

Direction: CITY1561.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:31 p.m. on Monday, April 25, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

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

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of April 11, 2016

Chairperson Erickson asked for any comments or modifications to the April 11, 2016 minutes.

Moved by Commissioner Andersen, seconded by Commissioner Southworth, the Plan and Zoning Commission approved the April 11, 2016 meeting minutes.

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

Motion carried.

Item 2 – Public Hearings

2a - Mill Ridge, Southwest corner of S. 88th Street and Stagecoach Drive – Vacate road right-of-way for approximately 1,200 feet of Harper Lane, S. 91st Street between Harper Lane and Sugar Creek Drive, and vacate various easements within the proposed Mill Ridge Plat – Hubbell Realty Company – VAC-003027-2016

Chairperson Erickson 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 April 15, 2016.

Chairperson Erickson 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 Hatfield, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

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

Motion carried.

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing the applicant, discussed the buffer parks to be eliminated and the various easements to be vacated, as well as other layout changes between the proposed Mill Ridge project and the original Tallyn’s Reach development.

Planner Munford commented that approval of plan changes would allow for moving forward with the Mill Ridge development.

Neil Runella, 1190 S 88th Street, West Des Moines, stated that he lived directly across from where the grading has commenced, and that his house and cars have been covered in dust. He asked how the

grading was going to be controlled.

Mr. Trygstad stated that the contact information had been provided to the City and that an individual from Hubbell or McAninch should be notified regarding the grading issue. He also mentioned that the construction of Stagecoach Drive would be a City project with a different contractor.

Planner Munford stated that he would obtain Mr. Runella’s contact number and have our engineers call him so that Mr. Runella can be made aware of the City ordinance regarding construction regulations and what preparations are being taken to contain the dust.

Chairperson Erickson 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 Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Vacation Requests to vacate right-of-way for approximately 1,200 feet of Harper Lane situated between proposed Radley Street east to S. 88th Street, S 91st Street between Harper Lane and Sugar Creek Drive, and vacate various easements within the proposed Mill Ridge Plat, subject to the applicant meeting all City Code requirements.

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

2b – Majestic Oaks, Generally located at the northwest corner of Stagecoach Drive and S. 95th Street – Rezone property from Single Family Residential (R-1) to Majestic Oaks PUD – John (Alex) Wick – ZC-003047-2016

Chairperson Erickson 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 April 15, 2016.

Chairperson Erickson 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 Crowley, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

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

Ed Arp, Civil Engineering Consultants, 2400 86th Street, representing the applicant, requested approval for a rezoning to allow for the construction of a 16 lot single family development. He pointed out the proposed project on a location map noting that the property sits adjacent to Sugar Creek and that the rezoning from R-1 Single Family to a PUD was due to the terrain. The backyards with a typical front-yard setback would make construction difficult and too close to the creek. Through staff efforts to protect the creek, the PUD would allow a reduced front-yard setback and locate the houses up five feet closer to the front lot line. With this configuration, it would allow the house to be within 25 ft. of the right-of-way. The garages would still be restricted to 30 ft. Mr. Arp summarized by stating that a PUD would allow for the project to better fit the actual terrain.

Mr. Arp expressed agreement with staff recommendations and conditions of approval.

Planner Munford gave a brief history of the project. In February 2015, the property was zoned R-1. During the planning and platting process, it was found that the area had unique terrain. Staff worked with the developer to identify solutions.

Commissioner Southworth asked the purpose of the outlots. Mr. Munford commented that the outlots would be sold to the adjacent property which would then allow the homeowners to potentially not have to purchase flood insurance. With the final plat, each of the outlots would be lot tied to the main property. The easement would allow for the maintenance and access to the creek.

Commissioner Southworth stated that if there was no outlot and a lot extended all the way into the creek as shown on the map, would this trigger the need for flood insurance. Mr. Munford stated that it would trigger flood insurance for the home even though the structure was not within the floodway.

Scott Neff, 9520 Mills Civic Parkway, provided that he owned the 80 acre property immediately east of the property in question. The developer decided to buy the bottom land near the creek in a flood zone. Mr. Neff continued that if homes are built adjacent or close to his property, it would potentially diminishes the subsequent development value of his property as the development comes close or adjacent to his existing boundary. Mr. Neff commented that whether it was smart to buy property in the flood zone was not his concern. Initially, the zoning was going to put the houses well back from the road and it was his understanding that this proposal brings the houses up closer to the road which will then have a negative potential effect on the value of the property to the east which is Mr. Neff's property.

Commissioner Crowley asked Mr. Neff the elevation difference between the two sites. Mr. Neff replied that it was quite significant and there will be a lot of runoff over the road. There is a creek that runs through Mr. Neff's property, which has not been addressed and will dump mud out onto the road. It seems like this was spectacularly ill thought out.

Chairperson Erickson 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 to approve:

Mr. Arp returned to the podium to address the runoff issue. He provided a copy of the grading plan from the preliminary plat which gave a better idea of the situation off of Stagecoach north into the property. The street generally sits down 10 feet lower than the property line with Mr. Neff's property to the north. There is a significant drop fairly fast which the contractor has tried to flatten out to try and obtain a typical right-of-way and front yard. He expressed that 90 foot wide lots in a wooded area backing onto Sugar Creek would be considered of great value in the West Des Moines market.

Commissioner Crowley asked the elevation of the buffer between the two properties. Mr. Arp stated that a two foot contour interval thus the difference will be 10 foot which will be landscaped since the slope will have to be cut out for layout.

Chairperson Erickson asked if the outlot would essentially become an additional buffer along with the elevations. Mr. Arp replied that the buffer was only there to make the grade change and remain as open space to be maintained by the homeowners association.

Chairperson Erickson stated that he understood the concerns expressed by Mr. Neff, but felt that the five foot adjustment to the front yard setback combined with the buffer provided an effective transition and based on the value of the land, he did not feel this would be a diminished product.

Chairperson Erickson called for a motion. After no other Commissioners offered a motion, Chairperson

Erickson expressed that he was comfortable moving approval of the PUD.

Commissioner Andersen agreed since the item had moved through subcommittee twice and worked through the process.

Moved by Chairperson Erickson, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a rezoning of approximately 17 acres generally located at the northwest corner of Stagecoach Drive and S95th Street, from Residential Single Family (R-1) to Planned Unit Development (PUD) to allow for the construction of a 16 lot single family development, subject to the applicant meeting all City Code requirements.

Vote: Andersen, Erickson, Hatfield, Southworth.....Yes
Crowley.....No
Brown, Costa.....Absent
Motion carried.

Item 3 – Old Business

Item 4 – New Business

Item 4a - Majestic Oaks – Generally located at the northwest corner of Stagecoach Drive and S. 95th Street – Subdivide into 17 single family lots and 14 outlots and 3 street lots – John Wick -PP-002575-02014

Ed Arp, Civil Engineering Consultants, 2400 86th Street, Urbandale, representing the applicant, requested Preliminary Plat approval to subdivide the property into 16 single family lots He commented that this was the same property as was previously discussed. It would be the same layout coming off Stagecoach Road and extending north to a cul-de-sac with a provision for a future connection to the east to the Neff property. There are to be 90 foot lots in a wooded environment.

Mr. Arp expressed agreement with all staff recommendations and conditions of approval.

Chairperson Erickson inquired if anything was being done to maintain the trees currently in place. Mr. Arp responded that the trees are valuable to the developer and work has been done to keep the trees particularly along the creek. Trees will be left on the lots and it will be at the discretion of the individual property owners to determine the ultimate fate of the trees. It makes no sense to take trees out unnecessarily.

Chairperson Erickson asked the difference between the home pads and the 500 year flood elevation. Mr. Arp pointed out the 100 year flood elevation on a map and indicated that the outlots would allow the homeowners to not have to obtain flood insurance.

