
ABSENT: Mike Simonson, Dory Briles, Carolyn Jenison, Greg Wattier and David Courard-Hauri.

STAFF PRESENT: Mike Ludwig, Erik Lundy, Glenna Frank and Tyler Hall.

Jann Freed made a motion to approve the April 4, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 8-0-2 (Rocky Sposato and John “Jack” Hilmes abstained as they were not present for the April 4, 2019 commission meeting).

Jacqueline Easley noted that the applicants for items #2, #3 and #4 had requested a continuance to the May 16, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

John “Jack” Hilmes made a motion that the continuances of items #2, #3 and #4 to the May 16, 2019 Plan and Zoning Commission be added to the consent agenda. Motion Carried 10-0

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding Consent Agenda Item #1, #2, #3 or #4. None were present or requested to speak.

Will Page made a motion to approve Consent Agenda Item #1 (approval per staff recommendation), #2 (continue to 5/16/19 meeting), #3 (continue to 5/16/19 meeting) and #4 (continue to 5/16/19 meeting). Motion Carried 10-0.

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from 220 SE 6th Street Properties, LLC (owner) represented by Adam Petersen (officer) for review and approval of a Site Plan Amendment “220 SE 6th Street Commercial” under design guidelines in “C-3B” Districts for property located at 220 Southeast 6th Street, to allow expansion for a 1,463-square foot outdoor patio on the northeast side of the existing building.

(10-2019-7.101)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed site plan would allow for construction of an outdoor patio within a 19-foot wide by 77-foot deep area along the north side of the building. The patio would be used by a future restaurant use within the northeastern tenant space on the ground level of the 3-story commercial building.
The proposed patio would eliminate an existing sidewalk that provides access to the existing parking structure from the public sidewalk along Southeast 6th Street. The Site Plan proposes to mitigate the loss of this sidewalk by providing a new sidewalk connection from the parking structure to the sidewalk along Southeast 5th Street.

The existing building and parking ramp were constructed in accordance with a development agreement with the City, which required the City’s Urban Design Review Board review the project. The proposed patio must be in compliance with the current development agreement or any necessary future amendment.

2. **Size of Site**: 1 acre.


4. **Existing Land Use (site)**: 3-story commercial building with parking ramp.

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

   **North** – “C-3”, Use is a vehicle display lot (Enterprise Rent-A-Car).

   **South** – “M-1”, Uses include East Elm Street Right-Of-Way and light industrial (AJ Allen Mechanical Contractors).

   **East** – “C-3B”, Uses include Southeast 6th Street and a multiple-family residential structure under construction.

   **West** – “M-1”, Uses include Southeast 5th Street and City of Des Moines Public Works offices.

6. **General Neighborhood/Area Land Uses**: The site is located in a portion of the downtown known as the Market District. The area contains a mix of commercial and light industrial uses. In 2010, a plan for the surrounding area (east of Des Moines River to Southeast 7th Street and East Court Avenue to East Martin Luther King, Jr. Parkway) was prepared. In 2018, an update the Market District Plan was initiated and is near completion. The Market District of East Village Urban Study and the update envisions this predominately light-industrial area redeveloping as a mixed-use urban neighborhood.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located in the Historic East Village Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 29, 2019. A Final Agenda was mailed to the neighborhood association April 12, 2019. Additionally, separate notifications of the hearing for the Site Plan were mailed on April 8, 2019 (10 days prior to the hearing) to the neighborhood association and to
the primary titleholder on file with the Polk County Assessor for every owner of property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

8. **Zoning History:** On February 11, 2013, the City Council adopted Ordinance number 15,166, which amended the zoning of property located at 200 and 220 Southeast 6th Street, from “M-1” Light Industrial District and “M-2” Heavy Industrial District to “Limited C-3B” Central Business Mixed Use District classification, subject to the following imposed additional 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) The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.

   (3) The density of any residential development shall be dependent upon Site Plan review.

   (4) Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.

   (5) Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the C-3B and Downtown Overlay Districts.

   (6) Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the Design Guidelines for Multiple-Family Residential use.

   (7) The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.

On August 4, 2016, the Plan & Zoning Commission approved a Site Plan “220 SE 6th Street”, under design guidelines in “C-3B” Districts, to allow development of a 3-story, 50,000-square foot office building and 3-level parking structure.
9. **Plan DSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The plan designates the property as “Downtown Mixed Use”, which is defined as an “area that 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.”

10. **Applicable Regulations:** In acting upon any Site Plan application for property located within the “C-3B” Central Business Mixed-Use District, the Plan and Zoning Commission shall apply the design regulations in 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 such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or an existing building is expanded by more than 50 percent of its gross floor area as of the time it became part of the “C-3B” Central Business Mixed-Use District. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the “D-R” Downtown Riverfront District or “C-3B” Central Business Mixed-Use District, then these guidelines shall apply only to the expansion of the building.

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

   *The Site Plan does not propose any modifications to the building, which is three stories tall with a total height of 45 feet.*

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

   *Not applicable.*

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

   *The submitted Site Plan does not provide design detail of proposed lighting fixtures. All exterior lighting provided should be low-glare, sharp cut-off fixtures.*

4) Residential building standards: New residential buildings should also comply with the following guidelines:
a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).

b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.

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

d. Buildings should have a maximum setback of 15 feet from the public right-of-way.

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

Not applicable.

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

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

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

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

The existing building had a primary entrance oriented toward Southeast 6th Street. The proposed restaurant use would be accessible both from this primary entrance and from a new door on the north (side) façade of the structure, facing the proposed patio. The proposed Site Plan does not include an elevation that demonstrates how the door would be incorporated into the façade. Staff recommends that the Site Plan be subject to review and approval of any building façade modifications by the City’s Planning Administrator.

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

A trash enclosure is located within the parking structure.

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

The proposed patio would be entirely on private property and not extend onto Southeast 6th Street right-of-way.

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

No outdoor storage is proposed. A trash enclosure is located within the parking structure.

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

The submitted Site Plan does not demonstrate the existing landscaping or streetscape elements along Southeast 6th Street, nor identify the existing shrubs that would be displaced by the patio. While the proposed patio does not require any additional landscaping, the Site Plan must demonstrate compliance with the City’s landscaping standards.

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

No warehouse use or loading docks are proposed.

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.
The “What’s Next Downtown Plan” envisions a dense and pedestrian friendly downtown. East Elm Street, Southeast 5th Street and Southeast 6th Street are designated pedestrian corridors. Staff believes the proposed patio is consistent with this guideline.

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 Site Plan does not propose any modifications to the approved stormwater management plan, which includes underground retention chambers beneath the parking garage.

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

The building has direct access to the public sidewalk along Southeast 6th Street and East Elm Street. Both streets are designated pedestrian corridors. A new sidewalk connection will be provided from the parking structure to Southeast 5th Street.

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

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

The proposed patio would comply with this design guideline.

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.

Bike racks are proposed in the northeast corner of the site near the sidewalk along Southeast 6th Street.

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

The Site Plan does not modify the height of the existing 3-story building, which has a height of 45 feet.

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

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
2. All buildings without river frontage should have entrances oriented toward primary street(s).
3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.
4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.
5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

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

The building occupies 85% of the frontage along Southeast 6th Street. The proposed patio would fill in the remaining frontage.

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

No outdoor storage 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 is located within the parking structure.

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 submitted Site Plan does not demonstrate the existing landscaping or streetscape elements along Southeast 6th Street, nor identify the existing shrubs that would be displaced by the patio. While the proposed patio does not require any additional landscaping, the Site Plan must demonstrate compliance with the City’s landscaping standards.

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

Not applicable.

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.

Not applicable.

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.

Not applicable.
O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

_The Site Plan does not propose any additional curb cuts._

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

_Not applicable._

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.

_Not applicable._

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.

_Not applicable._

2. **Landscaping:** The submitted Site Plan does not demonstrate the existing landscaping or streetscape elements along Southeast 6th Street. While the proposed patio does not require any additional landscaping, the Site Plan must demonstrate compliance with the City’s landscaping standards.

3. **Additional Information:** Any encroachments, such as door swings or, canopies or building overhangs, within the City Right-Of-Way are subject to vacation of surface/air rights.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the proposed Site Plan amendment, subject to the following conditions:

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

2. Any proposed patio shall be in compliance with either the current development agreement or any necessary future amendment.

3. All building façade modifications shall be subject to review and approval by the City’s Planning Administrator.
4. Any new rooftop mechanical equipment shall be screened entirely on all sides with materials that are architecturally compatible with the existing structure, to the satisfaction of the City’s Planning Administrator.

5. Transformers, junction boxes, air conditioners over 3 feet in height, or other such items shall not be located in any required setback area.

6. Lighting shall be low glare, sharp cut-off type fixtures to reduce the glare of light pollution on surrounding properties and adjoining Right-of-Way.

7. The Site Plan shall demonstrate compliance with the City’s landscaping standards. All required landscaping shall be maintained for the life of the Certificate of Occupancy.

8. Any encroachments like door swings, canopies or building overhangs, that are within the City Right-Of-Way shall be subject to vacation of air rights.

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 proposed Site Plan amendment, subject to the following conditions:

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

2. Any proposed patio shall be in compliance with either the current development agreement or any necessary future amendment.

3. All building façade modifications shall be subject to review and approval by the City’s Planning Administrator

4. Any new rooftop mechanical equipment shall be screened entirely on all sides with materials that are architecturally compatible with the existing structure, to the satisfaction of the City’s Planning Administrator.

5. Transformers, junction boxes, air conditioners over 3 feet in height, or other such items shall not be located in any required setback area.

6. Lighting shall be low glare, sharp cut-off type fixtures to reduce the glare of light pollution on surrounding properties and adjoining Right-of-Way.
7. The Site Plan shall demonstrate compliance with the City’s landscaping standards. All required landscaping shall be maintained for the life of the Certificate of Occupancy.

8. Any encroachments like door swings, canopies or building overhangs, that are within the City Right-Of-Way shall be subject to vacation of air rights.

THE VOTE: 10-0

Item 2

Request from HRC NFS I, LLC (owner) represented by Kris Saddoris (officer) for Review and approval of a Development Plan “Fusion East” within the Gray’s Station PUD for property located at 1170 Tuttle Street, to allow development of a 3-story, 18-unit row multiple-family dwelling complex

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The Gray’s Station PUD Conceptual Plan and associated rezoning was approved by the City Council in 2017. The PUD allows 83.73 acres of former industrial land to be converted into a residential and mixed-use development. The northeast and southwest portions of the site would contain mixed-use development. A large-scale storm water basin area is proposed along the southern perimeter of the development that would include a wetland park component. The core of the development would allow for a mix of detached, semi-attached and rowhouse single-family dwellings as well as small multi-family buildings. Multi-story, multiple-family residential buildings are proposed along the north and south perimeters of the street network.

