

Date March 26, 2007

WHEREAS, on March 12, 2007, by Roll Call No. 07-455, it was duly resolved by the City Council that the application of Joe's Square, LLC, represented by Joseph Giudicessi (officer), to rezone certain property it owns in the vicinity of 4049 Fagen Drive, more fully described as follows:

Lot 10 and the West 15 feet of Lot 11, in Fagen Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "C-2" General Retail and Highway Oriented Commercial District to the "NPC" Neighborhood Pedestrian Commercial District classification, be set down for hearing on March 26, 2007, at 5:00 P.M., in the Council Chambers of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on March 15, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, 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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the property described above to the "NPC" Neighborhood Pedestrian Commercial District classification is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

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Date March 26, 2007

-2-

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\WORK\REZONING\4049 Fagen.doc

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| KIERNAN        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| MEYER          |      |      |      |        |
| VLASSIS        |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED

APPROVED

.....  
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

March 12, 2007

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Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held March 1, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| David Cupp         | X   |      |      |        |
| Shirley Daniels    |     |      |      | X      |
| Dann Flaherty      | X   |      |      |        |
| Bruce Heilman      | X   |      |      |        |
| Jeffrey Johannsen  | X   |      |      |        |
| Greg Jones         |     |      |      | X      |
| Frances Koontz     |     |      |      | X      |
| Kaye Lozier        | X   |      |      |        |
| Jim Martin         | X   |      |      |        |
| Brian Millard      | X   |      |      |        |
| Brook Rosenberg    |     |      |      | X      |
| Mike Simonson      |     |      |      | X      |
| Kent Sovern        | X   |      |      |        |
| Tim Urban          | X   |      |      |        |
| Marc Wallace       | X   |      |      |        |



CITY PLAN AND ZONING COMMISSION  
 ARMORY BUILDING  
 602 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309 -1881  
 (515) 283-4182

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

**APPROVAL** of a request from Joe's Square, LLC (owner) represented by Joseph Giudicessi (officer) to rezone property located at 4049 Fagen Drive from "C-2" General Retail and Highway-Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District to allow for a mixed-use pedestrian-oriented redevelopment of property. (ZON2007-00006)

Written Responses

5 In Favor  
3 In Opposition

*This item would not require a 6/7 vote at City Council.*

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends that the Commission find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to redevelop the subject property for a mixed-use retail/residential project that is pedestrian oriented toward Beaver Avenue and Fagen Drive. A conceptual site schematic was submitted with the rezoning application indicating a building built toward the intersection with an outdoor plaza area along Beaver Avenue and off-street parking to the north and east sides.
2. **Size of Site:** 51,000 square feet (1.17 acres)
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial.
4. **Existing Land Use (site):** The site currently contains a 10,500 square foot commercial retail center with paved off-street parking area on the remaining area of the property.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-2" & "C-0", Uses are Beaver Avenue Dental Clinic and a three-story senior apartment complex.
  - South* – "C-2", Use is First American Bank.
  - East* – "R1-60", Use is two-family residential dwelling.
  - West* – "C-2", Uses are Medicap Pharmacy, Christopher's Restaurant and Casber's Iowa Video Store.
6. **General Neighborhood/Area Land Uses:** The subject property is located within the commercial node area where the Beaver Avenue mixed-use corridor intersects with Urbandale Avenue, a residential collector.
7. **Applicable Recognized Neighborhood(s):** Beaverdale Neighborhood Association.
8. **Relevant Zoning History:** N/A
9. **2020 Community Character Land Use Plan Designation:** Pedestrian Oriented Neighborhood Commercial Center.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

### II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property currently has no natural features as it is nearly 100% covered with building or paved impervious surface.
2. **Drainage/Grading:** The property drains generally to the northeast. Future redevelopment of the subject property will require a storm water management plan and a soil erosion protection and grading plan as part of the Site Plan review submittal. Within the NPC Districts, the

allowable storm water run-off rate is equal to that of a 5-year return frequency storm on the site considering existing development. Temporary storm water storage (detention) must be provided for the difference between the allowable run-off and the run-off from a 100-year frequency storm on the site after the proposed development takes place. Future developers are advised to consider use of alternative or low impact design methods for storm water management.

- 3. **Utilities:** The subject property has access to all necessary public utilities. Public sanitary sewer is available in Beaver Avenue and public storm sewer runs through the northern portion of the property from Beaver Avenue, and then underneath the current retail center building. Future redevelopers will be required to provide easement for the storm sewer or be responsible for the cost of its relocation.
- 4. **Landscaping & Buffering:** As part of future Site Plan review under the "NPC" design guidelines, off-street parking areas will be required to provide "R" District protection measures and staff will encourage conformance with the Des Moines Landscape Standards as they are typically applied to commercially zoned districts. The "NPC" Design guidelines indicate that "An emphasis of trees, shrubs, and other plantings should be placed around the perimeter of any parking area an within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking areas and pedestrian areas.
- 5. **Traffic/Street System:** Staff does not anticipate any change in the amount of commercial traffic demand on the adjoining public street system. The permitted uses between the current to the proposed Zoning are very similar and there is no increase in the amount of commercially developable property.
- 6. **Access or Parking:** Vehicular access currently exists through the subject commercial site from the senior apartments parking area to the northeast. Future site redevelopment will be encouraged to maintain that access with the review of any future Site Plan, which must be considered by the Commission.

