

PLANNING AND ZONING COMMISSION

PZ AF 04-22-2024

NOTE: Due to software challenges, there is no audio file of the meeting.

Chairperson Shaw called the regular meeting of the Planning and Zoning Commission to order at 5:33 p.m. on Monday, April 22, 2024, 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, McCoy, Shaw .....Present  
Conlin, Hatfield.....Absent

**Item 1- Consent Agenda**

Item 1a – Minutes of the meeting of April 8, 2024

Chair Shaw asked for any comments or modifications to the April 8, 2024, minutes.

Moved by Commissioner Crowley, seconded by Commissioner Davis, the Planning and Zoning Commission approved the April 8, 2024, meeting minutes.

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

Motion carried.

**Item 2 – Public Hearings**

There were no Public Hearing items.

**Item 3 – Old Business**

There were no Old Business items to address.

**Item 4 – New Business**

There were two New Business items.

**Item 4a – Urban Renewal Plan, Southeast corner of Veterans Parkway and Woodland Avenue – Review of the Ruthenium Urban Renewal Plan for Conformity with the General Plan – City of West Des Moines**

Ryan Moffatt, Community and Economic Development Director, presented the Urban Renewal Plan for Ruthenium, a new Microsoft Data Center project located in a recently annexed portion of the city. He noted the site location and proximity to the existing Osmium Data Center site and summarized the infrastructure details pertaining to reconstructed public streets built to urban cross section standards, and a lift station and sanitary sewer to serve the project. The property will be within a new Tax Increment Finance (TIF) district, allowing the increment generated from the development to pay for the city’s general obligation bonds used to construct public improvements to support the new data center. This site was recently annexed into the city, and a Light Industrial (LI)

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zoning designation consistent with the city's Comprehensive Land Use Plan was approved in December of 2023. Existing gravel roadways including Woodland Avenue and 110<sup>th</sup> Street will be paved with applicable curb and gutter, sidewalks, and street lighting added. The review by the Planning and Zoning Commission is required by State Code to determine conformity with the City's Comprehensive Land Use (General) Plan. This Urban Renewal Plan will go before the City Council for final approval on May 6, 2024.

Chair Shaw 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 McCoy, seconded by Commissioner Costa, the Planning and Zoning Commission approved a resolution recommending a finding of consistency for the Urban Renewal Plan.

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

### **Item 4b – Arcadia Building Amenities, 7000 Vista Drive – Approve Level 2 Minor Modification to Site Plan to allow the removal of parking and install grass, trees and shrubs, trails, a vestibule, and a pickleball court – Dallas County Partners II – MML2-006350-2024**

Commissioner Davis recused herself from this item and vacated the dais.

Jeremy Shepherd, R&R Realty, 1080 Jordan Creek Parkway, provided a brief overview of the project to remove 4 acres of parking and replace with amenities for the use of the tenants of 7000 Vista Drive. Use will be open space, with 2,000 feet of new sidewalks and trails, trees, shrubs, a vestibule, and pickleball court. These amenities will be for the private use of the Country Club office park tenants. Mr. Shepherd noted that they are aware of concern expressed by the residential neighbors and relocated the pickleball court as well as adding a buffer of evergreen trees. He added that there are other uses in the area including band practice which impact the residential neighborhoods. The courts are not for public use.

Commissioner Costa inquired about how the courts will be monitored for use. Mr. Shepherd answered that there will be video monitoring and the property management team will also be monitoring.

Chair Shaw asked if the applicant agrees with staff recommendations and conditions of approval. Mr. Shepherd stated they do.

Kara Tragesser, Development Services Planner, added that there was a memo on the dais providing a drawing of the vestibule, which had been inadvertently left out of the Staff Report. Chair Shaw asked Ms. Tragesser to provide an overview of the drawing.

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Planner Tragesser noted the location of the vestibule, stating it will match the building in architecture, and extends into the patio at the entrance area.

Commissioner McCoy asked if regular sports are required to be separated from adjacent residential neighborhoods and if like the outdoor activity areas for restaurants and bars, are required to be separated by 300 feet. She asked if other pickleball courts in City parks are required to have the same distance from residences, and what those distances currently are. Planner Tragesser stated they are allowed to be closer in City Parks; however, she has not measured the distances between the courts and the residences.

Commissioner Costa asked if the track is lighted at the school. Planner Tragesser replied that she did not know if it is at this time, but it was not listed on the original site plan.

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

Garry Pshonik, 1240 66<sup>th</sup> Street, informed that he had provided written comments ahead of time and summarized his objections to the pickleball court based on the irregular and pervasive pitch of the hits which he asserted would disrupt the serene neighborhood environment. He noted that he had lived in the neighborhood for 20 years, and this would be a significant change to the status quo. He questioned how the security of the courts would be ensured, commenting that there are two courts, rather than one as listed on the meeting Agenda. Mr. Pshonik noted that there are residential neighborhoods to the South and East of the pickleball courts. He added that his written comments had provided lots of references showing that mitigation is not effective for pickleball, although it can be for tennis and basketball. He noted that he hadn't found a study that property value would increase with the addition of pickleball courts in the neighborhood, although there are several studies showing that property values can decrease from 10-20%. Mr. Pshonik noted that with the open spaces included on the site, the sound would have no buffer.

Commissioner Costa asked if the time of day was a concern, or just any pickleball court use. Mr. Pshonik replied that he didn't know if any neighbors worked from home, however they do use their outdoor spaces, and they can see the courts from the second floor of their homes. He asserted that having sporting of this nature is a problem, pickleball is unique in its sound signature. He commented that he wasn't sure how the restrictions to tenant use would be enforced, adding that they've not had any noise issues in the past. He concluded that this is a significant change to the serenity of the neighborhood.

Commissioner McCoy asked if the developer would address the placement of the courts, why they are not planned for the other side of the site, closer to the office building.

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Mr. Shepherd responded that the SW portion of the building is the primary entrance and the SE a loading dock area and secondary entrance. There isn't as much parking there.

Commissioner Crowley asked about the area directly to the South. Mr. Shepherd stated that they wanted the courts to be accessible from vehicles, with adjacent greenspace set aside for a sanctuary and walkway with an additional planned amenity. Mr. Shepherd noted that a tenant also was considering another amenity for the space.

Chair Shaw asked if the site could be restricted to use by tenants with a key card. Mr. Shepherd replied that could work.

Commissioner Crowley stated he would motion in favor of the modification, with the condition of requiring card access to the court. He stated that seems like a great way to secure the site. Commissioner McCoy agreed; however, she questioned how peaceful the sanctuary walkway would be next to the pickleball court.

Commissioner Costa questioned whether there is a reduced sound pickleball equipment available. Finance Director Tim Stiles asserted there is not one available that pickleball users would use.

Mr. Shepherd clarified that some of the building tenants are not on their security card system. Commissioner Crowley asked whether they could instead use a key code. Mr. Shepherd stated they could.

Commissioner Crowley amended his motion to require the use of a key code for secure access. Commissioner Costa seconded the motion.

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

1. Access to the pickleball court is to be made secure by badge or access code, to ensure private use only.

Vote: Costa, Crowley, Shaw .....Yes  
McCoy.....No/Yes  
Davis.....Abstained  
Conlin, Hatfield.....Absent

Motion carried.

Commissioner McCoy was asked if she wished to comment. Ms. McCoy stated she thought there should be more discussion regarding required secure access of the pickleball court. Commissioner Crowley noted the requirement of the key code, and added that with 1,000 feet of buffer, this is one of the biggest buffers he's ever seen. Following discussion, Commissioner McCoy changed her vote to Yes, in support of the Site Plan Modification.

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Commissioner Davis returned to the dais.

**Item 5 – Staff Reports**

The next meeting is scheduled for Monday, May 13, 2024.

**Item 6 – Adjournment**

Chair Shaw adjourned the meeting at 5:58 p.m.

  
Jennifer Canaday, Recording Secretary

  
Tina Shaw, Chair