

Direction: CITY1666.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, October 10, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Costa, Crowley, Erickson, Hatfield.....Present
Brown, SouthworthAbsent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of September 26, 2016

Chairperson Erickson asked for any comments or modifications to the September 26, 2016 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission approved the September 26, 2016 meeting minutes.

Vote: Andersen, Costa, Crowley, Erickson, Hatfield.....Yes
Brown, Southworth.....Absent

Motion carried.

Item 2 – Public Hearings

2a - Browns Woods Estates, on the west side of Veterans Parkway approximately 500 ft. south of SE Browns Woods Drive – Change the Comprehensive Plan Land Use designation from Low Density Residential to Single Family Residential and change the zoning of the property from Residential Estate (RE-1A) to Residential Single Family (RS-20) and Residential Single Family (R-1) – Venture Homes LLC – ZC-003167-2016 (deferred from September 26, 2016)

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on September 16, 2016 for the September 26th meeting. When the September 26th Plan and Zoning meeting was deferred, a courtesy notice was mailed to surrounding property owners on September 20th regarding this deferral to the October 10th Plan and Zoning meeting.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Crowley, Erickson, Hatfield.....Yes
Brown, Southworth.....Absent

Motion carried.

Kevin Crawford, Cooper Crawford & Associates, 475 South 50th Street, Suite 800, West Des Moines, representing the applicant, identified the subject property being located on the west side of Veterans Parkway and approximately 500 feet south of Browns Woods Drive noting that the rezoning request is to change the zoning of the property from RE 1A and RM-8 districts to RS-20 and R-1 districts. The project includes 39 acres and will yield approximately 76 single family lots. Mr. Crawford noted tha the original rezoning request was to change the zoning of the entire property to R-1 zoning which would

yield approximately 108 single family lots.

Multiple meetings took place with City staff, the neighbors in the area, and developers with much negotiation and cooperation. It was agreed that there should be a buffer between the adjoining properties on the north and west with RE-1A zoning and the proposed R-1 zoning classification. As a result, an agreement with staff was reached that property along the north and west boundaries would be proposed with the RS-20 designation, a 20,000 sf minimum lot size, minimum 200 feet deep lots, 80 foot rear yard setbacks for the principal building and 50 feet for accessory buildings, which is more restrictive than the setbacks for normal RS-20 zones. Mr. Crawford expressed agreement with staff recommendations and conditions of approval and noted that this proposal reduce the approximate lot count from 108 to 76 lots.

Planner Tragesser noted information in the staff report which Chair Erickson had requested and noted the recommended action with regard to the rezoning request. She stated that staff feels that the proposed zoning is a reasonable transition from the properties developed in the RE-1A district to the west and the north as the RS-20 provides a good intermediate zoning to the R-1 property in the south and east sections of the subject property.

Chairperson Erickson commented that the land map use amendment and zoning would be discussed concurrently, but voted on separately. He then asked if there were members of the audience that would like to speak to these items.

Kathy Stelford, 2225 Browns Woods Lane, President of the Julianne Estates Home Owners Association, expressed her appreciation to the City for contacting and meeting with homeowners personally. She commented that all of the adjacent property owners to this development were in attendance except for one resident due to an accident.

Lynn Melling, 2235 SE Browns Woods Lane, thanked everyone in the City for providing time, information, and service to this community. Ms. Melling indicated that they purchase their house because of the rural atmosphere and acknowledged that the property to the south would be developed at some point in the future. She expressed concern that this request would reduce the rural atmosphere in the neighborhood; that she was under the understanding that there assurances given as the time of annexation that the zoning of adjacent properties would remain similar to the zoning of their property, that she believed that is a demand for larger size properties and that diversity of housing the city is important.

Jon Paulsen, 5917 Meadow Valley Court, stated that he owned the property directly to the south of the proposed project. He stated that he could only support if there was a buffer between his property and the property to be rezoned.

Brad Neff, 2255 SE Browns Woods Lane, bought his house over a year ago for the rural feeling. He requested that there be a buffer between entities and that the lots remain as large as possible.

Diane Hickman, 2155 SE Browns Woods Place, stated that she owned two lots and has lived in this location for almost 36 years. This property was bought for the rural outdoors and the freedom. She continued that open space and open areas need to be maintained. It is not necessary to build here. She requested that this one spot be left primitive.

Fern Stewart, 2155 SE Browns Woods Drive, commented that a creek runs through her property which feeds the pond. Her concerns are with drainage issues as there were some drainage problems with the construction of Veterans Parkway. The pond did see additional water, and she wanted it on record that concerns were expressed with water run-off and how the pond and creek would be affected with the construction of this project.

Chris Pose, 317 6th Avenue, representing the Larson's who have two large lots that boarder against the proposed property to be developed. The Larson's have requested that the lots on the perimeter remain at one acre in size. Mr. Pose noted that until roadway connections can be made for secondary access to the site, the site is limited on what can be built, thus reducing the need to rezone all of the property and leave the RE-1A along the west side of the property. Mr. Pose asked that the Commission focus on how the land would not be able to development until there was a secondary connection.

Margaret Munro, 2480 SE 11th Street, stated that she owned three lots in the area and stated that she was very concerned for all same reasons that had previously been covered.

Wendy Crane, 2245 SE Browns Woods Lane, commented that when looking for a home two years ago chose West Des Moines because of the schools and wanted to be part of the community, as well as obtaining a rural atmosphere. She stated that the pond provided family oriented activities, i.e., fishing, ice skating. Ms. Crane expressed that her biggest concerns would be potential water runoff which feeds the pond. Also, the effects on nature which she has used as a teaching opportunity would go away. Ms. Crane feels that people would leave the area and house values would go down in the future. There should be a buffer, but this project should be denied and the one acre lots remain.

Jim Hawkins, 2195 SE Browns Woods Place, commented that the development company has done a good job working with the neighbors and holding private meetings, but everyone in the community says it is a unique community with no two houses looking alike. Everyone in his neighborhood is concerned with water runoff, and he hoped the City would be responsible to ensure quality for the area.

Bob Andersen, 2190 SE Browns Woods Ridge, stated that he has lived in Julianne Estates for 29 years, love the area, and there are great neighbors. He supported the issues already discussed and the annexation of the area. He continued that the area acts as a water shed for the pond and any mass excavation could possibly affect the water shed adversely. Mr. Andersen continued that the quality of life would fit the life style of the area with one acre lots. He continued that the current zoning should remain in place.

Chairperson Erickson asked if anyone from the audience would like to speak further to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Commissioner Costa commented that the lots to the north would be 20,000 sf and asked if there was an estimated price range for these lots and the price of the houses once constructed.

Mr. Crawford, Cooper Crawford & Associates, answered that the lots to the north would be offered at \$100,000 to 125,000 per lot. Venture Homes plans to sell the 20,000 sq. ft. lots to a developer that would construct estate type homes. Mr. Crawford stated that it was envisioned that the sale price of the RS-20 zoned lots would have houses constructed in the \$500,000 price range and up.

Commissioner Crowley inquired about drainage on the development site. Mr. Crawford stated that based on the contours shown on the map, there is about 4.5 acres that drains to the Larson pond and ten acres drains through the Julienne Estates to the pond. It is envisioned that a storm water detention basin would be located somewhere to the north at the low end of the area that would meet the storm water requirements of the City.

Chairperson Erickson stated that for the benefit of the audience, Mr. Crawford is not able to provide specific answers about the site plan issues because the City's process addresses the land use change and the zoning first. Next there will be a complete site plan sub division approval process at which time engineering, storm water, public utilities, road alignments, easements, etc. would be addressed. Specifics and details are not available as it would not make sense to do so before the property was rezoned. The lack of detail will be provided during subsequent processes if this request moves forward.

Commissioner Hatfield asked about the development of the west half of the property knowing the street may not be extended as shown and have there been any discussions with homeowners to the west regarding street location. Ms. Tragesser stated there is an ultimate streets plan and the east-west street that is shown goes from a specific point on Veterans Parkway and heads towards S 11th Street. As part of the neighborhood meetings, the developer talked about the roads with the neighbors. Those concerns are not being addressed as part of the rezoning, but rather will be addressed with the platting of the property. When looking at the drawings of the property to the west, Mr. Pose is correct that there is only so far that the development can be built without a secondary access point being identified.

Director Twedt added that as part of the platting process, the developer will be requested to talk to the property owners to the west to ensure that the feeder line is in concert with the homeowner plans for their property. Ms. Twedt continued that it was not uncommon to have plats that have conditions of approval that would limit which lots can be developed because of dead end-lanes which would also be addressed during the platting process.

Chairperson Erickson commented that he was comfortable with the transition and attempts to provide adequate buffering.

Commissioner Hatfield stated that with regard to the lot sizes, he concurred with the neighbors that a minimum lot size should be one acre on the north and west. Also, he was concerned that 7,500 sf lots in the center portion of the development is a significant different, particularly if half acre is denied and maybe these lots should be larger. Commissioner Hatfield remarked that he did not support what was being presented.

Chairperson Erickson felt it was difficult to tell property owners that you have to come up to a different standard than what other properties where developed to. There are clearly existing lots and homes that don't meet these proposed standards. Commissioner Costa concurred. He stated that the housing values would be above the average price of the homes to the north; thus, does not see a negative impact to the housing values. Commissioner Costa continued that the City has made reasonable accommodations to accommodate the 20,000 sq. ft. lots.

Comprehensive Plan Amendment

Moved by Commissioner Costa, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending to the City Council approval of a Comprehensive Plan Land Use Map change for property lying west of Veterans Parkway approximately one quarter mile south of SE Browns Woods Drive from Low Density Residential (LD) and Medium Density Residential (MD) to Single Family Residential (SF) as illustrated in staff report Attachment A - Resolution. As noted in the staff report, this amendment is not required for the rezoning to occur; however is being requested for map clarity.

Vote: Andersen, Costa, Crowley, Erickson.....Yes
Hatfield..... No
Brown, Southworth.....Absent
Motion carried.

Commissioner Crowley commented that City staff did an excellent job creating a buffer of nice homes that would match the acre lots. There is a high demand for this type of development and the timing makes sense for this development.

Rezoning

Moved by Commissioner Costa, seconded by Commissioner Andersen, the Plan and Zoning Commission approve a resolution recommending the City Council adopt a zone change for property lying west of Veterans Parkway approximately one quarter mile south of SE Browns Woods Drive from Residential Estate Single Family (RE-1A) and Residential Medium Density (RM-8) to Residential Single Family (RS-20) and Residential Single Family (R-1) as illustrated in staff report Attachment B, Exhibit C - Zoning Maps, with the following conditions of approval:

1. As part of the platting process, the developer conducting the necessary storm water studies and preparing the required Storm Water Management Plan that demonstrates existing ponds located to the west and north will not be adversely affected; and,
2. That platting of the Residential Single Family (RS-20) lots within the subject property which share a boundary with existing adjacent RE-1A zoned property be a minimum of 20,000sf in size, be a minimum of 200' in depth, require an 80' rear yard setback for the primary dwelling structure, and require a 50' rear yard setback for all detached accessory structures.

Vote: Andersen, Costa, Crowley, Erickson.....Yes
 Hatfield..... No
 Brown, Southworth.....Absent

Motion carried.

Chairperson Erickson provided that this recommendation would be going forward to City Council for their next meeting at which time this item will be discussed and voted on.

2b - Eating Places and Drinking Places – Amend City Code Title 9 (Zoning) to regulate eating place and drinking place uses in the Business Park, Professional Commerce Park, Office, Warehouse/Retail, Light Industrial, and General Industrial Zoning Districts - Amend City Code Title 9 (Zoning) to allow eating places and drinking places uses in the Business Park, Light Industrial, and General Industrial zoning districts – City Initiated - AO-003186-2016

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on September 30, 2016.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Crowley, Erickson, Hatfield.....Yes
 Brown, Southworth.....Absent

Motion carried.

Planner Tragesser explained that the request was a reaction to a pre-application submitted for a multi-use project south of Railroad at the 900 block that included a proposal for a sit-down restaurant which would necessitate a Zoning Code amendment to accommodate this use. Ms. Tragesser commented that Staff felt that the only reason to not allow the use would be the parking demand exceeding the parking available (industrial uses have a lesser parking standard that restaurants and drinking places). The

Development and Planning City Council Subcommittee was supportive. Staff drafted an amendment which would allow restaurants and drinking places in the Business Park, Light Industrial, and General Industrial districts. Restaurants are already allowed in Office and Professional Commerce Park, but this would add drinking establishments into these designations which would provide more supportive uses to the office district. Requests will have to go before the Board of Adjustment for approval to obtain a Conditional Use Permit which would allow parking to be assessed at that time.

Chairman Erickson asked if anyone from the audience would like to speak to the item.

Jeremy Christiani, 1100 50th Street, #1102, stated he opposed bars in residential neighborhoods. He continued to comment that this ordinance dramatically changes the character of residential neighborhoods without proper notification or reasonable consideration required by Iowa Code 414.3. He felt that affected are residents who live adjacent to office zoning face great loss to their quality of life, that islands of office zoning pepper our residential neighborhood and that these properties were not intended nor designed to have bars. He stated that as that is a permitted conditional use does not protect families. Bars do not belong next door to families. He asked that this amendment be sent back to City Council Subcommittee for review in its entire completed form, and that homeowners, as well as Single Family and Medium Density Residential zoning designations adjacent to Office be notified by mail.

Chairperson Erickson commented on the possible unintended consequences and appreciated the perspective provided. He thanked Mr. Christiani for bringing this issue forward.

Commissioner Hatfield stated that he could not disagree with Mr. Christiani, and thinks it is a problem to allow drinking establishments if the Conditional Use process is not restricted.

Chairperson Erickson interjected that none of the zones included are residential, but referred to immediate adjacencies.

Chairperson Erickson closed the public hearing and asked for continued discussion.

Chairperson Erickson asked how to address these uses when there is a zoning change and it affects neighboring areas and is there a provision that can be addressed through the Conditional Use Permit process. Planner Tragesser stated under the Permitted Conditional Use Permit, there would be notification to all adjacent property owners within 370 feet of the property. The provisions already in the Code are not being changed regarding commercial districts.

Chairperson Erickson asked if there was a less broad version that could accomplish what we wanted for this district. Planner Tragesser stated that drinking places could be limit to just the industrial designation.

Commissioner Hatfield suggested and motioned to limit eating places and drinking places to industrial area which prompted this request.

Moved by Commissioner Hatfield, seconded by Commissioner Andersen, the Plan and Zoning Commission approve a resolution recommending the City Council approve the Ordinance Amendment to allow eating and drinking places in the General Industrial and Light Industrial zoning districts.

Vote: Andersen, Costa, Crowley, Erickson, Hatfield.....Yes
Brown, Southworth.....Absent

Motion carried.

2c – Snow Maintenance Facility – Amend Title 9, (zoning), Chapter 2, (Zoning Rules and Definitions), Section 2 (Definitions) and Title 9, (zoning), Chapter 10, (Performance Standards), Section 4 (Specific Use Regulations) to amend regulations pertaining to snow maintenance facilities – City Initiated - Places and Drinking Places – Amend City Code Title 9 (Zoning) to regulate eating place and drinking place uses in the Business Park, Professional Commerce Park, Office, Warehouse/Retail, Light Industrial, and General Industrial Zoning Districts - Amend City Code Title 9 (Zoning) to allow eating places and drinking places uses in the Business Park, Light Industrial, and General Industrial zoning districts – City Initiated - AO-002903-2015

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on September 30, 2016.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Andersen, seconded by Commissioner Crowley, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Crowley, Erickson, Hatfield.....Yes
Brown, Southworth.....Absent

Motion carried.

Planner Munford briefly went over the history of this proposed amendment stating that many contractors for larger office and commercial establishments have stored their snow removal equipment and materials on commercial properties with larger parking lots for years to allow for efficient and timely removal of snow and ice. It can be costly for the property owner to bring the equipment and materials in after every snow storm. An example of these larger properties would be malls (Valley West) and apartment complexes. There have been a few citizen complaints noting that this storage of industrial size equipment and storage of materials was not allowed adjacent to residential properties. While working through this amendment, staff has addressed the issue by creating 9 performance standards in place for this use.

Chairperson Erickson asked if anyone from the audience would like to speak to the item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Hatfield, the Plan and Zoning Commission approve a resolution recommending the City Council approve the Ordinance Amendment to amend regulations pertaining to snow maintenance facilities.

Vote: Andersen, Costa, Crowley, Erickson, Hatfield.....Yes
Brown, Southworth.....Absent

Motion carried.

Item 3 – Old Business

There were no Old Business items to be addressed.

Item 4 – New Business

There were no New Business items to be addressed.

Item 5 – Staff Reports

Planner Tragesser requested clarification on the restaurant and drinking establishment action and that if the motion included Warehouse, Retail, Business Park, Light Industrial, and General Industrial and not the Office and Professional Commerce Park.

Commissioner Hatfield expressed that the motion only included industrial designations.

Commissioner Crowley commented that it would make more sense to limiting it to the Industrial uses and the other uses other than Professional Commerce Park or Office zoned. He felt that an industrial use and warehouse were almost synonymous and depended on the uses for the building.

Commissioner Hatfield had no issue with adding Warehouse to the motion.

Chairperson Erickson commented that it was understood that Staff was trying to create consistency. He thought it would be appropriate to revisit this issue with more information available. The discomfort came from the broad perception and the potential for unintended consequences. Since action was taken tonight which solved the immediate issue, he felt it made sense to come back and reconsider the rest of the amendment with more information on the potential adjacent property issues. The vote was taken strictly for just industrial and there was discomfort with taking additional action at this meeting.

Commissioner Andersen interjected that she would also suggest that information could be obtained from the Police Department on liquor license renewals.

Development Coordinator Schemmel clarified that warehouse retail is already in the matrix for a Permitted Conditional Use for drinking establishment. She continued that Business Park and Office and PCP, if those were struck, light and general industrial would remain. These changes could be made and brought back for consideration.

Chairperson Erickson commented that in fairness to the process, he hesitated to come back and make amendments when not knowing the exact rules. Tonight’s action stands and the Commission was open to having a broader discussion at a future meeting.

Item 6 - Adjournment

Chairman Erickson asked for a motion to adjourn the meeting.

Motion by Commissioner Hatfield, seconded by Commissioner Andersen, to adjourn the meeting.

Vote: Andersen, Costa, Crowley, Erickson, Hatfield.....Yes
Brown, Southworth.....Absent

Motion carried.

The meeting adjourned at 6:39 p.m.

Craig Erickson, Chairman

Kimberly Taylor, Recording Secretary