P&Z PARTICIPANTS: Kayla Berkson, Emily Webb, Greg Wattier, Steve Wallace, Chris Draper, Todd Garner, Will Page, Jann Freed, Dory Briles and Abigail Chungath

P&Z ABSENT: Francis Boggus, Carolyn Jenison, Lisa Howard, Johnny Alcivar and Rocky Sposato

STAFF PARTICIPANTS: Jason Van Essen, Bert Drost, Tyler Hall and Glenna Frank.

Will Page made a motion to approve the July 15, 2021, Plan and Zoning Commission meeting minutes. Motion carried 8-0-1 (Abby Chungath abstained as she was not present for the July 15th meeting).

(Jann Freed arrived at 6:05)

Dory Briles asked if any members of the public or the Commission wished to speak on consent agenda items #1, #2, #3, #4 or #5. Members of the public request to speak on item #1 and #5.

Jann Freed made a motion to approve consent agenda items #2, #3 and #4. Motion Carried 10-0

Jason Van Essen stated the applicant for item #6 has requested a continuance to the August 19, 2021, Plan and Zoning meeting as they have realized that they need to seek “I1” rezoning for the entire site.

Emily Webb made a motion to continue item #6 to the August 19, 2021, Plan and Zoning Commission meeting. Motion Carried 10-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 2

Request from 4005 Grand, LLC (owner) represented by Mike Simonson (officer) for review and approval of a Preliminary Plat “Oak Crest” for 1.28 acres of property located at 4005 Grand Avenue and 520 40th Street, to be divided into 14 lots for development of a 6-unit Household Living Row Building type and a 2-unit Household Living Row Building type. The property is owned by St. Augustin’s Church of Des Moines (owner), represented by Fr. Christopher Pisut (officer).

(13-2021-1.50)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed development includes a 6-unit Row Building fronting Grand Avenue and a 2-unit Row Building fronting 40th Street as well as
detached garages. The preliminary plat facilitates the division of the site into rowhouse parcels, garage unit parcels, and a commonly owned land parcel.

The proposed plat also reconfigures property lines for the existing apartment building at 520 40th Street. A site plan will be required for a proposed new parking lot at the northwest side of the existing apartment building due to the change in lot lines. 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**: 15,666 square feet.

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

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

5. **Adjacent Land Use and Zoning**:
   - **North** – “NX2”; Uses are residential for St Augustin’s Church.
   - **South** – “NX3”; Uses are multiple household dwellings.
   - **East** – “NX2”; Uses are residential single-family dwellings.
   - **West** – “P2”; Uses are worship and assembly.

6. **General Neighborhood/Area Land Uses**: The subject property is located on the north side of Grand Avenue to the west of 40th Street. The surrounding area contains a mix of single household dwellings, multiple household dwellings, and places of worship.

7. **Applicable Recognized Neighborhood(s)**: The subject property is in the North of Grand Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 21, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2021 (10 days prior to the public hearing) to the North of Grand 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. The North of Grand Neighborhood Association mailings were sent to Jason Norris, 647 34th Street, Des Moines, IA 50312.

8. **Relevant Zoning History**: On July 19, 2021, the Plan and Zoning Commission approved the Site Plan for Oak Crest Townhomes.

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

II. ADDITIONAL APPLICABLE INFORMATION

1. Natural Features: Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. The applicant is required to demonstrate compliance with the City’s Tree Removal and Mitigation Ordinance requirements.

2. Drainage/Grading & Storm Water Management: All grading is subject to approval of a 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.

3. Utilities: All necessary utilities are available for the development in the adjoining Grand Avenue and 40th Street rights-of-way.

III. STAFF RECOMMENDATION

Staff recommends approval of the submitted Oak Crest Townhomes Preliminary Plat subject to compliance with all administrative review comments.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of the submitted Oak Crest Townhomes Preliminary Plat subject to compliance with all administrative review comments.

THE VOTE: 10-0
Item 3

City initiated Zoning Text Amendment to Chapter 134 of the Municipal Code, to provide for the allowance of Outdoor Storage as accessory the principal use of Self-Service Storage within the “I1” and “I2” Industrial Districts. (ZONG-2021-000007)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

The proposed amendments would allow Self-Service Storage businesses to offer clients the ability to store large personal items, such as boats and recreational vehicles, outdoors in the “I1” and “I2” Districts. A copy of the proposed text change is included in the Commission’s packet.

II. CONSISTENCY WITH PLANDSM

PlanDSM is the City’s Comprehensive Plan. Preparation of the proposed amendments to Chapter 134 (Zoning) and amendments to Chapter 135 (Planning and Design) are based upon and consistent with the following Goals and Policies of PlanDSM:

Land Use Goal 1

Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.

LU1: Develop a new Zoning Ordinance and other land development regulations consistent with the goals and policies of PlanDSM.

LU5: Develop regulations to reduce blight and visual clutter including, but not limited to, signage, overhead power lines, telecommunications equipment, and other utilities. Regulations will be consistent with federal and state code and case law.

Land Use Goal 7

Maintain the existing industrial designated areas to provide appropriate locations for industrial use.

LU36: Develop land use regulations for industrial uses that address potential impacts with adjoining non-industrial land uses, particularly residential areas.
Economic Development Goal 4

**Foster a sustainable economy.**
ED17: Encourage businesses that diversify the economy; use locally produced materials and market their products locally; practice energy efficiency, provide a living wage; utilize green building practices; employ exemplary storm water management practices; and/or utilize sustainable transportation and distribution systems.

**III. STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendments to Chapter 134 of the Municipal Code.

**SUMMARY OF DISCUSSION**

**Dory Briles** asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

**COMMISSION ACTION:**

**Jann Freed** made a motion for approval of the proposed amendments to Chapter 134 of the Municipal Code.

**THE VOTE: 10-0**

Item 4

City initiated request for vacation of a segment of 16th Street, from High Street south to the east/west alley. The adjoining properties are 555 17th Street, owned by KG Store 543, LLC and 1540 High Street owned by Medical and Professional Properties, LLC. (ROWV-2021-000002)

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The City Council initiated the vacation of the subject right-of-way by Roll Call Number 21-1147. The intent of this proposal is to allow the right-of-way to be assembled in common ownership with the land to the west and south that is owned by KG Store 543, LLC. This ownership group is planning a multi-parcel redevelopment effort in the area. The current redevelopment concept suggests that the roadway and 16th Street sidewalks would be kept, providing access to parking lots. The City would no longer have maintenance responsibility for the subject roadway if vacated and sold. Any future construction or site improvements would be subject to compliance with a site plan.
On July 15, 2021, the Commission considered a request from KG Store 543, LLC for the vacation of 16th Street to the south of the subject street segment. The vacation of Linden Street from 15th Street to 17th Street was also considered with this request. The Commission’s recommendation of approval on this matter has been forwarded to the City Council.

2. **Size of Site**: 9,733 square feet.

3. **Existing Zoning (site)**: “RX1” Mixed Use District and “MX2” Mixed Use District.

4. **Existing Land Use (site)**: Public street right-of-way.

5. **Adjacent Land Use and Zoning**:
   - **North**: “MX2” & “RX1”; Use is High Street public right-of-way.
   - **South**: “MX2”; Use is 16th Street right-of-way that is in.
   - **East**: “RX1”; Uses are multiple-tenant commercial and office and surface parking lot.
   - **West**: “MX2”; Use is commercial and retail.

6. **General Neighborhood/Area Land Uses**: The surrounding area contains a mix of commercial, office, retail, and residential uses.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located within the Sherman Hill Neighborhood and within 250 feet of the Downtown Des Moines Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 19, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 26, 2021 (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 adjoining the subject public right-of-way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Sherman Hill Neighborhood Association mailings were sent to Ryan Howell, 831 16th Street, Des Moines, IA 50314. The Downtown Des Moines Neighborhood Association mailings were sent to Sebastian Hamirani, 1400 Walnut Street, Unit 413, Des Moines, IA 50309.

8. **Relevant Zoning History**: On February 19, 1979, by Ordinance No. 9545, the City Council approved vacation of the east/west alley between 15th Street and 16th Street.

On July 15, 2021, by Docket No. ROWV-2021-000001 the Plan and Zoning Commission recommended approval of a request to vacate Linden Street from 17th Street to Ingersoll Avenue and 16th Street from Ingersoll Avenue to the southern
line of the vacated east-west alley between 15th Street and 16th Street subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant’s expense.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Downtown Mixed Use.

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. **Streets/Sidewalks:** The requested vacation would not negatively impact access to private properties or traffic patterns in the broader area. It is anticipated that the subject segment of 16th Street will remain open generally as it exists today for vehicular access to parking and for pedestrian access to the area. Staff recommends approval be subject to the provision of an access easement for the benefit of the property at 1540 High Street. This would allow them to access their property from 16th Street in the future if necessary.

2. **Utilities:** There is an existing hydrant located on the northwest corner of the 16th Street and Linden Street intersection, several water fittings within 16th Street, and a 48-inch water main within 16th Street. There are existing sanitary manholes, combined intakes, and conduits within the requested right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

III. **STAFF RECOMMENDATION**

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

1. Provision of an access easement for the benefit of the property at 1540 High Street.

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

**SUMMARY OF DISCUSSION**

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.
COMMISSION ACTION:

Jann Freed made a motion for approval of the requested vacations subject to the following conditions:

1. Provision of an access easement for the benefit of the property at 1540 High Street.
2. Reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant’s expense.

THE VOTE: 10-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Hubbell Realty Company (owner) represented by Steve Mosely (officer) for review and approval of a major Preliminary Plat Amendment to “Woods on the River Plat 11” for property in the vicinity of Riverwoods Road and River Ridge Avenue, to allow the subdivision of existing platted Outlots for a total of 22 single-family residential lots.

(13-2021-1.45)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to subdivide the subject property to create 22 additional single-family lots that would be accessed by cul-de-sacs on River Ridge Road and Grand River Drive. The proposed plat also includes a 5.93-acre “Outlot X” to remain as open space.

2. Size of Site: The preliminary plat area is 12.89 acres. The area of the entire Riverwoods “PUD” District is approximately 240 acres.

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

4. Existing Land Use (site): The portion of the Riverwood “PUD” District that would be impacted by the proposed amendment is generally undeveloped and contains a segment of a recreational trail known as the Carl Voss Trail.

5. Adjacent Land Use and Zoning:
North – “F”, Uses are Harford Avenue, Cownie Soccer Complex, and floodplain.

South – “N2b” & “NX2”, Uses are one-household dwellings, multiple-household dwellings, and vacant land.

East – “F”, Uses are Harford Avenue, Cownie Soccer Complex, and floodplain.

West – N2b”, “NX2”, & “P1”, Uses are one-household dwellings, multiple-household dwellings, and Cownie Baseball Complex.

6. General Neighborhood/Area Land Uses: The area consists of a mix of one-household dwellings, multiple-household dwellings, and park/recreational uses. A significant portion of the Riverwoods “PUD” District is a heavily wooded parcel owned by the City of Des Moines.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Riverwoods Neighborhood. The neighborhood association was notified of the Commission meeting by mailing of the Preliminary Agenda for the August 5, 2021 meeting on July 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 16, 2021 (20 days prior to the August 5, 2021 public hearing) and on July 26, 2021 (10 days prior to the August 5, 2021 public hearing) to the Riverwoods Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within the PUD and within 250 of the PUD boundary. A final agenda was mailed to the neighborhood associations on July 26th, 2021.

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 Riverwoods Neighborhood notices were mailed to Denise Benda, 2230 East Caulder Court, Des Moines, IA 50320.

8. Relevant Zoning History: The property was rezoned to “PUD” Planned Unit Development District on April 25, 1994 by Ordinance 13,027. Since that time, the Riverwoods “PUD” Conceptual Plan has been amended ten (10) times.

The most recent amendment was approved by City Council on June 14, 2021 by Roll Call 21-0924.


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

II. ADDITIONAL APPLICABLE INFORMATION

1. Riverwood PUD Conceptual Plan Requirements: The preliminary plat must comply with all applicable PUD requirements contained in the recently amended Riverwoods PUD Conceptual Plan. Roll Call 21-0924 contains the following conditions that apply:

   1. Provision of a note that states development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

   2. Provision of a note to state that any and all portions of this area designated as “Parkland” that the City is not willing to accept ownership for, shall be 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.

   3. Provision of a note that states the City will require the future plat to be located within a horizontal property regime, with the detention basins and open space areas 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.

   4. Provision of a note that states any stormwater basin shall be designed to the satisfaction of the both the City’s Engineering Department Director and the City’s Park & Recreation Department Director to ensure that it is designed in a manner that prevents future erosion issues that could potentially impact the recreational trail.

   5. Provision of a note that states that a soils report and 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.

   6. Provision of a state note stating that permanent trail easements shall be provided for the Carl Voss Trail and for the trail spur providing access to the Carl Voss Trail from River Ridge Road, where these easements ensure that the trail shall not be moved or impacted by the developer.

   7. Provision of a note stating the primary section of the Carl Voss Trail passing through the Riverwoods PUD shall not be altered by the amendment and
shall not be closed at any time as a result of construction or development in the vicinity.

8. Provision of a note stating that the reconfigured trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac shall be designed and constructed to the City’s standards as reviewed and approved by the City’s Park & Recreation Department Director.

9. Provision of a note stating that the developer shall be responsible for all construction and costs associated with removing and reconstructing the trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac, and that any construction shall be to the City’s standards for trail construction to the satisfaction of the City’s Park & Recreation Department Director.

10. Provision of a note stating that the developer shall work with the City’s Park & Recreation Director on an acceptable temporary closure of the trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac, where the temporary closure is limited to as minimal of time as possible, and where the developer shall be responsible for neighborhood outreach and for provision of and maintenance of trail detour signage during any temporary closure to the satisfaction of the City’s Park & Recreation Department Director. In addition, this temporary closure requires a 2-week notice, with detour signage in place at the start of the 2-week notice period.

11. Provision of an 8-foot-wide sidewalk along one side of the River Ridge Road cul-de-sac to connect Riverwoods Avenue to the trail spur.

12. Provision of the following notes on the “PUD” Conceptual Plan:
   a) No same house architectural elevation shall be built on adjacent lots.
   b) Any house shall have a minimum two-car attached garage.
   c) Any house constructed shall generally match one of the PUD House Character Elevations, including illustrative trim and siding mixes. Material upgrades and alternative house design may be approved by the Planning and Urban Design Administrator.
   d) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   e) Any house shall be constructed with a minimum of 1,200 square feet of area.
   f) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, LP Smart Siding, or fiber cement board.

2. Natural Features: A significant portion of the subject property is heavily wooded. Staff recommends provision of a note that states development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
The proposed Preliminary Plat demonstrates that excess land at the periphery of the proposed lots for one-household development would be contained in an outlot that could potentially be dedicated to the City as parkland. Staff recommends provision of a note to state that any and all portions of this area that the City is not willing to accept ownership for shall be 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.

3. **Drainage:** The proposed Preliminary Plat demonstrates a stormwater detention basin within an outlot at the eastern periphery of the site. The City will require the entire future plat to be located within a horizontal property regime, with the detention basin designated as common area 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.

Given the proximity of the proposed stormwater basin to the existing Carl Voss Recreation Trail, staff recommends provision of a note that states any stormwater basin shall be designed to the satisfaction of both the City’s Engineering Department and the City’s Park & Recreation Department to ensure that it is designed in a manner that prevents future erosion issues that could potentially impact the recreational trail.

The Preliminary Plat must also include a note that states that a soils report and 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. **Utilities:** There are sanitary sewer and water mains nearby that will be extended to serve the development. These mains are shown within the proposed public street network. Construction of these mains will extend to the end of the Grand River Drive and River Ridge Road cul-de-sacs.

