
ABSENT: Will Page, Mike Simonson and Jann Freed.

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

John “Jack” Hilmes made a motion to approve the February 21, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 5-0-6. (Rocky Sposato, Francis Boggus, Emily Webb, Greg Wattier, Jacqueline Easley and Lisa Howard abstained as they were not present for the February 21, 2019 meeting. Carolyn Jenison had not yet arrived.)

Carolyn Jenison arrived at 6:02 PM.

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding Consent Agenda Items #1 and #2. None were present or requested to speak.

John “Jack” Hilmes made a motion to approve Consent Agenda Items #1 and #2 per the staff recommendations in the staff report. Motion Carried 12-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated request to rename a segment of East Douglas Avenue to Kennedy Drive for a segment which is located between Hubbell Avenue and a point 650 feet to the west as part of the realignment of East Douglas Avenue.

(11-2019-1.04)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: East Douglas Avenue has been reconfigured by the city to provide safer access to Hubbell Avenue. A segment of the former street will remain in place to provide access to multiple-family dwellings. This segment requires renaming to assist emergency responders and citizens in locating and wayfinding both Kennedy Drive and East Douglas Avenue.

2. Size of Site: Approximately 19,000 square feet.

4. **Existing Land Use (site):** The subject right-of-way segment contains a portion of East Douglas Avenue that previously provided access to Hubbell Avenue. The subject section will remain to provide continued access to existing multiple-family dwellings and will terminate on the east side of an existing entrance driveway to Quik Trip.

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

   **North** – “R-3” & “PUD” Hilltop Apartments; Uses are multiple-family dwellings and senior apartments.

   **South** – “C-2” & “PUD” Timberbrook Terrace; Uses are a Quik Trip convenience store and gas station and previously vacant land that was redeveloped into a new segment of East Douglas Avenue.

6. **General Neighborhood/Area Land Uses:** The requested street renaming is located in an area that contains a mix of single-family residential, multiple-family residential, and commercial uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Sheridan Gardens Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on February 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 25, 2019 (10 days prior to the hearing) to the Sheridan Gardens Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject ROW. A final agenda was mailed on March 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 Sheridan Gardens Neighborhood notices were mailed to Kurt Lee, 3507 East 39th Court, Des Moines, IA 50317.

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

9. **PlanDSM Land Use Plan Designation:** The proposed project area is designated as “Community 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:** There are existing sanitary sewer and storm water lines within the specified right-of-way. There is an existing 8-inch water main within the specified right-of-way. All existing utilities will remain in the right-of-way.
2. **Traffic & Transportation:** The subject right-of-way segment is located to the west of Hubbell Avenue. It will extend from the new portion of East Douglas Avenue and terminate on the east side of an existing entrance driveway to Quik Trip. The subject segment to be renamed Kennedy Drive will provide secondary access to Hilltop Senior Apartments and primary access to multiple-family residences currently addressed as 3600-3606 East Douglas Avenue.

3. **Services & Mail Delivery:** Property owners addressed off the subject segment would have one year to change all mail to the new street name. For that year, the U.S. Postal Service would deliver mail to both East Douglas Avenue addresses and Kennedy Drive.

**III. STAFF RECOMMENDATION**

Staff recommends approval of the request to rename the old segment of East Douglas Avenue to Kennedy Drive.

**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 request to rename the old segment of East Douglas Avenue to Kennedy Drive.

**THE VOTE:** 12-0

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**Item 2**

Request from Polk County (owner) represented by Robert Rice, Director of Public Works for review and approval of a Site Plan “Lauridsen Skate Park” under design guidelines in “D-R” Downtown-Riverfront Districts on property located at 901 2nd Avenue, to allow development of a 5.79-acre outdoor skating recreation facility with a 470-square foot restroom building.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**
1. **Purpose of Request:** The proposed Site Plan would allow construction of the Lauridsen Skate Park at the northern end of the Principal Riverwalk. The Site Plan proposes numerous ramps for skateboarding, as well as multiple retaining walls and significant landscaping. It also includes a multi-purpose recreational trail to connect with the Principal Riverwalk, as well as a trail connection to the public sidewalk along 2nd Avenue. The only structure proposed as part of the use is a restroom structure, measuring 32 feet by 14.67 feet, at the southern portion of the site. Vehicular access to the site would be from a cul-de-sac at the southern terminus of West River Drive.

2. **Size of Site:** 5.79 acres.


4. **Existing Land Use (site):** Park and open space.

5. **Adjacent Land Use and Zoning:**
   - **North** – “D-R”: Uses include I-235 (freeway) and a dog park.
   - **South** - “D-R”: Use is the Principal Riverwalk.
   - **East** - “D-R”: Use is the Des Moines River.
   - **West** - “C-3” & “C-2”: Uses include 2nd Avenue, Wells Fargo Arena, Quality Inn (hotel), and a future Fairfield Inn (hotel).

6. **General Neighborhood/Area Land Uses:** The site is located along the west side of the Des Moines River just to the south of Interstate 235 (freeway). It is located within an area known as the Principal Riverwalk.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood association but is within 250 feet of the Cheatom Park Neighborhood. All neighborhoods recognized by the City were notified of the Commission meeting by mailing of the Preliminary Agenda on February 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 25, 2019 (10 days prior to the hearing) to the Cheatom Park Neighborhood 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 on March 1, 2019.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Cheatom Park Neighborhood notices were mailed to Susan Wells, 1157 14th Place, Des Moines, IA 50314.
8. **Relevant Zoning History**: The property was rezoned to “D-R” District by City Council on March 21, 2004 by Ordinance 14,324.


10. **Applicable Regulations**: In acting upon any site plan application for property located within the D-R downtown riverfront district or C-3B central business mixed-use district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in Section 82-214.7, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or an existing building is expanded by more than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district, then these guidelines shall apply only to the expansion of the building.

   1) **Building Heights**. Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.

   *The only structure proposed as part of the skate park would be a 32-foot by 14.67-foot restroom structure. Staff believes that the proposed scale of the structure is appropriate given the nature of the recreational use. The proposed building would be constructed with masonry walls with metal trim and roofing.*

   2) **Riverfront setbacks**: Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public right-of-way. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public right-of-way between new private development and the riverfront park.

   *The proposed setback from the river is appropriate since the development would be constructed as a public recreation area along the west side of the Des Moines River.*

   3) **Lighting**: All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.

   *The Site Plan indicates that all on site exterior lighting would be low-glare, cut-off type fixtures to reduce the glare of light pollution and that any parking lot...*
lighting would be pedestrian in scale. Lighting would have a maximum height of 20 feet and be black archetype fixtures.

4) Residential building standards: New residential buildings should also comply with the following guidelines:

a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).
b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.
c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
d. Buildings should have a maximum setback of 15 feet from the public right-of-way.
e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.

N/A.

5) Commercial building standards: New commercial buildings should also comply with the following guidelines:

a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

N/A.

6) Storage of any and all materials and equipment should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates
for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.

*Outdoor storage of materials or equipment is not proposed.*

7) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards.

*See subparagraph 4 of Section II for landscaping information.*

Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

*The Site Plan does not propose any access doors or loading docks.*

In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations and design guidelines in Section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the “What’s Next Downtown Plan”. In most cases, corporate prototype architecture may not be an acceptable design.

*The proposed skateboarding park use is appropriate given the site’s location along at the northern end of the Principal Riverwalk.*

B) Low impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

*The proposed stormwater management improvements include bioretention areas along the western bank of the Des Moines River.*

C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.
The Site Plan provide adequate pedestrian connectivity to both the Principal Riverwalk and the public sidewalk along 2nd Avenue. Vehicular access would be provided from a proposed cul-de-sac at the southern terminus of West River Drive.

D) The incorporation of ‘soft (green) spaces’ on site is encouraged.

The Site Plan provides multiple green space areas.

E) Where feasible, projects should provide outdoor spaces for people gathering.

The proposed development would include multiple green spaces. The skatepark is a recreational facility intended for the gathering of people.

F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

The Site Plan currently provides only 8 bike racks. Given the location along the Principal Riverwalk, Staff recommends that additional bike racks be provided to the satisfaction of the City’s Planning Administrator.

G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

The only structure proposed as part of the skate park would be a 32-foot by 14.67-foot restroom structure. Staff believes that the proposed scale of the structure is appropriate given the nature of the recreational use.

H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).

2. All buildings without river frontage should have entrances oriented toward primary street(s).

3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.
6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

The only structure proposed as part of the skate park would be a 32-foot by 14.67-foot restroom structure. Staff believes that the proposed scale of the structure is appropriate given the nature of the recreational use.

I) Storage of all materials and equipment should take place within completely enclosed buildings.

No outdoor storage of materials and equipment is proposed.

J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

Trash enclosures are not proposed.

K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

See subparagraph 4 of Section II for landscaping information.

L) Access doors for any warehouse use and any loading docks should not front on any public street.

N/A.

M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

N/A.

N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

N/A.

O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

N/A.
P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

N/A.

Q) Auto-dominant uses as described in guideline “N” above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

N/A.

R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

N/A.

II. ADDITIONAL APPLICABLE INFORMATION

1. Natural Site Features: Development of the site shall be in compliance with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

2. Drainage/Grading: All grading is subject to an approved grading permit and soil erosion control plan. 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.

3. Parking: Off-street parking is not required in the “D-R” District. The site would be accessed by a cul-de-sac at the southern terminus of West River Drive. The site would also be accessed by sidewalk connections from both the Principal Riverwalk and the public sidewalk along 2nd Avenue.

4. Landscaping: The Site Plan includes significant landscaping and retaining walls around the perimeter of the site. Staff also recommends provision of street trees spaced every 30 feet along the east side of 2nd Avenue and along the east side of the multipurpose recreational trail that passes through the eastern portion of the site.

5. Signage: Signage is not reviewed as part of the Site Plan. Signage is earned in the “D-R” District at a ratio of 1.5 square feet of signage per lineal foot of building frontage. Since the only structure on the premise is the restroom structure with 32 feet of frontage, the use would earn 48 square feet of signage. Any signage in excess of that would be subject to the Zoning Board of Adjustment granting relief to the signage regulations. Any signage must be installed by a licensed sign contractor in accordance with a sign permit issued by the City’s Permit and Development Center.
III. STAFF RECOMMENDATION

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

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

2. Provision of additional site amenities, such as additional bike racks, drinking fountains, and an emergency call kiosk, to the satisfaction of the City’s Planning Administrator.

3. Provision of street trees spaced every 30 feet along the east side of 2nd Avenue and along the east side of the multipurpose recreational trail that passes through the eastern portion of the site.

4. Any signage shall be installed by a licensed sign contractor in accordance with a sign permit issued by the City’s Permit and Development Center.

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 submitted Site Plan subject to the following conditions:

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

2. Provision of additional site amenities, such as additional bike racks, drinking fountains, and an emergency call kiosk, to the satisfaction of the City’s Planning Administrator.

3. Provision of street trees spaced every 30 feet along the east side of 2nd Avenue and along the east side of the multipurpose recreational trail that passes through the eastern portion of the site.

4. Any signage shall be installed by a licensed sign contractor in accordance with a sign permit issued by the City’s Permit and Development Center.

THE VOTE: 12-0
NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 3

Request from DDX Worldwide Cargo, Inc. (owner) represented by Juan Guaman (officer) for the following at 2017 Capitol Avenue:

A) Vacation of the adjoining north/south alley from Capitol Avenue to the east/west alley. (11-2018-1.29)

*****WITHDRAWN*****

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

C) Amendment to the PlanDSM future land use classification from Low Density Residential to Industrial. (21-2018-4.24)

D) Rezone from “R1-60” One-Family Low Density Residential District to “M-1” Light Industrial District to allow expansion of the existing warehouse and distribution center use. (ZON2018-00254)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to legitimize expansion of an existing warehouse and distribution trucking business in operation at 2000 East Walnut Street. The business had expanded outside storage and parking activity onto adjoining owned residentially zoned property without obtaining proper zoning or providing required site improvements. The applicant was previously seeking to vacate the northern half of the north/south alley west of the subject property so that it can all be assembled with the property of the primary business. However, this item has been withdrawn as there has been no resolution with the adjoining machine shop owner also using the segment of alley. A single-family home was recently demolished on the subject property, and in the interim the applicant has ceased any commercial use of the subject property.

Since the January 17, 2019, the applicant has provided two site schematics for options in using the subject property. One option provides for a 25-foot setback from Capitol Avenue and a 13-foot side yard setback from the east for outside storage. This would require relief from the Zoning Board of Adjustment to approve. The second option would increase the side yard setback from the east to 25 feet
which would meet the minimum requirements for the “M-1” District for outside storage.

2. **Size of Site**: 11.320 square feet or 0.26 acres. The overall site for the business would be approximately 1.42 acres with the requested rezoning.

3. **Existing Zoning (site)**: “R1-60” One-Family Low-Density Residential District and “FSO” Freestanding Sign Overlay District.

4. **Existing Land Use (site)**: Vacant property. A single-family dwelling was demolished in 2018.

5. **Adjacent Land Use and Zoning**:
   - **East**: “R1-60”; Use is single-family dwellings.
   - **West**: “M-1”; Use is warehouse and distribution trucking operation.
   - **North**: “R1-60” & “M-1”; Uses are a single-family dwelling and a potato chip warehouse and plant.
   - **South**: “M-1”; Use is a machine shop.

6. **General Neighborhood/Area Land Uses**: The subject property is located within a transition area between a low density residential neighborhood to the east and an industrial area with a major rail corridor to the west.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located in the Fairground Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the hearing) and January 7, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the neighborhood contract. Also, a 10-day notice was sent on January 7, 2019 to property owners adjoining the affected alley requested for vacation. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on January 11, 2019. The Fairground Neighborhood mailings were sent to Sharon Cooper, 2838 Logan Avenue, Des Moines, IA 50317.

   The applicant is required to hold a neighborhood meeting prior to the public hearing. They have indicated that a neighborhood meeting was scheduled for January 15, 2019.

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

9. **PlanDSM Land Use Plan Designation**: The proposed rezoning area is designated as “Low Density Residential” on the Future Land Use Map.
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: The proposed rezoning is not in conformance with the Future Land Use Map designation of “Low Density Residential”. Even though the applicant’s existing property to the west is currently zoned of “M-1” Light Industrial District, the Future Land Use Map must be amended to the “Industrial” designation to find the proposed rezoning to “M-1” Light Industrial District in conformance with PlanDSM.

The Plan describes the “Low Density Residential” category as areas developed with primarily single-family and two-family residential units, with up to 6 dwelling units per net acre.

The Plan describes the “Industrial” category as accommodating industrial development and limited supporting commercial uses. Development in the classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

Staff is concerned that the proposed rezoning begins to break the transition between the residential neighborhood and the industrial railroad corridor. The applicant already acquired the property and removed a single-family residential dwelling that experienced disinvestment due to proximity to the existing allowed industrial uses. Extending the industrial further into the residential neighborhood would like also extend disinvestment in residential properties.

2. Site Plan Requirements: Any extension of the trucking company use would be required to conform to all current Zoning and Site Plan requirements or would need separate relief from the Zoning Board of Adjustment or through the Site Plan process. If the applicant gets necessary zoning approval either through rezoning by the City Council or relief of the Zoning Board Adjustment, the resulting change of use would require review and approval of a Site Plan to demonstrate that the site would be brought into conformance with current Zoning and Site Plan requirements. This would include, but is not limited to, stormwater management, pavement, dustless surfaces for storage, parking, screening and landscaping. The current site is used with mostly unpaved surfaces, and does not conform to required landscaping.
Based on the most recent site sketch options submitted by the applicant, relief of front and side yard setbacks by the Zoning Board of Adjustment may also be required prior to consideration of a Site Plan. Any outside storage must be outside the minimum required 25-foot front yard setbacks from public street property lines and the minimum required 25-foot side yard when abutting residentially zoned property.

3. **Traffic Analysis:** The anticipated trip generation by the proposed project is below the threshold for requiring a traffic study. Primary access to the site is currently from East Walnut Street and Capitol Avenue. Circulation occurs using the existing north/south alley.

The applicant previously requested vacating the north half of the north/south alley as part of this application, leaving the south half for ingress/egress from the east/west alley to the east. This has been withdrawn by the applicant since the January 17 hearing. The machine shop owner at 2018 East Walnut Street had indicated that his access circulation to his building is from the north/south alley and that vacating the north half would have impeded the movement of trucks that serve his property as they would not be able to turn and go east on the east/west alley given the geometry of the remaining Rights-Of-Way.

4. **Staff Rationale:** Staff believes that amending the PlanDSM and rezoning the property to a more intensive industrial district would not safeguard the adjoining residential neighborhood area to the east. Long-term allowance for industrial use in this location would have a large impact on adjoining residential properties that could not be adequately mitigated.

Should the Commission determine that the requested rezoning of the property is appropriate, staff believes that the following conditions should be placed on the property:

A. No buildings shall be constructed on the property.
B. Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the property.
C. Any off-street parking shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
D. Any outside storage not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free.
E. Any use of the property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to “C-2” Districts.

**III. STAFF RECOMMENDATION**

Part A) This item has been withdrawn.
Part B) Staff recommends that the Commission find that the requested rezoning is not in conformance with the PlanDSM future land use designation of Low Density Residential.

Part C & D) Staff recommends denial of the requested amendment to the PlanDSM Future Land Use Map to Industrial, and denial of the requested rezoning to the “M-1” Light Industrial District.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.

Rick Baumhover Bishop Engineering, 3501 104th Street, stated they have dropped the request to vacate the alley due to an adjoining property owner’s use of the alley. If the zoning is approved, they do agree to use this for only parking, green space or storage. They would like to rezone this property as the business needs parking and storage. Presented two conceptual sketches of how parking and storage could fit on the property. One option would fully comply with zoning regulations for an M-1 District. The other option would require setback relief from the Zoning Board of Adjustment. They cannot file an application for consideration by the Zoning Board of Adjustment until they know if the zoning request is approved by City Council.

Greg Jones asked which site plan they prefer to go with?

Rick Baumhover stated his client prefers the site concept that would require setback relief from the Zoning Board of Adjustment as they would like to get as much usable space as possible. The request does not impact anybody’s existing truck access to Capitol Avenue or Walnut Street.

Greg Wattier asked if the applicant had met with the neighborhood association.

Rick Baumhover stated he sent an email but had no response.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

There was nobody present to speak in favor of or opposition to the request.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Greg Wattier asked if they are currently using the site in this fashion.

Mike Ludwig stated the applicant was previously cited for violating the zoning ordinance and they have removed trailers and storage from the property in the interim while they seek a change to the zoning.

Carolyn Jenison stated she is a big proponent of the neighborhood association and how they feel but believes the association’s letter expressed concern about the alley vacation request that has since been withdrawn, rather than the rezoning.
Jacqueline Easley asked staff if the applicant can go to the Zoning Board of Adjustment if the zoning is denied.

Jason Van Essen stated that if the zoning request is denied by the City Council the applicant could seek a use variance and setback relief from the Zoning Board of Adjustment.

Greg Jones stated he disagrees with staff recommendation for denial of the rezoning. He noted that if a 25-foot setback was maintained from the East lot line, the proposed industrial use would not extend much further into the neighborhood than other adjoining industrial uses. Made a motion to approve the rezoning subject to the alternate conditions listed in the “rationale” section of the staff report and requiring a 25-foot setback along the east lot line.

Mike Ludwig stated a condition would need to be added stating “Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property.” If this were approved by council, the owner and any future owner could not seek relief from Zoning Board of Adjustment and would need submit another rezoning request. Suggested that the applicant address whether an additional condition would be acceptable.

Rick Baumhover asked if the condition would prohibit the applicant from seeking relief from the Zoning Board of Adjustment.

Greg Jones stated yes.

Glenna Frank stated if the condition is added, storage would not be allowed on the East 25 feet of the lot and any relief to that condition would require a rezoning.

Rick Baumhover stated the condition would lock the applicant into Site Concept B which allows a minimal amount of storage.

Greg Jones stated he would only support approval of the zoning with conditions that limit use of the property compliant with site concept B or denial of the rezoning.

Rick Baumhover stated the site really needs the parking and the owner is trying to do the right thing and comply.

Greg Jones suggested that the Commission consider a condition that no truck traffic from the subject property utilize Capitol Avenue.

John “Jack” Hilmes asked how wide the lot is.

Rick Baumhover stated it is 77-feet wide.

John “Jack” Hilmes stated that leaves them 52-feet to work with. Asked how long are the applicant’s trailers.
Rick Baumhover stated the applicant’s trailers are 53-feet in length and they need room to maneuver.

Juan Guamon 2000 E. Walnut, stated other businesses are using Capitol Avenue for truck traffic. It would not be fair if he was the only one not allowed to use Capitol Avenue.

Greg Jones withdrew his suggestion to limit truck traffic on Capitol Avenue.

COMMISSION ACTION:

Part A) The alley vacation request has been withdrawn.

Greg Jones made a motion for APPROVAL of Part B) the Commission find that the requested rezoning is not in conformance with the PlanDSM future land use designation of Low Density Residential; APPROVAL of Part C) to amend the PlanDSM Future Land Use Map designation from Residential to Industrial; and APPROVAL of Part D) to rezone the property to a Limited “M-1” Light Industrial District subject to the following conditions:

1. No buildings shall be constructed on the property.
2. Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the property.
3. Any off-street parking shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
4. Any outside storage not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free.
5. Any use of the property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to “C-2” Districts.
6. Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property.

THE VOTE: 11-1-0 (David Courard-Hauri opposed)

Item 4

Request from Bridge District II, LLC (owner) represented by Joe Pietruszynski (officer) for review and approval of the following for property located at 720 and 730 East 2nd Street. A portion of the subject property is owned by Shamrock Properties, LC.

A) Review and approval of an amendment to the Site Plan “Bridge District 3” for development of 50 three or four-story row dwelling townhomes with ground level entry attached garages.

(10-2019-7.85)
B) Review and approval of a Preliminary Plat “Bridge District 3” to allow for division of the property into 50 lots for row dwelling townhomes. (13-2019-1.36)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed amendments would allow the following changes from what was approved by the Commission on November 1, 2018:
   - Construction of 50 units instead of 49 units,
   - Alteration on lot sizes to allow for an adjustment in the unit type mix and to avoid a conflict with a utility easement at the southeast corner of the development, and
   - Use of an adhered stone product in place of brick on the exterior of the units.

2. Size of Site: 3.47 acres.


5. General Neighborhood/Area Land Uses: The site is located at the northern periphery of the Historic East Village Neighborhood. The immediate area consists of a mix of residential and light industrial uses as well as vacant land. It is generally bound by Interstate 235 to the north, East 4th Street to the east, Des Moines Street to the south and Robert D. Ray Drive to the west.

6. Adjacent Land Use and Zoning:
   - North – “D-R”: Use is vacant land.
   - South - “D-R”: Use is rowhouse development (Bridge District Phase 1).
   - East - “R-4”: Uses are multiple-family residential.
   - West - “D-R”: Uses are the Des Moines River and trail.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Historic East Village Neighborhood. The neighborhood was notified of the February 21, 2019 Commission meeting by mailing of the Preliminary Agenda on February 1, 2019 and the Final Agenda on February 15, 2019 and of the March 7, 2019 Commission meeting by mailing of the Final Agenda on March 1, 2019. Additionally, separate notifications of the hearing were mailed on February 11, 2019 (10 days prior to the February 21, 2019 hearing) to the neighborhood association and to the
primary titleholder on file with the Polk County Assessor for every owner of property or condominium 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 Historic East Village Neighborhood Association mailings were sent to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** November 1, 2018, the Commission conditionally approved an amendment to the Site Plan “Bridge District 3” and to the Preliminary Plat “Bridge District 3” to allow construction of 49 three-story rowhouse townhomes.

On November 28, 2018, the Zoning Board of Adjustment granted the applicant an Exception of 4 feet less than the minimum 20 feet of width required for a driveway for two-way circulation and an Exception of 4 feet less than the minimum 24 feet of maneuvering space required for 90-degree parking stalls.

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:**
Downtown Mixed Use.

10. **Applicable Regulations:** The Commission shall determine if the preliminary plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code and consider the criteria set forth in Chapter 18B of the Iowa Code. The Commission shall also determine if it conforms to 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.

In acting upon any site plan application for property located within the D-R downtown riverfront district or C-3B central business mixed-use district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in Section 82-214.7, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or an existing building is expanded by more than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the D-R
downtown riverfront district or C-3B central business mixed-use district, then these guidelines shall apply only to the expansion of the building.

1) **Building Heights.** Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.

   The primary footprint of each unit would extend up two stories. All 50 of the units would have a third-floor bonus room at the front of the unit. Thirteen (13) of the units would have a 3rd floor bedroom in addition to the bonus room.

2) **Riverfront setbacks:** Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public right-of-way. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public right-of-way between new private development and the riverfront park.

   The development would be separated from the levee by Robert D. Ray Drive.

3) **Lighting:** All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.

   The site plan indicates that “all on site exterior lighting shall be low glare cut-off type fixtures” and that “wall mounted lighting packs must be shielded and under 15-foot mounted height.” It also includes a note that states, “parking lot lighting shall be less than 20 feet in heights including base, with cut-off down-directional light fixtures.”

4) **Residential building standards:** New residential buildings should also comply with the following guidelines:

   a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).
   b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.
   c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
   d. Buildings should have a maximum setback of 15 feet from the public right-of-way.

   The development would have frontage on Robert D. Ray Drive and East 2nd Street. Most units that have street frontage would set back between 5 and 11
feet from the right-of-way. The southernmost unit along East 2nd Street would set back 33 feet at its closest point to the right-of-way due to the curve of the street and the need to avoid existing underground utilities.

e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.

The rowhouses would not have shared trash enclosures.

5) Commercial building standards: New commercial buildings should also comply with the following guidelines:

f. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.

g. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.

h. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.

i. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.

j. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

N/A.

6) Storage of any and all materials and equipment should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.

Outdoor storage of materials or equipment is not proposed.

7) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards.

See subparagraph 4 of Section II for landscaping information.
8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

N/A.

The Plan and Zoning Commission reviews and approves site plans for multiple family dwellings, boarding houses or rooming-houses in accordance with the design standards in section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions, or disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design standards.

1) **Architectural character.** New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

*The primary footprint of each unit would extend up two stories. All 50 of the units would have a third-floor bonus room at the front of the unit. Thirteen (13) of the units would have a 3rd floor bedroom in addition to the bonus room. The approved building designs include a mix of brick, metal and cement fiberboard siding. The applicant is proposing to use an adhered stone product in place of the brick material for all Phase 3 building and for the Phase 2 buildings that will face Phase 3. Staff is evaluating the proposal and will provide a recommendation at the March 7, 2019 meeting.*

2) **Building height and mass.** Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.

*The primary footprint of each unit would extend up two stories. All 50 of the units would have a third-floor bonus room at the front of the unit. Thirteen (13) of the units would have a 3rd floor bedroom in addition to the bonus room.*
3) **Building orientation.** To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.

*The development would have frontage on Robert D. Ray Drive and East 2nd Street. Most units that have street frontage would set back between 5 and 11 feet from the right-of-way. The southernmost unit along East 2nd Street would set back 33 feet at its closest point to the right-of-way due to the curve of the street and the need to avoid existing underground utilities.*

4) **Garage access/location.** If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.

*All garage doors would be oriented to a service drive.*

5) **Rooftop/second story additions.** A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.

*N/A.*

6) **Emergency egress.** All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

*All stairways and means of egress would be internal to the building.*

7) **Parking.** Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

*See subparagraph 4 of Section II for landscaping information.*

In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations and design guidelines in Section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it
became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

H) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the “What’s Next Downtown Plan”. In most cases, corporate prototype architecture may not be an acceptable design.

