
ABSENT: Francis Boggus, Jann Freed, Dory Briles and Carolyn Jension.

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

John “Jack” Hilmes made a motion to approve the August 15, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 7-0-4. Sposato, Page, Courard-Hauri and Hilmes abstained as they were not present at the August 15, 2019 P&Z meeting.

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

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

Greg Wattier made a motion to move item #8 to the consent agenda. Motion Carried 11-0.

Jacqueline Easley noted that the applicant for item #9 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

John “Jack” Hilmes made a motion to move item #9 to the consent agenda. Motion Carried 11-0.

Will Page made a motion to approve Consent Agenda Items #1, #2, #3, #4, #5, #8 and #9 per the recommendations in the staff reports. Motion Carried 11-0.

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated request to rezone property in the vicinity of 150 East County Line Road to amend conditions required by Ordinance No. 15, 592. The subject property is owned by Solid Ground, LLC; Cedar Valley Homes, LLC; Happe Homes, LLP; S&L Properties, Inc., Jerry’s Homes, Inc., Homes by Fleetwood, LLC and Parkside Estates Owners Association.

(ZON2019-00157)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request**: The City has initiated a proposed amendment to the conditions listed in Ordinance No. 15, 592 adopted at the time of the rezoning of the subject property in 2017. As development has occurred recently there has been a conflict in the language of the conditions applicable to minimum area for 2-Story dwellings. In addition to the overall minimum area being required to be 1,500 square feet for lots in the southern portion of the development and 1,600 square feet for lots in the northern portion of the development, there is also a provision that the first floor be a minimum of 1,000 square. After reviewing with staff and the developer, it is believed that this provision was included inadvertently with the 2-story dwelling requirements during the approval process of the Ordinance by the City Council. While it is listed similarly to the 1½-story requirement, the net result would require a minimum 2,000 square foot dwelling in any case for a 2-story dwelling. Therefore, staff is recommending that this provision be stricken from the requirements for 2-story dwellings.

Separately, as construction is underway, it has been discovered that a shallow high-pressure gas line and data cables are interfering with the ability to safely spade in street trees between the sidewalk and the street as required by the conditions. While during the Preliminary Plat stage it appeared that these utilities would not conflict, the on-site work has revealed that these utilities are shallow and more centered on the area where the trees were intended to be planted. An alternate location north of the sidewalk within the Right-Of-Way is still workable. City Forester has reviewed and approved the alternate locations. The modification to the Ordinance conditions would need to remove the specificity of the locations for the street trees to be between the sidewalk and the street.

2. **Size of Site**: 14.738 acres or 642,003 square feet.

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

4. **Existing Land Use (site)**: Land under development for single-family subdivision.

5. **Adjacent Land Use and Zoning**:
   - **North** - “R1-80”; Use is Fort Des Moines Park.
   - **South** – Warren County “R-2”; Use is a rural subdivision of single-family dwellings.
   - **East** - “R1-80”; Use is Studebaker Elementary School.
   - **West** - “R1-80”; Use is McCombs Middle School.

6. **General Neighborhood/Area Land Uses**: The area generally consists of educational and low-density single-family residential uses. It is located on East
County Line Road between McCombs Middle School to the west and Studebaker Elementary School to the east.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood. However, all recognized neighborhood associations were notified of the public hearing by mailing of the preliminary agenda on November 30, 2017. Notifications of the hearing for this specific item were mailed on December 1, 2017 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A final agenda was mailed to the neighborhood associations on December 15, 2017.

8. **Relevant Zoning History:** The City Council rezoned the property to Limited “R1-60” One-Family Low-Density Residential District on June 26, 2017 by Ordinance No. 15,592.

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

10. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to amend Zoning Ordinance conditions. The recommendation of the Commission is forwarded to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Conditions:** Staff has submitted the original conditions to be amended with the following strikeouts as indicated below.

   (1) Street trees shall be provided along East County Line Road at the time public improvements are installed for the development. The trees shall be located between the street curb and the public sidewalk, shall be spaced 30 feet on center, and shall comply with the City’s street tree policies.

   (2) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.

   (3) No same house plan shall be built on adjacent lots.

   (4) Each house shall have a full basement.

   (5) Each house shall have a minimum two-car attached garage.

   (6) The front façade of any house constructed must contain one of the following: a. A front porch of not less than 60 square feet; or b. Stone or brick masonry siding covering at least 1/3 of the façade.

   (7) All windows and doors shall have trim that is no less than 4-inches in width.

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

   (9) Single story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,300 square feet of above-grade
finished floor area. Single story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

(10) 1½ story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 1½ story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor.

(11) 2 story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 2 story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor.

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

(13) Any chain link fence shall have black vinyl-cladding.

(14) Provision of a trail providing pedestrian access to Fort Des Moines Park.

After converting the previous Conceptual Plan lot number to “also known as” lots on the approved Final Plat for the property, the approved conditions would therefore read as follows:

(1) Street trees shall be provided along East County Line Road at the time public improvements are installed for the development, and shall comply with the City’s street tree policies.

(2) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.

(3) No same house plan shall be built on adjacent lots.

(4) Each house shall have a full basement.

(5) Each house shall have a minimum two-car attached garage.

(6) The front façade of any house constructed must contain one of the following:
   a. A front porch of not less than 60 square feet; or
   b. Stone or brick masonry siding covering at least 1/3 of the façade.

(7) All windows and doors shall have trim that is no less than 4-inches in width.

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

(9) Single story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as 48-51 on final plat, shall be constructed with a minimum of 1,300 square feet of above-grade finished floor area. Single story homes on Conceptual Plan Lots 5-24 also known as
Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

(10) 1½ story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as Lots 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as Lots 48-51 on final plat, shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 1½ story homes on Conceptual Plan Lots 5-24 also known as Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor.

(11) 2 story homes on Conceptual Plan Lots 1-4 also known asLots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as Lots 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as Lots 48-51 on final plat, shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area. 2 story homes on Conceptual Plan Lots 5-24 also known asLots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,600 square feet of above grade finished floor area.

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

(13) Any chain link fence shall have black vinyl-cladding.

(14) Provision of a trail providing pedestrian access to Fort Des Moines Park.

III. STAFF RECOMMENDATION

Staff recommends approval of the initiated amendments to the Zoning Conditions.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Will Page made a motion for approval of the initiated amendments to the Zoning Conditions.

THE VOTE: 11-0
Item 2

Request from Antonio Martinez (owner) for review and approval of a Site Plan “El Paso Auto Sales” under design guidelines for vehicle display lots on property located at 1716 East Army Post Road, to allow reuse of the existing retail commercial site for a vehicle display lot.

(10-2020-7.07)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Site Plan would allow development of the property for a vehicle display lot with development of additional paved area for sales display and required off-street parking. The existing retail building will be converted to a sales office and detail shop.

2. Size of Site: 1.91 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): The existing property contains a 4,480-square foot one-story building that was previously used for retail purposes.

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 – “R1-80”, Uses are vacant land and a single-family dwelling acreage.

   South - “C-2”, Use is undeveloped agricultural land.

   East – “C-2”, Uses are a vintage book retail business and undeveloped land.

   West – “C-2” & “R1-80”, Uses are Affinity Credit Union and single-family dwellings.

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 August 16, 2019 prior to the initial public hearing. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 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 was mailed to all the recognized neighborhood
associations on August 30, 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. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The
   property is designated as “Business Park” and “Low Density Residential” which are
defined as follows:

   *Business Park 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.*

   *Low Density Residential is described as areas developed with primarily single
   family and two family residential units with up to 6 dwelling units per net acre.*

9. **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 along the East Army Post Road commercial
corridor. There are existing residences to the west. Staff believes that the
proposed Site Plan would not have a detrimental impact on any residential
areas so long as the developer installs the plantings in accordance with the
requirements for open space and bufferyards. Because of the existing septic
field, the developed portion of the site for buildings and paving cannot extend
much further north than the existing building. This should limit the activity behind
the residences reducing the impact on those properties.*

   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 complies with the minimum requirements for
   landscaping in the “C-2” District.*
3) Any portion of the property to be used for outside storage, display or parking of vehicles shall:
   a) Contain at least one-half acre of land.

      The property is 1.91 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 complies with the landscape standard applicable for the “C-2” District. This includes provision of the minimum required open space, buffer yard and perimeter lot 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 6-inch thick P.C.C. pavement for all display area, off-street parking area 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 has not been provided and needs to be included on 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. The display area is identified to the south of the existing building. An accessible space is identified at the southeast corner of the building. The remaining off-street parking for customers and employees is shown east of the building.
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 management detention in the northern portion of the site.

2. **Traffic/Street System:** The submitted Site Plan proposes one (1) 24-foot wide driveway access from East Army Post Road that would be shared with the existing book store site to the east. The Site Plan is providing a 5-foot wide public sidewalk along East Army Post Road frontage, 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 renovation of the exterior of the existing building. The existing building is a concrete block constructed building with a wood-framed, shed addition to the front with vertical fiber board siding material. The proposed elevations on the submitted Site Plan include a design that would include a glass storefront on the building with a brick wainscot wrapping around the side facades. There would be a parapet roof with molded cornice around the building with a raised projecting arch element on the front facade. The balance of the building would be sided with a cement board panel siding material.

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. There is a note prohibiting the outdoor storage of inoperable or unsafe vehicles. However, this note does not include reference to any other materials. Therefore, the Site Plan note should be expanded to include a statement 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.

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 within the 25-foot front yard building setback area.

3. Revision of the note prohibiting outside storage of inoperable vehicles to further state 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.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Will Page made a motion for approval of 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 within the 25-foot front yard building setback area.

3. Revision of the note prohibiting outside storage of inoperable vehicles to further state 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 VOTE: 11-0
Item 3

Request from Nelson Development, LLC (developer), 418 East Grand Avenue, represented by Alexander Grgurich (officer) for vacation of the following related to a proposed mixed-use project. (11-2019-1.19)

A) Subsurface rights in the north 4.00 feet of East Grand Avenue and the east 3.00 feet of East 4th Street adjoining the subject property to allow for footing encroachments.

B) Air rights in the north 3.00 feet of East Grand Avenue and east 3.00 feet of East 4th Street to allow for balcony encroachments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The requested vacation of Right-of-Way (ROW) would accommodate footings and balconies for a 5-story building that would be constructed on the adjacent parcel. The proposed building would include commercial space on the first and second floors and a total of 105 dwelling units on the third, fourth, and fifth floors.

2. Size of Site: Grand Avenue: Approximately 4 feet by 160 feet (640 square feet). East 4th Street: Approximately 3 feet by 180 feet (540 square feet).


4. Existing Land Use (site): Right-of-Way for East Grand Avenue and East 4th Street adjacent to a parcel that contains a 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 August 16, 2019, and by mailing of Final Agendas on August 30, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 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 adjacent or directly across the street from the requested Right-of-Way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The 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).

On August 15, 2019, the Plan & Zoning Commission conditionally approved a Site Plan for “418 East Grand” (10-2020-7.06) under design guidelines in “C-3B” Districts and under design guidelines for multiple-family dwellings, to allow development of a 5-story building with 14,885 square feet of first floor retail area, 19,074 square feet of second floor office area and 105 multiple-family dwelling units.

The Site Plan was approved with the condition of that any encroachments within the adjoining Right-of-Way is subject to future vacation of the necessary Right-of-Way.

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

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

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

2. Site Plan Requirements: The requested ROW would be developed in common with the adjoining parcel, for which the Plan & Zoning Commission conditionally approved a Site Plan on August 15, 2019 (10-2020-7.06). Any development that incorporates the subject ROW must comply with all Site Plan requirements.

III. STAFF RECOMMENDATION

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

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

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

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

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

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

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

THE VOTE: 11-0
Item 4

Request from Lutheran Church of Hope (owner), 1821 Ingersoll Avenue represented by Chris Gunnave (officer) for vacation of the east/west segment of alley between Ingersoll Avenue and High Street adjoining the north side of the subject property, to allow the property to be assembled with the applicant’s property.

(11-2019-1.20)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow the parcels to the north and south of the request right-of-way to assembled for a future redevelopment. Any future redevelopment would require the use and ownership of the subject alley right-of-way. The applicant has requested the entire width of right-of-way be conveyed to them.

2. **Size of Site:** 16 feet by 175 feet (2,800 square feet).


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

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

   **North** – “C-2” and “C-3A”, Uses are office buildings and associated parking lots.

   **South** – “C-3A”; Use is religious assembly and parking lot for Lutheran Church of Hope.

6. **General Neighborhood/Area Land Uses:** The subject east/west alley right-of-way segment is located between Ingersoll Avenue and High Street to east of 19th Street. The surrounding area contains a mix of uses including single-family residential, multiple-family residential, office, commercial, and retail.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Sherman Hill Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on August 16, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 2019 (10 days prior to the hearing) to the Sherman Hill Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject right-of-way. A final agenda was mailed on August 30, 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 Sherman Hill Neighborhood notices were mailed to Ryan Howell, 831 16th Street, Des Moines, IA 50314.

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

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

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Street System/Access:** All adjoining property owners have consented to the proposed vacation. The parking lot on the adjoining property to the east utilizes a separate access from Ingersoll Avenue.

2. **Utilities:** A water main and hydrant are located in the requested right-of-way segment. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

III. **STAFF RECOMMENDATION**

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

**SUMMARY OF DISCUSSION**

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

**COMMISSION ACTION:**

Will Page made a motion for approval of the requested vacation, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant’s expense.

**THE VOTE:** 11-0
Item 5

Request from Walter and Kelly Lauridsen (purchasers) to rezone the property located at 2725 Southwest 30th Street. The subject property is owned by August Home Publishing Company.

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 Business Park to Low Density Residential. (21-2019-4.16)

C) Rezone property from “M-3” Limited Industrial District to “R1-80” One-Family Residential District to allow development of the property with a single-family dwelling. (ZON2019-00156)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to rezone the subject property to allow development with a single-family dwelling.

2. Size of Site: 6.470 acres (281,833 square feet).


4. Existing Land Use (site): Former test garden and structures and agricultural cultivation.

5. Adjacent Land Use and Zoning:

   North – “M-3”: Uses are an office building, single-family residential, and undeveloped land.

   South - “PUD”: Uses are single-family residential (bi-attached dwellings).

   East - “M-3”: Uses are vacant land and single-family residential.

   West - “M-3” and “R1-80”: Uses are vacant office and warehouse and public open space and recreational fields.

6. General Neighborhood/Area Land Uses: The subject property is located on the east side of Southwest 30th Street and south of George Flagg Parkway. The area consists of a mix of industrial, commercial, public/open space, and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agendas on August 16, 2019 and the Final Agendas on August 30, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 16, 2019 (20 days prior to the public hearing) and August 26, 2019 (10 days prior to the public hearing) to the Southwestern Hills 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 Southwestern Hills Neighborhood Association notices were mailed to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321.

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

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

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Business Park and Low Density Residential.

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.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow Plan:** The proposed rezoning to the “R1-80” One-Family Residential District requires that the future land use designation be revised to Low Density Residential land use designation. The Plan defines this designation as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.” Amending the portion of the property designated as Business Park to Low Density Residential would allow the property to conform with the future development. Staff believes that it is appropriated to amend the designation for this property since it adjoins a Low-Density Residential designation to the south.

2. **Street Access:** The subject property has 129 feet of frontage on Southwest 30th Street.

3. **Site Composition:** The subject property consists of land utilized for agricultural cultivation and a former test garden. Staff notes that the existing former test garden
extends onto the adjacent property at 2777 Southwest 30th Street. Any retention of the portion of the test garden on the property at 2725 Southwest 30th Street should include a cross-access easement.

4. **Utilities:** Existing storm sewer manhole and conduit are located on the subject property on an east/west line approximately 130 feet south of the north property line. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense. Staff notes that structures may not be constructed within any easement.

Water utilities are available within the west side of the Southwest 30th Street right-of-way. Staff notes that access to water utilities would require boring under the existing street infrastructure.

5. **Drainage/Grading:** Any development of the site must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.

6. **Urban Design:** Staff recommends the following design standards to ensure a level of quality that is compatible with the adjoining developments:

   a. Any dwelling constructed shall have a front door or an entry presence facing Southwest 30th Street to the satisfaction of the Planning Administrator.
   b. Any dwelling constructed shall have a full basement.
   c. Any dwelling constructed shall have minimum 2-car garage.
   d. The front façade of any house constructed must contain one of the following:
      1. A front porch of not less than 60 square feet; or
      2. At least 1/3 of the façade shall be clad with stone or brick masonry.
   e. Windows on any façade facing a public street shall have either of the following:
      1. Trim border not less than 4 inches in width; or
      2. Shutters on each side.
   f. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   g. Any single-story home shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
   h. Any 1½ and 2-story homes shall be constructed with a minimum of 1,600 square feet of above grade finished floor area.
   i. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
   j. Any chain link fence shall have black vinyl-cladding.
III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning to “R1-80” District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan designation of Business Park.

Part B) Staff recommends that the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Business Park to Low Density Residential.

Part C) Staff recommends approval of rezoning to “R1-80” One-Family Residential District, subject to the following conditions:

1. Any dwelling constructed shall have a front door or an entry presence facing Southwest 30th Street to the satisfaction of the Planning Administrator.

2. Any dwelling constructed shall have a full basement.

3. Any dwelling constructed shall have minimum 2-car garage.

4. The front façade of any house constructed must contain one of the following:
   a. A front porch of not less than 60 square feet; or
   b. At least 1/3 of the façade shall be clad with stone or brick masonry.

5. Any dwelling constructed shall have trim around all windows on all facades that is a minimum of 4 inches (nominal) wide and shall have pre-hung exterior doors with trim.

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

7. Any single-story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.

8. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.

9. Exterior material for any dwelling constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

10. Any chain link fence shall have black vinyl-cladding.

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

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

COMMISSION ACTION:

Will Page made a motion for APPROVAL of Part A) the Commission find the requested rezoning to “R1-80” District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan designation of Business Park, APPROVAL of Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Business Park to Low Density Residential and APPROVAL of Part C) rezoning to “R1-80” One-Family Residential District, subject to the following conditions:

1. Any dwelling constructed shall have a front door or an entry presence facing Southwest 30th Street to the satisfaction of the Planning Administrator.

2. Any dwelling constructed shall have a full basement.

3. Any dwelling constructed shall have minimum 2-car garage.

4. The front façade of any house constructed must contain one of the following:
   a. A front porch of not less than 60 square feet; or
   b. At least 1/3 of the façade shall be clad with stone or brick masonry.

5. Any dwelling constructed shall have trim around all windows on all facades that is a minimum of 4 inches (nominal) wide and shall have pre-hung exterior doors with trim.

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

7. Any single-story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.

8. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.

9. Exterior material for any dwelling constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

10. Any chain link fence shall have black vinyl-cladding.

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

THE VOTE: 11-0
Item 8

Request from The Village at Gray’s Lake, LLC (owner) represented by Jason Grove (officer) for the property located at 2500 and 2710 Fleur Drive.

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 Public/Semi-Public and Medium Density Residential to Community Mixed Use. (21-2019-4.15)

C) Rezone property from “M-3” Limited Industrial District and “R-3” Multiple-Family Residential District to “PUD” Planned Unit Development. (ZON2019-00152)

D) Approval of a PUD Conceptual Plan for “The Village at Gray’s Lake” to allow reuse of the American Institute of Business campus for mixed use development permitted in the “C-2” General Retail and Highway-Oriented Commercial District and the “NPC” Neighborhood Pedestrian Commercial District, including recreational assembly, office, retail, and multiple-family residential.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The request would allow for the former American Institute of Business campus property to be reused for mixed use. This would include repurposing dormitories for multiple-family residential apartments, administrative offices and classroom space for commercial offices, and recreational and athletic facilities for private recreational space. The southeastern portion of the property would be available for mixed use development that would require review of a future amendment of the PUD Conceptual Plan.

2. Size of Site: 13.8 acres.

3. Existing Zoning (site): “M-3” Limited Industrial District and “R-3” Multiple-Family Residential District.

4. Existing Land Use (site): The property is developed with the former American Institute of Business campus. This includes vacant academic offices and classrooms, student dormitories, recreational and athletic facilities, and other assembly functions. There were garages on the southeast portion of the site that were recently demolished, leaving vacant developable land.
5. **Adjacent Land Use and Zoning:**

   **North** - “M-1”, Use is the Stone Container manufacturing and distribution facility.

   **South** - “R-3”, Uses are multiple-family residential dwellings.

   **East** – “C-O” & Norse “PUD”, Uses are the Open Bible Standard Church administrative office building and Butler Mansion office building.

   **West** - “M-3”, “R-3” & “R-6”, Uses include wholesale warehousing and multiple-family residential development.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the Fleur Drive corridor and Bell Avenue in an area that transitions from Industrial to medium to density residential development.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Southwestern Hills Neighborhood and within 250 feet of the Gray’s Lake Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on August 16, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 16, 2019 (20 days prior to the hearing) and on August 26, 2019 (10 days prior to the scheduled hearing) to the Southwestern Hills Neighborhood, the Gray’s Lake Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 30, 2019.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The ACCENT Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321 and the Gray’s Lake Neighborhood Association mailings were sent to Rick Trower, 1310 Broad Street, Des Moines, IA 50315.

   The applicant indicated that their neighborhood meeting is scheduled with the same week as the September 5 hearing. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.

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

9. **PlanDSM Land Use Plan Designation:** Public/Semi-Public and Medium Density Residential.

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

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. PlanDSM Creating Our Tomorrow: PlanDSM Land Use Plan designates the area that would be rezoned to “PUD” Planned Unit Development as “Public/Semi-Public” and “Medium Density Residential”. Therefore, the designation must be revised to accommodate private mixed uses. The applicant has requested amendment of PlanDSM to revise the future land use map to “Community Mixed Use” which is described as follows in PlanDSM:

   Small- to medium-scale mixed use development, located on high capacity transit corridors or at the 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.

   Staff believes that this designation would be consistent with the proposed uses in the submitted PUD Conceptual Plan.

2. “PUD” Conceptual Plan: The proposed “PUD” Conceptual Plan would divide the property into five (5) lots which would group the buildings and necessary parking for the proposed uses. In general, “C-2” District permitted uses and signage would be permitted throughout Lots 1 through 4: Lot 5 in the southern portion would be redeveloped with an amendment to the PUD Conceptual Plan but would be projected for allowances a per the “NPC” District.

   Lot 1 on the northwest would be considered for a gymnasium or private recreational use.
   Lot 2 on the north would be dormitories converted to one and two bedroom apartments and classrooms converted to office space.
   Lot 3 on the northeast would be administration and classroom space converted to office space.
Lot 4 in the center portion would be classroom buildings converted to office buildings.
Lot 5 which is a vacant would be redeveloped for mixed use under an amendment to the PUD Conceptual Plan.

3. **Stormwater/Drainage:** Engineering staff has requested that the PUD Conceptual Plan be revised to include a statement as to how stormwater management would be handled with future redevelopment.

4. **Traffic/Street System:** Traffic Engineering staff did not find that the repurposing of the existing facilities drove the need for any further traffic study. Redevelopment of the vacant portions of the property could drive the need for a study in the future. Any development plans required for reuse of existing buildings or development of new buildings would trigger the requirement for installation of sidewalks on the public street frontages. The Fleur widening project underway will be including installation of public sidewalk along Fleur Drive portion of the property.

5. **Site Review:** With any reuse of buildings that would trigger a development review by the Permit and Development Center, there are a number of comments that should be added into the PUD Conceptual Plan as design guidelines for administrative review of those documents.

A) **Streetscape:** Street Trees should be spaced 30’ apart within the right-of-way along each frontage. Trees should be no closer than 15’ to a street light.

B) **Interior Lot Landscaping:** For rows of parking with more than 8 stalls, a landscape island is required for every 9th parking space with the result of no more than 8 continuous parking spaces in a row without a landscape island.

C) **Frontage Perimeter Landscaping:** The required area shall be a minimum of 12-feet in depth measured from the street property line with a 3-foot berm or landscaped screen. Shade trees and shrubs shall be provided at a minimum of 1 tree and three shrubs per 40 lineal feet on center.

D) **Pedestrian access:** From any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15’ in height.

E) **No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15’.

F) **Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.

G) **Mechanical vents shall not protrude from any street facing façade.

H) **A minimum 5’ sidewalk is required along each frontage.

I) **All new utilities services shall be placed underground.

J) **All parking lot lighting shall be no taller than 20’ from grade and shall be cut-off type fixtures.

K) **Bicycle Parking:** 1 bike rack per 4000 sq. ft. of bar / restaurant / retail, 1 bike rack per 40 hotel rooms (minimum of 2), 1 bike rack per classroom, 1 bike rack
per 125 seats for event space, 1 bike rack per 2500 sq. ft. of Sports and Rec space,
L) Identify either indoor or covered bike parking amenities.
M) 25% of the provided parking stalls may be striped and signed as compact stall with dimensions of 7.5-ft by 16-ft with a 24-ft maneuvering aisle.
N) Standard parking stalls shall have a minimum dimension of 9-ft. by 17-ft. with a 24-ft maneuvering aisle.
O) Pet exercise areas must be a minimum of 200 feet from any adjoining residential use.
P) Loading area must be screened from residential and public street view.
Q) Easements shall be provided for shared vehicle/pedestrian ingress/egress between sites and to the public sidewalk.
R) Direct light trespass beyond the property lines is prohibited. The maximum horizontal illuminance at grade and the maximum illuminance at five feet above graded measure at the property line shall not exceed illuminating Engineering Society of North America recommended practices for light trespass which is 0.5 footcandles for N districts and 2.0 footcandles for all other districts.
S) Trash and Recycling must be provided on site. All trash, recycling, and other refuse areas shall be located either in the building, in the rear yard, or a minimum of 15” behind the front façade within the interior side yard. An opaque screen wall is required per the following:
1. The wall shall enclose the area around at least three sides.
2. The screen wall shall be masonry construction matching any masonry from the building’s street facade design.
3. Height. The height of the screen wall shall be tall enough to screen the use inside, and a minimum of six feet. The community development director may request additional height as needed for complete screening.
4. Pedestrian Entrances. A pedestrian entrance shall be required. Pedestrian entrances shall not allow interior refuse or recycling areas to be visible.
5. Access Gates. Access gates shall be constructed of minimum 18-gauge metal panel or other durable material and to a height compatible to the screen walls.

6. Permit & Development Center Comments: Any modified lot configuration must be in accordance with a Subdivision Plat as approved by the City’s Permit and Development Center, Plan & Zoning Commission and City Council as necessary and recorded with Polk County. Any change of occupancy of any existing building will be required to conform to all Building Codes and a PUD Development Plan reviewed by the Permit and Development Center.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning and “PUD” Conceptual Plan be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Public/Semi-Public and Medium Density Residential.
Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation to Community Mixed Use.

Part C) Staff recommends approval of the request to rezone the property to “PUD” Planned Unit Development.

Part D) Staff recommends approval of the submitted PUD Conceptual Plan subject to compliance with all administrative review comments for the final Mylar record and the provision of the following review guidelines for any development plan made in furtherance of the PUD Conceptual Plan”.

1) Addition of a statement as to how stormwater management would be handled with future redevelopment.
2) Streetscape: Street Trees should be spaced 30’ apart within the right-of-way along each frontage. Trees should be no closer than 15’ to a street light.
3) Interior Lot Landscaping: For rows of parking with more than 8 stalls, a landscape island is required for every 9th parking space with the result of no more than 8 continuous parking spaces in a row without a landscape island.
4) Frontage Perimeter Landscaping: The required area shall be a minimum of 12-feet in depth measured from the street property line with a 3-foot berm or landscaped screen. Shade trees and shrubs shall be provided at a minimum of 1 tree and three shrubs per 40 lineal feet on center.
5) Pedestrian access from any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15’ in height.
6) No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15’.
7) Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.
8) Mechanical vents shall not protrude from any street facing façade.
9) A minimum 5’ sidewalk is required along each frontage.
10) All new utilities services shall be placed underground.
11) All parking lot lighting shall be no taller than 20’ from grade and shall be cut-off type fixtures.
12) Bicycle Parking: 1 bike rack per 4000 sq. ft. of bar / restaurant / retail, 1 bike rack per 40 hotel rooms (minimum of 2), 1 bike rack per classroom, 1 bike rack per 125 seats for event space, 1 bike rack per 2500 sq. ft. of Sports and Rec space,
13) Identify either indoor or covered bike parking amenities.
14) 25% of the provided parking stalls may be striped and signed as compact stall with dimensions of 7.5-ft by 16-ft with a 24-ft maneuvering aisle.
15) Standard parking stalls shall have a minimum dimension of 9-ft. by 17-ft. with a 24-ft maneuvering aisle.
16) Pet exercise areas must be a minimum of 200 feet from any adjoining residential use.
17) Loading area must be screened from residential and public street view.
18) Easements shall be provided for shared vehicle/pedestrian ingress/egress between sites and to the public sidewalk.
19) Direct light trespass beyond the property lines is prohibited. The maximum horizontal illuminance at grade and the maximum illuminance at five feet above graded measure at the property line shall not exceed illuminating Engineering Society of North America recommended practices for light trespass which is 0.5 footcandles for N districts and 2.0 footcandles for all other districts.
20) Trash and Recycling must be provided on site. All trash, recycling, and other refuse areas shall be located either in the building, in the rear yard, or a minimum of 15" behind the front façade within the interior side yard. An opaque screen wall is required per the following:
   a) The wall shall enclose the area around at least three sides.
   b) The screen wall shall be masonry construction matching any masonry from the building’s street facade design.
   c) Height. The height of the screen wall shall be tall enough to screen the use inside, and a minimum of six feet. The community development director may request additional height as needed for complete screening.
   d) Pedestrian Entrances. A pedestrian entrance shall be required. Pedestrian entrances shall not allow interior refuse or recycling areas to be visible.
   e) Access Gates. Access gates shall be constructed of minimum 18-gauge metal panel or other durable material and to a height compatible to the screen walls.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Will Page made a motion for APPROVAL of Part A) the proposed rezoning and “PUD” Conceptual Plan be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Public/Semi-Public and Medium Density Residential, Part B) APPROVAL of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation to Community Mixed Use, Part C) APPROVAL of the request to rezone the property to “PUD” Planned Unit Development and Part D) APPROVAL of the submitted PUD Conceptual Plan subject to compliance with all administrative review comments for the final Mylar record and the provision of the following review guidelines for any development plan made in furtherance of the PUD Conceptual Plan”.

1) Addition of a statement as to how stormwater management would be handled with future redevelopment.
2) Streetscape: Street Trees should be spaced 30’ apart within the right-of-way along each frontage. Trees should be no closer than 15’ to a street light.

3) Interior Lot Landscaping: For rows of parking with more than 8 stalls, a landscape island is required for every 9th parking space with the result of no more than 8 continuous parking spaces in a row without a landscape island.

4) Frontage Perimeter Landscaping: The required area shall be a minimum of 12-feet in depth measured from the street property line with a 3-foot berm or landscaped screen. Shade trees and shrubs shall be provided at a minimum of 1 tree and three shrubs per 40 lineal feet on center.

5) Pedestrian access from any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15’ in height.

6) No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15’.

7) Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.

8) Mechanical vents shall not protrude from any street facing façade.

9) A minimum 5’ sidewalk is required along each frontage.

10) All new utilities services shall be placed underground.

11) All parking lot lighting shall be no taller than 20’ from grade and shall be cut-off type fixtures.

12) Bicycle Parking: 1 bike rack per 4000 sq. ft. of bar / restaurant / retail, 1 bike rack per 40 hotel rooms (minimum of 2), 1 bike rack per classroom, 1 bike rack per 125 seats for event space, 1 bike rack per 2500 sq. ft. of Sports and Rec space.

13) Identify either indoor or covered bike parking amenities.

14) 25% of the provided parking stalls may be striped and signed as compact stall with dimensions of 7.5-ft by 16-ft with a 24-ft maneuvering aisle.

15) Standard parking stalls shall have a minimum dimension of 9-ft. by 17-ft. with a 24-ft maneuvering aisle.

16) Pet exercise areas must be a minimum of 200 feet from any adjoining residential use.

17) Loading area must be screened from residential and public street view.

18) Easements shall be provided for shared vehicle/pedestrian ingress/egress between sites and to the public sidewalk.

19) Direct light trespass beyond the property lines is prohibited. The maximum horizontal illuminance at grade and the maximum illuminance at five feet above graded measure at the property line shall not exceed illuminating Engineering Society of North America recommended practices for light trespass which is 0.5 footcandles for N districts and 2.0 footcandles for all other districts.

20) Trash and Recycling must be provided on site. All trash, recycling, and other refuse areas shall be located either in the building, in the rear yard, or a
minimum of 15” behind the front façade within the interior side yard. An opaque screen wall is required per the following:

a) The wall shall enclose the area around at least three sides.

b) The screen wall shall be masonry construction matching any masonry from the building’s street facade design.

c) Height. The height of the screen wall shall be tall enough to screen the use inside, and a minimum of six feet. The community development director may request additional height as needed for complete screening.

d) Pedestrian Entrances. A pedestrian entrance shall be required. Pedestrian entrances shall not allow interior refuse or recycling areas to be visible.

e) Access Gates. Access gates shall be constructed of minimum 18-gauge metal panel or other durable material and to a height compatible to the screen walls.

THE VOTE: 11-0

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Item 9

Request from River Point West, LLC and Hotel II at Gray’s Landing, LLC (owners) represented by George E. Sherman (officer) for the 4th Amendment to the “Gray’s Landing Office I” PUD Conceptual Plan for the property located at 320 Southwest 9th Street and 907 Tuttle Street, to allow development of the property for a 4-Story hotel with 98 guestrooms and an associated surface off-street parking lot.

(ZON2019-00153)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed amendment to the PUD Conceptual Plan would allow development of a 4-story hotel building containing 98 guestrooms and an associated surface off-street parking lot within the southeastern portion of the PUD. The approved PUD Conceptual Plan allows for the Holiday Inn Express within its southwestern portion and a future 3-story office building within its northernmost portion. The northern portion of the PUD is designated for future development in accordance with a future amendment to the PUD Conceptual Plan.

The proposed hotel building would frame Tuttle Street to the south and Southwest 9th Street to the east. A 1-story portion of the building at its west end would contain an indoor swimming pool. The proposed PUD Conceptual Plan demonstrates that a surface parking lot would be located to the north of the hotel, which would adjoin the existing parking lot for Holiday Inn Express and a future parking lot for a future office building to the north.
Since the subject project involves a development agreement with the City, the City’s Urban Design Review Board (UDRB) must also approve the project and its building elevations. The UDRB gave preliminary approval at its meeting on August 20, 2019 and will consider final approval at a future meeting.

2. **Size of Site:** 8.8 acres.


4. **Existing Land Use (site):** The proposed hotel would be located on a portion of the PUD that is undeveloped.

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

   - **North** – “C-3B”; Use is West Martin Luther King, Jr. Parkway.
   - **South** – “C-3B”; Uses are Tuttle Street and the Nexus and Edge multiple-family residential structures.
   - **East** – “C-3A”; Uses are the Southwest 9th Street viaduct and commercial buildings.
   - **West** – “C-3B”; Uses are Southwest 11th Street and land that is being developed for multiple-family residential.

6. **General Neighborhood/Area Land Uses:** The subject site is located in the southwest portion of the downtown in an area that is known as the Gray’s Landing / Gray’s Station redevelopment area.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on August 16, 2019. A Final Agenda was mailed to the neighborhood association on August 30, 2019. Additionally, separate notifications of the hearing for the site plan were mailed on August 26, 2019 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each condominium owner within the property and every owner of property or condominium within 250 feet of the site.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Peter Erickson, 214 Watson Powell Jr. Way, #505, Des Moines, IA 50309.

   The applicant was required to hold a neighborhood meeting and will be available to provide a summary of that meeting at the public hearing.
8. Zoning History: On November 8, 2010, the City Council adopted Ordinance 14,972 to rezone the site to the Riverpoint West PUD and adopt a PUD Conceptual Plan to allow development of a Holiday Inn Express hotel with 93 guest rooms and a Homewood Suites extended-stay hotel with 95 guest rooms.

On September 9, 2013 the City Council adopted Ordinance 15,216 to approve the 1st amendment to the PUD Conceptual Plan. This amendment altered the design of the Holiday Inn Express to accommodate 102 guest rooms and eliminated a Homewood Suites hotel that was proposed for the site of the current proposal.

On June 22, 2015, the City Council adopted Ordinance 15,216 to approve the 2nd amendment to the PUD Conceptual Plan, which allows development of a 3-story office building with subsurface parking and additional surface off-street parking, and changed the name of the PUD to Gray’s Landing Office I.

On September 15, 2015 the City Council approved the 3rd Amendment to the PUD Conceptual Plan to revise sign area allowances for three wall-mounted signs for Holiday Inn.

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

10. Applicable Regulations: The 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.

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 the project at its meeting on August 20, 2019 and will consider final approval at a future meeting. Therefore, Staff recommends that the PUD Conceptual Plan include a note stating that the final design of the hotel building shall be approved the UDRB and the City’s Planning Administrator.

The proposed elevations indicate that the hotel building’s primary entrance would be on its north façade facing the parking lot and that a secondary entrance would be provided toward Tuttle Street. Staff recommends that the proposed hotel building should have a prominent entry feature oriented toward Tuttle Street that
appears to be a primary entrance.

The proposed elevations indicate that the hotel building would be 4 stories with a maximum height of 47 feet. The elevations indicate that the building would be clad with a mix of brick, metal panels, and EIFS materials. While the final material palette will be reviewed and approved by the UDRB, Staff recommends that EIFS material should not be used as an exterior material on the ground floor of the hotel building. Staff also recommends that the east façade of the proposed hotel building should have enhanced architectural detailing since it will be readily visible along Southwest 9th Street.

Staff recommends that a note be added to the PUD Conceptual Plan to state that all rooftop mechanical equipment must be screened on all sides to a height equal to the tallest rooftop mechanical equipment, with materials that are architecturally compatible with the existing structure.

2. **Off-Street Parking:** The proposed PUD Conceptual Plan demonstrates that a surface parking lot would be located to the north of the building and would adjoin the existing parking lot for the Holiday Inn Express and the future parking lot for the office building. Staff recommends that a note be added to state that access easements shall be provided to ensure users of all parking lots will have access to both Tuttle Street to the south and Southwest 11th Street to the west.

   Staff recommends that bike racks should be provided along Tuttle Street to the satisfaction of the City’s Traffic Engineer.

3. **Pedestrian Connections:** The proposed PUD Conceptual Plan provides internal pedestrian connections both east to west across the site and north to south across the site. It also demonstrates that a Class A sidewalk would be provided along Tuttle Street.

   In order to provide adequate pedestrian connectivity both for this proposed hotel and for the existing Holiday Inn Express, Staff believes that it is necessary to provide a public sidewalk along Southwest 11th Street in between Holiday Inn and West Martin Luther King, Jr. Parkway. This sidewalk should be constructed prior to completion of the proposed hotel.

4. **Landscaping:** The proposed PUD Conceptual Plan states that the site will be landscaped in accordance to the Landscape Standards as applicable to the “C-3” District. It demonstrates a mix of overstory trees, ornamental trees, shrubs, and landscaping beds. The proposed PUD Conceptual Plan also states that an urban edge consisting of a decorative fence and additional landscaping including trees and shrubs shall be provided in all locations where off-street parking is within 50 of a property line and not separated from the right-of-way by a building.

   Staff recommends that Sheet 2 be revised to demonstrate landscaping material along the eastern perimeter of the circular drive for the hotel’s porte cochere.
5. **Refuse Collection Container Enclosure:** The PUD Conceptual Plan includes a trash enclosure along the east edge of the site, with a note stating it will be comprised of materials compatible with the primary building architecture and shall be constructed of durable materials such as stone or masonry, with an opaque metal gate.

6. **Stormwater Management:** The proposed PUD Conceptual Plan proposes to provide stormwater management by directing water to the regional stormwater basin that is located a few blocks to the south and west of the site.

7. **Lighting:** The proposed PUD Conceptual Plan states that site lighting shall be black archetype light fixtures that are pedestrian in scale.

8. **Signage:** The PUD Conceptual Plan states that any building-mounted signage shall be in accordance with the sign regulations applicable to the “C-3B” District.

   The PUD Conceptual Plan indicates that the project would include a monument sign at near the corner of Tuttle Street and Southwest 9th Street and a monument sign near the drive approach from Tuttle Street. A note on Sheet 1 states that all freestanding signage would be in accordance with the master signage plan for the entire Gray’s Landing Office Park. This signage plan was approved on October 26, 2015, and allows a uniform signage scheme throughout the PUD and surrounding area. This approved signage plan provides for a hierarchy of signage, including “Gateway Signage”, “Tenant Signage”, “Project Signage”, “Directional Signage”, and “Regulatory/Street Signage”.

   However, Sheet 4 of the proposed PUD Conceptual provides elevations for two freestanding signs identifying the “Tru” hotel brand, which do not follow the aforementioned signage plan. Therefore, Staff recommends that the freestanding sign elevations on Sheet 4 be revised to comply with the “Signtype C: Project Identity” standards. These signs include a 4-foot by 2.77-foot sign cabinet within a masonry structure and have an overall height of 5.5 feet.

### III. **STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendment to the PUD Conceptual Plan, subject to the following conditions:

1. The PUD Conceptual Plan shall include a note that states the final design of the hotel building shall be approved by the Urban Design Review Board (UDRB) and the City’s Planning Administrator.

2. The proposed hotel building shall have a prominent entry feature oriented toward Tuttle Street that appears to be a primary entrance to the satisfaction of the UDRB and the City’s Planning Administrator.

3. EIFS material shall not be used as an exterior material on the ground floor of the hotel building.
4. The east façade of the proposed hotel building shall have enhanced architectural detailing to the satisfaction of the UDRB and the City’s Planning Administrator.

5. 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.

6. Provision of a note that states access easements shall be provided to ensure users of all parking lots have access to both Tuttle Street to the south and Southwest 11th Street to the west.

7. Bike racks shall be provided along Tuttle Street to the satisfaction of the City’s Traffic Engineer.

8. Provision of a note that states a public sidewalk along Southwest 11th Street in between Holiday Inn Express and West Martin Luther King, Jr. Parkway shall be provided prior to completion of the proposed hotel.

9. Sheet 2 shall be revised to demonstrate landscaping material along the eastern perimeter of the circular drive for the hotel’s porte cochere.

10. The freestanding sign elevations on Sheet 4 be revised to comply with the “Signtype C: Project Identity” standards contained in the approved master signage plan for Gray’s Landing Office Park. These signs allow for a 4-foot by 2.77-foot sign cabinet within a masonry structure and have an overall height of 5.5 feet.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Will Page made a motion for approval of the proposed amendment to the PUD Conceptual Plan, subject to the following conditions:

1. The PUD Conceptual Plan shall include a note that states the final design of the hotel building shall be approved by the Urban Design Review Board (UDRB) and the City’s Planning Administrator.

2. The proposed hotel building shall have a prominent entry feature oriented toward Tuttle Street that appears to be a primary entrance to the satisfaction of the UDRB and the City’s Planning Administrator.
3. EIFS material shall not be used as an exterior material on the ground floor of the hotel building.

4. The east façade of the proposed hotel building shall have enhanced architectural detailing to the satisfaction of the UDRB and the City’s Planning Administrator.

5. 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.

6. Provision of a note that states access easements shall be provided to ensure users of all parking lots have access to both Tuttle Street to the south and Southwest 11th Street to the west.

7. Bike racks shall be provided along Tuttle Street to the satisfaction of the City’s Traffic Engineer.

8. Provision of a note that states a public sidewalk along Southwest 11th Street in between Holiday Inn Express and West Martin Luther King, Jr. Parkway shall be provided prior to completion of the proposed hotel.

9. Sheet 2 shall be revised to demonstrate landscaping material along the eastern perimeter of the circular drive for the hotel’s porte cochere.

10. The freestanding sign elevations on Sheet 4 be revised to comply with the “Signtype C: Project Identity” standards contained in the approved master signage plan for Gray’s Landing Office Park. These signs allow for a 4-foot by 2.77-foot sign cabinet within a masonry structure and have an overall height of 5.5 feet.

THE VOTE: 11-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 6

Request from Rally Cap Properties, LLC (contract buyer) represented by Ryan Francois (officer) for the following actions regarding the property located at 601 24th Street and 602 23rd Street. The subject property titleholder is 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 Medium Density Residential within a Neighborhood Node. (21-2019-4.12)

C) Rezone property from “R1-60” One-Family Low-Density Residential District to “R-3” Multiple-Family Residential District to allow for development of up to 7 units of 3-story rowhouse dwellings. This is a revised application from the previous hearings. (ZON2019-00114)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant has submitted a sketch with the rezoning application that demonstrates a desire to redevelop the site within seven (7) dwelling units. This includes a structure within five (5) units to the west of the alley and a structure within two (2) units to the east of the alley. Driveway access is proposed for each individual unit from Hight Street. The site is divided into east and west section by an existing north/south alley right-of-way. Staff notes that future construction of the structures may be subject to appeals of the current zoning regulations, such as, but not limited to, setback requirements.

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

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

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

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

6. General Neighborhood/Area Land Uses: The subject property is bound by 23rd Street to the east, High Street to the south and 24th Street to the west. The immediate area contains a mix of single-family and multiple-family residential uses. The site is located a block north of Ingersoll Avenue.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Woodland Heights Neighborhood. The neighborhood association was notified of the July 18, 2019 public hearing by mailing of the Preliminary Agendas on June 28,
2019, July 28, 2019, and August 16, 2019, and the Final Agendas on July 12, 2019, August 9, 2019, and August 30, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2019 (20 days prior to the July 18, 2019 public hearing) and July 8, 2019 (10 days prior to the July 18, 2019 public hearing), and on August 26, 2019 (10 days prior to the September 5, 2019 public hearing) to the Woodland Heights Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Woodland Heights Neighborhood Association notices were mailed to Phil Kreznor, 808 25th Street, Des Moines, IA 50312.

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

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

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 “Medium Density Residential” 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.

   - **Medium Density Residential:** Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.

   - **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 “Medium Density Residential” designation is appropriate in this case, as the site would provide a transition from the heavier intensity uses along Ingersoll Avenue to the single-family residential uses north of High Street.

2. Site Plan and Drainage/Grading Requirements: Any commercial or multiple-family development would require compliance with all applicable site plan requirements, such as 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.

3. Traffic and Street Access: The proposed rowhomes would have individual driveways accessed from High Street. The City’s Traffic and Transportation Department has conveyed concerns relating to the proposed design. Traffic and Transportation staff believes that the introduction of multiple driveways would further restrict on-street parking on a street that has known parking constraints and that any proposed vehicular access should be achieved via the northern portion of the property. Traffic and Transportation recommends that if driveways are allowed and on-street parking is removed, a new design including traffic calming elements and relocation of storm sewer intakes would be required.

Staff notes that terrain on the site slopes upward toward the northern portion of the property.

4. Utilities: Existing storm sewer, sanitary sewer, and water utilities are located within the High Street, 23rd Street, and 24th Street rights-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

5. Urban Design: The conceptual drawings included with the application demonstrates that the rowhomes would be 3-stories tall and consist of 5 units on the western portion of the property and 2 units on the eastern portion of the property. The ground floor of the units on the west portion of the property would be partially below grade, giving the units a 2-story appearance from the north. The ground level of each unit would contain garage space with individual driveways accessed from High Street. Proposed materials and elevations were not submitted with the revised site sketch.

Staff recommends the following design standards to ensure a level of quality that is compatible with the adjoining developments:

a. Any dwelling constructed shall have a front door or an entry presence facing High Street to the satisfaction of the Planning Administrator.
b. Any dwelling fronting 23rd Street or 24th Street shall have a front door or an entry presence facing both High Street and the associated side street.

c. Any dwelling constructed shall have minimum 2-car attached garage.

d. The front façade of any house constructed must contain one of the following:
   1. A front porch of not less than 60 square feet; or
   2. At least 1/3 of the façade shall be clad with stone or brick masonry.

e. Windows on any façade facing a public street shall have either of the following:
   3. Trim border not less than 4 inches in width; or
   4. Shutters on each side.

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

g. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.

h. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning to “R-3” District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

Part B) Staff recommends that that the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

Part C) Staff recommends approval of rezoning to “R-3” Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to uses as allowed and limited in the “R1-80” District, duplex residential, and rowhouse style residential.

2. Any non single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.

3. Each dwelling unit constructed shall have minimum 2-car attached garage that is accessed from a driveway from either the existing alley or from 23rd or 24th Street. No drive approach from High Street shall be permitted.

4. Any dwelling unit constructed shall comply with the following:

   a. The front façade of any dwelling unit constructed must contain one of the following:
      i. A front porch of not less than 60 square feet; or
ii. At least 1/3 of the façade shall be clad with stone or brick masonry.

b. Windows on any façade facing a public street shall have either of the following:
   i. Trim border not less than 4 inches in width; or
   ii. Shutters on each side.

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

d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.

e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

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

**SUMMARY OF DISCUSSION**

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

**Greg Wattier** asked what the PUD across the street has planned.

**Erik Lundy** stated the PUD Conceptual Plan calls for second multi-family building.

**Mike Ludwig** clarified it is a proposed 3-story multi-family building with a maximum of 27 units with a rowhouse appearance from High Street.

**Greg Wattier** asked if they had access off High Street.

**Erik Lundy** stated that surface parking is proposed on the south side of the building. Spaces will be accessed via the private drive between the two buildings.

