memo

To:	Hiawatha City Council
From:	Patrick Parsley
CC:	Kim Downs, City Administrator John Bender, City Engineer
Date:	1/28/2020
Re:	Ordinance adopting Robins Road Rezoning and Overlay

BACKGROUND:

With the guidance and assistance from Bolton and Menk's professional planner; Rose Schroder, and input from the implementation work group, City staff has completed documents which implement the land use recommendations from the Robins Road Corridor Study. The intent is to control and accommodate land development which reflects the vision of the Comprehensive Plan 2036 as detailed in the study.

To accomplish that goal an overlay district is being established in our Unified Development Code (UDC) by amending the text of the UDC and the Zoning District Map; the official zoning map for the City of Hiawatha. Along with the new overlay, rezoning is recommended for the underlying zoning districts. The nature of the mixed-use overlay requires:

- Elimination of industrial uses which are not compatible with residential and retail uses.
- Elimination of residential single-family dwellings along the "main street" in order to accommodate neighborhood businesses.
- Create transitions from business uses to residential uses.
- Create high-density residential uses in the vicinity to support the central business commerce and
- Revitalize the area as part of vibrant "Downtown" Hiawatha through public improvements on Robins Road.

The recommended changes to the UDC are delineated in the recommended resolution. The items have been reviewed by the implementation work group to verify matching the intended goals in the Robins Road Study and within the Comprehensive Plan. The language addresses the scope, application and development details with in the overlay.

The recommended zoning map changes are described in the proposed resolution. The attached map delineates the overlay and the areas being rezoned.

The implementation process has been a continuation of the Robins Road Corridor Study. It has included public outreach through the web site, monthly newsletter and personal contact. Over the past three months city staff has made personal contact with most of the land owners with property

being rezoned; 15 of 18 owners encompassing 28 properties along Robins Road. Generally, the responses to the improvements and the changes were positive.

The main concerns expressed were questions regarding continuance of existing uses and limits upon the sale of the property. Staff assured all owners their uses could continue as legal non-conforming uses and they are unaffected by the sale of the property. The staff explained the new zoning will be affective when the existing use is either destroyed or is abandoned for more than six months.

As part of the rezoning process certified letters have been sent to all property owners within the overlay, postcard notifications have been sent to all residents within 500 feet of the overlay and a public notice was published in the Gazette. These notices plus signs posted along Robins Road completes the public notice requirements for a rezoning public hearing.

PLANNING & ZONING COMMISSION SUMMARY

The Planning and Zoning Commission considered the zoning changes at their January 27, 2020 meeting. (minutes attached) There were more than forty (40) people in attendance including those within the overlay, adjacent to the overlay and those involved as part of the Robins Road Corridor Study. The representative from Bolton and Menk; Rose Shroder, presented the proposed changes and a brief overview of the purpose and the study process.

The meeting was open for public comment and questions. Much of the discussion centered on:

- The application of "legal non-conforming" allowances for existing uses
- Design and timing of the public improvement of the Robins Road ROW
- The commercial zoning effects on neighboring residential uses
- The redevelopment timetables
- The rezoning effect on land values

The Commission Chair allowed city staff and the representative to answer the citizens' questions to clarify the new regulations and their application. Staff noted legal non-conforming applications are not changing with rezoning; however, it was clarified the overlay rules do not apply to single family dwellings.

The City Administrator explained the process for public improvements including design, timing with the capital improvement plan and the assessment policy as it relates to the payments for the improvements. Though adjacent property owners are not assessed for the ROW work, they do become responsible for the sidewalk maintenance after completion.

The Bolton and Menk consultant addressed redevelopment timelines within her experience. Since this redevelopment is privately driven no time table for specific projects is available and the redevelopment in this situation varies greatly, from five years to more than 25 years depending on circumstances. This rezoning and overlay action are being put in place to apply the Comprehensive Plan vision for the area and for the orderly development when it should occur.

Staff addressed the citizen concern regarding land value. The concerned citizen stated residential property rezoned or next to rezoned commercial property loses value as a result. Though we did not do an exhaustive study, we found residential properties in or next to the Hiawatha CPR zones have not lost value as noted in the Linn County Assessor's site. The conclusion drawn from the cursory information is that land values are not necessarily affected by rezoning. This information is not applicable in all situations as land values and property assessments are affected by many factors including location, upkeep, size and economic situations.

The major issues brought forth in the Planning & Zoning meeting will again be addressed in a presentation to Council by Bolton and Menk. The session will include an opportunity for the Council to ask additional clarifying questions.

RECOMMENDATION:
The Planning and Zoning Commission passed resolutions recommending the Council amend the City Ordinance 165; Unified Development Code and the associated Zoning District Map as noted herein.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 2018 BY AMENDING CHAPTER 165 UNIFIED DEVELOPMENT CODE SECTION 165.14 ESTABLIMENT OF ZONING DISTRICTS AND SECTION 165.16 LAND USES AND REGULATIONS BY DISTRICT TO IMPLEMENT THE ROBINS ROAD CORRIDOR STUDY RECOMMENDATIONS.

165.14 ESTABLISHMENT OF ZONING DISTRICTS. The zoning districts established by this Code are named and described below. They consist of basic districts and overlay districts, both of which are considered zoning districts for the purposes of this Code. The relationship between the zoning districts established by this Code and zoning districts established under previous enactments of City Zoning Regulations is stated in Section 165.17(3).

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17. CPR Center Point Road District. The CPR Center Point Road District is intended primarily to provide areas for the development of commercial and residential uses in the core area of the City located along Center Point Road. The CPR Center Point Road District shall be divided into districts each with its own requirements including uses and regulations. The districts within the Center Point Road zoning district area shall be designated as follows: CPR-1, CPR-2 and CPR-3.

18. Mixed Use Overlay District. The Mixed-Use Overlay District is intended to ensure consistent site development of properties located in and near the Neighborhood Village Centers. The standards will aid to unify the appearance, encourage a pedestrian friendly built environment, ensure the beautification and function of the centers of commerce located in and near residential uses.

165.16 LAND USES AND REGULATIONS BY DISTRICT. Land use regulations and standards for development in all districts are provided by zone districts.

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17. Mixed-Use Overlay District (MUO)

A. Establishment. The Overlay is established as part of this title. The Mixed-Use Overlay District shall overlay all other zoning districts established within the boundaries as shown on the Zoning District Map. One and two-family uses are exempted from the regulations of this chapter. The requirements apply to all:

1) New construction of commercial, industrial and multifamily structures and sites.
2) Additions to buildings that exceed 25% of the gross square footage of the existing structure, or when the cost of the addition exceeds 50% of the assessed value of the structure within a consecutive twenty-four (24) month period the entire building and site will be required to conform. The assessed value shall be as most recently established by the Linn County Assessor office;

3) Substantial rehabilitation to commercial, industrial and multi-family structures and sites. Substantial rehabilitation shall be defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot, exclusive of land assessed value, in a twenty-four (24) month period of time. The assessed value shall be as most recently established by the Linn County Assessor office: update with provision of this chapter.
4) The re-occupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into conformance with requirements of this Chapter;
5) All new signage shall comply with the limitations of this Chapter; and
6) Modification to more than 50% of the front facade area of the primary structure.

B. Land Uses. Land uses shall be as designated in the Land Use Matrix Figure 1, except as described below:

1) Uses Prohibited
   a. Motor vehicle related uses
   b. Business Services; all business services contractor limited uses
   c. Retail and repair of large commodity uses
   d. Storage and warehouse and distribution
   e. Production and Manufacturing

C. Access Management

1) Curb cut widths and design shall be in accordance with adopted public works standards for access management as referenced in Section 165.58 of this code, including sight visibility standards.
2) Shared curb cuts (between properties) are encouraged.

3) Either one two-way curb-cut or two one-way curb cuts are allowed onto the public street where property has one hundred fifty (150) feet or more of street frontage. One curb cut is allowed on the applicable corridor street where property has less than one hundred fifty (150) feet of public street frontage.
4) For corner lots, a maximum of one curb cut is allowed on each intersecting side street that each property has frontage on regardless of the length of the frontage.

D. Pedestrian Facilities

1) A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

2) The sidewalk on the applicable corridor street shall meet the standard as adopted in the Robin's Road Corridor Master plan, or as specified by the Public Works Department.

3) Construction or reconstruction of sidewalks and decorative street improvements shall be in accordance with adopted Public Works standards.

E. Off-Street Parking

1) The minimum number of parking stalls shall be as required in Section 165.35 of the Unified Development Code.
2) Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:
   a. The parking must not extend into the required front yard setback.
   b. A single parking aisle, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable in the side yard, outside of the minimum front yard setback.
3) Parking areas shall be designed to minimize headlights shining into residential properties.
4) Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and/or turf grass. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

F. Planting, Landscaping and Buffering

1. A five (5) feet wide landscape frontage strip shall be installed on each property abutting the public street as measured from the property line. Planting in the landscape frontage strips shall include not less than the following:
   a. A minimum of one deciduous or evergreen shrub per four lineal feet of street frontage shall be planted in the landscaping strip. The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the frontage strip.
2. Site planting requirements shall be in accordance with Chapter 165.47 of the Uniform Development Code, and additionally shall require the following:

a. At least ten (10) percent of the gross site square footage shall be pervious, unpaved planted surfaces. The required planting strips shall be included in the calculation of planted areas.
b. All planted surfaces shall be planted with grasses, shrubs, perennials, or groundcover plants so that they shall be completely covered by installed plants within three years of the planting date. Open mulch or rock beds shall not be accepted as planting area.
c. Large deciduous shade trees shall be installed in parking lots in excess of thirty (30) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on site.

3. Screening
   a. Screening is required where uses abut residential zones. Planting, fencing, or some combination thereof is allowable.
   b. A visual barrier shall be established in accordance with Section 165.23(8)(E)(1).
   c. All dumpsters and exterior trash storage shall be screened in accordance with Section 106.06(1).
4. Maintenance
   a. property owners shall maintain all planting and irrigation systems located on private property. All planting shall respect city codes for sight lines at intersections and electric line restrictions.

G. Signs
   1) A total of one detached on-premises sign shall be allowed for each property.
   2) Detached signs shall be ground or monument signs. No support posts shall be visible on these signs. Monument signs shall not have more than two sign faces. The sides of the monument sign that are not used for signage shall not exceed five feet in width. The maximum height for monument signs shall be eight (8) feet. The maximum allowable height and area of each monument sign face will be measured from the finish grade to the top of the monument structure and from one end of the monument structure to the other. The maximum allowable square feet per sign face shall not exceed 80 square feet. Pole signs shall not be permitted, except where a parcel is abutting Boyson Road, then said property may have one pole sign that must be oriented toward Boyson Road.
   3) Off-premises signs are not permitted within the district.
   4) Directional signs shall be as allowed in Chapter 166.10(K).
   5) Discontinued use of non-conforming signs shall be subject to Chapter 166.34 (6).
   6) Refacing existing signs are allowed only in conformance with Chapter 166.34 of the Uniform Development Code, as amended.

H. Architecture and Building Materials
   1) All commercial, industrial and multi-family structures shall be constructed of wall materials including brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat

poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. Building walls may also be constructed of wood, fiber cement board, architectural CMU block, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street facade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations.

2) Walls shall extend above flat roofs as necessary to screen views of roof-mounted equipment. Cornice lines will be established using metal materials and shall be straight and true. Alternative screening system for roof top mechanical may be considered provided they completely screen the mechanicals from public view.
3) Awnings and architectural features shall not extend beyond property lines. They shall not be installed higher than building roof lines.
4) Pitched roofs and hipped roofs are not permitted. Check energy code for unintended conflicts related to multi-family structures
5) The front facade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.
6) Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be compromised of at least twenty-five (25) percent windows and doors at the ground level.
7) Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.
8) Screening walls, decorative walls and/or retaining walls shall not be made of smooth face concrete unless treated with another material or design element.

I. Building Placement

1) Setback shall be as required in the underlying zoning, except:

a. Structures shall be placed a minimum of ten (10) feet and a maximum of fifteen (15) feet from the front property line.

J. Outdoor Dining

1) Outdoor dining shall comply with all local, state, federal liquor licensing requirements.
2) Outdoor dining areas shall be contiguous to the primary building and may not be located within the public right-of-way.
3) Structures used for providing shade or weather protection shall be designed of durable materials that will not deteriorate and must be maintained at all times.
4) Furnishings shall be made of durable materials.
5) Outdoor dining areas shall be designed so as not to encroach upon the required off-street parking spaces.
6) Walls and fencing material shall be subject to Section H: Architecture, above.

K. Lighting

1) Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
2) Site lighting must not spread onto adjoining properties or the public right-of-way unless a shared parking lot is in use. This standard shall be in accordance with Chapter 168 of the Unified Development Code.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 2018 BY AMENDING THE ZONING DISTRIC MAP AS DESCRIBED IN CITY ORDINANCE SECTION **165.17 ZONING DISTRICTS AND ZONING DISTRICT MAP** TO IMPLEMENT THE ROBINS ROAD CORRIDOR STUDY RECOMMENDATIONS BY REZONING THE FOLLOWING PROPERTIES.

Rezone the following from R-1 to C-2:
Lots 1-2 and Lots 16-18, Auditor's Plat #275; and Lot 1, Chaffee's Second Addition.

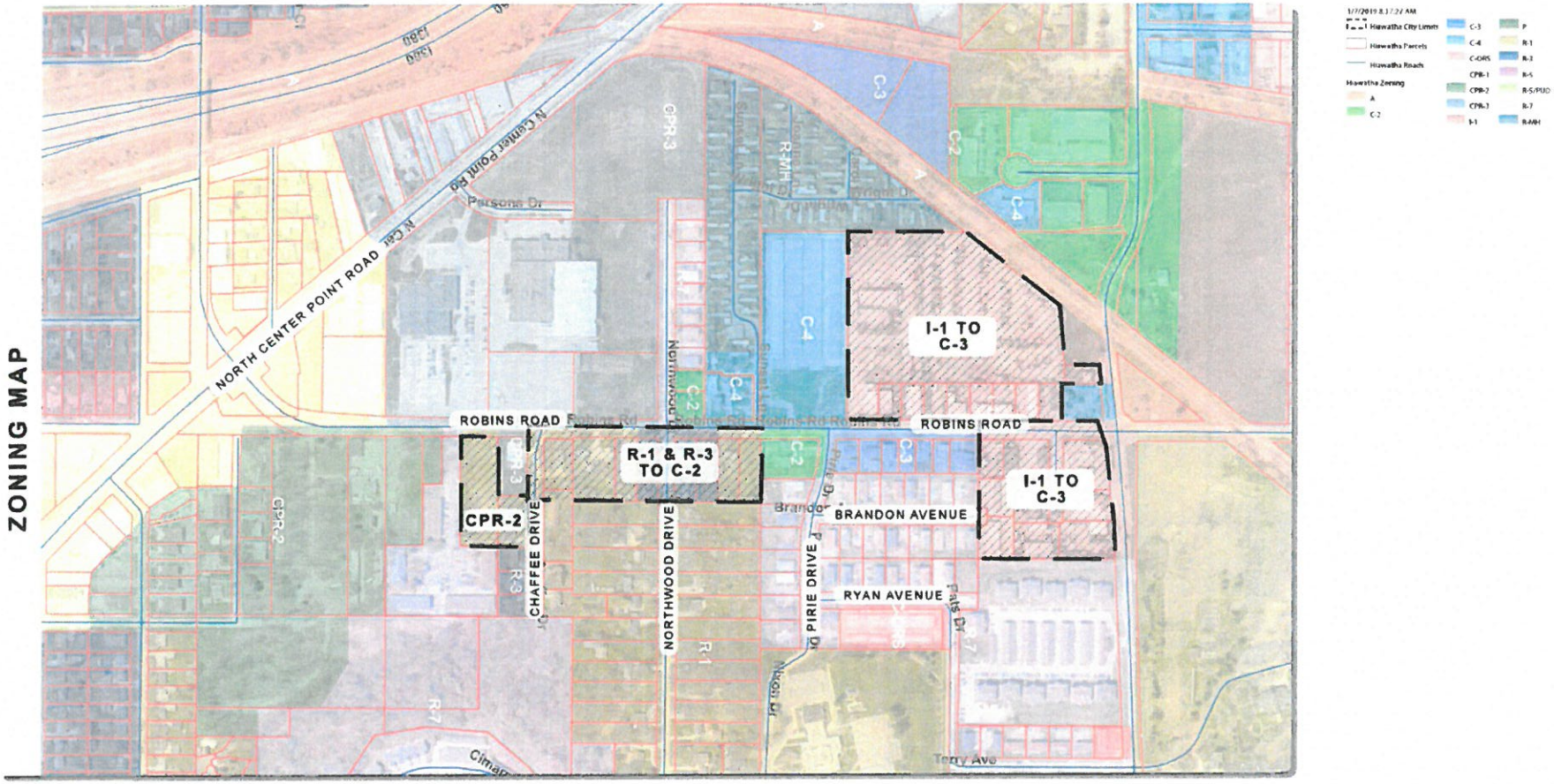
Rezone the following from R-3 to C-2:
Lots 3,4 and 15, Auditor's Plat #275.

Rezone the following from R-1 to CPR-2:
West 5 Rods of the East 20 Rods of the North 16 Rods located in SW of the NE1/4 SW1/4, Section 33-84-7, except the North 30'; and the East 99 feet of the West 330 feet of the south 8 Rods of the North 16 Rods located in the SW of the NE1/4 SW1/4 Section 33-84-7, except road right-of-way; along with the South 8 Rods of the North 24 Rods, except the East 250' located in the SW of the NE1/4, SW1/4, Section 33-84-7, except the east 250 feet.

Rezone the following from I-1 to C-3:
Lots 2-10, Reynold's First Addition; Lots 1 and 2, T Bowler's First Addition.

Add the Mixed-Use Overlay as described:
The property lying within an area generally bound by the south line of Hi-Tech First Addition and then following the easterly right-of-way line of North Center Point Road to the point of intersection of the Chicago, Central and Pacific railroad extending to the south right-of-way line of Boyson Road and then extending along the east boundary line of the Reynold's First Addition and then extending east to the east right-of-way line of Ryan Avenue and then extending south to the south right-of-way line of Pats Drive to the east property line of Lots 7-10, Murray's 3rd Addition and continuing south to the north property line of Lot 1, Auditor's Plat #327 and thence west to the east property line of Lot 1, Auditor's Plat #275 and thence south along the east property line of Lots 1-4 and Lots 15-18, Auditor's Plat #275 and thence east along the south property line of lots 10-14, Auditor's Plat #275, thence south to the east line of Lot 4, Chaffee's First Addition, thence south to the NW corner of the NE¼ SE¼ SW ¼ Section 33-84-7 then west to the point of beginning.

ZONING MAP


ZONING MAP
NORTH CENTER POINT ROAD
N Center Point Rd
Persons Dr
ROBINS ROAD
R-1 & R-3
TO C-2
CPR-2
CHAFFEE DRIVE
NORTHWOOD DRIVE
I-1 TO
C-3
I-1 TO
C-3
BRANDON AVENUE
RYAN AVENUE
PIRIE DRIVE
Terry Ave
C-3
C-4
C-2
CPR-3
R-MH
R-1
R-3
R-7
CPR-2