

## REGULAR NORWALK PLANNING AND ZONING MEETING 11-09-15

### **Call to order**

The Regular Meeting of the Norwalk Planning and Zoning Commission was held at the Norwalk City Hall, 705 North Avenue, Monday, November 9, 2015. The meeting was called to order at 5:45 P.M. by Chairperson Stephanie Riva. Those present at roll call were Dan Schulz, John Fraser, Judy McConnell, Jim Huse, Chad Ross, Stephanie Riva. Absent: Robin Wagner.

Staff present included: Luke Parris, City Planner; Wade Wagoner, Planning and Economic Development Director; Shelley Stravers, Development Services Assistant.

### **Approval of Agenda – 15-82**

Motion by McConnell and seconded by Fraser to approve the agenda as presented. Approved 6-0.

### **Approval of Minutes – 15-83**

Motion by Huse and seconded by McConnell to approve the minutes from the October 12, 2015 meeting. Discussion was held regarding the minutes. Approved as amended 6-0.

### **Approval of Minutes – 15-84**

Motion by McConnell and seconded by Ross to approve the minutes from the October 26, 2015 meeting. Approved 6-0.

### **Welcome of Guests**

Chairperson Riva welcomed guests present.

Carl Morton, 610 Tangelo Circle, spoke regarding the new developments on the West side of Highway 28 and the traffic issues it has caused. He requested the City look into this and possibly have another traffic study complete now that traffic counts are up in the area. He also commented on the traffic issues on Beardsley going to Lakewood School.

The business portion of the meeting was opened.

### **New Business**

#### **Public Hearing and consideration of a rezoning request from Road Contractors, Inc. for the North Shore Planned Unit Development – 15-85**

The Public Hearing was opened at 5:52 P.M. Mr. Parris reported that this is a request to rezone the property to Planned Unit Development. The PUD master plan document calls for R-1(60), R-1(70), R-1(80), R-3, R-4 and C-2 parcels.

The area located in overlay districts for floodplains and the airport approach zone. The rezoning from the current districts to the PUD does not remove the land from these overlay districts. The PUD does meet the requirements of both overlay districts. The areas in the floodplain overlay are identified as the shoreline protection and wetland mitigation areas. This will prevent any buildings or structures from being located in a floodplain. The airport approach zone has requirements on building height and land use type. The PUD restricts building height in the appropriate area to less than four stories. Additionally, the PuD identifies residential uses in the appropriate locations within the approach zone. The intent of use restrictions in approach zones is to limit the daytime population in the zone when airplanes are operating more frequently.

Staff sees the overall PUD as well thought out and will bring a low-impact development to Norwalk that unique to the metro area.

Staff recommends approval of the request to rezone the land to Planned Unit Development provided that the Commission discuss and make any needed changes on the following points:

1. The third paragraph of Section 3 states that all other owners within the PUD must get Road Contractors consent prior to seeking a PUD amendment from the City. Staff was concerned this may lead to procedural questions in the future should the issue ever arise. Would it be better to have this language left in the covenants for the property?
2. Parcel A was intended to be primarily commercial in nature, but the PUD does call out Mixed-Use as a potential type of development. Typically Mixed-Use developments are done within one structure (such as commercial on the bottom floor with office/residential above). Parcel A goes on to state that Mixed-Use could also mean a development that contained commercial in one part of the parcel with office/residential in another, those uses located in separate structures.
3. Parcel C is identified as R-4 and abuts to Iowa Highway 5 to the north. It is stated that buildings shall not exceed three stories, but that they can go up to four stories along Iowa Highway 5.
4. In Parcel E and F, the PUD states that any structure shall use the permitting process for a single family structure instead of the process for site plan review and approval.

Chris Shires, Confluence, 525 17<sup>th</sup> Street, Des Moines, spoke representing Road Contractors, Inc. Mr. Gillotti and Mr. King were also present to answer any questions. Shires informed Commission that they have been meeting with the owner's association just south of this property for over two years. It is important to the group as a whole that during this project they continue to protect the quality of the lake and protect the value of the existing properties and hopefully create new value in the area.

