

WAVERLY PLANNING & ZONING COMMISSION
THURSDAY, FEBRUARY 7, 2019
WAVERLY CITY HALL
7:00 p.m.

A. ROLL CALL

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

Members Absent: French, Olson.

Staff Present: Rachel Leitz, Zoning Administrator

B. APPROVAL OF AGENDA

Motion By: Huser Seconded By: Solheim

Move that the agenda be approved as printed.

Yes: 6 No: 0 Absent: 2

C. APPROVAL OF MINUTES

Motion By: Huser Seconded By: Payne

Move that the minutes of the January 3, 2019 Planning and Zoning Commission meeting be approved, as presented.

Yes: 6 No: 0 Absent: 2

E. NEW BUSINESS

1. Ernest & Theresa Mohlis and Jason & Jaide Mohlis – 1009 Bremer Road - Minor Subdivision and Development Agreement

Leitz stated that the applicants are requesting approval of a minor subdivision for property located at 1009 Bremer Road. The applicants' parcel is currently 13.21 acres and they are requesting to parcel off the homestead, which is proposed to be 3.02 acres. Leitz stated that this request is also connected to a rezoning request, which will be considered in the public hearing portion of the meeting agenda. Leitz also described the development agreement to the Commission. She stated that staff are aware of ingress/egress obstacles that face surrounding development, particularly developments that only have access off of Cedar Lane. Leitz stated after many conversations with the applicant, it was agreed that the City and applicants should enter into a development agreement that will allow the City to evaluate and accommodate for, if needed, a City road to stretch from the west to east property line for a future connection to Bremer Road. Leitz stated that staff recommends approval of the minor subdivision request for 1009 Bremer Road and development agreement with the condition of approval that the rezoning request from A-1 to R-1 for Parcel O is recommended for approval.

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

Chair Bagelmann opened to floor to the audience to also speak during the review of the application request.

Jason Mohlis, 1009 Bremer Road, approached the podium. He stated that him and his wife want to parcel off a homestead, tear down the existing house, and construct a new house. To do such, with the ordinance provisions, they have to rezone the parcel to residential. Mr. Mohlis stated the rest of the land was bought for an investment opportunity, but right now they are proposing to leave it Agricultural and farm it.

Chair Bagelmann asked if a road connection to Bremer Road was accommodated for through the proposed outlot, how it would connect to the developments to the northwest.

Leitz stated that there would still be a small missing connection, which would have to be accommodated for upon development of the parcel to the west of 1009 Bremer Road.

Payne asked if staff was looking for an alternative outlet to Bremer Road, besides Copper Terrace.

Leitz stated that was correct. She stated that the Copper Ridge development has halted progress and City staff are trying to accommodate for more than just one possible outlet to Bremer Road for existing and future development.

Payne asked about the Bel Air Drive stubbed street getting access onto Bremer Road.

Leitz described that there was an accommodation made for that street to continue and have a connection onto Bremer Road. Leitz stated that the property owner, however, is not interested in developing. Leitz stated that the vacant pieces in this area are all relatively small. She believed that if someone was looking to develop this area, they would need to purchase a couple of those pieces. If that is the case, a development could have hundreds of layouts, therefore it is difficult to know where a connection should be made to Bremer Road. Leitz stated that City staff are trying to plan for a highly needed neighborhood road connection upon development of the parcels that have access onto Bremer Road.

Dane stated that he can understand the desire to have neighborhood connectivity, but believed the City is limiting the options of a property owner by entering into a development agreement stating a road will go through their property.

Leitz stated that the development agreement doesn't say that a road is for sure going to go through the applicant's property. It states that at the time the owner wants to move forward on a project with the outlot, that the City needs to assess if a road connection is needed. Leitz reminded the Commission that the surrounding properties may have been developed at this time where a road connection through the outlot is no longer needed.

Dane stated that a development agreement doesn't make sense if things could be completely different in the future. He stated that he believed an agreement should be made with a developer regarding road connections, but should not be made with a property owner at this

stage.

Leitz stated that a road connection is needed now, but infrastructure is generally expanded through development. She stated that City staff are trying to accommodate for a need as development, even small development like tearing down and constructing a new home on a larger tract of land, is occurring.

Dane stated that large development may never happen in this area and the City isn't sure where a road connection should go nor if it will ever connect to the existing developments to provide such a connection to Bremer Road. Dane stated that he didn't understand why a development agreement was needed, besides exercising control.

Leitz stated that a connection out to Bremer Road is important for emergency services and neighborhood connectivity. She stated that there are few options for this connection to occur without dealing with multiple property owners and if the City and property owner can come to an agreement that this area may be a good location for a future connection, then it should be evaluated in the future. To make sure this happens, a development agreement or some agreement is needed.

Payne asked if the parcel to the south of 1009 Bremer Road would be required to have a similar development agreement if something was done with the property.

Leitz stated that she believed that parcel was already part of the Copper Ridge development and had already been conceptually planned. She stated that she didn't believe a connection was accommodated for on that parcel as it may have been too close to the one to the south, but was not sure as she was not here during planning of the development. Leitz stated that if someone purchased the property from the developer that staff would have further conversations with them regarding neighborhood connectivity. Leitz reiterated the difficulty of planning a large area piece by piece, so once again not fully understanding how everything will connect in the future.

Bagelmann asked why the Mohlis family couldn't construct the new home and leave the property as A-1.

Leitz stated that according to the City code, a single-family dwelling may not be constructed within ¼ mile from another single-family dwelling which is not a farm dwelling.

Bagelmann asked if there was any portion of the property that is not within ¼ mile of a residentially zoned property.

Leitz stated she didn't measure the entire property to see if there was such a portion, however knows that the homestead is for sure within ¼ of a residentially zoned parcel, which is why it's required to be rezoned.

Bagelmann asked if the City intends to connect Platinum Drive to Camaro Drive.

Leitz stated that was correct.

Bagelmann stated that there is future road connection within the City's Comprehensive Plan that connects to Bremer Road and will eventually connect to Bremer Avenue and Cedar River Parkway. Bagelmann asked if that will help with road connectivity in the area.

Leitz stated that she believed it would help, as it will provide another main north/south collector street connection through the City. Leitz stated she doesn't know how much traffic will be alleviated from Bremer Road because of such a connection, but it could be seen as a positive since there are so many driveways along Bremer Road currently, which generally aren't seen to be good planning along a collector street.

Huser stated that making a development agreement part of the request is helpful in planning for the future of the entire area and providing benefits to existing and future developments in the area.

Frank Holland, 1021 Bremer Road, approached the podium. He stated that he lives just north of 1009 Bremer Road. He stated that he is not interested in developing his property, at least in the next 5 years. Mr. Holland gave some background on the development of the area and stated he was in favor of the Mohlis request.

Huser stated that it is favorable to have these conversations with property owners. He stated that with no one knowing what the future of the parcels hold, its good to be on the same page with residents so everyone can understand a future plan of an area and how development could work.

Motion By: Solheim Seconded By: Payne

Move that the Planning and Zoning Commission recommend approval of the minor subdivision request for 1009 Bremer Road and development agreement with the condition of approval that the rezoning request from A-1 to R-1 for Parcel O is recommended for approval.

Yes: 5 No: 1 Absent: 2

D. PUBLIC HEARING

1) Ernest & Theresa Mohlis and Jason & Jaide Mohlis - Rezoning Request from A-1 to R-1 for Parcel O.

Leitz stated that Jason & Jaide Mohlis plan to tear down the existing home located at 1009 Bremer Road and construct a new home. According to Section 100.5 A-1 Agricultural District, a single-family dwelling may not be constructed within one fourth (1/4) mile from another single-family dwelling which is not a farm dwelling. Because of this provision, the applicant is requesting to rezone the proposed 3.02-acre homestead property to R-1. The remaining land is proposed to remain Agricultural. Leitz stated that staff recommends the public hearing is opened and public comment is heard and staff recommends approval of the rezoning request from A-1 to R-1 for Parcel O with the condition of approval that the applicant's minor subdivision request is recommended for approval.

Bagelmann opened the public hearing.

Jason Mohlis, 1009 Bremer Road, approached the podium. He stated that him and his wife are looking to construct a new home on the property, which is the reason for their request. He added that they are willing to sign the development agreement for the outlot for a potential future road connection, as no one is sure how that area will come together when development occurs.

Frank Holland, 1021 Bremer Road, approached the podium. He stated that he is probably the most directly effected by this proposal as his house is directly north of the homestead and that he is in favor of the proposal.

Bagelmann closed the public hearing.

Gritters asked the purpose of the ¼ restriction for residential properties next to agricultural properties.

Leitz stated that she is not completely positive. She believed that everything in the City used to be Agricultural and as development occurs, zoning changes piece by piece. She also believed that it may be a way to protect Agriculture as a rezoning process requires notification to the City and surrounding property owners where they can voice their opinion on the proposed change to the area.

Huser directed staff to look into this part of the Code and what its intentions were.

Leitz stated that she believed this would be a good thing to add to the list of things that need to be evaluated during the Comprehensive Plan process, which will start in about a year.

Payne inquired into the driveway situations for the homestead and the outlot. She asked if there was the possibility to have the applicant connect the driveway to the potential future road connection going through the outlot instead of directly connecting to Bremer Road.

Leitz stated that staff had discussed this with the applicant at length. She stated that the applicant has decided to keep the original driveway and has planned the new homesite layout where the existing driveway will remain the main driveway for years to come. Leitz stated there is nothing in our code that would require the property owner to remove the existing connection and plan for connection to the potential future road.

Jason Mohlis, 1009 Bremer Road, stated that staff discussed planning of the entire site and items that should be considered even prior to them purchasing the lot. He stated that depending on how things are developed in the future, things could change with the homestead, however, the plan they have proposed is what they're currently set on.

Motion By: Huser Seconded By: Payne

Move that the Planning and Zoning Commission recommend approval of the rezoning request from A-1 to R-1 for Parcel O with the condition of approval that the applicant's minor subdivision request is recommended for approval.

Yes: 6

No: 0

Absent: 2

F. OLD BUSINESS

None

G. ADJOURNMENT

The Planning and Zoning Commission meeting was adjourned at 7:36 pm.