

1. Review and Recommendation of the Minor Plat for the Vineyard Community Church.

Vineyard Community Church, in conjunction with Terry Van Laningham, P.L.S., has produced a plat of survey for their proposed new church location in Southeast Waverly. The proposed location is at the intersection of 11th Street SE and 17th Avenue SE and contains approximately 5 acres. The current zoning of the property is A-1 (Agricultural District) and a special provisional use for the Church at this location was approved by both the Planning and Zoning Commission and the City Council in May of 2004. The plat accommodates for the potential realignment of the roadway curve as did the site layout during the special use approval process. The Church's request for temporary relocation to 319 West Bremer Avenue was approved at City Council on December 20, 2004.

Blake Conover represented the Church and offered to answer any questions. Chairperson Hartman asked about the timeframe to build in this location. Mr. Conover responded that the Church estimates construction to begin within about two years. Mrs. Hartman asked about a timeline for any road reconstruction at the location. City Engineer Cherry stated that there are only a limited amount of resources and that other corridors have been assigned a higher priority, which will place this roadway at least five years away. Commissioner Soash confirmed that the large parcel has been split into three parcels since 1971.

Motion By: Dean Soash

Seconded By: Ann Bell

Move that the Planning and Zoning Commission recommend to the City Council the approval of the minor plat in Southeast Waverly for Vineyard Community Church.

Yes: 6

No: 0

Absent: 1

2. Review and Recommendation of the Plan Amendment for Hy-Vee.

Hy-Vee is requesting full approval of their expansion and renovation project to their store located at 1311 4th Street SW. The shopping center is zoned S-1 and approval of the temporary pharmacy was approved at City Council on December 20, 2004. Due to the fact that the basic concept of the shopping center as it was originally approved is not being altered, but some material changes are being requested, approval at both Commission and Council is required. Modifications and responses to issues raised at the previous December Commission meeting are provided on the revised documents.

Bree Cooper with Hy-Vee reviewed the revised request. She noted the changes in the parking lot layout and traffic flow that came from comments at the previous meeting. She further stated that the drive-up pharmacy access has not been altered. Ms. Cooper showed illustrations of other Hy-Vee stores with a similar drive-up pharmacy. Commissioner Bell expressed concern over the potential entrance realignment and increased congestion. Ms. Cooper reviewed the stop sign that will be placed to manage both traffic and pedestrian flow.

Ms. Cooper stated that the interior layout of the store somewhat determines how and where Hy-Vee positions their pharmacy, but that their number one concern is the safety of their customers. Commissioner Lambert asked about the viability of placing a stop sign on 13th Avenue SW at the Hy-Vee entrance. Commissioner Soash noted that there is an existing stop sign at the intersection of 13th Avenue SW and 3rd Street SW, which is very near the entrance. Secretary Passmore mentioned that he spoke with the City Manager in Charles City regarding their similar new store that has been operational for about a year. Mr. Passmore stated he was informed that they have had no problems with the drive-up pharmacy and that the store has worked very well. Mr. Soash asked about what percentage of customers use the drive-up pharmacy. Ms. Cooper responded that approximately three percent use the drive-up pharmacy. Mrs. Bell confirmed that they will be eliminating the drive-up grocery and asked how many customers use this feature. Ms. Cooper responded that approximately fifteen percent use the drive-up grocery. Vice-Chairperson Huser mentioned that he has been to the Charles City store and believed it to be working well and further mentioned that customers do desire drive-up windows versus a delivery tube system. Mr. Lambert asked about pedestrian access around the store and if sidewalks would be considered around the perimeter of the area. Ms. Cooper stated that there will be some sidewalks constructed but more could be considered upon use demand.

Motion By: David Huser

Seconded By: Dean Soash

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Plan Amendment for Hy-Vee.

Yes: 5

No: 1

Absent: 1

Commissioner Bell cast the "No" vote.

3. Review and Set Public Hearing on the Rezoning Request for the New Wal-Mart Supercenter.

The potential new Wal-Mart Supercenter, in conjunction with their engineer, Bolton & Menk, Inc., has submitted the appropriate rezoning request for the intended location in southwest Waverly along 4th Street SW and 29th Avenue SW. The proposed zoning is C-2 (Commercial District) with portions of the proposed property already zoned C-2 and the remainder currently zoned A-1 (Agricultural District). As discussed at the December Commission meeting, a draft development agreement has been provided as has City Administrator Crayne's response regarding the initial draft.

Due to extenuating circumstances, there was not any representation from Wal-Mart. Mr. Bagelmann stated that the Commission was in the same position as they were last month. Chairperson Hartman added that the Commission needs to define what is required from Wal-Mart in order to set a public hearing because

a draft of the development agreement has been provided. Mr. Bagelmann stated that a completed development agreement is needed. City Administrator Crayne mentioned that in his recent discussions with Wal-Mart, a response to the City's issues is forthcoming. Mr. Crayne also mentioned that following a public hearing, the Commission would have 45 days to make a recommendation and that the negotiation process is at least underway compared to a month ago. Mr. Crayne stated he did not see any problems in setting a public hearing date if desired by the Commission at this time. The Commission discussed the potential timelines of the rezoning process and revised development agreements.

Commissioner Lambert expressed his concern over setting a public hearing without an agreed upon development agreement that the general public can view. Mr. Bagelmann expressed his concern over the number of remaining outstanding issues that are yet unresolved. The Commission discussed the relationship of the rezoning request and the development agreement. Vice-Chairperson Huser expressed his desire to set a public hearing.

Motion By: Dean Soash

Seconded By: Hank Bagelmann

Move that the Planning and Zoning Commission continue the Wal-Mart discussion at the February meeting and not set a public hearing.

Yes: 3

No: 3

Absent: 1

Commissioners Huser and Bell and Chairperson Hartman cast the "No" votes.

The Commission discussed the many different ways to proceed following the failing of the previous motion.

Motion By: David Huser

Seconded By: Ann Bell

Move that a public hearing for the rezoning request for the Wal-Mart Supercenter be set for the Planning and Zoning Commission meeting on February 3, 2005.

Yes: 4

No: 2

Absent: 1

Commissioners Soash and Bagelmann cast the "No" votes.

4. Review of Potential Zoning Ordinance Amendment.

Secretary Passmore reviewed a potential amendment relating to modifications to the sign ordinance. Items addressed with the amendment are political signs, enforcement officers of the code and size modifications to the C-3 District. Mr. Passmore stated that the political sign amendments are to address recent court rulings declaring certain related requirements unconstitutional. He also stated that the enforcement officer definitions were being changed to better match current City of Waverly job positions. Mr. Passmore reviewed the final proposed amendment to allow for a larger allowable sign area in the C-3 District. He referenced the recent Board of Adjustment meeting and potential commercial properties that will be looking at replacing their older signs.

The Commission discussed the proposed changes and Chairperson Hartman thought the proposed 100 square foot maximum in the C-3 District was too large and suggested 80 square feet. Commissioner Lambert commented that the allowable heights of signs seemed too tall and that pole signs in general were not necessarily preferred. Lowering the maximum allowed height in the C-3 District was suggested as an amendment. Commissioner Soash stated his concern over colored flashing signs and the brightness of the bulbs now being used. The Commission desired to include some of these other changes to the entire ordinance amendment and bring it back to the next meeting.

D. Old Business:

Secretary Passmore brought up the Comprehensive Land Use Plan Update due to some public comments that he had received. A specific area along the east side of 10th Street SW and north of 2nd Avenue Place was deemed to be future commercial and neighboring residents desire it to be future residential on the map. Mr. David Hampton and Mrs. Evelyn Thompson spoke to the Commission regarding their concerns if the area is left for future commercial. The Commission discussed the change and was agreeable to making the area future residential. Mr. Passmore stated that the City Council will address this area of change at their meeting.

Motion By: Dave Huser

Seconded By: Hank Bagelmann

Move that the Planning and Zoning Commission recommend to the City Council the change in the Comprehensive Land Use Plan Map from commercial to residential for the area along the east side of 10th Street SW and north of 2nd Avenue Place.

Yes: 6

No: 0

Absent: 1

E. New Business: None

F. Adjournment:

Motion By: Dean Soash

Seconded By: Lake Lambert

That the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent: 1

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