
ABSENT: Will Page, Francis Boggus and Greg Wattier.

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

John “Jack” Hilmes made a motion to approve the June 6, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 11-0-1 (Emily Webb abstained as she was not present for the June 6, 2019 meeting).

Jacqueline Easley noted that the applicant for item #3 has agreed to the staff recommendations. No member of the audience or the Commission requested to speak regarding the item.

Jann Freed made a motion to move item #3 to the consent agenda. Motion Carried 12-0

Jacqueline Easley noted that the applicant for item #4 has agreed to the staff recommendations. No member of the audience or the Commission requested to speak regarding the item.

John “Jack” Hilmes made a motion to move item #4 to the consent agenda. Motion Carried 12-0

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

John “Jack” Hilmes made a motion to approve Consent Agenda Items #1, #2, #3 and #4 per the staff recommendations in the staff report. Motion Carried 12-0

Jacqueline Easley noted that the applicant for item #6 had requested a continuance to the July 18, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

Jann Freed made a motion to continue item #6 to the July 18, 2019 Plan and Zoning Commission Meeting. Motion Carried 12-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Des Moines Public Schools (owner), 901 Walnut Street, represented by Bill Good (officer) for vacation of the east/west alley between Locust Street and
Walnut Street from 9th Street to 10th Street, to allow for placement of access control gates for the adjoining off-street parking lots. (11-2019-1.14)

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 applicant’s parking lot is currently accessed off the public alley right-of-way and is open to the public. The open nature of the parking lot allows frequent use of the lot by persons unaffiliated with the school and reduces the amount of parking for school personnel. The proposed vacation would allow the applicant to install traffic control devices that would ensure use of the school’s parking lot by only school-associated personnel. The applicant has requested the entire width of right-of-way be conveyed to them.

2. Size of Site: 4,648 square feet (16.5 feet by 281.74 feet).


4. Existing Land Use (site): Alley right-of-way.

5. Adjacent Land Use and Zoning:

   North – “C-3”; Use is a private parking lot for the Federal Home Loan Bank.

   South – “C-3”; Uses are Hubbell Tower Condominiums and parking lot and an office high-rise and parking structure building.

   East – “C-3”; Uses are a private parking lot for the Federal Home Loan Bank and Wells Fargo office high-rise.

   West – “C-3”; Use is a Nationwide office high-rise.

6. General Neighborhood/Area Land Uses: The subject east/west alley right-of-way is located midway between Locust Street and Walnut Street on the block between 9th Street and 10th Street. The surrounding area contains a mix of uses including multiple-family residential, office, and retail.

7. Applicable Recognized Neighborhood(s): The subject property is in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on May 31, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 10, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood and to the primary titleholder on file with the Polk County Assessor.
for each property adjacent to the subject right-of-way. A final agenda was mailed on June 14, 2019.

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

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

9. **PlanDSM Land Use Plan Designation:** Downtown Mixed Use.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Street System/Access:** All adjoining property owners have consented to the proposed vacation. The parking lot on the adjoining property to the north utilizes separate controlled access from 9th Street.

2. **Utilities:** The requested right-of-way is located within an Underground Utility District. A sanitary sewer manhole and conduit are located in 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.

III. **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 at the applicant’s expense.

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

**SUMMARY OF DISCUSSION**

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

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

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

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

THE VOTE: 12-0

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Item 2

Request from Sanco Properties, LLC (owner) represented by Matt Greibrok (officer) for property located at 5092 East Broadway Avenue.

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

B) Rezone property from “A-1” Agricultural District to “M-1” Light Industrial District to allow the expansion of the sales, service, warehousing, and distribution operations for Thermo King on property adjoining to the west. (ZON2019-00092)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the applicant to expand the business they operate on the property to the west (4975 Hubbell Avenue) to the subject property.

2. Size of Site: 79,230 square feet or 1.82 acres.


4. Existing Land Use (site): Light industrial including a 8,040-square foot building.

5. Adjacent Land Use and Zoning:
North – Unincorporated Highway 65 By-pass right-of-way.

South – Unincorporated Highway 65 By-pass right-of-way and land zoned “A-1” that contains a light industrial and agricultural production uses.

East – Unincorporated Highway 65 By-pass right-of-way.

West – Limited “M-1”; Use is light industrial.

6. General Neighborhood/Area Land Uses: The subject property is located on the north side of East Broadway Avenue between the Hubbell Avenue and Highway 65 Bypass intersections. The surrounding area primarily consist of light industrial and commercial uses. It is located at the edge of the City limits in the northeast quadrant of Des Moines.

7. Applicable Recognized Neighborhood(s): The subject property is not located within 250 feet of a recognized neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 31, 2019 and a Final Agenda on June 14, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 31, 2019 (20 days prior to the public hearing) and June 10, 2019 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. 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.

8. Relevant Zoning History: The applicant operates a light industrial business on the property to the west (4975 Hubbell Avenue). The proposed rezoning would allow that business to expand onto the subject property. The existing site was rezoned from “A-1” District to Limited “M-1” District by the City Council on February 27, 2012, by Ordinance Number 15,088. The rezoning was subject to the following conditions:

1) Permitted uses shall be limited to the following:

a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.

b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.

c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.

d) Storage yards, and communication towers and antennas as permitted in the M-1 District.

2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.
9. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:
   Industrial.

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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation: The subject property is designated as “Industrial” on the Future Land Use Map. This designation “accommodates industrial development and limited supporting commercial uses; development in the classification could have a large impact on adjoining properties and the environment which would need to be mitigated.” Staff is supportive of the request, so long as the allowed uses are limited by the conditions found in Section III of the report. The subject property is located at a gateway into Des Moines. As such, some uses allowed by the “M-1” District are not appropriate and a higher level of landscaping is warranted.

2. Site Plan Requirements: The proposed expansion of the applicant’s existing business requires the submittal of a Site Plan and for the site to be brought into conformance with current standards including storm water management and landscaping.

3. Access: The subject property has access to East Broadway Avenue. In addition, the applicant’s existing site to the west has access to Hubbell Avenue. The site has frontage along the Highway 65 Bypass.

4. Utilities: Public storm sewer is not available to serve the property. The existing building is served by a sanitary sewer line and water line in the East Broadway Avenue right-of-way.

III. STAFF RECOMMENDATION

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

Part B) Staff recommends approval of rezoning the subject property from “A-1” District to a Limited “M-1” District subject to the following conditions:

1) Permitted uses shall be limited to the following:
a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.

b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.

c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.

d) Storage yards, and communication towers and antennas as permitted in the M-1 District.

2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

3) Any Site Plan submitted shall comply with the City’s Landscaping Standards for the “C-2” District.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

John “Jack” Hilmes made a motion for APPROVAL of Part A) The proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations and APPROVAL of Part B) Rezoning the subject property from “A-1” District to a Limited “M-1” District subject to the following conditions:

1) Permitted uses shall be limited to the following:

   a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.

   b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.

   c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.

   d) Storage yards, and communication towers and antennas as permitted in the M-1 District.

2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

3) Any Site Plan submitted shall comply with the City’s Landscaping Standards for the “C-2” District.
THE VOTE: 12-0

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Item 3

City initiated request to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to adopt a Neighborhood Revitalization Plan for each of the following Special Investment Districts as an element:

A) Columbus Park (21-2019-4.07)
B) Drake (21-2019-4.08)
C) Oak Park/Highland Park (21-2019-4.09)
D) Franklin Area (21-2019-4.10)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Background: In 2017, the City of Des Moines hired the consulting firm of czbLLC to conduct an evaluation of its Neighborhood Revitalization Program (NRP). The purpose of the evaluation was to assess the effectiveness of the NRP program, consider new factors affecting the City and the health of its neighborhoods, and develop an updated program framework for neighborhood planning and revitalization work. The evaluation included a comprehensive look at housing conditions and market dynamics throughout the Des Moines metro to understand the impact of previous revitalization work and needs going forward.

The evaluation determined that neighborhood engagement, the cultivation of active neighborhood associations, and a formal process for directing city resources has been a key accomplishment of the last thirty years. However, it also found that only a few neighborhoods are genuinely strong, and that most neighborhoods fall into a vulnerable “middle” that could potentially face decline if challenges are not actively addressed. Competition from the suburbs, weak demand, lagging property values, and poor property conditions were identified as ongoing threats to the health of Des Moines’ neighborhoods.

The final report, titled Neighborhood Revitalization Planning Program Review, was received and filed by Council in June 2018. In September 2018, Council approved four pilot target areas for planning work to develop and implement new revitalization tools: 1) Columbus Park, 2) Drake, 3) Oak Park/Highland Park, and 4) Franklin Area. Each area is a subsect of a larger neighborhood – or neighborhoods – and was selected based on existing assets and momentum to build upon. czbLLC was retained to complete the four neighborhood revitalization plans, with support from City staff.
2. **Planning Process**: These four plans were developed between November 2018 and May 2019 by the consultant and City staff, in partnership with a Planning Committee comprised of residents, business owners, and other stakeholders. Additional information was collected from a public survey of residents and business owners within the planning area. One-on-one interviews were also conducted with property owners, school principals, local developers, realtors, and other area stakeholders. The plans are intended to provide a framework for revitalization efforts over a 10-year planning horizon. These plan documents are also intended to provide a model for future planning efforts in “middle” neighborhoods of Des Moines.

II. **GENERAL PLAN SUMMARIES**

Each of the four Planning Committees focused on specific challenges and opportunities for their neighborhood. While each of the four pilot areas is unique, common themes addressed in each area generally included: housing, commercial areas and corridors, parks, infrastructure, walkability, neighborhood identity and branding, resident leadership and capacity-building, and neighborhood pride. The following is a brief overview summary of the issues and potential solutions that were discussed and incorporated into each of the four plans.

1. **Columbus Park SID**: The Columbus Park Special Investment District includes the central portion of the McKinley School/Columbus Park Neighborhood. The SID is bound by the Des Moines River on the north, Hartford Avenue on the south, SW 1st Street and Indianola Avenue on the west, and SE 6th Street on the east.

   Key issues were identified through market analysis and observations from residents and stakeholders. These include:

   A. Housing conditions are poor and values are lagging, but there are opportunities to build a healthier housing stock.
   B. Resident engagement and leadership have been difficult to build and sustain, making it difficult for neighbors to effectively organize around important issues.
   C. An expanded commercial district has promise and constraints.

   Seven over-arching goals and outcomes were developed by the Planning Committee:

   1. Strong identity that preserves and capitalizes on heritage but embraces everyone
   2. Streets and infrastructure in outstanding condition
   3. Parks and other amenities attract visitors and support the brand
   4. New and existing homes and properties show pride
   5. Commercial district grows, thrives and is pedestrian friendly
   6. Housing market features new options, greater homeownership, and stronger values
   7. Neighbors celebrate positives and engage to improve the neighborhood
The strategies and activities identified in the action plan reflect the overall goals and outcomes desired by the Planning Committee, as well as wider aims of Plan DSM and the Neighborhood Revitalization Program. Major activities recommended in the action plan include:

- Create new financing tools to stimulate housing improvements that enhance marketability and property values.
  - Targeted housing activities will include single-family infill housing, row house development, single-family rehab by homeowner, single-family rehab by developer, and small beautification projects.
- Establish the area around E. Jackson and SE 1st Street as the center of an emerging commercial district.
  - Commercial property renovation and redevelopment activities that would include adding mixed-use developments with ground floor commercial space and upper floor living space will be encouraged.
- Create new financing tools to support improvements to commercial properties within the SID.
- Establish a Neighborhood Business District Resource Team.
- Make blighted nuisance properties a priority for Blitz on Blight (demolition) resources.
- Synchronize infrastructure upgrades with residential and commercial redevelopment.
- Removal of deteriorated fencing from private properties.

2. **Drake SID:** The Drake Special Investment District consists of an area within the southwest quadrant of the Drake neighborhood, bounded by Drake Park and 24th Street to the east, University Avenue to the north, 35th Street to the west, and I-235 to the south. A portion of the Special Investment District overlaps with the Federally-designated Opportunity Zone.

Key issues were identified through market analysis and observations from residents and stakeholders. These include:

A. The housing market is performing well, but high levels of disinvestment are visible and remain a vulnerability.
B. Resident leadership has been strong for years, but broadening the base of engaged and involved residents has been a struggle.
C. The Dogtown business district has a surprisingly weak identity and presence for a college neighborhood’s Main Street.
D. A negative image of the neighborhood persists in the region’s mind.

Six over-arching goals and outcomes were developed by the Planning Committee:

1. Housing stock exhibits pride
2. Dogtown is a destination
3. Brand is clear and consistent: Historic, Diverse, Safe
4. Real estate market is thriving and diverse
5. People walk and bike on beautiful streets
6. There is social cohesion to tap into

The strategies and activities identified in the action plan reflect the overall goals and outcomes desired by the Planning Committee, as well as wider aims of Plan DSM and the Neighborhood Revitalization Program. Major activities recommended in the action plan include:

- Create new financing tools to stimulate improvement to owner-occupied and rental housing that enhance condition, marketability, and property values.
  o Targeted housing activities will include single-family rehab by homeowner or developer, small exterior beautification projects, conversion downsizing, conversion and small multi-family rehab, and apartment building rehab (structures w/ 8+ units)
- Make blighted nuisance properties a priority for rehabilitation (or demolition when necessary).
- Perform strategic code enforcement activities.
- Activate Drake Park more routinely to promote sense of neighborhood safety, walkability, and vibrancy.
- Organize a one-time “Mini-SCRUB” pilot event.
- Finalize and implement Cottage Grove Triangle beautification program.
- Establish a neighborhood dog park.
- Tie existing or new neighborhood pride activities to core brand attributes.
- Expand awareness of and appreciation for area’s historic architecture.
- Establish a Neighborhood Business District Resource Team.
- Develop and implement a stronger identity for Dogtown.

3. Oak Park / Highland Park SID: The Oak Park / Highland Park Special Investment District is generally bound by Seneca Avenue on the north, Oak Park Avenue on the south, 6th Avenue on the east, and 12th Street on the west. Recently the Oak Park and Highland Park Neighborhood Associations have joined together as one association to work collectively on improving their north side neighborhoods.

Key issues were identified through market analysis and observations from residents and stakeholders. These include:

A. High levels of deferred maintenance and lagging property values area a sign that the housing market has been soft for decades.
B. Although the market is soft, it is strong enough to reward homeowners who improve their properties with greater equity and wealth-building potential. But many homes will cost more to fix than they will be worth when fully renovated - a gap that needs to be addressed for widespread reinvestment to occur.
C. The neighborhood is relatively young and shows signs of socioeconomic stability and improvement, which bodes well for boosting levels of engagement and cultivating resident leadership capacity.
D. The neighborhood is well suited for active lifestyles around walking and biking, but this is diminished by notable shortcomings to pedestrian and bicycle safety.

