

PLANNING AND ZONING COMMISSION

Thursday, November 7, 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

(Continued from 10/17/2019)

4. Case Nos. ANN19-01 and REZ19-09

Applicant: Allen Homes, Inc.

Location: North of American Legion Road and east of Eastbrook Street

An application submitted by Allen Homes, Inc. for an annexation and rezoning from County Residential (R) to Interim Development – Single-Family Residential (ID-RS) for approximately 35.29 acres of land currently in unincorporated Johnson County and located north of American Legion Road and east of Eastbrook Street.

5. Case Nos. REZ19-11

Applicant: Kum & Go LLC

Location: Northeast corner of S. Gilbert Street and Highland Avenue

An application submitted by Kum & Go LLC for a rezoning from Intensive Commercial (CI-1) to Riverfront Crossings – South Gilbert (RFC-SG) for approximately 1.15 acres of land located at the northeast corner of S. Gilbert Street and Highland Avenue.

6. Case Nos. REZ19-12

Applicant: Pugh Hagan Prahm PLC

Location: Lehman Avenue and Soccer Park Road

An application submitted by Pugh Hagan Prahm PLC for a rezoning from Interim Development-Multi-Family (ID-RM) and Rural Residential (RR-1) to Low Density Multi-Family (RM-12) for approximately 42.01 acres of land located south of Lehman Avenue and east of Soccer Park Road.

7. Case No. CZ19-02

Applicant: Charles Ockenfels

Location: 4653 Indian Lookout Rd SE

An application submitted by Charles Ockenfels for a rezoning of approximately 2.43 acres of property located in unincorporated Johnson County from County Agriculture (A) to County Residential (R).

8. Case No. ZCA19-05

Discussion of Amendments to Title 14, Zoning of the Iowa City Code related to utility-scale, ground-mounted solar energy systems.

9. Consideration of Meeting Minutes: October 17, 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: November 21 / December 5 / December 19

Informal: Scheduled as needed.

STAFF REPORT - **UPDATED**

To: Planning & Zoning Commission

Prepared by: Ray Heitner, Associate Planner

Item: ANN19-01/REZ19-09

Date: October 17, 2019

Updated: November 7, 2019

GENERAL INFORMATION:

Applicant:

Allen Homes, Inc.
PO Box 3474
Iowa City, IA 52244
319-350-8238
allenhomesinc@gmail.com

Contact Person:

Same as Applicant

Property Owner:

Hieronymous Family Partnership, LLC
3322 Muscatine Avenue
Iowa City, IA 52240

Requested Action:

Annexation & Rezoning

Purpose:

Annexation of 35.29 acres of land currently in unincorporated Johnson County and rezoning it from the County Residential (R) zone to Interim Development – Single-Family Residential (ID-RS).

Location:

East of Eastbrook Street and north of American Legion Road

Location Map:



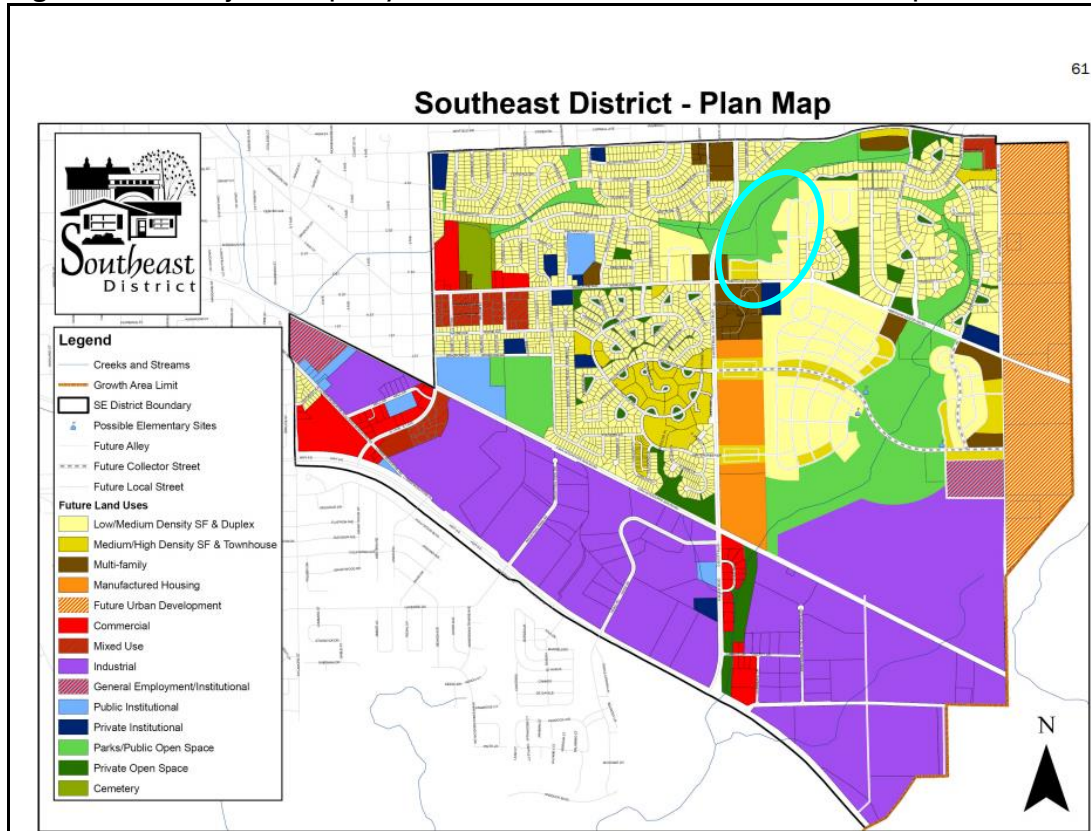
Size:	35.29 acres
Existing Land Use and Zoning:	Farmland, County Residential (R)
Surrounding Land Use and Zoning:	North: P-1 – Neighborhood Public (Parkland) South: R – County Residential (Farmland and Religious Space) East: RS-5 - Low Density Single-Family Residential (Residential) West: P-1 – Neighborhood Public (Parkland) RM -12 - Low Density Multi-Family Residential (Residential)
Comprehensive Plan:	Iowa City/Johnson County Fringe Area Agreement
District Plan:	Southeast District Plan – Low/Medium Single-Family Residential and Duplex; Medium/High Density Single-Family Residential and Townhouse
Neighborhood Open Space District:	SE3
File Date:	July 25, 2019
45 Day Limitation Period:	N/A since associated with an annexation

BACKGROUND INFORMATION:

The applicant, Allen Homes, Inc., with the consent of the owners, Hieronymous Family Partnership LLC., is requesting annexation and rezoning of 35.29 acres of property located east of Eastbrook Street and north of American Legion Road. The applicant has requested that the property be rezoned from County Residential (R) to Interim Development Single - Family (ID-RS) for the entire 35.29 acres.

This area is located adjacent to Iowa City's current boundary and within Fringe Area B of Johnson County's Fringe Area Agreement with Iowa City. The Southeast District Plan shows this area within the City's growth area with a future land use of low/medium single-family residential and duplex housing at a density of 2-8 dwelling units per acre. A western portion of the property (shown below in Figure 1.0) is shown as having medium/high density single-family residential and townhouse housing at a density of 8-13 dwelling units per acre.

Figure 1.0 – Subject Property within the Southeast District Plan Map



The applicant has chosen to not use the “Good Neighbor Policy” for this annexation and rezoning. A subsequent rezoning will be necessary before the property is platted and developed, at which time, staff would encourage the developer to hold a “Good Neighbor” meeting.

ANALYSIS:

Annexation: The Comprehensive Plan has established a growth policy to guide decisions regarding annexations. The annexation policy states that annexations are to occur primarily through voluntary petitions filed by the property owners. Further, voluntary annexation requests are to be reviewed under the following three criteria. The Comprehensive Plan states that voluntary annexation requests should be viewed positively when the following conditions exist.

1. The area under consideration falls within the adopted long-range planning boundary.

A general growth area limit is illustrated in the Comprehensive Plan and on the City’s Zoning Map. The subject property is located within the City’s long-range growth boundary. The boundary is located about 1 mile east of the subject property.

2. Development in the area proposed for annexation will fulfill an identified need without imposing an undue burden on the City. The Comprehensive Plan encourages growth that is contiguous and connected to existing neighborhoods to reduce the costs of providing infrastructure and City services. The subject property is bordered by the city limits on the west, north, and east sides. Therefore, the subject property is contiguous to current

development and meets the goal of contiguous growth.

The Southeast District Plan pays specific attention to the subject area, calling it out as an area that has been bypassed by past development in favor of leapfrog development to the north and east. Within the subject area, the Southeast District Plan calls for single-family and duplex residential development at low to medium densities, with some room for medium/high density single-family residential and townhouse style development on the property's west end. Development of this area will provide more efficiency for city services and supply needed connections to existing surrounding development.

The proposed annexation will help to accomplish the City's larger goal of fulfilling the need for expanded housing options to accommodate the City's growing population. Because of this need, staff is recommending that as a condition of the rezoning, the developer satisfy the Comprehensive Plan's amended Annexation Policy, as stated in Resolution 18-211. The amended policy requires annexation of land for residential use of 10 or more dwelling units satisfy the City's goal of creating and maintaining a supply of affordable housing by providing affordable units equal to 10% of the total units in the annexed area, with an assurance of long-term affordability.

3. Control of the development is in the City's best interest. The property is within the Growth Area. It is appropriate that the proposed property be located within the city so that residents of future development may be served by Fire, Police, water, and sanitary sewer service. Annexation will allow the City to provide these services and control zoning so that the subject area remains compatible with the Comprehensive Plan.

For the reasons stated above, staff finds that the proposed annexation complies with the annexation policy.

Zoning: The subject property is currently zoned County (R) Residential. This zone allows for single-family residential dwellings to be built in the subject area. Because of the subject area's location in Iowa City's Fringe Area within the growth boundary, all development in this area must be constructed to City standards and it is unlikely that development would occur prior to annexation.

The applicant is requesting rezoning of the subject property to Interim Development Single-Family (ID-RS) for all 35.29 acres of the property. The purpose of the Interim Development zone is to provide areas of managed growth in which agricultural and non-urban land uses can continue until the City is able to provide services to support development. Under this zoning, the only use that is permitted by right is agriculture. The applicant is currently exploring options for subdividing and developing the property. Because the proposed layout of the property is still undetermined, interim zoning is appropriate for this property.

Sanitary Sewer and Water: The developer will be required to pay a water main extension fee of \$456.75 per acre before public improvements are constructed. The subject property is located outside of the sewer tap-on fee district, and will not be required to pay sanitary sewer tap-on fees. There is a stormwater detention easement over the northwestern portion of the property. It is anticipated that any future development will mostly be located outside of this easement area.

Environmentally Sensitive Areas: The subject property does not contain any

environmentally sensitive features. The northern and western portions of the property are located in the 100 and 500-year flood plains.

Access and Street Design: To match existing right-of-way located to the west and east of the subject property, staff is recommending that as a condition of the rezoning, the developer dedicate 17 feet of additional right-of-way to the City when the property is platted for future development. As the City performs road improvements to American Legion Road over the next several years, staff is recommending another condition to allow for the conveyance of a temporary construction easement to the City along the north side of American Legion Road.

Since the proposed rezoning is only for Interim Development Single-Family residential (ID-RS), the applicant does not yet have a design for street access and interior street connectivity on the subject property. These designs will become available for analysis upon subsequent rezoning and platting of the property.

NEXT STEPS:

Pending recommendation of approval of the proposed annexation and rezoning from the Planning and Zoning Commission, the City Council will hold a public hearing. Before the public hearing, utility companies and non-consenting parties will be sent the application via certified mail. Pending approval of the annexation by the City Council, the application for annexation will be sent to the Secretary of State's Office for final approval and acknowledgement.

STAFF RECOMMENDATION:

Staff recommends approval of ANN19-01 and REZ19-09, a voluntary annexation of approximately 35.29 acres and a rezoning from County Residential (R) to Interim Development – Single-Family Residential (ID-RS) with the following conditions:

1. The developer satisfies the Comprehensive Plan's Annexation Policy, as stated in Resolution 18-211.
2. The dedication of 17 feet of additional public right-of-way along American Legion Road to be dedicated to the City at the time of final platting.
3. Conveyance of a temporary construction easement to the City along the north side of American Legion Road.

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Location Map
4. Applicants Statement
5. Temporary Construction Easement Map

Approved by: _____



Danielle Sitzman, AICP

Department of Neighborhood and Development Services



0 0.05 0.1 0.2 Miles

ANN19-01/REZ19-09 Eastbrook Street and American Legion Road



Prepared By: Jade Pederson
Date Prepared: July 2019



An application submitted by Allen Homes, Inc. for the annexation of 35.29 acres of property located East of Eastbrook St and North of American Legion Rd and rezoning of the subject property from County Residential (R) to Interim Development - Single-Family Residential (ID-RS).

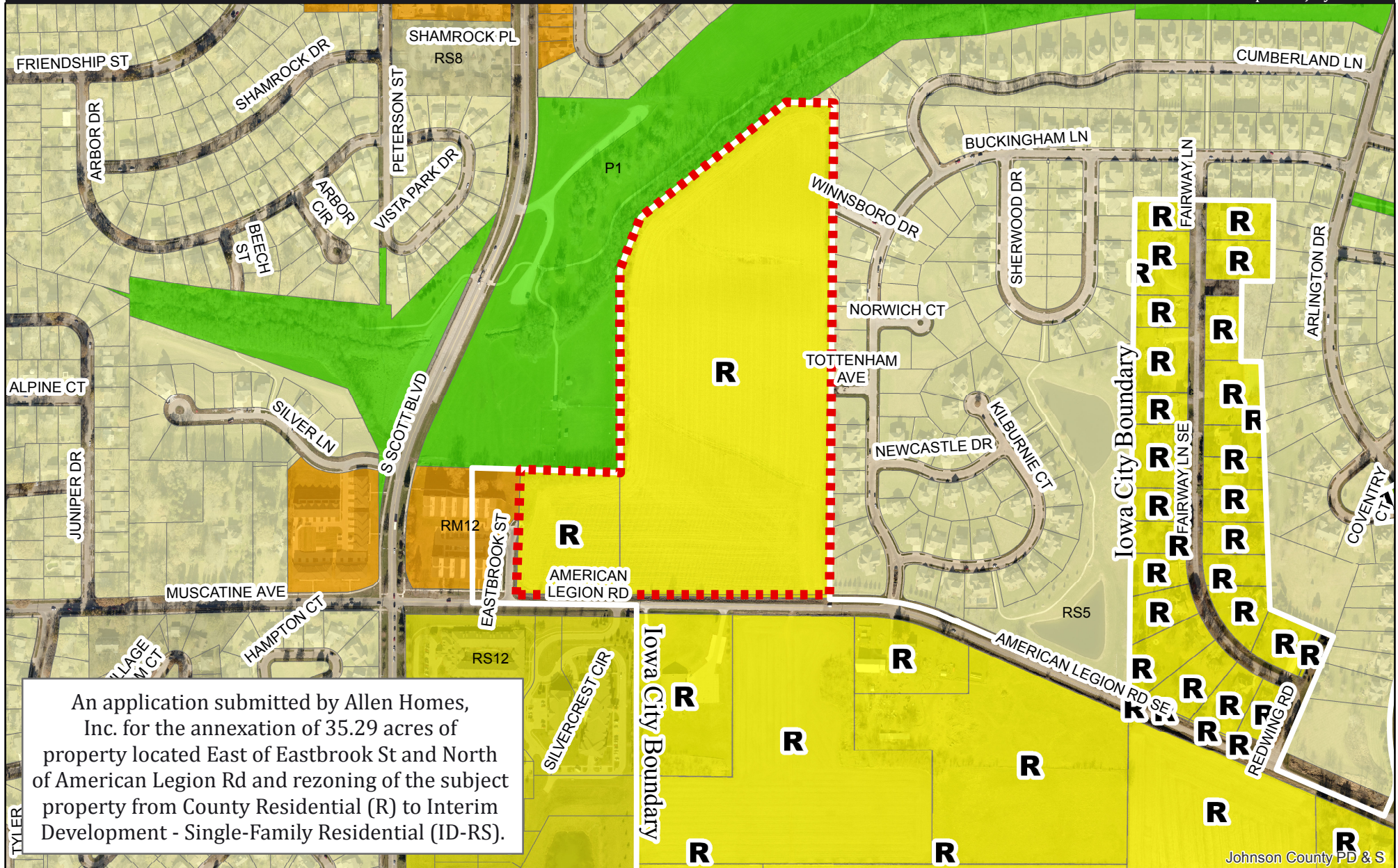


0 0.05 0.1 0.2 Miles

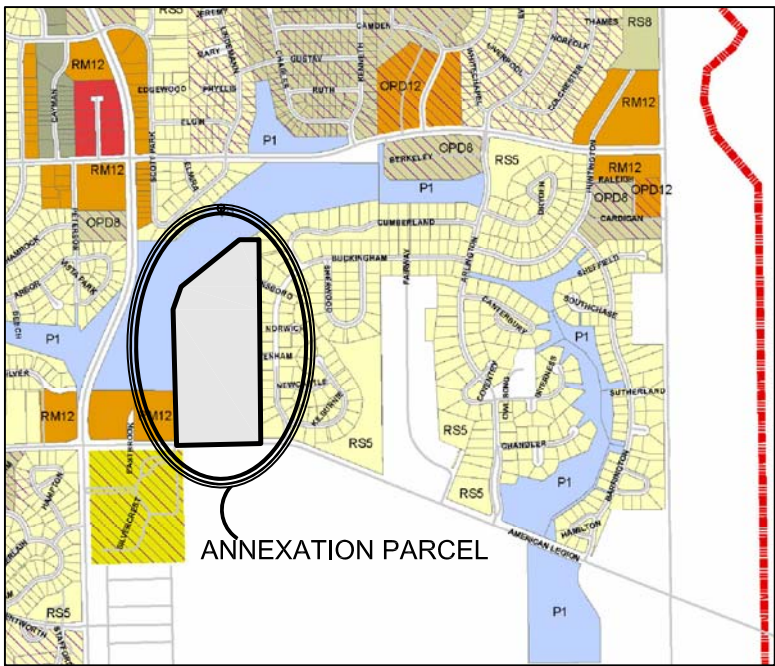
ANN19-01/REZ19-09 Eastbrook Street and American Legion Road



Prepared By: Jade Pederson
Date Prepared: July 2019



An application submitted by Allen Homes, Inc. for the annexation of 35.29 acres of property located East of Eastbrook St and North of American Legion Rd and rezoning of the subject property from County Residential (R) to Interim Development - Single-Family Residential (ID-RS).



