



**PLANNING & ZONING COMMISSION &
COMPREHENSIVE PLAN ADVISORY BOARD**

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

Minutes
Joint Meeting: Monday, February 23rd, 2008

AGENDA:

1. Call to Order

Robertson called the meeting to order at 7:03 p.m.

2. Roll Call

Planning & Zoning Commission:

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

Comprehensive Plan Advisory Board:

	Robertson	Schiefelbein	Johnson	Wittman	Cordaro	Kimball	Dubas
Present	X	X			X		X
Absent			X	X		X	

City Staff Present: David Wilwerding, Aaron Wolfe, Steven Witmer

3. Approval of Agenda

Robertson called for a vote to approve the meeting agenda.

Planning & Zoning Commission:

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

Comprehensive Plan Advisory Board

	Robertson	Schiefelbein	Johnson	Wittman	Cordaro	Kimball	Dubas
Aye	X	X			X		X
Nay							
Abstain							

4. **CP-16; Roughwood Area Comprehensive Plan Amendment;** The applicant, Steve Scott, is requesting an amendment to the Johnston Comprehensive Plan for the southwest corner of the intersection of NW 86th Street and NW 54th Avenue from Medium Density Residential to Commercial and/or Office uses.

David Wilwerding presented the staff report.

Moran asked why notices were not sent to entire Roughwood area. Wilwerding replied that when he looked at the scenarios presented it did not appear that Scenario #3 was a feasible option. Notice is not required but is sent out as a courtesy, and everyone that received notice is within the area staff is recommending for amendment.

Robertson opened to public comment at 7:42 p.m.

Doyle Sanders, 5325 NW 90th Court explained that he is an attorney and has dealt with Comprehensive Plan and zoning issues in Johnston and in Urbandale. The Roughwood neighborhood pre-existing annexation and so the existing use was adopted in the Comprehensive Plan. The land to the north was undeveloped and so the city designated a use for it. This amendment is amendment has not been requested by residents, but by someone outside the neighborhood with a plan. The applicant has purchased some land and wants the city to amend the Comprehensive Plan to fit his plan. If the residents of the neighborhood had come and requested a change it would be different.

Dennis Miles, 8772 NW 53rd Place, noted his property will be affected by any of the proposed scenarios. He feels it is unlikely someone will want to purchase his home if an amendment is approved. He checked with realtors and explained this situation and none have offered to list the house.

Greg Curtis, 8744 NW 53rd Place, commented that people are delaying home improvements because they don't know what will happen and the uncertainty is hard to deal with. The assumption is that the corner will be retail but the rest won't be desirable for retail. However there is a lot of retail in the area. This plan is happening too soon and is too small. If a large box retail developer came in they would want that whole area shown in Scenario 2. The city should hold off until there is a bigger buyer interested in a large parcel on the corner. That would allow residents to continue to enjoy their properties. The neighborhood wants either nothing to change or for a large buyer to come in and buy everyone out together.

Dick Heinan, 5372 NW 89th Court agreed and stated that if only the east part develops, the remaining residential will become less desirable. If he tried to sell now he probably couldn't get a good price given the uncertainty and also the current home market. He is opposed to any change unless someone is willing to come in and buy all at a fair price.

Steve Peterson noted he would be surrounded on two sides by the retail area. Before he even bought house he came to city meeting when corner was being considered. The city said this area would not become commercial. He is opposed to any change.

Wendy Dishman, 8716 NW 54th Avenue, stated that while she empathizes with the neighborhood and the situation this presents, the property owners directly fronting on NW 54th Avenue and NW 86th Street are in a different position than the others. Traffic and safety concerns have increased. Traffic will continue to increase and it is very difficult for them to enter or exit their driveway now. The residents along NW 54th Avenue do not feel they are part of a residential neighborhood and she experienced vandalism on her property the day after the last meeting. It is planned that NW 54th Avenue will eventually be widened and that will have further impact on the residents along that road. Dishman explained that she also speaks on behalf of Dennis Comer at 8686 NW 54th who could not attend this evening.

Kevin Frederigill, 8652 NW 53rd place explained that he is in support of an amendment. He feels that Mr. Scott has been fair and up front with him. The city should not wait when there is an interested applicant at the moment and it is clear that this area will be commercial at some point.

John Clark 5304 NW 53rd Court, commented that there are many empty commercial buildings around town and it is illogical to build more. At present there are businesses and developers going out of business. He understands that the city wants more businesses for more tax revenue but if the buildings are empty they will lose money. Some residents have lived here for over 30 years and do not want to sell.

Tom Thorpe, 1485 NE 70th Ankeny, explained that he provides water service to this area. He does have long-term contract with most of the residents, if they are forced to sell there would be consequences on those contracts.

Jamie Simpson 8786 NW 54th Avenue stated that he is opposed to any change and does not intend to sell his property. A plan from an outsider to the neighborhood was brought in and his property and neighbor's property were not included in the applicant's plan.

Troy Murphy, 5358 NW 54th Court, stated he feels the numbers presented for cost of development are far off. Scott has already committed costs that would bring the cost up to around \$11 per square foot, far above city's estimates. There is no guarantee when Scott will develop it could be four or five or more years. This is not a blighted neighborhood. He recently added \$200,000 in improvements to his property and if this is approved he will never get that money back. The neighborhood does not need to change today or in five years.

Mrs. Cruikshank, 5269 NW 88th Court commented that the original plan by the applicant was for ten properties, but city staff has increased that by 2 properties including hers. She does not understand the reason for the increase.

Bob Andersen, 8714 NW 53rd Place, stated that he opposes any change and they have continued to improve their home intending to live there for the long term. This area is not an island; there is a contiguous section of residential with the Longview neighborhood.

David Newman stated that he is a partner on the property at 5370 NW 86th Street and compared this area to the development happening at the intersection of Beaver Drive and Douglas Avenue. Newman stated that the resale value of homes in this neighborhood is already impacted by the heavy traffic. A Comprehensive Plan change and future rezoning will be beneficial to the area.

Peggy Andersen, 8714 NW 53rd place, agreed that there is a lot of traffic but putting retail in will only cause even more congestion. This is not a feasible plan. She is against being forced out piecemeal and only wants a change if a large developer comes in and buys out everyone.

Laura Slavin, 8798 NW 53rd Court explained that she is a realtor and people do not want to live next to commercial property. It hurts appraisals and makes it difficult to get a mortgage. Developing more retail will not improve traffic.

Robertson closed the meeting to public comment at 8:20 p.m.

Steve Scott, 6511 North Winwood Drive, explained that he has made the Comprehensive Plan Amendment request. Distributed photos of traffic congestion along NW 86th Street. This is not going to improve and will need to be dealt with. He does not have specific user lined up. Property role of city is to determine proper use of these properties. In his opinion this property should not remain residential. Scott displayed photos of areas of retail adjacent to residential and explained that residential can be located adjacent to residential and not hurt the residential property values.

Scott commented that the Comprehensive Plan looks at the long term. This area does not need to be commercial all today, it could happen over ten or fifteen years. It is not part of the discussion tonight to consider specific uses.

Scott explained that his Master Plan would make NW 53rd Place a cul-de-sac, with a very wide buffering zone, about 50' wide. Currently drivers cut through on NW 53rd Place to get to NW 86th Street and that would end with this plan.

Murphy asked if Scott planned to develop the area within a year or two. Scott responded that development would be strictly market driven; this would not be speculative space. Murphy asked if Scott planned to rezone the property immediately if the Comprehensive Plan was changed. Scott replied yes, he would like to rezone the property immediately.

Schiefelbein asked if the existing homes would be vacant until development occurred. Scott responded that the homes have been purchased at market value and has currently purchased five and another will close later this year. He is renting those homes now and they will not be vacant.

Wilwerding explained that the two additional homes were added by staff to extend development to NW 88th Street, but the boundaries can be amended.

Slavin commented that if the Comprehensive Plan is amended all the residents will need to notify potential buyers and it will make the homes unsellable. Wilwerding replied that there are areas currently where zoning and Comprehensive Plan are different, such as the area east of Pioneer Parkway which has been that way since at least 1989.

Robertson asked about Scott's Master Plan. Scott responded that the ten properties shown in his plan are what make sense to develop at this point.

Dubas asked about the staff recommendation. Wilwerding explained that the staff recommendation is for Scenario #1.

Schiefelbein expressed concern that if Scenario 2 is recommended that they will be back in a few years talking over the same issues presented today but for the residential to the west.

Schiefelbein asked about future plans for NW 54th Avenue. Wilwerding responded that a traffic study was done citywide in 2004. It did not establish a timeline for improvements but based on future traffic projections it will eventually be a 4 or 5 lane road similar to what NW 86th Street

currently is. When those improvements happen will depend on future growth. Some right-of-way has been acquired along the north side of the road but right-of-way and easement needs will be reviewed when widening is needed.

Schiefelbein inquired about extending utilities in Scenario #1. Wilwerding replied city ordinances require developers to stub utilities to the edge of the property which would bring sanitary sewer to the edge of the residential area, for example. Past policy has been not to require residential property owners to connect.

Murphy suggested that an amendment should wait until there is an interested client wanting to build. It may be years before anyone is even interested so why rush.

Dubas commented that the Comprehensive Plan is a long-range plan and he feels it is inevitable that at some point there would be a request to amend the plan for the properties further east. He is only in favor of amending the plan if it includes all of the Roughwood neighborhood.

Hibbs commented that he has been driving along NW 86th for thirty years and watched the area change. At present, there is a developer who is willing to work with the neighborhood. It makes sense to him is that the entire proposed office/commercial area in Scenario #2 would be made commercial.

Peggy Andersen commented that they are willing to sell together as a unit if there is a buyer for all properties. They do not want to be left behind.

Discussion followed.

Robertson asked what the procedure for a motion should be. Wilwerding replied that procedurally, both boards could do a joint motion or separate motions. If done as separate motions, the Comprehensive Plan Advisory Board should act first.

Motion by Dubas seconded by Schiefelbein to change the Comprehensive Plan designation for the entire Roughwood area to Mixed Use.

Roll Call Vote:

Comprehensive Plan Advisory Board

	Robertson	Schiefelbein	Johnson	Wittman	Cordaro	Kimball	Dubas
Aye	X	X			X		X
Nay							
Abstain							

Motion by Wiskirchen seconded by Moran to change the Comprehensive Plan designation for the entire Roughwood area to Mixed Use.

Planning & Zoning Commission:

	Robertson	Wiskirchen	Temple	Moran	Schillinger	Petersma	Johnson

Aye	X	X		X			
Nay						X	
Abstain							

Wilwerding explained that further action will be needed before this is sent on for review by the City Council. City staff will draft a Sub Area Plan for the Roughwood area based on this recommendation and bring it to a future meeting for review.

Moran commented that he would like to know more about the zoning for the adjacent properties in Urbandale area also.

Robertson invited further public comment.

Slavin commented that this action will hurt property values and make it very hard for them to sell their homes. Owners must disclose this information to potential buyers and no one will want to buy in this area now. Robertson replied that that only applies to zoning and not the Comprehensive Plan. Slavin maintained that it also applies to the Comprehensive Plan. Robertson requested that city staff get an opinion from the city attorney regarding this issue.

5. Other Business

No other business was discussed.

6. Adjournment.

Motion by Petersma seconded by Schiefelbein to adjourn. Meeting adjourned at 9:20 p.m.

Acting Chairman

David Wilwerding, Secretary