E. The business district has historic charm but is underperforming. A more vibrant district is likely to be one with less retail than has historically been the case.

Six over-arching goals and outcomes were developed by the Planning Committee:

1. Healthy business district
2. Strong connections and collaborations
3. Homes and shared spaces exhibit pride
4. Property values support neighborhood-friendly investment
5. Strong positive identity
6. Pedestrian and bike friendly

The strategies and activities identified in the action plan reflect the overall goals and outcomes desired by the Planning Committee, as well as wider aims of Plan DSM and the Neighborhood Revitalization Program. Major activities recommended in the action plan include:

- Create new financing tools to stimulate housing improvements that enhance marketability and property values.
  - Targeted housing activities will include single-family rehab by homeowner, single-family rehab by developer, and small beautification projects.
- Create new financing tools to support commercial space improvements and business development in the Euclid/6th Avenue business district.
- Establish a Neighborhood Business District Resource Team.
- Support the emergence of a “third place” in the Euclid/6th Avenue business district.
- Make blighted nuisance properties a priority for Blitz on Blight (demolition) resources.
- Perform strategic code enforcement activities.
- Improve sidewalk network for walkability and pedestrian safety.
- Organize a one-time “Mini-SCRUB” pilot event.

4. Franklin Area SID: The Franklin Area Special Investment District is bounded by 48th Street to the west, Hickman Road to the north, Beaver Avenue and 41st Street to the east, and University to the south. The pilot area encompasses a portion of the Waveland Park neighborhood (south of Franklin) and Beaverdale neighborhood (north of Franklin), as well as an area in the middle that has been traditionally shared by both neighborhoods within their boundaries. For purposes of the Special Investment District, the Planning Committee elected to re-brand the area as the Franklin Area, building on the existing assets and potential redevelopment along the Franklin Corridor as defining sense of place.
Key issues were identified through market analysis and observations from residents and stakeholders. These include:

A. The prevailing stability of the neighborhood and its housing market is threatened, with many homes and blocks vulnerable to disinvestment in coming years.
B. The neighborhood’s commercial nodes are important to the quality of life and residential marketability, but they are aging and increasingly incompatible with other neighborhood attributes and goals.
C. Walkability is a true asset, but much can be done to make the neighborhood more conducive to pedestrians and bicycles.
D. Residents in the Franklin Area are more engaged on neighborhood issues than is the norm in Des Moines, but it remains a challenge to maintain an active base of leaders and volunteers.

Seven over-arching goals and outcomes were identified by the Planning Committee:

1. Our business districts are thriving, diverse, and contribute to residential desirability
2. The neighborhood is inviting, safe, and fun for walkers and cyclists
3. Neighborhood’s image is well-known and celebrates unique characteristics
4. Public and private spaces have curb appeal and celebrate community character
5. Neighbors are involved and work together to keep the neighborhood great
6. Homes are desirable and maintain their value against inflation
7. Neighborhood invites and includes diverse populations

The strategies and activities identified in the action plan reflect the overall goals and outcomes desired by the Planning Committee, as well as wider aims of Plan DSM and the Neighborhood Revitalization Program. Major activities recommended in the action plan include:

- Create new financing tools to stimulate improvement to owner-occupied and rental housing that enhance condition, marketability, and property values.
  - Targeted housing activities will include single-family rehab by homeowner or developer, small exterior beautification projects, and new single-family infill housing
- Establish a Franklin Area brand that aligns with core brand attributes and target markets.
- Designate Special Investment District as target area for affordable homeownership and rehab activities.
- Make blighted nuisance properties a priority for rehabilitation (or demolition when necessary).
- Perform strategic code enforcement activities.
- Improve sidewalk network for walkability and pedestrian safety.
- Organize a one-time “Mini-SCRUB” pilot event.
• Apply complete street principles and traffic-calming measures, especially to upcoming street reconstruction and improvement projects.
• Tie existing or new neighborhood pride activities to core brand attributes.
• Expand awareness and appreciation for area’s period architecture.
• Create new financing tools to support improvements to commercial properties within and adjacent to the Franklin Area.
• Establish a Neighborhood Business District Resource Team.

III. PLAN APPROVAL TIMELINE

It is anticipated that the plan will be considered by the City Council for approval on July 15, 2019.

III. STAFF RECOMMENDATION

Staff recommends that the Plan DSM Creating Our Tomorrow Comprehensive Plan be amended to incorporate the Neighborhood Revitalization Plans for the Columbus Park, Drake, Franklin Area, and Oak Park / Highland Park Special Investment Districts as an element.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #3 has agreed to the staff recommendations. No member of the audience or the Commission requested to speak regarding the item.

Jann Freed made a motion to move item #3 to the consent agenda.
Motion Carried 12-0

COMMISSION ACTION:

John “Jack” Hilmes made a motion for the Plan DSM Creating Our Tomorrow Comprehensive Plan be amended to incorporate the Neighborhood Revitalization Plans for the Columbus Park, Drake, Franklin Area, and Oak Park / Highland Park Special Investment Districts as an element.

THE VOTE: 12-0

Item 4

City initiated request to amend the Plan DSM Creating Our Tomorrow Comprehensive Plan to amend the Future Land Use Map for an area generally bounded by East Livingston Avenue on the north, Edison Avenue on the south, Southeast 6th Street on
the east and Southeast 2nd Street on the west, to revise the designation from Low Density Residential to Low-Medium Density Residential. (21-2019-4.11)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

Background: The Neighborhood Revitalization Plan for the Columbus Park Special Investment District identifies a range of housing improvement and redevelopment opportunities within the project area. Opportunities exist within the Special Investment District (SID) for the preservation and rehabilitation of existing housing stock, as well as the addition of new single-family and row house redevelopment east of SE 1st Street. The majority of the SID is currently designated as low density residential. The area south of E. Jackson Avenue and east of SE 2nd Street will remain designated as low density residential. However, to support the housing goals identified for this SID, and to allow for the addition of moderate-density residential development, it is necessary to change the land use designation from Jackson Avenue to the north, between SE 2nd Street and SE 6th Street from low density residential to low-medium density residential.

The definition of low-medium density residential is: Areas developed with a mix of single-family, duplex and small multi-family units up to 12 units per net acre.

Applicable Regulations: Considering the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews any substantial amendment to the Comprehensive Plan or modification thereof in accordance with Section 82-78 of the City Code. If the Commission disapproves the proposed change, it may be adopted by the City Council only by the affirmative vote of at least six-sevenths of all the membership of the Council.

II. STAFF RECOMMENDATION

Staff recommends approval of the City initiated amendment to existing PlanDSM Creating Our Tomorrow future land use plan to the revise the designations from Low Density Residential to Low-Medium Density Residential for an area of the city generally bounded by East Livingston Avenue on the north, Edison Avenue on the south, Southeast 6th Street on the east and Southeast 2nd Street on the west.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #4 has agreed to the staff recommendations. No member of the audience or the Commission requested to speak regarding the item.

John “Jack” Hilmes made a motion to move item #4 to the consent agenda. Motion Carried 12-0

COMMISSION ACTION:
John “Jack” Hilmes made a motion for approval of the City initiated amendment to existing PlanDSM Creating Our Tomorrow future land use plan to the revise the designations from Low Density Residential to Low-Medium Density Residential for an area of the city generally bounded by East Livingston Avenue on the north, Edison Avenue on the south, Southeast 6th Street on the east and Southeast 2nd Street on the west.

**THE VOTE: 12-0**

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**NON-CONSENT AGENDA PUBLIC HEARING ITEMS**

**Item 5**

Request from PRKG 1212, LLC (owner) represented by Ken Tharp (officer) for the following regarding the property at 304 East Walnut Street, represented by Ken Tharp (officer) for

A) Vacation of the following segments of subsurface rights adjoining the property to allow for structural footings of the proposed building. (11-2019-1.13)

1. North 3.42 feet of Walnut Street.
2. East 2.80 feet of East 3rd Street.
3. South 2.80 feet of the east/west alley.

B) Review and approval of a Site Plan “Des Moines Element” under design guidelines in “C-3B” Districts, to allow development of a 6-story, 112-guestroom hotel with ground floor retail space and indoor parking space. (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 approximately 112 guestrooms and ground floor retail space oriented toward East Walnut Street. The building would also contain approximately 65 parking spaces within the 2nd floor of the building that would be accessed by a driveway from East 3rd Street.

The requested vacation of Right-of-Way (ROW) would accommodate structural footings.

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 Preliminary Agendas on April 26, 2019 and May 17, 2019, and by mailing of Final Agendas on May 10, 2019, May 31, 2019, and June 14, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the May 16, 2019 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.

   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: 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.

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. However, the elevations must be clearly labeled to reflect the heights. The elevations demonstrate rooftop mechanical equipment that would exceed 75 feet, which would be permitted in accordance with City Code Section 134-845(b)._

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 metal poles and 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 proposes refuse collection containers contained within an enclosure at the northwest corner of the building within a recessed portion of the first floor. Staff recommends a note to state that the enclosure would have masonry walls and steel gates.

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.

In addition, 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.

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 Site Plan proposes refuse collection containers contained within an enclosure at the northwest corner of the building within a recessed portion of the first floor. Staff recommends a note to state that the enclosure would have masonry walls and steel gates.*
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. This may include provision of uniform planter pits, each with a tree, and elimination of decorative rails. 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 Site Plan proposes refuse collection containers contained within an enclosure at the northwest corner of the building within a recessed portion of the first floor. Staff recommends a note to state that the enclosure would have masonry walls and steel gates.

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 one (1) curb cut along East 3rd Street in order to provide access to the parking on the 2nd level of the building.

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 2nd level, 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 sided with brick and metal panels. All rooftop mechanical equipment would 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 gave preliminary approval of the previously submitted elevations at its meeting on May 21, 2019. It is anticipated that the Urban Design Review Board will consider final approval of the forthcoming revised elevations at their meeting on June 18, 2019. Any approval of the Site Plan by the Plan & Zoning Commission be subject to the final design of the building being approved the Urban Design Review Board and the Planning Administrator.

4. **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.

5. **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.

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 elevations shall be clearly labeled to identify that the height of the building, exclusive of any rooftop mechanical equipment that is set back at least fifteen (15) feet from any face of the building, shall not exceed 75 feet.

3. Any refuse collection container that is not located within the enclosed building shall be screened on all sides with masonry walls and steel gates that match the proposed structure.

4. All site lighting shall be black metal poles and 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. The curb bumpout at the intersection of East Walnut Street and East 3rd Street shall be modified to the satisfaction of the City’s Traffic Engineer.

8. Bike racks shall be provided along East Walnut Street to the satisfaction of the City’s Traffic Engineer.

9. All 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.

10. The final design of the building shall be approved by the City’s Urban Design Review Board and the City’s Planning Administrator.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendations.

Jesse Hadley, 322 1st Ave. Minneapolis, MN stated their team has received the recommendations from City Staff and he is confident all the recommendations can be met.

Jacqueline Easley asked if the applicant agreed with recommended conditions 1-10?

Jesse Hadley stated yes.
Jann Freed asked if they had any problems with the recommendations from City Staff?

Jesse Hadley stated no.

Jesse Hadley presented design and floor plans to the Commission.

Jann Freed asked if they were ok with recommended condition #5?

Jesse Hadley stated they don’t have the ability to put utilities within the building footprint. They will either be on the roof or underground connections.

Mike Simonson asked if there were overhead utilities in public right-of-way?

Erik Lundy stated he isn’t aware of any.

Mike Simonson stated if they would like guests to have food or drinks on the patio, they must provide a barrier between public right of way and the patio.

Jesse Hadley stated they do not plan on selling liquor at this time but if things change they will take the recommendation under advisement.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No member of the audience requested to speak in support or opposition of the request.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**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 elevations shall be clearly labeled to identify that the height of the building, exclusive of any rooftop mechanical equipment that is set back at least fifteen (15) feet from any face of the building, shall not exceed 75 feet.
3. Any refuse collection container that is not located within the enclosed building shall be screened on all sides with masonry walls and steel gates that match the proposed structure.

4. All site lighting shall be black metal poles and 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. The curb bumpout at the intersection of East Walnut Street and East 3rd Street shall be modified to the satisfaction of the City’s Traffic Engineer.

8. Bike racks shall be provided along East Walnut Street to the satisfaction of the City’s Traffic Engineer.

9. All 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.

10. The final design of the building shall be approved the City’s Urban Design Review Board and the City’s Planning Administrator.

THE VOTE: 11-0-1 (John “Jack” Hilmes abstained)

Item 6

Request from Hubbell Realty Company (developer) represented by Joe Pietruszinski (officer) for the following on property in the 4500 block of Hubbell Avenue (U.S Highway 6). The subject property is owned by Baker Real Estate, LP.

A) Determination as to whether the proposed PUD Conceptual Plan amendment is in conformance with PlanDSM Creating Our Tomorrow.

B) Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Business Park to Low Density Residential. (21-2019-4.04)
C) Review and approval of a 7th Amendment to the Baker PUD Conceptual Plan to allow development of 19.98 acres of agricultural land for a single-family residential subdivision at a density of 4.2 units per acre. (ZON2019-00084)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant proposes to develop the property for detached single-family dwellings. The dwellings would be required to have a minimum two-car garage. One-story dwellings would require a minimum 1,100 square feet of finished floor area, exclusive of the attached garage or finished basement. One-and-one-half story dwellings would require a minimum of 1,200 square feet of finished floor area, exclusive of the attached garage or finished basement. Two-story dwellings would require a minimum of 1,300 square feet of finished floor area, exclusive of the attached garage or finished basement. Split-level and split-foyer dwellings would require a minimum of 1,200 square feet of finished floor area, exclusive of the attached garage or finished basement.

2. Size of Site: The area of the proposed development is 19.98 acres. The area of the entire Baker “PUD” District is approximately 60 acres.

3. Existing Zoning (site): Baker “PUD” Planned Unit Development.

4. Existing Land Use (site): Multiple-family residential dwellings, office, mechanical shop, warehouse and agricultural land.

5. Adjacent Land Use and Zoning:

   North – “R1-80” & “A-1”, Uses are single-family dwellings and agricultural land.

   South – Limited “R-3” and “A-1”, Uses are multiple-family dwellings and vacant land.

   East – “C-2” & “A-1”, Uses are single-family dwellings, office, warehouse, repair shop, outside storage, vehicle display lot, vacant retail garden center, vacant repair shop, and vacant land.

   West – “A-1”, Use is vacant timbered land.

6. General Neighborhood/Area Land Uses: The subject property is located north and west of the Hubbell Avenue (U.S. Highway 6) corridor.

7. Applicable Recognized Neighborhood(s): The subject property is not in a recognized neighborhood but is within 250 feet of the Sheridan Gardens Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on May 17, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 17, 2019 (20 days prior to the original public hearing) and on May 24, 2019 (13 days prior to the
original public hearing due to Memorial Day holiday) to the Sheridan Gardens Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within the PUD and within 250 of the PUD boundary. A final agenda was mailed on June 14, 2019.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Sheridan Gardens Neighborhood notices were mailed to Kurt Lee, 3507 East 39th Court, Des Moines, IA 50317.

The applicant is required to hold a neighborhood meeting as part of the PUD Conceptual Plan amendment process. A meeting was held on June 4, 2019. The applicant can provide a summary of the neighborhood meeting comments at the Plan and Zoning Commission hearing upon request.

8. Relevant Zoning History: The subject property was rezoned by the City Council from “A-1” District to “PUD” District on October 27, 1997. The most recent amendment (6th) to the PUD Conceptual Plan was approved by the City Council on April 11, 2011 to allow multiple-family residential dwellings and single-family semi-detached dwellings on the eastern portion of the property, leaving the remaining property for future light industrial requiring a further PUD Conceptual Plan amendment.

9. PlanDSM Future Land Use Plan Designation: The subject property for the amendment is designated as Business Park. The eastern portion of the PUD is designated as Medium Density Residential.

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

II. ADDITIONAL APPLICABLE INFORMATION

1. Natural Features/Landscaping: While the property is currently mostly tilled agricultural land, there are dense timbered areas to the northeast and northwest of the proposed amendment area. There is fence line timbered area on the southern edge of the amendment area. The PUD Conceptual Plan indicates that any tree removals resulting from the proposed development would require compliance with mitigation per the City’s Ordinance.

The proposed landscaping requires that an overstory tree would be planted within the front and rear yards of the proposed single-family lots. Staff recommends that there be an additional street tree added to the PUD Conceptual Plan per lot placed within the area between the street curb and the front property line, with corner lots providing one on each street frontage.
Staff further recommends that conservation easement areas be indicated on the PUD Conceptual Plan to be provided on any Plat for the protection of timbered areas that are not disturbed by the development.

2. **Drainage/Grading:** There is a tributary to Four Mile Creek running through the northern portion of the subject amendment area, generally from northeast to southwest. There are existing easements along the drainage way to protect stream bank stabilization improvements that have been put in place. The City will need to ensure access through any development to maintain these areas over time. The PUD Conceptual Plan amendment should indicate that any platting of the property will provide necessary public access to maintain the stream stabilization areas.

3. **Traffic/Street System:** A Traffic Impact Study was not required prior to the proposed PUD Conceptual Plan amendment pursuant to City policy and proposed number of dwelling units. The proposed street layout indicates a single street entrance with a loop network. There are “knuckles” proposed at the northeast and southwest corners.

   Traffic Engineering Staff have made comment discouraging this configuration as it reduces on-street parking due to the compact arrangement of driveways. It is further commented by Engineering Staff that the proposed horizontal curve radius on the large western street curve proposed should be increased to meet a 200-foot radius based on a design speed of 25 m.p.h.

   To maintain necessary emergency access, a secondary 20-fot wide two-way drive connection to the apartment complex to the east is proposed. This also would provide necessary secondary access to the multiple-family development to the east when fully built out. The access in the currently approved PUD Conceptual Plan is shown closer to Hubbell Avenue. The proposed layout makes the connection further north.

4. **Urban Design:** The submitted plan provides examples of front facades of homes that would be proposed. Exterior siding, roof and window materials are not labeled. The proposed design material requirements indicate approval by the developer and refer to enforcement through restrictive covenants. This is a similar approach approved for the Summersfield PUD by the developer approximately a quarter mile to the east to include the same proposed unit areas. Summersfield proposed a minimum 55-foot wide lots and minimum 7,150-square foot lot areas. Additionally, there is the requirement for two-vehicle attached garages and standards for decks. The detached single-family residential portions of the Summersfield PUD are not located along Hubbell Avenue.

   The subject property is located on an existing transit corridor (Hubbell Avenue) but outside of any designated neighborhood, community or regional nodes. Therefore, at a minimum, the PlanDSM Comprehensive Plan encourages low/medium density residential use of the site including attached single-family residential (i.e. rowhouses) and small multi-family residential uses (i.e. 4-plex, 8-plex or 12-plex...
configurations). While multi-family residential tax abatement is not currently available at this location, rowhouse configurations with up to 8 units per structure are currently eligible for single-family residential tax abatement.

5. **PlanDSM Creating Our Tomorrow:** The subject property is currently designated as “Business Park” on the Future Land Use Map based upon uses identified on the existing PUD Concept Plan. PlanDSM notes that this classification “accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.”

The Future Land Use Map would require amendment to the "Low Density Residential" classification to allow for the proposed detached single-family residential development. PlanDSM defines this classification as “areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.”

Staff appreciates the developer’s proposal to develop at a higher density with an increased number of detached single-family home-ownership units on smaller lots than a typical “R1-60” District would allow. However, the subject property is located on an existing transit corridor but outside of any designated neighborhood, community or regional nodes. At a minimum the PlanDSM Comprehensive Plan would encourage low/medium density residential use of the site including attached single-family residential (i.e. rowhouses) and small multi-family residential (i.e. 4PLEX, 8-plex or 12-plex configurations). While multi-family residential tax abatement is not currently available at this location, rowhouse configurations with up to 8 units per structure are currently eligible for single-family residential tax abatement.

Staff desires the opportunity to explore alternate housing types and configurations for this site with the applicant. Therefore, staff believes that this item should be continued to allow time for those discussions to occur and to notify parties of a revised PlanDSM Future Land Use Map amendment to allow a Low/Medium Density Residential development.

### III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed PUD Conceptual Plan be found not in conformance with the PlanDSM Future Land Use Map designation of Business Park.

Part B) Staff recommends that the proposed amendment to the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Business Park to Low Density Residential be continued to allow notification for a revised amendment from Business Park to Low-Medium Density Residential.

Part C) Staff recommends continuance of the proposed PUD Conceptual Plan Amendment to allow consideration of alternate housing types and configurations for
this site including attached single-family residential (i.e. rowhouses) and small multi-family residential (i.e. 4-plex, 8-plex or 12-plex configurations).

**SUMMARY OF DISCUSSION**

Jacqueline Easley noted that the applicant for this item had requested a continuance to the July 18, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

**COMMISSION ACTION:**

Jann Freed made a motion to continue this item to the July 18, 2019 Plan and Zoning Commission Meeting. Motion Carried 12-0

**THE VOTE: 12-0**

Item 7

Request from J. Larson Homes, LLC and QSL Development, LLC (owners) represented by John Larson (officer) for property located in the 3301 block of East 56th Street.

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

B) Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Low-Medium Density Residential to Medium Density Residential. (21-2019-4.05)

C) Rezone property from “A-1” Agricultural District to “R-3” Multiple-Family Residential District to allow 63.087 acres of agricultural land to be developed for a single-family residential subdivision, town home units and multiple-family residential apartment dwellings for individuals with a physical or developmental disability. (ZON2019-00089)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow the applicant to develop with mixed densities of residential development, including detached single-family dwellings, townhome multiple-family development and multiple-family dwellings for residents with a physical or developmental disability. The proposed “R-3” District allows single-family lots that would be a minimum of 60 feet wide but with minimum 6,000 square feet in area.
2. **Size of Site:** 63.087 acres.

3. **Existing Zoning (site):** “A-1” Agricultural District.

4. **Existing Land Use (site):** The northern portion is agricultural production land and the southern portion is timbered land.

