

PLANNING AND ZONING COMMISSION

PZ AF 07-08-2024

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

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of June 24, 2024

Chair Shaw asked for any comments or modifications to the June 24, 2024, minutes.

Moved by Commissioner Conlin, seconded by Commissioner Crowley, the Planning and Zoning Commission approved the June 24, 2024, meeting minutes.

Vote: Conlin, Costa, Crowley, Davis, Hatfield, McCoy, ShawYes
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 Detached Accessory Buildings in non-residential districts located in a Front Yard – City Initiated – AO-0064752024 (Continued from June 24, 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 June 13, 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, McCoy, ShawYes
Motion carried.

Lynne Twedt, Development Services Director, summarized the ordinance changes for allowing accessory structures such as maintenance garages and noting that this will be handled similar to the allowance for mini and indoor storage buildings for which they are required to look like an office or commercial building. The concern is the visual presence, intending that the proposed detached accessory building will look like a primary building and not a garage. The request driving this ordinance change involves an accessory structure facing Booneville Road in an area which has less traffic and is partially gravel.

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Commissioner Davis asked if the buildings would have minimum square footage. Director Twedt stated they would not, adding that the City does not have minimum square footage requirements even for single family dwellings, except for what building code requires.

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

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

Item 2b – Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to the expiration dates for Long Term Temporary Sign Permits and Sign Contractor Licenses, as well as to modify fees listed for enforcement and modify the process for Sign Variances and appeals – City Initiated – AO – 006370-2024

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 July 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 Costa, 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, McCoy, ShawYes
Motion carried.

Emani Brinkman, Development Services Associated Planner, stated she had no additional information to add than that provided in the Staff Report.

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

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

Item 2c – Angel Estates, 1500 S 60th Street – Amend Comprehensive Plan Land Use Map and Amend the Zoning Map to establish Detached Residential land use and Single-Family Residential (RS-30) zoning – Angel Estates, LLC – CPAZC-006447-2024

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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 July 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 Costa, 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, McCoy, ShawYes
Motion carried.

Chair Shaw asked if there had been any written comments. Associate Planner Kate DeVine responded that there had been no written comments. There had been some phone calls for additional information, and one gentleman had called to voice concerns. She noted that he was present at the meeting.

Wally Pelds, Pelds Design Services, 2323 Dixon Street, Des Moines, presented the application, stating it is a simple subdivision project involving 7 acres which have an existing residence. The owner would like to divide the acres into 7 single family lots, retaining one for continued personal residence. The lots will be over 30,000 square feet. Mr. Pelds noted the storm water detention will be provided and concluded that changing the zoning was the first step to get the process started.

Kate DeVine, Development Services Associate Planner, stated that Mr. Pelds had done a good job of explaining the request, adding that there will be both a comp plan amendment and zoning change to allow for 7 lots and 1 street lot.

Chair Shaw closed the public hearing and asked for continued discussion or a motion. There was a brief discussion to leading to the public hearing being reopened for public comments.

Mark Johnson, 1501 S 60th Street, informed that he lives across the street from this project. He voiced concerns about the changes to the neighborhood, and increased traffic. Mr. Johnson noted the recent addition of a senior center at the north end of South 60th street, and how much the neighborhood has changed in the 25 years they've lived there. He believes this project would negatively impact the quality of their area.

Fred Leon, 1415 S 60th Street, stated he lives across the street from this property, and slightly north. He echoed Mr. Johnson's comments and added that the lots on the west side of South 60th Street are all 2.5 acres. Mr. Leon commented that the City has changed, and that density erodes towns like West Des Moines. He noted the increase in traffic on South 60th Street to DMACC and the data center. Mr. Leon concluded that he supported the Rec Plex and other amenities offered by the City of West Des Moines, and thanked the Commission, stating he appreciated all that they do.

Dennis Swallow, 1505 S 60th Street, informed that he lives directly across the street from the Shaw's. He then listed owners of each lot on the West side of S 60th from Booneville Road north. Mr. Swallow pointed out that they all have more than 2 acres, although his lot is now 1.8 acres after changes to the Right of Way. He commented that he didn't understand why the Plan was

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continually changing and concluded that he believes the City is trying to bring in more tax money. Mr. Swallow stated he believed subdividing the Shaw property into 3 lots would be more reasonable.

Mr. Pelds offered to respond to resident concerns and was invited to do so. He informed that Dr. Shah's son spoke to some of the owners of adjacent properties. They had looked at subdividing into the least invasive 20,000 – 30,000 square foot range of lot. There exists a 120-foot-wide street between Dr. Shaw's property and the owners on the west side, and Mr. Pelds believed that to be a significant buffer. The current house is on septic, but the new subdivision will be connected to City sewer. Seven acres of property is high maintenance for Mr. Shah as he ages. There will only be one access to a cul-de-sac, and traffic should not generate more than 21 trips in the morning. South 60th Street is designed to accommodate 1200 vehicles per day going both north and south. Mr. Pelds informed that they spent a lot of time on the design, and considered a multi-family townhome project but decided that would not fit as well as this plan.

Fred Leon, 1415 S 60th Street, inserted that he had not been contacted by the Shah's, and did not find out until he received a letter from the City. He noted that the Sewer had been made available to all of the City, although he was still on a septic system. He added that there may be a compromise.

Commissioner Costa asked Mr. Pelds what lot size that Mr. Shah would reserve for himself. Mr. Pelds responded they will retain 30,000 square feet after donating the street.

Commissioner Davis commented that these lots were less than an acre.

Commissioner Conlin stated he would like to make a general comment. He said he appreciated the passion being expressed, and that he would like to make one clarification that he believed was important because he heard it from a couple of speakers. The Commission does not have appropriating authority, which means they do not spend money. They are not in charge of taxes and fees, they don't have Ways Authority, they don't raise money. No one from the City Staff ever comes to the Commission and says they would like to see an evaluation based on what we can bring into the City so that we can spend. Commissioner Conlin stated he felt that was an important clarification because, speaking for himself, the amount of revenue that does or does not come into the City is not something that he cares about. He wanted to make sure that was clear because any implication that the Commission was reviewing these proposals for the purpose of raising revenue for the City is inaccurate.

Commissioner Davis asked the size of a residential estate lot, whether it is over an acre each. Development Coordinator Linda Schemmel responded that the minimum for a residential estate lot is 40,000 square feet. Commissioner Davis commented that the design change was 10,000 square feet, with some given to streets and utilities.

Chris Burkhart, 1525 S 60th Street, informed that the owners on the West side personally take great care of their properties, while the Shah's hire their property maintenance out. The Glen Meadows retirement center has increased traffic and there is no signal light yet on Grand. She concluded that it takes a long time to turn left onto Grand Avenue in the mornings with the current traffic.

As there were no further comments from the public, Chair Shaw closed the public hearing.

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Commissioner Davis made a motion to approve; commenting that she lives in a development on an acre that was part of a 13-acre parcel behind her which was developed. She loves the activity of the neighbors, but she also loves her one-acre privacy. She stated that she appreciated the concern but did not feel that the change from 40,000 to 30,000 square foot lots was terribly significant, and the applicant is still maintaining the integrity of acreages here. She moved to approve the comp plan amendment.

Commissioner Conlin seconded the motion, agreeing that the size difference is not that dramatic, although it's important to the folks who are involved. Ultimately, it's incumbent on the Council and on the Commission as they look at this project moving forward, to ensure that ultimately what goes there maintains the character of the neighborhood.

Moved by Commissioner Davis, seconded by Commissioner Conlin, 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, McCoy, ShawYes
Motion carried.

Commissioner Crowley moved to approve the zoning, and informed the neighbors that this would go before the City Council for approval and the project would come back before the Commission for site plan approval, plat approval. So, there will be time for comments and any improvements that need to be made. Associate Planner DeVine and Director Twedt clarified that it would come back before the Commission for review of the preliminary plat.

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

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

Item 2d – Pavilion Park, Generally located 1,600 feet east of S. Grand Prairie Parkway and South of I-80 – Amend Comprehensive Plan Land Use Map to designate Multi-Use, Detached Residential and Mixed Residential land use classifications – Pavilion Park, L.C. – CPA-006504-2024

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 July 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 McCoy, 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, McCoy, ShawYes
Motion carried.

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Erin Ollendike, Civil Design Advantage, 4121 NW Urbandale Dr, Urbandale, stated she was present on behalf of owner and developer Pavilion Park LLC. She presented the request to modify the land uses for 264 acres. City staff have finalized the alignment of with EP True Parkway which goes through the property and the developer would like to match up the land use designations with the right of way. Mixed Use Medium will be on the North side and Mixed Use Low and Mixed Residential will be along the South side. On the Southeast corner there's a larger residential parcel, which is being designated as a potential future educational use. The residential land use goes in hand with that.

Commissioner Costa asked where that parcel was located; Ms. Ollendike indicated it is Parcel 4.

Lynne Twedt, Development Services Director, informed that this is the first step, and that Staff would be coming back with a PUD amendment once it is known what the land uses designations are. The PUD parcels will be adjusted, and cleaned up to make sure everything aligns with the future development.

Commissioner Davis asked if this would affect the existing greenspace. Director Twedt responded the existing greenspace would likely remain when larger parcel 4 is platted out. The plat will define the actual boundaries of that greenspace and will remain in some capacity.

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

Dave Albaugh, 160 91st Street, informed that he lives on the east side of Whisper Point Park. There is a line of trees to the creek, with bike trails. He asked if that would be developed. Director Twedt responded that where the creek runs, the topography is very steep, making the area undevelopable. Open Space is allowed to stay in any of the land uses throughout the City.

Becky Robel, 8975 Linda's Lane, stated her property is located just east of EP True Parkway. She asked for clarification of how EP True Parkway would line up with Bridgewood and 91st Street, providing history of development of her parcel, and property developed by her parents. Director Twedt informed that the future road alignment has nothing to do with the Project being reviewed today. The alignment of Bridgewood, S 91st and EP True Parkway would be developer driven in the future after land was sold for development.

Commissioner Crowley clarified that if and when the property is sold, the road would be connected by the developer.

Chair Shaw asked the timing of that event. Director Twedt responded that it would depend on whenever the land was sold and developed.

Commissioner Davis noted that this would not affect today's decision. Director Twedt stated it would not impact this project.

Bryan Bravard, 236 Overlook Avenue, noted his property faces West. He asked the Commission to observe the unfinished townhome development at 91st and Calvin, and to encourage the developer to finish the project which has become an eyesore to the neighbors. Mr. Bravard commented that originally the townhomes were to be sold, however they are being rented out. He concluded that he would like the Commission to consider not putting more townhomes in the area. He also wondered what the development timeline would look like for the 250 acres being zoned, whether it would be 10 or 20 years.

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Becky Robel, 8975 Linda's Lane, added comments regarding the use of her private drive by trucks for the development of the adjacent stalled project. She provided more history regarding her parcel going back 30 years, stating that the landowner has no rights, property is condemned, and that it has to be stopped. She informed about an addressing issue which ended up in a legal dispute, and lack of notification resulting in a well on her family property being capped while she was out of town. Ms. Robel mentioned that she has met with City staff many times; concluding that the changes in use from agricultural to residential have tripled her property taxes and impacted the water quality of her well.

Bryan Bravard, 236 Overlook Avenue, added that the name of the stalled project is Manchester Village Townhomes. He asked if they could nudge the developer into completing the project. Commissioner Crowley responded that the Commission could not. Commission Costa added for the record that this concern was not part of the topic being considered.

As there were no more comments from the public, Chair Shaw 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 Comprehensive Plan Land Use Map amendment.

Vote: Conlin, Costa, Crowley, Davis, Hatfield, McCoy, ShawYes
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 – Prime 29, 960 76th Street – Approve a Preliminary Plat to create 46 lots for Multi-Family Townhome development and Approve a Site Plan to allow construction of 38 multi-family residential townhomes – JCP Holdings, LLC – PPSP-006320-2024

Josh Trygstad, Civil Design Advantage, 4121 NW Urbandale Dr, Urbandale, presented the request on behalf of Caliber Homes for approval of preliminary plat and site plan for the development of 4.7 acres southwest of the intersection of Jordan Creek Parkway and Ashworth Road into 38 Townhomes and associated site improvements. Sanitary sewer will be brought from the south, water from 76th Street along the ROW; the storm sewer will drain to the south/southwest and the northeast.

Commissioner Conlin asked about the email from Lutheran Church of Hope regarding concerns for access to a parcel owned by them adjacent to the site. Mr. Trygstad commented that he hadn't seen it yet.

