
ABSENT: Francis Boggus and Rocky Sposato

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

John “Jack” Hilmes made a motion to approve the October 3, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 8-0-4 (Emily Webb, Jann Freed, Greg Wattier and John “Jack” Hilmes abstained as they were not present for the October 3, 2019 meeting).

Carolyn Jension arrived at 6:04

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

Dory Briles made a motion to approve Consent Agenda Items #1 and #2 per the recommendations in the staff reports. Motion Carried 13-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated request with regard to the following related to the proposed “38th & Grand Urban Renewal Plan”:

A) Amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from High Density Residential within a Community Node to Neighborhood Mixed Use within a Community Node for property located at 3750 Grand Avenue.

(21-2019-4.20)

B) Determination as to whether the proposed “38th & Grand Urban Renewal Plan” is in conformance with PlanDSM Creating Our Tomorrow Plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: On September 23, 2019, the City Council referred the draft of the Urban Renewal Plan (URP) to the Plan and Zoning Commission for a determination as to whether it is in conformance with the PlanDSM Creating Our Tomorrow Plan.

Included in the Commission packet is a draft version of the 38th and Grand URP.
The proposed urban renewal area includes 7 parcels along Grand Avenue between 31st Street and 42nd Street, which comprise a total of 36 acres. These include 3200 Grand Avenue, 3705 Grand Avenue, 3707 Grand Avenue, 3750 Grand Avenue, 3905 Grand Avenue, 4005 Grand Avenue, and a parcel identified as District/Parcel 090/07897-004-00074005 that is located to the north of 3705 Grand Avenue.

II. ADDITIONAL APPLICABLE INFORMATION

1. Urban Renewal Plan: The purpose of this URP is to encourage the removal and/or redevelopment of the blighted, obsolete, and utilized properties within the urban renewal area, and to encourage and assist in the redevelopment of the urban renewal area for medium- to high-density housing and, under limited circumstances, mixed use development with medium- to high-density housing.

2. PlanDSM Land Use Plan Designation: The draft plan proposes to revise the future land use designation for the property at 3750 Grand Avenue from High Density Residential within a Community Node to Neighborhood Mixed Use within a Community Node. (The Community Node is centered at the intersection of Ingersoll Avenue and 35th Street.)

   The proposed land use plan amendment would allow for future redevelopment of that property to include commercial uses in addition to high-density residential. Staff believes that the Neighborhood Mixed Use within a Community Node designation is appropriate given its location along Grand Avenue. It is anticipated that the owner of this property will seek a rezoning to further accommodate the future redevelopment. No application for rezoning has been submitted for consideration at this time.

III. STAFF RECOMMENDATION

Part A) Staff recommends approval of the amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from High Density Residential within a Community Node to Neighborhood Mixed Use within a Community Node, for property located at 3750 Grand Avenue.

Part B) Staff recommends that the Commission find the proposed 38th and Grand Urban Renewal Plan in conformance with the PlanDSM Creating Our Tomorrow Plan.

SUMMARY OF DISCUSSION

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

Dory Briles made a motion for Part A) to recommend APPROVAL of the amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from High Density Residential within a Community Node to Neighborhood Mixed Use within a Community Node, for property located at 3750 Grand Avenue and for Part B) that the Commission find the proposed 38th and Grand Urban Renewal Plan in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

THE VOTE: 13-0

Item 2

Request from Des Moines Area Community College (DMACC) (owner) represented by Greg Martin (officer) for the following actions related to property at 1031 and 1039 9th Street. Additional property within the PUD boundary is owned by United Way of Central Iowa:

A) Determination as to whether the proposed rezoning and PUD Conceptual Plan amendment are in accordance with the PlanDSM Creating Our Tomorrow Plan.

B) Rezone property from “R-4” Multiple-Family Residential District to “PUD” Planned Unit Development. (ZON2019-00197)

C) Review and approval of an Amendment to the Human Services Campus PUD Conceptual Plan for property in the vicinity of 1111 9th Street to expand the PUD Conceptual Plan area to include the property requested for rezoning and extend the existing surface parking lot.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant has purchased additional property that adjoins their site. The proposed rezoning and PUD Conceptual Plan amendment would allow this property to be incorporated into the DMACC Campus and developed with surface parking.

2. Size of Site: The proposed rezoning area measures 0.33 acres. The proposed PUD Conceptual Plan area measures 3.37 acres.


4. Existing Land Use (site): Green space.
5. **Adjacent Land Use and Zoning:**

**North** – Limited “C-1” & “C-2”: Use is portions of DMMAC Campus located outside of the PUD.

**South** - “R-4”: Use is Interstate 235 corridor.

**East** - “R-4”: Use is portions of the DMMAC Campus located outside of the PUD.

**West** - “R-4”: Uses are multiple-family and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The site is a part of the DMMAC and United Way Campus, which occupies several city blocks. The campus is generally bound by University Avenue to the north, 7th Street to the east, Interstate 235 to the south and 9th Street to the west.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Cheatom Park Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 27, 2019 and the Final Agenda on October 11, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on September 27, 2019 (20 days prior to the hearing) and October 7, 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 requested rezoning.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Cheatom Park Neighborhood Association mailings were sent to Susan Wells, 1157 14th Place, Des Moines, IA 50314.

8. **Relevant Zoning History:** The Human Services Campus PUD Conceptual Plan was last amended in 1993, allowing the construction of the southernmost building and surrounding parking lots.

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:**
   Public/Semi-Public.

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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The subject property is designated as “Public/Semi-Public” on the Future Land Use Map. This designation is described as allowing “areas that are mostly open to public use or public access. May include government facilities, schools, hospitals, libraries, and community facilities.”

2. PUD Standards: The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual Plans should be based on.

   A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

   The proposed rezoning and PUD Conceptual Plan amendment would allow this property to be incorporated into the DMACC Campus and developed with surface parking.

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

   The proposed PUD Conceptual Plan amendment proposes to maintain the established setbacks. Screening and landscaping would be evaluated with any future PUD Development Plan (aka: Site Plan). Staff recommends that a note be added to the Conceptual Plan that states “Landscaping shall be provided with any PUD Development Plan that meets or exceeds the City’s Landscaping Standards in place at the time of submittal.”

   C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.
All grading is subject to an approved permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s stormwater management requirements to the satisfaction of the City’s Permit and Development Center. The proposed parking lot expansion is not expected to trigger any street or sanitary sewer work. Street Stormwater management would be evaluated with any future PUD Development Plan (aka: Site Plan).

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

The proposed parking lot expansion is minimal in scale in comparison to the overall size of the campus and can be adequately served by the adjoining street network. A traffic study is not required in accordance with the City’s traffic study policy as the expected vehicle trips generated by the project does not trigger review.

Staff recommends that a sidewalk be provide along the north side of Day Street. This will require the approval of the Iowa Department of Transportation, as the adjoining segment of Day Street is State controlled right-of-way.

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

The dimensions and overall layout of the proposed parking lot expansion project would be evaluated detail during the PUD Development Plan (aka: Site Plan) stage.

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

The proposed rezoning and PUD Conceptual Plan amendment would allow this property to be incorporated into the DMACC Campus and developed with surface parking. The overall campus includes an adequate amount of greenspace.

3. **Natural Site Features:** Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **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.

**III. STAFF RECOMMENDATION**

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

Part B) Staff recommends approval of the proposed rezoning from “R-4” District to “PUD” District.

Part C) Staff recommends approval of the proposed Human Services Campus PUD Conceptual Plan subject to the following conditions:

1. Provision of a note that states: “landscaping shall be provided with any PUD Development Plan that meets or exceeds the City’s Landscaping Standards in place at the time of submittal.”

2. Provision of a note that states: “a sidewalk shall be provided along Day Street unless prohibited by the Iowa Department of Transportation.”

**SUMMARY OF DISCUSSION**

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

**COMMISSION ACTION:**

Dory Briles made a motion for Part A) recommending the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) recommending APPROVAL of the proposed rezoning from “R-4” District to “PUD” District and Part C) recommending APPROVAL of the proposed Human Services Campus PUD Conceptual Plan subject to the following conditions:

1. Provision of a note that states: “landscaping shall be provided with any PUD Development Plan that meets or exceeds the City’s Landscaping Standards in place at the time of submittal.”

2. Provision of a note that states: “a sidewalk shall be provided along Day Street unless prohibited by the Iowa Department of Transportation.”

**THE VOTE: 13-0**
NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 3

Request from Iowa Laborers Education and Training Trust Fund (owner) represented by Mike Weckman (officer) for review and approval of the following regarding the property located in the vicinity of 4560 Hubbell Avenue. Additional property in the PUD boundary is owned by Baker Real Estate, LP; Baker Creek Senior Living I, LP; McKinley Crest, LLLP and B & B Real Estate Group, LLC:

A) Amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Medium Density Residential to Industrial. (21-2019-4.21)

B) Review and approval of an 8th Amendment to the Baker PUD Conceptual Plan on property in the vicinity of the 4500 block of Hubbell Avenue to allow development of 7.12 acres of agricultural land designated for single-family semi-detached residential development to be developed with a building for a training center and equipment storage. An outdoor training site for skilled laborers is also proposed to practice infrastructure and utility construction techniques. (ZON2019-00189)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant proposes to develop the property at the eastern end of the Planned Unit Development (PUD) area for an indoor and outdoor training center for skilled laborers practicing infrastructure and utility work. The proposed development would include a metal skinned building that would house an indoor training environment, offices and some storage for equipment and materials related to the training. The submitted concept for the building proposes a brick wainscot at the base of the building on the north and east facades, which would be oriented toward existing residential uses.

2. Size of Site: The area of the proposed development is 7.12 acres. The area of the land within the entire Baker “PUD” Conceptual Plan is approximately 60 acres.

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

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

5. Adjacent Land Use and Zoning:

   North – “R1-80” & “A-1”, Uses are single-family dwellings and agricultural land.
6. **General Neighborhood/Area Land Uses:** The subject property is located north and west of the Hubbell Avenue (U.S. Highway 6) corridor.

7. **Applicable Recognized Neighborhood(s):** The subject property is not in a recognized neighborhood but is within 250 feet of the Sheridan Gardens Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 27, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on September 27, 2019 (20 days prior to the public hearing) and on October 7, 2019 (10 days prior to the public hearing) to the Sheridan Gardens Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within the PUD and within 250 of the PUD boundary. A final agenda was mailed on October 11, 2019.

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

The applicant is required to hold a neighborhood meeting as part of the PUD Conceptual Plan amendment process. The applicant can provide a summary of the neighborhood meeting comments at the Plan and Zoning Commission hearing upon request.

8. **Relevant Zoning History:** The subject property was rezoned by the City Council from “A-1” District to “PUD” District on October 27, 1997.

The most recent amendment (7th) was approved by the City Council at a special meeting on September 11, 2019. This amendment allowed single-family residential subdivision development within 19.98 acres of the center portion of the PUD identified in the subject amendment consideration as Parcel “D”.

Of relevance is a previous amendment (6th) to the PUD Conceptual Plan. This was approved by the City Council on April 11, 2011 to allow multiple-family residential dwellings and single-family semi-detached dwellings on the eastern portion of the property, leaving the remaining property for future light industrial requiring a further PUD Conceptual Plan amendment. This included the provision of single-family semi-detached residential development on the subject Parcel "A" area of the amendment. The recent 7th Amendment was approved with only single-family residential development with the rationale that the area of the subject amendment
would provide a denser housing type, giving the overall PUD a range of densities within different housing types.

