
ABSENT: Greg Wattier, Francis Boggus and Carolyn Jension

STAFF PRESENT: Jason Van Essen, Mike Ludwig, Glenna Frank, Judy Parks-Kruse and Tyler Hall.

Dory Briles made a motion to approve the January 16, 2020 Plan and Zoning Commission meeting minutes. Motion Carried 10-0-1 (Rocky Sposato abstained as he was not present for the January 16 meeting).

Jacqueline Easley asked if any members of the audience or the Commission requested to speak regarding consent agenda items #1, #2, #3 or #4. A member of the audience requested to speak on item #1.

Jann Freed made a motion to approve consent agenda items #2, #3 and #4. Motion Carried 11-0

CONSENT AGENDA PUBLIC HEARING ITEMS

**************
**************

Item 2

City initiated request for amendment to the boundary of the Sherman Hill Local Historic District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

On July 15, 2019, by Roll Call Number 19-1117, the City Council initiated the process to amend the boundary of the Sherman Hill Local Historic District so that it more closely aligns with the boundary of the district as listed on the National Register of Historic Places. The district was established in 1983 and amended in 1985 to add the properties along 20th Street. This was prior to the reconstruction of Martin Luther King, Jr. Parkway. Traffic and development patterns have changed since the mid-1980’s. In 2012, an amended National Register of Historic Places Registration Form was approved, which updated the boundary set in 1979 when the district was first listed on the National Register.

A notice was mailed on December 30, 2019 to all property owners within the existing district and proposed expansion areas advising of the proposal. The notice also advised of the January 15, 2020 hearing before the Historic Preservation Commission.
and the February 6, 2020 hearing before the Plan and Zoning Commission. Following
review by the Commissions, the proposal will be forwarded to the Iowa Department of
Cultural Affairs for comment in accordance with Section 303.34 of the State Code and
Section 58-28(c) of the Des Moines City Code. The recommendations of the State and
the Commissions will be forwarded to the City Council for consideration.

The Historic Preservation Commission heard the request on January 15, 2020 and
voted 6-0 to recommend approval of the amendment to the Plan and Zoning
Commission and the City Council.

II. APPLICABLE SECTIONS OF THE CITY CODE


(a) For the purpose of this article, a historic district designation may be placed upon
any area containing contiguous pieces of real estate under diverse ownership
which:

(1) Are significant in American history, architecture, archaeology and culture; and
(2) Possess integrity of location, design, setting, materials, workmanship, feeling
and association; and
(3) Are associated with events that have been a significant contribution to the
patterns of our history; or
(4) Are associated with the lives of persons significant in our past; or
(5) Embody the distinctive characteristics of a type, period, or method of
construction or represent the work of a master or possess high artistic values or
represent a significant and distinguishable entity whose components may lack
individual distinction;
(6) Have yielded or may be likely to yield information important in prehistory or
history.

(b) Designation of an area as a historic district shall be proposed either by the city
council on its own motion or by the filing of a petition with the community
development department, on a standard form approved by that department, which
shall be furnished by that department upon request. Each such petition shall include
but not be limited to the following:

(1) Signatures of the owners of 51 percent of the total number of parcels of real
estate within the proposed district, excluding parcels owned by governmental
bodies, provided that each parcel, within the meaning of this subsection, shall
constitute a separate parcel for property tax assessment purposes, as shown in
the records of the county assessor on the date of the filing of the petition.
(2) A vicinity map showing the general location of the proposed district.
(3) The legal description of the boundary of the proposed district.
(4) A statement documenting the area’s historical, architectural and cultural significance.

(5) A plat, at a scale of not more than 400 feet to the inch, showing the existing uses of all properties within the proposed district.

c) The community development department shall submit a description of the proposed district or the petition describing the proposed district, if a petition has been filed, to the historical division of the state department of cultural affairs for its report and recommendations. If the historical division determines that the proposed district does not meet the requirements of state law for designation as a historic district, no further action shall be taken toward designation of the proposed district. The report and recommendations of the historical division shall be made available for public viewing at the office of the community development department.

Sec. 58-29. Procedures.

(a) The procedures of this section shall apply to all proposals for designation of historic districts, provided such proposals meet the criteria set forth in section 58-28 of this article. The procedures of this section shall also apply to all proposed amendments to the boundaries of existing historic districts, which amendments may be initiated by the city council, the historic preservation commission or the plan and zoning commission. The procedures of this section shall also apply to all proposals for repeal of an existing historic district, which may be proposed either by the city council on its own motion or by the filing of a petition signed by the owners of 51 percent of the total number of parcels of real estate within the proposed district, excluding parcels owned by governmental bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date of the filing of the petition.

(b) Each such proposal shall be scheduled for separate public hearings before the historic preservation commission and the plan and zoning commission, except that no such hearing shall be held before the historic preservation commission on the proposal for designation of the city’s first historic district. The historic preservation commission shall give prior notice of the time, date, place and subject matter of such hearing. Such notice shall be served by regular mail addressed to each property owner of land included within such proposal at his or her last known address, or if the address of any such property owner is unknown, such notice shall be served by regular mail addressed to "owner" at the street address of the property in question. After public hearing, the historic preservation commission and the plan and zoning commission shall each forward its report and recommendations concerning such proposal to the city council.

(c) Upon receipt of such reports and recommendations, the city council shall schedule a public hearing to consider such proposal and shall provide notice of such hearing as required by law. After public hearing, the city council shall act to approve, approve with modification, or disapprove such proposal. In so acting the city council
may delete area from the original proposal, but the council shall not add area which was not included in the original proposal. The designation, amendment or repeal of a historic district shall each be completed on the effective date of an ordinance relating thereto. A copy of each such ordinance shall be forwarded to the historical division of the state department of cultural affairs.

III. APPLICABLE SECTIONS OF THE STATE CODE

303.34 Areas of historical significance.

The provisions of sections 303.20 to 303.33 do not apply within the limits of a city. However, in order for a city to designate an area which is deemed to merit preservation as an area of historical significance, the following shall apply:

1. An area of historical significance shall be proposed by the governing body of the city on its own motion or upon the receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the historical division which shall determine if the proposed area meets the criteria in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the division shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

2. A city shall not designate an area as an area of historical significance unless it contains contiguous pieces of property under diverse ownership which meets the criteria specified in section 303.20, subsection 1, paragraphs “a” to “f”.

303.20 Definitions.

As used in this subchapter of this chapter, unless the context otherwise requires:

1. “Area of historical significance” means contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which:
   a. Are significant in American history, architecture, archaeology and culture, and
   b. Possess integrity of location, design, setting, materials, skill, feeling and association, and
   c. Are associated with events that have been a significant contribution to the broad patterns of our history, or
   d. Are associated with the lives of persons significant in our past, or
   e. Embody the distinctive characteristics of a type; period; method of construction; represent the work of a master; possess high artistic values; represent a significant and distinguishable entity whose components may lack individual distinction.
IV. STAFF ANALYSIS

The proposed amendment would remove a section of land from the district that was acquired and cleared for the Martin Luther King, Jr. Parkway project in the early 2000's. This land is not located within the National Register boundaries of the district. Areas being added include the land north of Center Street and west of 19th Place; the northern parcels of the block bound by Olive Avenue (north), 18th Street (east), Crocker Street (south) and 19th Street (west); and the parcel addressed as 900 17th Street. See Attachment “A” on page 5 of this report for a map identifying the proposed changes.

In 2012, an amended National Register of Historic Places Registration Form as approved, which updated the boundary set in 1979 when the district was first listed on the National Register. The nomination form indicates that the district meets the National Register Criteria “A” and “C”.

National Register Criteria

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.

B. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

C. The area within the proposed amended boundary meets the criteria necessary for designation as a local historic district. The Historic Preservation Commission heard the request on January 15, 2020 and voted 6-0 to recommend approval of the amendment.

III. STAFF RECOMMENDATION

Staff recommends that the Plan and Zoning Commission forward a recommendation of approval to the City Council.

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:

Jann Freed made a motion that the Plan and Zoning Commission forward a recommendation of approval to the City Council.
THE VOTE: 11-0

Item 3

Request from Newbury Living (applicant) represented by Frank Levy (officer) for the following for property located at 3801, 3721, 3707 and 3705 Grand Avenue and 3810 Ingersoll Avenue. The subject property is owned by 3801 Grand Associates, LP; Arbor Cooperative Housing Association; and Eureka Group, LLC.

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

B) Rezone property from “R-4” Multiple-Family Residential District and “NPC” Neighborhood Pedestrian Commercial District to “PUD” Planned Unit Development District. (ZON2019-00237)

C) Approval of a PUD Conceptual Plan “3801 Grand Avenue”, to allow development of a 4-story 57-unit independent senior living apartment building, in addition to an existing 4-story 35-unit independent senior living apartment building, an existing 3-story 56 unit assisted living apartment building, and an existing 2-story 5,720-square foot office building.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a 4-story multiple-family building that would connect to the existing senior housing development to the west. The boundary of the proposed PUD District includes a commercial property with frontage on Ingersoll Avenue that would not be impacted by the proposed project.

2. Size of Site: 4.31 acres.

3. Existing Zoning (site): The subject property was zoned “R-4” Multiple-Family Residential District, “NPC” Neighborhood Pedestrian Commercial District, “GGP” Gambling Games Prohibition Overlay District, and “FSO” Freestanding Sign Overlay at the time the application was submitted. The property is currently zoned “NX3” Neighborhood Mix District and “MX2” Mixed Use District.

4. Existing Land Use (site): An independent senior living apartment building, an assisted living apartment building, and an office building.

5. Adjacent Land Use and Zoning:
North – “MX2” (“NPC” at time of submittal): Uses are commercial businesses along Ingersoll Avenue.

South - “NX3” & P2” (“R-3” at time of submittal): Uses are multiple-family residential and institutional.

East - “NX3” (“R-3” & “R-4” at time of submittal): Uses are multiple-family residential.

West - “P2” (“R-3” at time of submittal): Use is a church.

6. **General Neighborhood/Area Land Uses:** The site is located on the north side of Grand Avenue to the east of the 39th Street intersection. The Grand Avenue corridor contains a mix of multiple-family residential, institutional, and commercial uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the North of Grand Neighborhood and within 250 feet of both the Greenwood Historic Neighborhood and the Salisbury Oaks Neighborhood. All neighborhoods were notified of the January 16, 2020 Commission meeting by mailing of the Preliminary Agenda on December 27, 2020 and the Final Agenda on January 10, 2020. All neighborhoods were notified of the February 6, 2020 Commission meeting by mailing of the Preliminary Agenda on January 17, 2020 and the Final Agenda on January 31, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on December 27, 2019 (20 days prior to the January 16, 2020 hearing) and January 6, 2020 (10 days prior to the January 16, 2020 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 requested rezoning.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The North of Grand Neighborhood Association mailings were sent to Jason Norris, 647 34th Street, Des Moines, IA 50312. The Greenwood Historic Neighborhood Association mailings were sent to Nicholas Larson, 127 34th Street, Des Moines, IA 50312. The Salisbury Oaks Neighborhood Association mailings were sent to R.J. Rademacher, 517 SW 42nd Street, Des Moines, IA 50312.

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

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** High Density Residential and Community Mixed Use located in a Community Node.

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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The proposed PUD District contains four (4) parcels that have frontage on Grand Avenue and one (1) parcel that has frontage on Ingersoll Avenue. The Grand Avenue parcels are designated as “High Density Residential” on the Future Land Use Map. The Ingersoll Avenue parcel is designated as “Community Mixed Use” on the Future Land Use Map. All of the parcels are located within a “Community Node” on the Future Land Use Map. Plan DSM describes these designations as follows:

   High Density Residential: Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre.

   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 specialty retail that attracts regional customers.

   Community Node: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and office serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur if the underlining designation is Neighborhood Mixed Use.

2. PUD Standards: The following are standards from Section 134-704 of the retired Zoning Code that was in place at the time the application was submitted and provides the foundation that all PUD Conceptual Plans should be based on.
A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city’s land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

The applicant is proposing to construct a 4-story multiple-family building with 57 dwelling units. The units would complement the existing senior housing development to the west. The boundary of the proposed PUD District includes a commercial property with frontage on Ingersoll Avenue that would not be impacted by the proposed project. The existing residential development includes a 4-story, 35-unit independent senior living apartment building and a 3-story, 56-unit assisted living apartment building.

The new building would be contemporary in style with a mix of masonry, metal panel, prefinished wood and fiber cement board panel siding. Units on all sides of the building would have balconies. The stack of balconies near the front entrance would have glass railing. The remaining balconies would consist of galvanized steel construction.

The subject property is located on the Grand Avenue corridor, which contains a mix of residential building types and densities along with varying levels of commercial uses. Additionally, the area contains an eclectic mix of architectural styles. The property is designated “High Density Residential” and “Community Mixed Use” within a “Community Node” on the PlanDSM Future Land Use Map. The proposed development complies with PlanDSM and is in harmony with the character of the area.

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

The new building would have a 41-foot front yard setback from Grand Avenue, a 52-foot setback from the east side property line and a 31-foot setback from the rear property line. The proposed front setback matches the setback of the condominium building to the east. The applicant has indicated that matching the setback of this building was important to its residents, whom he met with.

For comparison, the retired “R-4” District typically required a 30-foot minimum front yard setback and a 30-foot minimum rear yard setback. For buildings three (3) stories or taller, the combined side yard setback must be a minimum of 25 feet with no side less than 10 feet.
Staff believes that the proposed setbacks are appropriate as they are comparable to other similarly situated developments along the Grand Avenue corridor.

C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.

All necessary utilities are available within the adjoining rights-of-way. All grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.

The applicant is required to demonstrate compliance with the City’s stormwater management regulations to the satisfaction of the City’s Permit and Development Center during the review of any PUD Development Plan. Tree removal and mitigation calculations must be submitted with any PUD Development Plan in accordance with Section 42-550 of the Municipal Code.

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

The subject site is located on the Grand Avenue corridor. The proposed density and anticipated traffic generation is expected along this corridor. A traffic study is not required for the proposed project as the anticipated vehicle trips generated by the project does not trigger review.

The submitted Conceptual Plan includes three (3) drive approaches along Grand Avenue. The City’s Traffic and Transportation Division has requested that this be reduced to two (2). The applicant is in the process of contacting vendors to see if all deliveries can take place at the rear of the existing building via a driveway that would be constructed along the east and north edges of the new building. Staff recommends approval subject to the finalized number and placement of drive approaches being approved with any PUD Development Plan.

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

The proposed building would have 57 dwelling units with 65 parking spaces within the basement of the building. An additional 3 parking spaces would be
constructed in front (south) of the building. Most of the surrounding area along Grand Avenue is zoned “NX3” District. The parking standards for this district require 1 off-street parking space per dwelling unit for multiple-household residential uses and 0.5-stall per dwelling unit for senior housing. The proposal exceeds this minimum standard. Staff believes that the proposed development would provide an adequate amount of parking.

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

The project would include a landscaped courtyard space with a paved patio between the new building and the existing building to the west. Staff believes that this is adequate outdoor space for a development of this type.

3. Additional Information: The Staff recommendation found in Section III of this report contains several common conditions of approval for development pertaining to refuse collection, lighting, utilities, and meters.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find that the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow future land use map.

Part B) Staff recommends approval of rezoning the subject property from “R-4” Multiple-Family Residential District and “NPC” Neighborhood Pedestrian Commercial District to “PUD” Planned Unit Development District.

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

1. Provision of a note that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards in place at the time the Development Plan is submitted, or exceeded as illustrated on the Conceptual Plan or as determined necessary by the City’s Planning Administrator.”

2. Provision of a note that states, “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 a note that states, “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 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”
4. Provision of a note that states, “all utility and similar service lines to buildings on the property shall be located underground.”

5. Provision of a note that states, “all overhead utility and similar service lines within the adjoining portions of rights-of-way shall be located underground with any Development Plan.”

6. Provision of a note that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site to the satisfaction of the City’s Planning Administrator.”

7. Provision of a note that states, “all reuse and recycling containers shall be stored within a building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan.”

8. Provision of a note that states “all roof-mounted equipment shall be screened on all sides equal to the height of the equipment with architecturally integrated material.”

9. Provision of a note that states “the finalized number and placement of drive approaches shall be determined with any PUD Development Plan.”

10. Note D for Tract 2 on Sheet 1 shall be revised so that it references the parking standards for the MX2 District.

11. Note G for Tract 2 on Sheet 1 shall be revised so that the first and third sentences are deleted.

12. Provision of a note that states “any Development Plan shall comply with the City’s storm water management requirements to the satisfaction of the City Engineer.”

13. Provision of a note that states “tree removal and mitigation calculations must be submitted with any PUD Development Plan in accordance with Section 42-550 of the Municipal Code.”

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:

Jann Freed made a motion for approval of Part A) the Commission find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow future land use map, Part B) APPROVAL of rezoning the subject property from “R-4” Multiple-Family Residential District and “NPC” Neighborhood Pedestrian Commercial District to “PUD” Planned Unit Development District and Part C) APPROVAL of the proposed PUD Conceptual Plan subject to the following conditions:
1. Provision of a note that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards in place at the time the Development Plan is submitted, or exceeded as illustrated on the Conceptual Plan or as determined necessary by the City’s Planning Administrator.”

2. Provision of a note that states, “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 a note that states, “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 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”

4. Provision of a note that states, “all utility and similar service lines to buildings on the property shall be located underground.”

5. Provision of a note that states, “all overhead utility and similar service lines within the adjoining portions of rights-of-way shall be located underground with any Development Plan.”

6. Provision of a note that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site to the satisfaction of the City’s Planning Administrator.”

7. Provision of a note that states, “all reuse and recycling containers shall be stored within a building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan.”

8. Provision of a note that states “all roof-mounted equipment shall be screened on all sides equal to the height of the equipment with architecturally integrated material.”

9. Provision of a note that states “the finalized number and placement of drive approaches shall be determined with any PUD Development Plan.”

10. Note D for Tract 2 on Sheet 1 shall be revised so that it references the parking standards for the MX2 District.

11. Note G for Tract 2 on Sheet 1 shall be revised so that the first and third sentences are deleted.

12. Provision of a note that states “any Development Plan shall comply with the City’s storm water management requirements to the satisfaction of the City Engineer.”
13. Provision of a note that states “tree removal and mitigation calculations must be submitted with any PUD Development Plan in accordance with Section 42-550 of the Municipal Code.”

THE VOTE: 11-0

Item 4

Request from Christian Printers, Inc. (owner) represented by Bryan Goos (officer) to rezone property located at 1415 21st Street.

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

B) Amendment to the PlanDSM Creating Our Tomorrow to revise the future land use plan from Low Density Residential to Neighborhood Mixed Use. (21-2020-4.02)

C) Rezone property from “N5” Neighborhood District to “RX1” Mixed Use District, to bring the zoning to same designation as the Commercial Service, Consumer Maintenance and Repair use (retail printing business) property to the south. (ZON2020-00006)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would potentially allow an expansion of the existing printing business on the parcels to the south. The applicant has also indicated that the property could also potentially be developed for an assembly use. Staff notes that if the property were rezoned to “RX1” District, any use of the property for an assembly use would be subject to the Zoning Board of Adjustment granting a Conditional Use.

2. Size of Site: 7,850 square feet (0.18 acre).

3. Existing Zoning (site): “N5” Neighborhood District.

4. Existing Land Use (site): The subject property is a residential lot that previously contained a single-household dwelling that was demolished in 2017. It has been covered with gravel and it appears that it is being utilized for vehicle maneuvering and parking without required approvals.

5. Adjacent Land Use and Zoning:
North – “N5”; Uses include single-household residential.
South – “RX1”; Use is Christian Printers.
East – “NX1”; Uses include single-household residential, parking, and public alley right-of-way.
West – “N5”; Uses includes single-household residential.

6. General Neighborhood/Area Land Uses: The subject property is located in the Drake Neighborhood in an area that contains a mix of single-household residential, multiple-household residential, office, commercial, and religious uses.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Drake Neighborhood and within 250 feet of King Irving Neighborhood and Carpenter Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 17, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on January 17, 2020 (20 days prior to public hearing) and January 27, 2020 (10 days prior to public hearing) 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. A Final Agenda was mailed to recognized neighborhoods on January 31, 2020.

The Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311. The King Irving Neighborhood Association notices were mailed to Ramona Bates, 1321 Norton Street, Des Moines, IA 50314. The Carpenter Neighborhood Association notices were mailed to Robert Gieber, 2315 Carpenter Avenue, Des Moines, IA 50311.

8. Relevant Zoning History: None.


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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The applicant is requesting that the future land use designation for the property at 1415 21st Street to be amended from “Low
Density Residential” to “Neighborhood Mixed Use”. Plan DSM describes these designations as follows:

**Low Density Residential**: Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

**Neighborhood Mixed Use**: Small scale mixed use development typically located at the intersection of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

This amendment is necessary so that the proposed “RX1” zoning to be found in conformance with the comprehensive plan.

2. **Site Plan Requirements**: Any development would require compliance with all applicable Site Plan requirements. Applicable requirements include stormwater management, landscaping, and screening for adjoining residential properties. All grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

The subject property has been covered with gravel and appears to be being used for illegal vehicle maneuvering and parking for the applicant’s business to the south. A site plan must be prepared and the site must be brought into conformance with the approved site plan if the applicant wishes to continue to use the subject property in this manner.

3. **Streets and Access**: A traffic study was not required by the City’s Traffic & Transportation Division for the requested rezoning. Any use of the property for vehicular access or parking must comply with any applicable site plan requirements.

4. **Additional Information**: The applicant is proposing to rezone the subject property from “N5” District to “RX1” District. The Zoning Ordinance describes these designations as follows:

**N5** is intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian Revival, and Arts and Crafts styles pursuant to House D building type.

**RX1** is intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridor’s adjacent to low-scale neighborhoods.
Staff believes that the request is appropriate given that it adjoins commercially zoned property and is in close proximity to Forest Avenue, so long as the applicant utilizes the subject property in compliance with all applicable ordinances, codes, and requirements of the City of Des Moines.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find that the proposed rezoning to “RX1” is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential.

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 to Neighborhood Mixed Use on property at 1415 21st Street.

Part C) Staff recommends approval of rezoning the subject properties from “N5” Neighborhood District to “RX1” Mixed Use District subject to the following conditions:

1. Any use of the property shall be limited to:
   a. Household Living;
   b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”;
   c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
   d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.

2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Jann Freed made a motion for approval of Part A) the Commission find the proposed rezoning to “RX1” is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, Part B) APPROVAL of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use on property at 1415 21st Street and Part C) APPROVAL of rezoning the subject properties from “N5” Neighborhood District to “RX1” Mixed Use District subject to the following conditions:
1. Any use of the property shall be limited to:
   a. Household Living;
   b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”; 
   c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
   d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.

2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

THE VOTE: 11-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated request to amend PlanDSM Creating Our Tomorrow Plan to incorporate the Douglas Avenue Corridor Plan as an element.

(21-2020-4.03)

STAFF REPORT TO THE PLANNING COMMISSION

I. BACKGROUND INFORMATION

In 2015, a group of dedicated residents from the Lower Beaver Neighborhood Association (LBNA), concerned about deteriorating conditions in the neighborhood's commercial district, re-convened LBNA’s Business Relations Committee. The committee was tasked with implementing commercial corridor priorities laid out in the Lower Beaver Neighborhood Plan, which was adopted in 2013. The plan included strategies for supporting neighborhood businesses, encouraging property owner investment, enhancing corridor aesthetics, improving walkability, and encouraging future growth of neighborhood commercial areas.

The Prospect Park, Beaverdale, and Merle Hay Neighborhood Associations, sharing similar concerns about the trajectory of Douglas Avenue, added their support and the Douglas Avenue Coalition (DAC) was formed. The mission of the DAC is to support vibrant, viable businesses and revitalize the Douglas Avenue Corridor in the 2.4 mile stretch from Merle Hay Road to the Des Moines River.
The DAC made a formal request to the City and Polk County for additional planning work to address the ongoing challenges along Douglas Avenue. After funding was secured, the consultant team of RDG Planning & Design and HDR was selected through an RFP process. The project kicked off in October 2017.

A steering committee consisting of DAC and neighborhood representatives, elected officials, business owners, stakeholders, and City staff guided the planning efforts. A technical committee also advised the project, with representatives from the City’s Engineering Department, DART, the Metropolitan Planning Organization (MPO), and the Iowa Department of Transportation. (Douglas Avenue is also U.S. Highway 6 and under the jurisdiction of IDOT.)

II. GENERAL PLAN SUMMARY

Douglas Avenue is a primary east-west corridor across northwest Des Moines. The planning area, which stretches from Merle Hay Road to the Des Moines River, includes many locally-owned businesses that represent the growing diversity within the city. Stretches of commercial land uses intertwine with single-family homes, multi-family residential properties and institutional land uses including Moore Elementary and the Veterans Affairs hospital.

The corridor developed significantly through the 1950’s and 1960’s and reflects the automobile-oriented characteristics of the area. Today, Douglas Avenue struggles with growing commercial vacancies, business turnover, and property disinvestment. Many commercial buildings are tired and some even obsolete for today’s business needs. Landscaping throughout the corridor is minimal and overhead signage and utilities are visually dominant – a reflection of 1950’s development patterns. Surrounding neighborhoods desire for better, safer physical connections to businesses so they can have the option to bike and walk.

The planning committee conducted an intensive public input process that included a kick-off event, a three-day public design charrette, focus groups with business owners and developers, stakeholder meetings, and an online survey that collected more than 280 responses. The message in each of these outreach efforts was consistent: Be BOLD.

Plan recommendations for public realm improvements include:

- Implementation of a four-lane to three-lane road diet west of Lower Beaver Road. An extensive traffic study, completed by HDR, found that traffic volumes to the west of Lower Beaver Road are just slightly higher than those of Ingersoll Avenue. By reducing the roadway, public space can be re-allocated to allow for wider sidewalks, expanded parkway, and the addition of street trees. A three-lane cross-section would also calm traffic and likely reduce crashes. A pilot project is proposed to test the conversion for a one-year time period. Data will be collected to measure the impact of the project and evaluate the road diet as a long-term solution.
- Narrow the existing five travel lanes from 13’ wide to a comfortable 11’ width east of Lower Beaver Road. This provides for wider sidewalks, expanded parkway and landscape improvements in the public right-of-way.
- Increase pedestrian safety with enhanced crosswalks throughout the corridor.
- Improve aesthetics by reducing visual clutter, bury overhead utilities if feasible.

The plan also highlights strategies for private realm improvements, outlining candidate sites for redevelopment and/or new development. Conceptual redevelopment strategies are provided at four nodes including:

1. The commercial district between 54th to 59th near Merle Hay Road.
2. The Beaverdale Hy-Vee site (the plan proposes potential layouts of how Hy-Vee may situate its proposed building and parking lot once they move forward with the project).
3. The commercial node 38th & Douglas.
4. The intersection of Martin Luther King Jr. Parkway & Douglas Avenue, including Harding Hills Plaza & River Plaza.

Over the course of the planning process, the design team was required to pivot and respond to multiple changing conditions. This included the flooding of the Harding Hills Hy-Vee, new ownership and changes in development interest of several commercial buildings, and re-mapping of the 100-year and 500-year floodplain along the river. Most notably, Plaza Lanes – an anchor of the corridor and local destination – burned in December of 2017. The redevelopment of the River Plaza shopping center as parkland, with access to the river for fishing and kayaking, emerged as a new recreational destination for the corridor.

The design consultants wrapped up the planning process with an Open House in late October 2019. Attendees were asked to record their opinions of the proposed strategies via the “dot method” directly on the display boards. These results are documented in the plan appendix.

At this time, funding has not been allocated for any public improvements. The pilot project, once implemented, will serve as a critical first-step in evaluating a potential road diet and further public improvements. Partnerships with the Douglas Avenue Coalition, the Iowa Department of Transportation, neighborhood associations, the development community, city departments and others will also be necessary to ensuring the long term success of the plan.

**III. STAFF RECOMMENDATION**

Staff recommends that Plan DSM Creating Our Tomorrow be amended to incorporate the Douglas Avenue Corridor Plan as an element.

**SUMMARY OF DISCUSSION**

Jason Van Essen noted that staff and the consultant provided a detailed presentation of the plan during the 5:30 worksession. Staff recommends approval of the plan as an element of PlanDSM. Staff and the consultant are available to provide additional
information and answer questions that may arise based upon public comment.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Brian O'Leary, 2846 Merced Drive stated the plan is near and dear to his heart but he knows there are some people who don't agree with the plan. They did have overwhelming support during the Neighborhood input meetings.

Jacqueline Easley asked which neighborhoods have given input on this plan?

Brian O'Leary stated Prospect Park, Merle Hay, Beaverdale and Lower Beaver.

Elaine Miller, Coldwell Banker Realtor, 9119 Northpark Drive, Johnston stated she has concerns that City Staff hasn’t done their due diligence as she has not found one business owner that’s had an in-depth conversation about how this plan would affect future business. She has requested City Staff to furnish the names they have had conversation with. This would also increase travel time and she requests to have a DOT traffic study done as there hasn’t been one since 1995.

Dan Jespersen, 3614 36th Street stated his concern is traffic flow as this plan takes Douglas down to 2 lanes. One of the studies he would like to see is the affect it will have on the 300 cars going in and out of the VA Hospital daily. He doesn’t see this traffic plan feasible as this road stretches 15 miles across Des Moines into Clive.

Doug Selzer, 3025 Douglas Ave., Owner of Selzer Auto Repair stated reducing Douglas down to 2 lanes is not a good idea. You must force your way out onto Douglas in evening rush hour. He believes the rest of the plan is wonderful and has reached out to Bill Gray about what he could do to contribute.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Laura Peters, Neighborhood Planner stated she wanted to address the concerns about City Staff’s due diligence. She walked the corridor with over 90 flyers in hand and visited business along Douglas Avenue. They have had neighborhood focus meetings and really did their best to get the word out to everyone along Douglas Avenue.

Joe Spradling, HDR Engineering stated the roundabout option at the intersection of Lower Beaver Avenue and Douglas Avenue is an option that will be need further analysis. He noted that the crash rate at the intersection was higher than the State wide average. He presented images of their ideas around safety improvement, the roundabout and 3 lane configurations via the overhead projector.

Will Page asked if the roundabout would be a 3 of 4 lane configuration.

Joe Spradling stated it would be 2 lanes within the roundabout, then transitioning back into a 3-lane street cross-section.
Abby Chungath asked if there have been studies around traffic benefiting from these similar lane configurations on Ingersoll Avenue and other corridors.

Joe Spradling stated the traffic volume is very similar to Ingersoll between Merle Hay and Lower Beaver Avenue. You can see the improvements from Ingersoll have helped with slowing traffic, safety for pedestrians and some economic development that has comes from that.

Emily Webb stated they have done a good job addressing the traffic issues as this was the main point of concerns so she would be inclined to move the staff recommendation.

Abby Chungath stated this plan makes sense as we move into the future with pedestrian and bicycle access. Allowing traffic to slow down will increase the safety and shouldn’t feel as if you are inching along. Noted this is only a plan. Funding and detailed plans are still necessary and there will be additional opportunities for public input.

Jann Freed stated she wanted to reiterate the reconfiguration of lanes on Douglas Avenue is proposed as a pilot study and the results of the study will influence the final / permanent lane configurations.

**COMMISSION ACTION:**

Emily Webb made a motion to recommend that Plan DSM Creating Our Tomorrow be amended to incorporate the Douglas Avenue Corridor Plan as an element.

**THE VOTE:** 11-0

**Item 5**

Request from QSL Development, LLC (owner) represented by John Larson (officer) for review and approval of a Preliminary Plat “Woodbury” on property located in the vicinity of the 3401 block of East 56th Street, to allow the property to be divided into 84 lots for one-household development, two (2) lots for multi-household development, and outlots for stormwater management and/or open space. Additional subject property is owned by J Larson Homes, LLC.

(STAFF REPORT TO THE PLANNING COMMISSION)

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The proposed subdivision would allow the applicant to develop the property with mixed densities of residential development, including
detached one household dwellings, multiple-household development and housing for residents with a physical or developmental disability.

2. **Size of Site:** 63.82 acres.

3. **Existing Zoning (site):** “N2a” Neighborhood District, “N2b” Neighborhood District, “NX2” Neighborhood Mixed District, and “F” Flood District.

4. **Existing Land Use (site):** The northern portion is agricultural production land and the southern portion is timbered land.

5. **Adjacent Land Use and Zoning:**
   - **North** – “N1a”; Uses are Bethany New Life Church and an archery range business.
   - **South** – “N1a” and “F”; Uses are timbered land, agricultural production land and a farmstead with equestrian training and stables.
   - **East** - “OS” Open Space District & “MDR” Medium Density Residential (City of Altoona), Uses are U.S. Highway 65, timbered land, open space, and agricultural production land.
   - **West** – “N1a” & Brook Landing “PUD”; Uses are single-family dwellings and vacant land.

6. **General Neighborhood/Area Land Uses:** The site is located between along the west side of East 46th Street in an area that includes a mix of low-density residential, agricultural, and educational uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood association. All recognized neighborhood associations were notified of the public hearing by mailing of the preliminary agenda for the original January 16, 2020 meeting on December 27, 2019. Notifications of the hearing for this specific item were mailed on January 6, 2020 (10 days prior to the original January 16, 2020 public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A final agenda was mailed on January 31, 2020.

8. **Relevant Zoning History:** The property was annexed into the City of Des Moines on June 25, 2009. At that time the Zoning of the property was designated as “A-1” Agricultural District.

   On August 5, 2019 by Ordinance No. 15,793 the City Council rezoned the property to Limited “R-3” Multiple-Family Residential District, subject to the following conditions.

   A) An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator’s satisfaction, that a mix of
housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.

B) Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

C) Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.

D) Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network, and shall provide a future regional trail connection as reviewed and approved by the City Engineer and City Parks and Recreation Director.

E) Any detached single-family dwelling shall comply with the following:
   1. No same house front elevations shall be built on adjacent lots.
   2. Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.
   3. Any house shall have a minimum two-car attached garage.
   4. The front façade of any house constructed must contain one of the following:
      a. A front porch of not less than 60 square feet; or
      b. Stone or brick masonry siding covering at least 1/3 of the façade.
   5. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
   6. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

F) For the first phase of development and first preliminary plat which shall include that portion of the Property north of and immediately adjacent to the east of the real property locally known as 3341 E. 56th Street:
   1. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
   2. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
   3. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

G) For the second phase of development and second and subsequent preliminary plat(s) which shall include that portion of the Property south of and immediately adjacent to the east of the real property locally known as 3301 E. 56th Street:
   1. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   2. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
   3. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.

H) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
I) Any chain link fence shall have black vinyl cladding.

On December 15, 2020 the Conditional Zoning was repealed and the existing Zoning became effective as part of the overall update the City’s Zoning Ordinance. The Zoning is reflective of the rezoning that occurred in August.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Medium Density Residential, Park and Open Space, and Development Control.

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 Site Features:** The majority of the site consists of agricultural land with a timbered area on the southern portion. Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. There is also a stream with Floodplain in the southern portion of the property that will limit development with any Subdivision Platting or Site Plan Development.

   Sheet 9 of the submitted Plat includes the tree mitigation plan. In this instance, the canopy method was used to calculate the number of mitigation trees required at 245 required planting based on 488,898 square feet of canopy to be removed. The plan indicates that 168 trees would be planted at two per lot for the one household development and that 77 trees would be planted with the development for multi-household dwellings.

2. **Utilities:** There is public sanitary sewer provided along eastern and northern portion of the property. The submitted Plat proposes extending these into the street network to serve the individual lots. Public storm sewer is also proposed in the street network.

3. **Drainage/Grading:** The site drains generally from north and west to south and east. Any development of the property must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control
A homeowners’ association may have to be established for the purposes of entering into a Stormwater Management and Facility Maintenance Agreement with the City for any necessary stormwater facilities.

The developer has proposed modification and expansion of the existing pond on the property to accommodate a bulk of the stormwater detention necessary under the requirements. There is significant shaping proposed to provide overland flows to reach the basin. There are outlot areas proposed to convey the existing overland flows from the two acreages to the west to facilitate water flow and to prevent it from backing onto those properties and the proposed lots. Engineering staff is requesting clarifications on portions of the stormwater management improvements.

4. Traffic/Street System: A traffic study based on the proposed rezoning concept was prepared in accordance with the City’s traffic study policy. The study concluded no additional considerations were necessary with the proposed development of the site, and that the existing roadways and proposed network are sufficient.

The Engineering staff is requesting a full soils report to review street construction design with any public improvement plans. Traffic Engineering has made comments for the need to comply with street dimensions in accordance with the MoveDSM classifications. Also, Traffic Engineering and Parks and Recreation Staff have indicated a preference for trail alignment. Parks staff proposed to reach out to the property owner to the north to coordinate a desirable trail alignment on the subject property and through that property.

5. Fire Access: Fire prevention staff have indicated that the proposed access for the number of one household lots and the number of multiple household units would satisfy Fire Code provisions.

III. STAFF RECOMMENDATION

Based on the need for the developer to redesign some of the lot sizes, street widths, and trail easement location, the applicant is requesting to further continue the item to the March 5, 2020 meeting of the Commission.

SUMMARY OF DISCUSSION

Jason Van Essen advised the commission the applicant has requested a continuance to the March 5, 2020 meeting.

COMMISSION ACTION:

John “Jack” Hilmes made a motion to continue this item to the March 5, 2020 Plan and Zoning Commission Meeting.

THE VOTE: 11-0
Item 6

Request from Hope Ministries Center for Women and Children (applicant), represented by Leon Negen (officer), for the following requests on property located at 3800 East Douglas Avenue. The subject property is owned by Experience Church of the Open Bible.

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


C) Rezone property from “R1-60” One-Family Low-Density Residential District to “PUD” Planned Unit Development District. (ZON2019-00236)

D) Approval of a PUD Conceptual Plan “Hope Ministries Center for Women and Children”, to allow the existing church to be converted to a shelter for the homeless for approximately 100 women and children. The proposed use would also include classroom, office, and daycare space.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The owner is seeking to repurpose the existing church building use for a 50-bed temporary shelter and a 50-bed supervised group residence use for women and children only. Other supporting uses to be incorporated include a chapel, dining hall, kitchen, daycare, training classrooms, and administrative offices. The project would propose removal of the original Douglas Elementary School building and provide a two-story, 16,000-square foot building addition. A resubmitted plan by the applicant has qualified permitted land uses within the PUD Area and updated the description to reference “50 beds for short term program for homeless women and children, and 50 beds for long term life support programming for homeless women and children.” The latter would be defined as Assisted Living under the Zoning Ordinance use descriptions. The updated Plan also added statement to clarify that “all beds are for women and children and there are to be no beds for homeless men.”

2. Size of Site: 5.49 acres.

3. Existing Zoning (site): “R1-60” One-Family Low-Density Residential District and “FSO” Freestanding Signs Overlay District. The application for rezoning was filed prior to December 15, 2019 and is therefore being considered under the Zoning Ordinance effective at that time. Should the City Council deny the application for
rezoning, the zoning of the property would become “P2” Public, Civic, and Institutional District.

4. **Existing Land Use (site):** 43,387-square foot church use.

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

   **North** – “MX3” & “RX1”, Uses are one household dwelling, Iowa State Bank branch bank, and a limited food/retail store use.

   **South** – “N3a”, Uses are one household dwelling.

   **East** – “RX1” and “N3a”, Uses are multi-household dwellings and one household dwellings.

   **West** – “MX3”, Uses are vacant land and a vehicle sales and service – vehicle maintenance/repair – minor use (car wash).

6. **General Neighborhood/Area Land Uses:** The property is located along the Hubbell Avenue, U.S. Highway 6 corridor with a mix of commercial industrial and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Sheridan Gardens Neighborhood. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda for the original January 16, 2020 meeting to all recognized neighborhoods on December 27, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 27, 2019 (20 days prior to original January 16, 2020 hearing) and January 6, 2020 (10 days prior to the originally scheduled January 16, 2020 hearing) to the Sheridan Gardens Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the proposed rezoning. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on January 31, 2020.

   All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Sheridan Gardens Neighborhood Association notices were sent to Kurt Lee, 3507 East 39th Court, Des Moines, IA 50317. The applicant conducted a neighborhood meeting on January 6, 2020. A summary of that meeting will be provided by the applicant at the meeting.

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


10. **Applicable Regulations:** Taking into consideration Chapter 18B of the Iowa Code, 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. 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 required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

III. ADDITIONAL APPlicable INFORMATION

1. Drainage/Grading: Any addition of impervious area (buildings or paving) to the site must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan. The Engineering review staff has indicated that the stormwater management statement needs to be revised to reflect compliance with policies adopted for all Development Plans. A resubmitted plan has demonstrated compliance with this comment.

2. Utilities: All necessary utilities are available to the site. There is public sanitary sewer within East Douglas Avenue and East 38th Street. There is public water main available within East Douglas Avenue. The public storm sewer is available from an intake within Hubbell Avenue.

3. Landscaping/Open Space: The proposed open space with the demolition and addition would be approximately 69% of the site. While the addition wouldn’t typically trigger compliance with current landscape standards, the proposed Conceptual Plan provides for standards for open space, parking interior lot, parking perimeter lot as applicable for “C-2” Districts. There is not a proposed bufferyard standard for where parking abuts one household development to the east. Staff believes that the bufferyard standard for “C-2” Districts should be added. The submitted Plan indicates that no trees are proposed to be removed. Staff believes the statement of compliance with the City’s Tree Removal and Mitigation Ordinance for any future Development Plan be added to the document. A resubmitted plan has demonstrated compliance with these comments.

4. Streets/Sidewalk: The proposed use and expansion of the building is not anticipated to generate enough additional traffic to require any improvements to the surrounding street network. There is public sidewalk along Hubbell Avenue.
5. **Parking/Access:** The proposed Conceptual Plan proposes to maintain the one existing drive entrance from East Douglas Avenue. Parking requirements for shelters are one space per two supervisors or employees and one per 15 beds. Parking requirements for supervised group residence are one parking space per 8 beds, as well as the one space per two supervisors or employees. The submitted Conceptual Plan only provides the standard for the shelter. This needs to be revised to divide the proposed beds out between shelter for the homeless and supervised group residence. This would change the total required spaces from 17 to 21. There are currently 68 spaces proposed on the Conceptual Plan. A resubmitted plan has demonstrated compliance with these comments.

6. **Urban Design:** The proposed addition would consist of building materials that are similar to the existing facility. This includes brick, glass, and cement board-type siding to match the existing building. The proposed two-story addition would be built on the west side of the building, 80 feet from the west property line. Staff does not believe that the proposed two-story form would put the building out of balance with the mass and scale of the surrounding neighborhood. Due to the grade, it would have a lower profile than the portion of the existing building to be retained. A note must be added to require architectural screening of all rooftop mechanical units on any addition. Also fencing details need to be provided for any existing fencing to be retained or any fencing to be permitted. A resubmitted plan has demonstrated compliance with these comments. However, a statement still needs to be included to address future fencing allowances.

7. **PlanDSM:** The proposed Medium Density Residential designation would accommodate the rezoning to “PUD” with allowance for the number of beds for shelter for the homeless and supervised group residence.

Staff believes that the proposed amendment would be appropriate as a repurposing of an existing institutional building and site and would also further goals to provide housing for a range of housing type needs throughout the community. With the reuse of the building and the location of the building at the fringe of the neighborhood along a high-volume traffic corridor, staff believes the site is an appropriate location for such a facility minimizing the impact on nearby neighborhood.

Any PUD Development Plan moving forward would be required to be reviewed by the Plan and Zoning Commission and the City Council in accordance with new provisions for Legacy PUD-zoned areas.

### III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “PUD” Planned Unit Development be found not in conformance with the Public/Semi-Public future land use designation in PlanDSM Creating Our Tomorrow Plan.
Part B) Staff recommends approval of the requested amendment to PlanDSM Creating Our Tomorrow to revise the future land use designation from Public/Semi-Public to Medium Density Residential.

Part C) Staff recommends approval of the requested rezoning from “R1-60” One-Family Low-Density Residential to “PUD” Planned Unit Development.

Part D) Staff recommends approval of the proposed PUD Conceptual Plan for Hope Ministries Center for Women and Children, subject to the following revisions:

1) Any revisions necessary as part of the administrative final Mylar review to reflect final action by the City Council and to meet non-substantive staff comments for formatting and final documentation.

2) Provision of an additional note to fencing requirements that any future fencing added or to replace existing shall only be black clad chain link fencing or black decorative iron-type open fencing no greater than 6-feet in height or 6-foot tall solid wood fencing or architectural panels when required for screening.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendations.

Chris Pose, 317 6th Ave. Suite 300 stated most of the homeless women and children in this community are staying in someone’s basement, sleeping on someone’s couch or in a car. Hope Ministries goal is to bring these people out of homelessness, show them a way of life and help them produce in the community. Hope Ministries has been on the East side since 2004 and are looking to expand. They are asking for this building to provide 50 beds for short term living and 50 beds for long term living programing. He presented correspondence from the Des Moines Public School District that stated there were 1,125 homeless students in the Des Moines Public School District during the 2018-19 school year.

Will Page asked where these homeless children are living regarding the email he shown from the Des Moines Public School system.

Chris Pose stated this was an email from Des Moines Public Schools. It identified the total number of homeless students district-wide but didn’t provide geographical distribution of those students.

Leon Negen, 5075 University Avenue stated Hope Ministries has been caring for the homeless since 1915. They do so without any public, federal or state assistance and operate only on donations from thousands of donors from all over the region. 5 years ago, they noticed the increasing need to expand their operation within the community. They initially started looking for vacant land to build but found that to be too costly. That’s when they started to explore existing buildings that could be renovated and found this location at 3800 East Douglas Avenue. There are currently 94 beds that are available for homeless women and children operated by 3 shelters in Polk County.
Hope believes that is unacceptable for a metro with a population around 600,000 people. They have a track record for safety, positive outcomes and being great neighbors at all their locations.

Mike Kastner, representing ASK Studio, 3716 Ingersoll Ave. presented a preliminary site plan to the commission via the overhead projector.

Chris Pose stated they had a neighborhood meeting on January 6\textsuperscript{th} that was well attended. One of the main concerns expressed during that meeting was the belief there would be a decrease in property values in the surrounding area. They consulted with Mike Swaim, a real estate appraiser in Des Moines to conduct an evaluation study and he has found no detrimental decrease in property value around existing facilities in Des Moines.

Mike Swaim, Swaim Appraisal Services, 3932 Aspen Drive, West Des Moines presented his analysis and report on property values surrounding existing facilities in Des Moines. His report was submitted for the record of the hearing.

Will Page asked if 3701 Wright Street was a part of the evaluation study?

Mike Swaim stated that property is adjacent to another homeless shelter for women and children located at 3703 East 9\textsuperscript{th} Street that is not owned by Hope Ministries.

Will Page asked how many beds the shelter at 3703 East 9\textsuperscript{th} Street has.

Mike Swaim stated there are 6 duplexes’ so anywhere from 12-18 beds.

Rocky Sposato asked if Hope Ministries can share their success rate.

Leon Negen stated that definition of success varies. Moving someone from under a bridge to inside a building is success. Providing a full stomach to someone who has no food is success. 70\% of the people who come to a Hope Ministries facility will stay for a year or more. They have an aftercare program that allows them to follow people for 3-5 years and they look for maintaining sobriety, maintaining housing, maintaining employment and if they are involved in a support group. Reviewing cases in 6-month increments, they have a 72\% success rate.

John “Jack” Hilmes asked if they have problems with violence, criminals, drugs or beggars around their facility.

Leon Negen stated he can’t make promises for people’s future safety. The neighbors around Hope’s current facility are very happy with Hope Ministries operations. In 2019 there were 10 calls to the police department involving traffic accidents, health related issues and a teenager not returning home.

Jacqueline Easley asked if they provide any security on-site.
Leon Negen stated they are staffed 24 hours a day, 7 days a week and 365 days a year. They would consider additional security but there has never been a reason for it up to this point.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Shantal Carnes, 595 N. Pleasant Hill Blvd stated she had the chance to go through Hope Ministries recovery program from 2013-2015. This program changed her life and has given her the tools to be the woman she’s always wanted to be. Today she has a good job, is completely off government assistance and continues to work towards her goals in life. Hope Ministries runs a hard program and they hold you accountable in every aspect of your life. In all her time there, she’s never witnessed any ill situations due to the accountability they hold you too.

Angela Thomas, 3624 E. 43rd Court stated she’s had a lot of involvement with Hope Ministries. The women who come to Hope find a sense of community and people that will walk beside them. We all need people to stand behind us, to push us forward and a lot of the women that graduate from the program still come back to be a support to other women entering the program.

Steve Christensen, 1904 5th Street stated he understands the fears that people in the neighborhood have but the greater fear is not having a place for the homeless. We have a chance to reduce the number of homeless population by offering this place of hope. He has never felt afraid being at Hope Ministries as he is there weekly. He has seen lives changed before his eyes and encourages this facility for the opportunity to change more lives.

Bruce Warner, 3500 William Street stated he is concerned with the facility being located on Hubbell where there are no jobs for these women and no space in the nearby schools for their children. The appraisals of homes will go down because of the size of the facility Hope Ministries is proposing.

Frank Erickson, 3749 E. Douglas Avenue stated he is concerned about property values. The appraisal study was done on properties near a shelter with 12-18 beds, not 100. He is also concerned about the people who will wander around his neighborhood that are kicked out of the facility for bad behavior and drug use.

Jennifer Frank, 2643 Beaver Avenue read submitted letter verbatim.

Beverly Dakovich, 4590 NE 38th Avenue stated she has heard from other real estate brokers that this facility will bring down the value of your house and all the research she has done shows the same. Their neighborhood is already over populated with low income apartments and now neighbors are being asked to welcome a homeless shelter. She is also concerned about people wandering around her neighborhood if they are asked to leave the facility. People will not buy property in this neighborhood once they find out this type of facility located there.

Susan Stroope, 4233 E. Madison Avenue read submitted letter verbatim.
Jan Rouse, 3330 E. 36th Court stated this facility will be well kept and a great addition to the neighborhood. It will be much better than another low-income apartment or vacant building that will turn into an eyesore. She would much rather live next door to Hope Ministries rather than the duplexes she currently lives by because she believes those have brought down her property value.

Sheri Passwater, 6736 NW 4th Street stated she has been a volunteer at Hope Ministries and has never felt scared while being there. The accountability they have keeps everyone safe and the campus is always kept clean. Hope gives these women and children the life lessons they need to be successful and productive citizens.

Mike Kappelman, 3917 E. 40th Street stated he fully embraces Hope coming into his neighborhood. There is already drug activity happening in his neighborhood and disapproval of this facility will not get rid of the negative activity already taking place. The only way we can get rid of this negative activity is by calling the police and having them respond to the calls.

Melanie Kappelman, 3917 E. 40th Street stated she wants to commend Hope for all the issues they addressed during the neighborhood meeting. She believes this will be a positive thing for the neighborhood with a well-maintained property.

Becky Good, 7112 Palm Drive stated she has volunteered with Hope Ministries for 9 years and it is heart wrenching when you tell a woman and her children that they have no room for them to sleep.

Jaylene Barton, 2820 E 36th Street stated she has been volunteering at Bethel Mission for 25 years. They have toured Hope’s current facility and it is very clean and the staff does a wonderful job. Violence can occur anywhere but she feels Hope needs a larger facility so they are able to serve more people as the homeless population grows.

Linda Grathwohl, 3701 Brook Ridge Court stated she supports this whole heartedly and cannot believe how many people are against this. Homelessness is not a crime but is a big threat to our society. It could happen to anyone at any given time.

Vicki Clayton, 3706 E 38th Street stated she has worked hard all her life to provide a good and safe home for her child. She doesn’t understand why Hope wants to come into her neighborhood and it’s a shame Des Public Schools didn’t keep that facility because they really need it right now.

Sara Dunkerson, 3700 Belmar Drive read submitted letter verbatim. She also read a submitted letter from Bob Pinegar who couldn’t attend the meeting.

Eric Dunkerson, 3700 Belmar Drive stated he has heard of industrial space that could better serve this shelter rather than a church that is in his neighborhood. They could lose $20,000 in value of their house based on the average 12% drop for homes near these types of shelters. He has been told that his insurance premiums could go up based on if the crime rate increases in the area. He is liable for the crime that takes
place on his property, it will be his money replacing things that have been damaged not Hope Ministries.

Brandy Gosselin, 1920 E 41st Street stated she became homeless as a child due to her parents being divorced. If Hope Ministries was offered back then, she could have had a much different childhood. She has volunteered her time with Hope Ministries for the past 8-10 years because she knows the effect it has on these women and children.

Crystal Loving, 3848 E. Douglas Avenue stated just because people are in need doesn’t make them criminals or drug addicts. Sometimes people just need a chance to rebound and bring them back to being contributing members of society. She is more concerned about the existing blight in her neighborhood, not the potential of a homeless shelter. She does support the shelter but would like to have a lighted pedestrian walkway from the apartments north of Douglas Avenue and have any smoking/loitering area moved to the west towards Hubbell Avenue.

Mardelle Morris, 3906 4th Street stated she supports this because of the number of calls that are received from women looking for a shelter to stay in.

Bob Aubrey, 3429 Belmar Drive stated he is in favor of this project. He was shocked by the number of people who suffered from the government shut down a few years ago. A lot of people in our society are very vulnerable to homelessness.

Susan Kelly, 4102 NE 44th Street stated although this location is a perfect fit for Hope, she doesn’t see it being a good fit for a residential neighborhood where kids walk to school and residents spend time outside walking the streets around their homes. If this is approved she would like to see the driveway moved from E. 38th Street to Hubbell Avenue.

Penny Murphy, 2001 47th Street stated she has volunteered at Hope since March of 2016 and has always felt safe and welcome on their property. The hardest part about volunteering is turning a woman away who wants to change her life, but they don’t have room for them.

Karen Bernard, 3531 Belmar Drive stated although she feels the homeless need a place to stay. However, she is opposed to having it in this location.

Cleon Babcock, 3706 E. 38th Court stated there is an absolute need for Hope Ministries as he was given up by his mother at 4 years old but this location isn’t the place for it.

Kevin Marken, 2109 E. 28th Street stated Hope Ministries has proven they are a well-run facility over the years and this won’t be bad for the neighborhood. If he had the means to buy properties from the people with concerns, he would.

Charles Cole, 3513 Village Run Drive stated he was the pastor of Experience Church. When they put this property up for sale, they prayed it would be taken over by someone who would do similar work. If this doesn’t go through, he knows people that
are interested in turning this property into multi-family residential. He believes in Hope Ministries and that the property will enable Hope to continue to save the lives of others.

**Nathan Thomas**, 3624 E. 43rd Court stated he has 5 children of his own and he doesn’t let them go outside now. There will always be crime happening around our neighborhood but feels Hope will help get rid of some of those issues. He and his family are excited to have them in the neighborhood and will be there to volunteer in any way they can.

**Beverly Wagoner**, 3701 E. 38th Court stated she has lived in the neighborhood for over 50 years and has never felt afraid. Although she supports the work Hope does, she doesn’t want to live 3 houses down from a homeless shelter.

**Joan Field**, 2900 E. 38th Court stated she is opposed and this isn’t right for their neighborhood.

**Kourtney Sevenbergen**, 3700 E. 38th Court stated she is opposed to this rezoning. She knows Hope is trying to protect their people but she is trying to protect herself and her children as well.

**Brad Lovell**, 3619 E. 43rd Street stated there is a mall on the south side of Des Moines that is basically empty that has job opportunities, food and plenty of space but it probably too expensive for them. He believes Hope does a lot of good work for many people but they could find a different location for this facility.

**Tim Meline**, 3619 SW 28th Street stated he has been on the board of directors for Hope Ministries for over 30 years. They want to invest millions of dollars into this building and make it attractive for the neighborhood, they have no interest in devaluing the properties around them. At their current location, 3333 University they have no signs and he bets most people that drive by have no idea they’re there. They aren’t looking for recognition, just the chance to help more people in need.

**Kevin Bernard**, 3531 Belmar Drive stated he is concerned with traffic flow on Hubbell with all the bus stops. Brining all these kids in will make the buses stop even longer. He believes if Hope Ministries was willing to meet with the neighborhood for a 2nd time after the last Plan and Zoning meeting, they could have saved a lot of headache during tonight’s meeting. He was also told they have no plans for their current facility so that will turn into another vacant building near the Fairgrounds that could become an eyesore.

**Jerry Hull**, 3800 E. Ovid stated he supports this project and believes it will bring property values up because of how nice the facility will be. Most of the people in this room probably have family that would help them in need. Some people don’t have families and these women who turn to Hope want to be helped.

**Chris Pose** stated they would take any questions the commission has. Hope Ministries will be good caretakers of the land and will be good neighbors.
Jann Freed asked Hope to address the lighted passage that was mentioned, where the smokers will be and where the people will go if they are asked to leave because of bad behavior or drug use?

Chris Pose stated they have had talks about the walking path from the apartments to the North but haven’t had any discussion about it being illuminated. They currently have no plans around where the smoking hut will be but will continue to work with Mrs. Loving on those issues and satisfy her request to the best of their ability.

Leon Negen stated dismissals happen in recovery centers all around the county. Forcing those who will not comply to facility rules to leave is one of their best practices for such facilities. Without this we wouldn’t have a place for recovery but more of a flop house. People will not be released after curfew to wander the neighborhood. During the intake process, an exit plan is created for each resident that identifies where they will go if they are dismissed and how they will get there. They ensure this exit plan is executed with every individual staying at their facility so they aren’t turned out into the community. Dismissal from the facility is not a surprise. There will have been multiple meetings with the resident to discuss behavioral correction. The facility and the resident follow the pre-established exit plan.

Jacqueline Easley asked what happens when someone refuses to exit?

Leon Negen stated if that were happen, they would eventually call the police.

Will Page asked how many beds they plan on placing in the existing building?

Mike Kastner stated the upper story will house the long-term program with 50 beds. The lower level will be the 50 beds for the short-term program.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Dory Briles asked what the vacant property to the west will be?

Jason Van Essen stated the Git N Go convenience store.

Will Page stated he is concerned with the size of the building with the amount of beds that are intended. If Hope was willing to come up with a different design using a smaller scale, that would be something he could vote for.

Steven Wallace stated someone is going to buy this property. People have state they believe there are too many multi-family dwellings in the neighborhood. He supports a shelter at this location as there will be a lot of green space that will remain. He noted if Hope could consider moving to parking lot entrance / exit to Hubbell Avenue, that could make a lot of the neighbors happier.

John “Jack” Hilmes stated he isn’t concerned about the scale of the proposal. If you let some commercial realtor sell this property, you will likely end up with apartments on the site and have a greater increase in density than what is currently proposed. It sounds
like most people are in favor of Hope’s mission but object to the people who will benefit from this, which is concerning to him.

Jann Freed stated she wasn’t clear about how property values will be impacted.

Rocky Sposato stated he is support of this mission and would move staff recommendation. We all want crime rates to go down and we all want better schools. The problem with the people committing these crimes is they don’t have the resources and that’s why he supports this proposal.

**COMMISSION ACTION:**

Rocky Sposato made a motion for approval of Part A) the proposed rezoning to “PUD” Planned Unit Development be found **not in conformance with the Public/Semi-Public future land use designation in PlanDSM Creating Our Tomorrow Plan, Part B) APPROVAL of the requested amendment to PlanDSM Creating Our Tomorrow to revise the future land use designation from Public/Semi-Public to Medium Density Residential, Part C) APPROVAL of the requested rezoning from “R1-60” One-Family Low-Density Residential to “PUD” Planned Unit Development and Part D) APPROVAL of the proposed PUD Conceptual Plan for Hope Ministries Center for Women and Children, subject to the following revisions:

1) Any revisions necessary as part of the administrative final Mylar review to reflect final action by the City Council and to meet non-substantive staff comments for formatting and final documentation.

2) Provision of an additional note to fencing requirements that any future fencing added or to replace existing shall only be black clad chain link fencing or black decorative iron-type open fencing no greater than 6-feet in height or 6-foot tall solid wood fencing or architectural panels when required for screening.

**THE VOTE:** 10-1-0 (Will Page voted in opposition)

****************************

**Item 7**

Request from Myer, LLC (owner) represented by David Silverstein (officer) for appeal of a Site Plan amendment “Scrap Processors Inc.” that was denied administratively for property located at 608 and 650 Southeast 30th Street, to allow waiver of the requirement for public sidewalk installation along Scott Avenue. 

(10-2020-7.66)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The appellant has submitted a Site Plan (10-2020-7.66) to replace a previously approved Site Plan (10-2019-7.53) that allows development of the site with a salvage yard use. The purpose of this new Site Plan is to allow expansion of the approved salvage yard use onto a 50-foot wide strip of land to the south. The Site Plan also reflects the stormwater basin that the City is constructing within the northern 70 feet of the site along Scott Avenue. This stormwater basin is for the benefit of the salvage yard use and other nearby properties. The Site Plan demonstrates that a driveway would be provided from Scott Avenue within an easement across the stormwater basin.

This Site Plan (10-2020-7.66) was administratively denied since it eliminates the required 5-foot wide sidewalk along Scott Avenue (approximately 450 lineal feet), which is provided on the previously approved Site Plan (10-2019-7.53). This Site Plan does provide the required 5-foot wide sidewalk along Southeast 30th Street.

2. Size of Site: 7.72 acres.

3. Existing Zoning (site): “I2” Industrial District.

4. Existing Land Use (site): The subject property is being developed for a salvage yard use. The northern 70 feet of the site is being developed with a stormwater basin.

5. Adjacent Land Use and Zoning:

   North – EX, Uses are Scott Avenue and an outdoor storage lot.

   South – I1, Use is an office and warehouse use.

   East – EX, Uses are vacant land, a vehicle storage yard and vehicle repair.

   West – EX, Uses are single-family dwellings.

6. General Neighborhood/Area Land Uses: The subject property is located along the west side of Southeast 30th Street in between East Martin Luther King, Jr. Parkway to the south and Scott Avenue to the north. The surrounding properties mostly contain industrial uses, with a low-density residential area to the west.

7. Applicable Recognized Neighborhood(s): The subject property is not located within 250 feet of any recognized neighborhood association. All recognized neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 17, 2020. A final agenda for the meeting was mailed to all recognized neighborhood associations on January 31, 2020. All agendas are mailed to the primary contact(s) designated by the recognized
neighborhood association to the City of Des Moines Neighborhood Development Division.

Additionally, separate notification of the hearing for this specific item was mailed on January 27, 2002 (10 days prior) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

8. Relevant Zoning History: On August 28, 2017, by Ordinance 15,607, the City Council rezoned the site, excluding the southernmost 50 feet, from “C-2” General Retail and Highway-Oriented Commercial District to Limited “M-2” Heavy Industrial District to allow development of the property with a salvage yard use. The rezoning was subject to the following conditions:

1. The following uses of the property shall be prohibited:
   a. Adult entertainment businesses.
   b. Taverns or nightclubs.
   c. Liquor stores.
   d. Off-premises advertising signs.
   e. Pawn brokers.
   f. Delayed deposit services.

2. Any buildings constructed along the public street sides of the Property should meet the following requirements:
   a. On any public street facing façade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
   b. Any use of metal exterior material on any façade shall have minimum 22-gauge thickness with no exposed fasteners.
   c. Any façade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
   d. Any overhead doors shall not be oriented toward a public street.

3. Any redevelopment of the Property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.

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

On November 4, 2019, by Ordinance 15,826, the City Council rezoned the southern 50 feet of the property from Limited “M-1” Light Industrial District to Limited “M-2” Heavy Industrial District to allow extension of scrap yard under development. The rezoning was subject to the following conditions:

1. The following uses of the property shall be prohibited:
   a. Adult entertainment businesses.
   b. Taverns or nightclubs.
   c. Liquor stores.
   d. Off-premises advertising signs.
   e. Pawn brokers.
   f. Delayed deposit services.
2. Any buildings constructed along the public street sides of the site should meet the following requirements:
   a. On any public street facing façade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
   b. Any use of metal exterior material on any façade shall have minimum 22-gauge thickness with no exposed fasteners.
   c. Any façade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
   d. Any overhead doors shall not be oriented toward a public street.
3. Any redevelopment of the property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
4. Any Site Plan for the property shall comply with the City’s Landscaping Standards as applicable in the “C-2” General Retail and Highway-Oriented Commercial District.

On November 20, 2019, by Docket ZON2019-00216, the Zoning Board of Adjustment granted a Conditional Use Permit to allow use of the entire property for a salvage yard, subject to the following conditions:

1. Any use of the site for a salvage yard shall be in accordance with a Site Plan as reviewed and approved by the City’s Permit and Development Center.
2. Any use of the site for a salvage yard shall be screened by a 10-foot tall metal fence that is setback at least 52 feet from the westerly site boundary. This minimum 52-foot wide buffer area shall include a row of evergreen trees located outside of any stormwater basin and spaced every 30 feet to the satisfaction of the City’s Planning Administrator. These evergreen trees shall be in addition to the landscaping required by the following “condition 3”.
3. Landscaping shall be provided in accordance with the Landscape Standards applicable to the “C-2” District.
4. Any buildings constructed along the public street sides of the Property should meet the following requirements:
   a. On any public street facing façade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
   b. Any use of metal exterior material on any façade shall have minimum 22-gauge thickness with no exposed fasteners.
   c. Any façade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
   d. Any overhead doors shall not be oriented toward a public street.
5. All driveways, parking lots and maneuvering aisles shall be surfaced with Portland Cement Concrete or Hot Mix Asphalt pavement. All storage areas shall be surface with pavement or Recycled Asphalt Product.
6. All areas outside a completely enclosed building used for the storage of inoperable or unsafe vehicles, junk or salvage materials shall be enclosed on all sides by a solid opaque fence and gates at least ten feet in height and of uniform design and color. All fences and screens shall be maintained in good repair.
7. Junk and salvage materials shall not be stacked higher than the perimeter fence within 75 feet of the fence and shall not be stacked higher than 25 feet elsewhere on the site.

8. Any dismantling or repair of vehicles shall occur only upon an impermeable surface with adequate provision for the collection and disposal of fluids and wastes.

9. Any junk or salvage yard shall provide a paved area for the receipt and temporary storage of material which is screened from the adjoining public right-of-way.

10. The best practical control technology shall be employed to minimize any obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance generated by the proposed use, and the best practical means known shall be employed for the disposal of refuse matter.

11. Should any operation of the use exhibit activity constituting a public nuisance, then the Zoning Enforcement Office shall have cause to bring the matter back for reconsideration of the Conditional Use Permit by the Board.

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

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: 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. The required sidewalk along Scott Avenue would provide a pedestrian connection between the residential neighborhood to the west and Southeast 30th Street.

   Staff has evaluated the appellant’s proposal and believes that a 5-foot sidewalk should be installed along the Scott Avenue frontage. The subject property enjoys the benefit of having access from Scott Avenue and should, therefore, be required to provide a sidewalk along this 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 Scott Avenue.

   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

   Jason Van Essen presented staff report and recommendations.

   Rocky Sposato asked who owns the land the easement runs through.

   Jason Van Essen stated the City of Des Moines.

   Wally Pelds, representing Pelds Design Services stated they are proposing a sidewalk along SE 30th Street. They have already planted street trees to the North but don’t believe it’s fair to put in additional sidewalk along Scott Street and that’s is why they are here asking for the waiver.
CHAIRPERSON OPENED THE PUBLIC HEARING

Rick Clark, 2509 NE 46th Avenue stated he owns the property across Scott Avenue and 4 months ago someone put in 600 feet of sidewalk in front of his property. He is trying to figure out how this appeared and why he wasn’t notified.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jann Freed asked why we are asking for a sidewalk along property they do not own.

Mike Ludwig stated it was a requirement within their site plan that was approved when they owned the property. He doesn’t know what the terms of the sale were.

Greg Jones stated he is in support of sidewalks everywhere but this one doesn’t make sense.

COMMISSION ACTION:

Greg Jones made a motion to waive installation of the sidewalk along Scott Avenue subject to the balance of the Site Plan being in compliance with all administrative review requirements of the City’s Permit and Development Center.

THE VOTE: 11-0

************************
************************

Item 8

Request from White Willow Events (purchaser) represented by Taylor Boesen (officer) to rezone properties located at 6011 and 6015 Grand Avenue. The subject property is owned by 6011 Grand Avenue, LLC, Phyllis M. Woods Trust, Marjorie Schwarz (trustee), Marjorie Schwarz Trust, Steven O. Herndon (trustee), Steven O. Herndon Revocable Trust, Ronald W. Herndon (Trustee), Louise A. Herndon (Trustee) and Ronald and Louise Herndon Revocable Trust.

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

B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use plan from Parks and Open Space, Development Control, and Low Density Residential to Community Mixed Use.

   (21-2020-4.01)

C) Rezone property from “RX1” Mixed Use District to “MX1” Mixed Use District, to allow demolition of the existing buildings and redevelopment with a 2-story,
7,000-square foot building for an Assembly and Entertainment Small use (events center). This would exclude property currently zoned “F” Flood District which would only be intended for accessory surface off-street parking use.

(ZON2020-00005)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning to the “MX1” District would allow the applicant to request Conditional Uses from the Zoning Board of Adjustment for Assembly and Entertainment, Small use and for Sales for On-Premises Consumption of Alcoholic Liquor, Wine, and Beer. The rezoning would permit redevelopment of the site with an events center using a Storefront or Commercial Cottage building type in accordance with requirements in Chapter 135 Article 2 of the City Code.

The applicant has proposed a 2-story, 7,000-square foot events center as a redevelopment concept with the proposed zoning amendment.

2. Size of Site: 70,660 square feet (1.62 acres).

3. Existing Zoning (site): “RX1” Mixed Use District. Additional property for the site is zoned “F” Flood District. The applicant is not seeking to amend the zoning for any area zoned “F” Flood District.

4. Existing Land Use (site): The subject property at 6015 Grand Avenue, which was previously occupied by Herndon’s Des Moines Seed & Nursery, contains a 1-story commercial building containing 3,964 square feet of space, a 1,400-square foot warehouse building, and a 720-square foot garage. The property at 6011 Grand Avenue contains a 2-story, 6,025-square foot building with residential apartment, office and retail space. Both properties have accessory paved off-street parking.

5. Adjacent Land Use and Zoning:

   North - “RX1” & “N3c”, Uses include one household dwellings.
   South - “RX1” & “F”; Use is an office building.
   East - “RX1” & “N3c”; Uses are one household dwellings and offices for Madden Construction.
   West - “F”; Uses are Viva Restaurant and Cornerstone Credit Union.

6. General Neighborhood/Area Land Uses: The subject property is located along the north side of the Grand Avenue corridor, in an area that includes a mix of commercial, educational, and office uses along Grand Avenue transitioning to a one household dwelling neighborhood to the north.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Waterbury Neighborhood and within 250 feet of the Westwood Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 17, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on January 17, 2020 (20 days prior to the public hearing) and January 27, 2020 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. 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. A Final Agenda was mailed to recognized neighborhoods on January 31, 2020.

The Waterbury Neighborhood mailings were sent to Martha Miller Johnson, 525 Country Club Boulevard, Des Moines, IA 50312, and the Westwood Neighborhood mailings were sent to Ed Truslow, 109 51st Street, Des Moines, IA 50312.

The applicant held a required neighborhood meeting on January 9, 2020. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.

8. **Relevant Zoning History:** The City’ new Zoning Ordinance took effect on December 15, 2019, at which time the property became zoned “RX1” District and “F” Flood District.

9. **PlanDSM Land Use Plan Designation:** The property is designated with Community Mixed Use on the eastern portion, Parks and Open Space over-laid with Development Control on a majority of the remaining portion, and a small amount of Low Density Residential on the northeast corner portion.

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.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Land Use Plan:** In order to allow for the proposed rezoning, the City’s comprehensive land use plan would require amendment to designate the property as Community Mixed Use. PlanDSM Creating Our Tomorrow Plan describes “Community Mixed Use” as: Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract
customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customer.

The recently adopted Zoning Ordinance describes the requested “MX1” District as follows: intended for the mixed use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.

Staff recommends that the requested “MX1” District be found in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designation of “Community Mixed Use”.

In addition to approval of the requested rezoning to the “MX1” District, the developer will be required to follow additional process to fulfill the proposed development concept for the property. The Small Assembly and Entertainment and On-Site Consumption of Alcohol, and Off-Street Parking in the “F” District would all require granting of a Conditional Use by the Zoning Board of Adjustment. The Board may consider these concurrently. A site plan and building plan approval would be required following that prior to issuance of any building permits. These plans would all have to comply with Chapter 50 Floodplain Development in addition to the respective chapters of the City Code for Building and Planning & Design review.

2. Streets and Access: A traffic study was not required by the City’s Traffic Engineering Division for the requested rezoning. For purposes of future redevelopment of the site, Grand Avenue is considered a Primary Street Frontage. 60th Street and 61st Street are considered Non-Primary Street Frontages.

3. Parking: If the site were developed with the proposed 7,000-square foot events center concept, the site plan would typically generate the requirement for one off-street parking space for every 6 seats and one space per 400 square feet of office space. Open assembly areas without fixed seats would be calculated based on the building occupant load. Development in the “MX1” District would then be further only required to provide 60% of this ratio based on a reduction allowance for that district. The parking requirement based on the submitted concept would be as much as 47 spaces applying an open floor assembly to the entire 7,000 square feet. Staff believes that this number of off-street parking spaces could be accommodated on the subject property and is appropriate to meet the anticipated demands. The developer would not be permitted to develop more than 120% of the calculated parking ratio in “MX1” District. In this case it would be approximately no more than 94 spaces. Off-street parking in the “F” Flood District areas of the property would require Zoning Board of Adjustment approval of a Conditional Use.

Bicycle parking would be required at four (4) plus 1 per 250 seats of assembly occupancy. This would amount to 32 spaces based on the current concept proposed.
4. **Floodplain**: A portion of the subject property is zoned “F” Flood District with the recently adopted Zoning Ordinance update. This reflected the recently Federally adopted 100-year Floodplain mapping for FEMA on the Federal Insurance Rate Maps effective in February of 2019. Areas of the PlanDSM Creating Our Tomorrow Plan future land use map for Parks and Open Space and Development Control were a slightly greater area than the amendments for the Zoning Ordinance as these designations also took into account projected 500-year flood data being reviewed by FEMA at the time of the Plan adoption. Staff is comfortable amending the future land use plan for this 500-year floodplain area as it is not regulated by the Chapter 50 provisions of the City Code for Floodplain Development.

None of the proposed building development would occur in the “F” Flood District areas. However, parking and open space uses would be proposed for this area. Any site plan for development within or which would impact the 100-year floodplain area will be required to comply with provisions in Chapter 50 of the City Code for Floodplain Development.

**III. STAFF RECOMMENDATION**

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designations of Park and Open Space, Development Control, and Low Density Residential on portions of the subject property.

Part B) Staff recommends approval of the request to amend the future land use designation to Community Mixed Use for portions of the property not within the 100-year Floodplain designation on the Federal Insurance Rate Maps issued by FEMA.

Part C) Staff recommends approval of the requested rezoning to “MX1” Mixed Use District for portions of the property not zoned “F” Flood District.

Should the requested rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow the specific proposed uses of the property.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendations.

Taylor Boesen stated she started White Willow Events in 2013 which executes several events throughout the year. They are looking to create something unique for the Waterbury neighborhood that will host events and neighborhood outings. Currently they are proposing 45 parking stalls but are in hopes to do much more than that based on the amount of property they have to work with. They plan on having conversation with the bank next door about using their parking lot for additional overflow as they conclude their hours around 12(noon) on the weekends and hopes that people will use shuttle services as well. She wants to be clear that this venue will not be another Val Air ballroom and it will comply with the City noise ordinance. Events will be done
around 11pm on the weekend and 10pm during weekdays. There will be 2 off duty police officers working all events making sure everyone is being respectful and not out wandering the neighborhood. They don’t want to see another chain take over this property and want to create something with historic charm that will be a great asset to the community.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Todd Von Stein, presented a preliminary site plan of the Property. They have been working on this plan for months, which has given people plenty of time to comment on this project.

Mike Ludwig stated with the floodplain designation in this area, there is very limited opportunity for reuse of the old Herndon’s Nursery site. No new development can take place in a floodplain. Staff asked the applicant to consider acquiring the adjoining property to the east to place the proposed building outside the floodplain and then develop parking and stormwater detention on the former Herndons’ property which is in the floodplain.

Lynsey Oster, 6034 Waterbury Road stated she doesn’t see this plan as being anything like Val Air ballroom. They want to take a property that is becoming an eyesore and make it an attractive place in the neighborhood. She believes this would be a nice addition and doesn’t see any downside to this proposal.

Billy Kirby, 6001 Walnut Hill Drive stated there are 22 homes adjacent to this property that this project would directly affect. No one has approached him about this project but he did learn of it by a letter from the City. If someone had approached him he would have shared concerns involving increased traffic, on-street parking, noise disturbance and declining property value. He believes they should wait for the correct business to meet the current zoning designation or see it turned into a park.

Gretchen Johnson, 6018 Waterbury Circle stated she would like to bring up a few points of interest that include irregular business hours, alcohol consumption, increased noise and traffic congestion from an undetermined number of guests for events.

Jena Newell, 535 Waterbury Circle stated traffic is a big concern for her because of the existing Mexican restaurant that is well attended. They utilize the bank’s parking lot that was mentioned for overflow and then resort to the narrow street once the bank parking lot is full. She doesn’t feel this type of use is good for their neighborhood. This is something that should be located downtown that people are able to walk too.

Howard Newell, 535 Waterbury Circle asked how they can make sure hours of operation and noise levels are implemented into this project?

Jason Van Essen stated the Zoning Board of Adjustment could limit hours of operation through the conditional use process for a small event center and any conditional use permit request allow sale of beer, wine or liquor on the premises.
Howard Newell asked how does one get in front of Board of Adjustment to ensure those things happen.

Jason Van Essen stated it would be a public hearing just like today and property owners within 250-feet of the subject property would be notified of the hearing.

Howard Newell stated he wouldn’t be investing that type of money to hold an event every now and then. Business owners usually want to fill their place frequently to generate good revenue.

Ramona Wright, 435 61st Street stated she hated to see the previous business close because she felt lucky to live next to such a lovely place. She would like the trees to remain on the property as they act as a buffer from the noise and sight of the building. She also is worried about the increase in traffic as it is already congested on 60th and 61st Street.

Tom McBride, 1718 Polk Boulevard stated he was in attendance representing the Waterbury Neighborhood Association so he isn’t speaking for or against the project. He wanted to clarify that this property is owned by an 8-person trust and they still aren’t certain if they will sell or not. He also wanted to clarify what could be done because of the flood plain designation.

Mike Ludwig stated the existing Herndon’s building could be reused if it is reoccupied within as set period of time, but cannot be expanded or altered. The reason why this is in front of the commission tonight is because of alcohol sales. Ludwig erroneously stated that an event center in a RX1 district could sell beer and wine. (Note: A small event center is a conditional use in both the RX1 and MX1 districts. Further, the sale of beer, wine and/or liquor on the premises is also subject to approval of a conditional use permit by the Zoning Board in both the RX1 and MX1 district. A caterer could have a beer, wine liquor sales license transferred to this address for a specific event/defined period.)

Tony Colacino, 801 Grand Avenue, representing Sara and Erik Flores that reside at 6015 Walnut Hill Drive. He stated Mrs. Boesen has made some promises in respect to hours of operation, noise levels and parking. He is hearing that those issues would have to be addressed by a different board.

Mike Ludwig stated the parking regulations are listed in Chapter 135 of the municipal code.

Tony Colacino asked if the City can limit the hours of operation.

Mike Ludwig stated the Planning Commission could recommend conditional zoning that limits the hours of operation of any commercial use on the property. The zoning board of adjustment could also recommend limitations on the hours of operation for a specific use as part of a specific conditional use permit review.
Tony Colacino stated some people around this area just got information regarding this project a few days ago. The president of the neighborhood association lives well East of this location and didn’t think anyone would have a problem with it. He isn’t sure how they could take that position without hearing the concerns of surrounding neighbors.

Anthony Carroll, 525 60th Street stated the lack of transparency is the problem and with it being so late in the day, he had asked staff to table this discussion to a later date and allow more conversation with the neighborhood. He was told that it would have to be requested during the hearing. He believes a venue like this doesn’t belong in a residential neighborhood and it’s the people you can’t control that cause problems. When he and his wife moved to the neighborhood, they knew about Val Air Ballroom but didn’t expect something like that to be right in his back yard. If this is approved the fight will get worse, not one person in this area will embrace this.

David Barajas, 6101 Walnut Hill Drive stated he and his wife do have concerns because of the use for a wedding venue. The neighborhood won’t be able to support the number of cars the venue will bring, knowing that the bank parking lot is always full during the weekends. Also, 60th and 61st only allows parking on one side. It’s also ambitious to think people will use services such as Uber or car pool to the venue. As an owner you can’t dictate on how people will arrive at your location. He respects Mrs. Boesen trying to get the hours of operation shut down between 10-11pm but when people are looking for a venue to host a wedding reception, they won’t want it to be shut down at that time. He has requested a traffic study to be done in this area because he doesn’t believe the number of cars wouldn’t be feasible to this area.

Todd Von Stein stated they aren’t concerned about the use of on street parking or using the bank parking lot. They will have adequate off-street parking by using the land that is in the flood plain designation. Chapter 42 of the municipal code will regulate noise levels. The site is across the street from Viva Restaurant who also sells liquor, and closes at 11. McDonalds closed at 1am. They also want to keep the approach on Grand and are willing prohibit any vehicular access from 61st Street. There is no vehicular access proposed to 60th Street. A pedestrian sidewalk will be placed on the property allowing them to preserve all the trees along 61st Street.

Lisa Howard asked where the front entrance to this building will be located

Todd Von Stein stated there is a front entrance proposed to face Grand Avenue but he believes people will mainly utilize the rear entrance coming from the parking lot.

Jann Freed stated there is a disagreement on transparency. Asked Mr. Von Stein to explain what has been done so far to communicate with neighbors.

Todd Von Stein stated they have done everything that was required of them by the City. They have met with the City, City issued a notice to the neighborhood and they have met with the neighborhood association in person.

Taylor Boesen stated they are trying to be as transparent as possible, they aren’t trying to hide anything. She is open to any considerations the neighbors have and again
promised it wouldn’t be another Val Air Ballroom. She has also provided her contact information on the Next-door app and has answered all the questions through that system as well.

Greg Jones asked for hours of operation?

Taylor Boesen stated it will differ from each event. 9am event crews would start setting up for an event, being open till 10pm on the weekdays and 11pm on the weekends.

Abby Chungath asked for the max number of occupants?

Taylor Boesen stated they estimate around 250.

Abby Chungath stated there is a proposed 45 parking stalls.

Taylor Boesen stated that is the minimum required by City code but they are hoping to provide upwards of 70 parking stalls to exceed minimum City Code requirements.

David Barajas stated there is a requirement under chapter 134 6.1.6[C] that requires the applicant to supply a letter to staff within 3 days of the public hearing stating effort to contact the neighbors about the proposal, who was involved in those discussions, suggestions and concerns raised by the neighbors and what specific changes were made by the results of the neighborhood meeting. He has not seen that document.

Anthony Carroll stated this was a reason why he requested to table this to a future date. They would like to find out the position the neighborhood is taking on this because right now it is unclear if they are for or against this proposal.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jann Freed stated she feels there should be more communication with the neighborhood association and surrounding neighbors. Therefore, she feels inclined to table this to a later date.

Greg Jones stated he feels like he wouldn’t be any more informed as he is tonight so we should discuss it and vote on it tonight.

Jann Freed made a motion for continuation to the February 20th, 2020 Plan and Zoning Meeting.


Lisa Howard made a motion for approval of Part A) the Commission find the proposed rezoning not in conformance with the Des Moines’ PlanDSM: Creating Our
Tomorrow Plan future land use designations of Park and Open Space, Development Control, and Low Density Residential on portions of the subject property. Part B) APPROVAL of the request to amend the future land use designation to Community Mixed Use for portions of the property not within the 100-year Floodplain designation on the Federal Insurance Rate Maps issued by FEMA and Part C) APPROVAL of the requested rezoning to “MX1” Mixed Use District for portions of the property not zoned “F” Flood District.


Will Page made a motion for the requested rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow the specific proposed uses of the property.


COMMISSION ACTION:

Emily Webb made a motion for continuation to the February 20th, 2020 Plan and Zoning Meeting.


Committee and Director’s Reports:

Will Page made a motion to approve the following slate of officers as recommended by the nominating committee:

Jan Freed - Chair
Dory Briles - 1st Vice Chair
Emily Webb - 2nd Vice Chair

Motion Carried: 11-0

There was no Director’s report.

Meeting adjourned at 11:30pm