

PLANNING AND ZONING COMMISSION

PZ AF 11-14-2022

Chairperson Drake called the regular meeting of the Planning and Zoning Commission to order at 5:30 p.m. on Monday, November 14, 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, Drake, Hatfield, ShawPresent

Motion by Commissioner Crowley, second by Commissioner Conlin, the agenda was revised to hear New Business items prior to Public Hearing items at the request of Commissioner Hatfield, who needed to leave the meeting early. Motion carried.

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of October 24, 2022

Chairperson Drake asked for any comments or modifications to the October 24, 2022, minutes.

Moved by Commissioner Crowley, seconded by Commissioner Conlin, the Planning and Zoning Commission approved the October 24, 2022, meeting minutes.

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

Item 4 – New Business

There were 2 New Business items.

Item 4a – University Avenue Corridor, University Avenue from 22nd St to I-35 and I-235 to University Avenue – Approval and Adoption of University Avenue Corridor Study – City of West Des Moines - MI-005847-2022

Christopher Shires, Confluence, 525 17th Street, Des Moines, presented a summary of the Corridor Study. The study provides a master plan approach to revitalizing the mix of commercial, office, and residential areas in a cooperative venture between West Des Moines and Clive. Mr. Shires highlighted areas proposed for mixed use, adjustment to traffic lanes, and incorporating improvements to the sanitary sewer and storm water management systems.

Commissioner Hatfield commended Confluence and Mr. Shires for their excellent work.

Commissioner Costa asked about funding. Mr. Shires responded that there will be a combination of grants, incentives, CIP and TIF monies involved over a long period of time to fund phases of the redevelopment.

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Commissioner Costa asked if the proposed options were for the City to discuss or if each use could choose an approach. Mr. Shires replied that they are recommending that the City adopt a bucket of options, and set a defined budget on a yearly basis, evaluating what happens.

Chair Drake asked if by accepting and adopting the study, were they creating policy. Mr. Shires stated that the request was to accept and adopt the study as a recommendation, which would not create policy.

Clyde Evans, Director of Community and Economic Development, referenced several agreements in place with the City of Clive and the Department of Transportation related to runoff impacting Blue Creek and I-235. A detention basin is being installed in front of West Bank to help mitigate the potential flooding of the I-235 off ramp.

Chair Drake noted that the study does not create infrastructure fees. Director Evans affirmed that it does not.

Commissioner Davis asked the timeline for implementation. Mr. Shires stated that the proposal would provide recommendations immediately available as needed for those interested in redeveloping, however many parts of the plan would take up to 5 or 10 years to implement. Director Evans added that the different approaches will work, and the idea is to be open to creating solutions and generating new ideas.

Commissioner Shaw asked if the stakeholder meetings will continue. Mr. Shires and Director Evans affirmed they will.

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 Costa, the Planning and Zoning Commission approved a resolution recommending approval and adoption of the University Corridor Study.

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

Commissioner Hatfield left the meeting.

Item 4b – South Branch Mini Storage, 4650 SE Army Post Road – Approve Site Plan to allow mini storage buildings and outdoor storage yard – SBBP JV21, LLC – SP-005416-2021

Brad Kuehl, Bishop Engineering, 3501 104th Street, Urbandale, presented the site plan for mini storage buildings. He noted that the site had been rezoned with some platting completed some time ago. Storm water and site utilities will be extended to the site. The

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lot on the western portion will provide outdoor storage, including RV's and boats. The eastern portion will be a business park.

Chair Drake asked if they are in agreement with Staff's conditions of approval. Mr. Kuehl answered that they are.

Kara Tragesser, Development Services Planner, stated she had nothing to add, and that Staff recommend approval.

Commissioner Costa asked about review of the aesthetics. Planner Tragesser stated staff had crafted the PUD carefully with more requirements than usual to mitigate the site, including screening of buildings and access ways, including open air areas, and trees along the entrance ramp.

Commissioner Shaw asked what the associated legal documents were as referred to in the motion for acceptance. Planner Tragesser stated these were easements for water mains and cross access.

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 Crowley, seconded by Commissioner Conlin, the Planning and Zoning Commission approved a resolution recommending approval of the site plan subject to the following conditions:

1. The applicant/developer acknowledging and agreeing that until water is available onsite in a manner to the satisfaction of the Fire Marshal, no building permits shall be issued for above ground construction of any building and no outdoor storage of any items or materials, including combustible construction materials, vehicles, RVs, and boats shall be allowed onsite. The installation of private utilities, footings and foundations, and vehicle drives will be allowed subject to these items being at the sole risk to the developer before the above ground construction is permitted.
2. That an ingress/egress easement to allow access between Lot 1 and Lot2 to meet the requirement for secondary access to the site is agreed to and executed before proceeding to City Council.
3. That a private water main easement to allow West Des Moines Water Works to access the private main is agreed to and executed before proceeding to City Council.
4. The applicant/developer agreeing to provide storm water facility as built drawings and certification of construction prior to issuance of any occupancy permit or allowance for storage of items within any of the storage units or outdoor storage of items or materials, including vehicles, RVs, and boats.

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

Item 2 – Public Hearings

There were 2 Public Hearing items.

Item 2a – Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to fences within footprint lots – Caliber Iowa, LLC – AO-005820-2022

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 November 4, 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 Conlin, seconded by Commissioner Crowley, the Planning 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, Drake, ShawYes
Hatfield.....Absent
Motion carried.

Justin Bauer, Clarity Construction, 1115 NE Tuscan Blvd, Ankeny, presented the request to allow fences on footprint lots, stating they had developed this community for 55 and older based on a similar model in Ankeny and Clive. Their intent had always been to allow fences, and the covenants had been written accordingly, however when changing zoning designations from PUD to medium density, they had not recognized fences would be prohibited by City Code. Completion of the development will occur this month, and transfer of the property management will go to the HOA, which can restrict the fencing to 4' wrought iron, and indicate placement allowed on lots. HOA approval will be required for any resident intending to install a fence. He addressed a concern raised at the Planning and Zoning Council Subcommittee that having fences on the lots would increase lawn care fees by stating that the per lot fees being charged now at Courtyards without fences are not different from those being charged in Ankeny and Clive on lots with fences.

Chair Drake asked the impetus for the request. Mr. Bauer stated there had been a fence permit mistakenly approved and then revoked by the City which brought their attention to the discrepancy between their intended fence allowance and the code restriction.

Commissioner Crowley asked if the height would be 6 feet. Mr. Bauer stated most fences were typically 4 feet, with a 6-foot fence around the pool.

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Lynne Twedt, Development Services Director, clarified the differences between footprint lots on a medium density parcel, and single-family lots, noting the applicant could have platted this site as single family; however, they would not have been able to have as many dwellings. Homes on footprint lots are designed to look and feel like single family, however the lots don't meet single family setback requirements. Fences and detached accessory structures are not allowed on footprint lots. Due to increasing demand, this is being reconsidered ahead of the zoning code update. She noted that the proposed City code will prohibit fences from being placed in front yards or joining to another resident's home. Director Twedt concluded that Table 7.2 will be revised to have language consistent with Table 7.3.

Commissioner Costa questioned if two neighbors have lots which touch, would that create a problem for fencing. Director Twedt responded that the fence can be placed on the common property line, it just cannot cross over onto the neighbor's property.

Commissioner Davis asked if Staff had looked at what is allowed by other cities. Director Twedt responded that they have looked at what Caliber has built in other communities but have not dug into each city's code to see how the other cities address footprint lots versus single family.

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

Bill Krier, 757 S 100th Street, stated he opposed the fences based on how it would look within the development.

Don Spain, 916 S 100th Street, voiced support for the fences, informed that he had been issued a permit which was revoked and now has fence posts installed without fencing; he stated fences would increase home value, providing safety from wildlife, and protect children from nearby water areas.

Tom Hirschauer, 9978 Alexander Circle, opposed the fences based on appearance, stating visiting children should be supervised while outdoors, fences would lead to unattended barking dogs, and that home values have gone up without the fences.

Erin Downs, 9918 Alexander Circle, stated they bought their lot believing they were allowed to have a fence, after reviewing what the developments in Clive and Ankeny looked like; she added that fences would protect visiting children from the water areas.

Joan Henscheid, 869 S 100th Street, voiced support for the fence allowance, disagreeing that it would detract from the appearance of the development.

Jacki Fultz, 741 S 100th Street, added her agreement with those in support of the fence amendment.

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

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Commissioner Costa noted that the decision before the Commission this evening pertained to footprint lots throughout the City and that Courtyards at Kings Landing was just one example of a larger question. He stated that the developers should choose how to implement the fence allowance. Commissioner Conlin agreed.

Commissioner Shaw asked Mr. Bauer whether the City’s proposed fence amendment would sync up with what he had planned for Courtyards. Mr. Bauer responded that they would write an amendment for the covenant which would be more specific and align with the city.

Moved by Commissioner Costa, seconded by Commissioner Conlin, the Planning and Zoning Commission approved a resolution recommending the City Council approve the amendment.

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

Item 2b – Galleria, Northwest corner of Mills Civic Parkway and S. 60th Street – Amend the signage regulations within the Galleria Specific Plan ordinance – The Whalen Family Limited Partnership and Horizon Galleria, LLC – ZC-005808-2022

Chairperson Drake recused herself from Item 2b, as her company is presenting the application.

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 November 4, 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 Shaw, the Planning 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, ShawYes
Drake.....Abstain
Hatfield.....Absent
Motion carried.

Jennifer Drake, Heart of America, 515 E Locust St, Ste 100, Des Moines, presented the request to allow the larger side of the building to be used for wall signage square foot calculations. She cited similar examples where this was allowed in other parts of West Des Moines.

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Commissioner Crowley asked which direction the longer building side faces. Ms. Drake stated it faces north.

Commissioner Conlin asked what the business sells. Ms. Drake answered that it markets hot and cold caffeinated energy beverages.

Brian Portz, Development Services Planner, informed that the Sign Code currently stipulates that the side of the building facing the public street be used to calculate sign footage, which in this case would allow for 13 square feet for wall signs. Heart of Iowa is requesting 49 square feet, using the long side of the building for the calculation.

Commissioner Crowley noted that the City has approved similar requests. Planner Portz affirmed that this was recently allowed for two Scooters kiosks.

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 Costa, seconded by Commissioner Crowley, the Planning and Zoning Commission approved a resolution recommending the City Council approve the amendment.

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

Motion carried.

Vice Chair Conlin returned the meeting to Chair Drake.

Item 3 – Old Business

There were no Old Business items to address.

Item 5 – Staff Reports

The next meeting is scheduled for Monday, November 28, 2022.

Commissioner Shaw asked for an update on the zoning code. Director Twedt stated the consulting firm is creating case studies based on other municipalities to be evaluated for application in West Des Moines. Next steps would include formation of a technical committee for review of a draft document, with possibly a new zoning code in place by the end of the fiscal year.

Item 6 – Adjournment

Chairperson Drake adjourned the meeting at 6:48 p.m.

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Jennifer Drake, Chairperson

Jennifer Canaday, Recording Secretary