PRESENT: Jacqueline Easley, Jann Freed, Steve Wallace, Mike Simonson, Carolyn Jenison, Francis Boggus, Will Page and Lisa Howard.


STAFF PRESENT: Mike Ludwig, Erik Lundy, Glenna Frank, Tyler Hall and Naomi Hamlett.

Jacqueline Easley noted that the applicant for item #1 does not agree with staff recommendations and requests that the item be discussed by the Commission.

Jacqueline Easley noted that the applicant for item #9 has agreed to the staff recommendations. No member of the audience or the Commission requested to speak regarding the item.

Jann Freed made a motion to move item #9 to the consent agenda. Motion Carried 8-0.

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding consent agenda items #2, #3, #4 or #9. None were present or requested to speak.

Mike Simonson made a motion to approve consent agenda items #2, #3, #4 and #9. Motion Carried 8-0.

Will Page made a motion to approve the December 20, 2018 Plan and Zoning Commission meeting minutes. Motion Carried 6-0-2 (Jann Freed and Steve Wallace abstained as they were not present for the December 20th meeting).

Jacqueline Easley noted that the applicant for item #5 had requested a continuance to the February 7, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

Jann Freed made a motion to continue item #5 to the February 7, 2019 Plan and Zoning Commission meeting. Motion carried 8-0.

Jacqueline Easley noted that the applicant for item #7 had requested a continuance to the February 7, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

Mike Simonson made a motion to continue item #7 to the February 7, 2019 Plan and Zoning Commission meeting. Motion carried 8-0.

Jacqueline Easley noted that the applicant for item #8 had requested a continuance to the February 7, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.
Will Page made a motion to continue item #8 to the February 7, 2019 Plan and Zoning Commission meeting. Motion carried 8-0.

**CONSENT AGENDA PUBLIC HEARING ITEMS**

**Item 2**

Request from West End Lofts I, LLC (owner), 1440 Locust Street, represented by B.J. Miller (officer) for vacation of an adjoining 3.5-foot by 5.2-foot segment of the surface rights within the east/west alley to the south of the subject property, to allow modification of the egress door alcove for security purposes.

(11-2018-1.30)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow modification of the emergency rear exit alcove to eliminate loitering, safety, and security issues. The applicant proposes to install a black ornamental gate with exit panic hardware. The proposed gate would swing into the alley right-of-way.

2. **Size of Site:** The applicant’s property measures 150 feet by 167 feet (25,050 square feet). A total of 18.2 square feet of right-of-way is proposed to be vacated.


4. **Existing Land Use (site):** The adjoining parcel is occupied by a multiple-family dwelling.

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

   - **North** – “C-3A”; Use is the Western Gateway Park.
   - **South** – “C-3A”; Uses are offices and warehouse buildings.
   - **East** – “C-3A”; Use is an office building.
   - **West** – “C-3A”; Use is an auto sales business.

6. **General Neighborhood/Area Land Uses:** The site is located in the western portion of the downtown. The area contains a mix of office, restaurant and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 28, 2018.
Additionally, separate notifications of the hearing for this specific item were mailed on January 7, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on January 11, 2019.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Austin Lewis, 915 Mulberry Street, Unit 504, Des Moines, IA 50309.

8. **Relevant Zoning History:** On July 26, 2004, by Ordinance No. 14,361, the City Council rezoned the subject property with the “GGP” Gambling Games Prohibition Overlay District. On November 7, 2011, by Ordinance No. 15,060, the City Council rezoned the subject property with the “D-O” Downtown Overlay District.

On June 21, 2012, the Plan and Zoning Commission approved Site Plan “14Forty Lofts” under design guidelines for multiple-family residential and design guidelines within the Downtown overlay district to allow the renovation of the existing buildings for 37 multiple-family residential units on the upper two levels, with 55 main level indoor parking spaces and 3,574 square feet of main level retail/office space, subject to subject to compliance with all Site Plan requirements of the Permit and Development Center.

9. **PlanDSM Land Use Plan Designation:** The subject property and rights-of-way are designated as “Downtown Mixed Use” on the Future Land Use Map.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Utilities:** No utilities have been identified that would be impacted by the proposed vacation. Staff recommends approval subject to the reservation of easements for any existing utilities.

2. **Street System/Access:** The proposed vacation would have a negligible impact on the function of the adjoining alley. However, staff believes that bollards should be provided for the alley side door as a safety precaution.

III. **STAFF RECOMMENDATION**

Parts A & B) Staff recommends approval of the requested vacation of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

**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:**

Mike Simonson made a motion to recommend approval of the requested right-of-way vacation, subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

**THE VOTE:** 8-0

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**Item 3**

Request from the City of Des Moines (owner), 106 Franklin Avenue and 101 & 111 Jefferson Avenue, represented by Phillip Wageman (Real Estate Manager) for vacation of the adjoining east/west alley Right-of-Way between Franklin Avenue and Jefferson Avenue from Ohio Street to its terminus 410 feet to the west.

(11-2018-1.31)

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The requested vacation would allow the undeveloped alley Right-of-Way to be assembled with the adjoining parcels.

2. **Size of Site:** 14 feet by 410 feet (5,740 square feet).

3. **Existing Zoning (site):** “M-1” Light Industrial District, “FSO” Freestanding Signs Overlay District, and “GGP” Gambling Games Prohibition Overlay District.

4. **Existing Land Use (site):** Undeveloped alley Right-of-Way.

5. **Adjacent Land Use and Zoning:**
6. **General Neighborhood/Area Land Uses:** The site is in the Central Place Industrial Park to the east of 2nd Avenue.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the River Bend Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on January 7, 2019 (10 days prior to the hearing) to the River Bend Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject Right-of-Way. A final agenda was mailed on January 11, 2019.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The River Bend Neighborhood Association notices were mailed to Breanne Barnum, 1919 Arlington Avenue, Des Moines, IA 50314.

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

9. **PlanDSM Land Use Plan Designation:** The proposed project area is designated as “Industrial” on the Future Land Use Map.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Utilities:** No utilities have been identified within the requested Right-of-Way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.

2. **Traffic & Transportation:** The subject alley Right-of-Way is unimproved. However, the property at 126 Franklin Avenue may require an easement over a portion of the Right-of-Way in order to provide access the existing door(s) on the south façade of the building.

3. **Site Plan Requirements:** Any industrial or commercial development that incorporates the subject Right-of-Way would be required to comply with all Site Plan requirements.

III. **STAFF RECOMMENDATION**
Staff recommends approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated.

2. Provision of an access easement if it is necessary to provide access to the existing door(s) on the south façade of the building at 126 Franklin Avenue, in the event that access is not provided through alternate means.

3. Any industrial or commercial development that incorporates the subject Right-of-Way shall comply with all Site Plan 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:

Mike Simonson made a motion to recommend approval of the requested right-of-way vacation, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated.

2. Provision of an access easement if it is necessary to provide access to the existing door(s) on the south façade of the building at 126 Franklin Avenue, in the event that access is not provided through alternate means.

3. Any industrial or commercial development that incorporates the subject Right-of-Way shall comply with all Site Plan requirements.

THE VOTE: 8-0

Item 4

City initiated request to rezone property located at 3500 Vandalia Road.

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

B) Amendment to the PlanDSM future land use classification from Business Park to Industrial. (21-2018-4.22)
C) Rezone property from “M-1” Light Industrial District to “M-2” Heavy Industrial District, to allow development of a steel fabrication plant with outdoor storage of materials and finished products.

(ZON2018-00252)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the developer to construct a new steel fabrication facility fronting on Southeast 36th Street. The developer is also proposing the outside storage and fabrication of materials and finished products. The developer is in negotiations for the purchase of the subject property from the City of Des Moines.

Any approved rezoning of the subject property would require a Conditional Use Permit from the Zoning Board of Adjustment.

2. Size of Site: 29.85 acres (1,300,095 square feet).


4. Existing Land Use (site): Undeveloped land used for agricultural production.

5. Adjacent Land Use and Zoning:
   
   **North** – “M-2”, Uses include manufacturing and undeveloped land.
   
   **South** – “M-2”, Use is Helena Industries, Inc. chemical processing and distribution.
   
   **East** – “M-1”, Uses include salvage yards and warehousing.
   
   **West** – “M-2”, Uses include salvage yards and undeveloped land.

6. General Neighborhood/Area Land Uses: The subject property is located north of Vandalia Road to the west of Southeast 36th Street and the Highway 65/69 bypass. It is located in an area known as the Agrimergent Business Park.

7. Applicable Recognized Neighborhood(s): The subject property is not located in a recognized neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on December 28, 2018 and a Final Agenda on January 11, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the public hearing) and January 7, 2019 (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 subject property.
The required neighborhood meeting will be held on Monday, January 14, 2019. The applicant will be available at the public hearing to provide a summary.

8. Relevant Zoning History: None.


10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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: The subject site is designated as “Business Park” on the Future Land Use Map. Plan DSM describes this designation as follows:

   Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in the category would produce little or no noises, order, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The proposed rezoning to the “M-2” Heavy Industrial District requires the Future Land Use map designation for the site to be amended to “Industrial.” Plan DSM describes this designation as follows:

   Accommodates industrial development and limited supporting commercial uses. Development in this classification could have large impact on adjoining properties and the environment which would need to be mitigated.

Staff finds that the “Industrial” designation is appropriate given the property’s location along Vandalia Road and that the proposed “M-2” Heavy Industrial District is in conformance with this designation. The properties to the south are designated “M-2” and used for manufacturing purposes.

2. Site Plan Requirements: Development of the site requires that it be brought into conformance with an approved site plan. Applicable site plan requirements include stormwater management, landscaping, and screening of overhead doors and outside storage of materials or equipment.

3. Natural Site Features: The site consists of undeveloped land. The majority of the area is currently utilized for agricultural production. A few scrub trees are located on the property lines along Vandalia Road and Southeast 36th Street. A wooded and
unutilized portion of land is located within the interior of the northern portion of the property.

Development of the site must comply with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

4. **Drainage/Grading:** 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. All site plans must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center.

The City of Des Moines has developed a regional stormwater management plan for the Agrimergent Technology Park and Southeast Connector that includes regional detention and retention facilities, conveyance facilities, and stormwater pump stations. Use of the regional system will be evaluated during the review of any future site plans.

5. **Utilities:** The site has access to all necessary utilities. A 54-inch sanitary sewer main is located within the Vandalia Road right-of-way. There are three 8-inch water mains located in or adjacent to the subject property including within the Vandalia Road Right-of-Way and the Southeast 36th Street Right-of-Way.

6. **Street System & Access:** The developer intends to initially construct the main facility in the northeast portion of the property. Primary access to the facility would be provided from Southeast 36th Street. One driveway would be along the northern property line and one driveway would be along the southern property line to allow access to the sides and rear of the property. An additional driveway in the middle of the property would provide access to the office and parking lot.

7. **Landscaping & Buffering:** “C-2” landscaping standards are required within 200 feet of Southeast 36th Street and Vandalia Rights-of-Way when development occurs within 200 feet of the applicable corridor. Should the City’s landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed. Staff recommends that the proposed rezoning be subject to providing landscaping in accordance with the standards for the “C-2” District.

**III. STAFF RECOMMENDATION**

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

Part B) Staff recommends approval of amending the PlanDSM Creating Our Tomorrow future land use designation from Business Park to Industrial.
Part C) Staff recommends approval of the proposed rezoning subject to the provision of landscaping within 200 feet of Southeast 36th Street and Vandalia Rights-of-Way in accordance with the City’s standards for “C-2” Districts at such time as development occurs within 200’ of the applicable corridor. Should the City’s landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed.

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:

Mike Simonson made a motion to recommend APPROVAL of Part A) that the Commission find the proposed rezoning is NOT in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation; to recommend APPROVAL of Part B) amending the PlanDSM Creating Our Tomorrow future land use designation from Business Park to Industrial; and to recommend APPROVAL of Part C) rezoning subject to the provision of landscaping within 200 feet of Southeast 36th Street and Vandalia Rights-of-Way in accordance with the City’s standards for “C-2” Districts at such time as development occurs within 200’ of the applicable corridor. Should the City’s landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed.

THE VOTE: 8-0

Item 9

Request from Agape Pregnancy Center (owner) represented by Stephen Siemens (officer) to rezone property at 2008 and 2222 Bennett Avenue. Additional subject property owned by Freedom for Youth Ministries.

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

B) Amendment to the PlanDSM future land use classification from Low Density Residential to Community Mixed Use. (21-2018-4.23)

C) Rezone from “R1-60” One-Family Low Density Residential District to “C-0” Commercial-Residential District to allow conversion of an existing supervised group residence to medical and professional counseling offices. (ZON2018-00253)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The subject site consists of an 80-foot by 131-foot parcel that contains a single-family dwelling and the western 80 feet of the parcel to the east. The parcel to the east contains a commercial building and surface parking. This parcel is split zoned with the eastern half being zoned “C-2” District and the western half being zoned “R1-60” District.

2. Size of Site: 160 feet by 131 feet (20,960 square feet).

3. Existing Zoning (site): “R1-60” One-Family Low-Density Residential District.

4. Existing Land Use (site): Surface parking used to support the commercial building to the east and a single-family dwelling occupied by a supervised group residence use.

5. Adjacent Land Use and Zoning:
   - North – “R1-60” & “C-2”; Uses are single-family dwellings and a commercial building.
   - South – “R1-60”; Use is an undeveloped parcel.
   - East – “C-2”; Use is a commercial building.
   - West – “R1-60”; Use is a single-family dwelling.

6. General Neighborhood/Area Land Uses: The subject property is located 160 feet west of the Martin Luther King Jr. Parkway and Bennett Avenue intersection. The surrounding area is characterized by single-family dwellings with commercial uses along Martin Luther King, Jr. Parkway.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Prospect Park Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 28, 2018 and a Final Agenda on January 11, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the public hearing) and January 7, 2019 (10 days prior to the public hearing) to the Prospect Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Prospect Park Neighborhood Association notices were mailed to Heidi Hamand, 2920 Douglas Avenue #8, Des Moines, IA 50310.

   The applicant has indicated that they held a neighborhood meeting on Thursday, January 10, 2019 at 6:30 P.M.
8. **Relevant Zoning History:** None.

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Low Density Residential within a Community Node.

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 Creating Our Tomorrow Future Land Use Plan Designation:** The PlanDSM Comprehensive Plan was approved on April 25, 2016. The subject property is designated as Low Density Residential, which is described as “areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre”

   The site is located within a Community Node on the Future Land Use Map that is centered on the Martin Luther King, Jr. Parkway and Hickman Avenue intersection. Community Nodes are described as mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. They consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. They may include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

   Staff supports the proposed amendment to the Future Land Use Map. The properties to the east of the subject site are designated as Community Mixed Use and commercially used. The “C-0” Commercial-Residential District is intended to allow certain areas of the city to development with professional and low-intensity business offices in residential areas, particularly where the site adjoins commercial uses. The “C-O” District provides a logical transition from the “R1-60” neighborhood to the west to the “C-2” zoned properties along Martin Luther King, Jr. Parkway.

2. **Parking:** Section 134-809 of the “C-O” District regulations prohibits parking within the required 30-foot front yard setback area. The existing dwelling is setback 48 feet. This does not leave adequate depth for the existing driveway to be used for parking, which consists of the actual stall and the adjoining maneuvering area. Relief from the Zoning Board of Adjustment is necessary for the driveway to be used for anything other than an access drive to the attached garage.
The Zoning Ordinance requires 1 off-street parking space per 400 square feet of gross floor area for office uses. The existing dwelling has 3,283 square feet of floor area, which would require a minimum of (9) nine parking spaces. The existing commercial building associated with the site has 1,200 square feet of floor area, which requires a minimum of (3) three parking spaces. The existing parking lot is large enough to provide more than the minimum required 12 parking spaces for both buildings.

3. Site Plan Requirements: Converting the existing residential use to an office use requires a site plan to be submitted and approved, and for the site to be brought into conformance with the approved site plan. Applicable site plan requirements include stormwater management, landscaping, and screening of adjoining residential properties. Any 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.

4. Building Code Requirements: Converting the existing single-family dwelling to an office use requires a new Certificate of Occupancy to be issued by the Permit and Development Center. Upgrades to the building may be required for the dwelling to be converted to a commercial building.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations.

Part B) Staff recommends approval of amending the PlanDSM Creating Our Tomorrow future land use designations from Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of rezoning the subject property from “R1-60” One-Family Low Density Residential District to “C-0” Commercial-Residential District.

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:

Mike Simonson made a motion to recommend APPROVAL of Part A) the proposed rezoning be found NOT in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations; to recommend APPROVAL of Part B) amending the PlanDSM Creating Our Tomorrow future land use designations from Low Density Residential to Community Mixed Use; and to recommend APPROVAL of Part
C) rezoning the subject property from “R1-60” One-Family Low Density Residential District to “C-0” Commercial-Residential District.

THE VOTE: 8-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Home, Inc. (purchaser) represented by Pamela Carmichael (officer) to rezone property located at 1321 and 1325 Fremont Street. The property is owned by Community Housing Initiatives represented by Doug LaBounty (officer).

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

B) Rezone property from “R1-60” One-Family Low-Density Residential District to “R-2” Two-Family Residential District, to allow the properties to be combined and to allow development of a two-family dwelling.

(ZON2018-00239)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to rezone the parcels in order to allow development of a two-family dwelling (duplex). If the property is rezoned to “R-2” District, the two (2) existing 7,500-square foot lots would be combined. This would allow the property to comply with the bulk regulations required for a duplex is an “R-2” District since the property would have at least 100 feet of frontage and at least 10,000 square feet of lot area.

2. Size of Site: 100 feet by 150 feet (15,000 square feet or 0.34 acre).


4. Existing Land Use (site): The site is comprised of two (2) 50-foot by 150-foot (7,500 square feet each) undeveloped lots. Each lot of record could have a single-family dwelling constructed upon it. Therefore, the proposed rezoning does not allow increased density.
5. Adjacent Land Use and Zoning:

   **North** – “R1-60”, Use is single-family dwelling.

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

   **East** – “R1-60”; Use is single-family dwelling.

   **West** – “R1-60”; Use is single-family dwelling.

6. General Neighborhood/Area Land Uses: The subject property is located in a residential area in between the freeway to the south and East University Avenue to the north.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Capitol Park Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agendas on November 30, 2018 and December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on November 30, 2018 (20 days prior to the December 20, 2018 hearing) and December 10, 2018 (10 days prior to the December 20, 2018 hearing) to the Capitol Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on December 14, 2018 and January 11, 2019.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Development Division. The Capitol Park Neighborhood Association notices were mailed to Mazie Stilwell, 1367 Pennsylvania Ave, Des Moines, IA 50305.

   The applicant will be available at the public hearing to provide a summary of their required neighborhood meeting.

8. Relevant Zoning History: None.

9. PlanDSM Creating Our Tomorrow Plan Land Use Plan Designation: Low Density Residential, which is defined as “Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.”

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

1. PlanDSM Creating Our Tomorrow Plan: The proposed rezoning to the “R-2” Two-Family Residential District is compatible with the Low Density future land use designation. The Plan defines this designation as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.” The proposed two (2) dwelling units on a 15,000 site represents a net density of 5.8 units per acre.

2. Urban Design: The applicant has submitted a design for the two-family residential structure that demonstrates each dwelling unit would be two stories in height and contain approximately 1,200 square feet of finished living space. Each dwelling unit would also have a front porch measuring approximately 60 square feet. The submitted elevations demonstrate that the structure would be sided with horizontal cement board overlap siding with fiber cement shakes as accents.

   The submitted design indicates that the structure would have a slab foundation. Staff recommends that any dwelling unit have a full-depth basement.

3. Parking & Access: The submitted conceptual site sketch show that a 14-foot by 22-foot (308 square feet) detached garage would be constructed to the rear of each dwelling unit. These garages would be accessed from the alley by a paved driveway.

III. STAFF RECOMMENDATION

Staff recommends the following:

Part A) That the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low Density Residential.

Part B) Approval of rezoning to “R-2” Two-Family Residential District, subject to the following conditions:

1. Permitted uses shall be limited to one-family or two-family residential.

2. Any dwelling unit shall have a full-depth basement.

3. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.

4. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).

5. The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
6. The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.

7. Any dwelling unit shall be constructed with architectural-style asphalt shingles.

8. A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Pam Carmichael, Director of Home, Inc. stated they agree with all staff recommendations with the exception of a requirement for basements. The plans they’ve had for this project never included a basement. When they include basements for long term rental properties, they find it becomes extra living space which goes against the housing code. They do not intend to sell these as ownership properties. They are willing to incorporate 2 car garages to allow space for more storage and that will cost an additional $5,000 per unit. If they are required to add basements, it would put them above the funding amount that is available for this project.

Mike Simonson asked where residents will be parking?

Pam Carmichael stated they will be providing a 2 car garage and a 2 car approach off the alley.

Will Page asked if they have presented this plan to the City.

Pam Carmichael stated she has spoken with the City and does understand the basements are a requirement and if exceptions were made, others would expect the same.

Jacqueline Easley asked if they have held their neighborhood meeting?

Pam Carmichael stated yes, it was held on January 3, 2019 but no one showed up. She did attend the Neighborhood Association meeting and they are in favor of this project.

Erik Lundy clarified condition #8 is to provide a garage so staff was already taking that into consideration when the recommendation was made.

CHAIRPERSON OPENED THE PUBLIC HEARING

Nobody spoke in support or opposition of the application.

CHAIRPERSON CLOSED THE PUBLIC HEARING
COMMISSION ACTION:

Mike Simonson made a motion to recommend APPROVAL of Part A) the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low Density Residential.

THE VOTE: 8-0

Mike Simonson made a motion to recommend APPROVAL of Part B) rezoning to “R-2” Two-Family Residential District, subject to the following conditions:

1. Permitted uses shall be limited to one-family or two-family residential.

2. The unit plans and architecture should be compatible with the image shown (provided in the record).

3. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.

4. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).

5. The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.

6. The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.

7. Any dwelling unit shall be constructed with architectural-style asphalt shingles.

8. A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback.

THE VOTE: 8-0

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Item 5

Request from TK Development, LLC (owner) represented by Dan Kruse for review and approval of a 2nd Amendment to the major Preliminary Plat for “Southwoods Estates” on property located at 3800 Southwest 56th Street, to allow revision to the plat on the southern portion of the property to reconfigure the street layout and provide for a total of 57 single-family residential lots. The previously approved 1st Amendment
to the Preliminary Plat provided for a total of 50 single-family residential lots with two outlots for future platting.

(13-2019-1.25)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to further subdivide the subject property for a total of 57 single-family residential lots. The proposed amendment would reconfigure the southern portion of the property for a projected 3rd Final Plat that would have 16 single-family lots. At this time there Final Plats for Southwoods Estates Plat 1 & 2 pending approval of the City Council.

2. Size of Site: 39.94 acres. The proposed amendment area is 9.925 acres.

3. Existing Zoning (site): “R-2” One- and Two-Family Residential District and “FSO” Freestanding Sign Overlay District.

4. Existing Land Use (site): Single-family dwelling, four accessory structures, and vacant undeveloped land with timber.

5. Adjacent Land Use and Zoning:

   East - “M-3”; Uses are three single-family dwellings and vacant land.

   West – Airport Commerce Park West “PUD”; Uses are light industrial and vacant land.

   North - Airport Commerce Park West “PUD”; Uses are light industrial and vacant land.

   South - “R1-80”; Use is undeveloped land.

6. General Neighborhood/Area Land Uses: The subject property is located in an area that contains light industrial uses, undeveloped land and some large-lot single-family dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Southwestern Hills Neighborhood. All neighborhood associations were notified of the public hearing meeting by mailing of the Preliminary Agenda on November 16, 2018. Notifications of the hearing for this specific item were mailed on November 26, 2018 (10 days prior) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on November 30, 2018.

All agendas are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development
Division. The Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

8. Relevant Zoning History: On December 4, 2017, the City Council amended the future land use designation from Business Park to Low Density Residential for the subject property and other undeveloped property north of the proposed Southwest Connector alignment and west of Southwest 56th Street.

Included in the motion of the City Council was direction to provide and secure a protection buffer on the residential development property to protect from previously approved business park areas to the north and west that are yet undeveloped. It was indicated that this should be considered as part of future development review. These business park areas were approved when the Comprehensive Plans for the City of that time (Land Use 2000) contemplated that the subject property was to be an extension of the business park and not residential development. Therefore, when the Council revised this with the December 2017 amendment to the PlanDSM, they wanted to ensure that the existing approved business park areas were not obligated to provide the residential protection, but rather the residential development would include the protection as development occurs.

On April 19, 2018 the Plan and Zoning Commission approved a Preliminary Plat of the subject property, “Southwood Estates” which included 23 lots for single-family development. It also created two outlots to allow for extension of Watrous Avenue from the west in cooperation with development of adjoining property to the south and development of the currently planned Southwest Connector Part 2.

On July 19, 2018, the Plan and Zoning Commission approved the first Preliminary Plat amendment. This amendment specifically showed the originally approved Lot 32 being further divided into 27 additional single-family lots on a cul-de-sac, including a large 6.678 acre lot containing an existing two-story single-family dwelling.

While public improvement plans have been approved based on previously approved Preliminary Plats for the property, the City Council has not approved any Final Plats.


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.

The applicant agreed to continue the item from the December 6, 2018 meeting to extend the maximum 45-day period for review of the Preliminary Plan. To extend it beyond the December 20, 2018 hearing, the owner would have to agree to a further extension.

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: The subject property is designated as “Low Density Residential” on the Future Land Use Map. PlanDSM describes this designation as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

2. Natural Site Features: There is a natural drainage way running from southwest to northeast through the property. Much of this is timbered with some trees cleared in the recent past to accommodate public sanitary sewer construction. The submitted Preliminary Plat proposes to remove 310,000 square feet (7.12 acres) of tree canopy to accommodate the grading for streets and building pads for the lots. This requires 155 new tree plantings in accordance with the Tree Removal and Mitigation requirements in Article X Chapter 42 of the City Code. The submitted Preliminary Plat includes a tree protection plan in accordance with this requirement.

As part of the previously approved Preliminary Plat amendment the Commission required a 20-foot wide buffer protection easement be provided along the north and west property lines. This is to be recorded on any final platted lots adjoining the property to the north. Additionally, there are some gaps in the existing timber along these boundaries where the developer will provide additional plantings that would also need protection.

3. Utilities: There is an 8-inch public sanitary sewer main running from a dead end of Watrous Avenue northeast along the drainage way to a manhole in Southwest 56th Street. There is also a force main public sanitary sewer running essentially parallel to the other public main. The submitted Preliminary Plat amendment proposes to access the public sanitary sewer in between Lots 9 and 10 on Rose Circle and between Lots 1 and 2 on Rose Avenue within the pending Final Plat Southwoods Estates Plat 1 to the north. The public sanitary sewer would be extended within proposed Rose Avenue and Maish Avenue.

There is a 12-inch Des Moines Water Works public water main in Southwest 56th Street that would be extended with an 8-inch main into the proposed street network. There is also water available in the dead-end of Watrous Avenue at the southwest corner of the property.

4. Drainage/Grading: The proposed stormwater management solution involves providing a detention basin at the eastern end of the drainageway. There are 18-
inch public storm sewers proposed in Rose Avenue, Rose Circle and Maish Avenue out letting to the proposed basin to the north and drainageway to the south. The developer is required to design both flood control detention and water quality detention into a development of this area.

In their administrative review, the Engineering staff raised major concerns regarding the need to revise the stormwater management design for the overall Preliminary Plat are based on the proposed changes with the amendment. This would involve re-evaluation of the regional basin design and design sizes for the storm sewer system throughout the Plat. Since the item has been continued, the applicant has provided revised drainage design details and calculations to comply with the Engineering comments.

5. Traffic/Street System: The resubmitted Preliminary Plat shows that the lots in the amendment area would be served by a looped street system connecting Maish Avenue to Rose Avenue, with both connecting to Southwest 56th Street. Rose Circle would be a cul-de-sac off of Rose Avenue to the west. Rose Avenue is proposed to dead-end into privately-owned property to the south. The developer has also proposed a Lot D for future extension of Watrous Avenue. This was based on a preferred alignment for the Southwest Connector 2 project.

The City Council recently adopted MoveDSM as an amendment to the PlanDSM Comprehensive Plan. With that action the Council also directed pursuing the elimination of the Southwest Connector 2 project. This has not been amended out of the Mobilization Tomorrow Plan by the Metropolitan Planning Organization.

Based on the MoveDSM Plan, the alignment of an extension of Watrous Avenue would be developed due east to connect with Southwest 56th Street. Any subdivision of adjoining property is then expected to provide their share of the extension of this facility. As of this time, the developer has not provided for the proper extension of Watrous Avenue in accordance with the Plan. The developer and adjoining property owner to the south have not agreed to an alignment, provision of ROW or cost sharing for construction of Watrous Avenue.

During the period of the continuance, staff met with the developer and asked their engineer consultant to draft two additional versions of the Preliminary Plat layout for the extension of Watrous Avenue to Southwest 56th Street. One alternative was to extend Watrous Avenue along the section line dividing the applicant’s property from separately owned property to the south, with half the responsibility for street Right-Of-Way (ROW) placed on each of the owners. The other alternative considered deflecting the street extension south in the adjoining property, to give more separation of the street from the proposed residential lots. The purpose of this alternative was to demonstrate that the street geometry was viable for design speeds and to determine what the demands for ROW from each of the owners would be in that scenario. Both scenarios would require participation from the adjoining owners in the actual cost of construction of the street. Depending on the adjoining land uses, there is the future possibility of City participation in the construction cost of the street if it is to serve commercial/industrial development.
In reviewing the alternatives, and absent any agreement between the applicant and the owner of the property to the south, staff believes that the best alternative is to dedicate a half-street ROW width for a 60-foot wide facility along the south boundary of the property. This gives the best flexibility for design and extension of Watrous Avenue in the future, with the City able to participate and/or assess all or a portion of the construction cost to the adjoining property owners.

If the applicant is not agreeable to this condition due to impact on proposed lots, then staff would recommend that the applicant amend the design providing an alternative to construct Watrous Avenue to connect with the proposed Maish Avenue (naming all of the segment Watrous Avenue). The second alternative is less desirable as it puts through traffic from commercial/industrial uses into the residential neighborhood. Under any alternative, the design of the Preliminary Plat would require adjustment to all of the design considerations such as drainage, utilities, and other standards.

6. **Buffer Protection:** The City Council directed that a buffer be provided as part of residential development of the property as protection from adjoining areas already approved for business park development to the north and west. There is significant timber and planting along those areas which should be protected from the development and being disturbed by future owners. The previous amendment to the Preliminary Plat require that a 20-foot wide buffer protection easement be provided with the purpose of preventing grading, clearing, and removal of trees. Also, to manage existing gaps in the timbered areas along these property boundaries a standard buffer planting requirement of 2 overstory trees and 6 evergreen trees be provided and permanently maintained by property owners within the 20-foot protection easement area where these gaps exist. This easement would be recorded with the pending Final Plat.

7. **Avigation:** Based on projected noise contours from future runway improvements to the Des Moines International Airport, it may be necessary for the developer to provide avigation easements recorded on Final Platted parcels in the development to protect the interests of the Airport from nuisance claims due to excessive sound. This will be reviewed with Final Plat reviews to be approved by the City Council.

### III. STAFF RECOMMENDATION

City Community Development and Engineering Staff met with the developer and the adjoining property owner to the south on January 4, 2019 and developed a solution for the partial extension of Watrous Avenue involving the subject property and the property owner to the south. The developer agreed at that time to resubmit a plat reflecting this agreement for review by both the City and the owner to the south. At this time the City has not received the resubmittal and would recommend that the item be continued to the February 7, 2019 meeting of the Commission to allow additional time for this process. Should the developer not agree to a continuance, staff would recommend that the Commission deny the plat submittal, as under the provisions of Chapter 106 Section 106-72(e), the
Preliminary Plat would be automatically approved prior to the next scheduled hearing.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for this item has requested a continuance to the February 7, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

COMMISSION ACTION:

Jann Freed made a motion to continue the item to the February 7, 2019 Plan and Zoning Commission meeting.

THE VOTE: 8-0

Item 6

Request from Des Moines University (owner) represented by Mark Peiffer (officer) to rezone property located at 3200 Grand Avenue.

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

B) Amendment to the PlanDSM future land use classification from Low Density Residential to Public/Semi-Public. (21-2018-4.21)

C) Rezone property from “R1-80” One-Family Residential District and Limited “R-4” Multiple-Family Residential District to “R-4” Multiple-Family Residential District, to remove the current zoning condition stating “There shall be no further extension of parking to serve the use occurring upon the Property into any of the adjoining land zoned to a single family residential district classification,” and allow expansion of the campus for an emergency generator for Ryan Hall and additional surface parking to the southeast. (ZON2018-00243)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant proposes to extend development of the medical school campus to the south to allow extension of surface off-street parking and for installation of a back-up power generator for their research center in Ryan Hall academic building. A previous rezoning has restricted further development to
the south. The University has indicated an increased demand for off-street parking with growth of their academic programs.

2. **Size of Site:** 24.396 acres.

3. **Existing Zoning (site):** “R-4” Multiple-Family Residential District, Limited “R-4” Multiple-Family Residential District, “R1-80” One-Family Residential District and “FSO” Free Standing Sign Overlay District.

4. **Existing Land Use (site):** Medical School Campus for Des Moines University. This includes building with over a half-million square feet of area including academic buildings, a student center, and a practicum clinic with structured off-street parking.

5. **Adjacent Land Use and Zoning:**
   - **North** – “R-4”; Uses are multiple-family housing complexes and condominiums.
   - **South** – “R1-80” Uses are single-family dwellings.
   - **East** – “R-4”; Uses are a church and multiple-family dwellings and condominiums.
   - **West** – “PUD” (Wesley Acres) & “R1-80”; Uses are retirement living campus and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The university is located along the Grand Avenue corridor that contains a mix of residential densities and other office and institutional uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Greenwood Historic Neighborhood and within 250 feet of the North of Grand Neighborhood. The neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on November 30, 2018. Additionally, separate notifications of the hearing were mailed on November 30, 2018 (20 days prior to the hearing) and on December 10, 2018 (10 days prior to the hearing) to the affected neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each condominium owner within the property and every owner of property or condominium within 250 feet of the subject property.

   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 Greenwood Historic Neighborhood Association notices were mailed to Kathy Fehrman, 3419 St. John’s Road, Des Moines, IA 50312. The North of Grand Neighborhood Association notices were mailed to Peter Tubbs, 642 39th Street, Des Moines, IA 50312.

   The applicant conducted a neighborhood meeting with the surrounding property owners and neighborhood representatives on December 13, 2018 and will be available to provide a summary of the event at the public hearing.
8. **Relevant Zoning History:** On May 1, 2000 the City Council rezoned a portion of the “R1-80” One-Family Residential District property at the time to a Limited “R-4” Multiple Family Residential District classification by Ordinance 13,819 to allow expansion of the Ryan Hall academic building. This was subject to the following condition:

*There shall be no further extension of parking to serve the use occurring upon the Property into any of the adjoining land zoned to a single family residential district classification.*

9. **PlanDSM Future Land Use Plan Designation:** Low Density Residential and Public/Semi-Public. Low Density Residential is defined as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.” Public/Semi-Public is defined as “Areas that are mostly open to public use or public access. May include government facilities, schools, hospitals, libraries, and community facilities.” In this instance the Public/Semi-Public designation would correlate most closely with the Des Moines University uses.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Parking & Access:** Vehicular access to the subject property is currently provided through 3 drive entrances from Grand Avenue and one share drive entrance through the church property to the east from 31st Street. There are no planned changes to these vehicular access points. The City Traffic Engineering staff determined that no further study was required prior to rezoning based on proposed expansion.

   Off-street parking development is subject to all Site Plan requirements. In addition, staff would seek to ensure that lighting does not present an impact on surrounding residential property owners. Therefore, all lighting fixtures shall be no taller than 20 feet with cut-off fixtures subject to review of their placement by the Planning Administrator as part of Site Plan review.

2. **Permit & Development Center Comments:** Any expansion of off-street parking and installation of an emergency power generator are subject to review and approval of a Site Plan by the Permit and Development Center with issuance of all necessary building and fire permits. Any petroleum tank associated with the
emergency generator would be limited to a maximum of 1,000 gallons. There is also the option of using natural gas service.

3. Drainage and Grading: Any development is subject to necessary grading permits with storm water management designed for the added impervious surfaces and tree mitigation for any mature tree removals in accordance with the City’s Tree Removal and Mitigation Ordinance. The owner has recently invested significant resources to upgrade and restore functionality to existing storm water detention improvements. Because of the history of deficiency of the functionality of these improvements, staff recommends that any rezoning be subject to ongoing monitoring of the functionality of stormwater management improvements by the City Stormwater Utility to ensure accountability.

4. Emergency Generator: The owner is proposing to install an emergency power generator to protect research laboratories. The proposed site is just south of Ryan Hall in the center of the campus as to be located as far away from other property owners as possible. The noise impacts are typically limited to short duration monthly testing and actual power outages. Due to visual and sound impacts of these generators, staff recommends that the Planning Administrator review the Site Plan to ensure appropriate protection measures such as screening and buffering are proposed with any installation. Techniques the owner would use may include landscaping, fencing, and shrink wrap camouflaging.

III. STAFF RECOMMENDATION

Part A) Staff recommends that rezoning to an “R-4” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the requested amendment to PlanDSM future land use designation to Public/Semi Public for the portion of the property necessary for the proposed parking extension and access emergency power generator, as shown on the submitted rezoning concept sketch.

Part C) Staff recommends approval of a rezoning to a Limited “R-4” District subject to the following:

1. The rezoning shall be limited to the existing Limited “R-4” District area and the area necessary for the proposed parking lot extension and emergency power generator as shown on the submitted rezoning concept sketch. The owner shall provide a legal description of this area to the Community Development Department prior to the City setting hearing on the consideration of the rezoning Ordinance by the City Council.

2. Uses permitted in the limited rezoning area shall be those permitted in the “R1-80” District, surface off-street parking, and accessory emergency power generator equipment.
3. No off-street parking shall be extended further beyond the limited rezoning area into remaining area currently zoned “R1-80” District without further rezoning consideration by the City Council.

4. Off-street parking and emergency power generator development shall be subject to Site Plan review by the Permit and Development Center and shall provide appropriate residential protection to the satisfaction of the Planning Administrator.

5. Any development shall comply with the City’s Tree Removal and Mitigation Ordinance.

6. Any lighting for off-street parking areas shall be pedestrian in scale with a maximum height of 20 feet and providing cut-off fixtures to the satisfaction of the Planning Administrator.

7. Property owner shall be required to annually submit a storm water detention maintenance report to the City Storm Water Utility to demonstrate continued functional operation of the approved storm water management improvements. In the event that said report does not demonstrate continued functional operation, the property owner shall comply with City recommendations to repair or maintain said improvements within a timeline approved by the City’s Public Works Director or be subject to public nuisance or similar legal action by the City

SUMMARY OF DISCUSSION

Erik Lundy stated at the beginning of the meeting the commission had approved the summary of discussion that took place at the December 20, 2018 meeting. The summaries of the December 20, 2018 hearing and tonight’s hearing will be forwarded to City Council.

Mike Ludwig clarified that the meeting minutes / summaries are not a verbatim transcript.

Erik Lundy presented staff report and recommendations.

Jann Freed asked how the response card work with apartments, townhomes and condos?

Erik Lundy stated response cards are sent to all property owners within 250 feet of the land owned.

Mike Ludwig asked if videos presented at the last hearing are available for viewing.

Erik Lundy stated yes, he does have them if someone wishes to view them.

William Lillis 317 6th Avenue, Suite 300, stated he would like to clarify the request from DMU being limited R-4, allowing the addition of a parking lot and generator. He
requested the commission to receive and file a petition with 218 signatures in support of this project. Des Moines University has spent a significant amount of money over the past years to build the necessary storm water detention. They have no problem submitting an annual storm water detention maintenance report to the City of Des Moines.

Angela Franklin 1656 Burs Oak Drive, President of Des Moines University, stated she has been the president for the past 8 years and has inherited past issues, whether they are good or bad. DMU came into Des Moines 120 years ago and has made a huge impact, not just to Des Moines but globally. She has with her, students who train at the University, faculty, staff and members of their board of trustees. She wants to figure out how they can continue to advance an organization in a thoughtful way, by hearing the concerns of the neighbors and coming up with a plan that works for everyone.

Will Page asked about the development of a master plan?

Angela Franklin stated they're currently working on a RFP for review of their campus footprint and what the possibilities could be in the future.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jacqueline Easley asked for members of the audience to prioritize comments by those who were not at the last hearing.

Kathy Mercuris 5622 Orchard Drive, stated as faculty, they have 3-4 primary duties, teaching, service, research and healthcare. Parking is no longer sufficient with students, faculty and visitors. Des Moines University has had a far reaching impact beyond the City, the state and the nation. They do have respect for the neighbor’s concerns but believe they have been good neighbors by addressing the mobile van issues, landscaping, storm water and will continue to do good things for the area.

Tracy Bush 2373 NW 75th Avenue, stated she would like to address the concerns of parking. At the last hearing, many people stated DMU did not have a parking related issue. They based their comments on occasional viewing and experience visiting the campus. Coming from a person who visits the campus on a daily basis, she would respectively disagree. Currently on campus there are 723 parking spaces that must accommodate a student enrollment of 1,597 students, 346 employees and 220 daily patient visits. She has witnessed an increase in tardiness from students and delays for faculty being able to make it to their respected areas. It’s also not a rare occurrence to have patients call in and cancel their appointments because they cannot find a parking space. They have offered free public transportation for students and faculty, along with removing designated spots and changing them to general parking.

Kim Tran 284 58th Court, stated with 25 power outages in the 9 years he has worked there, they are in search of consistent power. He believes parking is a major issue. Faculty are getting ticketed on campus because they are in a hurry to make it to class and students are routinely parking 3 blocks away from campus.
Angela Weifenbach 1584 SW Twin Crates Drive, stated in the spring of 2013 she was diagnosed with MS. In the summer of 2013, it became clear that her symptoms worsened as it got hotter and she couldn’t walk more than a block. The parking issues cause her and students, frustration, stress and anxiety, along with lost productivity and disruption to patient care and student education.

Matthew Mahoney 300 SW 5th Street, stated he was a first-year student at DMU. Most days he arrives 30-45 minutes early because being late would be damaging to his medical education, especially if he was late for a test. During tours and admission, parking is a major concern and is not a good way to recruit new students to attend DMU.

Theresa Fuller 2925 Woodland Avenue, stated limiting the resources such a parking and power is limiting them from progressing in their medical career. It also limits them serving the community with a broad range of medical care at the University.

Phil Blumberg 4790 Waterford Drive, stated patients have called in stating they have circled around all the parking lots on campus, exited back onto Grand Avenue and then reentered the campus. With additional parking they would decrease the traffic on Grand Ave, not increase it. A lot of patients have a wide range of ambulation issues and it’s important we see these people and provide the care they need. It is not good patient care when we have people on crutches making their way to campus from 31st Street. We cannot provide care without power, we need the additional generator.

Glenna Frank Wanted to make sure everyone was clear that priority was being given to people that did not speak at the last hearing or want to address new issues. All comments made at the last hearing were noted in the December 20, 2018 minutes.

Kathy Fehrman 3419 St. John Road, stated last year on January 16, Des Moines University held a meeting to discuss their first run at this proposed project. Prior to the start of the meeting, she had a meeting with Mark Peiffer. He said this would be a good thing for the neighborhood and they would be cleaning out the detention pond on their property that had silted in over the years. The next day she met with Mr. Peiffer again to discuss the damage that DMU’s negligence has caused her neighborhood and in her opinion, could be a public relation problem for the University. They withdrew their application that afternoon. For the past year, DMU has been trying to reposition themselves as good neighbors, these attempts could not make up for the years of negligence. The City has demolished homes and repaired roads that have been damaged by flood water. There is also emotional cost for neighbors of DMU, who worry about further damage and safety of their families. Every time a square foot of green space is replaced with concrete, there are environmental consequences. More parking could be obtained by expanding the existing parking garage or by dispersing the proposed 37 new spaces into the existing 735. There are numerous spots to place a generator, including building rooftops.

Lon Steger 13 SW 34th Street, stated DMU’s purchase of properties along 31st Street leads him to believe this is a trojan horse. The value of adjoining properties will be impaired. The proposed limits of the rezoning that were noted are not a compromise
and he believes DMU wants to develop every square inch of flat space. DMU should go vertical or underground with an urban campus rather than horizontal. He prefers DMU tear out their previous parking lot expansion and add on to their parking ramp.

Mary-Clair Uselding 3223 Elmwood Drive, stated she has a ringside seat to the DMU property. This proposal is the start of a long drawn out and painful process and she believes down the road they will request more variances and will develop all the green space to the south.

Rochelle Quiner 119 34th Street, stated she would like to reiterate their concern of water quantity. She spoke with a professor from the University of Chicago-Illinois that has a doctorate degree in civil engineering and asked him to read over the proposed storm water project. After reading over the plan, he is worried about how the water basin is designed. Any storage of water below an outlet won’t control water quantity, in this case dredging of the basin helps the astatic but will not help the neighborhood form storm water quantity. DMU has a parking issue, the neighborhood has a safety issue and lost homes, one need outweighs the other.

Gary Ordway 32 34th Street, stated this neighborhood is a staple in Des Moines with over 200 homes and $2.2 million in property taxes paid each year. One thing that will never change is water runs downhill and our neighborhood is on the receiving end. DMU has failed to maintain the water detention basin with unrestricted assets of $143 million and an endowment of $100 million.

Dan Spellman 3215 Elwood Drive, stated due to the amount of flooding and how the water rushes down his street, his main concern is safety. It would be in the best interest of the neighborhood, the City and possibly DMU to reject this request for rezoning.

Scott Carlson 315 37th Street, state that Wesley Acres expansion is a bad model to follow. DMU expanding south created problems such as noise from snow plows, car alarms, student’s cigarette butts and light pollution. He would hate to see an iconic neighborhood be destroyed by what the school says they need for parking. Suggested that the generator be moved to the middle of campus. DMU is a business, they are not their 24 hours a day.

Nick Larson 127 34th Street, stated not to forget in 2000 DMU and the City made a promise to the Greenwood Neighborhood they would not expand on the green space south of their campus. If DMU and the City are now allowed to change that agreement, how much faith can we have in processes and the elected leaders who make these decisions. To DMU, we respectfully ask for you to build vertically or to the north, do not tread on us.

Doug Lewis 52 30th Street, showed video of erosion and water rushing down 30th Street 24 hours after the rain hit in June. Erosion is significant. A copy of the video was provided to staff and is available for review.
Mary Torgman 214 31st Street, stated the wooded area is one of the reason why she moved to the neighborhood and it’s a stretch of natural beauty. She asked for DMU to do what other Universities have done, find space for a second campus. She believes the flash flood effects will be worse if more mature trees are taken from their neighborhood.

Bill Lozier 3511 St. Johns Road, stated they are proud of the footprint DMU has created and in return hope DMU is proud of the neighborhood they reside in, where homeowners have worked hard to preserve the history and quality of their homes. He hopes DMU will recognize how many years these residents have spent in this neighborhood and their homes representing their largest financial asset. This option is the lowest cost to DMU and with an endowment over $100 million they can afford to come up with a plan that works for all constituents.

Joel Novak 3315 St. Johns Road, stated he isn’t happy with this request and referred to the agreement they made in 2000. Where is the qualifying language that gives DMU the right to come in now and say they need this parking, when in 2000 they told us they wouldn’t.

Barb Stone 318 31st Street, stated from anywhere in her house, she can see their parking lots. Since 2003, they have had 10 spaces that adjoin her property line that have been reserved for construction equipment, sand and their mobile heath van. She never notices a problem with parking. People go out for lunch and when they come back, are able to find a parking spot. She knows DMU has a great impact on the world but they have a huge negative impact of her everyday life.

Peter Bowers 314 31st Street, stated he has noticed a decline in the upkeep of homes as they have been bought out by DMU. The Greenwood Historic Neighborhood is unique and worth preserving for other generations to come.

Rosslyn Sheideman 300 31st Street, stated she is a divorced mother and the house she lives in is her greatest asset. She is concerned about her property values going down with the addition of this parking lot. She doesn’t want to see the greenspace taken away for future families because it’s a good place for the kids to play.

Mike Erdman 218 31st Street, presented a signed petition to support trees, green space and shows people against development in this area. He showed an application for property tax exemption filled out by DMU, pointing out the area and asking if any portion of this property is rented or leased. He believes the property was rented out when the application was submitted and properties rented out are not tax exempt based on the words in, Iowa Code 427.1. DMU takes the easy way out to save a dollar and they don’t consider the community or their neighbors.
Charlie Cordaro 3100 Grand Avenue, stated there is plenty of space on DMU’s property to place a generator. Build a concrete wall around it, add some landscaping and have it blend in with the architecture of their building. Concerned about the increase of traffic from the new parking lot as traffic is already a concern around Grand Avenue.

Kristi Lozier 3511 St. Johns Road, stated many years ago the City started to become ragged and that’s when neighborhood associations were created. They are passionate about their neighborhood and will defend what they started many years ago.

Nancy Norman 3103 Elmwood Drive, wanted to point out the amount of homes impacted by this proposal and their vote didn’t count because they are more than 250 feet from the area being rezoned.

Jacqueline Easley asked Erik to clarify the notification process.

Erik Lundy stated the City notifies ownership within 250 feet of the subject property.

Jacqueline Easley asked if someone’s vote doesn’t count, can their voice still be heard.

Erik Lundy stated the hearing is open for anyone who wants to speak or they can provide written testimony. All of that is entered into the record and provided to the Planning and Zoning Commission and City Council for their review.

William Lillis stated if they didn’t need the parking spaces or the generator, they wouldn’t be here asking for it. They are open to suggestions and constructive criticism for things DMU hasn’t done in the past.

Angela Franklin stated they need to find a very thoughtful way to go about this this and that’s why she feels a master plan is warranted but there is a legitimacy in our needs today.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Francis Boggus stated he doesn’t believe DMU has included the neighbors in this process. He believes expanding vertically is important and does not support encroaching into residential property. He believes they should deny this request to rezone.

Jann Freed stated she will not support this rezoning request either. The easy thing to do is to add more parking, there is never enough. More options need to be explored.

Will Page stated he agrees with his colleagues. This reminds him of a similar issue with the Mary Greeley hospital in Ames, IA. He advised their solution was to build up and it is a great institution to this day.

Mike Simonson stated he has lived in the neighborhood since 1985 and this neighborhood is a jewel and believes DMU is a jewel. He was glad to hear DMU is
working on a master plan. He believes a master plan would go a long way with the neighborhood and they'll all be able to see the vision DMU has for the future.

COMMISSION ACTION:

Mike Simonson made a motion to recommend APPROVAL of Part A) rezoning to an "R-4" District be found NOT in conformance with the existing PlanDSM future land use designation of Low Density Residential.

THE VOTE: 8-0

Mike Simonson made a motion to recommend DENIAL of Part B) amendment to PlanDSM future land use designation to Public/Semi Public for the portion of the property necessary for the proposed parking extension and access emergency power generator, as shown on the submitted rezoning concept sketch.

THE VOTE: 7-0-1 (Jacqueline Easley abstained)

Mike Simonson made a motion to recommend DENIAL of Part C) rezoning to a Limited "R-4" District.

THE VOTE: 7-0-1 (Jacqueline Easley abstained)

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Item 7

Request from Git N Go Convenience Stores, Inc. (owner) represented by Dennis Flora (officer) for review and approval of a Site Plan “Git-N-Go 100 Watrous” under design guidelines for gas stations/convenience stores on property at 100 Watrous Avenue, to allow construction of a 3,080-square foot convenience store with a pump island canopy for six (6) fueling locations.

(10-2019-7.71)

STAFF REPORT TO THE PLANNING COMMISSION

The applicant has requested that this item be continued to the February 7, 2019 meeting of the Commission to allow time for additional information to be submitted for consideration. Drawings and a full staff report will be provided for the February 7, 2019 meeting.

1. Purpose of Request: On October 8, 2018, the City Council rezoned the subject property from “R1-70” District to a Limited “C-1” District by Ordinance Number 15,715 to allow the proposed redevelopment of the site. This rezoning was approved subject to the following conditions:
a. Any use of the property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.

b. Any expansion of the existing building or redevelopment of the site for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.

c. Any expansion or conversion of the existing building or construction of new buildings are subject to compliance with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

2. **Size of Site**: 65,526 square feet or 1.5 acres.

3. **Existing Zoning (site)**: Limited “C-1” General Retail and Highway-Oriented Commercial District and “FSO” Freestanding Signs Overlay District.

4. **Existing Land Use (site)**: The property is developed with a 1-story, 3,780-square foot commercial building with a convenience store and a commercial tenant bay. There is an existing fueling island serving 4 vehicle fueling locations. There is not an existing canopy over the fueling island.

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

   - **North** – “R1-60”, Uses are single-family dwellings.
   - **South** – “R1-70”, Use is the Southside Church of the Nazarene.
   - **East** – “R1-60”, Uses are single-family dwellings.
   - **West** – “R1-70”, Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses**: The subject property is an isolated commercial property located at the intersection of the Watrous Avenue and South Union Street neighborhood collector streets. It is within a predominantly single-family residential neighborhood.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located within the Watrous Heights Neighborhood and within 250 feet of Magnolia Park Neighborhood. These neighborhoods were notified of the hearing by mailing of the Preliminary Agenda to all recognized neighborhoods on December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on January 7, 2019 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all the recognized neighborhood associations on January 11, 2019.
All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Watrous Heights Neighborhood Association mailings were sent to David Johnston, 604 Philip Street, Des Moines, IA 50315. The Magnolia Park Neighborhood Association mailings were sent to Webster Kranto, 310 East Emma Avenue, Des Moines, IA 50315.

8. **Relevant Zoning History:** On October 8, 2018, the City Council rezoned the subject property from “R1-70” District to a Limited “C-1” District by Ordinance Number 15,715 to allow the proposed redevelopment of the site. This rezoning was approved subject to the following conditions:

   a. Any use of the property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.

   b. Any expansion of the existing building or redevelopment of the site for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.

   c. Any expansion or conversion of the existing building or construction of new buildings are subject to compliance with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

8. **PlanDSM Creating Our Tomorrow:** The subject site is designated as Community Mixed Use and Neighborhood Node on the Future Land Use Map.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

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

   Analysis of these guidelines and other applicable site plan standards will be provided for the February 7, 2019 meeting.
Site Design

A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:
   (i) Primary structure/retail sales building/single or multiple tenant;
   (ii) Pump island, canopy structure, and lighting;
   (iii) Refuse, service and storage area;
   (iv) Circulation systems and parking;
   (v) Service bays;
   (vi) Ancillary uses such as car washes, drive through uses, ATMs and telephones.

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

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

D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:
   (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
   (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
   (iii) Minimizing cross traffic conflicts within parking areas.

E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:
   (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;
   (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;
   (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;
   (iv) Lighting should be non-invasive to adjoining residential use.

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

Architecture

A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.
B. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city’s 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.

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

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

E. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.

F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.

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

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

I. Canopies:
   (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.
   (ii) Canopy height should not be less than 13'-9" as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18'.

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

Landscape Design

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

B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.
C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.

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

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

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

**Lighting**

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

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

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

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

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

**III. STAFF RECOMMENDATION**

Staff recommends that the item be continued to the February 7, 2019 meeting of the Commission.

**SUMMARY OF DISCUSSION**
Jacqueline Easley noted that the applicant for this item has requested a continuance to the February 7, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

COMMISSION ACTION:

Mike Simonson made a motion to continue the item to the February 7, 2019 Plan and Zoning Commission meeting.

THE VOTE: 8-0

Item 8

Request from Full Court Press (owner) represented by Jeff Bruning (officer) to rezone property at 3506 University Avenue.

A) Determination as to whether the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use classification.

B) Amendment to the PlanDSM future land use classification from Low/Medium Density Residential to Community Mixed Use.

(21-2018-4.25)

C) Rezone property from “R-3” Multiple-Family Residential District to “NPC” Neighborhood Pedestrian Commercial District, to allow conversion of the existing restaurant use to a tavern use.

(ZON2018-00248)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the appellant to seek a Conditional Use Permit from the Zoning Board of Adjustment that would allow the existing business to be reclassified from a restaurant use to a tavern use. As a restaurant, the business is currently required to derive at least half of its gross income from the sale of prepared food and food-related services. The applicant has indicated that they have had difficulty complying with this requirement.

2. Size of Site: 50 feet by 108 feet (5,400 square feet or 0.12-acre).

3. Existing Zoning (site): “R-3” Multiple-Family Residential District and “FSO” Freestanding Sign Overlay District.

4. Existing Land Use (site): The property contains a 40-foot by 23-foot (888 square feet) one-story commercial building, which is occupied by the University Library
Café, which has been operating as a restaurant, and an off-street parking lot containing six (6) parking spaces.

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

   **North** – “R-3”, Uses include University Avenue, single-family dwellings, and multiple-family residential.

   **South** - “R1-60”, Use is a single-family dwelling.

   **East** – “R-3”, Uses include 35th Street and a multiple-family dwelling.

   **West** – “R-3”, Use is an undeveloped lot.

6. **General Neighborhood/Area Land Uses:** The subject property is located at the southwest corner of University Avenue and 35th Street. The University Avenue consists of a mix of residential and commercial uses that back up to low-density residential neighborhoods.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 28, 2018 and a Final Agenda on January 11, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the public hearing) and January 7, 2019 (10 days prior to the public hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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

   The appellant held their neighborhood meeting on January 9, 2019. They will be available to provide a summary at the public hearing.

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

9. **PlanDSM Future Land Use Plan Designation:** Low-Medium Density Residential Use, which is defined as “Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.”

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 has requested that the future land use designation be amended from “Low-Medium Density Residential” to “Community Mixed Use”. Plan DSM describes this designation as follows:

   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.

   Staff finds that the “Community Mixed Use” designation is appropriate given the property's location along University Avenue and that the proposed "NPC" Neighborhood Pedestrian Commercial District is in conformance with this designation. However, given the limited size of the property and the close proximity of residential uses, Staff finds that it is necessary to limit the permitted use on the property contained in the Staff Recommendation section of this report. As noted, Staff recommends that any tavern use on the property be required to have a kitchen and offer a full menu for food service at all times that the business is open to customers, as well comply with all requirements of the necessary Conditional Use Permit granted by the Zoning Board of Adjustment.

2. Conditional Use Permit Requirements: Should the rezoning be approved, any future use of the property for a tavern would be contingent upon the Zoning Board of Adjustment granting a Conditional Use Permit for such use. The subject property currently satisfies the separation distance requirements for a tavern since there is not a church, school, public park or licensed child care facility within 150 feet. The Zoning Board of Adjustment would evaluate such a request against the following standards:
   1. The business conforms with the conditions identified in City Code Section 134-954(a).
   2. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
   3. The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
   4. The business will not unduly increase congestion on the streets in the adjoining residential area.
   5. The operation of the business will not constitute a nuisance.
3. **NPC Design Guidelines:** Should the rezoning be approved, any future redevelopment of the property would be subject to review and approval by the Plan and Zoning Commission of a Site Plan and building elevations in accordance with the following NPC District Design Guidelines:

1. **Buildings should frame the street and maintain a minimal setback from the street.**
2. **The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.**
3. **The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.**
4. **Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.**
5. **Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.**
6. **Building frontage should occupy at least 50 percent of the primary street frontage.**
7. **Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:**
   a. **The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).**
   b. **Parking should not exceed the amount otherwise required by section 134-1377 of this Code.**
   c. **Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.**
   d. **Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.**
   e. **On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.**
   f. **Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.**
   g. **An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.**
8. **The following bulk regulations should be observed:**
   a. **Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.**
b. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.

c. Front yard: minimum of zero feet.

d. Side yards: minimum of zero feet.

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

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

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

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

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

4. **Permit & Development Center Comments:** Any renovation of the building must be in compliance with applicable Building and Fire Codes, with issuance of any necessary permits by the Permit and Development Center.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission grant the applicant’s request to continue the public hearing to the February 7, 2019 Plan & Zoning Commission meeting so that the applicant can be present at the public hearing.

If the Commission is not inclined to grant the continuance, Staff recommends the following:

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Low/Medium Density Residential.

Part B) Staff recommends approval of the request to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Low/Medium Density Residential to Community Mixed Use.

Part C) Staff recommends approval of rezoning the subject property to a Limited “NPC” District, subject to the following conditions:

A. The following uses of structures and land shall not be permitted upon the property:

   1. Any business holding a liquor license, wine permit, or beer permit that is not operated as either:
a. a restaurant where at least half of whose gross income is derived from the sale of prepared food and food-related services; or

b. a tavern, which has a kitchen and offers a full menu for food service at all times that the business is open to customers, so long as the Zoning Board of Adjustment grants a Conditional Use Permit allowing and further regulating such use;

2. Gas stations;

3. Locker plant;

4. Automotive and motorcycle accessory and parts store;

5. Lawn mower repair shops;

6. Radio stations;

7. Animal hospitals, veterinary clinics, or kennels;

8. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);

9. Ballrooms and dance halls;

10. Billiards parlors, pool halls and game rooms;

11. Carpenter and cabinet making shops for retail custom work;

12. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;

13. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);

14. Drive-in theaters;

15. Lumber yards;

16. Mini-warehouse;

17. Monument sales yards;

18. Plumbing and heating shops;

19. Sheet metal shops;

20. Sign painting shops;

21. Mobile home parks;

22. Used car sales lots;

23. Garage for general motor vehicle repair;

24. Automobile washing establishments;

25. Adult entertainment businesses; and

26. Off-premises advertising signs.
B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for this item has requested a continuance to the February 7, 2019 Plan and Zoning Commission meeting. No member of the audience or the Commission requested to speak regarding the item.

COMMISSION ACTION:

Will Page made a motion to continue the item to the February 7, 2019 Plan and Zoning Commission meeting.

THE VOTE: 8-0

Item 10

Request from DDX Worldwide Cargo, Inc. (owner) represented by Juan Guaman (officer) for the following at 2017 Capitol Avenue:

A) Vacation of the adjoining north/south alley from Capitol Avenue to the east/west alley.  
   (11-2018-1.29)

B) Determination as to whether the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow.

C) Amendment to the PlanDSM future land use classification from Low Density Residential to Industrial.  
   (21-2018-4.24)

D) Rezone from "R1-60" One-Family Low Density Residential District to "M-1" Light Industrial District to allow expansion of the existing warehouse and distribution center use.  
   (ZON2018-00254)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to legitimize expansion of an existing warehouse and distribution trucking business in operation at 2000 East Walnut Street. The business had expanded outside storage and parking activity
onto adjoining owned residentially zoned property without obtaining proper zoning or providing required site improvements. The applicant is also seeking to vacate the northern half of the north/south alley west of the subject property so that it can all be assembled with the property of the primary business. A single-family home was recently demolished on the subject property, and in the interim the applicant has ceased any commercial use of the subject property.

2. **Size of Site:** 11.320 square feet or 0.26 acres. The overall site for the business would be approximately 1.42 acres with the requested rezoning.

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

4. **Existing Land Use (site):** Vacant property. A single-family dwelling was demolished in 2018.

5. **Adjacent Land Use and Zoning:**
   - **East** - “R1-60”; Use is single-family dwellings.
   - **West** - “M-1”; Use is warehouse and distribution trucking operation.
   - **North** - “R1-60” & “M-1”; Uses are a single-family dwelling and a potato chip warehouse and plant.
   - **South** - “M-1”; Use is a machine shop.

6. **General Neighborhood/Area Land Uses:** The subject property is located within a transition area between a low density residential neighborhood to the east and an industrial area with a major rail corridor to the west.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Fairground Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the hearing) and January 7, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the neighborhood contract. Also, a 10-day notice was sent on January 7, 2019 to property owners adjoining the affected alley requested for vacation. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on January 11, 2019. The Fairground Neighborhood mailings were sent to Sharon Cooper, 2838 Logan Avenue, Des Moines, IA 50317.

The applicant is required to hold a neighborhood meeting prior to the public hearing. They have indicated that a neighborhood meeting was scheduled for January 15, 2019.
8. **Relevant Zoning History:** None.

9. **PlanDSM Land Use Plan Designation:** The proposed rezoning area is designated as “Low Density Residential” on the Future Land Use Map.

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 Creating Our Tomorrow:** The proposed rezoning is not in conformance with the Future Land Use Map designation of “Low Density Residential”. Even though the applicant’s existing property to the west is currently zoned of “M-1” Light Industrial District, the Future Land Use Map must be amended to the “Industrial” designation to find the proposed rezoning to “M-1” Light Industrial District in conformance with PlanDSM.

   The Plan describes the “Low Density Residential” category as areas developed with primarily single-family and two-family residential units, with up to 6 dwelling units per net acre.

   The Plan describes the “Industrial” category as accommodating industrial development and limited supporting commercial uses. Development in the classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

   Staff is concerned that the proposed rezoning begins to break the transition between the residential neighborhood and the industrial railroad corridor. The applicant already acquired the property and removed a single-family residential dwelling that experienced disinvestment due to proximity to the existing allowed industrial uses. Extending the industrial further into the residential neighborhood would like also extend disinvestment in residential properties.

2. **Site Plan Requirements:** Any extension of the trucking company use would be required to conform to all current Zoning and Site Plan requirements or would need separated relief from the Zoning Board of Adjustment or through the Site Plan process. If the applicant gets necessary zoning approval either through rezoning by the City Council or relief of the Zoning Board Adjustment, the resulting change of use would require review and approval of a Site Plan to demonstrate that the site would be brought into conformance with current Zoning and Site Plan requirements. This would include, but is not limited to, stormwater management, pavement, dustless surfaces for storage, parking, screening and landscaping. The current site
is used with mostly unpaved surfaces, and does not conform to required landscaping.

3. **Traffic Analysis:** The anticipated trip generation by the proposed project is below the threshold for requiring a traffic study. Primary access to the site is currently from East Walnut Street and Capitol Avenue. Circulation occurs using the existing north/south alley.

The applicant has requested vacating the north half of the north/south alley as part of this application, leaving the south half for ingress/egress from the east/west alley to the east. The machine shop owner at 2018 East Walnut Street has indicated that his access circulation to his building is from the north/south alley and that vacating the north half would impede the movement of trucks that serve his property as they would not be able to turn and go east on the east/west alley given the geometry of the remaining Rights-Of-Way. Any vacation of the requested portion of north/south alley would need to allow that property owner a through access to Capitol Avenue through the applicant’s site.

4. **Staff Rationale:** Staff believes that amending the PlanDSM and rezoning the property to a more intensive industrial district would not safeguard the adjoining residential neighborhood area to the east. Long-term allowance for industrial use in this location would have a large impact on adjoining residential properties that could not be adequately mitigated. Also, without extension of the site east of the alley. The requested Right-Of-Way should remain intact as it is currently used.

Should the Commission determine that the requested rezoning of the property is appropriate, the hearing should be continued to allow staff to prepare conditions for their consideration.

### III. STAFF RECOMMENDATION

Part A) Staff recommends denial of the request for vacation of a portion of the adjoining north/south alley.

Part B) Staff recommends that the Commission find that the requested rezoning is not in conformance with the PlanDSM future land use designation of Low Density Residential.

Part C & D) Staff recommends denial of the requested amendment to the PlanDSM Future Land Use Map to Industrial, and denial of the requested rezoning to the “M-1” Light Industrial District.

**SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendations.

Rick Baumhover Bishop Engineering, 3501 104th Street, stated this request is to unify the zoning on the property. A lot split was previously approved and it was noted that
the back half of the residential lot would be used in conjunction with the adjoining business. The business owner was cited for parking trucks and trailers on the residentially zoned portion of the property. The owner is currently trying to get the property back in compliance and the first step is finding a place for them to store trucks and trailers. They would pave the alley that is currently gravel with addition to a fence around the property. They were not aware of the neighbors needs to the alley until Monday but they are willing to grant him an easement to get through.

Mike Simonson asked how many parking stalls they need.

Rick Baumhover stated there are currently 10 employees on site.

Mike Simonson asked if it was possible to have the employees park on the residential zoned portion of the property.

Mike Ludwig stated the residential zoned portion of the property could be used for employee parking with site plan approval, but not for truck and trailer parking storage.

Will Page asked if the map shown is a current representation of what the property looks like today.

Rick Baumhover stated no, code enforcement has made him clean it up and most things are gone aside from a few trucks.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Tim Berardi 2041 Walnut Street, stated he is in favor and sees this as a cleanup project. It would be good for the neighborhood and will allow him to run his business more efficiently.

Juan Guamon 2000 E. Walnut stated they are trying to improve the neighborhood. They want to expand their business and create more jobs for the community. The addition of a fence will keep their equipment safe and stop the vandalism to their building.

Scott Denning stated the main problem he has is that the applicant blocks use of the alley. When Mr. Denning’s business gets deliveries to his business they utilize East Walnut Avenue and they are not be able to pull through the alley to Capitol Avenue. They guide them back out onto East Walnut. This project is shutting off access to his building and making it very hard to do business.

Rick Baumhover stated he understands Mr. Denning needs access to that alley and the applicant will work with him on a solution.

Mike Simonson stated this request is a little premature and they should have more discussion with the neighbors.
Mike Ludwig asked Glenna Frank about the enforcement action on the property if the Commission was to continue the hearing.

Glenna Frank stated it is her understanding the Code Enforcement would delay any further action until zoning actions are completed.

Francis Boggus asked if a 30-60 day continuance would be proper.

Glenna Frank stated from a zoning enforcement perspective, that would be fine.

Mike Ludwig stated it would be reasonable to continue to the March 7, 2019 meeting. He noted there is only one P&Z Commission meeting in March and he did not recommend continuing this into April.

Mike Simonson asked the applicant would agree to a continuance of this item until the March 7, 2019.

Glenna Frank stated the alley needs to remain open for public access until it is vacated.

Mike Ludwig stated they should not be storing anything (trucks, trailers, etc.) on the residential zoned property in the interim.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Mike Simonson made a motion to continue item #10 to the March 7, 2019 Plan and Zoning Commission meeting.

THE VOTE: 8-0

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Election of Officers

Will Page presented the following slate of officers as recommended by the nominating committee:

Jacqueline Easley - Chair
Jan Freed- 1st Vice Chair
John “Jack” Hilmes- 2nd Vice Chair

Jacqueline Easley stated the slate of officers will be voted on at the February 7, 2019 Plan and Zoning Commission meeting.
Committee and Director’s Reports:

Mike Ludwig stated there will be a meeting with the City Manager on January 18, 2019. He thanked the Commissioners for their patience through a lengthy agenda and especially thanked the Commissioners who attended both the December 20 and January 17 meetings.

Meeting adjourned at 9:40