
ABSENT: Greg Wattier, Jacqueline Easley and Steve Wallace.

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

Dory Briles made a motion to approve the February 20, 2020 Plan and Zoning Commission meeting minutes. Motion Carried 7-0-4 (Will Page, John “Jack” Hilmes, Jann Greed and Greg Jones abstained as they were not present for the February 20th Meeting).

Jann Freed 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.

John “Jack” Hilmes made a motion to approve consent agenda items #1, #2, #3 and #4. Motion Carried 11-0

CONSENT AGENDA PUBLIC HEARING ITEMS

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Item 1

City initiated request for the following for property located at 1420 Mulberry Street. The subject property is owned by Central Iowa Shelter and Services.

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

B) Rezone property from “P2” Public, Civic, and Institutional District to “DX2” Downtown District, to allow for expansion of the existing temporary shelter use for additional multiple household living units and area for service provision.

(ZON2020-00022)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant intends to construct additional multiple household living units on the subject property.

2. Size of Site: 2.63 acres (114,563 square feet).

4. **Existing Land Use (site):** The site contains a three-story temporary shelter and service building with 44,490 square feet of gross floor area.

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

   - **North** – “DX2”; Uses are Des Moines Area Religious Council and parking.
   - **South** – “DX2”; Uses are open space and West Martin Luther King. Jr. Parkway right-of-way.
   - **East** – “P2”; Use is Des Moines Fire station.
   - **West** – “DX2”; Use is open space.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the Mulberry Street in the western area of the Downtown Des Moines which contains a mix of retail, office, commercial, institutional, and multiple-household residential 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 February 14, 2020 and by mailing of the Final Agenda on February 28, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 14, 2020 (20 days prior to public hearing) and February 24, 2020 (10 days prior to initial public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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

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

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

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 subject property is designated as “Downtown Mixed Use” on the Future Land Use Map. PlanDSM describes these designations as follows:

   **Downtown Mixed Use**: Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.

2. Zoning Ordinance: The request is proposing to rezone the property from “P2” District to the “DX2” District. The Zoning Ordinance states that:

   **DX2**: Intended for mid-level intensity of activity in downtown, where storefronts, offices, and residences are mixed.

   Building types allowed in “DX2” include Downtown Storefront, Downtown General, Civic Building and Principal Use Parking Structure.

   The area around the subject property is generally zoned “DX2”. Staff believes that the proposed use is appropriate for the character of the area.

3. Planning and Design Ordinance: Any change in use of the property requires a site plan and for the property to be brought into conformance with all applicable standards of the Planning and Design Ordinance.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “DX2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Downtown Mixed Use”.

Part B) Staff recommends the subject property be rezoned from “P2” Public District to “DX2” Downtown District.

SUMMARY OF DISCUSSION

Jann Freed 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:

John “Jack” Hilmes made a motion for approval of Part A) the proposed rezoning to “DX2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Downtown Mixed Use” and Part B) the subject property be rezoned from “P2” Public District to “DX2” Downtown District.
THE VOTE: 11-0

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Item 2

Request from Des Moines Cold Storage (owner) represented by CJ Morton (officer) for review and approval of a PUD Final Development Plan for “Phase IA of Des Moines Cold Storage” for property located at 3805 Vandalia Road, to allow a 62,680-square foot addition to the existing refrigerated warehouse building.

(10-2020-7.86)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to expand the existing refrigerated warehouse by 62,680. The expansion would continue using the same exterior design and materials to match the existing building.

2. Size of Site: Approximately 43.17 acres for the area owned by Des Moines Cold Storage. The original Vision Fuels PUD area was approximately 165 acres. This was reduced to approximately 135 acres when a portion was sold to Helena Industries, Inc. to the west and rezoned to “M-2” Heavy Industrial District in 2013.

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

4. Existing Land Use (site): Des Moines Cold Storage refrigerated warehouse. The undeveloped portion of the site is currently used for agricultural production.

