

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.

Vice-Chairperson Lambert opened the public hearing. Pat Hagan, Treasurer and Director of Real Estate Development for Fareway Stores, Inc., presented the site plan to the Commission and outlined the layout that includes a 32,000 square foot building located 15 feet from the alley, and parking area between the building and Bremer Ave. Mr. Hagan stated plans call for the new building to be started and constructed while the existing store remains open. Plans also include downcast lighting to minimize light pollution and to locate the loading dock on the east side of the building. Mr. Hagan confirmed for Commissioner Keller the floor elevation of the new structure will be the same as that of the current building.

Karen Thalacker, President of St. Paul's Church and School stated she is in support of the Fareway proposal but has concerns on semi-truck traffic accessing the site, noise levels from semi-truck traffic, the view of the property from the school property, water drainage concerns and potential problems of the location of other similar situated stores in relation to schools. Mr. Hagan confirmed for Ms. Thalacker trucks arrive three days a week at 6 a.m., with vendors arriving throughout the day. Mr. Hagan confirmed for Ms. Thalacker the location of the storefront from the school will conform to all State and local requirements. Secretary Kohout confirmed for Mr. Lambert the water drainage from the site would be expected to be engineered and shown on a site plan for review and approval prior to issuing the building permits and that Fareway and the City Engineer have been in contact with each other to address this issue. Ron Mathias, of St. Paul's Church, confirmed with Mr. Hagan the east facade of the building is proposed to be 14 feet tall brick facade. Secretary Kohout confirmed for Mr. Lambert there is no setback required in this case from the east property line.

Linda Engel, owner of adjacent property, stated the truck traffic is not a noise issue with the current configuration.

Pat Galles, Attorney from Cedar Falls, representing Stan Wise, resident at 217 2nd St. NW, property adjacent to alley north of proposed site plan limits presented a list of concerns. The concerns included the proximity of store to Mr. Wise's home is relatively close, the potential to adversely affect his property by the site plan resulting in a bigger push of more water run off onto his property is there, the potential for more undesirable traffic onto the alley due to the street closing, and potential devaluation of his real estate due to close proximity to his home.

James Hinders, resident at 216 3rd St. NW has concerns of the potential devaluation of his property due to proximity of proposed store, the water run-off potentially adversely affecting his property, the sound of the mechanical units on top of store, the potential for snow drifting and would like to see the alley limited to his access to his garage only and if the City would approve the vacation of the alley, he would maintain the alley.

He confirmed for Ms. Waldstein he views cut-through traffic as a potential adverse result to closing 1st Ave. NW.

Rod Drenkow, resident and business owner in Waverly, was in support of the proposal and would like to see buffering between the commercial and residential uses.

Mr. Hagan confirmed for the Commission Fareway is not able to purchase the remaining homes on the block. He outlined sound would be addressed, but there would be some noise from the other mechanical units on the roof.

Mr Hagan outlined a case in Indianola, Iowa, where a new store was located adjacent to residential homes and these homes doubled in value since the store was built in 1998 where a berm with vegetation on top was utilized for the screening. Mr. Hagan confirmed for Commissioner Huser the proposed store would not be able to be moved further south on the proposed layout due to plans on having the current store open while the new one is being constructed and a 25 foot distance between the walls is what is needed to allow construction access.

Mr. Hagan confirmed for Commissioner Wilson Fareway is committed to upgrade the sidewalk on the north side of W. Bremer Ave. to continue the upgraded sidewalk design in front of the Walgreen's store.

Mike Cherry, City Engineer, confirmed for Mr. Lambert there is a sanitary sewer located in the alley and that if the alley were to be vacated, an easement should be maintained for this service. He further confirmed there is an important water main service line in 1st Ave. NW. and the service will need to be moved to accommodate the proposed new Fareway store.

Dean Soash, business owner on the south side of W. Bremer Ave., spoke of his support for the Fareway store location and that Fareway has been a good corporate neighbor.

