

MINUTES
CITY OF WATERLOO, IOWA
PLANNING, PROGRAMMING AND ZONING COMMISSION
REGULAR MEETING - 4:00 P.M. SEPTEMBER 9, 2014

The regular meeting of the Waterloo City Planning, Programming, and Zoning Commission was called to order at 4:00 p.m. by Acting Chairperson Young on September 9, 2014 in the Harold E. Getty Council Chambers at Waterloo City Hall.

Members present were: Tackett, Thornsberry, Miehe, Young, Gustafson, Hall, Buckles, and Morrison.

Member absent was: Whitehead.

Others present: Noel Anderson, Aric Schroeder, Chris Western, Shane Graham, Tim Andera and Adrienne Miller - Planning Department; Eric Thorson, Engineering Department; Councilpersons Tom Lind, David Jones, Pat Morrissey and Steve Schmitt and approximately 50 citizens.

I. Approval of the Agenda

It was moved by Morrison, seconded by Gustafson to approve the agenda. Motion carried unanimously.

II. Approval of the Minutes from the Regular Meeting on August 5, 2014.

It was moved by Thornsberry, seconded by Miehe to approve the minutes as submitted. Motion carried unanimously.

III. Financial Report: July 2014

Anderson indicated that we are on schedule with both revenue and expenses.

It was moved by Hall, seconded by Tackett to approve the financial report. Motion carried unanimously.

IV. Oral Presentations

Pat Burke, 130 Sabrina Circle, questioned if the agendas and minutes could be posted online on the City's website prior to the meeting, and Schroeder commented that staff can look into that and could also look into placing the entire packet of information on the website as well.

V. Agenda Items

A. Hearings – Rezones/Site Plan Amendments

1. Request by St. Andrews Presbyterian Church to rezone property from "R-2" One and Two Family Residence District to "C-P" Planned Commercial District, to allow for future development of the property, located at 1926 Sager Avenue.

It was moved by Gustafson and seconded by Buckles to receive and place on file the statement of verification at 4:06 p.m. Motion carried unanimously and Young declared the hearing open.

Graham gave the staff report explaining the request, noting that staff is recommending approval of the rezone request, subject to the following conditions: 1. That an effective visual screen including a 6-foot solid fence and landscaping is erected along any bordering residentially zoned property, 2. That the final site plan meets all applicable city codes, regulations, etc. including, but not limited to, parking, landscaping, drainage, etc., 3. That the property be limited to allow any uses in the "R-4" Multiple Family Residence District, except for the following: a. multi-family dwellings, b. rehabilitation homes, c. group homes, d. tourist homes, and 4. That the property be limited to allow the following uses in the "C-

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1" Commercial District: a. bookstore, b. collection office, c. dance studio, d. financial institution, e. post office substation, f. photo studio, g. tailor shop.

Miehe commented that he would be abstaining from voting for this request.

Thornsberry questioned if office uses such as dental would be allowed, and Graham commented that those types of uses are allowed in the "R-4" District, and would be allowed at this location. Thornsberry questioned the sewer issues and what was being done to help the situation and Anderson commented that the city is attempting to help repair the situation, but it is costly and will take some time.

Sharon Andreassen, 1200 Scott Avenue, commented that she is opposed to the request, and handed over a petition of opposition to the request signed by 95 residents of the area. She noted traffic and sewer concerns, and indicated that she would like to see another church go in there.

Fred Miehe, realtor representing the applicant, indicated that it is their primary goal to find another church to go in that location, but also indicated that they would like the ability for it to be a medical facility or a workout center as well. He indicated that they are sensitive to the surrounding neighbors, and that is why they are ok with the conditions that staff is recommending for limiting the uses allowed.

Forrest Dillavou, Huntington Road, commented that this is the worst sewer area in the entire city.

Tackett commented that the "C-P" zoning and the conditions placed by staff should help alleviate some of the concerns of the surrounding property owners.

It was moved by Morrison, seconded by Tackett to close the Public Hearing. Motion carried unanimously. Public Hearing was closed at 4:22 p.m.

