

**PLANNING AND ZONING COMMISSION MINUTES**  
**June 20, 2019**  
**Waverly City Hall – Council Chambers**  
**7:00 p.m.**

A. Call to Order

1. Members Present: Hank Bagelmann, Richard Dane, Stephanie Garner, David Huser, Kathy Olson, Kate Payne

Members Absent: Mary French, Lance Gritters, Heidi Solheim

Staff Present: Bill Werger, Community Development Director, Edie Waldstein, City Council Liaison

2. Approval of Agenda:

Motion By: Olson

Seconded By: Huser

Move that the agenda be approved as printed.

Yes: 6

No: 0

Absent: 3

3. Approval of Previous Minutes:

Dane corrected a spelling error on page 3 from Mohlid to Mohlis.

Motion By: Huser

Seconded By: Dane

Move that the minutes of the February 7, 2019 Planning and Zoning Commission meeting be approved as corrected.

Yes: 6

No: 0

Absent: 3

B. Public Hearings:

1. Public Hearing on Rezoning Request by Wavtown Properties, LLC.

Werger stated Wavtown has purchased 1316 4<sup>th</sup> St SW with the intent to demolish the house and develop the property with the rest of the land they own. A development plan is not currently in the words. They want to clear and level the ground as they have done with their property to the south. Wavtown is requesting a rezoning from R-1 to C-2. The properties to the north are R-1 and to the south is C-2. If in the future, the frontage road is connected to intersection, the north end would close. We would not have both ends of the frontage road open.

Bagelmann opened the public hearing.

No public comments, so the public hearing was closed.

C-2 is the basic commercial district. Most of 4<sup>th</sup> St SW is C-2.

Olson asked if the house further south by the implement is still R-1.

Werger stated that house has been rezoned to C-2.

Payne asked if staff received comments from the neighbors.

Werger said no comments were received on this rezoning request.

Dane mentioned that the commission had a discussion regarding this property roughly two years ago with a different company was looking to purchase the property. The commission discussed how to properly separate the commercial area from residential. Dane is unsure why we would need to rezone, as he was under the impression that you can't build over a lot line. They can still demolish the house and leave the empty lot as residential. What is the value in changing the zoning?

Huser is confused about not being able to build over the lot line.

Dane stated that normally the position of city is that you can't build a building that goes over the top of 2 lot lines.

Werger said there are 3 parcels already which have not been combined. The owners are waiting for a development plan on whether they will re-subdivide the area or have one large parcel. Once they have an idea of the development plan, they would come in for us to review. We want them to have a plan for the entire area. The subdivision plan would come before the commission.

Huser asked if we will allow them to use the frontage road?

Werger said the frontage road is a different issue. Right now, the property owners have to go to 10<sup>th</sup>/Cedar River Parkway to exit their frontage road. I would like to see a connection on the south end to connect at the lighted intersection and close the north entrance. We put this in the Urban Renewal Plan so if we have to help with infrastructure issues like this, we can use the funds. This is all just speculative, but potential planning we would do when they start looking at development there.

Bagelmann with the Cedar River Parkway opening later this year, west side of 4<sup>th</sup> St SW will see significant increase in traffic which would make moving the intersection to the light controlled south entrance make sense.

Werger said we are looking hard at this. We would like to see the safer intersection once the traffic starts really picking up coming across. People living there would be much better served to have a better, safer access out to the main arterials than it is now.

Who makes the decision?

Werger said we can't force decisions like this. We could use Urban Renewal Plan and maybe TIF money to help with assistance in getting to help plan it to make sure it works for the developer, City and homeowners on the frontage road.

Garner said by changing the direction of the traffic coming in from the south and heading north kind of protects the residents as the residents are on the north end. The traffic traveling past is reduced.

Huser would the church have access on both ends?

Werger said they will have an access across from Casey's if we close the other, so they still have access to the church. This is all very speculative. No decisions have been made. Keeping it open for possibilities.

Bagelmann asked how does what we do tonight fix things in such a way that if we discover a better solution then we can move that way.

Werger said it allows for easier connection to the south way out. Make it a safer connection to the road coming in because it won't intersect with the east/west road coming in. the road will be moved out a little bit.

Payne asked if the city would have to go into the property line as it is today?

Werger said we would assist in that because we are talking about repurposing an intersection and creating a safer intersection.

Olson so you have not had any feedback from the people on the street.

Werger said he has not received any feedback from the people on the street but welcomes feedback.

Payne so the property that has the biggest impact in what's on the agenda tonight is the one directly to the north which is a multi-family.

Correct.

Motion By: Payne

Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval of the rezoning request of 1316 4<sup>th</sup> St SW from R-1 to C-2 to the City Council.

Yes: 6

No: 0

Absent: 3

2. Public Hearing on Rezoning Request by Hanawalt Farms, LLC.

Hanawalt Farms, LLC is requesting to Rezone Parcel ID 1006400007 from A-1 to M-1. They are selling 5-6 acres in the southwest corner. The parcel will be developed as implement dealership.

Werger said the parcel in question is about 35 acres. The parcel is agriculture, and this will be the first split so not requiring a subdivision plat. We asked that they consider rezoning of entire 35 acres. The benefit of this is that when the rest is subdivided it will have to go through as a subdivision plat and we will consider all the things that go along with further development. The 6 acres is in the southwest corner so could have up to 2 accesses off 39<sup>th</sup> street. The street is a developed concrete road which is important when talking about implement dealership and heavy machinery. We think this is a good use for the area. The intersection has 2 left turn lanes on Highway 3, so designed to be developed further north and south. We have sanitary sewer only as far as the waterway that is just to the west of the old Schneider's. We would be extending the sanitary sewer to the southwest corner of this parcel.

Bagelmann opened the public hearing.

Daniel Hanawalt spoke to represent the potential seller and answer any questions.

Wayne Kramer and his wife live at 509 39<sup>th</sup> St NE. We are the northern most house of the of 4 houses on 39<sup>th</sup> St SE. We like our privacy and concerned about being boxed in by commercial development. Highway 3 heading East has an odd zoning in his opinion that is mixed residential and commercial. He would hate to

see that happen with their homes. As a homeowner, you are always worried about property values. He asked if they would be required to hook up to the sanitary sewer.

Werger said no, it will not be extended that far north.

Kramer asked what other type of development they could expect on the new zoning.

Bagelmann said we are unable to give that answer. No one knows what is likely to come forward.

Werger said light industrial is not the same as heavy industrial. You will not have the noise and smell; it will be more warehouse or assembly type of business.

Kramer's main concern is mixing the residential with commercial.

Nikki Schneider lives at 317 39<sup>th</sup> St NE, the second house from the south. She is also concerned as Kramer is. She is okay with the parcel is the southwestern corner, but unsure of development further north across from the residential. She would like things to stay calm on that road and commercial development further down the road.

Payne asked why it is important to rezone the entire parcel?

Werger said it probably isn't critical at this point as they are just wanting to sell the 5-6 acres. If there were concerns about not doing the rest of it, they would probably come back with a request for the smaller amount. At this point, there is no plan to develop further. We were trying to keep a consistent pattern for zoning to know what they can do in the area.

Hanawalt said it is his understanding that it is favorable from a tax perspective.

Bagelmann closed the public hearing.

Payne asked where the 6 acres would go to out of the entire parcel. Would it go up to the houses?

Werger said no and pointed out roughly how big the 6 acres would be on their map that was in their packet.

Huser asked if we have talked anything about a frontage road for future. Instead of trying to get accesses to 39<sup>th</sup>, it may be something to think about.

Werger said that is a possibility. We are still looking at site plans for development. No connection would be on Highway 3.

Payne thinks it is a little weird how the residential and commercial/industrial meet each other. Residential sets back a certain distance.

Werger said when those properties were developed, there was not much around except maybe the start of Schneider's Milling. Zoning was changed for Schneider's Milling when it became a larger operation.

