

PLAN AND ZONING COMMISSION MEETING December 18, 2017

Direction: 1900.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, December 18, 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, Costa, Crowley, Erickson, Hatfield, Southworth.....Present
Brown.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of December 4, 2017

Chairperson Erickson asked for any comments or modifications to the December 4, 2017 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission approved the December 4, 2017 meeting minutes.

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

Motion carried.

Item 2 – Public Hearings

2a- Aspen Valley, 850, 878, 900, 912, 928, 942, 964, & 978 84th Street – Vacate 30’ buffer park easement located along rear lot line of Lots 53-60, Aspen Valley – Property owner initiated – VAC-003700-2017

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 December 11, 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 Costa, 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 the public hearing.

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

Motion carried.

Chairperson Erickson invited the applicant to address the Commission. As there was no applicant present, the Chairperson asked Staff to present the petition.

Brian Portz, Development Services Planner, presented the request made by the property owners. A group of single family owners with properties located along the west side of 84th Street requested to vacate the buffer park easement located on the rear (west side) of their properties. This area had been reserved for landscaping to buffer the single family dwellings from office designated property to the west. Owners are not allowed to build fences or accessory structures in the buffer park easement. There is also a 10 ft public utility easement reserved for utilities which will not be vacated with the buffer; the utility restrictions will remain. Staff recommends approval of the waiver.

Chairperson Erickson asked whether the applicants were aware of and taking into consideration that by giving up the buffer, they may be affected by office and/or commercial development of adjacent properties. Planner Portz affirmed that the residents have been notified of this. The property is currently designated for office uses, but there have been discussions recently about designating the adjacent properties as community commercial which allows for

PLAN AND ZONING COMMISSION MEETING December 18, 2017

offices and some commercial, and restaurants to serve the community in that area. He added that this is still in discussion and hasn't gone through the formal approval process.

Chairperson Erickson then asked, related to that question, if the applicants are making the decision based on planned office use, would a possible future change affect their decision. Planner Portz responded that Staff will ask future commercial or office development to the west to put in a fence or additional landscaping for buffering, although Code would not require it.

Chairperson Erickson asked if there were any comments from the audience. Hearing none, he asked the Commission for further discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission adopted a resolution recommending the City Council approve vacation of the buffer park easement.

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

2b - Amendment to City Code, Title 9 – Amend Title 9, Chapter 6, Section 6-3 to regulate variety stores in the Neighborhood Commercial District – Wellington Square, LLC – AO-003695-2017

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 December 11, 2017.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Andersen, seconded by Commissioner Crowley, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at the public hearing.

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

Chairperson Erickson invited the applicant to present their petition.

Andy Hodges, Signature Commercial Real Estate, 9500 University Ave., #2112, West Des Moines, summarized their application intended to allow to backfill the former Ace Hardware with a variety store. The prospective tenant, Dollar Tree, plans to use 9,000 sq. ft. of a 12,000 sq. ft. freestanding building located in the Wellington Square development located at 5003 EP True Parkway. Their main entrance would be on the west side, which previously served as an outdoor storage area for ACE Hardware. Dollar Tree feels there is a significant gap in the market for their products, services and convenience, and hopes to open summer 2018. Commissioner Hatfield commented that this is an excellent location; they should do well there.

Commissioner Crowley asked about changes to the parking. Mr. Hodges responded that a survey of other tenants indicated they were excited that additional parking would be opened up. Ace Hardware had used a lot of parking for exterior storage, trailer and trucks. Now Dollar Tree will use west side parking, and another tenant will use the south parking area.

Chairperson Erickson asked if there were any thoughts on what will go in on the south side. Mr. Hodges responded that they did not know at this time. There were a couple interested parties but it was very preliminary.

Chairperson Erickson then asked Staff for comments. Planner Portz clarified that this change does apply to the entire City. The ordinance change was requested for this specific situation, but it will also apply to other neighborhood commercial districts. Variety stores aren't currently allowed in neighborhood commercial, so when Dollar Tree expressed interest in this site, the applicant requested this amendment. Staff recommend a cap at 10,000 sq. ft. for

PLAN AND ZONING COMMISSION MEETING December 18, 2017

this type of use as it’s more appropriate for neighborhoods and not intended to be big box type of development. This proposal is 9,000 sq. ft. Commissioner Hatfield noted that this seems reasonable.

Chairperson Erickson then asked if anyone from the audience would like to comment on the proposal.

Jeremy Christiani, 1100 50th Street West Des Moines, stated his objections to the amendment. He asserted that City code allows neighborhoods to have small commercial services which provide a limited range of products. He observed that Dollar Tree functions as more than just a variety store; they are also general merchandise, and have catalog and online services; they distribute bulk products to commercial customers, with significant impact on adjacent residences. He stated that City code also states all uses within a neighborhood commercial district shall be compatible with adjacent residential uses. He does not believe that the operation of variety stores can be addressed through site plan review. Prior to a recent hardware store amendment, outdoor bulk storage and display was not allowed in neighborhood commercial districts. This proposed amendment would allow up to 3,000 sq. ft. of outdoor bulk storage and display; without review or opportunity for residential neighbors to comment. He stated that this is a decision about whether 10,000 sq. ft. variety stores with 3,000 sq. ft. of outdoor bulk storage and display should be allowed in all neighborhoods. He believes this amendment disregards existing law and does not protect the neighborhoods. Variety stores are prohibited in neighborhood commercial districts. Affordable housing exists in many older, low-crime neighborhoods. He asked the Commission to continue the laws which keep these places safe to live. He asked the Commissioners to vote against the amendment.

Chairperson Erickson asked Mr. Christiani which specific impacts he was concerned would affect a neighborhood commercial zone, such as the one next to his residence. Mr. Christiani responded that he was concerned with increased traffic and visual clutter with outdoor displays. Chairperson Erickson stated that he would seek clarification regarding the outdoor display. Commissioner Hatfield added that Mr. Christiani made some very good points.

Chairperson Erickson asked Planner Portz to provide clarification on whether this action allows a 3,000 sq. ft. outdoor display. Development Coordinator Schemmel responded that this reference comes from the performance standards for neighborhood commercial and would apply for any kind of commercial space that would want outdoor display and storage. It’s limited to 1/3 outdoor display, 2/3 outdoor storage. It was amended with the hardware amendment and would apply to this use. Outdoor display would typically be something like lawn chairs for Ace Hardware, outdoor storage is required to be enclosed and screened and would include bulk materials like landscape materials that would not be displayed but might be stored outside. Chairperson Erickson clarified that this is not part of the action tonight. Ms. Schemmel affirmed that this is correct.

Chairperson Erickson asked if anyone else from the audience would like to speak to the item. Seeing none, he asked the Commission for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopted a resolution recommending the City Council approve amending the ordinance to allow variety stores in neighborhood commercial districts.

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

2c - Ordinance Amendment – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), and Chapter 10 (Performance Standards) to update definitions and regulations pertaining to alternative residential structures – City Initiated – AO-003705-2017

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 December 11, 2017.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents

PLAN AND ZONING COMMISSION MEETING December 18, 2017

received at this public hearing.

Moved by Commissioner Andersen, 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 the public hearing.

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

Motion carried.

Chairperson Erickson invited staff to address the Commission. Development Coordinator Schemmel stated the proposal is basically a response to some of the trends Staff are now seeing with different types of housing. In researching this subject, staff found a need to clean up some of the existing definitions. There are three types of housing being addressed: manufactured homes, defined as long term placement with long term living; park homes considered long term placement with short term living; and tiny homes defined as dwelling units under 400 sq. ft.. A tiny home would be considered a park model if the home has wheels and is not skirted. If placed on a full foundation, or pier foundation with no wheels, it's considered a tiny home. Tiny Homes are considered long term placement, for long term living. Some of the criteria for whether the home is meant to be long term, include whether the home can move, and will it need parking, paving, and garage and accessory structures. If the home can move, these would not be required by code. Also to be considered are needs for sewer/water connectivity. Utility service connections are difficult if the home moves and would be considered a trailer. Also being addressed are recreational vehicles, which are only intended to be used in accepted park grounds or campgrounds; not as a long term housing solution. The definition makes some allowance for use with short term guests when located on residential property. The City does not want people living in an RV when located in a parking lot or on the street.

Commissioner Crowley asked if there is land zoned for this type of use. Development Coordinator Schemmel responded that the City does have a separate zoning designation for manufactured homes which are strictly regulated by the state. When they are within a park, the City does not regulate them. If they are on a regular lot, the City will regulate setbacks but not appearance. There is a very specific HUD definition for manufactured homes; Staff wants to separate those from factory built structures so as not to confuse the two when regulating them.

Ms. Schemmel continued that for park models and tiny homes, in the performance standards section, a matrix details allowed use in residential zones. A tiny home that sits on a foundation is regulated the same as any other single family detached building. Commissioner Crowley questioned whether this would apply if the structure had plumbing; Development Coordinator Schemmel replied that it would.

Chairperson Erickson commented that there are several references to standards in the Staff Report. He asked if there is some effort to have common definition among communities around the metro area. Development Coordinator Schemmel replied that staff looked at industry standards, standards defined by HUD, and similarly defined by the state. Park homes are defined by ANSI standards; and there is a new International Residential Code matrix which standardizes requirements tiny homes including room sizes, headroom requirements, and sleeping lofts.

Commissioner Hatfield observed that it sounds like a very thorough review.

Chairperson Erickson asked if anyone from the audience would like to comment on the item; hearing none, he asked the Commission for further discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Crowley the Plan and Zoning Commission adopted a resolution recommending the City Council approve the amendment updating definitions and regulations pertaining to alternative residential structures.

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

Motion carried.

Item 3 – Old Business (none)

Item 4 – New Business

PLAN AND ZONING COMMISSION MEETING December 18, 2017

There was one New Business item to address.

4a – AFM Bentley Center (FNA Vista Retail Center), 5045 Bentley Drive – Construction of a 17,000 sq. ft. retail building – Mian Inc. – SP-003631-2017

Chairperson Erickson invited the applicant to present their proposal.

Chuck Bishop, Bishop Engineering, 3501 104th St., Urbandale, stated that he was representing Mian Group presenting the completed site plan for AFM Bentley Center. The Commission had previously approved a phased site plan, and were now being asked for final approval on building elevations. Staff had requested that the design be amended to repeat a rooftop blue blade across the façade, to avoid appearing as IHOP signage. Grading has begun on the project.

Commissioner Hatfield asked if the applicant agrees with all staff comments. Mr. Bishop affirmed that they do.

Chairperson Erickson clarified that there is one outstanding color specification. Mr. Bishop stated that there is, however there is an intent to come to agreement with City staff.

Chairperson Erickson then asked for the Staff Report. Planner Tragesser stated she had nothing to add and is recommending approval of the concept plan.

Chairperson Erickson asked if anyone in the audience would like to comment on the item; hearing none, he asked the Commission for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the final site plan for AFM Bentley Center.

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

Item 5 – Staff Reports

Item 6 - Adjournment

Chairperson Erickson then adjourned the meeting at 5:55 p.m.

Craig Erickson, Chairperson

Jennifer Canaday, Recording Secretary