
ABSENT:

STAFF PRESENT: Mike Ludwig, Erik Lundy, Glenna Frank, Su Donovan and Tyler Hall. Also, Chris Johansen, Erin Olson-Douglas, Naomi Hamlett, Bob Fagen and Al Setka.

Dory Briles made a motion to approve the July 18, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 12-0-1 Jann Freed abstained as she was not present for the July 18 meeting. Mike Simonson and David Courard-Hauri were not yet present.

(David Courard-Hauri arrived at 6:04)

Jacqueline Easley asked if any members of the audience or the Commission requested to speak regarding consent agenda item #1. None were present or requested to speak.

Will Page made a motion to approve Consent Agenda Item #1 per the recommendations in the staff report. Motion Carried 14-0

Jacqueline Easley noted that the applicant for item #3 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.

Jann Freed made a motion to continue item #3 to the August 15, 2019 Plan and Zoning Commission meeting. Motion Carried 14-0

Jacqueline Easley noted that the applicant for item #4 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.

Dory Briles made a motion to continue item #4 to the August 15, 2019 Plan and Zoning Commission meeting. Motion Carried 14-0

(Mike Simonson arrived at 6:13)

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Christensen Properties 1, LLC (owner) represented by Jake Christensen (officer) for the following actions regarding the property located at 610 16th Street, 1613 and 1619 High Street.

A) Determination as to whether the proposed rezoning is in conformance with PlanDSM Creating Our Tomorrow.
B) Rezone property from “C-2” General Retail and Highway-Oriented Commercial District to “NPC” Neighborhood Pedestrian Commercial District to allow development of six (6) single-family dwellings.  

(ZON2019-00128)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the appellant to develop the property under design guidelines in “NPC” Districts. This would include flexible storm water management provisions that give credit for storm water runoff from existing development.

2. Size of Site: 258 feet by 132 feet (34,056 square feet or 0.78 acres).


4. Existing Land Use (site): The existing property contains a single-family dwelling, a vacant autobody shop most recently used for warehousing, and semi-improved land with pavement that is in disrepair. The property is immediately adjoining the Sherman Hill Local Historic District to the south.

5. Adjacent Land Use and Zoning:

   North – “RH-D”, Uses include Carl’s Place tavern, a one-family dwelling and two-family dwellings.

   South – “C-2”, Uses are vacant sales office, display lot, service shop and showroom for the former Crescent Chevrolet dealership.

   East – “C-2”, Use is Murillo Flats multiple-family dwelling.

   West – “C-2”, Use is an office building.

6. General Neighborhood/Area Land Uses: The subject property is located in a transitional area between the Sherman Hill Local Historic District and the Ingersoll Avenue commercial corridor.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Sherman Hill Neighborhood. This neighborhood associations were notified of the public hearing by mailing of the Preliminary Agendas on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December July 12, 2019 (20 days prior to the public hearing) and July 22, 2019 (10 days prior to the public hearing) to the Sherman Hill 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 Sherman Hill Association notices were mailed to Ryan Howell, 831 16th Street, Des Moines, IA 50314.

The applicant is required to hold a neighborhood meeting. They will be available to provide a summary at the public hearing.

8. **Relevant Zoning History:** On July 25, 2018 the Zoning Board of Adjustment granted an Exception to the design guidelines that require the main part of a single-family dwelling to have a minimum roof pitch of 3:12 and a roof overhang around the entire perimeter, an Exception of up to 12.5 feet less than the minimum required 25-foot front yard setback along High Street, a Variance of up to 21.5 feet less than the minimum required 25-foot front yard setback along both 16th Street and 17th Street, as required for the dwellings, garages, and solid fences over 3 feet in height, an Exception of 1.5 feet less than the minimum 5-foot side yard setback required for a single-family dwelling, and an Exception of 3 feet less than the minimum 10 feet of total side yard setback required for a single-family dwelling, to allow reconfiguration of four (4) existing parcels as six (6) lots, each measuring 43 feet wide by 132 feet deep (5,676 square feet) for development of single-family dwellings, to allow the reconfiguration of the block face for six (6) lots for single-family dwellings:

A) Construction of any dwelling or garage shall be in substantial compliance with the submitted building designs, site sketch and identified building materials to the satisfaction of the Planning Administrator.

