The July 16, 2020 meeting of the Plan and Zoning Commission was held via virtual Zoom Webinar ID: 945 6246 5249.


P&Z ABSENT: Abigail Chungath

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

Dory Briles made a motion to approve the July 2, 2020 Plan and Zoning Commission meeting minutes. Motion carried 11-0-2 (Emily Webb and Kayla Berkson abstained as they were not present for the July 2 meeting).

Jann Freed asked if any members of the public or the Commission wanted to speak regarding consent agenda Item #1. None were present or requested to speak.

Jann Freed noted that the applicants for Items #3 and #5 agree to all conditions recommended by staff in the staff reports. She asked if any members of the public or the Commission wanted to speak regarding Items #3 or #5. None were present or requested to speak.

Jason Van Essen stated he had sent out a revised staff report for item #5 that the applicant has agreed to. There was an email received from an adjoining neighbor that had expressed concerns around construction and the applicant has reached out to them to address those concerns.

Eduardo Mauricio Aliaga Verastegui stated he is no longer opposed via a typed comment in the Q&A section for the Zoom meeting as his mic was not working at the time of the meeting.

Dory Briles made a motion to move Items #3 and #5 to the consent agenda. Motion Carried 13-0

Carolyn Jenison made a motion to approve Consent Agenda Items #1, #3 and #5 per the recommendations in the staff reports. Motion Carried 13-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Electro Management Corp. (owner) represented by Britt Baker (officer) for review and approval of an PUD Final Development Plan amendment “City Gateway – Phase 1A”, for property located at 4240 Army Post Road, to allow expansion of the existing 242,800-square foot Workshop/Warehouse Building with a 60,000-square foot
addition and on-site surface parking expansion.

(10-2020-7.117)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The request would allow expansion of the existing building with associated parking. This expansion was previously identified on the most recent PUD Conceptual Plan in 2015 for the development of the existing building.

2. Size of Site: 20.85 acres.

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

4. Existing Land Use (site): The property is developed with a 242,800-square foot facility for the headquarters office for Electrical Power Products and for production of electrical relay panels and other electrical products.

5. Adjacent Land Use and Zoning:

   North - “P2”, Use is Des Moines International Airport.
   
   South - “PUD”, Use is vacant land for future business park development.
   
   East – “EX”, Uses are The Des Moines Register/Gannett printing facility and Katecho medical products research and production facility.
   
   West - “PUD”, Use is vacant land for future business park development.

6. General Neighborhood/Area Land Uses: The subject property is located at the junction of Iowa Highway 5 and Iowa Highway 28, within business park areas southwest of the Des Moines International Airport.

7. Applicable Recognized Neighborhood(s): The subject property is not in or within 250 feet of a recognized neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on June 26, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2020 (20 days prior to the hearing) and on July 6, 2020 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on July 10, 2020.

8. Relevant Zoning History: On September 27, 1999 by Ordinance No. 13,754 the City Council rezoned the subject property to “PUD” Planned Unit Development District along with adoption of the City Gateway PUD Conceptual Plan.
On September 28, 2015 by Roll Call No. 15-1648, the City Council approved the 1st Amendment to the City Gateway PUD Conceptual Plan to allow the area to be developed with business park development broken into two phases. The first phase a 288,000-square foot facility for the existing property and a second phase for a 225,000-square foot flex warehouse facility on the property to the west of the subject property.


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: The approved Legacy PUD Conceptual Plan amendment provides for permitted uses in the former “M-1” Light Industrial District and site landscaping in accordance with requirements applicable to the “C-2” District. Other general site elements are reviewed under the existing Planning and Design Ordinance (Chapter 135 of the City Code).

After review of the submitted PUD Final Development Plan the only Staff concern is regarding the screening of rooftop mechanical equipment. The submitted plan indicates that the equipment shall be screened from street level view and from adjoining residential areas. The requirement for new construction is that such equipment be screened on all sides to the height of the equipment if it is over 3 feet in height with architectural methods such as a parapet of the building or a metal screening system. Staff believes that the PUD Final Development Plan should be updated to reflect this standard in Chapter 135 of the City Code.

2. Urban Design/Building Requirements: The submitted PUD Final Development Plan provides for a 60,000-square foot pre-cast concrete panel system. This material is a permitted material within the PUD and matches the material and design of the existing building.

3. Permit & Development Center Comments: Any development of the proposed 60,000-square foot building addition and parking lot expansion is subject to compliance with all applicable Building Codes and Planning and Design Ordinance review in accordance with PUD Conceptual Plan and applicable Site Plan requirements, with 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. Revision of the requirement for rooftop mechanical units to indicate that all rooftop mechanical units be screened in accordance with Chapter 135 Section 135-4.4.5 of the City Code.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jension 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. Revision of the requirement for rooftop mechanical units to indicate that all rooftop mechanical units be screened in accordance with Chapter 135 Section 135-4.4.5 of the City Code.

THE VOTE: 13-0

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Item 3

Request from Spot Free Car Wash, LLC (owner) represented by Allen Hansen (officer) for the following for property located at 1421, 1427, 1433, 1437 East 14th Street & 1518 Idaho Street.

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

B) Amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use map designation from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use and Neighborhood Mixed Use. (21-2020-4.12)

C) Rezone property at 1437 East 14th Street & 1518 Idaho Street from “N3c” Neighborhood District and “RX-1” Mixed Use District to “MX3-V” Mixed Use District to allow the existing car wash defined as a Vehicle Sales and Service,
Vehicle Maintenance/Repair, Minor to continue as a use permitted by right; and rezone property at 1421, 1427, 1433 East 14th Street from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, to allow reuse and/or redevelopment of the property for mixed use.

(ZON2020-00073)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to rezone the property so the existing Vehicle Sales and Service, Vehicle Maintenance Repair, Minor (car wash) would be able to continue operation as a permitted use rather than a legal nonconforming use. The applicant also seeks future mixed-use reuse of existing structure and/or redevelopment of the recently purchased property to the south of the car wash.

2. Size of Site: 1.867 acres.

3. Existing Zoning (site): N3c” Neighborhood District, “RX-1” Mixed Use District, and NX1” Neighborhood Mix District.

4. Existing Land Use (site): Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor (car wash). This includes self-service and automatic wash bays with dryers as well as vacuums. The property to the south has a 1,652-square foot building and associated on-site parking most recently legally used for an office use.

5. Adjacent Land Use and Zoning:

   North – “RX1” & “N3c”, Use is vehicle display lot and open space.

   South - “NX1” and “N3a”, Uses are One Household Living houses.

   East – “N3c”, Uses are One Household Living houses.

   West – “RX1”, Uses are vehicle display lots.

6. General Neighborhood/Area Land Uses: The subject property is on the U.S. Highway 69/East 14th Street corridor with Low Density Residential neighborhood areas generally to the east.

7. Applicable Recognized Neighborhood(s): The subject property is in the Martin Luther King, Jr. Park Neighborhood and within 250 feet of the Capitol Park Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on June 26, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2020 (20 days prior to the hearing) and on July 6, 2020 (10 days prior to the hearing) to the Martin Luther King, Jr. Park Neighborhood contact, the Capitol Park Neighborhood
contact 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 meeting was mailed to all the recognized neighborhood associations on July 10, 2020.

The Martin Luther King, Jr. Park Neighborhood mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316 and the Capitol Park Neighborhood mailings were sent to Chelsea Lepley, PO Box 1993, Des Moines, IA 50305.

The applicant was responsible to providing a not-in-person neighborhood outreach through written and electronic communication. The applicant will be prepared to summarize their outreach process at the hearing.

8. Relevant Zoning History: N/A.


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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The Low-Medium Density Residential future land use designation of the property on the PlanDSM future land use map prompted portions of the property to be rezoned to the “N3a” Neighborhood District and “NX1” Neighborhood Mix District with the citywide rezoning effective last December 2019. The portion designated Neighborhood Mixed Use prompted the other portion of the property to be rezoned to “RX1” Mixed Use District. The anticipated future redevelopment was for One, Two and Multi-Household dwelling units and Neighborhood level retail and office uses.

To rezone to the “MX3-V” Mixed Use District to allow for the car wash use to continue as a permitted use, the future land use designation would also need to be amended to a Community Mixed Use Designation which provides for small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customer.
To rezone the remaining portion to “RX1” Mixed Use District to allow reuse or redevelopment for neighborhood level retail and office use would require amendment of the future land use designation to Neighborhood Mixed Use which provides for small-scale mixed-use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low- medium density residential may be included in mixed use development.

