*	Roll Call Number
	20-1722

Agenda Item	Number
	50

Date October 19, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM PLYMOUTH CHURCH OF DES MOINES (OWNER) FOR REVIEW AND APPROVAL OF A PROPOSED 4<sup>TH</sup> AMENDMENT TO THE PLYMOUTH CONGREGATIONAL CHURCH PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED IN THE VICINITY OF 4126 INGERSOLL AVENUE TO ALLOW ROOF MOUNTED SOLAR PANELS ON THE CHURCH BUILDING

WHEREAS, on October 5, 2020, by Roll Call No. 20-1564, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 17, 2020, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Plymouth Church of Des Moines (owner) represented by Emily Tripp (officer), regarding property located in the vicinity of 4126 Ingersoll Avenue, to allow approval of a 4<sup>th</sup> Amendment to the Plymouth Congregational Church PUD Conceptual Plan, to allow roof-mounted solar panels on the church building.

WHEREAS, the property is legally described as follows:

-EXCEPT THE NORTH 17.5 FEET-, THE NORTH HALF OF LOTS 4, 5, AND 8, GREENWOOD PARK, AN OFFICIAL PLAT; AND

-EXCEPT THE NORTH 17.5 FEET-, ALL THAT PART OF THE VACATED 41ST STREET RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH HALF OF SAID LOT 5; AND

THE WEST 66.3 FEET OF THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF LOT 9, IN SAID GREENWOOD PARK; AND

THE NORTH 150 FEET OF THE SOUTH 450 FEET OF SAID LOT 9; AND

-EXCEPT THE WEST 66.3 FEET-, THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF SAID LOT 9; AND

THE NORTH 65 FEET OF THE SOUTH 515 FEET OF SAID LOT 9;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, pursuant to that communication, it was duly resolved by the City Council that the request for approval of the proposed 4<sup>th</sup> Amendment to the PUD Conceptual Development Plan be set down for hearing on October 19, 2020 at 5:00 p.m., by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community; and

Roll Call Number
20-1722
Date October 19, 2020

Agenda Item Number

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed 4<sup>th</sup> Amendment to the PUD Conceptual Development Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed 4<sup>th</sup> Amendment to the PUD Conceptual Development Plan, both for and against, have been given 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 and all statements of interested persons and arguments of counsel, any objections to the proposed 4<sup>th</sup> Amendment to the PUD Conceptual Development Plan "Plymouth Congregational Church" are hereby overruled, and the hearing is closed.

2. The proposed PUD Conceptual Development Plan "Plymouth Congregational Church", as on file in the Development Services Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to revision and conditions stated above.

MOVED BY Mandellaum TO ADOPT.

APPROVED AS TO FORM:

(ZON2020-00107)

Judy K. Parks-Kruse, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	~			
BOESEN	V			
GATTO	V			
GRAY	V			
MANDELBAUM	V			
VOSS	V			
WESTERGAARD	V			
TOTAL	7			3
MOTION CAPPIED		-	APP	ROVED

#### 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.

Fray Cmilik

City Clerk



Date <u>OCTO 607 191208</u> Agenda Item <u>50</u> Roll Call # 30 - 1722

September 29, 2020

Honorable Mayor and City Council City of Des Moines, Iowa

#### Members:

Communication from the City Plan and Zoning Commission advising that at their September 17, 2020 meeting, the following action was taken regarding a request from Plymouth Church of Des Moines (owner) represented by Emily Tripp (officer) for a 4<sup>th</sup> Amendment to the Plymouth Congregational Church PUD Conceptual Plan for property located in the vicinity of 4126 Ingersoll Avenue, to allow roof-mounted solar panels on the church building.

#### COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

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

**APPROVAL** of the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the provision of a note that states that any building-mounted solar panel shall comply with Section 135-2.22.4E of the Planning and Design Ordinance to the satisfaction of the Planning Administrator. (ZON2020-00107)

Written Responses
3 in Favor
0 in opposition

# STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the provision of a note that states that any building-mounted solar panel shall comply with Section 135-2.22.4E of the Planning and Design Ordinance to the satisfaction of the Planning Administrator.

# STAFF REPORT TO THE PLANNING COMMISSION

# I. GENERAL INFORMATION

- 1. Purpose of Request: The proposed PUD Conceptual Plan amendment would allow roof-mounted solar panels to be installed on the south facing portion of the roof on the southernmost wing of the church building.
- 2. Size of Site: 5.11 acres.
- 3. Existing Zoning (site): Plymouth Congregational Church PUD District.
- **4. Existing Land Use (site):** The subject property within the PUD contains the Plymouth Congregational Church campus. The balance of the PUD contains two single-household dwellings, and one duplex dwelling and a multiple-household building.
- 5. Adjacent Land Use and Zoning:

East - "PUD"; Uses are residential.

West - "NX1"; Uses are residential and office.

North - "NX3"; Use is a multiple-household building.

South - "P2"; Uses are the St. Augustin's Church campus.

- **6. General Neighborhood/Area Land Uses:** The subject property is located on the southeast corner of the Ingersoll Avenue and 42<sup>nd</sup> Street intersection. The area contains a mix of residential, institutional and office uses.
- 7. Applicable Recognized Neighborhood(s): The subject property is in the North of Grand Neighborhood and within 250 feet of the Ingersoll Park Neighborhood and Salisbury Oaks Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on August 28, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on August 28, 2020 (20 days prior to the hearing) and September 4, 2020 (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 requested rezoning and to the neighborhood contracts for the three neighborhood associations. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on September 11, 2020.

The North of Grand Neighborhood mailings were sent to Jason Norris, 647 34th Street, Des Moines, IA 50312. The Ingersoll Park Neighborhood mailings were sent to Ann Schmid, 4244 Harwood Drive, Des Moines, IA 50312. The Salisbury Oaks Neighborhood mailings were sent to Jenn Kirke, 409 43rd Street, Des Moines, IA 50312.

- 8. Relevant Zoning History: The Plymouth Congregational Church "PUD" was originally approved by the City Council on August 20, 2001, by Roll Call Number 01-2583 and Ordinance Number 13,981. The second amendment was approved by the City Council on October 24, 2016, by Roll Call Number 16-1846 and Ordinance Number 15,522. The third amendment was approved by the City Council on October 9, 2017, by Roll Call Number 17-1783.
- 9. PlanDSM Land Use Plan Designation: The western half of the Plymouth Congregational Church "PUD" is designated as "Medium Density Residential" on the Future Land Use Map. This includes the proposed project area. The eastern half of the PUD is designated as "Community Mixed-Use" on the Future Land Use Map.
- 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. PUD Standards: The existing PUD Conceptual Plan does not provide guidance on, or allow the installation of solar panels. As a result, the proposed Conceptual Plan amendment is necessary for the project to move forward. Staff believes that the standards for building mounted solar systems found in the Planning and Design Ordinance should be used as the basis for review of this project. The following language is from Section 135-2.22.4E of the code.
  - **E. Solar Building-Mounted.** A solar energy system that is affixed to or an integral part of a principal or accessory building, including but not limited to photo-voltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.

- 1. Quantity. The total square footage may not exceed the total area of roof surface of the structure to which the system is attached.
- 2. Flush Mounted System. The bottom of the system should be four Inches or less from the roof surface whenever possible.
- 3. Height
  - Systems shall not extend beyond three feet parallel to the roof surface of a pitched roof.
  - b. Systems shall not extend beyond six feet parallel to the roof surface of a flat roof.
  - c. Systems shall not extend more than five feet above the highest peak of a pitched roof.
- 4. Location on Structure. Allowed on the following:
  - a. Any roof face.
  - b. Side and rear building facades.
  - c. Roof of any parking canopy.
- 5. Projection. The system may project off a roof edge or building facade as follows:
  - a. May project laterally from a building façade or roof edge a maximum of seven feet.
  - b. May project into an interior side or interior rear setback; but shall be no closer than five feet to the interior side or interior rear property line.
- 6. Signs, Signage or writing of any kind is not permitted on any portion of system, other than required manufacturer plates, installer plate, and safety labeling.

The submitted design information appears to comply with these standards. Staff recommends that a note be added to the Conceptual Plan that references these standards. This will assist in reviewing the project as it moves forward.

### SUMMARY OF DISCUSSION

<u>Jann Freed</u> asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION:**

Emily Webb made a motion for approval of the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the provision of a note that states that any building-mounted solar panel shall comply with Section 135-2.22.4E of the Planning and Design Ordinance to the satisfaction of the Planning Administrator.

Motion passed: 11-0

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:tjh

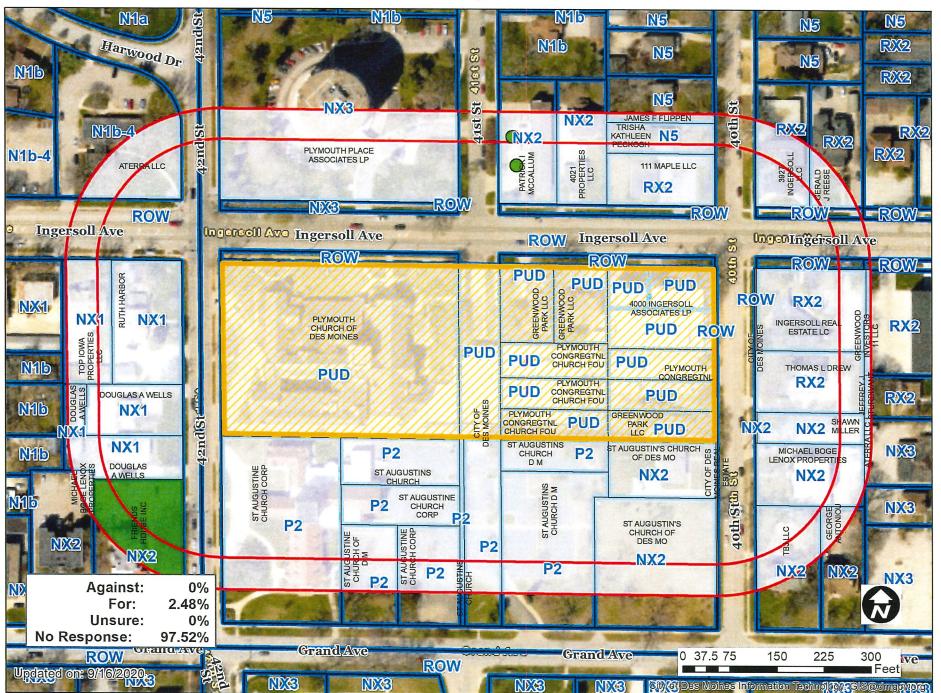
Request from Plyn	outh (	hurch	of Dee II	V - 1					
Request from Plymouth Church of Des Moines (owner) represented by Emily Tripp (officer) for property located in the vicinity of 4126 Ingersoll						File#			
Avenue.	-, p	. oport	y locateu	111	he vicinity of	4126 Inge	rsoll	Z	ON2020-00107
	4 <sup>th</sup> Amendment to the Plymouth Congregational Church PUD Conceptual Plan to allow roof-mounted solar panels on the church building.								
PlanDSM Future Lan	COIIII	Current: Medium Density Residential and Community Mixed Use within a Community Node. Proposed: N/A.							
Mobilizing Tomorrow Transportation Plan	No planned improvements.								
Current Zoning Distri	Plymouth Congregational Church Legacy "PUD" Planned Unit Development.								
Proposed Zoning Dis	N/A								
Consent Card Respor Outside Area (200 fee Within Subject Proper	In Fav	or .	Not In Favor Undetermined 0		% Opposition				
Plan and Zoning Commission Action	Appro-		Х		Required 6/7 the City Coun	Vote of cil	Yes		
No X							Х		

Plymouth Church of Des Moines, Vicinity of 4126 Ingersoll Avenue

ZON2020-00107

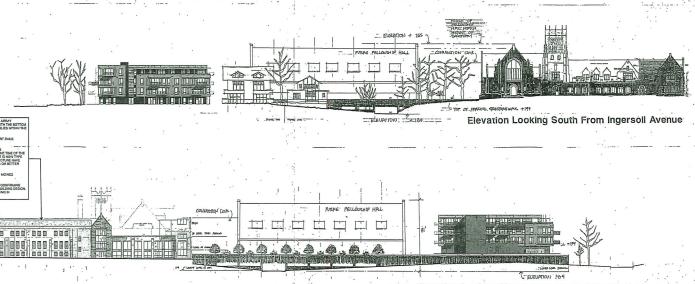


1 inch = 148 feet



ZON2020-00107  Item: Date: $\frac{9/11/2020}{}$
I (am) (am not) in favor of the request:
(Circle One) Print Name: Michael J. O'Keefe
RECEIVED COMMUNITY DEVELOPMENT Signature: Michael & Berfe
SEP 1 6 2020 Address: 605 41 st Street
Reason for opposing or approving this request may be listed below:
Item: ZON2020-00107 Date: 9/10/20
l (am) (am not) in favor of the request:
(Circle One) Print Name: Sally Rederson
COMMUNITY DEVELOPMENT Signature: Sally Redunan
SEP 1 1 2020 Address: 607 415 Street
Reason for opposing or approving this request may be listed below:
In favor of solar energy to
installation is attractive and
installation is attractive and
enhances heighborhood

ZON202	$\Omega$ -00107		
Item:		Dat	e: 9-8-20
I (am) (am not) i	n favor of the	e request:	
(Circle One)	Print Name	e: Jon Krieg	for Friends House
RECEIVED COMMUNITY DEVELOPMEN	Signature:	In Kie	\$
SEP 1 1 2020	Address: _	4011 Gran	A Ave, DM 50312
	9 9		st may be listed below:
	1	1. 3. 4.4.4.	
reighbor	and we	all need	to use mure
So lar en	negy.		
			The second automorphist that the second



