

REGULAR NORWALK PLANNING AND ZONING MEETING 06-08-2020

Call to order

The regular meeting of the Norwalk Planning and Zoning Commission was held electronically due to COVID-19 (Coronavirus) State of Emergency WHEREAS, Iowa Code Section 372.14(2) and the Norwalk City Code Chapter 15.02(2) grant the Mayor powers in emergency circumstances when public danger exists to take extraordinary steps to protect the public health and safety; therefore, all in attendance met via google hangout, Monday, June 8, 2020. The meeting was called to order at 5:51 p.m. by Chairperson Judy McConnell. Those present at roll call were, AJ Samuelson, John Fraser, Elizabeth Thompson, Megan Regennitter, and Zach Webster. Absent: Donna Grant

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

Approval of Agenda – 20-43

Thompson made a motion to approve the Agenda and Fraser seconded. Approved 6-0

Approval of the May 11, 2020 Minutes – 20-44

Regennitter motioned to approve the May 11, 2020 Minutes and Webster seconded. Approved 6-0

Welcome of Guests

There were 19 guests present by computer and phone; with no one wishing to speak, the business portion of the meeting was opened.

New Business

Request from Haan Development LLC for the approval of the Latitude 41 Preliminary Plat & Site Plan —20-45

(Grant arrived at 5:57 p.m.)

This request from Haan Development is for the approval of an apartment complex in the Brody's Landing development south of plat 1 along 80th Avenue which will contain 140 units and is the first apartment project in Norwalk since 2014. Access to site will be by way of 80th Avenue and the site will be equipped with sidewalk and is set back 15-25 feet to produce a more interesting streetscape and park frontage. The site plan exceeds the parking requirement by 10 stalls having 286 total stalls available with 120 of those being garage spots. Staff recommends approval of the site plan and it meets all requirements, it will be a catalyst for the development of Brody's Landing south and will provide housing diversity for the community and improve viability of commercial opportunities for parcels located near the project. McConnell inquired about parking and number of units met the PUD requirements. Klimowski stated that everything met the PUD requirements. Regennitter inquired about the buffer requirements. Klimowski explained that landscaping will be the buffer and that there is a calculation that is used to determine the number of trees and shrubs required to meet the buffer requirements. Michael Gaunt, Bishop Engineering, 3501 104th Street in Urbandale was available to answer questions. With no question from the Commission members, McConnell entertained a motion to approve the preliminary plat and site plan for Latitude 41, Regennitter motioned to approve, Thompson seconded. Approved 7-0

Discussion on the Subdivision Regulations

(Thompson left at 6:22 p.m.)

City Staff has been working with Snyder & Associates over the past year to propose updates to the City's Subdivision Ordinance. The Ordinance helps regulate and guide how property is divided and developed in the City of Norwalk. This topic was first presented to developers and engineers by City Staff in February 2020 to retrieve feedback on the original draft. The proposed subbase requirement was reduced to 4 inches as a result of the feedback received from that February meeting. A summary of changes to the Subdivision Ordinance are as follows:

- Park & Open Space Changes

- Parkland dedication increased from 6 acres per 1,000 people to 8.5 acres per 1,000 people. (The 2018 Comprehensive Park and Open Space Plan had a goal of 15.5 acres per 1,000 people.)
- Changes parkland dedication for a single family lot from 783 square feet to 1,110 square feet. (Appropriate increases from multi-family were also incorporated.)
- Encourages aggregation of parkland into fewer, larger parks.
- Reduces public street frontage from 10% of the parks perimeter to 40 feet.
- Design Standards Changes
 - Developers responsible for 15.5 feet of pavement on adjacent gravel roads
 - Require a geotechnical report for all projects
 - Require 4 inch granular subbase on all public streets unless waived by City Engineer
 - Require subdrains on both sides of all public streets unless waived by City Engineer
- Traffic Impact Study (TIS) Changes
 - Required when a project generates 100 or more new trips during the peak hour
 - Traffic Impact Study will be an independent study prepared by the City's designated engineer, fees will be passed on to the developer.
- Submittal Changes
 - Updates to number of copies needed for submittal, transitioning to digital submittals
 - Require final submittals in a format compatible with the City's Geographic Information System

