

PLAN AND ZONING COMMISSION

PZ AF 8-10-2020

Acting Chair Crowley called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, August 10, 2020. Commissioners and residents joined electronically, some residents joined in person in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Conlin, Costa, Drake, Crowley, Hatfield..... Present  
Andersen, Southworth.....Absent

**Item 1- Consent Agenda**

Item 1a – Minutes of the meeting of July 27, 2020

Acting Chair Crowley asked for any comments or modifications to the July 27, 2020 minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission approved the July 27, 2020 meeting minutes.

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

Motion carried.

**Item 2 – Public Hearings**

There were 2 Public Hearing items.

**Item 2a – 1<sup>st</sup> Street Redevelopment, SW Corner of 1<sup>st</sup> Street and Grand Avenue – Amend Comprehensive Plan Land Use Map to change approximately 4,000 square feet from Single Family Residential (SF) to Community Commercial (CMC) and amend the existing PUD to add property and amend buffering and access requirements – 1<sup>st</sup> Street , LP - CPA-004793-2020/ZC-004792-2020**

Acting Chair Crowley 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 July 31, 2020.

Acting Chair Crowley 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 Costa, 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: Conlin, Costa, Drake, Crowley, Hatfield.....Yes  
Andersen, Southworth.....Absent

Motion carried.

Chad Mandelbaum, Mandelbaum Properties, 18000 North 100<sup>th</sup> Way, Scottsdale, Arizona, summarized the request, noting that they are acquiring right of way property being vacated by the City to create a larger buffer area to the South, and to complete access to their site from Grand Avenue. He noted that the City is allowing them to not move their south entrance until a future date and enabling them to put their drive in when the sewer is installed.

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Linda Schemmel, Development Coordinator, on behalf of Planner Brian Portz, stated they are incorporating a couple different areas in the PUD. Part of the area is adjacent to residential on the south and the other part is adjacent to the hardware store on the north to provide a shared access to reduce the number of drives onto Grand Avenue. The updated language in the PUD is written to buffer the neighbors yet accommodate a south access drive when it is installed in the future.

Acting Chair Crowley asked if anyone from the audience would like to speak to this item. Hearing none, he closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Hatfield, the Plan and Zoning Commission approved a resolution recommending the City Council approve the comp plan land use amendment.

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

Moved by Commissioner Hatfield, seconded by Commissioner Drake, the Plan and Zoning Commission approved a resolution recommending the City Council approve the PUD.

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

**Item 2b – Panera Bread, 6740 University Avenue – Amend Comprehensive Plan Land Use Map from Professional Commerce Park (PCP) to Support Commercial (SC) and amend the West Lakes Planned Unit Development to accommodate the addition of a drive-thru to an existing restaurant – SLB of Iowa - CPA-004718-2020/ZC-004719-2020**

Acting Chair Crowley 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 July 31, 2020.

Acting Chair Crowley requested a vote of affirmation to accept and make a part of the record all testimony and all other documents received at this public hearing.

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

Jacob Simpson, SLB of Iowa (d/b/a Panera Bread of Iowa), 1241 Park Place NE, Ste C, Cedar Rapids, summarized the request to amend the PUD to allow for a small drive-thru on the east side, to provide accommodations brought on by Covid. A site plan has been submitted, and they are requesting rezoning.

Lynne Twedt, Development Services Director, noted the Panera Bread on University is part of the West Lakes PUD, and is currently zoned Professional Commerce Park, which does not allow drive-thru restaurants. Therefore, the comp plan and zoning will be amended to Support Commercial. The PUD will prohibit specific uses otherwise allowed in Support Commercial due

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to potential traffic congestion and compatibility to the area. Language also requires review for subsequent drive-thru uses should the property change hands. She concluded that the request is to amend the Comp Plan to Support Commercial and amend the PUD to allow the drive thru.

Acting Chair Crowley asked if anyone from the audience would like to speak to this item. Hearing none, he closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Drake, the Plan and Zoning Commission approved a resolution recommending the City Council approve the comp plan land use amendment.

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

Moved by Commissioner Hatfield, seconded by Commissioner Drake, the Plan and Zoning Commission approved a resolution recommending the City Council approve the PUD.

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

### **Item 3 – Old Business**

There was one Old Business item.

### **Item 3a – Allied Construction, 2825 SE 1<sup>st</sup> Street – Approval of Site Plan for the construction of a 37,500 sq. ft. warehouse and office building and three buildings for storage totaling 14,880 sq. ft. – Allied Construction Services, Inc. – SP-004658-2020 – Continued from July 27, 2020**

Kim Abild, Allied Construction services, 2122 Fleur Drive, Des Moines, summarized their request for an office with a warehouse. He noted they have come to agreement with Staff regarding the architectural design.

Acting Chair Crowley asked if the applicant was in agreement with conditions by Staff. Mr. Abild agreed that they are, noting that there are 3 outbuildings still to be approved which he believed would come before the Commission at the next meeting.

Kara Tragesser, Development Services Planner, stated she received drawings today for the three outbuildings mentioned, and Staff would like to review architecture aside from approval tonight and work with the applicant on that particular elevation but is requesting approval of the buildings with condition of agreeing on architectural designs.

Acting Chair Crowley asked if anyone from the audience would like to speak to this item., hearing none, he asked for continued discussion or a motion.

Moved by Commissioner Drake, seconded by Commissioner Conlin, the Plan and Zoning Commission approved a resolution recommending approval of the site plan subject to the following conditions:

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1. No occupancy or storage of materials will be allowed until water is available to the site and site accesses to the satisfaction of the Fire Marshal is provided.
2. No occupancy permit for any building will be issued until the storm water facility easement and maintenance agreement is executed by the property owner and the water main easement is executed by the property and both are returned in original form to the City.
3. No building permit will be issued for the three storage buildings on the south side of the site until architecture elevations are submitted and approved by the City through a Minor Modification Level 1 development application.

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

**Item 4 – New Business**

There were two New Business items.

**Item 4a – Microsoft Osmium, 5855 SW Kerry Street – Approval to allow construction of Modular Electrical Structures – Microsoft Corporation – MaM-004436-2020**

Ryan Hardisty, Civil Design Advantage, 3405 SE Crossroads Drive, Ste G, Grimes, representing the applicant, Microsoft, is requesting a major modification to change the design of electrical rooms that will house infrastructure to provide power to the facility.

Acting Chair Crowley asked if this was different from anything used on the other two projects. Mr. Hardisty responded that these are different. As the data centers evolve, the iterations for the structures are updated with the latest design.

Linda Schemmel, Development Coordinator, on behalf of Planner Brian Portz, noted this is the same project site reviewed at the last commission meeting for temporary tents. She informed that these structures will be the same color as the main building to help them blend in. There already exists substantial screening onsite along the public ways and these buildings will be placed behind that screening.

Acting Chair Crowley asked if anyone from the audience would like to speak to this item, and hearing none, asked for continued discussion or a motion.

Moved by Commissioner Drake, seconded by Commissioner Conlin, the Plan and Zoning Commission approved a resolution recommending approval of the major modification subject to the following conditions:

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

**Item 4b – Maffitt Ridge Plat 2, Maffitt Lake Road at S. 54<sup>th</sup> Street - Replat to change access easements for 5 lots on the west side of the plat – Maffitt Estates, LLC – PP-004750-2020**

Rick Baumhover, Bishop Engineering, 3501 104<sup>th</sup> St., Urbandale, presented the proposal for shared access from the east side of the lot to the west. Access will now be provided from SW

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Landview Drive to the north and SW Maffitt Lake Drive to the south. The number, shape and size of the lots will not change.

Kara Tragesser, Development Services Planner, informed that there are private easements that will be vacated by the property owner with new easements established with the owners sharing the road, maintenance and upkeep.

Acting Chair Crowley asked if the applicant is in agreement with staff conditions. Mr. Baumhover affirmed that they are; the new easements will be shown on the final plat.

Acting Chair Crowley asked if anyone from the audience would like to speak to this item, and hearing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Drake, the Plan and Zoning Commission approved a resolution recommending approval of the preliminary plat with no conditions.

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

### **Item 5 – Staff Reports**

The next meeting is scheduled for Monday, August 24, 2020.

### **Item 6 – Adjournment**

Acting Chair Crowley adjourned the meeting at 5:59 p.m.

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Kevin Crowley, Acting Chair

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Jennifer Canaday, Recording Secretary