5. **Adjacent Land Use and Zoning:**
   - **North** – “A-1”; Uses are Bethany New Life Church and an archery range business.
   - **South** – “A-1”; Uses are timbered land, agricultural production land and a farmstead with equestrian training and stables.
   - **East** - “OS” Opens Space District & “MDR” Medium Density Residential (City of Altoona), Uses are U.S. Highway 65, timbered land, open space, and agricultural production land.
   - **West** – “A-1” & Brook Landing “PUD”; Uses are single-family dwellings and vacant land.

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

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood association. All recognized neighborhood associations were notified of the public hearing by mailing of the preliminary agenda on May 31, 2019. Notifications of the hearing for this specific item were mailed on May 31, 2018 (20 days prior to the public hearing) and June 10, 2018 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   The applicant is required to conduct a neighborhood meeting with surrounding property owners.

8. **Relevant Zoning History:** The property was annexed into the City of Des Moines on June 25, 2009. At that time the Zoning of the property was designated as “A-1” Agricultural District.

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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as “Low-Medium Density Residential” on the Future Land Use Map. PlanDSM describes this designation as “Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.” The proposed concept with 97 single-family dwelling units and 170 multiple-family dwelling units on 63.087 acres represents a density of 4.44 units per net acre which would be within this definition. However, “R-3” District zoning would allow larger configuration multiple-family dwellings that would not be in conformance. The applicant is requesting amendment of the designation to Medium Density Residential” which is described as “Areas developed with mix of single family, two-family and multi-family residential up to 17 dwelling units per net acre.” This would allow for the proposed concept to be found in conformance.

With the fact that the applicant proposing a much less overall density of units for the property, staff believes that the proposed overall maximum density should be limited to something no greater than 6 units an acre without additional zoning considerations. This is especially noted given that the area is not in close proximity transit to support higher densities. This would allow reconsideration of the development concept under traffic impact analysis if there were changes in the development concept.

2. **Natural Site Features:** The majority of the site consists of agricultural land with a timbered area on the southern portion. Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. There is also a stream with Floodplain in the southern portion of the property that will limit development with any Subdivision Platting or Site Plan Development.

3. **Utilities:** There is public sanitary sewer being constructed through the eastern and northern portion of the property. Any future Subdivision and Site Plan would be limited by easements put in place for these improvements.

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

5. **Traffic/Street System:** A traffic study based on the proposed rezoning concept was prepared in accordance with the City’s traffic study policy. The study concluded
no additional considerations were necessary with the proposed development of the site, and that the existing roadways and proposed network are sufficient.

MoveDSM contemplates on-road bicycle improvements on East 56th Street at the west edge of the property. Any Subdivision Platting or Site Plan improvement would require public sidewalks or appropriate pedestrian connections. The property is not on a designated DART transit route, so it is anticipated that most traffic generated by the development would be vehicular and bicycle traffic.

6. **Urban Design:** Multiple-family dwellings would be reviewed by the Commission under specific design guidelines under the current Site Plan Ordinance or administratively under the proposed Planning and Design Ordinance. However, staff recommends the following single-family design standards be made a condition of the rezoning to ensure a level of quality that will support the long-term sustainability of the proposed development and that is consistent with the minimums placed on similar developments throughout the City.

   a) No same house plan shall be built on adjacent lots.
   b) Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.
   c) Any house shall have a minimum two-car attached garage.
   d) The front façade of any house shall contain one of the following:
      i. A front porch of not less than 60 square feet; or
      ii. Stone or brick masonry siding covering at least 1/3 of the facade.
   e) All windows and doors shall have trim that is no less than 4 nominal inches in width.
   f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   g) Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   h) Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
   i) Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
   j) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
   k) Any chain link fence shall have black vinyl cladding.
III. STAFF RECOMMENDATION

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

Part B) Staff recommends approval of the requested amendment to the PlanDSM Creating Our Tomorrow Future Land Use Map from Low-Medium Density Residential to Medium Density Residential.

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

1. Any overall development of the subject property with a mix of housing types shall not exceed 6 units per acre.
2. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the site must comply with any Floodplain Development regulations in place at the time of construction.
4. Any development of the property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network.
5. Any detached single-family dwelling shall comply with the following:
   a. No same house plan shall be built on adjacent lots.
   b. Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.
   c. Any house shall have a minimum two-car attached garage.
   d. The front façade of any house constructed must contain one of the following:
      a. A front porch of not less than 60 square feet; or
      b. Stone or brick masonry siding covering at least 1/3 of the façade.
   e. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
   f. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   g. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   h. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
   i. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
j. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.

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

**SUMMARY OF DISCUSSION**

**Erik Lundy** presented the staff report and recommendations.

Mike Ludwig suggested that the medium density residential designation could be limited to a maximum density of 12 units per acre. This will allow for the 90 unit multi-family development on the eastern portion of the property and to add additional small multi-family product (less than 12 units per building) on the remainder of the eastern portion of the property.

Erik Lundy stated the low-medium would allow up to 12 units an acre but that is limited to row type multi-family housing.

Mike Ludwig stated medium density with a density limit of 12 units an acre would likely be more appropriate.

Brett Culp, 2727 SW Snyder Blvd. representing Snyder and Associates stated a majority of this property was owned by Karen Armstrong and Finney Properties so it was 2 parcels they have brought together. Over the last year they have worked with the WRA to extend sanitary sewer which is all in ground but they aren’t quite finished up yet. They will be expanding the pond on the property to allow for natural storm water detention and making enhancements to the basin. Regarding the staff recommendations, they are requesting condition #5a be changed to state that “no same elevation plan shall be built on adjacent lots”. For condition #5e, they would like the 4-inch nominal trim around the windows and doors to be on the front façade only. They are requesting that Conditions #5g, #5h and #5i be amended to allow 1,250 square feet for a 1-story, 1,350 square feet for a 1-1/2 story with no 1,000ft first story minimum and 1,400 square feet for a 2-story with no 1,000ft first story minimum. This development would be done in phases starting in the North and working South.

Rocky Sposato asked for a sale price of the homes.

John Larson, Johnston Iowa stated they will be from $180,000 to $250,000.

Mike Ludwig asked the grade of the site would allow them to vary what side the garage is on.

Brett Culp stated there isn’t much of an opportunity to flip what side the garage is on because of the grade.

Mike Ludwig asked if it would be possible to vary more of the 1, 1-1/2 and 2 story homes on adjacent lots.
John Larson stated yes, that would work.

Mike Ludwig stated it would be helpful to have a layout of house types that are able to go on individual lots when the Preliminary Plat is submitted for review.

Brett Culp stated hopefully with the different facades, that will show some variation as well.

Mike Ludwig stated the variation in story’s is best. If it’s just variations in dormers or shutters on one and not another, staff would argue that isn’t enough variation.

Mike Ludwig asked if they were opposed to a 12 unit per acre maximum overall density.

Brett Culp stated it would be something they need to discuss.

Mike Ludwig asked if they’re able to build duplex’s, triplex’s, 4-plexes’s or rowhouses in this development.

John Larson stated they do have plans for some 4-plexes’s.

Jacqueline Easley asked how the apartments will be accessible for people with special needs.

John Larson stated they will comply with ADA requirements.

Carolyn Jension asked if the houses being built are unique to people with special needs.

John Larson stated not necessarily but they have done zero entry garages.

John “Jack” Hilmes asked if the houses referenced in conditions #5g, 5h, and 5i have basements.

John Larson stated yes.

David Courard-Hauri asked how they will manage storm water.

