

## URBANDALE PLANNING AND ZONING COMMISSION MINUTES

December 21, 2009

The Urbandale Planning and Zoning Commission met in regular session on Monday, December 21, 2009, at the Urbandale Administrative Offices Building, 3600 86<sup>th</sup> Street. Chairperson Jeff Hatfield called the meeting to order at 6:00 p.m.

Commissioners present were Dave Russell, Jeff Payne, Bill Kusy, Kevin Gass, Judy Ralston-Hansen, Wayne Van Heuvelen, and Jeff Hatfield. Bridget Montgomery arrived after roll call had been taken. Staff members present were Paul Dekker, Director of Community Development, and Cheryl Vander Linden, Department Secretary.

The first item on the agenda was to approve the minutes from the December 7, 2009 meeting. Mr. Gass moved, and it was seconded by Van Heuvelen, to approve the December 7, 2009 minutes. On roll call; Ayes: Gass, Van Heuvelen, Russell, Payne, Kusy, Montgomery, Hatfield; Ralston-Hansen: Russell; Nays: none. Motion carried.

The first item on the agenda was the public hearing on the Amendment to the "Colby Woods" Planned Unit Development Master Plan for Lot 1, Colby Woods West Plat No. 6, 3005-3035 86<sup>th</sup> Street, case no. 010-1973-02.02.19. Mr. Hatfield said, if there were no objections, he would dispense with reading the following official publication:

Case No. 010-1973-02.02.19

### OFFICIAL PUBLICATION

#### TO WHOM IT MAY CONCERN:

Notice is hereby given that the Urbandale Planning & Zoning Commission will hold a public hearing in the Urbandale City Hall, 3600-86<sup>th</sup> Street, Urbandale, Iowa at 6:00 p.m. on Monday, December 21, 2009, to consider a petition from Bradley P. Johnson, owner, to amend the Comprehensive Plan and to amend the "Colby Woods" Planned Unit Development Master Plan for the following legally described property:

Lots 1, Colby Woods West Plat No. 6, an Official Plat now included in and forming a part of the City of Urbandale, Polk County, Iowa.

This property is located north of Urbandale Avenue and east of 86<sup>th</sup> Street, and is known locally as 3005-3035 86<sup>th</sup> Street. The amendment is proposed to allow a veterinary clinic with animal boarding as a permitted use. More information on this proposed amendment to the Comprehensive Plan and to the "Colby Woods" 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 "Colby Woods" 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 this request pertains to property on the east side of 86<sup>th</sup> Street, south of North Walnut Creek. The parcel is known as "Lot 1, Colby Woods West Plat No. 6", and is part of the office portion of the "Colby Woods" Planned Unit Development (P.U.D.) District. The 2.23 acre site contains a partial two-story office building with 18,715 square feet, and associated parking constructed in 1999. The site plan was approved by the City Council on June 30, 1998.

The amendment has been requested to allow a veterinary clinic with animal boarding as a permitted use in this location. The clinic would occupy approximately 3,005 square feet, which was previously occupied by Mercy's physical therapy offices, which relocated earlier this year, along with the medical clinic, to a new facility on NW Urbandale Drive.

Veterinary clinics are classified as a retail use, and are not allowed in any of the City's office zoning districts, and accordingly are not allowed in this portion of the "Colby Woods" P.U.D. since it zoned only for office uses (very similar to the "C-O" Office-Service District).

Vet clinics in the "C-N" Neighborhood Convenience District are not allowed to have overnight boarding or lodging except by Conditional Use. Animal boarding can be a significant nuisance due to noise and odors.

The property is zoned "P.U.D." Planned Unit Development District and is part of the "Colby Woods" P.U.D., as are all of the surrounding properties east of 86<sup>th</sup> Street. Public open space adjoins to the north, and existing offices to the south and east. There are single-family residences and a daycare to the west across 86<sup>th</sup> Street, which are zoned "R1-I" Intermediate Density Single-Family District. The property is located in the Urbandale School District and drains northeast to the adjoining North Walnut Creek via a detention basin in the northeast corner of the site.

Mr. Dekker said Staff recommends DENIAL of the above amendment to the Comprehensive Plan, and to the "Colby Woods" Planned Unit Development Master Plan. He said that's primarily due to the boarding, but the petitioner may offer some discussion of that to the Commission that may reduce that concern

Mr. Gass asked so if there was no overnight boarding, you wouldn't have an issue with it?

Mr. Dekker said if they either didn't have it or if it was significantly limited. That's really

where the concerns lie given that the scale and scope of the clinic itself is limited.

Mr. Russell asked do you think that the odors would be such that it would present itself outside the building? Or is there some sort of ventilation to the outside that makes it more noticeable?

Mr. Dekker said it's all a matter of quantity and the clinic's operations, as to odors and noise. This is a multi-tenant building, so other tenants could be affected as well as nearby properties.

Mr. Russell said because it wouldn't be like cremation odors would it? Some vets cremate. I'm just trying to think of odors inside the building that would be evident outside somehow.

Mr. Dekker said, again, it's a matter of operations and numbers. The greatest potential for odors is from the amount of bedding waste and animal waste that's generated, and that can generate problems both indoors and outdoors. Some clinics that have overnight boarding services for patients also offer boarding services for pets in general to get greater utilization from those boarding facilities, and that can generate a significant quantity of wastes and associated odors. Some of that can come from the outdoor premises and waste receptacles, and surprisingly that can also be an issue even if everything is indoors. But, those issues are mostly tied to quantity, which is almost entirely linked to numbers and the services being offered, and can be controlled if the numbers and services are limited.

Ms. Ralston-Hansen asked do you envision that this facility would have outdoor dog runs and kennels? Is that part of the deal?

Mr. Dekker said I would let the petitioner respond to that.

Mr. Russell asked would it be possible to limit the number of animals in this unit? I see it's 3,000 square feet, so it's not a big operation.

Mr. Dekker said the Commission has the ability, under the P.U.D. zoning, to incorporate limitations within an approval. If this were "C-O" zoning, standard zoning, it's a "one size fits all" kind of thing. But under P.U.D. zoning the Commission can incorporate limitations as you see appropriate, within reason. It's similar to what the Board of Adjustment can in considering a conditional use, to approve a use in a certain location, with a certain set of conditions, and subject to certain restrictions and limitations. The Commission can do very similar things with P.U.D. zoning.

Mr. Hatfield said, as this is a public hearing, the Commission will hear comments from both proponents and opponents of the proposed zoning change. We first will take comments from any proponents.

Mr. Brad Johnson, 7395 NW 100<sup>th</sup> Street, Grimes, and Dr. Judy Brooks-Johnson, 3100 Merle Hay Road, Des Moines, were present as the petitioners.

Mr. Hatfield said the Staff has recommended for denial so obviously you have a case to present and tell us why we should approve this.

Mr. Johnson said Dr. Brooks-Johnson serves the whole Polk County area and wanted to locate in Urbandale. She approached us about leasing this part of the building, and after some discussions I concluded her clinic would be an asset to the area, so I talked to Mr. Dekker about the zoning. He told us it really wasn't allowed in the zoning for this property, so we decided to ask for this amendment. I understand the concerns about the overnight boarding, but I don't really think will be an issue with Dr. Brooks-Johnson's operation. I did my research into what they did because this could also impact fellow tenants in the building, now and in the future, so I wanted to be sure that I thought it would be a good fit for the neighborhood and the building. She is a single practitioner. Everything will be internal, she won't have any outside kennels, but she can respond better than I to the technical side of her clinic operations, if you want to ask those types of questions. As far as the property itself, you can see that there is a huge buffer to the north, with all of those trees and the creek and everything, to separate the clinic from the residential.

Ms. Ralston-Hansen said so you're going to occupy just a portion of the building, not the entire building? On the aerial photo that we're looking at, where are you?

Dr. Brooks-Johnson said correct, I would like to occupy the far north end of the building, the northerly third of the building as it appears on the aerial.

Mr. Hatfield asked would it have a front and a back exit?

Dr. Brooks-Johnson said yes. She said the public would only be able to enter through the entry facing 86<sup>th</sup> Street. The back entry, on the east side of the building, would only be for staff end.

Mr. Russell asked would you be on the ground level? Is there a lower level in that building?

Dr. Brooks-Johnson said no there's not, the part of the building that I would occupy is just a single story.

Mr. Hatfield said why don't you present how you would use the space, and anything else you would like us to know prior to voting?

Dr. Brooks-Johnson said I've been practicing for 20 years in Des Moines, and I want to

grow my practice a little. I just feel that Urbandale is a better fit for me than Des Moines. Like I said, I've been in Des Moines for 20 years. The hospitalization that we do is minimal because I am a single practitioner, so at the most there would not be more than three animals kept overnight at any one time. It could be a mixture of dogs and cats, depending. I can't handle more cases than that in a given day, so that's why it would only be minimal. The clinic would be full-service, 8:00 a.m. to 5:30 p.m. everyday, with Saturday hours as well but closed Sundays.

