

Iowa City Planning & Zoning Commission

Formal Meeting
Thursday, February 15, 2018
7:00 PM

Emma Harvat Hall - City Hall



Department of Neighborhood
and
Development Services



CITY OF IOWA CITY
UNESCO CITY OF LITERATURE

Staff Reports

PLANNING AND ZONING COMMISSION

Thursday, February 15, 2018 - 7:00 PM

Formal Meeting
Emma Harvat Hall
Iowa City City Hall
410 E. Washington Street

AGENDA:

A. Call to Order

B. Roll Call

C. Public Discussion of Any Item Not on the Agenda

D. Development Item / Rezoning Item

Discussion of an application submitted by Allen Homes, Inc. for a rezoning, Preliminary Plat and Sensitive Areas Development Plan for Lindeman Subdivision Part Eight, a 39-lot, 20.24-acre residential subdivision with 36 single family lots and 41 townhouse style multifamily dwellings located in the OPD-5/OPD-8 zone located South of Lower West Branch Road and North of Anna Street. (REZ18-0006/SUB18-0001)

E. Rezoning Item

Discussion of an application submitted by Hodge Construction for a rezoning of approximately 1.1 acres from Intensive Commercial (CI-1) zone to Riverfront Crossings – Central Crossings (RFC-CX) zone for property located at 225 & 225 ½ E. Prentiss Street. (REZ18-00003)

F. Code Amendment Items

Discussion of amendments to Title 14, Zoning, to address changes to state law regarding occupancy of residential dwellings.

G. Urban Renewal Item

Discussion of Proposed Foster Road Urban Renewal Plan located between North Dubuque Street and Prairie du Chien.

H. Consideration of Meeting Minutes: January 18, 2018

I. Planning & Zoning Information

J. Adjournment

If you will need disability-related accommodations in order to participate in this meeting, please contact Bob Milko, Urban Planning, at 319-356-5240 or at bob-miklo@iowa-city.org. Early requests are strongly encouraged to allow sufficient time to meet your access needs.

Upcoming Planning & Zoning Commission Meetings
Formal: March 1/ March 15 / April 5
Informal: Scheduled as needed.

STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Bob Miko and Sylvia Bochner

Item: REZ18-0006/SUB18-00001
Lindemann Subdivision Part 8

Date: February 15, 2018

GENERAL INFORMATION:

Applicant:

Allen Homes, Inc.
P.O. Box 3474
Iowa City, IA 52244
319-530-8238
319-337-4610

Contact:

Ron Amelon, MMS Consultants
1917 S. Gilbert Street
Iowa City, IA 52240
319-351-8282
r.amelon@mmsconsultants.net

Property Owner:

Charles and Phyllis Lindemann Revocable Trust,
Lindemann, Robert G., and Ruth Geraldine Kabala
Residuary Trust
P.O. Box 3474
Iowa City, IA 52244

Requested Action:

Approval of a preliminary plat and OPD plan

Purpose:

To allow for the development of a 39-lot residential subdivision including 36 single family lots and 3 lots with 41 townhouse style dwellings.

Location:

South of Lower West Branch Road SE and north of Anna Street

Size:

20.24 acres

Existing Land Use and Zoning:

Undeveloped, OPD-5 and OPD-8

Surrounding Land Use and Zoning:

North: Residential (County R and A)
South: Residential (OPD-5 and OPD-8)
East: Residential (OPD-8)
West: Residential (OPD-5)

Comprehensive Plan:

Northeast District Plan

Neighborhood Open Space District:

Lower West Branch

File Date:

January 11, 2018

45 Day Limitation Period:

February 25, 2018

BACKGROUND INFORMATION:

In 2001, approximately 95 acres were annexed into the city for the Lindemann Subdivision. Upon annexation, the western 35 acres were zoned Low Density Single Family Residential (RS-5), and the eastern 60 acres were zoned Medium Density Single Family Residential (RS-8). The rezoning was subject to a Conditional Zoning Agreement (CZA) that included requirements for the developer to contribute funds to the City for the reconstruction of Lower West Branch Road to the north of the property; inclusion of a greenway and trail along the stream and wetland corridor, and an interconnected street pattern including future street connections to Lower West Branch Road.

A preliminary plat and Sensitive Areas Plan for Lindemann Subdivision with 261-lots was approved in 2002. The Sensitive Areas Plan was required due to the presence of wetlands and a stream corridor on the property. This is the reason for the OPD-5 and OPD-8 zoning designation. Since 2002, final plats have been approved for Lindemann Subdivision Parts 3 through 7 and most of those lots have been built upon. The applicant is now requesting approval of preliminary plat and sensitive areas development plan for Lindemann Subdivision Part Eight, the final phase of the overall development. The proposal includes 36 single family lots, 3 lots with 41 townhouse style dwellings, and an outlot for wetland preservation and parkland.

The applicant has indicated that they have used the "Good Neighbor Policy" and conducted a good neighbor meeting on January 25. A summary of the report of the meeting is attached.

ANALYSIS:

Comprehensive Plan: This property is located within the Northeast District. The district plan indicates that the area is appropriate for single family residential uses with townhouses near Lower West Branch Road. The district plan depicts a subdivision with interconnected streets and a linear open space along the stream corridor. The proposed subdivision design, which includes a mix of single family lots, townhouse style multifamily units, and a 5.16-acre outlot for wetland preservation and open space, is consistent with the concept for this area as shown in the district plan.

Zoning Code: The eastern portion of the property is zoned Planned Development Overlay Medium Density Single Family (OPD8) and the western portion is zoned Planned Development Overlay Low Density Single Family (OPD-5). The OPD zoning designation was placed on this property when an OPD plan was approved for the remainder of the Lindemann development because of the presence of wetlands and a stream corridor. The subject area was identified as an outlot for future development, but no specific OPD plan was approved. The applicant is now proposing an OPD plan that includes a total of 41 townhouse style dwelling units on lots 9, 10 and 39. Lots 1 through 8 are single family lots that comply with the RS-5 zoning standards. Lots 11 through 38 are single family lots that comply with the RS-8 zoning standards.

General Planned Development Criteria: Applications for Planned Development rezonings are reviewed for compliance with the following standards according to Article 14-3A of the Iowa City Zoning Ordinance.

1. The density and design of the Planned Development will be compatible with and / or complimentary to adjacent development in terms of land use, building mass and scale, open space and traffic circulation and general layout.

Density: On Lots 9, 10, and 37, the proposed density is approximately 9 units per acre. The overall proposed density, including the area of Outlot A, the single family lots, and Lots 9, 10, and 39, is 4.26 units per acre. The overall density is compatible with the surrounding area and the underlying RS-5 and RS-8 zoning, which allows a maximum density of 5 to 8 units per acre.

Land use and layout: The site plan shows 41 townhouse-style units located in 8 buildings. These buildings have frontage on Lower West Branch Road, Kennith Drive, Danielle Street, and Olivia Court, with vehicular access provided from private rear alleys. The private rear alleys for 6 of the buildings surround a rectangular area of open space. The plat indicates that amenities, such as seating and grills, may be provided in this area, which will be addressed in the final plat. Staff recommends that the concept plan showing the amenities be included on the preliminary OPD plan.

Mass and scale: The site plan shows 8 townhouse-style buildings with 4, 5, or 6 units per building, with widths of 111.34', 139' or 166.67' respectively. The plat shows that each unit on these buildings will be articulated to help keep these larger buildings in scale with the surrounding neighborhood. There are similar townhouse buildings directly to the east of Lindemann Subdivision. In staff's view the scale and mass of the proposed townhouse buildings is compatible with the existing and proposed residential development.

Traffic circulation: The plat includes the creation or extension of three street: Danielle Street, Kennith Drive, and Olivia Court. These streets, along with private rear alleys, will provide sufficient traffic circulation for the Planned Development.

2. The development will not overburden existing streets and utilities.

Access to the development will be provided via Lower West Branch Road, along with streets created and extended as part of this subdivision, as described above. These streets will be sufficient to serve the proposed development and utilities will be constructed as part of the subdivision.

3. The development will not adversely affect views, light and air, property values and privacy of neighboring properties any more than would a conventional development.

The proposed planned development is surrounded by other lots to be developed as part of this subdivision. The townhouses will be similar to others that exist in adjacent subdivisions. The buildings will be two stories, similar to single family homes and townhouses in the neighborhood. Both private and public open space is being provided to serve the residents of the development. In staff's view the location, scale, and design of the proposed townhouses is compatible with the larger neighborhood.

4. The combination of land uses and building types and any variation from the underlying zoning requirements or from City standards will be in the public interest, in harmony with the purpose of the zoning code and with other building regulations of the City.

The applicant is seeking variations in the RS-8 standards to allow multifamily buildings rather than single family dwellings on individual lots and they propose to dedicate 5.16 acres of property to the City for public open space. The plan also includes approximately 3.5 acres of private common open space for use of the residents of the townhouses. In staff's view these variations will be in the public interest by providing usable open space and by providing more diverse housing options in this area.

Subdivision Regulations: The proposed subdivision meets all subdivision standards for street and block design. In staff's view the subdivision design complies with the Neighborhood Design Principles of the Northeast District Plan, including a variety of housing types, interconnected streets, provision of open space, preservation of wetlands, and a continuation of the trail network along the stream corridor.

Environmentally Sensitive Areas: The property contains wetlands and a stream corridor in the area identified as Outlot A. One of the purposes of the Sensitive Areas Ordinance is to foster urban design that preserves open space and minimizes disturbance of environmentally sensitive features and natural resources. The buffers required by the Sensitive Areas Ordinance are meant to accomplish the goal of preserving the sensitive environmental features. A 100-foot buffer is required between the wetland and any development activity and a 15-foot buffer is required between the 30-foot wide stream corridor and any development activity. The plat includes a stream corridor buffer and the 100-foot wetland buffer on the east side of Outlot A. These buffers are contained within Outlot A, which will be dedicated to the City.

On the west side of the Outlot A, the applicant is requesting that a portion of the wetland buffer be reduced from 100 feet to 25 feet. Section 14-51-6 E.3. of the zoning code allows for consideration of buffer reductions where the wetland is less than 5 acres, does not contain endangered species or plants of regional significance, is not located within a regulated stream corridor, does not contain standing water, is not a forested wetland and does not provide habitat for migratory birds. The applicant has submitted a wetland report indicating that the area for which the wetland buffer reduction is being requested meets these requirements. Staff notes that the wetland near the area where the buffer reduction is being requested was previously disturbed when the sanitary sewer line was installed.

A small portion of the buffer will be on lots 6, 7, and 8. At the time a final plat approval a conservation easement will be needed for those areas.

Neighborhood parkland: The applicant proposes to dedicate Outlot A, which contains 5.16 acres is to be dedicated to the City for parkland. This will more than satisfy the neighborhood open space requirements. Although Outlot A contains a significant area of undevelopable wetlands, there are areas at the end of Lindemann Drive and Olivia Court that are suitable for active park uses. The Parks and Recreation Commission has agreed to accept Outlot A.

Stormwater management: Stormwater will be directed into the exiting stormwater sewers and the creek contained in Outlot A. Stormwater detention will be provided in the Scott Park detention regional basin, therefore no stormwater detention facilities are required on this property.

Infrastructure fees: Required fees include a watermain extension fee of \$435 per acre and a sanitary sewer tap-on fee of \$1,038.26 per acre. When this property was annexed into the City in 2001 Lower West Branch Road was a county road built for rural traffic. As a condition of annexation and zoning the property for development, the applicant agreed to contribute a portion of the cost of improving Lower West Branch Road to City standards. Payment of these fees will be need to addressed in the legal papers at the time of the final plat.

Revised plat: Staff received a revised plat on February 8 and is in the process of reviewing it. We anticipate completing the review before the February 15 Planning and Zoning Commission meeting.

STAFF RECOMMENDATION:


Staff recommends deferral of this application pending review of the revised plat. Upon resolution of deficiencies staff would recommend approval of REZ18-0006/SUB18-0001, an application submitted by Allen Homes, Inc. for a rezoning and Preliminary Plat and Sensitive Areas

Development Plan for Lindeman Subdivision Part Eight, a 39-lot, 20.24-acre residential subdivision located in the OPD-5/OPD-8 zone located South of Lower West Branch Road and North of Anna Street.

ATTACHMENTS:

1. Location Map
2. Preliminary Plat/Sensitive Areas Development Plan.
3. Summary Report Good Neighbor Meeting.

Approved by: _____


Tracy Hightshoe, Director,
Department of Neighborhood and Development Services



Prepared By: Sylvia Bochner
Date Prepared: January 2018

SUB18-00001 Lindemann Subdivision Part 8



An application submitted by Allen Homes, Inc.
for the approval of a preliminary plat for Lindemann
Subdivision Part 8, a 20.24, 39-lot residential
subdivision located south of Lower West Branch
Road and north of Anna Street.



CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

PLAT PREPARED BY:
JMS CONSULTANTS INC.
1917 S. GILBERT STREET
IOWA CITY, IOWA 52240

OWNER/SUBSIDIAIRY:
ALLEN HOMES, INC.
PO BOX 3484
IOWA CITY, IOWA 52244

SUBDIVIDER'S ATTORNEY:
C. JOSEPH HOLLAND
123 N. LINN STREET SUITE 300
IOWA CITY, IOWA 52244-2820

[illegible]

FREE FOR EVERY 640 OF BUILDING FOOTPRINT

- LOT 5 1,000,000 SF / 640 = 15 TREES (4 EXISTING)
- LOT 6 1,000,000 SF / 640 = 15 TREES (4 EXISTING)
- LOT 7 1,000,000 SF / 640 = 15 TREES (4 EXISTING)
- LOT 8 1,000,000 SF / 640 = 15 TREES (4 EXISTING)

LOTS WITH MORE THAN ONE PERCENTAGE 1 TREE FOR EVERY 640 SF OF ROW.

- LOT 9 500,000 SF / 640 = 8 TREES
- LOT 10 500,000 SF / 640 = 8 TREES
- LOT 11 500,000 SF / 640 = 8 TREES
- LOT 12 500,000 SF / 640 = 8 TREES

LOTS REQUIRED = 105 TREES

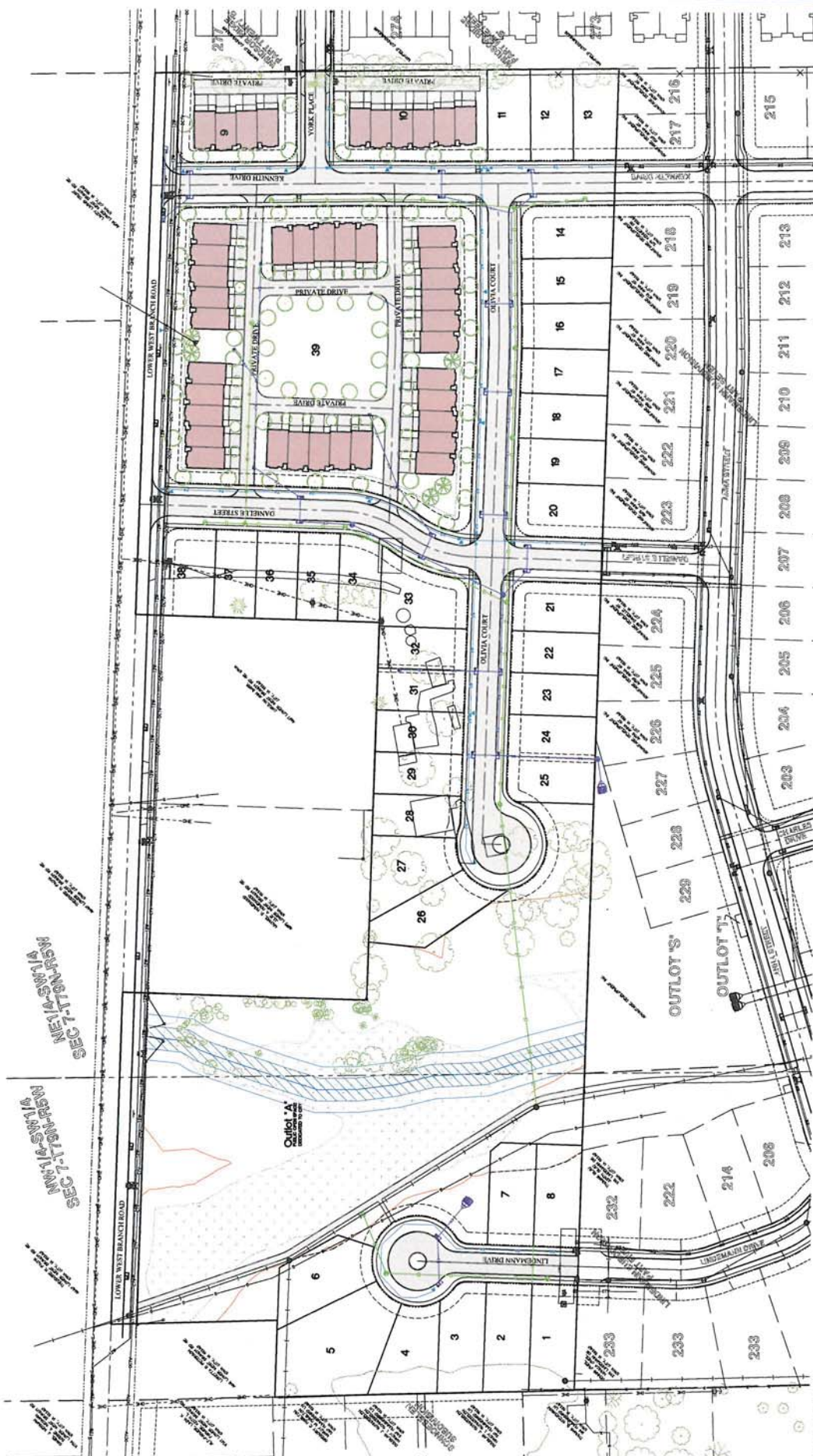
LOTS PROVIDED = 105 TREES PLUS 14 EXISTING

