

PLAN AND ZONING COMMISSION MEETING

Direction: CITY1943.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, February 26, 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, Hatfield, Southworth.....Present

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of February 12, 2018

Chairperson Erickson asked for any comments or modifications to the February 12, 2018 minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approved the February 12, 2018 meeting minutes.

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

Item 2 – Public Hearings

2a – Covenant Cove/98th Street Planned Unit Development, Southeast Corner of 98th Street and Bishop Drive, Amend the Comprehensive Plan Land Use Map from Manufactured Housing to Medium Density Residential and Amend the 98th Street Planned Unit Development to Change Zoning from Manufactured Housing to Residential Medium Density (RM-8) and establish development Regulations (CPA-003710-2017/ZC-003711-2017) **(Deferred from February 12, 2018)**

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 February 2, 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 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: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Brent Culp, Snyder and Associates, 2727 SW Blvd., Ankeny, stated he was representing Covenant Cove, noting that owners David Albright and Alan Sprinkle were also present. He briefly summarized the change in zoning from manufactured housing to medium density residential, with intent to build townhomes. He then noted private roadways, utility connections and infrastructure as detailed on the site plan. Townhomes would be platted as distinct individual lots.

Development Services Planner Kara Tragesser stated she had nothing to add and was recommending approval.

Chairman Erickson asked what the density implications would be when changing from manufactured

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housing to medium density residential. Ms. Tragesser replied that they were estimated to be slightly less.

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 adopt a resolution recommending the City Council approve an amendment to Comprehensive Plan Land Use Map from Manufactured Housing to Medium Density for this location.

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

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the rezone the 98th Street Planned Unit Development from Manufactured Housing to Residential Medium Density and establishing development regulations.

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

2b- Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning District), and Chapter 14 (Accessory Structures) to update regulations pertaining to small wind and solar energy generating systems and define and regulate electric vehicle charging stations.– City Initiated (AO-003769-2018)

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 February 17, 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 Drake, 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: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Development Coordinator Linda Schemmel presented this amendment was generated by the process the City is undergoing updating the Comprehensive Plan and the Action Plan supporting WDM 2036 recommendations on incorporating sustainable strategies. This will further encourage renewable energy. She noted that the City has received requests for electric vehicle charging stations; as well as commercial use for wind and solar. Updating the City Code will allow additional districts to utilize wind generating systems, update solar regulations and enable the use of charging stations.

Commissioner Crowley questioned whether changing the matrix regarding solar use was a change to the recent City adoption of solar permitting. Ms. Schemmel replied that it was not a change; placing the information in the matrix would make it easier to locate.

Commissioner Hatfield asked for clarification regarding current use of wind generation and charging

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stations in office use, as well as other districts. Ms. Schemmel stated that the City had made a decision eight years ago to implement only in residential areas, requiring permitted conditional use approval for commercial, but the zoning code technically never allowed it.

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 Hatfield, seconded by Commissioner Andersen, the Plan and Zoning Commission approved a resolution recommending City Council adopt a resolution amending City Code to update regulations pertaining to small wind and solar energy generating systems and define and regulate electric vehicle charging stations.

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

2c - Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), to allow within industrial zoning districts uses related to garbage collection and transport, unattended fuel pumps and public safety and order. – City Initiated (AO-003768-2018)

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 February 17, 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 accepted and made a part of the record all testimony and all other documents received at this public hearing.

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

Development Services Coordinator Linda Schemmel noted that these ordinance changes were brought about with planning of the future Public Services site, and it was determined that it made sense to implement these changes citywide. She summarized that the changes included a recycling drop off center, unattended fuel pumps for dispatch vehicles, and some type of emergency operations onsite.

Commissioner Crowley questioned whether the fuel pumps would be secured by fence or yard. Ms. Schemmel replied that for the City’s facilities, they currently located outside the fencing, as police need to access to pumps all hours. Pump access can be provided by key only, if the facility is not secured by a fence, similar to current City operations.

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 approved a resolution recommending City Council adopt a resolution amending City Code to allow within industrial zoning districts uses related to garbage collection and transport, unattended fuel pumps and public safety and order.

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

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Motion carried.

2d -Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 6 (Commercial, Office and Industrial Zoning District) and add Chapter 20 (Medical Cannabidiol), to establish regulations and allowances related to medical cannabidiol. – City Initiated (AO-003797-2018)

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 February 26, 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 Drake, seconded by Commissioner Andersen, 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: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Development Coordinator Linda Schemmel stated the ordinance amendment is proposing to enable on City scale what is already passed by State legislators, aligning zoning rules and definitions, picking up any definitions not already recognized by State, and further defining agricultural uses which would restrict where marijuana plants can be cultivated. She noted changes to the use tables regarding agricultural open space and commercial; and for production/cultivation and storage. Retail use (dispensaries) would be allowed in any zone that a pharmacy is allowed. There are separation requirements for manufacturing and production noted, specifically for the concern of odor and noise and dispensaries; as well as state required separations for both production and dispensaries.

