

The property is located on the east side of 4th St. SW, approximately 450 feet south of 10th Ave. SW in the S-1 District.

Jim Hileman, Area Construction Manager for McDonald's, 1650 W 82nd St. Ste. 900, Bloomington MN, 55431, outlined the proposed site plan for the Commission. Mr. Hileman indicated he observed a need for modifications to the entry way onto the property while on-site. He supports the modifications that are proposed to accommodate traffic movements from 4th St. SW into the parking area.

Secretary Ben Kohout confirmed for Commissioner Wilson that parking requirements for the current McDonald's are proposed as an S-1 (Shopping Center District) plan amendment. Mr. Kohout continued by outlining parking requirements outlined in the City Code are requirements for individual properties not in an S-1 district and that a developer may propose a configuration to suit their needs in an S-1 district and have them voted on by Council as a plan. The original parking configuration for the Village Square Shopping Center was proposed as an S-1 plan and approved in 1985 by the City Council. An alternative parking arrangement is proposed to be amended from that approved configuration.

George Miller, owner of 1201 4th St. SW, outlined for the Commission the development agreement with the City and with the property to the south, owned by Village Square Limited Partners (Noddle Development Co.). He also confirmed for the Commission that lack of parking hasn't been an issue with his business and he doesn't anticipate the presented plans to accommodate the future restaurant being a detriment or creating parking problems to his property or the rest of the development. Mr. Miller further confirmed for Vice-Chairperson Lambert that issues such as snow removal have been looked at and it is anticipated the snow removal options could include hauling the snow away or piling snow on the north end of the property, upon the grass area that is under his ownership.

Marcia Eslick, of Noddle Development Co., confirmed for Ms. Waldstein there are currently 3 open store fronts as it relates to the parking demand. Ms. Eslick further confirmed parking has never been an issue. The original parking configuration was 5 spaces per 1,000 square feet.

Motion By: Wilson

Seconded By: Waldstein

Move that Planning and Zoning Commission recommend to the City Council the approval of the plan amendment within the Village Square Shopping Center in the S-1 District for the proposed restaurant location.

Yes: 5

No: 0

Absent: 2

2. Review and recommendation of a minor subdivision plat for a McDonald's restaurant located in the Village Square Shopping Center on the east side of 4th St. SW.

McDonald's restaurant, along with their surveyor, Wayne Claassen Engineering and Surveying, Inc., has requested the splitting of the Miller True Value property located in the Village Square Shopping Center.

The property is zoned as S-1 (Shopping Center District) and the Comprehensive Land Use Map designates this area as commercial.

The minor plat will create a 1.30 acre lot split out of the original 6.30 acre tract and is located within the existing Miller True Value parking lot.

Mr. Kohout confirmed for the Commission the plat meets the requirements as proposed.

Motion By: Lambert

Seconded By: Waldstein

Move that Planning and Zoning Commission recommend to the City Council the approval of the Minor Subdivision Plat for the subdivision of the Miller True Value property for a new McDonald's restaurant.

Yes: 5

No: 0

Absent: 2

3. Review of a Bremer County Rezoning Request for Ray Holbach southwest of the Waverly City Limits.

Ray Holbach is requesting Bremer County rezoning from A-1 (Agricultural District) to A-2 (Modified Agricultural District) for one lot which will be used for residential purposes. This lot is generally located southwest of the Waverly City limits, on the west side of Cottage Avenue. The proposed rezoning is within the City's 2-mile boundary and is classified as in Area 3 per the City's map of areas. Zoning requests are brought before the City for comments while approval is by the County.

Mr. Kohout confirmed for the Commission this request is different from the proposal presented at the February 2009 Planning and Zoning Commission meeting in that this is one lot and there were three lots originally proposed for rezoning. Chairperson Bagelmann confirmed with Mr. Kohout their concern was with lot three not having roadway frontage as proposed at the February meeting, but this request does not show lot three proposed in February included with this rezoning request and offers no comments.