PLANT LEGEND:

	PROPOSED RELANDING FREE
	PROPOSED ENCLOSURE FREE

LINDEMANN
SUBDIVISION
PART EIGHT
IOWA CITY
JOHNSON COUNTY
STATE OF IOWA

Date	01-11-2018
Assigned by	RJA
Run by	KAM/REB
Printed by	RJA
Project No.	KONA CITY 7506-006
Number	1-002
Sheet No.	1





ONE ENGINEERS
AND ARCHITECTS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS
1001 E. UNIVERSITY AVENUE
DES MOINES, IOWA 50319
(515) 281-1000
WWW.ONEENGINEERSANDARCHITECTS.COM

SITE GRADING AND EROSION CONTROL PLAN
AND SENSITIVE AREAS

LINDEMANN
SUBDIVISION
PART EIGHT
IOWA CITY COUNTY
STATE OF IOWA

AMES CONSULTANTS, INC.
DATE: 01-13-2018
PROJECT NO.: 17596-096
SHEET NO.: 1

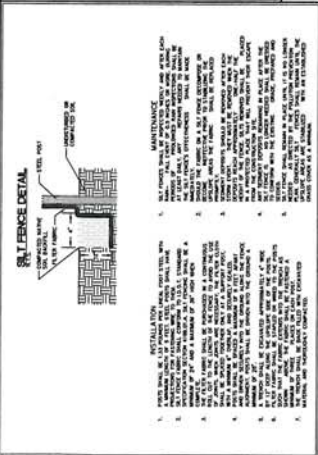
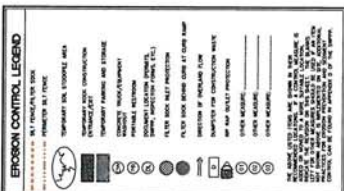
SITE GRADING AND EROSION CONTROL PLAN AND SENSITIVE AREAS LINDEMANN SUBDIVISION PART EIGHT IOWA CITY, IOWA

PLAT PREPARED BY:
C. JOSEPH HOLLAND
1917 C. JOSEPH STREET
IOWA CITY, IOWA 52241

CONVEYANCE ENGINEER:
AMES CONSULTANTS, INC.
1001 E. UNIVERSITY AVENUE
IOWA CITY, IOWA 52241

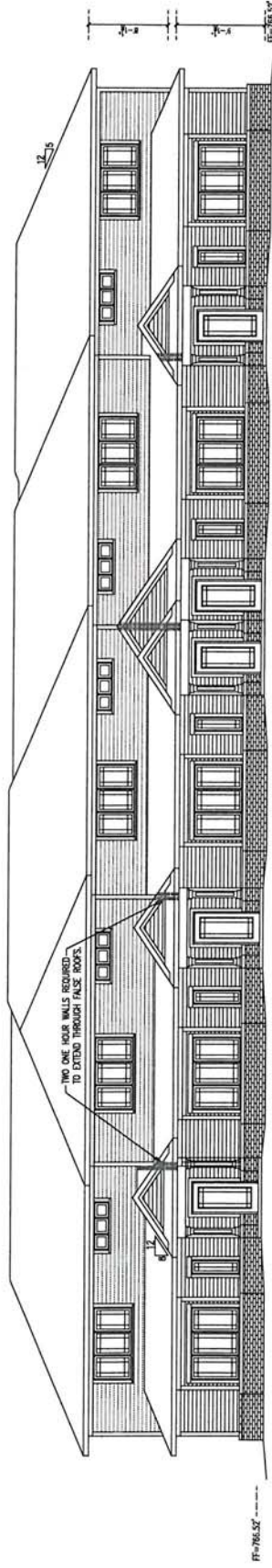
USDA DISTRICT ENGINEER (DA):
DAVID L. HARRIS
1001 E. UNIVERSITY AVENUE
IOWA CITY, IOWA 52241

STATE OF IOWA REGISTERED PROFESSIONAL ENGINEER
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
REGISTERED PROFESSIONAL SURVEYOR
REGISTERED PROFESSIONAL CIVIL ENGINEER
REGISTERED PROFESSIONAL ARCHITECT
REGISTERED PROFESSIONAL ELECTRICAL ENGINEER
REGISTERED PROFESSIONAL MECHANICAL ENGINEER
REGISTERED PROFESSIONAL CHEMICAL ENGINEER
REGISTERED PROFESSIONAL INDUSTRIAL ENGINEER
REGISTERED PROFESSIONAL AERONAUTICAL ENGINEER
REGISTERED PROFESSIONAL METEOROLOGICAL ENGINEER
REGISTERED PROFESSIONAL AGRICULTURAL ENGINEER
REGISTERED PROFESSIONAL MINING ENGINEER
REGISTERED PROFESSIONAL CIVIL ENGINEER
REGISTERED PROFESSIONAL ELECTRICAL ENGINEER
REGISTERED PROFESSIONAL MECHANICAL ENGINEER
REGISTERED PROFESSIONAL CHEMICAL ENGINEER
REGISTERED PROFESSIONAL INDUSTRIAL ENGINEER
REGISTERED PROFESSIONAL AERONAUTICAL ENGINEER
REGISTERED PROFESSIONAL METEOROLOGICAL ENGINEER
REGISTERED PROFESSIONAL AGRICULTURAL ENGINEER
REGISTERED PROFESSIONAL MINING ENGINEER

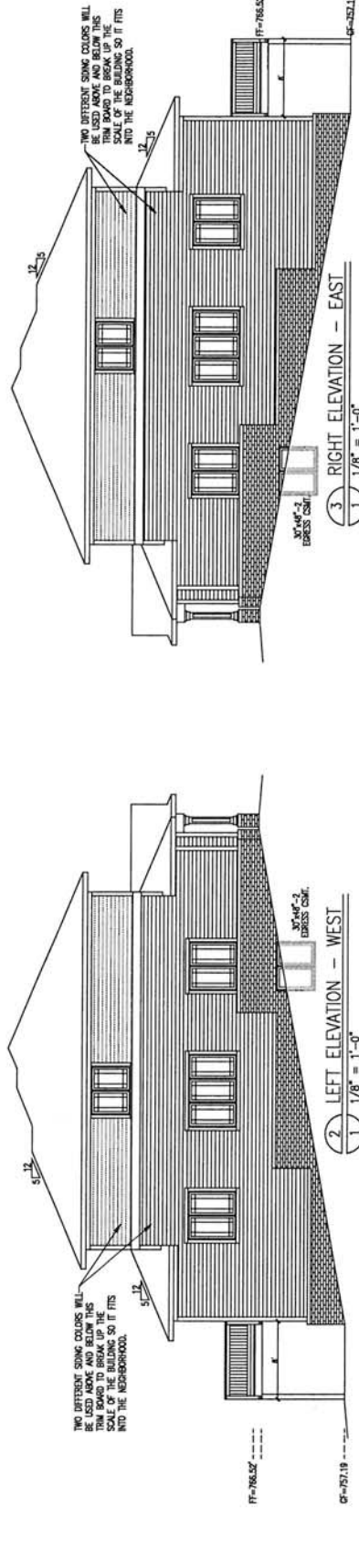


BUILDING "A"

REVISED 06.23.2016

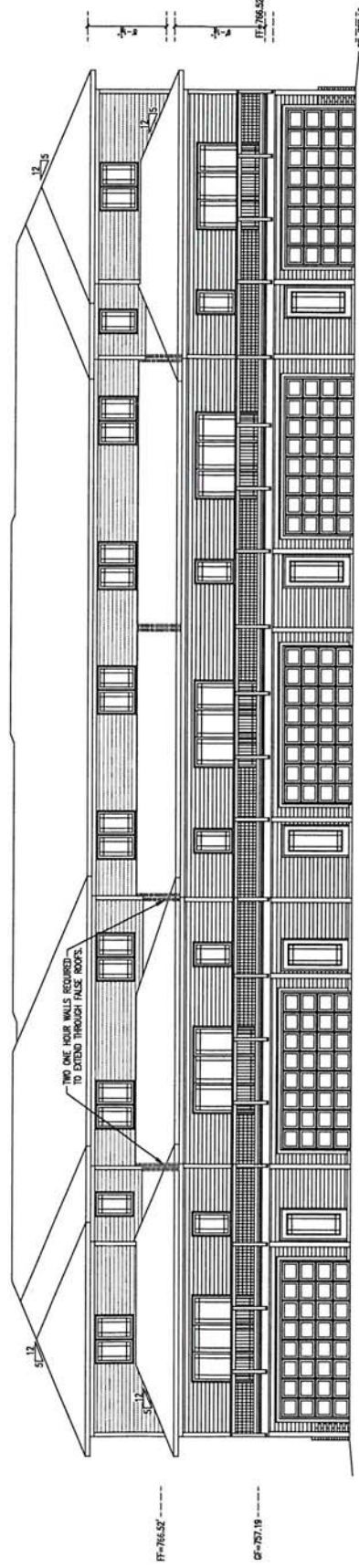


3 FRONT ELEVATION - SOUTH
1/8" = 1'-0"
3/4" x 4" - 2" EXPRESS CMFL.



2 LEFT ELEVATION - WEST
1/8" = 1'-0"
3/4" x 4" - 2" EXPRESS CMFL.

3 RIGHT ELEVATION - EAST
1/8" = 1'-0"
3/4" x 4" - 2" EXPRESS CMFL.



4 REAR ELEVATION - NORTH
1/8" = 1'-0"
3/4" x 4" - 2" EXPRESS CMFL.

Summary Report for Good Neighbor Meeting



Project Name: Lindemann Subdivision Part Eight Project Location: Lower West Branch Road

Meeting Date and Time: Jan. 25th at 5:30

Meeting Location: St. Patrick's Church

Names of Applicant Representatives attending: Jesse Allen & John Yapp

Ron Amelon & Gina Landau

Names of City Staff Representatives attending: none

Number of Neighbors Attending: 23 Sign-In Attached? Yes X No

General Comments received regarding project (attach additional sheets if necessary)-

Attendees were pleased that the density will remain virtually the same with the new OPD zoning

They were happy that stormwater will be addressed and follow the city regulations

Wetlands will remain untouched/preserved

As many trees as possible will remain when site is being graded

Inquiries as to when construction would begin for infrastructure and then for foundations/approval timeline

Townhouse design is good and liked the colored elevations Jesse brought as an example

Concerns expressed regarding project (attach additional sheets if necessary) -

Townhouses - Where do front doors & garages face? Will they be 2 story? For sale or rent?

Concern about where the site drains to, wetland preservation, keeping as many trees as possible

Lot sizes too small & questioning price point on single family

Will Centurylink provide phone service? Some surrounding homeowners couldn't get it

Any low income planned? Meth lab was discovered last year in the area

Low water pressure on Hummingbird, want to make sure there is enough to handle this dev.

Will there be any changes made to the proposal based on this input? If so, describe:

None planned at this time

Staff Representative Comments

STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Julie Tallman

Item: REZ18-00003

Date: February 15, 2018

GENERAL INFORMATION:

Applicant:

Hodge Construction
711 S. Gilbert St.
Iowa City, Iowa 52240

Contact:

Kevin Digmann
319-354-2233
kevind@hodgeconstruction.com

Requested Action:

Rezone from Intensive Commercial (CI-1) Zone to
Riverfront Crossings – Central Crossings (RFC-CX)

Purpose:

Redevelopment according to the Riverfront
Crossings District Plan and form-based code

Location:

200 block of Prentiss St in the Central Crossings
Subdistrict of Riverfront Crossings

Size:

Approximately 1.1 acres

Existing Land Use and Zoning:

Commercial; vacant/CI-1

Surrounding Land Use and Zoning:

North: multi-family residential (PRM)
South: commercial (CC-2 and CI-1)
East: commercial (CI-1)
West: multi-family and commercial (RFX-CX and
CC-2)

Comprehensive Plan:

Riverfront Crossings Master Plan objectives include
encouraging contextual infill, restoring and enhancing
Ralston creek, and promoting new housing options.

File Date:

January 25, 2018

45 Day Limitation Period:

March 12, 2018

BACKGROUND INFORMATION:

The subject property is located in the 200 block of E. Prentiss Street and comprises the entire eastern half of this city block. The property is currently zoned Intensive Commercial (CI-1). The existing building is vacant and formerly was a plumbing supply company with office, sales, repair, warehousing, loading and unloading docks, and a parking lot.

The property falls within the Central Crossings Subdistrict of the Riverfront Crossings District and, therefore, the form-based zoning code for Riverfront Crossings will apply if the property is rezoned.

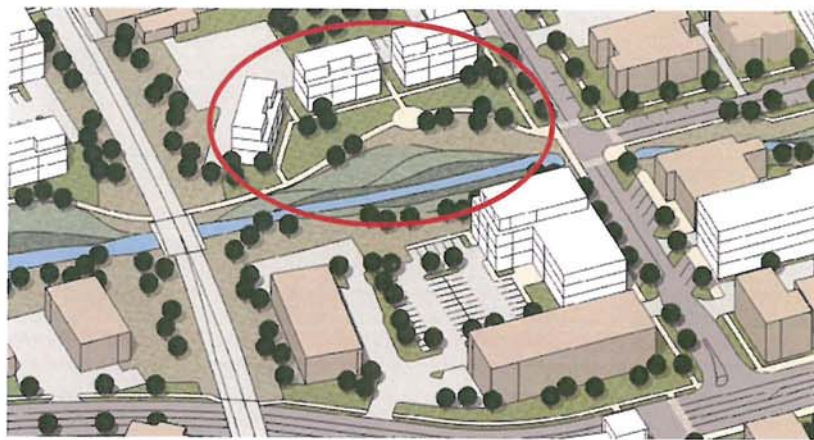
The applicant has indicated that they have chosen not to use the "Good Neighbor Policy."

ANALYSIS:

Comprehensive Plan: This property is located within the Central Crossings Subdistrict of the Downtown and Riverfront Crossings Master Plan. Ralston Creek forms the eastern boundary of the subdistrict. The Plan calls for Ralston Creek to be restored and turned into a community amenity for a redeveloped mixed used neighborhood as described on page 67:

Ralston Creek Redevelopment – Beyond restoring Ralston Creek to good health, one of the key goals is to turn it into an asset that will stimulate redevelopment along its banks. A naturalized creek, along with small park areas, meadows, and a trail will provide amenity value and much needed neighborhood open space. This in turn will encourage new residential development along its banks, catering to a demographic that desires ownership adjacent to downtown, but with direct access to nature and recreation.

As existing apartments reach their lifespan, condos and townhouses will replace them along the creek. Their design will be more urban in nature, and take advantage of the views of the creek instead of turning their back on it. In many cases, parking will be provided on the ground level in order to raise habitable space above the floodplain and to provide views up and down the creek.



The subject property is identified in the red circle in this image from the Downtown and Riverfront Crossings Master Plan.

As discussed below the Riverfront Crossings Form-Based Code is intended to implement the vision contained in the Master Plan.

Current and proposed zoning: The purpose of the Intensive Commercial Zone (CI-1) is to provide areas for those sales and service functions and businesses whose operations are typically characterized by outdoor display and storage of merchandise, by repair and sales of large equipment or motor vehicles, by outdoor commercial amusement and recreational activities or by activities or operations conducted in buildings or structures not completely enclosed. Residential uses are not allowed in the CI-1 zone. The requested Riverfront Crossings zoning will significantly increase the development potential of the property. With the increased development rights come requirements for improvements of a pedestrian street along Ralston Creek to help ensure a safe and attractive living environment.

