

PLANNING AND ZONING COMMISSION MINUTES
May 4, 2006
7:00 p.m.

A. Call to Order:

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

Members Absent: None

City Officials Present: Jason Passmore, Secretary
 Mike Cherry, City Engineer
 Gary Grace, Council Liaison

2. Approval of Agenda:

Motion By: Hank Bagelmann Seconded By: David Huser

Move that the agenda be approved as printed.

Yes: 6 No: 0 Absent: 1

3. Approval of Previous Minutes:

Motion By: Bill Wilson Seconded By: Lake Lambert

Move that the minutes of the April 6, 2006, Planning and Zoning Commission meeting be approved.

Yes: 6 No: 0 Absent: 1

4. Communications:

Board of Adjustment Minutes – March 13, 2006

Board of Adjustment Agenda – May 8, 2006

B. Public Hearings:

1. Public Hearing on the Rezoning Request and Comprehensive Land Use Amendment for Community Based Services regarding their proposed property at 1404 3rd Street SW.

Community Based Services, in coordination with the current property owners, B.N.K.D., Inc., has requested the rezoning of their proposed property at 1404 3rd Street SW. The property is located between 13th Avenue SW and 16th Avenue SW and along the west side of 3rd Street SW. The property is currently zoned C-2 (Commercial District) while the proposed zoning is R-4 (Multiple Family Residential - Transitional District). Community Based Services intends to build a multiple-family residential complex for approximately nine residents. The Comprehensive Future Land Use Map designates this area as Commercial and would need to be amended to Residential.

Chairperson Waldstein clarified with Secretary Passmore that there was not any new communication that was not included in the packet and noted that supportive letters were submitted by Norma Leibold and Jean Trainor along with previous older communication in opposition from the Ledges. The Commission received another letter of support at the meeting from Sue Soash, and Kayleen Symmonds, Director of Community Based Services, briefly reviewed the request. Larry Kurtz, AHTS Architects, displayed the schematic of the proposed structure and reviewed the site plan. Following this introduction, Mrs. Waldstein opened the public hearing.

Annette Meyerhoff spoke in favor of the request and related her personal experiences as a caretaker for a potential resident of the proposed structure. Mr. Kurtz stated that he does not see this request as creating a hole in the zoning map as it is a continuous line between residential and commercial extending from the residential across the street. Gaylord Hinderaker, Bremer County Supervisor, expressed the County's desire to see this project completed in Waverly. Jennifer Kane, Community Based Services, stated the transportation and neighborhood benefits of the proposed location. Dennis Happel, B.N.K.D., Inc., stated that since this property was platted back in 1997, no commercial offers have been made on this parcel. He mentioned that they built the neighboring USDA building upon a parcel that also had no previous commercial offers. Mr. Happel reiterated that this location would benefit the proposed use because it is close to a nearby shopping center and would fit nicely with the Ledges across the street. He further mentioned that they have about three acres of commercial land remaining to be developed in the Stone Haven area. Commissioner Keller confirmed with Mr. Happel that there is an empty commercial parcel at the corner of 3rd St. SW and 16th Ave. SW. Bill Reinke, Houses, Inc., stated that he and Ms. Symmonds extensively researched the City the past two years to find a suitable property that not only met their needs, but where a developer would also sell the property to this proposed use. He mentioned there are not a lot of available, appropriately zoned, larger tracts of land within the City and thanked Mr. Happel for considering this project within the development. Lynn Campbell and Wayne Huber both spoke in favor of the proposal and stated its necessity within the community.

Jeremiah Brase expressed his desire to the Commission to be able to live in the complex and Fern Kruger also expressed her wish for her son, Jeremiah, to be able to live as independently as possible. There being no further public comments, Mrs. Waldstein closed the public hearing.

Commissioner Bagelmann stated that there is no question of the need for this type of a facility within the City of Waverly, but that it is the responsibility of the Commission to determine if the proposed location is in the best interest of the City. Mr. Bagelmann confirmed with Mr. Reinke that they need approximately a one acre site for the complex and asked about the other sites within the community that were considered. Mr. Reinke stated that many sites were considered throughout the City but some sites were not made available for their intended use. Vice-Chairperson Huser confirmed with Mr. Reinke that the potential renters of the facility would qualify as low-income residents. Mr. Bagelmann mentioned that there seemed to be an empty lot to the southeast of the proposed location that was identified as residential on the comprehensive plan but is currently zoned commercial that could fit their needs and only require rezoning. Ms. Symmonds stated that many empty lots that they looked at were not necessarily available, as the developer had other plans or intentions for these lots that appear available to the general public. Mr. Passmore mentioned that the applicants did consult the zoning map to find parcels of ground that would fit their needs and that it did appear that one acre lots currently zoned either R-3 or R-4 were not in great supply.

Commissioner Wilson mentioned that this project is a definite need within the community but was still having problems with the location as he viewed 3rd Street as a divider between residential and commercial uses. Commissioner Lambert mentioned that the adjacent property to the north is both a business and a residence under one structure and could be looked at as a possible R-4 property. Mr. Passmore agreed with Mr. Lambert but confirmed that an enlarged rezoning area could not be considered during this meeting.

Motion By: David Huser

Seconded By: Lake Lambert

Move that the Planning and Zoning Commission recommend to the City Council the approval of the rezoning request and Comprehensive Land Use Amendment for Community Based Services regarding their proposed property at 1404 3rd Street SW.

Yes: 5

No: 2

Absent: 0

Commissioners Bagelmann and Wilson cast the "No" votes.

C. Regular Business:

1. Review and Recommendation of the Replat of Lots 4, 5, and 6 within Stone Haven Plat I for B.N.K.D., Inc.

B.N.K.D., Inc., in conjunction with Shoff Consulting Engineers, has produced a replat of lots 4, 5, and 6 within Stone Haven Plat I. The lots are located between 13th Avenue SW and 16th Avenue SW and along the west side of 3rd Street SW. The plat will establish proper boundary lines between the existing USDA building which would be on new parcel "U" and the prospective new parcel "T" that was discussed in the previous item. Existing easements will not be affected and the current buildings meet the required setbacks.

Dennis and Ronda Happel of B.N.K.D., Inc. were present to answer any questions of the Commission.

Motion By: David Huser

Seconded By: Lake Lambert

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Replat of Lots 4, 5, and 6 within Stone Haven Plat I for B.N.K.D., Inc.

Yes: 7

No: 0

Absent: 0

2. Review and Recommendation of the Minor Subdivision Plat for Frank Kenealy for his property along 16th Street SW.

Frank Kenealy, in conjunction with surveyor Terry Van Laningham, P.L.S., has produced a minor plat for the remainder of his property along the east side of 16th Street SW. The property is located south of 10th Avenue SW and is currently being rezoned to R-1 (Single-Family Residential District). The Comprehensive Future Land Use Map designates this area as Residential. The plat would create four individual 1½ acre lots or larger, to be served by City water but utilize private septic systems, and will incorporate a shared access drive off of 16th Street SW.

Mr. Kenealy offered to answer any questions of the Commission. Secretary Passmore noted that the plat presented in the packet was missing an easement that was desired, but that he had spoken with the surveyor who would add it onto the plat before it went to City Council. Chairperson Waldstein confirmed that all the lots will utilize private septic systems. The Commission confirmed that road access to 16th Street SW will be limited to a common access easement for lots 2, 3 and 4, but that lot 1 would have its own access.

Motion By: Bill Wilson

Seconded By: Hank Bagelmann

Move that the Planning and Zoning Commission recommend to the City Council the approval of the minor plat for the Frank Kenealy property along 16th St. SW.

