

REQUEST:	Request to rezone approximately 61.11 acres of land from "A-1" Agricultural District, "C-2" Commercial District and "M-1" Light Industrial District to "R-1,R-P" Planned Residence District.
APPLICANT:	GMJ2 Industries, 402 East 4 th Street, Ste. 101, Waterloo, IA 50703
GENERAL DESCRIPTION:	The proposed rezone area is located near and east of the intersection of East Shaulis Road and Highway 218 (La Porte Road).
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USE:	It would not appear that the rezone would have a negative impact upon the surrounding area or other surrounding land uses.
VEHICULAR & PEDESTRIAN TRAFFIC CONDITIONS:	The proposed rezone request will increase traffic on the surrounding streets when fully developed. A negative impact is not expected to be significant and can be minimized through access control, traffic control devices, and geometric design improvements when needed. Roads adjacent to the rezone area are East Shaulis Road, which is classified as a Collector, Texas Street, which is classified as a Local Street, and Highway 218, which is classified as a Principle Arterial.
RELATIONSHIP TO RECREATIONAL TRAIL PLAN:	Currently, there are no recreational trails immediately adjacent to the site in question. In the near future, a recreational trail will be extended from Highway 218, eastward along East Shaulis Road and stop at the entrance to the Isle of Capri Casino. Future plans from that point are to extend the trail further to the east along East Shaulis Road and connect it with the Cedar Valley Nature Trail, which are approximately 1.5' miles to the east of the site in question near the Cedar River.
ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY:	<p>The rezone area in question mostly comprised of "A-1" Agricultural District and "M-1" Light Industrial District. There is an area of "C-2" Commercial District located towards the center of the property. The property has undergone some zoning changes over the years, with a portion of it being rezoned in 1980 from "A-1" Agricultural District to "C-2" Commercial District. In 1985, part of the area that was zoned to "C-2" Commercial District in 1980 was rezoned to "M-1" Light Industrial District where Bertch Manufacturing has constructed some buildings. Surrounding land uses and their zoning are as follows:</p> <p>North – Existing light industrial development, zoned "M-1" Light Industrial District.</p> <p>South – Single-family residences, zoned "A-1" Agricultural District, and "R-1" One and Two Family Residence District.</p> <p>East – Iowa Northern Railroad, zoned "A-1" Agricultural District and single-family residences, zoned "R-2" One and Two Family Residence District.</p> <p>West – Some light commercial uses on the west side of Texas Street and single-family residences, zoned "M-1" Light Industrial</p>

	District.
DEVELOPMENT HISTORY:	The surrounding area has a large mix of different uses, with primarily industrial development to the north and west of the site, and agricultural and residential development to the south and east of the site.
BUFFERS/ SCREENING REQUIRED:	With the far northern lots of the development being located approximately 100' to 150' from the north property line of the site, the drainage way bordering that north lot line could be used to buffer the residential uses from the industrial uses to the east.
DRAINAGE:	Rezoning of the land would not appear to have a negative impact upon drainage in the surrounding area. As the site is platted and developed for residential purposes, it would be necessary to install appropriate storm water control methods.
FLOODPLAIN:	The majority of the rezone area is located within a Special Flood Hazard Area (Zone AE, 100-year floodplain) as indicated by the Federal Insurance Administration's Flood Insurance Rate Map, Community Number 190025 and Panel Number 0308F, dated July 18, 2011. There are some areas on the south and east sides of the property that is not located within a floodplain. A portion of the Floodway of Sink Creek encroaches on the northern part of the parcel in question. The applicant has submitted a conceptual plan that shows the land being platted into 80 residential lots with a new street network. The lot layout, as submitted, develops lots along the northern portion of the site, but south of the Floodway District. This would appear to help reserve the Floodway designated areas to continue to allow for proper drainage. It would appear that the lots start 100' to 150' south of the north property line. When the site is developed for residential purposes, the new structures would need to adhere to the floodplain provisions noted within the Zoning Ordinance, most notably that the lowest floor elevation shall be at least 1' above the 100-year floodplain elevation. The engineer for the applicant noted that they intend to excavate areas on the site for two to three ponds, with the fill that is excavated from those ponds to be used to elevate the property out of the floodplain. There are also plans to clean out the floodway channel of debris to allow for better flowage of water. The applicant intends to file a Letter of Map Revisions (LOMR) with FEMA to remove the site from the floodplain.
PUBLIC /OPEN SPACES/ SCHOOLS:	Floyd Randall Park is located approximately one half mile to the east at the intersection of East Shaulis Road and Foulk Road.
UTILITIES: WATER, SANITARY SEWER, STORM SEWER, ETC.	There are no storm sewers that are adjacent to the site. There is an 18" sanitary sewer in Texas Street to the west, 8" and 12" sanitary sewer in East Shaulis Road to the south, an 8" sanitary sewer in Cedar Terrace Drive to the east, and an 18" sanitary sewer located within Kenter Lane, which is a private street just north of the site adjacent to Bertch Manufacturing.
RELATIONSHIP TO	The Future Land Use Map designates this area as <i>Industrial</i> . This

