
ABSENT: Francis Boggus, David Courard-Hauri, Carolyn Jenison, Mike Simonson and Greg Wattier.

STAFF PRESENT: Mike Ludwig, Jason Van Essen, Glenna Frank and Tyler Hall.

Jacqueline Easley noted that the applicant for item #2 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

John “Jack” Hilmes made a motion to move item #2 to the consent agenda. Motion Carried 9-0.

Jacqueline Easley noted that the applicant for item #3 had requested a continuance to the February 21, 2019 Plan and Zoning Commission meeting. She asked if any members of the audience or the Commission requested to speak regarding continuance of the item. None requested to speak.

John “Jack” Hilmes made a motion to continue item #3 to the February 21, 2019 Plan and Zoning Commission meeting. Motion carried 9-0.

Jacqueline Easley noted that the applicant for item #4 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Jann Freed made a motion to move item #4 to the consent agenda. Motion Carried 9-0.

Jacqueline Easley noted that the applicant for item #6 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Dory Briles made a motion to move item #6 to the consent agenda. Motion Carried 9-0.

Jacqueline Easley asked if any members of the audience or the Commission requested to speak regarding approval of Consent Agenda Items #1, #2, #4 or #6. None were present or requested to speak.

John “Jack” Hilmes made a motion to approve Consent Agenda items #1, #2, #4 and #6 per the staff recommendations. Motion Carried 9-0.
John “Jack” Hilmes made a motion to approve the January 17, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 5-0-4 (Rocky Sposato, John “Jack” Hilmes, Dory Briles and Greg Jones abstained as they were not present for the January 17, 2019 meeting).

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Des Moines Griffin Building, LLC (owner), 319 7th Street, represented by Tim Rypma (officer) for vacation of a 4-foot by 4-foot segment of the adjoining east/west alley, to allow for a new egress door swing into the alley.

(11-2019-1.01)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The property adjoining the proposed vacation is undergoing renovation. The subject vacation would allow installation of a new egress door which would swing into the alley Right-of-way.

2. Size of Site: The property adjoining the proposed vacation measures 66 feet by 133 feet (6,720 square feet). A total of 16 square feet of alley Right-of-way is proposed to be vacated.


4. Existing Land Use (site): The property adjoining the proposed vacation is occupied by a multiple-family high-rise dwelling.

5. Adjacent Land Use and Zoning:
   - North – “C-3”; Use is the Ruan Center.
   - South – “C-3”; Use is Employers Mutual Casualty.
   - East – “C-3”; Use is a youth shelter.
   - West – “C-3”; Use is a parking structure.

6. General Neighborhood/Area Land Uses: The site is located in downtown Des Moines. The area contains a mix of office, restaurant and residential uses.

7. Applicable Recognized Neighborhood(s): The property adjoining the proposed vacation is in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on
January 22, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on January 28, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on February 1, 2019.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Austin Lewis, 915 Mulberry Street, Unit 504, Des Moines, IA 50309.

8. **Relevant Zoning History:** None.

9. **PlanDSM Land Use Plan Designation:** The proposed vacation and the property adjoining it are designated as "Downtown Mixed Use" on the Future Land Use Map.

10. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Utilities:** No utilities have been identified that would be impacted by the proposed vacation. Staff recommends approval subject to the reservation of easements for any existing utilities.

2. **Street System/Access:** The proposed vacation would have a negligible impact on the function of the adjoining alley. However, staff believes that bollards should be provided for the alley side door as a safety precaution.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the requested vacation subject to the following conditions:

1. Reservation of easements for all public utilities in place.

2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

**SUMMARY OF DISCUSSION**

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

**COMMISSION ACTION:**
John “Jack” Hilmes made a motion for approval of the requested vacation subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

**THE VOTE: 9-0**

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Item 2

Request from TK Development, LLC (owner) represented by Dan Kruse (officer) for review and approval of a 2nd Amendment to the Preliminary Plat for “Southwoods Estates” on property located at 3800 Southwest 56th Street, to allow revision to the plat on the southern portion of the property to reconfigure the street layout and provide for a total of 63 single-family residential lots. The previously approved 1st Amendment to the Preliminary Plat provided for a total of 45 single-family residential lots with two outlots for future plating.

(13-2019-1.25)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to further subdivide the subject property for a total of 63 single-family residential lots. The proposed amendment would reconfigure the southern portion of the property for a projected 3rd Final Plat that would have 18 single-family lots. At this time there are Final Plats for Southwoods Estates Plat 1 & 2 pending approval of the City Council which would have a total of 45 lots.

2. **Size of Site:** 39.94 acres. The proposed amendment area is 9.925 acres.

3. **Existing Zoning (site):** “R-2” One- and Two-Family Residential District and “FSO” Freestanding Sign Overlay District.

4. **Existing Land Use (site):** Single-family dwelling, four accessory structures, and vacant undeveloped land with timber.

5. **Adjacent Land Use and Zoning:**

   **East** - “M-3”; Uses are three single-family dwellings and vacant land.
West – Airport Commerce Park West “PUD”; Uses are light industrial and vacant land.

North - Airport Commerce Park West “PUD”; Uses are light industrial and vacant land.

South - “R1-80”; Use is undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area that contains light industrial uses, undeveloped land and some large-lot single-family dwellings.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Southwestern Hills Neighborhood. All neighborhood associations were notified of the public hearing meeting by mailing of the Preliminary Agenda on November 16, 2018. Notifications of the hearing for this specific item were mailed on November 26, 2018 (10 days prior to the original hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on February 1, 2019.

All agendas are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

8. **Relevant Zoning History:** On December 4, 2017, the City Council amended the future land use designation from Business Park to Low Density Residential for the subject property and other undeveloped property north of the proposed Southwest Connector alignment and west of Southwest 56th Street.

Included in the motion of the City Council was direction to provide and secure a protection buffer on the residential development property to protect from previously approved business park areas to the north and west that are yet undeveloped. It was indicated that this should be considered as part of future development review. These business park areas were approved when the Comprehensive Plans for the City of that time (Land Use 2000) contemplated that the subject property was to be an extension of the business park and not residential development. Therefore, when the Council revised this with the December 2017 amendment to the PlanDSM, they wanted to ensure that the existing approved business park areas were not obligated to provide the residential protection, but rather the residential development would include the protection as development occurs.

On April 19, 2018 the Plan and Zoning Commission approved a Preliminary Plat of the subject property, “Southwood Estates” which included 23 lots for single-family development. It also created two outlots to allow for extension of Watrous Avenue from the west in cooperation with development of adjoining property to the south and development of the currently planned Southwest Connector Part 2.
On July 19, 2018, the Plan and Zoning Commission approved the first Preliminary Plat amendment. This amendment specifically showed the originally approved Lot 32 being further divided into 27 additional single-family lots on a cul-de-sac, including a large 6.678 acre lot containing an existing two-story single-family dwelling.

While public improvement plans have been approved based on previously approved Preliminary Plats for the property, the City Council has not approved any Final Plats.

9. **PlanDSM Land Use Plan Designation:** Low Density Residential.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

The applicant previously agreed to continue the item from the December 6, 2018, December 20, 2018 and January 17, 2019 meetings to extend the maximum 45-day period for review of the Preliminary Plat.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as “Low Density Residential” on the Future Land Use Map. PlanDSM describes this designation as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

2. **Natural Site Features:** There is a natural drainage way running from southwest to northeast through the property. Much of this is timbered with some trees cleared in the recent past to accommodate public sanitary sewer construction. The submitted Preliminary Plat proposes to remove 150,450 square feet (3.45 acres) of tree canopy to accommodate the grading for streets and building pads for the lots. This requires 76 new tree plantings in accordance with the Tree Removal and Mitigation requirements in Article X Chapter 42 of the City Code. The submitted Preliminary Plat includes a tree protection plan in accordance with this requirement.

As part of the previously approved Preliminary Plat amendment the Commission required a 20-foot wide buffer protection easement be provided along the north and
west property lines. This is to be recorded on any final platted lots adjoining the property to the north and west. Additionally, there are some gaps in the existing timber along these boundaries where the developer will provide additional plantings that would also need protection. These buffer protection easements remain in effect with the submitted 2 Amendment to the Preliminary Plat.

3. Utilities: There is an 8-inch public sanitary sewer main running from a dead end of Watrous Avenue northeast along the drainage way to a manhole in Southwest 56th Street. There is also a force main public sanitary sewer running essentially parallel to the other public main. The submitted Preliminary Plat amendment proposes to access the public sanitary sewer in between Lots 9 and 10 on Rose Circle and between Lots 1 and 2 on Rose Avenue within the pending Final Plat Southwoods Estates Plat 1 to the north. The public sanitary sewer would be extended within proposed Rose Avenue and Maish Avenue.

There is a 12-inch Des Moines Water Works public water main in Southwest 56th Street that would be extended with an 8-inch main into the proposed street network. There is also water available in the dead-end of Watrous Avenue at the southwest corner of the property.

4. Drainage/Grading: The proposed stormwater management solution involves providing a detention basin at the eastern end of the drainageway. There are 18-inch public storm sewers proposed in Rose Avenue, Rose Circle and Maish Avenue out letting to the proposed basin to the north and drainageway to the south. The developer is required to design both flood control detention and water quality detention into a development of this area. The applicant has provided revised drainage design details and calculations to comply with the storm water management requirements.

5. Traffic/Street System: The resubmitted Preliminary Plat shows that the lots in the amendment area would be served by a system connecting Rose Avenue/Southwest 58th Street between Southwest 56th Street and an extension of Watrous Avenue. Rose Circle would be a cul-de-sac off of Rose Avenue to the west. Rose Avenue is proposed to dead-end into privately-owned property to the south. Maish Avenue would be a cul-de-sac running west of Southwest 56th Street. The developer has also proposed a Lot D for future extension of Watrous Avenue to Southwest 58th Street. This was based on a preferred alignment for the extension of Watrous Avenue in MoveDSM.

The City Council recently adopted MoveDSM as an amendment to the PlanDSM Comprehensive Plan. With that action the Council also directed pursuing the elimination of the Southwest Connector 2 project. This has not been amended out of the Mobilization Tomorrow Plan by the Metropolitan Planning Organization.

Based on the MoveDSM Plan, the alignment of an extension of Watrous Avenue would be developed due east to connect ultimately with Southwest 56th Street. Any subdivision of adjoining property is then expected to provide their share of the extension of this facility.
After meeting with Community Development Staff, Engineering Staff, Fire Department Staff, and the property owner to the south, it was determined that a viable solution would be for the current developer to plat the extension of the Watrous Avenue to the end of Rose Avenue/Southwest 58th Street. This would provide a through connection for traffic circulation and allow the developer of property adjoining to the south to plat the further extension of a through traffic movement from Watrous Avenue to Southwest 56th Street.

The developer is seeking to phase the public improvements with the proposed solution making the Watrous Avenue extension at a point in the future. In order to prevent indefinite deferral of these improvements, Staff recommend that any further Final Plat consideration provide the dedication of all remaining street Rights-Of-Way within the Preliminary Plat along with providing adequate surety or bonds for the installation of the portion of those improvements within the platted property. This would better facilitate the City completing the public improvements should the development stall for whatever reason.

Phasing the completion of the street improvements also presents challenges in meeting compliance with Fire Codes. Without through extension of the street network, homes built on dead-end street segments beyond 750 feet in length would require special approval of alternative design for fire protection by the Fire Chief. In previous developments this has involved solutions such as adding fire sprinkler systems to single-family dwellings. Any Preliminary Plat approval should require compliance with all Fire Codes for buildable lots.

6. **Avigation:** Based on projected noise contours from future runway improvements to the Des Moines International Airport, it may be necessary for the developer to provide avigation easements recorded on Final Platted parcels in the development to protect the interests of the Airport from nuisance claims due to excessive sound and flight patterns. This will be reviewed with Final Plat reviews to be approved by the City Council.

7. **Industrial Uses:** There is land adjoining to the west of the amendment area which is approved for industrial use. With the previously approved Preliminary Plat amendment, the Plan and Zoning Commission required the provision of a note identifying the business park zoning and permitted uses for property adjacent to the north and west, and noise ordinance requirements pertaining thereto, to the satisfaction of the Planning Administrator. This previously required note has been carried forward and included on the submitted amendment.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the submitted 2nd Amendment to the Southwoods Estates Preliminary Plat subject to the following conditions:

1. Compliance with all administrative review comments from the Permit and Development Center.
2. Any further submitted Final Plat pursuant to this Preliminary Plat amendment shall dedicate all remaining street Rights-of-Way within the Preliminary Plat.

3. The City shall be provided guarantee in a form approved by the City Engineer and City Legal Department, which may include an escrow agreement, surety or bonds, for the completion of all public improvements within the approved Preliminary Plat amendment as part of any further Final Plat phase of the development.

4. Development of any lots within any further Final Plat phase of development shall demonstrate compliance with the Fire Code.

5. Any further Final Plat phase shall provide necessary Avigation easements for platted lots as determined necessary by the Des Moines Airport Authority.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #2 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

John “Jack” Hilmes made a motion to move item #2 to the consent agenda. Motion Carried 9-0.

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the approval of the item. None were present or requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of the submitted 2nd Amendment to the Southwoods Estates Preliminary Plat subject to the following conditions:

1. Compliance with all administrative review comments from the Permit and Development Center.

2. Any further submitted Final Plat pursuant to this Preliminary Plat amendment shall dedicate all remaining street Rights-of-Way within the Preliminary Plat.

3. The City shall be provided guarantee in a form approved by the City Engineer and City Legal Department, which may include an escrow agreement, surety or bonds, for the completion of all public improvements within the approved Preliminary Plat amendment as part of any further Final Plat phase of the development.

4. Development of any lots within any further Final Plat phase of development shall demonstrate compliance with the Fire Code.
5. Any further Final Plat phase shall provide necessary Aviation easements for platted lots as determined necessary by the Des Moines Airport Authority.

THE VOTE: 9-0

Item 4

Request from Full Court Press, Inc. (owner) represented by Jeff Bruning (officer) to rezone property at 3506 University Avenue.

A) Determination as to whether the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use classifications.

B) Amendment to the PlanDSM future land use classification from Low/Medium Density Residential to Community Mixed Use. (21-2018-4.25)

C) Rezone property from “R-3” Multiple-Family Residential District to “NPC” Neighborhood Pedestrian Commercial District, to allow conversion of the existing restaurant use to a tavern use. (ZON2018-00248)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the appellant to seek a Conditional Use Permit from the Zoning Board of Adjustment that would allow the existing business to be reclassified from a restaurant use to a tavern use. As a restaurant, the business is currently required to derive at least half of its gross income from the sale of prepared food and food-related services. The applicant has indicated that they have had difficulty complying with this requirement.

2. Size of Site: 50 feet by 108 feet (5,400 square feet or 0.12-acre).

3. Existing Zoning (site): “R-3” Multiple-Family Residential District and “FSO” Freestanding Sign Overlay District.

4. Existing Land Use (site): The property contains a 40-foot by 23-foot (888 square feet) one-story commercial building, which is occupied by the University Library Café, which has been operating as a restaurant, and an off-street parking lot containing six (6) parking spaces.

5. Adjacent Land Use and Zoning:
North – “R-3”, Uses include University Avenue, single-family dwellings, and multiple-family residential.

South - “R1-60”, Use is a single-family dwelling.

East – “R-3”, Uses include 35th Street and a multiple-family dwelling.

West – “R-3”, Use is an undeveloped lot.

6. General Neighborhood/Area Land Uses: The subject property is located at the southwest corner of University Avenue and 35th Street. The University Avenue consists of a mix of residential and commercial uses that back up to low-density residential neighborhoods.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Drake Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agendas on December 28, 2018 and January 22, 2019, and Final Agendas on January 11, 2019 and February 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the January 17, 2019 public hearing) and January 7, 2019 (10 days prior to the January 17, 2019 public hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311.