Kimberly Shelledy, 1161 Columbine Circle asked if the lake access would continue to be private and if the sidewalks continue around the lake and will they also be private? Shires informed her that there would be a public trail along County Line Road and North Shore Drive. There is also a private trail and the lake itself will continue to have private access only. The association does not have an interest at this time to make this area public.

Commission discussed trails and connections to current trail in Norwalk area. Shires said he could propose to the city they work on a connection to the Highway 28 trail. The property they would have to cross to make that connection is owned by the association and the dam is located in this area, so they would like to not disturb that area too much.

Kimberly Shelledy, 1161 Columbine Circle commented that she feels it is important for Norwalk to keep family biking and trail areas in mind, to keep families connected to all of Norwalk.

Huse asked when are future road connections planned? Shires answered there is not another connection planned for this phase.

Ross asked if the intersection would be equipped with turning lanes? Shires answers that the road classification and right of way will be set up to accommodate it. This is something that could be determined later in the process and may also constitute traffic lights, pending the traffic study outcome.

With respect to Staff point #1 Commission agreed that the PUD amendment language was best left in the covenants.

Riva commented with respect to Staff point #2, that she is concerned about mixed uses on C-2. She is fine with mixed-use properties that have commercial on the bottom and residential on top, but she does not want to leave it carte blanche that apartments could be built separately on the C-2 parcel. Huse and Fraser agree.

With respect to Staff point #3 the Commission consensus was that four stories is acceptable for the R-4 along Highway 5, but only for the units at the back of the parcel (the strip that would be adjacent to Highway 5). Commission did not want four stories in the front or middle of the parcel.

Commission agreed with respect to staff point #4 that structures could use the single family permitting process instead of process for site plan review and approval.

Discussion held regarding one car garages per two dwelling units in R-4 area. Shires commented that the building design standards would be higher due to one garage per two dwelling units. That's the trade off since the new zoning code states one covered garage per one dwelling unit.

Shires insured Commission that they have had conversations with adjoining property owners.

Motion by Schulz and seconded by Ross to continue Public Hearing at the next meeting on November 23<sup>rd</sup>. Approved 6-0.

### **Review of the Urban Renewal Plan Amendment – 15-86**

Mr. Wagoner reported to Commission that this Urban Renewal Plan for the Norwalk Urban Renewal Area is the subsequently create a Tax Increment Finance District for the purpose of rebating costs associated with the development back to the developer and for other infrastructure costs the City incurs in the area known as Market Place at Echo Valley.

Prior to City Council holding a public hearing on an urban renewal plan, they must submit a copy of the proposed plan to the Planning & Zoning Commission for review and recommendations as to its conformity with the general plan for the development of the City. The Commission is not required to hold a hearing, nor does it require the Commission to take any action to approve or reject proposed plan. The Commission is directed to review the plan and inform the Council as to whether or not Commission thinks the plan conforms to, or is consistent with, the City's General or Comprehensive Plan.

Wagoner noted the proposed development lies at the NE corner of Beardsley Street and Highway 28. The applicant is United Properties Investment Co., LC and the description of the development is consistent with our Sub Area 1 planning and the expansion of our commercial services and tax base is exactly what the City of Norwalk is seeking.

Staff feels the development would appear to have a positive impact on not only the immediate area by offering additional housing and commercial opportunities, but also the entire community as a whole, by expanding undeserved commercial segments of the Norwalk market and by expanding the City's commercial tax base. Staff believes TIF could generate \$5 million over the 20 year period.

Staff finds the request is in conformance with the Long Range Comprehensive Plan for the City of Norwalk. Staff encourages Commission to give City Council the recommendation needed to keep with the findings that the request conforms to the Long Range Land Use Plan, thereby fulfilling the Commission's obligations to make a ruling one way or another under Section 403.5 of the Code of Iowa requirements.

