
ABSENT: Steve Wallace, Greg Wattier

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

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

Jacqueline Easley noted that the applicant for item #4 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

John “Jack” Hilmes made a motion to move item #4 to the consent agenda. Motion Carried 12-0.

Jacqueline Easley noted that the applicant for item #5 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Jann Freed made a motion to move item #5 to the consent agenda. Motion Carried 12-0.

Dory Briles made a motion to approve Consent Agenda Items #1, #4 and #5 per the recommendations in the staff reports. Motion Carried 12-0

Jacqueline Easley noted that the applicant for item #3 had requested a continuance to the January 16, 2020, 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 #3 to the January 16, 2020 Plan and Zoning Commission meeting. Motion Carried 12-0.
CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Bridge District II, LLC (owner) represented by Kris Saddoris (officer) for review and approval of the following for property located at 220 Maple Street:

A) Review and approval of a Preliminary Plat “Level” to allow Outlot C of Bridge District Plat 2 to be re-platted as a development lot. (13-2020-1.25)

B) Review and approval of a PUD Development Plan for “Level”, to allow development of a 5-story, 121-unit multiple-family dwelling with 53 indoor parking spaces and 153 surface off-street parking spaces. (10-2020-7.56)

STAFF REPORT TO THE PLANNING COMMISSION

1. Purpose of Request: The Bridge District PUD Conceptual Plan and associated rezoning was approved by the City Council on September 23, 2019. The PUD created a unified PUD zoning district for the previously approved Velocity, Bridge District I, Bridge District II, and Bridge District III projects and allows the proposed 5-story multiple-family residential building.

The City Council’s action requires all PUD Development Plans to be reviewed by the Plan and Zoning Commission and approved by the City Council. PUD Development Plans are typically reviewed administratively through the site plan review process. The subject site plan and building elevations are also being reviewed by the City’s Urban Design Review Board as the applicant has entered into a development agreement with the City. The application will go before that board on December 17, 2019.

2. Size of Site: 3.53 acres (153,725 square feet).


5. Adjacent Land Use and Zoning:

   North – “D-R”: Use is Interstate 235.
   South - “Bridge District PUD”: Use is the balance of the Bridge District development which includes rowhouse and multiple-family residential uses.
   East - “R-4”: Uses are multiple-family residential.
   West - “D-R”: Uses are the Des Moines River and trail.

6. General Neighborhood/Area Land Uses: The site is located at the northern periphery of the Historic East Village Neighborhood. The immediate area consists
of a mix of residential and light industrial uses as well as vacant land. It is generally bound by Interstate 235 to the north, East 4th Street to the east, Des Moines Street to the south and Robert D. Ray Drive to the west.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 2, 2019 and the Final Agenda on December 13, 2019. Additionally, separate notifications of the hearing were mailed on December 9, 2019 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for every owner of property or condominium within 250 feet of the site.

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

8. **Relevant Zoning History:** On September 23, 2019, the City Council approved rezoning the subject property to PUD and conditionally approved the Bridge District PUD Conceptual Plan by Roll Calls 19-1546, 19-1547 and 19-1548, and Ordinance Number 15,806.

The rezoning and PUD Conceptual Plan were reviewed by the Plan and Zoning Commission on August 15, 2019.

9. **PlanDSM Land Use Plan Designation:** The subject site is designated as “Downtown Mixed Use” on the Future Land Use Map.

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 if it complies 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.

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

II. ADDITIONAL APPLICABLE INFORMATION

1. PUD Conceptual Plan Standards: The following are relevant standards from the Conceptual Plan that must be considered in the review of the proposed Development Plan.

   A) Landscaping must be provided in compliance with the City of Des Moines Landscaping Standards for the C-3 District.

   The C-3 standards require parkway and parking lot plantings. Additionally, development in the downtown of this nature is expected to provide foundation plantings and well landscaped open spaces if open space is provided. The submitted Development Plan includes 55 overstory trees, 11 evergreen trees, 5 understory trees, 122 shrubs, 128 annuals/perennials and 187 ornamental grass. Staff is generally supportive of the proposed landscaping, but recommends that additional plantings along the north property line so that a consistent run of material is provided. In addition, staff would like further discussion on the possibilities of providing street trees in the adjoining rights-of-way. There could be conflicts in accomplishing this, but it should be fully vetted.

   B) Public sidewalks must be installed along all perimeter streets in conformance with the approved site plan.

   Public walks are proposed along all street frontages.

   C) Pedestrian sidewalk access must be provided between the public right-of-way and the primary building entry(s) in accordance with the approved site plan.

   Sidewalks are proposed that would connect all building access points to the public sidewalk system.

   D) Building shall be developed for each project phase/component and provide consistency and compatibility of character across the development while providing for flexibility in individual building design and fostering creativity.

   Staff believes that the proposed building would be compatible with the character of the existing buildings in the Bridge District PUD. Staff recommends approval subject to review of the finalized building elevations and materials by the Planning Administrator. This will allow staff to work with the applicant on any changes that the City’s Urban Design Review Board requires.
E) Building exteriors shall be clad in durable materials such as brick, metal, stone, architectural precast concrete, cement board, etc.
   1. Exterior insulation systems shall not be used.
   2. Industrial pre-engineered buildings shall not be allowed.

   *The proposed building would be clad with a mix of precast panels, metal panels and cement board, which complies with these standards.*

F) Rooftop mechanical equipment shall be enclosed or otherwise screened from public rights-of-way. Rooftop-mounted utilities must be screened with an element equal in height of the equipment, and constructed with an exterior finish and color matching the primary building exterior.

   *Given the high visibility this building will have from all directions, staff believes that screening needs to be provided on all sides of any rooftop mechanical equipment.*

G) All buildings should have frontage on principal street(s) (not Interstates), public plaza, park or greenways of not less than 70 percent of the lot with the following exceptions:
   1. Frontage is used for an existing utility corridor or levee wall easement.
   2. The curvature of the road precludes efficient frontage.

   *The building fronts Maple Street and a private drive that functions as a street. It occupies that frontage except where driveways are need to the east and west of the building to provide access to the parking lot. The proposal complies with these standards.*

H) All buildings shall have a parapet or flat roof. Tower element are allowed.

   *The proposed building complies with this standard.*

2. **Grading & Storm Water Management:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. The development would include a storm water basin in the northeast quadrant of the site.

3. **Additional Information:** The subject property is currently platted as an “outlot.” The proposed Preliminary Plat would allow the lot to be re-platted as a “lot” that can be developed.

III. **STAFF RECOMMENDATION**

Part A) Staff recommends approval of the proposed Preliminary Plat subject to compliance with all administrative review comments of the City’s Permit and Development Center.
1. Compliance with all administrative review comments of the City’s Permit and Development Center.

2. Provision of all necessary pedestrian and vehicular cross access easements.

Part B) Staff recommends approval of the proposed Development Plan subject to the following conditions:

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

2. 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.

3. Provision of black LED street light fixtures and black metal poles.

4. All necessary external mechanical equipment shall be roof-mounted and screened on all sides equal to the height of the equipment.

5. All utility meters, transformers, and other utilities shall be placed along internal side or rear facades of the buildings.

6. Any trash enclosure shall be constructed of masonry walls that match the primary building with solid steel gates.

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

8. Provision of all necessary pedestrian and vehicular cross access easements.

9. Review and approval of the finalized building elevations and materials by the City’s 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:

Dory Briles made a motion for approval of Part A) APPROVAL of the proposed Preliminary Plat subject to compliance with all administrative review comments of the City’s Permit and Development Center.

1. Compliance with all administrative review comments of the City’s Permit and Development Center.
2. Provision of all necessary pedestrian and vehicular cross access easements.

Part B) **APPROVAL** of the proposed Development Plan subject to the following conditions:

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

2. 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.

3. Provision of black LED street light fixtures and black metal poles.

4. All necessary external mechanical equipment shall be roof-mounted and screened on all sides equal to the height of the equipment.

