

Meeting Minutes
Plan & Zoning Commission Meeting
Tuesday, May 3, 2022
Ankeny City Council Chambers, Second Floor
1250 SW District Drive, Ankeny, Iowa

CALL TO ORDER

Chair G.Hunter called the May 3, 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, Annette Renaud, Randy Weisheit and Lisa West. Staff present: E.Jensen, D.Silverthorn, J.Heil, B.Morrissey, B.Fuglsang

AMENDMENTS TO THE AGENDA

Motion by T.Flack to approve the May 3, 2022 agenda without amendments. Second by L.West. All voted aye. Motion carried 7 – 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 April 19, 2022 minutes of the Plan and Zoning Commission meeting.

Item #2. 1075 SW Oralabor Road - Heartland Dental Clinic Site Plan

Motion to approve the site plan for 1075 SW Oralabor Road, Heartland Dental Clinic.

Item #3. Canyon Landing Townhomes Plat 1 Final Plat and Canyon Landing Townhomes Site Plan

Motion to recommend City Council approval of Canyon Landing Townhomes Plat 1 Final Plat, and recommend City Council authorization of cost-participation request for upsizing public water mains to 12-inch and 16-inch mains and sidewalk oversizing along NE 18th Street in the amount estimated to be \$40,759.00.

Motion to approve Canyon Landing Townhomes Site Plan, subject to recordation of the final plat; and acceptance of the private street names NE Mongoose Lane and NE Spear Lane.

Item #4. Canyon Landing Duplexes Plat 1 Final Plat

Motion to recommend City Council approval of the Canyon Landing Duplexes Plat 1 Final Plat; and recommend City Council authorization of cost-participation for extensions and upsizing of public sanitary sewer and public water mains in the amount estimated to be \$519,914.55.

Item #5. Canyon Landing Plat 2 Final Plat

Motion to recommend City Council approval of the Canyon Landing Plat 2 Final Plat.

Motion by T.Rapp to approve the recommendations for Consent Agenda Items #1 - #5. Second by T.Ripper. All voted aye. Motion carried 7 – 0.

PUBLIC HEARINGS

There were no public hearings.

BUSINESS ITEMS

Item #6. Request by ATI Industrial, LLC, Tyler Investment Company, Inc, Polk County Aviation Authority, and Lloyd D. Linn for voluntary annexation of property into the City of Ankeny

D.Silverthorn reported that the annexation is for 159 acres, generally located east of SE Four Mile Drive, west of NW Berwick Drive and south of SE Oralabor Road. The annexation area is owned by four property owners, ATI Industrial, LLC, Tyler Investment Company, Inc, Polk County Aviation Authority, and Lloyd D. Linn totaling eight parcels. He said it is a voluntary urbanized annexation request due to it being located within two miles of the City of Altoona. The annexation area is currently zoned as Low-Density Residential District and Agricultural Transition

District on the Polk County Zoning Map, as well as the Polk County Future Land Use Map. He stated that The Ankeny Plan 2040 Comprehensive Plan is a guideline for future development and the area is located within the City of Ankeny Planning Boundary, and is currently identified as Airport Business Park in the western portion of the petitioned area adjacent to the Ankeny Regional Airport, Open Space in the central portion surrounding Four Mile Creek, and Low-Density Residential in the eastern portion along NE Berwick Drive. D.Silverthorn reviewed, in detail, the land use categories that are identified on The Ankeny Plan 2040 Land Use Map to help answer the questions that were brought up at the public hearing. He said if the annexation request would be approved, the entire area would come in as R-1 zoning, consistent with all other newly annexed land. He detailed information on how the area would be served by water, sanitary sewer along with drainage. D.Silverthorn said the proposed annexation complies with the regulations of the Code of Iowa, is consistent with City of Ankeny's annexation policy, and is identified as a future growth area in the Ankeny Plan 2040 Comprehensive Plan; therefore, staff is recommending that the Plan and Zoning Commission recommend City Council approval of the Ankeny RMJ Annexation.

The Commission had no questions.

The applicant/representative had no further information to provide.

Chair Hunter allowed a question by Andy Swanson.

Andy Swanson, 7516 NE Berwick Drive said at the last meeting he asked about the businesses that would be located behind his property. He then presented information that he took off of ATI Group's website related to the annexation area and said he is concerned about what type of businesses are going to be allowed on the property behind him.

Chair Hunter explained that the question before the Commission is only about annexing the land into the corporate limits of Ankeny. He said the zoning would be R-1, if the property is annexed. The property would then have to be rezoned along with platting and a site plan before it could be developed. E.Jensen shared that Mr. Swanson's comments would be well taken at the next step of development, which would be the rezoning stage, if the property is annexed.

Motion by T.Flack to recommend City Council approval of the Ankeny RMJ Annexation. Second by A.Renaud. Motion carried 6 – 0 – 1 (Abstain: T.Rapp).

Item #7. Request by Hope Kimberley LLC for the voluntary annexation of property into the City of Ankeny

E.Jensen reported the subject area is located adjacent to the northeast portion of the City of Ankeny and generally located around the intersection of NE 126th Avenue and NE 22nd Street (NE Delaware Avenue). He shared that the request is for 584.16 acres of land to be voluntarily annexed into the City of Ankeny. E.Jensen stated that the annexation area consists of 19 parcels containing 562.64 acres that are consenting to the annexation and ten parcels containing 21.52 acres that are non-consenting. He said the Code of Iowa allows the inclusion of up to 20% of the total land area of the annexation as non-consenting in order to avoid the creation of islands or to create more uniform boundaries. He noted that the annexation, as currently configured, contains 96.32% consenting land and 3.68% nonconsenting land. E.Jensen stated that this annexation was previously before the Commission and at that time the Rueter property was nonconsenting and since then, the Rueters presented petitions for both of their properties, which makes them consenting property owners. He explained that after consulting with the City Attorney, the decision was made to bring it back to the Commission to look at the revised application and give a recommendation to the Council, even though it is not required by the State code or Ankeny's City code. He presented the Land Use Plan Map and said the land area is within the Planning Boundary of The Ankeny Plan 2040 Comprehensive Plan. E.Jensen stated that NE 126th Avenue and NE Delaware Avenue are both arterial streets in the City's comprehensive plan to handle traffic as the area develops. Traffic studies will need to be completed before development. He further explained the proposed plan on how this area would be served with water and sanitary sewer. E.Jensen presented the City's Annexation Policy and reviewed the relevant policy statements with the Commission as it relates to this annexation request, including Unincorporated Islands and Peninsulas, Municipal Boundaries, Comprehensive Planning and Zoning, and Extension of Services. He presented information on past 80/20 annexations in Ankeny, and the amount of 80/20 annexations that the City Development Board has reviewed over the past two years. E.Jensen said, ideally, staff would like all annexations to be 100% voluntary. He stated that Ankeny would not annex land that they could not provide basic city services to. The

annexation before the Commission is contiguous to the existing City limits, it contains just over 96% consenting property owners, it is within the planning boundary of the City, and it is consistent with the Annexation Policies of the City Council, therefore, staff is recommending that the Plan and Zoning Commission recommend City Council approval of the annexation.

T.Flack asked why the annexation came back to the Commission, if the annexation falls within the State code, City code and the City's Annexation Policy. E.Jensen said due to the Rueter property being a large piece in this annexation, he and the City Attorney felt that it was appropriate for the Commission to give a recommendation on this application. T.Flack asked if there has been Council discussion. E.Jensen responded, no.

T.Flack asked if there is any workaround for the four properties on NE 126th Avenue. E.Jensen explained that if you leave the properties out of this annexation, the City's planning boundary in The Ankeny Plan 2040 includes the properties to the north of NE 126th Avenue; and, if those property owners want to be annexed into the City of Ankeny at some point, the four properties would have to be included as the City is not able to leave an island due to the city and state codes.

T.Rapp asked if the homesteads annex in as R-1, would they stay R-1 if the property surrounding is rezoned. E.Jensen said yes, unless they petition to rezone them. The property owner would need to request any future rezoning.

E.Jensen said should the Council, after the Commission's recommendation, approve this annexation, it will go to the City Development Board and there will be decision by the State Board.

No further comments from the applicant/representative.

A.Renaud said that she was not at the meeting where the Commission voted and if she had been, she would have voted to move forward as there is a reason that the 80/20 rule exists. She commented that there is always going to be times where you are not going to get 100% and feels her role is to determine if the request has met the threshold of the code, and it has.

Motion by A.Renaud to recommend City Council approval of the request by Hope Kimberley LLC for voluntary annexation of property into the City of Ankeny. Second by R.Weisheit. Motion carried 6 – 1 (Nay: T.Flack).

REPORTS

City Council Meeting

E.Jensen reported on his attendance at the May 2, 2022 City Council meeting and the Council work session.

Director's Report

E.Jensen presented the tentative agenda items for the May 17, 2022 Plan and Zoning Commission meeting and said there will be a public hearing at the May 17, 2022 meeting to rezone property from R-1 to PUD.

Commissioner's Reports

There were no reports.

MISCELLANEOUS ITEMS

May 16, 2022 – 5:30 p.m. City Council Meeting Representative: Staff

ADJOURNMENT

There being no further business, motion by T.Rapp to adjourn the meeting. Second by G.Hunter. Meeting adjourned at 7:09 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission