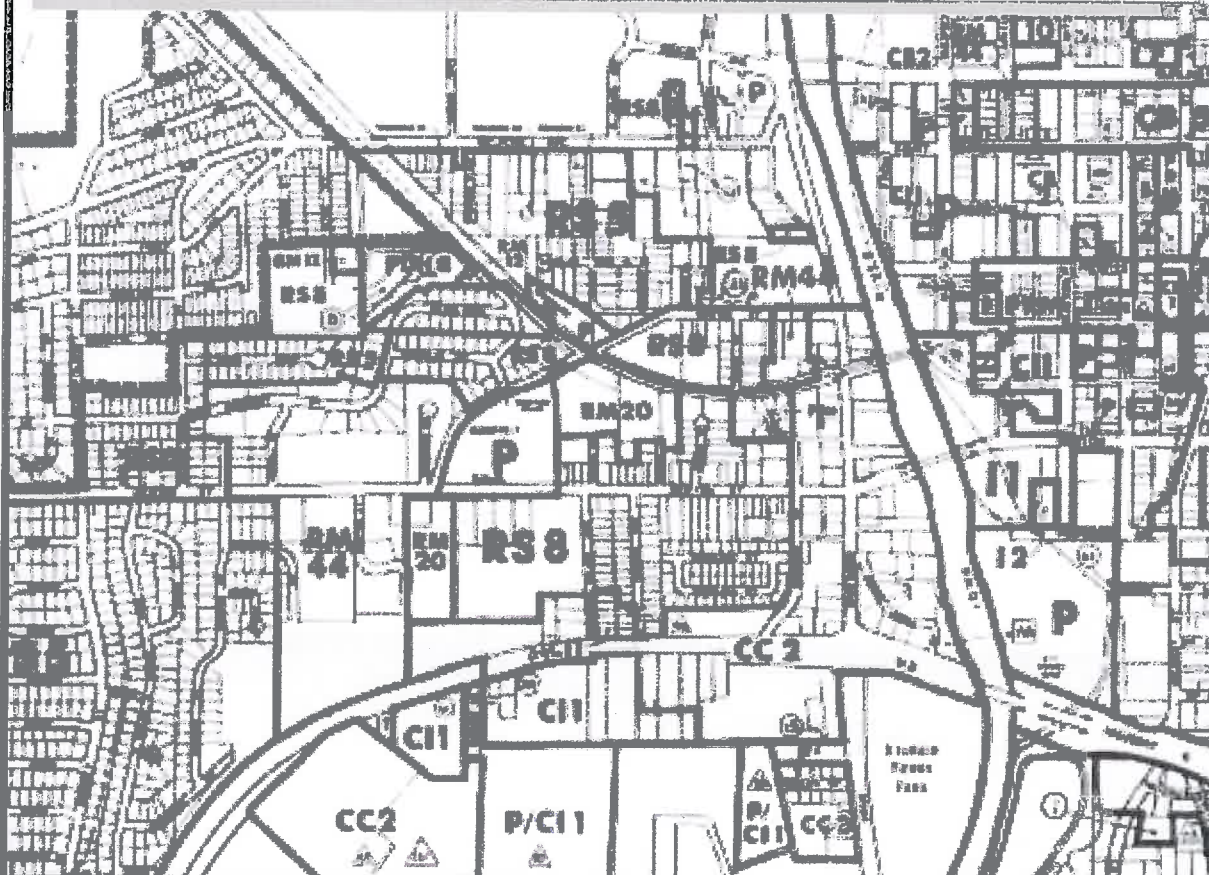


# Iowa City Planning & Zoning Commission

Formal Meeting  
Thursday, November 19, 2015  
7:00 PM

Iowa City Public Library – Meeting Room A  
123 S. Linn Street



Department of Neighborhood  
and  
Development Services



CITY OF IOWA CITY  
UNESCO CITY OF LITERATURE

*Staff Reports*

# PLANNING AND ZONING COMMISSION

Thursday, November 19, 2015 - 7:00 PM

Formal Meeting

Meeting Room A

Iowa City Public Library

123 South Linn Street

**REVISED**

## AGENDA:

### A. Call to Order

### B. Roll Call

### C. Public Discussion of Any Item Not on the Agenda

### D. Rezoning Item

Discussion of an application submitted by Built to Suit for a rezoning from Community Office (CO-1) zone to Intensive Commercial (CI-1) zone for approximately 7.98 acres of property located east of Mormon Trek Blvd between Grace Drive and Eagle View Drive. (REZ15-00021)

### E. Vacation Item

Discussion of an application submitted by Kum & Go L.C. for a vacation of a remnant portion of alley right of way running north and south between 124 W. Benton Street and 731 S. Riverside Drive. (VAC15-00006)

### F. Consideration of Meeting Minutes: November 5, 2015

### G. Planning & Zoning Information

### H. Adjournment



# CITY OF IOWA CITY MEMORANDUM

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Date: November 15, 2015

To: Planning and Zoning Commission

From: John Yapp, Development Services Coordinator

Re: REZ15-00021: An application submitted by Build to Suit for a rezoning from Community Office (CO-1) zone to Intensive Commercial (CI-1) zone for approximately 7.98 acres of property located east of Mormon Trek Boulevard between Grace Drive and Eagle View Drive

## Introduction

On Friday November 13, Staff attended a meeting with the applicant of REZ15-00021 and neighbors / interested parties. The applicant presented their concept plans for the project, which consists of a medical clinic, pharmacy, mother's milk bank, a warehousing / distribution component, and ancillary uses. The concept plans are attached.

At the Commission's November 5 meeting, the Commission heard concerns regarding the CI-1 zone, the types of uses it could allow, and the potential impact development would have on the George Dane Trust property to the south east of the subject property. According to a letter submitted by the Iowa Natural Heritage Foundation, the George Dane Trust property is bequeathed to the Heritage Foundation with a life estate for Mr. Dane's children and grandchildren.

## Discussion of Solutions

Because the CI-1 Zone normally would allow outdoor storage of materials and associated outdoor activity associated with said materials, staff recommends a condition that no outdoor storage of materials be permitted. Regarding lighting, normally exterior lighting is permitted to be as tall as 35' above grade if they are more than 300' from a residential zone. For this property, given the concerns which were expressed regarding lighting, staff recommends exterior lights be permitted to be no more than 25' above grade (other normal lighting requirements, including parking lot lights being required to be downcast and shielded, will also apply).

## Recommendation

Staff recommends approval of REZ15-00021, an application submitted by Build to Suit for a rezoning from Community Office (CO-1) zone to Intensive Commercial (CI-1) zone for approximately 7.98 acres of property located east of Mormon Trek Boulevard between Grace Drive and Eagle View Drive, subject to:

- General conformance with the conceptual site plan
- No outdoor storage being permitted on the property
- Exterior lights being no more than 25' (feet) in height above grade

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

Doug Boothroy, Director  
Department of Neighborhood and Development Services

Attachment

# UIHC at Mormon Trek

11.13.2015









NE VIEW FROM NORTHEAST  
NO SCALE  
11.13.2015







SW VIEW FROM SOUTHWEST  
NO SCALE  
11.13.2015







SW AERIAL VIEW  
NO SCALE  
11.13.2015





E

VIEW FROM EAST  
NO SCALE  
11.13.2015



## STAFF REPORT

To: Planning & Zoning Commission

Prepared by: Martina Wolf, Planning Intern

Item: VAC15-00006, Kum & Go Alley

Date: November 19, 2015

### GENERAL INFORMATION:

Applicant:

Kum & Go, L.C.  
6400 Westown Parkway  
West Des Moines, IA 50266  
(515) 457-6290

Contact Person:

Michael Lee  
3405 SE Crossroads Drive, Suite E  
Grimes, Iowa, 50111  
(515) 369-440

Requested Action:

Vacation of portion of alley

Purpose:

Combine surrounding parcels for redevelopment

Location:

Between 124 Benton St. and 731 Riverside Dr.

Size:

Approx. 390 SF

Existing Land Use and Zoning:

CC-2 and West Riverfront Subdistrict (RFC-WR)

Surrounding Land Use and Zoning:

North:  
South:  
East:  
West:

Comprehensive Plan:

Downtown Riverfront Crossings Master Plan

File Date:

October 29, 2015

### BACKGROUND INFORMATION:

The applicant, Kum & Go, is requesting vacation of a remnant piece of alley right of way running north and south between 124 W Benton Street and 731 S Riverside Drive. All neighboring portions of the right of way have previously been vacated, and it appears as though this particular portion was omitted from previous vacations. The vacation is requested to allow the applicant to combine the surrounding parcels into one parcel under common ownership for redevelopment.

### ANALYSIS:

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

- a) Impact on pedestrian and vehicular access and circulation;
- b) Impact on emergency and utility vehicle access and circulation;
- c) Impact on access of adjacent private properties;
- d) Desirability of right-of-way for access or circulation needs;

- e) Location of utilities and other easements or restrictions on the property;
- f) Any other relevant factors pertaining to the specific requested vacation.

**a) Vehicular and pedestrian circulation and access to private property:**

This right of way is not used for pedestrian or vehicular traffic circulation. The right of way is a remnant parcel, and due to its small size does not function to provide traffic circulation. The owner of surrounding property, Kum and Go, plans to incorporate the right of way into their property. While unrelated to the specific vacation request, as a condition of the recent rezoning for the Kum and Go property, Kum and Go is required to dedicate 10-feet of right of way along the frontages of their property.

**b) Emergency and utility and service access:**

Emergency, utility, and service access to surrounding property will not be impacted by the vacation.

**c) Impact on access of adjacent private properties**

Kum & Go owns all properties adjacent to the right of way and with this vacation, can unify the surrounding parcels into one.

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

The right of way is not needed for access or circulation. It is a remnant parcel that became known to staff during the evaluation of the Kum and Go project.

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

Letters were sent to MidAmerican, Centurylink, and Mediacom to see if utilities are present along the alley. To date, no utilities have been identified.

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

There do not appear to be other factors that warrant the retention of this portion of this right of way.

**STAFF RECOMMENDATION:** Staff recommends approval of VAC15-00006, a vacation of approximately 390 square feet of right of way running north-south between 124 Benton Street and 731 Riverside Drive.

