



**CLINTON CITY COUNCIL
COMMITTEE OF THE WHOLE**

September 27, 2016

CITY HALL COUNCIL CHAMBER

ROLL CALL:

- 1. Convention and Visitor's Bureau Update – Carrie Donaire**
- 2. Strategic Plan Prioritization Follow-up – Jessica Kinser**
- 3. Vacant and Abandoned Building Ordinance – Jeff Chapman**
- 4. Sidewalk Variance Request for 6th Avenue North**
- 5. Referral from the Traffic Safety Commission – Jason Craft**
 - a. Installation of a stop sign at 1100 16th Avenue N.W.**
- 6. Referrals from the Planning Commission – Jason Craft**
 - a. Final Plat of 4th Avenue Lofts Subdivision**
 - b. Alley Vacation at 315 Ruth Place**
 - c. Alley Vacation at 612 North 2nd Street**
- 7. Mayor & Council Updates**

Committee of the Whole Summary Sheet

September 27, 2016

1. CVB Update

Carrie with the CVB will be present to provide a quarterly update.

ACTION REQUESTED

No action recommended.

2. Strategic Plan Prioritization

This is a carryover item. The large spreadsheet will be placed at your seat, but is available from previous packets or packets on the City's website.

ACTION REQUESTED

To make a motion to move forward with the schedule.

3. Vacant Building ORD

The City Attorney has redrafted the ordinance for discussion.

ACTION REQUESTED

To bring back to a future COW or move forward for a first reading.

4. Sidewalk Variance Request

This is returning to the COW for a decision.

ACTION REQUESTED

To move forward a resolution authorizing the variance.

5. Traffic Study- Stop Sign Request

This request is born out of a prior request for a yield sign in the same area. The yield sign was installed but not where the requestor intended. She is requesting a stop sign; the Traffic Study Commission is recommending another yield sign.

ACTION REQUESTED

To move forward a resolution to the next Council meeting approving the yield sign.

6a. Planning- Final Plat 4th Ave Lofts

This is a replat of multiple parcels in the 200 block of 4th Avenue North, which is the future site of the 4th Avenue Lofts. This is required under the subdivision ordinance as well as by the lenders to the project.

ACTION REQUESTED

To move forward a resolution approving the final plat.

6b. Planning- Alley Vacation 315 Ruth Place

This is an unmaintained alley which the requesters of the vacation have a retaining wall in. The only stipulation with a vacation would be no vertical building in the alley.

ACTION REQUESTED

To move forward a resolution setting a public hearing on the vacation of the alley.

6c. Planning- Alley Vacation 612 N. 2nd

There is an unvacated alley on the Courthouse property, which is not used as an alley and is of no public value to the City.

ACTION REQUESTED

To move forward a resolution setting a public hearing on the vacation of the alley.

Item #1

	Jun 16	Jul 16	Aug 16	Jun 16 - Aug 16
Income				
46000 · Convention and Visitors Bureau				
46100 · Hotel/Motel Tax	16,666.67	16,666.67	16,666.67	50,000.01
46250 · CVB Miscellaneous Income	30.00	25.00	3,431.00	3,486.00
46200 Merchandise	1.00	0.00	52.00	53.00
46518 Advertising & Co-op	500.00	0.00	0.00	500.00
46527 Net Assets Released	0.00	0.00	0.00	0.00
Total 46000 · Convention and Visitors Bureau	17,197.67	16,691.67	20,149.67	54,039.01
Total Income	17,197.67	16,691.67	20,149.67	54,039.01
Expense				
56000 · Convention & Visitors Bureau				
56100 · CVB Personnel Expenses				
56499 · CVB Temporary Employee E.	0.00	0.00	0.00	0.00
56504 · Payroll Taxes	483.68	483.69	702.15	1,669.52
56505 · Salaries	3,657.50	3,657.50	4,681.00	11,996.00
56506 · Health & Life Insurance	387.32	387.32	387.32	1,161.96
56507 · Professional Development	1,500.00	1,675.06	40.00	3,215.06
56514 · Retirement	268.30	302.45	182.88	753.63
Total 56100 · CVB Personnel Expenses	6,296.80	6,506.02	5,993.35	18,796.17
56200 · CVB Overhead Expenses				
56584 · Consumables Expense	254.88	959.13	902.44	2,116.45
56502 · Computer-Related Expense	0.00	0.00	0.00	0.00
56509 · Office Supplies	133.19	0.00	0.00	133.19
56513 · Telephone	0.00	0.00	0.00	0.00
56515 · Depreciation	40.27	40.27	40.27	120.81
56521 · Accounting & Audit	0.00	0.00	0.00	0.00
56522 · Administrative Support	839.09	878.52	869.18	2,586.79
56523 · Bank Fees	0.00	0.00	0.00	0.00
56524 · Equipment Mtce/Inside Print	0.00	0.00	0.00	0.00
56525 · Office Maintenance	0.00	0.00	0.00	0.00
56527 · Insurance - Property/Liability	255.74	156.00	0.00	411.74
56529 · Internet Line/Hosting Fee	0.00	0.00	0.00	0.00
56537 · Legal Fee	0.00	0.00	0.00	0.00
56530 · Equipment Rental	0.00	0.00	0.00	0.00
56580 · Rent Expense	1,292.08	1,292.08	1,292.08	3,876.24
Total 56200 · CVB Overhead Expenses	2,815.25	3,326.00	3,103.97	9,245.22
56250 · CVB Program Expenses				
56540 · Community Development	0.00	0.00	5,000.00	5,000.00
56500 · Committee Expense	46.98	336.79	400.00	783.77
56503 · Dues & Subscriptions	0.00	381.00	500.00	881.00
56508 · Travel Shows	0.00	12.32	0.00	12.32
56510 · Postage	209.30	253.24	530.37	992.91
56511 · Publications	875.49	784.60	1,082.72	2,742.81

56512 · CVB Miscellaneous Expense	0.00	0.00	0.00	0.00
56516 · Merchandise	0.00	0.00	0.00	0.00
56518 · Advertising & Co-op Adv	1,748.90	2,052.90	0.00	3,801.80
56528 · Staff Meals & Mileage	378.00	52.71	0.00	430.71
56532 · KIOSK	0.00	0.00	0.00	0.00
56534 · Promotional Items Expense	0.00	567.63	0.00	567.63
56551 · Graphics/Design	0.00	260.00	0.00	260.00
56556 · Event Promotion	300.00	400.00	0.00	700.00
56581 · CVB Newsletter Expense	0.00	0.00	0.00	0.00
56250 · CVB Program Expense - Oth	0.00	0.00	0.00	0.00
Total 56250 · CVB Program Expenses	3,558.67	5,101.19	7,513.09	16,172.95
Total 56000 · Convention & Visitors Bureau	12,670.72	14,933.21	16,610.41	44,214.34
Total Expense	12,670.72	14,933.21	16,610.41	44,214.34
Net Income	4,526.95	1,758.46	3,539.26	9,824.67

ORDINANCE NO.

AN ORDINANCE CREATING CHAPTER 104, REGISTRATION OF ABANDONED BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, IOWA:

Section 1. Purpose. The purpose of this Ordinance is to establish a requirement that owners register abandoned buildings within the City of Clinton, Iowa, in order to help identify potential nuisance properties and enhance communication between the City and property owners.

Section 2. Amendment. The Code of Ordinances of the City of Clinton, Iowa is amended by creating Chapter 104, Registration of Abandoned Buildings:

104.01 DEFINITIONS

For purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the building code or the housing code. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. Unless otherwise expressly stated or unless the context clearly indicates a different intent, the following terms shall, for the purpose of this chapter, have the following meanings:

ABANDONED BUILDING. Any building or portion thereof which meets the criteria set forth in Iowa Code § 657A.10A.

Mere vacancy alone shall not cause a building to be considered abandoned. However, a “vacant building” which meets the definition herein will be considered “abandoned” upon notice and due process to the owner stating that the building is vacant and that, in addition to being vacant, possesses one or more of the additional criteria contained in the definition herein of “vacant building” or one or more of the criteria listed in Iowa Code § 657A.10A. Owners shall be afforded thirty (30) days to correct any identified criteria prior to the building being added to the abandoned building list. Further, vacant buildings shall be removed from the abandoned building list upon notice from the owner, confirmed by the Building and Neighborhood Services department, that the additional criteria have been corrected.

BUILDING CODE. The International Residential Code promulgated by the International Code Council, as adopted by the City of Clinton, Iowa.

BUILDING & NEIGHBORHOOD SERVICES DIVISION. Under the Clinton Fire Department, the division that enforces and inspects all adopted building and housing codes as adopted by the City of Clinton, Iowa.

DANGEROUS BUILDING. Any building or structure which meets the definition of this term specified in Chapter 150.02 of the Code of Ordinances.

FIRE CODE. International Fire Code, as adopted by the City of Clinton, Iowa.

HOUSING CODE. The city of Clinton residential housing code, as adopted by the City of Clinton, Iowa.

NUISANCE. Each of the following shall be defined as a "nuisance":

(A) Any public nuisance known at common law or in equity jurisprudence.

(B) Any attractive nuisance which may prove detrimental to persons whether in a building, on the premises of a building, or upon an unoccupied lot.

(C) Whatever is dangerous to human life or is a menace to the public health, welfare or safety as determined by the city manager.

(D) A building that is structurally unsafe, unsanitary or not provided with adequate safe egress, or that constitutes a fire hazard, or otherwise constitutes a hazard by reason of inadequate maintenance, dilapidation or obsolescence or abandonment.

(E) Uncleanliness to the risk of unhealthiness, as determined by the Building & Neighborhood Services Division.

(F) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Building & Neighborhood Services Division.

(G) Any condition falling under the definition set forth in the Code of Ordinances, Chapter 90.01.

VACANT BUILDING. Any building or portion thereof which has been unoccupied for a continuous period of time over twelve (12) months and which meets one or more of the following criteria:

(A) Unsecured;

(B) Secured by means other than those used in the design of the building, or in a manner that is unsafe, ineffective in keeping unauthorized persons from gaining entry;

(C) Declared a "dangerous building" as defined in this section, and/or having had a fire or other such catastrophe that requires rehabilitation before occupancy is allowed;

(D) Unfit for occupancy as determined by the Building & Neighborhood Services Division;

(E) Noncompliant with the current property management codes adopted by the City of Clinton, Iowa;

(F) Has housing, building, fire, health or zoning code violations;

(G) Open to vagrants, vandals, children or the unwary; or

(H) Not receiving service by public utilities.

104.02 REQUIREMENT TO REGISTER ABANDONED BUILDING

No person or business shall own or maintain an abandoned building as defined by this chapter, in the City of Clinton unless such person or business holds a current unrevoked abandoned building registration certificate, issued by the Building & Neighborhood Services Division, in the name of the owner, for the specific named building.

104.03 REGISTRATION

(A) *Registration required.* The owner shall register an abandoned building with the Building & Neighborhood Services Division not later than thirty (30) calendar days after any building in the city becomes abandoned or vacant as defined in this chapter. Failure to register an abandoned or vacant building or providing false information to the city shall be a violation of this chapter.

(B) *Information.* The registration shall include the following information:

- (1) A description of the premises, including address;
- (2) The names and addresses and current phone numbers of the owner or owners;
- (3) The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
- (4) The name of the agent designated to act on the behalf of an out-of-town property owner to accept legal processes and notices, and to authorize repairs as required; and
- (5) The period of time the building is expected to remain vacant and/or a plan and timetable to comply with applicable city codes.

104.04 FEE FOR REGISTRATION

The owner of an abandoned building shall pay an annual fee of \$40.00, which sum shall be paid in full prior to the issuance of any permits or acceptance of the registration form for the subject property.

104.5 TERMS OF REGISTRATION

(A) *Registration term.* Every license issued under this chapter shall expire on December 31 of the year in which issued and shall become delinquent on March 31 of the year due.

(B) *Application for renewal.* Upon application, a registration may be renewed and remain effective for successive periods of one calendar year unless sooner revoked at any time by the Building & Neighborhood Services Division for noncompliance with any applicable provisions of this code.

(C) *Transfer to new owner.* Registrations may be transferred from one person or business to another, provided notice of the transfer is given in writing within five (5) working days of the transfer, to the Building & Neighborhood Services Division.

(D) *Nontransferable.* Registrations shall not be transferable from one building to another.

(E) *Notification of City of transfer or disposal.* Every person or business holding a registration shall give notice in writing to the Building & Neighborhood Services Division within five (5) working days after having transferred or otherwise disposed of the legal control of the registered building. Such notice shall include the name and address and current phone numbers of the persons or businesses succeeding to the ownership or control of such registered building.

104.06 INSPECTIONS

The owner shall allow inspection of the building by the Building & Neighborhood Services Division upon request and shall allow annual inspection of the interior and exterior of the premises for the purpose of enforcing and assuring compliance with the provisions of this chapter and the housing, building and fire codes. The owner shall pay a fee of \$40.00 in the event an administrative search warrant is needed to obtain access to any building subject to this ordinance.

104.07 RENEWAL OF REGISTRATION

The Building & Neighborhood Services Division is authorized to issue and renew abandoned building registrations for specific buildings, in the names of the applicant owners, provided the following criteria are met:

(A) *Building in compliance with regulations.* The building for which the registration is sought is warranted by the owner or operator to substantially comply with applicable provisions of this code.

(B) *Application by owner.* The owner or operator legally authorized and responsible for maintenance of the building for which a vacant or abandoned building registration is sought shall first make application therefor on an application provided by the Building & Neighborhood Services Division.

(C) *Payment of fees.* All fees required by this code pursuant to the issuance of a vacant or abandoned building registration are paid in full to the city.

(D) *Agent of owner/operator.* The applicant shall designate a responsible agent to represent the owner/operator whenever the said applicant is not available for maintenance of the building for which a registration is sought. Said agent shall have full authority and responsibility, the same as the owner/operator, for maintaining the building.

104.08 PENALTY FOR FAILURE TO REGISTER AND/OR RENEW REGISTRATION

An application for renewal of an abandoned building registration may be made within sixty (60) days prior to the expiration of an existing operating registration. Application for renewal of abandoned building registrations shall be due on January 1. Application may be made and

registration fees paid until March 31 without penalty. Each day that the owner fails to renew such registration as required by this chapter shall constitute a separate violation for which a municipal infraction citation may be issued.

104.09 REVOCATION, REINSTATEMENT MEASURES

If an abandoned building registration is revoked by the Building & Neighborhood Services Division for noncompliance with any applicable provisions of this code, the owner/operator of the building shall be given thirty (30) days to comply with the provisions of this code. Extensions of such thirty (30) day period may be granted at the discretion of the Building & Neighborhood Services Division. Upon expiration of the thirty (30) day period, or any extension thereof, if the building continues to be noncompliant, a municipal infraction action may be filed against the owner by the City. .

104.10 RELATIONSHIP OF REGISTRATION TO OTHER CODES

The issuance of any registration for any abandoned building shall not in any way signify or imply that the building conforms with the Iowa State Building Code or the housing, building, zoning, fire ordinances or other codes and ordinances adopted by the City of Clinton, Iowa. The issuance of a registration shall not relieve the owner or operator of the responsibility for compliance with said applicable housing, building, zoning, fire or other applicable codes and ordinances.

Section 3. Repealer. All other sections of this Ordinance in conflict with these provisions shall be repealed.

Section 4. Severability. If any section, provisions or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

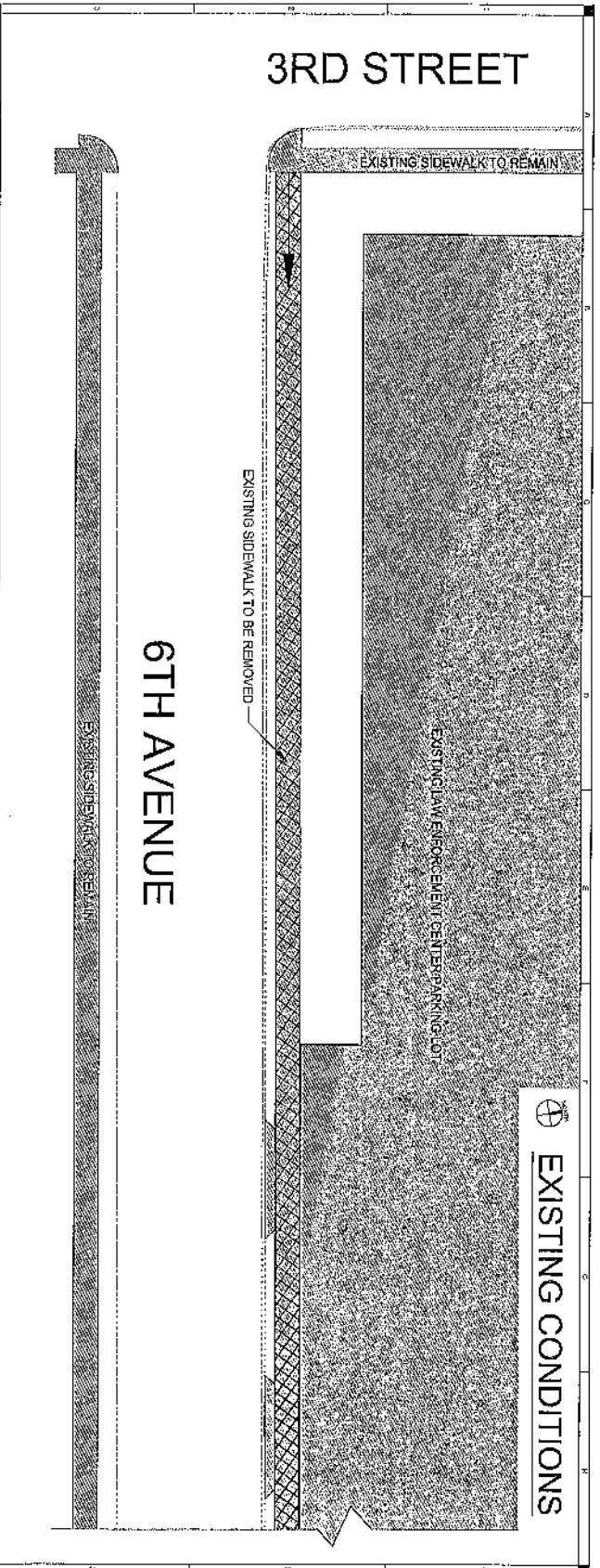
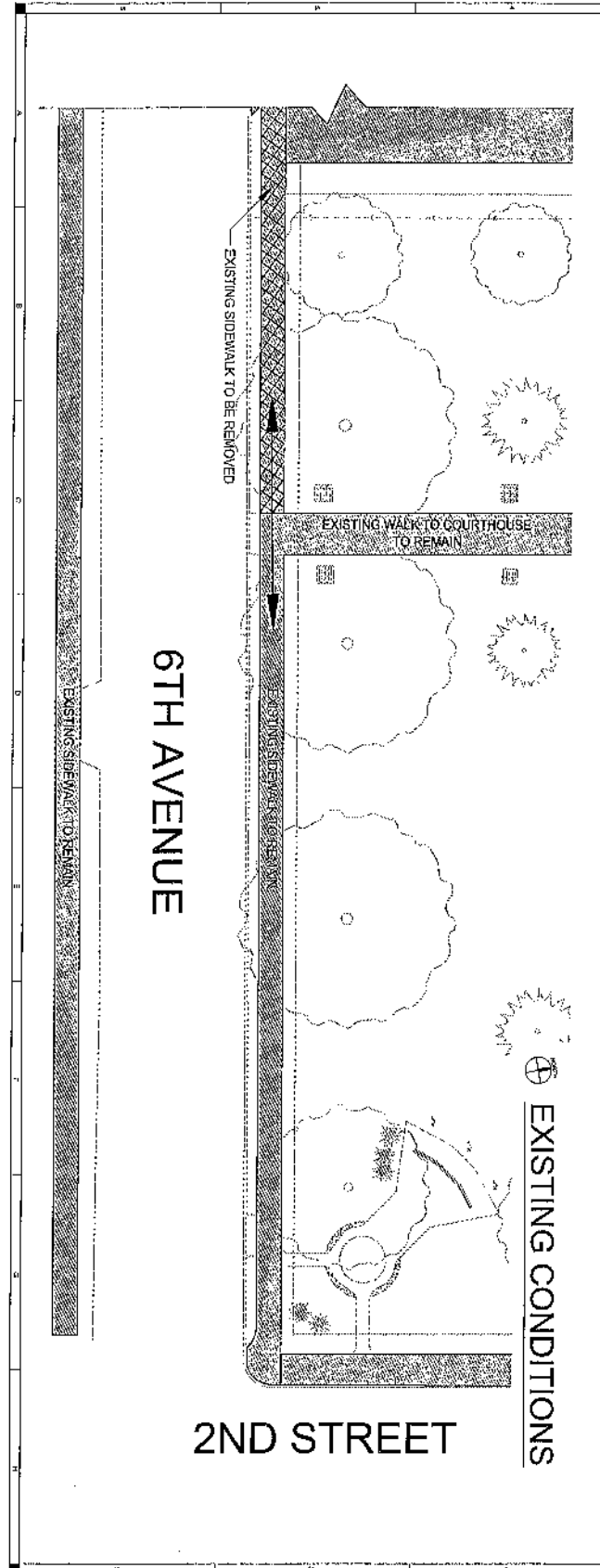
Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

Mark S. Vulich, Mayor

Attest: _____

Patricia Van Loo, City Clerk

ADOPTED:



C-101

SITE PLAN

DATE	BY
REVISION	BY
REVISION	BY
REVISION	BY
REVISION	BY
REVISION	BY
REVISION	BY
REVISION	BY
REVISION	BY
REVISION	BY
REVISION	BY

CLINTON COUNTY - LAW ENFORCEMENT CENTER

SHIVE HATTERY

SHIVE HATTERY
 ARCHITECTS & PLANNERS
 1000 W. 10th Street, Suite 100
 Clinton, MO 64601
 Phone: (660) 336-1111
 Fax: (660) 336-1112
 Website: www.shivehattery.com

3RD STREET

PROPOSED LAW ENFORCEMENT CENTER

PROPOSED PRIVATE WALKWAY FOR OFFICERS AND PERSONNEL

PROPOSED OFFICER AND PERSONNEL PARKING

6TH AVENUE

ALTERNATIVE PEDESTRIAN ROUTE

 **PROPOSED LAYOUT**

LAW ENFORCEMENT CENTER SALLY PORT

ALTERNATIVE PEDESTRIAN ROUTE

PROPOSED PEDESTRIAN CROSSWALK

PROPOSED MAINTENANCE BUILDING

6TH AVENUE

 **PROPOSED LAYOUT**

2ND STREET

SITE PLAN
C-101

DATE	2/28
REVISION	01
PROJECT NAME	CLINTON COUNTY - LAW ENFORCEMENT CENTER
DATE	02/28/14
PROJECT NO.	14-001
DRAWN BY	...
CHECKED BY	...
SCALE	AS SHOWN

CLINTON COUNTY - LAW ENFORCEMENT CENTER

SHIVE HATTERY
ARCHITECTURAL ENGINEERS
10150 Hwy. 66, Suite 1100
Houston, TX 77036
Tel: 713.861.1111
Fax: 713.861.1112
www.shivehattery.com

TRAFFIC STUDY COMMISSION

Tuesday, September 13, 2016

4:45 p.m.

City Council Chambers

	<u>Present</u>	<u>Absent</u>
Bentley, Russ	X	
Horst, Jim		X
Kahler, Barb	X	
Kreiling, Janelle	X	
Nelson, Doug	X	

Other persons present: Steve Kopp, Leah Woods.

1. Minutes of the July 5, 2016, meeting

M/S; Kreiling/Nelson to approve and waive the reading of the July 5, 2016, meeting and to accept the same. Vote: Yes: Bentley, Kahler, Kreiling, Nelson. No: None. Absent: Horst.

2. Request to install a stop sign at 1100 16th Avenue N.W.

The request to install a stop sign at this location (replacing the existing "Yield" sign) was discussed, including the possibility of installing a second "Yield" sign at this location. The Police Department does not have any objections to this request.

M/S; Nelson/Bentley to recommend installing a second "Yield" sign on the southwest corner of 16th Avenue N.W. and North 11th Street. Vote: Yes: Bentley, Kahler, Kreiling, Nelson. No: None. Absent: Horst.

Being no further business, the meeting adjourned.

Leah Woods

From: Melissa Spain <m_spaino@hotmail.com>
Sent: Tuesday, August 23, 2016 8:13 AM
To: Leah Woods
Subject: stop sign in place of yield sign & speed limit sign

Hi,

I had a yield sign put up by our house last year but after talking to the neighbors, we really think it should be a stop sign instead.

It is on the corner of 16th Ave NW & 11th St NW right by Prince of Peace church residential entrance.

I would also like a speed limit sign put up after Fareway on the way towards Prince of Peace church --- right on 11th St NW by 14th Ave NW/11th St NW. Kids who are going thru the parking lot to get to Millcreek are going really fast on that street.

Thanks,
Travis & Melissa Eversmeyer
1100 16th Ave NW
Clinton, IA 52732

City of Clinton, Iowa Plan Commission Staff Report

General Information

Meeting Date: September 12, 2016
Agenda Item: Preliminary and Final Plat of 4th Avenue Lofts Subdivision
Applicant: Miller Valentine Group

Background

The property developer, Miller Valentine Group, requests final plat approval of the 4th Avenue Lofts subdivision. The proposed single lot of 1.586 acres, combines 10 existing lots into one property. Miller Valentine will be constructing a 3-story, multi-family residential building, with 48 apartment units. This does include 43 units designated for individuals with low-to-moderate income. Miller Valentine was awarded tax credits through the Iowa Finance Authority and is working to finalize a development agreement with the City of Clinton for a tax increment financing rebate agreement.

Existing Zoning/Land Use

Property	Existing Land Use	Existing Zoning	Comprehensive Plan
Property in question	Vacant	R-4	Institutional
North	Residential	R-2	Low Density Residential
South	Residential	R-2	Low Density Residential
East	Commercial	C-2	Commercial
West	Residential	R-2	Commercial/Low Density Residential

Lots

The plat contains one single lot.

Streets

Traffic in and out of the property will enter and exit from 4th Avenue North. There will be no direct traffic into either of the gravel alleys on the north or east side nor onto 3rd Street from the property.

Setbacks

Miller Valentine has been granted multiple variances for yard size from the Zoning Board of Adjustment. These variances are reflected on the plat.

Staff Recommendation

Staff recommends approval.



Landmark Engineering Group, Inc.

August 30th 2016

Mr. Jason Craft, PE
City Engineer
City of Clinton Iowa
611 South 3rd Street
Clinton, Iowa 52732

RE: **Final Plat of 4th Avenue Lofts Subdivision**
Miller Valentine Group
Landmark Engineering Group Project #04-16-880

Jason:

I hereby formally request that the Preliminary Plat requirement for the 4th Avenue Lofts Subdivision be waived and the Final Plat be presented for consideration and approval at the September 7th 2016 Planning & Zoning Commission hearing.

I appreciate your consideration of our request.
Please advise me accordingly.

Thank you

Michael Shamsle, PE, CFM, CPESC
President / CEO
Landmark Engineering Group, Inc.

FINAL PLAT APPLICATION

Name of subdivision 4th Avenue Lofts Subdivision

Name of applicant submitting subdivision Miller Valentine Group

Address of applicant 9349 Water Stone Boulevard, Cincinnati, OH 45249

Phone no. (513) 588-1204

Email Paul.metzger@mvg.com

Name of subdivision property owner BLESSED KINGDOM DISCOUNT OUTLET

Address of property owner; P O BOX 452, Clinton Iowa 52732

Phone no. _____ Fax no. _____

Email _____

Name of surveyor or engineer; Landmark Engineering Group, Inc.

Address of survey or engineer 415 South 2nd Street, Clinton Iowa 52732

Phone no. (563) 243.1398 Fax no. (563) 243.3794 _____

Email mike.shamsie@landgroup.biz

Name of attorney preparing legal documents _____

Address of attorney preparing legal documents _____

Phone no. _____ Fax no. _____

Email _____

Name of contact person; Paul Metzger

Address of contact person; 9349 Water Stone Boulevard, Cincinnati, OH 45249

Phone no. (513) 588-1204

Email Paul.metzger@mvg.com

The undersigned agrees that the final plat of a subdivision for which approval is requested by this application will comply with and conform to all applicable laws of the State of Iowa and the ordinances of the City of Clinton, Iowa, and that it is the applicant's responsibility to submit all required legal documents in a manner such that the documents must be recorded within 60 days of the final plat approval by the City Council.

FINAL PLAT APPLICATION

08/26/2016
Owner's signature _____

08/26/2016
Date _____

[Signature]
Applicant's signature _____

8/29/16
Date _____

FOR OFFICE USE ONLY

1. Documents to be submitted with this application

- Final plan – 10 copies
- Engineering plans
- Attorney's legal opinion
- Statement from mortgage and lien holders
- Certificate from the owner
- Certificate from the County Treasurer
- Certificate from the City Engineer **OR**
- Performance bond **OR**
- Waiver from City Council
- Certificate from land surveyor
- Resolution and certificate for City Council approval

2. Filing fee

\$250
Date paid 8/30/2016

Filing fee can be waived for 501 (c) 3 non-profit agency, and must be approved by City Administrator
Date waived _____

3. Review fee

Actual time and material costs incurred to review and approve the plat. Review fees are in addition to the filing fee, and will be billed to you separately.

Amount of fee _____

Date billed _____

Date paid _____

4. Proof of recording submitted

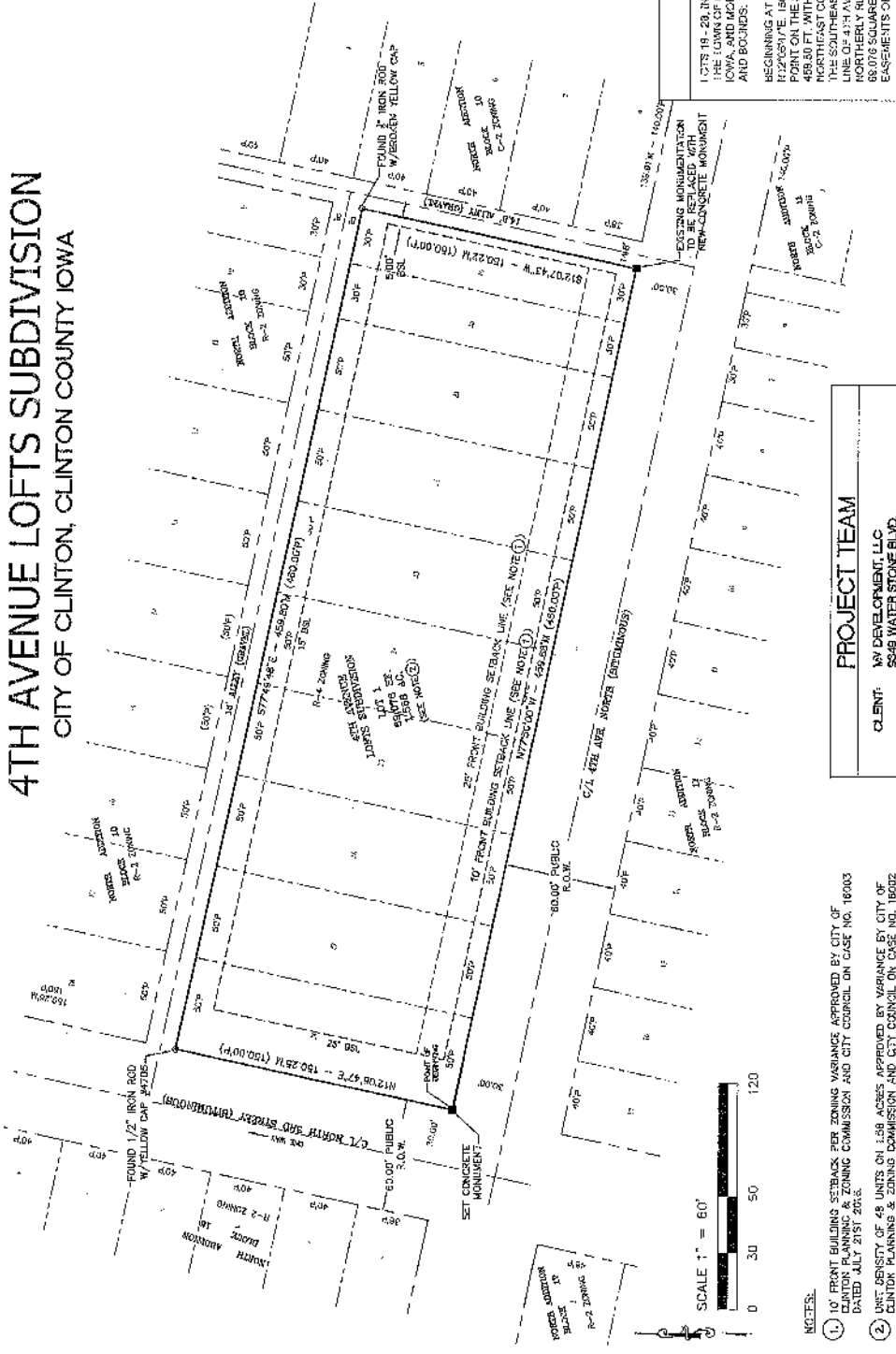
Date recorded _____

FINAL PLAT

FOR

4TH AVENUE LOFTS SUBDIVISION

CITY OF CLINTON, CLINTON COUNTY IOWA



NOTES:
 (1) 10' FRONT BUILDING SETBACK PER ZONING VARIANCE APPROVED BY CITY OF CLINTON PLANNING & ZONING COMMISSION AND CITY COUNCIL ON CASE NO. 180003 DATED JULY 21ST 2016.
 (2) UNIT DENSITY OF 48 UNITS ON 1.58 ACRES APPROVED BY VARIANCE BY CITY OF CLINTON PLANNING & ZONING COMMISSION AND CITY COUNCIL ON CASE NO. 180002 DATED MAY 19TH 2016.

LEGEND

- FUND ROW AND
- SET CONCRETE MONUMENT
- PROPERTY LINE
- EXISTING LINE
- BUILDING SETBACK LINE

LANDMARK ENGINEERING GROUP, INC.
 ALL INFORMATION ON THIS DOCUMENT OR THE ATTACHED DRAWINGS OR ANY PART OF THE DESIGN OR CONSTRUCTION SHALL BE THE PROPERTY OF LANDMARK ENGINEERING GROUP, INC. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF LANDMARK ENGINEERING GROUP, INC.

PROJECT TEAM

CLIENT: WY DEVELOPMENT, LLC
 5049 WATER STONE BLVD.
 CINCINNATI, OH 45249

CONTACT: MR. PAUL A. METZGER
 PHONE: (653) 598-9204

ENGINEER: **Landmark** ENGINEERING GROUP
 416 S 2ND STREET
 CLINTON, IA 52732

CONTACT: MR. GERALD MOUGHLER, P.L.S.
 PHONE: (663) 249-1698

LEGAL DESCRIPTION

LOT 78, 28, INCLUSIVE, LOCATED IN BLOCK 10, IN THE NORTH ADDITION TO 1/4TH AVENUE LOFTS SUBDIVISION, CLINTON, IOWA, AND MORE PARTICULARLY DESCRIBED WITH THE FOLLOWING METES AND BOUNDS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 10; THENCE N12°20'51" E, 150.25 FT. TO THE NORTHWEST CORNER OF SAID LOT 28 AND A 480.00 FT. LINE OF A 197.11 AC. ALLEY; THENCE S77°45'00" E, 480.00 FT. TO THE NORTHEAST CORNER OF SAID LOT 28; THENCE S12°20'51" E, 150.22 FT. TO THE SOUTHEAST CORNER OF SAID LOT 28 AND NORTHERLY RIGHT OF WAY LINE OF 4TH AVENUE N; THENCE N77°57'00" W, 430.08 FT. WITH THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 68,976 SQUARE FEET OR 1.588 ACRES, OF WHICH 45 IS SUBJECT TO PUBLIC EASEMENTS OF RECORD.

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS SUPERVISED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY PROFESSIONAL LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

GERALD L. MOUGHLER, P.L.S.
 LICENSE NUMBER 30679
 08/21/16
 01-15-1275

4TH AVENUE LOFTS SUBDIVISION
 CLINTON, IOWA

REVERSE SIDE REVISIONS NUMBER 104-00013
 1 1/2" x 11" (10) 40%
 1 1/2" x 11" (10) 40%
 1 1/2" x 11" (10) 40%
Landmark
 ENGINEERING GROUP, INC.



OWNER

BLESSED KINGDOM DISCOUNT OUTLET
 P.O. BOX 482
 CLINTON, IA 52732

PURCHASER

OWNER: 4TH AVENUE LOFTS, LLC
 5049 WATER STONE BLVD.
 CINCINNATI, OH 45249

CONTACT: MR. PAUL A. METZGER
 PHONE: (653) 598-9204

CONSENT OF LAND OWNERS

STATE OF IOWA
COUNTY OF CLINTON

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND SHOWN ON THIS PLAT. THAT WE CAUSED SAME TO BE SURVEYED AND SUBDIVIDED, THAT AREAS DESIGNATED ON THIS PLAT AND THAT WE DO HEREBY ACKNOWLEDGE AND ADOPT THIS PLAT UNDER THE STYLE AND TITLE HEREON INDICATED.

OWNER _____ DATE _____

CERTIFICATE OF PLAN COMMISSION
STATE OF IOWA
COUNTY OF CLINTON

WE, THE UNDERSIGNED CHAIRMAN OF THE CITY PLANNING COMMISSION OF THE CITY OF CLINTON, CLINTON COUNTY, IOWA, DO HEREBY CERTIFY THAT THE PLAT OF 4TH AVENUE LOFTS SUBDIVISION IS IN THE CITY OF CLINTON, IOWA, HAS BEEN DULY APPROVED

THIS 12 DAY OF Sept. 2016.

Robert A. [Signature]
CHAIRMAN, CITY PLAN COMMISSION

CERTIFICATE OF NOTARY PUBLIC

STATE OF IOWA
COUNTY OF CLINTON

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT BLESSED KINGDOM DISCOUNT OUTLET, INC. PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND SEVERALLY ACKNOWLEDGED THAT THEY SIGNED, SEALED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE VOLUNTARY ACT OF SAID PERSONS, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2007

NOTARY PUBLIC _____

CERTIFICATE OF THE CITY OF CLINTON

STATE OF IOWA
COUNTY OF CLINTON

WE, THE UNDERSIGNED MAYOR AND CLERK OF THE CITY OF CLINTON, IOWA, DO HEREBY CERTIFY THAT THE PLAT OF THE SUBDIVISION OF 4TH AVENUE LOFTS IS IN THE CITY OF CLINTON, IOWA, HAS BEEN DULY APPROVED BY RESOLUTION NO. _____ OF THE CITY COUNCIL OF THE CITY OF CLINTON, IOWA, ON _____ DAY OF _____, 2016.

MAYOR _____ CITY CLERK _____

Landmark
BORNHOLDING GROUP
1000 WEST 12TH STREET
DES MOINES, IOWA 50319
(515) 281-2400
WWW.LANDMARKGROUP.COM



ZONING INFORMATION

R-4 ZONING ACCORDING TO CITY OF CLINTON ZONING MAP DATED 09-08-07, APARTMENT RESIDENTIAL DISTRICT;
MIN. FRONT YARD SETBACK: 10' BY VARIANCE;
MIN. REAR YARD SETBACK: 20' AND 15' FOR CORNER LOTS
MIN. SIDE YARD SETBACK: 5'
IF ADJUTING RESIDENTIAL 15'
MAX. HEIGHT: 100', 3 STORIES
DENSITY: VARIANCE - 48 UNITS ON 1.58 ACRES

FLOOD ZONE NOTE

PARCEL IS IN FLOOD ZONE "X" (AREAS OF 0.2% ANNUAL CHANCE FLOOD). AREAS OF 1% ANNUAL CHANCE FLOOD ARE SHOWN WITH A DOTTED LINE. AREAS OF 5% ANNUAL CHANCE FLOOD ARE SHOWN WITH A SOLID LINE. AREAS OF 10% ANNUAL CHANCE FLOOD ARE SHOWN WITH A DASHED LINE. AREAS OF 1% ANNUAL CHANCE FLOOD ARE PROTECTED BY LEVEES FOR 1% ANNUAL CHANCE FLOOD. FEMA FIRM MAP COMMUNITY PANEL NO. 15045C0502D, REVISED JULY 18, 2011.

FINAL PLAT
4TH AVENUE LOFTS SUBDIVISION
CLINTON, IOWA

SCALE: 1/4" = 1'-0"
DATE: 9/12/16
DRAWN BY: JTG
CHECKED BY: JTG
DATE: 9/12/16

SHEET 2 OF 2
2

01-15-1275

CITY PLAN COMMISSION

Monday, September 12, 2016

4:00 p.m.