"NPC" requirements provide that required numbers of off-street parking spaces are only to be 60% of the normal requirement with credit given for available on-street parking stalls on the street side adjoining the subject property. The off-street parking standards are a design guideline referenced as part of the Site Plan review process.

- 7. **2020 Community Character Plan:** The Beavertdale Neighborhood Action Plan approved by the City Council in 1991 simply designated the subject property for future commercial use. The Plan called for strategies to promote commercial growth and improve existing commercial areas while discouraging strip commercial expansion into the residential areas. The Des Moines' 2020 Community Character Plan took this a step further by identifying the subject commercial property for pedestrian-oriented development.

The current Commercial: Pedestrian-Oriented Neighborhood Commercial Center future land use designation for the subject property is defined as a small-to-moderate scale commercial serving the adjacent neighborhood with specialty retail and services having a cumulative building area total of 75,000 to 100,000 square feet. Site orientation within this designation is balanced between the needs of the pedestrian and the convenience of the motorist. Development within this designation is compact and walkable with connections to adjacent areas via public streets and sidewalks. The "NPC" District Zoning is designed to allow development that is compatible with that future land use definition, therefore the Commission should find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

8. **Urban Design:** The applicant has not provided any renderings at this time. However, any proposed building is subject to review for conformance with the design guidelines within "NPC" District as a part of a formal Site Plan review by the Commission. In addition, any multiple-family dwellings developed will require Site Plan consideration under design guidelines for multiple-family dwellings. Both sets of design guidelines contain several standards that affect the urban design elements of a development project, including materials, scale, and form.

## SUMMARY OF DISCUSSION

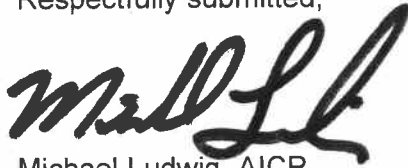
*The following individuals spoke on this item:*

*George Davis, 3159 40<sup>th</sup> Street: Noted the developer has been very open to the neighborhood and he applauded his efforts to listen and be open to the comments as they related to how the project affected the neighborhood, surrounding residents and adjacent properties. He thought the development was a great addition to the business district and fits the 2020 Community Character Land Use principles as they relate to the commercial node and the building is very attractive. Indicated there were some concerns regarding traffic and the traffic flow within the development itself, however he thought the developer was willing and with the help of City staff they could be resolved.*

*Sasha Camper, 2106 40<sup>th</sup> Street: Noted she agreed with the previous comments and felt the subject development was appropriate for an area that is already heavily commercial. She appreciated it was going in Beavertdale Village and applauded the architects for their attempt at tying in some of the character of existing architectural hues in Beavertdale. Suggested this project should be the standard in evaluating development going forward.*

*David Cupp moved to approve staff recommendation. Motion passed 10-0.*

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 2007 00006

Date 2-6-07 40

I  am  am not in favor of the request.

(Circle One)

RECEIVED

FEB 07 2007

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Ronald M. Rice

Signature Ronald M. Rice

Address 4073 Fagen Drive

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2007 00006

Date 2/11/07

I  am  am not in favor of the request.

(Circle One)

RECEIVED

FEB 12 2007

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Bridget O'Neil Tasler

Signature Bridget O'Neil Tasler

Address 4024 Adams Ave. 50310

Reason for opposing or approving this request may be listed below:

Major concerns: Storm water detention - I'm tired of my back yard flooding during heavy rain storms. Upkeep of perimeter property ie. trash, overgrowth of vegetation. Illicit traffic in N.E. ~~the~~ corner of lot. I wish there would have been the required neighborhood meeting to discuss some of these concerns.

Item 2007 00006

Date 2-6-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

FEB 08 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name JOE J Giudicessi

Signature Joe J Giudicessi

Address 5967 Hickory Ct - Stanton SD 57131

Reason for opposing or approving this request may be listed below:

We need development in Beersdale area. Both commercial and residential

Item 2007 00006

Date 2-13-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

FEB 16 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Paula Watson

Signature Paula Watson

Address 4027 Fagen Dr. Des Moines 50310

Reason for opposing or approving this request may be listed below:

Nice looking design - can you put a coffee shop on the east end?



Item 2007 00006

Date 2-8-07 40

I (am) am not in favor of the request.

(Circle One)

RECEIVED

FEB 12 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Rick + Joann Baylan

Signature [Signature]

Address 4046 Adams Ave

Reason for opposing or approving this request may be listed below:

I do not want stores and/or Apartments across the street from my home. It will increase traffic and will increase crime in our neighborhood. I am strongly opposed to this development.

Item 2007 00006

Date 2-8-07

I (am) am not in favor of the request.

(Circle One)

RECEIVED

FEB 13 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Brian R. Turnquist

Signature [Signature]

Address 2901 Beaver Ave.

Reason for opposing or approving this request may be listed below:

I own the property adjacent to the property on Beaver Ave. I need more information and the size and scope of the project. How the land will be graded. How close the project will encroach on to my property. How and where the entrances and exits to the property will be located.

Item 000000006

Date 2-7-07

I (am) (am not) in favor of the request.  
(Circle One)

**RECEIVED**  
FEB 09 2007

Print Name JAMES A. BENZONI

Signature [Handwritten Signature]

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Address 2912 BEAVER AV, DES MOINES, IA  
50310

Reason for opposing or approving this request may be listed below:

TOO MUCH COMMERCIAL GROWTH IN A  
SETTLED VERY NEIGHBORLY NEIGHBORHOOD

