

PLAN AND ZONING COMMISSION MEETING

Direction: CITY1913.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, January 15, 2018, 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, Drake, Erickson, Southworth.....Present
Hatfield.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of December 18, 2017

Chairperson Erickson asked for any comments or modifications to the December 18, 2017 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission approved the December 18, 2017 meeting minutes.

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

Motion carried.

Item 2 – Public Hearings

2a – Amendment to City Code –Title 8 (Building Regulations), Chapter 5 (Site Grading Regulations) and Chapter 6 (Construction Site Erosion and Sediment Control) and Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures) to modify the procedures and requirements for Grading Permits – City Initiated (AO-003734-2017)

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 January 5, 2018

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 accept and make a part of the record all testimony and all other documents received at this public hearing.

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

Motion carried.

Karen Marren, Planner, discussed the amendment to formally create a grading permit process. Previously as part of the Site plan process, to start grading early, developers went through the Plan & Zoning Commission and City Council for approval. This change to the process will save a little bit of time on the development side as long as the developer has met all necessary requirements to get their grading permits.

Ms. Marren stated the amendment takes review and approval out of the Plan & Zoning Commission authority and puts it back at the City Engineer. She noted the grading permit is one of the first steps in the phased development process and allows for some site work to start happening before final approval of

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architecture and other elements tied to the site plan.

Chairperson Erickson stated that one of the conditions when grading permits come before the Commission states it is at their own risk and wanted to know if that would be a condition as part of the new process.

Ms. Marren responded that would continue to be part of the process. Within the text of the ordinance it is specific that if a project requires site plan approval the developer can only get an at risk grading approval for their grading permit. The developer will still have to meet all the grading requirements that will happen as part of site plan review.

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

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

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

2b- Amendment to City Code –Title 2 (Boards and Commissions), Chapter 2 (Board of Adjustment) and Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures), Chapter 5 (Agriculture/Open Space and Residential Zoning District), Chapter 6 (Commercial, Office and Industrial Zoning District), Chapter 10 (Performance Standards), Chapter 14 (Accessory Structures), and Chapter 19 (Landscaping) to modify the process, approval, and requirements for Permitted Conditional Use Permits– City Initiated (AO-003735-2017)

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 January 5, 2018

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 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, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

Karen Marren, Planner, stated this is a process modification to the code that takes the site plan authority associated with a Permitted Conditional Use permit away from the Board of Adjustment and brings it back to the approval authority for a site plan. The Board of Adjustment will still hear any applications for new Permitted Conditional Use permits as well as modifications to Permitted Conditional Use permits where there is a change or expansion to the size or function of the actual use itself. She explained that if there are only site plan changes for an already approved permitted condition use, only review within the typical site plan or modification process would be required for the site improvements.

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

Moved by Commissioner Crowley, seconded by Commissioner Drake, the Plan and Zoning Commission

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approve a resolution recommending City Council approve the Ordinance Amendment.

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

2c – Amendment to City Code, Title 9 (Zoning), Amend Title 9, Chapter 7, Section 4 to modify the Bulk Regulations for non-residential zoning districts – City Initiated – (AO-003726-2017)

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 January 5, 2018

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 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, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

Brian Portz, Planner explained the request came from an applicant but is City initiated because there have been several of these types of requests recently. Mr. Portz stated the applicant wants to add on to the rear of their property at 921 9th Street. There is a 35 foot rear yard setback requirement because they are zoned Office. The building is right at the 35 foot line so they could not add onto the building.

Mr. Portz stated Staff looked at current code requirements for Commercial zoned property that allows the setback for rear or side yard to be reduced to 0 feet if adjacent to a like zoning district. He noted Industrial districts can also reduce side yards down to 0 feet if adjacent to a like zoning district. The applicant's property is zoned Office and they are adjacent to an Office designated property to their rear. Mr. Portz explained Staff recommended the 15 foot rear setback requirement to still allow for utilities to run through the rear yard.

Mr. Portz mentioned a recent request to build a brand new building on a Professional Commerce Park (PCP) zoned property. The applicant in that case is limited by a 50 foot side yard on that property and staff is suggesting a 25 foot setback for the rear and side yard for PCP zoned properties when adjacent to similar zoned property.

Linda Schemmel, Development Services Coordinator, stated there was no requirement for recusal but pointed out one of the letters in support of this amendment came from an architect representing the company of a current member of the Commission in regards to one of their properties. Staff was not uncomfortable with including the example, as it is an example of the type of request that could be addressed with this amendment, and noted that these types of requests are being seen more often.

Chairperson Erickson stated in the report it discussed promoting redevelopment, while still protecting residential districts. He expressed his support regarding the redeveloping of zoning districts that may be difficult to work in.

Commissioner Southworth commented about achieving the goal of uniformity and with this change it may be possible to have a variety of setbacks within one block.

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Mr. Portz stated that for differently zoned property that could be the case. He noted there will be variations based on what is adjacent to the property and in commercial districts we do allow that now, however if adjacent to residential the setbacks could not be reduced.

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

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

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

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

4a - The Chicken Restaurant, 4221 SE Orilla Road – A Minor Modification Level 2 Site Plan to allow remodeling of an existing building and site for a restaurant – Orilla Land Company – MML2-003667-2017

Carl Arnold, 1146 Pinehurst Circle, Norwalk, IA, one of the owners of the proposed business explained that based on the way the current facility is built, in order to open and run the business as planned, they need to expand their patio area. He added because of the way the lot is developed they would not be in compliance with the current parking requirement and are asking for a deferral on parking spaces and the requirement for curbing and paving. He stated paving would be addressed as part of Phase 2 when they further expand. He felt that completing the improvements at this time would be a financial burden.

Chairperson Erickson pointed out that the parcel currently appears maxed out and didn't see where future parking would be feasible.

Mr. Arnold responded that the business would be set up for traffic by car, carry out service and a considerable amount of traffic by bicycle. He referenced an adjoining property on the south side of the parcel and plans to acquire the parcel in the future. He noted he was aware that if the parcel was acquired to be used for parking purposes they would have to come back and ask for appropriate zoning.

Brad Munford, Planner, described the 1.8 acre property on Orilla Rd. He noted the applicant is not expanding the footprint of the enclosed building; they will be adding on to their patio area only. Currently the patio area is approximately 700 sf and they plan to expand it to about 3,000 sf. With the expansion of the patio the issues of non-conformity arise. Mr. Munford pointed out the challenges for redevelopment on the parcel due to the shape of the building and its location on the property.

The applicant is currently required to provide 113 parking spaces, Staff has worked with the applicant to maximize parking and they are able to provide 52 parking spaces as well as 6 off-street parking spaces. Mr. Munford referenced the Bike Trail Master Plan stating historically bike trail traffic for this area has been high, noting a lot of their business will come from the biking community.

On December 11, 2017 the Development & Planning Subcommittee heard this case and provided some direction regarding being able to park it in the future since the space is maxed out. The Subcommittee,

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based on what the applicant stated regarding the future acquisition of the adjacent property, was comfortable with supporting deferrals with conditions.

Chairperson Erickson stated he was generally supportive of the idea of flexibility to allow these existing users and felt this was a great idea to serve the bike trail. He mentioned the disparity in terms of the numbers pointing out typically these requests are not to defer over 50% of the requirement. He stated the duty of the Commission is to anticipate any adverse impacts on the neighborhood but felt the applicants as well as Staff’s explanation was sufficient.

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

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission approve a resolution approving the Minor Modification Level 2 Site Plan to allow remodeling of an existing building and site for a restaurant, subject to the applicant meeting all City Code requirements and the following:

1. The City Council approves deferral of 61 parking spaces, required parking lot paving, parking space striping and open space until such time that the restaurant use is expanded over 4,205 square feet or the patio is expanded over 3,482 square feet as designated on this approved site plan.
2. The applicant acknowledges that at such time when the deferred parking spaces, parking lot paving, parking space striping, curbing, sidewalks and entry drive apron are installed or constructed, they will need to comply with all code and design standards at the time of construction.
3. The applicant agrees to obtain all appropriate building permits prior to initiation of any site work.
4. Prior to the issuance of building permits, the applicant providing final site plan and architectural drawings that address staff review comments and are acceptable to the City.

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

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson adjourned the meeting at 5:51 p.m.

Craig Erickson, Chairperson

Juanita Greer, Recording Secretary