

**MINUTES**  
**CITY OF WATERLOO, IOWA**  
**PLANNING, PROGRAMMING, AND ZONING COMMISSION**  
**REGULAR MEETING - 4:00 P.M. AUGUST 10, 2021**

The regular meeting of the Waterloo Planning, Programming, and Zoning Commission was called to order by Chairperson Wilber at 4:00 p.m. via zoom, and in-person in the Harold E. Getty Council Chambers at Waterloo City Hall.

Members present were: Patrisha Serfling, Cody Leistikow, Craig Holdiman, and Eric Donat.

Members present electronically were: Virginia Wilber and Steve Trost.

Members absent were: Brandon Schoborg and Sue Flynn with one open position.

Others present were: Noel Anderson – Community Planning and Development Director; Aric Schroeder, Seth Hyberger, and John Dornoff – Planning Department; and 32 citizens.

Others present electronically: Jaime Knutson – City Engineer, Paul Huting – Leisure Services Director; JB Bolger – Leisure Services; Felicia Smith-Nails – Neighborhood Services; Jonathan Grieder – City Council Liaison, Dave Boesen – City Council; Nick Fratzke – INRCOG; and two citizens.

I. Approval of the Agenda

***It was moved by Donat, seconded by Holdiman to approve the agenda combining Hearings A-1 and A-2 and items B-1 and B-2. Motion carried unanimously.***

II. Approval of the Minutes from the regular meeting on July 13, 2021.

***It was moved by Trost, seconded by Leistikow to approve the minutes subject to amending the minutes to reflect the correct spelling of a speaker from the meeting. Motion carried unanimously.***

III. Financial Report June 2021

Anderson reviewed the financial report.

***It was moved by Trost, seconded by Donat to receive and place the financial report on file. Motion carried unanimously.***

IV. Oral Presentations

There were no oral presentations.

V. New Business

A. Hearing-Site Plan Amendment

1. Request by 5 Bees LLC to rezone approximately 6.89 acres from “R-1,R-P” Planned Residence District to “R-4,R-P” Planned Residence District located West of 420 Harwood Avenue.

***It was moved by Donat, and seconded by Trost to receive and place on file the statement of verification at 4:05 p.m. Motion carried unanimously and Wilber declared the hearings open (for A1 & A2)***

Dornoff read the staff report recommending approval of the rezone request with the following conditions: 1) that the final site plan meets all applicable city codes, regulations, etc. including, but not limited to, parking, landscaping, screening, drainage, etc.; 2) that sidewalks be installed along all street frontages within the development; 3) any major changes to the plan would need to return for another site plan

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amendment approval; 4) development of the property shall start with the units on the northern end of the property; and 5) that the development will be highly scrutinized to provide a higher level of design and livability by the City of Waterloo in the following, but not limited to: a) Design of Buildings will be compatible with the surrounding area, and b) That any new development will have a positive impact on the surrounding neighborhood.

Jon Brundrett, 7343 Wager Road, Cedar Falls, and applicant for the rezone stated that 5bees is an LLC that he shares with his brother, he is local but his brother no longer is and they have been working on this plan for 10 months now. He noted that he has been working with the city for the same amount of time and this was a secondary site but felt the need for the park was a good way to help the neighborhood out and help the city out by raising the money for the new park. He further stated that he knows that the neighbors are not happy but it is impossible to build single-family detached homes in that neighborhood for market price and make a profit. They are trying to build an affordable house that will be well built and give tax base to the city and will not be taking any incentives for the project and the tax abatements will go to the homeowners and also stated that with no development there is no park and that if they need to take the development somewhere else in town they will.

Donat asked if they are doing attached homes to which Brundrett answered that they are zero lot line townhomes and that there is no common property held by an association and the people who buy will own the land in front and behind their property. There will be an association whose job it is to mow the grass and plow the snow. There will also be a long list of restrictive covenants to protect the neighborhood, the city, and the developer. Brundrett also stated that he has done several successful projects with the city and they are all high quality but all of them have been commercial projects, this will be the first residential project.

Holdiman stated that he is happy to see that these will be owner-occupied and not rentals and asked what price range the homes would be in to which Brundrett answered that the homes would be slab on grade and no basements, and the ranch-style on the ends will be approximately 1,400 square feet and costing about \$159,900 and the two stories will be 1,600 square feet costing \$169,999 all with single car garages. It will add \$6.5 million in taxable value to the city but that does not count any money raised or put into the park which will be about \$1.2 million. Brundrett also stated that utilities will cost his company about \$200,000 for water, electricity, and sewer but none of the units will have natural gas.

Donat asked if the development will not go through will the park still be developed to which Brundrett responded that if the development does not go through he will step away from all fundraising and not be involved in it. Brundrett also stated that the park is the carrot in front of the horse to ease the development into the neighborhood otherwise the neighbors will be going years without the park they were promised. It is a peace offering to the neighborhood.

Huting stated that the Leisure Services Commission met in the morning and decided what will be necessary is 2.05 acres for the park which includes the section that was originally designated for future development with the park area staying within city ownership and will continue to work with the developer on fundraising.

Boesen stated that not only was the developer going to put in the park but would maintain the park for ten years including the mowing, equipment, and everything else which takes the burden of cost and time off of Leisure Services to which Brundrett responded that the association would be responsible for taking care of the park for such things as snow removal and mowing but maintenance of the equipment would be the responsibility of the city but he is working with the Northeast Iowa Community Foundation to set up a fund to pay for the maintenance of the equipment.

Rachel Neil, 1056 Evergreen Avenue, spoke on behalf of the Edison Neighborhood Association stating that after talking to the neighbors within 250-feet and those outside the 250-foot boundary that they would prefer the area to remain R-1 and stay with single-family residences not wanting the multi-

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family/townhome buildings. The residents do not feel that what is being proposed will fit the neighborhood and properly uplift the area.

Holdiman asked if those were the only concerns to which Neil answered that the residents were not excited about this particular development but even taking this developer and project out of the equation they are not in support of the rezoning but noted that the residents did have a long list of concerns with this specific project.

Brian Koehler, owner of 701 Bismarck Avenue stated that he is opposed to rezoning the area to R-4 as that zoning leaves it too wide open for future developments. Would not be opposed to it being zoned R-2 but R-4 goes way too far.

John Harrell, 731 Magnolia Parkway asked what kind of guarantee that the site plans and architectural drawings presented today will be the ones that are built. Once the rezoning is approved could they change the drawings, types of buildings, etc. to which Anderson answered that as part of the "R-P" residence district they would have to abide by what is approved or return for another Site Plan Amendment which would require another meeting of the Planning Commission and approval of the City Council. Harrell further stated that the previous proposal was for commercial along Falls Avenue and R-2 behind but that seemed to disappear to which Anderson responded that proposal was from another developer presented at the work session held by the City Council but that proposal did not move forward.

Trost asked for an explanation of the difference between the "R-1, R-P" and the "R-4, R-P" to which Anderson responded that R-1 allows for one and two-family homes while the R-4 allows for the townhomes being proposed here but both are site plan specific with an "R-P" designation.

Cindy Lyons, 530 Magnolia Parkway stated that she is the former Vice-President of the association and she helped start the association and the reason that the association was started was to replace a park for their kids. The carrot in front of the cart has rotted and the promises were made by the city and Anderson but nothing has come through so they are not going to believe the developer's promises either. Now those kids that the park was for are now teenagers causing trouble including robbing and vandalizing because they have nothing else to do. The fourplexes being proposed will not help the situation it is going to make it worse because they are too wide open. Lyons wants the single-family homes that they were promised and the park they were promised because neighbors begged the city not to demolish the park.

Wilber noted that no matter what action the commission takes today they do not have control over what goes into that park and what is before the commission is a rezoning request and site plan amendment that will be forwarded to the city council for approval.

Paul Miller, 641 Magnolia Parkway noted that he just purchased his house last month and if he knew they were going to put projects in that area he would have never bought it because he will never get out of it what he put into it and knows the commission gets kickbacks to approve everything to which Holdiman stated he resents the accusation that the commission members take kickbacks.

Wilber noted that the commissioners are volunteers and keep comments about what is in front of the board and to keep it civil and germane.

Forest Dillavou, 1725 Huntington Road, and owner of 305 Harwood stated that the park was owed to the citizens of Waterloo when they tore down Black Hawk School and it has taken years for the school and the city to get around to taking care of that promise. He stated that giving the land that was marked for future development over for additional parkland was the right thing to do. Has concerns that there were other offers including ones to build single-family homes but the city keeps everyone in the dark and the only reason he knew about this was that someone shared a letter with him even though he owns a property but it's not within the 250-feet. Dillavou also wants to know how much in taxes they are going to pay and wants to know if the developer has the funding since the city gave the developer of the

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convention center millions of dollars along with the grocery store in Walnut. Also feels that the rezone should not happen and the property should stay with the city.

Brundrett responded saying that there are no dollars going into this project on the cities behalf and everything is coming out of his pocket. He has done two development agreement projects in the city in extremely blighted areas one of which had a minimum assessment agreement of \$179,000 in return for a free lot which the developer dropped over a million dollars and just sold the property for over a million dollars. Entered into another 5-year development agreement with the city last spring and the project is currently 3 years ahead of schedule and none of these have incentives. Stated he is a public employee that works 114 hours a week and this is a privately funded project and he would be glad to show the public his other projects. He has not failed the city yet and he works for the city. He sees a need for this type of housing because when he was growing up in this town there were not good homes like this and all he wants to do is to give back to the city and if they don't want that is fine because there is plenty of other neighborhoods that would gladly take his project and he is not going to shove it down their throats.

Holdiman asked for confirmation that these homes would not get any incentives that are not available to any other new homes in the city to which Anderson confirmed and explained how the tax incentives work and the infill policy.

Anderson also clarified that the city did not demolish the school and park, the school district did before it became into the cities possession. Anderson also noted the area currently zoned commercial is not being rezoned and agrees that it should be commercial and that is why the development agreement will specifically say that the development starts north of the former alley in the residentially zoned area and moves north and the part along Falls be left to last. Anderson further elaborated that even though the convention center is not relevant to this request but, he that no money was given to the developer of the convention center.

Trost asked for clarification on the rezoning from R-1 to R-4 as it would seem to open it up to more intense development and the reason for the R-P, to which Anderson responded that the R-P portion requires any project to come through this process of coming to the Commission and City Council for approval and its necessary to change the R-1 to R-4 because the R-1 only allows one and two-family homes while the R-4 allows triplexes, fourplexes and more and since the applicant was requesting 4-unit townhomes it requires the rezone.

Melissa Colvin, 1061 Evergreen Avenue, stated that her parents built the house, she was born in the house, but cannot see anyone spending that kind of money in the neighborhood and is concerned that the developer will build a couple of units, they will not sell them and then someone will swoop in turn them into rental properties and build bigger rental properties because it has been rezoned but she has nothing against renters but there is a lot of bad landlords and renters and don't want rental properties in the neighborhood.

Wilber asked Brundrett if there would be any restrictions on turning a unit into a rental to which Brundrett responded that he was talking to the neighborhood and offered to let them help with the restrictions on the properties but at the end of the day he is a developer and if someone wants to buy a unit he is going to sell it so no most likely there would not be a covenant against rentals but what the covenants will do is say how the outside of the property is maintained and there will be no fences, sheds, playsets, anything like that period.

Janet Collins, 538 Magnolia Parkway, stated that she has lived in the area for 46 years, her children have bought a home in the area and now she has grandchildren in the area. Is concerned that the neighborhood kids will not be allowed in the park by the people who buy the fourplexes if they sell. She just had her boyfriend move in and she would not have had him and her children buy homes in the area if she knew that these big fourplexes were coming in that nobody can afford as the average size of the homes in the area are 600-700 square feet so nobody is going to buy this 1400 square foot townhomes because it is an

old neighborhood. She stated that many of her neighbors are on their last leg and cannot come to the meeting and speak.

Cindi Lyons, 530 Magnolia Parkway, asked will the park be put in if these fourplexes do not get sold.

Milissa Armstrong, 604 Kirkwood Avenue stated that she has lived there since the 1980s and that when the developer had the meeting with the neighborhood association he stated he would not put the park in until all 40 units were built but also said that he may sell it to the highest bidder even if the person wanted to put low-income housing on the site. Further, he may sell the name Magnolia Estates and he could call it anything which would not have the history of the Edison area, and if he is already working 114 hours a week how is he going to take care of the park, the buildings themselves and actually build the buildings. She is further concerned that the HOA would not have to have Edison neighbors on the board and they could start putting sheds on or anything else they please and that the developer also said that the final design may look different than the drawings he submitted and 40 families dropped into the neighborhood and they will have no say on who it is.

Holdiman asked for clarification if the park is going to be private or public to which Anderson answered that what Huting stated was that Leisure Services would like to see the parkland remain in city hands and Huting added that it is the intention to have the park accessible to everyone and the plan is to have the park an inclusive park accessible to those that cannot use the equipment at a regular park and is not something that is only to be developed for the residences of the fourplexes and will be a public park if the City Council approves.

Jay Hileman, 641 Evergreen, stated that he has lived there 42 years, assumes that everyone wants to see development and proper development that would add to the tax base to keep the city clean and shovel the snow. Hileman went over the objectives of the Planning Department. He noted the price of the units will have to go up due to the cost of materials which has increased substantially in the last few months and that he was at the original rezone meeting and noted the number of children that played in the playground at the school. He is also concerned about where the parking for the park is going to be or park on the street. Also questioned where people are supposed to keep their dogs if they are not going to fences and with three bedrooms this would be too big of a concentration of population which goes against the goal of the planning department.

Brundrett stated that when you look at the density of the housing in that neighborhood you will have fewer houses in the development area than it currently does and noted that there are two parking lots designated in that 2.05 acres. A professional design expert is being hired by Leisure services to design the park. He further stated that traffic was substantially heavier when the school was operating than it will with his development and the development will have 40-foot setbacks, single car garages and sidewalks around the entire development.

Leistikow stated that he likes the general layout, design of the buildings, would welcome 40 new families into his neighborhood and that it has the R-P designation. He also believes that there is lower density in the developer's plan than in the surrounding neighborhood but does have concerns about building 9 since one is stuffed away in a corner

Donat is concerned that the developer is not going to allow playsets on the property which would restrict children and why have a park if you're not going to allow children individual playsets. Wilber stated she did not hear about the playsets to which Holdiman confirmed with the developer that the restrictive covenants will ban anything in the back yards of the homes. Brundrett said that he does want young families with kids to move into the buildings but emphasized there will be no playsets allowed in the backyards for maintenance and upkeep because they attract nothing but no good and he knows what no good looks like they should go to the park for playing.

Holdiman indicated he liked the look of the development but has concerns if they will become rentals if they do not sell.

Trost stated that many people don't want rentals but no matter what kind of development you construct there is chance they could be turned into rentals and that the homeowners association can change the rules about rentals if they wish.

***It was moved by Serfling, seconded by Donat to close the public hearing. Motion carried unanimously. The hearing was closed at 5:05 p.m.***

***It was moved by Serfling, seconded by Leistikow to recommend approval of the rezone request with the following conditions: 1) that the final site plan meets all applicable city codes, regulations, etc. including, but not limited to, parking, landscaping, screening, drainage, etc.; 2) that sidewalks be installed along all street frontages within the development; 3) any major changes to the plan would need to return for another site plan amendment approval; 4) development of the property start shall with the units on the northern end of the property; and 5) that the development will be highly scrutinized to provide a higher level of design and livability by the City of Waterloo in the following, but not limited to: a) Design of Buildings will be compatible with the surrounding area, and b) That any new commercial development will have a positive impact on the surrounding neighborhood. Motion carried 4-2 (Trost and Holdiman voted nay).***

2. Request by 5 Bees LLC for a Site Plan Amendment to the "R-1,R-P" Planned Residence District and the "C-P" Planned Commercial District for the construction of 10 four-unit zero lot line townhomes located West of 420 Harwood Avenue

Dornoff read the staff report recommending approval of the site plan amendment request with the following conditions: 1) that the final site plan meets all applicable city codes, regulations, etc. including, but not limited to, parking, landscaping, screening, drainage, etc.; 2) that sidewalks be installed along street frontages within the development; 3) any major changes to the plan would need to return for another site plan amendment. 4) development of the property start with the units on the northern end of the property; 5) that the development will be highly scrutinized to provide a higher level of design and livability by the City of Waterloo in the following, but not limited to: a) Design of Commercial Buildings will be compatible with the surrounding area, and b) That any new commercial development will have a positive impact on the surrounding neighborhood.

Item was heard under Hearing A-1.

***It was moved by Serfling, seconded by Donat to close the public hearing. Motion carried unanimously. The hearing was closed at 5:05 p.m.***

***It was moved by Serfling, seconded by Leistikow to recommend approval of the rezone request with the following conditions: 1) that the final site plan meets all applicable city codes, regulations, etc. including, but not limited to, parking, landscaping, screening, drainage, etc.; 2) that sidewalks be installed along all street frontages within the development; 3) any major changes to the plan would need to return for another site plan amendment approval; 4) development of the property shall start with the units on the northern end of the property; and 5) that the development will be highly scrutinized to provide a higher level of design and livability by the City of Waterloo in the following, but not limited to: a) Design of Buildings will be compatible with the surrounding area, and b) That any new development will have a positive impact on the surrounding neighborhood. Motion carried 4-2 (Trost and Holdiman voted nay).***

#### **B. Special Permits**

1. Request by Deer Creek Development LLC for a Special Permit to allow for fill located West of 3301 Greyhound Drive.

Dornoff read the staff report recommending approval of the special permit request.

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Harold Youngblut, 643 East Griffith Road and owner of Deercreek Development stated that as the staff report mentions they are planning to raise the land to the 100 year flood elevation to not only eliminate the need for flood insurance but also benefit the city by making the land more marketable.

Donat asked if the site plan has been submitted to which Youngblut answered that the site plan for the Greyhound Park site has been sent in and VJ Engineering is work on the other site plan will be in the hands of city before any work is done.

Leistikow stated that he has concerns that traffic from any development on the site will be going directly onto Ridgeway Avenue to which Youngblut stated that he can not promise as they were promised a turn lane if necessary and Leistikow questioned if staff would have input on that to which Anderson stated that staff looks at each project individually but would have to look at the safety of Ridgeway when development happens.

***It was moved by Trost, seconded by Serfling to recommend approval of the special permit request. Motion carried unanimously.***

2. Request by Deer Creek Development LLC for a Special Permit to allow for fill located East of 3015 Greyhound Drive.

Dornoff read the staff report recommending approval of the special permit request.

Item was heard under B-1

***It was moved by Trost, seconded by Serfling to recommend approval of the special permit request. Motion carried unanimously.***

**C. Vacate**

1. Request by Albert Meeks to vacate a sidewalk adjacent to 1139 Logan Avenue.

Hyberger read the staff report recommending approval of the request.

Serfling asked if the applicant would have to pay for its removal and if the applicant has agreed to it which Hyberger confirms that he understands.

Albert Meeks, 1139 Logan Avenue, confirmed that he wants the sidewalk removed because of the US Highway 63 reconstruction the area around the sidewalk now floods and with the trail adjacent it is not needed.

***It was moved by Leistikow, seconded by Serfling to recommend approval of the vacate request. Motion carried unanimously.***

**D. Plans and Studies**

1. Request by the City of Waterloo for the adoption of a Schoitz Urban Renewal and Redevelopment Plan and TIF District located at the northeast corner of Kimball Avenue and East Ridgeway Avenue.

Schroeder read the memo explain the proposed TIF.

Donat asked if there was site plans for the northern part to which Schroeder stated that they are planning four lots and they are most likely looking at residential for the fourth lot since the limited access from Arcadia Street but nothing has been finalized yet.

Leistikow asked if there has ever been a TIF this small and what is the anticipated life span to which Schroeder responded that yes, the original San Marnan TIF was smaller covering only a single lot where the GMAC records building was built but has had 6 or so amendments since then and is now much larger

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and that this is being proposed as an Economic Development TIF not as a Slum and Blight TIF so under state code it would have a maximum life of 20 years.

Anderson noted that the TIF area were GMAC was has been released now.

Wilber asked how this would affect buildings that are already there to which Schroeder responded that once the TIF district is approved the developer will work to demolish the existing buildings excluding the Medical Arts building and the Hospice Building noting that they were included so that the district would be more square and easier to create a legal description and the base taxes will be based on the land only and any new construction or improvements will be increment captured by the TIF.

Serfling asked if the building being used by Senior Meals on Wheels and the Physical Therapy will be demolished to which Schroeder responded that they are currently empty and will be demolished as the building is not in good shape.

Wilber asked if it could be a Slum and Blight TIF since the building has been empty for so long to which Schroeder responded that there has been some concerns about that type of TIF and with the redevelopment plans that type of TIF would not be needed. Wilber further commented that her only concern is the small businesses in the area such as Mr. Lind who spoke at the last meeting and promoting those businesses when the new development happens.

Trost asked if any other developers were interested in the site or did the city offer it to any other developers, to which Schroeder noted that the city does not own the property and it is a private developer approaching the current owner and concerning the surrounding businesses staff did have discussions as to whether or not it made sense to add some of the other sites but it was decided not to as there may be opposition to a larger TIF and this area is unique due to presence of the hospital that will have substantial demolition costs which makes the TIF necessary to make the project feasible.

Forest Dillavou, 1725 Huntington Road stated that he is pleased that it is an Economic Development TIF rather than blighted but feels that 20 years is still a long time and competition with the business across the street is also a concern. Economic Development works well if you don't allow change orders and let it continue.

Dave Boesen, City Council Member stated that he is in favor of the standalone TIF as there was discussions with merging it with the San Marnan TIF which didn't work for him as a council member. Tearing the hospital down and getting these new commercial structures built is motivation to get the TIF paid off and it is paying for the demolition and Mercy One tried to give the building away and no one wanted it as it would cost more to remodel the building than to build a new one.

***It was moved by Trost, seconded by Serfling to recommend approval of the Schoitz Urban Renewal and Redevelopment Plan and TIF District. Motion carried unanimously.***

Discussion

The next meeting of the Planning, Programming, and Zoning Commission will be September 14, 2021.



VI. Adjournment

***It was moved by Donat, seconded by Leistikow, to adjourn the meeting at 5:38 p.m. Motion carried unanimously.***

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John Dornoff".

John Dornoff,  
Planner I