

PLAN AND ZONING COMMISSION

PZ AF 10-12-2020

Chairperson Andersen called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, October 12, 2020, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, and Electronically through Zoom.

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

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of September 28, 2020

Chairperson Andersen asked for any comments or modifications to the September 28, 2020 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission approved the September 28, 2020 meeting minutes.

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

Item 2 – Public Hearings

There were 2 Public Hearing items.

Item 2a – Bridgewood, NE and SE corners of 81st Street and Bridgewood Boulevard – Amend setback requirements within the Bridgewood PUD – Bridgewood Association, Inc. - ZC-004821-2020

Chairperson Andersen 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 **October 2, 2020**.

Chairperson Andersen 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 Crowley, seconded by Commissioner Conlin, 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: Andersen, Conlin, Costa, Crowley, Hatfield, Southworth.....Yes
Drake.....Absent
Motion carried.

Jeff Westendorf, Bridgewood Association, Inc., 5550 Wild Rose Lane, #400, West Des Moines, informed that the purpose of the request is to modify the setbacks within Bridgewood for several parcels to allow them to comply with the as built conditions within the development. This setback issues were discovered when homeowners tried to build a larger deck and found that the rear setback of their existing deck was not in compliance with the PUD. These parcels are being adjusted to be in compliance so if they ever need to be rebuilt due to fire or other disaster, they can be rebuilt as they exist now.

Brian Portz, Development Services Planner, explained the request further referencing a sketch of the PUD, noting the location of Craftsman townhomes onsite which are single family townhomes on individual lots. The request amends the PUD to allow the encroachments which have occurred and to allow the

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owners to add on to their decks. He commented that this became very complex. Staff reviewed the plats for these properties and determined that some of the plats have setbacks noted. City Legal counsel determined that the setbacks in the PUD could not be decreased to less than what is shown on the plat. There are approximately ten different plats in Bridgewood and Staff reviewed each to determine what could be changed. Rear yards were able to be adjusted because usually they weren't indicated on the plats. This will allow residents to add on a deck. It is believed that 20 years ago when the site was developed, there were no regulations for footprint lots as long as the structure was built within the footprint box. There is a need now to adjust due to current regulations. Mr. Portz illustrated an example using the sketch and noted there were additional examples in the Staff Report.

Chairperson Andersen asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Conlin, the Plan and Zoning Commission approved a resolution recommending the City Council approve the PUD amendment.

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

Item 2b – Amendment to City Code – Title 9, Zoning, Chapter 7, Setback and Bulk Density Regulations, to modify when the Average Front Yard Setback requirement is applied – City Initiated - AO-004874-2020

Chairperson Andersen 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 **October 3, 2020**.

Chairperson Andersen 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 Southworth, seconded by Commissioner Crowley, 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: Andersen, Conlin, Costa, Crowley, Hatfield, Southworth.....Yes
Drake.....Absent
Motion carried.

Lynne Twedt, Development Services Director, informed that this amendment is being proposed to assist homeowners proposing to construct additions with lots where they really are not impacting their neighbors and certain criteria are met. Director Twedt provided examples to illustrate the regulation and when the exception would and would not apply.

Commissioner Costa asked if other communities have gone to an averaging measurement as we are. Director Twedt responded that the averaging measurement is common, but not the exception clause.

Chairperson Andersen asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission approved a resolution recommending the City Council approve the PUD amendment.

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

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Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

There were three New Business items.

Item 4a – Panera Bread, 6740 University Ave – Approval of modification to site and building to accommodate implementation of a drive-through – SLB Real Estate Investors of DM, LLC – MML2-004780-2020

Joel Jackson, Bishop Engineering, 3501 104th St, Urbandale, summarized their project for a small building addition to house a drive-through for a Panera restaurant. With the proposal, they are requesting a reduction in parking stalls to accommodate the drive through, with the potential to add more parking as needed in the future.

Commissioner Crowley asked the stacking capability of the parking. Mr. Jackson responded that there will be 11 stalls. He noted that this is different from a McDonald's, as there would only be anticipated to have a couple cars at a time using the drive-through. Additional cars might be wrapped around the building in the ordering area.

Director Lynne Twedt responded to the question, stating the City requires 11 queuing stalls, and Staff agree with Mr. Jackson that users may occasionally block a few of the existing parking spaces, however it is unlikely that the 11 queuing would be in use at the same time. If the restaurant ever changed to a different chain, the parking and drive-through would be reviewed again. This store is located within an office area. Staff recommends waiving of 7 parking stalls and are willing to let them operate until it is shown that they are needed as conditioned on the agreement. The addition will match the existing building seamlessly, and Staff recommend approval with condition of deferring the parking stalls.