It was moved by Morrison, seconded by Buckles, to approve the rezone request, subject to the following conditions: 1. That an effective visual screen including a 6-foot solid fence and landscaping is erected along any bordering residentially zoned property, 2. That the final site plan meets all applicable city codes, regulations, etc. including, but not limited to, parking, landscaping, drainage, etc., 3. That the property be limited to allow any uses in the "R-4" Multiple Family Residence District, except for the following: a. multi-family dwellings, b. rehabilitation homes, c. group homes, d. tourist homes, and 4. That the property be limited to allow the following uses in the "C-1" Commercial District: a. bookstore, b. collection office, c. dance studio, d. financial institution, e. post office substation, f. photo studio, g. tailor shop. Motion carried 7-0, with Miehe abstaining.

2. Request by Daniel Fencel for a site plan amendment to the "R-2, C-Z" One and Two Family Residence Conditional Zoning District, to allow for the construction of a new office building and parking lot, located at 1209 Dundee Avenue.

It was moved by Buckles and seconded by Miehe to receive and place on file the statement of verification at 4:25 p.m. Motion carried unanimously and Young declared the hearing open.

Western gave the staff report explaining the request, noting that staff is recommending approval of the site plan amendment, subject to the condition that the final site plan meets all applicable city codes, regulations, etc. including but not limited to parking, landscaping, drainage, etc.

Forrest Dillavou, Huntington Road, commented that this property is one of the nicest, well-kept properties in Waterloo.

It was moved by Gustafson, seconded by Buckles to close the Public Hearing. Motion carried unanimously. Public Hearing was closed at 4:30 p.m.

Miehe questioned if elevation diagrams have been submitted for the new building, and Western indicated that they have not.

It was moved by Thornsberry, seconded by Buckles, to approve the site plan amendment request, subject to the condition that the final site plan meets all applicable city codes, regulations, etc. including but not limited to parking, landscaping, drainage, etc. Motion carried unanimously.

3. Request by Hawkeye Capital Investments, LLC to amend the condition of zoning on the property zoned "R-3" Multiple Residence District prohibiting 3-story tall multi-family residential dwellings along the west side of the property, to allow for the construction of five 3-story tall multi-family residential dwellings, generally located on property north of Greenhill Road and east of Progress Avenue (former Tunis Speedway).

It was moved by Gustafson and seconded by Miehe to receive and place on file the statement of verification at 4:31 p.m. Motion carried unanimously and Young declared the hearing open.

Miller gave the staff report explaining the request, noting that staff is recommending denial of the request, as the condition was initially set by the Planning & Zoning Commission and City Council upon concerns expressed by neighbors, and staff is not aware of any input from the neighbors indicating that they are no longer concerned with the height limitation, and allowing 3-story 12-plexes along the westerly portion of the property could cause unnecessary hardship for the single family homes that are adjacent to the property.

Gustafson questioned what kind of fence is required, and Miller commented that a 6' tall solid fence is required. Tackett questioned why the applicant is asking for the amendment, and Mark Mauer with Platinum Development, who is representing the applicant, indicated that market changes are dictating the request, as the two story 15-plexes are 1-bedroom units, while the three story 12-plexes are 2 bedroom units. Tackett questioned if a two story design could have 2-bedroom units, and Mauer explained that that design would need a complete overhaul. Mauer noted that the 12-plexes have a smaller footprint, and are a better fit for the area even though they are taller.

Thornsberry questioned if the proposed buildings are 2 bedroom units, and Mauer indicated yes. Mauer also indicated that these would be market rate units, and not low income. Thornsberry commented that the smaller footprint of the proposed buildings may require the storm water detention ponds to be larger because of the additional green space.

Barb Schafer, 831 Progress Avenue, indicated concerns about sewer serving all of these units, and commented that there is already water coming onto her property. Duane Schafer, 831 Progress Avenue, indicated concerns on the number of vehicles, parking, and traffic, and questioned if the units were handicap accessible. Mauer indicated that the first floor units would be handicap accessible only.

Sherry Barnes, 935 Progress Avenue, indicated concerns that the creek behind her property would overflow onto her property, and expressed concerns about sewers, traffic, water runoff, and property valuation.

Bruce Hatfield, 912 Progress Avenue, expressed concerns about traffic, and commented that there is a natural spring on the property now so there are already water issues with that property.

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Pierre Marion, 930 Progress Avenue, indicated concerns with privacy with a 3-story building, pedestrian traffic, and questioned if this would be built in stages. He also questioned if there would be dumpsters or trash bins on the site.

Steve Nemmers, 919 Progress Avenue, indicated privacy concerns, and commented that a 6' tall fence would not hide a 3-story building.

