Applicant: Israel Chavez (owner).

Location: 1209 East 16th Street.

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

Part B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use to Low Density Residential.

Part C) Rezone property from “MX1” Mix-Use District to “N3a” Neighborhood District to allow construction of a one-household dwelling.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to rezone the subject property in order to facilitate construction of a single-household dwelling.

Any future construction or site improvements would be subject to compliance with a site plan. Staff notes that the submitted rezoning application included a house plan that would require Residential Planning Review to ensure compliance of the House Type with the proposed Zoning.

2. Size of Site: The subject property is a regularly shaped parcel measuring 50-foot by 133-foot (6,650 square feet or 0.153 acres).


4. Existing Land Use (site): The subject property consists of a vacant lot.

5. Adjacent Land Use and Zoning:

   North – “N3a”; Use is surface parking lot for religious assembly.

   South – “MX1”; Uses are single-household residential and surface parking lot for religious assembly.

   East – “MX1”; Use is religious assembly and surface parking lot.

   West – “MX1”; Use is religious assembly.

6. General Neighborhood/Area Land Uses: The subject property is located along the east side of East 16th Street north of the intersection with East University Avenue.
The area consists of a mix of commercial, one- and two-household residential, and religious assembly uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Martin Luther King Jr. Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021 and by mailing of the Final Agenda on September 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the public hearing) and September 3, 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 Martin Luther King Jr. Park Neighborhood mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316.

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:** None.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Neighborhood 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 property is designated “Neighborhood Mixed Use”. Plan DSM describes this designation as follows:

   *Neighborhood Mixed Use*
   
   Small-scale mixed-use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood
and include small retail, offices, restaurants, and service-oriented development. Low-medium density residential may be included in mixed use development.

The applicant is proposing to rezone the subject property from “MX1” District to “N3a” District. The Zoning Ordinance states that “MX1” District is intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods. It also states that the “N3a” District is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.

Based on these designations, the proposed “N3a” Mixed Use District zoning would be found in conformance with the Comprehensive Plan designation of Neighborhood Mixed Use and any land use amendment request is moot.

2. **Planning and Design Ordinance:** Any future construction or redevelopment of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City 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 Neighborhood Mixed Use.

Part B) Staff determined the proposed rezoning would be in conformance with the existing PlanDSM Creating Our Tomorrow Comprehensive Plan of Neighborhood Mixed Use and any land use amendment request is moot.

Part C) Staff recommends approval of the request to rezone the subject property from “MX1” Neighborhood Mix District to “N3a” Mixed Use District.
### Applicant
NMDP Holdings, LLC (owner) represented by Adam Peterson (officer).

### Location
3312 East Granger Avenue.

### Requested Action:

<table>
<thead>
<tr>
<th>Part</th>
<th>Action</th>
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<tbody>
<tr>
<td>A)</td>
<td>Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.</td>
</tr>
<tr>
<td>B)</td>
<td>Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Industrial. (ZONG-2021-000011)</td>
</tr>
<tr>
<td>C)</td>
<td>Rezone property from “EX” Mixed-Use District to “I2” Industrial District to allow an expansion of existing operations. (ZONG-2021-000012)</td>
</tr>
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</table>

### GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow for site improvements and an expansion of operations for PDM Precast, the current user of the site. Additionally, a rezoning would provide the opportunity for the applicant to request a Conditional Use approval from the Zoning Board of Adjustment for an Intensive Fabrication and Production Use (e.g., manufacturing of concrete and/or steel products).

2. **Size of Site:** Approximately 27.27 acres.

3. **Existing Zoning (site):** “EX” Mixed-Use District.

4. **Existing Land Use (site):** PDM Precast manufacturing facility. Prestressed structural and precast concrete, structural, and steel products are manufactured, stored, and distributed from this site. There are multiple buildings on the property, housing a mix of production, warehousing, or office/administrative activities.

5. **Adjacent Land Use and Zoning:**
   - **North** – “EX”; Use is a salvage yard.
   - **South** – “EX”; Use is a salvage yard.
   - **East** – “EX”; Use is a quarry/outdoor materials storage.
   - **West** – “EX-V”; Use is a food products processing facility.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of Granger Avenue, east of the intersection of Granger Avenue and SE 30\(^{th}\) Street. The surrounding area is composed almost exclusively of industrial-type uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the hearing) and September 3, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on September 10, 2021.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** On October 14, 2012, the Board of Adjustment, by Docket ZON2012-00175, granted appeals for a Variance of the provision that requires any drive aisles, parking lots, and areas used for temporary storage of vehicles to be paved with an asphaltic or Portland Cement Concrete binder pavement or a dustless surface approved by the City Engineer, to allow expansion of the business involving the manufacturing of concrete products on the 27.27-acre parcel, subject to the appellant installing paving for the two western drive approaches in substantial conformance with the dimensions (length and width) as shown on the site sketch submitted with the application.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as “Business Park” on the Future Land Use Map. PlanDSM describes this designation as follows:
BUSINESS PARK
Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The proposed “I2” District zoning requires the “Industrial” designation on the Future Land Use Map in order to find the proposed rezoning in conformance with PlanDSM. Staff believes that the requested amendment to designate the future land use to Industrial is necessary and appropriate.

Industrial is described as follows:

INDUSTRIAL
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.

The Zoning Ordinance states that “I2” Industrial Districts are intended for “general and higher intensity industrial uses as well as warehousing and transportation terminals.” Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed the “I2” Industrial District in order to make site improvements and expand concrete and steel manufacturing operations at the site, which are activities that are defined under the Zoning Ordinance as an Intensive Fabrication and Production use.

