

## URBANDALE PLANNING AND ZONING COMMISSION MINUTES

August 4, 2008

The Urbandale Planning and Zoning Commission met in regular session on Monday, August 4, 2008, at the Urbandale Administrative Offices Building, 3600 86<sup>th</sup> Street. Chairperson Paul Pick called the meeting to order at 6:02 p.m.

Commissioners present were David Russell, Jeff Payne, Bill Kusy, Kevin Gass, Jeff Hatfield, Judy Ralston-Hansen, Jill Creveling, Wayne Van Heuvelen, and Paul Pick. Staff members present were Paul Dekker, Director of Community Development, Steve Franklin, Community Development Manager/Chief Planner, and Cheryl Vander Linden, Department Secretary.

The first item on the agenda was to approve the minutes from the July 21, 2008, meeting. Mr. Gass moved, and it was seconded by Hatfield, to approve the July 21st meeting minutes. On roll call; Ayes: Gass, Hatfield, Russell, Payne, Ralston-Hansen, Creveling, Van Heuvelen, Pick; Nays: none. Passes: Kusy. Motion carried.

The next item on the agenda was the public hearing on the "Day Family Farm" Amendment to the Comprehensive Plan and to the Planned Unit Development Master Plan, 12100 Meredith Drive, case number 010-2003-02.03.01. Mr. Pick said, if there were no objections, he would dispense with reading the following official publication:

Case No. 010-2003-02.03.01

### 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 Administrative Offices Building, 3600-86<sup>th</sup> Street, Urbandale, Iowa at 6:00 p.m. on Monday, August 4, 2008, to consider a petition from Mr. Charles J. Bishop, Bishop Engineering, on behalf of Mr. Dale L. and Mrs. Mary Beth Day, owners, to amend the Comprehensive Plan and to amend the "Day Family Farm" Planned Unit Development Master Plan for the following legally described property:

The North One-half of the East One-half of the Northwest Quarter of Section 20, Township 79 North, Range 25 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Urbandale, Polk County, Iowa EXCEPT that portion thereof described as beginning at the North Quarter Corner of said Section 20; thence South 60.00 feet; thence West parallel with and 60.00 feet south of the North Line of the Northwest Quarter of said Section 20 a distance of 569.98 feet; thence north 10.00 feet; thence west parallel with and 50.00 feet south of the North Line of the Northwest Quarter of said Section 20 a distance of 740.98 feet; thence North 50.00

feet to the North Line of said Section 20; thence east along the North Line of said Section 20 a distance of 1,310.99 feet to the Point of Beginning; said tract of land contains 38.05 acres more or less;

This property is locally known as 12100 Meredith Drive and is located east of 125<sup>th</sup> Street and south of Meredith Drive. The amendments are proposed to allow retail commercial uses along the Meredith Drive frontage between 123<sup>rd</sup> and 125<sup>th</sup> Streets in lieu of office and business park uses, and to allow office and business park uses in the southwesterly portion of the property in lieu of single-family residences. More information on this proposed amendment to the Comprehensive Plan and to the "Day Family Farm" Planned Unit Development Master Plan can be obtained at the Department of Community Development, 3600-86<sup>th</sup> 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 to the "Day Family Farm" Planned Unit Development Master Plan will be heard at the time and place set forth above.

There were no objections to the official notice as published.

Mr. Dekker said the proposed amendments pertain to a property that has 1,311.15 feet of frontage on the south side of Meredith Drive, and has a total area of 37.83 acres excluding the existing Meredith Drive right-of-way. There are two existing single-family residences on the property.

The amendments are proposed to allow retail commercial uses along the Meredith Drive frontage between 123<sup>rd</sup> and 125<sup>th</sup> Streets in lieu of office and business park uses, and to allow office and business park uses in the southwesterly portion of the property in lieu of single-family residences.

Retail amendment: The amendment to allow retail commercial in lieu of office/business park development pertains to 3.43 acres adjoining Meredith between 123<sup>rd</sup> and 125<sup>th</sup>, across from the existing "Marsh" office building. The proposed P.U.D. Master Plan amendment shows two lots having depths of about 245 feet and areas of about 1.7 acres each, which would result in about 33,000 square feet of total commercial building area at typical Floor Area Ratios (FAR). Proposed uses include: all uses allowed in the "C-O" Office/Service District; banks, including drive-through; child day care; outpatient care facilities; "standard" restaurant, including outdoor patio; delicatessen; drinking places not including discotheques or live entertainment and having a maximum capacity of 125 persons; coffee shop; dry cleaners; office supply store; sales of computer hardware and software, and telephones; book stores and stationery stores; apparel and accessory stores; jewelry stores; flower shops; tailor shops including alterations and repairs; beauty salons and barbers; and health clubs and spas, beauty spas and reducing salons, and similar health and beauty services that do not include lodging.

Office/Business Park amendment: The amendment to allow office/business park development in lieu of single-family residential pertains to about 9.25 acres and would reduce the number of future single-family lots in this development from about 40 lots to about 8 lots. The proposed amendment indicates that the added area would be used primarily as a regional detention basin/pond amenity for the entire property, providing about 190,500 cubic feet of runoff storage. In addition to the detention basin/pond, a 50-foot wide landscaped buffer is proposed between the pond and existing single-family residential to the south.

Existing zoning: The current PUD Master Plan for this parcel allows office/business park development in the northern and eastern three-fourths of the property, and small and large-lot single family development in the remaining southwestern quarter of the property. There is a drainageway running diagonally through the property from northwest to southeast that is currently the proposed division between the office/business park development and single-family development for the most part (not along the north, where the line between residential and business park matches the zoning line in the "Timberbrooke North" P.U.D. that adjoins to the west). The drainageway is expected to be dedicated as public open space to satisfy parkland requirements for the residential and also form part of a buffer between the residential and office/business park development on this property. The open space would be a continuation of existing public open space in the "Day's Run" development, and is expected to provide a pedestrian connection to Meredith Drive as well as a potential school site to the east.

The single-family area adjacent to the drainageway is currently proposed to be small-lot single family (approximately a one-block width) and would accommodate approximately 28 lots. The southwesterly corner is proposed to be large-lot single family (also about a one-block width) and would accommodate about 12 lots. The large/small lot configuration matches up to the existing single-family "Day's Run" development that adjoins to the south. 125<sup>th</sup> Street is temporarily dead-ended at this property's south boundary, and is intended to provide access only for with "large lot" development along that street and "small lot" single family to the east.

General information: The "Paragon Office Park" P.U.D. (formerly "Meredith Business Park North") adjoins the property to the north across Meredith Drive, and to the east. The portion of the "Paragon Office Park" P.U.D. located to the north of this property is limited to office development, and includes the Marsh office, Prairie Tower and open space, and vacant office property that might be occupied by Citi Group should they decide to expand further at some future date, or some other tenant.

The portion of Paragon Office Park that adjoins to the east is also limited to office and business park uses along Meredith Drive, with one remaining "high cube" warehouse currently under development. The "Day's Run" development, zoned P.U.D., adjoins to the south and includes "small lot" single-family detached residential adjacent to the

“small lot” zoning in this property, and “large lot” development adjoining the proposed “large lot single-family” on this property.

The “Timberbrooke North” P.U.D. adjoins to the west. The north half fronts on Meredith Drive and is zoned for retail/commercial development, matching the “Paragon Office Park” zoning to the north of Meredith (Dahl’s grocery and convenience store, Paragon retail building that is under construction, and vacant “outlots”). The south half is being purchased by the Urbandale School District for a potential elementary school or other District use, and if not used by the District is zoned for “large lot” single-family detached residential.

Meredith Drive is fully improved as a full four-lane arterial street with a raised median and left turn lanes along the frontage of this property, with the exception of right-turn lanes that are developer responsibility at each access. There are two full-movement accesses allowed, one at 125<sup>th</sup> Street, which is the western property boundary, and one at 123<sup>rd</sup> Street near the center of the parcel. The Meredith Drive/125<sup>th</sup> Street intersection will be signalized.

There is an existing 16" water main along Meredith Drive. Sanitary sewer service is available from a sanitary sewer that currently terminates at the south boundary of the property, and from a sanitary sewer trunk located just to the east of the eastern property boundary.

The property is located in the Urbandale School District and drains to the southeast to a drainageway that runs southeasterly/south along 121<sup>st</sup> Street, and then southeasterly through Living History Farms and eventually into Walnut Creek.

Mr. Dekker said Staff will provide a recommendation at the next Commission meeting, after the Commission has identified issues and concerns from this public hearing. The Commission also could refer this request to a subcommittee for further discussion if desired.

Mr. Van Heuvelen asked where the Dahl’s site was in respect to this property.

