

URBANDALE PLANNING AND ZONING COMMISSION MINUTES

June 11, 2007

The Urbandale Planning and Zoning Commission met in regular session on Monday, June 11, 2007, at the Urbandale Administrative Offices Building, 3600 86th Street. Chairperson Bill Kusy called the meeting to order at 6:00 p.m.

Commissioners present were Jeff Hatfield, Paul Pick, Kevin Gass, Scott Weiser, Liz Hodgson, Judy Ralston-Hansen, Van Heuvelen, and Bill Kusy. Staff members present were Steve Franklin, Community Development Manager/Chief Planner, and Cheryl Vander Linden, Department Secretary.

The first item on the agenda was approval of the minutes from the May 21, 2007, meeting, and deferral of the minutes from the May 29, 2007 meeting. Mr. Weiser moved, and it was seconded by Van Heuvelen, to approve the May 21st minutes and defer action on the minutes of the May 29, 2007 meeting. On roll call; Ayes: Weiser, Van Heuvelen, Gass, Hodgson, Ralston-Hansen, Kusy; Passes: Hatfield, Pick. Nays: none. Motion carried.

The next item on the agenda was the public hearing on the "Douglas @ I-35/80? Amendment to the Comprehensive Plan and Rezoning from "A-2" Estate Residential District to "P.U.D." Planned Unit Development District, 111th Street and Douglas Avenue. Mr. Kusy said, if there were no objections, he would dispense with reading the following official notice:

Case No. 010-2007-02.02

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 Administrative Offices Building, 3600-86th Street, Urbandale, Iowa at 6:00 p.m. on Monday, June 11, 2007, to consider a petition from Mr. Gerard D. Neugent, Manager of KC Real Estate, LC, owner, to amend the Comprehensive Plan and rezone the following legally described property from "A-2" Estate Residential District to "P.U.D." Planned Unit Development District:

A parcel of land which is part of the Northwest Quarter of the Northwest Quarter of Section 28, and part of the Northeast Quarter of the Northeast Quarter of Section 29; and all of Parcel "D" recorded in Book 10635, Page 180 of the Polk County Recorder, all in Township 79 North, Range 25 West of the 5th P.M. and all now included in and forming a part of the City of Urbandale, Polk County, Iowa and more particularly

described as follows:

Beginning at the Southeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 28; thence North $89^{\circ} 24' 36''$ West a distance of 1,315.65 feet along the South Line of said Northwest Quarter of the Northwest Quarter to the Southwest Corner of said Northwest Quarter of the Northwest Quarter of said Section 28; thence North $89^{\circ} 42' 30''$ West a distance of 271.50 feet along the South Line of said Northeast Quarter of the Northeast Quarter of Section 29 to a point located on the East Right-of-way Line of Interstates 80/35 as it is presently established; thence North $28^{\circ} 33' 53''$ East a distance of 279.86 feet along said East Right-of-way Line to a point; thence North $32^{\circ} 27' 38''$ East a distance of 541.51 feet along said East Right-of-way Line to a point; thence North $00^{\circ} 06' 42''$ West a distance of 163.78 feet along said East Right-of-way Line to a point; thence North $59^{\circ} 50' 44''$ East a distance of 159.12 feet along said East Right-of-way Line to a point; thence North $12^{\circ} 27' 00''$ West a distance of 228.96 feet along said East Right-of-way Line to a point located on the South Right-of-way Line of Douglas Avenue as it is presently established; thence South $89^{\circ} 23' 44''$ East a distance of 798.57 feet along said South Right-of-way Line to a point; thence South $00^{\circ} 37' 14''$ West a distance of 305.28 feet to a Point of Curvature; thence southerly along a curve to the left having a radius of 500.00 feet, an arc length of 373.49 feet to a Point of Tangency; thence South $42^{\circ} 10' 40''$ East a distance of 30.68 feet to a Point of Curvature; thence southerly along a curve to the right having a radius of 500.00 feet, an arc length of 368.07 feet to a Point of Tangency; thence South $00^{\circ} 00' 00''$ West a distance of 171.64 feet to the Point of Beginning and containing 29.976 acres, more or less.

This property is located south of Douglas Avenue between 111th Street and Interstates 35/80. More information on this proposed amendment to the Comprehensive Plan and rezoning from "A-2" Estate Residential District to "P.U.D." Planned Unit Development District can be obtained at the Department of Community Development, 3600-86th Street, Urbandale, Iowa between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday. All interested parties either for or against this proposed amendment to the Comprehensive Plan and rezoning will be heard at the time and place set forth above.

There were no objections to the official notice as published.

Mr. Franklin said this request pertains to a property located between Douglas Avenue and Justin Drive that has a total area of 29.976 acres including some proposed street right-of-way for 111th Street. It has 798.57 feet of frontage on Douglas Avenue including the west half of the proposed right-of-way for the relocated 111th Street, and some former Interstate right-of-way that was acquired through a property exchange with the State when the interchange was reconstructed. It has 1,218.48 feet of frontage on the

proposed realignment of 111th Street, and 1,373.23 feet of frontage on the Interstate/interchange as measured along the property line. Justin Drive intersects 111th Street at the southeasterly corner of the property. The property has been used for agricultural purposes.

The northern half of the realigned 111th Street, whose centerline is the eastern boundary of this rezoning, aligns with the existing 111th Street and Douglas Avenue intersection, which was relocated about 250 feet to the east of the original location of 111th Street when the Douglas Avenue/Parkway interstate interchange was reconstructed, to improve the intersection configuration. The existing 111th Street will become part of the Douglas frontage road, and connected to the realigned 111th about 600 feet south of Douglas to improve traffic flow. Continuing south, the realignment will rejoin the original 111th Street just to the north of Justin Drive. The existing 111th Street has a temporary "seal coat" surface and dead-ends at the north boundary of Living History Farms one-half mile south of Douglas Avenue.

The rezoning has been requested to allow predominately retail commercial development on 3.7 acres to the southwest of the 111th and Douglas intersection, identical to the zoning east of 111th in this area; to allow business park development with limited retail uses on the southern half of the 111th frontage (4.7 acre area) identical to the existing zoning to the east of 111th; and to allow business park development on the remainder of the property.

Mr. Franklin said the property to the east of the realigned 111th Street is zoned "P.U.D." Planned Unit Development District and is regulated by the "Bolton-Hay Property" Planned Unit Development Master Plan. There are two lots with a total area of 2.051 acres designated for retail commercial uses adjacent to the northern half of this property. The development of those two lots would result in a total of approximately 35,400 square feet of commercial floor area. The area east of and adjacent to the southern half of this property, with a total developable area of 5.075 acres, is zoned for "business park/planned industrial" zoning very similar to that in the "Crossroads Business Park" and "Crossroads Pointe" P.U.D.'s, with some retail commercial uses such as hotels/motels and "standard" restaurants (fast-food not included) also being allowed.

Justin Drive was extended to 111th Street in 2006, completing a connection between 111th and 109th Streets just to the south of this parcel. Justin Drive has a 31-foot wide pavement in an 80-foot wide right-of-way. A 12" water main will be constructed as part of the public improvements in the 111th Street relocation between Douglas and Justin Drive to provide service to the property. There are an existing 20" water main in Douglas Avenue and a 12" main in Justin Drive that will connect to the 111th Street main. Sanitary sewer service is available from a sewer trunk that currently terminates a short distance west of the southwest corner of this property. The sewer trunk was constructed to serve this and the other properties south of Douglas Avenue in the 111th

Street corridor.

The property to the south is currently zoned "A-2" Estate Residential District and is designated for office development by the Future Land Use Plan. The property is located in the Urbandale School District and drains to the south along 111th Street to a drainageway that runs southeasterly through Living History Farms and eventually into Walnut Creek.

Mr. Franklin said Staff recommends approval of the above amendment to the Comprehensive Plan and rezoning from "A-2" to "P.U.D." subject to the attached Planned Unit Development Master Plan, including providing a traffic study to determine the street width/improvements necessary for 111th Street.

The proposed Master Plan is more limiting than requested with respect to the uses allowed along the Interstate frontage (Area "C", all property not fronting on 111th Street), being limited to office uses with business park uses allowed by conditional use instead of all being allowed to be business park uses.

Mr. Franklin said there are a couple of typos on the P.U.D. Master Plan that I wanted to call your attention to, and Staff certainly apologizes for these. If you have your P.U.D. master plan, on page 2, there's a reference, in Section 4, on signage that references 86th Street. Obviously that should be Douglas Avenue, not 86th Street. If you go back to the bulk regulations, there are a couple of things I just wanted to clarify there. If you go to page 10, to the bulk requirements, in item 5, talking about maximum height, it says, in that second paragraph, "Areas A and C", that should be "Areas A and B", two stories with a maximum height of 30 feet. And then Area C just below that is 60 feet. If you just flip the page, we've got the same situation there on the maximum floor area. It says "Areas A and C .30". That should be "Areas A and B", and then Area C would be .40. He said, lastly, one other thing to mention to you is, again, if you go to the bulk requirements, Staff had recommended in Item #1, that the minimum lot area in Area C, which is, again, this office park area here, which is the western majority of this request, that the minimum lot area there be 4 acres in size. The applicant has requested that that be reduced to 2 acres in size. Mr. Dekker and I discussed it, and Staff would be more comfortable with a 3-acre minimum, however we are not diametrically opposed to 2-acre minimums, if that's what the applicant would really like to have, so I'll let them address that when they come up. Other than that, I'd be happy to answer any questions, if you have them, at this time.

Mr. Gass asked do you know how big of a footprint would be able to be placed on Area A?

Mr. Franklin said the 3.7 acres? It would really depend, depending on what the use is and the parking requirement. Retail, you could probably get somewhere in the neighborhood of 3,500 to 4,000 square feet, somewhere in that neighborhood.

Mr. Kusy asked 35,000 to 40,000, do you mean?

Mr. Franklin said yes, sorry. We've only got 1.7 acres there, so that's going to be about 80,000 square feet. So by the time you figure out your setbacks, you're probably looking at about 30,000 to 35,000 square feet.

Mr. Van Heuvelen asked what sort of a store would occupy 35,000 square feet?

Mr. Gass said the old Johnston Hy-Vee store on Merle Hay Road, if you remember that.

Mr. Kusy said 60,000 or 70,000 is about normal, isn't it?

Ms. Ralston-Hansen said if you're trying to mirror what's on the other side of 111th, they're going to be smaller buildings?