B) Full dimension brick shall be used where brick is specified as a building material on the submitted design information.

C) Corner units shall have an entry presence to the side streets in addition to High Street to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.

D) Each dwelling unit shall have an attached or detached garage in the rear yard with a paved driveway as illustrated by the submitted design information to the satisfaction of the Planning Administrator.

E) Any building or site improvement constructed shall be in compliance with all applicable Site Plan policies.

F) Any buildings constructed shall be in compliance with all applicable Building and Fire Codes, with issuance of all necessary permits by the Permit and Development Center
On September 20, 2018 the Plan and Zoning Commission approved a preliminary plat for “Sherman Flats Plat 1” for the proposed lot configuration. This required the property to meet general storm water management provisions.

9. **PlanDSM Future Land Use Plan Designation:** Downtown Mixed Use, which is defined as “Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.”

10. **Applicable Regulations:** 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. **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.

2. Permit & Development Center Comments: Construction on the property shall be in compliance with applicable Building and Fire Codes, with issuance of any necessary permits by the Permit and Development Center. The subdivision of the property shall be in accordance with review of a Subdivision Plat in accordance with the requirements in Chapter 106 of the City Code.
3. **Utilities:** The subject property has access to a Des Moines Water Works water main and public sanitary sewer in High Street. The developer would be proposing a new sanitary sewer construction on the north side of High Street to better facilitate depths for the services to each dwelling. The storm water collection in the surrounding public street network is part of a combined sanitary/storm sewer. Because of the proximity of a large trunk, connection of storm sewer to the combined system is not anticipated to generate any adverse impact to the sanitary system greater than the existing condition.

4. **Drainage/Grading:** Should the rezoning be approved, the development of the property would be reviewed under a Site Plan in accordance with the design guidelines in “NPC” Districts. This allows for the existing predeveloped impervious surfaces on the property to be considered for the stormwater management provisions giving credit for the existing runoff.

**III. STAFF RECOMMENDATION**

Part A) Staff recommends that the Commission find the requested rezoning in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Downtown Mixed Use.

Part B) Staff recommends approval of rezoning the subject property to a Limited “NPC” District, subject to the following conditions:

A. Permitted uses shall only be uses permitted in the “R1-80” One-Family Residential District subject to Site Plan review by the Plan and Zoning Commission in accordance with design guidelines in “NPC” Districts.

B. Signage upon the Property shall be limited to that allowed in the “R1-80” One-Family Residential District.

**SUMMARY OF DISCUSSION**

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

**COMMISSION ACTION:**

Will Page made a motion for **APPROVAL** of Part A) the Commission find the requested rezoning in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Downtown Mixed Use and Part B) **APPROVAL** of rezoning the subject property to a Limited “NPC” District, subject to the following conditions:

A. Permitted uses shall only be uses permitted in the “R1-80” One-Family Residential District subject to Site Plan review by the Plan and Zoning Commission in accordance with design guidelines in “NPC” Districts.
B. Signage upon the Property shall be limited to that allowed in the “R1-80” One-Family Residential District.

THE VOTE: 14-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 2

A public hearing regarding the proposed Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map amendment (reference https://plandsm.dmgov.org).

A) Determination as to whether the proposed Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map amendment is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

B) Approval of the following amendments to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map. (21-2019-4.13)

1) Vicinity of 44th Street and Hickman Road from Low Density Residential to Neighborhood Mixed Use.
2) 2601 and 2607 Beaver Avenue from Low Density Residential to Neighborhood Mixed Use.
3) Vicinity of 30th Street and Payne Road from Low Density Residential to Neighborhood Mixed Use.
4) 2400 30th Street from Low Density Residential to Medium Density Residential.
5) 2930 Hickman Road from Low Density Residential to Neighborhood Mixed Use.
6) 2423 and 2425 Euclid Avenue from Public/Semi-Public to Community Mixed Use.
7) 3945, 4000, and 4001 6th Avenue from Low Density Residential to Neighborhood Mixed Use.
8) 1900 and 1912 6th Avenue from Low/Medium Density Residential to Neighborhood Mixed Use.
9) 1401 East 9th Street from Low Density Residential to Neighborhood Mixed Use.
10) 1372 East 12th Street from Low Density Residential to Neighborhood Mixed Use.
11) 1030, 1031, 1100 and 1101 East 9th Street from Low Density Residential to Neighborhood Mixed Use.
12) 1437 and 1453 East 14th Street from Low/Medium Density Residential to Neighborhood Mixed Use.
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 and the attached list of proposed substantive and minor revisions.

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 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 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

A list of proposed substantive and minor revisions to the public hearing draft as of July 26, 2019 is attached. Items 21 and 22 on the “Substantive Revisions” list are proposed amendments to zoning map designations. Item 22 also requires a corresponding Land Use Map Amendment (see P&Z Agenda Item 2[B][23]).

The PlanDSM Steering Committee reviewed and recommended approval of the attached list of proposed substantive revisions on July 25, 2019.

Item 23 of the Substantive Revisions list states: The PlanDSM Steering Committee has recommended revisions to the proposed minimum square footage requirements for House Type A, B, C and D based on applicable zoning district. Staff is still analyzing the committee’s recommendation and drafting proposed text amendments. Staff will present recommended changes at or before the August 1, 2019 Plan and Zoning Commission meeting for consideration.

VII. STAFF RECOMMENDATION

Staff recommends approval of Items 2 A, B, C and D subject to the attached list of substantive and minor revisions.
SUMMARY OF DISCUSSION

Mike Ludwig presented the substantive and minor revisions that have been made to the zoning code since the last public hearing held on July 18, 2019. Revisions included but were not limited to elimination of a basement requirement for one and two-household dwellings and reduction of the by-right minimum square footage for one and two-household dwelling in both infill and greenfield development areas. The PlanDSM Steering Committee reviewed and recommended approval of the substantive revisions on July 25, 2019.

CHAIRPERSON OPENED THE PUBLIC HEARING

Rocio Nunez 2501 Logan Avenue, stated she is a homeowner that has purchased a home through Habitat for Humanity. She bought the home for $125,000 and with the addition of a garage and fence her property is now valued at $160,000. Before turning to Habitat, she was looking for houses on the market but couldn’t find anything she could afford being a single mom with 4 kids. Habitat made it possible for her to own a home, along with providing classes to help her financially and showing her how to take care of things around the house with the classes they provide to new homeowners.

Lance Henning 2200 E. Euclid representing Habitat for Humanity, stated Habitat is here for the cost of home because it shouldn’t cost anywhere near half your paycheck to be a homeowner. The Capital Crossroads Workforce Housing Study references the need for 57,000 owner-occupied units. Last year in the metro there were 9,090 units with Des Moines having 9% of those. If the City is interested in raising their share from 9%, they will need to increase their supply of owner occupied units by 50% annually. A strategy to increase housing supply would be increasing certainty and reduce the barriers to create housing. Quality housing shouldn’t be defined by square footage and garage requirements, these are barriers to creating housing. The home in areas Habitat has been most active in sells for twice the average of home in the surrounding area. Habitat requests the commission take more time to understand the last minute amendments, reduce the square footage requirements and strike the garage requirement.

David Courard-Hauri asked what the impact would be if they had to seek type 2 relief?

Lance Henning stated if they had to come in front of the commission for every building permit, they would need to hire another employee and the uncertainty that comes along with that. Last year they had 36% of houses come before the Plan and Zoning Commission or Zoning Board of Adjustment.

Jim Bollard 4007 SE 26th St., stated in Des Moines, we need to know the difference between infill and greenfield housing. The City has 40% of its property they can’t generate taxes from. If we are going to build $150,000-dollar houses in every empty lot in the city, there won’t be enough money at the current tax rates to run this City. Des Moines cannot be the affordable housing capitol of the state, there needs to be a shared value of affordable housing around the metro.
Chelsey Lepley 1253 E. 12th St., stated it is important to address outdoor storage but doesn’t believe a garage should be required for infill neighborhoods. She would like to see the maximum for a Type 1 Design Alternative for square footages increased back to 30% from 15%.

Rick Tollakson 6900 Westown Parkway, CEO of Hubbell Realty stated his main concern is what the city is doing to the market. There are currently 3 builders in Des Moines---Hubbell Realty, Jerry’s Homes and Madden Homes. This code is making it more difficult to build in the City and that isn’t going to attract more builders. Is this new code going to make Des Moines the place we want it to be? He and his staff have worked with staff and we have worked out many details.

Mike Simonson asked if he’s asking for more time or if Hubbell’s issues could be resolved before Council.

Rick Tollakson stated Hubbell’s issues could be solved before Council.

Jann Freed asked what would need to be included or excluded to attract more builders.

Rick Tollakson stated the amount of inspections that are required scares a lot of builders. In the suburbs, there is one inspector that takes care of it all and they don’t need to schedule 3-4 separate inspections.

John “Jack” Hilmes asked Mr. Tollakson to clarify who he was referencing when he stated “we”.

Rick Tollakson stated he was only referencing Hubbell Realty.

Brandon Patterson 675 Corporate Dr., representing Home Builders Association read submitted letter verbatim. Stated he believes that no zoning code in the United States requires minimum square footages for housing.

Chaden Halfhill 800 19th St. representing Indigo Dawn applauds the City’s effort to update the zoning code as it is long overdue. His concern is housing prices and the cost of construction continuing to rise. He encourages flexibility for developers and let the market dictate what to build.

Jerry Cheevers 4101 SW 7th St. stated none of his issues with the list of building materials has been addressed. Every material that can be used on the exterior of a building is defined on 3 pages of matrices. These are poorly written, poorly defined and needs work or strike that section all together so the architects can decide what is best for the exterior of a building.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Ludwig stated tonight is nearly 5 years since they have started Plan DSM and 3 years since they started the zoning code update project. There have been countless stakeholder meetings throughout this process and this code reflects a balance of all
those stakeholder’s interests. Affordable housing is a regional issue. There is not a single staff person that isn’t supportive of affordable housing. In Des Moines today, our average square footage of all housing is 1,253 square feet which is 27% less than our metro peers and our average sale price for all housing is $133,000 while the median sale price in the metro is currently $229,000. Staff researched newspaper articles from 1965 at the time the existing code was adopted. One article noted debate regarding the sign content of billboards. Another 1965 article referenced that “in 1961 Des Moines voters had rejected a proposal to establish a local housing authority” and “two years of study by the mayor’s committee turned up no practical alternatives to subsidizing housing for low-income families. Private enterprise has been unable to build the necessary units for rent or sale at a price the lowest income families can pay.” Affordable housing was an issue before adoption of the existing code in 1965 and remains an issue today. This code will not solve the affordable housing issue nor will the City solve the affordable housing issue by building only detached single-family residential. This code makes life in Des Moines more sustainable and affordable, not just housing. This code supports all development by eliminating timely and costly processes that are conflictive and duplicative. The code implements transportation and land use goals that are within Plan DSM that will lower the overall household costs. The code provides opportunities for a multitude of housing products that do not exist under current code, including by-right development of multi-family housing, missing middle housing, small lot single family residential and accessory dwelling units. To meet our sustainability goals in the Comprehensive plan, the best thing we can do is rehabilitate our existing housing stock. The City will continue to support our revitalization strategies and this code is coordinated with those efforts. He urged the commission to move this onto council and adopt the new code as proposed.

Jann Freed asked for thoughts around the value of a garage?

Mike Ludwig stated garages are a market factor, existing homes without a garage are not appreciating at the same rate as houses with garages. If a garage is not required during initial construction, it’s rare for it to be built after in the City of Des Moines.

David Courard-Hauri asked for clarification of square footage requirements for duplexes.

Mike Ludwig stated each unit within the duplex would need to meet the minimum square footage requirements.

Lance Henning stated West Des Moines is building 2 houses without garages, the only City that currently requires garages is Clive.

Greg Jones made a motion to approve staff.

David Courard-Hauri proposed an amendment to remove minimum square footage for house type B, C and D.

Greg Jones rejected the amendment.
David Courard-Hauri proposed an amendment to remove the garage requirement in house type B, C and D.

Greg Jones rejected the amendment.

Francis Boggus stated the code is being too restrictive on housing size and it needs to be flexible and creative.

Jann Freed asked if we need more time to respond to comments tonight and the revisions we received today.

Greg Wattier stated if there is going to be standards for form and materials, he wouldn’t support the square footage requirements.

Will Page stated in 1942 his family moved to Des Moines and purchased a house in Ankeny that was around 750 square feet. Today, people still live in those houses and are happy in those houses. Just because a house is small doesn’t mean it’s not a good place to live so he shares the concern around minimum square footage.

Carolyn Jension stated she believes there is great opportunity to rehabilitate existing houses and appreciates staff bringing that up tonight.

Mike Simonson stated he will not support the motion. He believes garages are a good idea but does not support minimum square footages.

Greg Jones made a motion for approval of Items 2 A, B, C and D subject to the attached list of substantive and minor revisions. Motion Failed 1-14.

Jann Freed stated she would move to continue this item and have more time to review these issues and revisions shared with us tonight.

Glenna Frank asked for direction on what issues the Commission would like staff to resolve during the continuation.

Jann Freed stated she was wondering if staff would want time to respond to the comments made tonight as they did for the first public hearing.

Glenna Frank stated she would imagine staff will not make any more substantive revisions but could be wrong. She feels the concerns raised tonight were the same as the concerns raised during the July 15, 2019 portion of the public hearing.

David Courard-Hauri asked if sending recommendations to council without minimum house sizes would create a mess.

Glenna Frank stated the Commission’s recommendations and conditions would be presented to Council along with the tally of votes from the commission.
Mike Ludwig stated if you disagree with the square footage, you can make a motion to strike the square footage and still forward this code onto Council.

(John “Jack” Hilmes left at 7:20)

Emily Webb stated she would like garages to be discretionary in infill development.

COMMISSION ACTION:

Mike Simonson made a motion to approve the staff recommendation subject to a condition that all references to minimum square footages be removed for house types A, B, C and D.

THE VOTE: 14-0
incorporates these sites and allows for the construction of a multiple-family residential building and surface parking lot at the north end of the proposed district.

2. **Size of Site**: 17.98 acres.


4. **Existing Land Use (site)**: Row dwelling units, multiple-family dwelling units and vacant land.

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

   - **North** – “D-R”: Use is the Interstate 235 corridor.
   - **South** - “D-R”: Uses are office and light industrial.
   - **East** - “R-4”: Uses are multiple-family residential.
   - **West** - “D-R”: Uses are the Des Moines River and trail.

6. **General Neighborhood/Area Land Uses**: The site is located at the northern periphery of the Historic East Village Neighborhood. The immediate area consists of a mix of residential and light industrial uses as well as vacant land. It is generally bound by Interstate 235 to the north, East 4th Street to the east, Des Moines Street to the south and Robert D. Ray Drive to the west.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located in the Historic East Village Neighborhood and within 250 feet of the Capitol Park Neighborhood. The neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on July 12, 2019 and the Final Agenda on July 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 12, 2019 (20 days prior to the hearing) and July 22, 2019 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Neighborhood Association mailings were sent to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393. The Capitol Park Neighborhood Association mailings were sent to Chelsea Lepley, P.O. Box 1993, Des Moines, IA 50393.

The applicant is required to hold a neighborhood meeting. They will be available to provide a summary of this meeting at the public hearing.
8. **Relevant Zoning History:** On August 6, 2015, the Plan and Zoning Commission approved the Site Plan and Preliminary Plat for the Bridge District Phase 1. On March 1, 2018, the Commission approved the Site Plan and Preliminary Plat for Bridge District Phase 2. On November 1, 2018, the Commission approved the Site Plan and Preliminary Plat for the Bridge District Phase 3.

On December 20, 2017, the Zoning Board of Adjustment granted the applicant an Exception of 1 foot less than the minimum 8 feet of width required for 0-degree (parallel) parking spaces, an Exception of 6 feet less than the minimum 24 feet of maneuvering space required for 90-degree parking spaces within garages, and an Exception of 4 feet less than the minimum 20 feet of width required for driveways for two-way circulation.

On November 28, 2018, the Zoning Board of Adjustment granted the applicant an exception of 4 feet less than the minimum 20 feet of width required for a driveway for two-way circulation, and an Exception of 4 feet less than the minimum 24 feet of maneuvering space required for 90-degree parking stalls.

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

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

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual Plans should be based on.
A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

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

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

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

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

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

Analysis of these and other applicable standards will be provided for the August 15, 2019 meeting.

III. STAFF RECOMMENDATION

Staff recommends that this item be continued to the August 15, 2019, meeting of the Commission.

SUMMARY OF DISCUSSION
Jacqueline Easley noted that the applicant for item #3 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.

COMMISSION ACTION:

Jacqueline Easley noted that the applicant for item #3 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.

Jann Freed made a motion to continue item #3 to the August 15, 2019 Plan and Zoning Commission meeting. Motion Carried 14-0

THE VOTE: 14-0

Item 4

Request from Sweers Properties 1, LLC (owner) represented by Scott Sweers (officer) for review and approval of a Site Plan “Luxxor Limousine & Coach Bus” under design guidelines for Vehicle Display Lots for property located at 1601 East Army Post Road, to allow development of 20,800-square foot building and a 27,000-square foot building to be used for garaging vehicles as part of businesses providing limousines and motor coaches for hire.

(10-2019-7.141)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Site Plan would allow development of the property with two (2) large buildings that would be used for garaging vehicles as part of a limousines and motor coaches for hire business. The Site Plan demonstrates that the westernmost building would have overhead doors on its east façade and that the easternmost building would have overhead doors on both facades. At least one of the building would have a commercial storefront oriented toward East Army Post Road. The Site Plan proposes 13 off-street parking spaces along the north façades of the building. All other vehicles would be parked within the structures. Since the vehicles that would be parked within the structures would be available for hire, the Site Plan is subject to the design guidelines for Vehicle Display Lots.

2. Size of Site: 4.69 acres.

3. Existing Zoning (site): “C-2” General Retail and Highway-Oriented Commercial District and “FSO” Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Undeveloped land.

5. **General Neighborhood/Area Land Uses:** The subject property is located along the south side of East Army Post Road to the east of the East 14th Street commercial corridor. The surrounding properties contain a mix of commercial uses and undeveloped land.

6. **Adjacent Land Use and Zoning:**
   - **North** – “C-2”, Uses include East Army Post Road, Trans Iowa taxi service, and Slumberland Furniture.
   - **South** - “C-2”, Uses include a warehouse and undeveloped land.
   - **East** – “C-2”, Use is undeveloped land.
   - **West** – “C-2”; Uses include Sudsuckers tavern and, Bob’s Tools.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Easter Lake Area Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 12, 2019 prior to the initial public hearing. Additionally, separate notifications of the hearing for this specific item were mailed on July 12, 2019 (20 days prior to the initial public hearing) and July 22, 2019 (10 days prior to the initial public hearing) to the Easter Lake Area 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 26, 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 Easter Lake Area Neighborhood Association notices were mailed to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320.

8. **Relevant Zoning History:** On November 5, 2015, the Plan & Zoning was set to hold a public hearing on a request to rezone the property from “C-2” General Retail and Highway-Oriented Commercial District to “M-1” Light Industrial District. However, the request was ultimately withdrawn by the applicant.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The property is designated as “Business Park” which is defined as follows: 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.

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 subject property is located on the East Army Post Road commercial corridor. Staff believes that the proposed Site Plan would not have a detrimental impact on any residential areas.

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 proposed Site Plan must be revised to in order to demonstrate provision of the required open space 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 4.69 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 submitted Site Plan generally must comply with the landscape standard applicable for the “C-2” District. This includes provision of the minimum required open space 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 submitted Site Plan provides permanent pavement for all parking and drive aisles.

   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 submitted Site Plan provides 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 to the Site Plan.

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

1. Stormwater & 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 submitted Site Plan includes a stormwater detention basin in the eastern portion of the site.

2. Traffic/Street System: The proposed Site Plan proposes one (1) drive approach from East Army Post Road that would align with an existing drive approach directly across East Army Post Road to the north. The Site Plan must provide a minimum 5-foot wide sidewalk along East Army Post Road, as well as a pedestrian connection from that sidewalk to the proposed buildings.

3. Utilities: The site has access to all necessary public utilities. There is an existing City of Des Moines-owned 8-inch gravity sanitary sewer running north/south across the middle of this property and an existing City of Des Moines-owned 8-inch gravity sanitary sewer running northwest/southeast across portions of the southern edge of this property. The Site Plan provides 30-foot wide easements centered on each of these existing sanitary sewers and does not propose structures within the easement areas.

4. Urban Design: The Site Plan includes building elevations for one of the buildings but does not identify building materials. The portion of the building closest to East
Army Post Road would have commercial storefront, which appears to be clad with masonry materials. Staff recommends that the northernmost 30 feet of any structure, including any front and side facades, shall be clad entirely with masonry materials, exclusive of window and door openings. The balance of any structure shall have a minimum 4-foot tall masonry wainscot around the entire perimeter.

5. **Additional Information:** The subject property is zoned “C-2” District, which does not allow for outdoor storage and only allows for indoor storage so long as it is accessory to a use that is permitted in the district. Therefore, the Site Plan should include notes stating that outdoor storage of materials shall be prohibited and that any indoor storage occurring on the premise shall be accessory to a use that is permitted in the “C-2” District.

The Site Plan includes provisions that all rooftop mechanical equipment will be screened from street-level view and that all new site lighting shall be low-glare “cutoff-type” fixtures with a maximum pole height of 20 feet.

The Site Plan also states that a dumpster enclosure shall be provided if a dumpster is provided on-site. Staff recommends that this note be expanded to state that any enclosure shall be constructed with masonry walls and steel gates to match the structures on the site.

III. **STAFF RECOMMENDATION**

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

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

2. Provision of a note that states there shall be no elevated display of motor vehicles

3. Provision of a note that states employee and customer parking areas shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.

4. Provision of a note that states 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.

5. Compliance with the City’s Landscape Standards applicable to the “C-2” District. Open space plantings shall be provided throughout the site.

6. Provision of a minimum 5-foot wide sidewalk along East Army Post Road, as well as a pedestrian connection from that sidewalk to the proposed buildings.
7. The northernmost 30 feet of any structure, including any front and side facades, shall be clad entirely with masonry materials, exclusive of window and door openings. The balance of any structure shall have a minimum 4-foot tall masonry wainscot around the entire perimeter.

8. Provision of a note stating that outdoor storage of materials shall be prohibited and that any indoor storage occurring on the premise shall be accessory to a use that is permitted in the “C-2” District.

9. Provision of a note that states any dumpster enclosure shall be constructed with masonry walls and steel gates to match the structures on the site.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #4 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.

COMMISSION ACTION:

Jacqueline Easley noted that the applicant for item #4 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.

Dory Briles made a motion to continue item #4 to the August 15, 2019 Plan and Zoning Commission meeting. Motion Carried 14-0

THE VOTE: 14-0

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Committee and Director’s Reports:

Mike Ludwig noted that this evening would be Mike Simonson’s last meeting as a P&Z Commissioner. Recognized Mr. Simonson’s service to the City as a Commissioner and noted a substantial list of Mr. Simonson’s positive impacts on the community as a volunteer and citizen.

Meeting adjourned at 7:45