

**CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
Council Chambers**

Monday, February 21, 2022

**Attending:**

Council Member Doug Loots  
Council Member Renee Hardman  
City Manager Tom Hadden  
Deputy City Manager Jamie Letzring  
Assistant City Attorney Jessica Spoden  
Development Director Lynne Twedt  
Development Coordinator Linda Schemmel  
Building Official Rod Van Genderen

Principal Engineer Ben McAlister  
Planner Brian Portz  
Planner Kara Tragesser  
Planner Bryce Johnson  
Planner Karen Marren  
Fire Marshal Mike Whitsell  
Traffic Engineer Eric Petersen  
City Engineer Brian Hemesath

Guests in Person:

Paul Cownie, Suite Shots  
Tyler Cownie  
Tom Halterman  
Nate Barber  
Brent Mitchell  
Josh Janeczko  
Kevin Hogan  
Josh Schneller  
Judy Schneller  
C. Wittren

Guests Online:

Kim Matteson, Design Resources Group  
Kathy Bolten, Business Record  
Gary Dickey  
Tim Annett  
Darren Fields  
Kim Norvell  
Chris Costa  
Austin Palmer  
Blake Carlson  
Jerry Van Horne  
Robert  
User 525  
Unidentified Phone Number

The meeting of the Development and Planning City Council Subcommittee was called to order at 7:30 AM. Council Member Doug Loots was present in the absence of Council Member McKinney.

**1. Suite Shots Golf Facility**

Director Twedt provided an update to this application, noting that if there is support for the Suite Shots and development of the site, Staff are seeking direction whether to amend City Code to allow the use in Support Commercial or write a PUD.

Paul Cownie, Suite Shots, 314 43<sup>rd</sup> Street, and Kim Matteson, Design Resources Group, Fargo, presented statements indicating community support and providing information responding to concerns regarding visibility of nets and poles by closest residents, light pollution impact, and landscaping buffers.

Council Member Hardman asked who had performed the light study and whether there had been any complaints regarding the lighting at the Fargo (*Suite Shots*) site. Ms. Matteson replied that the study had been performed for the West Des Moines site by their firm's electrical engineers and no complaints had been received on the Fargo site.

Josh Janeczko, 1753 Glenleven Terrace, presented concerns on behalf of the Concerned Citizens for Grand Avenue Development, an unincorporated non-profit organization representing homeowners impacted by the development of Grand Avenue. He stated they have organized to make sure that their views are heard by City Council and state that they oppose rezoning for a recreational use at the proposed location. He expressed his support of the project but stated that recreational use did not fit with the Comp Plan and that the group has concerns about the approval process to date for this project. He requested that the project be considered for a location with more separation from a residential neighborhood, and specifically noted concerns about lighting at night. Mr. Janeczko presented images reflecting the height of the poles and visibility of the netting to the Glen Oaks neighborhood. He requested that a real estate study be performed by Mr. Cownie to support his claim that property values would not decrease with the construction of this facility. Mr. Janeczko raised the question of support from Glen Oaks owners, and mentioned the lack of support from business owners at Jordan Creek Mall. He concluded with concern regarding use of the site should an economic downturn close the proposed use.

Tom Halterman, 1842 Glen Oaks Drive, voiced concern about the site line to the poles. His property is located nearest the proposed site, and he stated when he built on this location, the zoning was designated Commercial. He concluded that he didn't want the rules changed without a compelling public reason.

Brent Mitchell, 1729 Glenleven Terrace, informed that the tree canopy presented as a visual barrier is leafless during winter months, and will not provide adequate buffer at any time during the year.

John Schneller, 5542 Little Leaf Trail, stated he believed the netting and poles would be a detriment to waterfowl and other birds, and opposed locating this venue close to the Raccoon River Valley.

Paul Cownie provided a handout from the DNR showing they did not have a concern about the birds, that their only requirement was that the lighting be turned off at night. He informed that he had signatures from 45 Glen Oaks residents in support of the project.

Council Member Loots provided the DNR handout to Mr. Janeczko, which had been presented by Mr. Cownie.

Kevin Hogan, 5550 Little Leaf Trail, questioned what hours the lighting would be turned off. Mr. Cownie responded that it would likely be 11 pm on weekdays and 12 am on weekends.

Chris Costa, 7818 Dakota Circle, resident and member of the Plan and Zoning Commission, responded to earlier comments about the comp plan process, observing that it is not a perfect science and that writing a PUD is just one of many avenues allowed. He noted that citizens are given the opportunity to weigh in, and that "Not In My Back Yard" is prevalent in West Des Moines as well as many other communities. Mr. Costa pointed out that many developments within the City had opposition prior to development, including the Jordan Creek Mall.

Mr. Janeczko asked whether the PUD process is faster than the Comp Plan process.

Director Twedt responded that the Comprehensive Plan sets up the zoning. Zoning via a PUD is a tool that allows the prohibition altogether or limitation of potential uses of the site. A PUD is written to tailor the specifics of how and what is allowed and not allowed on the site. Creating a PUD is not the fastest way to approve a project; amending the City Code to allow the use would be faster.

Mr. Janeczko commented that he was trying to be supportive of the Suite Shots project, however he didn't believe NIMBY applied when residents had purchased land believing the adjacent land was zoned a specific way.

Council Member Hardman stated she believed the committee had heard adequately from both sides of the issue and thanked everyone for their comments. She commented that she appreciated that they were passionate about their beliefs and commended them for being engaged citizens and property owners. Ms. Hardman asked Director Twedt if there was anything she would like to add.

Director Twedt informed that the City had done over 100 comp plan amendments since 2010 when the Comp Plan was last adopted, and they were generally done after looking at the impact to determine if it could be mitigated and safely changed. She noted that there are always people who aren't happy. To say that the Comp Plan should never be changed is unrealistic.

Assistant City Attorney Jessica Spoden addressed the concerns regarding the legal process for changing the Comp Plan and the Zoning Code. She stated that the City is also bound by the State Code which does allow for changes. She informed that the Comp Plan is getting old and is meant to be a broad guideline. Zoning designations govern specific uses on parcels of land. She agreed that there needs to be outreach and noted that there is a process in place for protesting, which requires a Super Majority vote of the City Council Members. This project does not meet the State requirements of that protest process, whereby 80% of the residents who live within 200 feet of the project must be in opposition. Ms. Spoden pointed out that the City has extended the noticing process to include residents with 370 feet. With the nearest resident 670 feet from the proposed site, this project lies outside of the appeal area. She concluded that approval of the project would not require a Super Majority of the City Council.

Council Member Loots noted this is a difficult decision, and he appreciated the passionate discourse from both sides. He informed that he is concerned with where constituents stand and informed that he received overwhelming response for the project, including at least 25 phone calls. Mr. Loots stated he did not want to see the application drawn out for two or three years, therefore he voiced support for creating a PUD to allow the recreational use in this district. He concluded that he believed this was reasonable based on Assistant Attorney Spoden's guidance.

Council Member Hardman thanked everyone for their comments and guidance, stating that we don't always get what we want. She noted again that over 100 or so comp plan changes in the past years and stated she had also heard from supporters of the project. Ms. Hardman voiced support for the creation of a PUD, to be considered by the full City Council. She noted this is not precedent setting, and that a PUD allows for a lot more control.

Council Member Loots informed that he had driven out to look from Booneville Road and at the Rec Center (*MidAmerican RexPlex*). He commented that he didn't think this project would be as detrimental as the residents believed and concluded that the developer was trying to include things, he thought the residents would want, including the hotel and restaurants.

Council Member Loots informed Director Twedt that he was comfortable recommending a 40-foot setback. Council Member Hardman agreed.

*Direction: Council Members were supportive of a PUD being created to allow this use at the proposed location.*

## 2. Garage Requirement Update

Director Twedt provided an update on a recent project that involved that the garage requirement be waived when in a multi-family district. She reminded the subcommittee that it is believed the primary concern is storage of outdoor items to reduce visual clutter. Ms. Twedt noted that single family districts require a garage or a detached garage, and that requiring \$15-20,000 garage can create a barrier to attainable housing. Waiving the requirement could provide more affordable housing. Ms. Twedt noted that market demand would likely drive inclusion of a garage for most projects. She questioned whether they would like to keep the garage requirement in single family zoning and apply the alternative options 1-4 as outlined on the slide to conceal visual clutter in multi-family districts (*14x20' garage; a minimum 10x10' detached storage shed; at least 100sf indoor dedicated storage within the home with exterior access and 4' access door; or opaque screening of all resident private outdoor use areas visible from a roadway or property outside of the development*).

Council Member Loots expressed support of providing options within the multi-family district, but not waiving the garage requirement in single family.

Council Member Hardman questioned how this would impact the Picket Fences proposal. Director Twedt stated they had already been in the process of choosing one of the first four options; she noted Staff would reach out to the second developer with a similar proposal to see if he is far enough along to determine the direction he would like to take.

Director Twedt cautioned that previous discussion about negating screening requirements if an HOA/onsite property management was in place such as Picket Fence is doing was ruled out as the HOA or active on-site management may not be there in future years.

*Direction: Council Members were supportive of including options for addressing visual clutter requirements for multi-family districts and keeping the single-family garage requirement.*

## 3. Upcoming Projects – A map was provided with a brief description of each.

- a. Stonewood (NE corner of Booneville Rd & S Grand Prairie Parkway): Change land use and zoning from office to single family and medium density in anticipation of a 40-lot single family subdivision and future townhome development (CPA-005102-2021/ZC-005103-2021)
- b. Outdoor Activity Areas and Operable Storefronts Zoning Ordinance Amendment to establish regulations for outdoor activity areas and operable storefronts (AO-005047-2021)

Planner Marren provided a summary of the various situations that this would apply to. Development Coordinator Schemmel noted the temporary allowances for these areas primarily due to demand during the pandemic and the decision to amend code to allow the uses permanently.

- c. Kum & Go (330 Jordan Creek Parkway): Permitted Conditional use to allow a convenience store and site plan review for construction of a 5,600 square foot convenience store with fuel pumps (PC-005483-2022/SP-005484-2022) Development Coordinator Schemmel summarized the project, noting the size of the store was slightly decreased.
- d. Holiday Park (1701 Railroad Avenue): Vacate three portions of right-of-way and amend Comprehensive Plan land use on vacated right-of-way areas and zone to establish zoning district (VAC-005500-2022 /CPAZC-005503-2022) Planner Johnson provided a summary of projects within Holiday Park, noting that this is a clean-up that should have been done years ago when 14<sup>th</sup> Street was realigned.

**4. Minor Modifications & Grading Plans**

- a. Verizon Cell Additions (3900 University Avenue): Add 3-6 additional antenna to water tower (MM-005475-2022)
- b. Verizon Cell Additions (1200 Valley West Drive): Add 3 antennas (MM-005493-2022)

**5. Other Matters**

None

The meeting adjourned at 8:38 AM. The next regularly scheduled Development and Planning City Council Subcommittee is March 7, 2022.

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Lynne Twedt, Development Services Director

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Jennifer Canaday, Recording Secretary