

PLAN AND ZONING COMMISSION

PZ AF 07-13-2020

Chairperson Andersen called the regular meeting of the Plan and Zoning Commission to order at 5:31 p.m. on Monday, July 13, 2020. Commissioners participated electronically; members of the public were allowed to participate electronically through Zoom, by calling in, or in person with social distancing in Council Chambers at City Hall, 4200 Mills Civic Parkway, West Des Moines.

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

Item 1- Consent Agenda

Item 1a – Minutes of the meeting of June 22, 2020

Chairperson Andersen asked for any comments or modifications to the June 22, 2020 minutes.

Moved by Commissioner Drake, seconded by Commissioner Southworth, the Plan and Zoning Commission approved the June 22, 2020 meeting minutes.

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

Item 2 – Public Hearings

There were 2 Public Hearing items.

Item 2a – Fox Ridge, West of Fox Valley and south of Veterans Parkway and SE Adams Street – Amend Comprehensive Plan Land Use Map and Zoning Map to enable single-family residential, medium-density residential, and park land uses – Charles I & Ruth Colby National Trust - CPA-004723-2020/ZC-004724-2020

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 July 3, 2020.

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, Conlin, Costa, Crowley, Drake, Hatfield, Southworth..... Yes
Motion carried.

Seth Moulton, DR Horton, 1910 SW Plaza Shops Lane, Ankeny, summarized the project, which will consist of a mix of RS-5 single family development and RM-12 multi-family development. He noted that they have requested a slightly smaller lot size backing up to the existing residential area. Staff is recommending RS-12 zoning with 80 feet wide lots, however Mr. Moulton stated that they felt that would create an abnormal looking lot with 15 foot side yards on each side

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based on their average home width of 50 feet. They are proposing to build in phases and believe this will be an excellent project for the City of West Des Moines.

Brian Portz, Development Services Planner, stated that the minimum lot size for RS-5 zoning is 5000 sq. ft. lots. Staff is recommending RS-12 zoning with 12,000 sq. ft. minimum lot size, which will be more consistent with the existing Fox Valley lots that range from 9,000-15,000 sq. ft. Staff is recommending RS-12 in area 2 on the north side, and the east 400 feet of the applicant's property adjacent to Fox Valley, and would be ok with RS-5 further west.

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

Tony Fleck, 2152 SE Fox Valley Drive, voiced his concerns regarding increased traffic in the area with reduced lot size, and the increase in the number of homes. He agreed with staff recommendations to try to blend the sizes in to the existing. He also noted they are concerned about their property values declining.

Charlie Crees, 2166 SE Fox Valley Drive, informed that this proposal is very different from the one they reviewed before moving into the neighborhood. He has concerns about drainage with two detention areas being removed from the plan. He questioned if the proposed City park was certain or might be removed in the future. Mr. Crees concluded that he is very concerned about the increased traffic coming through their area. Mr. Crees returned with additional comments stating they were interested in seeing the City Park moved closer to them as the proposed project would eliminate almost all mature trees on the property and relocating the park closer to Fox Valley might preserve some of those trees.

Lance Van Vleet, 2180 SE Creekhill Way, stated that a detention pond just west of his lot contains all of the runoff from the development. His property required drainage tile be installed to manage the runoff, and he expressed his concerns regarding proper drainage for the new development and the potential impact to his lot. Mr. Van Vleet asked if there will be an HOA, and if they would adopt the same covenants as the Fox Valley HOA. Regarding the proposed land use, he stated that they were shocked when they saw the land use map, this was not in the plans two years ago when they built. He and his wife would not have built if they knew RS-5 would be built adjacent. Mr. Van Vleet voiced concerned about the increased traffic impact to the young families with small children in the area, especially as this would be a route going to Norwalk schools. Mr. Van Vleet asked if the City has any say regarding the developer, noting that this developer has had many complaints filed against them with the Better Business Bureau in the past 3 years, pertaining to craftsmanship, drainage, and land issues. He questioned whether the City can hold the builders accountable, on behalf of the residents who are purchasing and paying taxes for their homes. He would like to know they have a good partner building next to them.

Melynda De Carlo, 2123 SE Adams Street, stated she had three questions. She asked if residents in the area could have any influence regarding planning of the water tower that is scheduled for their area. Ms. De Carlo requested information regarding utilities to be made available to those living on Adams Street. She concluded that they are very opposed to the traffic; she has grandchildren who live in Fox Valley and she requested consideration of a stop sign to slow traffic in the heavily populated area of families with young children. Ms. De Carlo later asked whether Adams Street would be paved, and about access from the new development onto Adams Street.

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Michael Moroney, 9017 Jem Lane, began with comments regarding Item 2b, and was asked to hold those comments until later in the meeting when that item is discussed.

Jason Sherman, 2118 SE Fox Valley Drive, reiterated concerns voiced by other regarding increased traffic, and the increase in density. He did not expect townhomes to be built in the area and believes it will also increase traffic and negatively impact their property values. He does like the idea of a City Park but would like to discuss moving that closer to where the existing homes already are.

Lesley Wacker, 4588 SE Beaverbrooke Trail, stated she is fine with the development as long as the lot sizes match the existing lots. She also asked that the undeveloped lots and greenspace be maintained properly.

Brian Portz, Development Services Planner, responded regarding traffic that the City Engineering Department has done a traffic study regarding land use, but would update that with another review for the preliminary plat. Engineering Services will determine where stop signs would be warranted based on the additional traffic. Drainage is also reviewed as part of the preliminary plat, and the information regarding Mr. Van Vleet's drainage pipe was sent to Engineering and the applicant to be taken into consideration. A storm water management plan will be required with the preliminary plat submittal. Mr. Portz stated he would pass along the information regarding the water tower to Water Works, which is a separate entity from the City. He said that Beaverbrooke Trail will extend to Adams Street and be paved; however, Adams Street will not be paved. Regarding the HOA information, the City would not be involved, but the developer could address that. Mr. Portz will forward the park comments to the City Parks & Recreation department. There is a Master Parks plan which would need to be taken into consideration, but perhaps it could be moved closer to Fox Valley. There will be a lot more reviews on this as the project progresses.

Seth Moulton, DR Horton, 1910 SW Plaza Shops Lane, Ankeny, stated they wish to be a good neighbor. They build communities and want to be good stewards of the land. As developments start to grow, more families with children are added. People do pay attention to traffic and to children. Regarding the quality of homes, Mr. Moulton stated their homes are stick-built, not modular, and use local trade laborers. He would like to see the complaints number at zero, however in the past three years, the ratio of complaints to the number of homes built is a relatively small number. The majority of their homes are two-stories with four bedrooms, designed for families. Regarding affecting local home values, this development will be just like every other development in the area, the market is very good right now and he foresees values continuing to rise in this area. They will work with the City to control traffic as much as possible, and there will be an approved storm-water runoff with proper detention and properly sized pipes. He believes there is a definite need for more housing in the area and they are excited to be part of this.

Branden Stubbs, Stubbs Engineering, 431 NE 72nd St, Pleasant Hill, added they are doing the calculations for the storm water plan at this time in preparation for the preliminary plat, and there will be four or five detention basins. They will follow City guidelines and have little impact on the neighbors to the east. Regarding traffic, Area 2 to the northeast is zoned for a higher density than is being proposed, so this is not anticipated to be a problem.

Development Coordinator Schemmel asked Mr. Stubbs about the utilities to be provided. Mr. Stubbs responded that MidAmerican Energy would provide the electric and gas utilities and City water would be provided.

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As there were no further comments, Chair Andersen closed the public hearing and asked for continued discussion or a motion.

Commissioner Crowley questioned whether the developer had held a neighborhood meeting to discuss using larger lots to buffer and transition to the smaller lots. An unidentified resident responded that they had not.

Development Coordinator Schemmel responded that Staff are recommending a transition area along the west and to the north, which is not the original request from the developer.

Commissioner Crowley asked if they were agreeable to that. Mr. Moulton affirmed that they are agreeable to looking at those lot sizes, however they don't believe the 80-foot-wide lots are the best fit for the area as the side yards will look noticeably awkward with the size of homes planned for them. It would reduce the density by only 3-4 homes which would not reduce traffic that much. They agree with buffering with larger lots, just not the lot width required of the larger lots.

Commissioner Crowley asked if they had a different home they could build on those lots, and Mr. Moulton responded that they did not have a home that would suit those particular lot dimensions.

Commissioner Hatfield agreed with Commissioner Crowley's question regarding the developer having a meeting with the neighbors. He stated he was concerned with the difference between the existing and proposed lot sizes. Commissioner Southworth voiced her agreement.

Commissioner Crowley proposed that it might be better for the developer to meet with the neighbors to determine if they could come to agreement on the lot sizes. Commissioner Conlin agreed.

There was a brief discussion between the developer, Commissioners and Staff regarding timing of a neighborhood meeting, with an agreement for it to be held prior to returning to the next Plan & Zoning Commission meeting.

Moved by Commissioner Hatfield, seconded by Commissioner Conlin, the Plan and Zoning Commission approved a motion to defer the item until July 27, 2020 to allow the developer to meet with the residents of the neighborhood.

