

PLANNING AND ZONING COMMISSION

PZ AF 06-24-2024

Chairperson Shaw called the regular meeting of the Planning and Zoning Commission to order at 5:30 p.m. on Monday, June 24, 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, Crowley, Hatfield, McCoy, Shaw..... Present
Costa, Davis Absent

Item 1- Consent Agenda

Item 1a - Minutes of the meeting of June 10, 2024

Chair Shaw asked for any comments or modifications to the June 10, 2024, minutes.

Moved by Commissioner Crowley, seconded by Commissioner Conlin, the Planning and Zoning Commission approved the June 10, 2024, meeting minutes.

Commissioner Hatfield abstained due to being absent on June 10, 2024.

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

Motion carried.

Item 2 - Public Hearings

There were 3 Public Hearing items.

Item 2a - Ordinance Amendment , Amend Title 5 (Police Regulations) and Title 9 (Zoning) to align various Titles, Chapters and Sections in City Code to accommodate "Homesteader Farm", allow the sale of horticultural specialty crops at produce stands, allow public parking lots with no PRIMARY structure, allow museums in the Agricultural/Open Space zoning district, and to modify code references in the land use tables - City Initiated - AO- 006468-2024

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 noted that there was a memo on the dais and asked if the resident who provided the request contained in a memo provided to Commissioners on the dais would be present to speak. Director Twedt stated he would not. Chair Shaw asked the Commission to take a minute to read the memo.

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, Crowley, Hatfield, McCoy, Shaw..... Yes
Costa, Davis Absent

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Motion carried.

Lynne Twedt, Development Services Director, presented a brief summary of the follow-up amendment to the Open Space ordinance. She noted that the Planning and Zoning Commission had reviewed the Open Space amendment in October 2023, and it was first reviewed by Council in April 2024, following requests for language revisions. Under the new Comp Plan, large new agricultural operations are being discouraged, while existing operations have been grandfathered in and the new Homesteader use has been established to support self-sufficient, private food sourcing.

Commissioner Crowley asked if the size of the farm was being restricted. Director Twedt explained that the number of animals were based on the acreage. An owner with one acre would be allowed one large animal, four medium animals, and 10 chickens.

Staff are recommending that a maximum of 25% of what is raised could be sold, to support the self-sufficiency aspect, however a memo was presented to the Commission where a resident requested that this limit be raised to 50 or 75%. FCC industry standards for general farms indicate 50% or more of total value is sold. If the farm is a sole source of income, anything grown would be expected to be sold.

Commissioner Crowley asked if the request to raise the limit for sale was from an active farmer. Director Twedt stated it was not, but that the person requesting is interested in farming after they retire.

Director Twedt explained that Title 5 was being aligned with the amendment due to the impact on Animal Control. The previous amendment required PC approval for museum use, however with a recent request for a museum with the Legacy Woods project, it was now being made an allowed use. Produce stands would now be allowed to sell flowers, or hosta plants. It was discovered the public lots such as are located in Valley Junction are technically illegal, so the amendment includes language making them legal.

The update will allow City owned stand-alone parking lots, however not private, as the City does not want to see property owners demolishing structures and installing for-profit parking lots.

Commissioner Conlin asked if Staff doesn't have a strong recommendation of a specific percentage for sale. Director Twedt stated Staff would prefer not to exceed the 50% allowed for a general farm, however Staff do not have a strong opinion about the exact percentage allowed. Chair Shaw asked if the Zoning Code being revised would address this. Director Twedt stated Open Space use is shifting away from agricultural to Open Space. Farming would potentially still be allowed as part of residential estate. This detail has not been discussed yet with the zoning code consultant.

Chair Shaw asked the timetable for the Zoning Code update. Director Twedt responded that she had hoped to see it completed last fall, however there is still a long way to go.

As there were no additional questions or comments, Chair Shaw closed the public hearing and asked for continued discussion or a motion.

Commissioner Crowley made a motion to approve with a recommendation of 33% allowed sales. Commissioner Conlin asked for more discussion to decide whether the percentage should be 1/4

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, 1/3 or 1/2. He questioned basing it on the industry standard, indicating he would like to give as much flexibility to the landowner as possible.

Commissioner Crowley noted that you could end up with a residential neighborhood adjacent to an active farm with roosters.

Commissioner Conlin stated the number of animals would be limited by acreage, and the density of the animal population would be low.

Chair Shaw noted that the ratio of animals allowed was based on the acreage. She asked if there was a lot of open space left in the City. Director Twedt stated there was not, adding that there are not a lot of people asking to start a farm.

Chair Shaw stated she would like to let people do what they want, but there is environment impact, although there won't be a lot.

Commissioner Conlin noted there would not be a high need for enforcement. Chair Shaw agreed. Director Twedt stated enforcement would be complaint based.

Chair Shaw noted there was a motion to approve recommending 33%. Commissioner Crowley stated he still thought 33% was a good number. Commissioner Conlin stated he would like to see 50% but would support whatever the Commission agreed to.

Commissioner McCoy asked if a dog breeder would be restricted by a different ordinance. Director Twedt stated they are regulated separately, however there is a maximum of 8 dogs per property.

Commissioner Conlin moved to approve the ordinance with a recommendation of 50%. Chair Shaw asked Commissioner Crowley if he would care to modify his motion.

Commissioner McCoy suggested 40%.

Commissioner Crowley agreed to modify his motion with a 50% recommendation; Commissioner Conlin seconded.

Moved by Commissioner Crowley, seconded by Commissioner Conlin, the Planning and Zoning Commission approved a resolution recommending the City Council approve the ordinance amendment with a recommendation of restricting sales to 50%.

Vote: Conlin, Crowley, Hatfield, McCoy, Shaw..... Yes
Costa, Davis..... Absent
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 informed that there was a memo on the dais to withdraw this item.

Moved by Commissioner Conlin, seconded by Commissioner Hatfield, the Planning and Zoning Commission withdrew Item 2b.

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

Item 2c - 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-006476-2024

Chair Shaw informed that there was a memo on the dais to continue Item 2c to July 8, 2024.

Moved by Commissioner Conlin, seconded by Commissioner McCoy, the Planning and Zoning Commission continue Item 2c to July 8, 2024.

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

Item 3 - Old Business

There were no Old Business items to address.

Item 4 - New Business

There were no New Business items.

Item 5 - Staff Reports

The next meeting is scheduled for Monday, July 8, 2024.

Item 6 - Adjournment

Chair Shaw adjourned the meeting at 5:46 p.m.



Tina Shaw, Chair


Jennifer Canaday, Recording Secretary