



Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, August 8, 2023

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

CALL TO ORDER

Chair Ted Rapp called the August 8, 2023 meeting of the Plan & Zoning Commission to order at 6:30 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

Motion by T.Flack to approve the August 8, 2023 agenda without amendments. Second by A.Renaud. All voted, aye. Motion carried 7 - 0.

COMMUNICATIONS

Chair T.Rapp commented that the correspondence received regarding Agenda Items #7 through #16, will be received and filed when the public hearing is closed. Correspondence was received from:

Jeremy Nefzger, 1558 NE 126th Avenue
Chris Seuntjens, 2075 NE 126th Avenue
Linda and Jason Wattonville, 12702 NE 22nd Street

Kelly Grove, 2013 NE 126th Avenue
Kevin Huss, 1957 NE 126th Avenue

CITIZEN'S REQUEST

There were no requests.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the July 18, 2023 minutes of the Plan and Zoning Commission meeting.

Item #2. 317 SE Magazine Road - First Family Church Parking Lot Expansion Site Plan

Motion to approve the site plan for 317 SE Magazine Road, First Family Church Parking Lot Expansion.

Item #3. 1804 NW Briargate Drive - Ankeny Children's Dentistry Site Plan

Motion to approve the site plan for 1804 NW Briargate Drive, Ankeny Children's Dentistry.

Item #4. Canyon Landing Townhomes Plat 2 Final Plat

Motion to recommend City Council approval of the Canyon Landing Townhomes Plat 2 Final Plat

Item #5. Kimberley Crossing Plat 4 Final Plat

Motion to recommend City Council preliminary approval of Kimberley Crossing Plat 4 Final Plat.

Item #6. 5075 SE Delaware Avenue - Hobby Lobby Modified Pylon Sign

Motion to approve the modified pylon sign at 5075 SE Delaware Avenue, adjacent to the Interstate 35 right-of-way.

Motion by L.West to approve the recommendations for Consent Agenda Items #1 - #6. Second by R.Weisheit. All voted, aye. Motion carried 7- 0.

PUBLIC HEARINGS

Item #7. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for property owned by Hope Kimberley, LLC from Low Density Residential to High Density Residential use classification (LUPA Area A).

Item #8. Request to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to R-3 Multiple-Family Residence District (Rezoning Area C).

Item #9. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for property owned by Hope Kimberley, LLC from Low Density Residential to Medium Density Residential use classification (LUPA Area B).



Item #10. Request to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to R-3 Multiple-Family Residence District, restricted to 10 units per acre (Rezoning Area A).

Item #11. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for property owned by Hope Kimberley, LLC from High Density Residential to Community Commercial use classification (LUPA Area C).

Item #12. Request to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to C-2, General Retail, Highway Oriented and Central Business Commercial District (Rezoning Area F).

Item #13. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for property owned by Hope Kimberley, LLC from High Density Residential to Medium Density Residential use classification (LUPA Area D).

Item #14. Request to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to R-3 Multiple-Family Residence District, Restricted To 10 Units Per Acre (Rezoning Area G).

Item #15. Request to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to Planned Unit Development, PUD (Rezoning Area B and E).

Item #16. Request to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to R-3, Multiple Family Residence District, Restricted to Single Family (Rezoning Area D).

Chair T.Rapp announced that the public hearing for Items #7 through #16 is continued from the prior meeting on July 18, 2023, due to the notification signage only being posted six days instead of seven.

Kevin Huss, 1957 NE 126th Avenue, stated that he did provide the Commission with a letter but had an additional question whether there had been any discussions with the North Polk School District during the planning process for The Ankeny 2040 Plan; or the proposed rezoning and land use plan map amendment requests. He also mentioned the additional traffic on NE 126th Avenue.

Michael Kline, Superintendent, North Polk School District, said as a school district, they are excited to grow and have worked with demographers, which data shows that the addition of 50 to 100 students per year is their sweet spot. He said that they are planning on that growth as they move forward. He stated that having over 100 students per year for them on a continual basis is going to be a challenge for them. He noted that they can only pass bonds in November since legislation has changed. Michael Kline noted that due to their location in Alleman, they do have infrastructure issues as they do not have sewer; they are on a well. He noted that when they look at growth; they are currently within their capacities of flow rate with their waste management system, but getting close to going over their rate. They also have infrastructure concerns as well. He further commented that they can only manage 50 to 100 new students per year.

Bob Kremme, Mayor, City of Alleman, said Alleman has approximately 421 people and is already experiencing huge growth and traffic problems in their town. He said as you look at what is being presented, all the traffic from the proposed development will travel to Alleman for school. He commented that Alleman is cash strapped, which only allows them to do an asphalt project once every 3 years. Mayor Kremme said that the proposed project will cause a lot of issues for the City of Alleman. He said that their attempt to annex land did not work, and this project will greatly affect the traffic in their town, including the sewer system.

Katie Grove, 2013 NE 126th Avenue, said that with the number of additional students this development will bring into the school, it will undoubtedly affect their education. She referred to the annexation process and said that they were asked if they referenced The Ankeny 2040 plan when they purchased their property; and at that time, she was not aware that such a document existed. She commented that it was implied that since they purchased with this comprehensive plan in place, they essentially agreed to the change it could bring. Katie Grove said even if they had consulted the plan before they purchased their homes, it shows low density residential. She noted that the proposal being presented is a huge difference from the low density residential shown on the plan. She stated that with such a high-density proposal she is concerned with response times for police, fire and EMS services not being adequate. She thanked the Commission.



Motion by R.Weisheit to close the public hearing, receive and file documents for Agenda Items #7 through #16. Second by T.Flack. All voted, aye. Motion carried 7 – 0.

Staff Report: J.Heil reported that Hope Kimberley, LLC, is requesting four Land Use Plan Amendments to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map and requesting to rezone six different land areas in the NE quadrant of Ankeny. J.Heil presented an aerial map, which encompasses all the land area for agenda Items #7 through #16. J.Heil stated the complete land area is approximately 276 acres, which was annexed into the city in 2022 and briefly reviewed each proposed request by the applicant.

Proposed changes:

- Land Use Plan Amendment A (LDR to HDR) and Rezoning Area C (R-1 to R-3)
- Land Use Plan Amendment B (LDR to MDR) and Rezoning Area A (R-1 to R-3, restricted to 10 units per acre)
- Land Use Plan Amendment C (HDR to CC) and Rezoning Area F (R-1 to C-2)
- Land Use Plan Amendment D (HDR to MDR) and Rezoning Area G (R-1 to R-3, restricted to 10 units per acre)
- Rezoning Area B and E (PUD)
- Rezoning Area D (R-1 to R-3, restricted to single family)

J.Heil said that the questions and comments that were raised during the public hearing on July 18, 2023 included future land use, density, traffic, parkland, sewer and the concept of the area. He first responded by providing information on the land use planning process that cities follow when putting together a comprehensive plan such as The Ankeny Plan 2040. He presented The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map. J.Heil provided information as to why staff does not support the proposed High Density Residential (HDR) in Land Use Plan Area A. He further commented that staff could support the HDR, if design safeguards would be put into place such as Planned Unit Development (PUD) zoning. He noted two examples of areas similar in size and zoning to this proposal currently in Ankeny. J.Heil presented a map, which provided a table illustrating the breakdown of the type of land use from the current land use plan to the land use being proposed. He stated the biggest change is the reduction of Low Density Residential (LDR) to Medium Density Residential (MDR). He shared that a traffic study or memo would be required to determine any impacts' the development associated traffic may have on the area. The traffic study would be provided during the development process and is not required at this time. He said that parkland dedication will be required as part of the development, which occurs during the platting process and said that the City does have the capacity to service the entire area with sanitary sewer. J.Heil said that staff, at this time, even though there were concerns brought up in the public hearing, will not address any concerns regarding the conceptual plan presented since it is only a concept and the plan will probably change. J.Heil addressed the question regarding notifying the North Polk School District during this process. He shared that staff does not directly reach out to them during the rezoning or land use plan amendment process. Staff recommends the following:

Item #7: The Plan and Zoning Commission recommend City Council deny the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area A, from Low Density Residential to High Density Residential.

Item #8: The Plan and Zoning Commission to recommend City Council deny the request by Hope Kimberley LLC, to rezone Area C from R-1, One-Family Residence District to R-3 Multiple-Family Residence District.

Item #9: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area B, from Low Density Residential to Medium Density Residential.

Item #10: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC, to rezone Area A from R-1, One-Family Residence District to R-3 Multiple-Family Residence District, restricted to 10 units per acre.

Item #11: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area C, from High Density Residential to Community Commercial.



Item #12: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC to rezone Area F from R-1, One-Family Residence District to C-2, General Retail, Highway-Oriented and Commercial Business District.

Item #13: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area D, from High Density Residential to Medium Density Residential.

Item #14: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC, to rezone Area G from R-1, One-Family Residence District to R-3 Multiple-Family Residence District, restricted to 10 units per acre.

Item #15: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC, to rezone Areas B and E from R-1, One-Family Residence District to Planned Unit Development, PUD.

Item #16: The Plan and Zoning Commission recommend City Council approval of the request by Hope Kimberley LLC, to rezone Area D from R-1, One-Family Residence District to R-3 Multiple-Family Residence District, restricted to single family residential.

Referring to Land Use Plan Map Amendment C, Community Commercial, T.Rapp asked for clarification on the request due to it only having 7.7 acres versus the 20 acres or more that is stated in The Ankeny 2040 Comprehensive Plan. E.Jensen said it is a continuation of the Community Commercial located across the street.

A.Renaud asked what the acreage is of Bricktowne at Piper, which was referenced during the high-density residential portion of the staff presentation. E.Jensen stated, 26 acres with 18 units per acre.

Bill Kimberley, Owner, Kimberley Development Corporation and Hope Kimberley, 2785 N Ankeny Blvd., Ste 22 provided detailed information on their reasoning for moving the land uses around in this development. He presented a map, which showed the land uses in The Ankeny 2040 Land Use Plan Map and the proposed land uses. He said they were trying to be sensitive to the current landowners who have acreages around this development. They felt the high-density residential land use would be less intrusive to the current landowners if it was located on NE 126th Avenue, rather than where it is located on The Ankeny 2040 Land Use Plan Map. Bill Kimberley presented their conceptual plan in detail to the Commission. He said they were trying to preserve the creek with 125-foot wide lots. Bill Kimberley referenced Kimberley Estates and said that the property was supposed to be Medium Density Residential, and they made it less dense with large executive home lots. He continued to compare the specific density of land for this proposed area to The Ankeny 2040 plan for the same area and shared that they have not intensified the land use from The Ankeny 2040 plan when you consider Kimberley Estates. He said they just shifted it around for what they felt was less intrusive for the neighbors and better use of the property. Bill Kimberley stated that if they are denied the Land Use Plan Amendment Area A, they will pull their request for the Land Use Plan Amendment, Area D and leave the high-density land use where it is currently at in The Ankeny 2040 Comprehensive Plan. He said that they have really tried to consider the existing home owners' acreages and develop the land in a sensitive manner. Bill Kimberley presented a list, which included the surrounding homeowners and the date they purchased their property. He said that when some of the neighboring property owners purchased their homes, there was already growth within a mile of their property. He noted that the property will be developed, whether it is him or another developer.

G.Hunter asked what the anticipated timeframe is for this development to be built-out. Bill Kimberley said that it would probably be 20 years with the number of acres involved.

T.Rapp wanted clarification on the process if Bill Kimberley would remove the request for Land Use Plan Map Amendment D, since staff has recommended denial of Land Use Plan Map Amendment A. Staff shared with the Commission that each request is separate. The applicant can decide to remove any of them prior to it moving on to the City Council.



A.Renaud asked what staff's reasoning was in recommending denial of Land Use Plan Map Amendment A and Rezoning Area C. E.Jensen responded the size, 35 acres, and the location. He explained in detail the typical land planning principles that are looked at when planning land uses, that include high density residential.

There were no further discussions.

Item #7: Motion by T.Flack to recommend City Council deny the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area A, from Low Density Residential to High Density Residential. Second by L.West. Motion carried to deny 6 – 1 (Nay: A.Renaud).

Item #8: Motion by T.Flack to recommend City Council deny the request by Hope Kimberley LLC, to rezone Area C from R-1, One-Family Residence District to R-3 Multiple-Family Residence District. Second by G.Hunter. Motion carried to deny 6 – 1 (Nay: A.Renaud).

Item #9: Motion by T.Flack to recommend City Council approval of the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area B, from Low Density Residential to Medium Density Residential. Second by R.Weisheit. All voted aye. Motion carried 7 – 0.

Item #10: Motion by R.Weisheit to recommend City Council approval of the request by Hope Kimberley LLC, to rezone Area A from R-1, One-Family Residence District to R-3 Multiple-Family Residence District, restricted to 10 units per acre. Second by L.West. All voted aye. Motion carried 7 – 0.

Item #11: Motion by T.Flack to recommend City Council approval of the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area C, from High Density Residential to Community Commercial. Second by R.Weisheit. All voted aye. Motion carried 7 – 0.

Item #12: Motion by T.Flack to recommend City Council approval of the request by Hope Kimberley LLC to rezone Area F from R-1, One-Family Residence District to C-2, General Retail, Highway-Oriented and Commercial Business District. Second by R.Weisheit. All voted aye. Motion carried 7 – 0.

Item #13: Motion by T.Flack to recommend City Council approval of the request by Hope Kimberley LLC to amend the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC, LUPA Area D, from High Density Residential to Medium Density Residential. Second by G.Hunter. All voted aye. Motion carried 7 – 0.

Item #14: Motion by T.Flack to recommend City Council approval of the request by Hope Kimberley LLC, to rezone Area G from R-1, One-Family Residence District to R-3 Multiple-Family Residence District, restricted to 10 units per acre. Second by R.Weisheit. All voted, aye. Motion carried 7 – 0.

Item #15: Motion by G.Hunter to recommend City Council approval of the request by Hope Kimberley LLC, to rezone Areas B and E from R-1, One-Family Residence District to Planned Unit Development, PUD. Second by R.Weisheit. All voted, aye. Motion carried 7 – 0.

Item #16: Motion by T.Flack to recommend City Council approval of the request by Hope Kimberley LLC, to rezone Area D from R-1, One-Family Residence District to R-3 Multiple-Family Residence District, restricted to single family residential. Second by G.Hunter. All voted, aye. Motion carried 7 – 0.



BUSINESS ITEMS

There were no business items.

REPORTS

City Council Meeting

E.Jensen reported on the August 7, 2023 City Council meeting. E.Jensen shared that the Council had a work session on the Transportation Master Plan project. He said they are about one-third through the process and at some point, he will have someone present it to the Commission.

Director's Report

E.Jensen presented the tentative agenda items for the August 22, 2023 Plan and Zoning Commission meeting, which includes a public hearing to rezone property in Uptown; and commented on the July 2023 Building Permit Report.

E.Jensen recognized Assistant City Manager Mike Schrock.

Commissioner's Reports

T.Flack said overall the whole region did a great job for putting on a well-organized Ragbrai event.

MISCELLANEOUS ITEMS

August 21, 2023 – 5:30 p.m. City Council Meeting Representative: Staff

ADJOURNMENT

There being no further business, T.Rapp motioned to adjourn. Second by R.Weisheit. Meeting adjourned at 7:35 p.m.

A handwritten signature in blue ink that reads "Brenda Fuglsang".

Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission