

**CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
City Hall Training Room**

Monday, January 8, 2018

**Attending:**

Council Member John Mickelson  
Council Member Renee Hardman  
City Attorney Richard Scieszinski  
City Manager Tom Hadden  
Deputy City Manager Jamie Letzring  
Planner Kara Tragesser  
Planner Karen Marren

Development Director Lynne Twedt  
Development Coordinator Linda Schemmel  
Chief Building Official Rod Van Genderen  
Principal Engineer Ben McAlister  
Communications Specialist Lucinda Stephenson  
Planner Brian Portz

**Guests:**

**Item #5b –**

Tom Rupprecht – R&R Realty Group  
Nate Franje – R&R Realty Group

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 a.m.

**1. Operable Store Fronts**

Development Coordinator Linda Schemmel opened the discussion by explaining current use and applicant requests for garage-type openings on bar/restaurants with outdoor patios. The current code allows for this use in commercial areas, but not residential. She asked if Council Members would approve allowing conditional use in mixed use areas, and specifically asked about application in Valley Junction Business District where residential living is allowed above retail establishments. Council Member Mickelson asked about the code requirements for patios. Ms. Schemmel replied that the requirements vary; those businesses with nearby residential are asked to be considerate in their hours of operation but the code is not restrictive.

Board Member Mickelson expressed support as a consumer, with sensitivity to nearby residents' needs. Ms. Schemmel suggested updating the current code language for consideration by the Plan & Zoning Commission and Council. These updates on allowance of operable store fronts could be specific to the zoning district, with operating constraints for nearby residential.

*Direction: Council Members were supportive of amending the code for permitted conditional use, with restrictions varying by zone.*

**2. Over the Air Receiving Devices: Satellite Dishes and Antenna**

Planner Kara Tragesser explained that a developer has recently requested approval to construct an 80 foot tower with a dish receiving over the air television broadcasts in order to provide television reception for a new multi-family development. The use of reception devices such as dishes one meter or less and antenna are regulated by the Federal Communication Commission (FCC). Local jurisdictions are restricted on how they can regulate these devices in residential district, even if it means that a tower is needed to acquire these broadcast signals.

Board Member Mickelson asked whether the City can regulate aesthetics. City Attorney Scieszinski replied that the City can only regulate safety, and not aesthetics. He also stated that the City could not force the cost to the owner to exceed what is deemed reasonable. Board Member Mickelson stated his

position against allowing towers in residential areas, and asked if Code requires setbacks from parking areas and buildings.

Deputy City Manager Letzring asked if Code can require removal of towers when they become obsolete, or are no longer in use. Ms. Tragesser affirmed that it does, and commented that tower usage is a rapidly changing field. City Attorney Scieszinski added that the provision of the FCC rule favors one mast rather than several antennas in an area. Board Member Mickelson asserted he would like to see towers regulated and made as attractive as possible.

Ms. Tragesser reviewed with the Subcommittee key elements of a draft ordinance addressing these devices, noting that the FCC rule does not apply to cellular towers. City Attorney Scieszinski stated that a determination of service requirements can be discovered by researching online, using latitude and longitude.

Board member Hardman asked about the timing of this proposal. Ms. Tragesser responded that the ordinance amendment will first need public notice, therefore the amendment would progress through approvals in February.

*Direction: Council Members were supportive of a code amendment restricting height and site location of Over the Air Receiving Devices, with specific conditions by zone.*

### **3. Permitted Conditional Use & Grading Plan Permit Process Amendment**

Planner Karen Marren informed the committee that this amendment addresses two areas. The first changes the authority to approve site plans associated with permitted conditional use permits from the Board of Adjustment to the Plan & Zoning Commission and City Council.

Council Member Mickelson asked what precipitated the change behind the site plan approval. Director Twedt relayed that there were several discussions over the past year with the Board of Adjustment members whereby it was discovered that the Board had not realized they were approving the site plan at the same time as they approved the use. The Board then expressed their belief that the Plan & Zoning Commission was more versed in approving site plans and should provide that approval. The Board of Adjustment would continue to review and approve permitted conditional uses, and those approvals and conditions would then be included in the site plan review brought before the Plan & Zoning Commission and Council.

Planner Marren next explained that the second amendment would shift approval of grading plans from the Plan & Zoning Commission to the City Engineer in an effort to allow the developer to begin work sooner, and to provide better oversight of the storm water management and erosion controls. The developer would be informed that they were proceeding at risk, by beginning work prior to full site plan approval. Director Twedt added that this is one step in a bigger process to formalize a phased development permit approval process which would allow developers to initiate construction of various site aspects earlier.

*Direction: Council Members were supportive of amending the permitted conditional use and grading plan permit process ordinances.*

### **4. Upcoming Projects – A map was provided with a brief description of each.**

- a. Office, Professional Commerce Park, & Light Industrial Setback Amendment: Modify side and rear yard setback requirements when adjacent to like zoning district (AO-003726-2017) Planner Portz stated that this amendment is being proposed in response to several recent applications for setback variances. In particular, Elite Dental, located at 921 9<sup>th</sup> Street, requested a variance to allow them to place an addition on the rear of their property, which abuts the same office district. Staff are in favor of this building expansion. Office use currently has a zero side yard setback, which staff believe could also be applied to rear yard setbacks. As a part of this request, staff proposes reducing rear yard

setbacks for both light industrial and office to make them similar. Council member Mickelson noted that this will be a concern for mixed use areas, where residential is mixed in, such as the Val-Gate district. Council Member Mickelson questioned whether any residences will be affected by the Elite Dental expansion, and whether owners would receive notice. Mr. Portz stated that one neighbor would be affected, but they would not be specifically noticed, as an ordinance change affects the whole city and is therefore only published in the newspaper. Council member Mickelson then directed staff to inform Council member Trevisyan so he could contact the resident. Staff agreed to do so.

- b. Lot 31 Maffitt Ridge (5439 SW Lake Ridge Dr): Create 10' wide parcel at rear lot line for transfer to adjoining property (POS-003727-2017) Planner Tragesser relayed that there had been a variance request for 10' rear yard setback by owner of Lot 29, whose architect designed a new single family dwelling which does not comply with lot setbacks. The Board of Adjustment did not support the variance, and the developer offered to provide the applicant with 10' from the adjacent undeveloped lot 31. In checking with Dallas County, adding this 10' to Lot 29 will require a deed describing the parcel to be transferred instead of a plat of survey and will be tied to Lot 29 with a lot tie agreement. The plat of survey will be withdrawn.
- c. Dawson Ridge (9320 Booneville Rd): Create parcel for existing home to allow transfer of ownership. Balance of property will be subdivided into 13 single family lots (POS-003733-2017 & PP-003738-2018)

#### 5. Minor Modifications

- a. Sun Prairie Solar (5801 Vista Dr): Installation of roof mounted solar energy system (MML1-003717-2017)
- b. Westfield Office Bldg (1080 Jordan Creek Pkwy): Construction of patio and water feature (MML2-003723-2017). Tom Rupprecht and Nate Franje with R&R Realty were present to discuss the proposal. Planner Tragesser introduced the minor modification, stating that the Westfield office building is currently under construction. At the time of the site plan approval, the plaza and rooftop terrace had not yet been designed. Staff will be reviewing the proposal through a minor modification to a site plan review; the Plaza design includes planters, landscaping, a water feature and canopies. Mr. Rupprecht added that there will be a generator enclosure included with this application. Council member Mickelson asked about potential tenants, and Mr. Franje replied they are in the discussion stage and that interest was high.
- c. Valley Junction Bike Shop (232 6<sup>th</sup> St): Construction of 1,998sf building addition (MML2-003725-2017)

#### 6. Other Matters – there were none.

The meeting adjourned at 8:35 a.m.

  
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Lynne Twedt, Development Services Director

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Jennifer Canaday, Recording Secretary