
ABSENT: Will Page, Rocky Sposato, David Courard-Hauri, John “Jack” Hilmes and Carolyn Jenison

STAFF PRESENT: Erik Lundy, Glenna Frank and Dolores Briseno.

Jann Freed made a motion to approve the August 1, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 10-0

Jacqueline Easley asked if any members of the audience or the Commission requested to speak regarding consent agenda Items #1 or #2. None were present or requested to speak.

Dory Briles made a motion to approve Consent Agenda Items #1 and #2 per the recommendations in the staff report. Motion Carried 9-0-1 (Greg Wattier abstained)

Jacqueline Easley noted that the applicant for Item #3 had requested a continuance to the September 5, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this Item.

Emily Webb made a motion to continue Item #3 to the September 5, 2019 Plan and Zoning Commission meeting. Motion Carried 10-0.

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from HRC NFS I, LLC represented by Ashley Aust (officer) for vacation of the following segments of Right-Of-Way adjoining property at 1170 and 1210 Tuttle Street to provide for encroachments of balconies and subsurface footings for the “Fusion East” and “Fusion West” multiple-family dwellings: (11-2019-1.18)

A) A 5.5-foot by 139.7-foot segment of air rights in Tuttle Street and a 2.5-foot by 53.00-foot segment of air right in Southwest 12th Street adjoining 1170 Tuttle Street.

B) A 2-foot by 157.85-foot segment of air rights and a 1-foot by 152.31-foot segment of subsurface rights in Tuttle Street adjoining 1210 Tuttle Street.
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacation of air rights and subsurface rights are necessary to facilitate the recently approved Fusion East and Fusion West projects. Fusion East consists of a 3-story building containing 18 rowhouse dwelling units. Each unit would contain a two-car attached garage accessed from the rear façade of the unit. The development would have frontage on Tuttle Street to the north and SW 12th Street to the west. Vehicular access to the site would come from SW 12th Street. Fusion West consists of a 3-story building containing 27 rowhouse style dwelling units. Each unit would contain a two-car attached garage accessed from the rear façade of the unit. The development would have frontage on Tuttle Street to the north and SW 12th Street to the east. Vehicular access to the site would come from SW 12th Street.

2. Size of Site: A total of 1,216.6 square feet of air rights and 152.3 square feet of subsurface rights are proposed for vacation.


5. Adjacent Land Use and Zoning:

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

6. General Neighborhood/Area Land Uses: The subject site is located in the southwest portion of the downtown. The surrounding area consists of vacant land, commercial uses, multiple-family residential uses, light industrial uses, the Raccoon River and Gray’s Lake.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Downtown Des Moines Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on July 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 5, 2019 (10 days prior to the meeting) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject right-of-way. The Downtown Des Moines Neighborhood Association mailings were sent to Peter Erickson, 214 Watson Powell Jr. Way #505, Des Moines, IA 50309.
8. **Relevant Zoning History:** On July 24, 2017, the City Council conditionally approved the Gray’s Station PUD Conceptual Plan and the first reading of the rezoning ordinance by Roll Call Number 17-1295. On August 2, 2017, the City Council approved the second reading of the rezoning ordinance by Roll Call Number 17-1307. On August 14, 2017, the City Council approved the final reading of the rezoning by Roll Call Number 17-1407, thereby approved Ordinance Number 15,600.

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

9. **PlanDSM Land Use Plan Designation:** The subject right-of-way and the adjoining property 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 vacations would have a negligible impact on the function of the adjoining right-of-way.

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 member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

**COMMISSION ACTION:**

Dory Briles made a motion for approval of the requested vacation subject to reservation of easements for all public utilities in place.

**THE VOTE: 10-0**
Item 2

City initiated request for the following on property at 720, 727 and 730 East 2nd Street, 827 – 861 East 2nd Street, 205-221 Maple Street, 350 Maple Street, 101 – 284 East Center Street, 832 – 848 East 4th Street, 225 East Center Street, and 200 Des Moines Street. Owners of the subject property include Bridge District II, LLC Bridge District Townhomes Owners Association, Bridge District Master Association, Bridge District Verve Condominiums, Velocity Condominium Association and other individual townhome owners.

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

B) Rezone property from “D-R” Downtown-Riverfront District to “PUD” Planned Unit Development. (ZON2019-00115)

C) Review and approval of the Bridge District PUD Conceptual Plan for 121 existing and future row dwelling units within “The Banks”, 243 existing multiple-family dwelling units within the “Verve” and “Velocity” buildings, and 114 future multiple-family dwelling units within the “Level” building.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would create a unified PUD zoning district for the previously approved Velocity, Bridge District I, Bridge District II, and Bridge District III projects and allow an additional 5-story multiple-family residential building to be constructed at the north end of the neighborhood.

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 - “C-3B” & “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 August 1, 2019, 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 August 1, 2019 hearing) and July 22, 2019 (10 days prior to the August 1, 2019 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.

