

PLANNING AND ZONING COMMISSION

PZ AF 05-08-2023

Chairperson Conlin called the regular meeting of the Planning and Zoning Commission to order at 5:30 p.m. on Monday, May 8, 2023, 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, McCoy, Shaw..... Present

Commissioner Crowley made a motion to revise the agenda, moving New Business Items 4b and 4c ahead of Item 4a. Commissioner Hatfield seconded the motion; motion was unanimously approved.

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of April 24, 2023

Chair Conlin asked for any comments or modifications to the April 24, 2023, minutes.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Planning and Zoning Commission approved the March 24, 2023, meeting minutes.

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

Item 2 – Public Hearings

There was 1 Public Hearing item.

Item 2a – Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to building separation for accessory structures in single family zoning districts – City Initiated – AO-0050913-2023

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 April 28, 2023.

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 Davis, 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, Hatfield, McCoy, Shaw..... Yes
Motion carried.

Karen Marren, Development Services Planner, outlined the changes to the ordinance which will reduce separation distance between structures on a lot in single family zoning districts from 10' to 5'. There have been several requests for this reduction by homeowners and this is the minimum allowed by Fire Code. All accessory structures bulk regulations have been included in Table 7.5

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to make it more user friendly. Definitions in Chapter 2 of Title 9 were cleaned up to remove regulatory language.

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 Shaw, the Planning and Zoning Commission approved a resolution recommending the City Council approve the ordinance amendment.

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

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

There were three New Business items.

Item 4a – The Pines at Glen Oaks, Southwest quadrant of Interstate-35 and Mills Civic Parkway interchange – Approve a Site Plan for 33 dwelling units for Multi-Family residential development – Paramount-Destination Homes, Inc. – SP-005366-2021

Wally Pelds, Pelds Engineering, 2323 Dixon St, Des Moines, presented the request for site plan approval for a 33 unit rowhome development, noting that the PUD had been approved, and they are working through the next step. The project is in compliance with the PUD zoning for this site, adding that he didn't believe anything had changed according to his design team.

Chair Conlin asked if the applicant is in agreement with Staff recommendations and Conditions of Approval. Mr. Pelds affirmed that they are.

Commissioner Shaw asked the location of Buildings 6 and 7 and asked for more information about the proposed rooftop patios. Mr. Pelds stated these were anticipated to be beneficial based on the price-point of the units, and noted they are quite common in downtown Des Moines. Commissioner Shaw asked if the patios are community space. Mr. Pelds clarified that they will be private to the individual units.

Commissioner Crowley asked for the setback distances from the drive, berm, requested fence proposed by The Greens HOA. Mr. Pelds provided drawings illustrating the distances and views, stating the setbacks varied between 20 and 25 feet. Commissioner Crowley clarified that was 20-25 feet from the property line.

Kara Tragesser, Development Services Planner, noted there were three memos placed on the dais for the Commissioners to review. One was from Bob Burns, one from the Greens Townhome Association, which was located directly west of the proposed development, and one from the Glen Oaks Master Association.

Commissioner Crowley commented that the Master Association has approved the site plan. Planner Tragesser affirmed that they have.

Commissioner Shaw asked whether the HOA Chairperson was the person who replied.

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Commissioner Costa noted that Jim McClarnon had provided the response, and he was the person hired to manage the association.

Planner Tragressor addressed the questions about the setbacks.

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

Bob Burns, 844 Glen Oaks Terrace, West Des Moines, informed that he had provided written comments on behalf of The Greens Homeowners Association, and detailed each of six concerns, adding a seventh. Mr. Burns expressed concern about the rooftop patios on building 7 facing The Greens homes, requesting that they be re-oriented to face The Pines community so the noise would be self-regulated. He stated the rooftop patios for building 7 would be a line of site intrusion because of the elevations, with concern that those units could look directly into the master bedrooms of The Greens homes. Mr. Burns requested a fence on the berm to protect children from the detention pond on the east side of Glen Oaks Terrace.

Commissioner Costa asked if there is currently a fence in the area to protect the pond. Mr. Burns replied there is not. Commissioner Davis asked if there were fences located anywhere within the Glen Oaks community. Mr. Burns replied there are not.

Commissioner Costa asked if The Greens consisted of a total of 5 structures around the pond. Mr. Burns replied that there are 36 units in The Greens community. Commissioner Costa stated that his response to the concern about lack of privacy was that there is a nice stand of trees along Glen Oaks Drive. Mr. Burns replied that he had requested but not yet received information about the grade and elevation of the new development, so he didn't believe he had enough information.

Mr. Burns went on to list the rooftop units as an intrusion. He requested that a specific type of tree be installed in the landscaping, an upright columnar juniper, and provided an illustration.

Mr. Burns asked that the City require a 100% performance bond, to include labor and materials, to ensure that the project was completed in a timely manner. He noted that he had seen no proof that the Glen Oaks Owner Association had approved the site plan. He commented on a community owners meeting that had been planned for April which never took place.

Mr. Burns stated that the site plan, which had just been made available for review on Friday, showed buildings 5 and 6 facing each other, which would give The Greens units a side view of the units. He noted that they would prefer to see a fronts or backs of the units, and not side views.

Mr. Burns' seventh concern was to request that the density built on The Pines be required match The Greens, reducing the number of units by 50%, so that there were 3 units per acre.

James Myers, Paramount-Destinations Homes, 2540 73rd Street, Urbandale, responded to some of the concerns expressed by The Greens homeowners. He noted that this project has been three years in the making so far, with numerous concerns addressed, including working with the DOT regarding a fence in the wrong location, a water line located in an unexpected area, and informing that the number of units to be built had already been reduced from 40 to 33.

Mr. Myers stated that they are meeting the zoning regulations and had worked with the City on the architecture to meet the current trends being built into other parts of the Glen Oaks community. The homes will be priced from the high \$600,000s to \$1.2M, much higher than any units nearby, and the rooftop patios would provide a noise shield from the interstate, with a view to the golf

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course. He agreed that the heavy tree cover would provide more than ample privacy, adding that this was the first time he had heard of that concern tonight.

Mr. Myers informed that Mr. McClarnon had been his primary contact with the Glen Oaks associations, and that there had been multiple meetings, including with the Architecture Committee. Mr. Myers concluded by asking the Commission to approve the site plan.

Chair Conlin asked if anyone else from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Commissioner Costa commented on points that had been brought up. Regarding the rooftop patios, he noted that looking at a satellite view, there appeared to be a pretty great distance between The Greens and The Pines, with a decent tree canopy. Mr. Costa noted that a lot of single-family developments build at 3 units per acre, and for The Greens developer to choose that rather than building at 7 units per acre was his choice to not maximize the space by putting on as many units there as he could.

Commissioner Costa expressed confusion about the request for a fence when there doesn't exist one at this time to restrict residents on the east side of Glen Oaks Terrace from accessing the pond. He concluded his remarks by stating he moved to approve the site plan. Commissioner Crowley seconded the motion.

Chair Conlin asked if there were any additional comments from the Commission before a vote commenced.

Commissioner Davis added her comments, agreeing with Commissioner Costa regarding the density falling within zoning approval, plats were approved, landscaping plans had been approved by City staff and the Association and rooftop patios are allowed in this development. This may not be something the neighbors want, but we are adding to our Community and the City. Commissioner Davis concluded that she believed this is a wonderful project.

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

1. The applicant acknowledging and agreeing that prior to issuance of any building permits for buildings within The Pines at Glen Oaks development, that the associated Final Plat must be approved by the City Council and recorded with Polk County.
2. Prior to commencing work within the Glen Oaks Owners' Association ground as illustrated within the Site Plan, that the applicant provides a drawing with the Glen Oaks Owners' Association signature thus acknowledging that grading will commence on the developer's property and there are impacts to the Association's ground.

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

Item 4b – Woodland Estates Plat 2, 9510 and 9520 Mills Civic Parkway – Approve a Preliminary Plat to create 37 lots for Single Family Residential development, 1 Outlot and 1 Street lot – Silo 9 Plat 1, LLC - PP-005911-2023

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Jared Murray, Civil Design Advantage, 4121 NW Urbandale Dr, Urbandale, presented the request on behalf of Silo 9's LLC for approval of preliminary plat for Woodland Estates Plat 2 to be located just north of Woodland Estates Plat 1. He noted the new street extension from Majestic Oaks and stated that the utilities for Plat 2 would be extended through from Plat 1. Mr. Murray provided that the location of the detention pond on the north side of lots 22-27 of the existing drainage way, within lots 18 and 19.

Chair Conlin asked if the applicant is in agreement with Staff recommendations and conditions of approval. Mr. Murray stated they are.

Kate DeVine, Development Services Associate Planner, stated she had nothing to add, and commented that this is the second phase of the whole Woodland Estates, adding that there is a condition of approval pertaining to the driveways.

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 Costa, seconded by Commissioner Crowley, the Planning and Zoning Commission approved a resolution recommending approval of the Preliminary Plat, subject to the following conditions:

1. The City Council granting allowance of the placement of Public Utility Easements (PUEs) in the front yard of all lots).
2. The developer acknowledging and agreeing to require buyers of lots that front to S. 95th Street to ensure all turns onto S. 95th Street are a forward movement and agreeing that backing out onto S. 95th Street is prohibited.
3. The applicant acknowledging that prior to issuance of any building permits for above ground construction, appropriate emergency vehicle access and water service is provided to the satisfaction of the City Fire Marshal.

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

Item 4c – High Gate Plat 1, north and east of the intersection of S. 88th Street and Stagecoach Drive – Approve a Preliminary Plat to create two outlots for future development and one street lot – Sunset Co., L.C. – PP-005922-2023

Jared Murray, Civil Design Advantage, 4121 NW Urbandale Dr, Urbandale, presented the Preliminary Plat request for High Gate Plat 1, located at the east side of 88th Street, stating this preliminary plat was primarily to get the street lot started with site improvements, and set up the two outlots for future development. The North outlot is set up for Commercial, the South outlot is planned for high density residential.

Chair Conlin asked if the applicant is in agreement with Staff recommendations and conditions of approval. Mr. Murray stated they are.

Kate DeVine, Development Services Associate Planner, agreed that this request was just for the outlots, noting that the applicant would return for the preliminary plat.

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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 McCoy, the Planning and Zoning Commission approved a resolution recommending approval of the Preliminary Plat, subject to the following conditions:

1. Outlots Y and Z are unbuildable until such time that they are replatted through the Subdivision process.

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

Item 5 – Staff Reports


The next meeting is scheduled for Monday, May 22, 2023.

Item 6 – Adjournment

Chair Conlin adjourned the meeting at 6:08 p.m.



Jennifer Canaday, Recording Secretary



Andrew Conlin, Chairman