

**PLANNING AND ZONING COMMISSION MINUTES**  
**March 3, 2005**  
**7:00 p.m.**

A. Call to Order:

1. Roll Call: Elizabeth Hartman, Chairperson  
David Huser, Vice-Chairperson, arrived at C.1  
Hank Bagelmann  
Ann Bell  
Lake Lambert  
Dean Soash  
Edith Waldstein
- Members Absent: None
- City Officials Present: Jason Passmore, Secretary  
Mike Cherry, City Engineer  
Richard Crayne, City Administrator

2. Approval of Agenda:

Motion By: Edith Waldstein                      Seconded By: Dean Soash  
Move that the agenda be approved as printed.  
Yes: 6                      No: 0                      Absent: 1

3. Approval of Previous Minutes:

Motion By: Hank Bagelmann                      Seconded By: Ann Bell  
Move that the minutes of the February 3, 2005, Planning and Zoning  
Commission meeting be approved.  
Yes: 6                      No: 0                      Absent: 1

4. Communications:

*Board of Adjustment Meeting – March 14, 2005 – Cancelled*

B. Public Hearings: None

C. Regular Business:

1. Review and Set Public Hearing on the Rezoning and Special Provisional Use Request for the Waverly Fire Station.

The Waverly Fire Department and the City of Waverly, in conjunction with their architect, Gardner Architecture, have requested the rezoning and Special Provisional Use approval for their new fire station. The new fire station is proposed to be located directly south of the existing fire station along the east side of 1<sup>st</sup> Street SW. The proposed zoning is C-3 (Commercial - Central Business - District) while the current zoning is U-1 (Environmentally Sensitive Protected District). The request incorporates the relocation of the fire museum and extends into the current north end of South Riverside Park. Location of any new government facility in any zoning district requires Special Provisional Use approval and the Comprehensive Land Use Map conforms to this use as the area is labeled as Public, Government, Church and Recreational (Green).

Brian Stark with Gardner Architecture reviewed the request and the layout of the site. Mr. Stark mentioned that the request will involve the relocation of the existing museum and that additional land is needed to the south of the existing site to accommodate the larger station and parking. Mr. Stark stated that they have been accommodating for the floodplain issues. He further stated that the fire station should be able to stay in full operation during the project as the new structure will be built first and then the old structure removed.

Commissioner Lambert clarified the location of the floodway boundary with Mr. Stark, who stated that the new station will not be located within the floodway. Mr. Lambert asked about the existing playground equipment. Mr. Stark responded that this issue has not been fully addressed. Mr. Lambert recommended taking the item to the Parks and Recreation Commission for review and Secretary Passmore stated that this could be done before the next meeting. Commissioner Soash clarified that the miscellaneous street vacations had been recently accomplished through the park. Commissioner Bell asked why the existing location was chosen. Mr. Stark reviewed the various reasons why the current location was chosen over a number of other investigated sites, namely property acquisition, familiarity and great access.

Motion By: David Huser

Seconded By: Dean Soash

Move that a public hearing for the rezoning and Special Provisional Use request for the Waverly Fire Station be set for the Planning and Zoning Commission meeting on April 7, 2005.

Yes: 7

No: 0

Absent: 0

2. Review and Set Public Hearing on the Rezoning Request and Comprehensive Land Use Amendment for the Edgar & Soash Property along 6<sup>th</sup> Avenue SE and River Park Drive.

Jeff Soash and Lance Edgar (E&S Properties) have requested the rezoning of their property along the south side of 6<sup>th</sup> Avenue SE and the east side of River Park Drive.

The proposed zoning is C-2A (Commercial District) while the current zoning is R-3 (Multiple-Family Residential District) and U-1 (Environmentally Sensitive Protected District). The owners intend to construct rentable garages and storage buildings for their adjacent apartment complex or general public usage. The Comprehensive Land Use Map designates this area as Public, Government, Church and Recreational (Green) and would need to be amended to Commercial (Red).

Mr. Jeff Soash reviewed his request to rezone the proposed area to enable him to build garage and storage units not only for their adjacent apartment complex, but for the general public. Mr. Soash stated that he understood the property was in the floodplain and that their structures would need to meet floodplain requirements. Chairperson Hartman asked about the development within a floodplain district. Secretary Passmore reviewed the floodplain requirements and mentioned that this location was within the 100-year floodplain and not within any floodway.

Commissioner Bell stated that she was opposed to placing most structures in the U-1 district. Secretary Passmore reviewed the building requirements within the 100-year floodplain along with requirements to remove structures within a floodplain. Vice-Chairperson Huser clarified that the amendment to the comprehensive plan would take place before the rezoning request. Chairperson Hartman clarified that if the garages would be used only for the apartments, then the rezoning request would be for an R-3 district instead of a C-2A.

Commissioner Lambert further clarified that the existing R-3 zoned land is not large enough to accommodate these garages. Mrs. Bell confirmed that the U-1 zoned land had been zoned U-1 for a significant time. Mr. Soash added that this was the best location to add garages within the complex.

Motion By: Dean Soash

Seconded By: Edith Waldstein

Move that a public hearing for the rezoning request and Comprehensive Land Use amendment for the Edgar & Soash Property along 6<sup>th</sup> Avenue SE and River Park Drive be set for the Planning and Zoning Commission meeting on April 7, 2005.

Yes: 6

No: 1

Absent: 0

Commissioner Bell cast the "No" vote.

3. Review and Set Public Hearing on the Rezoning Request for the J.D. Francis Property at 1607 5<sup>th</sup> Avenue NW.

J.D. Francis has requested the rezoning of his property at 1607 5<sup>th</sup> Avenue NW across from Bartels and west of the railroad crossing. The proposed zoning is R-2 (One & Two-Family Residential District) while the current zoning is R-1 (Single-Family Residential District), with the owner's intentions to construct a duplex. The Comprehensive Land Use Map designates this area as Residential (Yellow).

Mr. Francis reviewed his request to rezone his individual lot to enable the construction of a duplex. He described the surrounding property neighbors and stated that the affect of a duplex would be not be noticeable, and in his opinion an improvement to the area. He further stated that he has added a lot of fill to the lot to enable any development at all, as it was too low to place any structure upon it before his improvements.

Commissioner Bell stated the lot would be a good use for a single-family dwelling versus a two-family dwelling and asked about the existing waterway through the back of the property. Mr. Francis stated that he would not be affecting any of the surrounding properties. Secretary Passmore mentioned the waterway improvements that are scheduled to take place this year that will create a concrete dry run channel in the respective back yards. The Commission reviewed the surrounding properties and the proper zoning of the lot.

Motion By: David Huser

Seconded By: Edith Waldstein

Move that a public hearing for the rezoning request for the J.D. Francis property at 1607 5<sup>th</sup> Avenue NW be set for the Planning and Zoning Commission meeting on April 7, 2005.

Yes: 6

No: 1

Absent: 0

Commissioner Bell cast the "No" vote.

4. Review and Recommendation of the Replat of the Proposed Wal-Mart Supercenter Property in Southwest Waverly.

Wal-Mart Stores, in conjunction with their engineers, Bolton & Menk and Helland Engineering & Surveying, have submitted the replat of their proposed supercenter property along 4<sup>th</sup> Street SW and 29<sup>th</sup> Avenue SW. The plat (Wal-Mart First Addition) incorporates six redefined lots and a preliminary plat showing greater site detail has been provided. Included also for review is the most current development agreement and revised site drawings. The City Council held the first reading of the rezoning request on February 21<sup>st</sup> and set their public hearing for March 21<sup>st</sup>.

Teresa Burgess of Bolton & Menk and Bruce Toenjes, legal council for Wal-Mart reviewed the plat request and offered to answer any questions. Mrs. Burgess went through the plats creation of six new lots and also reviewed a slightly revised plan documents. Secretary Passmore reviewed some of the changes in the development agreement and plan documents since the previous versions distributed to the Commission. Mrs. Burgess went through the landscape plan and detailed how the storm water will be accommodated for on the development. Commissioner Bell clarified the traffic lanes, proposed stoplight locations and turning lanes shown on the plan. Mrs. Burgess described the revised utility plan and the extension of water and sewer mains to the edge of their development.

Commissioner Bagelmann confirmed that the proper easements would be accommodated for through the creation of the new plat. Commissioner Lambert noted the trail along 29<sup>th</sup> Avenue SW as part of the Comprehensive Plan and that with Wal-Mart building a portion of the trail, as other land develops the trail extension should be included with their approvals. Chairperson Hartman asked about the status of the stoplights at 29<sup>th</sup> Avenue. Mrs. Burgess stated that they are currently working with the IDOT and are awaiting their final determination.

Administrator Crayne reviewed the Development Agreement and detailed what Wal-Mart is proposing to construct at their cost, but stated that a final agreed upon document has not yet been reached. Commissioner Lambert questioned if this location is really able to accommodate a development of this magnitude. Commissioner Soash stated that another way to look at the request is that Wal-Mart will be rebuilding a portion of the 4<sup>th</sup> Street corridor that is at no cost to the City and that as the corridor develops could be an inevitable needed improvement in the future. Mr. Crayne assured the Commission that the City Council was aware of the issues being raised and that the upcoming public hearing will be an important step in the process. Mrs. Hartman confirmed that final approval of all the required items will not be done until a final development agreement is reached. Mrs. Bell asked how the plat relates to the rezoning and development agreement. Commissioner Waldstein stated the development agreement has been so worded to incorporate any IDOT revisions and that the only remaining item seems to be if Wal-Mart will contribute to the traffic acceleration along the corridor. Mr. Crayne agreed with Mrs. Waldstein and stated that the main project the City is asking Wal-Mart to contribute towards is the Oak Ridge and Technology Place realignment.

Motion By: Dean Soash

Seconded By: David Huser

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Wal-Mart First Addition plat contingent upon reaching a Development Agreement.

Yes: 6

No: 1

Absent: 0

Commissioner Lambert cast the "No" vote.

5. Review of the Ordinance Amendment Relating to Multiple Zoning Requirements.

Secretary Passmore provided a zoning ordinance amendment for various items within the current code, some that have been previously discussed by the Commission. The Commission decided at the beginning of the review to take no action regarding the amendment and bring it back to the next meeting. Mr. Passmore went through each item in the amendment and noted a few changes desired by the Commission.

D. Old Business:

Secretary Passmore mentioned to the Commission that the City Council was currently reviewing a potential capital improvement plan that would likely come before the Commission for their comments. Commissioner Soash also briefly reviewed the topic and was pleased to see this item being discussed.

E. New Business: None

F. Adjournment:

Motion By: David Huser

Seconded By: Hank Bagelmann

That the Planning and Zoning Commission meeting be adjourned.

Yes: 7

No: 0

Absent: 0

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