



Date August 7, 2023

RESOLUTION SETTING HEARING ON APPEAL OF LARRY KUEL (OWNER) ON A DENIAL OF TYPE 2 DESIGN ALTERNATIVES FOR A PUBLIC HEARING SITE PLAN FOR PROPERTY LOCATED AT 4424 SOUTHEAST 14TH STREET

WHEREAS, at a public hearing held on July 20, 2023, the City Plan and Zoning Commission considered a request from Larry Kuel (owner), for approval of the Site Plan for Type 2 Design Alternatives waiving the requirements to allow for retention of two (2) access drives on a primary street, when an access drive off of a non-primary street is available set forth in Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, and landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping, as outlined in City Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9 as shown in the Site Plan submitted for the property located at 4424 Southeast 14th Street; and

WHEREAS, pursuant to Sections 135-2.6.3.A.9 and 135-6.12.2.B of the Municipal Code, a commercial cottage is permitted driveway access through the following hierarchy: they are permitted driveway access through an improved alley; if no improved alley exists or is planned, they are allowed one driveway off each non-primary street; if no alley or nonprimary street exists, they are allowed one driveway off a primary street with approval of city engineer; and

WHEREAS, in the Site Plan, Larry Kuel proposed for retention of two (2) access drives on a primary street, when an access drive off of a non-primary street is available; and

WHEREAS, pursuant to Section 135-7.5.3 of the Municipal Code, street trees shall be planted as follows:

- A. Clear Branch Height. The clear branch height of a street tree is the distance between the ground plane and the lowest branch of the street tree at maturity. Minimum clear branch height is eight feet for the portion of street trees overhanging sidewalks and 15 feet for the portions of street trees overhanging streets.
- B. Street Tree Type. All street tree types shall conform to the city's approved tree species list and shall be single trunk.
- C. Street Tree Locations and Spacing. Street trees shall be planted as follows:
 - 1. Minimum per Street Frontage. Each lot is required to have one tree for every 30 feet of street frontage, with a minimum of one street tree per street frontage.
 - 2. Location. Street trees shall be located within the parkway of the street type pursuant to the city's most recent transportation master plan.
 - 3. Intersections; Street Lights. Street trees shall be located a minimum distance from the intersection of two streets per the vision clearance triangle and clear zone requirements of the city engineer, and shall be located a minimum of 15 feet, or other distance required by the city engineer, from street lights.



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4. Proximity to Paving. Street trees shall be located a minimum of two feet from any permanently paved edge or surface, unless otherwise regulated by Iowa Department of Transportation regulations for arterial streets.
5. Limited Space. The requirement to provide street trees may be waived by the development services director for existing streets, as follows:
 - a. In the DX districts, where there is no combination of public or private land sufficient to provide a minimum six-foot sidewalk with a minimum four-foot parkway.
 - b. In all districts except the DX districts, where there is no combination of public or private land sufficient to provide a minimum five-foot sidewalk with a minimum four-foot parkway.
 - c. In areas deemed not appropriate by city engineer based upon typology and function of street per the city's transportation master plan.; and

WHEREAS, pursuant to Section 135-7.7.2 of the Municipal Code, a fence frontage buffer has the following requirements:

- A. Buffer Depth. The required buffer area shall be a minimum seven feet in depth, measured from the street-facing lot line. When a building is located on the lot adjacent to the vehicular area, the buffer depth shall be measured seven feet from the street facade of the rear building wall.
- B. Fence. The following apply within the buffer:
 1. Fence Location. A continuous fence is required, located two feet from the back of curb or edge of the vehicular area into the buffer. One pedestrian opening, maximum four feet in width, is permitted for every 30 linear feet of fence.
 2. Fence Materials. The fence shall be black, gray, or dark green steel. Masonry columns up to a maximum 2.5 feet in width and base up to a maximum 18 inches in height are permitted. Other fence materials may be submitted for a Type 1 design alternative.
 3. Fence Height. The fence shall be three feet in height. A Type 1 design alternative may be approved for a fence height up to six feet.
 4. Fence Opacity. The fence shall have a minimum opacity of 30%.
- C. Buffer Landscape. The following landscape is required within the buffer:
 1. Shade Trees. Shade trees are required at one shade tree for every 40 linear feet of frontage buffer. Where feasible, spacing of the buffer trees shall alternate with street trees.
 2. Shrubs. A continuous shrub planting is required on the street side of the fence. Ornamental grasses may be used when screening is not a required effect. The shrub planting shall consist of a single row of shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained no more than 48 inches within one year of installation.
 3. Existing Vegetation. Existing vegetation may be credited toward buffer requirements as approved by the development services director.; and



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WHEREAS, pursuant to Section 135-7.9 of the Municipal Code, interior parking lots have the following requirements:

7.9.1 INTENT AND APPLICABILITY

- A. Intent. To provide shading and screening, and to improve the appearance of parking lots.
- B. Applicability. This section applies to all off-street surface parking lots in all districts with more than 10 spaces or more than one drive aisle.
- C. Existing Vegetation. Existing vegetation may be credited toward these requirements when, and to the extent, approved by the development services director.

7.9.2 REQUIREMENTS

A. Required Landscape Islands

- 1. Terminal End Islands. Landscape islands are required at the terminal ends of freestanding rows or bays of parking. Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
- 2. Row Islands. For rows of parking with more than eight spaces, a landscape island is required for every ninth parking space with result of no more than eight continuous parking spaces in a row without a landscape island.
- 3. Island Size. The minimum width for an island is five feet and minimum length is 17 feet.
 - a) Islands shall accommodate the minimum tree requirements of Table 135-7.4-5 of this article.
 - b) Islands that do not meet the requirements of Table 135-7.4-5 of this article may be required to install an aeration system and utilize permeable paving as approved by the city forester.
- 4. Required Island Trees. A minimum of one single trunk, shade tree is required within each island.

B. Tree Requirements

- 1. Fifty-foot Rule. Each parking space shall be located within 50 feet of a tree planted within the parking lot interior.
- 2. Five-Space Rule. For parking lots with more than 40 spaces, a minimum of one shade tree for every five parking spaces shall be planted within the parking lot interior or within four feet of the parking lot's edge.
- 3. Buffer Trees. Trees within any required buffer area may not be utilized to meet these requirements.
- 4. Shading Requirement. At maturity, tree canopies shall shade a minimum of 30% of the interior of the parking lot. Refer to Table 135-7.4-2 of this article for mature canopy sizes.

C. Sidewalk Requirements

- 1. A minimum five-foot wide, continuous sidewalk shall connect the public sidewalk along all street frontage to all public doors of the building.
- 2. Crossings at vehicular areas may count as continuing the sidewalk as long as the sidewalk material shall continue through the vehicular area to signal pedestrian priority.; and



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WHEREAS, in the Site Plan, Larry Kuel proposed for the waiver of landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping; and

WHEREAS, the Plan and Zoning Commission voted 8-0-1 for **DENIAL** of the requested Type 2 Design Alternatives to waive or modify said ordinance requirements to allow for retention of two (2) access drives on a primary street and landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping; and

WHEREAS, Larry Kuel has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9(B), and is seeking further review of the Plan and Zoning Commission decision and denial of the above-described Type 2 design alternatives to the Site Plan including requirement to remove two (2) access drives from a primary street, when an access drive off of a non-primary street is available set forth in Municipal Code Sections 135-2.6.3.A.9 and 135-6.12.2.B, and landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping, as outlined in City Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9.

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

1. The City Council shall consider the appeal by Larry Kuel at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 5:00 p.m. on August 21, 2023 at which time the City Council will hear both those who oppose and those who favor the proposals.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill,
Assistant City Attorney

(SITE-2023-000059)



Roll Call Number

Agenda Item Number

27

Date August 7, 2023

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

Date August 7, 2023

Agenda Item 27

Roll Call # _____

August 1, 2023

Communication from the City Plan and Zoning Commission advising that at their July 20, 2023 meeting, the following action was taken regarding a request from Larry Kuel (owner) for review and approval of a Public Hearing Site Plan "Donna's Garage," for property located at 4424 Southeast 14th Street, and for the following denied Type 1 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B):

- A) Waive the requirement to remove two (2) access drives from a primary street, when an access drive off of a non-primary street is available, per City Code Sections 135-2.6.3.A.9 and 135-6.12.2.B.
- B) Waive the landscaping requirements related to street trees, parking lot buffering, and interior parking lot landscaping, as outlined in City Code Sections 135-7.5.3, 135-7.7.2, and 135-7.9.

COMMISSION RECOMMENDATION:

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

| Commission Action: | Yes | Nays | Pass | Abstain | Absent |
|--------------------|-----|------|------|---------|--------|
| Francis Boggus | | | | | X |
| Leah Rudolphi | X | | | | |
| Carol Maher | X | | | | |
| Abby Chungath | | | | | X |
| Kayla Berkson | X | | | | |
| Chris Draper | | | X | | |
| Todd Garner | X | | | | |
| Johnny Alcivar | | | | | X |
| Justyn Lewis | X | | | | |
| Carolyn Jenison | X | | | | |
| William Page | | | | | X |
| Andrew Lorentzen | | | | | X |
| Emily Webb | X | | | | |
| Katie Gillette | | | | | X |
| Rick Trower | X | | | | |

DENIAL of the requested Design Alternatives, and **approval** of the proposed Public Hearing Site Plan, subject to compliance with all administrative review comments.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends denial of the requested Design Alternatives, and;

Staff recommends approval of the proposed Public Hearing Site Plan, subject to compliance with all administrative review comments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The continually-operating bar at this location has historically been served by a gravel parking lot. In 2021, this parking lot was paved over and expanded without an approved site plan or other applicable permits. The proposed site plan would legalize the paving over of the parking lot.

This Site Plan was before the Commission on October 20, 2022. The applicant requested Design Alternatives to allow retention of the driveway accesses off of Southeast 14th Street and waiver of trees within the parking lot buffer area. At that meeting, the Commission voted to allow retention of the southernmost access drive off of Southeast 14th Street (i.e., one of the two drives could remain) and denied the request to waive tree provision within the parking lot buffer area.

The applicant has since resubmitted a revised Site Plan with an intention to return to the Commission. The same Design Alternative request remains to retain both drive accesses off of Southeast 14th Street, and there are new Design Alternative requests for additional waivers of landscaping requirements.

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

- 2. Size of Site:** 0.427 acres.
- 3. Existing Zoning (site):** "MX3-V" Mixed Use District.
- 4. Existing Land Use (site):** The subject site contains a 1,462-square foot building used as a bar. The bar has multiple, small outdoor gathering spaces/patio areas. The southern portion of the site is occupied by surface parking.
- 5. Adjacent Land Use and Zoning:**
 - North** – "MX3-V", Uses are a parking lot, storage areas, and an office for a locksmithing company.
 - South** – "MX2-V", Uses are Emma Avenue, a parking lot, an office building, and undeveloped land.
 - East** – "MX3-V", Uses are Southeast 14th Street, a car wash, and a 40-unit apartment building.
 - West** – "NM", Use is a mobile-home development.

- 6. General Neighborhood/Area Land Uses:** The subject property is located along the west side of Southeast 14th Street, approximately a quarter-mile south of Watrous Avenue, and approximately a quarter-mile north of McKinley Avenue. This segment of the Southeast 14th Street corridor is characterized by a broad range of commercial uses, including, but not limited to, used car lots, small retail operations, and offices. Some higher-density residential uses are located adjacent to the corridor, with lower-density, one-household residential uses located immediately off of it.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located within the South Park Neighborhood and within 250 feet of the Easter Lake Area Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on June 30, 2023 and the Final Agenda on July 14, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on July 10, 2023 (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.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department. The South Park Neighborhood notices were sent to Chris Kuhl, 617 E Miller Avenue, Des Moines, IA 50315. The Easter Lake Area Neighborhood notices were sent to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320.

- 8. Relevant Zoning History:** On October 27, 2021, identified by ZONE-2021-000189, a Zoning Enforcement code case was opened documenting the paving of a parking lot without any of the applicable permits (right-of-way, site plan, parking lot permit). The applicant was instructed to request a Pre-Application meeting with City Staff to obtain information on applicable requirements and the logistics of submitting a site plan to legalize said improvements.

On March 2, 2023, a new Zoning Enforcement case, identified by ZONE-2023-000099, was opened to continue the enforcement activity at this location.

- 9. PlanDSM Future Land Use Plan Designation:** Community Mixed-Use.

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

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

- The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
- Zoning restrictions at the time of the proposal;
- The city's comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

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

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - An evaluation of the character of the surrounding neighborhood, such as:



- Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
- For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
 - The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
 - Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
 - Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
 - Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
 - Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

1. Access Drive Regulations: Sections 135-2.6.3.A.9 and 135-6.12.1.2.B of the Planning and Design Ordinance govern permitted driveway accesses for this site. Sites are permitted alley access, or if no alley exists, one driveway access off of each non-primary street that abuts the site. Only in the event that no alley or non-primary street exists is a site permitted to have an access off of a primary street.

The site is situated on a corner lot (intersection of Emma Avenue and Southeast 14th Street). Southeast 14th Street is the primary street for this site. Emma Avenue is the non-primary street. The applicants are proposing to retain 2 accesses off of Southeast 14th Street and an access off of Emma Avenue for a total of 3 access drives into the site.

Compliance with all applicable Sections of Chapter 135 is required with any Site Plan submittal. Removal of the 2 driveways off of Southeast 14th Street and their restoration to a traditional curb-and-gutter configuration is a City requirement, and doing so would bring the site into compliance with the site design standards of Chapter 135 of City Code.

