

Direction: CITY1716.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, January 16, 2017, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

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

**Item 1 - Consent Agenda**

**Item 1a - Minutes of the meeting of December 19, 2016**

Chairperson Erickson asked for any comments or modifications to the December 19, 2016 minutes.

Moved by Commissioner Crowley seconded by Commissioner Southworth, the Plan and Zoning Commission approved the December 19, 2016 meeting minutes.

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

Motion carried.

**Item 2 – Public Hearings**

**2a – Grand Valley, NE corner of South 35<sup>th</sup> Street and Grand Avenue – Amend the Grand Valley PUD to modify PUD parcel boundaries and associated regulations – Russell Ver Ploeg (CRVP, LC) – ZC- 003316-2016**

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 January 6, 2017.

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

Motion carried.

Bob Gibson, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing the applicant, requested approval of an amendment to the Grand Valley Planned Unit Development to allow for the addition of 10 single family lots to the development and reconfigure the detention pond. He continued that the existing pond initially took dirt out of the flood plain and served as detention and an amenity for the area. The applicant is now interested in having the pond in its own parcel which can be owned in common by all the homeowners in the entire 34 acres and not be associated only with the apartment ground which is Parcel B. Mr. Gibson then provided a rezoning sketch and explained that in 2014, Parcel A was planned as Single family. The pond has been extended straight out with the single family lots continuing on the south side. The whole plan is still governed by the original zoning designation which has an RM-7 designation and limits the site to 241 units which remains the same. Mr. Gibson

provided the previous plan and the new plan to illustrate differences from then and now.

Planner Munford stated that there were no significant changes to the reconfiguration and capacity of the pond. He mentioned that this development would not go over the initial density requirements set forth in the original PUD. In a few weeks, the applicant will be coming forward with the Preliminary Plat which will have more detail, show how large the lots would be, and would be consistent with what was previously approved.

Chairperson Erickson asked if anyone for the audience would like to speak to this item.

Jennifer Klein, 3417 Grand Valley Drive, Lot 38, stated she had no issues with the plan, but wanted the Commission to be aware that, as of yet, there was no internet for the development and that there were drainage issues. She pointed out on a location map where drainage was backing up into her yard and the yards located behind hers. She stated that this was more of a problem for those in the existing residential area with some flooding into the backyards.

Commissioner Costa asked about the internet service. Ms. Cline provided that she believed that the developer thought there was internet, but it has not yet been connected through the area. The residents are still waiting and have been told that it could possibly be available in March. Also, Ms. Cline stated there was no phone service.

Commissioner Hatfield interjected that Ms. Cline may want to address the issue with City Council regarding no internet service. Ms. Cline asked when the next Council meeting would be held and was informed that it was scheduled for the following Monday.

Planner Munford provided that when the property was originally platted, there were two lots with each piece of property to the north that had existing drainage areas. With each lot across the northern boundary, there was a small outlot which has been lot tied to each one of those. Those outlots have drainage that goes to the back of the property and are intended to fill with water that would slowly drain out over a period of time.

Mr. Gibson stated that the area is very flat, but that there was an overland flowage easement. The outlots are located on the north side of the development and have a 32 ft overland flowage easement. Fences and sheds have been constructed within these easements, and there will be water flowing through the area. A concrete flume will be poured with the next plat which will allow water to flow out more quickly. Mr. Gibson continued that as standard practice, Century Link and Mediacom, as well as other utility providers, are notified when a housing development is constructed.

Mr. Russ Ver Ploeg, the developer for the project, stated that he would be in contact with Century Link and Mediacom right away.

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

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Grand Valley Planned Unit Development to modify PUD parcel boundaries and associated regulations, subject to the applicant meeting all City Code requirements.

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

**2-b Etzel Properties Plat 2, Southwest corner of Mills Civic Parkway and South 81<sup>st</sup> Street – Amend Comprehensive Plan Land Use Map to change approximately 12.38 acres from Office (OF) to Community Commercial (CMC) and rezone the entire 39.2 acre property from “unzoned” to Etzel Properties Plat 2 PUD to allow commercial and office development – Robert F. Etzel Living Trust - CPA-003280-2016/ZC-003281-2016**

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 January 11, 2017.

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

Dennis Reynolds, Reynolds Urban Design, 220 51<sup>st</sup> Street, Des Moines, representing the applicant, requested approval for a Comprehensive Plan Land Use Amendment and a rezoning for the approximately 40 acre parcel in response to market conditions. Mr. Reynolds indicated that he has worked with staff on various issues which included utilities and transportation. He provided visuals of the street locations and noted how 85<sup>th</sup> Street would run across and along the west edge of the property. He commented on the blue line stream that was designated and protected by the Core of Engineers stating that this would provide an opportunity to manage storm water and allow for green space to be allocated north/south through the site. A PUD sketch plan for the area was provided.

Mr. Reynolds elaborated that the proposed Fareway Store was located in Area 1. The Fareway Store elevations were provided which were not part of this application process. Mr. Reynolds noted that architectural renderings would meet the intent of the PUD, and that the open space would be generous and have pedestrian connections. The Fareway Site Plan will be submitted at a later date.

Planner Portz pointed out that this was a Comprehensive Plan amendment to change the property to the north to a Community Commercial designation and leave the property to the south as Office which is its current designation. This is also a request to change the zoning of the property from “Unzoned” to Planned Unit Development (PUD). The intent of the PUD is to have unifying design standards for the buildings for the entire site, as well as to buffer the development from existing residential to the north, from the area to the east which is yet undeveloped, and from single family to the west.

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

Comprehensive Plan Land Use Map

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission approve a resolution recommending City Council adopt a resolution to approve the Comprehensive Plan Land Use Map amendment for approximately 12.38 acres to change from Office (OF) to Community Commercial (CMC), subject to the applicant meeting all City Code requirements.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes

Andersen, Brown.....Absent  
Motion carried.

Rezoning

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approve a resolution recommending City Council approve a rezoning request to rezone the entire 39.2 acre property from “Unzoned” to Etzel Properties Plat 2 PUD, subject to the applicant meeting all City Code requirements.

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

**2-c Vending Machines – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6: Commercial, Office and Industrial Zoning District, and Chapter 10 (Performance Standards), to establish definitions and regulations pertaining to Vending Machines, Fuel Pumps and ATMs – City Initiated - AO-003330-2016**

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 January 6, 2017.

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

Planner Munford provided a brief history stating that a parcel delivery service submitted a pre-application to install a series of locker bays with a computer interface to be placed at one location and possibly other locations outside of businesses and buildings throughout the City. It became evident to staff that vending has become a larger industry where almost anything can be purchased from food items to used cars. It is similar to Red Box, but with the same technology, it has evolved to vend anything of any size anywhere with just power and the internet. The proposed code is trying to determine a balance between industry shifts and aesthetics, as well as addressing safety concerns. From a safety concern standpoint, the items being offered are of more value than the typical vending machine. The solution will be to have vending machines located indoors. The vending machines would be required to be placed indoors or within a vestibule, similar to that of can redemption center, attached to the primary building.

Commissioner Crowley inquired if all the Red Boxes were located inside. Planner Munford stated that they are located indoors, most of which are located inside McDonalds and are available 24 hours.

Chairperson Erickson asked if there were any traditional vending machines are located outside that this this would effect. Planner Munford responded that the direction for years has been is to have all vending machines located indoors. If vending machines were found to be outdoors, staff would work to have them located inside. Currently, the ordinance is silent on vending machines.

Commissioner Southworth inquired if ATMs were considered vending machines. Planner Munford stated that ATMs and fuel pumps are considered vending machines, but were excluded from the indoor restriction and can be located outside due to operation. Also, propane tanks are handled the same way, as they are not allowed indoors due to fire code.

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

Moved by Commissioner Southworth, seconded by Commissioner Crowley or Costa, the Plan and Zoning Commission approve a resolution recommending the City Council approve the ordinance amendment, subject to the applicant meeting all City Code requirements.

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

**Item 3 – Old Business**

There were no Old Business items to address.

**Item 4 – New Business**

**4a – I2 Technologies, 2360 Grand Avenue – Approval of a Major Modification to the Site Plan for building and parking lot additions - MaM-003149-2016**

Michael Wahlert, Bishop Engineering, 3401 104<sup>th</sup> Street, Urbandale, and Eric Ales, GTG Architects, 6505 Merle Hay Road, Johnston, representing the applicant, requested Site Plan approval.

Chairperson Erickson asked if essentially several buildings would be connected with infills, a lot tie agreement, and utility issues to tie facilities together so there would be one contiguous indoor space. Mr. Ales responded that there would be three major aspects to the project: (1) the north dock access off Fuller Road, (2) a connecting link which would connect the manufacturing building up to the tool storage and raw materials building, which would allow them to function internally, and (3) the infill between the tool storage and the raw materials. The middle parking lot would be replaced and the north drive would be reconfigured to allow functionality on the site.

Planner Portz mentioned that the applicant had requested a parking deferral. The applicant has provided information regarding employees and projected employment over the years. Employee use will be well below the parking for the site; thus, staff is very comfortable with allowing for the parking deferral. Mr. Portz commented that the two lots are separate, but will be tied together.

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

Moved by Commissioner Costa, seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Major Modification to a Site Plan for I2 Technologies, subject to the applicant meeting all City Code requirements and the following:

1. The City Council deferring the installation of up to 23 parking stalls of the 239 required by Code until such time that parking on the grass or other non-designated parking areas occurs or parking off-site is occurring due to the lack of available parking stalls. At the time when the existing parking is not sufficient to accommodate the parking needed, the City reserves the right to provide

the applicant notice to increase the number of parking stalls. The applicant will be required to provide the additional parking spaces in accordance with City regulations within the first available construction season. Prior to implementation of additional parking to satisfy the deferred parking stalls, the applicant shall submit for approval a Minor Modification Site Plan to the City identifying the location and engineering details for the stalls to be constructed.

2. The City Council accepting a lot tie agreement to combine the lots at 2330 and 2340 Grand Avenue and 2256 and 2260 Fuller Road with the lot at 2360 Grand Avenue.
3. The City Council accepting a sanitary sewer easement for a public sanitary sewer on the east side of the property.
4. The City Council accepting a Warranty Deed for the dedication of Fuller Road right-of-way.
5. The applicant submitting a revised photometric plan for review and approval prior to the issuance of a building permit for the project.

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

**Item 5 – Staff Reports**

There were no staff reports.

Chair Erickson mentioned that there has been discussion regarding how to move the sign ordinance forward. The intent is to have staff come back with summary and the major changes to the ordinance as discussion was continued to the January 30<sup>th</sup> Plan and Zoning Commission meeting. Also, staff will be trying to reach out to the affected parties that deal with signs to include developers, realators, sign contractors and encourage them to provide feedback.

Commissioner Crowley asked if City Council had been asked their thoughts on the ordinance. Chair Erickson responded that he thought that the Mayor has similar concerns and there is a desire to understand the changes. Originally, it was thought that this was a series of amendments to an ordinance, but it has been learned from staff that this is a series of amendments – taking an ordinance and replacing it. Effort to education this panel and the CC about what is included in the next version and what is substantially different from the previous ordinance and identifying concerns.

**Item 6 - Adjournment**

Chairperson Erickson asked for a motion to adjourn the meeting.

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

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

The meeting adjourned at 6:03 p.m.

\_\_\_\_\_  
Craig Erickson, Chairperson

\_\_\_\_\_  
Kimberly Taylor, Recording Secretary