



Roll Call Number

Agenda Item Number

19

Date March 11, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "CITYVIEW 49" ON PROPERTY LOCATED AT 938 12TH STREET

WHEREAS, on February 21, 2019, the City of Des Moines Plan and Zoning Commission voted 9-0 for APPROVAL of a Preliminary Plat "Cityview 49" on property located at 938 12th Street, to allow subdivision of the property into 14 lots for rowhouse residential dwelling units, subject to compliance with all administrative review comments of the City's Permit and Development Center.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the attached communication from the City Plan and Zoning Commission is hereby received and filed.

MOVED by _____ to receive and file.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank Assistant City Attorney

(13-2019-1.34)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

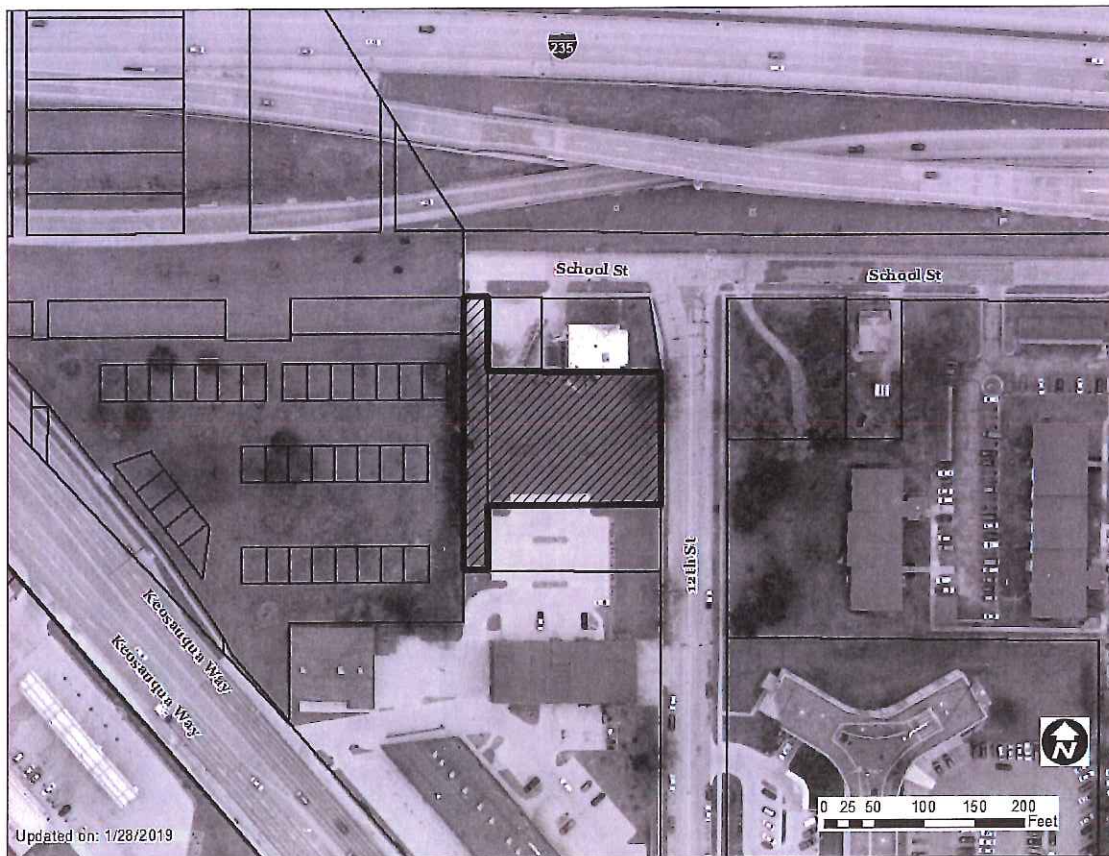
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Cityview 34, LLC (owner) represented by Nick Jensen (officer) for property located at 938 12th Street.		File #		
		13-2019-1.34		
Description of Action	Review and approval of a minor Preliminary Plat "Cityview 49", to allow the property to be subdivided into 14 lots for row dwellings within a commonly owned lot.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R-3" Multiple-Family Residential District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Cityview 34, LLC, Cityview 49, 938 12th Street

13-2019-1.34





March 5, 2019

Honorable Mayor and City Council
City of Des Moines, Iowa

Date 3/11/19
Agenda Item 19
Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held February 21, 2019 the following action was taken regarding a request from Cityview 34, LLC (owner) represented by Nick Jensen (officer) for review and approval of a minor Preliminary Plat "Cityview 49", to allow the property located at 938 12th Street be subdivided into 14 lots for row dwellings within a commonly owned lot.

