



Planning & Zoning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

July 29th, 2019 Meeting

SUBJECT: Conduct a public hearing and consider making a recommendation regarding a text amendment to the Johnston Zoning Ordinance and the rezoning of property located north of NW 62nd Avenue, east of Merle Hay Road, and south of NW 63rd Place (PZ Case 19-21):

- A text amendment to Chapter 169 of the Johnston Zoning Ordinance to create a new overlay zoning district to be known as the Merle Hay Road Town Square Overlay Zoning District.
- An Official Zoning Map amendment for approximately 18.328 Acres and to the centerline of adjoining right-of-way from R-1(75) and MUC-ROC-2 with MHR Overlay to MUC-ROC-2 with MHR Town Square Overlay.

SYNOPSIS:

At their July 15th, 2019 meeting the City Council initiated a text amendment to the Johnston Zoning Ordinance to create a new overlay zoning district to be named the Merle Hay Road Town Square Overlay Zoning District and the City Council initiated a rezoning of approximately 18.328 acres and to the centerline of adjoining right-of-way from R-1(75) and MUC-ROC-2 with MHR Overlay to MUC-ROC-2 with MHR Town Square Overlay. The City Council has directed this request to the Planning and Zoning Commission for review and recommendation. This staff report details the topics surrounding the creation of the new overlay zoning district and the proposed rezoning.

RECOMMENDATION:

Staff recommends approval and provides the following motions for the commission's consideration:

The Planning & Zoning Commission recommends approval of a text amendment to Chapter 169 as outlined in Draft Ordinance 1019.

The Planning & Zoning Commission recommends approval of an amendment to the Official Zoning Map consisting of 18.328 acres and to the centerline of adjoining right-of-way being rezoned from R-1(75) and MUC-ROC-2 with Merle Hay Road Overlay to MUC-ROC-2 with Merle Hay Road Town Square Overlay.

**PROPERTY
OWNERS:**

City of Johnston
6221 Merle Hay Road
Johnston, IA, 50131

Thelma Keltner, Diane Zamzow, and Joan Hentges
5605 Columbine Drive
Johnston, IA, 50131

Thomas Perkins and Sandra Perkins
5650 NW 63rd Place
Johnston, IA, 50131

Jared Hill
5626 NW 63rd Place
Johnston, IA, 50131

Maxine Litchkey and Warren Litchkey Sr.
5630 NW 63rd Place
Johnston, IA, 50131

**BACKGROUND &
PRIOR APPROVALS:**

In 2007 the city undertook a planning process which concluded with a plan titled “The Merle Hay Road Redevelopment Study”. This planning area of the 2007 study included property from NW 60th Avenue in the south to NW 66th Avenue in the north and from NW 59th Court in the west to Lawson Elementary School in the east. The study area totaled approximately 156 acres.

This plan called for a mix of land uses within the newly formed Mixed Use Center Zoning District. Some of the early successes of this plan were the development of the Public Safety Building and Cornerstone Commons Senior Apartments. Subsequent investment has continued to occur with the construction of the Cadence Apartment Complex, 62W Apartment Complex, Fareway Grocery Store, and most recently with the ongoing construction of the Bricktowne Johnston Apartment Complex.

As a result of these successes, in 2017 the city undertook an update to the plan to focus on the area of the original planning area which had been called out as a potential new town center. The planning process concluded with an update to the Merle Hay Road Redevelopment Study with a plan titled the ‘Merle Hay Road Redevelopment Plan’. This plan included a conceptual town center development and a draft set of design guidelines which the city could implement with a zoning overlay district in the future.

**COMPREHENSIVE
PLAN:**

The current Johnston 2030 Comprehensive Plan was adopted December 6, 2010 and last amended on June 3rd, 2019. The subject properties are identified on the future land use map as Community Mixed Use (CMU).

PROPOSED TOWN
SQUARE OVERLAY
ZONING DISTRICT:

“Community mixed-use areas are intended to provide a unique mix of commercial, residential, public and related uses in a pedestrian friendly environment. It is envisioned that CMU areas will include a mix of retail and service commercial, office, institutional, higher density residential, public uses an/or park and recreation uses. CMU areas are expected to be integrated both vertically and horizontally.”

As proposed, both the Merle Hay Road Town Square Overlay Zoning District and the rezoning are consistent with the Comprehensive Plan’s future land use map as well as the Merle Hay Road Redevelopment Plan.

One of the two items under consideration with PZ Case 19-21 is a text amendment to Chapter 169 of the Johnston Zoning Ordinance. This text amendment would create a new overlay zoning district to be known as the Merle Hay Road Town Square Overlay Zoning District. The design guidelines to be adopted with the Zoning Ordinance text amendment are based upon the design guidelines which were drafted as part of the Merle Hay Road Redevelopment Plan update in 2017.

Staff will discuss the proposed design guidelines in detail at the scheduled Public Hearing. In summary, the design guidelines address the topics listed below. The full text of the Design Guidelines (red lined version and clean version) is attached to this staff report.

Chapter 1: Introduction

- Overlay Description
- Application + Intent
- Permitted Uses

Chapter 2: Architecture

- Intent
- Submittal Requirements
- Definitions
- Building Design Standards

Chapter 3: Site Planning

- Setback + Bulk Requirements
- Open Space, Landscaping, Buffer + Screening
- Vehicle, Bike, and Pedestrian Circulation + Parking
- Outdoor Displays and Sales
- Lighting
- Signage
- Storm Water Management

Chapter 4: Streetscape + Art

- Streetscape Standard

- Public Art + Open Space

Where a conflict should arise between the Zoning Ordinance and the Design Guidelines the design guidelines shall prevail. The final determination as to compliance with the provisions contained within the Design Guidelines shall rest with the City Council.

EXISTING ZONING:

R-1(75), Single Family Residential Zoning District

A copy of Chapter 167 which establishes permitted uses and bulk regulations for the R-1(75) zoning district is attached to this staff report.

MUC-ROC-2 with Merle Hay Road Overlay, Mixed Use Center ROC-2 Zoning District with Merle Hay Road Overlay Zoning District

A copy of Chapter 168.12 which establishes permitted uses and bulk regulations for the MUC-ROC-2 Zoning District is attached to this staff report. Also attached to this staff report is a copy of Chapter 169.05 which regulates the Merle Hay Road Overlay Zoning District.

PROPOSED ZONING:

MUC-ROC-2 with MHR Town Square Overlay Zoning District

A copy of Chapter 168.12 which establishes permitted uses and bulk regulations for the MUC-ROC-2 Zoning District is attached to this staff report. Also attached to this staff report is copy of the draft Ordinance 1019 which would establish the Mere Hay Road Town Square Overlay Zoning District along with the proposed Merle Hay Road Town Square Overlay Zoning District Design Guidelines. Where a conflict arises between any zoning ordinance and the design guidelines then the design guidelines shall prevail.

ADJACENT LAND USES:

To the north and northwest is property zoned MUC-ROC-2 with Merle Hay Road Overlay used for high density residential (Cornerstone Commons and Cadence Apartments). Also, to the north and northeast is property zoned R-1(75) used for single family detached residential uses.

To the east is property zoned R-1(75) used for single family detached residential uses.

To the south and southeast is property zoned R-1(75) used for public school uses (Lawson Elementary School). Also, to the south and southwest is property zoned MUC-ROC-1 with Merle Hay Road Overlay used for commercial uses (Community State Bank, Johnston Bait and Tackle, and Johnston Barbershop).

To the west is property zoned MUC-ROC-2 with Merle Hay Road Overlay used for commercial and religious uses (Walgreens, Johnston Dance Academy, Messiah Lutheran Church and Loving Arms Children's Center, and Created in Johnston).

BUFFERING:

A 50 foot wide landscaped buffer will be required along the east boundary of the overlay district and a 30 foot wide landscaped buffer will be required along the portion of the north boundary of the overlay district which is adjacent to single family residential land uses. Details of these buffers are to be determined with the site plan approval.

The parcels contained within the overlay district are not expected to all develop at the same time. Temporary buffers will be required between any new development and existing single family uses which remain within the overlay district. The appropriateness of the type of temporary buffer shall be determined at the time of site plan approval and is at the sole discretion of the City Council.

TRAFFIC ACCESS & CIRCULATION:

While no specific site plan is under consideration for a recommendation at the same meeting with the rezoning, staff is anticipating the site developer to be submitting a site plan for city approval in the near future. As such, this section will utilize the design concept which has been prepared for the site in discussing traffic access and circulation. This design concept is attached to this staff report.