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

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Features/Landscaping:** While the property is currently mostly tilled agricultural land, there are dense timbered areas to the northwest and southwest of the proposed amendment area. These timbered areas would partially segregate the subject amendment area from and protect residential areas to the northwest and southwest. The PUD Conceptual Plan indicates that any tree removals resulting from the proposed development would require compliance with mitigation per the City’s Ordinance.

   The proposed conceptual landscaping includes overstory tree plantings along the east and south public street perimeters. A dense evergreen planting strip is proposed along the northern edge of the property where development would abut existing residential area.

   Staff would recommend that conservation easement areas be indicated on any PUD Conceptual Plan amendment that would be approved to be provided on any Plat for the protection of timbered areas that are not disturbed by the development.

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

3. **Traffic/Street System:** A Traffic Impact Study was not required prior to the proposed PUD Conceptual Plan amendment pursuant to City policy given the anticipated number of trips for the training facility. Traffic Engineering Staff have indicated the need for public sidewalks along Hubbell Avenue and East 46th Street as part of any development of the amendment area (Parcel “A”).
4. **Urban Design:** The submitted Conceptual Plan provides a typical design for the proposed training center building. It would be a 25-foot to 30-foot tall pre-engineered metal structure with a brick wainscot on the north and east facades. There would be clear story window on the east and west elevations, with two overhead doors facing west internally into the site.

While the proposed building is designed to meet its intended purpose, staff is concerned about its character relative to surrounding residential development. While there are some examples of metal utility outbuildings in the greater surrounding area, the immediate surrounding area is developed residential with sites to the southeast and southwest recently developed with multiple-family residential development within PUD areas.

5. **PlanDSM Creating Our Tomorrow:** The subject property is currently designated as “Medium Density Residential” on the Future Land Use Map based upon uses identified on the existing PUD Concept Plan. PlanDSM notes that this classification “Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.”

The Future Land Use Map would require amendment to the “Industrial” classification to allow for the proposed training facility with outside training activity. This classification is defined as “Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.” For contrast, the “Business Park” designation elsewhere in the western portion of the PUD is defined 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.” Staff believes that this classification would not fit the proposed amendment as the proposed outdoor training activity would present noise and vibration impacts to the adjoining residential properties.

Staff appreciates the developer’s proposal to develop a site that suits their functional purpose. However, the subject property is located on an existing transit corridor and is more suited for the existing approved intent for development under the PUD, which would be a “middle” housing type that aligns with the intent of PlanDSM.

Staff is not able to support the proposed amendment based in the intentions of PlanDSM along transit corridors and based on the existing approved development within the PUD and the surrounding residential properties. The proposed use and structure would negatively affect the character of the surrounding property both within and around the PUD.
III. STAFF RECOMMENDATION

Part A) Staff recommends denial of the requested amendment to PlanDSM future land use designation from Medium Density Residential to Industrial.

Part B) Staff recommends denial of the proposed amendment to the Baker PUD Conceptual Plan.

This recommendation is based on a finding that the proposed development would not be in character with the surrounding residential development and that the propose use of the land would negatively impact existing surrounding residential properties.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendations. Stated that the proposed amendment would eliminate bi-attached (missing middle) housing from the PUD. The future presence of that bi-attached housing was noted as justification to allow single-family detached housing on another portion of the PUD. Noted that the PlanDSM Comprehensive Plan designates the subject property for Medium Density Residential. Staff has recommended denial of the amendment based on the proposed elimination of future missing middle housing.

Mike Weckman, 3400 E. Euclid stated this organization is a non-profit and certainly not industrial. They will use this property to train the 1000 members they have around the metro area. Many of the contractors they work with have been in the City of Des Moines for over 100 years, along with Iowa Laborers Education and Training Trust Fund. They understand what they need to do within the PUD and will upgrade the exterior building materials to comply with existing building materials specified within the PUD. They will be preserving all the timber on the property with the addition of more trees to create separation from the residential areas and plan to help with the Fourmile watershed. Bringing this facility back to the Des Moines area is key for their members and Union. Much of their training will take place indoors. Earthmoving equipment will only be on the site during initial building construction / site development and on the day/week of a class. There will not be outdoor storage of construction equipment. Their training hours will be from 7am – 4:30pm, possibly 7am-5:30pm during the summer.

