

PLANNING AND ZONING COMMISSION

PZ AF 05-13-2024

Chairperson Shaw called the regular meeting of the Planning and Zoning Commission to order at 5:30 p.m. on Monday, May 13, 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: Conlin, Costa, Crowley, Davis, Hatfield, Shaw .....Present  
McCoy..... Absent

**Item 1- Consent Agenda**

Item 1a – Minutes of the meeting of April 22, 2024

Chair Shaw asked for any comments or modifications to the April 22, 2024, minutes.

Moved by Commissioner Crowley, seconded by Commissioner Conlin, the Planning and Zoning Commission approved the April 22, 2024, meeting minutes.

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

Motion carried.

**Item 2 – Public Hearings**

There were 4 Public Hearing items.

**Item 2a – Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to the application requirements for Temporary Garden Center Permits – City Initiated – AO-006369-2024**

Chair Shaw 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 May 2, 2024.

Chair Shaw 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 Hatfield, seconded by Commissioner Conlin, 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, Shaw .....Yes  
McCoy..... Absent

Motion carried.

PLANNING AND ZONING COMMISSION

Emani Brinkman, Development Services Associate Planner, stated she had nothing to add to the Staff Report but was available for questions.

Chair Shaw 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 ordinance amendment.

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

**Item 2b – The Lancaster, Northwest of the intersection of S. 85<sup>th</sup> Street and Cascade Avenue – Amend Comprehensive Plan Land Use Map and Amend the Zoning Map to establish land use and zoning appropriate for High Density Residential Development – Bryan Properties, LLC – CPAZC-006353-2024**

Chair Shaw 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 May 1, 2024.

Chair Shaw 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 Hatfield, seconded by Commissioner Costa, 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, Shaw .....Yes  
McCoy..... Absent  
Motion carried.

Russ Schroeder, Shive-Hattery, 4125 Westown Parkway, West Des Moines, presented the application on behalf of Bryan Properties and Richard Hurd. He summarized the request to change the use from Office designation to Multi-Use Medium and apply zoning of Residential High Density (RH 18) to the unzoned site. Mr. Schroeder demonstrated that this land use and zoning is consistent with the parcels surrounding the location, noting that the development will be for two buildings containing 176 apartment units with a clubhouse and pool.

Commissioner Davis asked if the 176-unit apartment complex will be in residential high density. Mr. Schroeder affirmed that it will be.

PLANNING AND ZONING COMMISSION

Kate DeVine, Development Services Associate Planner, stated she had nothing to add to the Staff Report, noting that the request is for both an amendment to the comprehensive plan land use map and consistent zoning.

Chair Shaw 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 Crowley, the Planning and Zoning Commission approved a resolution recommending the City Council approve the Comprehensive Plan Land Use Map Amendment.

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

Moved by Commissioner Davis, seconded by Commissioner Crowley, the Planning and Zoning Commission approved a resolution recommending the City Council approve the Consistency Zoning.

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

**Item 2c – Valley West Mall, 1551 Valley West Drive – Amend Comprehensive Plan Land Use Map to designate Multi-Use High land use and Establish the Valley West Mall Planned Unit Development Ordinance to provide for the redevelopment of the property – Valley West Mall, LLC – CPZAC-006423-2024**

Chair Shaw informed that there was a memo on the dais requesting that Item 2c be continued to Tuesday, May 28, 2024.

Moved by Commissioner Conlin, seconded by Commissioner Hatfield, the Planning and Zoning Commission approved the continuation of item 2c to May 28, 2024.

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

**Item 2d – Village on Jordan Creek PUD, Southwest corner of Jordan Creek Parkway and Ashworth Road – Amend Parcel A within the Village on Jordan Creek Planned Unit Development Ordinance to modify square footage allowances for restaurants and commercial uses and associated parking requirements – CRG Residential – ZC-006378-2024**

PLANNING AND ZONING COMMISSION

Chair Shaw 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 May 6, 2024.

Chair Shaw 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 Conlin, 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, Shaw .....Yes  
McCoy..... Absent

Motion carried.

