Applicant: City of Des Moines (owner).

Location: Properties generally located along East 21st Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 to the south.

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 Industrial to Low Density Residential.

Part C) Rezone properties from “I1” Industrial District to “N3a” Neighborhood District.

I. GENERAL INFORMATION

1. Purpose of Request: The subject area is currently zoned “I1” Industrial District, which does not allow for new residential uses. The area primarily contains one-household residential uses that are considered to legal non-conforming uses within the “I1” District. The City is proposing to rezone this area to “N3a” Neighborhood District to better accommodate the existing residential character of the area.

   Any future construction or redevelopment of any lot within this area must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. Size of Site: Approximately 27.2 acres.

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

4. Existing Land Use (site): The subject area consists of primarily of one-household residential uses.
5. Adjacent Land Use and Zoning:

**North** – “I1”; Uses include commercial and industrial businesses to the north of Guthrie Avenue.

**South** – “P1”; Uses include a cemetery and Interstate 235.

**East** – “P2”; “I1”, “N3a”, Uses includes public, industrial, and one-household residential uses to the east of Interstate 235.

**West** – “I1”; Uses include industrial businesses along Delaware Avenue.

6. General Neighborhood/Area Land Uses: The subject property is comprised of residential uses located along East 21st Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 to the south.

7. Applicable Recognized Neighborhood(s): The subject property is in the Fairmont Park Neighborhood Association. All neighborhood associations were notified of the November 18, 2021 public hearing by mailing of the Preliminary Agenda on October 29, 2021 and by mailing of the Final Agenda on November 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on October 29, 2021 (20 days prior to the public hearing) and November 8, 2021 (10 days prior to the public hearing) to the Fairmont Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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

A neighborhood outreach meeting was held on October 12, 2021. A summary of the neighborhood outreach can be provided at the public hearing.

8. Relevant Zoning History: In 2019, the City adopted the current zoning map, which rezoned this area from “R1-60” One-Family Low-Density Residential District to “I1” Industrial District since the new zoning had to be in conformance with the PlanDSM Comprehensive Land Use Plan, which designates this area as Industrial.


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 City is requesting that the future land use designation for the property be amended from “Industrial” to “Low Density Residential.” Plan DSM describes these designations 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.

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

The subject area is currently zoned “I1” District. The Zoning Ordinance describes this district as “intended for general industrial uses, warehousing, and transportation terminals.” Building types allowed in this district by Chapter 135 include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The City is proposing to rezone the area to the “N3a” District. The Zoning Ordinance describes this district as “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. House Type B is the only building type allowed in this district by Chapter 135.

2. Planning and Design Ordinance: Any development must comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance.

III. STAFF RECOMMENDATION

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

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

Part C) Staff recommends approval of the request to rezone the property from “I1” Industrial District to “N3a” Neighborhood District.
**AGENDA ITEMS #2A - 2C**

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<th>ZONG-2021-000036 &amp; ZONG-2021-000037</th>
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**Applicant:** City of Des Moines (owner).

**Location:** Properties generally located in the area bounded by East University Avenue to the north, Interstate 235 (freeway) to the east and south, and East 15th Street to the west, except for parcels fronting East University Avenue.

**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 properties from “EX” Mixed Use District to “NX1” Neighborhood District.

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The subject area is currently zoned “EX” District, which does not allow for new residential uses. The area primarily contains one-household residential uses that are considered to legal non-conforming uses within the “EX” District. The City is proposing to rezone this area to “NX1” Neighborhood District to better accommodate the existing residential character of the area.

   Any future construction or redevelopment of any lot within this area must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** Approximately 26.3 acres.

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

4. **Existing Land Use (site):** The subject properties consist of primarily one-household residential use.
5. **Adjacent Land Use and Zoning:**

   **North** – “MX1”; Uses include retail, light industrial, warehouse and parking uses along East University Avenue.

   **South** – “RX1”; Uses include residential and office uses to the south of Interstate 235.

   **East** – “RX1”; and “EX”, Uses are residential, office and light industrial east of Interstate 235.

   **West** – “P1” & “P2”, Uses include East High School’s stadium and athletic fields.

6. **General Neighborhood/Area Land Uses:** The subject area is generally bounded by East University Avenue to the north, Interstate 235 (freeway) to the east and south, and East 15th Street to the west. The area consists of a mix of residential, religious assembly, and open space/public uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Martin Luther King Jr. Park Neighborhood Association. All neighborhood associations were notified of the November 18, 2021 public hearing by mailing of the Preliminary Agenda on October 29, 2021 and by mailing of the Final Agenda on November 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on October 29, 2021 (20 days prior to the public hearing) and November 8, 2021 (10 days prior to the public hearing) to the Martin Luther King Jr. Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division 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.

   A neighborhood outreach meeting was held on October 13, 2021. A summary of the neighborhood outreach can be provided at the public hearing.

8. **Relevant Zoning History:** 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, which designates this area as Business Park.

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.

    Revised 11/10/21
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 City is requesting that the future land use designation for the property be amended from “Business Park” to “Low Density Residential.” Plan DSM describes these designations 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.

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

The subject property is currently zoned “EX” District. The Zoning Ordinance describes this district as “intended for locations and corridors with a mix of light industrial and heavier commercial uses.” Building types allowed in this district by Chapter 135 include the Storefront, Commercial Cottage, and General Building.

The City is proposing to rezone the area to the “NX1” District. The Zoning Ordinance describes this district as “a mix of single- and smaller scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing”. Building types allowed in this district by Chapter 135 include the House Type C, House Type D, and Row Building.

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 review before the property can be occupied by the proposed use.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the requested “NX1” District 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 Comprehensive Plan to revise the future land use designation from Business Park to Low Density Residential.

Part C) Staff recommends approval of the request to rezone the property from “EX” Mixed Use District to “NX1” Neighborhood District.
Applicant: Knapp Homes, LLC (owner), represented by John Knapp (officer).

Location: 4402 Douglas Avenue.

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

B) Rezone property from “MX1” Mixed-Use District to “MX3” Mixed Use District, to allow development of a Restaurant with a drive through use.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to a new restaurant development with a drive through use. As a result, the building and site must be built in conformance with current design standards. The Planning and Design Ordinance does not allow drive-through facilities on properties zoned “MX1” District. Therefore, the applicant is requesting to rezone the property to the “MX3” District to allow a drive-through.

2. Size of Site: 24,890 square feet or 0.571 acres.

3. Existing Zoning (site): “MX1” Mixed Use District.

4. Existing Land Use (site): The site contains a vacant one-story commercial building, 855 square feet of gross floor area, with a fuel canopy.

5. Adjacent Land Use and Zoning:

   North – “MX1”; Uses are commercial in nature.

   South – “PUD” and MX1; Uses are vacant land and commercial in nature.

   East – “MX1”; Uses are commercial in nature.

   West – “MX1”; Uses are commercial in nature.

6. General Neighborhood/Area Land Uses: The subject property is located at the intersection of Douglas Avenue and Beaver Avenue, which contains a mix of commercial and place of worship uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Beaverdale Neighborhood. All recognized neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on October 29, 2021 and by mailing of the Final Agenda on November 8, 2021. Additionally, separate notifications of the
hearing for this specific item were mailed on November 8, 2021 (10 days prior to the public hearing) to the Beaverdale Neighborhood Association and 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 Beaverdale Neighborhood Association notices were mailed to Marcus Coenen, P.O. Box 30175, Des Moines, IA, 50310.

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

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

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 “Community Mixed Use” and located in a “Community Node” on the Future Land Use Map. Plan DSM describes these designations as follows:

   **Community Mixed Use:** Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

   **Community Node:** Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.
The applicant is proposing to rezone the property from “MX1” District to the “MX3” District. The Zoning Ordinance states that “MX1 is intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.” Building types allowed in this district include Storefront, Commercial Cottage, Civic Building and Principal Use Parking Structure.

The Zoning Ordinance states that “MX3 is intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale.” Building types allowed in this district include Storefront, Commercial Cottage, General Building, Commercial Center, Civic Building and Principal Use Parking Structure.

The Douglas and Beaver Avenue intersection is generally zoned “MX1” District, with an adjoining PUD slated for future grocery retail in addition to an adjacent P2 property. Staff believes that the proposed use is appropriate for the character of the area, but believes other uses that are allowed in “MX3” Districts but not in “MX1” Districts should be prohibited.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “MX3” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use” within a “Community Node.”

Part B) Staff recommends the subject property be rezoned from “MX1” Mixed Use District to “MX3” Mixed Use District, subject to Permitted and Conditional Uses being limited to a restaurant with a drive-through component and those Permitted and Conditional Uses in common with the “MX1” Mixed Use District and as limited in the “MX1” Mixed Use District.
Applicant: ARD Properties, LLC (owner), represented by Russ Downing (officer).

Location: Vicinity of 5591 Northeast 36th Court (Parcel 7923-08-477-033), in Delaware Township and unincorporated Polk County, within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines.

Requested Action: Review and approval of a Preliminary Plat “Bauer Heights Plat 4” to allow subdivision of the existing property to create 2 residential lots and 1 outlot.

I. GENERAL INFORMATION

1. Purpose of Request: The developer is seeking to subdivide the property into 2 parcels for residential development and 1 outlot in unincorporated Polk County. Polk County is requiring the subdivision to go through their Preliminary Plat procedure.

Section 354.9 of the Iowa Code provides for review of land subdivision by a municipality within 2 miles of its corporate limit. When the territory overlaps with another municipal jurisdiction, the closer jurisdiction has right of review unless there is a separate intergovernmental agreement pursuant to Chapter 28E of the Iowa Code. In this instance, the City of Des Moines is closer to the property than the City of Ankeny.

2. Size of Site: 13.44 acres.

3. Existing Zoning (site): “ER” Estate Residential District (Polk County).

4. Existing Land Use (site): The property is currently a heavily wooded, undeveloped parcel.

5. Adjacent Land Use and Zoning:

   North – “LDR” and “MDR” Low Density and Medium Density Residential Districts (Polk County), Uses are one-household dwelling units and undeveloped parcels.

   South – “ER” Estate Residential District (Polk County), Uses are one-household dwelling units.

   East – “ER” Estate Residential District (Polk County), Uses are one-household dwelling units.

   West – “ER” Estate Residential District (Polk County), Uses are one-household residential units and an undeveloped parcel.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an unincorporated area of Polk County (Delaware Township) north of Des Moines, in between Ankeny and Altoona. The surrounding area is characterized by parcels devoted to agricultural uses, as well as one-household dwellings situated on large lots.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in an unincorporated area of Polk County (Delaware Township). Notifications of the hearing for this specific item were mailed on November 8, 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 Preliminary Plat amendment boundary. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations in the City of Des Moines on November 10, 2021.

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

9. **PlanDSM Land Use Plan Designation:** N/A. Polk County’s Comprehensive Plan 2030 Land Use map designates the property as Estate Residential.

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

The Preliminary Plat is concurrently reviewed and would be given final approval by Polk County Board of Supervisors.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Site Features:** The subject property contains a mix of open space, forested areas, and water features, such as a pond and a wetland area. A portion of the property is also designated as part of the 100-year floodplain.
Any future development is subject to enforcement of Polk County’s ordinance for tree preservation, which is contained in Article 7, Division 4, Section 4 of the Polk County Zoning Code. Polk County has different methodology for preservation of existing woodlands and requires protection of different percentages of woodland areas depending on the maturity of the canopy.

Additionally, any future development must conform to the requirements of Article 7, Division 4, Sections 1 and 5 of the Polk County Zoning Code, which govern development in relation to floodplains and wetlands, respectively.

Staff is recommending that a notation be included on the plat documenting that “future development is subject to ‘Article 7, Division 4, Sections 1, 4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands’ of the Polk County Zoning Code.”

2. **Drainage/Grading:** The subject property generally drains to the western portion of the site. With any future development, Polk County will have enforcement of drainage and storm water management under site plan development requirements within their adopted ordinances and standards.

3. **Utilities:** No changes to utilities have been noted. The applicant is proposing a private conservation easement to protect existing mature woodlands on the property.

4. **Traffic/Street System:** The subject property borders a southern terminus of Northeast 36th Court. The proposed subdivision includes access improvements – namely a shared driveway (providing access to each of the 2 new lots) that would connect to the existing terminus of Northeast 36th Court.

### III. STAFF RECOMMENDATION

Staff recommends approval of the requested Preliminary Plat for “Bauer Heights Plat 4,” subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.

2. Provision of a note on the plat document: “future development is subject to ‘Article 7, Division 4, Sections 1, 4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands’ of the Polk County Zoning Code.”

Staff also recommends that the City Council waive its right to review the Final Plat “Bauer Heights Plat 4” as allowed by Iowa Code Section 354.8(2).
BAUER HEIGHTS PLAT 4
MAJOR PRELIMINARY PLAT - 2021

NOTES

1. THEessorqwown SUPPLY, SEWAGE WATERS, WATER SERVICES, SEWERAGE, AND WATERmain, STORM SEWER, and SERVICES shall be permitted as required by the City of Altoona, Iowa.
2. UTILITIES shall be permitted as required by the City of Altoona, Iowa.
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39. UTILITIES shall be permitted as required by the City of Altoona, Iowa.
40. UTILITIES shall be permitted as required by the City of Altoona, Iowa.
Applicant: CFI Properties, LLC (owner), represented by Cui Dong Davis (officer).

Location: 2300 E 14th Street.

Requested Action:

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

B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use and Low-Medium Density Residential to Industrial. (ZONG-2021-000038)

C) Rezone property from “MX1” Mixed-Use District to “I1” Industrial District, to allow a use that includes outdoor storage. (ZONG-2021-000032)

*Item 5 is continued the November 4, 2021 meeting of the Commission.*

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested rezoning to “I1” Industrial District would allow the property to be occupied by a business that involves outdoor storage. The City’s Zoning Ordinance only allows outdoor storage to be located within an “I1” Industrial District.

2. **Size of Site:** 38,679 square feet or 0.888-acre.

