

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, July 7, 2021

Virtual Meeting

This meeting was conducted virtually.

Commissioners Present: Chairperson Martha Christ; Commission Members Rebecca Kemp, Brittany Loeffelholz, Matthew Mulligan, Pat Norton, Rich Russell and Teri Zuccaro

Commissioners Excused: None.

Commissioners Unexcused: None.

Staff Members Present: Wally Wernimont, Shena Moon, Guy Hemenway, Travis Schrobilgen and Jason Duba

CALL TO ORDER: The meeting was called to order by Chairperson Christ at 6:00 p.m.

MINUTES: Motion by Zuccaro, seconded by Loeffelholz, to approve the minutes of the June 2, 2021 meeting. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Norton, Russell, Zuccaro, and Christ; Nay – none.

ACTION ITEMS/WAIVER: Application of Joe Delaney to waive specific requirements of Chapter 13: Site Design Standards for property located at 900 Seippel Rd.

Joe Delaney spoke on behalf of his application seeking to waive the requirement to pave gravel driveways at his miniwarehousing development. He noted that the graveled area would generate little dust as it was hard packled and had little traffic so that neighbors would not be affected. He stated that asphalt would not work well because it gets torn up by the large campers and boats. He said he plans to add paving as future storage buildings are built.

Staff Member Hemenway detailed the staff report. He outlined the Unified Development Code design standards citing the specific parts of the code the applicant is seeking to waive. He stated the rationale for these code requirements is to keep dust down, prevent gravel from straying into the right-of-way, and to maintain an urban aesthetic. He said that if the waiver is not approved, the vehicles stored on the gravel areas will have to be removed. He referred to a site diagram with recommended timelines for paving the primary access drive and drive aisles, should the waiver be approved.

Commissioners asked whether Mr. Delaney was amenable to the timeline for future paving that staff proposed. They also asked whether vehicles could park in a different orientation to help with the applicant's concerns.

Vice Chair Rebecca Kemp temporarily assumed the role of Chair as Ms. Christ lost her Internet connection to the meeting.

Motion by Mulligan, seconded by Norton, to approve waiving specific requirements of Chapter 13: Site Design Standards with the condition that the primary access drive and interior drive aisles on the southern half of the graveled storage area (200' south to north) be paved by October 31, 2021 and that the primary access drive and interior drive aisles on the north half of the graveled storage area (200' south to north) be paved by October 31, 2022. Motion carried by the following vote: Aye – Kemp, Mulligan, Norton, Russell, Zuccaro, and Loeffelholz; Nay – none.

ACTION ITEM/PRELIMINARY PLAT: Application of Greg Adams to approve the Preliminary Plat of Country View Estates.

Greg Adams, 6411 Sandwedge Court, briefly described the proposal before Dave Schneider, land surveyor, spoke on behalf of the property owner. He stated that this property is within the two-mile extraterritorial jurisdiction (ETJ) of the City, requiring the Commission's review. He explained the current plan for 11 lots and the potential for additional lots in the future. He said he would meet all county stormwater requirements.

Chairperson Christ was able to reconnect to the meeting and re-assumed her role as Chair.

Staff Member Schrobilgen detailed the staff report, noting the submitted Plat of Survey of Country View Estates creates eight residential lots, two agricultural lots, and one lot for storm water detention. He described plans for well water, septic systems, storm water management, internal streets, traffic patterns and noted that access would be taken from Hales Mill Road. He said the subdivision provides a public utility easement on both sides of the interior street as required by City land subdivision standards and that each lot will exceed the City's minimum lot area and frontage standards. He noted that the subdivision will also leave approximately 18 acres of undeveloped wooded hillside thus preserving natural features and vegetation.

Motion by Norton, seconded by Kemp, to approve the Preliminary Plat of Country View Estates as submitted. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Norton, Russell, Zuccaro, and Christ; Nay – none.

PUBLIC HEARING/REZONING: Application of Buesing and Associates to rezone property located at Lot D of Rustic Point Estates (East of Lasso Court).

Commissioners Norton and Mulligan recused themselves.

Patrick Norton, Buesing & Associates, 1212 Locust, spoke on behalf of the developer. He stated they are working with the developer on minor modifications to the third phase

of the Rustic Point subdivision. He state that they are asking to rezone to a planned development to create a 35-home gated senior community that includes a club house. He said that traffic volume and utility usage will likely be less than the original 33-home single-family development that was platted.

Matt Mulligan, Conlon Construction, explained that the development would be a cooperative, with each home in the \$350,000-\$500,000 range. He stated that the main entry would be through Lasso Court with emergency access taken from Barnwood Drive.

Richard and Sheryl Hunt, 3465 Wagon Wheel Lane, spoke in opposition to the request. They wondered why there has been such a radical change from original plan and what these homes will look like and how will they fit in the neighborhood.