The PUD Conceptual Plan sets a minimum density for the development and basic design parameters. The exact makeup of the development would be determined by the PUD Development Plan of each phase. A total of three phases are identified on the Conceptual Plan that would have a combined total of at least 1,100 dwelling units. This equates to 13 dwelling units per gross acre (83.73 acres) or 28 dwelling units per net acre (39.2 acres).

The proposed Development Plan would allow the construction of a 3-story building containing 18 rowhouse dwelling units. Each unit would contain a two-car attached garage accessed from the rear façade of the unit. The development would have frontage on Tuttle Street to the north and SW 12th Street to the west. Vehicular access to the site would come from SW 12th Street.
The City Council’s action requires all PUD Development Plans to be reviewed by the Plan and Zoning Commission and approved by the City Council. PUD Development Plans are typically reviewed administratively through the site plan review process. The subject site plan and building elevations are also being reviewed by the City’s Urban Design Review Board as the applicant has entered into a development agreement with the City.

2. **Size of Site:** 0.70 acres (30,513 square feet).


4. **Existing Land Use (site):** Vacant land.

5. **Adjacent Land Use and Zoning:**
   - **East** – The Slate at Gray’s Landing “PUD”; Use is undeveloped land.
   - **West** – Gray’s Station “PUD”; Use is undeveloped land.
   - **North** – “C-3B” & Gray’s Station “PUD”; Use is undeveloped land.
   - **South** – Gray’s Station “PUD”; Uses are undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject site 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 and within 250 feet of the Grays Lake Neighborhood. All neighborhood associations were notified of the March 29, 2019 meeting by mailing of the Preliminary Agenda. Additionally, separate notifications of the hearing for this specific item were mailed on April 8, 2019 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. The Downtown Des Moines Neighborhood Association mailings were sent to Austin Lewis, 915 Mulberry Street #504, Des Moines, IA 50309. The Grays Lake Neighborhood Association mailings were sent to Rick Trower, 1310 Broad Street, Des Moines, IA 50315.

8. **Relevant Zoning History:** On July 24, 2017, the City Council conditionally approved the Gray’s Station PUD Conceptual Plan and the first reading of the rezoning ordinance by Roll Call Number 17-1295. On August 2, 2017, the City Council approved the second reading of the rezoning ordinance by Roll Call Number 17-1307. On August 14, 2017, the City Council approved the final reading
of the rezoning by Roll Call Number 17-1407, thereby approved Ordinance Number 15,600.

The rezoning and PUD Conceptual Plan were reviewed by the Plan and Zoning Commission on July 6, 2017 and July 20, 2017.

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, every Development Plan and required documents submitted pursuant to Division 13 of the Zoning Ordinance shall be reviewed by the Planning Director, who shall approve the Development Plan if it complies with the standards of Division 13 and if it complies with the Conceptual Plan.

In this case, the Development Plan is being referred to the Plan and Zoning Commission and the City Council for review and approval in accordance with the requirements of the PUD Conceptual Plan.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PUD Conceptual Plan Standards:** The following are relevant standards from the Conceptual Plan that must be considered in the review of the proposed Development Plan.

   A) **Overall Neighborhood Character**
   1. Housing product diversity in all forms and scale that are appropriated in an urban setting is encouraged. There shall be varying urban densities with compatible forms in a blended neighborhood, encouraging a mix of households.
   2. Green connections are encouraged to minimize impart of store water, provide urban pathways for wildlife, and promote recreation, wellness, and pedestrian scale mobility.
   3. Development design shall encourage proximity of units to each other to create an urban form.
   4. Development shall provide an opportunity for housing that could include personal garages, larger units, small yards, roof gardens, breeze way living spaces, and other landscape amenities.
   5. All components and phases shall relate to, and integrate with, each other and previous components.
   6. Development shall establish vehicular, mass transit, bicycle, and pedestrian linkages with the following:
      a. Downtown Central Business District;
      b. Gray’s Lake; and
      c. Development of the DICO site.
   7. Each project phase/component shall provide consistency and compatibility of character across the development.
B) Street Character
1. All components of the development shall provide a unified streetscape system that utilizes the same materials, design elements and equipment throughout the redevelopment area. Minor variations are allowed from street to street to create street identity or highlight focal areas of the plan, but the overall design of each street shall still contribute to the neighborhood identity.
2. Development shall provide a street system primarily related to downtown street grid that provides safety and ease of use by vehicular users.
   a. Public streets shall not have cul-de-sacs or tight winding curves.
   b. Development shall include human scaled, user friendly elements.
   c. Development shall provide a streetscape system that is walkable and that proved safety, comfort, and convenience for pedestrians.
3. Development shall create a pedestrian friendly environment along Tuttle and SW 11th Street that provides clear connections between the residential, mixed use and commercial uses.
4. Street cross section configurations shall be as depicted in the approved Conceptual Plan – Sheet 12: Conceptual Street & Alley Sections. Street cross sections may vary where existing or planned utility infrastructure will constrain and/or limit them.

