#### Notice of Meeting Polk City | Planning and Zoning Commission (P&Z)

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#### Tentative Meeting Agenda

Doug Ohlfest / Chair Dennis Dietz / Pro Tem

P&Z Commission Members: Ron Hankins | Deanna Triplett | Krista Bowersox | Justin Vogel | Doug Sires

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Agenda
- 4. Audience: Items not on the agenda will be discussed at this time
- 5. Approval of the P&Z Commission Meeting minutes for June 17, 2019
- 6. Consider motion to recommend Council approve Rezoning Parcel B of 506 E Broadway from U-1 to R-1
- 7. Concept Plan for the Berggren Farms Development presented by Jarrod Ruckle
- 8. Staff Report
- 9. Commission Report
- 10. Adjourn until August 19, 2019

# MEETING MINUTES The City of Polk City Planning and Zoning Commission 6:00 p.m., Monday, June 17, 2019 City Hall

Polk City, Planning and Zoning Commission (P&Z) held a meeting at 6:00 p.m., on June 17, 2019. The Agenda was posted at the City Hall office as required by law. **These tentative minutes reflect all action taken at the meeting.** 

P&Z Commission Members Present:	Staff Members Present:
Doug Ohlfest   Chair	Don Sandor   Interim City Administrator
Ron Hankins   P&Z Commission Member	Kathleen Connor   City Engineering Representative
Deanna Triplett   P&Z Commission Member	Becky Leonard   Deputy City Clerk
Krista Bowersox   P&Z Commission Member	
Justin Vogel   P&Z Commission Member	
Doug Sires   P&Z Commission Member	
	Additional Attendees:

#### P&Z Commission Members Absent:

Dennis Dietz | Pro Tem

- 1. <u>Call to Order</u> | Chair Ohlfest called the meeting to order at 6:00p.m.
- 2. <u>Roll Call</u> | Hankins, Triplett, Ohlfest, Bowersox, Vogel, Sires | In attendance Dietz | Absent

#### 3. Approval of Agenda

Chair Ohlfest advised that Agenda Item 6, the Site Plan for Edgewater Pointe Plat 3, Lot 2 was removed at the request of the petitioner

**MOTION:** A motion was made by Hankins and seconded by Vogel to approve the agenda as amended.

Rob Sarchet | Councilmember

#### MOTION CARRIED UNANIMOUSLY

- 4. Audience Items | No discussion items
- 5. Approval of Meeting Minutes

**MOTION:** A motion was made by Hankins and seconded by Vogel to approve the May 20, 2019 meeting minutes.

YES: Vogel, Hankins, Triplett, Dietz

ABSTAIN: Bowersox, Sires MOTION CARRIED

- 6. Consider motion to recommend Council approve the Site Plan for Edgewater Pointe Plat 3 Lot 2
- 7. Comprehensive Plan Amendment for the revision of future land use for 301 Walnut from Low Density Residential to Mixed Use

Jeremy Lindley with Lindley Enterprises reported that the rezoning request would be to switch the property to commercial use since it had previously been operating as a bait shop for the past several years. Some ideas from interested buyers would be to re-open the bait shop, pet grooming, air bnb with the bait shop, or a possible restaurant. Lindley asked about the site plan recommendation listed in the engineer memo.

Connor stated that the fact that the bait shop was previously grandfathered would expire after a period of time since the bait shop closed. Because there is no site plan on record, it is recommended that if a site plan is presented, it could depict compatible uses so that parking and signage requirements can be evaluated. Connor reported that the comprehensive plan would need to be amended to reflect the future land use from low density residential to mixed use. This amendment would fit with the historic

use of the property. Connor further advised that the Commission may want to consider restricting certain high-intensity uses on this site, given parking constraints. Alternatively, their recommendation could require a site plan to be approved prior to issuance of the certificate of occupancy for any new use or issuance of a building permit which would then become a stipulation in the rezoning ordinance. The Site Plan will allow the city to review issues such as parking and signage for new commercial uses on this site. The Commission asked if the site plan requirement could be waived if the Bait Shop were re-opened. Connor explained the bait shop represents a non-conforming use that was closed for business in December of 2018. Per Code, the bait shop use is grandfathered in for a period of one year after the use was discontinued; therefore staff agreed it would be reasonable to waive the requirement for a site plan if the Bait Shop were to re-open before the end of December, 2019.

Lindley inquired about the timeline in which the rezoning request would be approved and was advised that a public hearing for rezoning would be set at an upcoming Council meeting and then it will take three subsequent Council meetings to pass three readings of the Ordinance rezoning the property. The site plan will be a stipulation in the Ordinance, but will not delay approval of the rezoning; instead site plan approval will be required prior to any Certificate of Occupancy or building permit. If a bait shop comes in before mid-December, it would be grandfathered in.

**MOTION:** A motion was made by Hankins and seconded by Sires on the recommendation to Council to approve the Comprehensive Plan Amendment for the revision of future land use for 301 Walnut from Low Density Residential to Mixed Use subject to the recommendation and comments in the Engineer Memo dated June 7, 2019, including the requirement for Site Plan approval prior to issuance of a Certificate of Occupancy or any building permits for any commercial use, with the exception of a Bait Shop provided said Bait Shop occupies the existing commercial structure prior to one year after the non-conforming Bait Shop uses was discontinued.

#### MOTION CARRIED UNANIMOUSLY

#### 8. 301 Walnut - Rezoning from R-2 to C-1

**MOTION:** A motion was made by Hankins and seconded by Sires on the recommendation to Council to approve Rezoning 301 Walnut from R-2 to C-1 subject to the recommendation and comments in the Engineer Memo dated June 7, 2019 noting a correction on item #1 of the recommendation revising "from Civic to Civic/Commercial" to "from Low Density Residential to Mixed Use".

#### MOTION CARRIED UNANIMOUSLY

9. Berggren Farms Voluntary Annexation

Jerrod Ruckle, MJR Development, reported that they're working with the Berggren Family on the parcel to the east of White Tail Ridge to annex into the City and request the area to be rezoned from A-1 to R-1. Ruckle did obtain signatures from nearly every neighboring resident within the city. A concept plan was not presented since the plans for White Tail Parkway are not yet finalized.

#### **Engineer Comments**

This project would include the extension of White Tail Parkway

 The property falls within the service area of the lift station located in TCI Plat 6 and would be served with the same sanitary sewer line as White Tail Ridge

The water is being installed on NW Hugg, but will need to be extended along NW 72nd Street.

 Future land use in the comprehensive plan is listed as low density residential so no amendment needed

#### **Commission Comments**

Happy to see staff's detailed write-up

- Pleased there were no review comments

 Recommended, if possible, that the developer share the plans for the development with the neighboring residents

The following residents in unincorporated Polk County on the east side of NW Hugg Drive addressed the Commission and stated they were not notified of the annexation and rezoning requests and expressed concern with the future development.

Greg & Katherine Young

#### Teresa Young

Interim City Administrator Sandor advised that voluntary annexation does not require notification while the rezoning notifications are specific to property owners within 250-feet of the rezoning and within the city limits of Polk City.

MOTION: A motion was made by Hankins and seconded by Vogel on the recommendation to Council to approve the Voluntary Annexation of the Berggren Farms subject to the recommendation and comments in the Engineer Memo dated June 6,2019.

MOTION CARRIED UNANIMOUSLY

#### 10. Berggren Farms - Rezoning from A-1 to R-1

**MOTION:** A motion was made by Hankins and seconded by Bowersox on the recommendation to Council to approve Rezoning the Berggren Farms to be annexed from A-1 to R-1 subject to the recommendation and comments in the Engineer Memo dated June 6,2019.

#### MOTION CARRIED UNANIMOUSLY

11. Miller Property Voluntary Annexation

Josh Trygstad, Civil Design Advantage, reported he was not representing the owners requesting the annexation, but did prepare the exhibits as City Engineering Representative Connor had requested and could answer any questions related to the annexation in general, but couldn't speak on behalf of the applicant.

