

Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, September 20, 2022

Ankeny City Council Chambers, Second Floor
1250 SW District Drive, Ankeny, Iowa

CALL TO ORDER

Chair G.Hunter called the September 20, 2022 meeting of the Plan & Zoning Commission to order at 6:30 p.m.

ROLL CALL

Members present: Trina Flack, Glenn Hunter, Ted Rapp, Annette Renaud, Todd Ripper, Lisa West and Randy Weisheit. Staff present: E.Jensen, E.Carstens, D.Silverthorn, J.Heil, B.Morrissey, L.Hutzell, R.Kirschman, B.Fuglsang

AMENDMENTS TO THE AGENDA

Motion by T.Flack to approve the September 20, 2022 agenda without amendments. Second by T.Rapp. All voted aye. Motion carried 7 – 0.

COMMUNICATIONS

There were no communications.

CITIZEN'S REQUEST

There were no requests.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the September 7, 2022 minutes of the Plan and Zoning Commission meeting.

Item #2. 909 E 1st Street - Dunkin' Go Site Plan

Motion to approve the site plan for 909 E 1st Street, Dunkin' Go; subject to City Council approval of the stormwater management facility maintenance covenant and permanent easement agreement.

Item #3. 350 NE 36th Street - DMOS Temporary MRI Trailer

Motion to approve the site plan for 350 NE 36th Street, DMOS Temporary MRI Trailer; allowing the temporary MRI trailer to remain on site until November 18, 2022.

Referencing Item #2, R.Weisheit commented that the parking seems very limited and raised a concern of patrons parking on the frontage road. T.Rapp said he had a similar concern related to staff utilizing the parking spaces intended for patrons. E.Jensen responded that staff did not have any concerns that the walk-up window would bring much business, as it would be easier for patrons to utilize the drive-up window for service.

Motion by T.Rapp to approve the recommendations for Consent Agenda Item #1 - #3. Second by R.Weisheit. All voted aye. Motion carried 7 – 0.

PUBLIC HEARINGS

Item #4. Hope K. Farms, LLC request to rezone property from R-1, One-Family Residence District to R-2, One-Family and Two-Family Residence District and PUD, Planned Unit Development

B.Morrissey reported Hope K. Farms is requesting to rezone property from R-1, One-Family Residence District to R-2, One-Family and Two-Family Residence District and PUD, Planned Unit Development. He stated that the proposed rezoning consists of one parcel approximately 91.98 acres, which is located south of NW 54th Street and east of NW Irvinedale Drive. He said the surrounding properties to the west are zoned PUD, the properties to south are zoned R-2, One-Family and Two-Family Residence District and the properties to the north and east are not within Ankeny's Corporate Limits. B.Morrissey explained that there are two rezoning areas; 37.99-acres to be zoned R-2 and 53.99-acres to be zoned PUD. He noted that the PUD book provides the bulk regulations for the proposed PUD land area. B.Morrissey presented the conceptual plan for the area along with The Ankeny Plan 2040 Future Land Use Map, which identifies the area as being suitable for low-density residential. He said the applicant has submitted the required rezoning petitions and all legal notifications for the rezoning have been met. Staff will present a complete staff report and answer any questions raised during the public hearing at the next Plan and Zoning Commission meeting.

T.Flack asked if she is correct to assume that based on what is being proposed, the PUD is all R-3, single-family. B.Morrissey responded that the underlying zoning for the PUD area is the R-3 zoning classification.

Jared Murray, Civil Design Advantage, 4121 NW Urbandale Drive, on behalf of Hope K. Farms, LLC said he would answer any questions the Commission may have.

G.Hunter inquired as to where the drainage will come from to fill the pond. Jared Murray stated that it will come from the Moeckly property. G.Hunter asked if it is tile fed. Jared Murray said there likely is tile, but there is a small channel that funnels the drainage down to the southeast corner from the Moeckly farm. He further noted that the existing basin will need to be reshaped.

T.Rapp commented that some of the radius' seem tight and asked what they have for a minimum radius for the centerline. Jared Murray said he believes they are using 100-foot for the centerline. He noted that based on staff input, the low radius curves are meant to replace a knuckle.

T.Flack asked for clarification as to where the single-family is located versus the duplex/multi-family within the conceptual plan. Jared Murray said the duplexes would be south of NW State Street running north/south. E.Carstens stated that Area A is the location of the duplexes and bi-attached. Area B is the PUD, which is restricted to single-family. T.Flack noted that she ultimately wants to make sure that there is a good transition when planning and rezoning this area.

T.Rapp asked if there is a suitable buffer between the new smaller lots and the existing residence at the northeast corner of this property. Jared Murray said they have made the new lots a little deeper in that area and there is some existing tree cover. The current property owners have reviewed the concept plan.

Craig Griffieon, 11655 NE 6th Street, Ankeny said he would like information on where NW State Street will run up through this property and where will the storm water dump out at. He said those are his two questions regarding this rezoning request.

Chair G.Hunter responded to say that at the next Plan and Zoning Commission meeting on October 4, 2022 there will be a complete staff report, which will address the questions raised at the public hearing.

There were no further questions from the Commission.

Motion by T.Rapp to close the public hearing, and receive and file documents. Second by T.Flack. All voted aye. Motion carried 7 – 0.

Item #5. Hardship Land, LLC request to rezone property from R-1, One-Family Residence District, to R-3 Multi-Family Residence District, restricted to 10 units per acre

R.Kirschman reported Hardship Land LLC is requesting to rezone 30.25 acres from R-1, Single Family Residential District, to R-3, Multiple Family Residential District, restricted to 10 units per acre. He stated the rezoning request is comprised of three parcels to the east of NW Weigel Drive, north of NW 18th Street, south of NW 36th Street. He said that the properties to the north are zoned R-3, Multiple Family Residence District with restrictions, and the properties to the east, south, and west are zoned R-1, Single Family Residence District. R.Kirschman stated the subject property is identified as medium density residential in The Ankeny 2040 Comprehensive Plan. He further stated that the parcel directly north was rezoned to R-3, Multiple-Family Residence District, accompanied with an amendment to the Future Land Use Map from Low Density Residential to Medium Density Residential. The properties to the west and south are also identified as medium density residential and the property east, is identified as medium and low density residential. R.Kirschman said the developer has submitted the required rezoning petitions and all legal notifications for the rezoning have been met. Staff will present a complete staff report at the next Plan and Zoning Commission meeting.

T.Flack asked what the restrictions are for the surrounding R-3 zoning districts. R.Kirschman said the property just to the north of the High Trestle Trail is limited to single-family residences and the northern portion of the same property is restricted to 10 units per acre. E.Carstens further commented that the R-3 zoning that is west of NW Weigel Drive and north of NW 18th Street is also restricted to 10 units per acre.

Erin Ollendike, Civil Design Advantage, 4121 NW Urbandale Drive, Urbandale on behalf of Hardship Land, LLC said she would take any questions that the Commission may have regarding the request.

T.Flack asked if there are specific plans for the area. Erin Ollendike stated that it has not been decided at this point. She said since it is restricted to 10 units per acre, there is a possibility of townhomes.

T.Rapp asked if access would be limited to NW Weigel Drive. Erin Ollendike stated, yes. T.Flack asked about the paving of NW Weigel Drive, since it is not currently paved. Erin Ollendike commented that they have had discussions with the City and the area would not be developed until the City puts down an overlay on NW Weigel Drive.

There was no one in the audience to speak for or against the request.
There were no further questions from the Commission.

Motion by A.Renaud to close the public hearing, and receive and file documents. Second by T.Ripper. All voted aye. Motion carried 7 – 0.

BUSINESS ITEMS

Item #6. DRA Properties, LC request to rezone property from R-1, One-Family Residence District to M-1, Light Industrial District

B.Morrissey reported that the applicant, DRA Properties, is requesting to rezone property from R-1, One-Family Residence District to M-1, Light Industrial District. He said that the proposed rezoning consists of two parcels and is approximately 67.10 acres, generally located east of SE Four Mile Drive and approximately one-half mile south of SE Oralabor Road. The current zoning map showed the properties surrounding this area are zoned either R-1, M-1, Light Industrial District, or U-1, Conservation and Public Utility District. He noted that the area south of the subject property is not within Ankeny's Corporate Limits. B.Morrissey noted that the two parcels were a part of the Ankeny RMJ Annexation that was recently approved. He stated that the applicant is requesting to rezone the R-1 zoning to M-1, Light Industrial District. He presented the Ankeny Plan 2040 Future Land Use Map, which identifies the area as being Airport Business Park uses and Open Space; and said that the M-1 zoning district is compatible within the Airport Business Park land use classification. B.Morrissey stated that the public hearing was held on September 7, 2022 with one question raised by a Commission member on how the potential flood plain on the property would impact the project moving forward. Staff shared that any flood plain concerns will be handled during the platting process. Staff's recommendation is that the Plan and Zoning Commission recommend City Council approval of the request by DRA Properties, LC to rezone property from R-1, One-Family Residence District to M-1, Light Industrial District.

R.Weisheit asked if there are height restrictions due to the proximity of the airport. B.Morrissey responded stating that the FAA requires a submittal of the plat and site plan for their review to make sure height and location falls within the FAA regulations.

Adam Schoeppner, Nilles Associates, Inc., 1250 SW State Street, Suite A, on behalf of DRA Properties, LC commented that he would answer any questions that the Commission may have on the rezoning request.

There were no questions from the Commission.

Motion by T.Flack to recommend City Council approval of the request by DRA Properties, LC to rezone property from R-1, One-Family Residence District to M-1, Light Industrial District. Second by L.West. Motion carried 6 – 0 – 1(Abstain: T.Rapp).

Item #7. DRA Properties, LC request for voluntary annexation of property into the City of Ankeny

L.Hutzell reported DRA Properties, LC is requesting to annex property into the City of Ankeny. She stated that the proposed annexation area is located East of I-35, north of NE 18th Street/NE 102nd Avenue, and west of NE Four Mile Drive/NE 29th Street. The area is located approximately 2.7 miles from the City of Elkhart and 3.67 miles from the City of Alleman. She stated that DRA Properties, LC is the owner of four parcels and are requesting voluntary annexation into the City of Ankeny, which totals approximately 62.43-acres. She said in addition to the four parcels, there are eight additional parcels within the proposed annexation area that have not

petitioned to be annexed. The eight parcels total approximately 12.38-acres. L.Hutzell explained that the Code of Iowa allows the inclusion of up to 20% of the total land area of the annexation as non-consenting in order to avoid the creation of islands or to create more uniform boundaries. The annexation, as currently configured, contains 83.45% consenting land and 16.55% non-consenting land. She explained that the proposed annexation area is currently within the City's planning boundary and is identified in The Ankeny Plan 2040 Comprehensive Plan as primarily low-density residential with an area of Office and Business Park located in the northwest corner and Open Space and Flood Plain. She noted that if the property is annexed, it initially will be R-1, One-Family Residence District, which is consistent with all property that is annexed into the City. L.Hutzell stated that the City of Ankeny does have the capability to provide sewer and water to this area and the area already lies in the City's fire protection district. She further commented that the annexation will not alter the school district boundaries. She noted that there will be a Consultation meeting held on September 26, 2022, which will later be followed with a public hearing before the City Council. Staff recommends that the Plan and Zoning Commission recommend City Council approval of the request by DRA Properties, LC for voluntary annexation of property into the City of Ankeny.

T.Flack noted that the only landowners who are consenting is DRA Properties, LC and asked if there is a reason that no other landowners are consenting. L.Hutzell commented that she believes DRA Properties, LC has had conversations with the other landowners, but will defer the question to Adam Schoeppner, Nilles Associates, Inc.

Adam Schoeppner, Nilles Associates, Inc., 1250 SW State Street, Suite A, stated that they held a neighborhood meeting with seven of the adjoining landowners to provide them information on the project. They explained what the process was going to be, answered their questions and opened the dialog. He said that ultimately, they are at an 80/20 situation as they did not receive petitions from any of the seven landowners.

R.Weisheit asked if more information could be provided about their vision for the development of this property, if annexed. Adam Schoeppner explained that the current plans have an expansion to the existing pond on the property and said that the development will primarily be R-1, single-family residences with a few pockets of multi-family. He commented again, that the development will be predominately single family.

T.Flack said that she really struggles with 80/20 annexations. A.Renaud confirmed with staff that the residents will have the ability to access city water. E.Carstens said yes, but sewer is probably a bigger draw for those properties. E.Carstens reiterated that the one parcel on the southwest corner is being included to create uniform boundaries and the other seven properties are being included due to the State not allowing islands when land is annexed.

There were no further questions from the Commission.

