

PLAN AND ZONING COMMISSION

PZ AF 11-11-2019

Chairperson Andersen called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, November 11, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

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

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of October 28, 2019

Chairperson Andersen asked for any comments or modifications to the October 28, 2019 minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Southworth, the Plan and Zoning Commission approved the October 28 meeting minutes.

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

Item 2 – Public Hearings

There were (6) six Public Hearing items.

Item 2a – Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) and Title 10 (Subdivision Regulations), and Chapter 3 (Design Standards and Required Improvements) to modify setbacks for corner lots in certain lot configurations – City Initiated - AO-004537-2019

Chairperson Andersen 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 November 1, 2019.

Chairperson Andersen 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 Drake, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

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

Brian Portz, Development Services Planner, informed that this request is a code change for corner lots where the corner lot directly backs the rear yard of another corner lot. Staff have received inquiries as to why the owner can only use so much of a corner lot. Current code considers the lot to have 2 front yards facing the street, which generally requires a 30' setback. Staff recommends amending the code to consider one side a street side yard, thereby reducing the setback requirement to 20' for building additions and detached accessory structures. This only applies to corners lots in which the rear yards are back to back. Staff is working with the City legal department regarding existing plats that have larger setbacks indicated on them.

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Ideally these proposed setbacks would supersede those, but Legal is reviewing and will have a determination prior to City Council next Monday.

Chairperson Andersen 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 Costa, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the ordinance amendment.

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

Item 2b – Amendment to City Code – Amend Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations), and Chapter 14 (Accessory Structures) to update regulations for accessory structures of non-residential uses in residential zoning districts – City Initiated – AO-004538-2019

Chairperson Andersen 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 November 1, 2019.

Chairperson Andersen 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 Crowley, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

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

Kara Tragesser, Development Services Planner stated that this amendment is a request to change the accessory structure size for non-residential uses that are in residential areas. She noted this is mostly schools, religious uses or municipal buildings. These are permitted conditional uses in the single family districts, except for Residential Estate. They often have accessory structures such as pavilions, garages, or playgrounds or other covered structures that exceed 1,000 square feet.

These uses may have large equipment for snow removal and lawn care; open air pavilions with a cement pad, gazebos, trash enclosures, etc. These uses usually are located on larger lots than single family residential; Staff would like to recognize that they are on larger lots, and may need larger accessory buildings than the 1000sf maximum limit for residential accessory structures. Staff is proposing to treat these uses the same as Residential Estates and Open Space districts and use the 10% of the lot size rule for accessory structures.

Chairperson Andersen 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.

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Moved by Commissioner Erickson, seconded by Commissioner Crowley, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the ordinance amendment.

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

Item 2c – Comprehensive Plan Land Use Map Amendment and Zone Change, 1000-1100 S. 60th Street – Change Comprehensive Plan Land Use map from Low Density Residential to Single Family Residential land use and change the zoning of the property from Residential Estate (R-1) to Residential Single Family (R-1) – Toby Torstenson – CPA-004518-2019/ZC-004515-2019 – Tragesser

Chairperson Andersen 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 November 1, 2019.

Chairperson Andersen 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 accepted and made a part of the record all testimony and all other documents received at this public hearing.

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

Jared Murray, Civil Design Advantage, 3405 Crossroads Drive, Suite G, Grimes, stated he was present to ask for approval of a Comprehensive Plan Land Use amendment and a zone change for 1000 and 1100 S. 60th Street. Mr. Murray provided drawings of a preliminary plat layout for 12 lots.

Commissioner Hatfield asked Mr. Murray if the applicant concurs with all staff recommendations and conditions. Mr. Murray affirmed that they do.

Commissioner Erickson asked if the proposed lot sizes are similar to the properties on the East. Mr. Murray responded that he didn't know the exact sizes, but it looked like the proposed lots are a little wider; 0.5 acre lots sizes to just under 2 acres.