PARCEL 1
RALSTON CREEK
SOUTH PROPERTY
ACQUISITION

IN ACCORDANCE WITH THE PLAT THEREOF
RECORDED IN PLAT BOOK 19 AT PAGE 84 OF
THE RECORDS OF THE JOHNSON COUNTY
RECORDER'S OFFICE

NW 1/4 - NW 1/4
SECTION 18-79-5

NE 1/4 - NW 1/4
SECTION 18-79-5

ANNEXATION PARCEL
35.29 AC

SW 1/4 - NW 1/4
SECTION 18-79-5

SE 1/4 - NW 1/4
SECTION 18-79-5

PARCEL 2
RALSTON CREEK SOUTH
PROPERTY ACQUISITION

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 19
AT PAGE 84 OF THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE

PARCEL 1
RALSTON CREEK SOUTH PROPERTY
ACQUISITION

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 19 AT PAGE 84 OF THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE

WINDSOR WEST -
PART THREE

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT
BOOK 58 AT PAGE 235 OF THE RECORDS OF THE JOHNSON
COUNTY RECORDER'S OFFICE

88

87

86

85

84

1

2

3

WINDSOR WEST -
PART ONE

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT
BOOK 50 AT PAGE 244 OF THE RECORDS OF THE JOHNSON
COUNTY RECORDER'S OFFICE

4

5

6

EASTBROOK
FLATS
ADDITION

IN ACCORDANCE WITH THE
PLAT THEREOF RECORDED
IN PLAT BOOK 58 AT PAGE
20 OF THE RECORDS OF
THE JOHNSON COUNTY
RECORDER'S OFFICE

POINT
OF
BEGINNING

WEST QUARTER CORNER
OF
SECTION 18-T79N-R5W
OF THE FIFTH P.M.

S89°26'40"E
461.91'

SILVERCREST
RESIDENTIAL
COMMUNITY

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT
BOOK 40 AT PAGE 174 OF THE RECORDS OF THE JOHNSON
COUNTY RECORDER'S OFFICE

SILVERCREST
RESIDENTIAL
COMMUNITY-PART 3

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 51 AT
PAGE 246 OF THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE

CHURCH OF CHRIST
SUBDIVISION

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT
BOOK 30 AT PAGE 280 OF THE RECORDS OF THE JOHNSON
COUNTY RECORDER'S OFFICE

WHITE BARN ESTATES

IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 49 AT PAGE 160 OF
THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE

JOHNSON COUNTY IOWA	
MMS CONSULTANTS, INC.	
Date:	07-22-2019
Designed by:	RLA
Drawn by:	RLW
Checked by:	JEL
Project No.:	IOWA CITY
7596-105	

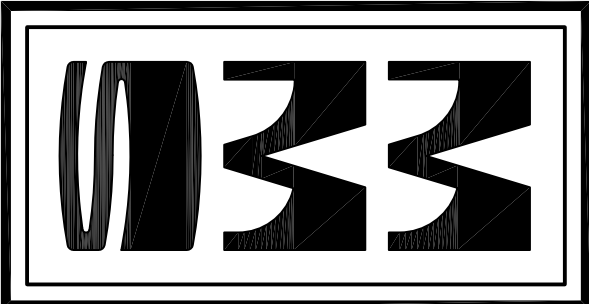
A PORTION OF THE
NORTHWEST QUARTER
OF SECTION 18,
TOWNSHIP 79 NORTH,
RANGE 5 WEST, OF THE
FIFTH P.M.

ANNEXATION EXHIBIT

Date	Revision
7-23-2019	PER JEL REVIEW - RLW

CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

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

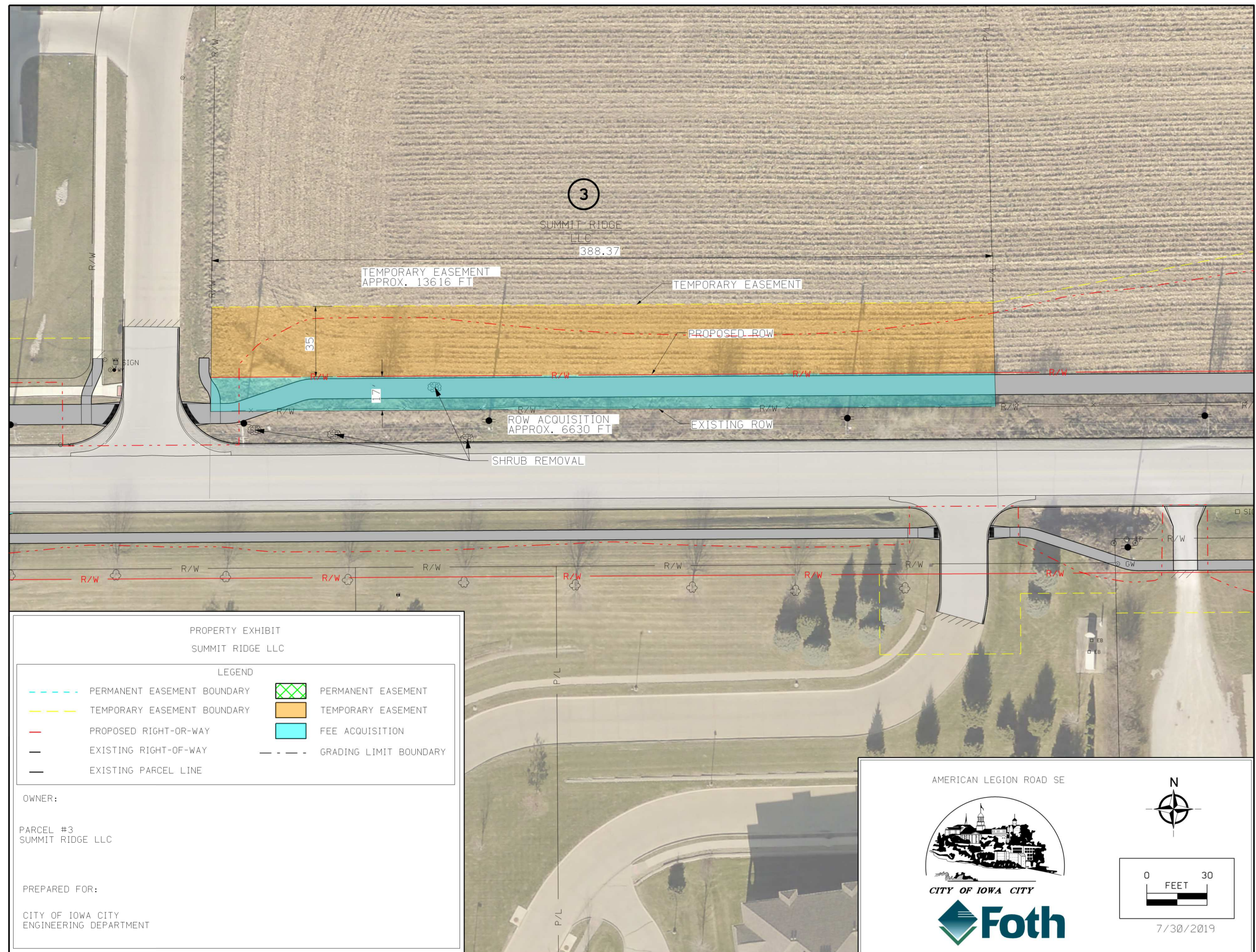


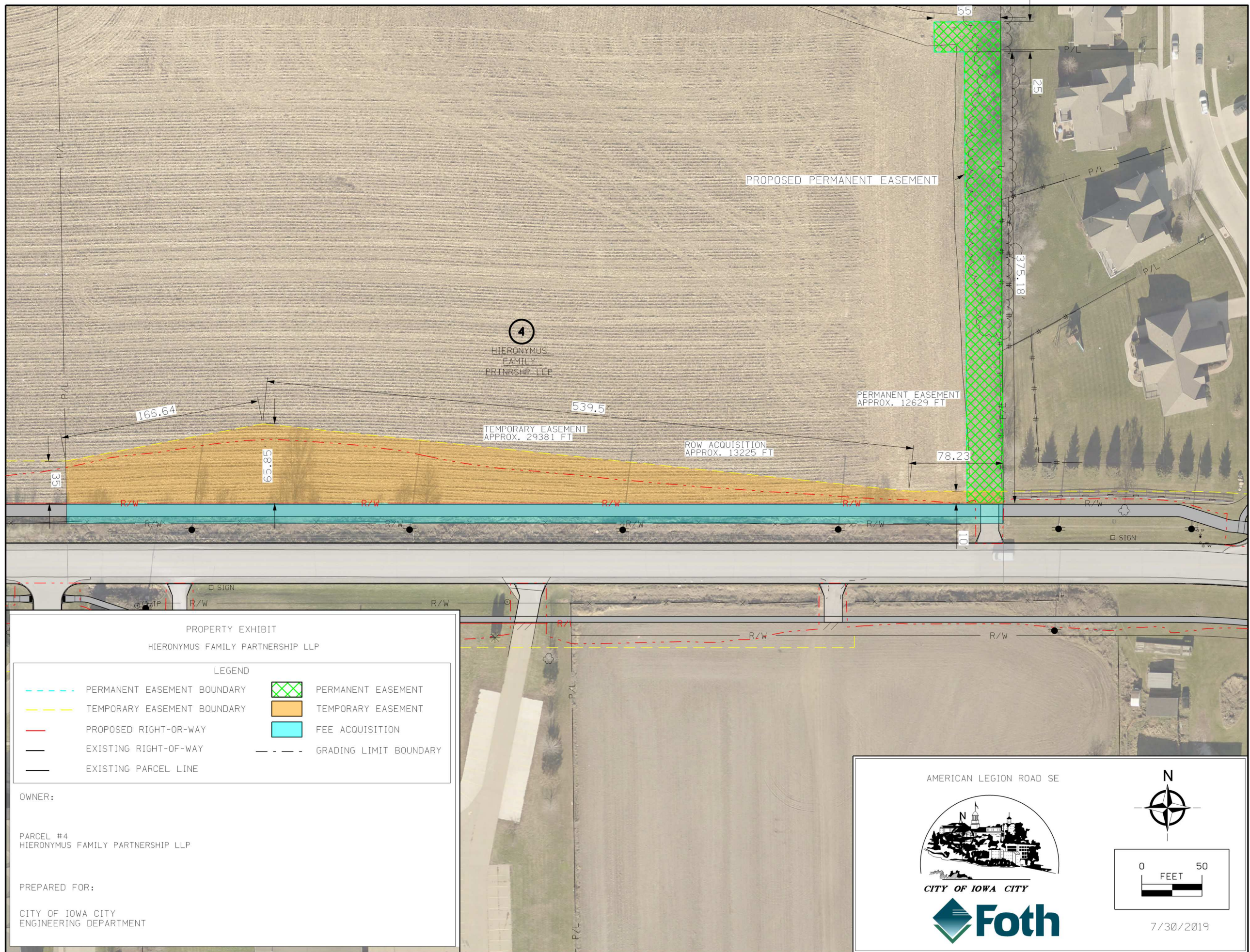
PROJAC

of: 1

Applicant Statement:

The property is proposed to be annexed and zoned as part of Iowa City, in order to meet the continuing demand for residential housing. The property is adjacent to Iowa City corporate limits, and within the growth area. With the pending American Legion Road reconstruction project, urban infrastructure will be in place to serve this and surrounding properties.





STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Jesi Lile

Item: REZ19-11

Date: November 7, 2019

GENERAL INFORMATION:

Applicant:

Britni Andreassen
Kum & Go LLC
1459 Grand Avenue
Des Moines, IA 50309
(515) 547-6083
Britni.andreassen@kumandgo.com

Contact Person:

Keith Weggen
Civil Design Advantage
3405 SE Crossroads Drive, Suite G
Grimes, IA 50111
(515) 369-4400
keithw@cda-eng.com

Owners:

Kum & Go LLC
1459 Grand Avenue
Des Moines, IA 50309
(515) 547-6083

Mcdonough Structures
340 Highland Avenue
Iowa City, IA 52240
(515) 512-6491

Kam Properties, LLC
3309 Highway 1 SW
Iowa City, IA 50240

GKLZ, LLC
325 E. 3rd St.
Iowa City, IA 50240

Requested Action:

Rezoning from Intensive Commercial (CI-1) zone
to Riverfront Crossings – South Gilbert (RFC-SG)
zone

Purpose:

To accommodate a convenience store with fuel
sales

Location:

1310 South Gilbert Street and 348 Highland Ave

Location Map:



Size:	Approximately 1.15 acres
Existing Land Use and Zoning:	Commercial, Intensive Commercial (CI-1)
Surrounding Land Use and Zoning:	North: CI-1 – Intensive Commercial (Commercial) South: CC-2 – Community Commercial (Commercial) East: CI-1 – Intensive Commercial (Commercial) West: RFC-SG – Riverfront Crossings – South Gilbert (Commercial & Residential)
Comprehensive Plan:	Mixed-Use
District Plan:	Central District & Riverfront Crossings Master Plan
Neighborhood Open Space District:	C5
Public Meeting Notification:	Property owners located within 300' of the project site received notification of the Planning and Zoning Commission public meeting. Rezoning signs were also posted on the site.
File Date:	October 1, 2019
45 Day Limitation Period:	November 15, 2019

BACKGROUND INFORMATION:

The applicant, Kum & Go, LLC, has requested a rezoning of two properties located at 1310 S. Gilbert St. and 348 Highland Ave. Both are currently zoned Intensive Commercial (CI-1) and the applicant is requesting a rezoning to Riverfront Crossings-South Gilbert. Kum & Go

currently owns the property at 1310 S. Gilbert St. and has a purchase agreement in place with the property owners of 348 Highland Ave.

The subject property is located within the Riverfront Crossings Form Based Code District, an area within Iowa City that has been targeted for redevelopment. Kum & Go has been redeveloping many of their sites throughout the Iowa City area, the two most recent at Benton St. & Riverside Dr. and Muscatine Ave. & 1st Ave. The applicant is proposing to redevelop the subject site to expand the floor area of the convenience store, add two additional gas pumps, and provide additional parking. This use is considered a Quick Vehicle Servicing use, which is allowed by special exception in the Riverfront Crossings-South Gilbert zone.

The current Kum & Go located on this property was built in 1991. The layout of the existing site is not conducive to good traffic flow due to the canopy location over the store as well as the layout of the parking lot. The parking lot has four access points on-site, two of them from S. Gilbert St., one from Highland Ave., and one from E. 3rd St. The commercial condos located at 348 Highland Ave. were built in 1955, and have been used for storage and construction businesses.

The applicant held a Good Neighbor Meeting on October 23, 2019 and submitted a summary (Attachment 4). Seven local business owners attended the meeting where the applicant displayed their proposed site plan and elevations, described their project, and answered questions about the proposed redevelopment. Neighbors were concerned with access to their properties during construction and the proposed timeline. The applicant was able to convey that the site will be entirely self-contained during the construction process and would not disturb access to surrounding businesses. All attendees expressed excitement about the redevelopment.

ANALYSIS:

Current Zoning:

Both properties are currently zoned Intensive Commercial (CI-1), which allows for outdoor display and merchandise, repair and sale of motor vehicles, outdoor commercial and recreation activities, retail, eating establishments, office uses, and quick vehicle service uses provisionally.

Proposed Zoning:

The applicant is requesting to rezone both properties to Riverfront Crossings – South Gilbert (RFC-SG). The intent of this zone is to facilitate high-intensity mixed use development, with active ground floors. The principal uses allowed are generally the same as the Central Business Support (CB-5) zone, and include commercial recreational uses, eating establishments, office uses, a variety of retail, and quick vehicle service uses through a special exception. Upon approval of rezoning, the applicant must apply for a special exception.

The Riverfront Crossings Form Based Code requires businesses to be oriented toward the front of the lot with street-facing entries. This provides a more comfortable environment for pedestrians and offers buffering from vehicular traffic. Parking must be located behind buildings and screened from view. Specific building standards apply, and will be administered through a staff design review process. These include streetscape

improvements, landscaping, façade composition, etc.

Rezoning Review Criteria:

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

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

Compliance with Comprehensive Plan:

The Future Land Use Map of the Comprehensive Plan has designated this area for Mixed Use Development. The Mixed Use land use designation includes a variety of retail, office, and residential uses. The Comprehensive plan also supports urban infill and redevelopment in certain areas of the City, including in the Riverfront Crossings District.

The Riverfront Crossings Master Plan calls for a pedestrian scale development in this area along S. Gilbert St., with buildings to the front of the street and parking to the rear. It also calls for a retail/convenience store in this area to serve local residential and commercial uses. The Master Plan envisions this area to be redeveloped and shows a building placed in the front corner of the lot with parking in the rear.

Compatibility with Existing Neighborhood Character:

The proposed convenience store and gas station, designed according to the Riverfront Crossings Form Based Code, will be an improvement to the current subject property in regard to traffic circulation and safety, pedestrian friendliness, and landscaping. The surrounding neighborhood has been redeveloping in recent years with the addition of new mixed-use residential buildings across the street as well as a brewery and the Riverfront Crossings Park. The proposed rezoning will allow for improved convenience retail in the neighborhood to serve local residents, business owners, and customers while being brought up to Riverfront Crossings standards.

