

PLANNING AND ZONING COMMISSION

May 16, 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. Case No. SUB19-2
Applicant: Allen Development
Location: Northwest corner of Moss Ridge Road and Highway 1

An application submitted by Allen Development for a Preliminary Plat and Sensitive Areas Development Plan for the Capital Subdivision, a 1-lot, 3.20-acre commercial subdivision located at the northwest corner of Moss Ridge Road and Highway 1.

5. Case No. REZ18-00019
Applicant: M&W Properties
Location: Northwest corner of Benton Street and Orchard Street

An application submitted by M&W Properties for a rezoning of approximately 1.75 acres of property located at 204 West Benton Street; 224, 226, 330, and 650 Orchard Court; and 711, 725, and 741 Orchard Street from Medium Density Single-Family Residential (RS-8) to Riverfront Crossings – Orchard Subdistrict (RFC-O).

6. Case No. VAC19-1
Applicant: M&W Properties
Location: North of Benton Street, off Orchard Court.

An application submitted by M&W Properties for a vacation of approximately 4,482 square feet of public right-of-way located north of Benton Street off of Orchard Court.

7. Case No. REZ19-4

Applicant: Randy Miller

Location: Southwest corner of E. 1st Street and S. Gilbert Street

An application submitted by Randy Miller for a rezoning of approximately 0.20 acres of property located at the southwest corner of E. 1st Street and S. Gilbert Street from Intensive Commercial (CI-1) to Riverfront Crossings – South Gilbert (RFC-SG).

8. Case No. CU19-1

Applicant: S & G Materials Company, Inc.

Location: 4059 Izaak Walton League Road SE, Fringe Area C

An application submitted by S & G Materials Company, Inc. for a conditional use permit for extended hours of operation for property located at 4059 Izaak Walton League Road SE in unincorporated Johnson County, Fringe Area C.

9. Consideration of Meeting Minutes: April 18, 2019

10. Planning & Zoning Information

11. 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. Early requests are strongly encouraged to allow sufficient time to meet your access needs.

Upcoming Planning & Zoning Commission Meetings

Formal: June 6 / June 20 / July 3 / July 18

Informal: Scheduled as needed.

STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Anne Russett, Senior Planner

Item: SUB19-2
Capital Subdivision

Date: 05/16/2019

GENERAL INFORMATION:

Applicant:

Allen Development
PO Box 3474
Iowa City, IA 52244
319-530-8238
Johnnyapp.allenhomes@gmail.com

Contact:

Jesse Allen or John Yapp
PO Box 3474
Iowa City, IA 52244
319-325-1228
Johnnyapp.allenhomes@gmail.com

Property Owner:

Sladek Land #2 LLC
4670 Taft Ave SE
Iowa City, IA 52240
319-330-3380
Jim.sladek@jcsfamilyfarms.com

Requested Action:

Approval of preliminary and final plat

Purpose:

Creation of one commercial lot

Location:

Northwest corner of Moss Ridge Road & Highway 1

Location Map:



Size:

3.20 acres

Existing Land Use and Zoning:

Undeveloped, CH-1

Surrounding Land Use and Zoning:	North: Interim Development-Research Park (ID-RP) and County Agricultural (A) South: Highway Commercial (CH-1) East: Interim Development-Research Park (ID-RP) West: Interim Development-Research Park (ID-RP) and Research Development Park (RDP)
Comprehensive Plan:	Office Research Development Centers
District Plan:	N/A
Neighborhood Open Space District:	N/A
Public Meeting Notification:	Property owners located within 300' of the proposed preliminary plat received notification of the Planning and Zoning Commission public meeting
File Date:	April 25, 2019
45 Day Limitation Period for Preliminary Plat:	June 10, 2019
60 Day Limitation Period for Final Plat:	June 24, 2019

BACKGROUND INFORMATION:

The applicant, Allen Development, has requested a preliminary and final plat for 3.20 acres of land located at the northwest corner of Moss Ridge Road and Highway 1.

On March 12, 2019, the City Council adopted a Conditional Zoning Agreement to rezone the project area from Interim Development-Research Park (ID-RP) to Highway Commercial (CH-1). The Conditional Zoning agreement includes 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 thereof that conforms to the 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.
5. Any development of the subject property shall be done in accordance with a detailed landscaping plan to be approved by the City Forester to ensure the development aligns with the comprehensive plan's goal of preserving and enhancing the entranceways to the city.

ANALYSIS:

Compliance with the Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan identifies this area as Office Research Development Center. This area is located within the North Corridor Planning District; however, this district plan has not yet been developed.

The background section of the Comprehensive Plan provides an overview of the area surrounding the subject property. The area is envisioned for office park uses based on its proximity to Interstate 80. Currently, the area is home to several of the City's major employers, including numerous medical and professional firms located in Northgate Corporate Park, as well as ACT and Pearsons, which are education-based research and service firms that employ thousands of people. The proposed commercial lot is consistent with this vision in that it would provide commercial support services close to major employers.

Subdivision Design: The proposed one lot subdivision will have access off Moss Ridge Road. The preliminary plat shows that the existing entrance off Highway 1 will be removed, which is a condition of the rezoning.

The preliminary plat shows a 10-foot sidewalk along Highway 1, a condition of the rezoning, and a 5-foot sidewalk along Moss Ridge Road. Another condition of the rezoning required a pedestrian crossing across Moss Ridge Road and pedestrian ramps on the northern and southern portions of Moss Ridge Road. These pedestrian crossings and ramps are shown on the preliminary plat.

The CH-1 zone does not have a minimum lot size requirement. The lot width meets the minimum requirement of 100 feet.

Neighborhood Open Space: The City's neighborhood open space requirement applies to residential subdivisions, commercial subdivisions containing residential uses, and planned developments. The proposed zone district, CH-1, does not allow residential uses, therefore, the neighborhood open space requirement does not apply.

Environmentally Sensitive Areas: According to FEMA data, this area 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. The preliminary plat identifies the 100-year and 500-year flood hazard lines according to FEMA. At the site plan review stage, the applicant will be required to submit a revised map showing the actual flood hazard lines and whether the existing elevation is above the 500-year floodplain. If the existing elevation remains located in the floodplain, staff will require compliance with the City's floodplain management standards during the review of the site plan. In addition, the site is located near Rapid Creek and a floodway; however, the project site is located outside of the floodway.

Public Utilities: Storm water management will need to be provided on-site. City staff will review storm water management plans at the site plan review phase. The site has access to an existing sanitary sewer line to the south. The preliminary plat shows the extension of an existing 12-inch water main along the Highway 1 frontage.

Infrastructure fees: The City requires developers to pay a \$456.75 per acre fee for water service. The project site is not located in one of the City's sanitary sewer districts, and therefore, the City collects no sanitary sewer tap on fees. The developer will be responsible for costs associated with the storm water, water, and sanitary sewer improvements needed to serve the project site; however, the City has agreed to pay for the for the oversize cost if a 12-inch water main is more than what is needed to service the subdivision.

SUMMARY: Staff finds that the proposed 1-lot commercial subdivision is consistent with the City's comprehensive plan and subdivision regulations.

NEXT STEPS: Pending recommendation of approval from the Planning and Zoning Commission, a resolution for approval of the preliminary plat and sensitive areas development plan will be forwarded onto the City Council for consideration. The applicant has also applied for a final plat. The City Council will review the final plat concurrently with the preliminary plat.

STAFF RECOMMENDATION:

Staff recommends approval of SUB19-2, an application submitted by Allen Development for a preliminary plat of the Capital Subdivision, 1-lot, 3.20-acre commercial subdivision located at the northwest corner of Highway 1 and Moss Ridge Road.

ATTACHMENTS:

1. Location Map
2. Concept Plan Associated with the Conditional Zoning Agreement
3. Preliminary Plat and Sensitive Areas Development Plan

Approved by: _____


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



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SUB19-2 Capital Subdivision

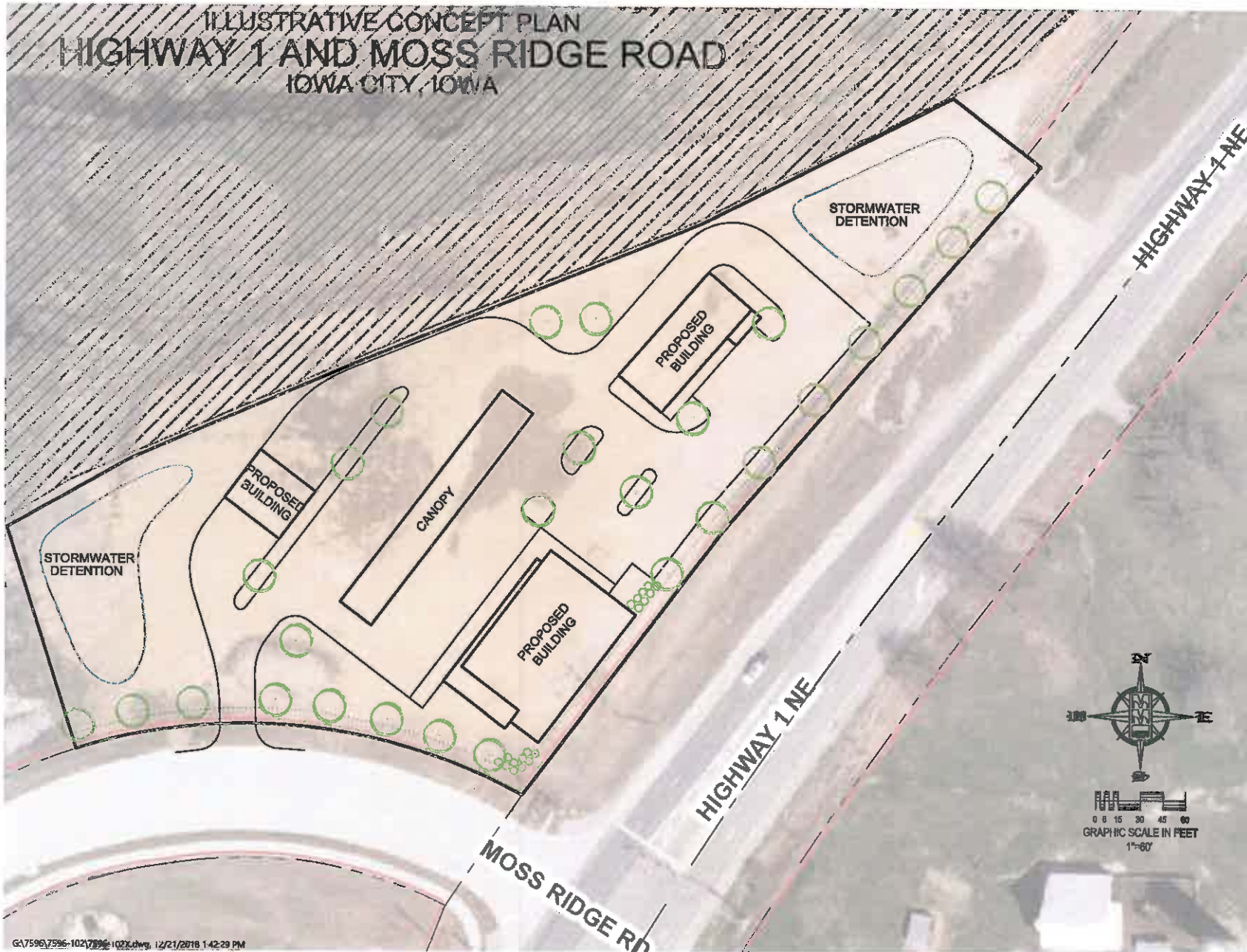


Prepared By: Luke Foelsch
Date Prepared: April 2019



An application submitted by Allen Development for preliminary and final plat approval for Capital Subdivision, a 3.20 acre, 1-lot subdivision located at the NW quadrant of Moss Ridge Road and Highway 1.

ILLUSTRATIVE CONCEPT PLAN HIGHWAY 1 AND MOSS RIDGE ROAD IOWA CITY, IOWA



CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

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

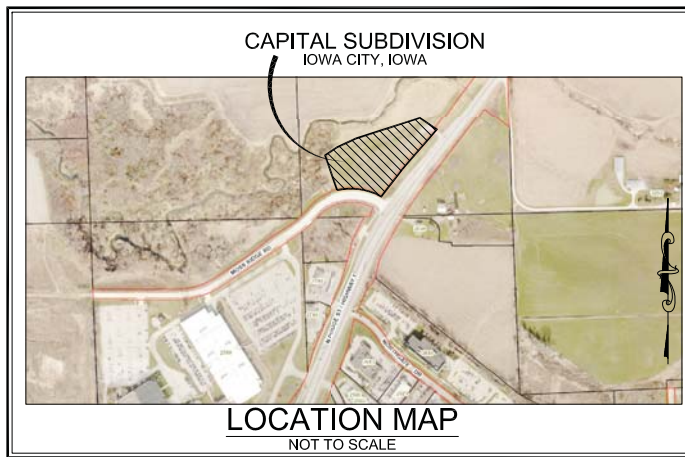
Date	Revision
12-21-18	per city comments -jdm

ILLUSTRATIVE CONCEPT PLAN

HIGHWAY 1 AND
MOSS RIDGE ROAD
IOWA CITY
JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date:	11-15-18
Designed by:	JDM
Field Book No:	
Drawn by:	JDM
Scale:	1"=60'
Checked by:	
Sheet No:	1
Project No:	IC 7596-102
of:	1



PLAT/PLAN APPROVED
by the
City of Iowa City

City Clerk _____ Date: _____

UTILITY EASEMENTS, AS SHOWN HEREON, MAY OR MAY NOT, INCLUDE SANITARY SEWER LINES, AND/OR STORM SEWER LINES, AND/OR WATER LINES : SEE CONSTRUCTION PLANS FOR DETAILS.

LEGAL DESCRIPTION - PRELIMINARY PLAT
AUDITOR'S PARCEL 2018120, IOWA CITY, JOHNSON COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 62, AT PAGE 400, IN THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE, CONTAINING 3.20 ACRES, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

PRELIMINARY PLAT AND SENSITIVE AREAS PLAN CAPITAL SUBDIVISION IOWA CITY, IOWA

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

OWNER:
SLADEK LAND #2, LLC
4670 TAFT AVENUE SE
IOWA CITY, IOWA 52240

SUBDIVIDER:
ALLEN DEVELOPMENT, LLC
PO BOX 3474
IOWA CITY, IOWA 52244

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

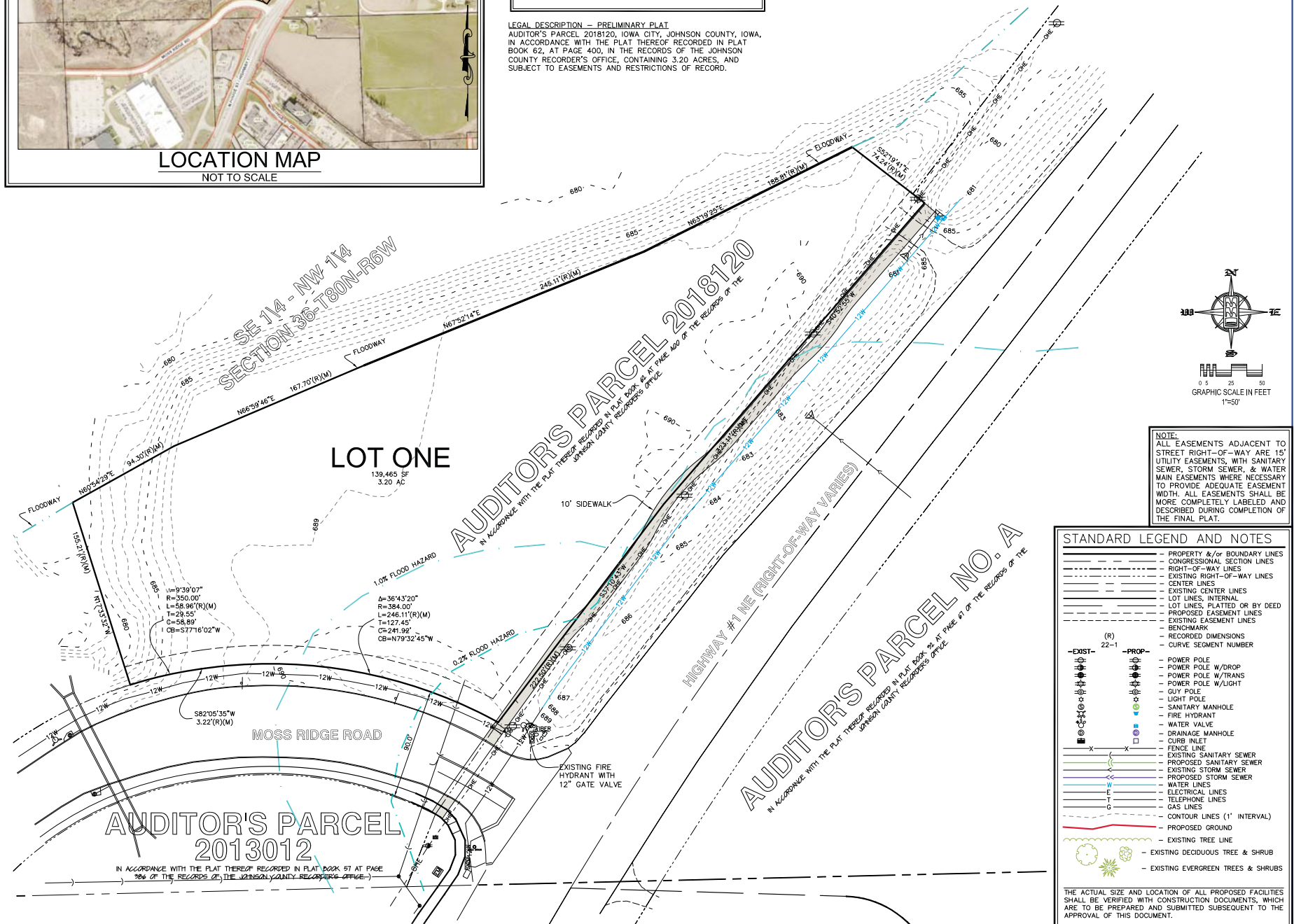
3.20 ACRES



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
04-22-19	PER CITY COMMENTS -KLE



NOTE:
ALL EASEMENTS ADJACENT TO STREET RIGHT-OF-WAY ARE 15' UTILITY EASEMENTS, WITH SANITARY SEWER, STORM SEWER, & WATER MAIN EASEMENTS WHERE NECESSARY TO PROVIDE ADEQUATE EASEMENT WIDTH. ALL EASEMENTS SHALL BE MORE COMPLETELY LABELED AND DESCRIBED DURING COMPLETION OF THE FINAL PLAT.

STANDARD LEGEND AND NOTES	
<ul style="list-style-type: none"> PROPERTY &/or BOUNDARY LINES CONGRESSIONAL SECTION LINES RIGHT-OF-WAY LINES EXISTING RIGHT-OF-WAY LINES CENTER LINES EXISTING CENTER LINES LOT LINES, INTERNAL LOT LINES, PLATTED OR BY DEED PROPOSED EASEMENT LINES EXISTING EASEMENT LINES BENCHMARK RECORDED DIMENSIONS CURVE SEGMENT NUMBER 	<ul style="list-style-type: none"> POWER POLE POWER POLE W/DROP POWER POLE W/TRANS POWER POLE W/LIGHT GUY POLE LIGHT POLE SANITARY MANHOLE FIRE HYDRANT WATER VALVE DRAINAGE MANHOLE CURB INLET FENCE LINE EXISTING SANITARY SEWER PROPOSED SANITARY SEWER EXISTING STORM SEWER PROPOSED STORM SEWER WATER LINES ELECTRICAL LINES TELEPHONE LINES GAS LINES CONTOUR LINES (1' INTERVAL) PROPOSED GROUND EXISTING TREE LINE EXISTING DECIDUOUS TREE & SHRUB EXISTING EVERGREEN TREES & SHRUBS

THE ACTUAL SIZE AND LOCATION OF ALL PROPOSED FACILITIES SHALL BE VERIFIED WITH CONSTRUCTION DOCUMENTS, WHICH ARE TO BE PREPARED AND SUBMITTED SUBSEQUENT TO THE APPROVAL OF THIS DOCUMENT.

PRELIMINARY PLAT AND SENSITIVE AREAS PLAN

CAPITAL SUBDIVISION

IOWA CITY
JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date:	DATE
Designed by: RLA	Field Book No:
Drawn by: JDM	Scale: 1"=50'
Checked by: RLA	Sheet No: 1
Project No: IOWA CITY	
7596-102	of 1

STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Ray Heitner, Associate Planner and
Luke Foelsch, Planning Intern

Item: REZ18-00019

Date: May 16, 2019

GENERAL INFORMATION:

Applicant:

M & W Properties
P.O. Box 5152
Coralville, IA 52241
319-430-5991
Ryanwade1000@gmail.com

Contact:

Mark Seabold – Shive Hattery
2839 Northgate Drive
Iowa City, IA 52245
319-354-3040
mseabold@shive-hattery.com

Property Owner:

(same as applicant)

Requested Action:

Rezone 204 West Benton Street; 224, 226, 330,
and 650 Orchard Court; and 711, 725, and 741
Orchard Street from Medium Density Single-
Family Residential (RS-8) to Riverfront Crossings
– Orchard Subdistrict (RFC-O)

Purpose:

Redevelop the properties according to the
Riverfront Crossings – Orchard Subdistrict
Standards

Location:

204 West Benton Street; 224, 226, 330, and 650
Orchard Court; and 711, 725, and 741 Orchard
Street

Location Map:



Size:	Approximately 1.748 acres total
Existing Land Use and Zoning:	Four duplexes and four single family dwellings, all zoned Medium Density Single-Family Residential (RS-8)
Surrounding Land Use and Zoning:	Northwest: Multi-Family dwelling (OPD-5) Northeast: Multi-Family dwelling (RFC-O) East: Kum & Go (RFC-WR) South: Single-Family dwellings (RS-8) West: Single-Family dwellings (RS-8)
Comprehensive Plan:	Mixed Use
District Plan:	Downtown and Riverfront Crossings Master Plan, Orchard Subdistrict
Neighborhood Open Space District:	Miller / Orchard (SW4)
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:	November 29, 2018
45 Day Limitation Period:	Waived 45-day limitation period.

BACKGROUND INFORMATION:

The applicant, M & W Properties, has requested a rezoning from Medium Density Single-Family Residential (RS-8) to Riverfront Crossings – Orchard Subdistrict (RFC-O) for 1.748 acres at 204 West Benton Street; 224, 226, 330, and 650 Orchard Court; and 711, 725, and 741 Orchard Street.

In 2016, the City Council adopted an amendment to the Downtown and Riverfront Crossings Master Plan by adding the Orchard Subdistrict. The new subdistrict

encompasses properties located along Orchard Street and Orchard Court north of Benton Street, and was created to encourage residential redevelopment that would serve as a transition between the higher intensity mixed-use area along Riverside Drive and the lower intensity single-family residential neighborhood to the west.

In 2017, the City Council adopted an amendment to the zoning code to incorporate the Orchard Subdistrict into the Riverfront Crossings form-based code. The zoning standards were adopted to ensure that buildings are complementary in mass and scale to the adjacent single-family neighborhood, and to require a 30-foot setback between Orchard Subdistrict development and the adjacent single-family zone. This zoning code amendment also included the addition of the Orchard Subdistrict to the Regulating Plan.

The applicant held a Good Neighbor meeting prior to the Comprehensive Plan Amendment on February 11, 2016 but have not held a Good Neighbor meeting for this specific rezoning application.

ANALYSIS:

Current Zoning:

The properties are currently zoned Medium Density Single-Family Residential (RS-8). They are located on the westernmost edge of the Orchard Subdistrict, which is the westernmost Subdistrict in Riverfront Crossings. A large swath of similarly zoned RS-8 parcels extends to the south and west. The maximum allowable density in the RS-8 zone is 8 dwelling units/acre. There are currently 12 total dwelling units in this area (over 1.748 acres)

Proposed Zoning:

The proposed Riverfront Crossings Orchard Subdistrict (RFC-O) zone is "Intended for lower intensity residential development in buildings with street-facing entries opening onto pedestrian-friendly streetscapes that provide a transition between higher intensity mixed-use areas along Riverside Drive and low-scale residential neighborhoods to the west." This zone was tailored specifically for an approximately 5-acre area, within which the subject properties are located. The zone also explicitly prohibits commercial and industrial uses in this zone, except in live-work townhouses.

The RFC-O zone does not restrict density through limitations on dwelling units per acre, but rather through limitations on maximum building height. Unlike the other RFC Subdistricts however, the Orchard Subdistrict has no bonus height provisions and therefore is not eligible for any additional height above the base maximum of three stories. Multi-family buildings in this subdistrict that are two stories or greater are also required to have a 10' setback, intended to mitigate the visual impact of larger buildings.

The attached development concept accompanying this rezoning application is proposing a total of 125 dwelling units between two buildings to be located on the rezoned area. While the proposed rezoning will result in an increase in the number of housing units, it will still provide a transition from the West Riverfront Subdistrict to the single-family housing to the west, due to the development standards that are required in the Orchard Subdistrict.

If the proposed rezoning is approved, future developments in this area will be subject to the Affordable Housing Requirement in place for all Riverfront Crossings zoning designations. This requirement mandates the provision of affordable housing units in the amount of 10

or more percent of all dwelling units in the development. This requirement may also be satisfied through a fee in lieu contribution to an affordable housing fund. Staff is recommending that a condition of the rezoning be that the applicant satisfy the affordable housing requirements in section 14-2G-8 as needed.

Existing Land Uses:

The subject property currently contains four single-family dwellings and four duplexes. It is abutted to the east by a Kum & Go convenience store, constructed in 2016. To the south and west lie single-family dwellings. North of the subject property are multi-family dwellings, three built in the 1980's, and one that was completed as a part of the Riverfront Crossings – Orchard Subdistrict in 2018.

Rezoning Review Criteria

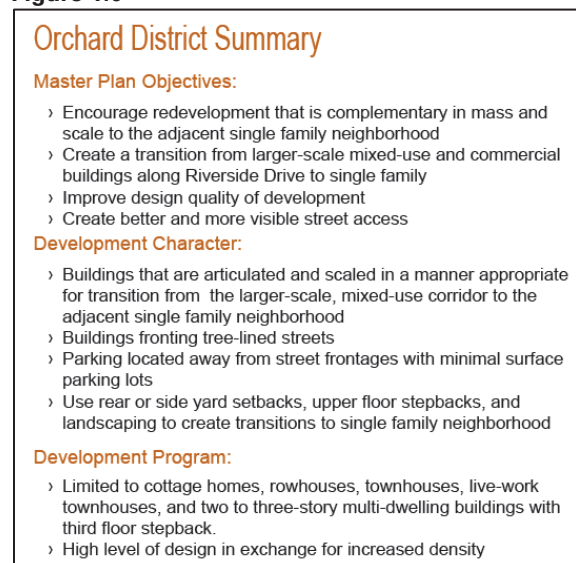
Staff uses the following two criteria in the review of rezonings:

1. Consistency with the comprehensive plan; and
2. Compatibility with the existing neighborhood character.

Consistency with the Comprehensive Plan:

The subject properties are in the Orchard Subdistrict of the Downtown and Riverfront Crossings Master Plans. Figure 1.0 shows an excerpt from the master plan that lists the plan objectives, desired development character for the district, and the types of development envisioned for this area. The development that is currently planned for the proposed rezoning would satisfy several of these objectives. It would create a transition from larger-scale mixed use and commercial buildings along Riverside Dr. to single family housing to the west of the district. By keeping the height of both proposed buildings at a maximum height of three stories, the applicant can provide the desired number of units, but do so in a manner that is not overbearing to the single family uses to the west. Rezoning the property to the new designation will facilitate the type of redevelopment envisioned for this specific area in the Downtown and Riverfront Crossings Master Plan. This conformance with the form-based code complies with the intent of the Comprehensive Plan for this area.

Figure 1.0



Compatibility with the Existing Neighborhood Character:

The proposed rezoning is distinct from a typical rezoning in that the impetus for the Orchard Subdistrict zone's creation was to ensure neighborhood compatibility. It was expressly created to provide a transitional buffer between the more intensive development allowed in the Riverfront Crossings – West Riverfront Subdistrict (RFC-WR) to the east and the existing Medium Density Single-Family Residential (RS-8) to the west. Any general neighborhood compatibility concerns for this area were addressed during the 2017 zoning code amendment process which established the RFC-O Subdistrict.

A goal of the Orchard Subdistrict is to improve the aesthetics of development in the area and encourage the development of high-quality housing that meets the needs of the community. The form-based standards will ensure that development on the properties will be designed in a manner consistent with the residential character envisioned in the Downtown and Riverfront Crossings Master Plan and provide new affordable housing options consistent with the Riverfront Crossings affordable housing obligation.

The applicant is currently proposing two separate 3-story multi-dwelling unit buildings. The attached concept plan shows one larger building running north-south between Orchard St. and Benton St., with the other building being set back off Orchard Court. The second building would be situated in the location that is currently occupied by 224 – 330 Orchard Court. The proposed development is planning on increasing the front yard setback off Benton St., in addition to creating a pedestrian oriented street beside the current Orchard Court right-of-way to provide a neighborhood park setting.

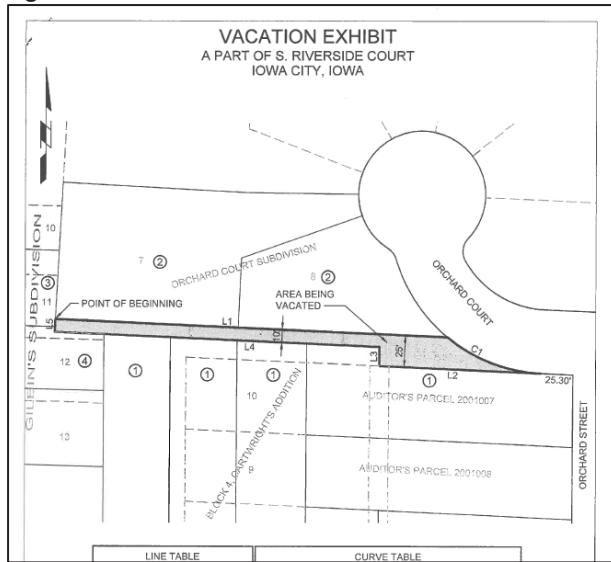
Transportation and Access

City staff requested that the applicant submit a traffic study to evaluate how the proposed development might impact traffic in the area. The study examined two adjacent intersections located at the crossing of Benton St. and Orchard St. and Benton St. and Riverside Dr. The analysis indicated that the proposed development would operate at LOS (Level of Service) D through 2040 during peak periods as measured by the Iowa DOT. This level of service is generally acceptable in urban conditions.

The development as proposed is anticipated to create an additional 30-40 peak hour trips during AM and PM peak hours (approximately 7:30 A.M. to 8:30 A.M. and 4:30 P.M. to 5:30 P.M.). However, the City is not looking to signalize the intersection of Benton St. and Orchard St. at this time. A signal at this intersection would create the shortest signal to signal block in the city. This increase is not large enough to mandate installation of a traffic signal because of this proposed development.

The applicant has also applied for the vacation of approximately .10 acres of right-of-way located to the north of the subject area. This area would be used to provide access for residents in the proposed development, and for emergency response vehicle access from Orchard Street. Staff is recommending a condition that the applicant install a hammerhead turnaround at the far western end of the proposed driveway to help with access for emergency response vehicles. The survey of the area to be vacated can be seen below in Figure 2.0. Staff is recommending that a condition of the rezoning be that the rezoning is contingent upon approval of the associated right-of-way vacation.

Figure 2.0



To match right-of-way space along Benton St. that has been allocated to the Kum and Go station located at the northwest corner of Benton St. and Riverside Dr., the City is requesting that a condition of the rezoning be that the applicant provide an additional 15' of right-of-way off Benton St. This increased right-of-way will allow for continuation of the 6' sidewalk located to the east of the subject property. The City is also recommending a condition that the 6' sidewalk that is located to the east of the subject property be constructed along the Benton St. frontage of the subject property. The separation distance between the proposed sidewalk extension and the existing street is wide enough to accommodate an additional lane on the north side of Benton St., should the City need to widen Benton St. In addition, the City is recommending a condition that the applicant construct a sidewalk along the Orchard St. frontage of the subject property. Sidewalks will be built to specifications to be determined by Public Works.

The Iowa City Bicycle Master Plan's Functional Bikeway Network indicates Benton Street as a Principal On-Street Bikeway, and the particular stretch on which the subject properties are located is marked for "Bike Lanes with New Construction/Reconstruction." Furthermore, Iowa City's Benton Street & Riverside Drive bus stop (Stop 8005) is located along Benton Street just east of the subject properties and is served by the Westport Plaza bus line with buses arriving every hour.

Staff further recommends a condition to provide a 30' wide access easement between the north right-of-way and Benton St. Staff recommends that this easement be put in place now, should it be determined that an additional point of access to the area is necessary in the future. An approximate location of this access easement is shown below in Figure 3.0.

Figure 3.0



The attached concept plan shows a pedestrian street running north-south between the two proposed multi-family residential buildings. This pedestrian street is required by Riverfront Crossings Regulating Plan. Staff is recommending a condition that the applicant construct the pedestrian street shown in the attached concept plan. A 30' wide public access easement will be required over the span of the pedestrian street.

Open Space Requirements

All projects with residential use in a Riverfront Crossings zoning designation are subject to private Open Space Requirements. This requirement amounts to the provision of 10 square feet of open space per bedroom, amounting to no less than four hundred square feet of open space total. The proposed developments would be subject to this requirement. These requirements will be verified at Design Review.

Public Utilities

City staff anticipates that the existing stormwater infrastructure will be able to accommodate runoff from the proposed development. Public Works will verify water flow requirements for the development at site plan review. The area is serviced by a 6" water main off Orchard St. There is a possibility that this will not be a large enough main to service this project. If it is determined that a 6" main is not sufficient for the proposed density, then the developer will be responsible for increasing this main from 6".

NEXT STEPS:

Upon recommendation of approval from the Planning and Zoning Commission, a public hearing will be scheduled for consideration of the application from the City Council. Upon approval from the City Council, plans for the two multi-family residential buildings will be reviewed administratively through Site Plan Review and Design Review. Once these administrative reviews are complete, the applicant can file for any necessary building permits.

STAFF RECOMMENDATION: Staff recommends approval of REZ18-00019, a proposal to rezone approximately 1.748 acres of property at 204 West Benton Street; 224, 226, 330, and 650 Orchard Court; and 711, 725, and 741 Orchard Street from Medium Density Single-Family Residential (RS-8) to Riverfront Crossings – Orchard Subdistrict (RFC-O), subject to the following conditions:

- 1) Any new residential development in the subject area must satisfy the affordable housing requirements set forth in section 14-2G-8 of the City Code.
- 2) Construction of a hammer-head turnaround for fire/emergency response vehicles in the driveway area to the north of the rezoning assemblage.
- 3) The rezoning is contingent upon City Council approval of VAC 19-1.
- 4) The developer shall dedicate 15' of right-of-way along the north side of the Benton St. frontage to the City.
- 5) Construction of a 6' wide sidewalk along the Benton St. frontage of the subject property.
- 6) Construction of a sidewalk along the Orchard St. frontage of the subject property.
- 7) Provision of a 30' wide access easement running in a north-south direction from the driveway area north of the rezoning assemblage (pending right-of-way to be acquired by M&W), down to Benton St.
- 8) Construction of the pedestrian street as shown in the attached concept plan.
- 9) Dedication of a 30' wide public access easement over the span of the pedestrian street.

ATTACHMENTS:

1. Location Map
2. Zoning Exhibit
3. Concept Plan and Renderings



Approved by: _____

Danielle Sitzman, AICP
Department of Neighborhood and Development Services



0 0.02 0.04 0.08 Miles

REZ18-00019 Orchard Street



Prepared By: Luke Foelsch
Date Prepared: August 2018



An application submitted by M&W Properties LLC for a rezoning of 1.748 acres from Medium Density Single-Family Residential (RS-8) to Riverfront Crossings - Orchard Subdistrict (RFC-O) at 204 W Benton Street; 224, 226, 330, and 650 Orchard Court; 711, 725, and 741 Orchard Street.

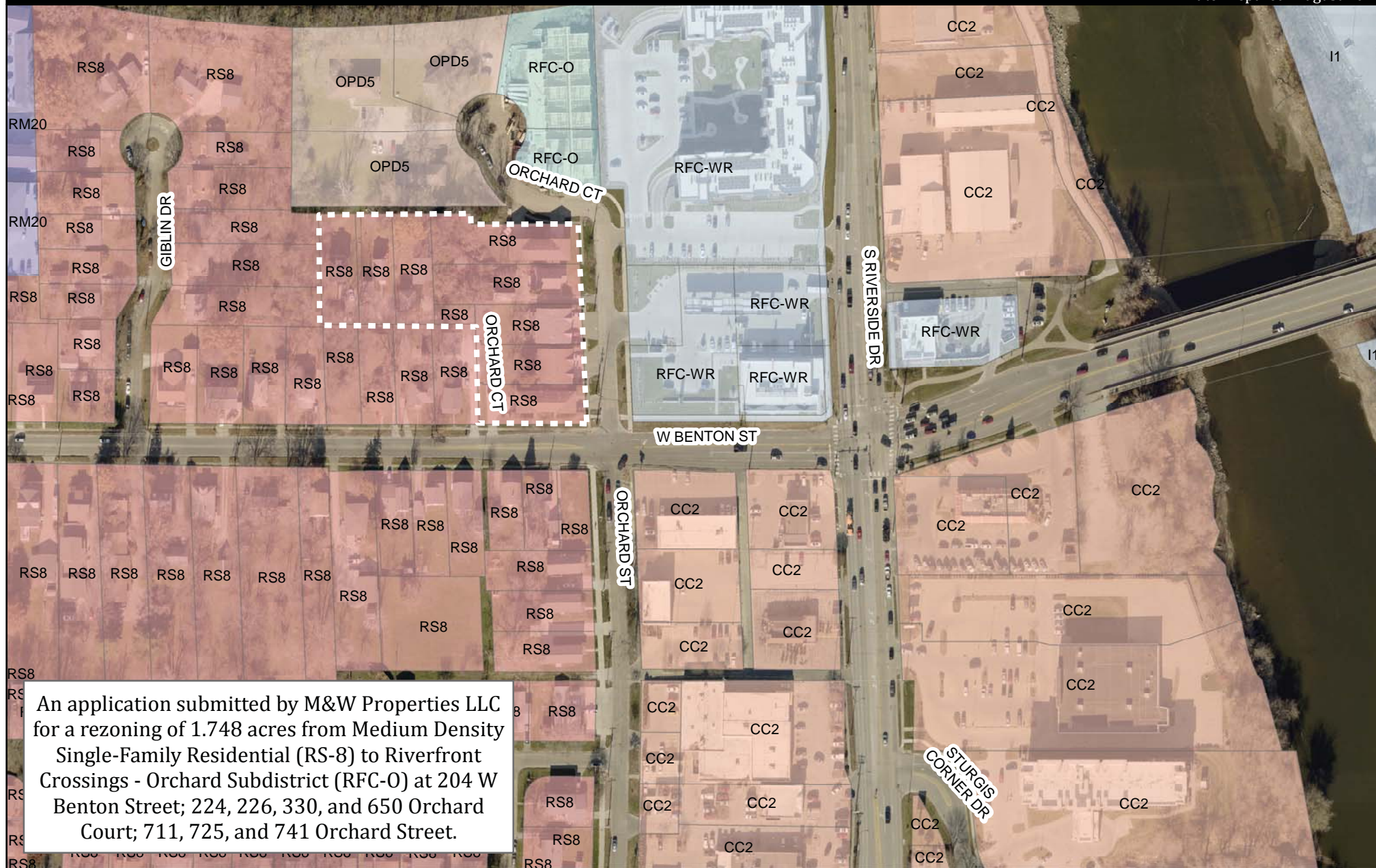


0 0.02 0.04 0.08 Miles

REZ18-00019 Orchard Street



Prepared By: Luke Foelsch
Date Prepared: August 2018



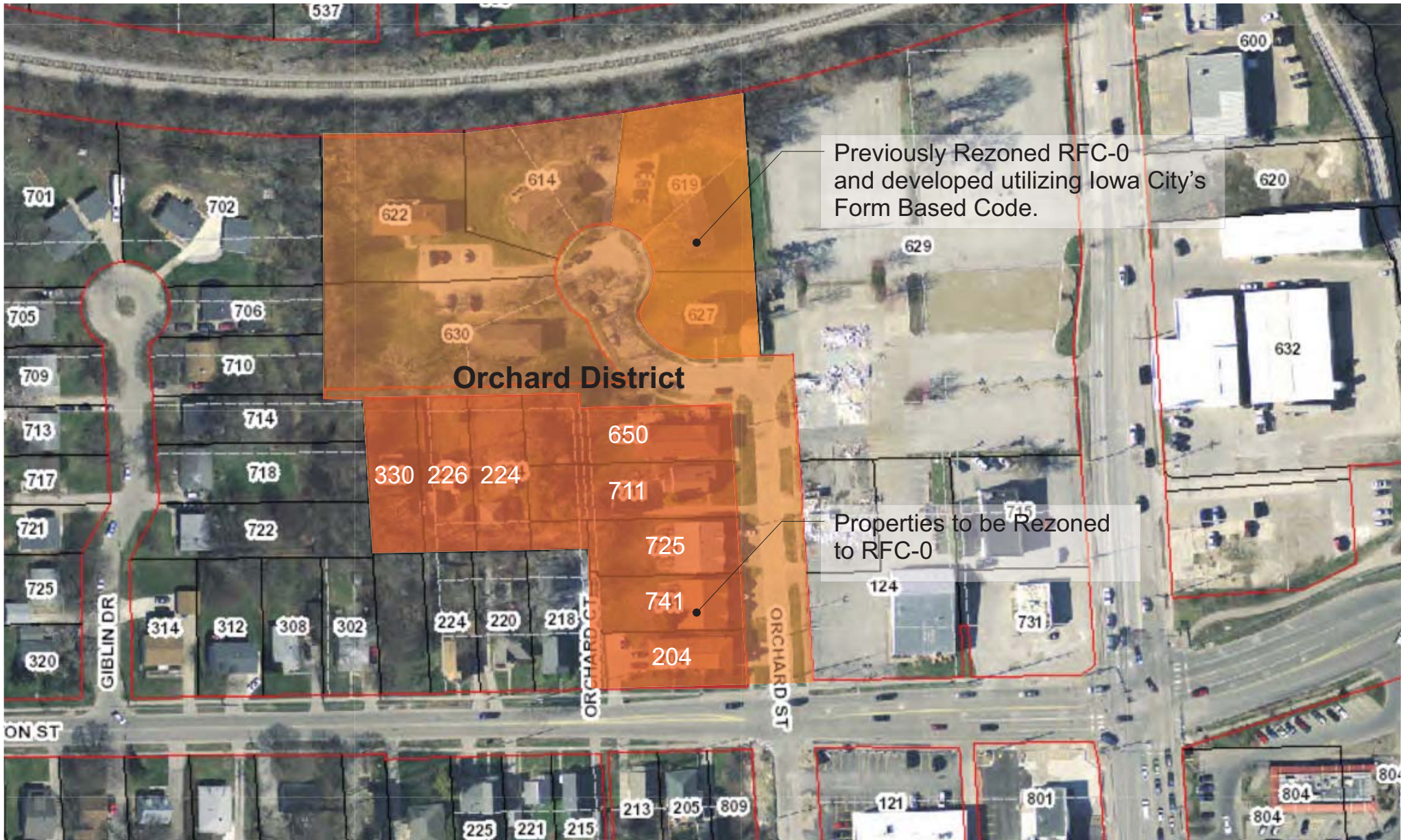


M & W Properties
 Orchard District - Rezoning to Iowa Riverfront Crossings
 204 West Benton Street, Iowa City, Iowa



M & W Properties

Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa



M & W Properties

Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa



concept Benton Street rendering as part of comprehensive plan amendment - July 5, 2016

M & W Properties

Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa



concept aerial view submitted as part of comprehensive plan approval - City Council meeting July 5, 2016
(modified April 2019 to show inclusion of 330 Orchard Court)



recently completed project with RFC-0 Zoning - July 2018

M & W Properties

Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa



recently completed project with RFC-0 Zoning - July 2018

M & W Properties
Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa



recently completed project with RFC-0 Zoning - July 2018

M & W Properties
Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa



recently completed project with RFC-0 Zoning - July 2018

M & W Properties
Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa



recently completed project with RFC-0 Zoning - July 2018

M & W Properties
Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa

08.31.2018
SHIVEHATTERY
ARCHITECTURE+ENGINEERING



recently completed project with RFC-0 Zoning - July 2018

M & W Properties
Orchard District - Rezoning to Iowa Riverfront Crossings
204 West Benton Street, Iowa City, Iowa

STAFF REPORT

To: Planning & Zoning Commission

Prepared by: Ray Heitner, Associate Planner

Item: VAC19-1

Date: May 16, 2019

4,482 square foot City owned area
north of 330, 226, 224, 650/652
Orchard Court

GENERAL INFORMATION:

Applicant/Property Owner:

M&W Properties
P.O. Box 687
Iowa City, IA 52244
319-430-5991
ryanwade1000@gmail.com

Requested Action:

Vacation of City owned property
extending west from Orchard Court.

Purpose:

To incorporate unused City owned area into M&W Properties proposed development to the south. The intended use of the newly vacated right-of-way is to provide future access the properties to the south.

Location:

North of Benton St., off Orchard Ct.



Location Map:

Size:

Approximately 4,482 square feet.

Existing Land Use and Zoning:

Unused, City owned right-of-way

Surrounding Land Use and Zoning:

North: Multi-Family Residential; (OPD-5)
and (RFC-O)

South: Single-Family Residential; (RS-8)

East: Kum & Go; RFC-WR

West: Single-Family Residential; (RS-8)

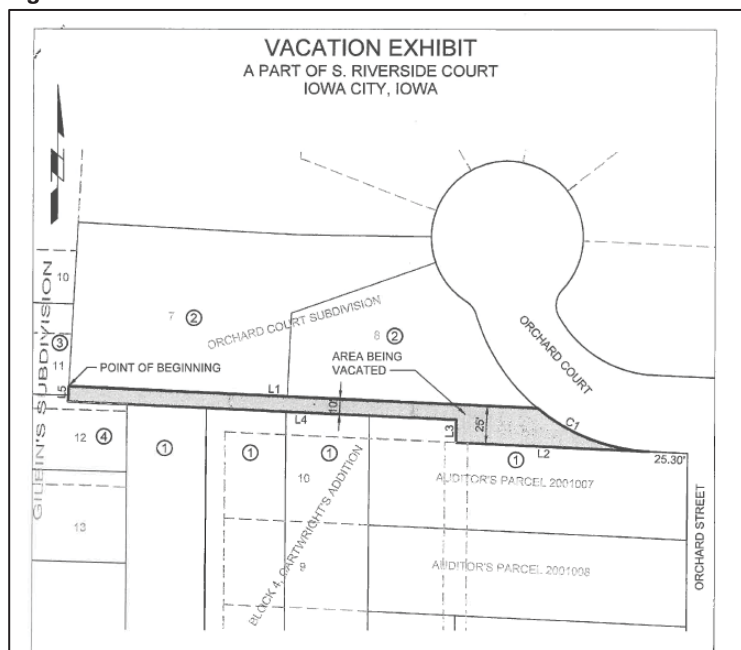
File Date:

March 1, 2019

BACKGROUND INFORMATION:

The applicant, M&W Properties, is applying for a vacation of a section of City right-of-way located west of Orchard Ct. and north of 330, 226, and 224 Orchard Court and 650/652 Orchard Court. The area requested for vacation is approximately 4,482 square feet. The applicant owns most of the abutting properties to the south of the right-of-way (except for a 40' stretch along the far southwest portion of the area). The right-of-way is requested to provide vehicular and emergency service access to a development of two separate multi-family buildings to the south. In 2018, the applicant completed construction of a similar multi-family building located across from the subject right-of-way intersection with Orchard Court.

Figure 1.0 – ROW Vacation Exhibit



ANALYSIS:

The following factors are to be considered in evaluating a vacation request:

- Impact on pedestrian and vehicular access and circulation;
- Impact on emergency and utility vehicle access and circulation;
- Impact on access of adjacent private properties;
- Desirability of right-of-way for access or circulation needs;
- Location of utilities and other easements or restrictions on the property;
- Any other relevant factors pertaining to the specific requested vacation.

Figure 2.0 – ROW Photo



Figure 3.0 – ROW Photo



a) Impact on pedestrian and vehicular access and circulation:

The right-of-way as currently situated is not being used. Numerous trees and other vegetation have taken over the right-of-way area. Abutting properties are not using the right-of-way, as the actual area does not have street or alley infrastructure.

The applicant does plan to use the acquired right-of-way to put in a private drive off Orchard Court for residential access and emergency response vehicle access to the two planned multi-family buildings proposed south of the right-of-way. The existing sidewalk along the west side of Orchard Court will continue across the planned driveway intersection with Orchard Court. There should be no effect on pedestrian circulation on Orchard Court.

b) Impact on emergency and utility vehicle access and circulation:

The right-of-way as currently situated provides no emergency or utility service access. As mentioned above, the applicant is intending to use convert the right-of-way area into a driveway that will provide access to emergency and utility vehicles for the proposed development to the south of the right-of-way area.

c) Impact on access of adjacent private properties:

Staff is not aware of any adjacent private properties that are using the right-of-way as currently situated as a regular means of access to and from Orchard Court. As stated before, the right-of-way area is currently unnavigable, due to the presence of overgrown trees and vegetation.

d) Desirability of right-of-way for access or circulation needs

Staff is not currently aware of any desire from adjacent property owners to maintain the right-of-way to satisfy current or future access or circulation needs. City Public Works staff

has not expressed any desire to build a roadway on the right-of-way area.

e) Location of utilities and other easements or restrictions on the property:

Public Works has confirmed that one utility company does have fiber communication lines running beneath the right-of-way area. The applicant will need to discuss a relocation plan of these lines with the utility company before the right-of-way area is converted into a private driveway. If a relocation of this line is not possible, then the City can convey the right-of-way to the applicant, subject to a utility easement. There are no other easements or restrictions on the subject property.

f) Any other relevant factors pertaining to the specific requested vacation:

Staff has not found any other relevant factors pertaining to the specific requested vacation. The City Attorney's Office has reviewed the required purchase agreement from the applicant for this right-of-way area. The City Council will need to approve the submitted purchase agreement offer.

SUMMARY:

The subject right-of-way is currently unimproved, and is not being used by any adjacent residents. The applicant intends to purchase this land from the City and convert the right-of-way area into a private driveway to provide daily and emergency service access to residents of two planned multi-family buildings. A rezoning for 1.748 acres of land located to the south of the right-of-way area is contingent upon City Council approval of this right-of-way vacation.

NEXT STEPS:

Upon recommendation of approval by the Planning and Zoning Commission, the proposed vacation will be reviewed by the City Council. The City Council will consider both the vacation and conveyance of this land. The applicant has made a purchase offer for the vacated right-of-way.

STAFF RECOMMENDATION:

Staff recommends the approval of VAC19-1, a vacation of the right-of-way west of Orchard Ct. and north of 330, 226, 224, and 650/652 Orchard Ct. in Iowa City, IA.

ATTACHMENTS:

1. Location Map
2. Right-Of-Way Area Map

A handwritten signature in dark ink, appearing to read "D. Sitzman". The signature is fluid and cursive, with a large initial "D" and a long, sweeping horizontal line at the end.

Approved by: _____

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



0 0.0125 0.025 0.05 Miles

VAC19-1 Orchard Court



Prepared By: Luke Foelsch
Date Prepared: Jan. 2019



An application submitted by M&W Properties for the vacation of 4,482 square feet of land that extends west of Orchard Court, south of 630 Orchard Court, and north of 650 Orchard Court.

VACATION EXHIBIT
A PART OF S. RIVERSIDE COURT
IOWA CITY, IOWA

7 ②
8 ②
10
11
12 ④
13

POINT OF BEGINNING
L1
L4
10
L3
25'
C1
L2
25.30'

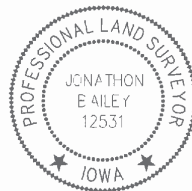
ORCHARD COURT SUBDIVISION
ORCHARD COURT
AUDITOR'S PARCEL 2001007
AUDITOR'S PARCEL 2001008
BLOCK 4 CARTWRIGHT'S ADDITION
ORCHARD STREET

ADJOINING PROPERTY OWNERS:

- ① M & W PROPERTIES, LLC
- ② HOWARD M. FIELD
- ③ GEORGE W. SADEWASSER
- ④ MO & JOE ENTERPRISES, LLC

SEE SHEET 2 FOR DESCRIPTION

ONLY THESE COPIES OF THIS DOCUMENT SIGNED AND DATED IN CONTRASTING INK COLOR ARE
TO BE CONSIDERED CERTIFIED OFFICIAL COPIES PER IOWA ADMINISTRATION CODE 193C-6.1(5)



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: _____
NAME: **JONATHON BAILEY**

DATE: _____ LICENSE NUMBER: 12531

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2020

PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: _____

1 of 2, 2 of 2

SHIVE-HATTERY
ARCHITECTURE+ENGINEERING
2839 Northgate Drive | Iowa City, Iowa 52245
319.354.3040 | www.shive-hattery.com
Iowa | Illinois | Indiana | Illinois Firm Number: 184-000214

VACATION EXHIBIT
A PART OF RIVERSIDE COURT

IOWA CITY, IOWA

DATE	1/3/19	SCALE	AS SHOWN
DRAWN	JSB	FIELD BOOK	--
APPROVED	JSB	REVISION	--

PROJECT NO.
117257-0

SHEET NO.

1 of 2

STAFF REPORT

To: Planning and Zoning Commission Prepared by: Ray Heitner, Associate Planner

Item: REZ19-4 Date: May 16, 2019

GENERAL INFORMATION:

Applicant: Randy Miller
3855 Locust Ridge Road
North Liberty, Iowa 52317
(319) 330-5973
randymmiller@gmail.com

Contact: Kelly Beckler
1917 S. Gilbert Street
Iowa City, Iowa 52440
MMS Consultants
(319) 351-8282
k.beckler@mmsconsultants.com

Requested Action: Rezone from Intensive Commercial (CI-1) to Riverfront Crossings – South Gilbert (RFC-SG).

Purpose: Redevelopment according to the Downtown and Riverfront Crossings Master Plan and form-based code.

Location: Southwest corner of E. 1st St. and S. Gilbert St.

Size: Approximately 0.20 acres

Existing Land Use and Zoning: Commercial / CI-1

Surrounding Land Use and Zoning: North: Commercial (CI-1)
South: Commercial/Mixed Use (RFC-SG)
East: commercial (CI-1)
West: Commercial/Mixed Use (RFC-SG)

File Date: April 11, 2019

45 Day Limitation Period: May 26, 2019

BACKGROUND INFORMATION:

The property subject to this rezoning request is for Phase Three of The Crossings

development, which is in the South Gilbert Subdistrict of Riverfront Crossings. The abutting properties to the south and west of the subject property were rezoned to Riverfront Crossings – South Gilbert (RFC-SG) in 2015 and 2016. The subject property is the final portion of a larger assemblage of land along the west side of S. Gilbert Street to be rezoned.

Previous conditional zoning agreements for properties rezoned to the south ensured that 40 feet of right-of-way from S. Gilbert Street would be dedicated to the City. This right-of-way is being conveyed to the City to achieve the cross-section that is detailed in the Riverfront Crossings Master Plan. City staff is recommending a condition for a similar 40-foot dedication of right-of-way along the S. Gilbert Street frontage for this rezoning, which will continue past practice of obtaining this necessary right-of-way.

The applicant has chosen to not use the Good Neighbor Policy for this rezoning. A Good Neighbor Meeting was held during the first phase of The Crossings rezoning back in January of 2015.

ANALYSIS:

Current Zoning: The property, located at the southwest corner of E. 1st St. and S. Gilbert St., is currently zoned Intensive Commercial (CI-1). This zone is intended to provide areas for those sales and service functions and businesses whose operations are typically characterized by land intensive commercial uses that have outdoor storage or work area components, back office functions and wholesale sales businesses, and commercial uses with quasi-industrial aspects. Due to the potential for externalities such as noise, dust, and odors from the allowed uses in this zone, residential uses are not allowed in this zone.

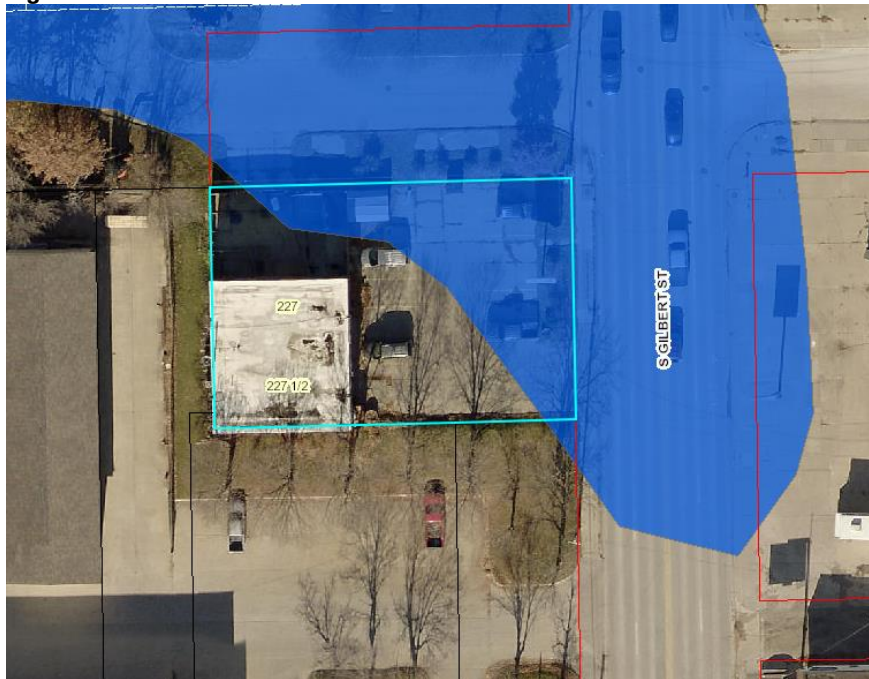
Proposed Zoning: The Riverfront Crossings form-based zoning for the South Gilbert Subdistrict (RFC-SG) presents a moderate change from CI-1, since the CI-1 Zone does not allow any residential uses and has a height limit of 35 feet. The RFC-SG zone allows for a broad mix of commercial and residential uses, similar to uses allowed in the Central Business Zones and has a maximum height limit of 6 stories, with an upper story setback of 10 feet required along all primary frontages above the 4th story. Bonus height may be allowed up to maximum of 8 stories. Any request for bonus height would be subject to a Level II Design Review. It should be noted that at this time, no height bonus request has come forward from the developer.

Unlike the CI-1 Zone, the Riverfront Crossings code allows for a variety of building types (Townhouse, Multi-Dwelling, Live-Work Townhouses, Commercial, Mixed-Use, and Liner buildings). The code designates S. Gilbert Street as a primary street with a required retail storefront frontage, which means that the site will be required to have commercial or mixed-use buildings that front on S. Gilbert Street, with first floor commercial use required. Buildings must be located close to, and oriented toward S. Gilbert Street, with entries opening onto an improved streetscape designed to provide a comfortable and attractive environment for pedestrians. Parking must be located behind or within buildings that front S. Gilbert St. Vehicular circulation and access to parking areas or structures will be provided from a previously approved north-south alley that extends parallel to S. Gilbert Street to provide cross-access and traffic circulation for all properties along S. Gilbert Street between Kirkwood Avenue and Highway 6. These items were approved as part of The Crossings Phase Two rezoning and final plat.

Affordable Housing: Any property that is rezoned into a Riverfront Crossings zoning designation must adhere to the City's affordable housing policy, outlined in section 14-2G-8 of the City Code. If the proposed rezoning is approved, future development will be subject to the Affordable Housing Requirement in place for all Riverfront Crossings zoning designations. This requirement mandates the provision of affordable housing units in the amount of 10 or more percent of all dwelling units in the development. This requirement may also be satisfied through a fee in lieu contribution to an affordable housing fund. Staff is recommending that a condition of the rezoning be that the applicant satisfy the affordable housing requirements in section 14-2G-8 as needed.

Flood Hazard Areas: The project site is located in the floodplain. About half of the site is located within the 500-year floodplains. Figure 1.0 shows the flood hazard areas on the project site. The area shaded in blue is within the 500-year floodplain. Compliance with the City's floodplain management ordinance will be required at site plan review. The subject parcel has no other sensitive areas.

Figure 1.0



Rezoning Review Criteria:

Staff uses the following two criteria in the review of rezonings.

1. Consistency with the comprehensive plan; and
2. Compatibility with the existing neighborhood character.

Consistency with the Comprehensive Plan: The Downtown and Riverfront Crossings Master Plan was adopted in January 2013 as an integral part of the City's Comprehensive Plan. The subject property is in the South Gilbert Subdistrict of Riverfront Crossings. The master plan highlights the defining features of this subdistrict, including the potential for mixed-use buildings along a more pedestrian-oriented S. Gilbert Street and buildings that front on tree-lined pedestrian streets that provide views and access to the new riverfront park.

Attached is a concept plan showing the general building placement within Phases Two and Three of the Crossings development. For this rezoning, the only portion of the concept plan that has yet to be rezoned to RFC-SG is in the far northeast corner. The attached concept shows a mixed-use style building along the S. Gilbert Street frontage. The City is requesting that a 40' wide strip of land (shown as Outlot "A", intended for future City right-of-way, in the attached concept) will be dedicated to the City to help create a more pedestrian-oriented S. Gilbert St. corridor, and will be necessary to support the anticipated increase in residential and commercial activity. The intended land use, and the applicant's desire to rezone the subject parcel to RFC-SG, fall in line with what is prescribed in the Downtown and Riverfront Crossings Master Plan, and by extension, the Comprehensive Plan.

Compatibility with the Existing Neighborhood Character. The applicant has indicated their intention of developing the subject parcel, and other parcels within The Crossings development assemblage, in compliance with what is shown in the Riverfront Crossings Plan. As mentioned before, the other properties in this assemblage were rezoned to RFC-SG in 2015 and 2016, and public improvements are currently underway for the second phase of the development plan. Staff finds that the proposed rezoning is compatible with the character of the neighborhood anticipated by the Riverfront Crossings Master Plan.

Traffic and Pedestrian Circulation: When 1201 and 1225 S. Gilbert St., located south of the subject property, were rezoned to RFC-SG, a condition of the rezoning was that each property must dedicate 40 feet of right-of-way along the S. Gilbert St. frontage to the City. This was done to achieve the street cross-section that is illustrated in the Riverfront Crossings Plan. A similar, but larger dedication of 50' was requested by the City for the S. Gilbert St. frontage on what is currently 1301 S. Gilbert St. Staff is recommending a condition that a similar 40' wide right-of-way dedication be provided by the applicant as a condition of this rezoning. Improvements to E. 1st St. that are outlined in the Downtown and Riverfront Crossings Master Plan will be evaluated by staff upon redevelopment of the parcel located north of E. 1st St. Staff will require an improved sidewalk along E. 1st St. and along N. Gilbert St. at platting. Any proposed parking in this area will all be reviewed by staff at Design Review. This area also falls within the South Gilbert Subdistrict, but has yet to be rezoned to RFC-SG. It is currently zoned Intensive Commercial (CI-1).

NEXT STEPS:

Upon recommendation of approval from the Planning and Zoning Commission, a public hearing will be scheduled for consideration of the application from the City Council. There is currently an application to replat Lot 6 of Phase Two of The Crossings together with the subject parcel from this rezoning application. Upon approval of preliminary and final platting, the development will undergo administrative Site Plan and Design Reviews, before building permits are issued.

STAFF RECOMMENDATION:

Staff recommends approval of REZ19-4, a request to rezone approximately 0.20 acres of property located at the southwest corner of E. 1st St. and S. Gilbert St. from Intensive Commercial (CI-1) and (P-1) to Riverfront Crossing-South Gilbert (RFC-SG), subject to the following conditions:

- 1) Any new residential development in the subject area must satisfy the affordable housing requirements set forth in section 14-2G-8 of the City Code.
- 2) The developer shall dedicate 40' of right-of-way along the west side of the S. Gilbert St. frontage to the City.

ATTACHMENTS:

1. Location Map
2. Zoning Exhibit
3. Concept Plan

A handwritten signature in dark ink, appearing to read "D. Sitzman", with a long horizontal flourish extending to the right.

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



0 0.015 0.03 0.06 Miles

REZ19-4

SW corner of E 1st St and S Gilbert St



Prepared By: Luke Foelsch
Date Prepared: April 2019



An application submitted by Randy Miller for the rezoning of approximately 0.20 acres at the SW corner of E 1st St and S Gilbert St from Intensive Commercial (CI-1) to Riverfront Crossings - South Gilbert Subdistrict (RFC-SG).

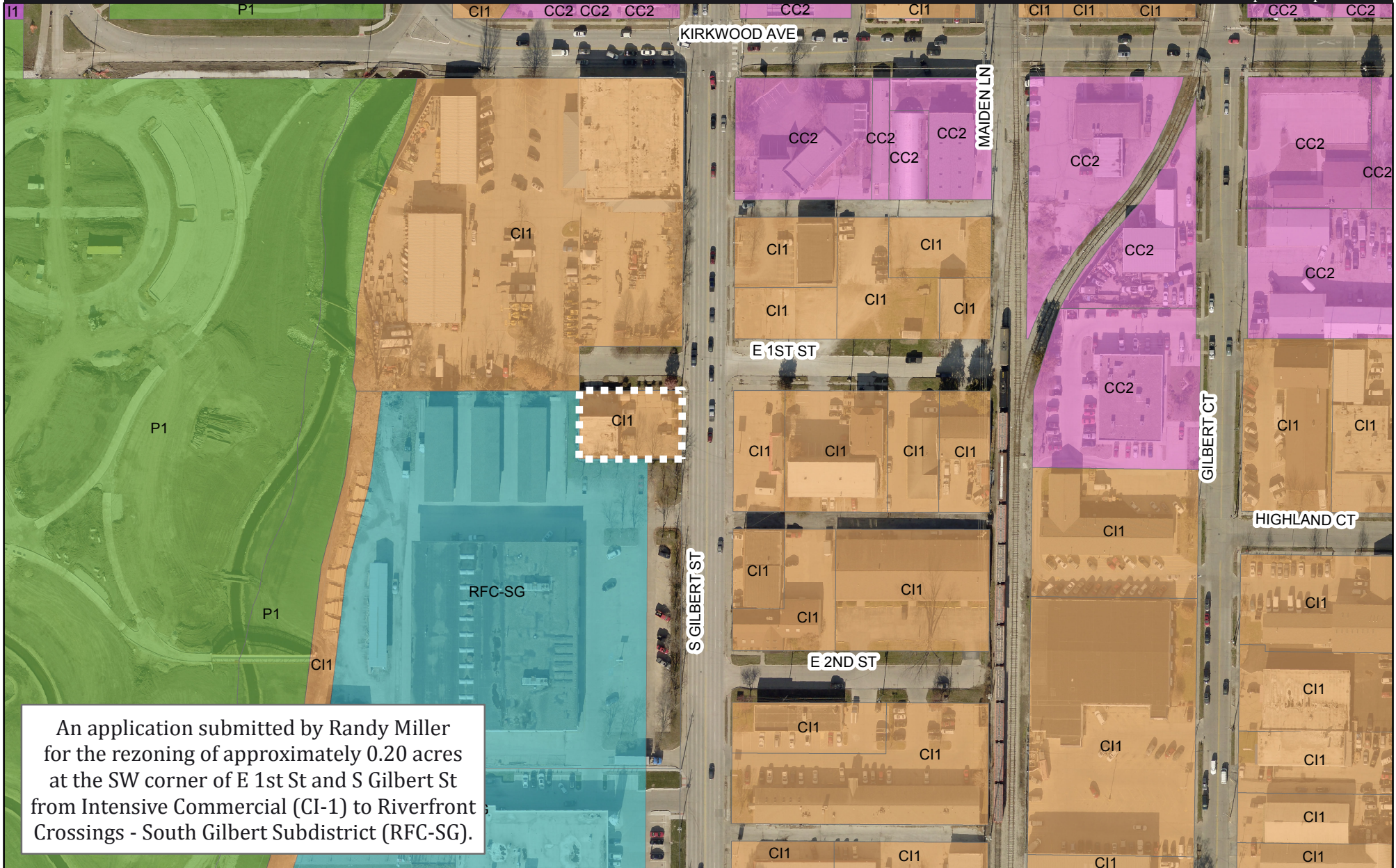


0 0.015 0.03 0.06 Miles

REZ19-4 SW corner of E 1st St and S Gilbert St



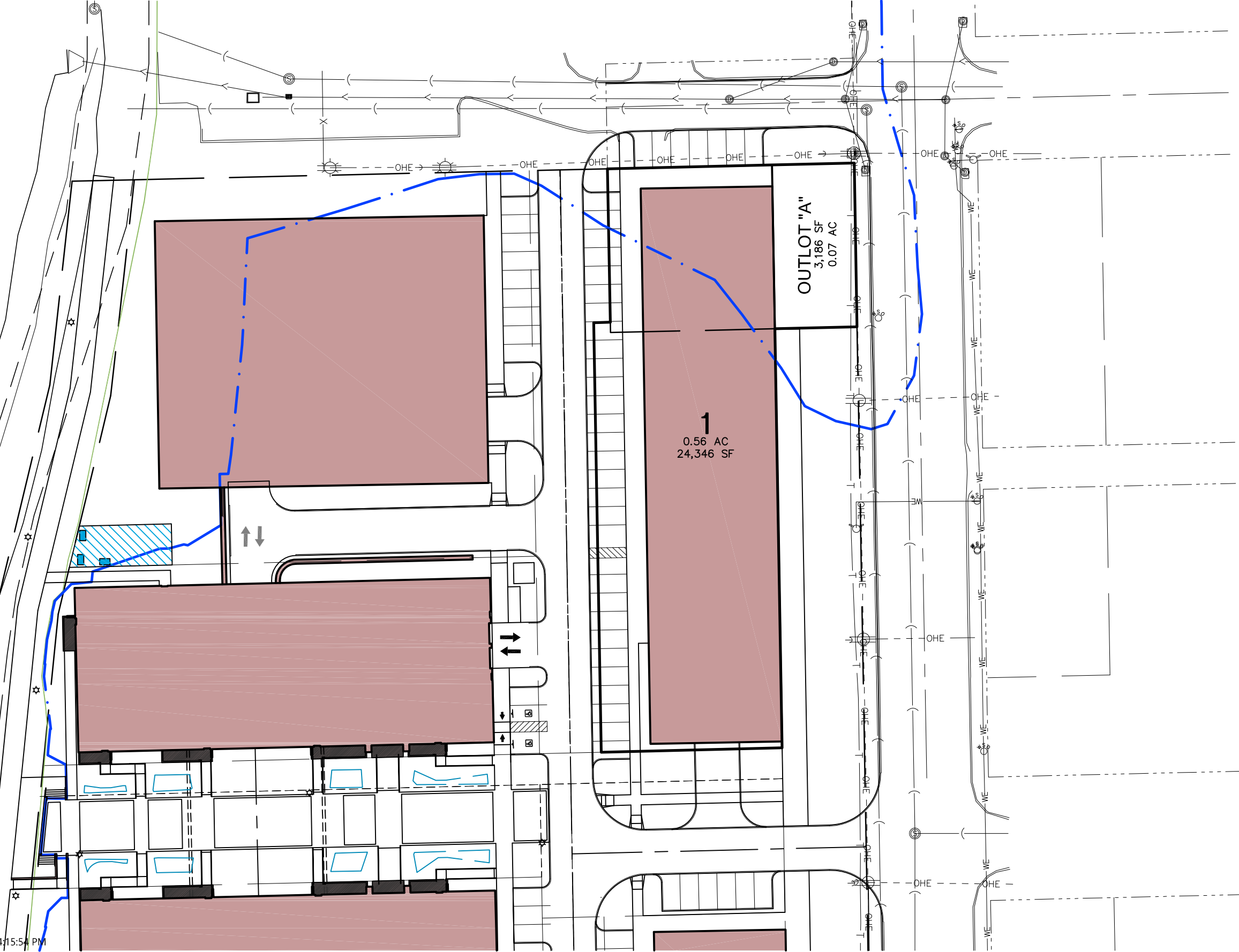
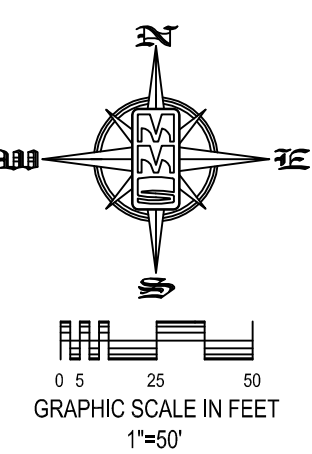
Prepared By: Luke Foelsch
Date Prepared: April 2019



ILLUSTRATIVE EXHIBIT

THE CROSSINGS - PHASE THREE

IOWA CITY, IOWA



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
------	----------

ILLUSTRATIVE EXHIBIT

THE CROSSINGS - PHASE THREE

IOWA CITY
JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date:	04-18-19
Designed by:	KJB
Field Book No:	
Drawn by:	JDM
Scale:	1"=50'
Checked by:	
Sheet No:	1
Project No:	IC 10456-002
of:	1



CITY OF IOWA CITY MEMORANDUM

Date: May 16, 2019
To: Planning and Zoning Commission
From: Anne Russett, Senior Planner
Re: CU19-1, S&G Materials Conditional Use Permit

Background

S & G Materials has applied to Johnson County for a conditional use permit to expand its current hours of operation for the mining of sand and gravel. The extension is requested to increase preparedness for flood and severe weather events.

The property is located at 4059 Izaak Walton League Road SE south of Iowa City and west of the Iowa River. The applicant's property is located in Fringe Area C of the Fringe Area Policy Agreement but is outside of the Iowa City Growth Boundary. The Agreement states, "[Developments] which are not within Iowa City's growth area [but within the Fringe Area] which are zoned for non-farm development...may occur in conformance with Johnson County's Unified Development Ordinance and City Rural Design Standards." The Johnson County Zoning Ordinance permits cities to review conditional use permits for applications within their extra-territorial jurisdiction. Conditional use permits require a 4/5-majority vote of the Johnson County Board of Adjustment to approve a permit opposed by the City Council.

In 2000, the applicant applied for and was granted a conditional use permit for the sand mining operations conditioned upon dust-free maintenance of Izaak Walton Road SE. In 2006, a second conditional use permit was granted to expand the sand mining operations conditioned on the applicant improving the entrance to Izaak Walton Road SE from Oak Crest Hill Road and the applicant implementing a Wetland Mitigation Plan. In 2010, an amendment was issued for the previous conditional use permit to allow concrete and asphalt recycling on a temporary basis, per the Johnson County Unified Development Ordinance, which states that Asphalt and Concrete Recycling Plants are conditionally allowed for temporary operation only, in the A-Agricultural zoning district. In 2016, the applicant was granted a conditional use permit to conduct sand and gravel mining on the southernmost portion of their property, the area known as Bright Farm South. The City concurred with approval of all of these previous permits.

Proposed Request

The applicant is now seeking a conditional use permit to expand its current hours of operation for the mining of sand and gravel materials from 7 AM – 5 PM Monday through Friday and 7 AM – 12 PM on Saturday to 7 AM – 7 PM Monday through Friday from March 1 – April 30 and October 1 – December 1. The Saturday hours will remain the same. The applicant notes that during the extended hours the activities would include the use of an electric dredge and one large front-end load. The site would not be open to the public during these extended hours. The extension is requested to increase preparedness for flood and severe weather events.

The conditions associated with the existing conditional use permits for the property, such as maintaining compliance with the Wetland Mitigation Plan and restricting mine traffic to Izaak Walton Road, would be carried forward. Furthermore, the City has not had any problems with the current operations of the use and does not anticipate any problems with the proposed expansion of hours.

Because this property is not within the City's growth area, it is not likely to be annexed into the city within the foreseeable future. Furthermore, the site is in the flood plain and partially in the flood way, giving it low development potential.

Staff Recommendation

Staff recommends that the City Council forward a letter to the Johnson County Board of Adjustment, recommending that an application submitted by S & G Materials to Johnson County for a conditional use permit to expand its hours of operation for the mining of sand and gravel materials at 4059 Izaak Walton Road SE be approved subject to the existing conditions.

Approved by:

A handwritten signature in dark ink, appearing to read "D. Sitzman", written over a horizontal line.

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

Attachments

1. Location Map
2. Zoning Map
3. Application Materials



0 0.175 0.35 0.7 Miles

CU 19-1 S&G Materials



Prepared By: Luke Foelsch
Date Prepared: May 2019





0 0.175 0.35 0.7 Miles

CU 19-1 S&G Materials



Prepared By: Luke Foelsch
Date Prepared: May 2019



An application submitted by S&G Materials for a conditional use permit to allow for the expansion of current hours of operation for the mining of sand and gravel materials at 4059 SE Izaak Walton League Road

JOHNSON COUNTY, IOWA
APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application : April 22, 2019 Application Number: _____

Parcel ID #: 1503426001, 1503326001, 1503351001, 1503376002 and 1503301001,
1503276002, 1503251002, 1503201003, 1034451001, 1034427001, 1034301002,
1034301003

TO: Johnson County Planning and Zoning Commission
Johnson County Board of Supervisors

In accordance with Article 8:1.20 of the Johnson County Unified Development Ordinance, the undersigned requests consideration and approval of a Conditional Use Permit located on the property herein described.

Proposed Use: Mining of Sand and Gravel Materials - extended hours

Address of Location:

4059 SE Izaak Walton League Road, Iowa City, IA 52240

Owner of Record and Address

S & G Materials Company, INC.

4059 SE Izaak Walton League Road

Iowa City, IA 52240

This application shall be filed with the Johnson County Planning, Development and Sustainability Administrator complete with the following information:

1. A location map for the proposed site. (see attached)
2. A document explaining the proposed use including but not limited to the number of employees, parking facilities, days and hours of operation, provision for water and wastewater, type of equipment to be used, and signage.
(See attached sheet)
3. 10 copies of the required site plan identifying the access, the structure(s) to be used for the proposed business, and any Supplemental Conditions as required.
4. The names and addresses of all owners of property within 500 feet of the property described in this application.
5. \$250.00 application fee plus a \$10 sign fee (\$260.00 total) Cash or check only. Please make checks made out to the Johnson County Treasurer.
6. Applications within 2 miles (2) of any city must notify the appropriate city.

S & G Materials Company, INC.
Applicant name (Please print)

Signature of Applicant, owner, contract purchaser, or agent

4059 SE Izaak Walton League Road, Iowa City, IA 52240
Address

(319) 354-1667
Telephone

1.) The location map for this application is provided in Figures 1A and 1B. 1A outlines the location of the property in relation to urban areas. Figure 1B identifies the location of the properties owned and operated by S&G Materials Company.

2.) The proposed use of the site identified in Figure 2 is a sand and gravel mining operation. This site will be accessed by Izaak Walton League Road and then an access road along the western edge of the property to the north. Izaak Walton League Road was improved (to mitigate for dust and safety issues) during application to Johnson County by S & G Materials for the first Conditional Use Permit for the property to the North.

Number of Employees:

S & G Materials Company plans to employ a maximum of up to 10 permanent employees and five seasonal employees at the mining site.

Parking facilities are provided on site near a small maintenance building (Shop area) with a gravel parking area (See Figure 2).

Days and hours of operation are currently 7am – 5:00 pm Monday through Friday and 7am – 12pm on Saturdays.

This “shop area” is serviced by a septic system, authorized by the Johnson County Health Department in 2003.

Equipment to be used during striping operations to prepare the site for dredging will include backhoes, bulldozers and trucks. During the dredging process, a hydraulic dredge will remove material and transport it to a “new plant/storage” site (Figure 2).

Signage is minimal with only the necessary safety signs and identification signs required by law. These will be erected throughout the property as necessary.

No new structures are proposed for addition to the Bright Farm Properties

Supplemental Conditions – Addressed here:

1. S & G Materials Company will not be withdrawing water from the Iowa River; hence it is not necessary to obtain approval for withdrawal of water from the Iowa Natural Resource Council or the Iowa Department of Natural Resources. A copy of a letter from the Iowa DNR has been transmitted to Johnson County officials stating this.
2. S & G Materials Company has obtained approval for operation in a flood plain. A copy of this license has been provided by the IDALS Division of Mines and Minerals.
3. S & G Materials Company has a valid license to operate the Bright Farm North and South Sand and Gravel Plant from the Iowa Department of Soil Conservation – Division of Mines and Minerals. A copy of this license has been provided by the IDALS Division of Mines and Minerals.
4. S & G Materials maintains a valid license from the Division of Mines and Minerals. A letter validating the authenticity of this license has been provided by the IDALS Division of Mines and Minerals.

5. The proposed sand and gravel mining operation is not located any closer than 1000 feet to any property zoned AR and any zoned Residential. The extent of mining operations is not within the 1000 foot boundary.
6. S & G Materials Company agrees to provide a buffer area which prohibits excavation within 50 feet of any adjoining property under separate ownership and any and all public right of way unless otherwise required by law or other special circumstances.
7. S & G Materials Company agrees to take all precautions and provide such maintenance as may be necessary to prevent fugitive dust contamination along the principal access to the activity. The main road which accesses the scale house is Izaak Walton League Road, and S & G Materials Company has already black-topped this road for a previous application.
8. The 401/404 Clean Water Act federal and state permit has been requested. If received, S & G Materials Company will be required by federal law to follow a prescribed reclamation plan that meets federal and state standards. S & G Materials Company will be required to assume the costs of constructing the reclaimed areas and the costs associated with having the reclaimed areas monitored (for a period of five years) by a professional biologist who will make annual reports to both the US Army Corps of Engineers and the Iowa Department of Natural Resources (IDNR). Any costs associated with re-establishment of reclamation areas that are identified as "failing" will be assumed by S & G Materials Company. The "mitigation plan" devised for the US Army Corps of Engineers and the IDNR should more than adequately meet the requirements of a reclamation plan as requested by Johnson County (see copy of Wetland Mitigation Plan S & G Materials Company - Bright Farm South, Johnson County Iowa – copy provided).

