



Roll Call Number

Agenda Item Number

16

Date November 1, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF PRELIMINARY PLAT "WESTERN GATEWAY PHASE 1" FOR PROPERTY LOCATED AT 555 17TH STREET

WHEREAS, on October 21, 2021, the City of Des Moines Plan and Zoning Commission voted 8-0-1 to APPROVE a request from Krause Plus (Owner), represented by Aubrie Gould (officer), for approval of the Preliminary Plat "Western Gateway Phase 1" for consolidation of multiple lots into a single 1.77 acre parcel for the renovation of the Crescent Chevrolet building, subject to compliance with all administrative review comments from the Development Services Department, and that access to the alley off 16th Street remain open; and

WHEREAS, the final subdivision plat will be submitted for City Council approval when completed.

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.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(PLAT-2021-000007-13-21-1.60)

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

October 26, 2021

Communication from the City Plan and Zoning Commission advising that at their October 21, 2021 meeting, the following action was taken regarding a request from Krause Plus (owner), represented by Aubrie Gould (officer), for review and approval of a Public Hearing Preliminary Plat "Western Gateway Phase 1 Preliminary Plat" for property in the vicinity of 555 17th Street, to allow for consolidation of multiple lots.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath				X
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison				X
William Page				X
Steve Wallace				X
Greg Wattier			X	
Emily Webb	X			

APPROVAL of Part A) Approval of the proposed preliminary plat, subject to the following conditions:

1. Compliance with all administrative review comments.
2. Provision of all necessary access easements needed for access to the former alley in the 1500 block of High Street through the vacated 16th Street right-of-way from High Street.

Part B) Approval of the proposed Public Hearing Site Plan and requested Type 2 Design Alternative, subject to compliance with all administrative review comments.

(13-2021-1.60)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the proposed preliminary plat, subject to compliance with all administrative review comments.

Part B) Staff recommends approval of the proposed Public Hearing Site Plan and requested Type 2 Design Alternative, subject to compliance with all administrative review comments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed plat and site plan are necessary in order to facilitate renovation of the former Crescent Chevrolet building for improvements to include a new brewery and future commercial space. Additionally, the applicant is proposing to remove and consolidate lots, to tie the site and building into one full lot encompassing the entirety of the scope of work.
2. **Size of Site:** 77,232 square feet (1.773 acres).
3. **Existing Zoning (site):** MX2 Mixed Use District.
4. **Existing Land Use (site):** Vacant – Former site of Crescent Chevrolet.
5. **Adjacent Land Use and Zoning:**
 - North** – “RX1”; Use is multiple-household units and commercial uses.
 - South** – “DX2”; Uses are residential townhomes and commercial uses.
 - East** – “RX1 & MX2”; Uses are commercial retail/office uses.
 - West** – “RX1”; Uses are commercial retail/office uses.
6. **General Neighborhood/Area Land Uses:** The subject property is in the southern portion of the Sherman Hill Neighborhood. The surrounding area consists of a mix of multi-family household and townhome units, and various commercial uses including retail, office, and eating and drinking establishments.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Sherman Hill Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on October 1, 2021 and the Final Agenda on October 15, 2021. Additionally, separate notifications of the hearing for this specific item was mailed on October 11, 2021 (10 days prior to the hearing) to the

neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning. The Sherman Hill Neighborhood Association mailings were sent to David Schlarmann, 1503 Center Street, Des Moines, IA 50314.

8. Relevant Zoning History: Some portions of the lot proposed for consolidation underwent a rezone from RX1 and DX2 to MX2. That rezoning was approved by the City Council on August 23, 2021 by Roll Call Numbers #21-1371, #21-1372, and #21-1373 as ordinance #16041.

9. PlanDSM Future Land Use Plan Designation: Downtown Mixed Use.

10. Applicable Regulations:

A. Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such Plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the Final Plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the Final Plat to the City Permit and Development Center.

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

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

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

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

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - An evaluation of the character of the surrounding neighborhood, such as:
 - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
- For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the

applicable requirements of this chapter for which a design alternative(s) has been requested;

- The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
- Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
- Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent: property, the character of the surrounding area or the public health, safety and general welfare;
- Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Plat:** The subject property is designated as “Downtown Mixed Use” on the Future Land Use Map. PlanDSM describes this designation as “mixed-use, high density residential uses, and compact combinations of pedestrian- oriented retail, office, residential, and parking in downtown...” The site will become the Des Moines location for Big Grove Brewery and restaurant at the east side of the building, while the remainder of the building will be remodeled to allow future commercial uses. The submitted preliminary plat seeks to combine multiple lots that encompass the greater scope of work of the site into a single parcel. This parcel meets all of the requirements of the City of Des Moines Subdivision Ordinance, accounts for all easements on the site, and is in conformance with the PlanDSM future land use designation of Downtown Mixed Use.
2. **Parking:** Per Section 135-2.5.3.A.8, surface parking within a primary street facing yard is not allowed and requires a Type 2 Design Alternative. The site features an existing surface parking lot that fronts High Street, which is considered a primary street within the City of Des Moines Primary Streets Map. The Site Plan proposes removal of an existing building on the northwest corner of the site and construction of an expanded parking area within its place. The proposed expanded parking lot would feature a full fence frontage buffer and meet the requirements and allowances of interior lot landscaping per City Code Section 135-7.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Nate Easter Krause Plus, 1459 Grand Avenue stated he is here to answer any questions the commission might have.

CHAIRPERSON OPENED THE PUBLIC HEARING

Kathie Lyman 1520 High Street stated she is concerned that this plan would take away their access to the shared easement they have where their utilities and dumpsters are located. She is also concerned with potential density increase as High Street and 15th Street will be the only access points.

Chris Draper asked if the east end of the alley is still open?

Kathie Lyman stated yes and that she is concern about maintaining that access.

Jason Van Essen stated they likely have easement rights as this alley was vacated and conveyed some time ago.

Bert Drost stated the applicant's intent is to keep that access open.

Nate Easter stated they will be leaving the 16th Street access open, one of the requirements is to provide an easement for access to the former alley

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Emily Webb made a motion of:

Part A) Approval of the proposed preliminary plat, subject to the following conditions:

1. Compliance with all administrative review comments.
2. Provision of all necessary access easements needed for access to the former alley in the 1500 block of High Street through the vacated 16th Street right-of-way from High Street.

Part B) Approval of the proposed Public Hearing Site Plan and requested Type 2 Design Alternative, subject to compliance with all administrative review comments.

Motion passed: 8-0-1

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