The site is bordered by NW 62nd Avenue on the south, Merle Hay Road on the west, and NW 63rd Place on the north. It is the intent to develop the site with two full access points to NW 62nd Avenue, one full access point to Merle Hay Road, and two full access points to NW 63rd Place. Internal to the site would be a system of drive aisles and parking lots. The internal circulation plan is not intended to function as cut through streets

CITY UTILITIES:

Water: There is currently a 12-inch water main along the south side of NW 62nd Avenue, a 16-inch water main along the west side of Merle Hay Road, and a 6-inch water main along the south side of NW 63rd Place.

Sanitary Sewer: There is currently a 10-inch sanitary sewer main along the north side of NW 62nd Avenue, a 21-inch sanitary sewer main along the east side of Merle Hay Road, and a 10-inch sanitary sewer main along the south side of NW 63rd Place (from MHR to a point approximately 200 feet east of MHR, no sanitary sewer east of this point).

Storm Sewer: There is currently an 18-inch storm sewer along the north side of NW 62nd Avenue (from MHR to a point approximately 700 feet east of MHR, no storm sewer east of this point), a 15-inch storm sewer along the east side of Merle Hay Road (from NW 62nd Avenue to a point approximately 275 feet north of NW 62nd Avenue), and a 48-inch storm sewer along the north side of NW 63rd Place.

FLOOD PLAIN:

The subject property is not within a FEMA designated flood hazard zone.

**PARKLAND
DEDICATION:**

As proposed, the town center master plan does not include any residential. However, multi-family residential is a permitted land use within the Mixed Use Center Zoning District and further permitted within the Merle Hay Road Town Square Overlay Zoning District. Chapter 180.43 of the City of Johnston code of ordinances requires dedication of 5 acres of public parkland for each 1,000 residents added to the community. The parkland dedication requirement would be tabulated based on new lots/units created at the time of final plat or site plan (if any residential is proposed in the future).