**Ryan Francois** 2723 High Street, owner of Rally Cap Properties stated after closing on the lot this will be there first ground up project. Their goal with this project is to offer missing middle housing that would help transition the high density from the Roers’ site, to detached single-family residential structures in Woodland Heights. This site rises 20 feet in elevation going from High Street to the north, with a heavy wooded area on the northwest portion of this site which they would like to maintain as a backyard space for these units. They don't believe it’s possible to allow parking from the alley with the topography and wooded area. They are proposing that the 5 units on the western portion of the site have two-car garages and the eastern portion would be tandem with a single car door to meet parking requirements on site.
Will Page stated it appears that the units will each have a driveway access from High Street.

Ryan Francois stated that is correct.

Will Page asked how he would respond to the staff report stating no access from High Street should be permitted.

Ryan Francois stated with the topography of the site, he doesn’t believe it’s feasible to have access from the north. Parking has become an issue after the Roers’ development was added and a lot of people speed up and down this part of High Street. He believes having driveway accesses off High Street will calm the traffic down as it will give it more of a neighborhood feel.

David Courard-Hauri stated he is nervous about overruling the traffic division comments in the staff report. He asked if it is impossible for the applicant to comply with condition 3 or would it just be more difficult and costly.

Ryan Francois stated with 2 cars per unit, it wouldn’t be possible to have all access from the alley.

Mike Ludwig wanted to clarify this was an enhanced condition. Based on the parking standards, they are required to have a minimum of 1 off street parking space per dwelling unit.

Erik Lundy stated this was enhanced because of the current parking issue along High Street.

Mike Ludwig stated if they can’t comply with the comments made from Traffic and Transportation, they could develop detached single-family dwellings facing the side streets as the lot orientation is set up for.

Greg Wattier stated he would rather find a way to have more people along the street and less curb cuts. He believes this product type works good for this area but the applicant needs to find a way to get the cars in the back of the dwellings.

Ryan Francois stated it wasn’t their goal to have garages along High Street. The solution to meet onsite requirement was to use the eastern portion as on-grade parking, which wasn’t a preference for him. After the last meeting with the neighbors, the tandem garage was a compromise to allow for pedestrian and vehicular access from High Street.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Kim Callahan 2701 High Street, stated her concerns are with traffic and parking. During the winter they had a lot of problems with snow being cleared because cars weren’t
being moved. She asks for the commission to listen to the recommendations from Traffic and Transportation.

Lyla Dozier 741 27th Street stated this project doesn’t comply with the 2020 Community Character Plan or the PlanDSM Comprehensive Plan. The goal for this area has always been to infill with detached single-family homes. When the neighborhood met with CZB, they received an amazing report and how that was accomplished was single family homes on infill lots. People are starting to tell her they need to move because of how scary traffic has got on High Street. Every night there are 60 cars parked from 22nd to 25th Street. We cannot have this density in the neighborhood. Pleased for the City to comply with the existing comprehensive plan.

Kelly Adair 2402 High Street stated we have parking issues and density that is too high. This plan doesn’t go with our neighborhood character. She would rather see 3 single family homes on this site. She’s asks for the commission to deny the zoning request and keep it as is.

Leann Stubb 2611 High Street stated she is invested in the neighborhood because it is an amazing place to live. The character of the neighborhood has changed after the Roers’ PUD was developed, and parking and traffic is out of control. She asked the commission not to revise the single-family designation.

John “Jack” Hilmes asked if the street was widened during the sewer project?

Leann Stubb stated a little bit but now it’s just a beautiful speedway.

Gwen Kee 715 28th Street stated the pictures shown must be distorted. She asked the commission to come drive through the neighborhood and see how many cars are parked on their street from the residents who live in the Roers’ PUD. She would like this request to be rejected and continue with single-family dwellings.

Ryan Francois stated one of the things he has learned through the industry he works in is the huge demand for people that would like to live here but don’t have the skill set nor the money to invest in an older home and bring it up to modern code and livability. This is a marketable option and not far out of line with what is currently in the neighborhood. He understands the parking and traffic issues caused by the Roers ‘development but he can’t control that through his development other than meeting the onsite parking requirements. He believes he can build new duplexes on the site under current zoning.

Mike Ludwig clarified that “R1-60” does not allow new duplexes to be built.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

John “Jack” Hilmes asked how many driveways would be acceptable.
Mike Ludwig stated he wouldn’t have that number. The Traffic and Transportation Division’s preference was that all access come from the north based upon concerns about parking and traffic in the area.

John “Jack” Hilmes stated if you look to the west, there are a lot of driveways going into single family homes and he wondered why this should be an exception in that circumstance. If you were to build single family homes, how many could you build and which of those would be allowed to have a drive off High Street.

Mike Ludwig stated the difference to the west is that they have single car wide driveways leading to detached garages in the rear yards because the lots are deeper.

Erik Lundy read the formal comments from the Traffic and Transportation Division.

John “Jack” Hilmes stated that communication doesn’t state you cannot have a driveway on High Street.

Erik Lundy stated they are asking to make every effort to not have driveways off High Street.

Will Page stated the comments made around sticking with our comprehensive plan ring true to him and the investments people have made in this area. He believes this plan has many faults and the commission would be remiss if they were to approve this. Therefore, he would move to approve part A, that the request is not consistent with the PlanDSM comprehensive plan. If his motion for Part A is approved, he did not believe that any motions were necessary for Parts B and C.

Glenna Frank stated there is due process owed to the applicant so a motion would also need to be made on part B and C and recommendations need to be sent to City Council.

Will Page clarified that his motion would be to approve part A and deny parts B and C.

Greg Wattier asked for the max number of units allowed under the proposed R-3 zoning.

Erik Lundy stated they would require a lot area minimum of 2,500 square feet. He’s maxing out the number of units based on that requirement.

Mike Ludwig stated with the site being 18,692 square feet, you divide that by 2,500 and get 7.4 units. Staff wouldn’t round up so the max would be 7 units.

Jacqueline Easley asked if the comments Greg has made tonight would be considered at the City Council hearing.

Mike Ludwig stated that comments made tonight would be summarized in the letter that goes to City Council.
Greg Jones asked if they could vote on each part separately.

Will Page stated he would like to keep the motion the way he made it.

Glenna Frank stated she believes it is up to the chair to decide whether the parts are voted on separately.

Mike Ludwig suggested it would be complicating the situation by not voting on them separately. He urged the Chair to require separate votes for each part of this item. It would make it easier to report to City Council.

Will Page made a motion for approve Part A) the Commission find the requested rezoning to “R-3” District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

**Motion Carried 11-0**

Will Page made a motion to deny Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

**Motion Failed 4-7-0.** Chungath, Page, Easley and Wallace voted in favor. Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in opposition.

Will Page made a motion to deny Part C) approval of rezoning to “R-3” Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to uses as allowed and limited in the “R1-80” District, duplex residential, and rowhouse style residential.

2. Any non-single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.

3. Each dwelling unit constructed shall have minimum 2-car attached garage that is accessed from a driveway from either the existing alley or from 23rd or 24th Street. No drive approach from High Street shall be permitted.

4. Any dwelling unit constructed shall comply with the following:
   a. The front façade of any dwelling unit constructed must contain one of the following:
      i. A front porch of not less than 60 square feet; or
      ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
b. Windows on any façade facing a public street shall have either of the following:
   i. Trim border not less than 4 inches in width; or
   ii. Shutters on each side.

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

d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.

e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

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

Motion Failed 4-7-0. Chungath, Page, Easley and Wallace voted in favor. Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in opposition.

David Courard-Hauri stated he willmoved approval of Parts B and C per the staff recommendation.

Greg Wattier requested a friendly amendment to condition #3 under part C of the staff recommendation to require a minimum 1 onsite parking space per unit, to allow a maximum of 1 curb cut on High Street and to maintain on street parking on the North side of High Street.

David Courard-Hauri stated he would accept the friendly amendment.

Motion Carried 8-3-0. Easley, Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in favor. Chungath, Page, and Wallace voted in opposition.

John “Jack” Hilmes asked if there was vacant space behind the existing Roers’ mixed use building and High Street

Mike Ludwig stated a parking lot and driveway exists on a portion of the area between the mixed-use building and High Street. It’s head in parking, the site has bollards parking blocks that prevent parking on the grass area where the second building will be constructed in the future.

COMMISSION ACTION:

Will Page made a motion for approve Part A) the Commission find the requested rezoning to “R-3” District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.
Motion Carried 11-0

David Courard-Hauri made a motion to APPROVE Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node and Part C) APPROVAL of rezoning to “R-3” Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to uses as allowed and limited in the “R1-80” District, duplex residential, and rowhouse style residential.

2. Any non-single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.

3. Each dwelling unit constructed shall have a minimum of 1 onsite parking space per unit, maximum of 1 curb cut on the North side of High Street and on street parking on the North side of High Street be maintained.

4. Any dwelling unit constructed shall comply with the following:

   a. The front façade of any dwelling unit constructed must contain one of the following:
      i. A front porch of not less than 60 square feet; or
      ii. At least 1/3 of the façade shall be clad with stone or brick masonry.

   b. Windows on any façade facing a public street shall have either of the following:
      i. Trim border not less than 4 inches in width; or
      ii. Shutters on each side.

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

   d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.

   e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

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

THE VOTE: 8 -3-0
Item 7

Request from Iowa Fireworks Company, LLC (purchaser) represented by Jeremiah Terhark (officer) to rezone the property located at 1820 East Army Post Road. The subject property is owned by McFadden Holdings, LLC:

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

B) Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Business Park to Industrial. (21-2019-4.14)

C) Rezone property from Limited “M-1” Light Industrial District to Limited “M-1” Light Industrial District whereby retail sales of consumer fireworks and warehousing are added as permitted uses. (ZON2019-00151)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The rezoning would allow the property to be occupied by a business that involves the sale and storage of fireworks. The City’s Zoning Ordinance only allows this type of business to be located within an “M” Industrial District. City Code Section 134-1281 further requires any sale and storage of fireworks to be the primary use of a property rather than an accessory use.

   Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan.

2. Size of Site: 46,173 square feet or 1.06 acres.

3. Existing Zoning (site): Limited “M-1” General Retail and Highway Oriented Commercial District and “FSO” Freestanding Signs Overlay District.

4. Existing Land Use (site): The site contains a vacant commercial structure previously occupied by tavern and restaurant uses, and a parking lot.

5. Adjacent Land Use and Zoning:
North – “C-2”, Use is an undeveloped parcel with frontage on Southeast 19th Street.

South - “M-1”, Use is an implement retail business with outdoor storage (Farm & City Supply).

East – “C-2”, Use is a vacant commercial structure most recently occupied as a bail bonds business.

West – “C-2”, Use is miniwarehouse (Budget Storage).

6. General Neighborhood/Area Land Uses: The subject property is located along the north side of the East Army Post Road highway commercial corridor east of the Southeast 14th Street intersection.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Easter Lake Area Neighborhood. The neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on August 16, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 16, 2019 (20 days prior to the hearing) and August 26, 2019 (10 days prior to the hearing), to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 26, 2016.

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

The applicant is scheduled to conduct a neighborhood meeting on August 30, 2019 and will be available to provide a summary at the public hearing.

8. Relevant Zoning History: On September 26, 2016, the City Council adopted Ordinance 15,510 to rezone the property from “C-2” General Retail and Highway-Oriented Commercial District to “M-1” Light Industrial District. This rezoning did not necessitate an amendment to the PlanDSM future land use designation of Business Park since the ordinance imposes the following conditions.

(1) Permitted uses on the Property shall be limited to the following:
   a) Uses as permitted in the “C-2” District, excluding adult entertainment businesses, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by postdated checks or payroll guarantee as their primary activity; and
   b) Fencing contractor business with retail, office and outdoor storage components.
(2) Any outdoor storage on the Property shall comply with the following requirements:
   a) Any outdoor storage shall be located to the north (rear) of the structure.
   b) Any outdoor storage shall be screened from view with fencing of a height and material acceptable to the Planning Administrator, and one (1) evergreen tree shall be provided every 10 lineal feet along the exterior of the fence.
   c) No items within any outdoor storage area shall be stacked higher than the perimeter screening.
   d) Any storage area and driveways shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces 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.

(3) Prior to issuance of any Certificate of Occupancy for the Property, the Property shall be brought into conformance with a Site Plan as reviewed and approved by the City’s Permit and Development Center.

(4) Any development of the Property shall comply with the City’s Landscaping Standards as applicable in the “C-2” General Retail and Highway Oriented Commercial District.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Business Park, described as, “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: 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: The proposed rezoning would require the Future Land Use Map to be amended to the “Industrial” designation. Plan DSM describes this designation as follows:

   Accommodates industrial development and limited supporting commercial uses. Development in this classification could have large impact on adjoining properties and the environment which would need to be mitigated.

   Staff believes that industrial development should be focused in areas of the City
that are already designated for those types of uses. The subject property is located along East Army Post Road in an area that contains primarily commercial and residential uses. Furthermore, the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designates this area for future business park development, which would be hindered by an industrial use.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan.

2. **Fireworks Regulations:** In accordance with City Code Section 134-1281, retail sales of consumer fireworks are regulated as follows:

   (a) Retail sales of Consumer Fireworks, as defined in chapter 46 of this code, shall be permitted only in those zoning districts where such sales are specifically classified as permitted uses by applicable district regulations.

   (b) In each zoning district where retail sales of Consumer Fireworks, as defined in chapter 46 of this code, are classified as a permitted use, such sales shall be permitted only as a principal permitted use and not as an accessory use.

   (c) In each zoning district where retail sales of Consumer Fireworks, as defined in chapter 46 of this code, are classified as a permitted use, such sales shall be undertaken in full compliance with chapter 46 of this code.

3. **Utilities:** There is an existing 16-inch water main in the East Army Post Road right-of-way. There are no public sanitary or storm sewers in the area to serve the property, as the nearest sewers are over ¼-mile to the west. The property is within a sewer connection fee area. As such, the property would be assessed a fee at any time in the future that there is a sewer available to the property and the property seeks to utilize it. The existing building has a private septic system.

4. **Site Plan Requirements:** Any construction or change of use on the site must be in compliance with the City’s Site Plan regulations, including those regarding storm water management; off-street parking grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; and traffic and fire access. Any site plan must identify any lateral lines for any septic system that is on the property to ensure they are protected.

5. **Landscaping & Buffering:** Any development of the site would require landscaping in accordance with the City’s Landscape Standards. These standards generally include open space, bufferyard, and parking lot plantings. Staff notes that any future Site Plan would be required to provide a 7-foot landscaped paving setback along the front property line.

Future development of the site would also be subject to the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).
6. **Drainage/Grading:** Any additional development of the site must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.

7. **Access or Parking:** The site has an existing access drive to East Army Post Road, which should remain in its current location to align with the driveway across East Army Post Road to the south.

8. **Building and Fire Codes:** Any future renovation of the structure must be in accordance with all Building and Fire Codes, with issuance of all necessary permits from the City’s Permit & Development Center. Since the existing structure has a minimal setback from the west property line, special fire-rated construction or a no-build easement on the adjoining parcel may be required.

### III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find that the requested rezoning to “M-1” Light Industrial District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

Part B) Staff recommends denial of the request to amend PlanDSM Creating Our Tomorrow to revise the Future Land Use designation from Business Park to Industrial.

Part C) Staff recommends denial of the requested rezoning.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan.

### SUMMARY OF DISCUSSION

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

**Emily Webb** asked how long the building has been vacant.

**Erik Lundy** stated approximately 5 years.

**Jeremiah Terhark 4732 72nd Street,** stated he conducted a neighborhood meeting on August 30th to receive community input. He does understand there has been a lot of false starts in this building and the front façade needs work. He understands that industrial use in this part of town is a concern and that’s why he has proposed a limited usage specifically for fireworks. On approval of this limited use, they would work with City staff to bring this site up to compliance with City code and have engaged TDG architects to help them with that.

**Greg Wattier** asked if the company puts on fireworks shows.
Jeremiah Terhark stated they are a consumer retail fireworks business, they do not have a license to put on shows.

Greg Wattier asked if they sell year around?

Jeremiah Terhark stated they only sell from June 13th through July 8th as the State of Iowa allows.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Nobody was present or requested to speak.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Rocky Sposato made a motion for **APPROVAL** of Part A) the Commission find that the requested rezoning to “M-1” Light Industrial District is **not** in conformance with the PlanDSM: Creating Our Tomorrow land use plan, **APPROVAL** of Part B) to deny the request to amend PlanDSM Creating Our Tomorrow to revise the Future Land Use designation from Business Park to Industrial and **APPROVAL** of Part C) to deny the requested rezoning.

Erik Lundy noted that a 6/7th vote of the Council would be required to over-ride the P&Z recommendation. Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan.

**THE VOTE:** 10-1-0. Steve Wallace voted in opposition.

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**Committee and Director’s Reports:** Mike Ludwig stated Monday September 9, 2019 at 5PM will be the public hearing and first reading of the proposed Zoning Ordinance at by City Council.

Meeting adjourned at 7:45