

PLAN AND ZONING COMMISSION MEETING July 17, 2017

Direction: CITY1811.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, July 17, 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, Erickson, Hatfield,Present
Crowley, Southworth.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of June 19, 2017

Chairperson Erickson asked for any comments or modifications to the June 19, 2017 minutes.

Moved by Commissioner Andersen, seconded by Commissioner Hatfield the Plan and Zoning Commission approved the June 19, 2017 meeting minutes.

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

Motion carried.

A motion was made by Commissioner Hatfield, and seconded by Commissioner Andersen, to change the order of items and open the public hearing with Item 2e.

Item 2 – Public Hearings

2e – Phenix, NE corner of 7th Street between Walnut Street and Locust Street - Amend the Phenix Planned Unit Development to remove allowances for development of single-family – City Initiated – ZC-003495-2017

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 July 7, 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 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: Andersen, Brown, Costa, Erickson, Hatfield,Present
Crowley, Southworth.....Absent

Motion carried.

Lynne Twedt, Development Services Director, presented the request to amend the PUD to remove allowance for single family residential. Ms. Twedt explained that a previous request to amend the parcel boundaries and remove allowances for development of single family homes was presented, but only the parcel boundaries were addressed at that time. Director Twedt stated Council could allow single family

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homes on the site in the future noting that process would include a public hearing. Council has indicated that, as of right now they would like to keep it as open space.

Chairperson Erickson provided background on the request stating this is the 3rd time this issue has been brought before the Plan and Zoning Commission. The Commission made a strong statement that they are in support for the future of that parcel being housing. He spoke with Council members who stated this does not represent a retreat from the principal of supporting affordable housing in Valley Junction. Council wants to give the neighborhood some assurance that allowing single family homes in the future would require a public hearing.

Vicki Long-Hill, 100 block of 10th Street, presented to the Commissioners before regarding this issue and has attended City council meetings where Council members stated their intent for the site is open/green space. Ms. Long-Hill referenced a study done by Parks & Recreation regarding the number of parks in a 6-7 block area. She stated a number of residents do object to the amendment of the ordinance as proposed. Ms. Long-Hill provided the basis for the objection as 1.) The City spent tax payer dollars to have a consultant come in and work on the Historic Valley Junction Plan looking at uses in the area as it related to housing. 2.) The City has made their decision that the area will remain green space and she objected to changing the law amending the ordinance to strike out single family residences. Ms. Long-Hill stated the consultant report recommended residential housing in that particular space and there is no other place in Valley Junction where affordable housing could be placed. Ms. Long-Hill emphasized that the properties are owned by the city and she did not see a need to change the law striking out single family residences as a use. She continued, stating that unless the City chooses to build houses on the site there would be no houses and it would remain green space without changing the law. She also noted that an amendment in the future to allow single family residences would be more difficult than to leave the ordinance as is currently written.

Ed Engler, 128 11th Street, was for the proposal allowing green space. Mr. Engler suggested looking at existing lots in Valley Junction and splitting lots, stating he is a proponent of the small home concept.

Chris Schatz, 500 6th Street, was for increasing the tax base of the City. He stated there is not a lot of activity that happens as far as green space usage on the site.

Rena Johanningmeier, 612 Walnut St, represented the neighbors surrounding the property as part of the Historic Valley Junction Neighborhood Association. She referenced a petition that was provided to the City stating residents around the property want it to remain open space. She commented on the lack of green space usage currently being a result of the site under construction. She also felt with 17 new families moving into the area there would be a need for the green space.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Commissioner Hatfield commented that at the Plan and Zoning Commission's June 5th meeting several residents spoke for and against changing the site from single family to open space. He mentioned the study that the City paid for which indicated residential use for the east half of the property and the study also suggested the site not be used for schools but for apartments. Commissioner Hatfield opposed the apartment idea and would have liked the schools to be allowed to buy the property. He stated he understood the decision of the surrounding residents to feel a level of comfort that the area will remain open space and supported the City's recommendation that the site remain open space.

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request (ZC-003495-2017) for the

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purpose of amending the Phenix Planned Unit Development (PUD).

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

Motion carried.

2a – Cedar Ridge Lots 3-8, North side of the intersection of Mills Civic Parkway and S. 91st Street - Amend the Comprehensive Plan Land Use Map to change the land use designation for approximately 0.82 acres from Office (OF) to Single Family Residential (SF) and consistency zone approximately 9 acres from Unzoned to Residential Estate (RE-1A) – City Initiated – CPA-003529-2017 & ZC-003457-2017

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 July 7, 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 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: Andersen, Brown, Costa, Erickson, Hatfield,Present
Crowley, Southworth.....Absent

Motion carried.

Brad Munford, Planner presented the consistency zoning request to establish zoning for lots 3-8 of Cedar Ridge. He provided history on the subdivision that was created in the county in 1980, noting that it was not developed but some of the lots were sold off resulting in the current configuration. The area was annexed into the City in 2007 and in 2010 a Comprehensive Plan was set up for the property. In 2015 after an inquiry to build homes on the property, Staff recognized zoning needed to be established.

He noted the future alignment of S. 91st Street and the effect on zoning. The current Comprehensive Plan shows S. 91st Street connecting on the north side of Mills Civic Parkway within the development and provided that currently there is a home on the property which may cause the final configuration to go a little bit west or east.

Jerry Bussanmas, 2696 Berkshire Pkwy, Clive, IA, asked if any services would be established so that the other properties on the site would be usable.

Mr. Munford stated the services will not be extended and any services that occur would be a part of a regular single family development. He stated the existing homes may end up being on septic, depending on soil tests and if the county will allow it, if not they will need to connect to the sewer.

Chairperson Erickson clarified that if an adjacent developer wanted public utilities extended through the lots they would have to pursue an easement with the property owners.

Charles Morse, 33597 335th Street, Waukee, IA, asked for the definition of RE-1A zoning.

Mr. Munford stated the RE-1A zoning is single family with a minimum 1 acre requirement, noting that is consistent with the development pattern in that area.

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Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Comprehensive Plan Land Use Map:

Moved by Commissioner Hatfield, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Comprehensive Plan Land Use Map to change the designation of approximately .82 acres of land from Office (OF) to Single Family Residential (SF).

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

Zone Change:

Moved by Commissioner Brown, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an Ordinance to Consistency Zone approximately 9 acres from Unzoned to Residential Estate (RE-1A).

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

2b – Boston Property, 9975 Boonville Road- Designate Residential Medium Density (RM-12) zoning on approximately 11.68 acres - Chayse Holding, LLC –ZC-003527-2017

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 July 7, 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 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, Erickson, Hatfield,Present
Crowley, Southworth.....Absent
Motion carried.

Brad Munford, Planner presented the request to consistency zone the property to RM-12 Medium Density. The property was annexed into the city in 2010 however the house on the property was built prior to that annexation. Mr. Munford stated the request would zone the property consistent with the RM-12 designation that was established in the 2010 Comprehensive Plan.

Chairperson Erickson stated when you look at the surrounding zoning there are a lot of large lots as well as single family lots and wanted to know what road will be going through the area that makes the medium density make sense.

Brad Munford pointed out the property was part of a larger area that was medium density at one time, referencing the Kings Landing development which downzoned from medium density to single family. He

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also stated that this piece of property still has medium density entitlements which was established by the City in 2010. He continued, stating Booneville Road will be a three lane road.

Jerry Bussanmas, 2696 Berkshire Pkwy, Clive, IA stated he is part owner in Kings Landing and the development around the property, and expressed his opposition to zoning the property as high-density. He mentioned an ordinance that would create a 150 foot boundary around the property to separate it from single family.

Mr. Bussanmas asked if three story apartment buildings would be allowed and also wanted to know how the streets would transition onto this property. He continued stating with their grading plan they have outlots that are in the flood plain and inquired as to how they are going to build out from that. He also expressed concern regarding 16 trees that would make a great buffer between the property and the road, being destroyed for an apartment complex.

Mr. Munford stated that Kings Landing's zoning was established before this piece of property so it has the (150') buffer requirement on it, not Kings Landing.

Director Twedt interjected that because Kings Landing downzoned there will not be the 150 foot transitional buffering that we have within single family instead there will be a 30 foot buffer requirement. *(Staff clarification: the 30' buffer traditionally required between different intensity land uses is not required on the Boston property due to the down-zoning done by Kings Landing which created the difference in intensity. Kings Landing will need to install the 30' buffer. The 150' building mass buffer will still be required of the Boston property if Kings Landing is final platted before development plans for the Boston property are submitted.)*

Mr. Munford discussed the private to public street changes stating they would be worked out during the site plan and there is no specific site plan yet for the property.

Mr. Munford continued, stating Staff was aware of the flood plain and will take proper precautions to make sure there are no issues.

Chairperson Erickson stated these are all issues that will be addressed with the site plan at a later date.

Mr. Munford confirmed that Chairperson Erickson statement was correct and stated staff would work with whomever develops the property to save as many of the 16 trees as possible.

Mr. Bussanmas felt the existing lots would be devalued by building a three story apartment building complex behind them.

Chairperson Erickson clarified the zoning is medium density and not high density.

Mr. Munford stated medium density zoning was established in 2010 and Kings Landing was changed from medium density after the 2010 Comprehensive Plan was developed, but medium density zoning does not preclude 3-story apartments if additional setback is provided.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Commissioner Hatfield inquired if they could place restrictions limiting the property to two stories in height since there were no site plan layouts to review.

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Director Twedt responded the Commission can make the recommendation, but there would be an argument that there have never been established restrictions placed on a property when consistency zoning a property. She continued stating the current property owner would have some rights to not have those conditions.

Moved by Commissioner Costa, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an Ordinance to rezone 11.68 acres of property from Unzoned to Residential Medium Density (RM-12) subject to the applicant meeting all City code requirements.

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

Motion carried.

2c – Microsoft Osmium, Generally located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren County – Amend Comprehensive Plan Land Use Map and Amend Zoning Map for Light Industrial Land Use and Zoning – City Initiated – CPA-003518-2017/ZC-003521-2017

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 July 7, 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 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: Andersen, Brown, Costa, Erickson, Hatfield,Present
Crowley, Southworth.....Absent

Motion carried.

Karen Marren, Planner discussed the city initiated request for 200 acres west of I-35 and South of the Veterans Parkway extension, to change from Office and Support Office to Light Industrial and change from Unzoned to Light Industrial Zoning.

Nancy Deimerly, 1136 N 60th, Cummings, IA, owns the land to the south of Microsoft. She stated her land has always been Agriculture not Light Industrial. She explained the context and history of her property. She indicated that she was told by City representatives that the road in front of her land would be paved and noted the work that is currently being done is to pave the road north of her property, but no longer includes her frontage and what was promised. She also indicated that she wanted an increased buffer distance of 200 feet not 50 feet between her property and Microsoft.

Chairperson Erickson explained the zoning and road issue are unrelated issues, but someone from the City can follow up with her regarding the road. He clarified the discussion about the Comprehensive Plan designation stating her land would remain untouched, however in the future if she chose to sell or develop the property that is what the City would designate as the land use.

Director Twedt mentioned that currently the area has no land use designation because it is in the Cummings West Des Moines moratorium. The zoning request does not change anything on her property.

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Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Comprehensive Plan Land Use Map:

Moved by Commissioner Brown, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Comprehensive Plan Land Use Map amendment for the purpose of changing land use designation of property located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren counties from Office and Support Office to Light Industrial.

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

Zone Change:

Moved by Commissioner Costa, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the zoning request for the purpose of zoning the property located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren counties to Light Industrial (LI).

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

2d – Villas on Ashworth, 8585 Ashworth Road – Amend Comprehensive Plan Land Use Map from Office (OF) to High Density Residential (HD) and Community Commercial (CMC) and designate Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and Community Commercial (CMC) zoning – Fink Enterprises, L.C. and Stephen and Deborah Fink – CPA-003509-2017/ZC-003510-2017

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 July 7, 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 Brown, 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, Erickson, Hatfield,Present
Andersen, Crowley, Southworth.....Absent
Motion carried.

Ed Arp, Civil Engineering Consultants, 2400 86th Street Suite 12, Des Moines, IA 50322, represented the applicant, Commercial Investment Properties (CIP), in the request for Comprehensive Plan rezoning. The current Comprehensive Plan shows the property as Office. The applicant would like to change 33 acres to high density residential in the eastern portion and the remaining 3 acres to community commercial. Mr. Arp stated they don't plan on going over 15 dwelling units per acre.

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Brian Portz, Planner commented that Staff has been looking at land uses in the larger area which would be brought before the Commission within the next few months. He stated staff recommends that the property be zoned high density on the eastern portion and community commercial on the western side.

Chairperson Erickson noted there has been a lot of movement away from Office zoning in that area over the last couple of years.

William Chase, 9396 Ashworth Road, West Des Moines, IA asked if there has been any consideration to place an interchange at the Ashworth Road bridge to get people in and out of that area if it develops as proposed.

Lynne Twedt, Director, with the start of this budget cycle we are starting the Interchange Justification Report (IJR), which is the study for a possible interchange. She stated the interchange would be similar to Grand Prairie Parkway but on a more condensed scale. She noted that the interchange would not affect the property in question.

Bob Schlarbaum, 8289 Ashworth, West Des Moines, IA, stated he owned the surrounding property and had questions regarding the definition of high density and what type of apartments would be developed, market rate or government assistance. He also wanted to know about road access and buffering.

Mr. Arp responded that typically CIP builds two story apartments on a density of this nature. They call them apartments but they look more like townhouses. They will be market apartments with all access to the property coming off of Ashworth Road. He stated there will be right in/right out between 81st Street & 84th Street with a traffic signal at 84th Street.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Comprehensive Plan Land Use Map:

Moved by Commissioner Costa, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Comprehensive Plan Land Use Map for approximately 36 acres from Office (OF) to High Density residential (HD) and Community Commercial (CMC) subject to the applicant meeting all City code requirements.

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

Zone Change:

Moved by Commissioner Costa, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request (ZC-003510-2017) for the purpose of consistency zoning approximately 36 acres of property RH-15 located generally at 8585 Ashworth Road subject to the applicant meeting all City code requirements.

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

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

There were three New Business items to address.

4a – Mill Ridge Clubhouse, Southeast corner of S. 91st Street and Nelle Lane – Approval of a Site Plan for a clubhouse and pool for the Mill Ridge Development – Hubbell Realty Company – SP-003480-2017

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads Drive Suite G, Grimes, IA, represented the applicant Mill Ridge Homes request for approval of a clubhouse. Mr. Trygstad stated the applicant is in agreement with staff conditions and would prefer parking spaces along the south remain as green space. He pointed out that they have shown in the site plan where they have allowed an area for the four parking spaces if they ever deemed necessary.

Brad Munford, Planner pointed out the two deferral actions the applicant has requested:

1. S. 91st street dead ends 80 feet south of Nelle Lane and they are asking for a deferral of construction of the southern half of S. 91st Street until they develop the property to the south.
2. The amendment to the conditions of approval to defer parking that was placed on the dais.

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 Hatfield, seconded by Commissioner Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Mill Ridge Clubhouse (SP-003480-2017) for the purpose of constructing a clubhouse and pool for the Mill Ridge development with the following conditions of approval:

1. The applicant install and maintain all necessary soil erosion measures.
2. The applicant agrees to obtain all appropriate building permits prior to initiation of any site work.
3. The applicant will provide surety in lieu of construction of the southern 70 feet of 91st street prior to the recordation of any plat that includes the clubhouse.
4. The applicant agrees that the clubhouse will only be used by Mill Ridge residents and will restrict its use accordingly.
5. The City Council deferring the installation of up to 4 parking stalls of the 17 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 of a Minor Modification Site Plan to the City identifying the location and engineering details for the stalls to be constructed.

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

4b – Microsoft DM4, 8855 Grand Avenue – Approval of Grading Plan – Microsoft Corporation – GP-003516-2017

John Widtfeldt, Microsoft Corporation, One Microsoft Way, Redmond, WA, presented the request for a grading permit for the location south of their existing data center buildings on Grand Avenue in preparation for additional data center buildings. Mr. Widtfeldt stated they have their permits from the State of Iowa and erosion control measures are in place.

Brian Portz, Planner recommended approval.

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 Brown, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Microsoft DM4 Grading Plan permit (GP-003516-2017) for the purpose of regrading of the site with the following conditions of approval:

1. Petitioner obtaining all appropriate city and state permits, including obtainment of NPDES General Permit No. 2 authorized by the Iowa DNR prior to initiating any grading on the site; and
2. The applicant installing and maintaining all necessary soil erosion measures.

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

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

The meeting adjourned at 6: 49 p.m.

Craig Erickson, Chairperson

Juanita Greer, Recording Secretary