

PLANNING AND ZONING COMMISSION

PZ AF 08-26-2024

Chairperson Shaw called the regular meeting of the Planning and Zoning Commission to order at 5:30 p.m. on Monday, August 26, 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, Shaw .....Present

**Item 1- Consent Agenda**

Item 1a – Minutes of the meeting of August 12, 2024

Chair Shaw asked for any comments or modifications to the August 12, 2024 minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Davis, the Planning and Zoning Commission approved the August 12, 2024 meeting minutes.

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

**Item 2 – Public Hearings**

There was 1 Public Hearing item.

**Item 2a – Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to non-conforming fences – City Initiated – AO-006556-2024**

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 August 16, 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 Conlin, 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, McCoy, Shaw ..... Yes  
Motion carried.

Lynne Twedt, Development Services Director, summarized the amendment which will allow existing fences to be rebuilt in their current location. She noted that setback locations have changed over time, due to both safety and aesthetic concerns. Staff are recommending limiting this opportunity to one time per property and requiring that any future replacement fences comply with current setback locations required at the time of

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permitting. Chair Shaw noted that this would essentially provide a grandfather clause for the fence permit location.

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.

Commissioner Conlin stated that he believed the condition be removed which allows for only one relocation at the existing site, as he believed the original setback should go with the lifetime of the property. He added that he would support whatever the Commission approved.

Commissioner Crowley stated he would second the motion, and Commissioner Conlin then reworded his comments as a motion to approve with the removal of the one-time requirement.

Commissioner Hatfield stated he thought that was reasonable. Commissioner Crowley clarified that he meant the one-time requirement. Commissioner Hatfield said, yes, the one-time requirement.

Commissioner Crowley commented that this kicks the can down the road 20 years.

Commissioner Davis clarified that the motion was for the waiver to go with the property, not with the current owner. She added that she didn't necessarily agree with the motion. She agreed with the condition of one time and let it go.

Commissioner Crowley mentioned this came up because of a house on 50<sup>th</sup> Street where the owner wanted a fence, and stated he believed having one allowance is fine.

Commissioner Conlin stated he disagreed but that he would be happy to rescind his motion.

Commissioner Costa pointed out that when a building burned down, it is required to be rebuilt according to the current building codes. He stated he believed this was a good compromise to give people one opportunity to rebuild without punishment.

Moved by Commissioner Crowley to approve the amendment with Staff's recommendation, seconded by Commissioner Davis, the Planning and Zoning Commission approved a resolution recommending the City Council approve the Ordinance Amendment.

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

Motion carried.

Commissioner Conlin was asked if he would like to add any comments. He stated he believed the original setback should be allowed for the life of the property.

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### **Item 3 – Old Business**

There were no Old Business items to address.

### **Item 4 – New Business**

There were two New Business items.

#### **Item 4a – Oaks On Grand Phase 2, 5725 Raccoon River Drive – Approve Major Modification to Site Plan to allow construction of an approximately 10,000 square foot office building – JCG Equity, LLC – MaM-006505-2024**

Josh Ridgely, 7632 NW 86<sup>th</sup> Street, Johnston, presented the request on behalf of JCG Equity LLC. He provided a brief overview of the modification to site plan, locating the building, utilities, and parking. He stated that the site plan had been approved, and they were working with Staff to address outstanding architectural issues. Mr. Ridgely then addressed Staff concerns regarding the proposed wood-look metal cladding. He noted that the owner intended to provide a different architectural look for the second office building at this site and provided both drawings and physical samples of the materials intended to be used. Fasteners will be concealed, as Staff preferred. The product comes with a 40-year warranty, which he believed addresses Staff concerns regarding durability. Mr. Ridgely noted that other products recommended by Staff only came with 15-to-25-year warranties. In closing, Mr. Ridgely provided photographs of existing buildings located within the City of West Des Moines which are currently utilizing a similar wood-clad metal look product.

Brian Portz, Development Services Planner, clarified that the site plan has not yet been approved, and was before the Commission this evening. Mr. Portz informed that Staff's concern is that the product as proposed does not have the texture, depth or shading of a wood-look product. Staff do not know the durability of this material, despite the warranty as explained. The businesses which Mr. Ridgely had provided photographs of had installed the metal product without Staff approval.

Commissioner Conlin asked what staff do when someone puts a non-approved material on a building. Planner Portz stated that it has not been staff's position to make them take it down.