City Council Chambers

Called to order by: Chairperson Allmandinger

Roll call:

	<u>Present</u>	<u>Absent</u>
Allmandinger, Robert	X	
Brown, David	X	
Hansen, Jan	X	
Pfeffer, Edith	X	
Schemers, Bill	X	
Tallett, Carolyn	X	
Wolf, Mercia	X	

Other persons present: Jessica Kinser, Jason Craft, Jeff Chapman, Mike Shamsie, David Martensen, Judy Johnson, Leah Woods.

1. Reading of the minutes: July 6, 2016

M/S; Tallett/Wolf to approve and waive the reading of the minutes of the July 6, 2016, meeting, and to accept the same. Vote: Yes: Allmandinger, Brown, Hansen, Pfeffer, Schemers, Tallett, Wolf. No: None. Absent: None.

2. Preliminary Plat: 4th Avenue Lofts Subdivision

Jessica Kinser spoke on the request to waive the requirement for a preliminary plat for 4th Avenue Lofts Subdivision. This proposed subdivision will be a 1 lot subdivision, in addition to being a replat.

M/S; Hansen/Schemers to approve the requirement for a preliminary plat of 4th Avenue Lofts Subdivision. Vote: Yes: Allmandinger, Brown, Hansen, Pfeffer, Schemers, Tallett, Wolf. No: None. Absent: None.

3. Final Plat: 4th Avenue Lofts Subdivision

Mike Shamsie, Landmark Engineering, spoke on this 1-lot subdivision. A 48-unit, 3 story apartment building is planned to be constructed on this lot (this property was rezoned to R-4 in 2001). Miller Valentine Group is the owner of this property, and they have received waivers for density and setback requirements from the Zoning Board of Adjustment. Off-street parking will be provided on each end and on the rear of the building. The City alley will not be used for access to this property.

M/S; Tallett/Wolf to recommend approval of the Final Plat of 4th Avenue Lofts Subdivision. Vote: Yes: Allmandinger, Brown, Hansen, Pfeffer, Schemers, Tallett, Wolf. No: None. Absent: None.

* **4. Alley Vacation: 315 Ruth Place**

Jason Craft spoke about the proposed vacation of the alley adjacent to 315 Ruth Place. There is an existing retaining wall which encroaches on the alley right-of-way and the petitioners would like to do maintenance work on it. There are utilities located in this right-of-way and an easement will be necessary across this entire right-of-way. No vertical construction will be allowed on this alley. Also, there is no public interest in this alley.

M/S; Wolf/Tallett to recommend the vacation and conveyance of this alley right-of-way to the property owners of 315 Ruth Place. A utility easement will be maintained over this entire right-of-way. Vote: Yes: Allmandinger, Brown, Hansen, Pfeffer, Schemers, Tallett, Wolf. No: None. Absent: None.

5. Alley Vacation: 612 North 2nd Street

Jessica Kinser spoke about the 2 existing alleys in the block bounded by North 2nd Street, North 3rd Street, 6th Avenue North and 7th Avenue North. The Court House and law center are located on this block. The 2 platted alleys were shown on city maps, but were not shown on maps dated 1947 to the present, and there has not been any official action taken to vacate these alleys.

M/S; Hansen/Wolf to recommend the vacation and conveyance of the 2 alley right-of-ways in this block to Clinton County. Vote: Yes: Allmandinger, Brown, Hansen, Pfeffer, Schemers, Tallett, Wolf. No: None. Absent: None.

6. Zoning Ordinance amendment: urban chickens

Jessica Kinser spoke about this proposed amendment, which has been requested by the City Council. This would allow up to 6 chickens to be kept on single-family properties located in the R-1A, R-1B, R-1C and R-2 zoning districts; they would not be allowed on any multi-family properties within these zones. There is a lot of agricultural property in the City that is zoned R-1A, R-1B and R-1C. Building & Neighborhood Services will administer the permitting process and any complaints received. It was also noted that both the coop and tractor must be enclosed at all times. Jessica said the animal control ordinance gives the City Council the authority to amend the definition of an animal on a case-by-case basis, so this type of request should not have to come before the Plan Commission again.

M/S; Wolf/Schemers to recommend the adoption of the Zoning Ordinance amendment concerning urban chickens, as proposed. Vote: Yes: Allmandinger, Hansen, Pfeffer, Schemers, Wolf. No: Brown, Tallett. Absent: None.

7. Plan Commission updates

- * Rezoning of riverfront property – the City Council has opted not to move forward with the rezoning at this time.
- * Alley vacation – 1800 block 14th Avenue South – a survey will be done for this alley.

Being no further business, the meeting adjourned.

Approved this _____ day of _____, 2016.

Robert Allmandinger, Chairperson

Carolyn Tallett, Secretary

City of Clinton, Iowa Plan Commission Staff Report

General Information

Meeting Date: September 12, 2016
Agenda Item: 612 North 2nd Street Alley Vacation

Background

In a pre-development meeting with Clinton County officials regarding the new Law Center, it was discovered that the alleys running through the Courthouse property have never been vacated. Staff research revealed that the alleys no longer appeared on the official plat of the City starting in 1947. Staff could not find any formal action by the City Council to vacate the alleys, so an ordinance needs to be adopted by the City Council before this can be officially completed.

Analysis

City of Clinton Code section 97.056 requires that: "Any proposal to vacate a street or alley shall be referred by the Council to the Plan Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission."
Clinton Code of Ordinances § 97.056 PLAN COMMISSION.

City of Clinton Code section 97.058 requires that:

No street or alley, or portion thereof, shall be vacated unless the Council finds that:

- (A) Public use. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified; or
- (B) Abutting property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

Clinton Code of Ordinances § 97.058 FINDINGS REQUIRED.

There are no issues with utilities and the potential for easements with this vacation request. There is also no reason to assess a fee to the County for the vacation as they are a public body, and this request comes as a result of attempting to correct what appears to have been overlooked in the past.

Staff Recommendation

The alleys are both existing as part of the use of the Courthouse complex. Therefore, staff recommends approval.

