

# Iowa City Planning & Zoning Commission

Formal Meeting  
Thursday, January 17, 2019  
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

**January 17, 2019**  
**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 / Development Items:**

Discussion of an application, submitted by Anderson Construction LLC, for a rezoning of approximately 0.15 acres of property located at 2130 Muscatine Avenue from Community Commercial (CC-2) zone to High Density Single-Family Residential (RS-12) zone. (REZ18-00025).

- 5. Consideration of Meeting Minutes: January 3, 2019**

- 6. Planning & Zoning Information**

Update on the Johnson County/Iowa City Fringe Area Conflict Resolution Review Committee meeting related to the proposed fringe area rezoning of 11.34 acres from County A-Agriculture to County R-Residential located on the south side of American Legion Road SE and west of Wapsie Avenue SE.

- 7. Adjournment**

If you will need disability-related accommodations to participate in this meeting, please contact Anne Russett, Urban Planning, at 319-356-5251 or [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.

## STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Jesi Lile, Associate Planner

Item: REZ18-00025

Date: January 17, 2019

### GENERAL INFORMATION:

Owner:

University of Iowa Community Credit Union  
PO Box 800  
North Liberty, IA 52317  
319-530-9390  
chriscampbell@urbanacres.com

Applicant:

Ben Anderson  
Anderson Construction, LLC  
3880 Owl Song Lane  
Iowa City, IA 52245  
720-277-5681  
ben@anderson-construction.info

Requested Action:

Rezoning from Community Commercial (CC-2) to  
High Density Single Family Residential (RS-12)

Purpose:

To allow residential development

Location:

2130 Muscatine Avenue

Location Map:



Size:	6,750 square feet / 0.155 acres
Existing Land Use and Zoning:	Vacant office space, Community Commercial (CC-2)
Surrounding Land Use and Zoning:	<p>North: Single Family Detached Dwellings; Low Density Single Family Residential (RS-5)</p> <p>South: Seamstress &amp; Single Family Detached Dwellings; Community Commercial (CC-2) &amp; Low Density Single Family Residential (RS-5)</p> <p>East: Pharmacy Retail Store; Community Commercial (CC-2)</p> <p>West: Single Family Detached Dwellings; Low Density Single Family Residential (RS-5)</p>
Comprehensive Plan:	General Commercial
District Plan:	General Commercial, Central Planning District
Neighborhood Open Space District:	N/A
File Date:	December 18, 2018
45 Day Limitation Period:	February 1, 2019

#### BACKGROUND INFORMATION:

The applicant, Anderson Construction, has requested a rezoning from Community Commercial (CC-2) to High Density Single Family Residential (RS-12). The total project site is 6,750 square feet and currently houses an abandoned building, formerly used as Frantz Pest Control. The property is currently bank-owned due to foreclosure and likely in need of serious repair. Due to the small size of the lot, the redevelopment of the site to another commercial use is difficult due to current requirements related to drive-widths, parking, setbacks from adjacent residential uses, and other requirements. The applicant is proposing to rezone to High Density Single Family Residential (RS-12), which would allow the development of a single-family home or duplex. The applicant has not provided a concept plan for the site, but conveyed to staff that the following options are being explored: 1) demolition of the existing building and development of a duplex, 2) hiring a consultant to conduct an intensive survey of the site to determine historic significance and potentially seeking funding for a historic rehab (if the property is historic), and 3) renovation of the existing structure to a residential use.

The applicant has indicated that they will not use the Good Neighbor Policy.

#### ANALYSIS:

**Current Zoning:** Under the current Community Commercial (CC-2) zoning, this lot could potentially be used for office spaces, eating establishments, retail, general community service uses, specialized education centers, or religious/private group assembly. The CC-2

zone also allows multi-family above the first floor through the special exception process. The maximum height in the CC-2 zone is 35 feet and the maximum floor area ratio (FAR) is 1.0.

**Proposed Zoning:** The applicant has requested a rezoning to High Density Single Family Residential (RS-12), which allows detached single-family dwelling as a permitted use, while other duplexes, attached single-family dwellings, and group households are provisionally allowed. The maximum height in the RS-12 zone is 35 feet.

**Compliance with Comprehensive Plan:** The Iowa City Comprehensive Plan identifies this area for General Commercial development. However, the plan also includes the following land use goals that support the development of this property as residential:

- Identify areas and properties that are appropriate for infill development.
- Ensure that infill development is compatible and complementary to the surrounding neighborhood.
- Provide appropriate transitions between high and low-density development and between commercial areas and residential zones.

This rezoning would allow for the redevelopment of the former Frantz Pest Control building and would provide for more residential options in the neighborhood in close proximity to a commercial hub. Furthermore, the project site is adjacent to existing residential land uses. The rezoning to a higher intensity, single-family residential zone would provide a more appropriate transition to the commercial node to the east.

This lot is located in Subarea B of the Central District. Density and demand for housing from University students is not as intensive in this area of the Central District, but there is demand for housing for families as there are many schools in close proximity. The following plan goals related to housing and quality of life support the proposed rezoning:

- Goal 1: Promote the Central District as an attractive place to live by encouraging reinvestment in residential properties through the district and by supporting new housing opportunities.
- Goal 3: Remove obstacles to reinvestment in neighborhoods.

The proposed rezoning would result in additional residential development in the neighborhood. The current commercial zoning is a barrier to redevelopment and investment in this property due to the size of the lot and existing regulations. This lot is not suitable for commercial infill development as parking requirements and street setbacks would take up much of the usable space. The surrounding residential area is zoned Low Density Single-Family Residential (RS-5); however, the land area of the property does not meet the minimum lot size requirements of that zone. Rezoning to RS-12 ensures the site meets the minimum lot size requirements for single-family and duplex development. The rezoning will allow reinvestment and additional housing opportunities in the community.

This lot is also part of the Towncrest Urban Renewal Area, and any renovation of the existing building or redevelopment of the site will be subject to staff Design Review and the design guidelines laid out in the Towncrest Urban Renewal Design Plan Manual. The manual lays out the desired look of the Towncrest area and identifies specific acceptable



building materials.

**Compatibility with neighborhood:** To the north, west, and southwest, this lot is surrounded by single family homes zoned Low Density Single Family Residential (RS-5). To the east and south, this lot is surrounded by Community Commercial (CC-2) (see attachment 2). The rezoning from Community Commercial (CC-2) to High Density Single Family Residential (RS-12) would allow for a transition between the two zones.

**Historic buildings:** According to assessor's data, the current building was built in 1900. Although the existing building was built at the turn of the 20<sup>th</sup> Century, staff does not have an intensive survey for the site, and therefore, does not know whether or not the building is historically significant. Staff has communicated with the applicant on the process required to make that determination. Specifically, the applicant would need to hire a historian to conduct an intensive survey of the site to determine its historic significance, if any.

**Traffic implications:** The proposed rezoning is a downzoning from CC-2 to RS-12, and therefore, will not impact traffic significantly. There is only enough room for a single-family home or a duplex, which will keep traffic counts consistent with current uses as residential areas typically see less traffic than commercial areas.

**Access and street design:** This corner lot currently has vehicular access from both 2<sup>nd</sup> Avenue and Muscatine Avenue. There are no existing sidewalks on the property. Staff proposes as a condition of the rezoning that redevelopment or renovation of the site requires installation of 5-foot sidewalks on both the Muscatine Avenue and 2<sup>nd</sup> Avenue frontages.

**Neighborhood Open Space:** The City's neighborhood open space requirement applies to residential subdivisions, commercial subdivisions containing residential uses, and planned developments. Since this lot will not be subdivided, Neighborhood Open Space requirement do not apply.

**Storm water management:** The property has access to the City's storm water management system. The storm water design will be reviewed at the site plan review stage.

**Infrastructure fees:** There will be no required sanitary sewer or water tap-on fees as this site already has sanitary sewer and water.

**SUMMARY:** This small, 0.155-acre lot is not suitable for commercial infill development, as parking requirements and street setbacks would take up much of the usable space. Rezoning to high-density single-family residential would conform with the rest of the block and provide a transition to the commercial properties across the street. Because this is infill development, there are no concerns with traffic increases and no associated infrastructure or open space fees.

**NEXT STEPS:** Upon recommendation by the Planning & Zoning Commission, the rezoning will go to the City Council for final review and approval. Upon approval by the City Council, the developer will be subject to staff Design Review due to the location of the site in the Towncrest Urban Renewal Area and Site Plan review prior to the issuance of building

permits.

STAFF RECOMMENDATION: Staff recommends the approval of REZ18-00025, a proposal to rezone approximately 0.15 acres of property located at 2130 Muscatine Avenue from Community Commercial (CC-2) to High Density Single Family Residential (RS-12) subject to the following condition:

1. The developer will be required to install 5-foot sidewalks along the Muscatine Avenue and 2<sup>nd</sup> Avenue frontages upon redevelopment of the site or renovation of the existing building. This will be required prior to the issuance of a Certificate of Occupancy.

ATTACHMENTS:

1. Location Map
2. Zoning Map

Approved by:   
Danielle Sitzman, AICP, Development Services Coordinator  
Department of Neighborhood and Development Services





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# REZ18-00025 2130 Muscatine Avenue



CITY OF IOWA CITY

Prepared By: Luke Foelsch  
Date Prepared: Jan. 2019



An application submitted by Anderson Construction LLC for the rezoning of approximately 0.155 acres located at 2130 Muscatine Avenue from Community Commercial (CC-2) to High Density Single-Family Residential (RS-12).





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# REZ18-00025 2130 Muscatine Avenue



Prepared By: Luke Foelsch  
Date Prepared: Jan. 2019



An application submitted by Anderson Construction LLC for the rezoning of approximately 0.155 acres located at 2130 Muscatine Avenue from Community Commercial (CC-2) to High Density Single-Family Residential (RS-12).

**MINUTES  
PLANNING AND ZONING COMMISSION  
JANUARY 3, 2019 – 7:00 PM – FORMAL MEETING  
EMMA J. HARVAT HALL, CITY HALL**

**PRELIMINARY**

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

**MEMBERS ABSENT:** Phoebe Martin

**STAFF PRESENT:** Ray Heitner, Sara Hektoen, Jesi Lile, Anne Russett

**OTHERS PRESENT:** Jamie Thelan, Alex Carrillo, Kelcey Patrick-Ferree, John Yapp

**RECOMMENDATIONS TO CITY COUNCIL:**

By a vote of 6-0 (Martin absent) the Commission recommends approval of SUB18-00016, an application submitted by IC Housing Group, LLC for a preliminary plat of Tegler Second, an 8.56 acre, 2-lot residential subdivision with 1 outlot for future development located at 4643 Herbert Hoover Highway, subject to the revisions.

By a vote of 6-0 (Martin absent) the Commission recommends approval of REZ18-00024/SUB18-00017, an application submitted by Bedrock LLC for a rezoning from ID-RM to OPD/RS-5, OPD/RM-12, and OPD/P-1 and a Preliminary Plat and Sensitive Areas Development Plan for Cherry Creek Subdivision, a 20-lot, 18.03-acre residential subdivision located east of Gilbert Street subject to the following conditions:

1. The development be built as proposed in the preliminary plat, with one 36-plex building located on Lot 2, 21 townhouse-style units built between Lots 2 and 3, and 15 detached single family and two attached single-family housing units be built on Lots 4 – 20. The development substantially conform to the elevations provided for the 36-plex multifamily residential building and the townhouse style family multifamily buildings.
2. The final plat include details regarding the square footage and description of amenities for designated private open space on Lot 2.
3. That the City Forester would review and approve the tree replacement and protection plan prior to issuance of the final plat. This plan shall cover both plans to plant replacement trees throughout the development and plans to protect and preserve healthy and mature trees in or near the ravine from construction activity (to the greatest possible extent).
4. At the time of final platting, the development agreement will specify that roof drains and gutters for Lots 5-16 will be required to drain towards the storm sewer drains on Toby Circle.
5. Construction of a 5 foot wide sidewalk along the western frontage (east side of South Gilbert Street) of the development prior to the issuance of a certificate of occupancy.
6. Installation of curb ramps at the area where City Transportation Planning staff has designated as appropriate to accommodate an uncontrolled crosswalk prior to issuance of a certificate of occupancy.
7. Dedication of a landscape easement, with proposed tree plantings to be approved by the City Forester, along the southern property boundary in Lot 1 at the time of final platting.



By a vote of 6-0 (Martin absent) the Commission recommends approval of REZ18-00022, an application submitted by Allen Development, for a rezoning from ID-RP to CH-1 for approximately 3.2 acres of property located at the northwest corner of Moss Ridge Road and Highway 1 subject to the following conditions:

1. Prior to the issuance of a certificate of occupancy, closure and removal of the access road off of Highway 1.
2. 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 a landscaping plan approved by the City Forester.
3. General conformance with the concept plan only in that a principal building must occupy the corner of Moss Ridge Road and Highway 1.
4. Prior to the issuance of a certificate of occupancy, installation of a 10-foot wide sidewalk along Highway 1, as well as a pedestrian crossing across Moss Ridge Road and pedestrian ramps on the northern and southern portions of Moss Ridge Road.

**CALL TO ORDER:**

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

**PUBLIC DISCUSSION OF ANY ITEM NOT ON THE AGENDA:**

None.

**REZONING/DEVELOPMENT ITEM (SUB18-00016):**

Discussion of an application, submitted by IC Housing Group, LLC, for a preliminary plat of Tegler Second, an 8.56 acre, 2-lot residential subdivision with 1 outlot for future development located at 4643 Herbert Hoover Highway.

Lile began the staff report noting the applicant, IC Housing Group, LLC is requesting approval of the preliminary plat for Tegler Second Subdivision, a 2-lot subdivision, which includes 2 multi-family residential lots and 1 outlot for future development located at 4643 Herbert Hoover Highway but the address will change to Rochester Avenue as the area is developed. The IC Housing Group has a purchase agreement in place for the property. On December 4, 2018 the City Council passed an ordinance to conditionally rezone the property to Low Density Multi-Family Residential (RM-12) and Medium Density Multi-Family Residential (RM-20). The southern portion of the property remains Interim Development – Single Family Residential (ID- RS). The three conditions imposed by the conditional rezoning ordinance are:

1. City Council approval of a final plat that generally conforms to the street layout shown in the concept plan
2. The owner agrees to construct a north/south street to City standards such and agrees to dedicate this street to the City prior to the issuance of a building permit
3. A detailed landscaping plan must be approved by the City Forester to ensure noise and wind buffering from Herbert Hoover Highway, and development must be done in accordance with the approved plan.

Lile showed an overview of the three part project, in phase A there will be construction of an affordable family apartment building with 36 units, they have been awarded funding from the Iowa Finance Authority, in addition there is \$700,000 from The Housing Trust Fund and



\$200,000 from the City. Phase B will be an affordable senior housing project with 52 units and phase C is for future development.

Lile showed the preliminary plat, it is divided into three lots, there will be the development of a north/south public street (Nex Avenue) that will connect with Rochester Avenue (Herbert Hoover Highway). Lot 1 is located south of Rochester Avenue and west of Nex Avenue, vehicular access to this lot will be provided by Nex Avenue. Lot 1 also includes a temporary fire vehicle turnaround as Nex Avenue is stubbed off at the start of Outlot A, there is also a dry bottom detention basin at the south side of the property line. Lot 2 is located south of Rochester Avenue and east of Nex Avenue, Nex Avenue will also provide vehicular access to lot 2. Outlot A currently contains one single family home with driveway access off Rochester Avenue. There are plans for a second dry bottom detention basin between outlot A and lot 2 on the east side of the property. Nex Avenue will be stubbed off at the beginning of outlot A with a temporary fire turnaround. With the eventual development of outlot A, Nex Avenue is planned to connect to the east/west roads south of the property. The applicant has requested to temporarily keep the residence on outlot A to be used as a rental property with plans to house their construction manager during the project timeline. Currently the house is on well water and septic sewer. City Staff is open to allowing the residence to remain subject to a few requirements:

1. Public Works staff must approve a phasing plan for how the applicant will provide safe access to the house during construction. These plans must be submitted along with the construction drawings at final platting. The construction plans must also identify access to the structure after completion of the roadway, Nex Avenue.
2. At a set date to be finalized in the subdivider's agreement, the dwelling must be demolished or connected to City water and sewer. This date will be set based on the anticipated construction timeline and is expected to be in March 2020.

The Northeast District Plan encourages an interconnected transportation system, there are existing 8 foot sidewalks along Rochester Avenue and the preliminary plat shows 5 foot sidewalks on both sides of Nex Avenue that will connect to the existing sidewalks on the south side of Rochester Avenue. Lile noted there is also access to transit within a half mile of the proposed subdivision.

As per the conditional zoning agreement, the new street (Nex Avenue) will be built to City standards. This development will not cause a significant increase in traffic in the area, Rochester Avenue has the capacity to handle about 15,000 vehicles per day and is currently under 5,000. The Northeast District Plan also calls for increasing neighborhood areas for open space, a subdivision of this size requires the dedication of 0.40 acres of public open space or fees in lieu of. The Parks and Recreation Department has determined that fees are appropriate in lieu of neighborhood open space dedication. The fee will be equivalent to the fair market value of 0.40 acres of property. This requirement will need to be addressed in the legal papers for the final plat.

The subject area includes 12,326 square feet of steep slopes and 1,754 square feet of critical slopes in this subdivision, all of which, will be impacted during various phases of construction. The critical slopes are located on Outlot A, but will be impacted by the development of the dry bottom detention basin. The Sensitive Areas Ordinance allows for the development of storm water management facilities within sensitive areas. The applicant has submitted a preliminary stormwater management plan that proposed two dry bottom detention basins in order to deal with storm runoff. In September 2018 the applicant held a good neighbor meeting where one neighbor expressed concerns with construction site runoff and storm water management but there has been no further correspondence since then.

Lile noted in the staff report the Commission received, the sanitary sewer was listed as a deficiency due to depth issues however these have been mostly resolved with the remaining details to be worked out in the construction drawings.

The applicant also provided a concept plan for phase A and phase B, it is just a concept and details will need to be refined in the site plan stage. The applicant also provided some updated elevations from what was seen at the rezoning meeting, which are also subject to change during the site plan stage.

Lile noted as per the conditional zoning agreement the applicant submitted a detailed landscaping plan for approval by the City Forester, overall he liked the design and plant diversity and composition, the one comment made was to replace red pine with something else (and he gave suggestions for that) as red pine does not do well in hot and humid areas.

Staff recommends that SUB18-00016, an application submitted by IC Housing Group, LLC for a preliminary plat of Tegler Subdivision, a 2-lot residential subdivision with an outlot identified for future development located on 7.41-acres of land at 4643 Herbert Hoover Highway be approved.

Lile noted next steps will be upon approval of the proposed preliminary plat, the applicant will be required to submit an application for a final plat to subdivide the land into lots. The final plat will be reviewed and approved by City Council. After the subdivision stage, the applicant will submit a site plan for staff review and approval prior to the issuance of building permits.

Baker asked if this was the only review the Zoning Commission will have of this project. Hektoen noted that the rezoning of the property came before the Commission. Baker questioned the width of Nex Avenue at 20 feet. Russett noted she believes it is 28 feet, and the applicant can clarify. Hensch noted the application says 26 foot road with apron. Baker asked if it can be widened in the future. Lile said it just means it is a bit wider where Nex Avenue connects with Rochester Avenue, but there is no turning lane. Baker shared concern once Nex Avenue is connected to the roads to the south. Baker questioned the traffic counts on Rochester Avenue and if it included the entire length of Rochester Avenue. Lile said the counts are for the area where this development will be happening. Baker noted the language for the senior housing states "most likely seniors" and wondered if that has been solidified into absolutely will be senior housing. Lile stated the applicant is proposing senior housing. Russett noted the applicant is submitting an application to the Iowa Finance Authority for funding to build an affordable housing senior complex but the zoning on the site would allow senior or multi-family. Hektoen noted senior housing is permitted in the RM-20 zone, Russett reiterated the applicant is looking for the financing. Baker noted the neighbor concern about runoff was addressed but questioned if that neighbor informed of improvement to the plan. Russett said the neighbor would have received a letter in the mail. Signs noted that neighbor was at the previous Planning and Zoning meeting where the rezoning of this property was discussed.

Dyer noted the senior housing building will be further from the city transit than the affordable housing building.

Hensch noted his concern regarding stormwater runoff and if the City Engineer had signed off on the plan. Lile noted they are working on a few final details of the plan.

Dyer asked when outlot A is developed in the future would it come back before the Commission. Hektoen noted it would because it would require a rezoning.

Townsend asked about paying a fee-in-lieu for the neighborhood open space and noted with that many residents, whether they are seniors or not, shouldn't there be some open space. Russett noted the neighborhood open space requirements provide an option to either providing the public open space on the site or the fee-in-lieu to go to the City's park system, so in this case the money would go towards the public park systems. There will still be private open space in the development, not public. The application is showing a private open space on property with amenities for children, a playground area and benches for seating.

Parsons asked what the setback of the building on lot A from Rochester Avenue will be. Russett replied it will be 40 feet.

Baker asked for clarification on the width of the road (Nex Avenue) as it connects to Rochester Avenue and it will remain 26 feet wide, so what is a road apron of 70 feet will widen to allow for sufficient traffic movement. Russett said Public Works and Transportation would have to answer that question, she believes it is just the general design that is approved for a 26 foot wide road, as it gets closer to the intersection it needs to be widened to make for easier turning movements.

Hensch opened the public hearing.

Jamie Thelan (3665 10<sup>th</sup> Avenue, Waite Park, MN) is the CEO of IC Housing Group, LLC and wanted to give a little more detail about the development, they have been in business for about 27 years, they develop multifamily and commercial developments including hotels, their main office is in Minnesota although they have properties Cedar Rapids, Coralville and Indianola. They do developments and find their own sites for multifamily and hotels, do the construction, they are their own general contractor, own architect and also manage their properties. As the Staff reported there is Lot 1, Lot 2 and Outlot A, the first phase is a 36 unit proposed building, on lot 2 is a proposed 52 unit senior housing development and outlot A is being held for future development. With regards to building design on the first building they are pretty far along, they have secured most of their funding for that building, and will start construction in March or April, he showed a rendering of the building as well as some pictures of common areas that are typical in these developments (fitness room, community room, and leasing office onsite), all the units will have patios or decks, full appliance packages including washers and dryers, walk-in closets, secure access and it will be an elevator building. Thelan noted this is an affordable housing project with mixed income (some units will be market rate). There will be 6 one-bedroom units, 12 two-bedroom units and 18 three-bedroom units so it is really designed for families. There are mixed income restrictions, some units at 30%, some at 40%, some at 60% and some at market value. That equates to a rental range in each of the three types of units. Thelan showed concepts of phase 1 and the open space areas including a children's playground area, grills, and picnic tables.

Thelan noted the building concept for phase 2 is really just a concept at this time, they are proposing a senior development and they are making an application to Iowa Finance Authority for an affordable senior project, if that gets funded a senior affordable project is the plan. The building design for the senior project will be similar to the multifamily building, it won't be exactly the same but will try to match the design concepts and the amenities will be similar. The senior building will all be two-bedroom units, each unit approximately 870 square feet, and a mix of 40% and 60% and some market units. He noted in the senior building they opened in Coralville last year they included a gazebo, elevated planting beds, and other outdoor areas and hope to add those to this proposed concept as well.



Hensch asked if they do not get the funding for the senior housing development would it then become a mixed income unit like the one on lot 1. Thelan said they would look at that, with the senior project they get a density bonus so they would have to see the impact of that, but that is likely although it would be less units than the 52 proposed for the senior development.

Hensch asked about the issues raised regarding stormwater runoff, Thelan noted they have worked with MMS Consultants (their civil engineer) and all concerns have been addressed though design and will meet the City requirements.

Dyer asked if there is any open green space that will not be concrete or children tile area. Thelan said there is green space on Rochester Avenue, lawn space between the sidewalk and the building, as well as some green space on the south side.

Baker asked if they do not get the funding for the senior housing and instead build a multifamily would they change from all two-bedroom units to a mix of one, two and three. Thelan confirmed if they went to a family housing development it would more mirror phase 1.

Hensch closed the public hearing.

**Parson moved to recommend approval of SUB18-00016, an application submitted by IC Housing Group, LLC for a preliminary plat of Tegler Second, an 8.56 acre, 2-lot residential subdivision with 1 outlot for future development located at 4643 Herbert Hoover Highway, subject to the revisions.**

**Townsend seconded the motion.**

Dyer shared a concern of all the space being used up by buildings and concrete, not much green space and there is no nearby park space.

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

#### **REZONING/DEVELOPMENT ITEM (REZ18-00024/SUB18-00017):**

Discussion of an application, submitted by Bedrock, LLC, for a rezoning of approximately 18.03 acres from Interim Development Multi-family Residential (ID-RM) zone to Planned Development Overlay/Low Density Single-family Residential (OPD/RS-5) zone, Planned Development Overlay/Low Density Multi-family Residential (OPD/RM-12) zone and Neighborhood Public (P-1) zone and a preliminary plat of Cherry Creek subdivision, a 20-lot, 18.03 acres subdivision located east of S. Gilbert Street and south of Waterfront Drive.

Heitner presented the staff report and noted an earlier version of this application was first presented to the Planning and Zoning Commission in the spring, this is a second iteration of this application. The application is submitted by Bedrock, LLC with the intention of creating a 20-lot residential subdivision with one lot being reserved for a future use of a City fire station. Heitner showed aerial views of the subject property, the property is currently privately held however the City does have a purchase agreement for Lot 1 of the subdivision with intent to construct a City fire station at a later date. Heitner showed an overview of the proposed zoning, Lot 1 would be P-1, the southeast area is proposed as OPD/RS-5, and the remainder of the area would be OPD/RM-12.

Heitner stated at the meeting on the previous application, June 21, 2018, the Commission voted 6-1 to recommend the application to the City Council, with the following conditions:

1. That the City Forester would review and approve the tree replacement and protection plan prior to issuance of the final plat.
2. At the time of final platting, the development agreement will specify that roof drains and gutters for Lots 5-16 will be required to drain towards the storm sewer drains on Toby Circle.
3. That the applicant will contact with an archaeologist approved by the state to complete a study or excavation plan prior to any additional grading on the property.

At the City Council's second hearing for the application on September 4th, 2018, the motion recommending approval of the application failed due to a 3-3 vote from the Council. Dissenting opinions included concerns about increased traffic and density to this neighborhood, and a general lack of social infrastructure in the development.

The application now has been resubmitted with a few major changes and Staff is recommending the original conditions from the first submission still stand with this new application. The current iteration of the application includes a preliminary plat and sensitive areas development plan, in addition to the request to rezone the land. The current application has made a few notable changes. The second 36 dwelling-unit multi-family building, formerly located on Lot 1, has been removed from this application. The City of Iowa City is a co-applicant on the rezoning application for Lot 1 to be rezoned to Neighborhood Public (P-1). The current application has also removed all structures from the Lot 1 area to make way for a grading plan that will make the lot relatively flat and ready for future development.

Heitner stated the in terms of compliance with the Comprehensive Plan, The South District Plan encourages development of neighborhoods with a mix of housing types to allow for housing options. The Plan indicates that property along the east side of Gilbert Street, south of the railroad, may be appropriate for town-home or other small lot or duplex development. Additional density may be considered for projects that add a unique housing element or that enhance housing diversity for the South District or that otherwise contribute to the connectivity of neighborhoods or enhance visibility and street access to public parks and other open space. It is believed the extension of Cherry Avenue will provide an important east-west connection allowing neighbors more direct access to Gilbert Street and the parks and trails located to the west of Gilbert Street. The Plan also identifies this area as appropriate for planned overlay development to protect the wooded slopes in the area, and the future land use map in the Comprehensive Plan identifies this area as appropriate for residential density at a rate of 2-8 dwelling units per acre.

Heitner next showed an overview of the subdivision layout, the proposed subdivision will connect Cherry Avenue with the S. Gilbert St. A new street, Toby Circle, will be built with two points of access off of Cherry Avenue. The subdivision will transition from the single family housing that exists to east to gradually more dense multifamily, townhouse style along Cherry Avenue with the 36-plex multifamily building to the very west of the development. Staff has reviewed all width and frontage for all zones and all are compliant.

Heitner noted that because this is a planned development zone there are specific criteria outlined in Article 14-3A of the Iowa City Zoning Ordinance.

1. Density and Design of the Planned Development will be compatible with and/or complementary to adjacent development in terms of land use, building mass and scale,

relative amount of open space, traffic circulation and general layout.

2. The development will not overburden existing streets and utilities.
3. The development will not adversely affect views, light and air, property values and privacy of neighboring properties any more than would a conventional development.
4. The combination of land uses and building types and any variation from the underlying zoning requirements or from City street standards will be in the public interest, in harmony with the purposes of this Title, and with other building regulations of the City.

With the issue of density, the Comprehensive Plan identifies this particular area as appropriate for residential density 2-8 dwelling units per acre, both in the proposed RS-5 and RS-12 this application is well within the 2-8 dwelling units per acre. With respect to land use, mass and scale, Heitner showed renderings of the proposed buildings to show scale, the single family homes, townhouses and the 36-plex. The design of the buildings conform to the City's design standards. Concerning private open space, the applicant has dedicated 0.08 acres of private open space to the west of the 36-plex building on Lot 2, the space will include some playground equipment and outdoor dining space. The applicant will pay fees-in-lieu for public open space, due to the steep slopes and woodlands it would be challenging to provide the public open space.

Heitner next discussed the traffic circulation, the extension of Cherry Avenue will improve connectivity and a needed access point onto Gilbert Street. There was some concerns about increased traffic along Cherry Avenue, both the intersections with Toby Avenue and Cherry Circle will have traffic calming circles to help control traffic speeds, also street widths will be tapered down to about 28 feet in width to help reduce speeds in that area. Concerning streets and public utilities, Heitner stated Public Works Staff has confirmed existing water and sanitary sewer structure has sufficient capacity to accommodate this development, onsite stormwater management will be necessary for this development and two large detention basins located in the ravine along the north property boundary will be created.

Concerning views, light and air, property values and privacy Staff does find the single family homes to the west of the Pepperwood Subdivision will provide a sensible transition from the single family detached housing that exists there to gradually denser housing. The 36-plex building on Lot 2 will be built down-slope from the existing Pepperwood Subdivision. Staff is recommending as a condition of the rezoning the developer dedicate a 20-foot wide landscaping easement along the southwest corner of Lot 1 to help screen the future fire station from the properties to the south. Regarding pedestrian facilities, Staff is recommending as a condition of the rezoning the developer put in a 5-foot wide sidewalk along the development's entire western frontage (the east side of Gilbert Street). Staff is also recommending as a condition the developer install curb ramps at the area where the City intends to put a crosswalk across South Gilbert Street to connect to Napoleon Park. With respect to protected slopes, there will be stormwater detention facilities located within the ravine along the north boundary line of the property, the development will require some grading on protected slopes, however the stormwater detention basins will be designed to correct current erosion taking place in the ravine and prevent future erosion as well. Heitner noted the plan does call for removal of about 85% of the non-buffered woodlands in the RS-5 area, because of this the applicant is being required to plant 234 replacement trees in the area, and the applicant will meet the minimum woodland retention requirement in the RM-12 area of 20%.

Heitner noted in the initial application it was discussed that the applicant pursue an archeological study of the site, the applicant has worked with a firm recommended by the State Archaeologist to conduct a supervised excavation of the site and that excavation and study determined there



were no human burials observed and no additional archeology work was necessary for this development.

Heitner showed the preliminary landscape plan for the subdivision.

A second good neighbor meeting was held on the subdivision proposal on November 27, 2018, there were about 15 area residents at the meeting and attendees addressed mix degrees of support and opposition for the project. Some of the major areas of concern included general concern over neighborhood density, a lack of usable open space, and safety concerns for pedestrians using an uncontrolled crosswalk across South Gilbert Street. To this point Staff has not received any correspondence from neighbors.

Next steps: Pending approval from this Commission it would go forth for City Council review and approval, at the time of final platting a sensitive areas development plan would be reviewed by City Staff as well as a major site plan review.

Staff recommends approval of REZ18-00024/SUB18-00017, an application submitted by Bedrock LLC for a rezoning from ID-RM to OPD/RS-5, OPD/RM-12, and OPD/P-1 and a Preliminary Plat and Sensitive Areas Development Plan for Cherry Creek Subdivision, a 20-lot, 18.03-acre residential subdivision located east of Gilbert Street subject to the following conditions:

1. The development be built as proposed in the preliminary plat, with one 36-plex building located on Lot 2, 21 townhouse-style units built between Lots 2 and 3, and 15 detached single family and two attached single-family housing units be built on Lots 4 – 20. The development substantially conform to the elevations provided for the 36-plex multifamily residential building and the townhouse style family multifamily buildings.
2. The final plat include details regarding the square footage and description of amenities for designated private open space on Lot 2.
3. That the City Forester would review and approve the tree replacement and protection plan prior to issuance of the final plat. This plan shall cover both plans to plant replacement trees throughout the development and plans to protect and preserve healthy and mature trees in or near the ravine from construction activity (to the greatest possible extent).
4. At the time of final platting, the development agreement will specify that roof drains and gutters for Lots 5-16 will be required to drain towards the storm sewer drains on Toby Circle.
5. Construction of a 5 foot wide sidewalk along the western frontage (east side of South Gilbert Street) of the development prior to the issuance of a certificate of occupancy.
6. Installation of curb ramps at the area where City Transportation Planning staff has designated as appropriate to accommodate an uncontrolled crosswalk prior to issuance of a certificate of occupancy.
7. Dedication of a landscape easement, with proposed tree plantings to be approved by the City Forester, along the southern property boundary in Lot 1 at the time of final platting.

Hensch recalled when the Commission approved the last rezoning on this area that conditions 5 and 6 were discussed at length and happy to see those included again in the conditions.

Signs asked if Cherry Street will allow for street parking in front of the townhouses. Russett said Staff would have to look into that and report back but thinks at least one side would allow street parking. Signs noted if not allowed, then there isn't really any guest parking for the townhouses.

Hektoen noted that in the first condition it is recommended the development being built as in the preliminary plat but the pedestrian facilities mention building designs, visible doors and windows and a variety of materials, is that by operation of Code or should that be added as a condition. Does the Code require those design elements and should they be added to the condition of rezoning. Right now there is nothing tying the developer to the proposed elevations so if needs to be added this is the time. Russett said the first condition was clarified to state the condition is related to the proposed plans in terms of the design of the layout of the lots but also tie it to the elevations to the townhomes and multifamily building.

Parsons asked where the current nearest fire station is located. Hensch said likely Fire Station 1 downtown or the one by Sycamore Mall.

Baker noted this failed at the Council level last time and one of the concerns was a lack of social infrastructure, what was the particular concern. Heitner said there were walkability concerns and lack of communal gathering spaces and front porches. Baker asked when the proposal of a fire station become a factor in this application. Russett noted it was not part of the original application last spring nor what went before Council in September. Baker asked if Council approved that location for a fire station prior to this current application coming before Planning & Zoning. Hektoen replied that Council has approved a purchase agreement for that plot of land for a future proposed fire station. The purchase agreement is contingent on the approval of the rezoning and re-platting of this land. Baker noted the current application has removed all structures from Lot 1 to make way for a grading plan that will make the lot relatively flat and ready for future development, and if that lot was to be made relatively flat for future private development, would there be any environmental issues raised, or is the fact the City is going to use that land remove any environmental concerns. Heitner said any environmental review would be the same regardless of if it is a public or private use.

Baker questioned the 234 replacement trees and if they were mandatory to be in that one area, the RS-5 zone. Heitner confirmed that was correct, it is part of the Zoning Code that there be a minimum woodland retention requirement that must be met. The RS-5 zone is 50% and since the proposal is to remove 85% of the trees, the developer must replace them. Baker asked when those trees would have to be planted. Heitner said it will take some time for the trees to grow, but they will be planted at the time of development of the houses. Baker asked if there was any discussion to allow the developer to use that number of trees to be place anywhere on the entire development. Russett said that could be considered as part of the landscaping plan, the current landscaping plan shows where they plan to plant all 234 trees and has been reviewed by the City Forester and can be placed throughout the development.

Baker asked about the private shared open space on page 7 of the Staff Report "As shown in the revised plat, the developer has identified 0.08 acres of private open space" and he noted that seems like a very small space and wanted to know what the square footage of 0.08 acres is. Parson replied it is 3850 square feet. Heitner noted that is also from the City Code and is formula based on number of units in the zone, which is the minimum required. Baker asked if the Commission is able to require more. Hektoen said the Commission can impose conditions to satisfy public needs that are being directly created by the rezoning. One would have to articulate a public need to require more private open space.

Signs noted there is a whole lot of sloped land outside of the area where the structures will be that is open space.

Hensch opened the public hearing.

Alex Carrillo (373 Windmill Place) is the project coordinator for Bedrock, LLC. He first thanked City Staff, Heitner and Russett, for working with them on this application. He touched on some of the highlights, he noted the 36-plex on the south side of the original application was a point of contention with City Councilors and some of the neighbors, so it seemed like the best place to make a change. It was good to work with the City and identify a need for a future fire station here. Removing that 36-plex from the plans is a significant reduction in the density of the development. With regards to the open space, the 0.08 acre space is the space where they felt they could add some amenities for the condominium building, but there will remain a couple acres along the north side of the property that will be woodland forever, it is not usable space because of the ravine and slope but it will be nice for the homes to overlook woodlands. Additionally Napoleon Park is across the street for lots of open space, a safe identified crosswalk is being constructed, which was again a concern from the first proposal. Carrillo next discussed the scale of the 36-plex and they feel it is very appropriate sized building for this area due to the fact of the slope of the land and will be an effective transition from Gilbert Street to the residential neighborhood and Pepperwood Subdivision. Lastly he touched on some of the materials they plan to use on the buildings plus the concept for a play structure by the 36-plex. They will use a Rosetta stone for the retaining wall along the north side.

Dyer asked if there was any doorway from the back of the 36-plex building, Carrillo said there was, so they can get right out to the open space.

Baker asked the number of bedrooms per unit in the 36-plex, Carrillo said there would be both one-bedroom and two-bedroom units. Baker asked if there was an estimated time of completion. Carrillo said they would like to start in the spring, first putting in the street and infrastructure, then onto the single family homes and townhomes, it would likely be a couple years before the 36-plex was built. Baker thanked Carrillo for his patience and willingness to work with the City and neighbors on reconfiguring this project.

Kelcey Patrick-Ferree (652 Sandusky Drive) came forth to oppose this rezoning effort, her husband spoke at the last meeting in opposition as well. She noted she is sad to be here opposing this, the developers have been very nice, but she lives in this neighborhood and they don't. She thought they would see substantial changes to the proposal after it was rejected by the City Council, and adding the fire station does not meet the substantial changes she was expecting to see. She does appreciate they held a second good neighbor meeting, it was a good discussion but still no changes after the discussions. Patrick-Ferree said she does not feel the City Council's objections were addressed nor were the neighborhood's objections addressed, it is inconsistent with the Comprehensive Plan and her neighborhood is getting negative attention due to all the concentration of services in one small area. She doesn't feel the pedestrian crossing at Gilbert Street is adequate, it goes north on Gilbert Street when all the things people will want to get to will be south on Gilbert Street, the park, the animal shelter and overall the protected crossing is in the wrong location. She also doesn't feel there is enough open space for the 36 unit apartment building. She heard the earlier discussion on that and how the Commission may not be able to do anything about that and she thinks there is an overall lack of infrastructure in the area. She was at the City Council meeting and sidewalks were addressed, crosswalks were addressed and open space was addressed and the changes made to this proposal do not address any of those objections or concerns. One of the big impacts the neighborhood was concerned about was the impact on the schools, the schools in this area are all very high FRL (Free or Reduced Lunch), the School Board just recently redistricted to try to



address some of that and took her children's school from just over 70% FRL to just under 70% FRL. Adding more low-income housing to this area will cause more problems. 36 unit apartment buildings are low-income housing whether the developer intends them to be or not. The developer is saying it will be condos but Patrick-Ferree is concerned the condos will be purchased and rented out like apartments just like in other complexes. Low-income housing, the average renter wage in Johnson County is \$9.25 per hour and the mean renter household income is \$28,115. A family with two or more children qualify for Free or Reduce Lunch at that income level. It appears this development will be about 70% renter housing, the townhouse and apartments will likely be rental housing, and she is concerned about the high potential of rental housing in this area. Another concern she has about the Gilbert Street crossing is the University of Iowa has been doing studies about the capability of children under the age of 14 to judge traffic and an unprotected intersection is not going to adequately protect children who are going to try to cross Gilbert Street. Her three-year old loves to go to Napoleon Park and the animal shelter and she is concerned as he gets older and his ability to judge traffic to cross an unprotected intersection. She is also skeptical of the claim that Sandusky Drive is not going to see increased traffic, there have been traffic studies and she invites the Commission to postpone their decision on this to look at those traffic studies. Patrick-Ferree said she believes this proposal is inconsistent with the Comprehensive Plan, she read the Staff report and it quotes a portion of the Comprehensive Plan that talks about having multifamily housing in this area, but the specific multifamily housing the Comprehensive Plan calls for in this area is a small apartment building of 3-10 units, not a 36 unit apartment building. She is frustrated the City is ignoring its own inclusionary zoning efforts anytime a developer brings forth a proposal. As far as the negative publicity goes, the Press-Citizen recently printed an article called "Cluster of Social Services Providers call South East Iowa City Home". She drives by all these providers every day, just as she drives by this proposed development site every day. She noted she does have to go all the way around and the Cheery Creek extension will only save her about 4 minutes, so not very much. She is concerned about adding a fire station to this area and adding even more services to a part of town already getting negative publicity. On Nextdoor.com the comments about the nearby HyVee is disgusting. Therefore, for all of these reasons she very strongly encourages the Commission to vote against recommending the rezoning of this project to the City Council.

Hensch closed the public hearing.

Hektoen noted they have seen two different sets of elevations (July and November) and need to make sure which set of elevation drawings that should be used and are referred to in condition number 1. Russett said it is the elevations included in the Staff report, the updated ones from November.

**Signs moved approval of REZ18-00024/SUB18-00017, an application submitted by Bedrock LLC for a rezoning from ID-RM to OPD/RS-5, OPD/RM-12, and OPD/P-1 and a Preliminary Plat and Sensitive Areas Development Plan for Cherry Creek Subdivision, a 20-lot, 18.03-acre residential subdivision located east of Gilbert Street subject to the following conditions:**

- 1. The development be built as proposed in the preliminary plat, with one 36-plex building located on Lot 2, 21 townhouse-style units built between Lots 2 and 3, and 15 detached single family and two attached single-family housing units be built on Lots 4 – 20. The development substantially conform to the elevations provided for the 36-plex multifamily residential building and the townhouse style family**

**multifamily buildings.**

- 2. The final plat include details regarding the square footage and description of amenities for designated private open space on Lot 2.**
- 3. That the City Forester would review and approve the tree replacement and protection plan prior to issuance of the final plat. This plan shall cover both plans to plant replacement trees throughout the development and plans to protect and preserve healthy and mature trees in or near the ravine from construction activity (to the greatest possible extent).**
- 4. At the time of final platting, the development agreement will specify that roof drains and gutters for Lots 5-16 will be required to drain towards the storm sewer drains on Toby Circle.**
- 5. Construction of a 5 foot wide sidewalk along the western frontage (east side of South Gilbert Street) of the development prior to the issuance of a certificate of occupancy.**
- 6. Installation of curb ramps at the area where City Transportation Planning staff has designated as appropriate to accommodate an uncontrolled crosswalk prior to issuance of a certificate of occupancy.**
- 7. Dedication of a landscape easement, with proposed tree plantings to be approved by the City Forester, along the southern property boundary in Lot 1 at the time of final platting.**

**Parsons seconded the motion.**

Baker asked for clarification on the Comprehensive Plan language and multifamily being in the 3-10 unit range. Heitner said the Comprehensive Plan states a desire in this area to provide a variety of housing types and a variety of density types and that was one of the main drivers for Staff's initial approval of this proposal. There is a variety of housing types in this development as well as a variety of density. Baker asked where the figure 3-10 shows up in the Comprehensive Plan. Russett added the Comprehensive Plan also identifies a proposed density for this area. She noted the Comprehensive Plan is a vision to guide development and the City uses their zoning as a way to implement that vision and Staff feels the proposed development is consistent with Comprehensive Plan due to proposed density which is in line with the Comprehensive Plan as well as mix of housing types. Baker agrees the density of the project seems appropriate, he is just confused about a specific figure being cited versus a more general goal being cited. Russett said staff could look into the Plan to see if it specifically states 3-10 units, but noted the Plan is not a regulatory document, it is a vision. Hektoen added this is a planned development so it means concentrating density in one place so you can preserve an another area. Baker acknowledged there has been a reduction with the elimination of the second 36-plex and he also thinks a fires station in this area is a good thing.

Signs recalled at the first proposal of this the main concerns were density and view with relationship to the property to the south, he feels the revised plan does a tremendous job of addressing both those issues and he does get concerned when people bash low-income housing and there is nothing in here that says this will be low-income, he is also concerned when there are expectations of things staying the same. In the Pepperwood Subdivision area there are five street stubs indicating those stubs will someday go through to an additional development. All the plans (City, Comprehensive, District) reflect putting more development in this area. Signs noted he was not against the first plan, but he feels this revised plan is even better in addressing a lot of the concerns. With regards to the concerns of the schools, that should not be a concern that drives their policy it is an issue the schools need to address.

Parson agreed, the main issue from the previous application was the 36-plex on Lot 1 and now that is gone so it has alleviated any concerns he had.

Baker is still uncomfortable with the crosswalk, he cannot think of a better location for it. Signs feels they could do one where Cherry meets Gilbert just as easily as the one proposed 500 feet north. Russett said Public Works and Transportation Staff looked at this and while that would be an ideal location there is a significant drop off on the western side of Gilbert Street that cannot be seen on the aerial.

Hensch believes this is a much improved proposal, the density issue has certainly been resolved by the removal of the other 36-plex, the fire station will be a neighborhood good, rather than negative, and as a resident of Pepper Drive since 1993 he understands the neighborhood really well and notes because of the concentration of group homes and social services it is in some regards a negative but in some regards a positive.

**A vote was taken and the motion carried 6-0 (Martin absent)**

**REZONING ITEM (REZ18-00022):**

Discussion of an application, submitted by Allen Development, for a rezoning of approximately 3.2 acres of property located at the northwest corner of Moss Ridge Road and Highway 1 from Interim Development-Research Park (ID-RP) to Highway Commercial (CH-1).

Russett presented the Staff report and began by showing an aerial map of the proposed project site, located at the northwest corner of Moss Ridge Road and Highway 1. She next showed the current zoning designations of the project site and the areas around it. The property is currently zoned Interim Development-Research Park which allows for nonurban development such as agriculture and very low density single family. The applicant is proposing to rezone this to Highway Commercial and the property can be rezoned at this time due to the availability of public infrastructure. Russett noted that based on the Comprehensive Plan this area is designated as Office Research Development Center, this area is envisioned for office park uses based on its close proximity to Interstate 80. This area is home to a number of the City's major employers and the proposed zoning to Highway Commercial is consistent with this vision in that it would provide commercial support services in close proximity to major employers. Russett showed some photographs of the project site. Based on data from FEMA the project site is located in the 100- year and 500-year floodplain; however, in 2015 the property owner obtained permits from the City to fill in the site and raise it above the 500-year floodplain. Compliance with the City's floodplain management standards will be required at the review of the site plan. In terms of transportation the site is accessed via Moss Ridge Road, the area is also served by the North Dodge bus route, the closet stop is within a 15 minute walk. The City's subdivision regulations would require that sidewalks be installed along Moss Ridge Road and Highway 1 on the southern and eastern frontages of the project site.

Staff is recommending a couple of conditions related to transportation, first is the closure and removal of the access road off of Highway 1 and therefore sole access to the site would be from Moss Ridge Road. In addition Staff is recommending the applicant install a 10-foot wide sidewalk along Highway 1, as well as a pedestrian crossing across Moss Ridge Road to the south and pedestrian ramps on the northern and southern portions of Moss Ridge Road. The City will be responsible for installing pedestrian signal improvements. Russett showed a concept



plan of the site, and Staff recommends a condition that requires general conformance with the concept plan in that a principal building must occupy the corner of Moss Ridge Road and Highway 1. The concept also shows stormwater management detention facilities which would be required at platting. Finally the concept plan shows proposed landscaping.

Staff recommends approval of REZ18-00022, an application submitted by Allen Development, for a rezoning from ID-RP to CH-1 for approximately 3.2 acres of property located at the northwest corner of Moss Ridge Road and Highway 1 subject to the following conditions:

1. Prior to the issuance of a certificate of occupancy, closure and removal of the access road off of Highway 1.
2. 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.
3. General conformance with the concept plan only in that a principal building must occupy the corner of Moss Ridge Road and Highway 1.
4. Prior to the issuance of a certificate of occupancy, installation of a 10-foot wide sidewalk along Highway 1, as well as a pedestrian crossing across Moss Ridge Road and pedestrian ramps on the northern and southern portions of Moss Ridge Road.

Hensch asked if this site was at the far north boundary of the city limits and Russett confirmed it was. Hensch noted the report said landscaping would be addressed at the site plan review and his concern is this is an entryway into the City and the Commission has stressed how important landscaping is at these entry points and he is concerned a landscaping plan was not required to be submitted at this stage. Baker suggested adding that a landscaping plan be submitted as well to condition #2. Russett said they could add the condition that the landscaping plan be reviewed by the City Forester, it would still be at site plan review, but adds a second layer of review. Dyer shared concern that the Forester really focusses on the kinds of plantings and not design.

Hensch opened the public hearing.

John Yapp (920 4<sup>th</sup> Avenue) from Allen Development came forward to reiterate a few points and then address the comments on landscaping. They are aware this is located on a major corridor and commuter highway and close by to Interstate 80. The City constructed Moss Ridge Road with a signalized intersection about three years ago with the intent of spurring office park development to the west, that hasn't occurred yet. This particular property is isolated from the office park to the west and to the rest of Mr. Sladek's property to the north due to Rapid Creek and Rapid Creek Floodway. Yapp noted this development would serve the large employment areas to the south, not just north of Interstate 80 but south of Interstate 80, which has thousands and thousands of employees in total. The property is currently at the north boundary of the City, however the City does have long range plans to construct Oakdale Boulevard to the north, which would connect to Oakdale Boulevard in Coralville and open up more of that land to the north for development. Regarding the landscaping plan, there are two more phases where that could be reviewed, both the preliminary plat and the site plan review. The City's site plan process includes the landscaping plans to be reviewed by City Engineering, City Forrester and City Planning Staff, and they do not have any objection to that being a condition. Yapp noted they also concur with the rest of the staff conditions.

Hensch asked how far the property is from Rapid Creek. Yapp believes it is about 100 feet from the creek itself, the property does border the floodway of the creek. Hensch asked if the property site was flooded in 1993 or 2008. Yapp noted that Mr. Sladek, who currently owns the property, stated that before the property was filled it would likely have been flooded, but it has now been filled.

Dyer noted this was the least developed concept plan she had seen in at least seven or eight years and would like to know a little bit more about what is proposed for the site. Yapp said they do not yet have any tenants for the development, they did the concept plan to show how two or three different uses could fit on the property. Additionally they will be closing the direct access off Highway 1 and making access from Moss Ridge Road. The types of uses they have been in contact with include convenience store/gas station, office development and fast-casual restaurants.

Hensch asked about the timeline for the development. Yapp said there is no specific timeline, it will depend on attracting users to the property.

Baker asked if this rezoning would also allow for one large building as opposed to two or three smaller buildings. Yapp said it could.

Dyer asked what the reason was from changing it from office to commercial. Yapp noted the property is very small to be part of an office park and cut off by the rest of the larger area by Rapid Creek, it also has highway frontage and access.

Hensch asked if the property is currently tilled. Yapp said it has been until recently, but is not currently, not in the last five years.

Signs noted this is a pretty prominent piece of property to be seen as the entryway to the City and was underwhelmed by the lack of green space and amount of buildings on this space. He hopes some attention will be given to make it more open. Yapp agreed on the property itself, as commercial property, it would not have a lot of dedicated greenspace, it would be landscaped of course, just to the north is Rapid Creek and the Rapid Creek Corridor and it has a between a 200 and 300 foot floodway which cannot be developed so visually there will be a lot of green space around the development.

Hensch asked about the topography on the parcel, Yapp noted it is relatively flat.

Baker discussed the landscaping plan and what the fellow Commissioners would like to see above what the minimum is required for the site. Hensch said he just wants a review to make sure it is not forgotten about. Townsend added that at this point they don't know what will be built on the site so may be difficult to know what the landscaping will look like.

Hensch closed the public hearing.

**Baker moves to recommend approval of REZ18-00022, an application submitted by Allen Development, for a rezoning from ID-RP to CH-1 for approximately 3.2 acres of property located at the northwest corner of Moss Ridge Road and Highway 1 subject to the following conditions:**

- 1. Prior to the issuance of a certificate of occupancy, closure and removal of the access road off of Highway 1.**
- 2. 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.**
- 3. General conformance with the concept plan only in that a principal building must occupy the corner of Moss Ridge Road and Highway 1.**
- 4. Prior to the issuance of a certificate of occupancy, installation of a 10-foot wide**

**sidewalk along Highway 1, as well as a pedestrian crossing across Moss Ridge Road and pedestrian ramps on the northern and southern portions of Moss Ridge Road.**

**Parsons seconded the motion.**

**Baker suggested adding to condition 2 that a landscaping plan approved by the City Forester.**

**Parsons seconded the amendment.**

Hensch noted there is two water retention areas on the periphery of the property and the developers know they cannot develop on those so there can be some landscaping decided upon now for at least two sides of the property. He agrees not knowing what will be built can make it difficult, but there can still be a plan for the periphery of the property.

Signs recognized the property is surrounded by a wide-open prairie and this development will stick out like a sore thumb so if there is any way to minimize that transition to the development from the prairie he feels that would be appropriate. He does agree that the use for the space is probably exactly what it should be.

**A vote was taken and the motion carried 6-0 (Martin absent).**

#### **CONSIDERATION OF MEETING MINUTES: DECEMBER 20, 2018**

Signs moved to approve the meeting minutes of December 20, 2018.

Parsons seconded.

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

#### **PLANNING AND ZONING INFORMATION:**

None.

#### **Adjournment:**

Townsend moved to adjourn.

Parsons seconded.

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



**PLANNING & ZONING COMMISSION  
ATTENDANCE RECORD  
2018 - 2019**

	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	10/18	12/20	1/3
<b>BAKER, LARRY</b>	---	---	---	---	---	---	---	---	---	X	X	X	X	O/E	X	X
<b>DYER, CAROLYN</b>	O/E	X	O/E	X	X	X	X	X	O/E	X	O	O/E	O	X	X	X
<b>FREERKS, ANN</b>	X	X	X	X	X	O/E	X	X	X	'---	'---	'---	'---	'---	'---	'---
<b>HENSCH, MIKE</b>	O/E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>MARTIN, PHOEBE</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	O/E
<b>PARSONS, MAX</b>	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	X	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>	X	X	X	X	X	X	X	X	O/E	'---	'---	'---	'---	'---	'---	'---
<b>TOWNSEND, BILLIE</b>	---	---	---	---	---	---	---	---	---	X	X	X	X	X	O/E	X

**KEY:**

X = Present

O = Absent

O/E = Absent/Excused

--- = Not a Member