

**PLANNING AND ZONING COMMISSION MINUTES**  
**City of Waverly, Iowa**  
**City Council Chambers**  
**April 5, 2018**

A. Call to Order: 7:00 PM

1. Members Present: Hank Bagelmann, Chairperson; Mary French; Adam Hagensick; David Huser; Kathy Olson; Kate Payne, Vice-Chairperson; Heidi Solheim

Members Absent: Richard Dane; Lance Gritters

Staff: Ben Kohout, Zoning Specialist/PZ Commission Secretary

2. Approval of Agenda:

Motion By: Huser

Seconded By: French

Move that the agenda be approved as printed.

Yes: 7

No: 0

Absent: 2

3. Approval of Previous Minutes:

Motion By: Solheim

Seconded By: Hagensick

Move that the minutes of the March 1, 2018 Planning and Zoning Commission meeting be approved.

Yes: 7

No: 0

Absent: 2

4. Communications:

B. Public Hearings:

1. Public Hearing on Re Zoning Request from R-4, Multiple Family Residential District, to R-2, Residential District for 3.19 acres on the northwest corner of 39<sup>th</sup> St. SE and Viola Drive.

Mr. Bagelmann stated Bengal Investments, LLC, and Beechwood Investment Properties, LLC, applicants and property owners, are requesting a zoning change from R-4, Multiple Family Residential, R-2, Residential District. The applicants are seeking to create single family home lots out of the previously recorded condominium lots. The condominium regime has been eliminated through

recording the proper documents. The property is located on the northwest corner of 39<sup>th</sup> St. SE and Viola Drive.

Mr. Bagelmann opened the public hearing.

Mr. Kohout confirmed for Mr. Bagelmann no comments were received on this request.

Mr. Beau Buchholz, representing the applicants, addressed the Commission. Mr. Buchholz reviewed the request and the plat with the Commission. Mr. Buchholz stated he believes current nearby property owners would be supportive of this zoning change request.

There being no one else present wishing to speak, Mr. Bagelmann closed the public hearing.

Ms. Solheim stated support of the request.

Ms. French confirmed with Mr. Bucholz the R-2 requests would accommodate envisioned single family home lots, and keep options available for attached single family homes, as is permitted within the R-2 district.

Mr. Huser reviewed the adjacent zoning district to the north of M-2, Heavy Industrial, and noted the current R-4 was selected as the highest density of housing permitted by the Commission at the time it was presented and approved. Mr. Huser stated the proposed R-2 may work, and that the R-4 was envisioned all along.

Mr. Kohout reviewed the screening on the north end of the property with the Commission. Mr. Kohout confirmed for the Commission a visual barrier is required between non-residential and higher density residential from single family residential land uses. Mr. Kohout stated because this was made a condition of approval for the condominium lots, it is unclear if the screening would be required to remain, as it would be up to the property owners to decide if they would desire to remove the trees.

Motion By: Huser

Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-4 to R-2 for land described on the NW corner of 39<sup>th</sup> Street SE and Viola Drive to the City Council.

Yes: 7

No: 0

Absent: 2

2. Public Hearing on Re Zoning Request from R-4, Multiple Family Residential District, to R-1, Residential District for Omni Development First Addition subdivision in SW Waverly.

Mr. Bagelmann stated the City of Waverly, in conjunction with the requesting property owners, applicants, are requesting a zoning change from R-4, Multiple Family Residential, R-1, Residential District.

Mr. Bagelmann continued that the applicants are seeking to designate their lots as R-1, single family residential zoning designation so as to better define their lots as single family lots, where a new single family home may be reconstructed, should a home be destroyed on the current R-4 zoned lots. The R-4 zoning designation was changed with an ordinance revision, which now disallows single family home construction. The rezoning request will better define the lots and will assist the owners with financing homes by allowing for the reconstruction in the event of total loss.

Mr. Kohout stated staff envisions this process to simplify the land uses and to bring properties into conformance with the zoning code.

Mr. Bagelmann opened the public hearing.

There being no one present wishing to speak, Mr. Bagelmann closed the public hearing.

Ms. French identified the subject property as being surrounded by R-4 zoning, and recognizes the suitability of the requested zoning of R-1.