- 33 acres located at the southwest corner of NW Hugg Drive and N 3rd Street

- Area is currently undeveloped with the exception of a couple houses and the rest is farm field

#### **Engineer Comments**

- Sanitary sewer in the Wolf Creek area are designed to extend to this area

- The water main will be extended from Wolf Creek Townhomes and tie in there

- The Comp Plan includes a 12" water main along NW Hugg Drive and N. 3rd Street that will need to

be incorporated into the future development

- This property represents the northern limits of the city's existing sanitary sewer service areas. Prior to further annexation or development in this area, the City will need to plan for a new trunk sewer per the Comprehensive Plan that runs up the west side of 3<sup>rd</sup> Street to serve the North Service Area
- Will need to plan for future improvements to NW Hugg Drive at some point

The following audience members addressed the Commission and asked about notifications and steps in the rezoning request process.

- Greg & Katherine Young
- Doug Curry, 12365 Hugg Dr

Councilmember Sarchet and Interim City Administrator Sandor explained the role of the Planning and Zoning Commission along with the process of going before Council. At that time, the rezoning request takes three readings by Council before it is approved while the annexation request is approved in one reading.

MOTION: A motion was made by Hankins and seconded by Vogel on the recommendation to Council to approve the Voluntary Annexation of the Miller Property subject to the recommendation and comments in the Engineer Memo dated June 6,2019.

MOTION CARRIED UNANIMOUSLY

### 12. <u>Comprehensive Plan Amendment for the revision of future land use for the Miller Property from Medium Density Residential to Low Density Residential</u>

Josh Trygstad, Civil Design Advantage, representing the developer, Orton Development Company, requested recommendation of approval for the Comprehensive Plan Amendment from Medium Residential Density to Low Residential Density. Bruce Gates, Orton Development Company, representing the developer was also present and available to answer questions.

- This area would be a buffer between some of the areas to the north

- Gates believed staff was agreeable with low density residential instead of medium residential

Concept plan shows 86 single-family lots

- The topographical survey isn't complete so the concept plan may change

Access from N. 3<sup>rd</sup> Street, NW Hugg Drive, and Wolf Creek Drive

 West Trace Drive is not proposed to be extended due to existing drainage way and tree removal and culvert that would be required for construction

Outlot 3 would be a wet-bottom detention pond for storm water management

 4' wide public sidewalks will be required on both NW Hugg Drive, N. 3<sup>rd</sup> Street, and all interior streets

**Engineer Comments** 

- Reiterated the request is to change the area to low residential density versus the medium residential density currently designated on the Comprehensive Plan which would allow townhomes, similar to Wolf Creek townhomes, to be constructed. The developer is requesting less density for detached single-family homes.
- Provided an overview of how the Comprehensive Plan was created

#### Commission Comments

 Trail connectivity needs to be looked at so that Wolf Creek Townhomes and this future development are connected to the rest of the city

 Extension of West Trace Drive is preferred for continuity; otherwise a cul-de-sac bulb needs to be constructed

- Will take resident feedback into consideration

The following audience members addressed the Commission regarding the rezoning and development concept including request that West Trace Drive not be required to be extended in order to save trees.

- Tim Cooney, 550 N Trace Ct

- Robin Blaylock, 910 Chinook Way
- Aric Sharp, 12500 NW Hugg Dr
- Charlote Loter, 913 W Trace
- Elaine Shipley, 910 Wolf Creek

**MOTION:** A motion was made by Hankins and seconded by Triplett on the recommendation to Council to approve the Comprehensive Plan Amendment for the revision of future land use for the Miller Property from Medium Density Residential to Low Density Residential subject to the recommendation and comments in the Engineer Memo dated June 6, 2019.

MOTION CARRIED UNANIMOUSLY

#### 13. Miller Property - Rezoning from A-1 to R-2

**MOTION:** A motion was made by Hankins and seconded by Triplett on the recommendation to Council to approve the Rezoning of the Miller Property from A-1 to R-2 subject to the recommendation and comments in the Engineer Memo dated June 6, 2019.

MOTION CARRIED UNANIMOUSLY

- 14. <u>Staff Report</u> | Interim City Administrator, Don Sandor, reported that Deputy City Clerk Leonard has resigned effective July 1, 2019. The Commission congratulated Leonard and thanked her for her service. Councilmember Sarchet reported that the City Manager process is progressing and advised the Commission to save July 11th on their calendar with more details to come.
- 15. Commission Report | No report

#### 16. Adjournment

**MOTION:** A unanimous motion was made to adjourn at 7:19p.m. Next Meeting Date – Monday, July 15, 2019

Becky Leonard - Deputy City Clerk



#### **REZONING**

Date: July 10, 2019

Project: 506 E. Broadway Rezoning

#### **GENERAL INFORMATION:**

Property Owner: Jamie & Shannon Peterson

Location: 506 E. Broadway Street

Current Zoning: U-1

Requested Zoning: R-1

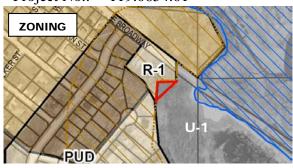
Existing Land Use: Residential/Vacant

Future Land Use: Low Density Residential

Proposed Land Use: No Change

Prepared by: Kathleen Connor, Planner

Project No.: 119.0654.01





#### PROJECT DESCRIPTION:

Jamie & Shannon Peterson are interested in splitting their property for construction of a new home southeast of the existing residence. A Plat of Survey splitting the Burton property into two parcels was recorded in 1900. However, it was discovered that southeast corner of the east parcel is zoned U-1. The Peterson's have now submitted a Petition to rezone the southeast corner of their property from U-1 to R-1.

The applicant obtained consent to the rezoning from 5 of the 12 property owners within the 250' buffer area surrounding the proposed R-1 zoning district, excluding land owned by the USA – Saylorville Dam or by the City of Polk City which are considered neutral. This represents 54.2% consent, thus fulfilling the city's requirements.

The zoning, existing land use and future land use per the Comprehensive Plan of the adjacent properties is:

Adjacency	Zoning	Existing Land Use	Future Land Use .
Southeast	U-1	Wildlife refuge, ponding for Saylorville dam	Open Space
North	R-1	Single Family Residential, vacant	Low Density Residential
West	R-1	Single Family Residential, vacant	Low Density Residential

#### **REVIEW COMMENTS:**

All review comments on the rezoning and legal description have been addressed.

#### **RECOMMENDATION:**

Staff recommends approval of the proposed rezoning from U-1 to R-1, based on the following:

1. Payment of all professional billings to the City Clerk.



## FOR REZONINGS

- FOR (	OFFICE US	E ONLY -
Date:	Amount:	Rec'd by:
	-	
	-	
	-	

City of Polk City, Iowa

#### Thank you for your interest in the City of Polk City!

It is the responsibility of the applicant (owner, developer and consultants) to compare their project submittal to City Code and this checklist and ensure that all items and requirements are included. If an application is substantially incomplete, the review will be delayed and the review schedule will be amended.

Project Name:	Peterson home	build
Address:	506 East Br	oaduav
Current Zoning:	ul	Proposed Zoning:
Parcel Area:		Area to be Rezoned:
Applicant: The Rezor	ning Petition MUST be signed by Pro	perty Owner to be considered a valid Peition.
Property Owner:	Jamic & Shannor	n Peterson
Street Address:	710 Lakerrawave	Telephone No.: 515-423 -2737
City, State:	Polk City Ia	Email Address: Jamie Peterson e Corteva . Co
Site Plan Applicat	ion Fee:	
1 Acre or Less:	\$85	
More than 1 Acre:	\$200	
		Amount Paid: \$

#### **City Engineering Review Fees:**

City Engineering review fees are charged on an hourly basis. If desired, the applicant may request an estimate of review fees once a valid Petition for Rezoning has been submitted.

#### **Documents to be Included with Initial Submitted:**

✓ If Provided	Document
1	*Completed Petition for Rezoning, signed by property owners
	List of Zoning Restrictions, if any are proposed
/	Completed Table of all Property Owners within the 250' Buffer consenting to the proposed
V	rezoning, with all applicable signatures
	Completed Consent Table listing the area of each parcel lying within the 250' Buffer,
. /	exclusive of ROW, and indicating the percentage of property owners that are consenting
	to the rezoning, based on area. (50% Consent is required)
./	Rezoning Sketch depicting proposed zoning boundary line, all parcels within the 250'
V	buffer area, and ownership of each parcel
	Legal description of the proposed rezoning boundary in Word format.
V	Two address labels and two stamps for each property owner within buffer area
	Master Plan; only if rezoning to PUD or R-4 Mobile Home Parks.