The Riverfront Crossings – Central Crossings (RFC-CX) zone is intended for moderate intensity mixed-use developments in buildings with entries opening onto pedestrian-friendly public streets and streetscapes. It allows for a mix of commercial and residential uses. The form-based codes requires features, such as building articulation and upper floor setbacks intended to create more moderate scale development compared to the South Downtown Subdistrict.

The applicant is proposing an apartment building with integrated parking on the lower level and has submitted the attached concept plans showing how the property might be developed (it should be noted that the floodway needs to be delineated before the exact building area can be established and therefore the concept plan is subject to change).

Both the Sensitive Areas Ordinance and the Riverfront Crossings Form-Based Code require a 30-foot wide buffer between the edge of the Ralston Creek floodway and any development activity. It will be necessary for a licensed engineer to determine the edge of the floodway. The 30-foot buffer is measured from the edge of the floodway. Once a sensitive areas site plan is submitted with a delineation of these boundaries, the buildable area of the lot can be determined and form-based zoning standards applied to the buildable site area. Since the regulating plan for Riverfront Crossings requires a pedestrian street along Ralston Creek, the building and the buffer area will need to be designed according to the Ralston Creek pedestrian street standards of the form-based code, which includes a public trail within the 30-foot stream corridor buffer.

The flood elevation of Ralston Creek is 655.7 and the elevation of any residential floor may not be less than 656.7. Floodproofing requirements and minimum floor elevations will be administered and determined during the site plan and building plan reviews.

In the Central Crossings Zones, the maximum building height is four (4) stories with a required 10-foot upper story façade setback above the 3rd story. Because of the designated Pedestrian Street, the building's east façade will need to be designed as a frontage with an entry or entries that are accessible from the Pedestrian Street.

Requirements for streetscape improvements, open space, accessible pedestrian routes, landscaping, building design and materials will be administered through site plan review and form-based code committee review.

Traffic implications: There is an existing alley that will provide vehicular access to any new building or buildings on the site. The alley already provides access to mixed-use and apartment buildings along the 500 block of S. Dubuque. Pedestrian movement will be extended farther south with the addition of a creekside trail that will be accessible from an improved ADA-compliant crossing at Linn and Prentiss Streets.

Infrastructure: Sanitary sewer runs north-south in the alley with potential manhole connections in E. Prentiss St. and at the south end of the alley. A 6" water main runs along the north side of E. Prentiss.

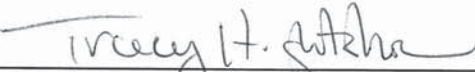
STAFF RECOMMENDATION:

Staff recommends approval of REZ18-00003, a proposal to rezone approximately 1.10 acres of property located within the 200 block of Prentiss Street from Intensive Commercial (CI-1) to Riverfront Crossing-Central Crossings (RFC-CX), subject to a Conditional Zoning Agreement providing for the improvement of Ralston Creek and the pedestrian street in accordance with Form-Based Development Standards for RFC-CX.

ATTACHMENTS:

1. Location Map
2. Concept Plan

Approved by: _____



Tracy Hightshoe, Director,
Department of Neighborhood and Development Services



0 0.0175 0.035 0.07 Miles



REZ18-00003 225 and 225 1/2 E. Prentiss Street

Prepared By: Sylvia Bochner
Date Prepared: January 2018

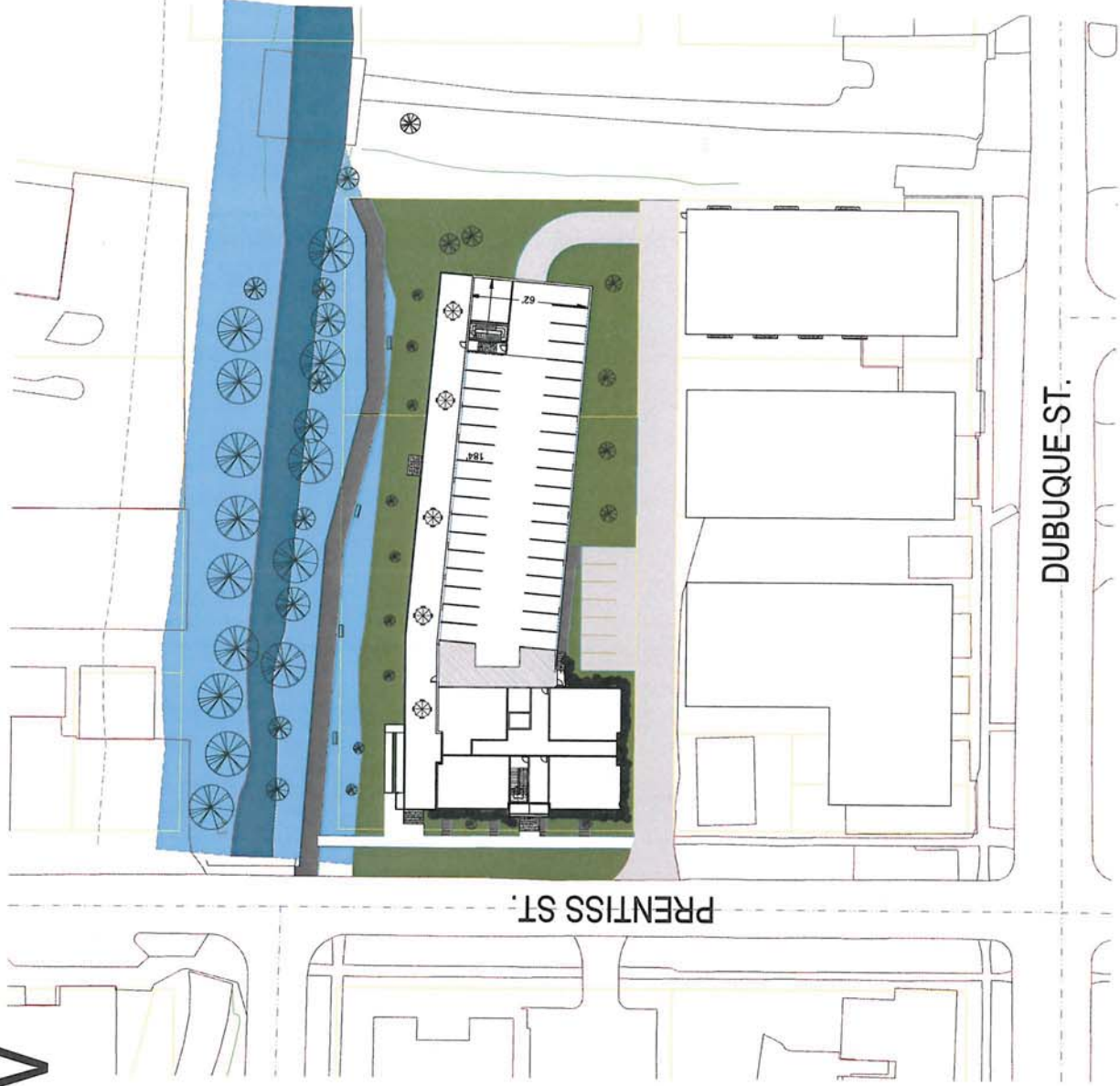


An application submitted by Hodge Construction for the rezoning of approximately 1.1 acres of property located at 225 and 225 1/2 E. Prentiss Street from Intensive Commercial (CI-1) to Riverfront Crossings - Central Crossings (RFC-CX).

LAFAYETTE

PHASE IV

Preliminary
12/29/2017 12:39:07 PM



FUSION
ARCHITECTS, INC.

HODGE
CONSTRUCTION

PHASE IV

Preliminary
01/22/2018 11:32:00 AM



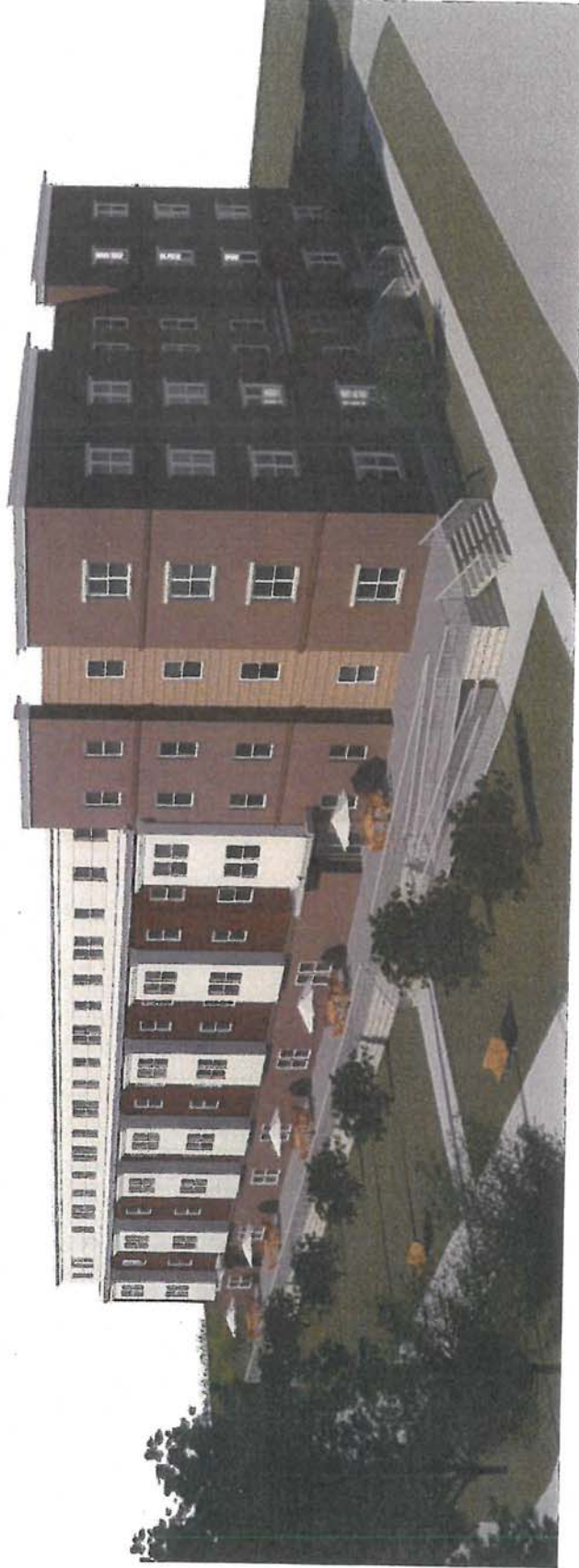
Hodge
CONSTRUCTION

FILED
2018 JAN 25 PM 12:15
CITY CLERK
IOWA CITY, IOWA

FUSION
ARCHITECTS, INC.

PHASE IV

Preliminary
01/22/2018 11:31:55 AM



H
Hodge
CONSTRUCTION

2018 JAN 25 PM 12:15
CITY CLERK
IOWA CITY, IOWA

FILED

FUSION
ARCHITECTS, INC.

PHASE IV

Preliminary
01/22/2018 11:31:46 AM



2018 JAN 25 PM 12:15
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IOWA CITY, IOWA

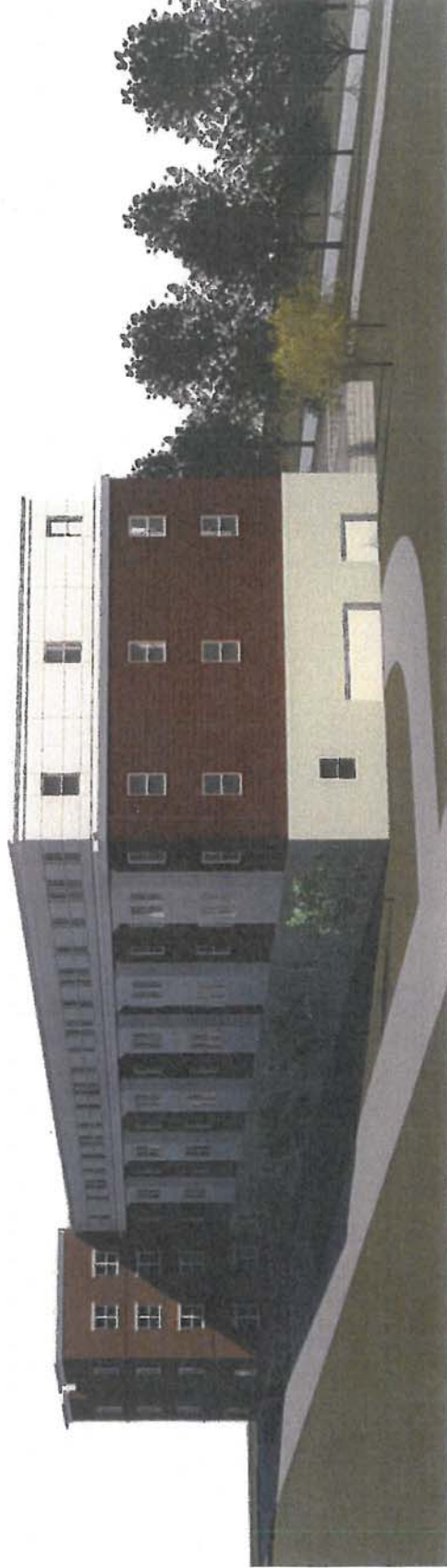
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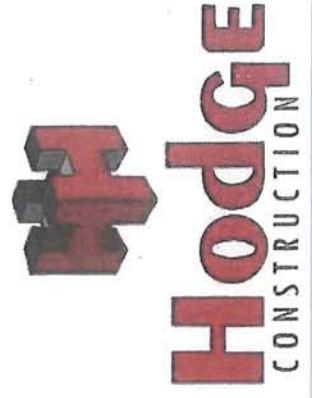
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CITY OF IOWA CITY MEMORANDUM

Date: February 15, 2018

To: Planning and Zoning Commission

From: Karen Howard, Associate Planner

Re: Zoning Code amendments to address changes to state law regarding occupancy of residential dwellings

Introduction: In April 2017, the state legislature adopted a law to prohibit municipalities, after Jan. 1, 2018, from enforcing any regulation that limits occupancy of rental property based on the existence of familial relationships. Controlling occupancy is particularly important in college towns, such as Iowa City where there is a high demand for student rental housing in neighborhoods close to campus. Without reasonable controls on occupancy, singles, couples, families, and retirees have a difficult time competing with groups of students for available single family homes and duplex units, which can instead be rented and operated as de facto rooming houses with new students moving in and out on a yearly basis. Establishing a balance between short term rental opportunities for students and long term housing options for more permanent residents has always been a challenge in Iowa City's central neighborhoods, which has now been made more difficult by this change in state law.

In December, as a first phase of the effort to address this issue, the City Council adopted changes to the Housing Code. These changes include a cap on the number of single family and duplex rentals allowed in neighborhoods close to the UI campus, a limit on the amount space within a dwelling that can be used as bedrooms, and a requirement for a minimum amount of shared living space (living, dining, kitchen areas) within the dwelling based on the number of bedrooms in the unit. In addition, a number of other requirements and enhanced enforcement procedures were added to improve the safety and security of dwelling units in anticipation that occupancies will increase. As a second phase of this effort, changes to the zoning code are proposed, as described in this memo.

Background: In the Iowa City Zoning Code, residential uses are classified as either "Household Living Uses" or "Group Living Uses." Household Living Uses include Single Family, Two Family (duplexes), and Multi-Family Dwellings. One "household," as defined in the code, is allowed within each of these types of dwelling units. In simplified terms, a household is currently defined as a single person, or a family with up to one roomer, or a group of no more than 3 unrelated persons. Group Living Uses are characterized by the residential occupancy of a dwelling by a group of people who do not meet the definition of a household. Group Living Uses contain private rooming units that provide facilities for living and sleeping, but not for cooking, and may contain shared living spaces. Group Living Uses include rooming houses, group care facilities, nursing homes, assisted living facilities, fraternities and sororities, and similar.

Household Living is distinguished from Group Living in that members of a household live together as a single housekeeping unit where the responsibilities and expenses of the household are shared. For example, household members typically share food, household supplies, vehicles, and all areas of the home are open to all members of the household. In contrast, in a Group Living Use, such as a rooming house, individuals have their own private living space and do not typically share household expenses, supplies, vehicles, and the like.

Since Group Living Uses tend to be larger in scale and occupancy than single family dwellings or duplexes and typically need more space for parking, they are only allowed in higher density multi-family and mixed-use zones. However, by eliminating the typical means of defining a "household" (by familial status), it is much more difficult to determine whether a use is a Single Family Use or whether it is a roominghouse. In other words, if an unlimited number of individuals can rent a single family house, when is it no longer a single family use? At what point does it become a rooming house? We will need to rely on other methods to prevent overcrowded conditions and inappropriately scaled dwellings intended solely to maximum residential occupancy without regard to the character, livability or long term stability of the neighborhood.

Discussion of Solutions:

To address the issues described above and to promote safe, healthy, and stable residential neighborhoods with a mix of housing types and adequate parking and open space for both rental and owner households, the following changes to the zoning code are proposed:

1. There have been a number of changes to the occupancy limit for Household Living Uses over the years. When those changes were adopted, occupancy of existing rental permits were "grandfathered." Since there will no longer be a stated limit on the number of unrelated persons within a unit, there is no longer a need to grandfather existing rental occupancies, so these sections of the zoning code should be deleted.
2. To clarify how occupancy is determined, a cross reference to the Housing Code will be added to all the base zone chapters, including the form-based zoning district chapter, which will also provide notice that occupancy of properties that are not in compliance with the minimum zoning requirements for parking and open space will be limited by the provisions of the Housing Code.
3. The parking requirement for Single Family and Two Family Uses is currently 1 parking space per dwelling unit plus 1 additional parking space for each additional unrelated person in excess of two. Since a requirement based on familial status is no longer enforceable, new parking requirements for single family homes and duplexes are proposed, as follows:
 - For 1-bedroom and 2-bedroom units: 1 parking space, plus one additional parking space for each adult occupant beyond 3.
 - For units with 3 or more bedrooms: 2 parking spaces plus one additional parking space for each adult occupant beyond 3.

This will keep parking requirements similar to what is currently required. For most single family homes and duplexes the requirement will be only 1 or 2 parking spaces per unit. Only for those households that include a higher number of adults will the parking requirement be higher. Basing the parking on the number adult occupants is a reasonable approximation of parking demand because, in general, the greater the number of adults in the household the higher the number of vehicles. Parking for multi-family and group living uses remain the same, since requirements for these housing types are already based on the number of bedrooms, rather than the number of unrelated occupants.

4. A change to the occupancy standard is proposed for accessory apartments, deleting reference to the household definition that was tied to familial status and establishing an occupancy limit of two individuals. Note that accessory apartments are only allowed on owner-occupied properties and are limited to one bedroom.
5. A new rear setback requirement is proposed for single family and duplex uses in the RS-8, RNS-12, RS-12, RM-12, RNS-20, and RM-20 zones in the Central and Downtown Planning Districts. This new standard is proportional to the depth of the lot. These are zones that are prevalent in the older neighborhoods close to campus and zones intended to provide opportunities for more affordable, modest homes on smaller lots. They are also areas that are now vulnerable to inappropriate expansions to increase occupancy. The proposed formula is: lot depth minus 80 feet for lots greater than 100 feet in depth. For smaller lots, the rear setback remains 20 feet. This new standard was recommended by form-based code consultants from Opticos to ensure “house-scale” buildings by preventing homes from being extended deep into the lot to create a duplex or to add an excessive number of bedrooms to an existing single family home. This will help to control occupancy and will maintain a consistent placement of homes on the lot with open rear yard space behind the home. Language is added to clarify that garages located in the rear yard and attached to the home by a narrow breezeway are treated as detached accessory buildings, so are not subject to the principal building setback. In addition, the code clarifies that rear yard porches, including screened-in porches may encroach into the rear setback, since these are desirable amenities that are often added to an existing home, but will not increase the occupancy.
6. The side setback for multi-family and group living uses is increased to 10 feet to be consistent with the standard in Riverfront Crossings. This will ensure that there is at least 20 feet between multi-family buildings on abutting lots. Similarly, the rear setback in the PRM Zone is changed to be consistent with the standard in the Riverfront Crossings District. The current standards have resulted in the close spacing of multi-family buildings, such as along S. Johnson and S. Van Buren Streets, creating crowded conditions and concerns about privacy, safety, and livability for residents.
7. The number of bedrooms in attached single family and duplex units is limited to 4. This is a clear and objective standard that will be easy to administer and will help to control occupancy to a reasonable level for these housing types.

8. To mirror the change made in the Housing Code, the minimum bedroom size in multi-family uses is increased from 70 square feet to 100 square feet. Since parking is based on the number of bedrooms and occupancy is no longer limited to 3 unrelated persons, excessively large bedrooms greater than 225 square feet or with any dimension greater than 16 feet will be counted as two or more bedrooms. This will prevent bedrooms with enough space for double occupancy without a commensurate increase in the parking provided. This large bedroom standard also applies to attached single family and duplexes.
9. A new minimum open space requirement is proposed for all household types, including single family, duplexes, multi-family and group living uses. For multi-family and group living uses, the open space requirement mirrors the requirement and standards currently applied in the Riverfront Crossings District at 10 square feet per bedroom. For detached single family uses, a minimum of 500 square feet of usable open space is required in the rear yard. For duplexes, 300 square feet of usable open space per unit is required in the rear yard. For attached single family (zero lot line and townhouses), 150 square feet of open space is required in the rear yard. To provide relief in cases for unusually constrained lots or lots with little rear yard space, such as reverse corner lots, infill lots, oddly shaped lots, and similar, an option to request a minor modification to these standards is provided. However, it should be noted that occupancy of a rental unit will be constrained if the lot does not fully meet the open space requirement.
10. The descriptions of the residential use categories are amended to more clearly distinguish Household Living Uses from Group Living Uses. For household living, added language introduces the term "single housekeeping unit", which is then included in the new definition of "Household" in Chapter 14-9A, Definitions. The obsolete definition of household that is based on familial relationship is deleted. In the "exceptions" section of Household Living, it also clarifies that if there is more than one residential lease issued per dwelling unit or if there are locks installed on bedroom doors that create de facto rooming units where an individual resident can prevent other residents from entering his/her private room, then the use is classified as a Group Living Use.
11. In the definitions chapter of the zoning code, in addition to amending the definition of "household," a definition of "adult" is added, since parking requirements for single family and duplex uses will be based on the number of adults. Such a requirement is reasonable as generally adults are drivers and children are not. There are a few clarifications added to the definitions of "roomer," "rooming house", "rooming unit," and "farm dwelling." Since nonconforming rights are no longer granted for residential occupancy, the definition is deleted.
12. In addition to the zoning code changes, the Council will be asked to add several clauses to the Housing Code (Chapter 17-5), that address occupancy limits for single family and duplex uses that do not meet the minimum parking or open space standards in the zoning code. Also, a correction to the definition of "accessory dwelling unit" in the Housing Code is necessary, since accessory dwelling units are not allowed for duplex uses. And finally,

a clause is proposed to clarify that for existing single family and duplex rental units where the percentage of bedroom space within the unit exceeds 35%, the use of those bedrooms may continue, but no additional bedroom space may be added unless the unit is brought into full compliance with the standard.

Recommendation: Staff recommends amending Title 14, Zoning Code, and Chapter 17-5, Housing Code, as described in this memo and as indicated on the attached pages.

A red-lined version of proposed code amendments is attached. The underlined text is new language to be added to the code and the strike-through notation indicates language to be deleted.

Approved by:



Tracy Hightshoe, Director of NDS

Delete the following sections:

- **Section 14-4E-2E, Nonconforming Residential Occupancy**
- **Section 14-4E-9, Regulation of Nonconforming Residential Occupancy**
- **Section 14-4E-5C, Occupancy of a Nonconforming Use**

Amend 14-2A-5, 14-2B-5, 14-2C-5, and 14-2E-5, Maximum Occupancy for Household Living Uses, as follows:

The residential occupancy of a Household Living Use is limited to one "household" per dwelling unit, as this term is defined in Chapter 9, Article A, "General Definitions", of this Title. The residential occupancy of a Household Living Use is constrained by the provisions of Chapter 17-5, Housing Code. Occupancy of properties that are not in compliance with the minimum zoning code requirements may be limited as set forth in Section 17-5-18S, Regulations of Nonconforming Situations.

Amend paragraph 14-2G-3A-2b. (Household Living Uses in the South Downtown, Park, South Gilbert, and University Subdistricts), as follows:

b. Household Living Uses shall be allowed within permitted building types as specified in section 14-2G-5 of this article. For multi-family uses, the provisions in section 14-4B-4 of this Title are superseded by the standards in this article, and therefore, do not apply. Residential occupancy is limited to one "household" per dwelling unit, as this term is defined in Chapter 9, Article A, "General Definitions", of this Title. The residential occupancy of a Household Living Use is constrained by the provisions of Chapter 17-5, Housing Code. The maximum number of bedrooms per dwelling unit is three (3). Residential density (units per acre): no maximum. However, in the South Downtown and University Subdistricts for apartment buildings, multi-dwelling buildings and mixed use buildings the number of three (3) bedroom units per lot may not exceed thirty percent (30%) of the total number of units on the lot. In the South Gilbert and Park Subdistricts for apartment buildings, multi-dwelling buildings, and mixed use buildings, the number of three (3) bedroom units per lot may not exceed twenty percent (20%) of the total number of units on the lot.

Amend paragraph 14-2G-3B-2c. (Household Living Uses in the Central Crossings and Orchard Subdistricts and Eastside Mixed Use District:

c. Household Living Uses shall be allowed within permitted building types as specified in section 14-2G-5 of this article. For multi-family uses, the provisions in section 14-4B-4 of this Title are superseded by the standards in this article and, therefore, do not apply. Residential occupancy is limited to one "household" per dwelling unit, as this term is defined in Chapter 9, Article A, "General Definitions", of this Title. The residential occupancy of a Household Living Use is constrained by the provisions of Chapter 17-5, Housing Code. The maximum number of bedrooms per dwelling unit is three (3). ~~except for Cottage Homes, where the number of bedrooms is unrestricted.~~ Residential density (units per acre): no maximum. However, in the Central Crossings Subdistrict for apartment buildings, multi-dwelling buildings and mixed use buildings the number of three-bedroom units per lot may not exceed thirty percent (30%) of the total number of units on the lot, except for south of the Iowa-Interstate Rail Line, where

the number of three-bedroom units for these buildings types may not exceed twenty percent (20%). In the Eastside Mixed Use District and Orchard Subdistrict, the number of three-bedroom units for these buildings types may not exceed twenty percent (20%).

Amend paragraph 14-2G-3C-2a. (Household Living Uses in the Gilbert Subdistrict), as follows:

a. Household Living Uses shall be allowed within permitted building types as specified in section 14-2G-5 of this article. For multi-family uses, the provisions in section 14-4B-4 of this Title are superseded by the standards in this article and, therefore, do not apply. Residential occupancy is limited to one "household" per dwelling unit, as this term is defined in Chapter 9, Article A, "General Definitions", of this Title. The residential occupancy of a Household Living Use is constrained by the provisions of Chapter 17-5, Housing Code. The maximum number of bedrooms per dwelling unit is three (3)., ~~except for Cottage Homes, where the number of bedrooms is unrestricted.~~ Residential density (units per acre): no maximum. However, for apartment buildings, multi-dwelling buildings and mixed use buildings the number of three-bedroom units per lot may not exceed thirty percent (30%) of the total number of units on the lot, except for south of the Iowa-Interstate Rail Line, where the number of three-bedroom units for these buildings types may not exceed twenty percent (20%).

Amend paragraph 14-2G-3D-2a. (Household Living Uses in the West Riverfront Subdistrict), as follows:

a. Household Living Uses shall be allowed within permitted building types as specified in section 14-2G-5 of this article. For multi-family uses, the provisions in section 14-4B-4 of this Title are superseded by the standards in this article and, therefore, do not apply. Residential occupancy is limited to one "household" per dwelling unit, as this term is defined in Chapter 9, Article A, "General Definitions", of this Title. The residential occupancy of a Household Living Use is constrained by the provisions of Chapter 17-5, Housing Code. The maximum number of bedrooms per dwelling unit is three (3). Residential density (units per acre): no maximum. However, for apartment buildings, multi-dwelling buildings and mixed use buildings the number of three-bedroom units per lot may not exceed thirty percent (30%) of the total number of units on the lot; south of Benton Street, the number of three-bedroom units for these buildings types may not exceed twenty percent (20%).

In Section 14-5A-4, Amend Table 5A-2, Minimum Parking Requirements for All Zones, Except the CB-5, CB-10, Riverfront Crossings Zones, and the Eastside Mixed Use District, as follows:

Single Family and Two Family Uses	1 space per dwelling. However, for a SF use that contains a household with more than 2 unrelated persons, 1 additional parking space is required for each additional unrelated person in excess of two. For example, if a Single Family Use contains 4 unrelated persons, then 3 parking spaces must be provided. <u>For 1-bedroom and 2-bedroom units: 1 parking space, plus one additional parking space for each adult occupant beyond 3.</u> <u>For units with 3 or more bedrooms: 2 parking spaces plus one additional parking space for each adult occupant beyond 3</u>	None required
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In Section 14-5A-4, Amend Table 5A-3, Minimum Parking Requirements in the Riverfront Crossings and Eastside Mixed Use Zones, by deleting the minimum parking requirement for Household Living Uses for the following building types: cottage home, row house, townhouse, live-work townhouse, and replacing it with the following language:

For 1-bedroom and 2-bedroom units: 1 parking space, plus one additional parking space for each adult occupant beyond 3.

For units with 3 or more bedrooms: 2 parking spaces plus one additional parking space for each adult occupant beyond 3

Amend Section 14-4C-2A, Accessory Apartments, paragraph 2c, (occupancy), as follows:

- c. ~~On properties that contain an accessory dwelling unit, The total number of individuals that reside on the property in the accessory apartment (including both principal and accessory units) may not exceed two (2). the number allowed for one "household," as this term is defined in the zoning district in which the property is located.~~

Amend 14-4C-3B-3, (setbacks for) Attached Accessory Buildings, by adding the following paragraph d.

- d. For purposes of determining setbacks, garages located in the rear yard and attached to the principal dwelling with a (non-habitable) breezeway (8 ft or narrower in width) will be considered detached accessory buildings and, therefore, are subject to the setback requirements for detached accessory buildings, rather than principal building setback requirements. Similarly, subject breezeways shall be treated as detached accessory structures/buildings.

Amend 14-2A-4, 14-2B-4, and 14-2C-4 by adding a new subsection E, Minimum Open Space Requirements, as follows:

E. Minimum Open Space Requirements

1. Purpose: The minimum open space requirements are intended to ensure a minimum amount of private, usable open space is provided to support the health, well-being and enjoyment of the residents of the dwelling. The intent of the open space is to support passive recreation, leisure activities, informal gathering, and opportunities for interaction with nature.
2. Minimum Requirements
 - a. On lots that contain Multi-Family Uses or Group Living Uses, usable open space shall be provided on each lot at a ratio of 10 square feet per bedroom, but not less than 400 square feet, located in one or more clearly defined, compact areas, with each area not less than 225 square feet with no dimension less than 15 feet.

b. On lots that contain Detached Single Family Uses, a minimum of 500 square feet of usable open space shall be provided, located in the rear yard with no dimension less than 20 feet.

c. On lots that contain Attached Single Family Uses, a minimum of 150 square feet of usable open space shall be provided, located in the rear yard with no dimension less than 10 feet.

d. On lots that contain Two Family Uses, a minimum of 300 square feet of usable open space per dwelling unit shall be provided, located in one or more clearly defined, compact areas, with each area not less than 300 square feet with no dimension less than 12 feet.

3. Standards

a. For Multi-Family Uses and Group Living Uses, open space shall meet the standards as set forth in 14-2G-7E, paragraphs 1 through 7.

b. For Single Family Uses and Two Family Uses open space shall be located behind the principal dwelling in an area visible and easily accessible from the principal dwelling and shall consist of open planted green space, which may include trees, planters, gardens, and other amenities that support passive recreation or leisure activities. Paved areas shall not be counted toward usable open space. For Attached Single Family Uses, rooftop or upper floor open air terraces or rear yard-facing porches, including screened-in porches (non-habitable space only) may count toward the open space requirement.

