

PLAN AND ZONING COMMISSION

PZ_AF_04-08-2019

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, April 8, 2019, 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

Motion by Commissioner Crowley to move Items 4a and 2b to the top of the Agenda, seconded by Commissioner Andersen. Motion carried.

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of March 25, 2019

Chairperson Erickson asked for any comments or modifications to the March 25, 2019 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission approved the March 25, 2019 meeting minutes.

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

Item 2 – Public Hearings

There were two Public Hearing items to address.

Item 2a - Ashworth Road I-80 Corridor. Generally located along Ashworth Road beginning west of Interstate 80 east to Jordan Creek Parkway – Amend Comprehensive Plan Land Use Map and Amend Zoning Map to designate and zone property to High Density Residential (RH-18), Medium Density Residential (RM-12), Single Family Residential (RS-8), Office (OF), Community Commercial (CMC), and Business Park (BP) – City Initiated - CPA-003525-2017/ZC-003524-2017

This item was taken last on the agenda due to the anticipated length of discussion.

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 March 29, 2019.

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 Crowley, seconded by Commissioner Southworth, 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.

Karen Marren, Development Services Planner, informed that this public hearing item was deferred from November. The Commission held a workshop in February to discuss it further. The one change from the hearing in November was to not approve Office and Single-Family zoning for the SW corner of Ashworth and Jordan Creek Parkway. The Commissioner’s direction at the workshop was to take the

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land use back to existing Medium Density classification noted on the comp plan, and to leave the property unzoned as it currently is.

Commissioner Crowley questioned what would cause a change in zoning, whether it would be development driven at the time of the request. Ms. Marren confirmed that was the direction from the workshop. Staff left that parcel in for the purposes of noticing the residents, but there was some confusion because the proposed comp plan map was published without the proposed zoning map. Letters received from surrounding property owners indicate concern that the City is changing it to medium density, however that is not the case. The area is not being changed to medium density, Staff are recommending leaving it as medium density which is the current land use on the adopted Comprehensive Plan.

Chairperson Erickson noted concern about traffic at this location. The conclusion was that a specific development proposal will need to come forward and reviewed for buffering adjacent lots. The Commission decided to leave the land use and zoning for this area as it exists for now.

Chairperson Erickson asked Planner Marren for an update regarding changing the West parcels to community commercial, noting the desire of the neighbors to have buffering. He stated there was some question about whether the Plan & Zoning Commission has the authority to put a demand for buffering on the adjacent site. Ms. Marren replied that Staff spoke with the City Legal department who advised that the Commission is a recommending body and can make a request, but typically it would be done at the site plan level. The history is that at the time buffer was vacated on the Aspen Valley site per property owner's request; there would be no obligation for a commercial developer to provide a buffer. She added that the Commission could recommend a buffer on the commercial property, but that would typically be done at the site plan review, not at the zoning or comp plan level.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; cautioning them to avoid a lot of repetition in the comments, and to please respect each other's time, concluding that the Commission is sensitive to the motion.

Mike Whitsell, 812 77th Ct, stated he would like to go on record that there are several neighbors here from the area south of Ashworth Road, west of Jordan Creek Parkway; and he would highly encourage to keep the character of the neighborhood that the single-family zoning be added back which was previously proposed and then tabled in November.

Bill Mabuce, 7718 Aspen Dr, stated he has also lived in the neighborhood for quite some time and was pleased that the zoning is not being changed. He encouraged the Commission to make it Single Family for future use so it will match the existing Jordan Creek/Ashworth area.

Jim Nervig, Attorney with Brick Gentry Law Firm, 6701 Westown #100, West Des Moines, presented a protest with exhibits attached on behalf of James & Joyce Ziska. He voiced their objections to commercial zoning next to the single-family neighborhood, referenced Chapter 414 of the Iowa Code and questioned why the City was driving this proposal. He requested transitional zoning between areas, providing three alternatives, and noting a personal example of his neighborhood working through the changes to the Ponderosa Golf Course area. He was concerned that staff had not acquainted the neighbors of their right to protest, referencing chapter 414.5 of the state code. He concluded by stating he felt there would be a lawsuit regarding the proposed changes if the City proceeded.

Chris Glynn, 878 84th St, stated he agreed with Mr. Nervig's comments.

Michael Fields, 978 84th St, also agreed with Mr. Nervig, noting if he had been notified of this prospect, before closing on their house 10 months ago, they would not have purchased it. He said the realtor confirmed they had not been notified. He asked the board to consider a buffer.

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Michael Bean, 850 84th St, stated he agreed with Mr. Nervig, and that his chief concern was whether construction of commercial property adjacent to his neighborhood would lower his property values or taxes.

Mike Housby and Ronda Gale, 8580 Ashworth Rd, informed that they owned the property between the single-family and the proposed commercial area since 1994 and had seen a lot of development. They provided a cell phone image of a barn which was formerly adjacent to their lot. At the time, they didn't believe the area was zoned residential but that was what was built. They concluded that there is going to have to be some commercial to go in to support the area and handle the traffic.

Dan Moore, 7729 Aspen Dr, said he had lived there two years, and if he had known medium density apartments were planned in the next parcel, they would not have purchased the land. Currently it's an open field, and they expected it to be more single-family homes as a natural progression. He stated that on the original proposal they saw in November, it was going to be single-family, so they didn't pay any attention after that. They found out that at some point it became medium density, and now feels like he has to keep an eye on it. He said he was alarmed that its default is medium density and it wasn't that way before. Chairperson Erickson clarified that there had been a proposal for single-family which was not enacted. Mr. Moore responded that it was designated as nothing, and now it's medium density, and he has a problem with that.

Daniel Herting, 813 78th Place, questioned whether it was currently medium density, and the intent was to leave it that way. Chairperson Erickson replied that the area was listed as medium density on the comprehensive plan land use map for a long time, but not on the zoning map, informing that it's a two-step process. Mr. Herting replied that this proposal should be split into different meetings, and different sections of land should be decided at different times. He agreed it should match the current land use of single-family and expressed frustration that no decisions were being made with each of these meetings.

James Ziska, 964 84th St, stated that in this proposed commercial area there are only two streets, 84th and 88th Street. He asserted that 88th Street is not designed for this type of traffic, children play in the street, and it's a horrible idea to put commercial in the area.

Shawn Leisinger, 7755 Aspen Dr stated it made more sense to have the higher densities on the north side of Ashworth Road.

Randy Pauley, 7673 Aspen Dr, recommended that they make it single-family in future zoning for safety reasons.

Greg Hudson, 910 83rd St, informed that the beginnings of Jordan Creek would make a natural buffer on the west side of 84th Street.

Bridget Johnson 881 84th S, questioned what alternative land uses for the area proposed to be commercial. Chairperson Erickson stated the current land use is Office, so Office has been considered. He added that community commercial areas provide a lot of essential services to neighborhoods, and are carefully reviewed to avoid adversely impacting neighbors, including traffic patterns. As Commission members they have to balance the desire of the neighbors with orderly planning and providing services, taking into account transportation counts. These discussions are always held in a public forum. He noted that these areas exist throughout the City and have not generated neighbor complaints. Ms. Johnson questioned whether neighbors are requesting more of these services, as her neighborhood is close enough to walk to similar areas near Jordan Creek Mall. She questioned not having firm numbers that existing infrastructure will support commercial, stating she remembers hearing there was no plan, no funding. Chairperson Erickson replied that there is data supporting it, and that a project does not move forward if traffic counts will not support it. Ms. Johnson questioned funding and studies

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performed on Ashworth between 84th and the proposed bridge. Chair Erickson responded that funding may not be available but there is a design plan.

Sarah Olsen, 7705 Aspen Dr, stated she had lived there for 16 years and would like the area to be single-family.

Hud Smith, 8820 Wendover Road, informed that he has been there since 1990 and there has been a lot of growth. He referenced the history of development plans the residents brought forward with a developer which were not approved by the City, concluding that they moved out 7 years ago because of the traffic. He felt it is disparaging to see commercial happening to the east.

Steve Sandahl, 8929 Ashworth Rd, pointed out the 4 acres marked for commercial between Ashworth and I-80, stating he runs a landscape business out of there. No one's going to come in and build single family on our lot. He supported commercial for his area since it's taxed that way anyway. He commented on the increase in traffic to Ashworth and 88th with the planned 5-lane bridge. There's been contention about where the bridge will be and what goes with the bridge.

Kevin Johnson, 7550 Ashworth, stated he was here to support the City's proposal from November with that area along Ashworth as Office, and the other part remaining Single Family. He believes the lot in front of that makes a nice buffer for the single families. He hopes someone can come up with reasonable office space which would not be offensive to the single-family neighbors there. Traffic is too busy there and will only increase. Chairperson Erickson responded that the Commission is still open to that, but it's going to need to be developer driven.

Fiona Fields, 978 84th St, voiced concern that the potential zoning changes were not disclosed to her family when they relocated to Iowa a year ago, and it was unsettling to them as it would have impacted their decision regarding buying their lot.

Dave Sadler, 885 88th St, stated that with the increased traffic it does make sense to have a commercial area to serve the neighborhood. He said having it be office would be nice, but commercial makes sense. He noted that all of the homes in his neighborhood have become rentals since the time he moved in.

Chair Erickson closed the public hearing and asked for continued discussion or a motion, noting that Staff had suggested taking East and West end areas separately.

Chair Erickson began by stating that regarding the East end, they had heard there was a desire for Single Family. The Commission decided it would be best to recommend no change for this area. Office could come in but would need to solve all the property ownership and transportation issues. Relative to that, action tonight would be to pass on this portion of the proposed resolution. Planner Marren confirmed the resolution would not include those legal descriptions at all.

Commissioner Drake reminded that Mr. Nervig had asked some questions of staff.

Commissioner Costa inserted that Mr. Stanbrough had provided an email regarding a proposal for and asking for action on the SW corner of Jordan Creek Parkway and Ashworth. Director Twedt informed that right now there is a preliminary request to review a senior living project for the vacant ground, including proposing to take two lots on Ashworth Road to push 76th Street through to make that connection. She cautioned that this is a very preliminary proposal and noted that the traffic numbers generated if office is located at the corner and the balance of it as medium density for senior housing are pretty similar to what they looked at when proposing office and single family. We have not looked at it from a sewer standpoint and zoning will need to be established before the property can develop. She stated that it was a Preliminary proposal for senior housing, and the developers are exploring to see if this will fit on the site.

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Chairperson Erickson asked if there were any other questions regarding the East end, adding that the recommendation is to take no action tonight. The other Commissioners agreed they were ok with no action there.

Chairperson Erickson began the discussion regarding the West end, inviting Planner Marren back up to respond to Mr. Nervig's questions. Commissioner Drake questioned whether proper legal notice was given to the owners. Planner Marren affirmed that a legal notice was mailed to all property owners living within the subject areas and all owners of properties located within 370 feet; notices were also published in the Des Moines Register.

Commissioner Drake asked whether there are any specific projects causing the City to move forward. Planner Marren responded that there are no plans for any area that we are looking at tonight, other than the Stanbrough project. Commissioner Drake asked why push this through at this time. Planner Marren replied that this ordinance update was started two years ago, and there have been several discussions over that time. Staff have provided an overall project timeline explaining that the proposal started with looking at the sporadic zoning and comp plan changes happening along this corridor. She clarified that the City does not own any property along this area.

Commissioner Costa asked Staff to explain the history behind the owners giving up the rights to a buffer. Planner Marren replied that the owners signed an application which was presented by a real estate agent representing them to ask for the buffer to be removed from their parcels. That application went through, the vacation of the buffer was approved, and removed from the plat. That buffer was put in place when Aspen Valley was downzoned from Office to Single Family. The way the code reads, when there is an application for a property to be downzoned, the responsibility for the buffer goes to the owners asking for the dissimilar land use which triggers the need for a buffer, so that's why the buffer was placed on the Aspen Valley plats.

Commissioner Southworth asked Staff to provide a history of the land furthest west which was highlighted as pale blue (office), which did not have changes included in this application. Planner Marren replied that Staff originally looked at including it in the proposal for revision and discussed it at Subcommittee. It was noted there had not been a firm development proposal for it, and there were concerns about access. There was also concern about commercial traffic tracking through the single-family development to the south. Staff was directed by the Subcommittee to pull that piece out of the application because they hadn't seen a development proposal that they could review more specifically. It was being left as office to inform the residential developing to the south that a higher intense land use than exist today was possible.

Chairperson Erickson questioned the connection to Wendover being removed due to being too close to Ashworth. Planner Marren stated she didn't know the direct configuration but there wouldn't be direct access off Wendover onto any of the properties, it would come from Aspen extended through the southern portion on 88th Street.

Chairperson Erickson summarized that there would be no action on that tonight; adding that if this area goes commercial in the future, that may alter this plan.

Commissioner Southworth questioned whether it was Staff's statement that the City has never received any type of development plan for this area. Planner Marren responded that there was an inquiry about going commercial there, and upon review there was concern about access and traffic and how that site would work with the single family to the south. There wasn't a developer at that time; so the Council Subcommittee said let's wait until we see a developer driven proposal for this area. Commissioner Southworth reiterated that we don't have a developer driven proposal from anyone for the proposed community commercial area. Planner Marren confirmed.

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Commissioner Costa asked if the City has funding to expand Ashworth. Planner Marren replied that she couldn't answer where the funding is at this time.

Commissioner Southworth asked if there is a pressing need to change the plan now. Planner Marren replied that there isn't a development proposal.

Commissioner Hatfield expressed his appreciation for all of the concern expressed from the neighbors for both areas. When looking at the plan as proposed, there is existing support commercial along Jordan Creek Parkway to the Interstate where there is excellent access and pretty much within walking distance. Recognizing this exists as Support Commercial, it's within easy walking distance, so he was not so sure we need as much Community Commercial as is shown there. He was very concerned about the traffic on 84th Street. The reality is that will be a major connection if it goes commercial. Second, high density zoning to the commercial to the south is a good buffer, but off 84th Street, the single family against the commercial made no sense at all to him. At the P&Z Commission workshop we talked about having a buffer there. He agreed that Jordan Creek may make a logical buffer. He voiced concern about commercial at 84th, stating he was leaning toward no commercial south of Ashworth. He expressed that medium or high density against Ashworth made more sense, which provides a lot less commercial overall. The commercial might go more north and east on the north side of Ashworth. He concluded that his feeling tonight is neither one of these areas on the map deserve the Commission's attention. He apologized to all of the people for coming out but at this point he believed it's better to defer.

Commissioner Costa asked whether the area south of Ashworth being designated neighborhood commercial totals 40 acres. Director Twedt responded that she believed the whole designated area might be 40 acres, but not just the area to the south. Commissioner Costa responded that coming from the developer perspective, he felt that 40 acres of commercial might be too much for these type of uses. If the area north of Ashworth was zoned commercial, that would make more sense, and then he recommended trickling into high density if needed. He also noted there will be a lot of traffic on 88th and that they would need to be sensitive regarding what type of uses would be allowed in place of the commercial zoning there.

Commissioner Crowley agreed with Commissioner Costa.

Chairperson Erickson commented that they were starting to settle on some sort of action, and that they were not comfortable with what they had before them. At the very least, they would take no action, but would ask Staff to come back with an alternative to extend multifamily into the area south of Ashworth, looking at commercial to the north, however he was still more interested in seeing the property to the West led by a developer driven proposal. Also if asking for a development driven solution to the West, that would not be inconsistent to look for in the area to the East.

Chairperson Erickson asked the Commission for direction or a motion.

Commissioner Hatfield made a motion to ask Staff to take a look at the area south of Ashworth between 84th and 88th for other land uses than community commercial, and to extend that if there's additional commercial needed in the future based on a development proposal, then including high density to the north and east could be reviewed as part of that. Commissioner Costa seconded.

Chairperson Erickson commented that he disagreed that the Commission is wasting people's time. It's a very important process, the Commission takes public input seriously, there's a lot to consider. We're doing our job by not coming in the first time and agreeing to this. We're trying to craft a plan that is responsive to both the planning needs of the community and the input from the public. He commended the Commission for doing a good job. The Chairman called for a vote.

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Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission directed staff to review the area south of Ashworth between 84th and 88th for other land uses than community commercial.

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

There was a two-minute break in the meeting.

After the close of the meeting, staff clarified direction for moving forward.

The decision was to continue both items to a date uncertain. The Commission requested that staff break the proposal into separate pieces and confirmed that they were primarily concerned with the changes to the two areas receiving comments by the residents between 84th and 88th Streets, and at the corner of Ashworth and Jordan Creek Parkway. The Commission requested that these two sites come back to the Commission separately, and that the Ashworth/Jordan Creek zoning be addressed at the time that a developer has a proposal for part of the location.

Director Twedt asked if the Commissioners agreed with the proposed changes for the areas north of Ashworth Road. The Commissioners agreed.

Development Coordinator Schemmel questioned whether, this being a noticed meeting, the decision was to continue this proposal with no date certain and to return with the proposal as separate requests. Director Twedt inserted that if Staff was bringing the amendment back in multiple sections, they would consider the proposal dead and re-notice it. Commissioner Andersen stated that would make it easier for the owners to understand, to receive one notice. Ms. Schemmel said property owners would receive a different map with the notice. Ms. Twedt inserted that some owners would receive multiple notices depending on the location of their property.

Item 2b - West Grand Business Park – Des Moines University, Northwest corner of S. Jordan Creek Parkway and Grand Avenue – Amend Comprehensive Plan Land Use Map to change approximately 85 acres from Business Park (BP) to Office (OF) and Amend the West Grand Business Park PUD to only allow SIC 8221, Colleges, Universities and Professional Schools within Parcel 8 of the PUD – W & G McKinney Farms, LC – CPA-004256-2019/ZC-004257-2019

This item was taken before Item 2a due to the anticipated length of discussion for Item 2a.

Chair Erickson resumed the dais.

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 March 29, 2019.

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 Hatfield, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

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

Joel Templeman, Attorney with the Lillis, O'Malley, Olson, Manning, Pose, Templeman Law Firm, 317 6th St, Suite 300, Des Moines presented an application on behalf of Des Moines University for a Comprehensive Plan Amendment and PUD Amendment. He noted this request encompasses 85 acres and the purpose for the request is to allow Des Moines University to construct a campus for their medical and health sciences university at that location. He presented the PUD Sketch Plan and concluded that the applicant agrees with staff recommendations.

Brian Portz, Development Services Planner, informed that he had no comments to add and was present for questions. There were none.

Chairperson Erickson opened the item up for public comment. Hearing none, Chairperson Erickson closed the public hearing, and asked for continued discussion or a motion, informing the Commission that there would be two votes.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the comprehensive plan land use map amendment.

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

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the PUD amendment.

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

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

4a – Western Hills Elementary Classroom Addition, 600 39th Street – Approval of a Major Modification to a Site Plan to Construct a Building Addition – West Des Moines Community School District – MaM-004186-2018

This item was taken first due to the anticipated length of the Ashworth Corridor public hearing.

Chairperson Erickson recused himself and Vice Chair Costa led the meeting for this item.

Brent Strauch, Shive-Hattery, 4125 Westown Pkwy Ste. 100, West Des Moines; stated he was presenting the proposal for Western Hills Elementary. The project will infill a courtyard area and provide additional classroom space to be used for media and music. He provided a site plan and noted improvements include storm drainage and to meet city code. Elevations were presented, and Mr. Strauch informed that the addition will match the existing materials. He concluded that the applicant agrees to the conditions included by staff.

Kara Tragesser, Development Services Planner; informed that footing and foundation installation may be allowed before the final documents are done, as the last three items need to be approved by the school district's board.

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Vice Chair Costa 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 recommended approval of the major modification to a site plan.

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

Conditions of Approval

1. The applicant providing final site plan drawings, prior to obtaining a building permit. This will include addressing storm water pollution prevention plan details.
2. The applicant providing an executed Storm Water Facility Easement and Agreement, prior to obtaining a building permit.
3. The applicant providing an executed sanitary sewer easement, prior to obtaining a building permit.
4. The applicant providing an acquisition plat and deed for additional right-of-way, prior to obtaining a building permit.

Item 5 – Staff Reports

Item 5a – Election of Officers; Commissioner Andersen was nominated, seconded and unanimously elected Chairperson; Commissioner Southworth was nominated, seconded and unanimously elected Vice Chair.

Item 5b – Presentation Tips – Development Coordinator Schemmel provided an overview of a new handout being created by Development Services staff to assist those involved in presenting to the Commission with their preparation. Commissioner Hatfield commended Ms. Schemmel for doing an excellent job, and Chairperson Erickson agreed, stating that the Commission was supportive of this.

The next meeting is scheduled for Monday, April 22, 2019.

Item 6 - Adjournment

Chairperson Erickson adjourned the meeting at 7:13 PM.

Chairperson Erickson, Chairperson

Jennifer Canaday, Recording Secretary