



## CITY PLAN AND ZONING COMMISSION

\*\*\*\*\*AGENDA\*\*\*\*\*

for the meeting scheduled on  
March 4, 2021 at 6:00 P.M.

Iowa Code Section 21.4 requires that each Plan and Zoning Commission meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given Mayor Cownie's March 17, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, and the Governor's Proclamation, as amended, strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID-19 outbreak and its authorization of electronic meetings, and the City Manager's decision on February 3, 2021 to delay the opening of City buildings to the public until April 1, 2021 due to the positive trend upward of COVID-19 cases in Polk County and the need to maintain safety, it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. Meeting minutes will continue to be provided per the City's normal course of business. You may contact the City Staff at (515) 689-9485 or check the meeting agenda on the City's website ([www.dsm.city](http://www.dsm.city)). To participate in the electronic meeting, access is available via the internet or telephonically (details below).

If you intend to participate in the virtual ZOOM webinar via internet or by telephone, the City's Community Development Department requests that you please send an email to [Planning@dmgov.org](mailto:Planning@dmgov.org) or call (515) 689-9485 at least 24 hours prior to the start of the scheduled meeting, to alert the meeting's moderator that you intend to address the Plan and Zoning Commission. When sending an email or leaving a voice-mail message, please include your name, address, telephone number and the item number that you wish to speak on, state whether you wish to speak in support or in opposition, and attach or identify any evidence (photos, documents, etc.) that you would like the Plan and Zoning Commission members to review. Participants will be allowed to join the virtual Zoom meeting via internet or by telephone at the scheduled time of the meeting, whether or not such prior notice is given to the Community Development Department.

The Plan and Zoning Commission shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by City Staff in the Community Development Department either by email or by U.S. Mail prior to 4:00 p.m. March 3, 2021 (Community Development Department, Armory Building, 602 Robert D. Ray Drive, Des Moines, IA 50309; Email [Planning@dmgov.org](mailto:Planning@dmgov.org)).

### Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://dmgov-org.zoom.us/j/87117437375?pwd=bHVKVXVwbHorWFc3dXM2RW9YemdoUT09>

Webinar ID: 871 1743 7375

Passcode: 756876

### Or join by phone:

US: +1 312 626 6799 or

+1 720 928 9299 or

833 548 0276 (Toll Free) or

877 853 5257 (Toll Free)

Webinar ID: 871 1743 7375

Passcode: 756876

International numbers available: <https://dmgov-org.zoom.us/j/kiOslly5>

**Hearing date** is subject to change. Please see <https://www.DSM.city/covid19> and scroll down to the "Public Meetings" link under the heading "City of Des Moines Services impact" or call (515) 689-9485 for the most current information public hearings and public meetings.

## **PLAN AND ZONING COMMISSION RULES AND PROCEDURES**

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1. The Plan and Zoning Commission is generally an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all matters before the Commission other than Site Plans and Subdivision Plats, unless denials or conditional approvals thereof are appealed. Please contact the City Clerk or Community Development Department staff (515) 689-9485 for details on Council hearings.
  2. Applicant will be given 10 minutes to present the request. If applicant's wish to share materials not already submitted with the application, please email them to [Planning@dmgov.org](mailto:Planning@dmgov.org) so a staff host may be able to share them on the screen when you present.
  3. Proponents and then opponents from the public are then allowed to speak in that order, with each speaker allowed a maximum of 5 minutes. Staff has attempted to compile a list of people who would like to speak on each item. Staff will first call on these people and then will open it up to anyone else who wishes to speak. To request to speak during the hearing, please use the "raise hand" function on ZOOM Webinar via internet or dial \*9 on your phone. One permission to speak is given, to unmute and mute dial \*6 on you phone. You will be required to give your name and address for the record prior to speaking. Also, we ask that you keep your microphones and phones on "mute" unless you've been given the chance to address the Commission by the Chair.
  4. Applicant is then allowed five (5) minutes for a rebuttal if any opponents spoke.
  5. All comments are to be germane to the item under consideration and speakers are to maintain a courteous manner.
  6. The hearing will then be closed and the Commission will discuss and vote on the issue.
  7. Items listed on the consent portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Commission requests that the item be removed from the consent agenda and considered separately under the public hearing agenda.
  8. The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. Please know that typical accommodations may be limited by emergency requirements as issued by the State of Iowa and the City of Des Moines.
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***Note: There is not a scheduled early session.***

### **6:00 ROLL CALL & APPROVAL OF MINUTES FROM February 18, 2021**

#### **CONSENT PUBLIC HEARING ITEMS**

1. Determination as to whether the proposed Hilltop Urban Renewal Plan is in conformance with the PlanDSM Creating Our Tomorrow Plan.
2. Request from Urban Campus Apartments, LLLP (owner) represented by Jack Hatch (partner) for vacation of the air and subsurface rights within the west 3 feet of 6<sup>th</sup> Avenue adjoining the property located at 1230 6<sup>th</sup> Avenue to allow for encroachment of building footings and building overhangs. (11-2021-1.03)

