

**Developer Meeting**  
**Development Standard Comments**  
**July 13, 2015- 5:15pm, Community Center**

**Section 2- Ordinance Amendment**

Theresa Greenfield (Colby Interests)- Are the Town Center Guidelines being replaced?

Yes, upon passage of the ordinance.

**Section 170.02**

Theresa- Site plans are excluded from single-family and two-family residential? Even with residential standards in last section of document?

Yes- single-family and two-family are not required to submit for site plan review, they do however, have standards to follow for design as listed in sections 170.21 & 170.22. There are other site development standards in the current zoning ordinance for setbacks, height, etc.

**Section 170.03**

Theresa-Worried that existing buildings are non-compliant and have an impact on their business. The non-conforming language in Section 170.06 is used often in other cities to protect businesses. Existing businesses are grandfathered in. If a renovation or remodel work is done beyond 25 or 30% of the exterior building, lot, parking area- they cannot increase its non-conformity, if one even exists. So- the regulations state “must not become MORE non-compliant.” If there is an increase in building footprint or parking lot, as well as a complete change of use to a building, there should be a review to determine the effect it has on the adjacent property owners. It also gives adjacent property owners a chance to understand what is being proposed near them.

To use Gigi’s as an example: they were not required to complete a site plan or go through the site plan review process because it was an existing building- they were not increasing the footprint or adding parking or creating more traffic generation as their parking already met code (i.e.- they were not increasing a non-conforming use). It was a change of use, but one that met our current zoning code as “permitted by right.” They were required to submit building plans as they were remodeling the interior and had to comply with current building codes. The proposed language would have required Gigi’s to submit for site plan review solely as it was a change of use- which is what would have triggered site plan review. The current language requires even permitted uses to go through site plan review as well as a change of use scenario like Gigi’s. Staff would recommend that a site plan and review process be required only if, as in this given situation, that the building footprint or parking lot would have increased OR if it were listed as a conditional use in the zoning code.

**Section 170.04**

Theresa- What happens on day 366 after the one year validity of a site plan?

Valid for one year is currently in code for site plans in section 177.02. The new requirements allow a one year extension with City Council approval, whereas section 177 of the current code does not allow for the extension, so this is a more flexible provision. The section also allows the developer to grant an exemption on the time construction must begin after approval is given for a utility service structure, of which City’s current code does not allow. Section 170.04 also helps

staff clarify what “start of construction” is defined as. Section 177.02 would need to be deleted from the current code. On day 366- a developer may ask for an extension by City Council.

### **Section 170.05**

Theresa-There is inconsistencies with the administrative official vs. Planning Director-reconciliation would be nice.

Staff will change all to say administrative official. As a small staffed city there are other duties assigned by one individual. The City does not have a full-time Planning Department, but it will ordinarily be Planning Director, City Administrator, or Director of Public Services. Staff will add a definition for Administrative Official.

### **Section 170.06**

Theresa- Non-compliant concern. How will you be describing grandfather to lenders? Financing issues with the banks. Would like to see an analysis done on other property's.

See answer to section 170.03 for non-compliance concern. A zoning verification can be completed for lenders on a specific case; this is very common as you know.

### **Section 170.09(B)**

Scott Stricker (Windsor Heights Town Center)- Does the 30% or 25% entail building space or value? Does it include individual tenant spaces?

City Council will need to determine 30 or 25 and whether it should be assessed value or structure size. Staff would recommend that it be based on “building structure affected”, but no preference for 25% or 30%.

Kris Gregerson (Premium Solutions)- what is the threshold of a site plan?

Unsure of what this question is asking.

Theresa- there should be a commercial developer on the development committee. Is the Development Committee lawful in ordinance?

There could be a commercial developer on the Development Committee as long as there is no conflict of interest; and in most cases there would be. Staff can explain further. The City's attorney has approved ordinance language.

### **Section 170.09(C)**

Theresa- strike the last sentence

The section exists to allow for the developer to meet with staff before a development committee and other advising/reviewing boards to ensure that they have everything needed and get any questions answered. The checklist will be developed once the ordinance is passed to better clarify what is needed for site plan review.

### **Section 170.09(E)**

Theresa, Jonathan Koester (Koester Development), Scott-

What does this section mean? Worded badly. The last sentence is very vague. 170.09 is overall very broad and open ended; needs more clarification.

Graphic shows Development Committee reviews twice?

Development Committee does not meet twice- #4 shown on the development review graphic is general in that the developer should review comments by staff and Development Committee before submitting a completed site plan application and materials as to avoid potentially missing something in the plans. Staff will rework and make it clearer.

### **Section 170.10**

Theresa- Would like to see the expenses involved in this section and have more streamlined instructions.

Upon passage of the ordinance, staff will create a checklist.

### **Section 170.10(A)#9**

Theresa- against the open space concept

Noted.

### **Section 170.10(B)1.c**

Theresa- Why did 600 feet go to 300 feet?

This was an error; staff will change it back to 300 which is the current standard for commercial properties.

### **Section 170.10(B)1.h**

Theresa- Soil test take a long time to come through. Will delay the project.

It may be best to sample soil before a development concept to reference what costs may be involved in new development. Soil test would be required for new developments and only on existing developments if they are increasing impervious coverage to ensure additional impervious does not affect adjoining properties.

### **Section 170.10(B)2.a**

Theresa- What is an internal demising wall?

A wall separating tenant spaces (partition or party wall)

### **Section 170.10(B)3**

Theresa- How does this comply with Complete Streets? What are these improvements going to be? Who is going to pay for the public improvements?

The City does not impose/assess fees for public improvements.

### **Section 170.10(B)4**

Kris - Want to know the plan needed for part of the City without sidewalks and how it impacts existing?

This is a Council decision- it is brought up regularly and is divisive.

Unknown speaker- Not sure what the Comprehensive Plan is- has created uncertainty. Maybe a Comprehensive Plan should be created first.

The City currently has one and is in the process of updating. The Comprehensive Plan is a tool that is typically a 30 year vision and one that gets updated as necessary every 5 years or so.

### **Section 170.10(B)6-8**

Dave Moench (3E)- Lighting standards change fast and worried code won't keep up on it. Issue of canopy lighting.

Betty Ridout (Banker's Trust)- concerned that canopy lighting would need to be 35 foot candles

### **Section 170.10(B)7v.**

John Temple (3E)- this could easily be addressed by defining the maximum U value in the B-U-G rating system. B=backlight, U=uplight, G=glare

### **Section 170.10(B)8.b**

John Temple- this could easily be addressed by defining the maximum U value in the B-U-G rating system. B=backlight, U=uplight, G=glare

### **Section 170.10(B)8.d(2)**

John Temple- I would also advise defining the maximum ratios for both Average:Minimum and Maximum:Minimum. Doing so will ensure light levels are uniform, which is desirable for security lighting.

### **Section 170.10(B)8.d(3)**

John Temple- What about at the driveways? Suggest wording that allows the boundary to be +10' on either side of a driveway and to the center of the roadway. What if adjacent property is the same owner? The light trespass limits should be waved in such cases. Recommend adding the word "maximum".

### **Section 170.10(B)8.f**

John Temple- Almost all of the current street lighting in the city would be in violation of this section. This type of low height lighting is of little value for security reasons.

### **Section 170.10(B)8.g**

John Temple- It does not provide sufficient vertical illumination to allow pedestrians to identify a person's face. Suggest poles in the 10-15' height range.

### **Section 170.11**

Theresa

- should apply to 1 and 2 family homes

Noted

- Public Space- what's the intent?

To preserve open space- very common

- Green Friendly- you have zoning, parking requirements and our tenants have requirements- today people want to park

### **Section 170.12**

Theresa

- Why did big box retail change from 75,000 to 50,000?
- A lot of the words in the definition section don't appear in the document.

- Definitions of neo-traditional, classical design, open space- what's this mean?, planning units, smart growth, snout house, useable open space, vehicle use area  
Staff will eliminate some- it was simply carried over from the existing code language

### Section 170.13

Theresa

- #2- Classical- don't want to be limited. Should be encouraged  
Staff will remove "classical"
- #4- what is small?
- #8- suggests more density- how will it affect residents?
- What is the Comp Plan saying about mixed-use?  
"University Avenue should be a mixed-use urban corridor, within commercial nodes complemented by existing residential development." There are areas of mixed-use designated on the future land use map from the Comprehensive Plan.
- #9- Compact concentration?- should say encourage instead of require  
Staff will change to say encourage
- #16- Street lights- what are the costs of them?
- Streetscape Plan- where is it?
- #17- Drive thru- not to be viewed from the corridor? Does that mean street? Should it be best efforts from developer?  
Staff will remove the last sentence
- #18- What is the new district?
- #20- Who pays for them?  
Public/Private, open for Development Agreement

Kris

- #4- Redevelopment- what happens to parking areas? How does it affect existing businesses after a fire?

### Section 170.14

Theresa

- 1(D)- Colors- are a bit over the top- while zoning purpose is health & welfare?  
Noted
- 1(E)- same- over the top  
Noted
- 1(J)- GOOD
- 1(N)- Blank walls- not sure what they are
- #7- Clarification on murals
- #9- Should be encouraged instead of shall  
Staff will change to say encourage
- #18- needs clarification  
Staff will remove

Jonathan

- 1(K)- inclined roofs- preferred when pictures are mostly flat roof in inventory

- 1(J)- same issue as above

Ok

Kris

- 1(N)-10 feet is not very big- too limiting  
Staff agrees and recommends changing to 20 feet
- #12- trueness to form- should want to improve if “past form” is unwanted on existing properties- needs clarification  
Staff will propose to remove this language

### Section 170.15

Theresa

- #1- Would be hard to screen- business can't be seen would be a concern  
This is currently in code
- #1-11 – Use encourage over shall- can be expensive  
Noted
- #10- Would like a sketch of how it is interpreted for renovations, remodels. Pedestrians and vehicles- is the expectation that they do not cross each other?

Kris

- #11- concerned about the use of permeable paving alternatives  
Only necessary if no other alternatives

### Section 170.16

Theresa

- 1<sup>st</sup> paragraph- Last sentence of beginning paragraph- what does that mean?  
Staff will remove language
- #5- Yews vs other items in pods?  
Staff would recommend not limiting
- #6- Landscaped medians- public vs. private?  
Private
- #7- How visible is it from the street? What is the intent? Is it for parking to not be seen?  
Supportive of landscape in the ROW

Kris

- #2- seems like a small number of lots are in compliance?

Scott

- #2- Reducing the amount of parking- reducing the square footage of building space- what happens to the tax base?
- #2- Snow plowing issue with landscape pods  
Staff will consider recommending removing language of pods

### Section 170.17

Theresa

- What is the overall plan? Will it be a requirement to put in sidewalks? Facelifts?

- #2- Wording is such that hypothetically they would need to build a bridge to avoid conflicts with pedestrians and motorists.
- #3- What are the designated areas for sidewalks?
- #7- broken up concrete- clarification needed

### **Section 170.18**

Theresa

- What happens when Hy-Vee renovates?
- Change the words “shall” to “encourages” to not be constrictive towards design standard costs.
- #17- What are these “structural offsets?” These cost money to fix

### **Section 170.19**

Theresa

- Would like this section completely deleted- is it a taking? Don’t understand it- what was the goal?

Scott

- City should partner with developers to have these open spaces

Ok

### **Section 170.20**

No comments

### **Section 170.21**

Theresa

- #2- Thought they were excluded from the ordinance?  
They would be excluded from the site plan review process, but still would have to follow design standards. Plans would be submitted and reviewed administratively.
- #5- again with open space
- #6- Balcony requirements will have costs- should offer incentives maybe? renters can’t afford
- #8- Balconies are nice, but 8% requirement within a development is a bit much

### **Section 170.22**

No comments

### **Image Inventory-**

- #7,8,13- “putting the carts in front of the horse”
- Image 13- Pedestrian walkway?

### **Other and Overall**

- “Cart before the horse”
- difficult to accomplish
- need to understand the whole plan