

Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, August 22, 2017

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The August 22, 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 and L.West.
Absent: K.Whiting. Staff present: E.Jensen, E.Carstens, D.Gervais, D.Silverthorn, B.Fuglsang.

AMENDMENTS TO THE AGENDA

T.Flack requested Item #2 St. Luke's Mobile Classrooms Site Plan be removed from the Consent Agenda. Motion by T.Flack to accept the agenda with the removal of Item #2 from the Consent Agenda. Second by G.Hunter. All voted aye. Motion carried 8-0.

COMMUNICATIONS

There were no communications.

CITIZEN'S REQUEST

There were no requests.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the August 8, 2017 minutes of the Plan and Zoning Commission meeting.

Item #3. 309 N Ankeny Blvd – Hintz Dental Site Plan

Motion to approve the site plan for 309 N Ankeny Blvd., Hintz Dental.

Item #4. Courtyards at Rock Creek Plat 4 Final Plat

Motion to recommend City Council approval of Courtyards at Rock Creek Plat 4 Final Plat.

Item #5. Woodside Estates West Commercial Park Plat 1 Preliminary Plat (County)

Motion to recommend City Council approval of Woodside Estates West Commercial Park Plat 1 Preliminary Plat, subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.

Referencing Item #5, C.Ender asked if both lots will have access off of NW 2nd Street. He stated it looks like there is an ingress/egress easement along the proposed property line. D.Silverthorn stated yes it does look like there is a shared ingress/egress for the two lots. E.Carstens commented the DOT would have to approve any access. C.Ender stated he asked the question since there is a lot of traffic on that highway.

Motion by G.Hunter to approve recommendations for Consent Agenda Items #1, 3, 4 and 5. Second by C.Ender. All voted aye. Motion carried 8 – 0.

REMOVED CONSENT AGENDA ITEM

Item #2. 1102 NW Weigel Drive – St. Luke's Mobile Classrooms Site Plan

Motion to approve the site plan for 1102 NW Weigel Drive, St. Luke's Mobile Classrooms.

T.Flack commented that she has a concern as to the location of the mobile classrooms. She stated the mobile classrooms are currently sitting on the north side of the church and the site plan presented shows the mobile classrooms on the south side.

Bob Lickteig, 2506 SW Westwinds Blvd., representing St. Luke's the Evangelist Catholic Church stated they placed the mobile classrooms on the north side on a temporary basis. T.Flack asked Mr. Lickteig if the mobile classrooms could stay on the north side. Mr. Lickteig stated no. T.Flack stated the buildings are not very attractive and with them on the north side, they are not visible from NW Weigel Drive or from the neighborhoods. Mr. Lickteig stated he chairs the Strategic Planning for the church and parish and explained that they are in the process of possibly putting another 24 to 26--room facility on the north side to expand the school depending upon funding. He stated that is the reason they are bringing in the mobile classrooms. Mr. Lickteig stated if they placed them on the north side, it would be right where they plan to expand their building. Mr. Lickteig stated their plan would be to remove them as soon as possible. T.Flack commented she has concerns with how they look. Mr. Lickteig stated they will look better when he has them set in place. S.Houlihan asked what they are planning to do to them. Mr. Lickteig stated they will be placing skirting on them, and they will put in walkways after the foundation and electricity are in. Mr. Lickteig stated he would be willing to paint them a darker color if that would help. He commented their intention is to keep them in good condition so that they can resell them.

T.Flack asked how long they anticipate the mobile classrooms to be there. Mr. Lickteig stated they anticipate 4-6 years. C.Ender asked if there is any requirement for their removal after the 6 years. E.Jensen stated no. He explained that the approval of the site plan from the Commission would allow the mobile classrooms to be on the property indefinitely. C.Ender then asked if the Commission could set a condition with a timeframe that expires. E.Jensen stated yes, the Commission would have the ability to set one. T.Flack stated the church is gorgeous and she understands the situation that the church is currently in but does not like the sight of temporary classrooms. S.Odson commented that if St. Luke's moves from their current property, the mobile classrooms could be on the property forever. Mr. Lickteig stated the church does not intend to move as they have too much money invested. E.Jensen commented that the Commission has in the past, placed timeframes on mobile classrooms. C.Ender commented that it would provide the Commission the opportunity to review the site plan again. Mr. Lickteig stated they have always been a good friend to the neighborhood. T.Flack agreed. S.Houlihan asked when they plan to start their building expansion. Mr. Lickteig stated they have hired architects but it all depends on how many years it will take to generate the money to build. T.Flack stated she would be okay with the site plan if the Commission sets a timeframe. S.Odson suggested a 5-year timeframe. L.Anderson stated he has no issues with the mobile classrooms being on the site 6 years or whatever timeframe they will need. He would like them to look nice and presentable. L.Anderson continued to comment that the church really looks nice and trusts that they will not have an eyesore sitting on their property. G.Hunter asked if this expansion would be a complete build-out. Mr. Lickteig stated their future construction plan would only be for a two-section school. G.Hunter commented as St. Luke's continues to grow and Ankeny grows, he could see after building this addition that their need could continue for the mobile classrooms until they have completed their full build-out. Mr. Lickteig stated he does not anticipate that they would have to go to a three-section school. Mr. Lickteig commented that Phase 2 would be the addition to make it a two-section school and Phase 3 would be a larger church, which that would expand to the east. L.Anderson further commented that he would prefer a condition be set on the look instead of where they are placed on the property. Mr. Lickteig then asked the Commission if they had any further questions.

The Commission had no further questions.

Motion by T.Flack to approve the site plan for 1102 NW Weigel Drive, St. Luke's Mobile Classrooms with an expiration date 5 years from August 22, 2017. Second by G.Hunter. All voted aye. Motion carried 8 – 0.

PUBLIC HEARINGS

There were no public hearings.

BUSINESS ITEMS**Item #6. Trestle Ridge Estates Preliminary Plat**

D.Silverthorn reported that Trestle Ridge Estates is a proposed 139.08-acre plat located in the northwest quadrant of the intersection at NW Irvinedale Drive and the High Trestle Trail. He stated the subject properties are currently in the process of being rezoned to R-3, Multiple-Family Residence District restricted to single family and the third reading of the Ordinance amending the zoning to the subject property is on the September 5th Council agenda. D.Silverthorn stated the preliminary plat includes 357 single-family residential lots and six outlots, one of which is to be dedicated to the City for parkland. D. Silverthorn shared the plat referencing the outlots for the Commission. He stated the general layout of the development connects to NW Irvinedale Drive via a proposed portion of NW Reinhart Drive. He explained access from NW Irvinedale Drive into the site is provided via a proposed portion of NW 31st Street, to the north, which intersects with NW Boulder Ridge Lane running north and south. He continued to say NW Reinhart Drive would also continue west, where it intersects with NW Boulder Ridge Lane, serving as the main juncture in the development. D.Silverthorn stated NW Reinhart Drive continues west, intersecting with NW Boulder Point Place, which then intersects with NW 30th Street to the north, lending potential for future northern and western expansion. D.Silverthorn stated a 24-inch water main will be extended north along NW Irvinedale Drive from a proposed booster station located south of the High Trestle Trail and east of NW Irvinedale Drive. He continued to state that a 24-inch sanitary sewer will be installed along the west plat boundary extending from the Rock Creek trunk sewer located south of the High Trestle Trail, an eight-inch sanitary sewer will be extended throughout the development and a four-inch sanitary sewer will be provided to the two farmstead properties along NW Irvinedale Drive. D.Silverthorn stated the City's Parks Department has agreed to accept Outlot Y as parkland dedication and staff recommends that the Plan and Zoning Commission recommend City Council approval of the Trestle Ridge Estates Preliminary Plat; and accept the public street name NW Harmon Court.

C.Ender asked for more detail on the street name request. D.Silverthorn stated it is the original property owner's name. C.Ender further asked about the Preliminary Plat showing Plat 1 but it does not say anything about future phasing, do they know what that will look like at this time. D.Silverthorn stated he is not aware of the future phasing but the representative for the development may be able to speak further on his question. C. Ender commented the reason he is inquiring, is that there is only one access to NW Irvinedale Drive and if they continue the development to the west, they would be adding more lots with only one access. He asked if the representative could provide information as to when the second access to the north will be constructed.

S.Houlihan asked if staff knew the use of Outlot T in the northeast corner. D.Silverthorn commented his understanding is that it is to be in reserve for future development to the north. E.Carstens commented Outlot T could be sold either to the north or to the farmstead to the south. D.Silverthorn stated they are not sure what the future of the two farmsteads are at this time. C.Ender asked if there are limits on the southern farmstead. D.Silverthorn replied that they would not be allowed another driveway access off NW Irvinedale Drive.

The Commission has no further questions for staff.

Ryan Hardisty, Civil Design Advantage, LLC, 3405 SE Crossroads Drive, Ste. G, Grimes stated he is representing Diamond Development, LLC. Mr. Hardisty stated Century Sewer is making a connection along Reinhart Drive to service the Plat 1 area. He stated Plat 1 is frontloaded with 3,000 feet of sanitary sewer that has to be installed and as they roll into Phase 2 they will need to utilize the utilities that are already available. He then presented the plat showing the Commission that Phase 2 would be located to the west. Mr. Hardisty then explained that due to the developer not being able to purchase the property from the two farmstead owners, they were not able to make a straight street connection so that gave them the current location of Reinhart Drive. C.Ender asked if there is any possibility that NW Harmon Court could go out to NW Irvinedale Drive. T.Flack stated no. E.Carstens stated NW Irvinedale Drive is a major collector so

access spacing is limited and we would not want street access that close to the trail crossing. C.Ender confirmed with Mr. Hardisty that Phase 2 would go to the western site boundary. Mr. Hardisty stated it would not go completely to the western site boundary. He stated it would be approximately 40 lots westerly. C.Ender asked if their intent would then go north to get to the second access. Mr. Hardisty stated they have not discussed that information with the developer as they are currently looking at Plat 1 improvements being incorporated. Mr. Hardisty stated with 357 lots, they understand that it will take years to develop the entire plat. C.Ender stated he is nervous about putting this number of lots with only one access point with an unknown of when there would be a second access point. T.Flack stated in the past she had similar concerns with a similar plat but the Public Works and Fire department review them before the plat comes before the Commission. C.Ender stated he is not real concerned with access for Plat 1; it is how the following plats will be developed. L.West stated it is a valid concern.

E.Carstens asked Mr. Hardisty if there was a traffic study done for this development. Mr. Hardisty stated they have not done a traffic study. He stated the access points have been identified on NW Irvinedale Drive. E.Carstens asked about turn lanes on NW Irvinedale Drive. Mr. Hardisty stated they are adding turn lanes on NW Irvinedale Drive for the development. E.Carstens confirmed with Mr. Hardisty that they went ahead and agreed to do turn lanes without completing a traffic study. Mr. Hardisty then explained how the turn lanes will be designed for the development. C.Ender asked what the cueing length of the left-turn lane is out of the development. Mr. Hardisty stated around 200-feet. C.Ender commented that he would recommend that they look at going north in their phasing after Plat 2.

S.Houlihan asked staff at what point do you suggest roundabouts referencing NW Reinhart Drive and NW Boulder Ridge Lane on the plat. E.Carstens stated that normally we do not have roundabouts in residential neighborhoods. He commented, for the most part, where roundabouts exist in neighborhoods there were some unique circumstances. E.Carstens explained that roundabouts are normally done because they are more efficient from a traffic standpoint than a 4-way stop.

Motion by T.Flack to recommend City Council approval of the Trestle Ridge Estates Preliminary Plat and accept the public street name NW Harmon Court. Second by C.Ender. All voted aye. Motion carried 8 – 0.

Item #7. Amendment to Chapter 192.13 – M-2 Heavy Industrial District

E.Jensen reported in May 2017 the Governor signed into law new regulations to allow fireworks use and sales within the State of Iowa. In June, the City of Ankeny adopted a new Ordinance that placed Fireworks Sales in the M-2 District. E.Jensen explained the M-2 District requires all permitted uses within the District to be approved by a Special Use Permit. He commented the City placed fireworks sales in the M-2 District because they already had a use in the zoning district for explosive manufacture and storage. E.Jensen stated on June 16, 2017, a lawsuit was filed against four central Iowa cities, including the City of Ankeny, regarding the cities' adoption of Zoning Ordinances to regulate Fireworks Sales. He stated the plaintiff asserted that the State Law prohibited cities from using their Zoning power to regulate Fireworks Sales. E.Jensen explained that the plaintiff in the case filed a request for a preliminary injunction and the preliminary injunction case was heard by the United States District Court. He further stated the court ruled and denied the plaintiff's request for a preliminary injunction. E.Jensen stated the court ruled that State Law does not prohibit cities from using their Zoning power to regulate the placement of Fireworks Sales Facilities. He continued to state that the court did rule, however, that cities could not require a Special Use Permit as these are considered additional permit requirements that are not allowed by the State Law. E.Jensen stated at the recommendation of the City's Attorney, staff has drafted an Ordinance Amendment that removed the Special Use Permit requirement for Fireworks Retail Sales Facilities. E.Jensen stated staff is recommending that the Plan and Zoning Commission recommend approval of the change to the Ankeny City Council.

C.Ender asked if this would still require them to get site plan approval. E.Jensen stated not for a temporary structure. He explained the court ruling basically stated any permit, process or fee above and beyond what the State requires is prohibited. He stated they will acquire their permit through the State and the City of

Ankeny will then regulate where they can set up. C.Ender asked whether we would be able to require site plan approval for a permanent structure. E.Jensen responded that if they are building a permanent structure we would be able to require site plan approval and building permits.

Motion by L.West to recommend City Council approval of an Ordinance Amending the Municipal Code of the City of Ankeny by removing the requirement for a Special Use Permit for Fireworks Retail Sales Facilities in the M-2, Heavy Industrial Zoning District. Second by T.Flack. All voted aye. Motion carried 8 – 0.

REPORTS

City Council Meeting

E.Jensen reported on his attendance at the August 21, 2017, City Council meeting.

Director's Report

E.Jensen presented the tentative agenda items for the September 5, 2017 Plan and Zoning Commission meeting.

Referencing an item in the tentative agenda, T.Flack asked if there has been any discussion about the future NW 18th Street. E.Jensen stated it is in the CIP and he will forward more information on it to the Commission.

Commissioner's Reports

C.Ender reported he will not be able to attend the September 5th meeting.

T.Flack reported she really likes the new sidewalk on West 1st Street.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:19 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission