

Reichenbach Farms Inc. Annexation



OFFICE OF THE CITY ADMINISTRATOR

Johnston, Iowa

AGENDA COMMUNICATION

May 6th, 2019

SUBJECT: Conduct a public hearing and consider approval of Resolution 19-104; a resolution opening and closing a public hearing, approving the voluntary annexation of property, and establishing zoning districts for the Reichenbach Farms Incorporated voluntary annexation. The subject property is located west of Highway 141 and south of NW Towner Drive.

ACTION REQUIRED:

- ☐ Ordinance
- ☒ Resolution
- ☐ Approval
- ☐ Receive/File
- ☐ Attorney Review

SYNOPSIS:

The City Council initiated a review of the 147.40 acre Reichenbach Farms Inc. annexation proposal at their March 4th, 2019 meeting and referred it to the Planning and Zoning Commission for review and recommendation. The annexation proposal includes establishing zoning classifications for the parcels at the time of annexation. The following staff report details topics surrounding annexation and growth of the City of Johnston.

RECOMMENDATION:

The Planning and Zoning Commission considered this request at their regular meeting on March 25th, 2019 and voted 5 yea and 1 nay to recommend approval of the Reichenbach Farms Inc. Voluntary Annexation with the establishment of the annexation territory within the A-R, Agriculture Reserve Zoning District at the time of annexation.

Motion by _____, Seconded by _____ to approve Resolution 19-104.

Attachments:

Petition for Voluntary Annexation;
Ownership and Parcel Legal Descriptions
Annexation Area Maps;
Iowa DOT Highway 141 Corridor Study Handout;
Current Johnston 2030 Future Land Use Map;
Proposed Zoning District Map;
Chapter 167 Johnston Code of Ordinances;
Notification Mailing List;
March 25th, 2019 Planning and Zoning Commission Meeting Minutes;

Prepared by and Return to: Clayton Ender, City of Johnston, P.O. Box 410, Johnston, IA 50131 (515) 727-7763

RESOLUTION 19-104

A RESOLUTION OPENING AND CLOSING A PUBLIC HEARING, APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY, AND ESTABLISHING ZONING DISTRICTS FOR THE REICHENBACH FARMS INCORPORATED VOLUNTARY ANNEXATION

WHEREAS, the City of Johnston is a duly organized municipal corporation organized under the laws of the State of Iowa,

WHEREAS, the City of Johnston, Iowa desires to annex certain territory as shown on the map identified as Exhibit “A” and legally described in Exhibit “B”, both of which are attached hereto and a made a part hereof;

WHEREAS, the annexation territory shown on the map as Exhibit “A” and legally described in Exhibit “B” is contiguous with the existing City of Johnston corporate limits;

WHEREAS, the annexation territory is located within the urbanized areas of the City of Grimes and the City of Granger;

WHEREAS, as a result of the annexation territory being within the urbanized area of cities other than the City of Johnston the annexation is subject to the regulations of Section 368.7.3 of the Iowa Code;

WHEREAS, notice of the annexation proposal and the public hearing was provided to all specified parties as required by Section 368.7.3 of the Iowa Code;

WHEREAS, pursuant to Chapters 165-172 of the Johnston Revised Ordinances of 2007, all areas being annexed are classified within the AR – Agricultural Reserve Zoning District, unless a specific zoning district is established at the time of annexation;

WHEREAS, it is appropriate to establish the following zoning districts within the annexation territory; A-R, Agriculture Reserve Zoning District. Said zoning district is identified on the map on Exhibit “C” and legally described in Exhibit “D” both of which are attached hereto and a made a part hereof;

WHEREAS, it is in the best interest of the City of Johnston and the public that the property shown on Exhibit “A” and legally described on Exhibit “B” be annexed to the City of Johnston and that the properties have zoning districts established as shown on Exhibit “C” and legally described on Exhibit “D”;

WHEREAS, a Public Hearing to consider the annexation of the properties shown on Exhibit “A” and to consider the establishment of zoning as shown on Exhibit “C” had been opened; and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JOHNSTON, IOWA, that:

1. The Public Hearing regarding the annexation of property shown on Exhibit “A” and described in Exhibit “B” and regarding the establishment of the zoning district as shown on Exhibit “C” and described in Exhibit “D” is closed. The City Council finds that it is in the best interest of the citizens of the City of Johnston and the residents of the area proposed for annexation to annex the area to the City of Johnston and establish the area with a zoning district at the time of annexation.
2. The Application for Annexation is hereby approved. Upon approval by the City Development Board the properties shown on Exhibit “A” and described in Exhibit “B” shall be annexed to the City of Johnston, Iowa, in accordance with Chapter 368 of the Iowa Code, and such property shall hereinafter become and be part of the City of Johnston, Iowa.
3. The establishment of an A-R, Agriculture Reserve Zoning District within the annexation area as shown on Exhibit “C” and as legally described in Exhibit “D” is hereby approved and shall be effective upon completion of annexation proceeding before the City Development Board.
4. The Mayor and City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this annexation, with such documentation to be filed with the City Development Board as required by the Code of Iowa.

PASSED AND APPROVED this 6th Day of May, 2019.

PAULA S. DIERENFELD, MAYOR

ATTEST:

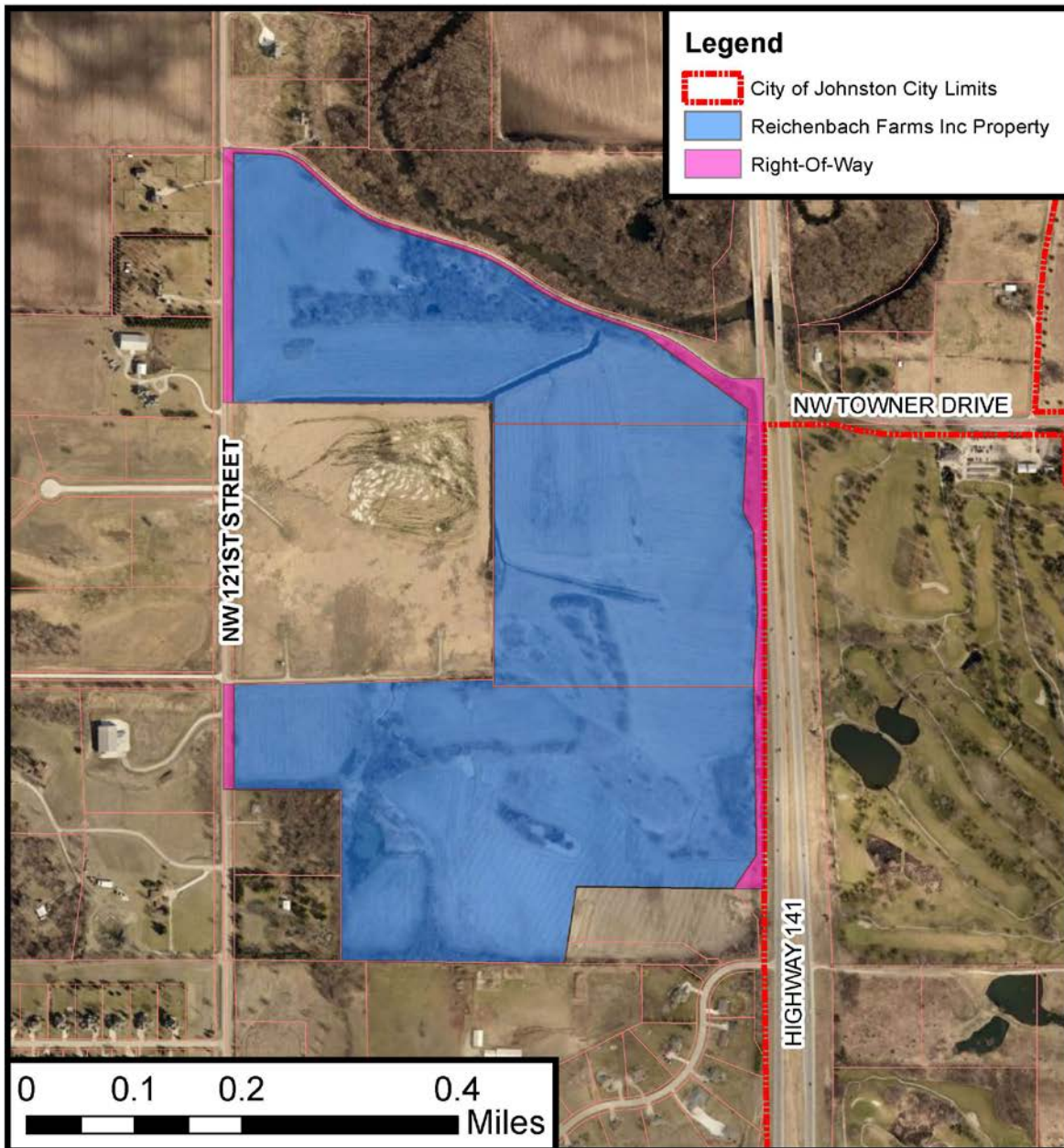
CITY CLERK

<u>ROLL CALL VOTE:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Brown	_____	_____	_____	_____
Martin	_____	_____	_____	_____
Cope	_____	_____	_____	_____
Evans	_____	_____	_____	_____
Temple	_____	_____	_____	_____

Exhibit "A"

MAP OF ANNEXATION AREA

**REICHENBACH FARMS INCORPORATED
VOLUNTARY ANNEXATION**



Created by City of Johnston Department of Community Development
6221 Merle Hay Road, P.O. Box 410, Johnston, IA, 50131-0410 (515)278-2344 Fax:(515)278-2033

EXHIBIT "B"

ANNEXATION TERRITORY LEGAL DESCRIPTION

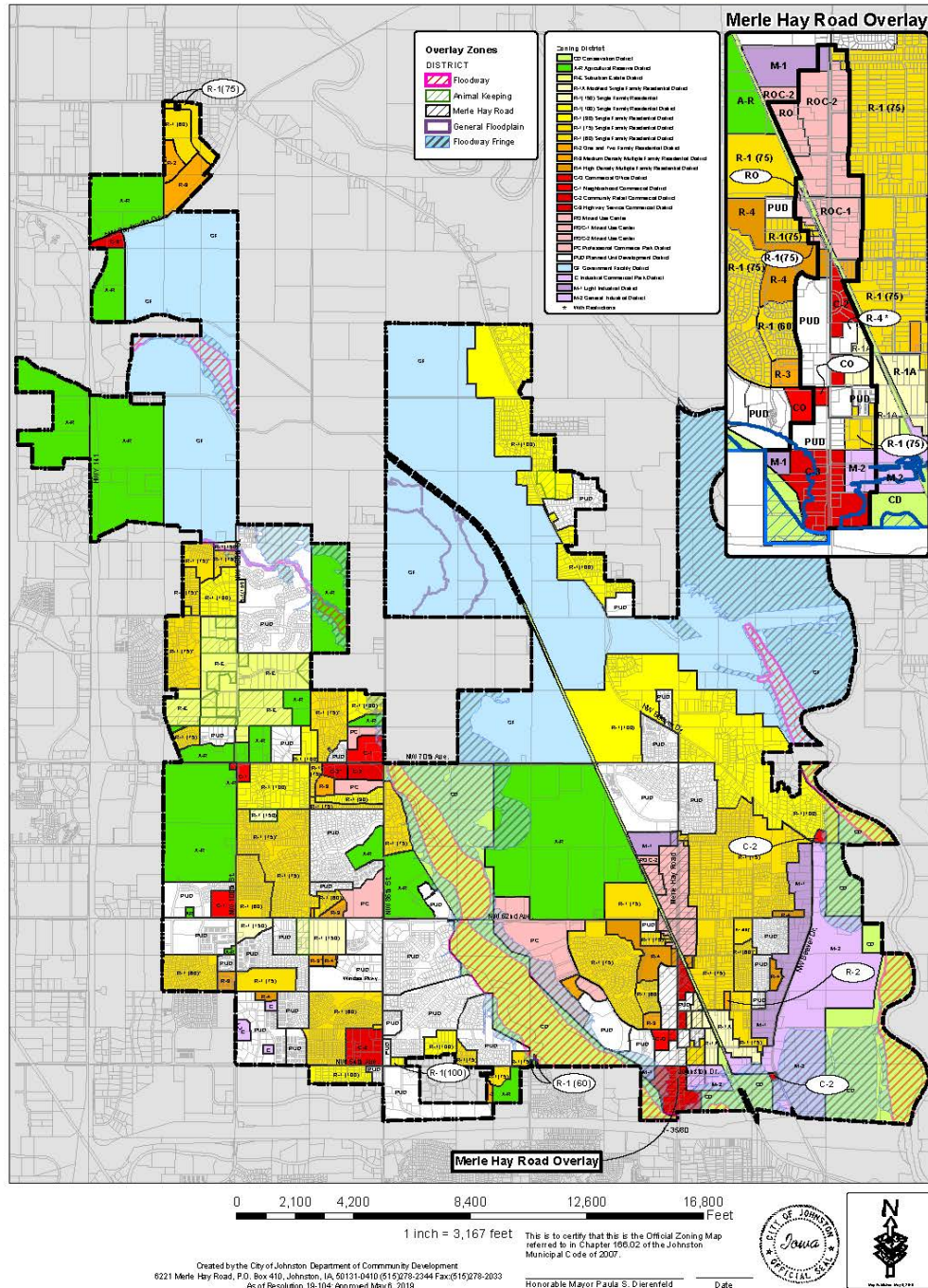
A PARCEL OF LAND IN THE S1/2 NE1/4 AND THE SE1/4 OF SECTION 20, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE AT THE S1/4 CORNER OF SAID SECTION 20; THENCE N00°09'31"E, 835.89 FEET ALONG THE WEST LINE OF SE1/4 OF SAID SECTION 20 TO THE POINT OF BEGINNING; THENCE CONTINUING N00°09'31"E, 519.70 FEET ALONG SAID WEST LINE TO THE SE CORNER OF PARCEL 'D', AN OFFICIAL PARCEL RECORDED IN BOOK 8469, PAGE 741 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N88°39'36"E, 1314.95 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'D' TO THE SE CORNER OF SAID PARCEL 'D'; THENCE N00°01'48"W, 1355.84 FEET ALONG THE EAST LINE OF SAID PARCEL 'D' TO THE NE CORNER OF SAID PARCEL 'D'; THENCE N89°58'53"W, 1317.60 FEET ALONG THE NORTH LINE OF SAID PARCEL 'D' TO THE NW CORNER OF SAID PARCEL 'D', SAID NW CORNER ALSO BEING ON THE WEST LINE OF THE NE1/4 OF SAID SECTION 20; THENCE N00°04'40"W, 1241.61 FEET ALONG SAID WEST LINE TO THE NW CORNER OF THE SW1/4 NE1/4 OF SAID SECTION 20; THENCE S86°52'57"E, 238.67 FEET TO A POINT IN THE CENTERLINE OF TOWNER DRIVE AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET AND A CHORD BEARING S69°04'33"E, AN ARC LENGTH 179.91 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S48°29'33"E, 255.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET AND A CHORD BEARING S60°42'41"E, AN ARC LENGTH OF 257.41 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S73°02'58"E, 393.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 930.00 FEET AND A CHORD BEARING S64°22'25"E, AN ARC LENGTH OF 279.63 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S55°49'15"E, 83.81 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1300.00 FEET AND A CHORD BEARING S63°04'24"E, AN ARC LENGTH OF 328.74 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S71°05'28"E, 274.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 763.90 FEET AND A CHORD BEARING S62°35'58"E, AN ARC LENGTH OF 289.21 FEET ALONG SAID CENTERLINE TO A POINT ; THENCE S53°08'28"E, 52.94 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 512.65 FEET AND A CHORD BEARING S60°02'09"E, AN ARC LENGTH OF 159.95 FEET ALONG SAID CENTERLINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 141 AS IT IS PRESENTLY ESTABLISHED; THENCE S89°56'25"E, 127.22 FEET TO A POINT ON THE EAST LINE OF SAID S1/2 NE1/4; THENCE S00°03'35"W, 225.18 FEET ALONG SAID EAST LINE TO THE E1/4 CORNER OF SAID SECTION 20; THENCE S00°28'48"E, 2277.31 FEET ALONG THE EAST

LINE OF SAID SE1/4 TO A POINT; THENCE N89°22'01"W, 915.50 FEET TO A POINT; THENCE S08°40'01"W, 380.45 FEET ALONG A LINE THAT COINCIDES WITH THE WEST LINE OF PARCEL 2018-60, AN OFFICIAL PARCEL RECORDED IN BOOK 16895, PAGE 239 AT THE POLK COUNTY RECORDER'S OFFICE, TO THE SW CORNER OF SAID PARCEL 2018-60, SAID SW CORNER ALSO BEING ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 20; THENCE N89°23'31"W, 1095.53 FEET ALONG SAID SOUTH LINE TO THE SW CORNER OF POWELL ESTATES, AN OFFICIAL PLAT RECORDED IN BOOK 6137, PAGE 865 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N00°07'31"W, 836.06 FEET ALONG THE EAST LINE OF SAID POWELL ESTATES TO THE NE CORNER OF SAID POWELL ESTATES; THENCE N89°24'34"W, 570.32 FEET ALONG A LINE THAT COINCIDES WITH THE NORTH LINE OF SAID POWELL ESTATES TO THE POINT OF BEGINNING AND CONTAINING 147.40 ACRES MORE OR LESS

Zoning District Map

Official Zoning District Map



EXHBIT "D"

ZONING DISTRICT CLASSIFICATION LEGAL DESCRIPTIONS

The following legally described property is hereby established at the time of annexation with an A-R, Agriculture Reserve Zoning District:

A PARCEL OF LAND IN THE S1/2 NE1/4 AND THE SE1/4 OF SECTION 20, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE AT THE S1/4 CORNER OF SAID SECTION 20; THENCE N00°09'31"E, 835.89 FEET ALONG THE WEST LINE OF SE1/4 OF SAID SECTION 20 TO THE POINT OF BEGINNING; THENCE CONTINUING N00°09'31"E, 519.70 FEET ALONG SAID WEST LINE TO THE SE CORNER OF PARCEL 'D', AN OFFICIAL PARCEL RECORDED IN BOOK 8469, PAGE 741 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N88°39'36"E, 1314.95 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'D' TO THE SE CORNER OF SAID PARCEL 'D'; THENCE N00°01'48"W, 1355.84 FEET ALONG THE EAST LINE OF SAID PARCEL 'D' TO THE NE CORNER OF SAID PARCEL 'D'; THENCE N89°58'53"W, 1317.60 FEET ALONG THE NORTH LINE OF SAID PARCEL 'D' TO THE NW CORNER OF SAID PARCEL 'D', SAID NW CORNER ALSO BEING ON THE WEST LINE OF THE NE1/4 OF SAID SECTION 20; THENCE N00°04'40"W, 1241.61 FEET ALONG SAID WEST LINE TO THE NW CORNER OF THE SW1/4 NE1/4 OF SAID SECTION 20; THENCE S86°52'57"E, 238.67 FEET TO A POINT IN THE CENTERLINE OF TOWNER DRIVE AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET AND A CHORD BEARING S69°04'33"E, AN ARC LENGTH 179.91 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S48°29'33"E, 255.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET AND A CHORD BEARING S60°42'41"E, AN ARC LENGTH OF 257.41 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S73°02'58"E, 393.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 930.00 FEET AND A CHORD BEARING S64°22'25"E, AN ARC LENGTH OF 279.63 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S55°49'15"E, 83.81 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1300.00 FEET AND A CHORD BEARING S63°04'24"E, AN ARC LENGTH OF 328.74 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S71°05'28"E, 274.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 763.90 FEET AND A CHORD BEARING S62°35'58"E, AN ARC LENGTH OF 289.21 FEET ALONG SAID CENTERLINE TO A POINT ; THENCE S53°08'28"E, 52.94 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 512.65 FEET AND A CHORD BEARING S60°02'09"E, AN ARC LENGTH OF 159.95 FEET ALONG SAID CENTERLINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 141 AS IT IS PRESENTLY ESTABLISHED;

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PROPERTY OWNERS

Reichenbach Farms Inc.

Reichenbach Farms Inc.
11622 NW Towner Drive
Grimes, IA, 50111-8754

Polk County

Polk County Secondary Roads
5885 NW 14th Street
Des Moines, IA, 50313-1202

A list of the parcels included in this annexation along with their individual ownership is attached to this staff report. Also attached to this staff report is the complete legal description for the annexation territory

SUMMARY OF
ANNEXATION
AREA:

The annexation territory totals 147.40 acres and includes the following:

Consenting

Reichenbach Farms Inc. 140.91 Acres / 95.6%

Right-of-Way

Polk County Secondary Roads 6.49 Acres / 4.40%

Total Area 147.40 Acres / 100%

BACKGROUND &
HISTORY:

The subject property is currently used as an agricultural farm field and has been under the ownership of Reichenbach Farms Inc. since June of 1974.

The City of Johnston had an annexation moratorium agreement in place from 1995 to 2005 regarding annexation of specific property. This agreement had stipulated that Grimes was to not annex properties east of Highway 141 north of NW 78th Avenue and Johnston was not to annex properties west of Highway 141 north of NW 78th Avenue. This agreement has since expired and is no longer legally binding. However, both cities had continued to respect the spirit of this agreement even with no formal agreement in place since 2005. Annexation of the subject property would be a divergence from the spirit of the expired agreement. As such, staff has had discussions with City of Grimes staff regarding this annexation proposal so that they are made aware of this annexation. These conversations were in addition to the notification requirement that State of Iowa code mandates the city provide to all cities within two miles of an annexation territory. The subject property is not identified on the City of Grimes comprehensive plan nor is it easily serviced by the City of Grimes due to existing unincorporated development separating the annexation territory from the City of Grimes and natural topography.

COMPREHENSIVE
PLAN:

The Johnston 2030 Comprehensive Plan is a complete update of the City's Comprehensive Plan since the 1998 Comprehensive Plan. This plan, which was adopted December 2010, does not include this property within the planning boundaries. As such, no future land use designations currently exist for the property. The property is intended to be included within the planning boundaries of the upcoming update to the Johnston Comprehensive Plan. No zoning designations, other than the default annexation zoning district of A-R Agriculture Reserve Zoning District, may be approved until such time that future land use designations are identified for the property.

NEIGHBORING
JURISDICTION'S
COMPREHENSIVE
PLANS:

The City of Grimes adopted their comprehensive plan in September 2010. Their plan does not include this annexation territory for future growth. The City of Grimes is separated from this annexation territory by unincorporated large lot residential development. The annexation territory is within the two-mile urbanized area of Grimes and is not subject to any annexation moratorium between the two cities.

The City of Granger adopted their comprehensive plan in January 2013. Their future land use map identifies approximately the northern third of the annexation territory as Greenway / Preserve / Open Space. The southern two thirds of the annexation territory is not included on Granger's future land use map. The annexation territory is within the two-mile urbanized area of Granger and is not subject to any annexation moratorium between the two cities.

Polk County's Future Land Use Map identifies the subject property to develop as a mixture of estate residential and agriculture land uses. Should the City of Johnston annex property in the area the City's future land use map would become the effective land use map for the property, but the Polk County Future Land Use Map is effective in determining what abutting properties in unincorporated Polk County may develop as subject to the City of Johnston's two mile extraterritorial review authority.

MUNICIPAL
SERVICES:

Johnston Police Department:

The annexation area is currently serviced by the Polk County Sheriff's Office for police calls. In the short term the City of Johnston should consider amending an existing 28E agreement with the Polk County Sheriff's office to have the Sheriff continue providing police services to the annexation territory. In the future, this area will become a part of a third patrol area for the Johnston Police Department.

Johnston-Grimes Metropolitan Fire Department:

This area is within the current response area of the Johnston-Grimes Metropolitan Fire Department. The department currently operates from three

stations, two within the City of Johnston and one within the City of Grimes. Any fire calls within this annexation area could result in units responding from any or all of the three stations. Depending on the pace of development and the location of any near future fire stations, a satellite fire station may be necessary in the NW Saylorville Drive area.

Johnston Public Works:

With the annexation, the City will take over ownership and maintenance of all of the public streets to the centerline adjacent to annexed properties. Any future improvements to streets would be programmed into a future Capital Improvements Program (CIP). In the short term the City of Johnston should consider amending an existing 28E agreement with Polk County for roadway maintenance within the annexation territory. In the future, maintenance of the area, including snow removal would be absorbed into the existing maintenance budgets.

Johnston Parks & Recreation:

The Johnston 2030 Comprehensive Plan identifies the area in the vicinity of the annexation territory within the Northwest District for the Parks Department. Parkland is typically acquired as residential development occurs. The Comprehensive Plan projects a need for 33 acres of neighborhood parkland in the Northwest District. There is not expected to be any immediate impacts to the Johnston Parks & Recreation Department until parkland is acquired in the annexation territory, assuming the property develops residentially.

Johnston Public Library:

The immediate impact to library services is expected to be minimal. Demand for library services is likely to grow should the City add new residents with future development within the annexation territory.

Johnston Community Development:

There is not expected to be any immediate impact to the Community Development Department as a result of the annexation. Services provided by the Community Development Department are anticipated to continue being provided as normal.

Johnston Administration & Finance:

There is not expected to be any immediate impact to the Administration Department or the Finance Department as a result of the annexation. Services provided by the Administration Department and the Finance

Department are anticipated to continue being provided as normal.

PUBLIC UTILITIES:

Municipal Water:

The City of Johnston is in pending litigation with Xenia Rural Water District regarding water service for the general area which includes the subject property. Xenia Rural Water District claims that they have unrestricted rights to provide water service to the area and that the City of Johnston is restricted from providing water service.

The City of Johnston is prepared to engineer water main infrastructure and construct the necessary utilities should a resolution to the pending litigation be arrived upon. Until such time that a resolution is arrived upon however, the city cannot guarantee whom the water service provider will be for the subject property and/or when water service may be available to the subject property.

Municipal Sanitary Sewer:

The city has begun engineering for the extension of a sanitary sewer main to service the NW Saylorville Drive growth area. The subject property would be within this growth area and be serviced by this sanitary sewer main. The current plan is to extend sanitary sewer to the vicinity of NW Towner Drive along the east side of Highway 141 in 2020 via a route through Camp Dodge. The subject property would be serviced via this main with the use of a sanitary sewer lift station on the west side of Highway 141 and forced main sanitary sewer extending to the gravity main installed to the east side of Highway 141.

The pending litigation with Xenia Rural Water District may delay construction of this sanitary sewer main. The reason for a potential delay is that without a resolution to water service the extension of sanitary sewer may not be immediately utilized as there wouldn't be any flow through the main. The extension of this sanitary sewer main is expected cost several million dollars and the city wants to ensure that the expenditure would be utilized upon completion so as to begin recouping portions of the cost of installation.

Municipal Stormwater Management:

Development of the subject property will include the installation of new storm sewer and stormwater management practices. Any new development would be required to address stormwater quality as well as stormwater quantity.

PRIVATE UTILITIES:

MidAmerican Energy Company:

Staff met with representatives of MidAmerican Energy to discuss growth into this area as part of the NW Saylorville Drive Expansion Annexation review in 2018. The City of Johnston has existing service agreements with MidAmerican Energy. MidAmerican Energy has indicated a desire to service the area for both natural gas and electricity. MidAmerican has the ability to provide gas service for up to 1,000 homes within 18 months. Additional gas extension options could eventually service the entire area at no cost to the City of Johnston. Mid-American Energy also has 3 phase electric lines along NW Beaver Dr and Highway 141. There is initial electrical capacity for more than 1,000 homes and the ability to expand service to the growth over time with the addition of a sub-station.

Black Hills Energy:

Staff met with representatives of Black Hills Energy as part of the NW Saylorville Drive Expansion Annexation review in 2018 to learn if there is gas capacity to service new development in the area. Staff has been informed that there are multiple natural gas mains available in the general vicinity of the larger growth area for new development to tie into at no cost to the City.

Internet Service:

Currently most of the growth area is served by Century Link Digital Subscriber Line (DSL). Additional internet service provider (ISP) options may become available as development occurs, but it's important to note that service options are likely to not be in the City of Johnston's control.

**TRAFFIC ACCESS &
CIRCULATION:**

The subject property is bounded by NW 121st Street to the west, NW Towner Drive to the north, and Highway 141 to the east. Access to Highway 141 would be permitted by the Iowa Department of transportation pending the results of a traffic impact study. Any internal street network would be determined at the time of preliminary plat approval.

Polk County is currently working with the Iowa DOT on a traffic study of the Highway 141 corridor between NW Towner Drive and NW 121st Street. The most current plans indicate NW Towner Drive west of Highway 141 to be closed and removed. Attached to this staff report is the most current traffic concepts presented by the Iowa DOT for Highway 141 access.

FLOODPLAIN:

The subject property is not located within a FEMA designated flood zone.

FISCAL IMPACT:

Public Utilities

To service the area will require an investment for the City in sanitary sewer and water. The total investment is projected to be around \$9,200,000. This would bring sanitary sewer and water from approximately the east center of the Crosshaven development along NW 100th Street to an end point along NW Towner Drive. Funding for these improvements would occur through a combination of connection district fees, rate increases, and potentially tax-increment-financing (TIF).

City Staff

There are no immediate additional staff needs forecasted. As new development occurs though and should the City continue to expand into the NW Saylorville Drive Growth Area the following employees are anticipated to service the area:

- 6 full-time police officers
- 12 fire fighters
- 2 parks maintenance workers
- 5 public works maintenance workers

The estimated total annual employee wage compensation plus benefits would be approximately \$1,890,564 based upon current rates. The actual number of new employees hired will be dependent on the level of new development in the area.

Property Taxes:

Once annexed into the City of Johnston properties would be taxed under the City tax rate vs. the county tax rate. The city's tax rate would become effective upon completion of the annexation in front of the City Development Board.

**PROPOSED ZONING
DISTRICT & BULK
REGULATIONS:**

At the time of annexation, the City has the option to establish a zoning district by resolution. For those areas where no district is determined an Agricultural Reserve District (A-R) is assigned. The following is the proposed zoning district for the annexation area.

**AGRICULTURE
RESERVE DISTRICT
(A-R):**

The A-R District is intended to provide for the protection and preservation of agriculture land within the incorporated area of the City. As an urban area, intensive agricultural activity is not considered appropriate. These uses would adversely affect adjacent development. This district recognizes two distinct purposes for the A-R District.

1. The district would protect agricultural areas that provide stable and

productive use until converted to urban land uses.