3. **Existing Zoning (site):** “MX1” Mixed Use District.

4. **Existing Land Use (site):** The property consists of a 3,763-square foot laundromat and paved surface parking.

5. **Adjacent Land Use and Zoning:**
   
   - **East** - “MX1”; The use is a medical clinic.
   - **West** - “N5”; Uses are one-household residential.
   - **North** - “NX1”, Uses are one-household residential.
   - **South** - “MX1” The use is a used car dealership.
6. **General Neighborhood/Area Land Uses:** The subject property is located in a small cluster of commercial uses located at the intersection of Guthrie Avenue and East 14th Street. The surrounding area consists of primarily one-household residential and church uses.

6. **Applicable Recognized Neighborhood(s):** The subject property is in the Union Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on October 15, 2021 and by mailing of the Final Agenda on October 25, 2021. Additionally, separate notifications of the hearing for this specific item were mailed October 15, 2021 (20 days prior to the public hearing) and October 29, 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 Union Park Neighborhood Association notices were mailed to Jack Daugherty, P.O. Box 16113, 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.

7. **Relevant Zoning History:** None.

8. **PlanDSM Land Use Plan Designation:** Low Density Residential and Low Medium Density Residential.

9. **Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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 applicant is proposing to rezone the subject property from “MX1” District to “I1” District. The proposed rezoning would require the Future Land Use Map to be amended to the “Industrial” designation which is currently designated as Low Density Residential and Low-Medium Density Residential.

Plan DSM describes the existing Low Density Residential and Low-Medium Density Residential designations 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.

LOW-MEDIUM DENSITY RESIDENTIAL
Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

In order for the proposed rezoning to “I1” District to be in conformance with PlanDSM, the future land use designation must be revised to Industrial.

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 “I1” District is intended for general industrial uses, warehousing, and transportation terminals. 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 “I1” Industrial District in order to have outdoor storage of commercial vehicles, trailers, and equipment.

Staff believes that industrial development should be focused in areas of the City that are already designated for those types of uses. The subject property is located along East 14th Street in an area that is primarily residential use with a cluster of commercial uses. Accommodating industrial uses could have a large impact on adjoining properties and the environment. Furthermore, the property is surrounded predominantly by areas designated as Low Density Residential on the Future Land Use Map.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan.

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 for any proposed site modifications including screening and landscaping of the outdoor storage of commercial vehicles, trailers, and equipment.
III. STAFF RECOMMENDATION

A) Staff recommends that the proposed rezoning be found in not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

B) Staff recommends denial of the requested amendment to the PlanDSM future land use designation from Low Density Residential to Industrial since the Industrial designation should be focused in areas of the City that are already designated for those types of uses and not within areas that comprise primarily residential and commercial uses.

C) Staff recommends denial of rezoning the property from “MX1” Mixed-Use District to “I1” Industrial District since the “I1” District is not in conformance with the existing PlanDSM Future land use designation of Low Density Residential.
AGENDA ITEM #6  BLD2021-00478

Applicant: Abubaker Mohamed (owner).

Location: 1121 21st Street.

Requested Action: Review and approval of a Public Hearing Site Plan and for further consideration of a denied Type 1 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), to allow a total impervious area on the property that is approximately 86.3% of the total lot area, which exceeds the maximum 50% allowed for a House D Building Type, per City Code Section 135-2.16.3(A)(9).

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking approval to retain paving which includes a 24-foot x 28-foot garage slab in the southwest corner, a 13-foot by 134-foot driveway on the east side and additional paving in the rear yard of the property located at 1121 21st Street. The total impervious surface area currently is calculated at 86.3% of the total lot area. The property is a recent conversion from 10-unit apartment building to single-household building. Chapter 135 of the Zoning Code limits total impervious surface in a N5 District to no more than 50% of the lot area.

2. Size of Site: 72 feet by 125 feet for a total area of 9,000 square feet (0.207 acres).

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 5-unit multi-household building.

   South – “NX2”; Use is 9-unit apartment building.

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

   West – “N5” and “NX2”; Use is 21st Street and Drake Park Ave rights-of-way, one-household and apartment buildings.

6. General Neighborhood/Area Land Uses: The subject property is located along the east side of 21st Street, across from Drake Park Avenue. It contains a mix of one-household and multi-household buildings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Drake Neighborhood and within 250 feet of Good Park Neighborhood. The neighborhood
associations were notified of the Commission meeting by mailing of the Preliminary Agenda on October 29, 2021, and by mailing of the Final Agenda on November 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on November 8, 2021 (10 days prior to the public hearing) to the Drake and Good Park 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 association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Drake Neighborhood Association notice was mailed to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines 50311. The Good Park Neighborhood Association mailing was mailed to Stacy Nichols, 1129 19th Street, Des Moines 50311.

6. Relevant Zoning History: None.


8. Applicable Regulations: Section 135-2.16.3.A.9 states that maximum impervious area in an N5 District can be no more than 50% of the lot area.

A Type 1 design alternative for increase in the impervious area may be approved per Section 135-9.2.3.A.4 which states “increase the maximum total impervious coverage allowance by up to 30%, provided that such increase does not result in impervious coverage that exceeds the total permitted impervious plus semi-pervious coverage. Based upon these criteria, the Community Development Director denied the applicant’s request for a Type 1 Design Alternative.

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

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;

- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
➢ The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

➢ Zoning restrictions at the time of the proposal;

- The city’s comprehensive plan;
- The city’s plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation’s intended purpose and greater consistency with the comprehensive plan.
Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:

- An evaluation of the character of the surrounding neighborhood, such as:
  - 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

**Staff Rationale:** The Polk County Assessor’s data indicates that the property was originally built as a one-household building in 1900, later converted to 10-dwelling units. The applicant recently applied for a density reduction permit to bring the building back to a one-household use. The applicant has indicated the building for
personal occupany, where the paved rear yard would provide for parking and outdoor recreational and family use.

Staff believes the request to pave 86.3% (6,559 sq foot) of the total property, with paving on the entire rear yard would be detrimental to the neighborhood and may create stormwater drainage issues, besides adding on to broader urban heat island impact.

Staff is supportive of approving additional paving up to that allowed by a Type 1 Design Alternative. A Type 1 Design Alternative would allow an increase of up to 30% (1,350 sq foot) of the maximum permitted impervious surface bringing the total impervious area to 5,850 sq feet. Staff believes this will provide the property owner with the additional paving desired, while minimizing environmental concerns.

III. STAFF RECOMMENDATION

Staff recommends denial of requested Type 2 Design Alternative to allow impervious surface coverage of 86.3% of total lot area.

If the Commission adopts this recommendation, the applicant still has the ability to request a Type 1 Design Alternative for a lesser amount of pavement as noted in Section II of this report.
Applicant: Dwayne Hill (owner).

Location: 710 Maxwelton Drive.

Requested Action: Review and approval of a Public Hearing Site Plan for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B) to allow waiver of the required public sidewalk installation along Maxwelton Drive, per Section 135-8.5.2.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a 762 square foot addition to the existing building. The applicant is asking for waiver of the standard requiring installation of a public sidewalk along the property at Maxwelton Drive. 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: 0.484 acre (approximately 21,071 square feet).

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


5. Adjacent Land Use and Zoning:

   - North – “N3a”; Uses are single-family residential buildings.
   - South – “N3a”; Uses are single-family residential buildings.
   - East – “N3a”; Uses are single-family residential buildings.
   - West – “N3a”; Uses are single-family residential buildings.

6. General Neighborhood/Area Land Uses: The subject property is located on the south side of Maxwelton Drive to the east of the Southwest 9th Street intersection. The surrounding area contains a mix of residential buildings with commercial uses along SW 9th Street.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Watrous Heights Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on October 29, 2021, and by mailing of the Final Agenda on November 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on November 8, 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 Association mailings were sent to David Johnston, 604 Philip Street, Des Moines, IA 50315.

8. Relevant Zoning History: None.


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

   • Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;

   • Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:

     ➢ The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

     ➢ Zoning restrictions at the time of the proposal;

   • The city's comprehensive plan;

   • The city's plans for future construction and provision for public facilities and services; and

   • The facilities and services already available to the area which will be affected by the proposed site use;
• Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;

• Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;

• Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and

• Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

• The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.

• Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:

  ➢ An evaluation of the character of the surrounding neighborhood, such as:

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

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

• For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
➢ The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;

➢ Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;

➢ Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;

➢ Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and

➢ Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

Traffic and Circulations Standards: Section 135-8.5.2A of the Planning and Design Ordinance states, “sidewalks are required as identified in the city’s transportation plan.” The applicant intends to construct an addition to the existing one household dwelling at the subject site. The size and estimated cost of the addition in context of the existing building requires the entire site to comply with requirements of Chapter 135. This includes provision of a 5-foot-wide sidewalk along the property’s street frontage. The applicant has requested waiver of this requirement since there are no sidewalks along the block and adjoining the subject property.

The applicant does not face practical obstacles to installing the sidewalk along the property. Closing gaps within the City’s sidewalk network is a priority of MoveDSM, the City’s transportation plan. MoveDSM identifies Maxwelton Drive along the subject property as Priority 1 sidewalk gap. It is understood that closing gaps often must be done incrementally and that new sections of sidewalk may not immediately connect to other sidewalk segments.

Section 135-8.5.2 of the code allows staff to grant a Type 1 Design Alternative to waive the requirement for walks on Priority 1 routes if the applicant agrees to enter into an escrow agreement. This requires payment up front, but does alleviate the applicant of maintenance responsibility until such time that the City would construct the project.

