
ABSENT: Jacqueline Easley, Greg Jones, Lisa Howard, Francis Boggus, Dory Briles and Rocky Sposato.

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

John “Jack” Hilmes made a motion to approve the May 2, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 9-0

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

Jann Freed noted that the applicant for item #5 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Jann Freed noted that the applicant for item #7 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Jann Freed noted that the applicant for item #8 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

David Courard-Hauri made a motion to move items #4, #5, #7 and #8 to the consent agenda. Motion passed 9-0 for items #7 and #8. Motion passed 8-0-1 for items #4 and #5 (Wattier abstained).

Jann Freed asked if any members of the audience or the Commission requested to speak regarding consent agenda items #1, #2, #3, #4, #5, #7, and #8. A citizen requested to speak regarding consent agenda item #3.

Mike Simonson made a motion to approve Consent Agenda Items #1, #2, #4, #5, #7 and #8 per the recommendations in the staff reports. Motion for Items #1, #2, #7 and #8 carried 9-0. Motion for Items #4 and #5 carried 8-0-1 (Greg Wattier abstained).

Erik Lundy noted that the applicant for item #9 had requested a continuance to the June 6, 2019 Plan and Zoning Commission meeting.

John “Jack” Hilmes made a motion to continue item #9 to the June 6, 2019 Plan and Zoning Commission meeting. Motion carried 9-0.
CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Linda Casas and Richard Anderson (owners), 827 Scott Avenue, for vacation of the north/south alley between Southeast 8th Street and Southeast 9th Street from Scott Avenue to the vacated east/west alley.

(11-2019-1.08)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is interested in acquiring the subject right-of-way. The proposed vacation would allow the applicant to construct a fence in a straight line along the length of their property between Scott Avenue and Shaw Street. The applicant has requested the entire width of right-of-way adjoining their property be conveyed to them.

2. Size of Site: 2,240 square feet (20 feet by 112 feet).


5. Adjacent Land Use and Zoning:

   North – “R-2A”, Use is Scott Avenue right-of-way.

   South – “R-2A” & “R1-60”; Uses are undeveloped alley right-of-way and single-family dwellings.

   East – “R-2A”, Use is single-family dwelling.

   West – “R-2A”; Uses are religious assembly and undeveloped land.

6. General Neighborhood/Area Land Uses: The subject right-of-way is generally located in a low-density residential area south of Scott Avenue, north of Shaw Street, and between Southeast 9th Street and the undeveloped right-of-way for Southeast 8th Street.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Historic East Village Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk
County Assessor for each property adjacent to the requested right-of-way vacation and to the Historic East Village Neighborhood Association. A Final Agenda was mailed to all the recognized neighborhood associations on May 10, 2019.

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

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

9. **2020 Community Character Land Use Plan Designation:** Low-Medium Density Residential.

**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. **STAFF RECOMMENDATION**

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

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

2. All parcels owned by the applicant must be combined and recorded with Polk County.

**SUMMARY OF DISCUSSION**

Jann Freed 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:**

Mike Simonson made a motion for approval of the requested vacation, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

2. All parcels owned by the applicant must be combined and recorded with Polk County.

**THE VOTE:** 9-0
Item 2

Request from Roosevelt Cultural District (applicant) represented by Susan Noland (officer) for vacation of a 4.44-foot by 3.38-foot rectangle of the 42rd Street and Chamberlain Avenue Rights-Of-Way (ROW) adjoining the property at 800 42nd Street, to allow the existing masonry pillar to carry private signage in the form of a plaque for the Roosevelt Cultural District. Adjoining subject property is owned by Des Moines Public Schools.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacation would allow for creation of a parcel of private property that would accommodate installation of a plaque on an existing masonry pillar to identify the Roosevelt Cultural District.

2. Size of Site: 4.44 feet by 3.38 feet (15 square feet).

3. Existing Zoning (site): “R1-60” One Family, Low Density Residential District.


5. Adjacent Land Use and Zoning:
   North – “R1-60” & NPC”; Uses are Chamberlain Avenue right-of-way and retail uses.
   South – “R1-60”; Use is open space for Roosevelt High School and Hubbell Elementary.
   West – “R1-60”; Use is open space for Roosevelt High School and Hubbell Elementary.
   East - “NPC”; Uses are 42nd Street right-of-way and The Shops at Roosevelt.

6. General Neighborhood/Area Land Uses: The subject segment of right-of-way is located on the west side of 42nd Street to the south of the intersection with Chamberlain Avenue. It is located in an area that contains of a mix of single-family and multiple-family residential uses, commercial uses, entertainment uses, and educational uses.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Waveland Park Neighborhood and within 250 feet of the Drake Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the
hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way vacation. A Final Agenda was mailed to all the recognized neighborhood associations on May 10, 2019.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Waveland Park Neighborhood notices were mailed to Ethan Standard, 1307 48th Street, Des Moines, IA 50311. The Drake Neighborhood notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311.

8. Relevant Zoning History: None.


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

II. ADDITIONAL APPLICABLE INFORMATION

1. Utilities: There are not any identified public utilities within the subject right-of-way. A non-city-owned street light and a 42-inch feeder water main are adjacent to the subject right-of-way. An easement must be reserved for any existing utilities until such time that they are abandoned or relocated.

2. Street System/Access: The requested vacation would not impact the existing vehicular or pedestrian movement in the area.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested vacation subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

SUMMARY OF DISCUSSION

Jann Freed 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:

Mike Simonson made a motion for approval of the requested vacation subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

THE VOTE: 9-0
Item 4

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. 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. 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. The application will go before that board on May 21, 2019.

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 meeting by mailing of the Preliminary Agenda on March 29, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on April 8, 2019 (10 days prior to the April 18, 2019 meeting) 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.

The proposed Development Plan would allow 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 project is intended to act as a transition from the denser projects planned or under construction to the north and east to the two-story rowhouses planned to the south. The balance of Section II of this report covers items that impact neighborhood character.

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.

Standards B1, B2, B3 and B4 address street design and transportation. In addition, the Conceptual Plan includes a note that states “any development plan review is subject to providing a traffic impact analysis reviewed by the City Traffic Engineer.” A traffic study has been prepared and reviewed by the City’s Traffic and Transportation Division.

The right-of-way widths shown on the Development Plan for the adjoining segments of Tuttle Street and SW 12th Street comply with the Conceptual Plan. Tuttle Street would include a cycle track along the south side of the street that would feed into the rest of the development as it is built out.

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.

The subject site is identified as an area “B” on the PUD Conceptual Plan. The buildings would include a mix of brick, burnished block, fiber cement board and metal siding. The building frontage along Tuttle Street would consist predominately of masonry with concrete and metal accents. The remaining front facades would consist of a mix of burnished block and metal panes with limited amounts of fiber cement board. Side and interior facades would consist of burnished block and fiber cement board.

The subject site plan and building elevations will be reviewed by the City’s Urban Design Review Board (UDRB) on May 21, 2019. Staff recommends that any approval be subject to the finalized building elevations and materials being approved by the Planning Administrator to allow the design to be modified to account for any comments made by the UDRB.
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.

The proposal complies with this standard, as at least 75% of the front facades would be sided with burnished block, brick and/or metal panels.

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.

The development would utilize variations in roof type, materials and wall articulation to break the scale of the buildings down and to provide visual interest.

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.

The subject property is located designated as subarea B. The proposal consists of three-story buildings, which complies with this standard.

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.

The units would set at the front property lines along Tuttle Street and SW 12th Street.

G) Building Entrances

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

Each unit that has street or trail frontage would have its own entrance that faces the street or trail.

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.

The proposed development complies with these standards. More than 70% of each street or trail facing frontage would be occupied by a building.

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

The project is intended to act as a transition from the denser project planned or under construction to the north and east to the two-story rowhouses planned to the south. The building frontage along Tuttle Street would have a parapet roof. The east and west wings and the interior units would have a sloped, shed style roof that would be comparable to the roof types of some of the townhome designs that have been approved for the area to the south. Staff believe that the proposal meets the intent of this standard.

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

Each unit would have an attached two-car garage.

K) 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.

Tuttle Street would include a cycle track along the south side of the street that would feed into the rest of the development as it is built out.

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 approval of the request subject to the following conditions:

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

2. 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.

3. All necessary external mechanical equipment shall be roof-mounted and screened on any side that fronts a public street, trail, or green space with materials that are architecturally compatible with the building.

4. All utility meters, transformers, and other utilities shall be placed along internal side or rear facades of the buildings.

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

**SUMMARY OF DISCUSSION**

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

David Courard-Hauri made a motion to move item #4 to the consent agenda. Motion passed 8-0-1 (Wattier abstained).
Jann Freed asked if any members of the audience or the Commission requested to speak regarding consent agenda item #4. None were present or requested to speak.

**COMMISSION ACTION:**

Mike Simonson made a motion for approval of the request subject to the following conditions:

1. Compliance with all administrative review comments of the City’s Permit and Development Center.
2. 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.
3. All necessary external mechanical equipment shall be roof-mounted and screened on any side that fronts a public street, trail, or green space with materials that are architecturally compatible with the building.
4. All utility meters, transformers, and other utilities shall be placed along internal side or rear facades of the buildings.
5. Review and approval of the finalized building elevations and materials by the City’s Planning Administrator.

**THE VOTE: 8-0-1 (Greg Wattier abstained)**

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**Item 5**

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. 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. 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 27 rowhouse style 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 east. 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. The application will go before that board on May 21, 2019.

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 meeting by mailing of the Preliminary Agenda on March 29, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on April 8, 2019 (10 days prior to the April 18, 2019 meeting) 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.

The proposed Development Plan would allow construction of a 3-story building containing 27 rowhouse style dwelling units. The project is intended to act as a transition from the denser projects planned or under construction to the north and east to the two-story rowhouses planned to the south. The balance of Section II of this report covers items that impact neighborhood character.

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.

Standards B1, B2, B3 and B4 address street design and transportation. In addition, the Conceptual Plan includes a note that states “any development plan review is subject to providing a traffic impact analysis reviewed by the City Traffic Engineer.” A traffic study has been prepared and reviewed by the City’s Traffic and Transportation Division.
The right-of-way widths shown on the Development Plan for the adjoining segments of Tuttle Street and SW 12th Street comply with the Conceptual Plan. Tuttle Street would include a cycle track along the south side of the street that would feed into the rest of the development as it is built out.

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.

The subject site is identified as an area “B” on the PUD Conceptual Plan. The buildings would include a mix of brick, burnished block, fiber cement board and metal siding. The building frontage along Tuttle Street would consist predominately of masonry with concrete and metal accents. The remaining front facades would consist of a mix of burnished block and metal panes with limited amounts of fiber cement board. Side and interior facades would consist of burnished block and fiber cement board.

The subject site plan and building elevations will be reviewed by the City’s Urban Design Review Board (UDRB) on May 21, 2019. Staff recommends that any approval be subject to the finalized building elevations and materials being approved by the Planning Administrator to allow the design to be modified to account for any comments made by the UDRB.

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.

The proposal complies with this standard, as at least 75% of the front facades would be sided with burnished block, brick and/or metal panels.

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.
The development would utilize variations in roof type, materials and wall articulation to break the scale of the buildings down and to provide visual interest.

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.

The subject property is located designated as subarea B. The proposal consists of three-story buildings, which complies with this standard.

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.

The units would set at the front property lines along Tuttle Street and SW 12th Street.

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

Each unit that has street or trail frontage would have its own entrance that faces the street or trail.

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
      b. 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.

The proposed development complies with these standards. More than 70% of each street or trail facing frontage would be occupied by a building.

I) Building Roof Form – High Density Residential
   2. All buildings shall have a parapet or flat roof. Tower elements are allowed.
The project is intended to act as a transition from the denser project planned or under construction to the north and east to the two-story rowhouses planned to the south. The building frontage along Tuttle Street would have a parapet roof. The east and west wings and the interior units would have a sloped, shed style roof that would be comparable to the roof types of some of the townhome designs that have been approved for the area to the south. Staff believe that the proposal meets the intent of this standard.

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

Each unit would have an attached garage or access to five surface parking spaces.

K) 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.

   Tuttle Street would include a cycle track along the south side of the street that would feed into the rest of the development as it is built out.

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 approval of the request subject to the following conditions:
1. Compliance with all administrative review comments of the City’s Permit and Development Center.

2. 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.

3. All necessary external mechanical equipment shall be roof-mounted and screened on any side that fronts a public street, trail, or green space with materials that are architecturally compatible with the building.

4. All utility meters, transformers, and other utilities shall be placed along internal side or rear facades of the buildings.

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

SUMMARY OF DISCUSSION

Jann Freed noted that the applicant for item #5 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

David Courard-Hauri made a motion to move item #5 to the consent agenda. Motion passed 8-0-1 (Wattier abstained).

Jann Freed asked if any members of the audience or the Commission requested to speak regarding consent agenda item #5. None were present or requested to speak.

COMMISSION ACTION:

Mike Simonson made a motion for approval of the request subject to the following conditions:

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

2. 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.

3. All necessary external mechanical equipment shall be roof-mounted and screened on any side that fronts a public street, trail, or green space with materials that are architecturally compatible with the building.
4. All utility meters, transformers, and other utilities shall be placed along internal side or rear facades of the buildings.

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

THE VOTE: 8-0-1 (Greg Wattier abstained)

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Item 7

Request from Archway Development Group, LLC (owner) represented by Michael Donlin (officer) for review and approval of a Site Plan “Bartender’s Handshake” under design guidelines in “NPC” Districts for property located at 3619 Ingersoll Avenue to allow renovation of a 936-square foot commercial tenant bay and associated off-street parking to the north of the building.

(10-2019-7.108)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The subject property contains a 3,894-square foot, multi-tenant building. The proposed Site Plan would allow the renovation of the eastern 18-foot by 52-foot (936 square feet) tenant space for a tavern use.

2. Size of Site: 6,125 square feet (0.14 acres).

3. Existing Zoning (site): "NPC" Neighborhood Pedestrian Commercial District and “FSO” Freestanding Sign Overlay.

4. Existing Land Use (site): A one-story, multitenant commercial building.

5. Adjacent Land Use and Zoning:

   North – “NPC”; Uses are commercial.
   South – “NPC”; Uses are multiple-family residential.
   East – “NPC”; Uses are a mix of office and commercial buildings.
   West – “NPC”; Use is a multiple-family residential building.

6. General Neighborhood/Area Land Uses: The area contains a mix of multiple-family residences and commercial uses.

7. Applicable Recognized Neighborhood(s): The subject property is located in the North of Grand Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda for the May 2, 2019 meeting on April
12, 2019. A Final Agenda for the May 2, 2019 meeting was mailed to the neighborhood association on April 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on April 22, 2019 (10 days prior to the May 2, 2019 meeting) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the May 16, 2019 meeting was mailed to the neighborhood association on May 10, 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 North of Grand Neighborhood Association notices were mailed to Peter Tubbs, 643 39th Street, Des Moines, IA 50312.