Jim Fox, 839 Progress Avenue, indicated privacy concerns.

Mark Mauer commented that the project would be done in 3 phases, working from south to north. He indicated that they would probably have corrals with dumpsters located within them which are out of site.

Tackett questioned if there would be sidewalks in the development, and Mauer indicated that there would be sidewalks from building to building, but not along Greenhill Road. Mauer also indicated that there are 30'-40' tall trees along the west side of the property to help the privacy of the neighbors to the west, and that the trees would not be removed.

It was moved by Buckles, seconded by Morrison to close the Public Hearing. Motion carried unanimously. Public Hearing was closed at 5:10 p.m.

Gustafson commented that she wouldn't want a 3-story building behind her if she lived there. Thornsberry commented that she was alarmed about the request as a soil and water commissioner.

It was moved by Gustafson, seconded by Morrison, to deny the request to amend the condition of zoning on the property zoned "R-3" Multiple Residence District prohibiting 3-story tall multi-family residential dwellings along the west side of the property, to allow for the construction of five 3-story tall multi-family residential dwellings. Motion carried unanimously.

4. Request by Valentine Enterprises, LLC for a site plan amendment to the "M-2,P" Planned Industrial District to allow for the establishment of a salvage yard, located at 729 W Airline Highway.

It was moved by Gustafson and seconded by Miehe to receive and place on file the statement of verification at 5:16 p.m. Motion carried unanimously and Young declared the hearing open.

Western gave the staff report explaining the request, noting that staff is recommending approval of the site plan amendment and special permit requests, subject to the following conditions: 1). That the site plan amendment approval shall not include the area around the existing dwelling at 729 W. Airline Highway and no junk or salvage material shall be kept in or around said dwelling to a point extending 20 feet behind the dwelling, and the approval shall not include the south 1,300 feet of the property in question, and that any future phases proposed to expand into the south 1,300 feet shall be required to go back through a Site Plan Amendment process at that time, 2). That all fencing around the salvage/recycling area be an 8' solid material with an earth tone color (brown or dark green), with the fencing along the property Zoned "A-1" Agricultural District being setback a minimum of 8' and within this 8' setback a minimum of 2" caliper under story trees shall be planted and maintained with a maximum separation between trees of 50', 3) That a private fire hydrant(s) be located on the property and connected to the water main in W. Airline Highway per the requirements of the Fire Marshal, 4) That any crushing of vehicles or salvage material shall only be done by a hydraulic crusher, 5) That no stacking of vehicles or materials shall be permitted above the height of the fence, 6) That no vehicles, parts equipment, or salvage material shall be stored outside of the fence portion at any time (overnight, early morning, etc.). If owner feels necessary for customer transactions, they shall provide a space within the fenced area, potentially through the design of a double fence system, to have customers pull salvage

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vehicles or material directly behind a fenced area for discussion, sale, or drop off purposes, 7) All areas for vehicular uses outside of the fenced area shall be hard surfaced, and an area within the fenced area also shall be hard surfaced to eliminate mud and dust from being tracked outside of the fenced area, and 8) That the final site plan meets all applicable city codes, regulations, etc., including but not limited to parking, drainage, landscaping, etc.

Morrison questioned what the enforcement tool would be for the conditions that staff is proposing to place on the property, and Western indicated that salvage yards are inspected on a yearly basis and they are licensed by the City as well. Morrison questioned if the applicant's legal standing with the state has been clarified, and Western commented that he was unsure. Thornsberry questioned what type of fence would be required, and Western indicated that it would typically be a metal solid fence. Thornsberry questioned if inspections could be done more often than yearly, and Western indicated that he wasn't sure, as city code specifies that it be done yearly, and there are multiple departments that do inspections.

Mike Young left the meeting at 5:30 p.m.

Kirk Eschliman with KESS & Associates indicated that the Iowa Department of Natural Resources and the EPA have stricter regulations than the City does in regards to operating a salvage yard.

Rick Westphal, 2232 Avon Avenue, indicated concerns about ground water contamination, as many of the houses in that area are served by wells. He passed out pictures of another salvage yard in Waterloo and noted the condition of that one.

Mark Little, 803 Midland Street, questioned if the 2006 and 2008 letter from the DNR is good forever, and Schroeder indicated that usually no such letters are provided for this type of request, but because this property has a history, it received a letter from the DNR stating no further action required from a cleanup standpoint. Little commented that there was a petition submitted last time with 31 signatures on it. He also commented that there are 23 junk yards within Waterloo, and that adding another in this area would hamper the development of the area.

Eric Frey, 925 Midland Street, indicated that he is opposed to the request, noting that this area does not need another junk yard in it.

William Smith, 2260 Ashland Avenue, indicated concerns over wells and septic systems in the area.

Tim Luce, attorney representing the applicant, indicated that the property is zoned properly, and doesn't know if the property will be used for a salvage yard, but they would like the approval so that the property could be used for one if someone purchases the property and would like to establish one there. Luce indicated that the conditions stated by staff would be met by his client.

Tackett questioned if the ownership of the company has been dissolved, and Luce indicated that it has, but will reinstate it. Tackett questioned if the request can move forward since the applicant's name isn't recognized, and Schroeder indicated that the application is signed by the property owner, so the request can move forward. Leonard Hogelucht, owner of the property, indicated that he has spent over \$50,000 to clean the property up since he purchased it, and commented that if there are 23 other junk yards in Waterloo why should his be denied.

Robert Burke, 950 Midland Street, indicated that he is opposed to the request.

Molly Plunkett, 2135 Ashland Avenue, commented that she does not want a junk yard located near her.

Pat Burke, 130 Sabrina Circle, questioned if the request would still go to the Board of Adjustment if the P&Z Commission denies the request, and Schroeder indicated yes.

Matt Mieke left the meeting at 6:00 p.m.

Pat Morrissey, 3rd Ward Councilperson, indicated that everyone in this neighborhood is opposed to the request, and so is he.

Hogelucht commented that he is asking for permission, but isn't even sure if the property will be used for a salvage yard.

It was moved by Hall, seconded by Buckles to close the Public Hearing. Motion carried unanimously. Public Hearing was closed at 6:14 p.m.

Morrison commented that she finds it hard to believe that the applicant could comply with all of the conditions if they haven't even reinstated the business yet. Tackett commented that the property is zoned M-2, P now, so other industrial uses are already allowed there, and Schroeder indicated yes, and that they would need to go through the site plan amendment process as well.

It was moved by Hall, seconded by Thornsberry, to deny the site plan amendment and special permit request. Motion carried unanimously.

B. Special Permits

1. Request by Valentine Enterprises, LLC for a special permit to allow for the establishment of a salvage yard, located at 729 W Airline Highway.

This item was discussed and acted on with Item #A-4 above.

2. Request by the Bosnian Islamic Association of Waterloo, Inc. for a special permit to allow for the establishment of a cemetery, generally located south of Marigold Drive and north of Memory Lane.

Graham gave the staff report explaining the request, and indicated that staff is recommending approval of the special permit request, subject to the condition that the final site plan meet all applicable city codes, regulations, etc. including but not limited to parking, landscaping, drainage, etc., and that a minimum 6' tall solid fence is constructed along the west and south borders of the cemetery to screen the adjacent mobile home park.

Tackett questioned if the approval was for the cemetery only, and Graham indicated yes, and that when the applicant is ready to move forward with the other phases of the project, such as the mosque, it would need to go through the special permit approval process as well.

Beth Scott, property manager for the mobile home park to the south, indicated that she didn't receive a notice of the meeting until 5:00 p.m. yesterday, and indicated concerns about traffic and noise from the cemetery.

Kirk Eschliman, surveyor representing the applicant, commented that he found all of the pins surrounding the property, and that the cemetery's location would not allow for a street connection to the mobile home park to the south. Eschliman commented that he is unsure when the mosque would be constructed, noting that they have a mosque now in Waterloo but they do not have a cemetery.

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Beth Scott commented that she doesn't know what the funeral procession includes, including traffic noise, etc.

A resident indicated concerns on ground water contamination if they use non-casket burials.

Eschliman commented that a state permit is required for a cemetery, and the state oversees it.

Tackett indicated concerns about potential impacts on ground water quality. Gustafson commented that she would like to see some more information regarding the burial process before it can move forward. Thornsberry commented that the culture shouldn't be the issue here, and instead issues like traffic, access, etc. should be looked at.

It was moved by Gustafson, seconded by Thornsberry, to table the special permit request to gather more information regarding the burial process and state approvals. Motion carried unanimously.