Chairperson Erickson commented that the City was preparing for when these uses are applied for, the zoning would be in place to enable them as allowed by State law. Ms. Schemmel responded that was correct, and specifically for a licensed facility. If the facility is not licensed by the State, it would not be allowed within the City.

Commissioner Hatfield questioned why churches were listed in Exhibit A, noting separations required. Ms. Schemmel responded that this was because the State law did not specifically mention them.

Commissioner Southworth queried when the State approved the manufacture and growth of cannabidiol in Iowa. Ms. Schemmel replied that Governor Branstad signed a law in May 2017 approving up to two manufacturing sites and up to five dispensaries. She added that the rules to enable the law are still being written. At this time the City has two dispensaries inquiring about West Des Moines as a location.

Commissioner Southworth noted that we don't know whether any of the five would be allowed in West Des Moines. Ms. Schemmel affirmed that we do not. The State has a lengthy list of requirements which must be met by the applicant, however a company could submit as many requests as possible.

Commissioner Southworth asked whether the State was encouraging rezoning. Ms. Schemmel responded that the rezoning was not being requested by the State, but rather the request for proposals issued by the State requires applicants to provide a zoning compliance letter as part of their submittal.

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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 Drake, seconded by Commissioner Costa, the Plan and Zoning Commission approved a resolution recommending City Council adopt a resolution amending City Code to establish regulations and allowances related to medical cannabidiol.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Hatfield... Yes
Southworth..... No
Motion carried.

In comment, Commissioner Southworth stated that she felt it was premature to make a decision prior to written notice from the State selecting West Des Moines was an approved location.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

4a – New Horizon Daycare, 9040 University Avenue – Approval of Site Plan to Construct a 12,600 sq. ft. Day Care Building – New Horizon Real Estate Development LLP (SP-003699-2017)

Commissioner Jenny Drake recused herself, due to conflict of interest for this item.

Andy Maurer, McClure Engineering, 1360 NW 121st Street, Clive; stated he was representing New Horizon’s Academy as their Civil Engineer; also present was Stephanie Poole with Simonson and Associates Architects. He summarized the proposal for a 12,600 SF child care center to serve 178 children between the hours of 6 am and 6 pm, Monday through Friday. He noted details on the site plan, and pointed out the second access Hubbell had agreed to install per City request.

Commissioner Hatfield asked whether the applicant had another location in West Des Moines. Mr. McClure responded that the only other site in Iowa is located in downtown Des Moines.

Chairperson Erickson expressed concern about the drive access and potential traffic congestion, noting other projects with similar issues which are difficult to resolve after approval.

Commissioner Hatfield agreed and questioned the location of the drop off. Mr. Maurer noted that there was a front door entrance, which would serve as the drop off area. He noted that distribution of drop off/pick up is fairly even between 6 am – 9 am, and 3 pm – 6 pm, to avoid congestion.

Commissioner Anderson questioned whether the number of parking spaces would be adequate, given the staffing requirements for a child care center. She noted that even if it met minimum code for staff parking, it would not provide adequate parking for parents dropping off children, nor was there an adjacent office location or on-street parking which could be used for staff parking.

Mr. Maurer asked for clarification whether the Board was considering deferring approval for the eastern drive or the site plan as a whole. The Board affirmed they were discussing deferring the site plan.

Ms. Stephanie Poole, Simonson & Associates, 1717 Ingersoll Avenue, Des Moines, provided architectural details, elevations and exterior design samples. She noted that one brick blend would ensure uniformity within the area, while a second brick blend and metal panel group would feature New Horizon’s identifiable color design. The Board had no questions for Ms. Poole.

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Development Services Planner Kara Tragesser stated that she had nothing to add to staff report, but did comment that Development Services had voiced concern about the drive, but City Engineering and Fire Departments approved the drive as proposed. She informed the Board that Staff was willing to revisit the subject as directed. She noted that the parking spaces met minimum Code requirements; but that the Code had been in place for a long time and could be reviewed for updating.

Chairperson Erickson asked whether other daycares had expressed that they were experiencing a deficiency. Ms. Tragesser replied that she had received no complaints from parents and that she didn't believe they could require more than the Code's minimum. She responded to Commissioner Anderson's questions about adjacent street parking noting there was no adjacent business parking where employees could park all day.

There was discussion among the Board members regarding the feasibility of the drive during drop off/pick up hours and it was agreed that they wanted the applicant to reconsider the site plan and return at a later date with a revised proposal.

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 Crowley, the Plan and Zoning Commission deferred a decision until March 12, 2018 to allow time for the applicant to work with staff to address circulation issues.

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

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson adjourned the meeting at 6:18 p.m.

Craig Erickson, Chairperson

Jennifer Canaday, Recording Secretary