2. The district would protect agricultural areas that have been identified in the Comprehensive Plan for long-term agricultural research and testing due to the unique soil characteristics present in the City.

The full text of Chapter 167, Zoning District Regulations: Residential, Agricultural, and Conservation Districts, is attached to this staff report.

NOTIFICATIONS:

Iowa Code requires a number of notices be mailed out at varying times throughout this process. In addition to the required notices, staff has notified potential stakeholders in the annexation so they may be part of the process. Attached is the mailing list of all parties notified by mail of the Planning and Zoning Commission Public Hearing.

PLANNING AND ZONING COMMISSION PUBLIC HEARING SUMMARY:

The Planning and Zoning Commission held a public hearing on this request at their March 25th, 2019 meeting. There was a lengthy discussion regarding the pros and cons of annexing the subject property and how the property might develop in the future. Several commission members had indicated that they thought annexation of the subject property was beneficial in that development of the property could help to offset the cost of utility extension to the larger growth area. However, there was also concern from some members of the commission that added expense of extending utilities from the city's anticipated mains could result in a need for higher intensity development that may not best be suited for the area. Several members on the commission indicated that they would like to see the property develop with a transition of land uses generally consisting of more rural character development along the periphery of the subject property and permitting more urban higher intensity land uses in the center of the subject property and adjoining Highway 141.

The commission voted to recommend approval of the Reichenbach Farms Inc. Voluntary Annexation with the establishment of zoning for the property at the time of annexation. The vote was 5 in favor (Petersma, Spencer, Pavlovec, Johnson, Anderson) and 1 opposed (Smith). The full meeting minutes of the March 25th, 2019 P&Z meeting area attached to this staff report.

CITY OF JOHNSTON
VOLUNTARY ANNEXATION

www.cityofjohnston.com



Community Development · 6221 Merle Hay Road · Johnston, IA 50131 · 515-727-7778

We the undersigned, acting under Section 368.7, Voluntary Annexation of Territory, Code of Iowa, and being the owners of all the property legally described below, hereby request voluntary annexation of said legally described property, to become a part of the City of Johnston, Polk County, Iowa:

See attached Exhibit A

Reichenbach Farms Incorporated:

[Signature]
Authorized Representative's Signature & Title

Fred A. Reichenbach Pres.
Print Authorized Representative's Name & Title

Date: 10/8/18

STATE OF IOWA ()
COUNTY OF Polk () SS

On this 8th day of October, 20 18, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Frederick Reichenbach (Print Name), to me personally known, who being by me duly sworn, did say that he/she is the President (Title) of the Reichenbach Farms Incorporated executing the foregoing instrument; that no seal has been procured by the Corporation; that the instrument was signed on behalf of the Corporation; and Emily Freeland (Print Name) acknowledged the execution of the instrument to be the voluntary act and deed of the Corporation, by it voluntarily executed.



Emily Freeland
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

Exhibit "A"

The South 1/2 of the Southeast 1/4 Section 20 Township 80 Range 25 West of the 5th P.M. and the South 2.50 Acres of the North 1/2 of the Southeast 1/4 Section 20 Township 80 Range 25 West of the 5th P.M. less 2.97 Acres road and except Parcel 2018-60 as recorded in Book 16895 Page 239 with the Polk County Recorder's Office and except Powell Estates as recorded in Book 6137 Page 865 with the Polk County Recorder's office and except a parcel of land in the SE 1/4 SE 1/4 of Section 20, Township 80 North, Range 25 West of the 5th P.M., Polk County, Iowa that is more particularly described as follows:

BEGINNING AT THE NW CORNER OF PARCEL 2018-60 OF SAID SE1/4 SE1/4 , AN OFFICIAL PARCEL RECORDED IN BOOK 16895, PAGE 239 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N08°40'01"E, 272.39 FEET TO A POINT THAT IS 376.70 FEET NORTH OF THE SOUTH LINE OF THE SAID SE1/4 SE1/4; THENCE S89°23'31"E, 768.51 FEET ALONG A LINE THAT IS 376.70 FEET NORTH OF AND PARALLEL TO SAID SE1/4 SE1/4 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY #141 AS IT IS PRESENTLY ESTABLISHED; THENCE S37°54'58"E, 190.08 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S02°38'27"E, 181.55 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S20°42'40"W, 49.77 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NE CORNER OF TIMBERBROOKE PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 8028, PAGE 6 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N89°23'31"W, 162.07 FEET ALONG THE NORTH LINE OF SAID TIMBERBROOKE PLAT 2 TO THE EAST CORNER OF SAID PARCEL 2018-60; THENCE N27°43'17"W, 35.22 FEET ALONG THE NORTH LINE OF SAID PARCEL 2018-60 TO A POINT; THENCE N89°23'31"W, 58.40 FEET ALONG SAID NORTH LINE TO A POINT; THENCE N56°44'01"W, 140.84 FEET ALONG SAID NORTH LINE TO A POINT; THENCE N89°23'31"W, 562.51 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 6.09 ACRES INCLUDING 0.08 ACRES OF PUBLIC RIGHT-OF-WAY EASEMENT MORE OR LESS.

Parcel #1 on Exhibit B and Parcel #1 on Exhibit C

AND

The Northeast 1/4 of the Southeast 1/4 of Section 20 Township 80 Range 25 West of the 5th P.M. less 1.47 Acres road and except the South 1.25 Acres of the NE 1/4 of the SE 1/4 Section 20 Township 80 Range 25 West of the 5th P.M.

Parcel #2 on Exhibit B and Parcel #2 on Exhibit C

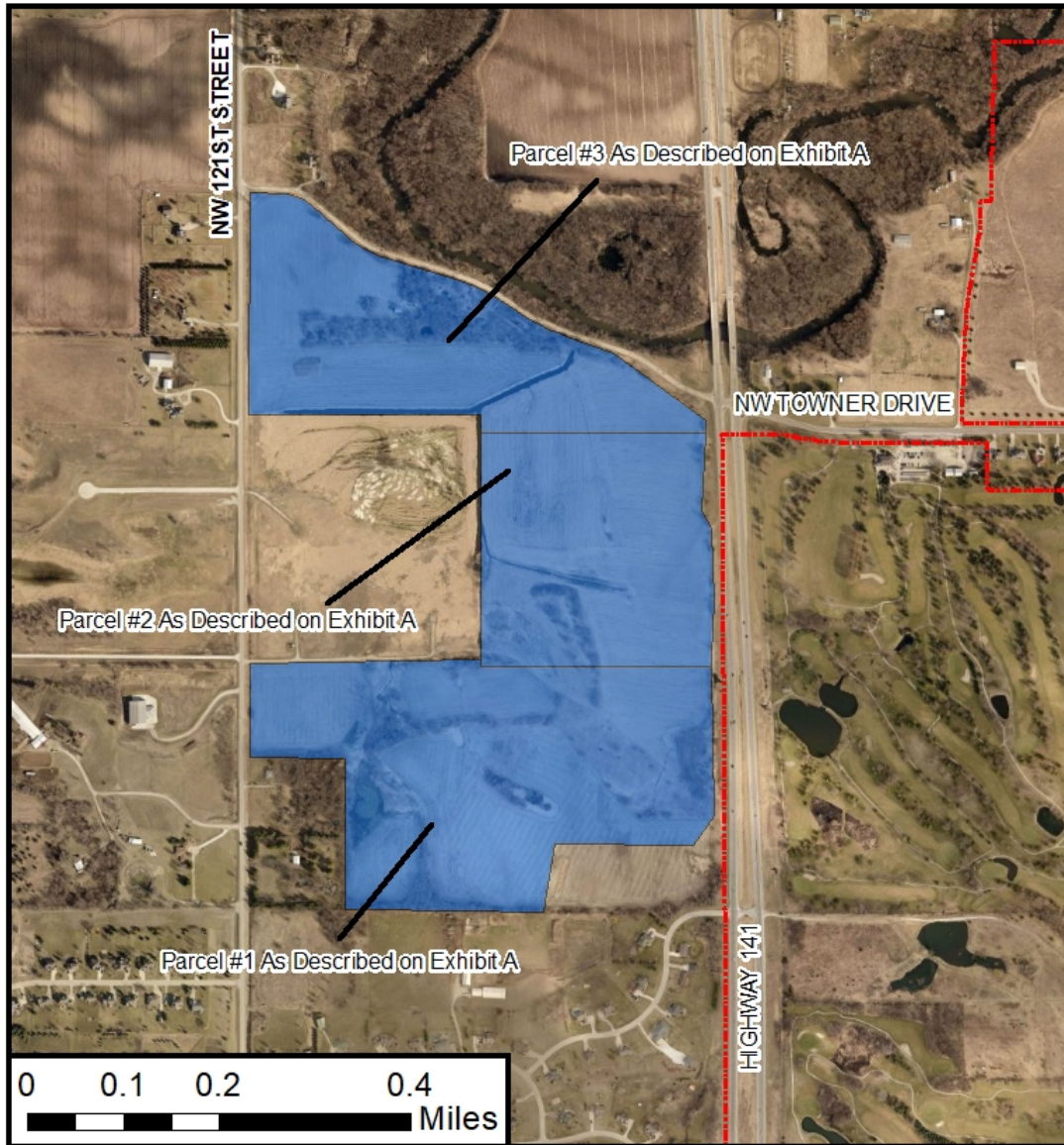
AND

The South 1/2 of the Northeast 1/4 lying south of NW Towner Drive Section 20 Township 80 Range 25 West of the 5th P.M. less road and except that area beginning at the Southwest Corner of Section 20 Township 80 Range 25 West of the 5th P.M., thence North 90 feet thence East 1,317.6 feet, thence South 103.03 feet to the south line of the South 1/2 of the Northeast 1/4 Section 20 Township 80 Range 25 West of the 5th P.M., thence along said south line west to the point of beginning

Parcel #3 on Exhibit B and Parcel #3 on Exhibit C

Exhibit "B"

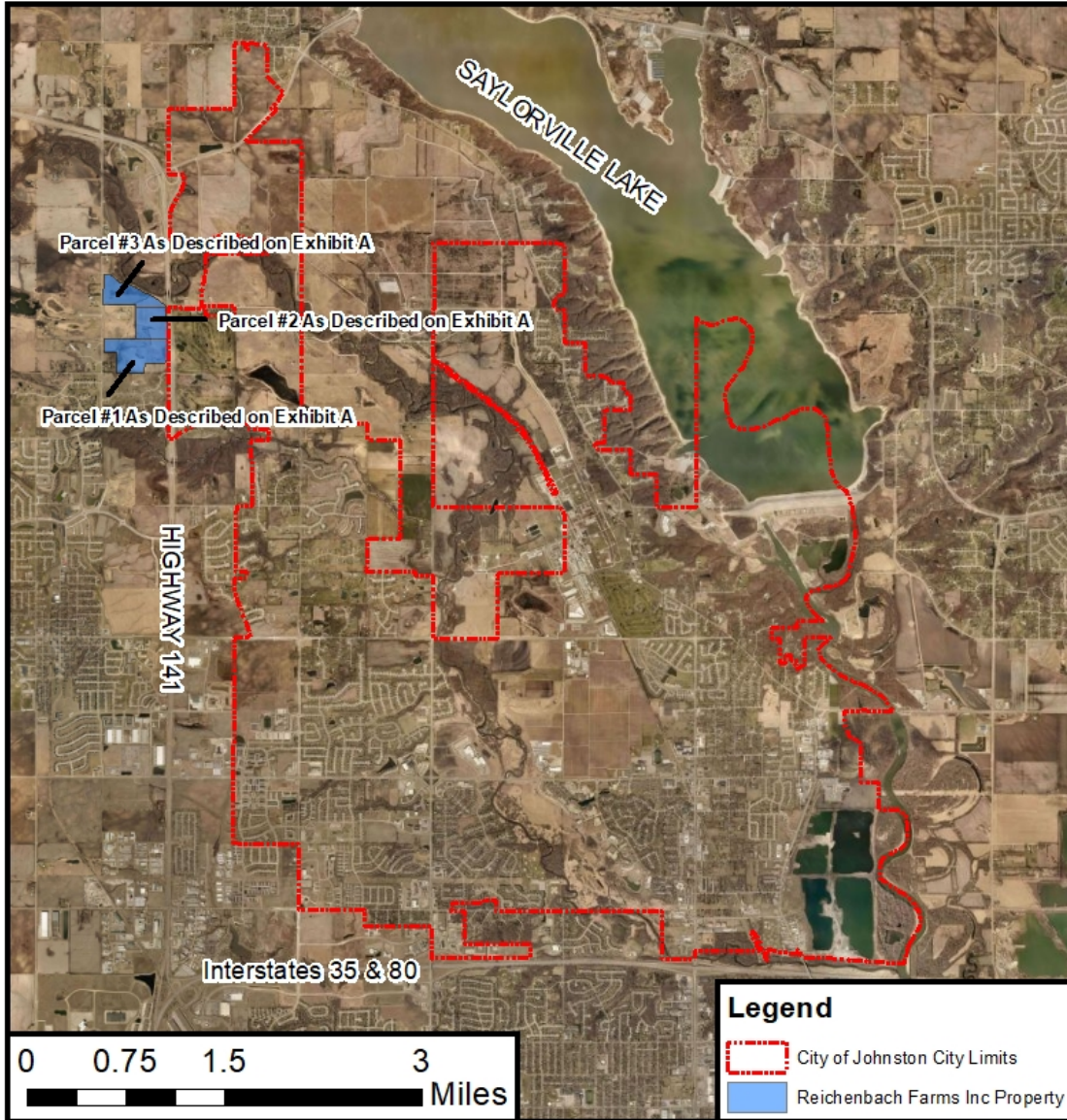
REICHENBACH FARMS INCORPORATED
VOLUNTARY ANNEXATION



Created by City of Johnston Department of Community Development
6221 Merle Hay Road, P.O. Box 410, Johnston, IA, 50131-0410 (515)278-2344 Fax:(515)278-2033

Exhibit "C"

REICHENBACH FARMS INCORPORATED
VOLUNTARY ANNEXATION



Created by City of Johnston Department of Community Development
6221 Merle Hay Road, P.O. Box 410, Johnston, IA, 50131-0410 (515)278-2344 Fax:(515)278-2033