3. Request by Sue Wilson & Kevin Wright for a special permit to allow for a hobby farm located in the "M-1" Light Industrial District, located at 3031 E Shaulis Road.

Miller gave the staff report explaining the request, and indicated that staff is recommending approval of the special permit request, subject to the condition that the hobby farm be limited to 24 hens, and that the chickens will be contained within the fenced in area and chicken coop and not adjacent to property lines.

Sue Wilson indicated that the use the eggs for their own better health, and noted that some people cannot eat store bought eggs and rely on them for their eggs.

It was moved by Thornsberry, seconded by Hall, to approve the special permit request, subject to the condition that the hobby farm be limited to 24 hens, and that the chickens will be contained within the fenced in area and chicken coop and not adjacent to property lines. Motion carried unanimously.

C. Plats

1. Request by Robin Hood Enterprises, LLC for the 11-lot preliminary plat of Nottingham Third Addition, zoned "R-1" One and Two Family Residence District.

Miller gave the staff report explaining the request, and indicated that staff is recommending approval of the preliminary plat request.

George Stigler, 4616 William Drive, commented that the proposed retention pond would always have water in it because of impermeable soils. He commented that the pond would financially harm anyone who buys any of the lots. He commented that Robin Hood Enterprises would dissolve after the lots were all sold off and the pond would therefore not be maintained, and would have mosquitos, weeds, snakes, etc.

Bill Claassen, engineer and surveyor for the applicant, indicated that the retention areas soak into the ground and detention areas flow to a creek. He indicated that the floodplain map doesn't follow the existing contours maps for that area, so that is why they believe the floodplain map is incorrect in this area.

Pam Wolf, 4810 W 4th Street, indicated the same concerns as Mr. Stigler. She commented that water has backed up to their lot 3 times since 2009. She questioned Lot 11 on the plat, since her deed of dedication states that no lot can be split and another home constructed on it, and Schroeder indicated that Lot 11 would be a part of this subdivision and not her subdivision so it wouldn't have to abide by the deed of

dedication for her subdivision. Wolf commented that she would hate to have these new homes have water in them.

Garry Luterek, 4828 W 4th Street, commented that language needs to be added to the deed of dedication that states that the lot owners are responsible for the maintenance of the pond. He commented that the water from the existing homes there drains towards Lot 10, and he has concerns about building a house on that lot. He commented that the lots should not be smaller than 25,000 SF, as that is the lot size of the lots in their subdivision adjacent to this. He commented that he disagrees with Mr. Claassen regarding the floodplain issues. He also recommended that the sewer be extended from the west to serve this development and not use lift pumps.

Schroeder commented that Tract B is shown as future development. Schroeder commented that changes are needed to the deed of dedication, however a deed of dedication is not required for a preliminary plat, as that would be required for the final plat.

Claassen indicated that the lots would utilize grinder pumps for sanitary sewer, as it would be more costly to extend the sewer from the west.

Steve Grimm, 4646 William Drive, commented that he has a grinder pump because of the sewer issues out there.

David Jones, Ward 1 Councilperson, commented that he has issues with the smaller lots compared to other lots in the area. He indicated concerns on the water issues, and commented that there is no need to rush this through.

Phyllis Doulaveris, 4558 William Drive, indicated concerns about the retention pond and see water issues out there.

Tackett commented that she does not want to see this subdivision turn out like Summerland Farms, as they have water issues as well.

It was moved by Hall, seconded by Morrison, to table the request, in order for the applicant to address some of the concerns raised. Motion carried unanimously.

D. Street Namings

1. Request by the City of Waterloo to name two new private streets as Cohen Lane and Keith Lane.

Graham gave the staff report explaining the request, and indicated that staff is recommending approval of the street naming's.

It was moved by Gustafson, seconded by Hall, to approve the street naming request. Motion carried unanimously.

E. Plans and Studies

1. FY2015-2019 Capital Improvements Program

Graham explained the Capital Improvements Program.

It was moved by Gustafson, seconded by Hall, to approve the FY2015-2019 Capital Improvements Program. Motion carried unanimously.

V. Discussion Items

There were no discussion items.

VI. Adjournment

With no further business to discuss, it was moved by Gustafson and seconded by Morrison to adjourn the meeting. Motion carried unanimously and the meeting adjourned at 8:06 p.m.

Respectfully submitted,



Shane M. Graham,
Planner II