

REGULAR NORWALK PLANNING AND ZONING MEETING 8-12-2019

Call to order

The regular meeting of the Norwalk Planning and Zoning Commission was held at the Norwalk City Hall, 705 North Avenue, Monday, August 12, 2019. The meeting was called to order at 5:45 p.m. by Chairperson Judy McConnell. Those present at roll call were AJ Samuelson, Donna Grant, Barbara Bellizzi, John Fraser, Zach Webster and Elizabeth Thompson. Absent: None

Staff present included: Luke Parris, Community Development Director, Elliot Klimowski, City Planner, and Hillarie Ramthun, Community Development Coordinator.

Approval of Agenda – 19-87

Bellizzi motioned to approve the Agenda and Fraser seconded. Approved 7-0

Approval of the July 22, 2019 Minutes – 19-88

Thompson motioned to approve the July 22, 2019 Minutes and Grant seconded. Approved 7-0

Welcome of Guests

There were 39 guests present; with no one wishing to speak, the business portion of the meeting was opened.

New Business

Request from St. John the Apostle Catholic Church for approval of a site plan amendment to the St. John the Apostle Catholic Church—19-89

This request is for the approval of a site plan amendment to the approximate 18 acres of property of St. John the Apostle Catholic Church located at 720 Orchard Hills Dr. This amendment would include a building addition to the existing structure, expansion to parking, walking paths and a community garden addition, and lastly, a multi-purpose sports field to be utilized by parishioners as well as rented by members of the community. Where the church is situated is zoned R-4 High-Density Multi-Family Residential, the land to the east is zoned R-1 and R-3. With construction, some trees will be removed to the east of the church building, some walking trails will be paved close to adjacent parcels to the east, and areas that were uninhabited by people will now be occupied once renovated and landscaped spaces are complete. The addition to the building structure will require more parking spaces; the site plan shows a satisfactory amount of 294 stalls. No additional buffering will be required due to the allowance of church buildings in R-1 districts.

Patrick Dunn, RDG Design Group, 301 Grand Avenue, Des Moines spoke. McConnell inquired about the sports field that is proposed. Dunn explained that it would not include lighting or concessions but would be simple fields that could be utilized by the community. Bellizzi inquired about the paths, Dunn explained paths would be strategically placed throughout wooded area to miss high quality trees and allow for the removal of invasive trees. Samuelson inquired about water retention on the site or if new retention would be created with this amendment. Dunn explained new storm water detention would be created at the southeast of the property. McConnell entertained a motion to approve the request of a site plan amendment, Thompson motioned, Grant seconded.

Consideration of a grading permit for the Christ Our Savior Church located at 515 Sunset Drive —19-90

Parris gave a brief staff report to the Commission for the reason behind the consideration of a grading permit at 515 Sunset Drive. Pastor Bill Clark, Christ Our Savior Church, submitted a grading permit for the rear of the church, a large amount of vacant land to the west of the church building. Properties to the north along Trevor Court whose rear property lines back up to the vacant lot of Christ Our Savior Church are all within a drainage easement to allow for the drainage of storm

water to run from west to east through all those rear yards until it would eventually run through the church lot and continue to the southeast until it would reach its intended runoff in a drainage ditch just east of Iowa Highway 28/Sunset Drive. Due to activities by past and present homeowners along Trevor Court of filling in and blocking the drainage easement, a loss of function to that easement has resulted causing water to back up as well as flooding to neighboring properties and the church lot. Christ Our Savior Church would like to regrade a drainage swale on the church property to re-establish proper drainage and allow stormwater to run through the area and flow to its proper destination along Iowa Highway 28. Pastor Bill Clark, spoke to reiterate what Parris had said and to add that he is trying to do the right thing and be a good neighbor. Derrick Sharpe, 312 Trevor Court, spoke to explain he is located on the last lot and has experienced standing water in his backyard since taking ownership of the property. Sharpe also suggested that adding dirt to the easement has stopped the water from pooling in his back yard. Parris explained how a drainage easement is intended to work and blocking the swale has actually impacted other properties. Sharpe expressed concern that the return of the swale would cause flooding to his property again because the water has never traveled through the easement the way it was intended. Parris reiterated that the way drainage law works, is that it has to follow the natural course of the grade. The church is not under any obligation to do this grading work, the 10' easement is at the back of the Trevor Court properties and not on the church property. Parris added that this is a private matter between homeowners. Sharpe continued to discuss that he and neighboring property owners have continued to fill in the easement to stop pooling in his yard and the only property that has an issue is the church property. Parris concluded with being sympathetic to the situation, but what Sharpe was upset over could not be fixed during the P&Z meeting. Chad Staudenmaier, 304 Trevor Court spoke regarding the filling in of the drainage easement and how it has corrected the issue of flooding for his property and the Sharpe property. Staudenmaier explained the illegal placement of a shed to the property west of his is the reason for the pooling of water and if the shed was moved to a legal location, Staudenmaier and Sharpe could add dirt to that part of the easement as well, solving all of the issues of flooding. Staudenmaier also added that the dirt was provided to him from Pastor Clark. Grant inquired about the properties and the shed. Thompson inquired if the shed illegal placement had been addressed. Parris repeated that the drainage issue has been created from the filling in of a drainage easement. Clark spoke again and explained that Cooper Crawford has provided engineering and drawings to what the swale would look like. Samuelson inquired about an intake in the area. Klimowski showed on the map where the intake is located southwest of Kitterman Circle. Fraser asked why the water is not flowing beyond Sharpe's property. Sharpe spoke but only to continue stating that his yard receives all water. Grant asked if dirt was going to be brought in. Clark stated that no dirt would be brought in; dirt would be removed to create a channel/swale for the water to be redirected to the location where it was intended to flow. Sharpe explained that his property has suffered standing water and flooding since 2003 when a former Councilman owned property to the west of his, put in a pool and pushed all the dirt into the easement. Sharpe said he has never seen the easement drain the way it was intended. Staudenmaier suggested that the water be rerouted to a nearby creek. Parris explained that regrading properties to reroute water that is meant to flow a certain direction would only cause additional problems. Parris reiterated that drainage easements should be maintained to allow for proper drainage. Jim Dougherty, City Attorney agreed with Parris. Steve Wandro, Wandro & Associates, 2501 Grand Avenue spoke on behalf of the property owners and explained that he does water law for agricultural properties, and asked why this was brought to P&Z if there was no longer an issue and water is being dispersed. Fraser asked Pastor Clark why he applied for the grading permit, Clark explained that properties to the west of the illegally filled in drainage easement are now taking on water due to the blockage. Clark summarized that he did provide the dirt to fill in the easement, but now wants to do the right thing and help all 6 properties out by helping to create proper drainage through the easement. Brad Cooper, Cooper Crawford spoke

and realized that when approached with the project was unaware of all the issues with the properties and standing water, but did see that at least three homes had filled in the easement when he looked at the church lot. Cooper also stated that he was the engineer that created the original site plan for the plat where the Trevor Court properties sit and he remembers the easement that was intended to remain unchanged. Thompson inquired about the process for the shed illegally placed. Parris explained it would be a dispute between property owners. Clark spoke and stated the shed was recently moved one foot from property line and the reason for its original illegal placement was due to an agreement between a previous homeowner, who was a congregation member of the church, and the church. Thompson also asked if the engineer could provide an analysis before any grading to ensure that other properties would not be adversely affected. Parris offered to contact the City Engineer for a review and the applicant would foot the cost. Samuelson expressed concern that it was a private issue between property owners, not the City's to figure out.

McConnell entertained a motion, Grant motioned to table the item for further analysis, Fraser seconded.

Tabled 7-0

Motion to take from the Table the approval of a site plan of Remington Ranch Pet Resort—19-91

Grant motioned to take item from table, Thompson seconded. Approved 7-0

Request from Remington Ranch Pet Resort, LLC for the approval of site plan of Remington Ranch Pet Resort—19-92

This request is for the approval of a site plan for a 7200 square foot pet facility with a fenced-in play area to be located on the vacant lot south of Fareway and west of the car wash on High Road. Access to the facility will be from High Road. The parking required for the property would be 28 spaces, 16 are shown on the site plan, and staff has recommended a waiver of full parking requirements due to the brief stopover of clients at the facility throughout each day. Buffer will be required to the west of the property adjacent to Regency Care Center. This item was previously tabled due to the previous site plan having not met the architectural standards for façade materials per the City Ordinance. Parris included that a slight redesign to the building was done to show the façade updated allowing stucco on the body of the structure with stone veneer from the base to 3' up around the building which would meet the Class 1 or 2 materials from the City Ordinance. Misty and Brandon Petersen approached the dais to answer any questions from the Commission. No discussion was necessary. McConnell entertained a motion, Samuelson motioned to approve, Webster seconded. Approved 7-0

Motion to take from the Table the request for a zoning amendment to the Givens Property—19-93

Bellizzi motioned to remove item from table, Thompson seconded. Approved 7-0

Consideration of a request for a zoning amendment to Givens Property at the northwest corner of G14 and 50th Avenue to change the zoning from A-R to the Blooming Heights South Planned Unit Development with a mix of Single-family and Townhome residential –19-94

This request from Diligent Development is for the rezoning of approximately 36 acres of property northwest of the corner of G14 and 50th Avenue from A-R to the Blooming Heights South PUD. This would allow for R-1 (70) lots, narrower R-1 lots with a 55ft lot width and a parcel with the potential to be developed as an R-3 Townhome project or as narrower R-1 lots with a 40ft width and also Commercial C-2 uses. The Future Land Use Plan identifies the area the City's other commercial opportunity, a possible SubArea 3. Since the previous meeting when the item was tabled, the applicant has reworked the plan slightly to add back the commercial piece that was missing from the original submission and also identify park space. The City is currently working on a study of the North Avenue/G14 corridor to determine potential cross sections and what type of intersections

would fit the area of G14 and 50th Avenue. The results of the study could impact this development. Brad Cooper, Cooper Crawford & Associates spoke on behalf of Diligent Development to explain the modifications made to accommodate what P&Z was concerned about previously. Bellizzi inquired about leaving lots opened along 50th to allow for commercial growth. Parris explained that though it is nice to be idealistic and hopeful for commercial to develop in that area, a developer may have a more realistic concept for what is possible. McConnell asked when the study would be complete. Parris indicated it could still be a few months before having the results back. Cooper described the 40' lots that would house detached townhomes and would be under an association and maintained. McConnell expressed concern of too many roof tops and less commercial and also indicated that it has been a concern of Council. Cooper would prefer P&Z give comments for changes that Diligent could make with the PUD rather than a denial. Grant expressed concern of lot sizes that are so small to create a more dense area. Cooper showed a concept map of the detached townhomes that could go on the 40' lots. Bellizzi inquired about emergency vehicles having the ability to turn around on the private streets in the concept. Cooper indicated that it shouldn't be an issue. Samuelson inquired if a PUD proposal like this item would be dead on arrival if brought before Council. Parris and Baker both agreed that each project was reviewed by Council on a case by case basis. Grant reiterated concern of small lots. McConnell entertained a motion, Bellizzi motioned to approve, Thompson seconded. Approval 7-0

Consideration of Council comments regarding the Holland Pointe Planned Unit Development (formerly titled the Paxton Pointe PUD)—19-95

At the July 8, 2019 Planning & Zoning meeting, Hubbell Realty Company presented the Paxton Pointe PUD for the area east of Elizabeth Holland Park and south of Beardsley Street. During that meeting, Hubbell presented a form-based style zoning which was not well received by Commissioners and approval was not recommended. July 22, 2019 Hubbell brought back a revamped Paxton Pointe PUD proposal which addressed the Commission's concerns of density and land use flexibility, it was recommended with approval noting a request to better define the trail sizes throughout the development. Hubbell contacted the City prior to the August 1, 2019 Council meeting to inform of modifications were made per the P&Z requests. While updating the PUD to accommodate requests, Hubbell noticed incorrect rear setbacks of 30' were left over from the original form-based style instead of being labeled 15'. During the Council meeting Hubbell presented this change as well as the desire to rename the project as Holland Pointe PUD. City Council voted to send the PUD back to Planning & Zoning with a list of additional items for Hubbell to address and for the Commission to review. This list included:

1. Review the 15' rear setbacks
2. Review the private drive through the apartment parcel
3. Ensure that all private drives are required to have full curb
4. Review lot width and size (concern over the 40' single family lot width)
5. Review the buffer requirements for the area adjacent to the industrial ground to the south (concerns raised by user to the south)
6. Review and clarify the parkland dedication section related to park values and if trail upsizing would count toward parkland)
7. Review the four areas with potential private streets and the flow through them
8. Request for elevations of units to give an idea of what the single family homes would look like on a 40' wide lot
9. Review Section 12.1 related to proposed densities
10. Connect with the Holland family regarding the naming of the project
11. Connect with Loffredo regarding noise concerns
12. Set and agree to maximums for density

Hubbell met with City Staff August 6, 2019 to address concerns and prepared a document with details:

1. Called out 15' rear setbacks for two-family units and the clubhouse. Left rear setbacks for single-family units at 30 feet. Requesting a reduction to 10' rear setbacks for multi-family townhomes. The 10' rear setback is a new request based on further refinement of layouts. The Master Plan layout does not change based on the new identified rear setbacks.
2. Eliminated the northwest access to the apartments to alleviate the straight-through connection. Parcel C, the apartment Parcel, will require further site plan review and layout may change at that time. The PUD does specifically state that no through private streets shall be allowed. Additional measures can be considered to reduce cut-through traffic at that time.
3. Amended text related to curb-profile. Did preserve the ability to allow for Commission and Council to review an alternate curb profile due to uncertainty in how a project may layout with driveway cuts at this time.
4. Increased single-family lot width from 40 feet to 50 feet. Remaining lot width did not change. They did identify that the lot-area for two-family homes were referencing to total area for the two-family structure and not the area for each individual lot. This was reduced to 2,500 square feet to accurately reflect the product proposed in the Master Plan.
5. The PUD is not proposing any specifics on the buffer. They understand that they will need to provide an adequate buffer per standard City Code.
6. Clarified that the value assigned to parkland is either the provided calculation or \$30,000 per acre "whichever is greater." Removed a statement about trail upsizing costs counting towards parkland. Still requesting City assistance on the trail size increase.
7. Apartment drive has been modified. Remaining areas unchanged as they felt the concepts met the City requirement of not connecting two public roads. Additionally, the layout of the projects will require further review and consideration, offering other opportunities to discuss other traffic control measures.
8. With the increase to 50' wide lots Hubbell felt that the product type was more easily understandable and they do not have elevations at this point.
9. Defined the densities as "gross density" per City Code definitions. Removed Beardsley ROW from the exhibit which affected the sizing of the parcels and reduced densities. Total unit count reduced by 149 units to be more consistent with the original concept initially presented to Council during discussions on the City lift station agreement.
10. Discussed the naming with the broker for the Holland's with no issue identified.
11. Willing to work with Loffredo to discuss an agreement to set expectations between adjacent landowners.
12. The density table would set the maximum number of units discussed in item 9.

Steve Moseley presented for Hubbell, discussed the modifications requested from Council and took questions from the Commission. Grant asked for identification of the different housing and clarification of areas shown in the concept. Katie Maki, Hubbell Realty, pointed out style of housing and location; she also indicated areas that would be maintenance free with an HOA along the west and also areas that would require upkeep by property owner. Townhomes would be bi-attached and back up to the Holland Park area, east of that would be Villas (single-family homes that are maintenance free). Grant and Bellizzi inquired about lot sizes. Maki stated the Villas would be on 50' lots with proposed three car garages. Maki pointed out the rest of the proposed homes further east as well as south as single family, then townhomes, Row houses, more single family and finally there would be apartment buildings located north of Loffredo Produce. The original proposal showed 110 single family lots, the newest concept shows 159 single family lots, this was done by shifting lots from townhomes to single family homes and reducing lot sizes. Grant added the

