

Notice of Meeting
Polk City | Planning and Zoning Commission (P&Z)

November 20, 2023 | 6:00 pm
City Hall | Council Chambers

Public Meeting participation in person or via phone
Call in #515-726-3598 Participant Code 535355

Public Members can provide comments directly to support@polkcityia.gov

**any comments received before the time of the meeting will be made a part of the minutes*

Broadcast live and playback will be available at <https://www.youtube.com/c/polkcityiagovchannel>

Tentative Meeting Agenda

Deanna Triplett | Chair

Justin Vogel | Vice Chair

P&Z Commission Members: Ron Hankins | Krista Bowersox | Doug Ohlfest | Amber Pringnitz | Doug Sires

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of P&Z Commission Meeting minutes for October 16, 2023
5. Discuss rezoning clean-ups
 - a) Lot of record
 - b) GF-1 rezonings to R-1
6. Reports & Particulars
Council Liaison, City Manager, Staff, and/or Commission
7. Adjourn until December 18, 2023

MEETING MINUTES
The City of Polk City
Planning and Zoning Commission
6:00 p.m., Monday, October 16, 2023

Polk City, Planning and Zoning Commission (P&Z) held a meeting at 6:00 p.m., on October 16, 2023, in City Hall Council Chambers.

The agenda was posted at the City Hall office as required by law.

These tentative minutes reflect all action taken at the meeting.

1. **Call to Order** | Chair Triplett called the meeting to order at 6:00 p.m.
2. **Roll Call** | Hankins, Bowersox, Vogel, Ohlfest, Pringnitz, Sires | In attendance
3. **Approval of Agenda**
Chair Vogel amended the Agenda to have item 6 read Parcel 2023-72 Plat of Survey within 2 miles of Polk City
MOTION: A motion was made by Ohlfest and seconded by Vogel to approve the amended agenda.
MOTION CARRIED UNANIMOUSLY
4. **Approval of Meeting Minutes**
MOTION: A motion was made by Bowersox and seconded by Pringnitz to Vogel P&Z Commission Meeting Minutes for September 18, 2023.
MOTION CARRIED UNANIMOUSLY
5. **Home State Bank Site Plan Amendment**
 - a) Trent Smith, P.E. with McClure Engineering provided an overview of the amendments requested to the Site Plan including the addition of a monument sign, updating building signage, revising landscaping plan, modifying trash enclosure to included enclosure for generator and a new CBU location.
 - b) Travis Thornburgh, City Engineer provided a report.
 - c) No one was present to make a public comment.**MOTION:** A motion was made by Hankins and seconded by Bowersox to recommend City Council approve the Home State Bank Site Plan Amendment subject to Engineering and Staff comments dated October 12, 2023.
MOTION CARRIED UNAMIOUSLY
6. **Parcel 2023-72 Plat of Survey within 2 miles of Polk City**
 - a) Mike Brooner, PLS with Civil Design Advantage reviewed the plat of survey.
 - b) Travis Thornburgh, City Engineer provided a report and reviewed the three requested waivers to code
 - c) No one was present to make a public comment.**MOTION:** A motion was made by Hankins and seconded by Sires to recommend to the City Council to approve Parcel 2023-72 Plat of Survey subject to Engineering and Staff comments dated October 11, 2023, and recommended Council grant waiver for minor plat survey, flag lot and hydrant coverage.
MOTION CARRIED UNAMIOUSLY
7. **Reports & Particulars**
 - Council Member Dvorak invited people to attend the Kiwanis Meeting Thursday October 19, 2023, to meet the five City Council Candidates. Commission Member Bowersox asked that anyone attending bring a can of vegetables to add to the kettle for stew. Council Member Dvorak also invited everyone to attend Go Polk City presents City Council Candidate Forum Tuesday October 24 at 6pm at Luana Bank Community Room. Dvorak reported that Ace Hardware is moving forward with a Building Permit and On with Life rezoning First Reading was approved, second and third reading of the Ordinance will be on future Council agendas.
5. **Adjournment**
MOTION: A motion was made by Hankins and seconded by Vogel to adjourn at 6:22 p.m.
MOTION CARRIED UNANIMOUSLY
Next Meeting Date – Monday November 20, 2023

