

**PLANNING AND ZONING COMMISSION MINUTES**  
**City of Waverly, Iowa**  
**City Council Chambers**  
**September 4, 2014**  
**7:00 p.m.**

A. Call to Order: 7:00 p.m.

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

Members Absent: Susan Franke; Bill Wilson

City Staff Present: Ben Kohout, Zoning Specialist (Secretary); Tim Kangas, Council Liaison; Edith Waldstein, Council Liaison; Phil Jones, City Administrator.

2. Approval of Agenda:

Motion By: Olson	Seconded By: Huser	
Move that the agenda be approved as printed.		
Yes: 7	No: 0	Absent: 2

3. Approval of Previous Minutes:

Motion By: Olson	Seconded By: Huser	
Move that the minutes of the August 7, 2014 Planning and Zoning Commission meeting be approved.		
Yes: 7	No: 0	Absent: 2

4. Communications: None

B. Public Hearings:

None

C. Regular Business:

1. Set Public Hearing for Rezoning from C-2 to M-2 as requested by Schneider's Milling, Inc. for 3601 E. Bremer Ave.

Schneider's Milling, Inc. is requesting a change in zoning classification from the current C-2, General Commercial to M-2, Heavy Industrial for a 23.6 acre property located on the north side of East Bremer Avenue, approximately 800 feet west of 39<sup>th</sup> Street NE. The Future Land Use Plan shows this property as Industrial. This is the setting of the public hearing on the rezoning change.

Secretary Kohout introduced the item and explained the owners are desiring a zoning change following a Board of Adjustment variance to allow a structure height taller than what the C-2 zoning district allows for. Mr. Kohout stated the height limitation is unlimited with an M-2 designation and the nature of

existing structures exceeding the current C-2 guidelines almost all exceed the current regulations. Mr. Kohout confirmed for the Commission the Future Land Use Plan designates the property as “Industrial”.

Motion By: Anderson

Seconded By: Huser

Move that the Planning and Zoning Commission set a public hearing for the rezoning change requested along East Bremer Avenue from C-2 to M-2 be set for October 2, 2014.

Yes: 7

No: 0

Absent: 2

2. Review Alley Vacation request for St. Paul’s Church for the alley in block 31 of Harmon and LeValley’s subdivision in NW Waverly.

St. Paul’s Lutheran Church is requesting the City of Waverly vacate and deed to them an alley located directly north of their church structure. This alley is located generally in the 300 block of 1<sup>st</sup> St. NW and runs from 1<sup>st</sup> Street NW to 2<sup>nd</sup> Street NW. The alley is primarily utilized today for access to and from adjacent St. Paul church parking lots.

Ms. Sally Schneider, Director of Administration of St. Paul’s Lutheran Church and Schools, introduced construction plans showing cement work for parking lot improvements would impede within the existing alley. Ms. Schneider stated St. Paul’s invested money into the maintenance by rebuilding a portion of the alley in the past and is seeking to have the City vacate and deed the alley to St. Paul’s. Ms. Schneider stated access points along 1<sup>st</sup> Street NW and 2<sup>nd</sup> Street NW would remain as they exist today, following parking lot improvements they wish to finalize in 2015.

Ms. Schneider confirmed for Commissioner Payne St. Paul’s church owns the adjacent properties backing onto the alley, except for a single Northwest residential property. Said property accesses off of 3<sup>rd</sup> Avenue NW with a private drive access and does not utilize the alley.

Ms. Schneider confirmed for Commissioner Dane the parking lot to be constructed may be utilized by the public for events in nearby Kohlmann Park until further notice.

Motion By: Olson

Seconded By: Payne

Move that the Planning and Zoning Commission recommend approval of the alley vacation and dedication request for St. Paul’s Church in the 300 block of 1<sup>st</sup> Street NW.

Yes: 7

No: 0

Absent: 2

3. Review and Recommendation of subdivision plat for Parcel 1, Parcel 2, Parcel 3 for Mackey property in SE Waverly.

The City of Waverly, upon learning of the property for sale in the vicinity of the future Cedar River Parkway, contacted the owner of the property where the future roadway right-of-way would be situated.

The City hired Herold-Reicks Surveying Company to complete a plat and has executed a purchase agreement with the owner and is proposing to establish Parcel 1, Parcel 2 and Parcel 3, which are anticipated as further enhancing the City's ability to acquire right-of-way for the Cedar River Parkway Extension and subsequent 12<sup>th</sup> Street SE widening to accommodate future connectivity to better facilitate future development along 12<sup>th</sup> Street SE.

Mr. Kohout identified the location for the Commission members and showed existing residential properties. Mr. Kohout stated the property is for sale and the City contacted the owner to purchase land for right-of-way expansions of 12<sup>th</sup> St. SE and two parcels of land for the future Cedar River Parkway (10<sup>th</sup> Ave. SW extension). The City hired a surveyor to create a plat of survey for the City to purchase said properties.