5. All utility meters, transformers, and other utilities shall be placed along internal side or rear facades of the buildings.

6. Any trash enclosure shall be constructed of masonry walls that match the primary building with solid steel gates.

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

8. Provision of all necessary pedestrian and vehicular cross access easements.

9. Review and approval of the finalized building elevations and materials by the City’s Planning Administrator.

**THE VOTE: 12-0**

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**Item 4**

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)


5. Adjacent Land Use and Zoning:

   East – “M-1”; Uses are the Burlington Northern Sante 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 original scheduled Commission meeting by mailing on November 1, 2019 of the Preliminary Agenda. Additionally, separate notifications of the hearing for this specific item were mailed on November 11, 2019 (10 days prior to the original scheduled 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.


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. There is an adjoining parcel owned by Hawkeye Land Company. Staff believes that right of access through any vacated Right-Of-Way be maintained in favor of Hawkeye Land Company.

   *The Plan & Zoning Commission has requested that the Real Estate Manager be present to provide additional information on this request.*

III. STAFF RECOMMENDATION

Staff recommends approval of the requested vacation subject to the following:

1. Reservation of easements for all public utilities in place.

2. Reservation of an access easement for the benefit of Hawkeye Land Company or their successors.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Dory Briles made a motion for approval of the requested vacation subject to the following:

1. Reservation of easements for all public utilities in place.

2. Reservation of an access easement for the benefit of Hawkeye Land Company or their successors.
THE VOTE:  12-0

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Item 5

City initiated request to vacate a segment of East Market Street from East 14th Street to East 18th Street in the vicinity of 1605 East Market Street, to assemble with adjoining City-owned property for redevelopment.  (11-2019-1.29)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The City has requested vacation of the portion of East Market Street generally lying between Southeast 14th Street and Southeast 18th Street rights-of-way (ROW). The subject property would be assembled with other City-owned property to be made available for industrial redevelopment with access to the adjacent railroad network.

2. Size of Site: 203,985 square feet (4.68 acres)

3. Existing Zoning (site): “M-1” Heavy Industrial District and “FSO” Freestanding Sign Overlay District.


5. Adjacent Land Use and Zoning:

   North – “R1-60”, “M-1” & “VDL”; Use is undeveloped land.

   South – “M-1”, “M-2” & “VDL”; Use is undeveloped land.

   East – “M-1” & “M-2”; Uses are the Southeast 18th Street public right-of-way and undeveloped land.

   West – “M-1” & “VDL”, Uses are the Southeast 14th Street public right-of-way and undeveloped land.

6. General Neighborhood/Area Land Uses: The subject property is generally located in an industrial area east of Southeast 14th Street right-of-way, west of Southeast 18th Street right-of-way, and between East Martin Luther King, Jr. Parkway and East Vine Street.

7. Applicable Recognized Neighborhood(s): The subject property is in Capitol East Neighborhood. This neighborhood association was notified of the Commission
meeting by mailing of Preliminary Agenda on December 2, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 9, 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 48-inch Des Moines Water Works feeder water main within the ROW 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 and Transportation:** The subject property has been determined not necessary for any future public street improvements. A portion of Southeast 15th Street public right-of-way is adjacent to the subject property. This portion of Southeast 15th Street is pending vacation and anticipated to be the primary access to any redevelopment in this general area. Rail for both the Norfolk Southern Railroad and the Iowa Interstate Railroad are located within the western portion of the proposed ROW for vacation. These railroads have rights to use the ROW for railway purposes, per City Ordinance Nos. 62 and 216.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the requested vacation, subject to the following:

1. Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place.

2. Reservation of rights for continued use of E. Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216.
COMMISSION ACTION:

Dory Briles made a motion for approval of the requested vacation, subject to the following:

1. Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place.

2. Reservation of rights for continued use of E. Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216.

THE VOTE: 12-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 2

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 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:** 2.1 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 December 2, 2019 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 original public hearing) and on November 11, 2016 (10 days prior to the original public 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 one 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 over head service connections to electrical transmission lines across the street or in front of adjoining property. Staff believes all new electrical services and all existing street light services for lights abutting the building 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 23 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 believes the proposal would generally meet this guideline with the addition of pedestrian-oriented adjoining Class “A” sidewalks, outdoor seating and bicycle racks. The site has substantial frontage towards both Southwest 9th Street and Park Avenue and has residential development to the west. The layout follows the configuration contemplated in the Southwest 9th Street Corridor Plan for an
expansion of the existing grocery store. The submitted revision to the Conceptual Plan contemplates identified pedestrian routes to the adjoining public sidewalk system.

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 2.1 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 92,356 square feet and would contain 14 fueling locations. A minimum of 18,471 square feet of open space is required to meet this guideline. The submitted Conceptual Plan shows that the site would have at least 30,200 square feet (32.7% 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:

(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.

Dedicated pedestrian routes are shown and provided from the both Southwest 9th Street and Park Avenue sidewalks to the building.

The site is separated from other commercial properties by streets. Therefore, shared driveways and circulation points are not necessary. 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 identified to the public sidewalk system on both public streets.

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 an 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. The applicant is in the process of submitting a revised canopy concept that would be similar to that location in terms of the articulation but would also provide the brick wrapped columns.

(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 previously 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. The applicant is submitting a revised design with a center articulation that would exceed the maximum height. However, the overall height of the remaining portion of the canopy should be kept under the 18 foot maximum.

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.”

Staff believes that because the property is located in a Neighborhood Node in PlanDSM it is intended to provide more pedestrian intensity. Therefore, the streetscape on both sides should be a Class A sidewalk with tree planter beds and decorative fencing between the sidewalk and interior paved area. This will give the edges of the site a more pedestrian scale.

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 has withdrawn the intent to sell liquor, and is only proposing to sell wine, beer, and tobacco products as less than 40% of the total sales within the convenience store. 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 wine and beer shall be at least 150 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 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 does reflect City Code Section 134-954(c) in its which further regulates any use of a premise for the sale of 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:
  - 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.
Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.

- Institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.
- 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. Reduction of the canopy height for the major portion of the canopy to 18 feet maximum. This would exclude any articulation feature that is designed to break up the expanse of the canopy length.

2. Provision of at least one articulation in the canopy to break the long expanse and cladding of the support columns in brick to match the building, to the satisfaction of the Planning Administrator.

3. Revision of the proposed monument sign to comply with the “FSO” Freestanding Signs Overlay District provisions.
4. Addition of a note indicating that existing overhead electrical utility service lines will be placed underground as part of any PUD Development Plan.

5. Provision of Class A sidewalks along both public streets with street tree planters.

6. Provision of decorative iron type fencing in the perimeter lot landscaped area along both Southwest 9th Street and Park Avenue.

7. Provision of bicycle racks and outdoor seating areas within the sidewalk area in front of the building. This may require the building to be shifted to the west slightly to accommodate a wider sidewalk in front of the store.

**SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendations.

Will Page asked for provisions around lighting within a monument sign?

Erik Lundy stated they limit the scale of electronic within the sign.

Will Page asked if there were regulations around signs being integrated in the canopies?

Erik Lundy stated he believes that electronic signs can only be placed within monument signs. Staff will have to confirm if that provision exists.

Jacqueline Easley asked for clarification on whether the sale of beer, wine and liquor is prohibited within the PUD.

Erik Lundy stated the applicant has withdrawn the request to sell liquor. The PUD would allow the sale of beer and wine.

Mike Ludwig stated the revised site plan shows 930 Park Avenue removed from the rezoning boundary.

Erik Lundy stated they have reduced the PUD area. A map was shown for comparison to the first proposal and revised site plan to the commission via the overhead projector.

Mike Ludwig asked if the revised PUD boundary still necessitated a land use plan amendment along the north edge of the store?

Erik Lundy stated that the land use designation for 930 Park Avenue was no longer necessary but the PlanDSM land use designation for the small strip of land north of the existing store would still need to be amended from Low Density Residential to Community Mixed Use.
Mike Ludwig stated the maps will be corrected for Council to show only the land use amendment on the north of the existing store and the reduction of the PUD boundary.

