
ABSENT:

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

Dory Briles made a motion to approve the October 17, 2019, Plan and Zoning Commission meeting minutes. Motion Carried 11-0-2 (Rocky Sposato and Francis Boggus abstained as they were not present for the October 17th meeting).

(John “Jack” Hilmes and Carolyn Jenison arrived)

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

Greg Jones made a motion to approve Consent Agenda Items #1, #2 and #3 per the recommendations in the staff reports. Motion Carried 15-0

Jacqueline Easley noted that the applicant for item #5 had requested a continuance to the November 21, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.

John “Jack” Hilmes made a motion to continue item #5 to the November 21, 2019 Plan and Zoning Commission meeting. Motion Carried 15-0

Jacqueline Easley noted that the applicant for item #6 had requested a continuance to the November 21, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.

Dory Briles made a motion to continue item #6 to the November 21, 2019, Plan and Zoning Commission meeting. Motion Carried 15-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated public hearing regarding proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map.

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

B) Request from Tiffany Allison (purchaser) for approval of an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map.
to revise the future land use designation for property located 3851 Delaware Avenue from Industrial to Neighborhood Mixed Use. The subject property is owned by Carpenters Local 106. (21-2019-4.23)

C) Adoption of proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map amendment. (10-2019-5.02)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

On October 16, 2019 the Des Moines City Council voted 6-1 to approve final consideration of Ordinance #15,816 (Chapter 134 - Zoning Ordinance), Ordinance #15,817 (Chapter 135 – Planning and Design Ordinance), Ordinance #15,818 (Zoning Map) and Ordinance #15,819 (Cross references in multiple code chapters). These ordinances will be in full force and effect on December 15, 2019.

Attached is a list of proposed amendments to the newly approved Chapter 134 (Zoning), Chapter 135 (Planning and Design Code), Zoning Map and PlanDSM Future Land Use Map that City Council directed staff to prepare for the City Council’s consideration and approval by December 16, 2019. The proposed amendments address comments that were received during the public hearing and readings of the recently approved ordinances. However, the amendments were determined to be beyond the scope of the published notice for the recently approved ordinances. Therefore, a separate hearing and recommendation by the Plan and Zoning Commission is required on these proposed amendments. A separate notice of hearing by the City Council regarding these proposed amendments is also required to be published pursuant to Iowa Code and the Des Moines Municipal Code.

II. CONSISTENCY WITH STATE CODE

The proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment, and PlanDSM Future Land Use Map have been prepared in consideration of Iowa Code Chapter 18B and in accordance with Iowa Code Chapter 414 as applicable.

III. CONSISTENCY WITH PlanDSM

PlanDSM is the City’s Comprehensive Plan. The proposed amendments to the recently approved Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map and proposed amendment to the PlanDSM Future Land Use Map are consistent with the following Goals and Policies of PlanDSM:

Land Use Goal 1
Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural
resources, and promote flexible approaches to implementing the Plan.

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

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

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

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

**Land Use Goal 2**

Direct new growth and redevelopement to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.

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

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

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

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

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

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

LU17: Establish requirements for the existence or provision of adequate public facilities prior to allowing new development in recently annexed areas. Consider cost-sharing agreements when development occurs in targeted areas.
Land Use Goal 4
Continue to embrace the distinct character of Des Moines’ neighborhoods while allowing for new development and redevelopment.

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

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

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

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

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

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

H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.

H2: Identify and explore the applicability of creative and innovative housing solutions such as Accessory Dwelling Units (ADUs), Single Room Occupancy (SRO), and smaller housing units through flexible zoning to meet the demand for smaller and affordable housing.

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

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

H5: Address availability and affordability of housing options for all families.
Housing Goal 2
Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.

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

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

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

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

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

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

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

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

H21: Ensure availability of rental and owner-occupied housing that meets the needs of households with all income levels in the city.

H22: Distribute affordable housing broadly throughout the City to avoid concentrations in neighborhoods or one sector of the City.

H23: Support and promote a regional approach to provision of affordable housing.
H29: Continue to pursue and efficiently distribute financial resources to provide subsidized and affordable housing to low-income residents.

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

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

Economic Development Goal 4
Foster a sustainable economy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. CONSISTENCY WITH GuideDSM

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

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

**DES MOINES 2031 has**  
**ABUNDANT OPPORTUNITIES FOR LEISURE(6),**  
and an  
**EFFECTIVE TRANSPORTATION SYSTEM CONNECTING THE REGION(7).**  

In 2031, residents and businesses take tremendous **PRIDE IN THE DES MOINES COMMUNITY (8)!**
The Council’s stated mission for Des Moines City Government is to be

**FINANCIALLY STRONG**\(^{(1)}\)
and to provide

**EXCEPTIONAL MUNICIPAL SERVICES**\(^{(2)}\)

in a

**CUSTOMER FRIENDLY MANNER**\(^{(3)}\)

with an

**INVOLVED COMMUNITY – RESIDENTS AND BUSINESSES**\(^{(4)}\).

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

V. **STAFF RECOMMENDATION**

Staff recommends the following:

A) Approval of a finding that the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment and PlanDSM Future Land Use Map are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

B) Approval of a request from Tiffany Allison (purchaser) for an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map to revise the future land use designation for property located 3851 Delaware Avenue from Industrial to Neighborhood Mixed Use. The subject property is owned by Carpenters Local 106.

C) Approval of proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment.

**SUMMARY OF DISCUSSION**

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

**COMMISSION ACTION:**

Greg Jones made a motion for approval of Part A) **Approval** of a finding that the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment and PlanDSM Future Land Use Map are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, Part B) **Approval** of a request from Tiffany Allison (purchaser) for an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map to revise the future land use designation for property located 3851 Delaware Avenue from Industrial to Neighborhood Mixed Use. The subject property is owned by Carpenters
Local 106 and Part C) Approval of proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment.

THE VOTE: 15-0

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Item 2

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. Since the October 17, 2019 Plan and Zoning Commission meeting the applicant has revised their typical building design concept to a masonry block unit building from a metal skinned building. The building would house an indoor training environment, offices and some storage for equipment and materials related to the training.

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.

South – Limited “R-3” and “A-1”, Uses are multiple-family dwellings and vacant land.

East – “C-2” & “A-1”, Uses are single-family dwellings, office, warehouse, repair shop, outside storage, vehicle display lot, vacant retail garden center, vacant repair shop, and vacant land.

West – “A-1”, Use is vacant timbered land.

6. General Neighborhood/Area Land Uses: The subject property is located north and west of the Hubbell Avenue (U.S. Highway 6) corridor.

7. Applicable Recognized Neighborhood(s): The subject property is not in a recognized neighborhood but is within 250 feet of the Sheridan Gardens Neighborhood. The neighborhood was notified of the original October 17, 2019 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 original public hearing) and on October 7, 2019 (10 days prior to the original 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 November 1, 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.

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 Conceptual Plan indicates that buildings shall be constructed of permanent materials such as, tilt-up concrete panels, architectural pre-cast
panels, brick, stone and glass. Only durable materials such as stone, brick, block, concrete panels or concrete tile shall be used on the base four-feet of all sides of the building. The submitted Conceptual Plan provides a revised typical design for the proposed training center building. It would be a masonry block structure. This revised material palette is more in keeping with the intent for commercial buildings within a PUD. Staff would require a more specific elevation to be submitted with the final Mylar review for the PUD Conceptual Plan. There would be clear story window on the east and west elevations, with two overhead doors facing west internally into the site.

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.”

### III. STAFF RECOMMENDATION

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

Part B) Staff recommends approval of the proposed amendment to the Baker PUD Conceptual Plan subject to the following:

1. Conformance with all administrative comments of the final Mylar review.
2. Provision of specific elevations with labeled materials and dimensions of the proposed building for Parcel A as approved by the Planning Administrator prior to final Mylar review approval.
3. Provision of 5-foot public sidewalks along all public street frontages with any PUD Development Plan.
4. Provision of a note on the Conceptual Plan that any overhead doors on any building shall not be oriented towards a public street.
5. Provision of a note on the Conceptual Plan that any clearing and excavations as part of the outdoor training are on Parcel A shall be approved by the Engineering Staff in the Permit and Development Center.
6. Provision of a note that any tree removal shall comply with the Tree Removal and Mitigation regulations in Article X, of Chapter 42 of the City Code.
7. Provision of a note that hours of operation for any outdoor training activity on Parcel A shall be limited between the hours of 7:00 A.M. to 7:00 P.M.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Greg Jones made a motion for approval of Part A) APPROVAL of the requested amendment to PlanDSM future land use designation from Medium Density Residential to Industrial and Part B) APPROVAL of the proposed amendment to the Baker PUD Conceptual Plan subject to the following:

1. Conformance with all administrative comments of the final Mylar review.
2. Provision of specific elevations with labeled materials and dimensions of the proposed building for Parcel A as approved by the Planning Administrator prior to final Mylar review approval.
3. Provision of 5-foot public sidewalks along all public street frontages with any PUD Development Plan.
4. Provision of a note on the Conceptual Plan that any overhead doors on any building shall not be oriented towards a public street.
5. Provision of a note on the Conceptual Plan that any clearing and excavations as part of the outdoor training are on Parcel A shall be approved by the Engineering Staff in the Permit and Development Center.
6. Provision of a note that any tree removal shall comply with the Tree Removal and Mitigation regulations in Article X, of Chapter 42 of the City Code.
7. Provision of a note that hours of operation for any outdoor training activity on Parcel A shall be limited between the hours of 7:00 A.M. to 7:00 P.M.

THE VOTE: 15-0

Item 3

Request from Village at Grays Lake, LLC (owner) represented by Jason Grove (officer) for review and approval of a Preliminary Plat “The Village at Gray’s Lake” on property located at 2500 Fleur Drive, to allow subdivision of the property into six (6) separate lots. (13-2020-1.15)
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 divided into six (6) separate lots to be reused for a mix of uses. 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 approved PUD Conceptual Plan.

2. Size of Site: 13.8 acres.

3. Existing Zoning (site): “PUD” Planned Unit Development and “FSO” Freestanding Signs Overlay 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 uses 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 October 18, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on October 28, 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 Southwestern Hills 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.

8. **Relevant Zoning History:** On October 14, 2019, by Ordinance No. 15,813, the City Council rezoned the subject property to “PUD” Planned Unit Development with approval of the PUD Conceptual Plan for “Village at Gray’s Lake”.

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

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **“PUD” Conceptual Plan:** The approved “PUD” Conceptual Plan allows division of the property into six (6) 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
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.
Lot 6 on the west would be classrooms converted to office space.

2. **Utilities:** There are public sanitary and storm sewers utilities within easements in the subject property located within proposed Lots 1 and 4. These easements are shown on the submitted Preliminary Plat. 5. Engineering comments indicate the need to provide an easement between Lots 2 and 3 so that the building on Lot 3 has access to public sanitary sewer via Lot 2.

Lot 5 is approved for future redevelopment. Engineering comments indicate the existing public sanitary sewer that runs through Lot 4 should be extended to serve the new development in Lot 5 without the need to cross property lines to access public sewer. This proposed extension should be shown on the preliminary plat.

General comments were provided by the Des Moines Water Works indicating that all water services for each building will be required to tap within the property for that building to the public main, buildings on separate parcels will not be able to share a common water service, and each building will be required to have its own separate water service.

There are also easements shown for existing gas, electric and water service lines.

3. **Access:** An ingress/egress easement is proposed along the internal circulation driveways to ensure that vehicles may access between the proposed parcels. Staff believes that this easement should be extended from Lot 3 to the south end of Lot 5 along Fleur Drive frontage to serve anticipated redevelopment and better cross access with adjoining development.

Required 5-foot wide sidewalks should be shown on each public street frontage. A pedestrian way easement would be necessary for any portion of sidewalk that would extend onto the private property. It appears Lots 4, 5, and a portion of Lot 3 would require this. A portion of the sidewalks along Fleur Drive may be part of the Fleur Drive Rebuild project being constructed by the City and therefore may not be the developer’s responsibility. This should be coordinated with City Engineering.

**III. STAFF RECOMMENDATION**

Staff recommends approval of the submitted Preliminary Plat subject to the following:

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Extension of the existing public sanitary sewer in Lot 4 to serve Lot 5.
3. Extension of the proposed ingress/egress easement from Lot 3 to the south boundary of Lot 4 to accommodate for future development in Lot 5 with cross access.
4. Provision of 5-foot sidewalks along the public street sides of all lots, including a necessary public pedestrian easement for any walk which would need to be placed on private property.

**SUMMARY OF DISCUSSION**

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

**COMMISSION ACTION:**

Greg Jones made a motion for approval of the submitted Preliminary Plat subject to the following:

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Extension of the existing public sanitary sewer in Lot 4 to serve Lot 5.
3. Extension of the proposed ingress/egress easement from Lot 3 to the south boundary of Lot 4 to accommodate for future development in Lot 5 with cross access.
4. Provision of 5-foot sidewalks along the public street sides of all lots, including a necessary public pedestrian easement for any walk which would need to be placed on private property.

**THE VOTE: 15-0**

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**NON-CONSENT AGENDA PUBLIC HEARING ITEMS**

**Item 4**

Request from River Point West, LLC (owner) represented by George Sherman (officer) for review and approval of the 5th Amendment to the Gray’s Landing Office Park I PUD Conceptual Plan on property located at 205 Southwest 11th Street to reconfigure the location of a 3-story office building with 68,000 square feet of office and 4,500 square feet of restaurant space along with associated surface parking. The currently approved building would have indoor parking. Additional property in the PUD is owned by Sherman Grays Landing Hotel Development, LLC.

(ZON2019-00206)
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 3-story office building that would contain 68,000 square feet of office space and 4,500 square feet of restaurant space. The proposed building would frame Martin Luther King, Jr. Parkway to the north and Southwest 9th Street to the east. The proposed PUD Conceptual Plan demonstrates that a surface parking lot would be located to the south of the office building and north of the hotels, which would adjoin the existing parking lot for Holiday Inn Express and a future parking lot for a Tru by Hilton hotel.

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 final approval of an office building in this general location at its meeting on October 21, 2014.

2. Size of Site: 8.8 acres.


4. Existing Land Use (site): The proposed building 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 October 18, 2019. A Final Agenda was mailed to the neighborhood association on November 1, 2019. Additionally, separate notifications of the hearing for the site plan were mailed on
October 28, 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.

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 (ZON2013-00111) 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 Express.

On October 14, 2019, the City Council approved the 4th Amendment to the PUD Conceptual Plan to allow development of the southeastern portion of the PUD with a 4-story hotel with 98 guestrooms and an associated surface off-street parking lot. The approval was subject to the following revisions to the PUD Conceptual Plan:

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 PUD Conceptual Plan must incorporate this 4th amendment to the PUD Conceptual Plan, as was approved by City Council on October 14, 2019.

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, which was done on October 21, 2014. It was determined that the current proposed changes to the building were not major enough to require additional review by the Urban Design Review Board.

The proposed elevations indicate that the building would have a primary entrance on its north façade facing West Martin Luther King, Jr. Parkway and a primary entrance on its south façade facing the parking lot. The elevations also indicate that the restaurant space at the west edge of the ground floor would have entrances to both the north and south. Staff recommends that the proposed building should have a more prominent entry feature oriented toward West Martin Luther King, Jr. Parkway to the satisfaction of the City's Planning Administrator.

The proposed elevations indicate that the hotel building would be 3 stories with a maximum height of 49.5 feet, excluding the screening materials for rooftop mechanical equipment. The elevations indicate that the building would be clad with a mix of brick and metal panels. 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. **Future Development Site at Northwest Corner of PUD Conceptual Plan:** The proposed PUD Conceptual Plan does not label the remaining development parcel at the northwest corner of the PUD Conceptual Plan. Staff recommends that a note be added to state that no development may occur within this area until a future amendment to PUD Conceptual Plan has been approved to set parameters for the development.

Furthermore, since the PUD Conceptual Plan allows for a large surface parking lot at the center of the block, Staff believes that it is reasonably necessary to require future development of this area to include a building that significantly screens the parking lot and ensure that the entire PUD development has an urban form. If this property were not zoned “PUD” Planned Unit Development District, it would be subject to the “D-O” Downtown-Overlay District Design Guidelines. These guidelines require that buildings must occupy 70% of the street frontages. Therefore, Staff recommends that a note be added to the PUD Conceptual Plan that states upon buildout of the northwestern portion of the PUD, buildings shall occupy at least 70% of the street frontages along both West Martin Luther King, Jr. Parkway and Southwest 11th Street. Staff also recommends that the layout of the parking lot be altered in order to accommodate this future requirement.

The PUD Conceptual Plan has approximately 638 feet of frontage along West Martin Luther King, Jr. Parkway. Assuming the proposed office building would occupy 260 feet of this frontage, the future building at the northwest corner must occupy 186 feet of frontage in order to achieve 70%. The PUD Conceptual Plan has approximately 608 feet of frontage along Southwest 11th Street. Assuming the existing Holiday Inn Express building occupies 220 feet of this frontage, the future
building at the northwest corner must occupy 205 feet of frontage in order to achieve 70%.

3. **Off-Street Parking:** The proposed PUD Conceptual Plan demonstrates that a surface parking lot would be located to the south of the building and would adjoin the existing parking lot for the Holiday Inn Express and the future parking lot for Tru by Hilton hotel. 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.

4. **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 office building 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 Express and West Martin Luther King, Jr. Parkway. This sidewalk should be constructed prior to completion of the proposed office building.

5. **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 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 feet of a property line and not separated from the right-of-way by a building. The proposed PUD Conceptual Plan demonstrates a mix of overstory trees, ornamental trees, shrubs, and landscaping beds within the parking lot areas but does show plantings along either West Martin Luther King, Jr. Parkway or along Southwest 11th Street. Staff recommends that the PUD Conceptual Plan be revised to demonstrate landscaping material along both West Martin Luther King, Jr. Parkway and Southwest 11th Street frontages.

6. **Refuse Collection Container Enclosure:** The PUD Conceptual Plan includes a trash enclosure along the east edge of the site to the south of the office building, 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.

7. **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.

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

9. **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. Staff
recommends that a note be added to state 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”.

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 incorporate the 4th amendment to the PUD Conceptual Plan, as was approved by City Council on October 14, 2019.

2. The PUD Conceptual Plan shall include a note that states the final design of the building shall be approved by the City’s Planning Administrator.

3. The proposed building shall have a more prominent entry feature oriented toward West Martin Luther King, Jr. Parkway to the satisfaction of the City’s Planning Administrator.

4. 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.

5. Provision of a note that states no development may occur within the northwestern corner of the PUD until a future amendment to PUD Conceptual Plan has been approved that sets parameters for the development.

6. Provision of a note that states upon buildout of the northwestern portion of the PUD, buildings shall occupy at least 70% of the street frontages along both West Martin Luther King, Jr. Parkway and Southwest 11th Street. Furthermore, the layout of the parking lot on the PUD Conceptual Plan shall be revised in order to demonstrate that this condition can and will be satisfied.

7. 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.

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 building.

9. Sheet 2 shall be revised to demonstrate landscaping material along both West Martin Luther King, Jr. Parkway and Southwest 11th Street frontages.
10. Provision of a note that states any freestanding sign shall be in compliance with the master signage plan for the entire Gray’s Landing Office Park.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendations.

Will Page asked where the purposed 20-foot sign is being placed on the site?

Jason Van Essen stated he would let the applicant go over their signage plan. The overall sign plan isn’t being amended and has already been approved.

David Courard-Hauri asked how the footprint of the parking lot changed after moving from parking within the building to surface parking?

Jason Van Essen stated the proposed office building along Martin Luther King, Jr. Parkway has shifted to the East, so there is no need for a drive as show in the previous plan and additional parking has been added on the West side of the building.

Will Anderson, representing Sherman Associates stated they aren’t here to seek any variance from the 70% requirement on a future PUD amended for development of the northwest corner of the property. They would like to implement parking to the west of the purposed building to meet the needs of their lender and the market. The requested parking to the west does offset the number of parking stalls that were purposed in the building.

Jacqueline Easley asked for clarification on who is asking for additional parking?

Will Anderson stated it’s driven by the market. As proposed they’re at 3.5 stalls per 1000 square feet of floor area and their brokers want them to be at 4 stalls per 1000 square feet.

Greg Wattier stated he doesn’t know how they would ever reach the 70% requirement unless they tore out the parking their getting ready to build.

Will Anderson stated if the economics work when they come back to build on the northwest corner, they would remove that parking for additional building space. If that doesn’t work, they would like to work with staff on an architectural screening to meet the intent of the 70% of building frontage while maintaining the parking.

Will Page asked for information around the 20-foot sign he asked about previously.

Will Anderson stated he would need to go back and look at their master signage plan. He isn’t sure exactly where that sign will be placed?

Will Page asked staff if they had any examples of existing signs of this height in the downtown area or anywhere in the City?
Jason Van Essen stated he couldn’t think of any comparable signs.

Greg Wattier stated the Merle May Mall sign.

Greg Jones stated the Science Center sign.

Jason Van Essen asked the applicant to provide their thoughts on meeting the 70% requirement along SW 11th Street.

Will Anderson stated to meet the 70% of building frontage for the block along SW 11th Street they would need to construct a building with 205 feet of frontage. They currently don’t have a project in place for the northwest corner of the development.

David Courard-Hauri asked if it was just economics that led them to remove the structured parking from the proposed office building.

Will Anderson stated they couldn’t find a tenant that was willing to pay for the structured parking.

David Courard-Hauri asked if the funders will be ok with them potentially getting rid of the extra parking in the future?

Will Anderson stated yes, since they would be implementing more parking with the development of the northwest corner.

Greg Wattier stated the parking looks like it is laid out in an inefficient manner and if they reworked their plan they could get closer to the number of spaces they need while meeting the 70% requirement.

Tim West, Snyder and Associates, stated they were trying to offset the loss of the parking stalls that were planned to be in the building and meet the requirements for the office and restaurant tenants. They have a mix of parking needs in this PUD.

John “Jack” Hilmes asked if the total parking needs of the two hotels and proposed building added up to 475 parking stalls?

Tim West stated the total need for all the buildings is 485 parking stalls.

Carolyn Jension asked how they will be helping our environment with so much parking being constructed. Would permeable pavement or other comparable solutions be used?

Tim West stated they have reduced the footprint of the pavement as much as they can. They have an underground storm water system that will filter water before it leaves the site. They plan to use native plants to the extent possible.
Jason Van Essen clarified that the applicant is not opposed to the 70% requirement language of condition #6 along SW 11th Street. Their opposition is only as it applies to the Martin Luther King, Jr. Parkway frontage.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one came forward to speak on this item.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jann Freed asked if condition #6 would need to be rewritten?

Jason Van Essen stated the reference to Martin Luther King, Jr. Parkway would need to be altered if the Commission wanted to support the applicant’s request.

Jan Freed asked how it would need to be rewritten?

Jason Van Essen stated they would need to strike the references to Martin Luther King, Jr. Parkway in condition #6 and then add a new condition that addresses how the frontage along MLK would need to be handled.

Greg Jones stated he isn’t in favor of that. In the future they will try to keep this parking and not meet the 70% frontage requirement along MLK, we need to solve this problem now and the staff recommendations should be kept as written.

**COMMISSION ACTION:**

Greg Jones 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 incorporate the 4th amendment to the PUD Conceptual Plan, as was approved by City Council on October 14, 2019.

2. The PUD Conceptual Plan shall include a note that states the final design of the building shall be approved by the City’s Planning Administrator.

3. The proposed building shall have a more prominent entry feature oriented toward West Martin Luther King, Jr. Parkway to the satisfaction of the City’s Planning Administrator.

4. 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.

5. Provision of a note that states no development may occur within the northwestern corner of the PUD until a future amendment to PUD Conceptual Plan has been approved that sets parameters for the development.
6. Provision of a note that states upon buildout of the northwestern portion of the PUD, buildings shall occupy at least 70% of the street frontages along both West Martin Luther King, Jr. Parkway and Southwest 11th Street. Furthermore, the layout of the parking lot on the PUD Conceptual Plan shall be revised in order to demonstrate that this condition can and will be satisfied.

7. 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.

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 building.

9. Sheet 2 shall be revised to demonstrate landscaping material along both West Martin Luther King, Jr. Parkway and Southwest 11th Street frontages.

10. Provision of a note that states any freestanding sign shall be in compliance with the master signage plan for the entire Gray’s Landing Office Park.

THE VOTE: 15-0

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Item 5

Request from Hubbell Realty Company (developer) represented by Eric Bohnenkamp (officer) for review and approval of a Preliminary Plat “Grover Woods” on property in the vicinity of 4500 Hubbell Avenue, to allow subdivision of the property into 84 single-family development lots. The subject property is owned by Baker Real Estate, LP.

(13-2020-1.18)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant proposes to develop the property in accordance with the recent PUD Conceptual Plan Amendment for 84 lots for detached single-family dwellings.

2. Size of Site: 19.98 acres.

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

4. Existing Land Use (site): Agricultural land and creek tributary with timbered area.
5. Adjacent Land Use and Zoning:

North – “R1-80” & “A-1”, Uses are single-family dwellings and agricultural land.

South – Limited “R-3” and “A-1”, Uses are multiple-family dwellings and vacant land.

East – “C-2” & “A-1”, Uses are single-family dwellings, office, warehouse, repair shop, outside storage, vehicle display lot, vacant retail garden center, vacant repair shop, and vacant land.

West – “A-1”, Use is vacant timbered land.

6. General Neighborhood/Area Land Uses: The subject property is located north and west of the Hubbell Avenue (U.S. Highway 6) corridor.

7. Applicable Recognized Neighborhood(s): The subject property is not in a recognized neighborhood but is within 250 feet of the Sheridan Gardens Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on October 18, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on October 28, 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 November 1, 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.

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) to the PUD Conceptual Plan was approved by the City Council on September 9, 2019 by Roll Call No. 19-1444 to amend the PUD from Industrial use to allow single-family residential dwelling use on the subject property, leaving the remaining property for future low-density residential use requiring a further PUD Conceptual Plan amendment.


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

II. ADDITIONAL APPLICABLE INFORMATION

1. Natural Features/Landscaping: While the property is currently mostly tilled agricultural land, there are dense timbered areas to the northeast and northwest of the proposed amendment area. There is timbered fence line area on the southern edge of property. The PUD Conceptual Plan indicates that any tree removals resulting from the proposed development would require compliance with mitigation per the City’s Tree Removal and Mitigation Ordinance in Chapter 42, Article X of the City Code. This tree removal plan is shown on Sheet 3 along with the proposed street tree plantings. There appears to be sufficient room to provide additional street trees on frontages for lots 25, 79, 75, 61, 59, 67, 84, and 70. Additional plantings are required per the PUD standards for private property as shown on Sheet 3.

2. Drainage/Grading: There is a tributary to Four Mile Creek running through the northern portion of the subject amendment area, generally from northeast to southwest. There are existing easements along the drainage way to protect stream bank stabilization improvements that have been put in place. Conservation easement areas are indicated on the Preliminary Plat to protect the sensitive timbered areas of the drainageway. An approved Storm Water Pollution Prevention Plan (SWPPP) including proof of Iowa DNR Authorization must be submitted prior to issuance of a Grading Permit.

3. Traffic/Street System: A Traffic Impact Study was not required prior to the proposed PUD Conceptual Plan amendment pursuant to City policy and proposed number of dwelling units. The proposed street layout indicates a single street entrance with a loop network. There is an Outlot “Y” shown as a secondary access connection to the multiple-family residential development to the east to meet Fire Code. The Preliminary Plat must provide details as to how this will be maintained either by adjoining property owners or a homeowner’s association. 5-foot wide public sidewalks are required to be shown along all public street frontages including Hubbell Avenue. If they become necessary to be placed on the private property, then public pedestrian easements should also be provided.

III. STAFF RECOMMENDATION

Staff recommends approval of the submitted Preliminary Plat for “Grover’s Woods” subject to the following:

5. Compliance with all administrative review comments of the Permit and Development Center.
6. Provision of all PUD requirements for single-family dwellings as approved by the 7th Amendment to the Baker PUD Conceptual Plan.
7. Provision of 5-foot sidewalks along all public street sides of all lots, including a necessary public pedestrian easement for any walk which would need to be placed on private property.
8. Provision of additional street trees along the frontages of lots 25, 79, 75, 61, 59, 67, 84, and 70 to the satisfaction of the Permit and Development Administrator.
9. Provision of details on the Preliminary Plat describing the purposed and maintenance responsibilities for Outlot “Y” to the satisfaction of the Permit and Development Administrator.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #5 had requested a continuance to the November 21, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak on this item.

John “Jack” Hilmes made a motion to continue item #5 to the November 21, 2019, Plan and Zoning Commission meeting. Motion Carried 15-0

COMMISSION ACTION:

John “Jack” Hilmes made a motion to continue item #5 to the November 21, 2019, Plan and Zoning Commission meeting.

THE VOTE: 15-0

Item 6

Request from We Can Build It, LC (owner) represented by Jeff Young (officer) for review and approval of a PUD Development Plan “Franklin Junior High School” in accordance with the Franklin Jr. High PUD Conceptual Plan on property located at 4801 Franklin Avenue, to allow mixed use redevelopment of the former school and church site.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The Franklin Jr. High PUD Conceptual Plan and associated rezoning was approved by the City Council on July 15, 2019. The City Council’s action requires all PUD Development Plans (AKA, site plan and building elevations) to be reviewed by the Plan and Zoning Commission and approved by the City Council.
The approved PUD Conceptual Plan allows the property to be renovated and occupied by the following uses:

a. approximately 26,072 square feet 30-room boutique hotel;
b. an approximately 38,275 square feet auditorium (“Large Auditorium”);
c. an approximately 8,450 square foot auditorium;
d. an approximately 4,144 square feet “blackbox” theater;
e. approximately 9,762 square feet of athletic/gymnasium space;
f. an approximately 6,033 square feet micro-brewery for production only;
g. an approximately 1,346 square feet event venue;
h. an approximately 1,286 square feet event venue;
i. an approximately 3,839 square feet restaurant;
j. an approximately 1,362 square feet bar/tavern;
k. an approximately 800 square feet outbuilding for restaurant use;
l. three concession spaces allowing alcohol sales within the building, which shall be open only during events to serve event patrons, including (i) an approximately 2,849 square foot concession space; (ii) an approximately 1,207 square foot concession space; and (iii) an approximately 7,824 square foot concession space (Large Auditorium lobby);
m. approximately 3,410 square feet of conference space;
n. approximately 2,867 square feet of retail space;
o. an approximately 5,586 square feet Montessori school; and
p. approximately 25,824 square feet of office space.

The submitted Development Plan includes a use table that matches this list.

2. **Size of Site:** 12.1 acres or 527,076 square feet.

3. **Existing Zoning (site):** Franklin Jr. High “PUD” District.

4. **Existing Land Use (site):** Birchwood Montessori School.

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

   - **East** - “R1-60”; Use is single-family residential.
   - **West** - “R-3” & “R1-60”; Use is multiple-family residential and City of Des Moines parkland (Tower Park).
   - **North** - “R1-60”; Use is City of Des Moines parkland (Tower Park).
   - **South** - “C-O”; Use is a vacant medical office building.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the northwest corner of the Franklin Avenue and 48th Street intersection. The surrounding area consists of residential, commercial and park uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Merle Hay Neighborhood and within 250 feet of the Beaverdale and Waveland Park Neighborhoods. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on October 18, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on October 28, 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. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on November 1, 2019.

The Merle Hay Neighborhood Association mailings were sent to Chris Morse, 3517 52nd Street, Des Moines, IA 50310. The Beaverdale Neighborhood Association mailings were sent to CeCelia Ibson, 2629 Beaver Avenue, Suite 3, Des Moines, IA 50310. The Waveland Park Neighborhood Association mailings were sent to Ethan Standard, 1307 48th Street, Des Moines, IA 50310.

8. **Relevant Zoning History:** On June 24, 2019, the City Council conditionally approved the Franklin Jr. High School PUD Conceptual Plan and the first reading of the rezoning ordinance (Roll Calls 19-11052, 1053, 1054 & 1056). On July 15, 2019, the City Council approved the second reading of the rezoning ordinance and waived the third reading requirement (Roll Calls 19-1135 & 19-1136), thereby approving Ordinance Number 15,787.

The rezoning and PUD Conceptual Plan were reviewed by the Plan and Zoning Commission on April 4, 2019.

9. **PlanDSM Land Use Plan Designation:** Community Mixed Use located within a Neighborhood Node.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, every Development Plan and required documents submitted pursuant to Division 13 of the Zoning Ordinance shall be reviewed by the Planning Director, who shall approve the Development Plan if it complies with the standards of Division 13 and is in compliance with the Conceptual Plan.

In this case, the Development Plan is being referred to the Plan and Zoning Commission and the City Council for review and approval in accordance with the requirements of the PUD Conceptual Plan.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PUD Conceptual Plan:** The following are conditions of approval from the Conceptual Plan that are relevant to the review of the proposed Development Plan.
a. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height.

   A light pole detail must be added to the Development Plan that addresses this standard.

b. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.

   The submitted photometric plan identifies several locations along the perimeter of the site that do not comply with this requirement. Staff recommends approval subject to compliance with this standard.

c. All utility and similar service lines to buildings shall be located underground.

   The Development Plan includes a note that addresses this requirement.

d. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the City’s Planning Administrator.

   The submitted building elevation sheets do not note if rooftop mechanical equipment will be present or not. Staff recommends approval subject to compliance with this standard.

e. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site to the satisfaction of the City’s Planning Administrator.

   The Development Plan must be updated to identify the placement of all utility meters, transformers, ground-mounted equipment and other similarly utilities.

f. Landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards for the “C-2” District or exceeded as illustrated on the Conceptual Plan or determined necessary by the City’s Planning Administrator.

   Staff recommends approval subject to review and approval of the finalized landscaping plan by the Planning Administrator.
2. **Grading & Storm Water Management:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. The Development Plan includes two basins along 48th Street and a small bioretention basin along Franklin Avenue at the edge of the outdoor plaza.

3. **Access & Parking:** The existing vehicular access points along 48th Street, Franklin Avenue and 49th Street would be maintained. A public sidewalk must be provided along 49th Street. Staff recommends approval subject to the review and approval of the finalized sidewalk and pedestrian routes by the Planning Administrator. The Development Plan includes a total of 614 off-street parking spaces, which matches the parking identified on the Conceptual Plan for the proposed uses.

4. **Signage:** The submitted Development Plan identifies three monument signs and two building-mounted signs that would identify the overall development. The signage complies with the Conceptual Plan. Any future tenant signage would be evaluated by staff in accordance with the Conceptual Plan, which allows building mounted signage in accordance with “C-1” District standards to the satisfaction of the Planning Administrator.

5. **Urban Design:** The building elevations and site layout match the concepts shown on the Conceptual Plan. The Development Plan includes a freestanding trash enclosure in the parking lot to the northwest of the building and an enclosed area around the existing loading dock space on the western portion of the south façade. The northern enclosure would be constructed of masonry walls with metal or wood gates. The southern enclosure would be constructed of metal or wood walls and gates and would conceal a loading dock area as well as provide an additional area for a dumpster. For durability purposes, staff recommends the use of solid metal gates for both enclosures and the use of metal panel walls for the southern enclosure. The design intent of the southern enclosure is for it to match the character of the plaza space along Franklin Avenue. Staff supports this effort and does not believe that masonry walls are needed in this case.

### III. STAFF RECOMMENDATION

At the time of the Commissioner packet, Staff is not comfortable with the information provided by the developer with regard to building floor plans and assigned uses to be able to verify compliance with approved PUD Conceptual Plan. The City Council will require assurance of this prior to their consideration of the Development Plan. Staff plans to meet with the developer in order to go over this in detail so that a recommendation for approval can be given. Staff recommends continuance of this item to the December 5, 2019 meeting of the Commission to give sufficient time to provide the necessary floor plan information and for staff to verify compliance with permitted uses to the satisfaction of the Planning Administrator.

**SUMMARY OF DISCUSSION**
Jacqueline Easley noted that the applicant for item #6 had requested a continuance to the November 21, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak on this item.

Dory Briles made a motion to continue item #6 to the November 21, 2019, Plan and Zoning Commission meeting. Motion Carried 15-0

**COMMISSION ACTION:**

Dory Briles made a motion to continue item #6 to the November 21, 2019, Plan and Zoning Commission meeting.

**THE VOTE:** 15-0

2020 Meeting Calendar: Emily Webb made a motion for approval of the 2020 Meeting Calendar. Motion Carried 15-0

Committee and Director’s Reports: None

Meeting adjourned at 7:00pm