

Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, April 4, 2023

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

CALL TO ORDER

Chair Ted Rapp called the April 4, 2023 meeting of the Plan & Zoning Commission to order at 6:30 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

Motion by T.Flack to approve the April 4, 2023 agenda without amendments. Second by G.Hunter. All voted aye. Motion carried 6 – 0.

COMMUNICATIONS

There were no communications.

CITIZEN'S REQUEST

Rob Stephenson, 7393 NE Berwick Drive, referencing Agenda Item #5, said that he is not in favor of the annexation and feels it will be a huge negative impact on his family. He remarked on property taxes, city ordinances, sidewalks, street lights, and water rates. He hopes the city of Ankeny will work with him and his neighbors on these issues as the annexation moves forward.

Andy Swanson, 7560 NE Berwick Drive, referencing Agenda Item #5, said he had the same concerns as Mr. Stephenson with regard to the lack of benefits to the non-consenting property owners. He shared that there should be some type of benefit to the property owners, such as a tax abatement as they already have services provided to them. Mr. Swanson made references to The Ankeny 2040 comprehensive plan and spoke about zoning (R-1 vs R-2), agriculture/agrihoods, and environmental concerns. He also is against allowing a sewer line to run through his property. He closed by saying that their area is one of the most wooded areas and that it is critical for this area to be taken into consideration during the annexation process.

Alexandria Greim, 222 NW Abbie Drive, Ankeny, Attorney representing Andy Swanson. She said Mr. Swanson knows that the annexation will likely be inevitable. She stated that the concern is how this annexation will affect the non-consenting property owners, the impact of what this annexation will lead to with future development, the conformance of the overall comprehensive plan and the question as to what will come onto this property once it is part of the city of Ankeny in the future. She thanked the Commission for their time.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the March 21, 2023 minutes of the Plan and Zoning Commission meeting.

Item #2. 350 NE 36th Street - DMOS Temporary MRI Trailer Site Plan

Motion to approve the site plan for 350 NE 36th Street, DMOS Temporary MRI Trailer; allowing the temporary MRI trailer to remain on site until November 2023.

Item #3. 1505 NE 36th Street - Talons of Tuscany Pavilion Site Plan

Motion to approve the site plan for 1505 NE 36th Street, Talons of Tuscany Pavilion.

Item #4. 2012 SE Delaware Avenue - Chase Bank Site Plan

Motion to approve the site plan for 2012 SE Delaware Avenue, Chase Bank, subject to an approved easement and storm water management plan.

Referencing Item #2, G.Hunter shared that their request for the temporary MRI trailer, he believes, is exactly the same as their last request. He does not have an issue, but wondered if repetitive temporary site plans are the way this should be handled. T.Rapp further commented that when does temporary become permanent?

Motion by T.Flack to approve the recommendations for Consent Agenda Items #1 - #4. Second by R.Weisheit. All voted aye. Motion carried 6– 0.

PUBLIC HEARINGS

There were no public hearings.

BUSINESS ITEMS

Item #5. Request by Hope K. Farms, LLC and Clayton Mitchell Living Trust for 80/20 voluntary urbanized annexation of property into the City of Ankeny

E.Carstens reported that the City of Ankeny has received a request for annexation of certain territory located adjacent to the City's southeastern boundary, generally located ¼-mile south of the intersection at SE Oralabor Road/NE 78th Avenue and NE Berwick Drive. The annexation territory consists of 140.40 total acres, including 111.18 acres, which are owned by property owners who consent to the annexation, 26.11 acres are owned by non-consenting property owners whose land is included in the annexation to avoid the creation of islands and to provide for uniform boundaries, and 3.11 acres of public road right-of-way. He said that the annexation area is currently identified in The Ankeny Plan 2040 Comprehensive Plan as Low-Density Residential and Open Space. The intent of Low-Density Residential is for there to be single-family homes. He shared that there are utilities in the area to serve this property. Staff recommends that the Plan and Zoning Commission recommend City Council approval of the Berwick-ATI Group 80/20 Voluntary Urbanized Annexation.

T.Flack confirmed that all the property owners on the west side of NE Berwick Drive are all non-consenting properties and asked what the reason was for annexing those properties. E.Carstens responded that it is to provide for uniform boundaries. T.Rapp confirmed that there have not been any utility extensions planned or proposed at this time for this area. E.Carstens stated, correct. E.Carstens noted that the City Development Board ultimately makes the decision to approve or disapprove of the annexation request. G.Hunter asked if Ankeny would take over the water system. E.Jensen said there is an agreement with Berwick Water that the city would take over water service in that area. R.Weisheit wanted clarification on the rezoning process, if the annexation was approved. E.Carstens responded by providing in detail the rezoning process.

Motion by G.Hunter to recommend City Council approval of the Berwick-ATI Group 80/20 Voluntary Urbanized Annexation. Second by R.Weisheit. All voted aye. Motion carried 6 – 0.

Item #6. Request to vacate a portion of Roadway Easement along SW 3rd Street at 2943 SW 3rd Street

E.Carstens reported that the City has received a request to vacate a portion of Roadway Easement along SW 3rd Street at 2943 SW 3rd Street, located south of W 1st Street and east of SW Irvinedale Drive. He said the easement runs through the existing home and at this time, a home sale is pending due to the home's location within the easement area. E.Carstens stated the history on this property is that the Roadway Easement was filed and recorded February 11, 1947 by the United States of America. In 1970, Polk County assigned the easement to the City of Ankeny; and in November 1973, a plat of survey was recorded for the applicant's property, which did not show the full width of the Roadway Easement. Subsequently, in November 1973, a building permit for a single-family home was

issued. He stated city staff has reviewed the current situation and public works is comfortable with the right-of-way that will remain. Staff recommends that the Plan and Zoning Commission recommend City Council approval of the request to vacate a portion of Roadway Easement along SW 3rd Street at 2943 SW 3rd Street.

Motion by R.Weisheit to recommend City Council approval of the request to vacate a portion of Roadway Easement along SW 3rd Street at 2943 SW 3rd Street. Second by T.Flack. All voted aye. Motion carried 6 – 0.

REPORTS

City Council Meeting

E.Jensen reported on the April 3, 2023 City Council meeting and presented the March 2023 Building Permit Report.

Director's Report

E.Jensen presented the tentative agenda items for the April 18, 2023 Plan and Zoning Commission meeting.

Commissioner's Reports

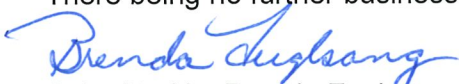
T.Rapp said that he has heard that NE 36th Street and NE Four Mile Drive will be closed to complete the intersection and that NE Frisk Drive will be closed for the county to repair the bridge. The concern was that it would limit the residents who live north of the bridge, east of NE Frisk Drive and NE Four Mile Drive with only one way out of the residential area. He said there was a question whether access can be limited to only one way out. E.Jensen said he would check and follow up with the Commission.

MISCELLANEOUS ITEMS

April 17, 2023 – 5:30 p.m. City Council Meeting Representative: Staff

ADJOURNMENT

There being no further business, T.Rapp motioned to adjourn. Meeting adjourned at 7:02 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission