

Meeting Minutes
Plan & Zoning Commission Meeting
Tuesday, April 4, 2017
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The April 4, 2017 meeting of the Plan & Zoning Commission was called to order at 6:30 pm by Chair T.Ripper.

ROLL CALL

Members present: L.Anderson, C.Ender, T.Flack, S.Houlihan, T.Ripper, G.Hunter, S.Odson, L.West and K.Whiting. Staff present: E.Jensen, E.Carstens, E.Bodeker, D.Silverthorn, B.Fuglsang.

PUBLIC HEARINGS

Item #5. Dennis E. Jordan, Joseph & Elizabeth Origer, Leroy Brown III, Nello Medici Life Estate (North), Nello Medici Life Estate (South), Sante & Nello Medici, and Jerome & Josephine Schmitt request for voluntary annexation into the City of Ankeny.

T.Ripper opened the public hearing.

Staff Report: E.Bodeker reported property owners, Dennis E. Jordan, Joseph & Elizabeth Origer, Leroy Brown III, Nello Medici Life Estate (North), Nello Medici Life Estate (South), Sante & Nello Medici, and Jerome & Josephine Schmitt, have requested annexation to the City of Ankeny. She stated the land is roughly 25.7 acres located in the southeast quadrant of Ankeny, generally located east of S Ankeny Boulevard, south of SE 33rd Street and SE Primrose Drive. The annexation area consists entirely of petitioned land and is contiguous with the corporate boundary of Ankeny. E.Bodeker stated this annexation area is not identified in the current Comprehensive Plan. However, this area was identified as Low Density Residential in the 2004 Comprehensive Plan. Therefore, staff has told the applicant they will not be required to do a Land Use Plan Amendment if the property is developed as Low Density Residential. If the property is annexed, it will be zoned R-1, One-Family Residence District. She continued to state, there are a few different options to get water to the subject area. The Developer can choose to connect to 10" water on Ankeny Boulevard, just south of SW 33rd Street; bore under South Ankeny Boulevard and connect to 8" water installed with Willow Run West; or bore under South Ankeny Boulevard and connect to the County's 8" main and coordinate with the County. E.Bodeker stated sanitary sewer will be extended south from SE Primrose Drive and a private lift station will likely be installed to serve the western portion of the area requested to be annexed. Staff will present a complete staff report at the next Plan and Zoning Commission meeting on April 18, 2017.

C.Ender asked if there is an immediate development plan for this site. E.Bodeker stated the developer is at the meeting tonight and may be able to speak to this question. She stated nothing official has been submitted. C.Ender also raised a question as to access to this site, will it be only restricted to SE Primrose Drive. E.Bodeker stated the developer may be able to answer the question as no concept plan has been submitted. G.Hunter asked how much of the property can be serviced by gravity sewer and if not, how will the rest of the property be handled. S.Odson also asked what type of street circulation would be possible.

Korey Marsh, Snyder and Associates, 2727 SW Snyder Blvd. on behalf of PAR Partners, LLC. As stated, the developer will be extending the sanitary sewer from SE Primrose Drive to the south. Mr. Marsh referenced the area on an aerial map. He continued to reference the map showing a possible cul-de-sac in the northeast area of the property. He stated they would be doing wetland delineation to minimize impact in certain areas of this property. T.Ripper asked if he could expand on what delineation means. Mr. Marsh stated they would minimize the impact of their development activities. He continued to state they would not be filling in the wetlands. T.Flack commented that it means you will leave the wetland as it is for the most part since the DNR regulates the area. Mr. Marsh stated, yes. G.Hunter commented that what you impact during development you have to replace or mediate somehow. C.Ender asked if any of the land is in a FEMA floodplain. Mr. Marsh stated at this point they have not looked into the floodplain line but that is something they will look at when they complete a site plan. Mr. Marsh continued to state that there would be a lift station on the western portion of the site. The development will be accessing water from NE 14th Street. He stated the plan is to loop the 10" water main as requested by the City

from NE 14th Street to SE Primrose Drive. Mr. Marsh continued to state they are working with the DOT on access to NE 14th Street. The concept is that access will be lined up with NE 72nd Avenue. He stated there would not be a road going through the entire property. S.Odson asked if it would be a court. Mr. Marsh stated no, there would be a loop around. C.Ender asked if there were any discussions to work with the property owner to the south to connect with NE 16th Court. Mr. Marsh stated he was not aware of any but stated they will explore the option. G.Hunter asked if the lift station would be public or private. Mr. Marsh stated private. G.Hunter asked if an association would own it. Mr. Marsh stated that is correct. S.Odson asked if there would be a single association for the whole property. Mr. Marsh stated the association would only be on the western portion of the property. T.Flack confirmed with Mr. Marsh that the area to be serviced by the gravity sewer would not be part of the association. Mr. Marsh stated, correct.

Brett Price, 3502 SE Plum Court, stated his backyard faces the property to be annexed. Mr. Price stated when it rains his backyard turns into a washout. He feels if they start building behind him on the property and place more concrete he will end up with more water in his yard. He stated there is a controlled wetland behind his property and they hold the water level very high. He commented that his neighbors are looking at the same issue that he has. G.Hunter asked what direction is the water flowing. Mr. Price stated it is flowing east. Mr. Price referenced an aerial map showing the current water flow that they experience in their yard. He continued to state, he is concerned about where the water will flow if there is no wetlands behind him.

Brent Beardsley, 3603 SE Primrose Drive, stated SE Primrose Drive extends up to the north, which used to be woodlands before it was developed. He stated twelve of the new homes developed were patched into the storm sewer that is in his backyard. He continued to state before they built the north portion of SE Primrose Drive they were already having storm sewer issues and it has become even more of an issue since the development was completed. Mr. Beardsley referenced the aerial map indicating where the storm sewer runs and stated he hopes that the new development will not patch into their storm sewer, as it cannot handle any additional water. He stated they have already given up half of their backyard for water. He continued to state that his other concern would be the usage of their street from contractors during development of the cul-de-sac directly behind them. They have many young families with children in their neighborhood.

Dennis Bane, 3409 SE Jasmine Court, stated he is here on behalf of his wife, as she owns the house. He came to the meeting tonight to confirm Mr. Price and Mr. Beardsley's statements about the water issues on their property. Mr. Bane stated in heavy rains, their backyards become flooded and the water moves towards their homes. Mr. Bane commented that there is definitely a water issue in their backyards. Mr. Bane and his wife also have a concern whether zoning could be changed and stated they are against the annexation. If the property is annexed into the City, they would not be in favor of multi-family housing or apartments in the development.

Kevin Shaefer, 3407 SE Cherry Blossom Drive, stated he lives in the cul-de-sac where the massive flow of water goes towards the pond. Mr. Shaefer stated it is an issue and his concerns would be as to how any development behind them would affect the current water issues.

Joyce McIntire, 7195 NE 14th Street, stated she is concerned about the water table level. She also stated if there is any growth or development where the ground is raised on the north side of her property; her property would turn into a wetland. Ms. McIntire asked if NE 72nd Avenue was going to be extended down the property lines and if so, she has heard that they were going to tear out all the trees along the property line. She also stated she has concerns of storm water and sewage with any development on the property. Ms. McIntire also would like to know exactly how the property will be developed. She commented that currently it is a country, quiet residential area. Ms. McIntire also stated she has concerns about it turning into townhomes, or high density residential. Ms. McIntire asked if she will get answers to her questions at the next meeting and will there be a drawing of the plans for the property.

G.Hunter stated that the Commission is currently only looking at whether or not this property should be part of the City of Ankeny. He stated there are multiple steps for any project. If the developer wants to change the zoning to a higher density, there would have to be a zoning change request. If annexed, it will be R-1, which is single family

and it is the most restrictive zoning. G.Hunter continued to state then there are site plan approvals, which would include all the storm water computations and calculations of where the water is going. At this point, the Commission is not seeing a site plan and does not know where the streets will be. Mr. Marsh stated they have conceptual ideas. Ms. McIntire then asked the Commission what is the advantage of getting the property annexed versus leaving it county if you do not intend to sell and develop the property. S.Odson stated you would have to ask the applicant that question.

Sherry Stone, 3703 SE Primrose Drive, stated she just bought her house about six months ago and asked the City, at that time, if there were any plans to extend the street and would there be any building in that area and they stated there were no plans. She stated she bought it due to the fact that she liked the open area and trees. S.Odson asked who she spoke with at the City. Ms. Stone stated when I was getting city approval to put up a privacy fence the person went and asked someone in Engineering. She stated she would not have bought the property had she known that they were going to develop this area. S.Odson commented that no plans were submitted to the City at the time you asked about development in that area. He continued to state in the 2004 Comprehensive Plan the City looked at this area and how the land might be used if it became part of the city but the 2010 Comprehensive Plan did not include this area. G.Hunter stated as a City we look at where we think the city will grow and where we want residential, high density and businesses. G. Hunter continued to state it is all conceptual at that point and there would be no planned streets. He stated at the time you asked about whether the land would be developed, the City may have not been aware of the potential annexation request. G.Hunter stated that this is a voluntary annexation and it is strictly something that the owners of that property are asking for. Ms. Stone continued to state when she put in her privacy fence, the company considered it as swampland. She stated the contractor had to go extra deep with the posts and use a lot of cement. Ms. Stone stated she had to pay over and above what a normal privacy fence would cost due to the wet ground. She stated there is a creek that dumps from the culvert behind her fence and stated if they do build and elevate the land she is going to get more water on her property.

Kristen Ward, 3175 SE Primrose Drive, stated she used to live in the area where there are water concerns and she had water issues in about one third of her yard. She stated she would be in favor of the annexation, if in fact all of the drainage issues were taken care of. Ms. Ward continued to state that maybe the developer could rectify some of the drainage issues when they develop.

Tom Davies, Developer, PAR Partners, LLC, 2611 NE Bellagio Drive, stated he has been working on this project for about three years. He stated he would like to address a couple of the concerns. Mr. Davies stated it is definitely wet on the property where everyone has concerns. His plan would be to place a cul-de-sac south off of SE Primrose Drive with about one dozen homes. No water will run north, it will all run south where it would naturally flow. He referenced the aerial map of where he would plan to build. He stated he does not plan to take out any trees along the boundary line. He plans on keeping all of the other trees and placing them around within the development. Mr. Davies stated he agrees there are areas as it relates to the water that need to be addressed. His plan does not include building apartments. He stated it would clearly be single family. Potentially, an active adult community, all ranch style townhomes with possible bi-attached homes. The price range of the homes would be between \$250,000 and \$400,000 and the single-family homes will be starting at around \$275,000. He stated he plans for it to be a very nice development and should not affect current home values. Mr. Davies asked the Commission if they had any further questions for him.

S.Odson recommended to Mr. Davies that it would be good for him to have a meeting with all the current surrounding property owners to discuss his current plans for the development before the next Plan and Zoning Commission meeting. C.Ender asked when the wetland delineation would be complete. Mr. Davies stated it will probably be in April or May as they have to wait until the growing season has begun. Mr. Davies stated they have to follow what the DNR requires. Mr. Davies continued to state that the lift station would be on the development site.

Ed Ferrier, 4825 NW Irvinedale Drive, stated he does not live in the area being discussed but would like to see a copy of the 2004 Comprehensive Plan. He stated his concern would be as to why the developers are not addressing the current water issues.

Kevin Shaefer, 3407 SE Cherry Blossom Drive, asked if there is any requirement for green space for new developments within the City of Ankeny. T.Flack stated there is parkland dedication that is required with every development, which comes to the Commission during the site plan process. T.Ripper stated they would provide information on the parkland dedication requirements at the next Plan and Zoning Commission meeting.

Joe Gioffred, 7075 NE 14th Street, referenced the aerial map showing where he and his brother own property in relation to the proposed annexation. Mr. Gioffred stated his concern is that the DOT has plans to widen NE 14th Street and is wondering how will the DOT plans fit into the development for water and sewer in this corridor.

Chad Hoover, 3704 SE Primrose Drive, stated he has lived in the home since they had it built in 2003 and he can attest to the water concerns of their neighbors. He stated the water flows from the houses directly to the back boundary of all the yards. He stated the Army Corp of Engineers have been out there and dug up his neighbor's yard and placed drain tile in the areas to help the water as well as lowered the pond to try to lower the water table in the area to help with the drainage. He is concerned about how this development would be demographically changing how the water flows. S.Odson asked Mr. Hoover if he was sure it was the Corp of Engineers. Mr. Hoover stated he is almost positive they had the Army Corp of Engineers, someone dug up the yards because you would literally sink into the yards just walking on them. He stated they drained the pond six to seven feet to help with the drainage issues for all the houses in that area.

Brent Beardsley, 3603 SE Primrose Drive, presented pictures of his yard when there are heavy rains. T.Flack asked how long it takes the water to drain from their yards after a rain. Mr. Beardsley stated three to four days.

Gene Turk, 1670 NE 70th Avenue, referenced his property on the aerial map. Mr. Turk stated he has a concern about sewage coming down stream. He continued to state that the developer contacted him asking if he would allow the developer to locate the lift station on his property. Mr. Turk shared with the developer he had no interest of having the lift station on his property. Mr. Turk is concerned about contamination of the water.

Kurt Petersen, 3811 SE Grant Street, stated he has lived in his home about one year and purchased the home for the view behind them. He shared that there are water concerns on the properties to the west of the pond also.

T.Ripper asked if there were any further questions from the Commission for staff.

C.Ender stated he understands that the property would be zoned R-1 at the time of annexation. He would like to know if another zoning district could be established such as U-1 for the conservation of the wetland area at the time of annexation, or do we have to establish it as R-1. C.Ender also would like information as to whether there are limitations in our ordinance that restricts the number of houses allowed on a street with only one access.

T.Flack stated she would like to know what the drainage plan was for the neighborhood to the north. S.Odson also stated he would like to know what the DOT has planned for the widening of NE 14th Street. He continued to state that as he understands it, Polk County has no intention of providing sewer in this area and that is why the developer wants to be annexed so they have the ability to hook up to City sewer. S.Odson stated that in the overall picture unless we feel that the water issues can be improved for the homeowners to the north of this development, he would be hard pressed to approve the annexation. He stated they have a problem today, if we develop the land to the south, let us do everything we can to solve their problems.

Motion by T.Flack to close the public hearing, and receive and file documents. Second by C.Ender. All voted aye. Motion carried 9 – 0.

T.Ripper shared that the annexation will come back before the Commission at their meeting on April 18, 2017.

Meeting Minutes
Plan & Zoning Commission Meeting
Tuesday, April 18, 2017
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The April 18, 2017 meeting of the Plan & Zoning Commission was called to order at 6:30 pm by Chair T.Ripper.

ROLL CALL

Members present: C.Ender, T.Flack, S.Houlihan, T.Ripper, G.Hunter, S.Odson, and L.West. Absent: L.Anderson and K.Whiting. Staff present: E.Jensen, E.Carstens, E.Bodeker, D.Gervais, D.Silverthorn, B.Fuglsang.

