
ABSENT: Steve Wallace, Francis Boggus and Carolyn Jenison.

STAFF PRESENT: Mike Ludwig, Erik Lundy, Judy Parks-Kruse and Tyler Hall.

John “Jack” Hilmes made a motion to approve the November 7, 2019, Plan and Zoning Commission meeting minutes. Motion carried 12-0.

Jacqueline Easley asked if any members of the audience or the Commission requested to speak on consent agenda items #1, #2, #3, #4, #5 or #6. Members of the audience requested to speak on items #3, #4 and #5.

Jann Freed made a motion to approve Consent Agenda Items #1, #2 and #6 per the recommendations in the staff reports. Motion Carried 12-0.

Jacqueline Easley noted that the applicant for item #7 had requested a continuance to the December 5, 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 #7 to the December 5, 2019 Plan and Zoning Commission meeting. Motion Carried 12-0.

Jacqueline Easley noted that the applicant for item #10 had requested a continuance to the December 19, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.

Jann Freed made a motion to continue item #10 to the December 19, 2019 Plan and Zoning Commission meeting. Motion Carried 12-0.

Jacqueline Easley noted that the applicant for item #11 had requested a continuance to the December 19, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.

Emily Webb made a motion to continue item #11 to the December 19, 2019 Plan and Zoning Commission meeting. Motion Carried 12-0.

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated request to vacate the following segments of alley Right-Of-Way adjoining the property at 100 East 2nd Street to allow the Police Department to restrict public access: (11-2019-1.25)
A) The east/west alley between East Court Avenue and vacated East Vine Street from East 1\textsuperscript{st} Street to East 2\textsuperscript{nd} Street.

B) The north/south alley between East 1\textsuperscript{st} Street and East 2\textsuperscript{nd} Street from the east/west alley north 66 feet to a dead end.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The City has requested vacation of an irregularly-shaped portion of public right-of-way (ROW) south of the Des Moines Police Station. The subject property is proposed to be utilized for off-street parking. The proposed vacation would allow the Des Moines Police to restrict access.

2. Size of Site: 5,531 square feet.


5. Adjacent Land Use and Zoning:

   North – “D-R”; Uses are surface parking lot and Des Moines Police Station.

   South – “D-R”; Use is a temporary city-owned parking lot.

   East – “M-1”; Uses are Norfolk Southern Railway property and city-owned building.

   West – “D-R”; Uses are city-owned off-street parking and the Des Moines River.

6. General Neighborhood/Area Land Uses: The ROW is located east of the Des Moines River and south of East Court Avenue in an area that predominantly consists of public, commercial, and industrial uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Historic East Village Neighborhood. This neighborhood association was notified of the Commission meeting by mailing of Preliminary Agenda on November 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 8, 2019 (13 days prior to the hearing) to the Historic East Village Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested Right-of-Way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Association notices were mailed to
Taylor Frame, PO Box 93904, Des Moines, IA 50393.

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

9. **PlanDSM Land Use Plan Designation:** Public/Semi-Public and Downtown Mixed Use.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Utilities:** While no utilities have been identified within the requested ROW, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

2. **Streets/Sidewalk:** There are no structures or individual property owners that would be impacted by the proposed vacation and restricted access. Any future use of the property is subject to compliance with zoning, site plan, and building regulations.

III. **STAFF RECOMMENDATION**

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

**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:**

Jann Freed made a motion for approval of the requested vacation of right-of-way, subject to the following conditions subject to reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant’s expense.

**THE VOTE:** 12-0
Item 2

City initiated request to vacate an irregular parcel of excess Right-Of-Way from the East M.L. King Jr. Parkway project in the vicinity of 1422 Scott Avenue adjoining Southeast 14th Street, to assemble with adjoining City owned property for redevelopment. (11-2019-1.26)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The City has requested vacation of an irregular-shaped portion of excess Right-Of-Way (ROW) from the Southeast Connector project. It is intended that this would be assembled and made available for industrial redevelopment.

2. Size of Site: 16,113 square feet.


5. Adjacent Land Use and Zoning:

   North – “M-1”: Uses are the Burlington Northern Santa Fe Railroad, Southeast Connector (with adjacent recreational trail) and vacant land.

   South – “M-2”, Use is vacant land.

6. General Neighborhood/Area Land Uses: The ROW is in a primarily industrial area adjacent to the Southeast Connector.

7. Applicable Recognized Neighborhood(s): The subject property is not in a recognized neighborhood. It is within 250 feet of the Historic East Village Neighborhood. This neighborhood association was notified of the Commission meeting by mailing of Preliminary Agenda on November 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 11, 2019 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested Right-of-Way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.
8. **Relevant Zoning History:** N/A.

9. **PlanDSM Land Use Plan Designation:** Industrial.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. ** Utilities:** There are no identified public utilities within the requested ROW. There shall be an easement for any public utilities that may be in place.

2. **Streets/Sidewalk:** The property abuts the Southeast Connector project including the recreational trail on the south side. The description of the vacation area takes into account approximately a 10-foot setback from the recreational trail improvement.

III. **STAFF RECOMMENDATION**

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

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

2. Preservation of adequate clear zone within the remaining public Right-Of-Way from the adjacent recreational trail in East Martin Luther King, Jr. Parkway to the satisfaction of the Parks and Recreation Director.

**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:**

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

1. Reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant’s expense.
2. Preservation of adequate clear zone within the remaining public Right-Of-Way from the adjacent recreational trail in East Martin Luther King, Jr. Parkway to the satisfaction of the Parks and Recreation Director.

THE VOTE: 12-0

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Item 6

Request from Hope Ministries (owner) represented by Leon Negen (officer) for review and approval of a Site Plan “Bethel Mission – Parking Addition” under design guidelines for extension of parking, on property located at 1317, 1321, 1323 and 1325 7th Street, to allow development of a 28-space off-street parking lot for the Bethel Mission across the alley to the east. (10-2020-7.47)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Site Plan would allow construction of a 28-space off-street parking lot for the Bethel Mission. The proposed parking lot would be located to the west of the Mission on four vacant residential lots. It would be accessed off the alley right-of-way with no direct access to 7th Street.

2. Size of Site: 26,000 square feet (0.596 acres).


5. Adjacent Land Use and Zoning:

   North – “R1-60”: Use is surface parking lot for the Salvation Army.
   South - “R1-60”: Use is a single-family dwelling.
   East – “C-1”: Use is Bethel Mission.
   West - “R1-60”: Use are single-family dwellings.

6. General Neighborhood/Area Land Uses: The subject site is located along the 6th Avenue corridor. The immediate area consists of a mix single-family residential, multiple-family residential, retail and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the River Bend Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on November 1, 2019. Additionally, separate notifications of the hearing for the Site Plan request were mailed on November 13, 2019 (13 days prior to the hearing) to the neighborhood association and respectively to the primary titleholder on file with the Polk County Assessor for every owner of property or condominium within 250 feet of the site for the Site Plan.

A Final Agenda was mailed to the neighborhoods on November 15, 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 River Bend Neighborhood Association mailings were sent to Jon Royal, 1830 8th Street, Des Moines, IA 50314.

8. **Relevant Zoning History:** On October 27, 2004, the Zoning Board of Adjustment approved a Special Permit to allow construction of a 12‘x20’ accessory shed to be used for storage of equipment and materials used in conjunction with community gardening activities on the premises sponsored by the Hope Ministries Bethel Mission, subject to:
   1) No occupancy or assembly within the shed structure;
   2) Should the shed become used for storage of motor vehicles or trailers not considered gardening equipment, then a paved approach from the alley or street to the overhead door must be provided.

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

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any site plan application which includes an extension of parking under the authority of section 134-1377(f)(8) into a residential district where it would otherwise be prohibited, the plan and zoning commission shall apply the design regulations in section 82-213. Further, the proposed site plan shall be denied unless it is shown to that such extension of parking meets such regulations and the following design guidelines:

   1. The construction and use of this parking lot will have no significant detrimental impact on the use and enjoyment of adjoining properties.

   *Staff believes that a berm in the front yards of the properties fronting 7th Street and street trees in the 7th Street right-of-way would assist in meeting this condition. Details identifying the berm should be added to the site plan to the satisfaction of the Planning Administrator.*

   2. No parking should be permitted in the required front yard of the “R” district unless compatible with the adjoining land use.
The submitted site plan indicates that parking would be located outside the front yard area. A six-foot tall wood screening fence would be located on the north and south property lines and would lower to three feet tall in the front yard area of the properties.

3. Adequate setbacks shall be provided to protect adjacent residentially zoned property. A minimum ten (10) foot setback from adjacent “R” district property lines should be observed.

Staff believes that this condition would be satisfied if the proposed parking lot is built as indicated on the site plan.

4. Appropriate screening shall be provided to shield adjacent residential uses from the impacts of the parking lot.

Staff believes that a berm in the front yards of the properties fronting 7th Street and street trees in the 7th Street right-of-way would assist in meeting this condition. Details identifying the berm should be added to the site plan to the satisfaction of the Planning Administrator.

A six-foot tall wood screening fence would be located on the north and south property lines and would lower to three feet tall in the front yard area of the properties.

5. Adequate landscaping shall be provided and maintained to buffer and beautify the parking area. Both interior and peripheral landscaping should be considered.

Staff believes that a berm in the front yards of the properties fronting 7th Street and street trees in the 7th Street right-of-way would assist in meeting this condition. Details identifying the berm should be added to the site plan to the satisfaction of the Planning Administrator.

A six-foot tall wood screening fence would be located on the north and south property lines and would lower to three feet tall in the front yard area of the properties.

6. Where feasible, the entrance to the parking area should be from an adjoining alley or the less restrictive district.

The submitted site plan indicates that the proposed parking lot would accessed from the public alley right-of-way located between 6th Avenue and 7th Street.

II. ADDITIONAL APPLICABLE INFORMATION

1. Drainage/Grading: All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements and State Storm Water Pollution Protection Plan requirements to the satisfaction of the City’s Permit and
Development Center Engineering staff. Staff believes that additional details identifying the berm should be added to the site plan to the satisfaction of the Planning Administrator.

2. **Landscaping:** The submitted site plan includes tree and shrub plantings within the property. Staff believes that additional details identifying the berm and street trees in the 7th Street right-of-way should be added to the site plan to the satisfaction of the Planning Administrator.

**III. STAFF RECOMMENDATION**

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

1. Compliance with all administrative review comments of the Permit and Development Center.

2. Provision of street trees in the 7th Street right-of-way along the subject properties.

3. Provision of additional details identifying the berm on the site plan to the satisfaction of the Planning Administrator.

