

Iowa City Planning & Zoning Commission

Formal Meeting
Thursday, August 16, 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, August 16, 2018

Formal Meeting – 7:00 PM

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

AGENDA:

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Discussion of Any Item Not on the Agenda**
- 4. Zoning Code Amendment Item**

Discussion of Amendments to Title 14, Zoning of the Iowa City Municipal Code related to Required Retail Storefronts in the Riverfront Crossings Central Crossings Subdistrict. (ZCA18-00001)

- 5. Consideration of Meeting Minutes: July 5, 2018**
- 6. Planning & Zoning Information**
- 7. Adjournment**

If you will need disability-related accommodations to participate in this meeting, please contact Anne Russett, Urban Planning, at 319-356-5251 or at anne-russett@iowa-city.org. Early requests are strongly encouraged to allow sufficient time to meet your access needs.



CITY OF IOWA CITY MEMORANDUM

Date: August 16, 2018

To: Planning & Zoning Commission

From: Anne Russett, AICP, Senior Planner, Neighborhood and Development Services Department

Re: Amendment to Title 14, Zoning Code of the Iowa City Municipal Code related to Required Retail Storefronts in the Riverfront Crossings Central Crossings Subdistrict (ZCA18-00001)

Introduction

The proposed amendment amends the zoning code (Title 14 of the Iowa City Municipal Code), to allow residential uses within areas identified as required retail storefronts on the Riverfront Crossings regulating plan [Attachment 1] within the Central Crossings subdistrict when they are part of an affordable housing project.

Background

The City adopted the Riverfront Crossings Master Plan in 2014. The master plan identifies areas of the district for ground floor retail with the intention of creating a vibrant, active, and pedestrian-friendly environment [Attachment 2]. The areas in the plan identified for ground floor retail were conservatively selected to not impact the downtown retail market. These key retail nodes were selected due to existing or future conditions that would enhance the streetscape. Furthermore, the plan recognizes that the ground floor in these areas would initially be utilized for residential uses until the market demand for retail increases.

Subsequent to the adoption of the master plan the City adopted the Riverfront Crossings Form Based Development Standards to implement the vision and goals of the master plan. This form-based code includes a regulating plan that identifies locations where ground floor retail is required. Where the master plan provides the flexibility for residential, the regulating plan of the form-based code requires ground floor retail in the areas identified as “required retail storefront”.

Affordable Housing Requirement

The Riverfront Crossings’ form-based code includes an affordable housing obligation. Projects that contain at least 10 dwelling units must provide affordable housing units in an amount equal to or greater than 10% of the total number of dwelling units in the project. The form-based code provides options for satisfying this requirement, including providing the affordable units on-site, off-site, and paying fees in-lieu of providing the affordable units.

In 2017 the City executed an affordable housing agreement with Dubuque and Prentiss Investments regarding their project at 620 S. Dubuque Street. The project includes 36 residential units and received a height bonus to five stories due to the owner’s commitment to providing 15% of the units as affordable housing. The agreement outlines that the owner will provide the affordable housing units on-site, but may wish to transfer the affordable obligation to the property at 628 S. Dubuque Street. Ultimately, the developer of 620 S. Dubuque Street and a future project planned for 225 E. Prentiss Street would like to transfer the affordable housing obligation of these two sites to the property at 628 S. Dubuque Street (see Figure 1). The developer is coordinating with the Housing Fellowship, a non-profit organization that focuses on providing affordable rental

housing in Johnson County, who would manage the affordable housing project at 628 S. Dubuque Street. Del Ray Ridge, L.P. has a purchase agreement for 628 S. Dubuque Street.

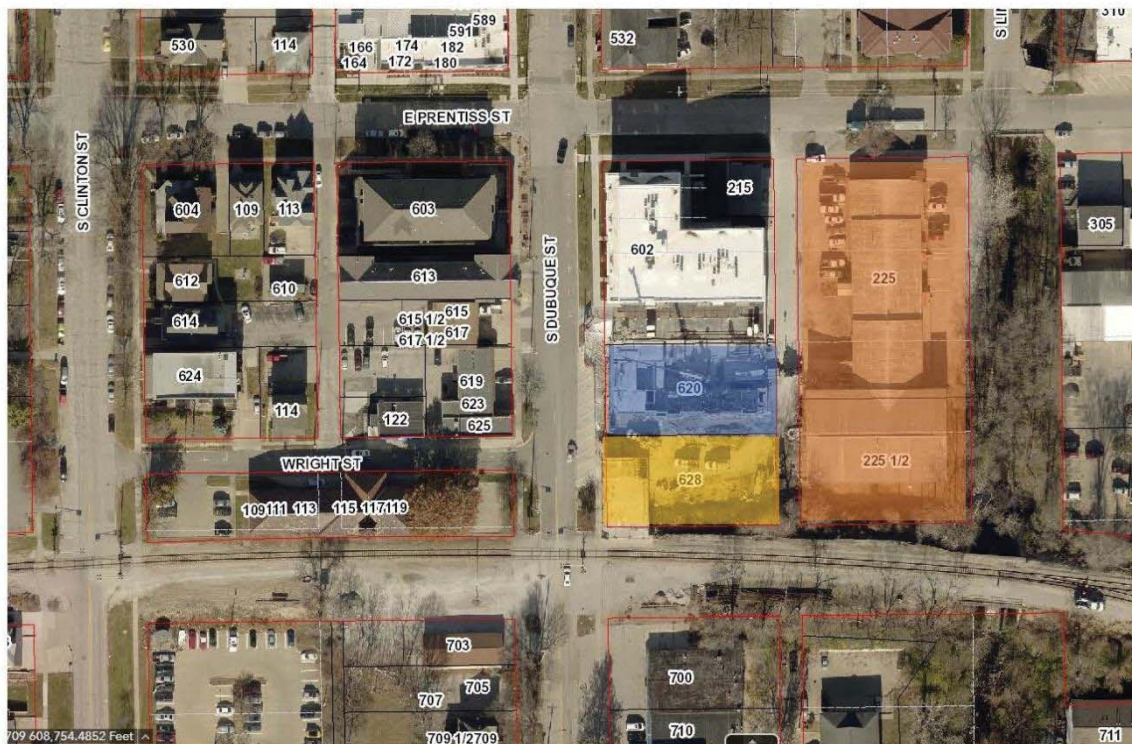
In October 2017, the City Council passed a resolution committing \$330,000 in City funds to Del Ray Ridge, L.P. for the affordable housing project at 628 S. Dubuque Street. The Iowa Finance Authority also awarded the project Low Income Housing Tax Credit (LIHTC) funds in March 2018. On August 7, the City Council entered into an agreement with Del Ray Ridge, L.P. for a \$330,000 loan for this project.




Here is a summary of the Del Ray Ridge project:

- 33 units total; 17 1-bedroom and 16 2-bedroom units
- 4 units affordable to households at or below 30% area median income (AMI)
- 5 units affordable to households at or below 40% AMI
- 20 units affordable to households at or below 60% AMI
- 4 units with no income requirements
- Affordability period of 30 years

In an August 7, 2018 memo to City Council regarding the Del Ray Ridge project, City staff noted that the Riverfront Crossings' form-based code required ground floor retail at this site, but that the City would be initiating a code amendment to allow ground floor residential.

Figure 1. Location Map



-  620 S. Dubuque Street, 36 units
-  225 E. Prentiss Street, future development
-  628 S. Dubuque Street, Del Ray Ridge

Proposed Amendment

Staff proposes an amendment to the Riverfront Crossings' form-based code to allow ground floor residential uses within the Central Crossings Subdistrict in areas identified as required retail storefront when they are part of an affordable housing project. More specifically, to qualify for this exemption projects must be subsidized by a federal or state program that requires at least 60 percent of the units to be rent and income restricted [Attachment 3].

Staff proposes to limit the exemption to affordable housing and further limit it to the Central Crossings Subdistrict for the following reasons:

- Providing market flexibility to support the goals of affordable housing in the district.
- The South Downtown, South Gilbert, and West Riverfront subdistricts have key commercial corridors (e.g. Burlington Street, Riverside Drive, Gilbert Street) where maintaining existing and requiring new retail is critical to enhancing the vibrancy of these corridors. The Park subdistrict has one small node of required retail that is important to maintain for the convenience of future residents. There are no required retail storefront requirements in the University, Orchard, and Gilbert Subdistricts or the East Side Mixed-Use District.

Comprehensive Plan Consistency

The proposed amendment supports the following housing goal and strategy from the comprehensive plan:

- Encourage a diversity of housing options in all neighborhoods.
 - Ensure a mix of housing types within each neighborhood, to provide options for households of all types (singles, families, retirees, etc.) and people of all incomes.

The proposed amendment also supports the vision of the Downtown & Riverfront Crossings Master Plan. The master plan recognizes the need for flexibility to allow residential uses within areas identified as required retail storefronts. The proposed amendment will allow some flexibility by providing an exemption for affordable housing projects within the Central Crossings Subdistrict.

Staff Recommendation

Staff recommends that the Planning and Zoning Commission recommend adoption of the following proposed amendment to 14-2G-3B-2d of the Iowa City Municipal Code by the Iowa City City Council:

d. Residential uses are not allowed within required retail storefronts, as specified in the riverfront crossings regulating plan, except in the Central Crossings subdistrict for housing subsidized by a federal or state program that requires at least 60 percent of the units to be rent and income restricted.

Attachments:

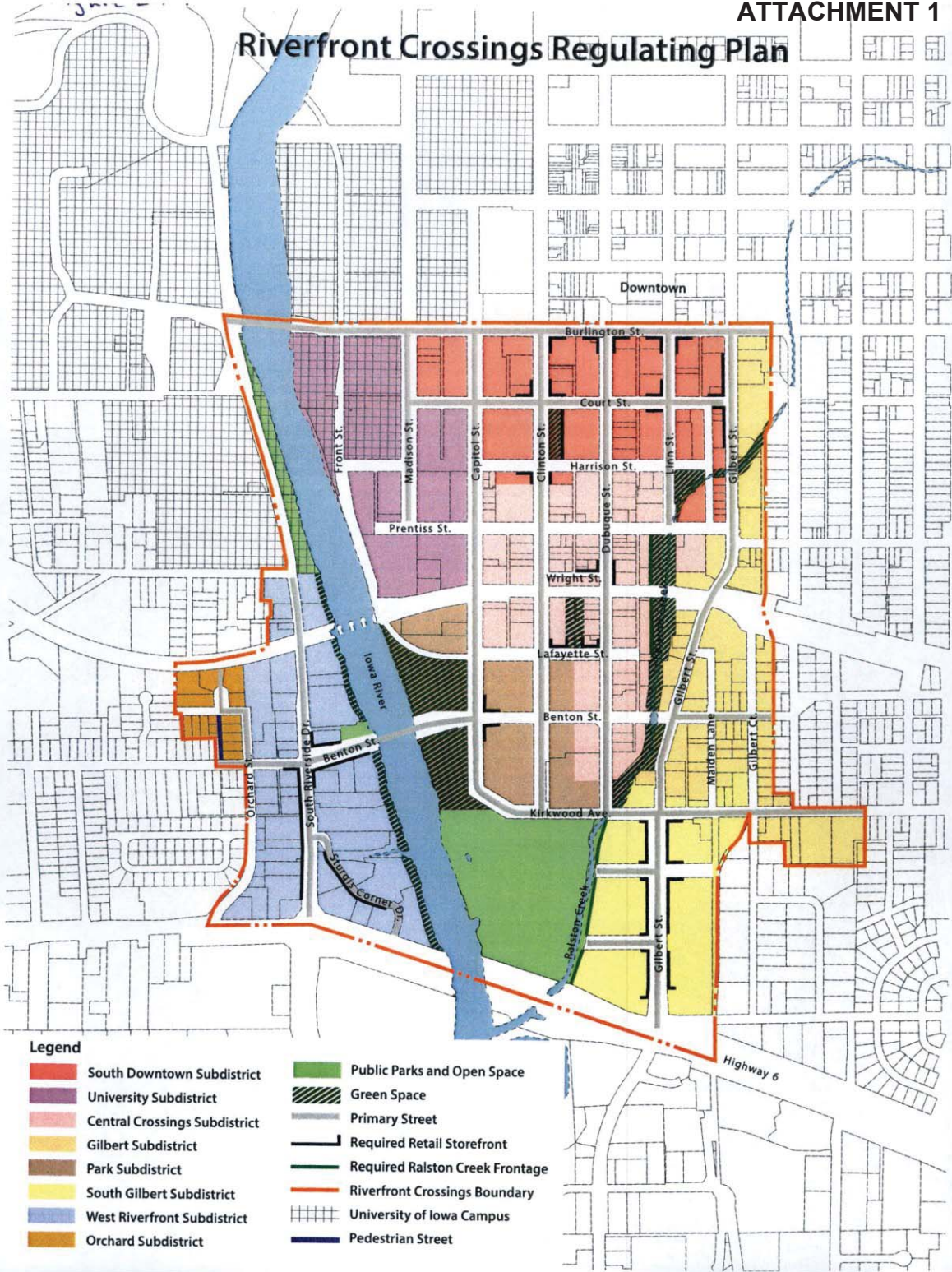
1. Riverfront Crossings Regulating Plan
2. Excerpt from Downtown & Riverfront Crossings Master Plan related to Primary Streets and Required Retail Storefronts
3. Proposed Amendment to 14-2G-3B-2d

Approved by:



Danielle Sitzman, AICP, Development Services Coordinator
Department of Neighborhood and Development Services

Riverfront Crossings Regulating Plan



Legend

- South Downtown Subdistrict
- University Subdistrict
- Central Crossings Subdistrict
- Gilbert Subdistrict
- Park Subdistrict
- South Gilbert Subdistrict
- West Riverfront Subdistrict
- Orchard Subdistrict
- Public Parks and Open Space
- Green Space
- Primary Street
- Required Retail Storefront
- Required Ralston Creek Frontage
- Riverfront Crossings Boundary
- University of Iowa Campus
- Pedestrian Street

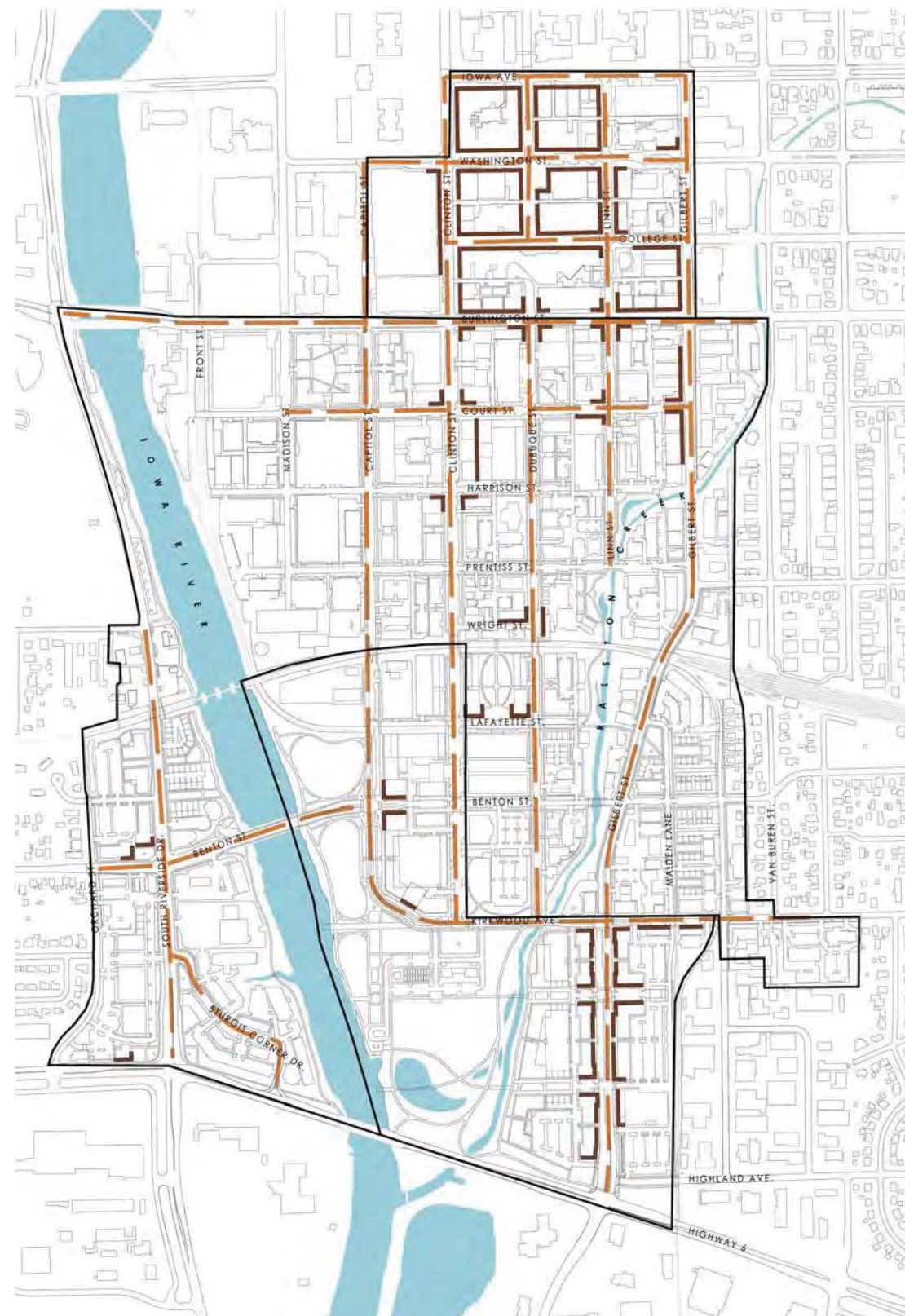
primary streets and required retail storefronts

Every great city has great streets. Great streets are not streets that just move vehicular traffic. Instead, they are known for their pedestrian activity, retail vitality, connectivity, and desirability as a sought-after address. In other words, they become destinations in their own right. The downtown blocks of Iowa Avenue, Washington Street, College Street, Clinton Street, and Dubuque Street best fit this definition.

As the plan for Downtown and Riverfront Crossings comes to fruition, additional street corridors will be added to this list. Outside of downtown, future primary streets should include key east-west streets such as Burlington and Court, and north-south streets such as Gilbert, Linn, Dubuque, Clinton, Capitol, and Riverside Drive.

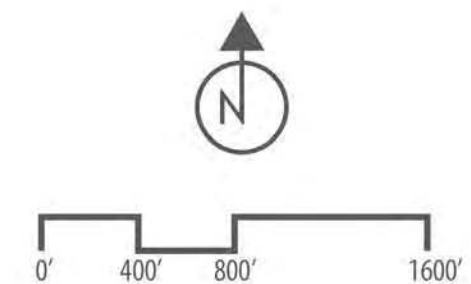
Over time, these streets will transform into special “places”. Streetscape enhancements will improve pedestrian comfort, buildings – many with active street-level uses – will address the street, and sidewalks will teem with life. In order to encourage the amount of street-level activity desired by participants in the planning process, retail storefronts will be required at key locations. These storefronts will have minimum floor to ceiling height requirements, as well as opacity requirements. Initially, these storefronts can be utilized for residential uses. As more “rooftops” are added, this market will transition and residential uses will migrate to retail uses. These storefronts, and the stores they represent, will draw activity to key nodes within the Study Area (Clinton Plaza, Rock Island Train Depot TOD, etc.). Care has been taken to minimize the amount and location of required retail storefront so as to not negatively impact the existing Downtown retail market.

Right: Primary Streets and Required Retail Storefronts Diagram



primary streets & storefronts

-  Primary Street
-  Required Retail Storefront
-  Existing Waterways
-  Study Area Boundaries



Proposed Amendment to 14-2G-3B-2d

Title 14 – Zoning Code

Article G. Riverfront Crossings and Eastside Mixed Use Districts Form Based Development Standards

14-2G-3: SUBDISTRICT STANDARDS:

B. Central Crossings And Orchard Subdistricts And Eastside Mixed Use District:

...

2. Uses: The principal uses allowed in the Central Crossings Subdistrict, Orchard Subdistrict and Eastside Mixed Use District are the same as allowed in the CB-5 Zone, as specified in section [14-2C-2](#), table 2C-1 of this chapter, except as noted below. Provisions and special exception approval criteria that apply in the CB-5 Zone also apply in these districts as set forth in [chapter 4, article B](#) of this title, except as noted below. In addition, the following restrictions and allowances shall apply:

- a. In the Orchard Subdistrict, commercial and industrial uses are not allowed, except in live-work townhouses, which may contain commercial uses allowed in the CB-5 Zone, provided the building is constructed to accommodate such uses and provided the use is not prohibited in the list below. Quick vehicle service uses are not allowed. (Ord. 17-4705, 5-16-2017)
- b. In the Central Crossings Subdistrict, quick vehicle servicing uses are not allowed on any frontage designated as primary street or Ralston Creek frontage, as specified in the Riverfront Crossings regulating plan. In the Eastside Mixed Use District, quick vehicle servicing uses are not allowed, except by special exception on property at the corner of Burlington and Van Buren Streets. (Ord. 16-4675, 9-20-2016; amd. Ord. 17-4705, 5-16-2017)
- 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 [title 17, chapter 5](#), "Housing Code", of this title. The maximum number of bedrooms per dwelling unit is three (3). 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 building types may not exceed twenty percent (20%). In the Eastside Mixed Use District and Orchard Subdistrict, the number of three-bedroom units for these building types may not exceed twenty percent (20%).

- d. Residential uses are not allowed within required retail storefronts, as specified in the riverfront crossings regulating plan, except in the Central Crossings subdistrict for housing subsidized by a federal or state program that requires at least 60 percent of the units to be rent and income restricted.
- e. Assisted group living uses shall be allowed within permitted building types as specified in section [14-2G-5](#) of this article. Residential occupancy is limited to one roomer per three hundred (300) square feet of floor area, not including floor area within a garage or structured parking area.
- f. Drinking establishments are not allowed.
- g. Animal related commercial, repair oriented retail, and alcohol sales oriented retail uses are not allowed in the Eastside Mixed Use District and Orchard Subdistrict.
- h. In the Eastside Mixed Use District and Orchard Subdistrict, commercial recreational uses, eating establishments, sales oriented retail, and personal service oriented retail uses shall not be open to the public between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M., except if located in a storefront with frontage on Van Buren Street or Burlington Street.

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**MINUTES
PLANNING AND ZONING COMMISSION
JULY 5, 2018 – 7:00 PM – FORMAL MEETING
EMMA J. HARVAT HALL, CITY HALL**

PRELIMINARY

MEMBERS PRESENT: Larry, Baker, Carolyn Dyer, Mike Hensch, Phoebe Martin, Max Parsons, Mark Signs, Billie Townsend

MEMBERS ABSENT:

STAFF PRESENT: Sara Hektoen, Bob Miklo

OTHERS PRESENT: Alex Carrillo, Andrew Bockenstedt, Joel Kline, Don Cochran, Shannon Patrick, Nate Byers

RECOMMENDATIONS TO CITY COUNCIL:

By a vote of 6-1 (Dyer dissenting) the Commission recommends approval of REZ18-00005/SUB18-0005, an application submitted by Bedrock LLC for a rezoning from ID-RM to OPD/RS-5 (5.8 acres) and OPD/RM-12 (12.23 acres) and a Preliminary Plat and Sensitive Areas Development Plan for Cherry Creek Subdivision, a 17-lot, 18.03-acre residential subdivision located east of Gilbert Street subject to 1) City Forester review and approval of the tree replacement and protection plan prior to final plat approval, 2) at the time of final plat approve the development agreement will specify that the roof drains and gutters for lots 5 - 16 will be required to drain toward the storm drains on Toby Circle, and 3) the applicant contracting with an archaeologist approved by the State to complete a study or excavation plan prior to any additional grading on the property.

CALL TO ORDER:

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

ELECTION OF OFFICERS:

Parsons nominated Hensch for Commission Chair, Dyer seconded the nomination, a vote was taken and the motion passed.

Hensch nominated Parsons for Vice Chair, Dyer seconded the nomination, a vote was taken and the motion passed.

Hensch nominated Signs for Secretary, Martin seconded the nomination, a vote was taken and the motion passed.

PUBLIC DISCUSSION OF ANY ITEM NOT ON THE AGENDA:

None.

REZONING/DEVELOPMENT ITEM (REZ18-00005/SUB18-00005):

Discussion of an application submitted by Bedrock, LLC for a rezoning of approximately 18.03 acres from Interim Development Multifamily Residential (ID-RM) zone to Planned Development Overlay/Low Density Single Family Residential (OPD/ RS-5) zone (5.8 acres) and Planned

Development Overlay/Low Density Multifamily Residential (OPD-12) zone (12.23 acres) and a preliminary plat of Cherry Creek Subdivision, a 17-lot, 18.03-acre residential subdivision with 93 multifamily dwellings, 2 duplex lots and 15 single family lots located east of South Gilbert Street & west of Sandusky Drive.

Miklo noted this item was deferred from the May 17 meeting, since that time the applicant has submitted a revised plan and the most significant change in the plan is former lot 17 is no longer proposed to be rezoned to Low Density Multifamily but rather to be rezoned to Low Density Single Family, the same as the adjacent lots south of the proposed Cherry Avenue. Miklo stated the previous plan had included 10 multifamily units in the form of two sets of townhouses, the new proposal is to create two lots which will be suitable for either single family or corner lot duplexes, either which is allowed by the proposed RS-5 zone, and two single family lots. As a result all of the properties that will have access to Toby Circle will be single family or the possibility of two duplexes on the corner lots.

Miklo highlighted other changes to the plan, one is the density of the proposal has decreased from 7.5 units per acre to 7.18 units per acre and both of those densities are within the Comprehensive Plan recommendation of 2 to 8 dwelling units per acre. Another concern that was raised by the Commission at the May 17 meeting was with the two-36 unit apartment buildings therefore the applicant has revised the plan to pull back the parking and fire access drive from the south property line and therefore creating more greenspace in that area. The building itself has not changed. In the expanded greenspace area the applicant proposes playground area and dining areas with a concrete patio, fixed in place grills, picnic tables and a pergola added. A similar feature has been added to the north building as well, and even with the addition of the playground area there is still a tree buffer between the area and Gilbert Street. Miklo added the landscape plan has also been amended with additional trees added to the southern part of the single family lots and additional trees added to the retaining walls on the south side. Also with the revised plan the retaining walls stair-step and there are two levels rather than one tall retaining wall. Miklo noted street trees have also been added between the sidewalk and the curb as well as the trees on the private property. Miklo noted this is a change in City policy, in the past the City has avoided putting trees in areas where there might be water lines or other easements but it is rare those lines break and need to be repaired so trees are now being allowed.

Traffic and traffic calming questions were raised at the last meeting, one specific concern was regarding the length of the alley, the City transportation planners looked at the plans and they felt the design of the alley is such that it will not need traffic calming. There will be a retaining wall and a dense row of trees along the north side and having trees or landscaping along a roadway tend to slow traffic down, additionally the alley is broken into two segments serving a relatively small number of units (14 units served in one section and 7 in the other section) and there is a curve in the alley with three points of entry. Miklo noted the applicant has agreed if there are issues in the future they would be open to installing some traffic calming devices.

The driveway access to Cherry Avenue was also a concern with the question of if it had sufficient sight distance, again the transportation planners reviewed this and confirmed there is sufficient sight distance. Another question was regarding the landscape islands that are designed into Cherry Avenue to calm or slow down traffic and if a third island would be necessary and again the transportation planner felt it isn't really necessary and the islands are spaced according to City guidelines.

Miklo commented on the sidewalk along Gilbert Street and the question of whether it should be widened to 8 feet, there currently is a 4 foot sidewalk in the area and upon inspection for the most part is in good condition, any part not in good condition would need to be repaired before occupancy. There is an 8 foot sidewalk and trail system on the other side of Gilbert Street and the City standard is to generally have 8 foot sidewalks on one side of the street and a 5 foot sidewalk on the other side, in this case the 4 foot sidewalk is nonconforming and it is staff's view that the expense of removing and replacing that sidewalk is not worth it and do not recommend it. Staff is looking at introducing a street crossing with a curb cut or curb ramp to make it easier to cross Gilbert Street.

Regarding stormwater management the City Engineer has indicated they will require that all the gutters, roof drains and driveways for the single family lots be directed to Toby Circle, where the street will have inter-storm drains that should help minimize any runoff to adjacent properties to the south. There is also a conservation easement along the south property line for preservation of some existing trees as well as new trees that will be planted. Therefore there will be minimal pavement in that area and therefore the City Engineer has approved the preliminary stormwater plans and feels it will actually be an improvement over the current conditions on the site.

There were questions raised about the archeological study of the area, the applicant had contracted with a private archeologist who has reviewed the site and determined because of grading that happened back in the 1990's when the adjacent subdivision was built, apparently there was fill from some of the basements dumped on this site and also soils borrowed from this site to supplement Pepperwood Addition, and that work was all done before the City has a sensitive areas ordinance. Because of that disturbance they found no evidence of archeological sites but there are some areas where they would like to do further studies as the fill material that was placed there in the 1990's is removed, so the applicant has agreed to have an archeological monitor present on the site when further development occurs and that is something the City can specify in the conditional zoning agreement.

Miklo next showed images of the buildings that are proposed. There are three different models of the townhomes so there will be a variety of building types along Cherry Avenue. The garage entrances onto Cherry Avenue will require a minor modification which can later be approved by staff. The reason is due to the topography it does not lend itself to an entrance from the side.

Staff recommends approval of REZ18-00005/SUB18-0005, an application submitted by Bedrock LLC for a rezoning from ID-RM to OPD/RS-5 (5.8 acres) and OPD/RM-12 (12.23 acres) and a Preliminary Plat and Sensitive Areas Development Plan for Cherry Creek Subdivision, a 17-lot, 18.03-acre residential subdivision located east of Gilbert Street subject to 1) City Forester review and approval of the tree replacement and protection plan prior to final plat approval, 2) at the time of final plat approve the development agreement will specify that the roof drains and gutters for lots 5 - 16 will be required to drain toward the storm drains on Toby Circle, and 3) the applicant contracting with an archaeologist approved by the State to complete a study or excavation plan prior to any additional grading on the property.

Hensch asked about the sidewalk on the east side of South Gilbert Street and that it does not extend all the way south so how will the people from this new subdivision get across the street to the walking trail. Miklo noted that City transportation planners are investigating a possible crossing. Miklo added that sidewalks on the east side will eventually be extended to McCollister Boulevard as the McCollister Farms property is developed.

Hensch shared his concern about the language of having an archaeologist monitor on site and if it was specific enough to note that means if anything is uncovered all work on the site should stop until future investigations. Miklo said that could be clarified when the conditional zoning agreement is drafted. If a burial ground is uncovered there are State Codes that will be enforced.

Parsons asked what the square footage was for the open space now on lots 1 and 2. Miklo noted the applicant could address that question. He did add that there would be a payment in lieu of open space that would be used to support Wetherby Park or Sand Hill Park.

Hensch opened the public hearing.

Alex Carrillo (373 Windmill Place) works for Bedrock LLC as the project coordinator for the proposed Cherry Creek Subdivision. He began by thanking Staff and Miklo for all the guidance and support they provided in completing the revisions for the development project. Bedrock LLC is very excited about the plan that is before the Commission this evening. Carrillo noted his appreciation for the Commission and the neighboring community members for their feedback at that last meeting and stated since that time they have collaborated with the City, MMS and the architects (Fusion) to try to address some of the feedback that was brought up. To highlight some of the primary comments, first was density, also the size of the Lot 1 apartment building, the usable open space, and traffic and tree buffers. Miklo addressed in his staff report a bit but Carrillo had prepared a presentation to address the concerns as well.

