
**ABSENT:** Jann Freed

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

John “Jack” Hilmes made a motion to approve the June 20, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 9-0-3 (Greg Wattier, Francis Boggus and Will Page abstained as they were not present for the June 20, 2019 meeting).

Jacqueline Easley noted that the applicant for item #8 had requested a continuance to the August 15, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding these items.

John “Jack” Hilmes made a motion to continue item #8 to the August 15, 2019 Plan and Zoning Commission meeting. Motion Carried 12-0

*(Carolyn Jenison arrived at 6:11; Lisa Howard was not present)*

Jacqueline Easley asked if any members of the audience or the Commission requested to speak regarding consent agenda items #1, #2, #3, #4 and #5. None were present or requested to speak.

David Courard-Hauri made a motion to approve Consent Agenda Items #1, #2, #4 and #5 per the recommendations in the staff reports. Motion Carried 13-0

**CONSENT AGENDA PUBLIC HEARING ITEMS**

**Item 1**

Request from Des Moines Public Schools (owner) 1450 Fremont Street represented by Bill Good (officer) for vacation of Fremont Street from East 14th Street to East 15th Street and for vacation of East 15th Street from Fremont Street to East University Avenue to allow it to be assembled with adjoining property. Additional adjoining property owned by University Group, LLC.  

*(11-2019-1.15)*

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is interested in acquiring the subject right-of-way. The proposed vacation would allow the applicant to combine the subject right-of-way with the properties to the north and south of the subject right-of-way and expand their existing sports fields. The request requires the entire width and length of right-of-way be vacated.
2. **Size of Site:** Approximately 63,606 square feet.

3. **Existing Zoning (site):** “C-2” General Retail and Highway Oriented Commercial District, “R1-60” One-Family Low-Density Residential District, “GGP” Gambling Games Prohibition Overlay District and “FSO” Freestanding Signs Overlay District.

4. **Existing Land Use (site):** Fremont Street right-of-way.

5. **Adjacent Land Use and Zoning:**
   - **North** – “R1-60”, “C-2” & Limited “C-2”, Uses are vacant land owned by DMPS and University Group LLC and a parking lot currently used by a food truck.
   - **South** – “R1-60”, “C-2”; Uses are DMPS sports fields.
   - **East** – “R1-60”, Uses are DMPS sports fields.
   - **West** – “C-2”; Uses are an office and retail building and parking lot, Fremont Street right-of-way, and a restaurant.

6. **General Neighborhood/Area Land Uses:** The subject right-of-way extends east from East 14th Street for approximately 675 feet and then turns north for approximately 160 feet to East University Avenue. The surrounding area contains a mix of uses including multiple-family and single-family residential, office and retail, commercial, and educational uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Martin Luther King Jr. Park Neighborhood and within 250 feet of Capitol Park Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. A Final Agenda was mailed to the neighborhood associations on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to the hearing) to the Martin Luther King Jr. Park Neighborhood, the Capitol Park Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject right-of-way.

   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 Martin Luther King Jr. Park Neighborhood notices were mailed to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316. The Capitol Park Neighborhood notices were mailed to Chelsea Lepley, PO Box 1993, Des Moines, IA 50305.

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

9. **PlanDSM Land Use Plan Designation:** Public/Semi-Public.
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 properties fronting East 14th Street would require an access easement to ensure continued access from Fremont Street right-of-way.

2. **Utilities:** A water hydrant, a water feeder main, and an 8-inch water main are located in the requested right-of-way. Sanitary sewer and storm conduits 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 public utilities in place until such time that they are abandoned or are relocated at the applicant’s expense.

2. Reservation of any necessary easements for access as required by adjoining property owners.

3. 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:**

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

1. Reservation of any necessary easements for all existing public utilities in place until such time that they are abandoned or are relocated at the applicant’s expense.
2. Reservation of any necessary easements for access as required by adjoining property owners.

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

THE VOTE: 13-0

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Item 2

Request from Cotofo’s Auto Services, Inc. (contract buyer) represented by Andres Rodriguez-Hernandez (officer) for review and approval of a Site Plan “Cotofo’s Auto Repair” under design guidelines for Vehicle Display Lots for property located at 1640 East Court Avenue, to allow expansion of the existing auto repair business with additional area for a vehicle display lot. The property titleholders are Erazm and Leokadia Rokitniki.

(10-2019-7.129)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The developer is proposing to add display of rental trucks and trailers to the existing auto repair business. The developer proposes providing new paving for display along Readhead Road. Two drive approaches would be improved along Readhead Road as well as installation of a public sidewalk.

2. Size of Site: 51-533-square feet (1.18 acres)

3. Existing Zoning (site): “M-1” Light Industrial District and “FSO” Freestanding Signs Overlay District.

4. Existing Land Use (site): The overall property is comprised of a 40,552-square foot parcel containing a 6,180-square foot metal shop building used for the applicant’s vehicle and equipment repair business.

5. Adjacent Land Use and Zoning:

   North – “R1-60”, Uses are single-family dwellings.

   South – “R1-60” & “M-2”, Uses are single-family dwellings and a vehicle repair shop.

   East – “M-1”, Use is vehicle repair shop.

   West – “R-3”, Use is multiple-family dwelling.
6. **General Neighborhood/Area Land Uses:** The subject property is located in a transition area between the Readhead Road/Dean Avenue industrial corridor and the Capitol East residential neighborhood to the west.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Capitol East Neighborhood. The neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on June 28, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to the hearing), to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on July 12, 2018.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Capitol East Neighborhood Association mailings were sent to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316.

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

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

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any Site Plan application that includes improvements to property used for display, hire, rental or sales of motor vehicles in a commercial zoning district, the Plan and Zoning Commission shall apply the design standards in section 82-213 and the additional standards listed below. The decision to approve, approve subject to conditions or disapprove a proposed Site Plan must be based upon the conformance of the Site Plan with the design standards:

    1) The construction and use of the site will have no significant detrimental impact on the use and enjoyment of adjoining residential uses, if any.

    *The proposed vehicle display areas will be located on the north side of the building obstructing it front door views from most of the surrounding residences.*

    2) The proposed development shall satisfy the open space and bufferyard requirements for development in the "C-2" district set forth in the Landscape Standards in the adopted Site Plan policies.

    *The applicant has met the necessary landscape requirements subject to some shifting of proposed shrub plantings.*
3) Any portion of the property to be used for outside storage, display or parking of vehicles shall:

a) Contain at least one-half acre of land.

*The property is 1.18 acres in area.*

b) Conform to the parking lot/display lot requirements for development in the "C-2" district set forth in the landscape standards in the adopted Site Plan policies.

*The applicant has met the necessary landscape requirements subject to some shifting of proposed shrub plantings.*

c) Be surfaced with an asphaltic or Portland cement binder pavement as shall be approved by the city engineer, so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation within the area.

*The applicant is proposing permanent pavement for all parking, drive aisles, and display areas.*

d) Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Precast wheel stops and other barriers that can be readily moved are not acceptable.

*The applicant is providing curbing to prevent encroachment into required setbacks.*

4) There shall be no elevated display of motor vehicles in any required front yard.

*A note prohibiting any elevated display outside of any required setbacks must be added.*

5) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.

*The submitted Site Plan distinguishes off-street parking versus areas designated for vehicle display.*

6) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the Site Plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.
The submitted Site Plan provides for required markings for off-street parking spaces and display areas.

II. ADDITIONAL APPLICABLE INFORMATION

As part of the administrative review of the Site Plan, Traffic Engineering Staff has required 5-foot wide sidewalk to be installed on Redhead Road within the Right-Of-Way. Existing sidewalk on East Court Avenue will be retained.

III. STAFF RECOMMENDATION

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

1. Compliance with all administrative review comments.
2. Provision of a note that there shall be no elevated display within required setback areas.

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:

David Courard-Hauri made a motion for approval of the submitted Site Plan subject to the following conditions:

1. Compliance with all administrative review comments.
2. Provision of a note that there shall be no elevated display within required setback areas.

THE VOTE: 13-0

Request from Des Moines Heritage Trust (owner) represented by Timothy Waddell (officer) for the following actions regarding property located at 120 East 5th Street:

A) Vacation of a 15.7-foot by 19-foot segment of the west side of East 5th Street to allow for restoration of the existing historic depot building with a porte-cochere addition that would extend approximately 15 feet into the existing Right-Of-Way.

(11-2019-1.16)
B) Review and approval of a Site Plan “Des Moines Heritage Center” under design guidelines in “C-3B” Districts, to allow restoration of the existing 2,000-square foot historic depot building for a museum/heritage center and construction of a 1-story, 7,100-square foot assembly hall to the west rear of the site.

(10-2019-7.130)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Site Plan would allow the site to be redeveloped and occupied by a museum and event space use. The development would consist of the renovation of the existing historic railroad depot building and the construction of a 1-story building to the west of the depot. Renovation plans include the reconstruction of the original porte-chochere that would extend from the front façade of the building. The building is setback 6 feet from the property line. Therefore, the porte-chochere would extend into the East 5th Street right-of-way.

2. Size of Site: 0.42 acre.


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

5. Adjacent Land Use and Zoning:

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

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

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

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

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

7. Applicable Recognized Neighborhood(s): The subject property is located in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on June 28, 2019 and by mailing of the Final Agenda on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to initial public hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.
All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** On May 6, 2019, by Ordinance Number 15,774, the City Council rezoned the subject property from “M-1” Light Industrial District to a Limited “C-3B” District subject to the prohibition of the following uses:

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The site is designated as Downtown Mixed Use, which allows “mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Development “should include active uses (e.g. retail) on ground floor, particularly at key intersections.”

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

   1) **Building Heights.** Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.
The existing railroad depot building is 1-story tall. No modifications are proposed to its height. The new building would be 1-story tall. The proposal is appropriate given the height or the existing building and unique nature of the proposed museum and associated event space use.

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

    Not applicable.

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

    Staff recommends that any approval be subject to the conditions listed in Section III of this report.

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

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

    Not applicable.

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

    a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
    b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
The existing depot building is setback 6 feet from the front property line and occupies 23.5% (21 feet) of the 89 feet of frontage along SE 5th Street. The new building would be located to the rear of the building so that it does not interfere with the historic configuration of the depot building. The proposal is appropriate given the need to protect the historic character of the existing building and unique nature of the proposed museum and associated event space use.

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

Not applicable.

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

The proposed trash enclosure would be located at the rear of the property and serviced from an alley.

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

Not applicable.

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.

All storage would take place within a building. The proposed trash enclosure would be located at the rear of the property and serviced from an alley. The site would include a paved plaza area and plantings.

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

Street trees and planter beds are proposed along East 5th Street. Planter beds would be provided around the perimeter of the depot building. Two rain garden planters would be provided along the northern perimeter of the proposed plaza space. A prairie area would be installed to the south of the new building.
8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

No warehouse use or loading docks are proposed.

II. ADDITIONAL APPLICABLE INFORMATION

1. Downtown Overlay District Design Guidelines: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any Site Plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations and design guidelines in Section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed Site Plan shall be based upon the conformance of the Site Plan with such design regulations and the following guidelines.

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

The proposed development would allow the renovation of a railroad depot building that is a valuable historic resource in the downtown. This is a place-based design solution that is consistent with the vision of the “What’s Next Downtown Plan.”

The new building would be located in the rear portion of the lot and separated from the depot building by a plaza. It would utilize a contemporary design with a mix of brick, metal and glass exterior materials. The proposed design and materials are complimentary to the historic building. The development is being reviewed by the Urban Design Review Board (UDRB). Therefore, staff recommends that the finalized building elevations and landscape design be approved by the Planning Administrator to allow for any alterations that may be required by the UDRB.

Underground utilities and black street light fixtures and poles are the desired development pattern in the downtown. In general, development is expected to underground overhead lines and to upgrade street lights in adjoining rights-of-way. The applicant demonstrated to the satisfaction of the Plan and Zoning Commission during the rezoning process that undergrounding the utilities in the adjoining East 5th Street right-of-way is not feasible for this project due to unique circumstance. Therefore, the staff recommendation in Section III of this report only addresses providing upgraded street lighting.
B) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

_The applicant is proposing to conserve an existing building, which is consistent with sustainability goals._

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

_The development would include a class “A” sidewalk along East 5th Street providing connectivity for pedestrian circulation._

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

_Plantings would be provided throughout the site._

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

_The development would include a plaza space that can be used for outdoor gatherings._

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.

_Staff recommends that any approval be subject to the provision of bike racks._

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

_The existing railroad depot building is 1-story tall. No modifications are proposed to its height. The proposed addition would be 1-story tall. The proposal is appropriate given the height of the existing building and unique nature of the proposed museum and associated event space use._

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

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

The existing depot building is setback 6 feet from the front property line and occupies 23.5% (21 feet) of the 89 feet of frontage along SE 5th Street. The proposed addition would be located to the rear of the building so that it does not interfere with the historic configuration of the depot building. The proposal is appropriate given the need to protect the historic character of the depot building and unique nature of the proposed museum and associated event space use.

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

No outdoor storage is proposed.

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

The proposed trash enclosure would be located at the rear of the property and serviced from an alley. The applicant is proposing to construct the enclosure with metal panels. However, product specifications have not been provided that would allow staff to determine if the material is appropriate for this application. Staff recommends that any approval be subject to the review and approval of the finalized design and materials by the Planning Administrator.

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.

Street trees and planter beds are proposed along East 5th Street. Planter beds would be provided around the perimeter of the depot building. Two rain garden planter areas would be provided along the northern perimeter of the proposed plaza space. A prairie area would be installed to the south of the new building.

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

No overhead doors or warehouse use are proposed.

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

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

*Not applicable.*

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

*Street curb cuts are not proposed.*

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

*Not applicable.*

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

*Not applicable.*

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

*Not applicable.*

2. **Grading and Stormwater Management:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. The submitted site plan includes underground detention and rain gardens.

III. **STAFF RECOMMENDATION**

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

1. Compliance with all administrative review comments of the City’s Permit and Development Center.
2. Provision of black street light fixtures and metal poles.
3. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting shall not exceed 20 feet in height.
4. All services lines to buildings shall be located underground.

5. Provision of bike racks to the satisfaction of the Planning Administrator.

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

7. Review and approval of the finalized trash enclosure design, placement and building materials by the Planning Administrator.

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

9. Review and approval of the finalized landscaping plan by the Planning Administrator.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

David Courard-Hauri made a motion for approval of the proposed Site Plan, subject to the following conditions:

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

2. Provision of black street light fixtures and metal poles.

3. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting shall not exceed 20 feet in height.

4. All services lines to buildings shall be located underground.

5. Provision of bike racks to the satisfaction of the Planning Administrator.

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

7. Review and approval of the finalized trash enclosure design, placement and building materials by the Planning Administrator.

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

9. Review and approval of the finalized landscaping plan by the Planning Administrator.

THE VOTE: 13-0
Item 4

Request from Des Moines Griffin Building, LLC (owner), 319 7th Street, represented by Tim Rypma (officer) for vacation of a 4-foot by 4-foot segment of air rights within the adjoining east/west alley to allow for ventilation ducts attached to the upper portion of the building that would encroach over the alley.

(11-2019-1.17)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The property adjoining the proposed vacation is undergoing renovation. The subject vacation would allow ventilation ducts attached to the building to extend into airspace of the alley right-of-way.

2. Size of Site: The property adjoining the proposed vacation measures 66 feet by 133 feet (6,720 square feet). A total of 16 square feet of alley Right-of-way is proposed to be vacated.


4. Existing Land Use (site): The property adjoining the proposed vacation is occupied by a multiple-family high-rise dwelling.

5. Adjacent Land Use and Zoning:
   - **North** – “C-3”; Use is the Ruan Center.
   - **South** – “C-3”; Use is Employers Mutual Casualty.
   - **East** – “C-3”; Use is a youth shelter.
   - **West** – “C-3”; Use is a parking structure.

6. General Neighborhood/Area Land Uses: The site is located in downtown Des Moines. The area contains a mix of office, restaurant and residential uses.

7. Applicable Recognized Neighborhood(s): The property adjoining the proposed vacation is in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on July 12, 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 Association notices were mailed to Austin Lewis, 915 Mulberry Street, Unit 504, Des Moines, IA 50309.

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

9. **PlanDSM Land Use Plan Designation:** The proposed vacation and the property adjoining it are designated as "Downtown Mixed Use" on the Future Land Use Map.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Utilities:** No utilities have been identified that would be impacted by the proposed vacation. Staff recommends approval subject to the reservation of easements for any existing utilities.

2. **Street System/Access:** The proposed vacation would have a negligible impact on the function of the adjoining alley.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the requested vacation subject to reservation of easements for all public utilities in place.

**SUMMARY OF DISCUSSION**

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

**COMMISSION ACTION:**

David Courard-Hauri made a motion for approval of the requested vacation subject to reservation of easements for all public utilities in place.

**THE VOTE:** 13-0
Item 5

Request from Robert Ellis (owner) for review and approval of a Preliminary Plat "McKinley Acres" on property located in the 3401 block of McKinley Avenue, to allow re-platting of 2.16 acres of property into four (4) lots for single-family residential development. Previous approval of this Plat by the Plan and Zoning Commission on January 19, 2017 has expired. Additional subject property is owned by RLBR Holdings, LLC represented by Rob and Lynda Bierma.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The appellant is proposing to divide the property into four lots for development of single-family dwellings. Lots 1, 2 and 3 would have 70 feet of frontage along McKinley Avenue and varying depths due to the irregular shape of the site. Lot 4 would be a flag lot with 20 feet of frontage along McKinley Avenue.

2. Size of Site: Approximately 2.42 acres.

3. Existing Zoning (site): “R1-80” One-Family Residential District.


5. Adjacent Land Use and Zoning:

   North – “R1-80”, Uses are undeveloped land and single-family residential.

   South – “R1-80”, Uses are McKinley Avenue and single-family residential.

   East – “R1-80”, Uses are McKinley Avenue and single-family residential.

   West – “M-3”, Uses are McKinley Avenue and the Des Moines International Airport.

6. General Neighborhood/Area Land Uses: The subject property is located north of the Des Moines International Airport in an area that primarily consists of low-density residential development.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Southwestern Hills Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the Commission meeting was mailed to the neighborhood associations on July 12, 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 Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321.

8. **Relevant Zoning History:** On August 24, 2016, the Zoning Board of Adjustment approved an Exception of 10 feet less than the minimum 80 feet of lot width required for a single-family dwelling (for three parcels with 70 feet of frontage) and an Exception of 60 feet less than the minimum required 80 feet of lot width for a single-family dwelling, where such lot meets the lot width at the building line (for one flag lot with 20 feet of frontage), subject to the following conditions:

1. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.

2. The architectural details of each dwelling shall vary from the other dwellings to provide an individualized appearance.

3. Provision of a full basement under each dwelling

4. Provision of a two-car or larger garage. A paved driveway shall be provided for vehicular access to the garage.

5. Exterior material for any home constructed shall be 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 Planning Administrator.

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

7. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4-inches wide.

8. The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

10. Any modified lot configuration shall be in accordance with a Plat approved by the Permit and Development Center and recorded with Polk County.

On July 26, 2017, a follow-up appeal was approved by the Board of Adjustment for additional relief based on the proposed model home for Exception of 10 feet less
than the calculated minimum 40 feet of front yard setback required for a single-family dwelling. Exception of 3 feet less than the minimum 10 feet of side yard setback required on one side for a single-family dwelling, and Exception of 6 feet less than the minimum 20 feet of total side yard setbacks required for a single-family dwelling, subject to the following conditions:

1. A Final Plat shall be approved by the City Council and recorded with Polk County in accordance with relief granted by the Board on August 24, 2016 by Docket ZION2015-00142.

2. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.

3. The architectural details of each dwelling shall vary from the other dwellings to provide an individualized appearance.

4. Provision of a full basement under each dwelling

5. Provision of a two-car or larger garage. A paved driveway shall be provided for vehicular access to the garage.

6. Exterior material for any home constructed shall be 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 Planning Administrator.

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

8. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4-inches wide.

9. The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

10. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

11. Any modified lot configuration shall be in accordance with a Plat approved by the Permit and Development Center and recorded with Polk County.

This relief was exercised by the approval of construction of a demonstration single-family dwelling unit on August 2, 2017. However, because a Final Plat was not submitted for approval within the maximum time frame, the Preliminary Plat was
expired. It has now been re-submitted so that the City Council may consider an Final Plat.

9. **PlanDSM Land Use Plan Designation:** Low-Density Residential is defined as “areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.” The density of the proposed lot configuration complies with the “Low Density Residential” designation.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission’s action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Site Features:** The site generally slopes downward from the northwest to the southeast and contains a mix of groundcover-type vegetation and trees. There are trees along the perimeter lines of Lot 4 and in the rear of Lots 1 and 2. The applicant has identified all trees being removed or protected and has proposed mitigation plantings for any trees removed.

2. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. The topography of the site requires a stormwater basin to be located in the southeast corner of the development. The basin is designed to temporarily hold water from larger storm events and to release it at a limited rate to the southeast. The developer is required to establish a homeowners association for the purpose of entering into a Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement with the City of Des Moines.

3. **Utilities:** Water access is available through an 8-inch water main in McKinley Avenue. There is an existing public sanitary sewer main in a 50-foot-wide north/south easement is adjacent to the eastern portion of Lots 1-4 and a 60-foot-wide north/south storm sewer easement adjacent to the middle portion of Lot 4.

4. **Traffic/Street System:** The Preliminary Plat shows the proposed development would be bounded by McKinley Avenue to the west. Based on Traffic Engineering
comments, the developer has proposed limiting the number of driveways along McKinley Avenue so that Lots 1-2 and Lots 3-4 share common drive approaches. The submitted plat states that 5-foot-wide sidewalks will be installed along McKinley Avenue by individual lot owners.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed Preliminary Plat subject compliance with all administrative review requirements of the Permit and Development Center, including limiting the four lots to only two shared drive approach accesses from McKinley Avenue.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

David Courard-Hauri made a motion for approval of the proposed Preliminary Plat subject compliance with all administrative review requirements of the Permit and Development Center, including limiting the four lots to only two shared drive approach accesses from McKinley Avenue.

THE VOTE: 13-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

(Lisa Howard arrived at 6:15)

Item 6

A public hearing regarding the proposed Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map amendment (reference https://plandsm.dmgov.org). The hearing will be re-opened the August 1, 2019 meeting of the Commission, where a recommendation to the City Council on these items will be considered following the hearing.

(10-2019-5.01)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

The City’s existing zoning ordinance was comprehensively written in 1965. There have been more than 300 amendments to the ordinance since 1965. Revisions and time have resulted in an ordinance that has inefficient processes and conflicting regulations, an ordinance that is not user-friendly, an ordinance that lacks appropriate urban design standards to ensure expected quality for all development and an ordinance that provides ineffective support for the City’s sustainability goals.

In 2014, the Des Moines City Council approved funding for creation of a new comprehensive plan and zoning ordinance for the City of Des Moines.

The PlanDSM Creating Our Tomorrow Comprehensive Plan was approved on April 25, 2016 as a local implementation of the Tomorrow Plan Regional Plan for Sustainable Development. The Plan was prepared in-house by City Staff with contractual project management provided by Robert Blanchard, AICP. PlanDSM received a Silver Level recognition for sustainable practices from the American Planning Association and the Daniel Burnham Award for Comprehensive Planning from the Iowa Chapter of the American Planning Association.

In March of 2016, the City entered into an agreement for professional services with a collaborative of Duncan Associates, CodaMetrics and the Lakota Group to prepare a rewrite of the zoning ordinance. The collaborative conducted a series of stakeholder meetings and produced a project direction report and was authorized to proceed by the City Council. The public review draft of the document was released in August of 2017 and the City received over 300 public comments and 350 staff comments on the draft. After nearly 18 months of review and revision by City staff and the consultant, this public hearing draft was released on May 17, 2019.

The proposed Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map amendment are the culmination of five years of work that has included at least 17 steering committee meetings, 19 stakeholder group interviews, a project direction report, 22 additional stakeholder meetings since the release of the public hearing draft, 2 workshops by the Plan and Zoning Commission, 5 workshops by the City Council and will have public hearings by the Plan and Zoning Commission and City Council.

The proposed Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning map are “living documents”. The current form is the City’s best attempt to provide equitable regulation for development that balances the needs of many interest groups. Staff will continue to work with the City Council, Plan and Zoning Commission, and all interested parties now and in the future to adjust the ordinance as priorities and objectives change.
Please refer to www.PlanDSM.org for information regarding the comprehensive plan, the proposed Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment.

II. CONSISTENCY WITH STATE CODE

The proposed Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map amendment have been prepared in consideration of Iowa Code Chapter 18B and in accordance with Iowa Code Chapter 414 as applicable.

III. CONSISTENCY WITH PlanDSM

PlanDSM is the City’s Comprehensive Plan. Preparation of the proposed the proposed Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment is based upon and consistent with the following Goals and Policies of PlanDSM:

**Land Use Goal 1**

*Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.*

LU1: Develop a new Zoning Ordinance and other land development regulations consistent with the goals and policies of PlanDSM.

LU2: Develop regulations sensitive to adjoining development and potential development to promote unique land use objectives including neighborhood centers and transit-oriented development (TOD).

LU3: Ensure new zoning and land use regulations promote development and redevelopment that is compatible with the neighborhood character and reduces negative impacts between incompatible uses.

LU4: Integrate development with the natural environment through green building and site planning practices.

LU5: Develop regulations to reduce blight and visual clutter including, but not limited to, signage, overhead power lines, telecommunications equipment, and other utilities. Regulations will be consistent with federal and state code and case law.

LU6: The City of Des Moines will strive to reduce greenhouse gas emissions by encouraging energy efficient buildings, reducing vehicle miles traveled, increasing landscape plantings, and utilizing green infrastructure.

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

LU8: Encourage continued redevelopment and enhancement of regional nodes emphasizing a mix of uses, ease of access by transit, enhanced walkability, and high density residential.

LU10: Prioritize new mixed use development and redevelopment along proposed high capacity transit corridors and nodes.

L11: Identify nodes appropriate for Transit Oriented Development (TOD). Prioritize nodes identified along high capacity transit corridors.

LU13: Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers.

LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.

LU16: Require new development in recently annexed areas to work with the city to evaluate the cost of providing city infrastructure and services to ensure development has a positive financial return on any city investment.

LU17: Establish requirements for the existence or provision of adequate public facilities prior to allowing new development in recently annexed areas. Consider cost-sharing agreements when development occurs in targeted areas.

**Land Use Goal 4**

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

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

LU25: Require new development and redevelopment to be compatible with the existing neighborhood character.

**Land Use Goal 5**

*Continue to support the development of Downtown as the economic, cultural, and residential core of Des Moines.*

LU27: Refine Downtown Zoning Districts to ensure consistency with the goals and policies of PlanDSM.
LU28: Encourage infill development at strategic downtown development sites and corridors.

LU29: Support downtown development that investigates and incorporates green building techniques and design.

LU32: Ensure a variety of business, employment, and building densities to develop an engaging downtown.

**Land Use Goal 6**
*Recognize the value of Des Moines’ historic building stock and landscapes and ensure their preservation for future residents.*

LU33: Promote preservation, restoration, and reuse of historical structures and landmarks.

LU34: Continue to refine design guidelines and develop standards that protect the historical integrity and architectural character in identified Historic Districts.

**Land Use Goal 7**
*Maintain the existing industrial designated areas to provide appropriate locations for industrial use.*

LU36: Develop land use regulations for industrial uses that address potential impacts with adjoining non-industrial land uses, particularly residential areas.

LU37: Restrict expansion of existing or development of new non-industrial uses within industrially designated areas.

**Land Use Goal 8**
*Recognize the value of ecologically sensitive land and natural resources and ensure preservation of these areas for future residents and urban vitality.*

LU42: Permit reasonable development of land that addresses environmental constraints and minimizes disturbance of natural habitats.

LU43: Regulate development in flood prone areas to protect from damage to public health, safety, and property.

**Transportation Goal 1**
*Develop a complete multi-modal transportation network for pedestrians, bikes, transit, and automobiles.*

T2: Address all forms of transportation including walking, bicycling, transit, and automobile.
T5: Coordinate with the Des Moines Area Regional Transit Authority’s planning process to identify streets that may be identified for future high capacity transit corridors and plan for their redesign to accommodate that use.

T6: The City of Des Moines will strive to reduce greenhouse gas emissions by encouraging energy efficient buildings, reducing vehicle miles traveled, increasing landscape plantings, and utilizing green infrastructure.

Transportation Goal 3
Provide opportunities for healthy lifestyles through walking as a primary mode of transportation.

T12: Develop guidelines for streets and sidewalks to provide safe, attractive, and accessible pedestrian ways including pedestrian crosswalks.

Transportation Goal 4
Make transit a more attractive option for all City residents.

T21: Develop a transit oriented development (TOD) zone district or overlay for proposed nodes and corridors to achieve mixed-use, walkable environments.

T22: Encourage higher densities and mixed-use transit oriented development (TOD) to locate on transit corridors.

Transportation Goal 5
Enhance the bicycle network by expanding bicycle facilities that are safe, comfortable, and easily accessible.

T28: Provide bicycle parking downtown and establish bicycle parking requirements for new development.

Transportation Goal 7
Ensure the Des Moines International Airport continues to meet the needs of the local economy.

T39: Continue working with the Des Moines International Airport regarding airport/land use compatibility areas considering the recommendations of the Iowa Airport Land Use Guidebook.

Housing Goal 1
Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.

H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.
H2: Identify and explore the applicability of creative and innovative housing solutions such as Accessory Dwelling Units (ADUs), Single Room Occupancy (SRO), and smaller housing units through flexible zoning to meet the demand for smaller and affordable housing.

H3: Achieve a balanced mix of subsidized rental housing, income restricted, and market rate rentals in all neighborhoods and across the city.

