

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

Vice-Chair, Dory Briles served as Chair of the meeting in absence of Chair Jann Freed.

Emily Webb made a motion to approve the February 6, 2020 Plan and Zoning Commission meeting minutes. Motion Carried 7-0-1 (Francis Boggus abstained as he was not present for the February 6 meeting).

Dory Briles asked if any members of the audience or the Commission requested to speak regarding consent agenda items #1, #2, #3 or #4. No member of the audience or the Commission requested to speak regarding this item.

Dory Briles noted that the applicant for item #7 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Rocky Sposato made a motion to mover item #7 to the consent agenda. Motion carried 8-0.

Rocky Sposato made a motion to approve consent agenda items #1, #2, #3, #4 and #7. Motion Carried 8-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

City initiated public hearing regarding proposed amendment to Zoning Map for the approved Zoning Ordinance in Chapter 134 of the City Code for properties at 600 and 610 East 30th Street and 2944 Des Moines Street to be shown as “MX3” Mixed Use District that are erroneously shown as “MX1” Mixed Use District.

A) Determination as to whether the proposed amendments to the Zoning Map are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

B) Adoption of proposed amendments to the approved Zoning Map.

(10-2020-5.01)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

The existing Greater Iowa Credit Union building and parking lot is currently located on 600 and 610 E. 30th Street. The applicant proposes to construct a 1,340 square foot addition to the west and north facades of the existing building. The project also includes removal and construction of a drive-thru facility and canopy on the west side of the building and removal, replacement and expansion of the existing parking lot. The site is being expanded to include the former north/south alley and 2944 Des Moines Street.

II. ADDITIONAL APPLICABLE INFORMATION

On September 19, 2019 the Plan and Zoning Commission recommended approval of a request to vacate the north/south alley segment between East 29th Street and East 30th Street from Des Moines Street to the east/west alley and approval of a request to rezone property located at 2944 Des Moines Street to a Limited C-2, General Retail and Highway Oriented Commercial District to facilitate the proposed project.

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

On November 4, 2019 the City Council voted 7-0 to approve Ordinance No. 15,825 which rezoned 2944 Des Moines Street to a Limited C-2, General Retail and Highway Oriented District to facilitate the proposed project. The applicant was advised to submit a complete site plan and building permit application prior to December 15, 2019 to be processed under the provisions of the old zoning code and zoning map. However, the applicant failed to submit a complete site plan and building permit application prior to the December 15, 2019 and thus became subject to the new zoning map, zoning ordinance and design ordinance.

The City’s new zoning map erroneously designates the subject property as MX1, Mixed Use District which does not permit drive-thru accessory uses. While the existing drive-thru facility is considered a "pre-existing accessory structure" under the new code, the proposed building expansion will cause 100% of the existing drive thru facility to be demolished which terminates the applicant’s rights to reconstruct the drive-thru. MX3, Mixed Use District zoning is required to allow reconstruction of a new drive-thru accessory use for the credit union building.

It was clearly the City Council’s intent to facilitate expansion of the credit union and allow a drive thru accessory use on the property when the 2944 Des Moines Street was rezoned to C-2 General Retail and Highway Oriented Commercial District on November 4, 2019. The zoning designation for 600 and 610 E. 30th Street and 2944...
Des Moines Street should have been revised to MX3 Mixed Use Zoning District with prior “clean up” ordinances that modified the Citywide Zoning Map.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed MX3 Mixed Use zoning designation is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan’s “Community Mixed Use” Future Land Use Designation for the subject property.

Part B) Staff recommends approval of the City initiated request to amend the zoning map to correct the zoning designation for the subject property to an MX3 Mixed Use District.

SUMMARY OF DISCUSSION

Dory Briles 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:

Rocky Sposato made a motion for approval of Part A) the Commission find the proposed MX3 Mixed Use zoning designation is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan’s “Community Mixed Use” Future Land Use Designation for the subject property and Part B) APPROVAL of the City initiated request to amend the zoning map to correct the zoning designation for the subject property to an MX3 Mixed Use District.

THE VOTE: 8-0

Item 2

Request from Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) for vacation of the following segments of Right-Of-Way adjoining property at 2331 University Avenue.

(11-2020-1.01)

A) A 3-foot by 3.5-foot segment of University Avenue to allow for an exterior door swing.
B) A 43.73-foot by 0.40-foot segment of University Avenue to accommodate existing building encroachment.
C) Two 7.5-foot by 5-foot segments of University Avenue air rights to allow for canopies.
D) A 46.77-foot by 0.90-foot segment of 24th Street to allow for existing building encroachment.
STAFF REPORT TO THE PLANNING COMMISSION

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow redevelopment of the addressed property for use as a mixed use building housing office and restaurant spaces.

2. **Size of Site:** 10,124 square feet (0.232 acre) for addressed property. 99.75 square feet total for 5 vacation areas.

3. **Existing Zoning (site):** “MX2” Mixed Use District. *MX2 is intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking.*

4. **Existing Land Use (site):** The site consists of sidewalks within the public rights-of-way of University Avenue and 24th Street.

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

   **North** – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

   **South** – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

   **East** – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

   **West** – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

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

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood and within 250 feet of the Carpenter (and Drake) Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on January 31, 2020 and by mailing of the Final Agenda on February 14, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2020 (10 days prior to public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested right-of-way.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Drake Neighborhood
Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311. The Carpenter (and Drake) Neighborhood Association notices were mailed to Robert Gieber, 2315 Carpenter Avenue, Des Moines, IA 50311.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Neighborhood Mixed Use.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

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

2. **Streets/Sidewalk:** The 3-foot by 3.5-foot proposed vacation to allow for an exterior door swing would be onto the sidewalk in the public right-of-way on University Avenue. Staff feels that bolsters or planters as approved by the Planning Administrator would ensure public safety of pedestrians utilizing the subject sidewalk.

III. **STAFF RECOMMENDATION**

Part A-D) Staff recommends approval of the requested vacations subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

2. Provision of bolsters or planters to both sides of the 3-foot by 3.5-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

**SUMMARY OF DISCUSSION**

Dory Briles 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:**

Rocky Sposato made a motion for approval of the requested vacations subject to the following conditions:
1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

2. Provision of bolsters or planters to both sides of the 3-foot by 3.5-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

THE VOTE: 8-0

Item 3

Request from Employers Mutual Casualty Company (owner) 655 and 701 Walnut Street, represented by Cindy McCauley (officer) for vacation of the following segments of Right-Of-Way.