A second 10-day notice was mailed on August 5, 2019 for the August 15, 2019 meeting to a corrected mailing list advising the neighborhood associations and the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning. A Final Agenda for this meeting was mailed to all neighborhood associations on August 9, 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 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.

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 August 18, 2016, the Commission approved the Velocity Site Plan. 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. PlanDSM Creating Our Tomorrow: The subject property is designated as “Downtown Mixed Use” on the Future Land Use Map. This designation is described as allowing “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.” High density residential is further defined as “areas developed with primarily higher intensity multi-family residential up to 17 dwelling units per net acre.” The density of the proposed Conceptual Plan is 20 dwelling units per acre. The proposed and existing rowhouses and multiple-family buildings have forms and massing that are appropriate for the downtown.

2. 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.

The proposed PUD Conceptual Plan consists of rowhouses and multiple-family dwellings, which are an appropriate development pattern for this location in the downtown. The proposed uses are allowed in “D-R” and “C-3B” District, which are the primary zoning districts in the area.

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.

Setbacks and screening are discussed in Section II, subparagraphs 3 and 4 of this report.

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.

All grading is subject to an approved 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 stormwater management plans for the Velocity and the Bridge Districts I, II and III have been approved.

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.

The subject site is in the downtown and the proposed level of density and traffic generation is expected. The site plans for the Velocity and Bridge Districts I, II, and III were reviewed and approved by the City’s Traffic and Transpiration Division. A traffic study is not required for the proposed Level project as the expect vehicle trips generate by the project does not trigger review.

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).

*Off-street parking is not required in the “D-R” District. Each phase within the PUD includes surface parking and/or parking with the buildings that adequately serve the dwellings.*

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.

*The proposed Conceptual Plan includes several green spaces and walking paths along with plantings throughout the site. In addition, the development has been designed to provide access to the trail system along the Des Moines River.*

3. **“D-R” District Design Guidelines:** The site and the surrounding area is currently zoned “D-R” District. Development in this zoning district must comply with the “D-R” Design Guidelines found in Chapter 82 of the Municipal Code. Therefore, the proposed PUD Conceptual Plan should be evaluated against these standards so its compatibility with them is understood.

*The existing multiple-family buildings and rowhouse development have been reviewed against these standards and found to comply. Therefore, the following analysis is focused on the newly proposed multiple-family building (Level).*

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 proposed apartment building would be five stories tall, which complies with this guideline. Since the site is within the “CDO” District, staff recommends that a note be added to the PUD Conceptual Plan that limits buildings to a maximum height of 75 feet.*

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

*The development would be separated from the river by Robert D. Ray Drive.*

3) **Lighting:** All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.
This standard is applied through the Development Plan (aka, Site Plan).

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.

   The proposed Level building would front Maple Street and a private drive along it south façade. The building would generally setback 15 feet from these frontages. In some places the setback would be more or less than 15 feet due to the curvature of the street and private drive.

   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.

   This standard is applied through the Development Plan (aka, Site Plan). The submitted Conceptual Plan identifies the location of trash enclosures in the parking lot to the rear of the Level Building.

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

   a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
   
   b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
   
   c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
   
   d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
   
   e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.
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.

Outdoor storage of equipment and materials is not proposed. The submitted Conceptual Plan identifies the location of trash enclosures in the parking lot to the rear of the apartment building.

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

The proposed Conceptual Plan includes several green spaces and walking paths along with plantings throughout the site. This standard is applied through the Development Plan (aka, Site Plan).

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.

N/A.

4. Downtown Overlay District Design Guidelines: The site and the surrounding area is located in the “D-O” Downtown Overlay District. Development in this zoning district must comply with the “D-O” Design Guidelines found in Chapter 82 of the Municipal Code. Therefore, the proposed PUD Conceptual Plan should be evaluated against these standards so its compatibility with them is understood.

The existing multiple-family buildings and rowhouse development have been reviewed against these standards and found to comply. Therefore, the following analysis is focused on the newly proposed multiple-family building (Level).

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.

Building elevations were not provided for the Level Building with the PUD Conceptual Plan. Therefore, the architecture and materials cannot be evaluated for compliance with this standard. Staff recommends approval of the PUD Conceptual Plan subject to all future Development Plans being reviewed and approved by the Plan and Zoning Commission and the City Council.
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 subject development includes stormwater management improvements
include groundwater recharge pits. Staff is not aware of any additional low
impact development techniques being utilized._

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

_The Conceptual Plan includes a series of shared service drives and pedestrian
paths. In addition, the development has frontage on five public streets._

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

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

_The proposed Conceptual Plan includes several green spaces and walking
paths along with plantings throughout the site. In addition, the development has
been designed to provide access to the trail system along the Des Moines River._

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.

_The development has been designed to provide access to the trail system along
the Des Moines River._

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

_The proposed apartment building would be 5 stories tall, which complies with
this guideline. Since the site is within the “CDO” District, staff recommends that
a note be added to the PUD Conceptual Plan that limits buildings to a maximum
height of 75 feet._

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

1. All buildings with river frontage should orient towards the river and have
building entrances that are oriented to the river and primary street(s).

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

3. All buildings should have frontage on principal street(s) of not less than 70
percent of the lot.
The proposed Level building would occupy 70% of the frontage along Maple Street and a private drive that acts as a street. The main entrance would be located on this façade in the vicinity of the intersection of Maple Street and the private drive.

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

N/A.

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

N/A.

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

The proposed Level building would front Maple Street and a private drive along its south façade. The building would generally setback 15 feet from these frontages. In some places the setback would be more or less than 15 feet due to the curvature of the street and private drive.

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

No outdoor storage of materials and equipment is proposed.

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

This standard is applied through the Development Plan (aka, Site Plan). The submitted Conceptual Plan identifies the location of trash enclosures in the parking lot to the rear of the apartment building.

K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

The proposed Conceptual Plan includes several green spaces and walking paths along with plantings throughout the site. This standard is applied through the Development Plan (aka, Site Plan).

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

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

N/A.

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

N/A.

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

*Staff believes the proposed number of curb cuts is the minimum number necessary to adequately serve the development.*

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

*PUD zoning is proposed.*

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

N/A.

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

N/A.

III. **STAFF RECOMMENDATION**

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

Part B) Staff recommends approval of the proposed rezoning from “D-R” District to “PUD” District.
Part C) Staff recommends approval of the proposed Bridge District PUD Conceptual Plan subject to the following conditions:

1. Provision of a note on Sheet 1 that states “all final development plans are subject to review and approval by the Plan and Zoning Commission, and the City Council.”

2. Provision of a note that states “any structure in the PUD shall have a maximum height of 75 feet.”

3. Provision of a note on Sheet 1 that is titled “PUD Intent Statement” that states:

“The intent of this PUD is to document in zoning the previously approved site plans and building elevations for the Velocity, Bridge District I, Bridge District II, and Bridge District III projects, including any conditions of approval, as well as to allow an additional 5-story multiple-family residential building to the north (Level). Any discrepancies in the PUD Conceptual Plan with previously approved site plans and building elevations is unintended.”

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:

Dory Briles made a motion for APPROVAL of Part A) the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) APPROVAL of the proposed rezoning from “D-R” District to “PUD” District. And Part C) APPROVAL of the proposed Bridge District PUD Conceptual Plan subject to the following conditions:

1. Provision of a note on Sheet 1 that states “all final development plans are subject to review and approval by the Plan and Zoning Commission, and the City Council.”

2. Provision of a note that states “any structure in the PUD shall have a maximum height of 75 feet.”

3. Provision of a note on Sheet 1 that is titled “PUD Intent Statement” that states:

“The intent of this PUD is to document in zoning the previously approved site plans and building elevations for the Velocity, Bridge District I, Bridge District II, and Bridge District III projects, including any conditions of approval, as well as to allow an additional 5-story multiple-family residential building to the north (Level). Any discrepancies in the PUD Conceptual Plan with previously approved site plans and building elevations is unintended.”
THE VOTE: 10-0

******************************************
******************************************

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 3

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 (5) 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 23\textsuperscript{rd} Street to the east, High Street to the south and 24\textsuperscript{th} 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 25\textsuperscript{th} 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 of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail 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

Staff recommends continuation of the item to the September 5, 2019 meeting of the Commission.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for Item #3 had requested a continuance to the September 5, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.

Emily Webb made a motion to continue Item #3 to the September 5, 2019 Plan and Zoning Commission meeting.

COMMISSION ACTION:

Emily Webb made a motion to continue Item #3 to the September 5, 2019 Plan and Zoning Commission meeting.

THE VOTE: 10-0

............................................................
............................................................

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.

6. Open space plantings shall be provided throughout the site and not clustered in a single area.

7. 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.

8. 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.

9. 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.

10. 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**

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

**Scott Sweers** representing Sweers Properties 1, LLC stated he started this transportation company 10 years ago. The properties they rent currently are becoming too costly and they need a facility that will allow for future growth. He plans to construct a beautiful property and bring added value to the area.

**Allen May** stated they are able to comply with all recommendations besides #7 and #8. Regarding the 5-foot sidewalk, there are currently no sidewalks in the area and this business doesn’t draw walk-in customers. If the sidewalk is required in the future as more connectivity develops, that would be more realistic. The clad and masonry material is a great idea but this isn’t a PUD and no other buildings in the area have used this type of material.

**David Churchill** stated they have come up with an architectural panel system that will provide a geometrical type of design. This would be a 3-part panel system that will provide a look that doesn’t seem like a normal pole barn metal material.

**Jann Freed** asked to see the sample David brought in tonight.

**Greg Wattier** asked for details around the stem wall?

**David Churchill** stated it’s a system that is suspended off the metal frames.

**Greg Wattier** asked if the footings would go above or stop at the slab on grade?
David Churchill stated it would be slab on grade in between the footings that support the metal frames.

