

PLANNING AND ZONING COMMISSION MINUTES
June 1, 2006
7:00 p.m.

A. Call to Order:

1. Members Present: Edith Waldstein, Chairperson
 Hank Bagelmann
 Ann Bell
 David Huser
 Ryan Keller
 Bill Wilson

Members Absent: Lake Lambert, Vice-Chairperson

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

2. Approval of Agenda:

Motion By: Hank Bagelmann Seconded By: Bill Wilson

Move that the amended agenda be approved withdrawing items B.2 and C.1.

Yes: 6 No: 0 Absent: 1

3. Approval of Previous Minutes:

Motion By: Ryan Keller Seconded By: David Huser

Move that the minutes of the May 4, 2006, Planning and Zoning Commission meeting be approved.

Yes: 6 No: 0 Absent: 1

4. Communications:

Board of Adjustment Agenda – June 12, 2006
Updated Commissioner List

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. This item was previously recommended at the last Commission meeting, but due to some potential confusion regarding the proper notifications to surrounding owners, another public hearing and recommendation is requested.

Chairperson Waldstein opened the public hearing. Kayleen Symmonds, Director of Community Based Services, and Bill Reinke of Houses, Inc. briefly reviewed the request. Mr. Reinke stated that an extensive land and site search was conducted by Ms. Symmonds and himself and they did not find a lot of appropriately zoned land that would fit their needs within the City, which is why they are requesting the rezoning. Jean Trainor referenced her submitted letter and emphasized that the location is ideal for the needs of the potential residents. Steve Reuter, Bremer County Supervisor, expressed support for the project and briefly reviewed the history of the program. Will Leisinger, resident of the Ledges, stated that he had no problems with the project but did not feel this was the appropriate location due to concerns of the area becoming too congested. Nancy Edwards of Bremer County Case Management expressed her support for the project and desired the Commission reaffirm their previous vote of approval. Annette Meyerhoff stated that the proposed location is ideal because of all the surrounding amenities and that it is also ideal for the community.

Jennifer Kane of Community Based Services stated that increased traffic concerns should not be an issue as the residents will not have vehicles. Gena Mackamul of Elden's Framing & Photography referenced her submitted letter and the newly submitted protest signed by surrounding property owners. She stated their opposition to the request and desires to see all the property, including their own, remain commercial as it is zoned and shown in the comprehensive plan. Elden Eichmann of Elden's Framing & Photography expressed his resistance to the rezoning request and believed that most of the nearby shopping center would disappear this year. Marty Holtz of AHTS Architects reviewed the building plans and stated that the building will be very similar to the neighboring USDA building and the Ledges buildings across the street. John Mackamul referenced his submitted letter opposing the rezoning and stated that the comprehensive plan should not be varied in this case, nor should the commercial district be divided. He also expressed safety concerns regarding the potential increased pedestrian traffic that could come in conflict with the commercial semi-trucks and thought the old Rohlf Memorial Clinic building would be a better location for this project.

Ms. Symmonds expressed her concern over using a clinic for individuals' homes and believed they deserved better accommodations. Bonnie Granneman spoke in favor of the request and stated that the proposed location suits the needs of the residents better than being located within a residential subdivision. George Mackamul stated that he did not think this was the right location and thought this was spot zoning, even if the Ledges were across the street. Jeremiah Brase spoke in favor of the project and looked forward to possibly residing in the new facility. Jennifer Kane mentioned that there will be a large amount of commercial property available when Wal-Mart moves to their new location. Collette Ruth of North Star Community Services spoke in support of the project and stated that this proposed location is what would be best for the residents. Vice-Chairperson Huser asked the opinion of Community Based Services if Eldon's Photography were to change into more of a dense commercial use. Ms. Symmonds responded that they have had apartments located in much heavier commercial areas without a problem and would see more advantages to such a potential change. Commissioner Bagelmann clarified with Mr. Reinke that the residents would be persons with disabilities receiving personalized services. Mr. Bagelmann confirmed with Secretary Passmore that the newly received protest signed by the surrounding property owners will require a favorable vote of at least $\frac{3}{4}$ of all the City Council members in order to approve the request, but it does not affect the required simple majority for Commission recommendation. Ms. Symmonds mentioned that she sent a letter to all the surrounding property owners, including all the residents at the Ledges, describing their intent at the start of this process and received no feedback.

Fern Kruger spoke in favor of the rezoning and stated that any concern relating to the safety of the residents is unfounded as they are well supervised. Wayne Huber stated that he lived next door to a facility similar to the one under discussion and had no problems with the residents. Sue Lahr of Community Based Services mentioned that resident safety was not an issue when they were located in much busier and congested areas of town. Letters in support of the request were submitted by Jean Trainor, Norma Leibold and Sue Soash. Letters in opposition to the request were submitted by John & Gena Mackamul, Elden & Mary Eichmann and Corby Eichmann. There being no further public comments, Mrs. Waldstein closed the public hearing.

Mr. Bagelmann expressed how difficult this request is when looking at it from a Planning and Zoning Commissioner's viewpoint versus a citizen's obligation. Commissioner Bell echoed Mr. Bagelmann's comments but stated she felt this was the right choice for the community. Mr. Huser stated that even though he voted for this request at the last meeting, he now views this area as commercial and believed that there should be a better place to locate this facility within the community. Mrs. Waldstein mentioned that this was a very difficult decision, but because of the proposed use, was in support of the request. Commissioner Wilson mentioned that he views 3rd Street SW as a dividing line between

commercial and residential.

Motion By: Ryan Keller

Seconded By: Ann Bell

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: 3

No: 3

Absent: 1

Commissioners Bagelmann, Huser and Wilson cast the "No" votes.

2. 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.

Item removed from agenda per owner's request.

C. Regular Business:

1. Review and Recommendation of the Preliminary Plat for Eisenach Village - Phase 1.

Wartburg College, in coordination with VJ Engineering, Inc., Peters Construction Corp., and Bartels Lutheran Retirement Community, has produced a preliminary plat 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 proposed to be rezoned to R-3 (Multiple Family Residential District). 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 with the first phase connecting streets to both 12th Street NW and the Jadestone Subdivision. The Comprehensive Future Land Use Map designates this area as Semi-Public/Institutional. Storm-water detention is proposed to be accommodated through ponds in the middle of the

development that will outlet to the larger detention basin at the southern end of the property. Parkland is proposed to be accommodated through various trails through the development and also the cross-county track around the perimeter.

Item removed from agenda per owner's request.

2. Review and Recommendation of the Final Plat for Stone Haven Plat V.

B.N.K.D., Inc., in conjunction with Shoff Engineering, Inc., has produced the final plat for their new proposed residential subdivision, Stone Haven Plat V. The subdivision is located completely within lot 11 of Stone Haven Plat III along the north side of 16th Avenue SW and the west side of 1st Street SE. The zoning of the property is R-4 (Multiple Family Residential – Transitional District) and storm-water detention/parkland was accommodated in the earlier phases of the development. The final plat checklist has been provided and the Comprehensive Land Use Map labels this area as Residential. The final plat has identified two separate phases which are being addressed in a development agreement.

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

Motion By: Hank Bagelmann

Seconded By: Bill Wilson

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Final Plat for Stone Haven Plat V.

Yes: 6

No: 0

Absent: 1

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

Hy-Vee is requesting approval of their revised site plan for the expansion and renovation project to their store located at 1311 4th Street SW. The shopping center is zoned S-1 and the Comprehensive Land Use Map labels the area as Commercial. Approval of the temporary pharmacy was approved at City Council on December 20, 2004, and approval of the initial entire plan amendment was approved at City Council on January 17, 2005. The basic concept of the shopping center as it was originally approved is not being altered; however, due to the fact that some minor material changes are being requested, approval at both Commission and Council is required. The only item of difference between the previous approved plan amendment is that the south parking lot is no longer desired and the area is to be left as green space.

Bree Cooper of Hy-Vee reviewed the request and stated that due to construction costs they decided to eliminate the additional parking lot and leave it as green space. She stated that the parking ratio is still greater than the plan required and more than Hy-Vee normally requires. Secretary Passmore mentioned that the proposed sidewalk along 13th Avenue SW is still to be installed. Ms. Cooper added that this project will begin as soon as possible following permit issuance.

Motion By: Bill Wilson

Seconded By: David Huser

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

Yes: 6

No: 0

Absent: 1

D. Old Business:

- Information Exchange on Revised Capital Improvement Plan.

Secretary Passmore referenced the updated list of projects. Council Liaison Grace credited the Commission for their prompting to be kept up to date as it has also kept the City Council on task to update the document about every six months. Commissioner Wilson asked about the role of the Commission regarding the potential new Public Works Facility. Mr. Passmore stated that any government facility is required to go through the Commission as a special provisional use. City Engineer Cherry reviewed the different engineering modeling projects that are currently being conducted by the City or their representatives.

E. New Business:

- Commissioner Wilson confirmed that the City does not currently have an aesthetics ordinance to define landscaping, buildings etc., and that a majority of these items are reviewed by staff.

F. Adjournment:

Motion By: Hank Bagelmann

Seconded By: David Huser

That the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent: 1

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