8. Zoning History: On March 27, 2019, by Docket Number ZON2019-00032, the Zoning Board of Adjustment granted a Conditional Use Permit to allow an 18-foot by 52-foot (936 square feet) tenant space within the subject building to be occupied by a tavern selling alcoholic liquor, wine, and/or beer. The Board’s approval was subject to the following conditions:

   a. Any tavern shall be limited to 936 square feet of area within the existing building.

   b. Any business selling alcoholic liquor, wine, and/or beer shall operate in accordance with the necessary permits obtained through the Office of the City Clerk as approved by the City Council.

   c. Any business shall comply with Article IV of Chapter 42 of the City Code pertaining to noise control.

   d. The business shall not have a patio for outdoor service unless the Zoning Board of Adjustment amends the Conditional Use Permit to allow for such.

   e. The business shall conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.

   f. The business shall institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing any loitering on the premises.

   g. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of the business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

   h. Any renovation on the site shall be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the Permit and Development Center.
i. If the Zoning Enforcement Officer determines at any time that the operation of such a business becomes a nuisance, exhibits a pattern of violating the conditions set forth in the Conditional Use Permit, or violates the requirements of City Code Section 134-954(c), the Zoning Enforcement Officer may apply to the Board to reconsider the issuance of the Conditional Use Permit.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:
Community Mixed Use.

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 an “NPC” Neighborhood Pedestrian Commercial District, the Plan and Zoning Commission shall apply the design standards in Section 82-213 of this article (the standards for all Site Plans) in consideration of the criteria set forth in Chapter 18B of the Iowa Code and the additional standards listed below. They were developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial corridor. The Commission may approve a Site Plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:

   1. An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;
   2. A need to facilitate a smooth transition between existing developments in the vicinity;
   3. A need to accommodate existing development;
   4. A need to preserve an existing building; or
   5. A use with unique design requirements.

II. ADDITIONAL APPLICABLE INFORMATION

1. NPC Design Guidelines: The following design guidelines are applicable to review of any Site Plan within an “NPC” district.

   A) Buildings should frame the street and maintain a minimal setback from the street.

   The existing building is set at the front property line along Ingersoll Avenue and complies with this standard.

   B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
Staff is not aware of any proposed changes to the exterior of the building. The building contains storefront windows and doors that appear to comply with minimum standard.

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

The building has four tenant spaces with each having a front door that faces Ingersoll Avenue.

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

The existing building is sided with brick. Staff is not aware of any proposed changes to the exterior of the building.

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

The building has 71 feet of frontage along Ingersoll Avenue and is divided into four tenant spaces.

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

The existing building occupies 98.6% (71 feet) of the 72 feet of frontage the property has along Ingersoll Avenue.

G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:

1. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
2. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
3. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
4. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
5. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.

6. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.

The proposal does not trigger compliance with current parking standards as up to 50% of a multi-tenant building can be occupied by a restaurant or tavern use before the minimum parking ratios for those uses must be provided. Section 134-1377 of the Zoning Ordinance requires 1 off-street parking space per 150 square feet of tavern use and 1 off-street parking space per 400 square feet of retail/office space.

Paved parking and maneuvering space was recently added to the open space area to the rear of the building. The additional pavement was not required. However, it must be installed in accordance with an approved Site Plan and comply with development standards. The revised submittal shows three (3) parking spaces and a dumpster enclosure along the north perimeter of the site. The pavement extends onto the property to the west. The Site Plan indicates that bollards and chains would be installed to keep vehicles from using the unimproved portion of the adjoining site. When the pavement was installed, it was poured past the property line a couple of feet onto the adjoining property. This must be removed unless an easement is granted for the pavement intrusion. Staff understands the same ownership group owns both properties.

Any off-street parking provided must include ADA compliant parking. The applicant has indicated that they do not have an ADA compliant route to the building for the parking lot and desire to not provide an ADA stall. This requirement is enforced by the City Engineer and cannot be waived by the Commission. Staff recommends any approval be subject to the provision of any necessary ADA compliant parking as determined by the City Engineer.

The proposed parking spaces would measure 7.8 feet by 16 feet if the City Engineer determines ADA parking is not warranted. The Zoning Ordinance requires 9-foot by 17-foot stalls for 90-degree angle parking. However, up to 25% of the stalls may be dedicated for compact vehicle parking and be as small as 7.5 feet by 16 feet. The “NPC” District allows the Plan and Zoning Commission to grant relief of the parking standards through the Site Plan review process if it finds that the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:

1. An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;
2. A need to facilitate a smooth transition between existing developments in the vicinity;
3. A need to accommodate existing development;
4. A need to preserve an existing building; or
5. A use with unique design requirements.

Staff believes that the failure to comply with the design guidelines is due to the unusual shape and size of the lot, the position of the existing building on the lot, and the need to preserve an existing building.

Access to the paved area from the street network is provided through the property to the east, which contains a multiple-family residential building. The applicant has indicated that they have an access easement that allows this configuration.

7. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

The provision of Ingersoll Avenue Streetscape improvements is a requirement that has been applied to Site Plan approval for multiple projects along the corridor. Staff recommends approval subject to the conditions listed in Section III of this report.

The submittal includes streetscape improvements, but adjustments will need to be made so that they comply with the streetscape standards. This includes, but is not limited to, maximizing the planter bed frontage by extending them east and west to the fullest extent possible. Staff will work with the applicant to refine the design as needed.

The applicant would be responsible for 100% of the cost to install the improvements. However, the applicant may be able to utilize the Ingersoll-Grand Beautification Grant Program to assist with some of the costs.

H) The following bulk regulations should be observed:

1. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.
2. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.
3. Front yard: minimum of zero feet.
4. Side yards: minimum of zero feet.
5. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
6. Height: minimum of 15 feet, maximum of 45 feet.
7. Number of stories:
• Residential uses, a maximum of four stories.
• All other permitted uses, a maximum of two stories.

The submitted design complies with these guidelines.

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

The submitted building elevations include a new free-standing sign in the general location of the existing monument sign. Freestanding signage is required to comply with the “FSO” Freestanding Sign Overlay District.

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

This criterion is not applicable as the applicant is not proposing to utilize parking located on a property that is residentially zoned.

III. STAFF RECOMMENDATION

Staff recommends approval of the submitted Site Plan, including the request to wave the parking stall dimension requirements, subject to the following conditions:

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

2. Provision of ADA-compliant parking on-site unless waived by the City Engineer.

3. All non-ADA, off-street parking stalls provided shall comply with the compact car parking dimension requirements found in City Code Section 134-1377(g)(2).

4. Provision of all necessary access easement documentation.

5. Removal of the parking lot pavement that extends onto the adjoining property or provision of an easement allowing the intrusion.

6. Provision of the Ingersoll Avenue Streetscape improvements along the frontage of the property as approved by the City’s Planning Administrator.

7. Review and approval of the finalized landscaping plan by the City’s Planning Administrator.

8. Any dumpster enclosures shall be constructed with masonry walls and solid steel gates.

9. Any signage shall comply with the “FSO” Freestanding Sign Overlay District.
10. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along the façades of the building not facing the street.

11. All utility and service lines to the building shall be located underground.

SUMMARY OF DISCUSSION

Jann Freed noted that the applicant for item #7 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

David Courard-Hauri made a motion to move item #7 to the consent agenda. Motion passed 9-0.

Jann Freed asked if any members of the audience or the Commission requested to speak regarding consent agenda item #7. None were present or requested to speak.

COMMISSION ACTION:

Mike Simonson made a motion for approval of the submitted Site Plan, including the request to wave the parking stall dimension requirements, subject to the following conditions:

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

2. Provision of ADA-compliant parking on-site unless waived by the City Engineer.

3. All non-ADA, off-street parking stalls provided shall comply with the compact car parking dimension requirements found in City Code Section 134-1377(g)(2).

4. Provision of all necessary access easement documentation.

5. Removal of the parking lot pavement that extends onto the adjoining property or provision of an easement allowing the intrusion.

6. Provision of the Ingersoll Avenue Streetscape improvements along the frontage of the property as approved by the City’s Planning Administrator.

7. Review and approval of the finalized landscaping plan by the City’s Planning Administrator.

8. Any dumpster enclosures shall be constructed with masonry walls and solid steel gates.

9. Any signage shall comply with the “FSO” Freestanding Sign Overlay District.
10. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along the façades of the building not facing the street.

11. All utility and service lines to the building shall be located underground.

**THE VOTE: 9-0**

Item 8

Request from Jarcor, LLC (owner) represented by Joseph Cordaro (officer) for review and approval of the following for the property at 1723 Grand Avenue:

A) Vacation of the surface and subsurface of the east 4 feet of 18th Street and the north 4 feet of Grand Avenue adjoining the subject property to accommodate door stoop footings. (11-2019-1.10)

B) Review and approval of a Site Plan “Argonne Building Rehabilitation” under design guidelines for multiple-family dwellings to allow the existing 4-story building to be renovated to add six (6) additional ground floor units for a total of 45 residential household units, with the remaining portion of the 18,600-square foot ground floor and basement area to be devoted for office/retail space, storage, laundry, and indoor parking space. (10-2019-7.113)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to renovate the building known as the “Argonne Building”. The renovations would increase the number of dwelling units within the building from 39 dwelling units to 45 dwelling units. The main level of the building would continue to have commercial space along Grand Avenue and five (5) indoor parking spaces within its northeast corner. The proposed renovations require vacation of surface and subsurface rights within the east 4 feet of 18th Street and the north 4 feet of Grand Avenue adjoining the subject property to accommodate footings for door stoops.

2. **Size of Site:** 17,756 square feet (0.407 acre).


4. **Existing Land Use (site):** The site contains a 4-story historic building known as the “Argonne Building”, which covers the entire parcel.
5. **Adjacent Land Use and Zoning:***

**North** – “C-3A”; Use is multiple-family residential (Gateway Lofts).

**South** – “C-3A”; Uses are Grand Avenue (westbound) and private open space (Meredith).

**East** – “C-3A”; Use is multiple-family residential (Gateway Lofts).

**West** – “C-2”; Uses include 18th Street (northbound) and commercial (WHO-TV studio).

6. **General Neighborhood/Area Land Uses:** The property is located in the western portion of downtown. The surrounding area includes a mix of commercial, residential, and educational uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on April 26, 2019 and a Final Agenda on May 10, 2019, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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

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

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

“Downtown Mixed Use”. The Plan describes this category 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:** The Plan and Zoning 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.

The Plan and Zoning Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews and approves site plans for multiple family dwellings, boarding houses or rooming-houses in accordance with the design standards in
section 82-213 of the City Code.

II. ADDITIONAL APPLICABLE INFORMATION

1. Multiple-Family Design Guidelines:

   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 applicant is proposing to renovate the existing 4-story building and to maintain its historic architectural character. Renovations include a new storefront system on the main level, new windows on the upper floors, and masonry repair on the exterior as needed. The developer is seeking Federal and State Historic Tax Credits to assist with the cost of renovations.

   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 applicant is proposing to renovate the existing 4-story building and to maintain its existing height and massing.

   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 existing building is located on the northeast corner of the Grand Avenue and 18th Street intersection. The proposed renovations include a glass storefront design with building entrances along both adjoining streets.
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 Site Plan proposes indoor parking for approximately five (5) vehicles within the northeastern portion of the building. The Site Plan demonstrates that these spaces would be accessed by an overhead door on the north (rear) façade of the building. The Site Plan must demonstrate the applicant has an access easement on the adjoining property that guarantees access to any overhead garage door on the north façade of the building. Also, any parking space provided within the building must comply with the standards for off-street parking as contained in City Code Section 134-1377, unless the Zoning Board of Adjustment grants an appeal of such.*

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.

*No rooftop addition is proposed.*

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

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.

*This guideline is not applicable as no off-street parking lot is proposed.*

2. **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 renovation of the “Argonne Building” achieves the goals of the “What’s Next Downtown Plan.”

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 reuse of a historic structure is inherently low impact development as the resources necessary to produce, ship and assemble the building materials have already been expended. Demolition sends material to the landfill and new construction requires the use of additional resources and energy.

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

The property is bound by Grand Avenue to the south and 18th Street to the west. The building has direct access to the public sidewalks along these streets. The building encompasses the entire site and shared vehicular circulation outside of the public right-of-way is not possible.

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

The proposed parkway plantings are the only green space areas provided on the Site Plan.

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

The Site Plan does not provide any outdoor spaces for public gathering.

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 shown on the Site Plan along Grand Avenue.

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

The applicant is proposing to reuse the existing 4-story building, which exceeds this minimum requirement.

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 primary entrance to the building would continue to be located on the south façade of the building oriented toward Grand Avenue.

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

The building encompasses the entire site and occupies 100% of the frontage along both Grand Avenue and 18th 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.

The Site Plan complies with this requirement.

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.

The residential units would be accessible from the main entrance along Grand Avenue.

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.

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.

All refuse and recycling would be contained within the building. It would be accessible from a door on the north (rear) façade of the building. The Site Plan must demonstrate an access easement on the adjoining property that
guarantees access to any overhead garage door on the north façade of the building.

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 must be in compliance with the City’s landscaping standards for parkway plantings to the satisfaction of the City’s Planning Administrator. Given the existing placement of the building and the existing widths of the adjoining Right-of-Way, there is limited space for additional parkway plantings. The Site Plan demonstrates three (3) planter beds along Grand Avenue and zero (0) along 18th Street. All required landscaping shall be maintained for the life of the Certificate of Occupancy.

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

The proposed access door for the indoor parking is located on the north (rear) façade of the structure.

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

N/A.

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

N/A.

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

The building encompasses the entire site and has no curb cuts.

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

The site is under 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.
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.

3. **Utilities:** While Staff is not aware of any existing utilities within the requested Right-of-Way, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

All utilities shall be undergrounded to the maximum extent possible, to the satisfaction of the City’s Planning Administrator.

4. **Urban Design:** Since the subject project involves a development agreement with the City, the City’s Urban Design Review Board reviewed and approved the building elevations at its meeting on May 7, 2019. Therefore, Staff recommends that approval of the Site Plan be subject to the final design of the building as approved by the City’s Urban Design Review Board and the City’s Planning Administrator.

All new and existing rooftop mechanical equipment must be screened on all sides to a height equal to the tallest rooftop mechanical equipment, with materials that are architecturally compatible with the existing structure.

III. **STAFF RECOMMENDATION**

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

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant’s expense.

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

Part B) Staff recommends approval of the proposed Site Plan, 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. The Site Plan shall demonstrate an access easement on the adjoining property that guarantees access to any overhead garage door on the north façade of the building.
3. Any off-street parking provided within the building shall comply with the standards for off-street parking as contained in City Code Section 134-1377, unless the Zoning Board of Adjustment grants an appeal of such.

4. All site lighting shall be black LED Autobahn fixtures.

5. All utilities shall be undergrounded to the maximum extent possible, to the satisfaction of the City’s Planning Administrator.

6. The Site Plan shall demonstrate compliance with the City’s landscaping standards for parkway plantings to the satisfaction of the City’s Planning Administrator. All required landscaping shall be maintained for the life of the Certificate of Occupancy.

7. All new and existing rooftop mechanical equipment shall be screened on all sides to a height equal to the tallest rooftop mechanical equipment, with materials that are architecturally compatible with the existing structure, to the satisfaction of the City’s Planning Administrator.

8. The Site Plan shall be in accordance with the building elevations approved by the City’s Urban Design Review Board and the City’s Planning Administrator.

SUMMARY OF DISCUSSION

Jann Freed noted that the applicant for item #8 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

David Courard-Hauri made a motion to move item #8 to the consent agenda. Motion passed 9-0.

Jann Freed asked if any members of the audience or the Commission requested to speak regarding consent agenda item #8. None were present or requested to speak.

COMMISSION ACTION:

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

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant’s expense.

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

Mike Simonson made a motion for approval of the proposed Site Plan, 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. The Site Plan shall demonstrate an access easement on the adjoining property that guarantees access to any overhead garage door on the north façade of the building.

3. Any off-street parking provided within the building shall comply with the standards for off-street parking as contained in City Code Section 134-1377, unless the Zoning Board of Adjustment grants an appeal of such.

4. All site lighting shall be black LED Autobahn fixtures.

5. All utilities shall be undergrounded to the maximum extent possible, to the satisfaction of the City’s Planning Administrator.

6. The Site Plan shall demonstrate compliance with the City’s landscaping standards for parkway plantings to the satisfaction of the City’s Planning Administrator. All required landscaping shall be maintained for the life of the Certificate of Occupancy.

7. All new and existing rooftop mechanical equipment shall be screened on all sides to a height equal to the tallest rooftop mechanical equipment, with materials that are architecturally compatible with the existing structure, to the satisfaction of the City’s Planning Administrator.

8. The Site Plan shall be in accordance with the building elevations approved by the City’s Urban Design Review Board and the City’s Planning Administrator.

THE VOTE: 9-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 3

Request from Galway Homes, Inc. (owner) represented by Jim Postma (officer) for review and approval of a Preliminary Plat for “Via 335” on property located at 335 Forest Avenue to divide the existing 2.6-acre property into 24 lots for row townhomes and a common outlot.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION
1. **Purpose of Request:** The property was rezoned to PUD in 2016. The approved PUD Conceptual Plan allows the site to be developed with 24 row townhomes and common space. Each unit would have a two-car attached garage. Vehicular access to the site would be provided by a driveway from Forest Avenue to the south and from Orchard Avenue to the north.

2. **Size of Site:** 2.25 acres.


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

5. **Adjacent Land Use and Zoning:**
   - **East:** “R1-60”; Uses are single-family dwellings and vacant lots.
   - **West:** “R1-60”; Uses are single-family dwellings.
   - **North:** “R1-60”; Use are single-family dwellings, vacant land and Bates Park (city park)
   - **South:** “R1-60”; Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located in a predominately single-family residential area within the River Bend Neighborhood. It is located south of Bates Park (City Park).

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the River Bend Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 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 May 10, 2019. The River Bend Neighborhood Association mailings were sent to Breanne Barnum, 1919 Arlington Avenue, Des Moines, IA 50314.

8. **Relevant Zoning History:** On November 21, 2016, the City Council rezoned the subject property (Ordinance Number 15,539) to “PUD” District and approved (Roll Call Number 16-2033) the Via Three35 PUD Conceptual Plan. This request was considered by the Plan and Zoning Commission on October 20, 2016.

9. **PlanDSM Land Use Plan Designation:** The subject site is designated as Low/Medium Density Residential within a Community Node 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 approval of a grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. The applicant is proposing underground storm water management facilities along the east and south perimeter of the townhomes.

3. **Utilities:** All necessary utilities are available for the development in the adjoining Forest Avenue right-of-way.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the submitted Preliminary Plat subject to

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

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

**SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendation.

Mike Simonson asked if the platting was in general conformance with the approved PUD.

Erik Lundy stated yes.
Will Page asked to confirm the location of the River Bend Historic District boundary.

Erik Lundy stated the River Bend Historic District would be North of Bates Park.

Jim Postma, 1247 41st Street stated he started this project 3 years ago when Mercy Hospital removed their apartments. These will be single family, owner occupied and a good addition to the neighborhood. He wasn’t aware anyone had objections until tonight’s meeting.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Risha Weber, 2909 Deepwoods Court stated she is the property manager of 219 Forest Avenue. She doesn’t have concerns about townhomes being built but what has happened to her property since they started development. When the trees were excavated, they had damage to their gutters from fallen trees. The developers put up a commercial fence which they hooked onto her fence and that has caused damage. Landscaping around the property has been damaged and is now difficult to mow. She would like to have a more definitive property line instead of the zig zag lines you see today.

Will Page asked if she was concerned about the surroundings more than the development of row houses on this property.

Risha Weber stated that is correct.

Mike Simonson asked if a fence is required when multi-family residential abuts single family residential.

Erik Lundy stated unless there was surface parking lot, screening would not be required. However, the PUD does show new landscaping around that area.

Emily Webb asked for plans to mitigate flooding and excavation of trees.

Erik Lundy stated that is a condition they need to comply with. When they come back with the development plan, they will need to show replacement of the trees that have been removed.

Mike Ludwig asked for information regarding storm water.

Erik Lundy stated this site will be constructing underground chambers. Without storm sewer in the area, they will need to detain and release in a fashion that is not erosive.

Stephen Clark, 1407 2nd Place stated it was a big mistake to excavate all the trees along the hillside. The density of this project is way too high for this area and they will not be able to control the amount of water that will flow through the property.

Will Page asked if he has seen the latest engineering plans for the development.
Stephen Clark stated he has and it shows it will erode the area that much worse.

Carolyn Jenison stated she has lived in the area for 20 years and is excited to see this development. She believes staff will do their best to mitigate the erosion and water shed issues.

Jayna Linn, 1427 4th Street stated she is worried about traffic flow on Orchard because it is more of an alley way than a street.

Kim Thomas, 4564 NE 34th Court stated he came to the meeting back in 2016 when it was continued and since then has not heard anything about this project. His opposition is the same as it was back then and that's because of the increase of traffic on Orchard.

Emily Webb asked if each townhome will have a 2-car garage.

Erik Lundy stated the PUD Concept plan was approved with a 2-car garage underneath with 2 stories above for each unit.

Mike Ludwig stated each townhome has a 2-car garage with a driveway for access. The private drive for the development also has parallel parking stalls for guests.

Carolyn Jenison asked if staff sees any issues with traffic.

Erik Lundy stated a traffic analysis was a part of approving this PUD. No traffic concerns were raised by Engineering staff during review of the PUD.

Jim Postma stated he agrees that 90% of the traffic will use Forest Avenue instead of Orchard. He asked the commission to approve the plat and if anyone in the neighborhood has a problem, they can call him anytime.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Mike Simonson made a motion for approval of the submitted Preliminary Plat subject to

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

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

**THE VOTE:** 9-0
Item 6

Request from 400 SE 6th Street, LLC (developer) represented by Jake Christensen (officer) for review and approval of a Site Plan Amendment “Truman’s KC Pizza Tavern” under design guidelines in “C-3B” Districts for property located at 400 and 410 Southeast 6th Street, to allow a 1,344-square foot patio to the south of the building and off-street parking.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The developer is proposing to construct a 1,344-square foot patio to the south of the building at 400 Southeast 6th Street with Truman KC Pizza. The applicant is also proposing an off-street parking lot on property to the west of the building recently purchased from the City. The applicant is seeking a deferment of the requirement for parkway paving (Class A) sidewalk 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: 16,593 square feet (0.38 acres).