COMMISSION ACTION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
David Courard-Hauri	X			
Jacqueline Easley				X
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard				X
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the submitted Preliminary Plat subject to compliance with all administrative review comments of the City's Permit and Development Center.

(13-2019-1.34)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the submitted Preliminary Plat subject to compliance with all administrative review comments of the City's Permit and Development Center.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Site Plan would allow the construction of 14 rowhouse units. The preliminary plat facilitates the division of the site into rowhouse parcels and a commonly owned parcel. This proposal is a continuation of the rowhouse development under construction on the adjoining parcel to the west, previously titled Cityview 35.
2. **Size of Site:** 29,596 square feet or 0.679 acres.
3. **Existing Zoning (site):** Limited "NPC" Neighborhood Pedestrian Commercial District, "R-3" Multiple Family Residential District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay.
4. **Existing Land Use (site):** Vacant.
5. **Adjacent Land Use and Zoning:**
 - North** – "M-1" & "R-3": Uses are an office and the Interstate 235 corridor.
 - South** - "M-1": Use is commercial.
 - East** - "R-4": Uses are multiple-family and single-family residential.
 - West** - "R-3": Use is a rowhouse development currently under construction.
6. **General Neighborhood/Area Land Uses:** The site is located at the northern periphery of downtown. The immediate area consists of a mix of commercial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood association. All neighborhood associations were notified of the Commission meeting by mailing of the Preliminary Agenda on February 1, 2019 and the Final Agenda on February 15, 2019. Additionally, separate notifications of the hearing for the site plan were mailed on February 11, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for every owner of property or condominium within 250 feet of the site.
8. **Relevant Zoning History:** On January 14, 2019, by Roll Call 19-0039, the Des Moines City Council rezoned the subject property from "M-1" Light Industrial District to "NPC" Neighborhood Pedestrian Commercial District, to allow the property to be redeveloped with 14 row townhome dwellings, subject to:
 1. All units that front 12th Street shall have an entry presence to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.
 2. Review and approval of the finalized building elevations and materials by the Planning Administrator.

3. Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District.
4. The following uses shall be prohibited on the property:
 - a. Taverns and nightclubs;
 - b. Billiard parlors/game rooms;
 - c. Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
 - d. Delayed deposit services;
 - e. Pawn brokers;
 - f. Gas stations/convenience stores;
 - g. Off premises advertising signs; and,
 - h. Liquor stores.

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

10. Applicable Regulations: The Commission shall determine if the preliminary plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code and consider the criteria set forth in Chapter 18B of the Iowa Code. The Commission shall also determine if it conforms to 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.

The Plan and Zoning Commission reviews and approves site plans for multiple family dwellings, boarding houses or rooming-houses in accordance with the design standards in section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions, or disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design standards.

- 1) *Architectural character.* New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

The proposed rowhouses would be 3-stories tall and would have masonry and cement fiberboard siding. The ground level of each unit would contain garage space. The units would have a parapet style roof.

Two (2) of the proposed 14 units would front 12th Street. Street-facing doors are not proposed for these units. The provided elevations do not show any windows on the street-facing facades of either building. Entrances and windows must be provided on both units fronting on 12th Street for the development to comply with the Zoning conditions listed in Section I, subparagraph 8 of this report.

The building elevations submitted with the site plan show minimal windows on the rear façade of the buildings. As both buildings are setback and buffered from Interstate 235 by adjoining properties, staff believes that the rear façades of each building should have glazing identical to those proposed for Building 3 on the adjoining property to the west.

- 2) *Building height and mass.* Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.

The proposed rowhouses would be 3-stories tall and arranged in groups of 7 units.

- 3) *Building orientation.* To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.

The development would have frontage on 12th Street. Two (2) of the proposed 14 units would front 12th Street. Street-facing doors are not proposed for these units. The provided elevations do not show any windows on the street-facing facades of either building. Entrances and windows must be provided on both units fronting on 12th Street for the development to comply with the Zoning conditions listed in Section I, subparagraph 8 of this report.

- 4) *Garage access/location.* If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.

All garage doors would be oriented to a service drive.

- 5) *Rooftop/second story additions.* A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.

N/A.

- 6) *Emergency egress.* All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

All stairways and means of egress would be internal to the building.

- 7) *Parking.* Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

See subparagraph 4 of Section II for landscaping information.

In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations and design guidelines in Section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

- A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

The proposed rowhouses would be 3-stories tall and are arranged in groups of 7 units. The ground level of each unit would contain garage space. The units would have a parapet style roof and have brick and fiber cement board siding.

The development would have frontage on 12th Street. Two (2) of the proposed 14 units would front 12th Street. Street-facing doors are not proposed for these units. The provided elevations do not show any windows on the street-facing facades of either building. Entrances and windows must be provided on both units fronting on 12th Street for the development to comply with the Zoning conditions listed in Section I, subparagraph 8 of this report.

The building elevations submitted with the site plan show minimal windows on the rear façade of the buildings. As both buildings are setback and buffered from Interstate 235 by adjoining properties, staff believes that the rear façades of each building should have glazing identical to those proposed for Building 3 on the adjoining property to the west.

- B) Low impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

Staff is not aware of any proposed low impact development techniques being utilized.

- C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

Vehicular access to the site would come from a driveway to 12th Street and through the rest of the subdivision with a single driveway to Keosauqua Way. A sidewalk would extend from the site to the public walk along the street. Internal pedestrian and vehicle connections with the adjacent parcels are not practical due to grade and the layout of those properties.

- D) The incorporation of 'soft (green) spaces' on site is encouraged.

- E) Where feasible, projects should provide outdoor spaces for people gathering.

The site would include a sufficient amount of green space for a downtown project due to the irregular shape of the site. Each unit would include a balcony and a driveway area that would provide outdoor space. A standalone community gathering space is not proposed. Staff believes that providing one is not necessary given the number of units and the ample open space that would be provided.

- F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

It appears that bike racks have been provided adjacent to Unit 1 on the site plan, though they are not clearly identified. Staff recommends that providing bike racks be a condition of approval.

- G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

The units would be 3-stories tall with a total height of 33.34 feet. The proposal complies with this standard.

- H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s):
2. All buildings without river frontage should have entrances oriented toward primary street(s).
3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

The subject property has 132 feet of frontage along 12th Street. The proposed buildings would occupy 44% of that frontage, which does not comply with this condition. The service drive necessary to access the units would occupy 30% of that frontage. It would not be practical to line the entire street frontage with units if vehicular access could not be provided. While the building frontage along 12th Street is substantially short of the 70% standard, staff believes the proposed building and service drive orientation is a reasonable solution given site constraints.

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

N/A.

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

Two (2) of the proposed 14 units would front 12th Street. Street-facing doors are not proposed for these units. The provided elevations do not show any windows on the street-facing facades of either building. Entrances and windows must be provided on both units fronting on 12th Street for the development to comply with the Zoning conditions listed in Section I, subparagraph 8 of this report.

6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

The units that front 12th Street would be setback 15 feet from the right-of-way.

- I) Storage of all materials and equipment should take place within completely enclosed buildings.

No outdoor storage of materials and equipment is proposed.

- J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

Trash enclosures are not proposed.

- K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

See subparagraph 4 of Section II for landscaping information.

- L) Access doors for any warehouse use and any loading docks should not front on any public street.

N/A.

- M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

N/A.

- N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

N/A.

- O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

Staff believes that the proposed curb cut is the minimum number necessary to adequately serve the development.

- P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

The site measures 0.679 acres and is adjacent to a commonly owned site that measures 2.44 acres with nearly identical development patterns and styles. The proposal is subject to several sets of design guidelines ("D-O" District and Multiple-Family Residential) that provide a level of review similar to "PUD" zoning.

- Q) Auto-dominant uses as described in guideline "N" above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

N/A.

- R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

N/A.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** Development of the site shall be in compliance with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).
2. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center.
3. **Parking:** The "NPC" District requires 1 off-street parking space per row dwelling unit. Each unit would have a two-car garage. Additionally, street parking is allowed on both sides of 12th Street.
4. **Landscaping:** The landscaping standards typically applicable to a project of this nature include the following:
 - 1 overstory street tree per 30 lineal feet of frontage.
 - 1 overstory tree and 10 shrubs per 40 lineal feet of parking lot perimeter.
 - 1 overstory tree and 3 shrubs per 25 parking stalls of parking lot interior.
 - 1 overstory tree, 1 evergreen tree and 1 shrub per 2,500 square feet of required open space.

Staff recommends that approval be subject to review of the finalize landscaping plan by the Planning Administrator to allow staff to work with the applicant on landscaping.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the audience or the commission desired to speak regarding approval of the item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones made a motion for approval of the submitted Preliminary Plat subject to compliance with all administrative review comments of the City's Permit and Development Center.

Motion passed 9-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments