

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

Monday, February 20, 2023

**Attending:**

Council Member Matt McKinney  
Council Member Doug Loots  
City Manager Tom Hadden  
Deputy City Manager Jamie Letzring  
Assistant City Attorney Jessica Grove  
Development Director Lynne Twedt  
Development Coordinator Linda Schemmel

City Engineer Brian Hemesath  
Principal Engineer Ben McAlister  
Planner Brian Portz  
Associate Planner Kate DeVine

Guests:

Nick Halfhill, Forestar  
Cory Bloom, D.R. Horton  
Chris Costa, Planning & Zoning Commissioner

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

**1. Fox Ridge Off-Premise Development Sign – Kevin/Nick Halfhill, Forestar**

Director Twedt introduced the topic, noting the location of the development between Veterans Parkway and SE 25<sup>th</sup> Street and pointing out Warren County's 100' parcel for the Great Western Trail.

Nick Halfhill, Forestar Development, presented their request for the City to consider options which might allow them to place a development sign on property owned by the County where the Great Western trail is located between their development and the right of way. Mr. Halfhill acknowledged that he understands Code does not allow signs to be placed on property owned by another party, however he noted that this situation is unique in that it is a public entity which owns the trail. He expressed their desire to place the development sign closer to the roadway (Veterans) and noted the grading they have performed for landscaping, the fact that they are working their design around the location of a detention pond, and funds already spent in preparing this area. He pointed out the similarity of a site in Cedar Rapids where a convenience store was allowed to be located on two parcels with a reverse easement.

Council Member McKinney clarified that the County owns the property where the Trail is located. Mr. Halfhill stated it does and informed that Mr. Bloom had spoken with the County about this request to determine whether they would allow an easement over the trail, which they agreed to.

Council Member McKinney asked if there was anything about the sign other than location which the City was concerned about, regarding size, lighting or other. Mr. Halfhill responded there was not.

Assistant Attorney Grove inserted that it is very clear that off premise signs are not allowed by the City of West Des Moines' sign code.

Sign Administrator Kevin Wilde commented that when the sign was proposed, he explored options such as whether this qualified for a variance, which it does not because Code strictly prohibits off-premises signs. It was noted that allowing such could open the door for other businesses not on a main road such as Smash Park with obtaining easement to place signs on Mills Civic or Jordan Creek Parkway. He voiced his concern regarding changing the sign code to allow off-premises signs and noted that Council Members had been very clear in 2017 when the sign code was last updated that they did not wish to see every major street corner in West Des Moines covered with signs.

Council Member Loots commented that he is acutely aware that the City of West Des Moines is different from others and does not support changing the sign code to allow off premise signs. He added that he didn't believe having the sign set back further on the Fox Ridge property was detrimental and suggested could even be more valuable.

Assistant City Attorney Grove referenced the Gilbert Case in Arizona which strictly limited sign restrictions to four areas. She informed that the City did not believe this sign was necessary for directional purposes but rather would serve more for marketing. This would be considered commercial, which is not allowed off premise.

Council Member Loots informed that he would be concerned about the precedent that would be sent if this sign were allowed.

Mr. Halfhill responded that he disagreed about considering this a commercial sign, and although he agreed that he didn't want to see the sign code changed, he was hoping this would be considered a unique circumstance as the parcel has no other principal use.

Mr. Wilde asked if Mr. Halfhill would be willing to buy the parcel should the County be willing to sell. Mr. Halfhill replied that he did not know.

Director Twedt pointed out that there is a mile and a half along Veteran's Parkway where other developers might seek similar signage and questioned where and how the City would determine to allow or not allow.

Council Member McKinney asked if billboards were allowed. Ms. Grove replied they were allowed in open space areas only. Director Twedt noted they are not typically near residential areas. Ms. Grove said their use is very limited in West Des Moines, commenting that one located near East 61<sup>st</sup> has a sunset date and would expire.

Council Member McKinney commented that he wasn't concerned about businesses such as SmashPark trying to locate signage on Jordan Creek or Mills Civic Parkway since those sites were owned by other businesses. He stated he was willing to explore other options for situations such as this when the adjacent property is owned by a public entity, cautioning that he did want to stay within the law as regulated by the Supreme Court. Mr. McKinney stated he did not see a solution to this situation today but would be willing to entertain options if a solution could be found.

Director Twedt replied that Staff would explore options. Mr. Halfhill agreed that they would defer to staff and explore other options.

*Direction: Council Member Loots was not supportive of allowing an off-premises sign; Council Member McKinney was supportive of exploring other options not involving changing the sign code.*

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

- a. Code Amendment, Amend City Code pertaining to regulations for short term residential rentals – AO-005824-2022. Assoc. Planner DeVine summarized this code amendment. Council Member McKinney asked if this pertained to a recent change in State Law governing rentals and applies to Air B&B's. Assistant City Attorney Grove stated that it does, Director Twedt added that the State no longer requires owners to be present onsite to lease short term rentals as our code did.
- b. Woodland Estates Plat 2, 9510 and 9520 Mills Civic Parkway: Development of 36 detached single-family residential lots, 1 outlot for Parkland and 1 public street lot – PP-005911-2023 Assoc. Planner DeVine summarized this project.
- c. WDM Law Enforcement Center, 250 Mills Civic Parkway: Construction of a garage extension and additional parking stalls on the west side of the facility – MaM-005908-2023. Assoc. Planner DeVine explained that request. Ms. Grove inserted that the Law Enforcement is working with the Parks Department regarding how the project can be accomplished without impacting an adjacent disc golf course.
- d. Mills Civic Pkwy ROW, north of 9040 MCP (Fareway): Vacate approx. 9,300sf of former road right-of-way no longer necessary due to new road alignment – VAC-005934-2023. Director Twedt provided a short summary of this project, noting that this right of way was being vacated for use by Fareway for landscaping. Ms. Grove added that Fareway had already purchased the parcel.
- e. Casey's, 1690 S. 88<sup>th</sup> Street: construction of a convenience store with fuel pumps – SP-005892-2022 Planner Portz noted the location of this Casey's which will be north of DMU.

## 3. Minor Modifications & Grading Plans

- a. Rhino Materials Building Addition, 480 S 16<sup>th</sup> Street: 515sf addition for pallet wrapping matching – MML2-005874-2022
- b. High Point, NW, and SW corners of S 81<sup>st</sup> & Stagecoach: rough grading – GP-005901-2023
- c. DSM15 Data Center (Ginger East), 1475 SE Maffitt Lake Rd: initial grading – GP-005935-2023. Council Member McKinney asked if a new building permit had been obtained for this project. Ben McAlister, Principal Engineer, stated this is just a grading permit and the remainder of the project is still in site plan review, noting that a building permit will be issued for this site in the future.
- d. Blue Agave, 9500 University Ave Ste 2108: Extend patio and add trellis – MML1-005921-2023
- e. 3001 Westown Pkwy: Installation of 240kW building mounted solar array – MML1-005926-2023. Council Member McKinney asked if these solar arrays were larger than WDM used to allow. Development Coordinator Schemmel responded that these are commercial arrays which do not have size limitations like residential does but they do require a minor modification and then a building permit.
- f. 2929 Westown Pkwy: Installation of 50.22kW building mounted solar array – MML1-005927-2023
- g. 2829 Westown Pkwy: Installation of 204KW building mounted solar array – MML1-005928-2023
- h. 1415 28<sup>th</sup> St: Installation of 256kW building mounted solar array – MML1-005929-2023

- i. Des Moines University, 8025 Grand Ave: Building turnover phasing plan – MML1-005932-2023. Council Member McKinney asked what the phasing meant. Director Twedt responded that DMU intends to open in June for students and is phasing building occupancy to allow equipment, classroom and professor's office setup in preparation of the June classes.

#### 4. Other Matters

None

The meeting adjourned at 7:55 AM. The next regularly scheduled Development and Planning City Council Subcommittee is March 6, 2023.

Lynne Twedt, Development Services Director

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Jennifer Canaday, Recording Secretary