

Direction: CITY1724.DSS

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

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

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of January 16, 2017

Chairperson Erickson asked for any comments or modifications to the January 16, 2017 minutes.

Moved by Commissioner Crowley seconded by Commissioner Hatfield, the Plan and Zoning Commission approved the January 16, 2017 meeting minutes.

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

Motion carried.

Chair Erickson suggested that the agenda be amended to move Item 4-a after Item 2-a since these items are related and a substantial portion of the audience may have interest in both items; and also address Item 4-a before Item 2-c which may be lengthy.

Moved by Commissioner Hatfield; seconded by Commissioner Brown, to move Item 4-a further up in the agenda.

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

Motion carried.

Item 2 – Public Hearings

2a – Hurd Wellmark, Northwest corner S. Jordan Creek Parkway and Mills Civic Parkway – Amend the Bridgewood PUD to remove Parcel L from the PUD and Amend the Comprehensive Plan Land Use Map to change approximately 15.9 acres of Office and 12.3 acres of Support Office to Community Commercial and change approximately 1.75 acres of Office and 0.71 acres of Medium Density Residential to Open Space to allow for an office and commercial development – Hurd Real Estate Services – CPA-003326-2016/ ZC-003323-2016

Chairperson Erickson recused himself from participation in this item due to a potential conflict of interest and turned the meeting over to Vice Chair Costa.

Vice Chairperson Costa 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 20, 2017.

Vice Chairperson Costa 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, Brown, Costa, Crowley, HatfieldYes
Erickson..... Abstain
Southworth Absent

Motion carried.

Kelsey Riesberg, Shive-Hattery, 4125 Westown Parkway, West Des Moines, representing the applicant, requested approval of a Planned Unit Development (PUD) Amendment and a Comprehensive Plan Amendment. Ms. Riesberg pointed out the primary area of focus on a location map. The area depicted in red was proposed to have a Community Commercial designation with the areas in green kept as open space. These areas were previously zoned Office and Medium Density Residential. The portion in blue to the west has an Office designations with no change as to what was previously established under the Comprehensive Plan. The bold lines surrounding the parcel are the limits of what is included currently in the Bridgewood PUD. Part of this application is to remove a portion of the area from the Bridgewood PUD and establish a new Specific Plan at a later date.

Planner Portz provided that this item would come back with a Specific Plan Ordinance and would outline the uses allowed within the entire area to include setbacks, open space, buffering, and other development requirements.

Vice Chair Costa inquired about traffic and if this parcel had been assigned a level of trip counts that would not likely change with any action taken tonight. Planner Portz stated that a full traffic study would be conducted to determine actual trip counts during development review, but until that time not much detail is available.

Vice Chair Costa asked if anyone from the audience would like to speak to this item.

Dallas Scharff, 280 S 79th Street, Unit #1003, West Des Moines, asked who was going to build Coachlight Drive and would the construction be the responsibility of the City. He also asked about the water overflow or basin located where Bridgewood connects to Coachlight Drive. Mr. Scharff pointed out this area to the north on a map and the basin that retains water. Mr. Scharff thought the pond should be drained, gotten rid of, or at least cleaned up. He continued that there was a connection from Jordan Creek Parkway to Coachlight Drive which concentrates water, and when it rains there is six to nine inches of water that pools over the top of Coachlight Drive. He suggested that the area should be rebuilt, culverts put under, the road raised, or a bridge constructed over the area to diminish, if not get rid of the water problem.

Vice Chair Costa stated that for reference, tonight’s vote would be on the rezoning. The issues brought forward by Mr. Scharff are generally worked out through the Site Plan process when the developer is ready to install infrastructure and/or divide the property to make buildable lots. Mr. Scharff responded that the developer should know about these issues so that they can be addressed and taken into consideration now.

Mr. Scharff continued by asking when Coachlight Drive or parts of Coachlight are scheduled to be built. His other concern was that people would walk through properties unless there was a way to restrict access with the installation of fencing or berming along Bridgewood Drive and Parcel A. Mr. Scharff reiterated the need to separate properties.

Community and Economic Development Director Clyde Evans provided that the City is in the process of finalizing a development agreement with IMT Insurance and the developer. Part of the agreement calls for the City, through tax increment financing, to construct Coachlight Drive and the internal

streets, as well as completing the widening of Mills Civic Parkway. Construction will start sometime this summer and be completed by early or the middle of next year. This construction will be a bid and City paid project.

Planner Portz commented that the applicant was aware of the drainage problem and is addressing the issue.

Vice Chair Costa asked Mr. Portz to explain the developer requirements for detaining water. Mr. Portz stated that as proposed developments go through the plan review process, drainage and storm water management evaluation for the site will be included. He continued that water must be detained on site and cannot produce any additional water or cause drainage issues onto another site. The Engineering Department is aware of the problem and looking into a solution. Mr. Portz expressed that he would check with Engineering to determine where they are in the process. Regarding possible fencing or buffering, as a part of the Specific Plan Ordinance, staff will identify buffering along the north with potential installation of a berm that would be consistent with the berm located on parcel M, the property north of Bridgewood Blvd. Fencing has not been discussed, but could be considered. These issues mentioned are on-going and will be addressed at a future public meeting.

Vice Chair Costa commented that the Plan and Zoning Commission and City Council Members are all interested in the transition when going from an Office parcel to a Residential parcel. This item will be discussed in the future, and there will be ample opportunity to address issues and provide input. The developer will also be open to conversations as they are interested in creating a parcel that minimizes transitional issues.

Robert Thompson, 7842 Wistful Vista Drive, stated that he was president of a sub-association to the north and also on the Board of Directors of the Master Association. He was noticed for this meeting, but not sure if the Master Association was notified. Mr. Thompson's only concern was who would be responsible for the cost of widening Mills Civic Parkway and 81st Street. Vice Chair Costa responded that this issue would be addressed under Item 4-a on the agenda.

Mr. Thompson continued by discussing the berm area which is flat, unlike the berm area on parcel M which is much higher. He asked that this be taken into consideration for this project. The name of the Master Association is Bridgewood Association Inc., located in West Glen with Jeff Westendorff as Property Manager.

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

PUD Amendment

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request to remove Parcel L from the Bridgewood PUD and designate the area as 'Unzoned,' subject to the applicant meeting all City Code requirements and the following:

1. The applicant acknowledging and agreeing that no development of the property, other than mass grading and construction of public improvements, including all appurtenances, may occur until such time that the associated Specific Plan Ordinance for the property is officially approved and adopted by the City Council. The applicant further acknowledging and agreeing that the appropriate plans and applications for grading and public improvement construction shall be submitted to the City for review and approval by the appropriate authority prior to initiating any work within the property.

Vote: Andersen, Brown, Costa, Crowley, HatfieldYes
Erickson..... Abstain
Southworth Absent
Motion carried.

Comprehensive Plan Amendment

Moved by Commissioner Hatfield, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Comprehensive Plan Land Use map amendment for approximately 15.9 acres of Office (OF) and 12.3 acres of Support Office (SO) to Community Commercial (CMC) and change approximately 1.75 acres of Office (OF) and 0.71 acres of Medium Density Residential (MD) to Open Space (OS), subject to the applicant meeting all City Code requirements.

Vote: Andersen, Brown, Costa, Crowley, HatfieldYes
Erickson..... Abstain
Southworth Absent
Motion carried.

2b - Quail Park Woods, 4101 Grand Avenue – Establish a Planned Unit Development (PUD) Ordinance to reduce side yard setbacks and enhance architectural standards – Neighborhood Builders – ZC-003325-2016

Additional information regarding proposed changes were presented to the Commissioners at the dais as requested by the developer.

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 20, 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 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, Brown, Costa, Crowley, Erickson, HatfieldYes
Southworth Absent
Motion carried.

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads, Grimes, representing the applicant, requested approval to establish a Planned Unit Development (PUD) for Quail Park Woods located at 4101 Grand Avenue. The PUD is to attempt to provide a larger homes to maintain property value. The developer is willing to maintain architectural standards, as well as provide tree preservation. Additional rear-yard setbacks will be provided to help preserve trees.

Mr. Trygstad expressed agreement with all staff recommendations and conditions of approval.

Planner Tragesser commented on the memo that was placed on the dais which referenced a few recommended changes to the PUD after the staff report had been distributed. Staff believes this is a good PUD and recommends support.

Mark Etchen, 4000 Quail Park Drive, expressed support for the development and was very interested in

the comments regarding the preservation of trees. He was pleased that the inventory would be conducted by an arborist. He inquired what would happen if it was determined that many of the trees were found to be “undesirable” and would steps be taken to mitigate the removal by planting replacement trees. Mr. Etchen stated that his lot was not deep, but very long. If a house was constructed close to his lot, tree coverage would be very important. His other issue was if there were any fencing stipulations or requirements.

Planner Tragesser responded that if a tree was removed, another tree would have to be planted in its place. She noted that it would be up to the developer or homeowners association to determine if fences were provided.

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 Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Planned Unit Development Ordinance for Quail Park Woods, subject to the applicant meeting all City Code requirements.

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

2c – Amendment to City Code – Title 7 (Public Ways and Property) and Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 18 (Signs) – Adopt New Regulations for the Placement of Signs within the Corporate City Limits – City Initiated

This public hearing item had been continued from the December 19, 2016 meeting. The public hearing was reopened, and the Recording Secretary indicated that the notice was published in the Des Moines Register on December 9, 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 Brown, 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, Brown, Costa, Crowley, Erickson, HatfieldYes
Southworth Absent
Motion carried.

Sign and Zoning Administrator Kevin Wilde clarified that two emails had been received regarding this item, and that sign contractors, developers, engineers, and architects were sent the proposed sign ordinance and minimal comments had been received and noted. He continued that staff met with Commissioners Crowley, Erickson, and Hatfield to go over the new sign proposal indicating that a side-by-side comparison of the previous code versus this proposal was not feasible. When this item first came before the Commission, it was thought that it would be an amendment to the sign code. The Commissioners now realize that we are really starting over so the item has been presented as a workshop so that the Commission could better understand what was within the proposed ordinance.

Mr. Wilde provided a PowerPoint presentation (attached to minutes) and elaborated on specific areas of the proposed sign code. The Commissioners expressed support for the sign code, but felt that the size of the directional signs should be increased to 16 square feet rather than the eight (8) square feet as

proposed. They also had concerns with long-term temporary signage and asked that an analysis be conducted and possibly a different proposal brought forward taking into consideration real estate signage.

Commissioner Hatfield asked if there was someone dedicated to address signage in Mr. Wilde's absence. He was informed that both Planner Munford and Development Services Director Twedt have an understanding of signage and can be contacted when Mr. Wilde is not available.

Commissioner Crowley left the meeting 7:20 pm.

Commissioner Costa commented that this proposal for temporary signage seemed like a radical change from what currently exists. He continued that there would not be a single real estate entity that would be supportive of this change to the temporary use permit.

Chair Erickson asked what was being accomplished or achieved when a developer was asked to take down a sign after 45 days and then had to obtain another permit to re-install. Mr. Wilde responded that the proposal also regulates signage for other commercial entities, such as McDonalds, and because of the content neutrality requirements, the City has to treat long-term temporary commercial signs equally, so the issue was not so much the real estate signs, but the other commercial signs and not allowing them to have signs perpetually in place. Staff cannot regulate signs based on content which makes it difficult to differentiate between real estate and other types of commercial temporary signage.

Chair Erickson asked if there could be a mechanism for development signs with a more reasonable solution identified since real estate was selling a resource and McDonalds was an advertising service. Mr. Wilde stated that the court rulings have established that we cannot use the content of the sign, i.e. real estate, to differentiate from other temporary commercial signs.

Chair Erickson stated that he heard the concerns expressed, but felt that this may be the price we pay to allow signs for commerce. He expressed that real estate and leasing functions are an important part of City revenue. Commissioner Costa agreed that this may be an economic development issue, and that there is much more value in having a property occupied.

Commissioner Costa continued that this ordinance would differentiate West Des Moines from competing communities and put the City at a disadvantage. He suggested that maybe there could be a different way to regulate real estate signage through the annual permitting process. Mr. Wilde stated that this could be viable, but we would have to treat the other commercial signs in a similar manner.

Commissioner Hatfield thanked staff for putting this information together. He expressed concern with enforcement and commented that it could be decades before all of these issues are addressed as everything currently in place now would be grandfathered.

City Attorney Scieszinski expressed that he thought the Commission, as well as the City Council, would want a longer duration for real estate signs.

In summary, Chair Erickson stated that he heard universally a lack of comfort and the need for more exploration to include a dialogue with City Council regarding the temporary signage provision.

Mr. Wilde stated that staff thought of this meeting as a discussion and workshop to provide information and to obtain feedback with the intention of bringing the proposed sign ordinance back to the next Plan and Zoning Commission meeting with suggested changes reflected.

Chair Erickson asked if anyone else from the audience would like to speak to this item; seeing none, closed the public hearing.

The Commissioners expressed appreciation for Mr. Wilde’s presentation which helped understand the complexities of the sign ordinance. A final version of the ordinance will be brought back to the Commission at their next meeting.

No action taken.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

4a – Coachlight Drive – Urban Renewal Plan – Coachlight Drive Review Urban Renewal Plan for Conformity with the Comprehensive Plan

Chairperson Erickson recused himself from participation in the item due to a potential conflict of interest.

Director Evans expressed that staff has initiated the process to create a new Urban Renewal Plan for a site located just east of the intersection at South 81st Street and Mills Civic Parkway. Staff has been working with ITM Insurance, and part of the project will call for the City to construct the public improvements in the area using tax increment financing. Currently, the area is within the Jordan Creek Urban Renewal area using tax increment financing. This renewal area will be expiring in a couple years; therefore, it will be necessary for staff to remove the subject area from the Jordan Creek Urban Renewal area and create a new Urban Renewal Area. The Coachlight Drive Urban Renewal Area will be created which could run for fifteen to twenty years and allow the City to pay off the bonds issued for public improvements. As required by state law, the Commission is requested to find this plan consistent with the Comprehensive Plan.

Vice Chair Costa asked if the plan was to issue bonds. Mr. Evans stated that this was correct and that tax increment bonds would be used with the work being contracted and completed on behalf of the City. There was no intention to have a special assessment. Mr. Evans provided that Mills Civic Parkway will be widened. There will be no additional widening of S. 81st Street, but there will be some intersection improvements at Coachlight Drive & S. 81st Street and Jordan Creek Parkway & Coachlight Drive.

Vice Chair Costa asked if the improvements within the urban renewal area have the necessary funding. Mr. Evans replied that part of the development agreement with IMT was a minimum assessment agreement which would be able to support the public improvement bonds that will be issued.

Vice Chairperson Costa asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Andersen, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopt a resolution recommending City Council approval that the Coachlight Drive Urban Renewal Plan is consistent with the adopted Comprehensive Plan, subject to any applicable state codes:

Vote: Andersen, Brown, Costa, Crowley, HatfieldYes
Erickson..... Abstain
Southworth Absent
Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson asked for a motion to adjourn the meeting.

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

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

Motion carried.

The meeting adjourned at 7:44 p.m.

Craig Erickson, Chairperson

Kimberly Taylor, Recording Secretary