Due to the increased community transmission of COVID-19 in Polk County, we have implemented a face covering requirement in City buildings. The requirement applies to both staff and the visiting public and includes attendance at Commission meetings. If you do not have a face covering, one will be provided for you.

**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/CityOfDesMoinesIowa/](https://www.youtube.com/CityOfDesMoinesIowa/)

**Note:** There is not a scheduled early session.

**6:00 ROLL CALL & APPROVAL OF MINUTES**

**CONSENT PUBLIC HEARING ITEMS**

1. Request from Douglas & Sarah Wells (owners) for review and approval of the following for property located in the vicinity of 520 and 530 42nd Street:

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

   B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low-Medium Density Residential to Neighborhood Mixed Use. (ZONG-2021-000009)
C) Rezone property from “NX1” Neighborhood Mix District to “RX1” Mixed Use District to bring the existing legal nonconforming Professional Office uses within the existing buildings into conformance with the Zoning Code.  (ZONG-2021-000008)

PUBLIC HEARING ITEMS

Item 2 is continued from the August 19, 2021, meeting of the Commission.

2. 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).

3. Request from Eastgate Plaza, LLC (owner), represented by Norman Weinstein (officer) and Net Lease Development, LLC (purchaser), represented by Mark Huonder (officer), for review and approval of a 6th amendment to the Eastgate Plaza PUD Conceptual Plan on property located in the vicinity of 1500 East Euclid Avenue, to allow development of a 2.09-acre parcel with a restaurant building with a drive-up window and a multiple-tenant commercial building.  (ZONG-2021-000013)

4. Request from Nancy Henderson (owner) for review and approval of a Public Hearing Site Plan and 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 4200 Foster Drive, to allow construction of a 528-square foot detached garage in the side yard. The garage would be setback 45 feet from the corner (street side) lot line along Foster Drive, while the existing house is setback 68 feet from this corner (street side) lot line. Section 135-2.22.1[D][3][a] Code does not allow a detached garage to extend closer to the front or corner lot line than the principal structure.  (BLDR-2021-000137)

5. Request from Visiting Nurse Services of Iowa dba EveryStep (owner), represented by Lynn Michl (trustee), for review and approval of a Public Hearing Site Plan “Kavanagh House Building Addition and Deck Expansion” for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 900 56th Street, to allow site improvements for a General Building occupied by an Assisted Living Facility use.  (10-2021-7.148)

A) Waiver of required public sidewalk installation along 56th Street, per Section 135-8.5.2. (denied Type 1)
B) Waiver of the requirement to underground the existing overhead utility lines, per Section 135-9.2.1(E).

C) Waiver of street trees, per Section 135-7.5. (denied Type 1)

6. Request from On Point Investments LLC (owner), represented by Mitch Coluzzi (officer), for review and approval of a Public Hearing Site Plan and for Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 2406 Woodland Avenue.

   A) Waiver of the requirement that a two-household use may only occupy a structure that was constructed for two household units, per Section 135-2.16.3[E][4][a].

   B) Waiver of the requirement that allows no more than 25% of a front yard area to be covered with an impervious surface, per Section 135-2.16.3[E][2], in order to allow 33.8% of the front yard area to be covered with an impervious surface.

   C) Waiver of the requirement to construct a minimum 120-square foot storage shed for each household unit (two sheds total) in lieu of the required garage, per Section 135-2.16.3[E][5].

7. Request from Jose Chavez (owner) for review and approval of a Public Hearing Site Plan and 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 1420 East 16th Street, to allow an attached carport to be constructed within 2 feet of the north side lot line where a 7-foot setback is required per Section 135-2.14.3.A.5. (BLDR-2021-000215)

OTHER ITEMS

8. Committee and Director’s Reports.