

PLANNING AND ZONING COMMISSION MINUTES
City of Waverly, Iowa
City Council Chambers
January 22, 2015

A. Call to Order: 7:00 p.m.

1. Members Present: Barb Anderson; Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson; Susan Franke; David Huser; Kate Payne; Kathy Olson; Heidi Solheim; Bill Wilson.

City Staff Present: Ben Kohout, Zoning Specialist (Secretary); Tim Kangas, Council Liaison; Edith Waldstein, Council Liaison.

2. Approval of Agenda:

Motion By: Franke

Seconded By: Huser

Move that the agenda be approved as printed to reflect the January 8, 2015 Commission meeting being cancelled and rescheduled to January 22, 2015 due to lack of quorum..

Yes: 9

No: 0

Absent: 0

3. Approval of Previous Minutes:

The Planning Commission stated no need to approve meeting minutes from January 8, 2015 as there was no quorum.

Mr. Huser confirmed for the Commission the comments he stated in the minutes are accurate as amended.

Yes: 9

No: 0

Absent: 0

Move that the minutes of the December 4, 2014 Planning and Zoning Commission meeting be approved as amended.

The November 6, 2014 meeting minutes were discussed during the December 4, 2014 meeting and changes were requested to be brought forth for final review.

Chair Bagelmann confirmed with the Commission the minutes should be amended on page 4, third paragraph in the fifth sentence to read: ...”there may be a question ~~in~~ if the Council resolution...”

Motion By: Huser

Seconded By: Dane

Move that the amended minutes of the November 6, 2014 Planning and Zoning Commission meeting be approved as amended.

Yes: 9

No: 0

Absent: 0

4. Communications:

- i. Mr. Bagelmann informed the Commission there will be a local officials workshop available to attend in March and to sign up with the Community Development office if interested by the end of the first week in March.

B. Public Hearings:

1. Public Hearing for Special Provisional Use for Roof Mounted Solar Energy Panel Array at 70 6th Ave. NW.

Paulson Electric, Inc. of Waterloo, on behalf of Nestle Beverage Company, at 70 6th Ave. NW, is applying for a special provisional use for the construction of a solar array consisting of modules placed on the rooftop at a 30 degree angle. The City Code section 100.28 requires a public hearing to be set and conducted by the Planning and Zoning Commission and approval by the City Council for the requested style of solar panel array.

Mr. Bagelmann opened the public hearing.

Mr. Kohout confirmed for the Commission this request was re-published in the Waverly newspaper and letters were sent out announcing the request at this time and place following cancellation of January 8 meeting.

Paul Green, Industrial Services Manager of Nestle was present to address any questions. Paulson Electric was also represented to address questions of the Commission.

There being no one else from public to speak, Mr. Bagelmann closed the public hearing.

Motion By: Huser

Seconded By: Franke

Move that the Planning and Zoning Commission recommend approval of this roof mounted solar panel special provisional use request to the City Council.

Yes: 9

No: 0

Absent: 0

2. Public Hearing for Rezoning of property at 350 1st Ave. NW from R-4, Multiple Family Residential-Transitional to C-3, Central Business Commercial District.

AHTS Architects, on behalf of Deneui Holdings, Inc., at 350 1st Ave. NW, the site of the former W-SR School district junior high facility, is requesting a zoning change from R-4, Multi Family-Transitional to C-3, Central Business District Commercial. The request stems from a desire to expand the opportunities for uses that are in line with uses customarily found in a commercial zoning designation that would involve residential and other commercial retail and service opportunities out of the existing structure.

Mr. Bagelmann opened the public hearing.

Mr. Kohout confirmed with Mr. Bagelmann the City Code provides for the proposed uses of “indoor recreation club” and “boarding house” for sports camps in the R-4 district as special provisional use applications and off-street parking requirements for each respective use. Mr. Kohout stated the C-3 district, if ultimately approved, would allow for the aforementioned uses without special provisional use considerations for each proposed use called out and without considering off-street parking regulations, akin to the existing storefronts along Bremer Avenue between 4th Street SW and 4th Street SE. Mr. Kohout stated any residential uses are permitted above the first floor in the R-4 and C-3 districts and off-street parking for residence dwellings would be required. Mr. Kohout confirmed for the Commission no communications were received from the public on this request.

Mr. Kohout confirmed for Ms. Olson the existing “Gym 24” fitness club has been in existence since approximately 2012 and has been operating out of the gymnasium since the Waverly-Shell Rock school district advertised the building for sale and the school district opened up the 5-8 grade building on Heritage Way. Mr. Kohout stated the gymnasium was granted permission to be occupied by the Zoning office while the property was being marketed, with the condition that should the property be sold, a formal request will then need to come forward for determination in accordance with the Code.

Ms. Franke stated a concern over the on-street parking conditions on 4th Street NW and a concern over the safety of vehicles and pedestrians in the area due to the parking resulting from the Gym 24 use and residential parking on the west side of 4th Street NW. Ms. Franke has a concern over where off-street parking would be accommodated with the proposed uses out of the building.

Andrew Bell, of AHTS Architects, confirmed for the Commission off-street parking will need to be reviewed further. Mr. Bell stated off-street parking can be further researched to accommodate uses out of the building. Mr. Bell stated his firm is reviewing uses desired by the owner to accommodate building code compliance and any off-street parking required by code can be addressed once specific uses are approved by the City.

Mr. Huser stated support of City staff for allowing the use of the gymnasium rather than having the building sit vacant.

Mr. Bell confirmed for Ms. Franke 11 classrooms are currently being planned to be converted into dormitories, according to building code guidelines to accommodate a wrestling camp with overnight stay usage. Mr. Bell confirmed items such as fire alarms and sprinkling systems are being reviewed with the building code enforcement staff of the City.

Mr. Kohout confirmed for the Commission should C-3 be considered for approval, the parking for residential would be enforced at the rate of 1 off-

street space per studio unit, 1.5 space for each one bedroom unit, two spaces for each two or more bedroom unit.

The Commission discussed the grass lot north of the Walgreen's location, which is under the ownership of the applicant as well as a possible location for off-street parking location.

Mr. Dane stated concern over the C-3 designation for the property due to no parking being required. Mr. Dane stated uses such as restaurants or coffee shops may have hours later into the night that may occupy on-street parking that may be detrimental in this area. Mr. Dane stated he supports a zoning designation that requires off-street parking requirements for this location due to this being a transitional property adjacent to residential zoning districts. Mr. Dane supports the special provisional use model for this property and any proposed uses to better evaluate the parking demand of each use.

Ms. Payne confirmed with Mr. Kohout the existing Gym 24 use is considered a special provisional use under "R-4" and should C-3 zoning district not be further considered by the owner, a special provisional use request would need to be recommended by the PZ Commission and voted on by the Council prior to approval. Mr. Kohout further confirmed the wrestling camp boarding house use also could be considered by the City as a special provisional use.

Mr. Kohout confirmed for Mr. Bell the first floor uses out of the structure may include "personal service establishments", or businesses akin to by-appointment services to counsel people. Mr. Kohout covered the other special provisional uses in the R-4 with the Commission.

Ms. Solheim stated she finds the special provisional uses in the R-4 district may allow for limited commercial uses that could make use of the building.

Mr. Kohout confirmed with the Commission parking may be considered on any proposed special provisional uses and that the Commission may evaluate any proposed uses to determine if parking is able to be accommodated and any flexibility in required off-street parking may be reviewed by the Commission prior to recommending to the Council.

Mr. Dane stated support of a C-2 zoning designation so off-street parking considerations may be enforced.