#### PETITION FOR REZONING

TO:	Planning and Zoning Commission, Mayor, and City Council			
We, t	We, the undersigned owners of the following described property:			
Requ	est that said property be rezoned from	its present Zoning Classification of Ul		
to Zo	ning Classification	purpose of		
Ca	nstruction of a New	W Single family Residence		
PRO	PERTY OWNER:	PROPERTY OWNER (when jointly owned):		
70	emie Reterson	Shannon Peterson		
	er's Name (please print)	Owner's Name (please print)		
Signa	ature	Signature Peterson		
Title	(if owned by Inc., LLC, or similar)			

The above property owner(s) are herewith providing the following documentation:

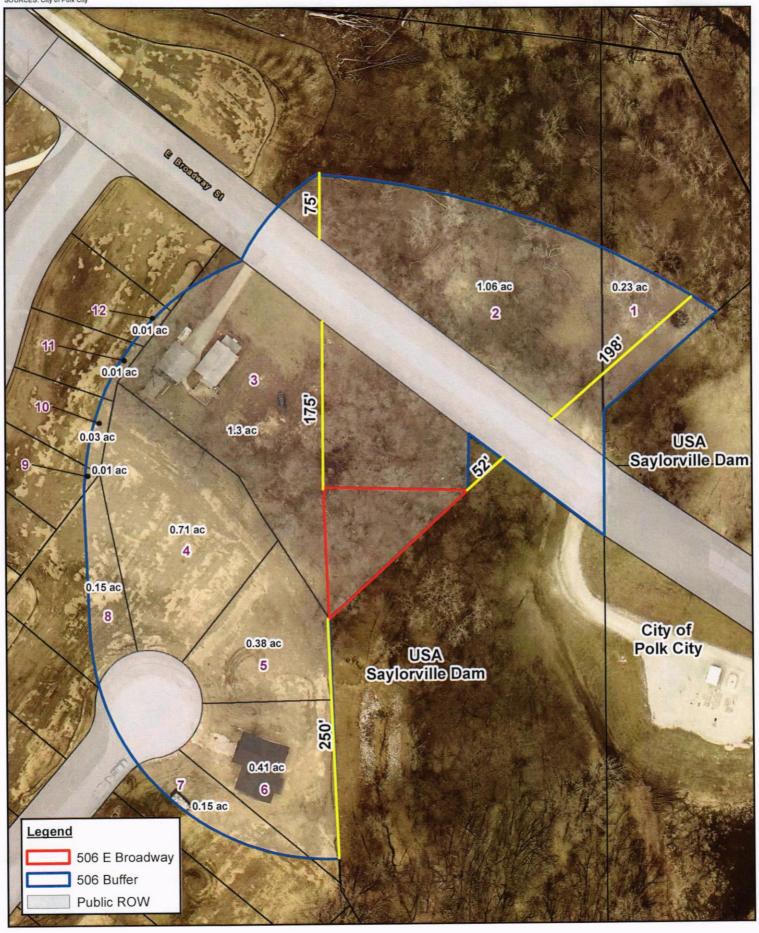
- Signatures of owners of at least 50% of the area with a 250' buffer, exclusive of intervening ROW and alleys, surrounding the proposed rezoning (See Page 2)
- Table demonstrating sufficient consent of buffer area property owners (See Page 3)
- Rezoning Sketch depicting proposed zoning boundary line, all parcels within the buffer area, and ownership of each parcel. (To be attached)
- Two stamped and addressed envelopes for each property owner within buffer area which the City Clerk will use for required notice.
- Master Plan if rezoning to PUD or R-4 Mobile Home Parks.

#### PETITION FOR REZONING

	TO: Planning and Zoning Commission. Mayor, and City Council
	We, the undersigned owners of the following describ-
1 4 - Specifica 21 and Complete 5	
	Request that said property be rezoned from its present to Zomay Classification for the purpose
	Cartilla a partition
PROPERTY OWNER (when jointly owned):	PROPERTY OWNER:
and aby named at	
Owner's Name (please print)	
signature	Signature
	Title (if owned by Inc., LLC, or similar)

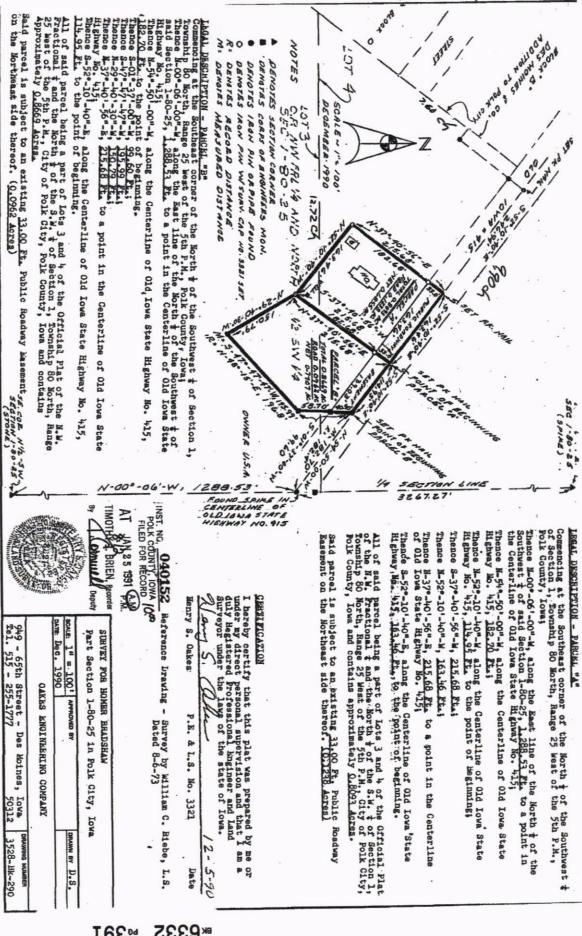
The above property owner(s) are herewith providing the following documentation:

- Signatures of owners of at least 50% of the area with a 250° buffer, exclusive of intervening ROW and afleys, surrounding the proposed rezoning (See Page 2)
- Table demonstrating sufficient consent of buffer area property owners (See Page 3)
- Rezoning Sketch depicting proposed zoning boundary line, all parcels within the buffer area, and ownership of each parcel (To be attached)
- Two stamped and addressed envelopes for each property ewner within buffer area which
  the City Clerk will use for required notice.
  - Master Plan if rezoning to PUD or R-4 Mobile Home Parks.





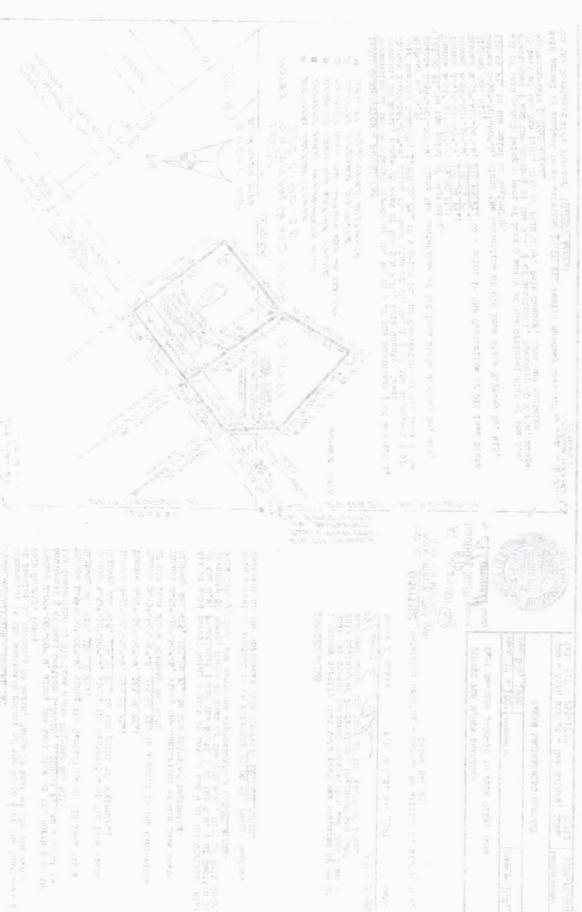




....6332....391



83000 304



See attached

PROPERTY OWNERS WITHIN THE 250' BUFFER CONSENTING TO THE PROPOSED REZONING				
Property Owner Name:	Address:	Parcel Acreage (within buffer)	Signature:	
		<i>y</i>		

Note: Attach additional sheets as required to include all signatures.

	aid above described ma		of property lying	he undersigned owners
ton syalla b	intervening streets an	daries thereof	feet of the bound	undered and fifty (250)
of having the			of said distance.	ciuded in computation
			te rezoned from	bove described real esta

NUFFER	PROPERTY OWNERS WITHIN THE 250' BUFFER CONSENTING TO THE PROPOSED REZONING				
Signature:	Parcel Acreage (within buffer)		Property Owner Name:		

Note: Attach additional sheets as required to include all signatures.

### PROPERTY OWNERS WITHIN THE 250' BUFFER CONSENTING TO THE PROPOSED REZONING AND CONSENT TABLE

Parcel #	Property Owner Name	Address	Signature	Acres within 250' of parcel	% of Area within 250' of parcel	% Consenting
1	Deer Haven Land	9550 Hickman Rd, STE 101		0.23	5.17%	
1	Company LLC	Clive IA 50325		0.25	3.1770	
2	Deer Haven Land	9550 Hickman Rd, STE 101		1.06	23.82%	
2	Company LLC	Clive IA 50325		1.00	25.0270	
3	Jamie & Shannon	506 E Broadway	On a	1.3	29.21%	29 2/9
3	Peterson	Polk City IA 50226	Shannen Ita	1.5	25.2170	9191
4	Heathan Hadaas	202 Burton Drive	115041	0.71	15.96%	15.96%
4	Heather Hodges	Polk City, IA 50226	Heater todge	0.71	13.50%	
5	Jeffrey & Kelsey	212 Burton Drive	1.00	0.38	8.54%	8.54%
5	Jacobs	Polk City, IA 50226	ham for the	0.38	8.5470	01.0
-	Linda Marak	205 Burton Drive	/	0.41	9.21%	
6	Linda Mrak	Polk City, IA 50226		0.41	9.2170	
-	Jonathan & Alicia	209 Burton Drive		0.15	3.37%	
7	Dlouhy	Polk City, IA 50226		0.13	3.3770	
0	Deer Haven Land	9550 Hickman Rd, STE 101		0.15	3.37%	
8	Company LLC	Clive IA 50325		0.15	5.5770	
	Deer Haven Land	9550 Hickman Rd, STE 101		0.01	0.22%	
9	Company LLC	Clive IA 50325	,	0.01	0.2276	
10		113 Deer Haven Street		0.03	0.67%	
10	Sarah Davenport	Polk City, IA 50226		0.03	0.6776	
	Ridgewood Homes	1340 Anchor Away Drive	<i>Y</i> /	0.01	0.220/	,22
11	LLC	Polk City, IA 50226	4	0.01	0.22%	1
	Ridgewood Homes	1340 Anchor Away Drive	11/	0.01	0.220/	.22
12	LLC	Polk City, IA 50226	4	0.01	0.22%	
		TOTAL		4.45	100.00%	54,15%

#### CONSENT TABLE

(Percentage of Buffer Area Owners Consenting to Proposed Rezoning, by area)

Property Owner	Parcel Area within 250' Buffer (Acres)	% of Total 250' Buffer Area (%)	Consenting % Only (%)
Cames Shanners Peterson	1.3	29.21	29.21
Heather Hodges	0.71	15,96	15.96
Jebby + Kelsey Jacobs	0.38	8.54	8.54 0.44
fidge wood Wones LLC	0.02	8.54	0.44
			*
TOTALS	2.41 Acres	54.15 %	54.15%*

<sup>\*</sup> Must have at least 50% Consent for Proposed Rezoning.

