

PLAN AND ZONING COMMISSION

PZ_AF_05-28-2019

Vice Chairperson Southworth called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Tuesday, May 28, 2019, 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, Drake, Hatfield, Southworth.....Present
Andersen.....Absent

Item 1 - Consent Agenda

Item 1a – Minutes of the meeting of May 13, 2019

Vice Chairperson Southworth asked for any comments or modifications to the May 13, 2019 revised minutes.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission approved the May 13, 2019 revised meeting minutes.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission meeting minutes of May 13, 2019 are approved as presented.

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

Motion carried.

Item 2 – Public Hearings

Item 2c – Boone Farm PUD, 1809 S 50th Place – Change Zoning from Residential Single Family to Boone Farm PUD for Single Family Development – Lowry Company LLC – ZC-004310-20109

Vice Chairperson Southworth stated that staff has requested that this item be moved to the beginning of the public hearing items and that this item deferred until the June 10, 2019 meeting.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission deferred the public hearing item to June 10, 2019.

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

Motion carried.

Item 2a –Comprehensive Plan Amendment and Zone Change, Southwest Corner of SE Pine Avenue and SE Soteria Avenue – Change the Comprehensive Plan Land Use Map and Zoning Map from no land use designation and no zoning designation to Light Industrial designations – Todd Rueter – CPA-004313-2019/ZC-004314-2019

Vice Chairperson Southworth 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 21, 2019.

Vice Chairperson Southworth asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

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Moved by Commissioner Crowley, 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: Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes
Andersen.....Absent

Motion carried.

Doug Mandernach, Civil Design Advantage, 3405 SE Crossroads Drive, Suite G, Grimes, Iowa, briefly highlighted the project noting that the proposed land to be rezoned is approximately 10.24 acres with 4.86 acres being owned by Todd Rueter and the remaining property being City property. The intent is to swap the land for future use by the City for extension of White Crane Road.

Kara Tragesser, Development Services Planner, provided a copy of the rezoning map at the dais for the Commission members to review with the proposed changes, due to technological issues with the computers monitors at the dais. She concluded that staff does recommend approval and noted that the applicant need access to a street before development.

Vice Chairperson Southworth asked for any other questions or comments from the audience and hearing none, closed the public hearing and asked for continued discussion or motion.

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

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

Motion carried.

Moved by Commissioner Drake, seconded by Commissioner Crowley, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the rezoning request.

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

Motion carried.

Item 2b — Mills Crossing, 5901 Mills Civic Parkway – Amend Mills Crossing Specific Plan to remove restriction on number of restaurants - Hurd Mills, LLC – ZCSP-004261-2019–

Vice Chairperson Southworth 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 17, 2019.

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

Motion carried.

Ed Arp, Civil Engineering Consultants, 2400 86th Street, Unit 12, Urbandale, Iowa, representing Richard Hurd, stated that the proposed project is located in the Mills Crossing Shopping Center and at the time the specific

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plan was approved, restaurant uses and drive-up businesses were limited to a specific number. As the center is continuing to be develop the remaining NE and NW corners, the applicant is reviewing what is remaining and what is controlled by traffic counts. The size of a restaurant or the number of drive-thrus still allowed would be based on an updated traffic study of the center. The two remaining lots are located at the northeast and northwest corners of the development. There is potential for those possibly having restaurant uses. Currently, staff is reviewing a site plan for a drive-up window on the site. In order to match the specific plan, the request is to follow the traffic study recommendation.

Commissioner Hatfield inquired if the applicant was in agreement with the staff recommendations to which Mr. Arp replied affirmatively.

Commissioner Erickson clarified that there is the possibility of developing the northwest corner so long as it meets the traffic study recommendations. Mr. Arp responded affirmatively and added that it could potentially retail building with a restaurant component, but not necessarily a drive-thru, and that it would make more sense to follow what the traffic study recommends for that location.

Kara Tragesser, Development Services Planner, explained that this request is for a text change and that there is a table in the Specific Plan that identifies where limited uses occur, per the original traffic study. With this modification and the trip generation, the northwest corner was identified for three (3) stories and it has now been reduced it to two (2) stories; the size of the building was limited due to the traffic study. The proposed amendment would remove that restriction but the only way a stand alone restaurant could be constructed is if the office building were not developed. Rather than amending the Specific Plan each time and removing the restaurant component ad hoc, if there is enough traffic, they would be allowed another restaurant use. Staff is in support of the applicant's request to amend the Mills Crossing Specific Plan.

Commissioner Costa asked if the current vacant space being offered for the tenant, once it's retail are all retail the same traffic generators.

Planner Tragesser acknowledged that there are three different retail categories and they would be allowed to as long as they replace a like with like or less.

Vice Chairperson Southworth asked for any other questions or comments from the audience and hearing none, closed the public hearing and 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 Zone Change.

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

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

Item 4a – Grand Valley Plat 3, Northeast corner of S 35th Street and Grand Avenue – Subdivide property into 45 single family lots, 1 outlot for storm water management, and 1 street lot – Engel Associates, Inc. – PP-004199-2019

Bob Gibson, Civil Design Advantage, 3405 SE Crossroads Drive, Suite G, Grimes, Iowa, stated this proposed request is for Plat 3 of the Grand Valley development. The Planned Unit Development (PUD) process began in

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2014 and was subsequently approved for apartments, single-family development, and duplexes or single-family detached units. The single-family component has already been constructed. The proposal at this time is for detached dwellings on 50 ft. lots with five foot (5') and seven-foot (7') side yard setbacks. He concluded that the applicant is in agreement with staff recommendations.

Chairperson Southworth asked Mr. Gibson if the applicant was in agreement with the staff recommendations, to which Mr. Gibson replied affirmatively.

Brad Munford, Development Services Planner, did acknowledge that the developer has been working on the PUD for some time and that this is the third phase of this property. The proposal is for 45 single-family lots with no duplexes proposed. Staff is in favor of the applicant's proposal and there are no conditions of approval.

Commissioner Erickson asked how 50-foot lots translate into house size.

Planner Munford noted that the setbacks are 5' and 7' on the side, which is typical range for single-family residences. He added that the applicant had stated that the frontage of the house would be approximately 35 feet wide.

Vice Chairperson Southworth asked if anyone from the audience would like to speak to this item, and seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Drake, the Plan and Zoning Commission recommended approval of the preliminary plat.

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

4b – Cardinal Lofts – 435 S 88th St – Approval of a Site Plan to construct an 88 unit special needs apartment building – John Larson – SP-004138-2018.

Bob Gibson, Civil Design Advantage, 3405 SE Crossroads Drive, Suite G, Grimes, Iowa, representing the applicant briefly highlighted that the proposed site is located on Lot 40 of Cedar Ridge Plat 2. The applicant is proposing a special needs apartment complex. Preliminary grading for the site has been completed. Mr. Gibson displayed a drawing of the building elevations for the Commissioners.

Vice Chairperson Southworth asked if the applicant was in agreement with staff recommendations, to which Mr. Gibson replied affirmatively.

Planner Munford explained that the applicant is proposing to develop a special needs apartment complex on the northwest corner of 88th Street and Mills Civic Parkway. The City is in the process of realigning that intersection. This street project and Cardinal Lofts are on similar construction timelines. It is unclear if the right-of-way adjacent to the Cardinal Lofts will still be under construction when the applicant would need to install landscaping to comply with the requirements necessary for an occupancy permit. In situations like this, the applicant typically provides surety with the site plan to insure that the landscaping will be installed in a timely fashion. In this case, because of the timing uncertainty, the applicant is requesting to delay the submittal of surety until we are certain that they will not be able to install the landscaping prior to requesting occupancy permits. A condition of approval has been added that if they cannot install the landscaping they would provide us surety, we would grant them a temporary certificate of occupancy once the surety is received, and they would install the landscaping at a later date. In conclusion, he noted that the applicant was very receptive to staff's comments regarding the architectural components.

Commissioner Erickson asked what constitutes the development to be labeled as special needs.

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Planner Munford explained that it has to do with the layout of the parking lot as well as the other amenities on the site. Through the PUD, certain items were spelled out so that these types of projects are not automatically considered a standard apartment complex as they operate differently due to such things as parking. Certain promises were made during the rezoning process of this property so staff wanted to stay true to that promise.

Commissioner Erickson stated that he is a proponent for this type of housing but his concern lies with specifically labeling this may breed prejudice. He is against labeling individuals as being different.

Commissioner Costa requested that Mr. Larson approach the Commission members and provide his thoughts on labeling the development as 'special needs' as he is a parent of a special needs adult.

John Larson, 10604 NW 75th Place, Johnston, Iowa, stated that he his partner, John Kliegl, president of Special Olympics of Iowa, are partners in this development. Mr. Kliegl has an adult daughter with Downs Syndrome and it was through their experience they have discovered that there is a need in the community for appropriate housing for special needs individuals who may be physically handicapped, have Downs Syndrome, etc. He is aware that the City does not allow housing developments for such conditions as schizophrenia.

Commissioner Costs inquired what types of services would be available on site.

Mr. Larson answered that each unit will be one or two bedrooms and have a kitchen. Some residents may have caretakers to assist them. The units are condominiums and are for sale; 22 of the 89 units are already reserved. The building will have two (2) elevators, a small exercise room, a small common space area, and each floor will have a congregate area.

Questions were raised regarding deed restrictions and ownership of the units.

Commissioner Costa clarified that once the unit is purchased it would likely remain as a unit for special needs. Mr. Larson responded affirmatively.

Vice Chairperson Southworth asked if anyone from the audience would like to speak to this item, and seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission recommended approval of the Overlay District Site plan subject to the following:

1. The applicant acknowledging and agreeing to submit landscaping surety at the time of the request for any occupancy permits, if landscaping along 88th street and Mills Civic Parkway cannot be installed.

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

Item 5 – Staff Reports

The Recording Secretary stated that the next Commission meeting is scheduled for Monday, June 10, 2019.

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Item 6 - Adjournment

Vice Chairperson Andersen adjourned the meeting at 6:02 PM.

Jill Southworth, Vice Chairperson

Michelle Riesenber, Recording Secretary