With regards to density, even though the Comprehensive Plan suggests 2 to 8 dwelling units per acre they felt they could reduce some of the units and create a better buffer from townhomes to single family homes. In an effort to maximize the open space they utilized their grading plan and were efficient as possible with the space, moving the retaining walls and creating more open space. They also reduced the parking spaces as they had more than was required, so that created more open space. They are now adding a playground, a pergola picnic area, and are reducing the height of the retaining wall. In this restructure every dwelling will have green space, the single family homes will have yards, the townhomes will have screen porches overlooking the woodland areas and the apartment buildings will have the open playground/picnic areas.

Martin asked how many bedrooms would be in the two apartment building units. Carrillo said they will be one and two bedroom units.

Carrillo continued with addressing the concern about the Lot 1 apartment building and if it was too close to the property line. They have complied with the height requirements, the setback requirements, and they felt it was appropriate, especially given the topography of the land. He presented some 3-D renderings so everyone could better see the plan. The digital profile is set to the grading plan. The buildings are set into the hills and therefore will not tower over the rest of the development. They also updated the coloring scheme to be less bland and add character to the buildings. Carrillo next showed pictures of the property in its current state and noted the tree buffers that will remain as well as where new trees will be planted.

Signs asked about the two large retaining walls on the southern part of the property. Carrillo said they have revised the plan to terrace those retaining walls and add plantings to create the best aesthetic possible. They will be using the Rosetta's Outcropping product, which will provide a beautiful aesthetic with a natural look.

Carrillo stated the pergola and picnic tables would be made of timber which would add to the aesthetic of the property. Hensch asked how many tables and pergolas would be on the property. Carrillo said they are showing three tables on the plans, but could add more as there is space available.

Dyer asked what the components of the play structure will be. Carrillo said it will have a couple slides and some monkey bars. Dyer noted there should be some benches added for parents or caregivers to sit and watch children play.

Hensch noted that since both buildings are the same size, they should both have the same number of picnic tables and outdoor spaces.

Martin questioned having 1 and 2 bedroom units in the apartment buildings and then also saying there would be play structures and open space for children. Carrillo said many young couples with one child will live in a 2 bedroom unit.

Dyer asked if there was room on the ravine side for benches to be placed overlooking the ravine. Carrillo didn't think there would be room for that because of the sensitive areas but they could add benches to the areas by the parking lots.

Hensch asked what exterior building materials they propose to use on the three, four and five-plex buildings. Carrillo said they would use cement board, not vinyl as indicated on some of the plans. There would also be stone and shingle shakes used.

Hensch stated a concern from neighbor comments regarding the 36-plex and the distance from the southern lot line. It also is an 80 foot building so that is massive along a property line. Carrillo acknowledged that was a concern and why he showed the 3-D images and how the tree line will block the sight lines. He added the first residence to the south is over 300 feet away.

Martin asked what type of trees they are planting along the southern property line. Carrillo said he is unsure of the species of trees planned, however they have met with the City Forester and is using his recommended species.

Andrew Bockenstedt (3116 Lyle Drive NE) is also with the Bedrock LLC, he wanted to reiterate that they are more than willing to work with the City to install the curb ramps and crosswalk for access to the trail on the other side of Gilbert Street.

Hensch noted his concern about having a crossing across Gilbert Street, it is a very busy street. Bockenstedt agrees and likes the idea of running the sidewalk on the east side further south but there is a steep slope along there and a retaining wall would need to be added.

Miklo added that South Gilbert Street is being considered for a "road diet" which would reduce it from four lanes to three, slowing traffic and making it easier for pedestrians to cross.

Martin asked where the closest bus stop to this development would be. Miklo is unsure, Hensch knows there is one at the corner of South Gilbert and Southgate Streets and knows there is not one on Sandusky.

Hensch asked about the landscaping plan noting that typically the plans label each type of tree that is to be located in each area. This proposed plan does not indicate what types of tree and Hensch

is concerned because of the early harvesting of the trees on this property they need to make sure they get quality trees introduced back into the area. Bockenstedt said he is open to having the landscape architect update the plan to show the types of trees. Miklo said they are recommending that the City Forester approve the landscaping plan before final plat approval.

Joel Kline (2460 South Gilbert Street) owns the McCollister Historic Farm House to the south of the applicant's property. He wishes to point out again he has taken on this National Historic Registry house in good faith and made a strong effort to restore it. Currently they have artisan brick workers using historic mortar doing repairs on the house. They built the garage in discussion with the City and architects to keep it with the historic feel as well. Kline stated to put the largest and tallest building south of Highway 6 just 23 feet from the property line of an historic property doesn't seem to be keeping with maintaining the character of the National Historic Landmark. Kline said he raised a number of concerns at the May meeting and feels none of them have been addressed. The trees they are showing to the south side of their property are actually trees on Kline's property so he is responsible for the buffer. Those trees on his property are deciduous trees and will not provide much visual protection during five months of the year when the tree leaves are shed. Kline had asked for a consideration of a large berm being constructed along the south border to provide a visual and personnel barrier as well as an 8 foot fence on the south side of the berm. That request has not been addressed at all. Kline also noted the berm would be useful in water management since removal of the mature trees is likely to disturb the water flow in an adverse way to his property. Kline believes development is important, affordable housing is important, but he is not sure the spirit of this zoning is to require a 36-plex, the greatest density of people outside of the downtown area. He would suggest it be a two story building rather than three, but realizes that reduces the revenue of the property. Kline added something like this cannot be undone, it will significantly change the character of the land in this part of the area, this area was originally the Napoleon Trading Post, Napoleon Park named after that, and Kline's home was the major homestead in that area. Once you start building up around it, it cannot be undone, and he urges the Commission to seriously consider the ramifications and long term effect on the neighborhood and residents.