Staff believes that the “I2” Industrial District designation is compatible with the uses and aesthetic design that currently exist at the site and in the surrounding area. The site can remain compatible with applicable “I2” Industrial District regulations provided that future site improvements incorporate contemporary site design and landscaping principles, appropriate levels of organized outdoor storage, a plan for a clean property that minimizes impacts to adjacent property owners, and new building construction that conforms to the Workshop/Warehouse and General Building Types described in Chapter 135 of the Municipal Code. Provided that any future property improvements conform to the criteria listed above, Staff recommends approval of the requested “I2” Industrial District.

2. Planning and Design Ordinance: Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for any proposed additions or modifications for review before the property can be occupied by the proposed use.
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 not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends approval of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial.

Part C) Staff recommends approval of the requested rezoning from “EX” Mixed Use District to “I2” Industrial District.
**CITY OF DES MOINES PLAN & ZONING COMMISSION**
**STAFF REPORT AND RECOMMENDATION**
**Thursday, September 16, 2021**

| AGENDA ITEMS #3A – #3C | 21-2021-4.18 & ZON2021-00069 |

**Applicant:** MidAmerican Energy Company (owner) represented by Ryan Stansbury (officer).

**Location:** 2399 East County Line Road.

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

Part B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial. (21-2021-4.18)

Part C) Rezone property from “EX-V” Mixed Use District to “I2” Industrial District to allow modification of the existing electrical utility service center and to allow for request of a Conditional Use from the Zoning Board of Adjustment for above-ground storage of flammable liquids, which is interpreted as an Intensive Fabrication and Production use, and for a Junk and Salvage Yard use. (ZON2021-00069).

*Item #3 is continued from the June 17, 2021, meeting of the Commission.*

**GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow modification of the existing electrical utility service center and provide the opportunity for the applicant to request a Conditional Use approval from the Zoning Board of Adjustment for above-ground storage of flammable liquids.

2. **Size of Site:** Approximately 15.45 acres.

3. **Existing Zoning (site):** “EX-V” Mixed Use District. Vehicle sales and rental uses are prohibited in zoning districts with the “V” extension.

4. **Existing Land Use (site):** MidAmerican Energy service center.

5. **Adjacent Land Use and Zoning:**

   - **North** – “N2b”; Use is undeveloped land.
   - **South** – “EX-V”; Use is undeveloped land.
   - **East** – “EX”; Use is undeveloped land.
   - **West** – “EX-V”; Uses are one household dwellings and undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject property is located near the intersection of Southridge Boulevard/U.S. Highway 69 and East County Line Road/Indianola Avenue. The area contains a mix of commercial, industrial, agricultural and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the hearing) and September 3, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on September 10, 2021.

   The applicant can provide a summary of the neighborhood meeting at the public hearing.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as “Business Park” on the Future Land Use Map. PlanDSM describes this designation as follows:

   BUSINESS PARK
   Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.
The proposed “I2” District zoning requires the “Industrial” designation on the Future Land Use Map for the rezoning to be found in conformance with PlanDSM.

The Industrial designation is described as follows:

**INDUSTRIAL**

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.

The Zoning Ordinance states that “I2” is intended for general and higher intensity industrial uses as well as warehousing and transportation terminal.” Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed “I2” Industrial District in order to have flexibility to provide above ground storage tanks for flammable liquids, which is defined under the Zoning Ordinance within the Intensive Fabrication and Production description.

The applicant is also proposing the possibility for outside storage of salvage material or inoperable vehicles and machinery. This would fall within the use description of Junk/Salvage Yard. Both these possible uses would require the “I2” Industrial District zoning, as well as a further approval of a Conditional Use by the Zoning Board of Adjustment.

2. **Large-Scale Development Plan:** The applicant provided the required Large-Scale Development Plan (LSDP) with the rezoning when it exceeds 5 acres in area. The submitted LSDP depicts the concept for the property development. It shows proposed buildings, parking area, fuel islands, outside storage area, open space and storm water detention. There are two proposed vehicular access drives on the south frontage of East County Line Road. A drainage path is shown along the east property line but does not show a stormwater basin.

3. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations, for any proposed additions or modifications.

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 not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation for the subject property from Business Park to Industrial.

Part C) Staff recommends approval of the proposed rezoning of the subject property from “EX” Mixed Use District to “I2” Industrial District.
Applicant: MidAmerican Energy Company (owner) represented by Ryan Stansbury (officer).

Location: Vicinity of 2400 East County Line Road.

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

Part B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park.

Part C) Rezone a 3.49-acre portion of the property from “N2b” Neighborhood District to “EX” Mixed Use District, to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office Use.

GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow redevelopment of crop land for a new data service center. The applicant previously proposed rezoning a larger area that included the subject property to “I1” District. This request was heard by the Commission on May 20, 2020. It was withdrawn by the applicant prior to it being considered by the City Council due to a change in plans by the applicant.

2. Size of Site: 3.49 acres.

3. Existing Zoning (site): “N2b” Neighborhood District.

4. Existing Land Use (site): Undeveloped land used for crop production.

5. Adjacent Land Use and Zoning:

   North – “N2b”; Use is undeveloped land owned by the applicant.

   South – “EX-V”; Use is existing MidAmerican Energy facility with Professional Offices, Vehicle Maintenance and Repair, and Outdoor Equipment and Materials Storage uses.

   East – “N2b”; Use is undeveloped land owned by the applicant.

   West – “N2b”; Use is undeveloped land owned by the applicant.

6. General Neighborhood/Area Land Uses: The subject property is located near the intersection of Southridge Boulevard/U.S. Highway 69 and East County Line
Road/Indianola Avenue. The area contains a mix of commercial, industrial, agricultural and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the hearing) and September 3, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on September 10, 2021.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** The subject property was zoned from “R1-80” One Family Residential District and “A-1” Agricultural District to “N2b” Neighborhood District as part of the citywide Zoning Map update effective on December 15, 2019.

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

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as “Low Density Residential” on the Future Land Use Map. PlanDSM describes this designation as follows:

   **LOW DENSITY RESIDENTIAL**
   Areas developed with primarily single family and two-family residential units with up to 6 dwelling units per net acre.

The applicant is proposing to rezone the property from “N2b” District to “EX” District. The Zoning Ordinance states that “N2b” is intended for contemporary, mid-sized lots for single- and two-household residential houses with a more flexible building form.
and located in contemporary neighborhoods pursuant to the House A building type in Section 135-2.13 of the Municipal Code.”

The proposed “EX” District zoning requires the “Business Park” designation on the Future Land Use Map for the proposed rezoning to be found in conformance with PlanDSM.

The Business Park designation is described as follows:

**BUSINESS PARK**

*Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.*

The Zoning Ordinance states that “EX” is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses. Building types allowed in this district include the Storefront, Commercial Cottage, General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed “EX” Industrial District in order to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office use.

In reviewing the surrounding context of uses within the area staff believes that the Workshop/Warehouse and General Building Types for Office and Data Center uses can be compatible with aesthetic design and site development that is clean and conforms to the Site Plan requirements in Chapter 135 of the Municipal Code. Therefore, Staff recommends approval of the requested “EX” Business Park District.

2. **Large-Scale Development Plan:** The applicant provided the required Large-Scale Development Plan (LSDP) with the rezoning when it exceeds 5 acres in area. The submitted LSDP depicts the concept for the property development. It shows proposed buildings, parking area, outside storage area, open space and storm water detention. There is proposed vehicular access on the west. Stormwater is showing to be collected in a stormwater basin at the north of the property.

3. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use.
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 not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Business Park.

Part C) Staff recommends approval of the proposed rezoning from “N2b” Neighborhood District to “EX” Mixed Use District.
AGENDA ITEM #5  BLDR-2021-000080

Applicant: Brian Mahoney (owner).

Location: 4100 SW 7th Street.

Requested Action: Review of a Public Hearing Site Plan for the following Type 2 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, for waiver of the dormer and gable design requirement for 1- and 1.5-story buildings under House D building type, where the ridge line is parallel to the street. Section 135-2.16.3.D.23 requires at least 1 dormer or gable end for every 24 feet of continuous ridgeline.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a one-household dwelling on a corner lot. The property is zoned “N5” District, which requires the house to be reviewed against the House D building type. City Code Section 135-2.16.3.D.23 requires at least 1 dormer or gable end for every 24 feet of continuous ridgeline that is parallel to a street. The applicant is requested waiver of the requirement that two (2) dormers or gable ends must be provided for the side ridgeline parallel to Marion Street. Design alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.

2. Size of Site: 48 feet by 138 feet (6,655 square feet).

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

4. Existing Land Use (site): One-household dwelling.

5. Adjacent Land Use and Zoning:

   North – “N5”; Use is a one-household dwelling.
   South – “N5”; Use is a one-household dwelling.
   East – “N5”; Use is a one-household dwelling.
   West – “N5”; Use is a one-household dwelling.

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

7. Applicable Recognized Neighborhood(s): The subject property is in the Watrous Heights Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021 and by mailing of the Final Agenda on September 10, 2021. Additionally, separate notifications of the
hearing for this specific item were mailed on September 3, 2021 (10 days prior to the public hearing) to the Watrous Heights 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 Watrous Heights Neighborhood mailings were sent to David Johnston, 604 Philip Street, Des Moines, IA 50315.

8. Relevant Zoning History: N/A.


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. Staff Analysis: The applicant is seeking waiver of the dormer and gable design requirement for 1- and 1.5-story buildings under House D building type, where the ridgeline is parallel to the street. City Code Section 135-2.16.3.D.23 requires at least 1 dormer or gable end for every 24 feet of continuous ridgeline. Staff believes that the design of the home appropriately matches the intent of House D design requirements and that the dormer and gable would be an unnecessary addition. The proposed house design is in character with the surrounding homes and neighborhood.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Public Hearing Site Plan and Type 2 Design Alternative.
AGENDA ITEM #6

Applicant: Sonia Nash (owner), represented by Ryan Koster (contractor).

Location: 5116 SW 13th Street.

Requested Action: Review of a Public Hearing Site Plan for the following Type 2 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, to allow a previously constructed addition to the front of the existing House B building type, where the addition would be within 14.87 feet of the east property line, which would be 10.83 feet less than the minimum required 25.67 average front yard setback required, as calculated per City Code Section 135-2.14.3.A.3.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is requesting relief of the minimum front yard setback requirement in order to retain a previously constructed addition and front porch. 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: 60 feet by 140 feet (8,461 square feet).

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

4. Existing Land Use (site): One-household dwelling.

5. Adjacent Land Use and Zoning:

   - **North** – “N3a”; Use is a one-household dwelling.
   - **South** – “N3a”; Use is a one-household dwelling.
   - **East** – “N3a”; Use is a one-household dwelling.
   - **West** – “N3a”; Use is a one-household dwelling.

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

7. Applicable Recognized Neighborhood(s): The subject property is in the Watrous South Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021 and by mailing of the Final Agenda on September 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on September 3, 2021 (10 days prior to the public hearing) to the Watrous South 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 Watrous South Neighborhood mailings were sent to James Spiller, PO Box 35845, Des Moines, IA 50315.

8. Relevant Zoning History: N/A.


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. Staff Analysis: The applicant is seeking relief of the required front yard setback in order to retain a previously constructed addition to the front of the existing single-household dwelling. The house on the lot adjacent to the north has a similar front setback. Therefore, Staff believes that this addition is in character with the surrounding homes and neighborhood.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Type 2 Design Alternative.
Applicant: Best Foods Mart, Inc. (Owner) represented by Natalie Carran. The subject property is owned by Bhajan Aulakh.

Location: 4028 East 14th Street.