Commissioners Costa noted that he agrees not to want more parking than necessary, however he's visited this store and had issues finding parking, therefore he asked what the triggers would warrant adding parking. Director Twedt mentioned that several types of triggers exist such as the daycare next door complain if their parking is being used, Code Compliance notice issues, or parking on grass.

John Catalano, SLB Real Estate Investors of DM, LLC, 1241 Park Place NE, Ste C, Cedar Rapids, stated that what they have seen in other stores is the reduction in the level of the parking required because of the drive-through. A number of parking stalls formerly used by dine-in patrons or using rapid-pickup and curbside will now be made available as those drivers use the drive-thru.

Commissioner Costa expressed his support of the project as a benefit to the City.

Chairperson Andersen asked if anyone from the audience would like to speak to this item, seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission approved a resolution recommending approval of the modification to site plan, subject to the following condition:

1. The City Council deferring the installation of seven (7) parking stalls of the seventy-seven (77) required by Code until such time that patron or employee parking on the grass or other non-designated parking areas occurs or parking off-site is occurring due to the lack of available parking stalls. At the time when the existing parking is not sufficient to accommodate the patrons and employees, the City reserves the right to provide the applicant notice to increase the number of parking stalls. The applicant will be required to provide the additional parking spaces in accordance with City regulations within the first available construction season. Prior to implementation of

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additional parking to satisfy the deferred parking stalls, the applicant shall submit for approval a Minor Modification Level 1 Site Plan to the City identifying only the location and engineering details for the stalls to be constructed.

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

Item 4b – Erik’s Bike Shop, 950 1st Street – Construction of a 7,500 square foot retail bike store – EBS Property Iowa, LCC – SP-004862-2020

Ben Peters, Appro Development, 21476 Grenada Ave, Lakeville, MN, stated he was representing Erik’s Bikes on this project and was available for questions.

Development Coordinator Schemmel inserted that the site plan and elevations were available to show on screen. Mr. Peters continued explaining that the current store location is being moved as the City widens a street. This new lot is being developed in the Val-Gate area, which has an allowance for Doo-Wop architecture which is being incorporated into this project.

Brian Portz, Development Services Planner, referred to the site plan onscreen and noted the access points, shared with Val Lanes. He pointed out the reconstruction on Grand Avenue would create the need for a secondary road as a second access point to this site and other adjacent properties. There is an agreement for shared access and parking with Val Lanes. There is a condition of approval for water easements to be executed by the applicant. Closing on the property this week or next prevents Erik’s from signing the water easements at this time. Staff recommends that the condition of approval be amended that they provide those signed easements prior to being issued a building permit for the site.

Chairperson Andersen asked if anyone from the audience would like to speak to this item, seeing none, asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission approved a resolution recommending approval of the Site Plan, with the following condition:

1. The applicant shall submit signed water main easement documents to the West Des Moines Water Works prior to any building permits being issued for the site.

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

Item 4c – Des Moines University, 8025 Grand Avenue – Phased site plan approval to allow for private utility installation – Des Moines University Osteopathic Medical Center – SP-004801-2020

Mark Peiffer, Des Moines University Osteopathic Medical Center, 8025 Grand Ave, Des Moines, requested approval of phased site plan to allow for installation of private utilities. Final details of paving, building locations, elevations and landscaping will be reviewed with the next site plan review. He noted that his consultant was present for questioning.

Brian Portz, Development Services Planner, stated he had nothing further to add but would respond to any questions the commission might have.

Chairperson Andersen asked if anyone from the audience would like to speak to this item, seeing none, asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approved a resolution recommending approval of the Site Plan, subject to the following conditions:

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1. Any and all site improvements done prior to City approval of a subsequent amendment to the West Grand Business Park PUD to define all development details and full site plan approval shall be at the property owner's own risk.
2. This site plan approval shall only allow for private utility construction. No building permits for buildings, including footing and foundations, shall be permitted until the Phase 2 site plan is approved by the City Council.
3. Prior to the City Council meeting on October 19, 2020 to consider this phased site plan request, Des Moines University shall submit a signed letter acknowledging responsibility to some degree for future improvements along Booneville Road, including utilities as required.
4. Prior to the City Council meeting on October 19, 2020, to consider this phased site plan request, Des Moines University shall submit executed Storm Water Management Facility Maintenance Agreement, an agreement and waiver for their share of the future widening of S. Jordan Creek Parkway, Grand Avenue and S. 88th Street, a traffic signal agreement for the applicant's participation in the installation of future traffic signals at the full access points to the development from Grand Avenue and a warranty deed for dedication of right-of-way along Booneville Road.

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

Item 5 – Staff Reports

The next meeting is scheduled for Monday, October 26, 2020.

Item 6 – Adjournment

Chairperson Andersen adjourned the meeting at 6:05 p.m.

Erica Andersen, Chairperson

Recording Secretary