Don Cochran (2530 South Gilbert Street) lives on the other parcel that is just south of the proposed development. He also spoke at the May 17 meeting to voice concerns, some of which have been captured, some he wants to address again. Runoff is a concern and it appears the City has signed off on the stormwater plan and Cochran should not get more excess water on his property (he is now, with the rain recently they had flooding with the removal of the trees). He noted the safety regarding crossing Gilbert Street has been addressed, it is a major concern, kids especially are going to want to cross the street to get to the park area. Another area where the kids would want to explore is the woodland area of his property, there used to be a cattle fence in the woodland but Cochran pulled out that fence on his property because trees were entwined, so he feels another fence needs to be built to show the property lines. Cochran pointed out in photos his property line the tree buffer the applicant is discussing and wants to make sure any landscaping they are capturing is not part of his or Kline's property, but is truly new landscaping that is being built there. Cochran also stated that property value was a concern of his as this area was a woodland area before, he can appreciate that it is going to develop but he didn't think it would be the biggest building south of Highway 6. He pointed out in pictures that there was once berms along the property line, not just woodlands, but that has now been leveled out and he feels a berm should be considered. With looking at the 3-D rendering of the large apartment building, Cochran questions the elevation of the parking lot, in the original drawings he thought it was the same elevation as Sandusky, even if it is a bit lower it will up high and the retaining walls don't seem as high. The

final concern Cochran raised at the previous meeting was density, and that again has been addressed this evening, he appreciates the reduction of townhouses but the density was 7.5 out of 2 to 8 before and now is 7.18 out of 2 to 8 and while that is a reduction, it is still a higher density than one would expect in that location. There are two lots facing the development to the south, one to the north, and seven lots facing it from the side and to get this large of a density in that one small area seems excessive.

Shannon Patrick (652 Sandusky Drive) also spoke at the May 17 meeting and said why he thought when this proposal got to City Council it would not go anywhere, the short reasons were the school zone conflict, fit with the neighborhood, and lack of trust in good faith. First, with the fit for the character of the neighborhood, it has been talked about to some degree and Patrick also appreciates the developer taking out the 10 multi-units to put in single family, he feels it will help on the transition, but his concern at this point is the 36 unit blocks, which at the end of the last meeting from the Commissioner's comments he felt it was agreed that those 36 unit buildings were not a good fit for the neighborhood. He maintains this will be a lot of people to add into a residential neighborhood, it is a very dense block of housing, and not in character with the single family neighborhood it is going into. With regards to the school zone conflict, this development will fall into the Twain district and Iowa City seems to like to dump all of its dense housing into the same school district which has been giving the school board a headache for years, parents will remember meeting after meeting about how to get better diversity in housing for the district and it is difficult because all of the dense housing is built in the same area. Therefore Patrick would encourage the Commission to look like they are working with other parts of the government in the plan and not build 72 more units in the form of an apartment building in the Twain neighborhood. With regards to the trust issue, Patrick agrees that good faith effort has been made to get the neighbors aware of the meetings, but he noted that some neighbors said the Good Neighbor Meeting was presented as a done deal and not as an opportunity to give feedback. He noted that an issue from the last meeting was the clearing out of the trees, the developer stated this was done before the permit but was okay because he thought it was scrub land, Patrick finds it perplexing how the developer says he thought it was scrub land, but yet sold off dozens of trees. One does not sell off truckloads of trees and call it scrub land. Patrick also notes that when looking at an old map it looks like the area was intended for some large house lots. He added this meeting is the day after a holiday, and be presented to a new board, makes him feel like perhaps there is some shady work happening and encourages the Commission to make sure to scrutinize the plans and make sure everything is ticked off nicely. The last issue Patrick is to comment on is the crossing on Gilbert Street, it will be an issue, and he thinks of the 72 units, with nationally means 2.5 people per unit so 250 people in those buildings, and the nearest playground is across Gilbert Street at the softball fields. He feels there needs to be more than just curb ramps, there needs to be lightening and other safety alerts. To reiterate Patrick stated this development is not a good fit, to have that large of buildings in this space.

Nate Byers (2423 North Ridge Drive, Coralville) works with MMS Consultants, the civil engineer firm for this project, with regards to the questions on the retaining wall height at the outermost corner the wall is 25 feet above the building elevation so only 12 feet of the building will be seen over the wall. The roof line of the 36-plex is no higher than the rooflines of the single family homes looking at the development from the high point on Cherry Avenue. The 36-plex is sunk into the hill quite a bit. With regards to the tree lines to the south, there will be two rows of plantings long the whole south side and there was a discussion of putting a berm back there but the City Engineer actually recommended against it and rather to take all the roof drainage to the north and not worry about the rear yards.

Hensch is concerned about the elevation of the building on lot 1 and to address the neighbor's concerns it looks like the high elevation on the property is 700 feet and it drops down to 680 at the corner of the building. It is unfortunate they don't have an elevation drawing from that point to clarify and solve the concerns. Byers explained the elevations and also noted there are some tree types explained on the landscape plan and that they have worked with the City Forester regarding that.

Martin asked about the retaining wall. On the side facing the apartment building it is a tiered wall, is the other side just a gigantic solid wall. Byers said the wall is cut into the land there so it will not just be a gigantic solid wall from that view.

Baker asked for clarification on the concept of density, the two 36-unit buildings are one and two bedroom units, is there a breakdown of how many are one versus two. Byers stated he believed there are 12 one bedroom and 24 two bedroom units in each building. Baker noted that compared to most of the apartment structures in Iowa City that is a smaller density and therefore the look of the building might be deceiving with regards to the population of the building.

Miklo clarified that a two bedroom dwelling is calculated the same as a one bedroom in the sense of calculating the density.

Hensch closed the public hearing.

Parsons moved for the approval of REZ18-00005/SUB18-0005, an application submitted by Bedrock LLC for a rezoning from ID-RM to OPD/RS-5 (5.8 acres) and OPD/RM-12 (12.23 acres) and a Preliminary Plat and Sensitive Areas Development Plan for Cherry Creek Subdivision, a 17-lot, 18.03-acre residential subdivision located east of Gilbert Street subject to 1) City Forester review and approval of the tree replacement and protection plan prior to final plat approval, 2) at the time of final plat approve the development agreement will specify that the roof drains and gutters for lots 5 - 16 will be required to drain toward the storm drains on Toby Circle, and 3) the applicant contracting with an archaeologist approved by the State to complete a study or excavation plan prior to any additional grading on the property.

Signs seconded the motion.

Hensch acknowledged the neighbors to the south have a valid point on how this plot of land will change for them, however the applicant seems open to addressing the landscape plan to the south, even adding a berm.

Signs noted there may not be room for a berm, and Hensch agreed a berm may not be the answer.

Hensch also noted he was surprised the revised plan did not show any reduction in the size or mass of the two 36-unit buildings but since the applicant did decrease the density in the Toby Circle area that was a plus and overall he believes the applicant addressed everything else the Commission raised.

