

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 1, 1999

The regular study session of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Planning Technician Gloria Gould-Wessen and City Clerk Denis Staab.

DISCUSSION ITEMS

Zoning Map Amendments - Continued Discussion

City Manager Olander noted that due to public concern, there does not appear to be Council support to proceed with the text code amendments which would result in an area wide rezone of RM 900A properties to RM 1200. He stated however, that several Councilmembers have expressed strong support for at least completing the conversion of the older RM 900 properties to RM 900A. He proceeded to review his memo to Council listing five possible options for Council to consider as follows:

1. Based on prior Council action, remove the seven sites that were added by the Committee and review these during the next Comprehensive Plan amendment process.
2. Based on prior Council decisions, remove five sites in Pacific Ridge pending development of the sub-area plan.
3. Delete all text code amendments that entail changing property densities from RM 900 and RM 900A to RM 1200.
4. Proceed with the reclassification of RM 900 properties to RM 900A, but grandfather existing RM 900 single-family and condominium uses to allow rebuilding to the previously existing configuration in the event of fire or natural disaster.
5. Proceed with review of the low complexity sites and then individually review the higher complexity sites.

Community Development Director Kilgore proceeded to review a matrix comparing the differences between RM 900 and RM 900A as follows:

RM 900	RM 900A
Permitted Uses: • Multi-family • Single Family • Churches • Apartment Hotels • Hospitals (except mental and alcoholic)	Permitted Uses: • Single Family • Multi-family • Churches
Lot Area: • 7,200 sq. ft.	Lot Area: • 7,200 sq. ft.
Lot Area per dwelling unit: • 900 sq. ft.	Lot Area per dwelling unit: • 900 sq. ft.
Lot Width: • 60 ft.	Lot Width: • 60 ft.
Front Yard: • 20 ft. (in some cases 15 ft.)	Front Yard: • 20 ft.
Side Yard: • 5 ft.	Side Yard: • 15 ft. • exceptions: • 2 stories - 10 ft. • 1 story - 5/10 ft.
Rear Yard: • 10 ft.	Rear Yard: • 20 ft.
Height: • 35 ft.	Height: • 35 ft.
Parking: • 2 parking spaces per dwelling unit	Parking: • 2 parking spaces per dwelling unit

Council discussion ensued regarding the five items as proposed by the City Manager's memo, with comments and consensus as follows.

Item 1. Council unanimously concurred.

Item 2. Council unanimously concurred.

Item 3. Consensus four to three in agreement. With Councilmembers Kaplan, Sherman and Mayor Thomasson opposed.

Staff noted that this will require a change in strategies and a Comprehensive Plan Policy will need to be revised or deleted.

MOTION was made by Councilmember Wasson, seconded by Councilmember Sherman, that the City establish a policy that every single property owner be notified in the future of any changes being proposed that might effect their property, including textual code changes.

City Manager Olander noted that this could prove to be very difficult and expensive, particularly for small changes to landscape requirements, screening, setbacks, etc.

Councilmember Sherman voiced concern that property owners need to know when actions are being considered that potentially impact the value of their property or any changes in use, or restrictions.

Councilmember Wasson and Sherman agreed to WITHDRAW THE MOTION to allow the City Attorney to prepare appropriate language in ordinance form for Council's consideration.

Item #4. Consensus of five to two in agreement, with Councilmember Wasson, and Mayor Pro Tem Brazil opposed.

Councilmembers Towe and Sheckler voiced guarded support dependent upon "grandfathering" language and the effective date.

City Manager Olander noted that language could be prepared to provide options regarding the grandfathering and allow a window for property owners to vest in the existing zoning.

Councilmember Sherman commented that this item was prepared by staff to match the Comprehensive Plan as determined by previous Council direction, in particular the downtown vision that Council had expressed. He noted that Council must be consistent in the zoning map and the comp plan. He felt that doing nothing at all at this point would be, in his opinion, bad government.

Councilmember Towe noted that visions are just that and should always be checked. He advised that he is not concerned with the current density in the downtown area, in that it supports the concept of a pedestrian friendly downtown business district, with residential close by.

Mayor Pro Tem Brazil expressed concern over taking away existing property owners rights.

8:55 p.m. Mayor Thomasson declared a 10 minute break.

Draft Ordinance No. 99-077 [ASSIGNED ORDINANCE NO. 1232] Establishing a Moratorium and Interim Zoning for Pacific Ridge Neighborhood - 1st Reading

Community Development Director Kilgore reminded Council that the Pacific Ridge Neighborhood is being considered for a very different design development than the rest of the City. She informed Council that developers are approaching her for new projects in the area. She noted that the problem is that she is restricted with current zoning and development standards. Current standards do not allow mixed use, which is one of the items that Council has been on record of supporting in this area. She informed Council that she supports passage of this draft ordinance to allow time to establish appropriate regulations for this area.

City Manager Olander pointed out that the draft ordinance contains language that enables staff to work with developers during the moratorium, granting exceptions, and will not shut off development completely.

City Attorney McLean proceeded to review sections of the draft ordinance. He called Council's attention to Section 5 which will allow an applicant to apply for an Interim Conditional Use Permit. If a developer demonstrates to the satisfaction of the City Manager that the proposed project is in substantial compliance with and generally promotes the goals and objectives as listed in the ordinance, then the project will be forwarded to the City Council for review and consideration. He noted that this type of moratorium, to establish zoning code regulations in relationship to the Comprehensive Plan is legally authorized under GMA.

City Attorney McLean distributed a new section 9 that he requested Council incorporate into the ordinance declaring nuisances. He advised Council that, in his opinion, is a critical item to be included due to high crime issues in this area. He reminded Council of numerous complaints of residents in the Pacific Ridge area regarding drug use and criminal activity. He further noted that in the last 3 months arrests for drug related issues have skyrocketed in this area.

Upon questioning from Council, City Attorney McLean noted that Council will hold a public hearing on the moratorium within 60 days and that the six month moratorium can be extended for another six months.

Upon questioning from Council, Community Development Director Kilgore noted that she is aware of 3 existing businesses and 1 new developer that have recently expressed interest in construction within the Pacific Ridge Area. She further advised that this ordinance provides an excellent opportunity to get information and new ideas from developers to help Council in its deliberations as to what type of development should occur.

Community Development Kilgore stated that the process for the Pacific Ridge Area will take some time as first the Pacific Ridge Element must be established, then development regulations and design guidelines need to be established. She estimated that this should take 9 months to one year to complete.

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, to suspend Council Rule 26(b) to take action on Draft Ordinance No. 99-077, with a new Section 9, on a first reading. Motion passed 6 to 1 with Councilmember Sherman voting NO.

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, to approve Draft Ordinance No. 99-077.

Community Development Director Kilgore read the draft ordinance by title into the record.

Councilmember Kaplan noted he is supportive, but expressed concern over the length of time it may take to achieve development of the Pacific Ridge Element.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan, to amend the draft ordinance by deleting the new Section 9.

Councilmember Sherman stated that the "nuisances" section is not appropriate in this ordinance and should be considered as a City-wide issue on its on.

City Attorney McLean reiterated his opinion on the importance of including this language in the draft ordinance. He assured Council that he will prepare a “nuisance” ordinance on a city-wide basis that will be codified.

VOTE ON AMENDMENT: Motion failed 5 to 2 with Councilmembers Sherman and Kaplan voting YES.

Councilmember Towe stated that passage of this draft ordinance is setting the issue as a priority. He requested staff provide a time guide line for completing the Pacific Ridge Element, and explore opportunities to help with the work load.

VOTE ON MAIN MOTION: Motion passed 6 to 1 with Councilmember Sherman voting no.

City Manager Vacation

City Manager Olander announced that he will be out of town the later part of next week at a City Manager’s conference and that Assistant City Manager Piasecki will be Acting City Manager in his absence.

NEXT MEETING DATE

Mayor Thomasson announced the next regular meeting will be April 8, 1999.

ADOURNMENT

The meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Denis Staab
City Clerk