

# Iowa City Planning & Zoning Commission

Formal Meeting  
Thursday, October 18, 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, October 18, 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. Rezoning Item:

Discussion of an application submitted by IC Housing Group, LLC for the rezoning of approximately 4.34 acres of property located at 4643 Herbert Hoover Highway SE from Interim Development Multi-Family Residential Zone (ID-RM) to Low Density Multi-Family Residential Zone (RM-12) for approximately 2.55 acres and Medium Density Multi-Family Residential Zone (RM-20) for approximately 1.79 acres. (REZ18-00020)

## 5. Fringe Area Rezoning Item:

Discussion of an application submitted by Claude and Adam Greiner for a rezoning from County Agriculture (A) to County Single Family Residential (R) for approximately 11.34 acres of property located south of American Legion Road and west of Wapsie Avenue SE. (CZ18-00002)

## 6. Zoning Code Amendment Item:

Discussion of Amendments to Title 14, Zoning of the Iowa City Code related to transfer of development rights for historic properties. (ZCA18-00003)

## 7. Consideration of Meeting Minutes: September 20, 2018

## 8. Planning & Zoning Information

## 9. Adjournment

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

**Upcoming Planning & Zoning Commission Meetings**

Formal: November 1 / November 15 / December 6

Informal: Scheduled as needed.

## STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Jesi Lile, Associate Planner & Anne Russett, Senior Planner

Item: REZ18-00020

Date: October 18, 2018

### GENERAL INFORMATION:

Applicant:

IC Housing Group, LLC  
366 South 10<sup>th</sup> Avenue, Waite Park, MN, 56387  
(320)-202-3100  
mscarr@sandcompanies.com

Contact:

IC Housing Group, LLC  
366 South 10<sup>th</sup> Avenue, Waite Park, MN, 56387  
(320)-202-3100  
mscarr@sandcompanies.com

Requested Action:

Rezoning from Interim Development – Multi-Family Residential (ID-RM) to Medium Density Multi-Family Residential (RM-20) and Low Density Multi-Family Residential Zone (RM-12)

Purpose:

To allow the development of a 36-unit affordable housing community and a multi-family or senior housing community.

Location:

4643 Herbert Hoover Highway SE

Location Map:



Size:	Total site: 7.90 acres Rezoning to RM-12: 2.55 acres Rezoning to RM-20: 1.79 acres Remainder of site to remain Interim Development-Single Family Residential (ID-RS) zone.
Existing Land Use and Zoning:	Single-family home, Interim Development – Single Family Residential (ID-RS) and Interim Development – Multi-Family Residential (ID-RM)
Surrounding Land Use and Zoning:	North: Residential (County-R) South: Multi-Family Residential (County-RMF); Residential (County-R); Commercial (County-C) East: Residential (County-R) West: Community Commercial (CC2); Commercial Office (CO1); Mixed Use (MU)
Comprehensive Plan:	Residential, 2-3 dwelling units per acre
District Plan:	Northeast District Plan; Open Space
Neighborhood Open Space District:	Lower West Branch (NE3)
Public Meeting Notification:	Property owners located within 300 feet of the project site received notification of the Planning and Zoning Commission public meeting
File Date:	September 13, 2018
45 Day Limitation Period:	October 23, 2018

**BACKGROUND INFORMATION:**

The applicant, IC Housing Group, LLC, has requested a rezoning from Interim Development – Multi-Family Residential (ID-RM) to Medium Density Multi-Family Residential Zone (RM-20) and Low Density Multi-Family Residential Zone (RM-12). The total project site, located at 4643 Herbert Hoover Highway is south of Herbert Hoover Highway and east of Scott Boulevard, is 7.90 acres. The applicant has requested rezoning approximately 2.35 acres to RM-12, 1.86 acres to RM-20. The remainder of the site will remain Interim Development-Single Family Residential (ID-RS).

The City annexed the property in 2017 and it is currently undeveloped. At the time of annexation, the property was rezoned to Interim Single-Family Development (ID-RS) and Interim Multi-Family Development (ID-RM) with no conditions attached. To the west of the annexed property is the Olde Town Village commercial and mixed-use area.

The applicant has used the “Good Neighbor Policy”, and a Good Neighbor Meeting took

place on September 25, 2018 at Helen Lemme Elementary School. One neighboring resident attended the meeting and expressed concerns related to construction site runoff and stormwater management. They also expressed concerns related to the proposed public street.

### ANALYSIS:

**Current Zoning:** The property is currently zoned Interim Development – Single Family Residential (ID-RS) and Interim Development – Multi-Family Residential (ID-RM). The Interim Development zoning designation applies to undeveloped properties without access to City services. Interim Development Zones provide for areas of managed growth in which agricultural and other nonurban uses of land may continue until the city is able to provide services and urban development can occur. Based on conversations with Public Works staff, rezoning can occur at this time due to the proximity to current City water and sanitary sewer, which the developer will be able to access. Public Works staff has requested water pressure testing to ensure adequate water pressure is available to the site.

**Proposed Zoning:** The applicant has proposed a three part project with the rezoning for Phases A & B taking place now, and C sometime in the future. For Phase A, the applicant has proposed rezoning approximately 2.55 acres in the northwest of the parcel to Low Density Multi-Family Residential (RM-12). The RM-12 zone district allows for both single-family and multi-family housing. A maximum of 37 units would be allowed on the 2.55 acres. For this section of the project, the applicant has proposed an affordable, family apartment building on this site. The applicant has secured tax credits from the Iowa Finance Authority for the project.

For Phase B, the applicant has also proposed rezoning approximately 1.79 acres in the northeast of the parcel to Medium Density Multi-Family Residential (RM-20). The RM-20 zone district allows for both single-family and multi-family housing, and the maximum density allowed in this zoning district is 24 units per acre. The applicant is considering either a multi-family housing community of around 45 units or a senior housing community of around 52 units. A maximum of 45 units would be allowed on this 1.79 acre area, however, if the applicant pursues the senior housing community the applicant can apply for a 25% density bonus for elder apartment housing, which would bring the maximum allowable dwelling units to 56.

In the future, the applicant wishes to rezone the southern portion of this property for Phase C, but for now has requested to keep this portion of the site as Interim Development-Single Family (ID-RS).

**Compliance with Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan has designated this area for residential development at a density of 2-8 dwelling units per acre. The maximum number of dwelling units allowed by the Comprehensive Plan for the 4.34 acre site being rezoned is 34 dwelling units. The rezoning requested would exceed the dwelling units called for in the comprehensive plan; however, the comprehensive plan also calls for development on smaller lots to conserve land and allow for more affordable housing, as well as providing a mix of housing types to provide options for households of all types and income levels. Additionally, the Northeast District Plan encourages housing diversity and a mixture of single family residential along with townhomes and small apartment buildings. The Northeast District Plan lays out how this should be done by



locating townhouses and apartment buildings adjacent to neighborhood commercial areas and at intersections of arterial and collector streets.

City staff finds the proposed rezoning is consistent with the Comprehensive and District Plans due to the location of the project near the Olde Town Village commercial areas and along the Herbert Hoover Highway arterial, therefore a mixture of housing types, including multi-family, is appropriate. Additionally, the development of a variety of housing types as proposed addresses the goal of creating housing for a mix of household types and income levels.

**Compatibility with Neighborhood:** The project site is located on a site annexed in 2017 just south of Herbert Hoover Highway. The areas to the north, east, and south are not within Iowa City boundaries, and are currently undeveloped and agricultural, though they are zoned residential. The area to the west is a neighborhood commercial area with attached and detached multi-family housing to the south of the commercial area. To the southwest of the project site is commercial office.

City staff finds that the proposed rezoning is compatible with the neighborhood. The proposed rezoning places the RM-12 zone district to the northwestern area of the project site, which will place an apartment building next to the neighborhood commercial area, and south of the Herbert Hoover Highway arterial. The proposed rezoning also places the RM-20 zone south of the Herbert Hoover Highway arterial, and east of the RM-12 zone. This focuses the higher density housing along the arterial and next to neighborhood commercial.

The applicant has provided a concept plan and elevation for the design of the two multi-unit buildings. The proposed multi-family communities are subject to the multi-family site development standards outlined in the zoning code. The purpose of these standards is to promote safe, attractive, and pedestrian-friendly neighborhoods. The standards address multiple design elements, such as screening, landscaping, building placement, and building articulation. Staff will review the project against these standards at the site plan review stage.

**Traffic Implications, Access, and Street Design:** The Northeast District Plan discusses the importance of an interconnected transportation system. Therefore, this site will be accessed via Herbert Hoover Highway by a proposed north/south road to be constructed by the developer. The proposed north/south road will eventually end at the southern property line allowing for an extension should the parcel to the south redevelop. The maintenance of the north/south road will be the property owner's responsibility until the completion of Phase B. Once completed, the road will be dedicated to the City, and at that time, the City will take over maintenance. Staff recommends adding a condition requiring the provision of the north/south street, built to City standards, to be platted and dedicated to the City as a public improvement in accordance with a subdivider's agreement, in a form acceptable to the City Attorney. Staff has also received a concept plan that shows the general layout of the buildings and the north/south road. Staff recommends adding a condition requiring general conformance with the concept plan in terms of the layout of the roadway.

Herbert Hoover Highway is the arterial street connecting the property to the rest of Iowa City. Per the Iowa DOT, the current average daily traffic on Herbert Hoover Highway is 4,650 and the theoretical capacity of this arterial is approximately 15,200. Therefore, the roadway

can accommodate traffic associated with the proposed rezoning.

Herbert Hoover Highway is currently not built to City standards because there is no curb, gutter or storm sewer. The Subdivision Code gives the City the discretion to approve development on roads that do not meet City standards, provided the developer contributes to the cost of improvement. For arterial streets, the fee is 12.5% of the cost for street improvement, based on the City Engineer's estimate.

The RM-12 and RM-20 zone districts require a 40-foot building setback from arterials. Due to the number of dwelling units allowed in the proposed multi-family zone districts, staff recommends adding a condition requiring a detailed landscaping plan at the time of platting to ensure landscaping along Herbert Hoover Highway provides a noise and wind buffer from the arterial. Staff suggests working with the City Arborist to identify appropriate species for buffering and an appropriate tree density.

Currently, there is an 8-foot sidewalk built on the south side of Herbert Hoover Highway. This also acts as a sidepath for bicycles. The subdivision ordinance requires sidewalks on both sides of public and private streets, so additional sidewalks will be required at the time of platting along the proposed north/south street.

The proposed development is closest to the Eastside Express bus line, with a bus stop approximately half a mile away. Slightly further are the Eastside Loop and Rochester lines.

**Neighborhood Parkland or Fees in Lieu of:** The Northeast District Plan calls for increasing neighborhood opportunities for accessing open space by incorporating pocket parks as well as smaller public or private open space areas. Per the open space dedication requirement formula, the developers must account for approximately 0.28 acres of public open space or pay a fee in-lieu.

**Infrastructure Fees:** For this 4.34 acre area being rezoned, there is a requirement of \$435 per acre for water infrastructure. There is another infrastructure fee of \$1,038.26 per acre that covers the cost of tapping into the City's sanitary sewer system.

#### SUMMARY:

Based on the analysis, staff finds that the proposed rezoning with certain conditions attached fits with both the Comprehensive Plan and the Northeast District Plan, especially when considering the affordable and mixed-type of housing proposed. The proposed rezoning would allow for multi-family as well as single family housing at various densities.

#### STAFF RECOMMENDATION:

Staff recommends the approval of REZ18-00020, an application submitted by IC Housing, LLC, for a rezoning from ID-RM to RM-20 for approximately 1.79 acres and RM-12 for approximately 2.55 acres on approximately 4.34 acres of property located south of Herbert Hoover Highway and east of Scott Blvd subject to City Council approval of the following conditions:

- 1) A north/south street shall be built to City standards and dedicated to the City as a public improvement in accordance with a subdivider's agreement, in a form


acceptable to the City Attorney.

- 2) A detailed landscaping plan to be approved by the City Arborist to ensure a landscaped area that buffers noise and wind from the proposed housing communities at the time of platting.
- 3) No building permit shall be issued for the subject property until the City Council approves a final plat that conforms to the proposed zoning boundaries and generally conforms with the street layout on the concept plan.

ATTACHMENTS:

1. Location Map with Current Zoning
2. Zoning Exhibit-Proposed Zoning
3. Concept Plan
4. Concept Elevation
5. Summary of Good Neighborhood Meeting & Sign-in Sheet
6. Letter from neighboring property owner

Approved by:

A handwritten signature in black ink, appearing to read "D. Sitzman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

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Danielle Sitzman, AICP, Development Services Coordinator





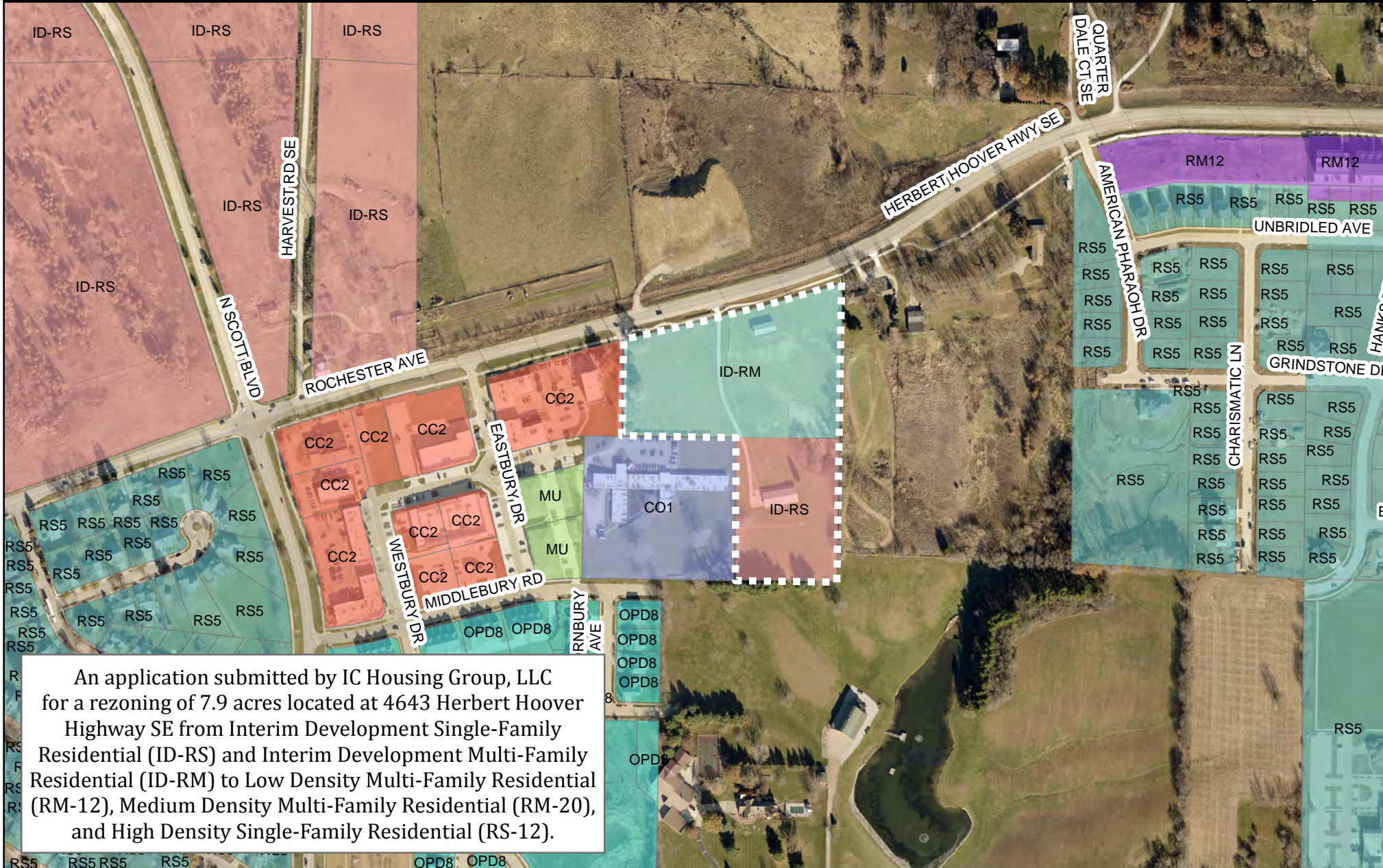
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# REZ18-00020

## 4643 Herbert Hoover Highway SE



Prepared By: Luke Foelsch  
Date Prepared: Sep. 2018



An application submitted by IC Housing Group, LLC for a rezoning of 7.9 acres located at 4643 Herbert Hoover Highway SE from Interim Development Single-Family Residential (ID-RS) and Interim Development Multi-Family Residential (ID-RM) to Low Density Multi-Family Residential (RM-12), Medium Density Multi-Family Residential (RM-20), and High Density Single-Family Residential (RS-12).