4. Existing Land Use (site): The property contains a 2,699-square foot restaurant, “Truman’s KC Pizza Tavern”. The remaining property is vacant and undeveloped, recently purchased from the City.

5. Adjacent Land Use and Zoning:

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

   South – “M-1”; Use is Scotty’s Auto Body Repair.

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

   West – “M-1”; Use is a vacant restaurant building.

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 original public hearing by mailing of the Preliminary Agenda on April 26, 2019. A final agenda was mailed on May 10, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on April 8, 2019 (10 days prior to initial public hearing on April 18) 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 400 Southeast 6th Street is two stories. No modifications are proposed to the height of the existing building.

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.

   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 sharing an existing enclosure on the restaurant site to the west.
e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

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.

No new refuse collection container enclosure is proposed. The Site Plan indicates sharing of the existing enclosure on the restaurant site to the west.

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 street sides of the site. With any Site Plan the developer should be providing Class A 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 the Class A sidewalk paving indefinitely based on intentions for a complete redevelopment of the property. The developer has submitted a plan sheet with the required sidewalk installation to demonstrate the design if redevelopment does not occur.

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

The site would have existing greenspaces adjoining to the south and the west.

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

The proposed project is to provide 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 the project.

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

The existing building at 400 Southeast 6th Street is two stories. 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 proposed expansion of the site for parking and a patio with the existing building would not meet the minimum building frontage as 70 percent of the lot requirement. It would comprise 40 percent of the frontage to north along Raccoon Street and 36.5 percent of the frontage to the east along Southeast 6th Street. The existing building does meet the provision for having 70 percent of the building within one foot of the property line.

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.

   No refuse collection containers are proposed on site. The Site Plan indicates that trash will be managed within a shared, existing enclosure on the restaurant property to the west.

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 indefinitely.

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.
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 Raccoon 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 21 spaces. 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 6th Street and Raccoon Street, but is requesting that installation of the Class A
sidewalks be deferred indefinitely until the site is fully redevelopment. Street tree plantings would occur with the immediate project.

4. **Stormwater Management:** The proposed site improvements are below the area threshold for impervious surface to trigger stormwater detention. The submitted design proposes collecting run-off from the parking lot and piping it into the storm sewer intake on the south side of Raccoon Street west of the site.

5. **Utilities:** There is existing overhead utility services to the building. The developer is proposing to defer indefinitely the undergrounding of these services. There are not any street light poles or overhead utilities on the adjoining ROW that would require undergrounding. Staff recommends that the service 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. Provision of Class A sidewalks and street trees in planters within the Southeast 6th Street and Raccoon Street Rights-of-Way as part of the current project without any deferral.

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

Should the Commission consider deferral of undergrounding utility services and streetscape sidewalks and plantings, Staff would recommend establishing a timeframe for when improvements would have to be installed if the site is not redeveloped.

### SUMMARY OF DISCUSSION

**Erik Lundy** presented staff report and recommendation.

**Angie Pfannkuch,** 215 E 3rd representing Christensen Development stated their main concern is undergrounding the utilities. All the utility poles are running down the opposite side of Raccoon Street with just 1 building service line running to Truman’s. It’s uncertain if Raccoon will be through street or closed. They don’t want to put in class A sidewalks on a road that might not be a street in the future. They are not opposed to the landscaping along SE 6th.

**Mike Simonson** asked for clarification around Raccoon being a through street.

**Angie Pfannkuch** stated it depends on what plan you look at and who you are speaking with at the City.
Mike Ludwig stated in the current draft of the Market District, Raccoon Street will remain as a public right-of-way in this block facilities.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

None were present or requested to speak in favor or opposition of the request.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Mike Simonson made a motion for 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 but including a waiver of the undergrounding requirement for the existing overhead electrical service to the existing building.

2. Provision of Class A sidewalks and street trees in planters within the Southeast 6th Street and Raccoon Street Rights-of-Way within 1 year after approval of the Market District Plan.

**THE VOTE:** 8-1-0 (David Courard-Hauri opposed)

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**Item 9**

Request from PRKG 1212, LLC (owner) represented by Ken Tharp (officer) for review and approval of a Site Plan “Des Moines Element” under design guidelines in “C-3B” Districts on property located at 304 East Walnut Street, to all development of a 6-story, 122-guestroom hotel with 1,600 square feet of ground floor retail space and 88 underground parking spaces.

(10-2019-7.115)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The developer is proposing a 6-story building that would include a hotel oriented toward East 3rd Street with 112 guestrooms and 1,600 square feet of ground floor retail space oriented toward East Walnut Street. The building would contain 88 parking spaces, including 39 spaces within an underground level and 49 spaces within the 2nd floor. These two levels of parking would be accessed by separate two-way driveways from East 3rd Street.
It is anticipated that the proposed building may require footing and/or door swings that encroach into the adjoining Right-of-Way. Any encroachments would be subject to future vacation of the necessary Right-of-Way.

2. **Size of Site:** 22,440 square feet (0.515 acres).


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

5. **Adjacent Land Use and Zoning:**
   - **North** – “C-3B”; Uses are an east/west alley and a parking lot.
   - **South** – “C-3B”; Uses are East Walnut Street and 1-story office building.
   - **East** – “C-3B”; Uses are a north/south alley and Walnut Creek Community Church.
   - **West** – “C-3”; Uses are East 3rd Street and a 6-story residential building (City Square).

6. **General Neighborhood/Area Land Uses:** The site is in an area of downtown known as the Historic East Village. The surrounding area contains a mix of multiple-family residential, office, religious assembly, and hotel uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on April 26, 2019 and a Final Agenda on May 10, 2019, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the 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. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** On November 28, 2018, the Zoning Board of Adjustment granted an Exception of 20 feet over the maximum 55 feet of height allowed for a non-residential building in Area B of the “CDO” Capitol Dominance Overlay District, to allow construction of a commercial building that would have a maximum height of 75 feet. The approval is subject to the following conditions.
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a. Any building shall be constructed in conformance with all applicable Building Codes with issuance of all necessary permits by the Permit and Development Center.

b. Any building shall be constructed in accordance with a Site Plan approved by the Plan and Zoning Commission in accordance with the design guidelines applicable for the “C-3B” Central Business District Mixed-Use District and the “D-O” Downtown Overlay District;

9. **PlanDSM Land Use Plan Designation**: 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**: In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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 82-214.05. In acting upon any Site Plan application in the “C-3B” District, they shall apply the design guidelines in City Code Section 82-214.07. 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. **“C-3B” District Design Guidelines**: The following design guidelines are applicable to any Site within a “C-3B” District.

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 building would be 6 stories tall with a maximum height of 75 feet to the top of the parapet wall.*

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.

   *N/A.*

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 requires replacement street lighting along East Walnut Street and East 3rd Street. All new lighting must be black LED Autobahn fixtures.

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

a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).

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

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

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

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

N/A.

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

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

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

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

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

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

The submitted Site Plan complies with these applicable design guidelines, as the proposed building frames the entire frontages along both East 3rd Street and East Walnut Street.

