

**MINUTES**  
**September 12, 2017 – 5:30 p.m.**  
**Planning and Zoning Commission**  
**Muscatine City Hall**  
**City Council Chambers**

**Present:** Jodi Hansen, John Sayles, Rochelle Conway, Jordan Pahl, Steve Nienhaus, Wendi Ingram, and Andrew Anderson.

**Staff:** Andrew Fangman, City Planner, Community Development

Chairperson Jodi Hansen opened the meeting at 5:30 p.m.

**Minutes:**

Staff advised that the minutes would be postponed to the next meeting.

**Rezoning:**

**Rezoning R-3 to RL**

**Oak Park Development • Oak Park LLC • 1 Lot • 10.22 Acres • Parcel #0826226005 • Northwest Corner of Isett Avenue and Blaine Street**

Chris Ales of Davenport, was present to discuss the request on behalf of Oak Park LLC.

Mr. Ales explained that he was a consultant working for Brian Fritz whom owns Oak Park LLC. Mr. Ales reviewed his experience with similar prior projects in the Muscatine and Quad City areas.

Mr. Ales gave a summary of the proposed development necessitating this rezoning. He stated that all outdoor lighting associated with the proposed project would be downcast LED's. He explained that grade changes from the property would not negatively impact or would not impact the flow of storm water from the subject parcel on adjoin properties and right of way.

Mr. Ales explained that all residents of the proposed development would be over 55 and earn less than 60% of area median income, and that typically those earning less than 40% of the area median income would not be able to afford the units. That the typical income of a resident of this type would consist of social security income, and a modest pension. Additionally, all potential residents would be subject to a criminal and credit background check.

Mr. Ales explained that the proposed project has applied for financing through a program offered by the Iowa Finance Authority (IFA). That as condition of receiving such financing IFA requires that the developer record restrictive covenants that cover property maintenance standards and income requirements for residents.

Mr. Ales stated that location of the project was partially chosen because it helps meet IFA's goal of dispersing low to moderate income housing throughout the community, and the census tract contain the subject area currently has proportionally less low to moderate income residents than the rest of the community.

Mr. Ales stated that IFA would announce in March if they would be funding the project.

Mr. Ales stated that he feels that the proposed development would have less of an impact on the surrounding area because than would development as single-family homes as would be permitted under the current R-3 zoning because this type of senior housing typically only has one car per dwelling units, as opposed to single family homes which typically have two to three cars per dwelling unit. Additionally he argued that the single ownership of the proposed project was more advantageous to the neighboring property than a large number of property owners associated with single family homes.

Jodi Hansen asked if there would be any garages, Mr. Ales responded that there would not be.

Jodi Hansen asked is the applicant would continue to own the project after it would be developed, Mr. Ales responded that Brian Fritz through Oak Park LLC would maintain ownership of the project.

Jodi Hansen asked is if there would be an on-site manager, Mr. Ales responded that there would be.

There was than discussion about installation of sidewalk along public streets. Fangman, stated that City Code would require the installation of 5' wide sidewalks along all public street frontages.

Jodi Hansen asked if existing trees would be preserved, Mr. Ales responded that as many as possible would be.

Denny Jens, 2219 5<sup>th</sup> Avenue, commented that he thought a different developer might develop the site at a lower density. He also commented that he felt that the subject parcel should be developed with homes of a higher value than what is being proposed, and not doing so could be detrimental to the property values of the adjoin parcels.

Jane Daufeldt, 2223 5<sup>th</sup> Avenue, spoke about previous positive prior experience working with the applicant, and spoke on the difference between the R-L and R-3 zoning districts. She commented that as many of the existing trees along Blaine Street should be preserved as possible, and that she did not want ditches along Blaine Street. She expressed a desire for the rear elevations of the proposed building be made to look more attractive. Ms. Daufeldt concluded by commenting that she felt that the applicant needed to continue to work the neighboring property owners to come up with a landscaping plan that was more satisfactory.

Andrew Anderson asked the applicant what happens after 30 year restrictive convents end. Mr. Ales responded that after 15 years the tax credit investors typically sell out, but the that convent still runs for 30 years. After that it is simply a standard multi-family dwelling.

