The April 15, 2021 meeting of the Plan and Zoning Commission was held via virtual Zoom Webinar ID 878 4810 1764


P&Z ABSENT: Jann Freed, Dory Briles and Rocky Sposato

STAFF PARTICIPANTS: Bert Drost, Tyler Hall, Judy Parks-Kruse, Erik Lundy, Anuprit Minhas, Kyle Larson and Jason Van Essen.

Carolyn Jenison made a motion to approve the April 1, 2021 Plan and Zoning Commission meeting minutes. Motion carried 10-0 (Lisa Howard arrived)

(Lisa Howard arrived)

Emily Webb asked if any members of the public or the Commission wished to speak on consent agenda items #1, #2, #3, #4, #5 or #6. No one was presented or requested to speak.

Carolyn Jenison made a motion to approve consent agenda items #1, #2, #3, #4, #5 and #6. Motion carried 11-0 for items #1, #2, #3, #4 and #6. Motion Carried 10-0-1 (Greg Wattier abstained) for item #5.

Emily Webb stated the applicant for item #7 and #8 have requested a continuance to the May 6, 2021 Plan and Zoning Commission Meeting.

Carolyn Jenison made a motion to continue items #7 and #8 to the May 6, 2021 Plan and Zoning Commission Meeting. Motion Carried 11-0

CONSENT AGENDA PUBLIC HEARING ITEMS

Item 1

Request from Nickolas Van Patten (owner), 6020 Southwest McKinley Avenue, for vacation of an approximately 48.76-foot wide irregular-shaped segment of Southwest McKinley Avenue adjoining the entire frontage of the subject property to allow it to be maintained with the existing front yard area. (11-2021-1.04)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is wanting to assemble additional right-of-way (ROW) with the property of their main residence following a project where Southwest McKinley Avenue was relocated to the north, leaving a significant area between their property and the improved public street.
2. **Size of Site**: 9,085 square feet of ROW.

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

4. **Existing Land Use (site)**: Public ROW adjoining a one household dwelling.

5. **Adjacent Land Use and Zoning**:
   - **North** – “EX”; Use is the Waldinger corporate headquarters and shop.
   - **South** – “EX”; Use is an one household dwelling.

6. **General Neighborhood/Area Land Uses**: The subject property is in an area with a rural character that consists primarily of one household dwellings on acres surrounded by business park development and agricultural land.

7. **Applicable Recognized Neighborhood(s)**: The subject property is in the Southwestern Hills Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on March 26, 2021 and the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 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. The Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

8. **Relevant Zoning History**: The adjoining property was zoned to “RX1” Mixed Use District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.

   On February 18, 2021, the Plan and Zoning Commission granted a Type 2 Design Alternative to waive installation of a public sidewalk along the frontage as part of an addition to the existing house at 6020 Southwest McKinley Avenue.


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. Traffic and Circulations Standards: Representatives from Traffic Engineering have indicated that the requested ROW does not interfere with or is not inconsistent with the amount necessary to maintain the new configuration of Southwest McKinley Drive. The request preserves a 12-foot clear distance from the constructed travel width of the new street alignment. This is adequate for future needs for clearances and other items such as sidewalks, utilities, or traffic signs. The Commission waived the requirement for the applicant to install public sidewalk with a recent improvement to the existing house.

2. Utilities: There is an existing 12-inch Des Moines Water Work main passing through the requested ROW. There are also overhead electrical lines maintained by MidAmerican Energy. Easements should be reserved for these existing utilities along with any others that may be in place not identified.

3. Staff Analysis: Staff does not believe that the requested ROW is necessary for any public purpose, so long as easements are reserved for existing utilities. The property is better maintained in conjunction with the applicant’s residence.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested vacation subject to reservation of easements for any existing public utilities.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jension made a motion for approval of the requested vacation subject to reservation of easements for any existing public utilities.

THE VOTE: 11-0

Item 2

Request from Aust Real Estate, LLC (owner), 1201 Keosauqua Way, represented by Mindy Aust for vacation of various adjoining surface/subsurface rights. (11-2021-1.05)

A) A 6-foot wide by 30-foot long segment of adjoining Crocker Street for surface rights to allow door swings for proposed trash enclosures.
B) A 5-foot by 5-foot segment of adjoining Crocker Street for surface/subsurface rights for a door swing and landing.
C) A 5-foot by 5-foot segment of adjoining 12th Street for surface/subsurface rights for a door swing and landing.
D) A 5-foot by 69.13-foot long segment of adjoining Keosauqua Way for surface/subsurface rights to accommodate four (4) door swings and landings.
E) A 3-foot by 126.54-foot long segment of adjoining Keosauqua Way for subsurface encroachment of the exiting building.
F) A 1-foot by 172.25-foot long segment of adjoining 12th Street for subsurface encroachment of the exiting building.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacations would facilitate redevelopment of the existing building.

2. Size of Site: The requested segments of Right-of-Way encompass a total 1,128 square feet of area.


4. Existing Land Use (site): The subject areas consist of public street rights-of-way.

5. Adjacent Land Use and Zoning:

   North – “MX2”; Use is multiple-tenant retail building.

   South – “MX2”, Use is vacant auto service and office building.

   East – “DX2”; Uses are Earlham Bank building and surface parking lots.

   West – “MX2”; Use is Git-n-Go fuel station/convenience store.

6. General Neighborhood/Area Land Uses: The applicant’s property is irregularly shaped and bordered by Crocker Street to the north, 12th Street to the east, and Keosauqua Way to the southwest. The surrounding area consists of a mix of residential and commercial uses.

7. Applicable Recognized Neighborhood(s): The subject areas are not located within a recognized neighborhood. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on March 26, 2021 and by mailing of the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 2021 (10 days prior) to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public Right-of-Way.
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: Identified utilities located in or near the impacted area may include water valves, water hydrants, distribution water mains, sanitary sewer conduit, sanitary sewer manholes, and non-city-owned street lights. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

2. Traffic/Access: The requested vacations would not negatively impact access to private properties or traffic patterns.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested right-of-way vacations subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jension made a motion for approval of the requested right-of-way vacations subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

THE VOTE: 11-0

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Item 3

Request from Michael and Dorothy Mauro (owners) for review and approval of a Public Hearing Site Plan for the following Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 4325 Southwest 31st Street, to allow construction of an 672-square foot addition to a House B Building Type in an “N3a” Neighborhood District, where the addition would be 30 feet from Southwest 31st Street which is 20 feet less than the minimum 50-foot calculated average front yard setback required by Section 135-2.14.3(A)(3) and Section 135-3.4.3. (BLD2021-00314)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to construct a 672-square foot addition to the north side of the existing 1,943 square foot house. The existing house is located at 32 feet from the front lot line at Southwest 31st Street. The addition would be built flush with the existing front façade of the house with a bay located 30 feet from the front lot line at Southwest 31st Street. A minimum of 50 feet front setback is required, thereby necessitating a Type 2 design alternative for front yard setback for the proposed addition.

Design alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.

2. Size of Site: 100 feet by 150 feet (15,000 square feet or 0.344 acres).

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

4. Existing Land Use (site): One household dwelling with an attached garage.

5. Adjacent Land Use and Zoning:

   North – “N3a”; Use is single-household dwelling.
   South – “N3a”; Use is single-household dwelling.
   East – “N3a”; Use is single-household dwelling.
   West – “N3a”; Use is Southwest 31st Street and 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 Southwestern Hills Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on March 26, 2021 and by mailing of the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 2021 (10 days prior to the
public hearing) to the Southwestern Hills 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 Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

8. Relevant Zoning History: N/A.


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

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

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

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

  - Zoning restrictions at the time of the proposal;

- The city’s comprehensive plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. Staff Analysis: The applicant is in the process of constructing an addition to the north side of the existing house. The area of the proposed addition would not exceed 50% of the area of the existing house and the estimated cost of addition ($75,149.76) is less than 50% of the assessed value of existing building ($181,800). Therefore the proposed addition alone needs to be comply with current code regulations, per City Code Section 135-10.3.4.A.1.

The existing house is located 32 feet from the front lot line along Southwest 31st Street. While the addition would be built flush with the existing front façade of the house, it includes a bay that would be within 30 feet of the front lot line. The bay occupies a small frontage of the façade, and extends 2 feet beyond the front of the existing building façade and proposed addition.

Staff has reviewed the proposed addition relative to the character of the existing dwelling and the surrounding neighborhood area. 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. Therefore, Staff recommends approval of the requested Type 2 Design Alternative.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Type 2 Design Alternative.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or the commission desired to speak on the item. No one requested to speak.
**COMMISSION ACTION:**

Carolyn Jension made a motion for approval of the requested Type 2 Design Alternative.

**THE VOTE: 11-0**

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**Item 4**

Request from R.M. Madden Construction, Inc. (owners) represented by Michael Madden (officer) 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 2625 Easton Boulevard, to allow construction of a new House C Building Type with an attached front-facing garage in an “NX1” Neighborhood Mlx District. (BLD2021-00335)

A) Allow an attached garage entrance on the front façade when only permitted to located on the side or rear façade per Section 135-2.15.3(A)(10).

B) Allow parking within the front 20-foot depth of the ground story of the house when only allowed within a basement or to the rear of the required occupied space per Section 135-2.15.3(C)(16 & 17).

**STAFF REPORT TO THE PLANNING COMMISSION**

I. **GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to construct a 1,091-square foot single-household dwelling with a 400-square foot attached garage that would have a garage entrance on the front façade of the dwelling. The applicant is asking for waiver of the standard that requires the entrance to any attached garage on a House C Building Type to be on a side or rear façade instead of the front façade. The applicant is also asking for waiver of the standard to allow parking within the front 20-foot depth of the ground story of the house when only allowed within a basement or to the rear of the required occupied space. 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:** 87 feet by 175 feet (13,981 square feet or 0.321 acres).

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

4. **Existing Land Use (site):** Undeveloped lot.

5. **Adjacent Land Use and Zoning:**
North – “MX3”; Use is auto-oriented commercial.
South – “P2”; Use is religious assembly.
East – “P1”; Use is open space.
West – “P2”; Use is religious assembly.

6. **General Neighborhood/Area Land Uses:** The subject property is located on a mixed-use corridor in an area that has a variety of uses, including commercial, residential, civic, and open space.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the ACCENT Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on March 26, 2021 and by mailing of the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 2021 (10 days prior to the public hearing) to the ACCENT 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 ACCENT Neighborhood mailings were sent to Kevin Scott Marken, 2109 E. 28th Street, Des Moines, IA 50317.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. Garage Placement: The applicant is proposing to construct a 1,091-square foot single-household dwelling with a 400-square foot attached garage that would have a garage entrance on the front façade of the dwelling.

The subject property is zoned “NX1” Neighborhood District, which requires any one-household dwelling to be constructed in accordance with the House C Building Type. This building type requires the entrance to any attached garage to be located on either the side or rear façade, and not on the front façade as proposed.

Staff has noted that the parcel is isolated from other residential uses and is surrounded by a variety of other uses, such as commercial, civic, and open space. Due to this fact, there is not a defining neighborhood character for the subject property. As such, Staff feels that the proposed house design is appropriate.
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2. **Parking within the House:** The proposed house design would include parking within the front 20-foot depth of the ground story of the house when only allowed within a basement or to the rear of the required occupied space. The subject parcel is flat and, therefore, does not lend itself to having parking in the basement level. Also, there is no alley access, which makes parking at the rear of the house less practical. The driveway would access Easton Boulevard at the front of the home. Staff feels that allowing parking within the front 20-foot depth of the ground story of the house is appropriate in this instance.

III. **STAFF RECOMMENDATION**

Part A) Staff recommends approval of the requested Type 2 Design Alternative to allow an attached garage with an entrance located on the front façade of the dwelling.

Part B) Staff recommends approval of the requested Type 2 Design Alternative to allow parking within the front 20-foot depth of the ground story of the house when only allowed within a basement or to the rear of the required occupied space.

**SUMMARY OF DISCUSSION**

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

**COMMISSION ACTION:**

Carolyn Jension made a motion for:

Part A) **APPROVAL** of the requested Type 2 Design Alternative to allow an attached garage with an entrance located on the front façade of the dwelling.

Part B) **APPROVAL** of the requested Type 2 Design Alternative to allow parking within the front 20-foot depth of the ground story of the house when only allowed within a basement or to the rear of the required occupied space.

**THE VOTE:** 11-0

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**Item 5**

Request from 217 E Second, LC (owner) represented by Jake Christensen (officer) for review and approval of a Public Hearing Site Plan "217 E. 2nd Street Site Improvements" 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 217 East 2nd Street and 200 East Court Avenue, to allow renovation to the existing Downtown General Type building. (10-2021-7.54)
A) Allow a primary frontage coverage that is currently only 132 feet of the 280 feet (47.14%) of East 2nd Street frontage which is 42.86% less than the minimum required 90% frontage coverage required per Section 135-2.4.3(A)(2).

B) Allow a non-primary build to zone that would be 148’ from East Court Avenue which is 133 feet more than the 0-15 feet required per Section 135-2.4.3(A)(4).

C) Allow on-site surface parking and maneuvering in the front yard when parking is limited to being located fully within the basement or to the rear of the occupied space of the principal building per Section 135-2.4.3(C)(17).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed site plan would allow conversion of the existing building from a bar use to an office use. Proposed site improvements include façade enhancements and parking lot reconstruction.

2. Size of Site: 32,373 square feet (0.74 acre).


4. Existing Land Use (site): The subject property contains a one-story building that contains 18,936 square feet of floor area, and a small mezzanine level.

5. Adjacent Land Use and Zoning:

   North – “DX2”; Use is Simon Tire (auto repair).

   South – “DX2”; Uses are East Court and the Salvation Army (retail & warehousing).

   East – “DX2”; Uses are a parking lot, The Alley (gallery), and Breakfast Club (restaurant).

   West – “P2”; Uses are East 2nd Street and the Federal Courthouse.

6. General Neighborhood/Area Land Uses: The subject property is in an area known as the East Village, which includes a mix of commercial, residential, and civic 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 March 26, 2021 and by mailing of the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 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 Historic East Village Neighborhood mailings were sent to Luke Dickens, P.O. Box 93904, Des Moines, IA 50393.

8. Relevant Zoning History: None.


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

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

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

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

  - Zoning restrictions at the time of the proposal;

- The city’s comprehensive plan;

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

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

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

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

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

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

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

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

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

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

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

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

  ➢ The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;

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

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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. **Building Coverage Standard:** Section 135-2.4.3(A)(2) of the Planning and Design Ordinance applicable to Downtown General buildings within the “DX2” District requires the building to occupy at least 90% of the primary frontage. The proposed site plan, which retains the building in its existing form, has a primary frontage coverage that is currently only 132 feet of the 280 feet (47.14%) of East 2nd Street frontage. Given the placement and configuration of the existing building, it is reasonable to grant this design alternative. 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.

2. **Build-to-Zone Standard:** Section 135-2.4.3(A)(4) of the Planning and Design Ordinance applicable to Downtown General buildings within the “DX2” District requires the building to be within 1-15 feet of the non-primary frontage. The proposed site plan, which retains the building in its existing form, is setback 148 feet from East Court Avenue, which is considered the non-primary frontage. 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.

3. **Surface Parking Location Standard:** Section 135-2.4.3(C)(17) of the Planning and Design Ordinance applicable to Downtown General buildings within the “DX2” District requires any off-street parking to be located fully within the basement or to the rear of the occupied space of the principal building. The proposed site plan makes significant improvements to an existing off-street parking lot that is located to the south of building and at the corner of East 2nd Street and East Court Avenue. 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 its currently location. 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 minimized by the required landscaping around the perimeter of the parking lot.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Type 2 Design Alternatives.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jension made a motion for approval of the requested Type 2 Design Alternatives.

THE VOTE: 11-0

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Item 6

Request from Lil' Brother Construction, LLC (owner) represented by Jean Jones (officer) for review and approval of a Public Hearing Site Plan "Lil' Brother Construction-Phase I" for the following Type 2 Design Alternative in accordance with Chapter 135 Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 2025 East Grand Avenue, to allow renovations and change of occupancy for a contractor Professional Office use with update of on-site parking and site landscaping, with waiver of the requirement to underground the existing overhead utility lines required per Section 135-9.2.1(E) and maintain existing overhead lines in the Rights-Of-Way (ROW). (10-2021-7.67)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing improvements that trigger full compliance with current site standards. They are requesting waiver of the underground utility requirement. 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: 28,400 square feet (0.652 acres).

3. Existing Zoning (site): Limited "I1" Industrial District.
4. **Existing Land Use (site):** The subject property contains a 1-story building with 1,470 square feet of gross floor area.

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

   - **North** - “N3c”, Uses are one household dwellings.
   - **South** - “N3c”; Use are one household dwellings.
   - **East** - “N3c”; Uses are one household dwellings.
   - **West** - “I1”; Uses are industrial in nature.

6. **General Neighborhood/Area Land Uses:** The subject property is located at the west edge of the Fairground Neighborhood along a north-south railroad corridor. Uses to the east generally consist of one household dwellings. The area along the railroad corridor consists of industrial uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Fairground Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on March 26, 2021 and the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 2021 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Fairground Neighborhood mailings were sent to Laura Mundy, P.O. Box 473, Pleasant Hill, IA 50327.

8. **Relevant Zoning History:** On November 23, 2020, the City Council approved Ordinance Number 15,948 by Roll Call 20-1969. This action rezoned the subject property from “RX1” District to a Limited “I1” District subject to the site being brought into conformance with the currently landscaping standards with any site plan.

9. **PlanDSM Land Use Plan Designation:** Industrial.

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

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

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

- Zoning restrictions at the time of the proposal;

- The city's comprehensive plan;

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

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

- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;

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

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

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

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

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

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

  - An evaluation of the character of the surrounding neighborhood, such as:
    - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
    - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
  
  - For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

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

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

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

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

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

II. ADDITIONAL APPLICABLE INFORMATION

1. Overhead Utility and Service Line Burial Requirement: Section 135-9.2.1.E of the Planning and Design Ordinance requires that all electrical, telephone, and cable television transmission systems be placed underground whenever reasonably practical. Overhead lines run along the north (East Grand Avenue) and west perimeters of the site. MidAmerican Energy Company has estimated that it would cost $75,000 to $100,000 to bury the lines along East Grand Avenue and $20,000
to $25,000 for the lines along the west perimeter. This cost significantly exceeds the applicant’s $58,000 project budget. Requiring burial of utilities would make the project unfeasible. Staff notes that there is a significant amount of overhead utilities in the area.

In this instance, given the high cost of the utility burial compared to the overall project cost, 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, 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

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

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

COMMISSION ACTION:

Carolyn Jension made a motion 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.

THE VOTE: 11-0

NON-CONSENT AGENDA PUBLIC HEARING ITEMS

Item 7

Request from Hubbell Realty Company (owner) represented by Steve Mosely (officer) for review and approval of a 10th Amendment to the Riverwoods Legacy PUD Conceptual Plan, for property in the vicinity of Riverwoods Road and River Ridge Avenue, to revise areas F, G, and H by eliminating the extension of River Ridge Road
and reducing the length of the Grand River Drive cul-de-sac and increasing the open space/conservation area. Also, to add the allowance for 50-foot lot width minimums and additional house typical designs. (ZON2021-00028)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed amendment to the “PUD” Conceptual Plan would revise the configuration of the one-household residential lots in “Area F” and would replace “Area G” and “Area H” with an open space/conservation area. It would also eliminate the extension of River Ridge Road to East Park Avenue and reduce the length of the Grand River Drive cul-de-sac.

2. **Size of Site:** The area of the entire Riverwoods “PUD” District is approximately 240 acres.

3. **Existing Zoning (site):** Riverwoods “PUD” Planned Unit Development District.

4. **Existing Land Use (site):** The portion of the Riverwood “PUD” District that would be impacted by the proposed amendment is generally undeveloped and contains a segment of a recreational trail known as the Carl Voss Trail.

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

   - **North** – “F”, Uses are Harford Avenue, Cownie Soccer Complex, and floodplain.
   - **South** – “N2b” & “NX2”, Uses are one-household dwellings, multiple-household dwellings, and vacant land.
   - **East** – “F”, Uses are Harford Avenue, Cownie Soccer Complex, and floodplain.
   - **West** – N2b”, “NX2”, & “P1”, Uses are one-household dwellings, multiple-household dwellings, and Cownie Baseball Complex.

6. **General Neighborhood/Area Land Uses:** The area consists of a mix of one-household dwellings, multiple-household dwellings, and park/recreational uses. A significant portion of the Riverwoods “PUD” District is a heavily wooded parcel owned by the City of Des Moines.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Riverwoods Neighborhood. The neighborhood association was notified of the Commission meeting by mailing of the Preliminary Agenda for the April 1, 2021 meeting on March 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on March 12, 2021 (20 days prior to the April 1, 2021 public hearing) and on March 22, 2021 (10 days prior to the April 1, 2021 public hearing) to the Riverwoods Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within the PUD and within 250 of the PUD boundary. A final agenda was mailed on March 26, 2021 and on April 9, 2021.
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 Riverwoods Neighborhood notices were mailed to Denise Benda, 2230 East Caulder Court, Des Moines, IA 50320.

The applicant is required to conduct neighborhood outreach as part of the PUD Conceptual Plan amendment process. A letter was mailed on March 8, 2021. The applicant can provide a summary of the neighborhood meeting comments at the Plan and Zoning Commission hearing upon request.

8. **Relevant Zoning History:** The property was rezoned to “PUD” Planned Unit Development District on April 25, 1994 by Ordinance 13,027. Since that time, the Riverwoods “PUD” Conceptual Plan has been amended nine (9) times.

9. **PlanDSM Future Land Use Plan Designation:** Low Density Residential and Park/Open Space.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended “PUD” Conceptual Plan as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Features:** A significant portion of the subject property is heavily wooded. Staff recommends provision of a note that states development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

   The proposed “PUD” Conceptual Plan demonstrates that excess land at the periphery of the proposed lots for one-household development would be contained in an outlot that could potentially be dedicated to the City as parkland. Staff recommends provision of a note to state that any and all portions of this area that the City is not willing to accept ownership for shall be designated as common areas shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In a horizontal property regime, the value of the common areas is allocated among the residential units.

2. **Drainage:** The proposed “PUD” Conceptual Plan demonstrates a stormwater detention basin within an outlot at the eastern periphery of the site. The City will
require the entire future plat to be located within a horizontal property regime, with the detention basin designated as common area shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In a horizontal property regime, the value of the common areas is allocated among the residential units.

Given the proximity of the proposed stormwater basin to the existing Carl Voss Recreation Trail, staff recommends provision of a note that states any stormwater basin shall be designed to the satisfaction of the both the City’s Engineering Department and the City’s Park & Recreation Department to ensure that it is designed in a manner that prevents future erosion issues that could potentially impact the recreational trail.

The “PUD" Conceptual Plan must also include a note that states that a soils report and stormwater runoff control plan per City Code Section 106-136 is required and that all grading is subject to an approved grading permit and soil erosion control plan.

3. Traffic/Street System: The proposed amendment to the “PUD" Conceptual Plan would revise the configuration of the one-household residential lots in “Area F" and would replace “Area G" and “Area H" with an open space/conservation area. The areas identified as “Area G" and “Area H" are within a parcel that is currently owned by the City of Des Moines. The proposed amendment would also eliminate the extension of River Ridge Road to East Park Avenue and reduce the length of the Grand River Drive cul-de-sac. Staff believes that these revisions are appropriate and would preserve a significant area of existing mature tree canopy. Planning staff also believes that the existing Riverwoods Avenue can accommodate the north/south traffic through the existing “Riverwoods” development to East Park Avenue.

4. Recreational Trail: There is a 10-foot wide recreational trail (known as the Carl Voss Trail) that passes through the eastern portion of the “PUD" District, as well as a trail spur that provides access to the trail from River Ridge Road. Portions of this existing trail are within temporary easements that are conditional upon permanent easements being provided at the time the area develops. Therefore, staff recommends provision of a note stating that permanent trail easements shall be provided for the Carl Voss Trail and for the trail spur providing access to the trail from River Ridge Road, where these easements ensure that the trail shall not be moved or impacted by the developer.

Since the Carl Voss Trail is a vital component of the City’s trail network, staff recommends provision of a note stating the primary section of the Carl Voss Trail passing through the Riverwoods PUD shall not be altered by the amendment and shall not be closed at any time as a result of construction or development in the vicinity.

Since the proposed River Ridge Road cul-de-sac would impact the trail spur that provides access to the Carl Voss Trail from River Ridge Road, staff recommends
provision of a note stating that the reconfigured trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac shall be designed and constructed to the City’s standards as reviewed and approved by the City’s Park & Recreation Department Director.

Staff recommends provision of a note stating that the developer shall be responsible for all construction and costs associated with removing and reconstructing the trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac, and that any construction shall be to the City’s standards for trail construction to the satisfaction of the City’s Park & Recreation Department Director.

The developer indicates that the existing trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac would need to be closed for approximately 90 days (barring weather delays) during construction of the new street. In order to minimize the temporary disruption of access to the Carl Voss Trail during construction, Staff recommends provision of a note stating that the developer shall work with the City’s Park & Recreation Director on an acceptable temporary closure of the trail spur, where the closure is limited to as minimal of time as possible, and where the developer shall be responsible for neighborhood outreach and for provision of and maintenance of trail detour signage during any closure to the satisfaction of the City’s Park & Recreation Department Director. In addition, this temporary closure requires a 2-week notice, with detour signage in place at the start of the 2-week notice period.

Finally, staff recommends provision of an 8-foot wide sidewalk along one side of the River Ridge Road cul-de-sac to connect Riverwoods Avenue to the trail spur.

5. **Urban Design**: The proposed “PUD” Conceptual Plan would essentially allow for a total of 22 lots for one-household development. The Conceptual Plan provides eight (8) examples of front facades of homes that would be constructed. Staff recommends the series of notes listed as “Condition 12” below, to ensure appropriate development.

III. **STAFF RECOMMENDATION**

Staff recommends approval of the 10th Amendment to the Riverwoods Legacy PUD Conceptual Plan, subject to the following modifications:

1. Provision of a note that states development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

2. Provision of a note to state that any and all portions of this area designated as “Parkland” that the City is not willing to accept ownership for, shall be designated as common areas shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In
a horizontal property regime, the value of the common areas is allocated among the residential units.

3. Provision of a note that states the City will require the future plat to be located within a horizontal property regime, with the detention basins and open space areas designated as common areas shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In a horizontal property regime, the value of the common areas is allocated among the residential units.

4. Provision of a note that states any stormwater basin shall be designed to the satisfaction of the both the City's Engineering Department Director and the City's Park & Recreation Department Director to ensure that it is designed in a manner that prevents future erosion issues that could potentially impact the recreational trail.

5. Provision of a note that states that a soils report and stormwater runoff control plan per City Code Section 106-136 is required and that all grading is subject to an approved grading permit and soil erosion control plan.

6. Provision of a state note stating that permanent trail easements shall be provided for the Carl Voss Trail and for the trail spur providing access to the Carl Voss Trail from River Ridge Road, where these easements ensure that the trail shall not be moved or impacted by the developer.

7. Provision of a note stating the primary section of the Carl Voss Trail passing through the Riverwoods PUD shall not be altered by the amendment and shall not be closed at any time as a result of construction or development in the vicinity.

8. Provision of a note stating that the reconfigured trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac shall be designed and constructed to the City’s standards as reviewed and approved by the City's Park & Recreation Department Director.

9. Provision of a note stating that the developer shall be responsible for all construction and costs associated with removing and reconstructing the trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac, and that any construction shall be to the City’s standards for trail construction to the satisfaction of the City’s Park & Recreation Department Director.

10. Provision of a note stating that the developer shall work with the City’s Park & Recreation Director on an acceptable temporary closure of the trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac, where the temporary closure is limited to as minimal of time as possible, and where the developer shall be responsible for neighborhood outreach and for provision of and maintenance of trail detour signage during any
11. Provision of an 8-foot wide sidewalk along one side of the River Ridge Road cul-de-sac to connect Riverwoods Avenue to the trail spur.

12. Provision of the following notes on the “PUD” Conceptual Plan:
   a) No same house architectural elevation shall be built on adjacent lots.
   b) Any house shall have a minimum two-car attached garage.
   c) The front façade of any house shall contain one of the following:
      i. A front porch of not less than 60 square feet; or
      ii. Stone or brick masonry siding covering at least 1/3 of the façade; or
      iii. Two varying types of siding, differentiated by pattern and/or texture.
   d) All windows and doors on the front façade of any house shall have trim that is no less than 4 nominal inches in width.
   e) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   f) Any house shall be constructed with a minimum of 1,200 square feet of area.
   g) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
   h) Any chain link fence shall have black vinyl cladding.

SUMMARY OF DISCUSSION

Emily Webb stated the applicant for item #7 has requested a continuance to the May 6, 2021 Plan and Zoning Commission Meeting.

COMMISSION ACTION:

Carolyn Jension made a motion to continue item #7 to the May 6, 2021 Plan and Zoning Commission Meeting.

THE VOTE: 11-0
A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

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

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

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The subject property is owned in common with adjacent property to the east and at 1901 East University Avenue to the north. The proposed rezoning and land use amendment would facilitate the expansion of the existing self-service storage located on the adjacent properties. This use is not allowed in the “RX1” District and is not compatible with the Business Park land use classification. The proposed expansion would require a site plan and building elevations to be submitted for review and approval pursuant to the Planning and Design Ordinance.

2. Size of Site: 0.140 acres.

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

4. Existing Land Use (site): The subject property is undeveloped.

5. Adjacent Land Use and Zoning:

   North – “RX1”; Uses are one-household dwelling units.

   South – “RX1”; Use is auto repair shop.

   East – “I1”; Use is undeveloped land.

   West – “RX1”; Uses are one-household dwelling units.

6. General Neighborhood/Area Land Uses: The subject property is located near the intersection of Claypool Street and Hubbell Avenue. The area contains a mix of commercial, industrial, and residential uses to the west of a north/south railroad.

7. Applicable Recognized Neighborhood(s): The subject property is in the Capitol East Neighborhood and within 250 feet of the Martin Luther King, Jr. Park Neighborhood, the Fairground Neighborhood, and the ACCENT Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on March 26, 2021 and by mailing of the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on March 26, 2021 (20 days prior to the public hearing) and on April 5, 2021.
(10 days prior to the public hearing) to the applicable neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Capitol East Neighborhood Association notices were mailed to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316. The Martin Luther King, Jr. Park Neighborhood Association notices were mailed to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316. The Fairground Neighborhood Association notices were mailed to Laura Mundy, P.O. Box 473, Pleasant Hill, IA 50327. The ACCENT Neighborhood Association notices were mailed to Kevin Scott Marken, 2109 East 28th Street, Des Moines, IA 50317.

The applicant is required to do neighborhood outreach as part of the rezoning process. They will be available to provide a summary of that neighborhood outreach at the public hearing.

8. Relevant Zoning History: N/A.


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

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The subject property is designated as “Business Park” on the Future Land Use Map. PlanDSM describes this designation as follows:

   Business Park: Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The applicant is proposing to rezone the property from “RX1” District to “I1” District. The Zoning Ordinance states that “RX1 is intended for transitional areas between “MX” districts and “N” districts, providing for residential and office buildings at a
scale and intensity appropriate for corridor’s adjacent to low-scale neighborhoods.” Building types allowed in this district include Commercial Cottage, General Building, Civic Building, Principal-Use Parking Structure, Flat Building, and Row Building.”

The proposed “I1” District zoning requires the “Industrial” designation on the Future Land Use Map. PlanDSM 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 Zoning Ordinance states that “I1 is intended for general industrial uses, warehousing, and transportation terminal.” Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.”

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for review before the property can be occupied by the proposed use.

In addition to typical Workshop Building, landscaping and parking design standards, any development that includes self-storage units would have to comply with the following requirements from Section 135-2.9.3.E.3.

- a. A minimum of 10 feet of separation between buildings.
- b. A maximum building height of 25 feet.
- c. A maximum building length or depth of 150 feet.
- d. All siding materials within four feet of grade shall consist of brick, concrete masonry units, concrete surfaces or stone as defined as Major Facade Materials in section 135-3.2.2 of this chapter.
- e. The doors to individual units or to common loading areas shall not face a public street, primary frontage or N district.
- f. All units shall be located within a fenced and gated compound.
- g. All fencing shall be wrought iron or tubular steel construction painted earth tones or black to complement the buildings. All fencing shall be supported by masonry pillars that generally match the siding materials of the building(s).
- h. All fencing shall be supported by masonry pillars that generally match the siding materials of the building(s).

3. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation
calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “I1” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park.

Part B) Staff recommends amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Industrial.

Part C) Staff recommends approval of rezoning the subject property from “RX1” Mixed Use District to “I1” Industrial District.

SUMMARY OF DISCUSSION

Emily Webb stated the applicant for item #8 has requested a continuance to the May 6, 2021 Plan and Zoning Commission Meeting.

COMMISSION ACTION:

Carolyn Jension made a motion to continue item #8 to the May 6, 2021 Plan and Zoning Commission meeting.

THE VOTE: 11-0

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Item 9

Request from Landmark Missionary Baptist Church of Surrounded Hill (owner) represented by Stan Haigwood (trustee), for review and approval of a Public Hearing Site Plan “Landmark Missionary Baptist Church Parking Lot Improvements” 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 5840 University Avenue, to allow site improvements for a Civic Building occupied by an Assembly, Place of Worship use. (10-2021-7.69)

A) Allow surface on-site parking in the front yard where surface parking is only allowed in the rear yard or limited interior side yard per Section 135-2.10.3(A)(8).
B) Waiver of the requirement to underground the existing overhead utility lines required per Section 135-9.2.1(E).
C) Waiver of the required fence as part of the fence frontage buffer required along University Avenue per Section 135-7.7.2(B).
STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed site plan would allow site improvements for the existing church use, including building renovations and parking lot improvements.

2. Size of Site: 10,560 square feet (0.24 acre).


4. Existing Land Use (site): The property contains a 1,312-square foot structure used for a church (Assembly, Place of Worship) use and a graveled parking lot.

5. Adjacent Land Use and Zoning:
   - North – “P2”; Uses are University Avenue and a church/school use.
   - South – “N3b”; Use is a one-household dwelling.
   - East – “N3b”; Use is a one-household dwelling.
   - West – “P2”; Uses are 59th Street and Windsor Elementary School.

6. General Neighborhood/Area Land Uses: The subject property is located along University Avenue, in an area that includes a mix of church, school, and one-household residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Waveland Woods Neighborhood and within 250 feet of the Merle Hay Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on March 26, 2021 and by mailing of the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 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 Waveland Woods Neighborhood mailings were sent to Dan McCool, 933 63rd Street, Des Moines, IA 50312. The Merle Hay Neighborhood mailings were sent to Christopher Morse, 3517 52nd Street, Des Moines, IA 50310.

8. Relevant Zoning History: None.

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

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

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

- The city's comprehensive plan;

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

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

- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;

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

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

- Consider the smart planning principles set forth in Iowa Code Chapter 18B.
Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

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

- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
  
  ➢ An evaluation of the character of the surrounding neighborhood, such as:
    
    o Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
    
    o Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);

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

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

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

  ➢ Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
- Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and

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

II. ADDITIONAL APPLICABLE INFORMATION

1. Parking Lot Standards: Section 135-2.10.3(A)(8) of the Planning and Design Ordinance applicable to Civic buildings within the “P2” District allows for surface parking and loading to occur within rear and interior side yards only. The proposed site plan makes significant improvements to an off-street parking lot that is located within the front yard area along University Avenue. 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. Overhead Utility and Service Line Standards: 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. The property is served by an overhead electrical line that reaches an existing utility pole on the southwest corner of the site from an aerial line across 59th Street to the west. From the existing utility pole on the subject property, electrical lines are then directed both to the building on the subject property and to the house on the property adjacent to the south.

On March 25, 2021, MidAmerican Energy Company provided the following estimates and project explanation:

*I estimate $1,000 for us to convert this OH service to UG and leave the existing pole intact. Customer’s service will riser up the existing pole. This assumes a meter location on the SW corner of the building similar to what’s there now. This also assumes no increase in service entrance size.*

*If the secondary lift pole needs to be removed this gets more involved and costly since it feeds the neighbor. The neighbor would need to have an electrician reconfigure their electric service to accept an UG source and we would then bore underneath the street and set a secondary pedestal to pick up both services. I would anticipate this being in the neighborhood of $4,812.80 + costs for the neighbor at 1155 59th St to convert their service (which we can’t force them to do).*

Staff does not believe that it would be reasonably practicable to require all utilities to be relocated underground since it would cost the applicant $4,812.80, plus costs for the neighbor at 1155 59th Street to convert their service.
However, staff believes that it would be reasonably practicable to require relocation of the overhead line between the utility pole on the subject property and the building on the subject property. The $1,000 cost to do this represents 4% of the project’s overall budget of $25,000.

3. **Parking Lot Frontage Buffer Standards:** Section 135-7.7.2(B) of the Planning and Design Ordinance requires a 7-foot wide buffer with a continuous fence located 2 feet from the back of the parking lot curb in order to provide a buffer between a parking lot and a front lot line.

Staff has granted a Type 1 Design Alternative to allow the width of the buffer to be reduced from 7 feet to 3.5 feet. This accommodates an additional parking space that would otherwise need to be eliminated. Give this reduced setback, staff believes that it is reasonably necessary to provide the continuous fence in order to maintain a substantial buffer from the from front lot line.

**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, so long as additional shrubs and a decorative buffer fence are provided along University Avenue to the satisfaction of the City’s Planning and Urban Design Administrator.

Part B) Staff recommends that the Commission find that it would not be reasonably practicable it to require all utilities to be relocated underground since it would cost the applicant $4,812.80, plus costs for the neighbor at 1155 59th Street to convert their service.

However, staff recommends that the Commission find it would be reasonably practicable to require relocation of the overhead line between the subject utility pole and the building. The $1,000 cost to do this represents 4% of the project’s overall budget of $25,000.

Part C) Staff recommends denial of the requested Type 2 Design Alternative to allow waiver of the required fence within the fence frontage buffer along University Avenue.

**SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendation.

Jason Van Essen stated City staff has already approved a type 1 design alternative to allow the parking lot to be set back closer to the street.

Bert Drost stated the requirement is a 7-foot set back and staff did approve a 3 1/2 – foot set back of the North property line. This would be the reason for denial of the fence requirement as staff feels it’s a good tradeoff for the reduced paving setback.
Danie Southwick 3501 104th Street, Urbandale, IA representing Bishop Engineering stated they would like to defer the undergrounding of utilities to the time when the adjoining neighbor would be doing the same and it would be cost saving for both parties.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Carol Maher 701 Polk Blvd stated she appreciates the church extending the sidewalk along 59th Street and adding bike racks to the parking lot. She would strongly encourage the fence be required from a safety standpoint.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Danie Southwick stated they can agree to the fence as long as the setback is reduced to 3½ feet.

**COMMISSION ACTION:**

Greg Wattier 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, so long as additional shrubs and a decorative buffer fence are provided along University Avenue to the satisfaction of the City’s Planning and Urban Design Administrator.

Part B) the Commission find that it would not be reasonably practicable it to require all utilities to be relocated underground since it would cost the applicant $4,812.80, plus costs for the neighbor at 1155 59th Street to convert their service.

However, the Commission find it would be reasonably practicable to require relocation of the overhead line between the subject utility pole and the building. The $1,000 cost to do this represents 4% of the project’s overall budget of $25,000.

Part C) **DENIAL** of the requested Type 2 Design Alternative to allow waiver of the required fence within the fence frontage buffer along University Avenue.

**THE VOTE:** 11-0

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Item 10

Request from J Larson Homes, LLC (owner) represented by John Larson (officer) for review and approval of a Preliminary Plat Amendment “Three Lakes Estates Phase II” for 84.97 acres of property in the vicinity of the 3001 block of East Army Post Road, to allow remaining property in the Three Lakes Estates Phase II Legacy PUD to be divided into 218 One Household Living Lots and 64 Lots for Semi-Detached One Household Living. (13-2021-1.28)

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The developer is seeking to resume development of “Three Lakes Estates Phase II” following approval of an amend to the Three Lakes Estates Phase II PUD Conceptual Plan by the City Council in 2019. This amendment allowed for reconfiguration of the street layout and allowance for smaller lot sizes (between 45 and 55 feet in width) for single household lots in the southeastern portion. It also replaced previously approved row and single-household semi-detached units with single household detached dwellings on lots with a minimum 65-foot lot width. This resulted in fewer units overall in the central portion of the PUD.

The submitted plat proposes 218 one household living lots and 64 lots for semi-detached one household living. The existing row townhome area at the southwestern portion was maintained as initially approved with the PUD zoning in 2001. In review of this Preliminary Plat, the Commission is not considering whether the row townhomes, single-household dwellings, or single-household semi-detached dwellings are permitted. These uses were approved with the original rezoning PUD Conceptual Plan in 2001 and the subsequent amendment in 2016.

2. Size of Site: 84.9 acres.

3. Existing Zoning (site): Three Lakes Estates Phase II “PUD” Planned Unit Development District.

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

**North** – Pearl Lake Legacy “PUD”, “NX1”, & “F”, Uses are undeveloped agricultural land and regional stormwater basins.

**South** – “A” & “N2b”, Uses include single-household living dwellings and undeveloped agricultural land.

**East** – “A”, Use is undeveloped agricultural land.

**West** – Three Lakes Estates Legacy “PUD”, Uses are single-household living dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located east of the built-out single-family subdivision along the East Army Post Road corridor. It is surrounded on the other three sides with undeveloped agricultural land.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Easter Lake Area Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on March 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on March 26, 2021 (20 days prior to the hearing) and on April 5, 2021 (10 days prior to the scheduled hearing) to the Easter Lake Area Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the PUD boundary. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on April 9, 2021.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Easter Lake Area Neighborhood Association mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320.

8. **Relevant Zoning History:** The Three Lakes Estates Phase II zoning to “PUD” was originally approved by the City Council on May 7, 2001 by Ordinance No. 13,950. There was a subsequent requested PUD Conceptual Plan amendment known as “The Palms” that was reviewed by the Plan and Zoning Commission on April 3, 2008 to revise townhome design and configuration. This amendment was withdrawn before City Council approval.

A First Amendment was approved by the City Council on September 23, 2019 by Roll Call No. 19-1549, allowing for reconfiguration of the street layout and allowance for smaller lot sizes (between 45 and 55 feet in width) for single household lots in the southeastern portion. It also replaced previously approved row and single-household semi-detached units with larger lot sizes (65 feet) for single household detached dwellings. This amendment was approved subject to the following conditions:
1) Compliance with all administrative comments for final Mylar submission.
2) Addition of a note on the Plan that any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3) Revision to the note to require all public sidewalks to be 5-feet in width.
4) Revision of the fence allowance note to also allow up to a 6-foot tall solid wood fence in rear yards and along the frontages of East Army Post and East Pine Avenue for lots that have rear yards abutting those streets.
5) Revision to the notes on the Plan to provide the following requirements for single-family and single-family semi-detached dwellings:
   A) No same single-family or single-family semi-detached house front elevations shall be built on adjacent lots.
   B) The front façade of any single-family or single-family semi-detached house constructed must contain one of the following:
      i. A front porch of not less than 60 square feet; or
      ii. Stone or brick masonry siding covering at least 1/3 of the façade.
   C) All windows and doors on any single-family or single-family semi-detached house shall have trim that is no less than 4 nominal inches in width.
   D) The roof on any single-family or single-family semi-detached house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
   E) On single-family lot sizes less than 65 feet in width the following minimum house sizes shall be constructed:
      i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
      ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
      iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
   F) On single-family lot sizes 65 feet in width or greater the following minimum house sizes shall be constructed.
      i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
      ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
      iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
   G) Exterior material for any single-family or single-family semi-detached house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
   H) For any single-family semi-detached dwellings, a brick or stone wainscot should extend along the full side façade on those units where the side faces a public street.
   I) Building elevations for the Conceptual Plan shall be required to be revised to demonstrate compliance with these provisions.

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

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Features:** The PUD area has been rough-graded throughout. However, there are still some timbered areas that remain around the basins, drainageways and fence lines. Tree Protection and Mitigation provisions would be required with any future platting review. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. This is a requirement of the submitted Preliminary Plat. Sheets 9-11 of the Preliminary Plat show the Tree Removal and Mitigation Plan and the associated Planting Plat for Street Trees for mitigation.

2. **Parks/Trails:** It should be noted that the Preliminary Plat includes the preliminary alignment of a future extension of the Carlisle Trail along East Army Post Road within the existing right-of-way. This trail is to be constructed in 2023 as a public project as part of the City’s Capital Improvements Budget.

3. **Stormwater/Drainage:** The Preliminary Plat was reviewed by City Engineering staff in accordance with all requirements in Chapter 106, Section 106-136 and Chapter 42, Section 42-56. This is to ensure the public storm sewer system is designed to meet requirements for flood control and water quality.

   The submitted Preliminary Plat provides for a public storm sewer system with collections intakes and mains within the proposed public street network. This system is primarily directed to a private regional stormwater basin designed within proposed Outlot X and Outlot Y. This then would flow to the existing public regional detention basin to the northeast of the property maintained by the City. There is also some existing flowage that would be collected from East Pine Avenue and routes through over land to this basin through easements in the rear yards of lots that are proposed along SE 30th Court and East Rittenhouse Street.

4. **Utilities:** The submitted Preliminary Plat proposes public sanitary and storm sewer along with Des Moines Water Works public water mains within all the proposed streets or within public utility easements within the front yards along the street. These are extended off the existing network from the developed street system.
5. **Traffic:** The proposed plat shows a network of public streets to serve the proposed lots. These streets are consistent with the approved PUD Conceptual Plan. The Preliminary Plat also proposes 5-foot wide sidewalks along all new street frontages except the frontage on the existing East Pine Avenue. A comment from the Traffic Engineering staff is that the public sidewalk be shown on the East Pine Avenue frontage. This is required by the approved PUD Conceptual Plan. It would be installed with the public improvements associated with the adjoining lots.

### III. STAFF RECOMMENDATION

Staff recommends approval of the submitted Preliminary Plat amendment subject to the following:

1. Compliance with all administrative comments.

2. Comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

3. Revision to show public sidewalks 5-feet in width along East Pine Avenue frontage.

### SUMMARY OF DISCUSSION

**Erik Lundy** presented staff report and recommendation.

**Will Page** asked if the sidewalks are required in part of this development?

**Erik Lundy** stated if the sidewalks were constructed before the home, they would become damaged by construction. After the home is built, the sidewalks will be constructed.

**Edward Arp** 2400 86th Street, Urbandale, IA representing Civil Engineering Consultants stated the current layout for this development makes more sense for what the market is today. The sidewalk to be placed along Pine Avenue would be difficult to construct as the gravel road sticks up in the air with ditches on each side. They feel the construction of sidewalk along Pine Avenue should be deferred until an Urban section is developed.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one requested to speak on the item.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Francis Boggus stated he would agree it would be a financial burden to construct a sidewalk that is not connected to an improved urban street and would defer that to a future time.
Will Page asked what a future time would mean?

Jason Van Essen stated the way he understood Francis was that he would strike the East Pine Avenue sidewalk requirement and that at some time in the future the sidewalk would be constructed as part of a City CIP project when the street is reconstructed.

Erik Lundy stated there are bonds within the plat that are associated with sidewalks. They could build the cost of the sidewalk along Pine into the bond but in the future the applicant could come back to ask for release.

Greg Jones stated he would like to have a bond in place for the sidewalk and if it’s released in the future nothing would be lost.

**COMMISSION ACTION:**

Francis Boggus made a motion for approval of the submitted Preliminary Plat amendment subject to the following:

1) Compliance with all administrative comments.

2) Comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

3) A bond shall be provided to facilitate the future construction of a 5-foot width sidewalk along East Pine Avenue.

**THE VOTE: 11-0**

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Committee and Director’s Reports:

Jason Van Essen stated staff is anticipating presenting zoning code amendments at Council Workshops in May with them being considered by the Commission at the first meeting in June.

Erik Lundy stated in person board and commission meetings will begin in July.

Greg Wattier asked if they will still have the option to call in?

Jason Van Essen stated the logistics of how the meetings will be conducted have not been figured out yet and more information is to come.

Meeting adjourned at 6:54pm