Reichenbach Annexation Parcels

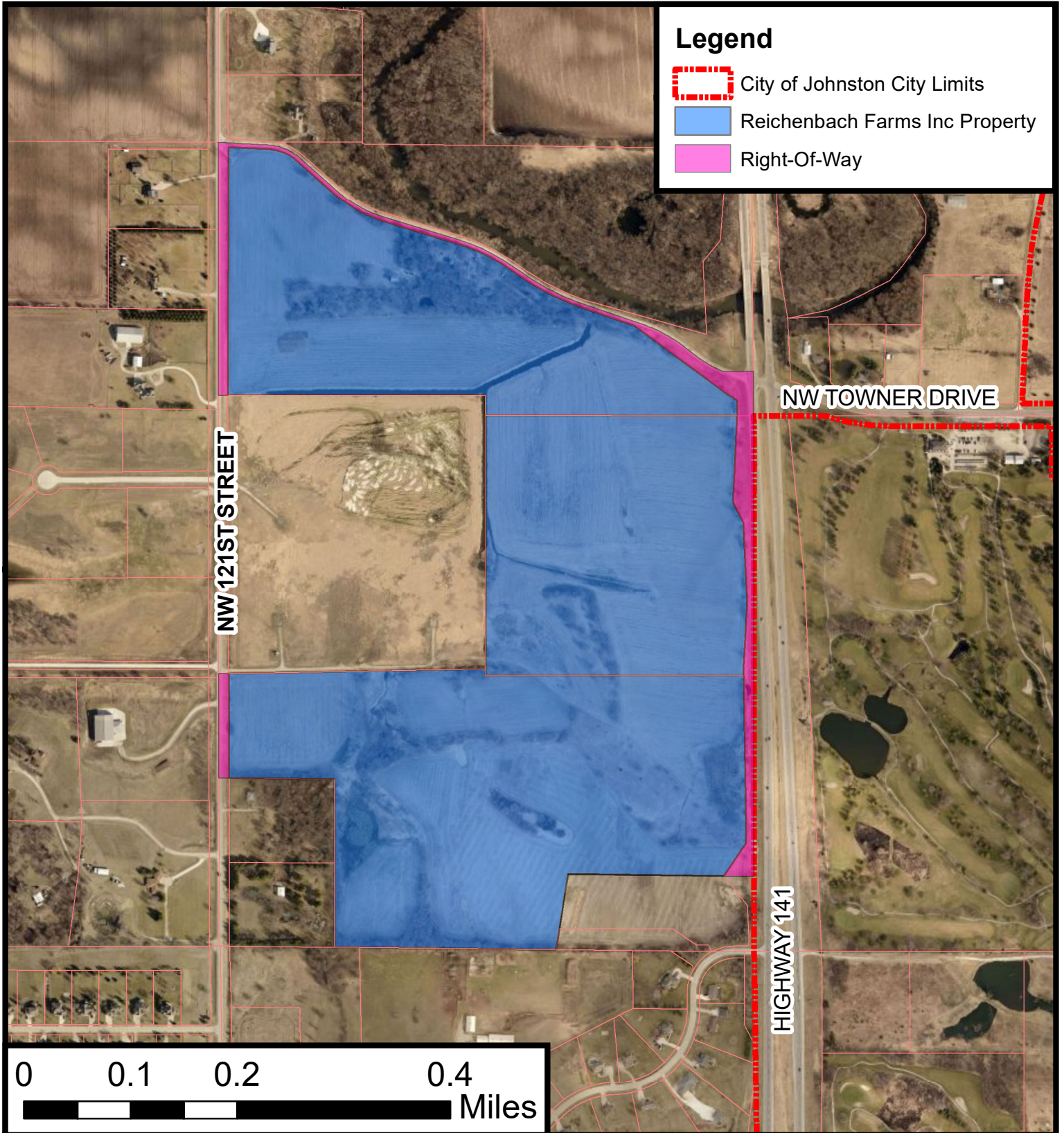
GPN	Property Owner	Property Owner Address	Deed Bk/Pg	Acreage
802520400007	Reichenbach Farms Inc.	11622 NW Towner Drive, Grimes, IA, 50111-8754	4456/513	61.890
802520400002	Reichenbach Farms Inc.	11622 NW Towner Drive, Grimes, IA, 50111-8754	4456/513	37.290
802520200007	Reichenbach Farms Inc.	11622 NW Towner Drive, Grimes, IA, 50111-8754	4456/513	40.781
802520640000	Polk County Secondary Roads	5885 NE 14 th Street, Des Moines, IA, 50313-1202	N/A	N/A
802520640001	Polk County Secondary Roads	5885 NE 14 th Street, Des Moines, IA, 50313-1202	N/A	N/A

ANNEXATION LEGAL:

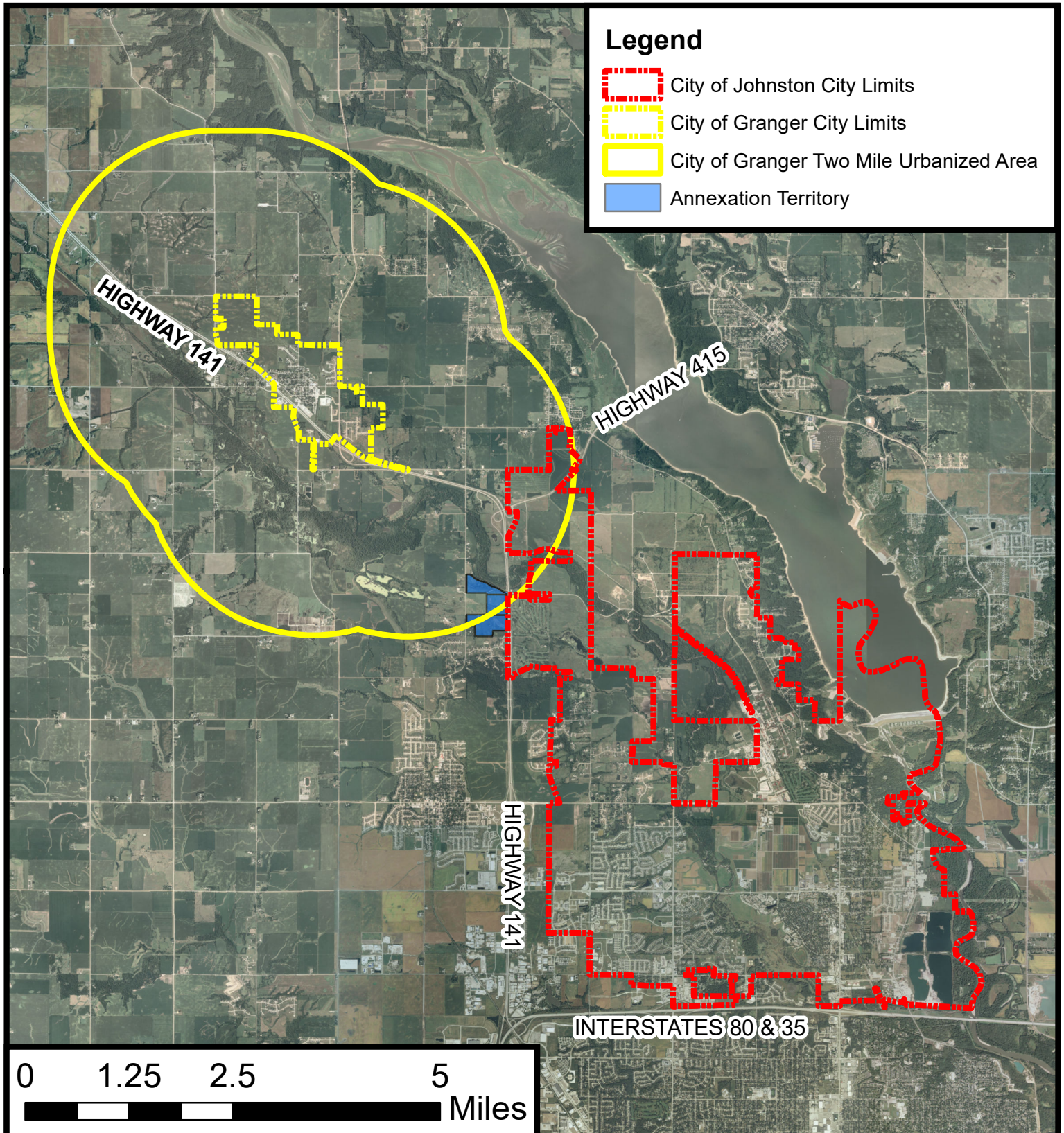
A PARCEL OF LAND IN THE S1/2 NE1/4 AND THE SE1/4 OF SECTION 20, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE AT THE S1/4 CORNER OF SAID SECTION 20; THENCE N00°09'31"E, 835.89 FEET ALONG THE WEST LINE OF SE1/4 OF SAID SECTION 20 TO THE POINT OF BEGINNING; THENCE CONTINUING N00°09'31"E, 519.70 FEET ALONG SAID WEST LINE TO THE SE CORNER OF PARCEL 'D', AN OFFICIAL PARCEL RECORDED IN BOOK 8469, PAGE 741 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N88°39'36"E, 1314.95 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'D' TO THE SE CORNER OF SAID PARCEL 'D'; THENCE N00°01'48"W, 1355.84 FEET ALONG THE EAST LINE OF SAID PARCEL 'D' TO THE NE CORNER OF SAID PARCEL 'D'; THENCE N89°58'53"W, 1317.60 FEET ALONG THE NORTH LINE OF SAID PARCEL 'D' TO THE NW CORNER OF SAID PARCEL 'D', SAID NW CORNER ALSO BEING ON THE WEST LINE OF THE NE1/4 OF SAID SECTION 20; THENCE N00°04'40"W, 1241.61 FEET ALONG SAID WEST LINE TO THE NW CORNER OF THE SW1/4 NE1/4 OF SAID SECTION 20; THENCE S86°52'57"E, 238.67 FEET TO A POINT IN THE CENTERLINE OF TOWNER DRIVE AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET AND A CHORD BEARING S69°04'33"E, AN ARC LENGTH 179.91 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S48°29'33"E, 255.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET AND A CHORD BEARING S60°42'41"E, AN ARC LENGTH OF 257.41 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S73°02'58"E, 393.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 930.00 FEET AND A CHORD BEARING S64°22'25"E, AN ARC LENGTH OF 279.63 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S55°49'15"E, 83.81 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1300.00 FEET AND A CHORD BEARING S63°04'24"E, AN ARC LENGTH OF 328.74 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S71°05'28"E, 274.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 763.90 FEET AND A CHORD BEARING S62°35'58"E, AN ARC LENGTH OF 289.21 FEET ALONG SAID CENTERLINE TO A POINT ; THENCE S53°08'28"E, 52.94 FEET ALONG SAID CENTERLINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 512.65 FEET AND A CHORD BEARING S60°02'09"E, AN ARC LENGTH OF 159.95 FEET ALONG SAID CENTERLINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 141 AS IT IS PRESENTLY ESTABLISHED; THENCE S89°56'25"E, 127.22 FEET TO A POINT ON THE EAST LINE OF SAID S1/2 NE1/4; THENCE S00°03'35"W, 225.18 FEET ALONG SAID EAST LINE TO THE E1/4 CORNER OF SAID SECTION 20; THENCE S00°28'48"E, 2277.31 FEET ALONG THE EAST LINE OF SAID SE1/4 TO A POINT; THENCE N89°22'01"W, 915.50 FEET TO A POINT; THENCE S08°40'01"W, 380.45 FEET ALONG A LINE THAT COINCIDES WITH THE WEST LINE OF PARCEL 2018-60, AN OFFICIAL PARCEL RECORDED IN BOOK 16895, PAGE 239 AT THE POLK COUNTY RECORDER'S OFFICE, TO THE SW CORNER OF SAID PARCEL 2018-60, SAID SW CORNER ALSO BEING ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 20; THENCE N89°23'31"W, 1095.53 FEET ALONG SAID SOUTH LINE TO THE SW CORNER OF POWELL ESTATES, AN OFFICIAL PLAT RECORDED IN BOOK 6137, PAGE 865 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N00°07'31"W, 836.06 FEET ALONG THE EAST LINE OF SAID POWELL ESTATES TO THE NE CORNER OF SAID POWELL ESTATES; THENCE N89°24'34"W, 570.32 FEET ALONG A LINE THAT COINCIDES WITH THE NORTH LINE OF SAID POWELL ESTATES TO THE POINT OF BEGINNING AND CONTAINING 147.40 ACRES MORE OR LESS

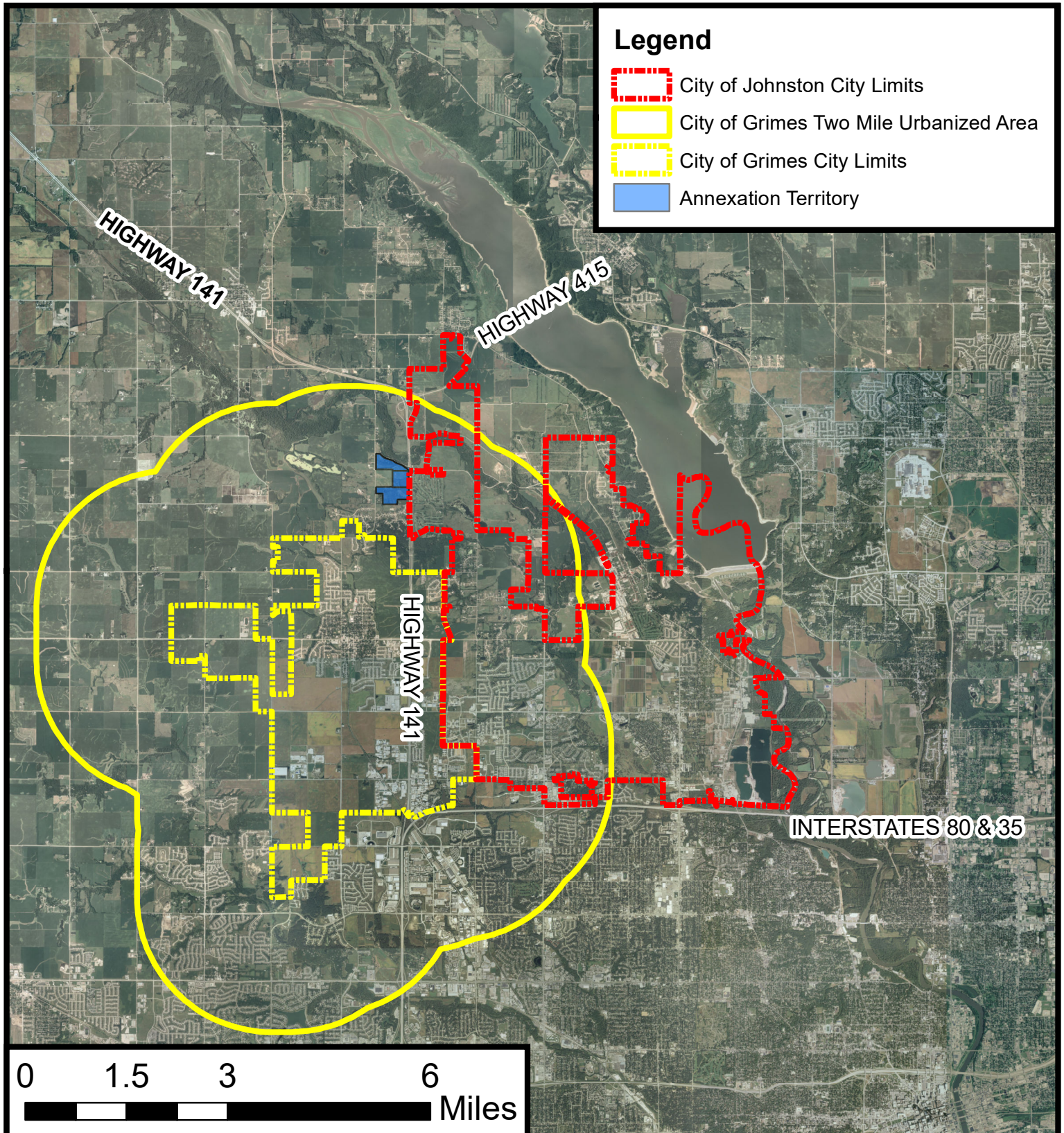
REICHENBACH FARMS INCORPORATED VOLUNTARY ANNEXATION



CITY OF GRANGER TWO MILE URBANIZED AREA



CITY OF GRIMES TWO MILE URBANIZED AREA



PUBLIC INFORMATION MEETING

IA141 CORRIDOR STUDY

WELCOME!