Dyer is concerned that the 36-unit building is only 23 feet from the property line which is the same distance that is allowed in a single family neighborhood, it seems too close for such a big building regardless of how much of the building can be seen.

Townsend agreed with the concerns regarding the crossing at Gilbert Street and increased number

of people on these properties, some which will be children. Miklo stated that traffic and safety is always a concern the Commission needs to review, as noted the City does have plans to narrow Gilbert Street from four lanes to three,

Signs feels that if they do narrow Gilbert Street, having the crossing at Cherry Avenue will line up with the trail on the west side of the street, perhaps a pedestrian island can be added as a possible solution. Miklo said the traffic engineers would have to do a study to see if that would be appropriate.

Hensch suggests adding a condition that the applicant is responsible for the costs of implementing whatever solution the City comes up with to get people across Gilbert Street.

Dyer also noted it isn't just pedestrians, there will be bicyclists needing to get over to the trail along the river.

Martin noted that recently the Commission just reviewed a large number of properties the Historic Society wished to designate as historical and here we are neighboring an already existing historical property and she echoes Dyer's concern of the 23 feet, it seems like to have such a big building so close to a property line infringes on a historical property. She added Gilbert Street is another entrance to Iowa City and it is the Commission's responsibility to be thoughtful about it and have a good transition. She understands looking at two 36-plex buildings, townhomes and single family there is transition within the plat, but it is important to look at what is surrounding that plat. She is struggling with the large scale of buildings so close to a historic property.

Baker asked if the concern is at all mitigate by the fact that the historic property building itself is 300 feet away. Martin said it is more that such a big building is so close to a property line. Baker questions if the Commission is comfortable overall with the plan except for the immediate impact on a couple of surrounding properties and whether buffering becomes the issue that resolves their problems. He is not concerned about the density, nor does the size of the building, but understands the concern regarding the proximity to the neighbors. He wonders if there is something they could ask of the developer to mitigate the visual impact.

Martin agrees and admits she doesn't have a good enough visual of what the sight line from Gilbert Street will be. The photos and renderings being shown are from within the development not from the Gilbert Street view.

Parsons said there will be trees plus a 20 foot high retaining wall, what else can be added. Miklo thinks adding anything else would be difficult. Parson added the developer is using the topography to their advantage to minimize the view.

Signs agrees and feels with the topography the neighbor to the south may not actually see anything, especially if evergreens are planted on top of the retaining wall, it will block any view of the building from the south. He is not concerned with the distance of the building to the property line but understands others are and can empathize. He is appreciative to see his concerns regarding the visual impact from Gilbert Street addressed from the last meeting.

Hensch suggested adding two conditions, one regarding the applicant covering the costs to improve the crossing across Gilbert Street, and the other one to enhance the landscaping plan to the south border to increase the trees or brush plantings to create a better separation. Miklo noted

in terms of additional landscaping, it is already pretty full up if trees are planted too close together it will not be a healthy environment.

Parsons asked how long a traffic study would take to determine if and where a cross walk is appropriate. Miklo is unsure, he just knew they were not able to complete the study before tonight's meeting.

Miklo added that staff did discuss with the applicant the possibility of making the building shorter or showing an image from the south. The Commission does have the option to defer this item until the traffic study is done.

Hektoen is concerned about the open-natured aspect of the condition placed regarding the sidewalk crossing because it could be very expensive or not, the information is not available at this time.

Baker feels if Cherry Street is opened, this development will not create the demand for crossing Gilbert Street so he is reluctant to say this developer should pay for the work to provide that crossing when everything east of the development will be using that access as well. He doesn't think that should hold up this decision.

Signs noted another concern of the neighbors to the south was people coming onto their properties and he agrees there is potentially some issue there so wonders if the Commission wants to add a requirement that the developer install a fence along the south wall.

Hensch feels that is perpetual problem for any development and he is not sure that is a precedent they want to set. If a homeowner doesn't want people on their property isn't it incumbent for them to put up the fence.

A vote was taken and the motion passed 6-1 (Dyer dissenting).

CONSIDERATION OF MEETING MINUTES: JUNE 21, 2018

Parsons moved to approve the meeting minutes of June 21, 2018.

Signs seconded the motion.

A vote was taken and the motion passed 7-0.

PLANNING AND ZONING INFORMATION:

None.

Hensch announced he will be on vacation at the end of July.

Martin will also be gone but can phone in for the next meeting.

Baker raised a question at the joint meeting with the Commission and the Council earlier in the week regarding the height bonuses on buildings and how they are determined for the Capitol Street project. It appears to him the Mayor has created a list of guidelines, if the Council acts on that and accepts those guidelines for that project, do those become the guidelines the Commission uses as well. Miklo said if they become part of the conditional zoning agreement they will. Hektoen stated the Commission's review of the rezoning on that project is already completed, if the developer wants density bonuses it will come back to the Commission to review against the Conditional Zoning Agreement. Nothing will be known until Council moves on their decision.

Townsend asked if all projects have affordable housing built into them. Miklo replied that in Riverfront Crossings there is a requirement that 10% of the units be affordable for a period of 10 years, it is just for that part of the City. The other area that is required to include affordable housing is with annexations into the City.

Baker asked if there is a condition placed on an approval for landscaping by the City Forester, is the Commission ever able to review the final proposal. Miklo noted it is unlikely the Commission would be involved again and the condition is placed so that the Commission is relying on the expertise of the Forester.

Adjournment:

Martin moved to adjourn.

Parsons seconded.

A vote was taken and the motion passed 7-0.

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

	12/7	12/21	1/4	1/18	2/15	3/1	(W.S) 3/12	3/15	(W.S.) 4/2	4/5	(W.S) 4/16	4/19	5/3	5/17	6/7	6/21	7/5
90980-	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	X
DYER, CAROLYN	X	X	X	X	X	X	X	O/E	X	O/E	X	X	X	X	X	O/E	X
FREERKS, ANN	O/E	X	X	O/E	X	X	X	X	X	X	X	X	O/E	X	X	X	'-- --
HENSCH, MIKE	X	X	X	X	X	X	O/E	O/E	X	X	X	X	X	X	X	X	X
MARTIN, PHOEBE	X	O/E	O/E	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X
PARSONS, MAX	X	X	X	X	O/E	X	X	X	X	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	O/E	X	O/E	X	X	X	X	X	X	X	X	X	X	O/E	'-- --
TOWNSEND, BILLIE	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	X

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