Mr. Dekker said the Dahl’s convenience store would be located directly to the northwest of this property’s northwest corner. The Dahl’s store would be to the north of the convenience store site, off of the map.

Mr. Gass asked didn’t we also discuss another convenience store site on the south side of Meredith?

Mr. Dekker said the zoning for the property to the west of this includes permission for one convenience store as well.

Mr. Kusy said can you go back to the existing Master Plan? How were they going to handle the detention under the existing Plan?

Mr. Dekker said there weren't any specific provisions. The typical expectation would be that it would be handled within each individual parcel as each parcel was developed, since that is the most common approach to providing detention. Sometimes it's been done within public open space but only if there's excess dedication of open space and it's done in a way that doesn't compromise the use of that public open space.

Mr. Kusy asked how many acres under this P.U.D. of office and business park would you estimate there is?

Mr. Dekker said the total area is a nominal 40, and if you look at the Master Plan you can see that there are roughly 10 acres of residential and roughly 30 acres of office and business park under the existing Master Plan. The area increases by 9.5 acres under this proposal.

Ms. Ralston-Hansen said the land allotted for the single family residences, the large single family residential, did that stay about the same?

Mr. Dekker said yes, that's roughly the same as what it was before.

Mr. Kusy said but wouldn't you have to carve out some of the office and business park, as shown, for detention? I mean, you don't really have 40 acres of developable ground, do you?

Mr. Dekker said the net result of this change is that you're adding 9.5 acres to the office/business park total, even though they're showing much of the added area to be detention. You do have to provide for the detention somewhere and in all probability it would have been done on the individual parcels under the existing Plan, so if you add 9.5 acres and use all of it for combined detention, that means you're not using 9.5 acres of the individual office and business park parcels for that purpose. They're still providing the same amount of detention capacity under both plans, so adding area increases the total office/business park development by that much, it's just that the detention is more obvious by providing it all in one location instead of in small, scattered pieces on individual sites. The quantity of detention hasn't increased, it's just consolidated, and the amount of area it occupies in a single basin is the same amount of developable area that is being freed up on the individual parcels.

Ms. Ralston-Hansen asked what's the biggest driver for this request. The addition of the retail space or the additional office and business park space?

Mr. Dekker said you should probably ask the petitioner that question.

Mr. Kusy asked what size are the small single family residential lots under the existing Master Plan?

Mr. Dekker said they're 60-foot minimum lot width.

Mr. Payne said how big is that detention pond? Does it provide enough buffer? The way it looked on drawing for the proposal, it was going to be right at the property line.

Mr. Dekker said what Mr. Bishop has indicated is that it provides 190,000 cubic feet of storage, but that doesn't really tell you much about how big the pond is. He could probably answer your question better than I.

Mr. Payne said the only reason I was asking is that I wondered whether the neighbors to the south would either have homes adjoining, as they would have under the existing Plan, or they'd have a pond next to them, and if they'd have a preference.

Mr. Dekker said if having the pond adjoining the residences would be an important part of your consideration, in your ultimate recommendation you would want to stipulate that the area can only be used for a pond and the combined detention. Otherwise normally we look at the master plan they've submitted as being somewhat illustrative, and not necessarily being binding, other than things that are specifically noted as being binding. For example, we wouldn't require the individual parcels to be configured exactly as they're shown on these maps, only that the lines between the types of zoning cannot be altered.

Ms. Ralston-Hansen said in the office and business park area on the proposed Master Plan, what's the reality as far as how that might be developed? It looks like it has one access, so big might those lots be?

Mr. Dekker said they have three lots shown. As to whether that's ultimately how it'd be developed it's very debatable. There are a lot of different ways that that could be done, or it might even be developed as a single parcel.

Ms. Creveling said back to the detention pond versus the creek that's running through there now, which provides better protection downstream for the rest of these neighborhoods?

Mr. Dekker asked do you mean in terms of individual site detention versus combined? In theory, it ought to be the same because in all cases, you're dealing with the same release rates and the same storm volumes. But engineers would tell you that they would prefer to have a combined basin because there's more consistency, it has fewer variables and is easier to manage. As with everything else, when you put a lot of individual parts together, any one part might be off a little bit one way or the other, but when you put them all together and look at the average the variations will have

cancelled each other out. Developers, on the other hand generally don't want to do combined detention if they're selling off individual lots, because it becomes additional overhead for the development while not necessarily allowing them to charge more for the individual parcels due to the increased developable area.

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

Mr. Chuck Bishop, Bishop Engineering, 3501 104<sup>th</sup> Street, Urbandale, said I'm here tonight representing the Days, Mary Beth and Dale, who are here tonight, as is their attorney Dan Manning. I'll try to answer some of the questions that you brought up during our discussions here.

What's driving this request is that basically the Days are at a point where they are being surrounded by development, and feel that they need to look at what's going to be best for them do as far as trying to get this property sold at some point in the future. They're currently living there in their house, and it's not going to remain a house forever. The "Timberbrook North" PUD for the Economos property adjoins them to the west, and there's a common access point that lines up down their common property line, and that's a signalized intersection. The Timberbrook North P.U.D. shows a road with outlots between it and Meredith Drive, with the frontage road tying into this common driveway, and it seemed to make sense to just continue that frontage road to the east across the Day property to the next access point, which lines up 123<sup>rd</sup> Street. So I've kind of conceptually shown bringing in a street into this property at that location, and connecting that frontage road to it.

And with that common access point being a signalized intersection, we felt that made it suitable for more service type retail in this location. It's only about 3.4 acres, which seems logical to get divided into two lots of about 1.7 acre for something like a bank or day care. With all of the office development in this area, this seems like a pretty ideal location for that sort of use.

As to the residential versus the office and business park, we also felt that with the School District owning the property to the west there really wasn't a reason to do much residential down in that southwest corner other than for 125<sup>th</sup> Street coming into the property from the south. There is the creek running through the property, so we've just shown bringing 125<sup>th</sup> up as a cul-de-sac without connecting it to the school parcel. We really don't have any indication as to how the School District might develop their property, so it seemed better to just make 125<sup>th</sup> a cul-de-sac instead of stubbing another street into the school property, and in doing that it didn't seem logical to put very many residential lots in that location. So we felt that it would be better to use that ground for a combined detention basin instead of more residential, and that's how that part of this proposal came about.

Mr. Bishop said as far as the detention pond, what I've shown here is about a 2-acre pond. It's about 90,000 square feet. You assume that maybe the top 2 to 2-1/2 feet of that would provide storm detention within that pond, that the water level would go up and down within that pond area. That is sort of a floodplain area currently. You can see the area is not being cultivated at all because it's always wet, so we put the pond in that location and assume that we can take all the storm runoff from the entire property into that pond and have it at the same time be some type of amenity for this business park. But again, what we've shown on herein terms of the business park development is very conceptual. We've shown three lots with from 7 or 8 acres to a little over 12 acres including the pond, and those are about the same size as the lots to the east on 121<sup>st</sup> Street so they seem about right since they kind of mirror the lot sizes in the existing office/business park developments in this area, but that's not to say they'll for certain develop the same way. It's pretty compatible with what's out there, but this doesn't actually have to be this way.

So, to sum up, what we're proposing is to add some restricted retail up at the north end here, some business-oriented uses like maybe a sit-down restaurant so they can go over there for lunch, a tailor or something like that, if you wanted to drop off some drycleaning, or a bank. The uses we're proposing are listed in the staff report. Then also reducing the residential area, just basically taking out the small lot single family, and retaining the large 70-foot lots.

Mr. Bishop said we'd still have the 50-foot buffer between the residential the nonresidential. You'd still have a 50-foot buffer, and the pond would be on the outside of that 50-foot buffer. The 50 feet still provides room for the required 5-foot berm with landscaping on it, then you get to the pond. So the berm and dam area would be in this location, so you still have a 50-foot buffer along the south edge of all this business park, which would include the 8 lots that but up to it here.

Mr. Kusy asked when was the original P.U.D. approved?

Mr. Dan Manning said 2003.

Mr. Kusy asked did the school own the property to the west back then?

Mr. Manning said yes.

Mr. Kusy asked so was that part of the request for the smaller lot sizes? I know that's pretty typical to do that near schools.

Mr. Dekker said basically it was a matter of matching up what exists in the neighborhood to the south that has 70-foot minimum lot widths along 125<sup>th</sup> and 60-foot lots to the east, so the existing Master Plan was matched up to that zoning to the south in the Day's Run neighborhood. The school parcel is, if I recall correctly, about 17-1/2

acres, and if you look at what they might use that for, what their initial thought was that they might need another elementary school or might need to replace other facilities that might be displaced by construction on one of their existing school sites. If you look at the projections for eventual population growth within the District, you sort of conclude that they will need another elementary school at some point in time. That might be fulfilled by constructing another building, or by adding pieces onto all the other buildings to create that additional capacity equivalent to another elementary school. If they did decide ultimately that building a new school building was the way to go and they chose to do that on this site, they don't need 17 acres for that use, and in that case there's a pretty good chance that at least a portion of the school parcel will be sold and developed residentially. That's the reason for stubbing the streets into the School District parcel, to allow that to occur.

Mr. Kusy said and you would assume that any ground that would be residential would probably be the easterly part?

Mr. Dekker said yes, that would be logical. We would want them to put the school out on the main street because of the traffic that schools generate. We wouldn't that all running through the neighborhood. And they would probably want that as well. So the school would tend to be on the westerly portion of the property, out to 128<sup>th</sup> Street, the main street. Whatever excess site area there might be would most logically be in the easterly portion of their site.

Mr. Kusy asked do you know if the School District owns any other chunks of ground like that west of the interstate?

Mr. Dekker said this is the only parcel that they own anywhere, other than what's behind the middle school and the remaining site area at Webster. They acquired this because it was available and they felt that if they didn't acquire it now they might have problems down the road because it would become increasingly difficult to get land. So they had to acquire whatever they thought they might need at any time in the future, with the expectation that if it turned out they didn't need the ground after all, there would always be a market to sell it for residential. Better to have it and not need it, than to need it and not be able to get any ground.

Mr. Hatfield asked how big would those retail buildings be, in theory, with 3.4 acres, parking requirements for retail?

Mr. Bishop said Mr. Dekker indicated maybe up to 33,000 square feet. I would venture a guess that they're not going to get close to that. I think you'll probably get a 7,000 square foot building, or something like that, especially if you go to a restaurant, where more parking is required. The layout we've got on there show maybe a 6,000 square foot building with 40 parking spaces. So that's about all you're going to get on that site. So, maybe 6,000 to 10,000 at the most on each one of those parcels.

Mr. Dekker said it depends a great deal on what the use is. The 33,000 is looking at about a 22% floor area ratio, which is the typical office retail strip center. But if you do uses that have high parking needs or have a lot of circulation, like a bank or a restaurant, you won't get nearly that high. In those cases you're probably looking at half that.

Mr. Bishop said the problem that we're seeing is that we've got a pretty large setback on the front, and the lots aren't very deep, 245 feet deep. We have a 75-foot building setback on the front. If you have a street here, you've got another 75-foot setback on that side. So it cuts them down pretty small. So I don't envision them being any large type boxes; more of a 7,000 to 10,000 square foot retail space.

Mr. Van Heuvelen said if we can visualize that detention pond for a minute, is that something like the lake on Aurora there? Is that permanent?

Mr. Bishop said yes. It's a permanent pool of water, like the lake on Aurora or the pond Paragon has out there in front of the Marsh building out there. It's something real similar to those, more of an amenity type of thing.

Mr. Van Heuvelen said will there be rocks along the edge?

Mr. Bishop said you could put rocks along the edge if you wanted to. I'm not sure. Some people don't like the rocks on the edge, but because of the wave motion, they help to keep down the erosion a little bit. Plus the fluctuation of water heights, you need to try and get something that smooths the shore line.

Mr. Van Heuvelen said but it will be a permanent lake, even in the drought of summer?

Mr. Bishop said yes, that's what we're looking for. There's a lot of water coming through there. There's a spring in the middle of that field there, that's why they can't farm it. And that creek runs all the time.

Mr. Russell asked have you seen the letter from the homeowners' association?

Mr. Bishop said yes, I have seen the letter from Day's Run Homeowners' Association.

Mr. Russell asked are there any issues that have been raised in that letter that are a concern?

Mr. Bishop said I didn't see anything that was out of line. It mentioned the bike trail. We would work with the Parks Department on where the bike trail goes. I would see it that most likely it would run along this buffer line here, along the west edge of the pond, and then up the west edge of the property in order to get something out to Meredith. It

would have to run along this west edge here and tie into this drive, and then tie into Meredith again. We show sidewalks along both sides of that driveway, so I would see it being something to that effect. Another possibility would be coming up between the lots and tying into the cul-de-sac, if it gets developed that way. That might be a little bit shorter and might tie in better with the green space. You bring it up and around the pond, and then out to a street. It could tie into the city's sidewalks out there and then go out to Meredith, after it goes around half the pond or more.

He said the second thing listed in their letter had to do with berming. We talked about the 50-foot buffer there, it's enough for a 5-foot berm. I guess it's more of a site plan issue, once somebody buys the property, as far as when the landscaping going in. So we can't do anything with that as part of the zoning change. Not allowing loading docks on sides that face residential, I'd have to talk to the owners about whether we could commit to something like that at this time. I know it was allowed to the east, so I don't know if that's something they would want to commit to.

Hours of operation, again I think that's more of a site plan issue, it really depends on the use. Character of the detention basin, it's going to be a nice pond feature. The architectural character of the buildings, they'll be the same as what's in the P.U.D. now. We're not asking that to be changed. Building lighting, they are required to be cut-off luminaries. That's no problem. And then "environmentally sensitive practices" – that is kind of what we're trying to do with the common detention basin. They tend to end up being a little bit more friendly, as far as getting water quality, helping to take the silt out of the runoff. Some of it should be pond, but there will be issues taking place during construction on each of those sites, to prevent silting of pond itself. But it does have its own feature of having this running water through it, it keeps that water from getting stagnant and keeps the pond more active as far as water quality is concerned. So I don't see too much in there, I guess.

Ms. Ralston-Hansen said up on Meredith, you said it was a signalized intersection there?

Mr. Bishop said yes.

Ms. Ralston-Hansen said there's no way that that's going to punch south, beyond where you're saying the frontage roads are?

Mr. Bishop said it really doesn't because we don't have an access easement on this property. The access easement only goes back so far, for a shared driveway. It's not a street, it's just a private entrance on our side of the street here. But this is just a private access way.

Mr. Dan Manning, Connolly Law Firm, 317 6<sup>th</sup> Avenue, Suite 300, Des Moines, said I'm representing the Days. I just wanted to give you folks a little bit of history concerning

this property. I began representing the Days in the spring of 2003. At that particular point, one of the unique things that was going on here at the time was they were proud residents of the City of Grimes. It's kind of a unique aspect of this property, that they were in the City of Grimes on the south side of Meredith. But they did what was required. They had to voluntarily agree to leave the City of Grimes and come into the City of Urbandale. From the Days' perspective, I think that was obviously a very wise move on their part. They've enjoyed the relationship that they've had with the City of Urbandale. But in terms of when they came into the city and when the zoning was approved, and when they were annexed in, that all took place in the summer of 2003.

The reason why I wanted to give you that history is that, at the time the property was zoned, I certainly believe what Mr. Dekker is saying, I don't recall exactly when the school acquired that back 17-acre parcel. But to give you some perspective on where the Days were coming from, at the time that they entered into the P.U.D., they did agree to the plan shown here. It was a matter of generalities in that there was really no commitment to the north of us in terms of exactly how the property would be developed. And the property to the south was still filling up with residential homes. That development has obviously done well and it's a very nice development.

Now that we know what's going to happen, what's been approved directly to the west, and we've locked in as to where the streets are going and where the access points are going to be, I think that helps drive what's going to happen with the Day property. He said that's what we're trying to show. We're not trying to make major alterations to the existing zoning that we have. We're trying to reflect what we have seen actually happen around us, as Mr. Bishop pointed out. When we have that direct access point to the west and directly to the west we're going to have retail, it seems like a natural fit in between the two access points, to have retail uses there.

Then knowing that we have to address the detention issue, we think we can do a nice amenity and a really nice pond and address, as Mr. Bishop shows, the goal is to try to keep in touch with what we've actually previously agreed to and just make modifications that can make this actually a much nicer development. We're still keeping the large residential lots, and the pond and the large lots can act as a buffer for the existing homes. We think we're just recognizing the reality between now there's two access points. That's really the only thing that we're trying to modify here. So I have nothing further. Just wanted to give you that history. It's kind of an interesting aspect of this particular project and the fact that, without the Days' cooperation, this property would still be in the City of Grimes. I point out they're happy with their decision, probably the best decision they ever made....!

Mr. Pick asked if anyone was present who wished to speak in opposition.

Mr. Shawn Foy, 12605 Tanglewood Drive and 12319 Townsend Avenue, said I represent the Day's Run Board, but I will also represent myself as a property owner. I'm

hoping that everybody got a copy of the concerns that were gathered by the Day's Run Homeowners' Association. I think they speak for themselves, and I won't waste your time by reading back over them. But I would like to add that some of these issues we know are now addressed in a Planning and Zoning meeting. We completely understand that, but there have been situations and other issues that have arisen around the Day's Run subdivision that have been compounded because they weren't address early. That is 99% of what we're trying to speak to here.

And so if some of these concessions can't be met, I guess, we're having trouble understanding why we shouldn't resist this amendment all together. And I hope everybody understands that. Because some of the properties here, as you can see, clearly would be backing up to residences. And as the proposal is saying, you might back up to a pond now. Well, that's great. And it could be a good thing. But as of right now, we've got a sure thing if it's a bunch of houses. He said we've already got the issue with that monument that went up, and that's already had a negative impact on many of the houses because, for lack of a better word, it's a giant beacon that's bright and some people consider it an eyesore which could have a negative impact on the lots. So could a bunch of massive construction that could, in turn, have a negative impact on the lot. Warehouses, increased traffic, just a laundry list of items, and that is the reason that we have made all these requests, first and foremost. So does anyone have any questions about our intent or the things that were addressed in this issue?

Ms. Ralston-Hansen said so your biggest concern was the loss of the smaller lots just to the west of the large lot area? Is that kind of your main area? Because the retail area really wouldn't affect the houses to the south of this plat.

Mr. Foy said to the best of my knowledge, we were not concerned with the retail amendments.

Ms. Ralston-Hansen said the biggest concern is because they pulled out some of the small single family lots?

Mr. Foy said yes.

Ms. Ralston-Hansen said you're probably going to have some kind of detention pond, anyway, even if there were some houses there. The water has got to go somewhere.

Mr. Foy said there's a landscape architect on our board, Jim Harbaugh, and he was unable to make it here today but he actually authored this letter. In his words, and to my understanding, there is not a guarantee that a pond would have had to have been placed.

Ms. Ralston-Hansen said but those can really be a great buffer, too.

Mr. Foy said it could, absolutely. It could be outstanding, it could drive lot values up.

Ms. Ralston-Hansen "lakefront property!"

Mr. Foy said exactly right, but we don't feel we have any assurance on exactly how that might be developed at this point. Please understand our position that it could be a positive, but it also could be a giant eyesore that causes many problems. Whereas before it's zoned residential, at least every current Day's Run home-owner, from what we can gather, would have a house backing up to them, or a residential property. And now some of that is going to be turned into something other than residential, whether it's a pond or something else, we don't know. That's where we are concerned. Because, like it was pointed out, a lot can change between now and the time that the first building goes up or the construction process begins, or anything. The items addressed here were meant to express that we understand that changes sometimes have to be made, but can you help us out?

I represent 220 homes. Another board member is here too and I believe a lot of families are. We just don't want to get left high and dry.

Mr. Gass said so it's more the uncertainty as opposed to actually having a pond back there. Am I understanding that right then?

Mr. Foy said speaking as a board member, and trying to be a voice of the entire development, the uncertainty seems to be a much greater concern than any specific grievances. I could talk for an hour about all the different things that my neighbors have told me, that we don't like this, and we don't like that, and I don't know what's going to go here. But in general, uncertainty is a major, major concern. It has a greater effect on everyone.

Ms. Ralston-Hansen said if it was to turn out just like the picture is showing right now, what concerns would your homeowners have?

Mr. Foy said this was written with the intent of "what if that happens?" Obviously watershed issues. I don't know if any of you live in the neighborhood, but it can get really swampy down there. And to the proposal's point, a detention pond could work but if they're not going to change the outflow capacity, then in theory it's not going to get any better, it's not going to get any worse. So, it's a wash. Some of the other things is landscaping berms. Everyone here has driven by a development with the beautiful landscaping and things that really set off an area. Everybody else has also driven by one where there's some gravel thrown around and it looks like garbage. So those are the concerns that are highly outlined here. And I know this isn't going to make a whole project yes or no, but we would like a reasonable expectation or some sort of feedback that these are within reason, the board would recommend to this effect, and it would then be honored by the City Council down the road or within reason.

Mr. Van Heuvelen said when Mr. Bishop talked, we asked him about these recommendations that you folks made, and he acted as if certainly this is all something they could work with very easily. It sounds like it's not that big of a deal. As I listen to you speak, I'm trying to think, now are you for this, or are you against it? And my sense is, if it turns out really beautiful, you're for it. But if it doesn't turn out quite so aesthetically pleasing, and that's a tough thing to define, then you're against it.

Mr. Foy said absolutely! That gets back to the uncertainty issue that I have brought up from the moment I stood up here. It's the uncertainty that we're having a problem with.

Mr. Van Heuvelen said but without the pond being built and the water coming down, and the buildings being built, actually seeing designs and all that other stuff, we can't really offer you that certainty.

Mr. Foy said I know. That's our catch, isn't it? And that's my point exactly. Thank you for proving it.

Mr. Pick said as the site plan exists now, if there's going to be residential to the east here, it doesn't call for the berm to be put in before those houses are constructed. You're going to have construction no matter what. There's going to be noise, there's going to be a mess, that's just the way that it is.

Mr. Foy said but logistically we have a buffer. Because every single Day's Run home as it sits right now, would have a residence or a residential property behind it.

Mr. Pick said but if those homes aren't aesthetically pleasing when they're built, or two years after they're built, they're not aesthetically pleasing, and you're looking at that, then what?

Mr. Foy said we have to have confidence that a builder's not going to throw up a bunch of \$90,000 houses on \$60,000 or \$40,000 lots. The mathematics behind that doesn't make sense to any member of the board. That was a discussion that we had. What if they throw up a bunch of sheds? Well, a builder is not going to develop this valuable of property and put a bunch of sheds....

Mr. Pick said they can develop it that nicely, but once the actual homeowner moves in, you can't control what they're going to do.

Mr. Foy said but that's uncertainty based on a single individual versus a large group. And now while I'm sure that if it's rezoned, it's going to be a much easier sale for the Days, it could have a very negative impact for a large group of homeowners. We are not the biggest development, but 220 homes is a considerable amount of homes.

Mr. Kusy said don't you think, though, that by putting an aesthetically pleasing pond, that they'll be enhancing the value of the 8 large lots to the west and the 18 acres to the east? To me I would think that's going to be a partnering with them and the neighbors, that they want to do something well.

Mr. Foy said on the other hand, maybe they don't care all that much about how the residential turns out. They could just say hey, we don't care all that much about how the residential turns out because my commercial property will more than make up for it. That's why you put mustard and catsup on sale at the same time you jack the price of your hot dogs.

Ms. Ralston-Hansen said for my clarity, one of your driving points is that you're concerned about this because right now everybody with the current P.U.D. would have residential. Aren't we just talking about 3 or 4 lots that would be adversely affected by this?

Mr. Foy said to the best of my knowledge, and again, it's all by sight because we don't have specifics, it looks like we're looking at half a dozen lots.

Ms. Ralston-Hansen said I'm not getting your math, though, because I see 3 and a half.

Mr. Foy said you're taking 11, 12, 13, 14, 15 and 16.

Ms. Ralston-Hansen said but 11 has houses, 12 has houses, and then you take the next 3, and you're right, they wouldn't, and the next one wouldn't. So I'm going to give you 4. I'm not being argumentative but you keep saying this is huge, it affects everyone in the Day's Run development, and I only see maybe 4.

Mr. Foy said you have noise issues, you have sight issues, you have sound issues that affect more than just the houses on the boundary. A house makes a great buffer! If you are out buying a house right now, and you could either buy the house on the interstate or the one that is one house in, you're going to buy the one that's one house in even if it costs you a little bit more, because you have a buffer.

Ms. Ralston-Hansen said but you also knew that north of this lot has been zoned office/business park since 2003.

Mr. Foy said absolutely. I was one of the first owners. But there is also a residential buffer in the zoning right now.

Mr. Payne said but not for the farthest north home. There's always going to be one home to the farthest north, and if you look at the large lots, they will always have office to the north.

Mr. Foy said I understand, but that's not the Day's Run's problem because unless Day's Run fights to annex their property into their subdivision, that's somebody else's issue. And I don't mean to sound self-centered, but if I don't watch out for my interests nobody else is going to do it for me.

Mr. Payne said what I took from Mr. Dekker earlier, when I brought up the question about the pond, is I think a lot of the things, in listening to what Mr. Bishop said, a lot of these issues, I don't think we can give 100% assurance or exact certainty that every item on here is going to make every homeowner pleased. I think we can take them into consideration and review them at site plan, which we always do and try to take into consideration. But it appeared to me that Mr. Dekker said that there were certain things that we could do now that would benefit you as homeowners and your association, to put some restrictions, if we make this P.U.D. change today. I think that's more what I'm going for.

I don't think you want a dry retention bed with thistles growing out of it. I think that's what Mr. Bishop is saying, and the landowners. I personally don't think that anybody that owns that would put a bad feature in there. We can't give you reassurance on the uncertainty but I get a feel for what you're trying to accomplish within your letter. I don't want you to say, hey, you approved it and therefore you're granting us everything that we have in here. That we can't do. I want to make that perfectly clear for the minutes. I'm saying we will take into consideration all what we think the intent of your letter and try to do the best we can for berming and aesthetically pleasing pond.

Mr. Foy said taking away the uncertainty.

Ms. Ralston-Hansen said minimizing it.

Mr. Foy said yes, excuse me.

Mr. Kusy said I would augment what Mr. Payne has said with the last two site plans that I recall being approved since I've been on the Commission, that had some impact here. One is the R & R property to the furthest south that did have some loading docks that faced west. I know it was a fairly long distance and there were other natural berms in between. And then the Van Meter property, I believe, further south of the Mail Express building that backs up to homes, it doesn't have a pond, they probably would love to have a pond. But we spent two hours haggling over how many delivery trucks they could have a night, if they built a second or third phase there would be no docks facing any residential. We painfully go through this stuff when it gets to site plan. Again, we can't give you assurances other than we cognitantly recognize that that's an issue and if we lived there, it would be a concern of ours, too. And hopefully you can appreciate that that is something that we do take very seriously when we get to site plan.

Mr. Foy said absolutely, and I do appreciate your consideration in reviewing these. The

only other thing I would add, though, is you've got a good development out there. It's a good way to market Urbandale. If you go out there you're going to see a lot of kids running around, you're going to see a lot of smiling faces. I would discourage you from putting anything out there that would take away from that. If anybody has any other questions, my name is Shawn Foy and my mobile number is 210-5174. I can be contacted and I am representing the Day's Run board as the vice-president.

Mr. Van Heuvelen said in following up here on the comments that have been, number 4, building use and hours of operation of proposed office business park shall be so that it does not disturb existing Day's Run neighborhood. Just about guaranteed, if you're going to have office/business park, you aren't going to be totally satisfied with some of the hours. And we ran into that with some of the other developments there. It's not going to be like a residential development. There's some things here that you're just going to have to understand, that if you move in favor of this development and sacrifice some of those single family homes, there will be some business hours that won't be pleasing to everybody. We can try and minimize it, to some degree, but it won't be pleasing to everybody. And when you use terms like "aesthetically pleasing" and "environmentally sound", those are tough things to define, and won't please everyone in your development. So we don't perform magic here. We tried it once and it didn't work so we gave up on it. So we do the best that we can!

Mr. Foy said certainly those expectations, you can't tailor it to fit 220 homeowners. I completely agree. We're just looking for the best that we can do for each of us. And have it be a lot more good than a lot more bad. As far as #4 specifically, it would be one thing if it was zoned for an iron works, and there's going to be somebody hammering away at all hours of the night. But, in your recommendation, what we wouldn't want is some sort of delivery service running in and out of there at all hours, where the business mainly operates at midnight. Those are things that I would hope that you would include in your recommendation. And I don't know all the mechanics behind it, I don't know how your recommendation works. But it's something to consider.

Mr. Payne said we appreciate your comments. We all live in Urbandale, also, and we want to see those smiling faces. That's our job.

Mr. Hatfield said I have a couple of questions to ask that might clarify some of this. He asked Mr. Dekker if we went ahead with this, could we prohibit loading docks at least on the two southerly portions of Parcel B? Loading docks facing residential, which is already our intent.

Mr. Dekker said there currently is language in the Zoning Ordinance that prohibits loading docks on the residential side of a property. But there is some very carefully selected wording as to how that is. The way that this is worded, it just says on the sides of the buildings that face residential. It doesn't say any particular distance, or anything. So if you take it as is, you would have to look at that and say that any building on this

property cannot have a loading dock on the south side of the building. So you need to be very careful about how that's worded.

Mr. Hatfield said I wouldn't have a problem, if we went ahead as a group, and said "no loading docks facing south at least on the southerly two parcels" and I could be talked into all three parcels in the office park. Could we mandate that they have a pond in that similar configuration or larger, if we go forward? Because I think the pond is a key component of this whole thing. It's almost like a building, it's almost like a use. If we go forward and they change the site plan, and the pond goes away or the pond gets piped out, to me that changes what's buildable. Could we require the pond in its similar formation or larger?

Mr. Dekker said yes. And you would want to do that, if that's an important consideration, that's something that should be specifically cited because otherwise we do look at this as a conceptual plan and just like Mr. Bishop says, with his lot layout, this is conceptual, we would not hold him to a cul-de-sac with three lots around it. Likewise we would look at the pond as being illustrative, as under normal circumstances.

Mr. Hatfield said, lastly, if we went forward and the retail doesn't seem like it's a big sticking point with the neighbors, I would just ask that if they have an outdoor patio that it faces not south. I don't care if it is on the east, west, or north, but not to the south. Just because somebody is going to want to turn a radio up, or do something like that. I would just throw those things out that would be neighborhood-friendly, and see how we can do it.

Mr. Dekker said just to make sure you understand, there are limits on what you can do at time of site plan. There are some design questions like where's a tree going to go and how many trees, that's best done primarily at site plan. But site plan is not a time when you can say, okay, now with the site plan we're going to condition your hours of operation. You can't do that with a site plan. So there are limits on what you can and cannot do, and that if you want to control those, it has to be done as part of zoning, not as part of site plan.

Mr. Foy said it was pointed out earlier that the Urbandale School district doesn't own any other property west of the interstate other than the one that was shown on the map. The elementary school is right across the street, so unless they're renting it or leasing it...

Mr. Pick said I think we were talking about for future uses. Raw land for future use.

Mr. Foy said if you drive by it, there's a very sizeable part of that lot that's more than buildable so I don't think that that should be placed in the intent of the Board's decision.

Mr. Kusy said there was additional land where that proposed community center was

going to be. Is that owned by the school district?

Mr. Pick said yes, they were going to donate that.

Mr. Tanner Hensley, 4332 125<sup>th</sup> Street, Urbandale, said I'm also on the homeowners' board with Mr. Foy. I just wanted to reiterate a couple of the things that he said. We are definitely not fully opposed to what is drawn here, to kind of relay what Mr. Hatfield just said, we completely understand that it's a conceptual design.

And that's our concern. We like the looks of this, we like the idea of the pond being there, but we also know that this is just zoning, and then when a site plan would come through, that they have every opportunity to say you know what, that's not going to work the best for us, we're going to get rid of the pond, we're going to do drainage tile or something else that meets storm water needs, so I guess our main concerns are that the details that we like about this are made in some way, shape or form, binding. If there's a master plan that you can make binding, we want to see that the things we do like and that we do support about this, and that do make a good buffer for the residential area, are taken into consideration even when a developer plans it. As somebody mentioned earlier about the warehouses on 121<sup>st</sup> Street, we definitely had some homeowners that were in here every meeting talking about their concerns, and the loading docks not fronting the residential, but a variance did get granted for that on 121<sup>st</sup>, so there are loading docks fronting the residential property there. And they do still continue to have a lot of noise issues due to that.

And obviously the hours of operations, which we know is real hard to mandate. But I think a lot of the things you've put in place, you've put in place for a reason. Those loading docks not fronting residential, I think, is a big one. So I like what Mr. Hatfield said about doing some type of a mandate, or a binding item in there, I think that's our main concern. Like I said, it's a conceptual design and we know it can change. And so we'd just like to see that those are made more permanent stipulations, that the pond is put in in some way, shape or form as it's presented here, that even the cul-de-sac, I think at this point, is open to interpretation once a developer came in. Sure it's all residential, but they could decide to do something differently there. But I think it's all interpretation on how the developer wants to do it. So I want to see the things that we see as important, and just make those binding, in some way, shape or form.

Mr. Steve Gaer, 1225 Jordan Creek Parkway, West Des Moines, said I'm here on behalf of Paragon Office Park, and we're not here to support or challenge this; we remain neutral. I guess what we wanted to raise is the issue about traffic, just to make sure that if there are any land use changes to this development, that it doesn't adversely impact what was done on Paragon. If you'll recall, 125<sup>th</sup> Street off of Meredith Drive is the main access point in and out. We did a traffic analysis on all 240 acres of Paragon back in 2005, when we planned all the infrastructure. And it was an expensive study but it was well-done because we were going to invest in all the street system for

Paragon from 128<sup>th</sup> Street basically over to 121<sup>st</sup> Street. And 125<sup>th</sup> Street is the main access point into Paragon's retail center off of Meredith, which is the 70 acres that goes along 128<sup>th</sup> Street. This loop drive on 123<sup>rd</sup>, and we were a little disappointed to hear that they don't like our Paragon Prairie Tower, but this is the main loop into and out of our office park. As Mr. Dekker mentioned right now there's no signal planned for this intersection. There's a signal that's going in on the east of 123<sup>rd</sup> and a signal here. I guess what we want to make sure is if there are any land uses changed for the Day's, and again we're not here to say yes or no to it, that it doesn't create any traffic issues.

We've used Mr. Manning and Mr. Bishop, so they have a great team working with them, but what we want to make sure is that there's adequate analysis done to know how it's going to impact these intersections. Just looking at their parcel again, when you've got essentially this entire parcel that dumps out right here on Meredith Drive, we want to ask the question, what's what going to be like and what's that going to do to this whole intersection? Because, again, the City's invested millions of dollars in Meredith Drive and we've invested tens of millions of dollars in Paragon Office Park and the infrastructure in there, and the last thing that any of us would want and we know the Days wouldn't want it either as development is, your development has to work. And the only way it can work, is for the traffic to work. So we just want to make sure that these two intersections are adequately studied so that whatever decision is made, everybody is comfortable that it's going to work from a traffic standpoint. Because I don't think we can go back and change the infrastructure that's already been improved at those locations.

Mr. Van Heuvelen asked what do you think of that retail on that northwest corner? What are your thoughts?

Mr. Gaer said again, we're not here to say yes or no to it. I guess if we were developing it, we'd have questions about access. If you're dumping all this out traffic onto these intersections, are those intersections going to function properly? But that needs to be analyzed by somebody that's got a lot more traffic analysis background than we do.

Dahl's has this corner over here and they're going to do a gas/convenience store, and they're talking about starting this fall or next spring. We're actually under construction right now with this retail building right next to it. And Dahl's is talking about starting their grocery store in a year or two. So if I remember the traffic report at full build-out in this area, there's going to be an average of 33,000 cars a day on Meredith Drive. And each one of these intersections is going to have to function appropriately to get people in and out of there, especially when you look at the size of the development that's getting put in. Marsh has got 1,400 people right now and they're talking about doing an expansion. From the Day's standpoint, to maximize the value of their property, whoever is going end up buying it and developing it, those intersections have to work, or you can't develop it because people aren't going to buy from you or lease from you. So I don't know how much analysis has been done on those two intersections, based on the

traffic, but this looks like a lot of land to dump out on an unsignalized intersection. But, again, we'll support whatever the city thinks is the right thing to do for them because we're not in a position to challenge what people want to do. We just want to make sure, with the amount of investment that we put in to the north, that these intersections don't become a problem.

Ms. Jennifer Stewart, 12515 Townsend Avenue, Urbandale, said what I'm concerned about is, 3-1/2 years ago, when we looked at buying this land, we knew based on the way that Meredith was drawn out that we were going to have a lot of retail along Meredith. We understood that. But we also have had constant contact with the City about the residential that would be behind us. And while you still have the big lots directly behind us, all of a sudden all the little lots, like ours, are disappearing. So what's the guarantee that those large lots won't disappear in the future as well? That if we can't get the property sold or developed that way, that that won't become commercial as well?

Also, I'm concerned about how would you get that property sold, because I would not want to spend that kind of money for that kind of lot and the kind of house that that lot would require, and then back up to that? Right now it's a buffer for me. But if I had the money to move into something like that, I wouldn't because I wouldn't want to buffer up to that. So what I'm concerned about is, I know that there are no guarantees, but we had 40 lots and now we're down to 8. So I'm concerned that those 8 will disappear.

Mr. Hatfield said just so you know, if this goes forward and the Council approves it, then it has to be that. Now the petitioner could back and request the change, but you'd be made aware of that and could come back. They can't change it arbitrarily. They'd have to go through another public hearing to change that, and you'd be notified, since you're an adjacent property owner.

Mr. Brian Jorgenson, 12318 Townsend Avenue, said I'm not one of the 4 lots that are going to be affected by it, but I'm right across the street from them. And I guess coming out of the chute, I'm opposed to changing what was originally done. However, I understand that there is need for change. When the Days did this a few years ago, life has definitely changed out there, and I can understand their situation and their position, and want to try and do the right thing. Our neighbors shared concerns about the lots disappearing, going from 40 to 8. That's quite substantial. I have other neighbors sitting over here who are going to have decks overlooking, hopefully, a nice-looking pond. Or overlooking the rooftop of a building. My house is across the street from all of that, but I do look straight out to what is now a corn field. And the pond conceptually looks like. If we can't have the houses, if that is totally off the table now, then the pond would definitely be something that I would hope you folks would definitely support and really push for, for us. I would also hope, and I would have loved to have seen, all the trees that I'm hoping would be planted around the pond.

And hopefully they wouldn't be 5-foot trees, hopefully they'd be tall trees. That's what I'm concerned about the most, and then also the berm. In talking about the berm, I understand that it's a 5-foot berm 50 feet wide. This is 5 feet. When you're standing in somebody's front yard, you can still look over that berm. And I'm just hoping that you folks take into consideration all these things that me and my neighbors are talking about. Personally I feel like we got dinged to the east of us, with the warehouses, that's been brought up numerous times tonight, and I just don't want that to happen going to the north. That's all I have.

Mr. Bishop said a couple of items that I would think of, as far as the residences to the south. Basically we only have one street access into that residential area. That would mean that you would have 40 extra houses that dump out into 125<sup>th</sup> Street versus only 8 now, so it's a lot less traffic now coming through your subdivision. So that would be an added benefit to that. Another item, going through their requirements that you might think about, is the question about the buffer, having the 5-foot buffer and having the trees planted. I think that would be something that you could possibly incorporate in with the platting, require the developer to put in the buffer at the time of platting, not wait for each lot to develop but require that to be planted and built at the time that this would be subdivided, which is has to be before it can be sold. So once it gets subdivided, then you could require this 50-foot buffer be planted at platting time. So it means like it would be an ideal fit for that.

He said the loading docks are still kind of an up in the air issue, I guess. I would think that we'd have to be more considerate of, instead of just saying no loading docks facing south on the whole development, that makes it a little tough. I think I'd rather tie it to some type of distance or something else. Because I can't see that a building up here that had loading docks facing south up here, that are buffered by other buildings, really affects the residential that's down here. So if you're considering that, I'd rather see something tied more to a distance or an actual location abutting the residential here, and not this generality over the entire parcel.

As far as the traffic issues Mr. Gaer brought up, that would be something that we would take a look at once development takes place. We really are kind of limited on our access point. This is the only access point that we'd be allowed to have, opposite the street. The City is not going to give us another access point in between these or anyplace else. So we are kind of tied to that point. We have a signalized intersection here. If there's a possibility whoever buys this property can maybe negotiate some access to hook onto possibly another signalized intersection here, whenever that gets developed, but we cannot say that that is going to happen at this time. We don't own that property, you know, so we're leaving that up in the air, and whoever buys the property or whoever develops the property might be able to negotiate some access to the street to the east here. Right now this is our only access point, and I think we really are not changing the amount of square footage of office business park from what was originally approved. Basically we did take out the pond area. It's basically the same

area, maybe just a little bit more here on the south edge here. So we're cutting this back a little bit more so we're adding some more business park in this location, but if you take out the pond, it's really this much more business park from what was on there than just the retail at this location.

But we do have access to this signalized intersection here. It looks like we would most likely end up with a frontage road here that both the office park and the retail could tie into, and get back over to the signalized intersection too. And we have this setback 250 feet, so you've got kind of a nice stacking area there for backup at the traffic signal. So I really feel that what we're proposing here isn't really much different than what's already on the books today. And in fact really fits what's actually out there. Day's Run wasn't actually built and all these homes weren't in at the time that the original zoning was done. So now we have a street stub here. Well you've got one street into this parcel that makes it very difficult to try to develop the rest of these into single family lots with one access point. There's going to be a lot of dead-end streets. You're not going to be able to come in, and come around and come back out, and just loop around. I just feels that this kind of adds up to are you only going to have 8 lots dumping into Day's Run, whether or not the Day's Run developer purchases this, wants to expand it or somebody else does. It's kind of an ideal fit for just a small little cul-de-sac in that area. It seems to fit in pretty well.

Mr. Bishop said as far as the pond issue, that's something, as Mr. Dekker has indicated, that I think we'd be amenable to saying yes, that would be a part of that rezoning that we'd have a pond similar in fashion to what's shown on the master plan here, on this reasoning for us.

Mr. Gass said because you have to have something. You can't guarantee it but you have to have something there.

Mr. Bishop said yes, you have to have something. And it would be an amenity. It would increase the value of this property and it would increase the value of what you've got here. Look what R & R has done to the north. They add those amenities and that sells the property. And I think it beautifies the area and it does sell the property. People want to work there. They want to have an office where they're able to go out at lunch time and walk around the lake. It's a nice thing. It's an amenity, a way to sell the property, sell Urbandale.

Mr. Russell said, as proposed, again, how big would that pond be?

Mr. Bishop said right now it's shown at about 2 acres. It's about 90,000 square feet, plus or minus, a little over 2 acres.

Mr. Gass asked I'm trying to visualize that pond that's between the Rec Room and Dice Dot Com. What is the outflow, the water leaving that detention pond, would this pond

be similar to what's been developed at that facility there?

Mr. Bishop said it probably would be somewhat similar but we're also taking a lot of different flows off-site, coming through our site. We've got flows coming off of Meredith at two different locations here, plus coming out of Paragon in here. So we do have some flows that we have to allow to transfer through the site, as well as restricting what's falling on our site. I haven't done a drainage study on this versus mainly just saying I've got this big a lot, I need 190,000 cubic feet of detention for type of development, so....I haven't done a full drainage study to tell you. It's going to be something similar, though. They'll have a big box. And then coming out with maybe a 48- or 60-inch diameter pipe, at least.

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

Mr. Pick said so we either have to go with the staff recommendation or refer to a sub-committee.

Mr. Hatfield said maybe we should open it up to discussion and maybe make some recommendations, and hash it out.

Mr. Gass said I've said this before, I think somebody that's going to invest the kind of money that it would take to make something like this happen is going to do it right. And I think the City is going to make sure that they do it right. That's not to say, as we've said here before, that everybody's wants and needs are going to be met. That's not being realistic. I think Mr. Gaer from R & R brings up a very good point, for me personally, because I hate making left turns onto busy streets off of uncontrolled intersections. I avoid places where I have to do that. Maybe it's a phobia, I don't know.

Mr. Hatfield said but they could take that little access road to the west and go up to the signal. Now that hasn't been studied, and how many people are going to stack up, and if that's a McDonald's. But there is an access to the west and then back to the north.

Mr. Payne said I think this is a little misleading that it makes you think that everyone's going to have to go straight out onto that artery. You have the capacity, like Mr. Hatfield is saying, to go west on the frontage road and go to a light.

Mr. Hatfield said that might stack up at 5:00 but it's still there.

Mr. Kusy said you'd think people turning west would probably go that way to get to the light. And if you're going to go east, you'd probably just go up to the unsignalized intersection.

Mr. Russell said there's still the potential at the east exit, as well.

Mr. Payne said since Staff did not make a recommendation, I imagine we can either wait for you to do that, according to this, sub-committee, or make our own recommendations tonight?

Mr. Dekker said that's entirely up to you. I would suggest that you might wish for us to address some of your points but if you have no concerns....

Mr. Payne said here's what I see from what we've heard from the neighbors, the pond seems to be a big issue.

Ms. Ralston-Hansen said you're saying to mandate a pond of 2 acres or more?

Mr. Payne said yes, mandate a pond of 2 acres. And I think it's important that the shape of the pond covers all those houses on that side, like it does now. It comes down and it's long. I think you get the 50-foot buffer plus you have the pond that's similar shaped that would at least cover the back yards of all the Day's Run homes. Then I think I like Mr. Bishop's idea of doing the berming plantings at platting so we can get the berm and the trees growing before the actual development of the commercial. And then I think a general traffic discussion or survey or something should be done so that we can get more comfortable with traffic. I think that's a good comment, too. And then the only thing that I haven't really thought much about, or we've talked about, but absolutely I don't think we should allow dock doors on the very south parcel, by the pond, that would face residential. Because looking at that front lot along Meredith, I can't imagine they're going to be facing Meredith, but I think the discussion you need is do we want to do that now or wait until site plan to talk about the dock doors?

Mr. Kusy said I would agree with that. No one is really here representing the eight large lot potential owners. And if you're going to buy one of those three northern lots, you probably don't want to be looking at dock doors either. So I guess if you're going to suggest that, I would also suggest that it apply to both of those. Nobody is really here representing those people.

Ms. Ralston-Hansen said we want them to stay nice, residential lots.

Mr. Kusy said right. And if there's the potential that some of this eastern part of Parcel L, as Mr. Dekker said, 17 acres is more than probably what the school district would need anyway. You could have some additional single family west of lots 6, 7, and 8. So again we want to kind of preserve the value of those lots, not having to look at dock doors, as well. So I guess if we're going to limit it, I would like to include that parcel, too, between the retail and the large single family.

Mr. Payne said on the pond itself, as specific as you can get as far as what would be

architecturally pleasing...If there needs to be rock to maintain the integrity of the size of the pond. I doubt the neighbors are going to want to see water levels going up and erosion along the sides, things of that nature that we can require, plantings, or whatever, to keep the integrity of the pond.

Mr. Dekker said we can address that. There's a couple of different ways you can do that. One is with rip rapping along the shore to absorb the wave action. Then there are some advocates for doing an erosion mat with plantings of aquatic plants providing a more natural type of look. But regardless of how it's done, you do need to have something to absorb the wave action or you do get shore erosion.

Ms. Ralston-Hansen said one thing I didn't hear was any opponents for the retail space. So I think that probably has to be in your recommendation that okay with the retail space as it was presented. I didn't hear anybody having issue with that.

Mr. Hatfield said I would still be a proponent of excluding outdoor patios to the south. Friedrich's has a patio out in front of their place, Torocco's is out front, it can be done on the north, east or west.

Mr. Dekker said what I might suggest on that is either to control orientation or to limit amplified sound. That's another way that we've done it. Either the patio has to be on the north side or no amplified sound is allowed if located to the side or to the south. We'd limit the decibel level. So you wouldn't have PA announcements, for instance telling a patron their table is ready, or music, either one, that can be very disturbing. And if you keep it down to a certain decibel level, then that's really not a problem. And the easiest way is just to say "no amplified sound." Then you don't get into arguments.

Mr. Russell said down to about the same level that the City of Clive does on Friday nights?

Mr. Dekker said that's the kind of problems that you can have with amplified sound, that it can carry for a considerable distance.

Mr. Van Heuvelen said my only concern is the traffic issue there. And if you think about this picture a little bit larger, Paragon is probably something that we, in Urbandale, want to be proud of and we don't want to endanger that in any fashion whatsoever, jeopardize the possibility of a Marsh or a CitiGroup expansion for the sake of bringing in a McDonald's or even a bank. I'm not sure of the difference in traffic impact between retail and business park, but if we're going to look at traffic, I think that should be considered. It would be an absolute shame to jeopardize Paragon by clogging Meredith Drive somehow. And I'm not sure what that really means or what we can really do about it, but I think traffic is something we really should be aware of. In all honesty, this property has probably greatly been enhanced in value due to the success and the infrastructure brought into Paragon. So I think it's something we really have to be

thinking about, is making sure that we preserve the integrity of this entire area, and not totally jeopardize Paragon and this area with too much traffic. Or uncontrolled traffic.

Mr. Dekker said to fully address that, you'd have to require that a traffic study be done by a traffic engineer prior to the zoning change being addressed. So if that is a concern, that's probably the next step that you would want to require. That's not a 2-week thing. That would require a longer period of time.

Mr. Van Heuvelen said from your expertise, or Mr. McKay's expertise, or Mr. Gaer said they'd had a traffic study done previously, am I barking up the wrong tree? Or is this something that we could really, 20 years hence, say "wow, we had something good going, but now we aren't getting the Marsh expansion, or the CitiGroup expansion, because Meredith Drive is like 86<sup>th</sup> Street in Clive"?

Mr. Dekker said I can ask the City Engineer how far he's willing to go in saying that these changes are not consequential enough to make a difference. But I think he probably will come back and say that he's not willing to make that judgment, that it requires a professional traffic study.

Mr. Payne said I was thinking the same thing. And the retail is going to be serviced, at least in my opinion, by that stub street. And then, based off the old way of zoning, all that traffic had to go somewhere anyway. So we were going to be addressed with problem at some point, so maybe it is time for a traffic study.

Mr. Van Heuvelen said it could be, and I don't know, that this leads to less traffic and less congestion. But this is our opportunity, this is rolling back the clock on Clive 30 years and letting them re-do 86<sup>th</sup> Street, which they're doing now.

Mr. Payne said maybe you're right. If it's the concern of the Commission, maybe we should make it part of our recommendation, that we get a traffic study.

Mr. Van Heuvelen said maybe it's the types of businesses that go in here, I don't know! But this is the opportunity. We only get one crack at this one.

Mr. Pick said if the traffic study is dependent on the uses of the property, then we should just recommend that we get the traffic study done and come back after that.

Mr. Van Heuvelen said maybe they'd say warehouse type things would lend very little traffic, maybe retail would lend very little traffic, maybe they'd say the opposite. Whatever Dave McKay's expertise is, mine is significantly less, I can guarantee you that.

Ms. Ralston-Hansen said too small retail I can't imagine would affect the traffic flow that much.

Mr. Van Heuvelen said I don't know. Some retail probably wouldn't. But some retail probably would. And maybe some of it would impact it greatly at certain times much like Continental Western does on Douglas, where traffic isn't very much but it's all at 5:00 p.m. So maybe certain businesses are all at a certain time, exactly when we don't want it. And other businesses may actually generate more traffic but it's scattered.

Mr. Payne said keep in mind, I think to some respect, the retail will benefit the office park to the north in the fact that if it's a Starbucks or a McDonald's, I'm sure those employees across the street would benefit from the use of that. So it will go both ways.

Mr. Van Heuvelen said I'm not saying the retail will cause more traffic. As far as I know, certain types of retail may cause less traffic. But I would say this, whatever we do, we don't want to block a Marsh expansion. We don't want to stop CitiGroup, we don't want to stop Microsoft from considering an area like this. I'm not making any projections or predictions, I'm not saying those people are even looking at it, but there are a lot of acres to be developed in Paragon. How many acres in Paragon to be developed?

Mr. Gaer said 265.

Mr. Van Heuvelen said 265 acres. This is 40 acres. I don't want to forego great possibilities because we wanted to get this taken care of. And this may be the best way to reduce traffic. I hope it is.

Mr. Dekker said there are two things that are changing in terms of the traffic. There's the addition of the retail and that does create a different loading, more side friction is what the traffic engineers would say. And you are adding 9 acres of commercial development. By adding the pond and doing combined detention there, there's at least the potential that you're in essence adding 9 acres of developable commercial space. Because that detention has to occur somewhere. So if you're adding space to provide the detention off-site, that at least in theory allows for more development on each individual site.

So a traffic engineer, I think, would look at that as being another 9 acres of commercial and the retail does have different characteristics than does office and business park traffic. To say what those are, I don't have that expertise. That's something that a traffic engineer can provide, and there are times when just very small increments do make a huge difference. He said an example of that was the Northpark commercial north of the interstate. Discussion of whether to allow right turn only access into that property and for that, there was a traffic study required, and the traffic study said yes, it does make it worse but it's so bad anyway, it doesn't matter. Just that one access did have an impact on the traffic, and if it had been a better situation, it might have been such that you would have said no to that access because it might have tipped it over. So sometimes small increments do make a difference. So it's a matter of how much

weight you want to give that.

Mr. Hatfield asked so are we kind of leading towards requiring a traffic study, or the city engineer to certify this plan? And then aggregate everything we talked about, if the traffic study comes back positively?

Mr. Dekker asked how about if I ask the city engineer as to what his comfort level is, if he is comfortable in saying what he thinks the impact is, or that it's negligible, then bring it back to you in 2 weeks? If he says I really think it needs to have a traffic study, then that would be the direction to the petitioner and they would have to get the traffic study done and completed before we bring it back to you?

Mr. Hatfield said assimilating what everybody said, southwest and southeast office parcels should not have loading docks. Pond location should cover all of the residential and should be about 2 acres or larger. No amplified sound or outdoor patio on the west or south sides of the retail, it could be more restrictive if we decide. Berm, buffer, trees come at platting so it's up there early. And the traffic study. That's what I heard.

Mr. Dekker said relative to the height of the berming, what direction do you give on that? If you're looking at screening views from existing housing, if a lot has a walkout level, and you're going to screen views from a second story window, you're talking about a 24-foot high berm.

Mr. Hatfield asked in the past, haven't we required 5 foot, generally, with coniferous trees and other plantings?

Mr. Dekker said yes, and in certain circumstances, we've required a berm plus a fence and plantings.

Mr. Payne said what I was thinking about was that by doing the plantings at the time of platting, that gets the trees larger, and as much as I understand what the accomplishments of the letter from the neighbors, I don't know how you can do a screening from a view. We could have a 25-foot buffer with trees, but I don't know how their houses sit. So I would follow city ordinance with what we've done in the past with a 5-foot berm with the trees. But speed the growth of the trees, like we did in Northpark, where they'd already been up and growing before the construction.

Mr. Dekker asked is that a general consensus?

Everyone said yes.

Mr. Dekker said on item 4, the building use and hours of operation, is the intent of the Commission mainly to just address that relative to the patios? Or do you wish to go beyond that point? Is that also something that needs to be addressed at zoning if there

are going to be any kind of limitation on that?

Mr. Van Heuvelen said let City Staff make a recommendation.

Mr. Dekker said under item 5, one thing that would be of note there, is the lessons references “an aesthetically pleasing pond with permanent pool and pretreatment of water prior to entering the pond.” Pretreatment potentially is a very onerous requirement.

Mr. Hatfield said it’s a natural spring. I mean, it pretreats it once and then 5 minutes later, it’s gone down the tube, so to speak. So my personal opinion is this thing is a moving, flowing deal.

Mr. Payne said I appreciate the letter from the neighbors, but my purpose isn’t to go down item by item and make sure that we’ve done everything on it. I think we’ve said, as a whole, so we’re trying to do our best for as many items that make sense. So if you want to get our feel on it, that’s great. But I would agree with you, or would say that I don’t think our intent is to do pretreatment of the pond water.

Mr. Hatfield said if this developer wants to sell lots, it’s going to have to be a pretty pond.

Ms. Ralston-Hansen said yes, an aesthetically pleasing pond!

Mr. Kusy said there are times when the pond on Aurora is not aesthetically pleasing for a week or two, when the algae is growing. But most of the time it’s aesthetically pleasing but there are times that it’s not. But we can’t guarantee that it’s always going to be pristine.

Mr. Dekker said under item 7, it references cut-off lighting, which is a typical requirement, but it also references “dark sky” friendly. That is not something that Urbandale has done in the past. Some cities do. Is that something that you wish to address? By “dark sky”, it means if you are driving through the countryside, you can kind of tell where a city is because there’s a glow in the sky. And if you’re in the city, and you look up at the skies, the glare and the reflection from city lights creates enough ambient light in the atmosphere that you can’t see a lot of stars. So there are some cities that have concerns about the amount of light spill that’s generated from lighting on streets and everywhere else, and the effect that that has on the skies. So if that’s the direction that you wish to go, then that’s new territory for Urbandale. But, that’s what that means.

Ms. Ralston-Hansen said I think that may be beyond the scope of our decisions.

Mr. Kusy asked does it materially add to the cost?

Mr. Dekker said what you get into more is controlling the amount of lighting.

Mr. Hatfield said so it reduces the amount of lighting – is that what you're saying?

Mr. Dekker said yes, that's primarily the result.

Ms. Ralston-Hansen asked would you run into safety issues though, if someone is trying to walk across a parking lot and there's not enough lighting for them to get to their car safely?

Mr. Dekker said you can provide far less lighting than is customarily provided in a commercial development and still provide a safe environment. The amount of lighting that is typically provided is far more than is necessary to maintain a safe environment. However, it can be more costly because it may be necessary to have more light fixtures providing a lower level of lighting, versus taller, brighter lighting to achieve the same amount of ground lighting while at the same time providing lots of light pollution, i.e. lighting things that don't need to be lit.

Mr. Pick said I think we should just go with normal procedure for lighting.

Mr. Dekker said item 8 then touches upon environmentally sensitive design practices including pervious paving, bioswales, low maintenance landscaping, and LEED certification of buildings. In general, that's not, again, something that the City has done. The bioswales and some of that sort of thing is done at least to a certain extent. The native landscaping, the LEED certification, is not a city requirement. Are those things that you wish to incorporate in this area or again stick with normal city requirements?

Mr. Pick said normal.

Ms. Ralston-Hansen said I would take this to the Days, and to anybody who is going to look at this property, if you want to have happy neighbors, I'd sure keep this list close!

Mr. Kusy said I think it raises some issues that maybe we as a Commission and the City Council need to look at, not as it pertains to this, but whether it's the dark skies thing, which I've never heard of. The LEED certification I'm aware of, and I know other cities around the country have taken a more proactive stance. I wouldn't just blow them off and say no, we just don't want to do it because we haven't in the past. I think maybe those are discussions for another day that we should seriously consider.

Ms. Ralston-Hansen said I agree with you. Being a little bit more proactive and environmentally sound, I think, is great. I think that speaks well to our community.

Mr. Dekker asked if there was anything else that had come up during tonight's

discussions that you want Staff to address? I'll talk to the city engineer and depending upon his feedback, we'll either have this on the agenda in 2 weeks or at such time that the traffic study comes back. And we'll report to you as to which of those it will be.

Hatfield moved, and Payne seconded, to defer action on this item until the traffic concerns have been reviewed by the City Engineer, including provision of a traffic study if he thinks it necessary.

Regarding Staff reports, Mr. Dekker next time we just have one site plan on the agenda for the Mercy Clinic. That's all we have, at this point.

The meeting adjourned at 7:42 p.m.