Wayne and Kris Breckon, 4440 Sickle Lane, spoke in opposition to the request. They said the letter from Buesing about the project doesn't mention the cooperative, they were not familiar with them, and they wondered how that will affect the value of surrounding homes. They asked about fence and shrubbery on the south side. They noted the homes will be considerably lower. They wondered what they will look like. They asked about the restrictive covenants. They appreciated that it would be a gated community, likely with lower traffic.

Nancy and Rick Buelow, 16633 Clay Hill Road, spoke in opposition to the request. Assumed that people buying houses at that price would have two cars and traffic may not be lower. They thought the area was designated as park, detention basin, and green space. They claim the neighbors don't want it.

Phil Kalvelage, 16785 Clay Hill Road, spoke in opposition to the request. He wondered how the City would enforce that senior citizens were living there. He thought the area was designated green space. He wanted more information.

Dennis Fangman, 16529 Clay Hill, spoke in opposition to the request. He said he was opposed until he got more information.

Jonathan Stenzel, 16653 Clay Hill, spoke in opposition to the request. He said he was opposed until he got more information.

Chris and Kathy Sheriff, 4443 Sickle Lane, spoke in opposition to the request. They stated they were in opposition until they got more information.

Dennis Groom, 16693 Clay Hill, spoke in opposition to the request. He said the developer never lived up to the original plan and now wants to change it again. He said run-off has not been addressed, and the city hasn't addressed it.

Staff noted that emails from Nancy Buelow and Chad Ellis had also been submitted and shared with the Commissioners.

Mr. Norton responded to neighbor's comments and questions. He described the topography and grading plan that he said will be similar to the original Phase 3 Plan. He described the location of the fence and detention basins. He pointed out that the homes will be smaller than those originally proposed, so there will be more green space/permeable area.

Mr. Mulligan said that he is was the original developer of Phase 3, but he has purchased the land with the intent to develop the proposed cooperative. He responded to questions related to the nature of the housing cooperative and the shared club house. He said that this concept has succeeded in North Liberty and Pella, Iowa. He described the size, style, and construction of the homes. He described the layout, landscaping, and amenities of the cooperative noting how the development would be managed and maintained. He said that he felt confident that this development would be a boon to surrounding home values.

Staff Member Hemenway detailed the staff report. He explained the public notification process. He explained the need to rezone the property to PUD due to the common lot area shared by the homes. He detailed some of the changes from the original Phase 3 Plan to the current proposal. He noted that all city standards for R-1 zoning would be met in the development, including setbacks, open space, streets, parking, and storm water management. He said the traffic that will be generated by the proposed development will likely be less than a single-family home development because the cooperative will be restricted to residents 55 years of age or older. He stated that the developer would be bound by their submitted concept plan, and a detailed site plan would subsequently be reviewed for compliance with City codes.

Commissioners received clarification that the entry to the development would be gated with access limited to those with a key fob or card.

Motion by Kemp, seconded by Loeffelholz, to approve rezoning Lot D of Rustic Point Estates (West of Lasso Court) as submitted. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Russell, Zuccaro, and Christ; Nay – none; Abstain – Mulligan and Norton.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF:

ELECTION OF OFFICERS

Commissioner Kemp nominated Commissioner Christ as Chair, but Christ declined.

Motion by Kemp, seconded by Norton, to elect Commissioner Mulligan as Chair. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Norton, Russell, Zuccaro and Christ; Nay – none.

Commissioner Zuccaro sought clarification about the roles of the Vice-Chairperson and Secretary. Planning Services Manager Wernimont explained the roles of these positions.

Motion by Christ, seconded by Mulligan, to elect Commissioner Kemp as Vice Chair. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Norton, Russell, Zuccaro and Christ; Nay – none.

Motion by Mulligan, seconded by Christ, to elect Commissioner Zuccaro as Secretary. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Norton, Russell, Zuccaro and Christ; Nay – none.

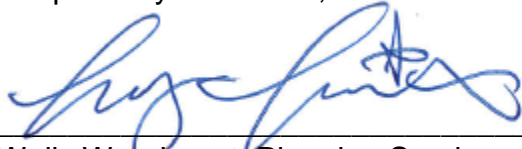
VIRTUAL MEETINGS

Wernimont explained that the Governor's Proclamation permitting virtual meetings due to COVID is expected to expire on July 25, meaning in-person meetings will restart in August at the Federal Building.

ADJOURNMENT: Motion by Zuccaro, seconded by Kemp to adjourn the July 7, 2021 Commission meeting. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Norton, Russell, Zuccaro and Christ; Nay – none.

The meeting adjourned at 7:15 p.m.

Respectfully submitted,



Wally Wernimont, Planning Services Manager

September 1, 2021

Adopted