

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
Law Enforcement Large Training Room**

Monday, March 2, 2020

Attending:

Council Member Matt McKinney
Council Member Renee Hardman
Deputy City Manager Jamie Letzring
City Attorney Richard Scieszinski
Development Director Lynne Twedt
Development Coordinator Linda Schemmel
Building Official Rod Van Genderen

Traffic Engineer Eric Petersen
Assistant City Attorney Jessica Spoden
Planner Brian Portz
Planner Kara Tragesser

Guests:

Item #1 – Dickson Jensen, Jenson Group
Paul Filean, 8085 Ashworth
Kathy Bolten, Business Record

Item #2 – Ryan Anderson, WDMPD
Joe Piziali, Westpet Animal Control

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 AM.

1. Fink Property – High-Density Development – Jensen Group

Director Twedt introduced the project, stating that the area of proposed development at the northeast corner of Ashworth Rd and 88th Street was zoned RH-15 for 32 acres of the property (residential high density, maximum 15 dwelling units per acre) and approximately 4 acres of Community Commercial Zoning at the western end of the site. She noted that the original approval came with conditions that the buildings be a maximum of 2-stories and have individual entries to lend itself to more of a townhome than apartment development.

Dickson Jensen summarized his proposal for rezoning this area to RH-18 or RH-20 with a PUD written to cap the number of bedrooms per unit which essentially reduces the total density in this area. He pointed out that 2-bedroom units would potentially house 2-3 times the residents that a one-bedroom unit would. He informed that his project is geared to meet the local need for affordable housing for residents 22-32 years old recent college graduates starting their first real job. Mr. Jensen is proposing twelve 48-plex buildings, 3 stories in height, with 2 BR units on the ends and 1 BR units in the middle which are approximately 600sf for \$900/month rent, including internet and amenities. He noted the nationwide trend of including “bunker” or micro-units of 480sf which could be available for \$750/month. Total occupancy for this development is projected to be 612 bedrooms, with a density of 19.5 units per acre. He noted several similar projects in Ames and the surrounding metro. He continued that this site would have increased greenspace and be entirely brick-clad buildings for longevity, noting that he is having to go back and reface many hardi-plank and vinyl siding buildings due to continual maintenance issues. Garage parking would be provided for approximately ¼ of the residents, with the others surface parked near their units. The site plan intentionally creates a sense of community and includes a clubhouse with pool and firepit. Mr. Jensen noted the three entrances off Ashworth Road. He explained how the building orientation that turns windows away from the interstate, along with an 80' wide 12-foot-high landscaped berm along the interstate would mitigate much of the interstate noise. Building perspectives and draft site plan layouts of the project were displayed. He concluded his summary by observing that 460 2BR units could potentially house 900 residents, whereas his 600 single units would house 600 residents, thereby reducing overall density.

Director Twedt requested committee feedback regarding amending the zoning to allow three-story buildings, allow common entryways rather than individual unit entrances, or to put another way, apartment buildings versus townhomes, and increasing the density.

City Attorney Scieszinski questioned how this aligns with the new comprehensive plan currently being drafted. Director Twedt responded that Staff has been considering how densities can be increased and identifying some areas which will not have a maximum density at all.

Council Member Hardman asked the status of the current density regulations compared with surrounding communities. Director Twedt noted that some areas around West Des Moines have double our density allowances, some are the same. She agreed that we are on the low side and should go with more density.

Council Member McKinney commented that the City is certainly looking at more workforce housing. He asked the history behind the 2017 rezoning. Ms. Twedt noted that originally there had been a proposal for a two-story project which was designed to look like townhomes. She noted that the proposal did not go through and given the number of developers that explored purchasing the property, that model wasn't going to work well in the area. At the time, Council did not want more apartment buildings being constructed.

Council Member Hardman thanked Mr. Jensen for considering West Des Moines for his project, noted that she found the proposal to be attractive, and was open to different densities. She commented that she liked the use of brick, and really supported affordable workforce housing. Council Member Hardman concluded that she supported moving forward with the concept, and to explore what the right formula might be for density. Director Twedt responded that we could go up to 18 units per acre under current code; a per bedroom approach would take some discussion.

Council Member McKinney questioned whether our current infrastructure would support this type of project. Director Twedt replied that traffic and sewer studies have not been performed yet. Council Member McKinney observed that comparing number of units versus number of people seems arbitrary. Director Twedt stated that at the time the zoning was set, no one was building many 1 BR units. She noted that this is a national shift, and that the City needs to look at better ways to regulate density.

Council Member McKinney noted that the project is certainly at a good price point; adding that he had no opinion regarding the common entries. He asked whether the project would return to subcommittee. Director Twedt responded that it would return with rezoning, creation of the PUD, platting and site plan.

Direction: Council Members were supportive of the project moving forward, with further studies to determine sewer and traffic loads, and to determine best approach to density regulations.

2. Animals Wild by Nature

Director Twedt summarized the request to define terms applicable to animal ownership in an effort to better separate what is and is not allowed which would support Animal Control. Currently, zoning is often pointed to when compliance issues arise, and citizens frequently asked where the restriction could be found in Code. Defining which animals are "wild by nature" and which are allowable pets can be a challenge. Pets are not land use and should not be regulated as part of zoning. Definitions and classifying an animal's purpose will allow pets to be handled under Animal Control. It was stressed that staff are not seeking to expand allowance for backyard chickens or other ag animals unless directed to do so by the Council, but rather wanting to better define terminology and give a clearer way to classify each. Staff is proposing definitions to create agricultural production categories for commercial and personal

which would capture backyard chickens, goats, etc. It was noted that we have separated out beekeeping and allow in all residential districts with performance standards, and that horses are allowed on estate lots as long as there is 2 acres for each horse.