Requested Action: Review and approval of a Public Hearing Site Plan "A-Mart Convenience Store, 4028 East 14th Street" for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4.B and 135-9.3.1.B, to allow development of a 3,588-square foot Commercial Cottage Building Type for Retail Sales, Limited use and fueling Station. The subject property is owned by Bhajan Aulakh.

Part A) Allow the primary frontage build-to-zone to 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.

Part B) Allow parking and fueling station parking to be located in the front yard instead of the required rear or limited side yard per Section 135-2.6.3.A.3.

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

The applicant has requested a continuance to the October 17, 2021 Plan and Zoning Commission meeting so they can receive the feasibility information regarding undergrounding of utilities from MidAmerican Energy Company.

I. GENERAL INFORMATION

1. Purpose of Request: The proposed site plan would allow renovation of an existing 2,470-square foot Commercial Cottage building type for a Retail Sales, Limited use with a fueling station. The Site Plan would also allow for three parking stalls on the southern portion of the subject property and two stalls on the northern portion of the subject property, including the fueling station on the eastern portion of the subject property.

2. Size of Site: 72,000 square feet (1.653 acres).

3. Existing Zoning (site): "MX3-V" Mixed Use District, excluding vehicle sales.

4. Existing Land Use (site): The subject property contains an existing 2,470-square foot building with a retail sales/fueling stations, limited use.

5. Adjacent Land Use and Zoning:
North – “I1-V”, Uses are light industrial.

South – “MX3-V”, Use is commercial service and auto sales.

East – “MX3-V”, Uses consist of commercial services.

West – “N3a”, Use consists of vacant, undeveloped land.

6. General Neighborhood/Area Land Uses: The subject property is located along East 14th Street and is located within the Highland Park neighborhood.

7. Applicable Recognized Neighborhood(s): The subject property is in the Highland Park Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on August 5, 2021 and the Final Agenda on August 13, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 9, 2021 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Highland Park Neighborhood Association mailings was sent to Sherri Rosener, at 1206 Oak Park Ave, Des Moines, IA 50313.

8. Relevant Zoning History: On November 9, 2020, the City Council adopted Ordinance No. 15,941 to rezone the property from “MX1-V” Mixed Use District to Limited “MX3-V” Mixed Use District subject to the following conditions:

A) The only Permitted and Conditional Uses on the Property shall be sales of packaged alcoholic liquor following and subject to approval of a Conditional Use by the Zoning Board of Adjustment, and those Permitted and Conditional Uses in common with and as limited by the MX1 Mixed Use District.

B) Accessory structures located on the Property shall be limited to those permitted in the MX1 Mixed Use District in accordance with Des Moines Municipal Code Chapter 135, Table 135-2.22-1.

On June 23, 2021, the Zoning Board of Adjustment approved a Conditional Use for the property to allow the sale of liquor, wine and beer, subject to the following conditions.

A) The sale of alcoholic liquor, wine and/or beer shall only be ancillary to a “Retail Sales, Limited” use, where no more than 40% of gross receipts from sales on the premises may be derived from the sale of alcoholic liquor, wine, beer and/or tobacco products.
B) The business selling alcoholic liquor, wine and/or beer shall operate in accordance with the necessary permit or license obtained through the Office of the City Clerk as approved by the City Council.

C) The business selling alcoholic liquor shall only display liquor in a locked case or behind a counter accessible only to employees, employ an electronic security cap or tag system on all containers of alcoholic liquor on display, or have more than one employee on duty at all times the business is open to the public.

D) The business shall conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.

E) The business shall institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.

F) The business shall not dispense alcoholic beverages from a drive-through window.

G) Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of the business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

H) Parking areas provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site shall be landscaped and illuminated so as to minimize hiding places for possible criminal activity.

I) Any construction on the site shall be in compliance with all applicable Building and Fire codes, with issuance of all necessary permits by the Permit and Development Center.

J) If the Zoning Enforcement Officer determines at any time that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the Conditional Use or the requirements contained in City Code Section 134-3.8.1, the Zoning Enforcement Officer may apply to the Board to reconsider the issuance of the Conditional 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:
  - 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 INFORMATION

1. Design Alternatives Requested: The following Type 2 Design Alternatives have been requested:

   A) Allow the primary frontage build-to-zone to 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. This would permit a longer distance between the primary street and the primary building frontage.

   B) Allow parking and fueling station parking to be located in the front yard instead of the required rear or limited side yard per Section 135-2.6.3.A.3. The fueling station with an associated canopy is located in the front yard of the subject property, located on the eastern portion of the subject property. This would permit the fueling station parking to stay in the front yard.

   C) Waive the requirement to underground all electric, phone, cable television, and transmission systems, per Section 135-9.2.1.E. This would permit the existing electrical and transmission lines to remain running overhead, along E 14th Street.

2. Staff Rationale: Staff is supportive of the applicant’s request to continue the public hearing on this item to the October 7, 2021 Plan and Zoning Commission meeting.

III. STAFF RECOMMENDATION

Staff recommends that the Commission continue this item to the October 7, 2021, meeting date to allow the applicant additional time to receive the feasibility information regarding undergrounding of existing overhead utilities from MidAmerican Energy Company.
Applicant: Kenyon Hill Ridge, LLC (owner) represented by Dean Quirk (officer).

Location: 2401 East 50th Court.

Requested Action: Review and approval of the first amendment to the Ruby Rose Ridge PUD Conceptual Plan to allow development the 6.27-acre “Area C” with approximately 65 housing units within approximately 11 rowhouse residential structures.

I. GENERAL INFORMATION

1. Purpose of Request: The proposed 1st amendment to the PUD Conceptual Plan “Ruby Rose Ridge” would allow development of the 6.27-acre “Area C” with approximately 65 housing units within approximately 11 eleven row home structures containing three (3) to eight (8) units. The development would be accessed two access drives off of East 50th Court.