The primary footprint of each unit would extend up two stories. All 50 of the units would have a third-floor bonus room at the front of the unit. Thirteen (13) of the units would have a 3rd floor bedroom in addition to the bonus room. The approved building designs include a mix of brick, metal and cement fiberboard siding. The applicant is proposing to use an adhered stone product in place of the brick material for all Phase 3 building and for the Phase 2 buildings that will face Phase 3. Staff is evaluating the proposal and will provide a recommendation at the March 7, 2019 meeting.

The development would have frontage on Robert D. Ray Drive and East 2nd Street. Most units that have street frontage would set back between 5 and 11 feet from the right-of-way. The southernmost unit along East 2nd Street would set back 33 feet at its closest point to the right-of-way due to the curve of the street and the need to avoid existing underground utilities.

I) Low impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

The proposed stormwater management improvements include groundwater recharge pits. Staff is not aware of any additional low impact development techniques being utilized.

J) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

Vehicular access to the rowhouse units would come from shared service drives. This includes a connection point with the service drive network for Bridge District Phase 1 to the south.

K) The incorporation of ‘soft (green) spaces’ on site is encouraged.
L) Where feasible, projects should provide outdoor spaces for people gathering.

*The proposed development would include multiple green spaces.*

M) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

*The development has been designed to provide access to the trail system along the Des Moines River.*

N) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

*The primary footprint of each unit would extend up two stories. All 50 of the units would have a third-floor bonus room at the front of the unit. Thirteen (13) of the units would have a 3rd floor bedroom in addition to the bonus room.*

H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).

2. All buildings without river frontage should have entrances oriented toward primary street(s).

3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

*The development would have frontage on Robert D. Ray Drive and East 2\textsuperscript{nd} Street. Most units that have street frontage would set back between 5 and 11 feet from the right-of-way. The southernmost unit along East 2\textsuperscript{nd} Street would set back 33 feet at its closest point to the right-of-way due to the curve of the street and the need to avoid existing underground utilities.*

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

*N/A.*

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.
N/A.

6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

*The development would have frontage on Robert D. Ray Drive and East 2nd Street. Most units that have street frontage would set back between 5 and 11 feet from the right-of-way. The southernmost unit along East 2nd Street would set back 33 feet at its closest point to the right-of-way due to the curve of the street and the need to avoid existing underground utilities.*

L) Storage of all materials and equipment should take place within completely enclosed buildings.

*No outdoor storage of materials and equipment is proposed.*

M) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

*Trash enclosures are not proposed.*

N) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

*See subparagraph 4 of Section II for landscaping information.*

M) Access doors for any warehouse use and any loading docks should not front on any public street.

N/A.

M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

N/A.

N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

N/A.
O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

_The site would have one curb cut along Robert D. Ray Drive and three along East 2nd Street. Staff believes the proposed number of curb cuts is the minimum number necessary to adequately serve the development._

P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

_The site measures 3.47 acres. The proposal is subject to several sets of design guidelines (“D-R” District, “D-O” District and Multiple-Family Residential) that provide a level of review similar to “PUD” zoning._

Q) Auto-dominant uses as described in guideline “N” above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

_N/A._

R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

_N/A._

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** Development of the site shall be in compliance with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

2. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. 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 proposed stormwater management improvements include groundwater recharge pits.

3. **Parking:** Off-street parking is not required in the “D-R” District. Each rowhouse unit contains an attached garage. Additional parking is provided along the northernmost drive.

4. **Landscaping:** General landscaping standards applicable to this project include:

   - 1 overstory street tree per 30 lineal feet of frontage.
   - 1 overstory tree and 10 shrubs per 40 lineal feet of parking lot perimeter.
   - 1 overstory tree and 3 shrubs per 25 parking stalls of parking lot interior.
• 1 overstory tree, 1 evergreen tree and 1 shrub per 2,500 square feet of required open space.

Staff recommends approval subject to the review of the finalized landscaping plan by the Planning Administrator. Staff’s primary concern is the lack of plantings along two of the drive aisles.

III. STAFF RECOMMENDATION

Part A) Staff recommends approval of the submitted Preliminary Plat subject to the compliance with all administrative review comments of the City’s Permit and Development Center.

Part B) Staff will provide a recommendation at the meeting on the proposed change in building materials. Staff is generally supportive of the overall Site Plan submittal and recommends approval subject to the following conditions:

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

2. Review and approval of the finalized building elevations and materials by the Planning Administrator.

3. Review and approval of the finalized landscape plan by the Planning Administrator.

4. Provision of black LED street light fixtures and black metal poles.

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

6. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site.

7. All services lines to buildings and all utility lines in the adjoining right-of-way shall be located underground.

8. Compliance with Section 42-550 of the City Code.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report. Staff recommends approval of the preliminary plat and approval of the site plan but denial of the request to change previously approved building materials / exterior cladding. The development was originally designed to have consistency of design and exterior building materials. While the proposed materials are of a similar color, they do not provide the same architectural detail as the previously approved building materials.
John “Jack” Hilmes asked if this new masonry material is “thin-brick”.

Jason Van Essen stated it is an applied stone that that has less depth than a standard brick.

Dan Drendel 305 E Court Ave, Slingshot Architecture representing Hubbell Development stated they brought the idea of using different material to staff a few months ago and city staff had some concerns around depth. They are proposing a flashing detail so that it will appear to match the depth of the existing approved masonry materials. They would like the commission’s approval and will work with staff to address any concerns to keep the site plan moving forward.

David Courard-Hauri asked if cost was the reason for switching materials.

Dan Drendel stated not just cost but also construction timelines.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

There was no one present to speak in support or opposition to the item.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Francis Boggus made a motion for APPROVAL of the submitted Preliminary Plat subject to the compliance with all administrative review comments of the City’s Permit and Development Center and Part B) APPROVAL of the submitted site plan subject to the following conditions:

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

2. Review and approval of the finalized building elevations and materials by the Planning Administrator.

3. Review and approval of the finalized landscape plan by the Planning Administrator.

4. Provision of black LED street light fixtures and black metal poles.

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

6. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site.
7. All services lines to buildings and all utility lines in the adjoining right-of-way shall be located underground.

8. Compliance with Section 42-550 of the City Code.

9. There shall be no change to the originally approved building materials.

THE VOTE: 9-1-2 (John “Jack” Hilmes opposed, Emily Webb and Greg Wattier abstained)

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Item 5

Request from Bell Avenue Properties, Inc. (owner) represented by Guy Gast (officer) for the following for property located at 6230 Scout Trail. Additional property is owned by the Mid-Iowa Council Boy Scouts of America.

A) Review and approval of a Preliminary Plat “Airport Industrial Park Plat 3” to define a 27.12-acre development parcel for previous Outlots X and Y in Airport Industrial Park Plat 2, provide turnaround Right-Of-Way (ROW) for Scout Trail, and to provide ROW to realign Southwest McKinley Avenue. (13-2019-1.37)

B) Review and approval of a Site Plan “Waldinger Headquarters” in accordance with the conditions of Ordinance No. 15,683, to allow for development of a corporate headquarters building with two stories of office space totaling 90,000 square feet and a 113,000-square foot main level production area. (10-2019-7.86)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The developer is seeking to assemble the subject property, relocate Southwest McKinley Avenue, and develop the site for a corporate headquarters facility to consolidate their Des Moines Metro operations. This would include accessory outside storage and required off-street parking areas. The new building would have a 2-story office component totaling 90,000 square feet and a 1-story production area totaling 113,000 square feet, for a total of a 203,000-square foot facility.

2. Size of Site: 30.45 acres.
3. **Existing Zoning (site):** Limited “M-1” Light Industrial District and “FSO” Freestanding Signs Overlay District.

4. **Existing Land Use (site):** Undeveloped land used for agricultural production.

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

   - **North** – “Airport Industrial Park PBP”, Use is the Mid-Iowa Council of the Boy Scouts of America Headquarters.
   - **South** – “C-2”, Uses are single-family dwellings.
   - **East** – “R1-80”, Use is large acreage single-family dwellings.
   - **West** – “OS” Agricultural/Open Space (West Des Moines), Use is Brown’s Woods Polk County Park.

6. **General Neighborhood/Area Land Uses:** The subject property is located northwest of the Des Moines International Airport along the Iowa Highway 28 (Southwest 63rd Street) corridor, which is primarily developed with light industrial uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on February 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 11, 2019 (10 days prior) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A final agenda was mailed to all recognized neighborhood associations on February 15, 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 Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, Iowa 50321.

8. **Relevant Zoning History:** On July 9, 2018, by Ordinance No. 15,683 the City Council rezoned a majority of the property from Limited “C-2” District to a Limited “M-1” District subject to the following conditions:

   A) Overhead doors shall not face Iowa Highway 28 or any residentially developed property unless screened by another building or by earthen berms and landscaping materials.
   
   B) Provision of landscaping in accordance with the City’s standards for “C-2” Districts.
   
   C) No portion of the property within 50 feet of the public Rights-Of-Way or adjoining residentially zoned property may be used for the outside storage of materials, trailers or equipment. Any area used for the outside storage of materials or
equipment shall be paved and screened from public street views and residential development by an architectural screening panel system or fencing/landscaping as approved by the Commission or Planning Administrator.

D) The public street facades of any building or portion thereof located within the Property which is not blocked from view by other structures or landscaping shall be construed using exterior materials that are predominately glass, brick, masonry, architectural steel panels and other durable materials. No Exterior Insulations and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades.

E) Compliance with all recommendations of the traffic study as part of any submitted subdivision or site plan.

F) Any site plan for development shall be reviewed by the Plan and Zoning Commission.

9. **PlanDSM Future Land Use Plan Designation:** Business Park.

10. **Applicable Regulations:** In this instance, the review of the Site Plan by the Plan and Zoning Commission was required by condition of the Ordinance for the rezoning of the property. In consideration of the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any Site Plan application the Plan and Zoning Commission shall apply the design standards in section 82-213 and ensure compliance with the conditions of the rezoning contained in Ordinance No. 15,683. 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.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Site Features:** The site is currently primarily cultivated for agricultural crop production on an annual basis. There are not any prominent natural features on the subject property. The residential property to the east has a small pond reservoir with landscaped open space. To the west are multiple acres of heavy timbered area maintained by the Polk County Conservation Board as Brown’s Woods Park. Any development of the site through platting and site planning must comply with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code). A tree removal and mitigation plan has been provided, with the proposed plantings exceeding the amount of mitigation plantings required for removals.

   The property owner to the east has an easement to maintain a berm and planting within the east 50 feet of the property. The developer is proposing to increase this to a 75-foot wide easement for their benefit. Construction improvements would impact a small area of the property, however the developer has proposed restoring this disturbed area.

2. **Drainage/Grading:** The site has significant relief, which drains generally east and north. All grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. All subdivision plats and site plans must comply with the City’s
Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. In this case, when a site is over 10 acres, an erosion control plan also requires the provision of temporary sedimentation basins in the design. The developer has provided a SWPPP and erosion control plan for both the Site Plan and the Preliminary Plat.

3. **Utilities:** The site has access to all necessary utilities within the adjoining street network. Sanitary sewer is available from Scout Trail to the north. Des Moines Water Works mains are available in Scout Trail and Southwest McKinley Avenue.

4. **Street System & Access:** The proposed rezoning and warehouse project required a traffic study per City policy. This study was completed by the City’s consultant Bolton and Menk and approved by Traffic Engineering on May 7, 2018.

The study was based on a development concept from the applicant and the eventual planned improvement of the Southwest Connector through the site. The recently adopted “MoveDSM Plan” reconsiders the Southwest Connector for this area in favor of a more localized street circulation network. The regional transportation plan of the MPO, “Mobilizing Tomorrow” has not formally adopted this.

The following are significant recommendations of the study affecting the applicant’s expectation for participation in the surrounding street network:

- The southbound left turn lane at Scout Trail needs to be extended to 125 feet for the build scenarios.
- The proposed truck-only access drive connecting to Scout Trail is beyond the required off-set from Southwest 63rd Street, but the queueing for Scout Trail westbound extends beyond the driveway for build conditions for the P.M. peak. The driveway should be reviewed by the developer for the off-set and traffic flow during the P.M. peak to avoid conflict.
- If the Southwest Connector is constructed, any driveway to the site should be a minimum of 600 feet from Southwest 63rd Street and a relocated Southwest McKinley Drive should match up with that driveway.
- If the Southwest Connector is not extended, Southwest McKinley should be realigned to connect to Southwest 63rd Street. Any drive from a joint access from existing residences should then be lined up with the site driveway or off-set by at least 75 feet. Both should be at least 100 feet from Southwest 63rd Street in that scenario.
- Any site access driveway should be limited to 45 feet wide per SUDAS requirements.

With the elimination of the Southwest Connector project, the submitted Preliminary Plat proposes the reconfiguration and relocation of Southwest McKinley Avenue to connect to SW 63rd Street/IA Highway 28 across from Veterans Parkway in West Des Moines. The submitted Plat proposes extending the street to connect to existing SW McKinley Avenue, with a frontage connection for access to existing
residences. The City Engineer is recommending that this project all be completed in one phase with the site development.

Separately the MoveDSM Plan and Complete Streets policy adopted by the City Council call for sidewalks on all public street sides with any Site Plan where they are absent. Furthermore, based on MoveDSM, a 10-foot wide multipurpose trail is to be located on the SW 63rd Street/IA Highway 28 frontage. The City Traffic Engineering Division has recommended that this be installed in lieu of the typical 5-foot wide sidewalk that would be required with the Site Plan. There are some challenges with grades and Des Moines Water Works easements in providing either. Engineering staff has indicated that it could be accomplished but may require some development on the private property side, in which public easements would need to be provided. The developer has not provided either a 10-foot multipurpose trail or a 5-foot public sidewalk on the Southwest 63rd Street/IA Highway 28 frontage. The has not shown a trail or sidewalk with the submittal and is requesting temporary waiver or deferment of this provision. Staff recommends that the trail improvement be required with the Site Plan development at the front end. Any deferment should be required to provide a bond for the cost of constructing after a set period of time.

5. Landscaping & Buffering: The subject property has existing residential areas directly to the east and south. It is important that any site development buffer from these areas, particularly with regard to outside storage and the presence of overhead doors on the facades of the building. The conditions of the zoning require that the proposed rezoning be subject to providing landscaping in accordance with the standards for the “C-2” District rather than only meeting the “M-1” requirements. Additionally, the zoning conditions require outside storage areas be screened from public street views and residential development by an architectural screening panel system or fencing/landscaping as approved by the Commission or Planning Administrator. Also, overhead doors shall not face Iowa Highway 28 or any residentially developed property unless screened by another building or by earthen berms and landscaping materials.

Since the item was continued, the developer has revised the landscaping plans in an effort to meet this requirement. In the attachments are sheets provided by the developer to demonstrate compliance with the Zoning Conditions by showing sections at selected lines of sight towards the proposed building and outside storage areas. The proposal does not include any architectural screening solutions only landscaping and berm solutions. Staff has several concerns including the fact that these plans are based on plant materials at full maturity. The surrounding neighbors need to be aware if approved as proposed, it would be several years for the plantings to serve their full purpose. Staff further believes that there are several view sheds from surrounding streets and residences that would be adequately screened as proposed. These areas are mostly related to the proposed south drive entrances which make it more challenging to achieve the intent of the Zoning Conditions. Staff has identified areas to the northeast, southeast, south and southwest which would need more plant material including evergreen plantings to sufficiently obscure the proposed dock doors in the long term. Staff also believes
the north, south, and east perimeter of the proposed outside storage area and the loading area at the southwest corner of the building should be screened with an opaque wall or fence.

6. **Urban Design:** The submitted elevations indicate the proposed building would be comprised primarily of pre-cast concrete walls. There would be contrasting coloration between the office and production components of the building. The office component also includes significant glass and Aluminum window panel systems. There are also galvanized steel features and Aluminum composite panel systems. The proposed zoning conditions require that the public street facades of any building or portion thereof located within the Property, which is not blocked from view by other structures or landscaping, shall be construed using exterior materials that are predominately glass, brick, masonry, architectural steel panels and other durable materials. No exterior Insulations and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades. The submitted elevations would comply with this requirement.

**III. STAFF RECOMMENDATION**

Parts A & B) Staff recommends approval of the submitted Preliminary Plat and Site Plan subject to compliance with the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Center.
2. Provision of the 10-foot trail and street tree landscaping spaced every 30 feet along the Iowa Highway 28 frontage of the property in furtherance of the MoveDSM Plan.
3. Provision of architectural screening or opaque fence screening surrounding the proposed outside storage area.
4. Revision of the landscaping plan to increase landscaping or provide architectural screening in areas where Staff has determined that the site lines to overhead doors and outside storage areas from public street views and surrounding residential properties are not proposed to be adequately protected to meet the requirements of the Zoning Conditions.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.

Francis Boggus asked where the closest sidewalk is to this development.

Jason Van Essen stated he isn’t sure of distance but if you look at the aerial photo there is sidewalk on along the north side of Veterans Parkway west of 63rd Street in West Des Moines.

Francis Boggus asked if the Scout Center has a sidewalk on their property, adjacent to 63rd Street.
Jason Van Essen stated he was not certain.

Guy Gast 2601 Bell Avenue, representing Bell Avenue Properties stated last summer they didn't have any plans yet and have done a preliminary meeting with the neighborhood to see what concerns they might have. Their concerns consisted of parking lot lighting, noise, water flow, traffic, transportation and what they could see from their homes. Last week they had another meeting with all the same concerns remaining. They are not opposed to the trail as it would be a benefit for their employees as well but they would like to defer construction until additional segments of the trail are planned and installed.

Mike Anthony, Shive Hattery, 4125 Westown Parkway, representing Bell Avenue Properties stated he has spoken with the City's Park and Recreation department and they do not currently have any plans for this trail connection. They would like to defer this condition until location studies can be done and engineering be completed.

Craig Erikson, Shive Hattery, 4125 Westown Parkway, representing Bell Avenue Properties stated the zoning language requires a screen fence or landscaping around the outdoor storage area. The applicant now proposes a 10-foot tall architectural screen fence. There are over 100 existing trees in the landscape easement along the east property line that are over 12 inches in diameter. All trees provided will meet the City's standards for minimum height and size of all plant materials. Waldinger wants to be a good neighbor in the area and provide the best screening they can.

Vitus Bering, 1466 28th Street, representing SVPA Architects stated the building is made up of 3 main areas, a 2-story office building, a 1 story production area for fabrication and a 1 story production support area. He presented architectural renderings for the proposed building.

CHIEF PETTY OPENED THE PUBLIC HEARING

Dan Johansen 2801 42nd Street, stated he was representing the Street Collective of Greater Des Moines. He is here in support of the staff recommendation to not defer the construction of the bike trail. In West Des Moines there is a trail that comes right up to the property on 63rd and there is also connectivity to the Great Western Trail. For them to say there is no connectivity, that is simply not true.

George Davis, 3124 SW 29th, stated they are in search of a happy medium for everyone and to make this a positive tax base for Des Moines. The neighbors and surrounding development haven’t had time to review the changes that have taken place over the last few days, they’re not opposed to it but would like time to review it. They would like to have a new traffic study done on SW McKinley now that the SW Connector will no longer be constructed. They are also concerned about the recreational area that was mentioned tonight, will that be screech or just open land.

Mike Knapp, 5935 SE McKinley, stated he has some concerns about the execution of the project. Water runoff is a concern of his and how it will affect the pond on his
property. The berm they are purposing to remove is directly in site of his house and he’d like to know if there is a possibility to bore though the berm instead of removing it.

Nick Van Patten, 6020 SW McKinley, stated he also has a concern about the berm and the visuals he will have from his house. He has a lot of concerns that haven’t been answered tonight around changes that will happen in front of his house such as the driveway that will be extended, water drainage and congestion of traffic. He would like to have more time so the neighborhood can digest everything that is going to happen.

Steve Utterson, 5884 McKinley, stated he is concerned about the inadequate roads such as 56th Street, the number of bicycles they have coming down McKinley and how the extension of the road will transition. He would like to table these concerns and look into all the questions the neighbors have tonight.

Deb Whitehead, 6000 McKinley, stated there are a lot of people that walk on her street, including herself. With the added traffic and no trail system or sidewalks it will be impossible for that to happen.

Applicant’s Rebuttal:

Guy Gast stated they wanted to leave McKinley alone but the City’s Traffic and Transportation Division didn’t feel comfortable with that option. They have added a sidewalk on this development’s side of McKinley from 63rd to the property line but it doesn’t have anything to connect too. 56th Street is not their concern and they will not encourage their trucks to use 56th Street but they must be consistent with the City’s MoveDSM Transportation Plan. Waldinger is asking for a deferral on installation of the trail, not a waiver.

Mike Anthony stated that the applicant is meeting and exceeding all City requirements for stormwater management. On-site detention basins address both water quantity and quality. The rate of water being released to the Knapp property will be reduced compared to existing conditions and the water quality of Knapp’s pond will be significantly better than it has been. Waldinger is willing to provide performance security for future construction of the trail on their property.

Craig Erikson stated the material used for the fence will be an architectural metal panel that is recommended by City staff. The open space referenced earlier won’t be for recreational use but simply for employee and family picnics a few times a year.

Mike Anthony stated with the topography in the area, they found it would be challenging to bore through the berm.

Jacqueline Easley asked about the last-minute meeting with the neighborhood.

Guy Gast stated the developer was required to have a meeting last summer before they came in for rezoning. There was another occasion where they’ve reached out to the neighborhood, offering the opportunity for neighbors to tour the existing facility to
get a sense of what they do. The voluntarily provided another opportunity for neighbors to look at the plans last week.

**Greg Wattier** asked if they ever explored the option to extend Scout Trail.

**Guy Gast** stated they only bought a small piece of the Scout Center’s land so there isn’t much of Scout Trail to work with and shifting production delivery to the North would have required them to abandon a quarter of a million dollars in manufacturing equipment.

**Mike Anthony** stated the topography was also an issue with the incline on Scout Trail.

**Mike Ludwig** stated they have met the requirements of the City’s Traffic department.

**Rocky Sposato** asked about the visuals the neighbors would have from their elevated windows.

**Guy Gast** stated that’s something they couldn’t solve very easily unless they dug a bigger hole to have the building hidden from all perspectives. They were asked by staff to minimize the view of overhead doors and they have minimized that to as much as possible. They are doing the best they can with the land given and are exceeding the minimum berm and tree height requirements.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**David Courard-Hauri** stated there is some connectivity for the bike trail and it’s a benefit to get bikes off a busy street for a portion of time, rather than no time at all.

**Greg Wattier** asked if the existing piece of McKinley Avenue will stay.

**Mike Ludwig** stated the far western portion of existing McKinley Avenue would no longer connect directly to 63rd Street. It will terminate in a cul-de-sac.

**Greg Wattier** asked if the sidewalk could be built on the South side of the street that Waldinger will construct.

**Mike Ludwig** stated future development to the west of the Waldinger site would install sidewalk on the north side of McKinley and there is existing sidewalk on the north side of Veterans Parkway west of 63rd Street. It would be better to have sidewalk continuously on the north side of McKinley. Since the south side of McKinley is already developed without sidewalk, staff would like the sidewalk to remain on the north side of McKinley through the Waldinger project for future connectivity.

**Greg Wattier** stated he wished the walkability could be solved on the south. He believes the number one issue would be water quality and if there is a way the staff representing Waldinger and the staff Mike Knapp has hired could get together to come up with a good solution.
Mike Ludwig stated they must meet requirements from the City’s Permit and Development Center. We do encourage continued discussions but not sure if they can require mediation between property owners.

David Courard-Hauri stated that he does not support a waiver or deferral of the bike trail. If we always wait until an entire network is installed, there will never be a network. Incremental installation is needed.

Francis Boggus stated he has a contrary view on installation of the trail and believes a trail next to a highway will not be used. He believes that 63rd Street and McKinley is a dangerous crossing. He is ok with a deferral of the trail.

Rocky Sposato requested a continuance to allow time for more discussion with the neighborhood.

Mike Ludwig noted that the next meeting was not until April 4, 2019.

**COMMISSION ACTION:**

Rocky Sposato made a motion to continue this item to the April 4, 2019 Commission Meeting.

**THE VOTE:** 9-2-0 (David Courard-Hauri and Greg Wattier opposed)

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**Item 6**

Request from Savannah Homes, Inc. (purchaser) represented by Ted Grob (officer) for review and approval of a 6th Amendment to the Brook Run PUD Conceptual Plan, to allow property at 3740 Village Run Drive intended for neighborhood commercial development to be divided into three (3) lots for single-family residential development. The subject property is owned by Gratias Investments, Inc. (ZON2019-00015)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The applicant proposes to develop the property for three (3) lots for single-family dwellings. The approved Brook Run PUD Conceptual Plan currently allows for the property to be developed with a commercial use per requirements in the “C-1” Neighborhood Retail Commercial District. Additionally, commercial use is
2. **Size of Site:** Area of the proposed amendment is 1.06 acres. The Brook Run PUD area is approximately 154 acres.

3. **Existing Zoning (site):** Brook Run “PUD” Planned Unit Development District.

4. **Existing Land Use (site):** Open space with pedestrian access trail to Brook Run Park and a ground mounted entrance sign for the Brook Run Development.

5. **Adjacent Land Use and Zoning:**
   
   **North** – “LDR” Low Density Residential (Polk County), Uses are single-family dwellings.
   
   **South** – “PUD”, Uses are single-family dwellings.
   
   **East** – “PUD”, Uses are multiple-family row townhome dwellings.
   
   **West** – “PUD”, Use is Brook Run Municipal Park.

6. **General Neighborhood/Area Land Uses:** The subject property is located East Douglas Avenue at the primary northwest entrance into the Brook Run mixed-density residential development.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Brook Run Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on February 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 15, 2019 (20 days prior to the hearing) and on February 23, 2019 (10 days prior to the hearing) to the Brook Run Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within the PUD and within 250 of the PUD boundary. A final agenda was mailed on March 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 Brook Run Neighborhood notices were mailed to Dale Burgess, 3516 Park Side Drive, Des Moines, IA 50317.

   The applicant is required to hold a neighborhood meeting as part of the rezoning process. A meeting has been scheduled for March 1, 2019. The applicant will be available to provide a summary of that meeting at the public hearing.

8. **Relevant Zoning History:** The subject property was rezoned by the City Council from “A-1” District to “PUD” District on February 25, 1998 by Ordinance 13,578. This included the PUD Conceptual Plan setting the development allowances for the 154 acre property.

   The most recent 5th Amendment to the PUD Conceptual Plan was approved by the City Council on September 23, 2002.
9. **PlanDSM Future Land Use Plan Designation:** The subject property for the amendment is designated as Neighborhood Mixed Use.

10. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to amend PUD Conceptual Plans or regulations within the City of Des Moines in accordance with Section 134-700 of the City Code. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in Section 414.3 of the Iowa Code.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM:** The subject site is designated as “Neighborhood Mixed Use” on the Future Land Use Map. It is described as “Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.” The proposed restriction for three (3) single-family lots would comply with this designation as provides for low to medium density residential development. The proposed development would have a density of three units per acre.

2. **Site Plan Requirements:** Any development of the property for commercial use would be required to be in compliance with a PUD Development Plan reviewed and approved by the City’s Permit & Development Center. This Site Plan must comply with all requirements, including those pertaining to zoning, stormwater management, landscaping, and parking. This includes provision a 30-foot building setback from any street property line and minimum of 20% pervious or open space area.

3. **Drainage/Grading:** Any development of the property is subject to compliance with stormwater management requirements whether through the PUD Development Plan review process for commercial development or the Subdivision Plat review process for residential lots. No requirement would be necessary for development of one single-family dwelling on the property. Over the development life of the Brook Run development, owners and neighbors have expressed concern regarding the adequacy of the storm water infrastructure serving the development in place. Engineering review staff for the City have indicated that if the property is subdivided, The City has the ability to apply the current stormwater management regulations. Since the site is over one acre, stormwater management would be required for the Water Quality event (1.25” rainfall in 24 hours), the 2-year event (3.06” rainfall in 24 hours), and the 100-year event (7.68” rainfall in 24 hours). Ownership and responsibility of the stormwater management facility would be placed on the individual property owners of the new lots. This would be a potential burden as these facilities would require regular maintenance by the private owners.
If the property is developed commercially under the PUD Conceptual Plan as it exists, the city would apply the current standards for water-quality detention that have been imposed since the original PUD was approved for properties over one acre in area. However, since the lot was created for a commercial use under the previous plat the stormwater calculations for the plat would have accounted for this lot being developed as commercial and standard stormwater volume detention would not be required.

4. **Utilities:** The subject property has access to all necessary utilities within Village Run Drive. With the proposal to develop three (3) lots, the sanitary sewer and storm sewer would be required to be extended north from the southeast corner of the property to serve the north two (2) lots. Des Moines Water Works main is already available to serve all proposed lots. The extension of the public sewers would trigger the requirement for a Minor Preliminary Plat review by the Commission under the Subdivision Ordinance.

5. **Pedestrian Access:** The subject property has a 30-foot wide recreational trail easement along the south property line. This would restrict the ability to develop the three (3) lots as proposed. The developer has indicated that they would seek a reduction in the width of the easement. Parks and Recreation Department Planning staff have indicated a willingness to consider a reduction of the easement width in exchange for permanent paved trail development to the park through the subject property. The property currently has an aggregate surfaced trail connection within the easement.

6. **Staff Rationale:** The developer originally sought administrative approval of the proposed single-family lots under a provision giving discretion to minor amendments. However, the Code specifically indicates this provision may not be used for an increase in density. Therefore it was determined that the PUD Conceptual Plan amendment must follow the formal approval process.

With the known drainage concerns for the development, staff is reluctant to support an increase in developable lots. The developer could develop one single-family dwelling by right, or the property could be developed for commercial purposes. Staff is concerned that the proposed three (3) lot owners would have difficulty in maintaining the necessary drainage infrastructure with that responsibility falling back on the City to protect surrounding residents if there was a failure to maintain the storm water detention improvements.

### III. STAFF RECOMMENDATION

Staff recommends denial of the requested amendment to the Brook Run PUD Conceptual Plan.

### SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendations.
Greg Wattier asked why they would be responsible for their own storm water facility?

Jason Van Essen stated it would be a plattin requirement for that much area.

David Courard-Hauri asked why the unusual amount of response cards?

Jason Van Essen stated a lot of them have to do with storm water management in the area.

Ted Grob representing Savannah Homes, stated he would like to withdraw his rezoning request.

Mick Corcoran, 3600 Village Run Drive, stated it isn’t fair nothing is being done about the erosion taking place in our neighborhood. The detention basin isn’t a pond, it’s a giant mud hole.

Mike Ludwig stated the engineering department is aware of their concerns.

Glenna Frank stated it is her understanding this is a privately-owned facility and should be managed by the Home Owners Association. She suggested they be talking with the leadership of the HOA as well.

Martin Chebuhar, president of Brook Run Village Owners Association read and submitted a letter outlining the drainage issues in the neighborhood.

The applicant withdrew the application, so no further action was taken.

Item 7

Request from Roll-Offs Des Moines, Inc. (owner), vicinity of 100 block of Southeast 15 Street, represented by Anthony Holt (officer) for vacation of the following segments of Right-Of-Way (ROW) adjoining the applicant’s property, to allow site assembly. (11-2019-1.03)

A) Johnson Court from a point 472 feet south of East Vine Street to the Iowa Interstate Railroad.
B) Southeast 14th Court from a point 270 feet south of East Vine Street Avenue to the Iowa Interstate Railroad.
C) Southeast 15th Street from a point 360 feet south of East Vine Street Avenue to the Iowa Interstate Railroad.
D) Southeast 15th Court from a point 360 feet south of East Vine Street to the Iowa Interstate Railroad.
E) Southeast Astor Street from a point 225 feet south of East Vine Street to the Iowa Interstate Railroad.
F) Southeast 16<sup>th</sup> Street from a point 180 feet south of East Vine Street to the Iowa Interstate Railroad.

G) Southeast 16<sup>th</sup> Court from a point 132 feet south of East Vine Street to the Iowa Interstate Railroad.

H) East Vine Street from Southeast 16<sup>th</sup> Court to East 18<sup>th</sup> Street.

I) The east/west alley between East Court Avenue and East Vine Street from Southeast 16<sup>th</sup> Court to a point approximately 220 feet to east.

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to vacate multiple segments of Right-of-Way (ROW) in order to assemble them with the adjoining parcels.

2. **Size of Site:** 125,126 square feet (2.87 acres).
   - Part A) 20 feet by 36 feet (720 square feet).
   - Part B) 50 feet by 200 feet (10,000 square feet).
   - Part C) 80 feet by 130 feet (10,400 square feet).
   - Part D) 55.5 feet by 52 feet (2,886 square feet).
   - Part E) 80 feet by 210 feet (16,800 square feet).
   - Part F) 80 feet by 180 feet (14,400 square feet).
   - Part G) 80 feet by 130 feet (10,400 square feet).
   - Part H) 700 feet by 80 feet (56,000 square feet).
   - Part I) 220 feet by 16 feet (3,520 square feet).

3. **Existing Zoning (site):** The segments identified in parts A, B, C, D, E, & F are zoned “R1-60” One-Family Low-Density Residential District. The segment identified in part G is zoned “M-1” Light Industrial District and “R1-60” One-Family Low-Density Residential District. The segments identified in parts H & I are zoned “M-1” Light Industrial District and “M-2” Heavy Industrial District.

4. **Existing Land Use (site):** Vacant undeveloped ROW that is heavily wooded.

5. **Adjacent Land Use and Zoning:** The requested segments of ROW are located in between undeveloped parcels located to the north of an active east/west railroad. The segments identified in parts A, B, C, D, E, & F are generally bounded by property that is zoned “R1-60” One-Family Low-Density Residential District. The segments that are identified in parts G, H, & I are generally bounded by property that is zoned “M-1” Light Industrial District and “M-2” Heavy Industrial District.

6. **General Neighborhood/Area Land Uses:** The requested segments of ROW are generally located in an area that transitions from residential uses to the north to industrial and railroad uses to the south.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Capitol East Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on February 15, 2019. Additionally, separate
notifications of the hearing for this specific item were mailed on February 25, 2019 (10 days prior to the hearing) to the Capitol East Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject ROW. A final agenda was mailed on March 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 Capitol East Neighborhood notices were mailed to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316.

8. Relevant Zoning History: None.

9. 2020 Community Character Land Use Plan Designation: Low-Density Residential and Industrial.

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. Street/Railroad System: The requested segments of ROW are undeveloped and are not needed for a public purpose. However, there is an active railroad within the easternmost 200 feet of the requested segment of East Vine Street (Part H). Therefore, Staff recommends that this portion of East Vine Street be excluded from the vacation.

2. Natural Site Features: Much of the requested ROW contains significant vegetation that provides a buffer for residential uses to the north from the active railroad and industrial uses to the south. Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

Given the potential for negative impacts to residential properties in the immediate vicinity, Staff recommends that any conveyance of the requested Right-of-Way should only occur in accordance with a redevelopment plan that is approved by City Council.

3. Utilities: Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

4. Zoning Requirements: Portions of the subject ROW are located in an area that is zoned “R1-60” One-Family Residential District. Any future redevelopment for commercial or industrial purposes in this area would require a rezoning to a commercial or industrial zoning district.
5. **Development Requirements:** Any development that incorporates the subject ROW would be required to comply with all Site Plan requirements. This includes compliance with standards regarding paved access and maneuvering, dustless surfaces, setbacks for storage areas, landscaping, and stormwater management.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. The easternmost 200 feet of requested East Vine Street Right-of-Way (part H) shall be excluded from the vacation given the existing railroad activity.

2. Conveyance of any of the requested Right-of-Way shall only occur in accordance with a redevelopment plan that is approved by City Council.

3. Easements for any existing utilities shall be provided until such time that they are abandoned or relocated at the applicant’s expense.

4. Any development that incorporates the subject Right-of-Way shall comply with all Zoning and Site Plan requirements.

5. Any development that incorporates the subject Right-of-Way shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42 Article X of the City Code.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendations.

Anthony Holt 20 E 18th Street, stated they have been working on this project for 10 years. The purpose of the proposal is to replace the lot sold to Kemin for storage of roll-off boxes. They plan to build a recycling center where they sort out metal and wood, that is already done on the property so nothing will change from what is done there today. Noted that condition #1 as currently worded would prevent him from gaining access to the property. Also expressed concern that condition #2 requires a development plan before he even owns the property.

David Courard-Hauri wanted to clarify the applicant’s concern around condition #1 of the staff recommendation.

Anthony Holt stated they need the diagonal so they can properly fence and use that area.

David Courard-Hauri asked staff if that is something they can do.
Jason Van Essen suggested to alter the language of the condition to state the right-of-way be vacated to a point determined suitable by the City Engineer. That will allow city staff to work with the applicant and have the City engineer make the final call.

Mike Ludwig stated that condition #2 is standard for conveyance of land in commercial and industrial areas. Noted that Carol Auto Savage was bought out by the City to extend the SE connector through this area and the applicant’s request may require a rezoning if a salvage yard is proposed.

Anthony Holt stated they will not be using this area as a salvage yard.

Mike Ludwig noted that the zoning enforcement officer would have to determine whether the use of the property is allowed by current or proposed zoning. The item before the Commission this evening is to determine whether the right-of-way is needed for a public purpose.

Anthony Holt asked if they can store outdoor equipment in “M1” zoning.

Mike Ludwig stated outdoor equipment is allowed in an M-1 district but will defer to the zoning enforcement officer on the definition of equipment versus junk or salvage material.

David Courard-Hauri stated he would like to know if the Council thinks that conveyance is appropriate and believes that condition #2 is appropriate.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Cruz Motta, 1533 E. Vine, stated he was happy the City took away the salvage yard that previously existed. He is concerned about the erosion because of the topography and what the debris in the roll off cars will attract. He doesn’t want things to go back to the way they were before.

Mike Ludwig stated if a rezoning was requested, notice would be sent and Mr. Motta would have the opportunity to come speak again.

Glenna Frank advised Mr. Motta to be present at the City Council meeting later this spring to state his concerns regarding the vacation and conveyance request.

Anthony Holt stated he has been an active supporter of the Capitol View Neighborhood and attends most of their meetings. Nothing is going to change from what’s going on there today. He’s trying to be a good neighbor by following staff recommendation and his intention is to make this area better.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**
COMMISSION ACTION:

David Courard-Hauri made a motion for approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. A sufficient portion of requested East Vine Street Right-of-Way (part H) shall be excluded from the vacation given the existing railroad activity, such portion will be approved by the City Engineer.

2. Conveyance of any of the requested Right-of-Way shall only occur in accordance with a redevelopment plan that is approved by City Council.

3. Easements for any existing utilities shall be provided until such time that they are abandoned or relocated at the applicant’s expense.

4. Any development that incorporates the subject Right-of-Way shall comply with all Zoning and Site Plan requirements.

5. Any development that incorporates the subject Right-of-Way shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42 Article X of the City Code.

THE VOTE: 11-0

Item 8

Request from AMT Associates, LLC (owner) represented by Lance Arrasmith (officer) for rezoning of property located at 1315 East Broadway Avenue.

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

B) Rezone from Limited “M-1” Light Industrial District to a revised Limited “M-1” Light Industrial District to remove the restriction from Ord. No. 14,573 that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence”, to allow the use of chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage.

(ZON2019-00016)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION
1. **Purpose of Request:** On June 10, 2006, by Ordinance No. 14,573, the Des Moines City Council rezoned an 18-acre tract of land that included the subject property from “A-1” Agricultural District to a Limited "M-1" Light Industrial District. The rezoning was subject to multiple conditions including the requirement that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence.” The applicant is proposing to remove this zoning condition language as it relates to their 1.68-acre property. They are proposing to use chain link fencing with vinyl slats for screening fence their outdoor storage area.

2. **Size of Site:** 186 feet by 393 feet (73,098 square feet or 1.68 acres).

3. **Existing Zoning (site):** Limited “M-1” Light Industrial District.

4. **Existing Land Use (site):** Vehicular service business focused on the sale and installation of truck bed liners and toppers.

5. **Adjacent Land Use and Zoning:**
   - **North** – North Ridge “PUD”; Use is undeveloped land.
   - **South** – Limited “M-1”; Use is light industrial.
   - **East** – Casey’s General Store #44 “PUD”; Use is a convenience store.
   - **West** – Limited “M-1”; Use is undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the south side of East Broadway Avenue to the west of the East 14th Street intersection. The surrounding area primarily consist of light industrial and commercial uses.

7. **Applicable Recognized Neighborhood(s):** The subject property in the Highland Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on February 15, 2019 and a Final Agenda on March 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 15, 2019 (20 days prior to the public hearing) and February 25, 2019 (10 days prior to the public 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.

   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 Highland Park Neighborhood Association notices were mailed to Drew Kelso, 815 East Seneca Avenue, Des Moines, IA 50316.

8. **Relevant Zoning History:** On June 10, 2006, by Ordinance No. 14,573, the Des Moines City Council rezoned an 18-acre tract of land that included the subject property from “A-1” Agricultural District to a Limited "M-1" Light Industrial District. The rezoning was subject to the following conditions:
A. The following conditions shall apply to those portions of the Property described above which are rezoned to a Limited "M-1" Light Industrial District:

1) The following uses of structures and land shall not be permitted upon the Property:
   a) Adult entertainment business;
   b) Animal rendering and slaughtering facilities;
   c) Asphalt and concrete mixing;
   d) Automobile display, hire, rental and sales, including used car sales lots;
   e) Mobile home parks;
   f) Off-premises advertising signs;
   g) Pawn shops, payroll and title loan institutions; and,
   h) Taverns and night clubs.

2) Upon any development or redevelopment of any lot or parcel having frontage upon NE Broadway Avenue (NE 46th Avenue), a 25-foot wide landscaped strip shall be provided upon such lot or parcel adjacent to NE Broadway Avenue, consisting at a minimum of a 2-foot high berm with 4:1 side slopes and one (1) overstory tree and three (3) shrubs from the approved species in the adopted Des Moines Landscape standards per 30 lineal feet of frontage.

3) In addition to paragraph 2) above, landscaping shall be provided upon the development or redevelopment of any lot or parcel to satisfy the minimum landscape standards applicable to development in the "C-2" District under the adopted Des Moines Landscape Standards.

4) A six (6') foot wide public sidewalk shall be provided as part of any site plan for the development or redevelopment of property fronting NE Broadway Avenue.

5) All outside trash containers must be enclosed with an enclosure matching the primary building materials of the habitable structures.

6) Any outdoor storage of equipment and materials shall be restricted to an area located south of the southernmost wall of a building on the lot (extended to the east and west lot lines of the lot). In no event shall any outdoor storage of equipment and materials be setback less than 250' from the south line of the NE Broadway Avenue (NE 46th Avenue) right-of-way. The perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence. No materials may be stacked higher than the height of the perimeter fence of the outdoor storage area."

7) All buildings hereafter constructed or placed upon the Property shall satisfy the following architectural design requirements:
   a. No metal (such as standing seam metal) or synthetic stucco material (such as EFIS or Dryvit) shall be used as an exterior material below 4
feet above grade on any exterior facade fronting an adjoining public or private street.

b. No overhead doors or loading docks shall face NE Broadway Avenue unless the building is setback at least 400 feet from the NE Broadway Avenue right-of-way.

c. Pole construction buildings are prohibited.

8) All buildings hereafter constructed or placed upon lots and parcels with frontage upon NE Broadway Avenue shall satisfy the following additional architectural design requirements:
   a. At least 60% of the exterior facade facing NE Broadway Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
   b. Not more than 40% of the exterior façade facing NE Broadway Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).
   c. The required materials used for the exterior facades facing NE Broadway Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing NE Broadway Avenue.


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. Site Development: The applicant is in the process of building an addition to the rear of the existing building. The site plan allowing the addition and associated site improvements was administratively approved on November 21, 2018. This site plan complies with all zoning conditions including the screen fence material requirement. Other applicable site plan requirements include landscaping, parking, stormwater management and tree removal mitigation. Grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.

2. Staff Rational: The subject property is located on the south side of East Broadway Avenue to the west of the East 14th Street intersection. It contains a commercial building that sits in the western half of the middle portion of the site. The applicant is
in the process of constructing an addition to the rear of the building with an outdoor storage area to the south of the addition. The proposed rezoning would allow them to install a chain link fence with vinyl slats around the perimeter of the storage area. Staff understands that they wish to reuse a chain link fence that was removed from that site to allow construction of the addition. This fence was allowed in error when the site plan for the existing building was approved in 2007.

The 2006 rezoning was subject to several conditions, including landscaping and general appearance standards, restrictions on the placement of any outdoor storage of equipment and materials to at least 250 feet from the south line of the Northeast Broadway Avenue Right-of-Way, and the required screening of any outdoor storage area. These conditions were put in place to ensure a higher level of development that is required by the base “M-1” District standards.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations.

Part B) Staff recommends denial of the requested rezoning to remove the restriction that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence.” The request is contrary to the intent of the zoning conditions that were placed on the property in 2006, which were adopted by the City Council with the applicable property owner’s consent to ensure a high level of development occurred in the surrounding business park.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Lance Arrasmith, 1315 E. Broadway Ave, Representing AMT Associates, LLC, stated the current enclosure is a 12-foot chain link fence with vinyl slats. Right now, the fence sits 250 feet off the roadway and it will be pushed back an additional 75 feet, making it 325 feet from the roadway. The vinyl slats were picked to match the primary structure of the building and believed it was the best looking product that will last a long time.

Greg Jones asked if they will be reusing existing material or buying new.

Lance Arrasmith stated they will use the same chain link fence and slats but will have all new posts.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was nobody present to speak in support or opposition to the request.

CHAIRPERSON CLOSED THE PUBLIC HEARING
Greg Jones stated he dislikes vinyl slats but in this instance the fence will be setback behind the building and barely visible from the street.

Greg Wattier stated he would be in support of using the same product.

Francis Boggus stated it looks nice with the primary building.

COMMISSION ACTION:

Francis Boggus made a motion to APPROVE Part A) the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations and to APPROVE Part B) the requested rezoning to the perimeter of any outdoor storage area subject to the following:

1. The use of chain link fencing with slats shall be limited to the subject property.
2. The new outside storage area shall remain at the rear of the building on the subject property.
3. The new outside storage area shall remain the same size as the original outdoor storage area on the subject property.
4. The new outside storage area may utilize the chain-link fencing and slats that surrounded the original outdoor storage area on the subject property but shall incorporate new posts.

THE VOTE: 11-0

 meeting adjourned at 9:27