C) Building Character
1. Building exteriors in areas A, B, H, N, O, W, X, Y and Z shall be clad in durable materials such as brick, metal, stone, cement board, etc.
   a. Exterior insulation systems shall not be used.
   b. Industrial pre-engineered buildings shall not be allowed.
   c. Rooftop mechanical equipment shall be enclosed or otherwise screened from public rights of way.
2. A minimum of 75% of the surface area (exclusive of windows and doors) of facades fronting and perpendicular to a public street must be glass, brick, concrete panels, architectural concrete block (such as split-face or burnished block), architectural metal panels or stone. Fiber cement or wood panels are also acceptable. Vinyl is prohibited.

D) Building Massing, Placement, Density, Arrangement
1. Detached residential uses on narrow lots shall have minimal side yard setbacks from adjacent structures to promote density and define the edge of the public realm.
2. Attached and Detached Residential: Side and Corner Lots
   a. Lots with side elevations at alley corners should include enhancements to fenestration and details distinct from side elevations interior to the block.
   b. Lots with side elevations at block corners, public streets or open spaces should include enhancements to fenestration, details and roof forms or massing district from side elevations interior to the block and distinct from alley corner side elevations.

E) Building Height – High Density Residential
1. Minimum height for all uses shall be as follows:
I. Three stores for Subareas B, H, N, and O
II. Eight stores for Subareas Y and Z.

F) Building Setbacks
   1. For all residential buildings, a maximum setback of 15 feet from the public rights-of-way is permitted unless constrained by utility easements.

G) Building Entrances
   1. High Density Residential – buildings shall have entrances oriented toward primary street(s) and public plaza(s).

H) Building Frontage
   1. Building frontage calculations exclude the length of common alleys serving multiple properties, city-mandated planting areas, and utility corridors. In Low-Medium Density Residential areas, pedestrian connections between buildings shall also be excluded from frontage calculations.
   2. High Density & Low-Medium Density Residential
      a. All buildings should have frontage on principal street(s), public plaza, park or greenway of not less than 70 percent of the lot with the following exceptions:
         i. Frontage is used for plaza space or an existing utility corridor.
         ii. The curvature of the road precludes efficient frontage along the property line.
         iii. Where exceptions J.2.a.1 and J.2.a.2 preclude a building from being one foot from the property line, the design of the buildings should seek a similar design intent through building and site design to frame the street/public way and create an engaging pedestrian environment.

I) Building Roof Form – High Density Residential
   1. All buildings shall have a parapet or flat roof. Tower elements are allowed.

J) Parking Requirements. Residential areas - streets designated as “local” or “collector” shall include parallel parking as depicted on the approved conceptual development plan.

K) Mass Transit integration
   1. Development shall accommodate long term transit connections within and between neighborhoods.
   2. The Des Moines Area Regional Transit (DART) Authority shall review all streetscape plans and designate locations for transit stops and shelters.
   3. Developers and DART shall work together to establish feasible transportation linkages on a case by case basis.

L) Public amenities
   1. Bicycle and Pedestrian Facilities:
      a. Development shall provide on-street bike lanes and off-street trails that connect to existing urban system.
b. Development will include a Pedestrian Bridge connection to Gray’s Lake over the Raccoon River. The Pedestrian Bridge is anticipated to be located near the southwest corner of the identified PUD boundary and west of the existing pump station associated with the enhanced stormwater basin.

c. Development shall pursue the inclusion of bicycle sharing services (e.g., B-Cycle).

2. Public Open Space:
   a. Greenways
      i. Greenways shall maintain an approximate width of 40 feet to 50. Exceptions may occur where infrastructure requirements necessitate and will be reviewed with the Final Development Plan.
      ii. Greenways shall include landscaping.
      iii. Greenways shall include pedestrian pathways with a minimum width of 5 feet.
      iv. Greenways may include structural and/or artistic elements where deemed appropriate by the developer and approved in the Final Development Plan.

   b. Neighborhood Parks
      i. Neighborhood parks shall be generally located per the approved conceptual plan.
      ii. Neighborhood parks shall include landscaping.
      iii. Neighborhood parks shall include pedestrian pathways with a minimum width of 5 feet.
      iv. Neighborhood parks may include structural and/or artistic elements where deemed appropriate by the developer.

Analysis of all applicable standards will be provided for the May 2, 2019 meeting.

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

The PUD Conceptual Plan includes the following language:

“This site is subject to the Tree Removal and Mitigation Ordinance of the City Code. Hubbell Realty Company is entering into a development agreement with the City of Des Moines that outlines a custom approach to tree removal and mitigation for the Gray’s Station Planned Unit Development. No tree survey or canopy are method information was submitted for review; this information will be provided with the final development plan.”

A tree survey for the entire PUD has been provided and the corresponding ratio of plantings for this phase of the development must been included with this Development Plan.
3. 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.

III. STAFF RECOMMENDATION

Staff recommends that this item be continued to the May 2, 2019 meeting of the Commission.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for this item has requested a continuance to the May 16, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

COMMISSION ACTION:

John “Jack” Hilmes made a motion that the continuance of item #2 to the May 16, 2019 Plan and Zoning Commission be added to the consent agenda. Motion Carried 10-0

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

Will Page made a motion to approve Consent Agenda Item #2 (continue to 5/16/19 meeting).

THE VOTE: 10-0

Item 3

Request from HRC NFS I, LLC (owner) represented by Kris Saddoris (officer) for Review and approval of a Development Plan “Fusion West” within the Gray’s Station PUD for property located at 1240 Tuttle Street, to allow development of a 3-story, 27-unit row multiple-family dwelling complex.

(10-2019-7.99)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The Gray’s Station PUD Conceptual Plan and associated rezoning was approved by the City Council in 2017. The PUD allows 83.73 acres of former industrial land to be converted into a residential and mixed-use
development. The northeast and southwest portions of the site would contain mixed-use development. A large-scale storm water basin area is proposed along the southern perimeter of the development that would include a wetland park component. The core of the development would allow for a mix of detached, semi-attached and rowhouse single-family dwellings as well as small multi-family buildings. Multi-story, multiple-family residential buildings are proposed along the north and south perimeters of the street network.

The PUD Conceptual Plan sets a minimum density for the development and basic design parameters. The exact makeup of the development would be determined by the PUD Development Plan of each phase. A total of three phases are identified on the Conceptual Plan that would have a combined total of at least 1,100 dwelling units. This equates to 13 dwelling units per gross acre (83.73 acres) or 28 dwelling units per net acre (39.2 acres).

The proposed Development Plan would allow the construction of a complex consisting of three-story buildings containing 27 multiple-family dwelling units. The buildings would have the façade appearance of rowhomes. The ground floor would consist of dwelling units along the street façade and of one- and two-car garages accessed from the rear of the buildings. Some garages would allow direct entry to dwelling units while others would not allow direct entry to dwelling units. The second and third floors of the buildings would consist of dwelling units that would be accessed from private entrances on the street facade. The development would have frontage on Tuttle Street to the north and SW 12th Street to the west. Vehicular access to the site would come from SW 12th Street.

The City Council’s action requires all PUD Development Plans to be reviewed by the Plan and Zoning Commission and approved by the City Council. PUD Development Plans are typically reviewed administratively through the site plan review process. The subject site plan and building elevations are also being reviewed by the City’s Urban Design Review Board as the applicant has entered into a development agreement with the City.

2. **Size of Site:** 0.81 acres (35,271 square feet).


4. **Existing Land Use (site):** Vacant land.

5. **Adjacent Land Use and Zoning:**
   - **East** – The Slate at Gray’s Landing “PUD”; Use is undeveloped land.
   - **West** – Gray’s Station “PUD”; Use is undeveloped land.
   - **North** - “C-3B” & Gray’s Station “PUD”; Use is undeveloped land.
South - Gray’s Station “PUD”; Uses are undeveloped land.

6. General Neighborhood/Area Land Uses: The subject site 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 and within 250 feet of the Grays Lake Neighborhood. All neighborhood associations were notified of the March 29, 2019 meeting by mailing of the Preliminary Agenda. Additionally, separate notifications of the hearing for this specific item were mailed on April 8, 2019 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. The Downtown Des Moines Neighborhood Association mailings were sent to Austin Lewis, 915 Mulberry Street #504, Des Moines, IA 50309. The Grays Lake Neighborhood Association mailings were sent to Rick Trower, 1310 Broad Street, Des Moines, IA 50315.

8. Relevant Zoning History: On July 24, 2017, the City Council conditionally approved the Gray’s Station PUD Conceptual Plan and the first reading of the rezoning ordinance by Roll Call Number 17-1295. On August 2, 2017, the City Council approved the second reading of the rezoning ordinance by Roll Call Number 17-1307. On August 14, 2017, the City Council approved the final reading of the rezoning by Roll Call Number 17-1407, thereby approved Ordinance Number 15,600.

The rezoning and PUD Conceptual Plan were reviewed by the Plan and Zoning Commission on July 6, 2017 and July 20, 2017.


10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, every Development Plan and required documents submitted pursuant to Division 13 of the Zoning Ordinance shall be reviewed by the Planning Director, who shall approve the Development Plan if it complies with the standards of Division 13 and if it complies with the Conceptual Plan.

In this case, the Development Plan is being referred to the Plan and Zoning Commission and the City Council for review and approval in accordance with the requirements of the PUD Conceptual Plan.

II. ADDITIONAL APPLICABLE INFORMATION

1. PUD Conceptual Plan Standards: The following are relevant standards from the Conceptual Plan that must be considered in the review of the proposed Development Plan.
A) Overall Neighborhood Character
1. Housing product diversity in all forms and scale that are appropriated in an urban setting is encouraged. There shall be varying urban densities with compatible forms in a blended neighborhood, encouraging a mix of households.
2. Green connections are encouraged to minimize impact of storm water, provide urban pathways for wildlife, and promote recreation, wellness, and pedestrian scale mobility.
3. Development design shall encourage proximity of units to each other to create an urban form.
4. Development shall provide an opportunity for housing that could include personal garages, larger units, small yards, roof gardens, breeze way living spaces, and other landscape amenities.
5. All components and phases shall relate to, and integrate with, each other and previous components.
6. Development shall establish vehicular, mass transit, bicycle, and pedestrian linkages with the following:
   d. Downtown Central Business District;
   e. Gray’s Lake; and
   f. Development of the DICO site.
7. Each project phase/component shall provide consistency and compatibility of character across the development.