Payne said there is another residential district behind El Sol. They all start a certain line back from Highway 3 as well as the other side of E Bremer Ave. By

making the whole quarter section (40 acre), it is passing that point where a precedent has already been set for when housing starts.

Huser said that development was developed in the mid 70's. The motel, restaurants and old theater were there. The housing developed behind those. They had their own septic system.

Payne said besides Schneider's Milling, everything starts off halfway the depth of this lot.

Werger said some of that housing came in after some of the things were done on the corridor. Had to figure out ways to develop behind the things already developed on the corridor.

Payne asked how deep does a commercial swath want to be going along here?

Werger said if you looked through, there are a variety of things to look at. Planning wise you could have said everything from the highway to the railroad should be the same type of use. This is part of why we want to work with the County to come up with ways to control the roads coming into the community.

Werger said the areas behind the residences already there are heavy industrial. The 2 lots south of the houses are C-2.

Dane said his only hold up is why M-1 instead of C-2?

Werger said M-1 allows for more storage buildings and warehouse type uses which is what we wanted to allow. C-2 is focused more on retail type of uses.

Dane would consider the dealership more commercial.

Werger said except that the dealership itself is somewhat commercial, but most of it is repair, maintenance and service. You have machinery coming in and out all the time. We are trying to avoid those in C-2.

Dane asked what is Norby's and Walmart zoned?

Werger said C-2 due to the frequent traffic. Those are more retail that have customers traffic coming in and out all the time.

Dane said the structure is just as large or larger.

Huser said a lot of new dealerships being built have a lot of storage. They build open front type facility where stuff is stored inside instead of sitting out where the elements can damage. They have large sections of open front storage.

Werger look at where Titan is on 4<sup>th</sup> St SW. It doesn't seem to fit there. Should be more commercial/retail. The new parcel would seem much more appropriate for an implement dealership.

Dane, thinking about the further development of the section, it seems easier to develop if the entire parcel is C-2. He is not sure why there is a difference. For development of the parcel, C-2 seems better than changing all to M-1.

Werger said on 10<sup>th</sup> Ave where Pollistrini and a carpet and flooring business is located is C-2. The carpet and flooring business has a warehouse attached to it that has caused some traffic issues with the size of the vehicles that have to

service there. This is the kind of development we are trying to separate. We want to keep commercial districts adjacent to our main arteries and business districts.

Garner asked if there is a C-2 use that is also allowed in M-1.

Werger said C-2 is always allowed in M-1.

Huser asked how long the M-2 behind Schneider's has been there.

Werger said he is unsure when it was rezoned.

Huser said the whole 40 if approved would have everything come down to the southwest corner to exit.

Payne said well unless the road got improved.

Werger said that is part of the subdivision that would occur with the remaining acres. You can't do anything unless you have a site plan acceptable for access and utilities.

Huser said that is what would come in to play with those residences at that time. Right now, it is only with the small southwest corner.

Werger said we would look at what is best for preventing a lot of traffic in front of those residences.

Huser thinks a frontage road would be good to keep all parties happy.

Werger said we would want to come up with a plan to make sure the uses mesh together. We don't want to run trucks all that way north if we access can further south down. It would be better not to have as many drives. There are ways of planning both sides to keep most traffic south of the residences.

Dane said if it works for the current future land use map, it makes sense and I wouldn't see why not.

Motion By: Huser

Seconded By: Dane

Move that the Planning and Zoning Commission recommend approval of the rezoning request of Parcel ID 1006400007 from A-1 to M-1 to the City Council.

Yes: 6

No: 0

Absent: 3

### C. Regular Business

1. Review and Recommend an Ordinance Amendment to the Zoning Chapter (100) Sections 100.13 (C-2) and 100.15 (M-1).

Staff is recommending changes in both districts to clarify that warehouses and buildings containing self-storage units should be in M-1 and not C-2.