*(Rocky Sposato arrived at 6:30)*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Doug Beach, 729 NE Brook Haven, Ankeny, IA representing Casey’s General Store stated they are excited for another new store within the Des Moines area and do agree with all staff recommendations.

Carolyn Jenison asked if the Save-A-Lot will be repurposed.

Doug Beach stated it will be demolished.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jacqueline Easley asked if their parking lot will be open for people waiting to pick up their kids from the elementary school across the street?

Doug Beach stated they don’t see that being a problem a few times a day for 15-20 minutes.

Carolyn Jenison asked if having the building closer to the street with the gas pumps behind the building was considered in this project?

Mike Ludwig stated it was certainly considered. After working with the SW 9th business group, they were willing to accept the pumps facing SW 9th rather than the long edge of the building along Park Avenue with the pumps to the south. There were also conflicts with where the underground tanks would be placed as it could create conflicts with parking for the strip center to the south.

Erik Lundy stated they also took in consideration of the SW 9th Corridor plan that was adopted by Council. The plan anticipated an addition to the grocery store building but still had parking between the building and SW 9th.

**COMMISSION ACTION:**

Greg Jones made a motion for approval of Part A) the Commission find that the proposed rezoning is **not** in conformance with the PlanDSM Creating Our Tomorrow future land use map, Part B) **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 C) **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 and Part D) **APPROVAL** of the proposed PUD Conceptual Plan subject to the following conditions:
1. Reduction of the canopy height for the major portion of the canopy to 18 feet maximum. This would exclude any articulation feature that is designed to break up the expanse of the canopy length.

2. Provision of at least one articulation in the canopy to break the long expanse and cladding of the support columns in brick to match the building, to the satisfaction of the Planning Administrator.

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

4. Addition of a note indicating that existing overhead electrical utility service lines will be placed underground as part of any PUD Development Plan.

5. Provision of Class A sidewalks along both public streets with street tree planters.

6. Provision of decorative iron type fencing in the perimeter lot landscaped area along both Southwest 9th Street and Park Avenue.

7. Provision of bicycle racks and outdoor seating areas within the sidewalk area in front of the building. This may require the building to be shifted to the west slightly to accommodate a wider sidewalk in front of the store.

**THE VOTE: 13-0**

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**Item 3**

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.

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

   **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 January 16, 2020 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.

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 January 16, 2020 meeting of the Plan and Zoning Commission.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for continuation of the request to the January 16, 2020 meeting of the Plan and Zoning Commission.
THE VOTE: 12-0

Item 6

Request from Confluence Brewing Company (developer) represented by John Martin (officer) for appeal of an administratively denied Site Plan “Confluence Brewery – Grain Silos and Site Improvements” on property located at 1235 Thomas Beck Road, to allow new outdoor grain silos, off-street parking and landscaping without installation of a public sidewalk. Subject property is owned by Pomerantz Realty Company.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The appellant has submitted a Site Plan that allows installation of silos and other site improvements, such as a reconfigured parking lot and landscaping. The appellant has appealed the requirement that a 5-foot wide sidewalk must be provided along Thomas Beck Road.

2. Size of Site: 2.84 acres.


4. Existing Land Use (site): The subject property contains a one-story warehouse building, that is occupied by multiple tenants, including the Confluence Brewery.

5. Adjacent Land Use and Zoning:

   North – “M-1”/P1, Uses is Gray’s Lake Park.

   South – “M-1”/NX1, Use is undeveloped land.

   East – “M-1”/DX2, Use is a warehouse.

   West – “M-1”/DX2, Use is a warehouse.

6. General Neighborhood/Area Land Uses: The subject property is in an industrial neighborhood area along Thomas Beck Road to the east of Fleur Drive.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Gray’s Lake Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 2, 2019. Additionally, separate notification of the hearing for this specific item was mailed on December 9, 2019 (10 days prior) to the Gray’s Lake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A final agenda for the meeting was mailed on December 13, 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 Gray’s Lake Neighborhood Association notices were mailed to Rick Trower, 1310 Broad Street, Des Moines, IA 50315.

8. **Relevant Zoning History:** On April 4, 2019, the Plan & Zoning Commission recommended approval of a request to vacate 1,616 square feet of Thomas Beck Road right-of-way, subject to reservation of easements for any existing utilities. On August 5, 2019, the City Council approved conveyance of this land to the applicant.

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

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, appeals of decisions of the Planning Director shall be in accordance with the following in Chapter 82, Article V of the City Code:

    A. The appellant may, upon notice to the Plan and Zoning Commission, appeal in whole or in part any determination or action of the Planning Director made within the scope of this article. Appeal shall be made without cost by written notification of the appeal received by the Community Development Department within 90 days after the date of the action from which appeal is sought.

    B. The Plan and Zoning Commission shall decide all appeals within 30 days after written notification of the appeal has been received by the Community Development Department, provided that the appellant may agree to a longer time period not to exceed 60 days after the written notification of the appeal has been received by the Community Development Department. Failure to decide the appeal within such period shall have the effect of overturning the Director's disapproval and approving the Site Plan as appealed. Except as provided in this article, the **affirmative vote of at least eight commission members shall be necessary to overturn or modify the action from which appeal is sought.** At the commission meeting, the appealing party shall be presented a reasonable opportunity to present his or her views.

    C. The appellant may, upon written notice to the City Council, appeal in whole or in part any determination made by the Plan and Zoning commission made within the scope of this article (Chapter 82, Article V of the City Code). Appeal shall be made without cost by filing written notification with the City Clerk within 30 days after the Commission ruling.
D. The City Council shall decide all appeals within 30 days after written notification of the appeal has been received by the City Clerk. A majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission.

II. ADDITIONAL APPLICABLE INFORMATION

1. Traffic & Transportation: The cumulative value of improvements to the site exceeds 50% of the existing building’s value. As a result, the entire site must be brought into conformance with the Site Plan Ordinance. This includes provision of a 5-foot sidewalk along Thomas Beck Road.

   At the April 26, 2019 City Council Planning Session, City staff received direction to prioritize and fill sidewalk gaps throughout the City. This initiative includes a directive that City staff no longer recommend waivers on requiring sidewalk as part of a site development when sidewalk gaps exist adjacent to a development.

2. Staff Rationale: When a significant investment is made in a property, compliance with existing Building Codes and site development standards is required. Staff believes that it is in the best public interest to uphold these standards. Thomas Beck Road is served by a DART bus route but no public sidewalks exist along this portion of the roadway. The existing shared-use path to the rear of the property does not provide sufficient connectivity for pedestrians or properties fronting Thomas Beck Road. This is especially true for pedestrians and DART riders that may have limited mobility.

   Staff has evaluated the appellant’s proposal and believes that a 5-foot sidewalk should be installed along the Thomas Beck Road frontage.

   An affirmative vote of at least eight (8) Commission members is required to modify the administrative decision to deny the Site Plan, per Chapter 82, Article V of the City Code.

III. STAFF RECOMMENDATION

Staff recommends denial of the request to waive the required 5-foot wide sidewalk along Thomas Beck Road.

Should the Commission be inclined to grant the appeal, staff recommends that the balance of the Site Plan be in compliance with all administrative review requirements of the City’s Permit and Development Center.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendations.

Carolyn Jenison asked where do they have connecting sidewalks in the area.
Erik Lundy stated the proposed sidewalk wouldn’t connect to anything now but this is implementation of the MoveDSM complete streets plan.

John “Jack” Hilmes asked if there were any sidewalks along Thomas Beck Road.

Erik Lundy stated there is sidewalk on the north side of Thomas Beck Road approximately 1000 feet to the west (1901 Thomas Beck Road) and a crosswalk to a sidewalk on the west side of Bancroft Street approximately 1800 feet to the east.

Rocky Sposato stated there is a bike trail behind the building.

Abby Chungath stated the trail does tie into Thomas Beck Road (at 1901 Thomas Beck Road).

Francis Boggus asked for the general plan around sidewalk connections.

Erik Lundy stated Council directive is to require installation Priority Level 1 and Priority Level 2 as identified in MoveDSM with site development. Thomas Beck Road is identified as a Priority Level 3 sidewalk.

John “Jack” Hilmes asked if the bike trail connects to sidewalks along Fleur?

Erik Lundy stated he couldn’t verify that.

John “Jack” Hilmes stated if that was true, the affect would be to route the sidewalk behind the property as it is today.

Mike Ludwig confirmed that Council’s policy is to not wave installation of Priority Level 1 and Priority Level 2 sidewalks.

Brad Kuehl, representing Bishop Engineering stated they don’t feel as if this area is in immediate need of sidewalks because of industrial use. The commission has already discussed the bike trail behind the building and there are currently no adjoining sidewalks along Thomas Beck Road on either side. They are appealing the requirement of the sidewalk as there is currently adequate access around this property via the bike trail. People that are walking in this area will utilize the bike trail with access to Grays Lake and the Patio to the North side of this property.

Mike Ludwig asked for clarification on the length of sidewalk staff is asking to be installed along Thomas Beck Road.

Erik Lundy stated it would only be along the site plan frontage.

Brad Kuehl stated they will be adding landscaping to the East but the major improvement will be directly in front of Confluence Brewery. He stated the parcel frontage is 1100 feet.
Mike Ludwig asked if the 1,100 feet would be just in front of the Confluence site plan boundary or does that include the adjoining building to the West?

Brad Kuehl stated that 1,110 feet would be the entire building, including the building to the West.

John “Jack” Hilmes asked if staff know the amount of feet that is being appealed?

Erik Lundy stated it would be about 600 feet.

Robert Pomerantz, Representing First Midwest of Iowa stated Thomas Beck is a fast-moving street with a lot of semis and bigger trucks going up and down it daily. For 65 years they weren't required to have sidewalks along Thomas Beck and it would have been a good time to add them when the street was repaved and underground water lines where put in. The amount of people who walk along Thomas Beck Road doesn't necessitate putting in a sidewalk in this area. It takes an extra 3 minutes to utilize the trail and be away from the traffic along Thomas Beck Road.

CHAIRPERSON OPENED THE PUBLIC HEARING

Spencer Burton, 4324 Forest Avenue stated this sidewalk is a big waste of money because no one will be walking along this road.

Frank Scaglione stated he owns 8 acers across the street from this property and has put it up for sale with Iowa Realty. He would like to see trees added to block the Silos so they aren't as noticeable from his property looking North.

Brad Kuehl stated they will be adding scrubs and street trees. As those grow over time it shouldn't be a problem.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Jones stated he believes the City is right about wanting sidewalks everywhere. However, it looks silly to add sidewalks on this particular site. He would agree with no sidewalks as there is other means such as the bike trail.

Jann Freed stated in this situation a sidewalk does seem redundant because of the bike trail that already exists.

David Courard-Hauri stated he would argue against the redundancy because pedestrians go in a straight line. He believes sidewalks are useful and we should stick to the Council’s policy.

COMMISSION ACTION:

Greg Jones made a motion to grant the appeal and the balance of the Site Plan be in compliance with all administrative review requirements of the City’s Permit and Development Center.
THE VOTE: 11-2-0 (Abby Chungath and David Courard-Hauri opposed)

Jann Freed made a motion to approve the December 5, 2019 Plan and Zoning Commission meeting minutes. Motion Carried 8-0-5 (Abby Chungath, Will Page, Lisa Howard and Francis Boggus abstained as they were not present for the December 5, 2019 meeting).

Committee and Director’s Reports:

Mike Ludwig stated this has been a great year for the City of Des Moines. He thanked the Commission for all their hard work. Getting the new Zoning ordinance approved was a major accomplishment for the City and he believes we will realize positive aspects of the code as the City continues to grow.

Meeting adjourned at 7:20