5. **Traffic/Street System:** The proposed amendment to the Preliminary Plat would revise the configuration of the one-household residential lots and eliminate the extension of River Ridge Road to East Park Avenue and reduce the length of the Grand River Drive cul-de-sac. Staff believes that these revisions are appropriate and would preserve a significant area of existing mature tree canopy. Planning staff also believes that the existing Riverwoods Avenue can accommodate the north/south traffic through the existing “Riverwoods” development to East Park Avenue.

6. **Recreational Trail:** There is a 10-foot-wide recreational trail (known as the Carl Voss Trail) that passes through the eastern portion of the Preliminary Plat, as well as a trail spur that provides access to the trail from River Ridge Road. The recently approved amendment to the PUD Conceptual Plan contains multiple conditions pertaining to these trails, which must be provided as notes on the Preliminary Plat.
7. **Urban Design:** The proposed Preliminary Plat would allow for a total of 22 additional lots, each at least 60 feet wide, for one-household development. The Conceptual Plan provides eight (8) character examples of front facades of homes that would be constructed. Staff has recommended the notes listed below be added to the preliminary plat to ensure development complies with the PUD Conceptual Plan.

The proposed Preliminary Plat would be subject to all of the following “PUD” Conceptual Plan requirements:

a) No same house architectural elevation shall be built on adjacent lots.

b) Any house shall have a minimum two-car attached garage.

c) Any house constructed shall generally match one of the PUD House Character Elevations, including illustrative trim and siding mixes. Material upgrades and alternative house design may be approved by the Planning and Urban Design Administrator.

d) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

e) Any house shall be constructed with a minimum of 1,200 square feet of area.

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

**III. STAFF RECOMMENDATION**

Staff recommends approval of the proposed amended Preliminary Plat, subject to the following conditions:

1) Compliance with all administrative review comments.

2) Compliance with requirements of the Riverwood PUD Conceptual Plan as amended by City Council on June 14, 2021, by Roll Call 21-0924.

3) Provision of the following notes on the Preliminary Plat, which are required by the PUD Conceptual Plan:

   a) No same house architectural elevation shall be built on adjacent lots.

   b) Any house shall have a minimum two-car attached garage.

   c) Any house constructed shall generally match one of the PUD House Character Elevations, including illustrative trim and siding mixes. Material upgrades and alternative house design may be approved by the Planning and Urban Design Administrator.

   d) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
e) Any house shall be constructed with a minimum of 1,200 square feet of area.

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

**SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendation.

Doug Saltsgaver 2413 Grand Avenue representing Engineering Resource Group stated they agree with staff recommendation and could answer any questions the commission or members of the public have.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Walt Anderson 2605 Bent Ridge Court asked if Hubbell Realty or the homeowners association (HOA) will be liable for maintaining the proposed detention basin? According to the site plan, he believes there might be plans for another detention pond further up the road and they need to find a better way to compress the new lot sizes.

Bert Drost stated the PUD requires a minimum lot width of 60-feet which the new lots would be. The storm water basin would be maintained by a HOA formed by the new development.

Chris Draper asked for clarification on the fencing question that was raised from the audience.

Bert Drost stated he wasn’t sure if they were referring to silt fencing, which would be required during grading and a requirement of the PUD.

Jason Van Essen stated standard fencing requirements would be used when homeowners seek a permit to install fencing.

Abby Chungath stated there might be a little confusion around whether this is a standing water pond or a dry area that’s used to absorb storm water.

Bert Drost stated this would be a dry area used to absorb the water.

Doug Saltsgaver stated there would only be 1 storm water basin, which would be a dry bottom basin. The HOA will be liable for maintaining the basin, which would include the lots constructed in plat 10 and 11.

Chris Draper asked if the cost will be spread out to the current houses or contained within the new lots.
Dough Saltsgaver stated it would include lots in plat 10 and 11. Plats 1-9 will not be assessed for these basins.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Emily Webb made a motion for approval of the proposed amended Preliminary Plat, subject to the following conditions:

1) Compliance with all administrative review comments.

2) Compliance with requirements of the Riverwood PUD Conceptual Plan as amended by City Council on June 14, 2021, by Roll Call 21-0924.

3) Provision of the following notes on the Preliminary Plat, which are required by the PUD Conceptual Plan:

   a) No same house architectural elevation shall be built on adjacent lots.
   b) Any house shall have a minimum two-car attached garage.
   c) Any house constructed shall generally match one of the PUD House Character Elevations, including illustrative trim and siding mixes. Material upgrades and alternative house design may be approved by the Planning and Urban Design Administrator.
   d) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   e) Any house shall be constructed with a minimum of 1,200 square feet of area.
   f) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, LP Smart Siding, or fiber cement board.

**THE VOTE: 10-0**

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**Item 5**

Request from Gary Randa (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 3029 Wolcott Avenue, to allow a 38” tall deck to be constructed within 2 feet of the north interior side property line which is 5 feet less than the minimum 7-foot side yard for a House Type B per Section 135-2.14.3(A)(5). (BLD2021-00891)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a 38-inch-tall deck in the side yard. The deck is proposed to be set 2-feet from the north side property line. The applicant is expanding an existing deck and is requesting the reduced setback to accommodate the larger deck.

2. Size of Site: 123 feet by 127 feet (15,639 square feet).

3. Existing Zoning (site): “N3a” Neighborhood District.

4. Existing Land Use (site): The property is currently a one-household dwelling.

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 located in a residential area that consists primarily of one-household dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Southwestern Hills Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 16, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2021 (10 days prior to the public hearing) to the Southwestern Hills 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 designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 SW 29th St, Des Moines, IA 50321.

8. Relevant Zoning History: None.


10. Applicable Regulations: Section 135-2.22.1.D.3.a states that the accessory structure should have a minimum 5-foot setback to the side and rear lot lines.
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:
  - 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. Accessory Structure Setback: The applicant is expanding an existing deck that would be within 2 feet of the north side property line.

The requested design alternative would not have an adverse impact on the adjacent properties, the character of the surrounding area or the public health, safety, and general welfare. It would meet the general intent of the code. Staff is supportive of the requested waiver for a reduced side setback.

III. STAFF RECOMMENDATION

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

SUMMARY OF DISCUSSION

Kyle Larson presented staff report and recommendation.

Greg Wattier stated if this was a patio on the ground, there wouldn’t be an issue.

Kyle Larson stated correct, there would be no building permit. A deck is considered an accessory structure that would require a 5-foot setback.

Emily Webb asked if the fence is on the property line?

Kyler Larson stated there is an additional 2 feet behind the fence.

Gary Randa 3029 Wolcott Avenue stated that after tree damage, they decided to add onto the deck. He visited with neighbors on 31st Street and Wolcott with no opposition from anyone beside Jon and Lisa Hamilton.

CHAIRPERSON OPENED THE PUBLIC HEARING

Lisa Hamilton 3425 SW 31st Street stated setback requirements should not result in adverse impact on other properties and will give multiple examples of how this will impact her property. The applicant’s house sits on the northeast corner of the lot, any extension off the back would encroach on their property and over the years he has gotten closer to the property line. The area of their house effected by this expansion is a heavily trafficked area for her family and with this expansion would come less privacy. They have 2 bedrooms and 3 bathrooms on this side of the house and already feel their privacy is invaded. If the Randa’s were to sale the house, the new owners would be under no obligation to keep the privacy fence, which would leave the deck 2-
feet off their property line. Mr. Randa never spoke with them and has a history of ignoring city ordinance by not obtaining permits for several projects on his property.

Gary Randa stated for the Hamilton’s to see into his property, they would need to be standing on top of their roof. The privacy fence was constructed 25 years ago which they did obtain a permit for.

Emily Webb asked Mr. Randa if he spoke with the Hamilton’s or not?

Gary Randa stated he spoke with the neighbors about their feelings of the addition, and they all were very respective.

Chris Draper asked if he had direct conversation with the Hamilton’s?

Gary Randa stated no, he was aware of their feelings after a complaint was filed with the City.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Will Page asked what would happen if the fence was removed due to decay or new ownership deciding to tear it down?

Jason Van Essen stated if the fence was not there, a railing would be required.

Emily Webb stated if the commission approves this, the 2-foot set back would remain, regardless of if the fence coming down or not.

Jason Van Essen stated if the deck was destroyed, the relief would go away. He doesn’t have an answer to what would happen if the fence would be removed or repaired.

Todd Garner stated the deck would need to be built to meet building code and that could be a stipulation of the commission’s approval tonight.

Jann Freed stated she would not support this due to constant violation of city code and the infringement it causes on the adjoining property.

Emily Webb stated she agreed with Jann Freed’s comments.

Chris Draper stated if this was just a ground patio at 38” tall, there’s nothing to be done. Since they are trying to attach it to the fence, they now have a structural element.

Glenna Frank stated the most recent amendment to the City code address this issue and would not allow any obstruction on the ground to extend into the setback requirements.
COMMISSION ACTION:

Jann Freed made a motion for denial of the requested Type 2 Design Alternative and the proposed Public Hearing Site Plan subject to compliance with all administrative review comments.

THE VOTE: 8-2 (Will Page and Greg Wattier voted in opposition)

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Item 6

Request from McKee Auto Center, Inc. (owner) represented by Anthony McKee (officer) for review and approval of the following for property located at 4131 and 4141 East 14th Street:

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

B) Rezone property from “MX3-V” Mixed Use District and “I1-V” Industrial District to “MX3” Mixed Use District and “I1” Industrial District to remove the prohibition on Vehicle Sales and Trucking and Transportation Terminal uses.

(ZONG-2021-000003)

A) Allow an on-site surface parking lot within the front yard of a Flat Building Type where it is only allowed within a rear yard per Section 135-2.11.3(A)(11).

B) Waive the requirement to underground existing overhead utility lines per Section 135-9.2.1(E).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to use the site for a vehicle display lot use with an autobody component. The rezoning to would eliminate the “-V” zoning designation that is currently applied to both of their parcels that comprise the site. This designation prohibits use of the property for Vehicle Sales and Trucking and Transportation Terminal uses. Should the rezoning be approved, Staff notes that any “Major Vehicle Maintenance/Repair” use would be required to be located on the portion of the site that is zoned “I1” Industrial District and not on the portion of the site that is zoned “MX3” Mixed Use District.

The building at 4141 East 14th Street has known environmental issues. The applicant has indicated that they are working with an environmental engineer to
work through that process with the City, DNR, and EPA to get the site cleaned. The applicant intends to demolish the dilapidated building.

Any future construction or site improvements would be subject to compliance with a site plan.

2. **Size of Site**: The property at 4141 East 14th Street measures 40,078 square feet (0.920 acres) and the property at 4131 East 14th Street measures 40,509 square feet (0.930 acres), for a combined 80,587 square feet (1.85 acres).

3. **Existing Zoning (site)**: “MX3-V” Mixed Use District and “I1-V” Industrial District.

4. **Existing Land Use (site)**: The subject properties to be rezoned consist of two parcels including 4141 East 14th Street and 4131 East 14th Street. The property at 4141 East 14th Street is zoned “I1-V” and contains a 5,708 square-foot, 1-story warehouse, and a paved surface parking lot. The property at 4131 East 14th Street is zoned “MX3-V” and contains a 5,708 square-foot, 1-story auto service building and a paved surface parking lot.

5. **Adjacent Land Use and Zoning**:
   - **North** – “HI” Heavy Industrial (Polk County); Uses include semi-truck repair and sales.
   - **South** – “MX3-V”; Uses are industrial including auto service.
   - **East** – “I1” & “MX3-V”; Uses are industrial including auto repair and auto service.
   - **West** – “I1-V”; Use is office and warehousing.

6. **General Neighborhood/Area Land Uses**: The subject properties are located on the southeast corner of the East 14th Street and East Aurora Avenue intersection. The area contains a mix of commercial, industrial, and residential uses.

7. **Applicable Recognized Neighborhood(s)**: The subject property is located within the Highland Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 19, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 16, 2021 (20 days prior to public hearing) and July 26, 2021 (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 Services Department on the date of the mailing. The Highland Park Neighborhood Association mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313.
The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

8. **Relevant Zoning History:** On January 18, 2007, the Plan and Zoning Commission conditionally approved a site plan allowing a vehicle display and sales business at 4131 East 14th Street.

The applicant made a previous request for “M-1” zoning on the property, which was withdrawn before consideration at the April 3, 2008, Plan and Zoning Commission meeting.

On April 23, 2012, by Roll Call No. 12-0641, the City Council denied a subsequent request to rezone the site to “M-1” District based upon the applicant’s and tenant’s inability to commit to bringing the chrome plating operation into compliance with Building and Fire Codes.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Industrial and Community Mixed Use.

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 properties are designated as “Industrial” and “Community Mixed Use” on the Future Land Use Map. PlanDSM describes these designation as follows:

   **INDUSTRIAL (4141 East 14th Street)**
   Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

   **COMMUNITY MIXED USE (4131 East 14th Street)**
   Small- to medium-scale mixed use development, located on high-capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.
The applicant is proposing to rezone 4141 East 14th Street from “I1-V” to “I1” and 4131 East 14th Street from “MX3-V” to “MX3”. The Zoning Ordinance states that “MX3” is intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale. “I1” is intended for general industrial uses, warehousing, and transportation terminals.

As noted in section 134-6.3.12, “There exist within the city of Des Moines segments of commercial corridors wherein the concentration of vehicle sales and rental display lots has reached a level that has discouraged investment and reinvestment in other uses in the area. As retail and service businesses close and property values within the affected corridors decline or fail to rise with the overall market, the most profitable use of the vacant properties is often for additional vehicle sales and rental display lots.

Property should not be rezoned to remove the “-V” extension to allow vehicle sales and rental display lots when the city council has decided that at least one of the following conditions exist within the corridor along which the property is located:

1. The corridor or portion thereof to be rezoned contains a high concentration of vehicle sales and rental display lots and the concentration of vehicle sales and rental display lots has reached a level where it is discouraging, or with any increase is likely to discourage, further investment and reinvestment in other uses along the corridor.

2. The use of the required front yard for vehicle sales and rental display is contrary to the predominant character of the corridor or portion thereof to be rezoned and would detrimentally impact that character and property values along the corridor.

The city council, after review and recommendation by the plan and zoning commission, may consider removal of the “-V” extension designation from a specific parcel, if the council finds that the above conditions no longer exist or that the proposed use demonstrates provision of exceptional setbacks, landscaping and other site amenities that mitigate the visual impact of the vehicle sales and rental display lot from the corridor.”

Staff believes that the requested rezoning would be in conformance with the land use designation of Industrial and Community Mixed Use. Staff also believes that, in this instance, it would be appropriate to eliminate the “-V” designation since the property is surrounded by properties used for Vehicle Sales and Trucking and Transportation Terminal uses. The proposed use would not “discourage, further investment and reinvestment in other uses along the corridor”. It is also not “contrary to the predominant character of the corridor or portion thereof to be rezoned and would detrimentally impact that character and property values along the corridor”.

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). Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the existing use can be expanded.

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.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the requested rezoning be found in conformance with the existing PlanDSM future land use designation of Industrial and Community Mixed Use.

Part B) Staff recommends approval of the requested rezonings of the subject properties, subject to the condition that any reuse, construction, or site improvements upon the property shall be in accordance with a Site Plan that complies with all current regulations, including those pertaining to landscaping and screening.

SUMMARY OF DISCUSSION

Jason Van Essen stated the applicant for item #6 has requested a continuance to the August 19, 2021, Plan and Zoning meeting as they need to seek “I1” rezoning for the entire site.

COMMISSION ACTION:

Emily Webb made a motion to continue item #6 to the August 19, 2021, Plan and Zoning Commission meeting.

THE VOTE: 10-0

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Item 7

Request from Marco Vizcarra (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 3523 Wolcott Avenue, to allow a total of 1372.5 square feet (47%) of impervious surface within the front yard area, which is 89% more than the maximum 725 square feet (25%) for a House Type A per Section 135-2.13.3(E)(1). (ZON2021-00066)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant has poured additional driveway and walkway paving that exceeds the maximum allowed front yard impervious area.

2. Size of Site: 81 feet by 132 feet (11,340 square feet).

3. Existing Zoning (site): “N3a” Neighborhood District.

4. Existing Land Use (site): The property is currently a one-household dwelling.

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 located in a residential area that consists primarily of one-household dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Southwestern Hills Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 16, 2021, and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2021 (10 days prior to the public hearing) to the Southwestern Hills 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 designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 SW 29th St, Des Moines, IA 50321.

8. Relevant Zoning History: None.


10. Applicable Regulations: Section 135-2.13.3.E.1 states that the maximum impervious area in any front yard is 25% total.
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:
    - 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 Coverage: The applicant has expanded their existing driveway and
walkway in the front yard. This additional paving has brought the total impervious
area in the front yard to 1372.5 square feet or 47%. This is 89% more than the
maximum 725 square feet (25%) for a House Type A per Section 135-2.13.3(E)(1).

Staff believes that the additional paving is within the overall character of the
neighborhood. However, the driveway taper is excessive and does not match up
with the width of the drive approach. This will result in cars driving across the public sidewalk. The public sidewalk is 4 inches thick but the public sidewalk within the driveway is a minimum of 6 inches thick. This additional thickness is necessary to support the weight of a vehicle. This is the rationale for adjusting the taper of the driveway, along with the reduction in paving. Adjusting the driveway taper will result in the removal of approximately 66 sq ft of paving.

Overall, the applicant’s proposal would not have an adverse impact on the adjacent properties, the character of the surrounding area or the public health, safety, and general welfare. It would meet the general intent of the code. Staff is supportive of the requested waiver for additional front yard impervious area.

III. STAFF RECOMMENDATION

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

1. The west side of the driveway shall be tapered to match the width of the drive approach.
2. Review and approval of the finalized driveway layout by the Planning & Urban Design Administrator.
3. Compliance with all administrative comments.

SUMMARY OF DISCUSSION

Kyle Larson presented staff report and recommendation.

Chris Draper asked if they were to propose a 6-inch-thick piece of sidewalk, how would city staff look at that?

Jason Van Essen stated if its left as is, not only will you see the sidewalk breakup, but you’ll also see vehicles drive over the corner of the right-of-way that would cause an ongoing maintenance issue. If that was proposed, they would still make the same recommendation.

Marco Vizcarra 3523 Wolcott Avenue stated they constructed this parking pad not aware of the recent changes to city code. They did meet with a city inspector which informed him the approach would need to be increase so the piece of right-of-way wasn’t getting ran over. Soon he will have 4 drivers in his house and wants to avoid parking on the street.

Will Page asked if he agreed with the staff recommendation.

Marco Vizcarra stated, if need be, he will comply with staff recommendation.
CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Jann Freed made a motion for approval of the requested Type 2 Design Alternative and Public Hearing Site Plan subject to the following conditions:

1. The west side of the driveway shall be tapered to match the width of the drive approach.
2. Review and approval of the finalized driveway layout by the Planning & Urban Design Administrator.
3. Compliance with all administrative comments.

THE VOTE: 10-0

Item 8

Request from JM Wolf properties (owner) represented by Matthew Karamanlis for review and approval of a Public Hearing Site Plan “Hartford Ave Storage” 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 at 1929 Southeast 14th Court, to allow development of a Workshop Warehouse Building Type in an “I1” Industrial District for Office and Warehouse use.

(10-2021-7.98)

A) Allow waiver of the requirement for sidewalk installation along all public street frontages per Section 135-8.5.2.
B) Allow waiver of the fence frontage buffer landscaping requirement per Section 135-7.7.2.
C) Waiver of the requirement for placement of all electrical, telephone, and cable transmission systems underground per Section 135-9.2.1(E).
D) Waiver of the minimum transparency and blank wall limitations for primary street-facing facades per Section 135-2.9.3(D)(17).
E) Waiver of the minimum required major building facade material along street facing facades per Section 135-4.2.2 and Table 135-4.2-1.
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct a 1,944 square foot warehouse/garage use at the southwest corner of the site, with frontage on Hartford Avenue to the south and SE 14th Court to the west. Eventually, the applicant would like to expand on the proposed building and site and convert the facility to self-service storage in future phases of the project. 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:** 1.34 acre (approximately 58,282 square feet).

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

4. **Existing Land Use (site):** The property is currently undeveloped land.

5. **Adjacent Land Use and Zoning:**
   - **North** – “I1”; Uses are undeveloped land.
   - **South** – “MX3-V”; Use is RV Sales.
   - **East** – “I1”; Use is a trucking and materials facility.
   - **West** – “I1”; Uses are undeveloped land and a tire shop.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of Hartford Avenue to the east of SE 14th Street. The surrounding area contains a mix of vacant lots, various industrial uses, and vehicle rental/sales/maintenance uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is not within a designated neighborhood. However, the subject site is within 250 feet of the Pioneer Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 16, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2021 (10 days prior to the public hearing) to the Pioneer Park 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. The Pioneer Park Neighborhood Association mailings were sent to Scott Jimmerson, 1907 East Lacona Avenue, Des Moines, IA 50320.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Industrial uses.

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. **Sidewalks:** The applicant is requesting a waiver of the requirement to construct sidewalks along all street frontages as required by Section 135-8.5.2A. This would include Hartford Avenue to the south, and SE 14th Court to the west and SE 15th Street to the east. The applicant states that the reason for the request is that the addition of the sidewalk is “unnecessary and inconsistent with the nature of the surrounding area.” The applicant also sites that the rural cross-section of Hartford Avenue would make a sidewalk impractical along that frontage.

Closing gaps within the City’s sidewalk network is a priority of MoveDSM, which is the City’s transportation plan. MoveDSM indicates that all streets fronting this site are designated as priority 3 streets. Additionally, SE 14th Court and SE 15th Street are gravel roads. Staff agrees that adding sidewalks to SE 14th Court and SE 15th Street are not reasonable at this stage of the development. However, Staff notes that Hartford Avenue has had city investment along the corridor and is a primary access for the Cownie Sports Complex to the east. Providing sidewalk along Hartford Avenue would be a sound incremental step in providing increased pedestrian access to such a facility.

Additionally, Traffic and Transportation Division has indicated that non-traditional sidewalk designs could be available for review. They also indicated a willingness to work with the applicant to come up with an alternate design should it be determined a traditional sidewalk install not be feasible.

2. **Fencing:** The applicant requests a waiver of the fence frontage buffer requirements per Section 135-7.7.2. The applicant is proposing parking and maneuvering to the north of the building, which fronts SE 14th Court. Staff notes that only approximately twelve (12) feet of parking and maneuvering fronts SE 14th Court after the access is completed, and thus would not be practical or desirable to request a fence frontage buffer along that area.

3. **Building Design:** The applicant requests two waivers or reductions to the building design. The first is a waiver of the transparency requirements and blank wall limitations along street frontage facades per Section 135-2.9.3.D.17. The second is a reduction of the minimum 60% required major façade materials requirement per Section 135-4.2.2.A to 22% of the facade.
Regarding the first request, the applicant provided justification that transparency on buildings that are used for storage, workshops and/or garages pose a safety and security risk. While staff recognizes that transparency is a conflicting item for the types of uses proposed on this site and generally supports waivers along SE 14th Court, staff notes that the façade proposed facing Hartford Avenue is not sufficient to approve as an appropriate design alternative along that frontage. Staff believes some windows, at least along the upper portions of the façade, would provide a façade aesthetic that would provide visual interest along Hartford Avenue and would meet the intent of the code.

Regarding the second request, the applicant states that the character of the neighborhood does not justify such façade standards. Staff disagrees with the determination, as 16 of the approximately 31 parcels within 250 feet of the proposed site are vacant or lack a structure. As such, character of the neighborhood takes on a more code compliant role per Section 135-9.2.2.B.2. Additionally, to add visual interest to the south elevation of the façade (facing Hartford Avenue) staff has denied the type 1 request to reduce the major façade materials requirement. This denial includes any requests not to continue the façade requirement around the corners of any street-facing façade per section 135-4.2.2.C. Staff notes that the south façade faces a higher trafficked area, that draws individuals from beyond the immediate neighborhood frequently travel. Having facades along Hartford Avenue provides a corridor with an improved physical quality of buildings, and improvement of the long-term value and durability of buildings, which is the intent of the Design Requirements of 135-4.

4. Overhead Utilities: The applicant has requested a waiver of the undergrounding of utilities requirement per section 135-9.2.1.E. The applicant has submitted a proposed project value between $150,000-$200,000. The applicant has reached out to MidAmerican Energy for a project estimate to underground those utilities. However, at the completion of this report, the applicant has not received an estimate. Without those estimates to provide a true cost-analysis of the undergrounding of the utilities, staff cannot support this waiver request.

III. STAFF RECOMMENDATION

Staff recommends approval of the Public Hearing Site Plan subject to the following conditions:

1. Removal of all references to future phases on the site plan.

2. The requested Design Alternatives and Public Hearing Site Plan Amendments are subject to revision of the site plan and building elevations to comply with all administrative review comments.

Staff recommends approval of the following Type 2 Design Alternatives:
A. Waiver of the required Fence Frontage Buffer for parking and maneuvering areas.

B. Waiver of sidewalks along SE 14th Court and SE 15th Street.

C. Waiver of transparency requirements along SE 14th Court.

D. Reduction of the major façade materials requirement along SE 14th Court.

E. Reduction or alteration of transparency requirements to allow windows to be located on the upper portions of the Hartford Avenue façade. In this case, upper portions would apply to any portion of the façade above ten (10) feet in height, or as otherwise approved by the Planning and Urban Design Administrator.

**Staff recommends denial of the following Type 2 Design Alternatives:**

A. Waiver of the sidewalk along Hartford Avenue.

B. Request to reduce the major façade materials requirements from 60% to 22% along Hartford Avenue or waive entirely. This includes a denial of the requirement to then continue facades around the corners of the building up to twenty (20) feet per Section 135-4.2.2.C.

C. Waiver of undergrounding of utilities, unless applicant can present a cost analysis that proves undergrounding the utilities would indeed provide an undue or impractical burden on the applicant.

**SUMMARY OF DISCUSSION**

Bert Drost presented the staff report and recommendation.

Chris Draper asked if a mirror would be considered transparent?

Bert Drost stated no, it would need to allow light to pass through.

Chris Draper asked if there would be any impact on the detention area by the construction of a sidewalk?

Jason Van Essen stated the Traffic and Transportation Department presented some alternative sidewalk designs, one being more of a paved shoulder.

Emily Webb asked if there were other sidewalks in the area.

Bert Drost stated there is no sidewalks along Hartford Avenue, SE 14th Court does have some segments, but they are sporadic.

Chris Draper asked how much sidewalk would be needed to make a connection at Cownie Park?
Bert Drost stated he could see it being part of an East Hartford reconstruction project.

Jason Van Essen stated the alternative paved shoulder could be something achievable without complete reconstruction.

Daniel Willrich 2323 Dixon representing Pelds Design Services stated they would like waiver of transparency given the ability to see inside the building where expensive equipment will be stored. In regard to the sidewalk, he would be uncomfortable walking along side Hartford Avenue and would rather use the trail to the north. If they were to construct a sidewalk, it wouldn’t lead or connect to any other sidewalk. They would also ask for waiver of major façade material as they want to match other buildings in the area. MidAmerican has yet to give them a cost to underground utilities and would like to leave this open until they receive a cost that might provide them opportunity to wave that requirement.

Abby Chungath asked if they were amendable to the possibility of transparent windows that are 10 feet above grade?

Daniel Willrich stated given their security perspective, they’d rather not.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present or requested to speak.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Dory Briles asked if the commission could leave the wavier for underground utilities open?

Glenna Frank stated if there are outstanding questions, the entire item should be continued.

Greg Wattier stated the commission could tie in approval by the planning administrator to the wavier of undergrounding of utilities.

Glenna Frank stated underground utilities requires a type 2 design alternative and city code is structured for those to be approved by the Plan and Zoning Commission.

Chris Draper asked if that wavier could be considered at a different time?

Bert Drost stated they would have to file a new application and pay a new site plan application fee.

Jason Van Essen stated his recommendation would be to continue the item.

Bert Drost relayed a message from the applicant that they would pay for undergrounding utilities.
Emily Webb stated a sidewalk doesn’t make a lot of sense here given the trail being a safer option.

Will Page stated a patch of pavement along the road would cause confusion to motorist.

Abby Chungath asked what the topography was like on the south side of Hartford Avenue?

Bert Drost stated it also slopes down.

**COMMISSION ACTION:**

Greg Wattier made a motion for:

Approval of the Public Hearing Site Plan subject to the following conditions:

1. Removal of all references to future phases on the site plan.

2. The requested Design Alternatives and Public Hearing Site Plan Amendments are subject to revision of the site plan and building elevations to comply with all administrative review comments.

Approval of the following Type 2 Design Alternatives:

A. Waiver of the required Fence Frontage Buffer for parking and maneuvering areas.

B. Waiver of sidewalks along Hartford Avenue, SE 14<sup>th</sup> Court and SE 15<sup>th</sup> Street.

C. Waiver of transparency requirements along SE 14<sup>th</sup> Court.

D. Reduction of the major façade materials requirement along SE 14<sup>th</sup> Court.

E. Reduction or alteration of transparency requirements to allow windows to be located on the upper portions of the Hartford Avenue façade. In this case, upper portions would apply to any portion of the façade above ten (10) feet in height, or as otherwise approved by the Planning and Urban Design Administrator.

F. Waiver of major façade materials requirements from 60% to 22% along Hartford Avenue.

Denial of the requested Type 2 Design Alternative to waive the undergrounding of utilities as the applicant has not demonstrated that it is not reasonably practicable to do so.

**THE VOTE: 10-0**
Item 9

Request from Wong Mee Loong Incorporated (owner) represented by Ling Wong (officer) for review and approval of a Public Hearing Site Plan “2611 Ingersoll Avenue Site Remodel” 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 at 2611 Ingersoll Avenue, to allow conversion of office space for restaurant use triggering site compliance.

(10-2021-7.102)

A) Waiver of the requirement to underground the existing overhead utility lines along Linden Street required per Section 135-9.2.1(E).

B) Waiver of the requirement to screen and locate rooftop mechanical equipment required per Section 135-4.5.5.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to convert a portion of the existing strip retail building from an office use to a restaurant use. This change in use triggers full site compliance. The applicant has requested waiver of two (2) requirements. 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: 20,860 square feet (0.479 acres).


4. Existing Land Use (site): The existing building is in the occupied with a variety of restaurant, bar, and office uses. The existing office use is being converted to restaurant use.

5. Adjacent Land Use and Zoning:

   North – “N5” Uses are residential.
   South – “MX2”; Uses are commercial.
   East – “MX2” & “DX2”; Uses are commercial.
   West – “MX2”; Use is commercial.

6. General Neighborhood/Area Land Uses: The subject property is located between 24th and 28th street along the north side of Ingersoll Avenue. The area contains a mix of commercial and single-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Woodland Heights Neighborhood. The neighborhood association was notified of the Commission meeting by mailing of the Preliminary Agenda for the August 5, 2021, meeting on July 19, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 26, 2021 (10 days prior to the August 5, 2021 public hearing) to the Woodland Heights 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 was mailed to the neighborhood associations on July 30, 2021.

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 Woodland Heights Neighborhood mailings were sent to Phil Kreznor, 808 25th Street, Des Moines, IA 50312.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use within a Neighborhood Node.

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. Overhead Utility and Service Line Burial Requirement: Section 135-9.2.1.E of the Planning and Design Ordinance requires that all electrical, telephone, and cable television transmission systems be placed underground whenever reasonably practical. There are existing overhead lines along the adjoining segment of Linden Street along the north property line.

   Mid-American Energy provided cost and feasibility information on Tuesday July 6, 2021. They have indicated that in order to underground all of the overhead lines along the rear of this building, the applicant would need to provide a location for a pad mount transformer for UG service and that secondary poles would be necessary on the north side of Linden Street for existing residential services. The estimated cost for undergrounding the overhead utilities is to be around $40,000. The upgrade would trigger site improvements to new transform / transformer pad, new meters and conduit secondaries to each tenant adding an additional estimated $101,065 to the project cost. Staff has concluded that it is not reasonably practical to require the undergrounding of all overhead, electrical, telephone, and cable television transmission systems due to the upgrade in electrical service cost exceeding a reasonably practicable margin cost associated with the overall project.

2. Rooftop Mechanical Screening: Section 135-4.5.5 of the Planning and Design Ordinance (City Code Chapter 135) requires rooftop mechanical equipment to be screened. The existing mechanical equipment is screened by parapet along the
south and east façade but is directly visible from the north that is adjacent to single family residential homes that are slightly elevated. Additionally, mechanical units are visible from the west.

The applicant has provided a structural analysis done by Tometich Engineering which indicates that the CMU Walls are hollow and would not support the additional snow load generated by the screening mechanism. Alterations to the walls would need to be made which include reinforcement to existing joist, the addition of additional joist to reduce the span between each, and the demolish and replacement of ceiling / wall components along the entirety of the building. The requested design alternative would not have a substantial or undue adverse effect upon adjacent: property, the character of the surrounding area or the public health, safety, and general welfare. Existing parapet walls shield views of the units from the south and east. Staff supports this Type 2 Design Alternative request.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed Public Hearing Site Plan subject to compliance with all administrative review comments.

Staff recommends approval of the Type 2 Design Alternative to waive the undergrounding of overhead utility requirement as it is not reasonably practical to do so.

Staff recommends approval of the Type 2 Design Alternative to waive the requirement to screen rooftop mechanical equipment.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Chris Draper asked if 40% cost is unreasonable, what would be the limit of reasonable?

Jason Van Essen stated there isn’t a set number, it is based on best judgment. In addition to cost, staff considered the location of the overhead lines not being on the primary street and the impact that the work would have on existing tenant to switch electrical service locations as well as to install the supports necessary to allow screening to be installed.

Glenna Frank stated other parameters considered would be if a property is located on a primary corridor, overall project cost and the value of the property.

Chris Draper asked why City staff request single spots to be undergrounded, rather than a whole run of utilities?

Bert Drost stated it is piecemeal, but the intent is that overtime an entire area would be undergrounded as properties are improved.
Chris Draper asked if it was more expensive to piecemeal rather than doing it all at once?

Jason Van Essen stated the city does not have a good way to hold property owners accountable for improvements 5-10 years down the road.

Rich Ayers 6876 Harding Street, Indianola, IA representing Ayres Design Group stated they would like to request waiver of utilities as it would cost his client $109,000, an additional $10,000 for a new transformer and the cost to rework the electrical inside the building per MidAmerican’s requirements. They did confirm the structure would not support the snow load that would come with rooftop screening and would require them to add additional steel along the entire property.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

John Franklin 2617 Linden Street stated he doesn’t have a problem with the requested waivers but is concerned with the increased traffic and the amount of dust that it will generate along the gravel portion of the street.

Will Page asked what capability the commission has to address the concerns of dust?

Bert Drost stated the commission is entitled to add conditions that would address dust.

Jason Van Essen stated applicant’s have been required to pave alleys when it was understood that traffic from their site would frequently use the alley.

Chris Draper asked for the cost associated with paving this stretch of gravel.

Jason Van Essen stated he thinks asphalt would be used as this isn’t an urban cross section. But, that staff would not be able to provide cost estimate at this time.

Will Page asked if an additional condition for this to be done was appropriate?

Bert Drost stated it would be in the commissions purview to do so.

Jason Van Essen stated that if the commission would ask for the gravel to be paved that it should be done subject to approval of the design and materials by the City Engineer.

Ricky Ayres stated replacing the parking lot is a major expense and that the gavel is in a public street, which they do not control.

Jason Van Essen asked if they considered a head-in parking configuration to get by with a single driveway so that all traffic would use the paved portion of Linden Street.

Rick Ayres stated if they were to leave it as is today, it would work just fine. Instead of a 24-foot drive, they would be slightly under that.
Jason Van Essen stated that if we are talking about just a few feet then the solution might be to offer relief of the drive aisle width and have head-in parking with a single driveway.

Rick Ayres stated the biggest obstacle would be the trash receptacle access.

Greg Wattier asked if this item could be continued to allow the applicant time to work on a single driveway design with staff.

Jason Van Essen stated the commission could approve staff recommendation which is approval of undergrounding and screening of utilities. Adjusting the driveway a few feet would not require a type 2 design alternative.

Chris Draper asked if there was a parking ratio required for this site?

Jason Van Essen stated there is, but it would be eligible for a type 1 design alternative if necessary.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Jann Freed made a motion for:

Approval of the proposed Public Hearing Site Plan subject to compliance with all administrative review comments.

Approval of the Type 2 Design Alternative to waive the undergrounding of overhead utility requirement as it is not reasonably practical to do so.

Approval of the Type 2 Design Alternative to waive the requirement to screen rooftop mechanical equipment.

Request that the applicant work with planning staff to see if the design can be altered to allow the parking lot to be accessed by a single driveway from the paved portion of Linden Street.

**THE VOTE: 10-0**
Item 10

Request from Goodrich Des Moines, LLC (owner) represented by David Rogol (officer) for review and approval of a Public Hearing Site Plan “Hubbell Avenue Self Storage” 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 2590 Hubbell Avenue, to allow loading entrances on the primary façade of the proposed Storefront type building where it is only allowed on any non-primary street or rear façade in a “MX3” Mixed Use District per Section 135-2.5.3(A)(8).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing two loading entrances in the form of overhead doors on the primary façade of the existing building on their site. The Planning and Design Ordinance requires loading entrances to be located on a rear or non-primary façade of a Storefront building in properties zoned “MX3” District. 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: 381,413 square feet (8.76 acres).

3. Existing Zoning (site): “MX3” Mixed Use District and “F” Flood District.

4. Existing Land Use (site): The site contains a vacant commercial structure previously occupied by a retail use, and a parking lot.

5. Adjacent Land Use and Zoning:
   
   North – “PUD”; Use is residential.
   South – “MX3”; Use is commercial.
   East – “F” and “P1”; Uses are commercial and civic (library).
   West – “N3b”; Use is residential.

6. General Neighborhood/Area Land Uses: The subject property is located along the west side of the Hubbell Avenue commercial corridor north of the Easton Boulevard intersection, in an area that includes a mix of commercial, residential, and civic uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Fairmont Park Neighborhood and within 250 feet of the ACCENT Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 16, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2021 (10 days prior to the public hearing) to the primary
titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Fairmont Park Neighborhood mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317. The ACCENT Neighborhood mailings were sent to Kevin Scott Marken, 2109 East 28th Street, Des Moines, IA 50317.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:
   Community Mixed Use.

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

Section 135-2.5.3(A)(8) of the Planning and Design Ordinance applicable to Storefront buildings within the “MX3” District allows for loading to occur on rear and non-primary facades only. The proposed site plan consists of a 90,971-square foot building with loading on the primary façade.

The applicant has requested for the loading entrances to be located centrally on the primary façade to allow for one access point for tenants for loading, restrooms, and the offices. They have stated that the 422-foot building setback from Hubbell Avenue means that the loading entrance location will have little to no impact on the Hubbell Avenue streetscape. They have cited concerns of disturbing residential neighbors to the west if the loading entrances are placed on a non-primary façade.

Staff believes that the loading entrances as currently designed could be moved to the non-primary north side of the building while still maintaining sufficient access. The entrance for the offices and restrooms could be moved further north along the primary façade to have the entrances closer to each other if close proximity is necessary. The proposal is not consistent with the intent of the Code and the applicant has not demonstrated that they face a practical difficulty in complying with the requirement.

III. STAFF RECOMMENDATION

Staff recommends denial of the requested Type 2 Design Alternative.

Staff recommends approval of the Public Hearing Site Plan subject to compliance with all administrative comments.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Chris Draper asked if truck traffic raised a concern to the neighborhood if the overhead doors were placed on the north?
Jason Van Essen stated staff believes it’s a good idea to not have doors on the west façade as it is near houses. Staff hasn’t seen argument from the applicant to why the overhead doors couldn’t be located on the north.

Bob Gibson 3405 SE Crossroad Drive, Grimes, IA representing Civil Design Advantage stated he believes this ordinance is intended for buildings that are closer to a street frontage, but their situation involves a building that sits 400 feet from the right-of-way. These will be used as storage units so you will not have a large amount of traffic visiting these overhead doors.

Mark Campbell 7979 East Tufts Avenue, Denver, CO stated from an operational standpoint, doors located on the north side of the building becomes a safety issue during winter. The office will be located on the front side of the building, adjacent to the proposed overhead doors. Cube Smart has been selected to manage this property which will have 1-2 managers on site 7 days a week.

Kayla Berkson noted that two ADA parking stalls are proposed to the north of the overhead doors and asked what safe route would individuals parking in those stalls have to the office doors, which would be located to the south of the overhead doors.

Bob Gibson stated there would be a total of 4 accessible stalls that all comply with ADA requirements. The ramp would pass in front of the overhead doors, but they would be there to access those overhead doors. They believe most people with accessibility issues will drive their cars into the building to access their storage unit.

Mark Campbell stated the overhead doors will be automatic and have safety arms that will require vehicles to stop before entering the building.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Valerie Madison 2716 Sampson Street stated she was here tonight on behalf of her neighbors as they do not want another storage building. They have one on Guthrie Avenue and the U-Haul where K-Mart used to be. They would like to see a grocery store in this location as they must travel outside of Des Moines to get groceries.

Mark Campbell stated last year 13,000 retail stores closed nationwide, including the location in question which used to be a Gordmans. If there was a grocery store demand, they would have rather done that, but people are starting to have everything delivered.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jann Freed stated the commission does not have influence the proposed use as that has already been determined.

Dory Briles stated that is correct, tonight we are discussing site plan issues not the use of the property.
Will Page stated the very high parapet is something that immediately catches your attention and serves as a commercial welcome. This welcoming feature is allowing the building to tell you where to go and it would be a disturbance to move the overhead doors to the north side of the building.

COMMISSION ACTION:

Will Page made a motion for:

Approval of the requested Type 2 Design Alternative to allow loading entrances on the primary façade of the building.

Approval of the Public Hearing Site Plan subject to compliance with all administrative comments.

THE VOTE: 10-0

Item 11

Request from Walnut Creek Community Church (owner) represented by Jon Shreiner (officer) for review and approval of a Public Hearing Site Plan “Walnut Creek Church South” 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 at 3516 SE 14th Street, to allow development of a Civic type building in a “P2” Public, Civic, and Institutional District for Assembly - Place of Worship use. (10-2021-7.122)

A) Waiver of the requirement for a principal entrance on the primary frontage façade per Section 135-2.10.3(D)(18).

B) Allow surface parking within the side yard where surface parking is only allowed in the rear yard or limited side yard per Section 135-2.10.3(A)(8).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to provide the principal entrance to the building on a non-primary façade and to expand the existing surface parking lot that is in the side yard. The Planning and Design Ordinance requires a principal entrance on the primary frontage facade of a Civic building and for surface parking to be allowed only in the rear or limited side yard in properties zoned “P2” District. 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: 198,250 square feet (4.55 acres).
3. **Existing Zoning (site):** “P2” Public, Civic, and Institutional District.

4. **Existing Land Use (site):** The site contains a civic structure previously occupied by a church use, a storage shed, a house with garage, and a parking lot.

5. **Adjacent Land Use and Zoning:**
   - **North** – “MX2” and “MX2-V; Uses are commercial and residential.
   - **South** – “N3a”; Use is residential.
   - **East** – “MX3-V”; Uses are commercial and residential.
   - **West** – “N3a”; Use is residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the west side of the Southeast 14th Street commercial corridor south of the Indianola Street intersection, in an area that includes a mix of commercial, civic, and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the South Park Neighborhood and within 250 feet of the Pioneer Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 16, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2021 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The South Park Neighborhood mailings were sent to Chris Kuhl, 617 East Miller Avenue, Des Moines, IA 50315. The Pioneer Park Neighborhood mailings were sent to Scott Jimmerson, 1907 East Lacona Avenue, Des Moines, IA 50320.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use and Low Density Residential.

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

   - Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic
Plan and Zoning Commission

Minutes of Meeting

Des Moines, Iowa

August 5, 2021

Page 53

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
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

A. Principal Entrance: Section 135-2.10.3(D)(18) of the Planning and Design Ordinance applicable to Civic buildings within the “P2” District requires a minimum of one principal entrance on the primary frontage façade. The proposed site plan consists of a building with the principal entrance on the western (non-primary) façade of the expansion, rather than on the primary façade. The proposed principal entrance faces the parking lot and rear yard of the site. Staff believes that the applicant could provide a principal entrance on the primary façade of the building. The proposal is not consistent with the intent of the Code and the applicant has not
demonstrated that they face a practical difficulty in complying with the requirement. Staff is not supportive of this Type 2 Design Alternative.

B. **Surface Parking:** Section 135-2.10.3(A)(8) of the Planning and Design Ordinance applicable to Civic buildings within the “P2” District allows for surface parking within in the rear yard or limited side yard. The proposed site plan expands the existing surface parking lot into the rear yard of the property and does not remove the existing side yard surface parking. The requested design alternative would not have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety, and general welfare. Staff supports this Type 2 Design Alternative request.

II. **STAFF RECOMMENDATION**

Staff recommends denial of the Type 2 Design Alternative for a waiver of the requirement for a principal entrance on the primary frontage façade.

Staff recommends approval of the Public Hearing Site Plan subject to compliance with all administrative comments, and the Type 2 Design Alternative to allow surface parking within the side yard where surface parking is only allowed in the rear yard or limited side yard.

**SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendation.

Jon Schreiner 3516 SE 14th Street stated the space is very limiting between services as they try to get people in and out. They currently have 175 members, are looking to expand and have the space to spread out given all the uncertainties with COVID-19.

Josh Williams 305 East Court Avenue representing Slingshot Architecture stated the primary entrance should be located off the parking lot as this site is mainly visited by vehicle. The building is setback 150 feet. Also, the grade sloping away from the building makes it difficult to construct ramps and stairs which would be minimized if the primary entrance remains on the west side.

Ryan Hardsy 3405 SE Cross Road Drive, Grimes, IA stated the existing parking is located in the side yard and would cost around $200,000 to move and replace 28,000 square feet of paving. They agree with the staff recommendation to allow surface parking within the side yard.

Chris Draper asked if a door was placed on the east side, would that require a ramp, or would stairs be fine?

Jason Van Essen stated that if they have multiple routes, they may not have to have every route be ADA accessible.

**CHAIRPERSON OPENED THE PUBLIC HEARING**
No one was present or requested to speak.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Abby Chungath stated she appreciates the sidewalk from the street to the church and isn’t convinced there needs to be a door on the east facade.

Chris Draper stated he doesn’t see a reason to go against staff recommendation.

Todd Garner stated it’s a good gesture to bring the inside activity to the street with the large windows, which is something a lot of churches do not do. Also noted the buildings setback from the street.

**COMMISSION ACTION:**

Emily Webb made a motion for:

Approval of a Type 2 Design Alternative waiving the requirement for a principal entrance on the primary frontage façade.

Approval of a Type 2 Design Alternative to allow surface parking within the side yard where surface parking is only allowed in the rear yard or limited side yard.

Approval of the Public Hearing Site Plan subject to compliance with all administrative comments.

**THE VOTE:** 8-1-1 (Greg Wattier abstained from the vote and Chris Draper voted in opposition).

committee and Director’s Reports:

Will Page asked for a city organizational chart be sent to the commission.

Jann Freed asked what the current status was of the sidewalk committee?

Jason Van Essen stated the current code amendments include the ability for staff to approve type 1 design alternatives for priority 2 and 3 routes. If it’s a priority 1 route, there would be the possibility of an escrow agreement that the applicant can pay into as an option to having to install a walk.

Meeting adjourned at 8:52