

PLAN AND ZONING COMMISSION

PZ AF 05-24-2021

Vice Chair Drake called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, May 24, 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: Conlin, Crowley, Drake, Hatfield, Davis..... Present  
Andersen, Costa.....Absent

**Item 1- Consent Agenda**

Item 1a – Minutes of the meeting of May 10, 2021

Vice Chair Drake asked for any comments or modifications to the May 10, 2021 minutes.

Moved by Commissioner Conlin, seconded by Commissioner Hatfield, the Plan and Zoning Commission approved the May 10, 2021 meeting minutes.

Vice Chair Drake declared the minutes approved as read.

**Item 2 – Public Hearings**

There were 3 Public Hearing items.

**Item 2a – Village on Jordan Creek PUD, SW Corner Jordan Creek Parkway and Ashworth Road – Amend Comprehensive Plan Land Use Map and Amend Village on Jordan Creek Planned Unit Development Ordinance to designate and regulate Support Commercial within development Parcel A and modify Parcel B from RM-8 to RM-12 for medium density residential development – Jordan Creek Associates, LLC – CPA-005061-2021/ZC-005062-2021**

Commissioner Crowley recused himself from this item.

Vice Chair Drake 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 18, 2021.

Vice Chair Drake 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 Hatfield, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

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

Motion passed.

John Lassaux, Jordan Creek Associates, 805 City Center Drive #160, Carmel, IN, summarized the application to rezone the property for mixed use development. The four-story building will include a two story 15,000sf restaurant, 199 rental housing units, with additional 8,000sf space for commercial lease and wrapped parking. He presented a visual of the proposed site plan. Development Coordinator Schemmel inserted that the current proposal did not include the site plan, which will be presented at a later date, but was specifically a review of the comp plan amendment and rezoning.

Karen Marren, Development Services Planner, added the comp plan amendment would allow the use to be support commercial which will allow the mixed-use development including both residential and commercial. Ms. Marren showed a visual combining Parcels A and B, with the change to support commercial. On Parcel D, the zoning was RM-8 which was previously set to accommodate a senior living facility project which has since then withdrawn. Staff recommend changing this zoning to RM-12, to allow greater flexibility with this site. A concept site plan was viewed for general orientation but was not to be voted on at this time as it is still under review. An east west connector is included to connect 76<sup>th</sup> Street over to Jordan Creek Parkway. Density will be adjusted with this PUD, increased from 80,000sf to accommodate this multi-use building. Planner Marren explained the setback and parking requirements for a 4-story building. The applicant has requested a reduction in parking for the PUD. Staff provided a review based on recent research and recommended reducing the restaurant parking but not the residential. Staff recommend alignment of parking with the current averages and allow a potential deferral of parking with the site plan to add parking as needed at a later time. The applicant requested change from the buffering requirements, particularly along the south, with elimination of the fence. Staff therefore request that the berm height be increased, and landscaping still required.

Vice Chair Drake asked if anyone from the audience would like to speak to this item.

Shawn Leisinger, 7755 Aspen Drive questioned when the access road would be completed, asserting that the adjacent residents would prefer that construction trucks not come through their neighborhood. He asked if the connection road could be delayed until the whole parcel was developed. He questioned why the proposed included a zoning change from MR-8 to MR-12 when there was no development proposal at this time. He expressed concern for the impact of this development to the residential neighborhoods to the west and south of the site.

Planner Marren responded that occupancy for the building could not allowed until 76<sup>th</sup> Street is complete, but regarding the construction vehicles, they would look to the applicant to put some measures in place to try to alleviate the impact on the neighboring residential area. Regarding the RM-8 to RM-12, Parcel D needed to be changed to

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remove the senior living requirement, and the density change could be left up to the Commission, whether to increase to RM-12 or leave as RM-8.

Mr. Leisinger stated his opposition to the increase in density, particularly with the increase in density with Parcels A and B. He asked if the connection to 76<sup>th</sup> Street could be delayed until the entire development was complete, as there are two access points from the north and east.

Traffic Engineer Petersen stated they've had some discussion regarding this and are still working out the details with the applicant. He noted one solution proposed was to have a temporary right in/right out access onto Jordan Creek Parkway to get construction vehicles onto the site without having them navigating the sharper turns from Aspen or 76<sup>th</sup> Street.

Vice Chair Drake inserted that the items being discussed would be addressed with the site plan and could be discussed following the meeting.

Mr. Leisinger asked about location of stop signs. Mr. Petersen responded that there would be a North/South sign at 76<sup>th</sup> and Aspen, however with future growth, it was not anticipated that there would be a need for a four-way stop.

Vice Chair Drake asked if anyone else would like to comment; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Conlin, the Plan and Zoning Commission approved a resolution recommending the City Council approve the amendment to the comprehensive plan land use map.

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

Motion passed.

Moved by Commissioner Hatfield, seconded by Commissioner Conlin the Plan and Zoning Commission approved a resolution recommending the City Council approve the amendment to the planned unit development and retain the density at RM-8.

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

Motion passed.

**Item 2b – Microsoft DSM 14, East of Veterans Parkway at SE Maffitt Lake Road – Amend the Comprehensive Plan Land Use Map from Office, Open Space and Highway Commercial to Light Industrial and amend the Zoning Map to**

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**consistency zone the property to Light Industrial zoning – Microsoft Corporation  
– CPA-005115-2021/ZC-005116-2021**

Vice Chair Drake 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 18, 2021.

Vice Chair Drake 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: Conlin, Crowley, Drake, Hatfield, Davis..... Present  
Andersen, Costa.....Absent  
Motion passed.

Ryan Hardisty, Civil Design Advantage, 3405 SE Crossroads Drive Ste G, Grimes, on behalf of Microsoft Corporation, summarized the request to amend the comp plan and rezoning for a Microsoft data center project.

Brian Portz, Development Services Planner, added that the applicant is proposing four buildings on the site along with a MidAmerican Energy substation. As part of the project, SE Maffitt Lake Road will be vacated and ultimately removed from the site.

Vice Chair Drake 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 Hatfield, the Plan and Zoning Commission approved a resolution recommending the City Council approve the amendment to the comprehensive plan land use map.

Vote: Conlin, Crowley, Drake, Hatfield, Davis..... Present  
Andersen, Costa.....Absent  
Motion passed.

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

Vote: Conlin, Crowley, Drake, Hatfield, Davis..... Present  
Andersen, Costa.....Absent  
Motion passed.

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**Item 2c – Majestic Oaks, NE corner of Stagecoach Drive and S Kingswood Court – Amend the Majestic Oaks Planned Unit Development Ordinance to remove Outlot Z, Amend the Zoning Map to reestablish zoning of Residential Single-Family (R-1) on the ground contained in Outlot Z and revise the setbacks indicated for Lot 14 within the PUD – Majestic Land Company LLC – ZC-005048-2021**

Vice Chair Drake 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 18, 2021.

Vice Chair Drake 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 Hatfield, 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, Crowley, Drake, Hatfield, Davis..... Present  
Andersen, Costa.....Absent

Motion passed.

Jared Murray, Civil Design Advantage, 3405 SE Crossroads Drive Ste G, Grimes, summarized the request to remove Outlot Z and rezoning to R-1 for consistency with the Neff Property being development to the east. He stated these outlots would be added to the parcel and used for small residential lots in the future.

Bryce Johnson, Development Services Planner, added that the proposal includes reducing the rear yard setbacks for Lot 14 from 40 feet to 35 feet.

Vice Chair Drake 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 Conlin, the Plan and Zoning Commission approved a resolution recommending the City Council approve the amendment to the Planned Unit Development Ordinance.

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

Motion passed.

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

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

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Motion passed.

**Item 3 – Old Business**

There were no Old Business items to address.

**Item 4 – New Business**

There were 5 New Business items.

**Item 4a – Oaks on Grand, 5725, 5745, & 5785 Raccoon River Drive – Approve Preliminary Plat to create 2 lots for Office development and 2 street lots and approve a Phased Site Plan to allow implementation of footings, foundations and private utilities for the construction of an office building – JCP Equity, LLC – PP-005027-2021/SP-005028-2021**

Brandon Schulte, DCI Group, 220 SE 6<sup>th</sup> Street, Des Moines, presented the site plan and noted the location. He noted there will be 2 buildings on lot 1 and 1 building on lot 2. One building on Lot 1 will be constructed at this time. Parking and grading plans were presented. He concluded with the intent to phase the site plan approval.

Brian Portz, Development Services Planner, explained that when this property was created with a plat of survey, there was a condition of approval that they go through the City’s preliminary plat/final plat process prior to development of the site. That condition was amended and approved by Council on May 17 to allow for footing and foundation and private utilities only prior to recording of the final plat. The project will come back for full site plan approval with a final plat to Plan & Zoning Commission and Council at a later date.

Vice Chair Drake 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 preliminary plat and phased site plan, subject to the following condition:

1. This approval allows for issuance of a building permit for footings, foundations, and private utilities. Full site plan approval and allowance of above ground construction of the building shall not be allowed until the associated final plat for the site has been approved by the City Council.

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

Motion passed.

**Item 4b – Microsoft DSM 40, 11100 Booneville Road – Approve a Preliminary Plat to create 2 lots for Industrial development and Approve a phased Site Plan to allow implementation of footing and foundations, private utilities and associated**

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**electric substation related to the construction of a data center building – Microsoft Corporation – PP-005066-2021/SP-005041-2021/SP-005117-2021**

Ryan Hardisty, Civil Design Advantage, 3405 SE Crossroads Drive Ste G, Grimes summarized the request for a preliminary plat and site plan for a data center and associated MidAmerican Substation. He noted that they are in agreement with all staff conditions. Final site plan approval will be requested with the final plat.

Brian Portz, Development Services Planner, added that this is also a phased site plan as a condition of approval with the plat of survey. He noted that there are still some staff comments on the building itself which will be addressed before the final site plan.

Vice Chair Drake 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 preliminary plat and site plan, subject to the following conditions:

1. The applicant acknowledging and agreeing that this approval only allows for issuance of a building permit for footings, foundations, private utilities, and the electric substation. Full site plan approval and allowance of above ground construction of the data center building shall not be allowed until the associated final plat for the site has been approved by the City Council. The applicant further acknowledging that proceeding with site improvements prior to full site plan approval is at th applicant’s own risk and the site must comply with the approved full site plan. Any changes necessary to improvements installed ahead of full site plan approval will be the financial responsibility of the applicant with no City reimbursement of expenses due to required site changes.
2. The applicant acknowledging and agreeing that this Preliminary Plat and phased Site Plan approval, and subsequent allowance of proceeding for full site plan approval is conditioned upon successful execution of the Water Services Agreement with West Des Moines Water Works as determined by West Des Moines Water Works prior to final plat consideration by the City Council.
3. The applicant continuing to work with City Staff on the remaining site plan comments.

Vote: Conlin, Crowley, Drake, Hatfield, Davis..... Present  
Andersen, Costa.....Absent  
Motion passed.

**Item 4c – The Preserve Estates Plat 2, West side of SW Grand Prairie Parkway, south of the Raccoon River – Approve a Preliminary Plat to create 26 lots for**

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**Single Family Residential development, 3 outlots and 1 street lot – Raccoon River Land Development Co, LLC – PP-005025-2021**

Aimee Staudt, Knapp Properties, 5000 Westown Parkway, #400, West Des Moines, summarized their request to build 26 single family lots. The outlots will include stormwater detention; one lot will be a cultural resource that needs to be maintained. She believes they've worked through all the issues with staff.

Brian Portz, Development Services Planner, stated he had nothing to add but was available for questions.

Vice Chair Drake 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 preliminary plat, subject to the following condition:

1. No building permits, including footing and foundation permits, for any dwelling within the subdivision shall be issued for this plat until the associated final plat has been approved by the City Council and recorded with Dallas County.

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

Motion passed.

**Item 4d – West Lakes Office Park, Plat 15, SW corner of University Avenue and 71<sup>st</sup> Street – Approve a Preliminary Plat to create 2 lots for Commercial development – Fore Right LC and West Lakes Commercial LLC – PP-005049-2021**

Kent Zarley, Civil Engineering Consultants, 2400 86<sup>th</sup> St. #12, Urbandale, informed that on the western third of the parcel, they are planning to separate that for a bank, and the eastern portion will be reserved for future development. A regional detention center will be located in the northeast corner of the future lot and will serve the entire development.

Bryce Johnson, Development Services Planner, stated he had nothing to add to this item.

Vice Chair Drake 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 preliminary plat, subject to the following condition:

1. The applicant acknowledging and agreeing to provide all information required



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of the Storm Water Pollution Prevention Plan (SWPPP) and receiving City sign-off prior to the City Council's consideration of this Preliminary Plat.

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

Motion passed.

**Item 4e – Chase Bank Site Plan, 7160 University Avenue – Approve Site Plan to allow construction of a commercial bank – Fore Right LC and West Lakes Commercial LLC – SP-005050-2021**

Kent Zarley, Civil Engineering Consultants, 2400 86<sup>th</sup> St. #12, Urbandale, indicated this would be a small branch bank for Chase, and noted that the architect was also online if there were questions about the architecture. He noted they are in agreement with all staff comments and conditions.

Bryce Johnson, Development Services Planner, reiterated that the applicant would address any outstanding site plan comments prior to review by City Council.

Vice Chair Drake 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:

1. The applicant addressing all site plan review comments to staff's satisfaction prior to City Council consideration of this site plan.
2. No occupancy permits, including temporary occupancy shall be issued for this bank building until the associated final plat has been approved by the City Council and recorded with Dallas County.

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

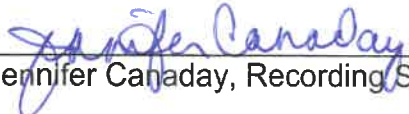
Motion passed.


**Item 5 – Staff Reports**

The next meeting is scheduled for Monday, June 14, 2021.

**Item 6 – Adjournment**

Vice Chair Drake adjourned the meeting at 6:22 p.m.

  
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Jennifer Canaday, Recording Secretary

  
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Jennifer Drake, Vice Chair  
Erica Andersen,  
Chair