

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
Electronic Meeting - Zoom**

Monday, April 20, 2020

Attending by Electronic Connection:

Council Member Matt McKinney	City Engineer Brian Hemesath
Council Member Renee Hardman	Principal Engineer Ben McAlister
City Manager Tom Hadden	Assistant City Attorney Jessica Spoden
Deputy City Manager Jamie Letzring	Planner Brian Portz
City Attorney Richard Scieszinski	Planner Kara Tragesser
Development Director Lynne Twedt	Planner Brad Munford
Development Coordinator Linda Schemmel	Planner Karen Marren
Building Official Rod Van Genderen	Planner Bryce Johnson
	Fire Marshal Mike Whitsell

Guests Attending by Electronic Connection:

<u>Item #1</u> – Joel Jackson, Bishop Engineering Norm Kotoch, Storage Ltd. Brad Kuehl, Bishop Engineering	<u>All Items</u> : - Kathy Bolten, Business Record
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The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 AM. All staff and guests attended electronically.

1. M&W Storage (2001 Grand Ave)

Planner Brad Munford summarized the history and current situation of the site at 2001 Grand Avenue, noting that the previous owner did not bring the site into compliance with current codes or previous requirements by the City. The City Legal Department has determined that the new owner will be required to bring the site into compliance. There are 8 issues needing to be addressed through a two-step approval process. The Board of Adjustment will consider variance requests first. The Plan & Zoning Commission, and City Council will subsequently review the site plan.

Joel Jackson informed the Committee that Mr. Kotoch had reached out to the City at the time of purchasing the property with the understanding compliance issues and non-conformities would need to be addressed. Planner Munford then separated out the issues City Council would directly be responding to.

Joel Jackson and Norm Kotoch presented their request to have the sidewalk requirement waived or deferred based on the topography, stating they would prefer to defer until such time that Council deemed the sidewalk necessary for pedestrian traffic.

Principal Engineer McAlister noted adjacent lots installed required sidewalks and there is a need to complete the sidewalk for connection purposes, noting it would be challenging due existing storm sewer and grading.

Council Member McKinney questioned what circumstance in the future would trigger the need for the sidewalk, as there hasn't been one in 27 years. Mr. McAlister stated there is no future trigger, however Council could request it at any time.

Council Member Hardman questioned how the entire site could remain non-compliant for so long. Director Twedt responded that resources are not available to fully police non-conforming

sites. Mr. Kotoch noted that he was made aware of the non-compliance issues by the previous owner following closing on the purchase of the property, and he expressed their intent to bring the site into compliance.

Council Member Hardman summarized that the original site plan expired, and code changes have also taken place. City Attorney Scieszinski inserted that the site was never in compliance, the new owner bought this knowing the issues, and a site plan must be submitted which provides compliance. As the site plan is coming through, the applicant is requesting variances and deferments. Staff are seeking a recommendation from the Subcommittee regarding those requests.

Mr. Kotoch noted that the same situation exists now as in 1999 regarding a culvert which would need to be removed, leaving a 5-6 foot drop off, and so the he believed the deferment should continue until use is needed. Principal Engineer McAlister responded that adjacent sidewalks were installed, so this connecting piece is now necessary.

Council Member Hardman noted that adjacent sites were required to install sidewalks and that deferring sidewalk completion creates compliance issues for future Boards and Council. Council Member McKinney agreed, indicating support of a deferment for a limited time period of not more than one year. It was agreed that staff would work with the applicant to determine that time period. Council Member Hardman urged staff to condition the agreement and ensure that the agreement was honored.

Mr. Jackson requested consideration of installing the sidewalk on the other side of the road where the grade is not an issue. Mr. Kotoch added that there would be a crosswalk to the other side. Principal Engineer McAlister stated that Staff consistently opposes mid-block crossings and would recommend against installation on the opposite side.

Mr. Kotoch requested deferral of the ROW dedication until the City deemed necessary, adding that he would prefer an agreement which does not encumber the property. Principal Engineer McAlister noted that while there is no current or anticipated need for the ROW, the City would prefer not to be placed in a position to have to buy back the ROW for an unanticipated future use. Therefore, the City would require an irrevocable agreement of ROW. Mr. Kotoch asked if an agreement could be created which did not encumber the property. City Attorney Scieszinski responded that a deferral was still an encumbrance, and that the City would require some assurance that the ROW could be accessed without the City having to purchase it back. Council Member Hardman stated it sounded like semantics which could be worked out.

Planner Munford next stated that the lot has two front yards. If a variance is granted allowing outdoor storage on one of the front yards, then screening would be required. A variance would be brought before the Board of Adjustment to allow a fence in one front yard for the purpose of screening the outdoor storage. If granted, the Plan & Zoning Commission and City Council would then review the request for an 8 foot fence with the site plan. Council Members Hardman and McKinney were supportive of the fencing.

The final item pertained to parking. Planner Munford noted this would first be brought before the Board of Adjustment as a variance requesting approval of front yard storage, and minimum front yard storage parking lot setback for the far west end of the lot. If these variances are granted, Council could defer minimum parking required until deemed necessary for this particular use. Council Member McKinney stated he was comfortable with that; Council Member Hardman agreed.

Direction: Council Members were supportive of requiring sidewalk completion within one year; requiring an irrevocable agreement allowing City access to the ROW; allowing fencing in one front yard to screen outdoor storage; and deferring required parking until deemed necessary by

use.

2. Animals Wild by Nature Ordinance Update

Director Twedt provided an update regarding the Animals Wild by Nature Ordinance Update. Council Member McKinney thanked staff for the update and informed that he had a couple questions. Mr. McKinney questioned whether using the phrase “can be raised for” immediately following “are raised for” negated the language. City Assistant Attorney Spoden clarified that the City wishes to make clear which animals are considered agricultural, regardless of an owner considering an animal as a pet.

Council Member McKinney asked if a resident is allowed have chickens. Director Twedt responded that residents with lots designated as open space/agricultural or residential estate minimum 40,000 square feet may request permitted conditional use to keep chickens.

Council Member McKinney also asked how Code Compliance handles non-compliance of animal situations. Ms. Spoden responded that violations of conditional use permits are managed by revoking the permit and possibly removing the animals. If there is a noise or smell violation, infraction proceedings begin and a fine can be issued.

Council Member McKinney asked what the next steps would be, and whether input would be sought from the general public. Director Twedt noted that there was a small handful of persons expressing interest in raising chickens to the comp plan review team, with about the same number of persons expressing opposition. Deputy City Attorney Letzring informed that keeping of chickens has been a topic of discussion at the Public Safety Committee relating to Code Compliance infractions, and there are currently a couple active complaints. One complaint is with a resident keeping more than 60 pigeons, who also keeps chickens. She noted that Animal Control officers occasionally must chase loose chickens.

Director Twedt stated the ordinance update would come before the Plan & Zoning Commission prior to City Council review, and public noticing would be provided.

Council Member Hardman noted that there is no immediate need to change this ordinance and she felt it was important to provide the public with the ability to respond in person, without feeling hindered by the Covid-19 restrictions. She recommended Staff wait 30-45 days before moving forward and encouraged allowing as much public input as possible. Director Twedt stated the amendment could be delayed until the beginning of June.

Direction: Council Members were supportive of the ordinance updates.

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

- a. Village on Jordan Creek (SW corner Ashworth Rd & Jordan Creek Pkwy): Change land use and adopt a Planned Unit Development (PUD) to allow 5 acres of Medium Density Residential for an active senior apartment building and approx. 12 acres of office land use (CPA-004684-2020 / ZC-004685-2020) Director Twedt informed that the traffic study had been completed for this site and a PUD was being written for the office use and multi-family area. Council Member McKinney questioned the timing of the completion of 76th Street. Ms. Twedt stated that a secondary access road would connect the multi-family parcel with Jordan Creek Parkway, leaving 76th street to be completed with the development of the first office parcel. She noted that the adjacent neighbors will want to speak to this item, and that the developer is on a timeline.
- b. Brookview Elementary (8000 EP True Pkwy): 6,600sf building addition for new classrooms (MaM-004691-2020)
- c. Midtown Redevelopment (1245 8th St): Construction of two 4-story mixed-use buildings

each with 12,400sf retail on first floor and 41 dwelling units on upper three floors (SP004688-2020)

- d. El Guapos Tequila + Tacos (8950 University Ave, Ste 105): Board of Adjustment approval to operate a Bar/Restaurant and modifications to exterior patio (PC-0046962020/MML1-004687-2020)

4. Minor Modifications & Grading Plans

- a. AT&T Cell Antenna (101 Jordan Creek Pkwy): Co-locate eight antennae (MM004697-2020)
- b. Chick-fil-A (4502 University Ave): Install dedicated drive-thru lane (MML1-0046902020)

5. Other Matters

Council Member Hardman asked if there was any public response to the testing of the Water Tower Lighting. Director Twedt noted there was no public response, and the item is on the agenda for City Council to approve this evening. City Manager Hadden informed that the project was approved by the Water Board last Monday.

The meeting adjourned at 9:28 AM. The next regularly scheduled Development and Planning City Council Subcommittee is May 4, 2020.

Lynne Twedt, Development Services Director

Jennifer Canaday, Recording Secretary