

# PLAN AND ZONING COMMISSION

PZ AF 06-27-2022

Vice Chair Conlin called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, June 17, 2022, 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, Costa, Crowley, Davis, Hatfield, Shaw .....Present  
Drake.....Absent

## **Item 1- Consent Agenda**

Item 1a – Minutes of the meeting of June 13, 2022

Vice Chair Conlin asked for any comments or modifications to the June 13, 2022, minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approved the June 13, 2022, meeting minutes.

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

Motion carried.

## **Item 2 – Public Hearings**

There were 5 Public Hearing items.

### **Item 2a – The Shoppes at Valley West, 3330 Westown Parkway – Amend the Comprehensive Plan Land Use Map and Amend the Shoppes at Valley West Planned Unit Development Ordinance to allow and regulate Professional Commerce Park (PCP) development on the Middle and West PUD Parcels – West Bank – CPAZC-005627-2022 (Deferred from June 13, 2022)**

Vice Chair Conlin 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 June 6, 2022.

Vice Chair Conlin 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 Davis, 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, Costa, Crowley, Davis, Hatfield, Shaw .....Yes  
Drake.....Absent

Motion carried.

Matt Brown, Formation Group, 5530 West Parkway, Ste 100, Johnston, presented their request to allow redevelopment of the site for construction of the West Bank headquarters. Process of construction should be complete by first quarter 2024 for occupancy.

Kara Tragesser, Development Services Planner, stated she had nothing to add to the staff report, noting the height of the building exceeds the height from previously approved PUD and the proposed use which is driving the zone change for the PUD Parcel which includes the bank building. She noted that the changes to the PUD would not impact the business located in the former fitness center.

Vice Chair Conlin 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.

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

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

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

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

### **Item 2b – Holiday Park Rezoning – Amend the Zoning Map to establish Open Space and Light Industrial Zoning – City of West Des Moines – CPAZC-005503-2022**

Vice Chair Conlin 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 June 17, 2022.

Vice Chair Conlin 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 Costa, 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, Costa, Crowley, Davis, Hatfield, Shaw .....Yes  
Drake.....Absent  
Motion carried.

Bryce Johnson, Development Services Planner, informed that this was a minor clean-up item to establish zoning of two areas. One is for an area of right-of-way recently vacated by the City which was left unzoned. A portion of the site will be zoned from Open Space to Light Industrial for the Water Works Plant and WDM Fire Station. Part of this request will include a lot-tie agreement for the two vacated right-of-way parcels. As they are too small to meet the minimum lot sizes for a parcel, they will be absorbed into the larger park parcel to the West.

Vice Chair Conlin 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 Davis, the Plan and Zoning Commission approved a resolution recommending the City Council approve the rezoning.

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

### **Item 2c – Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to Recreational Facilities – AO-005647-2022**

Vice Chair Conlin informed that there was a memo on the dais requesting that this item be deferred until July 11, 2022.

Moved by Commissioner Shaw, seconded by Commissioner Crowley, the Plan and Zoning Commission deferred Item 2c to July 11, 2022.

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

Motion carried.

**Item 2d – Ordinance Amendment, Amend Title 9 (Zoning) to update regulations pertaining to parking requirements for bars and restaurants – City Initiated – AO-005603-2022**

Vice Chair Conlin 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 June 17, 2022.

Vice Chair Conlin 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 Shaw, 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, Costa, Crowley, Davis, Hatfield, Shaw .....Yes  
Drake.....Absent

Motion carried.

Linda Schemmel, Development Coordinator, summarized the amendment which cleans up a parking requirement missed in a recently updated bar and restaurant ordinance.

Commissioner Crowley asked what the parking ratios are for bars and restaurants. Ms. Schemmel stated it depends on the use and classification of the restaurant. Bars are classified similarly to sit-down restaurants, which have a different parking ratio from fast food restaurants. The highest use is a classic sit-down restaurant with no drive-through has 20 spaces for every 1,000 square feet. Fast food has a shorter dining period and therefore a lower demand.

Vice Chair Conlin 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 ordinance amendment.

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

Motion carried.

**Item 2e – Ordinance Amendment, Amend Title 9 (Zoning) to allow Beauty Shops and Barbershops in the Professional Commerce Park Zoning District – Penta Partners LLC - AO-005652-2022**

Vice Chair Conlin 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 June 17, 2022.

Vice Chair Conlin 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 Davis, 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, Costa, Crowley, Davis, Hatfield, Shaw .....Yes

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Drake.....Absent  
Motion carried.

Kyra Troendle, Development Services Intern, presented the request to add beauty shops and barbershops as an allowed use in professional commerce parking zoning districts.

Vice Chair Conlin 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: Conlin, Costa, Crowley, Davis, Hatfield, Shaw .....Yes  
Drake.....Absent  
Motion carried.

### **Item 3 – Old Business**

There were no Old Business items to address.

### **Item 4 – New Business**

There were 6 New Business items.

#### **Item 4a – Farmers State Bank, Southeast corner of University Avenue and 98<sup>th</sup> Street – Approve Phased Site Plan to allow the construction of private utilities, footings, and foundations – Farmers State Bank – SP-005513-2022**

Jim Host, Confluence, 525 17<sup>th</sup> Street, Des Moines, presented on behalf of Farmers State Bank, noting they are in the site plan review process with a few items outstanding. Grading has begun under a grading permit, and they would like permission to proceed with underground utilities, footings, and foundations. He noted they are in the process of securing legal documents to complete the site plan.

Vice Chair Conlin asked if the applicant is in agreement with staff recommendations and conditions of approval. Mr. Host indicated they are.

Commissioner Shay asked the nature of the outstanding items. Mr. Host responded that one is to complete an agreement with MidAmerican Energy to purchase light poles, the second is the stormwater maintenance agreement and detention facility is in progress, and third is obtaining a deed for 17 additional feet of right of way on 98<sup>th</sup> Street.

Kara Tragesser, Development Services Planner, summarized how a phased site plan functions, allowing the applicant to move forward with their project in a timely manner while completing minor requirements. She noted that these requirements must be met before any construction above ground takes place. Staff recommended approval of the phased site plan.

Vice Chair Conlin 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 Davis, the Plan and Zoning Commission approved a resolution recommending approval of the phased site plan, subject to the following conditions of approval:

1. That the developer acknowledges implementation of private utilities, footings, and foundation are at the developer's sole risk until the full site plan is approved by the City Council.

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2. Prior to the full site plan proceeding for final approval all outstanding review comments need to be addressed or acceptable provision for addressing them agreed to between the developer and the City.
3. Prior to the full site plan proceeding for final approval a deed for 17' of additional right-of-way along 98<sup>th</sup> Street shall be provided to the city.
4. Prior to the full site plan proceeding for final approval, confirmation of payment of streetlights needs to be provided from MidAmerican Energy Co.
5. Prior to the full site plan proceeding for final approval, the Storm Water Management Facility Maintenance agreement needs to be executed and provided to the City. Prior to issuance of an occupancy permit, including temporary occupancy, as built drawings and certifications of the constructed storm water facilities will need to be provided to the city for staff review and approval.

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

### **Item 4b – West Bank, 3330 Westown Parkway – Approve Phased Site Plan to allow construction of private utilities, footings, and foundations – West Bank – MaM-005517-2022**

Matt Brown, Formation Group, 5530 West Parkway, Ste 100, Johnston, summarized the request for a phased site plan, noting they are working quickly through the process of demolition and now beginning utilities for their site which adjoins Claim Doc. He noted they are in agreement with staff comments and conditions. The development agreement has been signed off on. The full site plan is very close to being completed and presented.

Kara Tragesser, Development Services Planner, stated she had nothing to add to the Staff Report but was available for questions.

Commissioner Shaw asked the meaning of the acronyms pertaining to storm water and Ms. Tragesser explained the Stormwater Pollution Prevention Plan and Stormwater Maintenance Facility Agreement.

Commissioner Crowley asked if the stormwater would drain directly into Blue Creek. Planner Tragesser replied that it will be retained first and then allowed to slowly release into Blue Creek.

Commissioner Shaw asked the nature of the outstanding review comments. Ms. Tragesser responded that they are mostly agreements and easements.

Vice Chair Conlin 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 phased site plan, subject to the following conditions of approval:

1. The applicant acknowledges implementation of private utilities, footings, and foundations are at the developer's sole risk until the full site plan is approved by the City Council.
2. The applicant acknowledges and agrees that a SWPPP for the site compliant with all MS 4 permit requirements will need to be provided prior to the City Council approval of the phased site.
3. The applicant acknowledges and agrees that prior to the full site plan proceeding for final approval all outstanding review comments need to be addressed or acceptable provision for addressing them agreed to between the developer and the City.

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4. The applicant acknowledges and agrees that prior to the full site plan proceeding for final approval, the Storm Water Management Facility Maintenance agreement needs to be executed and provided to the City. Prior to issuance of an occupancy permit, including temporary occupancy, as built drawings and certifications of the constructed storm water facilities will need to be provided to the city for staff review and approval.
5. The applicant acknowledges and agrees that prior to the full site plan proceeding for final approval, easements for water mains and public utilities need to be executed and returned to the City, along with final site plan drawings which address all comments to the satisfaction of the City.

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

### **Item 4c – Collins Building Addition, 2200 Delavan Drive – Approve Major Modification to Site Plan to allow a 9,000 square foot building addition – Collins Engine Nozzles, Inc. (fka Delavan Manufacturing Company) – MaM-0055558-2022**

Tim West, Snyder & Associates, 2727 SW Snyder Blvd, Ankeny, presented the application to construct a 9,000 square foot building to the northwest side of their existing 39,000 square foot building, with a small connecting walkway. He noted utility and storm sewer connections as well as site restoration and added landscaping.

Commissioner Crowley asked if this addition creates any setback issues. Mr. West assured that it does not, noting that there is a 60-foot setback plus some landscape setbacks, with easements for storm sewer allowing the lower drainage area to function as designed.

Kate DeVine, Development Services Associate Planner, stated she had nothing to add to the Staff Report.

Vice Chair Conlin 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 Costa, the Plan and Zoning Commission approved a resolution recommending approval of the major modification, subject to the following conditions:

1. The applicant acknowledging and agreeing that the property easement and deed legal documents will be executed prior to issuance of any building permit, including footing and foundation permit for the project.
2. The applicant acknowledging and agreeing that the construction of the public sidewalk will be modified to eliminate non-conformities and instead comply with city standards at such time that the adjoining property makes site improvements and modifications to the sidewalk.

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

### **Item 4d – Dave & Busters, 190 S Jordan Creek Parkway – Approve Site Plan to allow construction of an approximately 22,000 square foot entertainment facility – GGP Jordan Creek L.L.C. – Sp-005458-2022**

Kelsey Scallon, Shive-Hattery, 4125 Westown Parkway #100, West Des Moines, presented the application noting this is the full site plan which includes paving, architecture, elevations, and landscaping. Phase 1 was approved earlier this year to begin underground utilities and pad.

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Commissioner Shaw asked if the building was scaled for the West Des Moines area, or if this is the typical building footprint. Ms. Scallon stated she is not on the architect team; however, she believes it was scaled down for the area, and is appropriate for the Des Moines market.

Linda Schemmel, Development Coordinator, stated the applicant had provided a good summary and asked if there were questions.

Commissioner Shaw asked the location of the site. Ms. Schemmel responded that it's located in the parking area between the Marriott Hotel and Jordan Creek Theaters.

Vice Chair Conlin 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 Davis, the Plan and Zoning Commission approved a resolution recommending approval of the Site Plan, subject to the following conditions:

1. The applicant acknowledging that no building permit will be issued for above ground building construction until the associated final plat for this site is approved by the City Council and recorded with the Dallas County Recorder.

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

**Item 4e – Microsoft DSM 14, 1475 SE Maffitt Lake Rd – Approve Major Modification to Site Plan for a site logistics plan for construction of Microsoft Data Center buildings – Microsoft Corporation MaM-005636-2022**

Ryan Hardisty, Civil Design Advantage, 4121 NW Urbandale Dr, Urbandale, presented on behalf of Microsoft for a temporary parking and job trailer area which will be removed following completion of the final data center.

Commissioner Shaw asked the estimated completion date. Mr. Hardisty stated it will likely be ten years to build out the full campus.

Linda Schemmel, Development Coordinator stated she had nothing to add but was available for questions. There were none.

Vice Chair Conlin 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 for approval based on Staff recommendations, seconded by Commissioner Crowley, the Plan and Zoning Commission approved a resolution recommending approval of the Major Modification, subject to the following conditions:

1. The applicant shall obtain tent permits for any tents on the site as required by the West Des Moines Fire Department.
2. The applicant agreeing that the tents, trailers, and temporary parking lot shall be removed within sixty (60) days upon completion of the entire site development. Additionally, the tents and trailer shall be removed from the site should construction activities on site cease for a period of six months. The temporary parking lot and associated driveways shall be removed entirely, and the area regraded and seeded.

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

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Motion carried.

**Item 4f – Mill Ridge Plat 6, NW corner of Stagecoach Drive & S 88<sup>th</sup> Street – Approve a Preliminary Plat to create sixty (60) footprint lots, two (2) outlots, and one (1) street lot for Multi-Family Residential development and Approve a Site Plan to allow construction of 60 attached townhomes with associated site improvements – Mill Ridge Homes – PPSP-005548-2022**

Josh Trygstad, Civil Design Advantage, 4121 Urbandale Dr, Urbandale, presented the application for approval, summarizing the lots to be built, with access, existing trunk sewer and water, stormwater basins and drainage, and landscaping. He noted this plan is consistent with the current PUD and zoning and includes 20 duplex buildings and four townhome buildings. There will be streetscape landscaping in addition to the 30-foot buffer, and the applicant has no objections to Staff conditions and comments.

Jenna Gilliam, Development Services Intern, stated she had no comments in addition to the Staff Report but was available for questions.

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

Dave Kennedy, 957 S 89th Street, introduced himself as the former president of the Eagles Landing HOA and a current resident. He stated they have no objections to the project, however noted concern regarding mature trees at the south end of their development which were damaged in August 2019 during initial grading of this site. The tree roots were exposed and cut. The HOA voiced their concerns at that time and the developer remediated the situation, however they have also been watching the trees for subsequent damage as it sometimes appears later in time. Mr. Kennedy requested that the project proceed with care to the adjacent property so that the trees are not jeopardized.

Dr. James Elliott, 8946 Greenway Drive, added that at the time of the groundwork in 2019, there was a property line dispute between the Eagles Landing HOA and developer for Mill Ridge Plat 6. Roots were ripped out under large trees. He noted it might take 5 years or more before the trees show impact. The damage was significant. The developer responded by changing the grade and covering the exposed roots, however that may have been too late.

As there were no additional questions, Vice Chair Conlin 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 Preliminary Plat and Site Plan, subject to the following conditions:

1. The applicant acknowledging and agreeing that all easements and agreements required of the proposed development must be provided prior to City Council consideration of the associated final plat.
2. The applicant acknowledging and agreeing that all fees and payments required of the proposed development must be provided prior to City council consideration of the associated final plat.
3. Prior to issuance of any building permits for construction, available water, and appropriate vehicle accesses to the satisfaction of the City's Fire marshal shall be available.
4. The applicant acknowledging and agreeing that the associated final plat must be approved and recorded with the county prior to issuance of building permits for any construction.

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

Motion carried.

**Item 5 – Staff Reports**

There were no staff reports. Development Coordinator Schemmel informed the Commission that the Comp Plan final review would be scheduled close to September. Commissioners briefly discussed



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whether to hold a special meeting for this review or to include in a regularly scheduled Plan & Zoning Commission meeting. No decision was made at this time.

The next meeting is scheduled for Monday, July 11, 2022.

### **Item 6 – Adjournment**

Vice Chair Conlin adjourned the meeting at 6:05 p.m.

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Andy Conlin, Vice Chair

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Jennifer Canaday, Recording Secretary