Roll Call Nu	mber
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Agenda	Item	Number
		16

Date	April 10, 2023	

RESOLUTION SETTING HEARING REGARDING REQUEST FROM JW CONGREGATION SUPPORT, INC (OWNER), REPRESENTED BY ARCHIE MALONE (OFFICER), FOR REVIEW AND APPROVAL OF A 2<sup>ND</sup> AMENDMENT TO THE AIRPORT CROSSROADS PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 7700 FLEUR DRIVE, TO ALLOW ASPHALT SHINGLES AND COMPOSITE LAP SIDING BUILDING MATERIALS WHICH ARE PROHIBITED WITHIN THE PUD

**WHEREAS**, on March 23, 2023, the City Plan and Zoning Commission considered a request from JW Congregation Support, Inc. (Owner), represented by Archie Malone (Officer), for review and approval of a 2<sup>nd</sup> amendment to the Airport Crossroads PUD Conceptual Plan, on property located at 7700 Fleur Drive, to allow asphalt shingles and composite lap siding building materials which are prohibited within the PUD; and

**WHEREAS**, the City Plan and Zoning Commission voted 12-0-1 to **APPROVE** the 2<sup>nd</sup> amendment to the Airport Crossroads PUD Conceptual Plan, on property located at 7700 Fleur Drive, to allow asphalt shingles and composite lap siding building materials which are prohibited within the PUD, subject to the following conditions:

- 1. Any place of worship assembly use at 7700 Fleur Drive shall be constructed in accordance with the following building material limitations:
  - a. Any roof shingle used shall consist of laminated architectural shingles.
  - b. A masonry base shall be provided around the entire perimeter of the building with a minimum height of 2 feet to the satisfaction of the Planning and Urban Design Administrator.
  - c. Composite lap siding may be used as a minor material with no more than 40% of any facade being sided with composite lap siding to the satisfaction of the Planning and Urban Design Administrator.
  - d. The balance of the building shall be sided with masonry material as reviewed and approved by the Planning and Urban Design Administrator.
- 2. The existing PUD standards shall apply to all other uses and circumstances.; and

WHEREAS, the Property is legally described as follows:

Parcel 1: The South 1/2 of lot 6 in the airport crossroads subdivision, an official plat, not included in and forming a part of the city of Des Moines, Polk County, Iowa.

Parcel 2: Lot 7 in the airport crossroads subdivision, an official plat, not included in and forming a part of the city of Des Moines, Polk County, Iowa.

	Roll Call Number	Agenda Item Number
Date	e <u>April 10, 2023</u>	
as 1.	OW, THEREFORE, BE IT RESOLVED, by the City Council follows:  That the attached communication from the Plan and Zoning filed.  That the meeting of the City Council at which the propo Crossroads PUD Conceptual Plan is to be considered, shall be in the Council Chambers, City Hall, 400 Robert D. Ray Driv the City Council will hear both those who oppose and those w That the City Clerk is hereby authorized and directed to ca accompanying form to be given by publication once, not les than twenty (20) days before the date of hearing, all as specithe Iowa Code.	Commission is hereby received and sed 2 <sup>nd</sup> amendment to the Airport held at 5:00 p.m. on April 24, 2023, e, Des Moines, Iowa, at which time who favor the proposals. ause notice of said proposal in the s than seven (7) days and not more
	MOVED by	
	FORM APPROVED:	
	/s/ Chas M. Cahill	

(ZONG-2023-000015)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

Mayor

Chas M. Cahill

Assistant City Attorney

## 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.

City	Clerk



April 4, 2023

Communication from the City Plan and Zoning Commission advising that at their March 23, 2023 meeting, the following action was taken regarding a request from JW Congregation Support Inc (owner), represented by Archie Malone (officer), for review and approval of a 2nd amendment to the Airport Crossroads PUD Conceptual Plan on the property located at 7700 Fleur Drive, to allow asphalt shingles and composite lap siding building materials which are prohibited within the PUD.

#### COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-1 as follows.

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

**APPROVAL** of the request to amend the Airport Crossroads PUD to allow alternative building materials at 7700 Fleur Drive, subject to the provision of the following notes on the PUD Conceptual Plan:

- 1. Any place of worship assembly use at 7700 Fleur Drive shall be constructed in accordance with the following building material limitations:
  - a. Any roof shingle used shall consist of laminated architectural shingles.

- b. A masonry base shall be provided around the entire perimeter of the building with a minimum height of 2 feet to the satisfaction of the Planning and Urban Design Administrator.
- c. Composite lap siding may be used as a minor material with no more than 40% of any facade being sided with composite lap siding to the satisfaction of the Planning and Urban Design Administrator.
- d. The balance of the building shall be sided with masonry material as reviewed and approved by the Planning and Urban Design Administrator.
- 2. The existing PUD standards shall apply to all other uses and circumstances.

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

Staff recommends approval of the request to amend the Airport Crossroads PUD to allow alternative building materials at 7700 Fleur Drive, subject to the provision of the following notes on the PUD Conceptual Plan:

- 1. Any place of worship assembly use at 7700 Fleur Drive shall be constructed in accordance with the following building material limitations:
  - a. Any roof shingle used shall consist of laminated architectural shingles.
  - b. A masonry base shall be provided around the entire perimeter of the building with a minimum height of 2 feet to the satisfaction of the Planning and Urban Design Administrator.
  - c. Composite lap siding may be used as a minor material with no more than 40% of any facade being sided with composite lap siding to the satisfaction of the Planning and Urban Design Administrator.
  - d. The balance of the building shall be sided with masonry material as reviewed and approved by the Planning and Urban Design Administrator.
- 2. The existing PUD standards shall apply to all other uses and circumstances.

#### STAFF REPORT TO THE PLANNING COMMISSION

## I. GENERAL INFORMATION

- 1. Purpose of Request: The proposed 2<sup>nd</sup> amendment to the PUD Conceptual Plan would allow the use of asphalt shingles and horizontal lap composite siding on new construction for a place of worship assembly use. On May 7, 2001, by Roll Call Number 01-1406, the City Council approved the Airport Crossroads PUD with a list of Prohibited Building Materials including "composition siding such as hardboard siding" and "asphalt shingles".
- **2. Size of Site:** 2.42 acres. The proposed area consists of 1.5 parcels.

