

AGENDA

DEVELOPMENT AND PLANNING COUNCIL SUBCOMMITTEE MEETING

Council Chambers, City Hall, 4200 Mills Civic Parkway
Monday, September 21, 2020 @ 8:00 a.m.

The Public can attend in person or electronically

While electronic participation is preferred, in-person participation will be allowed in accordance with current state health guidelines for social distancing. Individuals wishing to participate in-person may do so at the respective time and day of the meeting from within the City Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa.

Electronic public input to the meeting can be provided by logging into zoom

1-312-626-6799 - OR - 1-929-205-6099 -- Meeting ID: 992 5053 8715 -- Password: 0908 2020

OPEN SESSION

1. Allowance of Backyard Chickens
2. Special Exception Ordinance
3. Property Acquisition: S. 1st Street & Lincoln Street
4. Upcoming Projects
 - a. *Des Moines University – amend PUD to allow installation of private utilities and signage*
 - b. *Cascades at Jordan Creek Phase 2 – change land use from medium density residential to high density residential for phase 2 apartment building*
 - c. *Oaks on Grand – remove property from Glen Oaks PUD and change land use from support commercial to office*
 - d. *Westridge Elementary – approx. 11,000sf building addition and landscape improvements*
 - e. *Apex Dental – construction of approx. 12,400sf dental office*
 - f. *Erik’s Bikes – construction of approx. 7,600sf retail bike shop*
 - g. *Bridgewood – amend PUD to modify setbacks to match built environment and bring into compliance with PUD regulations*

Welcome to the September 21st WDM Development and Planning Council Subcommittee

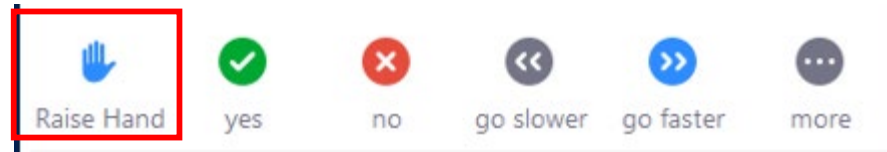
Here are a few housekeeping items before we get started:

- Any public members and applicants joining the meeting are muted by default when you enter the meeting. Please wait until the Subcommittee Chair asks for comment on the item you are here for, then you may raise your hand to speak. The chair will then call on you and you will be un-muted
- When the meeting is in session, please write in the chat box (which is the speech bubble icon in the bottom bar) and let us know if you can't see or hear something or are experiencing a problem.



Raise Hand:

Location - Click participants in your bottom Zoom toolbar, you will see this at the bottom of the participants box:

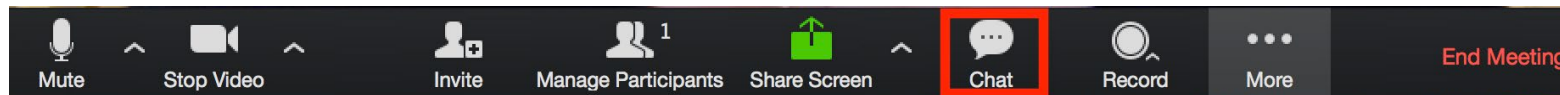


If you are participating by phone, dial *9 to raise/unraise your hand



Chat:

Location - Click on the speech bubble in your bottom Zoom toolbar



Discussion Item #1: Allowance of Backyard Chickens

Proposed definition:

AGRICULTURAL PRODUCTION ANIMALS, PERSONAL: Any livestock animal as defined by Code of Iowa, Sec. 717.1, which is housed or primarily live outside of the residence and are raised for or can be raised for production of commodities such as, but not limited to meat, eggs, fur, milk, leather, and wool for personal consumption or use. Roosters are considered agricultural production animals, commercial.

WDM allows in Open Space and Residential Estate (typ. 40,000sf lots) zoned areas w/ BOA approval

Allow Backyard Chickens:

- Clive -- *60,000sf lot min*
- Des Moines – *no minimum lot size*
- Waukee -- *R-1 & R-2: 8,000sf lot min*
- Norwalk -- *R-1: 7,500sf lot min*
- Johnston – *20,000sf lot min*
- Adel -- *no min lot size*
- Windsor Heights -- *no min lot size*

Do Not Allow:

- Urbandale
- Ankeny
- Indianola
- Altoona
- Bondurant
- Grimes

Discussion Item #1: Allowance of Backyard Chickens

Concerns:

- Staff time catching escaped animals
- Nuisances (subjective) – odors, insects/parasites, encourage rodents (feed & straw) and predators, bedding disposal,
- Neighbor complaints and conflict – neighbor's dog or cats kill
- Where go once no longer producing eggs – animal shelters?
- Lead to request for other typical wild or ag animals: sheep, goats, potbelly pigs, other fowl (ducks, pigeons, quail), miniature pony, cows
- Lot size limits not equitable: minimum pen & separation regs will dictate some level of minimum lot size necessary
- Infections from Bird Flu Viruses – affects other animals and humans: not easily spread amongst humans, however, (per WebMD source) H5N1 has killed 60% of the people who have been infected

IF were to allow:

- Registration/annual permit process; leg bands on chickens; limit on # of violations – revoke permit & removal of animals
- Completion of educational class & Neighbor sign off
- Max 4 hens: NO roosters
- Not allowed to run at large -- approved enclosure within fenced area – min 5sf enclosure/per chicken: 10sf of fenced area/chicken – min 4' fence height; located in rear yard a minimum 25' from property boundary
- Egg production for personal consumption only: No slaughter on property; No commercial use
- Single-family and open space zoned districts only

Discussion Item #2: Special Exception Ordinance

Zoning Exception – when relief is reasonably needed to overcome practical difficulties related to the subject property

Exceptions allowed to existing single-family detached only – not new construction

Possible Exceptions BOA can grant:

- Principal Structure (Dwelling) Setback Reduction:
 - Max 50% reduction -- side and rear yard -- when code required setback is 20' or less
 - Max 25% reduction -- side and rear yard -- when code required setback is greater than 20'
 - Max 25% reduction – front yard
- Accessory Structures (detached garages/sheds/pool house/gazebo/etc):
 - Max 50% reduction of side and rear yard setbacks (*accessory structures not allowed in front yards*)
 - Max 300 sq ft increase above the total allowable sq ft for the property (*1,000sf or RE @ 10%/lot*)
 - Max 10% increase in maximum allowed height (*20' at peak*)
 - Max 100 sq ft decrease in minimum sq ft required for single-family garage (*code requires 20 x 14'*)
- Front Yard Pavement:
 - Max 10% increase in paved vehicle use areas located within the front yard (*code allows 50%*)

If need greater relief, becomes a Variance

Discussion Item #2: Special Exception Ordinance

BOA must find the following to grant a Zoning Exception:

1. Without the requested exception, strict compliance with the ordinance prevents improvement of the property in a manner which is reasonable, customary, and consistent with other properties in the area;
2. Without the requested exception, strict compliance with the ordinance results in a practical difficulty. A “practical difficulty” may be shown by:
 - a) Significant or unjustified expense in light of the scope of the project; or
 - b) Destruction or demolition of significant or attractive features of the property, or similar reasons; or
 - c) Unique physical attributes of the subject property such as exceptional narrowness, shallowness, size, shape, mature & desirable vegetation, natural water features such as streams, creeks, and ponds, or topographical conditions of the subject property that restrict the placement of the intended improvement; or
 - d) Orientation or interior configuration of the existing structure which impacts the logical function of the intended improvement unless additional modifications are made to the existing layout or use of the existing structure.
3. The requested exception is the minimum necessary to achieve the purpose of the request.
4. The requested exception will not have a substantial negative impact on the character and context of the neighborhood.
5. The requested exception will not be detrimental to the public health, safety, or general welfare.
6. The requested exception does not authorize or expand a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.

