
ABSENT: John “Jack” Hilmes, Mike Simonson and Rocky Sposato.

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

Dory Briles made a motion to approve the March 7, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 9-0-2 (Will Page and Jann Freed abstained as they were not present for the March 7, 2019 commission meeting)

Jacqueline Easley noted that the applicant for item #4 does not agree with staff recommendations and requests that the item be discussed by the Commission.

Jacqueline Easley noted that the applicant for item #7 has agreed to the staff recommendations. No member of the audience or the Commission requested to speak regarding the item.

Jann Freed made a motion to move item #7 to the consent agenda. Motion Carried 11-0.

Jacqueline Easley noted that the applicant for item #9 has agreed to the staff recommendations. No member of the audience or the Commission requested to speak regarding the item.

Dory Briles made a motion to move item #9 to the consent agenda. Motion Carried 10-0-1 (Greg Wattier recused)

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding Consent Agenda Items #1, #2, #3, #7 or #9. None were present or requested to speak.

Will Page made a motion to approve Consent Agenda Items #1, #2, #3, #7 and #9 per the staff recommendations in the staff report. Motion for Items #1, #2, #3 and #7 carried 11-0. Motion for Item #9 carried 10-0-1 (Greg Wattier abstained from the vote for item #9).

(Carolyn Jenison arrive at 6:09)

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated request for review and recommendation regarding a proposed amendment to the Site Plan Policies to revise the Traffic Analysis Policy.
I. GENERAL INFORMATION

Attached is a draft of revisions to the Traffic Analysis Policy component of the Site Plan Policies for City Traffic and Circulation Policies as proposed by City Traffic Engineering Staff. The revisions clarify the improvement elements related to traffic for which a developer may be held responsible with a Site Plan development. The policy is further proposed to be revised to increase the number of expected peak hour vehicle trips that would trigger a Traffic Impact Study from 50 to 100 trips. This would require the developer to pay for one of the City’s procured consultants to conduct the study when it reaches that threshold.

Following the revision, the City’s Traffic and Transportation Engineering Division would still review projects expected to generate between 50-99 peak vehicle trips in-house at no cost to the developer. Any traffic improvements determined necessary as a result would be developed through the City’s Capital Improvements Program budget and not at the expense of the development. It should also be noted that rezoning applications, site plan and subdivision plat submittal would not be pre-empted by the in-house process.

II. STAFF RECOMMENDATION

Staff recommends approval of the revised Traffic Analysis Policy.

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:

Will Page made a motion for approval of the revised Traffic Analysis Policy.

THE VOTE: 11-0

Item 2

Request from River Point West, LLC (owner) represented by Carol Mette (officer) for review and approval of a Preliminary Plat “Gray’s Landing Plat 1” for property located in the 400 block of Southwest 11th Street to allow property to be combined into a 4.1-acre development lot. Additional subject property is owned by HRC NFS I, LLC.

(13-2019-1.42)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The subject property is comprised of several parcels. The proposed Preliminary Plat would allow these parcels to be combined into a single lot that matches the boundaries of the PUD. It is located on the west side of SW 11th Street and will have frontage on Tuttle Street to the north and Murphy Street to the south once these streets are extended in coordination with this project.

The property was rezoned to PUD earlier this year. The approved PUD Conceptual Plan allows the site to be developed with two U-shaped buildings containing a total of 250 dwelling units and basement level parking. The development would be served by a mid-block driveway to SW 11th Street. The central portion of the site would contain surface parking and patio space. The project would be constructed over two phases. Phase 1 would consist of the northern building and the associated site improvements. The applicant intends to market the site to individuals that are 55 years old or older.

2. Size of Site: 4.1 acres or 178,719 square feet.


4. Existing Land Use (site): Vacant land that was formerly occupied by industrial uses and railroad lines.

5. Adjacent Land Use and Zoning:

   **East** - “C-3B”; Uses are the Nexus mixed-use development and vacant land.

   **West** - “PUD”; Use is vacant land intended to be developed with rowhouse and multiple-family buildings as approved by the Gray’s Station PUD Conceptual Plan.

   **North** - “PUD”; Use is a development site for the planned Linc mixed-use project, which is the first phase of the Gray’s Station PUD.

   **South** - “PUD” & “C-3B”; Use is undeveloped land.

6. General Neighborhood/Area Land Uses: The subject property is located in the southwest portion of the downtown. The surrounding area consists of vacant land, commercial uses, multiple-family residential uses, light industrial uses, the Raccoon River and Gray’s Lake.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Downtown Des Moines Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on March 18, 2019.
Additionally, separate notifications of the hearing for this specific item were mailed on March 25, 2019 (10 days prior to the 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 requested rezoning. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on March 29, 2019. The Downtown Des Moines Neighborhood Association mailings were sent to Austin Lewis, 915 Mulberry Street #504, Des Moines, IA 50309.

8. **Relevant Zoning History:** On January 28, 2019, the City Council rezoned the subject property (Ordinance Number 15,744) to PUD and approved (Roll Call Number 19-0167) The Slate at Gray’s Landing PUD Conceptual Plan. This request was heard by the Plan and Zoning Commission on December 20, 2018.

9. **PlanDSM Land Use Plan Designation:** The subject site is designated as “Downtown Mixed Use” 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 shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission’s action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Features:** Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

2. **Grading & Storm Water Management:** 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. **Utilities:** All necessary utilities are available for the development.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the submitted Preliminary Plat subject to

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Compliance with the Tree Removal and Mitigation Ordinance, Chapter 42, Article X, of the City Code.

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:

Will Page made a motion for approval of the submitted Preliminary Plat subject to the following conditions:

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

2. Compliance with the Tree Removal and Mitigation Ordinance, Chapter 42, Article X, of the City Code.

THE VOTE: 11-0

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Item 3

Request from First Midwest of Iowa Corporation (owner) 1235 Thomas Beck Road, represented by Robert Pomerantz, for vacation of an irregular segment of the north edge Thomas Beck Road adjoining the subject property to mitigate off-street parking encroachments.

(11-2019-1.06)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to vacate land adjoining the subject property, which is occupied by Confluence Brewing Company. The vacation would allow reconfiguration of the off-street parking lot in front of the building, which currently has customer parking that encroaches or maneuvers over the Right-Of-Way (ROW).

2. Size of Site: 1,616 square feet (0.04 acres)

4. **Existing Land Use (site):** ROW that is semi-developed with paving and compacted gravel from the adjoining off-street parking lot.

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

   **North** – “M-1”; Use is Confluence Brewing Company and Gray’s Lake Park.

   **South** – “M-1”; Use is The Printer, Inc. printing shop.

6. **General Neighborhood/Area Land Uses:** The subject adjoining property and ROW are generally located in a light industrial area to the south of Gray’s Lake Park served by Thomas Beck Road.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Gray’s Lake Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on March 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 29, 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 Gray’s Lake Neighborhood notices were mailed to Rick Trower, 1310 Broad Street, Des Moines, IA 50315.

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

9. **2020 Community Character Land Use Plan Designation:** Downtown Mixed Use.

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 System:** The ROW width of Thomas Beck Road is 90 feet. This should be sufficient for a widening project of the street in the future. At this time there are not any widening projects in the City Capital Improvements Program for the adjoining portion of Thomas Beck Road. The requested segment of ROW would be 14 feet wide at the widest point.

2. **Utilities:** There are both 30-inch diameter public storm sewer pipe and 8-inch Des Moines Water Works water main within close proximity to the requested ROW. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.
III. STAFF RECOMMENDATION

Staff recommends approval of the requested vacation of Right-of-Way, subject to reservation of easements for any existing utilities.

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:

Will Page made a motion for approval of the requested vacation of Right-of-Way, subject to reservation of easements for any existing utilities.

THE VOTE: 11-0

Item 7

Request from MRI 1222, LLC (owner) 313 Southwest 5th Street, represented by Rich Eychaner (officer) for vacation of Elm Street from vacated Southwest 4th Street to Southwest 5th Street.

(11-2019-1.05)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to vacate ROW adjoining the subject property. The vacation would allow land to be assembled with the adjoining property and redeveloped. The applicant has indicated intent to develop a surface parking lot to serve commercial and residential property in the immediate surrounding area.

2. Size of Site: 13,933 square feet (0.32 acres)


4. Existing Land Use (site): ROW that is developed with a dead-end paved segment of Elm Street and compacted gravel.
5. **Adjacent Land Use and Zoning:**

   **North** – Science Center of Iowa “PUD”; Uses are West M.L. King Jr. Parkway and Science Center of Iowa.

   **South** – “C-3R”; Use is Crescent Electrical Supply Company.

6. **General Neighborhood/Area Land Uses:** The subject adjoining property and ROW are generally located in the western Downtown business district along the West M.L. King Jr. Parkway corridor.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on March 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 29, 2019.

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

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

9. **2020 Community Character Land Use Plan Designation:** Downtown Mixed Use.

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 System:** The dead-end segment of Elm Street does not serve any access purpose for the adjoining street network. Redevelopment would include removing the existing street paving and intersection with Southwest 5th Street. This would improve traffic conflicts which currently occur at that intersection.

2. **Utilities:** There are both 30-inch diameter and 8-inch diameter Des Moines Water Works water mains, a 60-inch public sanitary sewer pipe, and fiber utility lines within the requested ROW. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.
III. STAFF RECOMMENDATION

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

1. Reservation of easements for any existing utilities.
2. Approval of an administrative Site Plan for the redevelopment prior to any conveyance of the property.

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:

Will Page made a motion for approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. Reservation of easements for any existing utilities.
2. Approval of an administrative Site Plan for the redevelopment prior to any conveyance of the property.

THE VOTE: 11-0

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Item 9

Request from Hubbell Realty Company (owner) represented by Kris Saddoris (officer) for review and approval of a Site Plan “Edison Apartment Building” under design guidelines for multiple-family residential dwellings on property located at 400 Southwest 7th Street, to allow development of two (2) 3-story multiple-family residential dwellings containing a combined 52 units.

(10-2019-7.95)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed site plan would allow the construction of two (2) 3-story multiple-family residential dwellings containing a combined 52 units. The L-shaped structures would mirror each other, with a 20-foot wide courtyard connecting them in the middle. The northern building would frame Southwest 7th Street and Tuttle Street, while the southern building would frame Southwest 7th Street.
Street and Murphy Street. The structures would each include 12 garage stalls on the west (rear) façade (24 total garage) and a surface parking lot with 46 additional parking spaces.

2. **Size of Site:** 52,706 square feet (1.2 acres).


4. **Existing Land Use (site):** The site contains a surface parking lot.

5. **Adjacent Land Use and Zoning:**
   - **North** – “C-3A”; Use is a church and surface parking lot.
   - **South** – “C-3A”; Use is a three-story office building.
   - **East** – “C-3A”; Use is a one-story warehouse/office building.
   - **West** – “C-3A”; Use is a one-story warehouse/office building.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the southern portion of downtown in an area known as Riverpoint. The area contains a mix of commercial, warehouse, multiple-family residential, and surface parking uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Downtown Des Moines Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on March 15, 2019. A Final Agenda was mailed to all neighborhood associations on March 29, 2019. Additionally, separate notifications of the hearing for the site plan were mailed on March 25, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for every 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 on the date of the mailing. The Downtown Des Moines Neighborhood Association notices were mailed to Austin Lewis, 915 Mulberry Street, #504, Des Moines, IA 50309.

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

9. **PlanDSM Future Land Use Plan Designation:** The “Downtown Mixed Use” designation allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Development should include active uses (e.g. retail) on ground floor, particularly at key intersections.
10. Applicable Regulations: In acting upon any Site Plan application for multiple-family dwellings, boarding houses or rooming-houses, the Plan and Zoning Commission shall apply the design guidelines City Code Section 82-213, 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 design standards.

II. ADDITIONAL APPLICABLE INFORMATION

1. Utilities: All necessary utilities are available in the surrounding street network to support the project.

There are existing overhead utilities along the north property line (130 lineal feet) within Tuttle Street Right-of-Way. Staff recommends that these utilities be undergrounded as part of this development.

The site plan identifies a transformer located near each of the driveway entrances. Staff recommends that these be screened with additional landscaping to the satisfaction of the City’s Planning Administrator.

2. Parking & Access: The “C-3A” District does not require parking for residential uses or commercial uses allowed in the “C-1” District. The site plan provides 70 off-street parking spaces, including 24 within individual garage stalls on the west (rear) façades of the structures and 46 spaces within a surface parking lot.

3. Multiple-Family Residential Design Guidelines: The Plan and Zoning Commission shall apply the following design guidelines in acting upon any future site plan application that includes a multiple-family dwelling, boardinghouse or roominghouse,

a) 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 proposed buildings would be sided predominately with a mix of brick and metal panels. Cement board would be used to provide accents.

The elevations demonstrate the rooftop mechanical equipment would extend slightly higher than the buildings’ parapet walls. Staff recommends that any rooftop mechanical equipment shall extend no higher than the elevation of the parapet walls. This can be achieved by either increasing the
height of the parapet walls or decreasing the height of any rooftop mechanical equipment.

b) **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 proposed buildings would be three (3) stories (39.5 feet) tall and have massing that is appropriate to the downtown.

c) **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 buildings would frame the all three of the adjoining street frontages. The 20-foot wide courtyard in between the two buildings would provide a primary entrance oriented toward Southwest 7th Street.

d) **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.

The overhead doors for the proposed garage stalls are appropriately located on the rear (west) façade of the structure, facing the interior parking lot.

e) **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.

f) **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 means of egress would be located within the buildings.
g) 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 6 of Section II for landscaping information.

4. Downtown Overlay District Design Guidelines: The subject property is within the Downtown Overlay District. The Plan and Zoning Commission shall apply the following design guidelines in acting upon any future site plan application for the site.

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 buildings would be consistent with the with vision of the “What’s Next Downtown Plan”. They would each be three (3) stories tall, with maximum heights of 39.5 feet. The proposed buildings would be sided predominately with a mix of brick and metal panels. Cement board would be used to provide accents.

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 underground facilities. Staff is not aware of any additional low impact development techniques being utilized.

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

The buildings would have direct access to the public sidewalk system. The proposed parking lot would have entrances from both Tuttle Street and Murphy Street.

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

Some green space would be provided around the perimeter of each building and within parking lot islands.

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

A small courtyard would be provided between the buildings.
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.

\textit{Bike racks are proposed within both parking lots near the buildings.}

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

\textit{The proposed buildings would be three (3) stories tall (maximum height of 39.5 feet) and would comply with this guideline.}

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).

\textit{N/A.}

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

\textit{The buildings would frame the adjoining streets, with a primary entrance provided in the courtyard along Southwest 7th Street.}

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

\textit{The buildings and the 20-foot wide courtyard frame the entire frontage along Southwest 7th Street.}

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

\textit{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.

\textit{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.).

\textit{The building would frame all the street frontages with minimal setbacks.}
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.

A trash enclosure would be located within the middle of parking lot. This enclosure must be constructed with masonry walls and steel gates that match the primary structures.

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 6 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.

Staff believes the proposed number of curb cuts is the minimum number necessary to adequately serve the development. The Site Plan utilizes two (2) existing curb cuts and eliminates three (3) additional existing curbs.

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 1.2 acres.
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.

5. Landscape Standards: The applicable landscaping standards include the following:
   - 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.

The Site Plan provides significant landscaping around the perimeter of the building and the parking lot landscaping islands. It includes a total of 20 overstory trees, 271 shrubs, and 286 perennials and grasses.

The Site Plan also provides parkway plantings within 10 planter pits along Southwest 7th Street, two (2) planter pits along Tuttle Street, and two (2) planter pits along Murphy Street. Staff believes that there is the opportunity to provide two (2) additional planter pits along Southwest 7th Street while still providing the minimum vision clearance at the street intersections. Therefore, Staff recommends that final parkway plantings shall be provided along all street frontages to the satisfaction of the City’s Planning Administrator.

III. STAFF RECOMMENDATION

Staff recommends approval of the submitted site plan and building elevations subject to the following conditions:

1. The Site Plan shall comply with all administrative review comments of the City’s Permit and Development Center.

2. All overhead utilities shall be undergrounded to the satisfaction of the City’s Planning Administrator.

3. Any rooftop mechanical equipment shall extend no higher than the elevation of the parapet walls.
4. The refuse collection enclosure shall be constructed with masonry walls and steel gates that match the primary structures.

5. Additional landscaping to screen any transformer box shall be provided to the satisfaction of the City’s Planning Administrator.

6. Parkway plantings shall be provided along all street frontages to the satisfaction of the City’s Planning Administrator.

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:

Will Page made a motion for approval of the submitted site plan and building elevations subject to the following conditions:

1. The Site Plan shall comply with all administrative review comments of the City’s Permit and Development Center.

2. All overhead utilities shall be undergrounded to the satisfaction of the City’s Planning Administrator.

3. Any rooftop mechanical equipment shall extend no higher than the elevation of the parapet walls.

4. The refuse collection enclosure shall be constructed with masonry walls and steel gates that match the primary structures.

5. Additional landscaping to screen any transformer box shall be provided to the satisfaction of the City’s Planning Administrator.

6. Parkway plantings shall be provided along all street frontages to the satisfaction of the City’s Planning Administrator.

THE VOTE: 11-0-1 (Greg Wattier abstained)

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NON-CONSENT AGENDA PUBLIC HEARING ITEMS
Item 4

Request from Des Moines Heritage Trust (owner) represented by Timothy Waddell (officer) for property located at 120 East 5th Street.

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

B) Rezone from “M-1” Light Industrial District to “C-3B” Central Business Mixed Use District to allow renovation of the existing former railroad depot and warehouse building for a museum and redevelopment of the property for an event space building.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning to “C-3B” Central Business Mixed-Use District would allow renovation of the existing former railroad depot and warehouse building for a museum and redevelopment of the property for an event space building. The submitted site sketch demonstrates that the future restoration may include construction of a covered entry on the east façade of the structure that may necessitate future vacation of a portion of Southeast 5th Street Right-of-Way. The sketch also demonstrates that an additional building may be constructed on the western portion of the property to provide space for events.

If rezoned to a “C-3B” District, any redevelopment or site modifications would require future review and approval of a Site Plan and building elevations by the Plan and Zoning Commission. Such a site plan must be in accordance with the “C-3B” District design guidelines, as well as the design guidelines applicable in the “D-O” Downtown Overlay District. These regulations and design guidelines are intended to assure that redevelopment in the mixed-use areas surrounding the core of Downtown are pedestrian-oriented and compatible with a mixed-use neighborhood.

2. Size of Site: 0.42-acre.


4. Existing Land Use (site): The site contains a 2,000-square foot building that was historically used as a train depot.
5. Adjacent Land Use and Zoning:

**North** – “C-3B”; Uses are the Des Moines Police Officer’s Credit Union and AJ’s on Court (tavern).

**South** – “M-1”; Uses include an inactive east/west railroad and a parking lot.

**East** – “M-1”; Uses include Southeast 5th Street and a warehouse.

**West** – “M-1”; Use is an undeveloped lot.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area known as the Market District, which is an area transitioning from industrial uses to a mix of commercial and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on March 15, 2019 and by mailing of the Final Agenda on March 29, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on March 15, 2019 (20 days prior to public hearing) and March 25, 2019 (10 days prior to initial public hearing) to the Historic East Village 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 on the date of the mailing. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

The applicant held their neighborhood meeting on March 28, 2019. The applicant can report on their neighborhood meeting at the hearing.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The site is designated as Downtown Mixed Use, which allows “mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.” The “C-3B” District is more consistent with this designation than the “M-1” District.

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. Market District of East Village Urban Design Study: In May 2010, the City Council received and filed the "Market District of East Village Urban Design Study" as a guide for future development and redevelopment within the area bounded by East/Southeast 7th Street on the east, Scott Avenue on the south, the Des Moines River on the west, and East Walnut Street on the north. The study calls for creating a vibrant pedestrian-oriented mixed-use area by preserving the existing structures and building new residential and commercial structures.

2. Permitted Uses: The following is the list of uses permitted in the “C-3B” District:

Sec. 134-1006. Principal permitted uses.

Only the uses of structures or land similar to those that follow shall be permitted in the C-3B Central Business Mixed Use District:

(1) Any use permitted in and as limited in the C-2 district except the following uses which are prohibited:
   a. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, rental, and sales (including sales lots).
   b. Mobile home parks.
   c. Vehicle display lots.
   d. Garage for general motor vehicle that includes major body and fender work or overall painting.
   e. Automobile washing establishments unless all bays are normally enclosed and an attendant is on duty during all hours of operation.
   f. Adult entertainment business.
   g. Monument sales yards.
   h. Sheet metal shops.
   i. Sign painting shops.
   j. Off-premises advertising signs.

(2) Assembly and packaging of small components from previously prepared materials within a fully enclosed building.

(3) Manufacture or treatment of products within a fully enclosed building incidental to the conduct of a retail business carried out on the premises.

(4) Printing and publishing houses.

(5) Warehousing.

(6) Machine shops.

(7) Retail lumberyards.

(8) Electrical substation and gas regulator facilities upon land held by the utility for that purpose on the date the land was placed within the C-3B District. Any new electrical substation or gas regulator facility, or expansion thereof, upon land not held by the utility for that purpose when the land was placed within the C-3B
District, may be allowed only by special permit under the provisions of section 134-1326.

(9) Combinations of the uses in subsections (1) through (8) of this section.

Staff recommends that the following uses permitted in the “C-3B” District be prohibited:

a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.

b. Auction businesses.

c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

d. Lumberyards, retail and wholesale.

e. Machine shops.

f. Freestanding package goods stores for the sale of alcoholic beverages.

g. Pawnshops.

h. Printing, publishing houses and lithographing shops.

i. Plumbing and heating shops.

j. Miniwarehouse uses.

k. Freestanding taverns and night clubs.

l. Warehousing.

3. Utilities: There are existing overhead utility lines within Southeast 5th Street right-of-way. Any future development of the site should be subject to the burial of overhead utilities to the maximum extent possible.

4. “C-3B” District Design Guidelines: If rezoned to “C-3B” District, any redevelopment would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission. A Site Plan has not been submitted for consideration at this time. Future consideration of a request to vacate a portion of Southeast 5th Street right-of-way may be necessary.

5. “D-O” Downtown Overlay District Design Guidelines: The subject property is within the Downtown Overlay District. In acting upon any future site plan application for the site, the Plan and Zoning Commission shall apply the Downtown Overlay District design guidelines. A Site Plan has not been submitted for consideration at this time. Future consideration of a request to vacate a portion of Southeast 5th Street right-of-way may be necessary.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “C-3B” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Downtown Mixed Use”.

Part B) Staff recommends the subject property be rezoned from “M-1” Light Industrial District to “C-3B” Central Business Mixed-Use District, subject to the following conditions:
1. The following uses shall be prohibited:
   a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
   b. Auction businesses.
   c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
   d. Lumberyards, retail and wholesale.
   e. Machine shops.
   f. Freestanding package goods stores for the sale of alcoholic beverages.
   g. Pawnshops.
   h. Printing, publishing houses and lithographing shops.
   i. Plumbing and heating shops.
   j. Miniwarehouse uses.
   k. Freestanding taverns and night clubs.
   l. Warehousing.

2. Any development of the site shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation. Noted that the applicant disagrees with condition #2.

Will Page asked if the language of condition #2 has been used on previous zoning requests and will it be used in the future.

Jason Van Essen stated this would be appropriate language to use on a case by case basis going forward.

Eric Cannon of Snyder and Associates, 2727 SW Snyder Blvd, representing Des Moines Heritage Trust, stated this site is rather hampered by electric lines. With 90 feet of frontage along 5th Street, the applicant would have to underground to the next pole that is 120 feet away. Des Moines Heritage is a Non-Profit organization and the cost associated with undergrounding these utilities was estimated at $250,000.

David Courard-Hauri asked when the Des Moines Police Credit Union was constructed and why didn't they underground utilities.

Mike Ludwig stated he believes it was over 10 years ago. Would have to research that specific approval to see if any waiver or deferral was granted. Noted that the Des Moines Heritage Trust did receive CDBG funding from the City for acquisition of the depot property.

Will Page stated Des Moines Heritage Trust has done a lot of good for the City and power lines are typical to industrial areas so he would move staff with the deletion of condition #2 of the staff recommendation.
COMMISSION ACTION:

Will page made a motion for approval of Part A) the proposed rezoning to “C-3B” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Downtown Mixed Use” and Part B) the subject property be rezoned from “M-1” Light Industrial District to “C-3B” Central Business Mixed-Use District, subject to the following conditions:

1. The following uses shall be prohibited:
   a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
   b. Auction businesses.
   c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
   d. Lumberyards, retail and wholesale.
   e. Machine shops.
   f. Freestanding package goods stores for the sale of alcoholic beverages.
   g. Pawnshops.
   h. Printing, publishing houses and lithographing shops.
   i. Plumbing and heating shops.
   j. Miniwarehouse uses.
   k. Freestanding taverns and night clubs.
   l. Warehousing.

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

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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.


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 March 29, 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.

The developer met again with neighbors on March 27, 2019 to go over revisions made in response to neighbor input provided at the March 7, 2019 hearing of the Commission.

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.

An issue raised at the most recent meeting with neighbors inquired about the extension of Scout Trail in accordance with the MoveDSM Plan identified future street network. While the City’s development agreement did not include their responsibility for the developer to construct such improvement, the City is working with the developer to provide an alignment to determine any future Right-Of-Way easement that may be necessary from the subject property. The developer has
indicated that they would coordinate any necessary easement dedication on their property with the final plat documents.

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.

The developer has provided additional revised landscaping plan to address these concerns. Staff recommends that a moderate distribution of plant materials also be provided around the proposed architectural screen fence for the outside storage area.

The neighborhood meeting generated input related to the type of planting that would occur in the berm area between homes to the south and the realignment of SW McKinley Avenue. It was expressed that more evergreens should be included. Staff is comfortable with approving a standard substitution of up to 30% of the overstory trees with evergreen species in accordance with Landscape Policies. The substitution ratio would be two (2) evergreens per (1) overstory tree or two (2) evergreens per three(3) ornamental trees.
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 a note on the Site Plan to specify minimum 22-gauge thickness metal for any metal panels, and that landscaping, curing and bollards are required where metal panel material is located less than four (4) feet from grade.
3. 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.
4. Provision on any Right-of-Way easement on the Preliminary Plat as determined necessary for the future extension of Scout Trail in accordance with the MoveDSM Plan.
5. Revision of the landscaping plan to provide a moderate amount of base landscaping material distributed around the outside of the proposed fenced outdoor storage area. Additionally, with regard to the neighborhood input regarding the proposed southern screening berm, staff would consider substitutions of evergreen species for proposed overstory and ornamental tree plantings in accordance with substitution allowances in the approved Landscaping Standards in the Site Plan Policies.

### SUMMARY OF DISCUSSION

**Jason Van Essen** presented staff report and recommendation. Noted that the applicant and city staff met with neighboring property owners on March 27, 2019. Showed a map of a potential alignment for Scout Trail.

**Guy Gast** 2601 Bell Avenue, representing Bell Avenue Properties stated they were able to shift a small patch of trees to the median so **Nick Van Patten**, an adjoining property owner, has the option to acquire land to extend his driveway.
Mike Anthony, Shive Hattery, 4125 Westown Parkway, representing Bell Avenue Properties stated they were able to satisfy Mike Knapp’s request and will bore the pipe underneath the berm. They will also be planting an additional 12 trees and adding a 75-foot conservation easement.

Guy Gast stated they are supportive of the regional trail system but still would like to defer that construction until a plan is developed around the trail system in the area. They are willing to provide a bond for the cost to construct the future trail. They have no problem granting a right-of-way easement for Scout Trail and working with staff for future roadway system. They have also addressed the issue around the outdoor storage area and will be using a 10-foot architectural metal panel system with additional landscaping.

Nick Van Patten, 6020 SW McKinley, confirmed he is still working with Waldinger to move trees so he can obtain the roadway in front of his house.

Walter Githens 320 SW 6th Street, stated flood water has limited the trails we have in Des Moines and the trail along 63rd Street would be traversable during flood events.

Amy Noonan 15153 Summit Drive, President of Des Moines Cycle Club, stated in the past there have been promises made but not followed through. This section of trail would be great to connect the north and south sides of the Raccoon River.

Mike Knapp, 5935 SE McKinley, stated he is concerned about the development of Scout Trail because neither Waldinger nor the Boy Scouts have interest in developing that road. He would like to find a solution around how Scout Trail could connect to Highway 28. He is also concerned about the view of the overhead doors from his home due to the trees planted being on the downhill side of the berm. He proposed to move to storage more to the north or extend the wall they are constructing around the storage area.

Guy Gast stated they aren’t allowed to move the storage area into the C-2 zoned portion of the site but have done the best they can with landscaping.

Mike Anthony stated the trees are on the highest side of the slope to protect the view of the overhead doors. Knapp’s property is over 3 ¼ football fields away and what’s not shown in the line of site is the size of things once you get that far away.

Guy Gast stated Scout Trail has never been Waldinger’s responsibility to construct and that would be something to talk about with the Boy Scouts because Waldinger only owns a small portion of the area where the road would traverse.

Will Page asked for information around Waldinger’s proposal to bond for the bike trail.

Guy Gast stated we assume there is a way to provide financial assurance to the City, whether it’s through a bond or waiving their right to appeal a future assessment.
Mike Ludwig stated Council has already approved the development agreement for this project and did not require Scout Trail to be constructed by Waldinger. The Scout Trail extension is shown in MoveDSM. Without the construction of the Southeast Connector, there is going to be a study completed to identify what roadway network need to be developed in this area. This property is also in an Urban Renewal District and will generate TIF increment that could be used to develop public infrastructure within the District, subject to Council approval. At this point staff feels comfortable asking for a roadway easement to be dedicated and there is no obligation for Waldinger to construct Scout Trail.

CHAIRPERSON CLOSED THE PUBLIC HEARING

David Courard-Hauri moved approval of the staff recommendation. He feels it’s important for the bike trail to be constructed now so it doesn’t become a problem with any future development.

Greg Wattier offered a friendly amendment to defer construction of the trail and to accept a bond for the cost of the future trail construction.

David Courard-Hauri declined the amendment.

COMMISSION ACTION:

David Courard-Hauri made a motion for approval of Parts A & B) 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 a note on the Site Plan to specify minimum 22-gauge thickness metal for any metal panels, and that landscaping, curing and bollards are required where metal panel material is located less than four (4) feet from grade.
3. 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.
4. Provision on any Right-of-Way easement on the Preliminary Plat as determined necessary for the future extension of Scout Trail in accordance with the MoveDSM Plan.
5. Revision of the landscaping plan to provide a moderate amount of base landscaping material distributed around the outside of the proposed fenced outdoor storage area. Additionally, with regard to the neighborhood input regarding the proposed southern screening berm, staff would consider substitutions of evergreen species for proposed overstory and ornamental tree plantings in accordance with substitution allowances in the approved Landscaping Standards in the Site Plan Policies.

THE VOTE: 10-2-0 (Greg Jones and Greg Wattier opposed)
Item 6

Request from All Lines Painting, Inc. (purchaser) represented by Mark Lewis (officer) to appeal the administrative denial of a Site Plan “All Lines Painting” on property located at 1524 Vermont Street, to allow development of a 4,230-square foot industrial building with paved off-street parking and loading. The developer is appealing the requirement for installation of a 5-foot wide public sidewalk along adjoining Vermont Street with the project. The subject property is owned by the City of Des Moines.

(10-2019-7.70)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The appellant proposes to purchase land from the City to construct a 4,230-square foot industrial building with paved off-street parking and loading. The subject property is located on the west side of Vermont Street between College Avenue and Clark Street.

   The appellant has submitted a site plan including the required 5-foot sidewalk along Vermont Street. A request to waive installation of the sidewalk was submitted at a later date and was administratively denied.

2. Size of Site: 12,979 square feet or 0.293 acres.


4. Existing Land Use (site): The subject property is undeveloped.

5. Adjacent Land Use and Zoning:

   North – “M-1”, Uses are office, warehousing, and industrial.

   South – “M-1”, Uses are office, warehousing, and industrial.

   East – “M-1”, Uses are office, warehousing, and vacant land.

   West – “M-1”, Uses are office, warehousing, industrial, and vacant land.

6. General Neighborhood/Area Land Uses: The subject property is in an industrial neighborhood area known as Central Place, just north of Downtown and west of the Des Moines River.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the River Bend Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on March 18, 2019. Additionally, separate notification of the hearing for this specific item was mailed on March 25, 2019 (10 days prior) to the River Bend Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A final agenda for the meeting was mailed on March 29, 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 River Bend Association notices were mailed to Breanne Barnum, 1919 Arlington Avenue, Des Moines, IA 50314.

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

9. **PlanDSM Land Use Plan Designation:** Industrial.

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, appeals of decisions of the Planning Director shall be in accordance with the following in Chapter 82, Article V of the City Code:

    A. The appellant may, upon notice to the Plan and Zoning Commission, appeal in whole or in part any determination or action of the Planning Director made within the scope of this article. Appeal shall be made without cost by written notification of the appeal received by the Community Development Department within 90 days after the date of the action from which appeal is sought.

    B. The Plan and Zoning Commission shall decide all appeals within 30 days after written notification of the appeal has been received by the Community Development Department, provided that the appellant may agree to a longer time period not to exceed 60 days after the written notification of the appeal has been received by the Community Development Department. Failure to decide the appeal within such period shall have the effect of overturning the Director's disapproval and approving the Site Plan as appealed. Except as provided in this article, the affirmative vote of at least eight commission members shall be necessary to overturn or modify the action from which appeal is sought. At the commission meeting, the appealing party shall be presented a reasonable opportunity to present his or her views.

    C. The appellant may, upon written notice to the City Council, appeal in whole or in part any determination made by the Plan and Zoning commission made within the scope of this article (Chapter 82, Article V of the City Code). Appeal shall be made without cost by filing written notification with the City Clerk within 30 days after the Commission ruling.

    D. The City Council shall decide all appeals within 30 days after written notification of the appeal has been received by the City Clerk. A majority vote of the City
Council shall be necessary to overturn the action of the Plan and Zoning Commission.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Traffic:** The subject segment of sidewalk along Vermont Street is designated as a priority level 2 sidewalk gap. Sidewalks are an essential component of a well-developed transportation network and are essential to the redevelopment and pedestrian connectivity within Central Place Urban Renewal area. Per Council direction during the adoption of MoveDSM, staff is not to waive installation of priority level 1 and 2 sidewalks.

2. **Staff Rationale:** The appellant is proposing to build a new warehouse on the subject property. As a result, the site must be brought into conformance with the Site Plan Ordinance. The submitted Site Plan proposal does not fully comply with code or the city’s Transportation Master Plan, MoveDSM. These requirements are reflective of the standards by which the City Council has determined to uphold for development. When a significant investment is made in a property, compliance with existing Building Codes and site development standards is required. Staff believes that it is in the best public interest to uphold these standards. Staff has evaluated the appellant’s proposal and believes that sidewalk should be installed along the Vermont Street frontage. An affirmative vote of at least eight commission members is required to modify the administrative decision to deny the Site Plan, per Chapter 82, Article V of the City Code.

III. STAFF RECOMMENDATION

Staff recommends denial of the Site Plan based on the finding that waiver of a priority level 2 sidewalk is contradictory to the implementation of MoveDSM, the city’s Transportation Master Plan.

Should the Commission be inclined to grant a deferral of the sidewalk installation, staff recommends any such deferral be subject to the following conditions:

1. Provision of 5-foot public sidewalk along the entirety of the Vermont Street frontage.

2. The sidewalk specified in Condition 1 shall be constructed no later than May 3, 2021. A final Certificate of Occupancy will be issued after installation of the sidewalk.

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

**SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.
Jacqueline Easley asked if the applicant was present. Neither the applicant nor any representatives of the applicant were present. Asked if the applicant was notified of the hearing.

Jason Van Essen stated the applicant was mailed the staff report and agenda last week and the City hasn’t been notified of their absence tonight or any requests for continuance.

Will Page asked if the Commission’s decision regarding this item would be final.

Mike Ludwig stated the Commission’s decision would be final unless the applicant appeals to the City Council within 30 days.

**COMMISSION ACTION:**

Jann Freed made a motion for denial of the Site Plan based on the finding that waiver of a priority level 2 sidewalk is contradictory to the implementation of MoveDSM, the city’s Transportation Master Plan.

**THE VOTE: 12-0**

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**Item 8**

Request from We Can Build It, LC (contract buyer) represented by Jeff Young (officer) for property located at 4801 Franklin Avenue. The subject property titleholder is The Knoll, LC.

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

B) Amendment to the PlanDSM future land use classification from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.  

C) Rezone from Limited “C-1” Neighborhood Commercial District to “PUD” Planned Unit Development.  

D) Approval of the “Franklin Jr. High School PUD Conceptual Plan” to allow for a mixed use renovation of the existing 213,269-square foot school and church building for uses that could include a private elementary/intermediate school; event space rental within the existing gymnasium, small and large auditoriums and within additional area of the building; a 30 guestroom boutique hotel; professional office and retail space; a restaurant with outdoor seating and
detached accessory kitchen, up to five (5) separate taverns; a craft brewery with production for on-site consumption; and a pop-up screen drive-in theater for periodic use within the existing north off-street parking lot.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The subject property is located on the northwest corner of the Franklin Avenue and 48th Street intersection. It contains a building that has been occupied by church and school uses over the years. The original portion of the building was constructed to house the Franklin Junior High School and opened in 1951. The building was occupied and expanded by the First Federated Church (AKA, The Mission Church) starting in 1980 and then by the Des Moines Christian School. The school left the property in 2018.

The applicant is proposing to renovate the property and occupy the building with a mix of uses. The following project summary was provided by the applicant to supplement the information listed on the submitted Conceptual Plan.

The existing Franklin Junior High building is comprised of a variety of spaces including classrooms, gymnasiums, and auditoriums. This project plans to keep most of the rooms intact by using each space for specific programs.

a. The two existing auditoriums will be used much as they have been in the past, as event venues. The small auditorium holds around 525 and the large auditorium currently holds around 4,200 with its current pew seating configuration. There are plans to change the current seating layout in the large auditorium to allow more flexibility for events such as banquets and concerts.

b. There are two gymnasiums, which will continue to be used as space for athletic events such as community volleyball or basketball leagues as well as the occasional rental for a graduation party or wedding reception as examples.

c. The existing school cafeteria and kitchen will be used as the building’s main restaurant.

d. The church’s nursery area will continue to be used for a Montessori school.

e. A few classrooms will be used to expand restrooms and create lobbies for the courtyards.

f. The remainder of the classrooms throughout the building will be used for office spaces - housing up to 40 businesses and community organizations, retail/mercantile spaces such as a barber, smaller rental spaces that could more easily be used for breakout conferences or luncheons, and finally boutique hotel rooms.
g. There is one dedicated bar, planned for a second-floor science lab, as well as two concession-like bars – which will be open during certain events. The planned cafeteria restaurant as well as a north side (former girls’ locker room) planned restaurant/bar space, and the outdoor cafe will likely have a bar component to it as well – though not the main use.

h. A few additional classroom and former back of house spaces are planned to be used as smaller event venues and a potential micro-brewery is planned for some of the larger existing classroom spaces on level 1.

i. Bar use and square footage breakdown:
   i. Science lab bar: 1,362 square feet – Only full-time dedicated bar. Using the original science lab that still has the black science tables.
   ii. Stair bar: 1,207 square feet – includes level 1, 2 and stair – not open full time
   iii. Band/choir concession bar: 330 square feet – only open during small events in the original band or choir room.
   iv. Concessions in large or small auditorium – temporary concession bars set up for events in large or small auditorium.
   v. Cafeteria restaurant: 3,839 square feet – restaurant with alcohol service.
   vi. Former girls’ locker room restaurant/bar: 2,849 square feet – potential second restaurant that serves alcohol or may be a space that only activates during events in the large auditorium.
   vii. Outdoor building: 800 square feet – main use is café or outbuilding to the restaurant with limited alcohol menu.
   viii. All bar uses listed above will operate under one manager and license.

j. The outdoor movies will generally follow the same protocol as the City of Des Moines Parks Department’s outdoor movie program. We would look for a model to use Bluetooth to broadcast the sound. Our interest is providing something fun for the community – specifically families. It would operate May through September, Tuesday through Saturday from sundown to 11:00 PM.

k. Parking during large events – there will be staff on-site during larger events to help direct parking and monitor neighborhood impact. If nuisances happen along city streets impacting neighbors, We Can Build It, L.C. will seek proactive solutions to decrease that impact. We are also investigating venue relationships with ride-sharing programs.

l. Starting this summer, a significant amount of plantings will be installed along 48th Street in order to buffer the looming building from 48th Street
as well as significantly beautify the space. This long linear park-like space will be open to the public.

m. Outdoor patio will be along the commercial district of Franklin Avenue.

n. We Can Build It, L.C. is very interested in connecting Franklin Jr High and Tower Park to the nearby bike trail. We would like to be included in upcoming discussions around the re-design of Franklin Avenue to support a more pedestrian and bike friendly corridor.

2. **Size of Site**: 12.1 acres or 527,076 square feet.

3. **Existing Zoning (site)**: “C-1” Neighborhood Commercial District, “GGP” Gambling Games Prohibition Overlay District and “FSO” Freestanding Sign Overlay District.

4. **Existing Land Use (site)**: Birchwood Montessori School.

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

   **East** - “R1-60”; Use is single-family residential.

   **West** - “R-3” & “R1-60”; Use is multiple-family residential and City of Des Moines parkland (Tower Park).

   **North** - “R1-60”; Use is City of Des Moines parkland (Tower Park).

   **South** - “C-O”; Use is a vacant medical office building.

6. **General Neighborhood/Area Land Uses**: The subject property is located on the northwest corner of the Franklin Avenue and 48th Street intersection. The surrounding area consists of residential, commercial and park uses.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located within the Merle Hay Neighborhood and within 250 feet of the Beaverdale and Waveland Park Neighborhoods. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on March 18, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on March 15, 2019 (20 days prior to the hearing) and March 25, 2019 (10 days prior to the 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 requested rezoning. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on March 29, 2019.

The Merle Hay Neighborhood Association mailings were sent to Jason Pulliam, 2327 49th Place, Des Moines, IA 50310. The Beaverdale Neighborhood Association mailings were sent to CeCelia Ibson, 2629 Beaver Avenue, Suite 3 Des Moines, IA 50310. The Waveland Park Neighborhood Association mailings were sent to Ethan Standard, 1307 48th Street, Des Moines, IA 50310.
8. **Relevant Zoning History:** On June 22, 2015, by Ordinance Number 15,379, the City Council rezoned the subject property from “R1-60” District to a Limited “C-1” District subject to permitted uses on the property being limited to those allowed in the “R1-60” District and to a daycare center with a pre-school.

9. **PlanDSM Land Use Plan Designation:** Neighborhood Mixed Use located within a Neighborhood Node.

10. **Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** The PlanDSM Comprehensive Plan was approved on April 25, 2016. The subject property is designated as Neighborhood Mixed Use, which is described as “small-scale mixed-use development typically located at the intersection of collector and/or arterials streets and along transpiration corridors. Non-residential development is designed to serve the immediate neighborhood and includes small retail, offices, restaurants, and service-oriented development. Low-medium density residential may be included in mixed-use development.”

The site is located within a Neighborhood Node on the Future Land Use Map that is centered on the Franklin Avenue and 48th Street intersection. Neighborhood Nodes are described as follows:

*The nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and small-scale businesses. Residential development including low-medium and medium densities may occur.*
The proposed rezoning requires the Future Land Use Map designation for the subject property to be amended to Community Mixed Use. This designation is described as “small- to medium-scale mixed-use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed-use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.” The proposed facility would serve multiple neighborhoods and be a regional draw, which are the primary distinction between the Neighborhood Mixed Use and Community Mixed Use designations.

Staff believes that the proposed development and necessary Future Land Use Map amendment are supported by the following goals found in PlanDSM.

**Land Use Goal 2**  
Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.

LU8: Encourage continued redevelopment and enhancement of regional nodes emphasizing a mix of uses, ease of access by transit, enhanced walkability, and high density residential.  
LU9: Identify new neighborhood nodes and proposed land uses considering the following criteria:  
- The ability to create a compact, walkable structure within the identified node;  
- The capacity for employment and economic vitality;  
- The ability to provide housing in close proximity to jobs; and  
- Access via transit and other alternative modes of transportation.  
LU10: Prioritize new mixed-use development and redevelopment along proposed high capacity transit corridors and nodes.  
LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.

**Land Use Goal 4**  
Continue to embrace the distinct character of Des Moines’ neighborhoods while allowing for new development and redevelopment.

LU23: Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.

**Land Use Goal 6**  
Recognize the value of Des Moines’ historic building stock and landscapes and ensure their preservation for future residents.
LU33: Promote preservation, restoration, and reuse of historical structures and landmarks.

**Economic Development Goal 2**  
**Recognize the value of Des Moines’ historic building stock and landscapes and ensure their preservation for future residents.**

ED7: Focus economic development efforts in neighborhood, community, and regional nodes and corridors served by transit.

1. **PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual Plans should be based on.

   A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

   *The proposed development would reuse a historic school structure that is located on a large city block shared with a City park and large apartment complex. The building sits on the Franklin Avenue corridor, which contains commercially zoned land across from the site. DART Route S includes Franklin Avenue between Beaver Avenue and Merle Hay Road. Staff believes that the proposal meets this criterion.*

   B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.

   *The property is currently zoned a Limited “C-1” District. The bulk regulations for this district require the following minimum setbacks:*

   - 25-foot front yard,
   - 10-foot side yard when abutting any R district, and
   - 10-foot rear yard when adjoining any PUD, R or C-0 district.

   *The submitted Conceptual Plan references these standards. The existing building exceeds the required minimums. The proposed café building and associated pergola structures would setback 15 feet from the Franklin Avenue property line. Staff believes 15 feet is appropriate here given the commercial nature of the property to the south and limited scale of the structures. Staff*
believes that the proposal meets the intent of this criterion so long as the development complies with the landscaping, buffering, lighting and operational requirements found in Section III of this report.

C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.

All necessary utilities are available to the site. Storm water facilities are planned that include basins along the east perimeter of the site. There is an existing City-owned, 15-inch sanitary sewer line running north/south along the east perimeter of the site. A 30-foot wide sewer easement must be provided. The proposed storm water basins and any associated improvements would be evaluated at the Development Plan stage to ensure that they would have no impact on the sewer line.

D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

See Section II, subparagraph 4 of this report for information pertaining to traffic and the street network.

E) Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).

See Section II, subparagraph 2 and 4 of this report for information pertaining to parking.

F) Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

The development would include green spaces and patio areas along the south and east edges of the building. Courtyard spaces that are internal to the building would be utilized to support the proposed uses and may include pools and a dog exercise area.

2. Parking: The applicant has provided the following chart that includes the square footages of each proposed use and proposed parking calculations. The number of spaces required for the different uses are based on the Zoning Ordinance
requirements for “C” Districts. The total number of spaces required based on these calculations is 654. The submitted Conceptual Plan indicates that the site would have a total of 688 parking spaces, which exceeds the minimum required.

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<th>Breakdown of SF</th>
<th>Total SF for Use</th>
<th>Stalls Required (if based on SF)</th>
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3. **Signage:** The submitted Conceptual Plan identifies three monument signs and two building-mounted signs that would identify the overall development. Staff understands that the concept is to market and identify the facility as a collective with no signage for individual uses within the building. Staff believes there may be future interest in signage for tenants and recommends that any additional signage be limited to building-mounted signage in accordance with “C-1” District standards to the satisfaction of the City’s Planning Administrator.
4. Traffic/Transportation: A traffic impact study was prepared for the proposed project and approved by the City’s Traffic and Transportation Division in accordance with City policy. The study found that the proposed development would have negligible impact on the existing street network and that no roadway improvements are necessary. The site is served by an existing DART route that runs along Franklin Avenue. A bus stop is located in front of the subject property, providing direct access to the property by transit users.

III. STAFF RECOMMENDATION

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

Part B) Staff recommends approval of the request to amend the PlanDSM Creating Our Tomorrow future land use designation from Neighborhood Mixed Use to Community Mixed Use.

Part C) Staff recommends approval of the request to rezone the subject property from Limited “C-1” Neighborhood Commercial District to “PUD” Planned Unit Development.

Part D) Staff recommends approval of the Franklin Junior High School PUD Conceptual Plan subject to the following conditions:

1. The PUD Conceptual Plan shall be updated to reflect the floor area and parking calculations for the proposed uses submitted by the applicant and included in Section II, subparagraph 2 of this report.

2. The PUD Conceptual Plan shall be updated to reflect the additional project description information submitted by the applicant and included in Section I, subparagraph 1 of this report.

3. Provision of easements for all existing utilities to the satisfaction of the City Engineer.

4. Provision of a note on the PUD Conceptual Plan that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height.

5. Provision of a note on the PUD Conceptual Plan that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”
6. Provision of a note on the PUD Conceptual Plan that states, “all utility and similar service lines to buildings shall be located underground.

7. Provision of a note on the PUD Conceptual Plan that states, “all rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the City’s Planning Administrator.

8. Provision of a note on the PUD Conceptual Plan that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site to the satisfaction of the City’s Planning Administrator.

9. Provision of a note on the PUD Conceptual Plan that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards for the “C-2” District or exceed as illustrated on the Conceptual Plan or determined necessary by the City’s Planning Administrator.

10. Provision of a note on the PUD Conceptual Plan that states, “additional building mounted signage may be provided for individual tenants so long as the signage complies with the “C-1” District standards to the satisfaction of the City’s Planning Administrator.”

11. Provision of a note on the PUD Conceptual Plan that states, “sidewalk connections to the adjoining park shall be provided to the satisfaction of the City’s Planning Administrator, and Park and Recreation Director.

12. Provision of a note on the PUD Conceptual Plan that states, “all uses of the property shall comply with article IV of chapter 42 of the City Code pertaining to noise control. Outside speakers or amplified sound is prohibited except when used in compliance with a type E sound permit.”

13. Provision of a note on the PUD Conceptual Plan that states, “litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.”

14. Provision of a note on the PUD Conceptual Plan that states, “the PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of liquor, wine and/or beer if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.”

15. Review and approval of the Final Development Plan by the Plan and Zoning Commission and the City Council.
SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation. Noted that there was currently less than 20% opposition by owners of property within 200 feet of the proposed rezoning.

Mike Ludwig clarified the staff’s understanding regarding the “5 taverns” listed in the agenda heading. It appears that one bar/tavern is proposed in a former science classroom and that there will be four additional areas within the building where alcohol is may be served. Those areas would be sales stations near performance venues and within a restaurant.

Carolyn Jension stated it would be much like attending an Iowa Cubs game, where there are several locations to purchase beverages.

Mike Ludwig stated that would be a similar example to what has been described to staff.

Jacqueline Easley asked if a wedding reception held at the facility would fall under the owner’s liquor license.

Mike Ludwig stated yes. Staff believes that the proposed condition requiring review of the final development plan by the P&Z and City Council would allow time for specific locations and regulations on sale of alcohol within the building. Also noted that proposed condition #14 would allow the Zoning Enforcement Officer to initiate a legislative amendment to the PUD if it is determined that sale of alcohol is contributing to the creation of a nuisance.

David Courard-Hauri asked if the brewery would just be for brewing or another place where beer could be sold.

Mike Ludwig stated that staff’s understanding that product from the brewery could be sold at the “classroom” bar tavern, the restaurant or the distribution stations outside performance venues.

Jeff Young, 3400 Lincoln Place Drive, stated this is something we have seen all over country with specific examples in Oregon and Washington. The McMenamin brothers have done this type of plan for 65 different properties since 1974 including Kennedy School in Portland, Oregon.

Khalid Kahn and Lyndley Kent 418 6th Ave, representing Neumann Monson Architects identified specifics of the applicants request and noted similarities between Franklin School and Kennedy School in Portland, Oregon which has been redeveloped for similar uses. Noted that there would be staff assigned to directing traffic to and through the parking lot like any other entertainment venue.

Tiva Dawson, 1424 48th Street stated for the past 70 years this large piece of property hasn’t created any taxes and they are estimating $400,000 in tax revenue a year from
this project. This land borders 3 neighborhood associations and all 3 have voted in favor of this project. They would like to amend condition #15 to only require P&Z review of the final development plan so they are able to start working on outdoor gardens this spring. Noted that normally, final development plans are reviewed administratively by staff.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

CeCe Ibson, 4310 Ovid Avenue stated she was speaking on behalf of the Beaverdale Neighborhood association which voted to approve this project in March. They believe Franklin Junior High is of historical importance to the area and with the City’s support, this project will become a regional draw that will further the economic vitality of the area. A boutique hotel would do very well in this area due to the small homes without much guest space for friends and family who visit.

**Ethan Standard**, 1307 48th Street read submitted letter verbatim.

**Betsy Parker**, 2101 48th Street stated she is terrified of this building remaining empty with the violence that has already occurred in the neighborhood. With the Mercy building already empty on the same street, we would hate to see another vacant building.

**Joseph Parker**, 2101 48th Street stated Beaverdale is at a turning point with the violence that has occurred there over the past year. Everyone he has met loves to live in Beaverdale and this project would be a great asset to the area.

**Megan Christofferson**, 6285 Sudbury Court stated she is one of the founders of Birchwood Montessori which is currently located in Franklin Junior High. They are very excited to be a part of this project and being able to teach their students how a community works.

**Bill Nellans**, 7108 Jefferson Avenue stated the people involved and the enthusiasm around this project is great. He plans to move his studio there once the project is completed.

**Mark Johnson**, 1089 44th Street stated the enthusiasm this project brings is just what the neighborhood needs.

**Geoff Wood**, 317 6th Avenue stated he has been working with Jeff Young for the past 5 years and after visiting the McMenamin sites in Oregon and Washington, he can really see what Jeff has a vision for.

**Joseph Barron**, 1503 48th Street stated he and his wife visited the McMenamin site in Portland, Oregon and are very excited to have something like this in their neighborhood.

**Chris Jansen**, 2206 52nd Street stated Jeff has been very engaged with the neighborhood by attending neighborhood and board of director’s meetings.
they have heard from the neighbors have been traffic, alcohol sales and signage around the building.

Sam Summers, 640 56th Street stated he is the owner of Wooly’s, and manages the acts for Hinterland Music Festival and Nightfall on The River. He is in full support of this project and this gives Des Moines a unique concert venue we don’t have. There are a lot of acts that don’t make it to Des Moines because of the lack of seated venues of this size.

Jarin Hart, 718 18th Street stated she is the Executive Director for the Des Moines Music Coalition and this space would help them achieve their goal of making Des Moines a recognized music city.

Dory Jansma, 1900 High Street stated she is the President of Girls Rock Des Moines. Franklin Junior High is now their home and has been a huge change for their organization. She hopes this plan is approved so they are able to stay in their new home.

Rachel Gulick, 2310 Stanton Avenue stated she is a chair member for Girls Rock Des Moines. Jeff has done his due diligence throughout this process and made sure the neighbors have had a voice. She understands the concerns because of the size of this project but believes it will be great for the area.

Ian Miller, 1422 8th Street stated it’s hard for him to find projects that allow his creativity to flourish so he is very excited to be a part of Jeff’s team for this project.

Melvin Frueh, 1916 47th Street stated this project is within 300 feet of his house. There are many small children in the neighborhood and with this project it will be busier than ever. He strongly urges the commission to deny this request.

Barbra Frueh, 1916 47th Street stated there are 5 bars proposed within 300 feet of her home. She believes they won’t be able to be outside. She is concerned about the noise and activity this will bring.

Terri Pond, 1921 48th Street stated there are great things happening in this building already and it could continue without the alcohol. She is concerned about the children in the neighborhood because the influx on traffic this will bring. There is also a concern with storm water, the more patio space and cement we lay down, the more water that will rush down their street.

David Stewart, 1919 48th Street stated he is concerned about the introduction of alcohol into a residential neighborhood.

