The March 18, 2021 meeting of the Plan and Zoning Commission was held via virtual Zoom Webinar ID 845 1439 3742.


P&Z ABSENT: Rocky Sposato, Lisa Howard, Greg Wattier and Will Page

STAFF PARTICIPANTS: Mike Ludwig, Kyle Larson, Anu Minhas, Katherine Drahos, Erik Lundy, Judy Parks-Kruse and Tyler Hall.

Francis Boggus made a motion to approve the March 4, 2021 Plan and Zoning Commission meeting minutes. Motion carried 8-0-2 (Steve Wallace and Emily Webb abstained from the vote as they were not present for the March 4 meeting).

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

Dory Briles stated the applicant for item #3 has requested a continuance to the April 1st Plan and Zoning Commission Meeting.

Jann Freed made a motion to continue item #3 to the April 1st Plan and Zoning Commission Meeting. Motion Carried 10-0

Dory Briles stated the applicant for item #5 agrees with staff recommendation and could be considered under the consent portion of tonight’s agenda.

Emily Webb made a motion to move item #5 to the consent agenda. Motion Carried 9-0-1 (Carolyn Jension abstained from the vote).

Jann Freed made a motion to approve Consent Agenda Items #2 and #5. Motion carried 9-0-1 (Carolyn Jension abstained from the vote).

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 2

Request from Callison Oil Company (owner) represented by Karen Norman (officer) for the following regarding the property located at 1501 East Euclid Avenue.

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

B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Industrial within a Community Node to Community Mixed Use within a Neighborhood Node. (21-2021-4.06)
C) Rezone property from “I1” Industrial District to “MX3” Mixed Use District, to allow reuse of the existing vacant building for a “Restaurant” use.  (ZON2021-00017)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to reuse the existing building, formerly a Taco Bell with drive-through, for a restaurant.

2. Size of Site: 41,481 square feet (0.952 acres).

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

4. Existing Land Use (site): Vacant Building for Restaurant use.

5. Adjacent Land Use and Zoning:

   North – “Eastgate Legacy PUD”; Uses are vacant land and Fueling Station with Limited Retail Sales use (Quik Trip).

   South – “I1”, Use is Warehouse use (Midwest Wheel).

   East – “I1”, Use is Vehicle Rental use (Enterprise).

   West – “MX3”; Use is Restaurant with Drive-Through (Hardee’s).


7. Applicable Recognized Neighborhood(s): The subject property is in the Highland Park Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on February 26, 2021 and by mailing of the Final Agenda on March 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed February 26, 2021 (20 days prior to the hearing) and March 8, 2021 (10 days prior to the hearing) to the Highland Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   All agendas and notices are mailed to the recognized neighborhood association to the City of Des Moines on the date of the mailing. The Highland Park Neighborhood Association notices were mailed to Ashley Kennebeck, 3818 7th Street, Des Moines, IA 50313.

8. Relevant Zoning History: The subject property was zoned to “I1” Industrial District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.

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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The subject property is designated “Industrial” within a Community Node. Plan DSM describes this designation as follows:

   Industrial
   Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

   The requested amendment would be to the “Community Mixed Use” within a Community Node.

   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.

   Based on these designations, the proposed “MX3” Mixed Use District zoning would be found not in conformance with the Comprehensive Plan unless the requested amendment were to be approved. Staff believes the proposed rezoning is appropriate given the location of the subject property on a high-volume transportation corridor and given that the subject property is in a transition between Industrial and Mixed Use. The adjacent property to the west carries the same requested “Community Mixed Use” future land use designation and “MX3” Mixed Use District zoning.

2. Planning and Design Ordinance: Any re-occupancy for a Restaurant use must comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance.

3. Staff Rationale: Staff believes that the proposed future land use designation amendment and rezoning are appropriate. The existing building is purposed for the
proposed use. PlanDSM contemplates a mix of commercial, residential, and industrial uses within close proximity to nodes and near major corridors.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “MX3” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial within a Community Node.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Industrial within a Community Node to Community Mixed Use within a Community Node.