The purpose of this meeting is to update citizens and stakeholders on progress on the corridor study and alternative development and analysis. The previous public meeting held in March 2018 presented the corridor study area, the project goals and conceptual strategies. Public input was gathered regarding operational issues and the concepts presented. This public information meeting allows Polk County and the Iowa Department of Transportation (DOT) an opportunity to explain the studied alternatives including preliminary layouts and discuss pros and cons to the public and interested parties and allows the public to express their opinions and ask questions regarding the project. Feedback from this meeting will be used to inform project development decisions.

PROJECT STUDY AREA



CONCEPT REPORT OVERVIEW

Polk County and Iowa DOT have partnered to review traffic operations, safety history and consideration of future goals for the IA 141 corridor. The study is in response to traffic growth in portions of the corridor segments, crash history and severity at intersections, and land use change.

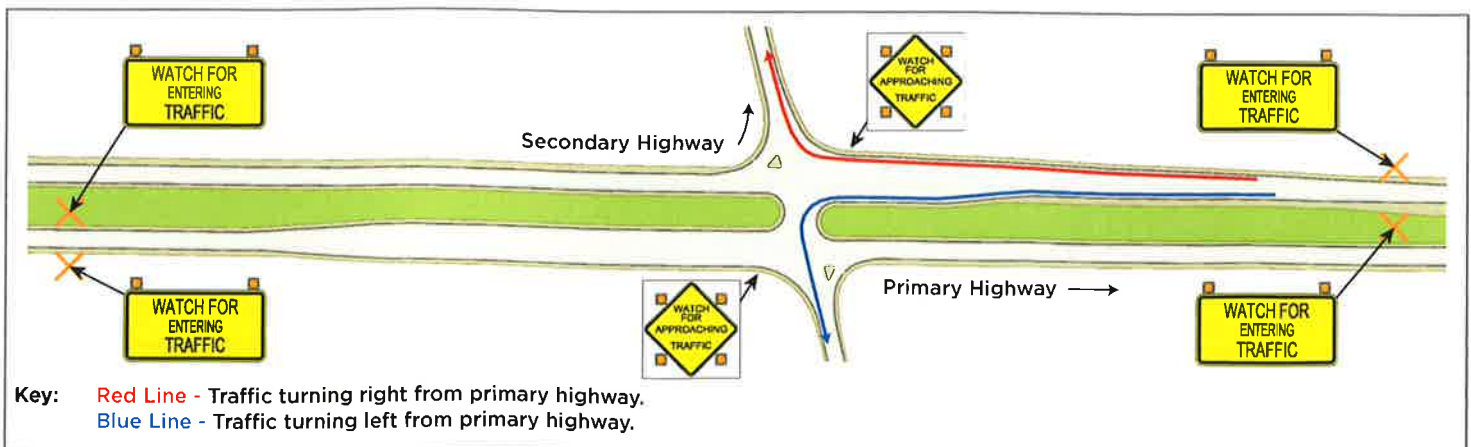
The primary purpose of this project is to address safety concerns related to the elevated crash rate at the Iowa 141 and NW 121st Street Intersection. This intersection is ranked #23 statewide on the Iowa DOT Safety Improvement Candidate Location list. Additionally, this intersection was studied to address operational issues. Four alternatives were developed and analyzed with respect to project goals.

Further, the intersection of Iowa 415 and NW Beaver Drive was studied to improve operational issues and decrease delay at this location. Alternatives include the construction of a roundabout or a traffic signal at this location.

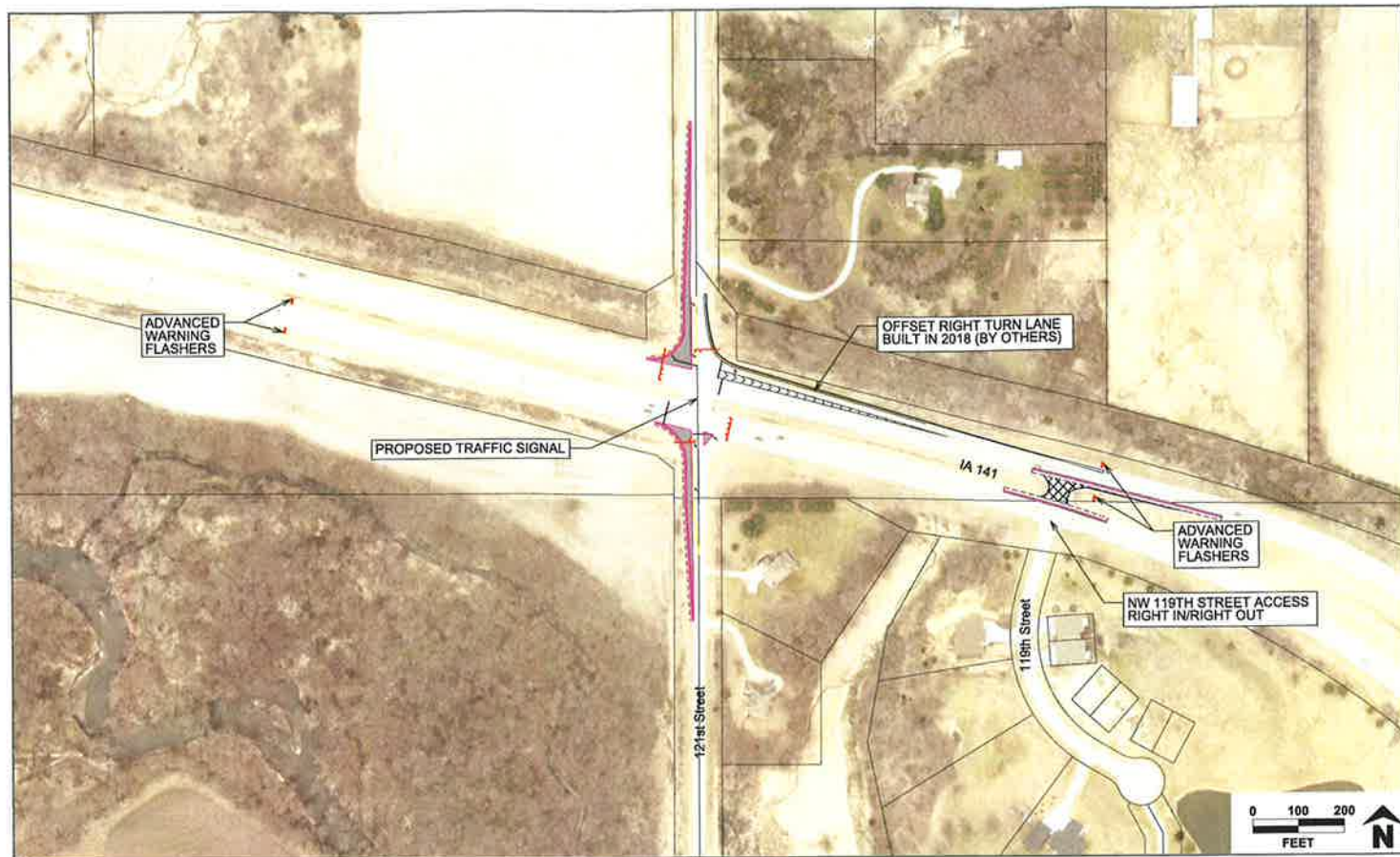
2018 INTERSECTION IMPROVEMENTS

Intersection Collision Warning System (ICWS) and Westbound Offset Turn Lane

*In advance of long term improvements contemplated by this study, the Iowa DOT has completed the construction of the offset right turn lane and is working to complete the installation of the intersection collision warning system at NW 121st and IA 141 in 2018.



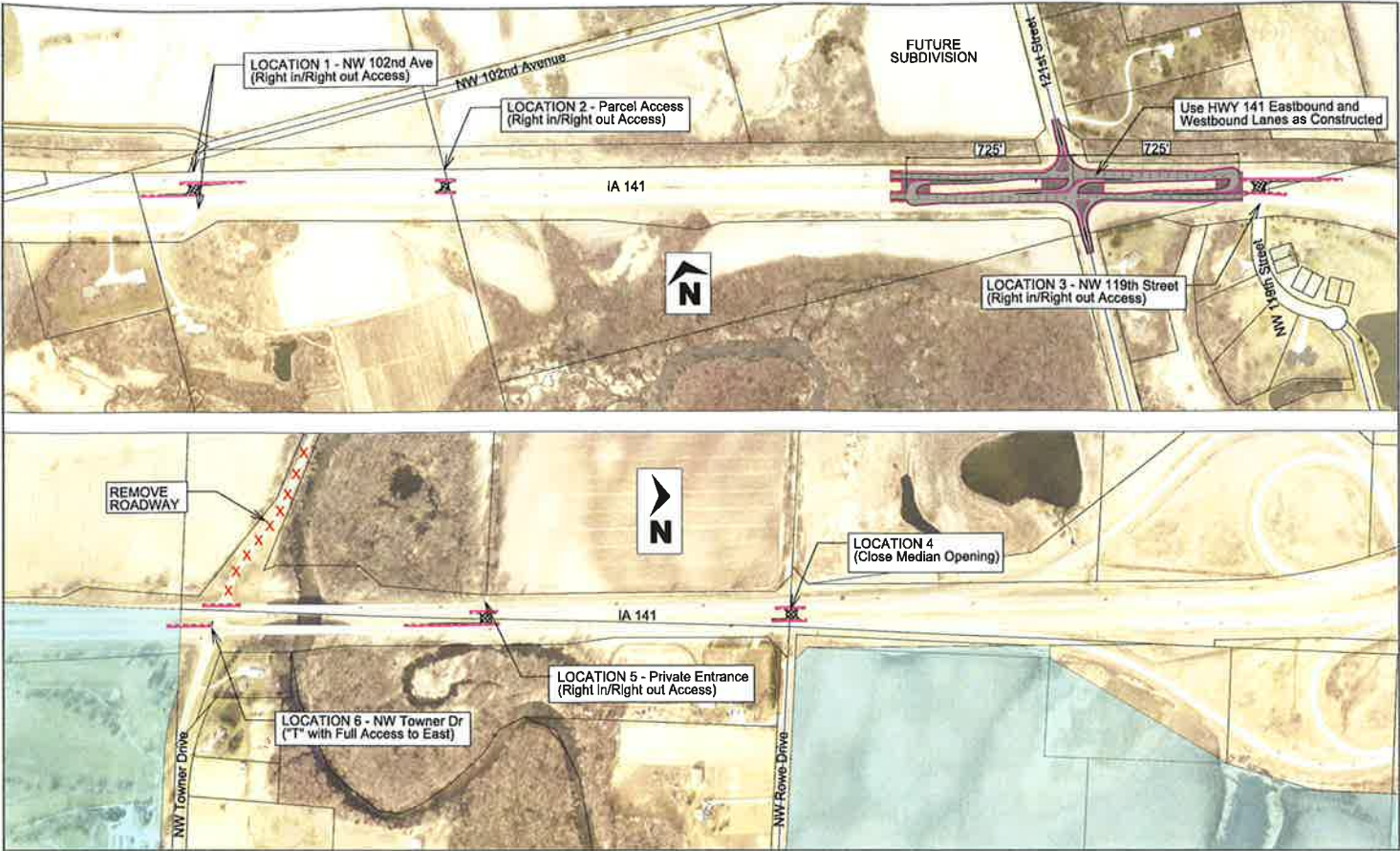
ALTERNATIVE 1 SIGNAL AT NW 121ST STREET AND IA 141



PROS	CONS
Acceptable intersection delays.	Safety concerns for signalized intersection on high speed roadway near an interchange and a horizontal curve. (High speed rear-end collisions)
Provides good local access.	Intersection location does not meet Access Management Manual criteria for spacing from adjacent westbound entrance ramp taper. (1770' existing vs 2640' recommended for major intersections)
Minimal to no right-of-way needs.	Signal and spacing from interchange not consistent with driver expectations. (Lacks corridor continuity)
Less traffic impact during construction.	Intersection spacing from westbound entrance ramp taper to NW 119th Court does not meet Access Management Manual criteria for spacing between minor intersections. (950' existing vs 1320' recommended)
Lowest cost alternative.	Elevated risk of high-speed high-severity crashes.

ESTIMATED COST **\$700,000**

ALTERNATIVE 2 J-TURN AT NW 121ST STREET

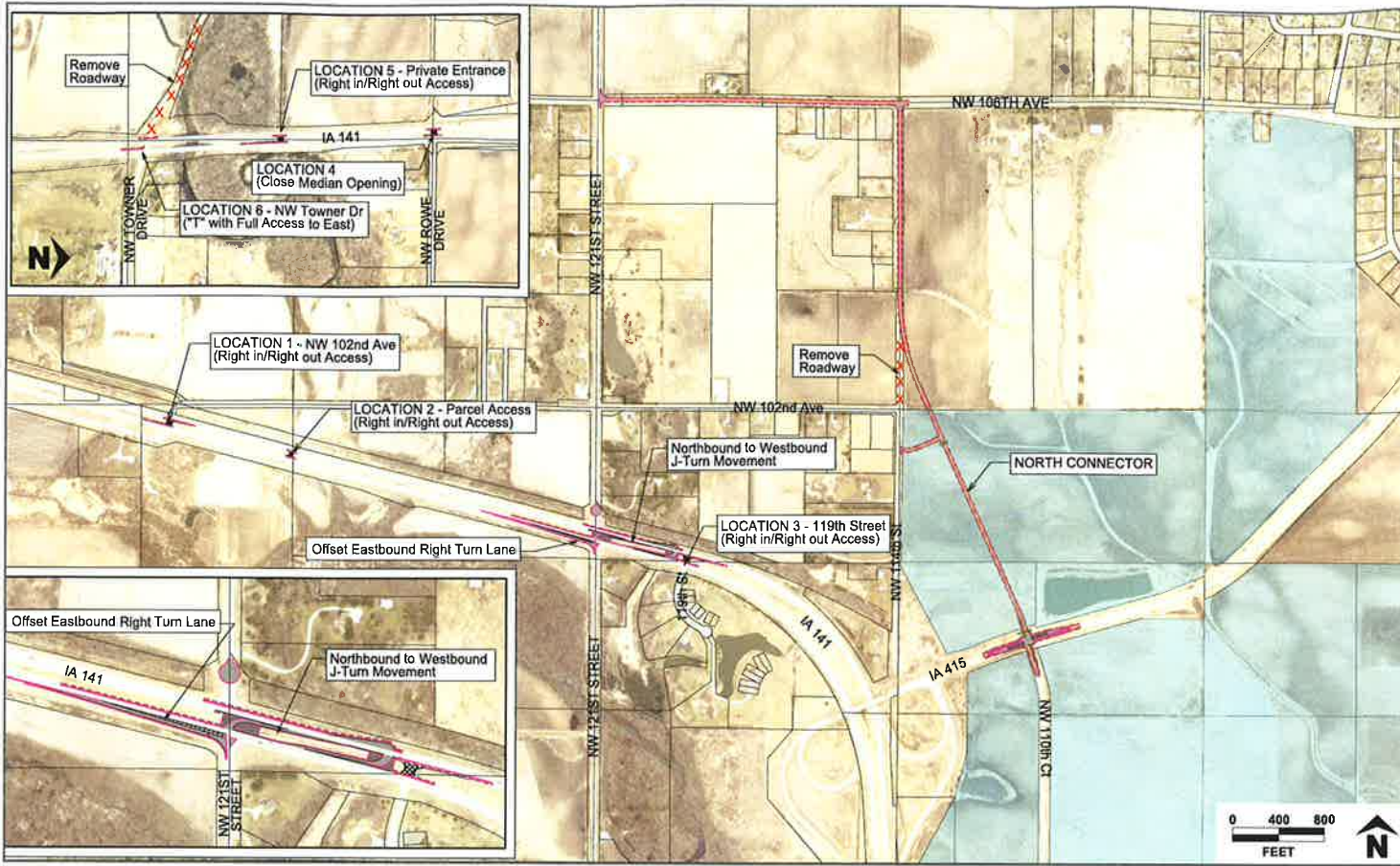


PROS
Improved safety compared to existing conditions or traffic signal.
Provides good local access.
Moderately low cost.

CONS
Intersection spacing from westbound entrance ramp taper to NW 119th Court does not meet Access Management Manual criteria for spacing between minor intersections. (950' existing vs 1320' recommended)
East U-turn movement close to 119 th Court intersection.
Potentially confusing for drivers.
The east U-turn movement close to IA 141 curve and 1045' from westbound entrance ramp taper.

ESTIMATED COST \$2,030,000

ALTERNATIVE 3 NORTH CONNECTOR AND CLOSURE OF NW 121ST STREET NORTH LEG



PROS

Reduced conflicts at NW 121st Street intersection.

Provides good local access to area south of IA 141.

Supports development of future residential areas adjacent to North Connector.

Improved safety with other median closures.

Improved safety with closure of west leg of NW Towner Drive intersection at IA 141.

Maximizes safety for gaining access to/from IA 141 from/to local street network by utilizing the interchange.

Improved safety at IA 141/121st Street intersection
as compared to existing conditions or traffic signal.

CONS

The east U-turn movement close to IA 141 curve and 1045' from westbound entrance ramp taper.

Project will take longer to complete. (est. 5-10 years)

Potential traffic pattern impacts to residential areas along the North Connector Road and NW 106th Ave.”

Potential environmental and right-of-way impacts associated with this alternative.

ESTIMATED COST \$7,750,000

ALTERNATIVE 4 IA 141/415 CORRIDOR FULL BUILD



PROS

Improves safety at the IA 141 intersection with NW 121st Street.

Provides good local access that supports increasing traffic volumes.

Improves intersection spacing within the IA 141 Corridor.

Greatly improves corridor continuity and driver expectations.

Maximizes safety for gaining access to/from IA 141 from/to local street network by fully utilizing the interchange.

Improves access to the 119th Street Corridor.

CONS

High cost.

Project will take longer to complete. (est. 5-10 years)

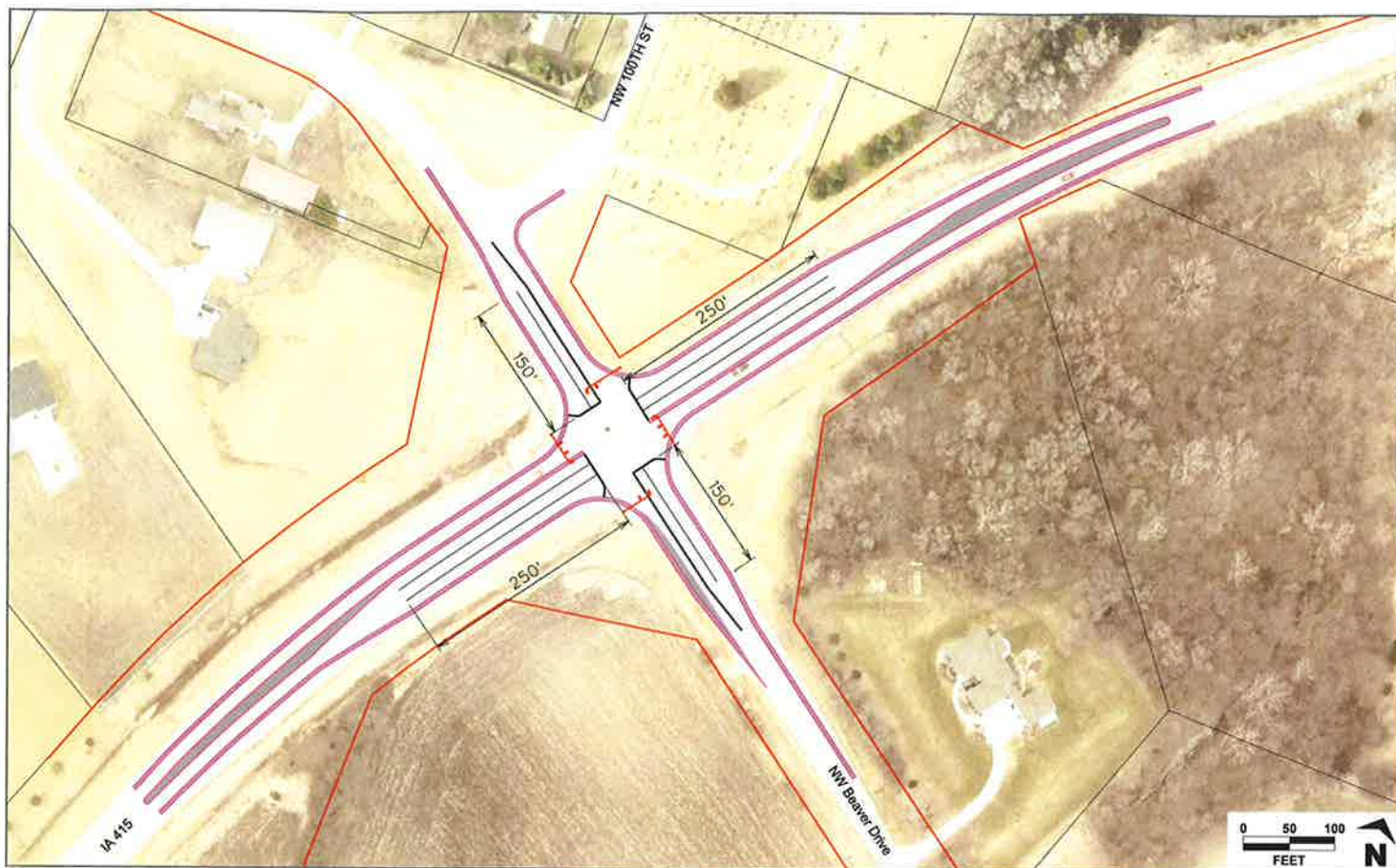
Additional environmental impacts associated with crossing Beaver Creek west of IA 141.

Potential traffic pattern impacts to residential areas along the North Connector Road and NW 106th Ave."

Potential environmental and right-of-way impacts associated with this alternative.

ESTIMATED COST \$14,600,000

ALTERNATIVE A TRAFFIC SIGNAL IA 415 & NW BEAVER INTERSECTION



PROS

Significantly reduces delays compared to existing all-way STOP (currently LOS E/F for EB and WB approaches).

Slightly reduced peak hour delays compared to roundabout.

Minimal to no right-of-way impacts.

Lower cost than roundabout.

CONS

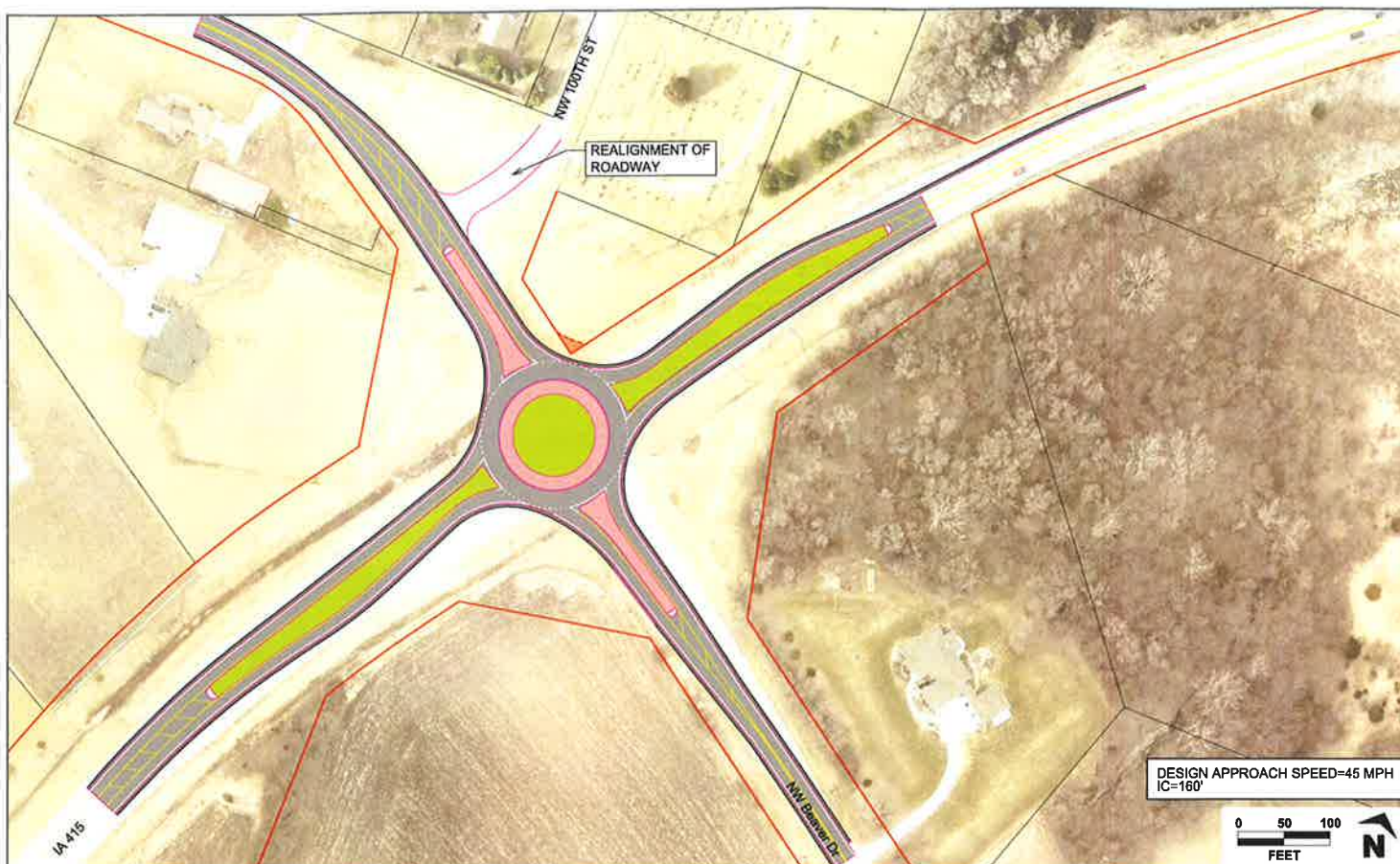
Reduced safety compared to roundabout.

Increased predicted crash rate over four-way stop.

Intersection is not currently ranked high on the Statewide Safety Improvement Candidate List. (Statewide: #25,022 of 170,000 intersections. Polk County: 75 of top 200 intersections on the list are in Polk County)

ESTIMATED CDSI \$920,000

ALTERNATIVE B ROUNDABOUT IA 415 & NW BEAVER DRIVE



PROS

Significantly reduced delays compared to existing all-way STOP (Currently LOS E/F for EB and WB approaches).

Improved safety compared to traffic signal.

Minimal to no right-of-way impacts.

Reduced off-peak hour delays compared to traffic signal.

CONS

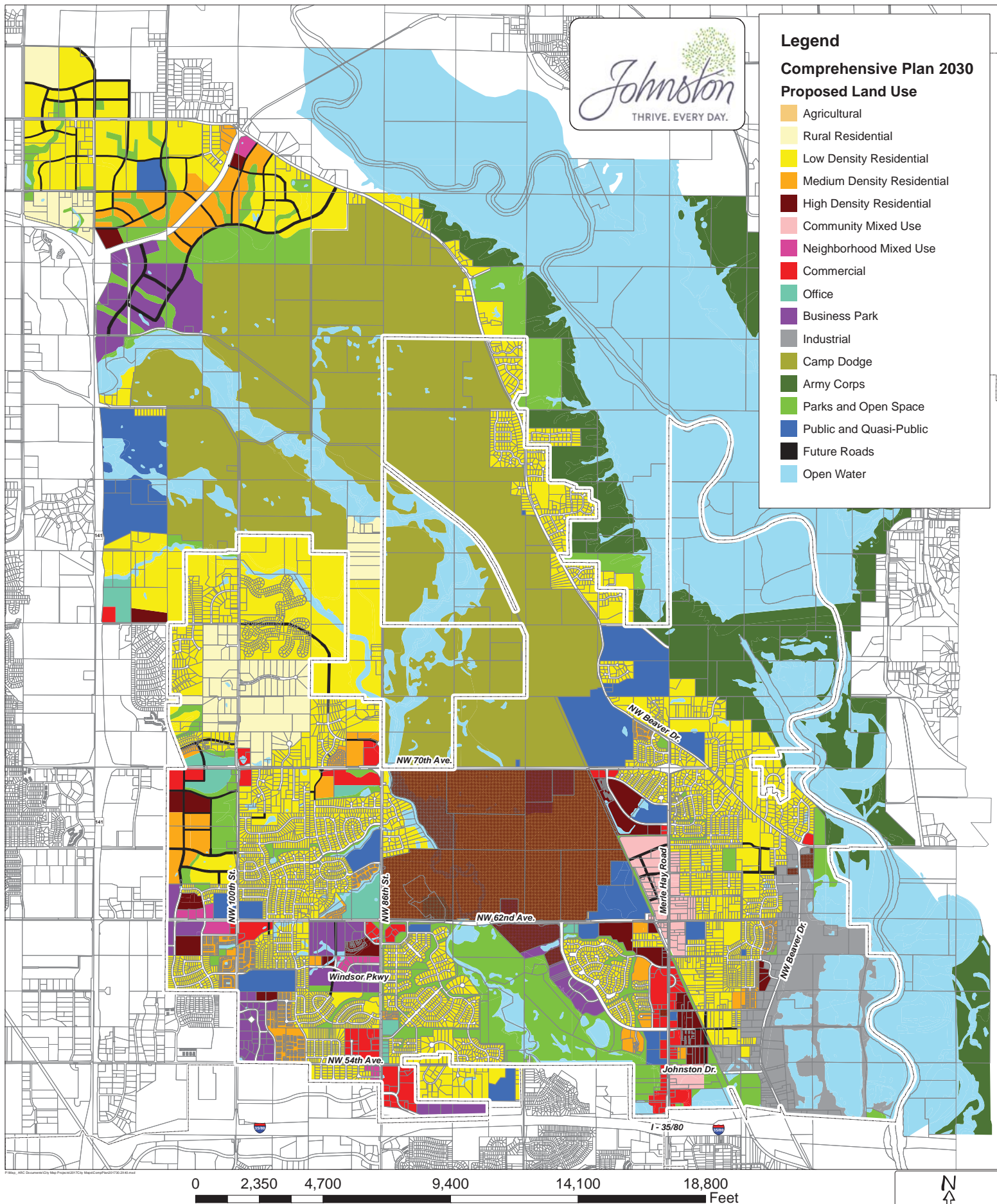
Higher cost than a traffic signal.

