

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

Monday, May 4, 2020

Attending by Electronic Connection:

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

Guests Attending by Electronic Connection:

Item #1 – Chad Mandelbaum, Maffitt Estates
Deb Lawrence, Maffitt Estates

Item #2 – Jim Sinclair, Panera
Mike Young, Panera

All Items – T. Odegard, Guest

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. Maffitt Estates Lot Access

Director Twedt provided the location of the item and summarized the restriction on driveway access to SW Maffitt Lake Road placed with the final plat in 2013. She provided illustration of the shared driveway access options that were identified by the developer in 2009 when the Preliminary Plat was first approved and 2012 when a revised plat was approved. The applicant is requesting to revise the platting for Lots 10-14 to do away with access from an internal street due to cost. Mr. Mandelbaum's request would require vacation of the restrictions noted on the recorded plat.

Chad Mandelbaum explained the issue regarding selling the six lots along the western edge is that the market does not view the lots as feasible to build with access directly off the internal road. Topography would force the building to the back of the lot. A potential buyer of Lot 10 found the topography created a need for \$10,000 in fill dirt alone to make the driveway possible rendering development of the lot as cost prohibitive. Deb Lawrence, Asset Manager for Maffitt Estates agreed that the amount of dirt needed to be brought in would be phenomenal if access is provided off SW Lake Ridge. She stated that the developer wants to do what's best for all property owners already onsite and believe this is a more attractive option for everyone. Its also much more cost-effective and not destroying more elements in the way.

Director Twedt asked Principal Engineer McAlister to discuss the access road options. Ben stated that the City does not have an access restriction from SW Maffitt Lake Rd, but he pointed out some considerations for the committee.

1. SW Maffitt Lake Road is posted at 45 mph. Driveway access will require a turnaround on the property to avoid backing out onto SW Maffitt Lake Road. The driveway is located between two crest vertical curves which could affect visibility of oncoming traffic.
2. No parking is allowed on SW Maffitt Lake Road or the road shoulder. Provisions for

- guest parking need to be provided on the lot.
3. Joint ingress/egress and maintenance responsibility would need to be determined.
 4. Parcel delivery and garbage pickup is currently contained within the subdivision. To provide these services trucks will be forced to bypass SW 56th St and leave the corporate limits without a place to turnaround west of this property.
 5. The cluster mailbox unit is within the subdivision.
 6. There is no pedestrian access to the property.
 7. Sewer and water utilities are located in the northeast portion of the lot along the original planned access corridor.
 8. The proposed joint driveway is within an existing drainage way. The existing culvert under SW Maffitt Lake Rd outlets onto this property. Engineering will need to review any plans to ensure that no problems are created for anyone in the future.

Eric Petersen, Traffic Engineer, agreed with Mr. McAlister's list, and stated he didn't have any additional concerns.

Mike Whitsell, Fire Marshal, stated he had a couple concerns, and some information to share.

1. Whether the drives are created on the rear of the lots or on SW Maffitt Lake Road – there will be challenges with topography and truck access.
2. Hydrants for Lots 10 and 11 are located on SW Landview Drive. He noted he was not sure there are hydrants on SW Maffitt Lake Road; the absence of which could delay assistance to these two lots.
3. The drives would need to be constructed such that emergency vehicles could drive on them due to weight; and there would need to be a turnaround.
4. Addressing becomes a concern, with two residences sharing a drive. It will be imperative to have correct signage at the end of drive. This might also cause some delays in emergency services.

Principal Engineer inserted that there is not water available on SW Maffitt Lake Road. Fire Marshal Whitsell indicated that the Fire Department would have to bring water in which would affect services.

Council Member McKinney expressed his appreciation to Mr. Mandelbaum for his approach and information regarding the market. He noted that there exist homes west on SW Maffitt Lake which share a single driveway, and assumed those homes had similar safety concerns as these. Principal Engineer McAlister responded that the homes mentioned are located in the County and subject to different development codes.

Council Member McKinney responded that the lots are still on the road, with single access drives in this area. He requested clarification regarding where the City boundary is. He noted the responsibility of the prospective home purchaser to understand the risks and requirements that come with a home on a shared drive; the risk of exiting onto a road with 45 mph traffic, and issues with recycling/trash pickup. He stated he didn't see how the City could prohibit access to SW Maffitt Lake Road but want to make sure buyers are aware of the risks. He noted that access for emergency services is certainly a concern, questioning why emergency services can reach Lots 12-13 and not Lots 10-11.

Fire Marshal Whitsell clarified that Lots 12-13 come off SW Landview Drive, which has hydrants located on it. Those accessed by SW Maffitt Lake Road have no hydrants available. He concluded that it was not impossible, it just would delay response.

Mr. Mandelbaum asserted that the shared driveway would not be blind as the neighbor immediate West adjacent to the property, while not in WDM, was still fairly distant from where the driveway would be. Trees would not block visibility from cars exiting Lot 10; the Lot is fairly level to the street. The existing fire hydrants on SW Lakeview and SW Landview were designed

to provide water access for every Lot; they were planned to reach all the way to Lot 10.

Council Member McKinney asked if there is anything from the City that would prohibit this proposal. Fire Marshal Whitsell responded there is not within the Fire Code, however insurance companies will rate according to availability of nearby water supply.

Council Member Hardman agreed, stating Council Member McKinney had raised some of the questions she had. She asked Mr. Mandelbaum if these are new issues, or just due to the market. Mr. Mandelbaum responded the market was indicating to them that these lots are not desirable because of certain issues. Revising the driveway would help make the lots more saleable. Once Lot 10 is sold, and the drive established, the developer plans to do a spec home on Lot 13; hoping to have this home ready by spring of next year, (delayed from fall of this year due to pandemic), this will go a long way toward completing the development.

Ms. Lawrence asked Mr. Whitsell regarding the feasibility of using hydrants on SW Landview where the cul de sac is, if the road were connected from Lot 14 all the way to Lot 10. Mr. Mandelbaum inserted that there are rules regarding how many homes can be on a lane; it changes design requirements. Director Twedt affirmed that to be correct. Mr. Mandelbaum stated that they wanted to minimize the amount of traffic from those two homes. Fire Marshal Whitsell replied that emergency services would pull up to where the driveways are on SW Maffitt Lake Road for access.

Mr. Mandelbaum asked if it was determined to be economically feasible, could they put a hydrant on SW Maffitt Lake Road. Engineer McAlister replied that there is no water or sewer along SW Maffitt Lake, it's all County subdivision. The sewer is located down at the bottom of the hill.

Council Member Hardman questioned who would be responsible for all the disclosure to the buyer. Mr. Mandelbaum stated that it would be recorded in publicly filed documents; every homeowner has access to that. Director Twedt agreed, noting that many people don't read their title opinion, therefore they won't know, but the developer can file a document against the title. Council Member Hardman stated that she wants to be flexible and it was important to her to have as much transparency with the homeowner as possible. Council Member McKinney agreed, adding that it's important to recognize the conditions out there. He voiced support, as long as there's nothing from the City preventing it from going forward, and to just make sure people are aware of the issues.

Director Twedt stated that the applicant would need to do a replat to define the accesses. Mr. Mandelbaum stated his appreciation for the feedback; asking if it would make sense to have SW Landview Drive or SW Maffitt Lake Road, addresses rather than SW Lakeview Drive, for the purposes of Emergency Services. Ms. Twedt responded that they would have to have SW Maffitt Lake Road or SW Landview Drive addresses.

Ms. Lawrence asked what the timing would be, if we want to get back to the prospective buyer of Lot 10. Ms. Twedt responded that another final plat of Lots 10-14 would be at least a 45 to 60-day process, depending on the applicant's processing of legal documents. Mr. McAlister concurred.

Mr. Mandelbaum stated they would have Bishop Engineering change the drawing and submit to Lynne. Ms. Twedt directed him to submit through the development online portal.

Mr. Mandelbaum questioned the need to have a common mailbox, rather than individual boxes along SW Maffitt Lake Road. Director Twedt responded that this would be up to the Post Office but they unlikely will allow a separate mailbox. Mr. Mandelbaum asked if the City would care if there is a shared box along SW Maffitt Lake Rd. Principal Engineering McAlister responded that

the City would not be wild about people stopping along SW Maffitt Lake Road to get mail.

Direction: Council Members were supportive of replatting the property to allow a shared access drive if buyers can be made aware of potential issues.

5. Panera Drive-Thru (6740 University Ave)

Director Twedt introduced the topic regarding adding a drive-through to the Panera Bread store located at University Ave and 68th St. She noted that the PUD for this site identifies underlying zoning of Professional Commerce Park (PCP) which does not allow for drive-through restaurants. She summarized three options available to allow a drive-through:

- Amend the PUD to change the underlying zoning to a commercial designation that allows for drive-through restaurants, likely Support Commercial;
- Amend the PUD to allow drive-through restaurants for this parcel only, but noted this goes against what a PUD is intended and what we have told other potential developments; or,
- Amend City Code to make drive-through restaurants an allowed use in the PCP zoning district. She displayed a map of the city noting that it indicated the numerous areas of the city where drive-through restaurants would then be allowed.

Traffic Engineer Petersen stated that the City has not done a traffic study yet; but we would want to analyze the differences here. An average fast food restaurant generates 3-4 times more traffic than an average sit-down restaurant, but Panera is different than a typical fast-food restaurant and wouldn't be as impactful as major fast-food restaurants like McDonalds or Chick Fil-A. The City would want to examine existing Panera sites that have drive-throughs to compare to the average data and examine stacking distances. Also, the site plan would require review to ensure that enough drive-thru stacking is provided so that traffic is not backing out onto University. He noted a concern if the restaurant would ever change to a fast-food tenant such as McDonalds or Chick Fil-A that have significantly more traffic load, we would need to anticipate the impact of that from a traffic standpoint and drive-through stacking standpoint.

Council Member McKinney asked to hear from Jim and Mike with Panera. Jim Sinclair stated that this is a unique site. On the south side is a dead-end access drive which might be perfect for the drive-through queue, as it would not affect University or 68th St. As far as drive-through's working, it's becoming necessary for the profitability of the store. There are other metro areas which will accommodate a Panera with a drive-through. Two locations within WDM will be closed permanently as they do not have drive-through potential. He believes it may be feasible with this site and did not believe it would adversely affect this location.

Council Member Hardman questioned what was driving this and whether it is related to the Covid pandemic. Mr. Sinclair stated it's just the economics. The pandemic exacerbated the situation, but the Panera stores without a drive-through have already proven to be much less profitable than those with a drive-through. The 42nd Street and Westown store and the Mall store will be closed permanently.

Mike Young responded to Mr. Petersen's concerns. He noted they do have five Panera stores with drive-throughs which provide for 25% of their total sales. McDonald's sales report 40% coming through their drive-through. A conversion of the Waterloo store which is considerably busier than University has shown no problems with the drive-through or parking; there is also one in north Ankeny which has no issues.

Director Twedt reiterated that the Panera store may operate just fine; but if another restaurant replaces it in the future, the City won't be able to restrict it.

Mr. Young responded that the likelihood of this site ever becoming fast food is extremely slim for

a couple reasons. The company Panera Bread of Iowa is held in a family trust, therefore is unlikely to want to convert. Also, its extremely expensive for a McDonalds or other fast food to convert a Panera to fast food. In 22 years, out of a couple hundred stores, he didn't know of 1 single time when they were converted to fast food. The utilities are different. Upfront costs are over \$1M; he noted there would be the possibility of demolishing and replacing the building, but it doesn't make financial sense for them to do so. Our franchise agreement is very clear; we can't sell that to anyone else before we give our franchise owner the opportunity to purchase. Panera is limiting new stores to only those with drive-throughs.

Council Member McKinney thanked Mr. Young for his perspective. He stated he recognizes the impact on City infrastructure, but there is also a need to be mindful of the needs of restaurants; Clive, Urbandale and Dubuque are already approving drive-throughs. He commented that it is very concerning that two of our stores are closing. Council Member McKinney requested that Staff put together a traffic study, adding that we be mindful of any impact on safety, but he would like to see the City look for a way for this to occur while protecting safety. He concluded that he supports this.

Council Member Hardman stated that she appreciates the City's issues and concerns as well as those of Panera. She voiced support of Panera as a wonderful offering to have in our City, noting the world has changed as we know it, businesses are adapting as needed. Without extreme issues, she expressed support of working with Panera, concluding that she would like to see it work.

Director Twedt stated that of the three choices, it would be Planning's preference to make this an underlying zoning of Support Commercial rather than opening up the PCP district to allow drive-throughs. She noted the likely need to restrict some of the land uses otherwise allowed in Support Commercial.

Council Member McKinney noted that there's a Caribou just down the street, and that he sees University as an area where there are other drive-throughs. Whether Waukee or West Des Moines, he thought it that would be appropriate for the area.

Ms. Twedt questioned Mr. Sinclair regarding a parking agreement with Wells Fargo. Mr. Sinclair indicated he was not familiar, however Mr. Young responded that Panera has a long-term lease for use of Wells Fargo's parking lot by Panera employees, which then frees up more space on Panera's lot for customers.

Director Twedt concluded that as part of the PUD amendment a traffic study will need to be done and Mr. Sinclair would need to provide a site plan for changes to the site prior to constructing the drive-through.

Direction: Council Members were supportive of revising the PUD accordingly to allow a drive-through for this site.

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

- a. Trailside Apartments (West of 485 & 501 S 19th St): Amend Comprehensive Plan Land Use on 5.63 acres from Open Space to High Density Residential and consistency zone 6.31 acres from Open Space to Residential High Density (RH-18) for future development of two apartment buildings containing a total of 69 dwelling units (CPA-004705-2020 / ZC-004704-2020). Planner Bryce Johnson was introduced as a new Planner with the City of WDM. He provided a summary of this project to rezone for apartments.
- b. Wright Services Corp (825 SE Willow Creek Dr): Construction of a 67,000sf office building (SP-004693-2020) Planner Kara Tragesser summarized this commercial project for the corporate headquarters which is relocating and expanding from its present location on

Raccoon River Drive. Work will begin this summer.

- c. 329 5th St: Construction of a 3-story mixed use building with approx. 15,600 sf of retail on first floor and 8 dwellings on each the 2nd and 3rd floors (SP-004699-2020) Planner Brad Munford summarized the status of this project to be located adjacent to St. Kilda's bakery. He noted that staff are working with the applicant to make sure the architecture fits the Valley Junction area and the developer will be most likely asking for relief from a 30' buffering requirement due to residential to the east, but noted that buffering along the alley would be atypical for Valley Junction.

Council Member McKinney commented that Council members had participated in a workshop regarding revisioning Valley Junction at the beginning of January with overall study and proposal. He questioned whether this project fits within what Staff are working on.

Development Coordinator Schemmel responded that this proposal touches the scope of the revisioning and noted that this project will add residential units with no parking except public parking. She noted that Staff are looking at parking as a whole for the area and will need to project what uses are possible to know true parking needs. She continued that this lot can accommodate the size of the building without feeling overwhelming, but it will be quite a bit higher than what was there before. Staff are also working with them on the façade materials. The developer is proposing to use weathered steel, which is not a product we've seen in the area, other than as an accent. Ms. Schemmel concluded that Staff will need to work with the applicant regarding fitting in the context of the neighborhood.

7. Minor Modifications & Grading Plans

- a. All-State Industrial (1690 & 1730 All State Ct): Rough grading in anticipation of construction of two multi-tenant industrial buildings (GP-004700-2020)
- b. 139 4th Street: Exterior renovation including addition of stairs on north and shade structure on west and minor updates to landscaping (MML1-004701-2020)
- c. Walnut Grove Center (1300 50th St): Relocate external grease interceptor (MML1-004708-2020)
- d. KinderCare Learning Center (865 S 51st St): Modify site plan to locate all improvements within Lot 2 (MML2-004706-2020)

5. Other Matters

There were none.

The meeting adjourned at 9:15 AM. The next regularly scheduled Development and Planning City Council Subcommittee is May 18, 2020.

Lynne Twedt, Development Services Director

Jennifer Canaday, Recording Secretary