- 3. Existing Zoning (site): Legacy "PUD" Airport Crossroads Planned Unit Development District.
- **4. Existing Land Use (site):** The subject site would be located on the southeasternmost portion of the parcel and consists of undeveloped land.
- 5. Adjacent Land Use and Zoning:

**North** – "PUD"; Uses are Airport Crossroads Planned Unit Development and a medical office.

South - "PUD"; Use is an undeveloped parcel.

East – "P2"; Uses are a funeral home, mausoleum, and cemetery.

West - "PUD"; Use is an undeveloped parcel.

- **6. General Neighborhood/Area Land Uses:** The subject site is located along the west side of Fleur Drive between Crossroads Drive and Gannett Avenue. The surrounding area consists of a mix of office, commercial, industrial, and high-density residential (mobile home park) uses. The subject property is located within a Neighborhood Node centered at the Fleur Drive and County Line Road/Echo Valley Drive intersection.
- 7. Applicable Recognized Neighborhood(s): The subject area is not located within 250 feet of a recognized neighborhood association. All neighborhoods were notified of the public hearing by emailing of the Preliminary Agenda on March 3, 2023. Additionally, separate notifications of the hearing for this specific item were emailed on March 3, 2023 (20 days prior to the hearing) and March 13, 2023 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was emailed to recognized neighborhoods on March 17, 2023.
- **8.** Relevant Zoning History: On May 7, 2001, by Roll Call Number 01-1406, the City Council approved the Airport Crossroads PUD.
- **9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park within a Neighborhood Node centered at the Fleur Drive and County Line Road/Echo Valley Drive intersection.
- 10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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. 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 "PUD" Conceptual Plan 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 the City Code 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 amended "PUD" Conceptual Plan 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. Building Materials: The applicant is proposing to amend the approved PUD Conceptual Plan to allow the use of alternate building materials. The requested amendment would allow the use of horizontal lap composite siding and asphalt shingles on the construction of a new Kingdom Hall of Jehovah's Witnesses on the subject site.

The Airport Crossroads PUD Prohibited Building Materials list was designed to ensure development within the PUD employed architecture typical of a business park. Business parks not located within a "PUD" zoning district are generally zoned "EX" Mixed Use District and subject to buildings materials as defined in applicable code requirements of section 135-4.

2. Staff Rationale: Staff believes the use of the proposed materials in this project could be found compatible with the character of this site so long as the asphalt shingles are a laminated architectural shingle product and any composite siding used does not exceed more than 40% coverage on any facade. Additionally, a masonry base should be provided around the entire perimeter of the building with a minimum height of 2 feet to the satisfaction of the Planning and Urban Design Administrator.

#### SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Emily Webb asked if the applicant agrees with the staff recommendation.

Bert Drost stated yes.

Andrew Lorentzen asked if the architectural review committee still exist.

Bert Dost stated yes as far as we know, but it isn't monitored or regulated by city staff.

Carol Maher asked if the provided renderings show 40% lap siding.

<u>Bert Drost</u> stated no. The applicant will revise the drawings to comply with the staff recommendation.

Carol Maher asked if sidewalk will be added.

<u>Bert Drost</u> stated sidewalk will be required along Fleur Drive and Crossroads, which will be shown on the future PUD development site plan.

Carol Maher asked if the dentist office is in compliance with the PUD.

Bert Drost stated they requested waiver of asphalt singles back in 2006, which was denied and is currently being reviewed by the City's Zoning Enforcement staff.

Carol Maher asked why metal roofs are preferred.

Bert Drost stated the business park and commercial characteristics of the area.

Carol Maher asked if city staff has any issues with orientation of the building.

<u>Jason Van Essen</u> stated city staff did encourage orientating the building towards Fleur Drive but the applicant noted some grade issues. City staff is limited by the standards that were adopted at the time the PUD was approved.

Mike Velez, 516 NW 63<sup>rd</sup> Place stated they agree with staff recommendation and would answer any questions the commission might have.

Carol Maher asked why no bike parking is provided.

<u>Mike Velez</u> stated their civil engineer will be submitting new drawings that will include bike parking.

Carol Maher asked if they plan to reduce the amount of parking.

<u>Mike Velez</u> stated their civil engineer would need address those concerns, he doesn't have any information in regard to parking.

<u>Carol Maher</u> asked if the entrance off Fleur Drive will be shared.

Mike Velez stated yes.

## CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

#### CHAIRPERSON CLOSED THE PUBLIC HEARING

#### **COMMISSION ACTION:**

<u>Emily Webb</u> made a motion for approval of the request to amend the Airport Crossroads PUD to allow alternative building materials at 7700 Fleur Drive, subject to the provision of the following notes on the PUD Conceptual Plan:

- 1. Any place of worship assembly use at 7700 Fleur Drive shall be constructed in accordance with the following building material limitations:
  - a. Any roof shingle used shall consist of laminated architectural shingles.
  - b. A masonry base shall be provided around the entire perimeter of the building with a minimum height of 2 feet to the satisfaction of the Planning and Urban Design Administrator.

- c. Composite lap siding may be used as a minor material with no more than 40% of any facade being sided with composite lap siding to the satisfaction of the Planning and Urban Design Administrator.
- d. The balance of the building shall be sided with masonry material as reviewed and approved by the Planning and Urban Design Administrator.
- 2. The existing PUD standards shall apply to all other uses and circumstances.

Motion passed: 12-0-1

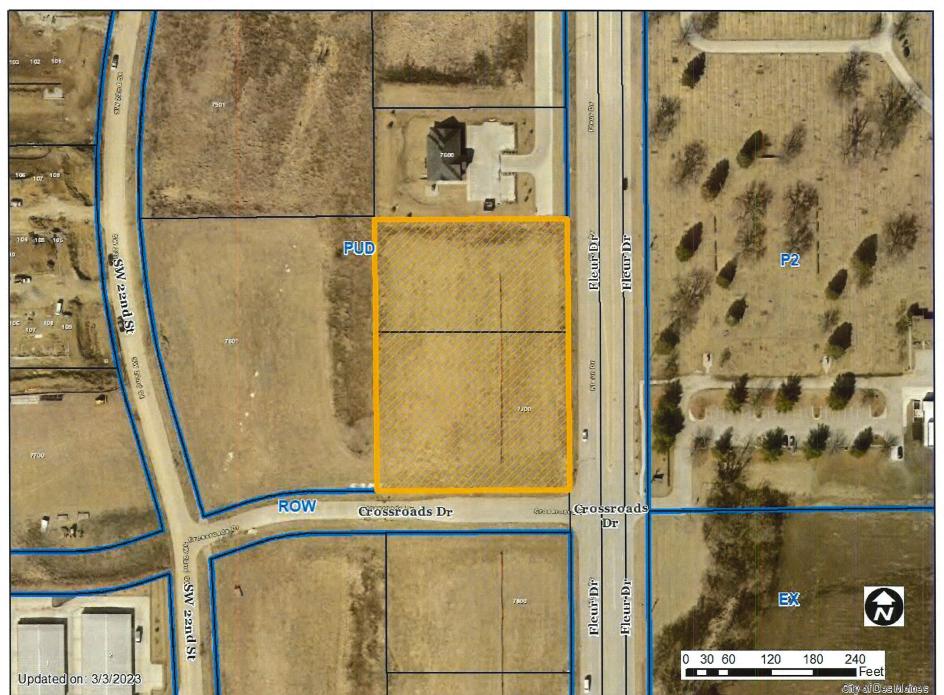
Respectfully submitted,

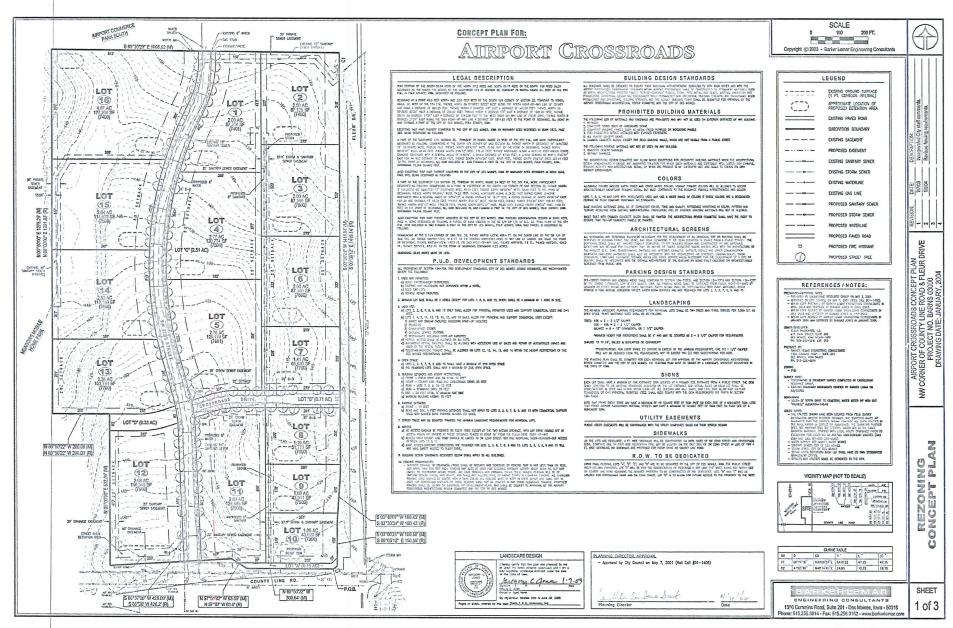
Jason Van Essen, AICP

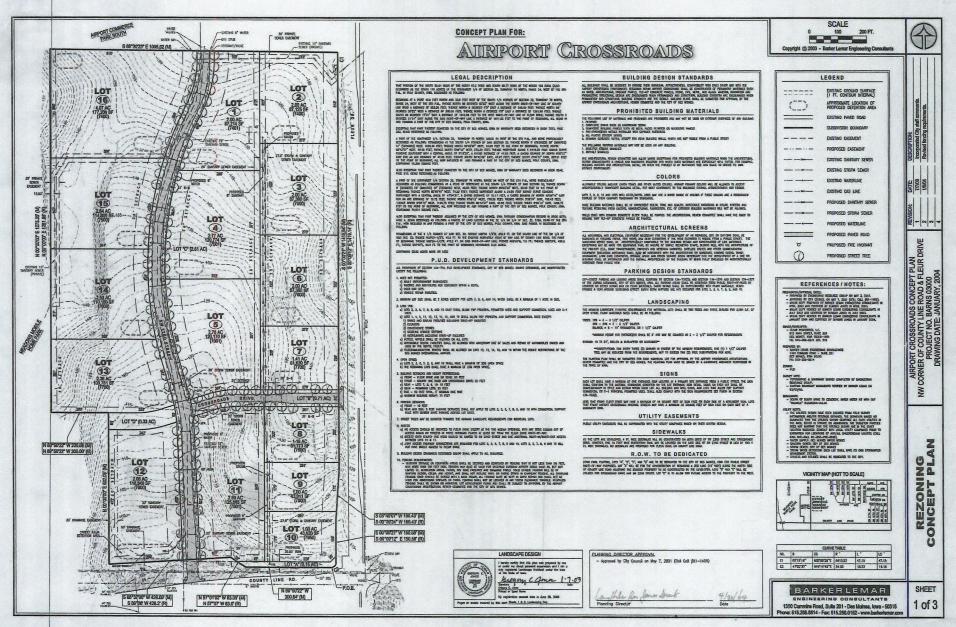
Planning & Urban Design Administrator

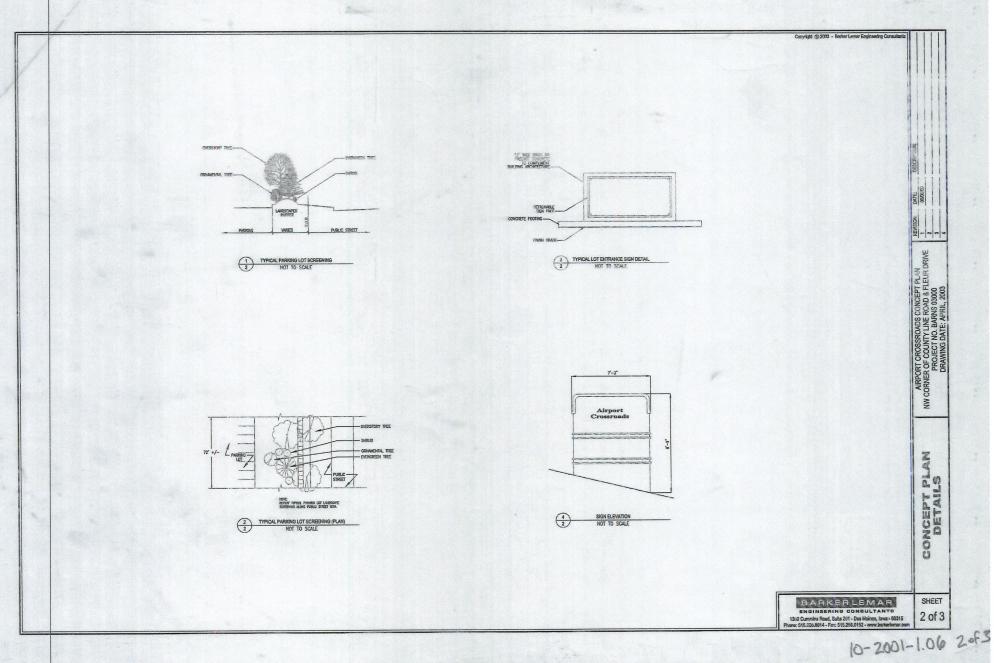
JMV:tjh

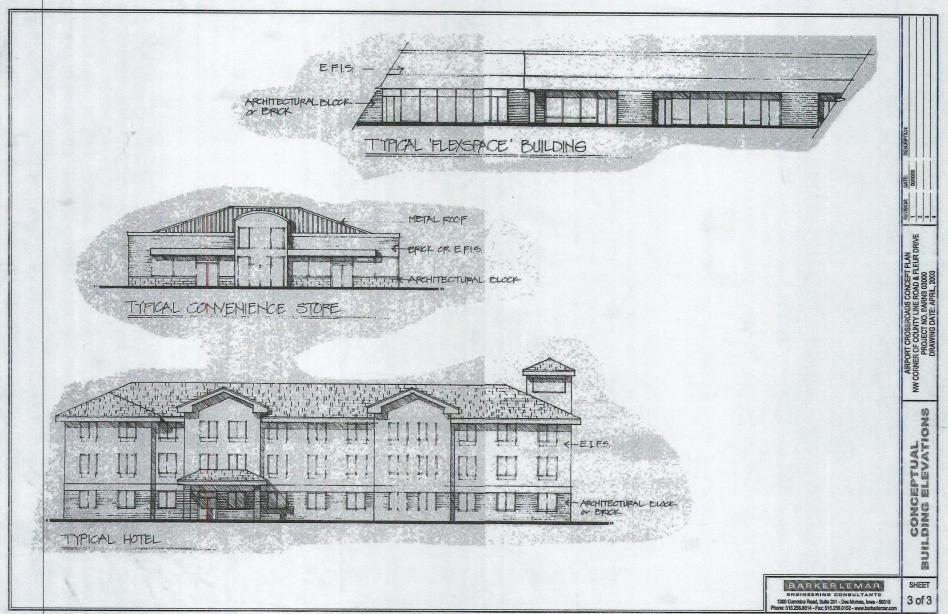
JW Congregation Support Inc., 7700 Fleur Drive