Kara Tragesser, Development Services Planner, stated she had done a quick comparison of one of the smaller lots which abuts the houses at Glen Oaks. The proposed lot is just under 20,000sf, and the nearest Glen Oaks lot is 23,000sf, concluding that they are compatible. She informed the Commission that Staff is going to recommend that City Council defer the 2nd and 3rd readings until the plat comes in to ensure that the lot sizes are comparable with the neighborhood.

Chairperson Andersen asked if anyone from the audience would like to speak to this item.

Sean Spellman, 1077 Tulip Tree Lane, West Des Moines, stated he resides at the property being referenced in the square footage computations. Mr. Spellman noted his concerns regarding the smaller lots, stripping of native trees, devaluing the area, and negatively impacting

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the integrity of the neighborhood. He encouraged the City to utilize some creative concepts to preserve the beauty and mature trees, landscaping buffers and easements.

Lynn Kenney, 1139 Tulip Tree Lane asked about the creek that runs in the middle of the proposed development, questioning what was planned for that. She stated she didn't think the land could be built on because of it.

Planner Tragesser responded that most of that creek is located in an easement area, and no structure could be built or grading done there where the easement is located. The applicant will conduct a storm water management plan when they do the plat, and that will provide to the City and opportunity to review how they're going to use that creek.

Chairperson Andersen closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the Comp Plan Amendment.

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

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the Rezoning amendment.

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

Item 2d- Comprehensive Plan Land Use Map Amendment and Zone Change, 1913 Grand Avenue – Change the Comprehensive Plan Land Use Map from Single family Residential to Office land use designation and change the zoning designation from Residential Single Family (R-1) to Single Office (OF) – Mark Shrum - CPA-004526-2019/ZC-004527-2019

Chairperson Andersen noted that there was a memo on the dais to defer this Public Hearing item to November 25, 2019.

Moved by Commissioner Hatfield, seconded by Commissioner Drake, the Plan and Zoning Commission continued Public Hearing item 2d to November 25, 2019.

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

Item 2e – Dowling Catholic, 1400 Buffalo Road – Establish a Planned Unit Development (PUD) to provide a framework for continued development and expansion of school campus while fitting within the context of the established neighborhood – Dowling Catholic High School - ZC-004523-2019

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Chairperson Andersen 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 November 1, 2019.

Chairperson Andersen 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 Drake, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

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

Dr. Dan Ryan, President of Dowling Catholic, 1400 Buffalo Road thanked the Board for working with them over the past 10-15 years, stating he was looking forward to a continued positive relationship. He noted he was surprised in August to be approached by a neighbor about the potential sale of their home, which led to purchasing 4 homes. He added that at this exact time, Administrators did not have a plan for that area but felt it was important to secure extra space. Dowling has a tight campus and they felt they could use the additional space for athletic fields, parking, and an expanded maintenance facility. The campus is designed to keep the students close, and the accessory uses are pushed out to the perimeter of the campus. He concluded that Tim West was present as the Project Engineer to help answer questions.

Commissioner Crowley asked Mr. West to indicate the lots that have been acquired.

Brad Munford, Development Services Planner, clarified that currently the Dowling Catholic property is zoned Residential Estate 1A, which has a 1 acre minimum requirement. The 4 properties purchased are Residential Single Family 13, which is a smaller zoning classification. The development has 2 different zoning standards; Staff were approached about this and advised that creating a PUD is best tool to set standards especially when the applicant doesn't know exactly what will happen in the future. Dowling Catholic is looking to expand their campus. The intent of the PUD is to allow them to do that while fitting in the context of the existing neighborhood. Subcommittee reviewed the proposal on 10/22/19 and expressed support of the standards being put in place. Planner Munford summarized use, setbacks, buffering and screening. The newly acquired properties are allowed to continue as residential as long as rental certificates and inspections are maintained according to City Code. Accessory structures have a 50 foot setback, with the exception of boundaries along Buffalo Road, which require a 100 foot setback. A 30' wide buffer adjacent to 17th Street and Buffalo Road, and the rear yard of a single family lot along the east side of 17th Street is required. Year round screening of parking areas incorporating earthen berming, landscape vegetation or solid fencing are required, with a minimum height of 3' to prevent headlights from parking area to shine into adjacent residences. Planner Munford concluded that the PUD does agree with the Comprehensive Plan for the area, and that concerned residents who have spoken with him have been put at ease once they understand the proposal.

