



Chairperson Lambert opened the public hearing for comment. There was none. Chairperson Lambert closed the public hearing.

Motion By: Dickman

Seconded By: Keller

Move that the Planning and Zoning Commission recommend to City Council the approval of the rezoning request for lots H and I in the Haaland Subdivision.

Yes: 6

No: 0

Absent: 1

2. Public Hearing on the Rezoning Request for 318 2<sup>nd</sup> Ave. SW and 215 4<sup>th</sup> St. SW in southwest Waverly.

Jim and Candy Hundley and Brad and Stephanie 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.

Chairperson Lambert opened the public hearing for comments. There were no comments. Chairperson Lambert closed the public hearing. Chairperson Lambert inquired on correspondence received from Staff regarding this proposal. Secretary Kohout indicated an email was received and two phone calls were received from neighboring property owners expressing their desire to not see the property rezoned.

Motion By: Keller

Seconded By: Bagelmann

Move that the Planning and Zoning Commission recommend to City Council the approval of the rezoning request for lots 5 and 6 in Block 8 of Sturdevant's Subdivision in southwest Waverly.

Yes: 6

No: 0

Absent: 1

3. Public Hearing for a Special Provisional Use Request at 318 2<sup>nd</sup> 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 2<sup>nd</sup> 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 opened the public hearing for comments. Mr. Hundley, applicant, spoke regarding the application and indicated the desire for the existing residence to be utilized as a unique facility to be used on the weekends for groups. There being no further comments, Chairperson Lambert closed the public hearing.

Motion By: Huser

Seconded By: Keller

Move that the Planning and Zoning Commission recommend to City Council the approval of the special provisional use request for 318 2<sup>nd</sup> Ave. SW.

Yes: 6

No: 0

Absent: 1

4. Public Hearing on the Rezoning Request for the Drexler Center property at 403 3<sup>rd</sup> St. SE in southeast Waverly.

St. Mary's Church has requested the rezoning of their property at 403 3<sup>rd</sup> 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.

Chairperson Lambert opened the public hearing. Leon Deutsch represented the church and outlined the intentions of the applicant to rezone the property to allow for more uses out of the existing religious institution building. Mr. Deutsch outlined selling the property has been difficult with the current zoning and the proposed zoning of R-4 would allow more options for the property. Ms. Elaine Maine, a neighboring property owner, questioned the need for more parking. Secretary Kohout indicated office uses would require 75 percent of the floor area of the building to be allocated on the property for off-street parking. Staff confirmed the total number of off-street parking stalls is 19 spaces. Ms. Maine also confirmed any potential changes to parking area would be reviewed by City Staff prior to approval. Ms. Maine also inquired on the grass area to the east of the building and the U-1 area and concerns over developing this area and its potential affects on neighboring properties in times of flooding. Secretary Kohout indicated the flood plain requirements would stay in effect as indicated on the FIRM maps and confirmed that parking would be allowed in this area. Mr. Eric Wachtman, neighbor at 315 3<sup>rd</sup> Ave. SE, spoke in opposition to the R-4 zoning at this location as not appropriate due to potential business uses and higher density of residential rental than what is currently in this neighborhood. Mr. Earl, resident at 507 3<sup>rd</sup> St. SE, spoke in opposition to the rezoning request due to this request allowing other adjacent properties to seek the R-4 zoning classification, which would not fit into the neighborhood. Jacob Eggers, neighbor at 402 3<sup>rd</sup> St. SE, stated his opposition due to market values potentially being affected. Wendy Kepford, neighbor at 322 2<sup>nd</sup> Ave. SE, stated her opposition due to the rezoning not matching the residential neighborhood as it is currently developed. Mr. Jim Benda, of Lockard Realty, who represents St. Mary's Church, spoke in support of the application.

Mr. Benda outlined the needs for other uses and additional parking that would not negatively affect the neighboring drainage and indicated the current uses in R-2 such as childcare centers and church uses already provide for traffic generation that could follow suit with the uses in R-4. Mr. Benda further indicated the location of nonprofit groups could be housed within this current facility and would be an asset to the City of Waverly and that the property may sit vacant should this rezoning be denied. Mr. Benda indicated there are currently no other viable alternatives and this rezoning is needed to accommodate the least amount of impact to the neighborhood. Mr. Benda indicated the proposed ordinance amendment to allow for nonprofits as institutions under R-2 as a special provisional use may work, but is limiting as other uses could also be considered. Mr. Benda confirmed converting the building to a duplex may be an alternative, but may be expensive and time consuming and most residents desire a garage, which may not be allowed to be constructed. Mr. Benda expressed his desire for the Commission to consider a conditional rezoning that could allow for more uses than would be allowed through an ordinance amendment that would allow nonprofit organizations as a special provisional use. Vice Chairperson Bagelmann confirmed the current status of the building as non-restricted R-2 zoning and also confirmed through Secretary Kohout that nonprofits are defined as an institution currently in the Code, but are not specified in a specific district. Commissioner Waldstein confirmed any nonprofit organization would come before the Planning and Zoning Commission and the City Council as a special provisional use, should the ordinance amendment to include institutions be approved by the Commission and City Council. There being no further comments, Chairperson Lambert closed the public hearing.

Chairperson Lambert expressed his opposition to the rezoning request but mentioned he was in favor of the ordinance amendment proposed in item 2 in regular business on the approved December 4, 2008 Agenda to allow for institutions as a special provisional use in the R-2 district.

Motion By: Huser

Seconded By: Waldstein

Move that the Planning and Zoning Commission table the approval of the rezoning request for 403 3<sup>rd</sup> St. SE.

Yes: 5

No: 1

Absent: 1

Commissioner Keller cast the "no" vote.

**(This item was brought back on the table after item 2 under regular business)**

Motion By: Dickmann

Seconded By: Keller

Move that the Planning and Zoning Commission bring back to the table the rezoning request for 403 3<sup>rd</sup> St. SE.

Yes: 6

No: 0

Absent: 1

Motion By: Huser

Seconded By: Keller

Move that the Planning and Zoning Commission recommend to City Council the approval of the rezoning request for 403 3<sup>rd</sup> St. SE.

Yes: 0

No: 6

Absent: 1

B. Regular Business:

1. Review and Set Public Hearing on the Rezoning Request for lots 51, 52 and 53 in Stone Haven Plat 4 Subdivision in southeast Waverly.

Garrison Development Company, applicant, has requested the rezoning of properties owned by BNKD, Inc., from C-2 (Commercial District) to R-3 (Multiple Family Residential District). Lot 51 is on the corner of 16<sup>th</sup> Ave. SW and 3<sup>rd</sup> St. SW while lot 53 is situated along the west side of Flintstone Drive. Lot 52 is currently a church and has been included in the request for uniformity. The Comprehensive Land Use Plan designates these properties as residential.

Jack Jennings of Lockard Realty represented Garrison Companies (applicant) and outlined the project. Mr. Jennings indicated the project would be a two story building with 54 units for affordable senior housing that would provide for a continuation of the residential housing to the north and east. Commissioner Keller confirmed that lot 53 may be included in a phase two development, but that details are not worked out on that as of yet. Commissioner Huser confirmed more details on the criteria for potential residency will be brought before the Commission at the next regularly scheduled meeting set for January 8, 2009. Vice-Chairperson Bagelmann confirmed that the rezoning request would better conform to the Comprehensive Land Use Plan, which shows these properties as residential.

Motion By: Keller

Seconded By: Waldstein

Move that a public hearing for the rezoning request for lots 51, 52 and 53 in the Stone Haven Plat 4 Subdivision be set for the Planning and Zoning Commission meeting on January 8, 2009.

Yes: 6

No: 0

Absent: 1

2. Proposed Ordinance Amendment to propose the inclusion of non-profit organizations as a special provisional use in the R-2 zoning district.

The Planning and Zoning Commission, at its last meeting on Nov. 6, 2008, indicated a desire to see the non-profit organizations included within the R-2 zoning district as a special provisional use in response to the use being of similar character to the other special provisional uses. Staff has prepared a sample ordinance which outlines the potential inclusion of this ordinance amendment for review.

Chairperson Lambert confirmed with Secretary Kohout that the use of "institution" is defined,

but not located as a permitted or special provisional use in the R-2 zoning district and staff has proposed to add it in the R-2 district.

Vice-Chairperson Bagelmann indicated his desire to look at whether the language for defining a club is correct or not. Chairperson Waldstein pointed out the language does include language that would clarify some confusion and did not think they need to be redefined. Chairperson Lambert confirmed with Secretary Kohout that no new definitions are proposed for institutions or clubs, but are looking for locating them in the ordinance. Chairperson Lambert inquired if anyone from the public would like to speak. Mr. Wachtman confirmed with Secretary Kohout that there are standards for development for any permitted or special provisional uses in the R-2 district and that any additions to a special provisional use or alterations would require coming before the Commission and Council for final approval. Commissioner Waldstein added that she thinks the review of proposals would be appropriate through the special provisional use criteria and would be subject for review to see how locating a use on a property may function with the neighborhood.

Commissioner Waldstein desired to include institutions and clubs as special provisional uses in the R-2 zoning district as one item to forward to City Council.

Motion By: Waldstein

Seconded By: Bagelmann

Move that the Planning and Zoning Commission recommends to City Council the approval of the ordinance amendment to include institutions and clubs as special provisional uses in the R-2 zoning district.

Yes: 5

No: 1

Absent: 1

Commissioner Keller cast the “no” vote.

Chairperson Lambert inquired if anyone else would like to comment on the application. Council person Duane Liddle indicated his opposition to the proposed rezoning request.

3. Proposed Ordinance Amendment to Properly Address the inclusion of clubs into the special provisional use category in the R-2 zoning district.

(This item was combined with the previous agenda item and is included with the previous motion.)

4. Propose Changing the next Planning and Zoning Commission meeting date from January 1, 2009 to January 8, 2009.

Due to the first available Thursday falling on January 1, 2009 staff is requesting the Planning and Zoning Commission to change the date of the meeting from January 1, 2009 to January 8, 2009.

Motion By: Bagelmann

Seconded By: Waldstein

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

Move that the Planning and Zoning Commission change the next meeting date from January 1, 2009 to January 8, 2009.

Yes: 6

No: 0

Absent: 1

D. Old Business:

None

E. New Business:

None

F. Adjournment:

Motion By: Waldstein

Seconded By: Keller

Move that the Planning and Zoning Commission meeting be adjourned.

Yes: 6

No: 0

Absent: 1