

PLAN AND ZONING COMMISSION MEETING

Direction: PZ_AF_06-04-2018

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:31 p.m. on Monday, June 4, 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, Crowley, Drake, Erickson, Hatfield, Southworth.....Present
Costa.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of May 21, 2018

Chairperson Erickson asked for any comments or modifications to the May 21, 2018 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission approved the May 21, 2018 meeting minutes.

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

Motion carried.

The Commission was informed that the applicant for the first item was delayed due to traffic from an accident. Chairman Erickson asked to delay hearing item 2a until after New Business was concluded. Commissioner Crowley moved to adjust the agenda to hear item 2a after item 4d, seconded by Commissioner Southworth.

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

Motion carried.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

4a –Hidden Point Park, 1250 S. Hidden Point Court – Approval of a site plan to construct park improvements – City of West Des Moines – SP-003842-2018

Casey Byers, Bolton & Menk, 309 E. 5th St, Des Moines, presented the site plan for a neighborhood park. He informed that it will be a phased implementation plan with immediate construction being underground utilities and site grading; parking lot and hard surfaces in 2019, shelter/restroom in 2020, and hard surface courts in 2021 when funding is available. The site connects trails from one side of the park to the other. There has been good feedback from neighbors.

Chairman Erickson asked Mr. Byers if he had mentioned when trail connection would occur. Mr. Byers referred to City of West Des Moines Parks Superintendent Dave Sadler, who responded that it would be approximately 2019.

Brian Portz, Development Services Planner, stated he had nothing to add, but was available for questions.

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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 Southworth, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the site plan subject to the applicant meeting all City Code requirements and the following:

Conditions of Approval

1. Site plan entitlement remaining valid until all improvements outlined in this staff report are completed, including if the current anticipated timeline is extended past 2021. Should improvements different from that outlined in this staff report, or modifications to that as indicated on the site plan included with this staff report be desired, the applicant shall submit the appropriate site plan modification application(s) to the Development Services Department for review and approval prior to implementing any alternate plans.

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

Motion carried.

4b – Greenway Crossing Access Shared Access Drive, 9040, 9080, 9150 University and 9065 Bishop Drive – Site Plan to Construct Shared Drive – Hubbell Metropolitan Development Fund LLC – SP-003867-2018

Commissioner Drake recused herself.

Andy Maurer, McClure Engineering Company, 1360 NW 121st St, Clive, Iowa, presented a sketch detailing the proposed access, stating that this is to fulfill the condition for the New Horizon’s Daycare project to meet their second access requirement.

Kara Tragesser, Development Services Planner, recommended approval.

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 Crowley, seconded by Commissioner Anderson, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the site plan, subject to the applicant meeting all City Code requirements and the following:

Conditions of Approval

1. The property owner executing and submitting to the City a water main easement to allow West Des Moines Water Works access to water main appurtenances, including curb stops, prior to any occupancy on any of the parcels associated with this approval.
2. The property owner executing and submitting to the City an ingress/egress easement to allow vehicles to travel on the private drive, prior to any occupancy on any of the parcels associated with this approval.
3. The property owner executing and submitting to the City storm water facility maintenance easement agreements for storm water facilities related to the construction of the drive, prior to any occupancy on any of the parcels associated with this approval.

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

Motion carried.

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4c – Urban Renewal Plan Amendment No. 2 – Coachlight Drive Urban Renewal Plan for Conformity with the Comprehensive Plan

Clyde Evans, Director of Community and Economic Development, City of West Des Moines, presented an amendment to the Coachlight Drive Urban Renewal Plan, stating that by state law the City is required to go to the Plan & Zoning Commission for finding of consistency when adding land or use to an Urban Renewal Plan. The Coachlight Drive Plan was being amended on three boundaries, extending to Mills Civic Parkway and Grand Prairie Parkway to put more taxable area within urban renewal to facilitate construction of Mills Civic Parkway around a cemetery in the middle of road.

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 adopted a resolution recommending the City Council approve the Amended Urban Renewal Plan subject to the applicant meeting all City Code requirements.