2. Size of Site: 6.27 acres.

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

4. Existing Land Use (site): The site contains a single-family dwelling. The balance of the site is graded land for residential development.

5. Adjacent Land Use and Zoning:

   North – “Woods at Cooper Creek PUD”; Use is currently agricultural production but will eventually be single-family residential.

   South – “R-3” (Pleasant Hill); Use is the Copper Creek golf course community with a mix of single-family and townhome dwellings.

   East – “LDR” (Polk County); Uses are single-family residential.

   West – “Woods at Cooper Creek PUD”; Uses are single family residential.

6. General Neighborhood/Area Land Uses: The subject property is located to the north of NE 23rd Avenue (Easton Boulevard) in an area that includes a mix of low-medium density residential and low density residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the hearing) and September 3, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. The Final Agenda for the hearing was mailed to all recognized neighborhoods on September 10, 2021.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

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

9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** The portion of the PUD that is to be amended is designated as Low-Medium Density Residential. Adjoining properties within the City of Des Moines that are west and north of the amended area have the Low-Density Residential designation.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

    The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** The proposed PUD Conceptual Plan amendment redesignates 6.27 acres from multiple-family residential development to single-family row home development (5.7 acres) and existing single-family dwelling (.57 acres) within Area C. The land use
designation shall remain Low-Medium Density Residential as previously approved, which allows for development up to 12 dwelling units per acre. Both Areas A and B will remain in accordance with the originally approved PUD Conceptual Plan.

The proposed density of Area C (65 units on 5.7 acres, or 11.4 units per acre), fits within the “Low-Medium Density Residential” which allows for development of over 12 dwelling units per acre.

2. Bulk Regulations: The proposed amendment would maintain the current standards for the one household lots within Area A and the bi-attached lots in Area B. The minimum lot area for the one household lots is 7,500 square feet and is 3,800 square feet for the bi-attached lots. The minimum lot width requirement for the one household lots is 60 feet and is 35 feet for the bi-attached lots.

The submitted Conceptual Plan amendment demonstrates that Area C would contain 65 multiple-family residential units within eleven structures containing three (3) to eight (8) units. Each lot would have to comply with the following minimums:

- Lot area: 1,700 square feet
- Lot width: 26 feet
- Side yard setback: 5 feet
- Maximum building coverage: 65%

The submittal indicates these standards are from those applicable in the NX2 District for this type of development. The NX2 District limits building coverage area to a maximum of 45% with total impervious area (building & pavement) to 65% for Row Building and Flat Building Types. Staff believes that the Conceptual Plan should be corrected to match the correct code reference.

3. Natural Site Features: The subject property contains vegetation along drainage ways and fence lines. The PUD Conceptual Plan states that all tree removal will be in accordance with the City’s Tree Removal and Mitigation Ordinance. It also 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. Landscaping: The landscaping standards listed on the submitted amendment focus on Areas A & B and do not address Area C. Staff believes that foundation plantings should be provided for each rowhouse unit and that the overall site should be landscaped in accordance with the applicable standards found in Chapter 135 of City Code.

5. Stormwater Management: The PUD Conceptual Plan provides multiple stormwater detention areas throughout the development. The final stormwater management plan would be approved with any PUD Final Development Plan or Preliminary Plat.
6. **Utilities:** There currently is City of Des Moines owned sanitary sewer located adjacent to this property in East 50th Court.

Staff recommends that the PUD Conceptual Plan state the developer is responsible for all costs and connection fees associated with the sanitary sewer connections and all costs associated with constructing the necessary water connections.

Staff recommends that the PUD Conceptual Plan state all utilities shall be provided underground, where reasonably practicable, in accordance with Chapter 135: Planning and Design Code.

7. **Traffic/Street System:** Prior to the submittal of the application, a traffic impact study was completed. Traffic capacity and queuing were found to be sufficient as designed to handle flow of traffic for each analyzed scenario and no traffic control changes or roadway geometric changes are required to maintain capacity.

The PUD Conceptual Plan states that 5-foot wide sidewalks shall be provided along both sides of all public streets and that adequate pedestrian connections will be provided within Area C.

Staff recommends that the PUD specify sidewalk to be provided along East 50th Court and Easton Boulevard inclusive of the existing one household home that fronts NE 23rd Avenue.

8. **Fencing:** The PUD Conceptual Plan states any fence shall be in accordance with the fencing standards applicable in the “R1-60” District, so long as any chain link fence shall have black vinyl-cladding. Staff recommends that the standards in Chapter 135 be referenced for fencing in Area C.

9. **Architectural Guidelines:** The Conceptual Plan does not provide specific architectural guidelines for the row-house dwellings in Area C. Staff recommends approval subject to the design standards listed in Section III of this report.

10. **Fire Protection:** The approved PUD Conceptual Plan states that any number of residential units built in excess of 30 units shall have approval by the Fire Marshall under alternate design for sprinkling last eight units or with an approved secondary fire access drive.

11. **Additional Information:** The PUD Conceptual Plan does not state how trash and recycling shall be handled. Staff recommends that the PUD state that trash and recycling shall be residential roll outs in nature and shall not be located within a setback or on a street-facing façade.

The PUD Conceptual Plan does not address how mechanical or similar equipment is to be handled. Staff recommends that the PUD state that mechanical, meters,
transformers or similar shall be screened and shall not be located on a street-facing façade.

The PUD Conceptual Plan states the development shall be permitted to have one (1) entrance freestanding monument sign at the street connection along NE 23rd Avenue (Easton Blvd), where the sign shall be no greater than 24 square feet in area, shall not be illuminated, shall not be located within any required vision clearance triangle, and shall be constructed primarily of masonry materials with a design approved by the City’s Planning Administrator.

III. STAFF RECOMMENDATION

Staff recommends approval of the “Ruby Rose Ridge” PUD Conceptual Plan subject to the following revisions:

1. Replacement of the proposed maximum building coverage standard for Area C with a statement indicating that building coverage and imperious area maximums shall be regulated by the applicable rowhouse standards found in Chapter 135: Planning and Design Ordinance.

2. Provision of a note that states foundation plantings shall be provided for each rowhouse unit.

3. Provision of a note that states Area C shall be landscaped to meet and/or exceed the applicable landscaping standards found in Chapter 135: Planning and Design Ordinance.

4. Provision of a note that states that the developer is responsible for all costs and connection fees associated with the sanitary sewer connections and all costs associated with constructing the necessary water connections.

5. Provision of a note that states all utilities shall be provided underground, where reasonably practicable, in accordance with Chapter 135: Planning and Design Ordinance.

6. Provision of a note that states sidewalk shall be provided along East 50th Court and Northeast 23rd Avenue (Easton Boulevard) including the frontage along the adjoining outlot and Lot 1.

7. Provision of a note that states fencing within Area C shall comply the applicable standards found in Chapter 135: Planning and Design Ordinance, with any permitted chain link fencing being limited to black vinyl clad.

8. Provision of a note that states that trash and recycling for Area C shall be residential roll outs in nature and shall not be located within a setback or on a street-facing façade.
9. Provision of a note that states mechanical, meters, transformers or similar items shall be screened and shall not be located on a street-facing façade.

10. The front façade of any rowhome constructed on Lots 51-65 shall be oriented towards East 50th Court. These units shall utilize a rear loaded garage design. Each unit shall have a direct sidewalk connection to the public sidewalk along East 50th Court.

11. Provision of a note that states each rowhouse shall have an attached garage.

12. Provision of a note that states any building constructed in Area C shall comply with the applicable architectural design standards found in Chapter 135: Planning and Design Ordinance.
RUBY ROSE RIDGE
PLANNED UNIT DEVELOPMENT

UTILITY NOTE:
THE LOCATION OF THE UTILITIES INDICATED ON THE PLANS MAY BE DIFFERENT FROM THE FIELD CONDITIONS. EXISTING PUBLIC UTILITIES SUCH AS WATER, SEWER, GAS AND ELETRICITY HAVE BEEN PLOTTED TO SCALE FROM THE INFORMATION SUPPLIED TO US BY OWNERS OF THE PROPERTY. THE OWNERS OF THE PROPERTY AND OUR FIELD PERSONNEL WERE USED TO DETERMINE THE LOCATION AND DEPTH OF UNDERGROUND UTILITIES. A REQUEST WAS MADE TO LOCATION CALL FOR UTILITY LOCATIONS TO APPLY LOCATIONS TO THE PLANS. ANY CHANGES IN THE LOCATION OR DEPTH OF UNDERGROUND UTILITIES SHOULD BE REPORTED TO THE ENGINEER OR TO THE CONTRACTOR.

OWNER: KENYON HILL RIDGE LLC

ENGINEERING:
Bishop Engineering
3501 104th Street
Phone: (515) 276-0467 Fax: (515) 276-0217
"Planning Your Successful Development"
Civil Engineering & Land Surveying Established 1959

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PRELIMINARY - NOT FOR CONSTRUCTION
Applicant: David Griffith (owner).

Location: 1626 Buchanan Street.

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

Part B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Low Density Residential.

Part C) Rezone property from “EX” Mixed Use District to “N3a” Neighborhood District to allow construction of a one-household dwelling.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to rezone the subject property to “N3a” Neighborhood District in order to facilitate construction of a one-household dwelling.

   Any future construction or redevelopment of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

2. Size of Site: The subject property is an irregularly shaped parcel measuring 110 feet by 123 feet (13,530 square feet or 0.311 acres).


4. Existing Land Use (site): The subject property consists of a vacant lot. A 660-square foot dwelling was listed as a public nuisance in 2011 and demolished in 2012.
5. Adjacent Land Use and Zoning:

North – “EX”; Uses are religious assembly.
South – “EX”; Uses are one-household residential.
East – “EX”; Uses are undeveloped land and one-household residential.
West – “EX”; Uses are one-household residential.

6. General Neighborhood/Area Land Uses: The subject property is located along the north side of Buchanan Street between East 16th Street and East 17th Street. The area consists of a mix of commercial, educational and open space/public, religious assembly, and one- and two-household residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Martin Luther King Jr. Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021 and by mailing of the Final Agenda on September 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the public hearing) and September 3, 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 Martin Luther King Jr. Park Neighborhood mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316.

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: In 2014, a Martin Luther King, Jr. Park Neighborhood Plan was prepared. This plan recommended changing the future land use designation for the area between East University Avenue and the freeway to “Planned Business Park”. The plan also states, “Properties should be rezoned once parcels are assembled for development. The existing R1-60 District should remain in place until then.”

In 2016, the City adopted the PlanDSM Comprehensive Land Use Plan, which designated this area as “Business Park” on the future land use plan map.

In 2019, the City adopted the current zoning map, which rezoned this area from “R1-60” One-Family Low-Density Residential District to “EX” Mixed Use District since the new zoning had to be in conformance with the PlanDSM Comprehensive Land Use Plan.
On July 19, 2012, by Docket No. BLD2011-01463, a 660-square foot dwelling on the property was demolished. The lot has been vacant since.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park.

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**

**PlanDSM Creating Our Tomorrow:** The applicant is proposing to rezone the subject property from “EX” District to “N3a” District. The Zoning Ordinance states that “EX” District is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with offices. The Zoning Ordinance also states that the “N3a” District is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.