Mr. Huser proposed for consideration an agreement combined with the C-3 designation trying to address off-street parking demands may be an alternative consideration. Mr. Kohout advised agreements are not supported by staff and that straight re-zonings or granting of special provisional uses with conditions of approval imposed may be better ways to address this situation.

Mr. Bell confirmed for the Commission the property owned by Mr. Deneui on the south side of 1st Ave. NW may be converted for parking, and if it is sold,

off-street parking requirements on the same property would not be able to be met.

The Commission discussed possible locations of off-street parking locations with Mr. Bell, and considered angled parking configurations. Mr. Bell confirmed for the Commission further research is needed to conduct measurements and to determine feasibility with regards to street access.

Mr. Huser discussed C-2A zoning designation with the Commission. Mr. Kohout stated this designation still requires off-street parking requirements for each respective business.

Mr. Wilson stated this property was included in the historic main street designation recently and the Chamber of Commerce has looked at ways to preserve the exterior look of the structure. Mr. Wilson stated the Chamber is interested in seeing uses that fit with the surrounding residential usage and commercial uses.

Mr. Kohout summarized the R-4 and C-3 uses for the Commission.

Mr. Kohout confirmed for the Commission recommending approval of the C-3 designation allows for the building to be occupied as a flexible commercial space building, but with no off-street parking required. Not recommending approval by the Commission renders this building subject to special provisional uses specified in the Code under R-4 for limited commercial uses.

Mr. Bell stated he would like the Commission to consider recommending approval of C-3 to allow for flexibility of main level commercial usage.

Ms. Solheim further stated support of recommending denial of the C-3 designation requested and suggested the applicant consider which special provisional uses to apply for at once to the Commission for review and recommendation to better evaluate parking demands and potential impact to adjoining properties.

The Commission discussed the requested uses and how to best move the applicant's request forward when considering the impacts of C-3 or C-2 rezoning and ensuing commercial usage in accordance with the Code.

There was discussion amongst the Commission about formulating a proper motion to vote upon.

Mr. Bell confirmed for the Commission there is space for up to 30 high school aged students attending a wrestling camp and spending one week at the building. Mr. Bell stated he will work with the applicant to evaluate parking considerations prior to establishing how to proceed with plans for the building.

There being no one else wishing to speak, Mr. Bagelmann closed the public hearing.

Motion By: Dane

Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of this rezoning request at 350 1st Ave. NW property as described from R-4 to C-3 to the City Council.

A roll call vote was called by the Chair.

Yes: 0

No: 9

Absent: 0

C. Regular Business:

None

D. Old Business:

1. Rental ordinance update from Staff.

Copies of the Ordinance amendment approved by the Council were shared with the Commission by Mr. Kohout.

The Commission discussed the rental ordinance considerations occurring in Cedar Falls where the numbers of unrelated are still being enforced and being reduced from four to lower numbers.

Council Liaison spoke in support of the ordinance recently enacted in that the ordinance considers occupancy not on familial relations, which the State is considering eliminating as being a legal means, to the version where there are more measurable means to establish occupancy. Ms. Waldstein thanked the Commission for their efforts on their recommendation and work in formulating the ordinance amendment process.

2. Corridor Planning update from Staff.

Staff stated initial meeting with Ms. Payne will occur and that Ms. Franke, Ms. Olson, Ms. Payne and Mr. Wilson and Mr. Kohout will meet to further refine the goals and provisions to further promote the establishment of corridor visions for Waverly. Following discussion, this task force will report back to the Commission on their findings.

Mr. Bagelmann stated he would like the task force to consider West Bremer Ave. and East Bremer Ave. as two corridors to consider independently during review.

Ms. Solheim stated support of making provisions to ensure the corridors include the notion of walk able and bike able to the City's amenities.

E. New Business:

None

F. Adjournment:

Motion By: Huser

Move that the Planning and Zoning Commission meeting be adjourned.
The meeting adjourned at 8:25p.m.

Respectfully Submitted,
Ben Kohout, Secretary