Harold Reinbolt, 1909 48th Street stated with the streets not being well maintained in the area and there have been a number of accidents. He is concerned about the traffic this project will bring to the neighborhood. He also is opposed to 5 taverns.
Tom Compiano, 301 47th Street stated he is the majority owner of Franklin Court Apartments. He is opposed to any outside terrace or concerts because of the noise it brings to the neighborhood.

**Rebuttal**

Lyndley Kent, stated they are being cognizant of where specific uses are placed throughout the site to eliminate noise. They have 1 designated bar, which is on the second floor in a former science classroom. The designated spaces for alcohol consumption is a small percentage to the total building square footage and number of uses within this project. The outdoor spaces will not be a bar but will act as a family friendly space. There will be no addition to the parking lot or additional lighting to this site.

Jacqueline Easley asked if the Montessori School has expressed concerns around alcohol in the building.

Lyndley Kent stated she hasn’t heard any concerns from them. The hours of operation for the school are different than the entertainment venues, etc. There are also multiple and separate entrances to the building.

Jacqueline Easley asked the applicant to address storm water concerns that have been raised.

Lyndley Kent stated they are not adding any hardscape. They eliminating some hardscape and plan to make improvements to their detention area.

Will Page asked how they plan to use the courtyard areas and how many will there be?

Lyndley Kent stated there will be 3 courtyard areas. They will have soaking pools, Zen Gardens and small play areas for the Montessori school.

Jacqueline Easley asked for clarification around parking staff and the traffic study.

Lyndley Kent stated a traffic study was prepared by the City’s consultant that was paid for by the developer. The traffic study indicates that the surrounding transportation system can accommodate this proposed development. Staff during events will direct cars to the on-site parking lots to limit parking on street.

Tiva Dawson stated the traffic study came back showing no changes need to be made by the developer and the current roadway system will be able to handle the traffic.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Francis Boggus stated Franklin Avenue needs help. This would be a great project to increase economic activity and draw more tax revenue. He does not support revision of condition #15. He believes that review of the Final Development Plan by P&Z and City Council will ensure that concerns about alcohol sales are addressed. Noted that there
are numerous bars and restaurants near the intersection of Beaver Avenue and Urbandale Avenue that also immediately adjoin or are in close proximity to single-family residences.

Greg Wattier asked if the applicant will need to obtain a conditional use permit from the Board of Adjustment to allow alcohol sales and consumption.

Mike Ludwig stated that this is proposed PUD and Board of Adjustment review is precluded in PUD’s. They will need to obtain an alcohol license through City Council. Per the proposed conditions, if the Zoning Enforcement Officer determines that the use is creating a nuisance, the Zoning Enforcement Officer can initiate a legislative reconsideration of the PUD zoning by P&Z and City Council.

Greg Wattier stated one of the things that is dynamic throughout our neighborhoods is the walkability to entertainment. This is an exciting project and we need to continue to revitalize our neighborhoods so they can flourish. He also believes the final development plan should come back to the Plan and Zoning Commission and City Council.

COMMISSION ACTION:

Francis Boggus made a motion for APPROVAL of Part A) the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) APPROVAL of the request to amend the PlanDSM Creating Our Tomorrow future land use designation from Neighborhood Mixed Use to Community Mixed Use, Part C) APPROVAL of the request to rezone the subject property from Limited “C-1” Neighborhood Commercial District to “PUD” Planned Unit Development and Part D) APPROVAL of the Franklin Junior High School PUD Conceptual Plan subject to the following conditions:

1. The PUD Conceptual Plan shall be updated to reflect the floor area and parking calculations for the proposed uses submitted by the applicant and included in Section II, subparagraph 2 of this report.

2. The PUD Conceptual Plan shall be updated to reflect the additional project description information submitted by the applicant and included in Section I, subparagraph 1 of this report.

3. Provision of easements for all existing utilities to the satisfaction of the City Engineer.

4. Provision of a note on the PUD Conceptual Plan that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height.

5. Provision of a note on the PUD Conceptual Plan that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal
illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site."

6. Provision of a note on the PUD Conceptual Plan that states, “all utility and similar service lines to buildings shall be located underground.

7. Provision of a note on the PUD Conceptual Plan that states, “all rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the City’s Planning Administrator.

8. Provision of a note on the PUD Conceptual Plan that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site to the satisfaction of the City’s Planning Administrator.

9. Provision of a note on the PUD Conceptual Plan that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards for the “C-2” District or exceeded as illustrated on the Conceptual Plan or determined necessary by the City’s Planning Administrator.

10. Provision of a note on the PUD Conceptual Plan that states, “additional building mounted signage may be provided for individual tenants so long as the signage complies with the “C-1” District standards to the satisfaction of the City’s Planning Administrator.”

11. Provision of a note on the PUD Conceptual Plan that states, “sidewalk connections to the adjoining park shall be provided to the satisfaction of the City’s Planning Administrator, and Park and Recreation Director.

12. Provision of a note on the PUD Conceptual Plan that states, “all uses of the property shall comply with article IV of chapter 42 of the City Code pertaining to noise control. Outside speakers or amplified sound is prohibited except when used in compliance with a type E sound permit.”

13. Provision of a note on the PUD Conceptual Plan that states, “litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.”

14. Provision of a note on the PUD Conceptual Plan that states, “the PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of liquor, wine and/or beer if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.”
15. Review and approval of the Final Development Plan by the Plan and Zoning Commission and the City Council.

**THE VOTE:** 12-0

*Jann Freed left at 8:59*

Item 10

Request from Lincoln Savings Bank (owner) represented by Erik Skovgard (officer), for appeal of the administrative denial of a Site Plan “Lincoln Savings Bank – Amendment” for property located at 1922 Ingersoll Avenue, to allow development of a second-story addition to the existing 7,633-square foot building for a financial institution with the addition of a drive-through window circulation and kiosk. The owner is appealing the requirement to underground electrical utilities along Ingersoll Avenue, requesting that it be deferred until the adjoining property to the west is redeveloped.

(10-2019-7.102)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The appellant has proposed to develop a second-story addition to an existing 7,633-square foot building for a financial institution with the addition of a drive-through window and kiosk. The subject property is located on the south side of Ingersoll Avenue to the east of the intersection with Martin Luther King, Jr. Parkway.

   The appellant has submitted an amendment to their Site Plan requesting deferral of the requirement to underground electrical utilities along Ingersoll Avenue. The appellant has requested this deferral for the unspecified amount of time until the adjoining property to the west is redeveloped.

2. **Size of Site:** 32,840 square feet or 0.756 acres.


4. **Existing Land Use (site):** The subject property contains one commercial building. It has 200 feet of frontage on the south side of Ingersoll Avenue and is located to the east of the Martin Luther King, Jr. Parkway intersection.

5. **Adjacent Land Use and Zoning:**
North – “C-2”, Use is a mixed-use building including office, financial institution, tavern, and multiple-family residence.

South – “C-2”, Uses are an office building and surface parking lot.

East – “C-2”, Use is an office and warehouse building.

West – “C-2”, Uses are an automobile maintenance garage and an office building.

6. General Neighborhood/Area Land Uses: The subject property is in commercial area west of Downtown and east of Martin Luther King, Jr. Parkway of the Des Moines River. The surrounding area contains a mix of commercial and multiple-family residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is not in a recognized neighborhood, but is within 250 feet of both Sherman Hill and Woodland Heights Neighborhoods. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on March 18, 2019. Additionally, separate notification of the hearing for this specific item was mailed on March 25, 2019 (10 days prior) to the Sherman Hill and the Woodland Heights Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A final agenda for the meeting was mailed to all neighborhood associations on March 29, 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 Sherman Hill Neighborhood Association notices were mailed to David Schlarmann, 1503 Center Street, Des Moines, IA 50314. The Woodland Heights Neighborhood Association notices were mailed to Phil Kreznor, 808 25th Street, Des Moines, IA 50312.

8. Relevant Zoning History: On December 20, 2017, by Docket No. ZON2017-00201, the Zoning Board of Adjustment granted a Variance of 20 feet less than the minimum required 25-foot front yard setback and an Exception of 7 parking spaces less than the minimum required 41 off-street parking spaces (1 space per 400 square feet of area used for a financial institution) to allow expansion of the existing 7,584-square structure known as 1922 Ingersoll Avenue to include an 8,615-square foot, 2nd story addition that would be within 5 feet of the north (front) property line along Ingersoll Avenue, subject to the following conditions:

1. Any development shall be in general conformance with the submitted site layout to the satisfaction of the Planning Administrator.

2. Any buildings constructed shall be in compliance with all applicable Building and Fire Codes, with issuance of all necessary permits by the Permit and Development Center.
9. **PlanDSM Land Use Plan Designation:** Downtown Mixed Use.

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, appeals of decisions of the Planning Director shall be in accordance with the following in Chapter 82, Article V of the City Code:

   E. The appellant may, upon notice to the Plan and Zoning Commission, appeal in whole or in part any determination or action of the Planning Director made within the scope of this article. Appeal shall be made without cost by written notification of the appeal received by the Community Development Department within 90 days after the date of the action from which appeal is sought.

   F. The Plan and Zoning Commission shall decide all appeals within 30 days after written notification of the appeal has been received by the Community Development Department, provided that the appellant may agree to a longer time period not to exceed 60 days after the written notification of the appeal has been received by the Community Development Department. Failure to decide the appeal within such period shall have the effect of overturning the Director's disapproval and approving the Site Plan as appealed. Except as provided in this article, **the affirmative vote of at least eight commission members shall be necessary to overturn or modify the action from which appeal is sought.** At the commission meeting, the appealing party shall be presented a reasonable opportunity to present his or her views.

   G. The appellant may, upon written notice to the City Council, appeal in whole or in part any determination made by the Plan and Zoning commission made within the scope of this article (Chapter 82, Article V of the City Code). Appeal shall be made without cost by filing written notification with the City Clerk within 30 days after the Commission ruling.

   H. The City Council shall decide all appeals within 30 days after written notification of the appeal has been received by the City Clerk. A majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Downtown Overlay District Design Guidelines:** 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.

Underground utilities and black street light fixtures and poles are the desired development pattern in the downtown. Development is expected to underground overhead lines and to upgrade street lights in adjoining rights-of-way. Staff recommends the undergrounding of all overhead utility lines and the replacement of all street lights with black light fixture and poles at the time of redevelopment.

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.

Staff is not aware of any proposed low impact development techniques being utilized.

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

Pedestrian and vehicular access to the site would come from Ingersoll Avenue. A sidewalk currently exists along the north frontage of the subject property and would be retained as part of the redevelopment. A driveway from Ingersoll Avenue located approximately at the center of the property would provide vehicular access to the property’s parking lot, drive-thru facilities and kiosk. An existing driveway at the northeast corner of the property would be utilized for vehicular access to return to Ingersoll Avenue.

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

The Site Plan indicates improvement and restoration of green space along a portion of the northwestern property line, the west property line and the rear of the property. The Site Plan is subject to compliance with the City’s landscaping standards.

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

The proposed restoration of green space on the site would provide adequate space 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 indicates that two U-shaped bike racks would be install at the northeast corner of the parking lot near the front entrance of the building._

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

_The proposed project includes the redevelopment of an existing one-story building into a two-story building. The proposal does not comply with this guideline. However, the applicant would be making the existing building more conforming by constructing a second-floor addition. Staff believes that the proposal meets the intent of this standard._

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).

   _N/A._

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

   _The proposed Site Plan indicates a main entrance and entrance feature along the northern building frontage facing Ingersoll Avenue. Additional entrances would be located along the western façade to the parking lot._

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

   _The site frontage along Ingersoll Avenue is 200 feet. The proposed redevelopment of the building would result in a building frontage of nearly 63 feet. The proposed redevelopment would result in frontage along a principal street of approximately 32%, which does not comply with this guideline. Staff believes that the reduced frontage would be acceptable given the constraints the project faces including the renovation of an existing building, existing site conditions and the parking needs of the project._

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

   _The proposed redevelopment would utilize an existing building that is within 5 feet of the front property line. On December 20, 2017, by Docket No. ZON2017-00201, the Zoning Board of Adjustment granted a Variance of 20 feet less than the minimum required 25-foot front yard setback._
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.).

N/A.

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

*The Site Plan indicates redevelopment of the property would include the construction on a dumpster enclosure at the rear of the property. The Site Plan indicates that the dumpster enclosure would be constructed of masonry blocks with steel gates and guard posts. Any dumpster enclosure constructed must be in compliance with all administrative comments of the Permit and Development Center.*

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.

*The Site Plan indicates that the dumpster enclosure would be constructed of masonry blocks with steel gates and guard posts. Any dumpster enclosure constructed must be in compliance with all administrative comments of the Permit and Development Center.*

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.

*The Site Plan includes landscaping material. Staff notes that overstory trees are required following the undergrounding of electrical utilities in the adjacent right-of-way. All landscaping must be in compliance with all administrative comments of the Permit and Development Center.*

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.

*The Site Plan indicates that the drive-thru facilities for the proposed financial institution would be located on the east façade of the building.*

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.

*The Site Plan indicates that the drive-thru facilities for the proposed financial institution would be located on the east façade of the building. The proposed building would be utilized solely for a financial institution possessing a commercial design.*

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.

2. **Utilities:** Electrical utilities are currently located above ground in the right-of-way adjoining the subject property. The Site Plan Ordinance and related policies requires the undergrounding of all utilities within the subject property and right-of-way. When a significant investment is made in a property, compliance with current Building Codes and site development standards is required. Staff notes that the appellant has provided information stating the cost of undergrounding the electrical utilities may total up to $62,000.

3. **Staff Rationale:** The appellant is proposing to expand the existing building with the addition of a second story, a drive-through, and a kiosk to facilitate a financial institution. The proposed expansion requires the site to be brought into
conformance with current Site Plan requirements. The recently submitted amendment to the Site Plan does not fully comply with code and policy requirements as the appellant is currently requesting a deferral for the requirement to underground all utilities until an unspecified time that the adjoining property to the west is redeveloped. Staff does not believe that the request for a deferral for an unspecified amount of time is consistent with the intent of the City’s Site Plan Ordinance and policies.

III. STAFF RECOMMENDATION

Staff recommends denial of the request to defer the requirement to underground electrical utilities along Ingersoll Avenue be deferred until the adjoining property to the west is redeveloped.

Should the Commission be inclined to grant the deferral, staff recommends any deferral of the requirement to underground electrical utilities along Ingersoll Avenue be subject to the following conditions:

1. Provision of undergrounding of electrical utilities and installation of black utility/street light poles and light fixtures as required by the Downtown Overlay District along the entirety of the Ingersoll Avenue frontage of the subject property and any subsequent expansion of the subject property, subject to the following terms:

   a) Any deferral be limited to such time as the adjoining property to the west is redeveloped.

   b) Approval of an agreement between the City Council and the developer which specifies that the developer shall deposit funds in escrow with the City of Des Moines that are equivalent to the City-approved estimated cost to install black utility/street light poles and light fixtures on to the subject property.

   c) The City will hold funds contributed by the developer to install black utility/street light poles and light fixtures on the subject property at a later date.

   d) Provision of understory trees in the planter beds to the satisfaction of the Planning Administrator and City Traffic Engineer.

   e) Relocation of the existing utility pole on the eastern portion of the right-of-way at the time of redevelopment and installation of approved planter beds. If relocation of the existing utility pole is deferred, provision shall be made to include funds in any agreement with the City of Des Moines equivalent to the City-approved estimated cost to install overstory trees and modify the impacted planter bed on the subject property at a later date.

   f) A final Certificate of Occupancy will be issued after completion of these terms to the satisfaction of the Planning Administrator.
2. Compliance with all administrative review comments of the City’s Permit and Development Center.

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

4. Compliance with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

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

6. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures shall be similar in style to the selected street light fixtures or be of other similar aesthetic quality as approved by the Planning Administrator.

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

8. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site to the satisfaction of the Planning Administrator.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.

Angie Pfannkuch, 215E 3rd representing Christensen Development, stated after speaking with Mid-American they said the thing that will trigger undergrounding the utilities on Ingersoll is when Midas moves out. On the south side of Ingersoll there are ten power lines and we would only be getting rid of one. They feel undergrounding their utilities right now would not do justice to the streetscape and would like to defer until Midas moves out. They would also request to provide a letter of credit instead of cash escrow because Lincoln Savings is a financial institution.

Francis Boggus asked why they can’t have a group of property owners underground their utilities all at one time.

Mike Ludwig stated there is nothing requiring other property owners to do so. We typically request this during a site plan review.

Greg Jones asked if the applicant agrees with the language regarding a deferral.
Angie Pfannkuch stated the only thing they want to change is to provide a letter of credit instead of cash escrow.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

David Courard-Hauri asked if depositing funds into escrow was something new.

Mike Ludwig stated the City has done it for a few different projects.

David Courard-Hauri asked if a Letter of Credit is sufficient.

Glenna Frank stated she feels like there is an exception in this instance because they are a financial institution. She would ask for them to place a long duration on the Letter of Credit.

Mike Ludwig suggested to do a minimum of 10 years and could be renewed if not completed within that time.

**COMMISSION ACTION:**

Greg Jones made a motion to grant the deferral, staff recommends any deferral of the requirement to underground electrical utilities along Ingersoll Avenue be subject to the following conditions:

1. Provision of undergrounding of electrical utilities and installation of black utility/street light poles and light fixtures as required by the Downtown Overlay District along the entirety of the Ingersoll Avenue frontage of the subject property and any subsequent expansion of the subject property, subject to the following terms:

   a) Any deferral be limited to such time as the adjoining property to the west is redeveloped.

   b) Lincoln Savings Bank shall provide an irrevocable letter of credit in an amount equivalent to the City approved estimated cost to underground all applicable overhead utilities, to install black utility/street light poles and light fixtures, and to install overstory trees and modify any applicable planter beds on the subject property. The letter of credit shall designate the City of Des Moines as the beneficiary and shall be valid for an initial period of 10 years. Subsequent renewals or replacements of the existing letter of credit shall be provided by Lincoln Savings Bank upon request by the Community Development Director.
c) The City may draw upon the letter of credit submitted by the developer to install black utility/street light poles and light fixtures on the subject property at a later date.

d) Provision of understory trees in the planter beds to the satisfaction of the Planning Administrator and City Traffic Engineer.

e) Relocation of the existing utility pole on the eastern portion of the right-of-way at the time of redevelopment and installation of approved planter beds. If relocation of the existing utility pole is deferred, the letter of credit shall also cover the City-approved estimated cost to install overstory trees and modify the impacted planter bed on the subject property at a later date.

f) A final Certificate of Occupancy will be issued after completion of these terms to the satisfaction of the Planning Administrator.

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

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

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

8. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site to the satisfaction of the Planning Administrator.

THE VOTE: 11-0
Committee and Director’s Reports:

Meeting adjourned at 9:15