Brett Culp stated the single-family area will drain into the pond with basins tying into the stream. They will also provide basins around the apartment building as well.

Rocky Sposato asked what phase the apartments would be built in.

John Larson stated in the second phase.

Jacqueline Easley asked if they had a neighborhood meeting.
Brett Culp stated it was held on June 4th.

Emily Webb asked if this project will be eligible for tax abatement.

Erik Lundy stated that single-family dwellings and row type dwellings of up to 8 are eligible for tax abatement.

Mike Simonson asked how many years and what percent?

Erik Lundy stated it would be 6 years with a declining schedule.

Mike Simonson stated that he believes 4-inch nominal trim should be provided on all facades.

Carolyn Jenison asked for details around the traffic study.

Brett Culp stated they met with Bolton and Mink. Everything came back good regarding access locations, no need for right or left turn lanes but they wanted a T intersection instead of the knuckle they were showing in their plans.

Jacqueline Easley asked if the traffic study was done before or after the neighborhood meeting?

Brett Culp stated it was completed before the neighborhood meeting.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*(Jann Freed left the meeting at 7:50 PM)*

Matt Murphy, 3301 E 56th St. stated he has 2 concerns, water runoff and what this development does to the value of his property. The water runoff is significant and with a 250-unit development to the West of E 56th, that runoff has increased. In a heavy rain, he will see run off to the pond that is 30 feet wide and over a foot deep in the area identified by lot 63 and 64. He believes once he loses the view out his back window and will now be looking at small homes, his property value will be impacted dramatically.

John “Jack” Hilmes asked where the water comes from.

Matt Murphy stated the retention pond that exists today can handle a 1-inch rain, everything above that will fill the pond and run through the culvert.

John “Jack” Hilmes asked if the water is coming from the west side of E 56th because it’s higher or from the crown of the road.

Matt Murphy stated the land to the West of E 56th is slightly higher, it slopes from Brook Run to E 56th.
Brett Culp stated they will have to accept that water and manage it at their site. They are aware of this issue and will make sure to design accordingly to route the water and make sure it doesn’t pond up on the site. The actual stormwater design must be submitted with the Preliminary Plat.

(Rocky Sposato left at 7:58)

Mike Ludwig stated tonight is just a consideration of the zoning. The applicant hasn’t completed all their engineering work on this site yet. The subdivision plat will come back to the commission and will give us more time to review these issues and concerns. Some other things to consider is the opportunity to provide a range of lot sizes with the highest density being on the eastern part of the property.

Brett Culp stated the large lot widths are shown down in the Finney property.

Mike Ludwig asked for the lot widths on the south end of the concept drawing.

Brett Culp stated the widths are the same, they’re just deeper lots. They have identified open area out lots and once they get into the design they could incorporate drainage easements into a side yard.

Mike Ludwig asked if they would accept a condition stating their first plat will show an overall concept for the entire property.

Brett Culp stated if it remains just a concept.

Mike Ludwig stated yes, at a concept level that would introduce varied types of housing.

Brett Culp stated yes, they would accept that condition.

Greg Jones asked if the larger lots to the south will have bigger square footage homes.

John Larson stated they will be bigger, just not sure how much bigger right now.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Jones stated in the new Zoning Code these are the new square footages that will be added but staff would have the opportunity give up more on an infill site than a greenfield site. From staff’s point of view where do they fall in giving up square footage.

Mike Ludwig stated to give up the square footage, they would like to see a mix of housing sizes and housing types.

Steve Wallace stated he lives in Brook Run and has seen these storm water issues. With the decrease of agricultural land, it has made it a lot worse.
David Courard-Hauri asked how we stop having these conversations about storm water management.

Mike Ludwig stated that if revisions to the storm water standards are needed then it should be addressed through code revisions by the engineering department. The City is held to the standards that are in place at the time their plat comes in and unless they change, they will meet the standards set today. Storm water standards are much greater today than they were 10 years ago. The detention basins at Brook Run were built 18 years ago.

Mike Simonson stated if there are shared detention facilities, the City should have an independent engineer review them once a year or once every other year. The lack of maintenance causes these facilities not to operate properly.

Mike Ludwig stated those are conditions that could be discussed when a plat is reviewed. Asked if the commission be interested in considering a mix of housing sizes, mix of housing types and adding some missing middle housing within this development.

David Courard-Hauri asked what type of wording would be feasible for when the plans come in.

Mike Ludwig stated when they come in with their first preliminary plat, they show an overall concept plan that shows a range of housing sizes for single family detached, and introduce missing middle housing in addition the 90-unit apartment building.

John “Jack” Hilmes asked if there was any basis for the proposed reduction is building square footages other than a market price point.

Brett Culp stated the reason is these are the numbers the commission arrived at about 2-3 months ago on another project he represented.

**COMMISSION ACTION:**

Mike Simonson made a motion to APPROVE Part A) the Commission find the proposed rezoning NOT in conformance with the Plan DSM Creating Our Tomorrow Comprehensive Plan, Part B) APPROVAL of the requested amendment to the Plan DSM Creating Our Tomorrow Future Land Use Map from Low-Medium Density Residential to Medium Density Residential subject to a maximum overall density of 12 units per acre; and Part C) APPROVAL of the request rezoning subject to the following revisions:

1. An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator’s satisfaction, that a mix of housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger...
lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.

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

3. Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.

4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network.

5. Any detached single-family dwelling shall comply with the following:
   a. No same house front elevations shall be built on adjacent lots.
   b. Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.
   c. Any house shall have a minimum two-car attached garage.
   d. The front façade of any house constructed must contain one of the following:
      a. A front porch of not less than 60 square feet; or
      b. Stone or brick masonry siding covering at least 1/3 of the façade.
   e. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
   f. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   g. For the first phase of development and first preliminary plat which shall include that portion of the Property north of and immediately adjacent to the east of the real property locally known as 3341 E. 56th Street:
      i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
      ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
      iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   h. For the second phase of development and second and subsequent preliminary plat(s) which shall include that portion of the Property south of and immediately adjacent to the east of the real property locally known as 3301 E. 56th Street:
      i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.

iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.

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

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

THE VOTE: 10-0

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Item 8

Request from 2425 Hubbell Ave, LLC (owner) represented by Todd Mendenhall (officer) for property located at 1424, 1428, 1432 & 1436 East 25th Street and 2323 & 2425 Hubbell Avenue. Additional property within the PUD area is owned by 2323 Hubbell, LLC.

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

B) Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Industrial to Low Density Residential. (21-2019-4.06)

C) Rezone property located at 1424, 1428, 1432 & 1436 East 25th Street from “PUD” Planned Unit Development to “R1-60” One-Family Low-Density Residential District to allow the property to be developed for single-family residential dwellings. (ZON2019-00091)

D) Amend the Townsend Engineering PUD Conceptual Plan for property at 2425 Hubbell Avenue to remove the properties located 1424, 1428, 1432 & 1436 East 25th Street, previously designated for off-street parking and loading area and open space.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The request would allow for parcels of land fronting East 25th Street to be rezoned from “PUD” Planned Unit Development District to “R1-60” One-Family Low-Density Residential District. The proposed amendment to the “PUD” Conceptual Plan would remove these parcels from the approved “PUD”
Conceptual Plan, which designates this area for a future off-street parking lot and loading area for loading docks on the rear of the existing building.

2. **Size of Site:** The area proposed for rezoning measures 270 feet by 208 feet (56,160 square feet or 1.29 acres). The remaining “PUD” would measure approximately 8.42 acres.