Dick Crayne, City Administrator confirmed for Mr. Lambert there will be a development agreement with Fareway and can include changes to the alley, street vacation, landscaping, responsibility of Fareway to relocate utilities are samples of items that may be included in the document. The economic development strategies approved by the Council will be followed with the agreement and Council will review the agreement after staff has reviewed the agreement with Fareway. Staff will review the proposed alley vacation for how it may affect City services and will be open for the Commission to recommend to the Council the vacation of said alley.

Mr. Crayne confirmed for Commissioner Dickman signage could be placed designating the alley as not a through street should the alley be vacated.

A resident from 5th St. NW confirmed with Mr. Kohout the current 3rd St. NW one way traffic pattern is not proposed to be changed to a two-way configuration with the new Fareway store site plan proposal. Mr. Cherry confirmed for the resident the one way traffic flow will remain one way due to the location of Walgreen's driveway and proximity to W. Bremer Ave. Mr. Hagan confirmed for Mr. Keller the parking layout is not finalized and after engineering is completed on the traffic flow, an alternative could be proposed.

There being no further public comments, Mr. Lambert closed the public hearing.

Mr. Kohout confirmed for Mr. Keller there are two scheduled flood buyout properties, one at 214 1st Ave. NW and one at 215 2nd Ave. NW. The 214 1st Ave. NW property is scheduled to be bought by Fareway stores, Inc. prior to the buyout taking place.

Ms. Dickman outlined the proposed store is within walking distance to existing homes and is a good addition to this part of town.

Mr. Wilson outlined he supports the project and would like to see buffering and screening on the final site plan proposal.

Motion By: Huser

Seconded By: Waldstein

Move that the Planning and Zoning Commission recommend to the City Council the approval of the rezoning and comprehensive land use plan amendment for the properties in the 200 block of 1st Ave. NW for Fareway Stores, Inc.

Yes: 6

No: 0

Absent: 1

C. Regular Business:

1. Review and Recommendation of the street vacation and right-of-way acquisition request for the 200 block of 1st Ave. NW by Fareway Stores, Inc.

Fareway Stores, Inc., is seeking to have the 200 block of 1st Ave. NW vacated by the City and deeded to Fareway Stores, Inc. to accommodate their future plans for a new expanded grocery store immediately north of their current site. This request is the companion to the rezoning and comprehensive plan amendment request.

Mr. Cherry confirmed for Mr. Lambert the proposed vacation of the 200 block of 1st Ave. NW in addition to the vacation of the 100 block of 2nd Ave. NW, along with the proposed Junior High building ceasing its operation as a school, staff will seek to direct traffic flow to the signalized intersections of 1st St. NW and 4th St. NW in the future.

Motion By: Waldstein

Seconded By: Keller

Move that the Planning and Zoning Commission recommend to the City Council the approval of the street vacation and right-of-way acquisition request for 1st Avenue NW between 2nd Street NW and 3rd Street NW.

Yes: 6

No: 0

Absent: 1

2. Review and Recommendation of the Urban Renewal District Plan Amendment for the north side of the 200 block of 1st Ave. NW to accommodate the proposed Fareway Store location.

The City of Waverly, in conjunction with Fareway Store, Inc. is seeking to have an amendment to the boundary of the Urban Renewal District Plan to include the proposed Fareway Store location on the north side of the 200 block of 1st Ave. NW. This proposed amendment would allow the entire property to be included in the district and not have the boundary split the proposed new building. This is in conjunction with the rezoning and street vacation requests by Fareway Stores, Inc.

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Mr. Kohout confirmed for Mr. Lambert this is the Tax Increment Finance (TIF) district. Mr. Crayne clarified this district can allow for TIF and outlined a consultation with the school district, Bremer County and the Community College will occur prior to Council reviewing the impacts of this proposed amendment.

Motion By: Keller

Seconded By: Dickman

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Urban Renewal District Plan Amendment for the north side of the 200 block of 1st Ave. NW to accommodate the proposed Fareway Store location.

Yes: 5

No: 1

Absent: 1

Mr. Lambert cast the "no" vote.

3. Review and Recommendation of a Minor Subdivision Plat for Larrie Steenhard for the subdivision of Lot 61 in Stone Haven Plat V in Southeast Waverly.

Larrie Steenhard, along with his surveyor, Shoff Consulting Engineers, L.C., has requested the splitting of lot 61 of the Stone Haven Plat V Subdivision, located in southeast Waverly. The property is zoned as R-4 (Multiple Family Residential-Transitional District) and the Comprehensive Land Use Map designates this property as Residential. The minor plat will create one additional 71.3 square foot lot known as Parcel "BB" on the east side of lot 61 to accommodate the rear setback requirement for a proposed three-season room addition to be constructed on lot 64 in said subdivision. A multiple-lot deed agreement has been secured with Mr. Steenhard for this new parcel and his existing lot.

Mr. Kohout clarified the submitted plat for the Commission.

Motion By: Huser

Seconded By: Wilson

Move that the Planning and Zoning Commission recommend to the City Council the approval of the Minor Subdivision Plat for the subdivision of lot 61 in Stone Haven Plat V Subdivision for Larrie Steenhard.

Yes: 6

No: 0

Absent: 1

4. Review and Set Public Hearing for the Rezoning Request for Larry and Joyce Kurtz in Northeast Waverly.

Larry and Joyce Kurtz are requesting the rezoning of a section of their current property on the east side of Bremer Rd. in northeast Waverly from A-1 (Agricultural District) to R-1 (Single Family Residential District). The proposal to rezone would match the current R-1 zoning designations to the north and west, where the current Fairholm and Copper Ridge Subdivisions are located. The Comprehensive Land Use Map designates this area as Residential.

Larry Kurtz, property owner, outlined the proposal to rezone is to accommodate plans to split the current residences on the property and no plans are in place for a subdivision.

Motion By: Huser

Seconded By: Waldstein

Move that a public hearing for the rezoning of Larry and Joyce Kurtz properties in Northeast Waverly be set for the Planning and Zoning Commission meeting on December 3, 2009.

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 will 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. This is a continuation from the October 1, 2009 meeting.

No new updates were presented by City Staff. Mr. Lambert outlined the Wartburg students are working on a presentation for the December 3, 2009 meeting and will be on the December 3, 2009 Agenda.

E. New Business:

1. Proposal to Vacate the Alley to north of proposed Fareway Store between 2nd St. NW and 3rd St. NW.

Mr. Kohout confirmed for Ms. Waldstein City staff will review the proposal for vacation of the alley and necessary easement requirements. Mr. Huser outlined the vacation proposal would offer an additional buffer area for setbacks from the proposed Fareway store location. Mr. Huser confirmed with Ms. Dickman that proposing vegetation for screening would be left up to Fareway and the adjacent property owners.

Motion By: Huser

Seconded By: Keller

Move that the Planning and Zoning Commission recommend to City Council the vacation of the alley in the 200 block of 1st Ave. NW, south of 2nd Ave. NW, between 2nd St. NW and 3rd St. NW, subject to existing easements to the City or Fareway expense, at the discretion of the City Council.

Yes: 6

No: 0

Absent: 1

2. Mr. Lambert expressed an interest in seeking an ordinance amendment that could allow for Planning and Zoning Commission the ability for site plan review in addition to the zoning review they do as a commission. No date was set for this proposal.
3. Mr. Kohout informed the Commission the veterans group joint venture convention center project has not yet been requested for a meeting and a letter from residents in the NW area adjacent to the current VFW has been received stating concerns.

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4. Dean Soash, resident, confirmed with Mr. Kohout the Comprehensive Plan update public meetings will coincide with the 2010 Census update. Mr. Soash confirmed with Mr. Lambert and Mr. Huser there may be a need for municipal infractions and a code enforcement officer position to be looked at to address infractions in future ordinance amendments.

F. Adjournment:

Motion By: Dickman

Seconded By: Keller

Move that the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent: 1