

Iowa City Planning & Zoning Commission

Formal Meeting
Thursday, February 18, 2016
7:00 PM

Emma Harvat Hall – City Hall



Department of Neighborhood
and
Development Services



CITY OF IOWA CITY
UNESCO CITY OF LITERATURE

Staff Reports

PLANNING AND ZONING COMMISSION

Thursday, February 18, 2016 - 7:00 PM

Formal Meeting

Emma Harvat Hall
Iowa City City Hall
410 E. Washington Street

AGENDA:

A. Call to Order

B. Roll Call

C. Public Discussion of Any Item Not on the Agenda

D. Conditional Use Item

Discussion of an application submitted by Steve Fangman for a conditional use permit for a home business (roofing and snow removal) for property located at 4860 American Legion Road SE in Area B of the Iowa City/Johnson County Fringe Area. (CU16-00001)

E. Consideration of Meeting Minutes: January 21, 2016

F. Planning & Zoning Information

G. Adjournment

Upcoming Planning & Zoning Commission Meetings

Formal: March 4 / March 18 / April 7

Informal: Scheduled as needed.

City of Iowa City

MEMORANDUM

Date: February 10, 2016

To: Planning and Zoning Commission

From: Martina Wolf, Planning Intern

RE: 4860 American Legion Road SE, Steve's Roofing, Inc.

The applicant, Steve Fangman, is requesting renewal of a conditional use permit for 5.47 acres of land, located at 4860 American Legion Road SE. In 2006, the applicant was granted a 10-year conditional use permit to locate a home-based business on the property, which is set to expire on March 14, 2016. The business is a roofing and snow removal business that includes a warehouse of roofing materials, storage of snow removal equipment, and a business office. The applicant is now requesting a permit renewal to allow the continued operation of the business.

The Johnson County Zoning Ordinance permits cities to review conditional use permits for applications within their extra-territorial jurisdiction. Conditional use permits require a 4/5-majority vote of the County Board of Adjustment to approve a permit opposed by the City Council.

Zoning Requirements: The Johnson County Unified Development Ordinance allows home businesses in the Agricultural (A), Agricultural Residential (AR), and all Residential (R) zones, subject to a conditional use permit. The subject property is zoned Agricultural with one dwelling structure and three out buildings. The permit requires that any materials, supplies, or products be confined to the dwelling or permitted accessory buildings or buildings located on the premises. Other than the owner, the business does not have on site employees.

In general, the County grants conditional use permits as long as the proposed action will not be detrimental to surrounding properties. The subject property is surrounded by agricultural properties and some large-lot residential lots. It has been in operation for the past ten years. County staff indicates that there have not been issues or complaints regarding this home business in that time period. Based on this history in staff's view, renewal of the conditional use permit should not be injurious to the use of adjoining property.

Fringe Area Policy Agreement: The Fringe Area Policy Agreement is designed to guide land use development in ways that are beneficial to both the City and County. The subject property is located within the two-mile fringe area immediately adjacent to the Iowa City growth area and is subject to Fringe Area B guidelines for property located outside the growth boundary.

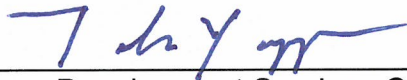
Although this property is located directly east of the growth boundary, it is not anticipated that the city will grow to include the property within the next several years. This home business is more intense than what would be allowed as a home occupation by the City's zoning code, so the previous condition use permit was granted for 10 years to allow the City and County to assess its impact on the surrounding area and its potential impact on the growth of the city. To assure that the City has an opportunity to assess the compatibility of this use if the area is ever annexed: staff recommends that the condition use permit be granted for 10 years.

STAFF RECOMMENDATION: Staff recommends that Council forward a letter to the Johnson County Board of Adjustment recommending that the application by Steve Fangman, for a condition use permit to allow a roofing and snow removal business located at 4860 American Legion Road SE, be approved subject to the term of expiration in ten years and that all materials and equipment associated with the business be stored in the accessory structures identified on the site plan.

ATTACHMENTS:

1. Location Map
2. Site Plan

Approved by: _____



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





**MINUTES
PLANNING AND ZONING COMMISSION
JANUARY 21, 2016 – 7:00 PM – FORMAL
OFFICE OF MPOJC – CITY HALL**

PRELIMINARY

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

MEMBERS ABSENT: Ann Freerks,

STAFF PRESENT: Sara Hektoen, Bob Miklo, Ben Clark

OTHERS PRESENT: Duane Musser

RECOMMENDATIONS TO CITY COUNCIL:

By a vote of 6-0 the Commission recommends approval of REZ15-00023/SUB15 -00031, a rezoning of 9.33 acres from Low Density Single Family Residential (RS-5) and Medium Density Single-Family Residential (RS-8) to Planned Development and Overlay Zone (OPD-8), and a Preliminary OPD Plan and Plat of Pine Grove, a 12-lot residential subdivision with 10 single family lots and 44 multi-family dwellings located south of Lower West Branch Road between Scott Boulevard and Hummingbird Lane.

By a vote of 6-0 the Commission recommends approval of VAC15-00007, an application submitted by Equity Ventures, requesting vacation of approximately 13,454 square feet of Waterfront Drive running east-west between 1402 and 1411 Waterfront Drive, subject to retention of utility easements and approval of a final plat prior to final approval of the vacation request. The final plat shall include plans for utility relocation and a plan for temporary access to the Car-X property during construction and a permanent access easement.

CALL TO ORDER:

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

PUBLIC DISCUSSION OF ANY ITEM NOT ON THE AGENDA:

There were none

REZONING/DEVELOPMENT ITEM (REZ15-00023/SUB15-00031):

Discussion of an application submitted by Steve Kohli for a rezoning of approximately 9.33-acres from Low Density Single Family (RS-5) zone and Medium Density Single Family (RS-8) zone to Planned Development Overlay (OPD-8) zone and a preliminary plat and sensitive areas development plan for Pine Grove, a 12-lot residential subdivision with 10 single family lots and 44 multi-family dwellings located south of Lower West Branch Road between Scott Boulevard and Hummingbird Lane.

Miklo noted that since the last meeting Staff has received a set of new plans for the subdivision

that attempt to address some of the concerns raised at the last meeting from both the Commission and the public. Miklo noted that a significant issue was the preservation of trees. The new plan shows the trees that will be removed due to the grading of the land for infrastructure and the building of the multi-family structures, and the likely area that will be cleared for the house lots. He did note for lots 10, 11 & 12 it will be up to the individual lot owner to possibly save additional trees that are not within the protected area, but may not be necessary to remove when houses are built. Miklo stated there are some significant White Pines along Lower West Branch Road that would be fenced off subject to a tree protection plan provided by the City Forester as well as spruces that were planted along what will be the new property lines on the east side of the houses. These were all items on the previous plan as well, what is new on this plan is the note on the plat that states the City Forester would approve a tree protection plan including fencing.

Miklo noted that they did discuss the possibility of identifying the maximum building area on lots 6, 7, 8 & 9 but after discussion with the City Forester and the applicant, it was decided a better approach would be to require that at the time of construction and a protective fence would be placed outside the drip line of the red maples. A fence would not be required around the silver maples, but that doesn't mean they would be removed, it would be up to the individual property owners. The City Forester approved this approach so that many of the red maples could be saved and some of the silver maples might be saved. The new plat also identifies the location of driveways for lots 8 & 9 and those have been positioned to best avoid the red maples. In the previous plan there was an option for lot 7 to have a driveway on either Hummingbird Lane or Pine Grove Drive but now it is identified as being on Pine Grove Drive to help preserve the trees. The maples on lot 6 are not included on the note on the plat because they are deeper on the lot and although it may be possible, it would be harder to work around those trees. Consideration was given to using shared driveways, but given the location of the trees this would have likely required more trees to be removed.

Miklo stated that they also discussed the possibility of a trail to go to Outlot A. The City Forester has recommended against adding a paved sidewalk or trail to provide access to the pine grove on Outlot A. The construction activity necessary to build the trail would likely damage the trees.

Miklo also noted that the topsoil will be stockpiled and distributed over disturbed areas after construction is complete.

Regarding the question of siding material on the multi-family building, Miklo stated the applicant has indicated that the majority of the large apartment building will consist of a faux stone veneer. Vinyl siding is proposed primarily on the upper floor. The townhouse style multifamily buildings will include similar durable material around its base and a combination of vinyl lap siding and shake style siding.

The discussion from neighbors about traffic on Hummingbird Lane was also addressed. Miklo said the Transportation Planner looked at the area again and feels it is adequate for the traffic anticipated in this development. The street is 25 feet wide, only 1 foot narrower than the current standards and there are no recorded accidents on this street, or at the two intersections.

Staff is recommending approval of REZ15-00023/SUB15 -00031, a rezoning of 9.33 acres from Low Density Single Family Residential (RS-5) and Medium Density Single-Family Residential (RS-8) to Planned Development and Overlay Zone (OPD-8), and a Preliminary OPD Plan and Plat of Pine Grove, a 12-lot residential subdivision with 10 single family lots and 44 multi-family

dwelling located south of Lower West Branch Road between Scott Boulevard and Hummingbird Lane.

Theobald asked if the City Forester commented on the condition of red maple trees. Miklo replied that yes he did look at those and thought they were for the most part healthy and as for the silver maples, some were healthy and some had been improperly pruned but had a lot of years left in them.

Eastham questioned the diagram and not seeing any designated play area for children and wondered if the homeowner's association could use part of Outlot A for a children's play area. Miklo said that is actually something the City would want to discourage given that it is a densely wooded area. He said the woodland might make a good natural play area. There might be an opportunity for playground equipment around the multi-family structure, although it is very sloped in that area. The nearest established park is Frauenholtz-Miller Park, about a half mile to the east.

Eastham opened the public hearing.

Duane Musser (MMS Consultants) stated that the on lots 6 & 7 the area shown on the plat is where the driveways could be, but they will not be as large as shown on the plat. Those driveways show the closest they could be to Hummingbird Lane and stay within the City's approved design standards.

Eastham asked if the residences in the multi-family unit will have access to the building entrances along Scott Boulevard. Musser replied that yes, there will be a main corridor and elevator that will go from that door straight to a door on the back of the building as well. Eastham asked where the grade level entrances are on this building. Musser said there are three doorways on the west side of the building will be ADA accessible. The entrance from the garage level will also be accessible.

Eastham closed the public hearing.

Hensch moved to approve REZ15-00023/SUB15 -00031, a rezoning of 9.33 acres from Low Density Single Family Residential (RS-5) and Medium Density Single-Family Residential (RS-8) to Planned Development and Overlay Zone (OPD-8), and a Preliminary OPD Plan and Plat of Pine Grove, a 12-lot residential subdivision with 10 single family lots and 44 multi-family dwellings located south of Lower West Branch Road between Scott Boulevard and Hummingbird Lane.

Martin seconded the motion.

Hensch noted that the issues that were discussed at the last meeting were addressed.

Parsons agreed and said with the correct protections for the trees.

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

VACATION ITEM VAC15-00007:

Discussion of an application submitted by Equity Ventures for the vacation of an approximately

13,454 square feet of Waterfront Drive running east-west between 1402 and 1411 Waterfront Drive / located in the southeast corner of Highway 6 and S. Gilbert Street.

Miklo began the staff report showing an aerial photograph and gave some history of the area. Waterfront Drive used to continue through, but now is a 'dead-end' right of way that the City encouraged because there had been quite a few accidents at that intersection with Gilbert Street as it drew heavy traffic. The Waterfront Drive intersection was too close to the Highway 6 intersection. The applicant is now requesting that the remaining piece of the east/west portion of Waterfront Drive be vacated with the goal of consolidating the two properties it currently divides to allow a redevelopment of the area.

There currently is an access easement to provide access to the Car-X property to the east. Part of the proposal would include a new easement to replace the old one to continue to allow access to the Car-X property. Miklo showed a concept plan of the proposed area and the easement access to Car-X would come from the south. He noted there are some easements for public and private utilities that will need to be relocated as part of the project. As a condition for approval of this project Staff is recommending easements for these utilities be retained until the new utilities are constructed and accepted by the City. Releasing the utility easements will require subsequent action by the City Council. Staff is also recommending that the property be platted with a permanent easement established for Car-X and also a temporary access be established for Car-X during construction. Miklo noted that the owner of Car-X did write a letter stating their agreement for this project provided that their concerns about access are resolved.

Staff recommends approval of VAC15-00007, an application submitted by Equity Ventures, requesting vacation of approximately 13,454 square feet of Waterfront Drive running east-west between 1402 and 1411 Waterfront Drive, subject to retention of utility easements and approval of a final plat prior to final approval of the vacation request. The final plat shall include:

- Plans for utility relocation.
- A plan for temporary access to the Car-X property during construction and a permanent access easement.

Eastham asked about the entrance to the parking lot from Gilbert Street and where it would be relocated. Miklo stated it would be further south than it is currently. Eastham asked if the traffic engineers approved of the driveway relocation. Miklo said they did in concept, the actual location may change as the project progresses. Miklo said the engineers feel this concept will be an improvement because rather than three entrances along Gilbert Street there will be just one.

Eastham questioned the lighting along that street area, stating it was a dimly lit area. Miklo said that street lights are required at intersections, but since this will a parking lot entrance/exit he was not sure of the requirements. Miklo said it could be discussed with the applicant about the possibility of installing street lights at the location.

Hensch asked if this would be an opportunity to widen the sidewalk along Gilbert Street in this area. Miklo replied that yes the new sidewalk would be a minimum of 5 feet wide.

Hektoen reminded the Commission they are just considering the vacation of the area now, if there is a plat the Commission can examine that and view the development details.

Eastham opened the public hearing.

Duane Musser (MMS Consultants) began by noting the applicant will light the parking lot as according to City Code, but one of the requirements is that they cannot bleed light across the property line or into the public right-of-way so if there was a requirement for a light at that new driveway entrance it is something that would have to be put in by the City. He also pointed out on the concept plan some additional area of right-of-way that was suggested by Staff which is part of a study that the City and DOT conducted regarding any future improvements to that intersection. He did question if the right-of-way would be vacated now or at the time of plat.

Hektoen said the intention is to have the vacation and the plat coincide at the same Council meeting.

Musser said they were moving ahead with redesigning the utilities. As for the public utilities, the sanitary and sewer goes through the existing Waterfront Drive to service Hills Bank so that will have to be rerouted as well as the public water main and several private utilities (gas, electric, etc.). Those redesigns will be submitted to the City Engineer for approvals and then get the final plat on the agenda.

Eastham closed the public hearing.

Theobald moved to approve VAC15-00007, an application submitted by Equity Ventures, requesting vacation of approximately 13,454 square feet of Waterfront Drive running east-west between 1402 and 1411 Waterfront Drive, subject to retention of utility easements and approval of a final plat prior to final approval of the vacation request. The final plat shall include:

- **Plans for utility relocation.**
- **A plan for temporary access to the Car-X property during construction and a permanent access easement.**

Parsons seconded the motion.

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

DISCUSSION OF STORM WATER MANAGEMENT:

Miklo introduced Ben Clark, Senior Civil Engineer with the Public Works Department who works with storm water management, noting the Commission had requested information on how storm water management is done in Iowa City.

Clark stated he has spent most of the past five years working on capital improvement projects and is now moving into the storm water management area. Clark showed the storm water ordinance, which is now 40 years old. The general requirements are a control release rate of 1.5 cubic feet per second per developed acre, which in some cases can end up being lower than the predevelopment run-off rate.

Eastham asked if it's ever been higher for some developments. Clark said it's possible but has no example ready and it would depend on slope and surface soil conditions, etc.

Next it requires excess storm water passage to make sure there is no damage to buildings downstream, must retain 100 year storm frequency in the basin. It does allow for compensating storage so if a developer has somewhere off site there is excess capacity they can use that, it is at the Director's discretion. The ordinance also encourages easements so that the City can get in to fix storm pipes or structures.

Eastham asked if it encourages or requires easements. Clark said it is not required, it is encouraged but the City does not have to take the easement.

Eastham asked about the release rate and how accurately engineers can calculate those release rates. Clark was unable to answer that question exactly, stating it can be a little bit of a guess, there are a lot of variables that go into trying to predict release rates, run off rates, it depends on actual soil conditions, how the storm moves through the area, storm intensity, and antecedent moisture conditions.

Eastham asked if the City tries to measure the exact release rates. Clark said they do not. Eastham asked what steps the City takes to try to keep the release channels open, or as far as ongoing maintenance. Clark will address that in a bit, stating these are just the general ordinance requirements that have been around for 40 years. In 1977 there was an attempt to repeal the ordinance to allow a certain subdivision, there were complaints about the computation methods and in 1987 there was a discussion regarding increasing the release rate.

Hensch asked if now the private sector civil engineers and City engineers generally agree on the ordinance. Clark stated there can be different methods for calculating the run-off so that can cause some question.

Musser noted that MMS started in 1975 and all the current engineers at MMS were trained by the senior engineers who knew the Iowa City ordinance and way of doing things. It is different than other communities in the area, Iowa City being the most restrictive release rate. He noted that every engineering firm likely uses different software so there could be some variation in the calculations.

Hensch stated it would seem the City, consultants and developers would have the same objective to manage the storm water so that the people who now live on the property aren't upset at the developer or the City. Musser agreed, stating the engineers in his office are very concerned with water and is the number one concern with development. By taking this concern seriously they are protecting the developers as well.

Clark continued, stating that once a subdivision begins development and homes start to be built they can run into issues with the maintenance of the basins. It is not always clear who is supposed to maintain what. Sometimes the basins are turned over to the City, sometimes the responsibility lies with the private homeowner, and sometimes it is the homeowner's association's responsibility.

Eastham asked about the bigger basins. Clark said the City does have some regional basins which are usually the City's responsibility.

Hensch asked if there was anything the Commission could do to make sure the issue of responsibility of the basin is clarified. Hektoen said it is clarified in the subdivision agreement and in the plats, but the average homeowner may not understand. Eastham asked if there was anything the City could do to help homebuyers understand what the homeowner's responsibility

might be. Hektoen said the City is not involved in those transactions. She said the recording of the easement agreements and recording of the plats makes it a matter of public record. She noted that a homeowner's title opinion should reflect use restrictions, covenants from the subdivision, etc., and that is how a homeowner is informed.

Eastham asked if there were any estimates on costs for individual homeowners for maintaining storm water basins. Clark said it would depend on the quality of the basin when a homeowner begins to maintain it. Sometimes it is as simple as mowing the basin area regularly.

Clark said one of the things the City requires is a storm water permit and one of the components of that permit is to reach out to the public. The City sends out flyers about fertilizer and various other storm water issues. The City intends to also identify certain areas and certain basins and tries to let the people know what the requirements are.

Eastham asked if the average homeowner has the skill and knowledge necessary to maintain the inlet and outlets. Clark said the problems they see are mostly debris plugging the outlets and one step is to keep the areas mowed and remove the sticks and trash.

Clark showed some examples of basins around the City, noting the various owner/responsibility structures.

Martin asked about the rules regarding lawn chemicals and storm water. Clark was not aware of any restrictions on fertilizers or lawn chemicals. Clark said with the City's storm water ordinance there is no water quality control.

Clark noted some upcoming updates. The City is considering adopting the State-wide design standards. What that will entail is a unified sizing criteria and takes into consideration the water quality volume. It will cover the "first flush" which is 90% of the rain events in Iowa (up to an inch and a quarter of rain). It will also account for water protection storage so it would have a 24 hour release rate, which is not quite as restrictive as the City's current release rate.

Eastham asked if that would be an ordinance change the Commission would have to recommend. Miklo said that it would go directly to Council, it is not a part of zoning or subdivision regulations.

Theobald noted her concern with several large apartment and condo complexes in her area of town and there are the big basins where trash collects, it is mowed over and the trash just blows around, and wonders if there was something more attractive that could be done with some possible vegetation. Clark said the particular ones Theobald is questioning are privately owned basins and not maintained by the City.

Parson asked if the only thing that could be planted on detention basins is grass. Clark said there are no restrictions and people can plant native things, some have trees but that is not recommended but has not been forced to remove.

Musser discussed the process the City of Coralville is undertaking for their storm water management and new ideas in developments. Using pavers or porous concrete and doing soil quality restoration. There are no cost estimates on maintenance of these systems yet since they are so new. The bio cells and brick pavers can be very expensive just to install.

Clark said some regional basins were installed along Ralston Creek in the 70's to help control flooding. He showed some examples of other regional basins around Iowa City. He also showed some past water quality efforts such as the Sycamore Greenway. He discussed the program the City has to assist people if they have a storm water management best practice project, like a rain garden or pervious pavers, they can apply to the program and the City will match 50% with a \$3000 maximum. They also have the deep tine aeration, the soil quality restoration, movement with three companies in Iowa City marketing projects.

Eastham asked about runoff rates and if having a new development will actually benefit a neighboring existing development. Clark said that it would, the new development would slow down the runoff rates and control flooding.

Hensch asked what the possible resistance from developers is to storm water management plans. Clark said the basins take up area, possible building lots. Musser also noted that some developers don't like having to create a homeowner's association just to maintain a basin area, they would prefer the municipality to maintain the basin.

Eastham thanked Clark for his presentation and for answering the Commission's questions.

CONSIDERATION OF MEETING MINUTES: JANUARY 7, 2016

Hensch moved to approve the meeting minutes of January 7, 2016.

Theobald seconded the motion.

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

PLANNING AND ZONING INFORMATION:

Miklo noted they are registering the newer members of the Commission for a workshop in Cedar Rapids in early April conducted by the Iowa State Extension Office.

ADJOURNMENT:

Martin moved to adjourn.

Parsons seconded.

A vote was taken and motion carried 6-0.

**PLANNING & ZONING COMMISSION
ATTENDANCE RECORD
2015 - 2016**

FORMAL MEETING

	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	11/19	12/3	1/7	1/21
DYER, CAROLYN	O/E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
EASTHAM, CHARLIE	X	X	X	X	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X	X
FREERKS, ANN	X	X	X	X	X	X	X	X	O/E	X	X	X	X	X	X	O/E	X	X	X	O/E
HENSCH, MIKE	--	--	--	--	X	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	O/E	O/E	X	O/E	X	X	X	X
PARSONS, MAX	--	--	--	--	X	X	X	X	X	X	X	X	X	X	X	X	O/E	X	X	X
THEOBALD, JODIE	X	X	X	X	X	X	X	X	X	O/E	X	X	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
THEOBALD, JODIE	05/18	X	X	X

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