Elevation Looking North From South Property Line



DES MOINES, CITY OF 400 ROBERT D RAY DR

DES MOINES IA 503091813

# of Affidavits1

This is not an invoice

# AFFIDAVIT OF PUBLICATION

#### State of Wisconsin

### County of Brown, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

### THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

Ad No.	Start Date:	Run Dates:	Cost:
0004404080	10/8/20	10/08/2020	\$76.40

Copy of Advertisement Exhibit "A"

Staff member, Register Media

Subscribed and sworn to before me by said affiant this

8 day of October, 2020

Notary Public

10.00

Commission expires

NANCY HEYRMAN Notary Public State of Wisconsin

PU11290; \$76.40

NOTICE OF HEARING ON PUD FINAL DEVELOPMENT PLAN NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, lowa, has adopted resolution concerning a request from the City Council of the City of Des Moines (and the City of Des Moines) (and the City of Des Moines, lowa, legally described as follows, to allow roof-mounted solar panels on the Church:

THE NORTH 1A.F. OF FORTH 17.5 AND BA GREENWOOD PARK, AND BA GREENWOOD PARK, AND FICIAL PLAT; AND CENTER 17.5 ND:
XCEPT THE NORTH 17.5
EET. ALL THAT PART OF
HE VACATED 11ST STREET
IGHT OF WAY LYING EAST
F AND ADJOINING THE
ORTH HALF OF SAID LOT 5; AND THE NORTH 65 FEET OF THE SOUTH 515 FEET OF SAID LOT ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
A map of the subject property is on file and available for public inspection by sending an email to Planning@dmgov.org or calling (15)689-9485.
NOTICE IS FURTHER GIVEN that the City Council will consider the proposed PUD Conceptual Plan 4th Amendment affer a public hearing to be head of 5.00 p.m. on October 19, 1020, in the proposed PUD Conceptual of the PUD Conceptual of Pub Conceptual of Pu Register Order No. 11290 Roll Call Legal Bulletin Board Follow Up

## NOTICE OF HEARING ON PUD FINAL DEVELOPMENT PLAN

19 50 20-1722

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from Plymouth Church of Des Moines (owner) represented by Emily Tripp (officer), for approval of a Proposed 4<sup>th</sup> Amendment to the "Plymouth Congregational Church PUD Conceptual Plan" for property locally known as 4126 Ingersoll Avenue, Des Moines, Iowa, legally described as follows, to allow roof-mounted solar panels on the church:

-EXCEPT THE NORTH 17.5 FEET-, THE NORTH HALF OF LOTS 4, 5, AND 8, GREENWOOD PARK, AN OFFICIAL PLAT; AND

-EXCEPT THE NORTH 17.5 FEET-, ALL THAT PART OF THE VACATED 41ST STREET RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH HALF OF SAID LOT 5; AND

THE WEST 66.3 FEET OF THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF LOT 9, IN SAID GREENWOOD PARK; AND

THE NORTH 150 FEET OF THE SOUTH 450 FEET OF SAID LOT 9; AND

-EXCEPT THE WEST 66.3 FEET-, THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF SAID LOT 9; AND

THE NORTH 65 FEET OF THE SOUTH 515 FEET OF SAID LOT 9:

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

A map of the subject property is on file and available for public inspection by sending an email to <u>Planning@dmgov.org</u> or calling (515)689-9485.

NOTICE IS FURTHER GIVEN that the City Council will consider the proposed PUD Conceptual Plan 4<sup>th</sup> Amendment after a public hearing to be held at 5:00 p.m. on October 19, 2020, in the 2<sup>nd</sup> Floor, MSC Board Room, Richard A. Clark Municipal Services Center, 1551 E. M.L. King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the City Manager's decision to delay the opening of City buildings to the public due to the positive trend upward of COVID-19 cases in Polk County and the need to maintain safety, it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below.

To participate in the electronic meeting, access is available via the internet or telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <a href="https://dmgov-org.zoom.us/s/96010679021?pwd=cFpOZ2ZINUE2UWZHcmxkMnlJTWEzZz09">https://dmgov-org.zoom.us/s/96010679021?pwd=cFpOZ2ZINUE2UWZHcmxkMnlJTWEzZz09</a>

Passcode: 915229

#### Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 960 1067 9021

International numbers available: https://dmgov-org.zoom.us/u/add8CTKwAG

At the hearing, opportunity to be heard will be given to proponents and opponents of the proposed rezoning. In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 4:00 p.m. on October 19, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

### CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor ATTEST: P. Kay Cmelik, City Clerk

Published in the Des Moines Register on October 8, 2020.