Slightly increased peak hour delay compared to traffic signal.

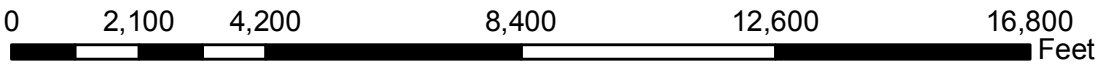
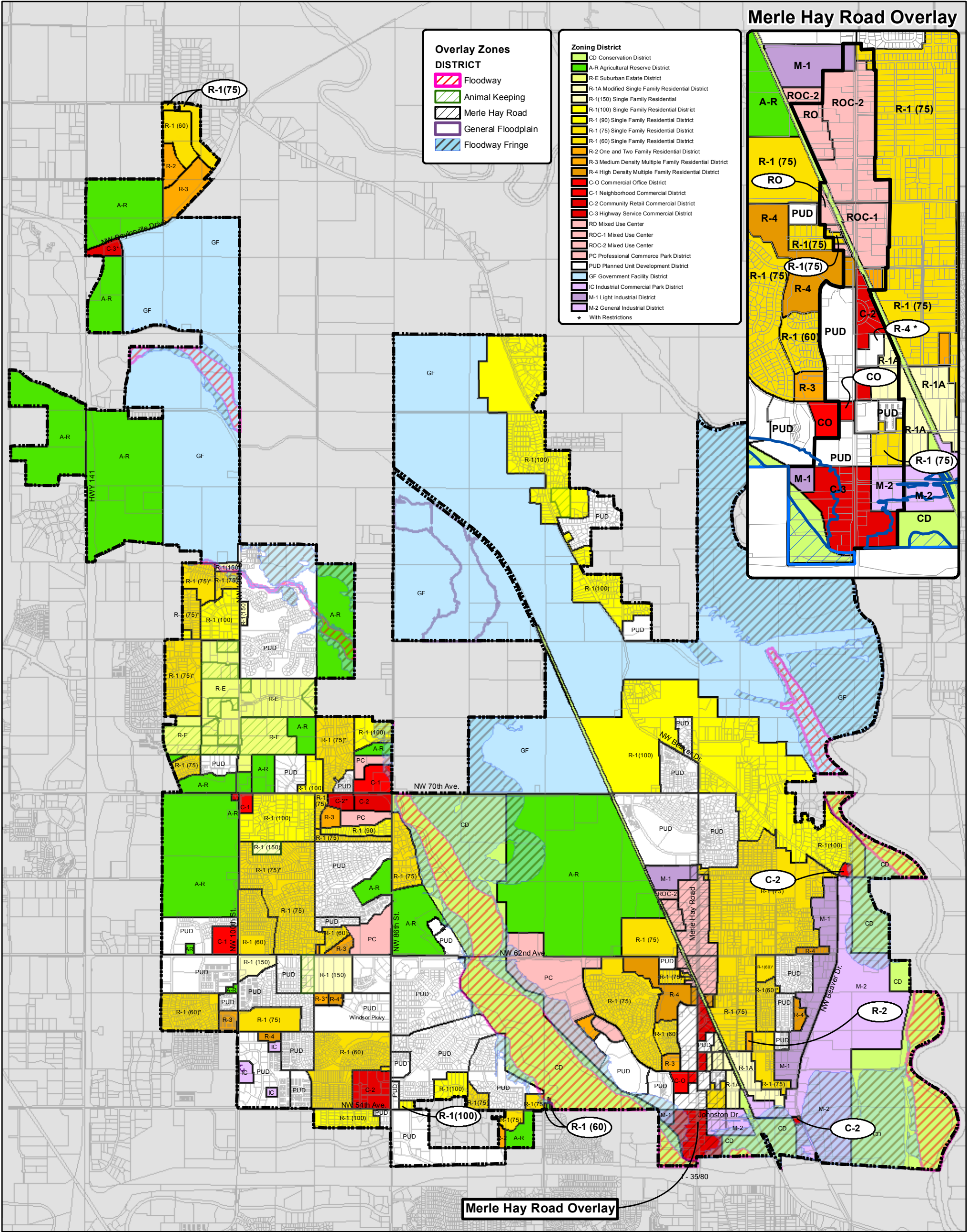
Intersection is not currently ranked high on the Statewide Safety Improvement Candidate List. (Statewide: #25,022 of 170,000 intersections. Polk County: 75 of the top 200 intersections on the list are in Polk County.)

ESTIMATED COST **\$1,950,000**

Johnston 2030 Comprehensive Plan Future Land Use



Official Zoning District Map



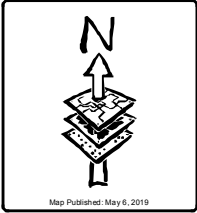
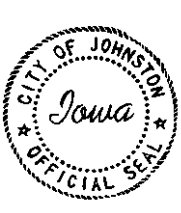
1 inch = 3,167 feet

This is to certify that this is the Official Zoning Map referred to in Chapter 166.02 of the Johnston Municipal Code of 2007.

Honorable Mayor Paula S. Dierenfeld

Date

Created by the City of Johnston Department of Community Development
6221 Merle Hay Road, P.O. Box 410, Johnston, IA, 50131-0410 (515)278-2344 Fax:(515)278-2033
As of Resolution 19-104; Approved May 6, 2019



Map Published: May 6, 2019

ZONING AND SUBDIVISION REGULATIONS

CHAPTER 167 ZONING DISTRICT REGULATIONS: RESIDENTIAL, AGRICULTURAL AND CONSERVATION DISTRICTS

Contents:

167.01 APPLICATION.

167.02 STATEMENT OF INTENT.

167.03 USE REGULATIONS.

167.04 SETBACK, BULK AND DENSITY REGULATIONS.

167.05 BULK REQUIREMENTS FOR MULTIPLE RESIDENTIAL BUILDINGS.

167.01 APPLICATION.

The restrictions, regulations, standards and guidelines in this chapter for land use and development shall apply to the following Zoning Districts within the City:

A-R	Agriculture Reserve District
CD	Conservation District
R-E	Estates District
R-1	Single Family Residential District
R-1A	Modified Single Family Residential District
R-2	One and Two Family Residential District
R-3	Medium Density Multiple Family Residential District
R-4	High Density Multiple Family Residential District
R-5	Mobile Home Park District

See [CHAPTER 168](#) for additional Zoning District Regulations.

167.02 STATEMENT OF INTENT.

The following sections specify the purpose and intent of the zoning districts established to regulate areas of the City considered appropriate for residential, agriculture, and conservation uses.

1. Agriculture Reserve District. The A-R District is intended to provide for the protection and preservation of agricultural land within the incorporated area of the City. As an urban area, intensive agriculture activity is not considered appropriate. These uses would adversely effect adjacent development. This district recognized two distinct purposes for the A-R District.
 - A. The district would protect agricultural areas that provide a stable and productive use until converted to urban land uses.
 - B. The district would protect agriculture areas that have been identified in the Comprehensive Plan for long-term agriculture research and testing due to the unique soil characteristics present in the City.

■ ■ ■ Zoning and Subdivision Regulations ■ ■ ■

Accessory uses would include the usual agricultural buildings and structures, provided all buildings or structures permanently housing livestock or poultry are located more than two hundred (200) feet from all property lines.

2. Residential Estates District. The R-E District is intended to provide for the development of residential uses on large lots that will have limited public services and to permit limited agricultural land uses with these residential uses in those portions of the City where they are appropriate.
3. Residential District. The Residential Zoning Districts are intended and designed to preserve existing single family residential neighborhoods and to promote new single family residential neighborhoods with a desired diversity of single family housing sizes and costs.
4. Conservation District. The CD Zoning District is intended to preserve and protect heavily wooded areas, areas of extreme slopes, rivers, stream banks, and flood plains of the City from adverse future development. It is also intended that development of the flood plains be restricted to minimize the danger to life and property, which results from development undertaken without full realization of such danger. The recommended land uses are open space uses similar to agriculture, farming and parks. Single family dwellings are permitted when accessory to the agriculture use.

Accessory uses to agriculture and farming would include customary farm buildings and a single-family dwelling. Accessory uses to recreational parks would include park playground equipment, shelters, and other similar uses.

167.03 USE REGULATIONS.

The purpose of this section is to indicate which uses of land and structures may locate in each Agriculture, Conservation and Residential District and which uses may not locate therein. The designations used in the table reference applicable procedures that may apply as identified below. In the event a use is not listed, the Zoning Administrator shall make a determination if the use is consistent by type, intensity, physical characteristics, style, size, and purpose with the uses listed in Table 167.03. All uses are subject to any other applicable provision of this zoning ordinance and any other chapter of this Code of Ordinances.

1. "P" – Permitted. The land uses and structures in Table 167.03 designated as Permitted (P) are allowed.
2. "S" – Special Use Permit. The land uses and structures in Table 167.03 designated as Special Use Permit (S) may be permitted subject to approval of a special use permit by the Board of Adjustment in accordance with [CHAPTER 172](#).
3. "A" – Accessory Use. The land uses and structures in Table 167.03 designated as Accessory (A) may exist as part or in accessory to a principal use and subject to the accessory building limitations in Section [166.23](#).
4. "SPR" – Site Plan Review. The land uses and structures in Table 167.03 designated as Site Plan Review (SPR) may be permitted provided that a Site Plan Review approval is obtained as prescribed by [CHAPTER 171](#) by the City Council after review and recommendation by the Planning and Zoning Commission.
5. " – " – Not Permitted. The land use and structures so designated are not allowed in the District.

Table 167.03 Permitted Uses								
"P" – Permitted; "S" – Special Use Permit; "A" – Accessory Use; "SPR" – Site Plan Review; " – " – Not Permitted								
	CD	AR	R-E	R-1	R-2	R-3	R-4	R-5

■ ■ ■ Zoning and Subdivision Regulations ■ ■ ■

Agriculture Uses								
Agriculture production - crops, vegetables, fruit, forestry, aquaculture	P	P	-	-	-	-	-	-
Agricultural research and testing facilities	P	P	-	-	-	-	-	-
Seasonal roadside stands	A	A	-	-	-	-	-	-
Nurseries, greenhouses, and gardens	-	P	P	P	P	SPR	SPR	SPR
Nurseries, greenhouses, and gardens with retail sales of the goods produced on the premises	S	S	S	S	S	SPR	SPR	SPR
Agricultural production - livestock	P	P	-	-	-	-	-	-
Intensive Agriculture-livestock	-	-	-	-	-	-	-	-
Commercial stable	S	S	-	-	-	-	-	-
Stable (see A overlay zone)	-	-	-	-	-	-	-	-
Residential Uses								
Bed and Breakfast Inn	S	S	S	S	S	S	S	S
Roomers and Boarders (1 guest room)	P	P	P	P	P	P	P	P
Rooming or Boarding House (2 or more guest rooms)	-	-	-	-	-	SPR	SPR	SPR
Dwelling, single family detached	P	P	P	P	P	-	-	-
Dwelling, caretaker	S	S	-	-	-	A	A	A
Dwelling, bi-attached	-	-	-	S ⁺	P	P	P	P
Dwelling, multiple family (3 or more units)	-	-	-	-	-	SPR	SPR	SPR
Animals, domestic (see Section 166.36)	A	A	A	A	A	A	A	A
Animals, non-domestic (see Section 166.36)	A	A	A	A	-	-	-	-
Group care facility (9 or more individuals)	-	-	-	S	S	SPR	SPR	SPR
Group home (8 or less individuals)	-	-	-	P	P	P	P	P
Nursing and convalescent home	-	-	S	S	S	SPR	SPR	SPR
Assisted living residential facility	-	-	-	-	-	SPR	SPR	SPR
Home Occupations (see Section 166.28)	A	A	A	A	A	A	A	A
Rescue missions and shelters	-	-	-	-	-	-	-	-
Accessory dwelling unit, servant's quarters	S	S	S	S	S	P	P	P
Accessory retail establishments and refreshment stands	-	-	-	-	-	-	A	A
Mobile home	-	-	-	-	-	-	-	SPR
Recreation uses								
Park, including playground, tennis court, picnic facilities, golf courses, and recreation areas	P	P	P	P	P	P	P	P
Club houses, tennis courts, or playground equipment, or other accessory buildings and structures when associated with parks	A	A	A	A	A	A	A	A
Golf, swimming, and tennis clubs or country clubs	S	S	S	S	S	SPR	SPR	SPR
Sports, exercise, and fitness clubs	-	-	-	-	-	-	SPR	SPR

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Miniature golf course	-	-	-	-	-	-	-	-
Boat houses and marinas	S	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Campground or RV Park	S	S	S	S	S	SPR	SPR	SPR
Other Uses								
Cemeteries	-	S	S	S	S	SPR	SPR	SPR
Cemeteries, including mausoleums and crematoriums	-	S	S	S	S	SPR	SPR	SPR
Communication tower and wireless equipment (See Section 172.03(15))	S	S	S	S	S	S	S	S
Day Care Home	P	P	P	P	P	-	-	-
Day Care Center, Day Nursery or Nursery School	-	-	-	-	SPR	SPR	SPR	SPR
Churches and other places of religious worship	-	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Kennel	P	-	-	-	-	-	-	-
Public and parochial schools (elementary and secondary)	-	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Colleges and universities, both publicly and privately owned	-	-	-	-	-	-	SPR	SPR
Hospitals	-	-	-	-	-	-	SPR	SPR
Museums and libraries	-	-	-	-	-	-	-	-
Buildings and uses owned by a city, county, state or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages	S	S	S	S	S	SPR	SPR	SPR
† In District R-1(75) only.								

(Ord. 774 – Feb. 08 Supp.)

167.04 SETBACK, BULK AND DENSITY REGULATIONS.

The requirements as set forth in Table 167.04 shall be observed in the Agriculture, Conservation and Residential Districts.

Table 167.04 Setback, Bulk and Density Standards by District							
	Maximum DU/AC	Maximum Building Height (in feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Setback (in feet)		
					Front	Side/Sum	Rear
Single family detached							
A-R Agriculture Reserve	0.033	none	30 ac.	660	75	50/100	75
CD Conservation District	0.046	none	80,000	200	50	50/100	50
R-E	0.33	35	3 ac.	225	50	15/35	50
R-1(150)	0.875	35	40,000	150	40	12/30	50
R-1(100)	1.97	35	15,000	100	40	10/21	40
R-1(90)	2.60	35	12,500	87	35	9/19	35

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R-1(75)	3.44	35	9,500	75	35	8/17	35
R-1(60), R-2	4.35	35	7,500	60	30	7/15	35
Single-family bi-attached							
R-1(75) (with special use permit)	5.4	35	16,000	100	35	10/20	35
R-2	7.0	35	12,500	100	30	10/20	35
R-3, R-4	7.0	35	12,500	100	50	10/20	35
Townhouses, Condominiums, Multiple Unit Dwellings*							
R-3	8.0	35	80,000	200	50	35/70	50
R-4	16.0	50	80,000	200	50	35/70	50
R-5	16.0	50	200,000	200	50	35/70	50
Other Uses*							
Mobile Home Park	8.0	50	200,000	50	50	35/70	50
Day Care Center	NA	35	40,000	200	50	25/50	50
Other Special Uses	NA	35	80,000	175	50	25/50	50
Nursing, Convalescent or Assisted Living	16 DU or 32 beds	50	80,000	200	50	25/50	50
* The bulk requirements are applicable to the development site. For multiple structures on a site, refer to the requirements in Section 167.05.							