Mr. Kohout stated this plat of survey request, in conjunction with the plat showing Parcels CC, DD, T and U for residential construction within proximity to these parcels requested (item C.4. of this agenda), will ultimately serve to provide for orderly development and better layout for future City services in the area. Mr. Kohout also stated because the property is for sale now, the City is able to reserve future land for City roadways, instead of condemning property for right-of-way purposes. Mr. Kohout stated the Future Land Use Plan shows the Cedar River Parkway corridor through the proposed Parcels 1 and 3.

Ms. Olson confirmed with Mr. Kohout the City sees this plat of survey request as an opportunity to reserve property for future right of way now, rather than later.

Commissioner Huser confirmed with Mr. Kohout the zoning in the area contains A-1 and the far SW corner of Parcel 3 contains U-1. Mr. Kohout confirmed with Mr. Huser the U-1 and A-1 designations do not prohibit roadway construction, and that all considerations to flooding will be given prior to approving any final roadway designs.

Motion By: Huser

Seconded By: Olson

Move that the Planning and Zoning Commission recommend to the City Council the plat creating Parcel 1, Parcel 2 and Parcel 3 as presented on the plat submitted for review by Herold-Reicks Surveying.

Yes: 7

No: 0

Absent: 2

4. Review and Recommendation of subdivision plat for Parcel CC, Parcel DD, Parcel T and Parcel U in SE Waverly.

The City of Waverly, upon learning of the property for sale in the vicinity of the future Cedar River Parkway, contacted the owner of the property where the future roadway right-of-way would be situated. The City advised the property owner of a proposed plat configuration that could address future land subdivision and to promote the orderly growth and subsequent future

development of this area. Herold-Reicks Surveying completed an acquisition plat which shows Parcel CC, Parcel DD, Parcel T and Parcel U in SE Waverly.

Mr. Kohout introduced the item and stated the owner of the property, Stuart Mackey, hired a surveyor to create four lots for residential construction. Mr. Kohout introduced the plat of survey for inspection by the Commission. Mr. Kohout stated the intent and purpose of the plat of survey is to clarify lot ownership boundaries and staff supports the request.

Mr. Kohout stated the four resulting residential lots will all be sized to allow for orderly development and have access to 12<sup>th</sup> Street SE. Mr. Kohout stated City services can be distributed and connected to these resulting properties following submittal of a new residence construction permit. Mr. Kohout stated the zoning for Parcels U and DD are R-1. Parcels T and CC are zoned A-1, and would be required to be rezoned prior to allowing any new residential construction. Parcel CC contains an existing residence on property zoned as A-1 and is considered a legal, non-conforming use. Mr. Kohout stated there also is a 33 foot wide easement proposed DD for the continuation of access from 8<sup>th</sup> Avenue SE to an existing easement of access for the residential properties to the West. Mr. Kohout stated the owner and City are agreeable to the plat of survey proposed.

Mr. Dane stated opposition of the proposal on the premise the City is suggesting to the property owner a proposed four lot layout as he finds it more appropriate for the property owner to come forward on their own with a request in response to a new construction permit necessitating a split in lots as needed, in lieu of a four lot layout at this time.

Commissioner Huser stated support of the four lot proposal as he finds it appropriate to plan for the future development of this area.

Commissioner Anderson stated support of the request as lot splits proposed would need to come forward to the Commission in the future prior to any new residential permit being issued and finds the four lot arrangement appropriate as she supports the planning for the future with this proposal as this is a good opportunity as the land is for sale now and may make the property more marketable for the owner.

There was discussion on the A-1 zoning of the parcels T and CC and a need to rezone for any new residential construction to R-1 due to the requirements of the Zoning code. Mr. Kohout confirmed for the Commission a rezoning is not needed at this time as the lot sizes proposed conform to the A-1 regulations of greater than 3 acres in size and the existing residence is a legal, non-conforming use and has access to 12<sup>th</sup> Street SE with the plat proposed. Mr. Kohout confirmed should a future residence be proposed on Parcel T, a need

to rezone both Parcel T and Parcel CC to a R-1 designation would be recommended by staff at that time.

Motion By: Huser

Seconded By: Anderson

Move that the Planning and Zoning Commission recommend to the City Council the plat creating Parcel CC, Parcel DD and Parcel T and Parcel U as presented on the plat submitted for review by Herold-Reicks Surveying.

Yes: 6

No: 1

Absent: 2

Commissioner Dane cast the “no” vote.

D. Old Business:

1. Landscaping ordinance amendment update from Staff.

Mr. Kohout stated discussion with Commissioners Dane and Franke occurred in August and some progress was made. Future discussions will be scheduled prior to the next month’s meeting to better determine the final language that may be appropriate to accomplish the premise of screening non-residential properties from residential properties.

Mr. Huser stated support of a separate workshop style of meeting of the Commission to better discuss this topic so as to not take up the regularly scheduled Commission meeting.

E. New Business:

None

F. Adjournment:

Motion By: Anderson

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting Adjourned at 7:55 p.m.

Respectfully Submitted,

Ben Kohout, Secretary