

**CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
Training Room**

Monday, May 2, 2022

**Attending:**

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

Fire Marshal Mike Whitsell  
Principal Engineer Ben McAlister  
Planner Brian Portz  
Planner Kara Tragesser  
Planner Karen Marren  
City Engineer Brian Hemesath

Guests:

Item #1 –

Mark Lee, Misty Wittern Lee  
Dan Dutcher, 3D Consulting

All Items:

Paul Filean  
Kathy Bolten, Business Record  
Unknown phone number

Item #2 -

James Stephenson, Tallgrass Theatre

The meeting of the Development and Planning City Council Subcommittee was called to order at 7:32 AM.

**1. Wittern Property, Industrial Development**

Director Twedt provided an overview of the request by Misty Wittern Lee and Mark Lee to have WDM industrial designation of their property located to the south and north of Booneville Road, west of current city limits. This site is currently located and zoned industrial in the County. The Lee's plan to implement a transload facility with additional uses including manufacturing, capitalizing on existing railroad spurs. The Lee's would like their property to be annexed into the City for provision of utilities. The current Comp Plan designates this property to be residential.

Dan Dutcher, 3D Consulting, pointed out that the property to the north does not lend itself well to residential use due to the railroad passing through it and therefore limited access.

Mr. Lee pointed out the advantages of using rail transportation for bringing materials and goods to the area in a manner four times as efficient as truck transport.

Director Twedt stated Staff would like information regarding how they will mitigate noise and lights, assuming this is a 24/7 operation, noting that this is a much more intense use than what is on the current or proposed comp plan. Staff would like to evaluate the impact to the residential Napa Valley area to the north. Ms. Wittern Lee noted that there are already set times where the railroad whistle blows each day and sounds and lights in place with the existing use of the site.

Assistant City Attorney Jessica Spoden informed that it's adding to a potential nuisance claim. A new use could bring in elements that would cause an increase in the noise or dust or any of those elements that prevent someone from enjoying full use of their property. The City could be in conflict between allowing a use and creating a nuisance to a neighboring property. Having some sort of protection, be it placement of the buildings or placement of the use on the site,

further set aside from the residential property, or limiting pick up and drop offs to certain times of the day so they're not happening in the middle of the night is reasonable. When the City is considering a new use, they would give opportunity to any of the surrounding property owners to comment. The City has to evaluate the impact on the City as a whole, and not just the adjacent properties.

Council Member McKinney noted there are a lot of factors going into the discussion. He questioned whether the Lee's had spoken with the surrounding property owners. Mr. McKinney also informed that the City prohibits creating islands through annexation, therefore this would need to be determined at the time of annexation. Ms. Wittern Lee responded that they had discussed the proposal with Microsoft and Hartland, with both parties in favor. Director Twedt stated that the City would not be able to annex around it (*Fox Valley Benefitted Water property*), and the city is still evaluation potential state legislation requiring any time the City annexes property there is a requirement to add members to the Plan & Zoning Commission. Mr. Dutcher inserted that by annexing the north property only, an island would not be created.

Council Member McKinney asked if this would be similar to the transload facility in Des Moines. Ms. Wittern responded that the Des Moines unit includes one warehouse next to the rail line, and this would be a much larger operation. She also noted that the traffic flow near the Des Moines station is not as proficient. Mr. Lee added that this project would include a plastic manufacturing company, and could provide parts for John Deere, pipes and sewer parts for the city. Director Twedt commented that this is part of the City's concern; what comes with the use and how to mitigate it.

Council Member McKinney asked whether the Lee's would operate the center, or if it would be sold to someone else who might want to change the zoning. Ms. Wittern Lee replied that she would be in charge but would hire additional professionals to help.

Council Member McKinney asked what was being requested of the subcommittee at this point. Ms. Spoden inserted that there were some concerns regarding City services to this new area and infrastructure. Principal Engineer McAlister stated that roadway alignments are conceptual through this area, but the connection on the east side is established. Grand Avenue is a major arterial and must be the through street connecting to Ute Ave. Iowa Interstate Railroad has told Staff no new crossings of the railroad would be allowed. Grand Avenue has been planned to be located between Booneville and the railroad to provide developable properties on both sides of the major arterial street. With the extension of the roadways, water services would be installed, which will be necessary for fire suppression in any of these manufacturing type buildings. A trunk sewer is planned through the site as part of the fee district.

Fire Marshal Whitsell noted that bulk storage of fuel is prohibited by local code. He commented that this had been discussed in a Pre-application meeting and he had been assured there would be no hazardous materials or bulk transfer of flammable liquids involved, adding that Fire services would be fine once the infrastructure for water and roadways was installed.

Council Member McKinney asked whether this was premature to consider the zoning prior to annexation.

Ms. Spoden pointed out that the new Comprehensive Plan Land Use Amendment had not been adopted, however it has been out for citizen comment. If changes were made to this area on the comp plan, she questioned whether there would need to be a delay in adopting the plan until more citizen comment was obtained. Mr. Dutcher stated they hoped to pursue annexation within the next 90 days. Director Twedt stated it made sense to consider changing as part of the comp plan. She informed that the Microsoft land use adjacent is zoned light industrial and this would be a request for heavy industrial. She asked if there had been discussion with Napa Valley residents. Ms. Twedt noted that there is a backup plan should the parcel be mined to

have a residential commercial mix which is what the proposed comp plan indicates.

Ms. Spoden stated that the zoning code is also being updated and could not give criteria for the comp plan at this time, therefore it would likely be required to write a PUD for the northern parcel for mitigation.

Mr. Lee asked the timeline for public comment regarding comp plan uses for other parcels they own. Director Twedt stated no changes to the map are being made and their request would be as part of the public hearing adoption process.

Council Member McKinney stated that regarding whether or not he supports the project, he's keeping an open mind but there are several questions to be answered. He stated he wasn't clear on the differences between the current and proposed land use. Director Twedt stated the requested use would not match the current or new comp plan. Council Member McKinney stated he would like to hear what the Napa Valley residents are saying.

Ms. Spoden inserted that its not just storage of materials but the manufacturing of them that also concerns Staff.

Council Member Hardman thanked the applicants for coming, stating she had learned a lot and remained very open to the concept as well. She agreed that there were a few nuances to narrow down and would like to hear responses from a discussion with Napa Valley residents. She stated the city would need to be very transparent to allow people to comment on changes to the comp plan and address ways to mitigate and avoid effect on residential areas.

Mr. Lee asked if next steps would involve returning to the Subcommittee. Council Member Hardman recommended that the Lee's work with Staff. Director Twedt suggested working with Staff to better understand potential development, and then come back, and for them to talk to Napa Valley residents.

Ms. Wittern Lee pointed out that Napa Valley residents had come in during the formal permit process for the mining and had made no complaints since work began. She reiterated that she believed this business would be for the betterment of the community.

Director Twedt asked what concerns had been brought up by Napa Valley during the mining permit process. Mr. Lee stated they had employed a sound study professional as Napa Valley had been concerned about noise, dust, and visual impact. The work is being buffered by grain bins.

Council Members McKinney and Hardman expressed interest in the project, advising that more information be sought including canvassing of neighbors in the Booneville residential area Napa Valley to the north of the Wittern-Lee property.

*Direction: Council Members were supportive of further discussion with neighbors and staff regarding zoning the area north of Booneville Road and west of the current City limits to general industrial.*

## **2. Allowing Motion Picture Theatres in Industrial Districts**

Planner Tragesser provided a summary of the request to use the existing Tallgrass Theatre to provide motion picture films between play showings. The location is not zoned for movie theatre use. Staff recommend allowing the use in light and general industrial districts with an increased parking requirement from 1 space for every 4 seats to 1 space for every 2 seats and limiting the size of the theatre. James Stephenson, Tallgrass Theatre, informed that they agree with that request, noting that they have sufficient parking.

Council Member Hardman asked what the typical uses are for light industrial. Planner Tragesser provided that they are mostly manufacturing, some auto repair.

Council Member Hardman clarified that this will be indoor use only. Ms. Tragesser informed that is correct.

Planner Tragesser stated Staff are recommending this as a permitted conditional use, to provide opportunity to evaluate parking. Light industrial, such as warehouse, does not have the same parking requirements as motion picture. For this particular site, there are 45 spaces. The theatre has about 85 seats. To distinguish this from a multi-plex, Staff recommend basing the parking requirements on one parking space for every two seats for a single screen facility, rather than 1 space for 4 seats. This would limit the size of proposed theatres to avoid multi-plexes.

Ms. Tragesser requested feedback regarding moving forward with an ordinance change which would allow motion picture use as a permitted condition in general and light industrial areas.

*Direction: Council Members were supportive of amending code to allow motion picture use within industrial districts as a permitted conditional use.*

(listen to the next group of projects presented – Matt had a question about rooftop solar. Council Member McKinney commented that the Minor Modifications included on the agenda included a couple solar projects and questioned if this was in response to the City's recent solar amendment. Staff confirmed ....

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

- a. Village at Sugar Creek: Northeast corner of Booneville Road and S. 88<sup>th</sup> Street: Comprehensive Plan Amendment and PUD amendment to modify land uses and zoning districts and provide regulations for the commercial area within the PUD (CPAZC-005601-2022) Director Twedt noted that this is the formal application in light of a recent Development & Planning discussion.
- b. Ashworth 88: Southeast corner of Ashworth Road and 88<sup>th</sup> Street: Comprehensive Plan Amendment and new Planned Unit Development to allow commercial, office and high-density residential development (CPAZC-5320-2021) Council Member McKinney clarified that two of the property owners are not participating but are not in disagreement with the plan. Director Twedt confirmed that to be their position.
- c. Oxford Crossing: Northeast corner of Ashworth Road and 98<sup>th</sup> Street: Preliminary Plat consisting of single-family lots, future multi-family lots, and street extensions of 92<sup>nd</sup> Street, Oxford Drive, and Westown Parkway (PP-005512-2022)
- d. Collins Building Addition: 2200 Delavan Drive: Major Modification to construct a 9,000 square feet building addition (MaM-005558-2022)

### **4. Minor Modifications & Grading Plans**

- a. Thompson Capital Management: 6150 Village View Drive: Install Rooftop Solar System (MML1-005478-2022)
- b. Bike World: 5003 EP True Parkway: Install Rooftop Solar System (MML1-005571-2022)
- c. Conoco Gas Station: 2704 Vine Street: Paint gables on existing building and modify material and color on gas canopy (MML1-005602-2022)

**5. Other Matters**

None

The meeting adjourned at 8:37 AM. The next regularly scheduled Development and Planning City Council Subcommittee is May 16, 2022.

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Lynne Twedt, Development Services Director

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Jennifer Canaday, Recording Secretary