PLAN AND ZONING COMMISSION RULES AND PROCEDURES

1. The Plan and Zoning Commission is generally an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all matters before the Commission other than Site Plans and Subdivision Plats, unless denials or conditional approvals thereof are appealed. Please contact the City Clerk or Development Services Department staff for details on Council hearings.

2. Applicant will be given 10 minutes to present the request.

3. Proponents and then opponents from the public are then allowed to speak in that order, with each speaker allowed a maximum of 5 minutes.

4. Applicant is then allowed five (5) minutes for a rebuttal.

5. The hearing will then be closed and the Commission will discuss and vote on the issue.

6. All comments are to be germane to the item under consideration and speakers are to maintain a courteous manner.

7. Items listed on the consent portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Commission requests that the item be removed from the consent agenda and considered separately under the public hearing agenda.

8. The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. Assistive Listening Devices are available for meetings in the MSC Board Room. To better serve you, when possible please notify us at least three business days in advance at 515-283-4209, should special accommodations be required.

9. Plan and Zoning Commission meetings are broadcast live on Mediacom Government Access Channel 7 or 777 (HD) for customers with that local cable service, or online through the YouTube application at the following internet link: https://www.youtube.com/CityOfDesMonesIowa/

Note: There is not a scheduled early session.

6:00 ROLL CALL & APPROVAL OF MINUTES

CONSENT PUBLIC HEARING ITEMS

1. Request from Hy-Vee, Inc. (owner), represented by John Brehm (officer), for review and approval of the following for property located at 2540 East Euclid Avenue:

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

   B) Rezone property from “MX3” Mixed Use District to “CX” Mixed Use District to bring the existing Large-Format Retail Sales use into a zoning district that is more within the in line with the intent of the Zoning Ordinance for the use including but not limited to accessory outdoor sales with kiosk and canopy for vehicular pick up on online purchases.

   (ZONG-2021-000005)
2. Request from Deborah Darge (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 located at 2908 53rd Street, to allow construction of a 320-square foot detached garage in the rear yard that would be within 2 feet of the south side property line, where a 5-foot minimum setback is required by Section 135-2.22.2(C)(1).
   (BLD2021-00781)

Item 3 is continued from the August 5, 2021, meeting of the Commission.

3. 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) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for 4131 East 14th Street from Community Mixed Use to Industrial.
   (ZONG-2021-000019)

   C) Rezone property from “MX3-V” Mixed Use District and “I1-V” Industrial District to “I1” Industrial District to remove the prohibitions on Vehicle Sales and Trucking and Transportation Terminal uses, and to allow Major Vehicle Maintenance/Repair uses.
   (ZONG-2021-000003)

4. Request from Oakview Terrace I, LP (owner), represented by J.B. Conlin (officer), for review and approval of a Public Hearing Site Plan “Oakview Terrace” 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 located at 3201 30th Street, to waive the required undergrounding of the utility service line to the northwestern building as required by Section 135-9.2.1(E).
   (10-2021-7.119)

PUBLIC HEARING ITEMS

5. Request from Best Food Mart Inc., represented by Natalie Carran (officer), for review and approval of a Public Hearing Site Plan “A-Mart Convenience” for the following Type 2 Design Alternatives and denied Type 1 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B) on property located at 4028 East 14th Street, to allow expansion of a Commercial Cottage Building Type for Retail Sales, Limited Use and Fueling Station. The subject property is owned by Bhajan Aulakh.
   (10-2021-7.126)

   A) Allow a primary frontage build-to-zone of approximately 72 feet, which is approximately 52 feet beyond the maximum build-to-zone threshold of 20 feet, per Section 135-2.6.3(A)(3).

   B) Allow parking and fueling station parking to be located in the front yard and side yard instead of the required rear or limited side yard, per Section 135-2.6.3(A)(8).

   C) Waive the requirement for all electric, phone, cable television, and transmission systems to be placed underground, per Section 135-9.2.1(E).

6. Request from John Collins (applicant) for review and approval of a Public Hearing Site Plan “Collins New and Used Tires” for the following Type 2 Design Alternatives in
accordance with City Code Sections 135-9-2.4(B) and 135-9-3.1(B), on property located at 2266 Hubbell Avenue, to allow a building addition and other site improvements.

(10-2021-7.83)

A) Allow reduction of the window transparency on the primary façade from 65% to 17%, per Section 135-3.8.3.

B) Allow use of vinyl siding as a primary building material, per Section 135-4.1-1.

C) Allow retention of an existing 6-foot tall chain link fence along the perimeter of the site, per Section 135-7.7.

D) Allow overhead door on the primary façade facing Hubbell Avenue, per Section 135-2.9.3.A.8

7. Request from Tasty King (business owner) represented by David York (officer), for review and approval of a Public Hearing Site Plan “Burger King on MLK” for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9-2.4(B) and 135-9-3.1(B), on property located at 2222 Martin Luther King Jr. Parkway, to allow expansion of existing drive-through and other building improvements.

(10-2021-7.90)

A) Waiver of the requirement to underground the existing overhead utility lines along Martin Luther King, Jr. Parkway and Hickman Road required, per Section 135-9.2.1(E).

B) Allowance of drive-through facility on the front façade of the building when limited to an interior side or rear façade, per Section 135-2.22.3.D.

C) Waiver of streetscape requirements requiring full pavement, from pedestrian walk to curb, with tree beds, per Section 135-7.6.4.B.

OTHER ITEMS

8. Committee and Director’s Reports.