

Date..... April 12, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 1, 2010, its members voted 6-4-1 in support of a motion to recommend **APPROVAL** of a request from Foods, Inc. (owner) to rezone property located at 3401 and 3407 Ingersoll Avenue from "NPC" Neighborhood Pedestrian Commercial District to "PUD" Planned Unit Development subject to the following:

1. Provision of bike racks near the entrance of the bank.
2. Provision of solid steel gate for any trash enclosure.
3. Restriction of the convenience store and carwash hours of operation from 6:00 A.M. to 11:00 P.M.
4. Use of 60-degree parking stalls where angled parking is designated.
5. Provision of a note that states parking shall be provided for all employees on site.
6. Parapet walls shall have a finished appearance on all sides as approved by the Community Development Director.
7. Provision of functional windows on the south façade of the convenience store to the satisfaction of the Community Development Director.
8. Prohibition of signage on the north façade of the carwash building.
9. Provision of ornamental fencing around the perimeter of the convenience store site along Ingersoll Avenue and 34th Street.
10. Realignment of the carwash exit toward the convenience store (south).
11. Submission of written certification from the owner's lighting consultant that all site lighting is installed in accordance with the approved lighting plan and does not exceed 1 foot candle at the property lines prior to issuance of a Certificate of Zoning Compliance.
12. The access from the site to 34th needs to be two-way.
13. The City Traffic Engineer should consider no parking along Ingersoll in front of the apartment building.
14. There should be a "NO TRUCK" sign on Woodland Avenue.
15. There should be a curb cut break on the Ingersoll entrance drive for immediate access to the gas pumps.
16. The architecture of the bank should be differentiated from the look of the convenience store.

-Continued-

.....
Date..... April 12, 2010

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The subject property is more specifically described as follows:

Land zoned PUD by Ordinance Number 14744 dated February 11, 2008:

Lots 9, 10 and 11 Crescent Place, an Official Plat; and Lots 16, 17, 18 & 19, Stratford, an Official Plat (Except a portion of Lot 19 beginning at the NW corner of said Lot 19, thence S89°20'55"E, 79.89 feet along the North line of said Lot 19 to a point, thence S89°27'48"W, 69.88 feet to a point; thence S45°24'33"W, 14.06 feet to a point on the West line of said Lot 19; thence N00°00'03"W, 20.04 feet along said West line to the Point of Beginning), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Land to be rezoned from NPC to PUD and added to the above PUD (ordinance number 14744):

Lots 12 & 13, Crescent Place, an Official Plat; (Except a portion of Lot 12, beginning at the Southeast corner of said Lot 12: thence North 89 degrees, 18 minutes, 28 seconds West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone) 5.42 feet along the South line of said Lot 12; thence North 11 degrees, 29 minutes, 32 seconds East, 27.72 feet to the East line of said Lot 12; thence South 00 degrees, 13 minute, 14 seconds West, 27.23 feet along said East line to the Point of Beginning), , AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on April 26, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal.

-Continued-

Date April 12, 2010

That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(ZON2010-00012)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

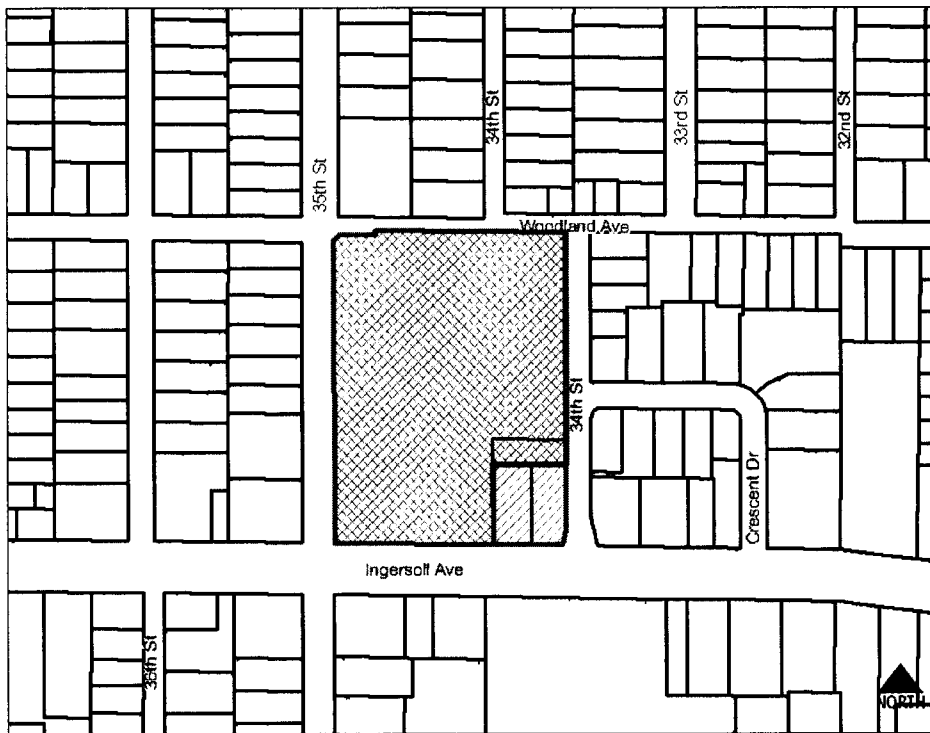
 Mayor

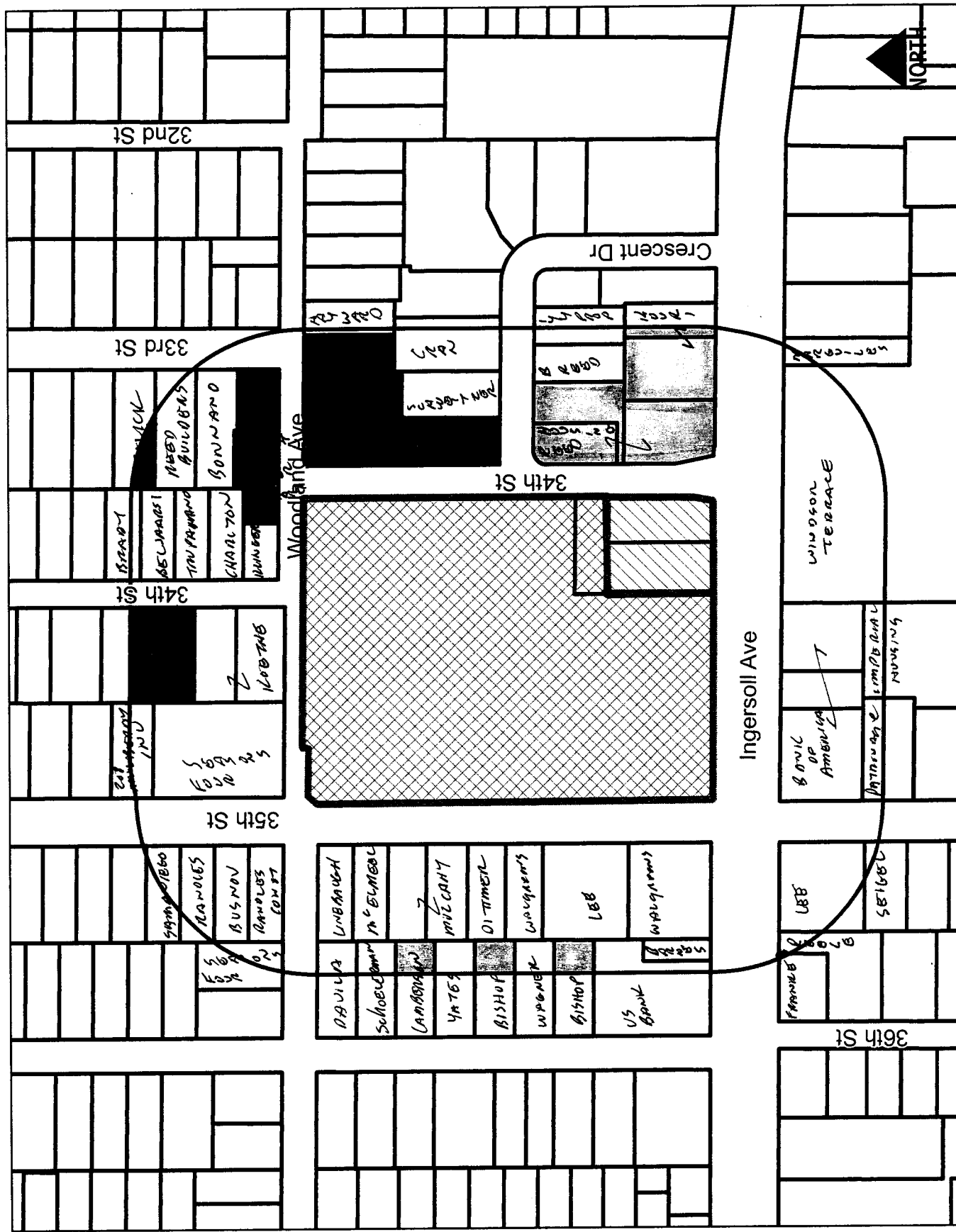
 City Clerk

Request from Foods, Inc. (owner) to rezone property located at 3401 and 3407 Ingersoll Avenue.		File # ZON2010-00012			
Description of Action	Rezone property from "NPC" Neighborhood Pedestrian Commercial District to "PUD" Planned Unit Development. and Amend the Dahl's Foods Ingersoll Avenue PUD Conceptual Plan to incorporate the property at 3401 and 3407 Ingersoll Avenue to allow the construction of a 5,300-square foot building, 6 fuel pumps (12 fueling stations) and an automatic carwash. The building would contain a convenience store and a bank with two drive-through lanes. The existing Conceptual Plan includes a convenience store in the southwest portion of the site with 10 fueling stations.				
2020 Community Character Plan	Commercial: Pedestrian-Oriented Commercial Corridor				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"NPC" Neighborhood Pedestrian Commercial District				
Proposed Zoning District	"PUD" Planned Unit Development.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	5	14			
Outside Area					
Plan and Zoning Commission Action	Approval	6-4-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Foods Inc. - 3425 Ingersoll Avenue

ZON2010-00012





32nd St

33rd St

34th St

35th St

36th St

Woodlark Ave

Crescent Dr

Ingersoll Ave

NORTH

BRADY
DELMAR ST
TIM PARRINO
CHARLTON
NUMBER

EST. 1960
KOBANE

5160
5160
5160

DAVIDA
SCHOENBERG
LAMBDA
YATES
BISHOP
WAGNER
BISHOP
US Bank

UNBRAUCH
M. ELMER
MILCANY
DITMER
WAGNER'S
LEB
WAGNER'S

BOVIC
OF
AMERICA
MATTEN
MUSING

LEB
SEIBEL

FRANKE
LEB

WINDSON TERRACE

DATE
NON-VOLUNTEER
DATE

DATE
DATE
DATE
DATE

DATE
DATE
DATE

April 5, 2010

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 April 1, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty				X
Joel Huston	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Jim Martin				X
Brian Millard			X	
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of a request from Foods, Inc. (owner) to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 6-4-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus		X		
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty				X
Joel Huston	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones		X		
Jim Martin				X
Brian Millard			X	
William Page		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

Commission Action:	Yes	Nays	Pass	Absent
Mike Simonson		X		
Kent Sovern	X			

APPROVAL to amend the Dahl's Foods Ingersoll Avenue PUD Conceptual Plan to incorporate the property at 3401 and 3407 Ingersoll Avenue to allow the construction of a 5,300-square foot building, 6 fuel pumps (12 fueling stations) and an automatic carwash and to rezone from "NPC" Neighborhood Pedestrian Commercial District to "PUD" Planned Unit Development subject to the following conditions: ZON2009-00012.

1. Provision of bike racks near the entrance of the bank.
2. Provision of solid steel gate for any trash enclosure.
3. Restriction of the convenience store and carwash hours of operation from 6:00 A.M. to 11:00 P.M.
4. Use of 60-degree parking stalls where angled parking is designated.
5. Provision of a note that states parking shall be provided for all employees on site.
6. Parapet walls shall have a finished appearance on all sides as approved by the Community Development Director.
7. Provision of functional windows on the south façade of the convenience store to the satisfaction of the Community Development Director.
8. Prohibition of signage on the north façade of the carwash building.
9. Provision of ornamental fencing around the perimeter of the convenience store site along Ingersoll Avenue and 34th Street.
- ~~10. Provision of signage and painted pavement markings identifying the 34th Street drive as "entrance only."~~
11. Realignment of the carwash exit toward the convenience store (south).
12. Submission of written certification from the owner's lighting consultant that all site lighting is installed in accordance with the approved lighting plan and does not exceed 1 foot candle at the property lines prior to issuance of a Certificate of Zoning Compliance.
13. The access from the site to 34th needs to be two-way
14. The City Traffic Engineer should consider no parking along Ingersoll in front of the apartment building
15. There should be a "NO TRUCK" sign on Woodland Avenue
16. There should be a curb cut break on the Ingersoll entrance drive for immediate access to the gas pumps.
17. The architecture of the bank differentiated from the look of the convenience store.

Written Responses

5 In Favor
14 In Opposition

STAFF REPORT

1. Purpose of Request: The applicant wishes to add the property at 3401-3407 Ingersoll Avenue to their adjoining grocery store site. This site contains a bank building, which would be torn down and replaced by a convenience store with 12 fueling stations and a stand-alone automatic carwash. A new bank building would be constructed in the southwest corner of the Dahl's property at the 35th Street and Ingersoll Avenue intersection. The existing PUD Concept Plan for the Dahl's site includes a building at

the 35th Street and Ingersoll Avenue intersection that would contain a convenience store with 10 fueling stations and a coffee shop.

The proposed amendment also identifies the location of a temporary 12-foot by 40-foot trailer that would house the bank while their building was being constructed. The plan includes a note that states that the trailer will be in operation during the construction of the bank and would be removed upon the re-opening of the bank in the new building.

2. **Size of Site:** 260,489 square feet or 5.98 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District and "NPC" Neighborhood Pedestrian Commercial District.
4. **Existing Land Use (site):** Grocery store and bank.
5. **Adjacent Land Use and Zoning:**
 - North* – "R-4" & R1-60"; Uses are multiple-family and single-family residential.
 - South* – "NPC"; Use is a bank and multiple-family residential.
 - East* – "NPC" & "R1-60"; Uses are multiple-family and single-family residential.
 - West* – "NPC", "C-0" & "R1-60"; Uses are Walgreen's Pharmacy, a beauty salon, and single-family and two-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject site encompasses the city block bound by Ingersoll Avenue to the south, 35th Street to the west, Woodland Avenue to the north and 34th Street to the east. The surrounding area generally consists of single-family dwellings to the north, west and east with multiple-family residential, commercial and institutional uses along the Ingersoll Avenue and Grand Avenue corridors.
7. **Applicable Recognized Neighborhood(s):** North of Grand Neighborhood.
8. **Relevant Zoning History:** On February 11, 2008, the City Council approved Ordinance Number 14,744 rezoning the existing Dahl's site (3425 Ingersoll Avenue) from "NPC" to "PUD" and approved the Dahl's Foods "PUD" Concept Plan.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented Corridor.

The 2020 Community Character Plan states the following regarding this land use designation.

Commercial Pedestrian Oriented: Site orientation is balanced between the needs of the pedestrian and the convenience of the motorist. The development is compact and walkable connections to adjacent areas exist via public streets and sidewalks.

Commercial Corridor: Small-to-moderate scale commercial serving adjacent neighborhoods and specialty retail and services needs. Generally consisting of a cumulative building total of 75,000 to 100,000 square feet.

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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. PUD Standards: The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Concept Plans should be based on.

A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

Staff believes that the proposed bank and convenience store match the development pattern in the Ingersoll Avenue area. The submitted amendment includes the previously approved note that restricts any replacement uses to those allowed in the "C-1" District. The "C-1" District does not allow for some of the more intense uses that both the "C-2" and "NPC" Districts allow. This protects the surrounding residential neighborhood to the north from the more intense uses given the depth of the site. In addition, staff believes that the hours of operation for the convenience store and carwash should be limited to 6:00 A.M. to 11:00 P.M. to limit the impact on the surrounding residential area.

The architectural character and site design are discussed in Section II, subparagraph 2 and 3 of this report.

B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.

The proposed convenience store and bank buildings would have zero foot setbacks from Ingersoll Avenue, which is in keeping with the "NPC" District design guidelines. The fuel pumps and canopy would be located 57 feet north of the convenience store and 55 feet west of the 34th Street right-of-way. The carwash would be located 145 feet north of the convenience store and 90 feet west of the 34th Street right-of-way. The Concept Plan includes a significant amount of landscaping to screen the convenience store and carwash from the single-family residences to the northwest. The plan also includes a note stating that the property owner shall work with the neighborhood association and staff regarding landscape and lighting design along 34th Street and Ingersoll Avenue prior to the approval of the Final Development Plan.

- C) *A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.*

No additional streets are necessary as part of this development. The submitted concept plan indicates that storm water will be handled by an underground storm water detention system.

- D) *The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.*

Please refer to the attached report from the City Traffic Engineer.

- E) *Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).*

The existing Concept Plan includes a total of 231 off-street parking stalls for the grocery store and the 5,600-square foot convenience store and coffee shop building. The submitted plan amendment includes 186 off-street parking spaces. Sixteen (16) are generally associated with the convenience store. The spaces for the grocery store and bank intermingle with no clear division. There are 5 on-street stalls on Ingersoll Avenue in front of the convenience store. This is 45 less stalls than the existing PUD Concept Plan. The proposed amendment also includes the reorientation of the north portion of the parking lot from 90-degree stalls to 45-degree stalls to address frequent complaints Dahl's has received regarding the 90-degree stalls. The applicant's engineer has indicated that this change reduces the number of stalls in the northern portion of the lot by 27. If the angled stalls were converted to 60-degree stalls then the number of stalls in the northern portion of the lot would be reduced by only 13 stalls.

The City's parking standards for "C" Districts would require 329 spaces for the 67,854-square foot grocery store, 13 spaces for the 3,935-square foot convenience store and 5 spaces for the 1,573 square feet bank for a total of 347 spaces. Most of the Ingersoll Avenue corridor is zoned "NPC" District, which allows for a 40% reduction in the amount of required off-street parking. The "NPC" District parking standards would require a minimum 208 stalls and would allow the 5 on-street stalls in front of the convenience store to count towards meeting this requirement. The proposed 186 off-street parking stalls represent 54% of the "C" District standard. If the angled stalls were converted to 60-degree stalls then the site would have a total of 201 spaces, which would represent 58% of the "C" District standard.

The applicant has been operating the grocery store with only the northern half of the parking lot developed. Staff expects that most of the bank's business will be handled though the drive-thru lanes and the number of off-street parking spaces that adjoin the convenience store (16 stalls) exceed the number that would be

required in a “C” District (13 stalls). Staff believes that if 60-degree stalls are used in place of 45-degree stalls that the proposed amount of parking is sufficient to adequately support the development without forcing customers or employees to park on nearby residential streets.

- F) *Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.*

The PUD will provide convenient commercial services for the surrounding area.

- 2. Urban Design:** Most of the Ingersoll Avenue corridor is zoned “NPC” Neighborhood Pedestrian Commercial District. This district includes specific design guidelines to ensure that new development blends with the area’s existing character. Staff believes elements from the NPC District should be incorporated into the proposed development. The following are the NPC District Design guidelines from the City Code and a discussion of the proposed development’s architectural and site design elements.

Section 82-214. Design Guidelines within NPC Districts

- A) Buildings should frame the street and maintain a minimal setback from the street.
- B) Building frontage should occupy at least 50% of the primary street frontage.
- C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
- D) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
- E) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
- F) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
- G) The following bulk regulations should be observed:
 - 1. Minimum Lot Area for a multiple dwelling structure: Minimum of 10,000 square feet and 2,000 square feet per dwelling unit.
 - 2. Front yard: minimum of zero feet.
 - 3. Side yards: minimum of zero feet.
 - 4. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
 - 5. Height: minimum of 15 feet, maximum of 45 feet.
 - 6. Number of stories:
 - Residential uses, a maximum of four stories.
 - All other permitted uses, a maximum of two stories.
- H) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

The proposed convenience store and bank buildings would be constructed along Ingersoll Avenue and would have direct entrances from the Ingersoll Avenue sidewalk. Staff believes that the fencing that is to be installed along the grocery store and bank parking lot should be installed around the convenience store portion of the site for continuity. The fencing helps create an edge along the streets, which in conjunction with the convenience store and bank buildings, give the site a street presence.

The proposed convenience store, carwash and bank buildings would be constructed with a mix of red brick, cultured stone and EIFS with details to match the existing grocery store building. The submitted elevations indicate that the bank windows would have tinted glazing, that the carwash windows on the south façade would be spandrel glazing, and that the convenience store would have tinted windows on the north façade and predominately glass block on the south façade. Only the door and a small tinted window to the west of the door would allow visibility into the store. The glass block would be faux windows as the applicant wishes to use most of the south wall for coolers and/or backroom activities. The applicant has offered a second alternative of replacing the tinted glass with clear glass and the glass block with tinted glass.

The south facade must fit the character typical of the Ingersoll Avenue corridor and meet the intent of the “NPC” District design standards. The “NPC” design standards require that 40% of the 1st floor of the front façade be made up of windows. The proposed glass block and glazing represents approximately 45% of the Ingersoll façade. However, the faux windows whether glass block or tinted glazing will not engage the street. This does not meet the intent of the window requirement. Staff believes that the internal layout of the building could be altered to allow more windows. Staff believes that the central and western bay of windows should be functional windows. Staff would support the eastern bay being converted to all brick as generally illustrated on the north façade. This would reduce the amount of windows on the Ingersoll façade to approximately 30%. Moving the door to and enlarging the central bay and converting the east and west bays to clear story windows or brick might also be acceptable compromises.

The convenience store would have a wall sign on all four facades. The building elevations include landscaping that obscures the view of the signs on the east and west façade. Staff has requested the applicant to provide graphics illustrating the signs. Signs in these locations should be appropriate if they are generally of the same character as the other signs. The bank would have a wall sign on each façade. The carwash building would have a wall sign on the south and north facades and a smaller sign on the east and west facades. Staff believes that the proposed signage is appropriate if the sign on the north façade of the carwash is eliminated.

- 3. Site Improvements & Landscaping:** The proposed amended Concept Plan shows an 8-foot wide scored sidewalk along Ingersoll Avenue and a 4-foot wide sidewalk along 34th Street. The plan shows that the Ingersoll Avenue streetscape improvements would be extended east along the convenience store to 34th Street. In general, the landscaping shown on the proposed amendment is consistent with the style and quality of the currently approved PUD Concept Plan.

The submitted amendment includes a driveway to 34th Street that would be enter-only to limit the number of vehicles using 34th Street. The applicant has indicated that the primary need for this driveway is to allow fuel trucks access to the site. Staff believes that both signage and painted pavement markings are needed to adequately communicate that this driveway is an entrance only. The site currently has a two-way driveway to 34th Street in addition to the loading dock driveway in accordance with the approved PUD Concept Plan.

The applicant's first submittal showed the carwash sitting further to the east with its entrance to the west and its exit to the east near the 34th Street driveway. The

applicant has shifted the carwash to the west to provide greater separation from the residences to the east and north. The entrance to the carwash has been reoriented to the east so vehicles exit away from 34th Street to lessen the likelihood they will exit the site onto 34th Street. To accomplish this, the carwash exit needs to be designated as right-turn only, so a conflict is not created with the one-way traffic heading towards the store from the Ingersoll Avenue driveway. This forces all of the vehicles exiting the carwash to drive past the front door of the grocery store. Staff believes that the carwash could be shifted slightly to the east to allow vehicle to exit towards the convenience store and ultimately exiting the site to Ingersoll Avenue or 35th Street if they do not need to park. This would improve the pedestrian and vehicle circulation within the site while still reducing the impacts of the carwash.

The submitted PUD Amendment contains all of the notes from the current Concept Plan including the note that exterior lighting levels shall not exceed 1 foot candle at all property lines. Light spillage on the neighborhood to the north and east has been a problem as the existing lighting was not installed at the proper angles. Dahl's recently adjusted the lights to correct this issue. To avoid this issue in the future staff recommends that the owner's lighting consultant be required to submit written verification that the lights comply with the 1 foot candle requirement immediately after installation.

The existing PUD Concept Plan was approved prior to the adoption of the City's Gas Station/Convenience Store Design Guidelines. Staff has reviewed the new proposal and found that it complies with all but the following design standards.

- *Minimum open space should be 20% of the site or 1,000 square feet per vehicle fueling location, whichever is greater.*
- *Auto repair bay openings and car-wash openings should be oriented away from residential uses.*
- *Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The site plan must contain illuminance models showing light levels throughout the site.*

Staff believes that not complying with these guidelines is acceptable in this instance given the urban character of the Ingersoll corridor, the limited amount of space available on the site and the fact that a significant portion of the development is already constructed based on the standards from the approved PUD Concept Plan.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

Part B & C) Staff recommends approval of the proposed rezoning and PUD Concept Plan amendment subject to the following conditions:

1. Provision of bike racks near the entrance of the bank.

2. Provision of solid steel gate for any trash enclosure.
3. Restriction of the convenience store and carwash hours of operation from 6:00 A.M. to 11:00 P.M.
4. Use of 60-degree parking stalls where angled parking is designated.
5. Provision of a note that states parking shall be provided for all employees on site.
6. Parapet walls shall have a finished appearance on all sides as approved by the Community Development Director.
7. Provision of functional windows on the south façade of the convenience store to the satisfaction of the Community Development Director.
8. Prohibition of signage on the north façade of the carwash building.
9. Provision of ornamental fencing around the perimeter of the convenience store site along Ingersoll Avenue and 34th Street.
10. Provision of signage and painted pavement markings identifying the 34th Street drive as "entrance only."
11. Realignment of the carwash exit toward the convenience store (south).
12. Submission of written certification from the owner's lighting consultant that all site lighting is installed in accordance with the approved lighting plan and does not exceed 1 foot candle at the property lines prior to issuance of a Certificate of Zoning Compliance.

SUMMARY OF DISCUSSION

Brian Millard declared a conflict and did not participate with this part of the meeting.

Jason Van Essen presented staff report and recommendation.

Mike Simonson asked staff to review the difference between the parking spaces as approved by P&Z and Council versus the new plan at this time and how existing lighting might have been adjusted.

Jason Van Essen stated the existing Concept Plan includes a total of 231 off-street parking stalls for the grocery store, the convenience store and retail space. The submitted plan amendment includes 186 off-street parking spaces. This is 45 fewer stalls than on the existing PUD Concept Plan. If the angled stalls were converted to 60-degree stalls then the site would have a total of 206 parking spaces including 5 (five) on-street spaces: 206 spaces is 58% of the "C" District standard.

Mike Simonson asked what is required of the entire site if it was zoned "NPC" District.

Jason Van Essen stated if the entire site was zoned "NPC" District, then 208 stalls would be required, including 5 on-street stalls in front of the convenience store.

Mike Simonson asked staff by way of reference, how many stalls did the old Dahl's have.

Jason Van Essen suggested that the applicant can respond to that question. However, the applicant has adjusted building and pole mounted lighting to address neighborhood concerns. The letter from Tesdell Electric confirmed that lighting levels were measured around the perimeter of the site and all readings are less than the 1 foot candle allowed at the property line.

Ted Irvine asked if the request is not granted would the angle parking be implemented on the existing PUD causing them to lose parking spaces.

Jason Van Essen stated that the Concept Plan spells out specifically how many stalls must be provided. Therefore, they would need to come back to the Plan and Zoning Commission to amend the Concept Plan because it will impact the spaces provided.

Dann Flaherty left the meeting @ 6:30.

Larry James Jr. 699 Walnut representing Foods Inc. Since the last time he was before the Commission, Dahl's has been offered the opportunity to purchase the Meta Bank site. Because Dahl's has been receiving frequent complaints regarding the 90-degree stalls, they wanted to take a look at angled stalls. If the angled stalls were converted to 60-degree stalls then the number of stalls would be 201 plus 5 on-street stalls. The convenience store would be the only store in Des Moines that is located with the building immediately adjoining the street. Dahl's has received letters of support from North of Grand Neighborhood Association with conditions, Linden Heights, Salisbury Oaks, Ingersoll Area Business Association, Hopkins and Huebner, and Westside Chamber of Commerce.

Kent Sovern asked if the applicant had any comments on the staff recommendations.

Larry James Jr. stated that they agree with staff recommendations 1 through 12. They are still working on recommendations 6 and 7. The lighting meets zoning requirements but Dahl's is still working with residents to go above and beyond code. The carwash has no signage on the north elevation per the staff recommendation.

Leisha Barcus asked about the lighting of the c-store and whether the neighborhood associations support the c-store. She also asked if the support is for the carwash or where the carwash is located.

Larry James Jr. stated that Dahl's has tried to address the concerns of the neighbors. The design of the canopy and site lighting is in the spirit of the convenience store guidelines that the City recently enacted. Dahl's wants to work towards the 1 foot candle requirement of the new plan.

Leisha Barcus asked what effect the c-store would have on neighborhoods that don't directly adjoin the site.

Larry James Jr. stated he will let the individual neighborhoods answer that question.

Leisha Barcus asked if circulation on the lot would work better with the convenience store on 35th Street.

Larry James Jr. stated that the convenience store on 35th Street does not work with diagonal parking as shown. Also Dahl's did not want the bank at 35th Street either but tried to address the neighbors' concerns.

Greg Jones asked how many cars would be parked on the site during peak time for grocery sales such as Christmas.

Larry James Jr. stated the difficulty in this whole process is trying to balance these issues. Dahl's is confident that the number of spaces provided will address those concerns.