H4: Promote accessible, affordable, and age friendly housing alternatives in all neighborhoods to accommodate persons with disabilities and allow seniors to age in place, in proximity to known services, and with easily accessible quality open space.

H5: Address availability and affordability of housing options for all families.

Housing Goal 2
Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.

H6: Maintain sufficient residentially designated land to accommodate growth over the life of PlanDSM.

H15: Evaluate existing occupancy standards, zoning codes, and design standards to remove barriers that impact access, development, and maintenance of safe and affordable housing for all residents.

H16: Streamline permit and development processes to encourage development in accordance with applicable regulations.

Housing Goal 3
Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.

H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.

H19: Encourage mixed use development that incorporates affordable and market rate housing along transit corridors and in neighborhood nodes.

H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.

Housing Goal 4
Support development of and access to quality housing affordable to all income level households.

H21: Ensure availability of rental and owner-occupied housing that meets the needs of households with all income levels in the city.
H22: Distribute affordable housing broadly throughout the City to avoid concentrations in neighborhoods or one sector of the City.

H23: Support and promote a regional approach to provision of affordable housing.

H29: Continue to pursue and efficiently distribute financial resources to provide subsidized and affordable housing to low-income residents.

**Economic Development Goal 1**  
*Foster economic prosperity and stability by retaining existing businesses and recruiting new businesses.*

ED2: Utilize tax incentives, including tax abatement and tax increment financing (TIF), to retain, recruit businesses, and encourage higher quality design.

**Economic Development Goal 3**  
*Recognize livability as a key aspect to economic development.*

ED15: Expect quality in the creation of public places and private development.

**Economic Development Goal 4**  
*Foster a sustainable economy.*

ED17: Encourage businesses that diversify the economy; use locally produced materials and market their products locally; practice energy efficiency, provide a living wage; utilize green building practices; employ exemplary stormwater management practices; and/or utilize sustainable transportation and distribution systems.

ED18: Assist redevelopment and infill development on sites with adequate infrastructure through incentives, intergovernmental coordination, and facilitated processes.

**Public Infrastructure and Utilities Goal 1**  
*Provide safe and reliable public infrastructure and utilities for current residents as well as future development needs.*

PIU2: Require new development to provide adequate public infrastructure to serve the needs of the development and ensure facilities are sized and staged to provide for additional development beyond its boundaries.

PIU10: The City of Des Moines will strive to reduce greenhouse gas emissions by encouraging energy efficient buildings, reducing vehicle miles traveled, increasing landscape plantings, and utilizing green infrastructure.

**Public Infrastructure and Utilities Goal 2**  
*Evaluate capacity for implementation of and adaptation to green infrastructure in the city.*
PIU11: Encourage the use of local renewable energy resources, technology, and design, and consider code and process amendments that encourage or do not inhibit sustainable development practices.

PIU14: Expand and maintain the city’s green infrastructure network to include such elements as preserves and parks, trails, stream corridors, green streets, greenways, and agricultural lands.

PIU15: Identify and mitigate barriers to implementation of green infrastructure in public and private development and rehabilitation/repairs.

PIU16: Update zoning standards to support the installation and maintenance of solar access.

PIU18: Balance the regulation of wind and solar access with preservation of the urban canopy.

PIU21: Increase landscape requirements in public and private parking lots to reduce heat island effects.

PIU22: Allow the use of permeable pavement in parking lots and driveways when soil types are suitable.

Public Infrastructure and Utilities Goal 4
In conjunction with local utility providers, ensure lighting standards and policies provide all residents with safe urban environments day and night while protecting views of the night sky.

PIU28: Provide high quality lighting fixture designs that are appropriate to street types and adjoining land uses, provide pedestrian friendly illumination, preserve dark sky conditions, and minimize glare and other unnecessary light pollution.

PIU29: Require full cutoff, down-directional lighting in all new developments to minimize both upward and sideways light pollution.

PIU30: Provide sufficient lighting for better wayfinding and safe circulation within and around developments.

Public Infrastructure and Utilities Goal 6
Ensure clean, safe water resources are equitably available to all current and future residents.

PIU34: Protect and improve the water quality of the city’s rivers, creeks, lakes, and aquifers for the use and support of aquatic life and resident enjoyment.

PIU35: Minimize sources of water pollutants in urban runoff through stormwater retention, on-site water treatment technologies including green infrastructure, and the implementation of pollution prevention programs.
PIU36: Enhance the protection of creeks and floodplains to preserve environmentally sensitive areas and improve the quality of water.

PIU37: Prohibit development in the 100 year floodplain

**Parks and Recreation Goal 4**
Preserve, restore, and enhance natural systems in identified natural areas.

PR27: Protect and preserve the park and open space system’s natural areas.

PR28: Identify and acquire land to ensure protection of stream banks, natural greenways, and other areas that could be converted to park or open spaces. Such possible acquisitions could include old gravel mining areas and floodplains.

**Community Character and Neighborhoods Goal 1**
Embrace the distinct character offered in each of Des Moines’ neighborhoods.

CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character

CCN4: Adopt high quality development standards, such as zoning district and site plan regulations, and design guidelines related to form, massing, and materials that lead to the development of attractive, walkable neighborhoods.

CCN5: Ensure infill development is sensitive to the existing character of the neighborhood.

**Community Character and Neighborhoods Goal 2**
Further Des Moines’ revitalization efforts to improve the strength, stability, and vitality of all neighborhoods.

CCN14: Ensure neighborhood edges and corridors are attractive and inviting through effective planning and revitalization strategies.

**Community Character and Neighborhoods Goal 3**
Promote the redevelopment and revitalization of neighborhood nodes and corridors.

CCN17: Encourage commercial development that meets the service, retail, and entertainment needs of area residents.

CCN18: Promote compact, mixed-use development to provide adequate density to support neighborhood commercial viability.

CCN22: Encourage neighborhood nodes that are accessible by pedestrians, bicyclists, and transit users, as well as motorists.
CCN23: Support DART’s plans for high capacity transit corridors through infrastructure design, as well as appropriate transit-oriented development (TOD) land use and zoning.

**Community Character and Neighborhoods Goal 4**
**Protect Des Moines’ historic and cultural assets that contribute to neighborhood and community identity.**

CCN26: Partner with the historic preservation community to identify historic districts also ensuring context sensitive infill and redevelopment.

**Community Character and Neighborhoods Goal 6**
**Strengthen the walkability and connectivity within and between neighborhoods.**

CCN35: Emphasize transit usage in street design and land use on corridors with bus routes.

**Community Facilities Goal 2**
**Provide a safe and secure environment for all City residents, workers, and visitors.**

CF4: Combine design standards that promote quality and sustainable development with those that address public safety.

**Community Facilities Goal 4**
**Support all residents’ right to quality education through collaboration and cooperation with all school districts operating within city boundaries.**

CF24: Continue to notify and consult with school districts concerning housing developments within their respective districts.

**Social Equity Goal 1**
**Ensure high quality human services programs are available, accessible, and utilized to guarantee basic human needs so all residents lead lives of dignity.**

SE3: Investigate and develop housing, such as permanent supportive housing units, for the chronically homeless, those experiencing episodic homelessness, and those at risk of homelessness.

**Social Equity Goal 2**
**Ensure that all residents have convenient access to healthy food, health care, safe environments, and choices for an active lifestyle.**

SE9: Ensure healthy, safe, and sanitary housing for all residents.

SE10: Prohibit new residential development in vulnerable areas such as floodplains.
SE15: Establish community gardens and farmers’ markets as a by-right use in residential neighborhoods.

SE18: Enable residential care facilities and other housing for aging persons to be located close to services and amenities.

Social Equity Goal 3
Ensure all city services, projects, programs, and events represent and encourage participation of a cross section of the city’s cultural diversity and geography.

SE20: Provide access to major city documents in multiple languages and/or provide translation services. Improve the City’s website to provide information in both Spanish and English.

SE22: Effectively engage the public and city partners/organizations/entities when making decisions that create, remove, or change a city service, project, or policy.

Social Equity Goal 4
Continue to celebrate the diversity of Des Moines provided by the many cultural communities that have chosen to live here.

SE26: Provide a liaison at the City to assist non-English speaking residents.

Preparation of the proposed Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment is based upon and consistent with the following Goals and Policies of GuideDSM:

IV. CONSISTENCY WITH GuideDSM

The current GuideDSM Strategic Plan was approved by City Council in August of 2016. The Council’s stated vision for Des Moines in 2031 is as follows:

DES MOINES 2031 is a VIBRANT CAPITAL CITY – the PRIDE of IOWA (1) with
GREAT NEIGHBORHOODS(2),
ALIVE DOWNTOWN(3),
and
THRIVING REGIONAL ECONOMY(4),
and is a
RECOGNIZED LEADER IN COMMUNITY SUSTAINABILITY(5).

DES MOINES 2031 has
ABUNDANT OPPORTUNITIES FOR LEISURE(6),
and an
EFFECTIVE TRANSPORTATION SYSTEM CONNECTING THE REGION(7).
In 2031, residents and businesses take tremendous PRIDE IN THE DES MOINES COMMUNITY (8)!

The Council’s stated mission for Des Moines City Government is to be

FINANCIALLY STRONG(1)
and to provide
EXCEPTIONAL MUNICIPAL SERVICES(2)
in a
CUSTOMER FRIENDLY MANNER(3)
with an
INVOLVED COMMUNITY – RESIDENTS AND BUSINESSES(4).

Under Goal #3 “Sustainable Community: Our Neighborhoods, Our Downtown”, the first/top priority of the City Council’s Action Agenda is adoption of the new zoning ordinance.

V. PLAN DSM STEERING COMMITTEE

The PlanDSM Steering Committee was appointed by Mayor Cownie with authorization by the City Council to guide preparation of the PlanDSM Comprehensive Plan and ordinance projects.

Current members of the PlanDSM Steering Committee are as follows:

T. M. Franklin Cownie, Mayor
Joe Gatto, City Council
Dr. Tom Ahart, Des Moines Schools Superintendent
Todd Ashby, Des Moines Area Metropolitan Planning Organization
Pam Carmichael, Home Inc.
George Davis, Park and Recreation Board
Vacant, Transportation Safety Committee
Larry James, Jr., ULI Iowa
Greg Jones, Plan and Zoning Commission
Jeremy Lewis, Street Collective
Colleen MacRae, Urban Design Review Board
Frank Owens, Neighborhood Revitalization Board
Mel Pins, Zoning Board of Adjustment
Elizabeth Presutti, General Manager DART
Scott Sanders, City Manager
Meg Schneider, Greater Des Moines Partnership
Rick Tollakson, Hubbell Realty Company

VI. ADDITIONAL APPLICABLE INFORMATION

Staff will provide an up to date list of staff recommended minor and major revisions to the public hearing draft immediately prior to the July 18, 2019 Plan and Zoning Commission meeting for review.
VII. STAFF RECOMMENDATION

Staff recommends that the Plan and Zoning Commission listen to all public comments that are offered at the July 18, 2019 hearing and continue the public hearing to August 1, 2019.

SUMMARY OF DISCUSSION

Mike Ludwig made a presentation regarding the proposed ordinances and zoning map (see attached).

CHAIRPERSON OPENED THE PUBLIC HEARING

Dan Knoup, 6751 Corporate Drive, Johnston, representing the Des Moines’ Home Builders Association stated it isn’t in the citizens best interest to raise the square footage requirements just to increase property values. He believes this is a regressive code and a lot of input was offered but not included in the code. In talking the National Home Builder’s Association, they have never seen anything as restrictive as Article 4 of the Des Moines Code. There may have been lots of outreach but many may still not be aware of the proposed code. The Des Moines HBA is focused on solutions. There are problems that need to be fixed before it goes to City Council.

Lance Henning, 2200 E. Euclid, President & Executive Director of Habitat for Humanity read the attached letter.

Dave Stone, 1223 39th Street, representing United Way of Central Iowa read the attached letter.

Michael Wilson, 909 Locust Street, representing Federal Home Loan Bank of Des Moines stated the square footage, garage and full basement requirements will have a chilling effect on the affordable workforce housing in Des Moines and will make a bad situation even worse. They request a thorough impact study of the proposed zoning law changes on housing affordability with consideration of the Capital Crossroads Household study. We need to make sure these changes are right for every member of the community. A specific exemption is needed for affordable housing.

Karl Eckhart, 1201 15th Street NW, Washington, DC, representing National Home Builders stated Des Moines is going to hold back a lot of people from buying homes with the proposal of no vinyl siding, garage and basement requirements. He believes the code will set Des Moines back two decades. Companies won’t come to Des Moines if housing isn’t affordable. The code needs to be fine-tuned to allow everyone to own a home.

Alex Fernandez, 1201 15th Street NW, Washington DC, representing Vinyl Siding Institute stated the American dream is to own a home and this type of ordinance is going to make it impossible for a lot people to own a home. Vinyl siding is a safe and
durable product that is vital to the growing housing needs for the state of Iowa. Requested that the proposed ordinance be rejected as proposed.

Ashely Aust, 6900 Westown Parkway, representing Hubbell Realty stated they would like to request more time for the zoning code to be reviewed. More time to encourage affordable housing, promote business, boost economic development and generate greater tax revenue for the city. Requested that the Planned Unit Development regulations of the existing code be added to the new code; that the minimum square footage requirement for single-family residential be reduced for greenfield areas to 1200 square feet for a 1 story unit and 1400 square feet for a two-story unit; the minimum square footage for infill development areas should be dictated by neighborhood; a garage or basement should be required in greenfield areas and eliminated for infill development; the restrictions on building materials should be eliminated and the Type 2 Design Alternatives are too restrictive.

Barb Klubal, 4003 Lincoln Place Drive, representing AMOS stated a year ago they conducted a house meeting, which consisted of a small group of people talking about the concerns they have in Des Moines and one of the main topics was affordable housing. She wanted to make sure the website (PlanDSM.org) will reflect how the new zoning code will address affordable housing.

Carolyn Walker, 4111 Ingersoll, stated she would like to see urban agriculture allowed in the new zoning code. They are popping up all over the county, creating a blueprint for the economic future and local food production. She asked how the new code will address climate change.

Lance Hanson, 1800 Andrew Dr. is the incoming president of the DM Realtors Association. He stated the proposed code will eliminate a lot of potential for affordable housing. Interest rates today are from 3-4% which is not sustainable and will increase in the future. Affordability will continue to drop as interest rates increase.

Jerry Cheevers, 4101 SW 7th Street, stated he lives in a 900 square foot house. He would like to see a more defined definitions of building materials within the new code. The proposed zoning and design codes overlap building codes. Building codes are already 4500 pages long. He is opposed to the propose minimum square footage requirements.

JB Conlin, 3721 SW 61st Street, noted this is a difficult project and needs to be done. However, he stated the biggest problem you have heard repeatedly is affordability so please keep that in mind as you continue to go through this process. Garages and basements add a lot of value to a home, you need to let the buyer and developers decide what they want to keep costs down. Noted that 2301 Park Avenue in West Des Moines is 600 square feet in size and assessed at $203,000. 5009 Tonawanda Lane in West Des Moines is 1200 square feet and is assessed at $190,000. The detached garage was built several years after the home was initially constructed.

Joshua Barr, Civil and Human Rights Director for the City of Des Moines, stated he was present to report on a dialogue they held on July 9, 2019 around the new zoning
code and affordable housing. He had all questions and answers documented during the
dialog and requested the document be received and filed by the Commission.

Karie Ramsey, 7008 Madison Avenue, stated she is a home builder and has 49
employees. Her subcontractors represent 619 employees. Asked the Commission to
think about the people of our community and who we are providing housing for.

**COMMISSION ACTION:**

John “Jack” Hilmes made a motion to continue the public hearing to the August 1, 2019
Plan and Zoning Commission meeting.

**THE VOTE:** 14-0

Item 7

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 June 28, 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 July 12, 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-foot wide two-way drive connection to the apartment complex to the east is proposed. This 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. However, the detached single-family residential portions of the Summersfield PUD are not located along Hubbell Avenue. Rather, the Summerfield PUD has rowhouses 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. 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.

Staff has met with the applicant to express the need to provide a mix of housing types and densities with the development in order to meet the objectives of PlanDSM to align middle housing types in close proximity to transit corridors. The applicant has indicated their intention to proceed through the process with a single-family detached product subdivision. Staff cannot support this direction based on PlanDSM. Staff believes that the Future Land Use Map designation for the property should be amended to support a mix of densities and middle housing types or be kept as Business Park.

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 denial of the proposed amendment to the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Business Park to Low Density Residential.

Part C) Staff recommends denial of the proposed PUD Conceptual Plan Amendment.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Mike Simonson asked for a time when the apartment complex and other properties further South were built?

Jason Van Essen stated he wasn’t sure but will follow up that information.

Joe Pietruszinski, 6900 Westown Parkway, WDM, representing Hubbell Realty, presented a slide show to the commission asked for the Commission’s approval to build single-family detached residential on the property.

CHAIRPERSON OPENED THE PUBLIC HEARING

Greg Baker, 2709 E. 29th Street stated he is here in support of Hubbell Realty and in hopes you give them a fair consideration.
Jason Van Essen stated the apartment complex was built 5 years ago, which is the most recent development.

Mike Ludwig stated the apartments in the area were built when the City offered citywide multi-family tax abatement. The City currently only offers single-family tax abatement. This includes up to 8-unit row house configurations which is considered low-medium density. Staff did not suggest that the entire development consist of 8 unit row-houses. However, staff does believe that greater density is needed along the transit corridor than single-family detached residential affords.

John “Jack” Hilmes asked what kind of compromise was rejected by the developer.

Mike Ludwig stated the developer did not propose any alternatives. Staff suggested they do detached single-family on the north portion of the property and an attached product on the southern and eastern part of the property with approximately a 50/50 mix between single-family detached residential and attached residential forms.

CHAIRPERSON CLOSED THE PUBLIC HEARING

David Courard-Hauri stated he would move staff recommendation. He is sympathetic for what Hubbell is trying to do but lower density housing could harm transit corridors. This decision should be made by City Council and not the Plan and Zoning Commission. Therefore, he is going to move the staff recommendation.

Mike Simonson stated he will not support the motion. We just discussed single family homes and affordability. Here is an opportunity and we are saying it isn’t good enough.

Will Page stated he drives this corridor regularly and would support the comments from Mike Simonson.

Jacqueline Easley stated she would support comments from Mike Simonson.

Mike Simonson asked if this motion fails, would we entertain another motion?

Glenna Frank stated yes and since there is no conditions listed on the staff recommendation, they might want to consider a continuance.

David Courard-Hauri stated he believes they don’t have all the information to know if single family is right for this area and that’s why he thinks it should be up to City Council.

Motion failed 1-13-0 (Jacqueline Easley, Greg Jones, Dory Briles, Will Page, John “Jack” Hilmes, Mike Simonson, Emily Webb, Greg Wattier, Carolyn Jenison, Steve Wallace, Lisa Howard, Francis Boggus and Rocky Sposato opposed)
Greg Wattier stated he encourages more single-family homes in Des Moines. He would like Hubbell and the City to keep working together on this PUD. Is it possible to approve parts A and B of the staff recommendation?

Jason Van Essen stated he did not recommend that the P&Z vote on a portion of it and leave the other portion in limbo. He believed the whole item should be continued so we can come back and vote on it all at once.

Joe Pietruszinski asked that the commission recommend approval for Council so Hubbell can move forward with the project, while working with staff on the parameters of architectural guidelines. This proposal is the same thing we are doing in Summers Field, which has been a highly successful development.

Mike Simonson asked what details haven’t been worked out in the conceptual plan that could be worked out in the future.

Jason Van Essen stated for conceptual plans we like to have parameters around design standards and lot development standards.

Joe Pietruszinski stated he is confused because they have followed the PUD process. The design concept regulations have been submitted and when we get into the preliminary plat, we will be back in front of the commission with those details.

Glenna Frank stated the purpose of a PUD is different than a regular rezoning. The purpose is to negotiate the parameters and conditions associated with the development.

**COMMISSION ACTION:**

Mike Simonson made a motion for **APPROVAL** of Part A) the proposed PUD Conceptual Plan be found not in conformance with the PlanDSM Future Land Use Map designation of Business Park, Part B) **APPROVAL** of the proposed amendment to the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Business Park to Low Density Residential AND Part C) **APPROVAL** of the proposed PUD Conceptual Plan Amendment while negotiations with City staff on the parameter of design standards continue until the August 5th, 2019 City Council Meeting.

**THE VOTE:** 13-1-0 (David Courard-Hauri opposed)
Item 8

Request from Rally Cap Properties, LLC (purchaser) represented by Ryan Francois (officer) for the following actions regarding the property located at 601 24th Street and 602 23rd Street. The subject property is owned by Alice Bodson:

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 Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node. (21-2019-4.12)

C) Rezone property from “R1-60” One-Family Low-Density Residential District to “NPC” Neighborhood Pedestrian Commercial District to allow for development of a 5-unit 3-story live-work rowhouse dwelling. (ZON2019-00114)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing a live-work development that would be configured as five rowhouse units. The units would be located on the western portion of the site. A parking lot would be constructed on the eastern portion of the site. The site is divided into east and west section by alley right-of-way.

2. Size of Site: 18,692 square feet or 0.429-acre.

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

4. Existing Land Use (site): The property does not contain any structures and is currently used for garden space.

5. Adjacent Land Use and Zoning:

   North – “R1-60”, Uses are single-family residential.
   South - “PUD”, Use is the 2301 Ingersoll PUD mixed-use development.
   East – “R1-60”, Uses are single-family residential.
   West – “R1-60”, Uses are multiple-family and single-family residential.

6. General Neighborhood/Area Land Uses: The subject property is bound by 23rd Street to the east, High Street to the south and 24th Street to the west. The immediate area contains a mix of single-family and multiple-family residential uses. The site is located a block north of Ingersoll Avenue.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Woodland Heights Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agendas on June 28, 2019 and the Final Agendas on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2019 (20 days prior to the public hearing) and July 8, 2019 (10 days prior to the public hearing) to the Woodland Heights 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 Woodland Heights Neighborhood Association notices were mailed to Phil Kreznor, 808 25th Street, Des Moines, IA 50312.

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

9. **PlanDSM Future Land Use Plan Designation:** Low Density Residential within a Neighborhood Node.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** The applicant is requesting that the future land use designation for the subject property be amended from “Low Density Residential” in a “Neighborhood Node” to “Community Mixed Use” in a “Neighborhood Node.” Plan DSM describes these designations as follows:

   **Low Density Residential:** Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.

   **Community Mixed Use:** Small- to medium-scale mixed-use development, located on high capacity transit corridor or at intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix or retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retain that attracts regional customers.

   **Neighborhood Node:** These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding
neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

The “Community Mixed Use” designation is not appropriate in this case as the site is substantially separated from Ingersoll Avenue, which is the high capacity transit corridor in the area that contains retail and service establishments that serve the western portion of Des Moines. High Street generally consists of residential uses to the west of the 23rd Street intersection. Low/Medium Density Residential rowhouses might be appropriate for this site, however, commercial uses are not.

2. **NPC Design Guidelines:** Should the rezoning be approved, any future redevelopment of the property would be subject to review and approval by the Plan and Zoning Commission of a Site Plan and building elevations in accordance with the following NPC District Design Guidelines:

1. **Buildings should frame the street and maintain a minimal setback from the street.**

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

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

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

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

6. **Building frontage should occupy at least 50 percent of the primary street frontage.**

7. **Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:**
   a. **The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).**
   b. **Parking should not exceed the amount otherwise required by section 134-1377 of this Code.**
   c. **Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.**
   d. **Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.**
   e. **On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.**
f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.

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

8. The following bulk regulations should be observed:
   a. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.
   b. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.
   c. Front yard: minimum of zero feet.
   d. Side yards: minimum of zero feet.
   e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
   f. Height: minimum of 15 feet, maximum of 45 feet.
   g. Number of stories:
      • Residential uses, a maximum of four stories.
      • All other permitted uses, a maximum of two stories.
   h. Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.
   i. Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.

3. Site Plan Requirements: Any commercial or multiple-family development would require compliance with all applicable site plan requirements. Applicable requirements include stormwater management, landscaping, and screening of adjoining residential properties. Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Low Density Residential.

Part B) Staff recommends denial of the request to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use.

Part C) Staff recommends denial of rezoning the subject property to “NPC” District.
SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #8 had requested a continuance to the August 15, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.

COMMISSION ACTION:

Jacqueline Easley noted that the applicant for item #8 had requested a continuance to the August 15, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding these items.

John “Jack” Hilmes made a motion to continue item #8 to the August 15, 2019 Plan and Zoning Commission meeting. Motion Carried 12-0 (Carolyn Jenison arrived at 6:11; Lisa Howard arrived at 6:15)

THE VOTE: 12-0

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(Carolyn Jenison left the meeting at 8:20)

Item 9

Request from Grasso Properties One, LLC (owner) represented by Steve Grasso for the following actions regarding the property located at 3908 Lower Beaver Road:

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

B) Rezone property from “R1-60” One-Family Low-Density Residential District to “R-2” Two-Family Residential District to allow for demolition of the existing single-family dwelling and redevelopment with a two-family dwelling.

(ZON2019-00116)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The subject property contains an existing single-family residence which recently had a tree fall on it. The applicant is proposing to demolish the building and construct a two-family dwelling. The proposed dwelling would provide two private entrances with one each fronting Lower Beaver Road and Seneca Avenue.

2. Size of Site: 84.4 feet by 147.8 feet (12,480 square feet or 0.287 acres).
3. Existing Zoning (site): "R1-60" One-Family Low-Density Residential District.

4. Existing Land Use (site): The subject property contains a single-story structure that was built as a single-family dwelling in that has been used as a rental property.

5. Adjacent Land Use and Zoning:
   - North – “R1-60”; Use is a single-family dwelling.
   - South – “R1-60”; Uses are a single-family dwelling and a two-family dwelling.
   - East – “R1-60”; Uses are single-family dwellings and Seneca Avenue right-of-way.
   - West – “R1-60”; Use is a single-family dwelling.

6. General Neighborhood/Area Land Uses: The subject property is located on the southwest corner of the Lower Beaver Road and Seneca Avenue intersection. The area predominantly consists of one- and two-family dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Lower Beaver Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. A Final Agenda was mailed to the neighborhood associations on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2019 (20 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the 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 Lower Beaver Neighborhood Association notices were mailed to Jeremy R. Geerdes, 4025 Lower Beaver, Des Moines, IA 50310.

8. Relevant Zoning History: None.


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 Land Use Plan Designation: The subject property is designated as Low Density Residential, which is described as “areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.” The proposed two (2) dwelling units on a 0.287-acre parcel represents a net density of 6.98 units per acre. Despite a proposed density that is slightly higher than the maximum range for a low density designation, staff believes the relief conforms with PlanDSM as only one additional unit is proposed and the property is located along a transit corridor with a northbound and southbound bus route and a current bus stop directly in front of the property.

The proposed rezoning is supported by numerous PlanDSM Goals and Policies including:

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

LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.

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

LU23: Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.
LU25: Require new development and redevelopment to be compatible with the existing neighborhood character.
LU26: Strengthen the walkability and connectivity within and between neighborhoods focusing on completing and connecting the sidewalk network.

**Housing Goal 1**
Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.

H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.
H3: Achieve a balanced mix of subsidized rental housing, income restricted, and market rate rentals in all neighborhoods and across the city.

**Housing Goal 3**
Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.
H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.
H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.

**Community Character and Neighborhood Goal 1**
**Embrace the distinct character offered in each of Des Moines’ neighborhoods.**

CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character.

2. **Site Plan Requirements:** Two-family and single-family dwellings are not subject to site plan review.

3. **Site Access and Parking:** The Zoning Ordinance requires one off-street parking space per dwelling unit for two-family and single-family dwellings. The two required parking spaces for the proposed two-family dwelling must be located outside of the front yard. The proposed site sketch indicates that each unit will have a separate attached two-car garage outside the front yard setback with one each fronting Lower Beaver Road and Seneca Avenue.

   The proposed site sketch indicates that a new sidewalk would be installed along the Seneca Avenue frontage.

**III. STAFF RECOMMENDATION**

Part A) Staff recommends that the Commission find the proposed "R-2" Two-Family Residential District in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential.

Part B) Staff recommends approval of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District subject to the following conditions:

1. Construction of any dwelling shall be in substantial compliance with the submitted design and materials or of a design equivalent in quality as determined by the Planning Administrator.

2. Exterior material for each dwelling units constructed shall be 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 Planning Administrator.

3. The front façade of each unit 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.

4. All windows and doors on any dwelling shall have trim that is no less than 4 nominal inches in width and shall have pre-hung exterior doors with trim.

5. The roof on each dwelling unit constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

6. A minimum of one street tree per lot frontage that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling.

7. Any mechanical equipment shall be located in the rear or side yard of the building.

8. Any unit in a 1- or 2-household dwelling shall be constructed with a minimum of 1,300 square feet of finished floor area.

9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Francis Boggus asked what the point of difference was between staff and the property owner.

Jason Van Essen stated he wasn’t aware of any but staff did receive response cards showing opposition. Staff didn’t recommend it as a consent item.

Steve Grasso 5637 Rittger’s Court, Johnston, stated they are in complete agreement with staff recommendations and they ask for the commission’s approval tonight.

CHAIRPERSON OPENED THE PUBLIC HEARING

No member of the audience requested to speak regarding this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones made a motion for APPROVAL of Part A) the Commission find the proposed “R-2” Two-Family Residential District in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, Part B) APPROVAL of the proposed rezoning of property from “R1-60”
One-Family Low-Density Residential District to "R-2" Two-Family Residential District subject to the following conditions:

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9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

**THE VOTE: 13-0**

Committee and Director’s Reports:

Mike Ludwig The July 19 meeting with the City Manager is cancelled.

Meeting adjourned at 8:30