The June 4, 2020 meeting of the Plan and Zoning Commission was held via virtual Zoom Meeting ID 873 1393 9826.


P&Z ABSENT: Lisa Howard

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

Dory Briles made a motion to approve the May 21, 2020 Plan and Zoning Commission meeting minutes. Motion carried 11-0-2 (Rocky Sposato and Jacqueline Ealey abstained as they were not present for the May 21 meeting).

Erik Lundy suggested Item #5, #7 and #8 can be moved the consent as the applicant agrees with staff recommendations.

Jann Freed asked if any members of the public or the Commission had any concerns about moving Items #5, #7 and #8 to the consent agenda. None requested to speak.

John “Jack” Hilmes made a motion to move Items #5, #7 and #8 to the consent agenda. Motion Carried 13-0

Jann Freed asked if any members of the public or the Commission wanted to speak regarding consent agenda Items #1, #2, #5, #7 or #8. None requested to speak.

John “Jack” Hilmes made a motion to approve Consent Agenda Items #1, #2, #5, #7 and #8 per the recommendations in the staff reports. Motion Carried 13-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Airport Development, LC (owner) represented by Aimee Staudt (officer) for review and approval of a PUD Final Development Plan “Flex Warehouse on Park Avenue” for property located at 6000 Park Avenue, to allow development of a 6.53-acre site for a 57,720-square foot flex/warehouse building in accordance with the Airport Commerce Park West PUD Conceptual Plan requirements.

(10-2020-7.109)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to develop a 57,720-square foot flex/warehouse building within the Airport Commerce Park West PUD. The site is
located on the southeast corner of the Park Avenue and SW 61st Street intersection.

2. **Size of Site**: 284,285 square feet (6.53 acres). The overall PUD measures approximately 110 acres.

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

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

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

   - **North** – “EX”; Uses are light industrial.
   - **South** – “PUD”; Uses are light industrial and undeveloped land.
   - **East** – “PUD”; Uses are light industrial and undeveloped land.
   - **West** – “PUD”; Uses are light industrial.

1. **General Neighborhood/Area Land Uses**: The site is located within a business park that is generally bound by Park Avenue to the north and 63rd Street to the west. The area includes a mix of commercial and light industrial uses.

2. **Applicable Recognized Neighborhood(s)**: The subject property is in the Southwestern Hills Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 15, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 25, 2020 (10 days prior to the original public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division at the time of the mailing. The Southwestern Hills Neighborhood Association notices were mailed to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

3. **Relevant Zoning History**: The Airport Commerce Park West PUD Conceptual Plan was approved in 1997 incorporating undeveloped land from the previously approved Airport Industrial Park PBP.


5. **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 PUD Final Development Plans must be reviewed and approved by the City Council after review and recommendation by the Plan and Zoning Commission.
II. ADDITIONAL APPLICABLE INFORMATION

1. Drainage & Grading: All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. Storm water detention basins are proposed along the east and west perimeters of the property.

2. Access & Parking: The site is bound by Park Avenue to the north and SW 61st Street to the west. The Development Plan includes a single driveway to each street. The proposed flex building requires 92 off-street parking spaces. A total of 106 spaces are proposed.

3. Urban Design: The proposed building would front Park Avenue with a parking lot between the building and the front property line. The rear of the building would have truck access and overhead doors. The building would have precast panel walls with some metal accents on the front facades. Each potential tenant bay would have a glass storefront. The west side façade that faces SW 61st Street would have windows.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed PUD Final Development Plan subject to compliance with all administrative review requirements.

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 subject to compliance with all administrative review requirements.

THE VOTE: 13-0

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Item 2

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 3” for property located at 2580 Fleur Drive, to allow renovation of the existing 3-story, 10,634-square foot office building and required site improvements.

(10-2020-7.111)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to renovate a 3-story, 10,634-square foot office building on the former American Institute of Business campus. 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: 3.045 acres.

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

4. Existing Land Use (site): Vacant office building and on-site surface parking.

5. Adjacent Land Use and Zoning:

   North – “EX” & “PUD”, Uses include warehousing and production campus for Stone Container and former American Institute of Business dormitories proposed to be renovated into 93 multi-household units.

   South – “PUD”, Uses include former AIB classroom building, Academic Center building proposed for professional offices, and proposed development of 3-story Row Building Type townhomes.

   East – “PUD”, Uses include Fleur Drive right-of-way and office buildings.

   West – “PUD”, Uses include former American Institute of Business buildings and the former 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 mix of residential densities to the south and west into the primarily low density Southwestern Hills 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 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 15, 2020 and by mailing of the Final Agenda on May 28, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 25, 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 available in the Fleur Drive right-of-way. Existing water service for the buildings is available through an 8-inch Des Moines Water Works water main in the Bell Avenue right-of-way.

2. **Landscaping & Buffering:** Final Development Plans in Village at Gray’s Lake PUD are required to comply with interior lot and parking island, frontage perimeter landscaping, and streetscape requirements. The PUD also requires retention of existing plantings on the property.

   The Final Development Plan landscaping plan must reflect 1 landscape island per 9 spaces in interior parking lots and proper striping; a frontage perimeter landscaping of 3-foot berm or landscape screen and landscaping consisting of 1 shade tree and 3 shrubs per 40 linear feet of frontage; and any required streetscape design and landscaping in accordance with PDC comments and to the satisfaction of the Planning Administrator.

3. **Traffic/Street System:** The PUD Conceptual Plan required provision of sidewalk along all public street frontages. The proposed Final Development Plan must show public sidewalk along the Bell Avenue and Fleur Drive frontages.

   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 the 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 3” 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 sufficient interior lot landscape to meet the minimum requirement of 1 per 9 spaces.
4. Provision of frontage perimeter landscaping to meet the minimum requirement of a 3-foot berm or landscape screen and landscaping consisting of 1 shade tree and 3 shrubs per 40 linear feet of frontage.

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 3” 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 sufficient interior lot landscape to meet the minimum requirement of 1 per 9 spaces.
4. Provision of frontage perimeter landscaping to meet the minimum requirement of a 3-foot berm or landscape screen and landscaping consisting of 1 shade tree and 3 shrubs per 40 linear feet of frontage.

THE VOTE: 13-0

Item 5

City initiated request for vacation of an approximately 48-foot wide segment of East M.L. King Jr. Parkway Right-Of-Way south of and adjoining property located at 301 Southeast 15th Street between Southeast 15th Street and Southeast 18th Street.

(11-2020-1.05)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacation would allow the developers of the adjoining property at 301 Southeast 15th Street to have additional land for frontage buffer plantings in accordance with Chapter 135 Section 135-7.7.

2. Size of Site: Approximately 91,200 square feet (2.1 acres).

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

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

5. Adjacent Land Use and Zoning:

   North – “I2”, Use is undeveloped land and railroad proposed for multimodal transloading facility.

   South – Municipal Services Center “PUD” & “I2”; Uses are City of Des Moines Richard A. Clark Municipal Services Center, ACE Logistics Trucking Company, and warehousing.

6. General Neighborhood/Area Land Uses: The subject property is in a primarily industrial area north of the East M.L. King Jr. Parkway and east of Southeast 14th Street.

7. Applicable Recognized Neighborhood(s): The subject property is not in a recognized neighborhood. All Neighborhood Associations were notified of the public hearing by mailing of the Preliminary Agenda on May 15, 2020. Notifications of the hearing for this specific item were mailed on May 22, 2020 (13 days prior to public hearing due to Memorial Day holiday) 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 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. A Final Agenda was mailed to the Neighborhood Associations on May 29, 2020.

8. Relevant Zoning History: On March 22, 2020 by Ordinance No. 15,878 the City Council rezoned the adjoining property to the north from “I1” Industrial District to “I2” Industrial District.


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: There are public storm and sanitary sewer mains 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. Traffic/Access: The proposed requested ROW is adjoining the East M.L. King, Jr. Parkway/Southeast Connector. The request would reserve an adequate amount of ROW width for future construction of a planned double westbound segment to the existing Southeast Connector facility. The requested vacation would not impede any existing access to adjoining property.

3. City Real Estate Comments: The City Real Estate Manager has requested the following conditions with the vacation of the requested ROW:

   A) Retention of an easement to accommodate any existing utilities in place, and all future utilities that require use of the vacated ROW.
   B) City reserves the right to repurchase the vacated ROW in the future for $1, if needed for the expansion of East M.L. King, Jr. Parkway.
   C) City reserves an access easement over the vacated ROW for operation, maintenance, repair, construction, and replacement of the existing East M.L. King, Jr. Parkway roadway improvements, and for any expansion of East M.L. King, Jr. Parkway.
   D) The purchaser and any successors shall be responsible for replacement of any landscaping that is damaged as a result of the City’s use of the vacated ROW, or any utility’s use of the vacated ROW.

III. STAFF RECOMMENDATION

Staff recommends approval of the City initiated vacation subject to the following conditions:

1. Retention of an easement to accommodate any existing utilities in place, and all future utilities that require use of the vacated ROW.
2. City reserves the right to repurchase the vacated ROW in the future for $1, if needed for the expansion of East M.L. King, Jr. Parkway.
3. City reserves an access easement over the vacated ROW for operation, maintenance, repair, construction, and replacement of the existing East M.L. King, Jr. Parkway roadway improvements, and for any expansion of East M.L. King, Jr. Parkway.

The purchaser and any successors shall be responsible for replacement of any landscaping that is damaged as a result of the City’s use of the vacated ROW, or any utility’s use of the vacated ROW.

SUMMARY OF DISCUSSION
Erik Lundy suggested Item #5, #7 and #8 can be moved the consent as the applicant agrees with staff recommendations.

Jann Freed asked if any members of the public or the Commission had any concerns about moving Items #5, #7 and #8 to the consent agenda. None requested to speak.

John “Jack” Hilmes made a motion to move Items #5, #7 and #8 to the consent agenda. Motion Carried 13-0

Jann Freed asked if any members of the public or the Commission wanted to speak regarding consent agenda Items #1, #2, #5, #7 or #8. 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. Retention of an easement to accommodate any existing utilities in place, and all future utilities that require use of the vacated ROW.
2. City reserves the right to repurchase the vacated ROW in the future for $1, if needed for the expansion of East M.L. King, Jr. Parkway.
3. City reserves an access easement over the vacated ROW for operation, maintenance, repair, construction, and replacement of the existing East M.L. King, Jr. Parkway roadway improvements, and for any expansion of East M.L. King, Jr. Parkway.

The purchaser and any successors shall be responsible for replacement of any landscaping that is damaged as a result of the City’s use of the vacated ROW, or any utility’s use of the vacated ROW.

**THE VOTE:** 13-0

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**Item 7**

City initiated request for a Public Hearing Site Plan “Municipal Service Center, Phase II” for appeal of the following Type 2 Design Alternatives in accordance with Chapter 135 Section 135-9.2.4.C and 135-9.3.1.B, for property located at 1700 Maury Street, to allow development of a 31.09-acre site for a 240,000-square foot Workshop/Warehouse Building to house City Public Works Department functions. (10-2020-7.94)

A) Off-street parking within the front yard area.

B) Provision of loading area and overhead door access within the front yard area towards East 18th Street.
C) Overhead loading dock doors to face the primary street frontage towards East 18th Street.

D) Waive require mechanical equipment screening (denial of a Type 1).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Municipal Services Center II (MSC II) facility would house much of the City’s Public Works Department, including the administrative office staff, Streets, Solid Waste, Fleet Services, and Radio Divisions. The subject site is generally bound by Scott Avenue, SE 18th Street and Maury Street. It is located south of the current MSC I facility.

MSC Phase II would consist of an approximately 215,000-square foot building that will provide for vehicle storage, shop area, a new vehicle maintenance and repair facility, and administrative office space with related support functions. Additionally, a new covered fuel island, vehicle wash bays, and associated parking and staging areas required for Public Work’s related functions would be provided.

The construction of this facility will allow the Public Works Department to entirely relocate out of the Market District so that the land can be redeveloped for what is envisioned to be high-quality mixed-use development. It also allows for the department to operate out of a modern facility that remains centrally located and can increase operational efficiency.

Construction of the facility is anticipated to begin in late Summer of 2020, with completion expected in the summer of 2022. The total anticipated cost for the facility is $55 million.

Design alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.

2. Size of Site: 1,354,377 square feet (31.09 acres).

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

4. Existing Land Use (site): Former industrial site that has been cleared for redevelopment.

5. Adjacent Land Use and Zoning:
North – “I2” & “PUD”; Uses include the Municipal Service Center I and industrial.

South – “I1” & “I2”; Uses are industrial.

East – “I2”; Uses are industrial.

West – “I1”; Uses are industrial.

6. General Neighborhood/Area Land Uses: The subject property is in an industrial area along the East Martin Luther King, Jr. Parkway corridor.

7. Applicable Recognized Neighborhood(s): The subject property is not located within 250 feet of a recognized neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on May 15, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 25, 2020 (10 days prior to the original public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division at the time of the mailing.

8. Relevant Zoning History: None.


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, 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:

    - 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
• 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. ADDITIONAL APPLICABLE INFORMATION

1. Parking & Loading: The site is made up of three (3) parcels. The northern parcel fronts Scott Avenue and is separated from the center parcel by a railroad line. It would contain a fuel island, wash bay and a small storage lot. The middle parcel has frontage on Maury Street and SE 18th Street. It would contain the building, two (2) storage lots, a visitor’s parking lot and paved maneuvering areas. A building addition is planned that would enclose the western storage lot approximately five (5) years after the initial buildout is complete. The southern parcel has frontage on Maury Street and would contain an employee parking lot.

The Workshop/Warehouse Building type does not allow parking or loading areas within a front yard. Additionally, overhead doors and loading docks are not allowed on street facing facades. Therefore, the proposed visitor parking lot along Maury Street and the loading area and overhead doors that face SE 18th Street require Type 2 Design Alternative approval.

Staff supports the requested Type 2 Design Alternatives. The site is unusually shaped and made up of three (3) separated parcels. The parcel that would contain the building has frontage on two streets. Given the shape of the lot and the program needs of the applicant, there are no reasonable alternatives to the proposal. The
impact of the proposed visitor parking lot would be minimal given its small scale. Landscaping is proposed to mitigate views of the loading area from SE 18th Street.

2. **Mechanical Screening**: Section 135-4.5.5 of the Planning and Design Ordinance requires all rooftop mechanical equipment to be screened on all sides with material equal to the height of the equipment on all sides. The applicant proposed no screening and has indicated that the equipment would not be visible from Maury Street due to the placement of the equipment on the roof.

   Staff is not willing to approve a Type 1 Design Alternative to allow this and has added it to the agenda so the applicant has the option of presenting the request to the Commission. This screening standard was adopted with the recent zoning code update and is intended to provide a greater level of screening than previously required by code as it was found to be inadequate. The applicant’s proposal would have complied with the previous standard.

**III. STAFF RECOMMENDATION**

Staff recommends denial of the requested Type 1 Design Alternative to waive the require mechanical equipment screening.

Staff recommends approval of the requested Type 2 Design Alternatives and of the proposed Public Hearing Site Plan subject to compliance with all administrative comments.

**SUMMARY OF DISCUSSION**

Erik Lundy suggested Item #5, #7 and #8 can be moved the consent as the applicant agrees with staff recommendations.

Jann Freed asked if any members of the public or the Commission had any concerns about moving Items #5, #7 and #8 to the consent agenda. None requested to speak.

John “Jack” Hilmes made a motion to move Items #5, #7 and #8 to the consent agenda. Motion Carried 13-0

Jann Freed asked if any members of the public or the Commission wanted to speak regarding consent agenda Items #1, #2, #5, #7 or #8. None requested to speak.

**COMMISSION ACTION:**

John “Jack” Hilmes made a motion for approval of the requested Type 1 Design Alternative to waive the require mechanical equipment screening and **APPROVAL** of the requested Type 2 Design Alternatives and of the proposed Public Hearing Site Plan subject to compliance with all administrative comments.

**THE VOTE:** 13-0
Item 8

Request from Pinnacle on Fleur, LLC represented by William Kimberly (officer) for review and approval of a PUD Final Development Plan “Pinnacle on Fleur” on property located at 2710 Fleur Drive, to allow development of 20 household units within three (3) Row Type Buildings in accordance with the approved PUD Conceptual Plan requirements. (10-2020-7.97)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The request would allow Lot 5 of the Village at Gray’s Lake PUD to be redeveloped for a 20-unit Row Building Type multiple-household community. This would include removing the existing garages on site.

2. Size of Site: 3.06 acres.

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

4. Existing Land Use (site): The property is largely vacant but is developed with a row of garages that were accessory to student apartment buildings that were demolished in 2017.

5. Adjacent Land Use and Zoning:

   North - “PUD”, Uses are former dormitories, offices and classrooms for the former AIB School of Business.

   South - “R-3”, Uses are multiple-family residential dwellings.

   East – Norse “PUD”, Use is the Butler Mansion office building.

   West - “NX2”, Uses include multiple-family residential development.

6. General Neighborhood/Area Land Uses: The subject property is located on the Fleur Drive corridor in an area that transitions from Industrial to the north to medium-to-low density residential development toward the south and west.

7. Applicable Recognized Neighborhood(s): The subject property is in the Southwestern Hills Neighborhood and within 250 feet of the Gray’s Lake Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on May 15, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 15, 2020 (20
days prior to the hearing) and on May 22, 2020 (13 days prior to the scheduled hearing due to the Memorial Day holiday) to the Southwestern Hills Neighborhood, the Gray’s Lake Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on May 29, 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 on the date of the mailing. 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 the subject property 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.

On May 18, 2020 by Roll Call No. 20-0863, the City Council approved the 1st Amendment to the Village at Gray’s Lake PUD Conceptual Plan to allow the Lot 5 area to be redeveloped with a 20-units of multi-family rowhomes. This was subject to the following revisions to the Conceptual Plan:

1) Addition of a statement as to how stormwater management would be handled with future redevelopment.

2) Landscaping requirements should be indicated listing standards reflective of the Conceptually shown landscaping.

3) Provide the following notes on the PUD Conceptual Plan Amendment:
   a. Streetscape: Street Trees should be spaced 30’ apart within the right-of-way along each frontage. Trees should be no closer than 15’ to a street light.
   b. Frontage Perimeter Landscaping: The required area shall be a minimum of 12-feet in depth measured from the street property line with a 3-foot berm or landscaped screen. Shade trees and shrubs shall be provided at a minimum of 1 tree and three shrubs per 40 lineal feet on center.
   c. Pedestrian access from any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15’ in height.
   d. No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15’.
   e. Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.
f. Mechanical vents shall not protrude from any street facing façade. A minimum 5’ sidewalk is required along each frontage. Identify either indoor or covered bike parking amenities.

g. Easements shall be provided for shared vehicle/pedestrian ingress/egress between sites and to the public sidewalk.

h. Direct light trespass beyond the property lines is prohibited. The maximum horizontal illuminance at grade and the maximum illuminance at five feet above graded measure at the property line shall not exceed Illuminating Engineering Society of North America recommended practices for light trespass which is 0.5 footcandles for N districts and 2.0 footcandles for all other districts.

i. Any Final Development Plan shall discuss the method for trash removal service. If receptacles are not kept within the separate garages for the units, then a screening solution for their outdoor location would need to be shown on the Final Development Plan.

j. Provisions for permitted site fencing and walls to include heights, design, and materials. Fencing in the front yard between the row townhomes and Fleur should not exceed 4 feet in height.

4) Revise typical Row House Type elevations to:

   a. label required materials.
   b. show stone material wrapped around 360 degrees of the buildings on the main story level, exclusive of windows and door openings.
   c. show end unit elevations for facades of the units closest for Fleur Drive with a separate pedestrian entrance either from the garage or unit that would have a walkway to the private drive. The entrance shall be defined with a design appropriate awning or cover.
   d. show a minimum of 12% transparency on the façade of the lower/garage floor ends of the buildings oriented toward Fleur Drive. More transparency may be required to receive tax abatement.

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 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. **PUD Conceptual Plan and Planning and Design Ordinance Requirements**: After review of the submitted PUD Final Development Plan the following deficiencies are noted as required by the approved PUD Conceptual Plan Amendment:
A) Streetscape: Add street trees within the right-of-way spaced 30’ apart. Trees should be no closer than 15’ to a street light. This should be coordinated with City Engineering Design staff with the Fleur Drive streetscape project.

B) Pedestrian access from any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15’ in height.

C) No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15’.

D) Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.

E) Walks shall be provided between sites to adjoining properties within the PUD with shared vehicle/pedestrian ingress/egress easements.

2. Urban Design/Building Requirements: The submitted PUD Final Development Plan provides elevations for the Row Buildings in clusters of 5, 7 and 8 household units. There is stone proposed on all facades of the lower/garage story on all three building clusters. The upper stories and the ground story sides include at least two contrasting colors of fiber cement board panels and one lap-style fiber cement board. There are various shapes of vertical and horizontal windows on the front and back.

The PUD Conceptual Plan Amendment required that the end facade of the units closest for Fleur Drive is required have a separate prominent pedestrian entrance either from the garage or unit that would have a walkway to the private drive. This entrance is required to have an awning reflective of the building design. This is consistent with other Row House Type end facades in other developments when the main entrances of the units have not faced a public street but rather a private drive. The submitted plan does not provide for elements and any approval of the PUD Final Development Plan must be subject to meeting the requirements of the PUD Conceptual Plan as amended.

3. Permit & Development Center Comments: Any development of row townhomes is subject to compliance with all applicable building codes and issuance of all necessary permits by the Permit and Development Center.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested PUD Final Development Plan subject to the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Center.

2. Compliance with all requirements of the approved 1st Amendment to the Village at Gray’s Lake PUD Conceptual Plan including the following:
A) Streetscape: Add street trees within the right-of-way spaced 30’ apart. Trees should be no closer than 15’ to a street light. This should be coordinated with City Engineering Design staff with the Fleur Drive streetscape project.

B) Pedestrian access from any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15’ in height.

C) No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15’.

D) Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.

E) Walks shall be provided between sites to adjoining properties within the PUD with shared vehicle/pedestrian ingress/egress easements.

Provision of the required end unit elevations for facades of the units closest for Fleur Drive with a separate pedestrian entrance either from the garage or unit that would have a walkway to the private drive. The entrance shall be defined with a design appropriate awning or cover to the satisfaction of the Planning Administrator.

SUMMARY OF DISCUSSION

Erik Lundy suggested Item #5, #7 and #8 can be moved the consent as the applicant agrees with staff recommendations.

Jann Freed asked if any members of the public or the Commission had any concerns about moving Items #5, #7 and #8 to the consent agenda. None requested to speak.

John “Jack” Hilmes made a motion to move Items #5, #7 and #8 to the consent agenda. Motion Carried 13-0

Jann Freed asked if any members of the public or the Commission wanted to speak regarding consent agenda Items #1, #2, #5, #7 or #8. None requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of the requested PUD Final Development Plan subject to the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Center.

2. Compliance with all requirements of the approved 1st Amendment to the Village at Gray’s Lake PUD Conceptual Plan including the following:
   A) Streetscape: Add street trees within the right-of-way spaced 30’ apart. Trees should be no closer than 15’ to a street light. This should be coordinated with City Engineering Design staff with the Fleur Drive streetscape project.
B) Pedestrian access from any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15’ in height.

C) No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15’.

D) Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.

E) Walks shall be provided between sites to adjoining properties within the PUD with shared vehicle/pedestrian ingress/egress easements.

Provision of the required end unit elevations for facades of the units closest for Fleur Drive with a separate pedestrian entrance either from the garage or unit that would have a walkway to the private drive. The entrance shall be defined with a design appropriate awning or cover to the satisfaction of the Planning Administrator.

THE VOTE: 13-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 3

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:

(10-2020-7.82)

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.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a rowhouse building with eight (8) units. The development would be served by an east/west driveway
shared with the existing rowhouses to the north, which is owned in common. Design alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.

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

3. **Existing Zoning (site)**: “NX2” Neighborhood Mix District.

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 for the May 21, 2020 meeting was mailed to all recognized neighborhoods on May 15, 2020. A Final Agenda for the June 4, 2020 meeting was mailed to all recognized neighborhoods on May 29, 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.


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. ADDITIONAL APPLICABLE INFORMATION

1. **Building Design:** The applicant is proposing the Rowhouse Building type. In the “NX2” District this building type is required to occupy 80% of the street frontage of
the lot, have no more than six (6) units attached in a group, and each unit is to have a front door that faces a street or courtyard.

The applicant is proposing to construct a rowhouse building with eight (8) units that sits perpendicular to the street. This orientation means that only the easternmost unit would have a door that faces 34th Street. The building would occupy 37.5% of the 34th Street frontage.

The applicant owns the property to the north, which contains a rowhouse building with eight (8) units. This building is oriented in the same manner as the proposed building. Both properties are owned by the applicant and would be served by a shared east/west driveway. The seven (7) western units in both buildings would front the shared driveway.

Staff supports the requested Type 2 Design Alternatives to allow the proposed configuration. The subject property is narrow in relationship to its depth. The shape of the lot and the proposed building configuration is shared by the property to the north that the applicant owns. The two (2) properties would be accessed by a shared driveway that could be constructed in a manner that would give it a street-like presence with elements such as parallel parking and street trees. This would offset the requested relief. Additionally, the applicant has worked with staff to provide architectural interest on the three (3) sides of the building that would be visible from 34th Street.

The latest version of the building design includes every other unit having beadboard style panel siding on the first-floor façade. The proposed LP Smart Siding panel system is considered a Minor Façade Material just like fiber cement board panels. Section 135-4.2 of the Planning and Design Ordinance allows this material so long as a Major Façade Material is used at grade up to two (2) feet and adjacent to entrances. Staff recommends approval subject to the provision of brick siding for the bottom two (2) feet of the first-floor facades sided with beadboard style siding in addition to the brick siding proposed by the applicant. Staff believes that the amount of brick proposed on the alternating facades needs to stay as proposed and not be reduced to offset this change, for the overall quality of the design to not be reduced.

2. **Parking:** The Rowhouse Building type in the “NX2” District does not allow parking in front and side yards. The applicant is proposing parking along the drive that would extend into the front yard. Staff supports the requested Type 2 Design Alternatives to allow the proposed configuration if the access drive is constructed in a manner that would give it a street-like presence with elements such as parallel parking and street trees. This would offset the requested relief. The subject property is narrow in relationship to its depth. The shape of the lot and the proposed building configuration is shared by the property to the north that the applicant owns.
III. STAFF RECOMMENDATION

Staff recommends approval of the requested Type 2 Design Alternatives and the proposed Public Hearing Site Plan subject to the following:

1. Provision of brick siding for the bottom two (2) feet of the first-floor facades sided with beadboard style siding in addition to the brick siding proposed by the applicant.

2. The driveway shall be designed to mimic the appearance of a street to the satisfaction of the Planning Administrator. This includes, but is not limited to, parallel parking and street trees.

3. Revision of the site plan and building elevations to comply with all administrative review comments.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Steve Wynn, 9500 University Blvd, WDM stated they agree and have complied with the recommendations staff has made.

Jann Freed asked if they agree to all staff recommendations?

Steve Wynn affirmed that they are in agreement with all staff recommendations.

COMMISSION ACTION:

Will Page made a motion for approval of the requested Type 2 Design Alternatives and the proposed Public Hearing Site Plan subject to the following:

1. Provision of brick siding for the bottom two (2) feet of the first-floor facades sided with beadboard style siding in addition to the brick siding proposed by the applicant.

2. The driveway shall be designed to mimic the appearance of a street to the satisfaction of the Planning Administrator. This includes, but is not limited to, parallel parking and street trees.

3. Revision of the site plan and building elevations to comply with all administrative review comments.

THE VOTE: 13-0
Item 4

Request from Kathryn Korte (owner) for a Public Hearing Site Plan for an appeal of the denial of a Type 1 Design Alternative in accordance with Chapter 135 Section 135-9.2.4.C and 135-9.3.1.B, for property located at 4000 Cottage Grove Avenue, to allow construction of a 6-foot tall solid wood fence along the west and south property lines within front yard setback along Plainview Avenue on a double-frontage interior lot where a maximum of 3-foot in height is permitted.

(BLD2020-00681)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a 6-foot tall wood privacy fence in the front yard setback of the property along Plainview Drive. Staff analysis of the proposal can be found in Section II of the report.

2. Size of Site: 50 feet by 258 feet (12,900 square feet).

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

4. Existing Land Use (site): The property is rectangularly-shaped parcel with frontage on both Cottage Grove Avenue and Plainview Drive. It contains a 2.5-story one-household residence totaling 2,270 square feet of living area fronting Cottage Grove Avenue and a 720-square foot garage accessed from Cottage Grove Avenue.

5. Adjacent Land Use and Zoning:

North – “N5”; Uses are one-household dwellings.

South – “N5”; Use is the intersection of Plainview Drive and 40th Street rights-of-way.

East – “N5”; Use is a one-household dwelling.

West – “N5”; Use is a one-household dwelling.

6. General Neighborhood/Area Land Uses: The subject property is in a residential area that consists primarily of one-household dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Drake Neighborhood. A notice of the June 4, 2020 electronic/Zoom meeting was mailed on May 15, 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 28, 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
8. Relevant Zoning History: None.


10. Applicable Regulations: 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:
    - 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
    - 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. ADDITIONAL APPLICABLE INFORMATION

1. Front Yard Fence Regulations: Section 135-7.11 provides the definition and standards for any fence in a front yard.

   7.11.2. LOCATION AND PLACEMENT
      A. Front Yards. Fences in any zoning district may be constructed in a front yard up to a front property line. No solid fence may be located in any front yard in the NX or N districts, or on any property used for residential purposes.

   7.11.3. HEIGHT
      A. Front Yards. No fence more than three feet high shall be constructed in any front yard in any district except fencing required for buffers pursuant to section 135-7.7 of this article.

   7.11.5 MAINTENANCE
      Fences shall be kept in good repair and replaced if they become prone to collapse or visual deterioration. Fences shall be free of rust, flaking paint, and graffiti.

   7.11.4. TYPES AND MATERIALS
      C. Chain link and wire fencing is prohibited in any front yard in any district, except in the P1 district for sports fields and playgrounds.

2. Plainview Drive Front Yard Setback: The applicant’s property is unique in that it has primary frontage on Cottage Grove Avenue as well as frontage on the southern property line to the rear of the dwelling on Plainview Drive. The southern property line is 173 feet from the rear façade of the dwelling. The front setback averaged along Plainview Drive measures 25 feet. The area between the rear of the dwelling and the south property line measures approximately 8,650 square feet. The front yard area on Plainview Drive measures 1,250 square feet.

   Staff notes that a 6-foot tall wood privacy fence could be constructed by-right outside of the 25 feet average front yard setback along Plainview Drive. If placed in this location the fence would have the appearance of being in the side yard of the
adjoining house that faces Plainview Drive, rather than being 25 feet in front of that house.

As neither of the directly adjoining developed lots have 6-foot tall wood privacy fences in the front yard setback, staff does not believe that a 6-foot tall wood privacy fence for the subject property in the front yard setback along Plainview would be within character of the surrounding neighborhood.

III. STAFF RECOMMENDATION

Staff recommends denial of the request to allow construction of a 6-foot tall wood privacy fence along the west and south property lines within the front yard setback along Plainview Drive.

SUMMARY OF DISCUSSION

Kathryn Dostart presented staff report and recommendations.

Mike Ludwig asked for Kathryn to show where staff has recommended the wood fence be located.

Kathryn Dostart showed the commission where staff recommended the wood fence be placed which would be 23 feet back from the property line and even with the front of the house on the adjoining property to the west.

Mike Ludwig stated under the new code a chain link or solid wood fence would not be permitted in the front yard.