To address your concerns about cremations, I don't do that at the clinic. I use a private pet cemetery that's located in Indianola. With respect to other odors, since we have very few animals kept overnight, the clinic's situation is just like your backyard dog. You pick up the stool in a plastic bag and you tie the bag in a knot and you can't smell it.

Ms. Ralston-Hansen asked you will not have outdoor kennels?

Dr. Brooks-Johnson said no.

Mr. Payne asked will there be any vacation boarding or anything like that that you'll provide?

Dr. Brooks-Johnson said no, overnight stays would strictly be for animals that are ill.

Mr. Russell asked what would you say is an average length of stay that one of your animals might be boarded?

Dr. Brooks-Johnson said if they're hospitalized following a surgery it's usually just overnight, and they go home before the following evening. If an animal is ill, it all depends on how long it takes them to recover, but three days is usually about as long as they go.

Mr. Hatfield asked what do you do with the bedding? Or the plastic bags of waste? Do you throw it in the trash dumpster?

Dr. Brooks-Johnson said we have washable mats that we reuse for bedding. For everything else we just use a regular garbage can for all of our trash, that Waste Management picks up. We don't have a lot of trash and don't use a dumpster. Currently we're only using a 35-gallon can.

Mr. Russell asked are you regulated by the State Veterinarian Board or someone of that sort, that does a walk-through once a year or so, and certify the clinic?

Dr. Brooks-Johnson said OSHA is the only agency that would do that, and as you probably know OSHA doesn't make regular visits, only if they are asked to. The only inspection that is done on a yearly basis is by the Iowa Board of Pharmacy.

Mr. Russell asked what do they do when they do come?

Dr. Brooks-Johnson said they make sure that I have all of the relevant medications stored in a locked safe.

Mr. Russell said so nobody inspects for sanitary conditions, or cleanliness or treatment of the animals?

Dr. Brooks-Johnson said that's basically all covered under my license.

Mr. Payne asked what about noise? Might the windows be open, or would they be closed all the time?

Dr. Brooks-Johnson said the clinic currently is located in a cinder block building that doesn't have any windows that we can open. At this location some of the windows can be opened, and they might be open if we don't have any dog patients, and closed if we do. Where the overnight boarding will occur the windows will be closed, so as not to allow any outdoor air in since they are sick.

Mr. Kusy said I assume you've done an interior layout for the space? What's the maximum that you could board at any one time, given the amount of space and disregarding for the moment that you're a single practitioner?

Dr. Brooks-Johnson said yes.

Dr. Brooks-Johnson said I only have six cages right now, and I'm not planning on purchasing any more, so I guess six would be the maximum amount of animals I could have. The area that we have set aside for that purpose is larger, but that's more to give them a little room to move, when we have them out.

Mr. Van Heuvelen said you mentioned dogs and cats. Will there be any other animals?

Dr. Brooks-Johnson said no, I don't do pocket pets.

Mr. Van Heuvelen said okay, just dogs and cats, right? How big is the entire building?

Mr. Johnson said 18,000 square feet.

Mr. Van Heuvelen said this is 3,000. You mentioned that you thought it would fit well with your other tenants. Have you talked to the other tenants?

Mr. Johnson said this building was mostly occupied by the Mercy Medical Clinic, before they built a new facility in another part of Urbandale, so there aren't any other tenants

right now with the exception of an accounting firm that occupies the upper story. He has no problem with it whatsoever. Also, the clinic would be located in the northern pod, and the configuration of the building means that space is somewhat removed from the rest of things. They will only have one wall shared with one other future tenant. So as far as location, the clinic will be pretty much on its own.

Mr. Kusy asked is there a second floor above this space?

Mr. Johnson said no, there are two floors in the middle of the building, and then there is a single-story pod on each end of the building.

Mr. Hatfield said you've obviously given this some thought, as the building owner. Do you think it will impact leasing, or do you think it will be a benefit? You're the one who could be affected more than most by this.

Mr. Johnson said I don't see this being a detriment at all. As I said before, I checked everything out and talked to the one current tenant, and I didn't find anything whatsoever that was of concern.

Mr. Kusy said you see vets in strip centers sometimes. There you might have more food places. To me, I guess I don't see a big deal with this location.

Mr. Van Heuvelen said so the boarding part would just for animals that may have had surgery, and it might stay for a day or two?

Dr. Brooks-Johnson said most of our surgery animals will go home that same evening, but there are occasions when the surgery is a little bit more involved, and then they'll stay until the following day. Overnight stays tend to be longer for sick animals, who obviously have to stay until they're well enough to go back home on healthcare.

Mr. Gass said so you have somebody there after hours then, 24/7?

Dr. Brooks-Johnson said no, we just check them at night, and then they're just sleeping by themselves for about 10 hours. That's why we try not to do a lot of overnight stays.

Mr. Russell said but you're not going to do extended boarding, such as during family vacations or that sort of thing?

Dr. Brooks-Johnson said no.

Mr. Hatfield said so if the Commission allows the clinic to go into this location, it would be agreeable if the Commission didn't allow vacation boarding, no pet spa or that sort of thing where the owners board their pet for a week while they're out of town, or doggie day care or that sort of thing?

Dr. Brooks-Johnson said yes, that's acceptable, we're not planning to do that.

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

Mr. Hatfield said could there be a vet clinic in Cobblestone or some other strip center like that?

Mr. Dekker said yes, there could, other than as mentioned in the staff report the boarding aspect would be a conditional use. A clinic could locate in a strip center "by right", but it would not be allowed to have any overnight stays unless the Board of Adjustment approved it.

Mr. Hatfield said so because it's retail, a retail center could have housed it, but the boarding would have had to go through Board of Adjustment even for just 3 animals or so per night.

Mr. Dekker said correct. And the Board would look at the location and the surroundings, and decide if the overnight stays would be workable, perhaps with some limitations or certain conditions. Each situation would be reviewed on its merits, and the Board might decide it's not appropriate because of the magnitude of the proposal, the location or surroundings, or they might decide it's acceptable with certain limitations.

Mr. Hatfield said if we think it is appropriate, does it then go to Board of Adjustment after the Commission's action, for the boarding aspect?

Mr. Dekker said on this particular request?

Mr. Hatfield said yes.

Mr. Dekker said no, permission to board pets is included in this request and the Commission's decision will determine whether boarding is or isn't allowed, and if allowed under what conditions or stipulations. Under P.U.D. zoning, The Commission and Council can approve it with whatever stipulations you choose to tie to the approval. In essence, you're sort of acting like the Board of Adjustment would with a conditional use permit, in deciding whether the boarding is appropriate and if so under what conditions. The main thing that you need to keep in mind is that if you decide to approve, you need to attach those conditions to your approval as subject-to's. The petitioners' representations that they do or don't intend to do something are not binding. But, if you include conditions within your motion, those are binding. The other thing to keep in mind is that an approval is not limited to Dr. Brooks-Johnson. An approval is valid for any veterinarian clinic who might wish to locate on the property, whether

instead of or as a successor to Dr. Brooks-Johnson, subject to whatever conditions you place on the approval.

Mr. Payne said Staff's denial was in large part due to the nuisance factor, as you mentioned earlier, those being odors and noise. Would a limitation on the overnight boarding, limiting it to maybe a maximum of 10 maximum animals any one point in time or something of that sort, would that eliminate some of the concerns of Staff as to the nuisance?

Mr. Dekker said yes, I guess I would want to see the number limited to something less than that, more in the range of 5 or 6. Some other conditions that the Commission might wish to consider is that boarding be allowed only for hospitalization following an on-site procedure or sick animals, that there not be any outside kennels or other outside activities, limited to household pets only, and no cremation services on-site.

Mr. Russell said could you even put a maximum limitation of up to 72 hours of boarding? I realize it might be different, though, from case to case.

Mr. Dekker said I think if you just tie it to hospitalization following an on-site procedure, or illness, that's going to be pretty self-administering. You do have to be a little careful about what conditions you place on an operation, so as not to be overly confining or trigger unintended consequences. If a condition has to be really narrow for you to feel comfortable, it's generally better to not allow it at all.

Ms. Ralston-Hansen said I don't think we're vets. I don't think we should stipulate how long the pets' stays should be if they're under treatment.

Mr. Hatfield asked what do you think about maybe, if they grow beyond 3,000 square feet, they have to come back to some entity, whether it's Council, us, or Board of Adjustment. If they grow then the scope of the issues might grow.

Mr. Russell said are we approving this just for this particular applicant, or to allow a veterinarian whoever it might be.

Mr. Hatfield said not limited to Dr. Brooks-Johnson, but to that specific space and that specific use.

Mr. Dekker said the Commission's approval could not be limited to this applicant, it's global so there could be another vet that would come in. Your approval will be limited to only this property, and it seems appropriate for you to limit the size and location within the building, if you think that appropriate to help ensure that the long-term operations stay within what is being discussed tonight.

Mr. Russell said so it would be possible that another one could come in there and you

could have two veterinarians. As long as the second one met the same criteria and conditions that we put on this one. Or can we restrict it to just one veterinarian in the facility at a time?

Mr. Dekker said you can. Again, I'd caution the Commission against being too limiting, and to focus on parameters that might affect your concerns and to stay within those bounds. I guess I would suggest that you look more at the amount of square footage that you're allowing a vet clinic to occupy rather than the number of vets in the operation, or that there can only be one clinic operating that amount of space. If she or her successor were to be a 2-vet clinic, I guess we'd not see that as being much of a concern as long as the nuisance aspects of how many animals are allowed to stay on the site under the boarding aspect. As Dr. Brooks-Johnson has indicated as a single vet there's an inherent limit on how many animals she can care for during a stay and that dynamic might change a little if there was another doctor, but if you've limited the number of animals that can be on the premises the nuisance factors are still being controlled, and a limit on the amount of floor area the clinic can operate also will continue to be a controlling factor without getting too involved in the day to day aspects of who is operating the clinic, or what they might be doing outside of the aspects that are of concern. Whether there is one vet or two vets doing the treatment, I don't look at that as being a parameter that would be of concern, from Staff's standpoint. I'd suggest that you just look at what kinds of issues are generated by the numbers of animals that are on the site, especially for a duration of time.

Mr. Russell said I was referencing a completely separate operation. A new veterinarian comes in and rents the south pod, another 3,000 square feet.

Mr. Dekker said by limiting the size to 3,000 square feet, more or less, you're going to control the size of the clinic so it's not treating large numbers of animals, and thereby creating issues you're not contemplating in this discussion.

Mr. Russell said because she's going to have the north 3,000 square feet already.

Mr. Dekker said correct, and without saying it specifically I think everyone is thinking that spot is the best location within the building. And once that's occupied by a clinic it's not likely that one shrink and be replaced by two 1,500 square foot vet clinics, or anything of that nature.

Mr. Hatfield said so we could tie it to a maximum of 3,000 square feet for this entire P.U.D., which right now is going to be the entire space for Dr. Brooks-Johnson.

Mr. Dekker said right, within this building.

Mr. Montgomery said when Mr. Dekker was listing off some stipulations of things that we could consider in a motion, one of the things he said was "outside something" but

they'd be allowed to go outside to go to the bathroom, wouldn't they?

Mr. Dekker said yes, but I'd caution the Commission to be really careful with that because if you prohibit outdoor kennels but you allow outdoor exercising, then the net effect can be about the same. Coupled with a limit on clinic size and the number of animals that can be kept overnight, that shouldn't be a concern, but the size and number limitations are important inclusions.

Mr. Payne said they're not taking them outside to do their business. She keeps them in their kennel all day. The owners may, as part of the comings and goings.

Ms. Ralston-Hansen asked Dr. Brooks-Johnson is that accurate?

Mr. Payne said you don't take them outside, do you?

Dr. Brooks-Johnson said we take them outside to go to the bathroom, but we pick up what they do.

Mr. Johnson said you can see that there's some green space on the property to the north and east of that pod, where they can take the dogs out without disturbing anything.

Dr. Brooks-Johnson said it's not like we take the dogs for a walk. It's a sick animal so they can't go very far. They take five steps and go to the bathroom, and then they walk back in.

Ms. Montgomery asked could we require daily pick-up?

Dr. Brooks-Johnson said we do that anyway.

Mr. Hatfield said I'm sure they do sanitation as required by the law, just as people do in a park.

Mr. Gass said you certainly wouldn't want the reputation of being an establishment that doesn't take care of the surroundings. I certainly wouldn't go to one, if they didn't.

Mr. Hatfield said what I was going to run by Mr. Johnson and Dr. Brooks-Johnson is, assuming that consensus is built, and I'm not speculating, but would you agree to 3,000 square feet total for the whole building, to be for vet use?

Dr. Brooks-Johnson said the actual space is 3,004 square feet.

Mr. Kusy asked is there any room to expand, though, by another 1,000 feet if you're successful?

Mr. Johnson said I don't think that's in her business plan, but I'll let her field that.

Dr. Brooks-Johnson said the space is big enough to allow for some growth beyond what we've been doing, so I don't envision that we would want any additional space.

Mr. Hatfield said it wouldn't preclude you from expanding beyond the 3,004 square feet in the future, but would just mean that you would have to come back and say we've been good residents, and look at all these folks around us that still love us. But it would limit it to that property for 3,004 square feet for now, perhaps 6 overnight boarded pets, cats or dogs, that are hospitalized but not vacation/extended stay, no outside kenneling, but dogs can be allowed to go for short jaunts, and no cremation.

Mr. Kusy said I would also like to limit it to the northernmost pod. I'm much more comfortable with the clinic being in that part of the building than the south.

Mr. Russell said it's a unique parcel, this pod on the north, that I think minimizes any impact that it would have on the neighbors.

Mr. Hatfield asked Mr. Dekker if he saw anything that the Commission has been discussing that would be outside the bounds of the law? Are we doing anything that would raise a red flag to you, that would have to be applied to other businesses?

Mr. Dekker said no.

Mr. Payne said you mentioned that we need to be careful about allowing animals to go outside even though we don't allow outdoor kennels. Are we okay with the way we're wording it?

Mr. Dekker said, again, I think the main key is to limit the number of animals, that is the most important thing. Beyond that, when I say that you have to be careful with that "outside thing" is that if you haven't limited the number of animals and the boarding outside of sick animals and surgical cases, that can become a big loophole. If they have vacation boarding and they're out walking them, then what an operator comes back with is that there's no difference between having several walkers or a single caretaker with several tied out, and no difference between that and having outdoor kennels where the animals can do their business and get their exercise without having to pay someone to do that. It's the same number of animals in the kennels as being walked or tied up, maybe can theoretically even clean the kennels better and all of that. You know, that kind of a thing where the control you've put on doesn't accomplish the intended result because of some sort of loophole that is exploited.

But, focusing on this particular request, as long as you limit the number of animals that can be boarded, and it's limited to treatment animals only, then you're not going to have

very many animals on the property and their stay on the premises is going to be pretty limited, and I think it will be controlled adequately.

Ms. Montgomery asked is the limit that we would apply with respect to number be the number that could be boarded?

Mr. Hatfield said I think the limit we were talking about was not more than 6 that could be kept overnight at any one time, that are undergoing treatment of some sort. No vacation boarding or pet spa, and just cats and dogs, no larger animals or anything of that sort ...

Mr. Van Heuvelen said just cats and dogs, that is it right?

Dr. Brooks-Johnson said that is it.

Mr. Van Heuvelen asked what is the number that you're looking for? Did I hear you say that the most you do is 3?

Dr. Brooks-Johnson said if I had more hospital cases than that, I'd be run ragged.

Mr. Van Heuvelen said so 5 would be more than adequate.

Dr. Brooks-Johnson said yes.

Mr. Hatfield said you have 6 cages total right now, so that would be the maximum ever.

Dr. Brooks-Johnson said that's what is going to limit me right now.

Mr. Hatfield said I'm not proposing 6 as the maximum. We could do 5, that was a number that was talked about. And it seems like she could live with 5.

Mr. Johnson said I don't want kenneling either. We had that discussion at the very beginning and that's not acceptable to me. I can incorporate that into the lease document as well, if you want proof of that.

Mr. Hatfield said what you might do also is when it goes to City Council in 3 weeks, which is January 12, you might really tighten that up for them and tell what you're going to do outside and how the maximum outside time a dog might be out there might be 5 minutes, or whatever. But the dogs won't be out there for 3 hours, to play. And you won't have 2 at a time out there to play, and you won't have any outdoor cages. Just tighten it up. I think we can talk all day but if you tell Council what's going to be in there, I think that that will tighten it up for them.

Mr. Kusy said I assume that that the space has a rear door out the east, not a side door

out the north. So it's more likely you'd be going east versus coming out on the side of the building, which people could see from 86<sup>th</sup> Street?

Mr. Johnson said correct, it'd be all out the rear. The sidewalk ends right to the north of the rear door, so it really works well to take them out the back since you can immediately step out the door into the grass area.

Mr. Kusy asked are those trees that I can see in the aerial photo? Those aren't umbrellas for people to sit outside during lunch time, are they?

Mr. Johnson said those are trees.

Mr. Payne moved, and it was seconded by Van Heuvelen, to approve the Amendment to the "Colby Woods" Planned Unit Development Master Plan for Lot 1, Colby Woods West Plat No. 6, subject to no greater than 3,005 square feet, limited to the north pod of the building, no outside kennels, not more than five overnight boarded household pets, whose stays are a result of hospitalization or observation related to a medical procedure, no cremation, and the only animals to be allowed would be cats and dogs. On roll call; Ayes: Payne, Van Heuvelen, Russell, Kusy, Gass, Ralston-Hansen, Montgomery, Hatfield; Nays: none. Passes: none. Motion carried.

Mr. Russell said welcome to Urbandale.

The next item on the agenda was the "Walnut Creek Estates Plats 7, 10 & 11" Revised Preliminary Plat (147<sup>th</sup> Street and Aurora Avenue).

Mr. Dekker said this is a request for approval of a revised preliminary plat located in the "Walnut Creek Estates" Planned Unit Development (P.U.D.), and located south of Meredith Drive and "Walnut Creek Estates" Plat 6. A time extension for the previous preliminary plat was approved by the City Council on April 7, 2009, and was originally approved on December 20, 2005. Much of the proposed grading and a minimal portion of the storm sewer work have been completed, along with construction of the detention basin proposed at the western edge of Plat 10, in the area shown as "Outlot Z". However, essentially all other proposed infrastructure remains to be done. Development of the plat had begun in the summer of 2007, but ceased when it became evident that the housing market was softening.

The property has a total area of 37.49 acres and is located on the east side of the Walnut Creek Regional Park. The revised plat configuration increases the total number of lots slightly from 93 to 98 and adds a third phase of development, with 35 lots in Plat 7, 10 lots in Plat 10, and 53 lots in Plat 11 (previously included in the proposed Plat 10). The lots along 147<sup>th</sup> Street are required to be a minimum of 75 feet wide, and the remaining lots are required to be a minimum of 60 feet wide, with all of the corner lots being wider as required. Plat 7 contains 16 75-foot lots and 19 60-foot lots. Plat 10

contains 10 60-foot lots, and Plat 11 contains 24 75-foot lots and 29 60-foot lots for a total of 40 75-foot lots and 58 60-foot lots. The lots areas range from 8,401 square feet to 43,898 square feet. Most of the lot areas are between 8,401 and 15,165 square feet.

The plat will be accessed from an extension of 147<sup>th</sup> Street south from "Walnut Creek Estates Plat 6". The plat will also be accessed via Aurora Avenue west from 142<sup>nd</sup> Street and east through the Regional Park once the plat to the east has been developed and Aurora has been constructed through the Park by the City, which is currently proposed to be moved up to 2011 in the Capital Improvements Program. Aurora Avenue is a collector street that will run through "The Villas at Walnut Creek" plat that is located to the east of this plat, and connect to 142<sup>nd</sup> Street. "The Villas at Walnut Creek" received preliminary plat approval on March 1, 2005 but has not been developed, and will also require re-approval prior to plat construction. Aurora Avenue connects to 152<sup>nd</sup> Street to the west of the Regional Park. Aurora Avenue is the only east/west street in the plat and as a collector street is required to have a 60-foot right-of-way width and 31-foot paving width. There are two other north/south streets in addition to 147<sup>th</sup> Street, all of which are classified as local residential streets and required to have a 50-foot right-of-way width and 26 foot paving width.

The requirements of the Parkland Ordinance for the "Walnut Creek Estates" development were satisfied by a previous dedication of land for the Walnut Creek Regional Park, which adjoins this plat's western boundary. The P.U.D. proposes an open space corridor dedication at the north edge of this plat along a drainageway, shown as "Outlot X" and "Outlot Y", and also a park connection in the west central portion of the plat at "Outlot Z".

An 8" water line will be extended south along 147<sup>th</sup> Street, and a 12" main along Aurora Avenue, to provide water service to this plat. Sanitary sewer service will be obtained by constructing a sewer east from the sewer trunk that runs along Walnut Creek through the Walnut Creek Regional Park. "The Villas at Walnut Creek" (preliminary plat adjoining to the east) will also receive sanitary sewer service from this sewer extension, through this plat. All of the sanitary sewers will be the standard 8" size.

The property is located in the Waukee School District, and drains west to Walnut Creek. To the north is the "Walnut Creek Estates Plat 6" single-family development. The Walnut Creek Regional Park lies to the west and southwest. "The Villas at Walnut Creek" preliminary plat adjoins to the east, along with two residential estates that are both zoned "A-1" Agricultural Reserve District and planned to be single family by the Comprehensive Plan. "Walnut Creek Estates Plat 6" and "The Villas at Walnut Creek" are both zoned P.U.D. as part of the "Walnut Creek Estates" P.U.D. The "Walnut Lake Townhomes" Planned Unit Development (also known as the "Houghtaling-Deason" P.U.D.) is to the northeast.

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

1. Correct Lot 22 in Plat 13 to be Lot 53; revise Plat 13 to Plat 11; correct the discrepancy of Outlot Z area between Note #2 and what is shown on the lot; provide NPDES permit prior to approval; provide updated DNR permits for sanitary sewer and water since (previous permits have expired); and provide an updated benchmark reference since the current reference no longer exists.
2. Add a perforated drain tile system to the rear yards of Lots 23-35 in Plat 7, Lots 1-3 and 9-10 in Plat 10, and Lots 21-42 and 46-53 in Plat 13; extend the storm sewer on Aurora Avenue to handle future drainage; verify the minimum opening elevation table since the drainage calculations show the storage elevation will be 141.00; and correct the discrepancy of the area between the 24.07 acres in the drainage calculations and the 25.74 acres shown on the drainage map.

Ms. Melissa Hall, Civil Engineering Consultants, 2400 86<sup>th</sup> Street, Urbandale, was present to represent these plats.

Mr. Hatfield said so essentially we're not making any more small lots, we're just moving some of the lots around a little bit?

Mr. Dekker said the boundaries of what's allowed to be 60-foot lots is not changing, but some of the lots were wider than the minimum requirement and they're reconfiguring and narrowing them up to be the 60-foot minimum, and that allows them to pick up three 60-foot lots. The same thing within the 75-foot or larger, those initially were mostly 80-foot lots, and they're narrowing those down a bit to the 75-foot minimum, to pick up two additional lots.

Mr. Russell asked what's the ratio of the 60-foot lots to the 75-foot lots? Don't you normally require in a plat such as this that there be a certain amount of them?

Mr. Dekker said the way that this zoning was approved is that all of the lots along the street bordering the park was required have widths of 75 feet or more. And the remainder of the lots within this plat were allowed to be 60-foot or larger. That's because as you continue to the east towards 142<sup>nd</sup> Street, there is an electrical substation just to the north, that fronts on 142<sup>nd</sup> Street. Because of the substation, there's zoning for multi-family residential wrapped around the substation, to the north of the Aurora Avenue alignment. And then the zoning allowed some townhouse zoning on the south side of that Aurora extension, as a transition to single-family residential on to the south. And then the 60-foot lots in this plat as a transition from that multi-family, into the larger lots adjoining the park. So, the zoning basically wraps multi-family around the substation, and then allows a little higher density transitioning from that multi-family as development moves down the hill towards the park, away from the substation and those more intense residential uses.

Mr. Hatfield asked do you have any problems with the two Staff recommendations?

Ms. Hill said no.

Mr. Gass moved, and it was seconded by Ralston-Hansen, to approve the Walnut Creek Estates Plats 7, 10 and 11 Revised Preliminary Plat, subject to Staff recommendations. On roll call; Ayes: Gass, Ralston-Hansen, Russell, Payne, Kusy, Montgomery, Van Heuvelen, Hatfield; Nays: none. Passes: none. Motion carried.

Regarding Staff reports, Mr. Dekker said we have two items for the January 4. First is a rezoning to allow a homestead to be subdivided off of the primary farm.

The second is a request from the Chamber to amend the Sign Ordinance to allow for extended display of temporary signs. You may recall that there was amendment approved earlier this year to allow temporary signs to be displayed for a maximum of 100 days per year, instead of the 40 days the Ordinance allowed. But that expires at the end of this year. And the Chamber is asking that that be made permanent. So that's the nature of that request.

We've had one additional filing since the agenda was sent out, for site plan that was filed today. That can't be on the next agenda, but will be on the agenda after that. It's for what used to be the Allied Group property west of 109<sup>th</sup> and north of Douglas, what originally was a training facility for Northwestern Bell for those of you who might remember that far back. The property is now owned by Continental Western, or more specifically the Berkley Group, and they're doing some extensive interior renovations and also some renovations to the parking lot. They don't need a site plan for the interior work, only for the parking lot modifications, and that is what that site plan is for.

Mr. Hatfield said we have to talk about a leader for next year. Mr. Hatfield said I believe our Vice-Chairperson might want to step up to the position of chair for 2010.

Ms. Ralston-Hansen said I would be honored.

Mr. Payne moved, and it was seconded by Kusy, to elect Ms. Ralston-Hansen as Chairperson for 2010. The vote in favor was unanimous.

Mr. Russell was elected as Vice-Chairperson by unanimous vote.

The meeting adjourned at 6:40 p.m.