

**PLANNING AND ZONING COMMISSION MINUTES**  
**City of Waverly, Iowa**  
**City Council Chambers**  
**7:00 pm**  
**July 2, 2015**

A. Call to Order: 7:00 pm

1. Members Present: Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson; David Huser; Kathy Olson; Bill Wilson; Kate Payne.

Members Absent: Barb Anderson; Susan Franke; Heidi Solheim.

City Staff Present: Ben Kohout, Secretary; Tim Kangas, Council Liaison; Edith Waldstein, Council Liaison.

2. Approval of Agenda:

Mr. Kohout stated he received a rezoning request from A-1 to A-2 along Hilton Avenue in the Bremer County within 2 miles of the Southeast City limits early in the week and was not included with the original packets and agenda. Mr. Kohout recommended to the Commission the agenda be amended to entertain this request under New Business Item.

Motion By: Huser

Seconded By: Dane

Move that the agenda be approved as amended to include the stated rezoning request.

Yes: 6

No: 0

Absent: 3

3. Approval of Previous Minutes:

Motion By: Huser

Seconded By: Wilson

Move that the minutes of the June 4, 2015 Planning and Zoning Commission meeting be approved.

Yes: 6

No: 0

Absent: 3

4. Communications: Board of Adjustment Minutes – June 8, 2015

B. Public Hearings:

1. Public Hearing on rezoning request for special provisional use for residential usage on the main floor at 314 1<sup>st</sup> Ave. SE.

Chairperson Bagelmann stated Coleman Real Estate Investment Properties, LLC, is requesting a special provisional use to be considered for residential usage on the main floor for a structure located on the south side of 1<sup>st</sup> Ave. SE, in the 300 block. The request is to change the existing commercial usage

to a residential use on the subject property. The Comprehensive Land Use Map designates the property as Residential. Following public notice through mailings to those within 250 feet and posting in the local newspaper at least one week in advance, the Commission will consider all public comment prior to recommending action to the City Council.

Bruce Coleman, who represents Coleman Real Estate, was present to address questions from the Commission.

Mr. Bagelmann confirmed with Mr. Kohout the zoning of the property is C-3.

Ms. Olson confirmed with the Commission the adjacent properties within the block are all zoned R-4 and are utilized residentially.

Mr. Coleman confirmed for the Commission the structure will be converted to house residential usage only, and no commercial usage will be housed in the property, should the Commission and Council recommend and vote approval on the request.

Mr. Kohout confirmed for the Commission the applicant desires to start construction and residential usage in a short time frame and are requesting the use out of the structure now, as the process requires one reading at the Council, as opposed to three readings for an ordinance amendment.

Mr. Wilson confirmed with Mr. Kohout R-4 zoning for this property can be entertained and it would fit in well with the adjacent properties.

Motion By: Olson

Seconded By: Wilson

Move that the Planning and Zoning Commission recommend approval of the special provisional use for residential on the main floor for the property described to the City Council.

Yes: 6

No: 0

Absent: 3

2. Public Hearing on rezoning request from R-1 to R-2 and to amend the Comprehensive Land Use Plan from Public to Residential for a property located at 934 1<sup>st</sup> St. SW.

Mr. Bagelmann stated that Joe Wedeking, Jr. and Linda Wedeking, of Clarksville, Iowa, are requesting the rezoning of one lot located on the northwest corner of 1<sup>st</sup> St. SW and 8<sup>th</sup> Ave. SW. The request is to change the zoning designation from R-1 to R-2 and will allow for duplex development on the subject property. The Comprehensive Land Use Map designates the property as Public. Staff is requesting the Commission amend the Comprehensive Land Use Map from Public use to Residential use to better reflect this privately owned property. Following public notice through mailings to those within 250 feet and posting in the local newspaper at least one week in advance, the Commission will consider all public comment prior to recommending action to the City Council.

Mr. Kohout reviewed the lot of record setbacks for the Commission which allows a 20 foot front yard setback, five foot side yard setback and 20% of the lot depth for a rear yard setback. Mr. Kohout confirmed for the Commission the City approved a permit for single family construction meeting floodplain

requirements. Mr. Kohout state the property owner is now seeking to construct a second, connected residence, on the property. Mr. Kohout state an R-2 zoning designation needs to be in place prior to approving any duplex construction permit.

Mr. Dane confirmed with Mr. Kohout the lot setbacks of a residential lot of record apply when a residential rezoning occurs, such as with this request. Mr. Kohout explained he believes the lot of record setbacks for residential would not apply if the property were to be rezoned to a commercial or other non-residential designation.

Mr. Kohout confirmed with Mr. Wilson there is a duplex residence on 8<sup>th</sup> Ave. SW along the same side of the street. Mr. Wilson stated support of the rezoning request. Mr. Wilson stated he would like to see if the City could review this section of 8<sup>th</sup> Ave. SW to see if there may be a better zoning map designation as the zoning map would have commercial, single family and two family zoning designations in succession on the same block.

Mr. Kohout stated he thinks this lot is an opportunity for re-development and promotes the City policy of allowing for a scale of housing that makes sense with the adjacent land uses and location on a corner lot of two collector roadways.

Mr. Bagelmann confirmed with Mr. Kohout the adjacent City owned lots to the west of the subject parcel were acquired utilizing HMGP funds, and following discussions between the City and FEMA, are not eligible to be put back into the market for sale and re-development due to deed restrictions in effect. Mr. Kohout stated the City is pursuing CDBG buyout properties to be removed from the deed restrictions that could allow the City to sell the acquired lots and perhaps include deed restrictions of styles of allowed housing to better match the neighborhood scale and style.

Motion By: Huser

Seconded By: Dane

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-1 to R-2 for the area described to the City Council and to amend the Comp. Land Use Plan Map from Public to Residential.

Yes: 6

No: 0

Absent: 3

C. Regular Business:

1. Review Minor Plat creating Parcels EE, FF, and GG of lot 66 and lot 67 in the Stone Haven Plat 5 subdivision.

BNKD, Inc., applicant is requesting a minor subdivision plat in the Stone Haven 5 subdivision. The applicant is seeking to create three lots out of two recorded subdivision lots. The two lots in question are lot 66 and lot 67, which are located on the west side of 1<sup>st</sup> Street SE. The resulting three lots will be Parcel EE, Parcel FF, and Parcel GG. The Comprehensive Land Use Map shows these properties as Residential. A minor plat will be reviewed by the Commission prior to being considered by the Council.

Mr. Bagelmann stated support of the request as the proposed lots fit with the size of lots adjacent to the west.

Mr. Huser stated support of the request as the proposed lost fit with the size of lots adjacent to the west.

Mr. Kohout confirmed for the Commission discussions are underway with a developer to the north of the subject properties, and that there is no formal plan to review at this time as the plans are fluid and can change based upon further discussions.

Motion By: Wilson

Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval of the minor plat creating Parcel EE, Parcel FF and Parcel GG in the Stone Haven 5 subdivision to the City Council.

Yes: 6

No: 0

Absent: 3

2. Review new subdivision of land within 2 miles of Waverly City Limits on 195<sup>th</sup> Street, North of City Limits.

Mr. Bagelmann stated Mr. Chris Jones is requesting Bremer County to allow for the land subdivision of 4.11 acres, known as Parcel G, out of existing acreage for the purpose of constructing a residence upon it. The location is on the south side of 195<sup>th</sup> Street, approximately 0.6 miles west of Horton Road. Waverly has ability to review any new subdivision requests within 2 miles of the City Limits, per Iowa State Code. Bremer County will have the Waverly Planning Commission review and offer comments on the request prior to consideration.

Mr. Dane stated support of the request. There were no concerns expressed by the Commission on the request.

**D. Old Business:**

1. Mr. Kohout stated the Waverly 28E Agreement (also known as 2 mile agreement) being formalized with Bremer County and City of Shell Rock. Anticipated on being finalized by end of 2015. Mr. Kohout stated a new agreement is being sought following a meeting between the City of Shell Rock and Waverly staff. It was determined a new agreement with three parties, Bremer County, Shell Rock and Waverly can be a way to address overlapping boundary areas on the west part of the two miles of Waverly, specifically along Highway 3 West.
2. Ms. Payne stated there are no updates on the corridor planning meetings with City Staff. Mr. Kohout stated selecting a predetermined meeting time and place can be a good way to continue with discussions in

formalizing corridor planning standards for the major roadways in Waverly.

E. New Business:

1. Two Mile Rezoning Review for rezoning in Bremer County within two miles of the Waverly City Limits.

Mr. Kohout stated a rezoning request was forwarded to the City early in the week of July 2 and the Commission is afforded the opportunity to offer comments on the rezoning request. The rezoning request is for a zoning change from A-1 to A-2. The commission offered support of the rezoning change.

Mr. Bagelmann confirmed with Mr. Kohout future roadway corridors are not affected with this request.

The Commission offered support of the request.

F. Adjournment:

Motion By: Huser

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting Adjourned at 8:42 p.m.

Respectfully Submitted,

Ben Kohout, Secretary