Matt Korte, 4000 Cottage Grove Ave. stated they have a unique property as their backyard abuts Planview Drive. They do have an issue with pedestrians accessing their yard and jumping the fence. They also have an issue with a neighbor dumping chemical into their yard and the lack of privacy doesn’t allow them to enjoy the space. There are other wood privacy fences in the area that stand at least 5 ½ feet tall and their adjoining neighbors are in support of the request.

Greg Wattier asked if they have any pictures of the other wood fences in the area and if they have a letter of support from the adjoining neighbor?

Matt Korte stated he only has a verbal agreement, but he could ask for a written statement. He does have pictures of the other fences in the area.

Erik Lundy asked them to email the pictures to Planning@dmgov.org.

Jann Freed asked if anyone is present to speak in favor or opposition while we wait for the pictures to be received.

CHAIRPERSON OPENED THE PUBLIC HEARING
None were present of requested to speak.

**Greg Wattier** stated he lives in Beaverdale and there are a lot of unique properties. A home that is three houses away from him installed a wood privacy fence like staff has recommended, starting at the corner of their house.

**Greg Jones** stated he agrees with Greg Wattier, the fence needs to be set back at some amount.

**Matt Korte** stated less than half of the rear yard abuts Planview Drive and they would consider a setback less than the 23 feet that is recommended by staff.

**Will Page** asked if a gate would be allowed by code so the owners are able to maintain the unfenced area?

**Mike Ludwig** stated the code would allow a gate.

**Matt Korte** gave explanation of the pictures that were provided to staff.

**Mike Ludwig** stated in the old code they did require the fence to drop in height when placed in the front yard. One of the things the new code focuses on is the street presence along with the architecture of the home.

**Matt Korte** stated they wouldn’t be obscuring any views with the 6-foot privacy fence.

**CHAIRPERSON CLOSED THE PUBLIC**

**Will Page** stated he does have sympathy for what the staff, Mr. Wattier and Mr. Jones have stated as well as the applicant’s privacy issues.

**Greg Wattier** asked if the commission would agree to a 10-15 foot setback?

**Greg Jones** stated he was thinking 10-15 feet as well so he would proposed a 12 foot set back.

**Greg Wattier** stated he would support that.

**Abby Chungath** stated a 12-foot setback seems arbitrary to her because she isn’t sure where that falls on their property

**Greg Jones** stated its about half way from the property line to the house.

**Greg Wattier** offered an amendment for the setback to be equal to the front porch of the home 2 lots to the west on Plainview Drive (4011 Plainview Drive).

**Greg Jones** accepted the friendly amendment.
**COMMISSION ACTION:**

Greg Jones made a motion for approval of the request to allow construction of a 6-foot tall wood privacy fence that would be equal to the front porch at 4011 Plainview Drive.

**THE VOTE:** 13-0

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**Item 6**

Request from Des Moines Industrial, LLC (owner) represented by Paul Cownie (officer) for a Public Hearing Site Plan “DSMI Transload Facility” for appeal of the following, Type 2 Design Alternatives and denied Type 1 Design alternatives in accordance with Chapter 135 Section 135-9.2.4.C and 135-9.3.1.B, for property in the vicinity of 301 Southeast 15th Street, to allow development of a 31.14-acre site for a 121,103-square foot Workshop/Warehouse Building and associate rail access site facilities necessary for multi-modal rail transfer. Additional subject property is owned by Iowa Interstate Railroad Company.

(10-2020-7.83)

A) Provision of loading area and overhead door access within the front yard area towards East M.L. King Jr. Parkway.

B) Overhead loading dock doors to face the primary street frontage towards East M.L. King Jr. Parkway.

C) Waiver of the pavement requirement for the railroad service road.

D) Waiver of public sidewalk construction on adjoining portions of East M.L. King Jr. Parkway and East 18th Street (denied Type 1).

E) Waiver of pedestrian connection from primary entrance to public sidewalk (denial of Type 1).

F) Pedestrian access to trash enclosure (denial Type 1).

G) Waiver of landscaping requirements for screening for trash enclosure area, interior lot landscaping, dimension loading stalls and berm frontage buffer (denial Type 1).

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

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

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

2. **Size of Site**: Approximately 40 acres.

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

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

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

   North – “I1-V”, Use is railroad.

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

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

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

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

7. **Applicable Recognized Neighborhood(s)**: The subject property is partially located within the Historic East Village Neighborhood and is within 250 feet of the Capitol East Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on May 15, 2020. All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. Additionally, separate notifications of the hearing for this specific item were mailed on May 15, 2020 (20 days prior to the hearing) and May 15, 2020 (13 days prior to the hearing due to the Memorial Day holiday) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Historic East Village Neighborhood mailings were sent to Taylor Frame, PO Box 93904, Des Moines, IA 50393. Capitol East Neighborhood mailings were sent to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316. A Final Agenda was mailed to recognized neighborhoods on May 29, 2020.
8. Relevant Zoning History: On March 22, 2020 by Ordinance No. 15,878 the City Council rezoned the adjoining property to the north from “I1” Industrial District to “I2” Industrial District.


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

A) Type 2 Design Alternative request for loading within the front yard area of a Warehouse/Workshop Building Type: Section 135-2.9.3.A and 135-6.11.3.B of the Planning and Design Ordinance applicable to Workshop/Warehouse buildings within the “I2” District allows for surface loading to occur within rear and interior side yards only. The project proposes to have surface loading area within the front yard area between the proposed building and East M.L. King Jr. Parkway frontage.

B) Type 2 Design Alternative request for overhead doors of a Warehouse/Workshop Building Type to face the primary street frontage towards East M.L. King Jr. Parkway: Section 135-4.3.8 of the Planning and Design Ordinance applicable to Workshop/Warehouse buildings within the “I2” District allows for overhead doors within rear and interior side yards only. The proposal includes south facing overhead doors accessing the loading area between the proposed building and East M.L. King Jr. Parkway frontage.

C) Type 2 Design Alternative request waiver of the pavement requirement for the railroad service road. Section 135-6.8.6.A of the Planning and Design Ordinance require that access drives be surfaced with an asphaltic or Portland Cement binder or such other surfaces as shall be approved by the City Engineer. The Site Plan proposes a gravel service access drive along the east/west railroad segment through the site.

D) Denied Type 1 Design Alternative for waiver of public sidewalk construction on adjoining portions of East M.L. King Jr. Parkway and East 18th Street. Section 135-8.5.2.A requires installation of sidewalks as identified by the City’s transportation master plan MoveDSM. Based on this, public sidewalk is required along the East M.L. King Jr. Parkway and East 18th Street frontages. The proposed plan provides for sidewalk along East M.L. King Jr. Parkway from the western edge of the site to Southeast 15th Street, but not further to the east. No sidewalk is proposed along the East 18th Street frontage.

E) Denied Type 1 Design Alternative for waiver of pedestrian connection from primary entrance to public sidewalk. Section 135-7.9.2.C requires connection from all public doors to the public sidewalk along the street frontage. The proposed
public entrance for the Workshop/Warehouse building is on the west side of the building.

F) Denied Type 1 Design Alternative for waiver of required pedestrian access to trash enclosure. Section 135-7.10.4.A.3 requires a pedestrian access entrance to the trash enclosure. The proposed plan has not provided for a separate pedestrian entrance.

G) Denied Type 1 Design Alternative for waiver of landscaping requirements for screening for trash enclosure area, interior lot landscaping, dimension loading stalls and berm frontage buffer. Section 135-7.10.4.B requires landscape area and plantings surrounding the enclosure on three sides. The proposed plan places the enclosure at the northwest corner against the Workshop/Warehouse building surrounded by paved surface on three sides.

Section 135-7.9.2 requires interior lot landscape islands provided at 1 per 8 spaces. The proposed Plan does not provide these for spaces located south of the building.

Section 135-6.11.3.A requires minimum dimensions of the loading spaces at 10-feet by 25-feet. The proposed plan does not dimension or identify the loading space and distinguish from the maneuvering areas.

Section 135-7.7.3 requires a berm frontage buffer for parking and loading areas larger than 1 acre. The proposed plan provides for a significant landscaped setback without a berm along the loading area between the building and East M.L. King Jr. Parkway. Many of the proposed plantings would be within the Right-Of-Way. The City has initiated the vacation of this area to accommodate the planting.

III. STAFF RATIONALE

Given the scale and uniqueness of the project and the irregular dimensions of the site, Staff does not have a concern with the orientation of the overhead doors to the south and parking and loading within the front yard along East M.L. King Jr. Parkway. With the vacation of additional ROW and the significant planting scheme there should be adequate design to prevent and adverse impact from the proposed layout. Staff is also comfortable with waiver of the berm frontage buffer, interior lot landscaping, and the landscaping for the trash enclosure. There are practical challenges with the property in meeting all of these requirements. However, as an alternative to these waivers, Staff recommends that additional tree plantings be required in the open space area between the west parking lot and the south loading area, to the satisfaction of the Planning Administrator.

Staff does not support waiver of the railroad service road paving requirement, the waiver of any portion of the public sidewalk along the public street frontage, the waiver of a pedestrian walk from the public sidewalk to the public entrance, the waiver of the pedestrian access to the trash enclosure, or the waiver of the loading stall dimension. Staff believes that the developer should comply with the
requirements and does not have any practical barriers to accommodating the improvements.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Design Alternatives in items A) and B) for orientation of the overhead doors to the south and parking and loading within the front yard along East M.L. King Jr. Parkway and in item G) for waiver of the landscaping for screening for the trash enclosure area, interior lot landscaping, dimension loading stalls and berm frontage buffer. This is subject to the following conditions:

1. Compliance with all administrative review comments of the Site Plan by the Permit and Development Center,
2. Vacation of the necessary frontage buffer planting area along East M.L. King Jr. Parkway,
3. Provision of additional landscaping trees and shrub plantings in the in the open space area between the west parking lot and the south loading area, to the satisfaction of the Planning Administrator.

Staff recommends denial of the requested alternatives in items C), D), E) and F) for waiver of the pavement requirement for the railroad service road, waiver of public sidewalk construction on adjoining portions of East M.L. King Jr. Parkway and East 18th Street, waiver of pedestrian connection from primary entrance to public sidewalk, and waiver of required pedestrian access to trash enclosure.

Staff further recommends denial of the waiver for provision of loading space dimensions in item G).

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendations.

Paul Cownie CEO of Des Moines Industrial 314 43rd Street stated it is an industry standard to have gravel service roads next to railroad tracks. If they were to pour concrete next to the railroad, their heavy equipment will eventually destroy those roads. The use of these roads will be extremely infrequent, at most 1-2 times a day. There is an existing sidewalk that dead ends at SE 12th Street. From a safety standpoint they don’t want to attract any unnecessary pedestrian traffic as their site is heavy industrial. They are proposing to bring the sidewalk up to SE 15th and across MLK to the North that will adjoin the existing bike path. Regarding the internal sidewalk, it would be the same safety concerns and not encouraging unnecessary pedestrian traffic. They do intend to comply with the pedestrian access to the trash enclosure. They also intend to comply with the screening of trash enclosure, the interior lot landscaping doesn’t make sense as it would be destroyed by trucks pulling in and out. The area to the south of their office will comply with anything City Staff would like to see there. They have met all planting requirements along MLK and want this site to look as nice as it can. Landscaping plan slides were shown to the commission via Zoom.
Greg Jones asked if they will comply with the dimensions on the loading space?

Paul Cownie stated this was simply a logistical constraint they are doing their best to work with.

Greg Jones asked if they would be leaving it the way it is or asking them to do something different with the loading space?

Gabe Claypool, 20330 Western Road, Minneapolis stated the paving from the dock doors on the south to the south edge of paving is roughly 130 feet which is the minimum for semi-truck maneuvering.

Erik Lundy stated the deficiency would be showing they are meeting the loading and maneuvering dimensions and has asked them to mark that within their site plan.

Paul Cownie stated they agree and will comply with that.

Greg Wattier asked to see where the sidewalk would be that they want to construct.

Paul Cownie stated they are proposing to bring the sidewalk up to SE 15th and across MLK to the North that will adjoin the existing bike path.

Greg Jones asked staff what the intentions are for sidewalks along MLK?

Erik Lundy stated this is coming from the MoveDSM initiative to get sidewalks along all sides of public streets.

Will Page asked if there was sidewalk to the East of this site on the north side of MLK.

Paul Cownie stated there is no sidewalk to SE 30th.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

None were present or requested to speak.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Rocky Sposato asked for clarification on what staff agrees with, he understands they are with A, B, F and G?

Erik Lundy stated that is correct.

Rocky Sposato stated he is concerned with unnecessary to paving for the road along the railroad tracks.

Erik Lundy stated an interim solution could be the use of a recyclable asphalt product instead of gravel.
Rocky Sposato asked if that’s a durable product.

Erik Lundy stated it would be pliable product and wouldn’t break up like gravel.

Paul Cownie stated they intend to stay within industrial standards with the railroad and those standards are gravel.

Greg Jones stated he is ok with gravel and leaving out the sidewalk on the north side of MLK, east of the entrance drive as there isn’t sidewalk there now. He does believe they should connect the office space to the public sidewalks.

Will Page stated he would like to see the recycled asphalt used rather than gravel because this site is in an urban area.

COMMISSION ACTION:

Greg Wattier made a motion for the following:

A) Approval of a Type 2 Design Alternative to allow loading within the front yard area of a Warehouse/Workshop Building Type.
B) Approval of a Type 2 Design Alternative to allow overhead doors of a Warehouse/Workshop Building Type to face the primary street frontage towards East M.L. King Jr. Parkway.
C) Approval of a Type 2 Design Alternative to waive the pavement requirement for the railroad service road and allow a gravel instead.
D) Approval of a Type 1 Design Alternative to waive public sidewalk construction on the north side of MLK from Southeast 15th Street to Southeast 18th Street and the east side of SE 18th Street.
E) Denial of a Type 1 Design Alternative for waiver of pedestrian connection from primary building entrance to public sidewalk.
F) Request for relief was withdrawn by the applicant. Applicant agreed prior to the hearing to provide pedestrian access to trash enclosure.
G) Approval of Type 1 Design Alternative for waiver of interior lot landscaping, dimension loading stalls and berm frontage buffer subject to provision of landscaping in the area east of the loading docks and south of the office entrance to the satisfaction of the Planning Administrator. Applicant agreed prior to the hearing to provide landscaping on the north and west sides of the trash enclosure.

All subject to the following conditions:

1. Compliance with remaining administrative review comments of the Site Plan by the Permit and Development Center,
2. Vacation of the necessary frontage buffer planting area along East M.L. King Jr. Parkway,
3. Provision of additional landscaping trees and shrub plantings in the in the open space area between the west parking lot and the south loading area, to the satisfaction of the Planning Administrator.
THE VOTE: 13-0

Item 9

Request from Brook Landing, LLC (owner) represented by Jon Galloway (officer) for review and approval of the following on property in the vicinity of 3300 Block of East 56th Street:

A) Determination as to whether the requested 2nd Amendment to the Brook Landing PUD Conceptual Plan is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

B) 2nd Amendment to the Brook Landing PUD Conceptual Plan to define the property at 5510 Brook View Avenue with standards for development of a worship assembly use.

(ZON2020-00051)

C) PUD Final Development Plan “Anchor Baptist Church” on property at 5510 Brook View Avenue, to allow development of a 6.71-acre property with a worship assembly use within a 16,864-square foot building.

(10-2020-7.110)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The existing “PUD” Conceptual Plan for Brook Landing currently states: “Any development of a religious assembly use on Parcel B shall be subject to an amendment of the PUD so that the architectural character and site layout can be reviewed and approved”.

The applicant proposes an amendment to the Brook Landing “PUD” Conceptual Plan and a “PUD” Development Site Plan to allow development of a church on “Parcel B”. Since the “PUD” Conceptual Plan and the “PUD” Development Site Plan are being considered simultaneously, any required revisions to the “PUD” Conceptual Plan will also necessitate corresponding revisions to the submitted “PUD” Development Site Plan.

2. Size of Site: 7.5 acres. (The overall PUD is approximately 72 acres).

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

4. Existing Land Use (site): Agricultural production.
5. **Adjacent Land Use and Zoning to Site of Amendment:**

**North** - “N1a”; Uses are single-family dwellings along East Douglas Avenue.

**South** - “Brook Landing PUD”; Use is currently agricultural production. However, the approved “Brook Landing PUD Conceptual Plan” allows this land to be developed with a mix of one- and two-family dwellings. The area immediately adjoining the subject property would have lot widths of approximately 75 feet.

**East** - “N1a”; Uses include East 56th Street, a church, and an archery range.

**West** - “Brook Landing PUD”; Uses are East 54th Street and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is in a developing area that includes a mix of residential and agricultural production uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Brook Run Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on May 15, 2020 and by mailing of the Final Agenda on May 29, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 15, 2020 (20 days prior to the public hearing) and May 22, 2020 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Brook Run Neighborhood Association notices were mailed to Amanda Robinson, 5227 Brook View Avenue, Des Moines, IA 50317.

Due to the COVID-19 pandemic, the applicant was unable to hold a neighborhood meeting. However, on May 26, 2020, 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. **Relevant Zoning History:** The property was annexed to the City of Des Moines in 2009, at which time it became zoned “A-1” Agricultural District.

On May 23, 2016, the City Council rezoned the site to “PUD” District by Ordinance No. 15,479. The Brook Landing “PUD” Conceptual Plan established at that time allowed for development of single-family residential lots and designated a 7.5-acre “Parcel B” for future development of a church use.

On August 8, 2016, the City Council approved the first amendment to the Brook Landing “PUD” Conceptual Plan by Ordinance 15,501. This 1st amendment added 2 acres to the north edge of the “PUD”, which allowed creation of three (3) additional
lots for single-family residential development.

9. **PlanDSM Creating Our Tomorrow Designation:** The subject property is located within an area designated on the PlanDSM Future Land Use Map as Low-Density Residential. The plan defines this category as “Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre”. The proposed “PUD” Conceptual Plan amendment and Final development site plan would not require this designation to be amended.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the application, accompanying evidence and 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.

### III. ADDITIONAL APPLICABLE INFORMATION

1. **PUD Conceptual Plan:** The existing “PUD” Conceptual Plan currently states: “Any development of a religious assembly use on Parcel B shall be subject to an amendment of the PUD so that the architectural character and site layout can be reviewed and approved”.

The submitted amendment to the “PUD” Conceptual Plan provides the following architectural standards for the building: Building design will use similar architectural styles and be consistent with the quality and character of the surrounding structures. Construction to be wood frame with standard exterior materials including vinyl siding, cement fiber siding, or horizontal steel siding within hidden fasteners; asphalt shingles or standing seam metal roof, brick, stone, and glass. EIFS may be used as an accent or trim only. Prohibited materials include plywood, plastic, plaster, and composite wood-based panel systems.”

Staff recommends that the building elevations submitted with the Site Plan (10-2020-7.110) should be included on the “PUD” Conceptual Plan as “Sheet 4” in order to provide an architectural character example of what can be developed on “Parcel B”.

Given that the west façade of the building would be highly visible from houses on the west side of East 54th Street, Staff recommends that additional brick be provided on the west façade. Staff recommends that brick cover the entire first floor portion of the tall wall section at the middle of the building and that the brick section be topped with a decorative soldier course.
Staff also recommends that notes be added to the elevations to state that each façade shall have a minimum transparency (windows and doors) of 12% and that the roof shall either be architectural asphalt shingles or standing seam metal.

2. **Drainage:** The approved “PUD” Conceptual Plan amendment proposes a network of public storm sewers throughout the development and four (4) stormwater detention basins on outlots located at the periphery of the site. It states that “the detention facilities will be maintained by a homeowner’s association”. The City will require the entire subdivision to be located within a horizontal property regime, with the detention basins designated as common areas shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In a horizontal property regime, the value of the common areas is allocated among the residential units.

The Site Plan for the religious assembly use demonstrates that a stormwater detention basin would be provided on both the east and west sides of the site.

3. **Grading:** The proposed “PUD” Conceptual Plan amendment contains a note stating that a stormwater runoff control plan per City Code Section 106-136 is required and that all grading is subject to an approved grading permit and soil erosion control plan.

4. **Street System/Off-Street Parking:** The submitted Site Plan demonstrates that the religious assembly use on “Parcel B” would contain an off-street parking lot accessed by a single driveway from Brook View Avenue. Staff recommends that “Sheet 2” of the “PUD” Conceptual Plan be revised to reflect a conceptual layout of “Parcel B”. Staff also recommends a note be added to state that off-street parking on “Parcel B” will be provided at a minimum ratio of 1 parking space per 6 seats in the principal auditorium, plus 1 parking space per 400 square feet of office space.

The Site Plan must provide public sidewalks along all public streets, as well as pedestrian connections from the building to each street frontage.

5. **Landscaping:** Staff recommends that the “PUD” Conceptual Plan provide a note that states “Parcel B” shall be landscaped in conformance with the regulations contained in City Code Chapter 135 that are applicable to a Civic Building in a “P2” District. Staff also recommends that a note be added to state that native plantings shall be considered around the stormwater basins on the site.

6. **Additional Information:** Staff recommends provision of a note stating that any refuse collection container will be within an enclosure constructed of masonry walls that match the primary building and steel gates.

Also, the duplicate signature block and the reference to existing zoning on “Sheet 1” should be eliminated.
III. **STAFF RECOMMENDATION**

Part A) Staff recommends that the proposed 2\textsuperscript{nd} Amendment to the Brook Landing “PUD” Conceptual Plan be found in conformance with the PlanDSM: Creating Our Tomorrow Plan.

Part B) Staff recommends approval of the proposed 2\textsuperscript{nd} Amendment to the Brook Landing “PUD” Conceptual Plan, to define the property at 5510 Brook View Avenue with standards for development of a worship assembly use, subject to the following revisions to the submitted “PUD Conceptual Plan:

1. Inclusion of the building elevations submitted with the Site Plan (10-2020-7.110) as “Sheet 4” of the PUD Conceptual Plan, with the following modifications:
   a. Provision of additional brick on the “west façade” so that brick covers the entire first floor portion of the tall wall section at the middle of the building, including decorative soldier course at the top.
   b. Provision of a note that states each façade shall have a minimum transparency (windows and doors) of 12% of the façade.
   c. Provision of a note that states the roof shall either be architectural asphalt shingles or standing seam metal.

2. Provision of the conceptual site configuration of “Parcel B” on “Sheet 2” of the PUD Conceptual Plan.

3. Provision of a note stating that off-street parking for the any religious assembly use will be provided at a minimum ratio of 1 parking space per 6 seats in the principal auditorium, plus 1 parking space per 400 square feet of office space.

4. Provision of a note stating that bike racks shall be provided on “Parcel B”.

5. Provision of a note stating that public sidewalks will be provided along all street frontages and that pedestrian connections will be provided from the building to all street frontages.

6. Provision of a note that states “Parcel B” shall landscaped in conformance with the regulations contained in City Code Chapter 135 that are applicable to a Civic Building in a “P2” District.

7. Provision of a note stating that native plantings shall be considered around the stormwater basins.

8. Provision of a note to state that any refuse collection container will be within an enclosure constructed of masonry walls that match the primary building and steel gate.
9. Elimination of the duplicate signature block on “Sheet 1”.

10. Elimination of the reference to “Existing zoning: A-1” on “Sheet 1”.

Part C) Staff recommends approval of the submitted “PUD” Final Development Plan “Anchor Baptist Church” on property at 5510 Brook View Avenue, subject to the following conditions:

1) Compliance with the 2nd Amendment to the Brook Landing “PUD” Conceptual Plan, which is being considered simultaneously.

2) Compliance with all administrative review comments by the City’s Permit & Development Center and/or Site Plan Review Staff.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Jann Freed asked if the applicant agreed with all staff recommendations.

Greg Wattier asked what they are amending.

Bert Drost stated the existing PUD conceptual plan stated any future development on parcel B shall be subject to an amendment so this is to review building architecture.

Jann Freed asked for the count for cards in favor and opposition?

Bert Drost stated it was 7 in favor and 8 in opposition.

Wally Pelds, Pelds Design Services, 2323 Dixon Street representing the applicant stated they were intending to be on the consent agenda tonight. They are sensitive to the traffic issues and will make sure to address those concerns as they go through the site plan process.

Greg Wattier asked if they are required to do a traffic study?

Wally Pelds stated that hasn’t been requested yet.

Erik Lundy stated Traffic and Transportation didn’t require a Traffic Impact Analysis.

CHAIRPERSON OPENED THE PUBLIC HEARING

None were present of requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING
COMMISSION ACTION:

Rocky Sposato made a motion for approval of Part A) the proposed 2nd Amendment to the Brook Landing “PUD” Conceptual Plan be found in conformance with the PlanDSM: Creating Our Tomorrow Plan, Part B) APPROVAL of the proposed 2nd Amendment to the Brook Landing “PUD” Conceptual Plan, to define the property at 5510 Brook View Avenue with standards for development of a worship assembly use, subject to the following revisions to the submitted “PUD Conceptual Plan:

1. Inclusion of the building elevations submitted with the Site Plan (10-2020-7.110) as “Sheet 4” of the PUD Conceptual Plan, with the following modifications:
   
a. Provision of additional brick on the “west façade” so that brick covers the entire first floor portion of the tall wall section at the middle of the building, including decorative soldier course at the top.
   
b. Provision of a note that states each façade shall have a minimum transparency (windows and doors) of 12% of the façade.
   
c. Provision of a note that states the roof shall either be architectural asphalt shingles or standing seam metal.

2. Provision of the conceptual site configuration of “Parcel B” on “Sheet 2” of the PUD Conceptual Plan.

3. Provision of a note stating that off-street parking for the any religious assembly use will be provided at a minimum ratio of 1 parking space per 6 seats in the principal auditorium, plus 1 parking space per 400 square feet of office space.

4. Provision of a note stating that bike racks shall be provided on “Parcel B”.

5. Provision of a note stating that public sidewalks will be provided along all street frontages and that pedestrian connections will be provided from the building to all street frontages.

6. Provision of a note that states “Parcel B” shall landscaped in conformance with the regulations contained in City Code Chapter 135 that are applicable to a Civic Building in a “P2” District.

7. Provision of a note stating that native plantings shall be considered around the stormwater basins.

8. Provision of a note to state that any refuse collection container will be within an enclosure constructed of masonry walls that match the primary building and steel gate.

9. Elimination of the duplicate signature block on “Sheet 1”.
10. Elimination of the reference to “Existing zoning: A-1” on “Sheet 1”.

**APPROVAL** of Part C) Staff recommends approval of the submitted “PUD” Final Development Plan “Anchor Baptist Church” on property at 5510 Brook View Avenue, subject to the following conditions:

1) Compliance with the 2nd Amendment to the Brook Landing “PUD” Conceptual Plan, which is being considered simultaneously.

2) Compliance with all administrative review comments by the City’s Permit & Development Center and/or Site Plan Review Staff.

**THE VOTE: 13-0**

Item 10

Request from Anchor Investment Group, LLC (owner) represented by Michael Donlin (officer) for the following for property located at 3116 Victoria Drive.

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

B) Rezone property from “N3b” Neighborhood District to “N3b-2” Neighborhood District, to allow the existing converted one household dwelling to be restored to the original two household dwelling.

(ZON2020-00052)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow the existing converted one household dwelling to be restored to the original two household dwelling.

2. **Size of Site:** 25,992 square feet (0.60 acres).

3. **Existing Zoning (site):** “N3b” Neighborhood District.

4. **Existing Land Use (site):** The subject property contains a structure that was originally constructed as a duplex (two-household dwelling) but later converted to a single-family dwelling.

5. **Adjacent Land Use and Zoning:**
North – “N3b”; Use is a one household dwelling.

South – “N3b”; Use is a one household dwelling.

East – “N3b”; Use is a one household dwelling.

West – “N3b”; Use is a duplex (two-household dwelling).

6. General Neighborhood/Area Land Uses: The subject property is located west of 30th Street in an area that contains a mix of residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Beaverdale Neighborhood and within 250 feet of the Drake Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 15, 2020 and by mailing of the Final Agenda on May 29, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 15, 2020 (20 days prior to the public hearing) and May 22, 2020 (10 days prior to the public hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Beaverdale Neighborhood Association mailings were sent to Marcus Coenen, PO Box 30175, Des Moines, IA 50310. The Drake Neighborhood mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

Due to the COVID-19 pandemic, the applicant was unable to hold a neighborhood meeting. However, on May 26, 2020, 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. Relevant Zoning History: N/A.


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

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

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

The applicant is proposing to rezone the property from “N3b” Neighborhood District to “N3b-2” Neighborhood District. The “N2b-2” District allows for one- and two-household dwellings that are in accordance with either “House B” or “House C” building types. The proposed two (2) dwelling units on a 0.60-acre lot represent a new density of 3.33 units per acre.

2. Planning and Design Ordinance: Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

   The proposed “N2b-2” District allows for one- and two-household dwellings that are in accordance with either “House B” or “House C” building types. The provisions for these building types are contained in City Code Sections 135-2.14 & 135-2-15. Both House B and House C require a two-household dwelling to be side-by-side units, which is how the site sketch submitted with the application demonstrates that the two-family dwelling would be configured. Also, both require at least 65 feet of lot width, whereas the subject property is 100 feet wide at the building line.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “N2b-2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.”

Part B) Staff recommends approval of rezoning the subject property from “N3b” Neighborhood District to “N3b-2” Neighborhood District, subject to the condition that any two-household use shall be in conformance with the provisions applicable for either House B or House C building types.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendations.

Greg Wattier asked if this property is in the Drake neighborhood?

Bert Drost stated it’s in the Beaverdale neighborhood but within 250 feet of the Drake Neighborhood.
Greg Wattier asked if they’ve sent out any correspondence to the neighborhood boards?

Bert Drost stated the mailing list provided to the applicant included the Beaverdale and Drake neighborhood presidents.

Michael Donlin, Representing Anchor Investment group, 640 48th Street stated they did reach out to the Beaverdale neighborhood and they have provided him a letter of support. They did list this property for sale as a single family but did not sale so they believe it would be best to convert it back into a duplex as it was originally built. Interior work will consist of a dividing wall and additional kitchen.

Greg Jones asked how long it has been a single-family home?

Michael Donlin stated the family they purchased it from was using it as a single family for 2-3 years, beyond that he isn’t sure.

CHAIRPERSON OPENED THE PUBLIC HEARING

Nancy Trotter, 3000 Victoria Drive stated she is in opposition of the rezoning. In 1980 there were only 3 rental properties in a one block radius and currently there are 15 in the same one block radius. They have had issues with trash and unkept yards from the rental properties in the area.

Will Page stated regardless of the decision tonight, we owe her a debt of gratitude for calling neighborhood inspections because that’s how things get done in the City.

Michael Donlin stated with the awkward layout and shared driveway, they believe it’s better off being a duplex than a single-family.

Greg Wattier asked what their intentions are for the exterior of the home?

Michael Donlin stated they wouldn’t be doing a lot to the exterior of the home but would like to add additional parking in the rear of the lot.

Greg Jones asked if they intend to remove the 6-foot wood fence.

Michael Donlin stated they do not have any intention to remove fence.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones made a motion for approval of Part A) the proposed rezoning to “N2b-2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.” And Part B) APPROVAL of rezoning the subject property from “N3b” Neighborhood District to “N3b-2” Neighborhood District, subject to the condition that any two-household use shall be in
conformance with the provisions applicable for either House B or House C building types.

**THE VOTE:** 8-3-1 (Francis Boggus, Will Page and Steve Wallace voted in opposition, Abby Chungath abstained from the vote).

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Committee and Director’s Reports:

Mike Ludwig stated the governor did extend the ability to have electronic meetings until June 25th unless rescinded. Therefore, the June 18th P&Z meeting will be an electronic Zoom meeting.

Meeting adjourned at 8:20