Motion by Huse and seconded by Ross to recommend for approval proposed Urban Renewal Plan that is consistent with the current Comprehensive Plan. Approved 6-0.

**Request from Hubbell to approve the Orchard Hills Villas Preliminary Plat – 15-87**

Mr. Parris informed Commission that the City received a request from MMS Orchards Hills, LLC c/o Hubbell Realty Co. that would create 12 single family lots and 22 bi-attached townhome lots in Parcel 4 of the Orchard Hills PUD. The development is currently called Orchard Hills Villas. Staff noted that name is currently used by the townhomes south of the water tower, so they have asked Hubbell to revise the name prior to presenting this request to the City Council.

Ross asked about the buffer zone and what trees will need to be removed in that area. How will this impact the residents in the area that already have water issues?

Brad Brockman, McClure Engineering, spoke on behalf of the development. Brockman said there will be a buffer all the way along the south side and east side and then along the County highway. The plan is still under City review right now, but there will be a swale around the area and the trees will be on the swale so water is not able to escape off the site. Brockman feels this would help alleviate some of the storm water problems the current home owners in the area are experiencing.

Ross expressed concern with the amount of right of way, and whether it allowed for future widening of the road. He also wanted to make sure the current design allowed for bus traffic and drop off/pick up.

Joe Pietrusynski, Hubbell Realty Co., 6900 Westown Parkway, West Des Moines, informed the Commission these townhomes would be for sale, not rentals, and would be the same type of product as their townhomes on Bristol Street.

Alan Bohles, 201 West Pine Ave., lives directly to the south of the water retention area. He met with Mr. Brockman and other neighbors last week that directly line up with the detention area. He personally feels a lot better about it after Brockman explained

everything to the group. Bohles was also concerned with bus issues and tree removal for the detention area. Bohles thanked Brockman for meeting with the neighbors.

Brockman informed Commission they would be willing to meet with neighbors before the trees were removed.

Todd Seeley, 711 Sycamore Drive, asked the Commission who would maintain the berm that was discussed and when would it be implemented. He would like to see it as a priority as he is one of the current home owner's who has experienced storm water issues.

Pietrusynski noted the berm would be maintained by Hubbell Realty and the homeowner's association.

Brockman noted the grading would be done early in the process for the development, so the swale would be there early on. The swale will be entirely on Hubbell's property so that all the water will be gathered on their site before any home is built. This area will also be seeded or sodded before any homes are built.

John Maines, 717 Sycamore Drive, asked the Commission what the oversight process is for grading on a development? Is there a physical oversight process that takes place by the City?

Pietrusynski answered that the developer is required to contain and maintain storm water on their site. The City must adhere to those guidelines and oversee the development by reviewing plats. The developer sends engineers out to survey the development once it is complete to make sure it complies with the City's stringent guidelines.

John Maines, 717 Sycamore Drive, asked again what final oversight does the City provide on the grading of a development? Is it ever physically inspected by anyone at the City?

Parris responded that once a development is complete, as-builts are provided to the City showing the final infrastructure. The development is then re-surveyed so we know exactly where the service lines area. The City does not physically go out and inspect the final grade. But proper documentation shows that at that time, final grade was properly met. Once you start building homes on that development, everything changes. It is the builders responsibility at that point to make sure they are placing homes properly for storm water flowage and not to cause problems for neighbors.

John Maines, 717 Sycamore Drive, stated on the east side of his development, it does not follow final grade.

Brockman said he walked the entire site with the neighbors and saw the problems they were having. He is hoping to alleviate that problem once they maintain their own water and keep it on their site.

Carl Morton, 610 Tangelo Circle, during some of the rains we have had, water level starts to get pretty high and is concerned about the water coming right up into his backyard. Once the City signs off on this development, residents are not able to go to the City for help and this now is an issue between landowners. He is concerned that a detention pond won't handle all of this water.