BUSINESS ITEMS

Item #6. Dennis E. Jordan, Joseph & Elizabeth Origer, Leroy Brown III, Nello Medici Life Estate (North), Nello Medici Life Estate (South), Sante & Nello Medici, and Jerome & Josephine Schmitt request for voluntary annexation into the City of Ankeny.

Staff Report: E. Bodeker reported Dennis E. Jordan, Joseph & Elizabeth Origer, Leroy Brown III, Nello Medici Life Estate (North), Nello Medici Life Estate (South), Sante & Nello Medici, and Jerome & Josephine Schmitt have requested annexation to the City of Ankeny. The land is roughly 25.7 acres located in the southeast quadrant of Ankeny, generally located east of S Ankeny Boulevard, south of SE 33rd Street and SE Primrose Drive. The annexation area consists entirely of petitioned land and is contiguous with the corporate boundary of Ankeny. She stated the developer could choose from two options to connect to city water, and one option to connect to county water. The sanitary sewer will be extended south from SE Primrose Drive and a private lift station will likely be installed to serve the western portion of the area requesting to be annexed. E.Bodeker stated the petitioned area is zoned Low Density Residential on the Polk County Zoning Map and the area is identified as Low Density Residential on the Polk County Future Land Use map. She stated this annexation area is not identified in the current Comprehensive Plan. However, this area was identified as Low Density Residential in the 2004 Comprehensive Plan and therefore, staff has told the applicant they will not be required to do a Land Use Plan Amendment if the property is developed as Low Density Residential. E.Bodeker continued to state there was a consultation meeting held on April 10, 2017. Notice of the meeting was sent via certified mail to the Polk County Supervisors and the Crocker Township Trustees. Seana Perkins, Land Use Planning Coordinator for Polk County, attended the meeting and indicated the County had no issues with the proposed annexation. E.Bodeker stated the Commission held a public hearing on the proposed annexation on April 4, 2017.

E.Bodeker then presented follow up information related to questions that were raised at the public hearing on April 4, 2017. She reported the Highway 69 widening project is an Iowa Department of Transportation project. Staff's understanding is that tentatively, the plan is for right-of-way acquisition in 2019 and for construction in 2020 letting. She continued to state the drainage patterns of the Springwood Terrace plats located to the north of the proposed annexation are consistent with the approved construction and drainage study plans. The storm water in this area ultimately drains through platted Public Utility and Drainage Easements within the plats and offsite to the Carney Marsh located just north of SE 54th Street. E.Bodeker stated as it relates to future drainage, storm water from the development to the north flows south and east through the subject property on its way to the County Marsh. Any development of the subject property would need to be designed to accommodate the water coming from the north. As the subject property also drains south and east, there is no reason any additional storm water would go north and affect the existing neighborhood.

E.Bodeker continued to explain in detail the Development Process as it relates to rezoning, preliminary platting, final platting and site plans. She stated that City Code states that all territory, which may be annexed to the City,

shall be considered as lying in the R-1 District until such classification has been changed by amendment in accordance to the Zoning Ordinance. If the property owner wishes to develop the property with a zoning classification of anything other than R-1, One-Family Residence District a rezoning would be required. E.Bodeker stated the proposed annexation complies with the City of Ankeny's annexation policy. Public utilities exist and can be extended to serve this area. Therefore, staff is recommending that the Plan and Zoning Commission recommend City Council approval of the Willow Run annexation.

Brent Culp, Snyder and Associates, Inc., 2727 SW Snyder Blvd., representing Tom Davies, PAR Partners, LLC stated they had a site visit with the neighbors on the evening of April 11, 2017. He stated they completed a walk through with the concerned neighbors to gather information regarding their current water concerns on their properties. Mr. Culp stated the property that they are requesting to be annexed is downstream from the property owners with water concerns and unless the wetland is completely filled in, which they have no indication to do it is very hard for this annexation to affect upstream property. He asked the Commission if they had any questions.

G.Hunter asked Mr. Culp to explain the directional flow of the storm sewers at the south end of SE Primrose Street. Mr. Culp referenced an aerial map showing the flow of the storm sewers in the area.

T.Flack asked Mr. Culp if they could develop this land in the County. Mr. Culp stated yes, we could develop it as low density residential, under a cluster development, and the lots could be 60' wide and have four units per acre, with no water quality and less stringent detention requirements. S.Odson stated would you have septic. Mr. Culp stated no, it would require connection to the City's sanitary sewer.

T.Flack asked whether the water on the properties to the north is draining as it was designed to drain. G.Hunter commented once it goes off site to the south, there is no grading for the water to continue to flow. He stated it appears there has been dirt dumped in the natural lay of the land in areas where you would expect the water to go. He continued to state, if we do not annex the property into the City the problem never goes away, if they develop in the County, he does not know that the water concerns will go away. He feels the City would have more control to work towards a resolution. G.Hunter asked if they have completed the wetland delineation.

Mr. Culp then presented a wetland delineation map that was completed within the last week. C.Ender asked if it was jurisdictional. Mr. Culp stated in their opinion it is jurisdictional. He stated once they have their plans complete, then at that time they would have to go through the Section 404 Permit Program. Mr. Culp continued to state, their plan is to stay out of the wetlands. They have looked at doing two pods of construction and have completed many concepts for the land but no concept ever involved crossing the wetland area.

T.Ripper commented that even if they develop the eastern section of the property there is no assurances the properties to the north will have any resolution to their water issues. Mr. Culp stated if their property was upstream, he could say it would be better for the current property owners but the property to be developed is downstream. T.Ripper asked if there is a potential of their development making the water issues worse on the east side. Mr. Culp stated only if they filled in the wetlands, which they have no intentions of doing.

S.Odson asked where the storm water detention would be located on the property. Mr. Culp referenced an aerial map showing the detention area to the most southern portion of both development areas.

C.Ender stated his questions related to this annexation were regarding the R-1 zoning district, which since have been answered by staff in their report. He also reaffirmed with staff as to the process of development if the property is developed in the County. He continued to state if we want this property developed correctly, it seems logical that we annex it into the City so that we can regulate the future development.

S.Odson commented the challenge before us tonight is we would like to make sure the development of the land to the south will not cause any additional water issues for the property owners to the north, and we want the development to the south to be able to help us help them. The issue is the developer is not able to put a lot of money into this project until they have a guarantee the property will be annexed into the City. T.Ripper stated at

this point, we do not have any water studies to base a good decision. S.Odson continued to state, the water to the north is the problem for this neighborhood. He stated, we as the City, it will be our responsibility to look over the plans in the development stage to make sure water is not held back and is drained through the annexed area. He stated he does not want to bring a problem into the City but he does not want the County to cause issues in the City.

L.West stated she would like to help make the homeowners life easier and the way to do that is to annex the property into the City. She stated that the City might not be able to solve every issue but if we say no to the annexation, it would not help and everything will stay the same.

T.Flack stated from everything that we are looking at today the annexation of the property will not hurt the current water problems that the homeowners are experiencing to the north.

T.Ripper stated we are basing it on faith that when we annex the property into the City that it would remedy some of the water problems.

T.Ripper asked E.Jensen after the Commission votes tonight will the annexation go before the City Council.

E.Jensen stated yes, the City Council holds a public hearing on the annexation. C.Ender reaffirmed that the City Council is the last approval needed. E.Jensen stated yes.

T.Ripper asked if the Commission had any additional questions for staff.

Motion by C.Ender to recommend City Council approve the voluntary annexation of the Dennis E. Jordan, Joseph & Elizabeth Origer, Leroy Brown III, Nello Medici Life Estate (North), Nello Medici Life Estate (South), Sante & Nello Medici, and Jerome & Josephine Schmitt properties. Second by G.Hunter. Motion carried 6 – 1 (nays: T.Ripper).