

each 1.40 acres in size and are on the north side of C-33 (190th Street), east of Dakota Avenue. The proposed subdivision is within the City's 2-mile boundary and is classified as an "Area 3" per the City's map of the 2-mile agreement area. Subdivision requests are brought before the City for comments while approval is by the County.

J.D. Francis described the property and outlined the history of his proposal. The property has been tabled for review by the Bremer County Planning and Zoning Commission based on CSR considerations.

Chairperson Lambert confirmed the three lots proposed are a part of a previously requested subdivision through Bremer County, which included 24 lots and was rejected. Commissioner Huser confirmed he did not see any justifications to be against the proposal. Commissioner Wilson agreed, and no concerns were raised by the Commission.

2. Review and Set Public Hearing on the Rezoning Request for lots H and I in the Haaland Subdivision in northeast Waverly.

The City of Waverly, in coordination with the affected property owners, has requested the rezoning of two lots in northeast Waverly, from A-1 (Agricultural District) to R-1 (Single Family Residential District). Parcel "H" contains 0.28 acres and Parcel "I" contains 0.08 acres. Both lots are additions to lots 1 and 2, which are zoned R-1 (Single Family Residential District). The Comprehensive Land Use Map designates the properties as Residential and the rezoning would match the zoning of adjacent properties to the north and to the east of the subject properties.

Chairperson Lambert confirmed this request was generated by the City in response to the Planning and Zoning Commission request and inquired if there was any discussion. There was none.

Motion By: Huser

Seconded By: Waldstein

Move that a public hearing for the rezoning request for lots H and I in the Haaland Subdivision be set for the Planning and Zoning Commission meeting on December 4, 2008.

Yes: 6

No: 0

Absent: 1

3. Review and Set Public Hearing on the Rezoning Request for 318 2nd Ave. SW and 215 4th St. SW in Southwest Waverly.

Jim and Candy Hundley and Brad Boeckmann have requested the rezoning of their properties, lots 5 and 6 in Block 8 of Sturdevant's Subdivision, in SW Waverly. The proposed zoning is R-4 (Multiple Family Residential - Transitional District). The properties are currently zoned R-2 (One and Two Family Residential District). This proposal would match the R-4 zoning area north of these properties. The Comprehensive Land Use Plan designates these properties as Residential.

Jim Hundley spoke on the proposal and indicated the intent of this rezoning is to accommodate a special provisional use request in the R-4 zoning district and that because it includes the property to the north, it follows the land use pattern on the zoning map.

Commissioner Waldstein inquired on this course of action. Secretary Kohout explained they could have chosen R-3 zoning and applied for a special provisional use, but the requested zoning would be a better fit in that it is a continuation of the R-4 district to the north.

Commissioner Waldstein confirmed that the property across the street was once used as a bed and breakfast in the past. Commissioner Waldstein inquired on the potential future impact this rezoning may have on considering additional rezonings of a similar request in this area. Chairperson Lambert commented on the possible continuation of the R-4 boundary down the 4th St Corridor all the way to 10th Avenue and whether the current R-2 zoning on the surrounding properties could be an issue in the future.

Motion By: Keller

Seconded By: Huser

Move that a public hearing for the rezoning request for lots 5 and 6 in Block 8 of Sturdevant's Subdivision in SW Waverly be set for the Planning and Zoning Commission meeting on December 4, 2008.

Yes: 6

No: 0

Absent: 1

4. Review and Set Public Hearing for a Special Provisional Use Request at 318 2nd Ave. SW for an Artistic School Boarding House.

Jim and Candy Hundley have requested a special provisional use for an artistic school boarding house for their property, located at 318 2nd Ave. SW, consisting of the south 89 feet of lots 5 and 6 in Block 8 of Sturdevant's Subdivision. Their intent is to allow the existing residence to be used for occasional boarding of groups of people for relaxation and craft-making.

Chairperson Lambert confirmed this request is being sought because of the boarding use being similar to housing groups of people on the weekends for income. Jim Hundley outlined the potential for the house to be used by 10 to 12 people on a short term basis and they would be open to most any groups of people and would not be intended to house individual patrons, as with a hotel. The plans include a common area, bedroom areas, kitchen area.

Motion By: Huser

Seconded By: Wilson

Move that a public hearing for the special provisional use request for 318 2nd Ave. SW be set for the Planning and Zoning Commission meeting on December 4, 2008.

Yes: 6

No: 0

Absent: 1

5. Review and Set Public Hearing on the Rezoning Request for the Drexler Center property at 403 3rd St. SE in southeast Waverly.

St. Mary's Church has requested the rezoning of their property at 403 3rd St. SE from R-2 (One and Two Family Residential District) and U-1 (Environmentally Sensitive Protected District) to R-4 (Multiple Family Residential - Transitional District). This proposal would locate the R-4 zoning area adjacent to R-2 areas located to the north, west and south. The eastern portion of the property is zoned U-1 (Environmentally Sensitive Protected District) as are properties to the east of the subject property. The Comprehensive Land Use Plan designates this area as Public, Government, Recreational.

Leon Deutsch, realtor, spoke on the history of the property and outlined the property has always been owned by St. Mary's Church and are seeking to market the property for other uses other than for church or school uses. They were seeking to sell the property to community based services and are looking to allow for the property to have the option to be used for non-profit organizations for office space, but that the use is not permitted in the current zoning district as the Code of Ordinances does not specify this use.

Secretary Kohout confirmed to the Commission that the R-4 professional service establishment shall mean any commercial establishment primarily engaged in providing services which generally involve the advising and counseling of clients in confidence concerning personal, financial or medical affairs. This could include certain non profit organizations as it could involve the handling of personal affairs.

Commissioner Huser confirmed that adding "non-profit" under "institutions" as a special provisional use would take approximately 2 months and that it would follow suit with the intention of the R-2 district and be similar to other special provisional uses outlined under R-2 zoning district. Commissioner Huser also confirmed with Mr. Deutsch that the property could be a residential 6-plex with individual utility connections and are billed separately and that the proposal would be to specify the non-profit service use only. This would not allow the structure to be used as a commercial 6-plex. He confirmed the R-4 would allow for more flexibility, but may be viewed as a spot zoning case and the concerns of neighboring property owners may be expressed in a negative manner. Mr. Deutsch indicated he had spoken with the property owner to the south and he expressed no concerns, and that they did not ask other property owners. Mr. Deutchsh added the structure was originally built to accommodate an elderly complex that never developed as such.

Chairperson Lambert commented that the Veterans organization would be another non conforming use in addition to the proposed non-profit use in the R-2 district that could be looked at by staff in order to include them as special provisional uses.

Chairperson Lambert indicated his support in amending the R-2 special provisional use to include the definition of non profit uses versus rezoning the property and being subject to claims of spot zoning, but that they would go ahead to have a public meeting on said rezoning.

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Commissioner Huser confirmed an ordinance amendment change would be similar timeline for an ordinance amendment as a rezoning.

Motion By: Huser

Seconded By: Waldstein

Move that a public hearing for the rezoning request for 403 3rd St. SE be set for the Planning and Zoning Commission meeting on December 4, 2008.

Yes: 6

No: 0

Absent: 1

D. Old Business: None

E. New Business:

Commissioner Huser requested amending the R-2 special provisional uses to include non-profit organizations and requested staff to prepare an ordinance amendment for review at the December 4, 2008 meeting.

Chairperson Lambert inquired on updates regarding the Proposed Corridor Preservation Zone from the Iowa Department of Transportation and any improvements in the Janesville area. Secretary Kohout indicated follow up information would be presented at the December 4, 2008 Planning and Zoning Commission meeting.

F. Adjournment:

Motion By: Dickman

Seconded By: Huser

Move that the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent:1