Brockman explained the overflow will go into the southeast corner and go into a 48" pipe that goes underneath Sycamore Drive. This is designed for 100 year event with a release rate of five year event.

Alan Bohles, 201 West Pine Ave., wanted to clarify the run off coming back from the houses on the east will not impact the banks of the creek and that they will use rock and materials to stabilize this area. He asked how it will be handled in 100 year flood when water is going over the sides of the retention area?

Brockman explained that normal maintenance and keeping the area clean will help with this becoming an issue.

Motion by Ross and seconded by Schulz to approve Orchard Hills Villas Preliminary Plat with the following recommendations:

- That a formal name is determined prior to City Council approval.
- That the applicant follows all rules and regulations set forth in the City of Norwalk Zoning and Subdivision Ordinances.
- That any significant modifications to the final plat be reviewed and approved by the Planning & Zoning Commission and City Council.

Approved 6-0.

#### **Request from United Properties to approve the Grading Plan for the Market Place at Echo Valley – 15-88**

Parris reported this request is for the grading of the potential Market Place at Echo Valley development. The project has not submitted a plat or site plan for review by the City, therefore a grading permit is required. The grading permit is issued by the Zoning Administrator and is subject to review by the Planning and Zoning Commission.

The requested grading is for the future relocation of Masteller Road and temporary drainage areas. The area will require further platting and site plans prior to development.

Scott McMurray, United Properties, informed Commission that this grading permit is for some bulk earth work to see how the site is going to work before they decide on final concepts.

Motion by Schulz and seconded by Ross approve Grading Plan for the Market Place at Echo Valley. Approved 6-0.

#### **Request from Rolling Green Ventures, LLC to approve the Final Plat of Rolling Green Plat 5 – 15-89**

Parris presented a request from Rolling Green Ventures, LLC to approve the Final Plat of Rolling Green Plat 5. The plat would create 30 lots that are zoned in the Rolling Green PUD as R-1(60). The plat also contains an outlot to be dedicated to the City as parkland.

Parris said all information has been submitted by the applicant and staff recommends approval with conditions.

Motion by Huse and seconded by Fraser to approve Rolling Green Plat 5 Final Plat with the following conditions:

- That the applicant provides all supporting documentation required within the Norwalk Subdivision Ordinance.
- That any significant modifications to the final plat be reviewed and approved by the Planning & Zoning Commission and City Council.
- That the Planning and Economic Development Director or his designee be authorized to sign off on the plat for recording once public works has indicated the infrastructure is acceptable. In an effort to be developer friendly, the formal (council action) acceptance of the infrastructure and the approval of the final plat needn't occur at the same council meeting.

Approved 6-0l.

### **Review of Request for Proposal submittals for the Comprehensive Plan Land Use update**

Parris reported in August, the Planning and Zoning Commission and the City Council directed staff to develop an RFP to update the Future Land Use section of the City's Comprehensive Plan.

The submission period for the RFP ended on October 23<sup>rd</sup>. The City received submittals from the following firms: MSA Professional Services, Inc.; Confluence, Marvin Planning Consultants, Proximity and Bishop Engineering; Snyder and Associates, Inc. Staff reviewed each submittal and scored them on the same criteria. Each firm scored extremely well and staff was confident each proposal would result in a good product for the City.

Ultimately the staff decided on Confluence and their team of multiple consultants. Their proposal was the low bid, brought Marvin Planning Consultants, who were on the original Comprehensive Plan team, back to the process, and demonstrated an ability to run the process concurrent with the City's Subarea 1 Master Planning process.

### **Staff Development Update**

No updates at this time.

### **Future Business Items**

No updates at this time.

### **Adjournment – 15-90**

Motion by Fraser and seconded by McConnell to adjourn the meeting at 7:35 P.M.  
Approved 6-0.

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Stephanie Riva, Chairperson

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Luke Parris, City Planner