2. Corridor Safety: Southeast 14th Street is a state highway, major arterial street, and carries approximately 33,200 vehicles per day in this portion of the corridor. This road has one of the highest crash rates in the City of Des Moines and the state of Iowa. It has been identified as a High-Injury Network in the recently-approved City of Des Moines Vision Zero Transportation Safety Action Plan. This means that vehicular crash mapping from 2017 through 2021 has identified this corridor as one in the city that has elevated crash rates, as well a disproportionate amount of crashes that cause severe injuries and deaths. Included in the Vision Zero Transportation Safety Action Plan are data that support the assertion that the number of vehicular access points within transportation corridors affects overall corridor safety. These data highlight that high vehicular access point density (like the conditions currently observed in this portion of the Southeast 14th Street corridor) is associated with an increased number of crashes.

One of the proven countermeasures to high-volume and severe crash rates is corridor access management. Removing drive accesses at this location is an example of corridor access management. Closure of the 2 driveway accesses off of Southeast 14th Street and their restoration to a traditional curb-and-gutter configuration would significantly increase visibility and safety by reducing conflict points for all users (drivers, pedestrians, transit riders, and cyclists).

While these driveways are only 2 along the entire Southeast 14th Street corridor, the City has no mechanism to remove private driveways outside of the site development process. Removal of said driveways would bring the site into compliance with the site design standards of Chapter 135 of City Code and would align with the goals of the City's Vision Zero Transportation Action Plan.

Staff does not support the Type 2 Design Alternative request described in Part A.

3. Landscaping Requirements: Landscaping requirements for all site plans are described in City Code Article 135-7. Among other landscaping elements, all sites are generally required to provide a mix of street trees (trees placed within the right-of-way), landscaped buffering of parking lots from public rights of way, and landscaping within the interior of parking lots.

With the exception of some trees and shrubs proposed at the southern edge of the site around the Emma Avenue drive access, the applicant is requesting a waiver of landscaping requirements.

Staff is willing to work with the applicant to develop a landscaping plan that minimizes curb work and pavement removals while also meeting the intent of Article 135-7 of City Code. Staff has already administratively approved or would administratively approve the following Type 1 Design Alternative requests:

- Waiver of the requirement to provide a 3-foot tall, ornamental fence within the parking lot buffer area along Emma Avenue and Southeast 14th Street, pursuant to City Code Section 135-7.7.2.B.
- Waiver of the requirement to provide street trees in the right-of-way of both Emma Avenue and Southeast 14th Street, pursuant to City Code Section 135-7.5.3.C.2. Due to vision clearance concerns as Southeast 14th Street is a state highway in this location, Staff has allowed "street trees" and "parking lot

buffer trees” to double-count in this situation, giving direction that parking lot buffer trees should be placed at 30-foot intervals to mimic street tree provision.

- Allow an alternative trash enclosure design to utilize a composite wood or metal panel exterior, in lieu of the requirement that a trash enclosure be sided with masonry to match the building, pursuant to City Code Section 135-7.10.4.A.1.b.
- Waiver of the requirement to provide landscaped islands at the terminal ends of any freestanding rows of parking, pursuant to City Code Section 135-7.9.2.A.1.
- Waiver of the requirement to provide a landscaped island within a parking lot row of more than 8 spaces, pursuant to City Code Section 135-7.9.2.A.2.

Based on the information above, the extent of the newly-requested waivers of landscaping requirements is not appropriate at this site.

At a minimum, Staff expects the following to be demonstrated on an approved landscaping plan for this site:

- Removal of pavement within the right-of-way and private property so a paving setback is established adjacent to Southeast 14th Street (one already exists adjacent to Emma Avenue), pursuant to City Code Section 135-7.7.2.A.
- A row of ornamental grasses or shrubs and overstory trees planted at 30-foot intervals within this paving setback (on both frontages) to meet the intent of street tree and parking lot buffering requirements described in City Code Sections 135-7.5.3.C.1 and 135-7.7.2.
- Interior parking lot tree plantings that meet the intent of the parking lot shading requirements described in City Code Section 135-7.9.2.B.4.

Staff does not support the Design Alternative requests described in Part B.

SUMMARY OF DISCUSSION

Nick Tarpey presented staff report and recommendation.

Chris Draper said that he recalled that when the Commission heard this in the past, truck turning requirements to be a reason the Commission allowed 1 of 2 drive approaches along Southeast 14th Street in the past.

Nick Tarpey indicated that Staff has not received any truck turning diagrams to substantiate that.

Carol Maher asked the drive aisles need to be striped.

Nick Tarpey stated, yes, the parking lot is required to be striped.

Todd Garner asked why the Commission is hearing this again since the Commission has already taken action on this Site Plan.

Nick Tarpey stated that the applicant can speak to this, but the applicant missed their 30-day appeal window following the Commission's decision on October 20, 2022. Thus, they filed a new application and, at this time, are requesting waiver of landscaping requirements in addition to waiver of the driveway requirements.

Todd Garner asked what happens if the applicant doesn't like what the Commission decides tonight, but then misses the appeal window once more.

Nick Tarpey stated that they would then have the right to submit yet another application and pay the application fees once again.

Wally Pelds, 2323 Dixon Street, indicated that since the last time this Site Plan was considered by the Commission, it took the property owner an extended period of time to find a contractor that is willing to do the work that is necessitated by the Site Plan. The current property owners are looking to sell the property to the operator of the bar. The buyers agreed to purchase it only so long as the parking lot was paved. Mr. Pelds also indicated that a 1950 aerial photo may show that the parking lot was once paved but that the pavement had deteriorated significantly. Mr. Pelds indicated that the property owner has already spent \$47,000 on an overlay of the parking lot and that the current estimate for work necessitated by the Site Plan is for \$72,000, which doesn't include trash enclosure. The building is assessed at \$104,000, which shows property owner would be under water if they need to spend the additional \$72,000 on top of the \$47,000 spent on the overlay. He said after getting an estimate that they couldn't afford, they spoke with their Council member, who indicated they should take their request back to the Commission for further consideration. Mr. Pelds also indicated that more accidents on Southeast 14th Street occur to the north and south of the property rather than in front of it, and that most customers come to site during non-peak times.

Carol Maher asked about the note on the site plan indicating use of washed river rock stone.

Wally Pelds indicated that they could change that if not allowed.

Carol Maher asked about the area on the site behind the pole sign and the traffic cones near the northernmost curb cut.

Wally Pelds indicated that area would be used for the ADA-compliant stall.

Chris Draper asked if the buyers would continue to use the property in the same manner than it's currently used.

Wally Pelds indicated that the buyer would continue to use the property as a bar. The property is in probate, so the previous owner's children are wanting to sell it to the current bar operator.

Justyn Lewis asked if he could hear from the applicant.

CHAIRPERSON OPENED THE PUBLIC HEARING

Mike Brooks, 8126 Crestview Drive, indicated that the orange cones on the property designate motorcycle parking.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Justyn Lewis doesn't feel comfortable having the applicant take on the added costs, but he is willing to deny the Site Plan so that Council can consider it.

Emily Webb indicated she is also favor of denial.

Chris Draper asked about the stormwater requirements.

Nick Tarpey stated that since the paving of the parking lot did not add at least 10,000 square feet of impervious surface, it did not trigger stormwater management requirements.

COMMISSION ACTION:

Justyn Lewis made a motion for **denial** of the requested Design Alternatives, and **approval** of the proposed Public Hearing Site Plan, subject to compliance with all administrative review comments.

Motion passed: 8-0-1

Respectfully submitted,

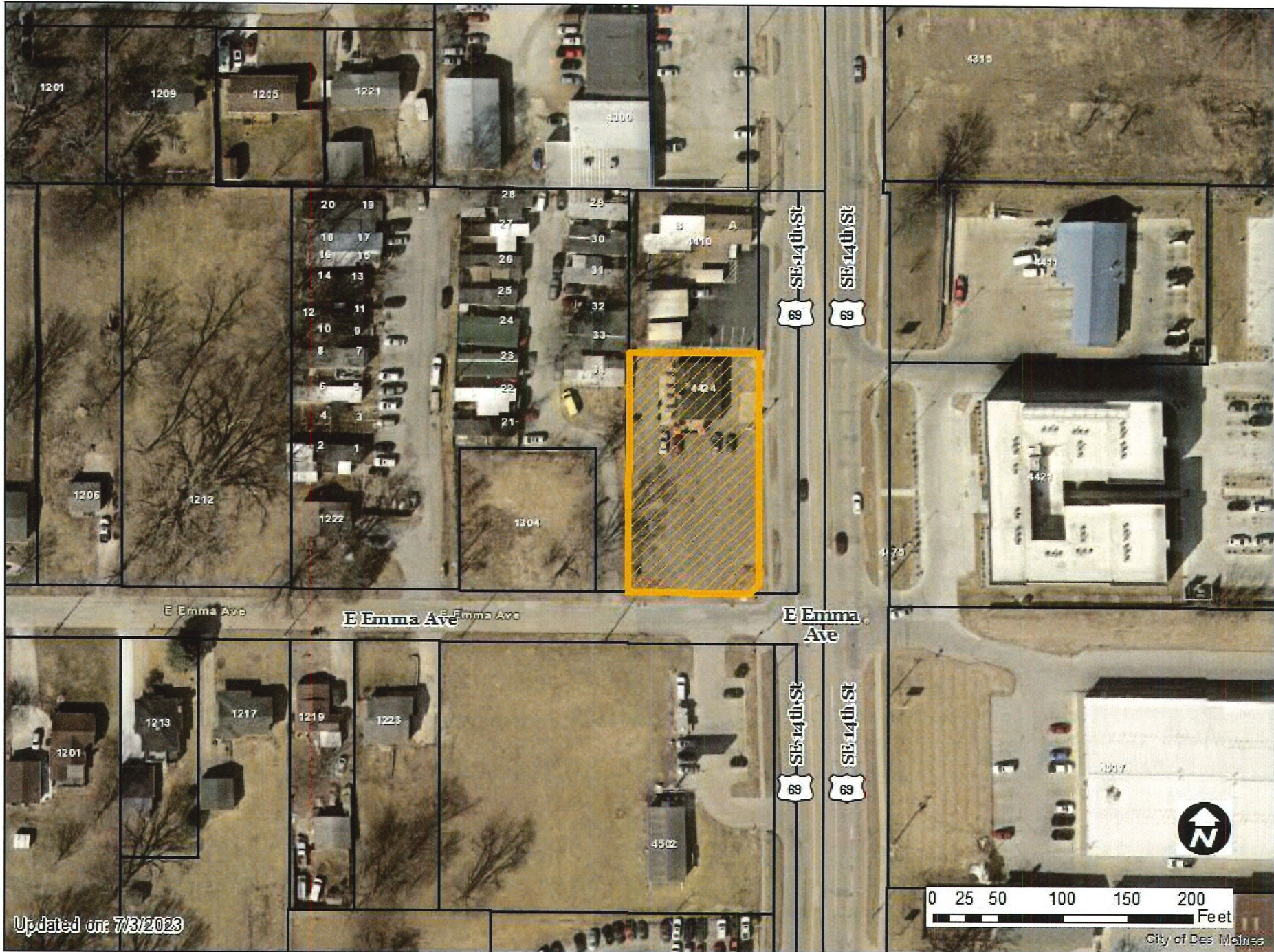


Bert Drost, AICP
Deputy Planning Administrator

BAD:tjh

Larry Kuel, 4424 Southeast 14th Street

SITE-2022-000059

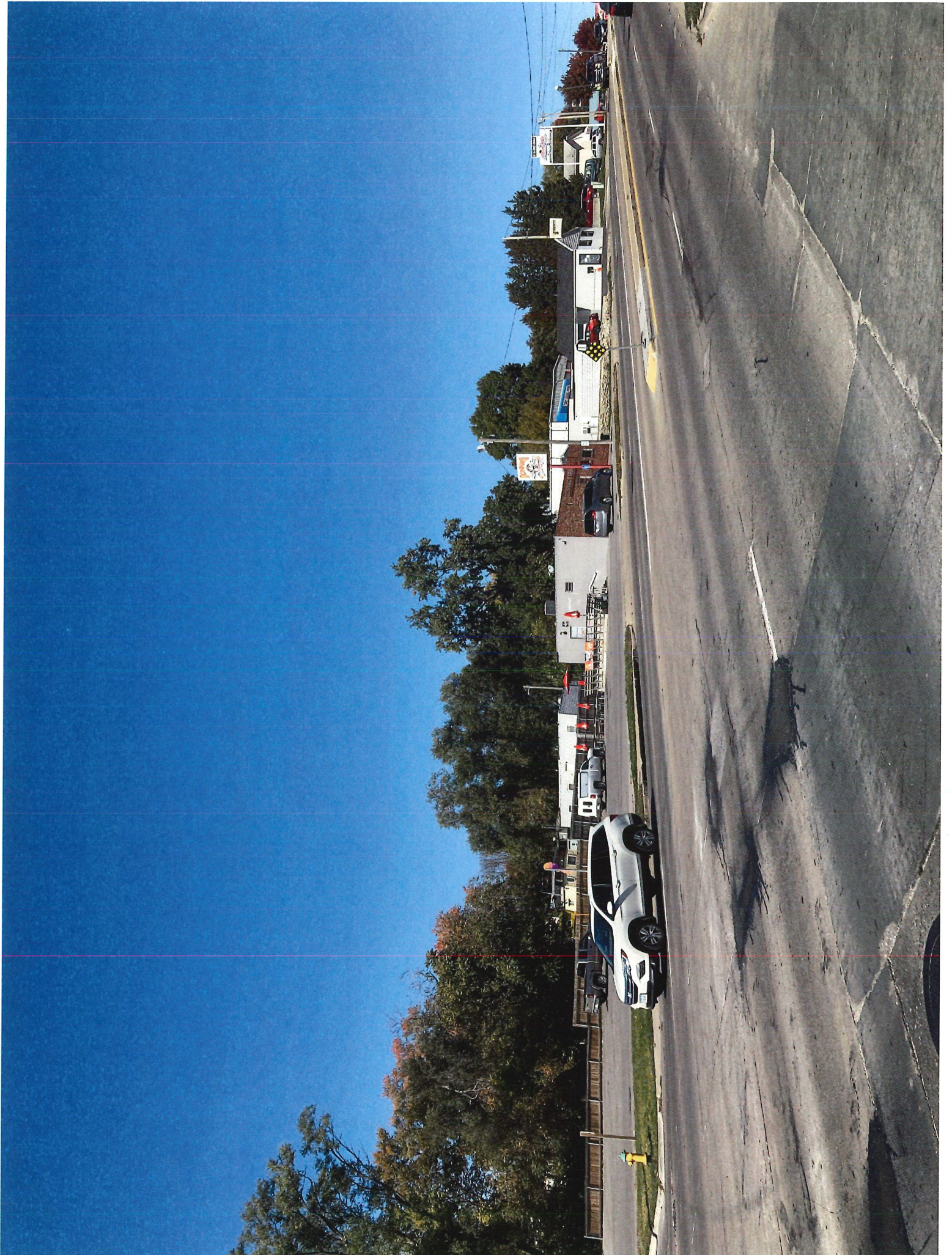


Updated on: 7/3/2023

1 inch = 98 feet







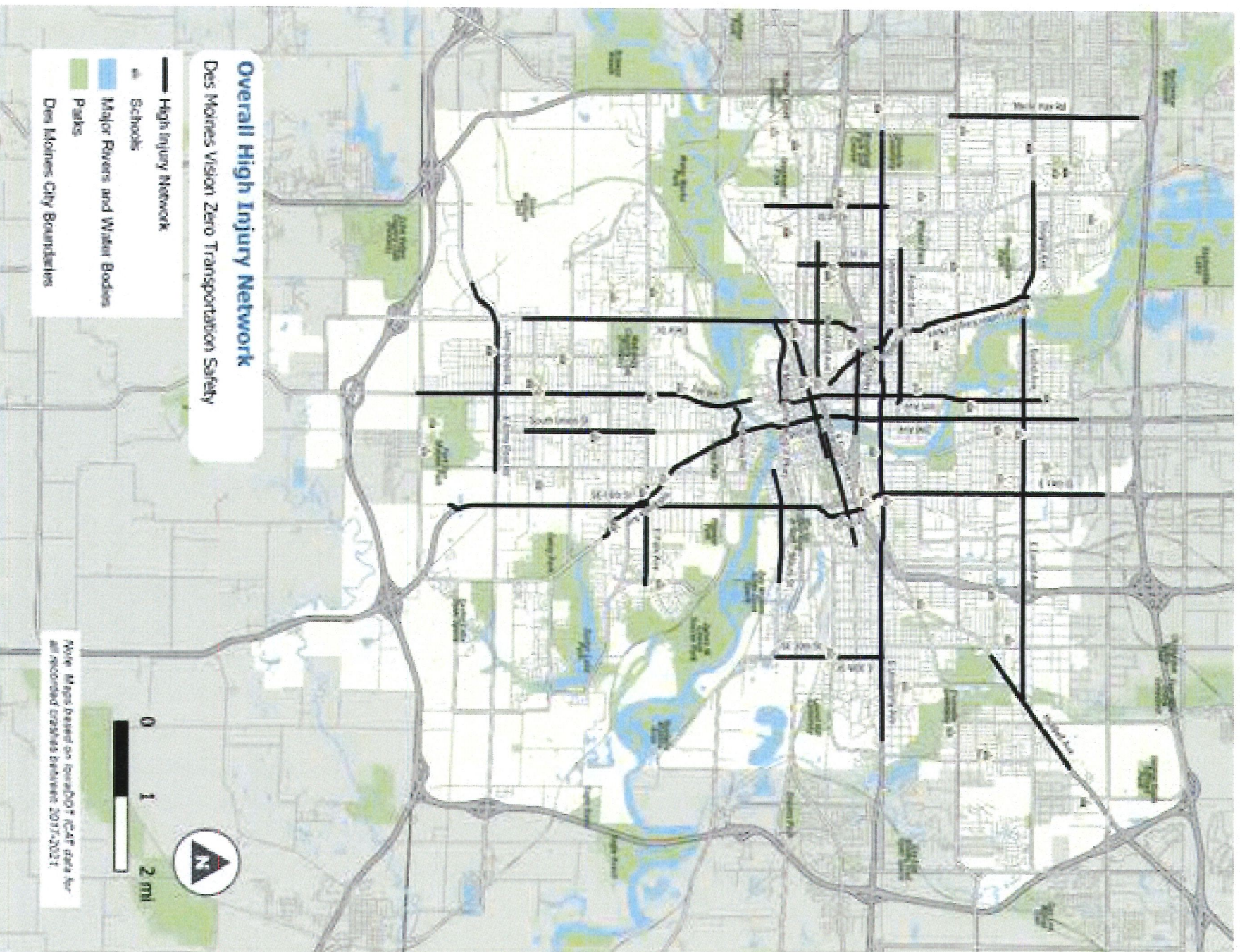
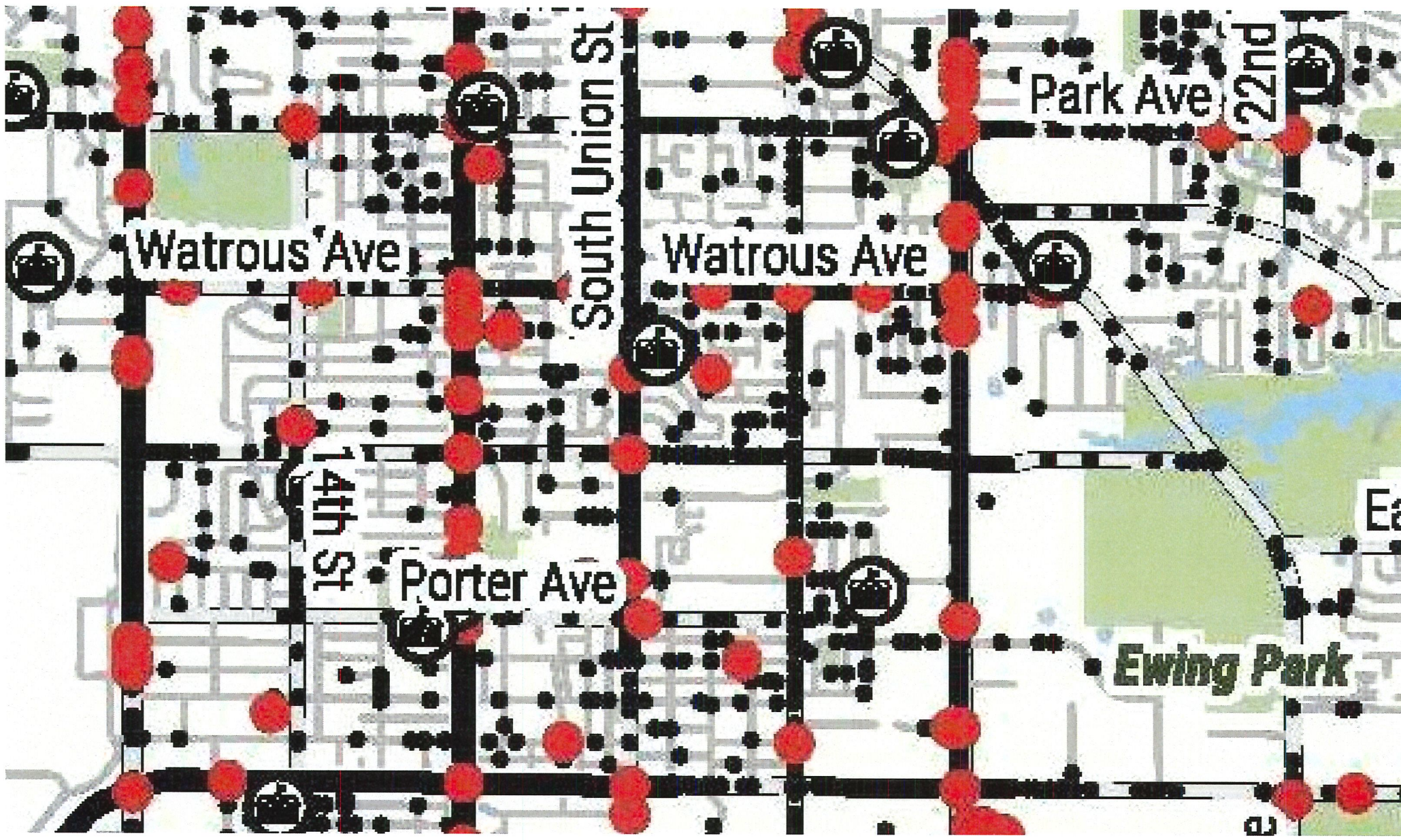
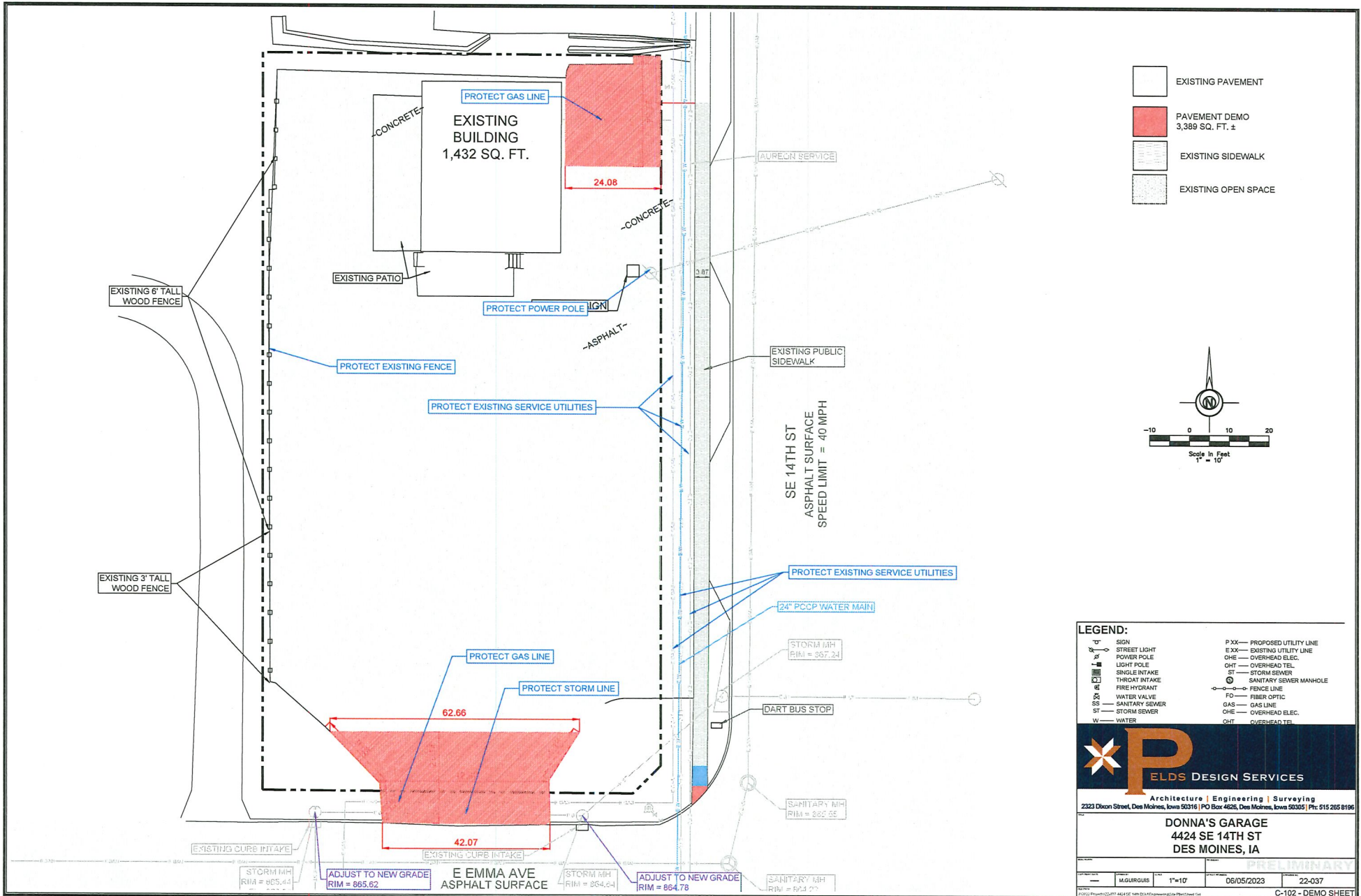




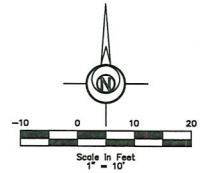























Figure 18. Des Moines High Injury Network for all modes. Data Source: Iowa DOT ICDAT 2017-2021





-  EXISTING PAVEMENT
-  PAVEMENT DEMO 3,389 SQ. FT. ±
-  EXISTING SIDEWALK
-  EXISTING OPEN SPACE



- LEGEND:**
- | | | | |
|---|---------------------|---|------------------------------|
|  | SIGN |  | P XX — PROPOSED UTILITY LINE |
|  | STREET LIGHT |  | E XX — EXISTING UTILITY LINE |
|  | POWER POLE |  | OHE — OVERHEAD ELEC. |
|  | LIGHT POLE |  | OHT — OVERHEAD TEL. |
|  | SINGLE INTAKE |  | ST — STORM SEWER |
|  | FIRE HYDRANT |  | SMH — SANITARY SEWER MANHOLE |
|  | THROAT INTAKE |  | FO — FIBER OPTIC |
|  | WATER VALVE |  | GL — GAS LINE |
|  | SS — SANITARY SEWER |  | OHE — OVERHEAD ELEC. |
|  | ST — STORM SEWER |  | OHT — OVERHEAD TEL. |
|  | W — WATER | | |



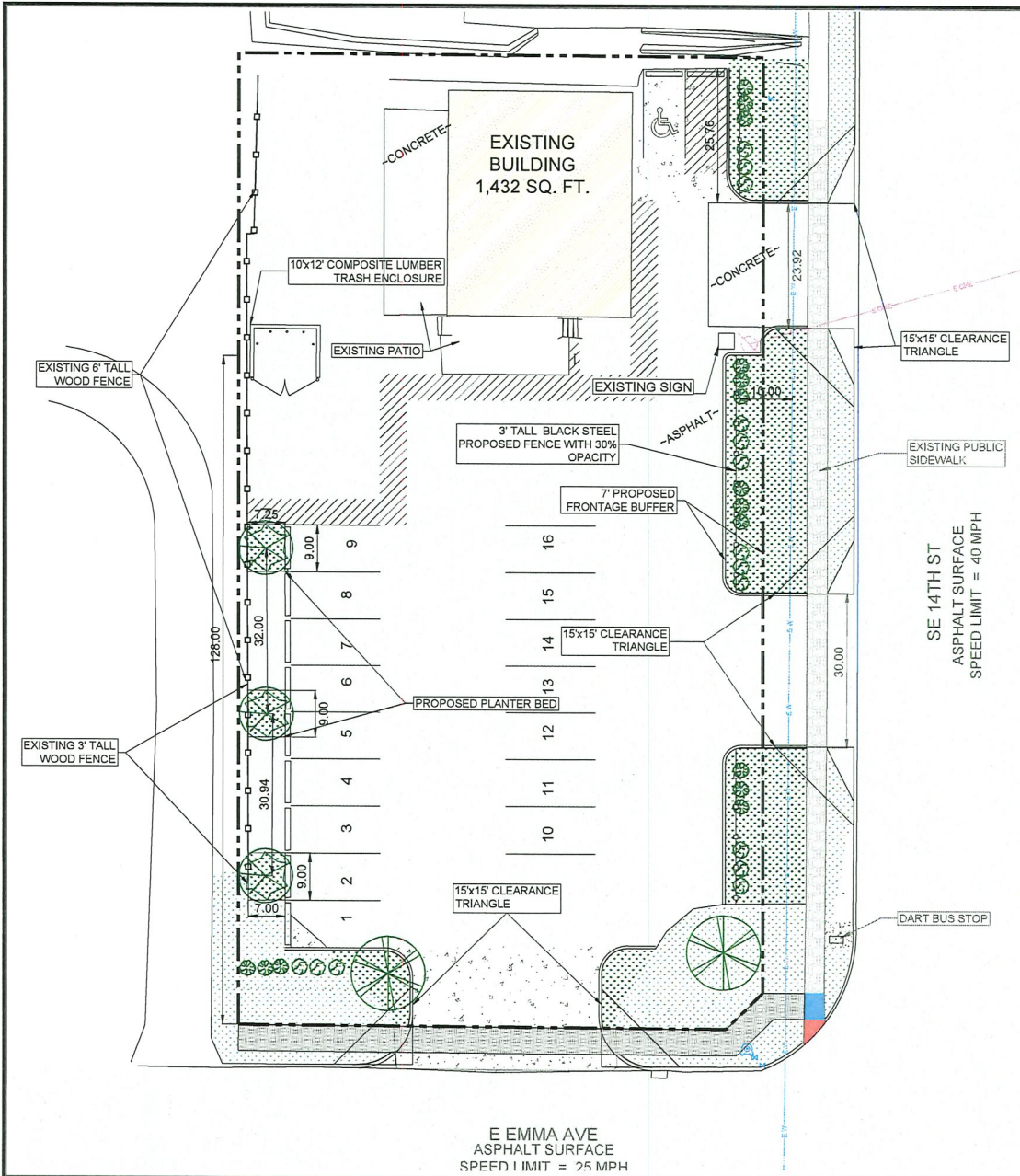
P ELDS DESIGN SERVICES

Architecture | Engineering | Surveying
 2323 Dixon Street, Des Moines, Iowa 50316 | PO Box 4626, Des Moines, Iowa 50305 | Ph: 515 285 8196

DONNA'S GARAGE
 4424 SE 14TH ST
 DES MOINES, IA

| | | |
|------------|--------|------------|
| M.GURIGIUS | 1"=10' | 06/05/2023 |
| | | 22-037 |

C-102 - DEMO SHEET



PROPOSED TREES:

| SYMBOL | # | COMMON NAME (BOTANICAL NAME) | PLANTING SIZE | MATURE SIZE (HEIGHT & SPREAD) |
|--------|---|--------------------------------------|----------------|-------------------------------|
| | 2 | TULIP TREE (LIRIODENDRON TULIPIFERA) | 2" CALIPER B&B | 60-90' & 30-50' |
| | 3 | TURKISH HAZEL (CORYLUS COLURNA) | 2" CALIPER B&B | 40-80' & 30-50' |

TOTAL SHADE TREE

PROPOSED SHRUBS:

| SYMBOL | # | COMMON NAME (BOTANICAL NAME) | PLANTING SIZE | MATURE SIZE (HEIGHT & SPREAD) |
|--------|----|---|---------------|-------------------------------|
| | 15 | DWARF MOUNTAIN PINE (PINES MUGO SPINUS) | 3 GALLON | 2-3' & 2-3' |
| | 15 | HAMELIN FOUNTAIN GRASS (Pennisetum alopecuroides hamelin) | 2-3" & 2-3" | |

LANDSCAPING REQUIREMENTS:

INTERIOR PARKING LOT TREES:
30% OF THE INTERIOR PARKING LOT = 0.30 * 9,145 = 2,743 SQ. FT. PROVIDED = 1000'4" x 4,000 SQ. FT.

LANDSCAPE FENCE FRONTAGE BUFFER:
7' FT WIDE FRONTAGE BUFFER IS PROVIDED WITH A 3 FT TALL BLACK STEEL FENCE WITH 30% OPACITY AND A GROUP OF CONTINUOUS ROW OF SHRUBS WERE PROVIDED TO BE AT A DISTANCE OF 15' AWAY FROM THE WATER MAIN AT THE ROW

LANDSCAPING NOTES:

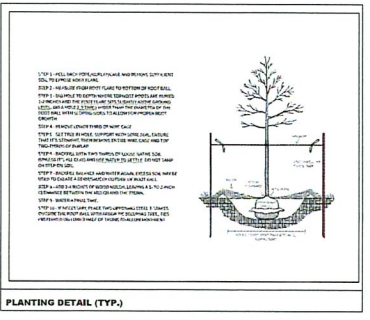
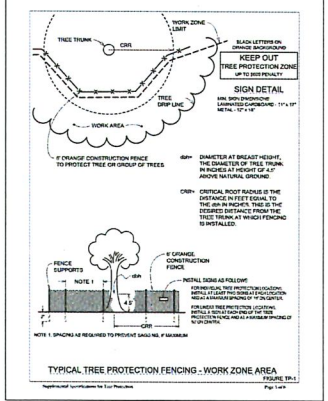
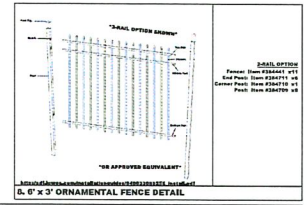
CONTACT THE MUNICIPAL FORESTRY DIVISION PRIOR TO PLANTING IN THE PUBLIC RIGHT-OF-WAY AT 515-283-4950.
ALL WIRE, TYNE AND REBAR SHALL BE REMOVED FROM THE ROOTBALL OF STREET TREES PRIOR TO PLANTING.

LEGEND:

- EXISTING PAVEMENT
- EXISTING BUILDING 1,432SQ. FT.
- PROPOSED SIDEWALK
- PROPOSED SEED / SOD 1,122 SQ. FT.
- CURB RAMP
- TURNING SPACE
- EXISTING SIDEWALK
- EXISTING OPEN SPACE
- PROPOSED PAVEMENT 1,134 SQ.FT.

SCALE: 1" = 10'

ORIENTATION: North arrow pointing up.



PROFESSIONAL SEAL:

DANIEL C. WELLS
NO. 05427
I hereby certify that the portion of the technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly licensed professional under the laws of the State of Iowa.

Date: _____
License Number: 05427
License Renewal: 05/15 to 5/30/2023
Paper or sheets covered by this seal: _____
DATE: _____

LEGEND:

- PROPOSED UTILITY LINE
- EXISTING UTILITY LINE
- OVERHEAD ELEC.
- OVERHEAD TEL.
- STORM SEWER
- SANITARY SEWER MANHOLE
- FENCE LINE

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DONNA'S GARAGE
4424 SE 14TH ST
DES MOINES, IA

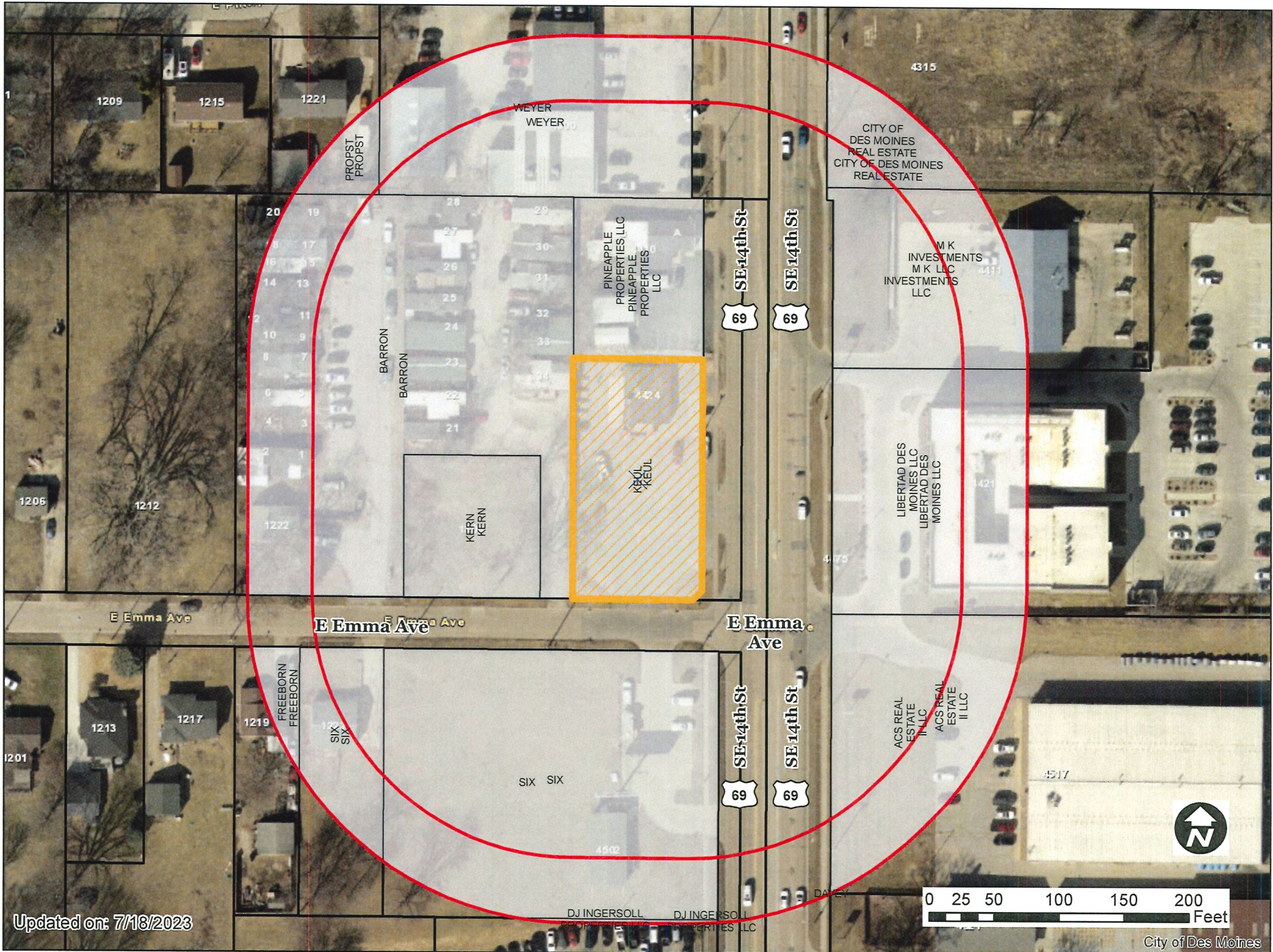
PRELIMINARY

DATE: 09/09/2022
SCALE: 1"=10'
DRAWN BY: M. GOURGUIS
CHECKED BY: _____
DATE: 22-037

C-106 - LANDSCAPING SHEET

Larry Kuel, 4424 Southeast 14th Street

SITE-2022-000059



Updated on: 7/18/2023

City of Des Moines

1 inch = 98 feet

From: Tarpey, Nicholas O.
Sent: Thursday, July 27, 2023 9:06 AM
To: Wally Pelds
Subject: RE: Request for appeal to Council

Wally,

This email is confirming that you are appealing the Plan and Zoning Commission’s decision at the 7/20/23 meeting to deny your client’s requested Type 2 Design Alternatives for the site plan at 4424 SE 14th St (parking lot).

Nick

NICK TARPEY, AICP | CITY OF DES MOINES
Urban Planner | Development Services
Desk: (515) 283-4585 | Mobile: (515) 238-1085
DSM.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309

From: Wally Pelds <wally@pelds.com>
Sent: Monday, July 24, 2023 11:51 AM
To: Tarpey, Nicholas O. <NOTarpey@dmgov.org>
Subject: Request for appeal to Council

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nick,

Do you need an official letter to appeal the P&Z ruling or does an Email suffice.

Thanks,

WALLY PELDS, PE & PLS

President, Principal Engineer



PELDS DESIGN SERVICES

Architecture | Engineering | Surveying
2323 Dixon Street | Des Moines, IA | 50316
O: 515 | 265 | 8196 P: 515 | 978 | 4919

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