**MINUTES
PLANNING AND ZONING COMMISSION
APRIL 18, 2019 – 7:00 PM – FORMAL MEETING
EMMA J. HARVAT HALL, CITY HALL**

PRELIMINARY

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

MEMBERS ABSENT:

STAFF PRESENT: Sara Hektoen, Anne Russett

OTHERS PRESENT:

CALL TO ORDER:

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

PUBLIC DISCUSSION OF ANY ITEM NOT ON THE AGENDA:

None.

DISCUSSION ON THE GOOD NEIGHBOR POLICY, APPLICATION REQUIREMENTS, AND REZONING CRITERIA:

Russett recapped what the Commission discussed at the April 4 meeting regarding the Good Neighbor Policy and application requirements, particularly for rezonings, and rezoning criteria. She noted a few comments from that meeting stood out to her and she wanted to highlight. One was the City should consider requiring a larger notification area for larger scale projects for Good Neighbor Meetings. Another was to consider requiring Good Neighbor Meetings for rezonings but not necessarily for platting or vacations. Also for Good Neighbor Meetings the notifications should be greater for projects in the downtown and Riverfront Crossings and also an interest in requiring concepts plans and elevations for any rezonings in a multifamily rezoning district or for a planned district overlay. Russett noted there were also some reservations requiring Good Neighbor Meetings for all rezonings and to perhaps leave it up to staff to work with the applicant on when a Good Neighbor Meeting should be required. Finally, it was stated the City needs to find better ways to communicate projects to the community. The Commission also mentioned there had been instances where the outcome of the project wasn't what they expected, particularly for rezonings where the Commission recommended approval for rezoning and the result wasn't what was expected. Russett would like to discuss that particular topic in more detail this evening and has some follow up questions. She asks the Commission to provide some specific examples of where they approved a rezoning and was disappointed with the outcome. And also why they feel that may have happened, was it because of the standards in the Riverfront Crossings Code or multifamily site development standards, or how standards were implemented. Was it perhaps because there was not enough detail in the staff report, or other reasons.

Parsons noted one project the Commission was very disappointed in was the landscaping plan for the UIHC building on North Dodge Street.

Hensch said the primary issue seems to be landscaping plans, he noted the Kum & Go project on Riverside Drive also didn't meeting the landscaping they had expected and minimal seems to be the theme on these projects, the developers do the minimum of what they need to do and then there is no follow up to see if the plantings actually live through a season. Hensch noted it is the Commission's responsibility to look out for the welfare of the neighborhoods and they should look nice.

Martin asked about landscaping plans and what the requirements are for landscaping plans and what is the responsibility for replacements if plantings die. She noted the particular project on North Dodge did do some plantings but they died and haven't been replaced.

Dyer noted they were supposed to have trees and none of those got planted.

Baker asked then if the current regulation is the City can force the developer to implement a landscaping plan but there is no requirement of maintaining it. Russett said if it is brought to staff's attention there is an issue they will go out to the site and it could be noted as a zoning violation and the City would work with the property owner to improve the landscaping. She noted staff is only aware of issues if they are brought to their attention, they do not have the manpower to do proactive enforcement of landscaping plans.

Signs noted that some property owners do not take care of the plantings, especially in the first year, and also there can be issues with snow plows taking out trees and plantings.

Dyer also brought up the buildings in Riverfront Crossings are supposed to have a setback after the third or fourth floor and that hasn't happened in all projects. An example is the Hodge building on Dubuque Street (not on the corner of Prentiss, but further down on Dubuque Street). Another was the Park at 201 came and got permission to have their balconies stick out but then built it so the whole building sticks out. Dyer is concerned the Commission needs to see elevations of the major projects because this is the first place the public gets to see what the project will be. If there are no elevations, there is nothing for the public to see. Another thing about Riverfront Crossings Zone is the requirements state staff approves the standards and staff approves the design but they don't follow the requirements. Hektoen noted there are provisions in Riverfront Crossings that allow administrative waivers of certain standards. What Hektoen is hearing is perhaps the way staff is exercising that authority is inconsistent with the Commission's expectations. Dyer agreed and noted there is no public viewing or comment if it is a staff decision.

Parsons noted there was a past Commissioner that flat out stated she felt the staff was being way too lenient with the standards because projects didn't turn out as they thought they should.

Signs noted the Hodge property on South Dubuque Street are a good example of the Commission spending a lot of time establishing the Riverfront Crossings criteria and Code and the second building doesn't meet it. Additionally the developer came back on the next building and again didn't want to meet the Code standards and requirements and used the precedent of not having to follow the standards and requirements on the previous building. Signs notes that is a blatant example of not following the rules.

Russett asked if there were any other examples that were landscaping related or outside of Riverfront Crossings or downtown that didn't meet the Commission expectations. If anyone thinks of examples, please email her.

Signs also noted the Hieronymus Square project, nothing it is in Riverfront Crossings, but when it first came to the Commission it did not have any of the design elements required for that district, it came with just one giant surface. Ultimately the Commission approved it with some modifications, but proposals should not come before the Commission that do not meet the rules and staff should alert the developers as such. If there are needs for modifications there is willingness on the Commission's part to do so but it needs to be done judiciously.

Dyer noted the building being built next to City Hall first came before the Commission with a drive through for the fire department, it didn't have the towers above, and the final project is totally different from what the Commission saw at the Planning & Zoning meeting. It is entirely different except for the townhouses along Iowa Avenue.

Signs agreed and noted they came before the Commission for a variance on those townhouses because they are not as deep as they are supposed to be because of parking behind and again he questions if the rules are there why are they designing things that don't meet the rules and then coming to staff and the Commission for forgiveness and variances.

Parsons asked about the fire department drive through and Signs noted that was taken completely out of the plans. He added part of the pitch for the development was to have that drive through, a benefit for the City. Dyer agreed, it was a trade-off that the City would get the drive through and the developer would get their variance, and now just the developer got what they wanted.

Hensch noted those are some good examples and it shows maybe just a bit of frustration with staff review of projects and how what the Commission thinks a project will be is noticeably different after the staff review.

Dyer believes there should be citizen involvement if staff review is how downtown and Riverfront Crossings is going to be developed. There is design review for other areas that involve citizens.

Russett said this discussion is very helpful and gives her some thoughts on how to address the concerns.

Hensch suggested discussing the Good Neighbor Policy next. He doesn't know if there is consensus but believes the majority feels Good Neighbor Meetings should be mandatory for rezonings. Hensch noted if no one shows up for the meetings then that is okay, that means there is no need for concerns.

Martin agreed, noting the cost is postage and a mailing.

Signs asked if there should be a size of project that would trigger the requirement for a Good Neighbor Meeting. Hensch noted he is not comfortable with stating that because for example the rezoning for that little commercial space next to Walgreens on Muscatine Avenue could have impact on the neighbors. He feels the conversations could be helpful for neighbors and a lot of issues could be taken care of right at these meetings.

Hensch doesn't feel it is burdensome to require a Good Neighbor Meeting for all rezonings.

Dyer noted a rezoning by definition is a change. Hensch agreed and said one that could affect multiple entities.

Martin noted the public library is free to use for meetings.

Signs asked how the process of notification for Good Neighbor Meetings is done. Does the City do the mailings or are they up to the developer to do. Russett stated it is the developer's responsibility but the City often helps and will also review the letter that is sent out. Signs asks because the Commission hears many times from neighbors that they didn't get a letter. In some cases they may be out of the 300 foot circle by one lot or something. Sometimes also the case is a renter lives in the home and the notification goes to the owner who may not be in the area. But overall it feels like something is not working in this process.

Martin noted the Commission only hears from the handful that didn't get the notification, but there is a many more that do receive the notifications.

Hensch noted obtaining information about homeowners in the radius for notifying neighbors is not difficult, there is also a government website where anyone can get the information about property deed holders. Therefore there is no burden for this notification requirement.

Martin said it would be easy for the developer to also save a PDF of the labels for the mailing so they could prove a homeowner was invited to the Good Neighbor Meeting.

Dyer also noted that on the signs notifying of a zoning change there is a phone number and perhaps a website could be added as well. She was also thinking that those signs are seen when driving and one is not prepared to write down a phone number or website, so the notification of when the Good Neighbor Meeting is being held should be on those signs as well.

Hensch agreed with Dyer and stated the notification requirements are really 20th century technology driven, a sign and a public notice in the legal section of the newspaper are the only way the neighbors know what is going on. While he acknowledges he does not want to be burdensome to the staff there has to be some technology to find a better way to communicate with the neighbors about this. A communications expert can find a 21st century way to alert neighbors and the public and to think bigger than just posting the sign and putting the notification in the legal section of a newspaper no one reads.

Dyer suggested a link on the City's webpage that directly links to projects and not have to go through a bunch of pages and documents.

Hensch also added that having the legal announcement in the newspaper is just not readable for people over the age of 45, the typeset is too small.

Hensch feels the Commission is pretty much unified on the need for Good Neighbor Meetings on rezonings and also the encouragement of finding some current technology to share this information with neighbors and the public.

Signs noted that in cases where there has been robust Good Neighbor Meetings it seems to have less venomous comments from neighbors at the Planning & Zoning meetings. They may not like the situation, but they do have a better understanding of the situation.

Hensch also feels the 300 feet distance is random and should be increased.

Martin also noted in the situation of the Muscatine Avenue property the radius is a quarter filled by Walgreens.

Hensch asked if the requirement could be as simple as all adjacent blocks.

Signs stated that larger projects should have larger exposure. Something on the scale of the Muscatine Avenue property is smaller and a smaller radius is appropriate and property captures all the concerned neighbors but in the case of the Forest View project, 300 feet doesn't seem at all reasonable and should have encompassed a larger area.

Martin added that a rezoning in downtown or Riverfront Crossings or the Forest View situation, there is a broader reach, it will affect everyone that lives in the community. She noted so many people asked her about the Dubuque Street sign and what it was for.

Hensch agreed, perhaps there needs to be a tiered response, if it is a single parcel being rezoned then the 300 feet is probably fine, but for the larger developments there is a more major community impact. He trusts staff to come up with the correct criteria.

Dyer said this makes a good argument for using electronic means instead of mailings or signs for notifications.

Signs noted the challenge with electronic is what channels do you use. There is not one place everyone goes to get information.

Dyer said they can use the Nextdoor app, neighborhood newsletters, etc. People are not reading newspapers and there aren't as many reporters so there aren't advance stories to alert people what is coming up before City Council or Zoning. There were no reporters present at the meetings regarding the Forest View rezoning, in the past there were reporters that were assigned to cover such meetings every time they met.

Martin asked if the City was at all in connection with the Corridor Business Journal. Russett said the City of Cedar Rapids is but she has not had any connection with them since she started with the City of Iowa City.

Hensch stated he does not have the perfect answer on notification to the citizens but good faith efforts need to be made and it is the obligation of the City to find all possible avenues to notify neighbors so they can be involved in the conversation.

Baker asked if there would be alternatives to the mailing of letters. Hensch noted the mailing of letters would continue but there needed to be additional ways as well.

Dyer stated having more public notifications may get to people who are interested in a project but not in the general vicinity.

Hensch agreed and also noted that renters should have a voice, or at least know what is going on, but will never get the notification because they are not property owners. 60% of the people in Iowa City are rentals, so automatically those 60% are excluded from participation in the conversation because they are never notified. Martin added many rentals are rented by one family for decades. Signs agreed and says that renters are impacted and especially the further away from campus the more long term rentals there are. Hensch noted that a long-term renter is invested in their neighborhood.

Townsend noted that when a house is for sale there is a sign in the yard that has flyers with information on the house and could something like that happen with the Planning & Zoning signs.

Signs asked if staff puts out the signs or the developer. Russett said staff puts out the signs.

Parsons noted he is the only reservation, he agrees with all that the Good Neighbor Meetings are important but as a Commission they have approved applications in the past where the Good Neighbor Meeting was not used and it was not an issue.

Martin said when Ann Freerks was the Commission Chair she always asked if a Good Neighbor Meeting was held and if the answer was no she asked why not. Parsons agreed it is fair to ask.

Hensch noted that in the case of the rezoning on Muscatine Avenue next to Walgreens he was not in favor but he voted for it because his reservations were not required. He wished there had been a Good Neighbor Meeting held, but it was not and it was not required so he could not hold that against the developer on the vote.

Parson has enough reservations and likes it to be listed as a recommendation but not a requirement. Russett noted it is both recommended and optional. Parsons stated to remove the word optional and just say recommended everywhere.

Baker asked if the recommendation to extend the range of notification to the number of people, if there are several apartment buildings in a close area with a couple hundred renters the two owners of the complexes would currently get the notification but not the renters so the goal is to also get the 200 renters notified. Hensch said the goal is to get them notified, perhaps by social media or somehow. Martin said signs could be placed in building common areas or somewhere to notify the renters so they aren't excluded just because they are renters. Baker said then the developer could contact the building owner and get permission to post a notice in the rental building. Hensch agreed but thinks it is better to get away from flyers and paper notification and move towards better technology. Martin thinks flyers are a good way to go however and people do read them.

Parsons is interested in knowing if other cities reach out to their citizens in electronic formats.

Hensch noted that Iowa City is on Twitter, Nextdoor and Facebook plus a website so those should at least be utilized.

Hektoen noted that any citizen can sign up to receive emails about meeting agendas as they come out. To have electronic communications there has to be an act by the citizen to follow the communications.

Hensch acknowledged it is an ongoing struggle on communicating to citizens and there is no one way to reach everyone but that doesn't mean we don't try.

Martin noted she recalls hearing from many that if there was more of a concerted effort made it would matter.

Dyer noted there are four or five items per agenda max, perhaps there could be those listed without having to read through the entire agenda packet to just get to the one item a person is interested in.

Signs noted that staff said they hadn't had much time to research what other cities were doing so if they can have time to do that perhaps a better option will be found.

Dyer added that Good Neighbor Meetings come before the application comes to Planning & Zoning and corrections can happen and problems resolved before the item comes before the Commission.