John Lassaux, CRG Residential, 805 City Center Dr, Suite160, Carmel, Indiana, stated he was representing the ownership group of Cunningham Apartment Mixed Use project, summarized the request to amend the PUD to allow more square footage for restaurant use, and parking requirements. There is a third restaurant user who has shown interest in leasing the space. He emphasized their careful selection of tenants with offset hours to make the best use of the available parking, noting they have turned down users such as a fitness center. The primary restaurant, Ruth’s Chris, has been operational for about 9 months. They are working with Staff and with a parking study. HomeGrown Restaurant is the second restaurant leasing space. The third restaurant will be a grab and go lunch option, which they believe is complimentary. The existing tenants believe parking will work with the third restaurant option.

Commissioner Costa asked whether the offsite parking has been negotiated. Mr. Lassaux stated it has not yet been finalized, but they are in discussion with Aerotek regarding shared parking. He added they would like to use the shared parking for mostly Ruth’s Chris employee parking and are working toward a formal agreement.

Commission Conlin asked whether the auxiliary parking would be settled prior to the PUD amendment being presented to Council. Mr. Lassaux said he didn’t know that it would be.

Commissioner Davis asked if the main issue was parking, whether they were approving the square footage restaurant use and parking, as two things to consider. Karen Marren, Development Services Planner, responded that the amendment includes an increase in restaurant square footage to allow two restaurants beyond Ruth’s Chris, and spells out the parking section some changes made to fit the site. The owner is responsible to meet the parking requirements or provide alternatives such as offsite employee parking. The PUD amendment is to insert more flexibility, but it will be up to the owner to prove they can meet the requirements.

Chair Shaw asked if the City would have a final say on the contingencies. Planner Marren stated they will.

PLANNING AND ZONING COMMISSION

Commissioner Crowley asked Mr. Lassaux if they were willing to do that. Mr. Lassaux stated they are.

Commissioner Shaw asked whether there are any current concerns with parking and traffic. Planner Marren responded that it is difficult to tell, as HomeGrown has just opened and there is still a lot of construction parking as the residential portion of the mixed-use site is still under construction. The parking lot looks busy.

Chair Shaw asked if there will be one or two outlets out of the parking lot, once the project is all done. Planner Marren replied there is access off 76<sup>th</sup> Street on the west side, and a Right Out onto Jordan Creek Parkway on the east side of the lot.

Commissioner Davis asked whether the approval of the amendment could be rescinded after it is approved. Planner Marren stated that there is a section in the ordinance with language stating that if there are any onsite issues and complaints, the owner will have to figure out a solution or the City can restrict hours or say the last tenant space can't be occupied.

Chair Shaw 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 Conlin, seconded by Commissioner Crowley, the Planning and Zoning Commission approved a resolution recommending the City Council approve the Amendment to Planned Unit Development Ordinance.

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

**Item 3 – Old Business**

There were no Old Business items to address.

**Item 4 – New Business**

There was (1) New Business item.

**Item 4a – Porsche Des Moines, 7220 Lake Drive – Approve Full Site Plan to allow construction of an auto dealership building and associated site improvements – LBP Des Moines, LLC – SP-006230-2023**

Patrick Shepard, Civil Engineering Consultants, 2400 86<sup>th</sup> Street, Urbandale, presented the Full Site Plan for approval, noting that the phased site plan had been approved in March 2024. All items outstanding at that time have been addressed; footings and most of the underground utilities are in place.

PLANNING AND ZONING COMMISSION

Chair Shaw asked if they are in agreement with Staff Recommendations and Conditions of Approval. Mr. Shepard responded that they are.

Kara Tragesser, Development Services Planner, noted that elevations had been included in the packet and she had nothing further to add. She noted that Larry Smith was online and asked if he wished to add anything to Mr. Shepherd’s comments. Larry Smith, Avant Architects, 8340 W Dodge Rd, Omaha, NE, expressed his appreciation for all that the City has done; stating they are anxious to continue with the project, and he believed Mr. Shepherd had done a great job of getting everything addressed there.

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

1. Adequate access and confirmation that all fire hydrants are installed for emergency services access during construction is required before above ground construction or other site improvements are installed.

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

**Item 5 – Staff Reports**

The next meeting is scheduled for Tuesday, May 28, 2024.

**Item 6 – Adjournment**

Chair Shaw adjourned the meeting at 5:50 p.m.

  
 \_\_\_\_\_  
 Jennifer Canaday, Recording Secretary

  
 \_\_\_\_\_  
 Tina Shaw, Chair