

PLAN AND ZONING COMMISSION MEETING

Direction: Technical problem – no audio recording.

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:31 p.m. on Monday, October 22, 2018, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Costa, Crowley, Erickson, HatfieldPresent
Andersen, Drake, Southworth.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of October 8, 2018

Chairperson Erickson asked for any comments or modifications to the October 8, 2018 minutes.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission approved the October 8, 2018 meeting minutes.

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

Motion carried.

Item 2 – Public Hearings

There were no Public Hearing items.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

4a - Belle Meade Fence, 204 S. 68th Street – Minor Modification to Remove East Fence – Slosburg Company – MML1-004085-2018

Jerry Kavan, Slosberg Company, 10040 Regency Circle Suite 200, Omaha, NE, stated he was present on behalf of the owners of Belle Meade apartments. He said he was here to answer any questions.

Mr. Kavan noted on a drawing the Belle Meade east property line adjacent to the single family homes and the location of the fence. He informed that there is a drainage easement that existed prior to building the homes. He noted there are mature trees, and rocks in the drainage easement. He stated they were told not to tamper with this; that the drainage easement had been constructed with City plans prior to purchase. The fence was planned to skirt to the west before the storm water drainage came into the open and then connect to the fence along the south property line along Coachlight Drive. As they moved further into development, they felt that it would be very difficult to the install fence along the east property line and also difficult to maintain drainage easement after it is installed.

Chairman Erickson questioned whether the original purpose of fence was to be decorative. Mr. Kavan stated it was proposed following discussion with nearby homeowners and requested as buffering between the residential areas.

Chairman Erickson asked if the fence was not solid. Mr. Kavan responded that it is wrought iron; picket fence.

Kara Tragesser, Development Services Planner, stated that the staff report stood as written, adding that

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there was a memo on the dais with comments received from residents. She pointed out that the City does not required the fence.

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

Stacy Zerr, 293 S 62nd Street, stated that her property has a substantial investment in the drainage ditch; they are aware of having drainage issues in there. The proposed fence was a good visual separation. Some type of screening would be preferable, even landscaping, if not a fence. The landscaping planted to-date is not very substantial.

Chairman Erickson asked staff if is this was a noticed item. Planner Tragesser responded that a minor modification is not usually publicly noticed, however Staff chose to do so this time as a courtesy.

Dino Costanzo, 273 S 62nd Street, stated he had received the notice on Saturday. He presented a photo taken on October 22, 2018, of the drainage area from his property, observing that a lot of the undergrowth was cleared out. He said he knew that the discussion tonight was not about drainage, it's about allowing the fence that was put before the developer and the homeowner's association previously. He stated that he had lived there 11 years and was present when the site plan was approved 8-9 years ago. The City allowed Belle Meade to put the townhomes closer to the property line as long as there was a buffer including fence and landscaping. In his opinion, the fence provides security, being a wrought iron fence with 6' brick columns.

Chairman Erickson asked Mr. Costanzo if the neighbors have not put up fences because they're waiting for the applicant to put one up. Mr. Costanzo said several people have put up fences. He concluded that he didn't feel he should be absorbing the cost for what Belle Meade agreed to and was approved 8 years ago.

Commissioner Crowley asked if they would be willing to allow Belle Meade to put the fence on your side of the easement. Ms. Zerr stated she would not; she wouldn't give up 20 feet of her property. Mr. Costanzo replied that most of the drainage is on Ms. Zerr's backyard; there needs to be a buffer.

Lynne Twedt, Director of Development Services, informed the Commission that she had been the original case planner who went through the process. Regarding the flag pole, if the property is commercial, the owner has to have an amendment to the site plan to reflect what is ultimately being built. Her recollection was that Belle Meade originally wanted a gated community to delineate the property boundary. It was a choice of theirs' and not a requirement of the City's. City Code does allow fencing to cross drainage channels, with provisions including raising the height of the fence at the crossing. It could allow a dog or small child to get under it. Everyone bought their homes with the drainage way already there. Both parties are supposed to share the buffer requirements. She stated that she couldn't speak to whether King's Valley ever implemented their side of it. At the time King's Valley went in, the buffer was to be shared.

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission adopted a resolution recommending the City Council deny the application to remove the fence from the site plan.

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

4b - Covenant Cove, Southeast corner of Bishop Drive and 98th Street – Phased Site Plan Approval for Footings and Foundations – Covenant Cove LLC – SP-003850-2018

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Brent Culp, Snyder & Associates, 2727 SW Snyder Blvd., Ankeny, IA, stated he was representing Covenant Cove. He informed the Commission that with the weather and rain this fall, they are hoping to get the foundation started, but not the buildings. There are several conditions of approval and the applicant agrees with the conditions.

Commissioner Costa asked if the applicant had responded to the concerns of the potential buyer of the mobile home property to the east of this development regarding the installation of a drive which would provide a second access to the mobile home park.

Alan Sprinkle, Covenant Construction, 801 SW 8th Ct, Grimes, indicated that the roadway connecting to the mobile home park was originally planned to be constructed this fall. There is a private agreement with the property owner to the east regarding the location of the connection; parties have been in discussions regarding financial considerations and timing. As of the date of the meeting, Mr. Sprinkle indicated that the weather has caused delay in construction and that the street that is needed to connect to the mobile home park is not able to be constructed at this time. Mr. Sprinkle felt that the Covenant Cove project should not be delayed because of the discussions occurring between the owner of the mobile home park and the potential buyer of the mobile home park.

Dan Manning, Lillis O'Malley Law Firm, 317 6th Avenue, Des Moines, stated he was the legal representative for Ken Brenton, the prospective buyer of the West Park mobile home park from Gerlich Industries and that Mr. Brenton also was present to answer any questions. He noted that he appreciated the openness and effort from City staff, the City legal department and the Fire Marshal regarding the connection that needs to be made between the mobile home park and the Covenant Cove development. He stated that the provision of this connection is a safety issue and that the potential buyer's position is that they want assurance that there won't be any occupancy permits in Covenant Cove before the street connecting the two developments actually is in. In their view it needs to be part of the approval of the first phase of the site plan. He didn't think this was about the agreement between the mobile home park buyer and seller. They have a purchase agreement and can close, but they would like City Staff to step the secondary access up as part of Phase 1 because it's a safety concern.

David Albright, Covenant Cove LLC, commented that Covenant Cove was required to enter into a private agreement with Mr. Brenton and Karen Gerlich regarding the location of a necessary connection road between the mobile home park and the Covenant Cove development. The original agreement didn't have financial provisions. Mr. Albright indicated that the builders would struggle to get financing for construction if the units could not be sold without occupancy permits. He said they had talked to their attorney, and to the Gerlich's attorney. He felt they could commit to a July 1, 2019 certain date if they could get the other side to agree to their fair share of development costs.

Chairman Erickson asked Ms. Tragesser if the applicant was presenting testimony on things coming later on full site plan approval. Ms. Tragesser affirmed that they were.

Chairman Erickson cautioned that he was concerned that the Commission be in the middle of a private disagreement, when they were seeking to decide a footing and foundation application.

Ken Brenton, 4696 Old Kent Road, Excelsior, MN, asserted that the issue here is the security of the residents. He was concerned about the secondary access road being finished before the occupancy. As far as who was responsible for costs up to property line, there was a verbal agreement. He said he sees that as narrow issue; and that they would work that out.

Chairman Erickson noted that the City process is continuing, private discussions are continuing, and will hopefully be resolved by full site plan approval. Ms. Tragesser agreed and noted that they are working on architectural approval as well.

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Moved by Commissioner Costa, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the phased site plan to construct footings and foundations, subject to the applicant meeting all City Code requirements and the following:

1. That building construction plans have been reviewed by the Development Services Building Division and Fire Department and that no footing and foundations will be constructed without a building permit;
2. No above ground or vertical construction will be allowed until the full site plan is approved and building construction plans have been reviewed and approved by the Development Services Building Division and Fire Department and buildings permits have been issued.

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

4c - Veterans Parkway Enhancements Folded Flags, Northeast corner of SE Browns Woods Drive and Veterans Parkway – Site Plan for site improvements to accommodate folded flag art display – City of West Des Moines – SP-004075-2018

Chairman Erickson recused himself, Vice Chairman Costa assumed direction of the meeting.

Sally Ortgies, Director Parks & Recreation for the City of West Des Moines, informed the Commission that the City has a project that is part of the overall Veterans Parkway enhancements project. Veterans Parkway is partially existing and a soon-to-be constructed major thoroughfare through our City. The site plan approval is for only the foundations, underground electrical and landscaping required with the project. The artwork is under the purview of the Arts Commission and City Council. She concluded that Staff are asking for site plan approval, and she was available for questions.

Commissioner Crowley commended Director Ortgies, stating this is a great project.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, 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.

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

Chairman Erickson resumed the dais.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson adjourned the meeting at 6:29 p.m.

Craig Erickson, Chairperson

Jennifer Canaday, Recording Secretary