

PLAN AND ZONING COMMISSION

PZ AF 09-12-2022

Chairperson Drake called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, September 12, 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: Costa, Crowley, Davis, Drake, Hatfield, ShawPresent
Conlin.....Absent

Chairperson Drake called for a motion to amend the agenda by moving the New Business items ahead of the Public Hearing items, due to the anticipated length of discussion for the Public Hearings.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission revised the agenda.

Vote: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent

Motion carried.

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of August 22, 2022

Chairperson Drake asked for any comments or modifications to the August 22, 2022, minutes.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission approved the August 22, 2022, meeting minutes.

Vote: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent

Motion carried.

Item 1b – Minutes of the meeting of August 29, 2022

Chairperson Drake asked for any comments or modifications to the August 29, 2022, minutes. Commissioner Hatfield pointed out that Mr. Clark Colby's name was mistakenly listed as Mr. Clark in the minutes, which will be corrected.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approved the corrected August 29, 2022, meeting minutes.

Vote: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent

Motion carried.

Item 2 – Public Hearings

There were 8 Public Hearing items.

Item 2a – Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to National Security facilities to be allowed in the General Industrial zoning district – City Initiated – AO-005734-2022

Chairperson 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 September 2, 2022.

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Chairperson 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 Costa, seconded by Commissioner Shaw, 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Bryce Johnson, Development Services Planner, provided a brief summary of this ordinance change, noting that National Security facilities have not been an allowed use in any district per the current zoning code which is being updated to reflect their inclusion.

Commissioner Shaw asked the purpose of the facility. Planner Johnson responded that it will be a training facility, with outdoor storage of vehicles and equipment.

Chairperson 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 Costa, the Plan and Zoning Commission approved a resolution recommending the City Council approve the Ordinance Amendment.

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

Item 2b – Readiness Center – Vacate 5,539 sq. ft. parcel (Parcel 2022-1147) of right-of-way of SE Maffitt Lake Road – City of West Des Moines – VAC-005753-2022

Chairperson 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 September 2, 2022.

Chairperson 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 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Jessica Grove, Assistant City Attorney, summarized the vacation of a section of right-of-way which is no longer needed. This section of property will be absorbed into the lot designated for a future fire station and readiness center.

Chairperson 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.

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Moved by Commissioner Hatfield, seconded by Commissioner Shaw, the Plan and Zoning Commission approved a resolution recommending the City Council approve the Right-of-Way vacation.

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

Chair Drake provided an overview of the process to be followed for the remaining public hearing items related to the adoption of the Comprehensive Plan and Land Use Map updates.

Item 2c – Comprehensive Plan Amendment – Approve Update to the Comprehensive Plan and Land Use Map – City Initiated – CPA-005581-2022

Chairperson 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 September 2, 2022.

Chairperson 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 Costa, 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Jessica Grove, Assistant City Attorney, commented on the process for adoption. She noted that the Comp Plan is a larger guiding policy document, and the Zoning Code is regulatory. The goal of the document is to make the City the best place possible, and she advised looking from the long-range view. With Zoning, there would be a more specifics pertaining to individual properties. Ms. Grove noted that a super majority vote of the City Council would be required if the Council were to choose to make a different decision from a recommendation provided by the Plan & Zoning Commission. She reminded that this publicly noticed meeting would be September 13, 2022. Ms. Grove summarized the requirements pertaining to vested rights, noting that none of the five parcels to be voted on this evening had an active building or development permit and therefore, no vested right in the current land use designation for the property.

Regarding the process of adoption, Ms. Grove noted that the five properties in dispute had their land use removed from the overall comp plan land use map, to be decided following adoption of the map. She asked that discussion of those specific items be held until that public hearing item was heard. Ms. Grove noted that the Commission would be asked to recommend land use for each of the five specific properties and would need to provide rationale for why that land use was chosen as appropriate. This would be useful to Council when reviewing the item for their decision.

Karen Marren, Development Services Planner, noted that she was present for questions, however she would not be presenting the full presentation from the last meeting unless needed by the Commission.

Commissioner Crowley noted that Mr. Colby had asked that a road planned through his property be removed. He asked Engineering to respond.

Eric Petersen, Traffic Engineer, noted that this view of the streets plan is not specific and would be adjusted as properties were developed and streets would be moved at that time.

Commissioner Davis asked what that process would look like. City Engineer Brian Hemesath informed that it is not usual to construct a roadway through private property unless the owner is developing it. On the

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rare occasion when this occurs, Staff work with the property owner to determine a mutually beneficial location. The road may be located differently than Staff originally projected.

Sally Ortgies, Director of Parks and Recreation, provided a brief overview of the updates to the Master Parks and Trail Plan.

The updated land use map was provided for the Commissioners' use during the hearing. Planner Marren noted the five blank areas which would have land use determined following adoption of the map.

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

Mark Lee, 10430 New York Avenue, Urbandale, stated he was present with Dan Dutcher, and with his wife, Misty Wittern. He objected to the process, stating it was awkward. He asked why another property near Booneville road had been removed from the land use map. Director Twedt responded that Staff have been notified that the area was under consideration by the State for a project, and Staff decided it would be best not to assign a land use prior to that project being decided. Mr. Lee noted their disappointment at not having that property on the agenda for this evening. He disagreed with Ms. Grove's comments about the comp plan not being regulatory, as he believed the zoning would follow the assigned land use. He expressed concern about bulk regulations, which would restrict building heights. Mr. Lee voiced concern about the environmentally sensitive areas designated by cross-hatching drawn on the comp plan land map, asking whether those had been designed by a consultant. Mr. Lee noted his disagreement with having the map marked in a way that would hinder development interest. In response to the vested interest, he noted that they had not been asked if the owners were vested according to the definition. Mr. Lee concluded by disagreeing with the changes being requested after the comp plan was adopted.

Jim McKinney, 1660 S 115th Street, questioned the crosshatch lines on the map designating environmentally sensitive areas, some of which designated timber on the McKinney land. He asked that they be removed, to be addressed at the time of development.

Assistant City Attorney Grove responded that Staff chose to separate out the properties due to advance notice that there was a disagreement between Staff and the owners regarding assigning land use. Staff felt it was easier to adopt the map, then decide the individual land uses under dispute, and noted it was meant to make the process easier, while still providing adequate time for each owner to voice their comments. The bulk recommendations related to height and footprint sizes were not set standards which could not be exceeded. They would be decided at the site plan stage of development. The zoning designations which would be compatible with the land use designations would be the regulatory piece. At the comp plan level, it provides notice to landowners what type of buildings are intended to be in these areas. Less than one half of one percent of the properties developed in the City have a building size exceeding 45,000 square feet. The zoning code will set the actual maximum. The designations do limit uses, however that is what Staff, and the Commission are tasked with assigning. A lot of time has been spent determining which uses are appropriate and not appropriate in different areas, to ensure that the uses work well together for the benefit of those individual living, working, and playing in West Des Moines. It is important that they have all of the elements they need with streets, parks, walkability. The goal with this plan is more flexibility, reducing the colors from 24 to 5 with varying levels of intensity. This provides more flexibility for the owners to mix uses in those districts. The environmentally sensitive areas were meant to put owners on notice that there would be discussion and possible environment restrictions to try to protect the area. That discussion would take place when a project comes in. She concluded that she had not talked directly to the property owners regarding vested interest because there were no site plan applications or building permits for these parcels. The Commission has the authority to change the use to whatever they feel is appropriate based on some rationale.

Jim McKinney respectfully asked that the Commission remove the markings designated as environmentally sensitive from their portion of the land use map, to be discussed at a later time.

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Mark Lee requested clarification regarding the Vestment qualifications, whether it required all three conditions. Ms. Grove responded that it does require all three, and that the shortest way to determine it was to check for site plans and building permits.

Commissioner Costa asked about a legend for the environmentally sensitive areas. Ms. Marren noted there was another map online with the official map, that the copy presented was for the purpose of land use only. Commissioner Costa questioned whether evaluation of the site for environmental concerns took place during development. Ms. Marren responded that its part of the site plan and preliminary plat application review. Commissioner Davis noted that looking at the map from a buyer's perspective would feel like Staff were putting red marks on it. Ms. Marren stated it's meant to give the owner a heads up early in the process that there would be further conversations related to this. Ms. Grove stated the zoning districts would be assigned as compatible to the land use. The environmental aspect was to alert that there's a goal to maintain environmentally sensitive areas. Also, the owner may need to push density to one area over another due to these areas. Commissioner Shaw asked if an Environmental Impact Statement be required, or some type of procedural document be required if there are hash marks on a property. Ms. Grove responded there would no requirement. Director Twedt stated that as part of the City's adopted 2036 plan, it stated that all sensitive areas should be mapped and protected. This is a first step; from an aerial photo we are looking to see where the environmentally sensitive areas are. At this time, the City does not have a preservation ordinance. If that is something the City wishes to do, that would be the next step. If the Commission wished to remove it from the land use map, they could.

Commissioner Crowley stated he felt that was the thing to do. Commissioner Hatfield agreed. Commissioner Crowley stated it could be discussed at the point of development.

Keith Acheson, 1609 Army Post Road, requested to have the proposed bike trail from Walnut Woods Drive to Army Post Road removed, in order to protect the old growth oak trees.

Director Ortgies informed that it is also Staff's recommendation to preserve trees, and that the trail would not be developed without property owner approval and development around it. She concluded that she didn't see that removal of the old growth oak trees would occur.

As there were no additional questions, Chair Drake closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission approved a resolution recommending the City Council approve Update to the Comprehensive Plan and Land Use Map, with the removal of crosshatching marks designating potentially environmentally sensitive areas.

Vote: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent

Motion carried.

Item 2d – Comprehensive Plan Land Use Map Amendment – Recommend Comprehensive Plan Land Use Map designation – McKinney Property – CPA-005748-2022.

Chairperson 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 September 2, 2022.

Chairperson 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 Davis , 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Karen Marren, Development Services Planner, noted the location of the property. She summarized the land uses proposed by Staff as Industrial Low with multi-use low for the SE portion of the property which would replace the area that was neighborhood commercial. Staff were seeking to add multi-use to provide mixed services and walkability for surrounding residential areas. The industrial low use for the bulk of the property would allow similar use to the office and business uses previously designated. The area has residential developing to the east and is anticipated to move westward. There have not been any commercial or office requests for this area. The McKinney's had expressed a desire to keep industrial low designation. Ms. Marren provided drawings showing what the McKinney's were desiring for their property which best matched their previous land use designations, and also an option if the Commission decided to adjust the land uses which would allow shift of an assigned area of Multi-use low. She reminded the Commission that land uses would shift with streets during development.

Commissioner Davis asked how much land the McKinney's owned in this area. Commissioner Hatfield indicated the Staff report showed 241 acres.

Wayne McKinney, 11375 Booneville Road, noted that his wife and brothers who all have property involved in this discussion. He summarized the history of their property being annexed into the City, with a total of 720 acres. In 2010 there was an agreement with the City regarding his land uses. In 2020, they sold 150 acres to Microsoft. Mr. McKinney noted the numerous development projects resulting in Grand Prairie Parkway, Booneville Road, 115th Street, the extension of sewer and water services, and addition of a substation. He disagreed that there had been no enquiries regarding development of the property. Additionally, the City had asked them to put their property into an Urban Renewal Plan and TIF, and the City had invested hundreds of millions of dollars in this area. Mr. McKinney noted environmental studies which had been completed, including mitigating Indiana bats. He did not believe they needed to adjust to residential just because residential use was moving west, and he stated he did not want it to be low-industrial. Their previous land use designations included business, commercial, and office. He stated they preferred multi-use high for 280 acres next to Grand Prairie Parkway and Multi-use medium for 140 acres.

Commissioner Crowley asked if there was a vote by Council approving the actual zoning. Jim McKinney answered that there was, the decision was 4-1 in March of 2010, and then it was reaffirmed on June 28, 2010.

Chair Drake clarified that Business Park equates to Multi-use High, and Office and Commercial to Multi-use Medium, but asked if they didn't want industrial designation. Wayne McKinney stated he believed Multi-use High and Medium were the choices they preferred.

Commissioner Davis asked if they were wanting to split their use between Multi-use medium and low, or medium and high. Wayne McKinney stated Multi-use high and low, not medium. The business park, the larger portion, would be multi-use high and the office portion on the multi-use medium. Commissioner Davis commented that office is in both, and commercial is in both, as well as in industrial. Wayne McKinney responded that industrial does encompass both, however multi-use would include business, office, commercial, and light industrial. Commissioner Crowley clarified that they wanted Multi-use high for the northern portion of their property, and Multi-use medium for the lower section. Wayne responded that they would prefer Area 1 to be Multi-use High, and Area 2 to be Multi-use Low. He noted that they did not own Area 3.

Commissioner Davis asked who the owner of Area 3 was, and whether they disputed anything. Planner Marren explained that this map showing Area 3 was for the Commission's purpose if they wished to shift Multi-use Low across Grand Prairie Parkway rather than the Mixed Residential Staff originally recommended.

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Chairperson 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.

Commissioner Crowley moved to designate Area 1 and 2 as the McKinney's requested, and to designate Area 3 the same.

Commissioners Drake and Davis recommended leaving area 3 for residential housing transition. Commissioner Crowley agreed and withdrew Area 3 from the motion.

Commissioner Hatfield seconded the motion.

Development Coordinator Schemmel reminded the Commission to specify their justification for the assigned land use. Commissioner Crowley expressed respect and thanks to Staff for their months and years of work updating the comp plan. He noted that he believed the market would drive this, that this would provide the McKinney's their best options, and it lives up to what was promised by the City many years ago.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission approved a resolution recommending the City Council approve a Comprehensive Plan Land Use Map designation, adopting Map E, designating Area 1 as multi-use high and Area 2 as multi-use medium per the applicant's request based on a 2010 agreement with the City of West Des Moines, market-driven development, and highest and best land use potential.

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

Item 2e – Comprehensive Plan Land Use Map Amendment – Recommend Comprehensive Plan Land Use Map designation – Wittern SE Property – CPA-005746-2022.

Chairperson 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 September 2, 2022.

Chairperson 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Karen Marren, Development Services Planner, noted the location of this property. Staff are recommending Multi-use Medium; the property owner is requesting Multi-use High to allow for potentially a 6-story hotel, and the ability to market similar to others. Planner Marren noted that in 2021, Staff had recommended residential to the north, Multi-use Medium on the southeast parcel. Staff didn't look at Multi-use High because there is another area nearby which Staff believe will provide enough. She noted that Staff adjusted their recommendation to include Multi-use Medium, however, have concerns about access from the north and residential to the north with a need for transition rather than next to Multi-use High.

Dan Dutcher, 3D Consulting LLC, 625 SE Southfork Drive, Waukee, voiced his opposition to adopting comp plan land use map updates separately from the zoning ordinance. He supported the request for Multi-use High for this parcel as Multi-use Medium might not allow the building size planned for the site. Mr. Dutcher asserted that development should be market driven and the least restrictive use should be applied to this

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parcel. He stated the Witterns had spent a lot of time and money planning for the development of this property and did not want it down zoned below what their potential use would require. Mr. Dutcher noted that trees would form a barrier between the residential to the north of old Highway 5 and the new use to the south. He added that any hurdle impacts a prospective buyer.

Mark Lee, Lee Chamberlin Engineers, 10430 New York Avenue, Urbandale, pointed out that the cost for sewer installation and other services would be high, and need to be recovered with the development.

Chairperson 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 Davis, the Plan and Zoning Commission approved a resolution recommending the City Council approve a Comprehensive Plan Land Use Map designation, adopting Map B, establishing the area as Multi-use High, based on the applicant's request for their property to have the highest use possible to allow for market-driven development.

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

Item 2f – Comprehensive Plan Land Use Map Amendment – Recommend Comprehensive Plan Land Use Map designation – Wittern SW Property – CPA-005747-2022.

Chairperson 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 September 2, 2022.

Chairperson 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 Hatfield, seconded by Commissioner Shaw, 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Karen Marren, Development Services Planner, noted the location of this property. Staff are recommending Multi-use Medium. The property owner is requesting Multi-use High. She noted that Staff modified the map a couple times with discussion with the owners. The area provides walkability to mid-level services for residents to the north. Staff prefer to keep High intensity commercial to a compact area to the south of Veterans Parkway. This may be more intense use, possible entertainment district similar to Town Center. Multi-use Medium and Low are intended for commercial corridors. Multi-use High are meant to be applied to more compact areas. She pointed out that less than ½ a percent of the existing buildings in West Des Moines are Multi-use High designation. Most of what is planned to be built can fit in Multi-use Medium. Staff are trying to avoid putting too much Multi-use High on the land use map.

Commissioner Shaw asked for clarification whether Town Center Commercial is under Multi-use High. Planner Marren responded that the river is a recognized barrier from the north developed areas, therefore higher intensity areas are planned at Veterans Parkway and Highway 5, and this pocket west of I-35. This potentially could be another Town Center area with a walkable shopping and entertainment district. Grand Prairie Parkway and Veterans Parkway are potentially barriers, but some pockets of walkability could be created.

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Dan Dutcher, 3D Consulting LLC, 625 SE Southfork Drive, Waukee, noted he wasn't going to restate his comments regarding allowing market-driven development. He noted that all cities find a way to deal with walkability issues. There isn't any sewer yet to this property, so it will be a longer time frame before this area is developed however, he did not want to have to come back and modify a land use plan.

Mark Lee, Lee Chamberlin Engineers, 10430 New York Avenue, Urbandale, stated the sewer issue would raise costs to develop this area. He commented that the sewer would have to be lifted to the top of the hill and run down to a lift station. Alternatively, they could wait for sewer to be brought up along Badger Creek, which wouldn't happen for some time. There would be additional fees for the WRA. His second comment was that this is a projected interchange of Grand Prairie Parkway and Veterans Parkway. He asked for the highest land use to allow for market driven development.

Chairperson 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 Davis, seconded by Commissioner Hatfield, the Plan and Zoning Commission approved a resolution recommending the City Council approve a Comprehensive Plan Land Use Map designation, adopting Map A, designating the property as multi-use high as requested by the applicant, based on the anticipated cost of sewer installation and infrastructure, allowing the best and highest use of land, with potential higher use commercial for possible Town Center.

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

Motion carried.

Commissioner Costa was asked to comment on his denial. He asked what the Board was doing, giving the applicants anything, they asked for. Responding to the sewer cost, he informed that they had paid \$9000/acre for residential land, so he didn't believe applying the highest use in order to tap citizens to pay the sewer was a good argument. He noted they could simply scrap the comp plan and let everything be multi-use high, but it confused him as to the process if anyone could come in and request the best zoning they could get. Commissioner Costa designated that he had land just west of this area. If there are projects that come along which need Multi-use High density, this Commission is going to look at the project and see if it makes sense and change the use. From the City trying to regulate the potential development of an area, he didn't believe it was good practice to have Multi-use High in every district where an owner comes in and asks for it.

Chair Drake rebutted the comment by stating that she felt this particular location was well suited to Multi-use High, with adjacent regions of Multi-use Medium and Multi-use High.

Commissioner Davis questioned why not go with the most flexible use.

Chair Drake called for a ten-minute recess, following the first two hours of the meeting.
Meeting resumed at 7:35 pm.

Item 2g – Comprehensive Plan Land Use Map Amendment – Recommend Comprehensive Plan Land Use Map designation – Sweeney Property – CPA-005749-2022.

Chairperson 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 September 2, 2022.

Chairperson 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.

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Moved by Commissioner Davis, 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Karen Marren, Development Services Planner, noted the location on the map of this property. Staff recommend Mixed Residential, which is similar to what the previous land use was, however additionally allowing for detached residential. The property owner was interested in doing a small commercial pocket with residential services, Multi-use Low. He was looking at adding a convenience store there or other small commercial, at the intersection of Mills Civic Parkway and Grand Prairie Parkway. There are larger pockets of Multi-use Medium within a half mile to the north, at Grand Prairie Parkway and I-80. There may be limited access depending on the type of commercial they want to do at the corner.

Commissioner Davis clarified that it's always been residential. Planner Marren affirmed that it has.

Dave Hansen, Signature Commercial Real Estate, 4701 121st Street, Urbandale, informed that he recently purchased the property from Mr. Sweeney who had originally filed the request for Multi-use Low, and he would like to continue that same request. He agreed that there will be some access issues, however they may be some creative ways to address those. He requested allowing a little flexibility for a small commercial node for the adjacent residential uses and to permit a lighter commercial use. A c-store may be too intense based on access issues.

Commissioner Crowley asked what type of use he was considering. Mr. Hansen suggested professional uses, dentist office, maybe retail that's not high-volume traffic. He noted it may have some residential components as well.

Chairperson 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.

Commissioner Davis commented that the flexibility of multi-use low might do well here. Assistant City Attorney Grove reminded the Commission that they could have discussion following a motion, prior to the vote.

Commissioner Crowley motioned for approval of Multi-use Low, without allowing for a c-store. Commissioner Costa pointed out that it does allow for convenience stores in Multi-use Low. Commissioner Hatfield likened the project to one similar on 50th Street with retail below, single family units above and surrounding. Planner Marren reminded the Commission that they could not restrict the use at this level when setting the land use. Commissioner Costa agreed. Commissioner Shaw noted that the Plan and Zoning Commission was making a recommendation, however City Council would make the final decision on this.

Moved by Commissioner Crowley, seconded by Commissioner Shaw, the Plan and Zoning Commission approved a resolution recommending the City Council approve a Comprehensive Plan Land Use Map designation, adopting Map A, designating Multi-use Low, as requested by the applicant, based on allowing the applicant more options.

Vote: Crowley, Davis, Drake, Hatfield, ShawYes
Costa.....No
Conlin.....Absent
Motion carried.

Commissioner Costa refrained from comment.

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Item 2h – Comprehensive Plan Land Use Map Amendment – Recommend Comprehensive Plan Land Use Map designation – Colby Property – CPA-005750-2022.

Chairperson 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 September 3, 2022.

Chairperson 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 Hatfield, seconded by Commissioner Costa, 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: Costa, Crowley, Davis, Drake, Hatfield, ShawYes
Conlin.....Absent
Motion carried.

Karen Marren, Development Services Planner, noted the location of the property, with the future extension of 42nd Street, near Adams Street. Staff recommend Multi-use Medium classification on the east, with the sliver on the west of 42nd as residential. The property owner prefers to apply Multi-use Medium across the whole parcel. Staff prefer to use street alignments and more significant topographical features for land use boundaries. She informed that land uses do shift, so if 42nd Street moves with development, this would impact the land uses on either side. There is Multi-use north of Veteran’s Parkway, Multi-use Low along the bike trail, and residential to the north and south of this area.

Commissioner Shaw asked how much land was on the east. Planner Marren stated it appears to be about 10 acres out of an 80-acre parcel.

Clark Colby, 12802 Cardinal Lane, Urbandale, provided maps showing the topography of the area. He noted that 42nd Street will never have much traffic, that 35th Street will skirt the eastern edge of drainage ways. Mr. Colby informed that he had a discussion with City Engineer Brian Hemesath that morning regarding the challenges of placing a road exactly at the projected location, however Mr. Hemesath had told him the Engineering department preferred to adjust the map at the time of development rather than now. Mr. Clark repeated his objection to the location of S 42nd Street, the division of land use over his parcel, and his desire to see the street be relocated at the edge of his property line.

Mr. Colby stated he has a signed option to purchase a parcel south of Veteran’s Parkway, with a sizeable nonrefundable deposit in place, and is in contact with MidAmerican Energy regarding use of the land for a substation between Microsoft facilities. He added that access could be provided off a minor collector street which would provide a frontage road to the substation. Commissioner Drake expressed appreciation for the thought Mr. Colby had put into his presentation.

Commissioner Shaw asked City Engineer Hemesath to comment. Mr. Hemesath stated that everything Mr. Colby said was truthful. Regarding the substation that comes in, there will need to be a road that runs alongside it. With the site plan of that project, that would be the proper time to shift this roadway. He confirmed that the Ultimate Streets Circulation Map is a high-level projection which would be adjusted as needed with ongoing development and they would prefer to realign S. 42nd Street at the time the parcel is developed. Mr. Hemesath added that at the 2010 adoption of the Streets Map, a lot of people came forward requesting that proposed roads be moved, and its necessary to keep in mind that this is a long-range overall proposal which will be adjusted as needed.

Commissioner Davis asked if he was referring to their approval of the Transportation Plan. Assistant City Attorney Grove agreed, stating that there will be shifts of roadways with development, even during the construction phase. She reminded that the land use doesn’t follow the property line, it follows roads and natural barriers.

PLAN AND ZONING COMMISSION

Chairperson 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 Shaw, seconded by Commissioner Costa, the Plan and Zoning Commission considered a resolution recommending the City Council approve a Comprehensive Plan Land Use Map designation, adopting Map B, designating Multi-use Medium to the east, and Mixed Residential to the western portion of the property, as recommended by Staff.

Commissioner Hatfield stated he agreed with Mr. Colby's comments regarding the road location and could see merit in applying Multi-use Medium to the West of the property line based on what he presented and would vote against the motion.

Chair Drake stated that given the flexibility of street placement, she supported Map A, where Multi-use Medium was across the entire property boundary.

Commissioner Costa recommended voting on the first motion.

Vote: Costa, Crowley, ShawYes
Davis, Drake, Hatfield.....No
Conlin.....Absent
Motion failed

Development Coordinator Schemmel noted that since the motion failed with a tie, a new motion was needed.

Moved by Commissioner Hatfield, seconded by Commissioner Davis, the Plan and Zoning Commission approved a resolution recommending the City Council approve a Comprehensive Plan Land Use Map designation, designating Multi-use medium for the entire property, based on owner request with regard to pending use of land, moving of roadway, and Engineer Hemesath's supporting comments.

Vote: Crowley, Davis, Drake, HatfieldYes
Costa, Shaw.....No
Conlin.....Absent
Motion passed.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

There were 2 New Business items.

Item 4a – Microsoft DSM 12 Fit-out, 5855 SW Kerry Street – Approve Major Modification to Site Plan to allow installation of additional site development improvements – Microsoft Corporation – MaM-005705-2022

Ryan Hardisty, Civil Design Advantage, 4121 NW Urbandale Dr, Urbandale, summarized the request on behalf of Microsoft. The shell of the building was constructed in July 2021. This request is to install the parking and drive connecting this building to three others onsite.

Kate Devine, Development Services Associate Planner, stated Staff had no additional comments but were available for questions.

Chairperson Drake asked if anyone from the audience would like to speak to this item, seeing none, asked for continued discussion or a motion.

PLAN AND ZONING COMMISSION

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission approved a resolution recommending approval of the Major Modification to Site Plan, subject to the applicant meeting all City Code requirements.

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

Item 4b – West Bank, 3330 Westown Parkway – Site Plan to allow construction of a four-story office and bank building – West Bank – MaM-005517-2022

Matt Brown, Formation Group, 5530 West Parkway, Johnston, summarized the final site plan being presented for approval. He noted they have satisfied two of the three remaining items on the report, with resolution of the right-of-way remaining. There were no questions from the Commissioners. Commissioners Hatfield and Crowley expressed their approval of this project.

Linda Schemmel, Development Services Coordinator, presented architectural drawings for this project.

Chairperson 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 Full Site Plan request, subject to the following conditions:

1. The applicant acknowledges and agrees that it shall deed 20 feet of right of way to the City as a part of this site plan approval. The right of way shall be deeded to the City prior to any occupancy being issued for the proposed office building.
2. The applicant acknowledges and agrees that prior to any occupancy being issued for the building, the Storm Water Management Facility Maintenance Agreement needs to be executed and provided to the City, including as built drawings and certifications of the constructed storm water facilities to be provided to the City for staff review and approval.
3. The applicant acknowledges and agrees that prior to any occupancy being issued for the building, easements for water mains need to be executed and returned to the City.

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

Item 5 – Staff Reports

The next meeting is scheduled for Monday, September 26, 2022.

Item 6 – Adjournment

Chairperson Drake adjourned the meeting at 8:08 p.m.

Jennifer Drake, Chairperson

Jennifer Canaday, Recording Secretary