

**PLANNING AND ZONING COMMISSION MINUTES**  
**May 1, 2008**  
**7:00 p.m.**

A. Call to Order:

1. Members Present:           Lake Lambert, Chairperson  
                                  Edith Waldstein, Vice-Chairperson  
                                  Hank Bagelmann  
                                  Ryan Keller  
                                  Bill Wilson  
                                  David Huser

Members Absent:           Karen Dickman

City Officials Present:    Ben Kohout, Zoning Official  
                                  Jason Passmore, Economic Development Director  
                                  Gary Grace, Council Liaison

2. Approval of Agenda:  
Motion By: Ryan Keller                            Seconded By: Hank Bagelmann  
Move that the agenda be approved as printed.  
Yes: 6                           No: 0                           Absent: 1

3. Approval of Previous Minutes:  
Motion By: Edith Waldstein                    Seconded By: Ryan Keller  
Move that the minutes of the March 6, 2008, Planning and Zoning Commission meeting be approved.  
Yes: 6                           No: 0                           Absent: 1

4. Communications:  
*Board of Adjustment Meeting – May 12, 2008 – Agenda*  
*Updated Planning & Zoning Commissioner Member Roster – Updated Terms*

B. Public Hearings:

1. Public hearing on the rezoning request for four lots along 5<sup>th</sup> Street NW in the Green Acres Addition.

The City of Waverly, in coordination with the affected property owners, has requested the rezoning of four lots in Northwest Waverly along 5<sup>th</sup> Street NW to conform the existing uses.

The requested lots are on both the east and west sides of the road and are commonly known as lots 9, 10, 14 & 15 of the Green Acres Addition. The proposed zoning is R-3 (Multiple Family Residential District) while the properties are currently zoned R-1 (Single Family Residential District). The Comprehensive Land Use Map designates the area as Residential and the rezoning would match the adjacent properties to the south.

The owners of 900 5<sup>th</sup> Street NW, Ed and Carla Wubbena, stated their property is a single family home that could be converted into a duplex. They stated their intentions of wanting no more than two additional students in the residence than the number right now. They indicated they have anticipated widening the driveway to allow for two more parking spaces, in addition to the existing three spaces in their current driveway. They stated they have some people from the residence adjacent to their property occupying the spaces in front of their property along the street. Vice-Chairperson Waldstein inquired whether the property at 900 5<sup>th</sup> Street NW was originally a single family dwelling along with the other properties included in the rezoning petition. Mr. Passmore indicated the Wubbena's house was a single family dwelling but did not believe the other homes were originally designed for single family usage.

Mr. Passmore stated he received a call from a person who indicated they had concerns about off-street parking in the area. The caller indicated there is not enough parking in the area and the streets are crowded with on-street parking. Mr. Huser stated his concern of the people in the area not utilizing their driveways and that may cause problems. Mr. Keller added that there are examples of diagonal parking configurations that allow for additional parking.

Mrs. Waldstein inquired where the residents of 818 5<sup>th</sup> Street NW park. Mr. Bagelmann indicated some park on the side of the apartment. Mr. Wilson confirmed that 818 5<sup>th</sup> Street NW was a non-conforming use as a four-plex in the current R-1 zoning district. Mrs. Waldstein inquired if there is enough parking on the side for all four of the structures. Mr. Bagelmann indicated he saw cars slightly on the grass and they were able to park quite a few cars on the property.

Mrs. Waldstein inquired about extending the R-3 boundary to properties to the north in order to square off the R-1 boundary and asked if this could cause significant parking problems. Mr. Passmore indicated the property owners should first address the structure to make sure it would be able to accommodate the additional people. Second, they should check the zoning regulations to address the parking requirements for the additional roomers. Mrs. Waldstein noted she appreciates the applicants coming forward, even though there may be other existing single family structures that have too many roomers. Mr. Bagelmann added he thinks their request is logical. He stated the absence of contiguous landowners at the meeting indicates there is no real objection to this application for rezoning.

Motion By: Edith Waldstein                      Seconded By: David Huser

Move that the Planning and Zoning Commission recommend to the City Council approval of the rezoning request for the above four lots (lots 9, 10, 14 & 15) in the Green Acres Addition be rezoned from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District).

Yes: 6

No: 0

Absent: 1

C. Regular Business:

1. Review and Recommendation of a Minor Subdivision Plat for J.D. Francis Inc. for the property located at 1615 5<sup>th</sup> Avenue NW.

J.D. Francis Inc., along with their surveyor, Terry D. Van Laningham, has requested the splitting of lot 10 located in northwest Waverly. The property is commonly known as 1615 5<sup>th</sup> Avenue NW and is generally located on the south side of 5<sup>th</sup> Avenue NW, across from the Bartels Lutheran Retirement Community. The minor plat will create one additional lot with utilities available in the front and rear of the property.

J.D. Francis stated a couple of years ago he purchased property east of and adjacent to the subject property. He now owns both properties and is proposing to split one of the properties to form a total of three lots from the original two. The existing homestead will be on one lot and two lots will be for future single family homes.

Mrs. Waldstein asked what the proposed square footage of the homes to be constructed would be. Mr. Francis indicated the lots lend themselves to rental-type homes.

Mr. Bagelmann pointed out properties along 5<sup>th</sup> Avenue NW, numbers 1801 through 1935, were all approximately 65 foot wide lots and are smaller than the lot sizes of the proposed lots on the submitted plat.

Mrs. Waldstein asked Mr. Francis how many students could potentially live in any future homes on the properties resulting from the lot split. Mr. Francis indicated that would be dictated by the City Ordinances.

Motion By: Hank Bagelmann                      Seconded By: Ryan Keller

Move that Planning and Zoning Commission recommend to the City Council approval of the Minor Subdivision Plat for the subdivision of lot 10 for J.D. Francis Inc.

Yes: 6    No: 0    Absent: 1

2. Review of Potential Ordinance Amendment to Address Small Wind Generators.

The City continues its review of a potential ordinance regarding small wind generators. Initial review was done at the April 3 meeting and two example ordinances have been supplied for review.

Mr. Lambert asked staff to clarify what was included in their packets for review. Mr. Kohout explained two sample ordinances, one from INRCOG and one from the state of Wisconsin, were included in their packets. There were three ordinances total found and the two provided were the best models for future ordinances. There are two ways to approach the issue as outlined by each example submitted; the special provisional use approach, which would come before the Planning and Zoning Commission for each proposal and also an approach that would allow small wind generators in specified zoning districts with specific regulations, in which the City staff would review each request for conformance.

Mr. Passmore summarized the presentation by Mike Miller from the previous meeting and stated staff is presenting to the Commission the best two ordinances out there. He indicated that if the Commission would like to move toward starting an ordinance for small wind generators, a sample ordinance could be presented at the next meeting for review and a possible recommendation to City Council. He added that Mr. Brian Schoon from INRCOG is steering wind generator ordinance proposals toward a special use approach. Mrs. Waldstein inquired why Mr. Schoon is recommending a special provisional use. Mr. Passmore indicated Mr. Schoon has grouped them with communication towers, similar to what the City of Waverly does.

Mr. Huser stated he was concerned that allowing wind generators may detract from the beauty of the community. Mr. Wilson stated the Wisconsin sample ordinance didn't talk about special provisional use, but did talk about either utilizing zoning or an overlay district. Mr. Kohout indicated the approach of that ordinance is to allow wind generators in specific zoning districts, as long as the minimum guidelines are met. Mr. Passmore expressed the idea that allowing

wind generators in certain zoning districts may not be the right approach and that City staff is looking for more direction and discussion on this subject.

Mr. Keller expressed his concern about not addressing wind generators specifically with any ordinances. He added the special provisional use approach may not be the best way to handle this and inquired what may be acceptable minimum standards for wind generators.

Council Liaison Grace asked what may be some of the building code requirements for wind generators for residential applications. Mr. Passmore indicated that according to discussions from Waverly Light and Power staff, there are building code requirements that are currently in place. Mr. Passmore added that allowing wind generators as an alternative method of energy production would be similar to solar panels.

Mr. Wilson inquired if solar panels would be different if they are customarily attached to homes. Mr. Bagelmann pointed out solar panels are a quiet method whereas wind generators produce noise. He indicated he is pleased with the dialog with Waverly Light and Power and staff and indicated Waverly Light and Power may be a good resource for addressing the noise issue with wind generators.

Mr. Keller stated ordinances seem to be rare, and he expressed his concern about looking into establishing ordinances to address wind generators. Mr. Bagelmann added he would like to look into future discussions with the City Council members on this subject.

Mr. Wilson indicated he would like staff to look into a new business park in Waterloo he had read about, which would provide options for wind energy production for each building.

Mr. Huser stated an ordinance may be required as he thinks neighbors may be concerned about sound and the potential of wind generators on towers to fall on adjoining properties. He added he wants to take the process slow and look at all of the options. Mr. Grace stated he would be interested in hearing from potential users of wind generators, such as citizens of the City.

Mrs. Waldstein asked staff if there would still be a code to place limitations on how wind generators could be constructed under special provisional use classification. Mr. Passmore said he thinks there should be something more than what is in the City Ordinances now. He added he would like to see an ordinance established to specifically address the approval process for wind generators and to set forth basic guidelines on wind generators for residential applications. Mrs. Waldstein added she would like to proceed with looking into a

special provisional use proposal, with the ability for public input in the process. Mr. Lambert stated he doesn't think it should be addressed until the City is approached with a potential user within City limits. Mr. Bagelmann would like to see City staff work toward establishing a consistent process and to work with INRCOG for additional information on this subject.

Mr. Huser was concerned about the placement of wind turbines in relation to one another and also about legal issues with the City potentially adopting an ordinance that may disallow wind generators within City limits. Mr. Passmore pointed out the Wisconsin ordinance sample gave some basic minimum guidelines for placement that could be considered. Mr. Keller would be interested in allowing wind generators on larger lots.

3. Election of Officers.

Per Chapter 44 of the Waverly Municipal Code, the first organizational meeting of the Planning and Zoning Commission held in May of each year is the time and place to elect a chairperson and vice-chairperson. The elected officers shall serve concurrent terms of one (1) year.

Motion By: Hank Bagelmann                      Seconded By: Ryan Keller

Move that Lake Lambert be elected as Chairperson of the Planning and Zoning Commission for the 2008-2009 term.

Yes: 5    No: 0    Absent:1

Motion By: Edith Waldstein                      Seconded By: Bill Wilson

Move that Hank Bagelmann be elected as Vice-Chairperson of the Planning and Zoning Commission for the 2008-2009 term.

Yes: 5    No: 0    Absent: 1

D. Old Business:

1. Mr. Wilson inquired on the status of the Monaghan Business Park plat. Staff has confirmed it was recorded on January 21, 2008.
2. Mr. Lambert asked about the Capital Improvement Plan for 2008.

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Mr. Passmore indicated the Council completed a strategic planning document that will be copied to Planning and Zoning Commission in addition to a capital improvement spreadsheet document that will be distributed in the future.

E. New Business:

1. Mr. Bagelmann brought up the July 3 Planning and Zoning Commission meeting date and inquired on changing the date to July 10.

Motion By: David Huser

Seconded By: Ryan Keller

Move that the Planning and Zoning Commission meeting scheduled for July 3 be changed to July 10.

Yes: 6

No: 0

Absent: 1

F. Adjournment:

Motion By: Edith Waldstein

Move that the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent: 1