Attest:

Jenny Coffin - City Clerk

NON-CONFORMING LOTS IN LEONARD'S PLACE

Date: November 17, 2023

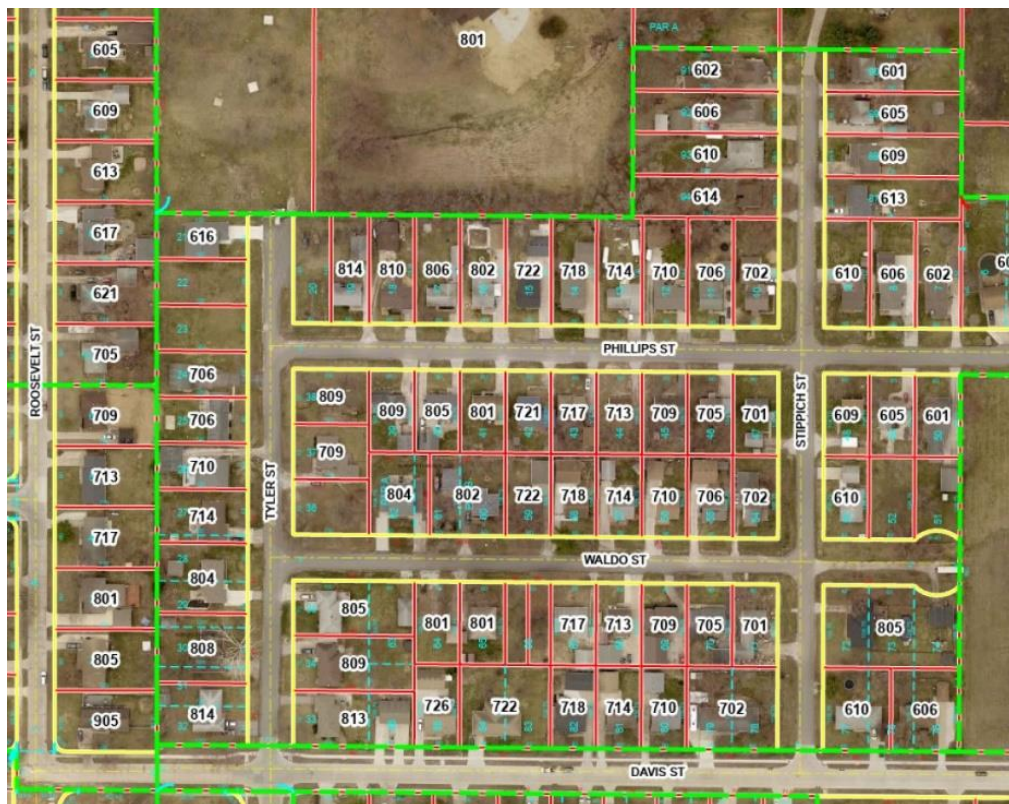
 Prepared by: Kathleen Connor, Planner
 Travis D. Thornburgh, P.E.

Project: Zoning Districts Update

Project No.: 123.0001.01

NON-CONFORMING LOTS IN R-2 DISTRICT

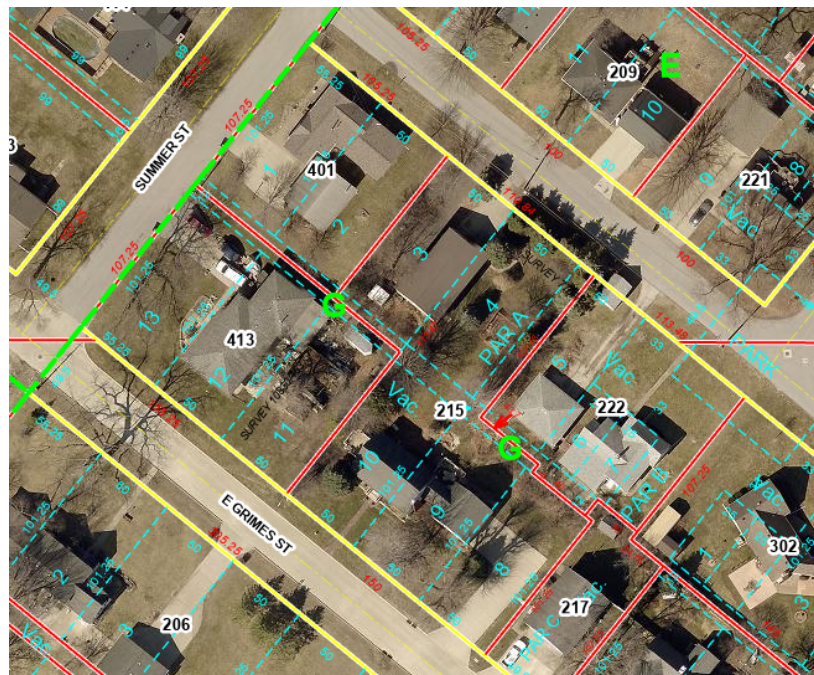
Earlier this year, the Board of Adjustment granted a variance for a property in Leonard's Place, a 1950's subdivision in the R-2 zoning district. This property consisted of two contiguous lots that were under the same ownership and used together as one premises. Therefore, the two-lot property was considered only one Lot of Record per current code. The owner wished to separate these lots in order to construct two new homes. Both lots are the same size as neighboring lots but could not be developed independently without a variance since the originally platted lots do not conform to the current R-2 regulations. Lots in this area are typically 60' x 108.75' in size, with an area of 6,525 sq. ft., while the R-2 district regulations call for lots to be a minimum of 65' wide and have at least 8,000 sf of area. Lots at the north end of Stippich Street are larger, about 8,990 sq. ft. in size, but are these lots are only 55.5' wide so do not conform to the R-2 district regulations either.

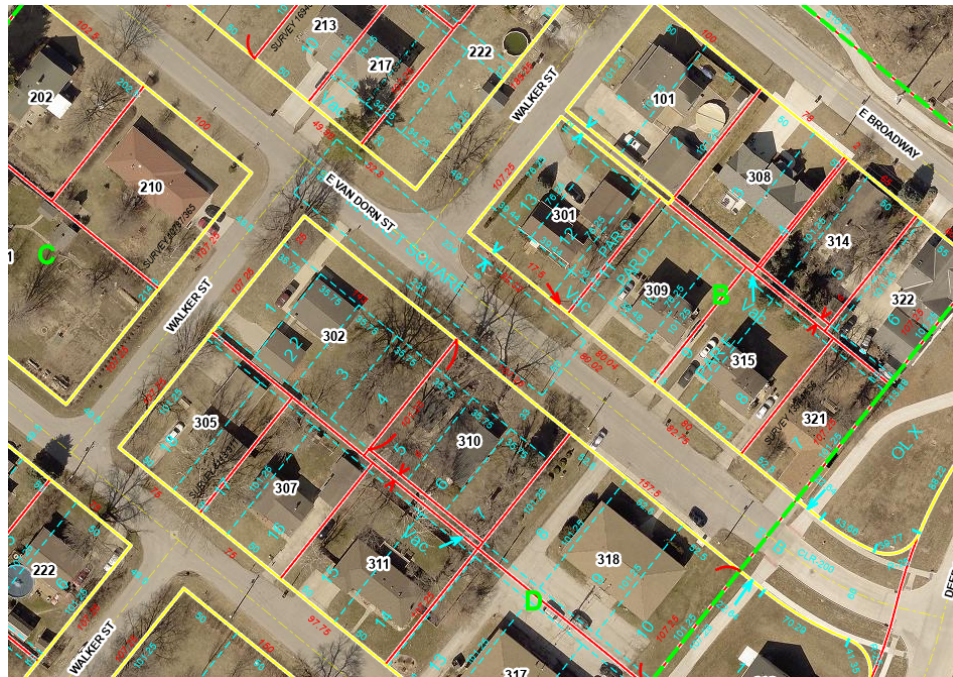


Below is the current code regarding use of existing Lots of Record, for reference:

13. Lots of Record. Any lot of record prior to March 25, 1996, which is located in any residence district and which does not comply in area and/or minimum dimensions with the requirements of the district in which it is located may be used for a single-family structure, provided that all setback and other requirements of this chapter are complied with, and that the owner of such lot did not directly or indirectly have legal title to or enjoy the beneficial interest in the lot or lots contiguous thereto on the effective date of this chapter. No building permit shall be issued for construction on any substandard lot, which lot was of record prior to March 26, 1996, if said lot is adjacent and contiguous to another lot which at the time of the adoption of this chapter was in the same ownership or whose ownership had beneficial interest in said lot, unless said lots are combined into one lot meeting the requirements of the zoning district which is applicable.

At their February meeting, the Planning & Zoning Commission discussed possible options to address these parcels. Following that discussion, the Commission requested that staff do additional research to determine if making adjustments to the zoning code would have impacts beyond the lots included in the Leonard's Place subdivision. The resulting research yielded that there are several locations throughout Polk City where there are non-conforming lots of record, including in the "original town" east of 3rd Street and the "Market Square" (Van Dorn Street near Walker Street) area. The originally platted lots in the "original town", shown in the first image below, are typically approximately 50' in width, while the originally platted lots in the "Market Square" area, second image below, are less than 40' wide.





The options that staff has identified following this additional research are summarized as follows:

Option 1: No Revision to the Zoning Regulations or Districts

This option would allow all existing lots of record to function as they currently do and would require property owners who wish to subdivide the existing Lot of Record along the original lot lines that do not meet minimum lot widths or areas to seek a variance for such actions. This approach to non-conforming lots would allow the City to review the impacts of such an action on a case-by-case basis, ensuring that returning a parcel to its original lot lines will not impact the general character of the impacted neighborhood.

Option 2: Create New R-5 Zoning District

This option would create a new zoning district with a minimum lot width of 55' and a minimum lot size of 6,535 square feet. This option would address lots within the Leonard's Place subdivision but would still leave several existing lots of record that are non-conforming in the "original town". The commission previously indicated there were concerns regarding the use of this new district for new development, which would not be the intent. Should the Commission recommend this approach, Staff would be cognizant of these concerns and write the conditions and requirements of this district in such a manner that would restrict this district to be for specific locations in town, similar to C-TS zoning district.

Following creation of this new district, all parcels within Leonard's Place (and other applicable lots) would need to be rezoned after initiation by City Council.

Option 3: Revise R-2 District Regulations

This option would modify the regulations of the existing R-2 zoning district to have a minimum lot width of 55' and a minimum lot size of 6500 square feet. The challenges of this option are similar to those described as part of Option 2, in that this action would address certain lots within the community but leaves several lots non-conforming. This action would also allow smaller lots in other R-2 areas throughout Polk City, including those north of Leonard's Place, those in Creekview Estates, and those in Antler Ridge as a few examples.

Option 4: Rewrite the Definition of Lots of Record

This option would allow property owners to split existing combined lots back to the originally platted lot lines, given that split meets a few criteria, including:

1. The existing Lot of Record is comprised of no less than two (2) platted lots under the same ownership.
2. The existing Lot of Record is comprised of only whole originally platted lots but would exclude lots that have previously been split.
3. Other conditions the Commission may wish to add.

Staff has a concern regarding unintended consequences of such a text amendment, particularly if Lots of Record in the "original town" are permitted to be subdivided along original lot lines. In contrast to the Leonard's Place subdivision, where most of the homes are situated on only one platted lot, a high percentage of the homes in the "original town" area are situated on multiple platted lots. As a result, allowing Lots of Record to be subdivided along the original lot lines would increase density and could change the character of the neighborhood if very many properties were to be redeveloped on the much smaller lots as originally platted. This is particularly true in the Market Square area where platted lots range from 40' wide to as narrow as 34.25' wide.

This option would require a Public Hearing to be held prior to the text amendment but would not require mailings to specific property owners.

RECOMMENDATION:

Staff recommends the Commission consider not making a recommendation to City Council related to amending the Zoning Ordinance to address this issue as it relates to existing Lots of Record, particularly given the infrequency of its occurrence.

Staff instead recommends the City continue to require the owners of existing Lots of Record to request a variance from the Board of Adjustment if they wish to subdivide their parcel along the originally platted lot lines should those original lots fail to conforming to the bulk regulations of the applicable zoning district. The current text of this section of the Zoning Ordinance would continue to apply to Lots of Record city-wide, including Leonard's Place and the original town.

PROPOSED AMENDMENTS TO ZONING DISTRICTS

Date: November 16, 2023

Prepared by: Kathleen Connor, Planner
Travis D. Thornburgh, P.E.

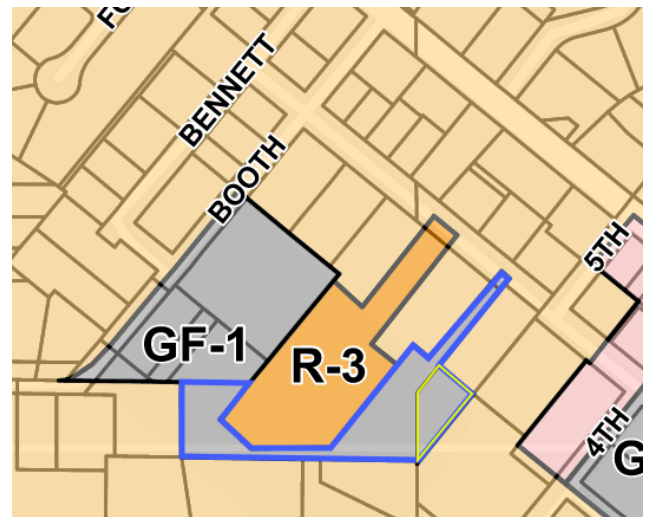
Project: Zoning Districts Update

Project No.: 123.0001.01

At its February meeting, the Planning & Zoning Commission discussed and reviewed several “cleanup rezonings” located in and around Polk City. Staff would like direction from P&Z regarding the City Council initiating the rezoning of several properties throughout Polk City that bear zoning designations that do not match the current or intended uses. These cleanup rezonings are summarized as follows:

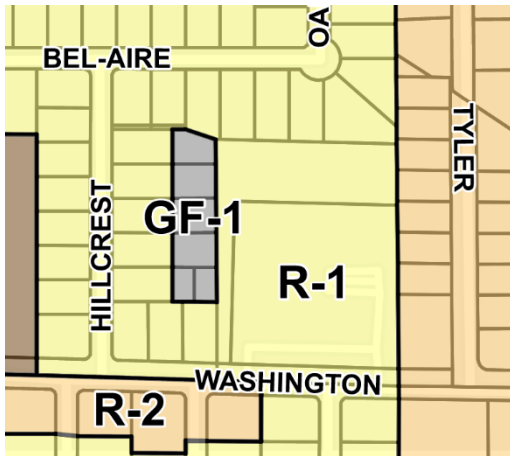
Area #1: 602 W. Van Dorn Street (Portion of Property is Currently Zoned GF-1)

The privately-owned Lake Park apartments (correctly zoned R-3) on W. Van Dorn Street includes a band of GF-1 surrounding the existing apartment buildings, outlined in blue in the figure to the right. The surrounding residential area, with the exception of Miller Park, is zoned R-2. It is our understanding the GF-1 zoning was intended to provide a buffer between the apartments and abutting single-family homes since the Zoning Regulations did not include buffer requirements at the time of development. If the entire property were rezoned to R-3, a 20’ wide Type A buffer would be required under current zoning regulations. The City may not want to make any changes to this particular GF-1 zoning district since it currently provides a larger buffer for the benefit of neighbors than would otherwise be required.



In addition to the 4.796-acre apartment parcel owned by Lake Park Enterprises LLC, this potential rezoning area also includes some publicly-owned land. The City of Polk City owns the 0.26-acre parcel, outlined in yellow above, which is included within the proposed rezoning area. This parcel is wooded and contains a creek, but has no street frontage. We have no information regarding how or why the City owns this parcel.

Area #2: Portions of 5 Lots Along Hillcrest Drive (Current Zoned GF-1)

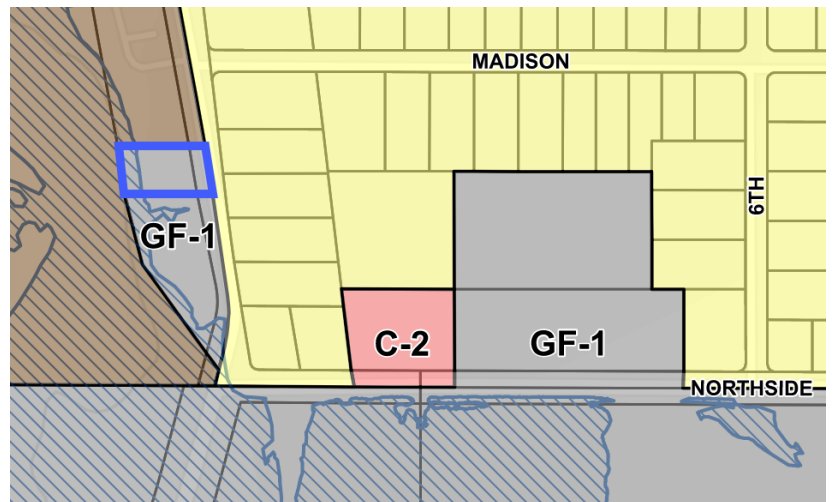


A second GF-1 zoning district is located in the rear yards of privately-owned residences on the east side of Hillcrest Drive (405-421). We do not have any knowledge as to why this area is zoned GF-1 but, since it abuts the old nursing home property, it is possible this GF-1 zoning was also used as a buffer to the more intense use. However, since the GF-1 “buffer” is located on the properties that are to receive the benefit of said buffer, there does not appear to be any benefit to the homeowners. In addition, GF-1 zoning may limit the use and enjoyment of their rear yards by restricting certain structures. For example, accessory structures are not permitted unless they are

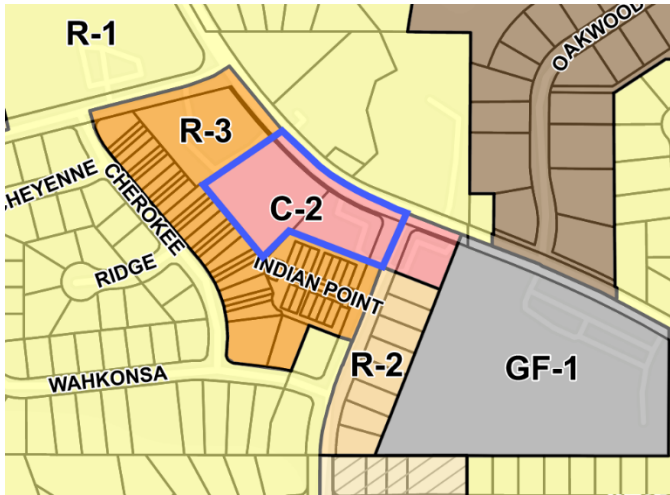
incidental to permitted principal uses, which does not include residential uses. As a result, garden sheds technically should not be permitted in this GF-1 district, even though there appears to be at least one such structure. In this case, rezoning to R-1 would help bring this area into compliance if the property owners are interested in this change.

Area #3: 516 N. 3rd Street (Property is Currently Zoned GF-1)

Immediately north of a vacant parcel on N. 3rd Street, and south of the Tournament Club of Iowa Maintenance Facility, lies a single-family home that is zoned GF-1. We have been unable to ascertain why it is zoned in this manner. The Future Land Use Plan designates this parcel as low density residential, with commercial to the north and civic to the south. Rezoning this property to R-1 would help bring this area into compliance if the property owner is interested in this change.



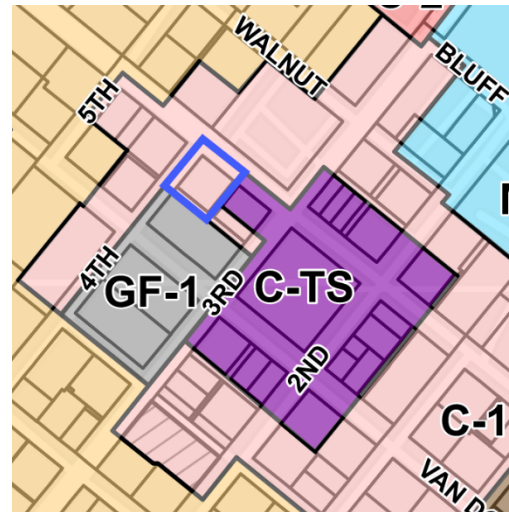
Area #4: 1500 & 1600 W. Broadway Street (Property is Currently Zoned C-2)



The Polk City Public Library, located at 1500 W. Broadway Street, and the lot at 1600 W. Broadway Street located directly adjacent to the library that the City recently purchased are both currently zoned with the C-2 (Commercial) designation (outlined in blue to the left). It is our understanding that the intended use for the lot at 1600 W. Broadway Street is an expansion of municipal facilities. Rezoning of these parcels to the GF-1 designation would bring the current use of 1500 W. Broadway Street (Public Library) and the intended use of 1600 W. Broadway Street (Future Municipal Facility) into compliance.

Area #5: City Hall Parking Lot on W. Broadway Street (Property is Current Zoned C-1)

Located at the intersection of W. Broadway Street and S. 4th Street, the existing paved parking lot is owned by the City of Polk City and currently bears a C-1 (Commercial) Designation. This parking lot functions as an overflow parking facility for the Polk City Fire Department, Polk City City Hall, and the Polk City Square and is maintained by the City of Polk City. As such, this parking lot functions as a municipal facility and it is our belief that the GF-1 designation is more applicable than its current C-1 zoning.



RECOMMENDATION:

Staff suggests P&Z recommend in favor of City Council initiation of the rezoning of Area #4 and Area #5 since all parcels in both areas are owned by the City of Polk City.

Staff further suggests that P&Z recommend in favor of City Council initiation of the rezoning of Area #2 and Area #3, subject to stipulations from the Planning and Zoning Commission, if any, and subject to all property owners within the proposed zoning district boundary being contacted by staff to gauge their interest in rezoning of their property before asking City Council to take action. As usual, the property owners within 250' of the rezoning areas would be notified of

both the P&Z meeting and Public Hearing at the City Council meeting so they can provide their own input on the rezoning.

Staff does not recommend City Council initiation of the rezoning of Area #1 due to the resulting reduction to buffer width.

Staff would like an individual recommendation from the Planning and Zoning Commission regarding a request to City Council to initiate each on the following items:

1. Rezoning of a portion of 602 W. Van Dorn Street from GF-1 to R-3.
2. Rezoning of portions of five (5) lots along Hillcrest Drive (405, 409, 413, 417, and 421) from GF-1 to R-1.
3. Rezoning of 516 N. 3rd Street from GF-1 to R-1.
4. Rezoning of 1500 and 1600 W, Broadway Street (Public Library and City Owned Lot) from C-2 to GF-1.
5. Rezoning of City Parking Lot along W. Broadway Street from C-1 to GF-1.