167.05 BULK REQUIREMENTS FOR MULTIPLE RESIDENTIAL BUILDINGS.

The construction of multiple principal structures within any R-3, R-4 or R-5 District shall meet the applicable standards for the internal placement of structures within any site plan review submitted for review by the Planning and Zoning Commission and approval by the City Council.

- Multiple family dwellings including apartment buildings in District R-3 shall follow the bulk requirements as contained in Table 167.05(1).

Table 167.05(1) District R-3 Internal Bulk Requirements	
	Standard
Minimum separation between principal buildings	16 feet
Minimum separation between principal buildings when that wall surface is the only source of light and air for the living unit	30 feet
Minimum separation between principal and accessory buildings	10 feet
Minimum separation between garage and edge of common drive (driveway approach)	25 feet
Minimum lot area per unit	500 square feet
Maximum accessory structure height	20 feet
Maximum accessory structure setback from property boundary	50 feet
Maximum accessory structure setback from another accessory structure	16 feet

- Multiple Family Dwellings including apartment buildings in District R-4 shall follow the bulk requirements as contained in Table 167.05(2).

Table 167.05(2) District R-4 Internal Bulk Requirements	
	Standard
Minimum separation between principal buildings	16 feet
Minimum separation between principal buildings when that wall surface is the only source of light and air for the living unit	30 feet
Minimum separation between principal and accessory buildings	10 feet
Minimum lot area per unit	500 square feet

3. Multiple Family Dwellings including apartment buildings in District R-3 and R-4 shall follow the performance standards below:
 - A. All internal drives shall meet the Urban Standard Specifications for Public Improvements (SUDAS) and the Special Provisions for the City.
 - B. The multiple building site plan shall demonstrate that internal circulation is satisfactory to allow safe and convenient access while providing safety to pedestrians within the development by the provision of sidewalks and pedestrian trails through the development.
4. Multiple Family Dwellings including apartment buildings in District MUC shall follow the performance standards below:
 - A. Mixed-use buildings combining residential on the second story and commercial on the first story shall be designed to create a living environment that is not adversely impacted by noise or other adverse activities associated with the commercial use.
5. Day care center, day nursery or nursery school licensed by the State of Iowa, provided no building, structure, or accessory use for property so used is located less than 25 feet from any adjoining an R District boundary; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than 1,000 square feet in area for the first 20 or fewer children under care, with 25 square feet added to such play lot area for each additional designated child capacity of the principal building.
6. Mobile Home Park. A mobile home park in District R-5 is subject to the bulk requirements as contained in Table 167.05(6). The approval of a mobile home park is subject to site plan review approval as specified in [CHAPTER 171](#).

Table 167.05(6) Mobile Home Park Requirements	
	Standard
Minimum lot area devoted to one mobile home	50 feet by 100 feet
Minimum separation between mobile homes	20 feet
Minimum separation between any mobile home and any accessory structure	10 feet
Minimum setback from any building or mobile home and any driveway, walkway, or lot boundary	5 feet
Maximum accessory building height	15 feet
Automobile parking per lot	2 spaces
Minimum required open space	30%
Useable outdoor space area contiguous to each mobile home	1200 square feet

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unit	
Useable outdoor space minimum width	25 feet

Reichenbach Farms Inc. Mailing List

RECEIPT	MAILING ADDRESS	CITY, STATE, ZIPCODE
SUZIE A BERREGAARD	8635 NW 121ST ST	GRIMES IA 50111-8791
RICHARD L POWELL	8711 NW 121ST ST	GRIMES IA 50111-8733
WILLIAM B EDMUNDSON	11390 NW ROWE DR	GRANGER IA 50109-9679
EDWARD SCHULING	11087 NW TOWNER DR	GRIMES IA 50111-8702
ANDREW M BLACK	9359 NW 121ST ST	GRIMES IA 50111-8703
J5 INVESTMENTS LLC	10497 NW 114TH AVE	GRANGER IA 50109-9703
MARK C PAUP	8630 NW 121ST ST	GRIMES IA 50111-8791
AARON SIEGFRIED	9090 NW 121ST ST	GRIMES IA 50111-8801

LEMAR KOETHE	6000 DOUGLAS AVE STE 210	DES MOINES IA 50322-3300
NATALIE TOMARAS	9172 NW 121ST ST	GRIMES IA 50111-8802
DENNY DRAKE	9004 NW 121ST ST	GRIMES IA 50111-8801
RYAN A MARSH	2312 NE 12TH ST	GRIMES IA 50111-4807
CARL A MEYER	8820 WOODED POINT DR	JOHNSTON IA 50131-4750
SHANE LARSEN	8814 NW 121ST ST	GRIMES IA 50111-8826
RYAN GLADSON	12179 NW 89TH PL	GRIMES IA 50111-2327
DALE R WHITE REVOCABLE TRUST	11971 NW OAKTREE DR	GRIMES IA 50111-8809
LUCAS A SLINGS	12041 NW TOWNER DR	GRIMES IA 50111-8734

REICHENBACH FARMS INC	11622 NW TOWNER DR	GRIMES IA 50111-8754
BROOKFIELD ENTERPRISES LLC	11720 NW OAKTREE DR	GRIMES IA 50111-8811
JAY W BREWER	PO BOX 470	GRIMES IA 50111-0470
GOLF HOLDINGS LC	207 57TH CT	WEST DES MOINES IA 50266-2813
POLK COUNTY SECONDARY ROADS	5885 NE 14TH ST	DES MOINES IA 50313-1202
POLK COUNTY CONSERVATION	11407 NW JESTER PARK DR	GRANGER IA 50109-9675
POLK COUNTY BOARD OF SUPERVISORS	111 COURT AVE ROOM 300	DES MOINES IA 50309
POLK COUNTY ATTORNEY	222 FIFTH AVENUE	DES MOINES IA 50309

CITY OF GRIMES	101 NE HARVEY ST	GRIMES IA 50111-2051
CITY OF GRANGER	PO BOX 333	GRANGER IA 50109-0003
IOWA DEPARTMENT OF TRANSPORTATION	1020 S FOURTH STREET	AMES IA 50010
BLACK HILLS ENERGY	1205 SW 37TH ST	GRIMES IA 50111
MIDAMERICAN ENERGY COMPANY	4299 NW URBANDALE DR	URBANDALE IA 50322
CENTURYLINK	2103 E UNIVERSITY AVENUE	DES MOINES IA 50317-5252
MEDIACOM	2205 INGERSOLL AVENUE	DES MOINES IA 50312
JOHNSTON COMMUNITY SCHOOL DISTRICT	5608 MERLE HAY ROAD	JOHNSTON IA 50131

DES MOINES METROPOLITAN PLANNING ORGANIZATION	420 WATSON POWELL JR WAY #200	DES MOINES IA 50309
XENIA RURAL WATER DISTRICT	PO BOX 39	BOUTON IA 50039



PLANNING & ZONING COMMISSION

City of Johnston

6221 Merle Hay Road, Johnston, IA 50131

Regular Meeting Minutes: Monday, March 25, 2019

Members present

David Johnson, Jay Petersma, Jennifer Pavlovec, Julie Smith, Kathy Anderson, Stuart Spencer

Members absent

Suresh Reddy

Staff present

Clayton Ender, David Wilwerding

1. Opening of Meeting

A. Action: Call to Order

Chairman Petersma called the meeting to order at 7:01 p.m.

B. Procedural: Roll Call

Members present: David Johnson, Jay Petersma, Jennifer Pavlovec, Julie Smith, Kathy Anderson, Stuart Spencer

C. Procedural: Approval of Agenda

Final Resolution: Motion Carries

Yea: David Johnson, Jay Petersma, Jennifer Pavlovec, Julie Smith, Kathy Anderson, Stuart Spencer

D. Minutes: Approval of Meeting Minutes – March 11, 2019

Final Resolution: Motion Carries

Yea: David Johnson, Jay Petersma, Jennifer Pavlovec, Julie Smith, Kathy Anderson, Stuart Spencer

E. Minutes: Approval of Joint Tree Board and Planning & Zoning Commission Meeting Minutes – March 11, 2019

Final Resolution: Motion Carries

Yea: David Johnson, Jay Petersma, Jennifer Pavlovec, Julie Smith, Kathy Anderson, Stuart Spencer

2. Action Items

A. Conduct a public hearing and consider making a recommendation on the 147.40-acre Reichenbach Farms Inc. Voluntary Annexation with the establishment of zoning districts.

Clayton Ender, Planner presented the staff report.

Petersma asked if the applicant wanted to make any comments.

Smith asked about Granger's Comprehensive Plan, and if that presents any challenges in the future. Ender replied that this area falls within 2 miles of both jurisdictions and thus they can comment or note objection to the

annexation to the City or the City Development Board. Ender confirmed that there is no legally binding effect of showing an area within a Comprehensive Plan.

Johnson asked about the plan for sanitary sewer. Ender confirmed the intended sanitary sewer route through Camp Dodge and the developer would be required to connect to the trunk main. Johnson further asked if Granger ever planned to provide sanitary sewer service to this area. Ender indicated not to City staff's knowledge. Johnson inquired whether further properties could connect to this sanitary sewer extension. Ender confirmed there could be capacity for further expansion. Ender confirmed that the adjacent property owned by the City of Grimes is used for their water wells and is intended to in the future.

Petersma opened the Public Hearing at 7:21 p.m.

Tim Halber, NW 121st Street, northwest of the proposed annexation. Noted this is a surprise that the growth is intended to cross Hwy 141, based on previous maps from 2018, and is concerned about the proposed development types. Johnson clarified that this is a voluntary request that came to the City. Halber further noted environmental concerns and the possible development that would impact property values.

Luke Slings, 12041 NW Towner Drive, north of proposed annexation area. He had some concerns about the annexation proposal, since the area is not within the current Comprehensive Plan, specifically the ability to maintain the rural nature of this area. He is concerned that the rural type of development desired would conflict with the ability to provide sanitary sewer service to this area. He added that the area floods frequently, as recently as last week. Regarding the DOT's traffic study seem to indicate limiting access to Hwy 141 which would impact how this area may develop. Beaver Creek is currently eroding very close to the roadway, and his impression is the County wants to close this section of roadway.

Ken Wiley, 9311 NW 121st Street, shares some of Slings concerns, as they relate to the DOT's traffic study. Wiley is concerned about whether the City continued to grow to the north, which would not be desired by the area residents.

Petersma closed the public hearing at 7:31 p.m.

Ender indicated that the housing types permitted in this area would be determined through the Comprehensive Plan update process and suggested that all area residents be a part of the process. Ender noted that the property owner petitioned the City for annexation of this area. Ender confirmed that he has observed flooding in this area, despite not being in a designated floodplain, which would be reviewed during the review of any proposed development. He indicated that he couldn't speculate on how development could impact area property values. Ender stated regarding the Hwy 141 traffic study, the DOT confirmed that alternative 3 in their study remains the DOT's preferred alternative, which includes the closure of Towner Drive west of Hwy 141. Ender indicated alternative access locations would need to be explored with the Iowa DOT which would require a traffic impact study. Ender concluded that the City isn't actively seeking additional annexation in this area but would consider such if additional property owners approached the City.

Halber asked if the City has annexed any other areas west of Hwy 141. Ender confirmed that the City has not annexed any areas west of Hwy 141 at this time.

Petersma inquired about what Grimes Comprehensive Plan shows. Ender noted their plan doesn't show any land uses north of the Chevalia Run subdivision in this area.

Smith inquired what's prevented development of this area now. Ender indicated it would be subject to County development requirements but would be subject to extraterritorial review by the City of Johnston and Grimes.

Johnson inquired what the smallest residential zoning classification was for the subject property. Ender indicated that it's zoned for 3 acre lots.

Spencer inquired to the applicant why they approached the City with annexation. Ed Arp, Civil Engineering Consultants, Inc., representing the potential developer of the property, indicated when he learned that the City was extending sanitary sewer to this area, the potential developer was interested in accessing sanitary sewer as it dictates how areas can be developed to an urban standard. This piece is interesting in that a vast area of it can't be developed as it has extensive peat that would render it undevelopable and will need to be maintained as open space into the future. In order to cover the cost of the sanitary sewer there could be a variety of land uses in the future, and there is an expectation that Towner Drive would be removed. Residential is envisioned on the south adjacent to the existing rural residential transitioning from larger lots to smaller lots.

Smith inquired about the City's investment in the sanitary sewer extension. Ender indicated that there would be a variety of sources, including connection district fees paid at the time of development or select use of TIF to cover a portion of the cost, with the financing to be determined prior to construction.

Johnson noted some concern if this is the best for the City from a long-term financial perspective and is further concerned about how the development would impact adjacent neighbors, perhaps even some R-E sized lots. Petersma indicated he would not be inclined to support development plans that don't take into consideration the densities and lots sizes adjacent to existing lots with more density in the center of the property. Smith indicated that she does not plan to support the annexation as she doesn't like extending west of Hwy 141 and is concerned about this bringing a lot of problems. Anderson indicated her support for the annexation given it helps leverage the cost of the needed infrastructure.

Recommend approval of the Reichenbach Farms Inc. Voluntary Annexation with the establishment of the annexation territory within the A-R zoning district at the time of annexation.

Motion: Kathy Anderson / Second: Stuart Spencer

Final Resolution: Motion Carries

Yea: David Johnson, Jay Petersma, Jennifer Pavlovec, Kathy Anderson, Stuart Spencer

Nay: Julie Smith

Ender specified that this voluntary annexation will go to City Council for consideration; notifications will be sent prior to this meeting. He noted that the Comprehensive Plan Update (including the subject area) will begin around June. He added that the City Development Board will also need to review and approve the proposed annexation.

B. Conduct a public hearing and consider making a recommendation on the 29.73-acre Edward and Patricia Schuling Voluntary Annexation with the establishment of zoning districts.

Ender presented the staff report.

Pavlovec inquired about the parcels located east of the area on Towner Drive. Ender indicated they were in unincorporated Polk County and were not interested in annexation at the time of the 2018 annexation.

Petersma opened the public hearing at 8:20 p.m.

Luke Slings, representing Camp Dodge/Iowa National Guard, who references the correspondence previously provided.

Johnson inquired about the type of incompatible land uses. Slings indicated there wasn't a specific use it depended on the type of development and the type of use of the Camp in that area, in an attempt to limit conflict.

Petersma closed the public hearing at 8:22 p.m.

Smith inquired about the development concept plan in the packet. Ender indicated the applicant provided a sketch that showed the development of about 16 acres of the 29-acre property as bi-attached or townhomes.

Recommend approval of the Edward and Patricia Schuling voluntary annexation with the establishment of the annexation territory within the A-R zoning district, floodway overlay zoning district, and the floodway fringe overlay zoning district at the time of annexation.

Motion: David Johnson / Second: Jennifer Pavlovec

Final Resolution: Motion Carries

Yea: David Johnson, Jay Petersma, Jennifer Pavlovec, Julie Smith, Kathy Anderson, Stuart Spencer

3. Other Business

4. Close of Meeting

Information: A. Upcoming Meeting Announcement – April 8, 2019

Procedural: B. Adjournment

Meeting adjourned at 8:00 p.m.

Chair

Secretary