4. Review of a proposed ordinance amendment for small wind turbine generator towers in the City of Waverly.

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. A sample ordinance proposal has been prepared for review and comments.

Mr. Kohout confirmed for the Commission the process of review for an ordinance proposal. Commissioner Waldstein proposed the Commission review this prior to taking action and is not willing to comment on it at this time.

Commissioner Huser confirmed with Mr. Kohout there may be some liability issues as it relates to insurance for neighbors and property owners who have small wind turbines.

Mike Miller, of Natural Solutions who presented information to the Commission on turbines in March of 2008, confirmed for the Commission owners or adjacent owners should not expect a raise in insurance but that they should check with their respective insurance agents for more information.

Mr. Miller confirmed for Mr. Bagelmann that the sound generated may be similar to a neighbor's air conditioning unit. Mr. Kohout confirmed with Mr. Bagelmann that decibels (dba) from other ordinances were looked at and that the City was considering a level of about 60 dba. Mr. Kohout confirmed for Ms. Waldstein that measuring sound levels would be the responsibility of the property owner who owns the turbine to hire someone to measure the sound levels.

Mr. Lambert confirmed with Mr. Kohout that the change proposed could allow residentially zoned, commercially zoned, or industrially zoned properties. Mr. Lambert commented he felt less than one acre may not be enough space to address the noise that may be generated by the turbines. However, he continued that it may be appropriate for commercial areas on lots with one-half acre, but is concerned with the effect of sound levels to adjacent residential property owners. Mr. Lambert added he would like to see this as a provisional use and not a permitted use with conditions on the permit in agricultural, industrial and commercial areas. He did not think there would be protections for neighbors' use of enjoyment of their property if a wind turbine is erected in a residentially zoned area. Mr. Miller commented there are vertical wind turbine models that would generate lower decibel levels in the 4 dba range that have been permitted to be placed in towns such as Cedar Falls, Iowa.

Jason Passmore, Economic Development Director, indicated he worked on the ordinance proposal and thought important items to focus on were lot sizes, height of towers and blade clearance and whether or not it be a permitted use or to hear every request and be a special provisional use. Mr. Lambert confirmed with Mr. Kohout the wind turbine ordinance proposal does not call for the turbines to be a provisional use but that there would be requirements on the permit application that would need to be met.

Commissioner Wilson confirmed with Mr. Kohout restrictions in the flood hazard area can be placed on wind turbines. Ms. Waldstein indicated her thought may be to allow this as a permitted use and see how the applications go.

Mr. Huser inquired to the Commission about the possible negative impacts on assessments of neighboring properties to wind turbines. Pete Lampe, Waverly resident, indicated Bremer County is in the process of putting together an ordinance. He continued that being on the Board of Adjustment, Mr. Lampe indicated 15 proposals for wind turbines have been requested on farmsteads and hog confinement applications.

Mr. Bagelmann confirmed with the Commission they would put this in the old business section for next month's agenda.

D. Old Business:

1. At the June 4, 2009 meeting, the Commission requested information on guidance for discussing agenda items under review by elected or appointed members of the City Council and Commissions.

Since many members of the Council and Commissions of the City of Waverly may have an interest as a private citizen, there may be some questions on when and how they can speak on matters they will vote on. City staff presented to the Commission recommendations on how a Chairperson can accommodate a person's request to speak in a dual role.

Mr. Kohout presented examples such as requiring the speaker to clarify the capacity in which they are speaking, whether as citizen or elected official. Also, establishing consistent time limits on how long citizens may speak to prevent overpowering a conversation.

Ms. Waldstein indicated she wished to be notified on any upcoming seminars in the future or available speakers in the future.

E. New Business:

None

F. Adjournment:

Motion By: Waldstein

Seconded By: Lambert

Move that the Planning and Zoning Commission meeting be adjourned.

Yes: 5

No: 0

Absent: 2