We've been talking about this for a while. It is not an issue that is unique in Waverly with where warehouses and self-storage units should be placed. They are popular, but not attractive for the corridors or business districts. Most of the time the cost of land on your best arterials is probably not going to support something like this. We want to clarify if you aren't keeping warehouses or self-storage out of C-2 then there really isn't much distinction between C-2 and M-1. The really good location along a business corridor could be used for a better

use. There are some that can be done very nicely and vice versa. It is more of the use. I included in the packet a memo from West Des Moines which was very instructive to me. They had the same issue. They want to reserve C-2 corridor for high volume retail traffic as opposed to storage facility or warehouse with very little traffic. I think this applies in our situation for some of our corridors where we have C-2 along corridor and other zonings behind. If you place warehouses or storage structures up front, you may not get that to be as attractive for the layered usage. People want to be around commercial because they use the amenities. Other communities have dealt with this same issue. I thought our code was confusing on what is allowed in C-2 and M-1. A lot of the examples in our code for each section do not exist anymore. We would like to make a tweak that says we do not want self-storage units in our C-2 areas. We want to make sure we emphasize we can go with more M-1s where you could have more storage units. The rezoning where you recommended approval tonight would be an area that could be a possible warehouse or storage units type thing. I don't think they belong along our business corridor where you want your retail that people can access quickly. If you have a self-storage structure that is self-contained which looks like an office building, that would be allowed under a special provisional use. You can consider this a study topic you want to think more about it and look at what I've done. Then we can bring it back to discuss.

Huser would like to hear more input from the commissioners. The one thing that concerns me is where we have the one that went in by where the old restaurant was. If someone buys that house which is not M-1 and wants to zone that since they are right in front. Will some of that come at us and we will have to make that tough decision to change some of those? I see what Bill is saying but trying to think to the future. We've started a precedent already. Are we going to be faced with switching some of the zoning? I'm not saying for or against it. We need to plan for what these changes will cause down the road.

If you have an area that is appropriate for storage units and it is currently C-2 then you have to consider whether M-1 is appropriate for that particular area. Just because we have it C-2 and blanket the whole corridor, there may be spots that could be rezoned.

Huser wants to make sure we are thinking through it all and thinking of what could come back to us.

Werger said we try to enforce something, but the person says I can show you 5 other places where someone has done something different. Examples are all over the place as we haven't stood up and enforced what we think are good planning rules. I want to give people a heads up and say we aren't going to do this in C-2. If you have an area that shouldn't be C-2 and M-1 instead then let's rezone it.

Garner if you take a property out of C-2, would that then become a nonconforming use?

Werger said if we rezoned it, it would still be a conforming use because it was grandfathered in.

Garner, so it would be grandfathered in, but nonconforming. If it was destroyed more than 50% could it be rebuilt?

Werger said no, it may not be.

Huser said we've gone back in past years where there have been things that crop up in areas that are zoned as they should be and we've made zoning changes based upon what is it actually being used for or what is already on the lot to take care of that.

Werger said we've protected where houses are in the wrong zoning areas by ordinance. Our code permits you to rebuild the house in the wrong zoning.

Werger said we just do not want storage units and warehouse structures being everywhere in our corridor. We want to save that for good retail.

Olson asked if there is an urgency to this.

Werger said we always have inquiries. I don't think they are allowed in C-2 not, but we need to clarify how our code is read.

Bagelmann said he looked back at some of the past comp plans. Each time we've done a plan, it has been more thoughtful and more detailed. Based on our discussion tonight and previous discussions, we know we've gotten our work cut out for the next comp plan. We need to be more specific on our intentions of what should be where.

Werger said we are doing the two-mile agreement with the county and comp plan.

Bagelmann said we need to look at the various people and commissions that should be included in the next comp plan update.

Werger said we just did a review the last time and didn't get the participation we wanted last night. I want to work on recruiting participants to work the whole way through the next comp plan.

Huser said sometimes you can invite as many as you want, but they just don't participate.

Werger said maybe we can have some sessions at the other commission's normal meeting time to get their involvement.

Huser said he has a better feel on what Bill is asking for the code changes but thinks we should table it until the next meeting to give everyone a chance to review it to make sure we are thinking through it.