Commissioner Erickson stated he would be concerned about changes dramatically changing traffic. He clarified that going through the PUD process doesn't allow the applicant to add a major new use which will change traffic patterns, they would have to come back with a minor modification application and do a traffic study. Planner Munford affirmed that to be correct,

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adding that the PUD provided parameters, like a curfew. A full review happens during the site plan review process, including a full-blown traffic study to make sure the traffic infrastructure will support what the applicant is proposing to do.

Chairperson Andersen asked if anyone from the audience would like to speak to this item.

Leslie Keely, 1715 17th Street, stated she owns the 5th house off Buffalo Road, noting that her house backs up to soccer field. She questioned why a berm was being installed next to existing practice fields, and what the future plans were for the area. She expressed concern about her property value going down, and whether the rezoning would allow Dowling the right to build whatever they wanted there.

Paula Golay, 1708 17th Street expressed concern about why Dowling was choosing to expand rather than build higher. She commented that the value of the properties was reduced when a large grove of trees were removed next to an area where a parking lot was built, and asked why they didn't create a bussing system, rather than taking over the street. She concluded that they didn't want a commercialized street.

James May, 1442 17th Street, pointed out his property, stating that when the parking lot was added and two houses removed, neighbors were told it would have a gated entrance so drivers couldn't go all the way into campus. He stated that there is a lot of traffic, and he's never seen the gate down. He expressed concerns about the heavy traffic, and wild driving, including the parents as well as the students.

John Fridl, 1514 17th Street, commented on the current traffic problems and property value concerns. He questioned the need for another parking lot, suggesting that a parking ramp would be a better alternative. He stated concern about the Dowling possibly expanding further up the street in order to add another access, and how that would impact traffic onto Buffalo Road.

Atis Lubavs, 1515 Buffalo Road, questioned if Dowling Catholic can build a 3 story apartment house where the soccer fields are. He commented that there had been previous plans to do this, which the neighbors stopped. He also commented on the traffic problems getting in and out of school.

Steve Bush, 1522 17th Street, requested clarification about the location of the 100 foot setback. He also noted that plantings on top of a three foot berm might be necessary to block headlights, or a higher berm. He added to the concern about the daily traffic issues, noting that the students were using his driveway and others to turn around. He concluded that adding to the traffic could be dangerous.

Cheryl Fridl, 1514 17th Street, expressed concern about the residences being purchased and leased, creating tax loss for the City and that she felt it was destroying the neighborhood. She believed there could be other alternatives rather than more homeowners selling their properties.

Chairperson Andersen closed the public hearing and asked Planner Munford to respond to the questions raised. Planner Munford deferred to Mr. West to respond to the future plans, and stated he would follow up with the zoning questions.

Tim West, Snyder and Associates, 2727 SW Snyder Blvd, Ankeny, stated that the current plans indicate improvements to the athletic fields on the north side, keeping them as practice fields

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and junior varsity competitions limited to 200 fans. Parking would add 40 stalls, and they were looking to add an entry drive on the south side, adding another 50 stalls on the south, to infill a few of the existing areas. On the east, an expanded maintenance facility was proposed to allow storage of equipment and parts for busses, but not for large scale repair or vehicles. A few parking improvements would be made to allow a bus to turn around in that area. On the south side, different surfaces were being considered to extend the competition days/practice times on the ball fields which are currently limited by weather. On the main loop drive and associated parking areas there are no improvements or changes planned.

The buffering is a requirement of the PUD zoning. Those would be enhanced, and would include similar buffering down at the southwest side. Regarding traffic, he said the solutions were limited, however they would increase access point to try to spread out the traffic. A parking garage had been discussed at one time, however no plans are currently in the works to build a parking garage at Dowling. There are no plans for any apartment complex. He noted on the drawing where the 100 foot setback was located, adding that there would be no building through the front half of those lots.

Commissioner Erickson questioned if those residences were demolished and came back with educational use, there would be a 100 foot setback from the right of way line to any new structure. Planner Munford confirmed that.

Chairperson Erickson asked about the use of the homes in the PUD, reiterating that they can be rented. Planner Munford agreed. Chairperson Erickson asked if they could be used as single family, or Office use. Planner Munford responded that they would be required to remain residential and would need a rental certificate.

Planner Munford replied to the questions regarding the berming and landscaping, stating that this came about through collaborative effort of staff and applicant. The City has used 3 foot landscaping to screen headlights and things of that nature and it works pretty well. Regarding whether the applicant could build anything they want, the answer is they cannot. That's the purpose of the PUD – they can only build educational and accessory for education. Traffic studies are done for every project. With a school there are traffic peaks which may cause inconvenience during these times. At no time does that go over what's acceptable to the City Council for standards. The City will still look at the traffic every time they come in to make sure it doesn't go over what is acceptable to City Council. In the PUD, construction of a three story apartment building will not be allowed; the only allowed use will be educational and accessory to educational. The setback is from the property line, not from the street itself. Planner Munford pointed out on the drawing where the setbacks and buffers would be.

Mr. West responded to the question regarding bussing of students that Dowling offers a bus service for the students but also offer facilities for the students who drive. He noted that he didn't have numbers of how many drive versus bussing, but could provide those to the Board by the next meeting.

Chairperson Andersen asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the rezoning request to establish a PUD.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes

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Motion carried.

Commissioner Erickson provided a statement, commenting that the Commission wants to be sensitive to neighbors. The Commission granted the driveway onto 17th Street for public safety reasons, needing second access other than Buffalo Road. There are traffic studies which provide numbers but do not reflect the human factor of teenage drivers. If Dowling wants to continue to add density on this campus and grow, they're going to have to look at some management issues that have to do with maybe having police stationed at correct places, and having the queuing happen on their property with less impact to the neighborhood. He encouraged the applicant to be more creative as you come back to this body, in terms of wanting to add uses that further impact the neighborhood. The neighbors selling to any entity is a private issue, but we can be cognizant of the concerns, and try to keep their experience as a neighbor as fair as possible. What the Commission is voting for is a set of rules that Dowling plays under. Nothing that we've approved tonight will allow any uses or expansion without coming back to this body and requiring traffic studies. When Dowling does return, I'm asking that they be creative in dealing with these issues with the neighbors and we'll want to see some management issues that will help ease some of these issues.

Item 2f – 4th & Railroad, 101 and 107 4th Street – Amend the Comprehensive Plan Land Use Map and Establish a Planned Unit Development (PUD) to allow a vertical commercial and residential mixed-use building – Cutler Development, LLC – CPA-004541-2019/ZC-004403-2019

Chairperson Andersen noted that there was a memo on the dais to defer this Public Hearing item to November 25, 2019.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission continued Public Hearing item 2f to November 25, 2019.

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

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

There was (1) one New Business Item.

Item 4a - Review of Historic West Des Moines Urban Renewal Plan Amendment No. 1 for Conformity with the General Plan (Comprehensive Plan)

Katie Hernandez, Business Development Coordinator for the Community & Economic Development department, City of West Des Moines, informed that this is a quick amendment to an existing plan to correct a boundary. She noted on a map the piece which was inadvertently split off. According to state code, any local body is not allowed to split a tax parcel in a TIF district, and Staff are just correcting that boundary.

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

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Moved by Commissioner Crowley, seconded by Commissioner Erickson, the Plan and Zoning Commission recommended a finding of consistency with the General Plan for the Historic West Des Moines Urban Renewal Plan Amendment No. 1.

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

Item 5 – Staff Reports

The next meeting is scheduled for Monday, November 25, 2019, and will be held at the Law Enforcement Center in the Large Training Room.

Item 6 – Adjournment

Chairperson Andersen adjourned the meeting at 6:38 p.m.

Erica Andersen, Chairperson

Jennifer Canaday, Administrative Secretary