Karen Marren, Development Services Planner, replied that the email was received late in the day and Staff did not have time to get it to the applicant. She informed that when the PUD was amended to allow for medium density on both east and west sides of 76th Street, there had been a condition for access from this site to Lutheran Church of Hope. An access easement is being worked on and will come through with the final plat. The resident who sent them email expressed their concern for where this access would be located. Staff provided the email with a memo on

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the Dais for the Commissioners to review. Planner Marren noted that the Commission could add a condition of approval that the applicant address the issue before it comes before Council or move forward understanding that the applicant will have to work the access out prior to the Final Plat being approved.

Commissioner Conlin asked if this would be worked out with Lutheran Church of Hope before Council approval. Planner Marren replied that typically Staff would expect the agreement to be provided at the Final Plat. Approval of the preliminary plat and site plan would give them permission to begin site work. It could be a condition of the Commission's approval that the agreement would have to be made before the Site Plan came before Council. She stated they had some options if they had concerns about it waiting until the Final Plat was reviewed.

Commissioner Davis commented that if there was an agreement before, they need to honor that. Planner Marren replied that there is no formal agreement yet, right now there is only a PUD requirement that the applicant will have to meet.

Commissioner Davis responded that if it's going to have to be brought up again. Planner Marren affirmed that it will.

Chair Shaw asked if the Commission wanted to table it, or what they would like to do. She asked if the applicant would have to agree to conditions added to the proposal. Planner Marren stated the Commission could add a condition of approval as part of the approval tonight.

Commissioner Costa noted that generally both parties work this sort of thing out amicably. He asked if Planner Marren could see any reason why this wouldn't be worked out amicably in this situation. Ms. Marren replied that the resident's concern was the location of the access. Council approval of this site plan would give them approval to begin site work.

Commissioner Costa noted that on the present drawing, there's a single access in the middle of the property. Planner Marren agreed, it's the main east/west drive that goes through, paved up to the property line.

Commissioner Costa asked, without redesigning the site for them, where else would access be potentially available. Planner Marren responded they would have to work that out with Lutheran Church of Hope.

Chair Shaw asked if the Commission needed to give the applicant more time to work out the easement issue. Commissioner Conlin asked for feedback from the applicant.

Mr. Trygstad stated the PUD requires access to Lutheran Church of Hope's property. He noted that they have access on Ashworth Road. It would take a drastic realignment to realign a second access across the site. Mr. Trygstad stated their preference was to continue forward, noting they will work with Lutheran Church of Hope but ultimately, they are fulfilling the requirement of the PUD.

Commissioner Davis asked what that requirement was. Mr. Trygstad answered that the requirement was to provide an access easement over this property over to Lutheran Church of Hope. Commissioner Davis stated she wasn't seeing that in there. Commissioner Costa pointed out it was listed as Outlot X. Mr. Trygstad agreed, noting this is a private street lot that Lutheran Church of Hope would also have ingress/egress easement rights to.

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Charlotte Dutcher, 707 80th Street asked why the Staff Report stated that the project would not have as big of an impact on traffic as was previously thought. She asked what had changed.

Ben McAlister, Principal Engineer, replied that traffic volumes were compared to the ultimate build model based on the citywide 2010 Comp Plan. Densities for future developments were assumed in that analysis. The traffic study for this project showed less impact because the density is lower than originally assumed.

Ms. Dutcher responded that she is not a fan of this proposal, that the City does not need more townhomes, they are everywhere. She added that units in the Cunningham building were not full, and as close as this is to Jordan Creek Town Center, this is not a great use of land. She opposed adding more tract housing with no personality.

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

Commissioner Crowley stated he would move for approval as presented and suggested that the developer work the best they can with Lutheran Church of Hope to make them happy.

Commissioner Hatfield seconded the motion.

Commissioner Costa added that the Lutheran Church of Hope lot is challenging, however providing this access is a Plus 1 as they already have access from Ashworth Road. He concluded that he agreed with Commissioner Crowley, but he hoped the adjoining landowner would be reasonable and not request an entire redesign of the whole site.

Commissioner Conlin added that if the Commission moved forward with conditions of approval, that puts their thumb on the scale, whereas just moving it forward allows them to work toward an amicable solution.

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

1. The Parkland Dedication Agreement shall be executed by the developer and provided to staff for consideration by City Council with the associated Final Plat.

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

Item 5 – Staff Reports

The next meeting is scheduled for Monday, July 22, 2024.

Item 6 – Adjournment

Chair Shaw adjourned the meeting at 6:37 p.m.



Tina Shaw, Chair



Jennifer Canaday, Recording Secretary