



CITY PLAN AND ZONING COMMISSION

*****AGENDA*****

for the meeting scheduled on
April 1, 2021 at 6:00 P.M.

Iowa Code Section 21.4 requires that each Plan and Zoning Commission meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given Mayor Cownie's March 17, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, and the Governor's Proclamation, as amended, strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID-19 outbreak and its authorization of electronic meetings, and the City Manager's decision on March 11, 2021 to delay the opening of City buildings to the public until June 1, 2021 due to the positive trend upward of COVID-19 cases in Polk County and the need to maintain safety, it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. Meeting minutes will continue to be provided per the City's normal course of business. You may contact the City Staff at (515) 689-9485 or check the meeting agenda on the City's website (www.dsm.city). To participate in the electronic meeting, access is available via the internet or telephonically (details below).

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

The Plan and Zoning Commission shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by City Staff in the Community Development Department either by email or by U.S. Mail prior to 4:00 p.m. March 31, 2021 (Community Development Department, Armory Building, 602 Robert D. Ray Drive, Des Moines, IA 50309; Email Planning@dmgov.org).

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://dmgov-org.zoom.us/j/86405809363?pwd=WXA3MDZINWtUWjQvK3EwY2VGVVlFYZz09>

Webinar ID: 864 0580 9363

Passcode: 482855

One-Tap Dialing on iPhone

+13126266799,,86405809363# US (Chicago)

Or join by phone:

US: +1 312 626 6799 or

+1 720 928 9299 or

833 548 0276 or 877 853 5257 (Toll Free)

Webinar ID: 864 0580 9363

Passcode: 482855

International numbers available: <https://dmgov-org.zoom.us/j/86405809363?pwd=WXA3MDZINWtUWjQvK3EwY2VGVVlFYZz09>

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

PLAN AND ZONING COMMISSION RULES AND PROCEDURES

1. The Plan and Zoning Commission is generally an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all matters before the Commission other than Site Plans and Subdivision Plats, unless denials or conditional approvals thereof are appealed. Please contact the City Clerk or Community Development Department staff (515) 689-9485 for details on Council hearings.
 2. Applicant will be given 10 minutes to present the request. If applicant's wish to share materials not already submitted with the application, please email them to Planning@dmgov.org so a staff host may be able to share them on the screen when you present.
 3. Proponents and then opponents from the public are then allowed to speak in that order, with each speaker allowed a maximum of 5 minutes. Staff has attempted to compile a list of people who would like to speak on each item. Staff will first call on these people and then will open it up to anyone else who wishes to speak. To request to speak during the hearing, please use the "raise hand" function on ZOOM Webinar via internet or dial *9 on your phone. Once permission to speak is given, to unmute and mute dial *6 on you phone. You will be required to give your name and address for the record prior to speaking. Also, we ask that you keep your microphones and phones on "mute" unless you've been given the chance to address the Commission by the Chair.
 4. Applicant is then allowed five (5) minutes for a rebuttal if any opponents spoke.
 5. All comments are to be germane to the item under consideration and speakers are to maintain a courteous manner.
 6. The hearing will then be closed and the Commission will discuss and vote on the issue.
 7. Items listed on the consent portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Commission requests that the item be removed from the consent agenda and considered separately under the public hearing agenda.
 8. The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. Please know that typical accommodations may be limited by emergency requirements as issued by the State of Iowa and the City of Des Moines.
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Note: There is not a scheduled early session.

6:00 ROLL CALL & APPROVAL OF MINUTES FROM March 18, 2021

CONSENT PUBLIC HEARING ITEMS

1. Request from AHEPA Management Company (purchaser) represented by Steve Beck (officer) for the following regarding the property located at 1111 East Army Post Road. The subject property is owned by Macerich Southridge Mall, LLC represented by Tom Unis (officer).
 - A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
 - B) Rezone property from "CX" Mixed Use District to "RX2" Mixed Use District, to allow development of the property with senior Household Living use allowing dwelling units on the ground floor level. (ZON2021-00029)

2. Request from Cassaundra C. Johnson Revocable Trust (owner) 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 3365 McKinley Avenue, to allow construction of a new House A Building Type in an “N1a” Neighborhood District. (BLD2020-02675)
 - A) Allow a garage projection that extends 14 feet past the front entrance façade, which is 4 feet more than the maximum allowed 10 feet per Section 135-4.3.8(A)(1).
 - B) Allow a total garage door width of 31 feet which would represent 60% of the front façade width, thereby exceeding the maximum 30% of the front façade width per Section 135-2.13.3(A)(10).
 - C) Allow side yard setbacks on each side of the house that are 5 feet instead of the minimum required 10 feet, which is 15 feet less than minimum required combined side yard setback of 25 feet per Section 135-2.13.3(A)(5).
3. Request from MDM Equity 2010 LLC represented by Tyler Price (agent), for review and approval of a Public Hearing Site Plan “Power & Tel.” for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 6109 Park Avenue, to allow a Workshop/Warehouse Building occupied by an “Office and Warehouse” use with a new outdoor storage area that would have 6 feet less than the minimum required 10 foot side yard setback required per Section 135-8.2.2(C). (10-2021-7.53)
4. Request from River Point West LLC (owner) represented by Will Anderson (officer) for the following items related to development of a 132-unit independent living senior Household Living dwelling project proposed for 400 SW 11th Street:
 - A) Review and approval of a Preliminary Plat “Gray’s Landing Plat 1” for subdivision of a 4.10-acre lot for the senior housing project. (13-2021-1.29)
 - B) Review and approval of a PUD Final Development Plan “Slate at Gray’s Landing” for development of the senior housing project. (10-2021-7.60)
5. Request from Signature Flight Support represented by Sean Kuhl (lessee), for review and approval of a Public Hearing Site Plan “Signature (DSM) New Terminal and Hangar” 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 6213 SW 28th Street, to allow a Civic Building occupied by an “Airport” use for development of a private terminal, hangar, and office. The subject property is owned by City of Des Moines. (10-2021-7.64)
 - A) Allow primary frontage ground story height of 51 feet which is 27 feet greater than the maximum allowed primary frontage ground story height of 24 feet per Section 135-2.10.3(B)(12).
 - B) Allow 0% transparency at the hangar building where a minimum 12% transparency on the street façade is required per Section 135-2.10.3(D)(17).
 - C) 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).

6. Request from Lucky Gal I, Inc. (owner) represented by Chris Puisner (officer) for review and approval of a Public Hearing Site Plan "Lucky Gal Tattoo" for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property at 3104 SW 9th Street, to allow renovation of the existing Storefront Building for a tattoo parlor, arcade, and candy store with waiver of undergrounding the existing overhead utility lines required per Section 135-9.2.1(E). (10-2021-7.26)

PUBLIC HEARING ITEMS

Item #7 is continued from the March 4, 2021 meeting of the Commission.

7. Request from Justin Raymond (owner) for review and approval of a Public Hearing Site Plan for the following Type 2 and denied Type 1 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 4215 Southeast 17th Street, to allow installation and construction of a manufactured home in accordance with House B Building Type requirements. (BLD2020-03177)
- A) ~~Allow 5 feet less than the minimum 35-foot building width per Section 135-2.14.3(A)(7).~~ *(withdrawn by the applicant)*
 - B) ~~Allow 0 square feet (100%) less than the required 32 square feet (12%) transparency requirement for street facing facade per Section 135-2.14.3(D)(18).~~ *(withdrawn by the applicant)*
 - C) ~~Allow the principal entrance on the south side facade where required on the front street facade per Section 135-2.14.3(D)(19).~~ *(withdrawn by the applicant)*
 - D) Waiver of the required porch or stoop entrance configuration per Section 135-2.14.3(D)(20).
 - E) Waiver of the requirement for provision of a minimum 288-square foot garage per Section 135-2.14.3(E)(3).
 - F) Allow 100% Vinyl siding as a major facade material per Table 135-4.1-2 with no added architectural design elements per Section 135-4.3.11.
 - G) ~~Allow 0 street trees less than the calculated 2 required street trees per Section 135-7.5.3(C)(1).~~ *(withdrawn by the applicant)*
 - H) Waiver of the required public sidewalk installation per Section 135-8.5.2.
 - I) Allow a minimum 3.5-foot side setback from the south property line less than the minimum required 7-foot side yard setback per Section 135-2.14.3(A)(5). *(added by the applicant)*

Item #8 is continued from the March 18, 2021 meeting of the Commission.

8. Request from Corey and Kristen Schooley (owners) for review and approval of a Public Hearing Site Plan for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), for property located at 4841 Algonquin Road, to allow construction of a 626-square foot addition without a full basement to the east facade of the existing House A building type and a 161-square foot Outbuilding (pool house) and in-ground pool within the north rear yard, all in an “N1b” Neighborhood District. (BLD2021-00099)
 - A) Allow an addition within 10.46 feet of the east property line for a total side yard setback of 10.46 feet (53.52% less) where a minimum 22.5-foot setback is required by Section 135-10.2.2(C).
 - B) Allow an addition to the existing house without a full depth basement where it is required per Section 135-2.13.3(E)(5).
 - C) Allow the Outbuilding (pool house) within 0 feet of the north property line where a minimum of 5-foot setback is required by Section 135-2.22.1(D)(3)(b) and Section 135-2.22.2(C)(1).
9. Request from Fareway Stores, Inc (purchaser) represented by Matt Heath (officer) for the following regarding the property located at 2723 41st Place. The subject property is owned by Melvin and Connie Wood.
 - 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 Low Density Residential within a Neighborhood Node to Community Mixed-Use within a Neighborhood Node. (21-2021-4.08)
 - C) Rezone property from “N4” Neighborhood District to “MX3” Mixed Use District, to allow off-site parking and access to be developed in conjunction with a Limited Retail Sales use redevelopment of property at 2716 Beaver Avenue. (ZON2021-00018)
10. Request from Oscar and Enrique Zenteno (owners) for the following regarding the property located at 2354 East Grand Avenue.
 - A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
 - B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Neighborhood Mixed Use to Community Mixed Use. (21-2021-4.09)
 - C) Rezone property from “MX1” Mixed Use District to “MX3” Mixed Use District, to allow use of the site for Vehicle Maintenance/Repair, Minor. (ZON2021-00020)

11. 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)
12. Request from Menard, Inc. (owner) represented by Theron Berg (officer) for the following regarding the property located at 5907 Southeast 8th Street and 801 Hart Avenue.
 - A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
 - B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Community Mixed Use within a Community Node to Low Density Residential within a Community Node. (21-2021-4.10)
 - C) Rezone property from "CX-V" Mixed Use District to "N3a" Neighborhood District, to allow retention of two One Household Living residences which would are no longer proposed for redevelopment in conjunction with the Large Format Retail Sales use adjacent to the east. (ZON2021-00030)
13. Request from TK Development, LLC (owner) represented by Dan Kruse (officer) for review and approval of a 3rd Amendment to the Preliminary Plat "Southwoods Estates" on property in the vicinity of 5730 Rose Avenue, to provide for a Final Plat 3 that would have 7 development lots on a public street cul-de-sac Maish Avenue extending from Southwest 56th Street, and an 11.4-acre Outlot "Z" reserved for future platting. This would eliminate extensions of Rose Avenue and Watrous Avenue shown on the previously approved amendment to the Preliminary Plat. (13-2021-1.38)

OTHER ITEMS

14. Committee and Director's Reports.