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

Item 2b – Tallyn's Reach, Northwest and Southwest Corner of Stagecoach Drive at 88th Street – Amend the Tallyn's Reach Planned Unit Development (PUD) to change residential setback standards for Parcel G – Mill Ridge Homes LLC – ZC-004762-2020

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 July 7, 2020.

Commissioner Drake indicated she would be recusing herself from this item.

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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 Conlin, 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, Conlin, Costa, Crowley, Hatfield, Southworth..... Yes
Drake.....Abstained
Motion carried.

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads Dr, Suite G, Grimes, stated that on behalf of Mill Ridge Homes they are requesting a PUD amendment by striking out window wells from the setback requirement for parcel G. This PUD was formed in 2006 and has been through multiple amendments, this will align it with the City's current zoning ordinance which was amended last June. The PUD is more restrictive. It was brought to their attention that it would impact any homes on flat lots, but not those with walkout or daylight basements. The applicant is in agreement with staff comments.

Brad Munford, Development Services Planner, summarized the change which allows window wells to encroach into the setback by three feet, based on a recent update to the zoning code. This will update the project to current code, which newer projects will be allowed to apply. Mr. Munford offered to respond to the earlier questions raised by Mr. Moroney.

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

Michael Moroney, 9017 Jem Lane, voiced a concern that more residents in his area were not informed of the meeting. He asked what the development was planned for on 88th Street, and also along Sugar Creek down to Booneville Road. He questioned whether the change in setbacks would increase or decrease density.

Walter Pearson, 985 S 90th Street, asked if the setbacks would apply to the area between Stagecoach Drive and Sugar Creek, to the entire PUD.

Planner Munford responded that the 370-foot notification area is set by state law. Staff also took into account that residents were already living in Parcel G, and those residents were also notified of the proposal. Regarding density, the applicant is not asking to change the plan of record. The site plan was approved for this a couple years ago, and this is not increasing the density at all. This is allowing those homes without a walkout to be developed with the same type of product. Regarding the proposal at 88th and Booneville, a recent rezoning changed that from commercial to single family and medium density designation.

Chair Andersen asked Mr. Trygstad if he wished to respond. Mr. Trygstad stated that Mr. Munford was correct, they are not changing the density, just adjusting a couple window wells.

Development Coordinator Schemmel inserted that there is a cap on the number of units with the PUD, and there is no change to the site plan regarding how the units will sit on the lot.

Mr. Moroney reiterated his comments that he didn't feel the rezoning of this area could be responded to with a phone call, and once again asked for more information to be distributed in writing to Woodland Hills and the surrounding area, regardless of what the law requires.

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

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

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

Item 3 – Old Business

There was one old business item.

Item 3a – The Wilder Pines, 1000 and 1100 S. 60th Street – Approve a Comprehensive Plan Land Use Amendment and establish a Planned Unit Development for Single Family Development – The Pines LLC – CPA-004518-2020/ZC-004515-2020

Chairperson Andersen informed that this had been a public hearing item which was recommended for approval by the Commission at the June 22, 2020 Plan & Zoning Commission meeting, but it was discovered that there had been an error in noticing the hearing. At least one resident had been unable to provide public comment, therefore the item was returning to Plan & Zoning Commission to allow any interested citizens to provide input prior to the project coming before City Council. Chairperson Andersen asked if there was anyone present in Council Chambers or participating electronically who wished to make comment. Hearing none, Chair Andersen asked for continued discussion or a motion.

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

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

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

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

Item 4 – New Business

There were two New Business items.

Item 4a – Allied Construction, 2825 SE 1st Street – Approval of Site Plan for the construction of a 37,500 sq. ft. warehouse and office building and three buildings for storage totaling 14,880 sq. ft. – Allied Construction Services, Inc. – SP-004658-2020

Jason Ledden, Snyder & Associates, 2727 SW Snyder Blvd, Ankeny, presented on behalf of applicant Allied Construction, noting they are seeing approval of the full site plan. Mr. Ledden indicated they agree with the conditions provided in the staff report.

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Kara Tragesser, Development Services Planner, noted that the Commissioners were provided with a memorandum this afternoon to address a couple of the conditions. The site plan is ready for approval; however, it is noted in the staff report that Staff have concerns regarding the architecture of the main building and the three storage buildings.

Development Coordinator Linda Schemmel informed that Staff came to an impasse with the applicant's consultant regarding the building design. The consultant did not believe Staff were in a position to interpret the design within the performance standards, so Staff brought the architecture forward to the Commission for a discussion with the applicant on how they believed the building met the particular requirements within this warehouse retail zoning. Ms. Schemmel noted there are not a lot of precedents in this area, but the zoning district is meant to be a lighter industrial area which typically would include a retail component. With that, there were some criteria with regard to materials, and how the building would address the context of the site and the surrounding area. That concern is summarized in the staff report. The architecture for the three smaller storage buildings were just received today and staff have not reviewed yet.

Commissioner Crowley asked about the material on the buildings. Ms. Schemmel replied that it's a prefabricated metal building with enhancement on the entryway at the southeast corner. Commissioner Crowley questioned if that's an allowed material. Ms. Schemmel responded that metal is meant to be an accent material rather than the primary material.

Commissioner Hatfield expressed concern regarding the level of quality and future development in the area, adding that he would motion to defer the item pending further discussions to resolve the architecture. Coordinator Schemmel agreed that Staff would be happy to continue discussion with the applicant.

Commissioner Crowley asked if there is a percentage of stone or brick in the building standard that would meet the Code or the spirit of the code. Ms. Schemmel responded that the language refers to majority of material and accent material, rather than percentages.

Commissioner Hatfield recommended that the applicant meet with Staff to discuss in more detail the materials and the expectations. Planner Tragesser inserted that the applicant has indicated their willingness to discuss this, as well. Mr. Ledden stated they would be willing for that to be added as a condition of approval and they would continue to work with staff.

Moved by Commissioner Hatfield, seconded by Commissioner Drake, the Plan and Zoning Commission deferred the item to July 27, 2020, pending resolution of architectural details.

Vote: Andersen, Conlin, Costa, Crowley, Drake, Hatfield, Southworth..... Yes
Crowley..... No
Motion carried.

Commissioner Crowley informed that he was not in favor of deferring the item pending resolution of the architectural details as he believed the project could have moved forward with time for those discussions to take place.

Commissioners Crowley and Costa exited the meeting at 6:48 pm and 6:57 pm, respectively.

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Item 4b – Midtown Redevelopment, 1221 through 1261 8th Street – Approval of a Site Plan and Preliminary Plat to allow development of a commercial and residential vertical mixed-use development – JGC Holdings, LLC – SP-004688-2020 and PP-004587-2020

Joe Cordaro, Benchmark Real Estate Group, 950 Office Park Rd, Suite 300, West Des Moines, commented that this area was rezoned several months back for a PUD, and now they are finalizing the site plan and preliminary plat which were presented at that time. There will be 2 buildings, 88 apartments, with ground floor retail in both buildings. Patio and parking are incorporated, with required greenspace and park space. The sidewalk has been enhanced as a trail; landscaping buffer provided along pedestrian area. Concerns regarding buffering and berming raised by neighbors have been resolved.

Brad Munford, Development Services Planner, added that Staff are seeing more mixed-use developments. Parkland concessions are being made, similar to a recent project approved for 5th Street. Mr. Munford summarized how the parkland space is estimated based on the value of the project. The City Parks Department is working with the applicant regarding the requirement. Development Coordinator Schemmel concluded that the Parks Department is still working with the applicant and this has been included as a condition of approval.

Commissioner Hatfield commented on the weeds on the site which he observed yesterday and asked what the City can do to clean it up until the site is developed. Mr. Cordaro responded he would send a crew out promptly to clean it up.

Chair Andersen asked if issues noted previously have been addressed. Planner Munford noted that screening and setbacks have been addressed and they are now in compliance. Chair Andersen commended the applicant for working on those issues and resolving them.

Chairperson Andersen 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 Drake, seconded by Commissioner Southworth, the Plan and Zoning Commission approved a resolution recommending approval of the site plan and preliminary plat subject to the following conditions:

1. The applicant acknowledging and agreeing that execution of the Parkland Agreement shall occur prior to the issuance of a building permit for above ground construction and that implementation of the agreed upon improvements prior to the issuance of occupancy permits, including temporary occupancy for either the commercial space or dwelling units.
2. The applicant acknowledging and agreeing to submit the necessary offsite agreements and temporary construction easements prior to the case being heard by the City Council.
3. Applicant acknowledging and agreeing that in order to occupy buildings within the Phase One area, all site improvements, including pavement and ADA markings, sidewalks, buffers, landscaping and lawns within that identified phase area will need to be completed. For the purposes of determining the required improvements, Phases are illustrated on Attachment C of this report.

Vote: Andersen, Conlin, Drake, Hatfield, Southworth..... Yes
Costa, Crowley..... Absent

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Motion carried.

Item 5 – Staff Reports

The next meeting is scheduled for Monday, July 27, 2020.

Item 6 – Adjournment

Chairperson Andersen adjourned the meeting at 6:56 p.m.

Erica Andersen, Chairperson

Jennifer Canaday, Recording Secretary