

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
February 1, 2018

A. Call to Order: 7:00pm

1. Members Present: Hank Bagelmann, Chairperson; Richard Dane; Mary French; Lance Gritters; David Huser; Kate Payne, Vice-Chairperson; Heidi Solheim

Members Absent: Adam Hagensick; Kathy Olson; Council Liaison Edith Waldstein

Staff: Ben Kohout, Zoning Specialist/Secretary; Bill Werger, Community Development Director; Dean Soash, Mayor

2. Approval of Agenda:

Motion By: Huser

Seconded By: Dane

Move that the agenda be approved as printed.

Yes: 7

No: 0

Absent: 2

3. Approval of Previous Minutes:

Motion By: Solheim

Seconded By: Huser

Move that the minutes of the January 4, 2018 Planning and Zoning Commission meeting be approved.

Yes: 7

No: 0

Absent: 2

4. Communications: none

B. Public Hearings:

1. Public Hearing on Re Zoning Request from R-1, Single Family Residential District, to C-2, Commercial District, and to amend the Future Land Use Plan from Residential to Commercial for 4.40 acres on NW corner of 4th St. SW and 10th Ave. SW.

Mr. Bagelmann stated Casey's Marketing Company, applicant, and Julia A. Engelbrecht, are requesting a zoning change for Engelbrecht's property from R-1, Single Family Residential, to C-2, General Commercial. The property is located on the NW corner of the intersection of 4th Street SW and 10th Avenue SW, 1032 4th St. SW. The proposed rezoning will match the C-2A permitted land uses SE of the intersection and there is R-1, Single Family Zoning and R-3, Townhome Residential to the North. The Waverly City Golf Course is to the West. There is City water and sewer service available to this property. The Future Land Use Plan calls this area out for commercial usage with Residential behind commercial

frontage. Public notice was given to those within 250 feet of the subject property and publicly advertised in the local Waverly newspaper.

Mr. Bagelmann opened the public hearing.

Mr. Wally Peld, of A. Leo Pelds Engineering from Des Moines, Iowa, presented a computer rendering model of a proposed convenience store, car wash and vehicle fueling stations. The renderings showed the difference in elevation of the site and paper versions of the model were reviewed by the Commission members.

Mr. John Campbell, of 1001 10th Ave. SW, stated he has concerns over additional traffic conflicts on 10th Ave. SW with vehicles turning into a future commercial site as proposed by Casey's general stores. Mr. Campbell also stated a concern over a hill on 4th St. SW and turning traffic on 4th St. SW, a lower speed limit change to be considered, queuing traffic on 4th St. SW making a left turn to head west onto 10th Ave. SW.

Mr. Jim Janssen and Mrs. Carla Janssen, of 1020 4th St. SW stated they have a concern of the proposed 4th St. SW drive access in relation to their existing driveway. They are concerned it is too close and have concerns over traffic turns onto 4th St. SW and safety.

Mr. Larry Bucholz, of Waverly, who stated he is representing the condominium association homeowners to the north of the subject property, stated he has concerns that this request in zoning change would be considered a "spot zoning" and is not consistent with adjacent zoning classifications. Mr. Bucholz also stated concerns over the site plan presented by Mr. Peld.

Ms. Sally Williams, of 435 8th Ave. SW, stated concerns over the proposal not meeting the City's Comprehensive Land Use Map, the plan itself in that the proposed adjacent land use change from residential to commercial is not compatible. Ms. Williams reference a City Council staff summary presented during a November meeting on this request prior to being withdrawn, and stated a concern for the floodplain area located to the west of the subject property and west of her condominium property and future storm water implications having a potential adverse effect on drainage for her property. Ms. Williams stated a concern over traffic movements and pedestrian movements along the City trail network into and out of the property with the proposed convenience store.

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

Motion By: French

Seconded By: Dane

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-1 to C-2 and to amend the FLUP from Residential to Commercial for land described on the NW corner of 4th St. SW and 10th Ave. SW to the City Council.

Ms. Solheim confirmed with Mr. Kohout driveways into the property are to be reviewed during the site plan review process with the Iowa Department of Transportation (IDOT), American Association of State Highway and Transportation Officials (ASHTO) standards, in conjunction with the City engineering design standards prior to approval.

Mr. Peld confirmed for the Commission the proposed underground stormwater detention basin concept Casey's is desiring to employ will address stormwater run off and will consider the floodplain area to the west of the property in their calculations in meeting the minimum standards enforced by the City. Mr. Peld also confirmed for the Commission a preliminary traffic study has been completed and findings were given to the IDOT and the City for review.

Bill Werger confirmed for the Commission the City has plans to address traffic in this area by converting this section of 4th St. SW to a three lane configuration in the near future. He reviewed turning scenarios with the Commission as it pertains to making turns into the subject property and from 4th St. SW onto 8th Ave. SW. Mr. Werger also noted the 10th Ave. SW frontage and driveway access of this property will need to be reviewed further during a site plan review process to assess traffic conflicts in the area to generate a plan to address this.