**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:**

Jan Freed made a motion for approval of the submitted Site Plan subject to the following:

1. Compliance with all administrative review comments of the Permit and Development Center.

2. Provision of street trees in the 7th Street right-of-way along the subject properties.

3. Provision of additional details identifying the berm on the site plan to the satisfaction of the Planning Administrator.

**THE VOTE:** 12-0

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**NON-CONSENT AGENDA PUBLIC HEARING ITEMS**
Item 3

City initiated request to vacate a segment of East 15th Street from East M.L. King Jr. Parkway to East Market Street in the vicinity of 200 Southeast 15th Street, to assemble with adjoining City-owned property for redevelopment.

(11-2019-1.27)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The City has requested vacation of the remaining portion of the Southeast 15th Street Right-Of-Way (ROW). It is intended that this would be assembled with other City owned property and made available for industrial redevelopment with access to the adjacent railroad network.

2. **Size of Site:** 38,214 square feet (0.87 acres)

3. **Existing Zoning (site):** “M-2” Heavy Industrial District, “VDL” Vehicle Display Lot Overlay District and “FSO” Freestanding Sign Overlay District.

4. **Existing Land Use (site):** Vacant land.

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

   - **East** – “M-1”; Uses are the Burlington Northern Santa Fe Railroad, Southeast Connector (with adjacent recreational trail) and vacant land.
   - **West** – “M-2”, Use is vacant land.

6. **General Neighborhood/Area Land Uses:** The ROW is in a primarily industrial area adjacent to the Southeast Connector and several railroads.

7. **Applicable Recognized Neighborhood(s):** The subject property is not in a recognized neighborhood. It is within 250 feet of the Capitol East Neighborhood to the north. This neighborhood association was notified of the Commission meeting by mailing of Preliminary Agenda on November 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 11, 2019 (10 days prior to the hearing) to the Capitol East Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested Right-of-Way.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Capitol East Neighborhood Association notices were mailed to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316.

8. **Relevant Zoning History:** N/A.
9. **PlanDSM Land Use Plan Designation:** Industrial.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Utilities:** There is a major 48-inch Des Moines Water Works feeder water main that must be preserved. Due to the size and depth of this main, the entire vacated ROW would need to be maintained with an easement for protection and maintenance of this water main. Structures would not be permitted within this easement.

2. **Streets:** The property abuts the Southeast Connector project to the south side. The description of the vacation area takes into account leaving the existing street stub and traffic signal equipment on the north side of the intersection. The remainder of the requested ROW is not determined necessary for any future public street improvements. It is anticipated that this would be a primary access point into any redevelopment to the north.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the requested vacation of Right-of-Way, subject to the reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place until such time that they may be abandoned or relocated at the applicant’s expense.

**SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendations.

Greg Wattier asked if the water line serves anything currently?

Erik Lundy stated it is a feeder main that serves the City of Ankeny as reported by Des Moines Water Works.

Tucker Sindlinger, 4515 20th Ave representing Hawkeye Land Company stated he hadn’t received any communication about access under SE 14th, he requested to see a map showing that access.

Mike Ludwig stated staff has spoken with the City’s Real Estate Division manager, Phil Wageman and Mr. Wageman had stated the City only has air rights over SE 14th and the two properties Hawkeye Land Company owns. Therefore, it appears that Hawkeye Land owns two adjoining parcels and access to the eastern parcel could be provided from existing right-of-way to the west of and via the western parcel.
Tucker Sindlinger asked for the qualifications in the City of Des Moines to vacate a right-of-way.

Mike Ludwig stated it would be a final decision of City Council, the general test is if it's needed for public purpose. This would be a concern if you didn't have any other access. However, it appears that Hawkeye Land owns two adjoining parcels and access to the eastern parcel could be provided from existing right-of-way to the west of and via the western parcel.

Tucker Sindlinger stated that information has not been relayed to him. What is the redevelopment proposal on this site.

Erik Lundy stated it's being redeveloped for industrial use that would have access to rail.

Tucker Sindlinger asked what would happen if Hawkeye Land Company sold the parcel to the West.

Erik Lundy suggested that Hawkeye Land retain some sort of access easement over the western parcel for the benefit of the eastern parcel.

Will Page asked if this is something the Real Estate Division should figure out with the property owner.

Mike Ludwig stated if the Commission would like more information from the Real Estate division, the item could be continued so Real Estate Division staff can be present.

Will Page stated some good questions have been raised and the commission should get more information from the Real Estate division. He would move to continue this item to the December 5, 2019 Plan and Zoning Commission Meeting.

John “Jack” Hilmes asked if there was any paved access to any land that Hawkeye Land Company owns?

Mike Ludwig stated there is not, neither East or West.

John “Jack” Hilmes asked if they had any wheeled access?

Mike Ludwig stated they have an unimproved public Right-of-Way abutting both their properties. If the subject property was vacated, the eastern parcel that Hawkeye Land would need to rely on access through the adjoining western parcel that Hawkeye Land also owns.

Tucker Sindlinger stated the subject right-of-way is the easiest way to access their property.
CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Will Page made a motion to continue item #3 to the December 5, 2019 Plan and Zoning Commission meeting.

THE VOTE: 12-0

Item 4

Request from Catholic Health Initiatives – Iowa Corporation d/b/a Mercy Medical Center Des Moines (owner) represented by Sandra Swanson (officer) for review and approval of a proposed 6th Amendment to the Mercy Medical Center PUD Conceptual Plan on property located in the vicinity of 1111 6th Avenue, to allow revision to the campus sign plan. (ZON2019-00221)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed amendment to Mercy Medical Center’s “PUD” Planned Unit Development District would allow revision of the freestanding signage plan for the entire campus. The amendment would increase the number of allowed freestanding signs on the campus from 17 signs to 23 signs. The amendment would also revise the design and dimensions of all signs, exclusive of the 4 gateway signs, so that the signs reflect the current corporate branding that is being implemented at all “MercyOne” location. The requested amendment also proposes to shift the placement of a permitted 200-square foot wall-mounted sign on the western façade of the building so that it would be located further to the south.

2. Size of Site: Approximately 38 acres.

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

4. Existing Land Use (site): The site contains the Mercy Medical Center campus.
5. **Adjacent Land Use and Zoning:**

**North** – “C-2” & “M-1”, Uses include Comito’s Fifield Pharmacy, Mercy Education Center, Riley Physician Office, University Nursing & Rehabilitation Center, and Burger King.

**South** – “C-O” & “C-2”, Uses include Des Moines Medical Center offices, Iowa Dental Supply, and Medical Office Plaza.

**East** – “M-1”, Use is Des Moines Metro U.S. Post Office.

**West** – “C-2”, Uses include QuikTrip, Mercy Daycare, and offices for Planned Parenthood of Greater Iowa.

6. **General Neighborhood/Area Land Uses:** The subject property is located north of Interstate 235 between residential neighborhoods to the north and west and commercial uses to the south and east.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Cheatom Park Neighborhood and within 250 feet of the River Bend Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on November 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 11, 2019 (10 days prior to the scheduled hearing) to the Cheatom Park Neighborhood, River Bend 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 November 15, 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 Cheatom Park Neighborhood Association mailings were sent to Susan Wells, 1157 14th Place, Des Moines, IA 50314 and the River Bend Neighborhood Association mailings were sent to Jon royal, 1830 8th Street, Des Moines, IA 50314.

8. **Relevant Zoning History:** The Mercy Medical Center “PUD” Conceptual Plan was originally approved on April 5, 2004 by Ordinance 14,333.

   The 1st amendment was approved administratively in June 2004 to allow construction of a building addition to the south side of the hospital for a “Cyber Knife” facility.

   The 2nd amendment was approved administratively in June of 2006 to allow a new signage plan for the hospital complex.

   The 3rd amendment was approved by City Council in April 2007 (Roll Call 07-688) to allow construction of a building addition to the northwest corner of the hospital for
an expansion of the emergency room and a helicopter pad.

The 4th amendment was approved on September 26, 2016 (Roll Call 16-1668) to expand the PUD area by 2.3 acres and to allow for the following: demolition of the existing Mercy Apartments for development of a new parking structure and additional surface parking; demolition of the Mercy Office Plaza building for development of a parking structure; and demolition of the existing east parking structure for development of an 11-story hospital tower with 2 levels of subsurface parking.

The 5th amendment was approved administratively in July 2019 to allow installation of a sign for the children’s hospital.


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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. Signage: The proposed “PUD” Conceptual Plan amendment proposes a new unified signage plan for the entire campus in order to reflect the current “MercyOne” signage that is being utilized at all “MercyOne” locations. The proposed signage plan allows for two (2) sign types with a total of five (5) sign sizes. The proposed amendment would increase the number of freestanding signs on the campus from 17 signs to 23 signs.

The proposed signage plan does not modify “Sign Type 1”, which is a “gateway” sign that is 10 feet tall, exclusive of an additional cross element that can be approximately 24 feet tall. The signage plan continues to provide four (4) of these
signs located at the major corners of the campus.

The proposed signage plan proposes a new “Sign Type 2”, which is a freestanding sign that would cantilever from a single post. The plan proposes four (4) different sizes of this sign type, ranging in height from 4 feet tall to 12 feet tall.

If the site were not zoned “PUD” Planned Unit Development District, it would be subject to the “FSO” Freestanding Signs Overlay District regulations, which requires that any on-premises advertising sign that is a freestanding sign to be a monument sign. The “FSO” District regulations limit any sign less than 25 feet from a front lot line to no more than 8 feet in height and any sign more than 25 feet from a front lot line to no more than 15 feet in height.

The City Code defines a monument sign as “a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face. The height of the sign base must be not less than the larger of 2 feet or 25 percent of the total sign height.”

In order to be consistent with the “FSO” District regulations, Staff recommends that any “Sign Type 2” freestanding identification sign should have a minimum 2-foot tall opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the hospital and extending from grade to the bottom of the sign face across the entire width of the sign face.

Staff also recommends that any “Sign Type 2” freestanding identification sign that is within 25 feet of a front lot line shall not exceed 12 feet in overall height. This is the equivalent of the maximum Exception-level relief that could be considered (50% over allowed 8 feet of height) if the site were subject to the “FSO” District regulations.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed 6th Amendment to the Mercy “PUD” Conceptual Plan, subject to the following revisions:

1. Any “Sign Type 2” freestanding identification sign shall have a minimum 2-foot tall opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the hospital and extends from grade to the bottom of the sign face across the entire width of the sign face.

2. Any “Sign Type 2” freestanding identification sign that is within 25 feet of a front lot line shall not exceed 12 feet in overall height.
SUMMARY OF DISCUSSION

Jacqueline Easley recused herself from the hearing as she is employed by Mercy One. Jann Freed served as chairperson for the hearing. John Hilmes also recused himself from the hearing as his law firm has previously represented Mercy One regarding other issues.

Erik Lundy presented staff report and recommendations.

Greg Wattier asked if the proposed amendment would change quantity, location or height of signs.

Erik Lundy stated the request would generally modify the height and size of previously approved signs. He would ask that the applicant provide specifics on the request.

Pat Dunn, 301 Grand Ave. representing RDG Plan and Design stated Mercy One is in the process of rebranding and the new sign design is currently being implemented around the state. An overhead image was presented to the commission showing the current and proposed signage. They are proposing 5 locations of a 12’ tall sign and 3 locations of an 8’ tall sign which is a reduction in height from what’s currently approved in the PUD. As for the base of these signs not meeting the requirements of being masonry, they feel it will meet the intent with purposed plant material covering the bottom of portion of these signs. They ask for the commission to reconsider condition number one in the staff report.

Greg Wattier asked how many will be in planting beds, grass areas and adjacent to sidewalks.

Pat Dunn stated a vast majority will be in landscaped areas with the ability to have plant material at the base.

Greg Wattier stated the only concern he has would be durability. He has concerns about signs adjacent to paved area being damaged, whether it’s a bicycle tire or shovel getting trapped underneath the sign.

Will Page Stated Mercy One has come up with a design that makes better sense in terms of wayfinding and anti-clutter. Signage is an important aspect for a business but sometimes can get out of control visually.

Sandy Swanson 1111 6th Avenue for Mercy One, stated she was heavily involved in the design process and the intent was to improve wayfinding on their campus. Also, these signs will be tied to all our facilities across the state so it will speed up the process of finding your way and add comfort when patients arrive at our facilities.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Wattier stated he would propose a modification to condition number one stating, “or provide shrubbery on all sides of the base to provide protection for the sign”. That
would give them the choice and if they aren’t able to do that in some locations, they’ll need to provide a durable base.

**Will Page** asked if Greg would approve an amendment to his motion by striking condition number one entirely.

**Greg Wattier** stated he would like to see where the motion goes, he is concerned about the durability of the sign.

**Pat Dunn** stated it would be in Mercy’s best interest to provide durability as well. They wouldn’t want any damaged signs on their property.

**Abby Chungath** stated the condition would have to be adjusted for the smaller signs because shrubbery could potentially block view of the sign.

**Pat Dunn** stated there are identification signs and direction signs. The directional signs are more of the smaller existing post and panel signs, that currently don’t have a contiguous base. If the commission doesn’t strike the first condition, we will need to work with staff to differentiate the identification signs around the perimeter.

**Greg Wattier** made a motion for approval of the proposed 6th Amendment to the Mercy “PUD” Conceptual Plan, subject to the following revisions:

1. Any “Sign Type 2” freestanding identification sign shall have a minimum 2-foot tall opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the hospital and extends from grade to the bottom of the sign face across the entire width of the sign face or add shrubbery to both sides of the base.

2. Any “Sign Type 2” freestanding identification sign that is within 25 feet of a front lot line shall not exceed 12 feet in overall height.

**Motion Failed 2-8-2** (Greg Wattier and Lisa Howard voted in favor. Will Page, Rocky Sposato, Greg Jones, Emily Webb, Abigail Chungath, David Courard-Hauri, Jann Freed and Dory Briles opposed. John “Jack” Hilmes and Jacqueline Easley abstained)

**COMMISSION ACTION:**

**Will page** made a motion for approval of the proposed 6th Amendment to the Mercy “PUD” Conceptual Plan, subject to the following revisions:

1. Any “Sign Type 2” freestanding identification sign that is within 25 feet of a front lot line shall not exceed 12 feet in overall height.

Item 5

Request from 1219 34th, LLC (owner) represented by Steve Tracy (officer) for review and approval of a Site Plan “1219 34th Street” under design guidelines for multiple-family dwellings on property located at 1219 34th Street, to allow the existing fraternity/sorority house to be converted to a 14-unit multiple-family dwelling.

(10-2020-7.41)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Site Plan would allow the existing fraternity/sorority house to be converted to a 14-unit multiple-family dwelling while providing 20 off-street parking spaces. The Site Plan indicates that the character of the existing structure would be retained and that repairs to the windows and siding will be done as needed. The Site Plan also indicates that the existing external stairway to the 3rd floor would be removed.

2. Size of Site: 60 feet by 297 feet (17,820 square feet or 0.41 acres).


4. Existing Land Use (site): The property contains a 3-story building that was most recently used as a fraternity house.

5. Adjacent Land Use and Zoning:

   North – “R-3”, Use is a fraternity/sorority house.

   South - “R-3”, Use is a built-as single-family dwelling that has been converted to 3 dwelling units.

   East – “R-3”, Use is Trinity Lutheran Church.

   West – “R-3”, Use is a multiple-family residential structure.

6. General Neighborhood/Area Land Uses: The property is located in an area that contains a mix of multiple-family dwellings and fraternity/sorority houses associated with Drake University.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Drake Neighborhood. The neighborhood was notified of the hearing by mailing of the Preliminary Agenda to all recognized neighborhoods on November 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 11, 2019 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all the recognized neighborhood associations on November 15, 2019.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood mailings were sent to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50314.

8. **Relevant Zoning History:** On January 24, 2018, by Docket ZON2017-00226, the Zoning Board of Adjustment granted the following zoning appeals that allow conversion of the existing structure on a 17,820-square foot parcel to a multiple-family residential use containing 14 dwelling units while providing at least 20 off-street parking spaces:
   - Exception of 17,180 square feet less than the minimum 35,000 square feet of lot area required for 14 dwelling units.
   - Exception of 1 off-street parking space less than the minimum 21 off-street parking spaces required for 14 dwelling units.
   - Variance of 12 feet less than the minimum required 20 feet of width required for a driveway for two-way circulation.
   - Exception of 2 feet less than the minimum 24 feet of maneuvering space required for 90-degree angled parking spaces.
   - Exception of 2 feet less than the minimum 10 feet of side yard setback required on one side of a three-story multiple-family residential use.
   - Exception of 11 feet less than the minimum 25 feet of total side yard setbacks required for a three-story multiple-family residential use.

The appeals are subject to the following conditions.
   1. Any multiple-family residential use of the property shall not exceed 14 dwelling units.
   2. Compliance with all applicable Site Plan and Building Codes, with issuance of all necessary permits by the Permit and Development Center.
   3. Compliance with all applicable Rental Code requirements.

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

10. **Applicable Regulations:** The Plan and Zoning Commission reviews and approves site plans for multiple family dwellings, boarding houses or rooming-houses in accordance with the design standards in section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions, or disapprove a proposed site
plan shall be based upon the conformance of the site plan with the following design standards.

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

The proposed Site Plan retains the architectural character of the existing building, which is compatible with the existing architectural character of the surrounding area.

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

*The proposed Site Plan retains the height and mass of the existing building, which is compatible with the existing architectural character of the surrounding area.*

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

*The proposed Site Plan retains the primary entrance on the west façade of the building that is oriented toward 34th Street.*

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

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

N/A.

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

The proposed Site Plan eliminates an existing external stairway to the 3rd floor of the building. All stairways and means of egress would be internal to the building.

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

The proposed Site Plan includes a parking lot with 20 parking spaces. Therefore, it must comply with the adopted landscape standards applicable to commercial development in the “C-1” District. The Site Plan proposes a mix of overstory tree and shrubs in the front yard area and around the perimeter of the parking lot.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Site Features:** The Site Plan indicates that the mature trees in the front yard area and around the perimeter of the parking lot will be maintained. Development of the site shall be in compliance with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code). The applicant is required to identify all existing trees on the site, a diagram of tree protection measures, and identify which trees are to be protected on the site plan.

2. **Access & Traffic:** The Site Plan includes a parking lot with 20 parking spaces located to the rear (east) of the structure. Access is provided by an existing 8-foot wide two-way driveway from 34th Street. This is in accordance with a Variance of 12 feet less than the minimum required 20 feet of width required for a driveway for two-way circulation granted by the Zoning Board of Adjustment on January 24, 2018.

   The Site Plan includes a 5-foot wide sidewalk along 34th Street. Staff recommends that a sidewalk be provided from the public sidewalk along 34th Street to the front entrance of the building.

3. **Drainage/Grading:** Any 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.
4. **Utilities:** There are existing overhead utilities along 34th Street, as well as overhead utilities running to the front of the structure from those along 34th Street. Staff recommends that the overhead utilities outside of the right-of-way shall be relocated so that they are underground.

Staff also recommends provision of two (2) ornamental street trees beneath the overhead utility lines along 34th Street.

5. **Urban Design:** The Site Plan indicates that the character of the existing structure would be retained and that repairs to the windows and siding would be done as needed. The Site Plan also indicates that the existing external stairway to the 3rd floor would be removed.

The Site Plan provides a trash enclosure at the rear of the building. A note must be added to state that the dumpster enclosure will be constructed with masonry walls and steel gates to match the structure.

Staff also recommends that notes be added to state that any rooftop mechanical equipment or utility transformers shall be screened with architectural quality materials as approved by the Planning Administrator and that any ground mounted equipment must be adequately screened by architectural or landscape materials. All utility meters, transformers, ground-mounted equipment, and other utilities must be placed along rear facades or facades that are internal to the site.

III. **STAFF RECOMMENDATION**

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

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

2. Provision of a sidewalk from the front entrance of the building to the public sidewalk along 34th Street.

3. Any utility line located outside of the right-of-way shall be located underground and not overhead.

4. Provision of two (2) ornamental street trees beneath the overhead utility lines along 34th Street.

5. Provision of a note that states the dumpster enclosure shall be constructed with masonry walls and steel gates to match the structure.

6. Any rooftop mechanical equipment or utility transformers shall be screened with architectural quality materials as approved by the Planning Administrator. Any ground mounted equipment must be adequately screened by architectural or landscape materials.
7. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendations.

Doug Mandernach, 3405 SE Crossroads Drive stated they do have an updated site plan showing the sidewalk continued to the public street, utilities being underneath that sidewalk and the driveway being repaved.

Jann Freed asked if they agree with all staff recommendations.

Doug Mandernach stated yes.

CHAIRPERSON OPENED THE PUBLIC HEARING

Darrin Sleister, 1215 34th Street stated he owns the property adjacent to the subject property. The concerns he has are occupancy limits and how many cars will be on the property. He believes cars from the subject property may come into his lot because of how big his parking lot is. Also has concerns about additional trash spilling into his property.

John “Jack” Hilmes asked if his property was a single-family dwelling?

Darrin Sleister stated it’s a non-recognized fraternity, more along the lines of a boarding house.

Jacqueline Easley asked if Drake students live there.

Darrin Sleister stated yes. Currently most are graduate students. He would also like to know what process he would have to go through for parking relief on his property.

Mike Ludwig stated if he wanted to seek similar relief for parking, he could currently go to the Zoning Board of Adjustment. With the new code being adopted on December 15-16, staff could review parking ratios administratively, which is an easier process than what’s in place under the current code.

Doug Mandernach stated we do have 20 parking stalls for 14 units, they wouldn’t want people parking in his lot either. They can offer a solution by advising residents to only use the parking lot on site.

Abby Chungath asked how many residents do they plan on housing.

Doug Mandernach stated they have 1 bedroom and 2 bedroom units. Given the area, some residents may use public transportation or could be students of Drake and walk to campus.
John Schnellar, 5542 Littleleaf Trial, WDM stated he is President of Trinity Lutheran Church which is located just behind the subject property. Trash is a big concern to his and believes people are currently sleeping in the lot. He is also concerned about storm water runoff from the subject property onto the church lot.

Doug Mandernach stated the parking lot is in bad shape, along with building. The building will be repurposed and cleaned up. This will look like a whole new building and believed to add value to the area.

John “Jack” Hilmes asked if there was an elevation difference from his parking lot to the churches parking lot.

Doug Mandernach stated they are relatively close in elevation.

John “Jack” Hilmes asked which is higher.

Doug Mandernach stated the subject property would be a little higher but they are not adding any impervious area.

Jann Freed asked how long this project will take?

Doug Mandernach stated 8-9 months.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Erik Lundy stated this building will require a rental certificate. Any concerns about how many people will live here will be controlled by the City’s rental code.

**COMMISSION ACTION:**

John “Jack” Hilmes made a motion for approval of the Site Plan subject to the following conditions:

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

2. Provision of a sidewalk from the front entrance of the building to the public sidewalk along 34th Street.

3. Any utility line located outside of the right-of-way shall be located underground and not overhead.

4. Provision of two (2) ornamental street trees beneath the overhead utility lines along 34th Street.

5. Provision of a note that states the dumpster enclosure shall be constructed with masonry walls and steel gates to match the structure.
6. Any rooftop mechanical equipment or utility transformers shall be screened with architectural quality materials as approved by the Planning Administrator. Any ground mounted equipment must be adequately screened by architectural or landscape materials.

7. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear facades or facades that are internal to the site.

THE VOTE: 12-0

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Item 7

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 PUD 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.

9. **PlanDSM Future Land Use Plan Designation:** Low Density Residential.

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. The applicant has indicated the intent to keep this closed off for access only by emergency vehicles and not open for cross access between the single-family subdivision and multiple-family residential community residents to the northeast. The current 2015 International Fire Code (IFC) would not require this access to be kept open so long as emergency vehicles has access. The 2018 IFC pending adoption by the City Council in the Spring would require full vehicular access by adjoining properties. Staff believes that this should be kept open for use by the residents. The PUD is intended to be a cohesive development and as much interconnection as possible should be provided and maintained.

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:

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Provision of all PUD requirements for single-family dwellings as approved by the 7th Amendment to the Baker PUD Conceptual Plan.
3. 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.
4. 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.
5. Provision of details on the Preliminary Plat describing the purpose of the outlot and maintenance responsibilities for Outlot “Y” to the satisfaction of the Permit and Development Administrator and that this access must be kept open and maintained for vehicular use by residents of the surrounding PUD.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #7 had requested a continuance to the December 5, 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 #7 to the December 5, 2019 Plan and Zoning Commission meeting. Motion Carried 12-0

COMMISSION ACTION:

John "Jack" Hilmes made a motion to continue item #7 to the December 5, 2019 Plan and Zoning Commission meeting.

THE VOTE: 12-0

(Lisa Howard left the meeting at 7:23)

Item 8

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.

(10-2020-7.43)

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.
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”; Uses are 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 November 7, 2019 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 November 7, 2019 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 November 7, 2019 meeting was mailed to all recognized neighborhood associations on November 1, 2019. A Final Agenda for the November 21, 2019 meeting was mailed to all recognized neighborhood associations on November 15, 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. **Permitted Uses:** The submitted PUD Development Plan includes the following uses:
   
a. a 30-room boutique hotel with 26,072 square feet of floor area;
b. a 38,275-square foot auditorium ("Large Auditorium");
c. an 8,450-square foot auditorium;
d. a 4,144-square foot "Blackbox" theater;
e. 9,762 square feet of athletic/gymnasium space;
f. a 6,033-square foot micro-brewery for production only;
g. a 1,346-square foot event venue;
h. a 1,286-square foot event venue;
i. a 5,634-square foot restaurant;
j. 1,362 square feet bar/tavern space;
k. an 800-square foot 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. 3,410 square feet of conference space;
n. 2,867 square feet of retail space;
o. a 5,586-square foot Montessori school; and
p. 25,824 square feet of office space.
In reviewing the Development Plan against the Conceptual Plan and the associated Roll Calls approved by the City Council, staff found that the square footage listed for the restaurant use on Roll Call Number 19-1053 inadvertently excluded the square footage of the kitchen portion of the restaurant. The draft of the Conceptual Plan that was presented to the Plan and Zoning Commission and to the City Council included this square footage. All other square footages match those listed in Roll Call Number 19-1053.

Staff believes the proposed uses and square footages are consistent with PUD Conceptual Plan. To determine if the proposal was consistent, staff requested a floor plan from the development team that identified the location and square footage of each use. Staff recommends that this information be added to the Development Plan so that it become a permanent part of the record.

2. 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.

*The plan generally complies with the “C-2” standards. However, staff believes that additional plantings should be provided along the southern portion of the 49th Street frontage. Staff recommends approval subject to review of the finalized landscaping plan by the Planning Administrator.*

3. **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.

4. **Access & Parking:** The existing vehicular access points along 48th Street, Franklin Avenue and 49th Street would be maintained. Public sidewalks would be provided along 48th Street and Franklin Avenue with multiple connections to the site. A public sidewalk does not exist today along the east side of 49th Street. If a sidewalk were to be installed it would require a dense row of mature shrubs to be substantially cut back with some removals where conflicts with utility poles would require the sidewalk to set closer to the property line. These shrubs shield views of the parking lot from the apartment complex to the west.

In this case, staff believes that it is more important to maintain the plantings along the east side of 49th Street for the benefit of the residents to the west than to provide a public sidewalk. A public sidewalk exists on the west side of 49th Street. The applicant has agreed to install new ADA compliant ramps on the north side of the Franklin Avenue and 49th Street intersection. In addition, they are proposing to plant street trees on the west side of 49th Street where there are gaps in the existing street tree canopy. Staff recommends approval subject to the review and approval of the finalized sidewalk and pedestrian routes by the Planning Administrator.

The applicant is required to provide a total of 626 off-street parking spaces based on the uses and square footages listed in Section II, subparagraph 1 of this report and the parking standards set by the PUD Conceptual Plan. The submitted
Development Plan includes 652 parking spaces, which exceeds the minimum required number.

5. **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.

6. **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**

Staff recommends approval of the Franklin Junior High School PUD Development Plan subject to the following conditions:

1. Compliance with all administrative comments of the Permit and Development Center.

2. The Development Plan shall be amended to include the submitted building floor plan information that identifies the location and size of all uses.

3. Provision of a light pole and fixture detail on the Development Plan that illustrates compliance with all applicable standards of the PUD Conceptual Plan.

4. Compliance with the photometric standards of the PUD Conceptual Plan to the satisfaction of the Planning Administrator.

5. Identification of all roof top mechanical equipment and provision of screening that complies with the PUD Conceptual Plan to the satisfaction of the Planning Administrator.

6. All utility meters, transformers, ground-mounted equipment, and other utilities shall be identified on the Development Plan and placed along rear facades or facades that are internal to the site to the satisfaction of the Planning Administrator.
7. Review and approval of the finalized landscaping plan by the Planning Administrator. This plan must include dense plantings along the 49th Street frontage.

8. Review and approval of the finalized sidewalk and pedestrian routes by the Planning Administrator.

9. Any freestanding trash enclosure shall be constructed with masonry walls and solid steel gates.

10. The loading dock and trash enclosures screening along the south façade of the building shall be constructed with solid metal paneling and gates that are architecturally compatible with the development to the satisfaction of the Planning Administrator.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendations.

Will Page asked staff to identify where alcoholic beverages will be sold on the site.

Erik Lundy stated the assembly areas shown in yellow and the bar which is located on the second floor.

Jacqueline Easley asked where the Montessori classes take place?

Erik Lundy showed where they would take place on the overhead diagram and stated Montessori classes would not take place during event times.

Jann Freed asked which conditions the applicant did not agree to.

Erik Lundy stated he isn’t aware of them being opposed to any conditions.

Brett Douglas, 325 E 5th Street of Genus Landscape Architects representing the applicant stated the applicant agrees will all recommendations. They do ask for clarification around the comments made about the overhead utility lines.

Erik Lundy stated site plan regulations seek to have utilities undergrounded when they are providing new services or making a significant investment to improve the site.

John “Jack” Hilmes asked if there is any mention of overhead utilities in conditions 1-10 in the staff report?

Erik Lundy stated condition number 6 would involve the placement of meters and transformers in a place they’re not visible.

John “Jack” Hilmes asked if there are any overhead utilities.
Brett Douglas stated they agree with screening any utilities above grade and will underground all secondary lines serving the building itself.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one from the audience requested to speak.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Jann Freed made a motion for approval of the Franklin Junior High School PUD Development Plan subject to the following conditions:

1. Compliance with all administrative comments of the Permit and Development Center.
2. The Development Plan shall be amended to include the submitted building floor plan information that identifies the location and size of all uses.
3. Provision of a light pole and fixture detail on the Development Plan that illustrates compliance with all applicable standards of the PUD Conceptual Plan.
4. Compliance with the photometric standards of the PUD Conceptual Plan to the satisfaction of the Planning Administrator.
5. Identification of all roof top mechanical equipment and provision of screening that complies with the PUD Conceptual Plan to the satisfaction of the Planning Administrator.
6. All utility meters, transformers, ground-mounted equipment, and other utilities shall be identified on the Development Plan and placed along rear facades or facades that are internal to the site to the satisfaction of the Planning Administrator.
7. Review and approval of the finalized landscaping plan by the Planning Administrator. This plan must include dense plantings along the 49th Street frontage.
8. Review and approval of the finalized sidewalk and pedestrian routes by the Planning Administrator.
9. Any freestanding trash enclosure shall be constructed with masonry walls and solid steel gates
10. The loading dock and trash enclosures screening along the south façade of the building shall be constructed with solid metal paneling and gates that are architecturally compatible with the development to the satisfaction of the Planning Administrator.
THE VOTE: 11-0

Item 9

Request from Kum & Go, LC (developer) represented by Dan Garneau (officer) for review and approval of a Site Plan “Kum & Go Store # 0731” under design guidelines in “NPC” Districts and under design guidelines for gas stations/convenience stores for property located at 3104 University Avenue, to allow development of a 5,611-square foot gas station/convenience store with a pump island canopy for 8 fueling locations. A portion of the subject property is owned by Mirell Property Investors, LLC.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to redevelop the subject property with a new Kum & Go store with fuel sales.

2. Size of Site: 45,173 square feet or 1.04 acres.

3. Existing Zoning (site): “NPC” Neighborhood Pedestrian Commercial District and “FSO” Freestanding Sign Overlay District.

   The “NPC” District [Sec. 134-912(2)q] allows fuel sales as a permit use, but restricts the number of fueling locations to no more than six (6). The proposed development includes eight (8) fueling locations at four (4) pumps. The applicant has submitted an application to the Zoning Board of Adjustment for relief of this standard. This will be considered by the Board on November 20, 2019. Approval of the submitted Site Plan must be subject to the provision of no more than six (6) fueling locations unless relief is granted by the Zoning Board of Adjustment to allow a total of eight (8) locations.

4. Existing Land Use (site): Convenience store with fuel sales and a multiple-family residential building known as Mirell Flats.

5. Adjacent Land Use and Zoning:
North – “R-3”, Uses are multiple-family residential.
South - “R1-60”, Use is a single-family dwelling.
East – “C-1”, Use is a Walgreens pharmacy.
West – “R1-60”, Use is an office building.

6. General Neighborhood/Area Land Uses: The subject property is located on University Avenue commercial corridor west of the Drake University campus at the southwest corner of the intersection with 31st Street.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Drake Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on November 1, 2019 and the Final Agendas on November 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 8, 2019 (10 days prior to the public hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311.

8. Relevant Zoning History: On November 4, 2019, the City Council rezoned the subject property from “C-1” District, “C-0” District and “R-3” District to a Limited “NPC” District by Ordinance Number 15,827 subject to the property being developed in substantial conformance with the submitted rezoning sketch. The Councils action also stated that the parties will work in good faith to explore ways to move the Mirell Flats building. This rezoning was reviewed by the Commission on September 19, 2019.

The submitted Site Plan substantially complies with the rezoning sketch. The applicant is working with at least one developer that is exploring moving the Mirell Flats. A demolition permit will not be issued until such time that the Community Development Director believes that a good faith effort has been made and that no reasonable option to move the building exists.


10. Applicable Regulations: In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the plan and zoning commission shall apply the design standards in section 82-213 of this article (the standards for all Site Plans) and the additional standards listed below when acting upon any Site Plan application for property located within an “NPC” District. They were developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial
corridor. The commission may approve a Site Plan that does not comply with the
design guidelines if it finds the overall development is in harmony with the
commercial corridor, that the failure to comply with the design guidelines does not
negatively impact the character of surrounding properties, and that the failure to
comply with the design guidelines is due to the following:

1. An unusual lot shape, size, topography or double frontage. A lot over one acre
in size shall always be considered to be of unusual size;
2. A need to facilitate a smooth transition between existing developments in the
vicinity;
3. A need to accommodate existing development;
4. A need to preserve an existing building; or
5. A use with unique design requirements.

In consideration of the criteria set forth in Chapter 18B of the Iowa Code, any Site
Plan application which includes property used as a gas station or convenience store
and for extension of parking shall be approved by the Plan and Zoning Commission
if the proposed Site Plan conforms with the design regulations in Section 82-213
and the following additional design guidelines in Section 82-214.08 of the City
Code, unless the commission determines that the construction and use of the site
will have a significant detrimental impact on the use and enjoyment of adjoining
residential uses. Section 82-206(b)(2)(c) in the Site Plan Ordinance also requires
that review of any Site Plan by the City shall consider the City’s Comprehensive
Plan.

II. ADDITIONAL APPLICABLE INFORMATION

1. NPC Design Guidelines: These additional design guidelines are applicable to
review of any Site Plan within an “NPC” district.

1. Buildings should frame the street and maintain a minimal setback from the
street.

*The building would be located in the northeast corner of the property at the
street intersection. It would setback 10.2 feet from the north property line along
University Avenue and 6.8 feet from the east property line along 31st Street. The
space between the building and University Avenue would allow for steps and a
landing to be constructed to accommodate the change in grade. The setback
area along 31st Street would be used to construct a sidewalk that complies with
ADA slope requirements, providing an ADA compliant route from the public
sidewalks to the store. Staff believes the proposed design complies with the
intent of this guideline.*

2. The front facade of the first floor of the building on the primary commercial street
should have a ratio of at least 40 percent window and window display area to
total street facade.
The submitted building elevation drawings are not to scale. It appears that the University Avenue and 31st Street building facades would comply with this guideline. Staff recommends that any approval be subject to compliance with this standard to the satisfaction of the Planning Administrator.

3. The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.

The building would have a primary entrance that directly fronts University Avenue.

4. Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.

The building would be sided with a mix of brick, cast stone and fiber cement panels. Staff believes the proposed materials comply with the intent of this guideline.

5. Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.

The building would have 57 feet of frontage along University Avenue and 100 feet of frontage along 31st Street. Both facades are visually divided by the use of material, awnings, and windows. Staff believes that the proposal is appropriate given single occupant nature of the business.

6. Building frontage should occupy at least 50 percent of the primary street frontage.

The building would occupy 27.3% of the University Avenue frontage and 46.5% of the 31st Street frontage. University Avenue is the primary street. Orienting the long portion of the building along University Avenue would require a larger portion of the fuel pump area to be placed near the dwelling to the south. The proposed arraignment places the pump island between the proposed building and the commercial property to the west. In this case, placing the larger building frontage along the secondary street is the preferred option.

7. Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:

a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).

The Site Plan includes 23 off-street parking spaces. Convenience stores with fuel sales typically requires 1 parking spaces per 300 square feet of gross
floor area (19 parking spaces for 5,611 square feet of floor area). However, the parking standards for the “NPC” District are 40% less than the typical requirement so the required parking would be reduced to 12 parking spaces.

b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.

The proposed 23 parking spaces would exceed the required 19 parking spaces typically required by Section 134-1377 of the Zoning Ordinance. Given the auto-focused nature of a fuel sales use and the fact that the site plan exceeds the minimum required amount of landscaped open space, staff believes exceeding the requirement by 4 spaces is appropriate.

c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.

The proposal complies with this standard as all parking stalls would be setback from the front wall of the building along University Avenue and 31st Street.

d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.

Shared parking is not proposed.

e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.

On-street parking is not allowed along the adjoining section of University Avenue and 31st Street.

f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.

Tandem parking is not proposed.

g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.
The Site Plan includes a mix of trees, shrubs and grasses throughout the site. Staff is generally supportive of the landscaping proposal but believes that foundation plantings or some sort of planting bed should be provided along the northeast corner of the building. Staff recommends approval subject to the review and approval of the finalized landscaping plan by the Planning Administrator. This will allow staff to work with the applicant on considering alternatives in this location.

8. The following bulk regulations should be observed:
   a. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.
   b. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.
   c. Front yard: minimum of zero feet.
   d. Side yards: minimum of zero feet.
   e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.

   The proposed development complies with these guidelines.

   f. Height: minimum of 15 feet, maximum of 45 feet.

   The height of the building would vary from 17.83 feet to 22.58 feet, which complies with this standard.

   g. Number of stories:
      • Residential uses, a maximum of four stories.
      • All other permitted uses, a maximum of two stories.

   The proposed development complies with this guideline.

   h. Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

   All signage must comply with the Zoning Ordinance and be installed in accordance with a sign permit issued by the Permit and Development Center. The Site Plan indicates a monument sign would be located in the northwest corner of the site along University Avenue. Staff recommends approval subject to the monument sign having a base constructed with masonry that matches the building. See section II, subparagraph (2)F for additional sign regulation information.

   i. Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.

   N/A.
2. **Design Guidelines for Gas Station/Convenience Stores:** The proposal must be reviewed by the Plan and Zoning Commission in accordance with the Design Guidelines for Gas Stations/Convenience Stores (Sec. 82-214.08).

**Site Design**

A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:

(i) Primary structure/retail sales building/single or multiple tenant;
(ii) Pump island, canopy structure, and lighting;
(iii) Refuse, service and storage area;
(iv) Circulation systems and parking;
(v) Service bays;
(vi) Ancillary uses such as car washes, drive through uses, ATMs and telephones.

The proposed building would be located in the northeast corner of the property at the intersection of University Avenue and 31st Street. Vehicular access to the site would come from a single driveway to each street. The fuel pump island would be located to the west of the proposed building. Staff supports the proposed layout.

B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.

Rezoning to a “PUD” District is not possible as the site measures 1.04 acres.

C. Minimum open space should be 20% of the site or 1,000 square feet per vehicle fueling location, whichever is greater.

The site measures 45,173 square feet and would contain eight (8) fueling locations. A minimum of 9,035 square feet of open space is required to meet this guideline. The submitted Site Plan includes 21.6% (9,779 square feet) of open space, which complies with this minimum standard.

D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:

(i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
(ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
(iii) Minimizing cross traffic conflicts within parking areas.
The site is bound by University Avenue to the north and 31th Street to the east. Shared access with the adjoining properties is not practical. The property to the south contains a single-family dwelling. The property to the west contains an office building that is located along the common property line, making shared drives and parking impractical.

E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:

   (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;

   (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;

   (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;

   (iv) Lighting should be non-invasive to adjoining residential use.

Outdoor refuse and recycling storage would be located in an enclosure to the south of the building. It would be constructed of CMU block with solid steel gates. The block would be concealed by a veneer of cast stone panels and fiber cement board to match the building.

F. The site plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

The building would set near the front property lines and would have direct pedestrian connections to the public sidewalks.

Architecture

A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.

B. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city’s 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.

C. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.

D. Drive-through elements should be integrated into the building rather than appear to be applied or “stuck-on” to the building.

E. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.
F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.

G. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.

H. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
   (i) Low-scale planters and site walls.
   (iii) Clearly pronounced eaves or cornices.
   (iv) Subtle changes in material color and texture.
   (v) Variation in roof forms.
   (vi) Covered pedestrian frontages and recessed entries.
   (vii) Deeply set windows with mullions.

The building would be sided with a mixture of brick, cast stone and fiber cement panels and visually divided into smaller components.

I. Canopies:
   (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.

The proposed canopy would be supported by four (4) columns wrapped in aluminum panels. Staff recommends that the columns be wrapped in brick to match the brick portion of the building.

   (ii) Canopy height should not be less than 13’-9” as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18’.

The canopy would be broken up into three (3) sections. The bottom of the outside sections would be 15.5 feet above-grade and would have a total height of 17.5 feet. The bottom of the middle section would be 17.5 feet above-grade and would have a total height of 21 feet.

J. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the site plan and be located outside of any required setbacks. No display of seasonal items should exceed 5’ in height.

The Conceptual Plan includes a note that addresses this guideline.

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A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.

B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.

C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.

D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.

E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.

The Site Plan includes a mix of trees, shrubs and grasses throughout the site. Staff is generally supportive of the landscaping proposal but believes that foundation plantings or some sort of planting bed should be provided along the northeast corner of the building. Staff recommends approval subject to the review and approval of the finalized landscaping plan by the Planning Administrator. This will allow staff to work with the applicant on considering alternatives in this location.

F. Monument signs are encouraged and are required when the site adjoins a residential district.

All signage must comply with the Zoning Ordinance and be installed in accordance with a sign permit issued by the Permit and Development Center. The Site Plan indicates a monument sign would be located in the northwest corner of the site along University Avenue. Staff recommends approval subject to the monument sign having a base constructed with masonry that matches the building.

The subject property is located in the “FSO” Freestanding Sign Overlay District, which prohibits pole signs. Any monument sign must conform to the City’s monument sign design standards. Below are the relevant portions of Section 134-1276 and Section 134-3 of the Zoning Ordinance for reference.

Sec. 134-1276. General regulations.

(p) Sign exceptions. The regulations applicable to signage in this chapter, including the district regulations, shall be subject to the following exceptions:

(4) FSO Freestanding sign overlay district. The intent of the FSO freestanding sign overlay district is to decrease visual clutter along city corridors, streetscapes, and throughout the entirety of the city by requiring height restrictions for freestanding signs and encouraging the use of monument signs. The FSO freestanding sign overlay district applies to all land within the city or hereafter annexed into the city. The following regulations supersede any less restrictive regulations established in the district regulations:
(a) Pole signs are prohibited.
(b) Any on-premises advertising sign that is a freestanding sign shall be a monument sign, and shall comply with the following height restrictions measured from grade to the highest point on the sign:

1. If located at or within 25 feet from the front lot line, the sign shall be no more than 8 feet in height.
2. If located more than 25 feet from the front lot line, the sign shall be no more than 15 feet in height.

Sec. 134-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Sign, freestanding** means a sign not attached to any building and is further defined as follows:

2. **Sign, monument** means a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face. The height of the sign base must be not less than the larger of 2 feet or 25 percent of the total sign height. Monument signs are sometimes referred to in this chapter as monumental signs.

**Lighting**

A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.

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 site plan must contain illuminance models showing light levels throughout the site.

C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.

D. Parking Lot and Site Lighting:
(i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
(ii) Maximum pole heights should not exceed 20’.

F. Building-Mounted Lighting:
(i) All luminaries should be a full cut-off design and aimed downward.
(ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

The photometric plan indicates that the lighting levels would exceed the maximum footcandle requirements along portions of the west and south property lines. Making the necessary adjustments to comply with these standards should be attainable. The mounting height of the light poles is not identified. The Site Plan does include a note that states all lighting must be cut-off fixture. Staff recommends approval subject to compliance with these lighting standards.

3. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. An underground storm water detention facility is proposed and would be located within the west portion of the parking lot.

4. **Liquor Sales:** The sale of beer, wine and liquor must be conducted in conformance with Section 134-954 of the Zoning Ordinance. Gas station/convenience stores can sell beer and wine without a Conditional Use Permit so long as they are not within 150 feet of a church, school, public park or licensed child care facility. The sale of liquor at a gas station/convenience store requires a Conditional Use Permit from the Zoning Board of Adjustment and has a separation requirement of 500 feet. On November 20, 2019, the Board will consider a request for a Variance to the 500-foot separation requirement and for issuance of a Conditional Use Permit to allow liquor sales at the proposed convenience store.

**III. STAFF RECOMMENDATION**

Staff recommends approval of the request subject to the following conditions:

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

2. Review and approval of the finalized landscaping plan by the Planning Administrator.

3. Window tinting shall be minimized to the extent possible so a reasonable level of visibility into the building from the public realm is provided to the satisfaction of the Planning Administrator.

4. The fuel canopy columns shall be wrapped in brick that matches the primary building.
5. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.

6. All transformers and ground-mounted equipment shall be noted on the site plan in a location approved by the Planning Administrator.

7. All utility and similar service lines to the building and canopy shall be located underground.

8. All overhead utility and service lines located in the adjoin rights-of-way shall be undergrounded.

9. 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 private parking lot shall not exceed 20 feet in height.

10. Compliance with the lighting standards of the Design Guidelines for Gas Station/Convenience Store to the satisfaction of the Planning Administrator.

11. All signage shall comply with all applicable sign regulations including the Freestanding Sign Overlay District and must be installed by a licensed sign contractor in accordance with a sign permit issued by the Permit and Development Center.

12. Any monument sign shall have a base constructed with masonry that matches the primary building.

13. No more than six (6) fueling locations shall be constructed unless relief is granted by the Zoning Board of Adjustment to allow a total of eight (8) locations.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendations.

Mike Ludwig stated that the applicant is placing the building on the street corner as requested by staff.

Keith Weggen, 3405 SE Crossroads Drive, representing CDA stated the applicant agrees with all conditions and would be happy to answer any questions the commission has.

CHAIRPERSON OPENED THE PUBLIC HEARING

Omar Habib, 1130 31st Street stated they have a lot of concerns around privacy, lighting, demolition and safety of his family’s residence. This is a 24-hour location and noise will increase as more people will come to this new Kum and Go. They currently have a problem with people cutting across their yard to get to the existing Kum and Go
and their house will be exposed to more issues with the demolition of the existing apartment building.

**Alawi Habib**, 1132 42nd Street stated his family has been in this house for over 20 years and they love the area. They are concerned how close Kum and Go is going to be to their property line and the privacy they do have will be lost by demolition of the existing apartment building. They’ve had to place no trespassing signs and cameras along their property for the amount of people that cut through their yard.

**Jann Freed** stated Kum and Go is moving closer to University Avenue.

Mike Ludwig stated the building is moving closer to University Avenue. There will be a 6-foot-tall privacy fence with landscaped buffer to separate the drive aisle to the building as well from the single-family residence to the south.

**Omar Habib** stated the amount of people who hangout around the building is concerning and makes it an unpleasant place to be around.

**Greg Wattier** asked if they are hanging out behind the building or in front.

**Omar Habib** stated they will hang out between the gas station and the apartment complex because of the elevated surface creating a block for them. They have also made several accommodations in the house after their mother had multiple strokes. They would like to stay in this location and not be forced out by these concerns.

**Keith Weggen** stated as part of the site design they have agreed to push the building closer to the intersection of University Avenue, which makes it significantly farther away than it is today. They will not have parking abutting the south property line. The south portion will only serve as access to the building. Within the 18 feet buffer, they will have heavy landscaping and a privacy fence.

**Will Page** asked for more information around the buffering?

**Keith Weggen** stated there is 18 feet from the Southern curb to the property line. They will have coniferous and deciduous plantings with heights ranging from 20-40 feet at maturity, along with a 6-foot-tall screened fence. All lighting onsite will be downcast fixtures and a majority of that being on the northern portion of the site, where the building sits.

**David Courard-Hauri** asked if the 6-foot-tall fence will be enough to screen the lighting in the winter months.

**Keith Weggen** stated with a 6-foot-tall solid wood fence, landscaping and headlights from a car being at the 2-foot range, they are providing adequate screening.

**Greg Wattier** asked for more information around lighting.
Keith Weggen stated the lighting on the southern portion will be cutoff light fixtures that will project towards the building so behind the light pole will be fairly dark. Canopy lighting is only meant to illuminate what’s underneath the canopy, they will be soffit type fixtures projecting down to where customers will be fueling.

Omar Habib stated this still doesn't address the people cutting through our property and asked how they will contain the demolition and noise of construction.

Greg Wattier asked how they suspect people will cut across their property with a tall fence separating their residence and Kum and Go.

Omar Habib stated they would cut through to the sidewalk on 31st Street and head up to Kum and Go.

Greg Wattier asked if they had any backyard fencing.

Omar Habib stated they are not able to enclose their backyard because of the shared parking lot with Lutheran Services.

Greg Wattier stated whether the conditions we have today stay the same or a new gas station is built, would it make it better or worse.

Omar Habib stated it would be worse because people wouldn’t utilize the apartment parking lot to cut through, they would all come through our property.

Keith Weggen stated the fence will only be along the south property line, the west line will still be open so there wouldn’t be any change from people being able to cut through the space that’s currently the apartment complex.

John “Jack” Hilmes asked if they are able to make the access from the west property line inviting with a set of stairs?

Keith Weggen stated that should be a discussion that involves Lutheran Services as well. They aren’t changing any circumstances for where and how people would travel to this site. They believe the current site has some nooks and crannies that invite people to do whatever it is they do. They believe this new plan is going to open up the site and get rid of those unwanted activities.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Will Page stated he has noticed an increase in height when it comes to the canopy. If we approve this at 21’, we will be setting a precedent for the future.

Erik Lundy stated the expanse of the length needs to be mitigated as well and this a method the City encourages through our design guidelines.

Will Page asked if staff held true to their 18’ requirement?
Erik Lundy stated they reviewed it underneath their design guidelines, which also asks for articulation.

Mike Ludwig stated these standards were written over 10 years ago. They have seen many gas stations use this method and has become a preferred method by staff.

Will Page stated the canopies raising it height is something the developers want and could become more of an advertisement that is detracting from its surroundings.

Erik Lundy stated another thing that encourages the canopies to stay low, would be the lighting requirements. If they were to get to high, it would be hard for them to meet the foot candle requirements.

**COMMISSION ACTION:**

John “Jack” Hilmes approval of the request subject to the following conditions:

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

2. Review and approval of the finalized landscaping plan by the Planning Administrator.

3. Window tinting shall be minimized to the extent possible so a reasonable level of visibility into the building from the public realm is provided to the satisfaction of the Planning Administrator.

4. The fuel canopy columns shall be wrapped in brick that matches the primary building.

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

6. All transformers and ground-mounted equipment shall be noted on the site plan in a location approved by the Planning Administrator.

7. All utility and similar service lines to the building and canopy shall be located underground.

8. All overhead utility and service lines located in the adjoin rights-of-way shall be undergrounded.

9. 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 private parking lot shall not exceed 20 feet in height.
10. Compliance with the lighting standards of the Design Guidelines for Gas Station/Convenience Store to the satisfaction of the Planning Administrator.

11. All signage shall comply with all applicable sign regulations including the Freestanding Sign Overlay District and must be installed by a licensed sign contractor in accordance with a sign permit issued by the Permit and Development Center.

12. Any monument sign shall have a base constructed with masonry that matches the primary building.

13. No more than six (6) fueling locations shall be constructed unless relief is granted by the Zoning Board of Adjustment to allow a total of eight (8) locations.

**THE VOTE: 10-0**

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Item 10

Request from Casey’s Marketing Company (lessee) represented by Marni Beck (officer) for review and approval of the following regarding the property located at 3200 and 3212 Southwest 9th Street and 930 Park Avenue. The subject property is owned by Tursi, LC.

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

B) Amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential in a Neighborhood Node to Community Mixed Use in a Neighborhood Node. (21-2019-4.24)

C) Rezone property from “C-1” Neighborhood Retail Commercial District and “R1-60” One-Family Low-Density Residential District to “PUD” Planned Unit Development. (ZON2019-00220)

D) Review and approval of the proposed Casey’s General Store #1192 PUD Conceptual Plan, to allow for redevelopment of the existing 21,664-square foot general food sales store with a 4,817-square foot gas station/convenience store to include sales of liquor, wine and beer and a pump island canopy with 14 fueling locations.

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**
1. **Purpose of Request:** The proposed PUD Conceptual Plan would allow the construction of a “Casey’s” convenience store with 14 fueling locations. The proposed configuration would place the pump canopy with an array of seven (7) pumps toward Southwest 9th Street. The proposed 4,817-square foot store would be to the west of the canopy with the front oriented toward Southeast 14th Street. There would be customer entrances on the east side of the building. The western portion of the site is proposed for surface storm water detention.

2. **Size of Site:** 2.67 acres.

3. **Existing Zoning (site):** “C-1” Neighborhood Retail Commercial District, “R1-60” One-Family Low-Density Residential District and “FSO” Freestanding Sign Overlay District.

4. **Existing Land Use (site):** Vacant land.

5. **Adjacent Land Use and Zoning:**
   - **North** – “C-1” & “R1-80”; Uses are a barber shop and single-family dwellings.
   - **South** – “C-1” & “R1-80”; Use is the Park Avenue Plaza commercial center.
   - **East** – “C-1”; Uses are Park Avenue Christian Church, Des Moines Vacuum, and Sellers Trustworthy Hardware Store.
   - **West** – “R1-60”; Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject site is located on the Southwest 9th Street commercial corridor at the intersection with Park Avenue. This is considered a Neighborhood Node with a grocery store, a commercial center, a church, and a public elementary school located at the intersection.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Grays Lake Neighborhood and within 250 of the Indianola Hills and Watrous Heights Neighborhoods. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on November 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 1, 2019 (20 days prior to the hearing) and on November 11, 2016 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the 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 at the time of the mailing. The Grays Lake Neighborhood Association notices were mailed to Rick Trower, 1310 Broad Street, Des Moines, IA 50315. The Indianola Hills Neighborhood Association notices were mailed to Jeni Dooley, 712 Virginia Avenue, Des Moines, IA 50315. The Watrous Heights
Neighborhood notices were mailed to David Johnston, 604 Philip Street, Des Moines, IA 50315.

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

9. **2020 Community Character Land Use Plan Designation:** Community Mixed Use and Low Density Residential within a Neighborhood Node.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of 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. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center during the review of the site plan. Because the site would be over and acre in area, water quality detention is required as is a Storm Water Pollution Protection Plan approved by the Iowa DNR. Development of the site must comply with the Tree Preservation and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

   A stormwater detention basin is shown on the Conceptual Plan in the western portion of the site. There is public storm sewer available in Park Avenue at the northwest corner of the site and in Southwest 9th Street at the northeast corner of the site.

2. **Utilities:** There is public sanitary sewer along both adjoining street frontages of the subject property.
There are not overhead transmission lines along the street frontage. However there are overhead service connections to electrical transmission lines across the street or in front of adjoining property. Staff believes all street light services should be placed underground as part of any PUD Development Plan as a requirement of the Conceptual Plan.

3. **Street System:** A traffic study was prepared by the developer. The City Traffic and Transportation Division has reviewed the report and has recommended that left turn movements on the eastern driveway to Park Avenue be limited to right-in, right-out only. There were no other recommendations that would require modifications to the adjoining streets or intersection.

4. **Parking:** The City’s standard off-street parking requirement for retail uses with fuel sales is 1 parking space per 300 square feet. This would require a minimum of 17 spaces for a 4,817-square foot building. A total of 25 parking spaces are conceptually proposed.

5. **Design Guidelines:** The Conceptual Plan includes a note that states the proposed convenience store project will be developed in accordance with the City’s Gas Station/Convenience Store Site Plan Design Guidelines. The following are the guidelines as listed in Chapter 82 of the City Code (Section 82-214.8) with staff comments as appropriate in italics.

### Site Design

A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:

(i) Primary structure/retail sales building/single or multiple tenant;
(ii) Pump island, canopy structure, and lighting;
(iii) Refuse, service and storage area;
(iv) Circulation systems and parking;
(v) Service bays;
(vi) Ancillary uses such as car washes, drive through uses, ATMs and telephones.

*Staff believe the proposal does not meet this guideline. The site has substantial frontage towards both Southwest 9th Street and Park Avenue and has residential development to the east. This flexibility in the site configurations that could be considered. Staff does not believe that the proposed pump island and store orientation to Southwest 9th Street is the best solution given the proposed size of the convenience store. Staff would recommend that the building be required to be placed at the intersection with the longer building frontage towards Park Avenue and the pump island canopy should be adjacent to the south, internal to the site but still visible, to the Southwest 9th Street intersection and corridor.*

B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the
Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.

The proposal complies with this guidelines as the site measures 2.67 acres and the applicant is proposing to rezone the property to a “PUD” District.

C. Minimum open space should be 20% of the site or 1,000 square feet per vehicle fueling location, whichever is greater.

The site measures 116,305 square feet and would contain 14 fueling locations. A minimum of 23,261 square feet of open space is required to meet this guideline. The submitted Conceptual Plan shows that the site would have at least 45,475 square feet (39.1% of site) of open space. This meets and exceeds this guideline.

D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:

(ii) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;

(ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;

(iii) Minimizing cross traffic conflicts within parking areas.

Staff believes that dedicated pedestrian routes should be shown and provided from the both Southwest 9th Street and Park Avenue sidewalks to the building. This would be relatively simple with a building relocation to the intersection.

The site is separated from other commercial properties by streets. Therefore, shared driveways and circulation points are not necessary. This would also likely reduce the number of drives to Park Avenue to one. Shared access would be maintained for the commercial center adjoining to the south.

E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:

(i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;

(ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;

(iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;

(iv) Lighting should be non-invasive to adjoining residential use.

The proposed trash and can crusher enclosure would be located at the west rear of the site and in the least visible portion of the site.
F. The site plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

Pedestrian routes to the building are not identified on the Conceptual Plan. Staff believes that dedicated pedestrian routes should be shown and provided from Southwest 9th Street and Park Avenue to the building.

Architecture

A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.
B. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city’s 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.
C. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.
D. Drive-through elements should be integrated into the building rather than appear to be applied or “stuck-on” to the building.
E. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.
F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.
G. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.
H. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
   (i) Low-scale planters and site walls.
   (iii) Clearly pronounced eaves or cornices.
   (iv) Subtle changes in material color and texture.
   (v) Variation in roof forms.
   (vi) Covered pedestrian frontages and recessed entries.
   (vii) Deeply set windows with mullions.

All facades of the proposed building would be sided with brick and stone and would have and architectural panel system above the first-floor ceiling over the entrance. The proposed building design includes wall plane variation and parapet wall height on the street facing facades.
I. Canopies:
   (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.

   The proposed fuel pump island canopy would be sided with metal and supported by metal columns. Staff believes that these should be clad with brick to match the building. There needs to be an articulation in the canopy to break up the long linear pump array that is proposed. Staff recommends a canopy design similar to the Casey’s Store at 63rd Street and Grand Avenue and the Kum & Go Store on Keo Way and Crocker Street.

   (ii) Canopy height should not be less than 13’-9” as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18’.

   The submitted information indicates the total canopy height would be approximately 20 feet 7-inches. The height of the underside of the canopy would 16.5 feet. In this location the site is relatively flat. Therefore, staff believes these maximum heights can be stepped down to meet this standard and still provide enough flexibility for grades.

J. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the site plan and be located outside of any required setbacks. No display of seasonal items should exceed 5’ in height.

   The Conceptual Plan does not address this guideline.

Landscape Design

A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.

B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.

C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.

D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.

E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.

F. Monument signs are encouraged and are required when the site adjoins a residential district.
The Conceptual Plan shows a mix of trees and shrubs throughout the site. Landscaping would be fully evaluated at the site plan stage. The plan includes a note that landscaping shall be provided in accordance with the City’s “C-2” District Landscaping Standards or exceeded as illustrated on the Conceptual Plan. Additionally, the Conceptual Plan should show a significant landscape feature at the intersection.

The Conceptual Plan includes a note that states “the required landscaping shall be maintained for the life of the certificate of occupancy or certificate of zoning compliance.”

The submitted Conceptual Plan includes a monument style sign. The sign would be 13 feet tall with a 1-foot 9-inch tall brick base. The City has adopted the “FSO” Freestanding Sign Overlay District and amended the monument sign design requirements. Below are the relevant portions of Section 134-1276 and Section 134-3 of the Zoning Ordinance.

Sec. 134-1276. General regulations.

(p) Sign exceptions. The regulations applicable to signage in this chapter, including the district regulations, shall be subject to the following exceptions:

(4) FSO Freestanding sign overlay district. The intent of the FSO freestanding sign overlay district is to decrease visual clutter along city corridors, streetscapes, and throughout the entirety of the city by requiring height restrictions for freestanding signs and encouraging the use of monument signs. The FSO freestanding sign overlay district applies to all land within the city or hereafter annexed into the city. The following regulations supersede any less restrictive regulations established in the district regulations:

(a) Pole signs are prohibited.
(b) Any on-premises advertising sign that is a freestanding sign shall be a monument sign, and shall comply with the following height restrictions measured from grade to the highest point on the sign:

(1) If located at or within 25 feet from the front lot line, the sign shall be no more than 8 feet in height.
(2) If located more than 25 feet from the front lot line, the sign shall be no more than 15 feet in height.

Sec. 134-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Sign, freestanding means a sign not attached to any building and is further defined as follows:

(2) Sign, monument means a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face. The height of the sign base must be not less than the larger of 2 feet or 25 percent of the total sign height. Monument signs are sometimes referred to in this chapter as monumental signs.

Staff believes the proposed monument signs should comply with these standards including the provision of a solid opaque base, constructed of brick, stone, concrete block or other durable material that is no less than 2 feet tall or 25% of the total height whichever is greater.

Lighting

A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.

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 site plan must contain illuminance models showing light levels throughout the site.

C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.

D. Parking Lot and Site Lighting:
   (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
   (ii) Maximum pole heights should not exceed 20’.

F. Building-Mounted Lighting:
   (i) All luminaries should be a full cut-off design and aimed downward.
   (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

The Conceptual Plan includes a note that states “all site lighting will be in compliance with the lighting standards of City Code Section 82-214.8 to the satisfaction of the Community Development Director” and that “lighting shall consist
of low-glare cut off type fixtures to reduce the glare of light pollution on surrounding area.” Lighting would be reviewed in detail during the site plan phase.

6. **Liquor Sales Use**: The appellant is proposing to sell liquor, wine, beer, and tobacco products as less than 40% of the total sales within the convenience store. The draft Conceptual Plan. Because the property is zoned “PUD” District, it is not required to comply with City Code Section 134-954 that otherwise regulates the sale of alcohol. However, as a baseline for consideration of alcohol sales, the Commission should apply the standards normally necessary for a Conditional Use Permit for a gas station/convenience store in a “C-2” District.

In accordance with City Code Section 134-954(b), any use of a premise for the sale of alcoholic liquor, wine and beer should be granted only where the business, when operated in conformance with such reasonable conditions, satisfies the following criteria:

- Any gas station/convenience store selling liquor, wine, and beer shall be at least 500 feet from any church, school, public park or licensed child care facility.

  *The property is 90 feet from the Park Avenue Christian Church at 3219 Southwest 9th Street. It is 143 feet from Park Avenue Elementary School. Staff believes the proposal for beer and wine is appropriate as the site is over 2 acres in size creating its own context and is separated from this property by a major street that carries a significant level of traffic. The sale of alcoholic liquor would not be appropriate as these existing separations are significantly lower than the typical 500 feet minimum.*

- The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.

  *The subject property is located along major traffic corridors and is separated from residential uses by distance. Staff believes that the sale of wine and beer at this location would adequately safeguard the health, safety and general welfare of persons residing in the area so long as it is accessory to a gas station/convenience store and comprises no more than 40% of gross revenues.*

- The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

  *Staff believes that this site is sufficiently separated from any residential uses by distance. The proposed detention basin would keep the development along the corridor away from residential apartments to the east.*
• The business will not unduly increase congestion on the streets in the adjoining residential area.

The subject property fronts Southwest 9th Street and Park Avenue. The proposed business would have minimal impact on the traffic pattern and would not increase congestion in the area so long as the site is developed in conformance with the recommendations of the Traffic Study and the City Traffic Engineer.

• The operation of the business will not constitute a nuisance.

Staff believes that the sale of wine and beer at this location as an accessory use to a convenience store with fuel sales would not constitute a nuisance. The proposed PUD Conceptual Plan includes a statement that the PUD Conceptual Plan shall be subject to a legislative amendment if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance.

The proposed PUD Conceptual Plan should reflect City Code Section 134-954(c) in which further regulates any use of a premise for the sale of alcoholic liquor, wine and beer, as follows:

• Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site shall be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
• The business shall comply with article IV of chapter 42 of this Code pertaining to noise control. The business shall have no outside speakers or amplified sound except when used in compliance with a type E sound permit.
• Any such business must comply with the following requirements:
  o Every limited food sales establishment, limited retail sales establishment and gas station/convenience store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either: i) display alcoholic liquor only in a locked case or behind a counter accessible only to employees; ii) employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or iii) have more than one employee on duty at all times the business is open to the public.
  o Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
  o Institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.
  o Not dispense alcoholic beverages from a drive-through window.
• Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
• The use is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the PUD Conceptual Plan.
• If the zoning enforcement officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions set forth in the PUD Conceptual Plan, the zoning enforcement officer may apply to the Plan and Zoning Commission and City Council for legislative amendment to the PUD Conceptual Plan to revise the use allowances.

The proposed PUD Conceptual Plan reflects compliance with all of these notes. Staff would recommend that alcoholic liquor not be permitted with the PUD and therefore and notes specific to this would be removed.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find that the proposed rezoning is not in conformance with the PlanDSM Creating Our Tomorrow future land use map.

Part B) Staff recommends approval of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential in a Neighborhood Node to Community Mixed Use in a Neighborhood Node.

Part B) Staff recommends approval of rezoning the subject property from “C-1” Neighborhood Retail Commercial District and “R1-60” One-Family Low-Density Residential District to “PUD” Planned Unit Development.

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

1. Placement of the building at the intersection (northeast corner of the property) with the longer building dimension along the Park Avenue frontage and provision of a primary entrance oriented to Southwest 9th Street.

2. Reduction of the canopy height maximum from 20-feet 7-inches feet to 18 feet.

3. Provision of at least one articulation in the canopy to break the long expanse, to the satisfaction of the Planning Administrator.

4. Revision of the permitted uses to remove reference of sale of alcoholic liquor and limiting sales to only beer and wine.

5. Revision of the proposed monument sign to comply with the “FSO” Freestanding Signs Overlay District provisions.

6. Addition of a note indicating that existing overhead electrical utility service lines will be placed underground as part of any PUD Development Plan.
7. Provision of dedicated pedestrian routes from Southwest 9th Street and Park Avenue sidewalks to the primary entrance(s) of the building to the satisfaction of the Planning Administrator.

8. Addition of a substantial conceptual landscape feature at the intersection on the Conceptual Plan.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #10 had requested a continuance to the December 19, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.

Jann Freed made a motion to continue item #10 to the December 19, 2019 Plan and Zoning Commission meeting. Motion Carried 12-0

COMMISSION ACTION:

Jann Freed made a motion to continue item #10 to the December 19, 2019 Plan and Zoning Commission meeting.

THE VOTE: 12-0

Item 11

Request from 2701 Ingersoll, LLC (owner) represented by Todd Millang (officer) for review and approval of a Site Plan “Millang Retail Center” under design guidelines for “NPC” Districts on property at 2701 Ingersoll Avenue, to allow development of the property with a 5,250-square foot commercial center.

(10-2020-7.42)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to redevelop the site with a 5,250-square foot commercial center.

2. Size of Site: 25,560 sq. ft. or 0.587 acres.

3. Existing Zoning (site): “NPC” Neighborhood Pedestrian Commercial District and “FSO” Freestanding Signs Overlay District.

4. Existing Land Use (site): Convenience store with fuel sales.
5. Adjacent Land Use and Zoning:

North – “R1-60”; Uses are single-family dwellings.

South – “NPC”; Uses are restaurants and retail.

East – “NPC”; Use is a multi-tenant commercial building containing bar, restaurant and service uses.

West – “NPC”; Use is Louie’s Floor Covering.

6. General Neighborhood/Area Land Uses: The subject property is located on the Ingersoll Avenue corridor in the Woodland Heights Neighborhood. The surrounding area generally consists of a mix of commercial, multiple-family residential and single-family residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Woodland Heights Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on November 1, 2019 and a Final Agenda on November 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 8, 2019 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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

8. Relevant Zoning History: None.


*Community Mixed Use:* Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specially retail that attracts regional customers.

*Neighborhood Node:* These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and small-scale businesses. Residential development including low-medium density and medium densities may occur.
10. **Applicable Regulations**: In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the plan and zoning commission shall apply the design standards in section 82-213 of this article (the standards for all Site Plans) and the additional standards listed below when acting upon any Site Plan application for property located within an “NPC” District. They were developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial corridor. The commission may approve a Site Plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:

1. An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;
2. A need to facilitate a smooth transition between existing developments in the vicinity;
3. A need to accommodate existing development;
4. A need to preserve an existing building; or
5. A use with unique design requirements.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **NPC Design Guidelines**: A full staff report including analysis of these design standards will be provided for the December 19, 2019 meeting.

   1. Buildings should frame the street and maintain a minimal setback from the street.
   2. The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
   3. The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
   4. Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
   5. Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
   6. Building frontage should occupy at least 50 percent of the primary street frontage.
   7. Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
      a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
      b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.

d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.

e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.

f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.

g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

8. The following bulk regulations should be observed:

a. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.

b. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.

c. Front yard: minimum of zero feet.

d. Side yards: minimum of zero feet.

e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.

f. Height: minimum of 15 feet, maximum of 45 feet.

g. Number of stories:

- Residential uses, a maximum of four stories.
- All other permitted uses, a maximum of two stories.

h. Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

i. Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.

III. STAFF RECOMMENDATION

Staff recommends continuation of the request to the December 19, 2019 meeting of the Plan and Zoning Commission.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #11 had requested a continuance to the December 19, 2019, Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding this item.
COMMISSION ACTION:

Emily Webb made a motion to continue item #11 to the December 19, 2019 Plan and Zoning Commission meeting.

THE VOTE: 12-0

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Committee and Director’s Reports:

Mike Ludwig informed the commission there will be no meeting with the City manager on Friday, November 22nd.

Meeting adjourned at 8:15