B) Street Character
1. All components of the development shall provide a unified streetscape system that utilizes the same materials, design elements and equipment throughout the redevelopment area. Minor variations are allowed from street to street to create street identity or highlight focal areas of the plan, but the overall design of each street shall still contribute to the neighborhood identity.
2. Development shall provide a street system primarily related to downtown street grid that provides safety and ease of use by vehicular users.
   d. Public streets shall not have cul-de-sacs or tight winding curves.
   e. Development shall include human scaled, user friendly elements.
   f. Development shall provide a streetscape system that is walkable and that proved safety, comfort, and convenience for pedestrians.
3. Development shall create a pedestrian friendly environment along Tuttle and SW 11th Street that provides clear connections between the residential, mixed use and commercial uses.
4. Street cross section configurations shall be as depicted in the approved Conceptual Plan – Sheet 12: Conceptual Street & Alley Sections. Street cross sections may vary where existing or planned utility infrastructure will constrain and/or limit them.

C) Building Character
1. Building exteriors in areas A, B, H, N, O, W, X, Y and Z shall be clad in durable materials such as brick, metal, stone, cement board, etc.
a. Exterior insulation systems shall not be used.
b. Industrial pre-engineered buildings shall not be allowed.
c. Rooftop mechanical equipment shall be enclosed or otherwise screened from public rights of way.

2. A minimum of 75% of the surface area (exclusive of windows and doors) of facades fronting and perpendicular to a public street must be glass, brick, concrete panels, architectural concrete block (such as split-face or burnished block), architectural metal panels or stone. Fiber cement or wood panels are also acceptable. Vinyl is prohibited.

D) Building Massing, Placement, Density, Arrangement
1. Detached residential uses on narrow lots shall have minimal side yard setbacks from adjacent structures to promote density and define the edge of the public realm.
2. Attached and Detached Residential: Side and Corner Lots
   a. Lots with side elevations at alley corners should include enhancements to fenestration and details distinct from side elevations interior to the block.
   b. Lots with side elevations at block corners, public streets or open spaces should include enhancements to fenestration, details and roof forms or massing district from side elevations interior to the block and distinct from alley corner side elevations.

E) Building Height – High Density Residential
1. Minimum height for all uses shall be as follows:
   I. Three stores for Subareas B, H, N, and O
   II. Eight stores for Subareas Y and Z.

F) Building Setbacks
1. For all residential buildings, a maximum setback of 15 feet from the public rights-of-way is permitted unless constrained by utility easements.

G) Building Entrances
1. High Density Residential – buildings shall have entrances oriented toward primary street(s) and public plaza(s).

H) Building Frontage
1. Building frontage calculations exclude the length of common alleys serving multiple properties, city-mandated planting areas, and utility corridors. In Low-Medium Density Residential areas, pedestrian connections between buildings shall also be excluded from frontage calculations.
2. High Density & Low-Medium Density Residential
   a. All buildings should have frontage on principal street(s), public plaza, park or greenway of not less than 70 percent of the lot with the following exceptions:
      i. Frontage is used for plaza space or an existing utility corridor.
      ii. The curvature of the road precludes efficient frontage along the property line.
iii. Where exceptions J.2.a.1 and J.2.a.2 preclude a building from being one foot from the property line, the design of the buildings should seek a similar design intent through building and site design to frame the street/public way and create an engaging pedestrian environment.

I) Building Roof Form – High Density Residential
   1. All buildings shall have a parapet or flat roof. Tower elements are allowed.

J) Parking Requirements. Residential areas - streets designated as “local” or “collector” shall include parallel parking as depicted on the approved conceptual development plan.

K) Mass Transit integration
   1. Development shall accommodate long term transit connections within and between neighborhoods.
   2. The Des Moines Area Regional Transit (DART) Authority shall review all streetscape plans and designate locations for transit stops and shelters.
   3. Developers and DART shall work together to establish feasible transportation linkages on a case by case basis.

L) Public amenities
   1. Bicycle and Pedestrian Facilities:
      a. Development shall provide on-street bike lanes and off-street trails that connect to existing urban system.
      b. Development will include a Pedestrian Bridge connection to Gray’s Lake over the Raccoon River. The Pedestrian Bridge is anticipated to be located near the southwest corner of the identified PUD boundary and west of the existing pump station associated with the enhanced stormwater basin.
      c. Development shall pursue the inclusion of bicycle sharing services (e.g., B-Cycle).

   2. Public Open Space:
      a. Greenways
         i. Greenways shall maintain an approximate width of 40 feet to 50. Exceptions may occur where infrastructure requirements necessitate and will be reviewed with the Final Development Plan.
         ii. Greenways shall include landscaping.
         iii. Greenways shall include pedestrian pathways with a minimum width of 5 feet.
         iv. Greenways may include structural and/or artistic elements where deemed appropriate by the developer and approved in the Final Development Plan.

      b. Neighborhood Parks
         i. Neighborhood parks shall be generally located per the approved conceptual plan.
         ii. Neighborhood parks shall include landscaping.
iii. Neighborhood parks shall include pedestrian pathways with a minimum width of 5 feet.
iv. Neighborhood parks may include structural and/or artistic elements where deemed appropriate by the developer.

*Analysis of all applicable standards will be provided for the May 2, 2019 meeting.*

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

The PUD Conceptual Plan includes the following language:

> “*This site is subject to the Tree Removal and Mitigation Ordinance of the City Code. Hubbell Realty Company is entering into a development agreement with the City of Des Moines that outlines a custom approach to tree removal and mitigation for the Gray’s Station Planned Unit Development. No tree survey or canopy method information was submitted for review; this information will be provided with the final development plan.*”

A tree survey for the entire PUD has been provided and the corresponding ratio of plantings for this phase of the development must been included with this Development Plan.

3. **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.

**III. STAFF RECOMMENDATION**

Staff recommends that this item be continued to the May 2, 2019 meeting of the Commission.