## PUBLIC HEARING ITEMS

3. Request from Mundo Pequenito, LLC represented by Guadalupe Castillo (officer), for review and approval of a Public Hearing Site Plan “Mundo Pequeno Childcare” for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 1922 Southwest 1<sup>st</sup> Street, to allow a General Building type occupied by a “Day Care” use to have site reconfigurations, including expansion of on-site parking. (10-2021-7.29)
  - A) Extension of surface parking within a front yard area when limited to the rear yard or side yard area per Section 135-2.7.3.A.8.
  - B) Allowance of the trash enclosure to be placed within the front yard where required to be outside of the front yard per Section 135-2.1.7.B.2.
  - C) Waiver of required public sidewalk installation per Section 135-8.5.2.
  - D) Waiver of the requirement for undergrounding utilities per Section 135-9.2.1.E.
  
4. Request from ITS, Inc. (lessee) represented by Amanda Holmgaard (officer) for review and approval of a Public Hearing Site Plan “ITS Shazam” for the following Type 2 and denied Type 1 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 6109 Willowmere Drive, to allow improvements to the existing on-site parking areas and to allow expansion of the existing loading dock on the west side of the existing General Type building in an “EX” Mixed Use District. The subject property is owned by MDM Equity-2010, LLC. (10-2021-7.37)
  - A) Allow loading entrance location on a front façade where only permitted on side or rear facades per Section 135-2.7.3.A.8.
  - B) Waiver of the required fence frontage buffer per Section 135-7.7.2. (denied Type 1)
  - C) Waiver of the required interior lot landscape islands per Section 135-7.9.2.A. (denied Type 1)
  - D) Waiver of the required landscape requirements for refuse and recycling areas per Section 135-7.10.4.B. (denied Type 1)
  
5. Request from JR Partners, LLC (owner) represented by Tim Rypma (officer) for review and approval of a Public Hearing Site Plan “401 East Court” for the following Type 2 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 401 East Court Avenue, to allow the existing Downtown Storefront Type building to be renovated for multiple commercial tenant bays with reconstruction of the adjoining on-site parking. (10-2021-7.51)
  - A) Allow on-site surface parking where accessory parking is only permitted within the principal building per Section 135-2.3.3.
  - B) Waiver of the required interior lot landscape islands per Section 135-7.9.2.A. (denied Type 1)

6. Request from Justin Raymond (owner) for review and approval of a Public Hearing Site Plan for the following Type 2 and denied Type 1 Design Alternatives in accordance with City Code Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 4215 Southeast 17<sup>th</sup> Street, to allow installation and construction of a manufactured home in accordance with House B Building Type requirements. (BLD2020-03177)
  - A) Allow 5 feet less than the minimum 35-foot building width per Section 135-2.14.3.A.7. (denied Type 1)
  - B) Allow 0 square feet (100%) less than the required 32 square feet (12%) transparency requirement for street facing facade per Section 135-2.14.3.D.18.
  - C) Allow the principal entrance on the south side façade where required on the front street façade per Section 135-2.14.3.D.19.
  - D) Waiver of the required porch or stoop entrance configuration per Section 135-2.14.3.D.20.
  - E) Waiver of the requirement for provision of a minimum 288-square foot garage per Section 135-2.14.3.E.3.
  - F) Allow 100% Vinyl siding as a major façade material per Table 135-4.1-2 with no added architectural design elements per Section 135-4.3.11. (denied Type 1)
  - G) Allow 0 street trees less than the calculated 2 required street trees per Section 135-7.5.3.C.1. (denied Type 1)
  - H) Waiver of the required public sidewalk installation per Section 135-8.5.2.
7. Request from Laura Rehmer (owner) for review and approval of a Public Hearing Site Plan for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4.B and 135-9.3.1.B, for property at 5719 Harwood Drive, to allow construction of an attached garage and rear addition to the existing House Type A with waiver of the required public sidewalk installation per Section 135-8.5.2. (BLD2020-03190)
8. Request from RM Madden Construction, Inc. (owner) represented by Michael Madden (officer) for review and approval of a Public Hearing Site Plan for the following Type 2 and denied Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 1124 Wade Street, to allow construction of a House Type B. (BLD2021-00165)
  - A) Waiver of the requirement for provision of a minimum 288-square foot garage per Section 135-2.14.3.E.3.
  - ~~B) Allow 1 street tree less than the calculated 2 required street trees per Section 135-7.5.3.C.1. (approved via Type 1 by staff)~~
  - C) Waiver of the required public sidewalk installation per Section 135-8.5.2.

## **OTHER ITEMS**

9. Committee and Director's Reports.