

PLAN AND ZONING COMMISSION MEETING October 9, 2017

Direction: CITY.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, October 9, 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 September 25, 2017

Chairperson Erickson asked for any comments or modifications to the September 25, 2017 minutes.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission approved the September 25, 2017 meeting minutes.

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

Motion carried.

Item 2 – Public Hearings

2a – RB WDM Grand LLC PUD, 1525 and 1535 Grand Avenue – Establish Planned Unit Development to regulate codes and standards of property and zone the property Office – City of West Des Moines (ZC-003646-2017)

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 September 29, 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 Southworth, the Plan and Zoning Commission accepted and made 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

Kara Tragesser, Development Service noted the location of the property subject to the zoning action. She recalled that in September 2017 there was a motion by the Plan and Zoning Commission and City Council to approve a rezoning of this parcel to Office from Residential Single Family (RS-30). Council approved the 1st ordinance reading but will not be taking action of the 2nd and 3rd readings in favor of this PUD. Staff mentioned previously that the PUD would be best to further regulate the property to Office, to respect the desire of the neighborhood residents. She pointed out that one provision included is an intent of the PUD to allow semi-professional and professional offices. She reviewed the key points of the PUD. Ms. Tragesser finished by indicating staff’s recommendation of approval of the PUD.

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Chairperson Erickson asked if this zoning action is to reassure neighbors that if this project is not successful, another developer would follow these guidelines.

Ms. Tragesser responded yes.

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

Moved by Commissioner Crowley, seconded by Commissioner Brown, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the PUD as presented by staff.

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

2b –Single Family Residential Uses in Valley Junction Historic Business District and Valley Junction Commercial District – Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 4 (Specific Use Regulations); Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations). To Amend Regulation Pertaining To Residential Uses In Valley Junction Historic Business District and Valley Junction Commercial District – City Initiated (AO-003647-2017)

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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 accepted and made 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

Chairperson Erickson invited Staff to present the proposal.

Brad Munford, Development Services stated that this ordinance amendment would allow single family detached to be in the Valley Junction Historic Business district and the Valley Junction Commercial district. He noted that the oldest part of our City has mixed uses. In 1993 the comprehensive planning effort went through, encouraging more businesses; followed in 1998 with the establishment of the Valley Junction Business district and Valley Junction Commercial district to help that plan come to fruition. It was modestly successful in 19 years. In recent years, there have been requests to live again in some of those homes; also residents already living in those homes were not able to refinance or remodel as they were considered non-conforming. The intent of the ordinance amendment is to allow single family development to be an allowed use in these zoning classifications; most of this is along 5th Street, and along Railroad Ave.

Commissioner Hatfield commented that he had been on the Board when the Valley Junction Business District and Commercial Districts were created. The intent was to extend the historical commercial from Railroad to Vine Street. He observed that sort of transformation takes time. Having said that, he understood the problem someone would have owning a home in a non-conforming context, unable to get a loan to fix

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it up, or potential buyer trying to fix it up. He expressed support of trying to create a situation where single family dwellings can remain and be fixed up. In 400 block, there are two newer single family homes; the rest is commercial; in the 500 block, there are a number of commercial uses in what were originally single family homes. He thinks it's going in the right direction, it just takes a long time. He doesn't want to infringe on someone's use or ability to fix up their home or sell it. He stated he wasn't sure the language of the revised ordinance addressed it in that kind of detail.

Mr. Munford replied that the intent of what staff is trying to accomplish is to allow those homes to continue to be used; staff doesn't think it would stop the progress already happening in Valley Junction.

Commissioner Hatfield stated that an ideal situation would include some commercial uses, and residential above it, it would be a good transition over time. This is the case in some areas of Valley Junction. He added that he didn't want to do anything that would prohibit that from taking place. Mr. Munford commented that this ordinance amendment wouldn't prohibit that.

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

Jim Miller, Historic Valley Junction Foundation, 137 5th Street, addressed the Commission, stating he was bringing two questions, but commenting that Mr. Munford had answered one. He noted that the 400 block is pretty much commercial, and he thought the 500 block eventually would be as well. He had two businesses ask him today to make sure people don't buy a commercial space and live on the 1st floor. If they were to live upstairs, that would be perfect. Those were our concerns about living in a building that was clearly commercial space.

Commissioner Hatfield responded that he agreed and would share that concern. He believe that unfortunately there are some properties used that way now.

Mr. Munford answered that they did use the language in the code specifically for single family detached dwelling, as a defined use. It's not intended to allow someone to live in a commercial space and would require some building inspections and building code issues as far as making that conversion from commercial to a residence.

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

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the zoning amendment.

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

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 - Maple Grove United Methodist Church, 9391 Ashworth – approve phased site plan for site grading, footing and foundation permits, and private utilities – Maple Grove United Methodist Church (PC-003491-2017)

Chairperson Erickson invited the applicant to come forward and explain their request.

Shane Devick, Civil Engineering Consultants, 2400 86th St, Urbandale, stated that the grading on this site will mostly consist of building a pad for the building and excavating the detention pond. Utilities are relatively little; there is a storm sewer outlet for the detention pond; and there is a water service and a sanitary service. They agree with the four conditions of approval.

Chairperson Erickson then asked if staff would like to add any information to the item.

Kara Tragesser, Development Services, noted that staff had nothing to add; that staff does support the grading plan and utilities, foundation and footings.

Chairperson Erickson observed that when the Commission last discussed this site, there was some question about a North/South roadway going through there, and where that would be located, where that right-of-way ends up, would it be split along property lines. He questioned whether all of that has been resolved. Ms. Tragesser responded that the North/South roadway, which is 92nd Street, has been resolved. Chairperson Erickson clarified that it does not impact this site plan, and Ms. Tragesser affirmed that it does not.

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 Southworth, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the phased site plan, based on staff recommendations.

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

4b - Elevate at Jordan Creek, Northeast of the intersection of S. 91st Street and Cascade Avenue – Subdivide the Property into 1 lot for construction of a 180 unit apartment complex with a clubhouse and pool – The Garret Companies (PP-003556-2017/SP-003557-2017)

Chairperson Erickson invited the applicant to come forward and explain their request.

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, addressed the Commission on behalf of owners The Garret Companies. He commented that the site consists of 13.4 acres of undeveloped property located north of Cascade Avenue, east of S. 91st Street, and west of S. 88th Street. The property is zoned Tallyn’s Reach PUD, and more specifically High Density. The proposed site will include construction of a clubhouse and 9 apartment buildings; 180 units as well as parking lot, drives, garages. Permanent access will come off Cascade to the south and off S 91st Street from north. In the interim, during construction, the 1st phase will be the south five buildings, during that interim they will use that existing entrance stub which will be removed once construction is complete per condition of approval. Public sanitary sewer is from the south and will have to be extended to the property to the north; water main will tie in to a very similar location to the south, and will loop back into city’s public main on S 91st Street. Storm sewer drains to the southwest corner; drainage patterns will be maintained. There is a public storm

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sewer that will be constructed which extends a storm sewer outlet from S 88th Street, and connects to the intersection of Cascade and S 91st Street.

All appropriate landscaping is shown, but there is one request which staff seem to be in agreement with; regarding the landscaping to east and north, they're showing this buffer in a different actual phase. The adjacent property has the same proposed land use, and the developer is requesting that they not have to install it if they can provide letter to the City staff that the adjacent owner acknowledges that. There is currently one single family house there. But if that proceeds with development of high density, the buffer would be a waste for one developer to do it and not the other. They are in agreement with staff's other conditions of approval. He noted that the applicants were present to answer any questions.

Chairperson Erickson asked what would trigger installation of the landscape if it were not put in today. Mr. Trygstad responded that if they weren't able to obtain a letter from the neighbor by the time of final occupancy, they would need to install the landscape.

Chairperson Erickson then asked if staff would like to add any information to the item.

Planner Brad Munford summarized the proposal for the 180 units, noting that the area was annexed into the city in 2003; Tallyn's Reach PUD was created in 2006; this was zoned residential high density; platted as outlot F. This proposal is for the Preliminary Plat and Site Plan. Staff has worked with applicant regarding a site and architectural interest that features changes in façade, materials, rooflines and other articulations. Applicant referred to the temporary drive: Mr. Munford noted that the City has done similar things for Mill Ridge in this area. Staff is asking that the gravel drive be maintained for snow and that it is designed to carry the weight of a 75,000 pound emergency vehicle. At the time when it is no longer needed, that the drive be removed and replaced with appropriate seed/sod/landscaping, and the curb replaced. Staff has six conditions of approval to which they agree. Regarding the new point brought up, staff has no issue; we offered that as an option to them at the beginning of this project. If they can obtain a signature of approval or a letter from the adjacent property owner, the buffer can be waived. At this time it is a single family home, so if the owner prefers to keep it as a single family, we would require the buffer. He stated that staff would like to add that as a last condition, if the Commission sees it as appropriate, to allow for them to have flexibility to provide staff with written agreement or approval from neighbor, so they wouldn't have to put in the buffer.

Chairperson Erickson clarified that the motion is with that amendment. Mr. Munford affirmed that they could if they so choose. He then commended The Garrett Company for working really hard on this, stating that he would like to personally thank them for all the effort they've put into this.

Commissioner Costa asked how detention is handled. Mr. Trygstad replied that in the southwest corner, along Cascade, there's a dry detention basin with storm sewer underneath it, indicating that it's a bypass system. He noted that the detention is only providing for this site.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion. He clarified whether it would be a combined motion, or two separate actions. Staff affirmed that it was one.

Subject to staff conditions, subject to approval -

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the preliminary plat and site plan, subject to staff recommendations with the additional condition of allowing the applicant time to provide a letter to staff indicating the adjacent owner is in support of waiving the buffer installation.

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

4c - EP True Parkway Urban Renewal Plan – Review Urban Renewal Plan for Conformity with the Comprehensive Plan - City Initiated

Chairperson Erickson invited Staff to come forward and explain their request.

Clyde Evans, Director of Economic and Community Development informed the Commission that this review is similar to others they've done in the past for other urban renewal plans created by the City. The Commission has to review for consistency with the Comprehensive Plan. He stated that this new area is being created as a commercial area by the intersection of 50th Street and EP True Parkway in response to a development application from Ridgeway Development. The application is for redevelopment of the Dahl's building. Ridgeway will be participating in City's property tax rebate program, therefore the City needs to create an Urban Renewal Plan in order for them to participate, and allow the property owner to take advantage of that program. Staff's requesting that the Commission find that it's consistent with the Comprehensive Plan.

Chairperson Erickson noted that Director Evans had included the other commercial properties that make up that zone, both east and south of the property he had mentioned. Chairperson Erickson agreed that this seems to be a good thing; noting that there are parts that community that are primed for redevelopment, so broadening that made a lot of sense.

Chairperson Erickson asked if the Commissioners had any questions for Clyde; as they did not, he observed that there were no longer any members in the audience so he asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Brown, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the resolution according to staff recommendations.

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

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson then adjourned the meeting at 6:04 p.m.



Craig Erickson, Chairperson



Jennifer Canaday, Recording Secretary