

**WAVERLY PLANNING & ZONING COMMISSION MINUTES
THURSDAY, OCTOBER 3, 2019
WAVERLY CITY HALL
7:00 p.m.**

A. CALL TO ORDER

1. Roll Call

Members Present: Bagelmann, Payne, Dane, Garner, Huser, Olson

Members Absent: French, Gritters, Solheim

Staff Present: Edith Waldstein, City Council Liaison, Isaac Pezley, Zoning Administrator

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 MINUTES

Bagelmann pointed out the header of the minutes has the incorrect date.

Motion By: Huser Seconded By: Olson

Move that the amended minutes of the September 5, 2019 Planning and Zoning Commission meeting be approved.

Yes: 6 No: 0 Absent: 3

B. PUBLIC HEARING

None

C. REGULAR BUSINESS

1. Review and Discuss Plat of Survey for the properties located at 2103 E. Bremer Avenue, Waverly, IA.

Pezley states that United Equipment Accessories is currently operating on this property. UEA is looking to expand on the existing four lots so, staff asked UEA to combine the lots into two. The expansion would include a building being built over existing property lines which would violate City Code. UEA is requesting to re-subdivide the four existing lots into two lots described as Lot OO and Lot PP. Staff's recommendation is to recommend approval of the Plat of Survey for the properties located at 2103 E. Bremer Avenue, Waverly, IA.

If you need accommodations for the Planning & Zoning Commission meeting please contact Isaac Pezley at (319) 352-9208 or ipezley@ci.waverly.ia.us, thank you.

Olson asked if the property adjacent to Parcel OO was a part of UEA. Staff confirmed that properties in the bold outline are a part of UEA.

Motion By: Huser

Seconded By: Olson

Move that the Planning and Zoning Commission recommend approval of the Plat of Survey for the properties located at 2103 E. Bremer Avenue to the City Council.

Yes: 6

No: 0

Absent: 3

2. Review and Discuss Plat of Survey for the properties located at 3401 E. Bremer Avenue, Waverly, IA.

Pezley states this is currently the properties of the Star Motel and El Sol Mexican restaurant. There are currently three properties. There are two larger lots with a smaller lot between them. It was staff's understanding that this smaller lot was an easement, however, it is currently its own lot. The applicant's are requesting to realign the property lines so that El Sol will be on its own lot, the Star Motel will be on its own lot and the empty lot will be able to be sold or developed as the applicant sees fit. To staff's knowledge there are no current plans for development. There will be an utility easement along the property lines adjoining Lots 1 and 2 and along the northern property line of Lot 3. Staff's recommendation is to approve the Plat of Survey for the properties located at 3401 E. Bremer Avenue, Waverly, IA.

Bagelmann asks staff what the purpose of the narrow lot to the west of Lot 3. Staff explains that there use to be an easement there, however it is currently functioning as a lot. The proposed Plat of Survey would have that narrow lot be apart of Lot 1.

Huser asks staff what the rear setback for El Sol is. Staff says they are unsure. Huser asks if El Sol meets the current setback requirements. Staff says they believe that they do not, however El Sol would act as a non-conforming use and only be required to meet current setback requirements if at least 50% of their building were to be destroyed. Huser asks why the Commission would approve something that does not currently meet the Code requirements. Huser asks if the applicant could move the northern property line back to meet current setback requirements. Dane states the setbacks are 25 feet and agrees with Huser's concerns.

Huser asks why staff thought about the setbacks. Staff said that the existing structure is currently a non-conforming use. Staff told Commission members they could reach out to the applicant and express the Commission's concerns. Dane suggests changing the location of the northern property line of Lot 3 to avoid any potential problems in the future.

Garner asks how changing the location of the northern property line of Lot 3 would affect the property. Dane states that it appears they could change the property line and meet the setback requirements. Bagelmann says that the applicants could continue operating as they currently are without the requested Plat of Survey.

Payne clarifies that moving the property line to the north would place the easement entirely on the property where El Sol is doing business. This would force El Sol to buy land that they

cannot develop. Staff tells the Commission that if El Sol was forced to rebuild they would be able to meet setbacks on the current lot and on the proposed lot, they would not be able to rebuild on their current location. Dane states that he believes the Commission should fix the problem now instead of potentially revisiting the issue down the line. Olson asks if there would be a cost to El Sol. Staff says all three properties are owned by the same owner and the owner would have to pay for a new Plat of Survey. Huser asks staff about the sewer easement and problems with that. Staff declined to comment. The proposed easement is located where the existing sewer line is located.