**SUMMARY OF DISCUSSION**

Jacqueline Easley noted that the applicant for this item has requested a continuance to the May 16, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

**COMMISSION ACTION:**

John “Jack” Hilmes made a motion that the continuance of item #3 to the May 16, 2019 Plan and Zoning Commission be added to the consent agenda. Motion Carried 10-0

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding Consent Agenda Item #3. None were present or requested to speak.
Will Page made a motion to approve Consent Agenda Item #3 (continue to 5/16/19 meeting).

THE VOTE: 10-0

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Item 4

400 SE 6th Street, LLC (developer) represented by Jake Christensen (officer) for review and approval of a Site Plan Amendment “Mad Meatball Skol!” under design guidelines in “C-3B” Districts for property located at 400 and 410 Southeast 6th Street and 401 Southeast 5th Street, to allow development of a 15-foot by 30-foot addition to the building at 401 Southeast 5th Street and allow a 1,344-square foot patio to the south of the building at 400 Southeast 6th Street. The developer has requested deferment of undergrounding of utilities and the construction of the parkway plantings paving. Additional subject property is owned by the City of Des Moines.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request**: The developer is proposing to construct a 15-foot by 30-foot addition to the building at 401 Southeast 5th Street currently occupied by Mad Meatball and allow a 1,344-square foot patio to the south of the building at 400 Southeast 6th Street with Truman KC Pizza. The applicant is seeking a deferment of the requirement for Parkway Planting streetscape paving and plantings in accordance with requirements applicable to “C-3” Districts. They are also seeking deferment of the requirement that utility services be placed underground.

2. **Size of Site**: 45,858 square feet (1.05 acres).


4. **Existing Land Use (site)**: The property at 401 Southeast 5th Street contains a 1,720-square foot restaurant, “Mad Meatball”. The property located at 400 Southeast 6th Street contains a 2,699-square foot restaurant, “Truman’s KC Pizza Tavern”. The remaining property is undeveloped Right-Of-Way or vacant undeveloped property owned by the City and leased to the developer.
5. **Adjacent Land Use and Zoning:**

   **North** – “M-1”; Use is AJ Allen mechanical contractor shop and storage yard.

   **South** – “M-1”; Uses include Scotty’s Auto Body Repair and a lease warehouse.

   **East** – “C-3B”; Use is vacant land owned by the City.

   **West** – “M-1”; Use is a contractor equipment outdoor storage yard.

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 29, 2019 and by mailing of the Final Agenda on April 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on April 8, 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.

8. **Relevant Zoning History:** On August 9, 2010, by Ordinance No. 14,952 the City Council rezoned the property located at 400 East 6th Street to Limited “C-3B” Central Business Mixed Use District subject to the following:

   A. Prohibition of uses listed in Des Moines Municipal Code Section 134-1006[1][a]-[j]. (“C-2” District Permitted Uses prohibited in the “C-3B” District.)

   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. Sheetmetal shops.
   i. Sign painting shops.
j. Off-premises advertising signs.

B. Prohibition of the following additional uses:

1. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
2. Auction businesses.
3. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
4. Lumberyards, retail and wholesale.
5. Machine shops.
6. Package goods stores for the sale of alcoholic beverages.
7. Pawnshops.
8. Printing, publishing houses and lithographing shops.
9. Plumbing and heating shops.
10. Miniwarehouse uses.
11. Taverns and night clubs.
12. Warehousing.

On May 3, 2018, the Plan and Zoning Commission recommended that the north 40 feet of Right-of-Way (ROW) acquired for East M.L. King, Jr. Parkway and the north/south alley ROW between Southeast 5th Street and Southeast 6th Street from Raccoon Street to East M.L. King, Jr. Parkway be vacated.

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. Development “should include active uses (e.g. retail) on ground floor, particularly at key intersections.”

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any Site Plan application for property located within the “C-3B” Central Business Mixed-Use District, the Plan and Zoning Commission shall apply the design regulations in City Code Section 82-213, which are applicable to all Site Plans and the design guidelines in City Code Section 82-214.7. 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. Downtown Riverfront District or “C-3B” Central Business Mixed-Use District, then these guidelines shall apply only to the expansion of the building.

1) Building Heights. Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.
The existing building at 401 Southeast 5th Street is one story in height. The existing building at 400 Southeast 6th Street is two stories. The Site Plan proposes a one-story addition to the building at 401 Southeast 5th Street. No modifications are proposed to the height of the existing buildings.

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

Not applicable.

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

The submitted Site Plan indicates that all exterior lighting provided should be low-glare cut-off fixtures not to exceed 20 feet in height. There are no street light poles on the existing adjoining ROW.

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

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

Not applicable.

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

   a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
   b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
No modifications are proposed to the building at 400 Southeast 6th Street within the “C-3B” District portion of the site. The addition proposed for 401 Southeast 5th Street is required to meet a minimum 25-foot setback from Raccoon Street. There is a pending Zoning Board of Adjustment application to seek relief to this setback for the addition.

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

Not applicable.

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

The Site Plan indicates a refuse collection container enclosure in the center of the site access through a drive from Southeast 5th Street.

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

There is an existing patio for 401 Southeast 5th Street south of the building fronting towards Southeast 5th Street. The Site Plan proposes a new patio to the south of 400 Southeast 6th Street fronting towards Southeast 6th Street. The new patio would be surrounded by a 4-foot tall ornamental metal fence.