Mr. Franklin said they're probably going to be smaller buildings. If you look at the permitted uses under the retail section, there are 60-some uses that are in there. It really opens up the door for a variety of uses. And, again, obviously if it would be a fast food restaurant or any kind of a restaurant use, then the parking requirement is going to be quite a bit more demanding than some other retail use would be. But, yes, it would be smaller stores.

Ms. Ralston-Hansen said the lots to the west, did I read that there's no access from Douglas to those lots?

Mr. Franklin said that is correct.

Ms. Ralston-Hansen said so, you could not have any large, big-box store on Douglas in that lot. That would prohibit their building there.

Mr. Franklin said anything that gets built on these three office park lots right now is going to be accessed coming off of Douglas, down 111th and into this cul-de-sac.

Ms. Ralston-Hansen said so the cul-de-sac has been predetermined, and that comes with the territory?

Mr. Franklin said yes, I would say so based on this lot layout.

Ms. Ralston-Hansen asked so does that restrict development of those lots?

Mr. Franklin said I think Staff would say it really doesn't. That's a fairly common thing, if you have pretty busy roadways like Douglas and obviously the Interstate, there sometimes has to be a predetermined route of access to get in there. And that's clearly

what's been talked about here. Obviously a lot of this happened before I got here. But, Bolton-Hay was approved in 2004 and then there have been other discussions before that in the files. So I think there's been some thought for some time that a newly realigned 111th Street would come in and that would serve as the primary access point to whatever would be developed down here. Obviously you can't have access to the interstate, and you certainly want to limit your access points on Douglas, as well.

Mr. Kusy said just a point of clarification, the permitted uses in Area C are just office development.

Mr. Franklin said that is correct.

Ms. Ralston-Hansen said so it wouldn't be a big box anyway.

Mr. Franklin said it wouldn't be a retail big box.

Ms. Ralston-Hansen said I know at different times they've talked about, because of its access, that it could be a Wal-Mart. So that takes that off the table.

Mr. Franklin said it does. The lots aren't big enough, number one, for a traditional big box, and the use as was stated is for office, not for retail.

Mr. Kusy said you referenced the Bolton-Hay properties to the east, I didn't have a chance to drive out there today. But are any of those developed? Or they're just zoned, the P.U.D. allows...?

Mr. Franklin said the zoning is in place, and then the plat that you'll see does incorporate these 4 lots here, which are part of that Bolton-Hay P.U.D. The Bolton-Hay P.U.D. essentially included these lots, and then a couple of lots immediately to the south of Justin, which were then platted off separately. Then there were two lots there, Walnut Ridge Business Park Plat 6 had two lots immediately south of Justin. This is the new piece of Justin that was constructed over to meet 111th. This was all Bolton-Hay here along the east side of the future 111th Street, along with these two lots, which were in Walnut Ridge Business Park Plat 6. That was platted as two separate lots, and Johnstone Supply has been constructed here on the northern lot. So the plat that you'll see incorporates this area that we're discussing for the rezoning plus this portion of the Bolton-Hay P.U.D., which was approved in 2004.

Ms. Ralston-Hansen asked who owns the land?

Mr. Franklin said Mr. Oliver could address that.

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

hear from proponents.

Mr. Jerry Oliver, Civil Engineering Consultants, 2400 86th Street, Urbandale, said Evan Oster is also here with me, from Knapp Properties. The property that is being rezoned is all owned by one owner, KC Real Estate, which is Bill Knapp and Jim Cownie. The property on the east side of what is currently 111th Street, is owned by Westlakes Properties, which is Knapp Properties and Farm Bureau. But the rezoning is just one property owner. We're in essential agreement with Staff's recommendation. It was clarified that when this project came before you as a rezoning previous to this, there was a big box user on Area C. Obviously that has gone away. But during that time frame, there was a traffic study that was put together that ultimately ended up just being in draft form. The reason for bringing that up is, part of the recommendation in Staff's report, is to finalize that traffic study based upon the uses that we are requesting this evening. And the results of that traffic study will indicate exactly the width and the geometry of 111th, and likewise the access points to these properties off of 111th. So that is a study that is going to be finalized here in the near future, and then we'll exactly determine the geometry and width of 111th. He said, but, beyond that, the uses we're in agreement with. It was mentioned the lot size here in this Area C. Two acres has been pretty common for this developer on other projects. There are a couple of projects in Des Moines, Airport Commerce Park South, Airport Commerce Park West, that this developer has built. And two acres seems to fit a lot of the users that they have in this type of zoning. And just to the east of this project in the other Walnut Hills business park, the lots are allowed to be even smaller than that. I think they've taken big lots that we had before and resubdivided them down into smaller lots to meet the users that are buying these properties. So we would appreciate the recommendation of a 2-acre minimum on the parcel C area.

Mr. Hatfield asked what would be some users in airport that are 2 acres, or thereabouts?

Mr. Oliver said we have a printing facility in there, we have the federal reserve in there, just regular single-tenant type office buildings in there. Westlakes Office Park in West Des Moines allows a 2-acre minimum as well, so that kind of gives you an idea of the flavor of uses that could go in there.

Mr. Kusy said so if this is granted, obviously, there would be more lots than just the 3 that are shown here on the schematic?

Mr. Oliver said yes, that is certainly true.

Mr. Van Heuvelen said you don't anticipate that this single ingress/egress will be any sort of a problem? I'm having a hard time visualizing that much office space and coming in on this cul-de-sac.

Mr. Oliver said this is kind of a peculiar area, in that obviously we're not allowed access to Douglas. I don't believe that the Staff or the D.O.T. would allow any access. The only possibility is looping it to the south. It is kind of a strange area in that we don't have any access south that goes down through Living History Farms. This thing is a dead-end. But I guess, at this point, with the office use, this is certainly a viable access with the one access. 111th Street, according to Staff, is going to be a significant street. It will have multi-lanes, turning lanes, also turn lanes on the cul-de-sac to get in and out of this cul-de-sac. So no, I guess, we're not particularly dismayed about having one access!

Mr. Van Heuvelen asked will the traffic study have any bearing on that?

Mr. Oliver said the traffic study will take a look at this street alignment, yes.

Mr. Van Heuvelen said a lot of dirt moving to be done. Isn't that really rough terrain? Will you have to bring in dirt?

Mr. Oliver said yes. We're going to buy a mountain to fill up a hole. Actually the way the grades will end up is, it will be much more level than you see today but it certainly will be below Douglas grade and below the grade of the ramp, so it will be something that you will look down onto.

Mr. Hatfield said I hope there aren't any 100-year old oaks in there.

Mr. Oliver said they're long since gone!

Mr. Kusy asked is your client basically willing to accept the traffic study that's in process?

Mr. Oliver said yes.

Mr. Kusy asked is that being done by external people, or is that an internal study?

Mr. Oliver said by our consultant.

There was no one present who wished to speak in opposition of this proposal.

Mr. Gass moved, and it was seconded by Weiser, to close the public hearing. On roll call; Ayes; Gass, Weiser, Hatfield, Pick, Hodgson, Ralston-Hansen, Van Heuvelen, Kusy; Nays: none. Passes: none. Motion carried.

Mr. Hatfield said this group has a real strong history of doing good, fine work, and they've done a lot of these buildings. So I don't have a lot of heartburn over 2 acres, if they can sell it in that area, it sure beats a big retail user that we were contemplating

awhile back. So, if they can sell 2 acres, somebody is willing to buy it and put it up according to our architectural standards, 2 acres if that's what the market is, doesn't bother me in that area. But that's just my opinion. If anybody can do it, these guys will do a good job doing it.

Mr. Kusy asked are there any current prospects for any of these parcels right now, that you're able to share with us?

Mr. Oliver said I think they would be on the east side of 111th, wouldn't they?

Mr. Oster said the west side.

Mr. Oliver said there is a prospect on lot 10, that would be the southwest corner of 11th and Douglas. Lots 10 and 9.

Mr. Weiser said but 111th is totally reconstructed, it's not at that same intersection now, right?

Mr. Oliver said it's at the intersection where the stoplight is now. As you go south from the stoplight, it dead-ends there. It will keep on going south from that dead-end.

Mr. Franklin said that 2-acre size, for what it's worth, I looked at the depth of this lot relative to where Bolton-Hay Circle is right there, and that would work out to right at the 180-foot minimum width, if they wanted to go that way. That would be a minimum size. They may not have any lots that size, they just are requesting the flexibility to have that.

Mr. Kusy said Mr. Oliver had made a comment about Staff's feelings that 111th is going to be a major street. With it dead-ending to the south, is it just to serve this development? Is that the thought?

Mr. Franklin said the thought process that's going into this, from what I've been able to gather from the traffic study that's been worked on, and, again, there's been one that hasn't been completed, it's in draft form. It was kind of in flux there, because the uses were in flux a little bit. But it's incorporating the fact that Justin Drive does now come in from the east, so you could have traffic coming in here like this. It tries to incorporate the uses that you would have on these lots, and then again, this is just one cul-de-sac serving this particular area. But again this is only about 19 acres total of office space that would be in there. One of the things that, obviously, the final traffic report would look at would be the potential for how this would develop, given that use, and make sure that the right-of-way widths are such that it can move traffic in and out of here efficiently. One of the things that we're thinking about, just based on what the preliminary traffic numbers showed, it seemed to indicate that we might need dual left turn lanes to get out onto Douglas here and then a right turn as well. If that's the case, we're going to need a minimum of a 100-foot right-of-way up here, and very likely a 120-foot right-of-way, for

about the first 400 feet or so south of Douglas. So I think Staff feels confident, based on what's already been done, and the fact that now we're going to look at this again and finalize that traffic report based on these uses, that we'll have appropriate pavement widths in there to get everybody in and out.

Mr. Weiser said, just to follow up, at the end of the day then , there will be no big box in Area C. Is that what we're saying?

Mr. Franklin said that's correct.

Mr. Weiser said the fact is that what we're allowing, or approving today, in effect negates that as any kind of viable property use.

Mr. Franklin said that would be a retail use, and this P.U.D. would have this as an office development area.

Mr. Weiser said I'm not asking you that, because we've often rezoned those. What I'm asking you is, are the changes that are going to be made to this P.U.D., will it have the effect of preventing a big box store on Area C, despite the zoning? Is there enough room to build a Wal-Mart there?

Mr. Franklin said that's the thing. You have to come back and look at the room, to see if they could do it. But I would say no, there would not be enough acreage there to make that happen, zoning aside.

Ms. Ralston-Hansen asked well, then, is the consequence of that a big box somewhere else that would be less appealing for Urbandale?

Mr. Franklin said that's for the big boxes to look at. They have to fight their own battles.

Ms. Ralston-Hansen said I just see that trickle-down effect. Because I think Mr. Weiser is right, and then within the next year, we're going to be looking at the Hickman interchange, we're going to be looking at the Meredith interchange, because we just eliminated one of the options. Which I'm not saying is good or bad, we just need to be aware of it, if we eliminated this option, Wal-Mart is going to be knocking on the Hickman interchange, or Meredith or 100th Street interchange.

Mr. Franklin said, as you know, timing is sometimes everything. Obviously they wanted to go here at one point. That was one of the reasons, as I understand it, that we ended up doing the study all of that with Camiros anyway. Camiros came back and that report said this is not appropriate for big box, when it came to you all, I believe you all decided not to accept that particular portion. When it went to Council, Council agreed to accept the report with the provision that they wouldn't necessarily throw out a big box, as long as it came in as part of an overall master plan for this area. But the owners and

developers of the property, at this point, think that this is the market and this is the route that they want to go. So, if that's how they think they can develop it, certainly they have a right to develop it that way.

Mr. Kusy asked is this more consistent with what the consultant recommended?

Mr. Franklin said yes, this is consistent with the Comprehensive Plan and with what the consultant's report said. There's a minor tweak to the Comprehensive Plan, just because there's a little bit more retail up in this northeast corner. The Comprehensive Plan had it, essentially, as an office park area. But it's a minor change.

Mr. Van Heuvelen said I presume notice has been given to people within 200 yards of the property?

Mr. Franklin said yes.

Mr. Van Heuvelen asked have we heard anything from the Hatches on the south at all?

Mr. Franklin said we have not heard anything from them as far as I am aware.

Mr. Gass said the people from Continental Western, they were all up in arms the last time this came up.

Mr. Franklin said nothing from them, either. I know Mr. Hatch, on the occasions that I heard him speak, he was obviously very concerned about the big box situation, since he was directly south of there. He was arguing for maintaining what the Comprehensive Plan showed. And in this particular area, that is what this would do, This would essentially reinforce what the Comp Plan currently shows.

Mr. Van Heuvelen said I note that that cul-de-sac is labeled "Bolton Hay Circle". Is that just for convenience sake, or is that the proposed name?

Mr. Franklin said Staff will have to review it and address and assign street names. We would discuss that with them, to see if that's a name that would work. That's for concept purposes only, I suppose you could say, at this point.

Mr. Weiser moved, and it was seconded by Hatfield, to approve "Douglas @ I-35/80" Amendment to the Comprehensive Plan and Rezoning from "A-2" to "P.U.D.", subject to Staff recommendations, with a minimum lot size of 2 acres for Area C. On roll call; Ayes; Weiser, Hatfield, Pick, Gass, Hodgson, Ralston-Hansen, Van Heuvelen, Nays: none. Passes: Kusy. Motion carried.

Mr. Kusy explained that he abstained from voting due to a potential conflict of interest.

The next item on the agenda was "Douglas @ I-35/80" Preliminary Plat (111th Street and Douglas Avenue).

Mr. Franklin said there are a total of ten building lots and one outlot proposed for this preliminary plat. The buildable lots generally have lot widths ranging from 214.99 feet to 498.57 feet, and areas ranging from 0.73 acre to 8.32 acres. This preliminary plat covers property located south of Douglas Avenue, east of Interstate 35/80 on both sides of the proposed realigned 111th Street and north of Justin Drive. The portion of the plat located east of 111th Street between Douglas Parkway and Justin Drive is zoned Planned Unit Development, as the "Bolton-Hay Property" P.U.D. The area west 111th Street is currently zoned "A-2" Estate Residential District and designated for office development by the Future Land Use Plan, and is proposed for rezoning to "PUD" Planned Unit Development (see item #3, the "Douglas @ I-35/80" Amendment to the Comprehensive Plan and Rezoning from "A-2" Estate Residential District" to "P.U.D." Planned Unit Development District, 111th Street and Douglas Avenue, Case No. 010-2007-02.02 on this agenda).

The property has a total area of 39.96 acres, and has approximately 1,034.78 feet of frontage on Douglas Avenue, approximately 310.74 feet of frontage on the newly constructed western extension of Justin Drive to 111th Street; and about 1,245 feet on the proposed realignment of 111th Street. The property has mostly been used for agricultural purposes, exceptions being the existing right-of-way for 111th Street and a former gas service station site to the southwest of the original 111th Street and Douglas Avenue intersection.

The amendment to the Comprehensive Plan rezoning has been requested to allow predominately retail commercial development on 3.7 acres to the southwest of the 111th and Douglas intersection, identical to the zoning east of 111th in this area; to allow business park development with limited retail uses on the southern half of the 111th frontage (4.7 acre area) identical to the existing zoning to the east of 111th; and to allow business park development on the remainder of the property. As recommended, the remainder of the property would be limited to office park development.

Together, the existing and recommended zoning would allow retail commercial development that would essentially be "C-G" zoning with the addition of some "C-H" uses such as hotels/motels on 4 lots around the 111th and Douglas intersection (south side only). The 4 lots have a total net area of 5.749 acres. Three lots fronting the remainder (south half) of 111th would allow "business park/planned industrial" uses, with some retail commercial uses such as hotels/motels and "standard" restaurants (fast-food not included) also allowed. The three lots have a total area of 9.734 acres. The remaining 3 lots, with a total area of 19.191 acres, would be office development under the recommended zoning, with business park uses allowed by conditional use.

Mr. Franklin said the lots will be accessed from the realigned 111th Street. The 111th

Street and Douglas Avenue intersection was relocated approximately 250 feet west to improve the intersection configuration when the Douglas Avenue/Parkway interstate interchange was reconstructed. The intersection was also signalized at that time.

The proposed rezoning requires 111th Street to have a 100-foot right-of-way except at the Douglas intersection, and requires a traffic study to be completed to determine the pavement width and configuration. The PUD Master Plan controls access to 111th in accordance with standard City policy, unless alternative measures are determined to be appropriate by a traffic study.

Justin Drive intersects 111th Street at the southeasterly corner of the plat, having been completed in 2006 to connect 109th and 111th Streets. 111th Street is a dead-end to the south of Justin Drive, terminating at the north boundary of Living History Farms.

No parkland dedication is required for a non-residential plat. A 12" water main will be constructed as part of the public improvements in the 111th Street relocation. There is an existing 20" water main in Douglas Avenue and a 12" existing water main in Justin Drive that the 111th Street main will connect. Sanitary sewer service will be extended from a sewer trunk that currently terminates a short distance west of the southwest corner of this property. The sewer trunk was constructed to serve this and the other properties south of Douglas Avenue in the 111th Street corridor.

Proposed grading consists of cuts up to 14 feet in depth in the area along the west side of Lot 7 adjacent to the Interstate. There are also fills of up to 20 feet in depth through the central part of the plat through Lots 5, 9 and 10. No on-site storm detention is provided at this time, but will be required for each lot as it is developed, and must be shown on the site plan.

Mr. Franklin said the property is located in the Urbandale School District and drains to the south along 111th Street to a drainageway that runs southeasterly through Living History Farms and eventually into Walnut Creek. An existing motel and convenience store to the northeast are zoned "C-H" Highway Commercial District. The "Walnut Ridge Business Park" development to the east and southeast are zoned "M-1" Light Industrial District. To the north, across Douglas Avenue, is the Continental Western office park zoned "C-P" Planned Commerce Park District. To the west of the Interstate is a property zoned "A-1" Agricultural Reserve District that is a part of Living History Farms, and to the south is another property zoned "A-1" Agricultural Reserve District.

Mr. Franklin said Staff recommends approval subject to:

1. Submit an Attorney's Opinion for approval.
2. Begin the process of vacating the right-of-way for the old 111th Street right-of-way and provide a warranty deed for the new 111th Street prior to the approval of the

construction drawings

3. Provide a traffic study for review and approval by the City Engineer to determine the pavement widths and geometric improvements required for 111th Street for this plat and the property to the south of Justin Drive; revise the plat to increase the right-of-way width to 120 feet from Douglas Avenue south for a distance of 400 feet more or less, to the first right-in/right-out access; and the road connection between Lots 1 and 2 should be 26 feet B/B that transitions to 37 feet B/B at the intersection, verify that area east of Lots 1 and 2 is intended to remain as public street right-of-way (if this is not the case then the roadway and utilities will need to be revised).
4. Provide NPDES permit prior to start of grading activities; obtain approval from the DOT for grading in the Interstate R/W and the berm easement; add a Surface Water Flowage Easement along the north edge of Lot 8; extend the storm sewer in Lot 5 to the south edge of the lot and provide additional erosion control measures, revise the Surface Water Flowage Easement to include the entire flow along the south edge of Lot 5; and provide a Storm Sewer Easement for the existing 36" pipe coming from the DOT R/W and tie into the proposed to the southeast with a MG intake, and extend pipe from the MG intake to the north, preferably all the way to the existing 15' pipe, to collect the drainage.

Mr. Kusy said just for clarification of the report, you do recommend approval?

Mr. Franklin said yes, staff does recommend approval subject to the items noted.

Mr. Kusy said the road that is east of Lot 1 and 2, will that remain when 111th is reconfigured?

Mr. Oliver said that's exactly right. Where the little cursor is there, that's an existing part of 111th that will remain. It will be upgraded to a normal city street with curbs and concrete, etc. And the access drive, which currently goes right through here to get over to the traffic signal, it goes away, because that access road, or frontage road, is just too close to the traffic signal. So that goes away, and any traffic over here in this area, then, would come along the existing frontage road, they would turn and come down part of old 111th, and then this new little chunk would get them over to new 111th. This portion of 111th goes away, would be abandoned.

Mr. Gass said so if I leave the Kum and Go there, I'm going to be making that trip down south?

Ms. Ralston-Hansen asked is Kum and Go just going to freak out because no one can access them from Douglas?

Mr. Kusy said you can go right to 109th Street.

Mr. Oliver said Kum and Go is fully aware of what we're doing, and may, in fact, relocate.

Ms. Ralston-Hansen said does that also go for the Chinese restaurant there?

Mr. Oliver said I don't know about the Chinese restaurant, or the motel.

Ms. Ralston-Hansen said it's going to be hard to access those.

Mr. Hatfield asked might they relocate on some of the land created in this P.U.D.?

Mr. Oliver said that's certainly possible.

Mr. Gass moved, and it was seconded by Pick, to approve the "Douglas @ I-35/80" Preliminary Plat, subject to Staff recommendations. On roll call; Ayes: Gass, Pick, Hatfield, Weiser, Hodgson, Ralston-Hansen, Van Heuvelen; Passes: Kusy; Nays: none. Motion carried.

The next item on the agenda was the "Berkshire Estates Plat 2" Final Plat (160th Street and Wilden Drive).

Mr. Franklin said this final plat contains 21 building lots and is located south of "Berkshire Estates" Plat 1. The plat has a total area of 12.47 acres and is zoned "P.U.D." Planned Unit Development District as part of the "Berkshire Estates" P.U.D. The proposed lots have widths ranging from 85 to 130 feet wide. The lot areas generally range between 11,116 and 27,947 square feet with most lots between 12,290 and 18,929 square feet in area. The minimum lot width for this area of the "Berkshire Estates" P.U.D. is 80 feet.

The preliminary plat was approved on March 18, 2003 and contained 224 lots. A revised preliminary plat for "Berkshire Estates" Plat 4, located in the northwest corner of the P.U.D. was approved on November 21, 2006 and construction of that plat is underway. After the approval of Plats 1, 2 and 4, a total of 114 lots remain within the original preliminary plat.

The public improvements are substantially complete, with the exception of sidewalks, which are to be provided on both sides of all streets. The Park Land Dedication requirements for the entire "Berkshire Estates" development will be partially satisfied by the dedication of 2.14 acres at the east and south ends of the plat, leaving 11.45 acres of the original 13.59 acres remaining to be dedicated. The entire open space primarily encompasses a drainageway running along the southeasterly edge of the original "Berkshire Estates" preliminary plat and the "Telby Knolls Plat 1" single-family development. As part of the Parkland Dedication plan approved by the Parks and

Recreation Commission on February 19, 2003, 3 pedestrian corridors are to be provided to the park area. One of those corridors, extending from Lot 14 into Outlot B is to be provided with this plat.

The plat is located in the Waukee School District, and drains to the southeast to a drainageway that runs along the southeasterly boundary of the entire "Berkshire Estates" development and then northeast and eventually into Walnut Creek. To the north, west and southwest are properties zoned P.U.D., as part of the "Berkshire Estates" P.U.D. To the north is "Berkshire Estates" Plat 1, to the west and southwest are undeveloped portions of the P.U.D. The "Telby Knolls Plat 1" development adjoins to the east/southeast, and is conditionally zoned "R-1S" Suburban Density Single Family District with a minimum required lot width of 75 feet. A residential estate adjoins to the east and is zoned "A-1" Agricultural Reserve District.

Mr. Franklin said Staff recommends approval subject to requiring the developer to:

1. Submit the plat documents for approval, including surety for the uncompleted public improvements; pay the sanitary sewer connection fee in the amount of \$32,684 (before July 1, 2007) or \$33,931 (after July 1, 2007); provide surety or pay into escrow \$46,200.80 for the sidewalks and pedestrian walkway; provide easement legal descriptions to the City for the preparation of the easement documents.
2. Provide a 20-foot pedestrian easement along the northwest property line of Lot 14 into Outlot B (park) as required by the P.U.D. Master Plan drawing, the parkland dedication plan approved by the Parks and Recreation Commission and the preliminary plat; provide a design for the pedestrian walkway and re-grade the area to allow for it's construction; provide storm sewer easements on lots 3, 5, 6, and 16-20; label the sanitary sewer easement on Lots 5 and 20; label Outlots A and B as park and delete any proposed easements in the outlots as easements are not required on public property.
3. Provide additional minimum opening elevations on Lots 8-17, if appropriate; revise the plat to add a note stating that fences are not allowed within the building setbacks along any street; show the lot addresses (to be provided by the Community Development Department); in the 16th line of the plat legal description, verify the dimension of 267.97 feet to the dimension of 267.96 feet on the plat drawing; darken the outside plat boundary lines Lots 2 and 3; darken the existing easement callouts.
4. Add the following statement to the plat, "In any area where a public utility easement (PUE) overlaps, or is coincident with, a designated utility easement for sanitary sewer, water main or storm sewer, the use of the PUE is subordinate to the use of a designated easement for sanitary sewer, water main or storm sewer purposes. Utilities located in the PUE that are in conflict with the use of a designated

easement for sanitary sewer, water main or storm sewer purpose must relocate without expense to the owner of the sanitary sewer, water main or storm sewer. The use of the PUE is subordinate in perpetuity including any future use of the easement designated for sanitary sewer, water main or storm sewer purposes”.

Mr. Eric Cannon, Snyder and Associates, 2727 SW Snyder Boulevard, Ankeny, said I'm here on behalf of the development, Berkshire Land, LLC. We are in support of Staff and agree with their comments.

Mr. Kusy said a lot of times, the parkland dedication is drainageways. It's green space, but it's really not what I envision as parkland space. Has that ever been looked at more thoroughly?

Mr. Franklin said it yes I think Staff is always looking at that aspect, and we've actually had some specific conversations with this developer, and even more so with what we anticipate is another future plat that's going to be coming on just west of here, to make what's being dedicated useable land, especially in this area. Here the creek comes through down in this area here to the south of the lots, and just to the south of the creek is Telby Knolls, so when they dedicated their parkland, that went up against the creek. And we wanted to make sure that we've got some useable land along here that could be used as well. So one of the comments there that you see, comment #2, they do need to give us a 20-foot pedestrian easement that would get a walkway into the parkland. It's a comment that we've made on some other plats previously, too, is to not only give us something that's in there and it's green, but to have that be graded so that people can actually walk it, and use it, and have it be useable land. Not every piece of parkland will have a trail, but many do or will in the future. I know it is something since I've been here, with some of the newer plats that have come in, where Mr. Dekker and I have had specific discussions with the developers. A lot of times it's going to be land along creeks and it's going to be land that's in a floodplain and can't be developed. But by the same token, let's make it be something that's potentially useable so it's good parkland.

Mr. Hatfield moved, and it was seconded by Ralston-Hansen, to approve Berkshire Estates Plat 2 Final Plat, subject to Staff recommendations. On roll call; Ayes: Hatfield, Ralston-Hansen, Pick, Gass, Weiser, Hodgson, Van Heuvelen, Kusy; Nays: none. Passes: none. Motion carried.

Regarding Staff reports, Mr. Franklin said there will only be two items next time, actually maybe only one. On the northwest corner of 73rd and Hickman, there's a little vacant lot right there. Apparently it used to be a Shakey's Pizza. It's a vacant lot right now. There is a Polk County Bank that's proposing to go there. We received a grading plan. They need to put some earth on that site to get it to be buildable. So, we have a site plan. That's the only item I know for sure we will have next time. If Westport North, item #2 on the pending list, gets a variance from the Board of Adjustment Wednesday night,

then they will be before you next time, too with a site plan for an expansion to the existing building. If not, then they won't.

Mr. Kusy said there's one really large tree on that vacant lot at 73rd and Hickman!

Mr. Franklin said yes, one really large tree, and you'll be glad to know that the developer recommended, and Staff wholeheartedly agreed, to put a protection fence around the tree so that it can stay there and remain.

Mr. Hatfield said you weren't here back when Mr. Dekker saved the pine tree on Meredith, and personally trimmed up the bottom part for better visibility.

Mr. Franklin said this tree is actually one of Mr. Dekker's favorites, as well, so we're making sure that we save it.

Mr. Hatfield said I actually read the minutes. Last year we had this sign subcommittee, with Ms. Hodgson, me and somebody else, perhaps. We met two or three times, public meetings, and talked about people who stand on the corner, holding placards (such as for K's Merchandise going out of business sale); vendors who have carts, vegetable vendors. I just wondered if you would print that up and give it to Mr. Kusy, because there's a lot of stuff in there, a lot of public input, and if you just give it to him, at least he can represent our interests there.

Mr. Kusy said that would be great.

Mr. Hatfield said I always suspected that we didn't come up with the right answers, so it just got buried.

Mr. Kusy said the Chamber kind of ran with that this year. I believe it's a week from today is the next time we meet. I volunteered to be on the subcommittee for monument signs. There was a separate committee for temporary signage, which seemed to be the bigger issue.

Mr. Hatfield said temporary signage was one deal. Placard signage, with a person standing there holding a sign, and then vegetable carts was just kind of thrown in as an idea for discussion.

Mr. Kusy said I'd love to have access to that information.

Mr. Hatfield said I'm not trying to rehash it, other than there was a lot of work done and a lot of public hearings held. So, take it, run with it, hash it over, use it or not.

Mr. Kusy said I'll get it to the chair of that subcommittee.

Mr. Gass said I don't know how big this is, but on page 13 of the minutes, it says I said something about "20 years ago the land immediately north of Glen Oaks..", and I don't remember saying that. So I don't know how you're going to go back and figure out who did say it, or whether that's significant or insignificant. I just don't recall making reference to anything around the Glen Oaks area.

Mr. Van Heuvelen said I said that!

Mr. Gass said do you have any crystal ball that will say what's going to happen with Meredith Drive, NW Urbandale Drive east to 86th Street? How that's all kind of cockeyed? I can't believe when they designed that, they didn't do 4 lanes or 5 lanes, whatever it's supposed to be, right at the get-go.

Mr. Franklin said that is in the CIP, and I don't remember when we're doing that. But we're going to pick it up from right there at that Polk County Bank and go east a certain distance, maybe all the way to 86th Street. But I don't remember how far.

Mr. Hatfield said isn't that this year, maybe?

Mr. Franklin said it might be, but I don't remember for sure.

Ms. Ralston-Hansen said I don't remember if it was this year, but soon.

Mr. Hatfield said maybe in 2008, but it's really soon.

Mr. Franklin said it's coming up. I'll look to see when.

Mr. Hatfield said those signs that get knocked over on a daily basis just east of that bank...

Mr. Gass said so it eventually will be that way all the way to 86th Street?

Mr. Franklin said correct.

Mr. Gass said okay, that's good.

Mr. Franklin said it's not the highest priority right now, but it's in the CIP.

The meeting adjourned at 6:45 p.m.