Planner Munford commented that the preliminary plat continues the next step after the last action and features reduced setbacks, the outlots, and creates 16 single family lots. Staff recommends approval with 13 stipulations which revolve around creating easements for access, creating outlots and tying them to the homes, and creates the HOA document that would be approved and finalized with the final plat.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion to approve:

Moved by Commissioner Hatfield, seconded by Commissioner Andersen, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Majestic Oaks Preliminary

Plat to create 16 single family lots, 17 outlots, and 3 street lots, subject to the applicant meeting all City Code requirements and the following:

1. This Preliminary Plat approval is conditioned on final City Council approval of the Majestic Oaks Planned Unit Development (PUD).
2. The applicant executing appropriate legal documents tying the outlots created for creek management to the associated dwelling lot in conjunction with the sale of the dwelling lot. Said agreement shall restrict the sale of the main lot separate from the associated outlot.
3. The applicant executing a lot-tie agreement to tie Outlot X to Lot 1 in conjunction with the sale of the dwelling lot.
4. The applicant executing a lot-tie agreement to tie Outlot Y to Outlot Z in conjunction with the recordation of the associated Final Plat.
5. Prior to approval of the Final Plat, the applicant establishing a suitable Access Easement across Outlots 1A-14A to allow individual homeowners and contracted entities access to conduct Sugar Creek management, maintenance, and repair activities.
6. The applicant including a note on the Final Plat indicating that Outlots 1A-14A are non-buildable and no structures which could impact storm water management measures of the outlot or impede water flow/drainage, including but not limited to, sheds, gazebos, solid fences, and play structures, be located within the outlots.
7. Prior to approval of the associated Final Plat, the applicant providing the appropriate legal documents to establish a Homeowner's Association. Said documents shall clearly define Sugar Creek management, maintenance and repair responsibilities.
8. Prior to approval of the associated Final Plat, the applicant either acquiring Outlots X and Y and Street Lot C or securing necessary agreements for the dedication of Street Lot C to the City and ownership transfer of Outlot X to Lot 1 and Outlot Y to Outlot Z. Should Outlot X and Y and Street Lot C be held under different ownership than the applicant at the time of desired Final Plat approval, that property owner(s) must provide written consent to include the property within the associated Final Plat and provide a warranty deed for the dedication of Street Lot C.
9. The applicant acknowledging that with the exception of placement of a ground monument sign for the development and placement of landscape vegetation, Outlot Z is unbuildable until such time that it is replatted through the City's Preliminary and Final Plat Subdivision process.
10. Applicant acknowledging that the associated Final Plat must be approved by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat.
11. Prior to the Final Plat approval, the applicant submit a signed Temporary Construction Easement for area within Lot 1 and Outlot 1A as indicated on the Majestic Oaks Preliminary Plat to allow for the construction of the Stagecoach Drive Bridge.
12. The applicant receiving City approval of Public Improvement Construction Plans for all public improvements prior to initiation of construction. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the city prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.

- 13. Applicant providing suitable access roads to the satisfaction of the City’s Fire Marshal prior to issuance of any building permits for above ground construction.

Vote: Andersen, Erickson, Hatfield, Southworth.....Yes
 Crowley.....No
 Brown, Costa.....Absent
 Motion carried.

4b - West Green Industrial, 175 S. 9th Street and 250 S. 11th Street – Approval of a Site Plan to construct 91,560 sq. ft. of general industrial buildings – Reid and Sara Tamisiea – SP-003001-2016

Brad Overturf, Cooper Crawford & Associates, 475 S. 50th Street, West Des Moines, representing the applicant, requested approval to construct industrial buildings at 175 S. 9th Street and 250 S. 11th Street to be used for storage or small business operations. The project will be a 51-unit mini storage and personal use storage buildings located on a seven acre existing site with one existing building.

Mr. Overturf expressed agreement with staff recommendations and conditions of approval.

Chairperson Erickson 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 Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution approving the site plan to allow the construction of 91,560 sq. ft. of industrial buildings for storage and small business subject to the applicant meeting all City Code requirements and the following:

- 1. Submit final storm water management plans which address staff comments and providing an executed Storm Water Facility Maintenance Agreement, prior to obtaining the first occupancy permit, including a temporary occupancy permit.
- 2. Provide final site plan drawings which have addressed remaining staff comments prior to obtaining a building permit.

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

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson asked for a motion to adjourn the meeting.

Motion by Commissioner Hatfield, seconded by Commissioner Southworth, to adjourn the meeting.

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

The meeting adjourned at 5:48 p.m.

Craig Erickson, Chairperson

Kimberly Taylor, Recording Secretary