Jerry Ewers, 2211 5<sup>th</sup> Avenue, noted that he was speaking as an adjoining property owner and not a City employee. He noted that City Code does provided any specific right to adjoining property owners when it comes to a rezoning. He stated that he had concerns regarding the fact there would be Section 8 vouchers associated with the proposed project. He then proceeded to ask the following 8 questions which he also provided in written form. 1.10-10-1 To preserve the natural and scenic qualities of open area? How about the 2 large mature trees on the lot?; 2.10-10-2 That the planned development is consistent with the spirit and intent of the City's Comprehensive Plan? Online agenda page 13 states "it needs to acknowledge that the density of the proposed development at 4.7 dwelling units per acres, exceeds the 2 to 3 dwelling units per acre established for this area by Future Land Use Plan of the Comprehensive Plan." I'm assuming that this means it isn't consistent with the spirit and intent of the City's Comprehensive Plan? If so, does this reduce the number of proposed units from 16 to something less? 3. 10-10-5 Height & Setback RequirementsIt states rear yard depth as none, but on agenda memo it states 75'. Viewing it on Magic GIS is looks like 63'. If it was R-3 then it would be 25'. What is it. 4. 10-10-6 Open Space. A minimum of 25% of the R-L site area shall be developed as open space? As proposed does it meet it? Is the retention pond excluded in calculating space like parking areas? 5. 10-10-7 Street Improvements Assuming curb and gutter and sidewalk on Blaine?; 6.10-10-8 h. Landscaping and tree planting plan? Screening and buffering is key as an adjacent property owner with a pool and see through fence. Also, I wouldn't want a large tree blocking sun and dropping leaves and debris into pool. Would like to see a more detailed plan along with variety and height of landscape design. 7.10-10-9 Approval of Outline Development Plan B 2 That the existing character of the neighborhood will be adversely affected, and that adequate safeguards are provided to minimize possible detrimental effects on adjacent properties and the neighborhood. Such as assessed values ranging from \$ 383,900, \$ 250,000, \$ 252,980, to \$ 245,300 and that the grading and drainage issue is addressed. 8. My last question is what are adjacent property owner rights? It isn't mentioned in letter or City Code except that we are to be notified.

Kurt Zimmerman, representing his mother who owns the adjoining property to the north, expressed concerns regarding stormwater drainage. He detailed existing drainage problems in the area, and grave concerns about this project making existing problems worse. Mr. Zimmerman asked if the developer would be putting fencing up along the north property line.

Chris Ales shared preliminary drawing of the proposed buildings, and noted that would be similar to the Cottage Grove development on Houser Street. He also noted that IFA rules prohibit vinyl siding, and most likely hardy board would be used.

Jodi Hansen asked if the developer intended to out fencing along the north property. Mr. Ales responded that they did not.

Patrick Poggle, 2130 4<sup>th</sup> Avenue, expressed concern that the proposed developed would worsen the condition of Blaine Street, which he noted was already crumbling. Mr. Poggle also suggested that the proposed building be sunk further into the ground in order to lessen their visual impact.

Charles Beckman, 2130 4<sup>th</sup> Avenue, asked why there was a separate entrance, off of Blaine Street, for the community building, in addition to the two entrance for the private drive serving the residential building off of Blaine. He also raised concerns about the visibility these intersections, traffic on Blaine, and stormwater drainage on Blaine.

Wendi Ingram asked if the applicant was willing to lower the grade of the proposed buildings. Mr. Ales responded that he was open to the idea, but it depended on what future engineering would show to be feasible.

Steve Nienhaus asked if the applicant would consider removing the driveway off of Blaine to the community building, and making the new private drive a one-way street. Mr. Ales indicated that he was open to these ideas.

Jane Daufeldt suggested making use of permeable pavers in the new parking areas. She also suggested a traffic study be conducted on Isett.

Juan Farner, expressed concern that he did not receive a letter notifying him of the P&Z hearing. He also noted that he liked the existing family feel of the neighborhood.

Andrew Fangman explained that Mr. Farner did not receive a letter because he lived more than 200 feet from the subject property, and that City Code dictates that such notifications be sent to those owning property within 200 feet of the subject property.

Andrew Anderson asked the applicant if there were any issues with adjoining property owners at the Cottage Grove Development on Houser Street. Mr. Ales responded that to his knowledge there was not.

Andrew Anderson commented that he thought 55+ nature of this development was a good thing.

Bob Vargus, 2215 5<sup>th</sup> Ave, expressed concerns regarding the Section 8 voucher component of the proposed project. Chris Ales explained details of the Section 8 voucher program, and noted that even without vouchers low to moderate income senior housing will attract a percentage of residents on the Section 8 program.

Bob Vargus commented that more capacity was needed on Blaine Street.

Jodi Hansen asked if this development could ever be open to those younger than 55 years in age. Chris Ales responded not for 30 years, and that even after the restrictive covenant had expired that the 55+ age restrictions on residents could be extended.

Jodi Hansen asked if the 55+ age restriction would stand even if there were not enough people over 55 desiring to live in the development. Mr. Ales responded that the 55+ age requirement would still stand and could not be waived until 30 years have passed.

Denny Jens asked how long people visiting residents of the development would be allowed to stay. Mr. Ales responded visits up to 7 days would be permitted.

Denny Jens asked if residents would be allowed to operate home based daycares. Mr. Ales responded that home based businesses would not be allowed.

Conway motioned to approve the revised development plan; seconded by Sayles. Motion carried 5 ayes (Conway, Sayles, Anderson, Ingram & Nienhaus to 2 nays (Hansen and Pahl)

Adjourn.

Respectfully Submitted,

Andrew Fangman, Secretary  
City Planner

ATTEST:

Jodi Hansen, Chairperson  
Planning & Zoning Commission