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REZ18-00020

4643 Herbert Hoover Highway SE

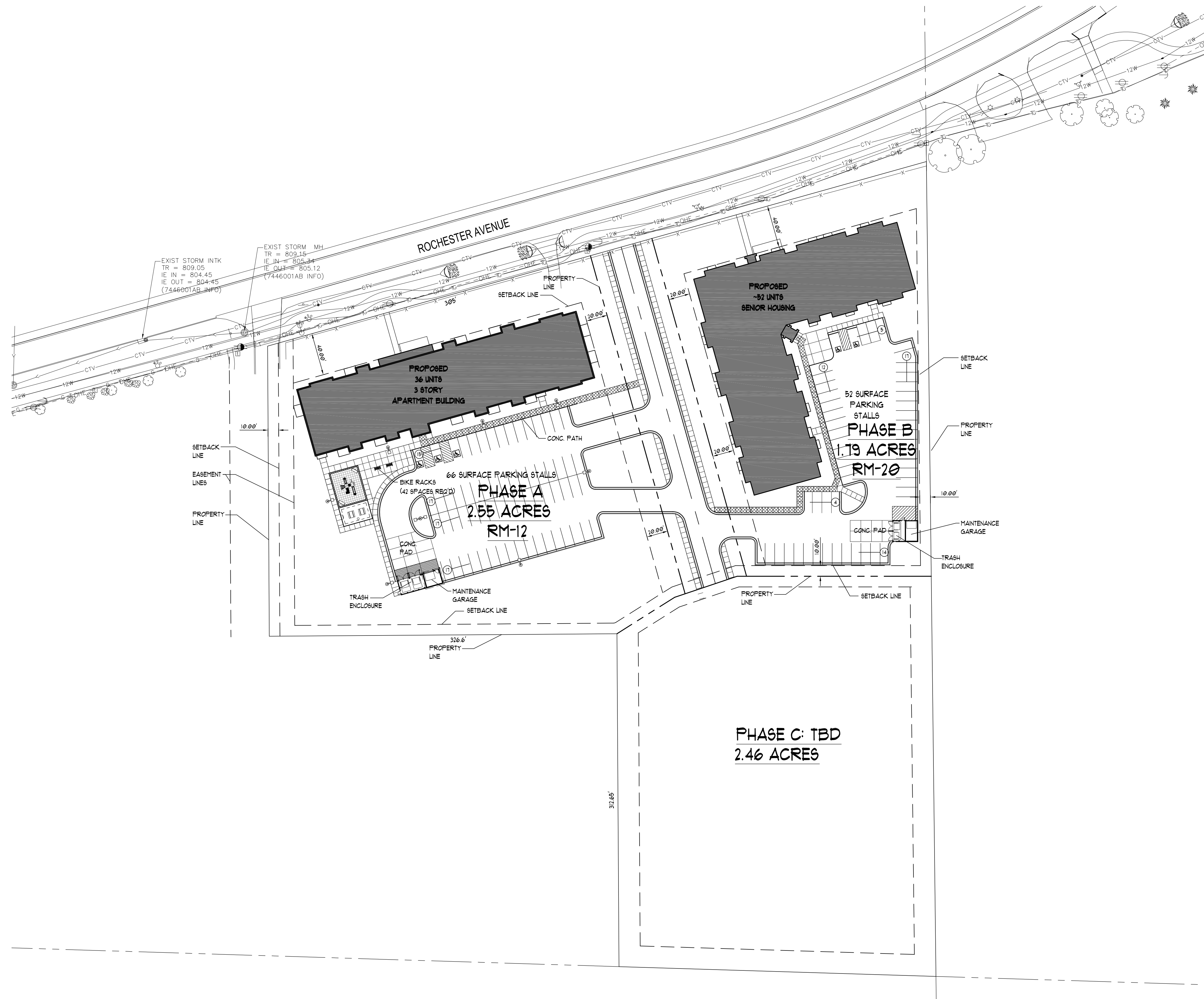


Prepared By: Luke Foelsch  
Date Prepared: Sep. 2018



An application submitted by IC Housing Group, LLC for a rezoning of 7.9 acres located at 4643 Herbert Hoover Highway SE from Interim Development Single-Family Residential (ID-RS) and Interim Development Multi-Family Residential (ID-RM) to Low Density Multi-Family Residential (RM-12), Medium Density Multi-Family Residential (RM-20), and High Density Single-Family Residential (RS-12).





- PROPERTY LINE
- UTILITY EASEMENT
- PARKING  
PARKING TOTAL: 66  
SURFACE PARKING: 66
- EXTERIOR LIGHTING
- ACCESSIBLE PATH

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

10-11-2018



366 South Tenth Avenue  
PO Box 727  
Waite Park, MN 56387-0727  
Office: (320) 202-3100  
Fax: (320) 202-3139  
Website: [www.SandCompanies.com](http://www.SandCompanies.com)  
E-Mail: [Sand@SandCompanies.com](mailto:Sand@SandCompanies.com)

Iowa City, IA

**A-0**

1 SITE PLAN  
SCALE: 1" = 50'-0"

OPTION 8G

THESE DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF SAND ARCHITECTS, LLC. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM SAND ARCHITECTS, LLC.







# Summary Report for Good Neighbor Meeting



Project Name: NEX/IC Housing Group II, LLC Project Location: 4643 Herbert Hoover Highway SE

Meeting Date and Time: September 25, 2018 from 5:30 to 7:00 pm

Meeting Location: Helen Lemme Elementary School Library

Names of Applicant Representatives attending: Megan Carr

Nikki Sand

Names of City Staff Representatives attending: Anne Russett, Jesi Lile

Number of Neighbors Attending: 1 Sign-In Attached? Yes  No

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

Why does the road need to run to the southern property line?

Overall, no opposition to the proposed development, but concerns on stormwater runoff.

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

Concerns relating to stormwater runoff (as a neighboring developer is currently

impacting the neighbors ponds with stormwater runoff).

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

IC Housing Group, LLC has requested clarification from the City to determine if we can

have the road end in a cul-de-sac or if a dead-end road to the southern property line will be required.

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Staff Representative Comments

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NEIGHBORHOOD  
SIGN-IN SHEET

IC Housing Group, LLC  
Tuesday, September 25, 2018

	NAME	ADDRESS	PHONE NUMBER	EMAIL ADDRESS
1	Ted Pacha	4640 Lower W. Blvd	631-3146	tedpacha@gmail.com
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MEARDON, SUEPPEL & DOWNER P.L.C.  
LAWYERS

ROBERT N. DOWNER  
DOUGLAS D. RUPPERT  
TIMOTHY J. KRUMM  
WILLIAM J. SUEPPEL  
CHARLES A. MEARDON  
PETER J. GARDNER  
SEAN W. WANDRO  
GRANT D. LIENTZ  
STEPHANIE A. WORRELL

122 SOUTH LINN STREET  
IOWA CITY, IOWA 52240-1802

TELEPHONE: (319) 338-9222  
FAX: (319) 338-7250

WWW.MEARDONLAW.COM

WILLIAM L. MEARDON  
(1919-1997)

OF COUNSEL:  
JAMES D. MCCARRAGHER

RETIRED:  
WILLIAM F. SUEPPEL  
THOMAS D. HOBART  
MARGARET T. LAINSON

October 1, 2018

HAND DELIVERED

Anne Russett, AICP  
Senior Planner  
City of Iowa City  
410 East Washington Street  
Iowa City, IA 52240

COPY

Dear Ms. Russett:

Enclosed herewith is a letter from Ted Pacha regarding the proposed development by Sand Development Group LLC at 4632 Herbert Hoover Highway. I believe you have spoken with Ted about these matters. At his request, I am submitting this letter to you in the hopes you will forward it to the Planning and Zoning Commission for its October 4, 2018 meeting.

Although the letter is self-explanatory, I do want to echo some of the concerns reflected in Ted's letter. The Churchill Meadows Development has been nothing but a headache for Ted. Please review the pictures enclosed with his letter. As you are aware, the runoff from the Churchill Meadows Development has basically destroyed Ted's pond. The developers of Churchill Meadows refuse to address the situation with Ted. The developer claims that the City and the contractors are now responsible for the problems the developer created. Thus far, the City's efforts to assist have been, with all due respect, ineffective. Now, on the heels of Churchill Meadows, another developer wishes to build on property north of Ted's pond which will again drain towards Ted's property.

At the risk of stating the obvious, whatever storm water detention requirements the City had for Churchill Meadows are not working. Ted is extremely concerned that the storm water requirements to be imposed on Sand Development Group will be as effective as those for Churchill Meadows. As shown in his letter, Ted asks that all of the storm water management issues be addressed immediately to preserve Ted's property.



Anne Russett, AICP  
October 1, 2018  
Page 2

Should you have any questions or concerns, please feel free to contact me or Ted.

Very truly yours,

A handwritten signature in cursive script, appearing to read "C. A. Meardon".

Charles A. Meardon

CAM/tw  
Enc.  
Cc: Jeff Fruin  
Ben Clark

October 1, 2018

Anne Russett, AICP  
Senior Planner  
City of Iowa City  
410 East Washington Street  
Iowa City, IA 52240

**COPY**

Anne,

Thank you for your time on the phone last Tuesday Re: the 4632 Herbert Hoover Highway (Iowa City Housing Group LLC) application for a request for change in zoning coming before the City Planning & Zoning Committee on October 4. As I mentioned on the phone, I am leaving town that morning for a business trip and will be unable to attend the meeting on that date.

I went to the Good neighbor Meeting on September 25, but must have just missed you. I did talk with Megan Sand Carr, Sr. Business Development Manager from Sand Development Group LLC. I told her of my considerable concerns with run-off from another development north of my pond and the extreme likelihood that I would have the same problems. I am currently having with the Churchill Meadows Development. The severe sediment runoff from that development has been causing my family angst since May of 2017.

The Iowa City Engineering Department and the DNR have allegedly been fining the developer of Churchill Meadows for months to no avail. See pictures attached of the two "rivers" of brown sediment that runs down from this development. This developer states it's not his problem as the contractors and the City are responsible for these issues. I have spoken with the appropriate city employees, Ben Clark, Julie Tallman, etc., but nothing seems to change.

I have spent nearly \$40,000 to have the pond dredged and removed thousands and thousands of cubic yards of sediment in hopes the runoff problem had been solved at Churchill Meadows Development. Clearly this is not the case as evidenced by the attached photos taken in the last 3-4 weeks!

Anne Russett, AICP  
October 1, 2018  
Page 2

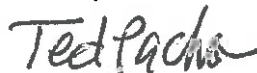
What does the Churchill Meadows Development have to do with the Sands Group request? Everything. The City of Iowa City and Planning and Zoning should not approve another development north of my property and pond until resolution is found for the runoff from Churchill Meadows!

I do not want to hold up on the Sand's Development request, but clearly it will be a repeat of what I have been dealing with since May of 2017!

At the neighborhood meeting with the Sands Group last week, they showed me plans for their development. On Lot C they wanted a cul-de-sac, but were informed by the City it would have to be a street poured directly up to my property line to the South of Lot C! Why? That would be a direct paved path to the north of my property line which would create another river of water, sediment, etc. to my pond! Why does the City of Iowa City insist again to run streets directly to my property (I have two streets to nowhere to the west of my property now). My property is in the county! These streets are useless, not to mention the developers tore out fences, trees, etc. for the streets to nowhere and have replaced or repaired none of these.

Anne, you requested that I detail my issues in writing so you could forward to the appropriate people at the City. Sorry this is so lengthy, but this has been very frustrating for me and my family.

Thank you,



Ted Pacha  
319-631-3146

Copy to:  
Ben Clark, City Engineer  
Jeff Fruin, City Manager









IMG\_1279.JPG

9/27/2018









CITY OF IOWA CITY

# CITY OF IOWA CITY MEMORANDUM

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Date: October 18, 2018  
To: Planning & Zoning Commission  
From: Jesi Lile, Associate Planner & Anne Russett, AICP, Senior Planner  
Re: CZ18-00002 South of American Legion Road

## **Background Information**

The applicants, Claude and Adam Greiner, are requesting a rezoning from County Agricultural (A) to County Residential (R) for approximately 11.34 acres of property located in Johnson County South of American Legion Road and West of Wapsie Avenue SE in Fringe Area B – Outside of Iowa City’s Growth Area. Because the property is within Iowa City’s two-mile Fringe Area, the Fringe Area Agreement specifies that the City will make a recommendation to the County Planning and Zoning Commission before the County Commission considers the application. The final decision on the rezoning falls within the County’s jurisdiction.

If this rezoning is approved, Claude and Adam Greiner intend to develop a county subdivision, and divide the land into seven single family residential lots and one outlot. As proposed, each buildable lot is slightly larger than one acre and each lot will have its own septic system. There will also be a private well installed to service all seven lots. The proposed outlot would serve as an area for storm water management. City approval will be required if the property is subdivided as proposed.

## **Analysis**

### *Existing Land Use and Zoning*

The subject property is currently zoned County Agricultural (A) and has two grain bins located on the site. Properties to the north, east, and west are zoned County Agricultural (A) and County Residential (R), with residential properties lining American Legion Road. Properties to the south are zoned County Agricultural (A) and are being used for row crops.

### *Proposed Zoning & Surrounding Area*

The applicant is requesting a rezoning to County Residential (R) which allows for single family homes on lots at least 40,000 square feet. The area along American Legion Road currently has many residential properties to the northwest. Areas to the east and south remain in agricultural production.

### *Compliance with the County’s Comprehensive Plan*

The County recently updated its Comprehensive Plan and the Future Land Use Map of the comprehensive plan designates this area Residential. The Residential land use category allows for, “single-family detached dwellings with a preferred density of one unit per acre or denser.” Although the density shown on the concept plan is less than one dwelling unit per acre, the proposed rezoning is generally consistent with the County’s Comprehensive Plan.

### *Compliance with the Fringe Area Agreement*

In reviewing proposed rezonings in the Fringe Area, staff relies on the policies outlined in the Fringe Area Agreement. The Fringe Area Agreement is a component of the City's Comprehensive Plan and applies to areas not specifically planned for in the City's Comprehensive Plan. The Fringe Area Agreement is intended to provide guidance regarding the development of land located within two miles of Iowa City's corporate limits. The agreement's stated purpose is to provide for orderly and efficient development patterns appropriate to non-urbanized areas, protect and preserve the fringe area's natural resources and environmentally sensitive features, direct development to areas with physical characteristics which can accommodate development, and effectively and economically provide services for future growth and development.

This property is located in Fringe Area B – Outside the City's Growth Area. For this area, the agreement states that agricultural uses are preferred. Specifically, the agreement states:

“Until otherwise changed by amending this agreement, this area shall be restricted to those uses consistent with a Rural/Agricultural area as indicated in the Johnson County Land Use Plan, and as designated for a Rural/Agriculture area in Chapter 8:1.6 Class A District of the Johnson County Unified Development Ordinance, as amended.”

According to the Johnson County Comprehensive Plan, the Agricultural land use category envisions agricultural uses, such as row crops and animal husbandry, with “very limited residential development.” According to the Johnson County Zoning Code, Agricultural uses are defined as farms, nurseries and greenhouses, orchards and tree farms, with residential uses to be restricted to two single-family dwellings on a farm 40 acres or larger.

Staff recognizes the conflict that exists between the County's updated Comprehensive Plan and the adopted Fringe Area Agreement. The County's Comprehensive Plan also outlines a goal to work with local jurisdictions on updating Fringe Area Agreement. Staff is willing to coordinate with County staff to update the Fringe Area Agreement to address these conflicts.

### **Staff Recommendation**

Based on the policies outlined in the Fringe Area Agreement, which is part of the City's Comprehensive Plan, staff does not recommend approval of this rezoning. Staff recognizes that the proposed rezoning is consistent with the County's recently updated Comprehensive Plan; however, staff relies on the Fringe Area policies when reviewing rezonings in the Fringe Area.

### *Attachments:*

1. Aerial photo
2. Rezoning exhibit
3. Concept plan

Approved by:



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



0 0.2 0.4 0.8 Miles

CZ18-00002

# South of American Legion Road SE



Prepared By: Luke Foelsch  
Date Prepared: Sep. 2018



**Iowa City Limits**

An application submitted by Claude J. and Mary F. Greiner for the rezoning of approximately 11.34 acres from County Agricultural (A) to County Residential (R).





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# CZ18-00002

## South of American Legion Road SE



CITY OF IOWA CITY

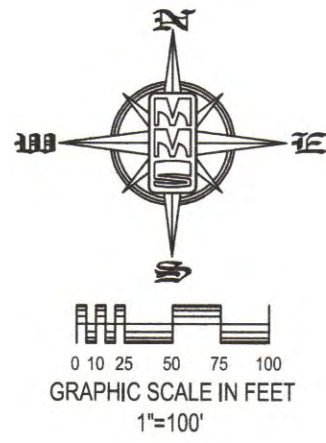
Prepared By: Luke Foelsch

Date Prepared: Sep. 2018



An application submitted by Claude J. and Mary F. Greiner for the rezoning of approximately 11.34 acres from County Agricultural (A) to County Residential (R).





# REZONING EXHIBIT JOHNSON COUNTY, IOWA

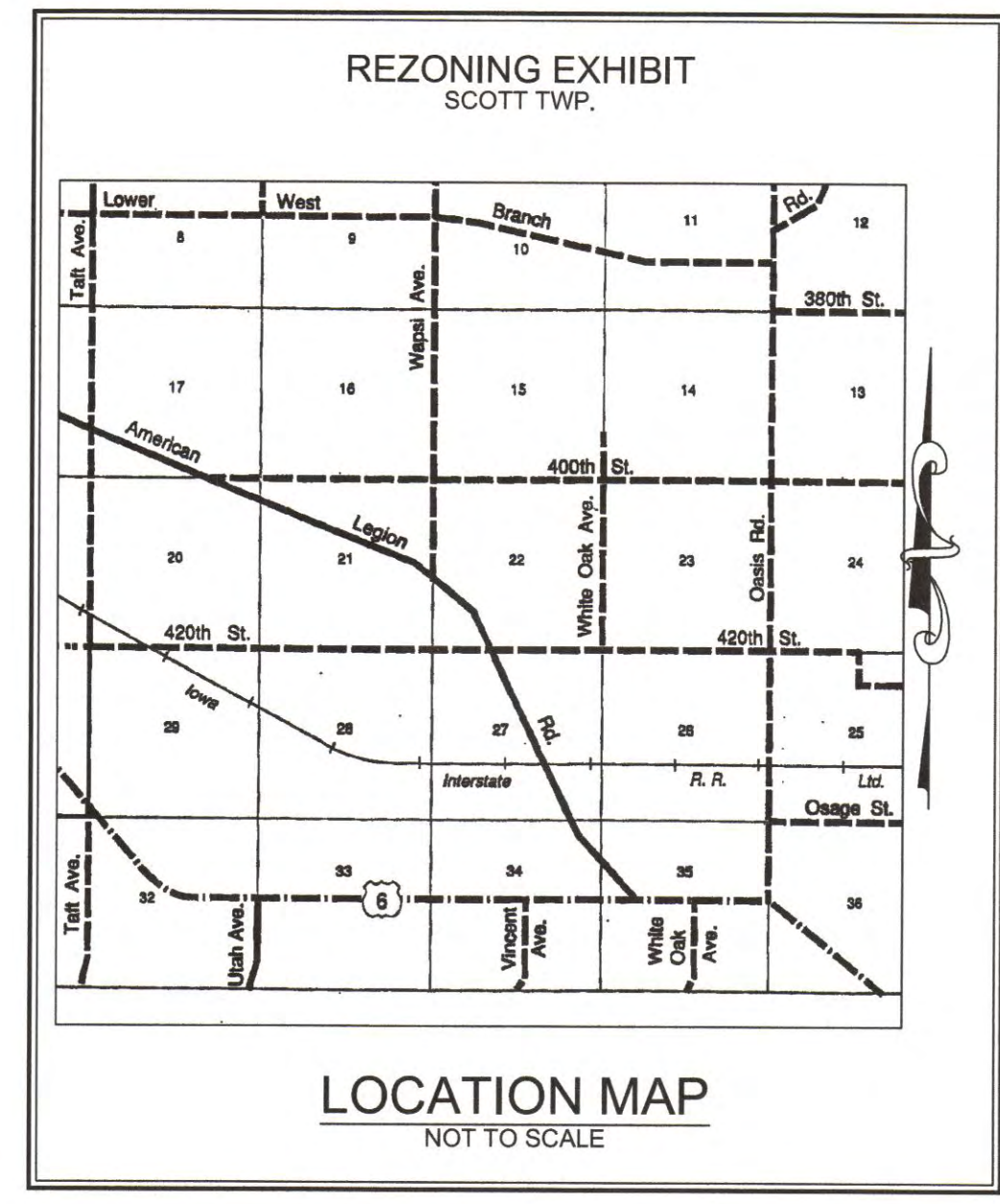
EXHIBIT PREPARED BY:  
MMS CONSULTANTS INC.  
1917 S. GILBERT STREET  
IOWA CITY, IA 52240

OWNERS/APPLICANTS:  
CLAUDE J. GREINER &  
MARY F. GREINER  
1412 J PLACE  
KALONA, IOWA 52247

EXISTING ZONING - A AGRICULTURAL  
PROPOSED ZONING - R RESIDENTIAL

### REZONING DESCRIPTION

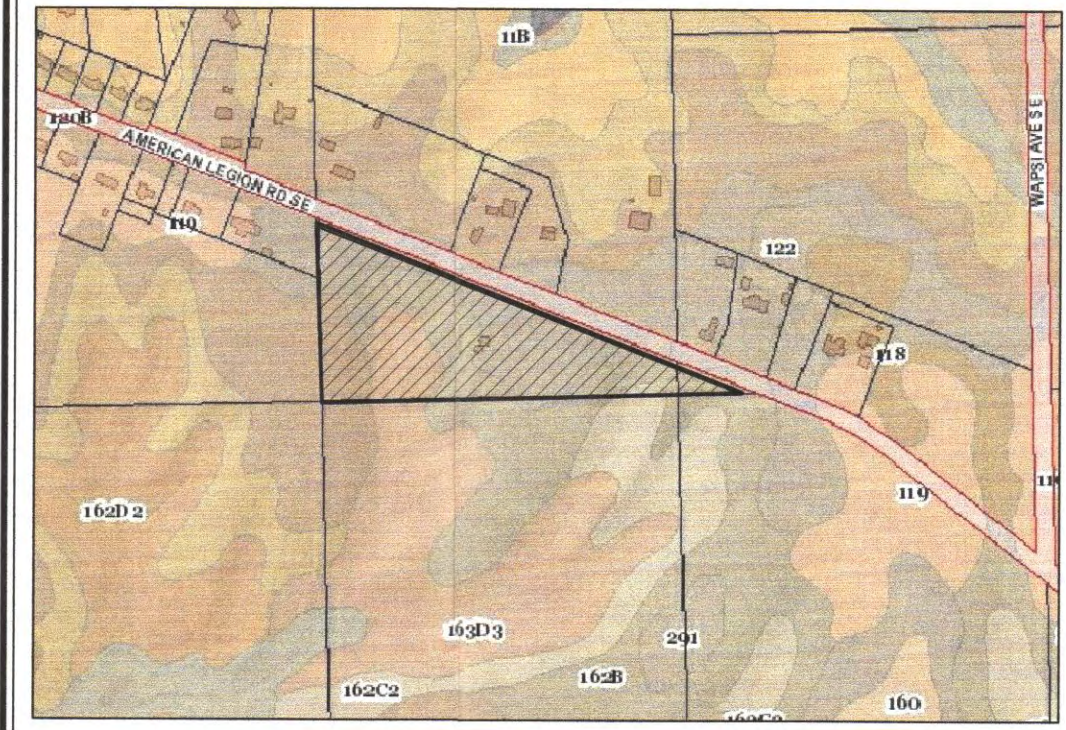
COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 5 WEST OF THE 5TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA; THENCE S88°35'57"W, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 21, A DISTANCE OF 1117.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°35'57"W, ALONG SAID SOUTH LINE, 1535.05 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER (SAID POINT ALSO BEING THE CENTER OF SECTION 21); THENCE N01°42'50"W, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 21, A DISTANCE OF 643.73 FEET; THENCE S68°41'48"E, ALONG THE PROPOSED SOUTHWESTERLY RIGHT-OF-WAY LINE OF AMERICAN LEGION ROAD SE, 1667.80 FEET TO THE POINT OF BEGINNING, CONTAINING 11.34 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



REZONING TRACT  
AREA = 11.34 ACRES

EXISTING ZONING - A AGRICULTURAL  
PROPOSED ZONING - R RESIDENTIAL

### SOILS MAP



NO.	SOIL TYPE	SLOPES
120B	TAMA SILT LOAM	2-5 %
162B	DOWNS SILT LOAM	2-5 %
162C2	DOWNS SILT LOAM	5-9 %
163D3	FAYETTE SILTY CLAY LOAM	9-14 %
291	ATTERBERRY SILT LOAM	0-2 %

### LEGEND AND NOTES

	CONGRESSIONAL CORNER, FOUND
	CONGRESSIONAL CORNER, REESTABLISHED
	CONGRESSIONAL CORNER, RECORDED LOCATION
	PROPERTY CORNER(S), FOUND (as noted)
	PROPERTY CORNER(S), SET
	PROPERTY CORNER(S), SET (5/8" Iron Pin w/ yellow, plastic LS Cap embossed with "MMS")
	CUT "x"
	PROPERTY &/or BOUNDARY LINES
	CONGRESSIONAL SECTION LINES
	RIGHT-OF-WAY LINES
	CENTER LINES
	LOT LINES, INTERNAL
	LOT LINES, PLATTED OR BY DEED
	EASEMENT LINES, WIDTH & PURPOSE NOTED
	EXISTING EASEMENT LINES, PURPOSE NOTED
	RECORDED DIMENSIONS
	MEASURED DIMENSIONS
	CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS

POINT OF BEGINNING



CIVIL ENGINEERS  
LAND PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.  
IOWA CITY, IOWA 52240  
(319) 351-8282  
www.mmsconsultants.net

Date	Revision

## REZONING EXHIBIT



A PORTION OF THE  
S 1/2 OF THE NE 1/4 OF  
SEC. 21-T79N-R5W  
OF THE 5TH P.M.,  
JOHNSON COUNTY,  
IOWA

MMS CONSULTANTS, INC.

Date:	8/31/2018
Surveyed by:	RRN
Field Book No.:	1231
Drawn by:	MAS
Scale:	1"=100'
Checked by:	GDM
Sheet No.:	1
Project No.:	10507-002
IOWA CITY	of 1





# CITY OF IOWA CITY MEMORANDUM

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Date: October 18, 2018

To: Planning & Zoning Commission

From: Anne Russett, AICP, Senior Planner, Neighborhood & Development Services

Re: Amendment to Title 14, Zoning Code of the Iowa City Code related to Transfer of Development Rights for Historic Properties (ZCA18-0003)

## **Introduction**

At the City Council's May 29, 2018 meeting the Council considered the local landmark designation of the property at 410-412 North Clinton Street. At this meeting the property owner's attorney requested that the Council defer action on the local landmark designation until the City reviews and analyzes the establishment of a city-wide transfer of development rights (TDR) program for historic properties. The Council voted to defer action on the local landmark designation for eight months and directed staff to explore the creation of a city-wide TDR ordinance.

Since that meeting, staff prepared two memos to the City Manager regarding a potential ordinance [Attachments 1 and 2] and the City Council discussed the establishment of a city-wide TDR ordinance for historic preservation at two work sessions and directed staff to move forward with its development for Council's consideration. [Attachment 3]

At the Planning and Zoning Commission's meeting on October 18, staff will present a draft TDR ordinance [Attachment 4] for the Commission's review and recommendation. This memo provides a background on TDR programs, summarizes the existing TDR provisions in Riverfront Crossings, and outlines the draft ordinance. The draft is based on a September 4 work session discussion with the City Council.

## **Background & Overview of TDR Programs**

Created to protect natural resources, farmland, and open spaces, as well as preserve historic resources TDR programs create an incentive for property owners to preserve these resources by allowing them to sell or transfer development rights from the property being protected to another site where development can occur at a higher density or intensity than allowed in the underlying zoning designation.

Generally, TDR programs have the following components:

- *Sending Areas*: Areas identified for protection. These areas are typically required to be preserved and all or a portion of the development potential of the property could be transferred to another site.
- *Receiving Areas*: Areas where the development rights from the sending sites could be transferred. These are areas where the City wants to encourage growth and development at a higher density or intensity than currently allowed. These areas should have adequate public services and utilities to accommodate additional growth, as well as a healthy market demand for growth.
- *Transfer Calculations*: TDR programs can allow the transfer of all or a portion of the development potential of a sending site. Ordinances must outline how the transfers are calculated.

- *Process & Administration:* TDR programs need to establish a process for how transfers are reviewed and approved. Additionally, transfers must be tracked over time (i.e. how many transfers do property owners in the sending area have; how many have been transferred and how many remain; where have they been transferred).

### **Summary of Riverfront Crossings Form-Based Code TDR Ordinance**

The City currently has a TDR ordinance in the Riverfront Crossings District for the dedication of open space, preservation of historic properties, and the dedication of public right-of-way. Below is a summary of the existing provisions for historic structures:

- Eligible sending sites include properties designated as an Iowa City Landmark, eligible for landmark designation, registered on the National Register of Historic Places, or listed as a historically significant building per a survey
- Prior to requesting a transfer of development rights, the property must be designated as an Iowa City Landmark to ensure its protection long-term
- Receiving sites include properties within the Riverfront Crossings District
- The formula for calculating the transfer is *Lot Area of the Sending Site X Maximum Number of Stories Allowed on the Sending Site = Square Footage Eligible for Transfer*
- City Council must review and approve all projects receiving transfer of development rights
- No transfer can exceed the maximum height allowed through the building height bonus provisions, which varies depending on the subdistrict

In 2015, the City Council approved a transfer of development rights from the Tate Arms building at 914 S. Dubuque (sending site) to a new building at the corner of S. Dubuque and Benton Streets (201 E. Benton & 912 S. Dubuque (receiving site)). Out of the 34,800 square feet of development rights available for transfer, the Council approved a transfer of 7,400 square feet to add a 5<sup>th</sup> story to the building. The property owner has 27,400 square feet of development rights remaining to transfer. This is the only transfer applied for and approved since the adoption of the Riverfront Crossings Form-Based Code in 2014.

### **Proposed City-wide TDR Ordinance for Historic Preservation**

Based on the direction provided by the City Council, staff has developed a draft ordinance to apply city-wide. A summary of the key components of the draft ordinance is outlined below.

#### *Eligible Sending Sites*

Staff proposes that eligible sending sites include properties eligible for Iowa City historic landmark designation. More specifically, a sending site must be designated as an Iowa City historic landmark after the adoption of the proposed city-wide ordinance in order to be eligible for the transfer incentive. Furthermore, properties already within existing Iowa City historic districts and conservation districts are not eligible to obtain Iowa City landmark status and benefit from the TDR incentive.

#### *Eligible Receiving Sites*

The eligible receiving sites proposed include the properties zoned Riverfront Crossings and zone districts that allow multi-family dwellings either as a permitted or provisional use<sup>1</sup>. This includes all multi-family residential zone districts and several commercial zone districts. Properties designated as Iowa City historic landmarks, Iowa City historic districts, and designated in the National Register of Historic Places are not eligible as receiving sites. [Attachment 5]

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<sup>1</sup> Permitted uses are allowed by-right. Provisional uses are permitted if they meet certain use specific criteria and standards.



### *Transfer of Development Rights*

Staff proposes to consider transfer requests for either a height bonus or a density bonus, but not both a height and density bonus. Additionally, staff proposes to allow transfer requests to exceed either the height or density permitted on the receiving site, but restrict any height bonus to no more than 40 feet above the maximum height allowed. Staff does not recommend any restrictions on the increase in density transferred.

Staff proposes to calculate these transfers as follows:

#### (1) Height Bonus Option:

- Difference between the maximum allowable height of the sending site and the existing height of the historic structure.
- In cases where the transfer is less than 12 feet, staff suggests including a provision that 12 feet may be transferred even if the difference is less than 12 feet. In many instances historic properties are residentially zoned, which typically have a maximum of 35 feet. Since historic buildings typically have higher ceilings a two-story historic building may not result in much of a height transfer. Therefore, staff suggests allowing a transfer of 12 feet, which will allow a minimum of at least one story to be transferred.

#### (1) Density Bonus Option:

- Difference between the maximum number of dwelling units allowed on the sending site based on the underlying zoning designation at the time of Iowa City historic landmark designation and the existing number of dwelling units on the sending site.

### *Transfer Review Process*

Staff proposes that any request for a transfer be reviewed by the staff design review committee, which will then submit a recommendation to the City Council for their review and approval.

### **Historic Preservation Commission Review**

On October 11, staff presented the proposed ordinance to the Historic Preservation Commission. The Commission voted to move the proposed ordinance forward in the process; however, they did outline some concerns and suggestions. Below is a list of their comments and staff's feedback.

1. The Commission expressed concern that the proposed ordinance only applies to future Iowa City landmarks.

In 2018, the City Council approved Iowa City landmark designation status for the following properties:

- David Boarts (Sylvanus Johnson) House, 412 N. Dubuque Street
- George and Hellen Hummer House, 504 E. Bloomington Street
- Parrott House, 1029 N. Dodge Street
- Albert Henry Byfield House, 715 Park Road
- Anton Geiger House, 213 E. Market Street

The Commission felt that these recent designations should receive the incentive due to their very recent designation. The Commission also expressed concern that the proposed ordinance could deter downtown property owners from supporting a downtown district.

The Commission suggested considering allowing future Iowa City commercial historic districts, and potentially, future districts, in general, to be eligible for the incentive.

Staff agrees with the suggestion to allow the incentive to apply to the properties designated in 2018. In addition, staff agrees with the suggestion to allow the incentive to apply to properties within future Iowa City historic districts to help incentivize the creation of local historic districts. Based on a conversation with the Historic Preservation Planner, at present there are a limited number of areas in the city that would be eligible for a local historic district. Lastly, to ensure consistency between the city-wide ordinance and the existing Riverfront Crossing's ordinance, staff also recommends amending the TDR provisions in Riverfront Crossings to include Iowa City historic districts.

2. The Commission expressed some concern over the receiving sites and the potential impact of additional height and density in existing residential neighborhoods. One Commissioner expressed concern regarding the process and lack of confidence in the design review committee.

The proposed ordinance suggests capping height bonus transfers at 40 feet beyond the maximum height of the receiving site. In addition, any request will need to be reviewed by the design review committee and City Council. However, to address the Commission's concerns staff recommends incorporating the following provisions that protect existing single-family neighborhoods: For transfers proposed next to single-family residences, limit the height to two stories above the height of the existing single-family home.

3. Lastly, the Commission requested that staff explore other incentives, such as property tax reductions.

### **Comprehensive Plan Consistency**

The draft ordinance supports the following Comprehensive Plan Land Use Goal and Strategy:

*Goal:* Continue to protect our community's historical, environmental, and aesthetic assets.

*Strategy:* Develop strategies to encourage the protection of natural areas and historic features and support the enhancement of areas that can serve as assets and/or amenities for adjacent development.

The City's Historic Preservation Plan is a component of the Comprehensive Plan. The draft ordinance supports the following historic preservation goals:

*Goal 2:* Make protection of historic resources a municipal policy and implement this policy through effective and efficient legislation and regulatory measures.

*Goal 3:* Establish economic incentives to encourage the preservation of historic buildings and neighborhoods.

### **Staff Recommendation**

Staff recommends that the Planning and Zoning Commission recommend adoption of the draft ordinance by the Iowa City City Council.

*Attachments:*

1. July 18, 2018 Memo to Geoff Fruin, City Manager
2. August 29, 2018 Memo to Geoff Fruin, City Manager
3. Staff presentation to City Council, September 4, 2018
4. Draft Ordinance
5. Proposed Eligible Receiving Sites Map

Approved by: \_\_\_\_\_

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



# CITY OF IOWA CITY MEMORANDUM

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## ATTACHMENT 1.

Date: July 18, 2018

To: Geoff Fruin, City Manager

From: Anne Russett, Senior Planner  
Danielle Sitzman, Development Services Coordinator  
Tracy Hightshoe, Director, Neighborhood & Development Services

Re: Update on Possible City-wide Transfer of Development Rights Program for Historic Preservation

### Introduction

At the City Council's May 29, 2018 meeting the Council considered the local landmark designation of the property at 410-412 North Clinton Street. At this meeting the property owner's attorney requested that the Council defer action on the local landmark designation until the City reviews and analyzes the establishment of a city-wide transfer of development rights (TDR) program for historic properties. The Council voted to defer action on the local landmark designation for eight months and directed staff to explore the creation of a city-wide TDR ordinance.

This memo provides an overview of TDR, outlines the City's existing TDR policy in the Riverfront Crossings District, and highlights some issues that staff will need to further analyze before moving forward with a city-wide TDR ordinance.

### Background & Overview of TDR Programs

Created to protect natural resources, farmland, and open spaces, as well as preserve historic resources TDR programs create an incentive for property owners to preserve these resources by allowing them to sell or transfer development rights from the property being protected to another site where development can occur at a higher density or intensity than allowed in the underlying zoning designation.

Generally, TDR programs have the following components:

- *Sending Areas*: Areas identified for protection. These areas are typically required to be preserved and all or a portion of the development potential of the property could be transferred to another site.
- *Receiving Areas*: Areas where the development rights from the sending sites could be transferred. These are areas where the City wants to encourage growth and development at a higher density or intensity than currently allowed. These areas should have adequate public services and utilities to accommodate additional growth, as well as a healthy market demand for growth.
- *Transfer Calculations*: TDR programs can allow the transfer of all or a portion of the development potential of a sending site. Ordinances must outline how the transfers are calculated and consider the following: 1) is there a market for these transfers; 2) can the infrastructure in the receiving area handle the additional development; 3) does the comprehensive plan support the additional development in the receiving area.
- *Process & Administration*: TDR programs need to establish a process for how transfers are reviewed and approved. Additionally, transfers must be tracked over time (i.e. how many transfers do property owners in the sending area have; how many have been transferred and how many remain; where have they been transferred).

**Summary of Riverfront Crossings Form-Based Code TDR Ordinance**

The City currently has a TDR ordinance in the Riverfront Crossings District for the dedication of open space, preservation of historic properties, and the dedication of public right-of-way. Below is a summary of the existing provisions for historic structures:

- Eligible sending sites include properties designated as an Iowa City Landmark, eligible for landmark designation, registered on the National Register of Historic Places, or listed as a historically significant building per a survey
- Prior to requesting a transfer of development rights, the property must be designated as an Iowa City Landmark to ensure its protection long-term
- Receiving sites include properties within the Riverfront Crossings District
- The formula for calculating the transfer is *Lot Area of the Sending Site X Maximum Number of Stories Allowed on the Sending Site = Square Footage Eligible for Transfer*
- City Council must review and approve all projects receiving transfer of development rights even when the resulting height bonus does not exceed two stories
- No transfer can exceed the maximum height allowed through the building height bonus provisions, which varies depending on the subdistrict

In 2015, the City Council approved a transfer of development rights from the Tate Arms building at 914 S. Dubuque (sending site) to a new building at the corner of S. Dubuque and Benton Streets (201 E. Benton & 912 S. Dubuque (receiving site)). Out of the 34,800 square feet of development rights available for transfer, the Council approved a transfer of 7,400 square feet to add a 5<sup>th</sup> story to the building. The property owner has 27,400 square feet of development rights remaining to transfer. This is the only transfer applied for and approved since the adoption of the Riverfront Crossings Form-Based Code in 2014.

**Potential Receiving Areas for a City-wide Historic Preservation TDR Program**

At the City Council’s May 29, 2018 meeting the Council seemed interested in identifying potential receiving areas for a city-wide ordinance. The table below outlines some potential options for receiving areas, as well as some pros and cons.

Potential Receiving Area	Pros	Cons
Riverfront Crossings	<ul style="list-style-type: none"> <li>- Master Plan &amp; form-based code encourage higher densities and intensities</li> <li>- Current receiving area for the form-based code TDR program for historic preservation, public right-of-way, and open space transfers</li> </ul>	<ul style="list-style-type: none"> <li>- Current allowable densities and intensities combined with height bonus provisions are generous</li> </ul>
Downtown	<ul style="list-style-type: none"> <li>- Core of the city with access to amenities, services, and transportation options</li> </ul>	<ul style="list-style-type: none"> <li>- Receiving properties in the downtown may be limited due to the results of the downtown historic building survey that is underway</li> </ul>
South Johnson Street and South Van Buren Street between Court Street & Railroad	<ul style="list-style-type: none"> <li>- Area already zoned for higher density housing</li> </ul>	<ul style="list-style-type: none"> <li>- Smaller geographic area that may not be able to accommodate</li> </ul>

	- Transfers could provide an incentive for redevelopment of this area	the demand of a city-wide ordinance
Land designated for multi-unit development	- Areas are already zoned for higher density housing - More scattered approach that would not concentrate transfers in one area	- Potential concern from neighboring property owners
Any combination of the above areas		

**Next Steps & Conclusion**

Between now and September 2018 staff will further analyze the possibility of a city-wide ordinance. Specifically, staff will:

- Conduct best practice research
- Review other local jurisdictions’ TDR programs
- Further analyze potential receiving areas
- Identify sending areas based on Riverfront Crossings criteria and estimate the amount of potential transfers

The proposed timeline for the project is as follows:

<b>Date</b>	<b>Task</b>
June – August 2018	Research and analysis
September 4, 2018	Presentation to Council on research; recommendation from Council to proceed or not proceed on ordinance drafting
September– October 2018	Ordinance drafting, if determined by Council
October 11, 2018	Historic Preservation Commission Review & Discussion
October 18, 2018	Planning & Zoning Commission Review & Discussion
November 1, 2018	Planning & Zoning Commission Review & Recommendation
November 20, 2018	City Council (1 <sup>st</sup> reading of ordinance)
December 4, 2019	City Council (2 <sup>nd</sup> & possible 3 <sup>rd</sup> reading of ordinance)
January 29, 2019	Expiration of 8-month deferral of the local landmark designation of 410-412 North Clinton Street



# CITY OF IOWA CITY MEMORANDUM

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## ATTACHMENT 2.

Date: August 29, 2018

To: Geoff Fruin, City Manager

From: Anne Russett, AICP, Senior Planner, Neighborhood & Development Services  
Danielle Sitzman, AICP, Development Services Coordinator, Neighborhood & Development Services

Re: Update on Research and Policy Questions regarding Possible City-wide Transfer of Development Rights Program for Historic Preservation

### Introduction

At the City Council's May 29, 2018 meeting the Council considered the local landmark designation of the property at 410-412 North Clinton Street. At this meeting the property owner's attorney requested that the Council defer action on the local landmark designation until the City reviews and analyzes the establishment of a city-wide transfer of development rights (TDR) program for historic properties. The Council voted to defer action on the local landmark designation until the end of January 2019 and directed staff to explore the creation of a city-wide TDR ordinance.

At the August 7 work session, the City Council discussed the July 18 memo to the City Manager, which provided an overview of TDR, summarized the City's existing TDR provisions in Riverfront Crossings, and outlined potential receiving areas. At the work session, the Mayor expressed interest in South Johnson and South Van Buren Streets from Court Street to the railroad tracks being a receiving area if an urban design plan existed for the area.

This memo provides an update on staff's research and analysis and outlines specific policy questions for the City Council. In order to meet the January 2019 deadline, staff needs direction from the City Council on the following: the formula for calculating the transfer of development rights, the priority of preserving historic resources compared to bonus provisions currently offered for other public benefits, the process for the review and approval of development transfers, and areas to further pursue as receiving sites. In general, staff recommends a program that is fair, legally-sound, easy to administer, and simple to understand. Additionally, staff wants an effective program that preserves historic resources while not compromising the ability to achieve other important comprehensive plan goals.

### Overview of Research & Analysis

#### *Sending Areas*

Staff conducted an analysis of possible sending areas in order to estimate the potential for development transfers. Staff estimated the amount of development that could be transferred through a city-wide TDR program by applying the existing Riverfront Crossings transfer formula<sup>1</sup>. Furthermore, the Riverfront Crossings TDR provisions require that prior to requesting a transfer of development rights, the property must be designated as a local landmark. Therefore, in this analysis staff applied the transfer formula to existing landmarks (see Table 1).

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<sup>1</sup> The formula for calculating the transfer in Riverfront Crossings is *Lot Area of the Sending Site X Maximum Number of Stories Allowed on the Sending Site = Square Footage Eligible for Transfer*



**Table 1. Summary of Transfer Potential of Local and NRHP-Listed Landmarks**

<i>Sending Sites</i>	<i>Development Transfer Potential<sup>2</sup> (square feet)</i>
Local Landmarks Only	4,367,068 <sup>3</sup>
Local Landmarks & National Register of Historic Places-Listed Landmarks)	5,368,997 <sup>4</sup>

The analysis conducted only looks at existing local and national landmarks. There are several other buildings that are eligible for local landmark designation and the Historic Preservation Commission has been proactively identifying sites to locally landmark. The City is also in the midst of a survey of downtown historic properties. Several properties in the downtown are eligible for local landmark designation. As more properties are landmarked the transfer potential will continue to increase.

Staff reviewed several other TDR programs. Of the programs reviewed, none applied only to future landmark designations. In other words, existing and future landmarks qualified as sending sites. However, some cities required rehabilitation of the historic structure prior to becoming eligible as a sending site.

**Receiving Areas**

The areas identified by staff as potential receiving areas include:

- Riverfront Crossings,
- Downtown,
- South Johnson and South Van Buren Streets between Court Street and the Railroad, and
- Land Designated for Multi-Unit Development throughout the city.

Using these areas, staff conducted an analysis to determine the amount of existing development potential (see Table 2). For the analysis, staff identified vacant and underutilized sites within the potential receiving areas. The following areas were removed from the analysis: land within the 500-year and 100-year floodplains, local historic landmarks, local historic districts, conservation districts, and publicly zoned land. In addition, several historic properties in the downtown were removed from the analysis. For a more detailed outlined of the methodology, please refer to Attachment 1.

**Table 2. Summary of Development Potential for Receiving Areas**

<i>Potential Receiving Areas</i>	<i>Development Potential (square feet)</i>	<i>Development Potential (dwelling units)</i>
Riverfront Crossings	2,522,313 <sup>5</sup>	-
Downtown	242,471 <sup>6</sup>	-
South Johnson Street & South Van Buren Street between Court Street and the Railroad <sup>7</sup>	-	-
Citywide Land Designated for Multi-unit Development	5,389,525 <sup>8</sup>	845
<b>Total</b>	<b>8,154,309<sup>9</sup></b>	<b>845<sup>10</sup></b>

<sup>2</sup> Staff used the square footage of the RISE, which is 363,268 sq ft (excluding the lower levels), as a gauge.

<sup>3</sup> Approximately equivalent to 12 RISE buildings.

<sup>4</sup> Approximately equivalent to 15 RISE buildings.

<sup>5</sup> Approximately equivalent to 7 RISE buildings.

<sup>6</sup> Approximately equivalent to 0.67 RISE buildings.

<sup>7</sup> None of the properties met staff's criteria for underutilized.

<sup>8</sup> Approximately equivalent to 15 RISE buildings.

<sup>9</sup> Approximately equivalent to 22 RISE buildings.

<sup>10</sup> The residential portion of the RISE includes 332 dwelling units.

Accommodating the potential development transfers depends on a number of factors, including the eligible sending and eligible receiving sites. Another option to consider that could also help preserve historic structures is a parking reduction. Instead of transferring development rights, the receiving site could purchase the right to receive a parking reduction. Staff has not explored this thoroughly. More research is required to better understand the viability of this option.

**Other Local Jurisdictions’ TDR Programs**

Staff also reviewed other local jurisdictions’ TDR programs across the country that focus on preserving historic resources. For a more detailed overview of other programs, please refer to Attachment 2.

*Transfer Formulas*

There are different ways to approach calculating the transfer rights from a sending site to a receiving site. Several cities consider the existing development on the sending site. More specifically, these cities calculate the transfer by taking the maximum development potential of the sending site less the existing development on the sending site. To provide an incentive, many cities also allow development to exceed the maximum allowable density/intensity on the receiving site. Table 3 outlines some examples.

**Table 3. Example Transfer Formulas**

<i>Local Jurisdiction</i>	<i>Transfer Formula</i>
Chico, CA	(Max density of the sending zone X Acreage of sending site) Less (Existing and proposed Number of dwelling units on the sending site) *Receiving site bonus above that allowed by comprehensive plan
Minneapolis, MN	(Max allowable floor area of the sending site) Less (Floor area of existing development on sending site) *Receiving site bonus of 30% above max allowable floor area
Pittsburgh, PA	(Max allowable development) Less (Existing amount of development) *Receiving site density bonus of between 20% and 200%
Providence, RI	(Max allowable height) Less (Height of historic landmark) *Receiving site bonus height of 1.6 times the max height or 300 ft, whichever is less.
Vancouver, WA	(Max allowable floor area of the sending site) Less (Existing floor area of the sending site) *Receiving site development must not pose hazard to low-flying aircraft.
West Hollywood, CA	<u>Residential:</u> (Max allowable dwelling units) Less (Existing number of dwelling units) <u>Commercial:</u> (Max allowable floor area) Less (Existing floor area) *Receiving site FAR bonus allowed through Planning Commission review and approval.
West Palm Beach, FL	(Lot area X Max allowable floors) Less (Floor area of existing structure) *Receiving site height bonus.

Compared with these other local jurisdictions, the City’s current transfer formula in Riverfront Crossings is very generous. Unlike the examples above, the formula in Riverfront Crossings does not take into consideration the existing development on the sending site. In establishing the

transfer formula for Riverfront Crossings, staff anticipated a significant amount of redevelopment pressure, and therefore, intentionally recommended a generous transfer formula in order to incentivize the preservation of historic resources.

*Approval Process for Transfers*

TDR programs also vary in how the sending and receiving of transfers are reviewed and approved. Many jurisdictions have a process that requires review by either the City Council or a board or commission. Table 4 provides some examples of how other local jurisdictions review and approve transfers.

**Table 4. Examples of TDR Processes**

<i>Local Jurisdiction</i>	<i>TDR Approval Process</i>
Chico, CA	Non-administrative: City Council approval required
Minneapolis, MN	Administrative: Review and approval by Planning Director
Pittsburgh, PA	Non-administrative: Historic Preservation Commission approval required
Providence, RI	Non-administrative: Downtown Design Review Committee approval required
Vancouver, WA	Non-administrative: City Council approval required
West Hollywood, CA	Non-administrative: Cultural Heritage Advisory Board reviews and approves rehabilitation plan
West Palm Beach, FL	Non-administrative: Downtown Advisory Committee review and approval required

The City’s existing TDR provisions require that the City Council review and approve any transfer of development rights request. Although several of the example jurisdictions above include the equivalent of the Historic Preservation Commission in the review, some also require review and approval by the City Council. Only one jurisdiction, Minneapolis, MN, reviews and approves transfers administratively.

*Administration & Tracking*

Staff also looked at how other local jurisdictions administer and track TDR programs. Table 5 outlines some examples from other jurisdictions.

**Table 5. Examples of TDR Administration & Tracking**

<i>Local Jurisdiction</i>	<i>Tracking Mechanism</i>
Chico, CA	Documented in adoption of Specific Plan or Planned Unit Development or executed through a Development Agreement.
Minneapolis, MN	Recorded with the County as a conservation easement or similar restriction.
Pittsburgh, PA	Legal document signed by sending and receiving site property owners and approved by the City Attorney. Document outlines reduction in development rights on sending site and increase on the receiving site.
Providence, RI	Owners of sending and receiving sites execute a deed or other agreement to be recorded with the title to both sites.
West Hollywood, CA	City staff maintains a list of eligible sending sites to assist potential receiving site developers.

West Palm Beach, FL	City staff maintains a registry of development rights available and transfers. Execution of City-approved restrictive covenant that outlines transfer. Covenant recorded against the sending and receiving sites and added to City registry.
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There are a variety of methods that other jurisdictions employ to administer and track TDR programs, some are more complex than others. The Riverfront Crossings TDR provisions do not outline a method for tracking transfers. Currently, planning staff maintains a spreadsheet of approved transfers and the applicable sending and receiving sites. More formal tracking mechanisms should be contemplated in a city-wide TDR program and developed in coordination with the City Attorney’s Office.

*Receiving Areas*

Table 6 outlines other jurisdictions’ receiving areas.

**Table 6. Receiving Areas**

<i>Local Jurisdiction</i>	<i>Receiving Areas</i>
Chico, CA	Applicant must demonstrate that the proposed receiving site can accommodate the additional development.
Minneapolis, MN	Sites within the downtown that are not a designated historic structure or eligible for designation.
Pittsburgh, PA	Focused in the downtown.
Providence, RI	None specified, but program is focused in the downtown.
Vancouver, WA	Sites with the same zoning district as sending site.
West Hollywood, CA	Medium and high-density commercial zones. Do not allow transfers into residential zones.
West Palm Beach, FL	Specific sites identified in the downtown.

**Issues / Constraints**

Several cities across the country have adopted TDR programs to preserve historic resources and some are more effective than others. There are variety of factors that could impact the success of program, which are outlined below.

*Market Potential*

At this time staff does not have a market study that examines the market potential for a city-wide TDR program and completing a market analysis within the timeframe required is not feasible. Therefore, it is unclear whether a demand for such a program exists.

*Lack of Certainty in the Process*

Another factor that could impact the effectiveness of a TDR program is how transfers are reviewed and approved. Programs that allow by-right transfers that are reviewed and approved administratively provide more certainty for developers. Programs that require a discretionary, public process provide less certainty and more risk to developers.

*Other Bonus Mechanisms*

Some of the more effective TDR programs provide few or no other alternatives to achieving additional development potential. If other mechanisms exist to developers to achieve more development potential it could impact the effectiveness of a TDR program. Some examples that the City currently offers in Riverfront Crossings include bonuses for public art, Class A office space, affordable housing, and energy and environmental stewardship.

### **Policy Questions for Council**

The most fundamental question for City Council is whether they wish to continue to pursue a city-wide TDR program to preserve historic resources. If the City Council would like staff to continue to pursue a city-wide program, staff needs direction on the following policy questions:

#### **1. *Should eligible sending sites include existing local historic landmarks or only future local historic landmarks?***

The City has 52 local historic landmarks and the Historic Preservation Commission is working to identify and designate more local landmarks. In addition, the downtown includes a number of properties that are eligible for local landmark designation.

Some options include:

- a) Eligible sending sites include existing and future local historic landmarks
  - Pros:
    - i. Fair
    - ii. Consistent with the Riverfront Crossings TDR provisions
  - Cons:
    - i. Depending on the transfer formula and the identified receiving sites the city may not have enough capacity to receive all of the potential transfers.
  
- b) Eligible sending sites only include future local historic landmarks
  - Pros:
    - i. May be easier to accommodate the transfer potential
  - Cons:
    - i. Inconsistent with the Riverfront Crossings TDR provisions

#### **2. *Should a city-wide TDR ordinance apply the existing transfer calculation formula that is outlined in the Riverfront Crossings form based code or a new formula?***

The transfer formula adopted in Riverfront Crossings was intentionally generous to incentivize preservation in an area anticipated to be redeveloped. The formula does not take into consideration existing development on the sending site; and therefore, results in higher transfer potential. Using the same formula for a city-wide program provides consistency and clarity between the two programs. It would also make administration and tracking of the program easier. However, depending on the receiving sites identified there may be an issue with the capacity available for development on the receiving sites.

Some options include:

- a) Keep the existing Riverfront Crossings transfer formula.
  - Pros:
    - i. More generous, could provide more of an incentive to developers
    - ii. Consistency in administration, application, and simpler to understand
  - Cons:
    - i. More generous, may not be able to accommodate the amount of potential transfers
  
- b) Establish a new transfer formula that considers the existing development on the sending site.
  - Pros:
    - i. May be able to accommodate the potential transfers with a less generous formula
  - Cons:
    - i. More complex and more difficult to administer

- ii. May want to revisit the Riverfront Crossings transfer formula to ensure consistency, which would require more time

**3. The City already gives bonuses for certain public benefits provided with development projects. Should preservation of historic resources be treated in a similar manner or given a higher priority?**

Several other programs across the country provide an incentive to transfer development rights by allowing a density or intensity bonus on the receiving site. This comes in many forms: height increases, additional floor area, and additional dwelling units. The City's zoning ordinance currently includes several bonus provisions.

In the central business district zones (i.e. CB-2, CB-5, and CB-10) bonuses are reviewed and approved administratively when development projects provide the following types of public benefits:

- Masonry finish;
- Provision of a theater;
- Funds for street furniture, lighting, and landscaping within the public right-of-way;
- Open space;
- Adaptive reuse of certain historic properties;
- Provision of off-street loading areas that meet specific requirements; and
- Provision of class A office space.<sup>11</sup>

In the planned high density multi-family residential zone (PRM) bonuses are reviewed and approved administratively when development projects provide the following types of public benefits:

- Materials, specifically masonry finish;
- Open Space;
- Rehabilitation of a historically significant building;
- Assisted housing;
- Streetscape amenities;
- Landscaping; and
- Installation of window units that have a height that is at least 1.5 times greater than the width.<sup>12</sup>

In addition to the bonuses offered for transferring development rights, height bonuses may be requested in Riverfront Crossings for several public benefits. Requests to exceed the base height by two stories are reviewed and approved administratively. Requests to exceed the base height by more than two stories are reviewed and approved by the City Council. Bonuses are reviewed for the following public benefits:

- Class A office space;
- Public art;
- Energy efficiency and environmental steward through Leadership in Energy and Environmental Design (LEED) or a similar program;
- Student housing;
- Hotel space;
- Workforce or affordable housing; and
- Elder housing.<sup>13</sup>

Some options include:

- a) Model a city-wide TDR program on the current bonus provisions offered in the central business district zones, planned high density multi-family residential zones, and Riverfront Crossings.

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<sup>11</sup> For more detail on these bonus provisions please see 14-2C-8.

<sup>12</sup> For more detail on these bonus provisions please see 14-2B-7.

<sup>13</sup> For more detail on these bonus provisions please see 14-2G-7.

- Pros:
    - i. Simpler and easier to administer
  - Cons:
    - i. Bonuses for multiple public benefits may dilute the effectiveness of preserving historic structures
- b) Allow transfers for historic properties to exceed the City's current bonus provisions (e.g. offer more height, more density/intensity).
- Pros:
    - i. Offering more of a bonus may be more of an incentive to preserve historic resources over bonuses offered for other public benefits
  - Cons:
    - i. Community concerns with additional density/intensity and height
    - ii. An analysis of the potential impact of an additional bonus would take time to evaluate

**4. What type of process should be established for the review and approval of sending and receiving transfer of development rights?**

The City's existing TDR provisions require review and approval by the City Council when a transfer of development rights is proposed. In staff's review of other TDR programs several require a non-administrative review and approval; however, some jurisdictions review and approve development transfers administratively in order to streamline the process and provide some certainty.

Some options include:

- a) Keep the existing Riverfront Crossings review and approval procedure by City Council.
- Pros:
    - i. Simpler and consistent with current process
  - Cons:
    - i. Lack of certainty in the approval process
- b) Establish a new procedure that allows transfers up to a certain height or density/intensity to be reviewed and approved administratively. This could be similar the City's existing central business district bonus provisions or certain Riverfront Crossings' bonus provisions, which are reviewed and approved administratively. Any transfers beyond an identified threshold would be reviewed and approved by the City Council.
- Pros:
    - i. Streamlines the review and approval of transfers
    - ii. Allows the City Council to review and approve larger transfers that would potentially have more of an impact
  - Cons:
    - i. Not consistent with current process

**5. What areas should a city-wide TDR ordinance identify as receiving areas?**

Staff has proposed a few options for potential receiving sites:

- Riverfront Crossings,
- Downtown,
- South Johnson and South Van Buren Streets between Court Street and the railroad tracks, and
- Sites throughout the city that allow multi-unit development.

Based on the analysis staff conducted there is limited development potential in the downtown due to the number of historic structures. There is also limited potential for

redevelopment along South Johnson and South Van Buren Streets since none of the sites in this area met the threshold needed to be identified as vacant or underutilized. Furthermore, the Mayor expressed interest in this area as a receiving site only if accompanied by an urban design plan. Staff could explore the development of an urban design plan for this area, but completing a plan by the January 2019 is not feasible. The most capacity exists on multi-unit zoned parcels city-wide. Riverfront Crossings also has capacity, if the area is rezoned to the Riverfront Crossings zoning designation.

Some options include:

- a) Riverfront Crossings, and/or
  - Pros:
    - i. Current receiving area
    - ii. Master Plan and form-based code encourage higher densities/intensities
  - Cons:
    - i. May not be able to accommodate the amount of transfer potential for a city-wide program
  
- b) Downtown, and/or
  - Pros:
    - i. Core of the community with existing infrastructure
    - ii. Commercial zoning allows for higher densities/intensities
  - Cons:
    - i. Significant amount of historic buildings; and therefore, not able to accommodate much transfer potential
  
- c) South Johnson and South Van Buren Streets between Court Street and the railroad tracks, and/or
  - Pros:
    - i. Transfers could provide an incentive for redevelopment
    - ii. Zoned for higher density housing
  - Cons:
    - i. May require the development of an urban design plan, which would take time
    - ii. May not be able to accommodate much transfer potential
  
- d) Sites throughout the city that allow multi-unit development, and/or
  - Pros:
    - i. Provides the most capacity for transfers
  - Cons:
    - i. Could potentially be more impactful and cause concern from neighbors
    - ii. Areas with sensitive features (e.g. wetlands, slopes, woodlands) require a sensitive areas development plan which often leads to clustering. Transfers to these areas could result in even higher densities.
  
- e) Other sites or areas

### Next Steps & Conclusion

In terms of next steps, staff will prepare a presentation for the September 4, 2018 City Council work session. In addition to the tasks outlined in the timeline below, staff will need to conduct some public outreach with property owners and other stakeholders.

<i>Date</i>	<i>Task</i>
June – August 2018	Research and analysis



September 4, 2018	Presentation to Council on research; recommendation from Council to proceed or not proceed on ordinance drafting
September– October 2018	Ordinance drafting, if determined by Council
October 11, 2018	Historic Preservation Commission Review & Discussion
October 18, 2018	Planning & Zoning Commission Review & Discussion
November 1, 2018	Planning & Zoning Commission Review & Recommendation
November 20, 2018	City Council (1 <sup>st</sup> reading of ordinance)
December 4, 2019	City Council (2 <sup>nd</sup> & possible 3 <sup>rd</sup> reading of ordinance)
January 29, 2019	Expiration of 8-month deferral of the local landmark designation of 410-412 North Clinton Street

Attachments:

1. Methodology for vacant and underutilized sites
2. Overview of other local jurisdictions' TDR programs

**ATTACHMENT 1.**  
**Methodology for Vacant & Underutilized Sites Analysis**

1. Potential Receiving Areas:
  - a. Riverfront Crossings<sup>1</sup>
  - b. Downtown
  - c. South Johnson & South Van Buren Streets between Court Street & the Railroad
  - d. Land zoned for multi-unit development, including commercial zones that allow multi-family (city-wide)
  
2. Removed the following from the potential receiving areas:
  - a. Land within the 100 & 500-year floodplain
  - b. Local Historic Landmarks, Local Historic Districts, and Conservation Districts
  - c. Historic properties within the downtown
  - d. Publicly zoned parcels and other parcels that do not allow multi-unit development
  
3. Vacant & underutilized sites analysis:
  - a. Used Assessor data to identify vacant sites
  - b. Underutilized sites include the following:
    - i. Improvement-to-land value ratio of less than 1.0, which indicates that the buildings on the site are less valuable than the land, and therefore, more likely to be redeveloped
  - c. Staff also referred to the Riverfront Crossings Master Plan and the areas identified for potential redevelopment
  - d. Additional sites were included based on staff's knowledge of potential future developments
  
4. Calculated development potential of vacant & underutilized sites:
  - a. Commercially-zoned properties: Floor area ratio (FAR)
    - i. FAR converted to square footage by multiplying the maximum height by the lot area
  - b. Residentially-zoned properties: Density (dwelling units / acre)
    - i. Density converted to maximum allowable dwelling units
  - c. Applied 80% discount factor assuming that maximum allowable density/intensity will not be achieved

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<sup>1</sup> Staff assumed rezoning of all properties to Riverfront Crossings

**ATTACHMENT 2.**  
**Overview of other Local Jurisdictions' TDR Programs**

City	Eligibility		Base Unit	Calculation Method	Mechanics		Approval Steps	Notes
	Sending	Receiving			Administration	Tracking		
Atlanta, GA	Must be either residential sending areas, a parcel suitable for greenspace, or a <i>property designated as a landmark building/site or as a historical building or site by the Atlanta Historic Preservation Ordinance</i>	"Must be zoned for multi-family residential or mixed uses provided that residential component represents at least 50% of the project", must show future use of the property meets reqs as outlined in the code	3 different "development factors" may be transferred: floor area ratio, total open space, and useable open space	Development potential of the site minus the landmark's existing development	Property owners submit applications for designation as sending/ receiving sites/ approval of transfers. Approved by City, recorded by Bureau of Planning	Istrument recorded in the office of the county clerk in which the property is located re owners, persons with interest in property, prohibitions against future use of property, etc. If sites are within close proximity of one another, a joint app can be submitted. Bureau of Planning has a system for monitoring severance, ownership, assignment, and transfer of dev rights.	Applicant proposes sending site/ applies for severance or direct transfer of dev rights - approved by council. City ("governing body") must determine if receiving site is appropriate for dev and that the transfer won't cause adverse environmental/ economic/social impacts, administers a special permit if approved.	Pop. 486,000 Sec. 16-28.023 of: <a href="https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIII_COORANDECO_PT16ZO_CH28GESUR_E_S16-28.023TRDERI">https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIII_COORANDECO_PT16ZO_CH28GESUR_E_S16-28.023TRDERI</a>
Chico, CA	Sites not automatically eligible; in application for TDR the owner(s) outline how their site fulfills the TDR conservation program outlined by the City	Similarly, applicants must make "a statement outlining the availability of support services and infrastructure necessary for the dev" of the receiving site. Essentially the onus is on the applicants to do the legwork of determining eligibility, then city gets to pass judgment	Dwelling Unit	((# of DU/Gross Acre) allowed in sending zone)*(sending site's acreage) - (existing and proposed # of DU on sending site)	Rolled into PUD/Development Agreement process	Doesn't appear to be a TDR "bank" entity. The TDR is recorded within the specific PUD/Development Agreement	Same process they use for PUDs, Specific Plans, and Development Agreements	Pop. 86,000. Chapter 19.34 of the following link: <a href="http://www.chico.ca.us/government/documents/Title19update.pdf">http://www.chico.ca.us/government/documents/Title19update.pdf</a>
Dallas, TX	Eligible if: 1) the historic property is w/in an urban historic district; 2) the historic property is a contributing structure listed in the National Register of Historic Places if it is located in the West End Historic District; and 3) the historic property has been rehab'd w/in the last 5 yrs and the total value of the rehab exceeds 50% of the property's pre-rehab value	Located in the Central Area, CA-1(A) and CA-2(A) districts	Floor Area	Difference between existing floor area of landmark building and the amt of floor area allowed by zoning of sending site; transfer ratio is one-to-one	Planning director approves form for sending and receiving sites and amt to be transferred; county deed recorder records form	Applicant files form with county deed recorder	Property owner must submit a form to the Planning Director indicating the sending site, the receiving site and the amount of development rights to be transferred; is checked for compliance; when receiving site developer requests a building permit for a project using dev rights, the recorded transferring form is checked and building permit is issued	Pop. 1.3 million <a href="http://dallascityhall.com/departments/sustainabledevelopment/DCH%20documents/pdf/building/DevelopmentProgramApplication.pdf">http://dallascityhall.com/departments/sustainabledevelopment/DCH%20documents/pdf/building/DevelopmentProgramApplication.pdf</a>
Delray Beach, FL	"In order to be eligible for TDR, the resulting use of the 'to be regulated' property [sending site] must be in a manner to advance goals, objectives, & policies of the Comprehensive Plan through: (a) Preservation of historic structures & sites; (b) Obtaining land for public facilities; (c) Preservation of designated conservation areas; (d) Any time when a voluntary action would aide in fulfilling a policy/ objective of the Comprehensive Plan."	Redevelopment areas and height overlay zones; if a redevelopment area, the development proposed for that site must comply with the redevelopment plan for that area	Residential Dwelling Units or Floor Area	"Office floor area and residential units can be interchanged at the rate of 2,000 square feet of office floor area being equal to one residential dwelling unit. A conversion from office to residential, or from residential to office, may occur at any time up to the application of the Certificate to a receiver property"	Applications submitted to City. Local Planning Agency determines appropriateness of sending and receiving sites and certifies it to the City Commission. Certificate approved by City Attorney.	Application is processed as a rezoning request, ordinance outlines the value of the severed development rights. Certificate of Development Rights is issued, approved by City Attorney.	Applicant submits site plan for proposed sending site indicating amt of dev that should be accomodated on that site; sending site is rezoned (applies to rezone sending site to Community Facilities, Open Space, or Conservation Zone; receiving site may also need to be rezoned, if so, is processed concurrently); owner receives certificate which states value of transferred rights, which can be sold/transferred to receiving site	Pop. 67,000 Section 4.6.20 of: <a href="https://library.municode.com/fl/delray_beach/codes/land_development_regulations?nodeId=CH4ZORE_ART4.6SUDIRE_S4.6.20TRDERI">https://library.municode.com/fl/delray_beach/codes/land_development_regulations?nodeId=CH4ZORE_ART4.6SUDIRE_S4.6.20TRDERI</a> To date, no TDR applications have been submitted.
Largo, FL	Any land with significant archaeological, historical, or environmental significance, OR according to a redevelopment plan approved by Planning Commission	"determined as capable of accepting dev rights based on the Comp Plan and the Development Code" Amount limited by site's municipal service capacity	Density (units per acre) or Intensity (FAR)	As much as the maximum possible density or intensity of sending site	TDR Certificates. Records both sending and receiving sites simultaneously. Contains restrictions as provided in application or as determined by City Commission.	Doesn't appear to be a TDR "bank" entity. The certificate gets recorded with the County.	Certificate applications reviewed by Planning Commission	Pop. 75,000. Section 4.7 of following link: <a href="https://www.largo.com/document_center/Permits%20&amp;%20Planning/Planning/CD C/Adopted_2018_CDC.pdf">https://www.largo.com/document_center/Permits%20&amp;%20Planning/Planning/CD C/Adopted_2018_CDC.pdf</a>
Los Angeles, CA	any parcels within the Central Business District Redevelopment Project Area	any parcels within the Central Business District Redevelopment Project Area	Floor Area Ratio, 3:1 or 6:1 depending on the subarea in which the site is located	Based on floor area ratio -- 3:1 or 6:1 depending on the subarea in which the site is located	Redevelopment Agency, City Planning Commission, LA City Council and Mayor must all individually consider whether an application for TFAR (Transfer of Floor Area Rights) meets all conditions. Commission offically approves transfer following public hearing.	Filed with City Clerk.	Redevelopment Agency must consider whether an app for TFAR meets all 6 conditions--if yes, they approve app. City Planning Commission, LA City Council, & Mayor all repeat this process. Director issues a report to Cimission recommending approval/ approval w conditions/ disapproval of req for Transfer.	Pop. 4.03 million Article 4.5: <a href="http://library.amlegal.com/nxt/gateway.dll/California/lapz/municipalcodechapteriplanningandzoningco/chaptergeneralprovisionsandzoning/article45transferoffloorareights-centr?f=templates\$fn=default.htm\$3.0\$vid=amlegal:lapz_ca\$anc=JD_C1A4.5">http://library.amlegal.com/nxt/gateway.dll/California/lapz/municipalcodechapteriplanningandzoningco/chaptergeneralprovisionsandzoning/article45transferoffloorareights-centr?f=templates\$fn=default.htm\$3.0\$vid=amlegal:lapz_ca\$anc=JD_C1A4.5</a> "Developers are required to pay a Public Benefit Payment on transfers in order to fund public open space, affordable housing, cultural/public facilities, historic preservation and public transportation improvements."

Madison, GA	Historical sending sites must be any landmark listed in the Greenprint and registered as a Landmark by the Madison Historic Preservation Commission. (other non-historical sending sites apply to the TDR program as well)	"Receiving parcels must meet all three of the following criteria: 1) ID-ed as Traditional Neighborhood Residential or Mixed-Use Residential/ Commercial on Future Land Use Map; 2) W/in the "higher density" portions of the W. Washington Gateway; and 3) W/in 2000 ft of a neighborhood center, w/in 1500 ft of a neighborhood park and w/in 1500 ft of an arterial street or state highway."	Density	"calculated on basis of baseline density of the sending parcel, less any existing dwelling units. For parcels w/in residential zoning districts, the baseline density shall be the gross acreage of the parcel divided by the min lot area of the zoning district. For non-residential zoning districts, baseline density shall be calculated at four units per acre. The area of a parcel with fractional acreage will be rounded down to the nearest 1/4 acre"	Planning department approves TDRs from sending sites, administers certificates. Land Bank Board has influence in determining TDR value, holds TDRs until purchase by a receiving site owner. Mayor and city council must review receiving site at public meeting.	Land Bank can buy either TDRs or property in fee simple; may determine TDR value using negotiation, a competitive bid process, or any other method deemed fair and equitable by the Bank Board. Applications for both receiving and sending sites are recorded with the County Court Clerk. TDR Certificates are recorded in the TDR Register.	Owner of qualifying sending site must submit a preliminary app, followed by a certification app, to the planning dept. Receiving site owner must apply; dept schedules application for mayor and council review at public meeting. Upon approval, planning dept. records the transfer.	Pop. 4,000 Article III: <a href="https://library.municode.com/ga/madison/codes/code_of_ordinances?nodeId=PTII COOR_CH54PLDE_ARTIIITRDERI_S54-54TRDERIPR">https://library.municode.com/ga/madison/codes/code_of_ordinances?nodeId=PTII COOR_CH54PLDE_ARTIIITRDERI_S54-54TRDERIPR</a>
Minneapolis, MN	Lots with locally designated or eligible historic structures within specific districts, as determined by the City's Heritage Preservation Commission.	Doesn't really have an explicit criteria, other than it's a site within specified downtown districts and the Planning Director approves of the transfer	GFA	(Maximum GFA permitted by sending site's zone) - (GFA of existing development on sending site) however, receiving site is capped to 30% above its zone's maximum allowable GFA	Application for TDR submitted, if approved it's recorded with the County in the form of a "conservation easement or similar restriction acceptable to the city," specifying amount of floor area transferred and involved parcels.	Doesn't appear to be a TDR "bank" entity. The certificate gets recorded with the County.	Administrative-level review of TDR applications by Planning Director. Decision is final, can appeal denials through P&Z commish. Building permit not granted for receiving site until sending site's historic structure has been rehabbed and approved by HPC	Pop. 415,000. Specifically designed for Historic Pres. Can transfer to up to four different receiving sites from one sending site. Link: <a href="https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=MICOOR_TIT20ZOCO_CH549DODI_ARTIIITRDERI_549.270DE">https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=MICOOR_TIT20ZOCO_CH549DODI_ARTIIITRDERI_549.270DE</a>
Nashville, TN	Parcels within two designated historic zoning districts or Historic Landmark Districts (all designated in 2007 with the Downtown Community Plan Update)	ordinance identifies five specific areas within the downtown as receiving sites	Floor Area	maximum floor area allowed by the base zoning minus the floor area of the landmark building	owner of sending site records an easement that permanently precludes additional development on the site; developers may purchase or be donated dev rights (if owned by the City or State or a non-profit preservation org, rights can only be donated); Planning dept receives app and approves it.	Conveyances of sending site's rights is put in writing in an instrument that is then signed by owner, submitted to planning dept with approval, then recorded in the office of the register of deeds.	Owners of sending sites and receiving sites must apply for transfer of development rights with the planning dept. Planning dept. is in charge of approval. TDRs are allocated to receiving property only once the rights are noticed in writing in an instrument signed by owner of receiving site that is submitted to the planning dept.	Pop. 690,000 <a href="https://www.nashville.gov/mc/ordinances/term_2003_2007/bl2007_1369.htm">https://www.nashville.gov/mc/ordinances/term_2003_2007/bl2007_1369.htm</a>
New Orleans, LA	"places, buildings or structures in any Central Business District (CBD) zone that are either designated as historic landmarks or recognized as having special historic, community or aesthetic value"; they cannot be owned by the City, State, or Federal Government	properties in CBD-1, CBD-2 or CBD-2B districts; properties in CBD-9 zone can receive dev rights transferred from the CBD-8 zone; projects which incorporate TDRs may exceed by 10% the by-right density, in addition to bonus density increases, allowed on the receiving site by baseline zoning	Floor Area	difference between the maximum floor area allowed by the zoning code, without bonus density increases, and the actual floor area of the existing building to be preserved	Applications are approved or denied by the Planning Commission following a public hearing; if approved, recommendation for approval is forwarded to the City Council; Council may approve, modify, or deny.	to finalize transfer, applicants must file with the City both an instrument of transfer and a notice of restrictions on the sending site with the deeds of both the sending and receiving sites	owners of both the sending and receiving sites must submit an application to restrict development rights on the sending site and increase density on the receiving site; goes through public hearings for Planning Commission and City Council	Pop. 391,000 Section 16.8 of former code -- is no longer in effect. <a href="https://www.nola.gov/city-planning/czo/former-comprehensive-zoning-ordinance/former-new-orleans,-la-zoning-thru-june-20,-2014/">https://www.nola.gov/city-planning/czo/former-comprehensive-zoning-ordinance/former-new-orleans,-la-zoning-thru-june-20,-2014/</a>
Palo Alto, CA	They designate certain buildings (Historic Category 1 or 2). TDR granted only upon approved applications with specific rehabilitation plans for those buildings.	Located in certain districts. Not a historic site. Located >= 150 ft from residentially zoned property (except in MU zones or OPDs). Other stipulations regarding sites within their "downtown parking assessment district." Limits on FAR within certain subdistricts as well. Total additional floor area capped at a max of 10,000 sf, unless more restrictive FAR caps for that subdistrict exist.	Floor Area	For Historic Rehab Buildings: "allowed to increase its floor area by 2,500 square feet or 25% of existing building, whichever is greater, without having this increase count toward the FAR." Certain subdistricts have more restrictive FAR limits. Also stipulates that, "This bonus area must be fully parked."	Functions under their Floor Area Bonus process. Site owner of approved historic pres F.A.B. must enter into an "unsubordinated protective covenant running with the land in favor of the city" assuring the property will be rehabbed according to applicable standards.	"recorded document, signed by the transferor and transferee... in a form designed to run with the land and satisfactory to the city attorney... identify[ing] the sender site and the amount of floor area transferred."	Application for "major ARB review of the project proposed for the receiver site" filed, including historic rehab plan, specific amount of dev rights planned to be transferred, and identification of sender & receiver sites. Rehab plan reviewed by HPC. Upon completion, Planning Director issues written determination of sending site's bonus eligibility.	Pop. 67,000. City Code states: "The city does not guarantee that at all times in the future there will be sufficient eligible receiver sites to receive such TDRs." Chapter 18.18 at following link: <a href="http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/paloaltomunicipalcode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:paloalto_ca">http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/paloaltomunicipalcode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:paloalto_ca</a>
Park City, UT	Three sending areas (Sending Treasure Hill, Sending Old Town, and Sending Historic District); designed to preserve open space, environmental areas/ sensitive lands, structures of aesthetic/ architectural/ historical significance. All vacant lots in the Park City Historic Sites Inventory are eligible.	All properties within the TDR-Receiving overlay zone are eligible to receive Transfer Development Credits.	Density	Allocation ratios vary depending on sending area. 1 TDC = 1,000 sq ft of bonus commercial floor area or 2,000 sq ft of bonus residential floor area.	Planning Director determines the number of development credits allowed to a sending site. Sale/ transfer of credits is conducted between transferor and transferee or their legal representatives, to be recorded by Planning Director or designee.	"Each time credits are transferred from a sending site, a conservation easement or deed restriction is recorded." A Development Credit Certificate must be recorded in the county's property records when credits are transferred/sold.	Sending site property owners can request a Development Credit determination letter from the Park City Planning Director. Those credits may only be sold/ conveyed/ transferred by the owner to the transferee and then must be reissued in the transferee's name.	Pop. 8,300 Ch. 15-2.24 of: <a href="https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.24_Transfer_Of_Development_Rights_(TDR)_Overlay_Zone">https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.24_Transfer_Of_Development_Rights_(TDR)_Overlay_Zone</a>
Pasadena, CA	Can be anywhere within the West Gateway Specific Plan area.	Can be anywhere within the West Gateway Specific Plan area.	Density	Residential density can be converted to non-residential floor area and vice versa. Conversion Formula. One dwelling unit shall be equivalent to 850 square feet of non-residential development and 850 square feet of nonresidential development shall be equivalent to one dwelling unit. Any development rights transferred from a donor site shall be deducted from the additional density otherwise allowed on the parcel by this Section.	With proper written consent of sending and receiving site owners, any property owner within the area may transfer.	Owner of sending site records a written covenant documenting the transfer, approved by City Attorney. "Department maintains records of all transfers and the current density allocations, if any, of all the properties within the specific plan area."	Transfer can be approved by the Zoning Administrator as long as the receiving site project meets regulations.	Pop. "Intended to propote enhancement of the.. City's symbolic western gateway and to facilitate preservation of historic structures and beloved open spaces" Chapter 17.36.060.B : <a href="https://library.municode.com/ca/pasadena/codes/code_of_ordinances?nodeId=TI17_ZONING_CODE_ART3SPPLST_C H17.36WEGASPPPL_17.36.060WGGGED EST">https://library.municode.com/ca/pasadena/codes/code_of_ordinances?nodeId=TI17_ZONING_CODE_ART3SPPLST_C H17.36WEGASPPPL_17.36.060WGGGED EST</a>

Pittsburgh, PA	Lots containing City-designated historic structures (which can be designated as such without the consent of the property owner) or not-for-profit performing arts facilities in two specific districts, labeled C5 and C6.	Located in C5 & C6 districts, can be commercial or residential. Commercial: floor area rights from sending sites in one district can only be transferred to zoning lots in the same district. Residential: rights can be transferred from any other zoning lot in C5 & C6 districts.	Floor Area	1:1 transfer ratio: "the amount of development available for transfer is the difference between the existing amount of development on the sending site and the maximum amount of development which would be allowed on that sending site under the zoning code". If sending & receiving sites are adjacent, max amt of development allowed on the receiving can be 2x the amt allowed by the zoning code. If not adjacent, development can only be increased by 20% more than density allowed by base zoning.	The City's Historic Review Commission approves the transfer. City Solicitor approves a legal document signed by the parties concerned, which is filed with the application for occupancy permit.	Must be a "plan and program for rehabilitation... and maintenance" of the structure for at least 40 years beyond the transfer. Must also be a legal document signed by involved parties and approved by the City Solicitor. "The department, bureau, and all other affected City departments shall note on appropriate records the reduction in development rights on the sending lot and the increase...on the receiving lot"	Must be approved by the City's Historic Review Commission. Prior to approval, "there shall exist a plan and program for rehabilitation...and for continuing maintenance of the Historic Structure or Performing Arts Facility...for not less than 40 years."	Pop. 306,000. Program has only been used about 3 times; it "has not been of great interest to potential developers... because the pace of commercial development has not generated enough demand to justify the acquisition of additional development capacity [and] base zoning allows millions of sq ft of future development without the need for discretionary approvals. Consequently, Pittsburgh developers have little motivation to use the TDR ordinance." (SmartPreservation)
Providence, RI	"Buildings listed in the National Register of Historic Places for which the applicant donates a preservation restriction whose purpose is the preservation of the exterior of the building"	Structures within the Downcity District; "shall be restored and maintained as required by the downtown design review committee"	Building height	Difference between height of landmark and max height allowed to sending site under current zoning; height of receiving site cannot exceed 1.6x the max height or 300 ft, whichever is less.	Downcity Design Review Committee (DRC), created to "encourage development compatible with historical character while creating a 24-hr ped-friendly downtown that promotes art, entertainment and housing", reviews all proposed improvements within the district, including TDR.	"fee owners of sending & receiving lots execute an agreement to be recorded with the title to both lots... , for a term that equals or exceeds the life of the project of the receiving lot"; any changes to plan must be approved through a new application	Application must be approved by the Downcity Design Review Committee at a public hearing.	Pop. 180,000 Chap. 27, Article 6.03, Section G of following link: <a href="https://library.municode.com/ri/providence/codes/code_of_ordinances?nodeId=PTIICOOR_CH27ZO_ART6DODI_603DEIN">https://library.municode.com/ri/providence/codes/code_of_ordinances?nodeId=PTIICOOR_CH27ZO_ART6DODI_603DEIN</a>
San Diego, CA	Civic San Diego TDR Program (a nonprofit org owned by the City) "To qualify, must contain designated historical resources and be located on same block as receiving site or be the object of a study, approved by the Civic San Diego President, verifying that a transfer of floor area is needed to finance rehab and preservation of landmark."	Must be on the same block as the sending site.	Floor Area	determined by amt of development allowed by the sending site's max base FAR; may also be determined on a case-by-case basis based on needed rehab and preservation costs	Transfer is approved by Civic San Diego President; Civic San Diego is a non-profit org owned by the City of San Diego tasked with promoting economic development in neighborhoods throughout the city, including the downtown	documented by recorded certificates of transfer; "City can acquire, bank, and hold transferred floor area prior to transfer to a receiving site"	sending site owners must enter into a Preservation, Restoration, and Maintenance Agreement that commits them to rehab the structure & reconstruct it if destroyed; CSD President approves transfer	Pop. 1.41 million Has not been used since 2014 <a href="http://docs.sandiego.gov/municode/MuniCodeChapter15/Ch15Art06Division03.pdf">http://docs.sandiego.gov/municode/MuniCodeChapter15/Ch15Art06Division03.pdf</a>
"	Golden Hill TDR Program must be within Golden Hill Planned District; three types of eligible historical properties: "a property designated as a historical site by the Historical Site Board; a contributing structure within the Historic District; or a structure designated historically/architecturally significant in a survey approved by the Historic Site Board"; property owner also must grant a facade easement to the City	properties located within 5 subareas of the district	Floor Area	transfer difference between the floor area of the landmark and the floor area that would be permitted under the density limits of the zoning code; transferred rights allowed a project to exceed the base density allowed by code by 25%	transfers registered with Planning Dept	a purchaser of development rights had to register all transfers with the City Planning Department	City Planning Dept has to approve transfers	Pop. 1.41 million TDR provisions removed from ordinance in Golden Hill Planned District in 1989 - problems: density allowed by code usually wasn't much greater than the density of the historic structures from which rights were transferred; owners of potential receiving sites had little incentive to buy additional density because they could achieve the density they wanted under the limits imposed by the code; surrounding neighborhoods were resistant to additional development
St. Petersburg, FL	"Designated landmarks or landmark sites other than contributing structures in a historic district and any gov't owned property"; exterior must be preserved and rehabilitated in accordance with the Sec of the Interior's Standards for Preservation and Rehabilitation	properties in the downtown center and corridor commercial suburban districts	Floor Area	landmark building: the greater of the following - 10x the floor area of the landmark or the diff between the gross floor area of the structure and the max floor area allowed by zoning landmark site: transferable floor area is 5x the landmark site's size after deducting any lot area occupied by a landmark building "for each sq ft of development credit transferred, \$.50 must be given to the City's historic preservation grant program, minus any funds spent on required restoration or rehab work"	Planning Dept (POD) approves establishment and transfer of TDR credits. City Attorney approves owner's declaration of covenants and restrictions	A registry of TDR credit certificates is kept by the Planning Dept. At time of transfer, owner records a declaration of covenants and restrictions which is then approved by the City Attorney.	Application to establish TDR credits approved by the POD, property must be historically designated before credits are issued, certificate of TDR credits is administered upon approval by POD, owner of credits who wants to use them to transfer density/intensity must apply; owner of receiving site must have the approval of a site plan before credits are transferred	Pop. 261,000 16.70.040.1.17 of following link: <a href="https://library.municode.com/fl/st_petersburg/codes/code_of_ordinances?nodeId=PTIISTPECO_CH16LADERE_S16.70A_PPR_16.70.040PLZODE_16.70.040.1.17TRDERIHI">https://library.municode.com/fl/st_petersburg/codes/code_of_ordinances?nodeId=PTIISTPECO_CH16LADERE_S16.70A_PPR_16.70.040PLZODE_16.70.040.1.17TRDERIHI</a>
Vancouver, WA	Designated historic landmark in two Conservation Areas, created with the adoption of a Historic Preservation Overlay District ordinance; any structure in the Overlay District that is listed in the State or National Registers of Historic Places or designated on a local register is eligible.	Any other site in the same zoning district, as long as it will not create a hazard to low-flying aircraft.	Floor Area	Floor area <i>allowable</i> on the sending site minus the actual floor area of the sending site.	City Council makes record of covenant with owner of the historic property/ sending site.	Owner of the historic property must record a covenant with the City Council that the historic property will be maintained in its historic condition. Unclear if the covenant addresses the transfer or simply the preservation of the structure.	Covenant must be approved by City Council.	Pop. 175,000 Section 20.510.050: <a href="https://www.cityofvancouver.us/sites/default/files/fileattachments/vmc/titles_chapters/20.510.pdf">https://www.cityofvancouver.us/sites/default/files/fileattachments/vmc/titles_chapters/20.510.pdf</a> Very little specific information is given.
Warrington, PA	Owners must petition to qualify their land as sending sites through conditional use permit process, unless the site is within the Residential-Agricultural zone, in which case it would automatically qualify. "Site can only be approved if it meets four criteria including consistency with the Comprehensive Plan and promotion of public welfare."	Sites in zones that permit higher-density residential, office, and industrial uses	Land Area	"TDR allocation varies depending on sending site zoning: for each net acre of sending site land, owners can receive 0.65 DUs in the RA zone, 1.1 in the R-1, 1 DU in the R-1-C, 2 DUs in the R-2 or R2-I and 1.9 DUs in the R-3. In addition to this base allocation, sending sites can receiving incentive bonuses of 15% in the RA or 10% in other districts and additional bonuses for sites with historic or natural resource significance. RA sites must be at least five acres to qualify."	Planning Commission and Township Board of Supervisors, who approve the transfers, are advised by the TDR Review Board.	Mention of where TDRs are recorded does not appear in the code.	If not in the RA district, the Board of Supervisors must approve the transfer, considering the recommendations of the Planning Department or Planning Commission and the TDR Review Boards.	Pop. 24,000 Program aims to preserve environmental space and historically significant sites. <a href="https://www.ecode360.com/13867984?highlight=develop,developed,development,development,right,development,rights,developments,develops,right,rights">https://www.ecode360.com/13867984?highlight=develop,developed,development,development,right,development,rights,developments,develops,right,rights</a>