4. Minor Modification

A minor modification may be requested according to the provisions and approval criteria of Section 14-4B-1, Minor Modifications, to reduce the required open space for Single Family and Two Family Uses in the following circumstances, provided the additional approval criteria stated in subparagraph e, below, are satisfied. Note that reducing the open space may reduce the allowed occupancy of a rental property (see Chapter 17-5, Housing Code):

a. In order to establish up to two off-street parking spaces (surface parking or in a garage) on a lot that currently has fewer than two off-street parking spaces; or

b. If the lot is a corner lot, is irregular in shape, substandard in size, or contains severe topography, or other unique circumstance, such that there is practical difficulty meeting the standard; or

c. The lot contains a manufactured home, where due to the shape/dimensions of the home there is practical difficulty meeting the standard; or

d. The lot contains a detached zero lot line dwelling, where the side yard is designed to serve as usable open space for the dwelling;

e. Approval Criteria:

(1) The applicant has demonstrated that every effort has been made to design buildings, paved areas, and vehicular use areas to meet the open space requirement. Such efforts may include but are not limited to reducing the width of driveways, reducing paved areas and size of new buildings or additions, and providing alternative means of vehicular access to the property; and

(2) The open space requirement will be satisfied to the extent possible in another location on the lot, such as a side yard; and

- (3) Any potential negative effects resulting from the exception are mitigated to the extent possible.

Amend 14-4B-1A (minor modification applicability), by adding a new paragraph 24, as follows:

24. Modification to reduce the open space requirement for Single Family and Two Family Uses in certain qualifying situations and according to the specific approval criteria as specified in Sections 14-2A-4 and 14-2B-4.

Amend Table 2A-2: Dimensional Requirements in the Single Family Residential Zones, as follows:

Table 2A-2: Dimensional Requirements in the Single Family Residential Zones

Zone/ Use		Minimum Lot Requirements				Minimum Setbacks			Building Bulk		Maximum Lot Coverage		Maximum # of bedrooms per unit ¹¹	Min. Open Space (s.f.) ¹⁰
		Lot Size (s.f.)	Area/ Unit (s.f.)	Lot Width (ft.)	Frontage (ft)	Front (ft.)	Side (ft.)	Rear (ft.)	Max. Height (ft.)	Min. Building Width (ft)	Total Building Coverage	Front Setback Coverage		
RR-1	Detached SF, including Zero Lot Line	40,000	40,000	80	50	15 ⁶	5+2 ²	20	35	20 ³	40%	50%	<u>n/a</u>	<u>500</u>
	Other Uses ¹	40,000	n/a	80	50	20	5+2 ²	20	35	20 ³	40%	50%	<u>n/a</u>	<u>n/a</u>
RS-5	Detached SF, including Zero Lot Line	8,000 ⁸	8,000	60 ⁸	45 ⁸	15 ⁶	5+2 ²	20	35	20 ³	45%	50%	<u>n/a</u>	<u>500</u>
	Duplexes	12,000	6,000	80	80	15 ⁶	5+2 ²	20	35	20 ³	45%	50%	<u>4</u>	<u>300/unit</u>
	Attached SF	6,000	6,000	40	40	15 ⁶	0 or 10 ⁵	20	35	20 ³	45%	50%	<u>4</u>	<u>150</u>
	Other Uses ¹	8,000	n/a	60	45	20	5+2 ²	20	35	20 ³	45%	50%	<u>n/a</u>	<u>n/a</u>
RS-8	Detached SF, including Zero Lot Line	5,000 ⁸	5,000	45 ⁸	40 ⁸	15 ⁶	5+2 ²	20 <u>See Note 9</u>	35	20 ³	45%	50%	<u>n/a</u>	<u>500</u>
	Duplex	8,700	4,350	70	70	15 ⁶	5+2 ²	20 <u>See Note 9</u>	35	20 ³	45%	50%	<u>4</u>	<u>300/unit</u>
	Attached SF	4,350	4,350	35	35	15 ⁶	0 or 10 ⁵	20	35	20 ³	45%	50%	<u>4</u>	<u>150</u>
	Other Uses ¹	5,000	n/a	45	40	20	5+2 ²	20	35	20 ³	45%	50%	<u>n/a</u>	<u>n/a</u>

Table 2A-2: Dimensional Requirements in the Single Family Residential Zones

Zone/ Use		Minimum Lot Requirements				Minimum Setbacks			Building Bulk		Maximum Lot Coverage		Maximum # of bedrooms per unit ¹¹	Min. Open Space (s.f.) ¹⁰
		Lot Size (s.f.)	Area/ Unit (s.f.)	Lot Width (ft.)	Frontage (ft)	Front (ft.)	Side (ft.)	Rear (ft.)	Max. Height (ft.)	Min. Building Width (ft)	Total Building Coverage	Front Setback Coverage		
RS-12	Detached SF, including Zero Lot Line	5,000 ⁸	5,000	45 ⁸	40 ⁸	15 ⁶	5+2 ²	20 <u>See Note 9</u>	35	20 ³	50%	50%	n/a	500
	Duplex	6,000	3,000	55	40	15 ⁶	5+2 ²	20 <u>See Note 9</u>	35	20 ³	50%	50%	4	300/unit
	Attached SF	3,000	3,000	20/28 ⁷	20	15 ⁶	0 or 10 ⁵	20	35	18 ³	50%	50%	4	150
	Other Uses ¹	5,000	n/a	45	40	20	5+2 ²	20	35	20 ³	50%	50%	n/a	n/a
RNS-12	Detached SF	5,000	5,000	45	25	15 ⁶	5+2 ²	20 <u>See Note 9</u>	35	20 ³	40%	50%	n/a	500
	Duplex	6,000	3,000	45	25	15 ⁶	5+2 ²	20 <u>See Note 9</u>	35	20 ³	40%	50%	4	300/unit
	MF Uses	5,000	Existing ⁴	45	25	15 ⁶	5+2 ²	20	35	20 ³	40%	50%	3	10/bedroom, but no less than 400
	Other Uses ¹	5,000	n/a	45	25	20	5+2 ²	20	35	20 ³	40%	50%	n/a	n/a

Notes:

n/a = not applicable

¹Other uses must comply with the standards listed in this table unless specified otherwise in Article 14-4B.

² Minimum side setback is 5 feet for the first 2 stories plus 2 feet for each additional story. Detached Zero Lot Line Dwellings must comply with the applicable side setback standards in Article 14-4B.

³ A building must be in compliance with the specified minimum building width for at least 75 percent of the building's length.

⁴ See the Special Provisions of this Article regarding Multi-Family Uses.

⁵ See applicable side setbacks for Attached SF as provided in Article 14-4B, Minor Modifications, Variances, Special Exceptions, and Provisional Uses.

⁶ The principal dwelling must be set back at least 15 feet, except on lots located around the bulb of a cul-de-sac; on such lots the principal dwelling must be set back at least 25 feet. On all lots, garages, both attached and detached, must be set back as specified in Article 14-4C, Accessory Uses and Buildings.

⁷ Minimum lot width is 20 feet for attached units on interior lots and 28 feet for end lots in a row of attached units. When only two units are attached, lots must be 28 feet wide.

⁸If the Single Family Density Bonus Options have been applied, the minimum lot area, lot area per unit, lot width and lot frontage requirements may be reduced accordingly (See Section 14-2A-7).

⁹The principal building rear setback is 20 feet, except in the Central Planning District and Downtown Planning District, where the rear setback is dependent on the depth of the lot. For lots equal to or less than 100 feet in depth: min. rear setback = 20 feet. For lots greater than 100 feet in depth: min. rear setback = lot depth less 80 feet. For purposes of this provision, garages located in the rear yard and attached to the principal dwelling with a (non-habitable) breezeway (8 ft or narrower in width) will be considered detached accessory buildings and, therefore, are subject to the setback requirements for detached accessory buildings, rather than principal building setback requirements. Similarly,

Table 2A-2: Dimensional Requirements in the Single Family Residential Zones

Zone/ Use	Minimum Lot Requirements				Minimum Setbacks			Building Bulk		Maximum Lot Coverage		Maximum # of bedrooms per unit ¹¹	Min. Open Space (s.f.) ¹⁰
	Lot Size (s.f.)	Area/ Unit (s.f.)	Lot Width (ft.)	Frontage (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)	Max. Height (ft.)	Min. Building Width (ft.)	Total Building Coverage	Front Setback Coverage		

subject breezeways shall be treated as detached accessory structures/buildings.

¹⁰Open space must meet standards set forth in 14-2A-4E.

¹¹ Any bedroom within a Multi-family, Attached Single Family or Duplex that exceeds 225 square feet in size or has any horizontal dimension greater than 16 feet shall count as two or more bedrooms, as determined by the City. The maximum number of bedrooms may be further constrained by the provisions of the Chapter 17-5, Housing Code.

***Amend Table 2B-2, Dimensional Requirements for Multi-Family Residential Zones,
as follows:***

Table 2B-2: Dimensional Requirements for Multi-Family Residential Zones

Zone/ Use		Minimum Lot Requirements				Minimum Setbacks			Building Bulk		Max Lot Coverage		Maximum # of bedrooms per unit ¹³	Min. Open Space ¹² (s.f.)
		Total Area (s.f.)	Area/ Unit (s.f.)	Width (ft.)	Min. Frontage (ft)	Front (ft.)	Side (ft.)	Rear (ft.)	Ht. (ft.)	Min. Bldg. Width	Total Bldg. Coverage	Front Setback Coverage		
RM-12	Detached SF and Detached Zero Lot Line	5,000 ⁷	5,000 ⁷	55 ⁷	40 ⁷	15 ⁵	5+2 ²	20 See Note 10	35 ⁸	20 ³	50%	50%	n/a	500
	Duplex	6,000	3,000	55	40	15 ⁵	5+2 ²	20 See Note 10	35 ⁸	20 ³	50%	50%	4	300/unit
	Attached SF	3,000	3,000	20/28 ⁶	20	15 ⁵	0/10 ⁴	20	35 ⁸	n/a	50%	50%	4	150
	Multi- Family	8,175	See Table 2B-3	60	40	20	5+2 ² 10	20	35 ⁸	20 ³	50%	50%	3	10/bedroom, but no less than 400
	Group Living	8,175	See Art. 4B	60	40	20	5+2 ² 10	20	35 ⁸	20 ³	50%	50%	See Art. 4B	10/bedroom, but no less than 400
	Non- residential ¹	5,000	5,000	60	40	20	5+2 ² 10	20	35 ⁸	20 ³	50%	50%	n/a	n/a
RM-20	Detached SF and Detached Zero Lot Line	5,000 ⁷	5,000 ⁷	55 ⁷	40 ⁷	15 ⁵	5+2 ²	20 See Note 10	35 ⁸	20 ³	50%	50%	n/a	500
	Duplex	3,600	1,800	45	35	15 ⁵	5+2 ²	20 See Note 10	35 ⁸	20 ³	50%	50%	4	300/unit
	Attached SF	1,800	1,800	20/28 ⁶	20	15 ⁵	0/10 ⁴	20	35 ⁸	n/a	50%	50%	4	150

Table 2B-2: Dimensional Requirements for Multi-Family Residential Zones

Zone/ Use		Minimum Lot Requirements				Minimum Setbacks			Building Bulk		Max Lot Coverage		Maximum # of bedrooms per unit ¹³	Min. Open Space ¹² (s.f.)
		Total Area (s.f.)	Area/ Unit (s.f.)	Width (ft.)	Min. Frontage (ft)	Front (ft.)	Side (ft.)	Rear (ft.)	Ht. (ft.)	Min. Bldg. Width	Total Bldg. Coverage	Front Setback Coverage		
	Multi-Family	5,000	See Table 2B-3	60	40	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	50%	50%	3	10/bedroom, but no less than 400
	Group Living	5,000	See Art. 4B	60	40	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	50%	50%	See Art. 4B	10/bedroom, but no less than 400
	Non-residential ¹	5,000	n/a	60	40	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	50%	50%	n/a	n/a
RNS-20	Detached SF and Detached Zero Lot Line	5,000 ⁷	5,000 ⁷	40 ⁷	25 ⁷	15 ⁵	5+2 ²	$\frac{20}{\text{See Note 10}}$	35 ⁸	20 ³	45%	50%	n/a	500
	Duplex	5,000	2,500	40	25	15 ⁵	5+2 ²	$\frac{20}{\text{See Note 10}}$	35 ⁸	20 ³	45%	50%	4	300/unit
	Attached SF	2,500	2,500	20/28 ⁶	20	15 ⁵	0/10 ⁴	20	35 ⁸	n/a	45%	50%	4	150
	Multi-Family	5,000	See Table 2B-3 and note 9, below.	40	25	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	45%	50%	3	10/bedroom, but no less than 400
	Group Living	5,000	See Art. 4B ⁹	40	25	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	45%	50%	See Art. 4B	10/bedroom, but no less than 400
	Non-residential ¹	5,000	n/a	40	25	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	45%	50%	n/a	n/a
RM-44	Multi-Family	5,000	See Table 2B-3	none	35	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	50%	50%	3	10/bedroom, but no less than 400
	Group Living	5,000	See Art. 4B	none	35	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	50%	50%	See Art.4B	10/bedroom, but no less than 400
	Non-residential ¹	5,000	n/a	none	35	20	$\frac{5+2^2}{10}$	20	35 ⁸	20 ³	50%	50%	n/a	n/a
PRM	Multi-Family	5,000	See Table 2B-3	none	35	20	$\frac{5+2^2}{10}$	$\frac{5+2^2}{10^{11}}$	35 ⁸	20 ³	50%	50%	3	10/bedroom, but no less than 400

Table 2B-2: Dimensional Requirements for Multi-Family Residential Zones

Zone/ Use	Minimum Lot Requirements				Minimum Setbacks			Building Bulk		Max Lot Coverage		Maximum # of bedrooms per unit ¹³	Min. Open Space ¹² (s.f.)
	Total Area (s.f.)	Area/ Unit (s.f.)	Width (ft.)	Min. Frontage (ft)	Front (ft.)	Side (ft.)	Rear (ft.)	Ht. (ft.)	Min. Bldg. Width	Total Bldg. Coverage	Front Setback Coverage		
Group Living	5,000	See Art. 4B	none	35	20	5+2 ² 10	5+2 ² 10 ¹¹	35 ⁸	20 ³	50%	50%	See Art. 4B	10/bedroom, but no less than 400
Non- residential ¹	5,000	n/a	none	35	20	5+2 ² 10	5+2 ² 10 ¹¹	35 ⁸	20 ³	50%	50%	n/a	n/a

Notes: n/a = not applicable

¹Non-residential uses must comply with the standards listed in this table unless specified otherwise in 14-4B, Minor Modifications, Variances, Special Exceptions, and Provisional Uses.

² Minimum side setback is 5 feet for the first 2 stories plus 2 feet for each additional story. Detached Zero Lot Line Dwellings must comply with the applicable side setback standards in Article 14-4B.

³ A building must be in compliance with the specified minimum building width for at least 75 percent of the building's length.

⁴ See applicable side setbacks for Attached SF as provided in Article 14-4B, Minor Modifications, Variances, Special Exceptions, and Provisional Uses.

⁵ The principal dwelling must be set back at least 15 feet, except on lots located around the bulb of a cul-de-sac; on such lots the principal dwelling must be set back at least 25 feet. On all lots, garages, both attached and detached, must be set back as specified in Article 14-4C, Accessory Uses and Buildings.

⁶ Minimum lot width is 20 feet for attached units on interior lots and 28 feet for end lots in a row of attached units. When only two units are attached, lots must be 28 feet wide.

⁷If the Single Family Density Bonus Options have been applied, the minimum lot area, lot area per unit, lot width and lot frontage requirements may be reduced accordingly (See Section 14-2B-4A, Minimum Lot Requirements).

⁸Additional height restrictions may apply on properties adjacent to Single Family Zones or Single Family Uses (See Subsection 14-2B-4C, Building Bulk Regulations).

⁹See the Special Provisions of this Article regarding minimum lot area per unit requirements in the RNS-20 Zone.

¹⁰ The principal building rear setback is 20 feet, except in the Central Planning District and Downtown Planning District, where the rear setback is dependent on the depth of the lot. For lots equal to or less than 100 feet in depth: min. rear setback = 20 feet. For lots greater than 100 feet in depth: min. rear setback = lot depth less 80 feet. For purposes of this provision, garages located in the rear yard and attached to the principal dwelling with a (non-habitable) breezeway (8 ft or narrower in width) will be considered detached accessory buildings and, therefore, are subject to the setback requirements for detached accessory buildings, rather than principal building setback requirements. Similarly, subject breezeways shall be treated as detached accessory structures/buildings.

¹¹May be reduced to 5 feet if rear lot line abuts an alley.

¹²Open space must comply with standards set forth in 14-2B-4E.

¹³Any bedroom within a Multi-Family, Attached Single Family, or Duplex that exceeds 225 square feet in size or has any horizontal dimension greater than 16 feet shall count as two or more bedrooms, as determined by the City. The maximum number of bedrooms may be further constrained by the provisions of the Chapter 17-5, Housing Code.

Amend Tables 2B-3 and 2C-2(c), as follows:

Table 2B-3: Maximum Density Standards for Multi-Family Dwellings in Multi-Family Zones¹

Zone		RM-12	RM-20 & RNS-20	RM-44	PRM
Minimum Lot Area per Unit (in square feet)	Efficiency or 1- Bedroom Unit	2,725	1,800	500	435

	Two-Bedroom Unit	2,725	1,800	1,000	875
	Three-Bedroom Unit	2,725	2,700	1,500	1,315
Maximum # of bedrooms per multi-family dwelling unit		3	3	3	3
Minimum bedroom size¹		<u>100 sq. ft.</u>	<u>100 sq. ft.</u>	<u>100 sq. ft.</u>	<u>100 sq. ft.</u>
Notes: ¹ New bedrooms must be a minimum of 100 square feet in size. However, for purposes of the provisions within this table, any existing habitable room that is larger than 70 square feet in size with a horizontal dimension of at least 7 feet, that meets the egress requirements as specified in the Building Code, and is not a typical shared living space, such as a living room, dining area, kitchen, or bathroom may will be considered one or more a bedrooms, as determined by the Building Official. Bedrooms that exceed 225 square feet in size or have any horizontal dimension greater than 16 feet shall count as two or more bedrooms, as determined by the City. The maximum number of bedrooms may be further constrained by the provisions of the Chapter 17-5, Housing Code.					

Table 2C-2(c): Maximum Density Standards for Multi-Family Dwellings in Commercial Zones¹				
Zone		CO-1, CC-2, CN-1 and MU	CB-2	CB-5 and CB-10
Minimum Lot Area per Unit (in square feet)	Efficiency or 1-Bedroom Unit	2,725	435	There is no minimum lot area per unit standard. However, the number of 3-bedroom units per lot may not exceed 30 percent of the total number of units on the lot.
	Two-Bedroom Unit	2,725	875	
	Three-Bedroom Unit	2,725	1,315	
Maximum # of bedrooms per multi-family dwelling unit		3	3	3
Minimum bedroom size¹		<u>100 sq. ft.</u>	<u>100 sq. ft.</u>	<u>100 sq. ft.</u>
Notes: ¹ New bedrooms must be a minimum of 100 square feet in size. However, for purposes of the provisions within this table, any existing habitable room that is larger than 70 square feet in size with a horizontal dimension of at least 7 feet, that meets the egress requirements as specified in the Building Code, and is not a typical shared living space, such as a living room, dining area, kitchen, or bathroom may will be considered one or more a bedrooms, as determined by the Building Official. Bedrooms that exceed 225 square feet in size or have any horizontal dimension greater than 16 feet shall count as two or more bedrooms, as determined by the City. The maximum number of bedrooms may be further constrained by the provisions of the Chapter 17-5, Housing Code.				

Amend paragraphs 14-2A-4B-4b.; 14-2B-4B-4b. and 14-2C-4B-4b.(Building features permitted within required setback area), as follows:

Covered Enclosed porches, covered decks, and covered patios that are attached to the principal building must comply with the principal building setbacks of the base zone and may not extend into the required setback area. Unenclosed and screened-in porches (non-habitable space) may extend up to 15 feet into the rear setback, provided they are setback at least 20 feet from the rear lot line. The standards for uncovered decks and patios are specified in Chapter 4, Article C, "Accessory Uses and Building", of this Title. Covered Enclosed porches, covered decks, and covered patios that are attached to an accessory building must comply with the standards for accessory buildings as specified in Chapter 4, Article C, "Accessory Uses and Buildings", of this Title.

Amend 14-4A-3 Residential Use Categories, as follows:

14-1A-2 Residential Use Categories

A. Household Living Uses

2. Characteristics

The residential occupancy of a dwelling unit by a single household or group household, who are living together as a single housekeeping unit. The principal use of the property is for long term residential living, with each dwelling unit containing its own facilities for living, sleeping, cooking and eating meals, and with all spaces within the unit open to the entire household. The dwelling or dwelling units are designed for residential living and any accessory use shall be secondary to the use of the property as a residence. Tenancy is typically arranged on a yearly basis, but at least on a month-to-month basis., or for a longer period.

3. Examples

Examples include uses from the subgroups listed below. The Single Family Uses are further divided into various dwelling types, because these dwelling types have distinct dimensional and development standards based on the zone in which they are located. Group Households, given that they are a type of "household" rather than a type of dwelling, are permitted in any type of dwelling listed in the three other subgroups.

a. Group Households

Group Households include only the following specific uses: elder family homes, elder group homes, parental group homes, and family care homes, all as defined in Article 14-9A, General Definitions.

b. Single Family Uses

A Single Family Use is a Household Living Use where there is no more than one principal dwelling unit per lot. Single Family Uses include the following dwelling types.

- (1) *Detached Single Family Dwellings:* Farm dwellings; detached single family houses; manufactured homes; modular homes; and mobile homes, if converted to real property and taxed as a site built dwelling, as provided in the Code of Iowa, as amended. (See Exceptions, below).
- (2) *Detached Zero Lot Line Dwellings.*

- (3) *Attached Single Family Dwellings*: Attached zero-lot-line dwellings; townhouse dwellings.

c. Two Family Uses

Two Family Uses are Household Living Uses in which there are two principal dwelling units within a single building and both dwelling units are located on the same lot. These uses are often referred to as duplexes.

d. Multi-Family Uses

Multi-Family Uses are Household Living Uses where there are three or more principal dwellings units within a single building and all dwelling units within the building are located on the same lot. These uses include apartments, condominium apartments, elder apartments, assisted living apartments, townhouse-style apartments and condominiums, efficiency apartments, and dwelling units located within mixed-use buildings.

4. Accessory Uses

Private recreational uses; storage buildings; parking for residents' vehicles. Home occupations, accessory dwelling units, childcare homes, and bed and breakfast facilities are accessory uses that are subject to additional regulations outlined in Article 14-4C, Accessory Uses and Buildings. Any accessory use of the property shall remain secondary to the principal use of the property for residential living.

5. Exceptions

- a. Mobile homes located within manufactured housing parks approved through a Planned Development process are considered Detached Single Family Dwellings, regardless of whether they are converted to real property and taxed as site built dwellings.
- b. Detached Single Family Dwellings and Detached Zero Lot Line Dwellings approved through a Planned Development process are considered Single Family Uses for purposes of this Title, even if they are located on one common lot and sold as condominiums.
- c. Single Family Uses that contain accessory apartments are not considered a Two Family Use.
- d. Mixed-use buildings containing dwelling units are always considered Multi-Family Uses, regardless of the number of dwelling units within the building.
- e. Uses such as hotels, motels, and guest houses, which by definition may arrange tenancy for periods shorter than one month, are not considered residential. They are considered a form of temporary lodging and are classified as Hospitality-Oriented Retail.
- f. Transient housing, which by definition arranges tenancy for periods shorter than one month, is not considered residential. It is considered a form of temporary lodging or shelter and is classified as Community Service - Shelter.
- g. Alternatives to incarceration, such as halfway houses, where residents are placed in the facility by court order and are under supervision of employees or contractees of the Department of Corrections, are classified as Detention Facilities.
- h. Any Single Family Dwelling or dwelling unit within a Two Family Dwelling where there is more than one residential lease issued per unit or where there are locks

installed on bedroom doors through which one resident may prevent other residents from entering his/her private room(s) when he/she is not physically present is classified as a Group Living Use, unless the dwelling meets the definition of a Group Household.

B. Group Living Uses

2. Characteristics

Group Living uses are characterized by the residential occupancy of a dwelling by a group of people (roomers) ~~that who~~ do not meet the definition of a "household" or "group household". ~~The size of the group is typically larger in size than the average size of a family or household.~~ Tenancy is arranged on a month-to-month basis, or for a longer period. Group Living structures contain individual, private rooming units that are not open to all the residents of the dwelling. Rooming units contain private space for living and sleeping, but not for cooking, with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and meeting areas for residents. Bathroom facilities may be private or shared. There may also be shared kitchen and dining facilities and shared common rooms and amenities for all residents. The rooming units are furnished with locks through which one member of the group may prevent other members of the group from entering his/her private rooming unit when he/she is not physically present. The residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site.

3. Examples

Examples include uses from the three subgroups listed below.

a. Assisted Group Living

Group care facilities, including nursing and convalescent homes; assisted living facilities.

b. Independent Group Living

Rooming houses; student dormitories

c. Fraternal Group Living

Fraternities; sororities; monasteries; convents, and rooming house cooperatives.

4. Accessory Uses

Recreational facilities; meeting rooms; associated offices; shared amenity areas, shared kitchens and dining rooms, food preparation and dining facilities; off-street parking for vehicles of the occupants and staff; storage facilities; off-street loading areas.

5. Exceptions

- a. Uses such as hotels, motels, and guest houses, which by definition may arrange tenancy for periods shorter than one month, are not considered residential. They are considered a form of temporary lodging and are classified as Hospitality-Oriented Retail.
- b. Family care homes, elder group homes, and elder family homes are considered Group Households and are classified as Household Living Uses.

- c. Transient housing, which by definition arranges tenancy for periods shorter than one month, is not considered residential. It is considered a form of temporary lodging or shelter and is classified as Community Service - Shelter.
- d. Alternatives to incarceration, such as halfway houses, where residents are placed in the facility by court order and are under supervision of employees or contractees of the Department of Corrections, are classified as Detention Facilities.

Amend Definitions: (14-9A), as follows:

ADULT: A person that is 18 years of age or older

DWELLING, FARM: A Detached Single Family Dwelling located on a farm and occupied by the family household that maintains and operates, owns or leases the farm on which the dwelling is located.

HOUSEHOLD: A Household is defined as:

- One person; or
- 2 or more persons related by blood, marriage, adoption or placement by a governmental or social service agency plus up to 1 unrelated person, occupying a dwelling unit as a single housekeeping organization; or
- a group of not more than 3 persons unrelated by blood, marriage, or adoption, occupying a dwelling unit as a single housekeeping organization; or
- A group of persons that meet the definition of a Group Household, as defined in this Title.

HOUSEHOLD: An individual or small group of individuals that reside within a Single Family Dwelling or within a dwelling unit of a Two Family Dwelling or Multi-Family Dwelling as a single housekeeping organization, where the responsibilities and expenses of maintaining the household are shared among the members; also a group of individuals that meet the definition of a Group Household, as defined in this Title.

NONCONFORMING RESIDENTIAL OCCUPANCY: ~~Nonconforming occupancy is the occupancy of a residential use that was established in conformance with the occupancy standards of the City Code, but which subsequently, due to a change in the zone, a change in the definition of "household," or any other change in the occupancy standards of the City Code, is no longer in conformance with the current, applicable residential occupancy standards.~~

ROOMER: An individual who leases and resides within a rooming unit of a Group Living Use. ~~A resident of a group living use.~~ Staff, including live-in staff of an assisted group living use, are not considered "roomers".

ROOMING HOUSE: Any dwelling, ~~or that part of any dwelling,~~ containing two ~~one or more~~ rooming units in which space is let by the owner or operator to four or more roomers. A rooming house is categorized as an Independent Group Living Use.

ROOMING UNIT: Any habitable room or group of adjoining habitable rooms that form a single, private residential unit intended to be used primarily for living and sleeping, but not for cooking, located within a group living use.

Amend Chapter 17-5, Housing Code, Section 18, Minimum Structure Standards for All Rental Housing, by adding a new subsection S, entitled, Regulation of Nonconforming Situations, as follows:

S. Regulation of Noncompliant Situations

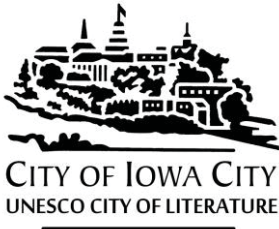
1. Existing single family dwellings and duplex units that are noncompliant with the open space requirement set forth in Title 14, Zoning, Sections 2A-4 and 2B-4, may not be enlarged unless the subject property is brought into compliance with said standard. In cases where it is not feasible to fully meet the open space standard due to existing structures on the property, occupancy is limited to 1 adult per 100 square feet of open space provided, but may be further limited based on other factors, such as available parking.
2. Existing single family dwellings and duplex units that are noncompliant with the number of required parking spaces are allowed an occupancy of no less than 3 adults or in the case of a one-bedroom unit, 2 adults.
3. Prior to issuance of a new rental permit for a single family dwelling or two-family dwelling unit, the property must be brought into compliance with the open space requirement and the required number of parking spaces. If it is not feasible to fully meet these standards due to existing structures on the property, occupancy will be limited according to paragraphs S1. and S2., above.

Amend Chapter 17-5, Housing Code, Section 3, Definitions, as follows:

ACCESSORY DWELLING UNIT: A temporary dwelling unit that is accessory to an owner-occupied single-family dwelling or duplex.

Amend Chapter 17-5, Housing Code, Section 18, Minimum Structure Standards for All Rental Housing, paragraph L, as follows:

L. Bedrooms cannot exceed 35 percent (35%) of the finished floor area of a single-family dwelling or duplex unit, not including floor area of a recreation room in the basement. Any existing single family or duplex unit that contained lawful bedroom space that exceeded this percentage cap prior to January 1, 2018 may continue to be used as bedroom space. However, additional bedroom space may not be added unless the unit is brought into full compliance with this standard. This dimensional standard is subject to administrative review.



CITY OF IOWA CITY MEMORANDUM

Date: February 15, 2013
To: Planning and Zoning Commission
From: Wendy Ford, Economic Development Coordinator
Re: Proposed Foster Road Urban Renewal Area

Presented for the Planning and Zoning Commission's review is the proposed Foster Road Urban Renewal Plan. The urban renewal plan is proposed for the purpose of and the prerequisite to establishing a tax increment financing district. State Code requires that prior to the City council holding a public hearing on a new urban renewal area, the Planning and Zoning Commission must review and submit a written recommendation about the urban renewal plan to the City Council regarding its conformity with the Iowa City Comprehensive Plan.

Conformity with the Comprehensive Plan

As noted in the staff report submitted with the rezoning application considered in January, the proposed development appears to generally comply with the Comprehensive Plan policies. With the approval of the OPD zoning, the applicant will build Foster Road, which will improve traffic circulation in the northern part of the city. As forecast in the North District Plan, the applicant is seeking City assistance through Tax Increment Financing to assist in construction of Foster Road, including a complete connection from Prairie Du Chien Road to Dubuque Street. The proposed development clusters buildings and preserves open space and sensitive areas as envisioned in the North District Plan. The density is relatively low and therefore addresses the Comprehensive Plan concern that existing High Density Single RS-12 zoning in this area may encourage development that is too intense.

Urban Renewal designation allows for tax increment financing (TIF)

TIF is a mechanism that may be used to finance projects within a designated urban renewal area. The difference between taxes derived from the unimproved property and those derived after is the increment of taxes which may be pledged by a City to retire loans, advances, bonds, or other indebtedness incurred by a developer or the city in furtherance of the development.

Chapter 403 of the Code of Iowa sets forth the provision of tax increment financing. To establish a TIF district, a city must first prepare an urban renewal plan for a specific urban renewal area. A city may designate an urban renewal area as either a "blighted," "slum," or "economic development" area, each of which is defined in Chapter 403. The Foster Road Urban Renewal Plan will be an Economic Development Area appropriate for public Improvements related to Non-LMI (low to moderate income) housing. This type of urban renewal area is for an area where the City desires to help fund the cost of public improvements that support residential development which is not being constructed for LMI housing. It is the only instance in which the Iowa Code allows the use of TIF in an economic development (non-blighted) area for non-LMI residential development and it comes with two distinct conditions not applicable to other Urban Renewal Areas:

- 1) It requires that the municipality set aside a portion of the tax increment to provide assistance for LMI Housing in any area of the community. LMI is defined as those households earning no more than 80% of area median income (AMI) and the set aside must be equal to or greater than the percentage of LMI persons in the county, which today in Johnson County is 45%. This results in the City's ability to use the other 55% of the increment for the public infrastructure project. In Iowa City's case, the 45% would be used to fund initiatives in the Affordable Housing Action plan that provide housing for households earning no more than 80% AMI. It is important to note that the City does not currently have a sustainable affordable housing revenue source and this project, because of the type of urban renewal plan, would create one lasting ten years.
- 1) It has a 10-year life and then ends. This means that TIF funds for the City's commitment to the road project would have to be generated in ten or fewer years from no more than 55% of the increment in the district. If the increment created by the developers is ultimately insufficient to cover the City's portion of the road costs in the 10-year window, that risk remains with the developer.

