

Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, April 16, 2024

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

CALL TO ORDER

Chair Ted Rapp called the April 16, 2024 meeting of the Plan & Zoning Commission to order at 6:30 p.m.

ROLL CALL

Members present: Ted Rapp, Randy Weisheit, Trina Flack, Glenn Hunter, Annette Renaud, Todd Ripper and Lisa West. Staff present: Eric Jensen, Laura Hutzell, Jake Heil and Brenda Fuglsang.

AMENDMENTS TO THE AGENDA

Motion by T.Flack to approve and accept the April 16, 2024 agenda without amendments. Second by T.Ripper. All voted aye. Motion carried 7 – 0.

COMMUNICATIONS

Correspondence was received from Jeremy & Teresa Nefzger, 1558 NE 126th Avenue, Alleman regarding Agenda Item #10, Kings Pointe East Preliminary Plat.

Motion by T.Flack to receive and file correspondence from Jeremy & Teresa Nefzger. Second by R.Weisheit. All voted aye. Motion carried 7 – 0.

CITIZEN'S REQUEST

There were no requests.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the April 2, 2024 minutes of the Plan and Zoning Commission meeting.

Item 2. 1505 NE 36th Street - Garden House Addition Site Plan

Motion to approve the site plan for 1505 NE 36th Street, Garden House Addition.

Motion by G.Hunter to approve the recommendations for Consent Agenda Item #1 - #2. Second by T.Flack. Motion carried 6 – 0 – 1 (Abstain: T.Rapp).

PUBLIC HEARINGS

Item #3. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for property owned by Hope K. Farms, LLC from Office/Business Park to Low Density Residential use classification (LUPA Area #1)

Item #4. Request to rezone property owned by Hope K Farms, LLC from R-1 One Family Residential District to PUD, Planned Unit Development (Rezoning Area A)

Item #5. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for property owned by Hope K Farms, LLC from Office/Business Park to Medium Density Residential use classification (LUPA Area #2)

Item #6. Request to rezone property owned by Hope K Farms, LLC from R-1 One Family Residential District to R-3 Multiple Family Residence District, restricted to 10 units per acre (Rezoning Area B)

Item #7. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land use Map for property owned by Hope K Farms, LLC from Office/Business Park to High Density Residential use classification (LUPA Area #3)

Item #8. Request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for property owned by Hope K Farms, LLC from Low Density Residential to High Density Residential use classification (LUPA Area #4)

Item #9. Request to rezone property owned by Hope K Farms, LLC from R-1 One Family Residential District to R-3 Multiple Family Residence District, restricted to 20 units per acre (Rezoning Area C)

Chair T.Rapp opened the public hearings.

Staff Report: L.Hutzell reported that Hope K Farms, LLC is requesting four amendments to the Ankeny Plan 2040 Comprehensive Plan Figure 12.10, Future Land Use Map and requesting to rezone three different land areas. She stated that the properties subject to the proposed map amendments and rezonings consist of two parcels that total approximately 117.08 acres, and are located east of NE Delaware Avenue, west of Interstate 35 and south of NE 126th Avenue. L.Hutzell presented an aerial map, which encompassed all the land area for agenda Items #3 through #9. L.Hutzell explained each request, in detail, along with the current zoning of the surrounding properties; and provided examples of the uses that would be allowed if the requests were approved. The proposed changes are as follows:

- **Land Use Plan Map Amendment #1** – Office Business Park to Low Density Residential, 57.74 acres
- **Rezoning Area A** – R-1, One-Family Residence District to PUD, 88.86 acres

- **Land Use Plan Map Amendment #2** – Office Business Park to Medium Density Residential, 15.71 acres
- **Rezoning Area B** – R-3, Multiple Family Residence District restricted to 10 units per acre, 15.71 acres

- **Land Use Plan Map Amendment #3** – Office Business Park to High Density Residential, 6.36 acres
- **Land Use Plan Map Amendment #4** – Low Density Residential to High Density Residential, 8.37 acres
- **Rezoning Area C** – R-3, Multiple Family Residence District restricted to 20 units per acre, 14.73 acres

L.Hutzell stated that the developer has submitted the required rezoning petitions consisting of signatures of more than 60% of the land area specifically providing 83.68% for Area A and 68.07 % for Area C. Area B had initially obtained 49.72% consenting signatures from adjacent property owners, requiring Council initiation, which took place March 4, 2024; and since then, additional signatures have been collected bringing consenting signature totals to 72.4%. She noted that notifications of the public hearing were sent to the surrounding property owners within 250' of the subject rezonings and 350' of the proposed land use plan map amendment areas. Legal notices of the proposed rezonings and amendments were published in the Des Moines Register and the required notification signage was posted on the property. Staff will present a complete staff report at the next Plan and Zoning Commission meeting on May 7, 2024.

Referencing Rezoning Area A, R-1 to PUD with underlying R-3, T.Flack asked if the PUD specifies restricted to single family. L.Hutzell responded, yes.

Jared Murray, Civil Design Advantage, LLC, 4121 NW Urbandale Drive, Urbandale, on behalf of Hope K Farms, LLC said he would answer any questions the Commission may have.

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

Item #3. Motion by L.West to close the public hearing, and receive and file documents for Hope Crossing Land Use Plan Amendment Area #1. Second by A.Renaud. All voted aye. Motion carried 7 – 0.

Item #4. Motion by L.West to close the public hearing, and receive and file documents for Hope Crossing Rezoning Area A. Second by A.Renaud. All voted aye. Motion carried 7 – 0.

Item #5. Motion by L.West to close the public hearing and receive and file documents for Hope Crossing Land Use Plan Amendment Area #2. Second by A.Renaud. All voted aye. Motion carried 7 – 0.

Item #6. Motion by L.West to close the public hearing, and receive and file documents for Hope Crossing Rezoning Area B. Second by A.Renaud. All voted aye. Motion carried 7 – 0.

Item #7. Motion by L.West to close the public hearing, and receive and file documents for Hope Crossing Land Use Plan Amendment Area #3. Second by A.Renaud. All voted aye. Motion carried 7 – 0.

Item #8. Motion by L.West to close the public hearing, and receive and file documents for Hope Crossing Land Use Plan Amendment Area #4. Second by A.Renaud. All voted aye. Motion carried 7 – 0.

Item #9. Motion by L.West to close the public hearing, and receive and file documents for Hope Crossing Rezoning Area C. Second by A.Renaud. All voted aye. Motion carried 7 – 0.

Chair Ted Rapp addressed the audience after the public hearings to let them know that the items will come back to the Commission on Tuesday, May 7, 2024 for a recommendation to the City Council.

BUSINESS ITEMS

Item #10. Kings Pointe East Preliminary Plat

Staff Report: J.Heil reported King's Pointe East is a proposed 123.19-acre preliminary plat located at the southwest corner of the NE 72nd Street and NE Delaware Avenue intersection. The project includes the construction of 225 single family residential lots, an outlot for multi-family residential restricted to 18 units per acre, an outlot to be dedicated to the City as parkland, four outlots for open space/storm water management, proposed public streets, along with public sanitary sewer, water main and storm sewer improvements. The City's Parks Department has agreed to accept Outlot V, totaling 8.21 acres, as parkland dedication for this development. J.Heil said that this preliminary plat is in general conformance with Hope Kimberley Properties Phase 1 and Phase 2 PUD's and other recent land use plan amendments and rezonings in this area. He provided information on the three major access points for this development. He shared that staff does not have a final approved traffic study, but the developer has provided turn lanes at all the major intersections of this plat and has provided in the notes that they would agree to additional recommendations from the traffic study when it is complete. J.Heil explained in detail information on water and sanitary sewer. He shared that a full drainage study is being required with the final plat as the Four Mile Creek watershed is currently in a FEMA flood zone. A floodplain development permit will also be required prior to any groundwork and that information has been communicated with the developer. He further said that the City is requiring a stream bank analysis that is currently being worked on for the unnamed creek in Outlot Y and Z. Ownership, improvements and stabilization requirements will be determined and be required at the time of final platting.

J.Heil noted that correspondence was received from Jeremy and Teresa Nefzger and the Four Mile Four plat owners and their concern is that part of the Four Mile Four, Outlot Y is included in this preliminary plat and contains the note "Outlot Y is all open space and unbuildable." J.Heil stated that there are two separate issues, which include the plat notes on the Four Mile Four plat and the private covenants. He stated that first and foremost, the City has no jurisdiction over private covenants, or any private covenants. That the document is a contractual matter between all of the property owners of property within a Plat. Secondly, in regard to the plat note on Outlot Y stating, "Outlot Y is all open space and unbuildable." City Staff's position, upon consultation with the City Attorney, is that now that the property has been annexed into the City of Ankeny, the City can proceed with the normal platting process if presented with an application for subdivision for the outlots. As is typical with any other replatting of outlots in the City's jurisdiction. However, the City processing final plats to replat would not erase whatever limitations may exist on Outlot Y through the private covenants. That will still have to be addressed/resolved separate of the platting process. He further stated that staff has advised Hope Kimberley, LLC to work with the property owners of the Four Mile Four Plat. The City will require that the applicant/property owner provide documentation that an agreement has been reached to the satisfaction of all the property owners within the Four Mile Four Plat before any final plats that incorporate Outlot Y move forward. However, as previously mentioned, if the City is presented with applications for subdivision plats for any of the other areas outside of Outlot Y in Four Mile Four, the City will process them as we would for any other property in our jurisdiction. The staff recommendation is that the Plan and Zoning Commission recommend City Council approval of the King's Pointe East Preliminary Plat; and accept the public street name NE Kings Pointe Drive.

L.West asked if the requirement of the stream bank analysis was to prevent what happened at West Winds. Staff responded, yes.

R.Weisheit confirmed with staff the location of Outlot Y. E.Jensen presented an aerial map showing the specific area. E.Jensen further commented that this is a preliminary plat, basically a conceptual plan. He believes Mr. Nefzger just wanted the city to be aware that there was an issue related to this development.

T.Rapp asked that since the sanitary sewer is being extended behind the existing parcels to the north, will those parcels be able to hook up to services at their leisure. E.Jensen responded, he assumes so.

Erin Ollendike, Civil Design Advantage, LLC, 4121 NW Urbandale Drive, Urbandale commented that she did not have any additional information to share with the Commission.

Motion by A.Renaud to recommend City Council approval of the Kings Pointe East Preliminary Plat, and acceptance of the public street name NE Kings Pointe Drive. Second by R.Weisheit. All voted aye. Motion carried 7 – 0.

REPORTS

City Council Meeting

E.Jensen reported on the April 15, 2024 City Council meeting.

Director's Report

E.Jensen presented the tentative agenda items for the Tuesday, May 7, 2024 Plan and Zoning Commission meeting.

Commissioner's Reports

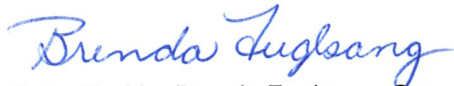
There were no reports.

MISCELLANEOUS ITEMS

May 6, 2024 – 5:30 p.m. City Council Meeting Representative: Staff

ADJOURNMENT

There being no further business, T.Rapp motioned to adjourn the meeting. Meeting adjourned at 6:56 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission