The May 21, 2020 meeting of the Plan and Zoning Commission was held via virtual Zoom Meeting ID 846 3787 0041.


P&Z ABSENT: Rocky Sposato and Jacqueline Easley.

STAFF PARTICIPANTS: Mike Ludwig, Tyler Hall, Bert Drost, Jason Van Essen, Katherine Dostart, Erik Lundy, Glenna Frank, Judy Parks-Kruse and Dolores Briseno.

Jack Himes made a motion to approve the May 7, 2020 Plan and Zoning Commission meeting minutes. Motion carried 10-0-2 (Dory Briles and Francis Boggus abstained as they were not present for the May 7 meeting).

Bert Drost stated the applicant for item #9 agrees with staff recommendation and staff would be comfortable moving item #9 to consent with compliance of the new submitted drawings.

Will Page made a motion to move item #9 to the consent agenda. Motion carried 12-0

Jann Freed asked if any members of the public or the Commission requested to speak on consent agenda items #1, #2, #3, #4, #5, #6 or #9. None requested to speak.

John “Jack” Hilmes made a motion to approve Consent Agenda Items #1, #2, #3, #4, #5, #6 and #9 per the recommendations in the staff reports. Motion Carried 12-0

Jason Van Essen stated the applicant for item #8 has requested a continuance to the June 4 Plan and Zoning Meeting.

Emily Webb made a motion to continue item #8 to the June 4 meeting. Motion carried 12-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Drake Neighborhood Association (applicant) represented by Lori Calhoun (officer) for vacation of a triangular segment of street Right-Of-Way in the vicinity of 2400 block of Cottage Grove Avenue circumscribed by the improved public streets of Cottage Grove Avenue on the northeast, Kingman Boulevard on the south and 25th Street on the west, and recommendation to assign a Park/Open Space designation on the PlanDSM Future Land Use Map and a “P1” Public/private Open Space District zoning map designation to the vacated land, to allow development of the open space with a garden, porch swing and neighborhood entrance sign.  

(11-2020-1.03)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacation of right-of-way and assignment of future land use map and zoning map designations would allow the Drake Neighborhood Association to lease the subject property from the City of Des Moines and install a new neighborhood entrance sign and garden. The Neighborhood Association is also proposing to construct a porch swing in the open space.

2. Size of Site: Approximately 3,350 square feet (0.08 acre).

3. Existing Zoning (site): The subject right-of-way is beyond the centerline of any street that abuts any zoning district in the surrounding area. If vacated, a zoning district designation needs to be assigned to the subject property.

4. Existing Land Use (site): The site consists of an irregularly-shaped parcel of land within the intersection of the rights-of-way of Cottage Grove Avenue, Kingman Boulevard, and 25th Street.

5. Adjacent Land Use and Zoning:

   North – “NX1”; Uses include Cottage Grove Avenue public right-of-way, one-household and multi-household uses.
   South – “N5”; Uses include Kingman Boulevard public right-of-way and one-household uses.
   East – “P2 & N5”; Uses include Cottage Grove Avenue public right-of-way, Cottage Grove Presbyterian Church, and one-household uses.
   West – “N5, NX1 & MX1”; Uses include 25th Street public right-of-way, one-household and multi-household uses.

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

7. Applicable Recognized Neighborhood(s): The subject property is in the Drake Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on May 1, 2020 and by mailing of the Final Agenda on May 15, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 11, 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 Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** No designation currently exists.

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.

Section 134-1.10.3 of the City Code states that zoning boundary lines are established by legal description or dimensions, property lines, recorded lot lines, the centerline of the abutting streets, alleys or roadways. The subject right-of-way is beyond the centerline of any street that abuts any zoning district in the surrounding area. If vacated, a zoning district needs to be assigned to the subject property. Therefore, the Plan and Zoning Commission should forward a recommendation to the City Council regarding the PlanDSM future land use designation and zoning district designation that should be assigned to the subject property.

If a “P” zoning district is assigned to subject property, the following criteria apply when considering any application for a Monument Sign per City Code Section 134-5.6.5:

A. **Maximum Number and Area.** The maximum number and area of all monument signs allowed in DX, MX, RX, CX, EX, I and P zoning districts may not exceed the limits established in Table 134-5.6-1 of this article.

B. **Maximum Height.** Monument signs are subject to the following height limits, as measured from grade to the highest point on the sign:
   1. If located at or within 25 feet from the front lot line, the sign may not exceed eight feet in height.
   2. If located more than 25 feet from the front lot line, the sign may not exceed 15 feet in height.

C. **Sign Base**
   1. The sign base must have a height of at least two feet or 25% of the overall sign height, whichever is greater.
   2. The sign base must be at least as wide as the sign face.
3. The sign base must be solid and opaque, and constructed of brick, stone, concrete block, or similar permanent, durable material) complementing the exterior of the primary building on the lot.

Table 134-5.6-1 would allow signage as follows:

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WALL SIGNS: MAXIMUM NUMBER AND AREA

Maximum Number per Occupant: 2

Maximum Total Sign Area (sq. ft.): 1 per linear foot of building frontage for floors 1-3


Other Regulations: See section 134-5.6.3 of this article

MONUMENT SIGNS: MAXIMUM NUMBER, AREA AND HEIGHT

Maximum Number per Street Frontage: 1

Maximum Sign Area (sq. ft.): 25

Maximum Height (ft.): 8 if setback less than 25 feet from property line; 15 if setback at least 25 feet from property line.

PROJECTING SIGNS

Maximum Number: May be used in lieu of wall signs or in addition to wall signs, but the total number of wall signs, projecting signs and roof signs may not exceed the maximum number of wall signs allowed in accordance with this table.

Maximum Sign Area Same as applied to wall signs

Maximum Projection May not project more than seven feet from the wall of the building to which they are attached.

Minimum Vertical Clearance: Must be mounted to provide at least nine feet vertical clearance above the sidewalk, driveway or other ground surface beneath the sign.

Other Regulations: See section 134-5.6.6 of this article

AWNING AND CANOPY SIGNS

Regulations: See section 134-5.6.7 of this article

ROOF SIGNS

Maximum Number: May be used in lieu of wall signs or in addition to wall signs in those districts that expressly allow roof signs, but the total number of wall signs, projecting signs and roof signs may not exceed the maximum number of wall signs allowed in accordance with this table.

Maximum Sign Area Same as applied to wall signs

Maximum Height: May not exceed eight feet. The combined height of a roof sign and the building upon which the sign is mounted may not exceed the maximum height limit of the subject zoning district or the subject building type.

Other Regulations: See section 134-5.6.8 of this article

ELECTRONIC AND MULTI-VISION DISPLAYS ON MONUMENT SIGNS

Regulations: See section 134-5.7 of this article
II. ADDITIONAL APPLICABLE INFORMATION

1. Utilities: Storm sewer conduits and intakes are located along the southeastern edge and eastern point of the requested vacation in the Kingman Boulevard and Cottage Grove Avenue rights-of-way. The subject vacation does 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. City Property Lease: Staff notes that a lease from the City Engineering Department is required to facilitate use of the subject property by the Drake Neighborhood Association. Staff notes that any lease would state that maintenance, improvements, and associated costs of the subject property would be the responsibility of the applicant during the duration of any lease.

3. New Land Use Plan and Zoning Designations: If the subject right-of-way is vacated, Staff believes that a Park/Open Space Future Land Use designation and a “P1” Public/Private Open Space zoning district designation is most appropriate for the subject property. The “P1” zoning designation would facilitate the plans of the Drake Neighborhood Association to install a porch swing structure and a neighborhood identification monument sign.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested vacations subject to the following conditions:

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

2. Any construction on the proposed vacation shall be in accordance with all administrative comments as part of a Site Plan review.

Staff recommends approval of a recommendation to designate the subject property as Park/Open Space on the PlanDSM Future Land Use Map and to designate the property as “P1” Public/Private Park district on the zoning map.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of the requested vacations subject to the following conditions:

1. Reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.
2. Any construction on the proposed vacation shall be in accordance with all administrative comments as part of a Site Plan review.

John “Jack” Hilmes made a motion for approval of a recommendation to designate the subject property as Park/Open Space on the PlanDSM Future Land Use Map and to designate the property as “P1” Public/Private Park district on the zoning map.

THE VOTE: 12-0

Item 2

City initiated request for vacation of an undeveloped, dead-end segment of Southeast 14th Street Court Right-Of-Way from East Vine Street to a point that is 300 feet to the south. This was initiated based on request from the property owner of District Parcel # 040/03798-000-000 which is east of and adjoining their residence at 97 Johnson Court.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacation would allow the owners of 97 Johnson Court to purchase and maintain the undeveloped Right-Of-Way (ROW) east of and adjacent to their property. The City Council initiated the vacation at the request of these owners on May 4, 2020 by Roll Call No. 20-0761.

2. Size of Site: 15,000 square feet (0.232 acre).

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

4. Existing Land Use (site): Undeveloped street ROW.

5. Adjacent Land Use and Zoning:
   - South – “N3c”; Use undeveloped land.
   - East – “N3c”; Use includes a worship assembly building.
   - West – “N3c”; Use includes undeveloped land and a one household dwelling.

6. General Neighborhood/Area Land Uses: The subject property is in the Capitol East Neighborhood, comprised of predominantly one-household residential dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Capitol East Neighborhood. Notifications of the hearing for this specific item were mailed on May 11, 2020 (10 days prior to public hearing) to the Neighborhood Association and
to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested ROW. 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 Capitol East Neighborhood Association notices were mailed to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316. A Final Agenda was mailed to the Neighborhood Association on May 15, 2020.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** 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 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 ROW, easements must be reserved for any utilities that may exist until such time that they are abandoned or relocated at the applicant’s expense.

2. **Access:** The property owner at 1431 East Vine Street has a long drive approach within the existing ROW to a detached garage in their rear yard. Additionally, there are separately owned undeveloped properties with frontage to the ROW but do not have developed access from a public ROW. Staff recommends that a portion of the ROW be conveyed to the owner at 1431 East Vine Street to maintain the access as a private driveway. Otherwise an easement for right of access be maintained for this property. The separate adjoining properties should also be provided an access easement. This easement could be released at a future date in the event the properties would be assembled with other property to provide other access.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the City initiated vacation 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. Conveyance of the west half of the ROW adjoining 1431 East Vine Street. Otherwise reservation of access rights from East Vine Street for that property across the western half of vacated ROW adjoining that property.
3. Reservation of easement for access to separately adjoining properties adjoining to the west without developed access until such time as those properties are assembled with other property that is provided with direct access to a public street.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of the City initiated vacation 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. Conveyance of the west half of the ROW adjoining 1431 East Vine Street. Otherwise reservation of access rights from East Vine Street for that property across the western half of vacated ROW adjoining that property.

3. Reservation of easement for access to separately adjoining properties adjoining to the west without developed access until such time as those properties are assembled with other property that is provided with direct access to a public street.

THE VOTE: 12-0

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Item 3

Request from The Village at Gray’s Lake, LLC (owner) represented by Jason Grove (officer) for review and approval of a PUD Final Development Plan “Village at Gray’s Lake Lot 2” for property located at 2150 and 2270 Bell Avenue, to allow the existing buildings to be renovated for a total of 93 household living units.

(10-2020-7.103)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to renovate former American Institute of Business dormitories for 93 multi-household units. Based on the requirements of the Village at Gray’s Lake PUD Conceptual Plan, a Final
Development Plan must be reviewed for compliance with the standards approved in that Plan.

2. **Size of Site**: 2.50 acres.

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

4. **Existing Land Use (site)**: Vacant dormitory buildings and surface on-site parking.

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

   - **North** – “EX”, Uses include warehousing and production campus for Stone Container.
   
   - **South** – “PUD”, Uses include former AIB classroom building and Academic Center building, proposed for professional offices.
   
   - **East** – “PUD”, Use is former AIB administrative office building proposed for renovation to private professional offices.
   
   - **West** – “PUD”, Use is building formerly the AIB Gymnasium, proposed to be the Village at Gray’s Lake Activities Center.

6. **General Neighborhood/Area Land Uses**: The subject property is located southwest of the intersection of Bell Avenue and Fleur Drive within the former AIB campus. The area is a transition from industrial use north of Bell Avenue. There is a transition of a mix of residential densities to the south and west into the primarily low density Southwestern Hill Neighborhood. East of Fleur Drive is a mix of office and medium density residential transitioning into the primarily low density residential Gray’s Lake Neighborhood to the east.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located in the Southwestern Hills Neighborhood and within 250 feet of the Gray’s Lake Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 1, 2020 and by mailing of the Final Agenda on May 15, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 11, 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. The Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321 and the Gray’s Lake Neighborhood Association mailings were sent to Rick Trower, 1310 Broad Street, Des Moines, IA 50315.

8. **Relevant Zoning History**: On October 14, 2019 by Ordinance No. 15,813 the City Council rezoned from “M-3” Limited Industrial District and “R-3” Multiple Family Residential District to “PUD” Planned Unit Development District along with adoption of the Village at Gray’s Lake PUD Conceptual Plan.
9. **PlanDSM Future Land Use Plan Designation**: Community Mixed Use.

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. **Utilities**: The site has access to all necessary utilities. Existing sanitary sewer and storm sewer service are provided directly to 18-inch public storm sewer and 8-inch sanitary sewer mains Bell Avenue. Existing water service for the buildings is connected to an 8-inch Des Moines Water Works water main is also available in Bell Avenue.

2. **Landscaping & Buffering**: Final Development Plans in Village at Gray's Lake PUD are required to comply with open space area, streetscape, interior lot, and frontage perimeter landscaping requirements. The PUD also requires retention of existing plantings on the property. These existing plantings need to be reflected on the Final Development Plan landscaping plan.

   Lot 2 in the PUD requires a 20% open space provision. The proposed Final Development Plan provides for minimal increase in impervious area providing 43% open space.

   The streetscape requirements provide for planting of street tree species at 1 per 30 feet. The proposed Final Development Plan shows this. Because there are overhead utilities the developer should modify the plan to understory tree species beneath these lines. Also, one of the proposed trees would need to be spaced away from the drive entrance to ensure a 10-foot clearance.

   Interior lot landscaping is to be provided at 1 planter bed per 9 spaces. The applicant has indicated this except that there need to be two planter beds added adjacent to the front pedestrian connection through the lot to the public sidewalk. The planter beds could be left where the walk bump-outs are shown and the walk shifted east to more directly align with the front entrance landing.

   The required frontage perimeter landscaping plantings are shown. However, the existing on-street parking does not provide the 12-foot minimum setback or berm. Providing this would eliminate close to half of the on-site parking spaces necessary for the future tenants. Therefore, staff recommends that the developer provide a decorative site fence in the frontage buffer area in lieu of the berm and setback to enhance the street appearance of the site.
3. Traffic/Street System: The PUD Conceptual Plan required provision of sidewalk along all public street frontages. The proposed Final Development Plan indicates public sidewalk installed by the developer along the Bell Avenue frontage.

There is a project identified in the Long-Range Transportation Plan for the Metropolitan Area, Mobilizing Tomorrow, that would include improvements to Fleur Drive adjoining the PUD to east in the current construction season. This will also include installation of public sidewalks.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed PUD Final Development Plan for “Village at Gray’s Lake Lot 2” subject to the following conditions:

1. Compliance with all comments of the administrative review of the PUD Final Development Plan.
2. Indication of all existing site plantings on the landscape plan in accordance with the requirement to preserve existing plantings.
3. Provision of understory street tree species beneath overhead lines.
4. Provision of 2 additional interior lot planter beads adjacent to the front pedestrian connection walk through the lot to meet the minimum requirement 1 per 9 spaces.
5. Provision of a decorate site fence on the plan in the existing frontage buffer area in lieu the required berm and setback.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of the proposed PUD Final Development Plan for “Village at Gray’s Lake Lot 2” subject to the following conditions:

1. Compliance with all comments of the administrative review of the PUD Final Development Plan.
2. Indication of all existing site plantings on the landscape plan in accordance with the requirement to preserve existing plantings.
3. Provision of understory street tree species beneath overhead lines.
4. Provision of 2 additional interior lot planter beads adjacent to the front pedestrian connection walk through the lot to meet the minimum requirement 1 per 9 spaces.
5. Provision of a decorate site fence on the plan in the existing frontage buffer area in lieu the required berm and setback.

THE VOTE: 12-0
Item 4

Request from Denise Mahon (owner) to designate the “Varsity Theatre” property located at 1207 25th Street as a Local Landmark. (20-2020-4.01)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Case Overview: The subject property is located on the east side of 25th Street, north of the University Avenue intersection and west of the Drake University campus. It contains the Varsity Theatre building, which is a 2-story, commercial building constructed in 1917. Staff understands that the applicant intends to renovate the subject building for theatre and office use in the future.

On May 5, 2020, the Landmark Review Board unanimously approved the recommendation that the “Varsity Theatre Playground Shelter” be designated a local Landmark. The Board is comprised of the Historic Preservation Commission and the Urban Design Review Board. The Board meets as needed to review nominations and proposed alternations to landmarks not located within a local historic district.

The Landmark Review Board and the Plan and Zoning Commission recommendations will be forwarded to the City Council for review in accordance with Chapter 58-60 and Chapter 82-40 of the City Code. If the site is designated as a Landmark then any alteration, new construction, or demolition would be subject to review by the Landmark Review Board and require approval by the City Council.

2. Size of Site: 40 feet by 127 feet.


4. Adjacent Land Use and Zoning:

   North – “MX2”; Uses are commercial and residential contained within a mixed-use building.

   South – “PUD”; Uses are commercial.

   East – “PUD”; Uses are commercial.

   West – “P2”; Use is the Drake University campus.

5. Applicable Recognized Neighborhood(s): The subject building is located within the Drake Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Final Agenda on May 15, 2020. All agendas are mailed to
the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

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

7. **Applicable Regulations:** Pursuant to Chapter 82-40(a) of the City Code, the Plan and Zoning Commission is an advisory body to the City Council and is a key factor in the growth and development of the city. Therefore, the Commission reviews all local Landmark and Historic District nominations in accordance with the Historic Preservation Ordinance and for compliance with the City’s Comprehensive Plan and forwards a recommendation to the City Council.

II. **APPLICABLE SECTIONS OF THE CITY CODE**

Section 58-56 of the Historic Preservation Ordinance contains the landmark purpose statement. Section 58-58 contains the criteria for the designation of a landmark and Section 58-60 establishes the nomination process.

**Sec. 58-56. Purpose.**

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this article is to:

(1) Effect and accomplish the protection, enhancement and perpetuation of such improvements which represent or reflect elements of the city’s cultural, social, economic, political and architectural history;

(2) Safeguard the city’s historic, aesthetic and cultural heritage, as embodied and reflected in such improvements;

(3) Stabilize and improve property values;

(4) Foster civic pride in the beauty and accomplishments of the past;

(5) Protect and enhance the city’s attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;

(6) Strengthen the economy of the city; and

(7) Promote the use of landmarks for the education, pleasure and welfare of the people of the city.

**Sec. 58-58. Designation criteria.**
(a) For purpose of this article, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon that possesses integrity of location, design, setting, materials, workmanship, feeling and association and that:

(1) Is significant in American history, architecture, archaeology and culture;
(2) Is associated with events that have made a significant contribution to the broad patterns of our history;
(3) Is associated with the lives of persons significant in our past;
(4) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
(5) Has yielded or may be likely to yield information important in prehistory or history.

Sec. 58-60. Procedures.

(a) The historic preservation commission shall consider the nomination of landmarks and landmark sites located within historic districts, and make a report and recommendation on such nomination to the city plan and zoning commission and city council as provided below. The landmark review board shall consider the nomination of landmarks and landmark sites located outside historic districts and make a report and recommendation on such nomination to the city plan and zoning commission and city council as provided below.

(b) Notice that an application for designation of a landmark or landmark site is being considered shall be given to the owner of the parcel on which the proposed landmark is situated or which is part of the proposed landmark site in accordance with the following:

(1) Such notice shall be served by certified mail, addressed to the owner at his or her last known address as such appears in the records of the county treasurer's office, or if there is no name on such records, such notice may be served by regular mail addressed to "owner" at the street address of the property in question.
(2) Such owner shall have the right to confer with the historic preservation commission or landmark review board, as applicable, prior to final action by the commission or board on the application.
(3) The historic preservation commission or landmark review board, as applicable, may, in addition, hold the public hearing of the proposed designation by giving notice as required by law.

(c) After such investigation by the historic preservation commission or landmark review board as is deemed necessary, but in no case more than 60 days after the receipt of the complete application, the application for designation shall be recommended
for approval or disapproval. Such recommendation shall be in writing and signed by
the chair of the historic preservation commission or landmark review board, as
applicable, and shall state the reasons for recommending approval or disapproval.
The recommendation may limit itself to the proposed landmark or landmark site as
described in the application or may include modifications thereof. Such
recommendation shall be forwarded to and filed with the plan and zoning
commission, within five days after making such recommendation.

(d) Upon receipt of such recommendation, the plan and zoning commission shall
schedule a public hearing at a specific place, date and time, not more than 30 days
after such receipt, by giving notice as required by law.

(e) Within 30 days after the public hearing, the plan and zoning commission shall
forward such application to the city council, together with the recommendation of
the historic preservation commission or landmark review board. The plan and
zoning commission may adopt the recommendation of the historic preservation
commission or landmark review board as its own or may prepare a written
recommendation of its own. The plan and zoning commission may limit itself to the
proposed landmark or landmark site or may include modifications thereof. If the
modification requires an additional public hearing, the plan and zoning commission
shall hold such hearing before forwarding the application to the city council.

(f) Upon receipt of such recommendation, the council shall schedule a public hearing
to consider the recommendation at a specific place, date and time, not more than
30 days after such receipt, by giving notice as required by law.

(g) The city council, after public hearing, may approve, approve with modification, or
disapprove the recommendation of the plan and zoning commission by a majority
vote of its membership. If the plan and zoning commission shall have failed to act
within the time limit set forth in this section, the city council may, nevertheless,
approve, approve with modification, or disapprove the proposed landmark or
landmark site as originally proposed or modified by a majority vote of its
membership.

III. ANALYSIS

1. Landmark Nomination Criteria: A nomination must demonstrate that the subject
building or site possesses integrity of location, design, setting, materials,
workmanship, feeling and association and meets one or more of the following
criterion.

   (1) Is significant in American history, architecture, archaeology and culture;

   (2) Is associated with events that have made a significant contribution to the
       broad patterns of our history;

   (3) Is associated with the lives of persons significant in our past;
(4) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

(5) Has yielded or may be likely to yield information important in prehistory or history.

The nomination suggests the building meets Criterion 2. The following points from the submitted form make the case for how the building "is associated with events that have made a significant contribution to the broad patterns of our history."

- The Varsity Theatre is individually eligible on the local level for listing on the National Register of Historic Places. It is significant under Criterion A, recreation and culture, for being the longest-serving single-screen independently-owned Des Moines suburban movie house. While this might sound like a substantial listing of qualifiers this is not the case.

  Its context is suburban because architecturally its counterparts all emerged in suburban settings at the same point in time, using the same style, and having the form of a building built for the sole purpose of showing movies.

- The single-screen qualifier typified its property type as this was the standard defining characteristic of its property type. The independent ownership is in fact its stronger claim to significance since almost every theater ended up in chain ownership. As for longest-serving, save for the semi-occasional closing for remodeling or repair, it outlasted every competing metro movie house.

- It is also significant under Criterion A, defense, for its World War 1 role as a mess hall and canteen for Drake University’s Student Army Training Corps in late 1918.

- Criterion C is not claimed at this time due to the loss of the original marquee, although it is probable that given the survival of every other character-defining major theater feature, such a claim could be made.

- The period of significance is 1938-1970 and key dates are 1916, 1938, 1958 and 1973, these being the years of original construction, conversion as a theater, remodeling due to fire damage and the replacement of the marquee respectively.

National Register Criterion A is described as properties associated with significant events or a pattern of events or a historic trend that made a significant contribution to the development of a community. This criterion correlates to City of Des Moines Landmark Criterion 2.

National Register Criterion C is described as properties having distinctive architectural characteristics that embody a type, period, or method of construction,
or represents the work of a master, or possess high artistic value or represents a significant and distinguishable entity whose components may lack individual distinction (a.k.a. “district”). This criterion correlates to City of Des Moines Landmark Criterion 4.

2. **PlanDSM Creating Our Tomorrow:** The PlanDSM Comprehensive Plan was approved on April 25, 2016. The nomination is supported by numerous PlanDSM Goals and Policies including:

**Land Use Goal 6**
*Recognize the value of Des Moines’ historic building stock and landscapes and ensure their preservation*

LU 35: Encourage expansion and establishment of National Historic Districts, local historic districts, and local landmarks.

**Community Character and Neighborhood Goal 1**
*Embrace the distinct character offered in each of Des Moines’ neighborhoods.*

CCN1: Celebrate the City's culture and diversity through the creation of vibrant neighborhood nodes and corridors.

**Community Character and Neighborhood Goal 4**
*Protect Des Moines’ historic and cultural assets that contribute to neighborhood and community identity.*

CCN25: Partner with the historic preservation community to promote Des Moines’ rich history through education and outreach on historic structures, districts, and landscapes.

**IV. STAFF RECOMMENDATION**

Staff recommends that the “Varsity Theatre” be designated as a local Landmark.

The Landmark Review Board and the Plan and Zoning Commission recommendations will be forwarded to the City Council for review in accordance with Chapter 58-60 and Chapter 82-40 of the City Code.

**SUMMARY OF DISCUSSION**

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

**COMMISSION ACTION:**

John “Jack” Hilmes made a motion for approval of the “Varsity Theatre” be designated as a local Landmark.
The Landmark Review Board and the Plan and Zoning Commission recommendations will be forwarded to the City Council for review in accordance with Chapter 58-60 and Chapter 82-40 of the City Code.

THE VOTE: 12-0

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Item 5

City initiated request to designate the “Drake Park Playground Shelter” on property located at 2300 Drake Park Avenue as a Local Landmark. (20-2020-4.02)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Case Overview: Drake Park is in the southeast portion of the Drake Neighborhood. It is bound by Drake Park Avenue to the north, 23rd Street to the east, Day Street and Cottage Grove to the south, and 24th Street to the west. The shelter is positioned slightly southeast of the center of the park. Construction of the shelter started in 1933 and was completed in 1934. It is a one story, stone wall building with a hipped roof.

The building originally contained boys and girls dressing rooms and an office space to serve an adjoining wading pool. The secondary roof on the north façade covered an open-air porch facing the pool. The office was in the space to the west of the porch and had glass windows to allow light into the space. The exterior wall openings into the changing rooms were filled with wood slates to allow air flow while maintaining privacy. The building was converted to an open-air shelter with restrooms in 1984.

The Parks and Recreation Department is planning a $765,000 renovation and expansion of the shelter. Construction would start this fall and extend into summer 2021. After completion the shelter would have an occupancy of 75 people.

On May 5, 2018, the Landmark Review Board unanimously approved the recommendation that the “Drake Park Playground Shelter” be designated a local Landmark. The Board is comprised of the Historic Preservation Commission and the Urban Design Review Board. The Board meets as needed to review nominations and proposed alternations to landmarks not located within a local historic district. The Board also reviewed the proposed renovations and is forwarding a recommendation on that to the City Council.

The Landmark Review Board and the Plan and Zoning Commission recommendations will be forwarded to the City Council for review in accordance with Chapter 58-60 and Chapter 82-40 of the City Code. If the site is designated as
a Landmark then any alteration, new construction, or demolition would be subject to review by the Landmark Review Board and require approval by the City Council.

2. **Size of Site:** 4.5 acres.

3. **Existing Zoning (site):** “P1” Public, Civic and Institutional District.

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

   - **North** – “N5”; Uses are residential.
   - **South** – “N5”; Uses are residential and right-of-way.
   - **East** – “C-1”; Uses include a church and dwellings.
   - **West** – “P2” & “N5”; Uses include a church and dwellings.

5. **Applicable Recognized Neighborhood(s):** The subject building is located within the Drake Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Final Agenda on May 15, 2020. All agendas are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

6. **PlanDSM Land Use Plan Designation:** The subject site is designated as “Park/Open Space” on the Future Land Use Map.

7. **Applicable Regulations:** Pursuant to Chapter 82-40(a) of the City Code, the Plan and Zoning Commission is an advisory body to the City Council and is a key factor in the growth and development of the city. Therefore, the Commission reviews all local Landmark and Historic District nominations in accordance with the Historic Preservation Ordinance and for compliance with the City’s Comprehensive Plan and forwards a recommendation to the City Council.

II. **APPLICABLE SECTIONS OF THE CITY CODE**

Section 58-56 of the Historic Preservation Ordinance contains the landmark purpose statement. Section 58-58 contains the criteria for the designation of a landmark and Section 58-60 establishes the nomination process.

**Sec. 58-56. Purpose.**

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this article is to:
(1) Effect and accomplish the protection, enhancement and perpetuation of such improvements which represent or reflect elements of the city's cultural, social, economic, political and architectural history;

(2) Safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such improvements;

(3) Stabilize and improve property values;

(4) Foster civic pride in the beauty and accomplishments of the past;

(5) Protect and enhance the city's attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;

(6) Strengthen the economy of the city; and

(7) Promote the use of landmarks for the education, pleasure and welfare of the people of the city.

Sec. 58-58. Designation criteria.

(a) For purpose of this article, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon that possesses integrity of location, design, setting, materials, workmanship, feeling and association and that:

(1) Is significant in American history, architecture, archaeology and culture;

(2) Is associated with events that have made a significant contribution to the broad patterns of our history;

(3) Is associated with the lives of persons significant in our past;

(4) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

(5) Has yielded or may be likely to yield information important in prehistory or history.

Sec. 58-60. Procedures.

(a) The historic preservation commission shall consider the nomination of landmarks and landmark sites located within historic districts, and make a report and recommendation on such nomination to the city plan and zoning commission and city council as provided below. The landmark review board shall consider the nomination of landmarks and landmark sites located outside historic districts and make a report and recommendation on such nomination to the city plan and zoning commission and city council as provided below.
(b) Notice that an application for designation of a landmark or landmark site is being considered shall be given to the owner of the parcel on which the proposed landmark is situated or which is part of the proposed landmark site in accordance with the following:

(1) Such notice shall be served by certified mail, addressed to the owner at his or her last known address as such appears in the records of the county treasurer’s office, or if there is no name on such records, such notice may be served by regular mail addressed to “owner” at the street address of the property in question.

(2) Such owner shall have the right to confer with the historic preservation commission or landmark review board, as applicable, prior to final action by the commission or board on the application.

(3) The historic preservation commission or landmark review board, as applicable, may, in addition, hold the public hearing of the proposed designation by giving notice as required by law.

(c) After such investigation by the historic preservation commission or landmark review board as is deemed necessary, but in no case more than 60 days after the receipt of the complete application, the application for designation shall be recommended for approval or disapproval. Such recommendation shall be in writing and signed by the chair of the historic preservation commission or landmark review board, as applicable, and shall state the reasons for recommending approval or disapproval. The recommendation may limit itself to the proposed landmark or landmark site as described in the application or may include modifications thereof. Such recommendation shall be forwarded to and filed with the plan and zoning commission, within five days after making such recommendation.

(d) Upon receipt of such recommendation, the plan and zoning commission shall schedule a public hearing at a specific place, date and time, not more than 30 days after such receipt, by giving notice as required by law.

(e) Within 30 days after the public hearing, the plan and zoning commission shall forward such application to the city council, together with the recommendation of the historic preservation commission or landmark review board. The plan and zoning commission may adopt the recommendation of the historic preservation commission or landmark review board as its own or may prepare a written recommendation of its own. The plan and zoning commission may limit itself to the proposed landmark or landmark site or may include modifications thereof. If the modification requires an additional public hearing, the plan and zoning commission shall hold such hearing before forwarding the application to the city council.

(f) Upon receipt of such recommendation, the council shall schedule a public hearing to consider the recommendation at a specific place, date and time, not more than 30 days after such receipt, by giving notice as required by law.
(g) The city council, after public hearing, may approve, approve with modification, or disapprove the recommendation of the plan and zoning commission by a majority vote of its membership. If the plan and zoning commission shall have failed to act within the time limit set forth in this section, the city council may, nevertheless, approve, approve with modification, or disapprove the proposed landmark or landmark site as originally proposed or modified by a majority vote of its membership.

III. ANALYSIS

1. **Landmark Nomination Criteria:** A nomination must demonstrate that the subject building or site possesses integrity of location, design, setting, materials, workmanship, feeling and association and meets one or more of the following criterion.

   (1) Is significant in American history, architecture, archaeology and culture;
   (2) Is associated with events that have made a significant contribution to the broad patterns of our history;
   (3) Is associated with the lives of persons significant in our past;
   (4) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
   (5) Has yielded or may be likely to yield information important in prehistory or history.

The nomination suggests the shelter meets Criterion 2 and 4. The following points from the submitted form make the case for how the shelter “is associated with events that have made a significant contribution to the broad patterns of our history.”

- The development of the Drake Park Neighborhood soared after the establishment of nearby Drake University in 1881. Lots were sold with a quarter of the proceeds being donated to the University. Land speculation further west soon reduced the demand on lots in the area, allowing lots to remain unsold. For this reason, one can experience a wide range of architectural styles built over several decades through-out the neighborhood.

- The 1901 Sanborn maps show the location of what is now Drake Park as a “vacant lot – not platted.” It is surrounded by mostly two-story homes. A few vacant lots are sprinkled throughout. By the publication of the 1920 map, those vacant lots were filled with additional housing and the area is now noted as “Drake Park.”

- In 1907, The Des Moines Register reported that renderings were provided for plans to “beautify Drake Park.” Landscape artist M. J. Wragg’s plans were described as having “tennis courts, croquet grounds, a band stand, a fountain
and the beautifying of the walks with plants and shrubbery.” Future plans for a possible statue honoring Governor Francis M. Drake was also noted. Additionally, plans were revealed in 1910, which noted that “Cement walks will cross the square diagonally, meeting at the center, where a fountain is to be erected…” The plans also called for widening the intersection of Cottage Grove Avenue and Kingman Boulevard at 24th Street to improve the view of the park. It is unclear if either of these plans were carried out, as public park improvements were not documented on the Sanborn Maps. Regardless of their execution, the work described in the various newspaper articles over the many decades of the park’s history show that the City of Des Moines was consistently interested in improving the public spaces available to the residents of this neighborhood.

- Iowa was not spared from the high unemployment numbers during the Great Depression. Nationally, nearly a quarter of the workforce was looking for jobs. Then-president Franklin D. Roosevelt and his administration sought ways to put people back to work. The Civil Works Administration employed approximately four million people at its height in early 1934, the time The Drake Park Playground Shelter was constructed. This project is a textbook example of the type of permanent, public improvement projects that Roosevelt felt would encourage the American people and get the economy moving once again.

- The Shelter’s association with the Civil Works Administration is an important cultural context in not only local history, but for the nation as well. It maintains its original feeling of place as its setting has changed little over the years, making it an excellent example of a place worth preserving.

The following points from the nomination make the case for how the shelter “embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.”

- The Drake Park Playground Shelter was designed by architect Amos B. Emery and constructed under the Civilian Works Administration, a short-lived relief program during the Great Depression. It is a quintessential example of architecture constructed during this time in American history by these types of work release programs.

- Amos B. Emery was born in northwestern Kansas in 1895. He, along with his parents, who were also native Midwesterners, would move to Des Moines around 1901. At age 18, Emery began working for Proudfoot, Bird & Rawson, a local firm. Emery’s relationship with Proudfoot, Bird & Rawson would be off and on for the rest of his life. During World War I, Emery enlisted in the army and served as a pilot. While waiting to be sent back home he would take advantage of the educational opportunities available to troops and enroll in the Ecole de Beaux-Arts in Paris. As an architect, Emery could receive a certificate of credit after four months.
• Back in the United States, Emery received a B. Arch from the University of Pennsylvania while working for Proudfoot, Bird & Rawson during school breaks. In 1923 Emery worked as a draftsman in New York City before returning to Des Moines and Proudfoot, Bird & Rawson.

• In 1927, Emery was registered by exemption and entered into private practice with John Normile, forming the firm Normile & Emery. For the next few years, Emery was an active member of the Des Moines architectural community, serving as the president of the Iowa Chapter of the AIA in 1930 (and again in 1941 and 1942) and serving on the City of Des Moines Park Board alongside board president Jay “Ding” Darling. He designed a variety of project types including the then-modern Leo Weeks home and the sun dial at the rose garden in Greenwood Park. Emery was also responsible for the design of the Walker Playground Shelter, the first park shelter constructed by the City of Des Moines Playground Commission.

• In 1933, Emery was selected to become a Park Inspector for the National Parks Service, Department of the Interior where he would oversee many projects throughout the Midwest. It was during this transition that Emery completed the drawings for the Drake Park Shelter.

• The original design of the Drake Park Playground Shelter featured a dressing room for both boys and girls, as well as a “Director’s Room.” Dressing rooms were fitted with toilet and washing facilities, designed to service patrons of the adjacent circular wading pool. The Director’s Room’s chamfered corners give the room a half octagon footprint. A porch area covers the entrances to these rooms on the north; on the south elevation a drinking fountain flanked by two built-in benches were shown in the original plans.

Exterior walls consisted of load-bearing limestone, with stud walls delineating the rooms. An asphalt hip roof with gable over the porch enclosed the spaces. Wood louvers were used for the dressing rooms and wood windows each with eight divided lights and wired glass were used in the Director’s Room. 10’ x 10’ timber posts with decorative brackets are used for support of the porch roof.

The combination of natural materials of limestone and heavy timber give the building its rustic, “park architecture” feel that certainly became identifiable with the many projects completed during the Civilian Works Administration and other Roosevelt-era relief programs. Because of the sluggish economy during the 1930’s, new building construction had slowed considerably, allowing these Civilian Works Administration and Works Progress Administration projects to become an iconic style of the decade. Thousands of these public beautification projects, built by millions of out-of-work Americans, reflect this honest, back-to-basic style of architecture that is unique to this time period and has become synonymous with this project type.
2. **PlanDSM Creating Our Tomorrow:** The PlanDSM Comprehensive Plan was approved on April 25, 2016. The nomination is supported by numerous PlanDSM Goals and Policies including:

**Land Use Goal 6**
*Recognize the value of Des Moines’ historic building stock and landscapes and ensure their preservation*

LU 35: Encourage expansion and establishment of National Historic Districts, local historic districts, and local landmarks.

**Community Character and Neighborhood Goal 1**
*Embrace the distinct character offered in each of Des Moines’ neighborhoods.*

CCN1: Celebrate the City’s culture and diversity through the creation of vibrant neighborhood nodes and corridors.

**Community Character and Neighborhood Goal 4**
*Protect Des Moines’ historic and cultural assets that contribute to neighborhood and community identity.*

CCN25: Partner with the historic preservation community to promote Des Moines’ rich history through education and outreach on historic structures, districts, and landscapes.

**IV. STAFF RECOMMENDATION**

Staff recommends that the “Drake Park Playground Shelter” be designated as a local Landmark.

The Landmark Review Board and the Plan and Zoning Commission recommendations will be forwarded to the City Council for review in accordance with Chapter 58-60 and Chapter 82-40 of the City Code.

**SUMMARY OF DISCUSSION**

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

**COMMISSION ACTION:**

John “Jack” Hilmes made a motion for the “Drake Park Playground Shelter” be designated as a local Landmark.

The Landmark Review Board and the Plan and Zoning Commission recommendations will be forwarded to the City Council for review in accordance with Chapter 58-60 and Chapter 82-40 of the City Code.
THE VOTE: 12-0

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Item 6

Determination as to whether the proposed Oak Park – Highland Park Urban Renewal Plan is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: Included in the Commission packet is a draft version of the Oak Park - Highland Park Urban Renewal Plan (URP).

The proposed urban renewal area consists of approximately 57 acres extending east and west along Euclid Avenue generally from the 600 block of East Euclid Avenue at the west to Cambridge Street at the east. The boundary extends north and south along 6th Avenue generally from Ovid Avenue at the south and to Seneca Avenue at the north. The boundary also includes the Park Fair Mall property and surrounding properties mostly designated by PlanDSM as Community Mixed Use in close proximity to the Park Fair Mall.

II. ADDITIONAL APPLICABLE INFORMATION

1. Urban Renewal Plan: The purpose of this URP is to encourage and assist with the redevelopment and/or removal of blighted, obsolete, and underutilized properties within the urban renewal area, to facilitate the development and re-development of commercial, mixed use and residential uses, to create and retain jobs in the City of Des Moines, to provide a diversity of housing options, and increase the overall tax base. This Plan is intended to guide the development of the Urban Renewal Area and to activate new economic investment leading to increased taxable valuation. The Urban Renewal Area is proximate to the Des Moines Central Business District and serves as a satellite support neighborhood to downtown for workforce housing and small-scale neighborhood commercial services. There are prime opportunities for quality re-development that can be coordinated in a planned and unified manner. Strategic and targeted use of resources that will be realized through the creation of this Plan are critical to establishing necessary public infrastructure and private economic investment in the form of commercial, mixed use and residential rehabilitation development.

2. PlanDSM Comprehensive Plan: A prerequisite for an urban renewal plan is a comprehensive plan for the municipality. After the municipality has adopted
such a plan, the municipality may prepare, adopt, and implement an urban renewal plan for the purpose of rehabilitation, conservation, redevelopment, development, or a combination thereof, of a designated urban renewal area to promote the public health, safety, or welfare of the residents of the municipality.

The City’s Comprehensive Plan, PlanDSM, which was adopted by the City Council on April 25, 2016, by Roll Call No. 16-0717, shows the land outside the street rights-of-way as a mix of community mixed use, neighborhood mixed use, and low density residential. Descriptions of each land use classification are provided below.

**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.

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

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

Multiple land use goals identified in PlanDSM are included in the goals of this Urban Renewal Plan, including the following:

**Goal 2:** Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services and public amenities;

**Goal 4:** Continue to embrace the distinct character of Des Moines’ neighborhoods while allowing for new development and redevelopment; and

**Goal 6:** Recognize the value of Des Moines’ historic building stock and landscapes and ensure their preservation for future residents.

Map 2: PlanDSM Land Use Map further details the proposed land uses for this general area.

This Plan also includes goals from the various sections throughout the PlanDSM document, including the following:
Housing:
Goal 1: Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds;
Goal 2: Preserve, maintain, and improve the existing inventory of single-family and multi-family housing;
Goal 3: Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bike-able neighborhoods; and
Goal 4: Support development of and access to quality housing affordable to all income level households.

Transportation:
Goal 3: Provide opportunities for healthy lifestyles through walking as a primary mode of Transportation;
Goal 4: Make transit a more attractive option for all City residents; and
Goal 5: Enhance the bicycle network by expanding bicycle facilities that are safe, comfortable, and easily accessible.

Housing:
Goal 1: Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds;
Goal 2: Preserve, maintain, and improve the existing inventory of single-family and multi-family housing;
Goal 3: Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods;
Goal 4: Support development of and access to quality housing affordable to all income level households.

Economic Development:
Goal 1: Foster economic prosperity and stability by retaining existing businesses and recruiting new businesses;
Goal 2: Focus economic development efforts in strategic locations for continued vitality and growth;
Goal 3: Recognize livability as a key aspect to economic development; and
Goal 4: Foster a sustainable economy.

Public Infrastructure and Utilities:
Goal 1: Provide safe and reliable public infrastructure and utilities for current residents as well as future development needs;
Goal 2: Evaluate capacity for implementation of and adaptation to green infrastructure in the city; and
Goal 3: Reduce the consumption of energy in City owned buildings.

Community Character and Neighborhoods:
Goal 1: Embrace the distinct character offered in each of Des Moines’ neighborhoods;
Policy CCN3: Establish a program to encourage public art installations, mural projects, and distinctive landscaping in neighborhood nodes and along corridors;
Goal 2: Further Des Moines’ revitalization efforts to improve the strength, stability, and vitality of all neighborhoods;  
Goal 3: Promote the redevelopment and revitalization of neighborhood nodes and corridors;  
Goal 4: Protect Des Moines’ historic and cultural assets that contribute to neighborhood and community identity;  
Goal 5: Expand opportunities for healthy and active living for all residents; and  
Goal 6: Strengthen the walkability and connectivity within and between neighborhoods.

Social Equity:  
Goal 2: Ensure that all residents have convenient access to healthy food, health care, safe environments, and choices for an active lifestyle.

All goals and objectives of the Oak Park - Highland Park Urban Renewal Plan are in conformance with the City’s Comprehensive Plan, Plan DSM, which was adopted by the City Council on April 25, 2016, by Roll Call No. 16-0717.  
Possible additional amendments to Plan DSM may be identified through the ongoing planning process for the implementation of this Plan.

III. STAFF RECOMMENDATION

Staff recommends that the Commission find the proposed Oak Park - Highland Park Urban Renewal Plan in conformance with the Plan DSM: Creating Our Tomorrow Plan.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of the proposed Oak Park - Highland Park Urban Renewal Plan is in conformance with the Plan DSM: Creating Our Tomorrow Plan.

THE VOTE: 12-0

Item 9
Request from Construction Materials Testing, Inc. (owner) represented by Doug Clement (officer) for review and approval of a Site Plan “Construction Materials Testing” requiring the following Type 2 Design Alternatives and denied Typ1 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4 and 135-9.3.1.B for property located at 1610 East Madison Avenue, to allow development of a 3,800-
square foot addition to the west of the existing Warehouse/Workshop Type Building in an “I1” Industrial District:

A) Surface parking and loading within the front and street side yards where not allowed,
B) Garage/loading entrance location on the front south façade where not allowed,
C) A minimum primary frontage ground story height of 10 feet which is 5 feet less than the minimum required 15 feet,
D) South and west street facing façades that do not provide adequate windows to meet minimum requirements for transparency and blank wall limitations,
E) Use of fiber cement board, composite and concrete masonry units, standard as major façade materials on the west and south facades (denied Type 1),
F) Vertical changes in façade materials at outside corners rather than inside corners as required (denied Type 1); and
G) Major façade materials that do not continue around the building corner from the street facades for a minimum of 20 feet onto the side or rear facades (denied Type 1).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed site plan would allow development of a 3,800-square foot building addition along the west side of an existing Warehouse/Workshop Type Building in an “I1” Industrial District.

2. Size of Site: 17,600 square feet (0.63-acre).

3. Existing Zoning (site): “I1” Industrial District.

4. Existing Land Use (site): The subject property is comprised of two (2) parcels. The east parcel contains a 6,120-square building containing office and warehouse space for Construction Materials Testing (CMT). The west parcel contains a 1,410-square foot garage building that would be removed to accommodate CMT’s proposed expansion.

5. Adjacent Land Use and Zoning:

   North – “I1”, Use is a landscaping contractor storage yard.
   South – “I1”, Uses include East Madison Avenue and an auto repair business.
   East – “I1”, Use is an auto repair business.
   West – “I1”, Uses include East 16th Street and a one-household dwelling.

6. General Neighborhood/Area Land Uses: The subject property is in an industrial area located along the north side of East Madison Avenue to the east of East 14th Street.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Highland Park Neighborhood. All neighborhoods were notified of the May 21, 2020 Commission meeting by mailing of the Preliminary Agenda on May 1, 2020 and the Final Agenda on May 15, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 11, 2020 (10 days) 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 mailings were sent to Drew Kelso, 815 East Seneca Ave, Des Moines, IA 50316.

8. **Relevant Zoning History:** On October 16, 2019, the City Council adopted Ordinance No. 15,818 repealing the previous City Zoning Map and adopting a new City Zoning map. At that time, the subject property was designated as “I1” Industrial District.

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

10. **Applicable Regulations:** Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

    - Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;

    - Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:

      - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

      - Zoning restrictions at the time of the proposal;

    - The city’s comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and

- The facilities and services already available to the area which will be affected by the proposed site use;

- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;

- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;

- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and

- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.

- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:

  ➢ An evaluation of the character of the surrounding neighborhood, such as:

    o Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and

    o Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
• For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

➢ The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;

➢ Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;

➢ Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;

➢ Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and

➢ Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. DESIGN ALTERNATIVES

1. Type 2 Design Alternative request for surface parking and loading within the front and street side yards where not allowed: Section 135-2.9.3.A of the Planning and Design Ordinance applicable to Workshop/Warehouse buildings within the “I1” District allows for surface parking and loading to occur within rear and interior side yards only. The proposed Site Plan includes an off-street parking lot located within the front yard areas along both East Madison Avenue and East 16th Street.

2. Type 2 Design Alternative request for Loading and Overhead Door Access within the Front Yard Area of a Warehouse/Workshop Building Type: Section 135-2.9.3.A and 135-4.3.8 of the Planning and Design Ordinance applicable to Workshop/Warehouse buildings within the “I1” District allows for overhead doors to be on the side or rear façade only. The proposed Site Plan includes one (1) new overhead door facing East Madison Avenue.

3. Type 2 Design Alternative for waiver of Minimum Ground Story Height for a 1-story Warehouse/Workshop Building Type: Section 135-2.9.3.B of the Planning and Design Ordinance applicable to Workshop/Warehouse buildings in “I1” Districts requires that the ground story of a 1-story Workshop/Warehouse Building have a ground story that has a height of at least 15 feet. The proposed building addition would have a 10-foot tall ground story height, which matches the existing building.
4. **Type 2 Design Alternative for waiver of Minimum Transparency and Blank Wall Limitations for Primary Frontage Facades of a Warehouse/Workshop Building Type**: Section 135-2.9.3.D and Section 135-3.8 of the Planning and Design Ordinance applicable to Workshop/Warehouse buildings in “I1” Districts requires that primary frontage façades have a minimum 12% transparency and prohibit any rectangular area greater than 30% and no horizontal segment of a story’s façade greater than 15 feet to be without transparency on a primary frontage façade. The proposal elevations provide 11.6% transparency on the west façade. However, the southernmost 30 feet of this west façade does not include any transparency.

5. **Type 1 Design Alternative for allowance of Fiber Cement Board, Composite and Concrete Masonry Units as a Major Material for the Primary Frontage Façade**: Section 135-4.2.2 of the Planning and Design Ordinance applicable to “I1” District in Tables 135-4.1-1 for Major Façade materials, does not allow for fiber cement board, composite and concrete masonry units as a major façade material. The submitted elevations indicate that the proposed building addition would be sided primarily with fiber cement board and that the existing building is side primarily with concrete masonry units.

While alternatives for other materials not listed may be considered per 135-4.1.3 as Type 1 Design Alternatives, staff does not believe that fiber cement board lap siding is an appropriate minor façade material on an industrial building, especially in the amount that is proposed. Staff believes that major materials should be utilized on primary facades per code. If minor façade materials are to be utilized on a primary façade, there are more appropriate minor façade materials to choose from (i.e. architectural metal panels, fiber cement board panels, or cmu) if they are used as an accent material rather than a primary building façade material. Therefore, staff denied the applicant’s request for a Type 1 Design Alternative. This is now to be considered by the Plan and Zoning Commission as a Public Hearing Site Plan per 135-9.3.4.B.6.

6. **Type 1 Design Alternative for allowance of Vertical Changes in Façade Materials at Outside Corners Rather than Inside Corners**: Section 135-4.2.7 of the Planning and Design Ordinance requires that vertical changes in major and minor façade materials shall only occur at inside corners. The proposed building elevations indicate that the façade materials on the existing building change from brick to concrete masonry units at the southwest outside corner of the building.

While this request could be considered per 135-4.2.7.G as Type 1 Design Alternatives, staff did not find that proposed material meets the intent. Therefore, the Type 1 Design Alternative was denied. This is now to be considered by the Plan and Zoning Commission as a Public Hearing Site Plan per 135-9.3.4.B.6.

7. **Type 1 Design Alternative for allowance of Major façade materials that do not continue around the building corner from the street facades for a minimum of 20 feet onto the side or rear facades**: Section 135-4.2.2(C) requires that
major façade materials must continue around the building corner from the street facades for a minimum of 20 feet onto the side or rear facades. The submitted elevations indicate that the north side façade would be clad entirely with concrete masonry units.

While this request could be considered per 135-4.2.7.G as Type 1 Design Alternatives, staff did not find that proposed material meets the intent. Therefore, the Type 1 Design Alternative was denied. This is now to be considered by the Plan and Zoning Commission as a Public Hearing Site Plan per 135-9.3.4.B.6.

III. ADDITIONAL INFORMATION

A. Type 1 Design Alternatives Approved Administratively: In addition to the Type 1 and Type 2 Design Alternatives considered with this request, Staff has already administratively approved Type 1 Design Alternatives to allow the following:

1. Retention of three (3) existing overhead garage doors on the south front façade of the existing building.
2. Allowance of two (2) driveways for a frontage that is less than 300 lineal feet.
3. Provision of a 5' paving setback instead of the required 7' setback for both the existing and expanded off-street parking areas.
4. Provision of shade trees at 1 per 40 lineal feet of frontage along the south side of stalls, where the proposed buffer design incorporates the required fence and shrubs/grasses.
5. Provision of mechanical equipment at the northwest corner of the building so long as it is entirely screened by landscaping.

Staff Rationale: Staff recommends approval of the proposed Type 2 Design Alternatives listed in Sections A, B, C, and D. Granting these design alternatives would not have a substantial or undue adverse effect upon adjacent property or be detrimental to the character of the surrounding area or to the public health, safety and general welfare. Given the placement and configuration of the existing building, it is necessary for the parking lot to be in front of the building. Also, the only feasible location for an overhead garage door is on a façade facing a street. Furthermore, it is appropriate to allow the building addition to have the same story height as the existing structure and it is reasonable to allow retention of an existing segment of wall on west façade that does not have any transparency. The impact of this existing wall segment is minimal since the proposed addition in close proximity would have multiple windows and doors.

Staff recommends the denial of the proposed Design Alternatives listed in Sections E, F, and G. These design alternatives would not be necessary if the proposed addition were sided with an approved Major Material on the Primary Frontage Façades, such as brick, concrete masonry units, finished concrete, or stone. Given the industrial nature of the building, Staff does not believe that horizontal fiber cement board siding is an appropriate major building material.
IV. STAFF RECOMMENDATION

Staff recommends approval of the proposed Type 2 Design Alternatives listed in Sections A, B, C, D, E, F and G.

SUMMARY OF DISCUSSION

Bert Drost stated the applicant agrees with staff recommendation and staff would be comfortable moving item #9 to consent with compliance of the new submitted drawings.

Will Page made a motion to move item #9 to the consent agenda. Motion carried 12-0

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of the proposed Type 2 Design Alternatives listed in Sections A, B, C, D, E, F and G.

THE VOTE: 12-0

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NON-CONSEN T AGENDA PUBLIC HEARING ITEMS

Item 7

Request from Drake University (owner) represented by Venessa Macro (officer) for review and approval of a 4th Amendment to the Drake University Recreation PUD Conceptual Plan on property located at 2601 Forest Avenue, 2525 Clark Street, 1421 25th Street, and 2410 Forest Avenue, to allow replacement of an existing electronic display pylon sign at the northeast corner of 27th Street and Forest Avenue with a new 18-foot tall by 14-foot wide, two-sided pole sign, with a 4-foot by 14-foot identification portion, a 7.2-foot by 13.2-foot electronic display portion, and a 2.5-foot by 13.5-foot internally lit portion. (ZON2020-00047)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed amendment to the Drake University Recreation PUD Conceptual Plan would allow replacement of an existing electronic display sign at the northeast corner of 27th Street and Forest Avenue. The proposed sign would be a pole sign with an overall height of 18 feet and an overall width of 13.5 feet. The 2-sided sign would include a 4-foot by 13.5-foot identification portion, a 7.25-foot by 13.5-foot electronic display portion, and two (2) 3-foot by 3-foot internally lit portions.
2. **Size of Site:** Overall PUD is 25.04 acres.

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

4. **Existing Land Use (site):** The site contains Drake University’s Knapp Center (arena) and Shivers Center (athletic practice facility).

5. **Adjacent Land Use and Zoning:**
   
   **North** – “P2”, Uses is the Drake University tennis facility.
   
   **South** – “P2”, Use is the Drake University campus.
   
   **East** – “N5”, Use is open space owned by Drake University.
   
   **West** – “P2”, Use is Drake Stadium.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the north side of Forest Avenue within the north portion of the Drake University’s campus.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Drake Neighborhood. All neighborhoods were notified of the May 21, 2020 Commission meeting by mailing of the Preliminary Agenda on May 1, 2020 and the Final Agenda on May 15, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 1, 2020 (20 days) and May 11, 2020 (10 days) 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 Drake Neighborhood mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

   The appellant attended the Drake Neighborhood Association meeting on May 14, 2020 to present their proposal. Due to the COVID-19 pandemic, the applicant was unable to hold a neighborhood meeting. However, the applicant mailed a letter to the neighboring property owners to explain their proposal and to provide contact information in case they had any questions or comments. The applicant will provide a summary of any communications with neighboring property owners prior to the public hearing.

8. **Zoning History:** On April 22, 1991, the City Council adopted Ordinance No. 11,654 to rezone 25 acres of the Drake University campus for future athletic facility development including the Knapp Center.

   The 2nd amendment was granted by City Council on November 18, 2013 (Roll Call 13-1843) and allowed for construction of a basketball practice facility (Shivers
Center) along the east side of the Knapp Center.

The 3rd amendment was granted administratively on December 22, 2017 (Docket ZON2017-00217) to allow beer and wine sales throughout the Knapp Center and Shivers Center.


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.

The application, accompanying evidence and “PUD” Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code 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 amended “PUD” Conceptual Plan 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. **Signage**: The proposed amendment to the PUD Conceptual Plan would allow for replacement of the existing freestanding sign with a pole sign. The proposed sign would be a pole sign with an overall height of 18 feet and an overall width of 14 feet. The 2-sided sign would include a 4-foot by 14-foot identification portion, a 7.2-foot by 13.2-foot electronic display portion, and a 2.5-foot by 13.5-foot internally lit portion.

   In order to preserve the character of the corridor and promote the long-term durability of the sign, Staff recommends that the sign shall be a monument style sign with a masonry base that complements the exterior of the Knapp Center. It appears that the sign would be located outside of the required vision clearance triangle at the intersection of Forest Avenue and 27th Street. However, Staff also recommends that a note be added to the PUD Conceptual Plan to state that any sign shall be located outside of any required vision clearance triangle.

2. **Electronic Display**: In accordance with City Code Section 134-5.7.3, an events center use, such as the Knapp Center, can have an electronic display sign that plays video, rather than static images, if the Board of Adjustment grants a Type 2
Zoning Exception for such. Since the property is zoned “PUD” Planned Unit Development District, it is not eligible to apply to the Board of Adjustment. However, Staff recommends that the Commission review this against the following criteria established in code:

In order to grant a Type 2 Zoning Exception, the Board of Adjustment must find that the request satisfies the following criteria:

1. The requested exception is reasonably necessary due to practical difficulties related to the subject property;
2. The practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception;
3. The requested exception will not have a significant adverse impact on the essential character of the surrounding area;
4. The requested exception by its design, construction and operation will adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, will not impair an adequate supply of light and air to adjacent property, will not unduly increase congestion in the public streets, will not increase public danger of fire and safety; and will not diminish or impair established property values in the surrounding area; and
5. The requested exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use.

Staff believes that the request satisfies these criteria. The impact of an electronic sign with video would be minimal in this location. The site is within a portion of the Drake University campus that contains recreation and entertainment uses. Furthermore, it would not be visible from any residential uses.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed 4th Amendment to the Drake University Recreation “PUD” Conceptual Plan, subject to the following revisions:

1. The proposed sign shall be a monument style sign with a masonry base that complements the exterior of the Knapp Center.

2. The proposed sign shall be located outside of any required vision clearance triangle.

3. Any electronic display shall be permitted to display video since the sign is for an events center use.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Greg Wattier asked if they will be removing B-cycle spaces?
Bert Drost stated he wasn’t sure and would defer that question to the applicant.

Greg Wattier asked if the proposed sign is in or out of the vision triangle?

Bert Drost stated it would be out of the vision triangle.

Greg Jones clarified if staff would rather see a full brick or masonry base, rather than the 2 brick columns that are proposed?

Bert Drost stated that is correct.

Holly Reid, 4125 Westown Parkway #100 Representing Shive-Hattery stated the metal design feature between the 2 brick columns is another feature that ties into the Knapp Center. She asked for Michelle Huggins to speak regarding the B-cycle spaces.

Michelle Huggins stated the B-cycle spaces will be relocated after they have tracked the usage and found it to be more be beneficial in another location.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Holly Reid stated they also adjusted the location of the sign to increase visibility.

Greg Jones stated he agrees with the sign that is being proposed.

Will Page stated he doesn’t want the base to be completely opaque for safety concerns.

**COMMISSION ACTION:**

Greg Wattier made a motion for approval of the proposed 4th Amendment to the Drake University Recreation “PUD” Conceptual Plan, subject to the following revisions:

1. The proposed sign shall be located outside of any required vision clearance triangle.

2. Any electronic display shall be permitted to display video since the sign is for an events center use.

**THE VOTE:** 12-0
Item 8

Request from Nguyen Properties, LLC (owner) represented by Steven Nguyen (officer) for review and approval of a Site Plan “Drake Park Townhomes II” requiring the following Type 2 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4 and 135-9.3.1.B for property located at 1218 34th Street, to allow development of an 8-unit Row Type Building in an “NX2” Neighborhood Mix District that occupies 37.5% of the front lot:

A) A Row Type building with less than the minimum required 80% front lot line coverage,
B) A Row Building containing two (2) units over the maximum allowed six (6) units of building width,
C) Surface parking within the side and front yards; and
D) Seven (7) household units with principal entrances that are not on a street facade or courtyard.

(10-2020-7.82)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant has request that this item be continued to the June 4, 2020 meeting of the Commission to allow for further design development and dialog with staff. Design alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis will be provided for the June 4, 2020 meeting.

2. Size of Site: 21,761 square feet (0.5 acre).


4. Existing Land Use (site): The property contains surface parking

5. Adjacent Land Use and Zoning:

   North – “NX2”; Uses are multiple household dwellings.
   South – “MX2” & “NX2”; Uses are commercial and residential.
   East – “NX2”; Uses are multiple household dwellings.
   West – “NX2”; Uses are multiple household dwellings.

6. General Neighborhood/Area Land Uses: The subject property is located on the west side of 34th Street to the north of the University Avenue intersection. The surrounding area contains a mix of multiple household dwellings including fraternity and sorority homes associated with Drake University.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Drake Neighborhood. A notice of the May 21, 2020 electronic/Zoom meeting was mailed on May 11, 2020 to the Drake Neighborhood Association and the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all recognized neighborhoods on May 15, 2020.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low-Medium Density Residential.

10. **Applicable Regulations:** Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

    - Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;

    - Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:

      - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

      - Zoning restrictions at the time of the proposal;

    - The city’s comprehensive plan;

    - The city's plans for future construction and provision for public facilities and services; and
• The facilities and services already available to the area which will be affected by the proposed site use;

• Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;

• Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;

• Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and

• Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

• The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation’s intended purpose and greater consistency with the comprehensive plan.

• Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:

  ➢ An evaluation of the character of the surrounding neighborhood, such as:

    o Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and

    o Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);

• For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if
developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

➢ The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;

➢ Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;

➢ Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent: property, the character of the surrounding area or the public health, safety and general welfare;

➢ Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and

Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. STAFF RECOMMENDATION

Staff recommends that this item be continued to the June 4, 2020 meeting of the Commission.

SUMMARY OF DISCUSSION

Jason Van Essen stated the applicant for item #8 has requested a continuance to the June 4 Plan and Zoning Meeting.

COMMISSION ACTION:

Emily Webb made a motion to continue item #8 to the June 4 meeting.

THE VOTE: 12-0

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Committee and Director’s Reports: None.

Meeting adjourned at 6:36pm