Discussion Item #2: Special Exception Ordinance

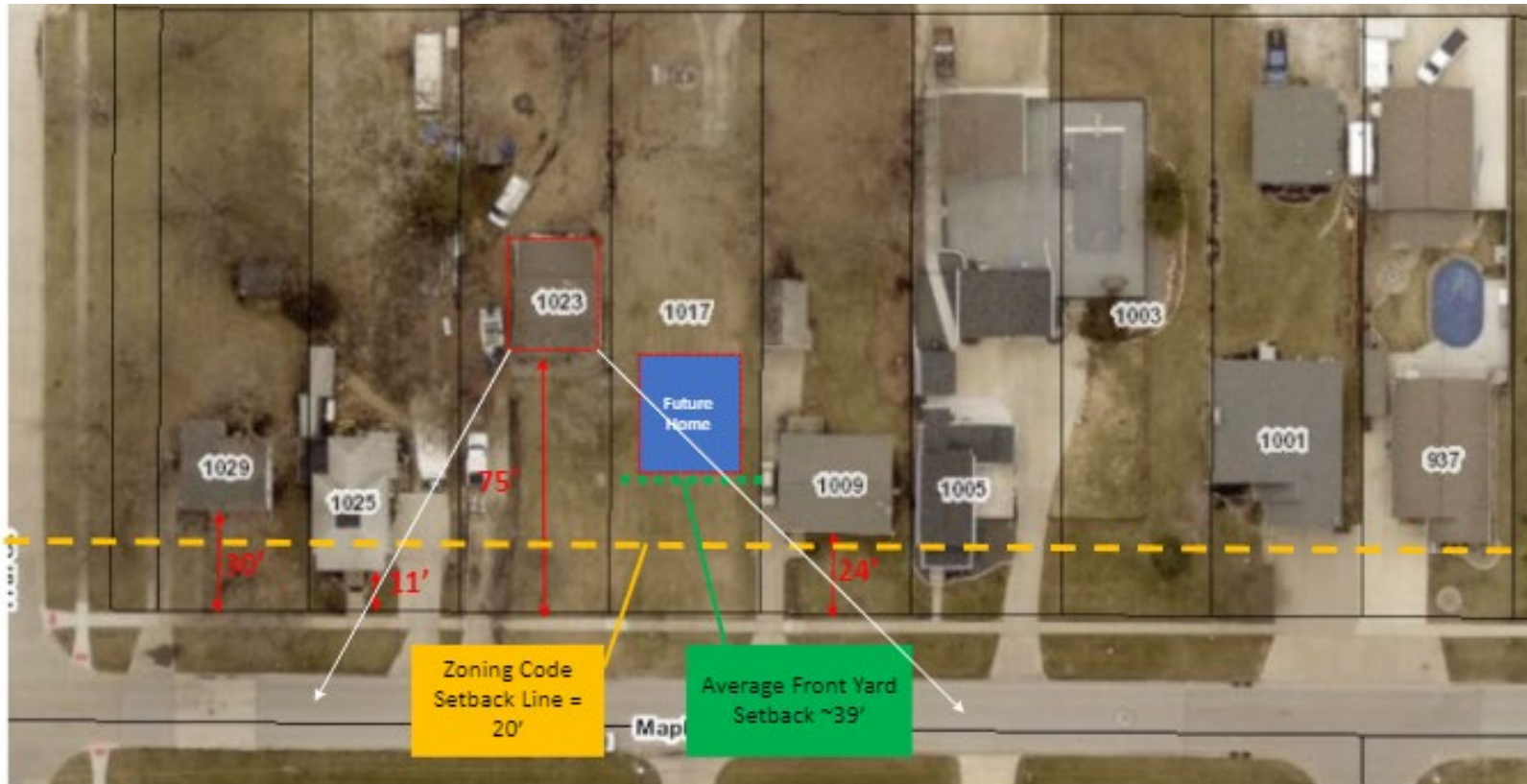
BOA must find the following to grant a Variance:

1. That the granting of the variance shall not be contrary to the public interest.
2. That without the granting of the variance, and due to special conditions, a strict application of the zoning regulations as they apply to the subject property will result in an unnecessary hardship. An “unnecessary hardship” exists when:
 - a) The subject property cannot yield a reasonable return from any use or improvement permitted by the subject zoning regulations. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the subject property. It is not sufficient to merely show that the value of the land has been depreciated by the regulations or that a zoning variance would permit the owner to increase the value in the subject property;
 - b) The plight of the owner is due to unique circumstances not of the owner's making and not due to the general conditions in the neighborhood; and
 - c) The use or construction to be authorized by the variance will not alter the essential character of the neighborhood.
3. That the spirit of the ordinance shall be observed when the variance is granted; and
4. Substantial justice shall be done as a result of granting the variance.

Discussion Item #2: Special Exception Ordinance

The Zoning Exception process does not mean everyone will get whatever they desire -- they still must prove a valid justification

The Special Exception process as drafted does not deal with the 'Average Front Yard Setback' regulation



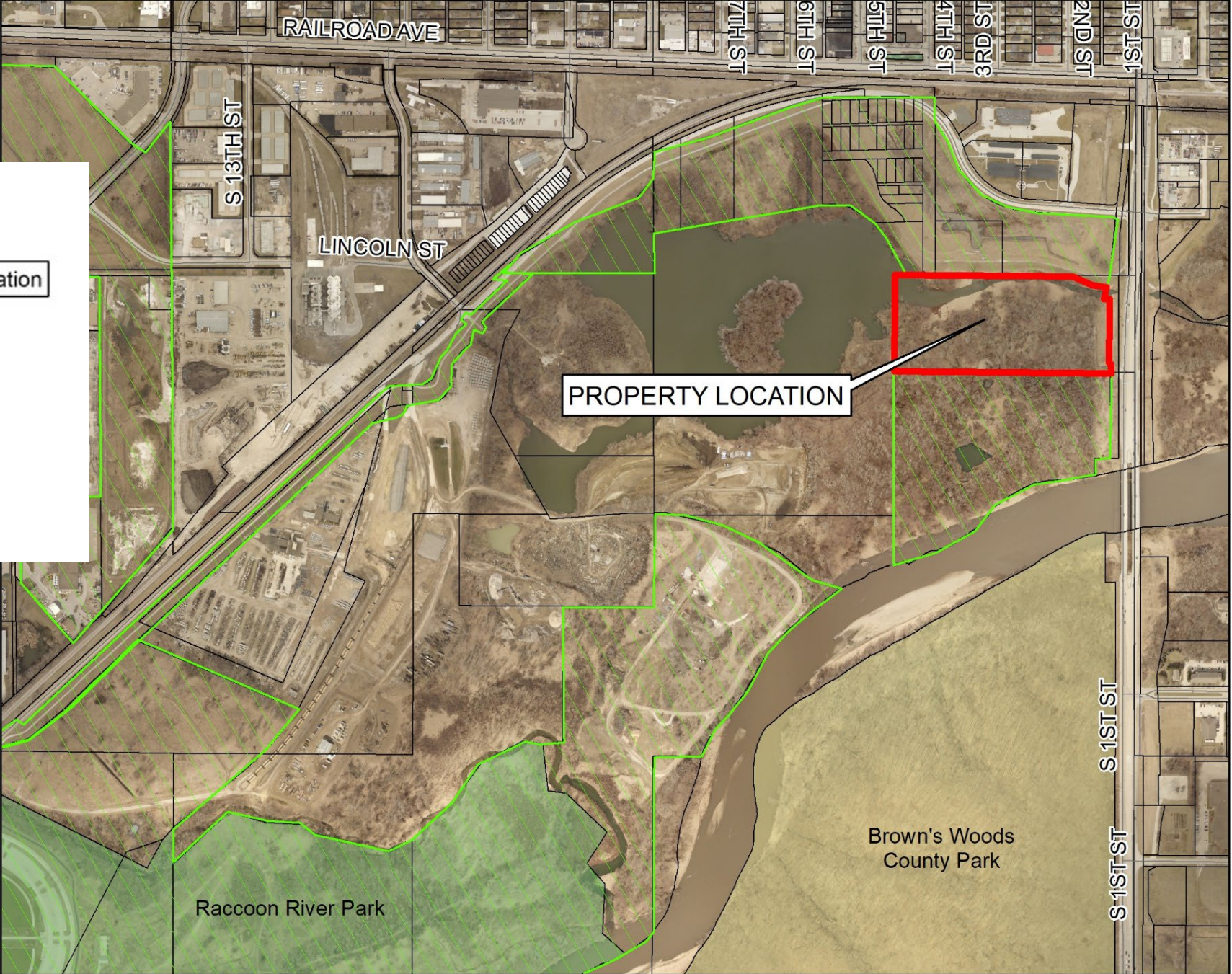
In this case, a future home on the vacant lot at 1017 could be located entirely in front of the existing home at 1023

Change Code to:

- A. Eliminate regulation all together -- apply building setback provided in code
- B. Not be applicable to the Residential Estate (RE-1A) Zoning District as a whole, but maintain for smaller lots
- C. Not be applicable when structures are a minimum distance apart (50\'? 100\'?) regardless of zoning district

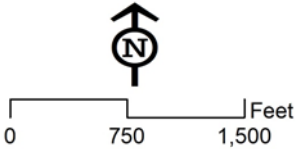
Discussion Item #3:
Property Acquisition:
S. 1st St & Lincoln St

VICINITY MAP



LEGEND

City Parcel



Upcoming Item 'a':

Des Moines University

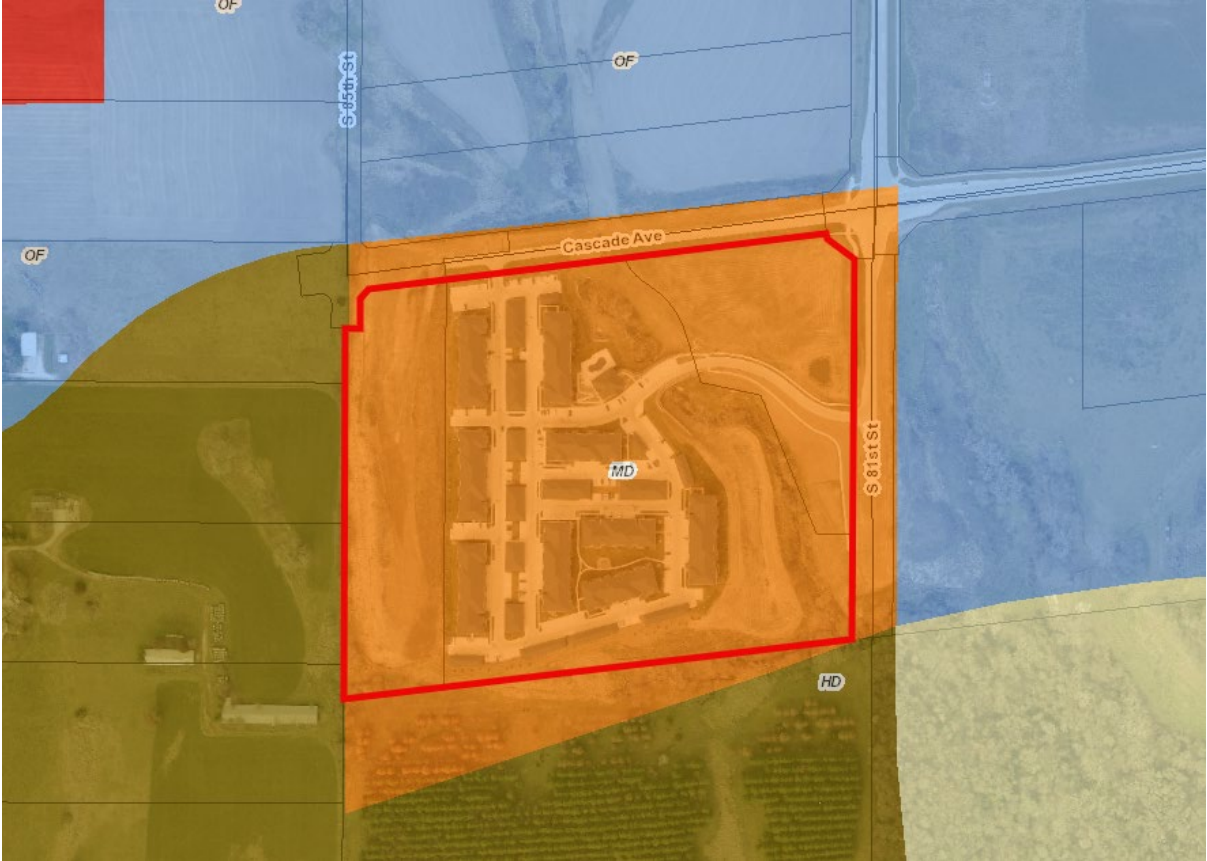
*Proposed Zoning: Parcel 8: All general regulations and provisions set forth in title 9, Zoning of the West Des Moines City Code for the Professional Commerce Park (PCP) District shall apply to Parcel 8, however, a primary use of SIC 8221: colleges, universities and professional schools shall be the only use allowed. With the exception of grading when done as part of City approved Grading Plans, **and installation of private utilities when done as part of a City approved phased site plan**, prior to any site work occurring within Parcel 8, ~~With the exception of grading when done as part of City approved Grading Plans and the city approval of a phased site plan, private utility work can commence at owner's risk.~~ Prior to any site work occurring within Parcel 8, an amendment to the West Grand Business Park Planned Unit Development (PUD) Ordinance shall be required which provides a master plan for development of Parcel 8, identifies ancillary uses to SIC 8221 to be allowed and details specific site development regulations. **Any and all site improvements done prior to City approval of the amendment to this PUD and full site plan shall be at the owner's own risk.***

Project Identification Signage:

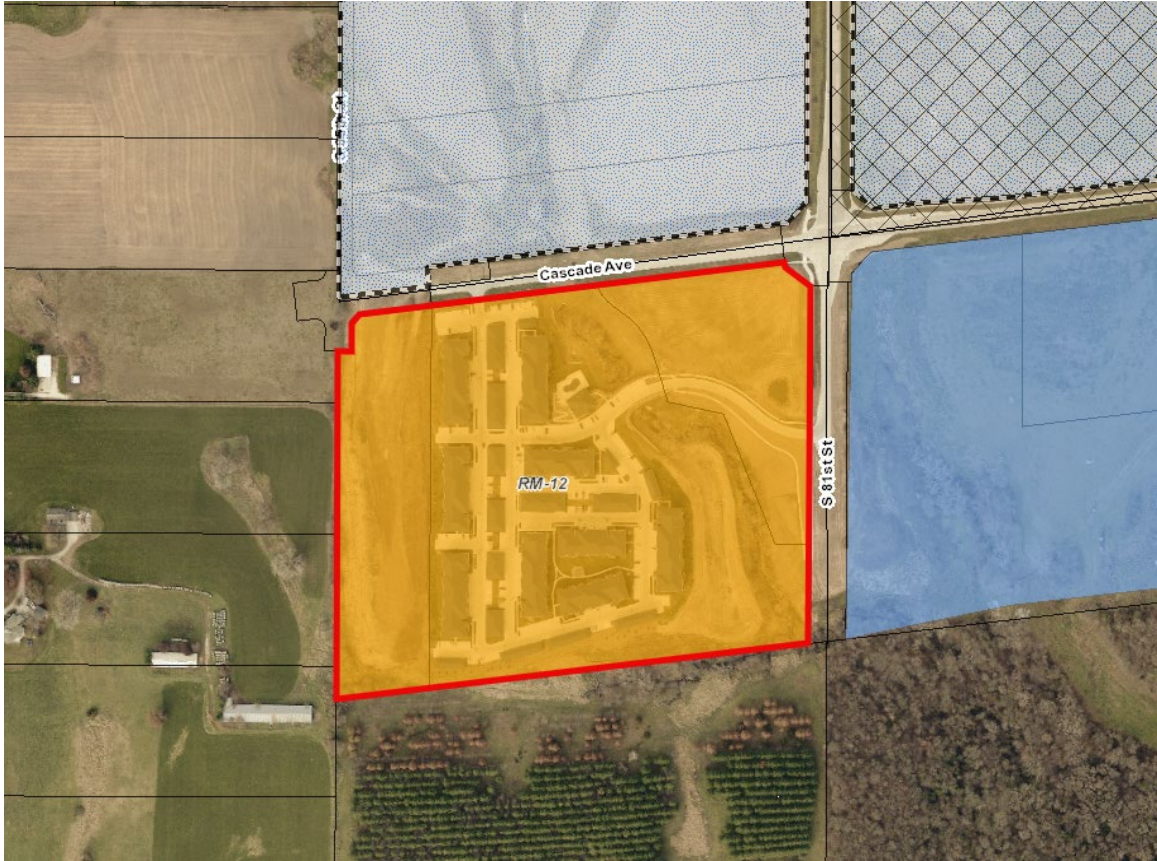
Total signage allowed to be displayed on the property during construction shall be calculated based on 64 square feet per property frontage on a public street. Multiple signs and multiple locations of signage shall be allowed; however, no more than 128sf of signage shall be allowed in a single location. All signs shall be located a minimum of fifty-feet (50') from the ultimate street right-of-way line(s). Said signage shall not be erected on the property until such time that a site plan or subdivision plat has been approved by the City.

Upcoming Project 'b'
Cascades at Jordan Creek II

Comprehensive Plan Land Use

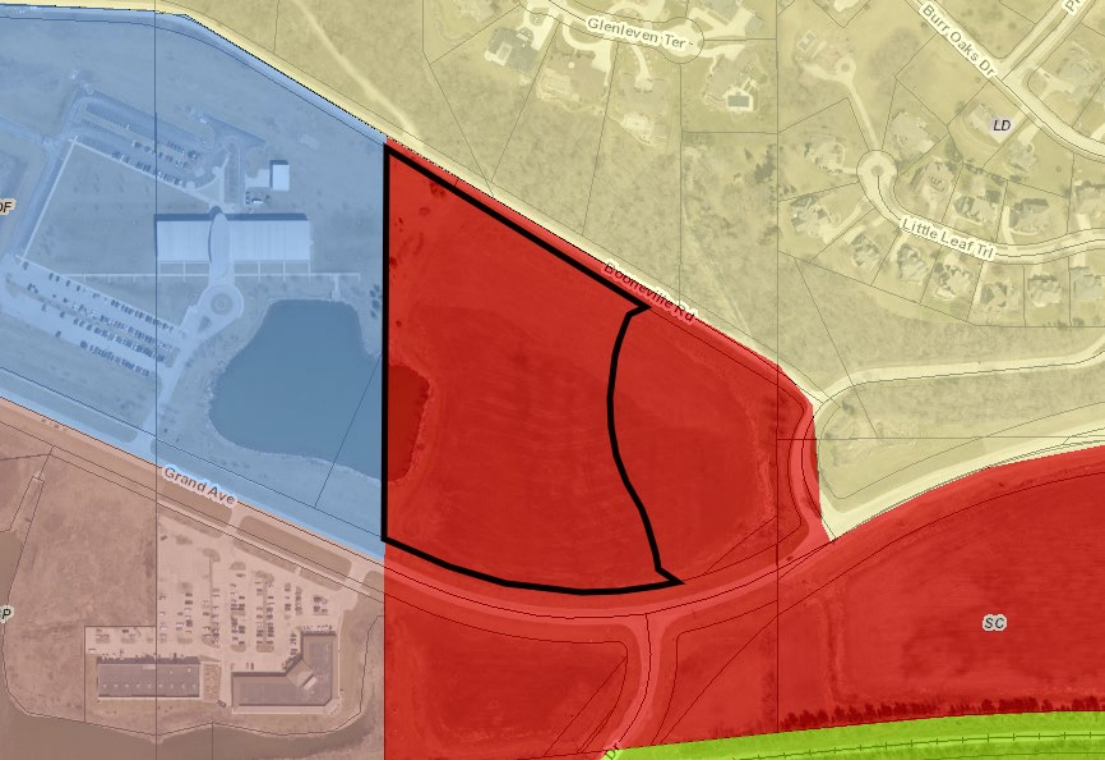


Zoning

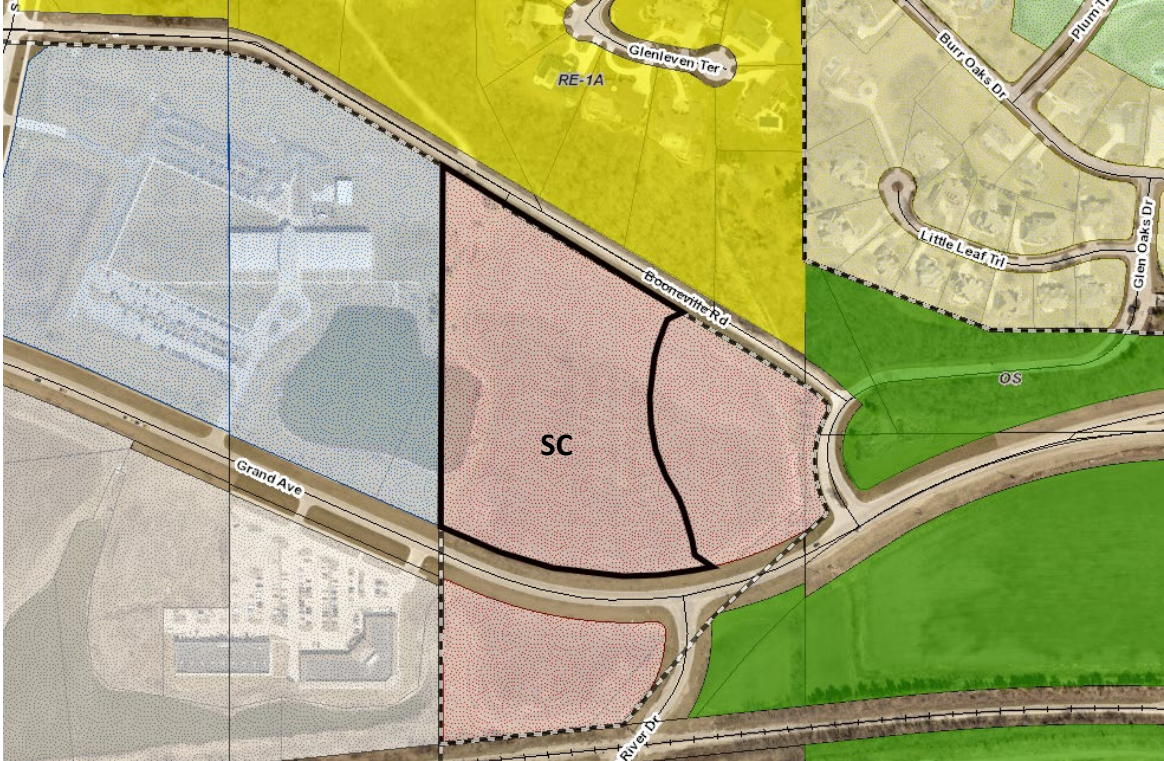


Upcoming Project 'c'
Oaks on Grand

Comprehensive Plan Land Use



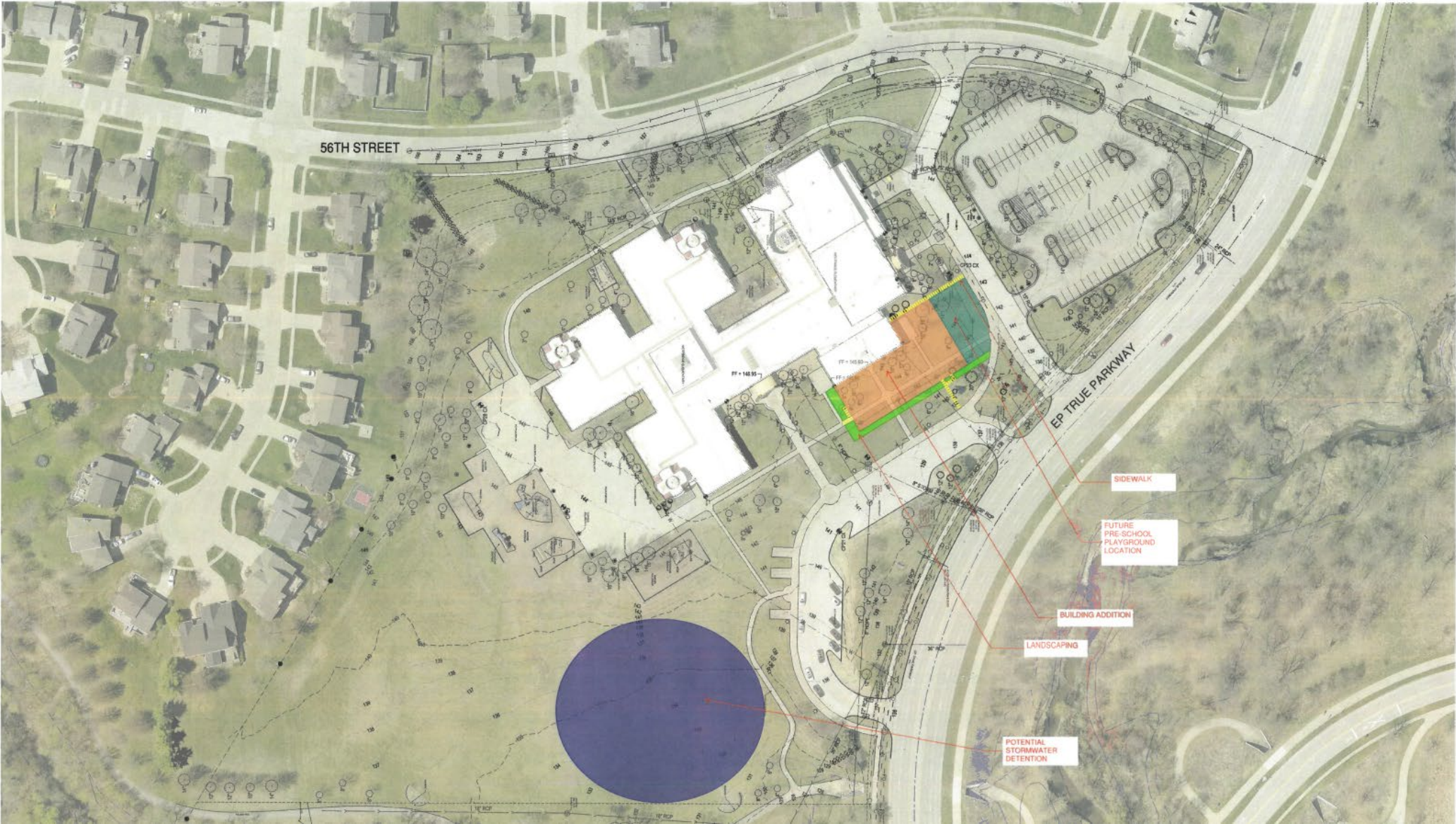
Zoning



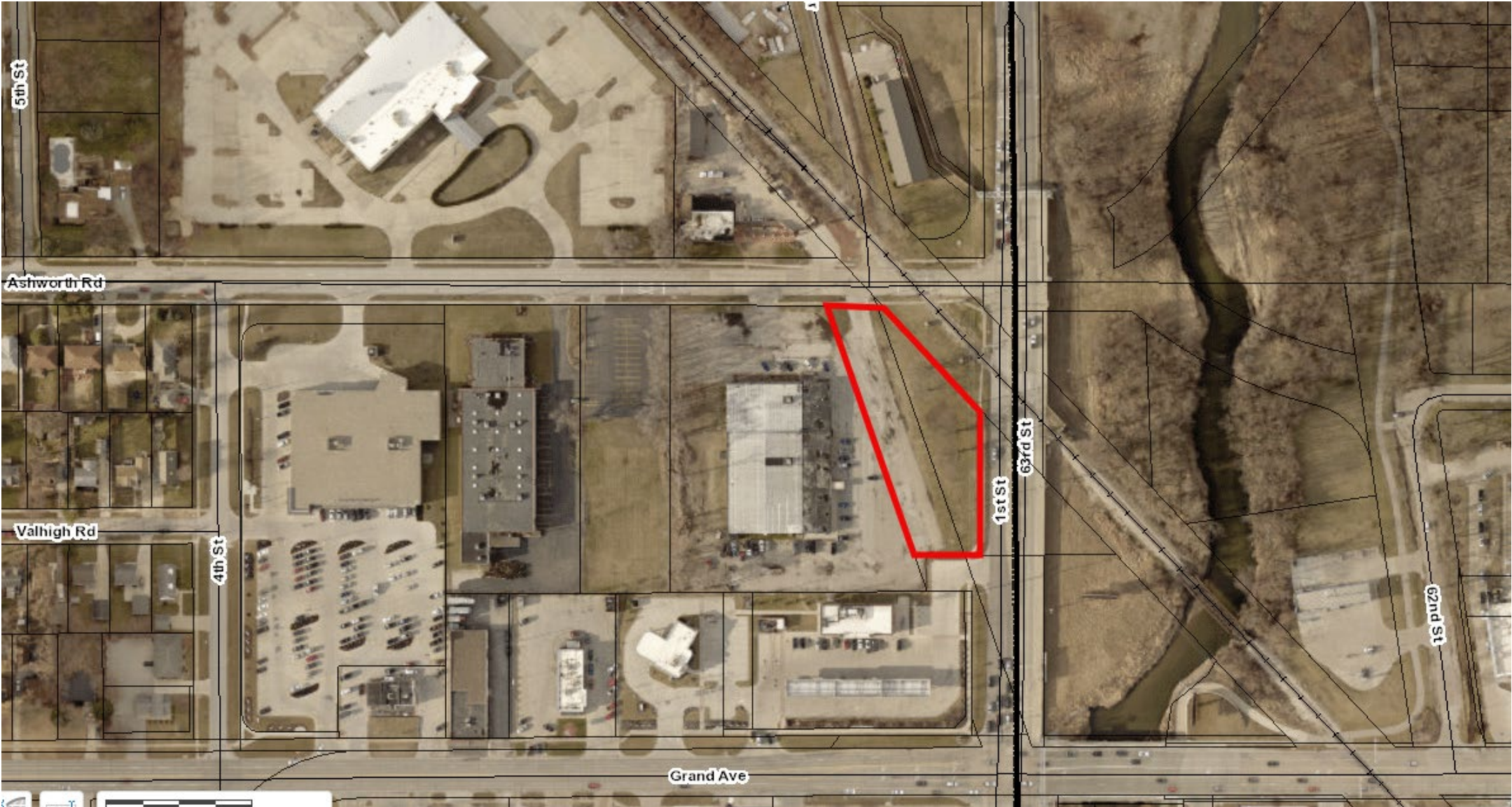
Upcoming Project 'd'
Westridge Elementary



Upcoming Project 'd'
Westridge Elementary



Upcoming Project 'f'
Erik's Bike Shop

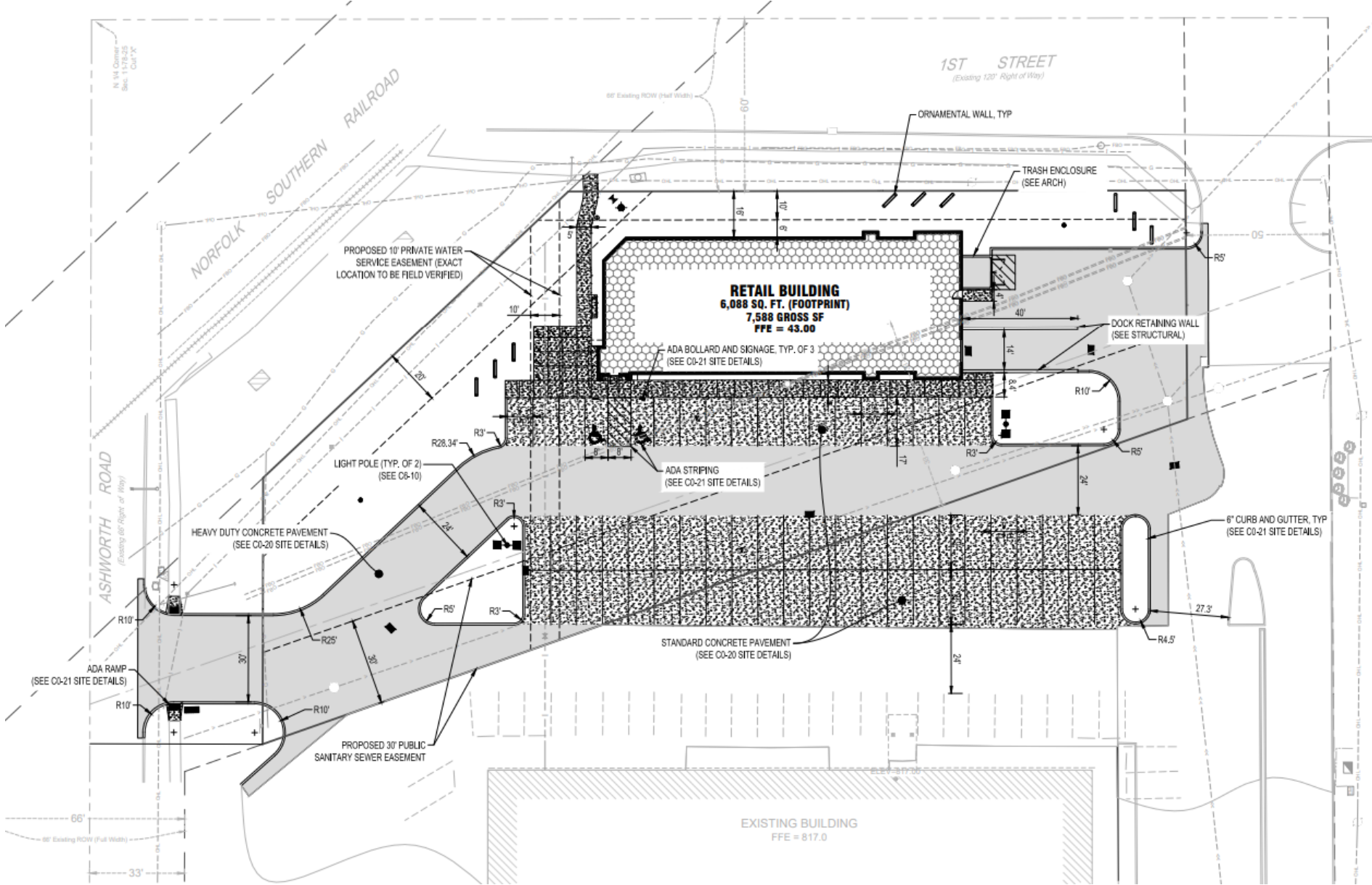


Upcoming Project 'f'

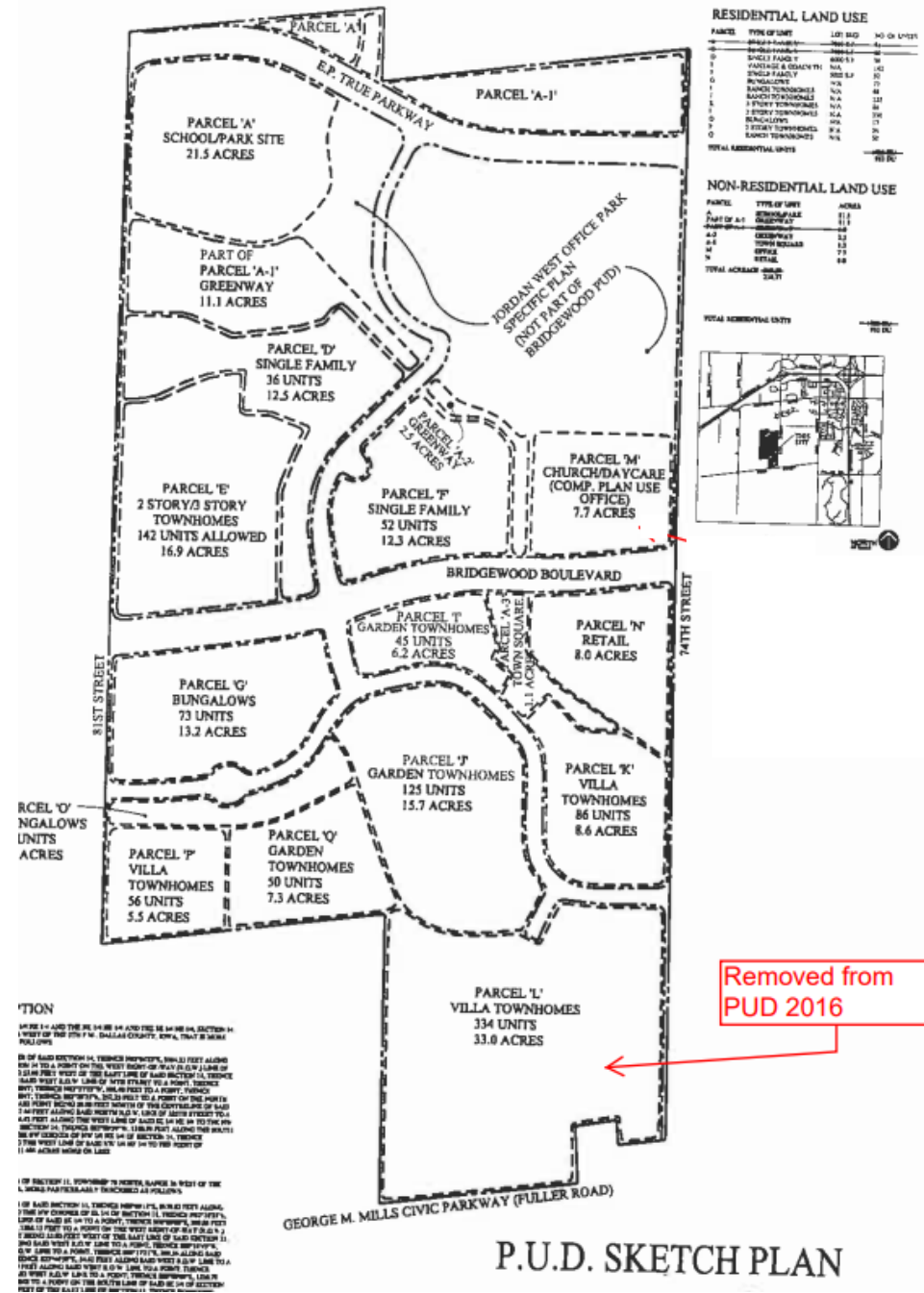
Erik's Bike Shop



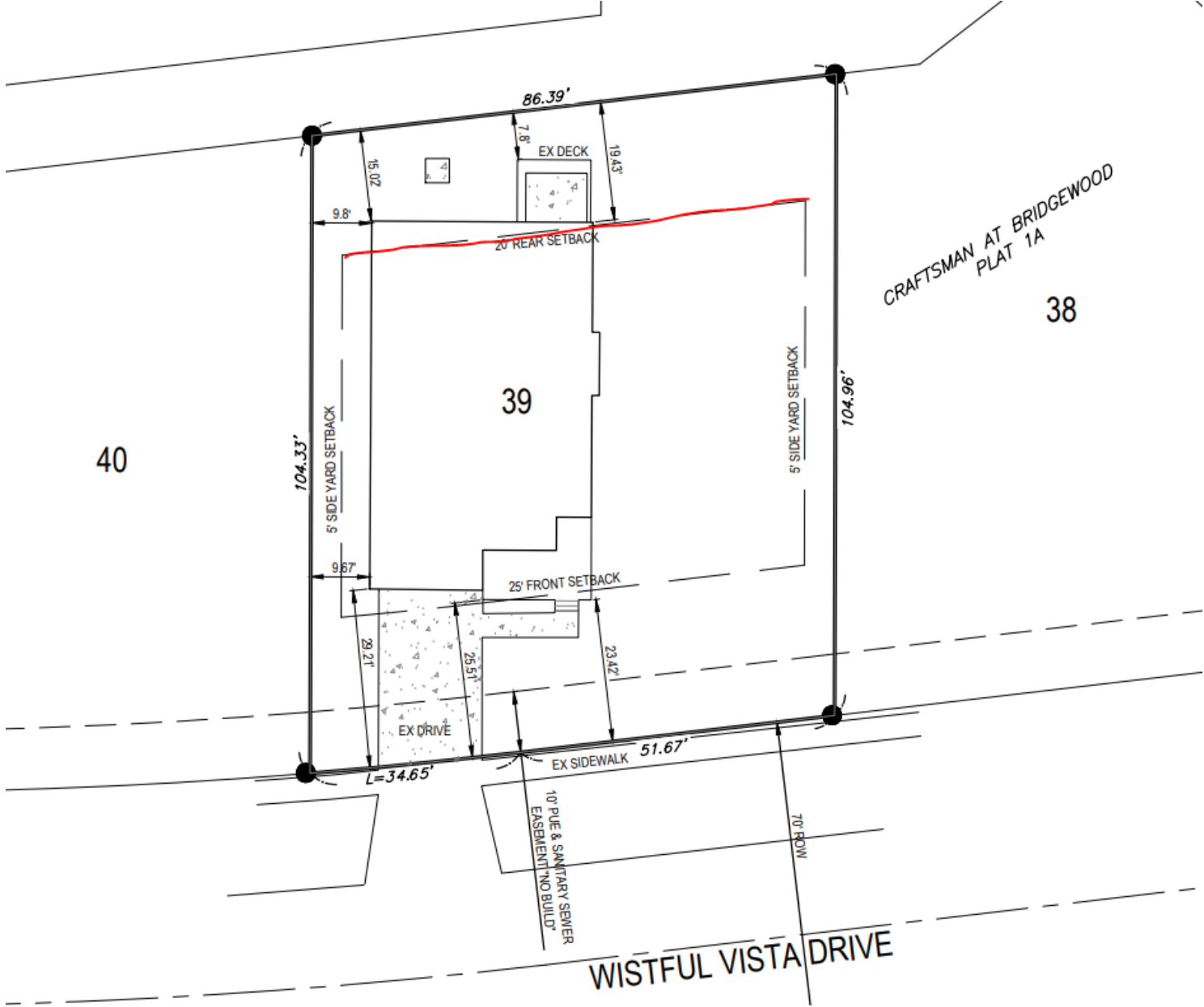
Upcoming Project 'f'
Erik's Bike Shop



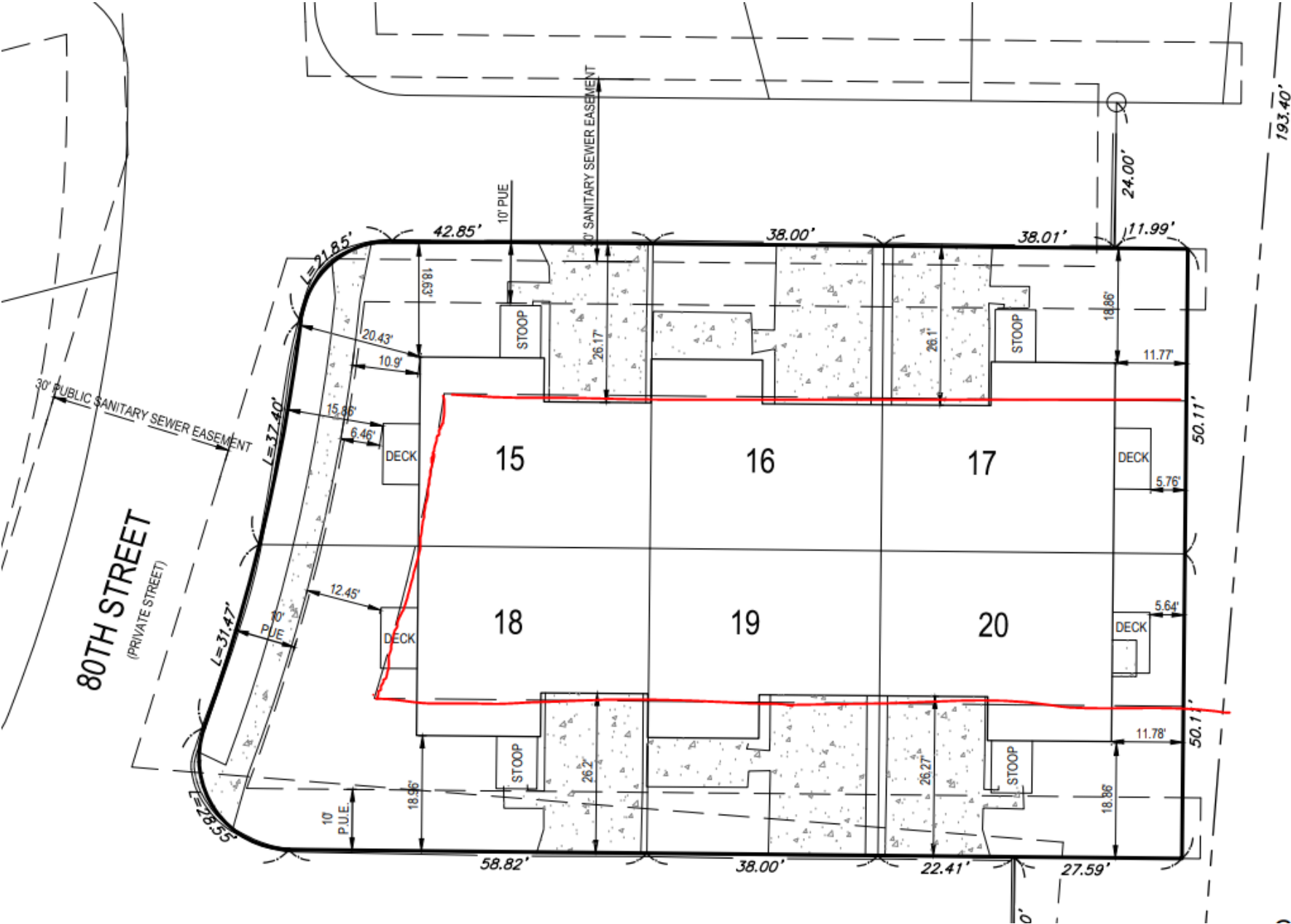
Upcoming Project 'g' Bridgewood



Upcoming Project 'g'
Bridgewood



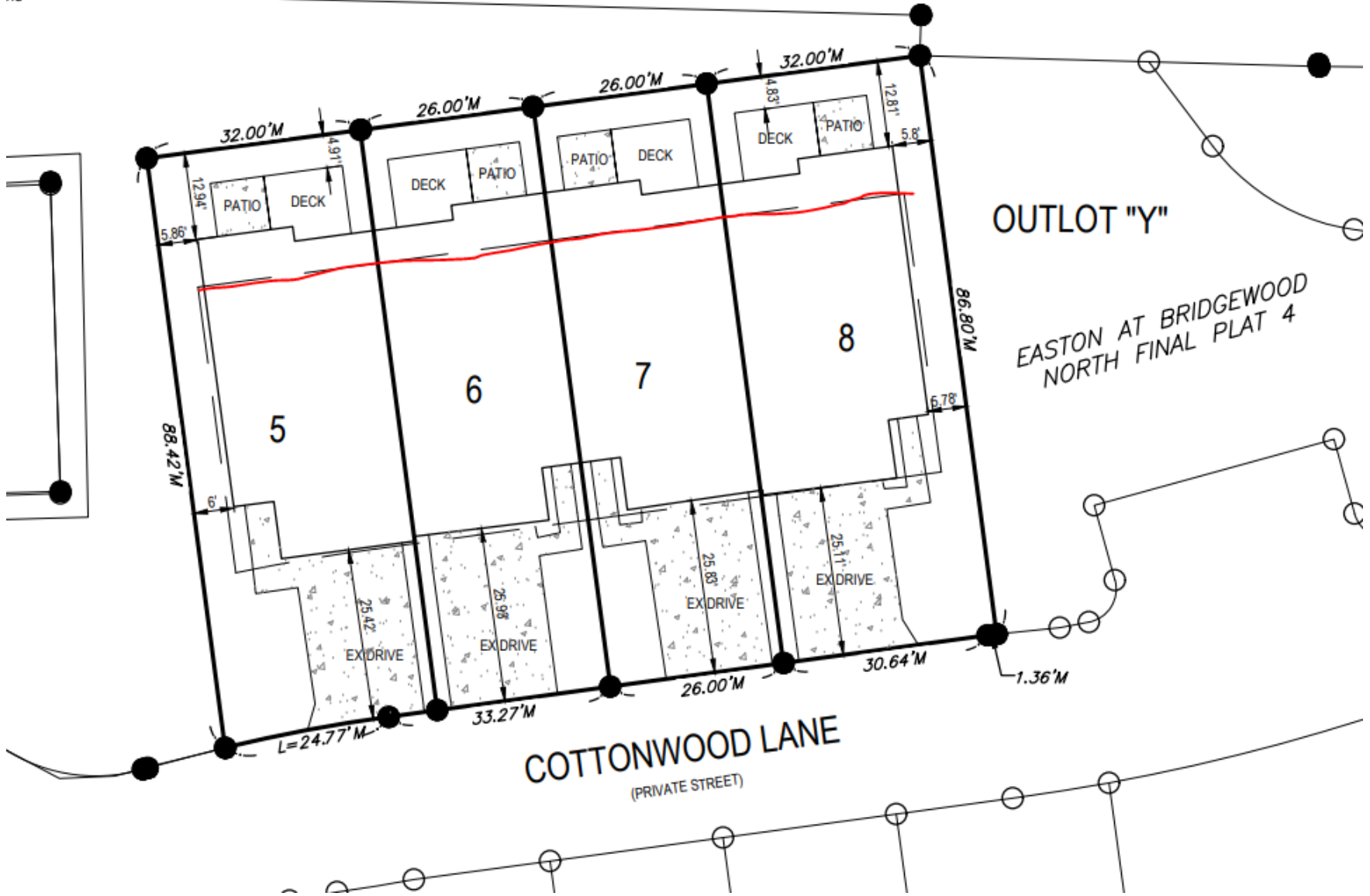
Upcoming Project 'g'
Bridgewood



Upcoming Project 'g'
Bridgewood

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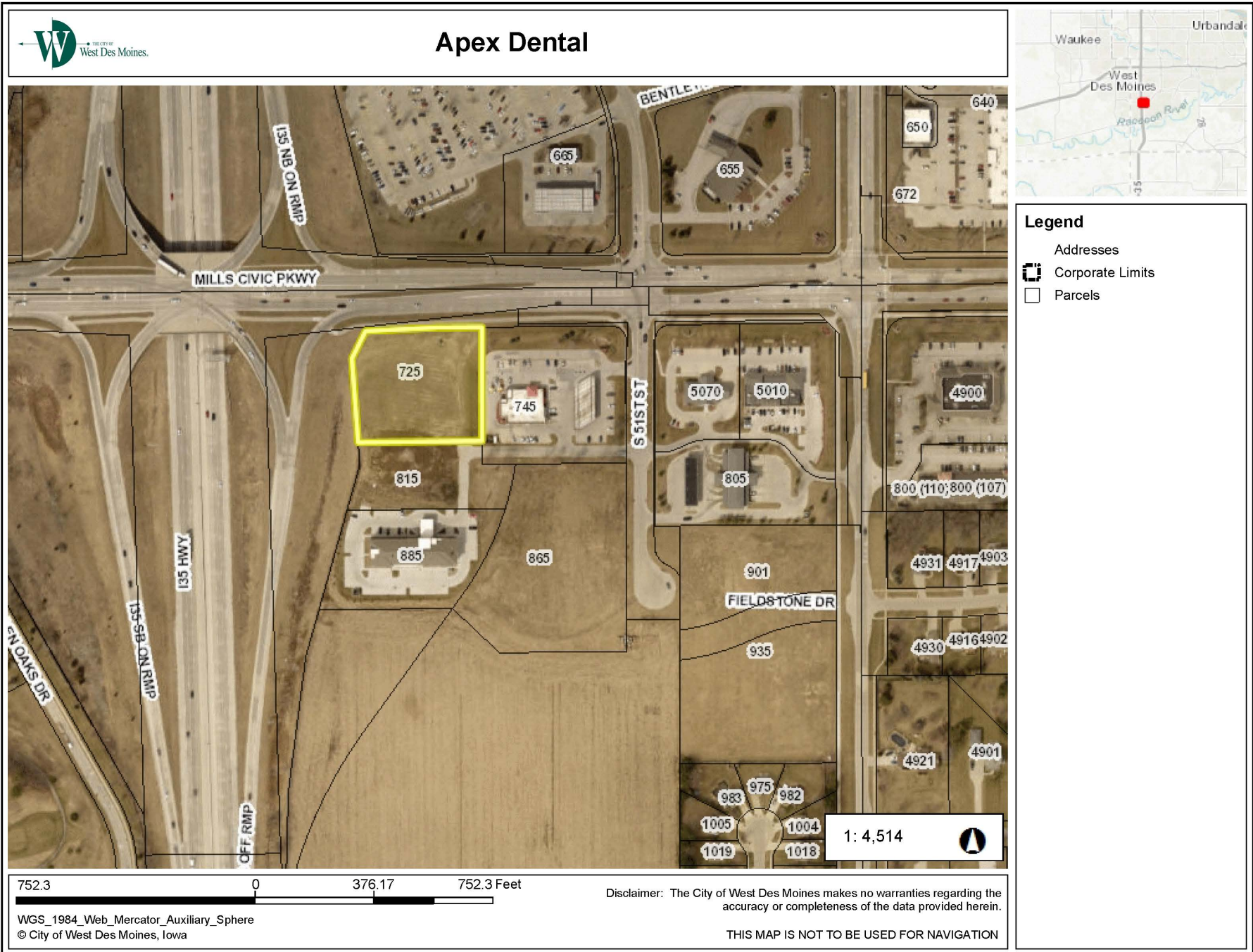


OUTLOT "Y"

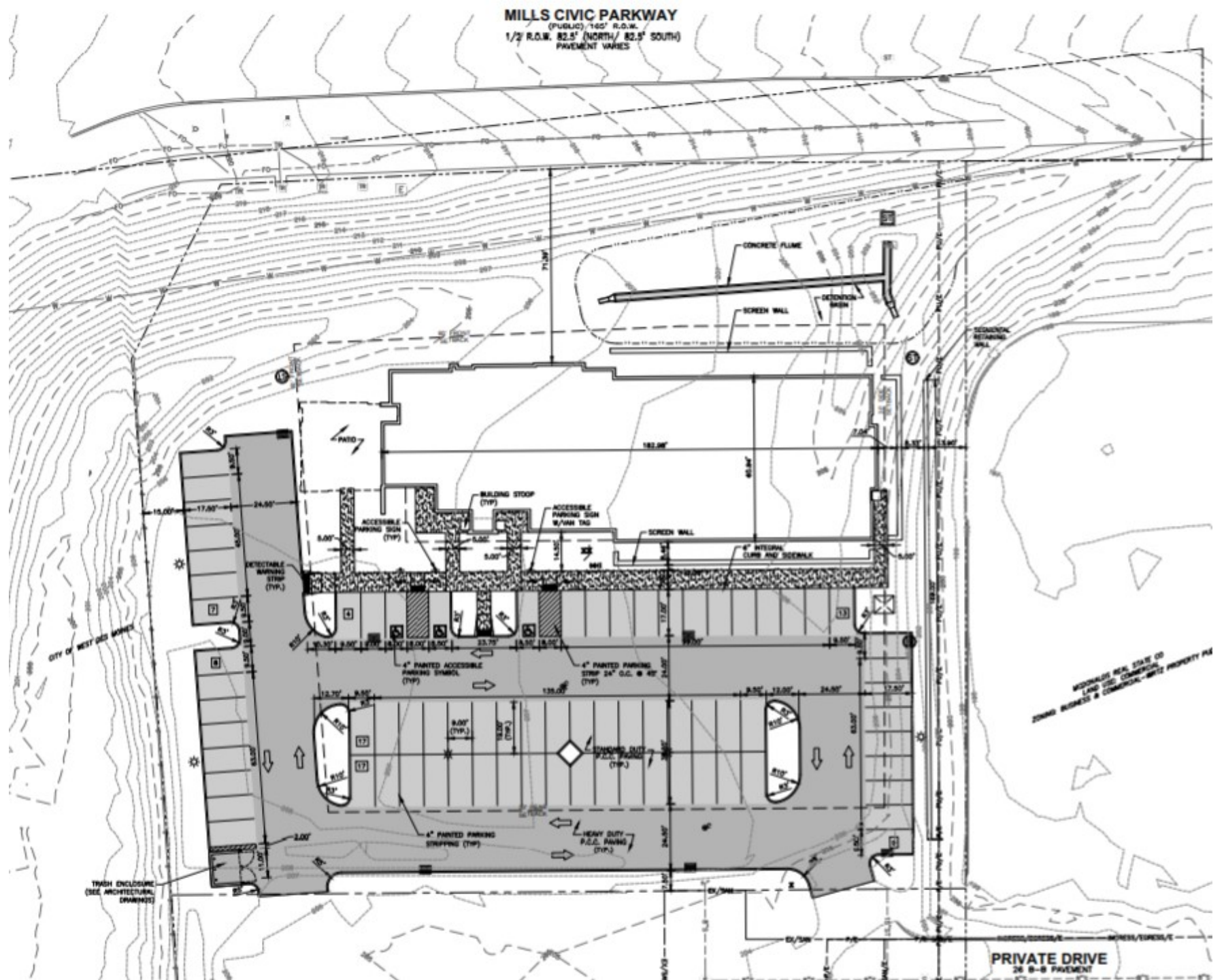
EASTON AT BRIDGEWOOD
NORTH FINAL PLAT 4

COTTONWOOD LANE
(PRIVATE STREET)

Upcoming Project 'h'
Apex Dental



Upcoming Project 'h'
Apex Dental



Upcoming Project 'h'
Apex Dental



EXTERIOR ELEVATIONS
Scale: 1/8" = 1'-0"

	Clive	Windsor Heights	Urbandale	Des Moines	Waukee	Norwalk	Johnston	Ankeny	Indianola	Altoona	West Des Moines
Chickens Allowed?	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	No	Yes, Permitted in OS zoning and with a Pc in RE zoning
Minimum lot size?	1 1/2 acres	No	N/A	No	No	No	1/2 acre	N/A	N/A	N/A	40,000 sf
# of Chickens allowed	12	2	N/A	30	6	4	2	N/A	N/A	N/A	No limit
Roosters allowed?	Yes	Yes		Yes	No	No	Yes	No	No	No	Yes, Permitted in OS and with a Pc in RE
Permit fee	None	None	N/A	None	\$25/year	\$25/year	None	N/A	N/A	N/A	No fee for OS; For Pc: \$100 application fee + \$467.50 notification fee
Distance from neighbor dwelling	150'	25'	N/A	25'	25'	0'	0'	N/A	N/A	N/A	100'
Distance from applicant dwelling	150'	0'	N/A	25'	25'	0'	0'	N/A	N/A	N/A	0'
Distance from property line	50'	0'	N/A	0'	10'	As required for accessory structures	As required for accessory structures	N/A	N/A	N/A	As required for accessory structures
Education required	No	No	N/A	No	Yes	No	No	N/A	N/A	N/A	No
Other											

Discussion Item #2: Special Exception Ordinance

Setback	Zoning Exception based on % reduction of setback					
	10%	20%	25%	30%	40%	50%
5	0.5	1	1.25	1.5	2	2.5
7	0.7	1.4	1.75	2.1	2.8	3.5
8	0.8	1.6	2	2.4	3.2	4
10	1	2	2.5	3	4	5
14	1.4	2.8	3.5	4.2	5.6	7
20	2	4	5	6	8	10
25	2.5	5	6.25	7.5	10	12.5
30	3	6	7.5	9	12	15
35	3.5	7	8.75	10.5	14	17.5
50	5	10	12.5	15	20	25
100	10	20	25	30	40	50
66	6.6	13.2	16.5	19.8	26.4	33

