Iowa Code Section 21.4 requires that each Plan and Zoning Commission meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given Mayor Cownie’s March 17, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, and the Governor’s Proclamation, as amended, strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID-19 outbreak and its authorization of electronic meetings, and the Mayor’s announcement on April 13, 2021 that the opening of City buildings for Boards and Commissions meetings would not occur until July 1, 2021 due to the continued need to maintain safety, it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. Meeting minutes will continue to be provided per the City’s normal course of business. You may contact the City Staff at (515) 689-9485 or check the meeting agenda on the City’s website (www.dsm.city). To participate in the electronic meeting, access is available via the internet or telephonically (details below).

If you intend to participate in the virtual ZOOM webinar via internet or by telephone, the City’s Development Services Department requests that you please send an email to Planning@dmgov.org or call (515) 689-9485 at least 24 hours prior to the start of the scheduled meeting, to alert the meeting’s moderator that you intend to address the Plan and Zoning Commission. When sending an email or leaving a voice-mail message, please include your name, address, telephone number and the item number that you wish to speak on, state whether you wish to speak in support or in opposition, and attach or identify any evidence (photos, documents, etc.) that you would like the Plan and Zoning Commission members to review. Participants will be allowed to join the virtual Zoom meeting via internet or by telephone at the scheduled time of the meeting, whether or not such prior notice is given to the Development Services Department.

The Plan and Zoning Commission shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by City Staff in the Development Services Department either by email or by U.S. Mail prior to 4:00 p.m. May 5, 2021 (Development Services Department, Armory Building, 602 Robert D. Ray Drive, Des Moines, IA 50309; Email Planning@dmgov.org).

Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join.
https://dmgov-org.zoom.us/s/84035105681?pwd=UTFBMGluUk9TTm1ZRGtiITTIDNk9hZz09

Webinar ID: 840 3510 5681
Passcode: 673486

One-Tap Dialing on iPhone
+13126266799, 84035105681# US (Chicago)

Or join by phone:
US: +1 312 626 6799 or
    +1 720 928 9299 or
    833 548 0276 or 877 853 5257 (Toll Free)

Webinar ID: 840 3510 5681
Passcode: 673486

International numbers available: https://dmgov-org.zoom.us/u/kdaJXLapOB

Hearing date is subject to change. Please see https://www.DSM.city/covid19 and scroll down to the “Public Meetings” link under the heading “City of Des Moines Services impact” or call (515) 689-9485 for the most current information public hearings and public meetings.
PLAN AND ZONING COMMISSION RULES AND PROCEDURES

1. The Plan and Zoning Commission is generally an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all matters before the Commission other than Site Plans and Subdivision Plats, unless denials or conditional approvals thereof are appealed. Please contact the City Clerk or Development Services Department staff (515) 689-9485 for details on Council hearings.

2. Applicant will be given 10 minutes to present the request. If applicant’s wish to share materials not already submitted with the application, please email them to Planning@dmgov.org so a staff host may be able to share them on the screen when you present.

3. Proponents and then opponents from the public are then allowed to speak in that order, with each speaker allowed a maximum of 5 minutes. Staff has attempted to compile a list of people who would like to speak on each item. Staff will first call on these people and then will open it up to anyone else who wishes to speak. To request to speak during the hearing, please use the “raise hand” function on ZOOM Webinar via internet or dial *9 on your phone. Once permission to speak is given, to unmute and mute dial *6 on you phone. You will be required to give your name and address for the record prior to speaking. Also, we ask that you keep your microphones and phones on “mute” unless you’ve been given the chance to address the Commission by the Chair.

4. Applicant is then allowed five (5) minutes for a rebuttal if any opponents spoke.

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

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

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

8. The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. Please know that typical accommodations may be limited by emergency requirements as issued by the State of Iowa and the City of Des Moines.

Note: There is not a scheduled early session.

6:00 ROLL CALL & APPROVAL OF MINUTES FROM April 15, 2021

CONSENT PUBLIC HEARING ITEMS

Item #1 is continued from the April 1, 2021 meeting of the Commission.

1. Request from TK Development, LLC (owner) represented by Dan Kruse (officer) for review and approval of a 3rd Amendment to the Preliminary Plat “Southwoods Estates” on property in the vicinity of 5730 Rose Avenue, to provide for a Final Plat 3 that would have 19 development lots on a Maish Avenue cul-de-sac and an extended cul-de-sac for Rose Circle. The Plat would include the Right-Of-Way dedication for the north half of Watrous Avenue to extend along the southern border of the property. (13-2021-1.38)

2. Request from Jerry’s Homes, Inc. (owner) represented by Jay Cowan (officer) for review and approval of the Preliminary Plat “Pearl Lake” on 14.65 acres of property in the vicinity of the 3100 block of East Payton Avenue for development of 39 one household residential lots. Additional property is owned by the City of Des Moines. (13-2021-1.35)
3. City initiated request for the Vacation of the following segments of street and alley Right-Of-Way in the vicinity of Southeast Astor Street and Shaw Street and the vicinity of Southeast 16th Street and Vale Street, to assemble land for the Municipal Services Center Phase II project. (11-2021-1.06)

A) North/south alley between Southeast 15th Court and Southeast Astor Street from Maury Street to Scott Avenue.
B) Southeast Astor Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street.
C) North/south alley between Southeast Astor Street and vacated Southeast 16th Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street.
D) Shaw Street from vacated Southeast 16th Street to the north/south alley west of Southeast Astor Street.
E) Southeast 16th Street from the vacated east/west alley south of Vales Street to Maury Street.
F) Vale Street from Southeast 15th Street to Sotuheast 16th Street.

4. Request from Merle Hay Anchors, LLC (owner) represented by Jim Sutphen (officer) for the following for property located at 4000 Merle Hay Road, to allow new construction of a 55,000 sq. ft. Commercial Center Type building.

A) Review and approval of a Large Scale Development Plan for the 12.82 acre property to include the Commercial Center, additional future retail to the north and within a pad site along Merle Hay Road, and additional surface on-site parking area.

B) Review and approval of a Public Hearing Site Plan "Kohl’s at Merle Hay" for the following Type 2 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4(B) and 135-9.3.1(B), (10-2021-7.62)

1) Allow a primary frontage coverage that is deficient the 50% frontage coverage required per Section 135-2.8.3(A)(2).
2) Allow a primary frontage build-to-zone that is deficient of the required 0-15 feet build-to-zone per section Section 135-2.8.3(A)(3).
3) Allow the total impervious surface area to be 88% of the site which exceeds the maximum 75% maximum impervious surface area allowed per Section 135-2.8.3(A)(7).
4) Allow surface on-site parking in the front yard where surface parking is only allowed in the rear yard or limited interior side yard per Section 135-2.8.3(A)(8).
5) Allow 35.7% transparency on the primary frontage façade (East) where 60% is required and allow 0% transparency on the south façade where 60% Minimum Primary Frontage Ground Story Transparency is required per Section 135-2.8.3(D)(18).
6) Allow only one entrance location on a primary frontage which is two entrances less than what is required to meet a minimum of one entrance per 90 feet of primary street façade per section Section 135-2.8.3(D)(20).
7) Allow Synthetic Stucco as a minor façade material on the ground story level where only allowed on the 3rd floor or higher per Table 135-4.1-2. (Denied Type 1)
8) Allow Syntheitc Stucco banding accent material which is prohibited per Table 135-4.1-5.
9) Waiver of landscaping requirements to allow ornamental tree species rather than required overstory trees per section 135-7.7. (Denied Type 1)
5. Request from Jeffrey Hayes and Susan Crowley for review and approval of a Public Hearing Site Plan for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 1049 38th Street, to allow a 996.25-square foot detached garage to be 2 feet from the north side side lot line which would be 3 feet less than the minimum required 5-foot setback for an accessory building from any property line required per Section 135-2.22.1(D)(3)(b) and 135-2.22.2(C)(1).

(BLD2021-00595)

6. Request from CLI Properties, LLC (owner) represented by Christopher B. Rottler (officer) for review and approval of a Public Hearing Site Plan “Community Lawyers of Iowa” for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property at 601 & 607 Hickman Road, to allow for parking lot improvements for the existing law office use and one-household residential use with waiver of undergrounding the existing overhead utility lines required per Section 135-9.2.1(E).

(10-2021-7.77)

7. Request from Switchmen Investments (developer) represented by Spencer Vanderberg (officer) for review and approval of a Public Hearing Site Plan “Secret Admirer Bar” for the following Type 2 Design Alternatives and denied Type 1 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property at 110 Southeast 5th Street, to allow reuse of the property for a Bar with outside seating area. The subject property is owned by Lederman Borthers Property Management Company, LLC.

(10-2021-7.79)

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

B) Waiver of the requirement for the street light in the adjoining street Right-Of-Way required to be replaced by a black fixture per Engineering Department per Section 135-7.6.5(B)(6).

C) Waiver of the minimum 70% primary frontage ground story transparency required per Section 135-2.3.3(D)(19).

8. Request from MercyOne Medical Center Des Moines (owner) represented by Dianne Cummings (officer) for review and approval of a PUD Final Development Plan “MercyOne Richard Demming Cancer Center” on property located at 411 Laurel Street, to allow a new drop-off drive and canopy added to the west front entrance area of the building.

(10-2021-7.80)

PUBLIC HEARING ITEMS

Item #9 is continued from the April 1, 2021 and April 15, 2021 meetings of the Commission.

9. Request from Hubbell Realty Company (owner) represented by Steve Mosely (officer) for review and approval of a 10th Amendment to the Riverwoods Legacy PUD Conceptual Plan, for property in the vicinity of Riverwoods Road and River Ridge Avenue, to revise areas F, G, and H by eliminating the extension of River Ridge Road and reducing the length of the Grand River Drive cul-de-sac and increasing the open space/conservation area. Also, to add the allowance for 50-foot lot width minimums and additional house typical designs.

(ZON2021-00028)
**Item #10 is continued from the April 1, 2021 meeting of the Commission.**

10. Request from Menard, Inc. (owner) represented by Theron Berg (officer) for the following regarding the property located at 6000 Southeast 14th Street; 5907, 5911, and 5917 Southeast 8th Street; and 801 Hart Avenue.

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

   B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for 5907 Southeast 8th Street and 801 Hart Avenue from Community Mixed Use within a Community Node to Low Density Residential within a Community Node. (21-2021-4.10)

   C) Review and approval of an amendment to the Large-Scale Development Plan on file for the existing 20.8-acre site for Retail Sales, Large-Format use.

   D) Rezone property from Limited “CX-V” Mixed Use District to “N3a” District and Limited “CX-V” Neighborhood District, to allow retention of two One Household Living residences (5907 Southeast 8th Street and 801 Hart Avenue) that are no longer proposed for redevelopment in conjunction with the Large Format Retail Sales use adjacent to the east and revise zoning conditions contained in Ordinance 15,929 that were applied to the site it was rezoned to “CX-V” District. (ZON2021-00030)

**Item #11 is continued from the April 15, 2021 meeting of the Commission.**

11. Request from University Avenue Storage, LLC (owner) represented by Will Matthews (officer) for the following regarding the property located at 1960 Claypool Street.

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

   B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial. (21-2021-4.11)

   C) Rezone property from “RX1” Mixed Use District to “I1” Industrial District, to allow redevelopment of the property with Self-Service Storage. (ZON2021-00034)

12. Request from Wesley Retirement Services Inc (owner) represented by Rob Kretzinger (officer) for review and approval of a PUD Final Development Plan “Wesley Acre – Site Improvement Plan” on property located at 3520 Grand Avenue, to allow building additions for the north and west entries with reconfiguration of the adjacent parking lot areas including extension of parking to the north toward Grand Avenue, a building addition for swimming pool and auditorium use on the west, a terrace/pond landscape feature in the north side of the site, and renovation of the central courtyard area. (10-2021-7.56)

**OTHER ITEMS**

13. Committee and Director’s Reports.