West Hollywood, CA	"properties containing City-designated cultural resources which have less density than the max allowed by the zoning code"	any properties zoned for medium/high-density commercial use which are not cultural resources; cannot be transferred into residential zones	Density	Difference between the max permitted development and the existing number of dwelling units; for nonresidential cultural resources, it is the difference between the max code-permitted floor area and the actual floor area of the designated building	City's Cultural Heritage Advisory Board approves a rehabilitation plan if needed on a sending site; rehab must be completed before transfer. Council has established criteria upon which transfers shall be conditioned.	City allows developers to purchase an option on TDRs, which must be recorded prior to adoption of receiving site project (arranged this way because City was concerned that developers would be reluctant to use the program if they had to buy rights before transfer was approved).	Rights can be purchased by anyone; do not have to be earmarked for a particular receiving site. Cultural Heritage Advisory Board approves rehab plan if necessary. Council has criteria that it follows when approving a transfer.	Pop. 37,000 "Owner of designated cultural resource must comply w restoration requirements est. by the Cultural Heritage Advisory Board to receive full funds from a sale of dev rights. If sending site needs rehab, owner initially receives only 25% of TDR sale proceeds...remaining 75% is placed in an escrow account for use in the rehabn of the sending site." According to Smart Preservation, no transfers have occurred yet." 19.58.150.F of <a href="http://qcode.us/codes/westhollywood/view.php?topic=19-19_4-19_58&amp;showAll=1&amp;frames=off">http://qcode.us/codes/westhollywood/view.php?topic=19-19_4-19_58&amp;showAll=1&amp;frames=off</a> Could not find a copy of the specific criteria that appear in the Transfer of Development Rights Program.
West Palm Beach, FL	Historic properties, landmarks (local or national register status), Clematis St. conservation district, urban open space, all as depicted in the City's code. Historic sites & landmarks must have completed renovation acc. to code and must be issued a certificate of occupancy. "As an added incentive for historic landmark designation, sites with historic landmark status are eligible for additional city-owned TDRs in an amount equivalent to the site's existing development capacity"	"must comply with the TDR map showing where TDR can be used to reach an eight-, ten- and 20-story maximum," as depicted in the City zoning code	Floor area	transferable floor area is determined by multiplying lot area by allowable number of floors (and deducting the floor area of the existing structure in the case of a historic landmark sending site)	Planning director establishes eligibility, DAC approves transfer	TDR registry maintained by city that records total amt of DRs available on a site, and the date & amount of any transfer that occurs; city-approved restrictive covenant is executed and recorded in public records (TDR restrictive covenant), which describes the adjusted DRs of sending and receiving sites; "bank entity": TDRs may be acquired from a sending site and held for an undetermined amt of time until a suitable receiving site is found	Planning director est. eligibility of sending site, letter (w estimate of DRs available for transfer from sending) of availability may be issued by planning dept upon request; all transfers are subject to approval of the Downtown Action Committee (DAC), after which a certificate of transfer is issued (recorded in TDR registry)	Pop. 108,000 Sec. 94-132 of: <a href="https://library.municode.com/fl/west_palm_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH94ZOLADERE_ARTIVDOMAPLURRE_S94-132TRDERIPR">https://library.municode.com/fl/west_palm_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH94ZOLADERE_ARTIVDOMAPLURRE_S94-132TRDERIPR</a>



## City of Iowa City City Council Work Session

September 4, 2018

### Background

- **May 29:**
  - Council considered local landmark designation of 410-412 N. Clinton Street
  - Deferred to January 2019 and directed staff to explore the creation of a city-wide TDR program
- **August 7:**
  - Council discussed initial memo on TDR at work session
- **September 4:**
  - Direction from City Council on key policy questions

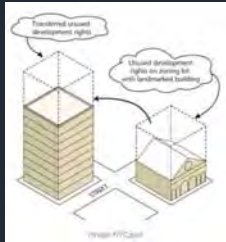
### September 4 – Council Work Session Goals

- **Direction from Council on the following:**
  - Eligible sending sites
  - Transfer formula
  - Priority of preserving historic resources compared to other public benefits
  - Review and approval process for transfers
  - Eligible receiving sites

### Staff Goals of a City-wide TDR Program

- Fair
- Legally-sound
- Easy to administer
- Simple for developers and members of the public to understand
- Effective program that preserves historic resources
- Consistent with comprehensive plan

### Transfer of Development Rights



- Incentivize protection of historic resources
- Property owners can sell/ transfer development rights from historic resource (sending site)
- Development rights applied to another site where development can occur at a higher density (receiving site)

### TDR Example – Tate Arms, 916 S. Dubuque St.

Sending Site: Tate Arms, 914 S. Dubuque St.



#### RFC Transfer Formula

- No. of stories allowed on sending site (4)
  - ×
  - Area of sending site (8,700 sq. ft.)
  - =
  - Development Rights Available for Transfer (34,800 sq. ft.)

### TDR Example – Tate Arms, 916 S. Dubuque St.

Sending Site: Tate Arms, 914 S. Dubuque St.



Total Dev. Rights: 34,800 sq. ft.  
Dev. Rights Remaining: 27,400 sq. ft.

Receiving Site: 912 S. Dubuque St.



Dev. Rights Transferred: 7,400 sq. ft.

### Summary of Existing Local Historic Landmarks

	No. of Local Historic Landmarks
Downtown	8
Dubuque / Linn Street Area	2
Northside	15
Goosetown	3
College Hill	6
Longfellow	1
Manville Heights	2
Kirkwood	2
Westside	4
Near Southside	6
Other	3
<b>Total</b>	<b>52</b>

## Research & Analysis Sending Sites

Sending Sites	Development Transfer Potential (square feet)
Local Landmarks Only	4,367,068
Local Landmarks & National Landmarks	5,368,997

- Only analyzed existing local and national landmarks
- Several other buildings eligible for local landmark designation
- HPC proactively identifying sites to locally landmark
- Used the RFC Transfer Formula:  

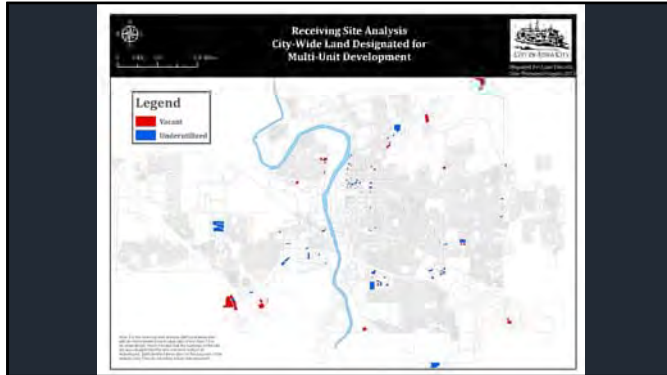
$$\frac{\text{No. of stories} \times \text{Area of sending site}}{=} \text{Development Transfer Potential}$$

## Research & Analysis Receiving Sites

Potential Receiving Areas	Development Potential (square feet)	Development Potential (dwelling units)
Riverfront Crossings	2,522,313	-
Downtown	242,471	-
South Johnson & South Van Buren Area	-	-
Citywide – multi-unit sites	5,389,525	845
<b>TOTAL</b>	<b>8,154,309</b>	<b>845</b>

- Identified vacant and underutilized sites
- Removed sites within floodplains, sites with historic buildings, publicly zoned land





## Research & Analysis

### *Summary of Sending & Receiving Sites Analysis*

- Significant amount of transfer potential – will increase as more properties are locally landmarked
- Depending on receiving sites identified it may be difficult to accommodate transfer potential

## Research & Analysis

### *Other Local Jurisdictions' Program*

- **Transfer Formulas:**
  - Consider existing development on sending site
  - Typical formula = *Max allowable density/intensity on sending site Less Existing density/intensity on sending site*
  - Incorporate a receiving site bonus above that allows development beyond plan/zoning
  - In comparison, the RFC transfer does not consider existing development

## Research & Analysis

### *Other Local Jurisdictions' Program*

- **Approval Process for Transfers:**
  - Many cities require some type of a non-administrative review
  - Some cities approve transfers administratively

## Research & Analysis

### Other Local Jurisdictions' Program

- **Administration & Tracking:**
  - Variety of methods:
    - Documented through a PUD or Specific/Master Plan
    - Executed through a development agreement
    - Recorded with the County as a conservation easement
    - Legal documents signed by property owners & City Attorney
  - Tracking
    - City staff maintained registries and databases of possible receiving sites, eligible sites, capacity of these sites

## Research & Analysis

### Other Local Jurisdictions' Program – Approval Process

- **Receiving Areas:**
  - Several programs focus receiving sites in the core of the community/downtown
  - Explicitly state that historic resources are not eligible as receiving sites
  - Place burden on the applicant to demonstrate the appropriateness of a potential receiving site
  - Commercial zones only – no transfers allows to residential zones

## Issues/Constraints

- **Market Potential:**
  - No market study
- **Lack of Certainty in the Process:**
  - Non-administrative review of transfer (e.g. P&Z, City Council, etc.) provides less certainty
  - Administrative review of transfer (i.e. staff-level) provides more certainty
- **Other Bonus Mechanisms:**
  - City currently offers bonuses for other public benefits
  - Uncertain how a city-wide TDR policy would compare to other bonuses

## Policy Questions for City Council

1. *Should eligible sending sites include existing local historic landmarks or only future local historic landmarks?*

**Option a.** Eligible sending sites include existing & future local historic landmarks.

Pros	Cons
Fair	May not have adequate capacity in receiving areas
Consistent with RFC TDR provisions	

**Option b.** Eligible sending sites only include future local historic landmarks.

Pros	Cons
May be easier to accommodate transfers	Inconsistent with RFC TDR provisions

### Policy Questions for City Council

**2. Should a city-wide TDR ordinance apply the existing transfer calculation formula that is outlined in RFC or a new formula?**

**Option a.** Keep the existing RFC transfer formula.

Pros	Cons
More generous, more of an incentive	More generous, may not be able to accommodate transfers
Consistency in administration and simpler to understand	

**Option b.** Establish a new transfer formula that considers existing development.

Pros	Cons
May be easier to accommodate transfers	More complex & more difficult to administer
	May want to revisit RFC transfer formula to ensure consistency

### Policy Questions for City Council

**3. The City already gives bonuses for certain public benefits provided with development projects. Should preservation of historic resources be treated in a similar manner or given higher priority?**

**Option a.** Model a city-wide TDR program on the current bonus provisions.

Pros	Cons
Simpler & easier to administer	Bonuses for multiple public benefits may dilute the effectiveness of preserving historic structures

**Option b.** Allow transfer for historic properties to exceed the City's current bonus provisions (e.g. offer more height, more density/intensity?)

Pros	Cons
More of an incentive for preservation	Community concerns with additional height & density/intensity
	An analysis of the potential impact would take time to evaluate

### Policy Questions for City Council

**4. What type of process should be established for the review and approval of sending and receiving transfer of development rights?**

**Option a.** Keep the existing Riverfront Crossings review and approval procedure by the City Council.

Pros	Cons
Simpler & consistent with current process	Lack of certainty in the approval process

**Option b.** Establish a new procedure that allows transfer up to a certain level to be approved administratively. Any transfers beyond an identified threshold would be reviewed by City Council.

Pros	Cons
Streamline the review & approval of transfers	Not consistent with current RFC process
Allows the Council to review & approve larger transfers	

### Policy Questions for City Council

**5. What areas should a city-wide TDR ordinance identify as receiving sites?**

**Option a.** Riverfront Crossings and/or

Pros	Cons
Current receiving area	May not be able to accommodate the transfer potential
Master Plan & FBC encourage higher densities	

**Option b.** Downtown and/or

Pros	Cons
Core of the community	Significant number of historic resources
Current zoning allows for higher densities/intensities	May not be able to accommodate transfer potential

## Policy Questions for City Council

### 5. What areas should a city-wide TDR ordinance identify as receiving sites?

#### Option c. South Johnson / Van Buren area and/or

Pros	Cons
Transfer could provide an incentive for redevelopment	May require the development of an urban design plan, which would take time
Zoned for higher density housing	May not be able to accommodate transfer potential

#### Option d. Multi-unit sites throughout the city and/or

Pros	Cons
Provides the most capacity for transfers	Could potentially be more impactful & cause concern from neighbors
	Areas with sensitive features could result in higher densities than currently allowed through clustering

#### Option e. Other sites or areas

Summary of Policy Questions	Summary of Options
1. Eligible sending sites?	a. Existing & future Local Landmarks <ul style="list-style-type: none"> <li>Fair &amp; Consistent / May not have adequate receiving site capacity</li> </ul> b. Only future Local Landmarks <ul style="list-style-type: none"> <li>May be easier to accommodate transfers / Inconsistent with current process</li> </ul>
2. Transfer formula?	a. RFC transfer formula <ul style="list-style-type: none"> <li>More generous &amp; consistency in administration; easier to understand</li> <li>May not have adequate receiving site capacity</li> </ul> b. New transfer formula <ul style="list-style-type: none"> <li>May be easier to accommodate transfers / More complex &amp; difficult to administer</li> </ul>
3. Bonuses & Priority of preserving historic resources compared to other public benefits?	a. Current bonus provisions <ul style="list-style-type: none"> <li>Simpler &amp; easier / May dilute effectiveness of preserving historic resources</li> </ul> b. Exceed current bonus provisions <ul style="list-style-type: none"> <li>More of an incentive / Community concerns &amp; unknown impacts</li> </ul>
4. Review & approval process for transfers?	a. Existing RFC process (i.e. approval by City Council) <ul style="list-style-type: none"> <li>Simpler &amp; consistent / Lack of certainty in approvals</li> </ul> b. New process <ul style="list-style-type: none"> <li>Streamline the review &amp; allow Council review for larger transfers</li> <li>Not consistent with current RFC process</li> </ul>
5. Eligible receiving sites?	a. RFC b. Downtown and/or c. South Johnson / Van Buren area and/or d. Multi-unit sites throughout the city and/or e. Other sites

## Timeline

Date	Task
June-August 2018	Research and analysis
September 4, 2018	Presentation to Council on research; recommendation from Council to proceed or not proceed on ordinance drafting
September – October 2018	Ordinance drafting; if determined by Council
October 11, 2018	Historic Preservation Commission Review & Discussion
October 18, 2018	Planning & Zoning Commission Review & Discussion
November 20, 2018	City Council (1 <sup>st</sup> reading of ordinance)
December 4, 2018	City Council (2 <sup>nd</sup> & possible 3 <sup>rd</sup> reading of ordinance)
January 29, 2019	Expiration of 8-month deferral of the local landmark designation of 410-412 North Clinton Street



## **Citywide Transfer of Development Rights Ordinance**

### **Amend 14-2A-7, Special Provisions, by adding the following subsection:**

#### **E. Transfer of Development Rights**

##### **1. Purpose:**

The transfer of development rights and corresponding height and density bonuses provide an incentive for the preservation and adaptive reuse of historic properties.

##### **2. Sending Sites Requirements:**

- a. The sending site must have a base zoning designation of “Single-Family Residential” per 14-2A, “Multi-Family Residential” per 14-2B, or “Commercial” per 14-2C, of this title.
- b. Sending sites must be designated as either an Iowa City historic landmark or listed as a contributing structure in an Iowa City historic district in accordance with 14-3B-1, “Historic District Overlay Zone”, of this title, after January 1, 2018.
- c. All historic buildings and structures on the sending site must be preserved against decay, deterioration, and kept free from structural defects by the owner or such person, persons, or entities who may have custody or control thereof, according to the provisions of section [14-3B-7](#), "Prevention Of Demolition By Neglect", of this title.

##### **4. Eligible Receiving Sites:**

###### **1. A site is eligible to be a receiving site if it is:**

- a. Located within a Riverfront Crossing zone district and the sending site is located outside of the Riverfront Crossings district as identified in 14-2G-2 “Regulating Plan” of this title; or
- b. Located within a zone district that allows multi-family dwellings either as a permitted or provisional use according to Table 2B-1 “Principal Uses Allowed in Multi-Family Residential Zones” and Table 2C-1 “Principal Uses Allowed in Commercial Zones”, of this title.

###### **2. Properties designated as Iowa City historic landmarks, located within Iowa City historic districts, and listed in the National Register of Historic Places are not eligible as receiving sites.**

##### **5. Transfer of Development Rights:**

- a. Transfer requests shall either be for a height bonus or a density bonus using the following formulas:
  - (1) Difference between the maximum allowable height of the sending site and the existing height of the historic structure. In no case shall the transfer be less than 12

- feet even if the difference between the maximum allowable height and the existing height is less than 12 feet; or
- (2) Difference between the maximum number of dwelling units allowed on the sending site based on the underlying zoning designation at the time of the Historic District Overlay (OHD) zoning designation and the existing number of dwelling units on the sending site.
- b. Transfers requests may exceed either the height or density on the receiving site with the following limitations:
  - (1) No height bonus transfer request to a receiving site located outside of the Riverfront Crossings district shall exceed 40 feet above the maximum height allowed on the receiving site.
  - (2) No height bonus transfer request to a receiving site located in the Riverfront Crossings district shall exceed the height bonus maximums outlined in 14-2G-7G-1d of this title.
  - (3) No height bonus transfer request to a receiving site located adjacent to an existing single-family home shall exceed two stories above the height of the existing single-family home.

**6. Transfer of Development Rights Review Process:**

- a. Requests for transfer of development rights shall be subject to the Level II design review process according to 14-8B-3, of this title.
- b. In addition to the requirements outlined in 14-8B-3 of this title, applicants requesting a transfer of development rights must provide the following information:
  - a. The proposed sending site and the amount of transfer potential,
  - b. The proposed receiving site,
  - c. The amount of height bonus or density bonus requested,
  - d. A concept plan and elevations of the proposed project to utilize the transfer on the receiving site, and
  - e. Any other information required per the application form.

**7. Transfer of Development Rights Tracking:**

- a. The Neighborhood and Development Services Department staff shall maintain a list of transfers requested and approved. This list shall include the transfer potential of the sending site, the amount transferred and to which receiving site, and the transfer amount that remains on the sending site.
- b. If a private entity conveys transfer rights to another private entity, the City shall be notified of the sale.

**Amend 14-2B-8, Special Provisions, by adding the following subsection:**

**D. Transfer of Development Rights**

- 1. Transfer of development rights shall be subject to the provisions outlined in 14-2A-7E.

**Amend 14-2C-11, Special Provisions, by adding the following subsection:**

C. Transfer of Development Rights

1. Transfer of development rights shall be subject to the provisions outlined in 14-2A-7E.

**Amend 14-3C-2A, Applicability, adding a new paragraph 12, as follows:**

12. Transfer of development rights: Transfer of development rights requested according to 14-2G-7G "Building Height Bonus Provisions", of this title or according to 14-2A-7, 14-2B-8, 14-2C11 "Special Provisions", of this title.

**Amend 14-3C-3A, Levels of Design Review, paragraph 2, as follows:**

2. Level II Review:

- a. A level II review will be conducted for the following designated areas, properties, and structures:
  - (1) Urban renewal project, Iowa R-14, except for minor exterior alterations, such as signage, window placement, and color, that do not substantially change the building concept of the council approved plan. Such minor alterations will be subject to level I review.
  - (2) Certain public-private partnership agreements; level of review is pursuant to the specific development agreement. (Ord. 05-4186, 12-15-2005)
  - (3) Structures designed with certain building height bonuses allowed pursuant to subsection [14-2G-7G](#) of this title. (Ord. 14-4586, 6-3-2014)
  - (4) Transfer of development rights requested according to 14-2G-7G "Building Height Bonus Provisions", of this title or according to 14-2A-7, 14-2B-8, 14-2C-11 "Special Provisions", of this title.
- b. Applications for level II review will be reviewed by the staff design review committee with their recommendation forwarded to the city council for approval, modification, or disapproval according to the procedures for design review contained in [chapter 8, article B](#), "Administrative Approval Procedures", of this title.

Amend 14-3C-3B, Approval Criteria, by adding paragraph 10, as follows:

10. Transfer of development rights: Design review subject to the design guidelines listed in subsection C of this section.

Amend 14-2G-7G-3, Historic Preservation Height Transfers, by amending the subsection as follows:

**3. Historic Preservation Height Transfers: The following transfer of development rights and corresponding height bonus provides an incentive for the preservation and adaptive reuse of historic properties:**

**a. Eligibility: The historic preservation height transfer is an option for sites that meet the following criterion:**

**(1) The site from which the height transfer is requested (sending site) is designated as an Iowa City landmark, listed as a contributing structure in an Iowa City historic district, eligible for landmark designation, registered on the national register of historic places, or listed as a historically significant building as determined by the survey and evaluation of the historic and architectural resources for the vicinity.**

**b. Requirements:**

**(1) If the sending site has not already been designated as an Iowa City landmark or Iowa City historic district, the applicant must apply for and obtain approval of this designation as a condition of the transfer of development rights; and**

**(2) All historic buildings and structures on the sending site must be preserved against decay, deterioration, and kept free from structural defects by the owner or such person, persons, or entities who may have custody or control thereof, according to the provisions of section 14-3B-7, "Prevention Of Demolition By Neglect", of this title.**

**c. Transfer Of Development Rights:**

**(1) The floor area that results from multiplying the number of stories allowed at the sending site as specified in the applicable subdistrict standards by the acreage of the sending site may be transferred to one or more eligible site(s) within the riverfront crossings district. For example, if the land being preserved as a historic landmark is located in the central crossings subdistrict and is twenty thousand (20,000) square feet in size, then eighty thousand (80,000) square feet of floor area (20,000 x 4) may be transferred to one or more eligible sites and the resulting building or buildings on the**

*receiving sites may exceed the height limit of the respective subdistrict, within the limits established in this section.*

*(2) The resulting building or buildings on the receiving site(s) may not exceed the maximums stated within subsection G1d of this section.*

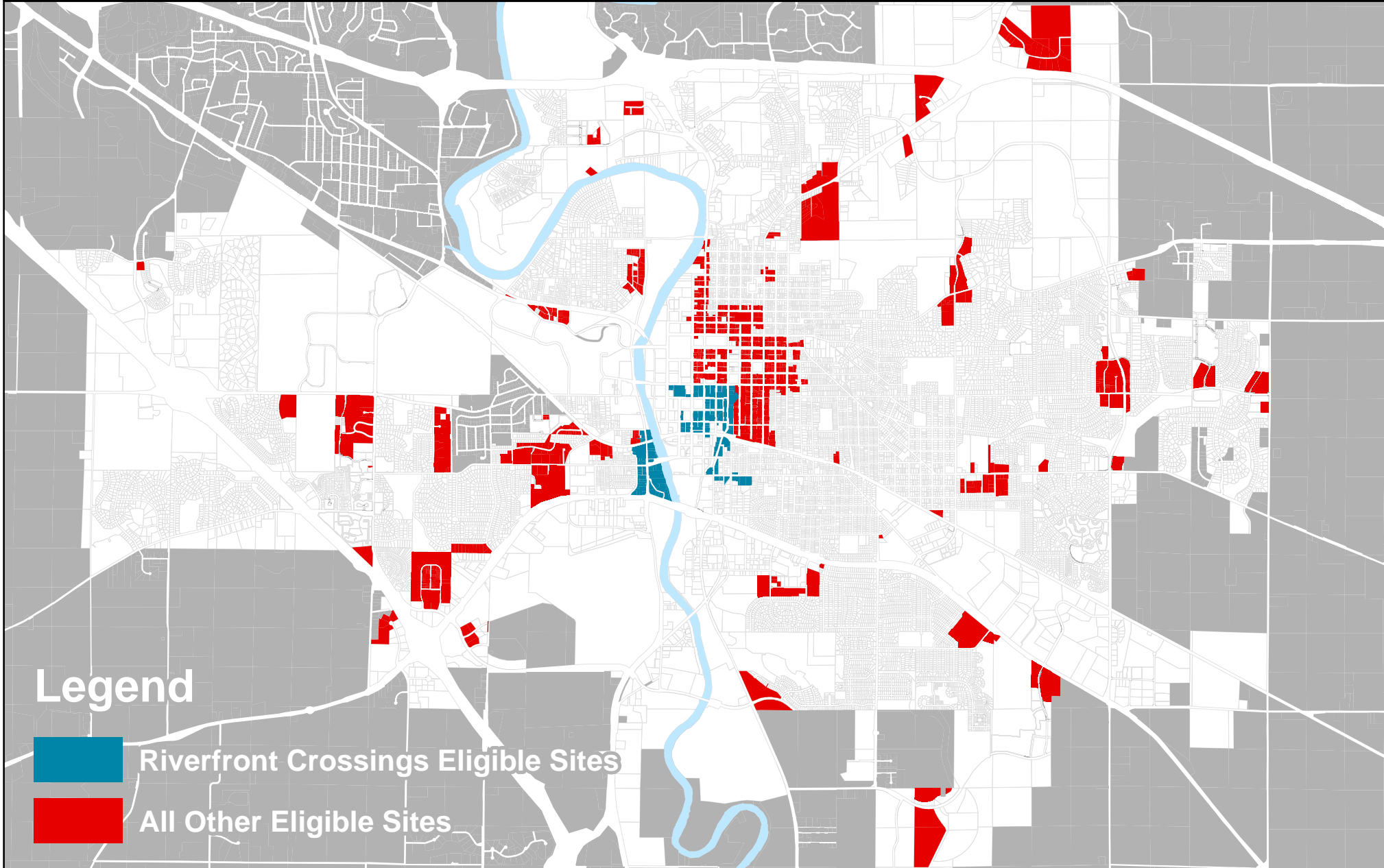


# Proposed Eligible Receiving Sites



0 0.5 1 2 Miles

Prepared By: Luke Foelsch  
Date Prepared: Oct. 2018



## Legend

-  Riverfront Crossings Eligible Sites
-  All Other Eligible Sites

**MINUTES  
PLANNING AND ZONING COMMISSION  
SEPTEMBER 20, 2018 – 7:00 PM – FORMAL MEETING  
EMMA J. HARVAT HALL, CITY HALL**

**PRELIMINARY**

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

**MEMBERS ABSENT:** Carolyn Dyer

**STAFF PRESENT:** Sara Hektoen, Ann Russett

**OTHERS PRESENT:** Scott Ritter, Matt Miller, Kyle Hancock

**RECOMMENDATIONS TO CITY COUNCIL:**

By a vote of 5-0 (Hensch recused, Dyer absent) the Commission recommends approval of REZ18-00018, an application submitted by Johnson County, Iowa for a rezoning of CI-1 to P-1 on 5.82 acres of land located at 1914 S. Gilbert Street, 1804 Waterfront Drive, 260, 306, & 346 Southgate Avenue subject to City Council approval of the following conditions:

1. Compliance with the requirements for Class 1 Critical Facilities per the City's floodplain management standards, and
2. Prior to any site disturbance on the property receive approval from the State Archeologist to proceed.

**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 (REZ18-00018):**

Discussion of an application submitted by Johnson County, Iowa for the rezoning of approximately 5.82 acres of property located at 1914 S. Gilbert Street, 1804 Waterfront Drive, 260, 306, & 346 Southgate Avenue from Intensive Commercial (CI-1) to Neighborhood Public (P-1).

Hensch recused himself from this item per his conflict of employment with Johnson County.

Russett stated this rezoning application is for a change from Intensive Commercial (CI-1) to Neighborhood Public (P-1), it is submitted by Johnson County, Iowa, for a proposed Behavioral Health Urgent Care Center or Access Center. The Access Center will provide services to



individuals experiencing behavioral health crises and connect them with necessary service such as mental health services or housing support and the center will provide crisis observation and stabilization, substance abuse treatment and act as a low-barrier winter shelter. The property is generally located at the northwest corner of Southgate Avenue and the Crandic Rail Line, the property is currently privately held however Johnson County has a purchase agreement for the property.

Russett showed a map of the current zoning in the area, the project site is zoned Intensive Commercial, the areas to the east and west are also zoned Intensive Commercial, there are some areas to the north and the west that are zoned Community Commercial. The proposed zoning is to Neighborhood Public, which is a zone district that applied to properties owned by either County, the City or the Iowa City Community School District. The Comprehensive Plan, future plan use map, identifies this area a commercial and the South District Plan also identifies this area as an area for commercial development. Russett showed some photos of the project site. She noted the site is located within flood hazard areas, in both the 500 and 100 year floodplains. The City does have a floodplain management ordinance which does not allow facilities to locate within flood hazard areas if they are the base of operations for emergency services, are particularly difficult to evacuate during a flood event, or provide services essential to the life, health, and safety of the community. Per the floodplain management ordinance, these facilities are Class 1 Critical Facilities. Based on the description of the Behavioral Health Urgent Care Center, staff has determined it to be a Class 1 Critical Facility since the facility could be difficult to evacuate and would be unable to provide stabilization and treatment services during a flood event. In order to comply with the City's floodplain management ordinance, development of the proposed Behavioral Health Urgent Care Center requires raising the grade around the facility to the 500-year flood level elevation. Furthermore, at least one access to and from the site needs to be passable during a 500-year flood level event. Staff recommends as a condition of approval that the development of the center must comply with the requirements for Class 1 Critical Facilities per the City's floodplain management standards. The site is accessed via Southgate Avenue and the applicant is exploring providing a connection to the site via Waterfront Drive that crosses the Crandic railroad and that access might be able to be used during a flood event.

Russett noted there are also possible archeological resources in this area and therefore Staff recommends a condition of approval that the site must be approved by a State Archeologist prior to any site disturbance.

In terms of stormwater management, the site was platted in 2007 and required at that time to install stormwater management facilities, and these stormwater management facilities will be further analyzed by the public works staff at the time of site plan review to ensure they have an adequate capacity for the proposed access center. Russett stated Staff has received one letter from the public regarding this possible rezoning, which was passed out to the Commission, and the concerns in the letter were focused on stormwater management.

Staff recommends that REZ18-00018, an application submitted by Johnson County, Iowa for a rezoning of CI-1 to P-1 on 5.82 acres of land located at 1914 S. Gilbert Street, 1804 Waterfront Drive, 260, 306, & 346 Southgate Avenue subject to City Council approval of the following conditions:

1. Compliance with the requirements for Class 1 Critical Facilities per the City's floodplain management standards, and

2. Prior to any site disturbance on the property receive approval from the State Archeologist to proceed.

Signs asked if the access on Waterfront Drive would solve the problem of ingress and egress during a flood event. Russett noted part of Waterfront Drive is above the floodplain and based on the elevations it would probably be the best location for that access.

Baker asked why staff chose to use the 500 year floodplain as the condition placed on approval rather than the 100 year event. Russett replied that the 500 year is what is required for Class 1 Critical Facilities per the Zoning Code. Baker asked what the difference between the 500 and 100 year events. Russett explained the difference as the percentage of which the event could occur. A 500 year flood event would happen with a 0.2% chance in a year and a 100 year event is a 1% change within a year. Baker asked what the difference would be on the development if the City required it to be at the 100 year event standard. Russett said the elevation grade the property would need to be raised would be lower than the 500 year elevation. The impact of a 500 year event is greater and therefore the elevations need to be higher. Baker asked if the difference in elevations from the 100 to 500 year events have impact on the neighboring properties. Russett stated regardless they need to provide stormwater management.

Townsend asked if the whole area would be raised to the 500 year level. Russett said just the building on the property and an access driveway. Townsend noted that at any given time there may be anywhere from 16 to 60 beds in the facility, and is concerned how to get that many people evacuated if there is a flood. Russett said that is why the facility needs to be elevated to the floodplain, in 2008 the access across the railroad tracks and even the corner of Southgate Avenue on the southeast side were not under water. Parsons noted there is generally enough warning during a 500 year flood event to have time to evacuate.

Parsons opened the public hearing.

Scott Ritter (Hart-Frederick Consultants) answered Baker question of the difference in elevations from a 500 and 100 year events is 2.7 feet and the natural ground there is at the 500 elevation so they will raise the area a little to get above that, and they would add an access off of Waterfront Drive to be used for emergencies. Ritter also noted regarding the letter from the neighbor, that property is above the subject property, the subject property is downstream. The difference between the subject property and Highway 6 is one foot difference in elevation.

Baker asked if any other sites or locations were considered. Ritter is not privy to those discussions, that discussion would have been with the Johnson County Board of Supervisors.

Matt Miller (Project Manager, Johnson County) stated there were several other properties researched for this access center. He noted he was hired by the County on May 15 and at that point they already had this location picked out, but he does understand there were other locations previously looked at but for one reason or another just didn't pan out.

Parsons asked about the Good Neighbor Meeting and if one has been held. Miller said one has not been held yet, but they are planning to conduct one.

Kyle Hancock (Hansch, LLC, 1840 S. Gilbert Street) is concerned and wants to address the plan for runoff and stormwater management. The property that he owns is downstream and at lower

elevations than the subject property and feels raising the subject property up will put his property and others at more of a risk. Hancock also raised concern about the construction process and plans, and if the building will be in the southeast corner of the property, he questions what is the proposed use of the rest of the property.

Ritter responded that the rest of the site will remain as is except for the area where the building and parking lot will be. There is currently a detention pond already there with outflow going east. Parsons closed the public hearing.

**Signs moved to recommend approval of REZ18-00018, an application submitted by Johnson County, Iowa for a rezoning of CI-1 to P-1 on 5.82 acres of land located at 1914 S. Gilbert Street, 1804 Waterfront Drive, 260, 306, & 346 Southgate Avenue subject to City Council approval of the following conditions:**

- 3. Compliance with the requirements for Class 1 Critical Facilities per the City's floodplain management standards, and**
- 4. Prior to any site disturbance on the property receive approval from the State Archeologist to proceed.**

**Martin seconded the motion.**

Signs noted typically the Commission sees more of a site plan with such applications so they can see where the building will be located and where the detention basins will be, etc.

Townsend is concerned with flooding in that area and the possibility of children being there during a flood. She noted that property will only have the building and parking lot and then a lot of open space that will be zoned P-1 and something could be put on that area like a school. Parsons asked if that were to happen, would Staff need to approve that site plan. Russett confirmed they would, and for a school to be there the property would need to be owned by the School District, as long as the County owns the property there could be a public use there but not likely a school.

Hektoen noted that any structure that is put on this property would have to be elevated to the 500 year floodplain plus one foot.

Martin stated she likes the proposal and feels good about the two caveats for the recommendation because this access center is something the area really needs. The plans for elevations make sense.

Parsons agrees with Martin and feels this will serve the community and conforms with the area.

Baker shared Signs concern that they did not receive site plans or elevations for this proposal. He added it helps with decision making and likes to have those items presented. Russett stated there are not different standards for rezoning public versus non-public zones, having a site plan and elevations is not something that is required of anyone for rezonings however is something that is encourage as it does help the Commission in the decision making process. Baker said if this were a private project he would likely want to defer and request more information, however he does agree with Martin that this access center is much needed in the community.

Baker asked a general procedural question, at the last three meetings the Commission has been

asked to alter a regulation or zone based upon a specific problem of a specific project, here is a problem so change the rules for us situations. Baker wonders if that is a recurring process the Commission deal with often. Hektoen said they are not asking the Commission to change the rules for them, they are asking for a rezoning and a rezoning is to satisfy the needs of whoever is doing the development. Russett noted rezoning applications can be initiate by the City, the property owner, the developer, the purchaser, in effort to create a new project.

**A vote was taken and the motion passed 5-0 (Hensch recused, Dyer absent).**

Hensch rejoined the meeting.

**CONSIDERATION OF MEETING MINUTES: SEPTEMBER 6, 2018**

Signs moved to approve the meeting minutes of September 6, 2018.

Parsons seconded the motion.

A vote was taken and the motion passed 6-0.

**PLANNING AND ZONING INFORMATION:**

Russett introduced the new associate planner, Jessie Lile.

Baker will miss the October 18 meeting.

Townsend will be absent October 4 and November 1 meetings.

**Adjournment:**

Martin moved to adjourn.

Parsons seconded.

A vote was taken and the motion passed 6-0.

**PLANNING & ZONING COMMISSION  
ATTENDANCE RECORD  
2018**

	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	8/16	9/6	9/20
<b>BAKER, LARRY</b>	---	---	---	---	---	---	---	---	---	---	---	---	X	O/E	X	X
<b>DYER, CAROLYN</b>	X	X	X	O/E	X	O/E	X	X	X	X	X	O/E	X	O	O/E	O
<b>FREERKS, ANN</b>	X	X	X	X	X	X	X	X	O/E	X	X	X	'-- --	'-- --	'-- --	'-- --
<b>HENSCH, MIKE</b>	X	X	O/E	O/E	X	X	X	X	X	X	X	X	X	X	X	X
<b>MARTIN, PHOEBE</b>	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>PARSONS, MAX</b>	O/E	X	X	X	X	X	X	X	X	X	X	X	X	X	O/E	X
<b>SIGNS, MARK</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>THEOBALD, JODIE</b>	O/E	X	X	X	X	X	X	X	X	X	X	O/E	'-- --	'-- --	'-- --	'-- --
<b>TOWNSEND, BILLIE</b>	---	---	---	---	---	---	---	---	---	---	---	---	X	X	X	x

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