Goals of the Foster Road Urban Renewal Area

The overall goal of this Plan is to encourage the development of the area with senior and multifamily housing units by partnering in the construction of public improvements related to such housing and residential development. Further goals include:

1. Meeting the needs of special elements of the population, such as the elderly or persons with disabilities;
2. To encourage and support development that will expand the taxable values of property within the Urban Renewal Area;
3. To provide for the orderly physical and economic growth of the city;
4. To provide other support as allowed under Iowa Code Chapters 15, 15A and 403;
5. To provide a suitable living environment through safer, more livable and accessible neighborhoods, and increased housing opportunities; and
6. To help finance the cost of constructing public utility and infrastructure extensions and improvements in support of residential development.
7. To improve the health, safety, living environment, general character, and general welfare of Iowa City, Iowa.
8. To stimulate, through public action and commitment, private investment in new residential development.
9. To increase the availability of housing opportunities; which may in turn attract and retain local industries and commercial enterprises that will strengthen and revitalize the economy of the State of Iowa and the City of Iowa City.

10. To promote development utilizing any other objectives allowed by Chapter 403 of the Code of Iowa.

The following objectives derived from these goals are hereby established:

1. Use any or all other powers granted to the City by the Urban Renewal Act to develop and provide for improved economic conditions in the City and the State of Iowa;
2. To connect neighborhoods, reducing transportation time, allowing greater access for pedestrians, bikers and public transportation; and
3. Open opportunities for development of single and multi-family residential units for those with special needs, as well as other uses that may be consistent with the Comprehensive Plan and zoning code.

Next Steps

In addition to the Planning and Zoning Commission's review and recommendation, the City must also hold a consultation with representatives from the county and school district to provide the taxing entities an opportunity to comment on the use of the incremental tax revenues. This consultation will be held March 2 at City Hall.

After the consultation with the affected taxing entities the City Council will consider adoption of the urban renewal plan at a Public Hearing scheduled for March 20.

Subsequently, a TIF ordinance will be adopted. A TIF ordinance enables the division of incremental tax revenues from the base tax revenues in the event the City Council approves a development agreement for the Foster Road project. A development agreement would outline specific performance requirements by the developer.

Recommendation

Staff recommends that the Planning and Zoning Commission forward a written recommendation to the City Council stating that the Foster Road Urban Renewal Plan conforms to the Iowa City Comprehensive Plan, and conforms with the general plan for the development of the City of Iowa City.

Attachments: Foster Road Urban Renewal Plan

**Foster Road
Urban Renewal Plan**

City of Iowa City, Iowa

2018

Table of Contents

Section 1 – Introduction

Section 2 – Description of Urban Renewal Area

Section 3 – Area Designation

Section 4 – Base Value

Section 5 – Urban Renewal Plan Objectives

Section 6 – Proposed Urban Renewal Activities

Section 7 – Proposed Urban Renewal Projects

Section 8 – Conformance with Land Use Policy and Zoning Ordinance

Section 9 – Relocation

Section 10 – Financial Data

Section 11 – Urban Renewal Plan Amendments

Section 12 – Property Acquisition/Disposition

Section 13 – Effective Period

Section 14- Severability Clause

Addendum No. 1 – Legal Description

Addendum No. 2 – Location Map

Section 1- Introduction

This Urban Renewal Plan ("Plan") for the Foster Road Urban Renewal Area ("Urban Renewal Area" or "Area") has been developed to help local officials promote economic development within Iowa City, Iowa. The City has determined that the Area is appropriate for public improvements related to housing and residential development. This Plan contemplates that tax increment financing may be used to assist in the construction of Foster Road from Dubuque Street east to Prairie du Chien. The primary goal of such project is to stimulate construction of housing and residential development.

Development in this area is guided by the North District Plan and the IC2030 Comprehensive Plan, as amended. These plans note that some of the most valued aspects of the North District pose the most challenges for development. The steep, rugged terrain makes road and residential construction difficult. They note that City financial participation in the completion of the construction of Foster Road between Dubuque Street and Prairie du Chien may be necessary, given these challenges.

To achieve the primary objectives of this Plan, the City of Iowa City shall undertake the urban renewal activities as specified in this Urban Renewal Plan, pursuant to the powers granted to it under Chapters 15A and 403 of the 2017 Code of Iowa, as amended.

Section 2- Description of Urban Renewal Area

The legal description of this Urban Renewal Area is attached and incorporated herein as Addendum No. 1 – Legal Description and depicted in Addendum No. 2 – Location Map.

Section 3- Area Designation

With the adoption of this Plan, Iowa City designates this Urban Renewal Area as an economic development area appropriate for public improvements related to housing and residential development. Therefore, in accordance with Iowa Code Section 403.22, a percentage of the incremental revenues (or other revenues) generated by the development must be used to provide assistance to low and moderate income (LMI) households. LMI households are those whose incomes do not exceed 80% of the median Johnson County income. The amount of incremental revenues (or other revenues) to be provided for LMI housing in the community shall be either equal to or greater than the percentage of the original project costs (i.e., the amount of TIF funds used to reimburse infrastructure costs serving the housing development in the Area) that is equal to the percentage of LMI households living in Johnson County. That percentage is currently 44.83,

The requirement to provide assistance for LMI housing may be met by one or more of the following three options:

1. Providing that at least 45% of the units constructed in the Area are occupied by LMI households;

2. Ensuring that 45% of the housing units constructed within the Area are priced at amounts affordable to LMI households; or
3. Setting aside an amount equal to or greater than 45% of the project costs to be used for LMI housing activities anywhere in the City. Such LMI housing activities may include, but are not limited to:
 - a. Construction of LMI housing;
 - b. Owner/renter-occupied housing rehabilitation for LMI households;
 - c. Grants, credits, or other direct assistance for LMI households;
 - d. Homeownership assistance for LMI households;
 - e. Tenant-based rental assistance for LMI households;
 - f. Down payment assistance for LMI households;
 - g. Mortgage interest buy-down assistance for LMI households; and
 - h. Under appropriate circumstances, the construction of public improvements that benefit LMI households.

Section 4- Base Value

If the Foster Road Urban Renewal Area is legally established, a Tax Increment Financing (TIF) Ordinance is adopted, and debt is certified prior to December 1, 2018, the taxable valuation within the area included in the TIF Ordinance as of January 1, 2017, will be considered that area's frozen "base value". If debt is not certified until a later date or if a TIF ordinance is not adopted until later, the "base value" will be the assessed value of the taxable property within the TIF Ordinance area as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt on the Foster Road Urban Renewal Area.

Section 5- Urban Renewal Plan Goals and Objectives

The overall goal of this Plan is to foster the development of the Area through the use of public and private resources for senior and multifamily housing units, as well as foster construction of public improvements related to such housing and residential development. Further goals include:

1. Meeting the needs of special elements of the population, such as the elderly or persons with disabilities;
2. To encourage and support development that will expand the taxable values of property within the Urban Renewal Area;
3. To provide for the orderly physical and economic growth of the city;
4. To provide other support as allowed under Iowa Code Chapters 15, 15A and 403;

5. To provide a suitable living environment through safer, more livable and accessible neighborhoods, and increased housing opportunities; and
6. To help finance the cost of constructing public utility and infrastructure extensions and improvements in support of residential development.
7. To improve the health, safety, living environment, general character, and general welfare of Iowa City, Iowa.
8. To stimulate, through public action and commitment, private investment in new residential development.
9. To increase the availability of housing opportunities; which may in turn attract and retain local industries and commercial enterprises that will strengthen and revitalize the economy of the State of Iowa and the City of Iowa City.
10. To promote development utilizing any other objectives allowed by Chapter 403 of the Code of Iowa.

The following objectives derived from these goals are hereby established:

1. Undertake and carry out the urban renewal project set forth in Section 7 below;
2. Use any or all other powers granted to the City by the Urban Renewal Act to develop and provide for improved economic conditions in the City and the State of Iowa;
3. To connect neighborhoods, reducing transportation time, allowing greater access for pedestrians, bikers and public transportation; and
4. Open opportunities for development of single and multi-family residential units for those with special needs, as well as other uses that may be consistent with the Comprehensive Plan and zoning code.

Section 6 - Proposed Urban Renewal Activities

To meet the objectives of this Urban Renewal Plan, the City intends to utilize the powers conferred under Chapter 403 and Chapter 15A, Code of Iowa, the City may engage in the following proposed Urban Renewal Activities:

1. Execute development agreements, retain the services of qualified professional consultants and execute any other contracts and instruments necessary to achieve the Plan Goals, Objectives and Projects.
2. Make or have made surveys and plans necessary for the implementation of the Urban Renewal Plan or specific urban renewal projects.
3. Tax Increment Financing. To the full extent allowed by Iowa Code Chapter 403 and Division III of Chapter 384, the City may issue general obligation bonds, tax

increment revenue bonds, internal loans or such other obligations or loan agreements, and seek tax increment reimbursement for, among other things, the costs of urban renewal projects (if and to the extent incurred by the City), including, but not limited to:

- a. Constructing public improvements, such as streets, sidewalks, sanitary sewers, storm sewers, water mains, utilities or other related facilities.
 - b. Providing the local matching share of state or federal grant and loan programs.
 - c. Making loans or grants or other incentives related to urban renewal projects.
 - d. Other authorized urban renewal projects.
4. To acquire property through a variety of means (purchase, lease, option, etc.) and to hold, clear, or prepare the property for redevelopment.
 5. To dispose of property so acquired.
 6. To arrange for, or cause to be provided, the construction or repair of infrastructure, including but not limited to, streets, sidewalks, water mains, sanitary sewer, storm water drainage, gas and electric utilities, street lighting, or other public improvements in connection with urban renewal projects.
 7. To vacate, dedicate, or obtain certain public roadways, or utility easements when deemed necessary to provide access to new and/or residential developments.
 8. To provide for relocation of persons, businesses, and industries displaced by the project, if necessary.
 9. To make loans, forgivable loans, tax rebate payments, or other types of grants or incentives to private persons, organizations, or businesses for economic development purposes or residential projects, on such terms as may be determined by the City Council.
 10. To borrow money and to provide security therefor.
 11. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic conditions for the City of Iowa City and the State of Iowa.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the Code of Iowa in furtherance of the objectives of this Urban Renewal Plan.

The Council's determination to undertake any of these activities shall be based upon its economic development policy, which may be amended from time to time, as necessary in Council's discretion, and on additional performance criteria the Council finds appropriate on a case-by-case basis.

Section 7 – Proposed Urban Renewal Projects

A. Public Improvements and Related Development Agreement:

Under authority granted by the Plan, the City anticipates entering into a Development Agreement (the "Agreement") with University Lake Partners II, LLC (the "Developer"). The Agreement would obligate the Developer to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Urban Renewal Area as defined and legally described in the Development Agreement, consisting of the construction of an approximate 53-unit senior living residential building and approximately 59 townhomes in a mix of duplex, three-, four-, five-, and one seven-plex configuration, under the terms and following satisfaction of the conditions set forth in the Agreement. The Agreement further proposes that Developer will pay for the costs of the Public Improvements supporting the project as described below:

Project	Approximate Date	Estimated Cost	Rationale
Construction of Foster Road public infrastructure between Dubuque Street and Prairie du Chien Rd., as part of a project to construct and provide access to a senior living residential building and townhomes.	2018-2019	Not to exceed \$4,000,000	Necessary infrastructure for residential development. Support transportation network that encourages walking, biking, and public transit.

The Agreement would then obligate the City to make up to ten (10) consecutive annual payments of Economic Development Grants to Developer consisting of 55% of the Tax Increments pursuant to the Iowa Code Section 403.19 and generated by the construction of private development within the urban renewal area, the cumulative total for all such payments not to exceed the cost of the public improvements advanced by the Developer. These grants will not be general obligations of the City but will be payable solely from incremental property taxes generated by the private development.

Unless LMI housing is constructed as part of the project, the City will set aside 45% of the Tax Increments pursuant to the Iowa Code Section 403.19 generated by the construction of the Minimum Improvements and use those funds to support LMI housing anywhere in the community.

The City expects to enter into a development agreement with Developer (or a related entity or another entity) that provides detailed terms and conditions, not all of which are included in this Plan.

B. Planning, Engineering, Attorney, and Administrative Fees, and Other Related Costs to Support Urban Renewal Projects and Planning:

Project	Estimated Date	Estimated Cost to be Funded with TIF Funds
Fees and Costs	2017-2019	Not to Exceed \$100,000

Section 8- Conformance with Land Use Policy and Zoning Ordinance

A. Comprehensive Plan

This Urban Renewal Area is located within the North District, as designated in the adopted IC2030 Comprehensive Plan, the City's general plan for the physical development of the City as a whole, and more particularly described in the North District Plan, a district-specific comprehensive plan. The North District Plan Map shows the proposed extension of Foster Road between Dubuque Street east to Prairie du Chien Road, noting that it would provide an alternative east-west street route in this Area which may relieve traffic pressure from Kimball Road and create new opportunities to connect existing neighborhoods. It would further open up the possibility of new residential development in this area, noting that development will be constrained by the rugged, wooded terrain and the 100-foot wide gas pipeline easement that cuts across this neighborhood.

In sum, the goals, objectives and projects set forth in this Plan are in conformity with the City's Comprehensive Plans.

B. Current and Proposed Zoning and Land Uses

Currently the Urban Renewal Area is largely undeveloped green space, with rolling hills and a few multi-family units, and zoned High Density Single Family (RS-12) as defined by the Iowa City Zoning Code. This high density single-family residential zone is intended to provide for development of single-family dwellings, duplexes and attached housing units at a higher density than in other single-family zones. Because this zone represents a relatively high density for single-family development, dwellings should be built in close proximity to all city services and facilities, especially parks, schools and recreational facilities. Special attention should be given to site design to ensure the development of quality neighborhoods. Nonresidential uses and structures permitted in this zone should be planned and designed to be compatible with the character, scale, and pattern of the residential development. A sensitive areas overlay rezoning is anticipated in light of the sensitive areas located in the urban renewal area.

Right-of-way for the Foster Road Extension Project described in Section 7 above, herein has been dedicated to the City, though additional right-of-way or easements may be necessary to construct the street and install the utilities. This Urban Renewal Plan does

not in any way replace or modify the City's current land use planning or zoning regulation process.

Section 9- Relocation

For the proposed Foster Road Extension Project described in Section 7 above, the right-of-way has been dedicated to the City with no residential uses thereon. The Area is largely undeveloped, so the City does not expect there to be any relocation required as part of the eligible urban renewal projects identified herein; however, if any relocation is necessary, the City will follow all applicable relocation requirements as contemplated pursuant to Iowa Code sections 403.5(4)(a) and 403.6(7).

Section 10- Financial Data

1. Constitutional Debt Limit: \$ 267,511,393
2. Current general obligation debt: \$ 51,645,000
3. Proposed amount of indebtedness to be incurred: Although a specific amount of tax increment debt to be incurred (including direct grants, loans, advances, indebtedness, or bonds) for projects over time has not yet been determined, it is anticipated that the cost of the Proposed Urban Renewal Activities and Proposed Projects identified in Section 6 and 7 above will not exceed *\$3.5 and \$4.1 million*. In no event will debt be incurred that would exceed the City's debt capacity. It is further expected that loans, advances, indebtedness or bonds to be incurred for the Proposed Project or subsequent projects, including interest on the same, will be financed in whole or in part with tax increment revenues from the Urban Renewal Area. The City Council will consider each request for financial assistance or a project proposal on a case-by-case basis to determine if it is in the City's best interest to participate.

Section 11- Urban Renewal Plan Amendments

This Urban Renewal Plan may be amended from time to time for a number of reasons, including, but not limited to changes in the boundary; to modify goals, objectives, or types of activities; or to amend property acquisition and disposition provisions.

If the City of Iowa City desires to amend this Urban Renewal Plan, it shall do so in conformance with applicable state and local laws.

Section 12 - Property Acquisition/Disposition

If property acquisition/disposition by the City becomes necessary to accomplish the objectives of the Plan, such acquisition/disposition will be carried out, without limitation, in accordance with the Iowa Code.

Section 13 - Effective Period

This Urban Renewal Plan will become effective upon its adoption by the City Council of Iowa City and will remain in effect as a plan until it is repealed by the City Council.

With respect to the property included within this Foster Road Urban Renewal Area, which is also included in an ordinance which designates that property as a tax increment area, the use of incremental property tax revenues or the “division of revenue,” as those words are used in Chapter 403 of the Code of Iowa, is limited with respect to public improvement projects related to non-LMI housing and residential development to ten (10) fiscal years beginning with the second fiscal year after the year in which the municipality first certifies to the county auditor the amount of debt which qualifies for payment from the division of the revenue in connection with any such project.