Scott Sweers stated he doesn’t have a problem with masonry but he feels this would be a better option for the future because of its modern look.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Jim Bollard 4007 SE 26th St. Representing the Easter Lake Neighborhood Association stated the developer has yet to hold a meeting with the Neighborhood Association. Although he understands their objection to providing sidewalks, someone in the area needs to be the first. He wants to make sure this will not be a vehicle display lot.

Emily Webb asked where the closest sidewalk would be?

Erik Lundy stated Casey’s General Store on the corner of Army Post and Indianola Road has a sidewalk on their store frontage.

Scott Sweers presented a picture on his phone showing a building that has used the panel system they are proposing.

Jacqueline Easley asked the applicant to address the Neighborhood Association meeting.

Scott Sweers stated he is new to this process and didn’t know he was required to hold a meeting with the Neighborhood Associations. He has no problem meeting with them and answering any questions they have.

Erik Lundy stated although staff does encourage meetings with Neighborhood Associations, Site Plans do not require it. Rezoning would require a Neighborhood meeting.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jann Freed stated we are trying to create more connectivity through sidewalks and although it wouldn’t be walkable now, it will be in the future.

Greg Jones stated he agrees and we should be asking for it.

Francis Boggus stated Army Post Road is busy so he would be less inclined to wave it, connectivity needs to start somewhere.

Greg Wattier stated it isn’t necessary to use masonry around the building, he is more interested in the base detail and how it will hold up in the winter months.
COMMISSION ACTION:

Greg Wattier made a motion for 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.

6. Open space plantings shall be provided throughout the site and not clustered in a single area.

7. 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.

8. The front and side facades shall have a durable base material within the first 18 inches to 2 feet above grade as approved by the Planning Administrator.

9. 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.

10. 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.

THE VOTE: 10-0

Request from J Larson Homes, LLC (owner) represented by John Larson (officer) for a First Amendment to the “Three Lakes Estates Phase II” PUD Conceptual Plan for property in the Vicinity of 3001 block of East Army Post Road, to allow reconfiguration of the proposed public street layout for development of 80 lots for single-family semi-detached dwellings and 200 lots for single-family dwellings.
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The developer is seeking to resume development of “Three Lakes Estates Phase II”. Due to market conditions they are looking to revise the row townhomes, proposed in the approved PUD Conceptual Plan in the northern portion of the area, to a cluster of 80 single-family semi-detached homes accessing directly onto a slightly revised street configuration. This replaces 97 proposed row and single-family semi-detached townhomes in the approved PUD Conceptual Plan.

   Additionally, the single-family detached lots in the PUD are proposed to be grouped into 65 feet wide and greater, for 143 lots in the central portion of the PUD and 57 lots in the southeastern area that would be between 45 feet and 55 feet wide.

   The existing row townhome area at the southwestern portion would remain as initially proposed and is currently under development with approved public infrastructure and street improvements.

   A significant difference in the proposed PUD Conceptual Plan versus the approved Plan is that only one public street connection to East Army Post Road would be provided, with single-family lots now proposed to back onto the existing regional drainage basin at the northeast portion of the development. The approved plan proposed two street connections. There would still be two proposed street connections to the east and two street connections to the south to East Pine Avenue. The proposed Plan also further defines a greenbelt area along the drainage way into that basin. There would be six (6) single-family lots platted in the Phase I portion of Three Lakes Estates that are within the property owned by the developer.

2. **Size of Site:** 101.94 acres.

3. **Existing Zoning (site):** Three Lakes Estates Phase II “PUD” Planned Unit Development District.

4. **Existing Land Use (site):** There are 14 single-family dwellings along a dead end segment of Brockway Drive that have been platted as Part of Three Lakes Estates Plat 6 built in accordance with the existing PUD Conceptual Plan and Preliminary Plat. There were also public sanitary sewer and water mains extended into the property of the end of Sweetwater Drive in accordance with public improvement plans based on the approved Preliminary Plat as well. Since these have not been inspected and accepted by the City, the developer would have to complete that process in order to make use of these facilities.
Construction of a row townhome cluster in the southwest part of the PUD area is also underway for 85 row and single-family semi-detached townhomes. Public improvement plans for streets and infrastructure were approved under the existing approved Preliminary Plat.

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

   **North** – Pearl Lake “PUD”, “A-1”, “R1-80” & R-3”, Use is undeveloped agricultural land.

   **South** - “A-1” & “R1-60”, Uses include single-family residential and undeveloped agricultural land.

   **East** - “A-1”, Use is undeveloped agricultural land.

   **West** – Three Lakes Estates “PUD”, Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located east of the built-out single-family subdivision along the East Army Post Road corridor (a former state highway). It is surrounded on the other three sides with undeveloped agricultural land.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Easter Lake Area Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on July 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 26, 2019 (20 days prior to the hearing) and on August 5, 2019 (10 days prior to the scheduled hearing) to the Easter Lake Area Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the PUD boundary. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 9, 2019.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Easter Lake Area Neighborhood Association mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320.

   The applicant held their neighborhood meeting on August 7, 2019. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.

8. **Relevant Zoning History:** The Three Lakes Estates Phase II zoning to “PUD” was originally approved by the City Council on May 7, 2001 by Ordinance No. 13,950. There was a subsequent requested PUD Conceptual Plan amendment known as “The Palms” that was reviewed by the Plan and Zoning Commission on April 3, 2008 to revise townhome design and configuration. This amendment was withdrawn before City Council approval.
9. **PlanDSM Land Use Plan Designation:** Low Density Residential, Low-Medium Density Residential, and Parks and Open Space.

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

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Features:** The PUD area has been rough-graded throughout. However, there are still some timbered areas that remain around the basins, drainageways and fence lines. Tree Protection and Mitigation provisions would be required with any future platting review. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

2. **Utilities:** The proposed utility extensions to serve development would be reviewed with a revised Preliminary Plat to be approved by the Plan and Zoning Commission.

3. **“PUD” Conceptual Plan:** The proposed amendment to the “PUD” Conceptual Plan would remain consistent with the existing PlanDSM future land use designations. The proposed single-family semi-detached (labeled as twin homes) at 5.3 units per acre would be within the Low-Medium Designated area, that provides for up to 12 units per acre. The rest of the development would be for single-family lots at proposed densities of 4.5 units per acre for the 45-foot to 55-foot wide lots and 3.0 units per acre for the 65-foot and greater width lots. The Parks and Open Space designated area is being reserved as a common greenbelt/drainageway.

The amendment would still propose a mix of unit types: row townhomes, single-family semi-detached homes, and single-family homes on medium and narrow lots. The narrower lots are proposed at the southeastern portion of the property providing a good transition of equivalent lots sizes between the existing Three
Lakes Estates development. Staff believes that to support the variation in lot sizes, proportionate house sizes should be proposed as well. The submitted amendment sets house size minimums the same as the approved PUD Conceptual Plan at 1,200 square feet with required two-car garages and basements. However, no differentiation is made for the larger lot size area. Staff believes that since the 2001 approval of the PUD Conceptual Plan many practices have changed given review of many other residential developments throughout the City along with the more recent adoption of PlanDSM. In light of those changes over time staff believes that minimum house standards should be as follows:

A) No same single-family or single-family semi-detached house front elevations shall be built on adjacent lots.

B) The front façade of any single-family or single-family semi-detached house constructed must contain one of the following:
   i. A front porch of not less than 60 square feet; or
   ii. Stone or brick masonry siding covering at least 1/3 of the façade.

C) All windows and doors on any single-family or single-family semi-detached house shall have trim that is no less than 4 nominal inches in width.

D) The roof on any single-family or single-family semi-detached house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

E) On single-family lot sizes less than 65 feet in width the following minimum house sizes shall be constructed:
   i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
   ii. Any 1-1/2-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
   iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

F) On single-family lot sizes 65 feet in width or greater the following minimum house sizes shall be constructed.
   i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   ii. Any 1-1/2-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
   iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.

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

H) With regard to the single-family semi-detached dwellings proposed brick or stone wainscot should extend along the full side façade on those units where the side faces a public street.

The final approved building elevations for the Conceptual Plan would be required to be revised to comply with these provisions.
These standards would be similar to requirements of the developer on recent rezoning on the northeast side of the City along East 56th Street and a single-family semi-detached development along Lower Beaver Avenue (Woodlawn PUD) on the north side of the City.

4. **Permit & Development Center Comments:** Any modified lot configuration must be in accordance with an amended Preliminary Plat as approved by the Plan and Zoning Commission. Public sidewalks provided shall all be 5 feet in width.
   The proposed PUD Conceptual Plan only provides for 4-foot tall black chainlink fences. It is recommended that the Conceptual Plan allow up to a 6-foot tall solid wood fence in rear yards and along the frontages of East Army Post and East Pine Avenue for lots that have rear yards abutting those streets.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the submitted PUD Conceptual Plan amendment subject to the following revisions:

1) Compliance with all administrative comments for final Mylar submittal.
2) Addition of a note on the Plan that any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3) Revision to the note to require all public sidewalks to be 5-feet in width.
4) Revision of the fence allowance note to also allow up to a 6-foot tall solid wood fence in rear yards and along the frontages of East Army Post and East Pine Avenue for lots that have rear yards abutting those streets.
5) Revision to the notes on the Plan to provide the following requirements for single-family and single-family semi-detached dwellings:
   A) No same single-family or single-family semi-detached house front elevations shall be built on adjacent lots.
   B) The front façade of any single-family or single-family semi-detached house constructed must contain one of the following:
      i. A front porch of not less than 60 square feet; or
      ii. Stone or brick masonry siding covering at least 1/3 of the façade.
   C) All windows and doors on any single-family or single-family semi-detached house shall have trim that is no less than 4 nominal inches in width.
   D) The roof on any single-family or single-family semi-detached house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   E) On single-family lot sizes less than 65 feet in width the following minimum house sizes shall be constructed:
      i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
      ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
      iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
F) On single-family lot sizes 65 feet in width or greater the following minimum house sizes shall be constructed.
   i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
   iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.

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

H) For any single-family semi-detached dwellings, a brick or stone wainscot should extend along the full side façade on those units where the side faces a public street.

I) Building elevations for the Conceptual Plan shall be required to be revised to demonstrate compliance with these provisions.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendations.

Greg Wattier asked what the applicant will be doing for fencing?

Erik Lundy stated its only allowing for 4-foot chain link with black coating. Typically if a PUD is silent to fencing allowance they can have the option of a privacy fence rather than the chain link fence with the same requirements as standards single-family residential districts.

Greg Wattier asked if staff would be open to various fence types and heights?

Erik Lundy stated the proposed Condition would allow anything up to 6 feet within the side or rear yard. The proposed chain link fence would only be 4 feet.

Greg Wattier asked why there are square foot minimum requirements in the conditions?

Erik Lundy stated staff would like to have compatibility with the established neighborhood to the west of this development.

Glenna Frank stated it’s not out of the Commission’s practice to have approved minimum square footages within a PUD as they have been doing it this way for a decade or more.

Ed Arp Representing J Larson Homes stated they had a very good neighborhood meeting with everyone coming out happy after he compared the current PUD to the proposed PUD. Ed presented the current and proposed PUD to the commission via the overhead camera. Regarding the fencing, they would like to have what the ordinance allows, it’s nice to have some flexibility.
CHAIRPERSON OPENED THE PUBLIC HEARING

Jim Bollard 4007 SE 26th Street stated this part of the city will support a bigger house and we shouldn’t be selling ourselves short on minimum square footage requirements.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Wattier made a motion for approval of the submitted PUD Conceptual Plan amendment subject to the following revisions:

1) Compliance with all administrative comments for final Mylar submittal.
2) Addition of a note on the Plan that any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3) Revision to the note to require all public sidewalks to be 5-feet in width.
4) Revision of the fence allowance note to also allow up to a 6-foot tall solid wood fence in rear yards and along the frontages of East Army Post and East Pine Avenue for lots that have rear yards abutting those streets.
5) Revision to the notes on the Plan to provide the following requirements for single-family and single-family semi-detached dwellings:
   A) No same single-family or single-family semi-detached house front elevations shall be built on adjacent lots.
   B) The front façade of any single-family or single-family semi-detached house constructed must contain one of the following:
      iii. A front porch of not less than 60 square feet; or
      iv. Stone or brick masonry siding covering at least 1/3 of the façade.
   C) All windows and doors on any single-family or single-family semi-detached house shall have trim that is no less than 4 nominal inches in width.
   D) The roof on any single-family or single-family semi-detached house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   E) On single-family lot sizes less than 65 feet in width the following minimum house sizes shall be constructed:
      i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
      ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
      iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   F) On single-family lot sizes 65 feet in width or greater the following minimum house sizes shall be constructed.
      i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
      ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.

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

H) For any single-family semi-detached dwellings, a brick or stone wainscot should extend along the full side façade on those units where the side faces a public street.

I) Building elevations for the Conceptual Plan shall be required to be revised to demonstrate compliance with these provisions.

THE VOTE: 10-0

***********************
************************

(Francis Boggus left the meeting)

Item 6

Request from Nelson Development, LLC (developer) represented by Alexander Grgurich (officer) for review and approval of a Site Plan "418 East Grand" under design guidelines in "C-3B" Districts and under design guidelines for multiple-family dwellings for property located at 418 East Grand Avenue, to allow development of a 5-story building with 105 multiple-family dwelling units, 14,885 square feet of first floor retail area and 19,074 square feet of second floor office area. The subject property is owned by the City of Des Moines. (10-2020-7.06)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Site Plan would allow construction of a 5-story building that would include commercial space on the first and second floors and a total of 105 dwelling units on the third, fourth, and fifth floors. The proposed Site Plan demonstrates that the building would include three (3) commercial bays oriented toward East Grand Avenue and one (1) oriented toward East 4th Street. The proposed Site Plan also includes a landscaped pedestrian way along the east side of the building in order to provide access to the building on the property adjacent to the east. The proposed building would be served by the parking structure that is being constructed on the parcel adjacent to the north.

   It is anticipated that the proposed building may include footings, canopies, and/or door swings that would encroach into the adjoining Right-of-Way. Any such encroachments would be subject to future consideration of a request to vacate the necessary Right-of-Way.

2. Size of Site: 28,068 square feet (0.64 acres).

4. **Existing Land Use (site):** Parking lot.

5. **Adjacent Land Use and Zoning:**
   
   **North** – “C-3B”; Use is a 3-level parking garage that is under construction.
   
   **South** – “C-3B”; Uses are East Grand Avenue and a 6-story hotel (AC Hotel).
   
   **East** – “C-3B”; Use is a 3-story commercial office building.
   
   **West** – “D-R”; Uses are East 4th Street and a 6-story mixed-use building (E300).

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

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of Preliminary Agenda on July 26, 2019, and by mailing of Final Agendas on August 9, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 5, 2019 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

8. **Zoning History:** On September 27, 2010, the City Council adopted Ordinance number 14,960, which amended the zoning of property from “C-3” Central Business District to “C-3B” Central Business Mixed Use District classification. The following Overlay Districts are applicable to the subject property: Capitol Dominance Overlay District (Ordinance 14,098; June 3, 2002); Gambling Games Prohibition Overlay (Ordinance 14,361; July 26, 2004); Pedestrian Sign Overlay District (Ordinance 14,363; July 26, 2004); Downtown Overlay District (Ordinance 15,060; November 7, 2011); and Freestanding Sign Overlay District (Ordinance 15,290; June 23, 2014).

9. **PlanDSM Land Use Plan Designation:** Downtown Mixed Use, which allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Development should include active uses (e.g. retail) on ground floor, particularly at key intersections.
10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any Site Plan application for multiple-family dwellings, boarding houses or rooming-houses; the Plan and Zoning Commission shall apply the design guidelines City Code Section 82-214.05. In acting upon any Site Plan application in the “C-3B” District, they shall apply the design guidelines in City Code Section 82-214.07. The decision to approve, approve subject to conditions, or disapprove a proposed Site Plan shall be based upon the conformance of the Site Plan with the design standards.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Urban Design:** Since the subject project involves a development agreement with the City, the City’s Urban Design Review Board (UDRB) must also approve the building elevations. The UDRB gave preliminary approval of a previously submitted set of elevations at its meeting on July 16, 2019. The applicant has since submitted revised elevations that include modifications to address some of the UDRB’s comments. It is anticipated that the Urban Design Review Board will consider final approval of these revised elevations at their meeting on August 20, 2019. Any approval of the Site Plan by the Plan and Zoning Commission should be subject to the final design of the building being approved the UDRB and the Planning Administrator.

The submitted elevations demonstrate that the first floor of the building would primarily be sided with brick and glass storefront. It would have a 20-foot ceiling height. Portions of the first floor would be recessed in order to create small patio areas.

The submitted elevations demonstrate that the second through fifth floors of the building would primarily be sided with corrugated architectural metal panels with fiber cement panels as an accent material.

The submitted elevations demonstrated that the third through fifth floors of the building would be configured in a “C” formation that opens of the east. The interior walls of this courtyard area would primarily be sided with fiber cement panels.

All rooftop mechanical equipment would be screened entirely on all sides with materials that are architecturally compatible with the existing structure. Screening shall be of a height equal to the tallest rooftop mechanical equipment.

2. **“C-3B” District Design Guidelines:** The following design guidelines are applicable to any Site within a “C-3B” District.
1) Building Heights. Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.

*The building would be 5 stories tall with a maximum height of 73 feet to the top of the parapet wall. The “CDO” Capitol Dominance Overlay District allows the building to be up to 75 feet tall since the portion of the building that is above 55 feet would be a residential 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.

*N/A.*

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

*The submitted Site Plan requires replacement street lighting along East Grand Avenue and East 4th Street. All new lighting must be black metal poles and LED Autobahn fixtures.*

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

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

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

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

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

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

*The residential component of the building would be accessed by a primary entrance along East 4th Street.*

5) Commercial building standards: New commercial buildings should also comply with the following guidelines:
a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

The submitted Site Plan complies with these applicable design guidelines, as the proposed building frames the entire frontages along both East Grand Avenue and East 4th Street.

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

The Site Plan proposes refuse collection containers contained within an enclosure area near the northeast corner of the building within a recessed portion of the first floor, which would be accessed by a drive from East Grand Avenue. The elevation drawings state that the enclosure would have steel gates.

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

The submitted Site Plan provides parkway plantings along both East Grand Avenue and East 4th Street, as well as plantings within the pedestrian walkways along the east and north sides of the building. All required landscaping shall be maintained for the life of the Certificate of Occupancy.

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

The submitted Site Plan complies with this guideline.

3. Downtown Overlay District Design Guidelines: In acting upon any Site Plan application for development of property located within the Downtown Overlay
District, the community development director (or plan and zoning commission if applicable) shall apply the regulations and design guidelines in Section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed Site Plan shall be based upon the conformance of the Site Plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

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

Staff believes that the proposed building satisfies this guideline so long as the conditions of approval found in Section III of this report are addressed. The building addresses the street facing sides and keeps non-public functions internal to the block and away from the public streets. The street level would be sided with brick that is broken up by glass and aluminum storefronts. Final building materials will be subject to review and approval by the City’s Urban Design Review Board and Planning Administrator.

B) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

The proposed Site Plan would utilize underground stormwater detention.

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

The proposed building would have primary entrances oriented toward the public sidewalks along East Grand Avenue and East 3rd Street. The building would also contain street level commercial space oriented toward the public sidewalks.

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

The proposed Site Plan includes parkway plantings and plantings within the pedestrian ways along the east and north sides of the building.

E) Where feasible, projects should provide outdoor spaces for people gathering.
The Site Plan provides patios within recessed portions of the ground floor and a patio within a courtyard area on the third floor of the building that would serve the residential dwelling units.

F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

Bike racks are provided along the streetscape.

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

The proposed 73-foot height (5 stories) building satisfies this guideline.

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

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).

   N/A.

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

   There are entrances oriented to both East Grand Avenue and East 4th Street.

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

   The proposed building would occupy nearly the entire frontages along both East Grand Avenue and East 4th Street.

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

   The proposed Site Plan complies with this requirement.

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

   The proposed Site Plan proposes a primary entrance for the residential component oriented toward East 4th Street.

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

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

*No outdoor storage of materials and equipment is proposed.*

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

*The proposed Site Plan provides refuse collection containers within an enclosure at the northeast corner of the building within a recessed portion of the first floor. The proposed Site Plan states that the enclosure would have steel gates.*

K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

*The proposed Site Plan must comply with the City’s landscaping standards for parkway plantings to the satisfaction of the City’s Planning Administrator. All required landscaping shall be maintained for the life of the Certificate of Occupancy.*

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

N/A.

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

N/A.

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

N/A.

O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.
The development would eliminate an existing curb cut along East 4th Street and would shift an existing curb cut along East Grand Avenue to the east in order to align with a narrow driveway that would provide access to the refuse collection container enclosure.

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

*The site measures 0.64 acres in area.*

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

*N/A.*

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

*N/A.*

4. **Multiple-Family Design Guidelines:**

1) **Architectural character.** New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

*The submitted elevations demonstrate that the first floor of the building would be sided primarily with brick and glass store fronts and that the second through fifth floors of the building would primarily be sided with corrugated architectural metal panels with fiber cement panels as an accent material. The building would be compatible with the surrounding neighborhood so long as it is constructed in accordance with a final design as approved by the City’s Urban Design Review Board.*

2) **Building height and mass.** Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of
new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.

The proposed height and massing are appropriate for this location. The building would be compatible with the surrounding neighborhood so long as it is constructed in accordance with a final design as approved by the City’s Urban Design Review Board.

3) **Building orientation.** To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.

The site is located on the northeast corner of the East Grand Avenue and East 4th Street intersection. The proposed building has been designed so that it would be oriented toward both of these streets.

4) **Garage access/location.** If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.

This guideline is not applicable as no garage is proposed.

5) **Rooftop/second story additions.** A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.

No rooftop addition is proposed.

6) **Emergency egress.** All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

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

7) **Parking.** Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

This guideline is not applicable, as no off-street parking lot is proposed.
III. **STAFF RECOMMENDATION**

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

1. The Site Plan shall comply with all administrative review comments of the City’s Permit and Development Center.

2. Any encroachments within the adjoining Right-of-Way shall be subject to future vacation of the necessary Right-of-Way.

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

4. All site lighting shall be black metal poles and LED Autobahn fixtures.

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

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

7. Bike racks shall be provided along East Grand Avenue and East 4th Street to the satisfaction of the City’s Traffic Engineer.

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

**SUMMARY OF DISCUSSION**

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

**Alexander Grgurich** representing Nelson Development stated the reason they got rid of proposed landscaping around the entrance at 430 E Grand is because they feel that area is shielded and will inhibit the use of the building. They plan to work with the commercial tenants once they are in the building and develop landscaping that will integrate with their operations.

**Greg Jones** asked if they were OK with how condition #6 read in the staff recommendations?

**Alexander Grgurich** indicated he believed they would comply.

**Erik Lundy** clarified that condition would be for the street sides only.
Dylan Jones representing Genus Landscape Architects stated they will be providing climbing vines along the end of alley to allow for visual softening.

Alexander Grgurich stated the alley needs to allow room for the garbage trucks to get through as well so they don’t want to crowd it with landscaping.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

There was nobody present to speak on the item.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Greg Jones made a motion for approval of the proposed Site Plan as revised to remove landscape plantings from the interior plazas, subject to the following conditions:

1. The Site Plan shall comply with all administrative review comments of the City’s Permit and Development Center.

2. Any encroachments within the adjoining Right-of-Way shall be subject to future vacation of the necessary Right-of-Way.

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

4. All site lighting shall be black metal poles and LED Autobahn fixtures.

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

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

7. Bike racks shall be provided along East Grand Avenue and East 4th Street to the satisfaction of the City’s Traffic Engineer.

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

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

Erik Lundy stated City Council will set date of hearing for the purposed zoning code at this coming Monday’s Council meeting.

Meeting adjourned at 7:30