Baker asked in the current process if the developer obtains the names and addresses of the neighbors within the 300 feet or if staff does that. Russett replied staff will help if the developer needs it. Baker asked if staff is then aware of who all received the letters and Russett noted that is not always shared by the developer to staff. Baker asks because if someone comes to a meeting and says they were not notified, it would be good to be able to check to see if they were. Baker said that list should be on hand at the meeting or given to the City.

Hensch also commented that when a Good Neighbor Meeting is held it is nice for the Commission to receive a report of what is said at the meetings as it is helpful to know what the possible concerns are and makes the Commission more effective in their jobs.

Russett wanted to touch on the topic of notifying renters. Before she began working at the City there was quite a bit of effort Neighborhood Development Services went through to try to figure out ways to notify renters and it was very difficult. Hensch agrees and doesn't think individual renters need to be seek out and notified, but can try to broaden the communications via social media or other efforts to notify any interested citizen.

Hensch moved on to application requirements and asked staff to present their questions within that area.

Russett noted it was stated at the last meeting by Dyer that she feels strongly that elevations and concept plans should be required for multifamily projects and OPDs.

Hensch noted again an issue he had with the property by Walgreens was there was no concept and no elevations. He feels it is not fair to the Commission to ask them to make a decision with no information. At a certain age in life one learns that trusting others is not always a wise course of action, it is better to be able to have facts and be shown what is going to be done. He also feels it is not asking the developer to spend a large sum of money on plans – they are just asking for a concept plan and elevation to show what the intention is. Asking the Commission to do a rezoning with an option of

three or four things they “might” do with no drawings is uncomfortable because what may end up being done may not be right for the neighborhood. It is the Commission’s job to look out for the neighborhood and the citizens.

Dyer said some developers (often the smaller or medium size developers) present the concept plans and elevations at every application so it is possible for all to do so.

Signs shares the frustration but feels they need to be cautious about what happens if they bring the plans forward and the Commission doesn’t like it.

Martin noted it is a concept plan, it is not an exact final plan, and changes can happen but it is something to begin working off.

Hensch said it is an opportunity for feedback and sometimes by the time the plans get through the Commission they can really be improved.

Signs recalled the project off Camp Cardinal Road by the highway, the Commission got very deep in the weeds on the exterior of their concept plans. Martin noted they were violating a setback from a highway. Hensch added that application was asking for a lot of waivers and when an applicant comes forth asking for a bunch of waivers then the Commission can become much more descriptive.

Dyer noted that any OPD is basically a waiver so if you want to do something different than what is allowed in that area a developer should be able to show exactly what they want to do.

Hensch noted he is comfortable with developers pushing back, a good robust conversation makes things better.

Parsons agreed, it can be a negotiation, the Commission will grant waivers but what will the developer agree to in return.

Hensch noted it is not that the Commission doesn’t want these project to happen, they just look at how they can help make them better.

Signs noted the biggest frustration is the optional part of this, some developers come with very detailed plans and others just have vague ideas. With the case of the Muscatine Avenue plan the Commission was forced to vote because based on the rules a detailed plan wasn’t required but in the end they have no idea what they were voting on.

Baker asked if they are suggesting changing the rules to require elevations. Hensch said he is not suggesting requiring elevations but to have a concept plan so the Commission can make an informed judgement.

Baker noted going back to the Forest View development, he focused on the commercial aspect of the development but also feels like the multifamily portion of the development was ignored and they don't have a good sense of what that is going to look like.

Dyer noted she raised the question of concept plans and elevations for the multifamily development at Forest View many times during the discussions.

Hensch stated it is difficult with the 45 day rule, if a developer is not interested in a deferral than a decision has to be made. Even if the Commission denies the item they can move forward to the Council and the Commission loses opportunity to negotiate with the developer.

Hektoen agrees with OPDs it makes sense to ask for elevations and concept plans but to ask for that for the base zone it may be the problem is with the base zone, the regulations such as if the screening is not sufficient. The structure of the Zoning Code produces the project that is desirable for the community and perhaps there needs to be amendments to the Code.

Martin asked if there are just too many options and perhaps it is not the Code itself but that there are too many interpretations of it and what that means to that particular developer.

Hektoen stated it is a Code issue, if the Commission doesn't want to vote for a RS-5 zone because they don't know what it is going to look like, that says to her the Commission doesn't think the Zoning Code is producing projects that are consistent with expectations.

Hensch agrees there is truth to that, he notes the Keokuk Street apartments were within compliance with the Zoning Code and there is no open space, the buildings are packed in there, and it ended up as a disaster. The base zone requirements were met but had the developer came in with a concept plan showing that it would have been denied because there is no green space, no play area for children, no parking areas. Concept plans flush those concerns out and help developers make their plans better for the good of the neighborhood.

Dyer noted that with multifamily buildings the Commission always maintains there should be outdoor space for the residents, especially if it is planned to be for families, and occupying every square foot of land with a building doesn't help the people that will be living there.

Parsons noted the Code has requirements for open space in multifamily developments. Russett acknowledged there are and stated there are also multifamily development standards so she would be interested to know when the Keokuk project was built because over several years the City has continually amended those multifamily design standards to address problem projects.

Hensch trusts staff to come up with some rules regarding minimal information such as a concept plan for the Commission to see with applications. He does not like the Commission to have to make decisions with little information and that is not fair or good for the community.

Hektoen said any concept plan of value would have to be part of a conditional zoning agreement (CZA) that states the expectation of some level of consistency with that concept plan, otherwise they are under no obligation to follow that concept.

Hensch is fine with having a CZA on applications.

Hektoen continued to say in terms of the level of investment in the concept plan, they will have to invest in something that produces something accurate enough that they can commit to it if a CZA is attached.

Hensch noted that some developers come in with full packages, concept plans, elevations and details and other come in with nothing so how does that happen and why is that okay. Hektoen noted that some people own land for speculation or as an investment where as other applicants are in the business of developing the land so it depends on the purpose of why they own the land and what they want to do with it. Some just want a certain zoning designation so the land will be more marketable but the concept isn't identified yet, which is well within their right as property owners.

Russett reiterated that concept plans, elevations and renderings the Commission receives may not be the final detailed plans and by showing that can set up unreasonable expectations. If the concept is not detailed then staff cannot review it against the form-based code and changes will need to happen and then the final product is different than what the Commission had seen.

Dyer said the Commission is stewards of the public space and people in the neighborhoods or even everyone in the community is affected by private decisions and the Commission is a public agency that has some responsibility to see that development is done responsibly. Dyer has been a member of the Commission for seven or eight years and has never experienced anyone on the Commission making judgments in bad faith, no one is representing their own interests. She feels a great responsibility for the community and thinks there needs to be information given so they can exercise their responsibility.

Hensch stated that no one is guaranteed a rezoning and the property values in Iowa City tell him this is a highly coveted area for people to live so it doesn't seem like a few extra requirements will be an issue or cause property values to go down.

Russett agrees and reiterated what Hektoen stated that if the Commission wants to the project to comply with the concept plan there needs to be a condition. If the developer must comply with the elevations there needs to be a condition and often times these renderings aren't full designs so when staff is presenting them to the Commission they

need to be clear what the Commission is seeing is not the full design of the project, it is just a sketch.

Hensch agreed and added if the Commission wants to make a requirement or CZA they need to add that. He noted they all feel an obligation to keep Iowa City a special place to live and the only way that can happen is if everyone is watching out for the welfare of Iowa City as a whole.

Hektoen added that with conditions the Commission will need to be able to articulate the public need for identifying and addressing the public need.

Baker asked if the Commission can do all of this now, impose the CZA and ask for concepts and elevations, they have that authority now. Hektoen said it cannot be said in a vacuum right now, the Commission cannot be arbitrary or capacious, there has to be a reason why and the Commission cannot impose their design views on a developer. Baker agreed but said they are just asking for basic design information at this time, not specifics.

Hensch noted the Commission just wants to ensure the building is going to be an attractive and safe, sturdy building for the next 100 years, not just for the next 20 years.

Baker stated then they don't need a change in the regulations to accomplish the goal.

Signs feels they do, right now these items are optional and not required and the point is if the Commission wants to see these things they need to be required.

Baker asked if they had to be required in every case. Small development versus big development, doesn't matter the Commission wants all these items.

Hensch stated as they learned from the Lusk Avenue development a small parcel can have a big impact on a neighborhood.

Hektoen stated there are single family rezoning applications and one cannot reasonably expect them to have every single family home redesign to be approved, so stating concept plans are required for every application causes her concern on how realistic that is, and what the public need is being identified there, if the Commission thinks the Zoning Code is not producing projects that are good for the community, if more open space is necessary, setbacks need to be better, stepbacks, etc., those need to be amendments to the Code not just the Commission acting as the design review committee. She has heard this evening quite a few things the Commission finds lacking in the Zoning Code itself so that should be the focus rather than requiring a site plan or concept plan for every project when a lot of times it is premature. Hektoen added the OPDs are an interesting situation because they are asking for waivers and obviously have thought through their project further. She cautions the Commission away from requiring concept plans and elevations in every zoning application.

Parsons added it is tough from a developer's standpoint to put all the detail into a project they don't even know if it is a go. Hektoen agreed noting sometimes there is an option to purchase the land contingent on the rezoning and if the rezoning doesn't get approved they don't want to have a whole lot of money sunk into the project.

Martin understands but she doesn't think there is a lacking in the Code but rather a lacking in the developer's good faith efforts. She also stated it does not cost that much put something on paper.

Hektoen said they can't just put something on paper because it has to be feasible. A developer has to have their budget put together, and all their research on a concept done to put something on paper and that takes time and money.

Signs takes note of a property owner that just seeks a rezoning to make a property more marketable or interesting, what could be expected of that person. Martin stated for a project on Dodge Street they presented a few different options based on zoning of commercial, residential or multifamily. At least there were things to have a discussion about. This was the area across from the old HyVee next to the cemetery where there are now townhouses. The land was residential, it then became commercial and went back to residential.

Dyer noted the reason for this whole discussion topic was the desire to be more consistent in what is expected.

Hensch agreed and noted at some meetings the Commission can be very prescriptive and the next meeting less so. He wants the Commission to be more consistent and to have better regulations they could be. He has faith in staff to synthesize the thoughts of the Commission into something reasonable and workable. Overall allow the Commission to be more consistent and objective and treating all applications as fairly as they can. That comes back to the original point that many on the Commission feel they often don't have enough information to make an informed decision.

Townsend stated as a new member she just wants to be clear what she is voting on and if she can't see it she is confused about what she is voting on. If there is not plan, not even a concept, then what is she voting on. Hektoen replied the Zoning Code. Hensch agreed and noted there can be four different land uses within one zoning code so that is the issue. Townsend feels if someone is looking to rezone a property they should have some idea of what they think the final property should look like. It could be several options and all those options should be presented.

Hektoen noted the City is moving towards more form-based code, traditionally the zoning code has been based on use and the Commission is voting on what the property should be used for (commercial, residential, industrial) not necessarily the form which includes setbacks, screening and other issues. Riverfront Crossings is structured as a form-based code, but there have been a lot of waivers allowed that the Commission has

also expressed concerns about. There is a reshuffling of expectations of what a zoning code does and should do.

Townsend asked if after the land has been rezoned can it come back to the Commission when they decide what they are going to do with it. Parsons noted that happened at the property along Herbert Hoover Highway for the multifamily that was going in next the Churchill Estates, the applicant wanted to see if the rezoning went through and then came back to the Commission with the preliminary or final plat with all the details.

Russett noted that was an unusual order of things. Parsons agreed noting most times the plat is approved with the rezoning and not separately. Russett added typically if the Commission wants renderings or concepts or elevations that happens at rezoning not a platting, platting is really about the subdivision of land and creation of the lots. So when that applicant provided that additional information it was because the Commission requested it, those items are usually provided at the rezoning stage. Russett did note if a rezoning has to be platted it will come back before the Commission as a preliminary plat, otherwise it does not come back before the Commission. Hensch said they could apply a condition on the rezoning to make sure the platting comes back before the Commission.

Dyer noted the ones they have had difficulty with were not the ones where people wanted to rezone their property to sell it but rather when there are specific projects they want to do but don't show any information.

Russett thanked the Commission for their thoughts and felt it was good information and staff can incorporate this into the memo they are preparing for Council and City Council will also have the minutes from these meetings to also help inform them for their discussion on these items.

CONSIDERATION OF MEETING MINUTES: APRIL 4, 2019

Signs moved to approve the meeting minutes of April 4 2019.

Parsons seconded.

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

PLANNING AND ZONING INFORMATION:

Russett noted that Signs and she just got back from the National APA conference in San Francisco. Signs will present some findings at an upcoming meeting. He did note one of the takeaways was a lot of things this community is struggling with are the same as what other communities across the country are struggling with.

Adjournment:

Parsons moved to adjourn.

Townsend seconded.

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

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

	6/7	6/21	7/5	8/16	9/6	9/20	10/18	12/20	1/3	1/17	(W.S.) 2/4	2/21	3/7	3/21	4/4	4/18
BAKER, LARRY	-- --	-- --	X	X	X	X	O/E	X	X	X	X	X	X	X	X	X
DYER, CAROLYN	X	O/E	X	O	O/E	O	X	X	X	O/E	X	X	X	X	X	X
FREERKS, ANN	X	X	'-- --	'-- --	'-- --	'-- --	'-- --	'-- --	'-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --
HENSCH, MIKE	X	X	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X
MARTIN, PHOEBE	X	X	X	X	X	X	X	X	O/E	X	O/E	X	X	X	O/E	X
PARSONS, MAX	X	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X
SIGNS, MARK	X	X	X	X	X	X	X	X	X	X	X	X	X	X	O/E	X
THEOBALD, JODIE	X	O/E	'-- --	'-- --	'-- --	'-- --	'-- --	'-- --	'-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --
TOWNSEND, BILLIE	-- --	-- --	X	X	X	X	X	O/E	X	X	X	X	O/E	X	X	X

KEY:

X = Present

O = Absent

O/E = Absent/Excused

-- = Not a Member