

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

Monday, April 1, 2024

**Attending:**

Council Member Matt McKinney	Principal Engineer Ben McAlister
Council Member Renee Hardman	Planner Kara Tragesser
City Manager Tom Hadden	Planner Brian Portz
Deputy City Attorney Jessica Grove	Planner Karen Marren
Development Director Lynne Twedt	Associate Planner Kate DeVine
Development Coordinator Linda Schemmel	Associate Planner Emani Brinkman
Building Official Dennis Patrick	City Engineer Brian Hemesath
Fire Marshal Mike Whitsell	

Guests online for Item #1 -

John Lassaux, CRG  
BJ Connelly, CRG  
Christopher Stafford  
2 unidentified phone numbers, 1 iPad(2)

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

**1. Village on Jordan Creek PUD**

Planner Karen Marren presented the request to amend the Village on Jordan Creek PUD to address the parking space requirements for this partially completed multi-use development. Ms. Marren explained how many parking spaces zoning code (the PUD) currently requires for each use proposed by the developer, noting that the requirement will not be met by the number of spaces available on this site. She informed that the first tenant restaurant exceeded their parking allowance by constructing a space larger than approved. The second space is almost ready to be occupied and will require more parking than is available onsite. Residential units are under construction and have already received a reduction for the required number of parking stalls. The developer would like to add a third restaurant tenant, with a fourth office tenant. The developer believes that these chosen tenants with off-setting hours of operation will make the site functional. Staff are concerned because there are already reports of inadequate parking with only one tenant occupying the development, and there is no additional area to add parking to resolve the issue, now or in the future.

Staff are requesting direction on allowing the third tenant to have restaurant use, and whether to rewrite the PUD to address the parking issues.

Council Member McKinney asked if the HomeGrown permit had been issued and is not compliant. Planner Marren affirmed that it has been, and the parking is not compliant. Director Twedt inserted that Ruth's Chris restaurant built larger than proposed and is also not compliant with language in the PUD for allowable restaurant square footage. Deputy City Attorney Grove asked whether the parking ramp is restricted to residential use only and whether it is gated. Planner Marren said it is restricted but she did not know if it was gated.

Council Member McKinney asked if the issue was whether HomeGrown could not move forward, or Taziki's, or the whole site. Director Twedt responded that Staff are holding up the 3<sup>rd</sup> restaurant permit and reiterated that the city does not have a fix if there is a parking problem.

City Manager Hadden asked if there is a problem now. Director Twedt stated she heard there is an issue during peak hours of operation. She added that this can be a problem with mixed use buildings if the tenant mix is not controlled.

Council Member McKinney asked if staff has a recommendation. Planner Marren stated they do not. Director Twedt added that it really hinges on the developer to resolve if there is a problem by being selective in the tenant mix.

Council Member Hardman asked for input from the developer.

John Lassaux and BJ Connelly, representing CRG, responded that they have been very selective for commercial tenants, choosing those believed to be complimentary to Ruth's Chris and the residential use. They listed the differing hours of operation and noted that Taziki's was chosen for being a grab & go style of short-term use. They confirmed that there is no gate on the parking garage, and listed the anticipated usage based on their experience to be less than the zoning code requirements of one parking space per bedroom. They asserted that the fourth tenant will not be another food and beverage operation, but probably office use.

Council Member McKinney asked about options for amending the PUD and exploring options for resolving with the City. Mr. Lassaux and Connelly responded that they've done their homework, and that these are national tenants, so they are able to determine projected usage which they do not expect to create an overparking situation. They stated that Staff brought up the concerns with the application for Taziki's, and that they had not been aware prior that there was an overparking issue. The lease with Taziki's has not been signed yet. They felt amending the PUD for a parking reduction would be sufficient for what is onsite due to hours of operation.

Council Member Hardman asked how short the site was for parking with Ruth's Chris, HomeGrown and Taziki's. Planner Marren replied that with Taziki's, total required would be 520.89 spaces, and 469 are available. Director Twedt added that these are the numbers under current code. It was stated that to get back to 470 spaces which is what exists within the site we could adjust how parking is calculated by limiting to patron area only and removing the back-of-house aspects; however, this also would eliminate parking for the employee count. She added that the developer thinks the site will work, but there isn't a way to fix this if there is a problem.

Council Member Hardman stated the city needed to move forward and approve HomeGrown. Director Twedt noted HomeGrown is approved and about ready to open. The question is if the city should allow a third restaurant or ask that the space be restricted to commercial use.

Council Member McKinney responded that they would have to marry demand with supply. Council Member Hardman asked the hours of operation for HomeGrown. Deputy Attorney Grove stated HomeGrown will be early morning to 2:30 pm, and Ruth's Chris is 11 am to 11 pm. Taziki's will be 11 am to 8 pm.

Council Member McKinney commented that the bulk of the parking was restaurant, and the biggest user is end of day. He stated he would like to make something work but was curious how to manage these 7 years down the road.

Council Member Hardman asked if a future restaurant wanted to use the Ruth's Chris space, how should the PUD be written to address that. Deputy Attorney Grove replied that the city has two concerns – what solutions are available if there is a problem, because permits can't be revoked, and they might not want to make an agreement across the street to use another parking lot for employees. Also, it sets a precedent for other multi-use developments.

Director Twedt added that this developer may have it under control, but what if the next development or developer is less conscientious.

Council Member McKinney asked if there was some way to address use over periods of time, such as restricting Walmart's hours to not be open after 11 pm. Deputy Attorney Grove stated the City can specify specific hours of operation, however the Building Official wouldn't know those prior to the permit approval; it's difficult for enforcement, but it can be done. She added that if Ruth's Chris and HomeGrown are compliant, Hope Church is across the street, they are both open for lunch. CRG is saying all residential parking is within the ramp. Planner Marren commented that there is not enough space in the garage to meet the residential requirement. Deputy Attorney Grove added that with the residential not open yet, we don't know the impact it will have.

Council Member McKinney asked CRG to comment on the residential parking. Mr. Lassaux stated they expect 94% occupied units, with one bedroom per parking stall. They are more than comfortable based on the historical data from other projects.

City Manager Hadden asked if Plan B is to work with the adjacent bank or other site for off-site employee parking during peak time. Mr. Lassaux responded that Ruth's Chris worked out an agreement with Lutheran Church of Hope during their training time to use off-site parking which allowed employees to shuttle or walk over. They can solidify discussions about further use.

Council Member Hardman commented that she remembered when Ruth's Chris was opening that there was use of parking at the church, however she didn't know if that was a short- or long-term agreement. She asked if that discussion is ongoing. Mr. Lassaux replied that they could look to solidify a plan B option.

Director Twedt pointed out that City Code requires all parking to be onsite, and that Staff doesn't want to promote parking across a busy street, although the City does encourage walkability. She added that Lutheran Church of Hope is very busy on holidays.

Council Member McKinney asked if the draft PUD should include business hours of the restaurant, avoid allowing another dinner restaurant in two years in HomeGrown's space, adding in restrictions so this will work or if Taziki's should be avoided all together. Mr. Lassaux responded that CRG is comfortable with what is proposed, adding that Ruth's Chris has a voting right as a partner in the overall deal. This adds a second layer of comfort for them. They don't want to see a gym taking Taziki's space because parking in the early morning and throughout the day would be more problematic.

Council Member McKinney commented that the proposal on slide 7 works with the applicant. He directed Staff to explore how to draft the PUD to fit this situation, recognizing that this restricts them 5 years from now. He would prefer that they not have areas of parking just sitting, concluding that this is a risk the applicant takes.

Council Member Hardman added that it's complicated. She noted she wanted to see the best for the development, adding that there was a lot of conversation about the types of business assigned parking spots by code. They had spent more time on business types trying to make it work. She expressed nervousness about employees crossing a busy intersection, the residential parking needs, and how congested it could get. Ms. Hardman concluded that she was willing to go with the flow and try to make this work but thinks we can see some major congestion in the area.

Council Member McKinney stated that the city has to be forward looking. The draft PUD should reflect what's being proposed here. Director Twedt stated Staff would be looking to explore requiring a parking analysis the same as the city requires for food truck applicants, and would take some uses off the table, recognizing there is no parking fix once there is a problem.

Council Member Hardman responded that she could support that, she's just expressing nervousness about the congestion. City Manager Hadden pointed out that the developer is the one who will be impacted and will have to make adjustments. Mr. Lassaux stated they would support this and agreed with a parking study for specific uses in the future. Council Member McKinney concluded the City should avoid unknown issues with unknown tenants.

*Direction: Council Members were supportive of allowing the third restaurant tenant and amending the PUD to restrict future uses to meet available parking.*

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

- a. Westport Plat 3, Intersection of Westport Dr & Twilight Dr.: Revised preliminary plat to increase lot sizes and turn existing outlots adjacent to V Court into buildable lots for the future development of 46 single family lots – PP-006340-2024

Planner Portz provided a brief project summary. Deputy Attorney Grove stipulated that no building permits should be issued in the area of planned future grading (*at the west end*), noting the applicant wants to sell but two of the lots are recommended to be designated as unbuildable until the adjacent road has been completed. Council Member McKinney asked if the property to the left had just sold. Principal Engineer McAlister affirmed that it was, commenting that the sale could speed this along. Nick Sideris, 11080 Westport, provided concerns regarding the current speeding along this roadway, requesting the consideration of installing speed bumps, stop signs and using radar to discourage speeders. He noted that there has been an increase in traffic, as well as a much larger number of children in the neighborhood. Council Member McKinney stated he would reach out to Chief Scott with the concerns.

- b. Pavilion Park Plat 3, West of 9075 & 9076 Lindas Lane: Preliminary Plat to create 7 single family lots, 1 street lot, 1 outlot for detention and 1 outlot for greenway – PP-006351-2024

Planner Portz provided a summary of the Pavilion Park project. Principal Engineer McAlister added a comment stating the city has an interest in completing Napoli to be a through street if the proposed school was to fall through.

- c. The Lancaster, Northwest of S 85<sup>th</sup> and Cascade Avenue: Comprehensive Plan Amendment to change the land use of the property from Office to Multi Use Medium and apply zoning of Residential High Density (RH-18) for future development of 180-unit apartment complex – CPAZC-006353-2024

- d. Delavan Warehouse, 2101 Delavan Drive: Subdivide into 14 condominium lots within warehouse building, 1 outlot for fire sprinkler room, and 1 outlot for common area – FP-006343-2024

- e. Brookview School, 8000 EP True Parkway: Create parcel for transfer to the West Des Moines Community School District for parking improvements – POS-006360-2024.

Planner Tragesser and Deputy Attorney Grove explained the transfer of property, and the maintenance agreement. City Manager Hadden noted that this was the location where a child was hit, and he commended Staff for

working with the school district to solve the problem. Deputy Attorney Grove concluded that the Nature Lodge at this location will be closed for the summer due to the work being performed.

- f. Eagle Brook, Area south and east of Veterans Parkway and SE 35<sup>th</sup> Street: Preliminary Plat to create 169 single family lots, 7 street lots, 4 outlots for detention and 2 outlots for future development – PP-006365-2024
- g. Grey Hawk, 875 S 50<sup>th</sup> St: Preliminary Plat and Final Plat to spilt one lot into two – PP-006349-2024 / FP-006338-2024

### 3. Minor Modifications & Grading Plans

- a. DMU Pond Shelter, 8025 Grand Avenue: Construction of a shelter to be located adjacent to the pond on the DMU property – MML2-006372-2024
- b. Chick-fil-A, 6555 Mills Civic Parkway: Modifications to landscaping proposed with previously approved drive-thru lane modifications – MML1-006383-2024
- c. OOSC Facility Upgrade, 1600 60<sup>th</sup> Street: Enclose existing outdoor covered patio for interior storage space and add a new 450sqft covered patio – MML2-006352-2024
- d. US Bank, 3738 Westown Parkway: Facade modifications, new exterior ATM location, regrading, repaving, and restriping of concrete sidewalk and parking lot to meet accessibility requirements – MML1-006364-2024
- e. Tesla Charging Stations, 1725 Jordan Creek Parkway: Expansion of Tesla charging stations - MML2-006381-2024
- f. Arcadia Building, 7000 Vista Drive: remove parking an install grass, landscaping, pathways, and pickleball courts – MML2-006350-2024
- g. Mane Salon, 808 Ashworth: change parking, entrance drive and add vestibule and ADA access -MML1-006363-2024
- h. Bridge Lot Townhomes, 551 S 19<sup>th</sup> Street: Install fence – MML1-006363-2024
- i. McDonough Fence, 9934 Alexander Circle: install 4-foot ornamental fence – MML1-006376-2024
- j. Monferdini Fence, 9922 Alexander Circle: install 4-foot ornamental fence – MML-006377-2024
- k. Tuddy's Tavern, 6240 Mills Civic Parkway: Modification to façade colors to align with area – MML1-006375-2024
- l. ASR Well in Valley View Park, 301 S 88<sup>th</sup> St: Construction of an ASR Well and a pump control building – MML2-006347-2024
- m. Evereve Façade Changes, 101 Jordan Creek Pkwy Unit 11230: Changing the awnings - MML1-006362-2024
- n. St Francis of Assisj, 7075 Ashworth Rd: Installation of 522lf of fence around playground - MML1-006342-2024
- o. Wistey Residence, 5904 Dakota Dr: Replace deck and 3-season room – MML1-006354-2024
- p. 436 S 19<sup>th</sup> Street, Construction of shared trash enclosure for 3 existing single family detached dwellings within high-density residential zoning – MML1-006380-2024
- q. Sun Prairie Apts, 6367 Vista Dr: Installation of fencing to create dog park – MML1-006342-2024

- r. Della Vita Plat 6 4-Plex, 547 Venice Ave: Modify 4-plex architecture to different building style - MML1-006390-2024
- s. ClaimDoc, 3200 Westown Pkwy: Modify building footprint to accommodate new office space and modify exterior lower-level patio – MML1-006386-2024

4. Other Matters

There were none.

The meeting adjourned at 8:31 AM. The next regularly scheduled Development and Planning City Council Subcommittee is April 15, 2024.

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Lynne Twedt, Development Services Director

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Jennifer Canaday, Recording Secretary