

URBANDALE PLANNING AND ZONING COMMISSION MINUTES

July 8, 2019

The Urbandale Planning and Zoning Commission met in regular session on Monday, July 8, 2019, at the Urbandale City Hall, 3600 86th Street. Vice-Chairperson Wayne Van Heuvelen called the meeting to order at 6:00 p.m.

Commissioners present were Lee Hollatz, Julie Roethler, Wayne Van Heuvelen, Judy Ralston-Hansen, Joan Racki, and Marcus Galante. Staff members present were Kristi Bales, Community Development Manager/Chief Planner, Sheena Nuetzman, Planner I, and Cheryl Vander Linden, Administrative Specialist.

The first item on the agenda was approval of the minutes of the June 10, 2019 meeting. Ms. Racki moved, and it was seconded by Ralston-Hansen, to approve the June 10, 2019 meeting minutes. On roll call; Ayes: Racki, Ralston-Hansen, Van Heuvelen, Galante; Passes: Roethler, Hollatz. Nays: none. Motion carried.

The first item on the agenda was the public hearing on the "Burns Property" Rezoning from "A-2" Estate Residential District to "R-1S" Suburban Density Single Family District (15708 Meredith Drive). Mr. Van Heuvelen said, if there were no objections, he would dispense with reading the following official publication:

Case No. 010-2019-01.01

OFFICIAL PUBLICATION

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Urbandale Planning and Zoning Commission will hold a public hearing in the Urbandale City Hall, 3600-86th Street, Urbandale, Iowa at 6:00 p.m. on Monday, July 8, 2019 to consider a petition from Brandon and Heather Burns, owners, to amend the Comprehensive Plan and to rezone the following legally described property, locally known as 15708 Meredith Drive, from "A-2" Estate Residential District to "R-1S" Suburban Density Single Family District:

Lot 8 of Reed Estates Plat 1, an Official Plat, now included in and forming a part of the City of Urbandale, Dallas County, Iowa EXCEPT a Parcel as recorded in Book 2018, Page 22012 at the Dallas County Recorder's Office more particularly described as follows:

Commencing from the northeast corner of Section 23, Township 79 North, Range 26 West of the 5th P.M.; thence along the north line of said Section 23 N89°28'17"W, 329.11 feet to the northeast corner of said Lot 8 also being the point of beginning; thence along the east line of said Lot 8 S00°13'52"W, 60.00 feet; thence N89°28'17"W, 330.14 feet to a point on the west line of the north 250

feet of the west 200 feet of said Lot 8; thence along said west line N00°15'01"E, 60.00 feet to a point on the north line of Section 23; thence along said north line S89°28'17"E, 330.12 feet to the point of beginning. Described area contains 0.45 acres, which includes 0.25 acres of existing road easement and is subject to easements and restrictions of record as recorded in

The property is located along the south side of Meredith Drive approximately 267 feet west of 156th Street. The rezoning is proposed to make the property legally conforming with respect to lot area and width. More information on this proposed rezoning can be obtained at the Department of Community Development, 3600-86th Street, Urbandale, Iowa between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. All interested parties either for or against this proposed rezoning will be heard at the time and place set forth above.

There were no objections to the official notice.

Ms. Nuetzman said this request pertains to two parcels of land totaling 4.67 acres in the Reed Estates Subdivision located along the south side of Meredith Drive approximately 267 feet west of 156th Street. The two parcels owned by Brandon and Heather Burns are currently occupied by single-family dwelling and the property will continue as a single-family residential use should the requested rezoning be approved. The parcels have approximately 331 feet of frontage along Meredith Drive where the street reconstruction project is currently underway.

The "A-2" Estate Residential District zoning automatically took effect upon annexation. The rezoning has been requested to make the parcel legally conforming with respect to lot area and width. The "R-1S" District requires a 70-foot minimum lot width, an 8,750 square-foot minimum lot area, and 8-foot minimum side yard setbacks. In comparison, the "A-2" District requires a 300-foot minimum lot width, 10-acre minimum lot area, and side yard setbacks of 205 feet and 30 feet to facilitate future redevelopment of such parcels into conventional suburban streets.

The Comprehensive Plan designates this property as a "Single-Family Attached" (townhouse) use but the property is not being proposed to be redeveloped and will remain in its current single-family detached use.

The property to the north is a vacant property and also a part of the Reed Estates Subdivision zoned "A-1" Agricultural Reserve; the Comprehensive Plan designates the property as Neighborhood Retail. To the east is vacant property in Reed Estates zoned "A-2" and is also designated as Neighborhood Retail. To the northwest is property that was more recently rezoned to "R-1S" and is currently being used as single family. Directly to the west is vacant property owned by the City of Urbandale zoned "A-2" and is designated as single family detached in the Comprehensive Plan. To the south is another property in the Reed Estates Subdivision and is currently used as single family

with a Comprehensive Plan designation of both Neighborhood Retail and Single Family Attached. The property is located in the Waukee School District.

Ms. Nuetzman said Staff recommends approval of an amendment to the Comprehensive Plan, and approval of the rezoning from "A-2" Estate Residential District to "R-1S" Suburban Density Single Family District.

Ms. Ralston-Hansen asked is there any other option? Is that the only option for zoning, so they can accomplish their goal?

Ms. Nuetzman said yes. Recently there was a property northwest of here that was rezoned to R-1S.

Ms. Ralston-Hansen said so this is standard procedure.

Ms. Nuetzman said yes.

Ms. Roethler said I'm kind of confused by the townhome piece of it.

Ms. Nuetzman said it's designated as "single family attached" in the Comprehensive Plan. This is the 156th and Meredith intersection, this is designated as "Neighborhood Retail" on the future land use map. This is also retail, and then there's this portion of land to the south here, so part of this is neighborhood retail and then the back end of it to come around here is single family attached, or townhouses. It's a transition area from the commercial at the corner to residential.

Mr. Van Heuvelen said if they wanted to build townhomes on the back of this someday, would there some sort of procedure they would have to go through?

Ms. Nuetzman said they'd have to rezone the property, I'm assuming, it would be in a P.U.D. or an R-2 zoning district.

Mr. Van Heuvelen asked would that require a public hearing?

Ms. Nuetzman said yes.

Mr. Van Heuvelen said so if indeed they would change to townhomes, there would be a public hearing at that point?

Ms. Nuetzman said yes.

Mr. Van Heuvelen said this is a public hearing, so the Commission will hear comments from both proponents and opponents, or anybody who would like to address this issue. We always ask for the proponents, those in favor, to address the Commission first.

Mr. Brandon Burns, 15708 Meredith Drive, said I own the property. We have plans to stay living here for the next 10 to 15 years, so basically we've done a lot of improvements to the house and plan on living there for quite a while. This is the only step that we think is going to enable to make the house our home, and continue making improvements to it. There are a few questions that I have, as far as the road construction that is going on out front, which we had already gone through all the legal stuff. I think we are set on what it's going to cost us for the improvements to the road. But if I do change this to an R-1 zoning just to be able to put a deck up, am I going to get charged more for the improvements to the street?

Mr. Van Heuvelen said as the Planning and Zoning Commission, we don't have any jurisdiction over special assessments for that improvement. Perhaps City Staff can address that, either privately or maybe they can address it here in a few minutes, when you're done.

Mr. Burns said another thing would be cost of taxes going up, which might be the same person to ask.

Mr. Van Heuvelen said we'll let City Staff address that in just a second, when you have your other questions asked.

Mr. Burns said I understand the laws on the zoning aspect of it, do I have to take this step in being able to....I don't know what my neighbors are zoned at, either, if they're getting away with having a building beyond the setbacks, because a lot of it would be grandfathered in, so to speak. If I need to take these steps in order to be able to build a deck on the back of my house, I guess?

Mr. Van Heuvelen said, as I understand it, that's the reason why we're having the public hearing today, is because you wanted to put a deck on and they wanted to get it zoned correctly for that particular reason. So you're taking the step right now.

Mr. Burn said okay, and I'm fine with that. I mean, it is a residential property, there's no agricultural use for it. So I mean if that's what the house needs to be in and I don't have any surprises down the road as far as taxes or anything else goes, I want to move forward with it to be able to get done what we want to do. I think that should probably be it.

Mr. Van Heuvelen asked are there any other proponents wishing to speak?

Mr. Robert McCracken, 4426 156th Street, said I don't want to speak for or against it, I'm middle of the road. The Burns are our neighbors. My wife and I own the property immediately south. We appreciate for you to build a deck. We want you to build a deck. What we were concerned with when we saw this, is that we were first very surprised to learn that it had already been divided. The Reed Estates had a lot, at that point, and then somewhere along the road, the house had been divided off. And if you

check the County Assessor's office, indeed it has happened and we did not receive a public notice for the zoning change. So we were a little disappointed in the process here, that things happen in the neighborhood without P & Z or whoever contacting the neighbors. So we were a little disturbed by that process. The second thing I want to address is a question or comment, but is this changing the Comprehensive Plan for the neighborhood? And that is a concern that I have, and maybe staff would answer that better, if that's a change to the Comprehensive Plan. Because we've been personally planning our long-term use of the land based on the Comprehensive Plan that the City gave us and this goes back 20 to 25 years, when Mayor Giovannetti when we voluntarily annexed into the City. The third question we had is that the property adjacent, the former Larson property now owned by the City of Urbandale, to the west, is likely to be zoned R-1 as well, and would they be able to adjoin to the Burns property and push a street through? This enables a future developer to come in and then change the Comprehensive Plan land use through there, as opposed to having townhomes, it would be single family residences. So, those were kind of the concerns that we have. This may not be the correct forum, and I apologize if it isn't, but we are interested to know those details.

Mr. Van Heuvelen said you're concerned with the property to the west, whether there will be a street there?

Mr. McCracken said yes, I know there will be a future site plan hearing that we would attend, but any streets between Meredith and 159th is likely to go through those properties, it would be the Tuttle property which is, again, immediately west of the Larson property, our property, and maybe Fenimores, I'm not sure. We have a concern that everything fits together in a long-term plan and that's why we're interested in knowing what the Comprehensive Plan is for the area and how it would be changing.

Mr. Mark Tuttle, 15906 Meredith Drive, said I'm just assuming that the reason for this is because the Burns' property, they've got one acre separated from the rest of the five acres, and so apparently because of that one acre, the deck is going to be too close to that lot line?

Mr. Burns said that's where I had the confusion, too, because my house actually sits on the bottom right corner of that small square, that one-acre parcel, so really if that one parcel up there divided off into separate parcels, that house is encroaching on the easement setbacks anyway. Once we zoom in on that, you can see right where the house sits on the one-acre parcel and what I'm getting told where the setbacks are drawn from, they're actually pulling a measurement from that outside lot line towards my house.

Mr. Tuttle asked you didn't separate the property?

Mr. Burns said no.

Mr. Van Heuvelen said the microphones pick up your voices if you're pretty close to them, but you're a long ways from the microphones so if you would please speak from the microphones when asking a question or making a comment.

Mr. Tuttle said so the purpose of this meeting is not to rezone that property to divide it up into other lots to add more housing into that property, it's just to build a deck?

Mr. Van Heuvelen said correct. I think Ms., Nuetzman explained that pretty well, that at least at this point, if there would be more development, there would be another public hearing. But at this point, we just want to get it zoned correctly so we can have the setbacks correct to build a deck.

Mr. Tuttle said I highly recommend it!

Mr. Van Heuvelen asked if anyone else wanted to address the Commission at this time? Seeing no one, he asked if City Staff could answer some of the questions, taking Mr. Burns' question, if you can, first about special assessments and any increases in taxes.

Ms. Bales said taxes are collected through Dallas County. They tax you based on the use of your land, which is residential today and will remain that way. Your assessments are a result of the costs of the Meredith Drive reconstruction project, and that will all be figured through the Engineering Department. You should already have a preliminary assessment, and that will get finalized later in the project and sent to you from Engineering. This Planning & Zoning Commission, and Community Development Department staff, don't have a role in that process, however the rezoning should not have any impact of the amount of the assessments. I've given you the extent of my knowledge, and so you'll want to check with them about that. So, that takes care of your questions. Just speaking overall, and you can see what Mr. Burns was discussing how the house is on that lot split. I don't know when Reed Estates was split up like that. What we do know is that we treat it as a zoning lot if it's under common ownership. The outermost border, it's like it's all one big parcel. So we measure the setbacks from the outermost border and we treat those two parcels as one zoning lot. So that's the way we start with the setbacks, we don't worry about that lot, those two lots that sort of split the house up. She said so part of this, the Comp Plan currently designates the property as townhouses. This amends that Comp Plan to designate it so that the zoning is consistent with the Comp Plan as single family. It doesn't mean they won't come back in the future and ask to amend the Comp Plan again and rezone it to townhomes, but part of this proposal tonight is to amend the Comp Plan from the townhouse designation to the Suburban Density Single Family detached designation. As to the question about the street pushing through and that sort of thing, if it were all zoned R-1S and it was a normal sort of layout with single family, we would have interconnected streets so that people could get from neighborhood to neighborhood without everybody dumping out onto Meredith. But with this project in front of us, we're not really considering that or worrying about that. If they decided to plat it as single family, there would be a preliminary plat in front of us and we would look at how all of that is connected. But, it's

not part of the proposal and something we haven't asked the Burns to consider. We haven't said "please designate a future street extension" or anything like that because it's just way beyond the scope of what they want to do or are considering at this point. So, in the future there might be an interconnected street network, but not yet.

Mr. McCracken said if this indeed is changing the Comprehensive Plan from multi-family housing to single-family housing, does it also change it for the adjacent properties?

Mr. Van Heuvelen said this is only for this particular lot.

Mr. McCracken said well, I'll agree with that, but this would have been two-thirds of the multi-family housing in the Comprehensive Plan. The reason I say that is that when we went through the condemnation process of the 156th Street construction, the City did an appraisal and multi-family housing was roughly a 50% higher value than the single family housing. So if this property changes to single family from multi-family in the Comprehensive Plan, it effectively negates the multi-family housing development on our property. That's my concern, is that it effectively impacts the property value on that side of the fence. That's what I wanted to say.

Ms. Ralston-Hansen said I think what we have to do is focus on the topic right in front of us this evening. And we can play what-ifs and should-cans, but the question right in front of us today is a simple request to rezone so someone can create a deck to make their home and property a little nicer. So I think we need to be very cognizant of all the questions and concerns you have, and as you've seen, we make sure that you're very well-informed of when any changes are made to the Comprehensive Plan. So, I applaud your willingness to come this evening and share your concerns. That's what we need, is for citizens to be involved in the decisions we make. But tonight we have to make a decision affecting this one request.

Ms. Ralston-Hansen moved, and it was seconded by Galante, to close the public hearing. On roll call; Ayes: Ralston-Hansen, Galante, Hollatz, Roethler, Racki, Van Heuvelen; Nays: none. Passes: none. Motion carried.

Mr. Van Heuvelen said I think at some time, and given the development in that neighborhood, and I don't live too far away, there will probably be some developers that probably are going to be approaching people out there and wanting to know who's interested in selling and get involved in the development process. But that's probably not tonight and may not be for a few years. And then somebody will be talking about streets and townhomes and these sort of things, or single family, whatever it might be. But tonight I think it is just for Mr. Burns and his property.

Mr. Galante said it just seems like a situation brought on by odd geometry. I understand all the questions, but yes, I completely agree that we just have to focus on what's in front of us and trust in the process that we have. And let it come to us, should those things happen down the road.

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Ms. Ralston-Hansen moved, and it was seconded by Roethler, to approve the "Burns Property: Rezoning from A-2 to R-1S. On roll call: Ayes: Ralston-Hansen, Roethler, Hollatz, Racki, Galante, Van Heuvelen; Nays; none. Passes: none. Motion carried.

Mr. Van Heuvelen said thank you so much and especially Mr. Burns for showing up, and all the wonderful improvements you have made to your property, but also Mr. Tuttle and Mr. McCracken for coming this evening. We appreciate your comments. Thank you.

Regarding Staff reports, Ms. Bales said we will not have your meeting in two weeks, so take July 22nd off. We will have your meeting on August 5th. We have two public hearings so far, and there may be a final plat, but I'm not sure yet. So, see you in four weeks!

Mr. Van Heuvelen said there's a good chance that I'll be gone.

The meeting adjourned at 6:24 p.m.