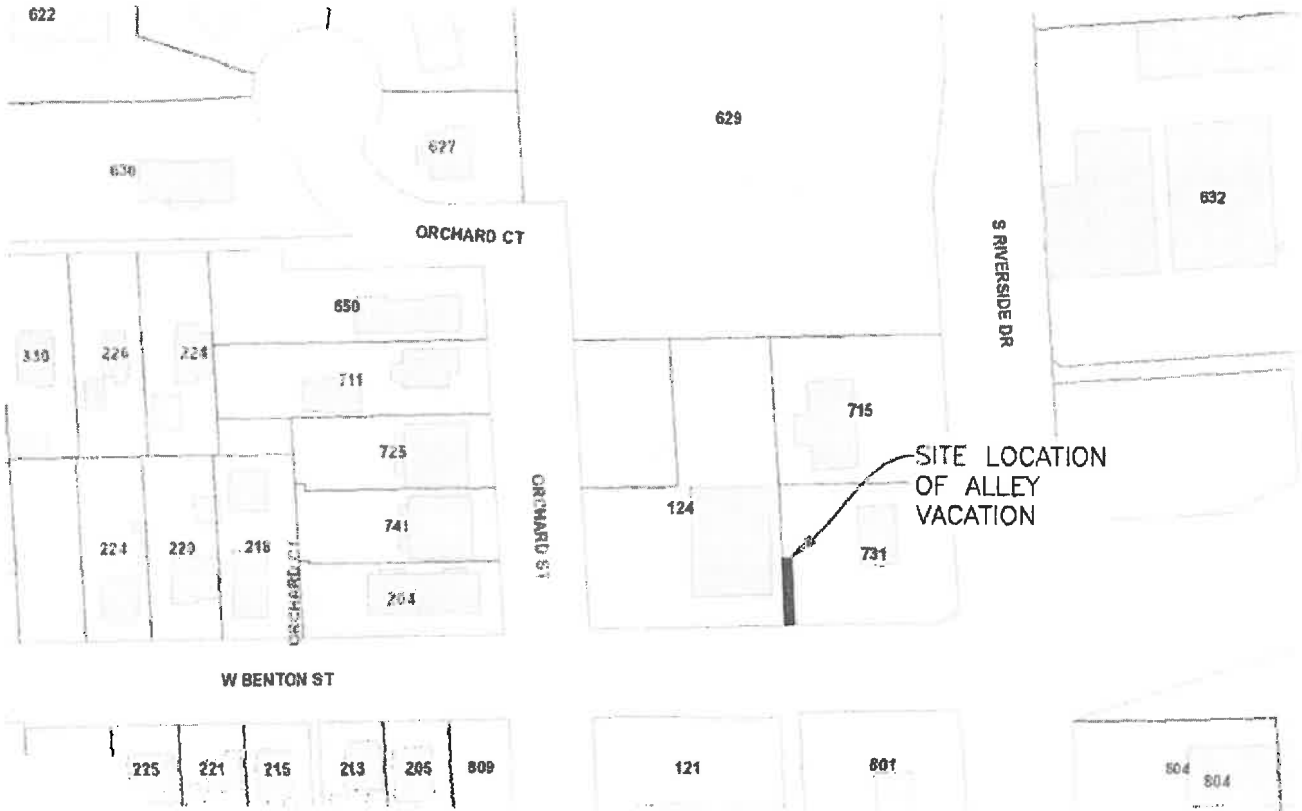
**ATTACHMENTS:**

Location map

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



John Yapp, Development Services Coordinator,  
Department of Neighborhood and Development Services



2016 OCT 29 AM 11:53  
CIVIL DESIGN ADVANTAGE  
IOWA CITY, IOWA  
SCALE (FEET)  
0 150'



VAC15-00006: Aerial View / Location of remnant right of way proposed for vacation





**MINUTES  
PLANNING AND ZONING COMMISSION  
NOVEMBER 5, 2015 – 7:00 PM – FORMAL  
EMMA J. HARVAT HALL, CITY HALL**

**PRELIMINARY**

**MEMBERS PRESENT:** Carolyn Dyer, Charlie Eastham, Mike Hensch, Max Parsons, Jodie Theobald

**MEMBERS ABSENT:** Ann Freerks, Phoebe Martin

**STAFF PRESENT:** Sara Hektoen, Karen Howard, Martina Wolf, John Yapp

**OTHERS PRESENT:** Kevin Digmann, Jane Driscoll, Ben Logsdon, Dan Tiedt, Carolyn Wallace, Nick Lindsley

**RECOMMENDATIONS TO CITY COUNCIL:**

By a vote of 4-1 (Eastham voting no) the Commission recommends approval of REZ15-00020, a proposal to rezone approximately 1.03 acres of property located within the 600 block of South Dubuque Street from Community Commercial (CC-2) to Riverfront Crossing-Central Crossings (RFC-CX), subject to the condition as stated in the staff report.

By a vote of 5-0 the Commission recommends approval of VAC15-00005, a vacation of approximately 4,200 cubic feet of airspace (from 25 feet above pavement grade to 46 feet above said grade) above the alley running north-south between East Harrison and East Prentiss Streets to allow for the installation of a pedestrian walkway connecting MidWestOne Bank and a municipal parking facility.

**CALL TO ORDER:**

The meeting was called to order at 7:00 PM.

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

There were none

**REZONING ITEM (REZ15-00020):**

Discussion of an application submitted by HD Capital Partners, LLC for a rezoning from Community Commercial (CC-2) zone to Riverfront Crossings - Central Crossing Subdistrict (RFC-CX) zone for approximately 1.03 acres of property located at 602, 604, 608, 610, 614, 620, 628 South Dubuque Street.

Howard stated this item was deferred at the last meeting and began by showing a map of the area of the proposed rezoning and what the existing zonings in the area currently are. She noted the Community Commercial zone is the general commercial zone for Iowa City and does not have a lot of design standards. It is the same zoning that is along Highway 6 and Highway 1 in Iowa City and does not allow only 15 units per acre by special exception. In contrast, in Riverfront Crossings, the Central Crossings Subdistrict zone has form-based zoning standards

for building and parking placement and fairly extensive building design standards. The zone allows a maximum of 4 stories with a 10-foot setback above the 3<sup>rd</sup> floor. It allows a mix of uses, in this particular area there is a requirement for a retail frontage on the south end of the Dubuque Street frontage.

Howard refreshed the Commission on the elements that are in the form-based code, and how those standards would relate to buildings on this site if it were rezoned. The applicant submitted a schematic site plan, building elevations, and some general information regarding their intent for redevelopment of the property. Howard said there is a regulating plan with the form-based code that specifies the primary street; which in this case is Dubuque Street. According to the regulating plan, a retail frontage is required on the ground level floor of the southernmost building. The form-based code has specific standards for placement of buildings and parking. Parking must be located behind off an alley with active building space located at the front of the lot. Buildings must be built toward the front of the lot and meet standards for front entrances designed to meet the building type. The density in Riverfront Crossings is controlled by building height and the parking requirements. Builders must be able to meet the parking requirements for the number of residential units and also the height limitations in each subdistrict. In this particular case there is a four-story height limit with a step-back on the façade on the fourth level which gives it a general three-story height character of the district. The step-back creates a visual change from a pedestrian view. Howard said the form-based code is mostly focused on the form of the buildings, the parking placement and building design, less on the land uses allowed. There is a broad range of uses that can locate in buildings over time and the uses can be mixed both vertically (ground level commercial and residential above) or horizontally with a commercial building right next to a residential building. It is mostly up to the developer as to what they think will be most successful. There are a lot of building types that are allowed in Riverfront Crossings and each one of the subdistricts of Riverfront Crossings lists the building types allowed in each subdistrict. In this case the developer has an interest on building a multi-dwelling building to the north and a mixed-use building on the southern portion of the block. Associated with those building types there are certain frontage types that they can choose from but each as specific standards. The building frontage requirement is one of the most important requirements of a form-based code, it is the transition of the public space along the street to the private space of the property, the transition from outdoor to indoor, and the design treatment of the first floor building façade, the configuration of the façade projections and the disposition of entranceways and other front yard improvements between the building and the public sidewalk.

Howard explained that in this application the storefront frontage would apply to any building on the south end of Dubuque Street and showed images of good store front designs. Eastham asked if the storefront elements Howard was showing were required by the form-based code and Howard replied that they were. For example, the form-based code specifies how much window coverage there must be; in this case 70% window coverage on the ground floor, with an entrance every 50 feet, entrances must be at grade, and there is a minimum floor to ceiling height of 14 feet on the ground level floor.

Howard explained that for multi dwelling buildings there are several different frontage types. If it is a building where you enter into a lobby and then go up an elevator or stairways to get to the units it would need a portico frontage. Stoop frontages are allowed for individual entrances, and some buildings can incorporate both portico and stoop frontages. Terrace frontages may also be used for individual entrances into units. Each of these types of entrances require specific landscaping as well.

Howard stated there are detailed design standards in the form-based code, building articulation standards, building entryway standards, and building materials. There is also an open space code requirement which in Riverfront Crossings is 10 square feet per bedroom, so it will depend on the number of bedrooms/units on the site. That open space requirement can be met in a number of different ways, it can be ground level, or it can be up on a terrace or rooftop.

Howard explained that with regards to this particular application, the question is whether the requested zoning is consistent with the Comprehensive Plan. In this particular situation the Comprehensive Plan that applies is the Riverfront Crossings Master Plan. So this application must meet the goals and objectives stated in the Plan, encouraging contextual infill, leveraging future investments in transit through higher density development, to restore and enhance conditions along Ralston Creek, to promote additional housing options and to improve the quality of residential design.

Howard noted that the plan map shown in the Riverfront Crossings Master Plan was intended to demonstrate one way the Plan's goals could be met.

Howard stated the applicant has provided a more detailed plan for the development than was shown at the last meeting. It shows two buildings with a 35 foot space between the two buildings that would be configured as a pedestrian street. A U-shaped mixed use building on the south has retail in the front with residential behind and above and that building would have useable open space for the residents that would be configured as a rear courtyard between the wings of the building. The building to the north is shown as a multi-dwelling building with the main entrance off the open space that would be configured as a pedestrian street between the two buildings. These open spaces would be located on top of a below grade parking structure that is accessed from the rear alley. The minimum front and side setbacks are 10 feet and a 5 foot setback is required from the rear alley. Howard showed the conceptual elevation drawings of the proposed buildings, showing the character and scale of the buildings.

In the Staff review they looked at if the application achieves the goals of the Plan and felt it does generally but thinks there is a need for additional open space on the property over and above what is required in the code, to respond to the context, character and scale of the neighborhood and existing lot and block pattern. In addition, a mid-block break between the buildings will provide a higher quality living environment for residents.

Staff recommends approval of REZ15-00020, a proposal to rezone approximately 1.03 acres of property located within the 600 block of South Dubuque Street from Community Commercial (CC-2) to Riverfront Crossing-Central Crossings (RFC-CX), subject to the following condition:

Mid-block shared, useable open space is required between the buildings and between building wings as conceptually shown on the submitted site plan. The mid-block space between the buildings must be at least 35' wide and must be designed as a "private pedestrian street" as set forth in the form-based code and also meet the design standards for "open space" as set forth in the form-based code. Courtyard space between building wings must be a minimum 35' in width and must be configured as shared usable open space meeting the design standards in the form-based code.

Dyer asked if there were any provisions for handicap accessibility on the street side and residential since the stoops and porticos are all up steps. Howard said every multi-family building is required by City Code to have accessible entrances so that will need to be shown in

the final plans.

Eastham asked if the accessible requirement could be fulfilled by having an elevator from the garage entrance into the building. Howard answered that the building would have to be accessible from both the garage and pedestrian entrances.

Hensch asked about the below grade parking with entrance to the rear of the building and how the determination was made for the required number of spaces. Howard said it is based on the number of units and the number of bedrooms and in the Central Crossings District the requirement is 0.75 parking spaces for one bedroom units, 1.5 spaces for 2 bedroom units and 2.5 spaces for a 3 bedroom unit.

Eastham asked about the recommendations to require garage doors of some type on the garage entrances and if that was required by the Code. Howard said they are not required by the Code but developers tend to put them in and the applicant can better answer that question.

Eastham then asked about the side of the building on the south, which will be next to the railroad tracks, and if that side of the building is only required to be setback 10 feet even if it is next to a railroad right-of-way. Howard said the railroad right-of-way is pretty wide so it's not like the building will be right next to the railroad tracks. She suggested the applicant could comment on types of materials they have used in other situations when buildings are built next to railroad tracks. Eastham noted concern if children live in the building.

Eastham noted that Freerks raised the questions at the last meeting the provisions of the Riverfront Crossings Master Plan regarding existing business placement and providing some tools or strategies to help existing businesses remain in this area. He asked how that is met in this particular application. Howard explained that the zoning will not control the displacement of businesses, it would have to be solved by some other policy means. Eastham asked if it could be a conditional zoning. Howard said that would be difficult to enforce because they do not know what the desires of the existing tenants are in this situation. Hektoen agreed that was beyond the realm of zoning and into other policies. Dyer asked what other policies would address this issue. Howard said there could be incentive programs or relocation assistance programs.

Eastham opened the public hearing.

Kevin Digmann (HD Capital Partners, LLC) first wanted to address a couple of the questions that were raised. With regards to the handicap accessibility, they do show a couple of stoops on the residential building but the main entrance to both buildings would be off the courtyard and pedestrian street between the buildings which would be handicap accessible. The units with stoops out front will also have an access to from a corridor to the rear of the unit that would be handicap accessible. Because of the elevation change of the lot (from Dubuque Street to the alley behind is more than a 20 foot drop), they are proposing one or two levels of parking behind there that would have elevators. Digmann noted that with regards to the property line along the south building next to the railroad tracks, the proposed building will actually be 10 feet more north than the current building that is there now (because it is built on the property line) and for noise reduction they will use laminate windows that are three panes thick to abate the noise. Digmann stated that they have worked with the current commercial tenants on the property and the current tenants have leases until May 2017 so Digmann's group will complete the development in phases to not disturb the tenants. They have also offered up vacant space in



other buildings for the commercial tenants to move to, but none of them have shown any interest. Digmann noted that his group took the notes from the Commissioners at the last meeting and have come back with more details and efforts to accomplish all the requirements of the Riverfront Crossings Plan. He also noted that the residential units will be marketed towards young professionals, not that no students will live there, but the units will be more upscale and attractive to young professionals.

Hensch asked about the sloping of the lot and would the buildings be at only one level. Digmann said yes and the courtyards will have a retaining wall and fencing for safety due to the sloping of the lot

Dyer asked if Digmann anticipated the residential units being rentals or condos. Digmann said they would be set up as condominiums originally but the market will dictate if they will be sold or rented. Dyer asked if there would be any affordable housing units. Digmann said that has not been decided, they have talked to the City about details for those types of units and what bonus opportunities they would receive for having affordable housing units.

Yapp noted that City Council has provided staff to prepare an inclusionary housing ordinance for the Riverfront Crossings District that would require affordable units for new projects. If that is in place prior to this project commencing then they would have to meet that requirement.

Hensch asked what percent of the units would be three bedrooms. Digmann said about 50-60% would be two-bedroom units, 20-25% will be one-bedroom units, and 20-25% will be three-bedroom units.

Hensch noted that most of the commercial tenants on that block have already moved out of their spaces. Digmann said that was correct. Racketmaster was still there, the bike shops lease runs out in December and he bought a property on Gilbert Street and will move there. Theobald asked about the other commercial shops along that property. Digmann answered yes at the other end of the property there is a shoe repair shop, a hair place, and an alterations place and those are the businesses that have leases until May 2017 so that area of the development will be part of a phase two of the project. Theobald asked if Digmann anticipated the rents being substantially higher in the retail spaces of the new developments. Digmann replied yes, the current rents those tenants are paying are substantially below current market rates. Dyer noted that is the concern with this project, the displacement of businesses that cannot afford brand new storefronts and the community needs to accommodate them. Digmann agreed and said if someone wants to subsidize a commercial business they would accept them as a tenant but as a private developer they have to meet their costs needs.

Eastham asked if the entrances to all the residential spaces will from the building courtyard or front, none from the U-shape open space area. Digmann confirmed that was correct. He also noted that the common greenspace was about 7000 square feet and with regards to City Code that would accommodate almost 700 bedrooms and they will not be close to that with this project.

Theobald asked about the garage doors. Digmann said they will put in garage doors so that they have secure buildings, there will be secure access to the buildings on all entrances.

Dyer asked if they had any renderings of what the back of the buildings would be like, because of the height of the lot and buildings it will be visible when the creek is developed. Digmann

said it will be a decorative retaining wall with garage doors, it will not be an eyesore. Parsons noted that there was something in the Code that specifies what materials the building has to be so it would not be an eyesore. Howard confirmed noting there were more standards for fronts of buildings but this plan will have to go through design review and Staff always reviews all sides and elevations of the buildings. She acknowledged that the parking level is often less ornamental than the residential levels but they will review the whole plan to make sure it meets the intent of the Code. Eastham asked about the north side of the building, Howard said that is a street facing side of the building so it would need to meet all the design standards. Eastham asked about the south side of the first building, facing the pedestrian walkway. Howard said that was not a street facing side so it does not require as much windows, but since this will be a residential building every bedroom is required to have a window. Digmann noted that they would use similar window coverage on all four sides of the buildings with the exception of the commercial space that will meet those particular design standards. Dyer noted her concern that the back of the buildings will be visible and not typical building backsides, so it should be treated the same as a street facing side. Howard said a garage structure parking is required in the Code to be designed to have character of a residential building and appear to be part of the design of the building. Howard reiterated that Staff will review the proposed design elements of the buildings, including elevations of all four sides and sample materials.

Eastham closed the public hearing.

**Hensch moved to approve REZ15-00020, a proposal to rezone approximately 1.03 acres of property located within the 600 block of South Dubuque Street from Community Commercial (CC-2) to Riverfront Crossing-Central Crossings (RFC-CX), subject to the condition as stated in the staff report.**

**Theobald seconded the motion.**

Hensch noted that from Digmann and Staff's presentations it's been shown compliance with the Master Plan objectives and assesses the character and development programs for the Central Crossings District. Parsons agreed with that statement.

Theobald agreed but noted her concern that the area will lose its character of the existing small businesses that are located there as it is a diverse mix of businesses.

Dyer stated her appreciation for the elevations and feels it will be a good addition to the downtown area.

Eastham also appreciates the elevations and the potential building design and the expansion of the gaps between the buildings from 30 to 35 feet but has a concern about the distance from the building to the railroad right-of-way being only 10 feet. In other residential areas of the city the distance from the railroad right-of-way and the houses is closer to 20 or 25 feet. He said one of the issues with this application is the major use of these two buildings will be residential and if they are to be attractive to families with children the proximity to the railroad tracks will be an issue. He feels the building could be shifted 5 feet, even if that meant reducing the gap between the buildings or shortening the length of the building. Eastham noted additional concern about lack of assisting existing commercial users to either relocate to another space in this area or somewhere else in town or to eventually be placed into the new building. He reiterated that the Master Plan for this area is very specific stating "tools and strategies should be developed to help existing businesses remain in the area in assisting them in finding new

locations that better meet their business goals". Eastham noted he feels that is an obligation on part of the City and Staff has not addressed that. It is a lack of infrastructure support in this and other rezoning applications. He would be much more comfortable if the Staff could address those tools and strategies before construction begins or current leases expire. Since this language is in the Master Plan, the City does have some obligation to develop assistance for such situations. He hopes Council notices that when this application comes before them. Dyer noted this is the first project in Riverfront Crossings to deal with this situation but it will come up again in future developments in the area.

**A vote was taken and the motion carried 4-1 (Eastham dissenting).**

**REZONING ITEM (REZ15-00021):**

Discussion of an application submitted by Built to Suit for a rezoning from Community Office (CO-1) zone to Intensive Commercial (CI-1) zone for approximately 7.98 acres of property located east of Mormon Trek Blvd between Grace Drive and Eagle View Drive.

Yapp introduced Martina Wolf an intern and graduate student at The University of Iowa. Wolf presented the staff report. Build to Suit would like to build a medical office, pharmacy and a warehouse they would be distributing medical equipment out of on the property. When this property was first annexed in 2003 it was originally zoned intensive commercial and then was zoned to commercial office in 2007. Intensive commercial zoning allows commercial uses including outdoor storage and warehousing. Wolf showed maps and aerial photos of the area. The South Central District Plan reflect that either intensive commercial and/or office commercial would be appropriate for this area. Staff believes Mormon Trek Boulevard is more than capable of handling any increase in vehicle traffic.

Staff recommends that REZ15-00021, an application to rezone 7.98 acres of land generally located east of Mormon Trek Boulevard between Grace Drive and Eagle View Drive be approved.

Yapp added that when the applicant first came to the City with their project for a medical clinic the majority of the uses in the medical clinic would be permitted in the existing commercial office zoning. It is the warehouse storage and distribution of medical equipment portion of the clinic that led to the application for rezoning to CI-1, Intensive Commercial zoning. Warehousing and distribution of supplies to other clinic is not permitted in the existing Commercial Office Zone.

Hensch asked if it is just the distribution of medical equipment but not any retail aspects. Yapp said the pharmacy in the clinic would be considered an accessory retail use.

Dyer asked about what type of medical equipment would be housed there. Yapp said the applicant could answer those specifics.

Hensch noted that Dane Road (to the east) appears to be just a chip-seal road and not in very good repair, and asked where the retail customers would be driving to. Yapp said access to the property would be off Grace Drive and Eagle View Drive which are both streets improved to public standards. Hensch asked if Dane Road was on any of the City's five or ten year plans for improvement. Yapp said it is not.

Parsons noted there was a section of Dane Road that is separate from the main Dane Road and wondered if the two were ever to be connected. Yapp said there are no plans to extend it to the north or south but it does provide access to the properties to the east that are currently outside of City limits.

Eastham asked if there would be sidewalk requirements when this parcel is subdivided. Yapp said that yes, sidewalks will be required.

Eastham asked if the staff cared to comment on the letter received Lisa Hine from the Iowa National Heritage Foundation. Yapp said the letter indicated that land held by the George Dane Trust is bequeathed to the Iowa National Heritage Foundation and that property is to the southeast of this property and have asked land use zoning and transportation plans when they are amended take this bequeathment into account. That property is currently in Johnson County and not Iowa City but the next time they amend their land use map they will reflect this bequest. Eastham asked how the Commission was supposed to consider the letter amongst their deliberations. Hetkeon said it is just a letter for information purposes it does not prevent the Commission from considering or approving the rezoning application. Hensch asked Yapp to show on the map exactly where the parcel of land was located.

Eastham opened the public hearing.

Ben Logsdon (Build to Suit) said the original project was a medical office for the University to bring several different practices to the building. Part of what evolved was need for retail of some medical equipment, wheelchairs and such, and to also store more medical supplies in bulk. The lot slopes so the building will have a walkout basement and storage will be on the lower level east side of the building. There will be a family practice use in the building, a dialysis area, a pharmacy and Mothers Milk Bank. The reason for the rezoning is to allow all the different users to fit within the building. Although outdoor storage is allowed in commercial intensive zones, they do not plan for any outdoor storage. Logsdon also noted that they are not planning to access the property off Dane Road, most the traffic will come off Grace Drive with a staff parking lot off Eagle View Drive.

Dyer asked if they had building elevation drawings to show. Logsdon said they have started elevation renderings but with the various different users in the building it's taken time to put all the pieces together.

Eastham asked what the height limits are for CI-1 buildings. Yapp replied they are 35 feet. Logsdon said they are planning on 2 story buildings with a walkout basement so they will be well below the 35 foot limit.

Hensch asked if it was going to be a distribution center for durable medical equipment for UIHC. Logsdon said that is part of it, mostly it will be clinics but with the ability to have that lower level walkout they will utilize that space for durable medical storage for items there is not enough room to store at the hospital.

Hensch asked about the clinic uses and if there was any concern about mixing the chronically ill with a wholesale warehouse site. Logsdon said they are working on the site plan with all parties involved and entrances will be separated as will driveways to each

entrance. Due to the grade difference in the lot the far east parking lot will be at a lower grade than the other parking lot and separated by a retaining wall. Hensch asked if the main clinics would be more to the east, easier to see from Mormon Trek Boulevard. Logsdon said they were still working out all those details.

Theobald asked about all the cars that are currently parked on one of those streets during the day. Logsdon said that Billion Auto is currently parking employee cars over there since those roads aren't currently used. Yapp said 'no parking' has been designated on one side of those streets and with a development on this site they will revisit the no parking designation and decide if it needs to be posted on both sides of the street.

Hensch agreed that was one of his concerns, traffic implications, with family practice and chronically ill dialysis patients there needs to be safety concerns.

Jane Driscoll presented the Commission with a handout of her talking points. She is speaking on behalf of her grandfather, George Dane, who owns the property immediately to the east of the application property. Her parents currently reside in the home her grandparents built in 1948. Her grandfather wants to keep in close contact with this topic but is not physically able to attend meetings. In addition to the family residence there is an apple orchard, grape vineyard, flowers, trees, and bushes, walnut and oak trees, farming crops, livestock and other amenities. The hilltop is approximately 100 feet above the airport so it allows for magnificent views in all directions. Where the house sits, at the peak, one can see to the northeast downtown Iowa City, City High School, the airport, east over the Iowa River valley to Lone Tree, West Liberty, south to Hills, to the west is the rolling hills of the Iowa prairie, and you can see fireworks from four different communities. There are beautiful sunrises and sunsets. This is the last sizeable open area close to Iowa City that is unencumbered by trees or buildings. Her grandfather believes they are tenders of this land for a very short time, the land is a gift to us and we need to be mindful of its care. These views are unique and they belong to everyone not just a few people. With foresights of generations to come about 15 years ago the property was designated to become a park so there can continue to be sledding in the wintertime and views for all the world to enjoy. The gift of the 16 acre park to the citizens of Iowa City and Johnson County is in an effort to preserve the beautiful views on this open hilltop area with the envision that the park will be used for picnics, flying kites, band concerts, playing Frisbee, and those type of activities that all ages can enjoy. The City has been aware of this designation, it has been documented to reflect these plans, and discussed with both the City Staff and the City Council. This topic needs conscious planning for the adjacent property uses that need to be compatible with a park. However as you know the future park designation is not yet reflected in the Comprehensive Plan and that needs to be updated. As the letter from the Iowa Heritage Trust Foundation stated that is what is going to happen to her grandfather's property. With a future park in mind across the road from the property that is being discussed tonight they realize something will need to go there but hope the Commission can consider what the best use for the property is. They understand the proposal is to build an outreach medical facility for the community and while they are not opposed to that use, the zoning designation of CI-1 could be for a lot of uses that are not compatible with a park like outside storage displays, warehouse and industrial services. Those types of uses can include larger truck traffic and deliveries at all hours which is not conducive to residential areas. Those type of uses need to be in typical commercial areas that provide easy truck access and ideally shielded visually from less intensive zones. The current zone of CO-1 offers a transition between the higher intensive commercial uses to the residential or less



intensive uses. Driscoll noted she understands the Commission can recommend limitations or define specific features beyond use as a condition to a zoning assignment, so wouldn't it be possible to maintain the commercial office zone and for a specific targeted use allow a small warehouse or distribution center perhaps based on limited square footage or a maximum number of truck docks. Or the reverse could happen, rezone the property to CI-1 with conditions that include features you see in the commercial office zone and to allow that transition from a high intensity to a low intensity to happen within that property. That would create a potential buffer between the park and more intensive issues. Driscoll's concerns can be more specifically stated CI-1 and residential uses just don't mix and she is not aware of any other parks that boarder such intensive uses in our community, it is simply not compatible. Fast forwarding to the future when her hilltop becomes a park folks will likely ask what the City was thinking back in 2015 when they allowed intensive commercial use buildings next to a park. We can assume the University will have this clinic for some time, but there are no guarantees and no one knows what the next use of this property will be. Other parks in Iowa City are not burden with this potential neighbor. City Park has the Levitt Center and Hancher across the street, it does not have a warehouse or auto dealership right across from it. The CI-1 brings more intensive traffic, delivery vehicles, they tend to be customer driven and they attract more customers and more traffic in order to be sustainable. Attracting customers requires visibility, large signs, lighting, high profile store fronts, and other activities that call attention to the business which is also not compatible to residential or park areas. Outside storage requires intensive lighting for safety and security and even with shielding it does create light noise. It will be difficult to star gaze or use your telescope in the park when there is the glare of security lighting in the sky. They have already had direct experience with some of these issues with the existing car dealership on the corner of Highway 1 and Mormon Trek Boulevard extending east and south to Dane road. They utilize outside speakers for paging services, light radiates from the lighting towers that are necessary for security, deliveries are made with large car carriers that are sometimes unloaded on Eagle View Drive, and employee vehicles line Eagle View Drive down to Dane Road and also on Grace Drive which makes snow plows and mail delivery access restricted. While these are both public streets and allow parking on one side they are not intended to be used for street storage or for servicing vehicles. Deliveries or shipments moving in an out of warehouses often use a truck docks with forklifts that require audible backup warnings definitely interrupting a quiet afternoon reading at a park. Driscoll asks that zoning conditions be placed on lighting issues, hours of operation, square footage of a warehouse, limit the number of truck docks, the location and number of accesses off the side streets, and screening. Preserving this future park as a community asset and hopefully a place future recruits for The University of Iowa or other businesses will visit that will make them want to come to Iowa City. The park may also be a great location for picnics between appointments at the medical clinic but only if we protect it from adjacent uses that could spill over and diminish its significance. Commissions, Council, Staff, and property owners change over time therefore including conditional zoning requirements are reasonable limitations and the preplanning during the rezoning process will document the agreements and the intentions for the future. Driscoll invited the Commissioners to come visit the future park area and see the spectacular views.

Parsons asked if there was a time table of when the property would actually become a park. Driscoll said the plan is once the immediate family is done using the property as their residence it would become a park.

Eastham asked about the size of the property. Driscoll said it is just shy of 20 acres.

Eastham asked since it's been bequeathed will it become parkland legally at what point. Hetkeon said she would have to review the bequest documents to know the details and make a legal determination.

Dan Tiedt (PIP Printing) questioned that if this parcel does get rezoned does that mean the University will build the clinic or could it possibly be something else. Hektoen said there is nothing that the Commission can do that would limit the University from reselling the property, the zoning is not tied to the University's purchase of the property.

Logsdon reiterated that the project does not plan for any outdoor storage, it will be a small warehouse use for medical products, so there would not be anything outside or no forklifts outside, it would all be contained within the building. Logsdon said they envision two docks at most and likely vehicles will be brought inside the building to load. The warehouse portion is really more of an accessory to the rest of the clinic use.

Dyer asked if they don't plan outside storage then why is there a need for the rezoning. Yapp replied that due to the warehouse portion a rezoning is required. If it was warehousing just for this medical clinic it would not require a rezoning but because it is warehousing for other medical clinics and a distribution function that requires a rezoning request.

Hensch noted this sounds like it will be more of a central stores configuration in a hospital rather than a wholesale distribution center. Logsdon confirmed that was the case. Hensch asked what type of vehicles would be used for the medical equipment transfers. Logsdon said there would be semi-trucks to get the product to the facility but most deliveries out of the building will be in vans or small cargo trucks (similar to what a UPS truck size is). The vehicles will be loaded inside the facility because they do not want medical products to be outside. It will be durable medical equipment (gauze, gloves, etc).

Eastham stated that is the case for this particular use, but if rezoned the zoning would allow for future uses that may include outside warehouse storage. Logsdon said while that is true, this project is a pretty significant investment, over a \$20 million project, and the warehouse component is a very small portion of the whole project.

Hensch asked if this building would be the only structure on the parcel. Logsdon replied that yes it will all be one building. The warehouse portion is basically the basement of the clinic building.

Dyer asked if the access to the structure would be off Grace Drive. Logsdon confirmed that they would like to have three access points off Grace Drive and two off Eagle View Drive. Dyer asked which access point the trucks would use. Logsdon said trucks would only access the property from the east side of Grace Drive.

Hensch stated that since Dane Road is unimproved he wanted confirmation that none of the distribution traffic would access Dane Road. Logsdon confirmed that none of the traffic would be on Dane Road.

Eastham asked if Logsdon knew what type of nighttime lighting will be used. Logsdon said not at this time but certainly they would follow the City ordinance. Yapp confirmed the City has lighting standards within 300 feet of a residential zone, parking lot lights can be no

more than 25 feet high, and further than 300 feet parking lot lights can be 35 feet high but must be downcast and shielded. Yapp noted the question for the Commission is whether to discuss higher standards than what is the current City ordinance. Eastham asked if that was the same for sound. Yapp stated that sound is very difficult to regulate, but can be controlled by hours of operation. If the Commission would like to open that conversation Yapp would need to discuss such standard options with the applicant. Eastham agreed and asked then if they would be setting a conditional zoning that would persist over time. Yapp confirmed that would be the case.

Hensch asked if they would then have to have the same discussion for any rezoning application on any of the contiguous properties to be fair. Eastham noted that was a question and the Commission would need to discuss if that was a reasonable provision for the areas surrounding due to the potential future park land use. Dyer noted there is a current residential use of that property.

Eastham closed the public hearing.