Part B) Staff recommends approval of requested rezoning the subject property from “I1” Industrial District to “MX3” Mixed Use District.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. Nobody requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of Part A) the proposed rezoning to “MX3” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial within a Community Node, Part B) APPROVAL of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Industrial within a Community Node to Community Mixed Use within a Community Node and Part C) APPROVAL of requested rezoning the subject property from “I1” Industrial District to “MX3” Mixed Use District.

THE VOTE: 9-0-1 (Carolyn Jension abstained from the vote).

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Item 3

Request from Corey and Kristen Schooley (owners) for review and approval of a Public Hearing Site Plan for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 4841 Algonquin Road, to allow construction of a 626-square foot addition without a full basement to the east facade of the existing House A building type and a 161-square foot Outbuilding (pool house) and in-ground pool within the north rear yard, all in an “N1b” Neighborhood District. (BLD2021-00099)
A) Allow an addition within 10.46 feet of the east property line for a total side yard setback of 10.46 feet (53.52% less) where a minimum 22.5-foot setback is required by Section 135-10.2.2(C).

B) Allow an addition to the existing house without a full depth basement where it is required per Section 135-2.13.3(E)(5).

C) Allow the Outbuilding (pool house) within 2.63 feet (47.4% less) of the north property line where a minimum of 5-foot setback is required by Section 135-2.22.1(D)(3)(b) and Section 135-2.22.2(C)(1).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a 626-square foot addition to the east façade of the existing building and a 161-square foot pool house and in-ground pool within the north rear yard. The addition is proposed with no basement. It would connect to the existing building and would be constructed with like materials and roof profile to match existing house.

2. Size of Site: 75-foot by 157-foot parcel (11,775 square feet).

3. Existing Zoning (site): “N1b” Neighborhood District.

4. Existing Land Use (site): One-and-half-story one-household dwelling.

5. Adjacent Land Use and Zoning:
   
   North – “N1b”; Uses are one-household dwellings.
   South – “N1b”; Uses are one-household dwellings.
   East – “N1b”; Uses are one-household dwellings.
   West – “P1”; Use is Waveland Golf Course.

6. General Neighborhood/Area Land Uses: The subject property is in a primarily residential area, located at the dead end of Algonquin Road and adjoins Waveland Golf Course. The area consists of one-household dwellings.

7. Applicable Recognized Neighborhood(s): The subject property is in the Waveland Park Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on February 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on March 8, 2021 (10 days prior to the original public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all recognized neighborhoods on March 12, 2021.
All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines on the date of mailing. The Waveland Park Neighborhood Association mailings were sent to Anna Mason, 1434 44th Street, Des Moines, IA 50311.

8. Relevant Zoning History: None.


10. Applicable Regulations: Section 135-2.13.3.A.5 states that for House Type B the minimum side yard on one side shall be 10 feet with a total side yard of 25 feet on both sides.

Section 135-10.2.2.C states that the sum of the side setback widths of any pre-existing lot in neighborhood district shall not be less than 30% of the width of the lot, but in no case less than 10% of the width of the lot for any interior side setback.

Section 135-10.2.2.F states that if the application of any of the requirements of subsections of this section to a particular lot would impose a greater setback than required under the regulations of the district in which the lot is located, the lesser setback requirements of the building type regulations shall control.

Section 135-2.13.3.E.5 requires that all House Type A have a full basement.

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.

The applicant’s request to reduce the required setback by 53.52% and 47.4% exceeds the amount of relief that could be granted as a Type 1 Design Alternative pursuant to Section 135-9.2.3.A.3.a and 135-9.2.3.B.1.

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. Type 1 Design Alternatives Approved Administratively:

   A. A Type 1 Design Alternative was approved to decrease the minimum rear yard setback from 30 feet to 29.62 feet. This standard can be found in Section 135-2.13.3.A.6 of the Planning and Design Ordinance.

   B. A Type 1 Design Alternative was approved decreasing the minimum required story height from 9 feet to 8 feet, 1-1/8 inches to allow the project to match the existing building. This standard can be found in Section 135-2.13.3.B.14 of the Planning and Design Ordinance.

2. Staff Analysis: The proposed addition would be located on the east side of the existing dwelling and connect to it. While the proposed addition does bring the total side yard below 22.5 feet, it would still be 10.46 feet from the east lot line which is greater than the 7.5 feet minimum interior side yard required by code. The reduction
in the total side yard is created by the existing 0-foot setback from the west lot line, which adjoins Waveland Golf Course. This 0-foot setback is allowed through an existing easement with the City of Des Moines.

The proposed outbuilding (pool house) would be located on the north side of the existing building in the rear yard. It would be within 2.63 feet of the north lot line, while outbuildings are required to be at least 5 feet from lot line. The principal building on the lot north of subject property is suitably distanced from the lot line.

The proposed addition would represent about 28% of the existing building area. The existing dwelling has a 1,716-square foot basement and a total living area of 2,812 square feet. This exceed the 1,600-square foot minimum living area requirement for a one-and-half-story House A building type.

Staff has reviewed the proposed addition relative to the character of the existing dwelling and the surrounding neighborhood area. The reduction to the rear and total setback would not create any detrimental impact on neighboring properties. The existing dwelling meets and exceeds requirements for building area and width. The addition would be in character with the principal dwelling, and constructed with like material and appropriate roof profile, while meeting the required building and fire codes. The overall building design meets the intent of Chapter 135.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Type 2 Design Alternatives, subject to the following conditions:

1. Any construction shall comply with all administrative review comments.

2. Construction of the addition shall be in conformance with the submitted site plan and elevations including building and roofing materials.

3. The addition shall be in compliance with all applicable Building and Fire Codes, with issuance of all necessary permits by the Permit and Development Center.

4. The pool house shall be in compliance with all applicable Building and Fire Codes, including provision of a firewall per IRC Chapter 3 Section R302 Fire-Resistant Construction, with issuance of all necessary permits by the Permit and Development Center.

SUMMARY OF DISCUSSION

Dory Briles stated the applicant for item #3 has requested a continuance to the April 1st Plan and Zoning Commission Meeting.
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COMMISSION ACTION:

Jann Freed made a motion to continue item #3 to the April 1st Plan and Zoning Commission Meeting.

THE VOTE: 10-0

Item 5

Request from Hernandez Holdings, LLC (purchaser) represented by Dawn Hernandez (officer) for the following regarding the property located at 1440 and 1444 Capitol Avenue. The subject property is owned by Reveiz, LLC represented by Dr. Eduardo Reveiz, M.D.

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

B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from High-Density Residential within a Neighborhood Node to Community Mixed-Use within a Neighborhood Node. (21-2021-4.07)

C) Rezone property from “NX3” Neighborhood Mix District to “RX1” Mixed Use District, to allow existing off-site parking to be used in conjunction with a Business or Professional Office use at 1451 East Grand Avenue. (ZON2021-00019)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to reuse the existing building at 1451 East Grand Avenue as a Professional Office use for Law Offices. This property is zoned “RX1” Mixed Use District and allows that use. That property is being sold in conjunction with the subject property which is zoned “NX3” Neighborhood Mix District and is situated to the west and south of the adjacent east/west public alley. The subject property is paved for surface parking. The subject property paved parking was historically allowed to develop extending into a residential zoning district as a matter of right, being accessory to a former Drapery business directly north of the alley, now occupied by Iowa Prison Industries as a Retail Sales outlet use. The applicant indicates their intention to use the property only for off-site surface parking based on their projected number of employees to be housed at 1451 East Grand Avenue and based on the limited parking at that property being made available for clients.

2. Size of Site: 13,200 square feet.
3. **Existing Zoning (site):** “NX3” Neighborhood Mix District.

4. **Existing Land Use (site):** Vacant property developed with paved off-site parking.

5. **Adjacent Land Use and Zoning:**
   - **North** – “RX1”; Use is Limited Retail Sales (Iowa Prison Industries outlet).
   - **South** – “NX3”, Use is mixed densities of Household Living Use.
   - **East** – “NX3”; Uses are One Household Living use.
   - **West** – “NX3”; Uses are Multiple Household Living use.

6. **General Neighborhood/Area Land Uses:** The subject property located on a neighborhood street between the one-way pair of Southeast 14th and 15th Streets/U.S. Highway 69. It is in a transition area between the mixed-use East Grand Avenue corridor and mixed-densities of Household Living use to the south.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Capitol East Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on February 26, 2021 and by mailing of the Final Agenda on March 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed February 26, 2021 (20 days prior to the hearing) and March 8, 2021 (10 days prior to the hearing) to the Capitol East 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 on the date of the mailing. The Capitol East Neighborhood Association notices were mailed to Jack Leachman, 1921 Hubbell Ave, Des Moines, IA 50316.

8. **Relevant Zoning History:** The subject property was zoned to “NX3” Neighborhood Mix District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** High Density Residential within a Neighborhood Node.

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

1. PlanDSM Creating Our Tomorrow: The subject property is designated “High Density Residential” within a Neighborhood Node. Plan DSM describes this designation as follows:

*High Density Residential*

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

The requested amendment would be to the “Community Mixed Use” within a Neighborhood Node.

*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.

Based on these designations, the proposed “RX1” Mixed Use District zoning would be found not in conformance with the Comprehensive Plan unless the requested amendment were to be approved. Staff believes the proposed rezoning is appropriate if it is limited, given the location of the subject property between high-volume transportation corridors and given that the subject property is in a transition between mixed use and mixed densities of residential use. The adjacent property to the north carries the same requested “Community Mixed Use” future land use designation and “RX1” Mixed Use District zoning. Also the property has previously been used as accessory offsite surface parking.

2. Planning and Design Ordinance: Any reuse of the offsite parking accessory to the change of use at 1451 East Grand Avenue will be required to comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance. In this instance it mostly would involve fencing and landscaping material and some removal of paving for interior landscape islands. Offsite accessory parking for permitted uses at 1451 East Grand Avenue would be permitted on the property with the same zoning designation per Chapter 135 Section 135-6.6.4(C)(2).

3. Staff Rationale: Staff believes that the proposed future land use designation amendment and rezoning are appropriate so long as there would be conditions limiting the uses typically allowed in “RX1”. The existing property is developed and has been used for offsite parking historically. However, introduction of mixed use development would present impacts to the adjoining residential uses to the east and west. Therefore, staff recommends that uses of the subject property be limited to “NX3” Neighborhood Mix District permitted uses and offsite parking accessory to permitted use at 1451 East Grand Avenue.
III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of High Density Residential within a Neighborhood Node.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from High Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part B) Staff recommends approval of requested rezoning the subject property from “NX3” Neighborhood Mix District to “RX1” Mixed Use District subject to the only permitted uses are the uses permitted in common between the “NX1” and “RX1” Districts and accessory offsite parking for the use at 1451 East Grand Avenue.

SUMMARY OF DISCUSSION

Dory Briles stated the applicant for item #5 agrees with staff recommendations and could be considered under the consent portion of tonight’s agenda.

Emily Webb made a motion to move item #5 to the consent agenda. Motion Carried 9-0-1 (Carolyn Jension abstained from the vote).

COMMISSION ACTION:

Jann Freed made a motion for approval of Part A) the proposed rezoning to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of High Density Residential within a Neighborhood Node, Part B) APPROVAL of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from High Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node and Part B) APPROVAL of requested rezoning the subject property from “NX3” Neighborhood Mix District to “RX1” Mixed Use District subject to the only permitted uses are the uses permitted in common between the “NX1” and “RX1” Districts and accessory offsite parking for the use at 1451 East Grand Avenue.

THE VOTE: 9-0-1 (Carolyn Jension abstained from the vote).

NON-CONSENT AGENDA PUBLIC HEARING ITEMS
Item 1

Request from Visiting Nurses of Iowa dba EveryStep (owner) represented by Lynn Michi (officer) for the following regarding the property located at 900 56th Street Avenue.

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

B) Amendment to the PlanDSM Creating Our Tomorrow Plan future land use classification from Low Density Residential to Neighborhood Mixed Use.

C) Rezone property from “P2” Public, Civic and Institutional District to “RX2” Mixed Use District, to allow expansion the existing hospice use, which is defined as a “Group Living, Assisted Living Facility” use.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The rezoning would allow expansion of the existing hospice use, which is defined as a “Group Living, Assisted Living Facility” use. This use is considered non-conforming in the current “P2” District. Any future construction must be in accordance with a site plan reviewed and approved by the City’s Development Services Department. A site plan has not been submitted for consideration at this time. The proposed “RX2” Mixed Use District would allow for review under the General Building Type or Civic Building Type requirements in Chapter 135, Section 135-2.7.

2. Size of Site: 2.5 acres.


4. Existing Land Use (site): Hospice use, which is defined as a “Group Living, Assisted Living Facility” use.

5. Adjacent Land Use and Zoning:

   North – “P1”; Use is a wooded waterway.
   South – “P1”; Use is the freeway (Interstate 235).
   East – “P1”; Uses are 56th Street and Waveland Golf Course.
   West – “P1”; Use is a wooded waterway.

6. General Neighborhood/Area Land Uses: The subject property located along the west side of 56th Street just to the north of the freeway (Interstate 235). The
property is separated from any residential uses to the north and west by a wood waterway.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Waveland Woods Neighborhood, and within 250 feet of both the Waveland Park and Waterbury Neighborhoods. The neighborhood associations were notified of the hearing by mailing of the Preliminary Agenda on February 26, 2021 and by mailing of the Final Agenda on March 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed February 26, 2021 (20 days prior to the hearing) and March 8, 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 site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines on the date of the mailing. The Waveland Woods Neighborhood Association notices were mailed to Dan McCool, 933 63rd Street, Des Moines, IA 50312. The Waveland Park Neighborhood Association notices were mailed to Anna Mason, 1434 44th Street, Des Moines, IA 50311. The Waterbury Neighborhood Association notices were mailed to Martha Miller Johnson, 525 Country Club Blvd, Des Moines, IA 50312.

The applicant mailed the required neighborhood outreach letter to neighborhood associations and property owners within 250 feet of the site on February 23, 2021. They must submit a summary of that outreach to Staff three (3) days before the public hearing.

8. **Relevant Zoning History:** The subject property was rezoned from “R1-60” One-Family Low-Density Residential District to “MX3” Mixed Use District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.

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

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated “Low-Density Residential”. Therefore, the requested rezoning to “RX2” Mixed-Use District requires the classification to be amended to Neighborhood Mixed Use.
Plan DSM describes the Neighborhood Mixed Use designation as follows:

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

2. **Permitted Uses:** The “RX2” District is required in order for the existing hospice use to be expanded, since it is considered a “Group Living, Assisted Living Facility” use that is not permitted in the “P2” District. The proposed “RX1” District would allow for residential uses, as well as light commercial uses, such as office, restaurant, and limited retail (under 12,000 square feet).

3. **Planning and Design Ordinance:** Any construction must comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance. The “RX2” Mixed Use District would allow for review under either the General Building Type or Civic Building Type requirements in Chapter 135, Section 135-2.7.

4. **Staff Rationale:** Staff believes that the proposed Neighborhood Mixed Use future land use designation and the “RX2” Mixed Use District are appropriate for this location. The property is located along 56th Street, at the intersection of the freeway. Any impacts of an expanded use or any other use allowed in the “RX2” District would be minimal since the property is surrounded by the freeway, a wooded ravine, and a public golf course.

## III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed “RX2” Mixed Use District be found in not conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan land use designation of Low-Density Residential.

Part B) Staff recommends approval of requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of the request to rezoning the subject property from “P2” Public, Civic, and Institutional District to “RX2” Mixed-Use District.

## SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Doug Saltsgaver 2413 Grand Ave, representing ERG stated the only reason they are rezoning this property due to the designation this property was given with the new
zoning ordinance, which is not in compliance with the use of a hospice. The proposed improvements are to continue with the use of a hospice on this property.

Lynn Michl, Chief financial officer for Every Step stated they have no intention of changing the use of the property with most of the improvements on the interior. Exterior work will include the addition of a garage, enlargement of the deck and a permanent awning of the front of the building. They have been running hospice at this site for 26 years and hope to continue that for another 26 years. As stated previously, the only reason they are seeking a rezoning is the change of designation that came with the new zoning ordinance.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jennifer Ebert 951 58th Street asked why are they seeking RX2, why not RX1 or leave it as P2. She is worried about what this property could become in the future if the hospice was to leave this location.

Doug Saltsgaver stated it is not their choice to rezone but is necessary with the proposed improvements. Any zoning change could have potential uses that neighbors don’t agree with. There is a significant City owned green space between this property and the other private property. This is a very small piece of real estate and they will not be doing anything with the trees outside of their property. He believes nothing could be built on this property that is more intrusive than what is already there.

Greg Jones asked why RX2 and not RX1?

Doug Saltsgaver stated they were given several different options from City staff and picked RX2 hoping there would be no objection to what they’re doing.

Greg Jones asked City Staff what the difference was between RX1 and RX2?

Erik Lundy presented zoning district use table to the commission via zoom screen share for comparison of RX1 and RX2.

Mike Ludwig stated it would be a decision from the applicant to agree with reductions of uses in RX2 or a less intense zoning district with RX1.

Greg Jones asked why City Staff didn’t restrict this to an assisted living facility, while not allowing any other uses?

Erik Lundy stated they could have but there wasn’t much concern about uses in RX2 until they were contacted by a surrounding neighbor. If the commission is sensitive to the concerns, they could limit to that use if the owner agrees.

Mike Ludwig stated staff’s suggestion was if at some point in the future it changed from an assisted living facility, there wouldn’t be additional development on the property but maybe a change of use from the existing building. If the commission is concerned about the uses in RX2, they could make a motion to RX1 or limit the uses within RX2.
Lynn Michl stated the parking on this property is extremely limited and due to the topography of the property, there isn’t a good way to increase the parking capacity.

Erik Lundy asked if they would agree to limiting the uses?

Lynn Michl stated he would need to seek advice from his experts as he isn’t aware of how that would impact the property.

Erik Lundy stated the commission could recommend RX2 with the limitation to assisted living/hospice only or RX1 with allowed uses.

Lynn Michl stated the changed to RX1 would work for us but would need to meet with his group if the commission would decide to limit uses within RX1.

Mike Ludwig stated the commission can recommend a less intense zoning district but if they were to limit specific uses in any zoning district, that would require consent from the property owner.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Abby Chungath stated she doesn’t see much difference from RX1 and RX2 from the neighbor’s standpoint but the owner might find the difference in parking uses important. Should we be interested to see if the owner would agree to RX2 without commercial uses.

Mike Ludwig stated the primary difference would be the event center uses in the commercial category and whether or not place of worship or place of assembly is a permitted use.

Francis Boggus stated he is very familiar with this property and believes it’s unrealistic to think this property would be used for anything else due to the parking restrictions. Based on that he would move staff recommendation.

**COMMISSION ACTION:**

Francis Boggus made a motion for approval of Part A) the proposed “RX2” Mixed Use District be found in not conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan land use designation of Low-Density Residential, Part B) **APPROVAL** of requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use and Part C) **APPROVAL** of the request to rezoning the subject property from “P2” Public, Civic, and Institutional District to “RX2” Mixed-Use District.

**THE VOTE:** 7-3 (Abby Chungath, Carolyn Jension and Greg Jones voted in opposition).
ITEM 4

Request from 7600 SW 22nd Street, LLC (owner) represented by David W. Welch (officer) for review and approval of a PUD Final Development Plan “Airport Crossroads Condos” for property located at 7600 Southwest 22nd Street, to allow development of the property with three Warehouse buildings with a total of 23 flex-warehouse units.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to develop a multi-tenant warehouse complex containing three buildings served by a loop driveway within the Airport Crossroads PUD. The site is located on the west side of SW 22nd Street and north of the Crossroads Drive intersection.

2. Size of Site: 2.52 acres or 110,103 square feet.

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


5. Adjacent Land Use and Zoning:

   North – “PUD”; Use is an undeveloped parcel.

   South – “PUD”; Use is an undeveloped parcel.

   East – “PUD”; Use is an undeveloped parcel.

   West – “NM”; Use is a mobile home park.

6. General Neighborhood/Area Land Uses: The site is located within a business park that is generally bound by Fleur Drive to the east, County Line Road to the south and Gannett Avenue to the north.

7. Applicable Recognized Neighborhood(s): The subject property is not located within 250 feet of a recognized neighborhood. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on February 26, 2021 and the Final Agenda on March 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on March 8, 2021 (10 days prior to the original public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.
8. **Relevant Zoning History:** The Airport Crossroads PUD was approved by the City Council on May 7, 2001 by Roll Call Number 01-1406.

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

10. **Applicable Regulations:** Considering the criteria set forth in Chapter 18B of the Iowa Code, and based on the provisions of Chapter 134 Section 134-2.2.9.C, all PUD Final Development Plans must be reviewed and approved by the City Council after review and recommendation by the Plan and Zoning Commission.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Drainage & Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. Storm water detention basins are proposed between the buildings and the front property line.

2. **Access & Parking:** The Development Plan includes a looped drive with two access points to SW 22\textsuperscript{nd} Street and eight (8) parking spaces. A public sidewalk is not proposed along the street. The PUD requires sidewalks on both sides of SW 22\textsuperscript{nd} Street unless a 10-wide trail is constructed on the east side of SW 22\textsuperscript{nd} Street. The trail has been constructed. The Traffic and Transportation Division has requested a sidewalk be constructed in the adjoining right-of-way to comply with current development expectations.

3. **Urban Design:** The proposed buildings would be arranged in a north-to-south row with the narrow end facing the street. The buildings would be served by a loop drive with overhead doors facing internally. The buildings would have a metal roof and metal siding. A manufactured stone wainscot is proposed on the street façade and any side façade that contains overhead doors. Staff believes that the wainscot should be provided on the north façade of the northern building and on the south façade of the southern building since these facades will be visible from the street. Product information was not provided for the metal siding and roofing. Metal siding and roofing should meet the minimum standards listed in Section III of this report to ensure a minimum level of quality and durability.

The site plan indicates that a chain-link fence would be used along the west edge of the buildings and that ornamental fence would be used along the east edge including gates at the driveways. Specifications for the fences were not provided. The PUD requires any chain-link fence to have a coating that is dark in color.

Staff recommends that additional overstory trees be provided along the west edge of the parking lot to provide shade that would typically be provided by trees in parking lot planter islands. Given the layout of the parking and driveway area, along with the overall operations for a use of this nature, staff believes this is a better solution than requiring planter islands within the paved area.
4. **Tax Abatement Standards**: The applicant has expressed an interest in pursuing the industrial tax abatement program. The following standards would be applicable if they elect to utilize that program.

**Building Materials**

a. **FOR INDUSTRIAL PROJECTS IN INDUSTRIAL ZONING DISTRICTS**: A minimum of 50% of the surface area (exclusive of windows and doors) of facades fronting and perpendicular to a public street must be glass, brick, concrete panels, architectural concrete block, architectural metal panels or stone. Architectural or other use of metal panels shall be located at least 5 feet above finished grade along the facades of street-facing sides.

b. All buildings shall have window and door openings comprising at least 20% of the surface area of each facade fronting public streets. However, those portions of such a facade adjoining areas of a building devoted to processing, manufacturing or storage uses associated with an industrial use of the building need only have window and door openings comprising at least 20% of the area of first floor such facade, up to a maximum elevation of 14 feet.

c. No building elevation should have exterior insulation and finish system (EIFS) within 5’ of the finished grade.

d. As an alternative to conforming with the requirements set forth above in this paragraph 4, all facades fronting and perpendicular to a public street must be constructed of materials and with a design approved by the Community Development Director as being consistent with the overall intent and purpose of these Construction and Sustainability Design Standards, and providing an equivalent level of quality and durability.

**Sustainability Standards**
The development must provide a minimum of four (4) of the following sustainable features:

a. Bike racks for public use that provide a minimum of 10% of the automobile parking provided.

b. Permeable pavement for a minimum of 30% of the paved area.

c. Green roof on 50% of the rooftop area.

d. Rain garden(s) that absorb 25% of runoff from impervious surfaces during a 1 ¼ “rain event over 24 hours.

e. Exceed applicable energy code by 15%.

f. 50% increase in required landscaping.

g. 90% of exterior building elevations constructed from renewable materials.

h. Primary entry within ¼ mile of a DART transit stop.
i. Redevelopment of a previously-developed site.

j. Renovation of an existing building.

k. Uses wind or solar electric generation systems reasonably estimated to annually provide at least 20% of the electric power consumed by the development.

l. Ground source (geothermal) heat pumps used as primary source of heating and cooling.

m. Provision of an electric vehicle charging station on site.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed PUD Final Development Plan subject to compliance with all administrative review requirements.

1. Provision of a public sidewalk along SW 22nd Street.

2. Provision of masonry wainscot on the north, east and south facades of all buildings.

3. Any metal siding and roofing shall comply with the following standards:
   a. 22 gauge or thicker material,
   b. minimum 20-year product warranty,
   c. minimum 20-year paint warranty, and
   d. exposed fasteners are prohibited.

4. Review and approval of the design and materials for all fencing by the Planning and Urban Design Administrator.

5. Provision of two (2) additional overstory trees along the west edge of the paved area.

6. Compliance with all administrate review requirements to the satisfaction of the Planning and Urban Design Administrator.

SUMMARY OF DISCUSSION

Katherine Drahos presented staff report and recommendation.

Daniel Southwick 3501 104th Street, Urbandale, IA representing Bishop Engineering stated the PUD doesn’t require public sidewalk and would ask for that to be waived as it would be a dead-end sidewalk.
CHAIRPERSON OPENED THE PUBLIC HEARING

Carol Maher 701 Polk Blvd. stated it’s great to hear of the 10-foot trail across the street, which would provide great bicycle access. She hopes they are accommodating bike parking at the location and show people they can ride their bike rather than showing up in a vehicle every time the visit the property.

Chris Davis 32145 Old Portland Rd representing Kingdom Development stated there were three items. 1) Where the plans do not show stone, they plan to do a black wainscot metal panel that would have a 40-year warranty on the paint, I’m not sure about the warranty on the panel. 2) They do plan to install a 6-foot black vinyl coated chain-link fence around the sides and rear, with black ornamental aluminum fencing and gates on the front. 3) They would like to use color matched exposed fasteners on the building, along with a 29-gauge steel. You could not tell, but the development to the south also used exposed metal fasteners, they were not visible because a color key was used. This project would also propose color-keyed exposed fasteners.

David Welch 6289 Sudbury Ct. Johnston, IA stated he would like to point out there is no sidewalk along the East side of the property. If they were to install the sidewalk, it would lead to nowhere.

Greg Jones asked if the dark metal for wainscoting would meet City Staff’s requirements?

Erik Lundy stated Staff recommended stone or masonry to aligned with the City’s current ordinance. The Commission could determine if that material meets the intent of the code.

Mike Ludwig stated the issues on not providing the masonry wainscoting on the bottom, would be compliance with Tax Abatement standards, unless that is determined to be a fully durable material. City Staff has tried to get stone on sides facing the street, he would ask if the applicant is proposing metal on all sides or just the ends where additional masonry was requested?

Katherine Drahos stated they are proposing it on the street facing side, which would be the East façade and front façade of each building.

Dory Briles asked if the fence described by the applicant would meet City requirements?

Erik Lundy stated staff would prefer ornamental around the entire property as you see with the store development to the South.

Johnny Alcivar asked how the commission’s recommendation would affect the tax abatement standards?

Erik Lundy stated they would be putting themselves at risk of tax abatement if they do not supply the masonry material at the base, along with the thickness of the metal.
CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones made a motion for approval of the proposed PUD Final Development Plan subject to compliance with all administrative review requirements.

1. Provision of a public sidewalk along SW 22\textsuperscript{nd} Street.

2. Provision of masonry wainscot on the north, east and south facades of all buildings.

3. Any metal siding and roofing shall comply with the following standards:
   a. 22 gauge or thicker material,
   b. minimum 20-year product warranty,
   c. minimum 20-year paint warranty, and
   d. any exposed fasteners allowed shall be color-keyed.

4. Review and approval of the design and materials for all fencing by the Planning and Urban Design Administrator.

5. Provision of two (2) additional overstory trees along the west edge of the paved area.

6. Compliance with all administrate review requirements to the satisfaction of the Planning and Urban Design Administrator.

THE VOTE: 10-0

Committee and Director’s Reports: None

Meeting adjourned at 7:20pm