the family should not be responsible for providing grading plans and the other conditions listed in the resolution.

Leitz explained that the City has made an exception for this case. That regularly upon filing a final plat, all the specifications would need to be worked out. However, acknowledging the purpose of this subdivision and the family trying to facilitate such, conditions were put in the resolution to ensure final specifications are completed upon actual development of the site, not now.

Chair Bagelmann asked if anyone in the audience would like to speak on behalf of the proposal.

Paul Leistikow, 7422 E. Marquis Rd., Readlyn, IA, approached the podium. He stated that he was aware of the question regarding the floodplain on the property and provided staff with a floodplain map.

Leitz indicated that the floodplain impact seems to be minimal on the property, however, it will be further evaluated upon development.

The Commission had a long discussion regarding the existing trees on the site. There were concerns on the visual impact, impact on stabilization of the bank of the river, and preservation of natural resources if the trees were removed.

Motion By: French                      Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of the preliminary plat request for “Wilmour’s Woodland Estates” subject to the conditions listed in the resolution and including the addition that the development remains consistent with good stewardship of river edge maintenance and preservation of existing trees.

Yes: 2              No: 5              Absent: 0

Recused: Gritters

In further conversation, it was expected that the preservation of trees on site may be looked at in accordance with the landscape plan that was required in the resolution, however no formal condition was added within the resolution regarding the preservation of the largely wooded areas. In ensuring bank stability, it was made clear that staff should work with the DNR upon understanding what would be required to ensure river bank stability is kept intact. The Planning

Commission wanted to ensure that the City Council was aware of the conversation regarding potentially losing such a densely wooded area and Leitz stated that it would be discussed in her staff report update.

Dane stated he was going to vote to not approve the preliminary plat based on his views that the City and Planning Commission are overreaching in their power. He stated that the market and developers should have control over the future development of this site. Dane stated that he would also vote no if condition number six (6) was kept in the resolution. He stated that condition number six was another hoop to jump through for future development of this site.

The Planning Commission generally disagreed with Dane stating that condition number six is to ensure the City's Code requirements will be met upon development of the parcel. It was also noted that the condition separates the current property owner of having to do such work on specifications and puts it on the developer upon future development of the site.

Dane stated that he believes the City has asked too much of the property owner, already, and having a condition like number six within the resolution is a continuation of overreaching by the City and he cannot support it.

Huser stated that he believes the conditions listed in the resolution are a way of transparency and communication with the future developer of this parcel.

Council Liason Waldstein asked staff if there was a differentiation in someone proposing a subdivision into two pieces vs. three pieces.

Leitz stated that in accordance with City Code, a lot split into two pieces is a minor subdivision and a lot split into three or more pieces is a major subdivision. She stated that the City has more discretion on a proposal of a major subdivision, especially in regards to evaluating the proposal based on the Comprehensive Plan.

Motion By: Solheim                      Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of the preliminary plat request for "Wilmour's Woodland Estates," subject to the conditions listed in the resolution.

Yes: 6              No: 1              Absent: 0  
Recused: Gritters

## **F. OLD BUSINESS**

None

## **G. ADJOURNMENT**

The Planning and Zoning Commission meeting was adjourned at 7:48 pm.