Director Lynne Twedt pointed out that these products were not approved on the site plan for those buildings, and that there is an increasing issue of builders making changes after the site plan has been approved. There was a brief discussion about nuisance abatement options, after which Ms. Twedt informed that the City Legal Department is looking for ways to address the issue.

Chair Shaw asked what Staff's biggest concern was for this product. Director Twedt replied that there isn't enough information about how it will weather over time, whether it will warp or fade unevenly. She also noted the precedent being set for other alternative products, such as those which look similar to stone or brick. It opens the door to a lack of quality being used by developers just wanting to save money.

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Commissioner Hatfield expressed a similar concern about enforcement.

Commissioner Costa stated he wanted to side with staff but said it was hard to say it should not be allowed when it is being used by other non-compliant groups. Director Twedt responded that approval would compound the problem.

Commissioner Conlin stated there are two separate and distinct issues. The issue of people using unapproved material is different from Group B coming in asking to use the material and doing things the right way.

Commissioner Crowley pointed out that the Commission's job is to approve the look or material, and that the Commission is not in the enforcement business.

Commissioner Conlin noted that the applicant wants their building to look nice and are taking a measured economic risk. Director Twedt responded that the City has had some developers construct buildings and flip them. They will cost cut them because they won't be in them when problems arise in the future. We're trying to figure out what's best for the City for that durability, the long range aspects.

Commissioner Crowley listed an example of a building at Ashworth and Jordan Creek Parkway where the metal siding looks great.

Commissioner Davis mentioned that she had LP siding on a house which had been approved by their HOA, but it molded. She added that she liked the look of the proposed product, and that aesthetics are personal, but noted that none of them knew whether it was durable.

Commissioner McCoy proposed making an exception for this applicant, rewarding them for seeking approval. Director Twedt asked if the Commission wanted to remove the condition as they believed the product meets the intent.

Chair Shaw asked if Staff had information regarding the products in use, their manufacturers, different warranties. Planner Portz responded they do not; Staff just received the information that afternoon.

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 that with today's construction and the energy envelope, the material looks fine, the drawings look great.

Moved by Commissioner Crowley to approve the motion with the removal of the condition of approval, seconded by Commissioner Costa. The Planning and Zoning Commission approved a resolution recommending approval of the Major Modification, with no conditions.

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

**Item 4b – The Cunningham, 950 Jordan Creek Parkway – Approve Level 1 Minor Modification to Site Plan to allow a revised Landscape Plan for Mechanical Screening – Jordan Creek Associates, LLC – MML1-006526-2024**

BJ Connolly, Greysteel, 5550 Wild Rose Lane, West Des Moines, summarized the request for a revised landscaping plan for The Cunningham building. He stated that MidAmerican Energy had placed large transformers in a location other than what was noted on the site plan, and listed how they would address each of the area of Staff concern. Mr. Connolly concluded that they agree with Staff recommendations and conditions of approval.

Karen Marren, Development Services Planner, agreed with Mr. Connolly that the City has had issues with MidAmerican Energy located utilities on site in areas which are difficult to screen. She informed that following a discussion with the Development and Planning Subcommittee regarding this issue, the City will be initiating conversation with MidAmerican Energy regarding placement and landscaping requirements.

Commissioner McCoy commented that the Commission could provide a letter of support for that discussion.

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 Costa, seconded by Commissioner Conlin, the Planning and Zoning Commission approved a resolution recommending approval of the Minor Modification, subject to the following conditions:

1. The City Council accepting the installation of a utility box wrap, if approved by MidAmerican Energy, as an alternative to landscape screening along the north side of the utility switchboxes along the Ashworth Road. If the utility box wrap is not acceptable to MidAmerican Energy, the City Council waives the screening requirement along the north side of the utility switchboxes along the Ashworth Road.
1. The City Council waiving the requirement for the screening along the north side of the transformer located on the west end of the north façade of the building.
2. The City Council waiving the full screening of the transformer located at the northeast corner of 76<sup>th</sup> Street and the East West Connector due to a restriction of materials to a height of 30" within the sight distance triangle.

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

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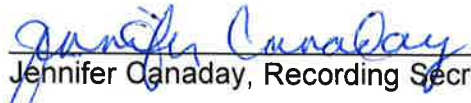
**Item 5 – Staff Reports**

The next meeting is scheduled for Monday, September 9, 2024.

**Item 6 – Adjournment**

Chair Shaw adjourned the meeting at 6:08 p.m.

  
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Tina Shaw, Chair

  
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Jennifer Canaday, Recording Secretary