

## URBANDALE PLANNING AND ZONING COMMISSION MINUTES

August 5, 2019

The Urbandale Planning and Zoning Commission met in regular session on Monday, August 5, 2019, at the Urbandale City Hall, 3600 86th Street. Chairperson Paul Pick called the meeting to order at 6:00 p.m.

Commissioners present were Jeff Hatfield, Lee Hollatz, Lesa Quinn, Joan Racki, and Paul Pick. Staff members present were Kristi Bales, Community Development Manager/Chief Planner and Cheryl Vander Linden, Administrative Specialist.

The first item on the agenda was approval of the minutes of the July 8, 2019 meeting. Ms. Racki moved, and it was seconded by Hatfield, to approve the June 10, 2019 meeting minutes. On roll call; Ayes: Racki, Hollatz, Pick; Passes: Hatfield, Quinn. Nays: none. Motion carried.

The first item on the agenda was the public hearing on the “Balac Property” rezoning from “A-2” Estate Residential District to “R-1S” Suburban Density Single Family District, Case No. 010-2019-01.02, 4815 74<sup>th</sup> Street. Mr. Pick said, if there were no objections, he would dispense with reading the following official publication:

Case No. 010-2019-01.02

### 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, 3600-86<sup>th</sup> Street, Urbandale, Iowa at 6:00 p.m. on Monday, August 5, 2019 to consider a petition from Goran and Marija Balac, owners, to rezone the following legally described property, locally known as 4815 74<sup>th</sup> Street, from “A-2” Estate Residential District to “R-1S” Suburban Density Single Family District:

The North Half of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (N  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  ) of Section Fourteen (14) Township Seventy-nine (79) North, Range Twenty-five (25) West of the 5<sup>th</sup> P.M., EXCEPT the West 20 feet thereof and EXCEPT the East 40 feet thereof, now included in and forming a part of the City of Urbandale, Polk County, Iowa.

The property is 4.5 acres in size and is located along the east side of 74<sup>th</sup> Street. The rezoning is proposed to make the property legally conforming with respect to lot area and width. More information can be obtained at the Department of Community Development, 3600-86<sup>th</sup> 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 as published.

Ms. Bales said this request pertains to a residential property located south of Plum Drive on the east side of 74<sup>th</sup> Street, known locally as 4815 74<sup>th</sup> Street. The parcel has approximately 330 feet of frontage on both 72<sup>nd</sup> Street and 74<sup>th</sup> Street with a total area of 4.5 acres. The property is a residential estate and currently has a single-family residence and detached accessory structure.

The rezoning has been requested to make the existing single-family residence legally conforming with respect to lot area, lot width and setbacks. The current zoning of the "A-2" District requires a 300-foot minimum lot width, 10-acre minimum lot area, and one side yard setback of 205 feet and one side yard setback of 30 feet. In comparison, 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. Therefore, because the existing house does not conform with the lot width, lot area, and minimum setback requirements of the Zoning Ordinance, it currently could not be extended, enlarged, reconstructed or structurally altered.

The petitioner intends to demolish the existing residence and then construct a new one more central to the property. The petitioner plans to keep the detached accessory building.

The proposed rezoning conforms to the Comprehensive Plan. The properties adjacent to the south and to across 74<sup>th</sup> Street to the west are zoned "R-1S" Suburban Density Single Family District. The property adjacent to the north is zoned "R-1I" Intermediate Density Single Family District. The properties to the east across 72<sup>nd</sup> Street are zoned "P.U.D." and are part of the Hickory Hills Planned Unit Development. The property is located in the Johnston School District.

Staff recommends approval of the rezoning from "A-2" Estate Residential District to "R-1S" Suburban Density Single Family District subject to the following conditions of approval:

1. A right-of-way width of 5 feet shall be dedicated along 74<sup>th</sup> Street.
2. A second driveway will be allowed as long as it aligns with an existing driveway on the other side of 74<sup>th</sup> Street. The driveway will need to be shown on a site plan for the future house.
3. A demolition permit will be required for removal of the existing house and septic system.
4. The new house must be designed so that sanitary sewer can serve the house and basement without an ejector pump. Also, a sump service will be required.

Mr. Pick said, as this is a public hearing, the Commission will hear comments from both proponents and opponents of the proposed rezoning. First, we will hear from any proponents.

Mr. Goran Balac, 4815 74<sup>th</sup> Street, said I am the owner of the property. I think Ms. Bales said everything on my behalf, so if anybody has a question, I will be glad to answer it.

Mr. Hatfield asked do you plan, in the future, to put more houses on that other than your current house that you're looking at?

Mr. Balac said not at this moment. The reason I purchased that lot is because I am planning to stay probably the rest of my life there, and my family, and I would like to make it nice. It's unique, so I am not planning to build any more houses there.

Mr. Pick asked if any other proponents wished to speak? Seeing none, he asked if there were any opponents wishing to speak.

Mr. Wayne Winkie, 4824 74<sup>th</sup> Street, said I have one question. Our property would be approximately in the center of your proposed zoning change. I guess my concern is where on the lot are you going to build your house? Someone said possibly in the center of that lot?

Mr. Balac said yes, in the center and maybe a little bit, I submitted drawings of all of that, and it's a little bit north of the center.

Mr. Winkie said because of the topography of it, I was concerned that a future subdivision development might go in part of that property. My concern is that if there was a street or a cul-de-sac that came in off of 74<sup>th</sup> Street, I really don't want to have a street come into our bedroom window with a streetlight out front. So, if that's the case, one or two homes on that property, great. But I'd hate to see the density of that 8,750 square feet spread throughout whatever acres are left after right-of-way and what have you. But I'm in favor what you're doing there, for sure. It's a good improvement.

Mr. Balac said the house is going to be exactly there, so there is no way that it's going to be possible to make a cul-de-sac later on, because we'll have a house there.

Mr. Hatfield said today we're just talking about rezoning, so in the future, there will be a site plan, right?

Ms. Bales said if he were to ever subdivide, there would be preliminary plat.

Mr. Hatfield said but if he just puts one single family home, that won't come back with a site plan. So we're just rezoning today, we're not talking about exactly where the house would be today. Although I'm sure he would share that, if you would want to, after the meeting.

Mr. Balac said I even brought the blue prints, I hired an architect to work on it, so if

somebody is interested, I can show you.

Ms. Racki moved, and it was seconded by Quinn, to close the public hearing. On roll call; Ayes: Racki, Quinn, Hatfield, Hollatz, Pick; Nays: none. Passes: none. Motion carried.

Mr. Hatfield moved, and it was seconded by Quinn, to approve the "Balac Property" rezoning from A-2 to R-1S, subject to Staff recommendations. On roll call; Ayes; Hatfield, Quinn, Hollatz, Racki, Pick; Nays: none. Passes: none. Motion carried.

Mr. Pick said good luck!

Mr. Balac said thank you very much.

Ms. Bales said, just for general information, we'll send a second notice out to property owners for the hearing with the City Council, which will be later this month. So, for those who wonder, this is a recommendation.

The next item on the agenda was the "Burrack Property" rezoning from "A-2" Estate Residential District to "R-1S" Suburban Density Single Family District, case no. 010-2019-01.04, 3910 156<sup>th</sup> Street. Mr. Pick said, if there were no objections, he would waive reading the following official publication:

Case No. 010-2019-01.04

#### 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, 3600-86<sup>th</sup> Street, Urbandale, Iowa at 6:00 p.m. on Monday, August 5, 2019 to consider a petition from Bryn and Brea Burrack, owners, to rezone the following legally described property, locally known as 3910 156<sup>th</sup> Street, from "A-2" Estate Residential District to "R-1S" Suburban Density Single Family District:

(A) The North 225 feet of the South 1,020 feet except the West 345 feet of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and except land deeded to the City of Urbandale in Book 2008, Page 2596; and (B) the East 15 feet of the West 345 feet of the North 225 feet of the South 1,020 feet of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and the North 15 feet of the South 795 feet of the East 250 feet of the West 580 feet of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  all in Section 23, Township 79 North, Range 26 West of the 5<sup>th</sup> P.M., Urbandale, Dallas County, Iowa.

The property is 5.75 acres in size and is located along the west side of 156<sup>th</sup> Street. The rezoning is proposed to make the property legally conforming with respect to lot area

and width. More information can be obtained at the Department of Community Development, 3600-86<sup>th</sup> 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 no objections to the official notice as published.

Ms. Bales said this request pertains to a residential property located north of Douglas Parkway on the west side of 156<sup>th</sup> Street, known locally as 3910 156<sup>th</sup> Street. The parcel has approximately 225 feet of frontage on 156<sup>th</sup> Street and has a total area of 5.75 acres. The property is a residential estate and currently has a single-family residence and detached accessory structure.

The rezoning has been requested to make the existing single-family residence legally conforming with respect to lot area, lot width and setbacks. The current zoning in the "A-2" District requires a 300-foot minimum lot width, 10-acre minimum lot area, and one side yard setback of 205 feet and one side yard setback of 30 feet. In comparison, 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. Therefore, because the existing house does not conform with the lot width, lot area, and minimum setback requirements of the Zoning Ordinance, it currently could not be extended, enlarged, reconstructed or structurally altered.

The proposed rezoning conforms to the Comprehensive Plan. The properties adjacent to the west and south are zoned "A-2" Estate Residential District and "R-1S" Suburban Density Single Family District. The property adjacent to the north is zoned "R-1L" Low Density Single Family District. The properties to the east across 156<sup>th</sup> Street in the "Rolling Meadows Subdivision" are zoned "A-2" Estate Residential District.

The property is located in the Waukee School District and drains towards Little Walnut Creek.

Staff recommends approval of the rezoning from "A-2" Estate Residential District to "R-1S" Suburban Density Single Family District subject to the following conditions of approval:

1. This property received an acreage reduction on the 156<sup>th</sup> Street Project assessment, Bk 2009 Pg 18834, effective November 17<sup>th</sup>, 2009. If the property is developed prior to the expiration of the agreement (ten years), the reduction must be re-paid with interest.
2. Any future lots will be required to connect to the central sanitary sewer system.

Mr. Pick said, as this is a public hearing, the Commission will hear comments from both proponents and opponents of this rezoning. He asked if anyone wished to speak either

in favor or opposed?

Seeing no one, Mr. Hatfield moved, and it was seconded by Quinn, to close the public hearing. On roll call; Ayes; Hatfield, Quinn, Hollatz, Racki, Pick; Nays: none. Passes: none. Motion carried.

Mr. Pick said this seems pretty straightforward.

Mr. Hatfield asked nothing controversial from Staff perspective at all?

Ms. Bales said no. And I didn't receive any calls on this, either, from any of the adjoining property owners.

Mr. Hatfield moved, and it was seconded by Racki, to approve the "Burrack Property" rezoning from A-2 to R-1S, subject to Staff recommendations. On roll call; Ayes; Hatfield, Racki, Hollatz, Quinn, Pick; Nays: none. Passes: none. Motion carried.

Regarding Staff reports, Ms. Bales said we will have your meeting in two weeks. There are four site plans on that next meeting. Primary Healthcare is a clinic that is moving into the former Aamco building there in front of K-Mart on Hickman Road. They'll be the first user into that P.U.D. that you saw just a couple of months ago. Primrose Daycare is proposing a day care where you amended the P.U.D. in the Heritage Park P.U.D. district in front of Lifetime Fitness. Johnstone Supply is doing a building addition at their current facility at Justin and 111<sup>th</sup>. And the fourth one, Hy-Vee is doing something similar that you might have seen in the newspaper probably a month or so ago that they did in Waukee, they're going to have an Aisles Online facility and they're going to add it here at their Douglas Avenue store. They're going to re-do some of the parking lot there at the Douglas access point so that people can drive in and pick up their groceries at their assigned slotted time. So, we'll see the site plan. It's going to be right next to the solar panels. And then we will likely have your meeting in September on the 3<sup>rd</sup> as well. I have one preliminary plat already.

The meeting adjourned at 6:17 p.m.