Motion by R.Weisheit to recommend City Council approval of the request by DRA Properties, LC for voluntary annexation of property into the City of Ankeny. Second by A.Renaud. Motion carried 6 – 0 – 1 (Abstain: T.Rapp).

E.Jensen shared that this item will not come back before the Commission, as this was a Business Item. The next step for this request is for it to go before the City Council where a public hearing will be held. Residents living within the 250-foot notification area will be notified of the public hearing.

Item #8. NGR, Inc. request for voluntary annexation of property into the City of Ankeny

B.Morrissey reported NGR, Inc. is requesting to annex property into the City of Ankeny. He stated the subject area is located east of SE Four Mile and $\frac{3}{4}$ of a mile north of SE Corporate Woods Drive. NGR Inc. is requesting approval of the 100% voluntary annexation of a single parcel of land and the county right-of-way adjacent to the eastern boundary of Ankeny's Corporate Limits, totaling 32.40-acres. He noted that the land is currently zoned Low Density Residential under Polk County zoning regulations and is currently being utilized for agricultural purposes. B.Morrissey presented The Ankeny Plan 2040 Future Land Use Map, noting that the land was identified as being located within the City's planning boundary and suitable for Airport Business Park uses and Open Space. He further provided typical uses within these two classifications. B.Morrissey said that, if annexed, the property will initially be zoned R-1, One-Family Residence District as it is standard procedure and rezoning will likely need to take place to align with the Future Land Use Map. He explained that sanitary and water service are in the vicinity of this property, which will require an extension to service the area and the stormwater will drain into Fourmile Creek. He noted that there will be a Consultation meeting held on September 26, 2022, which will

later be followed with a public hearing before the City Council. Staff recommends that the Plan and Zoning Commission recommend City Council approval of the request by DRA Properties, LC for voluntary annexation of property into the City of Ankeny.

There were no questions from the Commission.

Clint Sloss, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, said they are working with the property owner on a contract to purchase the land.

Motion by L.West to recommend City Council approval of the request by NGR, Inc. for voluntary annexation of property into the City of Ankeny. Second by T.Flack. All voted aye. Motion carried 7 – 0.

Chair G.Hunter noted that the next step for this request is for it to go before the City Council where a public hearing will be held.

Item #9. Request to vacate a portion of City owned right-of-way east of SW School Street at the SW 18th Street intersection, Part of Lot B, Prairie Trail Park Plat 1

L.Hutzell reported that Accurate Development is requesting to vacate a portion of City owned right-of-way located in Part of Lot B, Prairie Trail Park Plat 1, located east of SW School Street at the SW 18th Street intersection. She stated that when the Neighborhood Plan and Final Plat were approved, the entrance to the development was intended to be a public street, known as SW 18th Street, which eventually would have extended east/west throughout the development. Accurate Development has proposed an amendment to the Neighborhood Plan, which no longer depicts the entrance as a public street but as a private drive into the development. She noted that the amendment of the Neighborhood Plan has not been approved, it is still a concept; however, staff is confident in vacating the small portion of right-of-way as the City no longer sees it as necessary for municipal use. Staff is recommending that City Council approve the request to vacate a portion of City owned right-of-way located in Part of Lot B, Prairie Trail Plat 1, east of SW School Street at the SW 18th Street intersection.

There were no questions from the Commission.

Adam Schoeppner, Nilles Associates, Inc., 1250 SW State Street, Suite A, stated that the Neighborhood Plan should be forthcoming shortly as they are working on the last bit of details related to the Traffic Impact Study.

Motion by T.Flack to recommend City Council approval of the request to vacate a portion of City owned right-of-way located in Part of Lot B, Prairie Trail Park Plat 1, east of SW School Street at the SW 18th Street intersection. Second by R.Weisheit. All voted aye. Motion carried 6 – 0 – 1 (Abstain: T.Rapp).

REPORTS

City Council Meeting

There was no report from the September 19, 2022 City Council meeting.

Director's Report

E.Jensen presented the tentative agenda items for the October 4, 2022 Plan and Zoning Commission meeting.

Commissioner's Reports

T.Flack commented that she really struggles with 80/20 annexations as it relates to the current landowners.

MISCELLANEOUS ITEMS

October 3, 2022 – 5:30 p.m. City Council Meeting Representative: Staff

ADJOURNMENT

There being no further business, motion by T.Rapp to adjourn the meeting. Meeting adjourned at 7:19 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission