

PLAN AND ZONING COMMISSION MEETING

February 13, 2017

Direction: CITY1729.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, February 13, 2017, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

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

Item 1 - Consent Agenda

The agenda was modified to address the sign code amendment under Old Business as this Public Hearing item was closed at the last Plan and Zoning Commission meeting.

Item 1a - Minutes of the meeting of January 30, 2017

Chairperson Erickson asked for any comments or modifications to the January 30, 2017 minutes.

Moved by Commissioner Hatfield seconded by Commissioner Brown, the Plan and Zoning Commission approved the January 30, 2017 meeting minutes.

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

Motion carried.

Item 2 – Public Hearings

2a –The Foundry, 111 South 11th Street – Establish a Planned Unit Development – City Initiated – ZC-003361-2017

Commissioners were provided a memorandum with an attached citizen comment letter at the dais from staff regarding the proposed use of a beer hall at the Foundry located at 111 South 11th Street.

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 February 3, 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 Southworth, seconded by Commissioner Hatfield, 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: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen.....Absent

Motion carried.

Planner Tragesser explained that the City requested a Planned Unit Development (PUD) ordinance for the Foundry Project be established to address the unique proposed uses for the site. The proposed PUD outlines the provisions for three uses which includes a distillery, a beer hall, and a commercial kitchen. Ms. Tragesser elaborated on one outstanding issue regarding screening of the patio on the north side of the building. The PUD proposed to require eight foot tall screening for the patron patio; in the General

Industrial zoning district a fence is allowed up to eight feet. Staff reasoned that to mitigate noise coming from the patio and its potential effects for the residential development to the north, that eight foot high screening should be installed. The applicant is not in agreement with this provision and proposes a five foot tall screening fence. She noted that the applicant's representative was not in attendance due to a misunderstanding about the meeting date and that Mr. Chuck Bishop, Bishop Engineering, is available to represent the project as Bishop Engineering is the consultant on the project.

Chairperson Erickson asked if it was correct that Staff recommends an eight foot fence and the applicant wanted a five foot fence. Ms. Tragesser responded that it does not necessarily have to be a fence or a wall, but Staff wanted eight feet of screening to mitigate the noise.

Commissioner Southworth requested the seating capacity of the proposed beer hall and the patio. Staff was unable to provide the occupancy numbers to Commissioner Southworth at the time since the number of occupants is not a calculation required with planning review of the project. Staff noted that the occupancy numbers would be reported in the staff report to the Commission for the Major Modification of the site which is forthcoming on February 27, 2017.

Commissioner Southworth asked if live music would be allowed. Development Coordinator Schemmel stated that the PUD limits the ability to provide live music outdoors on the patio.

Commissioner Hatfield asked the distance from the proposed screening location from the single family residential area. Ms. Tragesser stated that the closest residential area is approximately 250 feet away and the next closest is approximately 350 feet, both of which are across the railroad and Railroad Avenue to the north.

Chairperson Erickson asked how this establishment is being defined. Ms. Tragesser stated that the Foundry will be considered a drinking establishment.

Commissioner Hatfield asked if there was an area on site where food trucks would be serving food. Ms. Tragesser stated that the food trucks would have to be located on the parking lot and obtain a mobile vendor permit. The food trucks are meant to use the kitchen for preparation and then move off site.

Chuck Bishop, Bishop Engineering, 3501 104th Street, Urbandale, stated that the eight foot fence seems an excessive height as there is a railroad between the facility, and the nearest resident is over 250 feet away. An eight foot wall would tend to make the patio seem small and confined. Mr. Bishop continued that landscaping with a shorter wall could be installed which would buffer the noise. He expressed that a patio should be open and not defined by an eight foot wall.

Commissioner Southworth asked where the proposed patio would be located. Mr. Bishop informed her it would be located on the north side of the building.

Commissioner Crowley asked if the applicant would be willing to compromise and have a six foot fence. He understood that an eight foot fence could be claustrophobic. Mr. Bishop responded that a 6 foot opaque screen combined with landscaping would be acceptable.

Director Twedt stated that staff has not dictated that there has to be a fence. Staff is interested in having eight foot screening with solid massing to block the noise. Mr. Bishop stated that this may just be a misunderstanding, and it would be acceptable to have a combination of screening with landscaping to block the noise.

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

Teena McIntire, 107 10th Street, stated that she also owns the house located at 103 10th Street. She

expressed concern with potential noise coming from the development. She indicated that both properties have had to reduce their fence size to conform to code regulations. Ms. McIntire expressed that she loves the idea of the Foundry, but worries about the noise and the ability to keep her 103 10th Street property rented.

Shirley Ramirez, 107 11th Street, stated that her concern was traffic coming from the east to turn on South 11th Street as the intersections of South 11th and 11th Street at Railroad Avenue were offset and currently presents conflicts with turning traffic from both directions of Railroad. She noted that an island installed or other option is needed to make the turning better; it is hard to get out now with just regular traffic.

Jeremy Christiani, 1100 50th Street, noted a conflict between the staff report and the PUD regarding the parking ratio for a beer hall, or drinking place. *Staff notes that the conflict will be resolved and that the correct ratio is 1.5 parking spaces per 100 sq. ft. of gross floor area.*

Mr. Christiani continued that the proposed eight foot tall fence is not adequate. The north outdoor drinking area will be all hard surfaces and all sound will be reflected to the north. Also, the entire west end of the building is floor to ceiling garage doors. This fence should extend at least 100 feet further west and be a fence, as well as landscaping to mitigate noise. Mr. Christiani asked the Commission to not approve this PUD as written as it is a threat to the quality of life for West Des Moines most vulnerable citizens.

Commissioner Southworth asked Mr. Christiani how many parking spaces should there be based on his research. He responded that with an estimate of 6,000 square feet, tap rooms are required to have 90 spaces. He suggested that this number be used as this is what is stipulated in City Code. If beer is being distilled there should be 108 spaces; if beer is not being distilled, it would be 90 spaces.

Commissioner Hatfield asked about the number of parking stalls, and asked if a site plan layout included 90 plus parking stalls. Mr. Bishop responded that he was not sure, but the site plan would conform to Code requirements.

Chairperson Erickson closed the Public Hearing, and asked for continued discussion or a motion.

Chairperson Erickson expressed that he heard the concerns with noise, but felt that staff had addressed and made many modifications to address the noise issue, and that this project would bring vibrancy, new users, and economic development to the Valley Junction area which is also important while keeping respect for the neighbors. To the issue of traffic impacts, this will be dealt with during the site plan process.

Commission Southworth asked for clarification on extending the screening requirement. Chairperson Erickson informed her that the current motion on the floor is as written. If that motion fails, there could be a second motion to include an expanded screening requirement.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Planned Unit Development Ordinance for the Foundry, subject to the applicant meeting all City Code requirements with a clarification of the number of parking stalls required.

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

4-b Phenix, NE corner of 7th Street between Walnut Street and Locust Street – Amend the Comprehensive Plan for approximately 2.49 acres of the 3.51 acre site from Single Family Residential to Medium Density Residential; and Rezone the entire 3.51 acre property from Single Family–Valley Junction Residential (SF-VJ) to Phenix Planned Unit Development – City Initiated – CPA-00374-2016/ZC-003273-2016

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 February 3, 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 Brown, 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: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen.....Absent
Motion carried.

Economic Director Clyde Evans explained that this is an amendment to the Comprehensive Plan which proposes to change Single Family Residential to Medium Density Residential for the 2.49 acre parcel. The entire 3.51 acre site will then be rezoned from Single Family - Valley Junction to the Phenix Planned Unit Development. There have been extensive discussions with City Council and many meetings regarding this proposed project. The Historic West Des Moines Plan was prepared and finalized in September which recommended that the City designate this property as Medium Density and develop the Phenix Housing Project. The proposal is to convert the former Phenix Elementary School building into 17 rental housing units. The City will be working with Community Housing Initiative (CHI) to redevelop the property with an overall density of 6.8 dwelling units per acre which barely puts the development into the medium density range.

Mr. Evans provided history of the site noting that Staff had been asked by City Council to prepare a list of potential uses for the area. Twenty potential uses for the site were identified. City Council voted in favor by four to one to go forward with the CHI housing project which then prompted the Comprehensive Plan Amendment and Rezoning. Mr. Evans commented that many concerns have been received from the neighbors with having housing rental units in this area.

Commissioner Hatfield observed from attending the January 23, 2017 City Council meeting that it was clear there were two uses being considered for the property. He commented that for this property to be developed, a change in the zoning and comprehensive plan would be required. Commissioner Hatfield wondered why this change in the comprehensive plan and zoning was not completed last fall when it was an item on the Plan and Zoning agenda, but was pulled from the agenda.

Mr. Evans commented on the sequence of events. When this property became available, the City had a great amount of concern with the property becoming an “eye sore” to the neighborhood. Staff discussed with City Council the potential uses for the property. The timing was such that grant funds became available through the State for housing. There was a short time frame to prepare an application to the State, and there was no guarantee that the funding would be obtained. Without funding, there would be no housing project. Staff did not confirm the funding until the first part of January of last year. There was a purchase agreement with the school district that the City had to close acquisition by a certain date. Proper procedures as dictated by the Department of Housing and Urban Development had to be followed, i.e., the finalized environmental document before property purchased. Also, there was a

waiver process requirement that took over a year to obtain approval. After submission of the extensive environmental documentation, it took over six months to obtain a waiver. Thus, the project did not come forward until it was determined that there was approval for the project to move forward.

Commissioner Hatfield asked for clarification as to who was the applicant for funding. Mr. Evans expressed that the City was required by the State to be the applicant with the sub-recipient being CHI.

Chairperson Erickson stated that the City recently went through a visioning process for Valley Junction and asked if there was any portion of this proposal that was not supported by the plan that was developed. Mr. Evans replied that this proposal is consistent with that plan.

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

Chris Krull, 205 S 29th Street, commented that she attended Phenix School and still lives in West Des Moines. She became aware of this project just a few months ago and has heard many concerns from residents about turning this former school into apartments. After attending some meetings, she came to the understanding that two schools that were interested in this location did not have adequate time to obtain financing. Ms. Krull asked if the City was giving the property to CHI and, if so, she felt like a school would be a good fit and would be supported by neighboring property owners. Ms. Krull mentioned that Dave Cooper of Valley Junction went door-to-door in October and November and obtained approximately 120 signatures in opposition of this project. A copy of the petition was given to the recording secretary. This petition had previously been received in the City Clerk's Office on November 22, 2016.

Ms. Krull inquired if the Plan & Zoning Commission was aware in advance of when the City Council started working with CHI, and, if not, when was the Commission notified. It was her understanding that the Plan and Zoning Commission looked at this type of request and then makes a recommendation to City Council. She felt that this was done in a reverse order. She then asked how residents were informed of this project as it seems that this has been going on for a long time before residents became aware of the proposed project. She wondered what was so important about having an apartment complex that the wishes of the neighboring residents were not taken into consideration. The CHI has been involved for two years, but the schools were only able to get involved recently. Ms. Krull asked the Commission to please take into consideration what people want. She commented that she did not understand how giving the project to CHI would be better financially rather than having a school.

Frank Arbs, 630 8th Street, asked if \$13,000 would be paid in taxes for 17 apartments. He stated that he had three houses which he pays that much for in taxes. He thought the property was already zoned for a school, and he felt that this would be a great location for the Iowa Christian School especially since they pay school taxes. He continued that he has checked with the police department and there has been no trouble in this area (*CHI's existing location*). West Des Moines should not be in the real estate business, and this property should belong to the citizens that pay taxes each year. Mr. Arbs summarized by stating that the neighbors want this project to go to the Iowa Christian School, and that this way the City would not have to change zoning or spend any money.

Mr. Evans provided that the City is the property owner, and the Council made the decision as to how they wanted to proceed with the project. The issue of whether or not there should be a school at this location is not relative as the decision has been made by Council to have a housing project. The City was successful in obtaining a \$3 million dollar grant for this project, and a Workforce Housing Grant has been awarded to the City. The City also has a housing tax increment financing district which is the Woodland Hills area, and a certain percentage of the tax increment money has to be used for affordable housing.

Mr. Evans continued that the Phenix building was constructed in 1939 and needs many repairs.

Regardless of how the building was going to be used, major issues with the infrastructure have to be addressed, i.e., roof, furnace, etc. A large bulk of the money obtained for this project will be used for the physical improvements on the property. City Council was not interested in tearing down the building as it was such a cultural icon and an important piece of history for the community.

Christine Gordon, Housing Planner, elaborated that the City has received a \$3 million grant from the Iowa Economic Development Authority which are disaster funds from 2008 that have been reclaimed. The City is also receiving \$625,000 from the Iowa Finance Authority. CHI will be putting \$300,000 into the project and waiving the \$700,000 development fee typical of these type projects. The City will be contributing \$855,000 toward the project; \$535,000 of the money was for purchase of the property, and \$320,000 was identified for rehab of the building with the money coming from the Woodland Hills TIF money. The building will be sold from the City to CHI for \$1, the price necessary to make the project possible.

Barb Bailey-Mead, 502 7th Street, across the street from the building. She wanted to make sure the City was aware that the traffic flow in the neighborhood would go from low to medium. She questioned the City's obligation to handle the additional traffic which is the biggest concern with having apartments in this location. She reiterated that she would like to understand the change in traffic and the City's plan for traffic.

Chairperson Erickson asked where the information came from regarding traffic going from low to medium. Ms. Bailey-Mead stated that her neighbor read it in the newspaper. Chair Erickson continued that typically small projects such as this generate less traffic than a school or commercial project.

Ms. Bailey-Mead wanted to know if there had been a traffic study or an environmental impact study conducted for this project. Her concern was not just Phenix, but what would be developed behind Phenix. She also asked about storm water in the area located on 7th Street where there is a large drainage problem since there are no storm outlets. When it rains, alleys and garages floods. Ms. Bailey-Mead asked that this be taken care of before any more development. She requested that the zoning not be changed due to traffic and water flow issues, and how this development would impact families. Kids in her neighborhood have to be bused out of the neighborhood as there is no space for them. Ms. Bailey-Mead continued that the area is over populated now and more neighbors are not needed.

Doug Lenhart, 912 17th Street, has attended many meetings regarding this issue and asked what was the rush when 120 households do not want this project. He asked what does the City get out of this project? He stated that thousands of dollars were spent to refurbish the Phenix School, and then it was sold to another entity. He asked what a disaster fund had to do with Phenix School. Mr. Lenhart continued that he liked West Des Moines just the way it is and was not supportive of the Valley Junction Master Plan. He mentioned that converting Phenix into 17 low-income subsidized housing was a project that no one in the neighborhood wanted. Mr. Lenhart commented that if the project does have to proceed, people would have no say on who would be living there, and it would be against the wishes of the neighbors. The neighbors thought they would be talking and voting on this project, but have found out that it is a "done deal." Mr. Lenhart stated that he received an email from a women asking that if this was going to proceed, the neighbors wanted a choice to be able to vet the people that would be living there and would prefer West Des Moines residents given first choice. He reiterated again that he loves this City, but why the rush as the residents living in the area do not want this project.

Paris Boehm, 204 4th Street, stated that no one ever knocked on her door to sign a petition against this property. She acknowledged that all those who signed the petition do not live in Valley Junction. There are hundreds of people who are supporting CHI. As far as statistics, a study on the "missing middle" concept in housing research found that 70% of millennials are looking for, not low income, but affordable housing. These are our teachers, EMTs, firefighters, and other entry level positions who are

looking for highly walkable neighborhoods. Fifty percent of baby boomers are also looking for affordable rental housing in highly walkable neighborhoods. Based on current trends, by the year 2020, 80% of households with no children will be looking for affordable housing. She continued when there is a comment about vetting the people moving into a neighborhood, this is opening up the City of West Des Moines for a fair housing class action lawsuit. Ms. Boehm stated that she has been renting in Valley Junction for over five years, and she is hoping to be one of those people renting in Phenix.

Commissioner Southworth asked the average square footage of the units. Ms. Boehm stated that they start at 700 sq. ft. and go to over 1,300 sq. ft. with one, two, and three bedroom options.

Sam Erickson, Chief Operating Office CHI, commented that CHI already owns two properties in the Valley Junction area. She explained that there are four apartments that will rent for \$650 for a one bedroom or \$780 for a two bedroom. Section 8 and housing subsidies are not being accepted. Those who want to live at this property would have to pass a credit check and a thorough criminal background check. Ms. Erickson continued that there would also be workforce housing, and the rent would be \$850 for a one bedroom, \$925 for a two bedroom, and \$1,000 a month for a three bedroom unit. Listening to the heart and soul of this building, it was determined that to the north and south, they are more conducive to three bedroom and will rent from \$850 to \$1,000 a month. Also, there are four market rate units with no income restrictions that will rent for \$975 for a two bedroom and \$1,050 a month for the one three bedroom. Ms. Erickson stressed that whoever lives at this property has to demonstrate that they have the ability to pay this rent.

Bob Brekke, 675 71st Street, commented that he thought that the interest of the people in the area who live and pay their taxes should be taken into consideration before the development of more housing. His main concern was that competition had been eliminated and not open to outside sources. This seemed illegal and discriminatory as it narrowed the field to just one individual or corporation. Mr. Brekke continued that he grew up in Urbandale and has always shopped and eaten in the Valley Junction area. He expressed his appreciation for the great accomplishments completed in Valley Junction.

Chair Erickson stated that CHI was chosen through a process which was not illegal in any way. As Mr. Evans mentioned earlier, the City Council has already determined the use. The purpose of this body is only to review the potential change in the land use and the zoning. Under the zoning laws of West Des Moines and consistency with how other parcels have been zoned, the Plan and Zoning Commission responsibility will be to determine if this is a reasonable use for this parcel.

Karla Jones-Weber, 821 S 35th Street, represents Iowa Christian Academy which is currently located at 2501 Vine Street, encouraged the Commission to consider leaving the zoning as it is as there is a use for the property without having to make changes or modifications. Also, this is what the residents in the area are interested in, as well.

Jim Miller, Director of Historic Valley Junction Foundation, 423 35th Street, stated that the decision of the Commission is to consider the rezoning and not to discuss schools or other uses. The Historic Valley Junction Foundation is in favor of this project, and Mr. Miller was personally in favor as there is an incredible need for affordable housing on the east side of West Des Moines. He personally took great offense to the implications about low income housing, as he was very familiar with what government assistance is all about. He looks forward to moving into the Phenix project when and if it moves forward. He encouraged the Commission to support this project.

Jonas Cutler, 4300 Maple Street, commented that there would be a diminution of value for the property owners that live within one tenth of a mile with the houses seeing a 2.5 percent hit on property values. Affordable housing by definition means it is subsidized. Mr. Cutler declared that he was opposed to this project and was in opposition as home owners will be taking a hit. If there had been a positive influence, a free market would have constructed the apartments. He would like to buy the property for

\$1.01 and donate it to the school.

Chairperson Erickson 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.

Mr. Evans responded that the City owns the building which will be transferred to the CHI. A development agreement will call out the ownership and how the property will be maintained and the affordability for a number of years. The City traffic engineer looked at traffic generation factors and it was determined that the use for 17 apartments was the lowest traffic generator for any of the potential uses for the site. A school use was two and a half times greater than that of apartments in terms of traffic volume.

Mr. Evans commented on the petition that was presented to the Commission was the one that was presented to City Council during its review of the potential use of the property when trying to make a decision for the ultimate use for the site. In terms of environmental studies, there was a lengthy environment report completed for the property which was necessary for the City to obtain funds. In terms of storm water, the current storm drainage will remain. If the City does something with the lots on 6th Street, the City or the developer would have to address the storm drainage issues.

Mr. Evans continued that the West Des Moines School District has indicated that Hillside Elementary would be the school within this attendance area and has no overcrowding situation at Hillside, but in fact have quite a few openings.

In terms of who will be allowed to live at the property, there is a process that will be used to determine eligibility. Mr. Evans stated that the person who will potentially be able to live in this development will be working and not be on assistance. The income levels will probably be comparable or even higher than the income levels of the surrounding neighborhoods.

Mr. Evans commented on the loss of property value. Two reports conducted by national firms have indicated that they cannot find any situation in the country where there has been a decrease in value of property because of an affordable housing project. In fact, it was been found that the opposite is true.

Commissioner Southworth asked about the affordable housing loans and if there was an escalation. Ms. Gordon responded that the workforce housing loan was for 20 years and the IEDA was for 15 years. The fair market rents will increase with inflation and are set by HUD each year. Mr. Evans interjected that every February or March the Federal Government puts out new median income levels for counties which is a sliding scale based on family size and is revised every year. Rents are based on median family income.

Commissioner Southworth asked how many units are affordable housing in Valley Junction. Mr. Evans expressed that the only projects that have gone through a process to obtain monies or entitlement for affordability was a project located on 9th Street and Maple which has since expired, and one at Valley Station which is a 52 units which not all income restricted.

Mr. Evans continued that one of the reasons there was the Historic West Des Moines Plan was to determine how to maintain the viability of the Valley Junction neighborhood. Also, there was concern that this was probably one of the City's few walkable neighborhoods in the community. It seemed logical to look at where opportunities to have housing units and not cause significant impacts to the neighborhood in terms of traffic. There was also the need to bring in new residents into the neighborhood, specifically younger families, hoping that they would be encouraged to stay in the neighborhood.

Comprehensive Plan Amendment

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Comprehensive Plan Land Use Map change for the subject property as illustrated in staff report D, from Single Family Residential (SF) to Medium Density Residential (MD).

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

Motion carried.

Rezoning

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a zone change for the property located between 6th & 7th Streets and Walnut & Locust Streets from Single Family–Valley Junction Residential (SF-VJ) to a Phenix Planned Unit Development (PUD).

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

Motion carried.

Commissioner Hatfield stated that he agreed with the neighbor’s position as expressed. He feels the property should be utilized by a school. Commissioner Southworth indicated she also felt this way.

Item 3 – Old Business

3a – 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 – AO-003191-2016

Sign and Zoning Administrator Kevin Wilde stated that this item had been discussed previously and suggested recommendations have been incorporated into the proposed sign ordinance. The access identification signs have been modified from eight square feet up to 16 square feet and a number of photos have been incorporated into the document. Mr. Wilde also incorporated language into the ordinance that dealt with the regulations for a landmark. Basically, a landmark is not intended to be signage. There is a definition for a landmark, but nothing indicates that landmarks were ever reviewed as part of a minor modification or site plan process.

Mr. Wilde continued by discussing the long-term temporary signage. As in the past, he reiterated that real estate signs need to be treated the same as any other long-term commercial sign. He has tried to separate the short-term temporary signs from the long-term temporary signs with the use materials. The long-term temporary signs have to be of hard construction; the short-term signs of “softer” materials. If a soft sign is mounted on a building or a hard structure, then it could also qualify as a long-term sign.

Chairperson Erickson asked if there was agreement with the proposed changes other than the long-term temporary signs. He continued that if the Commission was interested in a change or alternative, this would need to be expressed and determined how language could be crafted.

Commissioner Costa asked for an understanding on the court ruling relevant to the City and Iowa. Mr. Wilde read one segment of a Federal Supreme Court ruling from the Reed v City of Gilbert, AZ. “The

sign code is content based on its face and depends on the category of temporary, political, and ideological signs on the basis of their message, and then subjects each category to a different restriction. The restrictions apply, thus, depend entirely on a sign’s communicative content. Because the code, on its face, is content based regulation of speech, there is no need to consider the government’s justification or purpose for enacting the code to determine whether or not it is subject to scrutiny.” Mr. Wilde explained that this language basically says that if we are going to regulate something based upon the content, then we have to have very valid justification. In most cases, it will go against the party that is defending the regulation, unless there are safety or health issues.

Chairperson Erickson commented that if the Commission wants more lifetime for a sign, there may be unintended consequences.

Commissioner Costa asked if other municipalities are addressing this issue. Mr. Wilde provided that looking at the metro area, most have still not taken the time to update their sign ordinance based upon the rulings that came out in 2015. He continued that most cities are operating under the old system knowing they might be challenged.

Commissioner Costa asked if it was decided to have an annual temporary permit, what would be the annual fee. Mr. Wilde stated that currently nothing is in place, and the fee would have to be established. Currently, for a long-term real estate sign, the fee would be based upon square footage. A 32 sq. ft. sign would have a \$90 base fee, plus \$.61 per sq. ft. Thus, for a 32 sq. ft. real estate sign, the cost would be \$109.52.

Commissioner Costa made the recommendation to allow temporary signs to remain up to one year with the ability to renew annually.

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

Chairperson Erickson moved to approve the ordinance as written with the amendment to move long-term temporary signs to an annual permit basis with no restrictions on the number of renewals.

Chairperson Erickson asked if Mr. Wilde could deal with the “ratty” signs with the ordinance as written. Mr. Wilde responded that there are provisions in the Code that deal with maintenance.

Moved by Commissioner Erickson, seconded by Commissioner Brown, the Plan and Zoning Commission adopt the resolution recommending City Council approval the proposed ordinance amendment.

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

Item 4 – New Business

4a – Westfield Office Building, 1080 Jordan Creek Parkway – Site Plan for the Construction of a 182,036 sq. ft. Office Building – Dallas County Partners – SP-003238-2016

Commissioner Hatfield recused himself from participation in this item due to a conflict of interest.

Tom Rupprecht, R&R Realty Group, 1225 Jordan Creek Parkway, representing the applicant, requested Site Plan approval for the Westfield Office building consisting of two 80,000 sq. ft. buildings with underground parking. He expressed agreement with staff recommendations and conditions of approval.

Rendered drawings and elevations were provided depicting the office buildings. There will be a roof top patio and a common area. The side elevations showed the use of metal and brick materials.

Chairperson Erickson 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 Costa, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Site Plan for construction of an 182,036 sq. ft. Office Building at 1080 Jordan Creek Parkway, subject to the applicant meeting all City Code requirements and the following:

1. The main driveway opposite Woodland Avenue cannot be utilized until the traffic signals are fully functional and accepted by the City Council.
2. Prior to any occupancy the following items will need to be finalized:
 - a. City Council acceptance of public improvements
 - b. Public street lights adjacent to Jordan Creek Parkway are paid in full.
 - c. Storm Water Facility Maintenance Agreement and Easement is executed and returned to the City.
 - d. Storm water facility as-builts and certification letter are submitted to the City.
 - e. All public pedestrian ramps and driveway approaches as-built drawings are submitted to the City.
 - f. Storm sewer easements documents are executed and submitted to the City.
3. Prior to any new building permit, final site plan drawings addressing remaining review comments are submitted to the City.

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

Motion carried.

4b – Della Vita, Northwest corner of EP True Parkway and 88th Street – Subdivide property into 94 lots for single family development, 141 lots for medium density development, 7 street lots and 4 outlots – Della Vita, LLC – PP-003279-2016

Emily Harding, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing the applicant, requested Preliminary Plat approval to subdivide the property located west of 88th Street and north of EP True Parkway. The property is currently zoned as a PUD and has 67 acres. The underlying zoning is single family residential to the east half of the property and medium density residential to the west. Ms. Harding continued to provide property details and pointed out where plat 1 is to be located to the north with a connection at 88th Street.

Ms. Harding expressed that the developer was in agreement with staff recommendations and conditions of approval.

Chairperson Erickson asked for an explanation of the temporary drive connection to the west. Ms. Harding provided that the project needs a secondary access point. The primary access is located at 88th Street, and the secondary access will be located at Wendover Lane. The City will allow gravel for this drive for six months, but after this timeframe, the drive would be required to be paved. This access drive will likely be in place for more than six months, so the developer may pave up front to save gravel costs.

Planner Portz added that if the developer did not have a second access, the Code would only allow

development up to 750 feet per dead end; thus, the second access is needed for first phase development.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Preliminary Plat to create 94 lots for single family development, 141 lots for medium density development, 7 lots for public streets, and 4 outlots for detention, common areas and private streets, subject to the applicant meeting all City Code requirements and the following:

1. The City Council allowing the temporary access drive to Wendover Lane be allowed to be gravel for a maximum of a 6 month period of time, constructed so that it supports 75,000lb GVW and be maintained at all times, including snow removal. Should the temporary drive be required longer than 6 months, the applicant shall pave that portion of the drive within their development and connecting to existing Wendover Lane. Existing Wendover Lane does not need to be paved. Prior to paving, the applicant shall provide appropriate construction documents for review and approval by the City Engineer which demonstrate how the paving will tie into the existing gravel of Wendover Lane.
2. No combustible construction or storage of combustible materials shall occur on the Della Vita property until the necessary streets and water mains are installed to provide access and water for use by emergency services.
3. The applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits, for any lot within the plat.
4. The applicant receiving City approval of Public Improvement Construction Plans for any public improvements prior to implementation. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the city prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.

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

Motion carried.

4c – Hurd Jordan Plat 2, 174 & 320 S. Jordan Creek Parkway – Subdivide property into 4 lots for commercial development – Johnson Jordan, LLC and Hurd Jordan Three - PP-003339-2017

Chuck Bishop, Bishop Engineering, 3501 104th Street, Urbandale, representing the applicant, requested Preliminary Plat approval to subdivide the property into four lots for commercial development. Mr. Bishop provided a map of the existing plat located on Jordan Creek Parkway noting that this will be a replatting to match the new building by reconfiguring lot lines. The property will be divided into to four lots. Lot 1 will be for Dick’s Sporting Goods, Lot 2 will be the north half of the existing building, Lot 3 Hobby Lobby, and Lot 4 a lot out front for a future building.

Moved by Commissioner Crowley, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Preliminary Plat to create four (4) lots for commercial development, subject to the applicant meeting all City Code requirements.

Vote: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen.....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 Southworth, seconded by Commissioner Crowley, to adjourn the meeting.

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

Motion carried.

The meeting adjourned at 7:22 p.m.

Craig Erickson, Chairperson

Kimberly Taylor, Recording Secretary