

URBANDALE PLANNING AND ZONING COMMISSION MINUTES

March 30, 2021

Due to the COVID-19 pandemic and associated protocols, the Urbandale Planning & Zoning Commission met in regular session as a virtual meeting on Tuesday, March 30, 2021, via WebEx. Vice-chairperson Ralston-Hansen called the meeting to order at 5:30 p.m.

Ms. Ralston-Hansen said the March 30, 2021 regular meeting of the Urbandale Planning and Zoning Commission will now come to order. The Commission is empowered by Iowa law and by City ordinances to make recommendations to the City Council for action on petitions for rezoning, amendments to the Comprehensive Plan, and various development proposals such as subdivision plats and site plans.

Urbandale strives to promote and model the principles of Character Counts, and we expect all participants in tonight's meeting to conduct themselves in a respectful manner that adheres to the principles of trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Commissioners present were Joan Racki, Lee Hollatz, Julie Roethler, Aaron Smith, Judy Ralston-Hansen, and Wayne Van Heuvelen. Staff members present were Steve Franklin, Community Development Director; Kristi Bales, Community Development Manager/Chief Planner; Sheena Nuetzman, Planner I; Cheryl Vander Linden, Administrative Specialist; and Nicole Lunders, City Clerk.

This is an informal meeting that is open to the public. The matters that appear on the agenda are not public hearings unless specifically noted. However, if anyone wishes to address the Commission briefly on any item that is on the agenda you may request to be recognized using the WebEx application. We ask that each person addressing the Commission please unmute your microphone when prompted to do so by the Commission Chair, and state their name and address for the record prior to speaking.

The Commission will take action on each item on the agenda at this meeting, unless the Commission determines that additional information should be gathered prior to voting. The Commission's action is advisory only and is not binding on the City Council.

Finally, please mute your electronic device to lessen background noise but also remember to "un-mute" your electronic device at the time of discussion, questions, and voting.

The first item on the agenda was to approve the minutes from the March 1, 2021 meeting. Ms. Racki moved, and it was seconded by Smith, to approve the March 1, 2021 meeting minutes. On roll call; Ayes: Racki, Smith, Hollatz, Roethler, Van Heuvelen; Passes: Ralston-Hansen; Nays: none. Motion carried.

Mr. Hollatz moved, and it was seconded by Racki, to approve the minutes from the March 15, 2021 Commission meeting. On roll call; Ayes: Hollatz, Racki, Smith, Roethler, Van Heuvelen, Ralston-Hansen; Passes: none. Nays: none. Motion carried.

The next item on the agenda was the public hearing on the “Timberline Village – Outlot ‘U’ “Signage” Amendment to the P.U.D. Master Plan, case no. 010-2005-02.02.05, 142nd Street and Douglas Parkway. Ms. Ralston-Hansen said, if there were no objections, she would dispense with reading the following official publication:

Case No. 010-2005-02.02.05

OFFICIAL PUBLICATION

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Urbandale Planning & Zoning Commission will hold a public hearing at 5:30 p.m. on Tuesday, March 30, 2021, to consider a petition from Mr. Gerard D. Neugent, Manager on behalf of Mr. William C. Knapp, L.C., Member, Knapp and Associates, L.C., owner, to amend the “Timberline Village” Planned Unit Development Master Plan for the following legally described property:

Outlot “U” in Timberline Village P.U.D. Plat 1, an Official Plat all now included in and forming a part of the City of Urbandale, Polk County, Iowa.

Due to public health concerns and guidance, in accordance with Iowa Code sections 21.4(1)(b) and 21.8, this meeting will be conducted electronically via a WebEx virtual meeting application.

To join the meeting via WebEx type in the link below:

<https://cityofurbandale.webex.com/cityofurbandale/j.php?MTID=m87937a2a7d1e6d712763700b4a3b3524>

Meeting number: 187 768 0420

Password: 1234

To join the meeting via phone dial: (408) 418-9388 Access code: 187 768 0420

The vacant property is approximately 4.27 acres in size and is located at the northeast corner of the 142nd Street and Douglas Parkway. The amendment is requested to allow for two shared directory signs for all businesses to be developed on Outlot U.

More information on the proposed amendments to the Planned Unit Development Master Plan can be obtained at the Department of Community Development, 3600-86th Street, Urbandale, Iowa between the hours of 8:00 a.m. and 5:00 p.m., Monday through

Friday. The Department can be reached by phone at 515-278-3935. All interested parties either for or against this proposed amendment will be heard at the time and place set forth above.

There were no objections to the official notice as published.

Mr. Franklin said this request covers property that is part of the “Timberline Village” Planned Unit Development and platted as Outlot U in “Timberline Village P.U.D. Plat 1”. The parcel is in the northeast quadrant of the Douglas Parkway and 142nd Street intersection. The “Timberline Village” P.U.D. was approved on March 29, 2005 and applies to the northeast, southeast, and southwest quadrants of this street intersection. An amendment to the P.U.D. Master Plan was recently approved for the “Edencrest at Timberline” project on the adjacent Outlot V.

Outlot U is currently vacant and is approximately 4.27 acres in size. A site plan and associated plat were recently approved for the development of the “Kiddie Academy” day care in the northeast corner of Outlot U.

The petitioner is seeking an amendment to the P.U.D. Master Plan to allow for two shared directory signs for all businesses developed on Outlot U. This would include the Kiddie Academy project and the future buildings planned on this same Outlot U. Because of the proposed subdivision of Outlot U and the potential for future platting, future monument signage would be defined as “off-site” advertising and prohibit businesses on the entire Outlot U from being placed on shared monument signage. “Off-site” advertising is generally prohibited. The petitioner has provided a site plan showing the location of the signage – one sign along Douglas Parkway and the other along 142nd Street. Both signs would be set outside of the 20’ landscape buffer.

Directory signs are defined in the City’s Sign Code, with specific design criteria in subsection 158.047(E). Directory signs are required to use the same building materials found in the principal building; be set back 25’ from the curblines of 141st Street and Horton Avenue; include the entire range of address numbers; and be consistent in design, color and materials. The P.U.D. Master Plan require all signs in the development use individually mounted letters. The maximum height of a directory sign is 15 feet.

On the north, east, south, and southwest across Douglas Parkway are properties that are part of the same P.U.D. Master Plan. Across 142nd Street to the west is vacant property regulated by the “Village Center West” P.U.D. Master Plan. The property is located in the Urbandale School District.

Mr. Franklin said Staff recommends approval of the amendment to the Timberline Village P.U.D. Master Plan to allow two shared directory signs for all businesses on Outlot U in accordance with the City's Sign Code.

Ms. Ralston-Hansen said, as this is a public hearing, the Commission will hear comments from both proponents and opponents of this proposed P.U.D. master plan amendment. She said first we will hear any concerns or questions from any opponents.

There was no one who wished to speak in opposition.

Ms. Amy Staudt, Knapp Properties, 5000 Westown Parkway, Suite 400, West Des Moines, said I'm on the call if anybody has any direct questions for us.

Ms. Ralston-Hansen asked do you have any concerns by any recommendations made by staff?

Ms. Staudt did not respond.

Ms. Ralston-Hansen said I'm going to take that silence as a "no".

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

Mr. Van Heuvelen moved, and it was seconded by Hollatz, to approve Timberline Village Outlot U Signage amendment to the P.U.D. master plan, subject to Staff recommendations. On roll call; Ayes: Van Heuvelen, Hollatz, Racki, Smith, Roethler, Ralston-Hansen; Passes: none. Nays: none. Motion carried.

The next item on the agenda was the "Hickman Commercial Plat 4" Preliminary Plat and Final Plat (2501 104th Street).

Ms. Nuetzman said I will combine the next two agenda items, as they are related, the Hickman Commercial Plat 4 Preliminary and Final Plat, and the Hickman Commercial Phase II Site Plan.

Ms. Nuetzman said this preliminary plat and final plat cover a portion of the property that comprises the "Ziegler Property" Planned Unit Development (P.U.D.) Master Plan, located in the northeast corner of the intersection of 104th Street and Hickman Road. The property totals 4.97 acres.

This plat proposes one lot totaling 4.97 acres. The lot was originally platted as an Outlot in 2017 as part of Hickman Commercial Plat 3 but is now being developed which requires a Preliminary and Final Plat. The site plan for Hickman Commercial Phase II is

being reviewed concurrently, and is on this meeting agenda. The plat includes an existing ingress/egress easement which will serve this lot as well as the lot to the north.

Reconstruction of 104th Street from Hickman Road to Douglas Avenue was recently completed as a three-lane cross section. Sanitary sewer service is provided along the eastern boundary of the property. Water service is provided along the east side of 104th Street.

Property adjacent to the north is part of the same P.U.D. Master Plan. To the east are parcels within the "Menard Addition" P.U.D., the "Ashland Park Plat 3" P.U.D., and parcels zoned "C-G" General Commercial District. Adjacent to the south is the Carmax auto development zoned "P.U.D." Across 104th Street to the west are parcels within the "Westport" P.U.D. The subject property is in the West Des Moines School District and drains to the south, eventually towards Walnut Creek.

Ms. Nuetzman said Staff recommends approval of the preliminary plat subject to requiring the developer to:

1. Provide the Book and Page number for the existing ingress/egress easement (or provide legal description to be recorded with this plat) and any other existing easements; update the engineering seal to reflect the pages of the plat; update the vicinity map linework; add name of PUD; provide Surface Water Flowage Easement for the detention basin and overflow; a Stormwater Facility Maintenance Agreement per the Post Construction Stormwater Ordinance will be required at the time of the final plat; provide copy of NPDES Permit and SWPPP prior to any grading work and final approval of the preliminary plat. NPDES and SWPPP may be submitted to stormwater@urbandale.org; a hard copy is not necessary; weekly inspection reports and follow-up documentation as required by GP2 will also need to be submitted to this email address; if a sediment basin is required, that must be installed at the commencement of grading, including the required outlet restriction for the sediment control; drainage report comments are provided with the Site Plan for Hickman Commercial Phase II.

Staff also recommends approval of the final plat subject to requiring the developer to:

1. Submit an Attorney's Opinion and all other plat documents as found to be necessary for approval; provide the Book and Page number for the existing ingress/egress easement (or provide legal description to be recorded with this plat); and any other existing easements; provide easement descriptions; label address (2501 104th Street); update the vicinity map linework; add name of PUD; provide Surface Water Flowage Easement for the detention basin and overflow; provide a Stormwater Facility Maintenance Agreement per the Post Construction Stormwater Ordinance.

Ms. Nuetzman said the next item, which is related to the previous preliminary and final plat, is the “Hickman Commercial Phase II” Site Plan No. 012-2021-05.00 (2501 104th Street).

This site plan proposes the construction of a one-story building on the proposed Lot 1, Hickman Commercial Plat 4, which is being reviewed concurrently, and is on this meeting agenda. The property has a total area of 4.97 acres, and about 352 feet of frontage on 104th Street. The parcel will be accessed from an existing drive off 104th Street that is shared with the property to the north. The building to the north was Phase I of the development and was completed in 2018. A tenant has not been identified for the proposed building at this time.

The property is regulated by the “Ziegler Property” Planned Unit Development Master Plan Standards. On October 24, 2017, the City Council approved amendments to the P.U.D. Master Plan to allow an increase in clear ceiling height to 25 feet, to allow “local trucking without outside storage” as a permitted use, and to amend certain other requirements for building materials. More recently, on March 23, 2021 the City Council approved an amendment to the P.U.D. to allow “Top, Body, Upholstery Repair Shops and Paint Shops”, “General Automotive Repair Shops”, Automotive Repair Shops, Not Elsewhere Classified”, Automotive Services, Except Repair and Carwashes”, and “Truck Leasing” and “Passenger Car Leasing” as permitted uses.

The building is proposed to be 32 feet in height with a 24,000 square foot building footprint. The building consists of brick as the predominant building material on the west and south elevations, and on the front half of the north elevation. The eastern elevation will include 8 overhead dock doors.

The P.U.D. Master Plan requires 4 parking spaces per 1,000 square feet of floor area, provided that a portion of such parking may be left undeveloped if it can be shown that it is not needed by the current occupants. For this building, 96 spaces are required. The site plan shows 105 parking spaces, 5 of which are designed as ADA accessible spaces.

A 50-foot front yard setback and a 20-foot landscape setback are required along 104th Street. The PUD Master Plan requires that a minimum of 15% of the lot to be maintained as open space, in addition to the landscape setback.

Property adjacent to the north is part of the same P.U.D. Master Plan. To the east are parcels within the “Menard Addition” P.U.D., the “Ashland Park Plat 3” P.U.D., and parcels zoned “C-G” General Commercial District. Adjacent to the south is the Carmax auto development which is part of this same “P.U.D.” Across 104th Street to the west are parcels within the “Westport” P.U.D. The subject property is in the West Des Moines School District and drains to the south, eventually towards Walnut Creek.

Ms. Nuetzman said Staff recommends approval of the site plan, subject to the following requirements:

1. Provide the calculation for the 5% parking landscaping requirement; revise the proposed landscaping calculations to match what is shown (currently reads that fewer shrubs are provided than what is required); provide the clear ceiling height; revise the title of Sheet 4 to "Landscaping Plan"; show ADA signage/post locations; provide a photometric plan; show the location of all ground-mounted mechanical units and other utility service areas and provide screening of these; verify that trees can be planted by the transformer in the southwest corner;
2. Pay water connection fee of \$7,808.47 at time of building permit; provide a minimum clear space of 5 feet around the hydrants; revise landscaping as to not obstruct the hydrants; the address for the building is 2501 104th Street (tenant spaces to use suite numbers); verify the north doors with the site plan and submitted building permit plans; verify internal ADA routes do not exceed slope; during the installation of the 8" water service line, contact the Urbandale Water Utility regarding the pressure and Bac-t testing;
3. Provide professional seal for sheet 4; update the vicinity map linework; Sheet 1: note #5, specify 2021 SUDAS edition and include Urbandale Water Utility Specifications; Sheet 1: note #11, paving in public right of way shall be 7" non-reinforced or 6" reinforced; show all existing on-site easements with Book and Page; Sheet 2: Erosion Note #7, update for current GP2 rule, if the site will not be disturbed within 14 days it shall be stabilized immediately; show concrete washout; Grading Plan: in basin, provide defined overflow at 100-year elevation and 1 foot of freeboard to a 6 foot wide minimum embankment width at top of berm; for stub connection to the south, provide a curb and gutter to prevent off-site flows, revise grading to provide minimum 3:1 slope, verify that slope of future connecting drive is feasible; Sheet 3: Callout flowline elevations for sanitary sewer service and verify cover; Sheet 3: Update INT #1 structure type in plan view, verify required 12" clearance from opening to rim can be provided with the elevation shown, verify base dimensions in detail; provide a Surface Water Flowage Easement for the detention basin and overflow; provide erosion control/dissipation at all storm sewer outlets- either move basin outlet farther from lot line, or provide Surface Water Flowage Easement on the lot to the south; Sheet 4: update sheet title and provide signature block; provide copy of NPDES Permit and SWPPP prior to any grading work; submit NPDES and SWPPP to stormwater@urbandale.org; a hard copy is not necessary; weekly inspection reports will also need to be submitted to this email address; provide a Stormwater Facility Maintenance Agreement for the detention basins per the Post Construction Stormwater Ordinance; at the time of the site as-built, provide signed calculations showing basin volume calculations by the contour-area method, and provide a signed affidavit that the storm water detention facility has

been constructed in substantial conformance with the approved plan and confirming installation of orifice plates.

4. Drainage Report: Narrative: update size of the site in the first paragraph; provide existing and proposed drainage basin maps; label structures on intake map; provide NRCS soils map and geotechnical report referred to in the narrative to document Hydrologic Soil Group selection; otherwise, use Hydrologic Soil Group B; CPv: Add Channel Protection Volume event to runoff analysis table; verify 1-year storm flow from hydrograph is used in calculations; provide calculation for orifice sizing; WQv: Subdrain elevation is lower than outlet, verify that proper drainage is provided for the cell; provide calculation for provided WQv and verify primary outlet flowline is set above WQv; HydroCAD model: verify outlet configuration; Outlets 3 and 2 should route to Outlet 1 - given flat slope on outlet pipe, add pipe to outlet model; update model to include undetained area combined with detention basin release to determine total release for the site; ISWMM Chapter 5 recommends bio-retention cells are limited to 2 acres of inflow; if bio-retention cells are used, review options for smaller catchments; additional drainage report comments may be provided after review of next submittal.

Ms. Ralston-Hansen said in a prior approval process, we approved a height of 25 feet, and this is coming in at 32 feet.

Ms. Nuetzman said it's the clear ceiling height, which is the interior, versus the building height.

Ms. Ralston-Hansen said okay, so it's in compliance with what we previously approved?

Ms. Nuetzman said yes.

Mr. Van Heuvelen said I note that you say that the tenant hasn't been identified, is that because this is a spec building? Or is it because it remains shrouded in mystery?

Ms. Nuetzman said I'd say it remains a mystery, unless Mr. Crawford wants to add anything on that.

Mr. Kevin Crawford, Cooper Crawford, 475 S. 50th Street, Suite 800, West Des Moines, was present to represent this plat and site plan.

Ms. Ralston-Hansen asked if Mr. Crawford wanted to say anything on behalf of this proposal?

Mr. Crawford did not respond.

Mr. Smith moved, and it was seconded by Hollatz, to approve the Hickman Commercial Plat 4 Preliminary and Final Plat, subject to Staff recommendations. On roll call; Ayes: Smith, Hollatz, Racki, Roethler, Van Heuvelen, Ralston-Hansen; Passes: none. Nays: none. Motion carried.

Ms. Ralston-Hansen asked are you okay with all of the staff recommendations, of which there were several on this site plan? It appears Mr. Crawford is having audio trouble.

Mr. Crawford gave the thumbs-up sign.

Ms. Roethler moved, and it was seconded by Racki, to approve the Hickman Commercial Phase II Site Plan, subject to Staff recommendations. On roll call; Ayes: Roethler, Racki, Hollatz, Smith, Van Heuvelen, Ralston-Hansen; Passes: none. Nays: none. Motion carried.

The next item on the agenda was the "Ramsey Mazda – New Building" (9627 Hickman Road) Site Plan No. 012-1989-11.06.

Ms. Nuetzman said this site plan proposes the construction of a 10,953 square foot building and new pavement for the Ramsey auto campus to the west of the main showroom. The existing used car sales building (3,960 sf) will be demolished. The new building will serve as a drop-off for Mazda vehicles getting serviced. The entire site has approximately 760 feet of frontage along a frontage road on the north side of Hickman Road.

The property is zoned "C-H" Highway Commercial with conditions of rezoning related to building material and other site improvements. The conditions of rezoning require a 50-foot building setback in addition to a 20-foot landscape setback. Parking spaces are required beyond the inventory parking stalls based on 5 spaces per 1,000 square feet of gross floor area. The site plan shows 56 parking spaces, of which 4 are accessible parking spaces.

Architecturally, the building is proposed to be 26 feet high. Building materials will consist of brick around the lower half with glass, aluminum composite and E.I.F.S for detailing. Two overhead doors are located on the south elevation.

Surrounding properties include the City of Urbandale Public Works Facility to the east, zoned "M-1" Planned Industrial District. The property to the northeast is part of the Ramsey development also zoned "C-H". To the north and west is Lithia Motors, Inc., zoned "P.U.D." Planned Unit Development. Across Hickman Road to the south is the Willis auto development in Clive.

Ms. Nuetzman said Staff recommends approval of the site plan, subject to the following requirements:

1. Provide vicinity sketch; show building and landscape setbacks; modify the photometric plan to prevent light from spilling beyond the property line, specifically along the Hickman Road frontage; extend photometric plan beyond west property line; review the original landscaping plan and replace landscaping as previously approved; add column to Planting Schedule with minimum height of plantings (18" shrubs, 8' overstory trees, 5' for understory and coniferous trees); use the address 9627 Hickman Road for all future revisions and building permits (the building will need to be addressed separately); note that signage review will be completed under separate permit applications (walls signs are calculated using two rectangles at a maximum rate of two square feet for each lineal foot of building frontage);
2. Revise the sidewalk on the east side of the building to be 54" minimum for accessibility at the doors; the fire department connection for the fire sprinkler system needs to be on the east side of the building so it is within 100 feet of the closest fire hydrant, otherwise an additional hydrant is needed closer to the building; provide a minimum of 5 feet clear space around the fire hydrants and fire protection equipment; revise the landscaping as to not obstruct the closest existing fire hydrant to the proposed building; cap the existing 1" service at the water main; cutting in a valve will require shutting down the main floor, flushing and bacterial tests before restoring water, a tapping sleeve and valve could be used in lieu of cutting in a valve; the 6" gate valve is not required at the building;
3. Provide utility contact information; specify 2021 SUDAS edition, include City of Urbandale Supplemental Specifications and Urbandale Water Utility Specifications; add values for impervious and pervious surface area; SP-2: provide 8" of topsoil in green space; SP-2: clarify existing vs. proposed spot elevations, provide spot elevation at breakover point between 87 contours west of the building, revise drainage and utility layout to minimize undetained runoff; revise "Existing Combined Sanitary Sewer Easement" to "Existing Sanitary Sewer Easement" and provide Book and Page; cut and cap existing sanitary and water services at the mains; verify proposed sanitary service will not conflict with gas line; show erosion control measures, include concrete washout, perimeter controls, and intake controls, add a note that slurry from saw cutting is to be contained; SP-4: callout flowline of 15" pipe at roof drain connection; provide a Stormwater Facility Maintenance Agreement for the detention basins per the Post Construction Stormwater Ordinance; at the time of the site as-built, provide signed calculations showing basin volume calculations by the contour-area method, and provide a signed affidavit that the storm water detention facility has been constructed in substantial conformance with the approved plan and confirming installation of orifice plates;

4. Drainage Report: this site meets the criteria of Chapter 55 for a redevelopment disturbing more than one acre; provide Unified Sizing Criteria post-construction management for the disturbed area; verify the existing stormwater management facility is in compliance with the previously approved design for the remainder of the site; provide intake calculations for ponding in the 100-year event; include next downstream storm sewer analysis to verify the smaller 12" pipe is not a restrictor; provide copy of NPDES Permit and SWPPP prior to any grading work; submit NPDES and SWPPP to stormwater@urbandale.org; a hard copy is not necessary; weekly inspection reports will also need to be submitted to this email address.

Mr. Van Heuvelen said so the only use for this building will be as a drop-off for cars that are going to be serviced? There will be no servicing here, used car sales won't be done here? It's just a drop off building?

Ms. Nuetzman said correct. They will just be driving their Mazdas to this building temporarily, and then they drive them to be serviced over in this building, I believe, in the main building.

Mr. Scott Long, General Manager for Ramsey Auto Center, 9625 Hickman Road, said that will also be a new vehicle showroom. We basically are going to be building a stand-alone Mazda retail facility, which will have a full showroom. It will sell cars out of that building, as well. We just don't have enough real estate to add a stand-alone Mazda service department, so that is why the service work will actually be done at 9625.

Mr. Van Heuvelen said so this will be a new showroom and there's an existing showroom at 9625, isn't there?

Mr. Long said correct. That will be for Subaru only.

Ms. Ralston-Hansen said there are a number of Staff recommendations. Is everyone okay with those?

Mr. Doug Salzgaver, Engineering Resource Group, 2413 Grand Avenue, Des Moines, said yes, we're in general agreement with them. There are a few things we have to work out with Staff. One of the comments was to verify that they want us to previously approved stormwater management conditions are still good there. We need some help from Staff on that by them supplying us the previous calculations and any drawings for that, then we can do that. But we need something to verify, and we're happy to do that if we can get the information we need.

Ms. Ralston-Hansen said thank you, I will entrust Staff to be able to provide that information.

Ms. Nuetzman said yes, we'll get that from Engineering.

Mr. Smith moved, and it was seconded by Hollatz, to approve the Ramsey Mazda New Building site plan, subject to Staff recommendations. On roll call; Ayes: Smith, Hollatz, Racki, Roethler, Van Heuvelen, Ralston-Hansen; Passes: none. Nays: none. Motion carried.

The next item on the agenda was the Fisher Property Planned Unit Development District, case no. 010-2005-02.04, 170th Street and Meredith Drive.

Mr. Franklin said the action requested of the Commission is to receive the following report, followed by a motion to approve or deny forwarding this report to the City Council. This is the start of a process to review a rezoning on these properties that are outlined here in red.

He explained, in 2005, the City Council approved Ordinance No. 2005-15 for the rezoning of property located at the northeast corner of the intersection of 170th Street and Meredith Drive. The "Planned Unit Development" zone district was approved subject to the requirements of the "Fisher Property" P.U.D. Master Plan Standards.

The "Fisher Property" P.U.D. pertains to two properties that are owned by separate members of the Fisher family, and is approved for the development of approximately 32 acres of neighborhood commercial development area and approximately 42 acres of single-family detached residential development.

The City of Urbandale's Zoning Ordinance outlines procedures for a rezoning to the "P.U.D." District. Specifically, Sections 160.24 (F)(1) and (F)(3) state the following:

(F) *Validity.*

(1) In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the Department of Community Development. The Director shall review the circumstances and prepare a report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning Commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a

zone more restrictive than the applied immediately prior to the rezoning to P.U.D., except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.

(3) The developer shall be responsible for compliance with all prescribed time limits without notice from the city.

Since approval in 2005, there has been no action toward the development of this P.U.D. The property owners have not filed any information detailing the reasons for the delay with the Department of Community Development. The property owners have not met with City Staff nor has a site planning pre-application meeting been set with City staff to discuss development plans for the property.

The Director of Community Development recommends forwarding this report to the City Council, in accordance with Section 160.24(F)(1) of the Urbandale Zoning Code, for review and recommendation on appropriate actions and further procedures.

Mr. Franklin said this is not a public hearing, but I do believe we might have a couple of attorneys representing the Fishers on-line who might want to make a brief comment, if you would want to see if they would want to do that.

Ms. Ralston-Hansen said absolutely. And I think we might also have some attorneys on the line representing the City. And, again to reiterate what Mr. Franklin has said, this is really just for our information at this time. As it progresses, we will get more information, but this really is just information, the first step of a possible process.

Mr. Gary Goude-lock, Whitfield and Eddy Law Firm, 699 Walnut Street, Suite 2000, Des Moines, said I represent Marvin and Marilyn Fisher. I appreciate the opportunity to address the Commission this evening. I just wanted to make a couple of brief statements. First, regarding Mr. Franklin's comments about this being as transparent as possible. I think that this has been given to you without any explanation for why it's been given to you. So I guess I would be interested to hear any explanation that Mr. Franklin or others might have about why this is being given to you, why it's being given to you at this time. As Mr. Franklin noted, it's been in this P.U.D. since 2005 and there's apparently been no need to review that since that time, so I'd be curious if there's any input on why it's being reviewed at this time. I think that we offered some written materials that go back to 1999. We'd ask that the Commission review those materials regarding the inducement that was given to our clients at the time that they voluntarily annexed into the City. So those are the comments that I have at this time. And I think Sarah Franklin might have some comments, too.

Ms. Sarah Franklin, attorney for Jim Fisher one of the property owners, Dentons Davis Brown Law Firm, 215 10th Street, Des Moines, said I really don't have anything to add beyond what Mr. Goude-lock noted in his comments. The parties have been in litigation

with the City for I think approximately two years. And we would echo Mr. Goudelock's comment and question why this is happening now.

Ms. Ralston-Hansen asked is there anyone on the call who would be in a good position to respond to those questions or inquiries?

Mr. Franklin said I would just note for the record that we did receive the materials referenced and we did forward that to the Commission, so you all are in receipt and we will make a matter of the record with those letters that were provided. Bob Laden, City Attorney, and Maria Brownell, co-counsel, I know are on the line. I would defer to them to answer the question as to why in timing, how you think it might be appropriate to answer that.

Mr. Bob Laden, City Attorney, Laden & Pearson PC, 8410 Hickman Road, # 102, Clive, said, as Mr. Franklin indicated, Maria Brownell of the Ahlers-Cooney Law Firm is on with us. The appropriateness of it is that Section 160.24 requires us, after more than two years, to take a look at this. That's exactly what we're doing. And the litigation is not necessarily any issue to discuss here tonight before this Commission. So we're following our code to have this matter reviewed. We're not taking a position on whether this Commission should do anything other than to forward this document of Steve Franklin's on to the City Council for their review and their direction for us to proceed.

Ms. Ralston-Hansen said thank you. Any other comments?

Mr. Van Heuvelen moved, and it was seconded by Hollatz, in compliance with Section 160.24 of the Urbandale Zoning Code to approve forwarding this report on to City Council for further action. On roll call; Ayes: Van Heuvelen, Hollatz, Racki, Smith, Roethler, Ralston-Hansen; Passes: none. Nays: none. Motion carried.

Regarding Staff reports, Mr. Franklin said we will meet on April 12, stuff just continues to roll in, just a sign of how busy we are. I think Ms. Bales provided some quick stats for you, but in 2020, we issued the sixth most single-family permits that we ever have, and the most since 2013. And the total number of permits for both commercial and residential, and the associated valuations, were the fourth highest that we've ever had. So 2020 was a really good year and 2021, so far, looks like it's going to be just as good. With all of the bad of COVID, the development and construction industries are one of the good sides of all of it, so it's nice to see. So you can see on the pending list there, we've got the Bentley Ridge Rezoning. This is going to be the area west of 170th Street and just north and west of the new Radiant Elementary School. A rezoning for a mixed use P.U.D. in that area, a little bit of commercial and then the potential for some townhomes, maybe even some multi-family, and then quite a bit of some single family lots to the west. We'll have a public hearing for that rezoning. The Waterford Pointe Townhomes Plat 1, continuing that development at 142nd and Waterford Road. That's

the northwest corner. Pepsi over here on Douglas is going to do a small building addition. St. Pius is looking at doing another building with their continued expansion and their master plan. Then Barrett Park Natural Playscape is a really interesting, kind of cool site plan for the nature themed park that's going to be created at 156th and Waterford Road on the southeast corner, directly across from Waterford Park. Then there will be more things to come after that! That's all I have.

Ms. Ralston-Hansen said terrific. Again, it was so nice to see you again. Maybe we will see each other in person at some later point, if we get through a pandemic and water damage.

Mr. Franklin said at this point we're trying to get some equipment replaced and once we get that equipment replaced, for those of you who are comfortable, we can certainly start meeting in here again. We do have the plexi-glass partitions between each seat that can certainly accommodate all of you. So, hopefully if not the next meeting, the meeting after that, maybe we'll be getting close and can actually do in-person meetings again, which would be great.

Ms. Ralston-Hansen asked do I want to know how we got water damage in the Council chambers?

Mr. Franklin said when we were having all of the snow melt from the warmer temperatures here several weeks ago, it leaked in through the roof and just happened to drop on down to our equipment. But we've got new parts ordered and we'll see if we can get everything working.

The meeting adjourned at 6:07 p.m.