(11-2020-1.02)

A) A segment of air rights within the east/west alley and 7th Street adjoining 655 Walnut Street to allow for encroachment of the private portion of the 2nd Story Skywalk Bridge over the street.

B) Two segments of surface and subsurface Right-Of-Way on the eastern portion of 7th Street adjacent to 655 Walnut Street and 319 7th Street to allow for support elements of the Skywalk Bridge.

C) Two segments of surface and subsurface Right-Of-Way on the western portion of 7th Street adjacent to 701 Walnut Street and 700 Locust Street.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacations would allow construction of a skywalk connection between buildings at 655 Walnut Street and 700 Locust Street replacing a previous skywalk connection between 655 Walnut Street and 701 Walnut Street.

2. Size of Site: 269.2 square feet total for all proposed vacations.

3. Existing Zoning (site): “DX1” Downtown District. DX1 is intended for the highest intensity of activity in the downtown, where mixed use buildings include offices, ground floor storefronts with shopping, services, and restaurants, and residential and lodging.

4. Existing Land Use (site): The site consists of public 7th Street and alley rights-of-way.

5. Adjacent Land Use and Zoning:
North – “DX1”; Use includes 7th Street public right-of-way.

South – “DX1”; Uses include 7th Street public right-of-way.

East – “DX1”; Use includes Employers Mutual Casualty Company and the Des Moines Griffin Building.

West – “DX1”; Use includes a parking garage and proposed high-rise development under construction.

6. **General Neighborhood/Area Land Uses:** The subject property is located in Downtown Des Moines Neighborhood, which is an area consisting of a mix of multiple-household residential, office, commercial, religious, educational, and institutional uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on January 31, 2020 and by mailing of the Final Agenda on February 14, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2020 (10 days prior to public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested right-of-way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Downtown Des Moines Neighborhood Association notices were mailed to Peter Erickson, 214 Watson Powell Jr. Way #505, Des Moines, IA 50309.

8. **Relevant Zoning History:** On October 26, 2016, by Docket ZON2016-00185, the Zoning Board of Adjustment granted an Exception of 105 feet over the calculated maximum allowed 315 feet of height for a building at 701 Walnut Street to allow construction of a mixed-use (commercial and multiple-family residential) building having a maximum height of up 420 feet and a maximum prism volume of up to 4,536,045 cubic feet, on a parcel of land with 17,315 square feet of area.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Downtown Mixed Use.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission 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:** A distribution water main, valves and hydrant connections are located within the 7th Street right-of-way. A sanitary conduit is located within the 7th Street...
right-of-way. The subject vacations do not appear to directly impact these utilities; however, any necessary easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

2. **Alley System:** The subject east/west alley rights-of-way provide access to the rear of the surrounding buildings including emergency pedestrian exits. The proposed vacations should not impact the ability to provide adequate access to the properties via this alley. Staff recommends approval of the requested vacations subject to reservation of any necessary easements to allow public access to the alley entrances from 7th Street.

3. **Streets/Sidewalk:** The proposed vacations would facilitate the construction of necessary support structures within the public rights-of-way, including the sidewalks and alley accesses, along the east and west sides of 7th Street. Staff recommends approval of the requested vacations subject to reservation of any necessary easements within the 7th Street rights-of-way.

### III. STAFF RECOMMENDATION

Part A-C) Staff recommends approval of the requested vacations subject to the following conditions:

1. Reservation of any necessary easements to allow public access to the alley entrances from 7th Street.
2. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.
3. Any construction on the proposed vacations shall be in accordance with all administrative comments as part of the Site Plan review.

### SUMMARY OF DISCUSSION

Dory Briles 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:

Rocky Sposato made a motion for approval of the requested vacations subject to the following conditions:

1. Reservation of any necessary easements to allow public access to the alley entrances from 7th Street.
2. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.
3. Any construction on the proposed vacations shall be in accordance with all administrative comments as part of the Site Plan review.

**THE VOTE:** 8-0
Item 4

City initiated request to rezone property in the vicinity of 200 SE 15th Street, 350 SE 18th Street and 302 SE 18th Street. Property is owned by City of Des Moines, Iowa Transfer Company (Iowa Interstate Railroad), Norfolk Southern Railway, and Hawkeye Land Company.

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

B) Amend PlanDSM Creating Our Tomorrow future land use designation west of the Southeast 14th Street viaduct from Downtown Mixed Use to Industrial.

C) Rezone property from “DX2” Downtown District west of the Southeast 14th Street viaduct to “I1” Industrial District, and from “I1” and “I1-V” Industrial Districts east of the Southeast 14th Street viaduct to “I2” Industrial District

D) Approval of Large-Scale Development Plan in accordance with Chapter 135 Article 5 of the City Code for a proposed multi-modal transloading facility.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: On January 13, 2020, on behalf of Des Moines Industrial, LLC, the City Council initiated a request to rezone property for the future development of a 40-plus acre multimodal transload facility on the subject property. Portions of the subject property lying west of the Southeast 14th Street/U.S. Highway 69 viaduct would be intended for general industrial uses. Portions of the subject property east of the viaduct would be intended for higher intensity industrial uses.

   The developer is looking to implement a project that has received a Federal DOT Build grant of $11.2 million and loan in the amount of $1.7 million. The City of Des Moines is participating with the project by selling City owned property. The project would link truck cartage to the Iowa Interstate, Norfolk Southern, and Burlington Northern Santa Fe Railroads.

   The terminal would consist of 12,000 feet of rail infrastructure, 115,000 square feet of warehousing, 37,500 square feet of covered bulk mineral storage, and 5 acres of outside storage. The project will be available to third party clients for multi-carrier railroad access.
2. **Size of Site:** Approximately 40 acres.

3. **Existing Zoning (site):** “DX2” Downtown District, “I1” Industrial District and “I1-V” Industrial Districts.

4. **Existing Land Use (site):** Undeveloped land and railroad. Portions of the subject property serve as regional stormwater detention.

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

   **North** – “I1-V”, Use is railroad.

   **South** - “DXR”, “DX2”, “I1-V” and Municipal Services Center “PUD”, Uses are railroad, vacant land, the Southeast Connector (East ML King Jr. Parkway), and the City of Des Moines Richard A. Clark Municipal Services Center.

   **East** – “I2”, Uses are pallet manufacturing, vacant land, and Waste Management fleet services.

   **West** – “DXR” & “DX2”, Uses are warehousing and an asphalt plant.

6. **General Neighborhood/Area Land Uses:** The subject property straddles the Southeast 14th Street/U.S. Highway 69 corridor between railroad and the Southeast Connect. The surrounding area is generally industrial in character.

7. **Applicable Recognized Neighborhood(s):** The subject property is partially located within the Historic East Village Neighborhood and is within 250 feet of the Capitol East Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on January 31, 2020. All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. Additionally, separate notifications of the hearing for this specific item were mailed on January 31, 2020 (20 days prior to the hearing) and February 10, 2020 (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 site. Historic East Village Neighborhood mailings were sent to Taylor Frame, PO Box 93904, Des Moines, IA 50393. Capitol East Neighborhood mailings were sent to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316. A Final Agenda was mailed to recognized neighborhoods on February 14, 2020.

   City Staff held a neighborhood meeting on Friday, February 7, 2020 at the Richard A. Clark Municipal Services Center, Macrae Conference Room. All owners of property within 250 feet were invited to attend along with the contacts from Historic East Village and Capitol East Neighborhoods. There was nobody other than City staff who attended the meeting.

8. **Relevant Zoning History: PlanDSM Future Land Use Plan Designation:**

   Downtown Mixed Use and Industrial.
9 **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. **Conditional Use Permits:** In addition to the primary proposed Storage, Distribution, and Wholesaling uses of Trucking and Transportation Terminals and Warehouse; future proposed uses would include outside storage of construction aggregate and other materials. This latter would be considered as a Fabrication and Production, Intensive based on interpretation of comparable uses listed in Chapter 134. This use would require granting of a Conditional Use by the Zoning Board of Adjustment in the “I1” District and compliance with supplemental use regulations in Chapter 134 Section 134-3.6.2. All of the other primary proposed uses would be subject to supplemental use regulations in Chapter 134 Section 134-3.6.3.E.

2. **Urban Design Review Board:** Because a portion of the land is to be sold to the developer by the City with the potential for other City economic assistance. A development agreement would be required, necessitating review by the Urban Design Review Board. Any development review by the City will be subject to consideration of this Board under the terms of any agreement.

3. **Permit and Development Center Comments:** Any future redevelopment of the property for a Transportation Terminal would require Site Plan review by the City’s Permit and Development Center. It is anticipated that the proposed buildings would be reviewed under the Warehouse/Workshop Building Types or under accessory outbuilding requirements. All building construction is subject to issuance of building permits in accordance with applicable Building Codes.

4. **Drainage/Grading:** Stormwater management improvements would be required with and a Storm Water Pollution Protection Plans (SWPPP) approval by Iowa DNR will be required with site redevelopment over an acre in area. Coordination with the City Stormwater Division of Public Works will be required with any impacted public regional stormwater basins.

5. **Large Scale Development Plan:** The recently updated Chapter 134 and 135 require rezoning of tracts larger than 5 acres in area be considered under provisions in Chapter 135 Article 5 for Large-Scale Development. In the Commission packet materials is a plan attachment comprising the submittal for this requirement. There are not specific requirements of these provisions applicable to industrial rezoning. The proposed plan is going to exceed the open space provisions. There are not any proposed extensions of the public street network requiring consideration of the Block and Access provisions, the Street provisions, or
the Primary Street Designation provisions of the Large-Scale Development Plan requirements. The intent is that this plan will be refined through the Site Plan review process where the provisions are also applicable.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning is not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as “Downtown Mixed Use”.

Part B) Staff recommends approval of the proposed amendment of the PlanDSM Creating Our Tomorrow Plan future land use designation from Downtown Mixed Use to Industrial.

Part C) Staff recommends approval of the requested rezoning of the property from “DX2” Downtown District west of the Southeast 14th Street viaduct to “I1” Industrial District, and from “I1” and “I1-V” Industrial Districts east of the Southeast 14th Street viaduct to “I2” Industrial District subject to the condition that the use of the property for Vehicle Sales or Vehicle Rental is prohibited.

Part D) Staff recommends approval of the submitted Large-Scale Development Plan subject to any amendments necessary with a future Site Plan review and approval.

SUMMARY OF DISCUSSION

Dory Briles 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:

Rocky Sposato made a motion for approval of Part A) the Commission find the requested rezoning is not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as “Downtown Mixed Use”, Part B) APPROVAL of the proposed amendment of the PlanDSM Creating Our Tomorrow Plan future land use designation from Downtown Mixed Use to Industrial, Part C) APPROVAL of the requested rezoning of the property from “DX2” Downtown District west of the Southeast 14th Street viaduct to “I1” Industrial District, and from “I1” and “I1-V” Industrial Districts east of the Southeast 14th Street viaduct to “I2” Industrial District subject to the condition that the use of the property for Vehicle Sales or Vehicle Rental is prohibited and Part D) APPROVAL of the submitted Large-Scale Development Plan subject to any amendments necessary with a future Site Plan review and approval.

THE VOTE: 8-0

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Item 7
Request from ILEX Group, LLC (owner) represented by Ben Schultes (officer) for the following property located in the vicinity of 4600 and 4700 East 14th Street. Additional subject property is owned by Polk County.

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

B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use plan from Community Mixed Use in a Regional Node to Industrial in a Regional Node. (21-2020-4.05)

C) First Amendment to the Northridge PUD Conceptual Plan to revise the development from a regional shopping mall to a warehouse and distribution center with 1,050,260 square feet of warehouse building use. (ZON2020-00018)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed PUD Conceptual Plan amendment would allow the site to be developed with five (5) warehouse buildings with interconnecting parking and private drives for circulation.

2. Size of Site: 59.95 acres.


5. Adjacent Land Use and Zoning:

   North – Polk County “MU” Mixed Use District: Use is Interstate 35/80.

   South - “Casey’s PUD” & “I1”: Uses are a convenience store and light industrial.

   East - Polk County “MU” Mixed Use District and Polk County “GC” General Commercial District: Uses are commercial and industrial.

   West - Polk County “MU” Mixed Use District: Uses are commercial and residential.

6. General Neighborhood/Area Land Uses: The site is located at the southwest corner of the East 14th Street and Interstate 35/80 interchange. The area consists of industrial, commercial and residential uses, as well as undeveloped land.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Highland Park Neighborhood. All neighborhoods were notified of the February 20, 2020 Commission meeting by mailing of the Preliminary Agenda on January 31, 2020 and the Final Agenda on February 14, 2020. Additionally, separate
notifications of the hearing for this specific item were mailed on January 31, 2020 (20 days prior to the hearing) and February 10, 2020 (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 requested rezoning.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Highland Park Neighborhood Association mailings were sent to Drew Kelso, 815 East Seneca Avenue, Des Moines, IA 50316.

The applicant is required to hold a neighborhood meeting before the meeting and to provide a summary to City Staff at least 3 days prior to the public hearing. The applicant will be available to discuss the summary of the neighborhood meeting at the continuation of the hearing.

8. Relevant Zoning History: The Northridge PUD was approved by the City Council on April 6, 1987, by Roll Call 87-1330.


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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The subject site is designated as “Community Mixed Use” within a “Regional Node” on the Future Land Use Map. The proposed PUD Conceptual Plan amendment requires the "Industrial" future land use designation. Plan DSM describes these designations as follows:
Regional Node: The largest node, regional nodes are concentrations of employment, retail and housing and may include light industrial uses. They serve the widest geographical area and attract people from throughout the City and region. High density residential development is appropriate at regional nodes.

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

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

Staff believes that the proposed “Industrial” designation is appropriate for the subject property as it is compatible with the industrial character of the surrounding area and given its close proximity to the interstate highway. The proposal is consistent with the “Regional Node” designation, which allows light industrial uses.

2. PUD Standards: The following are standards from Section 134-704 of the retired Zoning Code and provides the foundation that all PUD Conceptual Plans should be based on.

A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city’s land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

Industrial and commercial uses characterize the surrounding area. The proposed development would consist is five (5) warehouse buildings ranging in size from 184,404 square feet to 262,524 square feet. Each building could be occupied by multiple tenants. The buildings would be constructed of precast concrete panels. A three-color scheme would be used to provide visual interest. Additionally, horizontal and vertical line patterns would be provided in the panels to visually break up the mass of the buildings. Four (4) of the buildings would be oriented north-to-south with frontage along East Broadway Avenue. The northern building would sit at an angle and be located north of a natural drainageway. The Conceptual Plan shows this building being accessed by a single drive extending off a shared driveway. The Fire Department has indicated
that a second driveway to this building must be provided. Staff recommends approval subject to the Conceptual Plan being amended so that it complies with the Fire Code to the satisfaction of the City’s Fire Department.

The Conceptual Plan references uses allowed by the Planned Business Park District of the retired Zoning Code. Staff believes that the “I1” District in the current Zoning Code should be the basis for the PUD instead.

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

The proposed amendment requires 50-foot minimum front yard setbacks, 10-foot minimum rear yard setbacks, and combined total side yard setback minimums of 20 feet with no one side being less than 5 feet. In several locations, the buildings would set further back that the minimums. For comparison, Chapter 135 of the Municipal Code typically requires a 25-foot front yard setback for the Workshop/Warehouse Building Type in “I1” and “I2” Districts. The required minimum side and rear yard setbacks are 0 feet unless the property adjoins a property zoned a “N” District. In those cases, 25 feet is the minimum side and rear yard setback. Staff believes that the proposed setbacks are appropriate as they fit the large scale of the development.

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

All necessary utilities are available within the adjoining rights-of-way. All grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. The applicant is required to demonstrate compliance with the City’s stormwater management regulations to the satisfaction of the City’s Permit and Development Center during the review of any PUD Development Plan. Tree removal and mitigation calculations must be submitted with any PUD Development Plan in accordance with Section 42-550 of the Municipal Code.

The submitted Conceptual Plan indicates that an existing Polk County storm water basin shall be used to support the development. However, an agreement to use the basin has not been reached at this time. Staff recommends approval subject to the Conceptual Plan being amended to show on-site detention. In addition, the storm water notes on the Conceptual Plan should be replaced with a statement that reads “compliance with the City’s stormwater management regulations will be demonstrated with any PUD Development Plan to the satisfaction of the City Engineer.”
D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

*The development would utilize private drives for internal circulation. Access to the site would be provided by one (1) drive approach along East 14th Street and four (4) approaches along East Broadway Avenue. A traffic study was prepared and reviewed by the City’s Traffic and Transportation Division. As a result of the study, the developer is required to extend the existing east bound, left turn lane on East Broadway Avenue for vehicles turning north onto East 14th Street. The lane is currently 75 feet long and needs to be extended to 150 feet.*

*The Conceptual Plan identifies a trail/sidewalk along East Broadway Avenue. A walk must also be provided along East 14th Street. Public sidewalks for a phased development of this size and type are typically installed entirely with the first phase development. Notes on Sheet 1 suggest public sidewalks would be installed in phases. Staff recommends approval subject to the replacing the notes on the Conceptual Plan with the sidewalk note listed in Section III of this report.*

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

*The proposed development would have a substantial amount of parking and loading spaces. Specific parking number are not provided. A note on Sheet 1 references the standards from the retired Zoning Code. Staff recommends approval subject to the note be amended to reflect the parking standards found in Section 135-6 of the Planning and Design Ordinance.*

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

*The project would include landscaped areas and would preserve some natural growth that has developed within a drainage ditch easement. Staff believes that this is adequate open space for a development of this type.*

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

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

Part B) Staff recommends approval of amending PlanDSM Creating Our Tomorrow Plan to revise the future land use plan from Community Mixed Use in a Regional Node to Industrial in a Regional Node.

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

1. Permitted uses shall be limited to those allowed in the “I1” District by Chapter 134 of the Municipal Code, including any applicable supplemental regulations.

2. Provision of a note that states “outdoor storage is prohibited unless identified on an approved Development Plan.”

3. Amendment of Sheets 2 and 3 of the Conceptual Plan so that the portions of the site located outside of the PUD are clearly identified.

4. Compliance with the Fire Code to the satisfaction of the Fire Department.

5. Provision of dimensions for the tenant wall sign typicals on Sheet 5 of the Conceptual Plan to the satisfaction of the Planning Administrator.

6. Amendment of the Conceptual Plan so that it conceptually identifies the location of on-site storm water manage facilities.

7. Replacement of all storm water management related notes with the following text “any Development Plan shall comply with the City’s storm water management requirements to the satisfaction of the City Engineer.”

8. Provision of a note that states “the east bound, left turn lane on East Broadway Avenue for vehicles turning north onto East 14th Street shall be improved as determined necessary by the City Traffic Engineer.”

9. Replacement of all sidewalk related notes with the following text “sidewalks shall be provided as determined by the City Traffic Engineer with any Development Plan.”