5. Adjacent Land Use and Zoning:

   North – “EX”, Uses include salvage yards and undeveloped land.

   South – “EX”, Uses include above ground petroleum storage for Magellan Pipeline and Solar Transport petroleum trucking facility.

   East – “I-3” (City of Pleasant Hill), Use is Oneok natural gas utility facilities.

   West – “I2”, Uses are Helena Industries, Inc. chemical processing and distribution.

6. General Neighborhood/Area Land Uses: The subject property is located south of Vandalia Road in an area designated as the Agrimergent Business Park just west of the Highway 65/69 bypass.

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 to all recognized neighborhood associations on February 14, 2020 and by mailing of the Final Agenda on February 28, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 24, 2020 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property.

8. Relevant Zoning History: On May 23, 2005, the subject property was rezoned by Ordinance 14,451 from “M-2” Heavy Industrial District to “M-1” Light Industrial District.

On November 11, 2007 the City Council adopted Ordinance No. 14,726 approving rezoning of approximately 165 acres from “M-1” Light Industrial District to “PUD” Planned Unit Development along with the adoption of the Vision Fuels PUD Conceptual Plan for development of an ethanol fuel plant.

On June 24, 2013 the City Council adopted Ordinance No. 15,202 which rezoned the western 30 acres from “PUD” Planned Unit Development to “M-2” Heavy Industrial District.

On July 27, 2015, the City Council approved the First Amendment the Vision Fuels PUD Conceptual Plan to allow development of an approximately 42-acre portion of the property for light manufacturing of electrical components within an initial phase of a 182,000-square foot office/production facility that could be expanded to 286,000 square feet, and a 250,000-square foot second phase building.

On June 13, 2016, the City Council approved the Second Amendment the Vision Fuels PUD Conceptual Plan for the development of an approximately 43.17-acre portion of the property for refrigerated warehousing and distribution with an initial phase of an approximately 111,000-square foot office/refrigerated storage/distribution facility that could be expanded by 244,000 square feet and a future phase up to 400,000 square feet.

On April 8, 2018, the City Council zoned an additional 48.49 acres immediately west of the subject property from “PUD” Planned Unit Development to “M-2” Heavy Industrial District for Helena Industries.


10. Applicable Regulations: Considering the criteria set forth in Chapter 18B of the Iowa Code, and based on the provisions of Chapter 134 Section 134-2.2.9.C, all amendments to existing PUD Final Development Plans must be reviewed and approved by the City Council after review and recommendation by the Plan and Zoning Commission.

II. ADDITIONAL APPLICABLE INFORMATION

1. Drainage/Grading: 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. Most recently within the PUD the City has constructed a pump station on the southern portion of the PUD area to serve regional drainage detention near the levee. Water quality detention is required to be developed on site with each phase of development. Flood control detention would then be accommodated by the regional facility which will also be receiving run-off piped from the Southeast Connector project.

All grading of the site is subject to issuance of a grading permit from the Permit and Development Center as well as review of a Storm Water Pollution Prevention Plan by the Iowa DNR.

2. **Flood Hazard Area:** The proposed property is completely within an area that is identified on Federal Insurance Rate Map (FIRM) as a Zone X special flood hazard area that is levee protected – reduced risk. Development must comply with applicable provisions of the City Floodplain Development Regulations in Chapter 50 of the City Code.

3. **Utilities:** The site has access to all necessary utilities. Sanitary sewer service is provided from an existing 54-inch main located within the south edge of Vandalia Road. An 8-inch Des Moines Water Works water main is also available in Vandalia Road across on the northern side. The submitted PUD Final Development Plan amendment indicates the proposed addition would tie to the service connections for the existing building for water, including expansion of the fire service loop to connect to the existing separate fire service. The roof drainage would be taken to a storm sewer connection to the existing storm water service connection. There are no proposed new connections for sanitary sewer.

4. **Landscaping & Buffering:** Final Development Plans are required to comply with open space area and plantings and perimeter lot setback and plantings. Additionally, based on previous review by the Urban Design Review Board, berms at the perimeter to screen truck dock areas from the public street views were also required by the PUD Conceptual Plan. Final Development Plan planting plans are to be reviewed with the various Development Plan stages and phases. In this instance, the berm and landscaping are to be extended with the proposed building expansion.

5. **Traffic/Street System:** The Conceptual Plan indicates that the main entrances from Vandalia Road and are based on a traffic study for Vandalia Road that occurred prior to the 2nd PUD Conceptual Plan amendment for Des Moines Cold Storage. With the initial project, the developer extended a rail spur into the site from the private railroad to the south.

Vandalia Road is a priority level 3 street in MoveDSM with regard to installation of pedestrian sidewalks. Traffic Engineering Staff have not required installation of public side walk along Vandalia Road on past projects. However, with the adoption
of the complete streets policy they are recommending requirement of sidewalk installation with all projects where it does not currently exist, moving forward from that policy.

There is a project identified in the Long-Range Transportation Plan for the Metropolitan Area, Mobilizing Tomorrow, that would include widening of Vandalia Road from two lanes to three lanes between Southeast 30th Street and U.S. Highway 65 in the 2035-2050 forecast.

6. **PlanDSM:** The PlanDSM designates the entire site as Business Park. Staff believes that the proposed light industrial office, warehousing and distribution uses identified in the Conceptual Plan are consistent with the Business Park land use designation and the Agrimergent Technology Park Master Plan.

7. **Urban Design:** The approved Conceptual Plan adopted the “M-1” District bulk regulations from the previous Zoning Ordinance by reference. These essentially require 25-foot minimum setbacks from public streets and a maximum 75-foot building height limitation. The most recent PUD Conceptual Plan amendment provided typical architectural elevations that indicated a building with overhead loading doors facing the public street frontage along Vandalia Road.

The submitted elevations also indicated a building that would be constructed of a beige metal panel design and EIFS with masonry accents on the front office building. While typically an industrial building in a planned district would be looked to be of a pre-cast concrete or masonry material, the nature of refrigerated storage presented difficulties in using that material efficiently and economically. The approved metal panel exterior is based on the need for refrigerated storage buildings.

The roof top mechanical systems are required by the PUD Conceptual Plan amendment to architecturally screened to be compatible with the overall building. The approved Conceptual Plan did not require lower mounted condenser units to be screened. There is additional condenser unit proposed to be mounted adjacent to the existing unscreened unit on top of the lower roof of the engine room. Based on the approved PUD Conceptual Plan, screening would not be required for this unit under the same circumstances.

**III. STAFF RECOMMENDATION**

Staff recommends approval of the proposed PUD Final Development Plan for “Phase 1A of Des Moines Cold Storage” subject to the following conditions.

1. Compliance with all comments of the administrative review of the PUD Final Development Plan.
2. Provision of public sidewalk along Vandalia Road for the extent of the immediate Phase 1A extension.
SUMMARY OF DISCUSSION

Jann Freed 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:

John “Jack” Hilmes made a motion for approval of the proposed PUD Final Development Plan for “Phase 1A of Des Moines Cold Storage” subject to the following conditions.

1. Compliance with all comments of the administrative review of the PUD Final Development Plan.

2. Provision of public sidewalk along Vandalia Road for the extent of the immediate Phase 1A extension.

THE VOTE: 11-0

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Item 3

Request from Anchor Investment Group, LLC (owner) represented by Michael Donlin for the following for property located at 901 Southeast 7th Street, 709 Vale Street and 714 Vale Street. Additional subject property is owned by Camp 2 Capital, LLC.

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

B) Rezone property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District, to allow for development of row townhome household units.

(ZON2020-00025)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the site to be redeveloped with a rowhouse product. The applicant has submitted a site sketch and conceptual building elevations that indicate the project would consist of two rowhouse structure with each containing six units. All 12 of the units would be oriented towards Vale Street with rear loaded garages accessed from the adjoining alley. The submitted information indicates the project would be developed in two phases.
2. **Size of Site**: 318 feet by 112 feet (35,616 square feet or 0.818 acres).

3. **Existing Zoning (site)**: “N3c” Neighborhood District.

4. **Existing Land Use (site)**: The site contains three, one household dwellings.

5. **Adjacent Land Use and Zoning**:
   - **North**: “N3c”; Uses are one household dwellings.
   - **South**: “N3c”; Uses are one household dwellings.
   - **East**: “N3c”; Uses are one household dwellings.
   - **West**: “P1”; Use is vacant land owned by the City along the Des Moines River levee.

6. **General Neighborhood/Area Land Uses**: The subject property is located just east of the Des Moines River levee in an area that contains a mix of residential uses.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on February 14, 2020 and by mailing of the Final Agenda on February 28, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 14, 2020 (20 days prior to public hearing) and February 24, 2020 (10 days prior to initial public hearing) to the Historic East Village 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 on the date of the mailing. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

   The applicant has requested that this item be continued to the March 19, 2020 meeting to allow additional time for a neighborhood meeting to be held.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation**: Low/Medium 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 Creating Our Tomorrow: The subject property is designated as “Low-Medium Density Residential” on the Future Land Use Map. Plan DSM describes this designation as follows:

   Low-Medium Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

   The applicant is proposing to rezone the property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District. The Zoning Ordinance states that “NX2 is intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.” Building types allowed in this district include the Civic Building, Flat Building, Row Building and House D.

2. Planning and Design Ordinance: Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance.

3. Grading & Storm Water Management: 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. Utilities: All necessary utilities are located within the adjoining street rights-of-way. The project would require the extension of a water main along Vale Street from the side streets to serve each rowhouse unit.

III. STAFF RECOMMENDATION

Staff recommends continuation of this item to the March 19, 2020 meeting of the Commission.

SUMMARY OF DISCUSSION

Jann Freed 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:

John “Jack” Hilmes made a motion to continue this item to the March 19, 2020 meeting of the Commission.
THE VOTE: 11-0

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Item 4

Request from Living Waters Fellowship (owner) represented by Joshua Daggett (officer) for the following for property located at 3161 Southeast 22nd Street.

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

B) Rezone property from “P2” Public, Civic, and Institutional District to “RX1” Mixed Use District, to allow for conversion of the premise to a day care use.

(ZON2020-00024)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning to the “RX1” District would allow the building to be converted from a religious assembly use to a day care use. The proposed use would be subject to the review and approval of a future site plan. The existing building would be considered to be a “Commercial Cottage” building type in accordance with requirements in Chapter 135 Article 2 of the City Code.

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.

2. Size of Site: 29,245 square feet or 0.671-acre.


4. Existing Land Use (site): The property contains an 1,872-square foot building that has been used for religious assembly and an off-street parking lot.
5. Adjacent Land Use and Zoning:

**North** - “RX1”, Use is a one-household dwelling.

**South** - “NX2”; Uses are East Park Avenue and multiple-household dwellings.

**East** - “Riverwoods Terrace Legacy PUD”; Use is an assisted living facility.

**West** - “MX1”; Uses are Southeast 22\textsuperscript{nd} Street and a gas station convenience store (Git-n-Go).

6. **General Neighborhood/Area Land Uses:** The subject property is located within a small commercial node at the intersection of East Park Avenue and Southeast 22\textsuperscript{nd} Street.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Riverwoods Neighborhood and within 250 feet of the Pioneer Park Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on February 14, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 14, 2020 (20 days prior to the public hearing) and February 24, 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 28, 2020.

The Riverwoods Neighborhood mailings were sent to Denise Benda, 2230 East Caulder Court, Des Moines, IA 50320, and the Pioneer Park Neighborhood mailings were sent to Scott Jimmerson, 1907 East Lacona Avenue, Des Moines, IA 50320.

The applicant held their required neighborhood meeting on February 6, 2020. The applicant has provided the required written summary of the neighborhood meeting.

8. **Relevant Zoning History:** The City’ new Zoning Ordinance took effect on December 15, 2019, at which time the property became zoned “P2” Public, Civic, and Institutional District.

9. **PlanDSM Land Use Plan Designation:** The property is designated as “Community Mixed Use” within a neighborhood node centered at the intersection of East Park Avenue and Southeast 22\textsuperscript{nd} Street.

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: The 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.

The proposed rezoning to “RX1” District is compatible with the future land use designation of “Community Mixed Use” within a Neighborhood Node. 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.

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, Southeast 22nd Street is considered a Primary Street Frontage.

3. Parking: If the site is converted to a day care, the use would require 1 parking space for every 2 staff members, plus 3 drop-off/pick-up spaces.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of “Community Mixed Use” within a Neighborhood Node.

Part B) Staff recommends approval of the requested rezoning from “P2” Public, Civic, and Institutional District to “RX1” Mixed Use District.

SUMMARY OF DISCUSSION

Jann Freed 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:

John “Jack” Hilmes made a motion for approval of Part A) the Commission find the proposed rezoning in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designation of “Community Mixed Use” within a
Neighborhood Node and Part B) **APPROVAL** of the requested rezoning from “P2” Public, Civic, and Institutional District to “RX1” Mixed Use District.

**THE VOTE: 11-0**

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**NON-CONSENT AGENDA PUBLIC HEARING ITEMS**

**Item 5**

Request from QSL Development, LLC (owner) represented by John Larson (officer) for review and approval of a Preliminary Plat “Woodbury” on property located in the vicinity of the 3401 block of East 56th Street, to allow the property to be divided into 84 lots for one-household development, three (3) lots for multi-household development, and outlots for stormwater management and/or open space. Additional subject property is owned by J Larson Homes, LLC.

(13-2020-1.30)

**STAFF REPORT TO THE PLANNING COMMISSION**

1. **GENERAL INFORMATION**

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

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

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

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

**North** – “N1a”; Uses are Bethany New Life Church and an archery range business.

**South** – “N1a” and “F”; Uses are timbered land, agricultural production land and a farmstead with equestrian training and stables.

**East** - “OS” Open Space District & “MDR” Medium Density Residential (City of Altoona), Uses are U.S. Highway 65, timbered land, open space, and agricultural production land.

**West** – “N1a” & Brook Landing “PUD”; Uses are single-family dwellings and vacant land.

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

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

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

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

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

B) Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
C) Any development of the Property must comply with any Floodplain Development
regulations in place at the time of construction.

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

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

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

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

H) Exterior material for any house constructed shall be masonry (brick or stone),
vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.

I) Any chain link fence shall have black vinyl cladding.

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

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Medium
Density Residential, Park and Open Space, and Development Control.
10. **Applicable Regulations**: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

III. **ADDITIONAL APPLICABLE INFORMATION**

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

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

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

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

   The developer has proposed modification and expansion of the existing pond on the property to accommodate a bulk of the stormwater detention necessary under the requirements. There is significant grading proposed to allow over land flows to reach the basin. There are outlot areas proposed to convey the existing over land flows from the two acreages to the west to facilitate water flow and to prevent it
from backing onto those properties and the proposed lots. The project will currently require a dam permit from the Iowa Department of Natural Resources.

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

Traffic Engineering and Parks and Recreation Staff have indicated a preference for trail alignment. Parks staff is reaching out to the property owner to the north to coordinate a desirable trail alignment on the subject property and through that property. The Preliminary Plat should indicate dedication of an easement for the alignment desired by the Parks and Recreation Department.

5. **Fire Access:** Fire prevention staff have indicated that the proposed access for the number of one household lots and the number of multiple household units would satisfy Fire Code provisions. Some of the necessary access may trigger further review with the Site Plan submittal to consider design alternatives to the Planning and Design Regulations.

6. **One Household Lots:** The most recent submittal of the Preliminary Plat provides 84 lots for one household development. These lots all propose meeting the minimum lot area and lot width necessary for the House Type A requirements for the “N2a” and “N2b” Districts contained within the plat.

**III. STAFF RECOMMENDATION**

Staff recommends approval of the submitted Preliminary Plat “Woodbury” subject to the following conditions:

1. Compliance with all comments of the administrative review, for the document of record.
2. Provision of a trail easement as per coordination with Parks and Recreation and Traffic Engineering.

**SUMMARY OF DISCUSSION**

Erik Lundy Presented staff report and recommendations.

Brent Culp, 2727 SW Snyder Blvd Presented the Preliminary Plat layout to the commission. The first phase will consist of the N3a zoning on the North end of the development. The existing pond will be enhanced to provide detention for the quantity of storm water that will travel through the site and they are currently working with the DNR on obtaining a dam permit. They will have connection to sanitary sewer that was constructed last year by the WRA and water connection is provided along E. 56th Street. They have removed 3 lots to provide an out lot as requested by Council and have designed a cut of swell to the South to prevent run off onto the adjoining property to the West.
Jann Freed asked if they agree with staff recommendations?

Brent Culp stated yes.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Matt Murphy, 3301 E. 56th Street stated with the out lot that is proposed, he isn’t sure if that will accommodate the amount of water that flows from the West. He would like to have more time so he is able to hire a civil engineer to come review the plans and tell him if this will work or not.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Brent Culp stated they’ve had 4 civil engineers from his office working on a in depth SWMM model, along with the 2 civil engineers from the City of Des Moines that have reviewed these plans. They would request not to have this continued any longer as they need to start moving forward.

Jann Freed asked for Brent to speak directly to Mr. Murphy’s concern.

Brent Culp stated they have provided a box culvert on the East end of his property, when the water starts to build up it will be able to force its way into the sump faster. They will provide a pipe that is sized to accommodate a 100-year event to the pond and have set the road at an elevation where any water that doesn’t go into the pipe will run over the road to the detention basin on east side of the road before building up on Mr. Murphy’s property on the west side of the road. They have also provided the cut off swale near the south boundary of Mr. Murphy’s property to prevent water runoff to his property.

Greg Jones asked what the next step would be if approved tonight?

Erik Lundy stated after the preliminary plat documents are finalized, they would provide construction plans and apply for a grading permit.

Brent Culp stated they are currently up against the bat migration season and must have necessary tree removal completed before April 15th.

Erik Lundy stated once the migration hits Des Moines, the trees will need to remain for remainder of the season.

Matt Murphy stated all he is concerned about is his property directly to the East. Nothing that happens to the North and South concern him. He would still request more time to hire his own civil engineer and have them explain the 100-year flood data.

Greg Jones stated the road they are proposing will be below the elevation of Mr. Murphy’s property. Therefore, the water flowing from the 2 pipes beside his property will flow down to the sump, through a box culvert. If the culvert gets too full it will still
flow across the road to the east and not affect Mr. Murphy’s property on the west side of the road.

Abby Chungath stated there are more systems proposed with this plan, than what is in place currently. She believes the proposed design is appropriate.

**COMMISSION ACTION:**

Greg Jones made a motion for approval of the submitted Preliminary Plat “Woodbury” subject to the following conditions:

1. Compliance with all comments of the administrative review, for the document of record.
2. Provision of a trail easement as per coordination with Parks and Recreation and Traffic Engineering.

**THE VOTE: 11-0**

Erik Lundy stated Mr. Murphy would be able to comment on any remaining concerns as the public improvement plans and the final plat are considered by City Council. There is still time if he wants to hire a civil engineer to review the plans.

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**Committee and Director’s Reports:**

There was no Director’s report.

The Chair adjourned the meeting at 6:45