The appellant held their neighborhood meeting on January 9, 2019. They will be available to provide a summary at the public hearing.

8. Relevant Zoning History: N/A.

9. PlanDSM Future Land Use Plan Designation: Low-Medium Density Residential Use, which is defined as “Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.”

10. Applicable Regulations: Taking into the consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION
1. **PlanDSM Creating Our Tomorrow:** The applicant has requested that the future land use designation be amended from “Low-Medium Density Residential” to “Community Mixed Use”. Plan DSM describes this designation as follows:

   Small- to medium-scale mixed-use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

Staff finds that the “Community Mixed Use” designation is appropriate given the property’s location along University Avenue and that the proposed “NPC” Neighborhood Pedestrian Commercial District is in conformance with this designation. However, given the limited size of the property and the close proximity of residential uses, Staff finds that it is necessary to limit the permitted use on the property contained in the Staff Recommendation section of this report. As noted, Staff recommends that any tavern use on the property be required to have a kitchen and offer a full menu for food service at all times that the business is open to customers, as well comply with all requirements of the necessary Conditional Use Permit granted by the Zoning Board of Adjustment.

2. **Conditional Use Permit Requirements:** Should the rezoning be approved, any future use of the property for a tavern would be contingent upon the Zoning Board of Adjustment granting a Conditional Use Permit for such use. The subject property currently satisfies the separation distance requirements for a tavern since there is not a church, school, public park or licensed child care facility within 150 feet. The Zoning Board of Adjustment would evaluate such a request against the following standards:
   1. The business conforms with the conditions identified in City Code Section 134-954(a).
   2. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
   3. The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
   4. The business will not unduly increase congestion on the streets in the adjoining residential area.
   5. The operation of the business will not constitute a nuisance.

3. **NPC Design Guidelines:** Should the rezoning be approved, any future redevelopment of the property would be subject to review and approval by the Plan and Zoning Commission of a Site Plan and building elevations in accordance with the following NPC District Design Guidelines:
   1. Buildings should frame the street and maintain a minimal setback from the street.
2. The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.

3. The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.

4. Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.

5. Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.

6. Building frontage should occupy at least 50 percent of the primary street frontage.

7. Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
   a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
   b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
   c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
   d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
   e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.
   f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
   g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

8. The following bulk regulations should be observed:
   a. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.
   b. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.
   c. Front yard: minimum of zero feet.
   d. Side yards: minimum of zero feet.
   e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
f. **Height:** minimum of 15 feet, maximum of 45 feet.

g. **Number of stories:**
   - Residential uses, a maximum of four stories.
   - All other permitted uses, a maximum of two stories.

h. **Signs,** which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

i. **Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.**

4. ** Permit & Development Center Comments:** Any renovation of the building must be in compliance with applicable Building and Fire Codes, with issuance of any necessary permits by the Permit and Development Center.

III. **STAFF RECOMMENDATION**

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Low/Medium Density Residential.

Part B) Staff recommends approval of the request to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Low/Medium Density Residential to Community Mixed Use.

Part C) Staff recommends approval of rezoning the subject property to a Limited “NPC” District, subject to the following conditions:

A. The following uses of structures and land shall not be permitted upon the property:

1. Any business holding a liquor license, wine permit, or beer permit that is not operated as either:
   a. a restaurant where at least half of whose gross income is derived from the sale of prepared food and food-related services; or
   b. a tavern, which has a kitchen and offers a full menu for food service at all times that the business is open to customers, so long as the Zoning Board of Adjustment grants a Conditional Use Permit allowing and further regulating such use;

2. Gas stations;
3. Locker plant;
4. Automotive and motorcycle accessory and parts store;
5. Lawn mower repair shops;
6. Radio stations;
7. Animal hospitals, veterinary clinics, or kennels;
8. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
9. Ballrooms and dance halls;
10. Billiards parlors, pool halls and game rooms;
11. Carpenter and cabinet making shops for retail custom work;
12. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers, and similar recreational uses and facilities;
13. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
14. Drive-in theaters;
15. Lumber yards;
16. Mini-warehouse;
17. Monument sales yards;
18. Plumbing and heating shops;
19. Sheet metal shops;
20. Sign painting shops;
21. Mobile home parks;
22. Used car sales lots;
23. Garage for general motor vehicle repair;
24. Automobile washing establishments;
25. Adult entertainment businesses; and
26. Off-premises advertising signs.

B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

**SUMMARY OF DISCUSSION**

Jacqueline Easley noted that the applicant for item #4 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Jann Freed made a motion to move item #4 to the consent agenda. Motion Carried 9-0.
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding approval of the item. None were present or requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion to APPROVE Part A) the Commission find the requested rezoning NOT in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Low/Medium Density Residential; to recommend APPROVAL of Part B) to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Low/Medium Density Residential to Community Mixed Use; and to recommend APPROVAL of Part C) to rezone the subject property to a Limited “NPC” District, subject to the following conditions:

A. The following uses of structures and land shall not be permitted upon the property:
   1. Any business holding a liquor license, wine permit, or beer permit that is not operated as either:
      a. a restaurant where at least half of whose gross income is derived from the sale of prepared food and food-related services; or
      b. a tavern, which has a kitchen and offers a full menu for food service at all times that the business is open to customers, so long as the Zoning Board of Adjustment grants a Conditional Use Permit allowing and further regulating such use;
   2. Gas stations;
   3. Locker plant;
   4. Automotive and motorcycle accessory and parts store;
   5. Lawn mower repair shops;
   6. Radio stations;
   7. Animal hospitals, veterinary clinics, or kennels;
   8. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
   9. Ballrooms and dance halls;
   10. Billiards parlors, pool halls and game rooms;
   11. Carpenter and cabinet making shops for retail custom work;
   12. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
   13. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
   14. Drive-in theaters;
15. Lumber yards;
16. Mini-warehouse;
17. Monument sales yards;
18. Plumbing and heating shops;
19. Sheet metal shops;
20. Sign painting shops;
21. Mobile home parks;
22. Used car sales lots;
23. Garage for general motor vehicle repair;
24. Automobile washing establishments;
25. Adult entertainment businesses; and
26. Off-premises advertising signs.

B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

**THE VOTE: 9-0**

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Item 6

Request from Brown Dog Realty, LLC (owner) represented by David Kriens (officer) to rezone property at 2110 Wakonda View Drive.

A) Determination as to whether the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow.

B) Amendment to the PlanDSM future land use classification from Low Density Residential to Community Mixed Use. (21-2019-4.01)

C) Rezone from “R1-80” One-Family Residential District to “C-2” General Retail and Highway-Oriented Commercial District, to allow expansion of an existing plumbing and mechanical shop site improvements. (ZON2019-00002)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The developer is seeking to extend off-street parking, loading and maneuvering into area west of the existing plumbing and mechanical shop that is currently zoned “R1-80” District.
2. **Size of Site:** 12,759 square feet for the residentially zoned portion. 22,865 square feet for the overall site.

3. **Existing Zoning (site):** “C-2” General Retail and Highway-Oriented Commercial District, “R1-80” One-Family Residential District and “FSO” Freestanding Signs Overlay District.

4. **Existing Land Use (site):** 3,792-square foot plumbing and mechanical shop with unimproved off-street parking and loading.

5. **Adjacent Land Use and Zoning:**

   - **North** – “R1-80” & “C-2”; Use is open space and storm water detention for vacant convenience store site.
   - **South** – “R1-80” & “C-2”; Use is off-street parking for bowling center.
   - **East** – “C-2”; Use is Francie’s Restaurant.
   - **West** – “R1-80”; Uses are driveway access to bowling center and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject site is located just west of the Fleur Drive commercial corridor. There is a mix of commercial uses and single-family residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on January 22, 2019. Additionally, a separate notification of the hearing for this specific item was mailed on January 18, 2019 (10 days prior to the scheduled hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on February 1, 2019.

   All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321.

   The applicant is required to conduct a neighborhood meeting as part of their rezoning request and will be available to provide a summary of that meeting at the hearing.

8. **Relevant Zoning History:** N/A.

9. **PlanDSM Creating Our Tomorrow:** The subject site is designated as Community Mixed Use and Low Density Residential on the Future Land Use Map. Community
Mixed Use is defined as “Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.” Low Density Residential is defined as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.”

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Drainage/Grading:** The proposed expansion would not trigger requirements for storm water management based on the total area proposed for expansion. However, Engineering staff will review grading and erosion control measures for any disturbed area to ensure that this will not impact adjoining property owners during any construction or at the completion of development.

2. **Access & Traffic:** The submitted site sketch proposes maintaining the existing driveway access location but proposes to improve it to a paved surface. This does not trigger any required modifications by the Traffic Engineering section. Should the drive approach be replaced it would need to be reduced to a maximum of 36 feet in width with 10-20 foot radii. A new 5-foot wide public sidewalk would be required along Wakonda View Drive with any site plan.

3. **Parking:** The City’s standard off-street parking requirement for a plumbing and heating shop is 3 spaces plus 1 per 2 employees on maximum shift plus 1 space per 400 square feet of office. Any Site Plan would be required to demonstrate compliance with off-street parking requirements.

4. **Landscaping:** Any site plan for the proposed expansion of the plumbing and mechanical shop would require compliance with landscaping as applicable in “C-2” Districts. In this case this would require provision of additional perimeter lot landscaping along Wakonda View Drive along with open space landscaping. The area to the west is an unimproved access drive for the bowling center parking to the south. However, because there is residential development immediately to the west of that property, staff believes that the developer should still meet the standard bufferyard landscaping requirements along the west property line.
5. **PlanDSM**: In order to allow for the proposed rezoning, there is also the requirement for the future land use designation to be amended from Low Density Residential to Community Mixed Use. In this instance, the proximity to the residential neighborhood to the west would cause the need for a heightened protection from uses typically found in the “C-2” District. Staff would recommend that the uses of Adult entertainment business; Businesses selling liquor, wine, or beer; Off-premises advertising signs, Taverns and Nightclubs, and Vehicle display lots be prohibited.

### III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation.

Part B) Staff recommends approval of an amendment to the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of rezoning of the property to a Limited “C-2” District subject to the owner agreeing to the following conditions:

1. Prohibit the use the property for the uses of Adult entertainment business; Businesses selling liquor, wine, or beer; Off-premises advertising signs, Taverns and Nightclubs, and Vehicle display lots.

2. Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.

3. Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.

4. Compliance with all landscaping requirements as applicable to “C-2” Districts as part of any site expansion. In addition, a bufferyard using “C-2” District standards shall be provided along the west side of any paved area as part of any site expansion.

### SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #6 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Dory Briles made a motion to move item #6 to the consent agenda. Motion Carried 9-0.
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding approval of the item. None were present or requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for APPROVAL of Part A) the Commission find the proposed rezoning NOT in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation; to recommend APPROVAL of Part B) to amend the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use; and to recommend APPROVAL of Part C) to rezone the property to a Limited “C-2” District subject to the owner agreeing to the following conditions:

1. Prohibit the use the property for the uses of Adult entertainment business; Businesses selling liquor, wine, or beer; Off-premises advertising signs, Taverns and Nightclubs, and Vehicle display lots.

2. Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.

3. Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.

4. Compliance with all landscaping requirements as applicable to “C-2” Districts as part of any site expansion. In addition, a bufferyard using “C-2” District standards shall be provided along the west side of any paved area as part of any site expansion.

THE VOTE: 9-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 3

Request from Git N Go Convenience Stores, Inc. (owner) represented by Dennis Flora (officer) for review and approval of a Site Plan “Git-N-Go 100 Watrous” under design guidelines for gas stations/convenience stores on property at 100 Watrous Avenue, to allow construction of a 3,080-square foot convenience store with a pump island canopy for six (6) fueling locations.

(10-2019-7.71)
STAFF REPORT TO THE PLANNING COMMISSION

Item #3 is continued from the January 17, 2019 meeting of the Commission. The applicant has requested that this item be continued to the February 21, 2019 meeting of the Commission to allow time for additional information to be submitted for consideration. Drawings and a full staff report will be provided for the February 21, 2019 meeting.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to demolish their existing store and redevelop the site with a new 3,080-square foot convenience store with a fuel pump island.

2. Size of Site: 65,526 square feet or 1.5 acres.

3. Existing Zoning (site): Limited “C-1” General Retail and Highway-Oriented Commercial District and “FSO” Freestanding Signs Overlay District.

4. Existing Land Use (site): The property is developed with a 1-story, 3,780-square foot commercial building with a convenience store and a commercial tenant bay. There is an existing fueling island serving 4 vehicle fueling locations. There is not an existing canopy over the fueling island.

5. Adjacent Land Use and Zoning:

   North – “R1-60”, Uses are single-family dwellings.

   South – “R1-70”, Use is the Southside Church of the Nazarene.

   East – “R1-60”, Uses are single-family dwellings.

   West – “R1-70”, Uses are single-family dwellings.

6. General Neighborhood/Area Land Uses: The subject property is an isolated commercial property located at the intersection of the Watrous Avenue and South Union Street neighborhood collector streets. It is within a predominantly single-family residential neighborhood.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Watrous Heights Neighborhood and within 250 feet of Magnolia Park Neighborhood. These neighborhoods were notified of the hearing by mailing of the Preliminary Agenda to all recognized neighborhoods on December 28, 2018 and on January 18, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on January 7, 2019 (10 days prior to the January 17, 2019 hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all the recognized neighborhood associations on January 11, 2019 and on February 1, 2019.
All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Watrous Heights Neighborhood Association mailings were sent to David Johnston, 604 Philip Street, Des Moines, IA 50315. The Magnolia Park Neighborhood Association mailings were sent to Webster Kranto, 310 East Emma Avenue, Des Moines, IA 50315.

8. **Relevant Zoning History:** On October 8, 2018, the City Council rezoned the subject property from “R1-70” District to a Limited “C-1” District by Ordinance Number 15,715 to allow the proposed redevelopment of the site. This rezoning was approved subject to the following conditions:

   a. Any use of the property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.

   b. Any expansion of the existing building or redevelopment of the site for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.

   c. Any expansion or conversion of the existing building or construction of new buildings are subject to compliance with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

9. **PlanDSM Creating Our Tomorrow:** The subject site is designated as Community Mixed Use and Neighborhood Node on the Future Land Use Map.

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, any Site Plan application which includes property used as a gas station or convenience store and for extension of parking shall be approved by the Plan and Zoning Commission if the proposed Site Plan conforms with the design regulations in Section 82-213 and the following additional design guidelines in Section 82-214.08 of the City Code, unless the commission determines that the construction and use of the site will have a significant detrimental impact on the use and enjoyment of adjoining residential uses. Section 82-206(b)(2)(c) in the Site Plan Ordinance also requires that review of any Site Plan by the City shall consider the City’s Comprehensive Plan.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Design Guidelines for Gas Station/Convenience Stores:** The proposal must be reviewed by the Plan and Zoning Commission in accordance with the Design Guidelines for Gas Stations/Convenience Stores (Sec. 82-214.08).
Analysis of these guidelines and other applicable site plan standards will be provided for the February 7, 2019 meeting.

Site Design

A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:
   (i) Primary structure/retail sales building/single or multiple tenant;
   (ii) Pump island, canopy structure, and lighting;
   (iii) Refuse, service and storage area;
   (iv) Circulation systems and parking;
   (v) Service bays;
   (vi) Ancillary uses such as car washes, drive through uses, ATMs and telephones.

B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.

C. Minimum open space should be 20% of the site or 1,000 square feet per vehicle fueling location, whichever is greater.

D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:
   (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
   (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
   (iii) Minimizing cross traffic conflicts within parking areas.

E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:
   (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;
   (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;
   (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;
   (iv) Lighting should be non-invasive to adjoining residential use.

F. The site plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

Architecture
A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.

B. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city’s 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.

C. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.

D. Drive-through elements should be integrated into the building rather than appear to be applied or “stuck-on” to the building.

E. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.

F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.

G. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.

H. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
   (i) Low-scale planters and site walls.
   (iii) Clearly pronounced eaves or cornices.
   (iv) Subtle changes in material color and texture.
   (v) Variation in roof forms.
   (vi) Covered pedestrian frontages and recessed entries.
   (vii) Deeply set windows with mullions.

I. Canopies:
   (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.
   (ii) Canopy height should not be less than 13’-9” as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18’.

J. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the site plan and be located outside of any required setbacks. No display of seasonal items should exceed 5’ in height.

Landscape Design

A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.
B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.

C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.

D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.

E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.

F. Monument signs are encouraged and are required when the site adjoins a residential district.

**Lighting**

A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.

B. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The site plan must contain illuminance models showing light levels throughout the site.

C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.

D. Parking Lot and Site Lighting:
   (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
   (ii) Maximum pole heights should not exceed 20’.

F. Building-Mounted Lighting:
   (i) All luminaries should be a full cut-off design and aimed downward.
   (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

**III. STAFF RECOMMENDATION**

Staff recommends that the item be continued to the February 21, 2019 meeting of the Commission.

**SUMMARY OF DISCUSSION**
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding continuance of the item. None were present or requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion to continue the item to the February 21, 2019 Plan and Zoning Commission meeting.

THE VOTE: 9-0

Item 5

Request from Savannah Homes, Inc. (purchaser) represented by Ted Grob (officer) to rezone property located at 4320 East 46th Street. The subject property is owned by Dennis and Kenneth Robison.

A) Determination as to whether the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow.

B) Rezone property from “A-1” Agricultural District to “R1-60” One-Family Low-Density Residential District, to allow single-family residential development.  

(ZON2019-00001)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the applicant to subdivide the property into lots that would each have a minimum width of at least 60 feet. The applicant has submitted a conceptual layout that consists of 16 lots for single-family residential development, including a lot that would contain the existing dwelling.

2. Size of Site: The property general measures 330 feet by 645 feet (211,900 square feet or 4.87 acres).


4. Existing Land Use (site): The southeastern portion of the parcel contains a single-family dwelling with a detached garage. The balance of the parcel is currently used for agricultural production.
5. **Adjacent Land Use and Zoning:**

   **North** – “A-1”; Uses are single-family dwellings and undeveloped land along Hubbell Avenue.

   **South** – “A-1”; Uses are single-family dwellings and agricultural production.

   **East** - “R1-80” & Summerfield “PUD”; Uses are Delaware Elementary School and single-family dwellings.

   **West** – “A-1”; Uses are single-family dwellings and auto repair.

6. **General Neighborhood/Area Land Uses:** The site is located along the west side of East 46th Street in an area that includes a mix of low-density residential, agricultural, and educational uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood association. All recognized neighborhood associations were notified of the public hearing by mailing of the preliminary agenda on February 9, 2018. Notifications of the hearing for this specific item were mailed on February 9, 2018 (20 days prior to the public hearing) and February 16, 2018 (13 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   The applicant is required to conduct a neighborhood meeting with surrounding property owners. The applicant held a neighborhood meeting on January 31, 2019. The applicant can provide a summary of that meeting at the public hearing.

8. **Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as “Low Density Residential” on the Future Land Use Map. PlanDSM describes this designation as “areas developed with primarily single family and two-family units up to 6 units per net acre. The proposed concept with 16
dwelling units on 4.87 acres represents a density of 3.29 units per net acre, which is in conformance with this designation.

2. **Natural Site Features:** The majority of the site consists of agricultural land with some timbered area along its perimeter. Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. In addition, Staff recommends that a minimum of one street tree shall be provided per lot frontage within the development that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.

3. **Utilities:** All necessary utilities would be required to be provided throughout any subdivision by the developer at their expense. Water is available within East 46th Street right-of-way. Sanitary sewer is available approximately 260 feet to the northeast of the property.

4. **Drainage/Grading:** Any development of the site must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan. A homeowners’ association may have to be established for the purposes of entering into a Stormwater Management and Facility Maintenance Agreement with the City for any necessary stormwater facilities.

5. **Traffic/Street System:** A traffic study was not required in accordance with the City’s traffic study policy. Any street system would be reviewed through the subdivision process.

   The submitted development concept shows the site would be served by a cul-de-sac from East 46th Street. There is an existing 2.86-acre undeveloped parcel that is located immediately to the south of the subject property. Staff believes that it is necessary to require any development upon the subject property to provide a connection to this undeveloped property to the south so that the property does not become landlocked and to preserve street connectivity between East 44th Street and East 46th Street in the future.

6. **Urban Design:** Staff recommends the following design standards to ensure a level of quality that will support the long-term stability of the proposed development and is consistent with the minimum placed on similar developments throughout the City.

   a) No same house plan shall be built on adjacent lots.
   b) Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.
   c) Any house shall have a minimum two-car attached garage.
   d) The front façade of any house shall contain one of the following:
      i. A front porch of not less than 60 square feet; or
      ii. Stone or brick masonry siding covering at least 1/3 of the facade.
e) All windows and doors shall have trim that is no less than 4 nominal inches in width.

f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

g) Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

h) Any 1-1/2-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.

i) Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.

j) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.

k) Any chain link fence shall have black vinyl cladding.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow.

Part B) Staff recommends approval of the rezoning subject to the following revisions:

1. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

2. Any development upon the property shall include a minimum of one street tree per lot frontage within the development that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.

3. Any development upon the property shall provide a north/south connection to provide access to the 2.86-acre parcel adjacent to the south.

4. No same house plan shall be built on adjacent lots.

5. Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.

6. Any house shall have a minimum two-car attached garage.

7. The front façade of any house constructed must contain one of the following:
   a. A front porch of not less than 60 square feet; or
   b. Stone or brick masonry siding covering at least 1/3 of the façade.

8. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
9. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

10. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

11. Any 1-1/2-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.

12. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.

13. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.

14. Any chain link fence shall have black vinyl cladding.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendations. He provided information on conditions that Council had approved for recent residential rezoning requests.

Brent Culp of Snyder and Associates, 2727 Snyder Blvd, representing Savannah Homes stated this development is 4.87 acres and they would be requesting it to be rezoned from “A-1” to “R1-60”. They held a neighborhood meeting on January 31st with 7 people attending. They will be working with the neighbors on sanitary sewer and water connections to cause less intrusion on them and the elementary school.

Ted Grob representing Savannah Homes, stated this plan was first presented with 17, 55 foot lots in a PUD format and showed a stub street to the south, intending to develop the land to the South. Since then their rezoning request too “R1-60” reduced the number of lots to 15, discarded the PUD concept, increased the size of the lots and eliminated the stub street to the South. They are asking the commission to remove 3 recommendations. The Des Moines Water Department stated they would only allow 15 lots to connect to the 12-inch main in East 46th Street. The Fire department informed them that extending a street to the South would violate street length code without a connection to East 44th. Their 2 story homes range around 1,400 square feet and increasing that to 1,800 would add an additional $30,000 to each unit. If they are also required to add stone fronts, that additional amount increases to $33,000 and would eliminate a lot of potential buyers. Mr. Grob presented images of model homes to the commission and stated they have sold 45 homes like the ones shown in Des Moines. They ask for the elimination of the stub street, the stone face requirement and reduce the square footage requirements to match existing Des Moines developments.

Jann Freed wanted to confirm which 3 conditions he didn’t agree with on the staff report.
Jason Van Essen clarified the applicant was opposed to staff recommended conditions #3, #7, #10, #11 and #12.

Will Page asked which models would be appropriate for this development.

Ted Grob stated he would like to offer all models shown.

Will Page asked if he owned the 3-acre parcel to the south.

Ted Grob stated he does not. It was his intention at the Pre-Application meeting to purchase that parcel but after receiving the regulations from the Water and Fire Department he found it financially unfeasible to do so.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Linda Smith 4280 E 46th Street, stated their main concern is being land locked by this development and she would like to explore options in developing the 3-acre lot since it’s been sitting there for many years.

Ted Grob stated there would be two ways to access the 3 acres they own. One being the right of way that goes over to East 44th and they own a house that backs up to that 3 acres.

Mike Ludwig stated based on the elevations shown, most of the models have a porch on the front. Staff recommended condition #7 would require a 60-square foot porch or a 1/3 masonry on the front of the house. Asked if the porches shown on the concept elevations could not be 60 square feet in size.

Ted Grob stated not all of the elevations have a porch. It adds a $3,000 cost to the home. He would like to leave that option up to the buyer but would be ok with a 60 square-feet porch being required.

Mike Ludwig stated the Council has approved variations for the minimum square feet of the dwelling unit, but have not varied from the condition requiring a 60 square feet porch or 1/3 masonry.

Greg Jones asked Mr. Grob to clarify the minimum square feet of a dwelling unit he would like build.

Ted Grob stated he would propose a minimum 1,250 square feet for a 1-story dwelling. If it pleases the commission, he could live with 1,350 square feet for a 1 ½ story and 1,400 square feet for a two-story.

John “Jack” Hilmes asked what price point he projects?

Ted Grob stated approximately $235,000.
John “Jack” Hilmes asked for the largest square footage of the 45 home Mr. Grob has built in Des Moines.

Ted Grob stated 1,428 square feet.

Mike Ludwig stated that in order to develop the 3-acre parcel to the south, a separate developer will have to upgrade the cost of the water line coming from E. 44th Street and have a 200-foot street with no lots fronting on it because it’s just a 60 foot right of way that where adjoining properties are already developed with houses fronting E. 44th Street. It would be better to spread total development costs over the 15 lots Mr. Grob currently proposes and future lots on the 3 acres to the south. If the two properties are not planned and developed at the same time, the south 3 acres will likely never be developed.

Ted Grob stated with the codes and requirements in the City of Des Moines, you cannot develop that 3-acre site. He’s being asked to put in a stub street that will never be used and the City will want a temporary turn around on it for $2,000-$3,000. He wanted to talk with the people about buying the 3 acres but the requirements of two departments won’t let him economically do what he had planned.

Rocky Sposato asked if the street and utility extensions will break the deal.

Ted Grob stated yes.

Will Page asked if the P&Z recommends a smaller minimum square feet per dwelling unit, will the developer agree to provide a front porch of at least 60 square feet or 1/3 masonry as stated by proposed condition #7.

Ted Grob confirmed he would agree to condition #7 if the minimum square feet per dwelling unit is reduced.

Mike Ludwig asked if the option of providing fire sprinklers within potential dwelling units on the three acres to the south was discussed at the pre-application meeting as an option to extending street connection from E 44th Street.

Ted Grob stated he would not build a home with a sprinkler system.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones made a motion for APPROVAL of Part A) the Commission find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow; and to recommend APPROVAL of Part B) rezoning the subject property to R1-60 subject to the following conditions:

1. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
2. Any development upon the property shall include a minimum of one street tree per lot frontage within the development that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.

3. Any development upon the property shall provide a north/south connection to provide access to the 2.86-acre parcel adjacent to the south.

4. No same house plan shall be built on adjacent lots.

5. Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.

6. Any house shall have a minimum two-car attached garage.

7. The front façade of any house constructed must contain one of the following:
   a. A front porch of not less than 60 square feet; or
   b. Stone or brick masonry siding covering at least 1/3 of the façade.

8. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.

9. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

10. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.

11. Any 1-1/2-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.

12. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.

13. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.

14. Any chain link fence shall have black vinyl cladding.

THE VOTE: 9-0

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Item 7

Request from Amerco Real Estate Company (purchaser) represented by Holly Reading for review and approval of a Site Plan “U-Haul Self Storage” under design guidelines for vehicle display lots on property located at 2535 Hubbell Avenue, to allow reuse of the former K-Mart retail department store site for a miniwarehouse and moving truck rental business. The developer has requested waiver of the minimum required open space area and the minimum 20-foot deep perimeter lot
landscaped area along Hubbell Avenue and Easton Avenue. The subject property is owned by Lany DM, LLC.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to convert the vacant property to a self-storage and U-Haul truck rental business. The existing K-Mart store building would be utilized for office space and storage units. A portion of the parking lot would be used for the display of rental vehicles and trailers.

2. Size of Site: 12.3 acres or 535,788 square feet.

3. Existing Zoning (site): “C-4” Shopping Center Commercial District, “FW” Floodway District, and “FSO” Freestanding Signs Overlay District.

4. Existing Land Use (site): The site contains an existing 107,190-square foot commercial building and a parking lot.

5. Adjacent Land Use and Zoning:

   North – “C-4” & “FW”; Uses include commercial, multiple-family residential, and a public library and swimming pool.

   South – “C-4” & “R1-60”; Uses include a church, commercial and single-family residential.

   East – “FW” & “R1-60”; Use is a baseball field.

   West – “C-2”; Uses are commercial.

6. General Neighborhood/Area Land Uses: The subject property is located along the Hubbell Avenue commercial corridor to the northeast of the Easton Boulevard intersection. The area contains a mix of commercial uses.

7. Applicable Recognized Neighborhood(s): The subject property is located within the ACCENT Neighborhood and with 250 feet of the Fairmont Park Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda for the January 22, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on January 28, 2019 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on February 1, 2019.

   All mailings are sent to the primary contact designated by the recognized neighborhood association on file with the City of Des Moines’ Neighborhood Development Division. The ACCENT Neighborhood Association mailings were sent to Kevin Scott Marken, 2109 East 28th Street, Des Moines, IA 50317. The Fairmont
Park Neighborhood Association mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317.

8. **Relevant Zoning History:** On April 15, 2004, by Docket Number ZON2018-00259, the Zoning Board of Adjustment granted the following:

- Variance to the definition of "miniwarehouse", which states a miniwarehouse building shall not exceed 25 feet in height or 150 feet in any other dimension, which would allow for conversion of the existing retail structure generally measuring 550 feet by 210 feet and up to 28 feet in height.

This relief was granted subject to the following conditions:

a. Any conversion of the building is subject to compliance with all Building Codes and Site Plan regulation with necessary permits issued by the Permit and Development.

b. Any conversion of the building is subject to provision of enhanced landscaping around the immediate perimeter of the building, to be reviewed by the Planning Administrator with the required Site Plan.

c. Any conversion of the building is subject to provision of architectural features and material variation to minimize the height and expanse of the building, to be reviewed by the Planning Administrator with the approved Site Plan.

d. Any use of the site for miniwarehouse use is subject to an approved Site Plan in compliance with current Site Plan policies including conformance with landscaping requirements applicable in “C-2” Districts.

The Board’s decision was based on the following finding:

“Granting the Variance to the definition of “miniwarehouse” to allow conversion of the oversized existing retail building for miniwarehouse use would be consistent with the intended spirit and purpose of the Zoning Ordinance and in harmony with the essential character of the locality of the land in question and the surrounding neighborhood area so long as the site is developed in accordance with the recommended conditions of approval. The size of the existing building, which exceeds the size limitations in the ordinance definition of “miniwarehouse”, is a unique circumstance not of the applicant’s own making and specific to the land in question and not to general conditions in the neighborhood. Removal or partial deconstruction of the existing building to meet the maximum height and length dimensions would not be reasonable. The existing building was not built for miniwarehouse use. To reduce the size to meet the standard would devalue the structure beyond what would provide a reasonable return given the buildings existing value. Removing the existing building entirely presents additional costs beyond demolition. In order to redevelop the site with new buildings equivalent to the existing building area
there would be significant expense given the existing regulatory Zone A floodplain.

To mitigate the impact of the relief for an oversize miniwarehouse building, there are necessary site enhancements around the immediate perimeter of the building that should be required, such as additional landscape plantings beyond the minimum necessary for the site plan policies. Also, the front of the building should have an architectural treatment that brings down the scale of the height and length of the building. The submitted renderings of other big box conversions the appellant has developed indicate use of additional windows revealing more of the interior of the building, architectural metal accent features, and awnings, as examples."

Staff notes that in the second paragraph of the Board’s finding, the Board identified the need for site improvements, such as landscaping beyond the minimum standards, as being needed to offset the impacts of the requested relief.

9. **PlanDSM Future Land Use Plan Designation:** The subject property is designated as Parks and Open Space, and Community Mixed Use on the Future Land Use Map. In addition, the property is located within a Neighborhood Node. PlanDSM describes these designations as follows:

   a. **Parks and Open Space:** Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicated private or public open spaces reserved for natural resources conservation.

   b. **Community Mixed Use:** Small- to medium-scale mixed use development, located on the high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

   c. **Neighborhood Node:** These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any Site Plan application that includes improvements to property used for display, hire, rental or sales of motor vehicles in a commercial zoning district, the Plan and Zoning Commission shall apply the design standards in section 82-213 and the additional standards listed below. The decision to approve, approve subject to conditions or disapprove a proposed Site
Plan must be based upon the conformance of the Site Plan with the design standards:

1) The construction and use of the site will have no significant detrimental impact on the use and enjoyment of adjoining residential uses, if any.

   *The subject property is located in a floodplain, with a portion of the property located in a floodway. The site was developed before current stormwater management and floodplain development regulations were in place. The existing building and pavement incumber the vast majority of the site leaving little opportunity for the infiltration of storm water.*

   *Staff believes that all pavement that is not necessary for parking, display and maneuvering should be removed. This would provide the maximum amount of pervious area for storm water to penetrate the ground. This would reduce the impact the property has on the residences and other properties in the area. Staff estimates that this would require one-third to one-half of the site to be open space.*

   *In addition, providing landscaping along the perimeter and throughout the site is necessary to visually breakup the large expanse of pavement that covers the site. This is needed to provide the visual quality desired for commercial development in Des Moines. The visual quality of a commercial property impacts the surrounding area and the community at large.*

2) The proposed development shall satisfy the open space and bufferyard requirements for development in the "C-2" district set forth in the Landscape Standards in the adopted Site Plan policies.

   *The applicable “C-2” District Landscaping Standards consist of the following:*  

   - Open space equal to at least 20% of the site with 1 overstory tree, 1 evergreen tree and 1 shrub per 2,500 square feet of required open space.
   - A 20-foot wide parking lot pavement setback from all street frontages that contains 1 overstory tree and 3 shrubs per 50 lineal feet of frontage.
   - Interior parking lot plantings consisting of at least 1 island with 1 overstory tree and 3 shrubs per 20 stalls.

   *The proposed Site Plan provides 16.9% (90,605-square feet) open space and a 5-foot paving setback from Hubbell Avenue and Easton Boulevard rights-of-way, which does not comply with these standards.*

3) Any portion of the property to be used for outside storage, display or parking of vehicles shall:

   a) Contain at least one-half acre of land.
The overall site contains 12.32 acres.

b) Conform to the parking lot/display lot requirements for development in the "C-2" district set forth in the landscape standards in the adopted Site Plan policies.

The proposed Site Plan does not comply with the City's Landscape Standards with regards to minimum required open space and parking lot perimeter plantings.

c) Be surfaced with an asphaltic or Portland cement binder pavement as shall be approved by the city engineer, so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation within the area.

The Site Plan complies with this guideline.

d) Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Precast wheel stops and other barriers that can be readily moved are not acceptable.

The Site Plan does not identify curbing. Staff recommends the provision of a curb around all landscaped areas as a condition of approval.

4) There shall be no elevated display of motor vehicles in any required front yard.

The Site Plan complies with this standard as it includes a note that states “there will be no elevated display of motor vehicles in any required front yard.”

5) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.

The Site Plan identifies separate areas for customer and employee parking areas and notes that signage will be installed to identify employee parking.

6) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the Site Plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.

The Site Plan identifies the proposed vehicle display areas and includes notes that state pavement markings will be provide in the field to identify the display areas.
II. ADDITIONAL APPLICABLE INFORMATION

1. Drainage/Grading: All grading is subject to an approved grading permit and soil erosion control plan. The site is located in a floodplain and is subject to the Flood Plain Development Regulations found in Chapter 50 of the City Code. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center.

The Engineering Department has reviewed the first submittal of the Site Plan. Their comments include the following:

   a. The Engineering Department is opposed to any requests for relief of the 20% open space requirement of the City’s Landscaping Standards. Pavement removal and restoration to green space is the greatest benefit that can be provided by the redevelopment of this site given its location within the floodplain and lack of stormwater management.

   b. No-Rise Certification per Chapter 50 of the City Code is required for any encroachment proposed in the designated floodway, including landscape material. Staff is not opposed to the proposed plant material, but a hydrologic analysis must be provided.

   c. A valuation of the proposed improvements to the existing building are required as part of the Site Plan submittal. Section 50-34 of the City Code states that if substantial improvements are made to the building (greater than 50% of the assessed value of the structure), the entire building must be elevated at least 1 foot above the base flood elevation or it must be dry-floodproofed.

The subject property is located in a floodplain, with a portion of the property located in a floodway. The site was developed before current stormwater management and floodplain development regulations were in place. The existing building and pavement incumber the vast majority of the site leaving little opportunity for the infiltration of storm water.

Staff believes that all pavement that is not necessary for parking, display and maneuvering should be removed. This would provide the maximum amount of pervious area for storm water to penetrate the ground. This would reduce the impact the property has on the residences and other properties in the area. Staff estimates that this would require one-third to one-half of the site to be open space.

2. Landscaping: The Landscaping Standards include the following statement of intent:

   The intent of these Landscaping Standards is to establish required standards for planting and hardscape areas that enhance the environment, functional and aesthetic impacts of streets, parking lots and properties in the City of
Des Moines. When incorporated into new and re-use developments, these standards soften and enhance building perimeters, provide a continuity of vegetation through the city, reduce impervious surface areas and stormwater runoff, filter air, provide shade and an improved microclimate, and reestablish part of Des Moines’ natural vegetative cover.

The applicable “C-2” District Landscaping Standards consist of the following:

- Open space equal to at least 20% of the site with 1 overstory tree, 1 evergreen tree and 1 shrub per 2,500 square feet of required open space.
- A 20-foot wide parking lot pavement setback from all street frontages that contains 1 overstory tree and 3 shrubs per 50 lineal feet of frontage.
- Interior parking lot plantings consisting of at least 1 island with 1 overstory tree and 3 shrubs per 20 stalls.

The proposed Site Plan provides 16.9% (90,605-square feet) open space and a 5-foot paving setback from Hubbell Avenue and Easton Boulevard rights-of-way. This does not comply with these standards. Landscaping along the perimeter and throughout the site is necessary to visually breakup the large expanse of pavement that covers the site. This is needed to provide the visual quality desired for commercial development in Des Moines. The visual quality of a commercial property impacts the surrounding area and the community at large.

3. **Parking:** The applicant has not provided parking calculations but has indicated that they believe they need a minimum of 73 spaces to comply with the Zoning Ordinance. The property is large enough to provide parking that complies with the Zoning Ordinance. However, detailed parking calculations must be provided on the Site Plan.

The Zoning Ordinance requires (one) 1 parking spaces per 10 storage units as well as five (5) spaces for any office functions for a miniwarehouse use. One (1) parking space per 400 square feet of floor area is required for retail use with 4,000 square feet of floor area or less. One (1) parking space per 200 square feet of floor area is required for retail uses with more than 4,000 square feet of area.

4. **Traffic/Street System:** The proposed change in use does not require a Traffic Impact Analysis report. The City’s Traffic and Transportation Division has reviewed the submittal. Their comments include the following:

   a. Curb and gutter must be restored along all street rights-of-way where drives are abandoned or reduced in size.
   b. Commercial drive approaches shall be no wider than 36 feet.
   c. Driveway vision clearance requirements must be met with compliance demonstrated on the Site Plan.
d. All bus stops, traffic signage and street lights must be shown on the Site Plan with any proposed impacts to these elements noted.

5. **Additional Information:** The Site Plan includes the following notes:

- Parking lot lighting shall be pedestrian in scale having poles no taller than 20 feet from grade with cut-off down-directional light fixtures.
- Dumpsters are to be kept inside the building.
- No mechanical or utility equipment over 3 feet in height shall be allowed in any minimum required front yard setback area.
- All rooftop mechanical equipment will be screened from street level view or from residually zoned property.

III. **STAFF RECOMMENDATION**

Staff recommends denial of the request to waive the open space and parking lot perimeter planting requirements.

The intent of the Landscaping Standards is to establish requirements that enhance the environment, functional and aesthetic impacts of streets, parking lots and properties in the City. When incorporated into new and re-use developments, these standards soften and enhance building perimeters, provide a continuity of vegetation through the city, reduce impervious surface areas and stormwater runoff, filter area, provide shade and an improved microclimate, and reestablish part of Des Moines’ natural vegetative cover.

In granting relief to the proposed development, the Zoning Board of Adjustment identified the need for site improvements, such as landscaping beyond the minimum standards, as being needed to offset the impacts of the proposed project. The Engineering Department has expressed their opposition to the requested waiver, because the maximum amount of pervious surface should be provided on site due to the properties location in a floodplain and lack of existing storm water facilities.

Staff recommends approval of the submitted Site Plan subject to the following conditions:

1. Compliance with all administrative review requirements of the City’s Permit and Development Center.

2. Compliance with the City’s Landscaping Standards for the “C-2” District, including but not limited to, parking lot perimeter and open space requirements.

3. Provision of off-street parking in accordance with the Zoning Ordinance.
4. Removal of all pavement not needed for parking, display or maneuvering to the satisfaction of the Planning Administrator.

5. Provision of curbing around all landscaped areas to the satisfaction of the Planning Administrator.

6. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.

7. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades and screened to the satisfaction of the Planning Administrator.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendations.

John “Jack” Hilmes asked for clarification around signs in the display lot.

Jason Van Essen stated they must have the display areas marked.

Mike Ludwig clarified that some of the areas they are currently showing for display are areas where landscape would be required.

Jason Van Essen stated if the 20-foot set back is required, yes.

Mike Ludwig stated the engineering department requested that the applicant remove as much pavement as possible because of their location in a flood plain and floodway.

Jason Van Essen stated that is correct.

Greg Jones asked if the 20-foot set back was required, would they meet the 20% minimum without taking out anymore pavement?

Jason Van Essen stated he was not certain.

Mindy Bryngelson 1523 S. Bell Avenue, representing CGA stated 27% of this site is in a flood way. To reach 20% of landscaping in the flood way, they will need to plant 86 trees and 129 shrubs. They are recommending native plantings in the areas where pavement would be taken out, which would be much more beneficial.

Randy Dixon 6310 Douglas, stated they are cautious about crowding the lot because of the need of room for maneuvering trucks. They believe the landscaping proposed would beautify the site much more than it is now and the perimeter landscaping would reduce the visibility to the lot.

Jann Freed asked what conditions he would like to change.
Jason Van Essen stated the Commission would need to alter proposed conditions #2 and eliminate condition #4 if they want to grant the applicant’s waiver request.

Will Page requested to hear statements from the members of the audience.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Skip Moore 3822 E 28th Street, stated he is hear tonight to ask for denial of the waiver around open space and parking lot perimeter planting requirements. He believes in beautification and there should be a 20-foot set back around the lot.

Cherie Mortice 2904 E. 22nd Street, stated Hubble Avenue Corridor is very busy and as stated inexperienced drivers will be coming in and out of that lot so she is worried about the safety of the people around that area. She supports the denial of the waiver but feels like it would take a lot more the soften a parking lot that big. People on the eastside had a lot of ideas for something that could go into this space and are upset because they feel like a they are becoming a designated warehouse district. The eastside needs amenities to support families and give the neighborhood more appeal.

Heather Ryan 1253 E 37th Street, asked how many storage units do we need on the eastside before someone notices it’s not aesthetically pleasing. She believes meeting the requirements by the City is the very least the applicant could do because of the amenity dessert that all the storage units are creating.

Amanda Smothers 817 E 21st Court, stated she was upset when the K Mart closed because now she is traveling all the way to Altoona for simple items. She believes every eastside resident would say they’d rather have something other than another storage unit.

Don Derry 2026 E Walnut, stated he doesn’t understand why the eastside needs another storage facility. They are overwhelmed with car lots, liquor stores and storage units. He would like to see something other than more storage.

Jason Carpenter 3216 E 24th Street, stated the applicant shouldn’t get the variance for the 20-foot set back. He is concerned with inexperienced people in large vehicles being turned loose on Hubble Avenue, they need to block that entrance off and reroute them to a less busy street.

Rex Deckard 2611 Kinsey Avenue, stated he is the Pastor for the Calvary Church behind the subject property. They used the K Mart parking lot for parking when the Church would hold events and when they heard it was closing, he was hopeful for something that would elevate the neighborhood. They are concerned about theft and the crime rate in the area so he would like the applicant to do something to elevate the neighborhood.
Jacqueline Easley asked if the real estate company he spoke with had any other proposals for this site.

Rex Deckard stated the Church had some interest but at the time, the commercial real estate company was having troubles getting ahold of the owner so it never went anywhere.

Kent Balduchi 2801 Hubbell, stated he would ask the City to deny the variance of a 20-foot set back. This property sits right in the middle of a neighborhood and he believes it’s very important to keep the 20-foot buffer. We want people to live in Des Moines and they won’t if the City becomes barren and unattractive.

Randy Dixon, stated they are providing an organized space for the equipment with everything numbered. Right now it’s a little unorganized because of the snow and ice. They do a market area study that shows number of storage units compared to the population and customers say they need storage in the area. They are going to have a substantial investment in this property and are taking it very seriously. They will make this a welcoming environment, all exterior light will be replaced, the traffic in and out will be much less than what K Marts was. They will also be creating jobs in the area, he has been with U-Haul for 35 years and it’s a great company to work for.

Jacqueline Easley asked if his company plans to be involved with neighborhood organizations.

Randy Dixon stated he would be glad to be a part of it.

CHAIRPERSON CLOSED THE PUBLIC HEARING

John “Jack” Hilmes stated when the City has opportunities like this on major corridors, it’s their obligation to bring these properties up to current standards. He believes City staff has taken their obligation seriously and P&Z should follow the staff’s recommendation.

Will Page stated after what happened at this property in the flood of 1993, these conditions would be a benefit to the property owner.

COMMISSION ACTION:

John “Jack” Hilmes made a motion to DENY the request to waive the open space and parking lot perimeter planting requirements and APPROVE the submitted Site Plan subject to the following conditions:

1. Compliance with all administrative review requirements of the City’s Permit and Development Center.

2. Compliance with the City’s Landscaping Standards for the “C-2” District, including but not limited to, parking lot perimeter and open space requirements.
3. Provision of off-street parking in accordance with the Zoning Ordinance.

4. Removal of all pavement not needed for parking, display or maneuvering to the satisfaction of the Planning Administrator.

5. Provision of curbing around all landscaped areas to the satisfaction of the Planning Administrator.

6. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.

7. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades and screened to the satisfaction of the Planning Administrator.

**THE VOTE: 9-0**

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**Committee and Director’s Reports:**

Will Page made a motion to approve the following slate of officers as recommended by the nominating committee:

Jacqueline Easley - Chair  
Jann Freed - 1st Vice Chair  
John “Jack” Hilmes - 2nd Vice Chair

Motion carried 9-0.

Mike Ludwig provided the commission with an update on the new zoning ordinance review process.

Meeting adjourned at 8:05 pm