

Direction: CITY1549.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, March 28, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Brown, Costa, Erickson, Hatfield.....Present
Andersen, Crowley, Southworth.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of March 14, 2016

Chairperson Erickson asked for any comments or modifications to the March 14, 2016 minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Brown, the Plan and Zoning Commission approve the March 14, 2016 meeting minutes.

Vote: Costa, Erickson, Hatfield.....Yes
Brown.....Abstain
Andersen, Crowley, Southworth.....Absent

Motion carried.

Item 2 – Public Hearings

2a - Fox Valley, Generally the area south of SE Adams Street and west of Orilla Road – Adjust single family and medium density land uses within the development – rezone property to adjust locations and acreages of Single Family and Medium Density Residential – Charges I. & Ruth Colby National Development Trust – CPA-003-1-2018-2016/ZC-002969-2016

A memo had been received from staff requesting that this item be postponed to the April 11, 2016 meeting. The correct request to rezone approximately 1.2 acres from R-12 Single Family Residential to R-1 Single Family Residential was republished and re-noticed to surrounding property owners.

Chairperson Erickson asked for a motion and a second to defer Item 2a, the Fox Valley Comprehensive Plan Amendment and Zoning Change, to the April 11, 2016 Plan and Zoning Commission meeting.

Moved by Commissioner Costa, seconded by Commissioner Brown, the Plan and Zoning Commission defer Item 2a to the April 11, 2016 Plan and Zoning Commission meeting.

Vote: Brown, Costa, Erickson, Hatfield.....Yes
Andersen, Crowley, Southworth.....Absent

Motion carried.

Item 3 – Old Business

3a. Ordinance Amendment - Amend Title 4 (Health and Safety Regulations) and Title 9 (Zoning) to establish regulations pertaining to solar energy systems - City Initiated – AO-002916-2015

A memo from staff was provided to the Commissioners at the dais which addressed Commissioner Southworth’s inquiry regarding the potential impact of solar energy systems and solar access. Included in the memo was a response from Assistant City Attorney Greta Truman and a recommended modification to the proposed ordinance.

Development Coordinator Schemmel added further comment to the memo on the dais regarding Commissioner Southworth's solar system concerns. The City Attorney's office rendered the opinion that the ordinance, as proposed, does not create a solar access easement. Thus, the City is not requiring adjacent property owners to provide solar access. Staff felt that access was addressed sufficiently in the ordinance, but to provide an extra level of protection, additional language has been added to the ordinance referring to Iowa Code section 564A (Access to Solar Energy). Ms. Schemmel continued that assuring solar access with an agreement or an easement would be considered a private agreement between two property owners, and the City would not regulate as such.

Chairperson Erickson stated that the staff recommendation would be to amend the high-lighted paragraph as provided at the dais. Ms. Schemmel stated that would be correct.

Development Coordinator Schemmel reviewed the proposed changes from the last meeting.

1. Screening – Several different options were identified. First, the applicant would be given the option to use siding to ensure that the detrimental elements were not visible. If it was not possible to conceal the elements with just siding, the applicant would have the option to fully screen using a solid enclosure, screen fencing, or landscaping. Also, the building mounted system language now states that materials should be chosen to be compatible with the surrounding materials rather than painting to match.
2. Setbacks – Concern had been expressed that for commercial uses, the array had to be located behind the permanent building and not just the front setback. Most commercial properties do not have the building located along the setback line which can be problematic if trying to locate the array in a place behind the buildings. The definitions now state that a small solar energy system (allowed in residential), cannot be located in front of the rear wall of the primary structure. However, large solar energy systems (allowed in commercial) shall be placed to meet front yard setbacks, but can be located in front of the primary structure.
3. Panel Arrangement on the Roof - The language has been softened and asks the applicant to consider the proportion of the roof when laying out the panels and note that arrangement can have gaps to accommodate vents, equipment, etc. with the overall goal to keep the arrangement as un-obtrusive as possible.
4. System height – For ground mounted systems, the height was modified from 7 ft. to 10 ft. Building mounted systems on sloped roofs went from one foot to 18 inches. Roof mounted systems for flat roofs remains at 7 ft.
5. System Size – For ground mounted systems in residential areas, the Commission expressed concern that the requirement at 50% of the maximum size of the allowed accessory structure seemed to be too onerous. The language has now been modified to allow a system to be up to 100% of the allowed accessory structure area. It was noted that this would be the total of all accessory structures.
6. Non-Conforming Use – Language now includes provisions for non-conforming uses. Any structure installed prior to ordinance adoption would be considered legal non-conforming. If the structure met all the provisions of the regulations, there would be no issue and would be considered a legal use. If it was found that a system endangered life or property, the City could ask for correction or removal.

Commissioner Brown asked what was the most popular mounting method (ground or building) for a residential setting. Ms. Schemmel responded that the system type pursued depends on the orientation of the existing buildings and property shading. Cost wise, it is typically less expensive to install a ground mounted system.

Commissioner Hatfield expressed that staff had done an excellent job drafting the ordinance.

Chairman Erickson asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Vote: Brown, Costa, Erickson, Hatfield.....Yes
Andersen, Crowley, Southworth.....Absent
Motion carried.

Item 4 – New Business

There were no new items to address.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairman Erickson asked for a motion to adjourn the meeting.

Motion by Commissioner Costa, seconded by Commissioner Brown, to adjourn the meeting.

Vote: Brown, Costa, Erickson, Hatfield.....Yes
Andersen, Crowley, Southworth.....Absent
Motion carried.

The meeting adjourned at 5:40 p.m.

Craig Erickson, Chairperson

Kimberly Taylor, Recording Secretary