2. **Permitted and Conditional Uses:** The applicant has kept the car washing use in continuous operation since the citywide zoning map update, and may continue the non-conforming use legally. However, destruction beyond 50% of the value would not allow it to continue use. The site may also not be expanded or altered significantly over time to keep it maintained or upgrade the facilities. Therefore, the applicant is seeking the rezoning to allow this flexibility.

The existing commercial building to the south has very limited allowed, non-conforming use for office. The application is seeking rezoning to allow future neighborhood mixed use reuse or redevelopment for the both the developed and vacant property.

Staff believes that the property fits within the intent of Community Mixed Use being developed for commercial use at locations along the U.S. 69/East 14th Street corridor for the existing car wash developed property. However, because of the concern for the immediately adjacent low density residential areas, staff believes that many of the uses in the “MX3-V” District would not be appropriate due their impacts. Therefore, Staff would recommend that any rezoning be subject to allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment. In addition, Staff would further recommend that the only other uses permitted by right or by Conditional Use be those uses in common with and as limited by the “RX1” Mixed Use District. It should be noted that the “-V” identifier would also prevent use of the property for vehicle sales lot uses.

The portion of property to the south of the car wash would be appropriate along the corridor for neighborhood level mixed. It is currently partially developed with a building and parking for legal non-conforming office use. Neighborhood Mixed Use would include the allowance for the existing Low-Medium Density Residential future land uses along with neighborhood scale retail and office uses, the same as contemplated for redevelopment of the vehicle sale lot properties across U.S. 69/East 14th Street to the west. It would also allow for rezoning to the requested “RX1” Mixed Use District zoning.

**III. STAFF RECOMMENDATION**

Part A) Staff recommends that the Commission find the requested rezoning to be not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as “Low Density Residential”.
Part B) Staff recommends approval of the requested amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation from “Low-Medium Density Residential” and “Neighborhood Mixed Use” to “Community Mixed Use”; and from “Low-Medium Density Residential” to “Neighborhood Mixed Use”.

Part C) Staff recommends approval of the requested rezoning of the property from “RX1” Mixed Use District and “N3c” Neighborhood District to “MX3-V” Mixed Use District: and from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, subject to the following:

1. Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment within the “MX3-V” Mixed Use District portion.

2. All other uses permitted by right or by Conditional Use in the “MX3-V” Mixed Use District portion shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District.

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.

Dory Briles made a motion to move Item #5 to the consent agenda. Motion Carried 13-0

COMMISSION ACTION:

Carolyn Jenison made a motion for approval of Part A) the Commission find the requested rezoning to be not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as “Low Density Residential”, Part B) APPROVAL of the requested amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation from “Low-Medium Density Residential” and “Neighborhood Mixed Use” to “Community Mixed Use”; and from “Low-Medium Density Residential” to “Neighborhood Mixed Use” and Part C) APPROVAL of the requested rezoning of the property from “RX1” Mixed Use District and “N3c” Neighborhood District to “MX3-V” Mixed Use District: and from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, subject to the following:

1. Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment within the “MX3-V” Mixed Use District portion.

2. All other uses permitted by right or by Conditional Use in the “MX3-V” Mixed Use District portion shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District.

THE VOTE: 13-0
Item 5

Request from R.M. Madden Construction, Inc. (owner) represented by Michael Madden (officer) for a Type 2 Design Alternative in accordance with Chapter 135 Section 135-9.2.4.B and 135-9.3.1.B, for property located at 907 McKinley Avenue, to allow construction of House Type D in an “N5” Neighborhood providing an attached garage entrance on the street facing façade when it is required to be on the rear or side facades per Section 135-2.16.3.A.10.

(BLD2020-01582)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a one household dwelling with a tuck under garage on the front façade. 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: 71.8 feet by 234 feet (16,776 square feet or 0.385 acres).

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


5. Adjacent Land Use and Zoning:

   North – “N5”; Use is a multiple household building.
   South – “MX1”; Uses are commercial.
   East – “MX1”; Uses are commercial.
   West – “N5”; Use is a one household dwelling.

6. General Neighborhood/Area Land Uses: The subject property is located on the north side of McKinley Avenue to the west of the west of the SW 9th Street intersection. The area west of the SW 9th Street corridor contains a mix of one household and multiple household dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Watrous South Neighborhood and within 250 feet of the Watrous Heights Neighborhood and the Fort Des Moines Neighborhood. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on June 26, 2020. Additionally, separate notifications of the hearing for
this specific item were mailed on July 6, 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. A Final Agenda was mailed to all recognized neighborhoods on July 10, 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 Watrous South Park Neighborhood Association mailings were sent to James Spiller, P.O. Box 35845, Des Moines, IA 50315. The Watrous Heights Neighborhood Association mailings were sent to David L. Johnston, 604 Philip Street, Des Moines, IA, 50315. The Fort Des Moines Neighborhood Association mailings were sent to Scott Durham, 301 East Kenyon Avenue, Des Moines, IA 50315.

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 to construct a House Type D with a garage in the base level. Section 135-2.16.3.A.10 of the Planning and Design Ordinance requires overhead garage doors to be located on the rear or side facades. The overhead door for the proposed garage would be located on the front façade.

Staff supports the requested Type 2 Design Alternative, so long as the house is built in conformance with the conditions of approval listed in Section III of this report. This includes, but is not limited to, increasing the size of the front gable element so that it extends from the east edge of the living room bump-out to the west corner of the house. This would provide an adequate visual counterweight to the proposed garage door. It would also provide visual balance on the façade as opposed to ending the cross gable at the doorway. The surrounding area contains commercial development, a townhome development and a handful of historic houses on large lots. Staff believes that placing the overhead door on the side or rear façade is not necessary as there is not a consistent character of architecture in the immediate area. Additionally, the applicant faces a practical difficulty in developing the site due to the change in grade of the property and the fact that the grade of the property is significantly higher than the grade of the street. A front loaded, tuck-under garage is a reasonable solution in this case. With the design changes proposed by staff, the overhead door would not visually dominate the character of the house.
III. STAFF RECOMMENDATION

Staff recommends approval of issuing Type 2 Design Alternatives subject to the following:

1. The front cross gable shall extend from the east edge of the living room bump-out to the west corner of the house.

2. The front gable shall be sided with a material other than lap siding as reviewed and approved by the Planning Administrator.

3. The foundation of the house shall consist of poured concrete with a brick stamp pattern.

4. The overhead door shall be painted to match the color scheme of the house and not left white unless white is selected as a trim or body color for the main level of the house.

5. Revision of the building elevations to comply with all administrative review comments.

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.

Jason Van Essen stated he had sent out a revised staff report for item #5 that the applicant has agreed to. There was an email received from an adjoining neighbor that had expressed concerns around construction and the applicant has reached out to them to address those concerns.

Eduardo Mauricio Aliaga Verastegui stated he is no longer opposed via a typed comment in the Q&A section for the Zoom meeting as his mic was not working at the time of the meeting.

Dory Briles made a motion to move Item #5 to the consent agenda. Motion Carried 13-0.

COMMISSION ACTION:

Carolyn Jenison made a motion for approval of issuing Type 2 Design Alternatives subject to the following:

1. The front cross gable shall extend from the east edge of the living room bump-out to the west corner of the house.

2. The front gable shall be sided with a material other than lap siding as reviewed and approved by the Planning Administrator.
3. The foundation of the house shall consist of poured concrete with a brick stamp pattern.

4. The overhead door shall be painted to match the color scheme of the house and not left white unless white is selected as a trim or body color for the main level of the house.

5. Revision of the building elevations to comply with all administrative review comments.

THE VOTE: 13-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 2

Request from Anchor Investment Group, LLC represented by Michael Donlin (officer) for the following for property located at 827 Shaw Street.

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

B) Amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential. (21-2020-4.11)

C) Rezone property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District, to allow demolition of the existing House Building Type and detached garage with Household Living and redevelop with a 5-Unit Row Building Type with Household Living. (ZON2020-00072)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the site to be redeveloped with a rowhouse product. The applicant has submitted a site sketch and conceptual building elevations that indicate the project would consist of one rowhouse structure containing five units. All of the units would be oriented towards SE 9th Street with rear loaded garages accessed from a shared driveway located along the rear (west) property line.

2. Size of Site: 132 feet by 75 feet (9,900 square feet or 0.227 acres).
3. **Existing Zoning (site):** “N3c” Neighborhood District.

4. **Existing Land Use (site):** The site contains a one household dwelling.

5. **Adjacent Land Use and Zoning:**
   - **North** – “N3c”; Uses are one household dwellings.
   - **South** – “N3c”; Uses are one household dwellings.
   - **East** – “N3c”; Uses are one household dwellings.
   - **West** – “N3c”; Uses are one household dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located to the east of the Des Moines River and south of East Martin Luther King, Jr. Parkway in an area that contains a mix of residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on June 26, 2020 and by mailing of the Final Agenda on July 10, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2020 (20 days prior to the public hearing) and on July 6, 2020 (10 days prior to the public hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Historic East Village Neighborhood notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

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

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

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

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

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

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

   The “NX2” District can be found in conformance with the “Low-Medium Density Residential” designation so long as the development complies with the 12 unit per net acre maximum. The applicant has indicated that their intent is to construct 5 units on the 0.227-acre site. This equates to 22 units per acre, which requires the “High Density Residential” designation. Plan DSM describes this designation as follows:

   **High Density Residential:** Areas developed with primarily higher intensity multi-family housing with a minimum density over 17-units per net acre.

   The surrounding area is close to the downtown and is at the edge of the emerging Market District area. It is conceivable that high density development could be appropriate in this area. However, staff believes that should only occur at the edges of the area or if enough land is assembled to allow a logical transition. The subject parcel is not large enough to provide a logical transition from the lower density of the nearby properties.

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

3. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

4. **Utilities:** All necessary utilities are located within the adjoining street rights-of-way.

### III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “NX2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low-Medium Density Residential.”
Part B) Staff recommends denial of the request to amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential. Thereby, limiting any future development of the site to a density determined to be in conformance with the Low-Medium Density Residential designation.

Part B) Staff recommends approval of rezoning the subject property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District.

SUMMARY OF DISCUSSION

Jason Van Essen stated the applicant has request a continuance to the August 6th Plan and Zoning Commission meeting.

COMMISSION ACTION:

Emily Webb made a motion for continuance to the August 6th Plan and Zoning commission meeting.

THE VOTE: 13-0

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Item 4

Request from Pridecraft Custom Homes, LLC (owner) represented by Jason Juran (officer) for the following Type 2 Design Alternatives in accordance with Chapter 135 Section 135-9.2.4.B and 135-9.3.1.B, for property located at 1130 Rose Avenue, to allow construction of House Type D in an “N5” Neighborhood District:

(BLD2020-01520)

A) Providing an attached garage entrance on the street facing façade when it is required to be on the rear or side facades per Section 135-2.16.3.A.10.
B) Waiver of the minimum 20 feet of required occupied space on the front façade of all full floors per Section 135-2.16.3.C.16.
C) Waiver of the provision requiring parking within the principal building to be fully in the basement or in the rear of the ground story per Section 135.2.16.3.C.17.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a new one-household dwelling on the subject property with a one-car attached garage with garage entrance location on the street-facing (front) façade. The subject property is located within an N5 district and the proposed house plan was reviewed under the House D
building type regulations (Section 135-2.16) which require any attached garage entrance to be located on the side or rear façade of the building. 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: 48 feet by 144 feet (6,912 square feet).

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

4. Existing Land Use (site): The property is currently vacant.

5. Adjacent Land Use and Zoning:

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

6. General Neighborhood/Area Land Uses: The subject property is in a residential area that consists of a mix of one- and two-household dwellings with detached garages.

7. Applicable Recognized Neighborhood(s): The subject property is in the Grays Lake Neighborhood. All neighborhoods were notified of the July 16, 2020 Commission meeting by mailing of the Preliminary Agenda on June 26, 2020 and the Final Agenda on July 10, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2020 (20 days) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Grays Lake Neighborhood mailings were sent to Stefanie Running, 1334 Loomis Avenue, Des Moines, IA 50315.

8. Relevant Zoning History: None.


10. Applicable Regulations: Section 135-2.16.3.A.10 states that an attached garage entrance for a House D building type is required to be located on the side or rear façade. Section 135-2.16.3.C.16 states a minimum of 20 feet of depth on the front façade of all full floors shall be required occupied. Section 135.2.16.3.C.17 states any provision of parking within the principal building shall be fully in the basement or in the rear of the ground story of any House D building type.
A Type 1 design alternative waiver of garage entrance location requirement may be approved subject to determination by the community development director that the character of the surrounding area allows for a waiver of the required garage entrance location based on one of the following:

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

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

Within the 250-foot consideration area, there are 46 parcels of which 40 have garages or are vacant and considered to meet the garage requirement when developed in the future. Of the 40 parcels identified, 36 parcels have detached garages in the rear or side yard and 2 garages are attached garages with front façade entrances. Based upon this analysis, the Community Development Director denied the applicant’s request for a Type 1 Design Alternative.

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. Type 1 Design Alternatives Approved Administratively:

   A. A 0.5-story reduction in required finished floor area of a 1.5-story house required by Section 135-2.16.3.B.12 pursuant to Section 135-9.2.3.A.11.

   B. A 9% reduction in required minimum story height of 9 feet required by Section 135-2.16.3.B.14 pursuant to Section 135-9.2.3.A.5.

   C. A 6.67% increase in maximum allowed front yard coverage required by Section 135-2.16.3.E.2 pursuant to 135-9.2.3.B.2.

   D. More than 65% of the first story street facing façade comprised of vinyl pursuant to Section 135-4.3.11.A subject to the applicant increasing the size of the porch from 50.17 square feet to a minimum of 60 square feet.

   E. Placement of required streets trees pursuant to Section 135-9.2.3.B.12.

2. Staff Rationale: Staff appreciates that the applicant is proposing a garage during the development of the subject property. However, Section 135-2.16.3.A.10 requires that any attached garage entrance shall be located on the side or rear facade of the proposed building. Within the 250-foot consideration area, there are 46 parcels of which 40 have garages or are vacant and considered to meet the garage requirement when developed in the future. Of the 40 parcels identified, 36 parcels have detached garages in the rear or side yard and 2 garages are attached
garages with front façade entrances.

Staff believes that a minimum 288 square feet garage is necessary on this property to provide essential storage for such items as vehicles, bicycles, lawn care equipment and refuse and recycling bins. However, staff does not believe that it is within the character of this neighborhood for the garage to be located with its entrance on the street-facing façade. Allowing a newly-constructed dwelling to omit this character element will negatively impact the neighborhood’s existing character and will reduce the long-term appreciation in value for this property.

Staff notes that repositioning of the proposed garage from the front façade would allow the applicant to fulfill the requirements of 20 feet of occupied spaces along the front façade of all full stories and parking required to be in the side or rear of the dwelling.

III. STAFF RECOMMENDATION

Staff recommends denial of the requested appeals for Parts A, B, and C.

SUMMARY OF DISCUSSION

Katherine Dostart presented staff report and recommendations.

Greg Wattier asked if the applicant had communicated with the neighborhood association?

Erik Lundy stated site plan appeals do not have a neighborhood outreach component.

Jason Juran, 10470 Clark Street stated the main concern is the topography of this lot. With a 10-foot slope the driveway will be too steep and would be a mess in the winter months. He believes this house will add value to the neighborhood as the average assessed value is $130,000 and this house will be a $200,000 home.

Greg Wattier stated he doesn’t believe it’s a 10-foot slope given the contour lines shown. Fill dirt could be brought in to mitigate the problem he has.

CHAIRPERSON OPENED THE PUBLIC HEARING

CHAIRPERSON CLOSED THE PUBLIC

Jason Juran stated he doesn’t believe it would be reasonable to bring in fill dirt for a garage to sit on.

Greg Jones stated he believed the Plan and Zoning Commission should allow the applicant to build an attached garage.

Jann Freed stated she supports the garage as well, although its deviating from the code.
Francis Boggus stated this house will be well above the average assessed value in the neighborhood and agrees fill dirt would not be a good idea. He would support the exception in this instance.

Will Page asked if the applicant would consider painting the garage door a color other than white?

Jason Juran stated that would be acceptable.

Greg Wattier stated he would be in support of staff recommendation as the character of this neighborhood is not about garages on the front and it is important maintain the neighborhood character.

**COMMISSION ACTION:**

Francis Boggus made a motion for approval of the requested appeals for Parts A, B, and C.

**THE VOTE: 7-6-0 (Johnny Alcivar, Dory Briles, Kayla Berkson, Carolyn Jenison, Greg Wattier and Will Page voted in opposition).**

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**Committee and Director’s Reports:**

Jann Freed asked if commission meetings will continue meetings via zoom?

Mike Ludwig stated they are currently waiting for a declaration from the City Manager. Staff will notify the commission on the next agenda but does anticipate a virtual meeting given the degree that Covid-19 case numbers are increasing.

Meeting adjourned at 6:40