

Date January 13, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM 3750 GRAND, LLC TO  
REZONE AND APPROVE PUD CONCEPTUAL PLAN FOR PROPERTY  
LOCATED AT 3750 GRAND AVENUE**

**WHEREAS**, on December 16, 2019, by Roll Call No. 19-2007, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 5, 2019, its members voted 7-1 in support of a motion to recommend **APPROVAL** of a request from 3750 Grand, LLC (developer), represented by Kate Miller (officer), to rezone real property locally known as 3750 Grand Avenue ("Property") from "R-3" Multiple-Family Residential District and "R1-80" One-Family Residential District to "PUD" Planned Unit Development, and to approve the "Thirty Seven Fifty on Grand" PUD Conceptual Plan for the Property, to allow for redevelopment by demolition of the sanctuary and tower portion of the existing vacant First Church of Christ Scientist building and renovation of the remainder of the building with an 8-story, 42-unit residential condominium tower with indoor parking and commercial first floor uses, subject to the following revisions to the PUD Conceptual Plan:

1. Removal of the reference to restaurant as a permitted use from the Conceptual Plan.
2. Provision of a note that states, "no more than 2,000 square feet of floor area shall be utilized for commercial uses."
3. The bulk regulation notes shall be updated to reflect the drawings shown on the Conceptual Plan to the satisfaction of the City's Planning Administrator.
4. Provision of a note that states, "the finalized height and design of any fencing shall be determined during the review of any Development Plan" in place of the notes on Sheet 1 that provide maximum height and minimum opacity standards.
5. Provision of a note that states, "any Development Plan shall minimize the amount of pavement near the main entrance to the building to the extent possible."
6. Provision of a note that states, "any Development Plan shall provide an identifiable pedestrian route from the main entrance of the building to the Grand Avenue sidewalk."
7. Provision of a note that states, "landscaping and buffering shall be provided in accordance with the City's Landscaping Standards in place at the time the Development Plan is submitted, or exceeded as illustrated on the Conceptual Plan or as determined necessary by the City's Planning Administrator."
8. Provision of a note that states, "all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height."
9. Provision of a note that states, "direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site."





Date January 13, 2020

10. Provision of a note that states, “all utility and similar service lines to buildings on the property shall be located underground.”
11. Provision of a note that states, “all overhead utility and similar service lines within the adjoining portions of the Grand Avenue and 38<sup>th</sup> Place rights-of-way shall be located underground.”
12. Provision of a note that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site to the satisfaction of the City’s Planning Administrator.”
13. Provision of a note that states, “all reuse and recycling containers shall be stored within the building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan; and

**WHEREAS**, on December 16, 2019, by Roll Call No. 19-2007, it was duly resolved by the City Council that request to rezone the Property and for approval of the PUD Conceptual Plan, be set down for hearing on January 13, 2020 at 5:00 P.M., in the Council Chamber at City Hall; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning and PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 3750 Grand Avenue, legally described as:

Lots 2, 3, 4, and 5 in MASON PLACE and Lots 11, 12, 13, and 14 (except the South 55 feet thereof) in MASON PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from “R-3” Multiple-Family Residential District and “R1-80” One-Family Residential District to “PUD” Planned Unit Development, and to approve the “Thirty Seven Fifty on Grand” PUD Conceptual Plan for the Property, to allow for redevelopment by demolition of the sanctuary and tower portion of the existing vacant First Church of Christ Scientist building and renovation of the remainder of the building with an 8-story, 42-unit residential condominium tower with indoor parking and commercial first floor uses, subject to the revisions to the PUD Conceptual Plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, and any and all statements of interested persons and





Roll Call Number

Agenda Item Number

58

Date January 13, 2020

arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed "Thirty Seven Fifty on Grand" PUD Conceptual Plan with revisions as set forth above, are hereby overruled, and the hearing is closed.

2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

3. The proposed "Thirty Seven Fifty on Grand" PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein, and subject to the revisions to the PUD Conceptual Plan as set forth above, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2019-00224)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| BOESEN         |      |      |      |        |
| VOSS           |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| MANDELBAUM     |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

#### CERTIFICATE

I, P. KAY CMELIK, 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



December 10, 2019

Date January 13, 2020

Agenda Item 58

Roll Call # \_\_\_\_\_

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their December 5, 2019 meeting, the following action was taken regarding a request from 3750 Grand, LLC (developer) represented by Kate Miller (officer) to rezone the property located at 3750 Grand Avenue from "R-3" Multiple-Family Residential District and "R1-80" One-Family Residential District to "PUD" Planned Unit Development. This will allow for redevelopment of the existing vacant First Church of Christ Science with demolition of a portion and addition of an 8-story, 42-unit residential condominium tower with two levels being indoor parking. The building would have first floor permitted uses of restaurant, business or professional offices, studio or instructional service, assembly, and library or cultural exhibit. The subject property is owned by Tursi, LC.

#### COMMISSION RECOMMENDATION:

After public hearing, the members voted 7-1-0 as follows:

| Commission Action:  | Yes | Nays | Pass | Absent |
|---------------------|-----|------|------|--------|
| Francis Boggus      |     |      |      | X      |
| Dory Briles         | X   |      |      |        |
| Abby Chungath       |     |      |      | 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      |
| Rocky Sposato       |     | X    |      |        |
| Steve Wallace       | X   |      |      |        |
| Greg Wattier        |     |      |      | X      |
| Emily Webb          | X   |      |      |        |



**APPROVAL** of Part A) the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) **APPROVAL** of the proposed rezoning from “R-3” District and “R1-60” District to “PUD” District and Part C) **APPROVAL** of the proposed Thirty-Seven Fifty on Grand PUD Conceptual Plan subject to the following conditions:

1. Removal of the reference to restaurant as a permitted use from the Conceptual Plan.
2. Provision of a note that states, “no more than 2,000 square feet of floor area shall be utilized for commercial uses.”
3. The bulk regulation notes shall be updated to reflect the drawings shown on the Conceptual Plan to the satisfaction of the City’s Planning Administrator.
4. Provision of a note that states, “the finalized height and design of any fencing shall be determined during the review of any Development Plan” in place of the notes on Sheet 1 that provide maximum height and minimum opaqueness standards.
5. Provision of a note that states, “any Development Plan shall minimize the amount of pavement near the main entrance to the building to the extent possible.”
6. Provision of a note that states, “any Development Plan shall provide an identifiable pedestrian route from the main entrance of the building to the Grand Avenue sidewalk.”
7. Provision of a note that states, “landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards in place at the time the Development Plan is submitted, or exceeded as illustrated on the Conceptual Plan or as determined necessary by the City’s Planning Administrator.”
8. Provision of a note that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height.
9. Provision of a note that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”
10. Provision of a note that states, “all utility and similar service lines to buildings on the property shall be located underground.”
11. Provision of a note that states, “all overhead utility and similar service lines within the adjoining portions of the Grand Avenue and 38<sup>th</sup> Place rights-of-way shall be located underground to the satisfaction of the planning administrator.



12. Provision of a note that states, "all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site to the satisfaction of the City's Planning Administrator.

13. Provision of a note that states, "all reuse and recycling containers shall be stored within the building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan.

(ZON2019-00224)

#### Written Responses

7 in Favor

3 in Opposition

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation.

Part B) Staff recommends approval of the proposed rezoning from "R-3" District and "R1-60" District to "PUD" District.

Part C) Staff recommends approval of the proposed Thirty-Seven Fifty on Grand PUD Conceptual Plan subject to the following conditions:

1. Removal of the reference to restaurant as a permitted use from the Conceptual Plan.
2. Provision of a note that states, "no more than 2,000 square feet of floor area shall be utilized for commercial uses."
3. The bulk regulation notes shall be updated to reflect the drawings shown on the Conceptual Plan to the satisfaction of the City's Planning Administrator.
4. Provision of a note that states, "the finalized height and design of any fencing shall be determined during the review of any Development Plan" in place of the notes on Sheet 1 that provide maximum height and minimum opaqueness standards.
5. Provision of a note that states, "any Development Plan shall minimize the amount of pavement near the main entrance to the building to the extent possible."
6. Provision of a note that states, "any Development Plan shall provide an identifiable pedestrian route from the main entrance of the building to the Grand Avenue sidewalk."
7. Provision of a note that states, "landscaping and buffering shall be provided in accordance with the City's Landscaping Standards in place at the time the Development Plan is submitted, or exceeded as illustrated on the Conceptual Plan or as determined necessary by the City's Planning Administrator."



8. Provision of a note that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height.
9. Provision of a note that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”
10. Provision of a note that states, “all utility and similar service lines to buildings on the property shall be located underground.”
11. Provision of a note that states, “all overhead utility and similar service lines within the adjoining portions of the Grand Avenue and 38<sup>th</sup> Place rights-of-way shall be located underground.
12. Provision of a note that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site to the satisfaction of the City’s Planning Administrator.
13. Provision of a note that states, “all reuse and recycling containers shall be stored within the building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to demolish the sanctuary and tower portion of the vacant First Church of Christ Scientist building. The northeast and northwest wings would be renovated as part of a redevelopment project that includes the construction of an 8-story residential building. The development would include a total of 105 parking spaces with 58 of the spaces being located within the building. A visitor parking lot with 15 spaces would be located in front of the building. A 32-stall parking lot would be located to the rear of the building for tenant parking. Carport structures would be provided for 21 of these stalls. The development would include a courtyard space between the remaining church wings, a patio at the northwest corner of the building, a pool area at the southwest corner of the building and a dog park space in the southeast portion of the property.
2. **Size of Site:** 2.93 acres.
3. **Existing Zoning (site):** “R-3” Multiple-Family Residential District, “R1-80” One-Family Residential District, “GGP” Gambling Games Prohibition Overlay District, and “FSO” Freestanding Sign Overlay.



**4. Existing Land Use (site):** Vacant church building.

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

**North** – “R-4”: Uses are multiple-family residential.

**South** - “R1-80”: Uses are single-family residential and Greenwood Elementary School.

**East** - “R-3”: Use is office.

**West** - “R-3”: Uses are multiple-family and single-family residential.

**6. General Neighborhood/Area Land Uses:** The site is located on the southeast corner of the Grand Avenue and 38<sup>th</sup> Place intersection. The Grand Avenue corridor contains a mix of multiple-family residential, institutional and commercial uses.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Salisbury Oaks Neighborhood and within 250 feet of the Greenwood Historic Neighborhood and the North of Grand Neighborhood. The neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on November 15, 2019 and the Final Agenda on November 27, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 15, 2019 (20 days prior to the hearing) and November 25, 2019 (10 days prior to the meeting) 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 Salisbury Oaks Neighborhood Association mailings were sent to R.J. Rademacher, 517 SW 42<sup>nd</sup> Street, Des Moines, IA 50312. The Greenwood Historic Neighborhood Association mailings were sent to Nicholas Larson, 127 34<sup>th</sup> Street, Des Moines, IA 50312. The North of Grand Neighborhood Association mailings were sent to Peter Tubbs, 642 39<sup>th</sup> Street, Des Moines, IA 50312.

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

**9. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Neighborhood Mixed Use located in a Community Node.

**10. Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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.

The application, accompanying evidence and conceptual plan required 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 this



division 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 conceptual plan and request for rezoning 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. PlanDSM Creating Our Tomorrow:** The subject property is designated as “Neighborhood Mixed Use” and located in a “Community Node” on the Future Land Use Map. Plan DSM describes these designations as follows:

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

Community Node: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and office serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur if the underlining designation is Neighborhood Mixed Use.

- 2. PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual Plans should be based on.
  - A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

*The proposed PUD Conceptual Plan allows for redevelopment of the vacant First Church of Christ Scientist building with demolition of a portion and addition of an 8-story, 42-unit residential condominium tower with two (2) floors of indoor parking and common space. Permitted first floor uses include business or professional office, studio or instructional service, assembly, and library or cultural exhibit. The application originally included restaurant as a permitted first floor use. This has been removed from the application by the applicant. Staff understands that the developer does not intend to open the project with commercial uses. But, would like to give the future condominium owners association the ability to lease up to 2,000 square feet of first floor space if they decide to do so.*



*The new building would be contemporary in style with the 2-story base being sided with precast textured concrete panels with metal panel accents on the north (front) and west side facades. The exterior of the upper portions of the building would consist of glass and cast-limestone panels. The height of the base is comparable to the height of the remaining wings of the church. A large section of glass is proposed on the western portion of the front façade to memorialize the location and mass of the church tower. A substantial portion of the existing church front lawn, including several mature trees, would be maintained.*

*The subject property is located on the Grand Avenue corridor, which contains a mix of residential building types and densities along with varying levels of commercial uses. Additionally, the area contains an eclectic mix of architectural styles. The corridor between the 28<sup>th</sup> Street and 42<sup>nd</sup> Street intersections contains 11 tower type buildings ranging in height from 5 stories to 11 stories. The property is designated "Neighborhood Mixed Use" within a "Community Node" on the PlanDSM Future Land Use Map. The proposed development complies with PlanDSM and is in harmony with the character of the area.*

- B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.

*The base of the new building would be constructed behind the remaining wings of the church and would setback approximately 165 feet from the Grand Avenue property line. It would setback approximately 45 feet from the east property line, 45 feet from the closest point to the south property line, and 85 feet from the 38<sup>th</sup> Place property line. The base portion of the building is two (2) stories tall. The tower portion of the building would setback an additional 20 feet from the south property line. All other setbacks would match the base portion of the building. The following chart provides the building height measurements in feet and summarizes the proposed setbacks for the new building.*

| <b>BUILDING COMPONENT</b>                | <b>HEIGHT (FEET)</b> | <b>PROPOSED SETBACK (FEET)</b> |             |                        |             |
|--|----------------------|--------------------------------|-------------|------------------------|-------------|
|  |                      | <b>North</b>                   | <b>East</b> | <b>South</b>           | <b>West</b> |
| Base                                     | 35                   | 165                            | 45          | 45                     | 85          |
| Tower                                    | 110.5*               | 165                            | 45          | 65                     | 85          |
| <b>NEAREST ADJOINING USE TO BUILDING</b> |                      | street                         | office      | single-family dwelling | street      |

*\*This is the total height of the building including the base component.*

*For comparison, the "R-3" District requires a 30-foot minimum front yard setback, a 25-foot minimum side yard setback and a 35-foot minimum rear yard setback for buildings that are a maximum of 45 feet tall. An additional one (1) foot of building height is allowed per one (1) foot of additional setback with a maximum building height of 125 feet. The building would include an elevator bulkhead and rooftop mechanical space on top of the tower. Section 134-1296(c) of the Zoning*



Ordinance exempts these types of elements from counting towards building height maximums.

Therefore, per the “R-3” zoning district standards, the 110.5 feet tall portion of the building would need to be setback a minimum of 95.5 feet from Grand Avenue and 38<sup>th</sup> Place. The 110.5 feet tall portion of the building would need to be setback a minimum of 100.5 feet from the south lot line and a minimum of 75.5 feet from the east lot line. The proposed setbacks from the west, east and south lot lines would have required an “Exception” level of relief from the Zoning Board of Adjustment if development was pursued under the existing R-3 zoning.

The subject property is located on the Grand Avenue corridor, which contains a mix of residential building types and densities along with varying levels of commercial uses. The corridor from 28<sup>th</sup> Street to 42<sup>nd</sup> Street contains 11 tower type buildings ranging in height from five (5) stories to 11 stories. All but one of these buildings contains dwelling units except for the tower at Des Moines University. The following chart identifies each example and notes if it shares a property line with a parcel containing a single-family dwelling. If it does share a property line with a single-family dwelling then the distance that the tower element is setback from the shared property line is noted. These measurements are estimates calculated with the City’s GIS mapping system.

| <b>NAME</b>                      | <b>ADDRESS</b>           | <b>ZONING</b> | <b>STORIES</b> | <b>ABUTS SINGLE-FAMILY DWELLING (SFD)</b> | <b>TOWER SETBACK FROM PROPERTY LINE SHARED WITH SFD</b> |
|----------------------------------|--------------------------|---------------|----------------|---|---|
| Summit House                     | 2880 Grand Ave.          | R-4           | 5              | yes                                       | 13 feet   |
| 3000 Grand Apts                  | 3000 Grand Ave.          | R-4           | 10             | yes                                       | 110 feet  |
| 3100 Grand Condos                | 3100 Grand Ave.          | R-4           | 7              | no  | N/A   |
| DMU Tower                        | 3200 Grand Ave.          | R-4           | 11             | no  | 247 feet  |
| Wesley – Grand Apts              | 3520 Grand Ave.          | PUD           | 9              | no  | 154 feet  |
| Grand at 36 <sup>th</sup> Condos | 505 36 <sup>th</sup> St. | R-4           | 5              | no  | N/A   |
| 3660 Grand Condos                | 3660 Grand Ave.          | R-4           | 10             | no  | N/A   |
| West Grand Towers                | 3663 Grand Ave.          | R-4           | 11             | yes                                       | 126 feet  |
| Barbican Condos                  | 3920 Grand Ave.          | R-3           | 10             | yes                                       | 72 feet   |
| Four Thousand 4                  | 4004 Grand Ave.          | R-3           | 6              | yes                                       | 25 feet   |



|                                 |                        |            |          |            |                |
|---------------------------------|------------------------|------------|----------|------------|----------------|
| <i>Grand<br/>Condos</i>         |                        |            |          |            |                |
| <i>The<br/>Wetherell</i>        | <i>4024 Grand Ave.</i> | <i>R-3</i> | <i>6</i> | <i>yes</i> | <i>18 feet</i> |
| <i>**Proposed<br/>Project**</i> | <i>3750 Grand Ave.</i> | <i>PUD</i> | <i>8</i> | <i>yes</i> | <i>65 feet</i> |

*Staff believes that the proposed setbacks are appropriate as they are comparable to other similarly situated developments along the Grand Avenue corridor. Section III of this report includes several recommended conditions of approval that address screening and site lighting levels.*

- C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.

*The submitted Conceptual Plan identifies a bioretention basin in the southeast portion of the property. All necessary utilities are available in the adjoining rights-of-way. All 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.*

*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 during the review of any PUD Development Plan. Tree removal and mitigation calculations must be submitted with any PUD Development Plan in accordance with Section 42-550 of the Municipal Code.*

- D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

*The subject site is located on the Grand Avenue corridor. The proposed level of density and traffic generation is expected on this corridor. A traffic study is not required for the proposed project as the anticipated vehicle trips generated by the project does not trigger review.*

- E) Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).

*The development would include a total of 105 parking spaces with 58 of the spaces being located within the building. A visitor parking lot with 15 spaces would be located in front of the building. A 32-stall parking lot would be located to the rear of the building for tenant parking. Carport structures would be provided for 21 of these*



stalls. The primary access to the site would come from Grand Avenue. A secondary driveway would provide access from 38<sup>th</sup> Place. The building would have an overhead door on the east façade and on the south façade.

*The typical parking requirement for multiple-family dwellings is 1.5 spaces per unit. For the potential commercial uses allowed, typical parking requirements range from 1 space per 150 square feet of floor area to 1 space per 400 square feet of floor area. The applicant has indicated that no more than 2,000 square feet of floor area is available for commercial use. A total of 14 parking spaces would be required if the entire 2,000 square feet was used for an assembly use, which requires the highest standard of 1 space per 150 square feet of floor area. This would bring the total required parking number to 77 spaces. The proposed development would provide an adequate amount of parking.*

- F) Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

*The development would include a courtyard space between the remaining church wings, a patio at the northwest corner of the building, a pool area at the southwest corner of the building and a dog park space in the southeast portion of the property. Additionally, a substantial portion of the existing church front lawn, including several mature trees, would be maintained.*

- 3. Historic Preservation Ordinance:** The vacant First Church of Christ Scientist building meets the criteria for landmark designation set forth in Section 58-58 of the Historic Preservation Ordinance. Section 58-70 of the code requires the City Council to determine if the proposed demolition of a landmark eligible property should be referred to the Landmark Review Board (LRB) for future study.

On November 4, 2019, by Roll Call 19-1760, the City Council voted to not send the matter to the LRB for further study. The building has been vacant for an extended period and suffered substantial water damage. There does not appear to be a feasible reuse for the sanctuary space given its size, configuration and condition. The project proposes to preserve approximately 10,036 square feet of the existing church building and would demolish the sanctuary portion, which is approximately 10,831 square feet.

The applicant is required to document and photograph the exterior and interior of the building and provide the City with a copy in coordination with Community Development Department staff. The applicant is also required to salvage for re-use as many fixtures and as much material as possible from the building. Provided that the applicant has conducted the documentation and salvage processes to the satisfaction of the Community Development Director, then issuance of a demolition permit in accordance with Section 26-303 and related plumbing permit in accordance with the Plumbing Code will be authorized.

- 4. Additional Information:** The staff recommendation found in Section III of this report contains several common conditions of approval for development pertaining to refuse collection, utilities and meters. Additionally, there is a recommended condition that



requires the applicant to work with staff to ensure that the notes listed on the Conceptual Plan are reflective of the intent of the drawings shown on the plan.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendations.

John “Jack” Hilmes asked if the developer has concerns about any of the recommendations.

Jason Van Essen stated he wasn't aware of any concerns.

Kate Miller representing the developers, Harry and Pam Bookey, stated they are very excited about this project and they only have questions about the recommendations regarding requirements to underground utilities.

Jacqueline Easley asked if they agreed with staff recommendations 1-13?

Kate Miller stated they have questions about recommendations #10 and #11.

Jason Van Essen stated #10 would require undergrounding of utilities that serve the proposed building, which the developers already plan to do. Condition #11 states the developer will need to underground any utilities in the right of way adjoining the property.

Brad Hartman 1011 Locust Street, representing Hartman and Trapp Architecture firm stated they would like to address the utilities long 38<sup>th</sup> Place with City staff and MidAmerican.

Jason Van Essen stated the development plan will come to the commission and that's something they can discuss then. Verbiage could be added to condition #11 stating “to the satisfaction of the planning administrator” which would give the applicant and staff time to review the utilities in the area.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Jason Palmer, 417 38<sup>th</sup> Place stated he has many concerns for this project, the main concern being how close this building will be to his house.

Jann Freed asked how close he is to this project.

Jason Palmer stated in R-3 zoning they would need to be set back 110 feet from his property line. The applicant is asking for a 65 feet setback in the PUD from his north property line. This project will devalue his property and privacy will be nonexistent. He has asked the developer to buy him out, for city to buy him out or a combination of the two but has been told that cannot happen. He would like the 110 feet setback with landscaping that has foliage year around along his north lot line.

*(Jann Freed left)*



Brad Hartman stated when they looked at other properties in the area, they have been right at the average for setbacks. They are going make this property a lot nicer than it is today and believe it will bring up the value of the surrounding area.

John “Jack” Hilmes asked if the church is closer than any structure they will build.

Brad Hartman stated yes. The church building is currently 12 feet from the south lot line of the subject property (north lot line of the Palmer property). The proposed parking structured parking will be setback 45 feet and the tower will be setback 65 feet with heavy landscape along the existing alley.

Jason Palmer stated the church doesn't have windows and people staring down at his deck and backyard. He believes that church and this development proposal are completely different situations. He objects to the staff recommendations and asked the Plan and Zoning Commission to deny this project.

Kate Miller stated they have made a lot of changes after input from the surrounding neighbors. She believes when people are looking out the window, they will look out at Water Works Park, not down on Mr. Palmers residence.

Brad Hartman stated this tower will serve the area much better than an abandoned church and believes surrounding neighbors will love the final product.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Rocky Sposato stated Mr. Palmer has some valid concerns and believes the evergreen trees along the alley isn't enough. He believes the tower being that close to Mr. Palmer's property will not benefit the Palmer's in any way and more discussion should transpire between the developer and Mr. Palmer.

Carolyn Jenison stated if you were to move this tower from 65 feet to 110 feet, future residents would still be able to look down into Mr. Palmer's yard.

John “Jack” Hilmes stated he believes that no matter where you put this tower, there will be a privacy concern for Mr. Palmer.

#### **COMMISSION ACTION:**

Greg Jones made a motion for approval of Part A) the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) **APPROVAL** of the proposed rezoning from “R-3” District and “R1-60” District to “PUD” District and Part C) **APPROVAL** of the proposed Thirty-Seven Fifty on Grand PUD Conceptual Plan subject to the following conditions:

1. Removal of the reference to restaurant as a permitted use from the Conceptual Plan.
2. Provision of a note that states, “no more than 2,000 square feet of floor area shall be utilized for commercial uses.”

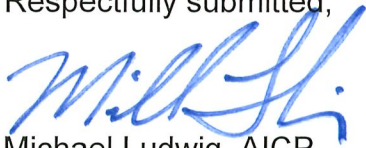


3. The bulk regulation notes shall be updated to reflect the drawings shown on the Conceptual Plan to the satisfaction of the City's Planning Administrator.
4. Provision of a note that states, "the finalized height and design of any fencing shall be determined during the review of any Development Plan" in place of the notes on Sheet 1 that provide maximum height and minimum opaquesness standards.
5. Provision of a note that states, "any Development Plan shall minimize the amount of pavement near the main entrance to the building to the extent possible."
6. Provision of a note that states, "any Development Plan shall provide an identifiable pedestrian route from the main entrance of the building to the Grand Avenue sidewalk."
7. Provision of a note that states, "landscaping and buffering shall be provided in accordance with the City's Landscaping Standards in place at the time the Development Plan is submitted, or exceeded as illustrated on the Conceptual Plan or as determined necessary by the City's Planning Administrator."
8. Provision of a note that states, "all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height."
9. Provision of a note that states, "direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site."
10. Provision of a note that states, "all utility and similar service lines to buildings on the property shall be located underground."
11. Provision of a note that states, "all overhead utility and similar service lines within the adjoining portions of the Grand Avenue and 38<sup>th</sup> Place rights-of-way shall be located underground to the satisfaction of the planning administrator."
12. Provision of a note that states, "all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site to the satisfaction of the City's Planning Administrator."
13. Provision of a note that states, "all reuse and recycling containers shall be stored within the building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan."

Motion Carried: 7-1-0 (Rocky Sposato Opposed)



Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

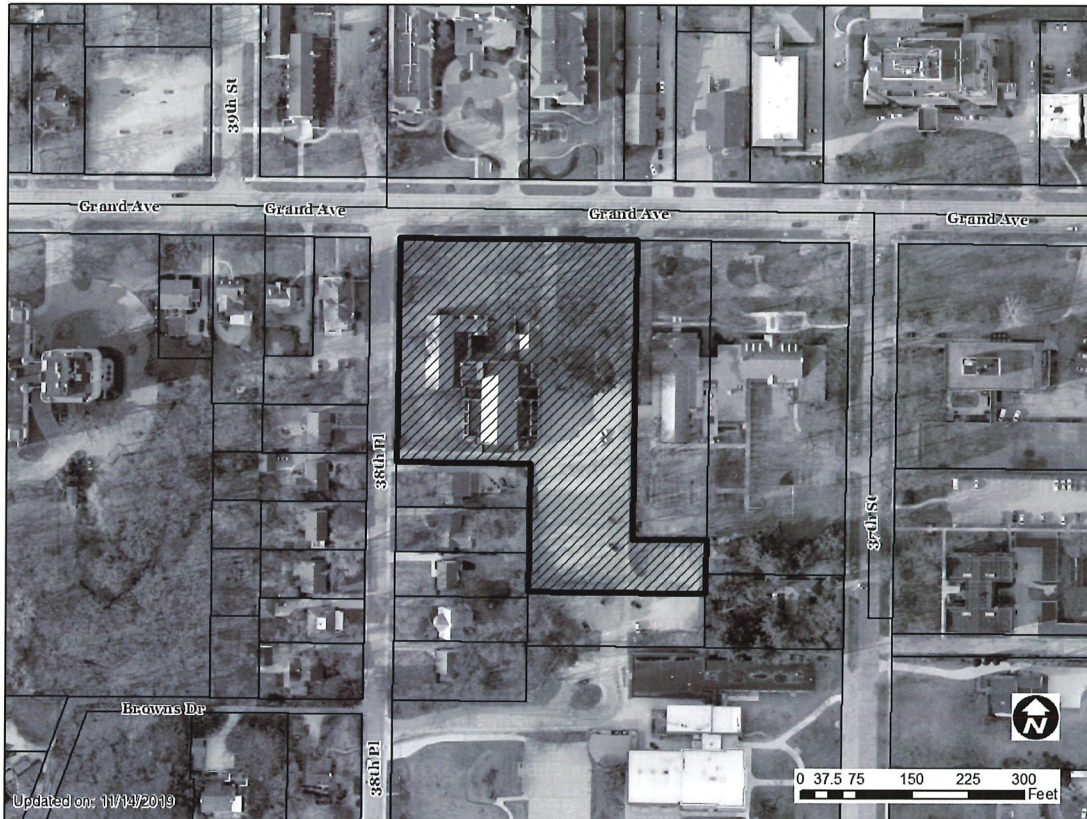
MGL:tjh



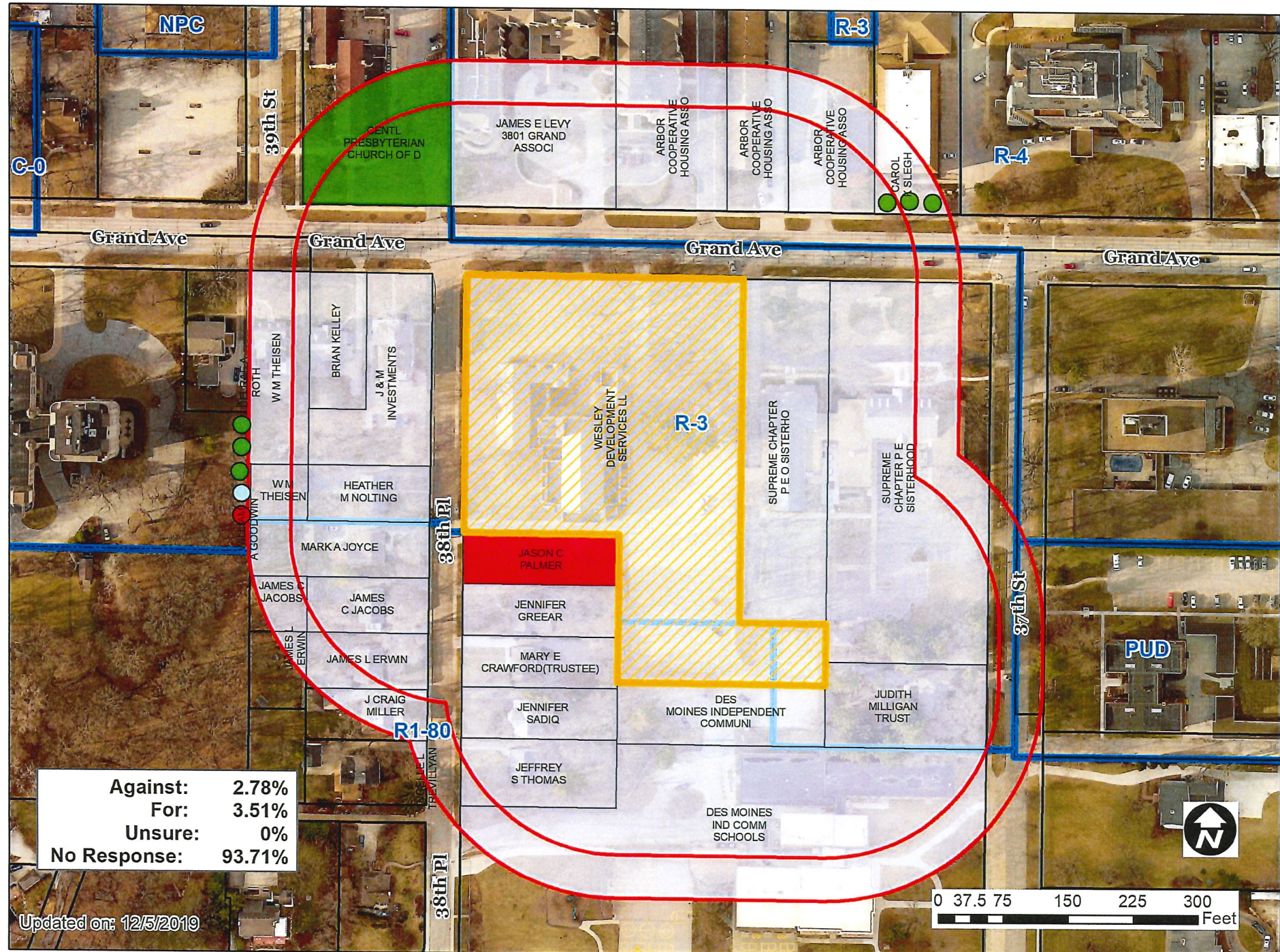
|   |   |                   |                                       |              |                         |  |
|---|---|-------------------|---------------------------------------|--------------|-------------------------|--|
| 3750 Grand, LLC (developer) represented by Kate Miller (officer) for review and approval of the following regarding the property located at 3750 Grand Avenue. The subject property is owned by Tursi, LC |   |                   |                                       |              | File #<br>ZON2019-00224 |  |
| Description of Action   | Rezone property from “R-3” Multiple-Family Residential District and “R1-80” One-Family Residential District to “PUD” Planned Unit Development. Review and approval of the proposed “Thirty Seven Fifty on Grand” PUD Conceptual Plan, to allow for redevelopment of the existing vacant First Church of Christ Science with demolition of a portion and addition of an 8-story, 42-unit residential condominium tower with two levels being indoor parking. The building would have first floor permitted uses of restaurant, business or professional offices, studio or instructional service, assembly, and library or cultural exhibit. |                   |                                       |              |                         |  |
| PlanDSM Future Land Use   | Current: Neighborhood Mixed Use within a Community Node.<br>Proposed: N/A.  |                   |                                       |              |                         |  |
| Mobilizing Tomorrow 2020-2050 Transportation Plan   | No planned improvements.  |                   |                                       |              |                         |  |
| Current Zoning District   | “R-3” Multiple-Family Residential District and “R1-80” One-Family Residential District and “FSO” Freestanding Signs Overlay District.   |                   |                                       |              |                         |  |
| Proposed Zoning District  | PUD” Planned Unit Development and “FSO” Freestanding Signs Overlay District.  |                   |                                       |              |                         |  |
| Consent Card Responses Outside Area (200 feet)  | In Favor<br>7   | Not In Favor<br>3 | Undetermined                          | % Opposition |                         |  |
| Within Subject Property   |   |                   |                                       |              |                         |  |
| Plan and Zoning Commission Action   | Approval  | X                 | Required 6/7 Vote of the City Council | Yes          |                         |  |
|   | Denial  |                   |                                       | No           | X                       |  |

3750 Grand, LLC, 3750 Grand Avenue

ZON2019-00224







1 inch = 147 feet

58



Item ZON2019-00224

Date 11-28-2019

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name JOSEPH R. LAKERS

Signature Joseph R. Lakers

Address 3667 GRAND AVE #14

RECEIVED  
COMMUNITY DEVELOPMENT

DEC 03 2019

Reason for opposing or approving this request may be listed below:

This will develop a neglected property  
In time this development will pay full  
Tax for many years to come  
Honestly this will increase the value  
of neighboring property such as ours.

Item ZON2019-00224

Date 29 Nov 2019

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name Robert C. Miller

Signature Robert C. Miller

Address 3930 Grand Ave #304 / 50312

RECEIVED  
COMMUNITY DEVELOPMENT

DEC 03 2019

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2019-00224

Date 12-2-19

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

DEC 05 2019

Print Name Steven Mitchell

Signature Steven Mitchell

Address 3930 Grand Ave #304

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Item ZON2019-00224Date 11/30/19

I (am) (am not) in favor of the request.

(Circle One)

Print Name JUDY BRIJA-TOWERSignature Judy Brija-TowerAddress 3665 GRAND #13RECEIVED  
COMMUNITY DEVELOPMENT

DEC 05 2019

Reason for opposing or approving this request may be listed below:

GLAD TO SEE THIS DEVELOPER WILL  
RESTORE AT LEAST SOME OF THE  
ORIGINAL BUILDING.Item ZON2019-00224

Date

I (am) (am not) in favor of the request.

(Circle One)

Print Name

Jason & Catherine PalmerRECEIVED  
COMMUNITY DEVELOPMENT

Signature

Jason

DEC 05 2019

Address

417 38th Place, DSM, IA

Reason for opposing or approving this request may be listed below:

Because the new building is too close to  
417 38th Place & is in fact proposed to be  
closed from the "typical" distance. Further,  
patios overlap mt backyard. Neighbor told  
us no commercial space, but now there is  
on the plans.

Item ZON2019-00224Date 12/1/19

I (am) (am not) in favor of the request.

(Circle One)

Print Name Joan MiddletonSignature J MiddletonAddress 3920 Grand Ave.RECEIVED  
COMMUNITY DEVELOPMENT

DEC 05 2019

UNITS 308 &amp; 1000

Reason for opposing or approving this request may be listed below:

Doesn't really oppose, but units  
seem relatively small - what  
retail on first? Rent units or  
own? Parking for retail is??



Item ZON2019-00224

Date 12/1/2019

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name

T. Baldwin

Signature

T Baldwin

Address

3920 Grand #400

RECEIVED  
COMMUNITY DEVELOPMENT

DEC 05 2019

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2019-00224

Date 11/30/19

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name

Wallace W. Blum

Signature

Wallace W. Blum

Address

4820 Wm. Ave. DSM IA

RECEIVED  
COMMUNITY DEVELOPMENT

DEC 05 2019

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2019-00224

Date Nov 27, 2019

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name

Gloria Gray

Signature

Gloria Gray

Address

3667 Grand Ave #12 DM IA

RECEIVED  
COMMUNITY DEVELOPMENT

DEC 03 2019

Reason for opposing or approving this request may be listed below:

This is a great project and much  
needed improvement for that property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Item ZON2019-00224Date 12/2/19I (am) (am not) in favor of the request.

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

DEC 05 2019

Print Name Sandra BruggemannSignature Sandra BruggemannAddress 3930 Grand Ave #306 DSM, IA

Reason for opposing or approving this request may be listed below:

Do not like proposed renovation.



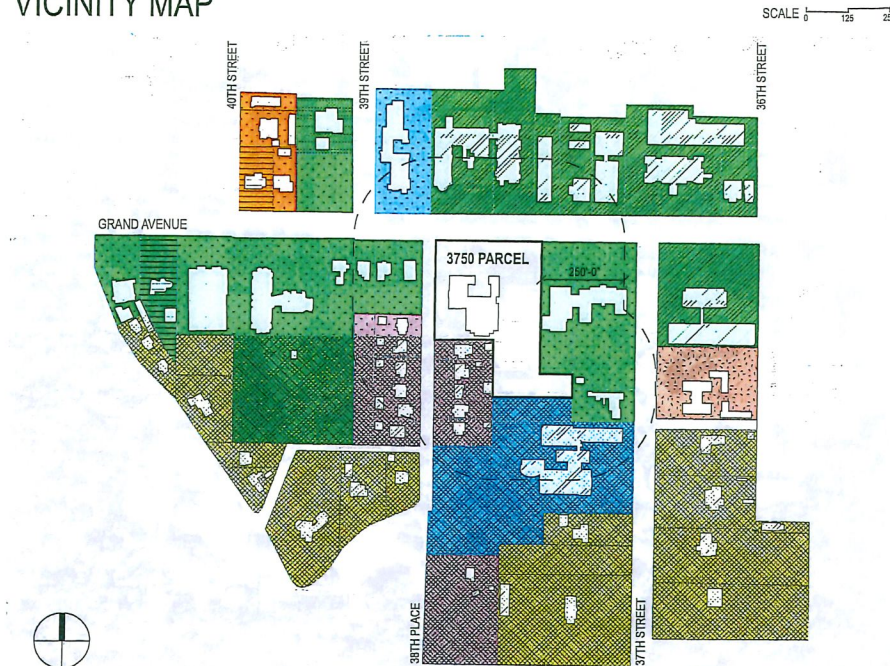
# SHEET 1 - TEXT

## CONCEPTUAL PLAN

THIRTY SEVEN FIFTY ON GRAND A PLANNED UNIT DEVELOPMENT IN THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA.  
SHEET 1 OF 3

3750 GRAND, LLC  
NOVEMBER 6, 2019  
THIRTY SEVEN FIFTY ON GRAND  
HARTMAN TRAPP ARCHITECTURE STUDIO  
LARSON ENGINEERING

## VICINITY MAP



### VICINITY MAP LEGEND

#### DES MOINES 2020 CHARACTER PLAN

|   |   |   |   |
|---|---|---|---|
|  N1A |  NX2 |  P2  |  250'-0" BOUNDARY OFFSET |
|  N1B |  NX3 |  PUD |  PUD BOUNDARY            |



# SHEET 2 - PLAN MAP

## CONCEPTUAL PLAN

THIRTY SEVEN FIFTY ON GRAND A PLANNED UNIT DEVELOPMENT IN THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA.  
SHEET 2 OF 3

3750 GRAND, LLC  
NOVEMBER 6, 2019  
THIRTY SEVEN FIFTY ON GRAND  
HARTMAN TRAPP ARCHITECTURE STUDIO  
LARSON ENGINEERING

## PLAN MAP



## PUD CHECKLIST

- Item 2.1 – The boundary line of the proposed PUD district and existing structures that are within 150' on surrounding properties are shown on the Plan Map.
- Item 2.2 – The topography of the subject property is shown on the Plan Map with contours at 2'-0" intervals.
- Item 2.3 – Proposed building footprint and set back dimensions are shown on the Plan Map.
- Item 2.4 – Parking areas, access drives, and other impervious surfaces for proposed building are shown on the Plan Map. Parking canopies for tenant parking in the south lot will cover a minimum of 12 parking spots.
- Item 2.5 – Streets abutting and within 150'-0" of the project parcel are shown on the Plan Map.
- Item 2.6 – Conceptual landscaping, planting, and open space plan for the PUD are shown on the Plan Map. General location and type of proposed landscaping, walks, and fences are labeled and dimensioned.
- Item 2.7 – Location of proposed monument sign shown on the Plan Map. Please refer to Sheet 3 for elevations and requirements.
- Item 2.8 – Dimensions of required peripheral yard setbacks as required by the bulk standards from Sheet 1 are shown on the Plan Map.
- Item 2.9 – All long-term maintenance of common land areas, including bio-retention basins and parks are to be maintained by the Owner.
- Item 2.10 – Utility easement will be provided for residential property immediately south and west of the proposed development for existing overhead power lines. Fire hydrants are being proposed near the NE and SE corners of the proposed tower. These hydrants are to be treated as a private utility and maintained by the Owner.
- Item 2.11 – The project is proposing to save and protect 65% of existing significant trees (+12") on site. This includes the protection of topsoil within drip line. No easement required for additional environmental features.
- Item 2.13 – Proposed PUD district will remain as one parcel with a size of 2.93 acres.
- Item 2.14 – External circulation of vehicles, bicycles, and pedestrians noted on the Plan Map.
- Item 2.15 – Paved drives and sidewalks for internal circulation are dimensioned and noted on the Plan Map.
- Item 2.16 – See Plan Map Legend for description of all symbols and graphical features shown on the Plan Map.
- Item 2.17 – Larson Engineering, Inc. hereby certifies that all required storm-water management requirements for this site (WQV and peak rate control) through the use of a bio-retention basin can be achieved under the proposed concept. Peak rate control from the proposed condition for the 100-year, 24-hour storm event will not exceed a dense grass condition for the 5-year, 24-hour storm for the disturbed areas from this project. In addition, tributary areas from the parcel to the east will be treated and managed in the bio-retention basin to further reduce downstream impacts.

| PLAN MAP LEGEND         |                           |
|-------------------------|---------------------------|
|                         | EXISTING OFF-SITE TREE    |
|                         | EXISTING ON-SITE TREE     |
|                         | NEW ON-SITE TREE          |
| NEW TREE CLASSIFICATION |                           |
| E - EVERGREEN           |                           |
| OR - ORNAMENTAL         |                           |
| OS - OVERSTORY          |                           |
| S - SHRUB               |                           |
|                         | 150'-0" BOUNDARY OFFSET   |
|                         | PUD BOUNDARY              |
|                         | REQUIRED SITE SETBACK     |
|                         | OVERHEAD UTILITY EASEMENT |
|                         | FENCE (OPTIONAL)          |

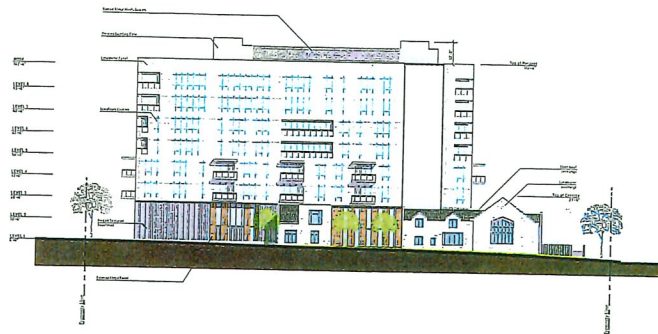


# SHEET 3 - PROPOSED CONCEPTUAL BUILDING EXTERIOR DESIGNS

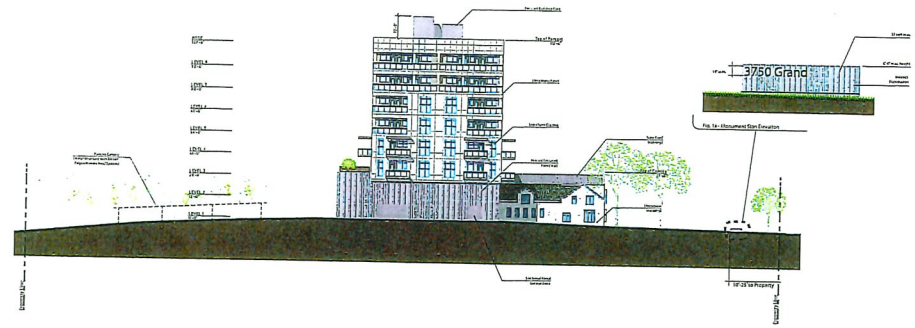
## CONCEPTUAL PLAN

THIRTY SEVEN FIFTY ON GRAND A PLANNED UNIT DEVELOPMENT IN THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA.  
SHEET 3 OF 3

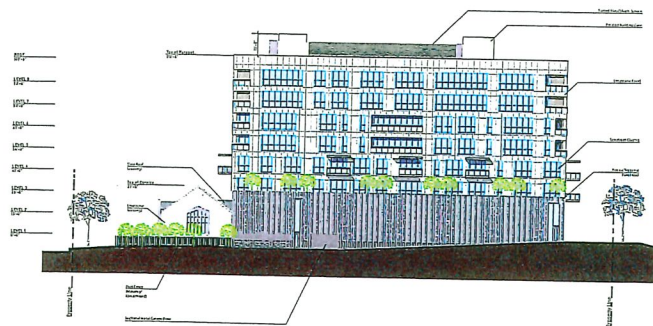
3750 GRAND, LLC  
NOVEMBER 6, 2019  
THIRTY SEVEN FIFTY ON GRAND  
HARTMAN TRAPP ARCHITECTURE STUDIO  
LARSON ENGINEERING



NORTH ELEVATION  
Scale: 1"=10'-0"



EAST ELEVATION  
Scale: 1"=10'-0"



SOUTH ELEVATION  
Scale: 1"=10'-0"



WEST ELEVATION  
Scale: 1"=10'-0"