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 Site Plan does not any propose outdoor storage areas. The refuse collection containers would be contained within the building and accessed by a door on the east façade of the building along the existing alley.*

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

*The submitted Site Plan provides parkway plantings along both East 3rd Street and East Walnut Street. However, the planter beds as proposed do not satisfy the requirements for sizing or spacing. Therefore, the Site Plan must be revised to demonstrate compliance with the City’s landscaping standards for parkway plantings to the satisfaction of the City’s Planning Administrator. All required landscaping shall be maintained for the life of the Certificate of Occupancy.*

*Also, the bumpout at the intersection of East Walnut Street and East 3rd Street must be modified to the satisfaction of the City’s Traffic Engineer.*

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.

*The submitted plan complies with this guideline. The proposed access for the refuse collection container would be located on the east façade of the building.*

2. **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.
Staff believes that the proposed building satisfies this guideline. The building addresses the street facing side and keeps non-public functions internal to the block and away from the public streets. The proposed building exterior consists of a mix of concrete panels, brick, and metal panels. The street level is broken up by glass and aluminum storefronts. Final building materials will be subject to review and approval by the City’s Urban Design Review Board and Planning Administrator.

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 site would utilize underground stormwater detention.

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

The proposed hotel would have a primary entrance oriented toward the public sidewalk along East 3rd Street. The building would also contain street level commercial space oriented toward the public sidewalk along East Walnut Street.

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

The proposed parkway plantings are the only green space areas provided on the Site Plan.

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

The Site Plan does not provide any outdoor spaces for public gathering.

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 provided along the streetscape.

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

The proposed 75-foot height (6 stories) building satisfies 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).

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

   There are entrances oriented to both East 3rd Street and East Walnut Street.

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

   The building would occupy the entire frontages along both East 3rd Street and East Walnut Street.

4. For commercial and mixed-use buildings, at least 90 percent of the building frontage should be within one foot of the property line.

   The Site Plan complies with this requirement.

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.

   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.

   The submitted plan complies with this guideline. The proposed access for the refuse collection container would be located on the east side façade of the building.

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 must be revised to demonstrate compliance with the City’s landscaping standards for parkway plantings to the satisfaction of the City’s Planning Administrator. All required landscaping shall be maintained for the life
of the Certificate of Occupancy.

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

The proposed access for the refuse collection container would be located on the east façade of the building.

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

N/A.

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

N/A.

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

The development would have two curb cuts along East 3rd Street in order to provide access to the underground-level parking and the 2nd level parking.

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 0.515 acres in area.

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.

The Site Plan complies with this guideline. While the proposed building does provide parking on the underground and 2nd levels, the ground level would contain commercial space.
3. **Urban Design:** The submitted elevations demonstrate that the first and second levels of the building would be sided with precast concrete panels and glass storefront. The fourth through sixth levels of the building would be side with brick and metal panels. All rooftop mechanical equipment must be screened entirely on all sides with materials that are architecturally compatible with the existing structure. Screening shall be of a height equal to the tallest rooftop mechanical equipment.

Since the subject project involves a development agreement with the City, the City’s Urban Design Review Board is scheduled to consider preliminary approval of the submitted elevations at its meeting on May 21, 2019. It is anticipated that the Urban Design Review Board would then consider final approval of the elevations at their meeting on June 18, 2019. Therefore, Staff recommends that approval of the Site Plan be subject to the final design of the building being approved the Urban Design Review Board and the Planning Administrator.

4. **Drainage/Grading:** The Site Plan proposes an underground stormwater detention tank and a connection to the storm sewer within East 3rd Street Right-of-Way. 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. All grading is subject to an approved grading permit and soil erosion control plan.

**SUMMARY OF DISCUSSION**

Erik Lundy noted that the applicant for item #9 had requested a continuance to the June 6, 2019 Plan and Zoning Commission meeting.

**COMMISSION ACTION:**

John “Jack” Hilmes made a motion to continue item #9 to the June 6, 2019 Plan and Zoning Commission meeting.

**THE VOTE:** 9-0

Item 10

Request from Drake University (owner) represented by Vanessa Macro (officer) for review and approval of a Site Plan “The Harkin Institute” under design guidelines in “NPC” Districts on property located at 2800 University Avenue, to allow development of a 2-story, 16,768-square foot building for the Harkin Institute.

(10-2019-7.117)

**STAFF REPORT TO THE PLANNING COMMISSION**
I. GENERAL INFORMATION

1. **Purpose of Request:** Drake University is seeking to develop a facility to house the Harkin Institute. They are proposing a 16,768-square foot building with a 9,065-square foot ground floor and a 7,703-square foot second floor.

2. **Size of Site:** 69,989 square feet (1.61 acres).

3. **Existing Zoning (site):** Limited "NPC" Neighborhood Pedestrian Commercial District and “FSO” Freestanding Sign Overlay.

4. **Existing Land Use (site):** Off-street parking lot and vacant land.

5. **Adjacent Land Use and Zoning:**
   - **North** – "R-3"; Uses are buildings on the Drake University campus.
   - **South** – "R1-60"; Uses are St. Catherine of Siena Catholic Student Center and mixed densities of residential dwellings.
   - **East** – "NPC"; Uses are offices for Wesley Foundation Student Center and mixed densities of residential dwellings.
   - **West** – "NPC"; Use is off-street parking.

6. **General Neighborhood/Area Land Uses:** The area contains a mix of residential density, university and commercial uses located on the University Avenue corridor.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on April 26, 2019. A Final Agenda was mailed to the neighborhood association on May 10, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 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 site.

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

8. **Zoning History:** On July 24, 2000, The City Council rezoned the property to a limited “NPC” District by Ordinance No. 13,840, with the following conditions:

   The following uses of structures and land shall not be permitted upon the Property:

   1. Gas stations;
   2. Locker plant;
   3. Automotive and motorcycle accessory and parts store;
4. Lawn mower repair shops;
5. Radio stations;
6. Animal hospitals, veterinary clinics, or kennels;
7. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
8. Ballrooms and dance halls;
9. Billiards parlors, pool halls and game rooms;
10. Carpenter and cabinet making shops for retail custom work;
11. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers, and similar recreational uses and facilities;
12. Drive-in theaters;
13. Lumber yards;
14. Mini-warehouse;
15. Monument sales yards;
16. Any business holding a liquor license, beer or wine permit which is not operated as either:
   1. a grocery store or pharmacy at least half of whose gross income is derived from the sale of merchandise other than liquor, wine or beer; or
   2. a restaurant at least half of whose gross income is derived from the sale of prepared food and food-related services;
17. Plumbing and heating shops;
18. Sheet metal shops;
19. Sign painting shops;
20. Mobile home parks;
21. Used car sales lots;
22. Garage for general motor vehicle repair;
23. Automobile washing establishments;
24. Adult entertainment businesses; and
25. Off-premises advertising signs.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:
   Neighborhood Mixed Use.

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 an “NPC” Neighborhood Pedestrian Commercial District, the Plan and Zoning Commission shall apply the design standards in Section 82-213 of this article (the standards for all Site Plans) in consideration of the criteria set forth in Chapter 18B of the Iowa Code and the additional standards listed below. They were developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial corridor. The Commission may approve a Site Plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design
guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:

1. An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;
2. A need to facilitate a smooth transition between existing developments in the vicinity;
3. A need to accommodate existing development;
4. A need to preserve an existing building; or
5. A use with unique design requirements.

II. ADDITIONAL APPLICABLE INFORMATION

1. NPC Design Guidelines: The following design guidelines are applicable to review of any Site Plan within an "NPC" district.

   A) Buildings should frame the street and maintain a minimal setback from the street.

