

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

Monday, April 16, 2018

Attending:

Council Member John Mickelson
Council Member Kevin Trevillyan
Deputy City Manager Jamie Letzring
City Attorney Dick Scieszinski
Principal Engineer Ben McAlister
Planner Karen Marren
Intern Mackenzie Locey

Development Services Director Lynne Twedt
Development Services Coordinator Linda Schemmel
Chief Building Official Rod VanGenderen
Planner Brian Portz
Planner Brad Munford
Planner Kara Tragesser

Guests:

Item #3- Fences in VOP

Dennis Reynolds, Reynold's Urban Design
Michael Blaser, Resident

Development Services Director Lynne Twedt opened the meeting of the Development and Planning City Council Subcommittee at 7:30 am. Director Twedt started the meeting with Item #3 on the agenda, Fences in VOP since guests from both sides of the matter were present.

3. Fences in VOP

Director Twedt noted that the PUD for the Village of Ponderosa (VOP) contained language that restricted the height of all fences within the development to 4' except for swimming pool enclosures and no fences are allowed along the open space areas. The VOP has a Design Review Board (DRB), that reviews all architecture for the homes: the City is not involved in that review process. The City would issue the building permits after receiving sign off from the DRB. The Building department was under the understanding that the same process applied to fence permits. If it was signed off on by the DRB the fence permit was then issued. However, because it is a specific regulation in the ordinance that they cannot be over 4', there should not have been any permits issued for fences over 4'. Director Twedt indicated that there are several fences that are 6' and a combination of wrought iron or solid fences. She also stated that several fences exists that were not permitted.

Attention to this issue is the result of a 6' solid fence approved for the rear lot line of a property along the perimeter of the development. The adjoining neighbor questioned it because he was under the impression 6' fences were not allowed in the development. Director Twedt stated there are three different fencing categories in the development: fencing along the alleys, fencing along the perimeter of the development, and fencing adjacent to open space.

Dennis Reynolds, Reynold's Urban Design a member of the DRB stated they did not want fences in areas that are adjacent to public spaces. If visible from the street or open space it would not be allowed. He referenced other communities where a row of wood fences line public streets and parks as the main driver for what these regulations wanted to address.

He stated there have been a few instances for swimming pools and one ornamental 6' fence for someone who had large dogs. Some of the residents wanted to put patios along their alley's so the DRB worked with them if they wanted a privacy fence, as long as the color was the same as the house.

The DRB mistakenly took the notion that if it wasn't visible from a public space it was allowable resulting

in a few 6' fences along the north perimeter. Mr. Reynolds, noted that City ordinance would allow the neighbors to the north, not within VOP, to put up 6' solid fences, so the DRB felt that if it can't be seen from the street or open space, a 6' opaque fence would be okay.

Mr. Reynolds explained the DRB didn't realize it was a City ordinance and not something for the DRB to interpret and apply.

Mike Blaser, Resident, stated he was familiar with the regulations for VOP and was surprised to see his neighbor putting up a 6' solid fence. He did clarify the posts are up and the actual boards for the fence have not yet been installed.

Mr. Blaser indicated that he felt Mr. Reynold's and the City assumed they could grant variances to allow for the fences and stated there are not any permitted there because of the regulations. He understood the argument that he could put up a 6' fence. He continued, stating nothing has changed since 2005 when the 4' fence maximum height regulation was written into the VOP ordinance and saw this as an exercise in trying to justify City staff and Mr. Reynold's granting variances that should not have been granted.

Mr. Blaser described his neighbor's fence as not running the full length of the yard and stated the motive for putting it up was so his neighbor could block the view of his home because Mr. Blaser's home is taller.

Council Member Mickelson stated if people have broken the rules previously it does not justify someone else being able to break the rules as well.

Director Twedt responded, that typically has been the City's stance regarding mistakes. She confirmed that neighbors next to the development could put up a 6' fence; however, owners within the VOP development did buy in with the 4' maximum height rule as it has been in place from day one. She noted that applies to the 6' fences along the alley as well.

Council Member Mickelson stated the concept for the VOP area was to be open and welcoming and didn't think it was appropriate to have any fences, but felt if people are choosing to do them it should be based on what the rules are.

Council Member Trevillyan was in agreement.

Dennis Reynolds added they would like to update the ordinance so it reflects what the people living in VOP are coming to request.

Council Member Trevillyan asked Mr. Reynold's if he wanted to change the ordinance to allow 6' fences.

Mr. Reynolds responded as long as the fence is not visible from a street, public sidewalk, or public open space they would like to allow a 6' opaque fence.

Council Member Trevillyan asked Mr. Reynolds if he was involved in writing the PUD (Planned Unit Development) which specified a maximum height of 4' fences would be allowed, to which Mr. Reynold's responded he was a part of writing the PUD 14 years ago.

Council Member Trevillyan stated there was a reason 4' was selected as the maximum height at that time and did not see it as appropriate to change the PUD to fix the problems created by the DRB granting fences be installed that exceeded that maximum height. He continued, if you tell the existing applicant they can only put up a 4' fence and next month change the ordinance to now allow 6' fences, that will create more problems. Instead of trying to go back to fix the mistakes he stated going forward the ordinance should be followed only allowing 4' fences.

Mr. Reynold's reiterated his point stating he understood Council Member Trevillyan's logic, however

people's opinions and environments evolve and the DRB did not know at the time that the PUD was written that resident's would want to put privacy patios along the alley. He wants to be able to respond to the realities of how people are using their yards.

Council Member Trevillyan pointed out that is a part of having covenants. He noted the VOP chose to take a stronger stance in utilizing covenants which differ from what the City may allow.

Council Member Trevillyan brought up the issue of fences not being inspected, noting that if someone applies for a 4' fence nobody is going out to see if they are building the proper size fence. He indicated that he wanted to go on record stating someone should be inspecting what size fences people are building.

Director Twedt stated it would take a PUD amendment to allow anything other than 4' fences and left it up to VOP if they would like to pursue that option. She noted Staff would like the maximum height to remain at 4' even along the alleys.

Direction – Council Members were not supportive of amending the PUD for the Village of Ponderosa to allow any fences within the development to be over 4' in height.

1. **Front Yard Paving**

Director Twedt stated Council Member Trevillyan has received some complaints regarding paving within the City that may exceed the 50% mark. Current Code reads that 50% of the front yard and 7% of the total yard can be paved for vehicle use areas. Mackenzie Locey, Intern, took a look at these numbers and went over her findings.

Council Member Mickelson inquired if this was related to or separate from the squaring off of the driveway.

Ms. Twedt responded that driveway configuration factors into the percentages and would be a part of an amendment to clarify what is allowed.

Ms. Locey indicated that she looked at aerial maps of approximately 1/3 of the City looking for properties that had a lot of pavement in the front yard and overall lot. She noted that from the lots she looked at, 97.5% of the lots were under the 50% threshold, but if the City is trying to get 100% compliance the percentage would need to be bumped up to 72%.

She explained that she also looked at the paved parking area percentage of the whole yard. Right now only 25% of the homes fell within 7%. If the percentage were bumped up to 15% the City would get 89% compliance, 20% would get 96.7% compliance, but to reach 100% compliance the percentage of the total yard that can be paved would need to be bumped up to 30%.

Director Twedt pointed out based on these statistics the City's 7% with 50% front yard ratio is not working so there is some justification to up the whole lot percentages.

Ms. Locey also looked at driveway width 10' back from the property line. Code currently states that it can be no more than 20' wide at 10' back from the property line. When following code, builders should wait 10' and then angle the drive. In a lot of cases Staff is seeing homes that start angling the driveway right away at the property line or take it straight down to the sidewalk which makes it significantly wider than 20'.

Of the properties looked at about 32% were compliant with the 20' width at 10' from the property line. She mentioned previous conversations to change the requirement to allow the 20' width at the property line instead of 10' back, when looking at those properties, 72% were in compliance. To get 98% compliance you would have to go up to 30' wide and for 100% compliance it would need to be 40' wide.

Director Twedt posed to Council Members which direction would they like to take regarding total front yard paving percentage, total lot percentage, and single family driveway design. Currently there is a provision in code that says you are only allowed to pave to be able to park one extra vehicle.

Council Member Trevillyan asked for clarification that the only one extra vehicle parking in regards to paving is not looking at the main driveway, just the extra paving. Ms. Twedt confirmed that was correct. The complaint the City is hearing is it makes it difficult if you have someone parked where they can't get other cars in and out of the driveway.

Ms. Twedt expressed concern that if allowed to tie in at the sidewalk and not built properly, it could result in some cracking of the sidewalk; however, the sidewalk improvement plan would provide recourse to solve that problem and the homeowner would be responsible for repairing it.

Ms. Twedt discussed implementing a paving permit as part of the process. Applicants currently get a permit for their approach but the rest of the driveway is not permitted.

Council Member Mickelson stated the average person then has no idea how much they are allowed to pave.

Ms. Twedt responded they are able to call the City and we can advise them, but the City does not get a lot of these types of calls. She stated the paving permit process for paving on a private lot could include a nominal fee as a way to get people in to educate them and provide a check of what is intended.

Council Member Trevillyan asked Mr. VanGenderen if paving was inspected as part of the building permit.

Mr. VanGenderen responded that paving is looked at on new homes today because they have full detailed site plans that show paving, compared to the past when scratch paper was often utilized to show the site layout.

Council Member Mickelson agreed with educating the public on what they are or are not supposed to. He referenced the drawings Mackenzie submitted as something that could be used in a handout form to show what the City allows.

Council Member Trevillyan preferred the picture on the right (see Attachment A).

Ben McAlister, Principal Engineer, commented that if the width is extended all the way to the sidewalk people will start sneaking in approaches when currently the maximum width of the opening is 20'.

Council Member Trevillyan stated that would be addressed because people have to go to public services to get an approach permit.

Ms. Twedt mentioned that option could result in these being filled in over a weekend by a homeowner or it may become a muddy un-grassed path area because people are driving over it.

Council Member Trevillyan commented it is not illegal to drive on your grass, however it is illegal, by code to park on your grass. He indicated that he chose the option on the right because it made it easier for people trying to get in and out of their driveways. He also commented that the City would need to enforce Code if they put them in illegally.

Council Member Mickelson preferred a gradual change and was supportive of educating the public on what is permitted and what is not. He was supportive of the middle picture in Attachment A.

Council Member Trevillyan was not in agreement, stating again that he supported the right picture in Attachment A.

Mr. VanGenderen asked Ms. Locey if she looked at driveways only or if the research included concrete slabs in backyards which could be used for basketball courts and etc.

Ms. Locey responded she only looked at paved parking areas.

Council Member Trevillyan explained the complaints from residents on 10th Street are because people have their driveway but they are paving a separate space in their front yard to pull in and park. He referenced 2 properties located on Valley West Drive that have done this.

Ms. Twedt stated they are starting to see paved spaces perpendicular to driveways on some lots in order to accommodate more vehicles.

Mr. McAlister added there is some benefit to circle drives or turn arounds for residents on major streets so they are not backing out into traffic.

Ms. Twedt responded that it does not appear that the percentages on those lots are exceeding 50%. She again asked Council Members if they wanted to make any changes to the percentage of the front yard that can be paved or keep it at 50%.

Council Member Mickelson asked Council Member Trevillyan if he thought the bad apples would fall within that 2.5% that aren't compliant.

Council Member Trevillyan did not think a percentage would make a difference, if people want to do it they will. He commented that if the percentage was changed to 75% he did not think it would result in 100% compliance because nobody inspects the paving.

Both Council Members were in agreement to leave the percentage at 50%.

Director Twedt commented that the percentage for the whole lot needs to be increased to 15 or 20%.

Council Member Mickelson agreed that it should be increased to 20%.

Ms. Twedt moved on to discuss the driveway width stating Staff would start with the middle picture in Attachment A and monitor it going forward.

Council Member Trevillyan was not in agreement and advised Staff to place all 3 pictures in the Council packet so the Council Members can compare what the City has today.

He continued, noting that the change would not prevent someone from paving a space in their front yard if it does not exceed 50% of the total front yard.

Council Member Mickelson commented if a neighbor were to contact the City, they City can say we have this 50% requirement and stop it at that point.

Director Twedt responded if we can catch them before paving and they proceed anyway, from a code standpoint we will have more standing to request it be removed.

Council Member Trevillyan pointed out that it may not exceed the 50% requirement which means they are still allowed to pave even if a neighbor doesn't like it.

Ms. Twedt stated Staff would look at some of the smaller 50' wide lots to see what percentage of front yards and total lot paving is and use the smaller lots as a guideline.

Council Member Trevillyan stated the small lots are the ones that need the additional parking, not the ones that have three car garages.

Direction - Council Members were supportive of leaving total front yard paving percentage at 50% and increasing the percentage for the whole lot to 20%. Council Members were split regarding single family driveways.

2. Solar Permit Fees for Commercial Installations

Rod VanGenderen, Chief Building Official, discussed the fees for commercial solar installations. When the permit was first implemented a flat fee of \$75.00 for both commercial and residential solar installations was used. This is similar to what the City does for a lot of residential projects such as decks, garages and basement finishes.

The City received an application for a commercial solar permit with a valuation of \$209,000. Typically all commercial permits are issued based on valuation regardless of what type of work is being done, so the fee on that permit would have been \$1,700. He asked if the City would like to treat the commercial solar installations similar to all other commercial permits and keep the flat fee in place for residential solar installations only.

Council Member Mickelson asked about administrative costs.

Mr. VanGenderen responded that the administrative fees can vary, for example, this installation has approximately 340 units or panels being installed on the roof and even though each panel is not being inspected, the inspectors will be on the roof looking at several of the connections, which makes it a lot more involved than a residential solar inspection.

He offered two solutions: implement a permit fee similar to the rest of commercial installations where valuation is used; or leave the permit fee at \$75.00 and consider it a type of in-kind program and track the issuance to demonstrate city contribution.

Council Member Mickelson stated it made sense to utilize the same fee structure that is used on any other commercial applications. If man hours and fees associated with the administration of the permit are exceeding the current \$75.00 fee we should not be bashful about breaking even.

Mr. VanGenderen continued that commercial installers would not be surprised by the change in fees because their other fees are based on valuation. He noted the current trend stating we could see \$1 - \$1.5 million installations on a roof top such as the Wells Fargo building.

Council Member Mickelson reiterated the fact that inspectors are dedicating time and felt there are other ways we can help in supporting solar projects.

Direction: Council Members were supportive of changing the fees for commercial solar installation from a flat fee to a fee based on valuation.

3. Upcoming Projects

- a. *PC Entitlement Period*: With BOA now approving only the use aspect of a Permitted Conditional Use Permit, the duration of the entitlement period to establish the use needs to be clarified in city code. Staff recommends a 12 month period in which to establish the use (AO-003833-2018)
- b. *Covenant Cove* (SE corner 98th Street and Bishop Drive): Subdivide property into 208 postage stamp lots for development of attached townhomes. Staff is still working with the three different builders regarding the architecture to ensure consistency (PP-003849-2018 & SP-003850-2018)
- c. *Cellular Tower* (4101 EP True Parkway): Extension of entitlement for one year of Permitted Conditional Use Permit for a cellular tower (Board of Adjustment approval)
- d. *Sandahl Property* (NW corner of Mills Civic & S 88th St): Amend Comprehensive Plan from Office to Medium and High Density Residential and establish PUD to allow development of senior continuum care facility, possible disabled independent living, attached townhomes and detached townhomes (CPA-003840-2018 & ZC-003839-2018)
- e. *Wolfe Eve Clinic Surgery Center* (6100 Westown Pkwy): Construction of a 24,000 sf surgery center (MaM-003821-2018). Council member Mickelson inquired whether the adjacent business which is short on parking could utilize some parking on this site. Staff indicated that a drive connection is being

made between the two properties. As long as the additional parking doesn't render the Wolfe Eye Clinic site non-compliant with code, the two parcels could execute a private agreement allowing the parking.

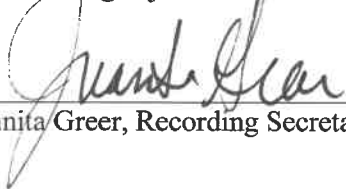
- f. Florer Park (1410 Locust St): Change zoning from Open Space to Single Family Valley Junction to address setback issues for new shelter. In light of this Staff will bring forward a park classification that has its own setback standards and bulk regulations, currently they either fall under the underlying zoning or open space (ZC-003844-2018 & MM11-003845-2018)
- g. Grand Valley (North side of Grand Ave, east of S 35th St): Installation of well and related pumps to supplement water to retention pond (SP-003838-2018)
- h. Pemberley Hills (SW corner of 60th Street and Aspen Dr): Subdivide storm water outlots into multiple lots and lot-tie to adjacent single family lots (POS-003818-2018)
- i. Hidden Point Park (1250 S Hidden Point Ct): Construction of park improvements including shelter, restroom, playground, tennis, basketball court, trail connections, and parking (SP-003842-2018). Council members inquired if the adjacent Pheasant Ridge development would be notified of the improvements since some were not in favor of a park when previously mentioned. Staff indicated that the site plan does not require noticing; however, it is believed that the Parks Department has been holding neighborhood meetings.
- j. Office at the Galleria (645 S 60th St): One year extension of entitlement relating to site plan approval (OSP-2006-008)

5. Minor Modifications & Grading Plans (Staff Approval)

- a. Wellington Square (245 50th St): Update landscaping (MML1-003822-2018)
- b. West Green Industrial Park (175 S 9th St): Construct 11 additional parking stalls (MML1-003824-2018)
- c. The Foundry (111 S 11th St): Eliminate intended garage and construct additional parking (MML1-003825-2018)
- d. Remco (1207 Maple St): Add windows, relocate dumpster, and remove concrete (MML1-003830-2018)
- e. Water Quality Xylophone (310 50th St): Installation of temporary art sculpture (MM11-003837-2018)
- f. Sierra Point (7171 Woodland Ave): Installation of fence for Dog Park (MML1-003841-2018)
- g. Forterra Pipe and Precast (525 S 11th St): Replace existing doors with windows (MML1-003843-2018)
- h. Main Street Public Art (5th Street): Installation of three sculptures (MML1-003846-2018)
- i. Check-All Valve (1800 Fuller Rd): Installation of solar array on roof (MML1-003856-2018)
- j. Farm Bureau (5400 University Ave): Construction of 125 stall parking lot and associated storm water management measures (MML2-003829-2018)
- k. Etzel Properties Plat 1 (7402 Cascade Ave): Placement of imported dirt (GP-003863-2018)
- l. Rebel Ridge Estates Lot 4 (North side of vacated Wendover Road): Removal of excess dirt (GP-003864-2018)

Other Matters – There were none.

The meeting adjourned at 8:35 a.m.



Juanita Greer, Recording Secretary



Lynne Twedt, Development Services Director

Driveways today

ATTACHMENT A

