The March 4, 2021 meeting of the Plan and Zoning Commission was held via virtual Zoom Webinar ID 871 1743 7375.

P&Z PARTICIPANTS: Kayla Berkson, Rocky Sposato, Johnny Alcivar, Abigail Chungath, Lisa Howard, Dory Briles, Carolyn Jenison Greg Jones, Will Page, Francis Boggus and Jann Freed

P&Z ABSENT: Emily Webb, Steve Wallace and Greg Wattier

STAFF PARTICIPANTS: Bert Drost, Anu Minhas, Kyle Larson, Jason Van Essen, Katherine Drahos, Erik Lundy, Glenna Frank, Judy Parks-Kruse and Tyler Hall.

Carolyn Jenison made a motion to approve the February 18, 2021 Plan and Zoning Commission meeting minutes. Motion carried 10-0

Dory Briles asked if any members of the public or the Commission requested to speak on consent agenda items #1 or #2.

Jann Freed made a motion to approve Consent Agenda Items #1 and #2. Motion carried 10-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Determination as to whether the proposed Hilltop Urban Renewal Plan is in conformance with the PlanDSM Creating Our Tomorrow Plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: Included in the Commission’s packet is a draft version of the Hilltop Urban Renewal Plan (URP).

   The proposed urban renewal area consists of approximately 23.7 acres and is generally located in the 3500-3600 block of the north side of Hubbell Avenue (U.S. Highway 6) at the intersection of East Douglas Avenue and Kennedy Drive. It is made up of the property within the Hilltop Legacy Planned Unit Development (PUD) and the Sargent Park II Legacy PUD.

II. ADDITIONAL APPLICABLE INFORMATION

1. Urban Renewal Plan: The purpose of the Hilltop Urban Renewal Plan is to encourage development within the area for medium-density and/or high-density affordable housing opportunities and to rehabilitate existing multi-family housing for low-and moderate-income families and seniors.
2. PlanDSM Comprehensive Plan: A prerequisite for an urban renewal plan is a comprehensive plan for the municipality. After the municipality has adopted such a plan, the municipality may prepare, adopt, and implement an urban renewal plan for the purpose of rehabilitation, conservation, redevelopment, development, or a combination thereof, of a designated urban renewal area to promote the public health, safety, or welfare of the residents of the municipality.

The City's Comprehensive Plan, PlanDSM, was adopted by the City Council on April 25, 2016, by Roll Call 16-0717. Recently, the Plan & Zoning Commission considered and has recommended approval of a revision for the northern portion of the Hilltop Legacy PUD area from Medium Density Residential to High Density Residential. Based on this recommendation being approved by City Council, the future land use would show the land outside the street Rights-Of-Way as a mix of Community Mixed Use, High Density Residential, and Parks and Open Space with the Development Control Zone Overlay all within a Neighborhood Node. Descriptions of each land use classification are provided below.

**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.

**High Density Residential:**
Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre.

**Parks and Open Space**
Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicate private or public open spaces reserved for natural resource conservation.

**Development Control Zone**
Areas that are sensitive to development, such as airport runway protection zones, flood hazard areas, etc.

**Neighborhood Node**
These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

It should be noted that a portion of the existing multiple-household apartment buildings located on the west end of the plan area are in an area indicated as “Parks and Open Space/Development Control Zone” due to the proximity to the Four Mile Creek floodplain. The existing buildings in this area are legal non-
conforming structures where additional new development and impervious surface area should be restricted, with improvements limited to rehabilitation that includes appropriate flood-hardening or removal of existing flood prone buildings.

Multiple land use goals identified in Plan DSM are included in the goals of this Urban Renewal Plan, including the following:

Goal 2: Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services and public amenities;

Goal 4: Continue to embrace the distinct character of Des Moines’ neighborhoods while allowing for new development and redevelopment; and

Goal 6: Recognize the value of Des Moines’ historic building stock and landscapes and ensure their preservation for future residents.

Map 2- Existing Land Use Map further details the future land use designations proposed for this general area by Plan DSM.

This Plan also is consistent with goals from the various sections throughout the Plan DSM document, including the following:

Housing:
Goal 1: Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds; 
Goal 2: Preserve, maintain, and improve the existing inventory of single-family and multi-family housing; 
Goal 3: Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bike-able neighborhoods; and 
Goal 4: Support development of and access to quality housing affordable to all income level households.

Transportation:
Goal 3: Provide opportunities for healthy lifestyles through walking as a primary mode of Transportation; 
Goal 4: Make transit a more attractive option for all City residents; and 
Goal 5: Enhance the bicycle network by expanding bicycle facilities that are safe, comfortable, and easily accessible.

Economic Development:
Goal 2: Focus economic development efforts in strategic locations for continued vitality and growth; 
Goal 3: Recognize livability as a key aspect to economic development; and 
Goal 4: Foster a sustainable economy.

Public Infrastructure and Utilities:
Goal 1: Provide safe and reliable public infrastructure and utilities for current residents as well as future development needs;
Goal 2: Evaluate capacity for implementation of and adaptation to green infrastructure in the city; and

**Community Character and Neighborhoods:**
Goal 1: Embrace the distinct character offered in each of Des Moines’ neighborhoods;
Goal 2: Further Des Moines’ revitalization efforts to improve the strength, stability, and vitality of all neighborhoods;
Goal 3: Promote the redevelopment and revitalization of neighborhood nodes and corridors;
Goal 5: Expand opportunities for healthy and active living for all residents; and
Goal 6: Strengthen the walkability and connectivity within and between neighborhoods.

**Social Equity:**
Goal 2: Ensure that all residents have convenient access to healthy food, health care, safe environments, and choices for an active lifestyle.

All goals and objectives of the Hilltop Urban Renewal Plan are in conformance with the City’s Comprehensive Plan, *Plan DSM*, which was adopted by the City Council on April 25, 2016, by Roll Call16-0717 and as proposed to be amended.

Possible additional amendments to *Plan DSM* may be identified through the ongoing planning process for the implementation of this Plan.

**III. STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Hilltop Urban Renewal Plan in conformance with the *Plan DSM: Creating Our Tomorrow Plan*.

**SUMMARY OF DISCUSSION**

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

**COMMISSION ACTION:**

Jann Freed made a motion for approval of the proposed Hilltop Urban Renewal Plan in conformance with the *Plan DSM: Creating Our Tomorrow Plan*.

**THE VOTE:** 10-0
Item 2

Request from Urban Campus Apartments, LLLP (owner) represented by Jack Hatch (partner) for vacation of the air and subsurface rights within the west 3 feet of 6th Avenue adjoining the property located at 1230 6th Avenue to allow for encroachment of building footings and building overhangs.  (11-2021-1.03)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is in the process of developing a 5-story Storefront Type building “6th Avenue Flats” for 36 Household Living use and 6 Live/Work use units. The design of the building as conditionally approved would require vacation of subsurface rights for structural footings and air rights for roof overhang elements.

2. Size of Site: The area requested for vacation is 615 square feet. The adjoining site is 23,522 square feet (0.54 acres).


5. Adjacent Land Use and Zoning:

   North – “MX1”; Uses are Shelter, Temporary and Business/Professional Offices. (Bethel Mission).

   South – “Top Value Legacy PUD”, Uses are drive-through Restaurant (McDonald’s).

   East – “MX2”; Uses are 8-unit Household Living dwelling (The New Lawn) and Medical Offices (Blood Plasma Center).

   West – “N5” & “N5-2”; Uses are One- and Two-Household Living dwellings.

6. General Neighborhood/Area Land Uses: The subject ROW is located along the 6th Avenue corridor about a block north of the University Avenue corridor. This segment of 6th Avenue contains a mix of commercial uses and mixed-densities of Household Living dwellings.

7. Applicable Recognized Neighborhood(s): The subject ROW is in the River Bend Neighborhood. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on February 12, 2021 and by mailing of the Final Agenda on February 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on February 22, 2021 (10 days prior) to the applicable neighborhood associations and to the primary titleholder on file with
the Polk County Assessor for each property adjoining the requested public Right-of-Way. The River Bend Association mailings were sent to Chris Chiaramonte, 409 Franklin Avenue, Des Moines, IA 50314.

8. Relevant Zoning History: None.


10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. Utilities: While there is a Des Moines Water Works water line and a City of Des Moines sanitary sewer subsurface main identified within 6th Avenue in this location, they are not in proximity to the ROW subsurface in question. Because the proposed building improvements are to encroach into the airspace and subsurface areas, easements would not be reserved for any existing utilities.

2. Traffic/Access: The requested vacations would not negatively impact access to private properties or to vehicle and pedestrian traffic patterns. It would allow for the 6th Avenue corridor streetscape project implementation.

3. Planning and Design Ordinance: Construction of the “6th Avenue Flats” development must comply with all applicable Building Code and Planning and Design regulations contained the Chapter 135 Planning and Design.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Right-Of-Way vacation.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of the requested Right-Of-Way vacation.

THE VOTE: 10-0
Request from Mundo Pequenito, LLC represented by Guadalupe Castillo (officer), for review and approval of a Public Hearing Site Plan “Mundo Pequeno Childcare” for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 1922 Southwest 1st Street, to allow a General Building type occupied by a “Day Care” use to have site reconfigurations, including expansion of on-site parking.  

(10-2021-7.29)

A) Extension of surface parking within a front yard area when limited to the rear yard or side yard area per Section 135-2.7.3.A.8.
B) Allowance of the trash enclosure to be placed within the front yard where required to be outside of the front yard per Section 135-2.1.7.B.2.
C) Waiver of required public sidewalk installation per Section 135-8.5.2.
D) Waiver of the requirement for undergrounding utilities per Section 135-9.2.1.E.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed Site Plan would allow improvements to be made to the existing day care use, including façade enhancement and parking lot reconstruction.

2. Size of Site: 17,806 square feet (0.41 acre).

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

4. Existing Land Use (site): Excess right-of-way for Southwest 1st Street.

5. Adjacent Land Use and Zoning:

   North – “DXR”; Uses are Columbus Avenue and a one-household dwelling.
   South – “N5”; Uses are Indianola Road and a one-household dwelling.
   East – “P2”; Uses are Southwest 1st Street and Saint Anthony’s Church & School.
   West – “NX2”; Use is a one-household dwelling.

6. General Neighborhood/Area Land Uses: The subject property is in an area known as the Two Rivers District, where uses transition from commercial, institutional, and multiple-household uses to one-household dwellings.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the McKinley School/Columbus Park Neighborhood and within 250 feet of the Indianola Hills Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on February 12, 2021 and by mailing of the Final Agenda on February 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on February 22, 2021 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public right-of-way.

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 McKinley School/Columbus Park Neighborhood mailings were sent to Jim Post, 224 Southeast Livingston Avenue, Des Moines, IA 50315. The Indianola Hills Neighborhood mailings were sent to Jeni Dooley, 712 Virginia Avenue, Des Moines, IA 50315.

8. **Relevant Zoning History:** On October 19, 2020, the City Council adopted Ordinance 15,936 to rezone the adjoining property from “NX2” District to “RX1” District.

On November 5, 2020, the Plan & Zoning Commission recommended approval of a request to vacate a 6-foot by 240-foot (1,440 square feet) segment of Southwest 1st Street right-of-way abutting the subject property. This additional right-of-way provides additional space for the applicant to install landscaping.

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

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

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

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

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

- 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 Alternative Requested: Surface parking within the front yard where not allowed: Section 135-2.7.3.A.8 of the Planning and Design Ordinance applicable to General buildings within the “RX1” District allows for surface parking and loading to occur within rear and interior side yards only. The proposed Site Plan makes significant improvements to an off-street parking lot that is located within the front yard area along Southwest 1st Street. The proposed paving would be within 5 feet of the east front property line. Given the placement and configuration of the existing building, it is reasonable for the parking lot to remain in front of the building. Granting this design alternatives would not have a substantial or undue adverse effect upon adjacent property or be detrimental to the character of the surrounding area or to the public health, safety and general welfare. The impact of the parking lot in this location would be minimal.

2. Type 2 Design Alternative Requested: Trash enclosure within the front yard where not allowed: Section 135-2.1.7.B of the Planning and Design Ordinance
requires trash enclosures to be placed in the rear yard or within the rear area of a side yard. The proposed Site Plan includes a trash enclosure located within the parking lot in the front yard area along Southwest 1st Street. Given the placement and configuration of the existing building on the site, it is reasonable for the trash enclosure to be in front of the building. Granting this design alternatives would not have a substantial or undue adverse effect upon adjacent property or be detrimental to the character of the surrounding area or to the public health, safety and general welfare. The impact of the parking lot in this location would be minimal.

**Type 2 Design Alternative Requested: Waiver of sidewalk where required:**
Section 135-8.5.2 of the Planning and Design Ordinance requires a 5-foot wide public sidewalk along all public streets. The applicant is proposing to construct a sidewalk along the property’s 240 feet of frontage along Southwest 1st Street and there is an existing sidewalk along Indianola Road. However, the applicant has requested waiver of the required sidewalk along the property’s 82.4 feet of street frontage adjoining Columbus Avenue. The applicant has requested waiver of this requirement since there is not any sidewalk on either side of Columbus Avenue to the east of its intersection with Southwest 1st Street.