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

The proposed refuse collection container enclosure would be constructed concrete masonry units colored to match the building with steel gates in compliance with this requirement.

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

Refer to Subsection 3 in Section II of the staff report.

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

*No warehouse use or loading docks are proposed.*

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Downtown Overlay District Design Guidelines:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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.

   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 “What’s Next Downtown Plan” envisions a dense and pedestrian friendly downtown. The site proposes a minor intensification of an existing underdeveloped site.*

   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 applicant is proposing to conserve existing buildings, which is consistent with sustainability goals.*

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

   *The Site Plan maintains public sidewalks on all four street sides of the block (portions are brick sidewalk along Southeast 5th Street and Raccoon Street). With any Site Plan the developer should be providing streetscape sidewalks in accordance with those applicable to “C-3” Districts. The submitted Site Plan proposes installation of the full streetscape plantings and paving but proposes deferring them for two years. At that time, if the site in not fully redeveloped the full build out of the designed sidewalk and streetscape plantings would occur.*

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

   *Both buildings have existing greenspaces adjoining them with the approved Site Plan and Zoning Commission
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Plan.

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

*Both restaurant buildings would have outdoor patio seating areas with the approved Site Plan. There is decorative fencing proposed around the new patio area.*

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.

*Bike racks are proposed with both buildings.*

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

*The existing building at 401 Southeast 5th Street is one story in height. The existing building at 400 Southeast 6th Street is two stories. The Site Plan proposes a one-story addition to the building at 401 Southeast 5th Street. No modifications to the height of the building are proposed.*

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

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
2. All buildings without river frontage should have entrances oriented toward primary street(s).
3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.
4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.
5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.
6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

*The existing site does meet the building frontage percentage requirements with either of the existing buildings. The proposed addition to 401 Southeast 5th Street would increase the building frontage along Raccoon Street. However, it would not bring it into compliance. Because it is zoned “M-1” District, Zoning Board of Adjustment relief is necessary to bring the addition closer than 25 feet towards Raccoon Street. Both buildings directly access an adjoining public street.*
I) Storage of all materials and equipment should take place within completely enclosed buildings.

*No outdoor storage 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.

*Refuse collection containers are proposed within and enclosure at the center of the site access from a drive off of Southeast 5th Street. The proposed refuse collection container enclosure would be constructed with concrete masonry units colored to match the building with steel gates in compliance with this requirement.*

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 developer has proposed meeting the requirements for streetscape sidewalk and landscaping design, but has proposed that the installation be deferred for two years.*

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

*No overhead doors or warehouse use are proposed.*

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.

*Not applicable.*

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.

*Not applicable.*

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

*The propose Site Plan eliminates all curb cuts except for drive access to the parking lot from Southeast 5th Street.*
P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

_Not applicable._

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.

_Not applicable._

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.

_Not applicable._

2. Parking & Access: Off-street parking is not required in the “C-3B” District but is required in the “M-1” District. The developer is proposing to construct an off-street parking lot on site with 46 spaces, which would exceed the minimum requirement of 38 spaces for the restaurant use at 401 Southeast 5th Street. Decorative metal fencing is proposed along Raccoon Street where the parking would be adjacent to the public street. It would also be extended from the existing decorative fencing along East M.L. King, Jr. Parkway.

3. Landscaping: The property is in the Downtown Overlay District and should meet the landscaping requirements as they are applicable to “C-3” Districts even though a portion of the property is zoned “M-1” District. The developer has indicated installation of the parkway plantings and Class A sidewalks along Southeast 5th Street and Raccoon Street, but is requesting that installation be deferred for two years and installed at that time if the site is not completely redeveloped in that time. Since there is an expansion proposed for the existing building at 401 Southeast 5th Street staff believes that the landscaping and street improvements should be made with the current project.

4. Stormwater Management: The proposed site improvements are required to provide detention for drainage from all impervious surface (paved or built) once they exceed 10,000 square feet in total area. This a cumulative requirement for anything added after 1982 when these regulations were put into effect.

5. Utilities: There are existing overhead utility services lines to each of the buildings. The developer is proposing to defer the undergrounding of these services for two years. There are not any street light poles or overhead utilities on the adjoining ROW that would require undergrounding. Staff recommends that these be undergrounded with the current project.

III. STAFF RECOMMENDATION
Staff recommends approval of the proposed Site Plan, subject to the following conditions:

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

2. Vacation and conveyance of the north 40 feet of Right-of-Way (ROW) acquired for East M.L. King, Jr. Parkway and the north/south alley ROW between Southeast 5th Street and Southeast 6th Street from Raccoon Street and East M.L. King, Jr. Parkway.

3. Provision of Class A sidewalks, planter pits, street trees, and vegetation within the Southeast East 5th Street and Racoon Street Rights-of-Way as part of the current project without any deferral.

4. Overhead utility service lines shall be undergrounded without any deferral.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for this item has requested a continuance to the May 16, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

COMMISSION ACTION:

John “Jack” Hilmes made a motion that the continuance of item #4 to the May 16, 2019 Plan and Zoning Commission be added to the consent agenda. Motion Carried 10-0

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding Consent Agenda Item #4. None were present or requested to speak.

Will Page made a motion to approve Consent Agenda Item #4 (continue to 5/16/19 meeting).

THE VOTE: 10-0

Committee and Director’s Reports: None.

Meeting adjourned at 6:08