Animal Control Officer Anderson stated that their concern with allowing chickens includes licensing birds, catching loose chickens, neighbor complaints of noise or loose birds, and managing situations such as loose birds being attacked by dogs. Officer Piziali informed that at one time the City had a problem with chickens running loose, which led to the regulations governing their allowance only in RE or open space zoned areas.

Director Twedt noted that some RE lots annexed in are smaller than the standard 40,000sf, and are closer to ¼ acre. This revision would clarify that both a specific zoning district and a 40,00sf minimum lot size is required.

Council Member McKinney asked what the impetus is to change this now. Director Twedt replied that staff are frequently asked where in Code these prohibitions are listed, and Code does not clearly define pets versus agricultural animals so we have people that claim their chickens are their pets because they have names and get birthday parties. Hard for staff to refute what someone considers their pet.

City Attorney Scieszinski asked whether the Code addresses service animals. Assistant City Attorney Spoden replied that service animals are addressed in the Animal Control code.

Council Member McKinney noted that in June 2018, it appeared that the Board of Adjustment allowed 10 chickens on a property. He asked if there are current complaints. Assistant City Attorney Spoden replied that there is a current violation by a resident with 76 pigeons, and additional roosters and chickens. The only way to address compliance currently is through the code which states owners can own up to 4 total of a combination of dogs and cats - other animals are not specified. Dogs and cats must be licensed. It would be best to align the zoning code with Animal Control regulations.

Council Member McKinney questioned whether the current wording is sufficient. Ms. Spoden replied that the current wording in code isn't sufficient to explain restrictions to owners. Staff would like to provide more specific language to assist Animal Control; currently officers have to check zoning for individual lots, and this can be difficult to confirm for complaints being addressed on weekends when zoning staff are not available.

City Attorney Scieszinski stated that at one time dogs and cats were considered pets, and all else were wild animals. Now there are service animals, chickens, goats, potbelly pigs and such; it will be helpful to categorize animals as it relates to use. Assistant City Attorney Spoden noted that the City of Des Moines specifically allows backyard chickens, and the City of Waukee soon will. Staff anticipate an increase in inquiries and believe that clarifying it now would help.

Council Member McKinney asked if Staff had examined the State definition for livestock versus domestic and read part of the definition from the State code regarding livestock. Ms. Twedt responded that Staff have compared Code with other communities and found that the definitions are not clear. She indicated that they will look at the State definition and acknowledged there is more work to do on this.

Direction: Council Members requested that staff do more research on this item.

3. Upcoming Projects – A map was provided with a brief description of each.

- a. City Code Amendment - Allow SIC 7922: Theatrical Producers (Except Motion Picture) and Miscellaneous Theatrical Services in the Professional Commerce Park (PCP) zoning district (no case # yet). Director Twedt informed the committee of a request by Tallgrass Theatre to relocate to 4200 Corporate Drive. To do so would require an amendment to city code but Staff believes a Theatre use is compatible with other uses allowed in PCP. It was noted, that whether or not a code amendment is pursued will depend on what Tallgrass does.
- b. All-State Industrial (1730 All-State Ct): Construction of two 2-story office/warehouse buildings (SP-004641-2020)
- c. First National Bank (301 5th St): Demo of existing and construction of new bank building (SP-004650-2020)
- d. Wilder Pines (1000 S 60th St): Vacation of PUE and storm drainage easements (VAC-004644-2020) Planner Tragesser informed that this project is vacating old easements which are no longer needed and replacing them with smaller easements as development progresses.
- e. 1226 18th St: Variance of front and side yard setbacks to accommodate construction of garage addition to front of dwelling and additional room on back of dwelling. Board of Adjustment review (no Council review) (VAR-004643-2020).

4. Minor Modifications & Grading Plans

- a. Holiday Inn (6075 Mills Civic Pkwy): Co-locate antenna for US Cellular (MM-004624-2020)
- b. Grand Living (540 S 51st St): Addition of grease interceptor and associated plumbing (MML2-004651-2020)
- c. Quick Trip (1451 22nd St): Replace existing tile with composite materials on building corners (MML1-004640-2020)
- d. Water Tower Place (4100 University Ave): Replacement of landscaping within site, including parking lot islands (MML1-004649-2020)

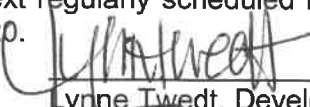
5. Updates – S 50th Street Water Tower Lighting

Director Twedt provided a brief update, noting that Water Works will be conducting a test of the lighting. A courtesy mailing will be provided to residents living within 370 feet of the water tower. A notice will also be placed on the City website asking anyone with concerns to contact the City.

Council Member McKinney asked if there was a cost associated with the test. Deputy City Manager noted that she wasn't sure, however believed it was a good idea. She asked how long the test will last. Director Twedt responded that it will only be 1 night with an inclement weather date. Council Member Hardman asked to be informed of the dates. Council Member McKinney agreed and stated it is a good idea.

The meeting adjourned at 8:53 AM. The next regularly scheduled Development and Planning City Council Subcommittee is March 16, 2020.


Jennifer Canaday, Recording Secretary


Lynne Twedt, Development Services Director