Traffic Implications and Access:

The intersection of S. Gilbert St. and Highway 6 just to the southwest of the subject property had an average daily traffic count of 15,600 vehicles per day in 2018, according to the DOT. There are four access point to the current Kum & Go; two on S. Gilbert St. and one on each Highland Ave. and 3rd St. This is considered non-conforming, as the Municipal Code allows only three access points on corner lots. The aerial photo below illustrates the existing condition of the site and number of access points for both properties.



To bring this site into compliance, the applicant must close all but three access points. The current access points off S. Gilbert St. create congestion and safety issues due to their proximity to nearby intersections and the amount of traffic this street experiences daily. Additionally, Highland Ave. experiences a significant amount of traffic as it is one of the few through east/west streets that cross the CRANDIC railroad. To help mitigate these issues, staff is proposing a condition that the applicant must close all access points onto S. Gilbert St. and reduce the number of access points to one on Highland Ave.

Currently, the right-of-way along S. Gilbert St. is not adequate to create the pedestrian environment envisioned in the Riverfront Crossings Master Plan. In order to create a wider landscaped buffer between traffic on S. Gilbert St. and the public sidewalk, staff is proposing a condition that the applicant dedicate additional right-of-way along S. Gilbert St., 3rd St., and Highland Ave. as shown in Attachment 5. The applicant must also reconstruct the sidewalk that currently exists around the property on S. Gilbert Street, Highland Ave, and 3rd Street.

Storm Water Management:

Staff anticipates that the existing stormwater infrastructure will be able to accommodate runoff from the proposed redevelopment. At the site plan stage staff will analyze whether the re-development of the site requires additional stormwater protections.

NEXT STEPS:

Upon recommendation of approval of the rezoning from the Planning & Zoning

Commission, a public hearing will be scheduled for consideration of the application by City Council. Upon approval by City Council, the applicant must apply for a special exception to allow for a quick vehicle servicing use in the Riverfront Crossings South Gilbert District. Redevelopment of this site will also require compliance with the Riverfront Crossings Form-Based Code, which requires review by the staff form-based code design review committee, in addition to site plan review.

STAFF RECOMMENDATION:

Staff Recommends approval of REZ19-11, a proposal to rezone approximately 1.15 acres of property located at 1310 S. Gilbert St. and 348 Highland Ave. from Intensive Commercial (CI-1) to Riverfront Crossings – South Gilbert Subdistrict (RFC-SG), subject to the following conditions:

1. The applicant must close all access points along S. Gilbert St. and will reduce the number of access points along Highland Ave. to one.
2. The applicant must dedicate additional right-of-way to the City along Gilbert St. based on the dimensions shown in Attachment 5.

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. Concept Plan
4. Good Neighbor Summary
5. Right-of-Way Dedication

Approved by: _____



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



0 0.04 0.08 0.16 Miles

REZ19-11

1310 S Gilbert St & 348 Highland Ave



Prepared By: Jade Pederson
Date Prepared: Oct 2019



An application submitted by Britni Andreassen on behalf of Kum & Go, LLC for the rezoning of approximately 1.15 acres of property located at 1310 S Gilbert St and 348 Highland Ave from Intensive Commercial (CI-1) to Riverfront Crossings - South Gilbert (RFC-SG).



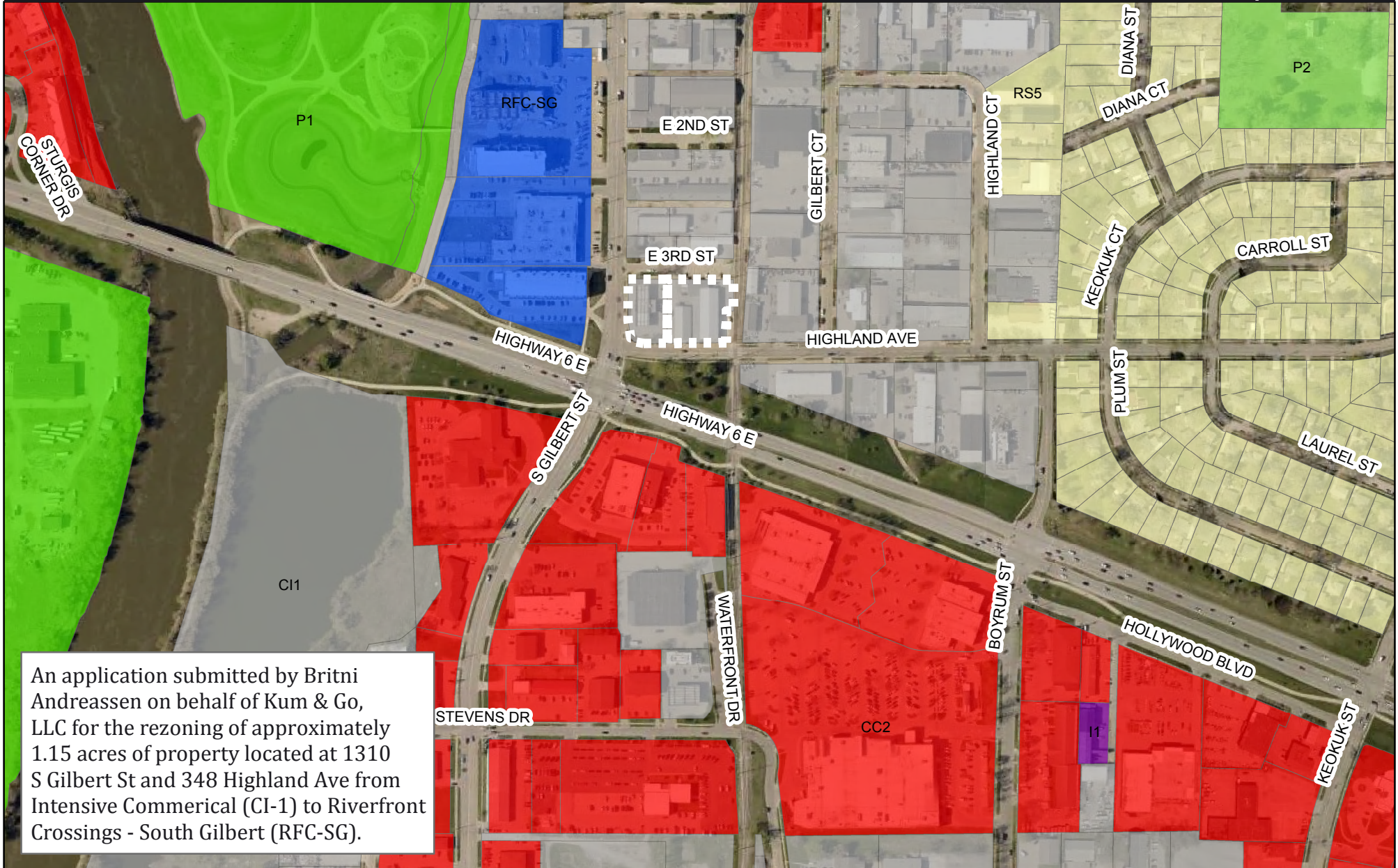
0 0.04 0.08 0.16 Miles

REZ19-11

1310 S Gilbert St & 348 Highland Ave



Prepared By: Jade Pederson
Date Prepared: Oct 2019



An application submitted by Britni Andreassen on behalf of Kum & Go, LLC for the rezoning of approximately 1.15 acres of property located at 1310 S Gilbert St and 348 Highland Ave from Intensive Commercial (CI-1) to Riverfront Crossings - South Gilbert (RFC-SG).



KUM & GO #3504

1310 S GILBERT STREET
IOWA CITY, IOWA

CIVIL DESIGN ADVANTAGE
OCTOBER 2019



From: [Keith Weggen](#)
To: [Jessica Lile](#)
Cc: [Britni Andreassen](#); [Siobhan Harman - Kum & Go \(Siobhan.Harman@kumandgo.com\)](#)
Subject: Kum & Go 3504 - Good Neighbor Meeting Summary
Date: Friday, November 1, 2019 12:16:49 PM



Jesi,

Kum & Go hosted a Good Neighbor Meeting at Big Grove Brewer on Wednesday, October 23, 2019. Seven people attended the meeting. No opposition was expressed, as those in attendance are excited to see the site refreshed and that healthier food options will be available.

Please let me know if you have any questions or need anything else.

Keith Weggen, ASLA | *project manager*
CIVIL DESIGN ADVANTAGE LLC
3405 SE Crossroads Drive, Suite G Grimes, IA 50111
o 515.369.4400 f 515.369.4410 c 515.313.5445
KeithW@CDA-eng.com www.CDA-eng.com

 Please consider the environment before printing this email.

This message is intended exclusively for the individual or entity to which it is addressed.
This communication may contain information which is proprietary, privileged or confidential.
If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.



STAFF REPORT

To: Planning and Zoning Commission

Prepared by: Anne Russett, Senior Planner

Item: REZ19-12

Date: November 7, 2019

GENERAL INFORMATION:

Applicant:

Pugh Hagen Prahm PLC

Contact:

Michael J. Pugh
425 E. Oakdale Blvd, Suite 201
Coralville, IA 52241
(319) 351-2028
mpugh@pughhagan.com

Requested Action:

Rezoning from ID-RM and RR-1 to RM-12

Purpose:

Development of multifamily dwellings

Location:

South of Lehman Avenue and East of
Soccer Park Road

Location Map:



Size:

42.01 acres

Existing Land Use and Zoning:

Agricultural - ID-RM 38.49 acres and RR1
3.52 acres

Surrounding Land Use and Zoning:

North: Open space (Sycamore Greenway)
- P1
South: Wastewater treatment plant - P1
East: Open space (Sycamore Greenway) –
P1
West: Agricultural - ID-RS

Comprehensive Plan:	South District Plan
File Date:	October 14, 2019
45 Day Limitation Period:	November 28, 2019

BACKGROUND INFORMATION:

In 1994, the property owner applied to have this property voluntarily annexed as part of the 422-acre Sycamore Farms annexation. At that time, the owner requested that the subject property be zoned Low Density Multifamily Residential (RM-12). The request was later amended to seek RM-20 zoning for this property. Given the lack of essential City services, the City determined that the requested zoning designation was premature, and that as the surrounding areas developed and City services including arterial street access provided, the merits of the requested multifamily zoning designation could be re-examined. Staff also raised the concern about zoning such a large area for multifamily development.

Upon annexation, the bulk of the subject property (38.49 acres) was zoned Interim Development – Multifamily Residential (ID-RM); and 3.52 acres was zoned Rural Residential (RR-1) and subject to a conservation easement prohibiting development due to the presence of wetlands. The rezoning was subject to a Conditional Zoning Agreement containing provisions mostly to address the environmentally sensitive features on the property, as well as a requirement to dedicate land for a school, provide pedestrian access, and provide infrastructure improvements.

In September 2015, the current landowners submitted a rezoning application, asking for the parcel to be rezoned to Medium Density Multi-Family Residential (RM-20). A rezoning to RM-20 would allow for the development of 675 three-bedroom or 1,000 one- and two-bedroom apartments to be built. The Statement in Support of the 2015 Application was nearly identical to the one submitted in support of this application. Both state that the 1994 CZA requires Council to approve an RM zoning designation.

The Commission and the City Council unanimously voted to deny the application after due process was given. The property owners, Sycamore, L.L.C. and Lake Calvin Properties, L.L.C., then sued the City, alleging, in part, that the 1994 CZA guaranteed them RM-20 zoning. In ruling in favor of the City, the District Court stated:

The Court agrees with the City Council of Iowa City's determination that *the CZA does not guarantee any particular rezoning decision*. While the developers may have inferred that such a promise exists, it does not. The Court recognizes that the language would tend to support the conclusion that the land would most likely be rezoned at some point. However, the Court has thoroughly reviewed the CZA and determined that there is no provision contained anywhere in the CZA that guarantees that the land will be rezoned to RM-20. Furthermore, *there is certainly no provision that guarantees that any particular type of rezoning will take place at any particular point in time*.

(emphasis added.)

The applicant appealed that decision. In affirming the District Court ruling in the City's favor, the Appellate Court agreed that "*nothing in the CZA establishes the City agreed to a future rezoning to any specific zone at any specific time*." (emphasis added.) It ruled that "any agreement binding a future council to rezone land a specific way would be void."

This property is located within the South District of Iowa City. As with all rezoning requests, the current application should be considered based on the Comprehensive Plan including the South District Plan, Future Land Use Map, compatibility with adjacent neighborhoods, adequacy of infrastructure and services to accommodate the uses and intensity of development allowed by the requested zoning.

ANALYSIS:

Current zoning: The property is currently zoned ID-RM and RR-1. The purpose of an Interim Development (ID) zone is to provide for areas of managed growth in which agricultural and other nonurban uses of land may continue until such time as the City is able to provide City services and urban development can occur. This is the default zoning to which all undeveloped areas should be classified until City services are provided. Upon provision of City services, the City or the property owner may initiate rezoning to zones consistent with the Comprehensive Plan, as amended. The principle uses allowed in the ID zone are plant related agricultural. Farm dwellings are allowed if they are associated with an agricultural use. The minimum lot size of the ID zone is 10 acres.

Although the ID-RM designation indicates the possible future consideration for multifamily zoning, it is not a guarantee of such zoning, as recognized by the Appellate Court in *Sycamore v. City*. Any rezoning decision must be made in the context of the current Comprehensive Plan, Zoning Code, policies and land use map in effect at the time a rezoning application is made, as well as the development character of the surrounding neighborhood and the adequacy of infrastructure and services to serve the proposed density.

Proposed zoning: The purpose of the Low Density Multi-Family Residential zone (RM-12) is to provide for the development of high density, single-family housing and low density, multi-family housing. This zone is intended to provide a diverse variety of housing options in neighborhoods throughout the city, including detached and attached single-family dwellings, duplexes, and multi-family dwellings. Careful attention to site and building design is important to ensure that the various housing types in any one location are compatible with one another.

The RM-12 zone requires a minimum of 2,725 square feet per dwelling unit. Based on these requirements up to 670 dwelling units could be developed on this property if it were zoned RM-12. If public streets are platted to serve the development, the actual density would be less than the maximum stated, but even assuming that 45% of the property is devoted to public streets, over 369 dwelling units could be constructed under the proposed RM-12 designation.

Comprehensive Plan: The property is governed by the Comprehensive Plan, including the South District Plan. As elements of the Comprehensive Plan, district plans are intended to promote patterns of land use, urban design, infrastructure and services that encourage and contribute to the livability and sustainability of Iowa City and its neighborhoods. These plans are advisory documents for directing and managing change over time and serve as a guide for decision-making, public deliberation and investment (public and private).

The South District Plan, adopted in 2015, outlines the general intended land uses for this area on the land use map. Figure 1 is an excerpt from the South District Plan land use map. The area of the proposed rezoning is generally identified with the white dashed line. The map identifies the majority of this area as being appropriate for Low-Medium Density Single-Family Residential (pale yellow). A smaller portion, immediately south of Lehman Avenue, is envisioned for Low-Medium Density Mixed Residential (mustard yellow).

Figure 1. Excerpt from the South District Plan Land Use Map



The Low-Medium Density Single-Family Residential land use designation is intended primarily for detached single-family housing at a density of 2-8 dwelling units per acre. However, duplexes are allowed on corner lots and attached housing may be located along arterial streets or adjacent to permanent open space. The Low-Medium Density Mixed Residential is intended for medium- to high- density single-family residential development, including small lot detached single-family units, zero lot line development, duplexes, and townhomes. Low-density multi-family residential may be considered if buildings are designed in a manner that is compatible in scale and design to the lower scale residential dwellings in the neighborhood (e.g. triplexes and 4- or 6-plexes). The density range envisioned for this designation is 8-13 dwelling units per acre. Compatible zoning designations would include a mix of single-family zones. A small area of low density multi-family may be considered adjacent to Lehman Avenue if assurances were made that the development would not result in large-scale multi-family dwellings that are not compatible with lower-scale housing types.

The proposed RM-12 designation does not comply with the South District Plan. It creates a large concentration of multifamily development and places multifamily development in areas without adequate infrastructure and access to goods, services and transit. The RM-12 zone, which allows for larger-scale multi-family dwellings, does not comply with the land use plan showing predominately single-family development with some opportunities for duplexes and attached single-family, as well as smaller-scale multi-family adjacent to Lehman Avenue.

Nor does the application comply with the Iowa City 2030 Comprehensive Plan policy promoting compact and contiguous development: *“Encourage compact, efficient development that is contiguous and connected to existing neighborhoods to reduce the cost of extending infrastructure and services...”* (IC2030: Comprehensive Plan Update - page 23). Similar goals and policies are also repeated on page 27 of the Plan: *“Encourage a diversity of housing options in all neighborhoods. Concentrate new development in areas contiguous to existing neighborhoods where it is most cost effective to extend infrastructure and services.”*

Adequacy of Infrastructure and Services: The proposed RM-12 zone is in an area that has experienced limited development due to lack of adequate infrastructure. The closest transit stop is at the intersection of Sycamore and Burns Avenue approximately 1.5 miles to the north of the property. Given the current street pattern in this area it would be very difficult for the City to extend bus service to the area. The limited street network would also make access for police and fire protection less than ideal.

Sycamore Street, recently upgraded to arterial street standards, terminates approximately 1,500 feet to the west of the property. Although a portion of Lehman Avenue was reconstructed as part of the Sycamore Street project, it is not built to City standards. It is built as a chip seal surface to the intersection with Soccer Park Road. The remaining 400 feet of Lehman Road between Soccer

Park Road and this property has a gravel surface. As with the 2015 application, the applicant has indicated a willingness to enter into a Conditional Zoning Agreement requiring improvement of Lehman Avenue, but would expect contributions toward these road costs from the adjacent property owner and from the City. Other than a special assessment, a difficult process the City has not undertaken in many years, the City does not have a mechanism to require the adjacent owner to contribute to the cost of improving Lehman Avenue. The City's contribution would have to come from the Capital Improvements Program (CIP) for which there are competing projects. The CIP currently does not include improvement of Lehman Avenue.

