★ **Roll Call Number**
26-0828

Agenda Item Number
18

Date July 13, 2026

SET DATE OF PUBLIC HEARING ON REQUEST FROM HEART OF AMERICA (DEVELOPER), REPRESENTED BY CHRIS WHALEN (OFFICER) FOR AN APPEAL OF THE PLAN & ZONING COMMISSION'S DECISION REGARDING A PUBLIC HEARING SITE PLAN FOR PROPERTY LOCATED IN THE VICINITY OF 100 SOUTHWEST 11TH STREET. (8/3/26)

WHEREAS, at a public hearing held on June 18, 2026, the City Plan and Zoning Commission considered a request from Heart of America (Developer), represented by Chris Whalen (Officer), for approval of the Public Hearing Site Plan for Type 2 Design Alternatives waiving the following requirements, as shown in the Site Plan submitted for the property located in the vicinity of 100 Southwest 11th Street:

A) Waive primary frontage coverage where the minimum required if 95%, per City Code Section 135-2.3.3.A.2.
B) Allow a setback of 140 feet along Southwest 11th Street, where the required primary frontage build-to zone is 0-5 feet, per City Code Section 135-2.3.3.A.3.
C) Allow a setback of 45 feet along West Martin Luther King, Jr. Parkway, where the required non-primary frontage build-to zone is 0-15 feet, per City Code Section 135-2.3.3.A.4.
D) Allow a 1-story building where the minimum overall height is 3 stories, per City Code Section 135.2.3.3.B.10.
E) Waive occupied space requirements where a minimum of 30 feet in depth on primary frontages is required, per City Code Section 135-2.3.3.C.17.
F) Allow 3% transparency along Southwest 11th Street, where a minimum of 70% measured between 2 feet and 10 feet, is required for the primary frontage ground story, per City Code Section 135.2.3.3.D.19.
G) Allow 15% transparency and blank walls along West Martin Luther King, Jr. Parkway, where a minimum of 18% is required, per City Code Section 135-2.3.3.D.20.
H) Waive the requirement for a principal entrance on the primary frontage façade, per City Code Section 135-2.3.3.D.21.
I) Allow surface parking where prohibited in a "DX2" District, per City Code Section 135-2.3.3.A.8.
J) Allow a drive-through facility where not permitted in a "DX2" District, per City Code Section 135-2.22.3.A.

and

WHEREAS, following the hearing, the Plan and Zoning Commission voted on a motion to approve the matter, and the vote was recorded as five (5) in favor, five (5) opposed, zero (0) abstentions, and one (1) member passing, and because the motion did not receive a majority vote of the Commission members present at the meeting, the motion failed; and

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WHEREAS, pursuant to City Code Section 135-9.3.9(B), Heart of America timely appealed the Plan and Zoning Commission's decision to City Council, requesting further review of the above-described Type 2 design alternatives to the Site Plan.

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 the Heart of America at a public hearing in the Council Chambers, City Hall, 1200 Locust Street, Des Moines, Iowa at 5:00 p.m. on August 3, 2026, at which time the City Council will hear both those who oppose and those who favor the proposal.

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 Gatto TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

/s/ *Emily A. Duffy*

Emily A. Duffy
Assistant City Attorney

(SITE-2025-000143)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
BARRON	✓			
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

Connie Boesen
Mayor

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.

Laura Baumgartner
City Clerk