concern of fences built on the lots that back up to the Holland Park area. Maki assured, fences are not allowed with Hubbell townhomes. Grant expressed concern of row houses in the area and all houses having the same look but painted different colors with towering apartment buildings visible from Beardsley Street. She then inquired about the Brownstones and apartments in the Legacy development and what the density was per acre. Parris calculated the apartments were 15 units per acre. Samuelson noted the ordinance allows for 18 units per acre. Parris added that the Brownstones calculate out to 13.5 units per acre. Grant indicated she was cognizant of complaints from citizens regarding the look of the apartments and row houses in Legacy, the lack of parking for both types of housing as well as other problems in the Legacy area and would not condone the creation of another development of a similar nature. McConnell inquired about street and trail connection to The Ridge from Holland Park and access onto Beardsley with limited views for safe ingress/egress at the western access.

Caleb Smith, McClure Engineering, spoke about a quick analysis that indicated sufficient sight distance at 40MPH in both directions in its current state and should only improve as the site would build out, but another study would be completed again at preliminary plat phases.

McConnell inquired about the private streets, Parris indicated on map and added that they are not through connections to main streets. Parris also added that there is a future plan to get a safe crossing from north/south across Beardsley Street.

After working through the 12 items that Council asked P&Z to review, the Commission asked Parris what the next step would be. Parris explained that there is an approved PUD that went forward to Council and this modified PUD under review at present could be approved or denied, but if denied, the other PUD is still before Council for review.

McConnell allowed for brief public comment. Cortney Bax, 9429 Coneflower Circle approached the dais to mention the active senior living development that is proposed next to the Draught House in the Marketplace and how it is similar to what Hubbell is proposing. Caleb Smith, McClure Engineering, followed with a description of the Nelson Construction project by Holland Park and said the two projects were different. Aaron DeKock, 3129 Prairie Rose Drive approached the dais and spoke of disappointment to the loss of commercial, also not in favor of allowing the setbacks to change for the development. DeKock suggested executive style homes to be built along Beardsley Street rather than by Loffredo Produce. Marv Johnson, 2934 Prairie Rose Drive expressed concern regarding 15' setbacks on lots where 55+ would have grandchildren over, wouldn't allow children to play by homes and they would spill out into the streets. Moseley spoke again with an explanation of creating different homes for people to move into and upgrade throughout living in Norwalk, to go from apartment living to townhome to single family to senior living all within the same development. Hubbell did not think the executive style homes would sell if they were up against Beardsley Street; Grant interjected with two home shows held across from proposed development that nearly sold out and disagreed that people would stay and move throughout the development. Eric Bohnenkamp, Hubbell Realty, spoke to the success of entry style housing as the key to communities. Marv Johnson inquired about statistics of entry style housing. Bohnenkamp was not able to provide statistics. Moseley inquired why this item was being discussed when it was already approved and before Council waiting for the review of the 12 list items. McConnell agreed and entertained a motion to approve the recommended changes to the PUD. Samuelson motioned to approve, McConnell seconded. Vote 3 Aye-4 Nay motion failed. Parris requested a reason to pass along to Council for the no vote. Grant said she disagreed with the setbacks and the density; the density needs to be less.

Discussion on a proposed new commercial zoning district – C-5 Traditional Commercial

City Staff recently received a rezoning application for a property to be zoned C-4, which is identified as Founder's District. City Council didn't feel that C-4 zoning would be appropriate for any area outside of what is considered the Founder's District, the businesses along Main Street: 804

Main, Pyra Pizza, City State Bank, etc. Staff has developed a C-5 district for commercial zoning, recognized as the uses of C-2 commercial zoning, but to also allow for zero-lot line development when necessary. This will be brought back at a later date for approval.

City Council Update- No Update

Economic Development Update- No Update

Community Development Update- Klimowski presented a "field trip" that will be taking place for Council and extended the invitation to Commission to travel to Iowa City to a peninsula community that contains multiple levels of density and is a walkable community. It is a very attractive community and is highly dense, but feels like a really nice neighborhood, date to be determined later.

Next meeting Date –August 26, 2019.

Adjournment – 19-96

Motion by Bellizzi and seconded by Fraser to adjourn the meeting at 8:45 p.m.

Approved 7-0

Judy McConnell, Chairperson

Luke Parris, Community Development Director