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

4d – Urban Renewal Plan Amendment No. 3 – Woodland Hills Urban Renewal Plan for Conformity with the Comprehensive Plan

Clyde Evans, Director of Community and Economic Development, City of West Des Moines, presented an amendment to the Woodland Hills Urban Renewal Plan, stating that by state law the City is required to go to the Plan & Zoning Commission for finding of consistency when adding land or use to an Urban Renewal Plan. The Woodland Hills Plan is adding additional land along Booneville Road; the primary reason for change being to facilitate construction of Booneville road using Tax Increment Financing extending to from 88th Street to the City western boundary.

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 Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Amended Urban Renewal Plan subject to the applicant meeting all City Code requirements.

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

Item 2 – Public Hearings

2a – Cedar Ridge, Northwest corner of the intersection of Mills Civic Parkway and S. 88th Street – Amend the Comprehensive Plan Land Use Map to change the land use designation for approximately 9.31 acres from Office and Medium Density Residential to Single-Family Residential, 9.10 acres from Medium Density Residential and Single-Family Residential to Medium Density Residential and approximately 13.48 acres from Office to High Density Residential and establish a Planned Unit Development (PUD) to allow development of a Continuum Care Retirement Community, attached townhomes, and detached townhomes. – Chayse Holdings LLC – ZC-003839-2018/CPA-003840-2018

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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 May 30, 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, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes
Costa.....Absent
Motion carried.

Chairman Erickson asked Planner Brad Munford to present the application in the absence of the Civil Engineer who was still detained in traffic.

Brad Munford, Development Services Planner, detailed the proposed site plan for the NW corner of Mills Civic Parkway and S 88th Street. He stated that the applicant purchased the property and is proposing to amend the comprehensive plan and create a PUD district for development. Currently, the comp plan shows the east side as office, middle parcel as medium density, with a small section for single family. He noted that the land is currently not zoned. With a sketch, he noted that Parcel A is proposed as single family, Parcel B for a continuum care facility, Parcel C for a special needs community, and Parcel D to be a detached townhome project similar to Eagle's Landing down the street; with a greenspace area left for detention. All areas except single family will go through additional site plan process. Several neighbors who have expressed concerns have been encouraged to come forward to ask questions of the applicant this evening. Staff recommends approval.

Chairman Erickson then asked the applicant for additional comments.

Toby Torstenson, Chayse Holdings, LLC, 150 Indian Ridge Drive, Waukee, informed the Commission that he's been working on this project for a couple years and said that Brad did a good job of explaining it.

Chairman Erickson asked if all of the projects were from the same entity. Mr. Torstenson responded that Parcels B and C will be split off and sold; and that he planned to develop the area along 91st Street as it comes south to Mills Civic and Portion D to the left.

Chairperson Erickson asked if anyone for the audience would like to speak to this item.

Ann Bierbaum, 5009 Tamara Lane, stated she owns two lots cornered next to Parcel D and wanted to make sure that in the process of development, access would continue to their lot. She informed that when they had purchased the lot, development was approved for the adjacent parcel, but it never took place. A road had been included in the development plan and was intended for their access. They wanted to make sure they continue to have access to their lot.

Commissioner Drake asked what their current access was to their lots. Ms. Bierbaum replied that they cross lots coming across a culvert from Mills Civic Parkway.

Commissioner Drake asked if they have an access easement. Ms. Bierbaum replied that since the use exceed 10 years, it was automatically granted as an easement. Their plat was deeded in such a way that the property could not be landlocked, access was required to be provided.

Commissioner Drake asked if the parcel had been platted but not zoned. Planner Munford affirmed that

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the applicant purchased all of the parcels, including streets and it did not include dedicated ROW or easements. Ms. Bierbaum inserted that all of the current owners have a plat map with their abstract providing plans for a road.

Commissioner Hatfield reiterated that Ms. Bierbaum was just trying to clarify that there will be continued access to their property when the new site is developed. Ms. Bierbaum agreed.

Commissioner Drake noted that this access was being requested from a future street through the development, not from Mills Civic Parkway.

Richard Santi, 33681 Rockwood Lane, West Des Moines, stated that he owns lot 29, and that Ms. Bierbaum owns lots 26 and 27. He bought the lot in 1992, and believed Iowa Law prohibits the sale of landlocked parcels, therefore the abstract included an access agreement. He noted changed from his abstract to the proposed plat. He voiced concern about medium density housing lowering his property value, stating a preference for the City not to build smaller homes there. He noted that Rockwood Lane is private and not a City street. Commissioner Hatfield thanked Mr. Santi for his comments.

Chairperson Erickson asked if anyone else from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion. He also noted that the Commission would be addressing rezoning tonight, which would deal with the density that Mr. Santi addressed tonight.

Commissioner Hatfield asked if the applicant had yet conversed with either of these homeowners about access to their lots. Mr. Torstenson stated he had not. He did state he knew this to be a platted lot in Dallas County, but questioned access to the back lots. He also noted they would have to work together regarding provision of sanitary, water and storm water services. Mr. Munford noted that staff also looked at this extensively with concern about developing Parcel D. The intent was that access but not utilities would come off the private drive.

Commissioner Drake questioned whether the City would have a ROW through the development, or would it remain private. Mr. Munford responded that either way, the applicant would provide a way for them to have access. Mr. Torstenson clarified that he was proposing for Parcel D to be a buildable envelope 55ft wide by 70ft deep – trying to provide for people who don't want to move to a townhome yet. This would be a one builder scenario – a \$400,000-\$600,000 price point.

Mr. Munford added that they had a commitment from the developer to work out access through the platting process, and could try to contact the homeowners during that process. The applicant was keeping in compliance with the City's comp plan for medium density, however the mass was a concern so the City countered the proposed multi-family product with detached homes which look like a single family neighborhood.

Chairman Erickson noted that writing a PUD could create a more restrictive use for multi-family designation. Mr. Munford agreed; the PUD would limit the parcel to 24 units, and include higher architectural standards; landscaping, all those things would come into play; the site plan will have those details hammered out.

Commissioner Hatfield suggested the possibility that access come directly off Rockwood Lane, if it could be made a public access; then the developer wouldn't have to make an access for any of those properties, and drivers wouldn't have to go through the new development. He also suggested buffering between single family lots and medium density use. It would be helpful if you had some site plan sketches.

Mr. Torstenson responded that there are three different property owners to the left of the existing cul de

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sac; if Rockwood Lane is private, how do they access that property?

Linda Schemmel, Development Coordinator, inserted that there is a requirement that a street serving more than four homes would have to be constructed to public street standards so new and existing properties accessing that street would be incurring costs to allow those lots to gain access through Rockwood Lane. Chairman Erickson commented that they might not have a compelling reason to do so.

Chairman Erickson then invited Ms. Bierbaum to respond to the comments if she desired.

Ms. Bierbaum pointed out they have been using access off Mills Civic Parkway for 23 years. About 7 years ago they contacted a lawyer, who spoke to Mr. Sandahl’s lawyer. Their lawyer stated they have a right to access their property given the length of time they’ve been accessing it, and she stated they have had 2 easements based on the abstract.

Mr. Santi responded to the suggestion of possibly using Rockwood Lane as being a “no go.” He stated there are five owners of that private lane, and he was certain they would not allow it becoming public.

Chairman Erickson informed the residents present that there will be further steps to the process with platting and site plans. He added his initial concerns about medium density were alleviated with hearing how the product type will be controlled, giving the neighborhood some assurance it will be more consistent. Commissioner Crowley agreed.

Moved by Commissioner Crowley, seconded by Commissioner Drake, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the amending the land use designation for Cedar Ridge.

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

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission adopted a resolution recommending the City Council approve an amendment to establish the Cedar Ridge Planned Unit Development.

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

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson adjourned the meeting at 6:17 p.m.

Craig Erickson, Chairperson

Jennifer Canaday, Recording Secretary