Mr. Huser stated he understands if an appraisal is done on property used as single family and zoned R-4, the value may be lower with the current zoning language.

Mr. Kohout confirmed with Ms. Solheim 1<sup>st</sup> Street SE, Omni Development Second Addition, would come forward during an upcoming Planning Commission meeting for a similar rezoning request.

There was discussion about other nearby subdivisions that would be coming forward for rezoning by the Commission.

Motion By: Olson

Seconded By: Solheim

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-4 to R-1 for the eight lots recorded in Omni Development First Addition subdivision plat to the City Council.

Yes: 7

No: 0

Absent: 2

C. Regular Business:

1. Review and Recommend on Minor Subdivision Re-Plat of lot 15 of Rolling Hills, Second Addition to create eight single family residential lots in Southeast Waverly.

Mr. Bagelmann stated Bengal Investments, LLC, and Beechwood Investment Properties, LLC, property owners and applicants, are requesting the approval of a minor subdivision plat for the creation of eight single family residential lots out of an existing lot.

This is the companion request to the Rezoning request from R-4 to R-2 to provide for future detached single family home development on the property. The lot dimensions and housing density will match those lots existing on the south side of Viola Drive, which measure 75 feet wide. The depth of the lots will be approximately 200 feet, making the lots each approximately 15,000 square feet in size.

There is water and sanitary sewer available, as well as storm sewer provisions provided for as this lot was originally approved for condominium development as Rolling Hills, Second Addition plat.

Mr. Kohout explained the reason this plat is coming before the Commission for review is that the multiple subdivision of land resulting in eight lots requires review. Mr. Kohout stated the existing infrastructure is in place from original intent of condominiums and the owners are aware for future development requirements accommodating single family homes.

Ms. Payne inquired if the street width of Viola Drive would have been different if the north side would have been proposed as single family homes. Mr. Kohout stated there would be no difference as the current width is common with single family residential subdivisions today.

Motion By: French

Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of the minor plat, providing for eight additional single family home lots, as shown on the provided plat of survey, dated November 30, 2017 to the City Council.

Yes: 7

No: 0

Absent: 2

2. Review and Recommend on Ordinance amendment to Section 100, governing non-conforming uses.

Mr. Bagelmann stated City staff in Community Development is bringing forward an amendment to the zoning ordinance section 100.4.03.4, which allows for residences to be rebuilt in Commercial and Industrial zones, if they were there prior to the establishment of the non-inclusive zoning districts they are contained within. Staff is adding the R-2, R-3, and R-4 districts to allow for single family residences to be reconstructed, substituted, enlarged, extended or structurally altered and shall be required to meet the setbacks of their respective residential zoning district as shown on the original plat.

Mr. Kohout stated staff realized the current language when applied to newer subdivisions zoned as R-2, R-3, and R-4 would not qualify for an exemption from a requirement that homes would not be able to be reconstructed if destroyed. Mr. Kohout explained a need to include an amendment providing for existing setbacks on recorded plats was lacking in the original language.

Ms. Solheim confirmed with Mr. Kohout the residences along Vista Circle in SW Waverly would benefit from this ordinance.

Ms. French addressed current requirements with regard to height, bulk which may not be covered with the proposed language.

Mr. Kohout stated he thinks the language provides for a residence to be reconstructed at the setbacks and that should the property have violated today's standards, it would be allowed to be placed back in the same footprint as before the happening.

Mr. Bagelmann confirmed with Mr. Kohout this ordinance amendment is sought to be brought forward to the April 16 Council meeting to accommodate an existing condition staff is aware of and it is preferred to accommodate this timeline.

The Commission discussed amending the ordinance language provided by staff to better match the intent of reflecting current residential standards.

Ms. Olson suggested changing language to remove "setbacks" when referencing residences and to substitute "setback requirements". Ms. French suggested only adding "requirements".

Mr. Kohout reviewed the proposed language and stated the language should focus on the intent of the language is to be somewhat ambiguous to accommodate situations in a manner that allows a single family home to be placed on the property and to allow some subjectivity of staff to review the rebuilding request to accommodate the request.

Motion By: French

Seconded By: Payne