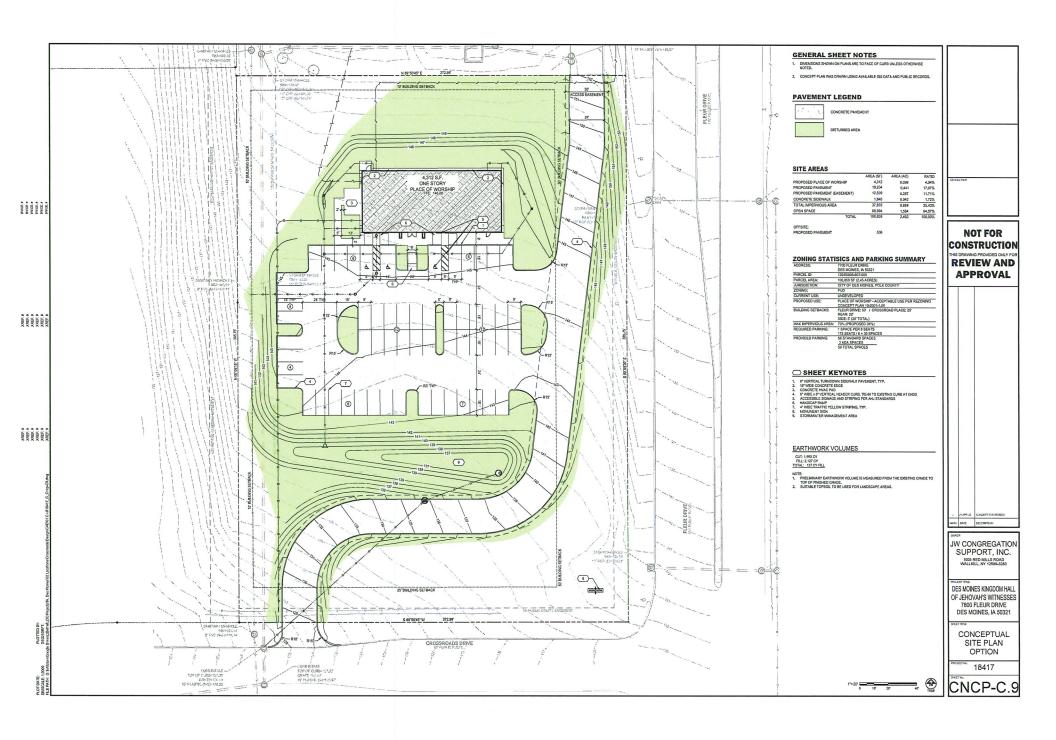


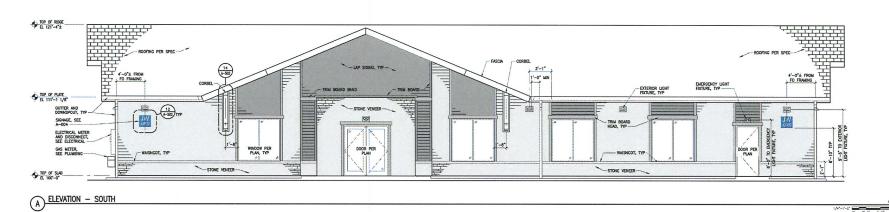




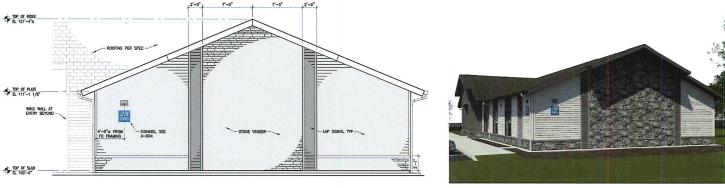


10-2001-1.06 3053









D PERSPECTIVE - EAST

APRIME 212 N. CRAWFORD AVE. NORMAN, OK. 73069 TELEPHONE: (806) 226-8071 FAX: (808) 226-9950 www.prime-arch.com



CONSULTANT

KINGDOM HALL of JEHOVAH'S WITNESSES DES MOINES, IA.