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

4. **Existing Land Use (site):** The area proposed for rezoning includes four (4) 50-foot wide parcels and one (1) 70-foot wide parcel. One (1) of the parcels contains an existing single-family dwelling and the balance of parcels are undeveloped.

   The remaining “PUD” contains multiple commercial tenants, including a commercial bakery, a recreational sports facility, office space, warehouse space, and parking lots.

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

   - **North** - “C-1” & “C-2”, Uses include a liquor store (Lickety Liquors) and Fire Station #3.
   - **South** - “R1-60”, Uses include single-family residential.
   - **East** - “R1-60”, Uses include single-family residential and a church (Eastside Church of the Nazarene).
   - **West** - “M-1” & “C-2”, Uses include commercial businesses, including Quik Trip and Standard Bearings.

6. **General Neighborhood/Area Land Uses:** The subject property is located to the south of the intersection of the Hubbell Avenue and Easton Boulevard commercial corridors.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the ACCENT Neighborhood and within 250 feet of the Fairmont Park Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on May 31, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 31, 2019 (20 days prior to the hearing) and on June 10, 2019 (10 days prior to the scheduled hearing) to the ACCENT Neighborhood, Fairmont Park Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on June 14, 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 on the date of the mailing. The ACCENT Neighborhood
Association mailings were sent to Kevin Scott Marken, 2109 East 28th Street, Des Moines, IA 50317 and the Fairmont Park Neighborhood Association mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317.

The applicant held their neighborhood meeting on June 12, 2019. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.

8. **Relevant Zoning History:** The Townsend Engineering “PUD” Conceptual Plan was originally approved on December 16, 2002. The first amendment to allow the expansion of an existing office building to the south was approved on June 21, 2004.

On November 21, 2016, the “PUD” Conceptual Plan was amended to remove 2400, 2404–2408, & 2412-2424 Elizabeth Avenue; and 1402, 1404 & 1412 East 25th Street.

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

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

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

III. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** PlanDSM Land Use Plan designates the area that would be rezoned to “R1-60” District as “Industrial”. Therefore, the designation must be revised to Low Density Residential District in order find the rezoning in conformance with the City’s land use plan. Staff believes that the Low Density Residential designation is appropriate for this location, and even preferable, since it is directly across from a church and single-family residential uses.

In order to ensure that any single-family dwelling that would be constructed is
compatible with the character of the surrounding neighborhood, Staff has recommended conditions of approval contained in “Section III: Staff Recommendation” of this report.

2. **“PUD” Conceptual Plan:** The proposed amendment to the “PUD” Conceptual Plan would remove the parcels that would be rezoned to “PUD” District. The approved “PUD” Conceptual Plan designates this area for a future off-street parking lot and loading area for future loading docks on the rear of the existing building.

The proposed amendment does not make any other modification to the approved “PUD” Conceptual Plan. The permitted uses for the remainder of the “PUD” would continue to include those as allowed in the “C-2” General Retail and Highway-Oriented Commercial District and “M-1” Light Industrial District, as well as churches, warehouses, commercial bakeries, and gymnasiums/fitness centers. The prohibited uses include adult entertainment, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by postdated checks or payroll guarantee as their primary activity.

3. **Permit & Development Center Comments:** Any modified lot configuration must be in accordance with a Plat as approved by the City’s Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with “R1-60” District regulations, would be subject to approval of any necessary zoning appeals by the City’s Zoning Board of Adjustment.

### III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning and “PUD” Conceptual Plan amendment be found in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial.

Part B) Staff recommends that for parcels known as 1424, 1428, 1432 & 1436 East 25th Street, the PlanDSM: Creating Our Tomorrow Plan future land use designation should be amended from Industrial to Low Density Residential.

Part C) Staff recommends approval of the request to rezone the parcels known as 1424, 1428, 1432 & 1436 East 25th Street, from “PUD” Planned Unit Development to “R1-60” One-Family Low-Density Residential District, subject to the following conditions:

1. Any modified lot configuration shall be in accordance with a Plat approved by the City’s Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with “R1-60” District regulations, shall be subject to approval of any necessary zoning appeals by the City’s Zoning Board of Adjustment.

2. Any dwelling constructed shall have a full basement.
3. Any dwelling constructed shall be subject to provision of a garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space. A paved driveway shall be provided for vehicular access to the garage.

4. Any dwelling constructed shall have exterior materials of masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board, or other composite materials generally equal in quality to cement fiber board, as approved by the City’s Planning Administrator.

5. Any dwelling shall be constructed with a front porch of not less than 60 square feet or with a front façade of which at least 1/3 shall be clad with stone or brick masonry.

6. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4 inches (nominal) wide.

7. Any dwelling constructed shall include a roof covered with architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

8. Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City’s Permit and Development Center.

Part D) Staff recommends approval of the proposed amendment to the Townsend Engineering “PUD” Conceptual Plan.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Doug Saltsgaver, 2413 Grand Ave, Representing Engineering Resource group stated the owner has decided the parking and truck court area that was originally shown was likely not to happen. He is now having troubles with people using this area as a dumping zone for personal trash, along with people doing undesirable things. Instead of sitting vacant, they want to convert it back to single family homes.

Mike Simonson asked which conditions does the applicant have concerns about.

Doug Saltsgaver stated Conditions #2 and #3.

Kirk Mikelson, 10640 Justin Dr., representing KRM Development stated they are looking for exceptions of no basement on one of the lots because there will be special needs folks living there. They also requested no garage so the house itself could be a little bigger. For the other lots, they request not to add garages for price point purposes.

Carolyn Jension asked if it would be appropriate for the garages to be detached in this neighborhood?

Mike Simonson stated basements aren’t necessary but garages are.
Carolyn Jension stated she just wants to move it from an attached garage to a detached because that is more in character with the neighborhood.

Mike Ludwig stated he thinks it would be safe to say a detached garage would be compatible with the neighborhood.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

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

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Greg Jones made a motion for **APPROVAL** of Part A) the proposed rezoning and “PUD” Conceptual Plan amendment be found in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial, **APPROVAL** of Part B) that for parcels known as 1424, 1428, 1432 & 1436 East 25th Street, the PlanDSM: Creating Our Tomorrow Plan future land use designation should be amended from Industrial to Low Density Residential and Part C) **APPROVAL** of the request to rezone the parcels known as 1424, 1428, 1432 & 1436 East 25th Street, from “PUD” Planned Unit Development to “R1-60” One-Family Low-Density Residential District, subject to the following conditions:

1. Any modified lot configuration shall be in accordance with a Plat approved by the City’s Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with “R1-60” District regulations, shall be subject to approval of any necessary zoning appeals by the City’s Zoning Board of Adjustment.

2. Any dwelling constructed shall be subject to provision of a detached garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space. A paved driveway shall be provided for vehicular access to the garage.

3. Any dwelling constructed shall have exterior materials of masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board, or other composite materials generally equal in quality to cement fiber board, as approved by the City’s Planning Administrator.

4. Any dwelling shall be constructed with a front porch of not less than 60 square feet or with a front façade of which at least 1/3 shall be clad with stone or brick masonry.

5. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4 inches (nominal) wide.
6. Any dwelling constructed shall include a roof covered with architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

7. Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City’s Permit and Development Center.

Part D) **APPROVAL** of the proposed amendment to the Townsend Engineering “PUD” Conceptual Plan.

**THE VOTE:** 10-0

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**Committee and Director’s Reports:**

Mike Ludwig stated the first public hearing for the new Zoning Code will be July 18, 2019.

Meeting adjourned at 8:42