

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
Zoom Electronic Meeting**

Monday, July 6, 2020

Attending:

Council Member Matt McKinney
Council Member Renee Hardman
City Manager Tom Hadden
Deputy City Manager Jamie Letzring
City Attorney Richard Scieszinski
Development Director Lynne Twedt
Development Coordinator Linda Schemmel
Building Official Rod Van Genderen

Finance Director Tim Stiles
City Engineer Brian Hemesath
Principal Engineer Ben McAlister
Planner Brian Portz
Planner Kara Tragesser
Planner Bryce Johnson
Planner Karen Marren

Guests: General Items:

Scott Hatfield, Plan & Zoning Commission
Kathy Bolten, Business Record
Doug Ernst, Walnut Creek

Guests: Engineering Interns:

Hannah Debruin
Sonja Lunde
Mason Boyer

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:03 AM.

1. 3-Sons Patio: David Anders

Director Twedt informed the committee that the applicant is requesting use of the rear patio space due to social distancing requirements, however there is a history of use of this space being prohibited. She noted that the applicant was not in attendance at the meeting and provided a brief overview of the history of the issue, requesting direction from the committee advising how to proceed. Previous use of the patio at the rear of this retail area was discontinued due to complaints of noise by nearby residents and lack of compliance with permitted use restrictions. City Manager Hadden inserted that the City has received a comment letter already from a neighbor requesting that use of the patio be denied.

Council Member McKinney stated his desire to provide support for all businesses faced with the current pandemic challenges. He questioned how many tables could be used with social distancing. Council Member Hardman agreed, adding that use of the back area of the site would continue to engender neighbor complaints. Director Twedt estimated 3-5 tables would be possible in the rear patio area with social distancing and pointed out that the exterior building walls would reflect sound, regardless of type of fencing which might be added to mitigate. She proposed discussing options with the business owner and the retail strip owner regarding the potential relocation of a patio at the front of the strip center.

Direction: Council Members were supportive of staff discussing options with the property owner and business owner to find a location for outdoor seating which would minimize impact to the adjacent residential area.

2. Allowance of SIC 792: Theatrical Productions in Light Industrial

Director Twedt summarized the history of Tallgrass Theatre's search for a new location, and their request to consider a suite located in the former Skate West site on Grand Avenue which is currently zoned Light Industrial. Theatrical Productions are not allowed in Light Industrial areas; however, with a change to city code this use could be allowed as a permitted conditional use requiring review and approval by the Board of Adjustment.

Council Member McKinney questioned whether the building owner would approve of this use and what other concerns staff might have. Director Twedt stated by the fact that it has gone as far as a pre-application it is assumed the building owner is aware and generally supportive but building owner approval would need to be confirmed. She continued that parking is staff's primary concern and that we have reviewed available parking at this site and find it to be adequate, adding that there is additional potential parking option at a WDM School District facility nearby but that would require their approval.

Council Member Hardman asked which types of businesses fit in Light Industrial zoning. Ms. Twedt provided an overview. Council Member Hardman voiced her full support of keeping Tallgrass Theatre operational within West Des Moines.

Finance Director Tim Stiles mentioned grant funding the City has provided from the hotel/motel tax in recent years to assist Tallgrass Theatre with sets, infrastructure, and other costs.

Council Member McKinney asked what the next steps would be. Director Twedt stated there would be a city code amendment to be approved by Council, followed by an application by Tallgrass Theatre to the Board of Adjustment for a permitted conditional use permit.

Direction: Council Members were supportive of allowing theatrical productions in light industrial areas as a permitted conditional use.

3. Jordan Creek Town Center Temp Uses

Director Twedt provided an explanation of temporary use permits allowance in city code. She noted that a vendor called "Fishers of Men" has been operating at JCTC and is requesting additional permits which would use all eight of JCTC allowed temp uses for the calendar year. The mall management inquired about the possibility of increasing the number of permits allowed for JCTC or retroactively allow the issued "Fishers of Men" permits as part of the calendar of events yet to be approved by the Council. Staff are seeking subcommittee direction on either of these approaches.

Council Member McKinney asked for clarification regarding the type of sales offered by "Fishers of Men", and then had additional questions pertaining to the calendar events displayed. It was noted that most are events such as concerts and not events that typically would require a temp use permit. Council Member McKinney questioned how produce stands operate. Director Twedt explained that some types of uses such as produce stands, Christmas trees, garden centers have been more clearly defined and allowed for a longer duration due to their recognized benefit to the community and the reoccurring seasonal nature of their sales.

City Attorney Scieszinski noted that the sales of products differ from events on the approved calendar. Ms. Twedt commented that the RV event is a sales event, and that some of the fairs include sales of products. It was questioned why the City regulates at all. Ms Twedt indicated that the City is intentional about preventing vendors from setting up shop on a street corner whenever and wherever they wish for weeks on end to avoid a flea market type presence.

Director Twedt questioned whether the committee would recommend increasing the number of temp use permits for other areas such as Valley Junction or West Glen. City Attorney Scieszinski recommended allowing more temp use permits for the Jordan Creek Town Center area only for now and reviewing broader changes to the ordinance over time.

Council Member McKinney recommended being as flexible as possible to support small retailers and the Mall area during these challenging economic times. He noted that these vendors bring people to the mall which helps the mall during these Covid times and stated that he would be in favor of a one-time waiver of additional permits in the Mall area during the state

of emergency status. In the future we could review a broader application. City Attorney Scieszinski stated the City could increase the number of temp use permits for the Mall at this time under the same manner as temporary restaurant expansion allowances.

Council Member Hardman stated she was supportive in light of the impact to small businesses during this Covid year.

Direction: Council Members were supportive of allowing more temp use permits for Jordan Creek Town Center temporarily and reviewing the ordinance for broader application.

4. Enclosing of Existing Decks

Director Twedt provided drawings showing several homes with decks where owners are requesting to cover the deck with a roof or enclose to create a three-season or four-season porch. She explained that covering or enclosing the structure don't meet side and rear-yard setbacks as the uncovered and unenclosed structures are allowed at a smaller setback. Staff indicated that they would be exploring reducing setbacks, especially rear yards from 30-35' as it seems this amount of rear yard was randomly decided as appropriate to ensure useable rear yard space.

Council Member McKinney questioned whether rear yard setbacks were impacted by Fire Code. Director Twedt responded that construction requirements can change based on separation to another structure but the massing of the building near the neighbor was more the issue.

Principal Engineer McAlister noted that additional roof covering impacts the calculations already done for storm water runoff. He pointed out that drainage and utility easements provide a natural barrier along many rear lot lines which would control and possibly prohibit additional building.

Council Member Hardman expressed her desire to allow as much outdoor space for homeowners as possible, citing the impact of Covid-19, and the benefits of being outdoors for residents. Council Member Hardman agreed, stating she wasn't concerned about adding a building overhang.

Direction: Council Members were supportive of staff moving forward with reducing rear-yard setbacks to allow deck covers and enclosures conditioned on preserving easements and runoff requirements.

5. Upcoming Projects – A map was provided with a brief description of each.

- a. Maffitt Ridge Plat 2 (NW corner of SW Lake Ridge Dr and SW Maffitt Ridge Dr): Replat 4 lots to change access and adjust easements (PP-004750-2020 / FP-004751-2020) Staff noted that there is a WDM Water Works fee issue that needs to be resolved.
- b. Mills Landing Plat 1 (SE corner of Mills Civic Pkwy & S 60th St): Subdivide the property into four development lots and outlot for detention (FP-004752-2020)
- c. Browns Woods Hollow (NW & SW corner of Veterans Pkwy & SE Hollow Ct): Subdivide property into 25 lots for single family development, one outlot for detention, and two public street lots (FP-004702-2020)
- d. The Pines (1100 S 60th St): Subdivide property into 11 lots for single family development (FP-004741-2020)
- e. Glen Meadows (850 S 60th St, Bldg. 1000): Construction of a 130-unit senior living facility within the Mills Landing development (OSP-004717-2020)

- f. *El Guapo Bar and Patio* (8950 University Ave): Board of Adjustment consideration of a Permitted Conditional Use to allow a bar use (PC-004696-2020) Staff noted that this item was included in error as it has already been approved.
- g. *Fox Ridge* (West of SE Orilla Rd @ SE Fox Valley Dr): Amend land uses to relocate medium density and allow for 5,000sf single-family detached lots (CPA-004723-2020 / ZC-004724-2020)
- h. *Della Vita Plat 2* (SE corner of Venice Ave & Wendover Ln): Plat property into 36 footprint lots for townhomes (FP-004728-2020)
- i. *Midlands National Life Insurance (aka Sammons)* (8300 Mills Civic Pkwy): Consolidate existing parcels created via Plats of Survey into one lot (FP-004736-2020)
- j. *Microsoft Osmium* (5855 SW Kerry St): Approval to erect two tents for workers use during construction (breaks and pre-assembly) (MaM-004729-2020)
- k. *Village of Ponderosa* (545 & 565 Market St): Construction of two 5-story apartment buildings with 58 dwelling units each and associated site modifications (OSP-004768-2020)
- l. *Erik's Bike Shop* (950 1st St): Establish Planned Unit Development (PUD) to govern the construction of new retail building (ZC-004771-2020)
- m. *Village on Jordan Creek* (SW corner of Ashworth Road & Jordan Creek Pkwy): Plat property into four lots for anticipated development of an active senior apartment building and office (PP-004761-2020)
- n. *Walnut Creek Community Church (fka Nazarene Church Camp)* (2296 Grand Ave): Creation of one 3-acre parcel for ownership transfer to the Jordan House and create a 0.51-acre parcel of the existing cemetery within the property for ownership transfer to the City (POS-004766-2020)
- o. *West Lakes* (SE Corner of University Ave and Jordan Creek Pkwy): Amend Planned Unit Development (PUD) PUD Parcel I to change the underlying land use to Support Commercial to allow the addition of a drive-thru (CPA-004718-2020 / ZC-004719-2020)

6. Minor Modifications & Grading Plans

- a. *El Guapo Patio Fence* (8950 University Ave): Modify patio fence (MML1-004695-2020)
- b. *Walnut Grove Grease Interceptor* (1300 50th St) Install grease interceptor near the lower parking area (MML1-004716-2020)
- c. *Quick Liquor and Chesters Chicken* (1800 22nd St): Modify parking to allow Chester's Chicken to operate out of the drive through (MML1-004722-2020)
- d. *Westridge Elementary* (5500 EP True Pkwy) Reconstruct entrance façade due to damage (MML1-004732-2020)
- e. *Little Voyagers Child Care* (2700 Westown Pkwy): Construct a fence for a child-care outdoor play area (MML1-004716-2020)
- f. *Spare Time* (340 Jordan Creek Pkwy): Reduce building by approx.2,000sf (MML1-004714-2020)
- g. *Uta* (6305 Mills Civic Pkwy): Façade modifications (MML1-004715-2020)
- h. *195 S 13th St*: Reduce fence from 8' to 6' (MML1-004720-2020)

- i. 1800 22nd St.: Parking lot modifications (MML1-004722-2020)
- j. Raccoon River Park (2500 Grand Ave): Lighting upgrades to LEDs (MML1-004731-2020)
- k. Roto Rooter & Val Lanes (100 & 300 Ashworth Rd): Modifications to parking and drives to accommodate city project for additional E-W roadway (MML1-004733-2020 & MML1-004734-2020)
- l. 214 5th St.: Façade modifications (MML1-004740-2020)
- m. Park West Apartments (1155 Office Park Rd): Remove pool and install picnic shelter within complex (MML1-004763-2020)
- n. 206 5th St.: Façade modification to add service window for walk-up sales (no alcohol) (MML1-004766-2020)
- o. Holtzworth Construction (220 S 11th St): Construct new driveway (MML1-004767-2020)
- p. Legion Park (301 Vine St): Construct skatepark, parking, sidewalks, and landscaping in phases (MML2-004742-2020)
- q. 601 S 18th St.: Implementation of hard surfacing (asphalt and pervious pavers) (MML2-004753-2020)
- r. DMU & Madison Lee Properties (8025 Grand Ave): Approval to move dirt from Madison Lee Properties (north side of Booneville Rd) to future DMU campus (GP-004739-2020 / GP-004777-2020)

6. Other Matters

None

The meeting adjourned at 9:11 AM. The next regularly scheduled Development and Planning City Council Subcommittee is July 20, 2020.

Lynne Twedt, Development Services Director

Jennifer Canaday, Recording Secretary