

# PLANNING AND ZONING COMMISSION

Thursday, August 20, 2020

**Electronic Formal Meeting – 7:00 PM**

**Zoom Meeting Platform**

## **Electronic Meeting**

*(Pursuant to Iowa Code section 21.8)*

An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

You can participate in the meeting and can comment on an agenda item by going to: <https://zoom.us/meeting/register/tJYpcOmvrD8rHd3lv-QdhlUWaVt5dkh4qTLL> to visit the Zoom meeting's registration page and submitting the required information. Once approved, you will receive an email message with a link to join the meeting. If you are asked for a meeting or webinar ID, enter the ID number found in the email. If you have no computer or smartphone, or a computer without a microphone, you can call in by phone by dialing (312) 626-6799 and entering the meeting ID 924 7072 4179 when prompted. Providing comment in person is not an option.

## **Agenda:**

1. Call to Order
2. Roll Call
3. Public Discussion of Any Item Not on the Agenda

### County Development Items

4. Case No. CREZ20-0001  
Applicant: Lindsey N. Fudge  
Location: 4477 Sioux Avenue SE, Unincorporated Johnson County

An application for a rezoning of approximately 1.76 acres of County Agriculture (A) to County Residential (R) within Fringe Area B – Outside the Growth Boundary of the City/County Fringe Area.

5. Case No. CREZ20-0002  
Applicant: Bryan Jensen  
Location: Lot 2 and Outlot A of 4665 Herbert Hoover Hwy; Unincorporated Johnson County

An application for a conditional use permit to allow for a kennel and dog care facility in the County Residential (R) zone within Fringe Area B – Inside the City's Growth Boundary of the City/County Fringe Area.

6. Consideration of Meeting Minutes: August 8, 2020
7. Planning & Zoning Information
8. Adjournment

If you will need disability-related accommodations to participate in this meeting, please contact Anne Russett, Urban Planning, at 319-356-5251 or [anne-russett@iowa-city.org](mailto:anne-russett@iowa-city.org). Early requests are strongly encouraged to allow sufficient time to meet your access needs.

**Upcoming Planning & Zoning Commission Meetings**

Formal: September 3 / September 17 / October 3

Informal: Scheduled as needed.



# CITY OF IOWA CITY MEMORANDUM

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Date: August 20, 2020  
To: Planning & Zoning Commission  
From: Joshua Engelbrecht, Planning Intern  
Re: **CREZ20-0001 – 4477 Sioux Ave. SE**

## **Background Information**

The applicant, Lindsey N. Fudge, is requesting a rezoning from County Agricultural (A) to County Residential (R) for approximately 1.76 acres of land located in Johnson County at 4477 Sioux Ave. SE in Fringe Area B – Outside of Iowa City's Growth Area. At this time the family of Tin Rose LLC, the property owner, would like to rezone this parcel for a family member. 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.

In addition to the rezoning application, the applicant has submitted a subdivision application to the County to create two lots. One lot is the proposed residentially zoned lot, while the other 34.6-acre lot will remain zoned Agriculture (A). Per the Fringe Area Agreement, subdivisions of land into fewer than three lots will continue to be regulated by the County; therefore, the City will not be reviewing the subdivision.

## **Analysis**

### *Existing Land Use and Zoning*

The subject area is zoned County Agricultural (A) and currently contains a single-family residence. Properties to the north, south, east and west are zoned County Agricultural (A) with the exception of two properties (4433 & 4439 Sioux Ave. SE) to the north zoned County Residential (R).

### *Proposed Zoning & Surrounding Area*

The applicants are requesting a rezoning to County Residential (R) which allows single-family homes on lots with a minimum area of 10,890 square feet in size (1/4 Acre) and a maximum area of 1.99 acres. The maximum development density allowed is 1 dwelling unit per acre. Sioux Ave. SE contains several other single-family homes apart from the one on the subject property. Sioux Ave. SE is also currently zoned County Residential (R) north of Osage St. SE. The subject area is surrounded by row crop fields on all sides.

### *Compliance with the County's Comprehensive Plan*

The Future Land Use Map of the County's Comprehensive Plan designates this area Agricultural. The Agricultural Land Use category typically includes land devoted to agriculture with limited residential development. Any "residential development should be associated with food production or be consistent with the historic use of the property and area."

### *Compliance with the Fringe Area Agreement*

In reviewing proposed rezoning 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 slated 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 B – Outside the City’s Growth Area. For this area, the agreement states that 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 as indicated in the Johnson County Land Use Plan, and as designated for a Rural/Agriculture area in Chapter 8:1.6 Class A District of the Johnson County Unified Development Ordinance, as amended.”

According to the Johnson County Comprehensive Plan, the Agricultural land use category envisions agricultural uses, such as row crops and animal husbandry, with “very limited residential development.” According to the Johnson County Zoning Code, Agricultural uses are defined as farms, nurseries and greenhouses, orchards and tree farms, with residential uses to be restricted to two single-family dwellings on a farm 40 acres or larger.

*Summary*

Although the proposed rezoning does not directly align with the land use policy direction in the Fringe Area Agreement, the residential use already exists and no additional residential development would be allowed by the proposed rezoning.

**Staff Recommendation**

Although the proposed rezoning does not directly align with the policies outlined in the adopted Fringe Area Agreement, staff recommends approval of this rezoning for the following reasons:

1. The subject area already consists of a residential property. Dividing the parcel and rezoning the 1.76 acres would better reflect current land usage.
2. The proposed rezoning would not allow for further residential development, as only one unit is allowed based on the size of the lot.

*Attachments:*

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

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





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# CREZ20-0001

## 4477 Sioux Ave. SE



Prepared By: Joshua Engelbrecht  
Date Prepared: August 2020



An application submitted by Lindsey N. Fudge for the rezoning of 1.76 acres of property located at 4477 Sioux Ave. SE from County Agricultural (A) to County Residential (R).



0 0.025 0.05 0.1 Miles

# CREZ20-0001 4477 Sioux Ave. SE



Prepared By: Joshua Engelbrecht  
Date Prepared: August 2020

A

SIoux AVE SE

An application submitted by Lindsey N. Fudge for the rezoning of 1.76 acres of property located at 4477 Sioux Ave. SE from County Agricultural (A) to County Residential (R).



0 0.025 0.05 0.1 Miles

# CREZ20-0001 4477 Sioux Ave. SE



Prepared By: Joshua Engelbrecht  
Date Prepared: August 2020

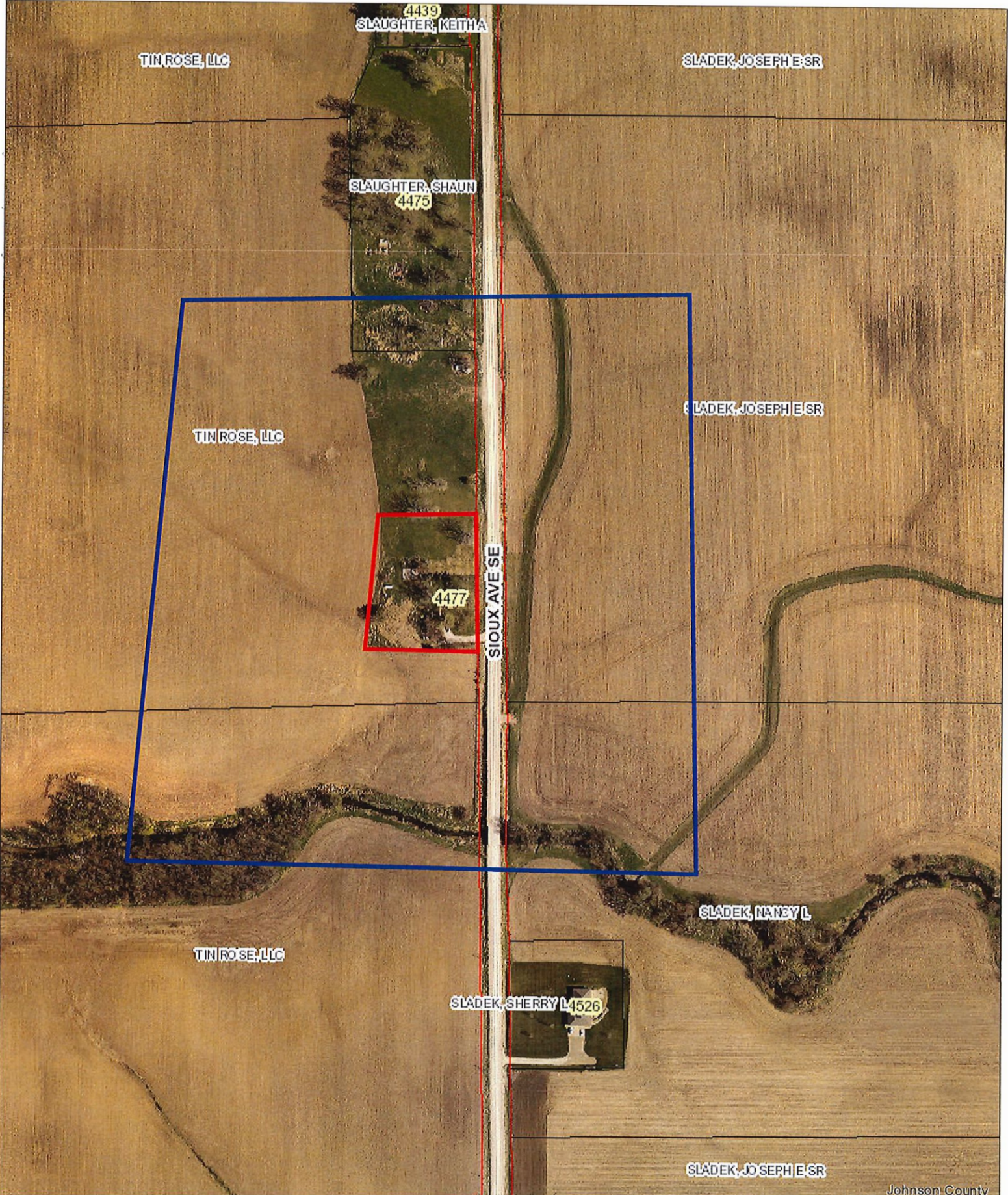


**Area B outside Growth**

SIOUX AVE SE

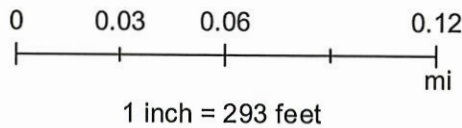
An application submitted by Lindsey N. Fudge for the rezoning of 1.76 acres of property located at 4477 Sioux Ave. SE from County Agricultural (A) to County Residential (R).





**Property Information Viewer**

Printed: 7/7/2020



The information presented herein is intended to be an accurate representation of existing records. Johnson County assumes no liability for errors or omissions. Users relying on this information do so at their own risk.

Johnson County





# CITY OF IOWA CITY MEMORANDUM

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Date: August 20, 2020  
To: Planning and Zoning Commission  
From: Joshua Engelbrecht, Planning Intern  
Re: **CREZ20-0002 Conditional Use Permit for Dog Kennel and Daycare Facility in Unincorporated Johnson County**

## **Background Information**

Bryan Jensen has submitted a Conditional Use Permit application to the Johnson County Board of Adjustment for the allowance of a dog kennel and daycare facility located on Lot 2 and Outlot A of 4665 Herbert Hoover Highway, in Johnson County. It is the role of the Planning and Zoning Commission to determine if the conditional use that is being applied for, a dog kennel and daycare facility within the City/County Fringe Area, should be recommended for approval to the City Council.

The subject property is within Fringe Area “B” of the Fringe Area Policy Agreement, and inside of the City’s growth boundary. The Johnson County Zoning Ordinance requires that cities be allowed to review Conditional Use Permits within their extraterritorial jurisdiction (the area covered by the Fringe Area Agreement). Conditional Use Permits in Johnson County require a 4/5 majority vote of the Board of Adjustment to approve if the use is opposed by a vote of the City Council.

The subject property is zoned County Residential (R). Adjacent properties to the immediate north, south, east and west are also zoned County Residential (R). Properties to the east within City Limits are zoned Low Density Single-Family (RS-5) and Low Density Multi-Family (RM-12). Properties to the west within City Limits are zoned Interim Development Single-Family Residential (ID-RS), and Medium Density Multi-Family (RM-20), and Commercial Office (CO-1).

## **Proposed Land Use:**

The Johnson County Unified Development Ordinance (UDO) defines a kennel as:

“An establishment, including structures and run areas, where domesticated animals, such as cats and dogs, are boarded, bred, or raised commercially or for compensation. Includes daytime-only boarding and daycare facilities”.

The proposed kennel is intended to provide daycare and boarding for dogs with the ability for customers to request additional services such as grooming, teeth brushing and baths. Although the definition for kennel states specifically that daytime-only boarding is allowed, it does not exclude overnight boarding. The applicant has stated that they estimate an occupancy of 50 dogs per day as well as 6-8 employees.

The subject property is located inside of the City’s Growth Boundary and the City’s Northeast District Plan identifies this area as appropriate for single-family residential. It also identifies the existing residential land uses in this area. The County’s future land use map land use category for this area is Agricultural. The existing neighborhood character features low density residences to the east, multi-family residential and

commercial buildings to the west, and large amounts of open space to the north and south. The subject property contains approximately 8.2 acres.

The proposed dog kennel and daycare facility must comply with the following supplemental conditions (summarized) from section 8.1.23 of the Johnson County Unified Development Ordinance pertaining to Kennels:

1. Kennels shall not be located on parcels of fewer than five (5) acres, except as provided in this section.

2. Kennels may be located on parcels three (3) acres or larger where the following conditions are met.

The facility does not provide overnight boarding services.

No more than 4 dogs which do not reside on the property are present at any given time.

3. All structures and run areas used to house or exercise animals shall be setback a minimum of two hundred (200') feet from all property lines.

4. Animal boarding facilities may exceed the limits for keeping of dogs or cats contained in this section when counting animals temporarily boarded for compensation. The number of animals permanently residing on the premises shall comply with said limits at all times.

Due to the layout of the site, it is unlikely that the project will be able to meet the 200' setback minimum. Although the County has not yet received an application, it does allow for the setback to be reduced to 100' through the special exception process.

## **City Analysis**

### **Zoning**

The proposed dog kennel and daycare use is allowed as a conditional use in Residential (R) County. The use is therefore an allowable conditional use in the current County Residential (R) zone.

### **Fringe Area Agreement**

For land within Fringe Area B, Inside the Growth Boundary, the Fringe Area policy states the following:

- “Prior to annexation, any zoning changes in Iowa City’s projected growth area shall also be consistent with the City’s adopted land use.”
  - Staff Comment: The proposed application does not contemplate a change in zoning.
- Development projects within Iowa City’s projected growth area shall conform to City Urban Design Standards contained in Title 14, Chapter 7 of the City Code of Iowa City, including but not limited to City specifications for streets and roads, sanitary sewer lines, stormwater management facilities and water lines. Developments which are approved prior to annexation shall be required to be served by a package sanitary sewage treatment plant and common wells with sanitary sewer and water collection and distribution systems which are

constructed to City standards and can be connected to municipal systems upon annexation.

Staff Comment: In addition to complying with the City's Urban Design Standards, staff wants to ensure street connectivity in this area. The existing north/south streets, Nex Ave and American Pharoah Drive, are over 1,000 feet apart. Another north/south street is needed in this area, as well as the extension of Grindstone Drive, which is currently stubbed. Due to the importance of ensuring an interconnected street network, staff is recommending a condition that prior to obtaining any building permits from the County, written approval from the City is needed on the location of any future buildings or structures (including fences) to ensure future street connectivity.

### Current and Future Land Use

The subject parcel will likely be included in the future expansion of the City's limits. However, the land cannot be annexed at this time without creating an island of unincorporated County land to the south, which is not allowed by State law. The County's Future Land Use Plan indicates that the subject parcel is appropriate for Agricultural land uses. There is one structure, an outbuilding, currently located on the site.

Figure 1 shows the approximate location of the project site to the City limits. To the west of the project site and within the City's jurisdiction, is a recently constructed multi-family building. To the east is a City subdivision that consists predominately of single-family land uses, but also some multi-family. The distances shown in Figure 1 are in addition to the County's setback requirements. Due to the proximity of existing residential, staff proposes imposing a condition that requires any overnight boarding facilities to be located completely indoors within a soundproof building.

**Figure 1. Proximity of Site to City Limits**



Compliance with County Conditions:

Staff recommends that all County supplemental requirements be fulfilled in addition to conditions recommended by staff.

**Staff Recommendation**

Staff recommends approval of an application submitted by Bryan Jensen for a conditional use permit to allow for a dog kennel and daycare facility on Lot 2 and Outlot A of 4665 Herbert Hoover Highway in unincorporated Johnson County, subject to the following conditions:

1. That the overnight boarding facilities be located completely indoors within a soundproof building; and
2. Prior to obtaining any building permits from the County, written approval from the City on the location of any future building or structure (including fences) to ensure future street connectivity.

*Attachments:*

1. Location Map
2. Zoning Map
3. Fringe Area Map
4. Application Information

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



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





0 0.035 0.07 0.14 Miles

# CREZ20-0002

## 4665 Herbert Hoover Highway



Prepared By: Joshua Engelbrecht  
Date Prepared: June 2020



An application submitted by Bryan Jensen for a Conditional Use Permit for a dog kennel on property located at Lot 2 and Outlot A of 4665 Herbert Hoover Highway.





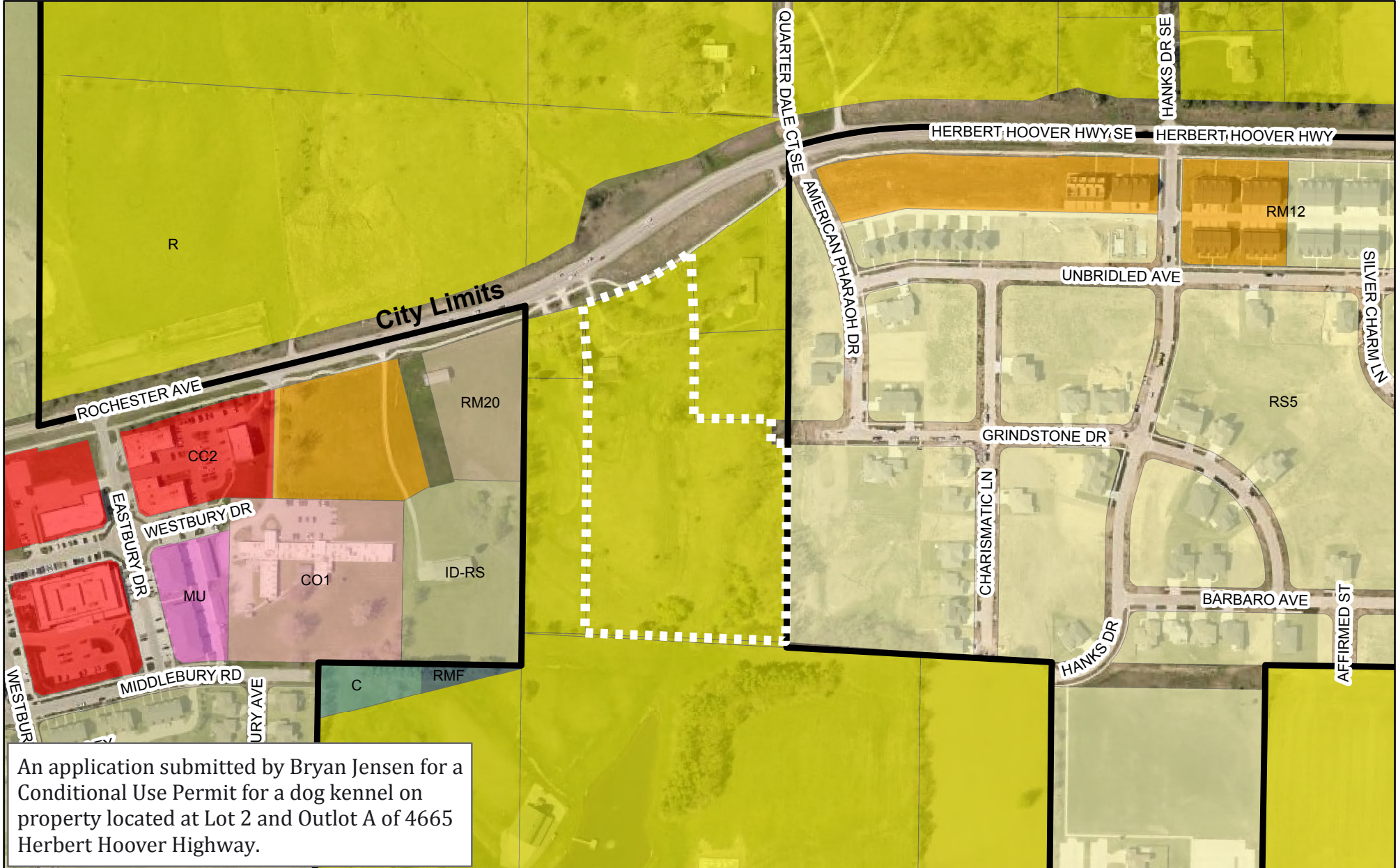
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# CREZ20-0002

## 4665 Herbert Hoover Highway



Prepared By: Joshua Engelbrecht  
Date Prepared: June 2020



An application submitted by Bryan Jensen for a Conditional Use Permit for a dog kennel on property located at Lot 2 and Outlot A of 4665 Herbert Hoover Highway.



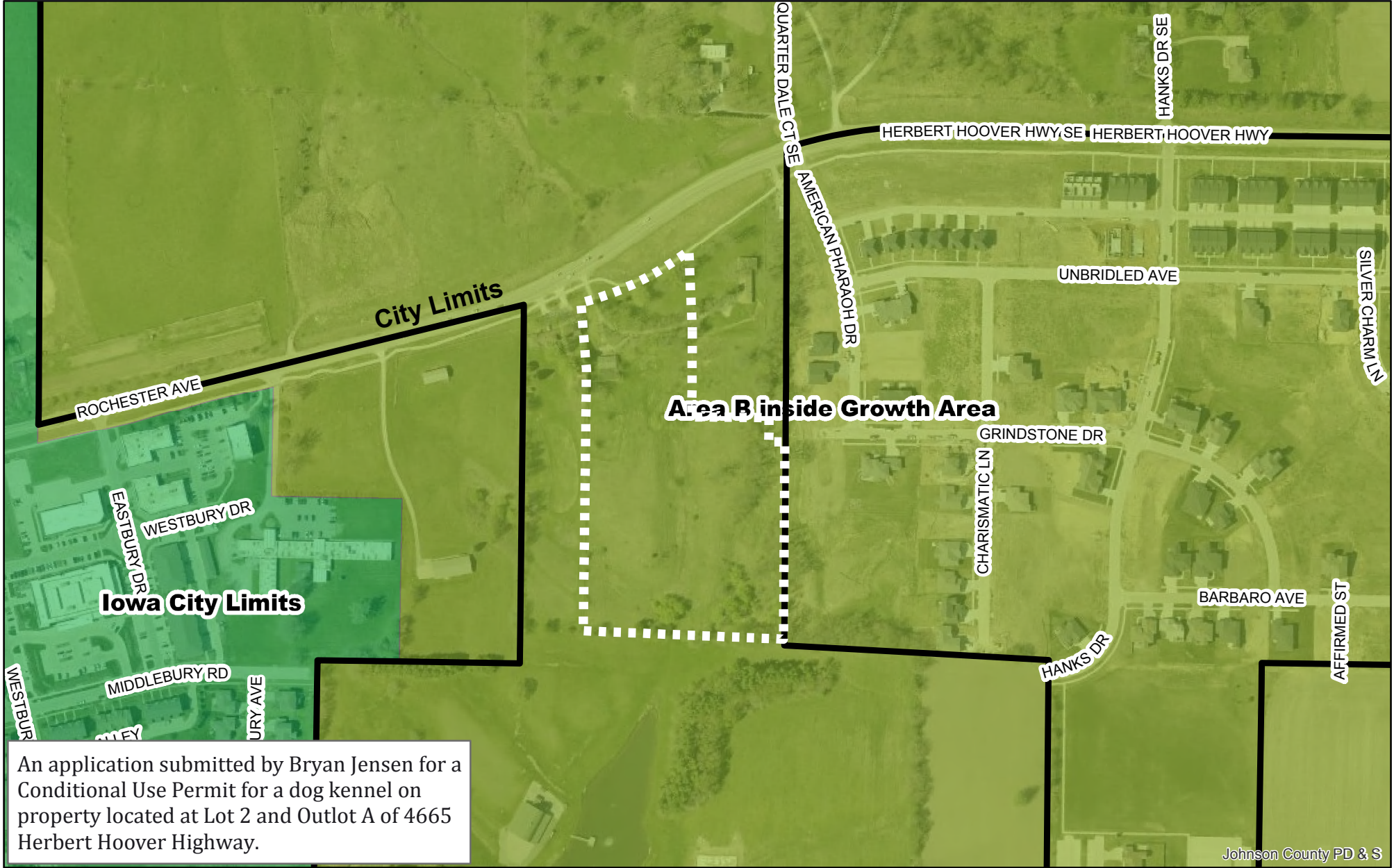


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# CREZ20-0002 4665 Herbert Hoover Highway



Prepared By: Joshua Engelbrecht  
Date Prepared: June 2020



An application submitted by Bryan Jensen for a Conditional Use Permit for a dog kennel on property located at Lot 2 and Outlot A of 4665 Herbert Hoover Highway.

Office Use Only	7-16-20	\$ 250	BOA-20-27917
	Date Filed	Fee	Application Number

COPY



**JOHNSON COUNTY, IOWA**

**APPLICATION FOR: CONDITIONAL USE PERMIT**

Application is hereby made for approval of a (official use as listed in the Johnson County UDO, and *briefly* describe the proposed use [e.g. Home Industry for Antique shop, Special Events for Corn Maze, etc.]):  
Dod boarding kennel and dog day care facility.

Address of Location: \_\_\_\_\_

Subdivision name and lot number (if applicable): Lot 2 and outlot A of 4665 Herbert Hoover HWY

Current Zoning: Residential Parcel Number: 0907214003 - 0907214002

**PLEASE PRINT OR TYPE**

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

Bryan and Dave Jensen

Name of Owner

BRYAN JENSEN

Name of Applicant (if different)

3571 Hanks Dr. SE, Iowa City, IA 52240

Applicant Street Address (including City, State, Zip)

319-631-8369

Applicant Phone

Bryan@topcityconcrete.com

Applicant Email

Bryan Jensen

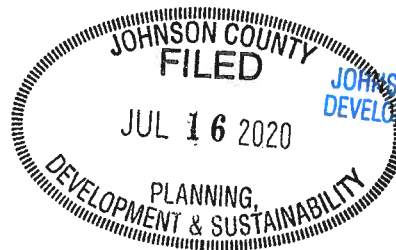
Applicant Signature

Digitally signed by Bryan Jensen  
Date: 2020.07.10 16:22:29 -05'00'

See back page for Application Submittal Requirements and Checklist

RECEIVED

JUL 16 2020



JOHNSON COUNTY PLANNING, DEVELOPMENT & SUSTAINABILITY

We are purposing to build a dog kennel and day care facility to provide day care and boarding for dogs with a variety of socialization. Dog owners will also be able to add on services such as grooming, teeth brushing, baths, treats, as well as transportation. We estimate 50 dogs per day and 6-8 employees throughout the day to help clean, manage the dogs, and provide the transportation.

Parking will be available in front of the facility. Due to the quick drop offs, we do not expect more than 8-10 people from the public on site at one time.

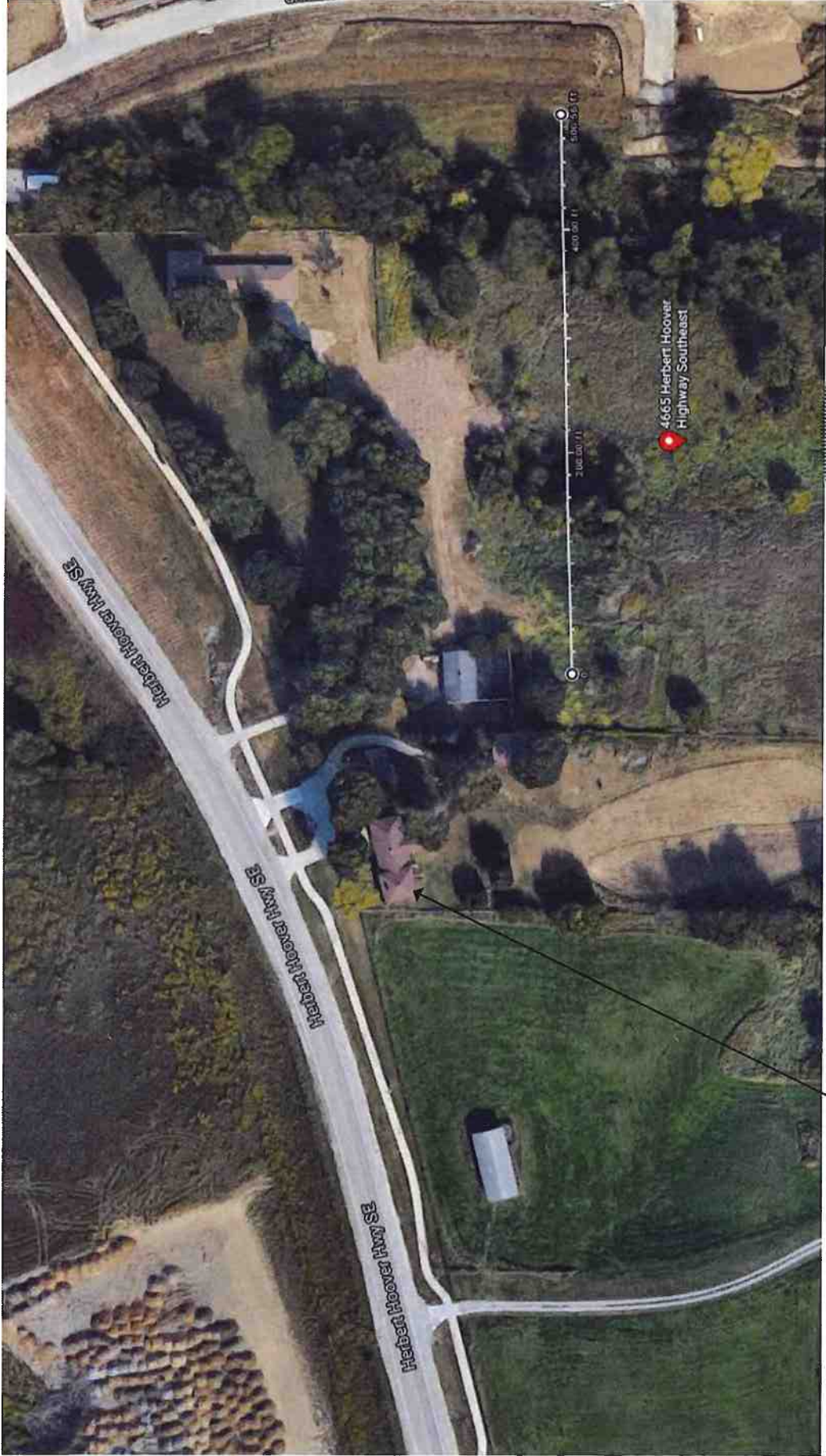
Hours of operation will be during drop off or pick up or by appointment or Monday – Friday from 6:00 am – 9:00 am or 4:00 pm – 6:00 pm. Employees will be in the building from 6 am – 6 pm, but we will not be open to the public except for pick up and drop off times or by apportionment.

The equipment that will be used are kennels and dog grooming equipment.

A septic system will be installed and a bathroom for employees will be installed inside the building. There will also be hook ups to the existing well.

A signed will be placed by the driveway close to the road.





JOHNSON COUNTY  
FILED  
JUL 19 2023  
PLANNING  
DEVELOPMENT & SUSTAINABILITY

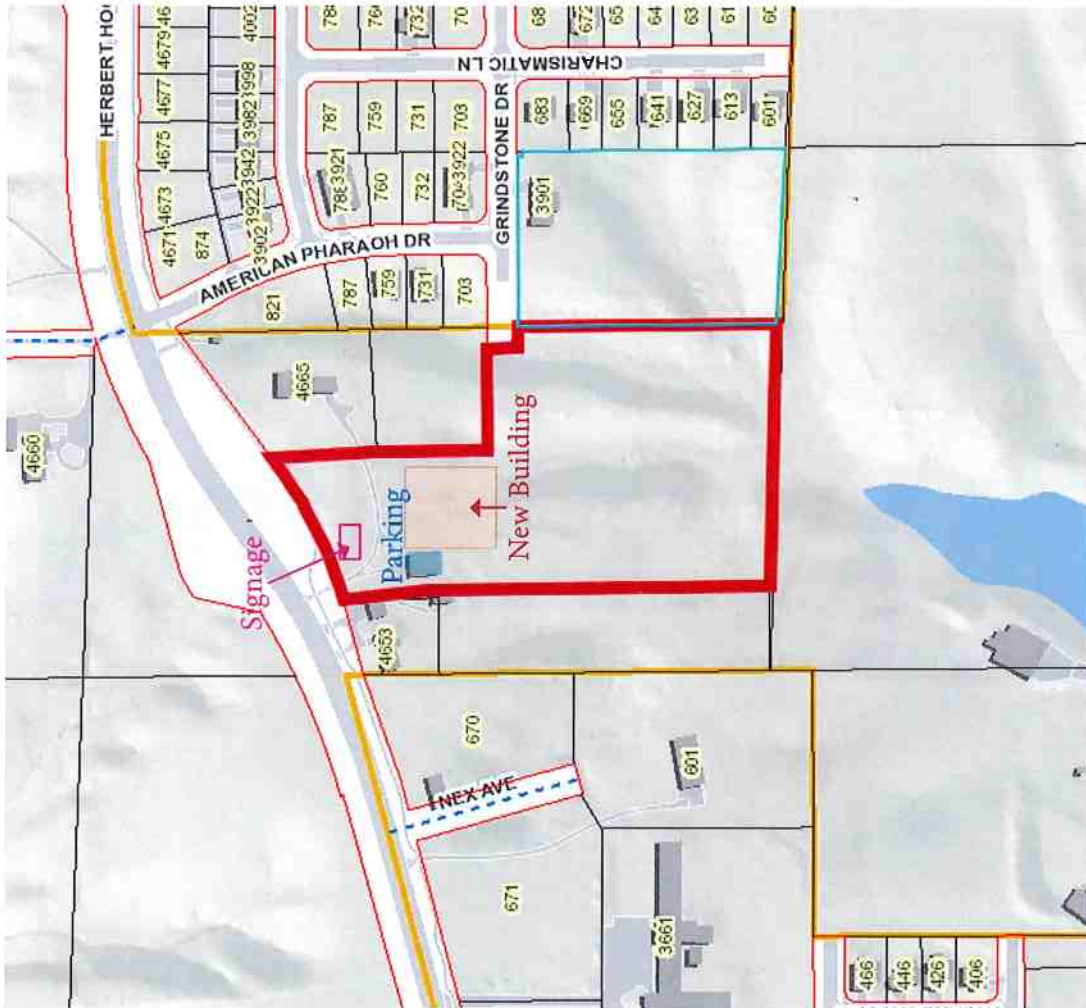
4653 Herbert Hoover HWY SE  
Owner David Jensen, also owner of 4665 Herbert  
Hoover HWY and brother of Bryan Jensen



Signage

New Building







Craig & Janet Watt  
4660 Herbert Hoover HWY SE

Monument Farms, LLC  
3402 Rochester Ave.

Michael & Julie Homewood  
759 American Pharaoh Dr.

Michael & Pamela Hoogerwerf  
731 American Pharaoh Dr.

Westwinds Real Estate Services  
703 American Pharaoh Dr.

Travis & Alison Shield  
3901 Grindstone Dr

Plymouth Housing Partners  
670 Nex Ave

Jeffrey & Molly Pacha  
601 Nex Ave

IC Housing Group, LLC  
671 Nex Ave

CTR Partnership LP  
3661 Rochester Ave

Theodore Pacha  
4640 Lower West Branch Rd. SE  
Iowa City, IA 52240

Jeffrey Sadecky  
788 American Pharaoh Dr.

CBD, LLC  
760 American Pharaoh Dr.  
732 American Pharaoh Dr.  
787 Charismatic Ln  
759 Charismatic Ln  
731 Charismatic Ln

Tirdad Hoghooghi  
704 American Pharaoh Dr.

CRN & KSN Development  
703 Charismatic Ln

S G A, Inc.  
683 Charismatic Ln

Brian Donohoe  
Joan Van Why-Donohoe  
669 Charismatic Ln

Maryville Family Partnership  
655 Charismatic Ln

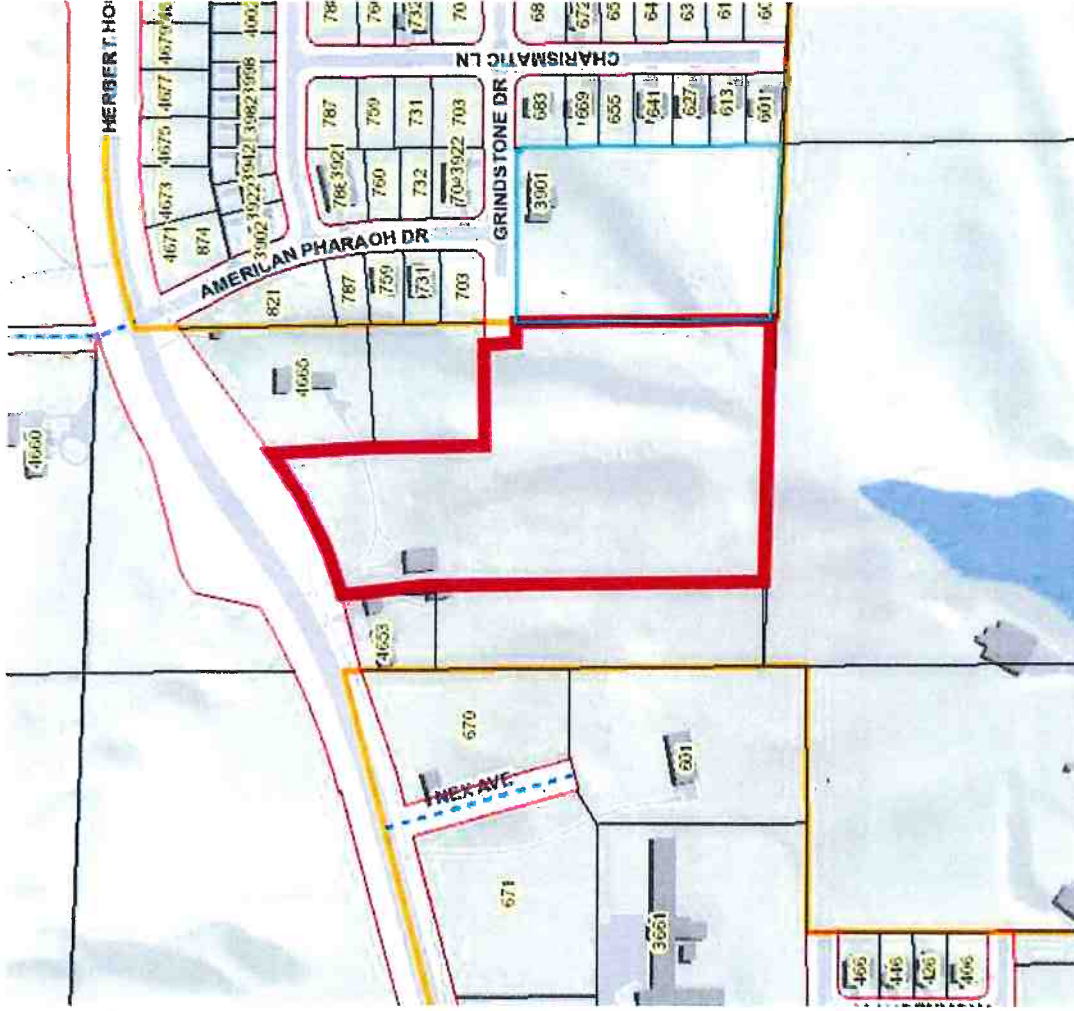
Rene Lindberg  
641 Charismatic Ln

Edward & Jennifer Wallace  
627 Charismatic Ln

Brandon & Ashley Pflanzler  
613 Charismatic Ln

Hubbard Article IV Trust  
601 Charismatic Ln

David Jensen  
4653 Herbert Hoover HWY SE



**MINUTES  
PLANNING AND ZONING COMMISSION  
AUGUST 6, 2020 – 7:00 PM  
ELECTRONIC FORMAL MEETING**

**PRELIMINARY**

**MEMBERS PRESENT:** Susan Craig, Mike Hensch, Phoebe Martin, Mark Signs, Billie Townsend  
**MEMBERS ABSENT:** Carolyn Dyer  
**STAFF PRESENT:** Ray Heitner, Sara Hekteon, Kirk Lehmann, Anne Russett  
**OTHERS PRESENT:** Jon Marnier, Jon Harding

**Electronic Meeting**

*(Pursuant to Iowa Code section 21.8)*

An electronic meeting was held because a meeting in person is impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

**RECOMMENDATIONS TO CITY COUNCIL:**

By a vote of 5-0 the Commissions recommends approval of CPA20-0001, a proposed amendment to the Comprehensive Plan to change the future land use designation from Public/Private Open Space to General Commercial for Parcel #1112476001, located north of Camp Cardinal Boulevard and west of Camp Cardinal Road.

**CALL TO ORDER:**

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

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

None.

**CASE NO. CPA20-0001:**

Applicant: MMS Consultants

Location: Parcel #1112476001 (north of Camp Cardinal Blvd, west of Camp Cardinal Rd)

A public hearing on an application to amend the Comprehensive Plan future land use map designation from Public/Private Open Space to General Commercial for approximately 3.11 acres.

Lehmann stated MMS Consultants submitted it on behalf of Jon Harding to amend the Comprehensive Plan Future Land Use from Public/Private Open Space to General Commercial for approximately 3.11 acres. He showed an aerial map noting the parcel in question is located north of Camp Cardinal Boulevard and west of Camp Cardinal Road. Across the street are Cardinal Pointe Condominiums as well as St. Andrew's Church. He next showed the zoning map, it's currently zoned Neighborhood Public Zone (P1), around it is interim zones to the north, and then to the east there is low density multifamily (RM-12) and low-density single family residential with the Plan Development Overlay (RS-5 OPD). To the south it's pretty much the highway. On the other side of the highway is some county-owned property. Lehmann showed photos of the property showing there is a clearing for most of it, there's a stream that goes down the hill and some other sensitive features.

Regarding background on this application, Jon Harding owns the land and he hired MMS Consultants, to prepare three applications to allow the development of a community event center that will be 7,000 square feet. This application proposes to amend the Comprehensive Future Land Use Plan by changing it to General Commercial from Public/Private Open Space. The property is in the Northwest Planning District, but it doesn't have an adopted plan. The other concurrently submitted applications include a right-of-way vacation (VAC20-0001), which would allow the owner to acquire additional land on Camp Cardinal Road, and a rezoning (REZ20-0001), which would change its zone from Neighborhood Public (P-1) to Community Commercial (CC-2) with a Planned Development Overlay (OPD) to protect on-site sensitive features. Generally, the Comprehensive Plan Amendment must be approved for the rezoning to comply with the Comprehensive Plan.

The applicant did send Good Neighbor letters on June 30, informing neighbors that they'll accept comments and questions directly, they opted not to hold an in-person meeting due to COVID-19.

Lehmann next showed the site plan noting again they're changing the designation for the whole space. In this case, the role of the Commission is to determine whether the Comprehensive Plan Amendment includes evidence that the following approval criteria are met. First, that circumstances changed and or additional information or factors have come to light such that the proposed amendment is in the public interest and second, that the proposed amendment will be compatible with other policies or provisions of the Comprehensive Plan, including any district plans or other amendments that are part of that. So regarding that first criteria that circumstances have changed, initially, Johnson County got the Poor Farm in 1875 as part of a larger farm tract. This portion of the Poor Farm was severed by Highway 218 and the Camp Cardinal Blvd right-of-way in the 1980s. In 2014, Johnson County sold the property to Jon Harding, which was just after Iowa City had adopted its 2013 Comprehensive Plan. At the time the Comprehensive Plan was adopted the land was in public ownership and contained sensitive features so that led to its designation as Public/Private Open Space. Lehmann noted those sensitive features include steep slopes, wetlands and a stream corridor. Previous plans, going back to at least the 60s show the areas as Public Use and at the time, there was no City infrastructure. It was generally used for agriculture. The surrounding area began experiencing development following Camp Cardinal Boulevard construction in 2007 and there's a number of different housing types and compatible other types that aren't residential in the area. Cardinal Pointe South is a quarter mile north and has a mix of single-family townhouse and duplex units. Kennedy Parkways is a half mile north and has a medical office and elementary school. Directly east across Camp Cardinal Road is Cardinal Villas Condominiums and St. Andrews Presbyterian Church, and then additional development is just expected in the area in the near future. Therefore, because of the

change in ownership and development of the neighborhood, staff believes that this constitutes a change of circumstances. Additionally, the neighborhood's recent development changes the context that that property exists, and on-site sensitive features will still need to be accommodated through the City Sensitive Areas Ordinance, regardless of its future land use designation. Lehmann noted for this staff is only looking at the Comprehensive Plan Amendment and just looking at those related proposals for what the space might be. General Commercial allows uses that are compatible with nearby development and that could include an event center.

Regarding the second criteria, which is compatibility with other policies or provisions of the Comprehensive Plan, Lehmann reiterated the Northwest District doesn't have an adopted plan so they rely on the Comprehensive Plan's descriptions and their relevant policies about land use, and relevant policies about natural resources. For the land use policies buffers are encouraged between residential development and major highways like US 218. Alternatives of single-family development may be appropriate for properties at major intersections, and the Plan supports appropriate transitions between high and low density development and commercial residential land uses. In this case, the property is on the corner of Camp Cardinal Boulevard, an arterial road, and Camp Cardinal Road, a collector street. Generally, commercial uses are less sensitive to highway noise and will buffer the residential areas from Highway 218, and they can also benefit from the visibility that comes with high traffic volumes along busier corridors. Higher intensity commercial use also maintains that appropriate transition. There's also multifamily and institutional uses directly east and then further away there are some lower density residential uses to the north and the east. Looking past Highway 218 to the southwest, it doesn't really seem appropriate given the size of that right-of-way. In addition, the area has seen increasing density from Comprehensive Plan Amendments recently. In 2016, CPA 16-01 was adopted and changed the Future Land Use map designation for the property north of Melrose Avenue and east of Camp Cardinal Boulevard from Residential 2-8 Dwelling Units per Acre to Office Commercial. Then CPA 16-03, adopted in 2017, changed the future land use map designation for the property at the northeast corner of Camp Cardinal Road and Camp Cardinal Boulevard from Residential 2-8 Dwelling Units per Acre to Residential 8-16 Dwelling Units per Acre.

Lehmann noted the policies that would be relevant in this case are the sensitive areas, so some policies regarding natural resources that they considered were discouraging sprawl by promoting infill development, then continuing to identify and preserve environmentally sensitive areas by enforcing Sensitive Areas Ordinance. Lehmann stated this is not really an infill site, it's a greenfield site, but it is contiguous and it's an area that's under development and it would make sense and discourage sprawl. Also changing the Future Land Use from Public/Private Open Space to General Commercial will still require the property follow the Sensitive Areas Ordinance and for that reason the rezoning application concurrently submitted includes a Planned Development Overlay (OPD) to preserve these features. Overall staff believes that that change in the Future Land Use from Public/Private Open Space to General Commercial is compatible the policies in the Comprehensive Plan, especially those as they relate to land use and natural resources which are most directly affected by this proposal.

Staff recommends approval of CPA20-0001, a proposed amendment to the Comprehensive Plan to change the future land use designation from Public/Private Open Space to General Commercial for Parcel #1112476001, located north of Camp Cardinal Boulevard and west of Camp Cardinal Road.

In terms of next steps, upon recommendation from the Commission of approval or denial of the

Comprehensive Plan Amendment will be considered for approval by City Council.

Hensch asked if the other applications for the right-of-way vacation and the rezoning would subsequent to the amendment of the Comprehensive Plan. Lehmann stated they were all going to come at the same time but there were some delays in working through the sensitive areas. Therefore the applicant decided to go ahead with the Comprehensive Plan Amendment because that has to happen first regardless. The other applications will now come once this is considered.

Hensch noted further speaking on the sensitive areas he looked at the PIV of this property and it looks like with the slopes it's going to be pretty tough with the concept plan they have, however that is not relevant to this, but are there any issues right now with the sensitive areas ordinance for this parcel.

Heitner responded like Lehmann stated, they are still reviewing the Sensitive Areas Ordinance pursuant to the OPD that's accompanying this application and they're working with the applicant on the wetland mitigation side of the Sensitive Areas Ordinance and there's a couple steps that they need some closure on with that piece. Additionally there's a few other aspects of the preliminary OPD plan they need another review with the applicant on but as far as slopes go, they think that the site can be accommodated.

Hensch had another question regarding the current zoning of Public One or P1, he presumes this is simply because of the historical use of the property, not because of any planning that was done, it's just a remnant piece from the farm. Lehmann confirmed that was correct. Hensch stated lastly, on the Northwest District Plan, he understands there's not a plan for that but is it in the queue somewhere to eventually start working on the Northwest District Plan because there's a lot of development going on in this area. Russett answered it is really not in the queue but they're at a point now where they think they need to review the entire Comprehensive Plan and look at the entire City. So that will likely be the focus of any future plan updates.

Signs had questions about the topography of the site because it is pretty severe in parts of it and he is also pretty sure there's been some fill in there. He noted they ran into this situation a year ago or so ago on a project on South Gilbert Street where there had been fill and land changes happening before anything even started coming before the Commission. He noted if there is anything in the overall process that can address people preparing land for future use without really following the rules, effectively.

Martin asked if a traffic study had been done in the area or when it comes time for something to be built, will there be a traffic study done to know how cars would flow. Russett confirmed that the rezoning point is normally when the traffic study would be done, however they have been coordinating with the transportation planner on this rezoning and based on the development in this area, it wasn't felt that a traffic study was warranted for the project. In terms of what's going to be built, a lot more detail will be provided in the Planned Development Overlay Rezoning. There will be a site plan and elevations that can be looked at as part of the rezoning process.

Craig asked what other kinds of things are allowed in General Commercial, because what happens if in five years this proposed use is no longer a financially viable operation. Lehmann stated it could be most types of commercial uses, it could include offices, but it could not be intensive commercial, which is typically things that have lots of outdoor storage or things outside. Craig asked if it could be a gas station. Lehmann responded it could but there may not be

enough room there for that kind of thing. But it could be a retail store, it could be gas station, General Commercial is a pretty broad category.

Russett added this will come up during the rezoning but since it's an OPD rezoning as part of that, an OPD plan is approved that basically approves a site plan for the site. So even though theoretically it could be all sorts of uses, it's going to be approved through the rezoning process and if anyone wanted to do something different, they would have to come through the rezoning process again for a different type of use.

Hensch opened the public hearing.

Jon Marner (MMS Consultants) is speaking on behalf of the applicant, Jon Harding. He wanted to talk briefly and then he'll let the applicant speak if he has any additional comments. Marner stated staff has done a good job of explaining all of the circumstances with the site and the emphasis is to, for now, given the other issues they're working through with these sensitive areas, the issue before them now is just to go ahead and get the Comprehensive Plan Amendment change for the General Commercial use. Because there's a lot of residential over to the east and there's also the church site over to the east, he thinks it's a compatible use with the surrounding areas. Regarding the right-of-way, staff concerns was that street need to be planned as a collector street, so one of the comments that came back from staff that they will address with the right-of-way vacation is to widen it and sure there's adequate width for a 33 foot wide away-of-way instead of the 30 foot on they had originally proposed. It's again a natural location given that it's near the collector, it's proposed higher density or possible densities up to the north and the recent development with the multifamily. Marner next wanted to touch real briefly on a couple of the questions that came up regarding the timing of the application. They're waiting on some approval permits from the Core and working through some of the things with the wetland delineations and the wetland buffer, but they wanted to go ahead and move forward with the Comprehensive Plan. He noted it is a complex and challenging site and those are definitely some of the things that as they get into the rezoning application, those are things they've been working through. The plan that they have right now will avoid the protected slopes and it's done a pretty good job of avoiding most of the slopes where possible. They've got retaining walls, they've minimized the parking down to the south to try to limit the impacts. Regarding the fill at the site in the past, it has primarily been in the northeast corner of the site and did not directly impacted any of the protected slopes or sensitive slopes on the site. It is adjacent to some of the some of the other sensitive areas, but they're working through those issues with staff to try and come to resolution on those.

Jon Harding (applicant) noted that regarding the fill at the site, his initial plan with that property was to build his primary residence four or five years ago, and they were allowed to bring in one acre of fill into that site for a residential structure there. Then over the last year or two, they changed their minds because the area started becoming surrounded by apartment buildings and commercial property and they didn't feel was a good fit at that time to have their primary residence on that site. They have not brought any fill in for probably four or five years once they reach that one acre maximum. Also regarding a possible gas station, that site is not very conducive for a gas station because there's no access to Camp Cardinal Boulevard. So yes, it is certainly a challenging site, but they think with their proposed venue there will embrace the surrounding woods that are there and they're trying to salvage as much as they can and make that a part of the commercial buildings.

Harding also wanted to mention that as part of this project he did reach out to the church and

wanted to make sure it was a good fit with them and making sure they weren't a competitor if they decided to hold receptions or banquets there. The church was actually very excited about it and wanted to work with them on the project so it's definitely a good fit with the church across the street.

Hensch asked if they received any input in relation to your good neighbor letter that they sent out? Harding stated not to his knowledge and Marner confirmed they never received any correspondence back from the good neighbor letter.

Hensch closed the public hearing.

**Signs moved to recommend approval of CPA20-0001, a proposed amendment to the Comprehensive Plan to change the future land use designation from Public/Private Open Space to General Commercial for Parcel #1112476001, located north of Camp Cardinal Boulevard and west of Camp Cardinal Road.**

**Martin seconded the motion.**

Hensch noted he believes the current P1 designation is just a historical artifact, so he is not concerned about the amending the Comprehensive Plan for commercial because he thinks that actually makes sense for this site. He agrees it is a difficult site and a Planned Development Overlay is really the best thing they could come up with to deal with the Sensitive Area Ordinance on this site. He would support this amendment.

Signs agrees, there is commercial property to the north on Camp Cardinal Boulevard there's a medical clinic and some commercial space on the Coralville side of the line. It seems like this is a good buffer, and a good usage for buffering any future residential development to the north and east of there. Signs noted he intends to support it.

Townsend noted she drove through the area and was surprised to see so much development up the hill from there. Her concern was in the summertime, how many of the residents use that winding road that goes up the hill to come down to Camp Cardinal for access to either Coralville or Iowa City. So when they do look at the traffic flow, she would want to know is it different in the summer than in the wintertime. In the wintertime it likely wouldn't be a problem because people wouldn't use that road but in the summertime it might be a concern as many residents might use that road for access.

Hensch noted they will hear about a traffic study and other such issues at the rezoning.

Craig stated she is supportive of the change and how the use has changed over the years and seeing how the area's developing she think this use fits in. She does think that the sensitive areas may be an enhancement to what they are choosing to do, because the outdoors may be an attractive feature. She asked the question about the gas station because that seems like something that would not enhance the sensitive areas.

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

**DISCUSSION ON THE GOOD NEIGHBOR PROGRAM**

Russett noted at the June 4 meeting of the Planning and Zoning Commission it was brought up that the Commission would like to have another discussion of the good neighbor program. She began with a few slides to provide a little background and context and then she will turn it over to the Commission for discussion.

Regarding background on the good neighbor program, this is a voluntary approach for proactive dialogue between the developer and the neighborhood prior to coming to the Planning and Zoning Commission meeting. These are encouraged for most discretionary applications, Comprehensive Plan Amendments, rezonings and subdivisions. It's an opportunity for the developer to share their project and for neighbors to ask questions, provide input and express concerns. These are generally coordinated by the applicant, the applicant will hold the good neighbor meeting, they will facilitate it, they will notify neighborhood residents, but coordination is recommended with the City staff prior to the good neighbor meeting. Property owners within 300 feet are notified of the good neighbor meeting, sometimes staff recommends that that area be expanded based on the project. When City staff is notified and involved in the planning of these good neighbor meetings, the neighborhood association representative is notified if the project is happening in an area that has an association. The program was established in 1998. The City revisited the program in 2013 and at that time staff and City Council both agreed to keep the good neighbor meetings voluntary. In 2019 there was a more comprehensive review of the land development process and good neighbor meetings were a component of that and at that time staff recommended keeping the program voluntary because projects do vary. Some meetings happen at the rezoning stage but not at platting and here are other notification requirements. Based on review of the minutes from the discussion that the Commission had in April of 2019, it was generally expressed by most Commission members there was an interest in making good neighbor meetings mandatory for rezonings. In July of 2019, the Planning and Zoning Commission had a work session with City Council on this item. Again, it was a larger discussion of the land development process and the good neighbor program was a small aspect of that discussion. The City Council continued that discussion in August of last year and then in June, the Commission requested opportunity to discuss this program.

In addition to the good neighbor meetings, there was also an interest in learning more about the deadlines the City has for various applications. For Planning and Zoning Commission items, they have a 45 day review period from when they receive a complete application for rezonings or for preliminary plats to get it to the Commission and the Commission must make a recommendation within that 45 days otherwise it's assumed that the Commission is recommending approval of that rezoning or preliminary plat. For final plats, which the Commission doesn't review, City Council has 60 days to act on a complete application. Additional notifications are staff post signs at the property for vacations, rezonings, and plats. Letters are mailed to property owners within 300 feet of the project boundary. For Comprehensive Plan Amendments like they had tonight, they set a public hearing, so it was mentioned at the previous Commission meeting and then discussed tonight at the public hearing.

Russett next showed a example of what 300 feet might look like in an urban neighborhood. She showed a rezoning they had last year at 2130 Muscatine Avenue and the 300-foot radius so they could see the properties that were sent letters. She next showed a table of some recent cases where the application held a good neighbor meeting. The first one is the Tamarack Ridge rezoning where there was a very contentious rezoning a good neighbor meeting held at the rezoning stage. At the subdivision stage, a good neighbor meeting was not held because it was



held at the rezoning. For the 305 and 315 East Prentiss Street rezoning they did have a good neighbor meeting. For the rezoning at 310 South Gilbert and 348 Highland Avenue they held a good neighbor meeting. There was a preliminary plat application for property near Big Grove on South Gilbert Street and there was not a good neighbor meeting for that application but there was one at the rezoning stage, which was held a four years prior to the plat. For the most recent application that triggered the interest in revisiting this topic was the Westside Estates preliminary plat where they did not hold a good neighbor meeting for the plat but they did hold one two years prior when the previous preliminary plat came before the Commission.

Russett also mentioned that they received five letters from members of the public regarding this item, and those have been passed on to the Commission. In general, there was support for the good neighbor program and there was an interest in making it mandatory, and there was an interest in increasing the notification boundary.

Before turning the discussion over to the Commission, Russett just wanted to note some goals that staff generally has with these is that they want to have a consistent message. They don't want any requirements to be too burdensome. She doesn't know if that's the case with the neighbor meetings but they just want to think creatively about ways to keep residents informed.

Hensch thanked Russett for the information. He noted it is his sixth year on the Commission and sort of the reoccurring theme that he hears is people saying they weren't notified, or they're just outside the notification zone. It concerns him because he believes that gathering the community input up front can resolve some of the problems later on. It allows the neighbors the opportunity to feel like they're being heard and the developers aren't obligated to do anything, it's simply a listening session at most. He acknowledged he is very concerned about anything that's burdensome to the staff, with the current program staff is present, but he's not sure that's necessary because the whole point is for this to be a listening session for the developer to explain what they're doing and have the neighbors feel like they're being heard. He is interested in simply increasing that circumference of that notification circle, it just seems like 300 feet seems a little small to him, he won't make it too large, but 500 feet seems pretty reasonable. The only other thing he'd say is that the meeting should be mandatory. He thinks there certainly has to be one meeting per project, so they shouldn't have to repeat for the subdivision or the preliminary plat or the final plat or vacation, just one meeting on the whole project would be sufficient. He does have a concern about being burdensome for everybody but the overall objective is so neighbors can be heard, and maybe potentially resolve some issues up front.

Martin stated she completely agreed with the things that Hensch is saying but also want to bring up rentals. She understands that a tenant does not have the rights as a homeowner but there are residents that have been renters for 10-15 years that don't get notifications, their landlords get notifications, but don't tell their tenant what's going on. Granted that should be the responsibility of the landlord, but could that letter also go to the resident of the rental address.

Craig agrees with what both Hensch and Martin have said and 300 feet is not very large and looking at that map that was shown earlier, if that was 500 feet instead of 300 feet, they would get across the street on those northern edges and include more people. Maybe 500 isn't the right amount but she doesn't think she would support more than that. She also agrees with Martin that the renters should get some kind of notification, even if it's not the same as what the owner gets, but a letter that's addressed to resident at a certain address doesn't contain much more than what's on the sign that gets put up before the public meeting.

Townsend noted her concerns are sometimes there are things the Commissioners just don't think of. They can think it's a small project, but the people that are affected by it, there may be extenuating circumstances that they don't know, until they start the conversation. Like with the project on Gilbert, the big apartment buildings where there were concerns with all that traffic and is there going to be enough parking for all of those residents. There wasn't a concern until the people that own the store on the corner were complaining about people going through their driveway to get where they were going. So those are things that the Commission or the applicant won't don't know about unless people tell them. The other concern she has is if the plans for a project start today, but they don't actually start building until four years down the road, the people that were at the neighborhood meeting when it started may be totally different from those that are there now. Perhaps the meetings need to have some sort of expiration dates on them.

Hensch noted the plans do have expiration dates on them, if they don't proceed in a certain timeframe then they have to reapply. Russett confirmed preliminary plats expire after 24 months unless they are extended by Council.

Townsend stated another concern which is the signage and maybe there's more that can be on those signs that are placed by the project saying that there's maybe an email address or a web website where they can go and get more information for those if there's not a good neighbor meeting. If there is a good neighbor meeting, then maybe that information is available on the signage too.

Signs followed up on that and stated one of the things they've heard before on the sign placement issue is that sometimes they're not in great places to see especially if there are places where construction started or dirt has been moved or whatever. The other thing they have heard in the past is trying to find these things on the website, even if they do see the sign. Staff has changed over to a new online system recently but doesn't know if it makes it easier for the public to find out that information.

Signs feels a big issue is voluntary versus mandatory, and he thinks it needs to be mandatory. The struggle is at what phase. For example, a Comprehensive Plan change doesn't require a sign to be put out and he thought that was really odd since it's kind of a big change. He agrees that if the project is moving along at a decent pace, one meeting should be enough but if there is a Comprehensive Plan change and then four years later they come forward with the rezoning plan, the good neighbor meeting four years ago may not be sufficient. He does think they should be mandatory and agrees the radius should be increased to 500 feet. The resident versus the owner, that was one of the things he did see in at least one of the letters, the concern about just owners getting a letter when it's very legitimate in some areas of town, it is predominantly rental properties in any given 500 foot radius and in many cases there are long term renters who have a good stake in the community. He can't imagine it would be too difficult to include owners and residents or tenants in the notification.

Signs noted the other thing that came up throughout the letters and was the letters came through the neighborhood association, leadership. He doesn't see any reason why they couldn't notify a neighborhood association that a property is involved in. And then basically if the neighborhood association sees a bigger issue, they're going to put the word out to make sure that anybody who wants to be involved does. So he would be supportive of adding if there is a neighborhood association and a contact for that association, adding that person to the to the mailing list.

Hensch stated to the point about the renters, because that's a very difficult topic to find a way to effectively communicate with the renters, maybe the way is by notification of the neighborhood associations and let each neighborhood association figure out how about how they want to do it. Maybe they want to post a flyer in a building.

Martins noted in the case of Muscatine Avenue, one of her rentals fell just outside of that and she's had the same tenant for eight years and she called her and asked about the sign and if it was something she could call the City about. She told her she could, but that's because she knew that she could tell her to do that, not all landlords or folks will know that. Also there are not always neighborhood associations in every neighborhood, so notification should go to every residence. There can still be notification to a neighborhood association, absolutely, more communication is better and she doesn't think that over communicating is burdensome for anybody.

Townsend noted she has been in Iowa City now a little over 30 years and prior to that, she didn't think there had been much change in Iowa City. Since she's been here it's drastically changed, and you don't know what's going to go up next. From the huge buildings downtown to the malls, all these things are so different from when she came 30 years ago. So she would like to know as a resident, is there something big going to happen next door to her, it may have not been a concern 30 years ago because nothing drastic was going to happen, but that has changed.

Signs acknowledged there's probably some truth to that in the sense that as the land has become way more valuable and way more scarce people are looking to existing land in existing areas under existing uses to make change to.

Townsend stated it's a whole different era now and things are being built and the companies that are coming in are ones that they never would have expected to be here.

Craig added a comment on the mandatory part, she has a sense from what she's read from the staff is they would not like to see it be mandatory because they think there are some instances regularly where the project is so minor, that it's not necessary. Before she could support that, she would want to hear from staff about what the burden on them is to make it mandatory for every single thing and how many have not been held that in hindsight should have been held. She is not 100% supportive of the mandatory requirement until she hears from staff.

Hensch recommends they don't be particularly prescriptive just give some general ideas and let staff figure out maybe some exceptions because there's some things that probably don't need to be made mandatory because they're so small. He wants to give staff the ability to make those decisions. In general they've agreed the 300 foot range is too small and are recommending 500. They're almost in agreement the meetings should be required but agrees perhaps to leave part of it up to staff discretion for things that they regard just minor changes that really no one would be interested in. Finally they've all agreed that somehow the renters need to be notified in at least maybe just a resident to that address letter and including possibly the neighborhood association leader for the area if there is one.

Russett stated as a team they have not discussed this issue since last April, when it was their official recommendation not to make them mandatory as they didn't want to get into a position of having a meeting for every comp plan and the rezoning and subdivision, one meeting per project

makes more sense. She noted the time at which these are very controversial is typically the rezoning, subdivisions are very technical reviews of the zoning code and subdivision code based on the zone that is already applied to that land. So if someone comes with concerns at the subdivision phase, it's not as much a policy discussion as more technical discussion on that the plat meets the requirements of the code. So for projects like that, it makes more sense to have that discussion upfront at the plan amendment stage and at the rezoning stage. She doesn't think it would end up being burdensome for staff, a lot of this falls on the applicants. They do coordinate with them, but for the most part staff wouldn't be doing anything different from what they are already doing.

Townsend asked how often is there a good neighbor meetings and no one attends. Hensch responded in his six years here it's not infrequent for it to be very sparse attendance, maybe two, three people showing up or zero, but that's okay because you're giving people the opportunity. Townsend asked if there any way to have them pre-register for these so that if no one registers they're not wasting the staffs time and energy. Martin noted sometimes it's pretty short turnaround so there may not be time to RSVP.

Signs agreed and noted another thing he forgot to mention was they hear quite often they didn't get the notice until a day before or the day of the meeting. He added his faith in the US Postal Service is diminishing daily in their ability to get stuff delivered on time. So he is wondering if they do need to expand that window a little bit.

Hensch noted he doesn't want to send this recommendation to Council until they make sure that they're working as a team with City staff. Again, they're in agreement about the 500-foot recommendation, a mandatory meeting most of the time, there could be some exceptions that staff could establish for those minimal changes, one meeting per project or if the project goes over X number of years and they have to hold another one, and some method of notifying the renters and the neighborhood association, if there is one.

The Commission and staff were in agreement that staff will come up with a recommendation to discuss at a future meeting and take that recommendation to Council.

#### **CONSIDERATION OF MEETING MINUTES: JULY 16, 2020:**

Craig moved to approve the meeting minutes of July 16, 2020.

Signs seconded.

A vote was taken and the motion passed 4-0-1 (Townsend abstained).

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

Russett gave a couple updates, one is the rezoning on Highway One West which was approved at the last meeting of the City Council, it was where they amended the conditional zoning agreement. Second is the Council deferred the appointment of the Planning and Zoning Commissioner vacancy until the next meeting.

Signs asked if there were there no applicants. Hensch said it was an issue of gender balance because currently they're out of compliance for the State law on gender balance. So they are restricted to an appointment of a male unless they have advertised it for 90 days and no male applies and they can appoint outside of balance. Hektoen noted they did have one applicant who was a realtor, but they felt like the Commission was already efficient in that area.

**ADJOURNMENT:**

Townsend moved to adjourn.

Signs seconded.

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

**PLANNING & ZONING COMMISSION  
ATTENDANCE RECORD  
2020-2021**

	<b>7/16</b>	<b>8/6</b>														
<b>CRAIG, SUSAN</b>	X	X														
<b>DYER, CAROLYN</b>	O/E	O/E														
<b>HENSCH, MIKE</b>	X	X														
<b>MARTIN, PHOEBE</b>	X	X														
<b>SIGNS, MARK</b>	X	X														
<b>TOWNSEND, BILLIE</b>	O/E	X														
<b>Vacancy</b>																

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