10. Replacement of all parking related notes with the following text “parking shall be provided in accordance with Section 135-6 of the Planning and Design Ordinance as review and approved with any Development Plan.”

11. Replacement of the proposed landscaping standards with a note that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards applicable to the “I1” District in place at the time the
Development Plan is submitted or exceeded as illustrated on the Conceptual Plan.”

12. Provision of a note that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height.”

13. Provision of a note that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”

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

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

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

17. Replacement of all roof-mounted equipment screening notes with the following text “all roof-mounted equipment shall be screened on all sides equal to the height of the equipment with architecturally integrated material as reviewed with any Development Plan.”

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

SUMMARY OF DISCUSSION

Dory Briles noted that the applicant for item #7 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

COMMISSION ACTION:

Rocky Sposato made a motion for approval of Part A) the Commission find the proposed rezoning not in conformance with the PlanDSM Creating Our Tomorrow future land use map, Part B) APPROVAL of amending PlanDSM Creating Our Tomorrow Plan to revise the future land use plan from Community Mixed Use in a
Regional Node to Industrial in a Regional Node and Part C) APPROVAL of the proposed PUD Conceptual Plan amendment subject to the following conditions:

1. Permitted uses shall be limited to those allowed in the “I1” District by Chapter 134 of the Municipal Code, including any applicable supplemental regulations.

2. Provision of a note that states “outdoor storage is prohibited unless identified on an approved Development Plan.”

3. Amendment of Sheets 2 and 3 of the Conceptual Plan so that the portions of the site located outside of the PUD are clearly identified.

4. Compliance with the Fire Code to the satisfaction of the Fire Department.

5. Provision of dimensions for the tenant wall sign typicals on Sheet 5 of the Conceptual Plan to the satisfaction of the Planning Administrator.

6. Amendment of the Conceptual Plan so that it conceptually identifies the location of on-site storm water manage facilities.

7. Replacement of all storm water management related notes with the following text “any Development Plan shall comply with the City’s storm water management requirements to the satisfaction of the City Engineer.”

8. Provision of a note that states “the east bound, left turn lane on East Broadway Avenue for vehicles turning north onto East 14th Street shall be improved as determined necessary by the City Traffic Engineer.”

9. Replacement of all sidewalk related notes with the following text “sidewalks shall be provided as determined by the City Traffic Engineer with any Development Plan.”

10. Replacement of all parking related notes with the following text “parking shall be provided in accordance with Section 135-6 of the Planning and Design Ordinance as review and approved with any Development Plan.”

11. Replacement of the proposed landscaping standards with a note that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards applicable to the “I1” District in place at the time the Development Plan is submitted or exceeded as illustrated on the Conceptual Plan.”

12. Provision of a note that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height.”

13. Provision of a note that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum
vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”

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

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

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

17. Replacement of all roof-mounted equipment screening notes with the following text “all roof-mounted equipment shall be screened on all sides equal to the height of the equipment with architecturally integrated material as reviewed with any Development Plan.”

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

THE VOTE: 8-0

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NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 5

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

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

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

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

(STAFF REPORT TO THE PLANNING COMMISSION)

I. GENERAL INFORMATION

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

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

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

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

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

5. Adjacent Land Use and Zoning:

North - “RX1” & “N3c”, Uses include one household dwellings.
South - “RX1” & “F”; Use is an office building.
East - “RX1” & “N3c”; Uses are one household dwellings and offices for Madden Construction.
West - “F”; Uses are Viva Restaurant and Cornerstone Credit Union.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the north side of the Grand Avenue corridor, in an area that includes a mix of commercial, educational, and office uses along Grand Avenue transitioning to a one household dwelling neighborhood to the north.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Waterbury Neighborhood and within 250 feet of the Westwood Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda of the original public hearing on January 17, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on January 17, 2020 (20 days prior to the original public hearing) and January 27, 2020 (10 days prior to the original public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. A Final Agenda was mailed to recognized neighborhoods on February 14, 2020.

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

The applicant had held a required neighborhood meeting on January 9, 2020. After the February 6, 2020 hearing, the applicant determined that they would hold another neighborhood meeting on February 17, 2020. The applicant will provide the required summary of the meeting as provided for in Chapter 134 of the City Code and will be available to discuss the summary of the neighborhood meeting at the continuation of the hearing.

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

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

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

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

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

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

At the February 6, 2020 meeting of the Commission, the question was raised whether a business selling liquor, wine, and/or beer could be permitted in the existing “RX1” District. The determination after reviewing Chapter 134 is that it could not be considered under a Conditional Use in this district. In the “RX1” District, a business could receive a Conditional Use for Small Entertainment and Assembly use from the Zoning Board of Adjustment. In that instance, catering liquor, beer and wine licenses could be transferred to the premise on an event by event basis. However, this would not allow a catering liquor license to be based from this property.

At the February 6, 2020 meeting of the Commission, concern was raised about the difference in the City of Des Moines Ordinance applied to sound. The enforceable maximum sound levels and hours are based on the zoning of the adjoining receiving residential properties, and would be the same standard whether the subject property retained the existing “RX1” District or is rezoned to the proposed “MX1” District. Staff does not recommend placing conditions on any rezoning to adjust requirements for enforcement of the sound Ordinance.

2. Sound: At the February 6, 2020 meeting of the Commission, concern was raised about the difference in the City of Des Moines Ordinance applied to sound. The enforceable maximum sound levels and hours are based on the zoning of the adjoining receiving residential properties, and would be the same standard whether the subject property retained the existing “RX1” District or is rezoned to the proposed “MX1” District. Staff does not recommend placing conditions on any rezoning to adjust requirements for enforcement of the sound Ordinance.
3. **Streets and Access:** A traffic study was not required by the City’s Traffic Engineering Division for the requested rezoning. For purposes of future redevelopment of the site, Grand Avenue is considered a Primary Street Frontage. 60th Street and 61st Street are considered Non-Primary Street Frontages.

4. **Parking:** If the site were developed with the proposed 7,000-square foot events center concept, the site plan would typically generate the requirement for one off-street parking space for every 6 seats and one space per 400 square feet of office space. Open assembly areas without fixed seats would be calculated based on the building occupant load. Development in the “MX1” District would then be further only required to provide 60% of this ratio based on a reduction allowance for that district.

The parking requirement based on the submitted concept would be as much as 47 spaces applying an open floor assembly to the entire 7,000 square feet. Staff believes that this number of off-street parking spaces could be accommodated on the subject property and is appropriate to meet the anticipated demands. Staff recommends that any assembly use on the property not exceed the proposed 7,000 square feet and that the minimum required parking not be reduced below 100% of the minimum calculation for the assembly use in the building. The developer would not be permitted to develop more than 120% of the calculated parking ratio in “MX1” District. In this case it would be approximately no more than 94 spaces. Off-street parking in the “F” Flood District areas of the property would require Zoning Board of Adjustment approval of a Conditional Use.

Bicycle parking would be required at four (4) plus 1 per 250 seats of assembly occupancy. This would amount to 32 spaces based on the current concept proposed.

5. **Floodplain:** A portion of the subject property is zoned “F” Flood District with the recently adopted Zoning Ordinance update. This reflected the recently Federally adopted 100-year Floodplain mapping for FEMA on the Federal Insurance Rate Maps effective in February of 2019. Areas of the Plan DSM Creating Our Tomorrow Plan future land use map for Parks and Open Space and Development Control were a slightly greater area than the amendments for the Zoning Ordinance as these designations also took into account projected 500-year flood data being reviewed by FEMA at the time of the Plan adoption. Staff is comfortable amending the future land use plan for this 500-year floodplain area as it is not regulated by the Chapter 50 provisions of the City Code for Floodplain Development.

None of the proposed building development would occur in the “F” Flood District areas. However, parking and open space uses would be proposed for this area. Any site plan for development within or which would impact the 100-year floodplain area will be required to comply with provisions in Chapter 50 of the City Code for Floodplain Development.
Engineering staff has indicated that storm water management improvements will be required on site, to be reviewed with a site plan submittal. Surface detention may be located within the flood impacted areas.

III. STAFF RECOMMENDATION

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

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

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

1. Any Entertainment Assembly use permitted shall provide parking at 100% of the calculated requirement in Chapter 135 of the City Code for such use with any approved Site Plan.

2. Any business holding a liquor license and/or beer or wine permit shall be prohibited, which is not operated as either:

   a. An Eating and Drinking Place, Restaurant use at least half of whose gross income is derived from the sale of prepared food and food-related services; or
   b. An Assembly and Entertainment, Small use that occupies no more than 7,000 square feet of gross floor area for assembly that is operated in compliance with an approved Conditional Use including, but not limited to, hours of operation, sales requirements, and parking arrangements;

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

SUMMARY OF DISCUSSION

Erik Lundy Presented staff report and recommendations. Due to the percentage of property within 200 feet of the rezoning having owners in objection to the rezoning exceeding 20%, a 6 of 7 vote of the City Council would be required for passage of an Ordinance for the requested rezoning.

Taylor Boesen as the applicant read a submitted letter verbatim. Images shown have also been included for reference.

CHAIRPERSON OPENED THE PUBLIC HEARING
The Chair solicited testimony from individuals in favor of the rezoning request.

Russ Bitterman, 6044 N. Waterbury Road stated he is in support of this project and would like to make some points around the issue of sound. Val Air Ballroom has spent over $100,000 on their house system so what they are able to pump out what will be much greater than what's planned for this venue. The development of this site will provide sound-deadening windows and 2”x6” stud walls with insulation that will bring down the outside sound as well. If the event is at 100 decibels inside, the sound that will project outside will be 65 decibels which will meet the city noise ordinance.

Bill Elson, 712 Polk Boulevard stated he owns the building directly across the street and looks at this blighted property every day. There could be other proposals for this property that people would object more to than they are for this one. They are willing to provide additional parking for events that will be during nights and weekends. Turning this property into a park would be a waste of a commercial parcel and the additional tax revenue would be great.

Maya Boettcher, 724 56th Street stated she has known Taylor for several years and has watched her grow her company and gain respect of the community as a reputable business woman. As a business owner in this neighborhood, she sees this project being a positive and would love to see revitalization on this portion of Grand Avenue.

Laura Biggins, 2915 61st Street stated she owns 3 businesses in Valley Junction and has worked with Taylor on many projects. She is in favor of Willow on Grand and knows Taylor will take the appropriate measures to make sure the concerns of the neighbors are not an issue.

Theresa Finnegan, 6001 Waterbury Circle stated when she first heard about this project she had many of the same concerns as her neighbors. After several conversations with the White Willow Event staff, she feels they really want to make this work and be a good neighbor.

Tasha Palacioz, 2908 Elm Street read a submitted letter verbatim and advised she was speaking on behalf of the following. Kristine Flynn - 5505 Waterbury Road, Brady Hogan - 332 49th Street, Megan Milligan - 223 52nd Street, Daniela Milani – 285 49th Street, Betsy and Brian Boesen – 286 49th Street, Roman Mirsky – 285 49th Street, Lynsey Oster – 6034 N. Waterbury Road, Cynthia Wanamaker – 5700 Waterbury Road, Lauren Conrad – 5709 Walnut Hill Drive and Sue Honkamp – 681 50th Street.

Rachel Rullestad, 1309 SE Birch Lane, Ankeny, IA, a staff member for the applicant, stated that during any event, last call will be made 30 minutes before it concludes. Music will be shut off and the lights will come on once they have reached closing time and the off-duty police officers will assist with escorting the remaining guests. In her time with White Willow, the number of guests remaining at closing time are typically 15-20 people and in the event of a wedding, those are usually family members. They do anticipate most of their events being held during the weekend, all events will have 3-4 staff members to serve as a point of contact and 2 off-duty police officers will be provided for any event serving alcohol.
Rocky Sposato asked if the last call would be 10:30pm at the latest?

Rachel Rullestad responded yes.

Sophie Gillotti, 640 S 50th Street, WDM, IA, stated Des Moines lacks this type of event space. Willow on Grand would help beautify the area and grow the opportunity for different events.

David Newman, 8124 NW Beaver Drive stated the Quick Trip that was once near this location was more invasive than what is proposed today. He believes the alternatives for this site will be more detrimental than what Taylor is purposing.

Brooke Pavel, 795 SE Waco Place stated she is photographer that’s had the pleasure of working with Taylor for 7 years now. Once she heard about this project, she couldn’t think of anyone better to create a place to bring people together. Taylor’s attention to detail, problem solving, ability to coordinate and execute flawless events has always impressed her. She has total confidence this space will be a total success not only for her and other professionals but also the community.

Nick Reed, 5208 Ingersoll Avenue stated Taylor has presented herself in a very professional fashion right out of the gate and has been very tentative to the questions of the neighbors through the next-door app. He cannot think of a better use for this property and this is something that is needed for the younger generation in Des Moines.

Michael La Valle, 435 49th Street stated he has dealt with the Boesen family for many years and anything they do will be an asset to the community. Event centers in neighborhood locations are needed. These places provide a service to the community and this will be a big positive for the neighborhood.

The Chair then solicited testimony from individuals opposed to the requested rezoning.

Mark Cooper, 5811 Walnut Hill Avenue stated he’s had the chance to speak with a lot of his neighbors and the main concern is parking. They don’t have a lot of sidewalks in their neighborhood so they are forced to walk in the street. He believes parking will be a nightmare for those walking in the street because of the problems they already have with Viva Restaurant.

Billy Kirby, 6001 Walnut Hill Drive stated no one from White Willow contacted them and they didn’t get a chance to sit down and go over their concerns at the neighborhood meeting. He would like to see a good neighbor agreement attached to the motion if this is approved. Also, a lot of people speaking in favor tonight do not live in the area and will not be directly affected by the uptick in traffic.

Megan Barajas, 6101 Walnut Hill Drive stated her family moved away from downtown because they wanted to live in a quiet neighborhood but stay close to the diversity Des Moines has to offer. If Des Moines passes something like this, they are sending a message saying business belong in neighborhoods too. No one wants to live by a
venue like this as you can see from the people here tonight in opposition and the petition submitted.

Scott Siepker, 515 60th Street stated people aren’t good at carpooling and no one is going to wait for a shuttle when they can jaywalk across Grand Avenue to the venue much quicker. For all the gymnastics required to make this work, this tells him this isn’t a good location.

Anthony Carroll, 525 60th Street stated not one person who lives in the circle (250-foot owner notification area) around this property is in favor of the rezoning. You are asking the people directly impacted to become a buffer for the rest of the Waterbury Neighborhood. If the board does not vote in opposition, please ask for good neighbor agreements.

Tony Colacino, 801 Grand Avenue, representing Sara and Erik Flores who reside at 6015 Walnut Hill Drive stated they would also like to see a good neighbor agreement that would address things such as number of guests (maximum), celebratory events only, hours of operation, off-duty police officers required, enforceable parking agreements, no outside activities in the evening, landscaping around the site for buffer and noise containment.

Jena Newell, 535 Waterbury Circle stated the neighbors are concerned this could affect the integrity of the neighborhood. She believes if the event center was to accommodate 100 people, that would be more feasible for the neighborhood as they could handle parking onsite. Different people coming in and out of our neighborhood each weekend will certainly change the dynamics of the neighborhood.

Connie Whalen, 6000 Ronwood Drive stated her concern is control of noise, that they’ve been battered by for 5 years now. The vibrations from the bass rattles the windows and come through the walls from Val Air Ballroom. If you can’t have peace and quiet in your own home, where can you find it now days.

Dory Briles asked for clarification around a good neighbor agreement.

Erik Lundy stated the City has had agreements like this for City projects in the past but wasn’t aware that it has ever been considered with a rezoning. The Commission can recommend conditions as part of the rezoning but to take effect, the owner would have to agree to those conditions based on requirements of the City and State Code. It would be much easier to enforce conditions on the specific assembly use given under a Condition Use granted by the Zoning Board of Adjustment rather than conditions set with this rezoning.

Abby Chungath asked how these neighborhood agreements have been put in place previously?

Erik Lundy stated the City has been in partnership with Neighborhood Associations to oversee projects or maintenance of properties and neighborhood taskforces have been
put in place to oversee development as well. The concept has been around but he has never seen it tied to a rezoning.

The Chair opened the hearing for rebuttal by the applicant.

Taylor Boesen stated they will be putting in a sidewalk along 61st Street and parking issues that stem from Viva restaurant are out of her control. She deals with parking issues with every event she runs but always finds a way to make all the guest happy. They will still act as a buffer to the neighborhood with the number of trees they’ll plant and the hours of operation are more than feasible given the Viva restaurant and McDonalds down the street are opened until 11pm or later. There were some concerns about an outdoor patio but the Credit Union up the street holds outdoor events on their lot as well. Current homeowners bought their homes knowing commercial property was in this location, she wants to be a good neighbor and if there are suggestions from the neighbors she has yet to review, she would be more than willing to do so.

Todd Von Stein stated the buffer, landscaping, noise control and hours of operation are all set by the zoning code and they have already exceeded the buffer and landscape needs.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Francis Boggus stated the applicant has done a fantastic job in presenting an improvement to what has been a wasted asset for over 5 years. This is consistent with the commercial district along Grand Avenue. As a resident of the Beaverdale Neighborhood, they have lived consistently with the mix of commercial and residential and with that he would move to approve the staff recommendation.

Abby Chungath asked if there has been a request to add no parking along 60th and 61st Street?

Erik Lundy stated those requests would go through the Traffic Safety committee, then would be considered by City Council as an Ordinance.

COMMISSION ACTION:

Francis Boggus made a motion for approval of Part A) the Commission find the proposed rezoning not in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designations of Park and Open Space, Development Control, and Low Density Residential on portions of the subject property, Part B) APPROVAL of the request to amend the future land use designation to Community Mixed Use for portions of the property not within the 100-year Floodplain designation on the Federal Insurance Rate Maps issued by FEMA and Part C) APPROVAL of the requested rezoning to “MX1” Mixed Use District for portions of the property not zoned “F” Flood District subject to the following conditions:
1. Any Entertainment Assembly use permitted shall provide parking at 100% of the calculated requirement in Chapter 135 of the City Code for such use with any approved Site Plan.

2. Any business holding a liquor license and/or beer or wine permit shall be prohibited, which is not operated as either:
   a. An Eating and Drinking Place, Restaurant use at least half of whose gross income is derived from the sale of prepared food and food-related services; or
   b. An Assembly and Entertainment, Small use that occupies no more than 7,000 square feet of gross floor area for assembly that is operated in compliance with an approved Conditional Use including, but not limited to, hours of operation, sales requirements, and parking arrangements;

THE VOTE: 7-1-0 (Steve Wallace voted in opposition)

Item 6

Request from Iowa Homeless Youth Centers (applicant), represented by Toby O’Berry (officer), for the following on property located at 2705 East Euclid Avenue. The subject property is owned by the Michael J Rovner Trust, the Cynthia L Rovner Trust, Michael J Rovner (trustee), and Cynthia L Rovner (trustee).

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

B) Amend PlanDSM Creating Our Tomorrow’s future land use designation from Low Density Residential to Community Mixed Use. (21-2020-4.04)

C) Rezone property from “N3a” Residential District to “RX1” Mixed Use District to allow development of the property for a business/trade school use and offices for youth training. (ZON2019-00017)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning to the “RX1” District would allow the applicant to develop the property for a business/trade school use and offices for youth training. The proposed “RX1” District would not allow use of the property for a homeless shelter.

The rezoning would permit construction of building using a “Commercial Cottage”, “General Building”, or a “Civic Building” building type in accordance with
requirements in Chapter 135 Article 2 of the City Code. The conceptual site sketch submitted with the rezoning application demonstrates that the site would be developed with a 2-story building with a rooftop patio, along East Euclid Avenue and an off-street parking lot to the rear (south).

2. **Size of Site:** 183 feet by 210 feet (38,493 square feet or 0.884-acre).

3. **Existing Zoning (site):** “N3a” Neighborhood District.

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

5. **Adjacent Land Use and Zoning:**
   - **North** - “N1b”, Uses include East Euclid Avenue and one-household dwellings.
   - **South** - “N3a”; Use is a one-household dwelling.
   - **East** - “N3a”; Uses are one-household dwellings.
   - **West** - “MX3”; Uses are Cricket Wireless and Papa John’s Pizza.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the south side of the East Euclid Avenue corridor where uses transition from commercial to the west to residential to the east.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in an area recognized by both the Fairmont Park Neighborhood and the Douglas Acres Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 31, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on January 31, 2020 (20 days prior to the public hearing) and February 10, 2020 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. A Final Agenda was mailed to recognized neighborhoods on February 14, 2020.

   The Fairmont Park Neighborhood mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317, and the Douglas Acres Neighborhood mailings were sent to Joe Youngwirth, 3824 Lay Street, Des Moines, IA 50317.

   The applicant held a required neighborhood meeting on February 10, 2020. The applicant has provided the required written summary of the neighborhood meeting.

8. **Relevant Zoning History:** The City’s new Zoning Ordinance took effect on December 15, 2019, at which time the property became zoned “N3a” Neighborhood District since PlanDSM currently designates this property as Low Density Residential. It was previously zoned “C-1” Neighborhood Retail Commercial District.
9. **PlanDSM Land Use Plan Designation**: The property is designated as Low Density Residential.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Land Use Plan**: In order to allow for the proposed rezoning, the future land use designation for the property must be amended from Low Density Residential to Community Mixed Use.

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

   Staff believes that the Community Mixed Use is appropriate for this property given its location along the major East Euclid Avenue corridor and given that it is immediately adjoining property that is already designated as Community Mixed Use.

   The recently adopted Zoning Ordinance describes the requested “RX1” District as follows: *RX1 is intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridor’s adjacent to low-scale neighborhoods.*

   Staff recommends that the requested “RX1” District be found in conformance with the proposed Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designation of “Community Mixed Use”.

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

3. **Parking**: If the site is developed for a youth training facility, the business/trade school use component would require 1 parking space for every 2 staff members
and 1 parking space for every 5 students, and the office component would require 1 parking space per 400 square feet of office space.

Bicycle parking would be required at one per classroom plus 1 per 50,000 square feet of office space.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designations of Low Density Residential.

Part B) Staff recommends approval of the request to amend the future land use designation to Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of the requested rezoning to “RX1” Mixed Use District.

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

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendations.

Abby Chungath asked what this property was previously zoned.

A member of the audience stated it was previously zone C-1 which was affirmed by Erik Lundy.

Dory Briles confirmed the previous zoning was listed on page 2 of the staff report.

Toby O'Berry, 638 41st Street stated they work with transitional youth from the ages of 18-24. They focus on housing assistance, workforce training, employment and education assistance. This project is going to help the youth that have transitioned out of the foster care system with skills they will need in the work place. This will be a place of business that will operate Monday-Friday with no residential dwellings. They will staff 3-4 employees that will assist with the training and 4 youth that are receiving training. This location is perfect for them as its tied to the bus line along Euclid, directly across from Hy-Vee and perfect for the use that is intended. The cash flow that is generated through the sale of their produce to Hy-Vee will support staff and the youth in this program.

CHAIRPERSON OPENED THE PUBLIC HEARING

The Chair solicited testimony from individuals in favor of the rezoning request. Seeing none the Chair solicited testimony from individuals opposed to the rezoning.
Jeff Witte, 2501 Morton Avenue stated there were three main concerns after the neighborhood meeting that was held February 11th, disruption of privacy, questions around future expansion and the possibility of problems with the men who will be going through the program. There are a lot of abandoned buildings along Euclid they could use for this project, they shouldn’t rezone this property back to commercial and should save it for residential development.

Jason Carpenter, 3216 E. 24th Street stated he has concerns with the light pollution from the parking lot and water run off was another concern of his. He would like to see trees planted along the South and East side of the property to create a buffer.

The Chair opened the hearing for rebuttal by the applicant.

Toby O’Berry stated Douglas Acers Neighborhood Association is in support of this project while Fairmont Park is opposition. They want to address the concerns of the neighbors and believe they will be able to address the privacy and parking encroachment concerns that have been raised.

Alan Van Gundy, 1717 Ingersoll Avenue stated with the contour of the land, the properties to the South sit 10 feet higher than what the based of their building will sit at. If you consider a floor to floor height of 14 feet, that would only be 4 feet above the homes to the South. They have also pulled the intensity of their site to the North and West of the parcel to address the concerns of the neighborhood. They are willing to reduce the number of parking stalls as they have exceeded the requirement, which would eliminate the 2 parking stalls abutting the property to the South. Landscaping requirements will be met and will provide evergreen and shrubs along the South and East side of the property. Lighting will also meet code with cut off fixtures that will not spill into adjoining properties.

Toby O’Berry stated 60% of the youth they serve are women. They want these kids to be self-sufficient and contribute to society. These are kids that were born with unstable families, they’re not violent and are not criminals.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Francis Boggus made a motion for approval of Part A) the Commission find the proposed rezoning not in conformance with the Des Moines’ Plan DSM: Creating Our Tomorrow Plan future land use designations of Low Density Residential, Part B) APPROVAL of the request to amend the future land use designation to Low Density Residential to Community Mixed Use and Part C) APPROVAL of the requested rezoning to “RX1” Mixed Use District.

**THE VOTE:** 8-0
Committee and Director’s Reports:

There was no Director’s report.

The Chair adjourned the meeting at 8:40