Bagelmann asks the Commission what they want to do as an action. Bagelmann asks staff if there is some desirable language to make the motion simple. Staff tells the Commission there are three actions they can take. The Commission can move to table the issue and bring it back next month. Staff would then contact the applicant and inform them of the Commission's concerns. The applicants then can either make the changes, keep the Plat of Survey as it is, or pull the request from the Commission's agenda. Commission could recommend approving the Plat of Survey contingent upon moving the northern property line of Lot 3 20 feet to the north. The Commission could also recommend denying the Plat of Survey, at which point the Plat of Survey would still go to the City Council but it would carry a recommendation of denial from the Planning & Zoning Commission.

Huser motions to table the issue.

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

Pezley states that last month the bulk of the conversation revolved around Section 100.13.02.6 and striking the entire section. Staff has decided to leave in the first half of section 6 and only striking storage warehouse from C-2. Staff has decided to add that part of the code to Section 100.13.03 Special Provisional Use. This would require all storage type uses to go through the Special Use Permit process and provide more review from City Staff, the Planning & Zoning Commission and City Council. Staff's recommendation is to recommend approving the Ordinance Amendment to the Zoning Chapter (100) Sections 100.13 (C-2) and 100.15 (M-1).

Huser asks staff if shipping containers would be covered by this code. Staff says that it would be covered by this section of the code or under the outdoor storage part of the code depending on the situation. Staff states that this section of the code only refers to businesses where the primary use of the business is storage. Businesses that have storage incidental to the primary use would still be allowed in Commercial zones.

Dane asks staff about the Two Guys business. In his opinion this is a business that has warehousing incidental to their primary use. Staff says they are not familiar with this specific business and did not want to comment on it. Staff clarified that storage warehousing would still be allowed in C-2 Commercial zones it would just be required to have a special use permit. The special use permit would require more review from City Staff, this Commission and City Council. Dane states he is uncomfortable with the idea of requiring businesses to obtain special use permits to operate in commercial zones.

Huser asks Dane to clarify whether he thinks the Commission should leave warehousing and storage as an allowable use. Dane does not think that they should increase control at the expense of a commercial use. Dane thinks it is already covered by C-2 commercial use. Payne says that the proposed changes to the code would continue to allow businesses with incidental storage to operate in a C-2 zone.

Dane states that Section 100.13.02.12 should also not be stricken from C-2 zones. Dane states that the Commission reviewed this code and voted to add it into the Code. Dane believes that taking this section out of the code it will hinder growth of this community. Staff says that there has been a high-density residential district that requires a site plan submittal. Staff says they are open to leaving this section in the code if the Commission feels it is appropriate. Huser says that he does not think it is an issue but it can always be revisited in the future if problems arise.

Payne asks staff what the reasoning for taking it out of the code was. Staff states that staff would want high-density residential type developments to be located in the corresponding residential zone because it would require them to submit a site plan. Currently C-2 code does not require such a development to submit a site plan.

Olson states that Section 100.13.01.3 sends mix signals about what is allowed in a C-2 zone. Olson reads the codes as saying that residential uses are allowable above first-floor commercial businesses. Staff says that they believe the last sentence of the section allows for Multi-family dwelling units are allowed as the primary use of a property. Dane states that the Commission added Multi-family dwelling to the C-2 code intending for that to be the primary use of the property. Dane says that they also did not want to lose commercial properties to a duplex and that is why they decided to do 12 units of greater.

Payne states that Section 100.13.02.12 is inconsistent with Section 100.13.01.3 above allowing a residential use on a commercially zoned lot. Payne says that she thinks there should be commercial on the first floor to be consistent with the remainder of the C-2 code.

Motion By: Olson

Seconded By: Garner

Move that the Planning and Zoning Commission recommend approval of the ordinance amendment to the Zoning Chapter (100), Sections 100.13 (C-2) and 100.15 (M-1) to the City Council as modified.

Yes: 5

No: 1 (Dane)

Absent: 3

F. OLD BUSINESS

None

G. NEW BUSINESS

Staff will be bringing more code changes to the Commission regarding the process of Special Use Permits. These code changes will be brought forward to bring the City Code into compliance with Iowa State Code.

H. ADJOURNMENT

The Planning and Zoning Commission meeting was adjourned at 7:52 pm.


Hank Bagelmann, Chairperson

Attest


Isaac J. Pezley, Zoning Administrator