In staff's view there does not appear to be a compelling reason for the City to reallocate funds from other planned infrastructure improvements to encourage development on the far outskirts of the city, while there are intervening properties that could be more efficiently developed in terms of infrastructure costs, maintenance and provision of City services.

Summary: Zoning decisions must be made in accordance with the Comprehensive Plan after giving consideration to such factors as efficient urban development patterns, controlling congestion of streets, and matters of public health, safety and welfare. Public policy dictates that this police power be freely exercised by the City Council in order to respond to changes in the community's needs and concerns. As ruled by the Appellate Court, no previous agreement limits Council's consideration of this application.

The subject property is not in an area designated in the applicable comprehensive plans for extensive multifamily development. Further this area is not adequately served by infrastructure or City services, and therefore the requested zoning does not comply with the Comprehensive Plan. The portion of the property that is zoned RR-1 is subject to a conservation easement that prohibits its development.

NEXT STEPS:

Upon recommendation from the Planning and Zoning Commission, a public hearing will be scheduled for consideration of the application by the City Council.

STAFF RECOMMENDATION:

Staff recommends that an application submitted by Pugh Hagen Prahm PLC for a rezoning from Interim Development Multifamily (ID-RM) zone for 38.49 acres and Rural Residential (RR1) zone for 3.52 acres to Low Density Multifamily (RM-12) zone for property located south of Lehman Avenue, east of Soccer Park Road be denied.

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Applicant's statement in support of rezoning
4. South District Future Land Use Map

Approved by:



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



0 0.175 0.35 0.7 Miles

REZ19-12

South of Lehman Avenue and East of Soccer Park Road



Prepared By: Jade Pederson
Date Prepared: Oct 2019



An application submitted by Pugh Hagan Prahm PLC for a rezoning of approximately 42.01 acres of property located S of Lehman Ave and E of Soccer Park Rd from Interim Development - Multi-Family Residential (ID-RM) and Rural Residential (RR-1) to Low Density Multi-Family Residential (RM-12).



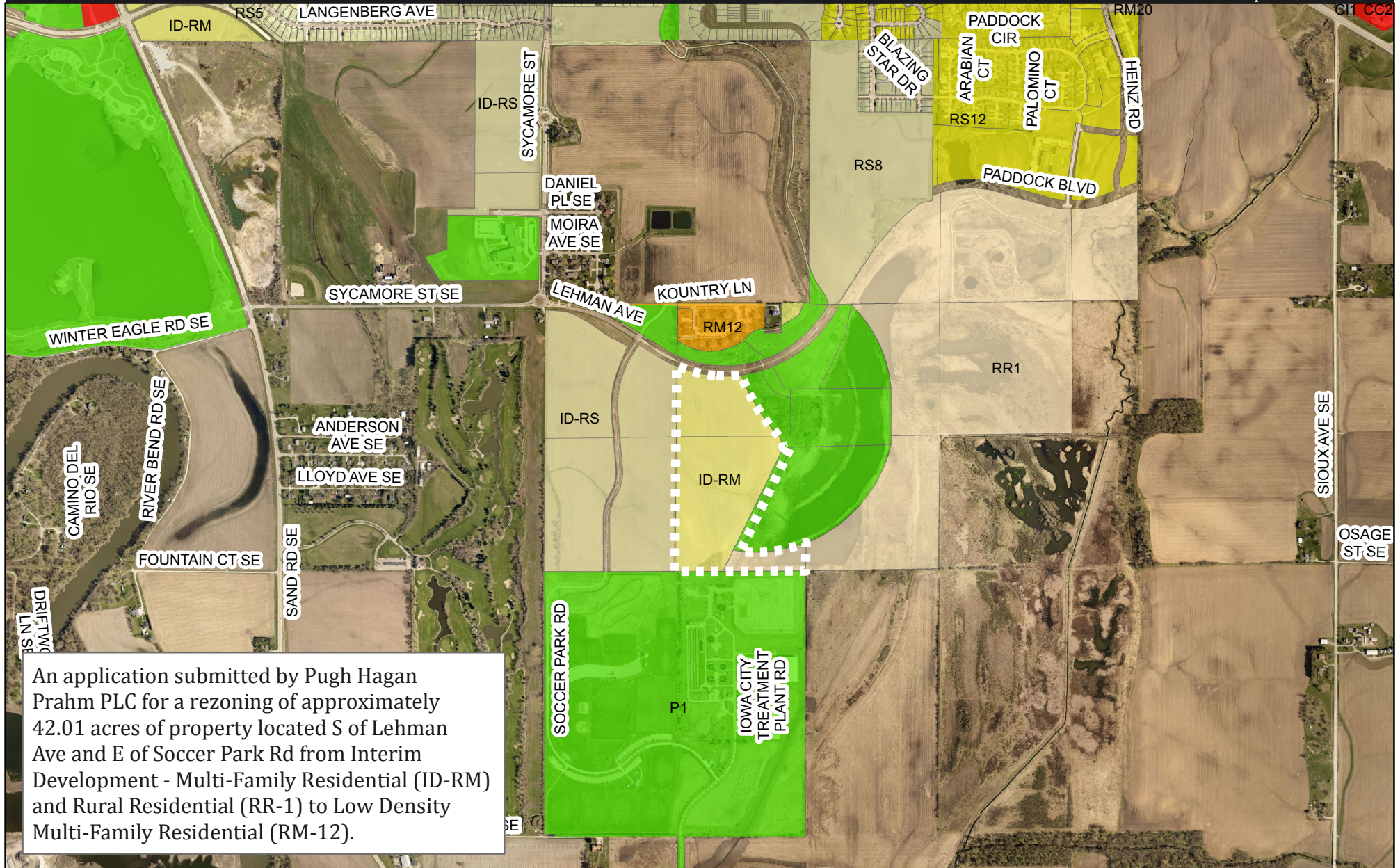
0 0.15 0.3 0.6 Miles

REZ19-12

South of Lehman Avenue and East of Soccer Park Road



Prepared By: Jade Pederson
Date Prepared: Oct 2019



An application submitted by Pugh Hagan Prahm PLC for a rezoning of approximately 42.01 acres of property located S of Lehman Ave and E of Soccer Park Rd from Interim Development - Multi-Family Residential (ID-RM) and Rural Residential (RR-1) to Low Density Multi-Family Residential (RM-12).

STATEMENT IN SUPPORT OF REZONING

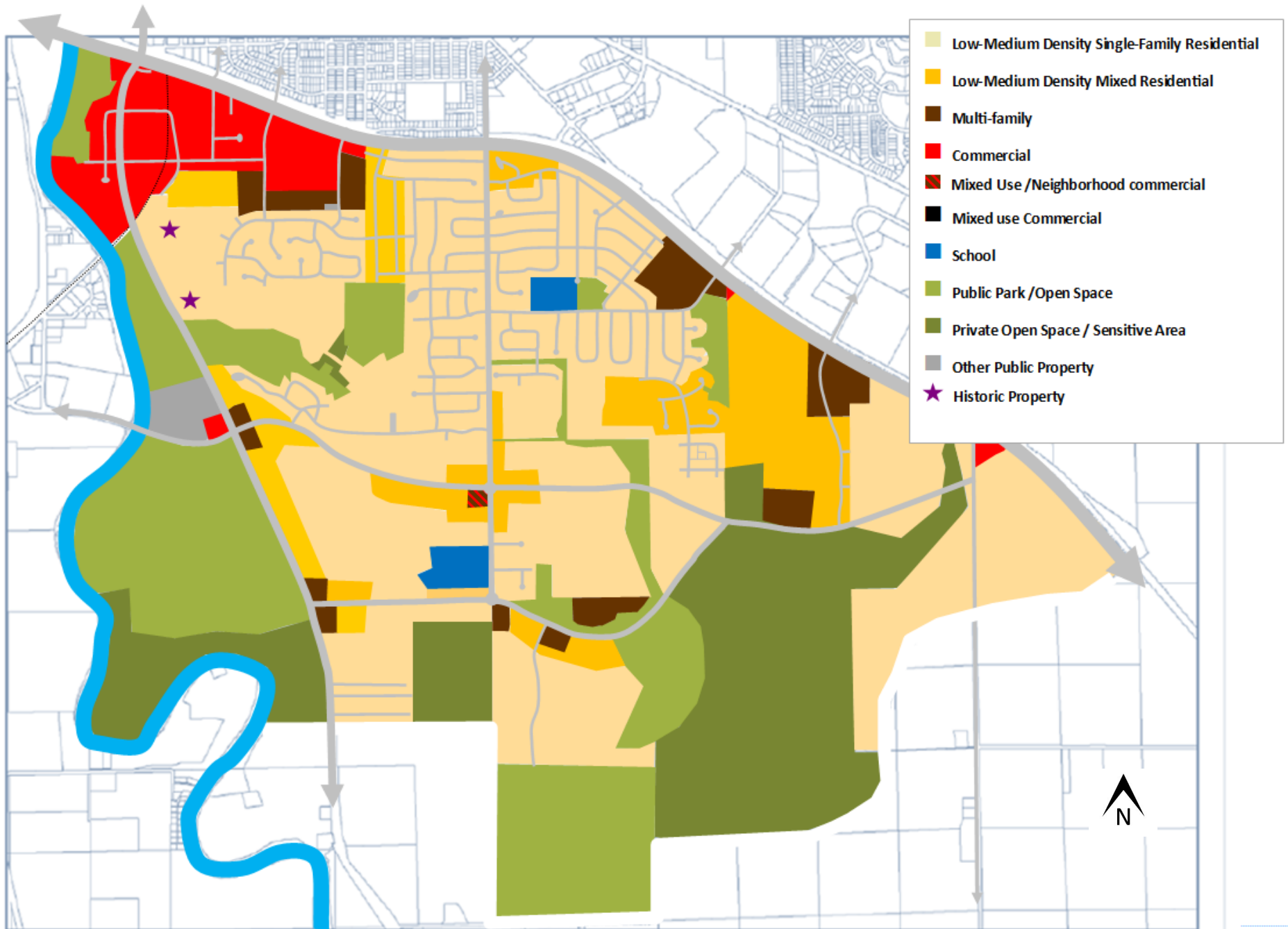
Sycamore, L.L.C. and Lake Calvin Properties, L.L.C. (the "Property Owners") acquired the properties which are the subject of this Rezoning Application in the late 1980s and early 1990s. The properties were part of a 420 acre tract of land that was annexed into the City of Iowa City's limits and jurisdiction on September 15, 1994.

The properties' annexation was the subject of lengthy negotiations between the Property Owners and the City of Iowa City (the "City"), beginning in early 1992. The City desired to annex the properties so that the newly constructed Wastewater Treatment Plant would be contiguous to City limits; the annexation allowed the City to link that Plant's facilities to the City's corporate limits. While the Property Owners initially opposed the annexation, through those negotiations, the City and the Property Owners were able to reach a mutual agreement regarding the properties' annexation as well as their future development.

Annexation of the properties was made possible through a series of bargained-for considerations given between the parties. The City required the property owners to: (i) delineate certain wetlands known as the "Snyder Creek Bottoms" and restrict those areas from development; (ii) dedicate to the public a Conservation Easement protecting approximately 200 acres of the original tract from further development; and (iii) enter into a Conditional Zoning Agreement for the development of the remaining property of the original tract. In return, the Property Owners insisted that: (i) the City designate the properties with a RM-20 multi-family zoning designation; and (ii) the City give proper consideration for the Snyder Creek Bottoms wetlands. The City zoned the properties as ID-RM, Interim Development Multi-Family Residential. It classified the properties under the Interim Development designation because at the time of the annexation, the properties were not served by adequate infrastructure and services, namely a suitable road. The City also gave the properties multi-family residential zoning status with the understanding that the "ID" moniker would be removed once an adequate road was constructed to access the Properties.

The properties are now ripe for development under the City's Low Density Multi-Family Residential Zone (RM-12). Adequate infrastructure and services to the properties, including an access road, is now feasible given the development of Sycamore Avenue and the construction of Alexander Elementary School. The properties will be served by a street network that has improved substantially since 1994. The Owners would be willing to enter into a Conditional Zoning Agreement requiring the improvement of Lehman Road as a condition precedent to development of the properties, but would expect equitable contribution for these road costs from adjoining property owners and the City. Additionally, the properties are located adjacent to Pleasant Valley Golf Course, the Iowa City Kickers Soccer Park, the protected wetlands area, and less than three miles from the commercial corridor of Highway 6, providing them with ideal access to commercial amenities, and City services and facilities. This zoning designation will provide this area with a broader range of housing types, including "Missing Middle" housing, that is consistent with the City's goal of providing affordable housing.

South District Plan Map



South District Plan Map Designations

Low to Medium Density Residential:

2-8 dwelling units/acre

Intended primarily for detached single-family housing. Duplexes are allowed on corner lots in all single-family zones. In some areas attached housing may be located along arterial streets or adjacent to permanent open space. The residential density for a property should reflect the nature of the site and take into account sensitive environmental features, topographical constraints, street connectivity, and compatibility with historical development patterns.

Low to Medium Mixed Residential:

8-13 dwelling units/acre

Intended for medium- to high- density single-family residential development, including small lot detached single-family units, zero lot line development, duplexes, and townhouses. Suitable for sites where a single loaded street is desirable to provide visibility and access to public open space, or where clustering is desirable to protect sensitive environmental features. Low-density multi-family residential may also be considered if buildings are designed in a manner that is compatible in scale and design to the lower scale residential dwellings in the neighborhood (e.g. triplexes and 4- or 6-plexes). Higher density housing should be located at the edges of neighborhoods, principally in areas with good street connectivity, access to open space or parks, trails, and transit.

Multi-Family

12-24 dwelling units/acre

Properties developed prior to 2015 may have been established at higher densities, particularly in neighborhoods close to Highway 6. The “New Neighborhoods” section of the plan (page 18) includes language describing the density, location, and design quality that will be part of any rezoning to allow multi-family housing. Higher-density zoning designations may not be suitable for areas with topographical constraints or limited street connectivity or access. Preferred locations for new multi-family developments are along main travel corridors or intersections, especially near permanent open space or adjacent to commercial development.

Commercial

Areas intended to provide the opportunity for a large variety of commercial uses, particularly retail commercial uses, which serve a major segment of the community.

Mixed-Use

An area intended for development that combines commercial and residential uses. Individual buildings may be mixed-use or single-use. Development is intended to be pedestrian-oriented, with buildings oriented to the street with sidewalks, street trees and other pedestrian amenities. Buildings with residential uses should be designed to ensure a comfortable and functional environment for urban living in close proximity to commercial uses. The mix of uses requires special consideration of building and site design.

Public Institutional

Property that is publicly owned and used for a public purpose, including public schools, and City, County, State, and Federal offices or facilities. If the property is proposed to be sold to a private entity for a non-public use, then the land should be rezoned to be compatible with the surrounding neighborhood.

Public Parks/Open Space

Indicates existing or potential public open space intended for the protection of sensitive natural features, stormwater management, and/or to provide for passive, active, recreational, or other public open space needs, and/or to protect the aesthetic values of the community.*

Private Open Space

Indicates existing or potential open space on private land that is important for the protection of sensitive natural features and/or provides for stormwater management, and/or for private, shared passive or recreational opportunities for adjacent properties, and/or to protect the aesthetic values of the community.*

*A public or private open space designation on land that is not currently designated as open space may indicate that an area is largely unsuitable for development due to environmental or topographical constraints or may indicate that an opportunity to acquire needed open space is possible if current land uses are discontinued. While these areas are best reserved or acquired for open space, development may occur on privately held land if a proposal meets the underlying zoning requirements and the requirements of the Iowa City Sensitive Areas Ordinance.



CITY OF IOWA CITY MEMORANDUM

Date: November 7, 2019
To: Planning & Zoning Commission
From: Ray Heitner, Associate Planner
Re: CZ19-02 – Indian Lookout-Part Two

Background Information

The applicants, Charles J. & Joan M. Ockenfels, are requesting a rezoning from County Agricultural (A) to County Residential (R) for approximately 2.43 acres of property located in Johnson County off Indian Lookout Road SE in Fringe Area C – Outside of Iowa City's Growth Area. Because the property is within Iowa City's two-mile Fringe Area, the Fringe Area Agreement specifies that the City will make a recommendation to the County Planning and Zoning Commission before the County Commission considers the application. The final decision on the rezoning falls within the County's jurisdiction.

If this rezoning is approved, the applicant intends to build a single-family home on the subject property. The balance of the current parcel, approximately 4.42 acres in size, will be subdivided into an outlot. Based on conversations with County staff, the 4.42-acre outlot will be preserved, as steep slopes and dense woodlands make development of the lot challenging. City approval will be required if the property is subdivided as proposed.

In September of 2019, the Johnson County Board of Supervisors approved a request for a Future Land Use Map amendment of the subject parcel from Agricultural to Residential. City staff provided an advisory position in support of this map amendment. Because of the property's location on an improved road, adjacent to several other preexisting large-lot residences, staff felt the intended residential land use would be appropriate. In its advisory position to Johnson County, City staff noted that County staff should be mindful of overdevelopment of the subject property, but that sensitive areas on the property would likely make overdevelopment cost prohibitive.

Analysis

Existing Land Use and Zoning

The subject property is zoned County Agricultural (A) and is currently fully covered with dense woodlands. Properties to the west, located south of Indian Lookout Road SE, are zoned County Residential (R). These properties contain existing large-lot (typically greater than 1-acre) residences. Properties to the north and east are zoned County Agricultural (A) and contain rural residences.

Proposed Zoning & Surrounding Area

The applicant is requesting a rezoning to County Residential (R) which allows for single family homes on lots at least 40,000 square feet. Indian Lookout Road SE is a residential cul-de-sac road, that features several preexisting large-lot residences.

Compliance with the County's Comprehensive Plan

The County recently updated its Comprehensive Plan and the Future Land Use Map of the Comprehensive Plan designates this area Residential. The Residential land use category allows for, "single-family detached dwellings with a preferred density of one unit per acre or denser."

Compliance with the Fringe Area Agreement

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

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

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

According to the Johnson County Unified Development Ordinance, residential uses in Agricultural District shall be restricted to two single-family dwellings on a farm 40 acres or larger. The proposed rezoning does not align with the land use policy direction in the Fringe Area Agreement.

Staff recognizes the conflict that exists between the County's updated Future Land Use Map and the adopted Fringe Area Agreement. Staff has been working with County planning staff on updating the Fringe Area Agreement to help to minimize these areas of conflict.

Staff Recommendation

Although the proposed rezoning is not consistent with the policies outlined in the adopted Fringe Area Agreement, staff recommends approval of this rezoning subject to the following condition:

1. At the time of final platting, the 4.42 acres to remain zoned Agricultural be dedicated as preservation outlot.

Staff is recommending approval for the following reasons:

1. The proposed rezoning is consistent with the County's Future Land Use Map.
2. Several large-lot residences can be found to the west of the subject property.
3. Indian Lookout Road SE is a paved road, that is suited to accommodate residential development.
4. Repeated subdivision and overdevelopment of the subject property is unlikely, due to dense woodlands and steep slopes. If the County agrees with the proposed condition, preservation of the area will be ensured.
5. Staff is working with County planning staff to update the Fringe Area Agreement.

Attachments:

1. Aerial Map
2. Zoning Map
3. Fringe Area Map
4. Rezoning Exhibit

A handwritten signature in black 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

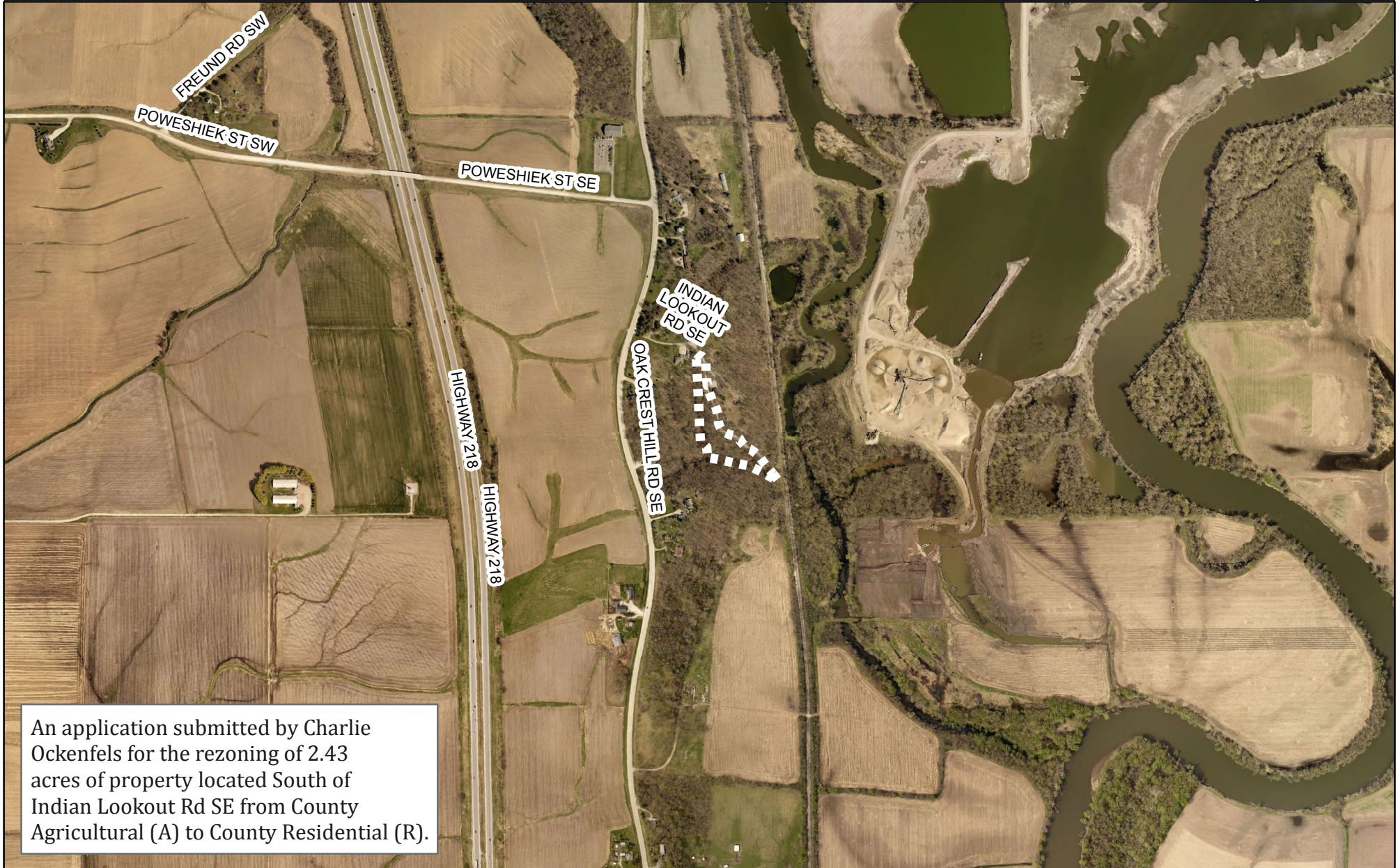


0 0.1 0.2 0.4 Miles

CZ19-02 South of Indian Lookout Rd SE



Prepared By: Jade Pederson
Date Prepared: Oct 2019



An application submitted by Charlie Ockenfels for the rezoning of 2.43 acres of property located South of Indian Lookout Rd SE from County Agricultural (A) to County Residential (R).



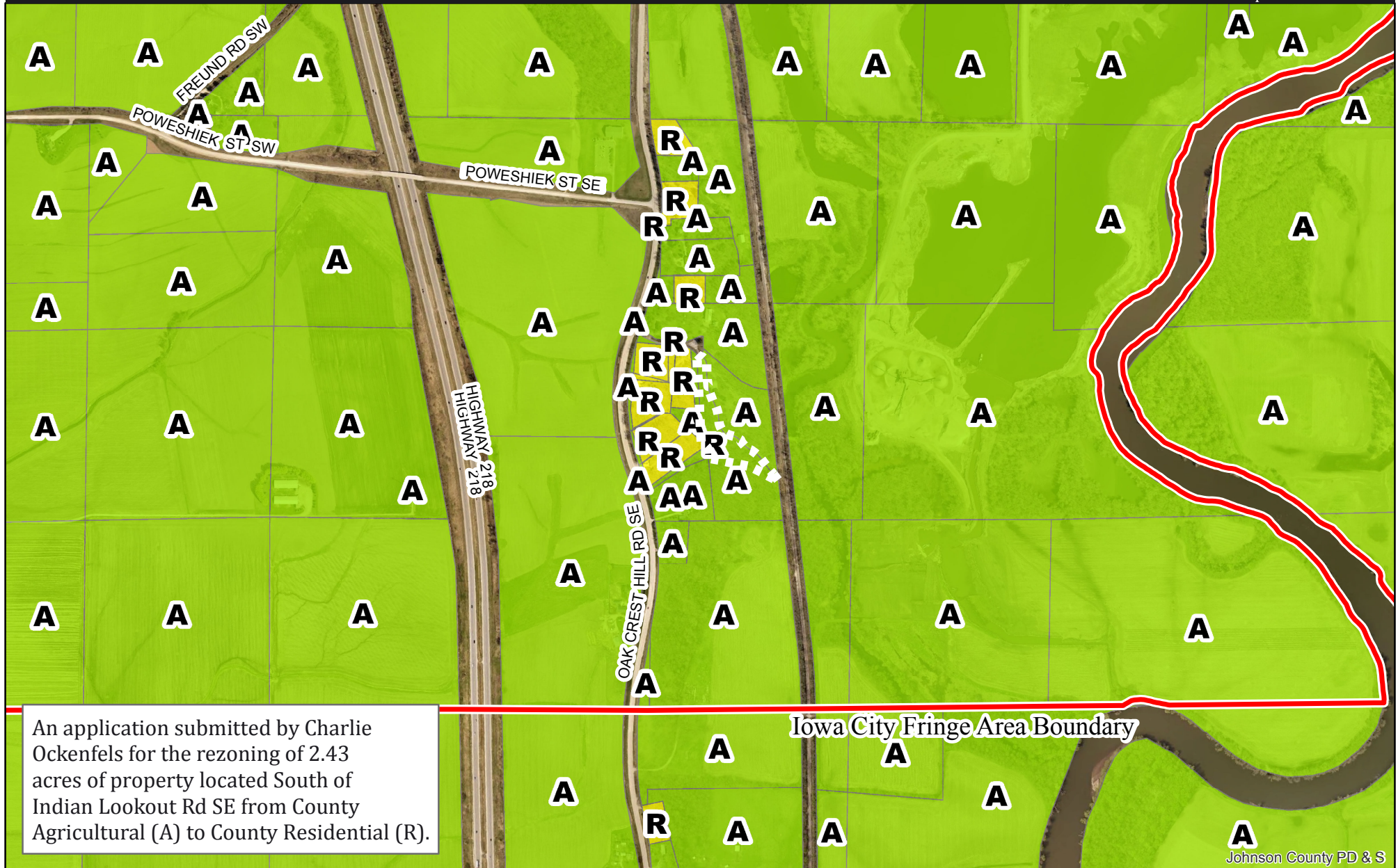
0 0.1 0.2 0.4 Miles

CZ19-02

South of Indian Lookout Rd SE



Prepared By: Jade Pederson
Date Prepared: Oct 2019



An application submitted by Charlie Ockenfels for the rezoning of 2.43 acres of property located South of Indian Lookout Rd SE from County Agricultural (A) to County Residential (R).

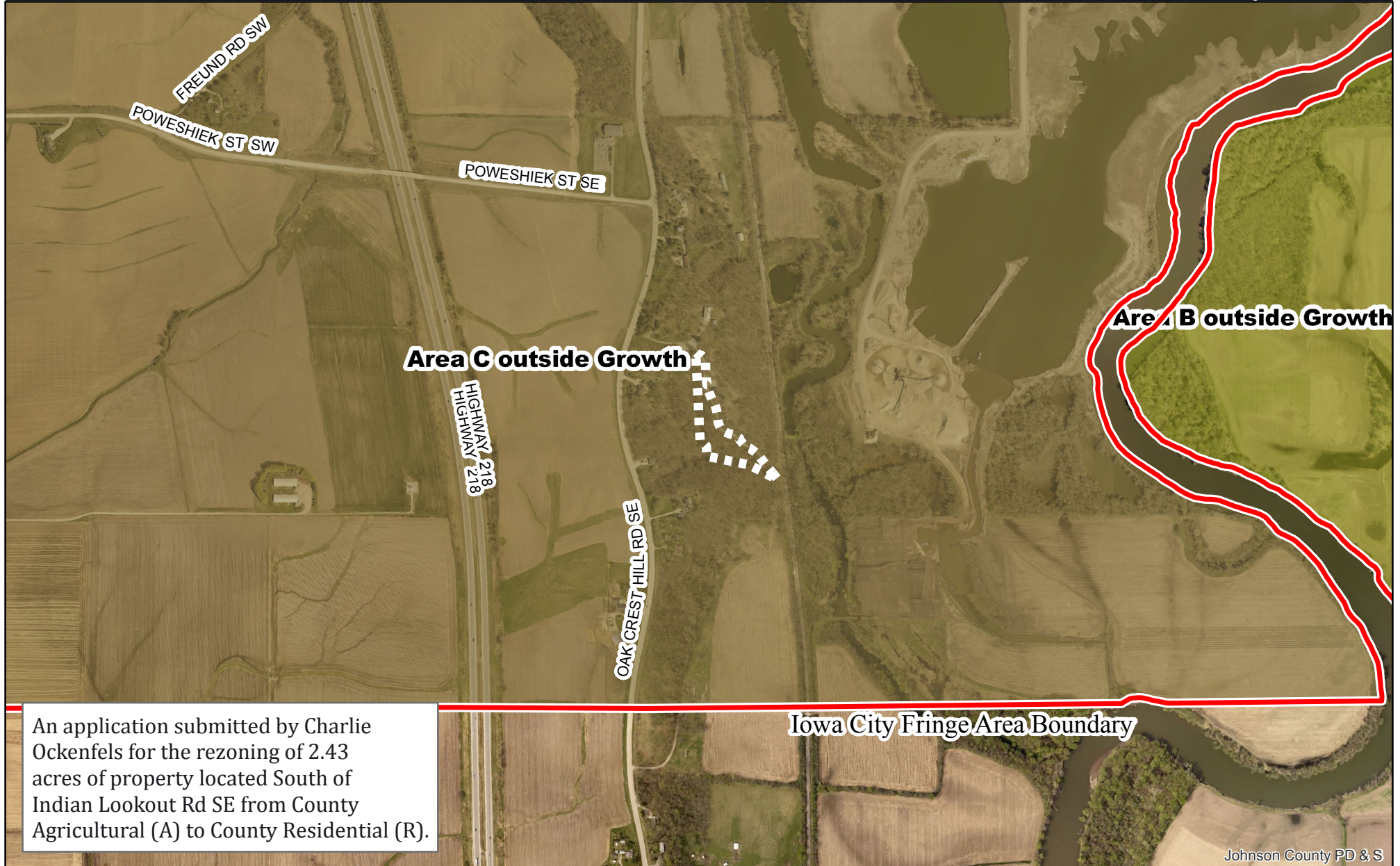


0 0.1 0.2 0.4 Miles

CZ19-02 South of Indian Lookout Rd SE

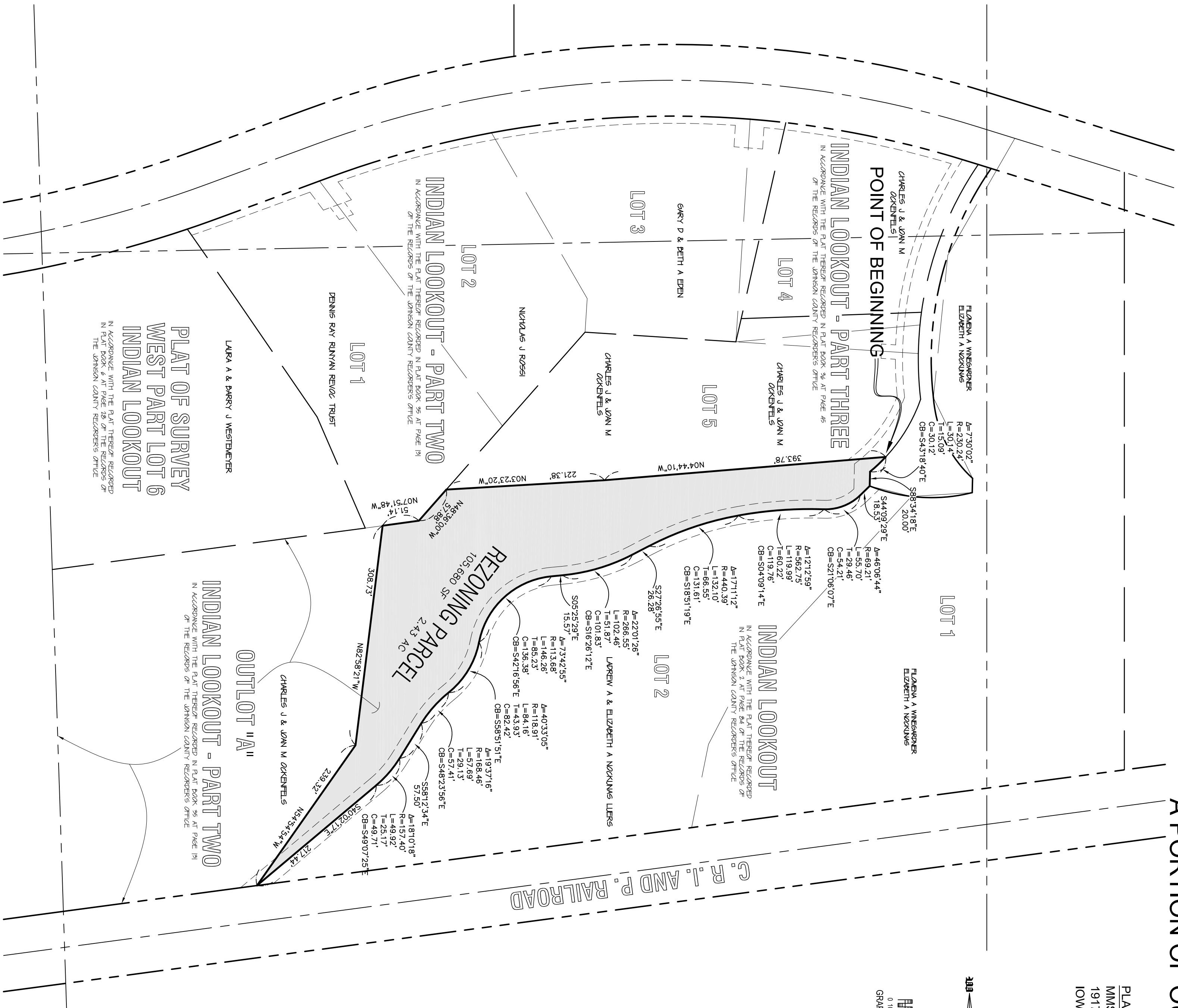
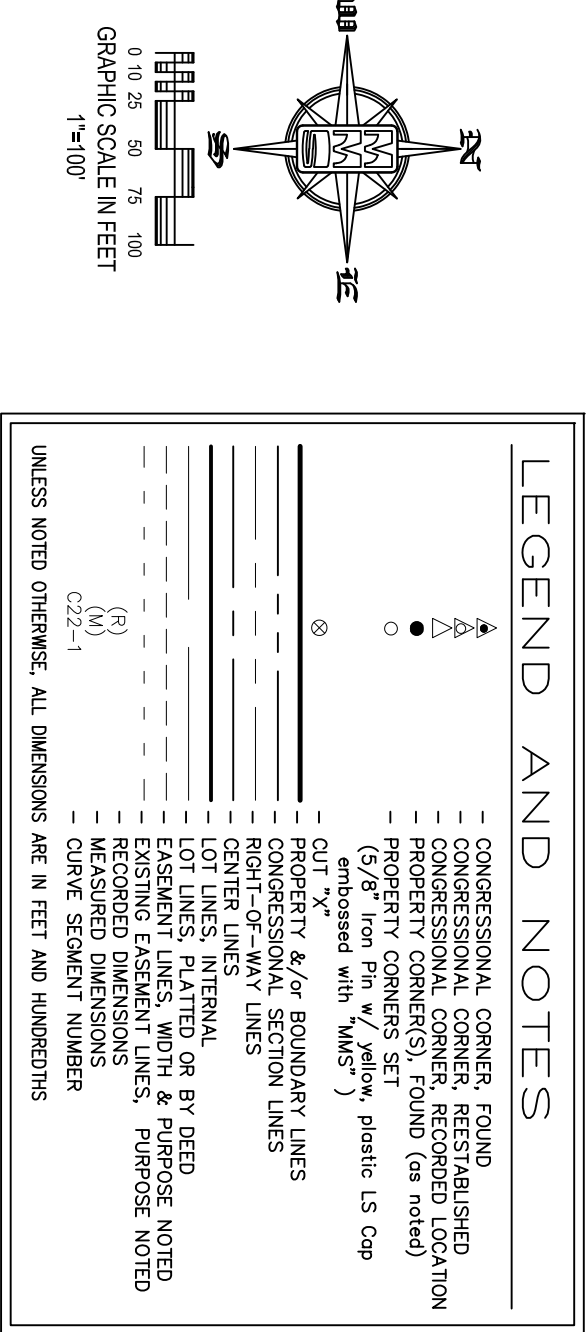


Prepared By: Jade Pederson
Date Prepared: Oct 2019

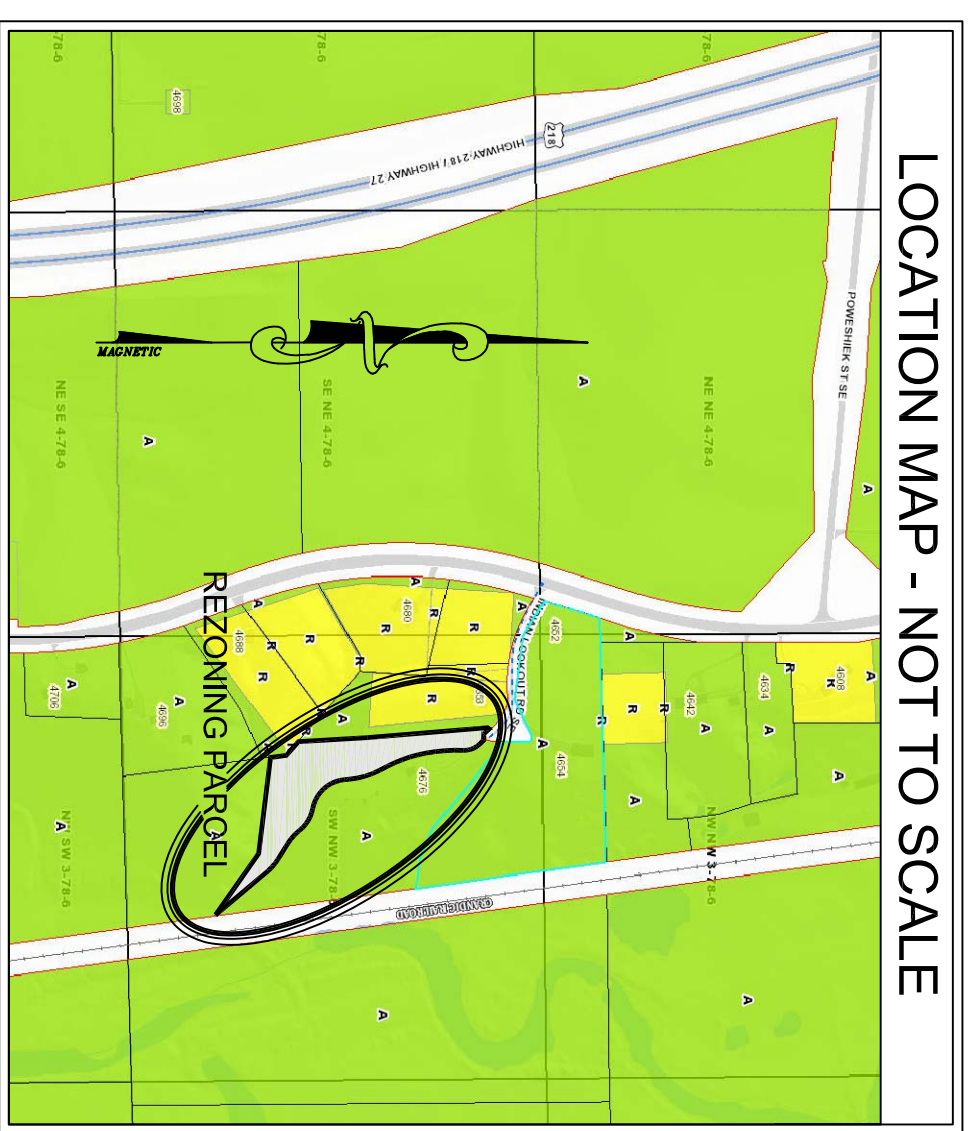


REZONING EXHIBIT OUTLOT "A" INDIAN LOOP JOHNSON COUNTY, IOWA

OWNER / APPLICANT :
CHARLES J & JOAN M OCKENFELS
4653 INDIAN LOOKOUT ROAD SE
IOWA CITY, IOWA 52240



LOCATION MAP - NOT TO SCALE



REZONING DESCRIPTION "A" TO "R"

A PORTION OF OUTLOT "A" OF INDIAN LOOKOUT - PART TWO TO JOHNSON COUNTY, IOWA, DESCRIBED AS FOLLOWS:

Beginning at the Northwest Corner of Outlot "A" of Indian Lookout - Part Two, in accordance with the Plat thereof Recorded in Plat Book 35 at Page 131 of the Records of the Johnson County Recorder's Office; Thence Southeasterly 30.14 feet, along the North Line of said Outlot "A" on a 230.24 foot radius curve, concave Southwesterly, whose 30.12 foot chord bears S43°18'40"E; Thence S88°34'18"E, along said North Line, 20.00 feet; Thence S44°09'29"E, along said North Line, 18.53 feet; Thence Southeasterly, 55.70 feet, along said North Line, on 69.21 foot radius curve, concave Southwesterly, whose 54.21 foot chord bears S21°06'07"E; Thence Southeasterly, 119.99 feet, along said North Line, on a 562.75 foot radius curve, concave Northeastly, whose 119.76 foot chord bears S04°09'14"E; Thence Southeasterly, 132.10 feet, along said North Line, on a 440.39 foot radius curve, concave Northeastly, whose 131.61 foot chord bears S18°51'19"E; Thence S27°26'55"E, along said North Line, 26.28 feet; Thence Southeasterly, 102.46 feet, along said North Line, on a 266.55 foot radius curve, concave Southwesterly, whose 101.83 foot chord bears S16°28'12"E; Thence S05°25'59"E, along said North Line, 15.57 feet; Thence Southeasterly, 146.26 feet, along said North Line, on a 113.68 foot radius curve, concave Northeastly, whose 136.38 foot chord bears S42°16'56"E; Thence Southeasterly, 84.16 feet, along said North Line, on 118.91 foot radius curve, concave Southwesterly, whose 82.42 foot chord bears S58°51'51"E; Thence Southeasterly, 57.69 feet, along said North Line, on a 168.46 foot radius curve, concave Northeastly, whose 57.41 foot chord bears S48°23'56"E; Thence S58°12'34"E, along said North Line, 57.50 feet; Thence Southeasterly, 49.92 feet, along said North Line, on a 157.40 foot radius curve, concave Southwesterly, whose 49.71 foot chord bears S49°07'25"E; Thence S40°02'17"E, along said North Line 217.44 feet, to the Northeast Corner thereof; Thence N54°54'54"W, 239.32 feet; Thence N82°56'21"W, 308.73 feet, to a Point on the West Line of said Outlot "A"; Thence N07°51'48"W, along said West Line, 51.14 feet; Thence N48°36'00"W, along said West Line, 57.88 feet; Thence N03°23'20"W, along said West Line, 221.38 feet; Thence N04°41'10"W, along said West Line, 393.78 feet, to the Point of Beginning. Said Recounting Parcel contains 2.43 Acres, and is subject to easements and restrictions of record.

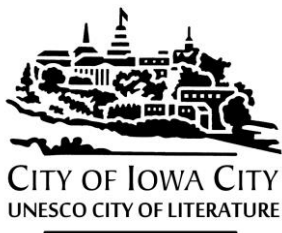
Date	Revision
10/09/2019	REVIEWED PER JEL

REZONING EXHIBIT

A PORTION OF OUTLOT "A"
INDIAN LOOKOUT - PART TWO
JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date:		10-9-2019	
Designed by:	JDM	Field Book No:	1265
Drawn by:	RLW	Scale:	1"=100'
Checked by:	JEL	Sheet No:	1
Project No:	IOWA CITY	10763-001	
10763-001		of:	1



CITY OF IOWA CITY MEMORANDUM

Date: November 7, 2019
To: Planning and Zoning Commission
From: Ray Heitner, Associate Planner
Re: Amendment to Title 14, Zoning of the Iowa City Code Related to Utility-Scale Ground-Mounted Solar Energy Systems in Public Zones (ZCA19-05)

Background on Proposed Amendments

The City and MidAmerican Energy are exploring options for locating ground-mounted photovoltaic solar energy panels on City property located near the City Water Treatment Plant. The City Zoning Ordinance does not currently contain any regulatory information regarding larger-scale solar energy systems. Absent of a comprehensive solar ordinance, these uses are currently considered basic utilities, and are permitted as a provisional use or special exception in industrial and commercial zones. As the water treatment plant property is located in a Neighborhood Public (P-1) zone, a modification to the zoning code is necessary to permit this use. To avoid negative impacts that might arise with allowing all basic utilities to locate in Public zones, staff is proposing an amendment to the current zoning ordinance that would create a new use for utility-scale ground-mounted solar energy systems. This new use would be allowed in the zones that are shown in Table 1.0.

Table 1.0 – Utility-Scale Ground-Mounted Solar Use Mechanism by Zone

	Public Zones	Industrial Zones	Commercial Zones	Research Park Zones	Interim Development Zones
Provisional Use	P-1, P-2	ID-1, I-1, I-2			
Special Exception			All Zones, ID-C	RDP, ORP,	ID-C, ID-RP

Background on Utility-Scale Solar Energy Systems

Utility-scale ground-mounted solar energy systems are comprised of photovoltaic solar panels that convert solar energy into electricity. This electricity is typically collected and distributed by a utility company, which then uses the electricity to power a network of uses both on and off the solar energy system site. The solar panels are usually mounted to the ground, and range in height between 10 and 15 feet.¹ Since utility-scale solar energy systems are used to power a larger, off-site, network of properties, these systems can occupy vast tracts of land for one or more generations (typically between

¹ American Planning Association. "Planning for Utility-Scale Solar Energy Facilities". September 2019.

30 and 40 years)². Attachment #1 shows a few photo examples of typical utility-scale ground-mounted solar energy systems.

Solar photovoltaics are the fastest-growing energy source in the world due to the decreasing cost per kilowatt-hour (60% since 2010), according to the U.S. Department of Energy. Utility-scale solar installations are the most cost-effective solar photovoltaic option³. Transitioning from coal plants to solar decreases carbon dioxide emissions and eliminates sulfur, nitrous oxides, and mercury emissions. The resulting growing demand for solar energy from companies and governments alike have accelerated the energy industry's efforts to bring facilities online as quickly as possible.⁴ By collaborating with MidAmerica Energy, the City is looking to address high priority energy efficiency actions from the 2018 Climate Action Plan.

Current Regulations

City Code currently views utility-scale ground-mounted solar energy systems as a basic utility use. These systems are currently allowed as a provisional use in ID-1, I-1, and I-2 zones and via special exception in commercial and research park zones. Table 2.0 shows the conditions under which utility-scale ground-mounted solar are currently allowed.

Table 2.0 – Current Specific Approval Criteria for Basic Utilities Not Enclosed within a Building

Zones:	Use Mechanism	Specific Approval Criteria:
<ul style="list-style-type: none">• ID-1• I-1• I-2	<ul style="list-style-type: none">• Provisional	<ul style="list-style-type: none">• Located 200' from residential zones.• Screened from public ROW.• City may require the use be enclosed by a fence.
<ul style="list-style-type: none">• All Commercial Zones• RDP• ORP• ID-C• ID-RP	<ul style="list-style-type: none">• Special Exception	<ul style="list-style-type: none">• Screened from public view and any adjacent residential.• Evidence of compatibility with surrounding uses and structures.• Additional design elements may be required.• Plus, special exception approval criteria for basic utility uses.
<ul style="list-style-type: none">• P-1• P-2	<ul style="list-style-type: none">• Not allowed	<ul style="list-style-type: none">• N/A

² <https://www.urbangridsolar.com/solar-energy-faq-14-frequently-asked-questions-about-utility-scale-solar/>

³ Hawken, Paul. 2017. "Drawdown: The Most Comprehensive Plan Ever Proposed to Reverse Global Warming." New York: Penguin Books.

⁴ American Planning Association. "Planning for Utility-Scale Solar Energy Facilities". September 2019.

Solar uses in residential zones of the city are currently regulated as an accessory use to principal structures. The proposed text amendment would not change how roof-mounted or non-utility-scale solar uses are regulated as an accessory structure.

Proposed Code Amendments

The proposed code amendments are threefold. They include, crafting a definition for utility-scale ground-mounted solar energy systems (amending 14-9A-1), allowing utility-scale ground-mounted solar energy systems as a provisional use in Public zones (amending 14-2F-2C), and outlining additional use-specific approval criteria (amending 14-4B-4D). Furthermore, the proposed text amendments will still allow utility-scale ground-mounted solar energy systems as a provisional use in Industrial zones, and via special exception in Commercial and Research Park zones. However, with the proposed amendments, utility-scale ground-mounted solar energy system uses in these zones will also be subject to the additional approval criteria. Facilities that choose to locate in zones that require a special exception will need to also adhere to the special exception approval criteria required of basic utilities. In addition, facilities that locate in Public zones are subject to additional agreements with public land owners and may have additional requirements. Table 3.0 summarizes staff's proposed changes.

Table 3.0 – Proposed Specific Approval Criteria for Utility-Scale Ground-Mounted Solar Energy Systems

Zones:	Use Mechanism	Specific Approval Criteria:
<ul style="list-style-type: none"> ID-1 I-1 I-2 	<ul style="list-style-type: none"> Provisional 	<ul style="list-style-type: none"> Located at least 200' from any residential zone. Screened from public view and view of any residential zone. Exemptions from the S3 screening standard can be made for systems located in Public zones that are used in part for educational purposes. Setback at least 20' from all property lines, or minimum setback requirement for base zone. Enclosed by 6' – 8' fence.. Additional height for (3) horizontal strands of barbed wire fencing may be added. 15' max height. Full cutoff compliant lighting. Nonreflective surfaces required.
<ul style="list-style-type: none"> All Commercial Zones RDP ORP ID-RP 	<ul style="list-style-type: none"> Special Exception 	<ul style="list-style-type: none"> Located at least 200' from any residential zone. Screened from public view and view of any residential zone.

		<p>Exemptions from the S3 screening standard can be made for systems located in Public zones that are used in part for educational purposes.</p> <ul style="list-style-type: none"> • Setback at least 20' from all property lines, or minimum setback requirement for base zone. • Enclosed by 6' – 8' fence. Additional height for (3) horizontal strands of barbed wire fencing may be added. • 15' max height. • Full cutoff compliant lighting. • Nonreflective surfaces required. • Plus, special exception approval criteria for basic utility uses.
<ul style="list-style-type: none"> • P-1 • P-2 	<ul style="list-style-type: none"> • Provisional 	<ul style="list-style-type: none"> • Located at least 200' from any residential zone. • Screened from public view and view of any residential zone. Exemptions from the S3 screening standard can be made for systems located in Public zones that are used in part for educational purposes. • Setback at least 20' from all property lines, or minimum setback requirement for base zone. • Enclosed by 6' – 8' fence. Additional height for (3) horizontal strands of barbed wire fencing may be added. • 15' max height. • Full cutoff compliant lighting. • Nonreflective surfaces required.

The specific approval criteria outlined in Table 3.0 and listed in the amendment to 14-4B-4D in the attached draft text amendment (See Attachment #2) are generally compiled from the American Planning Association model ordinance and several municipal ordinances pertaining to utility-scale solar regulation.

Staff is recommending a 200' separation distance between any utility-scale ground-mounted solar energy system facility and any residential zone. This recommendation is a carry-over provision from the basic utilities section of the current city code. Without these proposed code amendments, any utility-scale solar energy system would be required to abide by this 200' setback distance from residential zones as a basic utility. Since the physical characteristics of a utility-scale solar facility resembles those of a basic utility, staff feels that this separation requirement also makes sense as we attempt to create a new land use for utility-scale ground-mounted solar energy systems.

In addition to the residential zone separation requirement, staff is recommending a minimum setback distance of 20' from all property lines, or the setback distance that is normally applied in the underlying base zone, whichever is greater. The proposed setback language is consistent with language staff reviewed in model solar ordinances.

Each model solar ordinance staff reviewed contained criteria requiring some sort of security fencing around the ground-mounted solar arrays that are used in utility-scale solar energy systems. An industry standard for security fencing typically involves a 6'-8' high fence, topped with 2-3 strands of barbed wire. Most solar companies are willing to provide these security measures to help protect their equipment. At this time, staff is recommending that a 6'-8' high fence be provided for the safety of the public, and to help protect the facility. Staff is looking to allow up to three strands of barbed wire on top of security fencing. Barbed wire strands will not be counted toward fencing height requirements. Model ordinances also gave a range in height of 10'-15' for utility-scale solar facilities⁵. Staff is choosing to cap the maximum height for utility-scale solar energy systems facilities at 15'.

Additional approval criteria are proposed to limit any light pollution and glare that might be caused by a solar array field. These criteria were borrowed from the American Planning Association's model ordinance for utility-scale solar energy facilities.⁶ With respect to omitted glare, solar arrays are designed to absorb as much solar energy as possible, therefore negative impacts from omitted glare are less likely.⁷ However, staff will continue to monitor the recommended additional approval criteria regarding light and glare to see if additional measures will be necessary in the future.

Rationale for Text Amendments

Staff recommends amending the City Code to allow for utility-scale ground-mounted solar energy systems in Public zones as an entry into possibly expanding the City's solar energy policies. These amendments will not have any effect on how smaller scale, residential and accessory solar facilities are permitted, as these facilities will continue to be permitted as accessory structures to the principal use and structure. As utility-scale ground-mounted solar energy systems are vast in size (generally more than 1-acre of land), they typically constitute the primary use on a parcel. Therefore, the City cannot use the same codification it uses for smaller scale, accessory solar.

⁵ American Planning Association. "Planning for Utility-Scale Solar Energy Facilities". September 2019.

⁶ American Planning Association. "Planning for Utility-Scale Solar Energy Facilities". September 2019.

⁷ <https://www.energy.gov/eere/solar/downloads/solar-pv-and-glare-factsheet>.

Staff believes that the proposed text amendments will create opportunities for public entities to consider incorporating solar facilities into their property to help offset traditional energy use and aide in the City's efforts to meet greenhouse gas emission reduction targets.

Comments from MidAmerican

Staff provided the draft text amendment to MidAmerican for their review and comment. MidAmerican's comments are provided in Attachment #3. Staff incorporated some, but not all of MidAmerican's suggested edits. Specifically, staff did not incorporate the following suggested edits (highlighted):

Utility-scale ground-mounted solar energy systems must be screened ~~from public view and~~ view of any adjacent residential zones to at least the S3 standard. A utility-scale ground-mounted solar energy system may be exempt from S3 screening requirements if the system is located in a Public zone and is used in part for educational purposes.

To the extent any required screening does not minimize glare, the exterior surfaces of utility-scale ground-mounted solar energy system panels shall have a finish to minimize glare and solar arrays shall be designed and installed to minimize glare, ~~without materially reducing energy production of the system~~, to a degree that no after image would impact vehicular traffic and any adjacent building.

Next Steps

Pending recommendation of approval from the Planning and Zoning Commission, the City Council must hold a public hearing to consider the proposed text amendments.

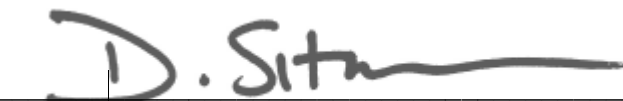
Recommendation

Staff recommends that the Planning and Zoning Commission approve the proposed text amendments to include utility-scale ground-mounted solar energy systems as an allowable provisional use in Interim Development Industrial (ID-1), General Industrial (I-1), Heavy Industrial (I-2), Neighborhood Public (P-1), and Institutional Public (P-2) zones, and via special exception in all Commercial zones as well as Interim Development Research Park (ID-RP), Research Development Park (RDP), and Office Research Park (ORP) zones.

Attachments:

1. Photo Examples of Utility-Scale Solar Energy Systems and Solar Arrays
2. Draft Text Amendment
3. Draft Text Amendment with MidAmerican Comments

Approved by: _____



Danielle Sitzman, AICP
Department of Neighborhood and Development Services







DRAFT Text Amendments – Utility-Scale Ground-Mounted Solar Energy Systems – Attachment #2

Amend Table 2C-1: Principal Uses Allowed in Commercial Zones, as follows:

Table 2C-1: Principal Uses Allowed in Commercial Zones

Use Categories	Subgroups	CO-1	CN-1	CH-1	CI-1	CC-2	CB-2	CB-5	CB-10	MU
Institutional and civic uses:										
<u>Utility-scale ground-mounted solar energy systems</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	

Amend Table 2D-1: Principal Uses Allowed in Industrial and Research Zones, as follows:

Table 2D-1: Principal Uses Allowed in Industrial and Research Zones

Use Categories	Subgroups	I-1	I-2	RDP	ORP
Institutional and civic uses:					
<u>Utility-scale ground-mounted solar energy systems</u>		<u>PR</u>	<u>PR</u>	<u>S</u>	<u>S</u>

Amend Table 2E-1: Principal Uses Allowed in Interim Development Zones, as follows:

Table 2E-1: Principal Uses Allowed in Interim Development Zones

Use Categories	Subgroups	ID-RS	ID-RM	ID-C	ID-I	ID-RP
Institutional and civic uses:						
<u>Utility-scale ground-mounted solar energy systems</u>				<u>S</u>	<u>PR</u>	<u>S</u>

Amend 14-2F-2C, Provisional Uses, as follows:

1. Privately-owned communication transmission facilities. (Ord. 09-4358, 10-20-2009)
2. Utility-scale ground-mounted solar energy system.

Amend 14-4A-6A, Basic Utility Uses, as follows:

1. Characteristics: "Basic utilities" are infrastructure services that need to be located in or near the area where the service is provided. Basic utility uses generally do not have a large number of employees at the site. Services may be publicly or privately provided.

2. Examples: Utility substation facilities, such as electric substations, gas regulator stations, telecommunications switching and relay facilities; water and sewer lift stations, water towers, and reservoirs.

3. Accessory Uses: Parking; control, monitoring, data or transmission equipment.

4. Exceptions:

a. Services where employees or the general public are generally present are classified as community service or office uses.

b. Utility offices where employees or customers are generally present are classified as office uses.

c. Bus barns are classified as warehouse and freight movement.

d. Communications towers, including radio, television, and wireless communications infrastructure, are classified as communication transmission facilities.

e. Utility-scale ground-mounted solar energy systems are not considered a basic utility use.

Amend 14-4B-4D, Institutional and Civic Uses, as follows:

18. Utility-Scale Ground-Mounted Solar Energy Systems:

a. Any utility-scale ground-mounted solar energy systems may not be located closer than 200' from any residential zone.

b. Utility-scale ground-mounted solar energy systems must be screened from public view and from view of any adjacent residential zones to at least the S3 standard. A utility-scale ground-mounted solar energy system may be exempt from S3 screening requirements if the system is located in a Public zone and is used in part for educational purposes.

c. Utility-scale ground-mounted solar energy systems may not be closer than 20' from all property lines, or according to the minimum setback requirements in the underlying base zone, whichever is greater.

d. Utility-scale ground-mounted solar energy systems shall be enclosed by security fencing. Fencing must be between 6' and 8' in height. Up to three (3) individual horizontal strands of barbed wire may be placed atop the fence. Barbed wire strands will not be included in the overall fence height measurement.

e. The maximum height of utility-scale ground-mounted solar energy systems shall be no greater than 15'.

f. Any on-site lighting provided for the operational phase of the utility-scale ground-mounted solar energy system shall be equipped with full cutoff fixtures, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.

g. Exterior surfaces of utility-scale ground-mounted solar energy system panels shall have a nonreflective finish to minimize glare and solar arrays shall be designed and installed to minimize glare to a degree that no after image would occur towards vehicular traffic and any adjacent building.

h. Any utility-scale ground-mounted solar energy system that intends to locate in a commercial (CO-1, CN-1, CH-1, CI-1, CC-2, CB-2, CB-5, CB-10), research (RDP), office park (ORP), or interim development zone (ID-C, ID-RP,) must also satisfy the approval criteria for a special exception for a basic utility set forth in Section 14-4B-4D-1b-(2).

Amend 14-9A-1, Definitions, as follows:

Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy.

Utility-Scale Ground-Mounted Solar Energy System: A solar energy system that is structurally mounted on the ground and is not roof mounted, and the system's footprint is at least 1 acre in size. Utility-scale ground-mounted solar energy systems may be used for both on-site and off-site consumption of energy.

DRAFT Text Amendments – Utility-Scale Ground-Mounted Solar Energy Systems – Attachment #3

Amend Table 2C-1: Principal Uses Allowed in Commercial Zones, as follows:

Table 2C-1: Principal Uses Allowed in Commercial Zones

Use Categories	Subgroups	CO-1	CN-1	CH-1	CI-1	CC-2	CB-2	CB-5	CB-10	MU
Institutional and civic uses:										
<u>Utility-scale ground-mounted solar energy systems</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	

Amend Table 2D-1: Principal Uses Allowed in Industrial and Research Zones, as follows:

Table 2D-1: Principal Uses Allowed in Industrial and Research Zones

Use Categories	Subgroups	I-1	I-2	RDP	ORP
Institutional and civic uses:					
<u>Utility-scale ground-mounted solar energy systems</u>		<u>PR</u>	<u>PR</u>	<u>S</u>	<u>S</u>

Amend Table 2E-1: Principal Uses Allowed in Interim Development Zones, as follows:

Table 2E-1: Principal Uses Allowed in Interim Development Zones

Use Categories	Subgroups	ID-RS	ID-RM	ID-C	ID-I	ID-RP
Institutional and civic uses:						
<u>Utility-scale ground-mounted solar energy systems</u>				<u>S</u>	<u>PR</u>	<u>S</u>

Amend 14-2F-2C, Provisional Uses, as follows:

1. Privately-owned communication transmission facilities. (Ord. 09-4358, 10-20-2009)
2. Utility-scale ground-mounted solar energy system.

Amend 14-4A-6A, Basic Utility Uses, as follows:

1. Characteristics: "Basic utilities" are infrastructure services that need to be located in or near the area where the service is provided. Basic utility uses generally do not have a large number of employees at the site. Services may be publicly or privately provided.

2. Examples: Utility substation facilities, such as electric substations, gas regulator stations, telecommunications switching and relay facilities; water and sewer lift stations, water towers, and reservoirs.

3. Accessory Uses: Parking; control, monitoring, data or transmission equipment.

4. Exceptions:

a. Services where employees or the general public are generally present are classified as community service or office uses.

b. Utility offices where employees or customers are generally present are classified as office uses.

c. Bus barns are classified as warehouse and freight movement.

d. Communications towers, including radio, television, and wireless communications infrastructure, are classified as communication transmission facilities.

e. Utility-scale ground-mounted solar energy systems are not considered a basic utility use.

Amend 14-4B-4D, Institutional and Civic Uses, as follows:

18. Utility-Scale Ground-Mounted Solar Energy Systems:

a. Any utility-scale ground-mounted solar energy systems may not be located closer than 200' from any residential zone.

b. Utility-scale ground-mounted solar energy systems must be screened ~~from public view and~~ from view of any adjacent residential zones to at least the S3 standard. A utility-scale ground-mounted solar energy system may be exempt from S3 screening requirements if the system is located in a Public zone and is used ~~in part~~ for educational purposes.

c. Utility-scale ground-mounted solar energy systems may not be closer than 20' from all property lines, or according to the minimum setback requirements in the underlying base zone, whichever is greater.

d. Utility-scale ground-mounted solar energy systems shall be enclosed by security fencing. Fencing must be between 6' and 8' in height. Up to three (3) individual horizontal strands of barbed wire may be placed atop the fence. Barbed wire strands will not be included in the overall fence height measurement.

e. The maximum height of utility-scale ground-mounted solar energy systems shall be no greater than 15'.

f. Any on-site lighting provided for the operational phase of the utility-scale ground-mounted solar energy system shall be equipped with full cutoff fixtures, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.

g. To the extent any required screening does not minimize glare, the exterior surfaces of utility-scale ground-mounted solar energy system panels shall have a ~~nonreflective~~ finish to minimize glare and solar arrays shall be designed and installed to ~~limit~~ minimize glare, without materially reducing energy production of the system, to a degree that no after image would occur towards impact vehicular traffic and any adjacent building.

h. Any utility-scale ground-mounted solar energy system that intends to locate in a commercial (CO-1, CN-1, CH-1, CI-1, CC-2, CB-2, CB-5, CB-10), research (RDP), office park (ORP), or interim development zone (ID-C, ID-RP,) must also satisfy the approval criteria for a special exception for a basic utility set forth in Section 14-4B-4D-1b-(2).

Amend 14-9A-1, Definitions, as follows:

Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy ~~for space heating, daylight for interior lighting, or water heating.~~

Utility-Scale Ground-Mounted Solar Energy System: A solar energy system that is structurally mounted on the ground and is not roof mounted, and ~~is at least~~ the system's footprint is at least 1 acre in size. Utility-scale ground-mounted solar energy systems may be used for both on-site and off-site consumption of energy.

**MINUTES
PLANNING AND ZONING COMMISSION
OCTOBER 17, 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: Eric Goers, Ray Heitner, Anne Russett

OTHERS PRESENT: Mike Oliveira

RECOMMENDATIONS TO CITY COUNCIL:

By a vote of 4-3 (Baker, Martin, Signs dissenting) the Commission recommends approval of ZCA-1904, Amendments to Title 14, Zoning of the Iowa City Code related to single- family site development standards with the amendment to exclude add ons that are strictly for sidewalk use and access to the dwelling and staff will work out the details.

By a vote of 6-1 (Townsend dissenting) the Commission recommends approval ZCA19-02, amendments to Title 14, Zoning of the Iowa City Code related to the Riverfront Crossings affordable housing requirements.

CALL TO ORDER:

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

PUBLIC DISCUSSION OF ANY ITEM NOT ON THE AGENDA:

None.

CASE NOS. ANN19-01 AND REZ19-01:

Applicant: Allen Homes, Inc.

Location: North of American Legion Road and east of Eastbrook Street

An application submitted by Allen Homes, Inc. for an annexation and rezoning from County Residential (R) to Interim Development – Single-Family Residential (ID-RS) for approximately 35.29 acres of land currently in unincorporated Johnson County and located north of American Legion Road and east of Eastbrook Street.

Heitner noted this is an application submitted by Allen Homes, Inc. for an annexation and rezoning from County Residential (R) to Interim Development – Single-Family Residential (ID-RS) for approximately 35.29 acres of land currently in unincorporated Johnson County and located north of American Legion Road and east of Eastbrook Street. Heitner stated the applicant is requesting deferral of this application. On September 16, staff forwarded a proposed condition for this rezoning which requested conveyance of a temporary construction easement

along the north side of American Legion Road. Due to an internal staff miscommunication this condition was not included in the staff report, however this afternoon staff informed the applicant that it intends to include the temporary construction easement as a condition of this rezoning. Upon hearing this news, the applicant requested a deferral of the application to allow for additional time to study the proposed temporary construction easement.

Parsons moved to defer ANN19-01 and REZ19-01 per the applicant's request. Townsend seconded the motion.

Signs asked for staff to also be prepared to talk about the plans for American Legion Road at the next meeting.

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

CASE NO. ZCA19-04:

Discussion of Amendments to Title 14, Zoning of the Iowa City Code related to single-family site development standards.

Russett stated the background on this proposed amendment is the City wants to have neighborhoods that provide a variety of housing choices and options for all residents and this can be challenging in the core of the community which is dominated by student housing. So the proposed text amendment is in response to a recent state legislation that limits local control of city's zoning and regulations related to neighborhood stabilization efforts. Russett showed a slide of the timeline of what has transpired over the past few years. In April 2017, the state legislature passed a bill prohibiting cities from enforcing any regulations that limit occupancy of rental property based on existence of familial status. In response to that legislation, in April 2018, the City adopted a neighborhood stabilization ordinance that made many changes to the Zoning Code. The changes included updating the rear setback requirements to discourage inappropriate additions in backyards, limiting the number of bedrooms in attached single family and duplexes to four and updating the private open space requirements for onsite open space. The City also moved to annual inspections for rental properties and increased nuisance and property maintenance enforcement. Lastly, the City adopted an ordinance that capped rental permits at 30% in certain neighborhoods for single family and duplexes. Then in April 2019, the state legislature passed a bill prohibiting cities from adopting or enforcing rental permit caps so therefore in May 2019 in response to that state legislation the City adopted a 10 month rental permit cap moratorium until March 2020 on the issuance of new rental permits for single family and duplex units in areas that exceed that 30% rental cap.

Russett noted the City adopted this moratorium in May with the following goals of new regulations in mind. One, to ensure single family detached structures and duplexes provide healthy and safe living environments; two, maintain neighborhood characteristics and housing options suitable for a diverse demographic in the City, particularly in older single family neighborhoods; and three, prevent the overburdening of City infrastructure and operational resources. Without the ability to regulate occupancy or enforce the rental permit cap staff has spent the last few months exploring other options and other ways to address concerns related to neighborhood stabilization. Due to the comprehensive nature of the 2018 Zoning Code Amendments, as well as the additional resources that have been put forth for nuisance

abatement and property maintenance enforcement, staff is only proposing one change towards Zoning Code at this time and it's related to single family site development standards and specifically, front yard paving and front yard setback for single family homes and duplexes. Russett showed a table with a summary of the current regulations and the proposed regulations. Currently, parking spaces are allowed in the front setback area as long as it leads directly to a parking space and at least 50% of the front setback area remains open space. Staff is proposing to keep the regulation moving forward but add an additional requirement that states that any additional paved areas must be separated by at least nine feet of open space from any of conforming parking spaces or aisles. Russett showed a picture of an example of what the City would like to avoid, a conforming parking space to the garage and the conforming space in front of that garage with another space. This particular property owner requested some additional paving to the left of that parking isle in that driveway for a grilling area, but they're using it for parking and that's the type of improvements to avoid. Of course the City wants property owners to be able to improve their site and to provide a patio and grilling areas and the like, but it shouldn't be used for parking. Russett showed other slides of properties that are examples of what they are trying to avoid. What staff is proposing some additional paving is allowed within that front setback area but it must be separated by at least nine feet of impervious surface from any of the conforming parking spaces. Additionally 50% of that front setbacks area must remain as open space. City staff has done some outreach on this proposed amendment and meetings have been held with the Greater Iowa City Landlord Association, the Iowa City Area Association of Realtors as well as the Neighborhood Council and no major issues have been raised with the proposed amendments.

Russett noted in terms of next steps after the Planning and Zoning Commission's recommendation this will go to City Council for a public hearing and consideration of the amendment.

Staff is recommending approval of the proposed text amendment related to additional paving in the front setback area of single family homes and duplexes.

Hensch stated he's always heard and presumed it's illegal to park in Iowa City in a front yard if it's on grass. Russett confirmed that was correct. Hensch asked how the actual dimensions were determined. He noted he does not like front parking at all and thinks it destroys the character of the neighborhood. Russett said staff was proposing nine feet as open space area between the conforming parking space and any in any additional paving based on current parking space dimensions. Currently, the standard parking space is nine feet by 18 feet and what they want to do is have it separation distance enough that discourages parking across the open space area so they settled on nine feet.

Baker assumed anything that already exists, like the example in the staff report, is grandfathered in and is not going to be affected. Russett confirmed that as long as it's a legal use and properly permitted. However in the example in the staff report, the additional paving allowed in that location was not permitted for parking so they cannot park there. Baker noted then the solution staff is proposing looks like they are just adding a driveway that has access to the street. Russett said it would be to the sidewalk so there would be no drive. Baker asked if somebody just wanted to put in concrete in their front yard and extend it to the sidewalk, how wide could that extension be. Russett stated the requirement is that no more than 50% of that front setback area can be paved, 50% has to be open space, so as long as they met that requirement they could add concrete to their front yard.

Baker stated he is having a hard time seeing how this amendment is going to change behavior, other than parking there's no other advantage to the homeowner adding a concrete slab in their front yard. Russett stated the City still wants to allow people to make those improvements if they need a patio space, it just can't be adjacent to the driveway and people park on it.

Martin noted there's so much that's already done, and when looking at the timeline of what's been going on with rental permits, how did the City come up with this solution as it doesn't correlate. Russett acknowledged they struggled with thinking about additional amendments that could be made to address the recent state legislation. The one thing they heard from the enforcement staff is that they're seeing additional paving in the community like additional paving adjacent to the driveway. While that is currently allowed, the paving can be there for a patio, it cannot be used for parking. However it is being used for parking and it's hard for enforcement staff to actually catch them in the act. It will be much easier for them to enforce this new standard, which states that there needs to be a separation distance. If this amendment gets adopted and someone paves right adjacent to their conforming drive aisle they automatically are in violation of the Zoning Code. Enforcement staff doesn't need to keep following up and driving past the property hoping they catch them in a violation.

Martin asked if there's been a rental house and now a single family is going to buy it and they've got two kids that are teenagers and are also driving. In the beginning statement a diverse demographic of people living in these neighborhoods was the reason for these change and that includes families too. Normal families may need additional parking because a modern family does not usually live on one car, parking then is an issue. Russett appreciated Martin's point about larger families who do need more parking, but currently, even if it was a larger family, they couldn't put additional parking next to their drive right now.

Baker feels this is still going to be an enforcement problem, people can say they are going to build a patio space but then use it for parking. Russett stated it is the City's enforcement staff who have to deal with these issues every day and with this amendment adding the additional separation requirement, it would be easy for our enforcement staff to go out and see there's no separation between the conforming drive and the additional paving, therefore it's a violation.

Hensch opened the public hearing.

Mike Oliveira (330 North Gilbert Street) stated one of the things this regulation creates is a problem for lots with the garage that sticks out in front of a house, as it appears on a typical Iowa City house. They have had an additional drive added to the side of the drive to a single or two garage to accommodate additional vehicles for the owner of the house or their teenage kids. Oliveira shared some examples he printed out from very high end homes listed at over a million dollars and worked his way down. This may be a knee jerk reaction to this situation where it would hurt other people down the road and Oliveira being a potential developer of a lot of infill lots sees this as a potential problem. He feels this amendment, the way it got worded needs some work. Oliveira showed an example at 925 Meadowlark Drive, it's listed for \$1,190,000 and it's an example of a house with their garage and additional sidewalk. For another house he saw listed it had a swimming pool or deck a violation, even though it was separated by a driveway by a fence, but it did not appear to have a nine foot separation. Oliveira feels the City's requirement of least 50% the front setback area must be open area accomplishes that purpose. The example slides would be grandfathered as legal conforming developments, so he feels the only purpose

of this ordinance change is to affect future development or alterations to a house. He showed more examples and reiterated the City needs to take more consideration on this recommendation.

Martin noted that looking at the Meadowlark property, would that be a problem in the future. Russett noted it would be helpful if Mr. Oliveira could point out on each of these examples what he thinks is would be an issue. Oliveira said he did add a narrative underneath base on the ordinance and what the problem is noting there are many different styles of houses in the community.

Russett doesn't see any issues with the 925 Meadowlark Drive example. Oliveira pointed out it would be the extension to the drive left of the garage, adding space there. If someone had a house like that, and had five kids, teenagers, they would want an extra place to park their cars and not tie up all the garages under that current ordinance, the way it's written one couldn't do that. Russett stated they actually could, what he is showing here would still be allowed under the proposed ordinance, it is a drive that is adjacent to a conforming parking space. There is a three stall garage and therefore they could have three cars behind those conforming garages.

Hensch closed the public hearing.

Parsons moved the Commission recommend approval of ZCA-1904, Amendments to Title 14, Zoning of the Iowa City Code related to single- family site development standards.

Signs seconded the motion.

Baker asked if a lot of these extensions are being built under these circumstances. Russett replied she doesn't know the exact number, but it has come up as an issue from the enforcement staff. Baker noted if this ordinance is passed, the existing ones are still going to have the same problem. Also if people are asking for patio spaces in their front yard, moving that patio space to the center of the yard is the logical consequence of the ordinance. Russett stated it would depend on the size of the lot and the location of the lot. This ordinance will prohibit in the future someone using a new patio as an extension of the existing driveway. The patio can be adjacent to the driveway, it just can't be in the front setback area.

Hensch confirmed this doesn't affect any existing structures unless it's currently being used improperly. Additionally it doesn't take away anybody's ability to put an impervious surface in their front area for fire pit, a picnic area, etc., as long as it isn't used as parking and 50% of the area is still open. Russett confirmed that was correct. Hensch noted the key issue is to make sure it's not a faint to create a parking space. If there is the nine foot separation, then it clearly is not a parking space and has to be used for whatever other purpose it is. He noted he has several friends who live on Johnson Street and it is just a cluster of cars in people's yards. It is a big problem with them regarding the quality of life. This ordinance is not going to solve all the problems because it doesn't address the issue of current structures that have the pavement there, but at least it can stop it from spreading.

Baker asked for one small clarification. Under the current regulations if somebody wanted to add a paved recreational area in the setback, they could do with no separation. With the new ordinance they can still add a paved recreation area in the setback, they just need a nine foot separation from any other pavement. Hensch confirmed a homeowner can do whatever they

want with their property such as a picnic area in the front or a grilling area. He acknowledged this may not solve a whole lot of problems, but it's at least a step.

Dyer stated the particular example in the staff report is in violation now. Russett confirmed the use of it as parking is a violation of the Zoning Code. The concrete isn't a violation, but the way they're using it is. So if an enforcer comes along and sees cars parked there they can issue a citation.

Martin feels then the goal is to put more cars on the street, which she acknowledges is a negative way to look at it but as a bicyclist and as someone who lives near downtown she would want more cars off of the street. Regardless, she cannot understand how this verbiage can help rental codes and make a difference in parking.

Russett clarified the proposed ordinance isn't changing how they currently allow and where they allow parking.

Signs agreed he doesn't like concrete in front yards either and feels putting a nine foot grass strip between it and some other concrete isn't going to stop any illegal parking. If there is an enforcement issue now, there will still be an enforcement issue later.

Townsend asked if this would also apply to those that sell their cars and boats on their front yards. Russett stated that is a whole other issue.

Hensch is not sure this will solve much of a problem because it doesn't do anything to fix existing structures, but it does clarify things for the future. It doesn't limit the options with the homeowner and it makes things easier to distinguish violations both for the homeowner and for the code enforcement officer. Hensch added they need to minimize the amount of concrete overall because of the whole storm water and the drainage issues. So even though he doesn't think this will solve much he will vote in favor of this.

Dyer does see it as a problem if someone wants to put a sidewalk right next to the driveway as in some of the illustrations that Mr. Oliveira brought forth. If someone added a garage and wanted a sidewalk from the garage to go beside that towards the front of the house to the front door that would seem to be a violation of this proposal and she doesn't see the problem with having a sidewalk.

Russett agrees with that and stated they could clarify the Code language to state that it doesn't apply to sidewalks, that additional paving wouldn't apply to sidewalks or any access to the to the home.

Hensch asked if they should amend the motion or is that just a note staff will take to City Council. Russett would like to discuss it further with staff.

Parsons moved to amend the motion to exclude add ons that are strictly for sidewalk use and access to the dwelling and staff will work out the details.

Signs concurred and seconded the amendment to the motion.

A vote was taken and the motion passed 4-3 (Baker, Martin, Signs dissenting).

CASE NO. ZCA19-02:

Discussion of Amendments to Title 14, Zoning of the Iowa City Code related to the Riverfront Crossings affordable housing requirements.

Russett began with background, in 2016 the City amended the Riverfront Crossings Code to include an affordable housing requirement. This applies to any residential projects that include 10 or more dwelling units. The affordable units must equal at least 10% of the total number of units in the project and those units must be affordable for a term of 10 years. The developer has some options on how that affordable housing is provided, it can be provided on site, off site, a fee in lieu could be paid or land contribution could be made. This requirement has been implemented for the past three years and staff has identified some issues with the existing ordinance. The first is that the definition of affordable rental housing excludes housing that has received Low Income Housing Tax Credits (LIHTC) from the Iowa Finance Authority. The second issue is that the definition of income eligible households does not cap non-retirement assets. Staff is proposing a couple changes mainly to the definitions of that Code. The first is to amend the definition of affordable rental housing to include housing that has received Low Income Housing Tax Credits (LIHTC) and it's rented to income eligible households so those units could be counted toward the affordable housing requirement. The second amendment is to amend the definition of income eligible household and clearly state that households with greater than \$100,000 in non-retirement assets are not eligible for affordable housing units. Non-retirement assets would include liquid assets such as a checking account, savings account, money market account, any property that they could sell, but it would not include any retirement savings.

Next steps: Pending recommendation from the Commission this will go to City Council for a public hearing.

Staff is recommending approval of the proposed text amendment related to the affordable housing requirements and the Riverfront Crossings Code.

Dyer asked what it means that it does not include housing that received low income tax credits, are the criteria for low income tax credits different from what is considered affordable housing. Russett explain there are a couple different standards, one is HOME HUD fair market rents for determining the rent limits and those are different than the rental limits and requirements of the LIHTC program. They are both affordable housing programs, but the standards are a little different. Dyer asked if this would increase or decrease the availability of affordable housing. Russett noted the low income housing tax credit is an incentive in the State that a lot of affordable housing developers use to leverage additional funds to get more housing, more affordable housing units in the City. Russett is unsure if it would be more or less, but it would clarify that there was a low income housing tax credit project Riverfront Crossings, those units could be considered part of that affordable housing requirement whereas now they aren't.

Parsons asked what the process is to verify someone's non-cash or income assets. Russett explained there is housing staff that request information on income, and that needs to be verified, they do it annually, and they work with either a property management group or whoever's renting those units. She noted there was a situation recently where someone was applying for an affordable housing unit and they had non-retirement assets, properties in various parts of the

country, but their income was low enough that they qualified. That situation was flagged and staff realized maybe they need to reconsider who would be eligible for these units.

Hensch asked for a project that's funded with LIHTC monies, does that entire project have to follow those low income guidelines for the entire project. Russett acknowledged that yes, they need to follow the terms of the program. So, for example, the Riverfront Crossings Code requires a 10 year term for the affordable units and the LIHTC programs requires 30 years so they would be subject to that 30 year requirement.

Townsend asked where the 10 year limit come from because is 10 years really a long enough period of time for someone who really needs affordable housing? Russett said that time period was developed back in 2016 when the Code was amended and they determined at that time at least 10% of the units need to be affordable for a 10 year term. Townsend questioned if it really effective and solving the problem if after 10 years the units are no longer affordable. She also asked if a developer pays a fee-in-lieu of low income affordable housing where that money goes and who determines how that money spent. Russett explained it goes to the City and housing staff keep track of the money that comes in and it needs to be spent in Riverfront Crossings for affordable housing. It goes into an affordable housing fund. Townsend asked with the contribution of land for affordable housing, who pays for the housing if housing is built on that land? Russett said they have not had anyone take advantage of that option yet so they haven't really seen that play out yet she would need to look to see how it is clarified in the Code.

Hensch opened the public hearing.

Mike Oliveira (330 North Gilbert Street) came forward to state he just got done reading a new book about the whole issue of inclusion. He is worried when the City says they are going to limit somebody that has savings of \$100,000. This is because there are some people out there of a different race, maybe not white, but maybe Hispanic, Chinese, different cultures that have different saving patterns, but are economically depressed, that would qualify for this. Even though they have over \$100,000 in savings, just because of their extended families, a lot live with them. Either additional parents didn't show kids. Oliveira noted there are a lot of Hispanics and South Americans dealing with Homeland Security and these families are saving to put money away because of that and they may reach that threshold and be disqualified. Oliveira feels the threshold needs to be raised not just an arbitrary number that staff may have come up with. He would like to see some data on the table, where staff arrived at the \$100,000 amount, was it from other cities, because he knows from living in Chicago for 22 years some of those programs are not that low on the criteria for some of the subsidized housing on asset based.

Hensch closed the public hearing.

Parsons moved for the Commission to approve ZCA19-02, amendments to Title 14, Zoning of the Iowa City Code related to the Riverfront Crossings affordable housing requirements.

Signs seconded the motion.

Signs clarified the 10 year piece came from lengthy conference committee of city staff, homebuilders and developers. There was a lot of give and take to try to get to the point of having this inclusionary housing period. The 10 years was part of that give and take. He agrees

with Townsend that it's not long enough by any stretch of the word, but that's a different issue than what they've got to deal with tonight.

Hensch asked given Sign's intimate knowledge of his whole involvement in that process, does he think the overlooking of the Iowa Finance Authority financing was just an oversight. Signs confirmed absolutely. He added they are seeing more of the LITHC being used now than back then, but because of the emphasis on affordable housing currently statewide and nationwide it's certainly a tool that we want to encourage the use of.

Townsend is not in favor, the developers are not giving us anything, they are getting more height to their buildings, which means they can build more units, which means they are going to get more money.

Signs noted however the LITHC requirement is 30 years of affordability, not just 10 year.

Dyer has thought for some time the developers have so many outs here that that it doesn't seem like affordable housing is likely to get built in Riverfront Crossings very often. The idea was for affordable housing there because it is close in to downtown and ideal for working people. She also wonders if, because of the really serious need for affordable housing now, if the resistance would be less now than there was a few years ago and they could expand on the 10 years. All over the country there's a shortage of affordable housing now, but at the time this was adopted the City was seeming to be so bold and intrusive on developers. Now it seems like everybody knows there's a shortage of affordable housing but that wasn't so evident at the time.

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

CONSIDERATION OF MEETING MINUTES: OCTOBER 3, 2019

Parsons moved to approve the meeting minutes of October 3, 2019.

Townsend seconded.

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

PLANNING AND ZONING INFORMATION:

Russett noted they had the Iowa APA conference last week in Iowa City and it was very well attended. There were over 200 registrants and then an additional 50 plus speakers with some great sessions.

Baker asked for an update on Council deliberations for the project down on South Gilbert and Prentis streets. Russett said that has not been approved yet, at the meeting on Tuesday they voted on the second reading of the regulating plan amendment and the first reading of the rezoning and those were both recommended for approval 7-0. But they still have to have a third reading on the regulating plan amendment and the second and third reading on the rezoning ordinance.

ADJOURNMENT:

Parsons moved to adjourn.

Townsend seconded.

A vote was taken and the motion passed 5-0.

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

	3/15	(W.S.) 4/2	4/5	(W.S.) 4/16	4/19	5/3	5/17	6/7	6/21	7/5	8/16	9/6	9/20	10/18	12/20	1/3
BAKER, LARRY	---	---	---	---	---	---	---	---	---	X	X	X	X	O/E	X	X
DYER, CAROLYN	O/E	X	O/E	X	X	X	X	X	O/E	X	O	O/E	O	X	X	X
FREERKS, ANN	X	X	X	X	X	O/E	X	X	X	'---	'---	'---	'---	'---	'---	'---
HENSCH, MIKE	O/E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
MARTIN, PHOEBE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	O/E
PARSONS, MAX	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	X	X
SIGNS, MARK	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
THEOBALD, JODIE	X	X	X	X	X	X	X	X	O/E	'---	'---	'---	'---	'---	'---	'---
TOWNSEND, BILLIE	---	---	---	---	---	---	---	---	---	X	X	X	X	X	O/E	X

	1/17	(W.S.) 2/4	2/21	3/7	3/21	4/4	4/18	5/16	6/6	6/20	7/18	8/15	9/5	10/3	10/17	
BAKER, LARRY	X	X	X	X	X	X	X	O/E	X	X	X	X	X	O/E	X	
DYER, CAROLYN	O/E	X	X	X	X	X	X	O/E	X	X	X	X	X	O/E	X	
FREERKS, ANN	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
HENSCH, MIKE	X	X	X	X	O/E	X	X	X	X	O/E	X	X	X	X	X	
MARTIN, PHOEBE	X	O/E	X	X	X	O/E	X	X	X	X	O/E	O/E	X	X	X	
PARSONS, MAX	X	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	
SIGNS, MARK	X	X	X	X	X	O/E	X	X	X	X	O/E	X	X	X	X	
THEOBALD, JODIE	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
TOWNSEND, BILLIE	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X	

KEY:

X = Present

O = Absent

O/E = Absent/Excused

--- = Not a Member