JW CONGREGATION SUPPORT, INC 1005 RED MILES ROAD WALLKIL NY. 12599-3283 PROJECT NUMBER: 18728

DRAWING STATUS 15% CONCEPT DESIGN

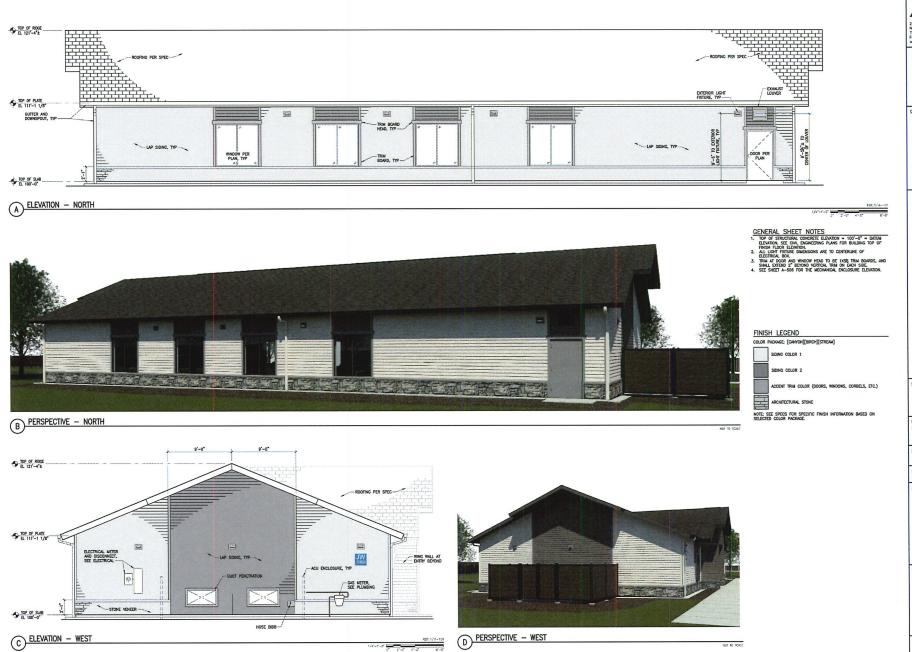
PROJECT NUMBER 18728

10/24/2022

SHEET TITLE
EXTERIOR ELEVATIONS

A-201

C ELEVATION - EAST



APRIME
212 N. CRAWFORD AVE.
NORMAN, OK 73069
TELEPHONE (866) 226-6071



CONSULTANT

.....

KINGDOM HALL of JEHOVAH'S WITNESSES DES MOINES, IA.

OWNER

JW CONGREGATION

SUPPORT, INC

1005 RED MILLS ROAD WALLKIL

NY. 12599-323

PROJECT NUMBER: 18728

DRAWING STATUS CONCEPT DESIGN

PROJECT NUMBER

ISSUE DATE 02/09/2023

REVISIONS

SHEET TITLE
EXTERIOR ELEVATIONS

A-202



January 14, 2023

# Narrative: Kingdom Hall of Jehovah's Witnesses Request for Use of Prohibited Materials per Airport Crossroads PUD

The Client, JW Congregation Support, Inc., has purchased a property at 7700 Fleur Drive in Des Moines, IA. The Client requires a new single-story wood-framed building, a 175-occupant Kingdom Hall (Place of Worship) on the property. The Construction Type is VB, Non-sprinkled, and Occupancy Group A-3. The building perimeter dimensions are 98 feet x 44 feet with an overall building footprint of 4, 312 square feet. The subject property is one and a half parcels totaling 2.42 acres. Parcel one is the South ½ of lot 6 in the Airport Crossroads subdivision, an official plat, not included in and forming a part of the city of Des Moines, Polk County, Iowa. Parcel two is lot 7 in the Airport Crossroads subdivision, an official plat, not included in and forming a part of the city of Des Moines, Polk County, Iowa.

As stated in the Airport Crossroads building design standards "All Buildings shall be designed to ensure their individual attractiveness, compatibility with each other and with the Airport Crossroads environment. Buildings shall be constructed of permanent materials such as brick, architectural precast panels, tilt-up concrete, stone EIFS, metal, and glass." However, it is noted that the two adjoining properties located at 7400 Fleur Dr and 7600 Fleur Dr have implemented the use of asphalt shingles as well as composite siding.

Prime Architects propose that to ensure that individual attractiveness and compatibility with each other and with the Airport Crossroads environment is maintained, implement the use of asphalt shingles, as well as composite siding.

Another common design element seen with properties 7400 Fleur Dr and 7600 Fleur Dr is the use of a stone wainscot. Likewise, Prime Architects proposes the use of a stone wainscot surrounding the building periphery. Additionally, the proposed wainscot visually attenuates the lap siding as noted in the previous drawings.

Concisely put, we request relief for the use of these materials.



Oral Surgeons, P.C. - 7400 Fleur Dr #200, Des Moines, IA 50321



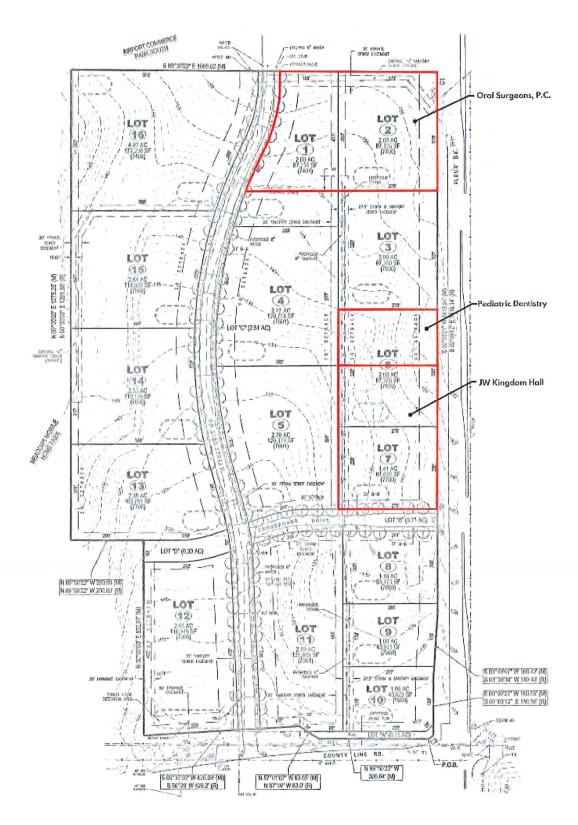
Pediatric Dentistry of Greater Des Moines - 7600 Fleur Dr, Des Moines, IA 50321



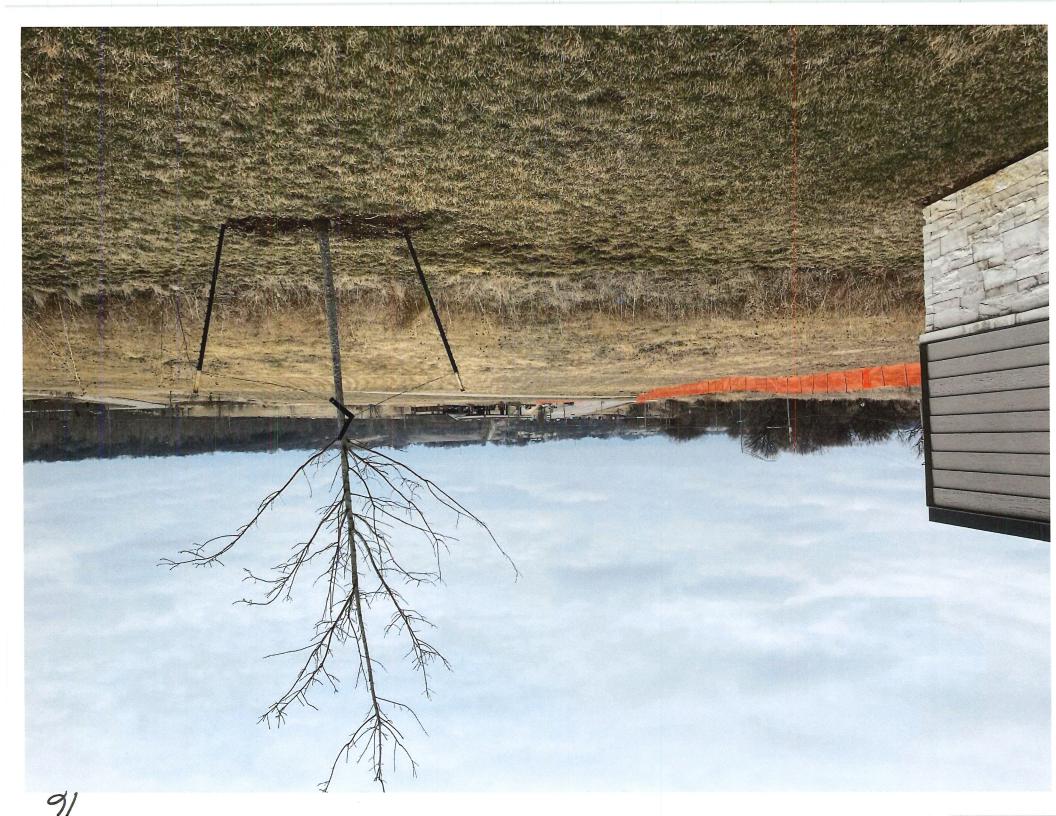
Proposed Jehovah Witness Kingdom Hall - 7700 Fleur Dr, Des Moines, IA 50321 – South Elevation

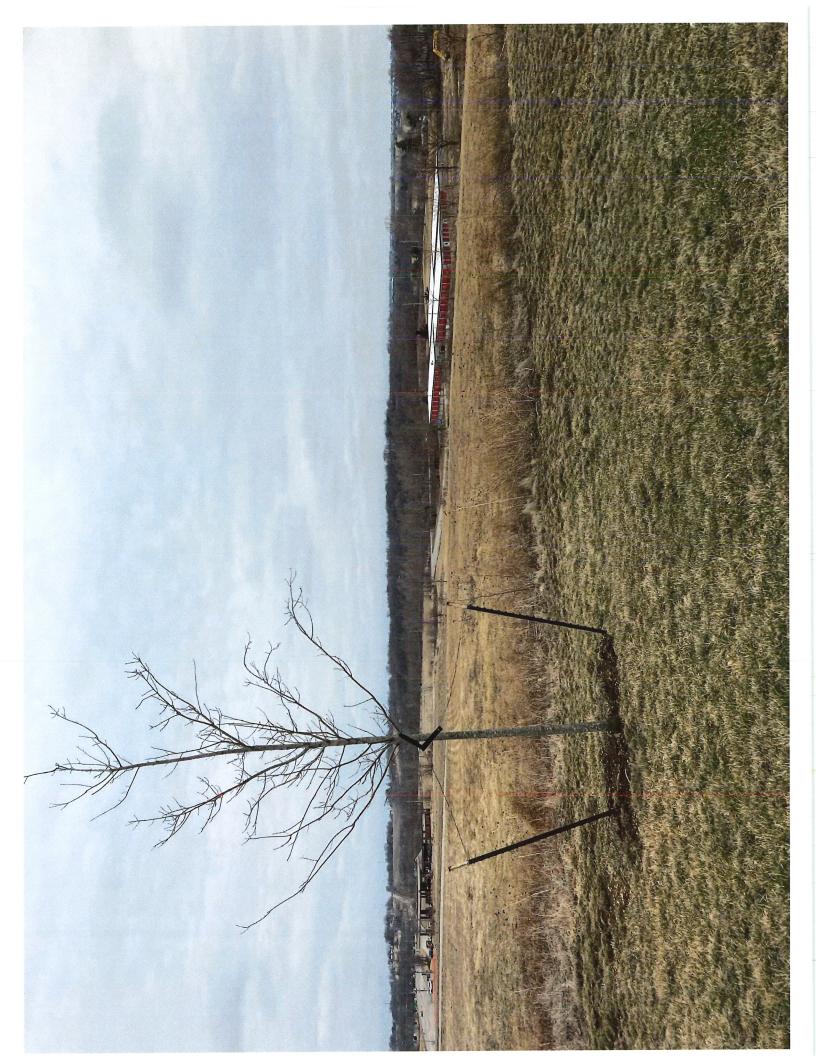


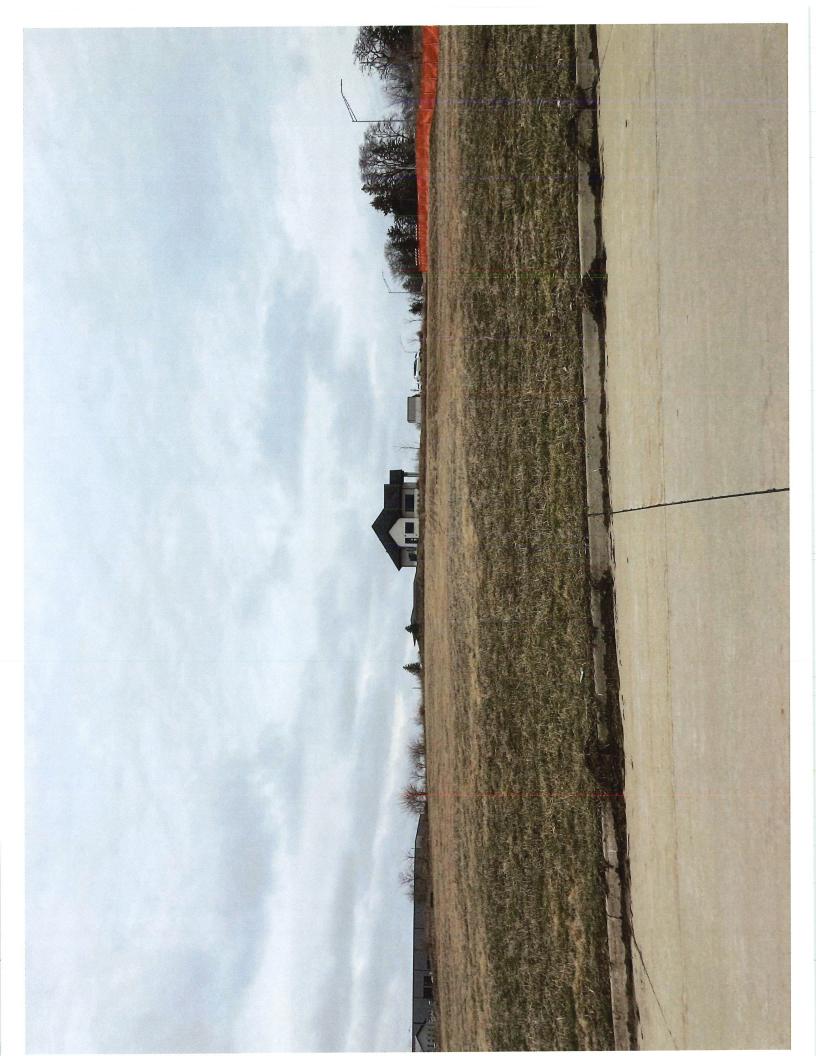
Proposed Jehovah Witness Kingdom Hall - 7700 Fleur Dr, Des Moines, IA 50321 – East Elevation



Prepared by Prime Architects



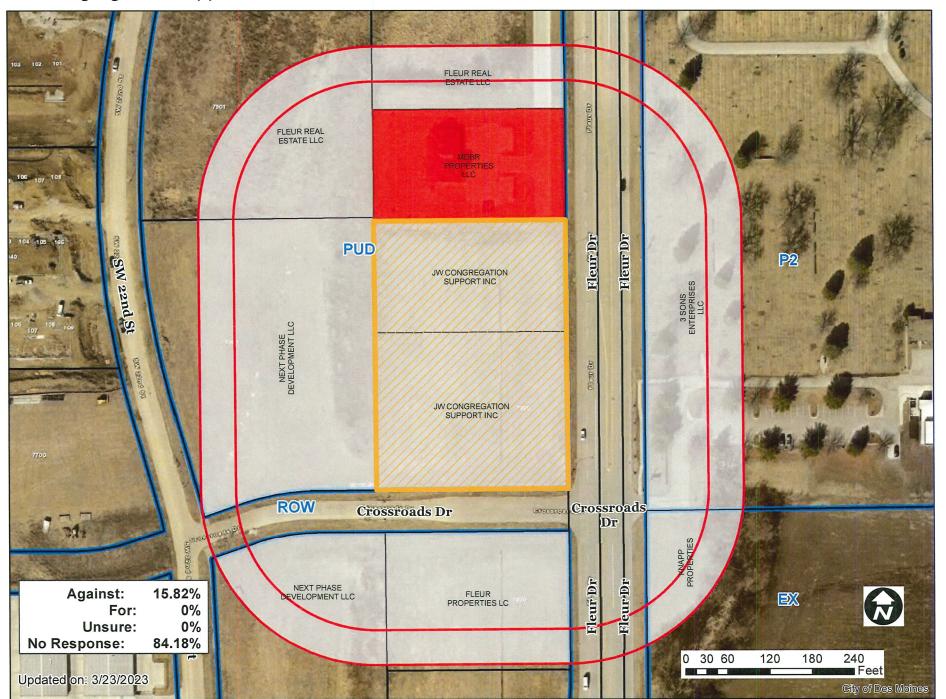








ZONG-2023-000015





To whom it may concern:

I am writing this in reference to item ZONG-2023-000015. I am opposing the request of allowing asphalt shingles and composite lap siding building materials for the property of 7700 Fleur Drive which are prohibited within the current PUD.

The PUD is an agreement not only between the previous land owner of 7700 Fleur Drive but also myself, other current owners and the City of Des Moines in order to maintain the quality of this commercial real estate.

I built my small business located on the neighboring property, 7600 Fleur Drive, in 2019 within the parameters of the PUD and am proud to serve the community of Des Moines and surrounding areas. I pride myself on maintaining a property that appears professional and will last for years based upon the materials chosen as set by the PUD. During the process of gaining acceptance from the city of Des Moines, I was surprised this PUD was in place but also pleased that my property would protected by the city of Des Moines in the years to follow as my future commercial neighbors would also be held to the same reasonable expectations of long-lasting, esthetic materials.

Please consider opposing this request in order help maintain this commercial development as my small business continues to grow and serve this important need within the community.

Thank you,

Molly Bremen DDS

**Board Certified Pediatric Dentist** 

Pediatric Dentistry of Greater Des Moines



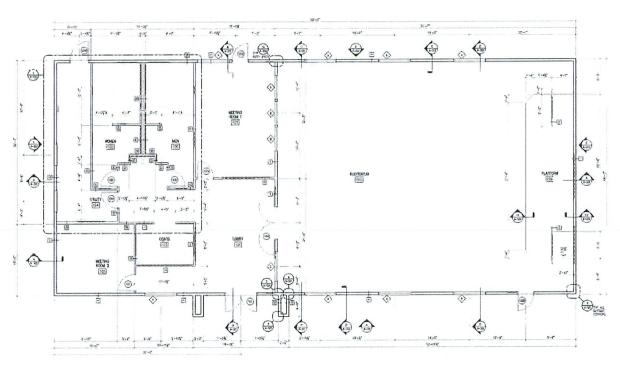
212 N Crawford Ave Norman, OK 73069 Tel (866) 226-8071 Fax (866) 226-9969 www.prime-arch.com

Project: 18728 JW Kingdom Hall Des Moines IA

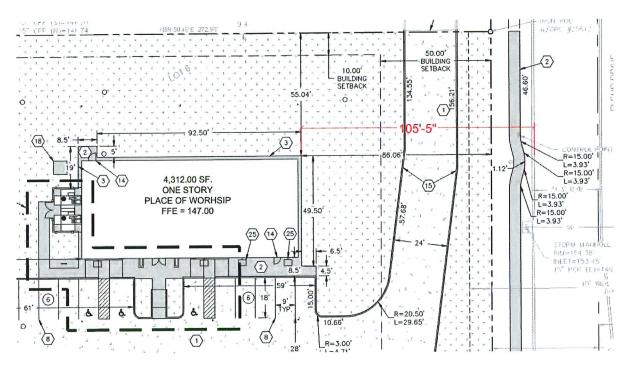
Prepared By: Luke Lancaster Phase: Concept Design Date: March 23, 2023

## **Transparency Requirements**

"As a place of worship, the location of windows plays into the benefit of the program, instruction, and ultimately our worship. The building side facing Fleur drive (due to topography and the required access drive) is the platform side of the building. Any transparency to the exterior of this wall will detract from the worship. Even a break in the visual will impact worship by the audience and, especially, those connected virtually (this is listed to highlight that even 'tinted' windows will not fully address the concern)."



1 PLAN - FLOOR



Building to street sight line

Agenda	Item	Number

\*\* Roll Call Number

06-687

Date April 10, 2006

# RESOLUTION $\underline{\text{DENYING}}$ PROPOSED AMENDMENT TO THE PUD CONCEPTUAL PLAN FOR AIRPORT CROSSROADS

WHEREAS, on March 20, 2006, by Roll Call No. 06-531, it was duly resolved by the City Council, that the City Council consider a proposal submitted by Michael Barnes, as President of Fleur Properties, LLC, to amend the approved "PUD" Conceptual Plan titled "Airport Crossroads Conceptual Plan" for property it owns west of Fleur Drive and north of County Line Road, and that such proposal be set down for hearing on April 10, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on March 30, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved "PUD" Conceptual Plan be denied for the reasons set forth in the attached letter from the Planning Administrator; 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, statements of interested persons and arguments of counsel, the objections to the proposed amendment to the approved "PUD" Conceptual Plan titled "Airport Crossroads Conceptual Plan" are hereby sustained and the hearing is closed.

2. The proposed amendment to the approved "PUD" Conceptual Plan for Airport Crossroads is hereby denied for the reasons set forth in the attached letter from the Planning Administrator.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
BROOKS	//			
COLEMAN		<u> </u>		
HENSLEY				
MAHAFFEY		<u> </u>		
KIERNAN		<u> </u>		
VLASSIS	V			
TOTAL	10			$\bot$

APPROVED

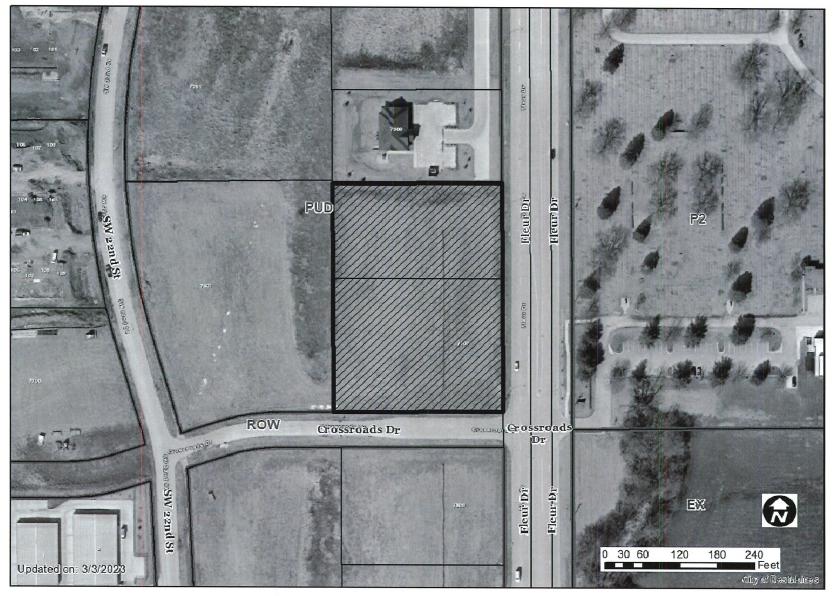
T.M. Frankler Own Mayor

## **CERTIFICATE**

I, DIANE RAUH, 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



1 inch = 131 feet