II. STAFF RECOMMENDATION

Staff recommends denial of the requested Type 2 Design Alternative to waive the public sidewalk requirement.
Applicant: Corey Wilson (owner).

Location: 4000 East 38th Street.

Requested Action: Review and approval of a Public Hearing Site Plan for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B) to allow construction of a 2,304-square foot, 22-foot tall, metal clad accessory building within the rear yard, per City Code Section 135-2.22.1.D.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to construct a large accessory structure with metal siding and metal roof material within the rear yard. The scale of the accessory structure along with the exterior materials of the structure do not match the character of the principal dwelling.

   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: 124,146 square feet (2.85 acres).

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

4. Existing Land Use (site): Low Density Residential.

5. Adjacent Land Use and Zoning:
   - North – “N2b”; Low Density Residential.
   - South – “N2a-2”; Low Density Residential.
   - East – “N2b”; Low Density Residential.
   - West – “F”; Floodway.

6. General Neighborhood/Area Land Uses: The subject property is located in a predominately low-density residential neighborhood.

7. Applicable Recognized Neighborhood(s): The subject property is not located in a recognized neighborhood. Additionally, separate notifications of the hearing for this specific item were mailed on May 28, 2021 (20 days prior to the hearing) and on June 7, 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 requested design.
8. **Relevant Zoning History:** N/A.

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

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

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;

- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:

  ➢ The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

  ➢ Zoning restrictions at the time of the proposal;

- The city’s comprehensive plan;

- The city’s plans for future construction and provision for public facilities and services; and

- The facilities and services already available to the area which will be affected by the proposed site use;

- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
• Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;

• Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and

• Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

• The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.

• Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:

  ➢ An evaluation of the character of the surrounding neighborhood, such as:

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

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

• For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

  ➢ The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or
alternate design documentation reviewed;

➢ Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;

➢ Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent: property, the character of the surrounding area or the public health, safety and general welfare;

➢ Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and

➢ Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

1. Type 2 Design Alternatives Requested: The Type 2 design alternative request is to allow construction of a detached garage to have metal siding and metal roof material that does not match the existing exterior materials of the principal dwelling, per Section 135-2.22.1(D)(7) of the City Code.

2. Staff Analysis: The metal siding and roofing does not comply with City Code Chapter 135, as it does not match the house. Staff believes that since the property is located in a residential area that the garage should have a residential scale and character that matches the house.

III. STAFF RECOMMENDATION

Staff recommends denial of the requested Type 2 Design Alternative to allow a detached garage with metal siding and metal roofing material that does not match the existing exterior material of the principal dwelling.
AGENDA ITEM #9  BLDR-2021-000770

Applicant: James Frye (owner).
Location: 333 East McKinley Avenue.
Requested Action: Review and approval of a Public Hearing Site Plan for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B) to allow construction of a 1,200-square foot, 15.08-foot tall, metal clad accessory building within the rear yard, per City Code Section 135-2.22.1.D.

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to construct an accessory structure with metal siding and metal roof material within the rear yard. The scale of the accessory structure along with the exterior materials of the structure do not match the character of the principal dwelling.

   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: 50,655 square feet (1.16 acres).

3. Existing Zoning (site): “NX1” Neighborhood District.

4. Existing Land Use (site): Low Density Residential.

5. Adjacent Land Use and Zoning:
   - North – “N3a”; Low Density Residential.
   - South – “N3a”; Low Density Residential.
   - East – “NX1”; Low Density Residential.
   - West – “NX1”; Low Density Residential.

6. General Neighborhood/Area Land Uses: The subject property is located in a predominately low-density residential neighborhood.

7. Applicable Recognized Neighborhood(s): The subject property is in the Fort Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on October 29, 2021 and by mailing of the Final Agenda on November 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on November 8, 2021 (10 days prior to the public hearing) to the Fort Des Moines 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 Fort Des Moines Neighborhood mailings were sent to Scott Durham, 301 East Kenyon Avenue, 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. Type 2 Design Alternatives Requested: The Type 2 design alternative requested is to allow construction of a detached garage to have metal siding and metal roof material that does not match the existing exterior material of the principal dwelling, per Section 135-2.22.1(D)(7) of the City Code.

2. Staff Analysis: The metal siding and roofing does not comply with City Code Chapter 135, as it does not match the house. Staff believes that since the property is located in a residential area that the garage should have a residential scale and character that matches the house.

III. STAFF RECOMMENDATION

Staff recommends denial of the requested Type 2 Design Alternative to allow a detached garage with metal siding and metal roofing material that does not match the existing exterior material of the principal dwelling.
**AGENDA ITEM #10 SITE-2021-000020**

**Applicant:** Glad Tidings Assembly of God (owner) represented by Bill Wenig (officer).

**Location:** 2145 East Army Post Road.

**Requested Action:** Review and approval of a Public Hearing Site Plan “Glad Tidings Assembly of God Church” for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B) to allow surface parking in a front yard and street side yard along primary frontages.

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing an on-site surface parking lot in the front yard of their site. The Planning and Design Ordinance requires on-site surface parking lots to be located in the rear yard or interior side yard of a Civic building in properties zoned “P2” District. Design alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.

2. **Size of Site:** 350,048 square feet (8.036 acres).

3. **Existing Zoning (site):** “P2” District.

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

5. **Adjacent Land Use and Zoning:**
   
   **North** – “MX1” and “NX2”; Uses are a fueling station and single-household residential.
   
   **South** – “N1a”; Use is single-household residential.
   
   **East** – “P1”; Use is a cemetery.
   
   **West** – “EX”; Uses are agriculture crops and industrial uses.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the southwest corner of Indianola Avenue and East Army Post Road along a highway commercial corridor east of the Southeast 14th Street intersection, in an area that includes a mix of industrial, commercial, and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Easter Lake Area Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on October 29, 2021 and by mailing of the Final Agenda on November 10, 2021. Additionally, separate notifications of the
hearing for this specific item were mailed on November 8, 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 Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320.

8. Relevant Zoning History: None.


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

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;

- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:

  ➢ The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

  ➢ Zoning restrictions at the time of the proposal;

  ➢ The city’s comprehensive plan;

  ➢ The city’s plans for future construction and provision for public facilities and services; and

  ➢ The facilities and services already available to the area which will be affected by the proposed site use;
• Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;

• Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;

• Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and

• Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

• The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation’s intended purpose and greater consistency with the comprehensive plan.

• Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:

  ➢ An evaluation of the character of the surrounding neighborhood, such as:
    o Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
    o Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);

• For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
➢ The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;

➢ Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;

➢ Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;

➢ Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and

➢ Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

Section 135-2.10.3(A)(8) of the Planning and Design Ordinance applicable to Civic buildings within the “P2” District allows for surface parking and loading to occur within rear and interior side yards only. The proposed site plan consists of a 23,000-square foot building with surface parking lot in the front yard and street side yard, with both streets classified as primary streets in the City of Des Moines Primary Streets Frontages map.

The proposed project is located on a site exceeding eight (8) acres in size, and the site is featured on the intersection of East Army Post Road and Indianola Avenue, which is noted as a Neighborhood Node on the City’s Land Use Map. Within that node and the site itself, the future land use map indicates mixed-use and medium density uses, and current zoning features MX1 and NX2 zoning districts to the north and northeast of the site. The convergence of all these factors leads the intent of the code to promote development that engages the street, with buildings closer to the public right-of-way, and avoid having parking lots that front primary frontages.

The applicant has indicated that they prefer to locate the parking in front of the building and that relocating the parking to the rear or side yard is undesirable. They have also indicated some general ideas for future use of the remainder of the site, including a building expansion and proposed areas for future parking within the rear and interior side yard areas.

Along Indianola Avenue, the site plan indicates that much of the parking is proposed on the street side yard setback area. While staff notes this is also inconsistent with City Code requirements, staff recognizes that the setback from Indianola Avenue doubles as storm water detention with landscaping included around that basin and places the parking area behind even the rear property line of existing single-family residences that

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front Indianola Avenue. As such, staff finds the mixture of buffering and substantial setback helps offset negative impacts the code intends to mitigate by having parking in the front yard or street side yard, and is supportive of allowing parking along this frontage.

Along East Army Post Road, however, staff finds that the site does have sufficient space in the rear and the interior side yards of the site to comply with code standards, as staff cites proposed future parking locations in the rear and interior side yards of the site. Additionally, given the proposed character of the future neighborhood node, staff finds parking in a front yard area within this node to be inconsistent with the future land use map and the intent of the Code. Finally, applicant has not demonstrated that they face a practical difficulty in complying with the requirement, and notes that the layout of the building, with a secondary entrance to the south, further enhances the ability to provide efficient parking to the rear of the building.

III. STAFF RECOMMENDATION

Staff recommends denial of the requested Type 2 Design Alternative along East Army Post Road.

Staff recommends approval of the requested Type 2 Design Alternative along Indianola Avenue.

Staff recommends approval of the Public Hearing Site Plan subject to compliance with all administrative comments.
GLAD TIDINGS ASSEMBLY OF GOD CHURCH
SITE PLAN

GENERAL NOTES:
1. DRAWING SHEET DATES: DRAWING SHEET DATES
   SHALL BE SUBMITTED TO THE CITY OF DES MOINES FOR APPROVAL PRIOR TO COMMENCEMENT.
2. ALL DRAWINGS SHALL BE IDENTIFIED IN THE DRAWING TITLE BLOCK.
3. ALL DRAWINGS SHALL BE SUBMITTED TO THE CITY OF DES MOINES FOR APPROVAL PRIOR TO COMMENCEMENT.
4. ALL DRAWINGS SHALL BE DRAWN TO SCALE AND ACCURATELY ACCORDING TO THE AMERICAN NATIONAL STANDARDS.
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GLAD TIDINGS ASSEMBLY OF GOD CHURCH
SITE PLAN

UTILITY NOTE:
THE UTILITIES AS SHOWN ON THE PLANS MAY BE SUBJECT TO CHANGE. THIS IS DUE TO THE VARIABLE NATURE OF UTILITIES AND THEIR LOCATION.

UTILITY MAPS PROVIDED BY:
1. ELECTRIC PROVIDER
2. GAS PROVIDER
3. WATER PROVIDER
4. SEWER PROVIDER

UTILITY POLICY:
1. ALL UTILITIES SHALL BE DRAWN TO SCALE AND ACCURATELY ACCORDING TO THE AMERICAN NATIONAL STANDARDS.
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EXISTING TREES: 30,300 SF = 15 TREES AT 2000 SF PER TREE

TREE MITIGATION NOTES:

TOTAL AREA OF CANOPY: 122,291 SF
TOTAL AREA OF CANOPY REMOVED FOR SITE WORK: 101,240 SF
TOTAL AREA REMOVED FOR DETENTION: 27,439 SF
AREA OF TREES COUNTED FOR MITIGATION: 51,600 SF

REPLACEMENT TREES AT 1 TREE PER 2000 SF REMOVED = 37 TREES

EXISTING REMAINING TREES:

TREE AREA UNDISTURBED: 30,300 SF
EXISTING TREES AT 1 TREE PER 2000 SF = 15 TREES
**STORM WATER POLLUTION PREVENTION PLAN**

**EROSION CONTROL NOTES:**

1. Erosion Control Plan is an auxiliary for all other construction, drawing, and contract documents. Additional notes and specifications shall be considered integral and must be referenced and used in conjunction with this document.
2. A copy of this document shall be placed at or near each entrance to the construction site. The plans shall be protected from weather and similar damage.
3. The contractor shall retain all copies of this document for easy reference during construction.
4. Site plans and elevations shall be reviewed by the Municipal Engineer. Site plans and elevations shall be furnished to the Municipal Engineer for approval.

**EROSION CONTROL REMOVAL NOTES:**

- **BENCHMARK:**
  - CONSTRUCTION CUT TRENCH AT NORTHWEST CORNER OF SW CORNER LOT 6.
  - SITE DATUM POINT LOCATED AT NORTHEAST CORNER OF SW CORNER LOT 6.
  - SITE STANDARD ELEVATION LOCATED AT THE SOUTH CORNER OF SW CORNER LOT 6.

- **SITE ENTRANCE DETAIL:**
  - Site entrance detail shall be included in the original bid. Site entrance detail shall be considered a living document and will need periodic updates and adjustments as necessary depending on site conditions to assure compliance with NPDES General Permit No. 1. Site entrance detail shall be considered a living document and will need periodic updates and adjustments as necessary depending on site conditions to assure compliance with NPDES General Permit No. 1.

**CONCRETE WASHOUT BAG DETAIL:**

- **SITE PROTECTION DETAILS:**
  - Site protection details shall be included in the original bid. Site protection details shall be considered a living document and will need periodic updates and adjustments as necessary depending on site conditions to assure compliance with NPDES General Permit No. 1.

**SITE DISTURBED AREA:**

- **SITE DISTURBED AREA:**
  - Site disturbed area shall be included in the original bid. Site disturbed area shall be considered a living document and will need periodic updates and adjustments as necessary depending on site conditions to assure compliance with NPDES General Permit No. 1.

**SITE ENTRANCE DETAIL:**

- **SITE ENTRANCE DETAIL:**
  - Site entrance detail shall be included in the original bid. Site entrance detail shall be considered a living document and will need periodic updates and adjustments as necessary depending on site conditions to assure compliance with NPDES General Permit No. 1.

**UTILITY NOTE:**

- **UTILITY NOTE:**
  - The location of utilities indicated on the plans or taken from existing public records and approximate locations. The exact location of a utility at any location is subject to change without prior notice. Site plans and elevations shall be furnished to the Municipal Engineer for approval.

- **DISTURBED AREA:**
  - Site disturbed area shall be included in the original bid. Site disturbed area shall be considered a living document and will need periodic updates and adjustments as necessary depending on site conditions to assure compliance with NPDES General Permit No. 1.

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  - Site entrance detail shall be included in the original bid. Site entrance detail shall be considered a living document and will need periodic updates and adjustments as necessary depending on site conditions to assure compliance with NPDES General Permit No. 1.