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 Columbus Avenue would allow for sidewalk to be constructed in this area. The applicant does not face a practical difficulty as it is possible to construct a public sidewalk along Columbus Avenue. Staff recommends that a 5-foot wide sidewalk be provided. 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.

3. **Type 2 Design Alternative Requested: Waiver of the requirement to bury overhead utilities and service lines:** Section 135-9.2.1.E of the Planning and Design Ordinance requires that all electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practical.

There is an existing overhead line along the north property line abutting Columbus Avenue for which MidAmerican Energy Company has provided a statement that this line cannot be feasibly buried since properties to the north connects to it.

There is also an aerial service connection from existing overhead lines along the east side of Southwest 1st Street to the east (front) façade of the building on the subject property. MidAmerican Energy Company has provided the following cost estimate for conversion of this overhead service to the building to underground:

*The enclosed drawing shows MidAmerican Energy Company’s proposal to provide the underground primary distribution system and pad mounted transformer for the applicant’s 120/208 volt, 400 amp, three-phase, four-wire*
underground electric service for the above project. The application charge for the installation is $21,441.34.

The applicant has indicated that in addition to the $21,441.34 that MidAmerican Energy Company would charge for the exterior portion of the project, they would also need to pay an electrician $7,500 to provide the necessary modifications to the electrical system inside the building, bringing the total cost of utility burial to $28,941.34.

The applicant has also indicated that the total budget is $40,560 for their building and parking lot improvements, plus an additional $10,000 to install the sidewalk along Southwest 1st Street, for a combined total of $50,560. They have indicated that the expenses ($28,941.34) related to the burial of utilities would make their project unfeasible. Using these figures provided by the applicant, the proposed $28,941.34 expenses represent 57.2% the project’s $50,560 budget.

Staff has noted that there is a significant amount of overhead utilities in the area, including those along the east side of Southwest 1st Street and those along both Indianola Road to the south and Columbus Avenue to the north.

Therefore, in this instance, given the high cost of the utility burial compared to the overall project cost (57.2%), Staff recommends that the Commission find that it would not be reasonably practicable to require that all electrical, telephone, and cable television transmission systems be placed underground in accordance with Section 135-9.2.1.E of the Planning and Design Ordinance. Also, given the limited visual impact of the proposed utility burial due to the existence of significant overhead utilities in the area, and given that the property’s location along Southwest 1st Street that is not highly visible, granting this design alternative would not have a substantial or undue adverse effect upon adjacent property or be detrimental to the character of the surrounding area or to the public health, safety and general welfare.

III. STAFF RECOMMENDATION

Part A) Staff recommends approval of the requested Type 2 Design Alternative to allow extension of surface parking within a front yard area when limited to the rear yard or side yard area.

Part B) Staff recommends approval of the requested Type 2 Design Alternative to allow placement of the trash enclosure within the front yard area where required to be outside of the front yard.

Part C) Staff recommends denial of the requested waiver of required public sidewalk installation along Columbus Avenue.

Part D) Staff recommends that the Commission find that it would not be reasonably practicable to require that all electrical, telephone, and cable television transmission systems be placed underground in accordance with Section 135-9.2.1.E of the Planning and Design Ordinance.
**SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendation.

Greg Jones asked to see the aerial identifying sidewalks in the area.

Bert Drost stated there are sidewalks along Indianola Avenue to the south and on the east side of SW 1st Street.

Johnny Alcivar asked if there are future plans for sidewalk along Columbus Avenue.

Bert Drost stated as sites are redeveloped, there will be the addition of sidewalks.

Alan VanGundy 1717 Ingersoll Ave, Simonson and Associates, representing the applicant, stated this site has been a daycare for over 20 years and the owner has already put in a lot of time and money to rezone the property and to vacate the right of way for a parking lot addition. They can see value of adding sidewalk along SW 1st Street with the owner agreeing to do so, but they don’t see the value of sidewalk along Columbus Avenue. There are no sidewalks along either side of Columbus.

Will Page asked if there is a front entrance to the building at 115 Indianola Road with a sidewalk leading up to it.

Bert Drost stated on the assessor’s website, it does show as a single-family dwelling that is oriented toward Indianola Road.

Abby Chungath asked if the proposed trees along Columbus Avenue would obstruct a sidewalk addition in the future.

Alan VanGundy stated those are required street trees that will be planted between where the sidewalk would be and the curb.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Guadalupe Castillo 1922 SW 1st Street, stated she likes the neighborhood and wants the opportunity to offer better services to her clients.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Rocky Sposato made a motion for:

Part A) **Approval** of the requested Type 2 Design Alternative to allow extension of surface parking within a front yard area when limited to the rear yard or side yard area.
Part B) **Approval** of the requested Type 2 Design Alternative to allow placement of the trash enclosure within the front yard area where required to be outside of the front yard.

Part C) **Approval** of the requested waiver of required public sidewalk installation along Columbus Avenue.

Part D) **Approval** of the requested waiver of the underground utility requirement based on the finding that it would not be reasonably practicable to require that all electrical, telephone, and cable television transmission systems be placed underground in accordance with Section 135-9.2.1.E of the Planning and Design Ordinance.

**THE VOTE: 11-0**

Item 4

Request from ITS, Inc. (lessee) represented by Amanda Holmgaard (officer) for review and approval of a Public Hearing Site Plan “ITS Shazam” for the following Type 2 and denied Type 1 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 6109 Willowmere Drive, to allow improvements to the existing on-site parking areas and to allow expansion of the existing loading dock on the west side of the existing General Type building in an “EX” Mixed Use District. The subject property is owned by MDM Equity-2010, LLC.

(10-2021-7.37)

A) Allow loading entrance location on a front façade where only permitted on side or rear facades per Section 135-2.7.3.A.8.
B) Waiver of the required fence frontage buffer per Section 135-7.7.2. (denied Type 1)
C) Waver of the required interior lot landscape islands per Section 135-7.9.2.A. (denied Type 1)
D) Waiver of the required landscape requirements for refuse and recycling areas per Section 135-7.10.4.B. (denied Type 1)

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The proposed site plan would allow construction of a new dock entrance enclosure on the west side of the building, a new deck on the east side of the building, and reconfiguration of the on-site parking lot to the east of the building. New public sidewalk would be extended along Willowmere Drive.

2. **Size of Site:** 4.916 acres.
3. **Existing Zoning (site):** “EX” Mixed Use District.

4. **Existing Land Use (site):** The subject property contains an existing 77,144-square foot building with Business/Professional Offices use.

5. **Adjacent Land Use and Zoning:**
   
   **North** – “EX” & “River Oakes Centre Legacy PUD”, Uses are Multiple Household Living dwellings.
   
   **South** – “EX”, Uses are Warehouse and Worship Assembly.
   
   **East** – “EX”, Use is Warehouse.
   
   **West** – “EX”, Use is Warehouse.

6. **General Neighborhood/Area Land Uses:** The subject property is located in a business park area north of Park Avenue and east of Highway 28/Southwest 63rd Street.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located in a recognized neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on February 12, 2021 and the Final Agenda on February 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on February 22, 2021 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division.

8. **Relevant Zoning History:** The subject property was zoned to “EX” Mixed Use District with the citywide rezoning effective in December 15, 2019.

9. **PlanDSM Future Land Use Plan Designation:** Business Park.

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

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

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

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

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

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

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

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

II. ADDITIONAL INFORMATION

1. Design Alternatives Requested: The following Design Alternatives are requested either Type 2 or denied Type 1 as denoted.

   A) Allow loading entrance location on a front façade where only permitted on side or rear facades per Section 135-2.7.3.A.8. The applicant is seeking to rebuild an existing loading dock enclosure with a street-facing overhead door access. The
intent of the Code is to provide new loading entrances on the side or rear facades.

B) Waiver of the required fence frontage buffer per Section 135-7.7.2 (denied Type 1). The applicant is seeking to preserve the existing street trees along Willowmere Drive south of the loading access drive. This results in the public sidewalk being installed where the fence frontage buffer plantings and fence would be placed.

C) Waiver of the required interior lot landscape islands per Section 135-7.9.2.A. (denied Type 1) The applicant is seeking to reconfigure the existing parking area to provide a more efficient layout that preserves as many on-site parking spaces as possible. The submitted Site Plan also seeks to maintain existing interior islands to the extent possible. The intent of the Code would place an interior island at every 9th parking space. The submitted Site Plan shows spacing at about every 12th or 13th parking space. Also, the applicant is seeking to preserve existing parking lot lighting poles in a couple instances instead of providing an overstory tree planting.

D) Waiver of the required landscape requirements for refuse and recycling areas per Section 135-7.10.4.B (denied Type 1). The applicant has proposed providing shrubs on two of three required sides of the proposed enclosure and has not proposed a pedestrian entrance to the enclosure. This is intended to preserve a parking space on the east side of the enclosure.

The applicant has indicated that the waivers requested in Parts C and D are sought to preserve enough parking spaces to provide one for each of the 250 employees expected to work at this location, plus 10 for visitors.

2. Staff Rationale: Staff is supportive of the Design Alternative requested in Part A to allow the loading dock entrance to be rebuilt in its existing location. Moving it and placing the entrance on the west façade would create the need for additional paved maneuvering that is not practical or functional with the land available.

Staff is also supportive of the Design Alternative requested to waive the fence frontage buffer along the Willowmere Drive and SW 62nd Street frontage. Initially staff recommended denial of this at the administrative Type 1 level, but after further analysis, preservation of existing street trees and installation of public sidewalk as part of the project outweigh the benefits of providing the fence frontage buffer.

Staff is not supportive of the requested Design Alternative to waive the full requirement for interior lot landscaping islands or the requested Design Alternative to waive the full requirement for landscaping the refuse enclosure and providing pedestrian entrance. The applicant is requesting these waivers to preserve as much on-site parking as possible for employees and visitors. Staff believes that there is an adequate amount of on-street parking in proximity to accommodate any deficiency that may occur at peak usage. Parking is permitted on the east side of
III. STAFF RECOMMENDATION

Staff recommends approval of the requested Design Alternatives in Part A and Part B to allow loading entrance location on a front façade where only permitted on side or rear facades and to allow waiver of the required fence frontage buffer.

Staff recommends denial of the requested Design Alternatives in Parts C and D that would allow waiver of the required interior lot landscape islands and waiver of the required landscape requirements for refuse and recycling areas.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Rick Baumhover 3501 104th Street, Urbandale, IA, Bishop Engineering, representing the applicant, stated if the loading docks were placed on the south side of the building, it would move them much closer to the street and trucks would end up on the street. The applicant and City staff agree they should remain where they are. They also agreed to place the sidewalk along the south side as it was more important than a complete fence. The company is looking to add an additional 50 employees to the already 250 and they want to have enough parking so employees are not forced to park offsite. With the parking lot and dumpster tucked away from the public few, they believe it’s more important for additional parking spaces, rather than landscape islands. They are proposing to add 19 landscape islands that will give them 35 throughout the parking lot, which they believe is a good compromise as it would improve the appearance of the parking lot and meet the needs of more parking. The reason they don’t want to fully landscape the trash enclosure is because they are trying to save parking stalls.

Will Page asked if the commission were to waive condition D, would that meet the landscaping requirements of the applicant.

Rick Baumhover stated they would appreciate that as it would allow them to have 1 additional parking space.

CHAIRPERSON OPENED THE PUBLIC HEARING

Carol Maher 701 Park Boulevard, stated she has heard the concern around having as much parking as possible but was wondering if there was an opportunity to encourage employees to bike to work.

Dan Kramer 2149 NW 135th Street, Clive, IA, stated there is bike trail access for their employees in the area, they have a fitness center within the building with locker rooms and showers that is available for employees that bike. One of their primary functions of this facility is operations, which includes customer service to financial institutions,
retailers and consumers. They are victims of digital attacks, where people try to gain access to consumers personal information, along with fishing attacks to gain information from employees. This is the reason why they would like all their employees in one place and have them all parking in a secured location.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Jones stated he would be in support of the waiver of Part C and Part D as they are tucked away from public view.

Will Page stated he was in agreement with waiver of Part C and D as well.

COMMISSION ACTION:

Will Page made a motion for approval of the requested Design Alternatives in Part A and Part B to allow loading entrance location on a front façade where only permitted on side or rear facades and to allow waiver of the required fence frontage buffer and approval of the requested Design Alternatives in Parts C and D that would allow waiver of the required interior lot landscape islands and waiver of the required landscape requirements for refuse and recycling areas.

THE VOTE: 10-0-1 (Francis Boggus was not present for the vote)

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Item 5

Request from JR Partners, LLC (owner) represented by Tim Rypma (officer) for review and approval of a Public Hearing Site Plan “401 East Court” for the following Type 2 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 401 East Court Avenue, to allow the existing Downtown Storefront Type building to be renovated for multiple commercial tenant bays with reconstruction of the adjoining on-site parking. (10-2021-7.51)

A) Allow on-site surface parking where accessory parking is only permitted within the principal building per Section 135-2.3.3.
B) Waiver of the required interior lot landscape islands per Section 135-7.9.2.A. (denied Type 1)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to renovate the existing building and parking lot. 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 this report.

2. **Size of Site**: 21,186 square feet (0.49 acres).

3. **Existing Zoning (site)**: “DX2” Downtown District.

4. **Existing Land Use (site)**: The property contains a one-story commercial building and surface parking lot.

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

   - **North** – “DX2”; Uses are office in nature.
   - **South** – “DX2”; Uses are an undeveloped parcel and the Des Moines Heritage Center.
   - **East** – “P2”; Use is a bar.
   - **West** – “DX2”; Use is a bar with on-site brewing.

6. **General Neighborhood/Area Land Uses**: The subject property is located in the southern portion of the Historic East Village Neighborhood. The area contains a mix of commercial, industrial and residential uses.

7. **Applicable Recognized Neighborhood(s)**: The subject property is in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on February 12, 2021 and by mailing of the Final Agenda on February 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on February 22, 2021 (10 days prior to the public hearing) to the Historic East Village 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 Historic East Village Neighborhood mailings were sent to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation**: Downtown Mixed Use.

10. **Applicable Regulations**: Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:
• Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;

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

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

  ➢ 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: The subject property is zoned “DX2” Downtown District. Section 135-2 of the Planning and Design Ordinance allows the Downtown Storefront, Downtown General, Civic Building and Principal-Use Parking Structure building types in the “DX2” Downtown District. The Downtown General Building Type is the applicable type for this application. It does not allow surface parking lots and requires all parking to take place within the building. Therefore, the proposed parking lot project requires a Type 2 Design Alternative review by the Commission.

   Staff supports the requested Type 2 Design Alternative to allow parking lot improvements in this case. The site is not being completely redeveloped where parking could be provided within the building. The requested design alternative would not have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare.

2. Parking Lot Landscaping: Section 135-7.9.2.A of the Planning and Design Ordinance requires a landscape island for every nine (9) parking spaces with no more than eight (8) spaces being allowed contiguously. The site plan includes a total of 24 spaces with 14 spaces fronting East 4<sup>th</sup> Street and 10 spaces fronting the building. Staff approved waiving the requirement for an island in the row along the building. The applicant has indicated that losing a stall may negatively impact the success of their tenants.

   Staff believes that an island should be provided in the row that fronts the street. The intent of Chapter 135 is for all parking in the downtown to be located within a building or parking structure. Staff believes it is reasonable to require the island to reduce the negative impact surface parking has on the desired character for downtown. The applicant is not required to provide a minimum number of parking spaces by the Planning and Design Ordinance.

III. STAFF RECOMMENDATION

Part A) Staff recommends approval of the requested Design Alternative to allow the parking lot to be reconstructed subject to compliance with all administrative review comments.

Part B) Staff recommends denial of the requested Design Alternative to waive the interior lot landscape island requirement for the row of parking that fronts East 4<sup>th</sup> Street.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Dory Briles asked where the landscape island would most likely be placed?

Jason Van Essen stated more towards the middle of the site.
Tim Rypma 512½ East Grand Avenue, representing JR Partners stated this building will be converted into 3 separate tenant spaces that will include, Power Life Yoga, an office space user and a restaurant. Currently, there is no greenspace on the site and they are proposing over 2,100 square feet of green space. Canopy covering for the parking lot will increase from 0 to 87% which exceeds the City’s requirement by 30%. Tree on the site will increase from 1 to 11 with 7 boarding East 4th Street. Peace Tree across the street does not have landscape islands in their parking lot, so they believe they are meeting the character of the neighborhood. They are trying to keep congestion off the street as there isn’t many off street parking spots in the area.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Rocky Sposato stated the request is very reasonable and we would come out of this with much more green space.

Johnny Alcivar asked if they could add additional bike racks?

Tim Rypma stated part of this area is evolving out of the Market District project so they are limited on what they can do now with the pending street reconstruction.

COMMISSION ACTION:

Rocky Sposato made a motion for:

Part A) Approval of the requested Design Alternative to allow the parking lot to be reconstructed subject to compliance with all administrative review comments.

Part B) Approval of the requested Design Alternative to waive the interior lot landscape island requirement for the row of parking that fronts East 4th Street.

THE VOTE: 10-0-1 (Kayla Berkson abstained)

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Item 6

Request from Justin Raymond (owner) for review and approval of a Public Hearing Site Plan for the following Type 2 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 located at 4215 Southeast 17th Street, to allow installation and construction of a manufactured home in accordance with House B Building Type requirements. (BLD2020-03177)
A) Allow 5 feet less than the minimum 35-foot building width per Section 135-2.14.3.A.7. (denied Type 1)  
B) Allow 0 square feet (100%) less than the required 32 square feet (12%) transparency requirement for street facing facade per Section 135-2.14.3.D.18.  
C) Allow the principal entrance on the south side façade where required on the front street façade per Section 135-2.14.3.D.19.  
F) Allow 100% Vinyl siding as a major façade material per Table 135-4.1-2 with no added architectural design elements per Section 135-4.3.11. (denied Type 1)  
G) Allow 0 street trees less than the calculated 2 required street trees per Section 135-7.5.3.C.1. (denied Type 1)  
H) Waiver of the required public sidewalk installation per Section 135-8.5.2.  

STAFF REPORT TO THE PLANNING COMMISSION  

I. GENERAL INFORMATION  

1. Purpose of Request: The applicant is proposing to construct a one-household, dwelling on the property in a manner that will require multiple Type 1 and Type 2 Design Alternatives. The property is zone N3a, which requires a House Type B design. Manufactured homes are subject to the same planning and design standards as stick built homes. 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: 75 feet of frontage on an irregularly shaped lot (22,310 square feet).  

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

4. Existing Land Use (site): The property is currently a vacant lot with an existing garage that is listed to be in below normal condition.  

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 located in the Easter Lake Area Neighborhood and is north of East McKinley Avenue and west of Indianola Avenue. This is a residential area that consists primarily of one-household dwellings with a mix of attached and detached garages.
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 February 12, 2021 and by mailing of the Final Agenda on February 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on February 22, 2021 (10 days prior to the public hearing) to the Easter Lake Area 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 designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320.

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

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

10. **Applicable Regulations:** Section 135-2.14.3.E.3 states that a minimum 288 square feet garage is required for each House B building type and each unit of a 2-unit House B. A Type 1 design alternative for reduction in the size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding area allows for a reduction in size or waiver of the required garage based on one the following:

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

b. 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 by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square foot garages for each House B building, and each unit of a 2-unit House B, thereon.

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
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. Accessory Structures: Section 135-2.22.C provides the definition and 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.

There are 29 parcels located within 250 feet of the subject property. Staff found that 20 (69%) of these parcels met the classification of having a garage structure or are vacant and assumed to have a 288-square foot garage in the future pursuant to Section 135-2.14.3.E.3. In addition, the house to the west and the houses directly across the street have a garage meeting or exceeding the minimum code requirement. The purpose of this requirement in the Zoning Ordinance is to ensure all properties provide suitable storage of vehicles, equipment, refuse and recycling disposal bins, etc.

Staff believes that a minimum 288-square foot garage is necessary on this property to provide essential storage for such items as vehicles, bicycles, lawn care equipment and refuse and recycling bins. It is within the character of the surrounding area for one-household dwellings to feature a garage. Allowing a newly-constructed dwelling to omit this character element will negatively impact the neighborhood’s existing character and will reduce the long-term appreciation in value for this property. There is adequate space on the property for a garage to be constructed.
2. **Sidewalks:** Section 135-8.5.2A of the Planning and Design Ordinance states “sidewalks are required as identified in the city’s transportation plan.” Closing gaps within the City’s sidewalk network is a priority of MoveDSM, which is the City’s transportation plan. The City Council noted this as a priority at their April 26, 2019 City Council Planning Session.

Construction of the proposed house requires provision of a 5-foot wide sidewalk along the property’s 75 feet of street frontage. The applicant has requested waiver of this requirement since there are no sidewalks on Southeast 17th Street. The grade contours along Wade Street would allow for a sidewalk to be constructed in this area. The applicant does not face a practical difficulty as it is possible to construct a public sidewalk along Southeast 17th Street. 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.

3. **House Type B Design Standards:** Section 135-2.14.3 outlines House Type B regulations. It is important to understand these regulations apply to all residential dwellings, regardless if they are manufactured or stick built homes.

Section 135-4.3.11 defines the allowed major façade materials in Table 135-4.1-2. The applicant is proposing 100% vinyl siding with no added architectural design elements to offset the use of vinyl siding. Adding features such as a 60-square foot covered porch, stone veneer accents, and/or alternative siding patterns in the gables could make the project eligible for Type 1 Design Alternative consideration.

Section 135-2.14.3.A.7 regarding minimum building width, Section 135-2.14.3.D.18 regarding minimum window transparency on street facing façade, and Section 135-2.14.3.D.19 requiring the principal entrance be located on the front street façade could be resolved by rotating the manufactured home 90 degrees so that the front elevation would measure 56 feet in width. This new front elevation would satisfy the minimum building width, would satisfy the window transparency on the front façade, and would locate the principal entrance on the front street facing facade. Staff believes that this is the best solution for the applicant and will have a positive impact on the property and neighborhood. Staff also believes that the applicant should consider revising the house plans to add and 60 square foot covered front porch and siding accents in order to be eligible for a Type 1 Design Alternative to allow vinyl siding.

Section 135-7.5.3.C.1 requires one street tree for every 30 feet of lot frontage. This lot has 75 feet of lot frontage, which would require two street trees. The applicant is proposing to plant no street trees. Staff does not feel that there is a site constraint or hardship that would hinder the planting of the two required street trees and has denied the applicant’s request for a Type 1 Design Alternative.
III. STAFF RECOMMENDATION

Part A) Staff recommends denial of the requested Type 1 Design Alternative to allow 5 feet less than the minimum 35-foot building width.

Part B) Staff recommends denial of the requested Type 2 Design Alternative to allow 0 square feet (100%) less than the required 32 square feet (12%) transparency requirement for street facing facades.

Part C) Staff recommends denial of the requested Type 2 Design Alternative to allow the principal entrance to be located on the south façade (side) instead of the required west façade (street).

Part D) Staff recommends denial of the requested Type 2 Design Alternative to allow waiver of the required porch or stoop entrance configuration.

Part E) Staff recommends denial of the requested Type 2 Design Alternative to allow construction of a new one-household dwelling on the subject property without the required garage.

Part F) Staff recommends denial of the requested Type 1 Design Alternative to allow 100% vinyl siding as a major material with no added architectural design elements.

Part G) Staff recommends denial of the requested Type 1 Design Alternative to waive the street tree requirement.

Part H) Staff recommends denial of the requested Type 2 Design Alternative to waive the sidewalk requirement.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Justin Raymond 4235 SE 17th Street, stated he is requesting design alternatives for the first 3 items in the staff report as this would be the best placement on an irregular lot. If they were to place the 56-foot side of the home facing the street, there wouldn’t be enough room for a porch, sidewalk and driveway. They would like the waiver of the garage requirement but would likely build one in the future. The house to the left when facing the street is situated on the property in the same manner as this request. The primary door faces south and no door on the street facing side. The house to the right, is facing the street. It is a manufactured home and does not have a garage. Of the 3 houses across the street, 2 have garages.

CHAIRPERSON OPENED THE PUBLIC HEARING

Dana Raymond 4235 SE 17th Street, stated this project is more valuable for the neighborhood than what currently exist and will raise property value of houses in the area.
Susan Neil 4175 SE 17th Street, stated she is in support of this project. This area has started to rejuvenate and bring young people like the applicant into the neighborhood. They are going to have families, support our school district and support taxes. This neighborhood has culverts, sidewalks would not be viable in this area. We need to support younger people and homeownership, especially when they’re trying to make the neighborhood better.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Greg Jones stated it seems like this might be ok, but the applicant isn’t trying very hard to meet the City standards. For Part A, they could find a way to be narrower. Part B, there needs to be windows facing the street, along with the porch. Part E, they should have a garage, especially when the house doesn’t have basement. Part F, the front side should have some detail if it’s 100% vinyl. Part G, there should be a Street tree and Part H, would allow waiver of sidewalk since there isn’t sidewalk in the neighborhood.

Will Page asked if there are other prefabricated homes that would better meet the City’s requirements.

Justin Raymond stated this is the only one available with this floor plan.

Will Page stated the floor plan isn’t the question.

Justin Raymond stated this is the floor plan he wanted and what he has discussed with the modular home company.

Kayla Berkson asked if they could negotiate on a window for the bedroom that faces the street and a window for the utility room.

Justin Raymond stated they could move the window from the back bedroom and put one in the laundry room if needed.

Johnny Alcivar asked if the 56-foot façade was facing the street, would that meet setback requirements.

Jason Van Essen stated it would be tight, they might have space for a driveway but would need to double check.

Johnny Alcivar asked if the applicant would consider that, if setback requirements are met.

Justin Raymond stated it will not fit with the driveway, porch and sidewalk from the driveway to the entrance.

Erik Lundy stated he is referring to the stoop for the side entrance.
Jason Van Essen asked if the side door could be moved to the backside of the house?

Justin Raymond stated no.

Will Page asked if it makes sense to continue this item as there are many issues involved.

Justin Raymond stated they have waited a long time for this meeting and would rather not be postponed.

Jason Van Essen stated staff has offered suggestions, but the applicant wanted to move forward with this proposal. Staff would be willing to continue this item to work through these issues with the applicant.

Dory Briles asked what the opposition was to planting trees and where would they be placed?

Jason Van Essen stated normally 2 trees are placed in the right-of-way for a lot of this width. Staff is willing to continue to have discussions with the applicant if there are obstacles in the right-of-way such as poles.

Justin Raymond stated there is a fire hydrant and telephone pole in the front but they could place a tree there.

Dory Briles asked if the applicant is willing to add architectural elements to meet the requirements?

Justin Raymond stated the house comes as is.

Jason Van Essen asked if there are different siding options with any detail or trim.

Justin Raymond stated no. The only thing he can change is the color of the shutters.

Jann Freed asked if the Commission would be helping the applicant more if they were to continue this or should the Commission make a motion.

Jason Van Essen stated in finding a solution, he would recommend continuing the item.

Jann Freed stated she would recommend continuance.

Justin Raymond stated he would agree to continue if progress can be made.

Jason Van Essen stated if continued, it needs to be a specific date. The next meeting is scheduled for March 18th and believes 1 week isn’t enough time.
Greg Jones stated the applicant needs some direction around what the Commission is expecting. He’s expecting the house to be oriented to the street and would include the denial of A-F, allow 1 street tree and waive the sidewalk requirement.

Jann Freed stated he seems willing to work with staff, if given the time.

Greg Jones stated working with staff on half of those things isn’t going to cut it so we either need to tell him yes or no today or give him the direction to head towards.

Jann Freed stated she would like the applicant to have direction and then continue it.

Will Page stated he would agree to continue this item to the April 1, 2021 meeting and take in consideration Greg Jones’s recommendation for the property.

COMMISSION ACTION:

Will Page made a motion to continue item #6 to the April 1, 2021 Plan and Zoning Commission meeting.

THE VOTE: 11-0

Item 7

Request from Laura Rehmer (owner) 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 at 5719 Harwood Drive, to allow construction of an attached garage and rear addition to the existing House Type A with waiver of the required public sidewalk installation per Section 135-8.5.2. (BLD2020-03190)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a 648-square foot rear addition and a 576 square-foot attached garage addition to the west side of the existing 2,000-square foot house. The existing detached garage will be removed as part of the project. Since the combined area of the two proposed additions (1,576 square feet) would exceed 50% of the area of the existing house, the pre-existing building and the proposed additions 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 Harwood 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:** 107 feet by 140 feet (15,007 square feet or 0.345 acres).

3. **Existing Zoning (site):** “N1b” 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** – “N1b”; Use are single-household dwellings.
   - **South** – “N1b”; Uses are Harwood Drive and single-household dwellings.
   - **East** – “N1b”; Uses are single-household dwellings.
   - **West** – “N1b”; 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 Waterbury Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on February 12, 2021 and by mailing of the Final Agenda on February 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on February 22, 2021 (10 days prior to the public hearing) to the Waterbury 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 designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Waterbury Neighborhood mailings were sent to Martha Miller Johnson, 525 Country Club Blvd, Des Moines, IA 50312.

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
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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.” MoveDSM, the City’s transportation plan makes closing gaps within the City’s sidewalk network a priority. The City Council has also listed this as a priority at their April 26, 2019 City Council Planning Session.

2. Staff Analysis: The applicant is in the process of constructing additions to the rear (north) and west of the existing house, which requires the entire property to be brought into compliance with current standards. This requires provision of a 5-foot wide sidewalk along the property’s 107 feet of street frontage. The applicant has requested waiver of this requirement.

   An evaluation of the surrounding area shows the presence of public sidewalk along the south side of Harwood Drive, and across from the subject site. There is no public sidewalk along the north side of Harwood Drive. A similar pattern is seen on Pleasant Street, north of Harwood Drive and within 250 feet of the subject site. The grade contours along Harwood Drive would allow for sidewalk to be constructed in the adjoining right-of-way.

   The applicant does not face a practical difficulty as it is possible to construct a public sidewalk along Harwood 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.

III. STAFF RECOMMENDATION

Staff recommends denial of the requested Type 2 Design Alternative to waive the sidewalk requirement.

SUMMARY OF DISCUSSION

Anu Minhas presented staff report and recommendation.

Laura Rehmer 5719 Harwood Drive, stated since moving into her home she has adopted 2 kids. She currently has a functioning 2-bedroom home and would love to stay in Des Moines, where she also owns a small business. They have no sidewalks on her side of the street and if you go north to Pleasant Street, that is all new construction with no sidewalks. Also, Ronwood Drive and the east side of 56th Street don’t have any sidewalks.

CHAIRPERSON OPENED THE PUBLIC HEARING

James Cronin 5711 Harwood Drive, stated there isn’t much traffic in the area that would require another sidewalk. Aesthetically, it would look funky to have a sidewalk to nowhere on such a beautiful street.
Dean Payton, 5707 Harwood Drive, stated he is in favor of the waiver. Harwood Drive from 56th Street to Cummin Parkway is 1,123 linear feet. On the north side of the street there is no sidewalk but there are sidewalks on the south side. To add a sidewalk in front of her house makes no sense and would be a waste of money.

Cheung Chan, 5825 Harwood Drive, stated he is in support of granting the waiver as there is no sidewalk on this side of the street.

Kimberly Kochel, 5712 Harwood Drive, stated she lives across the street from Laura and would support this waiver.

Maryland Carrol, 5725 Harwood Drive, stated she would support the waiver of this sidewalk.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Lisa Howard asked when the sidewalks across the street put in and were the individual homeowners required to put them in?

Jason Van Essen stated if a neighbor in the audience might know the answer, they could raise their hand but staff wouldn’t have that answer tonight.

Cheung Chan, 5825 Harwood Drive stated back in 2006, he was part of the Waterbury Neighborhood revitalization program and part of the funding went into replacement of sidewalks.

Jason Van Essen stated that would have been a part of the City’s Neighborhood Infrastructure Repair Program, which was for repair activity so sidewalks were already there and were replaced.

Jann Freed stated she would make a motion to waive the requirement as this would be the only sidewalk on the north side of the street.

COMMISSION ACTION:

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

THE VOTE: 10-1 (Johnny Alcivar voted in opposition)

Item 8

Request from RM Madden Construction, Inc. (owner) represented by Michael Madden (officer) for review and approval of a Public Hearing Site Plan for the following Type 2
and denied Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4.B and 135-9.3.1.B, for property located at 1124 Wade Street, to allow construction of a House Type B. (BLD2021-00165)

A) Waiver of the requirement for provision of a minimum 288-square foot garage per Section 135-2.14.3.E.3.
B) Allow 1 street tree less than the calculated 2 required street trees per Section 135-7.5.3.C.1. (approved via Type 1 by staff)
C) Waiver of the required public sidewalk installation per Section 135-8.5.2.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a new one-household dwelling on the property without providing a garage and public sidewalk. 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: 65 feet by 170 feet (11,084 square feet).

3. Existing Zoning (site): “N3b” Neighborhood District.

4. Existing Land Use (site): The property is currently vacant.

5. Adjacent Land Use and Zoning:

   North – “N3b”; Uses are one-household dwellings.
   South – “N3b”; Uses are one-household dwellings.
   East – “N3b”; Uses are one-household dwellings.
   West – “N3b”; Uses are one-household dwellings.

6. General Neighborhood/Area Land Uses: The subject property is located south of Army Post Road and west of SW 9th Street in a residential area that consists primarily of one-household dwellings with a mix of attached and detached garages.

7. Applicable Recognized Neighborhood(s): The subject property is not located in a recognized neighborhood. Notifications of the hearing for this specific item were mailed on February 22, 2021 (10 days) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject site.

8. Relevant Zoning History: None.

10. Applicable Regulations: Section 135-2.14.3.E.3 states that a minimum 288 square feet garage is required for each House C building type and each unit of a 2-unit House C. A Type 1 design alternative for reduction in the size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding area allows for a reduction in size or waiver of the required garage based on one the following:

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

b. 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 by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square foot garages for each House C building, and each unit of a 2-unit House C, thereon.

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:

   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

- 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 Structures: Section 135-2.22.C provides the definition and 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.

There are 43 parcels located within 250 feet of the subject property. Staff found that 27 (63%) of these parcels met the classification of having a garage structure or are vacant and are assumed to have a garage pursuant to Section 135-2.14.3.E.3. In addition, the house to the west and the houses directly across the street have a garage meeting or exceeding the minimum code requirement.

The applicant is proposing to install a 10-foot wide driveway on the east side of the house. A 288-square foot garage could be satisfied by provision of a 12-foot by 24-foot garage in the rear yard by extending the driveway beyond the depth of the proposed building. A detached garage could be placed 5 feet from the east lot line.

The character of the surrounding area consists of houses with garages. Garages provide essential storage. Allowing a newly-constructed dwelling without a garage will negatively impact the neighborhood’s existing character and will reduce the long-term appreciation in value for this property.

2. Street Trees: Staff took a close look at the existing site conditions as well as the proposed site plan. This led to the decision to grant the Type 1 Design Alternative to allow 1 street tree less than the calculated 2 required street trees per Section 135-7.5.3.C.1. This was granted with the current and proposed site constraints in mind. Overhead power lines necessitate understory or ornamental tree planting. The driveway will require appropriate vision clearance and given the proposed location of the drive, a second understory tree could hinder vision clearance since understory trees must be used. The lot also contains a mature overstory tree in the front yard that will remain and provide tree canopy.

3. Sidewalks: Section 135-8.5.2A of the Planning and Design Ordinance states “sidewalks are required as identified in the city’s transportation plan.” Construction of the proposed house requires provision of a 5-foot wide sidewalk along the property’s 65 feet of street frontage. The applicant has requested waiver of this requirement since there are no sidewalks on Wade Street between Southwest 11th Street and Southwest 13th Street.

Closing gaps within the City’s sidewalk network is a priority of MoveDSM, which is
the City’s transportation plan. The City Council noted this as a priority at their April 26, 2019 City Council Planning Session. The grade contours along Wade Street would allow for sidewalk to be constructed in this area. Staff recommends that a 5-foot wide sidewalk be provided.

4. **Type 1 Review Summary:** The following Type 1 Design Alternatives have been approved by staff:

   a. Alternate roof type per section 135-9.2.3.A.7. allowing a 5:12 roof pitch instead of 12:12 for a 1-to-1.5 story house.
   
   b. Vinyl siding as a major material per Section 135-4.3.11.A and 135-9.2.3.B.13 based on provision of a 60-square foot front porch and gable on front elevation with accent siding pattern.

One (1) street tree reduction in required two (2) street trees along the frontage of the lot.

### III. **STAFF RECOMMENDATION**

Part A) Staff recommends denial of the requested Type 2 Design Alternative to allow construction of a new one-household dwelling on the subject property without the required garage.

Part B) *This item has been withdrawn from the agenda.*

Part C) Staff recommends denial of the requested Type 2 Design Alternative to waive the sidewalk requirement.

### SUMMARY OF DISCUSSION

*Kyle Larson* presented staff report and recommendation.

*Will Page* asked if this home will have a basement?

*Kyle Larson* stated yes, it will have full basement.

*Michael Madden* 2504 48th Place, stated they will put garages on certain properties, if the see it fit within existing neighborhoods. They agreed to keep the shed that exist as it is larger than required size and would replace the siding and service door. There will be plenty of room for the homeowner to build a garage in the future, which helps them build equity on the property. Between SW 11th and SW 13th Street, there are no sidewalks on either side of the street. Along the west property line, there is some elevation due to a line of trees and shrubs that acts as a retaining wall for the neighbor’s driveway.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present or requested to speak.
CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Francis Boggus made a motion for:

Part A) **Approval** of the requested Type 2 Design Alternative to allow construction of a new one-household dwelling on the subject property without the required garage.

Part C) **Approval** of the requested Type 2 Design Alternative to waive the sidewalk requirement.

*Note: Part B was removed from the agenda.*

THE VOTE:

Part A) 11-0

Park C) 10-1 (Johnny Alcivar voted in opposition).

Committee and Director’s Reports: None

Meeting adjourned at 8:40pm