The subject property is within an area that is designated “Business Park” on the PlanDSM Creating Our Tomorrow future land use plan map. Plan DSM describes this designation as follows:

**Business Park**
Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The applicant has requested that the future land use designation be revised from “Business Park” to “Low-Density Residential”. Plan DSM describes this designation as follows

**Low Density Residential**
Areas developed with primarily single family and two-family residential units with up to 6 dwelling units per net acre.

Based on these designations, the proposed “N3a” Neighborhood District zoning would not be found in conformance with the Comprehensive Plan designation of Business Park but would be found in conformance with the requested designation of Low Density Residential.

2. Staff Rationale: Given the location of the property within the area located between East University Avenue and the freeway, Staff does not believe that this site is ideal for the “N3a” Neighborhood District, which would only allow construction of a one-household residential dwelling. However, Staff does believe that the area is better suited for the “NX1” Neighborhood Mix District, which would allow for residential structures containing between 1 and 8 dwellings units. This “NX1” District would allow for a one-household dwelling, as proposed by the applicant, as well as two-household dwellings and/or rowhouse dwellings containing up to 8 dwelling units.

Therefore, Staff recommends that the Commission continue the public hearing to the October 7, 2021 Plan & Zoning Commission meeting so that new public notices can be mailed to surrounding property owners notifying them of a revised request for “NX1” Neighborhood Mix District instead of the previously noticed “N3a” Neighborhood District.

III. STAFF RECOMMENDATION

Staff recommends that the Commission continue the public hearing to the October 7, 2021 Plan & Zoning Commission meeting so that new public notices can be mailed to surrounding property owners notifying them of a revised request for “NX1” Neighborhood Mix District instead of the previously noticed “N3a” Neighborhood District.

If the applicant or the Commission is not inclined to continue the public hearing, Staff recommends the following:

Part A) Staff recommends that the requested “N3a” District be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends denial of the request to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Low Density Residential.

Part C) Staff recommends denial of the request to rezone the properties from “EX” Mixed Use District to “N3a” Neighborhood District.
Applicant: Renee Leach (Owner).

Location: 2504 Des Moines Street

Requested Action: Review and approval of a Public Hearing Site Plan for Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B) to allow retention of a 5-foot-tall chain link fence within the front yard area where a fence over 3 feet in height is not permitted within a front yard per City Code Section 135-7.11.3.A, and where chain link fence is not a fence type permitted in a front yard area per City Code Section 135-7.11.4.C.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant has installed a 5-foot-tall chain link fence within the front yard of the subject property along Des Moines Street. A Type 2 Design Alternative is required to allow the height (more than 3 feet) and type of fence (chain link) in the front yard. 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: 0.138 acres (6,000 square feet).

3. Existing Zoning (site): “N3c” Neighborhood District.

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

5. Adjacent Land Use and Zoning:

   - **North** – “N3c”; Uses are one-household dwellings.

   - **South** – “N3c”; Uses are Des Moines Street right-of-way and one-household dwellings.

   - **East** – “N3c”; Uses are one-household dwellings.

   - **West** – “N3c”; Uses are one-household dwellings.

6. General Neighborhood/Area Land Uses: The subject property is located north along Des Moines Street in a residential area that consists primarily of one-household dwellings.
7. Applicable Recognized Neighborhood(s): The subject property is in the Fairground Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021, and by mailing of the Final Agenda on September 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on September 3, 2021 (10 days prior to the public hearing) to the Fairground 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. The Fairground Neighborhood Association mailings were sent to Laura Mundy, PO Box 473, Pleasant Hill, IA 50317

8. Relevant Zoning History: None.


10. Applicable Regulations: Section 135-7.11 lays out fence and wall requirements with the intent of reducing negative impacts of fences and protecting the economic and aesthetic values within the city. Section 135-7.11.3.A states that ‘no fence more than three feet high will be constructed in any front yard in any district except fencing required for buffers pursuant to Section 135-7.7 of this article’ and Section 135-7.11.4.C states that ‘chain link and wire fencing is prohibited in any front yard in any district, except in the P1 district for sports fields and playgrounds.’

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. **Fencing:** The applicant has installed a 5-foot-tall chain link fence in the front yard of the subject property and wishes to retain the fence for security reasons. The fence includes a gate at the driveway. Chain link fences are not an allowed fence type within a front yard area, except in “P1” districts for playgrounds and sports fields. Staff believes that the existing 5-foot chain link fence is not in character of the residential use on the property and is not in character with the surrounding neighborhood.
II. **STAFF RECOMMENDATION**

Staff recommends denial of the requested Type 2 Design Alternative to retain the 5-foot-tall chain link fence.
Planting Details

**SECTION: SHRUB PLANTING - TYP.**

- Prepare soil for the entire bed.
- 3" deep.
- Shredded hardwood mulch, do not place mulch in contact with shrub stem.
- Container grown material shall have roots hand loosened.
- Undisturbed subgrade.

**SECTION: TREE PLANTING - TYP.**

- Prune dead or damaged branches.
- Trunk flare 3" depth.
- Shredded hardwood mulch, keep 2" away from trunk.
- 3'-0" tree ring in lawn areas, typical.
- Cut and remove all cords & burlap covering from root ball prior to installation.
- Compact soil, mulch & under root ball.
- Undisturbed soil.

1. No staking of trees is allowed.
2. All wire, twine, and burlap shall be removed from the rootball prior to planting.
3. Contact Municipal Forestry Division prior to planting in the Public R.O.W.

**ELEVATION: 3' HEIGHT SHRUB BUFFER - TYP.**

- 3' height shrub buffer.
**Applicant:** Simplify Iowa (owner), represented by Jim Host (architect/designer).

**Location:** 4821 Southwest 9th Street.

**Requested Action:** Review and approval of a Public Hearing Site Plan for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), to allow building and site improvements:

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

B) Waiver of the requirement to provide street trees, per Section 135-7.5.3 (Denied Type 1 Design Alternative).

C) Waiver of parking lot landscaping requirements to replace painted terminal islands with curbed planter beds, per Section 135-7.9.2 (Denied Type 1 Design Alternative).

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing building renovations and site improvements for a new user of the building (Simplify Iowa Funeral Home). The site was previously used as a medical office. 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:** 1.388 acres.

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

4. **Existing Land Use (site):** The property contains a vacant medical office building.

5. **Adjacent Land Use and Zoning:**

   - **North** – “MX1”; Use is a fast-food restaurant.
   - **South** – “RX1”; Use is a one-household dwelling.
   - **East** – “N3a”; Uses are one-household dwellings.
   - **West** – “MX1”; Uses are retail establishments and an auto-repair facility.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the east side of Southwest 9th Street, south of McKinley Avenue. Southwest 9th Street is
primarily a commercial corridor, with low and medium-density commercial/mixed uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Fort Des Moines Neighborhood and within 250 feet of the Watrous South Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021, and by mailing of the Final Agenda on September 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on September 3, 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 within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Services Department. The Fort Des Moines Neighborhood Association mailings were sent to Scott Durham, 301 East Kenyon Avenue, Des Moines, IA 50315. The Watrous South Neighborhood Association mailings were sent to Mitch Harris, 360 Bridgewood Drive #1102, West Des Moines, IA 50266.

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;

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➢ 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 Standards: Section 135-9.2.1.E of the Planning and Design Ordinance requires that all electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable. There are existing overhead lines that run parallel to Southwest 9th Street, providing power to streetlights. Additionally, there is a secondary service line that runs along the property’s southern border. Furthermore, there is an existing telephone line that comes out of the Southwest 9th Street right-of-way to the southwestern corner of the building.

The applicant is proposing to remove the existing telephone line as part of the site improvements, but is proposing to retain overhead utility lines that run parallel to Southwest 9th Street and along the property’s southern border.
The applicant requested an estimate from Mid-American Energy for undergrounding utility services to the streetlights along Southwest 9th Street on August 3, 2021 but has not received any data. IMEG Corp. has indicated a figure of $15,000 for this work. IMEG provided a more-detailed estimate for the cost to underground the secondary service line along the property’s southern border, which totaled $15,550. Total estimated costs to underground existing overhead utility lines are currently about $30,550. Total construction costs for this project are roughly $345,000. Estimates for the additional utility undergrounding constitute about 8.8% of this total construction cost.

Staff recommends that the overhead lines providing power to the streetlights along Southwest 9th Street and the secondary service line along the property’s southern border be undergrounded.

2. **Street Tree and Streetscape Standards:** Section 135-7.5 of the Planning and Design Ordinance requires that each lot have a minimum of one (1) street tree for every 30 linear feet of street frontage. A narrow parkway along this segment of Southwest 9th Street makes street tree planting in the traditional parkway between the back of the curb and the sidewalk unfeasible. However, Staff has requested that two (2) trees be placed in the area behind the sidewalk but in front of the building to add to the existing streetscape. Section 135-7.6 of the Planning and Design Ordinance requires streetscape elements to be provided as part of any site plan submittal. Staff has already waived any required streetscape enhancements (planted parkway, enhanced sidewalk pavement with tree beds) as part of the administrative review process. Section 135-7.7 of the Planning and Design Ordinance requires a fence frontage buffer (one shade tree per every 40 linear feet, a continuous row of shrubs/grasses, and a 3’ tall ornamental fence) for any parking lots less than one-acre in size that face a street right-of-way. Staff has approved a Type 1 Design Alternative for an alternative design of the fence frontage buffer, waiving the requirement to erect a 3’ tall fence in these front landscaped areas.

Staff desires to see some streetscape improvements come out of this project and feels that adding two (2) strategically-placed trees will not deter visibility of any signage or place an undue cost burden on the applicant.

3. **Interior Parking Lot and Site Landscaping Standards:** Section 135-7.9 of the Planning and Design Ordinance details interior parking lot landscaping requirements. Parking lots are required to have terminal islands at freestanding rows of parking, and interior row islands for rows of parking greater than eight (8) spaces long, with islands that are a minimum 5’ x 17’ in size. At least one tree is required per island. Furthermore, all parking spaces must be within 50’ of a shade tree, parking lots must meet a 30% shading requirement at the tree canopy’s full maturity, and all parking lots with more than 40 spaces must have a minimum of one (1) shade tree for every five (5) parking spaces. Buffer trees do
not count toward this requirement. The applicant is proposing no changes to the existing parking lot. Staff has already approved a Type 1 Design Alternative for a deviation from interior parking lot landscaping requirements by not requiring interior parking lot row islands. Per the Ordinance, three (3) would be required at this site. Additionally, Staff has approved a Type 1 Design Alternative to keep the existing river rock that runs along the building’s foundation and borders the parking lot.

The applicant is petitioning for relief from Staff’s request that the existing terminal islands toward the rear of the building (currently painted) be converted into landscaped islands with at least one (1) shade tree in each island. Staff does not believe that the proposed cost of converting these painted islands into landscaped, curbed planter beds ($16,750 estimate) will place an undue burden on the applicant. Staff believes that some parking lot landscaping should be provided as part of these site improvements, particularly after Staff has shown to be flexible with other landscaping elements of this project.

II. STAFF RECOMMENDATION

Staff recommends approval of the proposed Public Hearing Site Plan subject to compliance with all administrative review comments and recommends the following as it relates to the requested Design Alternatives:

A) Staff recommends denial of a Type 2 Design Alternative to allow overhead utility lines running parallel to Southwest 9th Street and the property’s southern border to be retained.

B) Staff recommends denial of a Type 2 Design Alternative to waive the requirement to provide an alternative street tree arrangement.

C) Staff recommends denial of a Type 2 Design Alternative to waive parking lot landscaping requirements to replace painted terminal islands with curbed planter beds.