

Date July 28, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 17, 2008, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Clancy Sullivan (purchaser) and A&C Properties, Inc. and David and Sybil Nelson (owners) to rezone property located at 4529 and 4539 Douglas Avenue from "C-O" Commercial-Residential District and "R1-60" One-Family Low Density Residential District to "PUD" Planned Unit Development to allow redevelopment of the property for the PAT Brokerage PUD Conceptual Plan including commercial office and retail uses subject to the owner of the property agreeing to the following conditions:

1. No removal of trees over six inches in diameter from the subject property until an approved tree removal/ protection and mitigation plan is reviewed as part of any Development Plan for commercial development.
2. Addition of language on the Conceptual Plan that would require identification of species and tree protection measures on any Development Plan for the trees identified for protection, and identification of species and mitigation of trees to be removed using formulas currently being considered by the City Council for all large scale developments.
3. Elimination of "possible" language on the Conceptual Plan for cross drive access and storm sewer connections with the adjoining bank property to the east.
4. Addition of language on the Conceptual Plan that trash enclosures be comprised of materials compatible with the primary building architecture and should be constructed of a durable material such as stone or masonry with an opaque metal gate enclosure.
5. Addition of language on the Conceptual Plan to indicate that all signage is to conform to standards as applicable to "C-O" for the north building and as applicable to "C-1" Districts for the south building along Douglas Avenue. This should be qualified to state "except as modified by the approved Conceptual Plan elevations".
6. Prohibition of the use of packaged goods stores for the sale of alcoholic beverages, pawn shops, upholstery shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles. Language should be added to the Conceptual Plan listing the prohibited uses.
7. The signage on the 2nd floor of the buildings shall have individual lettering.
8. Lighting levels on the subject property shall be zero foot candles beginning at a point 40' from the north property line.
9. The developer shall consider providing detention on south side of the northernmost building.
10. The northernmost row of parking shall be eliminated.
11. A pedestrian access to the northernmost building shall be provided from Douglas Avenue.
12. The southernmost parking lot shall connect to the Wells Fargo entrance driveway.
13. The Final Development Plan shall be reviewed by the Plan and Zoning Commission for compliance with the Conceptual Plan.
14. The applicant shall consider use permeable pavement if possible.

Date July 28, 2008

- 15. The consulting engineer shall provide a written certification to city staff that all improvements have been installed according to the approved Final Development Plan.
- 16. The church access to Sherman Boulevard to be chained off or gated during non-church events.

The subject property is more specifically described as follows:

Except beginning at the Southwest Corner thence North 4.12 feet, East 61.04 feet, Northeast 39.07 feet to East Lot Line, South 5.68 feet, West 100.08 feet to Point of Beginning- Lot 17 and all Lot 18 Kimble Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

- 1. 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 August 11, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
- 2. 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

(ZON2008-00078)

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

July 23, 2008

Date _____

Agenda Item _____

26

Roll Call # _____

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 July 17, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Marc Wallace	X			

APPROVAL of a motion that the proposed rezoning is **not** in conformance with the existing Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 11-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin		X		
Brian Millard		X		
Mike Simonson	X			
Kent Sovern	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 to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. (21-2008-4.13)

By separate motion Commissioners recommended 12-1 as follows

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard		X		
Mike Simonson	X			
Kent Sovern	X			
Marc Wallace	X			

APPROVAL of a request from Clancy Sullivan (purchaser) to rezone property located at 4529 and 4539 Douglas Avenue to "PUD" Planned Unit Development District, and to approve the PUD Conceptual Plan subject to the following modifications: (ZON2008-00078)

1. No removal of trees over six inches in diameter from the subject property until an approved tree removal/ protection and mitigation plan is reviewed as part of any Development Plan for commercial development.
2. Addition of language on the Conceptual Plan that would require identification of species and tree protection measures on any Development Plan for the trees identified for protection, and identification of species and mitigation of trees to be removed using formulas currently being considered by the City Council for all large scale developments.
3. Elimination of "possible" language on the Conceptual Plan for cross drive access and storm sewer connections with the adjoining bank property to the east.
4. Addition of language on the Conceptual Plan that trash enclosures be comprised of materials compatible with the primary building architecture and should be constructed of a durable material such as stone or masonry with an opaque metal gate enclosure.
5. Addition of language on the Conceptual Plan to indicate that all signage is to conform to standards as applicable to "C-O" for the north building and as applicable to "C-1" Districts for the south building along Douglas Avenue. This should be qualified to state "except as modified by the approved Conceptual Plan elevations".
6. Prohibition of the use of packaged goods stores for the sale of alcoholic beverages, pawn shops, upholstery shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles. Language should be added to the Conceptual Plan listing the prohibited uses.
7. The signage on the 2nd floor of the buildings shall have individual lettering.
8. Lighting levels on the subject property shall be zero foot candles beginning at a point 40' from the north property line.
9. The developer shall consider providing detention on south side of the northernmost building.
10. The northernmost row of parking shall be eliminated.
11. A pedestrian access to the northernmost building shall be provided from Douglas Avenue.

- 12. The southernmost parking lot shall connect to the Wells Fargo entrance driveway.
- 13. The Final Development Plan shall be reviewed by the Plan and Zoning Commission for compliance with the Conceptual Plan.
- 14. The applicant shall consider use permeable pavement if possible.
- 15. The consulting engineer shall provide a written certification to city staff that all improvements have been installed according to the approved Final Development Plan.
- 16. The church access to Sherman Boulevard to be chained off or gated during non-church events.

Written Responses

2 In Favor
16 In Opposition

This item will require a 6/7 vote of City Council due to the percentage adjoining property owners in opposition.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.

Part C) Staff recommends approval of the requested rezoning to "PUD" Planned Unit Development District.

Part D) Staff recommends approved of the PUD Conceptual Plan subject to the following modifications:

- 1. No removal of trees over six inches in diameter from the subject property until an approved tree removal/ protection and mitigation plan is reviewed as part of any Development Plan for commercial development.
- 2. Addition of language on the Conceptual Plan that would require identification of species and tree protection measures on any Development Plan for the trees identified for protection, and identification of species and mitigation of trees to be removed using formulas currently being considered by the City Council for all large scale developments.
- 3. Elimination of "possible" language on the Conceptual Plan for cross drive access and storm sewer connections with the adjoining bank property to the east.
- 4. Addition of language on the Conceptual Plan that trash enclosures be comprised of materials compatible with the primary building architecture and should be constructed of a durable material such as stone or masonry with an opaque metal gate enclosure.
- 5. Addition of language on the Conceptual Plan to indicate that all signage is to conform to standards as applicable to "C-O" for the north building and as applicable to "C-1" Districts for the south building along Douglas Avenue. This should be qualified to state "except as modified by the approved Conceptual Plan elevations".

Prohibition of the use of packaged goods stores for the sale of alcoholic beverages, pawn shops, upholstery shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles. Language should be added to the Conceptual Plan listing the prohibited uses.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to redevelop the subject property with businesses displaced by the planned Hy-Vee Supermarket development across Douglas Avenue to the South.
2. **Size of Site:** 2.37 acres
3. **Existing Zoning (site):** "C-0" Commercial-Residential District and "R1-60" One-Family Low-Density Residential.
4. **Existing Land Use (site):** Two single-family dwellings, a photography studio, and a beauty salon.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60"; *Uses are single-family dwellings.*
 - South** – "R-3" & "R1-60"; *Uses are Village Green Apartments and single-family dwellings.*
 - East** – *Limited "R1-60", Use is Wells Fargo bank.*
 - West** – "R1-60"; *Use is Douglas Avenue Presbyterian church.*
6. **General Neighborhood/Area Land Uses:** The subject property is at the edge of the commercial node located at Douglas Avenue and Beaver Avenue.
7. **Applicable Recognized Neighborhood(s):** Meredith Neighborhood Association and Beaverdale Neighborhood Association.
8. **Relevant Zoning History:** The eastern portion of the subject property was rezoned by the City Council on July 5, 1994 subject to the following conditions:
 - A. Only the following uses of structures or land shall be permitted upon the Property:
 1. Any uses permitted in the "R-2" One and Two Family Residential District.
 2. Beauty and barber shops.
 3. Studio of a professional photographer.
 - B. There shall be no extension of parking from the Property into the adjoining residentially zoned areas as would otherwise be permitted by Section 2A-25 (F)(8) of the Zoning Ordinance." [Revised to Section 134-1377(f)(8) in 2000].
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
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.

The application, accompanying evidence and conceptual plan required 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 this division 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 conceptual plan and request for rezoning 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. Natural Site Features:** The subject property has several mature trees to the north of the existing developed portions of the site. The submitted Conceptual Plan indicates development would impact many of these trees. This includes trees that would be affected by a proposed detention basin within an open space area to be preserved between commercial development and existing residences to the north.

Staff recommends that the Conceptual Plan include language requiring identification of species and tree protection measures on any development plan for the trees identified for protection. Staff also recommends that the Conceptual Plan require identification and mitigation of trees to be removed with any Development Plan using formulas currently being considered by the City Council for all large scale developments.

- 2. Drainage/Grading:** The developer will be required to meet all storm water management policies of the City to include compliance with more recent provisions for post construction runoff. This will involve detaining or keeping stormwater on the subject property from more frequent rain events that have a lesser volume. The higher volume less frequent events will be handled by a private storm sewer that outlets directly to Des Moines River as quickly as possible.

Because the overall site will be in excess of an acre, the developer will also be responsible for preparing a Storm Water Pollution Protection Plan (SWPPP) for review by the Iowa Department of Natural Resources. After review, this plan must be filed with the Permit and Development Center Engineering staff. A grading permit and soil erosion protection plan must also be approved by that office prior to construction.

In this instance there is not direct access to public storm sewer for outlet of storm water from the property. The Wells Fargo property has a private storm sewer connection to the public storm sewer in Beaver Avenue. Staff recommends that this connection to storm sewer within the Wells Fargo Bank property be required for any proposed development under the Conceptual Plan. The City would require compliance with all applicable plumbing codes along with securing an easement from the adjoining private property owner to access the sewer.

- 3. Landscaping & Buffering:** Proposed commercial development is required to comply with the Des Moines Landscape Standards. This includes provision of a minimum 20% open space for the site with minimum plantings, minimum perimeter lot landscaping and setbacks where off-street parking adjoins public streets. It also includes minimum setbacks and plantings for bufferyards where the site adjoins property zoned or used for residential purposes. With any Development Plan, tree removal and protection plans would determine if proposed plantings would be adequate for mitigation of existing trees removed for development.

4. **Traffic/Street System:** Traffic and Transportation staff has indicated that the proposed development will not necessitate any improvements to the surrounding public street.
5. **Access or Parking:** Approved conceptual plans for development of a Hy-Vee supermarket on property to the south have required a signalized intersection at their proposed primary entrance to Douglas Avenue. Because of proximity to that proposed traffic signal, Traffic and Transportation staff has indicated that access to the subject property within the eastern portion must be negotiated as shared access with the Wells Fargo property to take advantage of this future signal.

The submitted Conceptual Plan proposes two cross access drives with the adjoining bank property to the east and two drive accesses to the church property to the west. While the residents have expressed concern that there would be an increase in traffic through the Church property to Sherman Boulevard with the connection, Traffic and Transportation staff has indicated that it is preferable to have the cross access between properties fronting Douglas Avenue. They indicate that this would relieve pressure on the Sherman Boulevard access because it increases the ability to distribute trips from the church site to other outlets. There would be very limited new demand for commercial trips generated by the proposed development to access Sherman Boulevard.

6. **2020 Community Character Plan:** In order to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan, the future land use designation must be amended from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. The subject property is located adjacent to single-family residential uses on Sherman Boulevard, and must provide appropriate transition and buffering.

In the "Desirable Physical Design Elements" for Auto-Oriented Commercial typologies, the Plan calls for the following:

- 1) Building design that reinforces the perception of a cohesive commercial district complementary to the adjacent neighborhoods

The developer has submitted Conceptual Plan elevations with architectural design that draws upon the surrounding commercial and residential character. The two proposed buildings will have hipped roof designs using asphalt shingles and the buildings will use lap hardi-plank siding with stone base material wrapping the lower four or five feet. Store fronts along Douglas will also have clear glass on a majority of the first floor façade.

- 2) Building and signage design which recognize and enhance positive characteristics of the surrounding community to create a recognizable identity.

Staff recommends that trash enclosures be comprised of materials compatible with the primary building architecture be a requirement on the Conceptual Plan. Any trash enclosure should be a durable material such as stone or masonry and have an opaque metal gate enclosure.

- 3) Well designed transitions between business and residential areas,

Staff believes that the minimum bufferyard requirements for setbacks and landscaping applicable to commercial development should provide for adequate transition between the proposed commercial use and existing residential uses to the north and northwest. The submitted Conceptual Plan has pulled all buildings and paving to the south 370 feet of the property so that it does not encroach closer to the residential neighborhood than the bank property to the east.

- 4) Well maintained and innovative storm water facilities

With limited access to public storm sewers any commercial development will have to look to innovative methods to handle storm water management. This includes use of rain gardens, infiltration galleries, and other conservation methods. Staff believes that any storm water management must be required to prevent any further impacts from run-off generated by the proposed development while actually improving the existing run-off conditions which have been problematic. Requirements under Site Plan policies must be met at a minimum.

- 5) Improved parking lot design with edge treatments and interior landscaping for all auto-oriented commercial.

Minimum perimeter lot, interior lot, and bufferyard requirements for setbacks and landscaping should provide appropriate edge treatment. The submitted Conceptual Plan appears to comply with these provisions.

Subject to the items listed above reflecting the desirable elements for Auto-Oriented Commercial Districts in the Plan, staff believes the amendment to the future land use would be appropriate.

Because of the need to protect surrounding residential property, certain uses permitted in the "C-1" District may not be appropriate. Staff recommends that language be added to the Conceptual Plan specifically prohibiting the uses of packaged goods stores for the sale of alcoholic beverages, pawn shops, upholstery shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

7. **Urban Design:** The developer has submitted Conceptual Plan elevations with architectural design that draws upon the surrounding commercial and residential character. The two proposed buildings will have hipped roof designs using asphalt shingles. Both buildings propose use of lap hardi-plank siding with stone base material wrapping the lower four or five feet. Store fronts along Douglas will also have clear glass on a majority of the first floor façade with EIFS accents.

A signage sheet has been submitted as part of the Conceptual Plan proposing monument signs made of building materials that are compatible with the respective buildings they are identifying. Typical wall mounted signs are also shown as well as on the building elevations. Staff recommends that the Conceptual Plan indicate further that signage is to conform to standards as applicable to "C-O" for the north building and as applicable to "C-1" Districts for the south building along Douglas Avenue". This should be qualified to state "except as modified by the approved Conceptual Plan elevations." This will primarily allow for signage for tenants on the second story as shown on the proposed elevations.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Dann Flaherty: Asked staff to explain differences between Planned Unit Development (PUD) Zoning versus conventional zoning districts.

Erik Lundy: Explained that the applicant previously requested C-1 Neighborhood Retail Commercial zoning and amended their application to PUD at the Planning Commission's request. The C-1 district has established setbacks and no limitation to the architecture of the building. However, the PUD request locks the zoning into specified uses which may be more limited than the normal zoning and defines the specific building size, setback, landscaping, etc.

Dann Flaherty: Asked if they were approving the site plan.

Larry Hulse: Clarified the Commission is being asked to approve the Conceptual Plan. It defines where the parking, the building and the landscaping are going to be. The Final Development Plan is reviewed administratively by staff. The Final Development Plan must be in compliance with the Conceptual Plan.

Dann Flaherty: Reiterated that with C-1 development they can build anything they wanted that was within C-1 however, with PUD they are locked into what is on PUD Conceptual Plan unless they come back to the Commission.

Leisha Barcus: Asked if this was a different plan than was previously brought before the Commission.

Erik Lundy: Stated, the applicant did modify their plan because they got word from the church that they could share the driveway along the western boundary. In addition, the church agreed to block their parking drive connection to Sherman Boulevard during normal business hours. Staff has not received an affirmative answer from Wells Fargo regarding a connection of the southernmost parking lot to the Wells Fargo driveway.

Mike Ludwig: Stated the goal is to coordinate use of the new traffic signal on Douglas as part of the Hy-Vee development. Wells Fargo has expressed concern about the public trying to enter the bank driveway from Douglas and then trying to make a left hand turn into the front parking lot of the Sullivan property. Traffic and Transportation Division believes that a median in the Wells Fargo entrance drive would resolve the issue.

Dann Flaherty: Asked about the parking lot setback from Douglas Avenue.

Erik Lundy: Stated the parking lot paving is setback approximately 20 feet from the Douglas Avenue right-of-way. The building is setback approximately 95 feet from the Douglas Avenue right-of-way. Noted that the applicant has tried to comply with everything the commission and staff has asked, and that there was a significant amount of objections even though they met with the neighborhood.

Ted Irvine: Asked about the tree mitigation on the first and second conditions recommended by staff.

Mike Ludwig: The tree survey would have to be submitted and reviewed administratively by staff.

Mike Simonson: Asked for clarification regarding access to the church property.

Erik Lundy: Explained that the church driveway entrance at Douglas Avenue would be shared with the Sullivan property. The church access to Sherman Boulevard would be closed/gated during non church event hours.

JoAnne Corigliano: Concerned that keeping the back of the area for water runoff may be a new problem in the neighborhood.

Erik Lundy: Stated they will have to come up with a design that complies with the City's stormwater management regulations.

Brian Millard joined the meeting

CHAIRPERSON OPENED THE PUBLIC HEARING

Bob VanderLinden, 2413 Grand Avenue, Des Moines: Stated they have met with the Meredith Neighborhood Association and the Beaverville Neighborhood Association. The neighbors wanted to get the buffer to the residential along the back corner of the site. Initially the applicant proposed to provide a berm there and to replant the trees. However, the neighbors said that the existing trees are a great buffer, so the idea is to maintain it. There will be a couple of trees that will have to be taken down in order to route the stormwater into the detention basin.

Dann Flaherty: Asked which directions does the stormwater flow across this property?

Bob VanderLinden: Stated it flows to the north and east.

Greg Jones: Asked how much deeper than the existing grade will the detention basin have to be.

Bob VanderLinden: Stated it would be approximately three or four feet lower and they are adding a berm that is about six feet high. The detention will outlet to the east into the stormsewer on the Wells Fargo property.

Brian Millard: Asked who would maintain the outlet for the detention basin?

Bob VanderLinden: Stated Mr. Sullivan would be responsible for the maintenance.

Mike Simonson: Suggested that the landscaping should be closer to the building and parking.

Bob Andeweg 700 Walnut St., Attorney for Mr. Sullivan: Stated there has been informal access for many years. The church is very eager to work with purchaser to have a joint driveway. At the neighborhood meeting there was a concern about the cut through of the traffic to Sherman Boulevard. There will be a chain during the week that will prevent access to the drive to Sherman Boulevard. The church is willing to consider removing the Sherman Boulevard access entirely. The proposed office use in the rear building will generate very little traffic during the day. The parking lots will connect to the Wells Fargo driveway.

Dann Flaherty: Expressed concern with the front parking lot. Asked how to minimize its impact on the rest of the neighborhood and why there was a need for parking on the north and south side of the building.

Bob VanderLinden: Stated they must provide parking per city code. He thinks that he would rather have parking split up and that parking will not take away from the view.

Kent Sovern: Stated that one of the primary objectives was streetscaping and moving the parking away from Douglas Avenue. He believes there has already been a setback established by the bank and the church developments and to be consistent, there should be additional setback by this property.

Bruce Heilman: Asked if there is an atrium through the southern most building?

Clancy Sullivan: Affirmed there is a walk through atrium accessible from both parking lots.

Greg Jones: Noted the applicant is proposing less parking along Douglas Avenue than the proposed Hy-Vee across the street. He did not believe the parking on this site was a concern.

There was no one in the audience to speak in favor.

The following individuals spoke in opposition:

Michael O'Malley, 3919 Sherman Blvd. Stated the makeup of the area will change, it is now residential and this proposal will change it to commercial which will result in more traffic. Commercial zoning will bring more noise, traffic and more lights around it. Hard surface paving and buildings will cause more water problems, bring mosquitoes, bugs and trash. The church already causes enough water problems. It is important to note that the Meredith Neighborhood Association has voted against this proposal. Not just a water issue, it is the quality of the neighborhood. He asks that the commissioners vote against it.

Greg Jones: Asked about the depth of Mr. O'Malley's lot and other lots along Sherman Boulevard.

Michael O'Malley: Stated his lot is 250 feet deep and his house sits in the front portion of the lot. Other houses are setback more than his but the lots are generally 250 feet deep.

Mark Lee, 8003 Douglas Avenue representing Wells Fargo Bank. Stated they have been in discussion with the developers. However this drawing is a little bit different than what they have seen before so at this point Wells Fargo will object until there is more study done. Originally the front parking lot was to connect and Wells Fargo suggests additional review before a decision can be made. To date Wells Fargo have only received preliminary information regarding the proposed traffic signal on Douglas Avenue but no information as to what that signal light will look like.

Bruce Heilman: Asked if any of Wells Fargo stormwater affects the neighborhood.

Mark Lee: Stated he is not aware of any problems.

Mike Ludwig: Explained that the goal is to align all of the driveways and coordinate access at the traffic signal. Traffic & Transportation reviewed these plans and are confident that the access can be accommodated.

Dann Flaherty: Asked if Wells Fargo filed a written objection:

Mark Lee: Indicated they had not.

Tony Snyder, 3915 Sherman Blvd. Stated he is concerned about where the stormwater will go, the lighting and the trees that will be lost and asked that the Commission deny the applicant's request.

Julie Collins, 4504 Flamingo Ct.: Is concerned with the encroachment of commercial, increased traffic and trash. Putting detention pond at the north end of the property is not maintaining green space. Want to keep it residential and ask that the commission deny the applicants request.

Bruce Heilman: Asked about the green space and where does the water problem come from.

Julie Collins: Indicated she believes the water problems are created by the church and Wells Fargo parking lots.

Mike O'Malley: Clarified that the water from the church impacted part of his property and Ms. Pitman's.

Loren Wagner, 4508 Flamingo Ct.: Concerned with the water runoff, traffic pattern, increased traffic, and encroachment.

Bruce Heilman: Noted the detention pond would address the proposed development's stormwater issues.

Anita Richey, 3845 Sherman Blvd.: Expressed concern with the water from the church and the new detention pond. She also shared pictures and requested that the Commission deny the applicant's proposal.

Nancy Milton, 3831 Sherman Blvd.: Expressed concern with runoff from the church parking lot. She has lived in her house since 1991.

Greg Jones: Noted that a portion of the church parking lot predates the City's detention requirements.

Bruce Heileman: Noted everything heard regarding stormwater issues has not been caused by the subject property.

Donna Pittman, 3851 Sherman Blvd.: Noted she does not want commercial in her backyard.

Jeffrey Johansen: Asked if the real issue is they do not want commercial zoning in their neighborhood.

Ray Smojd: 3928 Sherman Blvd.: Concerned with encroachment of commercial in an established residential neighborhood and stormwater runoff.

Claudia Koon: 3931 Sherman Blvd.: She has talked to her Councilmember. Her property does not flood, but the neighbor's property does. She does not want more commercial. Changes have been made to the plan but she doesn't want commercial development.

Jeffrey Johansen: Noted he believes that the neighborhood could work with the church and commercial property.

Bob VanderLinden: Noted that Mr. Sullivan did not want to move either, but he seen this as an opportunity to stay in the neighborhood. He feels that he has addressed everyone's concerns and will try to improve drainage.

Dann Flaherty: Asked how will water exit the detention basin.

Bob VanderLinden: Noted the outlet pipe is going to be 4 feet deeper than intake.

Dann Flaherty: Asked if the applicant had consent to tie into the private stormsewer on Wells Fargo property.

Bob Andeweg: Noted, per his conversations with Wells Fargo they have agreement on this issue.

Brian Millard: Asked about the signage and how the signs can be more attractive.

Bob VanderLinden: We feel that concerns were addressed and the development itself is good. It provides a low impact use. They have worked with the church regarding the gate system. Believes all concerns have been addressed and two-story building on the southern portion of the property and a one-story office building on the northern portion of the property blends in with the neighborhood.

Bruce Heilman: Feels there is plenty of parking and hope that plans continue to minimize the parking.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson: Moved approval of the staff recommendation with the following amendments: 1) The signage on the 2nd floor of the buildings shall have individual lettering. 2) Lighting levels on the subject property shall be zero foot candles beginning at a point 40' from the north property line. 3) The developer shall consider providing detention on south side of the northernmost building. 4) The northernmost row of parking shall be eliminated. 5) A pedestrian access to the northernmost building shall be provided from Douglas Avenue. 6) The southernmost parking lot shall connect to the Wells Fargo entrance driveway. 7) The Final Development Plan shall be reviewed by the Plan and Zoning Commission for compliance with the Conceptual Plan.

Dann Flaherty: Proposed a friendly amendment requiring the applicant to use permeable pavement if possible and the engineer would have to sign off that improvements are installed.

Mike Simonson: Accepted the friendly amendments.

Bruce Heilman: Supports keeping Des Moines business in our neighborhood. In previous meeting the neighbors were asked to be open and yet it appears the neighbors have made no effort to meet the developer half-way. However there has been major effort by the developer.

Leisha Barcus: Rezoning to PUD is the best solution to protect the neighborhood. Noted that the current zoning would allow single family residences to be built closer to the neighbors than the proposed commercial buildings.

Brian Millard: Requested a friendly amendment to require the church access to Sherman Boulevard to be chained off or gated during non-church events.

Mike Simonson: Accepted the friendly amendment.

Leisha Barcus: Asked if something could be done to ask the church to address the issues that the neighbors have about the stormwater runoff.

Larry Hulse: Suggested that a letter be written from the commission to the Council informing them that the neighbors voiced concerns about the stormwater runoff.

Brian Millard: Will not vote for the motion.

Kent Sovern: Supports the motion but his preference is to minimize the number parking stalls and permeable materials he would appreciate.

Erik Lundy: Noted that they are required to have 83 parking stalls and they are providing 86.

Bruce Heilman: Clarified that if they can reduce more than three parking stalls, the northernmost row is preferred.

Part A): Motion to find the rezoning **not** in conformance with the Des Moines' 2020 Community Character Plan. (Simonson)

Motion passed 13-0

Part B): Motion to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. (Simonson) (21-2008-4.13)

Motion passed 11-2


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Part C and D: Motion to rezone property from "C-0" Commercial-Residential District and "R1-60" One-Family Low-Density Residential to "PUD" Planned Unit Development, to allow redevelopment of the property for commercial office and retail uses. (ZON2008-00078) and approve a PUD Conceptual Plan "PAT Brokerage", subject to the following conditions:
(Simonson)

1. No removal of trees over six inches in diameter from the subject property until an approved tree removal/ protection and mitigation plan is reviewed as part of any Development Plan for commercial development.
2. Addition of language on the Conceptual Plan that would require identification of species and tree protection measures on any Development Plan for the trees identified for protection, and identification of species and mitigation of trees to be removed using formulas currently being considered by the City Council for all large scale developments.
3. Elimination of "possible" language on the Conceptual Plan for cross drive access and storm sewer connections with the adjoining bank property to the east.
4. Addition of language on the Conceptual Plan that trash enclosures be comprised of materials compatible with the primary building architecture and should be constructed of a durable material such as stone or masonry with an opaque metal gate enclosure.
5. Addition of language on the Conceptual Plan to indicate that all signage is to conform to standards as applicable to "C-O" for the north building and as applicable to "C-1" Districts for the south building along Douglas Avenue. This should be qualified to state "except as modified by the approved Conceptual Plan elevations".
6. Prohibition of the use of packaged goods stores for the sale of alcoholic beverages, pawn shops, upholstery shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles. Language should be added to the Conceptual Plan listing the prohibited uses.
7. The signage on the 2nd floor of the buildings shall have individual lettering.
8. Lighting levels on the subject property shall be zero foot candles beginning at a point 40' from the north property line.
9. The developer shall consider providing detention on south side of the northernmost building.
10. The northernmost row of parking shall be eliminated.
11. A pedestrian access to the northernmost building shall be provided from Douglas Avenue.
12. The southernmost parking lot shall connect to the Wells Fargo entrance driveway.
13. The Final Development Plan shall be reviewed by the Plan and Zoning Commission for compliance with the Conceptual Plan.
14. The applicant shall consider use permeable pavement if possible.
15. The consulting engineer shall provide a written certification to city staff that all improvements have been installed according to the approved Final Development Plan.
16. The church access to Sherman Boulevard to be chained off or gated during non-church events.

Motion passed 12-1

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

