



PLANNING & ZONING COMMISSION

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

Minutes
Regular Meeting: Monday, February 11th, 2008

AGENDA:

1. Call to Order

Robertson called the meeting to order at 7:01 p.m.

2. Roll Call

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

City Staff Present: David Wilwerding, Aaron Wolfe, Deb Schiel-Larson, Steven Witmer

3. Approval of Agenda

Petersma moved approval. Robertson called for a vote to approve the agenda.

Voice Vote:

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

4. Approval of Meeting Minutes: Regular meeting of January 28th, 2008.

Motion by Schillinger to approve the minutes of the regular meeting of January 28th, 2008.

Roll Call Vote:

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

- 5. Northwest Annexation;** Consider annexation and establishment of zoning districts for 111 parcels and right of way totaling 837.52 acres located east and west of NW 100th Street and north of NW 70th Avenue currently within unincorporated Polk County. With this annexation the establishment of the following Zoning Districts is proposed: A-R Agricultural Reserve, R-E Estate Residential, R-1(150), R-1(100) Single Family Residential zoning districts, Floodway and Floodway Fringe Overlay Districts and Animal Keeping Overlay District.

David Wilwerding presented the staff report.

Wiskirchen asked if there are any issues regarding street standards? Wilwerding responded that NW 100th Street is two lane and in fairly good condition. The intersection of NW 100th and NW 70th was reconfigured a few years ago. North of Little Beaver Creek NW 100th Street is gravel. Other streets are to city standards with curb and gutter streets. Staff do not anticipate major roadwork in the short term.

Robertson opened the meeting to public comment at 7:30 p.m.

Linda Evans 7820 NW 100th Street, explained that she feels that Elmerodo Estates should be zoned as R-1(150) instead of R-1(100). To comply with the Comprehensive Plan it should have the larger lot zoning. Any nonconforming lots would only be nonconforming by a small amount. These lots are marketed and sold. Allowing a lower designation would allow a developer to add more homes across the street. This violates what the city council agreed to several years ago.

Evans read a comment from Pat Helwig, who lives at 7948 NW 100th Street but is unable to attend the meeting. Mr. Helwig notes that while there are some lots under an acre in Elmerodo Estates there are also many lots that are much larger. Mr. Helwig is concerned about how the zoning will affect requirements for accessory structures.

Jeff Strawhacker 10351 NW 82nd Avenue, noted that his property is in the county and borders the annexation area. Strawhacker expressed concern about police and emergency coverage for the area. Strawhacker also asked how the annexation will affect NW 82nd Avenue. Wilwerding responded that he will need to discuss the issue with Polk County but it appears that the right of way only extends to approximately the location of the driveway for the Gelormino property.

Strawhacker questioned the reasoning behind the MDR designation in the Comprehensive Plan for the Smith property and noted that there are many larger lots in the area.

Patrice Davis expressed confusion between the Comprehensive Plan Districts and Zoning Districts and requested a more detailed comparison between the county's estate zoning district and the city's estate zoning district.

Bob Betz, 7547 NW 100th Street asked about the intention to rezone the Smith Property to a density of two dwelling units per acre. Robertson explained that that issue is not yet under consideration but will be discussed under the next agenda item.

Robertson closed the public hearing at 7:46 p.m.

Wilwerding discussed the proposed R-1(100) designation for Elmerodo Estates and noted that if the Commission and City Council desired it could be established as another zoning district. Wilwerding explained that under an R-1(150) designation, eight lots would become non-conforming. The concern that an R-1(100) designation would allow for smaller lots adjacent to the neighborhood is incorrect as the Comprehensive Plan makes clear that the transition zone depends upon the Comprehensive Plan designations and are not based on zoning district.

Wilwerding explained that for residential properties the size of accessory structures is based upon the lot size and so the R-1(100) designation would make no difference. The only

difference between the districts would be that the R-1(150) district would require a 12 foot side yard setback instead of a 10 foot as with the R-1(100).

Temple asked Wilwerding to explain the potential impact of creating non-conforming lots. Wilwerding explained that a nonconforming lot is different from a nonconforming structure and so the rebuilding of a structure will probably not be affected. The exception would be if the setbacks are not met and there is not enough information on the existing structures in the subdivision to say whether there are any properties that have structures that would not meet the setbacks if the area was zoned R-1(150) versus the R-1(100). It could come to situation where an existing structure could not be rebuilt on its current location if damaged more than fifty percent because of setback issues.

Wilwerding noted that Elmerodo Estates is currently zoned LDR Low Density Residential under the Polk County zoning. The minimum lot size under the county's LDR district is 12,000 square feet with a 75 foot lot width, which is actually a smaller lot than what would be required with the proposed R-1(100) designation, which would require a 100 foot lot width and 15,000 square foot area.

Wilwerding explained that under the county's LDR designation, the current setbacks are 35 foot front yard, 10 foot side and 35 foot rear. R-1(100) setbacks will be 40 foot front and rear and 10 foot side. The R-1(150) district requires 150 feet of lot frontage and requires a 40 foot front yard, 50 foot rear yard and 12 foot side yard setback.

Petersma asked how many be nonconforming on basis of frontage with an R-1(150) designation. Wilwerding replied that about half of the non-conforming lots created would be due to frontage.

Wilwerding discussed NW 82nd Avenue and explained that he would have to contact Polk County to see how they are currently maintaining the road and whether some kind of agreement will need to be reached regarding maintenance.

Wilwerding explained that the districts shown in the Comprehensive Plan are used as a guideline for development but does not regulate the use or density of development, which is accomplished through a zoning district. Polk County's ER District and the city's R-E district both require three acre minimum lots and require a minimum frontage of 225 feet. The county ER district requires 75 ft front and rear yard setback while the city's R-E district allows a 50 foot front and rear yard setback. The county requires a 25 foot setback while the city allows a 15 foot setback.

Wilwerding noted that Cherry Ridge is currently zoned LDR in the county and the city's R-E district is much more restrictive.

Motion by Moran seconded by Wiskirchen to recommend approval of the Northwest Annexation as described in the staff report.

Roll Call Vote:

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

Wilwerding explained to the meeting attendees that the City Council will hold a public hearing to consider this item at its February 19th meeting.

- 6. PZ Case No. 07-52; Smith Property / Crosshaven PUD;** Consider proposed PUD zoning for a proposed residential conservation subdivision on the Smith Property. The subject property encompasses approximately 276.9 acres and is located on the west side of NW 100th Street approximately one mile north of NW 70th Avenue and is within the area considered for annexation in the Northwest Annexation (see item #5).

David Wilwerding presented the staff report.

Moran noted that the plan has a density of 2.04 units per acre overall and suggested limiting the density to 2.1 units per acre rather than the suggested 2.5 units per acre. Temple agreed.

Robertson asked how much of the development will be maintained in common open space. Wilwerding replied almost 97 acres.

Joe Pietruszynski, Hubbell, 6900 Westown Parkway, West Des Moines, discussed conservation subdivision design.

Pietruszynski discussed density and commented that he would be comfortable with an allowed density of 2.25 units per acre, which is similar to the density of Hubbell's other conservation subdivisions.

Schillinger inquired about the proposed timeline to build out the project. Pietruszynski replied about about ten years.

Petersma inquired which area would develop first. Pietruszynski indicated possibly the area at NW 78th Avenue, but noted that it will depend on feasibility from an engineering standpoint.

Robertson asked how many dwelling units are shown on present plan. Caleb Smith, McClure Engineering responded that there are about 440 single family and about 100 Townhomes but those numbers are not firm.

Robertson commented that there was no mention of townhomes in the Comprehensive Plan for this area.

Pietruszynski explained that a successful market has been baby-boomers moving from single family into townhomes and Hubbell has had success with detached and bi-attached developments in the metro area. The concept plan shown is for a detached ranch-style townhome development.

Robertson asked when work on the townhome part of the plan would begin. Pietruszynski noted that before work could begin on that it would require the extension of services and improvement of NW 100th Street and the bridge, so it would not be in the near future.

Petersma agreed that there is a market for townhomes but noted that there are no amenities like shopping or fast access to major roads in this area. Pietruszynski noted that there is a Super Walmart and a YMCA under construction along NW 70th Avenue, and the proposed development will include a clubhouse with a pool, playground and park and trail system, and noted that other amenities would be closer to this development than to the Hubbell development in Norwalk.

Robertson inquired when would construction begin. Pietruszynski replied late spring.

Schillinger commented that she likes concept but agrees with Robertson that the townhomes do not fit. Pietruszynski replied that 6 units per acre is not considered high density development. Robertson responded that the difference between 2 to 6 units is a big jump and townhomes were never discussed in the Comprehensive Plan.

Temple noted that the Comprehensive Plan does not prohibit townhomes; it sets the overall unit density without regard for type of unit. Wilwerding noted that the Comprehensive Plan describes MDR areas as having a density of from 1 to 6 units per acre; however the Northwest Area section of the plan restricts that to approximately 2.0 units per acre. Staff did not see a problem with townhomes provided they met the density requirements.

Petersma asked about the lot width in tracts 12 and 13 (townhome areas). Smith responded that typically they are a minimum of about 40 feet wide.

Pietruszynski noted that this design hits 2.04 units per acre with the townhomes and explained that if the townhomes are shifted to single family it will require Hubbell to increase the price of lots. It is important to provide a mix of housing options.

Temple asked if the 2.04 units per acre is the density for the entire development including the townhomes. Pietruszynski replied yes. Moran commented that he is willing to consider allowing flexibility on the density but not up to 2.5 units per acre. Temple agreed and commented that the maximum density should be closer to what is reflected in the plan and expressed concern that if the maximum is set at 2.5 units per acre then that is what it will probably end up being developed to.

Temple commented that it is necessary to look at the project as a whole and explained that he would be comfortable with setting the density at 2.2 units per acre. Moran agreed.

Wiskirchen commented that he likes idea of single-family detached rather than attached townhomes.

Temple asked if Hubbell would be willing to limit the number of bi-attached units. Pietruszynski replied that he is unable to respond to that tonight and he would prefer that the Commission respond to a submitted plan.

Robertson opened the public hearing at 9:00 p.m.

Linda Evans 7280 NW 100th Street expressed opposition to the proposed PUD and commented that she does not see any open areas across from Elmerodo Estates and Cherry Ridge.

Evans expressed concern that there is a culvert under NW 100th Street south of NW 78th Place that drains onto the Smith property and creates a very wet area that is sometimes a pond and questioned developing that area.

Evans read a comment from Val Wagner, 10131 NW 78th Avenue, who is concerned about future traffic on NW 100th street.

Evans explained that this area is very wet and the sump pumps in the neighborhood are running constantly.

Patrice Davis expressed opposition to the proposed plan. She noted that the Silverstone Development was held to the buffer and lot size standards but feels that the lot size standards are not being followed with this plan. Pinecrest is getting a 120 foot buffer while her property is

getting a fifty foot buffer and a clubhouse across the street. She does not feel that this is what was discussed when the Comprehensive Plan was amended for this area. All the current residents are on large lots and do not want to see eight houses on small lots bordering their properties. All the open space is internal to the proposed development and does not benefit the existing property owners who will have to look at back yards. Davis commented that when the Comprehensive Plan amendment was discussed the current residents were told much of the traffic would travel down NW 86th Street but all of the traffic from this will have to go down NW 100th Street.

Nick Gelormino, 10100 NW 82nd Avenue, expressed opposition to the proposed PUD and commented that townhomes do not fit in this area, and expressed concerns about flooding on Little Beaver Creek and whether development will have a negative impact, and also noted the presence of coal mines in the area and questioned whether that had been accounted for in the planning.

Don Ross, 7189 NW 100th St. expressed opposition to the plan and expressed concern about traffic.

Jeff Strawhacker, 10351 NW 82nd Avenue, expressed opposition to the plan and commented that the plan is inconsistent with the Comprehensive Plan. This is not what the community in the area desires and he does feel that this does not match the surrounding neighborhood. He feels there is a lack of traffic management evident and he does not see evidence of a 100 buffer from Little Beaver Creek.

Ed McPartland 7861 NW 103rd Lane, expressed opposition to the plan and commented that this plan does not fit this area. McPartland also expressed concern about the proximity to Camp Dodge.

Robertson closed to public at 9:20 p.m.

Pietruszynski commented that Hubbell does not intend to work against surrounding properties. Hubbell has been gone well beyond the MS4 standards that cities are struggling to comply with to manage stormwater. A developer has to produce a product that fits the community and he feels that a conservation subdivision is a good transition. They are community focused and there will be trails open to the general public. The road system will eventually connect to NW 86th Street. Hubbell worked up the details of this plan with city staff. As the city has found it is no longer environmentally sound to build rural subdivisions that are on wells and septic systems. Two units per acres is very low and is at the edge of being able to provide cost effective services to an area.

Caleb Smith explained that the he is are aware of the wet area at intersection and the 42" pipe under NW 100th Street. The water will be piped for a distance but will discharge to an open channel in the same drainageway that will be planted in prairie. They are also aware of the coal mines but they are exceedingly deep and there is no danger of settlement or collapse. Smith noted that the geotechnical report suggests that many of the existing homes in the area are built on the coal mines. Smith noted that coal mines are common in the metro area and many neighborhoods have been constructed over them with no negative impact because of their depth.

Smith explained that they are aware that some areas will be within the 500-year flood plain and there will need to be some grading to address that. However care will be taken so that there is no negative impact from this as they will replace that volume elsewhere.

Smith suggested that the concept of community is greater than just looking at this immediate area, but includes the rest of Johnston and the metro area. This subdivision offers an innovative way to handle stormwater. Studies have shown that the amount of stormwater coming from a property can actually be reduced to below what was flowing from it as a farm field with conservation development. The ponds will guarantee that they will meet the Water Quality Volume mentioned in the staff report and they are just a secondary measure; the prairie areas will accomplish most of what is needed. These techniques will become more common.

Smith noted that the Comprehensive Plan calls for a density of approximately 2.0 units per acre and that is what is being proposed.

Smith addressed buffering along NW 100th Street and explained that there will probably be a berm built and landscaping that will provide a screen along NW 100th Street. All the Comprehensive Plan buffer requirements will be met. Davis replied that it is not just the buffer but that the Comprehensive Plan also requires a minimum lot size adjacent to an existing larger lot and she does not see that. Smith noted that the open space lot area will be thirty acres or so in size. Davis disagreed and stated that the reason for the large lots was so that a certain type of house would be constructed instead of small homes adjacent to estate-style homes.

Strawhacker asked if the landscaping would be a lot of small scrub trees. Smith suggested that Mr. Strawhacker visit other Hubbell developments to see the landscaping and explained that it is not in a Hubbell's best interest to plant poor landscaping as it detracts from the appearance of the development.

Petersma asked what NW 100th Street is categorized as. Wilwerding replied that it is a collector street and would still be considered a collector even with development. At most it would probably develop to a two lane road with turning lanes at intersections. The intent is that there will eventually be connections back to the east to NW 86th and south to NW 70th Avenue.

Motion by Temple seconded by Moran to approve PZ Case No. 07-52; Smith Property / Crosshaven PUD with a maximum density of 2.1 units per acres.

Petersma commented that he is not able to support the proposed PUD with townhomes.

Roll Call Vote:

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

Wilwerding advised that the City Council will also hold a public hearing regarding this item at its next meeting on February 19th.

7. Other Business

Wilwerding advised the Commission that several new development applications have been received.

Wilwerding reminded the Commission of the training opportunity on March 11th for Planning Officials.

8. Adjournment.

Robertson adjourned the meeting at 9:49 p.m.

Dick Robertson, Chairman

David Wilwerding, Secretary