

The Comprehensive Land Use Map designates the area as Public, Government and Recreational.

Chairperson Bagelmann opened the public hearing for comments. Mike Trachta, CEO of Waverly Health Center, outlined the proposal which includes a 30 foot setback around the perimeter, a proposed 60 foot tall expansion to the south and future parking expansion to the south of the current parking area.

Duane Liddle confirmed with Secretary Kohout the properties may be separate, as is decided by the owner of all of the properties. Being they are under the same ownership, the lots may be rezoned and as long as the properties remain under common ownership, there are no zoning issues.

Hearing no other public comments, Mr. Bagelmann closed the public hearing.

Commissioner Dickman confirmed with Eric Ritland from Invision Architects the Waverly Health Center wants the option for six stories and the current Tendrils Rooftop Garden is on the fourth floor.

Commissioner Keller confirmed with Mr. Trachta the future east side of the future addition could be up to six stories and the west side could be five stories due to the grade of the property.

Mr. Bagelmann inquired on the possibility of addressing road connectivity and sidewalk connectivity from Bremer Avenue to the Hospital site and indicated the current 8th Street and 3rd Avenue corridors which currently access the site should be looked at for compliance by Staff when looking at the future site plan.

Motion By: Huser

Seconded By: Keller

Move the Planning and Zoning Commission recommend to the City Council the rezoning request for the Waverly Health Center properties in southwest Waverly from A-1, R-2 and R-3 to P-D be approved.

Yes: 6

No: 0

Absent: 1

C. Regular Business:

1. Review and Set Public Hearing for the Rezoning and Comprehensive Land Use Plan Amendment Requests for Fareway Stores, Inc.

Fareway Stores, Inc., in conjunction with the current property owners, is requesting the rezoning of four properties on the north side of the 200 block of 1st Ave. NW from R-4 (Multiple Family Residential District) to C-3 (Commercial District) to accommodate their plans for a proposed new grocery store configuration. The proposal to rezone would match the current C-3 area to the south of 1st Ave. NW, where the current Fareway grocery store is located. The Comprehensive Land Use Map currently designates this area as Residential. The proposal to change the land use category from Residential to Commercial would accommodate the rezoning request.

Garrett Piklapp of Fareway Stores outlined the proposed site plan and rendering of the proposed storefront for the Commission. The plan includes truck routes on the east side of the property, which would access the site from W. Bremer Avenue. The proposed site plan calls for a 30,000 or 32,000 square foot building which is larger than the current 16,700 square feet store.

Mr. Piklapp indicated Fareway has been in contact with the property owners affected by the proposed construction plans. Lighting of the front door on the southwest corner of the proposed building will remain on and properties to the north and to the east should not be affected by the direct down lighting as proposed.

Mr. Piklapp confirmed with Mr. Huser that Fareway is willing to buffer and/or screen along the current alley right-of-way on the north side of the proposed store to accommodate the neighbors. Mr. Piklapp also confirmed for Mr. Bagelmann the plans for the store will not occupy the alley way.

Mr. Keller confirmed with Mr. Kohout the existing properties on the southeast corner of 1st Ave. NW and 2nd St. NW currently zoned as R-4 are not sought to be rezoned to the proposed C-3 with this proposal. Mr. Kohout further confirmed C-3 would not be sought as it may bring those residential properties into non-conformance.

Commissioner Waldstein confirmed with Mr. Kohout this proposal would better follow the commercial land use pattern that is emerging.

Commissioner Dickman confirmed for the Commission the willingness of the Fareway store to remain downtown instead of relocating due to a seeming need for a grocery store downtown.

Mr. Huser confirmed with Mr. Kohout and Mr. Passmore discussions with the Waverly-Shell Rock School District Junior High and St. Paul's Lutheran School bus routes can work around this proposal as the current bus pattern does not currently use this stretch of 1st Ave. NW. Mr. Passmore also confirmed for the Commission the rezoning of the existing residential properties north of the proposed rezoning may need to be addressed in the future to allow for a true transitional area from the R-2 to the C-3 zoning district proposal.

Mr. Piklapp confirmed for the Commission closing of the properties for the project is tentatively scheduled for 90-120 days after the public hearing and construction is anticipated to start in March 2010.

Motion By: Keller

Seconded By: Dickman

Move that a public hearing be set for the November 5, 2009 Planning and Zoning Commission meeting for the rezoning and comprehensive plan amendment for properties in the 200 block of 1st Ave. NW for Fareway Stores, Inc.

Yes: 6

No: 0

Absent: 1

2. Review and Recommendation of the Final Plat for Eisenach Village in NW Waverly.

Bartels Lutheran Retirement Community, in coordination with TeKippe Engineering, P.C., has produced a final plat for the proposed Eisenach Village development. This plat was recommended to be approved by the Commission on January 8, 2009 and approved by the City Council on March 16, 2009. The final plat was not duly recorded within 6 months after the Council approval, and per City Code, the plat is considered null and void and must follow the final plat procedures again.

The property is located along the east side of 20th Street 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 and a pedestrian trail is proposed around the southern boundary.

Keith Collins, part of Leslie Collins Attorneys, is representing the handling of the plat. Mr. Collins outlined the proposal is the same plan as initially approved by the Commission and Council in January 2008 and March 2009, respectively.

Mr. Keller confirmed with Mr. Kohout there are existing homes built that will not be allowed occupancy until the final plat has been duly recorded.

Wayne McFarland, construction manager of Bartels Lutheran Retirement Community, confirmed for the Commission an indemnification agreement has been signed in agreement with City procedures and requirements for construction that allows for construction prior to recording of the final plat.

Motion By: Huser

Seconded By: Wilson

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Final Plat for Eisenach Village.

Yes: 6

No: 0

Absent: 1

D. Old Business:

1. In order to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity to residences and businesses in the City of Waverly, City Staff has prepared a model ordinance for review and comments. The City Code review procedure at the present time would only allow these towers to be placed in the A-1 (Agricultural District) and require special provisional use approval. The potential to construct these towers in any zoning district with appropriate restrictions is being considered.

Mr. Bagelmann outlined a public forum will be held in January 2010 in which the public will be invited to address concerns and issues in regards to small residential wind turbine installations.

Diane Johnson, CEO of Waverly Light and Power (WLP) outlined the wind turbine residential applications are subject to the Planning and Zoning Commission and City Code. She outlined Waverly Light and Power is in support of alternative energy proposals.

Ms. Johnson outlined a potential wind turbine customer could expect to pay \$15,000 to \$20,000 for a system. She outlined the feasibility for someone selling power back to Waverly Light and Power is not possible due to the contract WLP has with the MEAN company out of Nebraska.

WLP has special provisions for the existing hydro and wind units and WLP has informed the MEAN company they plan to expand the current renewable energy sources that may allow for small residential wind turbines to sell power back to WLP.

MEAN expects WLP to be at 20 percent of energy from renewable sources by 2020. Ms. Johnson outlined small wind turbines on residential properties are not considered generators and WLP is required to allow them.

Ms. Johnson outlined that residential customers will be reimbursed only for the energy portion of their utility bill that is off-set by the production of energy they create. Residential customers that receive energy would pay the normal rate and every time the residential customer in 2010 would produce more than they need, WLP would pay them 1.83 cents per kwh. The base electric rate is 8.5 cents per kwh. Right now, someone will have to pay the base rate due to the need for connection for times when the turbine is not connected. Ms. Johnson outlined tax incentives can make the erection of small wind turbines more financially appealing, but every homeowner should consider this. Mr. Keller outlined at the \$1.83 cents per kwh, it would take \$169 to achieve a similar turbine project for a church outlined in the Des Moines Register.

Mr. Huser confirmed with Ms. Johnson the hook up costs would vary due to the distance from transmission lines. Ms. Johnson outlined customers should contact WLP first in order to have a successful connection.

Ms. Waldstein confirmed with Ms. Johnson the \$15,000-\$20,000 cost for a system may not include the hook up costs.

Mr. Bagelmann confirmed with Ms. Johnson there are no defined quality standards in terms of better models than others. Ms. Johnson outlined the industry standard is not clear and that a potential customer should look at a high availability factor of energy production the turbine is capable of, and due to the large numbers of vendors in this relatively new venture it is hard to gauge this topic. She continued the bigger and higher the turbine, the higher the factor will be. She stated that 700-750 kwh is average for Waverly customers and a small turbine cannot be expected to capture all available energy potential. A number of small turbines may be capable of capturing a similar amount of energy of a single large turbine.

Mr. Keller confirmed with Ms. Johnson 20 persons could place a turbine to sell power back to other customers, but not WLP. She continued the sale of energy credits to WLP is not possible due to contract obligations with MEAN.

Gary Grace confirmed with Ms. Johnson there is no way to incentivize the construction of small residential wind turbines and provide a reduction in a customer's energy cost. The two components are to (1) offset the environmental side of the equation and (2) to have turbines reduce the payment to the utility company. WLP currently has a Green Choice Program that allows a residential customer to spend a certain amount of money that allows WLP to create new renewable energy sources. WLP is looking into the incentives from a long term perspective with regards to credits to current bills. Currently there is no way to have local investors sell power back for a reduced rate due to the existing MEAN contract.

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Wartburg currently makes a contribution towards the construction of a wind turbine to WLP and they get a reduced rate on their bill for the new "W" athletic facility. The current green energy rate to produce energy is more expensive than the customary coal generated energy.

Ms. Dickman confirmed with Ms. Johnson the affects of wind turbines to birds are minimal when placed outside of customary bird migratory paths.

She outlined Council Bluffs has not allowed wind turbines in their community and some communities have placed a moratorium on the placement until more information can be gathered.

Mr. Bagelmann outlined the tentative plan is to have a public open forum on wind turbines scheduled for Monday, January 11, 2010. The topics include property values of adjacent properties next to properties with small wind turbines.

E. New Business:

F. Adjournment:

Motion By: Waldstein

Seconded By: Keller

Move that the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent: 1