



PLANNING & ZONING COMMISSION

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

Minutes
Regular Meeting: Monday, April 28, 2008

AGENDA:

1. Call to Order

Robertson called the meeting to order at 7:02 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, Deb Schiel-Larson, Steven Witmer

3. Approval of Agenda

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	X
Nay							
Abstain							

4. Approval of Meeting Minutes: Special meeting of April 3, 2008.

Robertson called for a vote to approve the minutes of April 3, 2008.

Roll Call Vote:

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

5. PZ Case No. 07-10; Kum & Go, 5800 Northglenn Drive Site Plan Reapproval. The applicants, Kum & Go, L.C., are proposing to construct a 3,392 square foot convenience store and gas station at 5800 Northglenn Drive, Lot 1, Johnston Commons Plat 2. The 43,087 square feet lot is zoned as parcel C of the Johnston Commons PUD which allows C-2 Commercial uses. This item was originally approved by City Council on March 19th, 2007; however, as a building permit was not acquired by the applicant with 12 months of approval city ordinance requires that the application repeat the approval process.

Aaron Wolfe presented the staff report.

Jeremy Cribb, Kum & Go, explained the LEED materials that will be incorporated into the structure.

Wiskirchen arrived at 7:05 p.m.

Petersma asked if the brick will have the same size and appearance as regular brick. Cribb replied yes, the brick will have recycled material incorporated but will be the same size and can be manufactured in various colors.

Temple asked about the durability of the LEED materials. Cribb responded that the brick has comparable durability to regular brick, and the roofing metal is as durable as shingles.

Robertson opened the meeting to public comment at 7:08 p.m.

Rhonda Martin, 5501 Garrison Court, expressed concern about plant materials and suggested using a type of shrubbery that would grow larger than the ones proposed. Martin presented photos to the Commission showing existing trees at the corner of Merle Hay Road and Northglenn Drive and questioned the need to move them twenty or twenty-five feet to make room for a sign and suggested the sign be relocated so the trees can remain. Martin noted that any time trees are moved there is a chance of it dying. Martin questions whether the city would allow planting materials within the sanitary sewer easement shown. Martin also noted that to the north the sidewalk width is eight or ten feet while only a four foot sidewalk is being required here and requested that the required sidewalk be enlarged to match the wider walk to the north.

Wolfe explained that the sidewalk width issue was discussed during the previous approval and the wider sidewalks to the north are considered to be city trails. This segment would be considered to be sidewalk rather than trail and so is only required to meet the four foot width for sidewalk. Robertson suggested that city staff investigate the possibility of installing trails down Merle Hay Road.

Robertson asked about the sign location. Wally Pelds, Pelds Engineering, 2323 Dixon Street, Des Moines, explained that moving the sign is difficult because of sight triangle requirements at the corner and also because of the necessary width needed for fire lane access around the pumps.

Pelds explained that the applicant is willing to replace any of the relocated plant materials if they die after relocation with materials of comparable size.

Robertson asked if a variance would be possible for the sign. Wolfe explained that a variance would not be a suitable method for relocating the sign and that it would be difficult to meet the required criteria for getting a variance.

Discussion followed regarding relocating the sign.

Phil Dunshee, JEDCO, question whether it is appropriate for additional conditions to be added to this approval when this plan is nearly identical to the previously approved plan. Temple asked Dunshee if he was suggesting that the Commission should simply rubber-stamp an approval. Dunshee replied no, but feels that the applicant is already meeting or exceeding requirements from the previous approval and questioned the need to add further requirements. Schillinger noted that the applicant had the opportunity to acquire a building permit and did not; failing to do so within the required time limit has resulted in this application being resubmitted for further consideration.

Moran arrived at 7:28 p.m.

Martin questioned installing trees in the sanitary sewer easement and noted the city's five foot separation requirement for planting trees near utilities. Pelds noted that the sewer in that area is about twelve feet deep and so plantings in the area should not be a problem. Wolfe explained that the separation rule applies to street trees. Petersma asked for a definition of a street tree. Wolfe explained that a street tree is a tree located within the public right of way between the curb and sidewalk. Pelds noted that the street tree requirements will not apply since all of the proposed plantings will be located on the applicant's private property and not within the right of way. Pelds explained that the applicant is aware that some plantings may be removed if the city does any maintenance work within the easement and it would be the applicant's responsibility to replace them.

Motion by Petersma seconded by Seel to approve PZ Case No 07-10 Kum & Go, 5800 Northglenn Drive Site Plan Reapproval with the following conditions:

1. The project shall conform to the requirements, standards and regulations of the City of Johnston.
2. A Storm Water Pollution Prevention Plan and Evidence of a NPDES Permit from the Iowa DNR shall be provided prior to any ground disturbing activity on the site.
3. Prior to the issuance of a certificate of occupancy, the applicants shall install an extension to the existing median on Northglenn Drive to ensure the eastern driveway only allows right-in/right-out traffic movements. These improvements shall be in accordance construction plans approved by the City Council on 8/20/07.
4. Prior to the issuance of a building permit, the applicants shall provide a recorded ingress/egress easement document for the shared access drives which are shared between Lots 1 and 2 and the drive which is located solely on Lot 2.
5. Prior to the issuance of a building permit, the applicants shall provide a recorded private detention easement that allows storm water from Lot 1 to be detained within the basin on Lot 2.
6. Prior to issuance of a building permit, applicant shall provide evidence of a recorded plat of survey adjusting the lot line between Lots 1 and 2, Johnston Commons Plat 2.
7. The proposed site lighting is acceptable with the following conditions:
 - a. The flag pole light fixture must utilize a glare shield.
 - b. The Challenger pole fixture must utilize a flat lens fixture.
8. The applicant shall replace any transplanted plant materials that do not survive.

Roll Call Vote:

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

6. PZ Case No. 08-11; Beaver Drive Business Park Final Plat. The applicant, Ted Greedy, Greedy Investments, LLC., has submitted a final plat for 5 lots and 1 outlot in a 16.3 acre parcel located at the Northwest corner of NW Beaver Drive and NW 57th Avenue. The subject property is zoned M-1, Light Industrial District.

Aaron Wolfe presented the staff report.

Temple asked about the petition and waiver. Wolfe explained that it will divide the responsibility for future improvements between the lots.

Motion by Wiskirchen seconded by Schillinger to approve PZ Case No. 08-11; Beaver Drive Business Park Final Plat 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. Defer sidewalk installation along NW 57th Avenue and NW Beaver Drive until otherwise directed by the City Council. At such direction by the Council, the improvements shall be constructed within a reasonable period of time at the sole expense of each respective property owner.
3. Pursuant to Chapter 180.42 of the Subdivision Regulations and the traffic impact study prepared by Engineering Alliance, Inc. and dated May 31, 2007, the applicant shall be responsible for their share of improvements to NW Beaver Drive to improve the roadway to a collector standard. Prior to the City Council approval of the final plat for the subject property the applicant shall provide a petition and waiver agreeing to future assessments for these improvements. Said petition and Waiver shall distribute the cost of the assessments onto Lots 1, 2 and 4 on the proposed Final Plat. The method for distribution of the assessment shall be outlined in the petition and waiver.
4. Pursuant to Chapter 180.42 of the Subdivision Regulations and the traffic impact study prepared by Engineering Alliance, Inc. and dated May 31, 2007, the applicant shall be responsible for their share of improvements to NW 57th Avenue. Prior to the City Council approval of the final plat for the subject property the applicants shall provide a Petition and Waiver agreeing to future assessments for these improvements. Said Petition and Waiver shall distribute the cost of the assessments onto Lots 3, and 5 to 9 of the proposed Preliminary Plat. The method for distribution of the assessment shall be outlined in the petition and waiver.

Roll Call Vote:

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

7. PZ Case No. 08-10; Pioneer Mendel Greenhouse Expansion. The applicant, Pioneer Hi-Bred International wishes to construct four new Greenhouses, a connecting structure and new Head House (total of 46,565 sq. ft.) and relocate an existing seasonal Screen House (approximately 9,500 sq. ft.). The subject site is zoned AR, Agricultural Reserve and CD, Conservation District, with adjacent Floodway and Floodway Fringe.

Deb Schiel-Larson presented the staff report.

Motion by Moran seconded by Robertson to approve PZ Case No. 08-10; Pioneer Mendel Greenhouse Expansion 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. Defer sidewalk adjacent to NW 62nd until otherwise directed by the City Council at its sole discretion. Once the Council directs installation of the sidewalk, it shall be constructed immediately at the applicant's sole cost.

Prior to issuance of the Building Permit, the Site Plans shall:

3. Include information on the location of Flood Hazard Overlay Zoning Districts relevant to this site. It appears that the proposed drive may be encroaching into the Floodway Fringe and a Floodplain Development Permit may be required. The proposed use would be allowed, with an approved Permit.
4. Include the addition of a KNOX lock on the proposed fence gate adjacent to the Head House, with access coordinated with the Johnston Fire Chief.
5. Locate all proposed building exits, with review and approval by the Johnston Fire Chief.
6. With reference to a Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) the Site Plans must note the zone in which the site is located.

Roll Call Vote:

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

8. Other Business

- **Update on Development Contributions to Roadway Improvements**

Wolfe and Schiel-Larson updated the Commission on development contributions to roadway improvements. Phil Dunshee, JEDCO, also discussed the issue.

Discussion followed.

Witmer updated the Commission on recently submitted projects.

9. Adjournment.

Robertson adjourned the meeting at 8:12 p.m.

Dick Robertson, Chairman

David Wilwerding, Secretary