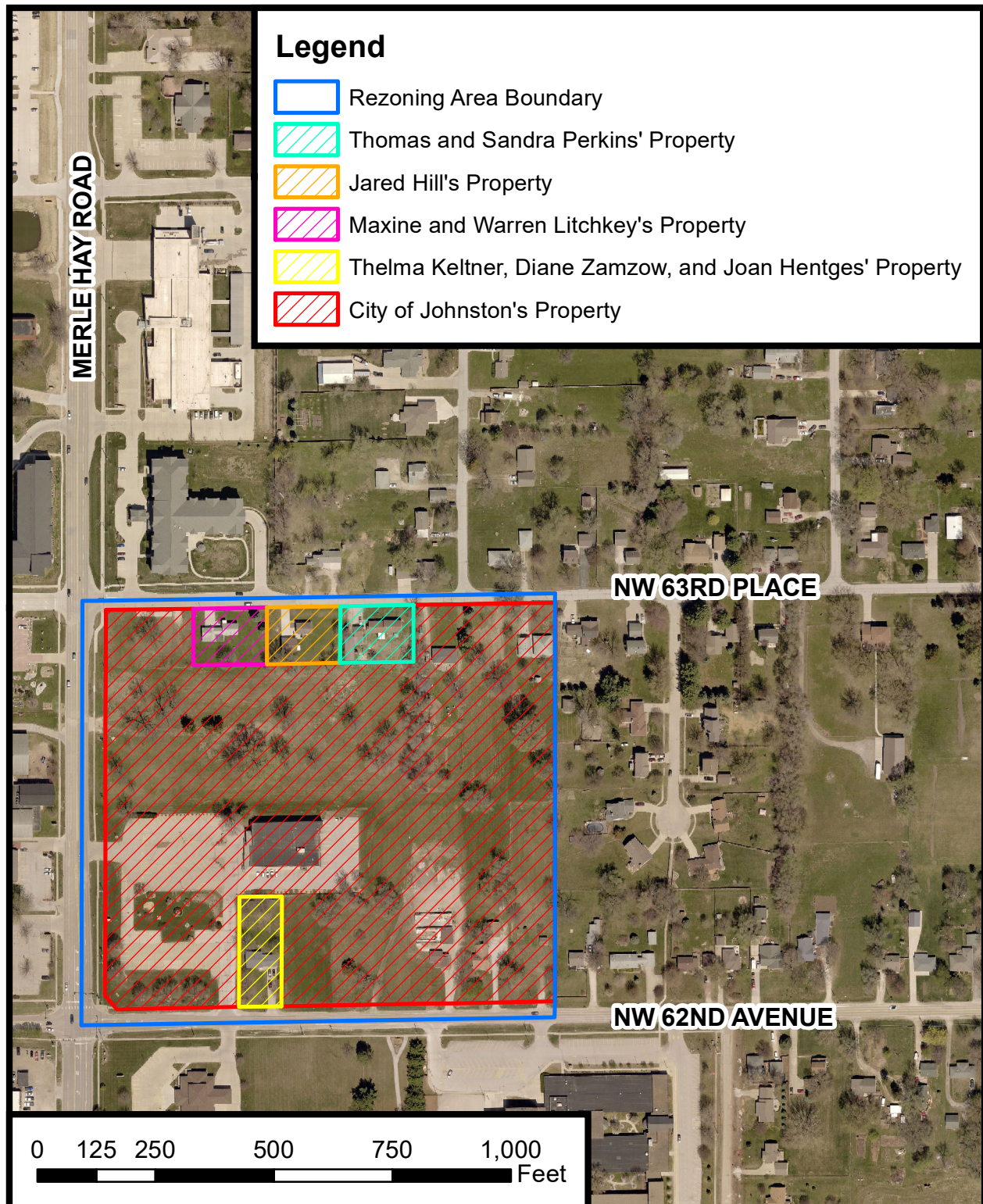
**IMPROVEMENTS TO
ADJACENT
ROADWAYS:**

The city is in the process of designing improvements to Merle Hay Road, NW 62nd Avenue, and the intersection of Merle Hay Road and NW 62nd Avenue. Improvements will include new roadway, new intersection, relocation of private utilities, and work on public utilities where needed. Construction plans are anticipated to be finalized in summer of 2019 with construction anticipated to commence in fall of 2019 with completion anticipated in fall of 2020.

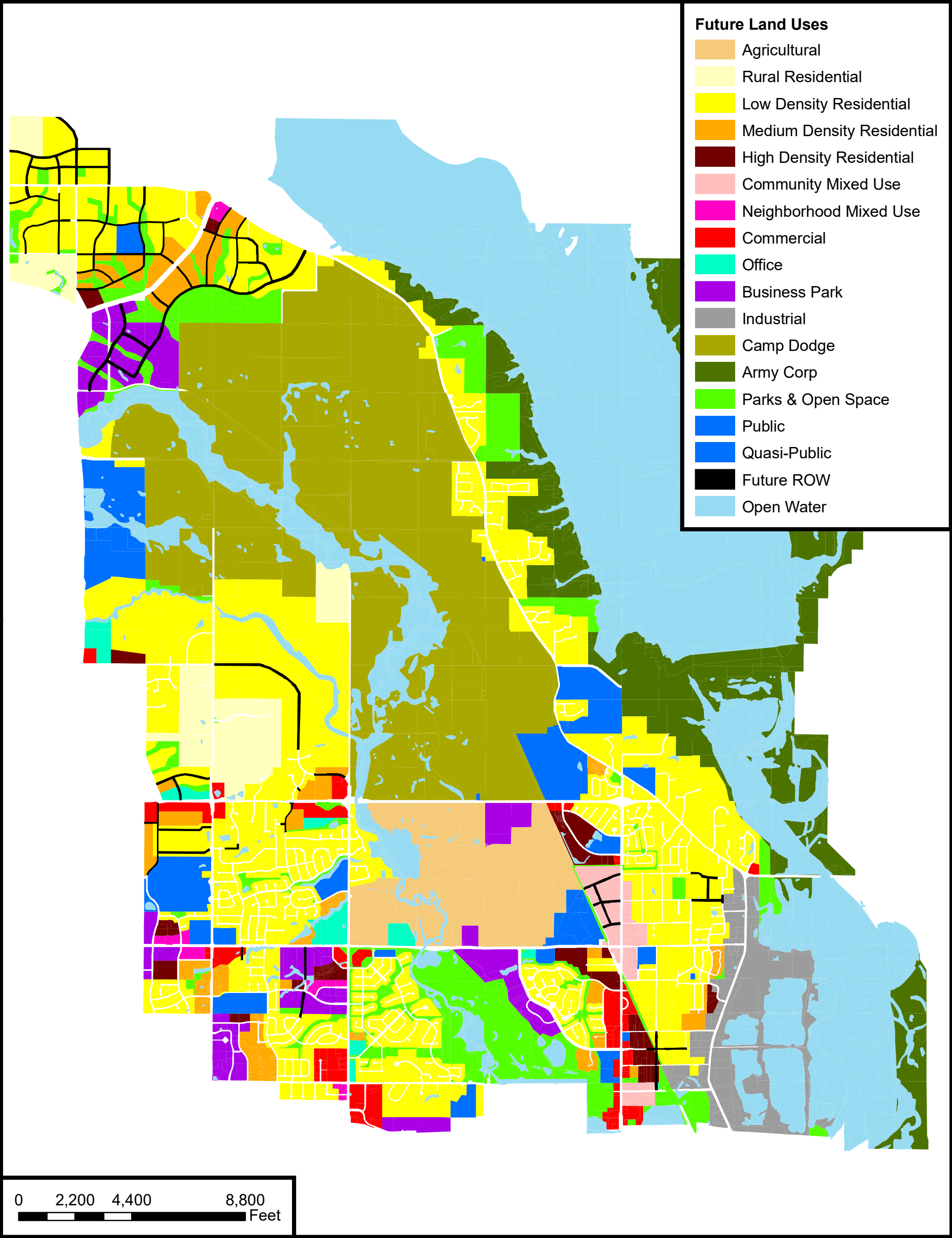
**PUBLIC NOTICE
AND ADJACENT
NEIGHBOR
COMMENTS:**

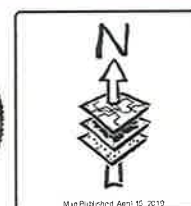
A sign advertising the Planning and Zoning Commission meeting has been placed along NW 62nd Avenue, Merle Hay Road, and NW 63rd Place. Staff has mailed notice of the public hearing to all properties within 320 feet of the subject property, including property owners subject to the rezoning, and staff has posted a proposed development notice to the city's website. As of publication of this report no public comments have been received.

AERIAL VICINITY MAP PZ CASE 19-21



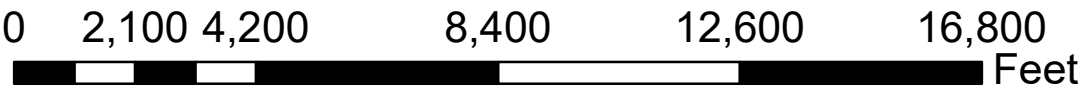
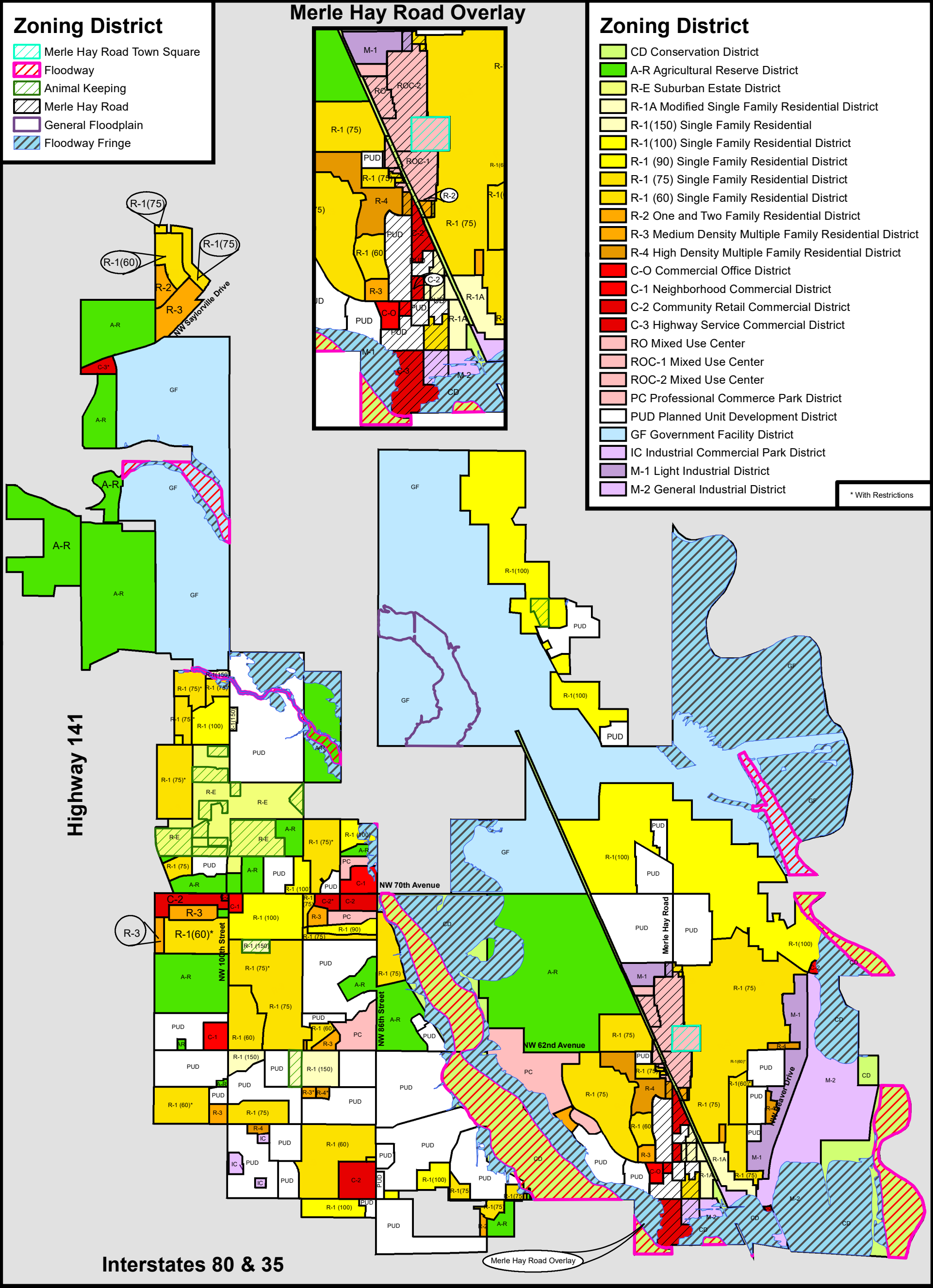
JOHNSTON 2030 COMPREHENSIVE PLAN'S
FUTURE LAND USE MAP







PZ Case 19-21
Town Center Rezoning
Draft Zoning District Map



DRAFT ORDINANCE NO. 1019

AN ORDINANCE AMENDING CHAPTER 169 OF THE JOHNSTON MUNICIPAL CODE OF 2007 TO CREATE THE MERLE HAY ROAD TOWN SQUARE OVERLAY ZONING DISTRICT

Be It Enacted by the City Council of the City of Johnston, Iowa that:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Chapter 169 of the Johnston Municipal Code to create the Merle Hay Road Town Square Overlay Zoning District.

SECTION 2. AMENDMENT. The following new section 169.09 Merle Hay Road Town Square Overlay Zoning District shall be added to Chapter 169:

169.09 Merle Hay Road Town Square Overlay Zoning District. The regulations set forth in this section, or elsewhere within this ordinance when applicable, shall apply in the Merle Hay Road Town Square Overlay Zoning District.

1. **Statement of Intent.** The Merle Hay Road Town Square Overlay Zoning District is established to help create the town square envisioned by the City of Johnston's Comprehensive Plan and detailed in the Merle Hay Road Redevelopment Plan. The northeast corner of Merle Hay Road and NW 62nd Street has long been considered as an opportunity site to create a central focus point for the Johnston community. The Overlay District establishes this area as a future town square that can accommodate a mix of retail and residential uses along with activated public gathering spaces.
2. **Applicability.** The adopted design guidelines shall apply to all development within the Merle Hay Road Town Square Overlay Zoning District and are in addition to the regulations contained within the City Zoning and Subdivision Regulations. The intent of this new overlay district is to provide a uniform and enhanced set of design standards that are above and beyond the base standards found within the City's current regulations. When a standard or code requirement is not covered by this overlay, the regulations contained elsewhere within City Code, the Zoning Ordinance, and specifically within the regulations for the underlying zoning district for which the property is zoned shall apply. Where a conflict should arise between the Zoning Ordinance and the adopted design guidelines, the requirements of the adopted design guidelines shall prevail. The final determination as to compliance with the provisions contained herein shall rest with the City Council.
3. **Design Guidelines.** The Merle Hay Road Town Square Overlay Zoning District Design Guidelines dated September 16th, 2019 are hereby adopted as a part of this ordinance. A copy of the Merle Hay Road Town Square Overlay Zoning District

Design Guidelines are on file in the Office of the City Clerk. Exceptions to this overlay zoning district shall be set forth in this chapter.

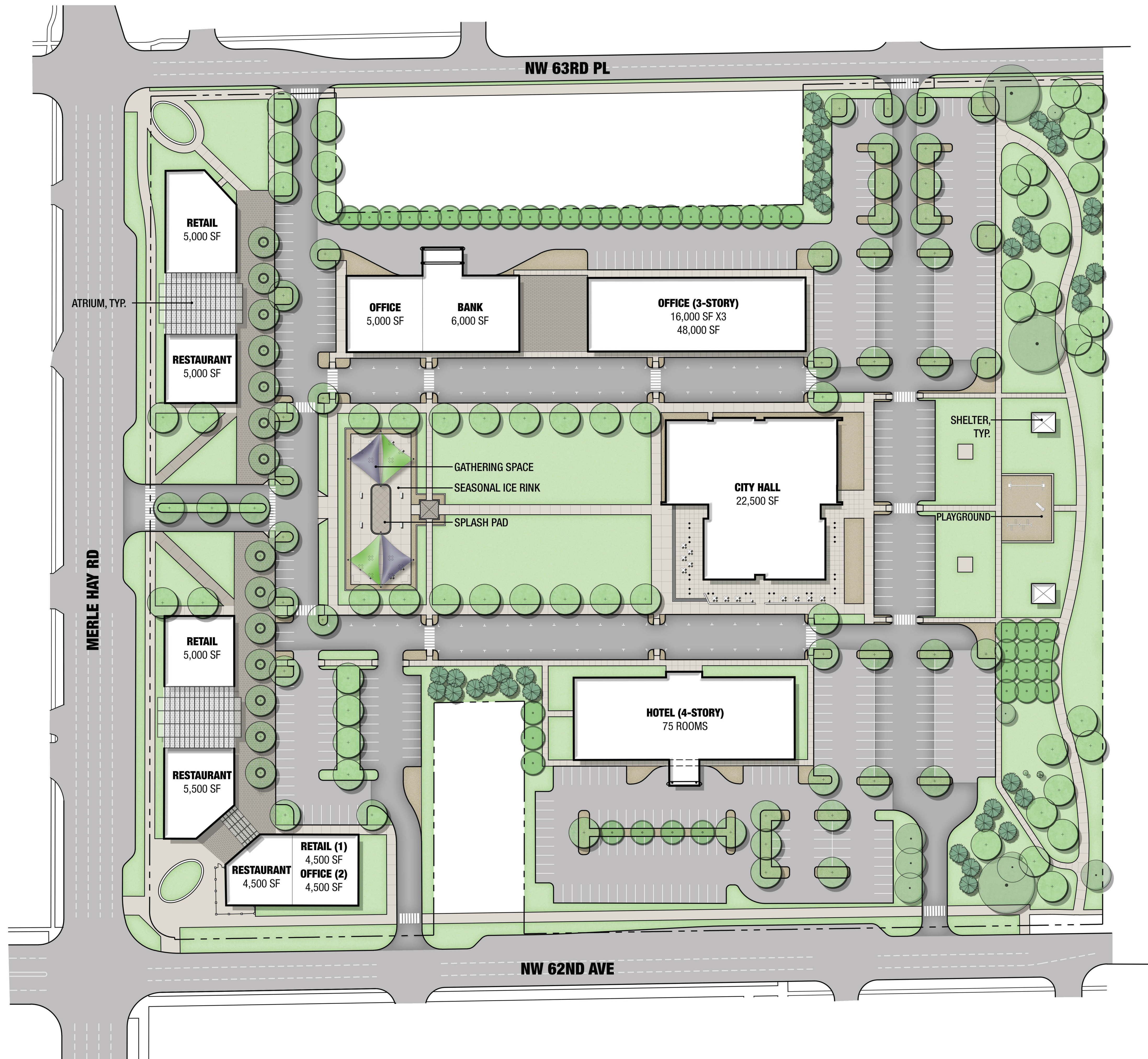
4. Deletions, Modifications And/Or Amendments. The following deletions, modifications, and/or amendments are made to the Merle Hay Road Town Square Overlay Zoning District.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged 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 5. WHEN EFFECTIVE. This ordinance shall be in full effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the City Council the ____ day of _____, 2019.



SCALE: 1"=50'

0' 12.5' 25' 50' 100'

CONFLUENCE

May 22, 2019