

PLAN AND ZONING COMMISSION

PZ AF 05-10-2021

Chairperson Andersen called the regular meeting of the Plan and Zoning Commission to order at 5:31 p.m. on Monday, May 10, 2021, 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, Davis.....Present
Drake..... Absent

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of April 26, 2021

Chairperson Andersen asked for any comments or modifications to the April 26, 2021 minutes.

Moved by Commissioner Conlin, seconded by Commissioner Crowley, the Plan and Zoning Commission approved the April 26, 2021 meeting minutes.

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

Motion carried.

Item 2 – Public Hearings

There were 2 Public Hearing items.

Item 2a – Ordinance Amendment, Amend Title 9 (Zoning), Chapter 16 (Temporary Use Permits) to add parameters for temporary Drive-In Theatres – City Initiated – AO-005123-2021

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 May 1, 2021.

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, Davis.....Yes
Drake.....Absent

Motion carried.

Bryce Johnson, Development Services Planner, summarized the request. Drive in theatres are allowed on a permanent basis with approval by the Board of Adjustment. This amendment allows temporary use for drive-in theatres. Planner Johnson noted visibility screening requirements, hours of operation, and seasonal limitations. He noted that the use will be

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allowed in non-residential areas, however exceptions are allowed up to four times per year for churches and schools located in residential zoning districts.

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 Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approved a resolution recommending the City Council approve the ordinance amendment.

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

Motion carried.

Item 2b – Ordinance Amendment, Amend Title 9 (Zoning), Chapter 3 (General Zoning Provisions) to modify regulations pertaining to the use of legal non-conforming buildings or structures – City Initiated (AO-005143-2021)

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 April 30, 2021.

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 Conlin, 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, Davis.....Yes
Drake..... Absent

Motion carried.

Lynne Twedt, Development Services Director, informed that this city-initiated change is proposed to allow properties with a non-conforming use to continue their non-conforming status with a new use as long as certain conditions are met. Code is being amended to allow review of the proposed use, and conditions have been established to determine impact to the surrounding area including changes in light, noise, odor, hours of operation, increase in traffic or demand on public services, Current code does not allow non-conforming status for a new use, following the vacation of use at a property, however Legal precedent has been established which does allow this type of request under specific and approved circumstances.

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 ordinance amendment.

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

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Motion carried.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

There were six New Business items.

Item 4a – Des Moines Golf & Country Club, 1600 Jordan Creek Pkwy – Approve Major Modification to Site Plan to allow additions and renovations to the clubhouse – Des Moines Golf & Country Club – MaM-005017-2021

Kelsey Vetter, Farnsworth Group, 14225 University, Waukee, explained the project to add to and renovate the clubhouse. She provided elevations and aerial drawings. Ms. Vetter summarized the materials to be used, which will match the existing structure.

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 Conlin, the Plan and Zoning Commission approved a resolution recommending approval of a major modification to a site plan, subject to the following condition:

1. The applicant removing the existing drive connection from 88th Street, including the removal of all gravel and pavement within the site and ROW and restoring the ROW to city standards prior to issuance of a Final Occupancy Permit for the building addition.

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

Motion carried.

Item 4b – Lots 3 & 4 All-State Industrial – 1690 and 1730 All State Court – Approve Site Plan to allow construction of two 2-story buildings – Next Phase Development, LLC – SP-004641-2020

Kara Tragesser, Development Services Planner, informed that she was speaking on behalf of the applicant. The proposal is to add two buildings to a general industrial site. Council approved the phased site plan for this project June 2020 and the final site plan is now being presented for approval. Planner Tragesser provided drawing showing landscaping and elevations for the new buildings.

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

1. That a cross access easement be executed to provide access and ingress/egress over the common drive between Lots 2 and 3, All-State Industrial Plat 1, prior to receiving a final occupancy permit.

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

Item 4c – Triple J Logistics LLC, 1800 Industrial Circle – Approve a Phased Major Modification to a Site Plan to allow footings, foundations, grading, and private utility construction – Triple J Logistics, LLC FNA i2 Technologies – MaM-004970-2020

Michael Wahlert, Bishop Engineering, 3501 104th Street, Urbandale, informed that he is the Civil Engineer for the applicant. The applicant needs to expand their operations and so are presenting a site plan modification for approval. The proposal includes 45,000sf of addition to the warehouse. As this is a major thoroughfare for water to get to Jordan Creek, so infrastructure will be improved to facilitate that. At this time, they are ready to construct footings, foundations and utilities while finalizing other site plan details.

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 a major modification to a site plan, subject to the following condition:

- 1. A final storm water pollution prevention plan (SWPPP) be accepted by the City, prior to commencing grading.

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

Item 4d – Cardinal Lofts (fka The Lofts on 88th), 435 S 88th Street – Approve Major Modification to Site Plan to allow the addition of two 8-bay detached garage buildings and future surface parking stalls – The Lofts on 88th, L.L.C – MaM-005011-2021

As the applicant was delayed in joining, Piper Mauck, Development Services Intern, provided an overview of the project to add two garage buildings and 35 surface parking stalls. The applicant has worked with staff to make sure the architecture complements the existing structures in materials and color. She noted there is a condition on the approval that a minor modification would be required prior to implementation if the layout of the surface stalls differs from what is shown in the application.

Jared Murray, Civil Design Advantage, 3405 SE Crossroads Drive, Ste. G, Grimes, joined the meeting and agreed with Ms. Mauck’s comments, adding that he was available if anyone had any questions.

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

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1. The property owner providing advance notice to the City of intended construction and obtaining all necessary permits and inspections associated with the installation of future surface parking stalls approved as part of this Major Modification. If the layout or details of the surface stalls differ from that shown and approved as part of this Major Modification, the submittal, review, and approval of a Minor Modification application will need to occur prior to implementation.

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

Item 4e – First National Bank, 301 5th Street – Approve Site Plan to allow construction of a new bank building – First National Bank, Ames Iowa – SP-004650-2020

Matt Coen, RDG Planning & Design, 301 Grand Avenue, Des Moines, informed that he was representing First National Bank, and noting that Dean Whitaker was also on the call. The project is to replace an existing bank which is undergoing demolition. Mr. Coen provided drawings and pointed out the bank is being relocated closer to the front of the property in keeping with other buildings in the adjacent Valley Junction area, the scale is in keeping with the 5th street corridor and the façade is planned to fit into the 3rd street architecture.

Lynne Twedt, Development Services Director, summarized the two conditions of approval and stood for questions.

Chairperson Andersen asked if anyone from the audience would like to speak to this item.

Ralph Haskins, 729 5th Street, stated that the building should reflect the character and nature of Historic Valley Junction, and that he believed the proposal looked too modern. He noted that he was representing his neighborhood association in stating that they would like to see historical relevance in the materials, colors, and shading.

Nick Waage, 136 3rd Street agreed with Mr. Haskins, and said the building would look great if it were located over by Jordan Creek Parkway, but that they preferred the building to look similar to those on 1st and 2nd Street in Valley Junction.

Chair Andersen asked Staff for the result of the City Council workshop on Valley Junction this past week. She asked if the discussion regarding working together on materials and design did not apply to this project as it was already proposed. Development Coordinator Schemmel responded that the result of the Council workshop was to provide an outline of the next steps. The intent it to look at hiring a consultant to help flesh out what the expectations are in the district, to identify any other historic properties we feel would need to be looked at for protection, and put some framework for additional zoning regulations on bulk and uses. This process will take a while. This specific building was not included in the moratorium for any demolition or exterior changes. This building is also not included in the historic district. This building is picking up elements of quite a few mid-century buildings which are in the district, especially in the 200 and 300 blocks, and is pulling some of the materials from those particular buildings. When that historic district was established, they did identify mid-century modern as one of the representative styles for the historic district. Staff believe there’s enough mid-century modern in the area to model after this style.

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Chair Andersen commented that she understands the mid-century style, however she believes the light-colored stone will make the building stick out right on the corner. Ms. Schemmel noted that in the Staff Report it was pointed out that there are several mid-century and turn of the century buildings in the area which use the same buff or cream color material.

Mr. Coen responded to the comments regarding the buff color of the materials by noting a number of structures in the Valley Junction community utilizing the same color and material, including the historic First National Bank, the historic post office and fire station, the building directly across the street and one on the opposite corner with similar scale.

Following Public Comment, Chair Andersen asked for continued discussion among the Commissioners or a motion.

Commissioner Hatfield commented that the materiality as presented by the architect is complementary to other facilities across the street and down the street, and he believes its going to be a beautiful building, therefore he moved for approval.

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:

1. The applicant providing remaining site development and architectural material details prior to issuance of a building permit for above ground construction. Additionally, the applicant acknowledging that all remaining Wet Des Moines Water Works review comments must be addressed prior to the water tap for the project.
2. All permits for the closure of public streets, alley and sidewalks be obtained prior to closure.

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

Item 4f – Valley Junction Mixed, Use, 304 5th Street – Approve Site Plan to allow construction of a 10,559 gross square foot mixed use structure – Junction Development Catalyst, LLC – SP-005043-2021

Daniel Willrich, Pelds Design Services, 2323 Dixon Street, Des Moines, presented a summary of the mixed-use project planned for 304 5th Street. Scott Cutler, 304 5th Street, added comments specific to the use of materials and intent to incorporate massed lumber for a carbon negative modern building, with metal exterior which mimics wood but is more durable. He noted that the matte-finished metal will have a pattern and will not be shiny or rust colored. Slate will be used as an additional exterior finish, intending to mimic brick, and in keeping with historical materials. He noted that they have been awarded a Wood Innovations grant by the US Forest Services for having an Environmentally friendly design. This is the first project in Iowa to receive this distinction.

Bryce Johnson, Development Services Planner, informed that there are six conditions of approval, and briefly summarized those.

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Chair Andersen questioned the requirements for parking. Planner Johnson responded that there are no parking requirements for properties within the Historic Valley Junction Business District. Chair Andersen questioned whether that was consistent with buildings in the adjacent area. Director Twedt responded that the Ryan Wiederstein building across the street has chosen to provide some parking along the back alley, however Code does not require it.

Chair Andersen questioned whether this also meets the mid-century modern design standards. Development Coordinator Schemmel noted that the design is not planned to be turn of the century or mid-century modern, but rather is a modern building continuing the story of Valley Junction through different time periods. With new construction, the intent is to not tell a false story of history, but rather to incorporate a design that appears to support and not take away from the surrounding structures.

Chairperson Andersen asked if anyone from the audience would like to speak to this item.

Nancy Earll, 224 7th Street, stated she is the owner of Nan's Nummies. She voiced concerns that the building doesn't look like the rest of Valley Junction, the three-story design doesn't fit, the lack of parking would hurt her business, and she was concerned about whether there would be adequate dumpsters. She voiced a preference for retail use rather than residential and office. She asked if there would be handicapped parking.

Renae Johanningmeier, 612 Walnut Street, agreed that three story buildings are too tall for Valley Junction, and noted that they could create a safety hazard for traffic site lines. She questioned the lack of required parking and asked the City to re-examine the need for parking with the development adding residents to the area. She voiced concern that the lack of parking would hurt the retail area. Ms. Johanningmeier referenced an earlier Master Plan which residents had helped to craft, designed to revitalize upper stories of existing retail buildings, and stating that this new construction replacing existing buildings was not what had been envisioned.

Mark Veiock, 801 37th Street, stated he had moved to the area in 1970 and helped renovate 16 buildings. At the time, parking needs were addressed and worked well. His main concern with the new project was parking. He felt the problems from 25 years ago would return. He concluded that they wanted to maintain a hometown atmosphere.

Doug Roberts, 112 S 33rd Street, noted that he supports change and improvement, and noted that he likes the new building. He pointed out that the City established the rules, and the developer was working hard to meet those requirements. He pointed out that there is plenty of parking behind the buildings. He stated that he thought the building is tasteful, and that it's not easy to meet the requirements and also fit a historic area.

Jonas Cutler, 204 Holiday Circle, asked for clarification regarding the number of apartment units in the building. He stated that the slate might go quickly out of style, as wood interiors have in the past, and believed it will look too different from what is in the area now. He was concerned that the funds to enable this project were coming from grants and tax money from his pocket.

Nancy Earll, 224 7th Street, added comments supporting the design of St. Kilda's, Cat Café, and the Winchester building, stating they were all well done, and noting that she was not against a two-story building. She concluded that she would prefer to see brick used on the exterior.

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Sara Kehlenbeck, 602 5th Street, stated she's been part of the area since 1972 and loves Valley Junction. She was appreciative that Mr. Cutler dropped the use of the rust metal but was very concerned that parking is already a problem for business owners and needs to be addressed. She stated her concern for the impact of parking on Nan's business and added that Valley Junction is not like East Village in Des Moines.

Ralph Haskins, 729 5th Street, stated that on-street parking is not allowed between 2 AM and 5 AM. He asked where the residents of the apartments would park at night, and during snow bans. He voiced a concern about the use of community dumpsters. He questioned the potential for more residential homes being torn down to accommodate parking, as was done across the street. He concluded that the mixed-use buildings don't have the same use as existing buildings and so have different demands on the neighborhood. Mr. Haskins added that the buff colored stone for the bank doesn't fit the area.

Nick Waage, 136 3rd Street, commented on the TIF set up to get current businesses fixed up, which failed miserably. He stated he didn't have a problem with the project but didn't believe it was a good fit for Valley Junction, which has historically been small single-story businesses and residences. He noted a height decrease in buildings from 1st to 3rd Street, adding that 3rd Street is a transition block. Putting a three-story building on 3rd Street with windows facing south, is too big for the block.

Michelle Brobst, 328 4th Street, expressed concerns about housing being removed for parking, people blocking her only access to her home which was through an alley, the glare from windows of the tall apartment building adjacent to her home, and trash blowing into her yard from the new dumpster. She stated that one dumpster for both a restaurant and apartments is not enough.