Staff developed the following implementation timeline for the new requirements:

- Approval date of a preliminary plat will be the trigger for if new requirements are used or not.
- Preliminary implementation date for the new requirements set at January 1, 2021. Any preliminary plat submitted prior to January 1, 2021 can continue to build out using the old standards provided the preliminary plat approval does not lapse per the ordinance requirement (2 years with no work).
- Full implementation date set at January 1, 2026, five years after the preliminary implementation date. After January 1, 2026, all development projects will meet the new standards, regardless of when a preliminary plat was approved by the City. Approved construction plans approved can continue to use the old standards.
- Some PUDs may have criteria that have already established various standards for that development. Those will not be impacted by the change to new standards. For example, if a PUD development has identified a park using the sizing criteria for the old standard, then they would not be required to provide an increased park using the new standards.

Grant inquired as to why the Ordinance doesn't state 10 acres of parkland dedication instead of 8.5 if Norwalk is behind the mark, she wanted to be considerate of the developers but also was aware that P&Z has fought for Norwalk citizens to have greenspace and parkland for a long period of time, Parris explained the delicate balance of the obligation that additional park space would put on the Parks and Rec Department as well as being considerate of developers and also the citizens of Norwalk. Parris addressed Kathleen Connor, Snyder and Associates, to add anything additional that he may have missed. Connor explained that the decision that City Staff and Snyder and Associates came to for keeping parkland dedication at status quo was due to the Supreme Court findings of the Home Builders Association sued the City of West Des Moines over their parkland dedication ordinance, the findings were that parkland dedication should be used to meet status quo and should not be used to make up for any short fall a City might have. If Norwalk were to acquire land for parkland (example used was 75 acres) then the ordinance could be amended to ask for a dedication higher than status quo because the acres per capita would be increased. The current ordinance is causing the City to lose ground due to the requiring 6 acres per 1,000 people instead of 8.5 acres per 1,000 which would at least meet status quo. McConnell asked how raising the acres to 8.5 compare to other cities in the metro. Connor used a graph to indicate that Norwalk is comparable to Polk City which requires a dedication of 8.28 acres and Clive which requires 8.36 acres, most cities in the metro are requiring 4, 5, or 6 acres per 1,000 people. Samuelson inquired about detention basins having been allowed as parkland dedication and if other cities allow detention basins as their dedication. Connor explained that the new ordinance would no longer allow detention basins as parkland dedication and other cities either already exclude detention basins as dedication or they are moving toward that due to basins and ravines given as parkland and it was unusable to citizens. Polk City and Urbandale are two that specifically exclude detention basins as dedication. Samuelson asked the size of an average development in Norwalk, Parris responded that 40-80 acres was the average.

Parris opened the discussion up to questions or comments from guests, developers and engineers. Jake Oeth, Attorney for Hogan Law Office, representing Diligent Development in Norwalk spoke to the

concern of additional parkland requirements, signalization and adjacent gravel road paving requirements, and the street subbase requirement. Diligent would like to continue a relationship with Norwalk and work with Norwalk and mentioned a fee in lieu of parkland dedication. Joel Jackson, Bishop Engineering, spoke on behalf of Diligent Development and spoke to the concern of the subbase and the added cost to developers and Norwalk then making themselves not as competitive as surrounding communities. Jackson inquired about the City waiving a traffic study if all parties didn't feel it was necessary and how would the City know that a 100 trip level is met by a development without completing a traffic study. Parris explained the waiver mechanism may come into play if a developer was already aware that a turn lane would be necessary and would prefer to spend dollars on a turn lane instead of a traffic study. Parris directed the 100 trip study question to Kathleen Connor for input. Connor referred to the ITE manual which is a common way that a 100 trip study is done and a waiver may come into play, she also added that there is an option in the ordinance for the developer to offer a cash donation in lieu of parkland dedication.

Samuelson commented that a 40% bump seems aggressive to him, and fears that it will put engineers against one another as developers will seek the engineer who provides the answer the developer wants. McConnell commented that she is understanding that it seems aggressive but really wishes to see the 8.5 acres as a minimum because Norwalk has been behind for so long. City Manager, Luke Nelson offered a question of would P&Z be interested in a "phased in" dedication. Oeth commented that a phased in dedication would be a good compromise. Kalen Ludwig, Sales for Diligent Development, commented on the phased in approach so extra cost is not passed along to buyers. Grant was adamant that the citizens of Norwalk deserve greenspace and does not want to continue waiting on developers to wait until the very end of plat approval to then be given dedication or money in lieu of dedication because no greenspace is left and does not understand the added cost to the developer to change the ordinance to 8.5 acres.

Grant entertained a motion, McConnell motioned to approve the ordinance as it was proposed by staff. Fraser wanted to ask a question before a second came through, he inquired about whether or not detention basins will be allowed as dedication in the proposed Subdivision Ordinance. Parris stated that they will not be allowed as parkland dedication. Fraser asked if a developer could explain the increase in cost for developers with the change from 6 acres to 8.5 acres. Oeth responded with the developer's profit margin shrinking due to the increase of parkland dedication needed and fewer lots then available to sell, at times this can make a development unprofitable therefore; the developer may turn away from purchasing land to develop. McConnell commented that with no greenspace, lots look less desirable and marketable. Connor commented that with this new ordinance they created an offset to help developers by reducing the amount of street that would front the parks which would allow for the parks to be set back which helps to reduce the cost. Regennitter commented that she understands the developers desire to have this dedication phased in but also understands the point that Grant and McConnell have been making regarding waiting until the end phase of a development before dedication happens and then there is no greenspace left to dedicate. Regennitter went on to say that a change needs to happen now in order for Norwalk to reach status quo of parkland dedication even if it still falls short, in the future, as more land is sold, there may not be the option for parkland dedication even with this requirement in place. The motion on the table is a motion by McConnell to approve the Ordinance as City Staff has presented; Fraser added to the motion a request to include the comments and discussion of parkland dedication that took place, Regennitter seconded the motion with additional comments. McConnell wanted to add that she was not in favor of a long term "phase in" for parkland dedication.

Discussion on upcoming Board of Adjustment agenda items

A Special Use permit request from Bolten and Menk for the allowance of construction work of a pedestrian bridge in flood overlay zones of 50th Avenue crossing Middle Creek, helping to move the City closer to accessing the Great Western Trail. The City Ordinance requires that a special use permit be used when any sort of construction take place in a flood overlay zone. Justin Ernst of Bolten and Menk was available for questions. McConnell inquired about erosion controls during construction to protect what could flow into Lake Colchester. Ernst responded that adequate erosion controls will be placed to protect Lake Colchester during construction. No comments or recommendations from Commission. The second item to go to BOA is a variance request to allow for a reduction of the side yard setback for the construction of a garage addition at 8688 Albany Trail which is zoned RE-1, Rural Estates Residential. McConnell did not find the hardship in the variance request and did not recommend approval. Grant also did not recommend approval due to other areas of the yard where a garage could be placed. No vote took place.

City Council Update- None

Economic Development Update- None

Community Development Update- Garage width requirements to circle back to P&Z for review and recommendations in the future.

Next meeting Date –June 22, 2020

Adjournment – 20-46

Motion by McConnell and seconded by Fraser to adjourn the meeting at 7:16 p.m.

Approved 6-0

Judy McConnell, Chairperson

Elliot Klimowski, City Planner

Date: _____