



CLIVE PLANNING & ZONING COMMISSION

AGENDA, REGULAR MEETING

8800 Hickman Road

April 1, 2025 5:30 PM

This meeting will be conducted in-person in the Public Safety Facility Training Room and virtually via Zoom platform. To participate virtually use the following link: <https://us06web.zoom.us/j/89178956404>

Call to Order

Roll Call

Approval of Meeting Minutes

1. Approve Meeting Minutes 03/04/2025

Action Items

1. Second Amendment to Second Amended Declaration of Easements, Restrictions and Covenants for Berkshire Commons Office Park

Staff Report

Adjournment

CLIVE PLANNING AND ZONING COMMISSION MEETING MINUTES

Regular Session
March 4, 2025

This meeting was held in the Clive Public Safety Training Room and public access was provided in-person at City Hall and via Zoom. Information on how to access via Zoom was provided on the city's website and on the agenda. The recording of the meeting is available on the city's website at:

https://www.cityofclive.com/connect/boards_and_commissions/planning_and_zoning_commission.php

Call to Order/Roll Call

ALOWITZ CALLED THE MEETING TO ORDER AT 5:30 p.m.

PRESENT: LINDSAY BRANDON, MILLY ORTIZ-PAGAN, JULIE CORREA (via Zoom),
MARCIA HUNTER, CHRIS PANZI (via Zoom), MICHAEL ALOWITZ

ABSENT: JEFFREY ANDERZHON

STAFF: AMANDA GRUTZMACHER, KATHRYN PURVIS, KELLY RIVERA

Action Items

1. Approve Meeting Minutes – February 4, 2025

Brandon motioned to approve the February 4, 2025 meeting minutes, seconded by Ortiz.

Roll Call: Ayes: Brandon, Ortiz, Correa, Panzi, Alowitz.

Abstain: Hunter

Motion carried.

2. Site Plan – Linnan Park – 8500 Alice AVE

Linnan Park is Clive's oldest park and in need of updates/improvements. The site plan includes many of the same amenities but relocated and with enhanced design. The improvements include a new 500 sf restroom/pool equipment storage building, a 747 sf shelter building, a 1,282 sf shelter building, playground, relocated sports courts, a sprayground, 2 fixed grill stations, several benches, and several picnic tables outside of the shelters. A bid alternate on the plans includes converting part of the Harbach Center north parking lot into a basketball half-court. Construction is anticipated to begin summer 2025.

Several City-owned properties bordering Linnan Park to the west make up an additional approximately 1.6 acres but are not included in the proposed site plan and park improvements. Future improvements, such as the festival street may be built at a later date.

Commissioners discussed concerns about availability of parking in the area. Richard Brown, Leisure Services Director, stated that the park is situated very close to residential areas so it is expected that most people will walk. The existing parking along Alice Avenue will remain largely unchanged aside from ADA updates. No changes are proposed in the lower level Harbach Center parking lot or the parking block immediately near the main building entrance. Nine parking spaces north of the former apparatus bay will be eliminated for the park improvements, including the bid alternate half-court.

Hunter motioned to recommend approval of the Site Plan for Linnan Park - 8500 Alice AVE - subject to resolution of staff comments, seconded by Brandon.

Roll Call: Ayes: Hunter, Brandon, Ortiz, Correa, Panzi, Alowitz.

Motion carried.

3. Discussion of Residential Parking Requirements

Grutzmacher presented the following for residential parking requirements:

- Elimination or reduction of visitor parking for townhome developments. Visitor parking could be accommodated either by minimum street widths to allow on-street parking in the development or parking in private driveways. Board members stated that visitor parking is a valuable asset and they would be hesitant to visit an area without it. On-street parking would then be essential.
- Lower parking requirement for efficiency apartment units, e.g. 1 space per unit.
- Allowance for more flexibility in covered or attached parking requirements to support missing middle housing, e.g. parking specific overlay zone, pre-drafted development agreement language, option for one-car attached townhome, etc.
- Allowances for a portion of parking within mixed-use developments to serve both commercial and residential requirements.

Staff Report

Adjournment at 6:34 p.m.



Staff Report

TO: Planning and Zoning Commission members

FROM:

Amanda Grutzmacher, Senior Planner

DATE: April 1, 2025

RE: Second Amendment to Second Amended Declaration of Easements, Restrictions and Covenants for Berkshire Commons Office Park

GENERAL INFORMATION

Applicant: Weissenburger Real Estate, LLC

Requested Action: Approve amendment to covenants

Location: 16400 Sheridan Avenue

Lot 15, Berkshire Commons Office Park Plat 1

BACKGROUND

The petitioners, Weissenburger Real Estate, LLC, is requesting approval of a covenant amendment for Berkshire Commons Office Park that would modify the maximum permitted building square footage from 4,500 square feet to 6,000 square feet for Lot 15 in Berkshire Commons Office Park Plat 1. The applicant has submitted a site plan amendment for an approximately 1,000 square feet addition to the current Weissenburger Investments and Financial Planning office resulting in a total building size of approximately 5,500 square feet. The amendment has been signed by the owners of all of the properties in the Berkshire Commons Office Park Plat 1 and Plat 2, which includes all property within 310-feet of 16400 Sheridan Avenue.

STAFF RECOMMENDATION

Staff recommends approval of the Second Amendment to the Second Amended Declaration of Easements, Restrictions and Covenants for Berkshire Commons Office Park.

Please contact Amanda at 515-223-6221 or agrutzmacher@cityofclive.com if you have questions or need additional information prior to the meeting.

Attachments:

1. Covenant Amendment

SECOND AMENDMENT TO
SECOND AMEDNED DECLARATION OF EASEMENTS, RESTRICTIONS AND
COVENANTS FOR BERKSHIRE COMMONS OFFICE PARK

THIS SECOND AMENDMENT TO SECOND AMENDED DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR BERSHIRE COMMONS OFFICE PARK (the "Second Amendment") is made and entered into as of the dates set forth herein by ADDA Properties, LLC, an Iowa limited liability company; Berkshire Office, LLC, an Iowa limited liability company; C & S Commercial, LLC, and Iowa limited liability company; Covenant Group, LLC, an Iowa limited liability company; IC2DM, LLC, an Iowa limited liability company; Jasmina Pajazetovic; Iowa Great Lakes Property, LLC, an Iowa Limited Liability Company; KRM Capital, LLC, an Iowa limited liability company; Luana Bancorporation, Inc., an Iowa corporation, a/k/a Luana Savings Bank; NC Investments, LLC, an Iowa limited liability company; Summerteeth, LLC, an Iowa lited liability company; Two Peds & A Pod, LC, an Iowa limited liability company; and Weissenburger Real Estate, LLC, an Iowa limited liability company (referred to herein as "Owner" or collectively referred to "Owners").

RECITALS:

WHEREAS, the Owners each own one of more Lots situated within those certain subdivisions in the City of Clive, Dallas County, Iowa known as Berkshire Commons Office Park Plat 1, and/or Berkshire Commons Office Park Plat 2, the specific Lots of which owned by and applicable to each Owner are indicated on each of the signature pages of this Second Amendment; and

WHEREAS, the Property is subject to the terms and conditions set forth in that certain Second Amendment and Restated Declaration of Easements, Restrictions and Covenants for Berkshire Commons Office Park dated as of July 31, 2015, and recorded in Office of the Dallas County Recorder on October 28, 2015, and recorded in Book 2015, Page 17605 (the "**Declaration**"); and amended by a First Amendment recorded on September 15, 2023 in Book 2023 page 13736; and

WHEREAS, pursuant to Article VI, Section 6.01(c) this Declaration sets forth certain requirements in connection with the maximum building size which the Owners have agreed to amend with respect to Lot 15 in Berkshire Commons Office Park Plat 1 owned by Weissenburger Real Estate, LLC, in accordance with the terms of this Second Amendment; and

WHEREAS, in accordance with the terms of the Declaration, the Owners must obtain the consent for and approval of the City of Clive, Iowa to amend the Declaration.

The undersigned hereby amend the Restated Declaration of Easements, Restrictions and Covenants for Berkshire Commons Office Park as follows:

1. Building Size. Article VI, Section 6.01(c) is hereby amended to increase the maximum building size for the building situated on Lot 15 in Berkshire Commons Office Park Plat 1, from 4,500 square feet to 6,000 square feet in order to allow an addition to the building situated on said Lot.
2. Defined Terms. Recitals. All capitalized terms which are not defined herein shall have the same meaning ascribed thereto in the Declaration. The foregoing recitals are incorporated herein by this reference.
3. Declaration in Full Force and Effect. Except as specifically amended by this Second Amendment as set forth herein and a previously executed and recorded First Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Clive, Iowa has duly executed this First Amendment to indicate its Consent and Approval to the Second Amendment on the date written below.

CITY OF CLIVE, IOWA

By: _____

Attest:

City Clerk

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this ____ day of _____, 2024, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared _____ and _____, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Clive, Iowa; that the instrument was signed and sealed on behalf of the City of Clive, Iowa, by authority of the City Council, and that _____ and _____ acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

Notary Public in and for the State of Iowa
My Commission expires _____

IN WITNESS WHEREOF, the Owner of the Lots set forth as follows has duly executed this Second Amendment as of the date written below.

Lots 1 and 2, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 2320 Berkshire Parkway and 2400 Berkshire Parkway, Clive, Iowa.

OWNER:

IC2DM, LLC,
an Iowa limited liability company
115 Iowa Ave., Iowa City, Iowa 52240

By: [Signature]

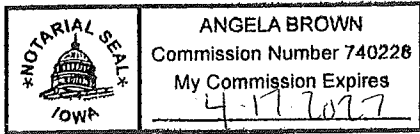
Name: BRIAN FLYNN

Its: MEMBER

Date: 10/16/24

STATE OF IOWA)
) ss:
COUNTY OF POLK)

This record was acknowledged before me by Brian Flynn on this 16 day of October, 2024



[Signature]
Notary Public in and for the State of Iowa
My Commission expires 4-17-2027

IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this Second Amendment as of the date written below.

Lot 2, Berkshire Commons Office Park Plat 2, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 16363 Holcomb Court, Clive, Iowa.

OWNER:

C&S Commercial, LLC
an Iowa limited liability company
4704 154th St, Urbandale, Iowa 50323

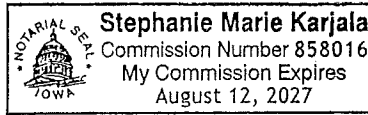
By: Chris Harton

Name: Chris Harton

Its: President

Date: 11-14-24

STATE OF IOWA)
) SS:
COUNTY OF _____)



This record was acknowledged before me by Chris Harton on this 14 day of November, 2024

Stephanie Marie Karjala
Notary Public in and for the State of Iowa
My Commission expires August 12, 2027

IN WITNESS WHEREOF, the Owner of the Lots set forth as follows has duly executed this Second Amendment as of the date written below:

Lots 4, 8, and 13, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa and Lots 1 and 3, Berkshire Commons Office Park Plat 2, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa.

Locally known as 2560 Berkshire Pkwy, 2675 Berkshire Pkwy, 16340 Sheridan Avenue, 16300 Sheridan Avenue, and 16355 Holcomb Court, Clive, Iowa.

OWNER:

Berkshire Office, LLC,
an Iowa limited liability company

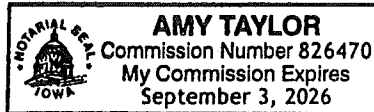
By: Signature Real Estate Services, Inc.,
an Iowa corporation, its Manager

By: *David I. Hansen*
Name: David I. Hansen
Its: President

Date: November 14, 2024

STATE OF IOWA)
) ss:
COUNTY OF POLK)

This record was acknowledged before me on this 14 day of November, 2024, by David I. Hansen, President of Signature Real Estate Services, Inc., Manager of Berkshire Office, LLC.



Amy Taylor
Notary Public in and for the State of Iowa
My Commission expires September 3, 2026

IN WITNESS WHEREOF, the Owner of the Lots set forth as follows has duly executed this Second Amendment as of the date written below.

Lots 4 and 5, Berkshire Commons Office Park Plat 2, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 16350 Holcomb Court and 16390 Holcomb Court, Clive, Iowa.

OWNER:

Luana Bancorporation,
an Iowa corporation a/k/a Luana Savings Bank
100 Harvest Drive, Luana, Iowa 52156

By: [Signature]
Name: Shane Greenleaf
Its: EUP

Date: 10/4/24

STATE OF IOWA)
) ss:
COUNTY OF Dallas)

This record was acknowledged before me by [Signature] on this 4 day of October, 2024

[Signature]
Notary Public in and for the State of Iowa
My Commission expires 9-27-25



IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this First Amendment as of the date written below.

Lot 5, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 2640 Berkshire Parkway, Clive, Iowa.

OWNER:

Covenant Group, LLC
an Iowa limited liability company
2635 Berkshire Parkway, Ste. 202
Clive, Iowa 50325

By: *Brian Flietner*

Name: Brian Flietner

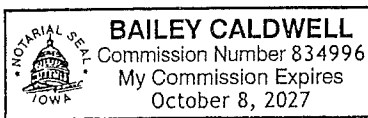
Its: PARTNER

Date: 11/12/2024

STATE OF IOWA)
) ss:
COUNTY OF Dallas)

This record was acknowledged before me by Brian Flietner on this 12th day of November, 2024

Bailey Caldwell
Notary Public in and for the State of Iowa
My Commission expires 10/8/27



IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this Second Amendment as of the date written below.

Lots 6 and 7, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 2660 Berkshire Parkway and 2680 Berkshire Parkway, Clive, Iowa.

OWNER:

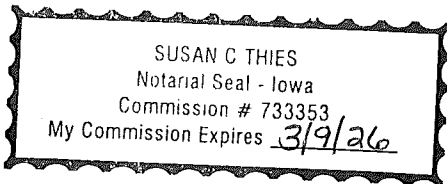
KRM Capital, LLC
an Iowa limited liability company
2680 Berkshire Parkway, Ste. 100
Clive, Iowa 50325

By: [Signature]
Name: Steven Keagy
Its: Managing Partner
Date: 10-30-24

STATE OF IOWA)
) ss:
COUNTY OF Polk)

This record was acknowledged before me by Steven Keagy on this 30 day of October, 2024

[Signature]
Notary Public in and for the State of Iowa
My Commission expires 3/9/26



IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this Second Amendment as of the date written below.

Lot 10, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 2555 Holcomb Court, Clive, Iowa.

OWNER:

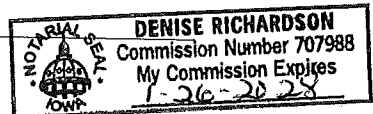
Two Peds and a Pod, LC
an Iowa limited liability company
2555 Berkshire Parkway, Clive, Iowa 50325

By: Board Member
Name: Samuel Waggoner
Its: Sam Waggoner
Date: 01/24/25

STATE OF IOWA)
) ss:
COUNTY OF Dallas

This record was acknowledged before me by Samuel Waggoner on this 24 day of January, 2025

Denise Richardson
Notary Public in and for the State of Iowa
My Commission expires



IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this Second Amendment as of the date written below.

Lot 11, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 16349 Sheridan Ave., Clive, Iowa.

OWNER:

ADDA Properties, LLC
an Iowa limited liability company
14121 Lakeview Drive, Clive, Iowa 50325

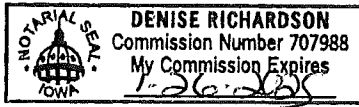
By: [Signature]
Name: Alex DuCharme
Its: OWNER

Date: 10/8/24

STATE OF IOWA)
) ss:
COUNTY OF Dallas

This record was acknowledged before me by Alex DuCharme on this 8 day of October, 2024

[Signature]
Notary Public in and for the State of Iowa
My Commission expires 1-26-2025

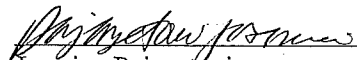


IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this Second Amendment as of the date written below.

Lot 14, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 16360 Sheridan Avenue, Clive, Iowa.

OWNER:



Jasmina Pajazetovic


225 NE Dartmoor Dr., Waukee, Iowa 50263

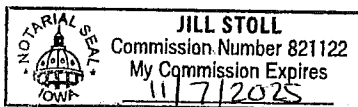
Name: Jasmina Pajazetovic

Date: 2-26-25

STATE OF IOWA)
) ss:
COUNTY OF Dallas)

This record was acknowledged before me by Jasmina Pajazetovic on this 26 day of February, 2024 JS
2025


Notary Public in and for the State of Iowa
My Commission expires 11/7/2025



IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this Second Amendment as of the date written below.

Lot 15, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 16400 Sheridan Avenue, Clive, Iowa.

OWNER:

Weissenburger Real Estate, LLC,
an Iowa limited liability company
16400 Sheridan Ave., Clive, Iowa 50325

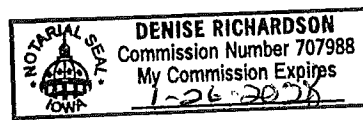
By: [Signature]
Name: Thomas Weissenburger
Its: owner

Date: 2/26/2025

STATE OF IOWA)
) ss:
COUNTY OF Dallas

This record was acknowledged before me by Thomas Weissenburger on this 26 day of February, 2024-2025

Denise Richardson
Notary Public in and for the State of Iowa
My Commission expires _____



IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this Second Amendment as of the date written below.

Lot 16, Berkshire Commons Office Park Plat 1, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 2375 Berkshire Parkway, Clive, Iowa.

OWNER:

Summerteeth, LLC
an Iowa limited liability company
4401 Westown Parkway, Ste. 112
West Des Moines, Iowa 50266

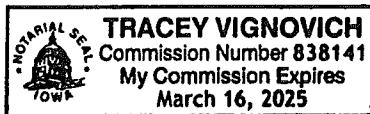
By: BRAD MARKOWSKI
Name: *Brad Markowski*
Its: _____

Date: 10/21/24

STATE OF IOWA)
) ss:
COUNTY OF Dallas)

This record was acknowledged before me by Bradley on this 21st day of October, 2024

Tracey Vignovich
Notary Public in and for the State of Iowa
My Commission expires 3/16/2025



IN WITNESS WHEREOF, the Owner of the Lot set forth as follows has duly executed this First Amendment as of the date written below.

Lot 3, Berkshire Commons Office Park Plat 2, an Official Plat, now included in and forming a part of the City of Clive, Dallas County, Iowa

Locally known as 2480 Berkshire Parkway, Clive, Iowa.

OWNER:

Iowa Great Lakes Property, LLC
an Iowa limited liability company
3301 Zenith Ave., Spirit Lake, Iowa 51360

By: Brad Beck
Name: Brad Beck
Its: Member

Date: 3/17/25

STATE OF IOWA)
) ss:
COUNTY OF Dickinson

This record was acknowledged before me by Brad Beck on this 17th day of March, ~~2024~~ 2025

Steph D. Taylor
Notary Public in and for the State of Iowa
My Commission expires 1/10/2028