Brenda Clausman, 136 3rd Street, asked what happened to the Master Plan of 2016 which residents assisted to draft, and why it seemed to disappear. She questioned why another consultant was being hired when the first Plan was ignored. Ms. Clausman stated that this development didn't fit that Master Plan and concluded that parking is a problem.

Matt Hauge, Historic Valley Junction Board, 137 5th Street, stated the Board had received a presentation from Mr. Cutler and provided written comments in response to it. He asked if the Commission had any questions regarding those comments. Commissioner Hatfield responded that the report had been very thorough.

Planner Johnson responded to the question about apartments, stating there would be 11 apartments.

Chair Andersen asked for a response to the question regarding handicapped parking. Development Coordinator Schemmel replied that there is handicapped parking within two blocks of the site, however there were none dedicated to this building. She added that there is overnight parking allowed on several lots nearby, and that parking studies have concluded that there is plenty of parking within Valley Junction. Ms. Schemmel also responded to the dumpster question, stating that the building will have its own private dumpster and will not take part in the community dumpster program.

Chair Andersen questioned whether the study looked at capacity with the inclusion of residential use, and impact on business use. Ms. Schemmel responded that parking was assessed with the Master Plan and it was determined to be sufficient to support Valley Junction. With the

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moratorium, and some changes in use, there is context to support looking at this. The project is reviewed under current regulations, and not future regulations, and if it meets the current requirements, the City has no reason to say the project can't move forward. There will be further discussion going forward, however the two projects before the Commission tonight need to be evaluated according to current Code requirements.

Commissioner Crowley stated its difficult, but the developer has gone through quite a bit of work and expense to get this project done with the rules of the current Valley Junction building code, and so made a motion to approve the project as presented.

Commissioner Conlin inserted that he recognizes the passion of the residents in the room for their community, and his hope going forward is that we can continue to work together to make sure all the stakeholders at the table are heard, but that with the current regulations as they stand now, we are compelled to move this project forward, and he seconded the motion.

As there were no further comments from the audience, Chair Andersen asked for continued discussion among the Commissioners or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Conlin, to recommend site plan approval by the Plan and Zoning Commission, with the following conditions:

1. Prior to issuance of any building permit, the applicant providing to the City copies of executed construction easements for off-site activities and a construction staging plan identifying on-site and off-site areas for staging of construction materials and equipment, contractor parking and areas of the public street, alley or sidewalk that will be barricaded for construction.
2. All permits for the closure of public streets, alleys and sidewalks be obtained prior to closure.
3. The applicant providing the executed Parkland Dedication Agreement prior to the issuance of a building permit for above ground construction and implementation of the agreed upon improvements prior to issuance of any occupancy permits, including temporary occupancy permits for either the commercial or any dwelling unit.
4. The applicant continuing to work with staff on the screening of the mechanical equipment, with an acceptable solution determined prior to issuance of any building permit.
5. Providing an executed water easement prior to City Council approval.
6. Providing executed sanitary sewer easements for the subject property and the adjacent property to the south if needed, and the executed storm sewer easement on the subject property prior to issuance of any building permit.

Vote: Conlin, Costa, Crowley..... Yes
Andersen, Davis, Hatfield.....No
Drake..... Absent

Motion failed.

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Development Coordinator Schemmel informed that the Commission could modify the motion or let it stand.

Director Twedt informed that the item would be presented at City Council on May 17, 2021, and that per the City Attorney, it would not require a supermajority to pass.

Chair Andersen asked if there was an additional motion. No motions were presented.

Dissenting comments were provided by Commissioners Andersen, Davis, and Hatfield.

Chair Andersen stated that she did not believe the size of the building was appropriate for the area, next door to a single-story home. Businesses in the area had gone through recent renovations which would last for the next 30 years before more change would occur. She added that the proposal might meet the requirements today, but the project just doesn't fit right there.

Commissioner Davis stated that her concern was with the aesthetics. She felt it should have more on a conforming look with the remainder of that street. The exterior could conform better, with different materials. Ms. Davis stated that the developer across the street did a beautiful job with his three-story building, and that the building heights throughout Valley Junction vary, so that was not a concern.

Commissioner Hatfield commented that everybody's hit on similar concerns with scale, aesthetics, parking problems, and a parking study should have maybe been done prior to some of these projects moving forward, but we don't have that luxury.

Commissioner Costa commented that it is the Commission's responsibility to decide a matter based on the existing Code, and not with respect to changes that may take place in the future or based on public opinion. He believed the project meets the current regulations. Commissioner Conlin agreed with Commissioner Costa's comments.

Item 5 – Staff Reports

The next meeting is scheduled for Monday, May 24, 2021.

Item 6 – Adjournment

Chairperson Andersen adjourned the meeting at 7:04 p.m.

Erica Andersen, Chairperson

Jennifer Canaday, Recording Secretary