



The proposed rezoning will match the C-2A permitted land uses SE of the intersection and there is R-1, Single Family Zoning and R-3, Townhome Residential to the North. The Waverly City Golf Course is to the West. There is City water and sewer service availability to this property. The Future Land Use Plan calls this area out for commercial usage with Residential behind this layer of commercial frontage. Public notice was given to those within 250 feet of the subject property and publicly advertised in the local Waverly newspaper.

Ms. Payne opened the public hearing.

Ms. Elara Jondle, of A. Leo Pelds Engineering Company, and Mr. Bryce Laurie, of Casey's, presented a site plan layout for a Casey's gasoline station and convenience store with a car wash on the west side. The site plan is proposing two entrances, one on the West side of 4<sup>th</sup> St. SW, and one on the north side of 10<sup>th</sup> Ave. SW. Ms. Jondle stated the proposal is a general site plan that will still need to be reviewed by the City and the Iowa Dept. of Transportation. Ms. Jondle stated the western portion of the property is a lower area in the floodplain and they have no plans to develop this area. Ms. Jondle explained existing mature trees may be kept in conjunction with a proposed screening to meet minimum standards.

Ms. Solheim addressed the proposed entrance onto 4<sup>th</sup> St. SW and confirmed there is no driveway at the stop light.

Mr. Dane confirmed with Ms. Jondle the Iowa Dept. of Transportation has not yet been contacted with this project.

Mr. Werger confirmed with the Commission the site plan presented is subject to change, pending City and Iowa Dept. of Transportation review.

Mr. Huser confirmed with Ms. Jondle the driveways are at least 300 feet away from the back of intersections, which is a typical Iowa DOT standard.

Mr. Kohout confirmed with Mr. Laurie there is lighting proposed on the north side of the convenience store, and that the lighting would be in a downward projection.

Mr. Kohout confirmed for the Commission the entire property is being requested to be rezoned to C-2.

Mr. Larry Williams, of 435 8<sup>th</sup> Ave. SW, unit No. 15, addressed the Commission. Mr. Williams stated his bedroom looks to the South, where the proposed parking surface area and buildings are sought by Casey's, and he would lose his current desirable view of the open grass lot. He confirmed with Mr. Kohout the residence will be removed as part of this development. Mr. Williams stated a concern with storm water run-off, additional traffic congestion and conflicts into the property, sounds from the property late into the night with a service station and decreased property values for his property and adjacent residences.

Mr. Darryl Buchholz, of 415 8<sup>th</sup> Ave. SW, stated he believes there are too many existing gas stations in town and that this proposed use is not a good use at this location.

Mr. Brad Young, of 437 8<sup>th</sup> Ave. SW, unit No. 14, stated he has concerns with the proposed site plan presented by Casey's, which shows the car wash to the West and thinks the land use is not compatible with his residential use and nearby golf course use.

Patricia Shaw, of 429 8<sup>th</sup> Ave. SW, unit No. 9, reviewed the proximity of the proposed convenience store site on the property in relation to the condominiums and detached single family homes to the North. Ms. Shaw expressed concern with additional traffic conflicts while making a left hand turn onto 8<sup>th</sup> Ave. SW, from 4<sup>th</sup> St. SW. She also expressed concern over hours of operations, car lights, noisy car wash near existing residences to the North.

Ms. Tammy McKenzie, of 439 8<sup>th</sup> Ave. SW, expressed concern about surface water drainage adjacent to condos to the North. Ms. McKenzie stated concern over additional resulting storm water from this development onto adjacent properties and traffic conflicts onto existing roadways. She stated she would be supportive of an office use or bank use, with limited hours and limited traffic at this location instead of the proposed C-2 use presented.

Mr. Werger outlined future roadway and lane improvements to 4<sup>th</sup> St. SW currently scheduled for a future project, which could aid traffic management in and out of this property. He also outlined the topography of the property is such that the western portion of land, adjacent to the golf course, is in a regulated floodplain area, which is not proposed for development.

Mr. Kohout stated storm water management will be expected as part of the plans to be engineered prior to final approval for a building permit. Mr. Kohout outlined examples in the community of where detention basins are located to better illustrate the methods used to slow up water as it exits the property.

Ms. Payne identified commercial areas identified on the FLUP.

Ms. Jondle outlined options for screening which would be suggested by Casey's and will be finalized with City staff prior to approval.

Mr. Kohout reviewed the site plan review process with the Commission, which includes review by City staff to address specified items outlined in the Code prior to permit issuance.

There being no one else wishing to speak, Ms. Payne closed the public hearing.

Ms. Solheim stated her support for light office commercial, such as C-1 zoning district uses for the subject property in lieu of the proposed C-2.

Ms. Olson stated she understands the view points of adjacent property owners expressing a concern over loss of view onto adjacent property, but they are not guaranteed views on adjacent property.

Mr. Huser stated he would like to see the proposed car wash use further south, away from residences in the area. Mr. Huser stated he understands traffic counts in front of this property are high and it is logical for a high demand use such as a convenience store.

There was some discussion amongst the Commissioners about C-1 zoning.

Mr. Dane stated he thinks the proposed commercial planning is appropriate for the location and the Commission should not be too concerned with site plan layout or ownership of the commercial property, and to look at the re-zoning request and associated uses permitted only.

Mr. Huser confirmed with the Commission the voting process and appeals process afforded by the City Code.

Motion By: French

Seconded By: Huser

Move that the Planning and Zoning Commission recommend approval of the rezoning request from R-1 to C-2 and to amend the FLUP from Residential to Commercial for 4.40 acres on the NW corner of 4<sup>th</sup> St. SW and 10<sup>th</sup> Ave. SW, as described in the supplied legal description to the City Council.

Yes: 6

No: 1

Absent: 2

Solheim cast the “no” vote.

#### C. Regular Business:

1. Review Zoning Ordinance Amendment to C-1, Zoning District, Amending District language.

Ms. Payne stated City Staff is requesting the Commission to review and recommend action to the Council on the request to amend the City Code Section 100.12, C-1, Neighborhood Commercial District, to better reflect the location of service oriented businesses to be located within this area, in addition to schools and churches, with special provisional use consideration.

Mr. Kohout presented a draft ordinance to the Commission. Mr. Kohout reviewed the history of the ordinance, where office uses, professional and personal businesses were permitted in the R-4 district and that they were removed with the recent adoption of a new R-4 ordinance in an attempt to add better predictability for large tracts of land. Mr. Kohout noted that schools and church uses are envisioned in the proposed C-1, and not in the R districts, as they typically require large amounts of parking and relatively high traffic movement considerations.

Ms. Olson confirmed with Mr. Werger a large campus like setting for a private school would be a special provisional use, requiring recommendation and approval by the City prior to allowing for this.

Mr. Kohout identified the north side of 10<sup>th</sup> Ave. SW as an illustration of the proposed C-1 type applications, where by-appointment type of businesses are sought to be included.

Mr. Werger stated the intent of the ordinance amendment is to include uses removed from the R-4 with the previous R district approval. He also stated businesses with large truck deliveries are not envisioned to be included with the ordinance proposal.

Mr. Dane stated he envisions smaller buildings and smaller lots, as the uses were limited to 2,000 square feet, which he thinks is appropriate with the stated intent for C-1.

Ms. Payne stated some of the uses stricken out included Laundromat, which is fine in C-2, but may not be appropriate for C-1. Mr. Kohout confirmed with Ms. Payne the land uses are not common and the revision accounts for this observation.

Mr. Kohout confirmed for the Commission the types of uses sought to be included are low traffic generating and by appointment businesses or similar uses.

There was discussion amongst the Commission regarding including uses in C-2 instead of C-1.

There was discussion amongst the Commission regarding re-classifying existing commercial zoning districts into better defined categories.

Mr. Dane stated his support of keeping the current C-1 language instead of changes proposed, except for changing the stated intent language.

Ms. French stated support for the C-1 language as proposed by staff and add that "usual traffic expected shall be light in nature".

There was discussion amongst the Commission regarding existing uses being identified within strip mall developments as meeting the criteria of the C-1 proposed language.

Ms. Payne stated she identifies large truck delivery and hours of operation restrictions should be reflected in the ordinance language.

Mr. Werger stated Staff can work on the ordinance some more and bring back to the next month for Commission review and is requesting the item to be tabled.

Mr. Dane confirmed with Staff childcare facilities could be considered for remaining in C-1 district as a permissive use.

Mr. Kohout stated the C-1 district may be utilized in the future to better identify lower traffic uses for locations where a C-2 may be requested and the Staff and Commission may recommend a C-1 instead of the C-2 requested, following review of the impact to the neighboring properties.

Motion By:

Seconded By:

Move that the Commission recommend approval of the ordinance amendments to Section 100.2, the C-1, Neighborhood Commercial District, as outlined in the attachment provided by City Staff to the City Council.

Yes:

No:

Absent:

D. Old Business:

1. Ms. Solheim confirmed with Mr. Kohout the former Junior High building, located along 3<sup>rd</sup> St. NW, is no longer under the purview of the granted Special Provisional use stipulations imposed by the City as the zoning changed from R-4 to C-3. Ms. Solheim confirmed with Mr. Kohout a future church use out of the structure is proposed.
2. Mr. Huser reviewed the current Bremer Avenue construction progress with Mr. Werger.

E. New Business:

None

F. Adjournment:

Motion By: Huser

Move that the Planning and Zoning Commission meeting be adjourned.  
Meeting adjourned at 8:40 p.m.

Respectfully Submitted,  
Ben Kohout, Secretary