

Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, July 17, 2018

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

CALL TO ORDER

Chair T.Ripper called the July 17, 2018 meeting of the Plan & Zoning Commission to order at 6:30 pm.

ROLL CALL

Members present: G.Hunter, T.Flack, T.Ripper, L.Anderson and A.Renaud. Absent: S.Odson, L.West and C.Ender. Staff present: E.Jensen, E.Carstens, D.Gervais, D.Silverthorn, R.Hulstrom, K.Gorman, B.Fuglsang

AMENDMENTS TO THE AGENDA

Motion by T.Flack to approve and accept the July 17, 2018 agenda without amendments. Second by G.Hunter. All voted aye. Motion carried 5 – 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 July 3, 2018 minutes of the Plan and Zoning Commission meeting.

Item #2. 3402 SE Convenience Blvd. – Casey's Phase 1 Expansion Site Plan

Motion to approve the site plan for 3402 SE Convenience Boulevard, Casey's Phase 1 Expansion.

Item #3. Willow Run Plat 2 Final Plat and Final PUD Site Plan

Motion to recommend City Council approval of Willow Run Plat 2 Final Plat and Final PUD Site Plan.

Item #4. Downing Plat 1 Final Plat (County)

Motion to recommend City Council approval of Downing Plat 1 Final Plat subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.

Motion by G.Hunter to approve the recommendations for Consent Agenda Item(s) #1 - #4. Second by L.Anderson. All voted aye. Motion carried 5 – 0.

PUBLIC HEARINGS

There were no public hearings.

BUSINESS ITEMS

Item #5. DRA Properties, LC requests to rezone property from C-2, General Retail, Highway-Oriented and Central Business Commercial District to R-3, Multiple-Family Residence District.

D.Silverthorn reported DRA Properties, LC, is requesting to rezone property from C-2, General Retail, Highway-Oriented, and Central Business Commercial District, to R-3, Multiple-Family Residence District. He stated the subject property is approximately 0.151 acres, located northeast of the intersection at NE Grant St and NE Oak Dr. He shared the properties to the north and west are zoned C-2, General Retail, Highway-Oriented, and Central Business Commercial District and the properties to the east and south are zoned R-3, Multiple Family-Residence District. D.Silverthorn presented the Future Land Use Map to the Commission. He stated the Ankeny Comprehensive Plan indicates the subject area as Medium-Density Residential and therefore the proposed rezoning is consistent with the Future Land Use Map. He also presented the current

zoning map and stated the surrounding properties to the west are indicated as Neighborhood Mixed-Use, the properties to the north are indicated as Medium-Density Residential; and properties to the east and south are indicated as Low-Density Residential. D.Silverthorn stated the conditions warranting the proposed rezoning are set forth in Chapter 191.13 of the Ankeny Municipal Code, which reads: *"Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification and, for the purpose of applying the regulations of this Zoning Ordinance, each portion shall be considered as if in separate and different ownership."* He shared that to remove the zoning district line acting as a property line through lot 25, Briarwood South Plat 7, the developer proposes R-3 zoning for the portion of Lot 25 currently zoned C-2. He explained that this would allow Lot 25 to be developed entirely under R-3 zoning district regulations. D.Silverthorn stated the developer has submitted the required rezoning petitions, notifications of the public hearing were sent to the property owners within 250' of the property and a legal notice was published. He said the Plan and Zoning Commission held a public hearing on the proposed rezoning on July 3, 2018 and there were no questions or comments from the public. He stated at the public hearing the Commission did not find the public notification signage posted on the property to be an egregious error having adverse effects on the rezoning request or surrounding properties. He stated a complete recap of the public hearing could be found in the minutes from the meeting. Staff recommends that the Plan and Zoning Commission recommend City Council approval of the request by DRA Properties, LC, to rezone property from C-2, General Retail, Highway-Oriented, and Central Business Commercial District, to R-3, Multiple-Family Residence District.

G.Hunter asked whether the Zoning Board of Adjustment has the authority to move zoning district boundaries. E.Jensen responded by sharing that the ordinance allows for zoning district boundary lines to be moved a distance of no more than 40 feet so the Zoning Board of Adjustment does have that authority.

The applicant had no further comments for the Commission.

Motion by T.Flack to recommend City Council approval of the request by DRA Properties, LC, to rezone property from C-2, General Retail, Highway-Oriented, and Central Business Commercial District, to R-3, Multiple-Family Residence District. Second by G.Hunter. All voted aye. Motion carried 5 – 0.

Item #6. Request to vacate a portion of W 1st Street ROW adjacent to Lots 3 & 4, Seasons Ridge Plat 3, Lots 1, 2, & 3, Seasons Ridge Plat 4, and Lot 12, Seasons Ridge Plat 7.

R.Hulstrom reported that the City has received a request to vacate a portion of right-of-way along West 1st Street adjacent to Lots 3 & 4, Seasons Ridge Plat 3, Lots 1, 2, & 3, Seasons Ridge Plat 4, and Lot 12, Seasons Ridge Plat 7. She stated the subject area is located north of West 1st Street and east of NW Weigel Drive. She shared that the future road classification for West 1st Street is "principal arterial". R.Hulstrom further explained that the current Ankeny Municipal Code requires arterial roads to have a 100' right-of-way (50' ROW from centerline). R.Hulstrom stated City staff believes that the right-of-way in excess of 60', measured from the centerline, could be vacated without impacting the safety or well-being of the public. R.Hulstrom explained that the right-of-way was acquired between 1994 and 1998 when the properties were platted, which was before the design and construction of West 1st Street and so currently it provides an excess of right-of-way. She explained that the property owners now have an interest in having the excess right-of-way vacated. R.Hulstrom presented to the Commission the Right-of-Way Vacation drawing and the "draft" Plat of Survey. Staff recommends that the Plan & Zoning Commission recommend City Council approval of the request to vacate a portion of right-of-way along W 1st Street adjacent to Lots 3 & 4, Seasons Ridge Plat 3, Lots 1, 2, & 3, Seasons Ridge Plat 4, and Lot 12, Seasons Ridge Plat 7.

T.Flack asked staff if there are any implications as to why the Commission should not recommend approval of vacating a portion of the right-of-way. R.Hulstrom explained the City Engineer, Planning & Building

Director and Planning Administrator reviewed the request and there were no concerns from staff regarding vacating the excess right-of way up to 60' measured from the centerline. E.Carstens explained the Subdivision Ordinance to the Commission as it relates to right-of-way on a principal arterial and stated staff is comfortable with the request. G.Hunter asked if the City has anything in the 10' public utility easement that runs parallel to the properties. E.Carstens stated no. L.Anderson wanted clarification as to who is requesting the right-of-way vacation. R.Hulstrom stated there are six property owners that have submitted an application and each of them are looking to vacate a portion of the right-of-way.

Jon Hanson, 3809 NW 2nd Place, Ankeny stated he is the primary applicant requesting to vacate a portion of the right-of-way. He stated there is a remnant of right-of-way behind their homes and the property owners are responsible for maintaining that property. He shared there is about 40' between the sidewalk and the property line. He commented that he wants to put up a fence in his back yard and by the City vacating a portion of the right-of-way; it would provide him more property inside the fence than outside the fence to maintain.

Motion by A.Renaud to recommend City Council approval of the request to vacate a portion of right-of-way along West 1st Street adjacent to Lots 3 & 4, Seasons Ridge Plat 3, Lots 1, 2, & 3, Seasons Ridge Plat 4, and Lot 12, Seasons Ridge Plat 7. Second by G.Hunter. All voted aye. Motion carried 5 – 0.

REPORTS

City Council Meeting

E.Jensen reported on his attendance at the July 16, 2018, City Council meeting.

Director's Report

E.Jensen presented the tentative agenda items for the August 7, 2018 Plan and Zoning Commission meeting and the June 2018 Building Permit Report.

E.Jensen shared with the Commission that he would provide the Prairie Trail update at a later meeting when there are more Commissioner's present.

Commissioner's Reports

G.Hunter asked if staff would follow up on who is responsible for maintaining the landscaping in the center median on 36th Street as it appears to need some attention. E.Jensen stated he would follow up with city staff.

L.Anderson shared that Ankeny Summerfest had a record year.

MISCELLANEOUS ITEMS

August 6, 2018 – 5:30 p.m. City Council Meeting Representative: A.Renaud

ADJOURNMENT

There being no further business, the meeting adjourned at 6:52 p.m.



Submitted by Brenda Fuglsang, Secretary
Plan & Zoning Commission