Mr. Werger stated he does not believe the requested zoning change is a spot zoning. Mr. Werger stated there are two major arterial roadways which front both sides of the property and that commercial usage is customarily located in this position.

Ms. Solheim confirmed with Mr. Peld the proposed elevation of a future convenience store would be higher than the elevation of the existing condominiums to the north of the property. Mr. Peld stated he believes the higher elevation and methods they plan to employ with the construction of a six foot tall fence, dense coniferous plantings along the north and west sides of the property and a berm on the north end may help substantially with reducing noise to those to the north of the property.

Ms. French stated she thinks the existing condominiums, on R-3 zoning, is a transitional district between commercial usage and residential usage. She stated she thinks the recent zoning ordinance revisions to the residential zoning districts in 2017 would show this proposal to be appropriate adjacent to a R-3 zoning designation.

Mr. Huser confirmed with City staff a site plan review could come back before the Commission and Council, should it be added to the recommendation and adopted by the Council. Mr Huser stated he believes additional conditions of approval such as brining this item back for consideration as a site plan, may be added to the Commission's or the City Council's actions, to better alleviate any concerns of the neighbors on this zoning change. Mr. Werger stated the site plan comes before staff to review and thinks this can be a good way to review the site plan, by reviewing the proposal with the concerns stated at the public hearing on the rezoning request.

Mr. Bagelmann confirmed with Mr. Peld that a proposed car wash building is shown located on this site plan draft approximately 50 feet further south of the previous zoning change request and the sound emanating will be to the South from the care wash considered by the Planning and Zoning Commission during the November 2, 2017 public hearing. Mr. Bagelmann thinks moving the car wash south, and with provisions provided with the site plan presented, potential adverse sounds emanating from the site would be lessened. Mr.

Peld stated the sound from a car wash, as presented for the discussion at the location site, would be approximately as loud as a vacuum cleaner to the residents to the north. Mr. Peld noted they are considering any sound generated on the property relating to location and design of the operations to mitigate sound as much as possible.

Mr. Dane confirmed with Ms. Amy Costello, attorney for Casey's General Stores, the commitment letter presented to the Commission has been implemented in other communities. Ms. Costello stated the statement of commitments affords adjacent property owners to come forward to the City to ensure the commitments are being upheld.

Mr. John Campbell, of 1001 10th Ave. SW, stated a concern of a zoning change at the subject location should not be considered unless changes to the traffic management at the 10th Ave. SW and 4th St. SW intersection be in a statement of commitments by Casey's. Mr. Campbell noted commitments on the north side of 10th Ave. SW, were governed by a requirement that no convenience store be located adjacent to the residential development. Mr. Campbell stated he is not in support of changing the zoning to commercial.

Ms. Payne noted the arterial intersection and thinks a commercial convenience store may be appropriate at this location. Ms. Payne stated she has a hard time comparing the Comprehensive Land Use Plan, which identifies this intersection as a gateway into the community and thinks the intersection will become very busy with traffic and does not think a convenience store may be appropriate at this location.

Ms. French confirmed with Mr. Werger that in this example, should a fence be in disrepair, a City municipal infraction ordinance or the statement of commitments would oblige the owners to fix the fence. In addition, the hours of operations between 6am and 10pm for the car wash would be enforceable by the City, upon receiving calls from the neighbors within 250 feet of the property. Ms. French stated she thinks comparing the zoning districts in the area shows the R-3 designation for the condominiums, adjacent roadway classifications as arterial may be conducive for having a C-2 designation on this property.

Mr. Dane stated he supports the zoning change to C-2, as the district sought allows for convenience stores, but is not exclusive to convenience stores and most commercial uses would fit in here.

Mr. Lance Gritters stated he supports the zoning change as he thinks the existing traffic flow is high and the applicants are looking at this property to take advantage of current high traffic volumes and their location may not increase the amount of traffic already going by this property.

Ms. Solheim stated she considered a C-1 district as an alternative, and has since reviewed the situation to think the C-2 being requested would fit in with the roadway corridor at this location. Ms. Solheim stated she considered traffic concerns and thinks the IDOT and the City will review assess and implement proper changes to address traffic movements.

Mr. Huser stated he supports the zoning change as commercial is appropriate with the other factors considered and expressed concern over existing driveways into the property along

10th Ave. SW. Mr. Huser thinks the IDOT and the City can address traffic movement concerns in the area. Mr. Huser acknowledged the concerns expressed by the neighbors and thinks Casey's can best address these items to the best of their abilities with the proposed statement of commitments.

Yes: 6

No: 1

Absent: 2

Vice Chair Payne cast the "no" vote.

C. Regular Business:

none

D. Old Business:

none

E. New Business:

none

F. Adjournment:

Motion By: Dane

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 8:24 pm.

Respectfully Submitted,
Ben Kohout, Secretary