Yes: 7

No: 0

Absent: 0

3. Review and Recommendation of the Replat for the OPW, Inc. property along 9th Street SW.

Bob Lenz of OPW, Inc., in conjunction with surveyor Scott Steinfadt, L.S., has produced a replat of their property along the west side of 9th Street SW. The property is currently zoned R-2 (One and Two Family Residential District) and the Comprehensive Future Land Use Map designates this area as Residential. The plat would create two distinct parcels (#1 & #2) to better distribute land to the current uses. The new side property line will meet setbacks to the existing residence at 124 9th Street SW and the lot area requirements for both parcels are satisfied.

Mr. Lenz offered to answer any questions of the Commission.

Motion By: Bill Wilson

Seconded By: David Huser

Move that the Planning and Zoning Commission recommend to the City Council the approval of the replat for the OPW, Inc. property along 9th Street SW.

Yes: 7

No: 0

Absent: 0

Chairperson Waldstein removed herself from the Commission for the next item due to a conflict of interest.

4. Review and Set Public Hearing on the Rezoning Request for the Wartburg College – Eisenach Village project.

Wartburg College, in coordination with VJ Engineering, Inc., Peters Construction Corp., and Bartels Lutheran Retirement Community, has requested the rezoning of their property for the proposed Eisenach Village development. The property is located along the west side of 12th Street NW, north of the railroad and south of Jadestone Subdivision. The property is currently zoned A-1 (Agricultural District) while the proposed zoning is R-3 (Multiple Family Residential District). Surrounding adjacent areas that are also zoned A-1 are included in the request. Eisenach Village is planned to be a multi-phase residential development made up of single-family dwellings and two-family dwellings under a common ownership. The Comprehensive Future Land Use Map designates this area as Semi-Public/Institutional.

John Wuertz of Wartburg College and Dave Peters of Peters Construction reviewed the request and described the potential addition to be a minimum age required subdivision. Mr. Wuertz stated that the surrounding areas included in the request are the college president's house along with two other single-family residences and that rezoning these would better conform their uses. Lynn Campbell, property owner of one of the included residences, confirmed that if she would desire to not be included in the request that her property could be removed. Ms. Campbell also discussed with the Commission the different uses that would potentially be allowed in an R-3 district, but many of the potential college uses, such as dormitories, would likely require approval as a special provisional use. Mr. Wuertz stated it was unlikely the college would place

dormitories that far away from the heart of campus. Commissioner Lambert asked about trails and roadways as detailed on the comprehensive plan. Secretary Passmore stated that a roadway connection is planned between 12th Street NW and 20th Street NW and that the subdivision would likely have numerous trails throughout its entirety. Mr. Lambert mentioned that the comprehensive plan showed this arterial roadway connecting all the way to 35th Street NW (Hwy. 218). The Commission discussed this potential roadway corridor and its long-term benefit.

Mr. Wuertz mentioned that a cross-country track is planned to go around the perimeter of the entire area that would create a nice buffer between the neighborhoods. Dean Klunder, property owner of the other included residences, affirmed his desire to be included in the rezoning request.

Motion By: Hank Bagelmann Seconded By: Ann Bell

Move that a public hearing for the rezoning request for the Wartburg College – Eisenach Village project be set for the Planning and Zoning Commission meeting on June 1, 2006.

Yes: 6 No: 0 Absent: 0

5. 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: David Huser Seconded By: Hank Bagelmann

Move that Edith Waldstein be elected as Chairperson of the Planning and Zoning Commission for the 2005-2006 term.

Yes: 7 No: 0 Absent: 0

Motion By: David Huser Seconded By: Ryan Keller

Move that Lake Lambert be elected as Vice-Chairperson of the Planning and Zoning Commission for the 2005-2006 term.

Yes: 7 No: 0 Absent: 0

D. Old Business: None

E. New Business:

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- Commissioner Wilson asked about recent discussion within the City concerning a park in northeast Waverly and the Commission's involvement in this process. Secretary Passmore stated that this will be decided by the Parks and Recreation Commission and the City Council.
- City Engineer Cherry mentioned that at the upcoming May 22nd City Council study session the discussion will center on transportation corridors.
- Carl Benning mentioned that the Commission needs to remember to speak into the microphones better so that the television feed picks up the volume.

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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