

1. 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 property already zoned C-2 and the remainder currently zoned A-1 (Agricultural District). A revised draft development agreement has been provided.

Secretary Passmore reviewed the newly submitted documents from Wal-Mart and also noted the newly submitted written opposition from Mr. Butch Kehe. Mr. Passmore also reminded the Commission of the previously submitted written opposition from Mr. Ken Riggs. Chairperson Hartman opened the public hearing. Mr. Kehe restated items in his letter and stated that the site plan and the development agreement are key parts of the rezoning process that are not finalized yet. He stated his objections to only receiving a copy of the current draft development agreement at the meeting and expressed concern over the entities that will pay for potential infrastructure improvements. He further stated that he did not believe access should be granted onto 4th Street SW for Wal-Mart and that their sole entrance should be off of 29th Avenue SW. Mr. John Wuertz clarified with Mrs. Teresa Burgess of Bolton & Menk that proposed 4th Street SW improvements near the main entrance would keep four full lanes of traffic and add a turning lane.

Mr. Ed Zelle expressed his opposition to Wal-Mart related to the nature of the corporation. Mr. David McCullough confirmed the rezoning boundaries with the Commission. Mr. Eldon Crandall expressed his concerns over the previous availability of the development agreement, storm water run-off and traffic flow with the proposed development. Mr. Raj Patel, owner of the Amerihost Inn, referenced the water pressure problems at the hotel and asked that this be reviewed. Mr. Duane Liddle asked about the proposed C-2 zoning versus an S-1 zoning. Mr. Bruce Toenjes, attorney for Wal-Mart, responded that both districts were studied, but because a single retail establishment is proposed instead of multiple stores, the C-2 zoning appeared more appropriate. He also stated that through the development agreement, all items that would be included in a shopping center plan would be covered in the agreement. Mr. Kehe asked about the proposed two outlots and if the S-1 zoning would be more appropriate. Mrs. Burgess clarified that one outlot will be retained by Wal-Mart as a gas station, but that the other outlot is unknown as to a potential user. She also stated that Wal-Mart will be meeting the City Code in relation to storm water retention with the two proposed retention areas and also mentioned that a water study was currently underway by Wal-Mart to detail needed improvements. Mrs. Burgess further stated that the proposed main entrance on 4th Street SW would relocate an existing access and also grant an access easement for an adjacent property. She also clarified the retention pond locations on the site plan.

Mr. John Cambell expressed his concerns regarding the storm water runoff that will occur not only with the development, but also with the potential street widening and also acknowledged the amount of jobs that will be created. Mr. Don Freeman, co-applicant with Wal-Mart, stated his reasons for selling his property and also mentioned that more stoplights along 4th Street SW are needed. Mr. Liddle asked about the types of ponds that will be created and if the proposed area is within the TIF District. City Administrator Crayne responded that a portion of the project area is within the TIF District and that it could be advantageous for the City to incorporate the entire area to avoid confusion. Mrs. Burgess stated that the detention pond will treat the storm water, as solids will settle to the bottom of the pond, but that the discharge will not be into an environmentally sensitive area which could have required pond skimmers for floatables. City Engineer Cherry added that the IDNR will review the storm water management plan.

Mr. Zelle asked what will happen to the existing Wal-Mart building. Mrs. Burgess stated that Wal-Mart leases their current location and that the lease is good for another thirteen years. She stated that Wal-Mart will sub-lease the building but have not lined up potential tenants yet. Mr. Kehe and Mr. Crandall both asked that the Commission table the request until more information is completed. Mr. Crayne reviewed the current development agreement and the changes that have occurred, but noted that a final signed agreement has not yet been reached. He mentioned unresolved items include certain right-of-way dedications, sidewalk/trail locations, design standard specifications for the roadway improvements and the amount of improvements to be done on 4th Street SW. He further stated that the City is also concerned about the future use of the existing building. Mr. Toenjes reviewed some of the changes that are now in the development agreement that do not yet show up on the plans. Vice-Chairperson Huser asked about the appearance of the new proposed structure. Mrs. Burgess responded that a new supercenter will be site designed and not the standard prototypical Wal-Mart. Mr. Huser asked if the site layout would change if the proposed main entrance was eliminated. Mrs. Burgess said that the site plan would not change but that any request to eliminate the main entrance would need to be investigated.

Mr. Toenjes clarified that if the rezoning is moved forward to the City Council, Wal-Mart will return to the Commission for approval of the replat of the area. Mr. Wuertz confirmed that Wal-Mart will retain ownership of the property and asked about any landscaping being done inside the parking lot. Mrs. Hartman noted that most of the landscaping will occur around the perimeter of the site. Mr. Cambell asked if neighboring property owners would be required to install sidewalks to connect to the Wal-Mart sidewalk. Mr. Crayne stated there is no plan in place to require further sidewalks to be installed, but viewed this proposed development as an opportunity to advance this cause.

Commissioner Lambert noted that the Comprehensive Land Use Plan shows a future trail along 29th Avenue SW and stated that enough area should be reserved to accommodate this trail. Mr. Toenjes restated the improvements that Wal-Mart is proposed to install without asking for any City assistance. Mr. Crayne described TIF districts and the way they operate with designated tax revenue. Mrs. Hartman closed the public hearing.

Commissioner Bell clarified that there will be turning lanes created at the intersections even though the current plans do not accurately represent it and asked what type of medians are being proposed. Mrs. Burgess stated that currently the medians are proposed to be painted lines but that their final determination has not been made. Mr. Cherry reviewed some differences between the traffic study and the current proposed plans. Commissioner Waldstein confirmed that Wal-Mart is confident that their existing structure can be subleased. The Commission and Mr. Toenjes discussed potential users of the existing structure. Commissioner Soash confirmed that there is a private easement access agreement in place for the Walker property to gain access through the main entrance location and recommended the accommodation of vehicular and pedestrian traffic from the Amerihost Inn. Mrs. Burgess stated that pedestrian access will be reviewed but that vehicular access is not desired so as to not provide a potential cut through. Mr. Soash confirmed that the east detention pond will discharge into the existing roadway ditch. Mrs. Bell confirmed the extension of City water and sanitary sewer main to the southwest corner of the proposed development for future connection as part of Wal-Mart's responsibility. Mr. Lambert added that it would seem wise to loop the two water mains along 4th Street SW if the roadway is reconstructed.

Commissioner Waldstein asked about the differing ideas for right-of-way width requirements. Mr. Cherry stated that 29th Avenue SW should be a 100-foot right-of-way at minimum to accommodate not only roadway but all the other utilities and potential walkways. He added that currently Wal-Mart is not willing to increase the existing right-of-way. Mrs. Burgess responded that Wal-Mart is still in discussion regarding this issue but stated that the current site layout could accommodate future right-of-way needs. Per request from Mrs. Hartman, Mrs. Burgess described the storm water management system and that the storm water eventually makes it to the industrial site waterway and detention pond. Mrs. Burgess added that the ponds will be wet detention versus a dry detention that voids all storm water.

Mrs. Hartman asked if a signal will be installed with the potential realignment of Technology Place and Oak Ridge Circle. Mr. Crayne responded that the City has identified this intersection as a potential project but that the scope of the project has not been determined. He further added that any participation by Wal-Mart in this project has not been determined. Mrs. Burgess stated that Wal-Mart will not contribute to projects not directly involved with their development.

Mr. Cherry stated that the increase in traffic because of the supercenter will greatly contribute to the potential failure of other 4th Street SW intersections. Mr. Huser stated that a shared project with Wal-Mart could be an option regarding the mentioned intersection project. Mr. Cherry added that the IDOT is also an entity that could be involved as it is still their highway. Mr. Bagelmann questioned how all the storm water was going to get into the detention ponds. Mrs. Burgess responded that significant site grading, storm sewer pipes, and roof drains will direct the storm water to the ponds. Mrs. Waldstein confirmed that the development agreement will continue to be modified even if the rezoning goes onto the City Council. Mr. Soash stated that the Commission desired the development agreement to be near completion before being sent to City Council. Mr. Toenjes asked that the Commission give a recommendation no matter what that recommendation might be and stated that all the information has been made available. He further stated that there are only a few items remaining in the development agreement that have not been resolved and could be completed with the City Council. Mr. Bagelmann expressed his displeasure with not having a finished product to pass on to the City Council. The Commission discussed the missing items and unresolved issues in relation to the potential to offer a recommendation.

Motion By: Dean Soash

Seconded By: Ann Bell

Move that the Planning and Zoning Commission recommend to the City Council the rezoning request from A-1 to C-2 for the proposed Wal-Mart Supercenter.

Yes: 5

No: 2

Absent: 0

Commissioners Bagelmann and Lambert cast the "No" votes.

C. Regular Business:

1. Review and Recommendation of the Replat for the Larrabee Center property.

The Larrabee Center, in conjunction with S&S Land Surveying, has produced a plat of survey for their property in northwest Waverly. The property is located between 11th Street NW and 12th Street NW along 1st Avenue NW. The current zoning of the property is R-3 (Multiple Family Residential District). The plat creates two larger parcels instead of the current three smaller parcels. The property owner proposes to build a new duplex in the approximate location where an older house was recently demolished. A variance for the duplex was granted at the Board of Adjustment meeting in December lessening the required 30-foot rear-yard setback to a 25-foot rear-yard setback.

Mr. Clark Wilharm of the Larrabee Center reviewed the request and offered to answer any questions. He described the proposed structure and the Board of Adjustment process.

Motion By: David Huser

Seconded By: Hank Bagelmann

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Replat for the Larrabee Center property.

Yes: 7

No: 0

Absent: 0

2. Review and Recommendation of the Ordinance Amendment Relating to Sign Requirements.

Provided is the revised sign ordinance amendment that was previously discussed by the Commission at the January meeting. Issues proposed to be modified relate to political signs, maximum height requirements, personnel in charge of the sign code and C-3 District freestanding sign size requirements.

Secretary Passmore briefly reviewed the revised amendment with the Commission.

Motion By: Hank Bagelmann

Seconded By: Dean Soash

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Ordinance Amendment Relating to Sign Requirements.

Yes: 7

No: 0

Absent: 0

D. Old Business:

Commissioner Soash mentioned two items yet to be reviewed by the Commission that were previously desired to be discussed were a zoning ordinance amendment and the current driveway width requirements. Secretary Passmore acknowledged these items and mentioned he hoped to bring them up for discussion at less time-consuming meetings in the future.

E. New Business:

Commissioner Soash asked about the potential for the creation of a municipal infractions ordinance to levy fines upon code violators. He also asked about the potential of the creation of a capital improvements plan by the City Council.

F. Adjournment:

Motion By: Hank Bagelmann

Seconded By: Dean Soash

That the Planning and Zoning Commission meeting be adjourned.

Yes: 7

No: 0

Absent: 0

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