**Theobald moved to defer this item REZ15-00021 until the next meeting.**

**Hensch seconded the motion.**

Dyer asked if possible the Commission would like to see building elevations as well at the next meeting. She noted this project seems similar to the clinic they rezoned property for on North Dodge Street and items like berming and lighting need to be discussed.

Eastham noted that any restrictions on the rezoning of this parcel should be taken in light of the proposed future park use in the area.

**A vote was taken and the motion to defer carried 5-0.**

**VACATION ITEM (VAC15-00005):**

Discussion of an application submitted by MidWestOne Bank for a vacation of air rights 25' above pavement grade over public right-of-way in the north-south alleyway between East Harrison Street and East Prentiss Street to allow a pedestrian walkway.

Wolf stated that MidWestOne Bank is requesting vacation of air rights 25' above to 46' above pavement grade to install an enclosed pedestrian walkway between their new MidWestOne Bank building on the corner of Harrison Street and a parking facility that is planned for the corner of Dubuque Street and Harrison Street. There are four adjacent properties the utilize the alley, mostly for parking, so vacating these air rights Staff does not believe will affect those uses. This walkway will allow for pedestrians to avoid having to cross traffic in the alley. When reviewing vacation requests pedestrian and vehicular traffic is the most important factor Staff looks at. Because this vacation is 25' above grade all the circulation will remain the same, emergency and utility vehicles don't normally require more than 14' of clearance. Wolf showed an image of the proposed walkway, it will be 20' long, 10' wide and 10' high.

Staff recommends approval of VAC15-00005 , a vacation of approximately 4,200 cubic feet

of airspace (from 25 feet above pavement grade to 46 feet above said grade) above the alley running north-south between East Harrison and East Prentiss Streets to allow for the installation of a pedestrian walkway connecting MidWestOne Bank and a municipal parking facility.

Hensch asked what are some typical issues associated with these particular types of requests. Wolf replied that when looking at vacating the pedestrian and vehicular traffic circulation is important, emergency vehicle access, impact to adjacent private properties, and location of utilities. Hensch asked if there was any opposition to this vacation item from neighbors. Yapp replied that they have heard no opposition. He added that Wolf summarized what they review with vacation applications, he added that for air rights such as this there do not appear to be any conflicts that are created for a skywalk. He noted there are some concerns with skywalks in general in retail situations because it can take away from pedestrian traffic at the street level. In this case however it is a connection between an office building and a parking ramp to facilitate people who are parked in the parking ramp to get into the office building.

Dyer noted this is similar to the walkway between the Senior Center and the parking ramp on Iowa Avenue. Eastham asked if that one had to have a vacation of airway and Yapp replied no because it is owned by the City.

Eastham asked if there was any other permitting process to allow this walkway to be built besides in addition to vacating the rights to the airspace. Yapp said they will need a building permit. Hetkeon said doing the vacation is necessary because this is an integral part of the building this is the course of action the City feels is necessary.

Eastham opened the public hearing.

Carolyn Wallace (MidWestOne Bank) and Nick Lindsley (Neumann Monson Architects) came forward to answer any questions the Commission may have.

Hearing no questions or other public comments Eastham closed the public hearing.

**Hensch moved to approve VAC15-00005 , a vacation of approximately 4,200 cubic feet of airspace (from 25 feet above pavement grade to 46 feet above said grade) above the alley running north-south between East Harrison and East Prentiss Streets to allow for the installation of a pedestrian walkway connecting MidWestOne Bank and a municipal parking facility.**

**Theobald seconded the motion.**

**A vote was taken and the motion carried 5-0.**

#### **CONSIDERATION OF MEETING MINUTES: OCTOBER 15, 2015**

Dyer moved to approve the meeting minutes of October 15, 2015.

Hensch seconded the motion.

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

**PLANNING AND ZONING INFORMATION:**

Yapp noted that staff handed out a meeting notice for public meeting on a proposed Riverside Drive streetscape plan next Thursday from 5 pm to 7 pm at Roosevelt School. Staff has been working with a consultant on a proposed streetscape design plan for Riverside Drive which is part of the Riverfront Crossings District and this will be a public unveiling of that plan for public feedback. This would be the area of Riverside Drive from the Highway 1/Highway6 intersection to about Myrtle Street. Eastham asked if this will show the underpass under the railroad. Yapp was not sure that would be specifically addressed, this is more about the streetscape plan. He noted the pedestrian tunnel under the railroad is an important part of the pedestrian circulation and that is currently a funded project. Dyer asked how long it will take to build that pedestrian tunnel. Yapp was unsure specifically but believes it is funded for 2016-17.

**ADJOURNMENT:**

Parsons moved to adjourn.

Hensch seconded.

A vote was taken and motion carried 5-0.



**PLANNING & ZONING COMMISSION  
ATTENDANCE RECORD  
2014 - 2015**

**FORMAL MEETING**

	11/20	12/18	1/15	2/5	2/19	3/19	4/2	4/16	5/7	5/21	6/4	7/2	7/16	8/6	8/20	9/3	9/17	10/1	10/15	11/5
DYER, CAROLYN	O/E	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
EASTHAM, CHARLIE	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	X	X	X	X	X	X
FREERKS, ANN	X	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	X	X	X	X	O/E
HENSCH, MIKE	--	--	--	--	--	--	--	--	X	X	X	X	X	X	X	X	X	X	X	X
MARTIN, PHOEBE	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X	X	O/E	O/E	X	O/E
PARSONS, MAX	--	--	--	--	--	--	--	--	X	X	X	X	X	X	X	X	X	X	X	X
SWYGARD, PAULA	X	X	X	X	X	X	X	O	--	--	--	--	--	--	--	--	--	--	--	--
THEOBALD, JODIE	X	X	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	X	X	X	X
THOMAS, JOHN	X	X	X	X	X	X	X	X	--	--	--	--	--	--	--	--	--	--	--	--

**INFORMAL MEETING**

NAME	TERM EXPIRES	2/3	3/15	5/18
DYER, CAROLYN	05/16	X	X	X
EASTHAM, CHARLIE	05/16	X	X	X
FREERKS, ANN	05/18	X	X	X
HENSCH, MIKE	05/19	--	--	X
MARTIN, PHOEBE	05/17	X	X	X
PARSONS, MAX	05/19	--	--	X
SWYGARD, PAULA	05/15	X	X	--
THEOBALD, JODIE	05/18	X	X	X
THOMAS, JOHN	05/15	X	X	--

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