The November 19, 2020 meeting of the Plan and Zoning Commission was held via virtual Zoom Webinar ID 869 0627 4359.


P&Z ABSENT: Johnny Alcivar

STAFF PARTICIPANTS: Mike Ludwig, Tyler Hall, Bert Drost, Jason Van Essen, Katherine Drahos, Erik Lundy and Judy Parks-Kruse.

Erik Lundy stated the items tonight are considered site plan items and would not carry forward to City Council unless appealed.

Abby Chungath made a motion to approve the November 5, 2020 Plan and Zoning Commission meeting minutes. Motion carried 13-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Jaclyn Wike (owner) for a Public Hearing Site Plan for review of the following Type 2 Design Alternative and denied Type 1 Design Alternative in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 5322 Grand Avenue, for construction of an 894-square foot basement story addition (for an attached garage) to the existing 900-square foot basement for a House Type A in an “N1a” Neighborhood District. (BLD2020-01763)

A) Allow 893.4 square feet (49.8%) of the 1,794-square foot basement story area to be used for parking within a principal building per when 538.2 square feet (30%) would be allowed per Section 135-2.13.3.C.17.

B) Waiver of required screening of mechanical equipment from view from any public way as required per Section 135-4.5.7.C.3.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to remove an existing deck/carport structure on the rear of the dwelling and construct a new 893.4-square foot addition which would increase the basement story from 900 square feet to 1,794 square feet. The proposed addition would primarily serve as a new 3-car attached garage with a deck structure on the roof. The proposed addition would be constructed to match the dimensions for length of a vehicle and the width of the existing dwelling. The residential planning review additionally identified the need for screening of the existing air conditioning unit on the western façade of the dwelling.
2. **Size of Site:** 15,836 square feet (0.364 acres).

3. **Existing Zoning (site):** “N1a” Neighborhood District.

4. **Existing Land Use (site):** The property contains a one-household dwelling with a tuck-under garage and deck/carport in the rear of the dwelling.

5. **Adjacent Land Use and Zoning:**
   - **North** – “P2”; Use is Merrill Middle School.
   - **South** – “N1a”; Uses are one-household residential.
   - **East** – “N1a”; Uses are one-household residential.
   - **West** – “N1a”; Uses are one-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is in an area that consists of a mix of one-household and two-household dwellings and public uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Westwood Neighborhood and within 250 feet of the Waterbury Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on October 30, 2020 and by mailing of the Final Agenda on November 13, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on November 9, 2020 (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 Development Services Department on the date of the mailing. The Westwood Neighborhood Association mailings were sent to Diane Kuhn, 5210 Welker Avenue, Des Moines, IA 50312. The Waterbury Neighborhood Association mailings were sent to Martha Miller Johnson, 525 Country Club Boulevard, Des Moines, IA 50312.

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

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. Parking in a Principal Building: Section 135-2.13.3.C.17 states parking within a principal building in an N1a district may occupy a maximum of 30% of any story.
Staff notes a 30% maximum of a total 1,794-square foot basement story would be 538.2 square feet. A Type 1 Design Alternative would allow 39%, or 699.66 square feet, to be utilized for parking. The applicant is proposing to utilize 49.8% or 893.4 square feet of the total 1,794-square foot basement story following construction of the addition for parking within a principal building.

Staff believes that the proposed location at the rear of the dwelling and the provision of shrubs along the eastern façade of the proposed addition would mitigate the impact of the increased size of parking within the proposed addition.

2. **Screening of Mechanical Equipment Mechanical Equipment on Other Horizontal Surfaces.** Section 135-4.5.7.C.3 states mechanical equipment located on the ground, decks, or horizontal surfaces other than the roof, such as but not limited to electrical equipment and air conditioners, shall be screened from view from any public way with landscaping, fencing, or walls consistent with the building design, colors, and materials.

The residential planning review of this proposal identified that the existing air conditioning unit for the dwelling would require screening from the public right-of-way of Grand Avenue. A Type 1 Design Alternative must be approved by the Planning Administrator to allow waiver of this requirement. It was determined that the recently updated landscaping by the applicant does not provide sufficient screening of the unit from the public way.

3. **Approved Type 1 Design Alternatives:**
   A. A 1-story reduction in required minimum overall height plus full basement due to issues of pre-existing dwelling siting and topography has already been approved by staff as a Type 1 design alternative.
   B. A 25-square foot reduction in required total tree canopy subject to provision of shrubs along the eastern façade of the addition has already been approved by staff as a Type 1 design alternative.

**III. STAFF RECOMMENDATION**

Part A) Staff recommends approval of the requested Type 2 Design Alternative to allow 893.4 square feet of the basement story area to be used for parking within a principal building subject to the provision of shrubs along the eastern façade of the proposed addition.

Part B) Staff recommends denial of the requested waiver of required screening of mechanical equipment from view from any public way.

**SUMMARY OF DISCUSSION**

Katherine Drahos presented the staff report and recommendation.

Kade Mahler 5322 Grand Avenue stated the entire West side of the garage is below ground and the East side would have shrubs and material to match the façade of the
house. This would allow them to have a proper driveway and keep cars away from their neighbors along the private drive. Regarding the AC unit, in the summer they have an oriental tree that provides screening when in full bloom. They have also added granite rocks that match the AC unit and planted trees throughout the West side of the property. They would rather not disturb the area due to the hose connected to the sump pump in the basement and the gas line being there as well.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present or requested to speak.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Francis Boggus stated he believes screening of mechanical equipment is more for commercial buildings with larger units. He would be inclined to approve the waiver as the property owner has done a nice job and it’s the Commissions job to grant relief from parts of the zoning code that might not be appropriate on individual circumstances.

**COMMISSION ACTION:**

Francis Boggus made a motion for approval of Part A) **APPROVAL** of the requested Type 2 Design Alternative to allow 893.4 square feet of the basement story area to be used for parking within a principal building subject to the provision of shrubs along the eastern façade of the proposed addition and Part B) **APPROVAL** of the requested waiver of required screening of mechanical equipment from view from any public way.

**THE VOTE:** 13-0

***************

***************

**Item 2**

Request from Julie Mason (owners) for a Public Hearing Site Plan for review of the following Type 2 Design Alternative in accordance with Chapter 135 Section 135-9.2.4.B and 135-9.3.1.B, for property located at 1518 Pioneer Road, to allow construction of an addition to a House Type B in an “N3a” Neighborhood District with waiver of the required public sidewalk installation per Section 135-8.5.2.A.

(BLD2020-02654)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to construct an 880-square foot addition to the rear of the existing 1,075-square foot house. Since the area of the
addition would be more than 50% of the area of the existing house, the pre-existing building and the proposed addition must comply with code regulations per Section 135-10.3.4.A.2.

The applicant is asking for waiver of the standard that requires them to construct a public sidewalk along Pioneer Road. 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:** 100 feet by 403 feet (40,300 square feet or 0.93 acres)

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

4. **Existing Land Use (site):** One household dwelling with a detached garage within the rear yard area.

5. **Adjacent Land Use and Zoning:**
   - **North** – “N3a”; Use is undeveloped land.
   - **South** – “N3a”; Uses are Pioneer Road and a single-household dwelling.
   - **East** – “N3a”; Uses are single-household dwellings.
   - **West** – “N3a”; Use is a single-household dwelling.

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

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Pioneer Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on October 30, 2020 and by mailing of the Final Agenda on November 13, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on November 9, 2020 (10 days prior to the public hearing) to the Pioneer 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. The Pioneer Park Neighborhood mailings were sent to Scott Jimmerson, 1907 East Lacona Avenue, Des Moines, IA 50320.

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

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

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

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

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

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

- Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.
II. ADDITIONAL APPLICABLE INFORMATION

1. 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.”

2. Staff Analysis: The applicant is in the process of constructing an addition to the rear of an existing house, which requires the entire property to be brought into compliance with current requirements. This requires provision of a 5-foot wide sidewalk along the property’s 100 feet of street frontage. The applicant has requested waiver of this requirement since “there is not one sidewalk on either side of Pioneer Road from Southeast 14th Street to the west to Pioneer Park to the west”.

Closing gaps within the City’s sidewalk network is a priority of MoveDSM, which is the City’s transportation plan. The City Council also noted that this is priority at their April 26, 2019 City Council Planning Session.

The grade contours along Pioneer Road would allow for sidewalk to be constructed in this area. While there is not any other sidewalk in proximity to this property, Staff recommends that sidewalks be provided.

III. STAFF RECOMMENDATION

Staff recommends denial of the requested Type 2 Design Alternative to waive the sidewalk requirement. The applicant does not face a practical difficulty as it is possible to construct a public sidewalk along Pioneer Road. Closing gaps within the City’s sidewalk network is a priority of MoveDSM, the City’s transportation plan. 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.

SUMMARY OF DISCUSSION

Bert Drost presented the staff report and recommendation.

Greg Jones asked if the City has plans to install sidewalks along Pioneer Road?

Bert Drost stated this wasn’t an immediate priority area for the City.

Will Page stated he appreciated staff showing the stretch along SE 14th street as it gets a lot of pedestrian traffic and proves sidewalks are an important portion of MoveDSM.

Brett Bunkers owner of Oak Wood Builders Group stated he would be the contractor for Julie and Jason Mason. Jason grew up at this property and now his parents have sold him the house to raise his family in. When they went to pull permits for the project is when he was told about the sidewalk. There are 10 houses along Pioneer Road that still have gravel driveways so a lot of work is needed before sidewalks are discussed. They are requesting waiver of the request as they don’t want to be the only property on
Pioneer Road to install a sidewalk that leads to nowhere. They could use the money to further their overall plan of the house, improving the house size is more important than installing a sidewalk. He believes SE 14th isn’t a street for sidewalks due to the amount of traffic.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present or requested to speak.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Rocky Sposato stated he would be in favor of approving the waiver of the sidewalk.

Will Page stated he would agree with the waiver of the sidewalk along Pioneer Road but would support sidewalks along SE 14th Street as it serves as a major bus route.

Greg Jones stated he appreciates Will defending sidewalks along SE 14th Street. He believes when a property owner is trying to improve their property, the zoning ordinance seems to penalize them rather than encourage improvement.

Abby Chungath stated she supports MoveDSM but doesn’t know how sidewalks will ever be put in with the lack of priority. There should be some basis on which ones they allow waivers on and which ones they don’t because this continues to set the precedent for no sidewalks.

Jann Freed stated she would agree and is in hope the sidewalk committee will be able to find a solution.

**COMMISSION ACTION:**

Rocky Sposato made a motion for approval of the requested Type 2 Design Alternative to waive the sidewalk requirement.

**THE VOTE:** 13-0

******************

******************

**Item 3**

Request from Anto and Sonja Bekic (owner) for a Public Hearing Site Plan for review of the following Type 2 Design Alternative in accordance with Chapter 135 Section 135-9.2.4.B and 135-9.3.1.B, for property located at 4023 Southwest 31st Street, to allow construction of a 22-foot by 22-foot detached garage within the Front Yard Area where accessory buildings are only permitted to be located within a rear or side yard per Section 135-2.22.1.D.1. (BLD2020-02769)
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct a 22-foot by 22-foot detached garage in the front yard area to the west of the existing 1-story dwelling. The proposed entrance to the garage would be through an overhead door facing to the north served by a 12-foot wide driveway along the north property line that would “T” with access to the proposed garage to the south.

2. **Size of Site:** 95 feet by 184 feet (17,480 square feet).

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

4. **Existing Land Use (site):** The property is currently developed with a 1-story, one-household dwelling built circa 1920 with lap board siding and a gabled roof.

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

   - **North** – “N3a”; Uses are one-household dwellings.
   - **South** – “N3a”; Uses are one-household dwellings.
   - **East** – “N3a”; Uses are one-household dwellings.
   - **West** – “N3a”; Uses are one-household dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is in a primarily residential neighborhood west of the Fleur Drive mixed use corridor and north of the Des Moines International Airport separated by McKinley Avenue.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Southwestern Hills Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on October 30, 2020 and the Final Agenda on November 13, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on November 9, 2020 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject site.

   All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

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

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. Accessory Structure Standards: Chapter 135 Section 135-2.22.1.D.1 within the General Development Standards for Accessory Structures requires that accessory structures shall be located in the side and rear yards unless located within the “P1” District.

Section 135-2.22.C provides the definition and specific standards for outbuildings and detached garages.

C. Outbuilding and Detached Garage. A fully enclosed building on a lot that is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated. Typical outbuildings include detached garages, pool houses, workshops, barns, or sheds

1. Side and Rear Setback. Minimum side and rear setback of an outbuilding shall be five feet.

2. Alley. Where a garage is accessed off an alley with pavement narrower than 20 feet, the garage shall be set back from the alley lot line to allow 24 feet from the opposite edge of alley pavement to the garage door.

3. Height. The maximum height of the outbuilding may be no taller than one-half story less than the principal building; however, in the event that the principal building is one story in height, the outbuilding may not exceed the height of the principal building.

4. Residential Districts. The lot coverage of all accessory structures, including an outbuilding, shall not exceed 576 square feet or 25% of the rear yard, whichever is greater, on a lot zoned Neighborhood (N) or Neighborhood Mix (NX).

5. Character. The outbuilding shall be compatible in color and character with the primary structure on the lot.

6. Accessory Household Unit. If a permitted AHU is contained within an outbuilding, then the requirements of subsections 4, 5, and 8 of section 135-2.22.2.F of this article shall also apply.

The existing property does not have a paved driveway. A paved driveway is required with the construction of the proposed garage.

2. Staff Rationale: Staff believes that the proposed detached garage meets the criteria for granting a Type 2 Design Alternative listed in the applicable requirements section of this report. The applicant has challenges to providing a
detached garage of any size within the side or rear yard area due to placement of the existing house at the rear of the lot, existing large mature trees, and terrain which slopes significantly upward toward the rear of the property.

Staff believes that the proposed garage would not present any adverse impacts on surrounding property so long as the garage is placed east of the front façade of the house on the property to the north. This would be a minimum of approximately 45 feet east of the front property line. The house on the corner lot to the south faces to the street on the south so the proposed garage would be adjacent to the rear yard of that property.

Staff would also want to ensure that the design and materials of the proposed garage would be compatible with those of the existing house, which are narrow lap board siding and a gabled roof with asphalt shingles. To avoid a blank wall on the detached garage oriented toward the public street, staff recommends that at least one window be provided on the west side of the garage that is compatible with the windows on the house with a minimum of 4-inch wide trim.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Type 2 Design Alternative to allow construction of a 22-foot by 22-foot detached garage within the front yard area subject to the following conditions:

1. Compliance with all other provisions applicable to accessory structures and detached garages including providing paved driveway access to the adjoining public street.

2. Provision of a minimum of one window with minimum 4-inch wide trim on the west, street facing façade set between 2 and 8 feet above grade.

3. Any detached garage is set back at least 45 from the east of the front (west) property line so that garage is completely east of the front façade of the house on the property to the north at 4015 Southwest 31st Street.

4. Landscaping shall be provided between the front (west) property line and the garage subject to review and approval by the Planning Administrator.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Greg Wattier asked what the requirements would be if someone was to build a new home with a detached garage?

Erik Lundy stated it would require the detached garage to match the character of the dwelling.
Anto Bekić 4023 SW 31st Street stated in order to meet the code the garage needs to be in an awkward spot due to the driveway being over 200 feet long and curving across the whole property line.

Jann Freed asked if he agrees with staff recommendations?

Anto Bekić stated yes.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Gary Huedepohl 3007 Summit Vista stated his property is downhill from the subject property. He would like to see the gutters placed in the front so they can eliminate any water running down to his back yard.

Anto Bekić stated the West side gutters wouldn’t be a problem but would be worried with the East side gutters as water would run across the driveway.

Mike Ludwig stated they will be pouring a new driveway to the garage so the downspout could be attached to a rain barrel or a drain tile beneath the driveway to avoid water running across their driveway.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Greg Wattier stated he would support staff recommendation but would like to see more conditions that would support the character of the garage matching the house.

Jann Freed asked Greg Wattier if he would like to make a motion or hear more discussion from the board?

Greg Wattier stated he would like to hear more discussion.

No other Commissioner’s commented.

**COMMISSION ACTION:**

Rocky Sposato made a motion for approval of the requested Type 2 Design Alternative to allow construction of a 22-foot by 22-foot detached garage within the front yard area subject to the following conditions:

1. Compliance with all other provisions applicable to accessory structures and detached garages including providing paved driveway access to the adjoining public street.

2. Provision of a minimum of one window with minimum 4-inch wide trim on the west, street facing façade set between 2 and 8 feet above grade.

3. Any detached garage is set back at least 45 from the east of the front (west) property line so that garage is completely east of the front façade of the house on
the property to the north at 4015 Southwest 31st Street.

4. Landscaping shall be provided between the front (west) property line and the garage subject to review and approval by the Planning Administrator.

THE VOTE: 13-0

Committee and Director's Report: Michael Ludwig wished the Commission and staff a Happy Thanksgiving, good health and safety. Despite the challenges presented by a global pandemic, we all have a lot to be thankful for.

Meeting adjourned at 7:05pm