

Comprehensive Land Use Map designates this area as Commercial. The Church is proposing to expand to the east. Approval of the current location was granted by the City in December of 2004. In October of 2007, this similar request was pulled from the Commission's review at the time of public hearing.

Chairperson Lambert opened the public hearing and inquired if there were any public speakers on this application. There being no comments, Chairperson Lambert closed the public hearing. Chairperson Lambert inquired if there were any additional comments. There were none.

Motion By: Dickman

Seconded By: Waldstein

Move that the Planning and Zoning Commission recommend the approval of the Special Provisional Use request for the Vineyard Community Church to the City Council.

Yes: 6

No: 0

Absent: 1

C. Regular Business:

1. Review of a Bremer County Rezoning Request for Brad and Theresa Buss southeast of Waverly.

Brad and Theresa Buss are requesting Bremer County rezoning from A-1 (Agricultural District) to A-2 (Modified Agricultural District) for a 29.6 acre property located on the northeast side of the intersection of Grand Avenue and 240th Street, southeast of the Waverly city limits. The proposed rezoning is within the City's 2-mile boundary and is classified as an area 3 per the City's map of areas. Zoning requests are brought before the City for comments while approval is by the County.

Comments: Vice-Chairperson Bagelmann inquired on the difference between "A-1" zoning and "A-2" zoning districts. Secretary Kohout mentioned the difference is the Bremer County Zoning Code allows a residence in the "A-1" district if it is grandfathered and "A-2" allows for the construction of a new residence. No further comments or concerns were raised by the Commission.

2. Review and Recommendation of the Minor Subdivision Plat for Michael Kukral in southeast Waverly.

Michael Kukral, along with his Surveyor, TeKippe Engineering, P.C., has requested the splitting of the east 20 feet of Parcel "D", located in southeast Waverly. The property is located on the northeast side of the intersection of 11th Street SE and 18th Avenue SE. The minor plat will create one additional lot of 7,169 square feet. The land will be transferred to the adjoining property owner to the east, located at 1115 18th Avenue SE, and a multiple lot deed agreement will be executed with the adjoining owner.

Vice-Chairperson Bagelmann inquired on the reason for this split. Secretary Kohout indicated this was being made for access to and from the property. A multiple lot deed agreement is signed by the property owner and this would function in lieu of a new survey to re-plat the entire area. Chairperson Lambert added because this was previously split, this plat is reviewed by the Commission.

Motion By: Keller

Seconded By: Bagelmann

Move that Planning and Zoning Commission recommend to the City Council the approval of the Minor Subdivision Plat for Michael Kukral in southeast Waverly.

Yes: 6

No: 0

Absent: 1

3. Review and Recommendation of the street vacation and right-of-way acquisition request for 2nd Avenue NW by St. Paul's Lutheran Schools.

St. Paul's Lutheran Church and Schools are seeking to have 2nd Avenue NW vacated and deeded for the one block between 1st Street NW and 2nd Street NW. Their intent is to utilize this area as part of a long-term plan, in which they intend to utilize the current roadway area for exclusive access to their property.

Sally Schneider of St. Paul's congregation read a statement of request which outlined their wish to acquire the street right-of-way to create a campus. The concerns of St. Paul's include handicapped parking and accessibility which could be remedied by approving this by being incorporated into a master plan which will come later. St. Paul's has completed a building grounds study which indicates a need for a multipurpose room for a kitchen and gymnasium area, an open campus, more space for education and a sheltered handicapped entrance.

Commissioner Dickman inquired on how the 9th Street vacation through Wartburg was handled. Economic Dev. Director Passmore indicated Iowa state law dictates a public hearing needs to be held at the City Council to vacate property or deed property to another entity. When there is a "dead end" street, it usually goes straight to City Council. He continued this application is before the Planning and Zoning Commission as it is a through street and the applicants want to seek guidance to keep moving forward with their plans on acquiring the right-of-way. They are seeking to vacate, acquire and reserve easements of the City.

Commissioner Waldstein clarified this action is for the Council to set the public hearing. Passmore confirmed they are to review this proposal from a planning standpoint if the roadway were to be vacated and deeded.

Commissioner Waldstein inquired if the P&Z Commission would vote approval of the proposal whether the Council would need more information

before it moved to the City Council. Mr. Grace indicated from his perspective their intent is to move on with the vacation prior to plan considerations and he is comfortable with the route that St. Paul's is proceeding on.

Commissioner Waldstein inquired on some other possible implications. Mr. Cherry indicated the street is not a thoroughfare for transportation, but the infrastructure is important.

Mr. Keller inquired on the parking issue and if St. Paul's is seeking this space for additional parking. Schneider indicated the availability of the street right-of-way acquired could be looked at to include more handicapped parking areas and additional parking and noted the newly constructed City parking lot to the south is utilized by patrons.

Commissioner Waldstein inquired if the easement can be built upon and what other restrictions may be in place. Secretary Kohout indicated that open space would be allowed that may include paving, but buildings would not be allowed to be constructed upon the easement. Commissioner Huser inquired on whether elevated construction over the easement would be allowed. Mr. Cherry replied there may be some options such as a skywalk, as long as the storm sewer would be able to be accessed. He continued that the redesign of the street would be sought by City staff so the vacated street would not resemble a city street.

Chairperson Lambert inquired on the vacation of the street and the effects on current utilities and easements. Secretary Kohout indicated the current utilities and their respective easements are to be maintained.

Motion By: Waldstein

Seconded By: Huser

Move that the Planning and Zoning Commission recommend to the City Council the approval of the vacation request of St. Paul's Lutheran Church and Schools to acquire from the City of Waverly the current right-of-way of 2nd Avenue NW between 1st Street NW and 2nd Street NW.

Yes: 6

No: 0

Absent: 1

4. Review and Recommendation of the Preliminary Plat for Eisenach Village and set public hearing for included club house.

Bartels Lutheran Retirement Community, in coordination with TeKippe Engineering, P.C., has produced a preliminary plat for the proposed Eisenach Village development which includes a club house depicted in the center of the development. The property is located along the east side of 20th St NWreet NW, north of the railroad and southwest of Jadestone Subdivision. The property is zoned R-3 (Multiple Family Residential District) and the Comprehensive Land Use Plan designates the area as Semi-Public/Institutional. Eisenach Village is planned to be a senior residential

development made up of two-family dwellings and multi-family dwellings under a common ownership.

Storm-water detention is proposed to be accommodated through a detention basin in the southeast corner of the property. The club house is addressed as a Special Provisional Use in the R-3 zoning district.

Commissioner Waldstein recused herself from discussion.

John Biederman, the Engineer for the project from TeKippe Engineering, outlined the basic layout of the proposed development. The overall development includes 4 main lots with 22 quad living units and 10 duplexes, all under common ownership. The development has public streets. There is a proposed trail which travels along the southern and eastern property limits. Public streets are to be dedicated to the City under City specifications. Sanitary sewer will come from an existing line on the northeast corner of the property, across Wartburg property and water main will be connected at the northeast corner as well. The sanitary sewer line will be upsized, with costs offset for this by the City through a future development agreement. The water main will continue to the south limits and connect to the south to create a "loop".

Commissioner Huser inquired about trying to protect lands to construct a trail that would run from the City, along the railroad to Cedar Bend Park. He questioned how the proposed layout relates to past discussions. Mr. Cherry pointed to the Comprehensive Land Use Plan (LUP) and pointed out that the proposal does not need to follow the plan exactly, but connectivity between 12th St NW and 20th St NW and neighborhoods is a priority, however it may be accomplished by other routes. Mr. Biederman pointed out the trail does follow the south side of the property.

Mr. Cherry stated from a transportation standpoint, the first issue to look at would be the connectivity, or lack thereof, from the northeast corner of the development to the Jadestone subdivision. There is a distance of about 300 feet and there is a concern that no link is proposed to connect these roadways. It would affect the efficiencies such as garbage, street cleaning, and snow removal and one access may be an emergency response concern.

Mr. Cherry pointed out the parking area alongside the roadway next to the clubhouse, which is not typically accepted by the City. Mr. Biederman indicated that through conversations with the City and Bartels, they will correct that issue.

Commissioner Huser inquired if the development will be constructed in phases. Mr. Biederman indicated all infrastructure will be in place at one time. Deb Schroeder, CEO of Bartels, indicated the residential units would be

done in phases, with 40 units completed in the first phase. Future phases will be constructed as the market would dictate.

Chairperson Lambert inquired on the residential structures. Mrs. Schroeder indicated they will utilize a patented design which includes a four dwelling connected structure. The total number of dwelling units would be approximately 94, per Mr. Biederman.

Chairperson Lambert inquired if the development included sidewalks. Mr. Biederman indicated 4 foot wide sidewalks would be provided along all of the roadways throughout the development.

Vice-Chairperson Bagelmann inquired on the adequacy of the detention basin shown in the southeast corner of the property. Mr. Biederman indicated the whole development drains from northwest to southeast. Mr. Biederman is proposing a berm along the east and south sides for storage volume. This will outlet in the southeast corner into a concrete swale and discharge into a detention area already used by Jadestone and Wartburg property (to the east). Mr. Biederman indicated the proposed detention facility would be adequate and meet City design standards.

John Wuertz of Wartburg stated he had limited conversations with Bartels on the cross-country course which goes through the property. Mr. Wuertz indicated he wanted to see if the cross-country track would be in conflict with their housing proposal.

Chairperson Lambert inquired why the entire development is not a special provisional use. Secretary Kohout indicated the clubhouse is the only structure that would constitute a special provisional use. Chairperson Lambert also inquired on how this meets the Semi-Public/Institutional Use shown in the LUP. Mr. Passmore indicated that Bartels has ownership, which provides the institutional use. It could be looked at either as that or a multi family residential use, because of the R-3 zoning designation. Vice-Chairperson Bagelmann inquired about precedence on this matter. Mr. Passmore indicated a Comprehensive Land Use Amendment could be considered, if the Planning and Zoning Commission should desire this.

Commissioner Huser inquired to staff on how to proceed should the property cease to be under the Bartels ownership and someone else purchased the property. Mr. Passmore indicated amending the Comprehensive Plan to allow for Residential in that case may be the appropriate way to proceed, if the Commission should deem it necessary.

Chairperson Lambert inquired about how 20th St NW may hold up with the additional traffic from the proposed development. Mr. Cherry indicated there

could be a potential concern about connectivity between developments as 20th St NW is anticipated to be under construction along with the proposed development. 20th St NW has a couple of active railroad crossings and may be an issue in times when emergency response is necessary.

Commissioner Huser inquired about automatic signal protection on the railroad crossings and who may pay for that. Mr. Cherry indicated the railroad indicates the need and the City would pay for all crossing improvements.

Chairperson Lambert inquired on the status of discussions between Bartels and Wartburg on acquiring land to extend a roadway across the Wartburg property. Mr. Wuertz indicated Wartburg does not have plans for the property east of the proposed development and no discussions have taken place. Mr. Keller indicated last year the Wartburg property contained a proposed development and the Commission indicated they would like to see a through street. This proposal does not contain this. Mr. Keller inquired staff if there were any remedies to connecting the proposed Martin Avenue to Charlene Street (Jadestone Subdivision). Staff replied the ownership of the land is Wartburg's property. Commissioner Huser indicated that the Commission can consider if this plat does not meet that connection, they may reject the current plat.

Commissioner Huser inquired on why the proposed Elizabeth Drive is not connected to 20th St NW. Mr. Biederman indicated there is not enough room due to building placement and it serves two building units.

Commissioner Dickman indicated Jadestone subdivision has one connection and it has not been a problem. For the 36 homes.

Commissioner Huser reaffirmed the role for the Commission in reviewing this plat and voting approval and moving this to the October meeting. Secretary Kohout confirmed Commissioner Huser's statement and pointed out the schedule for this plat at upcoming meetings.

Chairperson Lambert inquired on whether the development agreement for this development includes 20th St NW improvements. Mr. Passmore indicated the development agreements get worked out after the preliminary plat and before the final plat in order for an engineer to prepare construction documents and the agreements include connection fees and sanitary sewer over-sizing. Chairperson Lambert expressed concerns about allowing this development onto 20th St NW in its current condition. Mr. Passmore indicated examples where road connectivity between subdivisions was not completed are numerous and the owners are expected to stub streets and utilities to the edge of their developments for future connectivity. Mr. Biederman indicated the waterline would be connected to the south to an existing connection.

Commissioner Huser inquired whether connectivity was going to be pursued with Wartburg across their property to the east as he indicated his concern over one access into the development off of 20th St NW for 96 residential units. Steve Egli, Chair of the Board for Bartels, indicated this parcel is immediately to the north of the existing Bartels community and is an important part of Bartels' plan for their housing. They have partnered with Wartburg and have been in discussions with them and see Wartburg as a partner and one of the benefits of this development is they can continue to be a partner with Wartburg with their track going through the development. Mr. Egli indicated putting in a roadway across the Wartburg property for a connection to Jadestone may hinder Wartburg's plans for the future. He indicated he thinks there are opportunities in the future to work the connectivity issue out after the development moves forward and is constructed.

Chairperson Lambert indicated in the past, St. Mary's potential development created concerns about access onto 20th St NW and is a precedent. General concerns over 20th St NW and development off of this roadway have been expressed in the past by the Commission. Mr. Egli indicated he thinks other options should be explored prior to making an unfavorable recommendation on this proposed development.

Chairperson Lambert inquired on this property potentially being included in a TIF district to help pay for improvements to 20th St NW and 22nd St NW. Mr. Passmore indicated 5th Ave NW to the railroad is included, so funds may be used for parts of the roadway. Mr. Grace indicated this proposed development is a taxable development and is different from the previous non-taxable church proposal in the past. Mrs. Schroeder added the franchise chosen for the buildings completed a study that indicated a normal development household generates approximately 10.1 daily trips and the proposed development averages 4.9 trips per day. The majority of the residents will be seniors with a maximum of 2 residents per unit. This is 49 percent less than the adjacent Jadestone subdivision.

Vice-Chairperson Bagelmann inquired if any other issues other than connectivity were issues. Chairperson Lambert indicated he would like more information on how this development may connect in the future to the east. Mr. Cherry referenced the Land Use Plan and indicated the trail plan may go along the railroad, along the south side of the subject property, with the missing area from the southeast corner of the subject property to 12th St NW. The trail is shown to head north on the Land Use Plan to connect Cedar Bend Park with 12th St NW. Mr. Cherry continued that the one unmet issue would be the potential inefficiency without a connection of roadways in the northeast corner of the subject property and the Jadestone subdivision.

**Planning and Zoning Commission Minutes
September 4, 2008**

Chairperson Lambert proposed to change the motion to postpone the recommendation of the Eisenach Village Preliminary Plat to the October 2, 2008 Planning and Zoning Commission meeting.

Motion By: Huser

Seconded By: Bagelmann

Move that the Planning and Zoning Commission postpone the recommendation of the Eisenach Village Preliminary Plat to the October 2, 2008 Planning and Zoning Commission meeting.

Yes: 3

No: 2

Absent:1

Commissioners Keller and Dickman cast the "no" votes.

Motion By: Keller

Seconded By: Huser

Move that a Public Hearing be set for the October 2, 2008, Planning and Zoning Commission meeting for the Special Provisional Use request for the Eisenach Village club house.

Yes: 5

No: 0

Absent:1

D. Old Business:

E. New Business:

F. Adjournment:

Motion By: Bagelmann

Seconded By: Keller

Move that the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent: 1