

**PLAN AND ZONING COMMISSION MEETING August 28, 2017 - CORRECTED**

Direction: CITY1836.DSS

**Corrections indicated in bold highlighted text**

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, August 28, 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**

**Item 1a - Minutes of the meeting of August 14, 2017**

Chairperson Erickson asked for any comments or modifications to the August 14, 2017 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission approved the August 14, 2017 meeting minutes.

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

Motion carried.

Chairperson Erickson asked for a motion to rearrange the items on the agenda. Moved by Commissioner Crowley, seconded by Commissioner Brown, the Plan and Zoning Commission approved opening the public hearing with Item 2e.

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

Motion carried.

**Item 2 – Public Hearings**

**2e – Ashworth Road I-80 Corridor, Generally located along Ashworth Road beginning west of Interstate 80 east to Jordan Creek Parkway – Amend Comprehensive Plan Land Use Map and Amend Zoning Map to designate and zone property to High Density Residential, Medium Density Residential, Office, Community Commercial, and Light Industrial – City Initiated – CPA-003525-2017/ZC-003524-2017**

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 August 18, 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 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: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes  
Andersen.....Absent

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Motion carried.

Karen Marren, Planner, explained the city initiated Comprehensive Plan Map Amendment and Zoning Map Amendment request. Ms. Marren pointed out the areas Staff is looking at amending. She discussed the intersection of 88<sup>th</sup> Street and Ashworth Road where Staff is proposing to take some of the Office space to Community Commercial.

For the change between High Density and Office land uses, Ms. Marren stated Staff recommends that the street access proposed to continue north of Ashworth Road be used as the break line.

Ms. Marren stated many of the properties are Unzoned on the map. The proposed zoning is consistent with the land uses, especially the properties at the corner of Ashworth & Jordan Creek Pkwy which is already designated Medium Density on the Land Use Map. The proposed zoning is for consistency with the existing land use and any proposed amendments for the land use plan.

Ms. Marren referenced emails received from the public notice. She mentioned Staff was recommending deferral of action on this item due to the additional input received. She continued stating Staff recommends hearing public comment so it can be incorporated in the review process.

Chairperson Erickson explained the Commission would not be taking action on the item tonight. He stated this was an opportunity to gather further input. At a future time this will come back before the Commission and there will be public notices.

Bradley Burt, 7929 Ashworth Road, owns 42 acres which is currently PCP zoned, under rezoning a section would be High Density Residential and he would like to keep it as is PCP. Mr. Burt stated he is working to sell it and develop it as office and felt that would inhibit that process. His request was that the Commission keep the whole section in tact as PCP or Office and not divide it up into High Density Residential.

Rick Stessman, 7450 Ashworth Road stated he owned the corner house on Jordan Creek Pkwy & Ashworth Road. He referenced other members of the properties that are involved in this more or less 20 acres on the corner. He stated they previously did a traffic study trying to get it to change to something other than residential. Due to the 15 lanes of traffic attached to his property he felt it didn't make sense to remain residential.

He stated the property owners came together to try and change from Residential when property was originally bought out for the road widening. Mr. Stessman stated he was quoting the City who told them "they weren't going to change anything because they would have a snowball effect of properties wanting to change zoning because of the mall going in." He continued that now is the time to change the zoning.

Commissioner Hatfield asked Mr. Stessman what zoning classification he would prefer.

Mr. Stessman responded on the 1993 Comprehensive Plan says R-2, noting nothing around him is what the 1993 Comp Plan was when he moved there.

Commissioner Hatfield clarified his question asking what zoning would he prefer.

Mr. Stessman responded he is asking for Office/Retail. He stated the City had an appraisal done in 2000 or 2001 on the properties and the appraiser said the best land use for this corner would be to change it to Office/Retail.

Jo Ann Zimmerman, 7630 Ashworth Road, stated she lived in the same area as Rick Stessman. Ms. Zimmerman expressed concern about the traffic study that shows greater traffic than the intersection at 50<sup>th</sup>

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Street & University Avenue, noting that location has no residential or high-density. She stated it was ridiculous to even think that corner is going to be anything but Commercial or Office and it would be terribly unsafe to be in apartments or condos in a high density area next to that corner.

Daniel Herting, 813 78<sup>th</sup> Place, referenced the traffic study that was mentioned in the Staff Report. He brought up the recent developments in the paper that have indicated there is not going to be an off ramp or on ramp at Ashworth Road. He wanted to know if that was taken into account in the traffic study and will it change how things will work.

Commissioner Costa stated he would like to understand why it is multi-family on the corner of Ashworth & Jordan Creek Pkwy.

Ms. Marren explained there was a traffic study done that took into account the current conditions. It included the two parcels to the west of I-80 as well as everything to the north of Ashworth Road and over to about 78<sup>th</sup> Street. The traffic study showed that based on the Ashworth improvements the daily trips would be reduced as well as AM and PM peak trips. Based on the proposed land use designations the road infrastructure shown was appropriate. She did point out that a consultant will work on the study to determine the intersection improvement for I-80 but none of that has been determined at this point.

Chairperson Erickson summarized there is no approved interchange justification report that would indicate that there will be ramps there, so Staff can't say definitively one way or another it is going to happen.

Ms. Marren agreed with the statement.

Chairperson Erickson asked Ms. Marren for her response to the question regarding zoning of the southwest corner intersection of Ashworth Road & Jordan Creek Pkwy and plans to maintain that as Residential Medium Density.

Ms. Marren stated she didn't have information regarding the history on the property, but noted the proposed zoning to Medium Density is for consistency with the existing land use map.

Chairperson Erickson asked if we know the property owners support a change, was there a reason to keep the land use designation as opposed to waiting for a specific application to come in and ask for a change in zoning.

Ms. Marren responded that could be included as part of the application for development or now if that was something the Commissioners wanted to move forward with.

Chairperson Erickson reiterated the Commissioners were not going to make any decisions tonight. He asked Staff how the property owners can stay connected as the discussion moves forward.

Ms. Marren stated they can contact Development Services any time they have questions and Staff will send out another public notice when this item comes back to the Plan & Zoning Commission.

Rick Stessman responded that there have been developers that came to the city and were told they would not change zoning and that is why he is asking for it be changed. He mentioned Clyde Evans and former City employee Chris Shires as individuals who worked with them in the past and know the history of the properties.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners, noting no action would be taken.

**2a – Ordinance Amendment – Amend Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 10 (Performance Standards) and Chapter 14 (Accessory Structures) to update definitions and regulations pertaining to accessory structures – City Initiated – AO-003582-2017**

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 August 18, 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 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: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes  
Andersen.....Absent  
Motion carried.

Linda Schemmel, Development Services Coordinator, explained the request to amend several different chapters within the zoning ordinance. The amendment deals with Accessory Structures and cleaning up some conflicting information. She continued noting that it also recognizes some structures that were never discussed in the zoning ordinance; the Amendment will clearly state what they are and what they need to meet as far as requirements. She added Staff also wanted to make it more user friendly when people look up these different requirements.

Commissioner Hatfield asked for a clarification of the language regarding carports. He referenced the carports in some of the older areas of town that are typically attached to the house on one side and primarily open on 2-3 sides. He stated there are a number of them that have enclosed storage and looking at the definition it says no other items other than a motor vehicle may be kept in the carport. He felt the language needed to include and deal with enclosed storage as acceptable since Staff is looking to get rid of anything that is visible.

Ms. Schemmel stated if the carport is enclosed it would be considered a garage. The reason for the distinction between a carport and a garage is because of fire protection requirements between the dwelling unit and the attached structure.

Commissioner Hatfield stated he understood and that but wanted to point out most of the carports in West Des Moines have one side that is enclosed storage and that is not necessarily the side adjacent to the house, it is typically where the front of the car is.

Ms. Schemmel stated that clarification can be made in the Amendment to make the differentiation so they understand the goal is to keep things enclosed, so they are protected and not visible.

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

Moved by Commissioner Hatfield **with the exception just shared on allowance of enclosed storage for**

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**carports**, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Ordinance Amendment.

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

**2b – Definition of Family, Amend City Code Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) to modify the definition of family to comply with Iowa Code – City Initiated – AO-003586-2017**

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 August 18, 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, Crowley, Erickson, Hatfield, Southworth.....Yes  
Andersen.....Absent  
Motion carried.

Kara Tragesser, Planner, explained this request is a result of a change in the Iowa Code that prohibits the restriction of occupancy based on familial status in rental property. Ms. Tragesser stated Staff is changing the definition in the building and zoning code to comply with Iowa Code.

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

Moved by Commissioner Brown, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Ordinance Amendment.

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

**2c – Cobb Property, 9450 Booneville Road – Consistency zone approximately 12.7 acres from Unzoned to Residential Single Family (RS-8) – ZC-003592-2017**

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 August 18, 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 Hatfield, 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.

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

Brad Munford, Planner, presented the proposal to consistency zone the 12.7 acres from Unzoned to Residential Single Family. He provided the history on the property, noting the house that is there now was built in 1950 and the property was annexed into the City in 2002. In 2010 the City went through Comprehensive Plan efforts and as part of that Comprehensive Plan effort Staff designated that piece of property Single Family Residential.

Mr. Munford explained the action would be to zone the property consistent with that Comprehensive Plan zoning. He pointed out some areas to the north in the Woodland Hills development, which are zoned Single Family with smaller lots than proposed for this property.

Cindy Palladino, 9342 Sugar Creek Circle, stated her concern is how they are going to develop it and specifically where the roads will cut in. She asked if they are going to take away the beauty of that acreage.

Chairperson Erickson advised Ms. Palladino a lot of those details are not known yet until Staff receives the specific proposals, which is when roads would be configured. He let her know once it is rezoned and a plat comes forward it would not be a public hearing therefore she would need to keep up with the Plan & Zoning Commission agendas or check back with Staff.

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

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Rezoning request to consistency zone approximately 12.7 acres located at 9450 Booneville Road from Unzoned to Residential Single Family (RS-8), subject to the applicant meeting all City Code requirements.

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

**2d – Ordinance Amendment – Amend Title 9, (Zoning), Chapter 6, (Commercial, Office and Industrial Zoning Districts) to allow SIC 3843, ‘Dental Equipment and Supplies’ as a permitted use in the Office (OF) District – Char Properties, LLC – AO-003585-2017**

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 August 18, 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.

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

Motion carried.

Fred Char, Elite Dental Studio, 921 9<sup>th</sup> Street, stated he would like to expand his space because they are cramped with 14 employees and inventory in the middle of the lab. He stated they manufacture false teeth and dentures; there is no outside storage, noise, fumes or chemicals. The extra space would allow for better lunch rooms and working areas.

Brian Portz, Planner, stated that even before this applicant came to the City, staff had been thinking about these types of manufacturing uses that don't have any outside storage, noise, or any other impacts on the neighborhood. Staff intends to look at these types of uses and determine what types of uses might be appropriate for an Office or Commercial area. Staff recommends approval of the request.

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

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Ordinance Amendment.

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

Motion carried.

**Item 3 – Old Business**

There were no Old Business items to address.

**Item 4 – New Business**

There was one New Business item to address.

**4a – Microsoft DM04, 8855 Grand Avenue – Approval of a Major Modification to a Site Plan to construct an approximately 50,000 square foot data center building with site modifications – Microsoft Corporation – MaM-003544-2017**

Brian Portz, Planner, explained the request from Microsoft for the site at Grand Avenue and S 88<sup>th</sup> Street. This is the 1<sup>st</sup> phase of Phase 4 of their data center project. He stated the building will be a 50,000 square foot building and eventually there will be 3 more buildings built with this phase 4 area.

Mr. Portz showed landscaping for the site, noting that due to security reasons they cannot place trees next to the fences around the site. Normally code requires a tree within parking lot islands and they are requesting a waiver to not plant trees in the islands. He stated they are doing some extensive landscaping along the front to screen the rather large mechanical equipment that is needed for these buildings.

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

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1. The City Council granting a waiver of the installation of five (5) trees within the landscape islands in the proposed parking lot along the south side of the property due to security limitations that prohibit the placement in close proximity to the security fence.
2. The City Council granting the applicant approval to use the City owned property on the south side of Grand Avenue for contractor parking/staging for the duration of the construction of the DM-4 project.
3. The City Council approving the use of a gravel surfaced temporary internal circulation drive until such time that a subsequent phase of development causes removal and relocation of the drive or utilizes the drive for a more permanent purpose at which time the drive shall be paved.
4. Prior to the issuance of a final occupancy permit for the final building within this 41.95 acre site, if not otherwise addressed as part of a separate agreement with the City, the applicant shall install public street lights along Grand Avenue west of the entrance to the applicant's property at such time that Grand Avenue is extended west. Additionally, prior to issuance of the last occupancy permit, public sidewalks shall be constructed along the north side of Grand Avenue from the intersection of Grand Avenue and S. 88<sup>th</sup> Street to the western boundary of the applicant's property; and along the west side of S. 88<sup>th</sup> Street from the intersection of Grand Avenue and S. 88<sup>th</sup> Street to the applicant's northern property boundary.

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

**4b – Bike World, 5003 EP True Parkway – Site Modifications and Architecture Modifications and Waive Curbing Requirement – Ridgway Properties, LLC – MML1-003532-2017**

Chuck Bishop, Bishop Engineering, 3501 104<sup>th</sup> Street, Des Moines, IA represented Forest Ridgway with Bike World. Mr. Bishop explained that when the former grocery store was originally built the sidewalk out front was built with no curb. He continued they would like to leave it as is because if a curb is put in to match the pavement it will be above the finished floor thus drainage will be a problem.

Mr. Bishop summarized they are asking for a zero curb so people can walk right into the store. He mentioned the addition of an entrance for ACE Hardware where the pavement starts to drop down.

Kara Tragesser, Planner, noted the absence of bollards placed on the curb. Ms. Tragesser stated Staff supports the zero curb but doesn't want to see any bollards in the future.

Chairperson Erickson asked Ms. Tragesser if they felt like they needed a separator, Staff would prefer planters or a site furnishing solution as opposed to a bollard.

Ms. Tragesser stated that is correct.

Chairperson Erickson felt the request was reasonable for a bike store making it easier to roll bikes in and out.

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 Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Minor Modification to modify the site for



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outside storage, and architecture, subject to the applicant meeting all City Code requirements and the following:

1. The City Council waiving the Code requirement for curbing at the entrance to the building.
2. That Staff reserves the opportunity to request screening after the installation of the roof top mechanical units if they are visible to the public.

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 adjourned the meeting.

The meeting adjourned at 6: 07 p.m.

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Craig Erickson, Chairperson

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Juanita Greer, Recording Secretary