

# Midwest Home Builders Rezoning



September 28, 2011

## Memo

To: North Liberty Planning Commission

From: Dean Wheatley, Planning Director

Subject: Request of Midwest Home Builders to approve a rezoning from RS-4 (Single-family) to RM-8 (Multi-family) for property generally located east of Dubuque Street and north of West Penn Street, at the end of Copeland's Meadow subdivision and development.

(Legal: Lengthy, north portion of Lot 2, Prizler's First Addition)

Your North Liberty city staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator

Tracey Mulcahey, Assistant City Administrator

Tom Palmer, City Building Official

Scott Peterson, City Attorney

Kevin Trom, City Engineer

Dean Wheatley, Planning Director

### Background and Statistics

This request is to rezone an area currently zoned RS-4 to RM-8. A Good Neighbor meeting was held on July 27 to allow any interested party an opportunity to comment on this rezoning prior to submission. Two adjacent property owners attended and asked questions but neither objected to or supported the project as shown on a concept plan.



The developer is proposing a mix of two 4-plex townhomes and three duplexes on the concept plan submitted.

The property is shown as "residential" on the Land Use Plan, and so the request is consistent with that policy. This site was discussed at the September 2010 Planning

Commission meeting where a different developer proposing a concept with 20 units in two buildings and

access across the front of the lot to Penn Street was recommended for denial. City Council later acted to deny that request. At the time of that denial the owner was encouraged to provide access through either Copeland Lane or Savannah Village rather than Penn Street, and to reduce the site density. This proposal does show access from Copeland Lane and the requested RM-8 zoning is less dense (will support fewer units) than the previous RM-12 request. Specifically, this proposal includes 3 duplexes and 2 4-plexes (14 total units) rather than the extremely dense 20-unit proposal from last year.

In addition to the map, zoning decisions should be based on policy goals found in the Comprehensive Plan. While there are many such goals that might apply to some degree to this case, the most appropriate are probably the following:

2.1.1 Develop and implement a cohesive, efficient land use pattern that ensures compatibility, functional relationships, and complementary adjacent activities among land uses.

2.1.3 Ensure land use allocations are balanced with economic market demands and service availability.

2.1.4 Establish and maintain an advantageous property tax situation and pursue a strengthened and sound tax base through a diversification of land uses, including commercial and industrial development, as well as a variety of residential options.

2.1.10 To the extent possible, encourage the development of a variety of dwelling unit types, styles and sizes and balanced housing stock to satisfy the needs, desires, and income levels of all people and household sizes.

And finally, Commission and Council typically base decisions on extensive local knowledge of public opinion, precedents set, and specific site information.

### **Subdivision Ordinance Provisions Affecting This Development**

The proposal is part of an older subdivision, and storm water management features will need to be developed on-site.

### **Zoning Ordinance Provisions Affecting This Development**

The RM-8 district includes the following requirements related to this site:

1. Minimum 5,000 square feet of lot per unit.
2. Minimum 25% masonry on front building elevations.
3. Newer requirements for driveway pavement thickness have been imposed.
4. Yards: 45 front, 35 rear, 20 each side.

### **Staff Comments Regarding the Proposed Development Layout**

**Storm water impacts.** Storm water from this site will need to be managed on-site, which may reduce the number of units possible.

**Street/Traffic impacts.** Copland Lane is a narrow private street and extending it would not usually be recommended; however, there are very few options in this case and our focus will be to ensure the best possible turn-around accommodations.

### **Land use impacts and adjacent properties.**

Development to the west, north and south is either existing or approved multi-family. Development to the south along West Penn Street is single-family residential. Impacts from this proposal are expected to be minimal because the developer has wisely planned duplexes along the south side of the parcel to blend better with the existing and planned single-family residential than larger units might.

**Land use and zoning recommendation.** In rezoning considerations, *suitability* and *compatibility* are key issues in addition to land use policy. In this case, the site is physically suitable for multi-family development. It is compatible with land uses existing and proposed on 3 sides, and it is impractical to believe the site could be developed for any other use.

In summary, the requested zoning and concept plan are a good fit for the location, and the concept plan is consistent with surrounding multi-family development. Staff recommends approval of the request with the following conditions:

1. That the developer/owners agree in a written document addressed to the city that development on the site will be generally consistent with and no denser than the concept plan.

**Note: Access for this development is critical, and so proof of an access agreement with the Copeland Meadows owners is required prior to final City Council action on this request.**

Recommended for approval by Planning Commission on 10/4/2011 subject to the condition noted above. The developer is working to finalize access arrangements, and if Council approves the request at the first two readings the third will be held for this matter to be resolved.



ORDINANCE NO. 11-16

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO CHANGE THE USE REGULATIONS ON PROPERTY OWNED BY MIDWEST HOME BUILDERS LOCATED IN NORTH LIBERTY, IOWA, TO THOSE SET FORTH IN THE NORTH LIBERTY MUNICIPAL CODE FOR THE RM-8 MULTIFAMILY RESIDENTIAL DISTRICT.**

WHEREAS, the subject property is located within the North Liberty corporate city limits and

WHEREAS, the property is located in an area which is designated for future residential development in the North Liberty Comprehensive Plan, and

WHEREAS, the owner of the property, Dean Moore, has requested that the property be zoned to RM-8 Multifamily Residential, and

WHEREAS, the RM-8 Multifamily Residential district provides for future development that is compatible with the future proposed development in the North Liberty Comprehensive Plan, and

WHEREAS, the Planning and Zoning Commission has reviewed the request and made the following recommendation:

- 1) That the developer/owners agree in a written document addressed to the city that development on the site will be generally consistent with and no denser than the concept plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA, THAT:

Section 1. ZONING AMENDMENT. The property legally described as:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2, PRIZLER'S FIRST ADDITION, NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 35, AT PAGE 337, IN THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE S00°33'16"E, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 274.00 FEET; THENCE S89°31'51"W, ALONG SAID EAST LINE, 257.00 FEET; THENCE S89°44'57"W, 26.17 FEET, TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE N00°33'16"W, ALONG SAID WEST LINE, 273.80 FEET, TO THE NORTHWEST

CORNER THEREOF; THENCE N89°29'26"E, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 283.16 FEET, TO SAID POINT OF BEGINNING, CONTAINING 1.78 ACRES, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

shall be classified and zoned to RM-8 Multifamily Residential.

Section 2. ZONING MAP. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

Section 3. RECORDATION. The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

Section 4. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. SEVERABILITY. If any section, provision or part of the ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as required by law.

\* \* \* \* \*

First Consideration: \_\_\_\_\_.

Second Consideration: \_\_\_\_\_.

Third Consideration and adoption: \_\_\_\_\_.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF NORTH LIBERTY, IOWA**

BY: \_\_\_\_\_  
Thomas A. Salm, Mayor

ATTEST:

\_\_\_\_\_  
Tracey Mulcahey, City Clerk

Drafted and approved as to form by City Attorney:

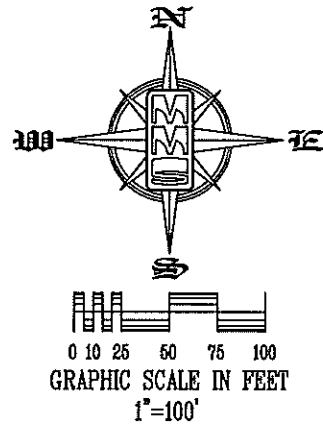
\_\_\_\_\_  
Scott C. Peterson, City Attorney

I certify that the forgoing was published as Ordinance No. \_\_\_\_\_ in the *North Liberty Leader* on the \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Tracey Mulcahey, City Clerk

**ZONING EXHIBIT**  
**LOT 2, PRIZLER'S FIRST ADDITION**  
 NORTH LIBERTY, JOHNSON COUNTY, IOWA

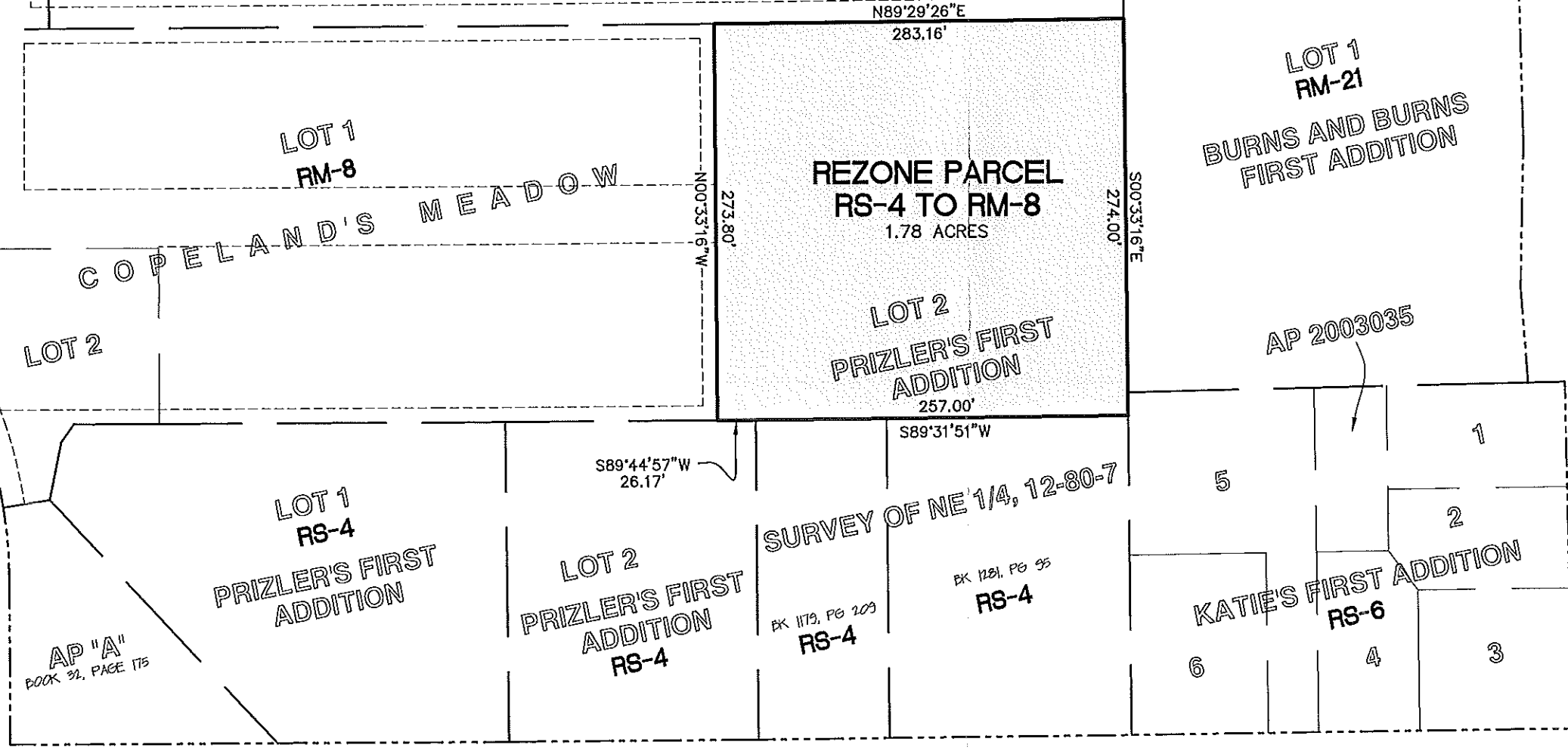
LOT 1  
 RM-21  
 JEFFERSON ADDITION  
 PART ONE



**REZONE FROM RS-4 TO RM-8**  
 BEGINNING AT THE NORTHEAST CORNER OF LOT 2, PRIZLER'S FIRST ADDITION, NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 35, AT PAGE 337, IN THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE S00°33'16"E, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 274.00 FEET; THENCE S89°31'51"W, ALONG SAID EAST LINE, 257.00 FEET; THENCE S89°44'57"W, 26.17 FEET, TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE N00°33'16"W, ALONG SAID WEST LINE, 273.80 FEET, TO THE NORTHWEST CORNER THEREOF; THENCE N89°29'26"E, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 283.16 FEET, TO SAID POINT OF BEGINNING, CONTAINING 1.78 ACRES, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

OUTLOT "A"  
 RM-21  
 JEFFERSON ADDITION  
 PART THREE

SURVEY OF NE 1/4, 12-80-7  
 RM-21



N FRONT STREET

N DUBUQUE STREET

W PENN STREET

**MMS**  
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Date	Revision

**ZONING EXHIBIT**

**LOT 2, PRIZLER'S FIRST ADDITION**  
 NORTH LIBERTY  
 JOHNSON COUNTY  
 IOWA

**MMS CONSULTANTS, INC.**

Date:	08/01/11
Designed by:	DAM
Field Book No:	
Drawn by:	JDM
Scale:	1"=100'
Checked by:	DAM
Sheet No:	1
Project No:	IC 6886013
of:	1

RD-10

RS-6  
 TRIANGLE PLACE ADDITION

RS-6  
 NORTHFIELD SUBDIVISION