Greg Jones asked how many trainees will be onsite at any time?

Mike Weckman stated a maximum of 30.

Greg Wattier asked why they picked a site when it is surrounded by residential uses.

Mike Weckman stated they initially looked at the property Hubbell bought but it was too large for this organization. When discussing their needs with Baker representatives, the representatives took them right to this piece of property. It might not have been the best choice but it was their only choice.
Will Page asked what type of heavy equipment they will have onsite.

Mike Weckman stated they only heavy equipment will be a ready mix concrete truck and possibly an excavator on-site when a class or training is being offered. As far as noise, they have been on the property mowing and there hasn’t been any type of nuisance.

Carolyn Jension asked for clarification on their hours of operation.

Mike Weckman stated 7am-4:30pm or 7am-5:30pm.

Jacqueline Easley stated that traffic issues were raised on the response cards the commission was given to read.

Mike Weckman stated no one will be in and out, they will be parked until class is over.

Jacqueline Easley asked when they would move equipment onto the site.

Mike Weckman stated that will be during the weekend until they can get on a consistent training schedule and at that time it will be during hours of operation.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

James Piazza Jr, 2600 Grand Avenue stated he wanted to reiterate that this operation is not a heavy industrial use. The board of trustees want to update the exterior materials of the building and give it a good street presence. They will work with the City and do what is required for this rezoning to be approved.

David Courard-Hauri asked why an Industrial designation is necessary.

Jason Van Essen stated it closely matches with the development pattern and uses they are proposing.

Greg Wattier asked if the building was closer to Hubbell Avenue, would that change staffs view on the proposal.

Jason Van Essen stated it would not change staff’s opinion. Staff based the recommendation on the existing comprehensive plan land use designation, existing residential uses that adjoin the PUD and the desire to have missing middle housing within the existing approved PUD.

John “Jack” Hilmes asked if the applicant provides a conservation easement, adds sidewalks, changes the architecture of the building, adds trees to buffer the neighborhood and works with the City on watershed issues, it wouldn’t make a difference to staff because the proposed development isn’t in character with the surrounding residential development?
Jason Van Essen stated he doesn’t dismiss there are ways to make this a better project but staff believes the approved missing middle housing is a more appropriate use for the site.

Will Page asked if the rezoning was approved, how would they stop inappropriate Industrial Use in the future.

Jason Van Essen stated any development on the site would have to conform to the PUD Conceptual Plan. The new code that will be effective December 15, 2019 requires that Final Development Plans be reviewed by the Plan and Zoning Commission and approved by the City Council.

Glenna Frank stated when staff recommends denial and commission is looking for a way to approve, they typically suggest a continuation of the item. That will give staff and the applicant time to negotiate the conditions that will be placed on the rezoning. In this case, she would be hesitant of continuation with the adoption of the new zoning code approaching.

Mike Ludwig clarified that a complete Plan Unit Development application was submitted before the effective date of the new zoning Code and staff will continue to process the PUD. Therefore, a continuance can be accommodated.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Jann Freed made a motion for continuation to the November 7, 2019 Plan and Zoning Commission Meeting.

**THE VOTE: 13-0**

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Committee and Director’s Reports:

Mike Ludwig stated the PlanDSM Zoning Ordinance, Planning and Design Ordinance and Zoning Map were given final approval by City Council on October 16 by Council by a 6-1 vote. The Code will be effective December 15, 2019. There will be a parallel track of amendments presented at the November 7, 2019 Plan and Zoning Commission meeting for recommendation to the City Council. City Council will hold their hearing on those amendments on December 2, 2019. Second and third readings of the ordinance revisions are anticipated on December 9 and December 16 unless waived by the City Council. Staff has a lot of work left to do to implement the new zoning code on December 15th.

Meeting adjourned at 6:45 pm.