   The building would be set approximately 10 feet from the front property line along University Avenue and approximately 43 feet from the 28th Street front property line. On corner lots is it the intent of this guideline for a building to frame the street corner. There is a proposed plaza between the building and 28th Street. The Commission would need to waive this design guideline in this instance.

   The intent of this provision to provide pedestrian-oriented access on the public street. The proposed site does not provide any pedestrian connections from entrance of the building directly toward the public street in University Avenue, which is the dominant traffic street frontage. There is access proposed through the plaza from the east entrance to the sidewalk in 28th Street and along the building to University Avenue. The west entrance of the building has a pedestrian connection proposed to the parking lot to the south.

   B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.

   The proposed building has a combination of glass and brick material on the both of the street facing facades, with the glass material being predominate on the first floor of both facades.

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

   The building would have a front ground floor entrance on the east façade oriented to 28th Street. The north façade does not have an entrance onto University Avenue. The Commission would have to waive this design guideline.
Staff would argue strongly for a prominent entrance to University Avenue which is the more dominant traffic corridor and oriented toward the core of the Drake University campus.

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

The proposed building would be sided primarily with glass and brick. It is proposed as a two-story building.

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

The building is proposed to have strong vertical elements on the glass walls and the brick walls to meet this design guideline.

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

The proposed building would comply with this on both street sides.

G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:

1. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
2. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
3. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
4. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
5. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.
6. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
Based on the office, assembly and religious assembly areas of the building, 47 off-street parking spaces are required using the 60% of the typical minimum calculation. 48 parking spaces are proposed. The parking is proposed to the rear of the building and interior of the block.

7. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

The submitted landscape plan proposes compliance with the adopted streetscape plan for University Avenue in this area. It further complies with open space, perimeter lot, and interior lot landscaping requirements as would typically be applied to other commercial districts.

H) The following bulk regulations should be observed:
1. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.
2. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.
3. Front yard: minimum of zero feet.
4. Side yards: minimum of zero feet.
5. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
6. Height: minimum of 15 feet, maximum of 45 feet.
7. Number of stories:
   • Residential uses, a maximum of four stories.
   • All other permitted uses, a maximum of two stories.

The submitted design complies with these guidelines.

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

The submitted Site Plan and building elevations do not include proposed signage. Any signs would be reviewed under a separate submittal to the Permit and Development Center by a licensed sign contractor. Freestanding signage is required to comply with the Freestanding Sign Overlay District.

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

This criterion is not applicable as the applicant is not proposing to utilize parking located on a property that is residentially zoned.
III. STAFF RECOMMENDATION

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

1. Compliance with all administrative comments of the Permit and Development Center.
2. Provision of a prominent public entrance oriented toward University Avenue.
3. Provision of a direct pedestrian route to a public street from all public entrances.
4. Provision of a note that any freestanding signs shall comply with the “FSO” Freestanding Signs Overlay District standards for monument signs.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Joseph Jones, 2429 University Avenue read the letter which he submitted for the record.

Kevin Nordmeyer, 317 6th Avenue representing BNIM presented the proposed site plan.

John “Jack” Hilmes asked what the set back is from University to the building.

Kevin Nordmeyer stated they are very close to the right of way line from the sidewalk.

Greg Wattier asked if they have an elevator.

Kevin Nordmeyer stated yes, it’s a 2-sided hospital size elevator.

Mike Ludwig asked if there was the ability to provide a sidewalk connection from University to the West side of the building for access.

Kevin Nordmeyer stated they are planning to have a key card access for staff. There will be a visitor center in the main entrance and if they were to allow access on both sides it would become a security issue.

Mike Ludwig asked if a call button was possible for the entrance on the west end of the building.

Kevin Nordmeyer stated Drake uses one at their Legal Clinic building. He doesn’t believe a call button is a good solution after his encounters with one.

Mike Simonson asked if someone parked in the main parking lot, how will they get to the front door.
Kevin Nordmeyer stated there would be a sidewalk connection along the building.

Mike Simonson asked how wide the sidewalk is and if there are any stairs from the building to University Avenue.

Kevin Nordmeyer stated there are no steps along the walk and the grade will be completely flat.

CHAIRPERSON OPENED THE PUBLIC HEARING

None requested to speak in favor or opposition to the request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Mike Simonson made a motion for approval of the submitted Site Plan, subject to the following conditions:

1. Compliance with all administrative comments of the Permit and Development Center.
2. Provision of a direct pedestrian route to a public street from all public entrances.
3. Provision of a note that any freestanding signs shall comply with the “FSO” Freestanding Signs Overlay District standards for monument signs.

THE VOTE: 8-0-1 (David Courard-Hauri abstained)

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Item 11

City initiated request to give a segment of Rollins Street between 41st Street and 42nd Street an honorary name of “John Viars Street”.

(11-2019-1.11)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The Des Moines Playhouse submitted a request to add an honorary street name to the 4100 block segment of Rollins Street between 41st Street and 42nd Street. The proposed honorary street renaming would add the name “John Viars Street” to Rollins Street for the retiring director of the Des Moines
Playhouse. For purposes of addressing and wayfinding, the name of the street would remain Rollins Street.

2. **Size of Site:** Approximately 12,500 square feet.


4. **Existing Land Use (site):** The subject right-of-way segment contains a segment of Rollins Street right-of-way.

5. **Adjacent Land Use and Zoning:**
   - **North** – “NPC”; Use is The Shops at Roosevelt.
   - **South** – “PUD” - Des Moines Playhouse; Use is the Des Moines Playhouse PUD and a parking lot.
   - **East** – “R1-60”; Uses are single-family dwellings.
   - **West** – “R1-60”; Uses are Hubbell Elementary, Roosevelt High School, and associated open space and sports fields.

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

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Drake Neighborhood and within 250 feet of the Waveland Park Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested honorary street renaming. A Final Agenda was mailed to all the recognized neighborhood associations on May 10, 2019.

   All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311. The Waveland Park Neighborhood notices were mailed to Ethan Standard, 1307 48th Street, Des Moines, IA 50311.

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

9. **PlanDSM Land Use Plan Designation:** Community Mixed Use.
10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals for honorary street renaming. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. Utilities: There are existing sanitary sewer and storm water lines within the specified right-of-way. There is an existing 42-inch feeder water main within the specified right-of-way.

2. Street System/Access: The requested honorary street renaming would not impact the existing vehicular or pedestrian movement in the area. However, the Addressing Committee protocol directs that streets not be named after living persons.

III. STAFF RECOMMENDATION

Staff recommends denial of the request on the finding that the protocol of the Addressing Committee directs streets not be named after living persons.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Will Page asked how long the naming policy has been in effect.

Erik Lundy stated it hasn’t been that long. There are examples of other streets named in honor of those who are/were still alive.

CHAIRPERSON OPENED THE PUBLIC HEARING

David Kilpatrick, 831 42nd Street representing Des Moines Play House stated they were looking for something unique to honor, John Viars. They were not aware of the policy at the time of the request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

None were present or requested to speak

COMMISSION ACTION:

Will Page made a motion to recommend approval of the request to give a segment of Rollins Street between 41st Street and 42nd Street an honorary name of “John Viars Street”.

THE VOTE: 9-0
Committee and Director’s Reports:

Mike Ludwig stated the 06/06/2019 and 6/20/2019 P&Z work sessions will begin at 4:00 pm to review the proposed new Zoning Code. The regular meeting will begin at 6 PM. Food will be provided for the Commission. Also, the May 17 meeting with the City Manager is cancelled.

Meeting adjourned at 7:35 pm