The division of revenues from the Urban Renewal Area shall continue for the maximum period allowed by law. It is also anticipated that separate TIF ordinances for separate parcel(s) may be adopted as development in the Area warrants. In that case, each separate TIF ordinance may have a separate base and separate sunset or expiration date.

At all times, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the Code of Iowa) by the City for activities carried out in the Foster Road Urban Renewal Area shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law.

Section 14: Severability Clause

If any part of this Plan is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Plan as a whole or any part of the Plan not determined to be invalid or unconstitutional.

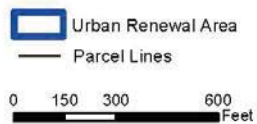
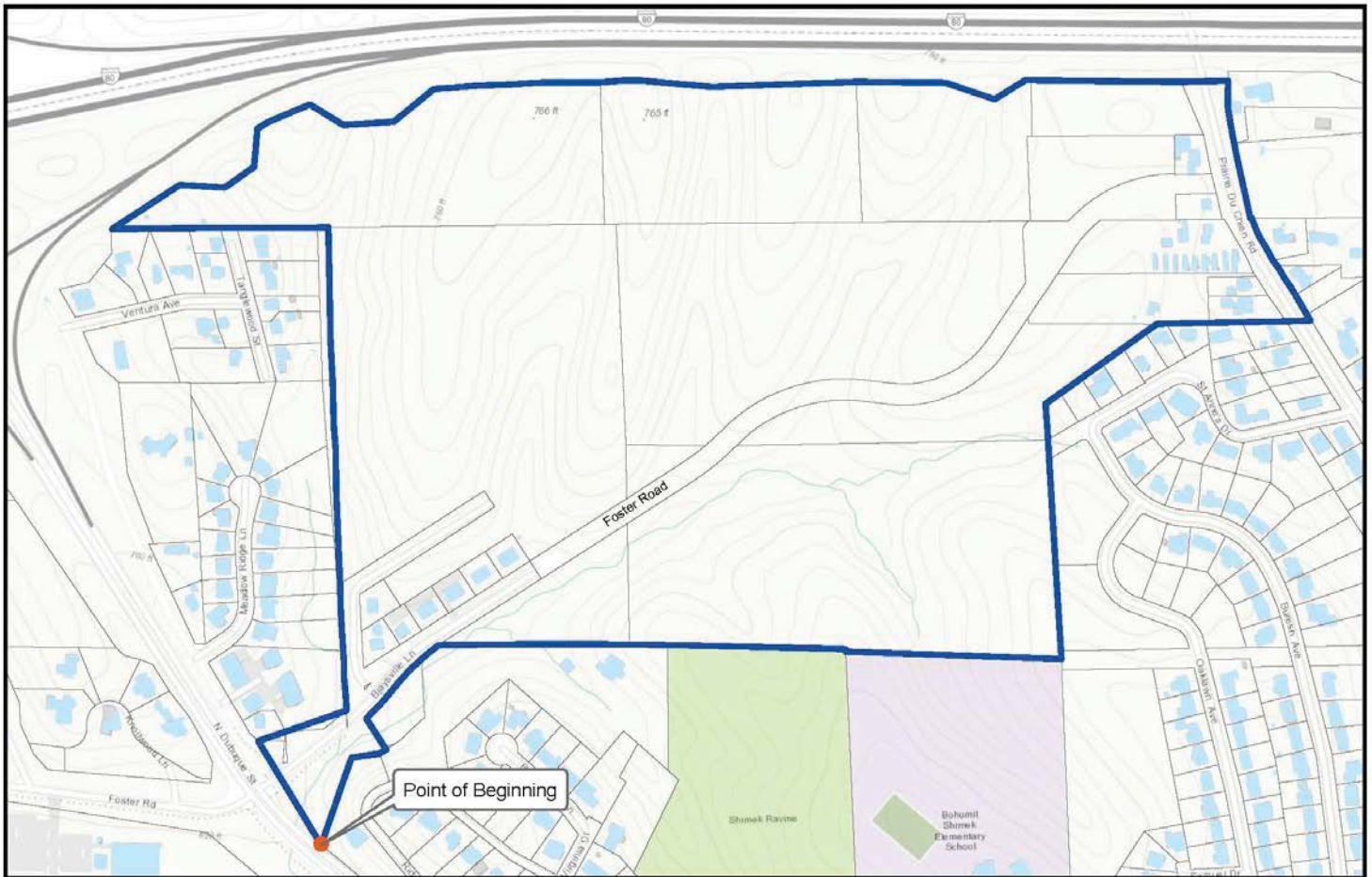
Addendum No. 1

Legal Description

Commencing at the Northwest corner of Lot 16, Balls Subdivision, as shown in Plat Book 3, Page 100; proceeding northeasterly along the south right-of-way line of Foster Road, as shown in Exhibits A-1 and B-1 of the Condemnation records recorded in Book 3100, Page 358; thence following said ROW line to its intersection with the East-West $\frac{1}{4}$ Section line of NW $\frac{1}{4}$ of Section 3, Township 79N, Range 6W; thence East along said Section line to the SE corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3, Township 79N, Range 6W; thence continuing East along the East-West $\frac{1}{4}$ section line to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3, Township 79N, Range 6W, as shown on the Final Plat of a re-subdivision of Lot 30, Conway's Subdivision, Plat Book 17, Page 53; thence North along the West line of Lot 30, Conway's Subdivision, Plat Book 4, Book 253, to the Northwest corner of Lot 25, Conway's Subdivision, Plat Book 4, Page 253; thence northeasterly along the North boundary of Conway's Subdivision to the Northeast corner of Lot 15 and continuing easterly to the eastern Prairie Du Chien Road ROW line; thence northwesterly along the eastern ROW line to the Northeast corner of Auditor's Parcel "A", recorded in Plat Book 32, Page 52, said line also being the South ROW of Interstate 80 as shown in the Plat of Survey recorded in Book 32, Page 53 and as described in Book 4224, Page 896 and Book 2944, Page 267; thence West along the South I-80 ROW to the Northwestern corner of Lot 4, Yocum Subdivision, Plat Book 5, Page 77, said corner being the intersection of the I-80 South ROW line and the East-West line between Section 3, Township 79N, Range 6W and Section 34, Township 80N, Range 6W; thence East along said section line to the Northwest corner of Auditor's Parcel 2014052, Book 58, Page 324; thence South along the West side of said Parcel to the Southeast corner of Pine Ridge Subdivision, Plat Book 46, Page 157; thence westerly along the south side of Pine Ridge Subdivision to the Southwest corner of Lot 1, Pine Ridge Subdivision; thence Southeasterly to the point of beginning.

Addendum No. 2 Location Map

Foster Road Urban Renewal Area



**MINUTES
PLANNING AND ZONING COMMISSION
JANUARY 18, 2018 – 7:00 PM – FORMAL MEETING
EMMA J. HARVAT HALL, CITY HALL**

PRELIMINARY

MEMBERS PRESENT: Carolyn Dyer, Mike Hensch, Phoebe Martin, Max Parsons, Mark Signs, Jodie Theobald

MEMBERS ABSENT: Ann Freerks

STAFF PRESENT: Sara Hektoen, Bob Miklo,

OTHERS PRESENT: Mike Welch

RECOMMENDATIONS TO CITY COUNCIL:

By a vote of 6-0 (Freerks absent) the Commission recommends approval of REZ17-00017 an application submitted by University Lake Partners II, LLC, for a rezoning of approximately 53.29 acres from High Density Single Family Residential (RS-12) zone to Planned Development Overlay/High Density Single Family Residential (OPD/RS-12) for approximately 50.11 acres and Commercial Office (C0 -1) zone for approximately 3.18 acres, located south of I-80 west of Prairie Du Chien Road.

CALL TO ORDER:

Hensch called the meeting to order at 7:00 PM.

PUBLIC DISCUSSION OF ANY ITEM NOT ON THE AGENDA:

None.

REZONING ITEM (REZ17-00017):

Discussion of an application submitted by University Lake Partners II, LLC, for a rezoning of approximately 53.29 acres from High Density Single Family Residential (RS-12) zone to Planned Development Overlay/High Density Single Family Residential (OPD/RS-12) for approximately 50.11 acres and Commercial Office (C0 -1) zone for approximately 3.18 acres, located south of I-80 west of Prairie Du Chien Road.

Miklo began with a summary of the staff report from the December 21, 2017 meeting. The property is south of Interstate 80 and west of Prairie Du Chien Road and would include the extension of Foster Road to connect Prairie Du Chien Road and Dubuque Street. The area is currently zoned high-density single-family residential, the proposal is to keep that zoning over most of the property and apply a Planned Development Overlay Zone to allow clustering of development away from the sensitive areas on the property which include wetlands, woodlands, steep slopes and a stream corridor and leaving a large portion of the property open for private open space. The proposal does include the rezoning of the area adjacent to Prairie Du Chien

Road and Interstate 80 to Commercial Office Zone which is in compliance with the Comprehensive Plan as in this area the Plan discourages residential development and the subdivision regulations prohibit residential building sites immediately adjacent to the interstate due to health concerns related to noise and particulate matter. Miklo stated that the Commercial Office Zone would allow light commercial uses such as office or a religious institution such as a small church in that area. The development would consist of a series of townhouse style units on four lots and then one larger lot for a 53-unit senior housing development. Miklo noted the sensitive areas are being avoided for the most part, there is one exception being requested in that the applicant is asking that the wetland buffer be decreased in some areas to the 50 feet (rather than the required 100 feet) but in other areas would be increased. This is called wetland buffer averaging. Staff has reviewed that exception and recommends approval of that modification. There would be a large outlot (approximately 23 acres) that would be owned and maintained by a Homeowners Association. The Parks and Recreation Commission looked at this proposal and chose not to accept dedication of land, for a neighborhood park they would rather have something flatter and more accessible. At the time of the final plat, fees would be paid by the applicant in lieu of dedication of land.

Miklo stated the staff report originally recommended deferral while a number of items were corrected or resolved. The application is now complete and all those items have been resolved. As noted on page six of the December 21 staff report the plan is now correctly labeled as a sensitive areas development plan, construction limits are clearly shown on the plan (demarking where construction will occur and sensitive areas will be preserved), a sidewalk network is illustrated on the plan, the wetland delineation has been reviewed by the Army Core of Engineers and accepted, the protected slopes are labeled and clearly shown, the steep slopes are labeled and clearly shown, an emergency turnaround has been added to the private street, and the City has received elevation drawings. Staff has discussed some changes to the building facades to break up and distinguish the buildings more. The applicant has agreed and will make those changes on the plans before this application goes to Council. Miklo added that the senior housing building will have underground parking.

Staff recommends approval of REZ17-00017 an application submitted by University Lake Partners II, LLC, for a rezoning of approximately 53.29 acres from High Density Single Family Residential (RS-12) zone to Planned Development Overlay/High Density Single Family Residential (OPD/RS-12) for approximately 50.11 acres and Commercial Office (C0 -1) zone for approximately 3.18 acres, located south of I-80 west of Prairie Du Chien Road.

Hensch questioned the altering of the wetlands buffer to 50 feet in some areas and if that was common practice and had been done before in other applications. Miklo said it has been done on two or three occasions, it is not very common. Hensch asked the objective for the decrease. Miklo said it would allow for an increase in other areas where a larger buffer will be beneficial and in exchange it decreases the buffer in other areas. In one area the buffer would be reduced to allow for a retaining wall for the parking lot of the large senior housing building. In the areas where the buffer is increased it will allow for better filtration of the other wetlands on the site.

Hensch asked where the water shed for this area was, where would all the water drain to. Miklo showed a stream where the water would drain to, and then from the stream into the Iowa River.

Signs asked if this development would complete the connection of Foster Road from Prairie Du Chien Road to Dubuque Street. Miklo confirmed it would, the applicant is required as part of the

approval of development to complete Foster Road to the edge of their development, however the applicant feels that to make their development marketable they want to complete Foster Road all the way to Dubuque Street to provide access to downtown and the University. Miklo added there have been some discussions that the applicant would finance and build the road and then based on the increase in tax increment they could be paid back for portions of the road that are not adjacent to their property. That agreement would have to be part of an Urban Renewal Plan and Developers Agreement which would be completed at a later stage. The Comprehensive Plan contemplates something of that sort, it recognizes given the steep topography this would be an expensive property for a developer to build, the overall density of this development is roughly 2 ½ to 3 units per acre when you look at the overall property. Therefore, the Plan has noted there may be a need for some City involvement in the development of Foster Road. The completed street will be very beneficial for general circulation for the north side of Iowa City.

Hensch opened the public hearing.

Mike Welch (HBK Engineering) spoke on behalf of the applicant. Welch confirmed they are working with the developer to redesign the rooflines and building facades to break up and distinguish the buildings more. With regards to the road connection they submitted plans yesterday to the City Engineering for the Foster Road connection and the applicant agrees that to make this development work the connection is needed.

Dyer asked when the road was anticipated to be built. Welch said they are looking at starting work on the road this spring.

Hensch stated that on the issue of wetlands, one of the things the Commission frequently hears from people is how their property is wet, basements get wet, etc., and with so many slopes on this site and wetlands, will the water be able to be contained onsite. Welch replied that in general there is a waterway (stream) that parallels the Foster Road extension on the south side and the water will discharge to that stream. For the most part the building grades are significantly higher than the wetlands, in some areas they will be installing underground chambers where there is not room for an at-grade detention. The underground chambers will control the flow of water discharge.

Hensch also asked about the reducing of the buffer to 50 feet and why it was decided that would be needed. Welch said the reductions were needed in areas where they had to have additional area for driveways to allow them to achieve the density needed to make the development succeed. Welch noted they worked with Earthview Consulting to identify the areas where buffers should be increased and could be decreased so they could plan accordingly. Hensch asked if there was any need to purchase any wetlands credit for this project. Welch replied it was all done onsite as they are not actually removing any of the wetlands they are just adjusting their buffers.

Hensch asked about flooding and if this area was in the 100 year or 500 year flood plains. Welch said in 2008 near Hidden Meadow Drive there is a low point in the road and that did have some water over it. He added they are working with Engineering and Public Works to set the road elevation so that the road can remain open during a flood event.

Hensch closed the public hearing.

Theobald moved to approve REZ17-00017 an application submitted by University Lake Partners II, LLC, for a rezoning of approximately 53.29 acres from High Density Single Family Residential (RS-12) zone to Planned Development Overlay/High Density Single Family Residential (OPD/RS-12) for approximately 50.11 acres and Commercial Office (CO-1) zone for approximately 3.18 acres, located south of I-80 west of Prairie Du Chien Road.

Dyer seconded the motion.

Hensch reiterated that it appears all the concerns raised at the previous meetings have been resolved.

Parsons added that the extension of Foster Road will be a benefit for the area and with all the steep slopes on the area the clustering is a very effective use of the land.

Signs agreed on the clustering and the maximization of the space that is less valuable from an ecological point.

Hensch added that this area looks difficult to develop due to the topography so this plan seems to best meet the needs of the area and the extension of Foster Road is needed.

A vote was taken and the motion passed 6-0 (Freerks absent).

CONSIDERATION OF MEETING MINUTES: JANUARY 4, 2018

Signs moved to approve the meeting minutes of January 4, 2018

Theobald seconded the motion.

A vote was taken and the motion passed 6-0 (Freerks absent).

PLANNING AND ZONING INFORMATION:

None.

ADJOURNMENT:

Theobald moved to adjourn.

Signs seconded.

A vote was taken and motion carried 6-0.

**PLANNING & ZONING COMMISSION
ATTENDANCE RECORD
2017 - 2018**

	5/18	6/1	(W.S) 6/7	6/15	7/6	7/20	8/3	8/17	9/7	9/21	10/5	10/19	11/2	12/7	12/21	1/4	1/18
DYER, CAROLYN	O/E	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	X	X
FREERKS, ANN	X	X	X	X	X	X	X	O/E	X	X	X	X	X	O/E	X	X	O/E
HENSCH, MIKE	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X	X	X	X
MARTIN, PHOEBE	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X	O/E	O/E	X
PARSONS, MAX	X	X	X	X	X	X	X	X	O/E	X	X	X	X	X	X	X	X
SIGNS, MARK	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
THEOBALD, JODIE	X	X	X	X	X	X	O/E	X	X	X	X	X	X	X	X	O/E	X

KEY: X = Present
O = Absent
O/E = Absent/Excused
--- = Not a Member