COMPREHENSIVE
LAND USE PLAN:

rezone request is not in conformance with the Future Land Use Map and Comprehensive Plan for this area. If the rezoning of the property is approved, the Future Land Use Map should be amended to reflect the projected development of this land for *Low Density Residential* uses. The site in question is located within the Primary Growth Area and can be served by the extension of existing utilities in the area.

STAFF ANALYSIS –
ZONING
ORDINANCE:

The proposed rezone area covers areas that are zoned “A-1” Agricultural District, “C-2” Commercial District and “M-1” Light Industrial District. The applicant is proposing to rezone the entire 61 acres to “R-1,R-P” Planned Residence District, which is a site plan specific district. The “R-P” Planned Residence District designation gives the City of Waterloo greater levels of review, and provides for special provisions and care to be taken in site layout, to ensure compatibility to adjacent land uses, including screening, landscaping, setbacks, etc. It also provides for greater levels of public input, as any significant change in the development would be required to be reviewed by the Planning, Programming and Zoning Commission and subsequently the City Council after recommendation.

A conceptual plan has been submitted that shows the potential for 80 residential lots and a street network to serve those lots. The “R-1,R-P” Planned Residence District would only allow for one and two family uses, and any residential use with a higher density than that would need to be in a zoning district zoned for multiple family uses. The applicant’s engineer has noted that the property owner wants this development to be for single-family uses only. Per the conceptual plan, there would be lots developed that would abut the industrial uses to the north. Sink Creek runs parallel to the north lot line of the rezone area, and when the site is developed for residential uses, the northern lots will be 100’ to 150’ from the overall north property line of the site. The floodway area consists of a large number of trees, which could buffer the residential uses from the industrial uses to the north.

Staff would note it is not ideal to have residential and industrial development abutting one another, but also believes the buffer area can be designed to allow the two uses to co-exist. The drainage way may work as a buffer area to further screen one use from the other. The existing industrial park development and existing houses along East Shaulis Road make this development of land inevitable, and prime for new development. If entirely developed for industrial as shown on the Future Land Use Map, this could allow for greater conflict between existing houses to the south along East Shaulis Road and future industrial development.

When the applicant begins the process of platting the land into residential lots, staff would like to have the entire area be preliminarily platted so that existing and proposed contours can be

reviewed before final platting the land in multiple phases.

STAFF ANALYSIS –
SUBDIVISION
ORDINANCE:

There is no platting required as a part of this request.

STAFF
RECOMMENDATION:

Therefore, staff recommends that the request to rezone from “A-1” Agricultural District and “C-2” Commercial District and “M-1” Light Industrial District to “R-1,R-P” Planned Residence District be approved for the following reasons:

1. The site in question would appear to provide sufficient space to meet all required regulations including setbacks, drainage, landscaping, screening, etc.
2. It would not appear that rezoning the land to “R-1,R-P” Planned Residence District would have a negative impact upon the surrounding area.
3. The request is located within the primary growth area and can be serviced by the extension of existing utilities in the area.
4. The Planned Residence District allow for a greater influence on exact layout, especially given the proximity to other houses in the area, and plans to abut industrially developed land to the north.

Subject to the following condition(s):

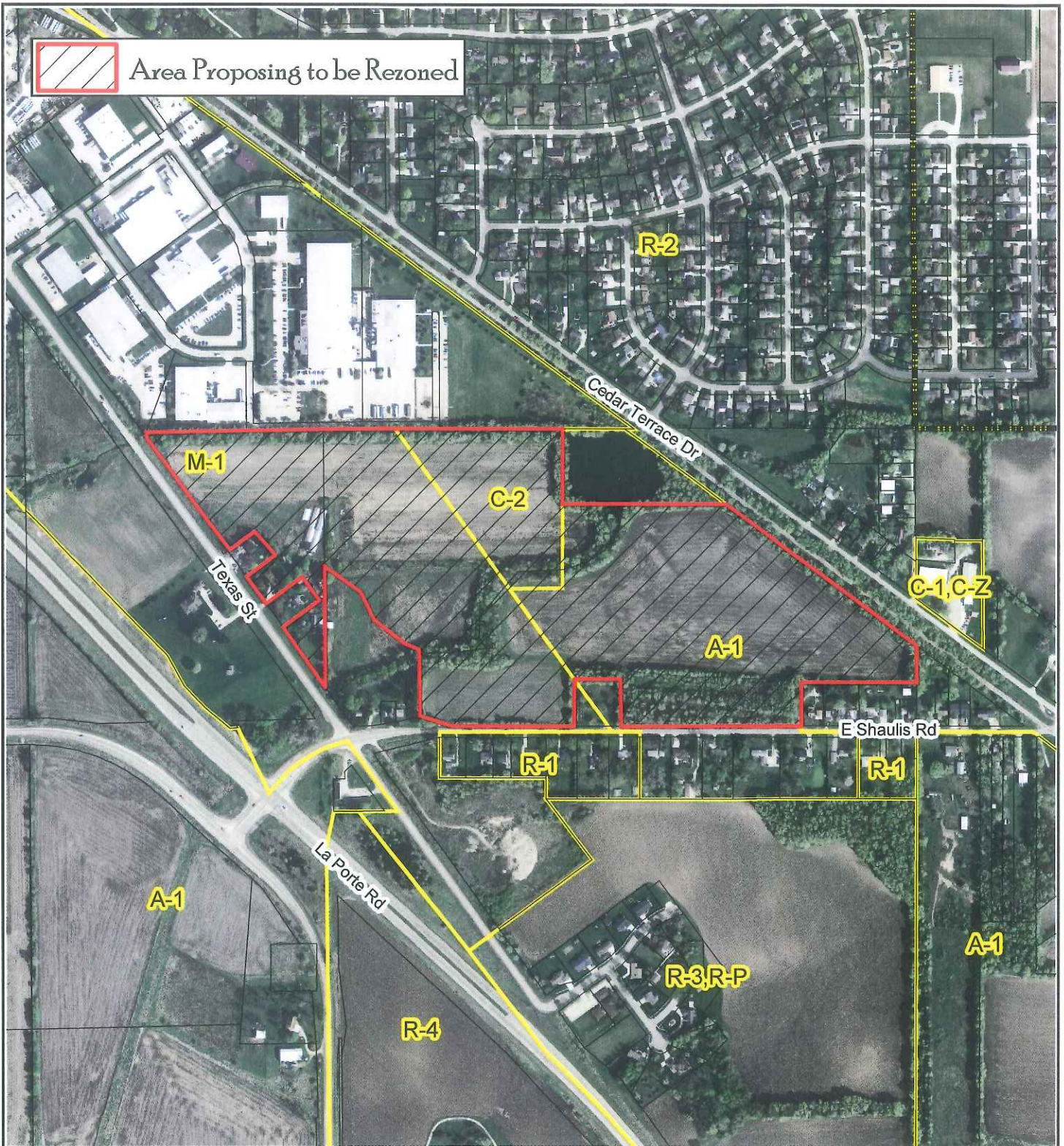
1. That uses within the rezone area be limited to single-family uses.

City of Waterloo Planning, Programming and Zoning Commission October 14, 2014

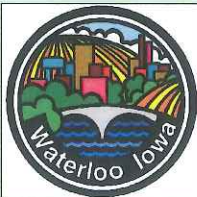


**North of E Shaulis Road, East of
Texas Street
Rezone A-1, C-2, and M-1 to R-1, R-P
GMJ2 Industries**

City of Waterloo Planning, Programming and Zoning Commission
October 14, 2014

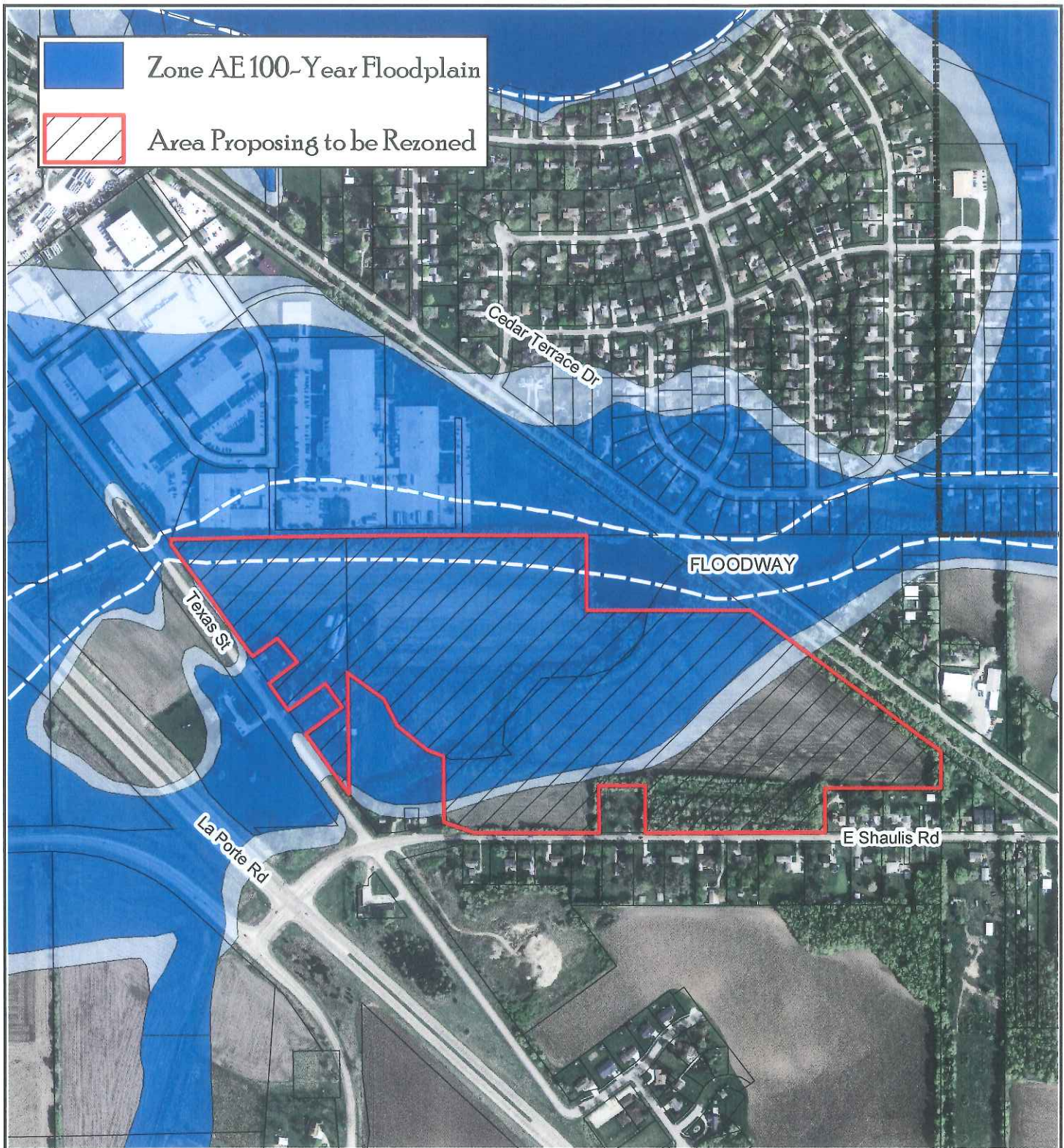


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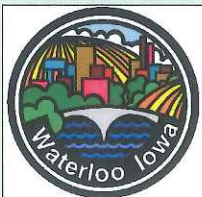


N of E Shaulis Road, E of Texas St
Rezone A-1, C-2, and M-1 to R-1, R-P
GMJ2 Industries

City of Waterloo Planning, Programming and Zoning Commission
October 14, 2014

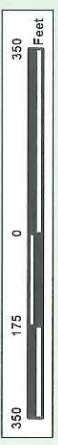
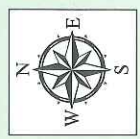
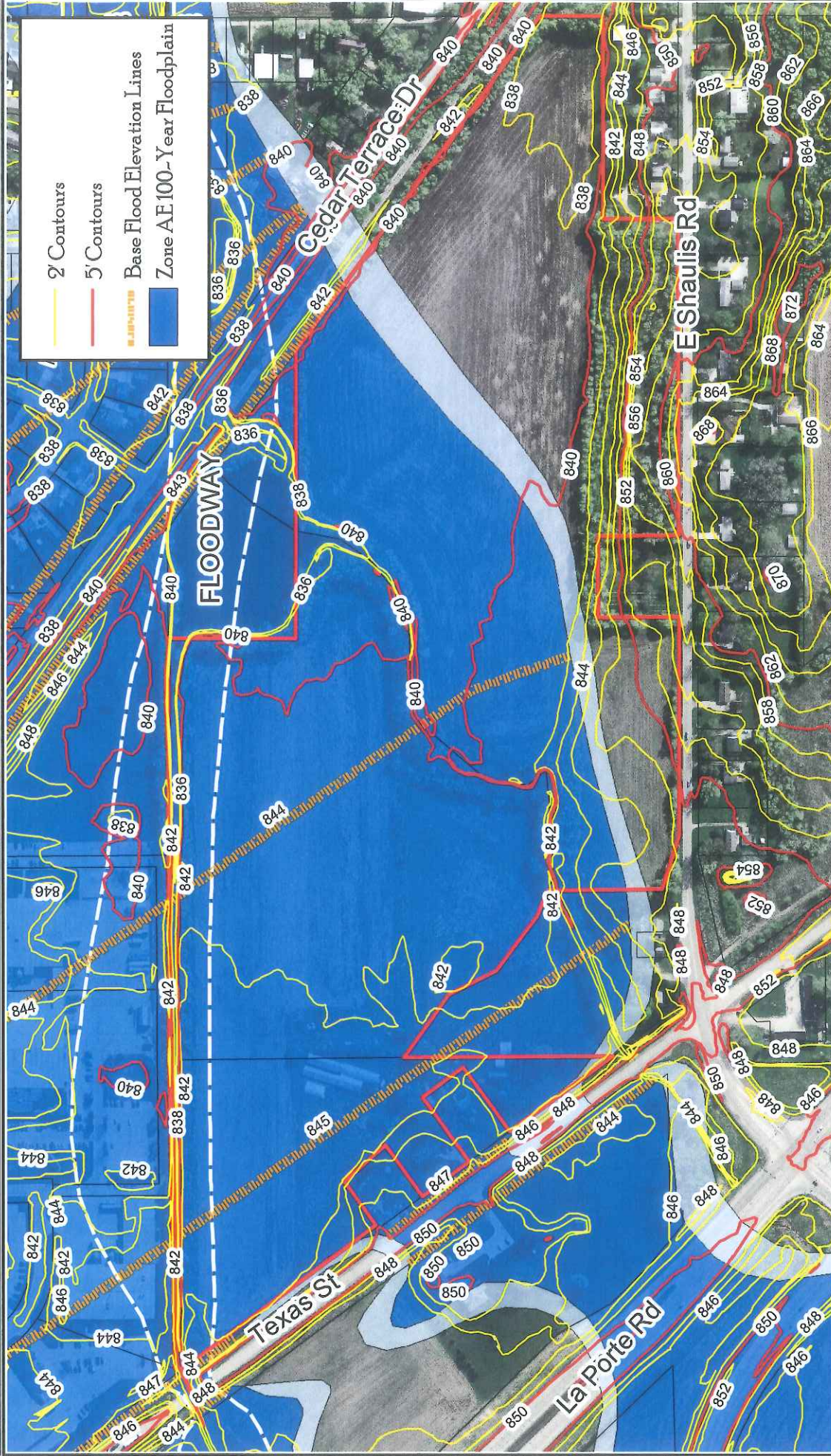


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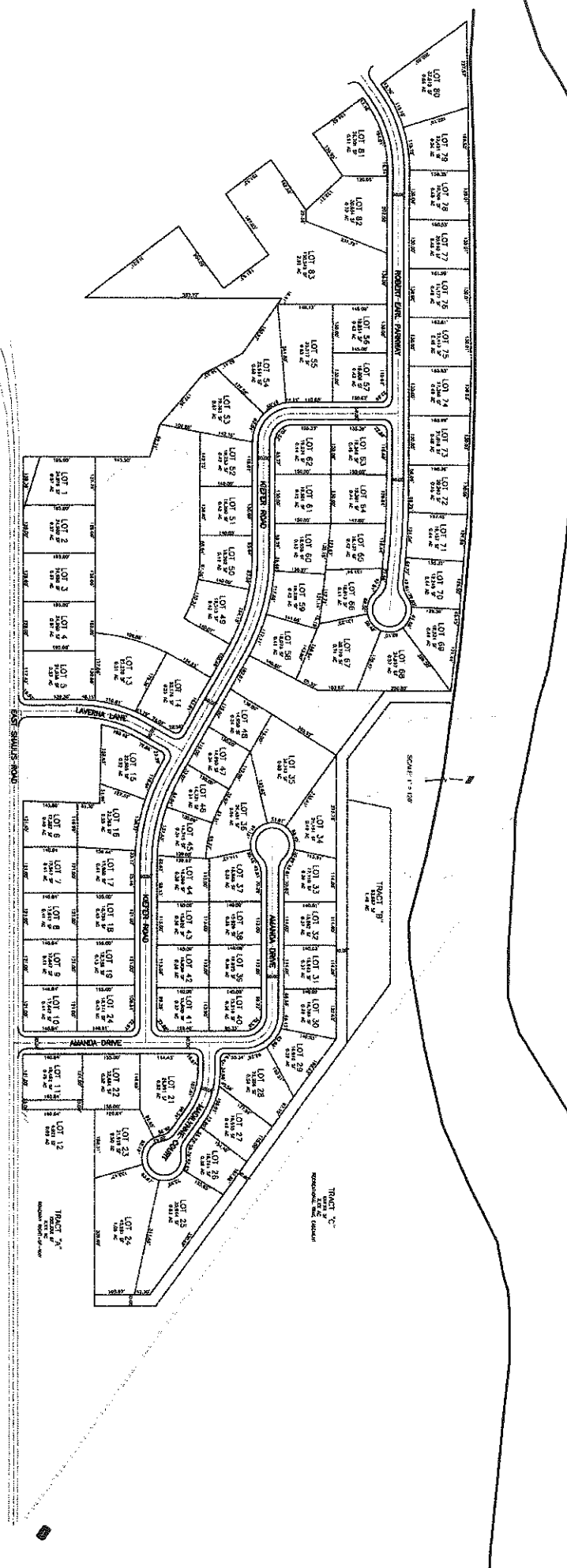


**N of E Shaulis Road, E of Texas St
Rezone A-1, C-2, and M-1 to R-1, R-P
GMJ2 Industries**

City of Waterloo Planning, Programming and Zoning Commission October 14, 2014



N of E Shaulis Road, E of Texas St
Rezone A-1, C-2, and M-1 to R-1, R-P
GMJ2 Industries



APPLICATION FOR REZONING
CITY OF WATERLOO PLANNING, PROGRAMMING,
AND ZONING COMMISSION
WATERLOO, IOWA
319.291.4366

1. APPLICATION INFORMATION:

- a. Applicant's name (please print): Jim Ellis / JDE Engineering
Address: 402 E. 4th Street S. Phone: 101 319- Fax: _____
City: Waterloo State: Iowa Zip: 50601
- b. Status of applicant: (a) Owner _____ (b) Other X (CHECK ONE): If other explain: _____
Engineer for the owners
- c. Property owner's name if different than above (please print): Ricky + Julie Kiefer
Address: 4907 Texas Street Phone: 319-404-0901 Fax: N/A
City: Waterloo State: Iowa Zip: 50702

2. PROPERTY INFORMATION:

- a. General location of property to be rezoned: N. of Shaulis Road + E. of Hwy 218
- b. Legal description of property to be rezoned: _____
(See Attached)
- c. Dimensions of Proposed Zoning Boundary (Excluding Right of Way): Approx. 2900 ft x 1,400 ft
- d. Area of Proposed Zoning Boundary (Excluding Right of Way): 61 ACRES (APPROX.)
- e. Current zoning: M-1, C-2, A-1 Requested zoning: R-1, R-A
- f. Reason(s) for rezoning and proposed use(s) of property: Proposed residential subdivision - 3 additions
- g. Conditions (if any) agreed to: None
- h. Other pertinent information (use reverse side if necessary): None

Please Note: If applicant is not the owner of the property, the signature of the owner must be secured. If it is the intent to subdivide (split) any land, vacant or improved in conjunction with this request it must go through a platting process (separate from rezone request).

The filing fee of \$300 + \$10 per acre (\$750 max) (payable to the City of Waterloo) is required (round amount down to nearest \$10 increment). This fee is non-refundable. Under no condition shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law. Any major change in any of the information given will require that the request go back through the process, with a new filing fee. If the request is denied no new petition covering the same or portion of the same property shall be filed with or considered by the Planning, Programming, and Zoning Commission until four (4) months have elapsed from the date of denial by the Waterloo City Council. The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Waterloo Planning, Programming, and Zoning Commission and the Waterloo City Council in making their decision. The undersigned authorize City Zoning Officials to enter the property in question in regards to the request.

Jim D. Ellis 9/23/14
Signature of Applicant Date

Ricky L. Kiefer 9/26/14
Signature of Owner Date
Julie A. Kiefer 9/26/14
Mary L. Kiefer 9/26/14
by Ricky L. Kiefer
Power of Attorney

Exhibit A

Rezoning Description for Kieffer Addition City of Waterloo, Black Hawk County, Iowa

Tract 1

That part of the South One-half of the Southwest Quarter of Section No. 7, Township No. 88 North, Range No. 12 West of the Fifth Principal Meridian, Black Hawk County, Iowa, described as follows:

Beginning at the Southeast corner of said Southwest Quarter; thence North 364.4 feet along the East line of said Southwest Quarter to the Southwesterly line of the right of way of the Chicago, Rock Island and Pacific Railway (now the INRC, Inc.); thence Northwesterly along said Southwesterly line to a point that is 564.8 feet Southeasterly from the North line of the South One-half of said Southwest Quarter (as measured along said Southwesterly line); thence North 89 degrees 23 minutes 42 seconds West 459.87 feet; thence South 11 degrees 21 minutes 57 seconds West 117.91 feet; thence South 35 degrees 16 minutes 42 seconds West 107.51 feet; thence South 54 degrees 41 minutes 14 seconds West 104.5 feet; thence South 74 degrees 06 minutes 27 seconds West 105.31 feet; thence South 88 degrees 23 minutes 54 seconds West 208.61 feet; thence South 41 degrees 02 minutes 05 seconds West 257.7 feet; thence South 04 degrees 17 minutes 16 seconds West 101.95 feet; thence South 37 degrees 56 minutes 28 seconds East 57.94 feet; thence South 84 degrees 09 minutes 59 seconds West 151.97 feet; thence North 88 degrees 54 minutes 06 seconds West 121.55 feet; thence North 66 degrees 43 minutes 27 seconds West 35.75 feet; thence South 00 degrees 01 minutes 27 seconds East 339.7 feet to the South line of said Southwest Quarter; thence East along said South line to the point of beginning;

Except the South 195 feet of the East 520 feet thereof;

Except 1 square acre in the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section; and

Except that part conveyed to the City of Waterloo, Iowa, by Warranty Deed recorded in 539 LD 298; and

Except part of the South Half of the Southwest Quarter of Section 7 Township 88 Range 12 commencing at the Northwest Corner of the South Half of the Southwest Quarter thence South 89 degrees 23 minutes 42 seconds east along the North line of the South Half of the Southwest Quarter 1361.25 feet to the Southwesterly Right of Way of the Chicago, Rock Island and Pacific Railway; thence South 53 degrees 12 minutes 18 seconds East along the Right of Way 200.81 feet to the point of beginning; thence South 49 degrees 08 minutes 42 seconds West 61 feet; thence South 39 degrees 8 minutes 47 seconds West 82.10 feet; thence South 32 degrees 38 minutes 12 seconds West 130.26 feet; thence South 89 degrees 23 minutes 42 seconds East 459.87 feet to the Southwesterly Right of Way of the Chicago, Rock Island and Pacific Railway, thence North 53 degrees 12 minutes 18 second West along the Right of Way 364.17 feet to the point of beginning in Section 7 Township 88 Range 12.

Tract 2

The Southwest Quarter of the Southeast Quarter of Section Number Twelve (12) in Township Number Eighty-eight (88) North, in Range Number Thirteen (13) West of the Fifth (5th) Principal Meridian excepting therefrom all that part of the West Five Hundred Forty-seven and sixty-two hundredths (547.62) feet in even width lying North of the Waterloo and La Porte road, now known as U.S. Highway No. 218; and also excepting therefrom all that part thereof lying Southwesterly of the center line of the Waterloo and La Porte Road, now known as U.S. Highway No. 218. Also excepting all legal highways, and

Except part of the Southeast Quarter of the Southeast Quarter of Section 12, Township 88 Range 13 described as following: commencing at the Southeast Corner of the Southeast Quarter of the Southeast Quarter of Section 12 Township 88 Range 13; thence North along the East line of said Southeast Quarter of the Southeast Quarter of said section a distance of 70.41 feet to the pavement centerline of U.S. Highway 218; thence deflect left 35 degrees 35 minutes along said centerline a distance of 692.9 feet; thence deflect right 90 degrees a distance of 60 feet to the point of beginning, said point being on the Northeasterly Right of Way of said highway; thence deflect left 90 degrees along said Northeasterly Right of Way Line a distance of 140 feet; thence deflect right 90 degrees a distance of 150 feet; thence deflect right 85 degrees 17 minutes a distance of 140.48 feet; thence deflect right 94 degrees 43 minutes a distance of 161.55 feet to the point of beginning; and

Except part of the Southeast Quarter of the Southeast Quarter of Section 12 Township 88 Range 13 commencing at a point along the centerline of Highway 218 that is 542.9 feet Northwesterly of the East line of said Section 12 Township 88 Range 13 thence deflect right to the Northeasterly Right of Way of said highway which is the point of beginning; thence deflect right 90 degrees 130 feet; thence deflect left 90 degrees 205 feet; thence deflect left 90 degrees 130 feet; thence Southwesterly 205 feet to the point of beginning in Section 12 Township 88 Range 13.

AND

That part of the Southwest Quarter (SW1/4) of Section Seven (7), Township Eight-eight (88) North, Range Twelve (12) West of the Fifth Principal Meridian in Black Hawk County, Iowa described as follows: Beginning at a point that is 712 feet North of the Southwest corner of said Section 7; thence continuing North along the West line of said Section 7 a distance of 611.58 feet; thence S 89° 23' 43" E a distance of 1361.25 feet along the North line of the South One-half (S1/2) of the Southwest Quarter (SW1/4) of said Section 7; thence S 53° 12' 18" E a distance of 200.81 feet along the Southwesterly right of way line of the Chicago, Rock Island and Pacific Railway; and

Except part of the South Half of the Southwest Quarter of Section 7 Township 88 Range 12, commencing at the Northwest Corner of the South Half of the Southwest Quarter of said section thence East along the North line of the south Half of the Southwest Quarter of Section 7 a distance of 1081.25 feet to the point of beginning; thence continuing East along the North Line 280 feet to the Southwesterly Right of Way Line of the Chicago, Rock Island and Pacific Railway; thence Southeast along said right of Way a distance of

200.81 feet; thence South 49 degrees 8 minutes 42 seconds West a distance of 61 feet; thence South 39 degrees 8 minutes 47 seconds west a distance of 82.10 feet; thence South 32 degrees 38 minutes 12 seconds West a distance of 130.26 feet; thence due West a distance of 276.13 feet; thence North a distance of 333.61 feet to the Point of Beginning in Section 7 Township 88 Range 12.