



Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, July 18, 2023

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

CALL TO ORDER

Chair Ted Rapp called the July 18, 2023 meeting of the Plan & Zoning Commission to order at 6:30 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

Motion by T.Rapp to amend the agenda by changing the order of the agenda. The Commission will hear the Business Items prior to the Public Hearing. Second by G.Hunter. All voted, aye. Motion carried 5 - 0.

COMMUNICATIONS

Correspondence will be received and filed during the public hearing for Agenda Items #4 through #13 from the following property owners: Jeremy Nefzger, 1558 NE 126th Ave., Alleman, IA, Chris Seuntjens, 2075 NE 126th Ave., Alleman, IA, Linda and Jason Wattonville, 12702 NE 22nd St., Alleman, IA and Kelly Grove, 2013 NE 126th Ave., Alleman, IA and Kevin Huss, 1957 NE 126th Ave., Alleman, IA.

CITIZEN'S REQUEST

There were no requests.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the July 5, 2023 minutes of the Plan and Zoning Commission meeting.

Item #2. Kimberley Crossing Plat 3 Final Plat

Motion to recommend City Council preliminary approval of the Kimberley Crossing Plat 3 Final Plat.

Item #3. 120 NW Reinhart Drive – Nelson Ankeny Senior Living – Piper Site Plan

Motion to approve the site plan for 120 NW Reinhart Drive, Nelson Ankeny Senior Living – Piper.

Motion by A.Renaud to approve the recommendations for Consent Agenda Items #1 - #3. Second by T.Ripper. All voted, aye. Motion carried 5- 0.

BUSINESS ITEMS

Item #14. Heritage Commercial at Prairie Trail Neighborhood Plan

Staff Report: D.Gervais reported that the 15.58-acre plan area is owned by Prairie Trail Commercial, LLC and is zoned Prairie Trail PUD. She presented the neighborhood plan map. She stated that the area is part of the Prairie Trail Neighborhood Commercial Precinct, which allows multi-tenant commercial and restaurant uses. She said that the plan consists of three lots and they will be developed with single-story buildings. D.Gervais explained that there will be multiple street improvements associated with this neighborhood plan area. She further noted that the existing City-owned ponds along South Ankeny Boulevard have the capacity to provide storm water detention for this plan and the utilities will be determined during the platting stage. Staff's recommendation is that the Plan and Zoning Commission recommend City Council approval of the Heritage Commercial at Prairie Trail Neighborhood Plan.

Jake Nilles, Nilles Associates Inc., 1933 SW Magazine Road, Ankeny on behalf of Accurate Development, Inc. said he would answer any questions the Commission may have.

There were no questions by the Commission.

Motion by G.Hunter to recommend City Council approval of the Heritage Commercial at Prairie Trail Neighborhood Plan. Second by R.Weisheit. Motion carried 4 – 0 – 1 (Abstain: T.Rapp).

Item #15. Pine Lake Estates Plat 1 Preliminary Plat

Staff Report: L.Hutzell reported that Pine Lake Estates Plat 1 Preliminary Plat is a proposed 69.68-acre preliminary plat located east of Interstate 35, and north of NE 18th Street. She presented the preliminary plat and noted that this property was recently annexed into the City of Ankeny. L.Hutzell said the proposal includes a total of 83 buildable lots zoned R-1; and four additional lots that lie within a flood hazard area. The four lots will be tied to their corresponding adjacent lots to ensure they are not sold separately. She further stated that there are two outlots for stormwater and three for signage. Relating to the streets, L.Hutzell provided details regarding access to the development, and said that they are proposing the addition of two new streets, NE Pine Lake Circle and NE Pondview Court. She stated that there will be 5-foot sidewalks installed throughout most of the development except for an 8-foot trail on the east side of NE Spectrum Drive and around the pond. L.Hutzell provided further information on the utilities that will service the area, including sanitary sewer, water and storm water detention. She noted a park site dedication agreement will be required with the final plat. Staff's recommendation is that the Plan and Zoning Commission recommend City Council approval of the Pine Lake Estates Plat 1 Preliminary Plat, and the acceptance of the public streets named NE Pine Lake Circle and NE Pondview Court.

Adam Schoeppner, Nilles Associates Inc., 1933 SW Magazine Road, Ankeny on behalf of DRA Properties, LC said he would answer any questions the Commission may have.

There were no questions by the Commission.

Motion by T.Ripper to recommend City Council approval of the Pine Lake Estates Plat 1 Preliminary Plat, and the acceptance of the public street named NE Pine Lake Circle and NE Pondview Court. Second by A.Renaud. Motion carried 4 – 0 – 1 (Abstain: T.Rapp).

PUBLIC HEARINGS

Chair T.Rapp shared with the audience that this public hearing is where the Commission will listen to presentations, public comments and ask questions of staff. The Commission will take no action until the next meeting.

Item #4. 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 #5. 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 #6. 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 #7. 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 #8. 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 #9. 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 #10. 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 #11. 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 #12. 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 #13. 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 opened the public hearing for Items #4 through #13.

Staff Report: J.Heil shared with the audience that this public hearing will include the request for a series of Future Land Use Map Amendment requests and proposed Rezoning's for property owned by Hope Kimberley, LLC, located in the NE quadrant of Ankeny. He stated 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. J.Heil presented an aerial map, which encompassed all the land area for agenda Items #4 through #13.

J.Heil stated the land area as presented, is bordered on the east by NE Delaware Avenue, Ankeny Boulevard to the west and NE 126th Avenue to the north. He said the complete land area is approximately 276 acres, which was annexed into the city in 2022 and is currently zoned R-1, One-Family Residential. He then explained each request, in detail, along with the current zoning of the surrounding properties; and provided examples of the uses that would be allowed if the proposed changes would be approved.

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)

He stated that the developer has submitted the required rezoning petitions consistent with 100% of the land area, subject to the re-zonings, as-well-as, over 60% of signatures of the landowners within 250-feet of the property for all the areas excluding Area F. He said the developer was not able to obtain the required 60% rezoning petitions for Rezoning Area F, and requested City Council initiate the rezoning process for this area. City Council approved that request at their meeting on July 3, 2023. J.Heil shared that notifications of the public hearing were sent to the surrounding property owners within 350' of the property on July 6, 2023; and a legal notice of the proposed rezoning was published in the Des Moines Register on July 7, 2023. He noted that the Zoning Ordinance requires that the applicant of a proposed rezoning post public notification signage seven days prior to the public hearing. The applicant posted the signage Wednesday, July 12, 2023, which is only six days' notification of the required seven days. He shared with the Commission that since the signage was not posted seven days; the Commission does have the option to leave the public hearing open until the next meeting. J.Heil said that staff will present a complete staff report at the next Plan and Zoning Commission meeting on August 8, 2023. J.Heil then presented a conceptual plan that he received from the Developer.

Bill Kimberley, Owner, Kimberley Development Corporation and Hope Kimberley, 2785 N Ankeny Blvd., Ste 22 said that he has been working on this plan for well over a year. He stated that they own land to the south, east and north of this property, totaling approximately 600 acres in all. He feels the requests that are before the Commission provide for an appropriate mix of product. Bill Kimberley discussed the conceptual plan, in detail, explaining how they plan to develop the area and their reasons for why they chose the land uses and zoning districts for each specific area. He commented that to put the plan into perspective, all of their land represents over half of what Prairie Trail is today. He noted that since they have over 600 acres in this area, referencing Prairie Trail, there needs to be a mix of product. Bill Kimberley said they took the existing acreages into consideration when choosing the product that would abut up next to them and made sure to preserve the beautiful creek area and trees. He stated that knowing NE 126th Avenue will be an arterial road in the future, and the location of I-35 to the east, they felt the location of the large-scale multi-family project would be appropriate located along NE 126th Avenue with easy access to I-35. He further provided information on their decision for the change in the land use and zoning for the corner of NE Delaware Avenue and NE 126th Avenue. He was open to any questions the Commission may have for him.

Katie Grove, 2013 NE 126th Avenue, said she wanted to share her concerns along with her neighbor's concerns. She stated that they were not in favor of the annexation, but it was approved anyhow. She said to preserve some of their existing lifestyle, they would like to see lower density residential in this area. Katie Grove stated that with this growth, they will lose part of their property knowing that NE 126th Avenue will eventually have to be widened and there will be additional traffic. Lower density surrounding them would have less impact on the existing acreages instead of multi-family. She asked that they consider reworking the conceptual plan to lower the density, since they are in the situation against their will and it would help lower the impact of all the changes.

Emily Huss, 1957 126th Avenue, said that her husband (Kevin Huss) was unable to make it to the meeting due to work. She read the letter that Kevin Huss sent to the Commission, which had multiple questions that she and Kevin would like answered. Emily Huss stated that with the density, her concern is traffic and accidents at NE Delaware and NE 126th Avenue. She asked what the impact will be for the homeowner to exit their driveway on NE 126th Avenue. Will this concern be taken into consideration and accommodated? She commented that when they were annexed into the city; they were told that their life was not going to change and the reality is, this is huge change. Emily Huss said they are strongly opposed to the requests and so are their neighbors. She asked whether anyone has contacted the North Polk School District? She noted that all the proposed properties would be in the North Polk School District and it would affect the school district and Alleman. Emily Huss commented that they are frustrated and have concern for their own home, but what happens to everyone in the North Polk School District, including transportation? She thanked the Commission for their time.

Chair T.Rapp reiterated that staff will be putting together answers for the questions that are being presented at the next meeting.

Jeremy Nefzger, 1558 NE 126th Avenue, said he is opposed to changing the R-1 zoning. He understands that everyone needs a place to live, which then creates a need for different mixes of lot sizes. He is not opposed to having an overall mix in an R-1 planned subdivision. Jeremy Nefzger said that they reviewed The Ankeny Plan 2040 when they were building their home, and understood that when they bought their land, if annexed, it would be zoned R-1. He is most concerned about having property across the street from his home zoned R-3. Having high density close to his property causes issues since they have cattle, farm noises, dust, and smells that come along with farming. He is asking that there be a buffer of 500-feet to the south of their property, which is on the north end of NE 126th Avenue. He further said that R-3 zoning will cause more traffic, and if the road needs to be widened, he assumes he will lose part of his land. He commented that they purchased their land with the understanding that it was designated R-1. He thanked the Commission for their time.

Emily Huss further stated that the Wattonville property, on the north side of NE 126th Avenue would also like to have a buffer since they own a farm too.

Discussion was held by the Commission on whether they should leave the public hearing open to the next meeting since the notification signage was up only six days instead of the required seven days. E.Jensen clarified that all other public notices were mailed and published ahead of the minimum legal requirement. E.Carstens shared that a staff report will be prepared for the August 8th meeting and if the public hearing is kept open, after the conclusion of public testimony and the public hearing is closed, the Commission would then consider their recommendation to Council.

The Commission considered extending the public hearing to the next meeting because of the notification signage being posted only six days instead of seven, and due to the amount of questions that need to be addressed. Motion by R.Weisheit to continue the public hearing for Items #4 - #13 at the next meeting, August 8, 2023. Second by A.Renaud. All voted aye. Motion carried 5 – 0.

T.Rapp advised the audience that the public hearing will remain open for the next meeting and will be closed at the conclusion of all public testimony.

REPORTS

City Council Meeting

E.Jensen reported on the July 17, 2023 City Council meeting.

Director's Report

E.Jensen presented the tentative agenda items for the August 8, 2023 Plan and Zoning Commission meeting.

Chair Ted Rapp shared that Associate Planner Jake Heil did a nice job presenting the Hope Kimberley Land Use Plan Amendment and Rezoning requests.

Commissioner's Reports

T.Ripper asked that with the amount of property, is there any consideration to push for a PUD similar to Prairie Trail. E.Jensen said there is no requirement.

MISCELLANEOUS ITEMS

August 7, 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 7:27 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission