

Meeting Minutes
Plan & Zoning Commission Meeting
Tuesday, March 8, 2022
Ankeny City Council Chambers, Second Floor
1250 SW District Drive, Ankeny, Iowa

CALL TO ORDER

Chair G.Hunter called the March 8, 2022 meeting of the Plan & Zoning Commission to order at 6:30 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

Motion by T.Flack to approve the March 8, 2022 agenda without amendments. Second by T.Ripper. All voted aye. Motion carried 6 – 0.

COMMUNICATIONS

Chair G.Hunter asked to have the record reflect that members of the Commission received correspondence from the following individuals regarding Agenda Item #5:

Jeanne Uhl, 2350 NE 126th Avenue, Elkhart, Iowa

Todd Rueter, Rueter's Equipment, 2425 NE 126th Avenue, Elkhart, Iowa.

Jason and Linda Wattonville, 12702 NE 22nd Street, Alleman

Chris Seuntjens, 2075 NE 126th Avenue, Alleman

Kelly and Katie Grove, 2013 NE 126th Avenue, Alleman

Kevin and Emily Huss, 1957 NE 126th Avenue, Alleman

Alleman Mayor Robert Kramme, 14000 NE 6th Street, Alleman

Motion by T.Flack to receive and file correspondence. Second by T.Ripper. All voted aye. Motion carried 6 – 0.

CITIZEN'S REQUEST

Alleman Mayor Robert Kramme, 14000 NE 6th Street, Alleman, provided correspondence to the Commission in regard to the proposed annexation and said he is disputing the annexation. He provided some history to the Commission as it relates to when Ankeny annexed land north of the North Polk School District boundaries. He said that the annexation has caused serious damage to the City of Alleman because it has flooded their city with vehicles that are destroying their infrastructure. Mayor Kramme said the only way to fix the infrastructure issue is for Alleman to annex out to the NW corner of the I-35 bridge. He said that he met with Ankeny's Mayor, and Ankeny wants everything south of 126th Avenue, possibly giving up the NE corner to Elkhart. He explained that Alleman has no commercial businesses and does not have the same ambition for their property tax base as Ankeny. He reiterated that all the traffic that comes to the North Polk School System from Ankeny is destroying Alleman's streets. He said with the growth in Elkhart and Polk City, the only salvation for property tax dollars for Alleman is the NW corner of the I-35 interchange. He stated that he would like the Plan and Zoning Commission to table the annexation process until he can sit down with the City of Ankeny and their Mayor to come to an agreement. Mayor Kramme said he has about 1,500 acres already signed up to annex into the City of Alleman. He shared that Alleman's goal for their boundaries to protect their city will be the I-35 bridge/I-35, NW 126th Avenue all the way to NW 16th (Irvinedale Road), north to the county line. He said Alleman will never have a city center because they want to protect their farmers. He commented that Alleman's boundaries should be respected and feels Ankeny has not been a nice neighbor to Alleman. The boundaries presented, is Alleman's only opportunity to have any kind of meaningful property tax base. He again, asked the Commission to table the annexation proposal until Alleman and Ankeny sit down and put together an agreement. He thanked the Commission for their time.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the February 22, 2022 minutes of the Plan and Zoning Commission meeting.

Item #2. Grove Landing Plat 6 Final Plat

Motion to recommend City Council approval of the Grove Landing Plat 6 Final Plat.

Motion by T.Flack to approve the recommendations for Consent Agenda Item(s) #1 - #2. Second by L.West.

Motion carried 5 – 0 – 1 (Abstain: R.Weisheit)

PUBLIC HEARINGS

Item #3. Grove View, LLC request to rezone property owned by TJL Investments, LLC from R-1, One-Family Residence District to PUD, Planned Unit Development

B.Morrissey reported that the applicant, Grove View, LLC is requesting to rezone property from R-1, One-Family Residence District to PUD, Planned Unit Development. He said the area subject to the proposed rezoning consists of an approximate 19.25-acres and is located near the intersection of NW 18th Street and NW Abbie Drive in the NW quadrant of Ankeny. B.Morrissey stated the subject area is currently zoned R-1, One-Family Residence District, which was the standard zoning the property was assigned when it was annexed into the City in 2007. The neighboring properties to the north are zoned R-1, and the properties to the east are zoned R-3, with restrictions and the property to the south is zoned Grove Landing PUD. He shared that the Ankeny Corporate Limits border the property to the west, which is county and is zoned Agricultural Transition District. B.Morrissey noted that the proposed rezoning request generally aligns with the Ankeny Plan 2040 Future Land Use Map as the subject area has been identified as being utilized for medium and low density residential. A PUD book has been included as part of this request that outlines proposed streets, utility layouts, parkland and bulk regulations. B.Morrissey reviewed the proposed access to the development, utility connections and the Master Plan. He said the Master Plan is intended to satisfy the need for a preliminary plat in the future. B.Morrissey said the applicant has submitted the required rezoning petitions, notifications were mailed to all properties within 250' of the subject property, a legal notice was published and public notification signage was posted on the property. Staff will present a complete staff report at the next Plan and Zoning Commission meeting on March 22, 2022.

L.West asked what the land designation is on the Future Land Use Map for the property to the east of this property. B.Morrissey responded, medium density.

Jake Becker, McClure Engineering Company, 1360 NW 121st Street, Clive, representing the developer said staff did a good job with the request. He asked the Commission if they had any questions.

There were no questions from the Commission.

There was no one in the audience to speak for or against the request.

Motion by T.Rapp to close the public hearing, and receive and file documents. Second by L.West. Motion carried 5 – 0 – 1 (Abstain: R.Weisheit).

Chair G.Hunter informed the audience that this item will be back before the Commission on March 22, 2022.

Item #4. Fourstar Development LLC request to rezone property owned by Helen Moeckly Trust and Edward Ferrier & Annette Voegtlin from R-1, One-Family Residence District to PUD, Planned Unit Development

R.Hulstrom reported that the applicant, Fourstar Development LLC, is requesting to rezone property from R-1, One-Family Residence District to PUD, Planned Unit Development District. She said the area subject to the proposed rezoning consists of two parcels and totals approximately 194 acres and is located in the northwest quadrant of Ankeny, south of NW 54th Street and east of NW Irvinedale Drive. She noted that the neighboring properties to the east are zoned R-1 while the neighboring properties to the south are zoned R-2, One-Family and Two-Family Residence District. Properties to the west are located in Polk County and zoned LDR, Low Density Residential and/or Medium Density Residential and the property to the north is also in the County and zoned AG, Agricultural District. She stated the proposed rezoning generally aligns with the Ankeny Plan 2040 Future Land Use Map, which identifies the subject area as primarily LDR, Low Density Residential with the remaining area designated as MDR, Medium Density Residential or NMU, Neighborhood Mixed Use. R.Hulstrom presented the Master Plan that was provided by the applicant for this area and explained in detail the proposed zoning uses and bulk regulations for each of the parcel areas represented on the plan. She further shared the proposed street

layout for this development, information on the water main, sanitary sewer and stormwater detention basins. She stated the applicant has submitted the required rezoning petitions, notifications were mailed to all properties within 250' of the subject property, a legal notice was published and public notification signage was posted on the property. Staff will present a complete staff report at the next Plan and Zoning Commission meeting on March 22, 2022.

R.Weisheit asked what the zoning designation is for the properties to the south (Area A) of the development. R.Hulstrom said they are zoned R-2 and noted that it will be a mix of single family detached and bi-attached units.

T.Ripper asked for more details on the decision that was made regarding NW State Street and NW Irvinedale Drive. R.Hulstrom said she would provide that in her staff report on March 22, 2022.

Bart Turk, Civil Engineering Consultants, 2400 86th Street, Des Moines representing Fourstar Development, LLC. He said the biggest concern that City staff had was the area for smaller lots. He shared that it has been a trend to develop smaller lots economically. Bart Turk explained that they are proposing to provide some walking trails and open space areas around the detention basins along with a clubhouse and pool, which would be privately owned and part of the HOA. He asked if the Commission had any questions.

There were no questions from the Commission.

Alleman Mayor Robert Kramme, 14000 NE 6th Street, Alleman said the City of Alleman wants to establish the boundary of NW 54th Avenue, on the north side, as their city limits and he hopes the Commission will take that into consideration.

John Ryan, 2922 NW 44th Street, Ankeny, said his concern is the 60% of signatures. He shared that when the developer/representative came by their home, he told them it was already a done deal and requested that they sign the form with no explanation. He chose not sign along with some of his neighbors. He wonders if they were misleading people, and questions the 60% of signatures from the neighborhood. He thanked the Commission for their time.

Motion by T.Rapp to close the public hearing, and receive and file documents. Second by T.Ripper. Motion carried 5 – 0 – 1 (Abstain: R.Weisheit).

Chair G.Hunter reminded the audience that this item will be back before the Commission on March 22, 2022.

BUSINESS ITEMS

Item #5. Hope Kimberley, LLC request for voluntary annexation of territory into the City of Ankeny

J.Heil reported the owners of 17 parcels are requesting that 584.16 acres of land be voluntarily annexed into the City of Ankeny. The land currently Petitioned for annexation is 492.75 acres. He said that there are 11 non-consenting parcels that make up the remaining 91.55 acres of the annexation. J.Heil explained that if petitions are not received for the non-consenting parcels, the Code of Iowa allows cities to annex up to 20% of the total land area to be annexed from non-consenting owners in order to avoid the creation of islands or to create more uniform boundaries. J.Heil stated the Petitioned area is zoned Agricultural District on the Polk County Zoning Map; and Agricultural on the Polk County Future Land Use Map. He explained that the annexation area is currently identified in the Ankeny Plan 2040 Comprehensive Plan as primarily Low Density Residential with an area of High and Medium Density Residential, Community Commercial, Office/Business Park, and Neighborhood Mixed Use. J.Heil said if the property is annexed, the property will initially be zoned R-1, One-Family Residence District, as is all newly annexed land. He presented a map representing the City's future development plan to provide water and sewer to this area, if annexed and developed and said the proposed annexation area is in the Fourmile Creek Drainage area. J.Heil stated that the area is currently in the City of Ankeny Fire Protection District and will remain in the North Polk Community School District; and further stated, the addition of area and population would affect police coverage areas, as does all new development. He noted that a Consultation Meeting was held on March 2, 2022 and no members from the public attended the meeting. J.Heil proceeded to provide information to the Commission answering the questions that were raised from the Commission, and the public, during the public hearing on February 22, 2022. J.Heil stated the proposed annexation complies with the City of Ankeny's annexation policy and is identified as a future growth area in the Ankeny Plan 2040 Comprehensive Plan. Staff is recommending that the Plan and Zoning Commission recommend City Council approval of the annexation.

T.Flack brought up that Ankeny currently has certain properties that lie within the City that are not City property and wondered how those properties are handled as it relates to road maintenance, etc. E.Jensen said that in this instance, where it is actually County property, the City has 28E agreements with the County that addresses perimeter road maintenance along with other things. T.Flack asked if there were any concerns brought up in the Consultation Meeting by the townships? J.Heil stated he only received a call from the North Polk Community School District Superintendent as he was new to his position and wanted a better understanding of the process. T.Flack said she wanted to make it clear that school district boundaries rarely completely align with city boundaries, and not just in our community. J.Heil noted that the City Development Board is the deciding factor whether the petitioned and non-petitioned land become Ankeny or Alleman.

T.Flack shared that she has concerns about the property owners who do not want to be annexed into Ankeny. T.Ripper asked what the impacts would be to those property owners? Discussion between staff and the Commission included water and sewer connection fees, lifestyle issues such as loud noise, burn piles, etc., and taxes. The school districts would stay the same. R.Weisheit asked about paving driveways? E.Jensen responded, that for new buildings that are built on the property, driveways would need to be paved but existing homesteads with gravel drives would be able to stay gravel.

T.Rapp inquired about the Rueter's letter raising the question of zoning on their two parcels of land. E.Jensen shared that staff responded letting them know the City can not commit to changing the Land Use Plan or rezoning property as part of an annexation. They reassured them that the comprehensive plan shows Community Commercial as the land use and the C-2 zoning allows their current use and is consistent with the current Land Use Plan.

The attorney for the Rueter family asked to speak. The Commission chose to not take additional outside testimony since the public hearing was opened and closed on February 22, 2022.

E.Jensen shared that the Commission is a recommending body and will make a recommendation to the City Council. There will be a public hearing at the City Council and anyone who wants to speak will have the ability to do so or provide written testimony. He shared that everything that was provided in writing to this meeting will be included in the packet that goes to the City Council.

G.Hunter responded to Mayor Klemme's comment by stating that he does not see a benefit to tabling this action. It would not accomplish anything since the Commission is not a decision-making body. L.West concurred.

There were no more questions from the Commission.

T.Flack supports the annexation but said the Commission does have the option to exclude the property owners who want to be excluded. T.Ripper concurred with T.Flack.

The Commission continued their discussion on all the information that has been provided by staff, the applicant and the public. G.Hunter said whoever makes a motion has the ability to exclude or accept as given. T.Rapp stated that the communication from the Rueter's parcel seems to be amenable to annexation, so would that complicate a motion to exclude. E.Jensen said that some of the non-consenting properties would not be able to be excluded as islands are not allowed. He said the Huss, Klein, Grove, Seuntjens and Taylor & Hebner properties could be left out without it impacting the rest of the annexation, but it is not consistent with the City Council's policy on uniform boundaries.

Motion by T.Flack to recommend City Council approval of the request by Hope Kimberley LLC for the voluntary annexation of property into the City of Ankeny excluding the Huss, Klein, Grove, Seuntjens and Taylor & Hebner property. Second by T.Rapp. All voted. Motion failed 3 – 3 (Nay: G.Hunter, L.West, R.Weisheit).

G.Hunter said, in his opinion, carving out the five properties does not accomplish anything. Some of the letters from the property owners indicate that they are allowed to do things on their property in the County that would not be allowed by City code. T.Flack commented that a new homeowner abutting the city/county line would need to decide as neighbors, things you can and can't do, regardless of where the city/county line is. R.Weisheit said that the activity that takes place on the county homesteads such as burning, could cause the surrounding property owners to call the Ankeny Police even though they would not be in a position to do anything about it. This would not set a good relationship between neighbors.

Motion by G.Hunter to recommend City Council approval of the request by Hope Kimberley LLC for the voluntary annexation of property into the City of Ankeny as submitted. Second by L.West. All voted. Motion failed 2 – 4 (Nay: T.Flack, T.Rapp, T.Ripper, R.Weisheit).

E.Jensen suggested to the Commission that they could table the item until they have all Commissioners present at a meeting. The Commission did not see a benefit to tabling the item.

Motion by G.Hunter to recommend City Council deny the request by Hope Kimberley LLC for the 80/20 voluntary annexation of property into the City of Ankeny as submitted. Second by T.Rapp. All voted. Motion carried 4 – 2 (Nay: T.Flack and L.West).

REPORTS

City Council Meeting

E.Jensen reported on his attendance at the March 7, 2022 City Council meeting.

Director's Report

E.Jensen presented the tentative agenda items for the March 22, 2022 Plan and Zoning Commission meeting and the February 2022 Building Permit Report.

Commissioner's Reports

T.Ripper said this is the second meeting where he has heard in a public meeting that the developer has not been real kind as they go out and get their signatures. T.Rapp said without the Commission being there it is hard to tell how the conversation went. T.Ripper said he apologizes for the Alleman Mayor insulting staff as he presented his comments to the Commission.

E.Jensen provided some history to the Commission regarding the annexation line agreement between Alleman and Ankeny, along with the attempts Ankeny has made to reach a new agreement. He said some of this could have been avoided had an agreement been reached.

G.Hunter, L.West and T.Flack welcomed Randy Weisheit to the Commission.

MISCELLANEOUS ITEMS

March 21, 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 7:56 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission