

**Roll Call Number**26-0930**Agenda Item Number**60**Date** August 3, 2026

**RESOLUTION HOLDING HEARING ON APPEAL FROM HEART OF AMERICA
(DEVELOPER) REPRESENTED BY CHRIS WHALEN (OFFICER), FOR APPROVAL
OF A PUBLIC HEARING SITE PLAN FOR TYPE 2 DESIGN ALTERNATIVES FOR
PROPERTY LOCATED AT 100 SOUTHWEST 11TH STREET**

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 (the "Property"):

- A) Waive primary frontage coverage where the minimum required is 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.D.

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; and

WHEREAS, on July 13, 2026, by Roll Call No. 26-0828, it was duly resolved by the City Council that the appeal be set down for hearing on August 3, 2026, at 5:00 p.m. in the Council Chambers, City Hall, 1200 Locust Street, Des Moines, Iowa; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting for the time and place of hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed Type 2 Design Alternatives, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to the City Council.

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 statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission decision of the Type 2 Design Alternatives in the form requested by Heart of America for property located at 100 Southwest 11th Street, as described above, are hereby received and filed.
2. The communications from the Plan and Zoning Commission and Heart of America, respectively, are hereby received and filed.

Alternative A

MOVED BY _____ to **DENY** the Type 2 Design Alternatives in the form requested by Heart of America, described above, and make the following findings of fact and objections regarding the Type 2 Design Alternatives as proposed by Heart of America:

- a. The Property is located at 100 Southwest 11th Street, adjacent to Southwest 11th Street to the east and Martin Luther King Jr. Parkway to the south.
- b. The Property is zoned DX2.
- c. The Property is irregularly shaped with a long and narrow overall orientation. It is surrounded by roads and a railway and cannot be assembled with other property. The Property's shape and isolation limit the options for development and make traditional urban formats typical of downtown challenging.
- d. City Code Section 135-2.3.3.A.2 requires a minimum of 95% primary frontage coverage in the DX2 District.
 - Heart of America has requested a waiver of this requirement.

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- e. City Code Section 135-2.3.3.A.3 requires a primary frontage build-to-zone of 0-5 feet.
 - Heart of America has requested approval to allow a setback of 140 feet along Southwest 11th Street.
- f. City Code Section 135-2.3.3.A.4 requires a non-primary frontage build-to-zone of 0-15 feet.
 - Heart of America has requested approval to allow a setback of 45 feet along Martin Luther King Jr. Parkway.
- g. City Code Section 135-2.3.3.B.10 requires an overall minimum height of 3 stories.
 - Heart of America has requested approval to allow a 1-story building.
- h. City Code Section 135-2.3.3.C.17 requires a minimum of 30 feet in depth on all full height floors of primary frontages.
 - Heart of America has requested a waiver of this requirement.
- i. City Code Section 135-2.3.3.D.19 requires a minimum of 70% transparency measured between 2 feet and 10 feet on the ground floor of primary frontages.
 - Heart of America has requested approval to allow 3% transparency along Southwest 11th Street.
- j. City Code Section 135-2.3.3.D.20 requires a minimum of 18% transparency and limits blank walls pursuant to City Code Section 135-3.8.
 - Heart of America has requested approval to allow 15% transparency and blank walls.
- k. City Code Section 135-2.3.3.D.21 requires a principal entrance to be located on the primary frontage façade.
 - Heart of America has requested waiver of this requirement.
- l. City Code Section 135-2.3.3.A.8 prohibits surface parking within the DX2 District
 - Heart of America has requested waiver of this requirement.
- m. City Code Section 135-2.22.3.D prohibits a drive-through facility at the location of the Property.
 - Heart of America has requested a waiver of this requirement.
- n. Heart of America has not met the burden required to demonstrate that their requested design alternatives meet the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with the Planning and Design Ordinance.
- o. Heart of America has not shown that their requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- p. Heart of America has not shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- q. The Type 2 Design Alternatives as proposed by Heart of America, should not be approved for the reasons stated above.



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Alternative B

MOVED BY Simon to APPROVE the Type 2 Design Alternatives in the form requested by Heart of America described above and to make the following findings of fact and objections regarding the Type 2 Design Alternatives as proposed by Heart of America:

- a. The Property is located at 100 Southwest 11th Street, adjacent to Southwest 11th Street to the east and Martin Luther King Jr. Parkway to the south.
- b. The Property is zoned DX2.
- c. The Property is irregularly shaped with a long and narrow overall orientation. It is surrounded by roads and a railway and cannot be assembled with other property. The Property's shape and isolation limit the options for development and make traditional urban formats typical of downtown challenging.
- d. City Code Section 135-2.3.3.A.2 requires a minimum of 95% primary frontage coverage in the DX2 District.
 - Heart of America has requested a waiver of this requirement.
- e. City Code Section 135-2.3.3.A.3 requires a primary frontage build-to-zone of 0-5 feet.
 - Heart of America has requested approval to allow a setback of 140 feet along Southwest 11th Street.
- f. City Code Section 135-2.3.3.A.4 requires a non-primary frontage build-to-zone of 0-15 feet.
 - Heart of America has requested approval to allow a setback of 45 feet along Martin Luther King Jr. Parkway.
- g. City Code Section 135-2.3.3.B.10 requires an overall minimum height of 3 stories.
 - Heart of America has requested approval to allow a 1-story building.
- h. City Code Section 135-2.3.3.C.17 requires a minimum of 30 feet in depth on all full height floors of primary frontages.
 - Heart of America has requested a waiver of this requirement.
- i. City Code Section 135-2.3.3.D.19 requires a minimum of 70% transparency measured between 2 feet and 10 feet on the ground floor of primary frontages.
 - Heart of America has requested approval to allow 3% transparency along Southwest 11th Street.
- j. City Code Section 135-2.3.3.D.20 requires a minimum of 18% transparency and limits blank walls pursuant to City Code Section 135-3.8.
 - Heart of America has requested approval to allow 15% transparency and blank walls.
- k. City Code Section 135-2.3.3.D.21 requires a principal entrance to be located on the primary frontage façade.
 - Heart of America has requested waiver of this requirement.
- l. City Code Section 135-2.3.3.A.8 prohibits surface parking within the DX2 District
 - Heart of America has requested waiver of this requirement.
- m. City Code Section 135-2.22.3.D prohibits a drive-through facility at the location of the Property.

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- Heart of America has requested a waiver of this requirement.
- n. Heart of America has met the burden required to demonstrate that the requested design alternatives meet the criteria for approval and that the result of the design alternatives would equal or exceed the result of strict compliance with Chapter 135 of the Planning and Design Ordinance.
- o. Heart of America has shown that the requested design alternatives are consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- p. Heart of America has shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- q. Said Type 2 Design Alternatives, in the form requested by Heart of America, should be, and hereby is, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.

SECOND BY

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FORM APPROVED:

/s/ Emily A. DuffyEmily A. Duffy
Assistant City Attorney

(SITE-2025-000143)

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
BARRON		✓		
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6	1		

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

Laura Baumgartner

City Clerk