



PLANNING & ZONING COMMISSION

City of Johnston
 6221 Merle Hay Road, Johnston, IA 50131

Minutes
 Regular Meeting: Monday, January 14, 2008

AGENDA:

1. Call to Order

Robertson called the meeting to order at 7:00 p.m.

2. Roll Call

	Robertson	Wiskirchen	Temple	Moran	Schillinger	Petersma	Seel
Present	X	X	X	X		X	
Absent					X		X

City Staff Present: David Wilwerding, Steven Witmer

3. Approval of Agenda

Motion by Petersma to approve the agenda.

Voice Vote:

	Robertson	Wiskirchen	Temple	Moran	Schillinger	Petersma	Seel
Aye	X	X	X	X		X	
Nay							
Abstain							

4. Approval of Meeting Minutes: Regular meeting of November 26th, 2007.

Motion by Petersma to approve the minutes of the regular meeting of November 26th, 2007

Roll Call Vote:

	Robertson	Wiskirchen	Templ	Moran	Schillinger	Petersma	Seel
Aye	X	X	X	X		X	
Nay							
Abstain							

5. PZ Case No. 07-48; Heard Gardens Plat 1 Final Plat; The applicant, Denny Elwell Family, L.L.C., is proposing to the subdivide a 10.63 acre lot (the former Heard Gardens property) into 2 commercial lots to allow the transfer of the proposed Lot 1 for office development. The subject property is zoned C-3 and M-2 and is located in the northeast corner of Merle Hay Road and Johnston Drive.

David Wilwerding presented the staff report.

Temple asked if the lots to the north of the subject property are under different ownership. Wilwerding replied yes.

Petersma asked if there are any potential issues with buffering between the C-3 and M-2 zoned parcels. Wilwerding replied that normally buffering is not required between commercial properties so it should not be an issue.

Moran noted that some of the trees on the property with historical significance and asked if this would be taken into account when the parcel is developed. Wilwerding replied that that there are four trees that are unique in size and species. The property owner is aware of them and will take them into consideration. City staff have expressed a willingness to work with the applicant regarding the preservation of the trees, although it's unclear whether it will be possible to save all of the trees.

Temple asked about the zoning of the properties to the north of the subject property. Wilwerding replied that they are currently zoned PUD or residential.

Temple asked if the M-2 zoning designation is consistent with the recent Merle Hay Road Study proposals. Wilwerding responded that the study mainly focused on the areas of Merle Hay Road around and north of NW 62nd Avenue and more generally on the rest of the corridor. There was a concept plan drawn for this area that showed a possible layout for office buildings but there was no specific recommendation for land use for this area.

Motion by Moran seconded by Wiskirchen to approve PZ Case No. 07-48; Heard Gardens Plat 1 Final Plat with the following conditions:

1. The project shall conform to the requirements, standards and regulations of the City of Johnston.
2. Submission of all final plat documentation to City's Staff and Attorney, for review and approval, must occur six (6) working days prior to the City Council's regular meeting.

Roll Call Vote:

	Robertson	Wiskirchen	Temple	Moran	Schillinger	Petersma	Seel
Aye	X	X	X	X		X	
Nay							
Abstain							

6. PZ Case No. 07-49; Harlan Estates Plat 2 Final Plat; The applicants, Mark Hulsing and James and Pamela Proehl, are proposing to split two existing developed single family residential lots into three single family residential lots creating a new buildable lot. The subject property is zoned R-1(100) and is located on the south side of NW Beaver Drive east of High Point Circle

David Wilwerding presented the staff report.

Robertson asked why this is being brought to the Commission for consideration if it was denied by the Board of Adjustment. Wilwerding explained that the original proposal considered by the Board of Adjustment was for a variance because some of the lot sizes were below the minimum required for the zoning district. When the Board of Adjustment denied the variance request the applicant had the lot lines redrawn so that now they conform to the city requirements and it is this reconfigured plan that is being considered by the Commission.

Temple asked if sufficient right-of-way is being acquired. Wilwerding responded yes.

Temple asked if the acquired right-of-way will cause the existing house on Lot 1 to become nonconforming. Wilwerding replied yes, it will cause the existing house to be located within the front yard setback of the new lot.

Petersma questioned why the city would desire to create a nonconforming property. Wilwerding replied that the city will eventually need to acquire the right-of-way for road improvements in any case and the property would become nonconforming at that time.

Moran noted that the owner of the nonconforming home could apply for a variance. Wilwerding agreed and noted that in the past the Board of Adjustment has decided favorably if the nonconformance was caused by a city action rather than an act of the applicant. Petersma observed that if the applicant voluntarily gives up the right-of-way during platting the nonconformance would be the result of the applicant's action and speculated that the Board might not consider that to be a hardship.

Petersma expressed his opinion that there is a difference between the Commission creating a nonconforming lot versus the city creating a nonconforming lot in the course of doing road improvements. Wilwerding responded that the subdivision regulations require that the city acquire sufficient right-of-way during the platting process.

Mark Hulsing, 7100 NW Beaver Drive, asked if the new lot would be nonconforming. Petersma replied no, a house on the new lot would need to be conforming but the existing house on Lot 1 would become nonconforming.

Dean Veenschoten, 7016 High Point Circle, explained that he was the original developer for the Sher-De-Jon Plat and expressed concern about developing an additional lot and questioned whether it fit in with the development in the area.

Veenschoten asked if the all of the proposed lots will have the required 100 foot frontage and if side yard setbacks will be met. Wilwerding replied yes.

Veenschoten asked if it is allowed for an applicant to plat a lot from another subdivision. Wilwerding replied that this will be considered a new plat.

Veenschoten expressed that he feels that this proposal changes the integrity of the subdivision and is opposed to approving it.

Kirk Schrader, 7035 High Point Circle, spoke in opposition to the proposal. His property is adjacent to the subject properties. When he purchased his lot the large adjacent lot had a parklike appearance and he is concerned that the new plat could lead to construction of privacy fences.

Motion by Wiskirchen seconded by Moran to approve PZ Case No. 07-49; Harlan Estates Plat 2 Final Plat with the following conditions:

1. The project shall conform to the requirements, standards and regulations of the City of Johnston.
2. Submission of all final plat documentation to City's Staff and Attorney, for review and approval, must occur six (6) working days prior to the City Council's regular meeting.
3. Prior to City Council consideration of the Final Plat, the addresses on the plat should be corrected as follows: Lot 1 – 7100, Lot 2 – 7070, Lot 3 – 7050 NW Beaver Drive.

Roll Call Vote:

	Robertson	Wiskirchen	Temple	Moran	Schillinger	Petersma	Seel
Aye	X	X	X	X		X	
Nay							
Abstain							

7. PZ Case No. 07-50; Prairie Engineering Addition, 5008 NW 57th Avenue; The applicant, Prairie Engineering, wishes to add a 25' x 34' (850 sq. ft.) addition to the west side of their existing building and expand the existing parking area by the addition of 8 parking spaces. The subject property is zoned M-1, Light Industrial and is located on the south side of NW 57th Avenue between NW Beaver Drive and NW 52nd Street.

David Wilwerding presented the staff report.

Temple inquired about the number of handicap accessible parking stalls. Wilwerding noted that condition #9 addresses that. Temple asked about a van accessible stall. Wilwerding suggested amending the wording of condition #9 to include that.

Petersma questioned showing two parking stalls and future and suggested that all the stalls should be constructed at this time.

Moran commented that two stalls will not make a significant impact on the parking. Petersma commented that requiring the parking now would address future needs if the applicant sells the property or if the property otherwise changes uses in the future.

Temple noted that given the city's efforts to address stormwater concerns, it might be desirable to reduce the amount of impervious surface and allow the applicant to defer the installation of the two stalls.

Discussion followed.

Dave Ralph and Don Francis, Prairie Engineering, 5008 NW 57th Avenue, explained that while some additional staff is being added with the expansion the parking should be more than adequate for their needs without the two additional parking stalls.

Francis noted that 26 stalls were being provided which is what was shown as future parking on the original plan and questioned why two more would now be required. Petersma explained that the 26 stalls was the requirement based upon the original building design and the

calculations did not include the proposed addition. Now that the addition is being proposed the number of required spaces has increased by two as a result.

Motion by Petersma seconded by Moran to approve PZ Case No. 07-50; Prairie Engineering Addition, 5008 NW 57th Avenue with the following conditions:

1. The project shall be in conformance and in accordance with the requirements, standards and regulations of the City of Johnston, and any other requirement of state or federal law or administrative rule.
2. The City Council may require property owners on both sides of NW 57th Avenue to participate in future street improvements, through assessments.
3. Installation of public sidewalk along NW 57th Avenue shall be deferred until otherwise directed by the City Council in its sole discretion. Once the Council directs installation of this sidewalk, it shall be constructed immediately at the Owner's sole cost.
4. 24 parking spaces plus two handicapped accessible spaces (total of 26) shall be provided. In addition, the loading area of the handicapped parking spaces shall be marked as "No Parking."

Prior to issuance of a Building Permit:

5. The Amended Site Plan shall be corrected to show the "Proposed Fire Hydrant" as existing.
6. The Amended Site Plan shall be corrected to delete the note "The existing use is a vacant lot."
7. The Amended Site Plan shall be corrected to note the existing and proposed building area. 4,924 sq. ft. was approved on the original Site Plans in 2004.
8. The Amended Site Plan shall be corrected to note the accurate number of parking spaces proposed, and the correct calculations for required spaces. In addition, a minimum of 2 additional spaces shall be noted as "future".
9. The Amended Site Plan shall be corrected to show a minimum of two (2) handicapped accessible parking spaces.
10. The Amended Site Plan shall include service lines for electric and gas utilities.
11. The Amended Site Plan shall be corrected to note that the "proposed" fire hydrant is existing.
12. The Amended Site Plan shall be corrected to accurately illustrate (plan and plant schedule) the on-site and buffer landscape approved on the original Site Plans.
13. The Amended Site Plan shall be corrected to include a 150-foot radius circle for the fire hydrant.
14. Note 5 on the Amended Site Plan shall be corrected to state that construction shall be in accordance with the current City of Johnston Supplemental Specification.

Prior to issuance of a Final Certificate of Occupancy:

15. Compliance with on-site and buffer landscape requirements will be verified.

Roll Call Vote:

	Robertson	Wiskirchen	Temple	Moran	Schillinger	Petersma	Seel
Aye	X	X	X	X		X	
Nay							
Abstain							

8. Other Business

- Iowa Planning Officials Academy

Wilwerding advised the Commission of a training opportunity for planning officials.

Wilwerding advised the Commission of an upcoming annexation and that part of the annexation will include property that Hubbell is proposing to rezone for construction of a conservation subdivision. The proposed PUD zoning will be included for discussion by the Commission on the next meeting agenda. Hubbell has developed several other conservation subdivisions in the metro area in recent years.

Phil Dunshee, JEDCO, advised the Commission of the upcoming JEDCO annual meeting and extended an invitation to the Commission members to attend.

9. Adjournment.

Robertson adjourned the meeting at 8:00 p.m.

Dick Robertson, Chairman

David Wilwerding, Secretary