



Roll Call Number

Agenda Item Number

51A

Date August 11, 2008

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381, the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter than at a public hearing held July 17, 2008 the members voted 11-2 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 amend the Des Moines 2020 Community Character Plan land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development for property located at 4529 and 4539 Douglas Avenue as more specifically shown by the accompanying map.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved and adopted.

MOVED by _____ to adopt, and approve the proposed amendment.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

(21-2008-4.13)

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

Date Aug. 11, 2008
 Agenda Item 51A
 Roll Call # _____

July 23, 2008

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:

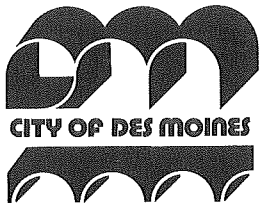
After public hearing, the members voted 13-0 as follows:

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 run-off. 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 Beavertdale 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

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:c1w

Attachment



51A

P. O. Box 31234
Des Moines, IA 50310



FOR IMMEDIATE REVIEW

Fr. Nick Taylor, President 2008-2010 / 515-331-2341
Terri Golightly, Vice President 2007-2009
Peggy Grim, Secretary 2008-2010
Som Rasavanh, Treasurer 2007-2009
www.meredithneighbors.org

July 14, 2008

Des Moines Planning and Zoning
Community Development Department
602 Robert D. Ray Drive
Des Moines, IA 50309

ATTN: Bert Drost 283-4257 or Eric Lundy 283-4144

RE: Re-zoning of 4529 and 4539 Douglas Avenue, Des Moines, Iowa – Residential to Commercial

Dear Sirs:

This letter is to advise your committee that the Meredith Neighborhood Association Board has met with Clancy Sullivan of Pat Brokerage, his engineer and contractor at our June 9 Board Meeting, and with the residents of Sherman Boulevard and Flamingo Court affected by the proposed re-zoning at our July 14 Board Meeting. Both parties presented their plans and concerns, and as a Board we feel we now have more disclosure from both sides.

As a community of business and residential properties, our association's mission is to 'enhance the quality of life in our neighborhood'. While we fully encourage commercial development within our northwest boundaries, we would ask the committee to ascertain more details of the re-zoning as it acutely affects the daily life of the surrounding residents. Therefore, until the following concerns of the Meredith Neighbors are more fully addressed, we as a Board cannot provide our support to the re-zoning application regarding the proposed C-1 and PUD usages.

An original signed Petition delivered to our Board by the affected neighbors is enclosed for your review. A brief summary of their concerns as related to the Board includes: additional flooding from hard surface runoff, inadequate storm sewer drainage, an unsanitary water retention basin, increased traffic problems, increased wind-blown trash, noise issues, and a loss of green space and trees.

Our association appreciates the time and commitment of your department staff to address this re-zoning application. We will have a representative of our Board hand-deliver this letter and enclosures to your offices prior to the upcoming Thursday, July 18, 2008 Planning and Zoning Meeting at 6:00 pm in the City Council Chambers.

Sincerely,

Meredith Neighborhood Association Board

Fr. Nicholas Taylor, President fr.nicholas2@mchsi.com

Enclosures – Petition from 31 Residents and Notice of Public Hearing

cc: Clancy Sullivan, Developer clancy@patbroker.com
Mike O'Malley, Attorney for Residents momalley@connollylawfirm.com 243-8157
Beaverdale Neighborhood Association Board cmshfs@mchsi.com
Meredith Neighborhood Association Board

/ccraig



June 18, 2008

Planning and Zoning Commission
City of Des Moines
400 Robert D. Ray Drive
Des Moines, Iowa 50309

Dear Commissioners:

I write on behalf of the Beaverdale Neighborhood Association (BNA) in reference to item number two (2) on your June 19, 2008, agenda, the request by Clancy Sullivan to rezone property located at 4529 and 4539 Douglas Avenue.

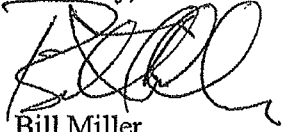
As you may be aware, the subject property abuts the formal border of Beaverdale as recognized by the Des Moines City Council. Nevertheless, as a courtesy, Mr. Sullivan and other individuals involved with the proposed redevelopment of this property recently presented their preliminary development plan to the BNA Board of Directors. This presentation afforded the Board the opportunity to review and ask questions about the plan. Moreover, the Board and Mr. Sullivan's group enjoyed a helpful exchange of information and opinion about this new development.

Although Mr. Sullivan's redevelopment plan does not currently feature extensive detail, the Board was generally pleased with the plan, appreciative of Mr. Sullivan's efforts to share it with the BNA, and gratified that the proposed redevelopment should permit Mr. Sullivan and others to maintain their businesses in the Beaverdale area subsequent to the imminent development of the new Hy-Vee grocery store on Douglas Avenue.

The BNA Board also encouraged Mr. Sullivan to share his plan with the Meredith Neighborhood Association (MNA) Board of Directors because the proposed development is within that association's border. We understand Mr. Sullivan and his team recently presented their plan to the MNA Board and received a favorable response. We believe the MNA Board intends to write you on its own, and we defer to its correspondence for a complete description of its reaction. We further urge you to give full consideration to any concerns with the plan raised by the MNA.

If the BNA can provide you additional information, or if there is any other way we can assist you, please contact me at 255-2489. Thank you for your attention to this important matter and for your service on the Planning and Zoning Commission.

Sincerely,



Bill Miller
President, BNA

CC: Clancy Sullivan, Pat Brokerage Co.
Chris Craig, MNA Board of Directors
Bert Drost, City of Des Moines

The Residents of Sherman Blvd. And Flamingo Court, Des Moines, Iowa hereby request that the Meredith Neighborhood Association Board vote against approval of the re-zoning request of Clancy Sullivan to rezone property at 4529 and 4539 Douglas Ave. to either C-1 uses or PUD with C-1 retail uses. The undersigned do not want any further expansion of Commercial zoning or uses into its residential neighborhood.

Name	Address	Page 1
Michael O'Malley	3919 Sherman Blvd	
Doris O'Malley	3919 Sherman Blvd	Doris O'Malley
ANTHONY SNYDER	3915 SHERMAN BLVD	
Bridget Snyder	3915 Sherman Blvd	
Raymond & Soni Smajd	3928 Sherman Blvd.	Raymond & Soni Smajd
Corri Smajd	3928 Sherman Blvd.	Corri K Smajd
Maria Shue	3926 Sherman Blvd.	Maria Shue
BRIAN BENLSDARFER	3839 SHERMAN BLVD	
Joseph Nerly	3844 Sherman Blvd	Joseph Nerly
Mary Nerly	3844 Sherman Blvd	Mary Nerly
Claudia Koon	3931 Sherman Blvd	Claudia Koon
Julie Collins	4504 Flamingo Ct	Julie Collins
Scott Hansen	4504 Flamingo Ct	
Mark Mullan	4515 Flamingo Ct	Mark J. Mullan

**DOUGLAS AVENUE PRESBYTERIAN CHURCH
4601 DOUGLAS AVENUE
DES MOINES, IA 50310**

Mr. Clancy Sullivan
PAT Brokerage Company
4518 Douglas Ave.
Des Moines, IA 50310-2710

Dear Clancy:

I understand you have submitted a site plan for the development of 4529 and 4539 Douglas Avenue, Des Moines. This property is immediately to the east of the Church property located at 4601 Douglas Avenue. You have asked our church to work with you development of a joint access drive between the properties. As chairman of the Board of Trustees, I will recommend to our board that the Church approve such a formal joint access drive from Douglas Avenue, which can be used by your property and the Church property on a permanent and non-exclusive basis.

Concerns have also arisen regarding increased traffic that would exit through the Church's drive onto Sherman Boulevard. I will also recommend to our board that it approve a gate to be placed on the drive, at your cost, that would be closed during daytime hours during the week.

We appreciate the opportunity to help in the quality development such as yours. If you have any questions, please let me know.

DOUGLAS AVENUE PRESBYTERIAN CHURCH

By Kevin W. Bjornsen 7-17-2008

Kevin Bjornsen, Chair, Board of Trustees

Item ZON 2008-00078 Date 11/1/08

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

RECEIVED

Print Name Charles Gonzales
Signature [Signature]
Address 4554 Douglas

JUL 16 2008

COMMUNITY DEVELOPMENT DEPARTMENT

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

Traffic is a mess - already
Hydrex will make it worse to water
Run-off with parking lots will overflow
the Storm Sewers

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

Commercial moving into residential
increase in traffic
water drainage, detention pond - mosquitoes
effectiveness
trash - noise pollution

Print Name Tillie Collins - Scott Hansen
Signature [Signature]
Address 25021 Flamingo Ct

COMMUNITY DEVELOPMENT DEPARTMENT

RECEIVED
(Circle One)
JUL 11 2008

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

7-17

Date July 9, 2008

Item ZON 2008-00078

RECEIVED

Item ZON 2008-00078 Date 7-8-08

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

RECEIVED

Print Name LOREN E ROSALITA WAGNER
Signature [Signature]
Address 4508 FLAMINGO CT

JUL 14 2008

COMMUNITY DEVELOPMENT DEPARTMENT

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

AT THE LAST ZONING MEETING, THE BOARD
ASKED PAT BROKERAGE TO COME UP WITH
A R.U.D. PLAN KEEPING COMMERCIAL IN LINE
WITH BANK BUILDING. HIS NEW PLAN HAS
COMMERCIAL AND PARKING INCREASING IN
51A

Item ZON2008-00078 Date 1/18/08

I (am) in favor of the request.

RECEIVED

Print Name BEMILDARFER

JUL 11 2008

Signature BEMILDARFER

COMMUNITY DEVELOPMENT DEPARTMENT

Address 3857 SHAKMAN BLVD

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

EYE, NOISE, TRAFFIC - OTHER BUILDING FOR RENT OR SALE IN AREA, ALREADY ZONE TO DO WHAT BUILDER WANTS TO DO

Item ZON2008-00078 Date 7/15/08

I (am) in favor of the request.

RECEIVED

Print Name Chyck Grayson

JUL 16 2008

Signature Chyck Grayson

COMMUNITY DEVELOPMENT DEPARTMENT

Address 4600 Douglas

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

Traffic is a mess already fly over will make it worse & water run off with parking lots will contaminate storm sewers

This will destroy the wild life we have in these lots. I just spent 2 hrs. (7-8-08) watching a pair of juncos eat & rest in my lilac which butt up to 4350-4355 also it will disturb birds nesting. (7-8-08)

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

Print Name Donna M. Hoffman
Signature Donna M. Hoffman
Address 3851 Sherman Blvd
I don't want more water running over my place.

(Circle One)

I (am) in favor of the request.

Item ZON2008-00078 Date 7-17

Item ZDN2008-00078

Date 7/8/8

I (am) in favor of the request.

7-17

RECEIVED

JUL 10 2008

Print Name R. WAYNE RICHEY

Signature R. Wayne Richey

COMMUNITY DEVELOPMENT DEPARTMENT

Address 3845 Sherman Blvd

Phone 50310-2729

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

- 1) Traffic through church group home immediately adjacent to our residence plus increased commercial traffic on Sherman Blvd.
- 2) increased water flow from property
- 3) noise 4. loss of trees Anita G. Spisley

COMMUNITY DEVELOPMENT DEPARTMENT

JUL 10 2008

RECEIVED

I (am) in favor of the request.

7-17

Date JULY 8, 2008

Item ZDN2008-00078

Address 3915 Sherman Blvd

Signature

Print Name Anthony Brigid Suter

Item ZDN2008-00078

Date July 8, 2008

I (am) in favor of the request.

7-17

(Circle One)

Print Name Claudia J Koon

Signature Claudia J. Koon

Address 3931 Sherman Blvd.

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

- 1) Water runoff from Douglas - every change generates new problems.
- 2) Sherman Bl is already a cut-through street - the project will generate more traffic issues.
- 3) Our neighborhood appreciates the green space that would be destroyed by the project.

51A

Item ZON2008-00078 Date July 07, 2008

I (am) in favor of the request.

(Circle One)

Print Name Paul + Linda Kimball
Signature Paul E. Kimball

JUL 11 2008

Address 4501 Flamingo Ct. DSM, Ia

COMMUNITY DEVELOPMENT DEPARTMENT

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

We don't want Commercial business so close because it could cause water problems, traffic, noise, and trash. We don't want future development in our residential area.

RECEIVED
JUL 11 2008
COMMUNITY DEVELOPMENT DEPARTMENT

(Circle One)

I (am) in favor of the request.

Item ZON2008-00078

Date 7/8/08

Print Name Ann Wilman
Signature Ann Wilman

Address 4529 Flamingo Ct

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

Water: I can't see any feasible way to prevent them
Traffic: Noise

Commercial zoning spoils a lovely neighborhood + invites security issues

Item ZON2008-00078 Date 7/8/08

I (am) in favor of the request.

(Circle One)

Vera E. Messick,

Print Name Ernest M. Messick

Signature Vera E. Messick

JUL 11 2008

COMMUNITY DEVELOPMENT DEPARTMENT Address 4505 Flamingo Ct. Des Moines, IA 50316-2044

Reason for opposing or approving this request may be listed below:
We moved here 49 years ago, built our home. We are 92 + 87 years of age. We don't want more traffic, we love the huge trees, we have wonderful "old" trees. This is a wonderful residential community. We are very safe here. Please, no more parking lots, cement, no more water runs off, we have a good mix of adult + lovely families with children. No more commercial buildings are needed.

Item ZDN3008-00078 Date 7-8-08

I (am) in favor of the request.

(Circle One)

Print Name McChane (+ Doris D. McChane)
Signature [Signature]
Address 3919 Sherman Blvd

JUL 11 2008

RECEIVED
COMMUNITY DEVELOPMENT DEPARTMENT

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

Want no further encroachment
Commercial uses into residential neighborhood
- Will cause noise, trash, flooding
+ excess traffic + better fuel
residential neighborhood

Item ZDN3008-00078 Date 7-9-08

I (am) in favor of the request.

(Circle One)

Print Name Ernest R. DeGan
Signature [Signature]
Address 3835 Sherman Blvd

JUL 11 2008

RECEIVED
COMMUNITY DEVELOPMENT DEPARTMENT

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

Reason for opposing or approving this request may be listed below:
To preserve the enjoyment of my
home, to stop additional neighborhood
(my present) flooding, protect the peace &
serenity of the neighborhood, stop additional
noise from houses.

Print Name CHARLES CARNES
Signature [Signature]
Address 3925 SHERMAN BLVD

JUL 10 2008

RECEIVED
(Circle One)

I (am) in favor of the request.

Date July 8, 2008
7-17

Item ZDN3008-00078

Item ZDN2008-00078 Date July 10, 08 of 51A

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

7-17

(Circle One)
RECEIVED ✓

Print Name Jennifer Carlson

JUL 11 2008

Signature [Handwritten Signature]

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 4500 Flamingo Ct.

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

Item ZON2008-00078 Date 7-8-08

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

(Circle One) **RECEIVED**

JUL 10 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name CLANCY SULLIVAN
Signature Clancy Sullivan
Address 4518 DOUGLAS

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

LOOKS GOOD TO ME.
CS
APPROVANT

Item ZON2008-00078 Date JUL 14, 2008

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

(Circle One) **RECEIVED**

JUL 16 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name CECIL F. CALVERO
Signature [Signature]
Address 4558 DOUGLAS AVE.

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

I DO THINK THE 2 STORY OFFICE
BUILDING WITH A HIP ROOF WILL LOOK
FINE FROM DOUGLAS AVE. THE SINGLE
STORY OFFICE TO THE REAR WILL ALSO
UTILIZE SPACE EFFECTIVELY & SAVE ENOUGH
MATURE TREES.

RECEIVED
 JUL 14 2008
 COMMUNITY DEVELOPMENT
 DEPARTMENT



7-17

7/12/08

Re: Rezoning Request of CLANCY SULLIVAN.

Dear City of Des Moines,

We are SAMIR AND SAIMA JUSUFOVIC who reside at 4514 FLAMINGO CT, Des Moines IA. We are opposed to the Re-zoning of 4529 + 4539 Douglas Ave to PUD or any commercial use.

We did not receive a card in which to vote but live within 200 feet of property to be rezoned. I will have this letter delivered by my neighbor to City Plan + Zoning.

SAMIR JUSUFOVIC
 Saima Jusufovic



View From several Sherman Blvd.
backyards looking into rear of
properties at 4529 and 4539 Douglas

5 2008

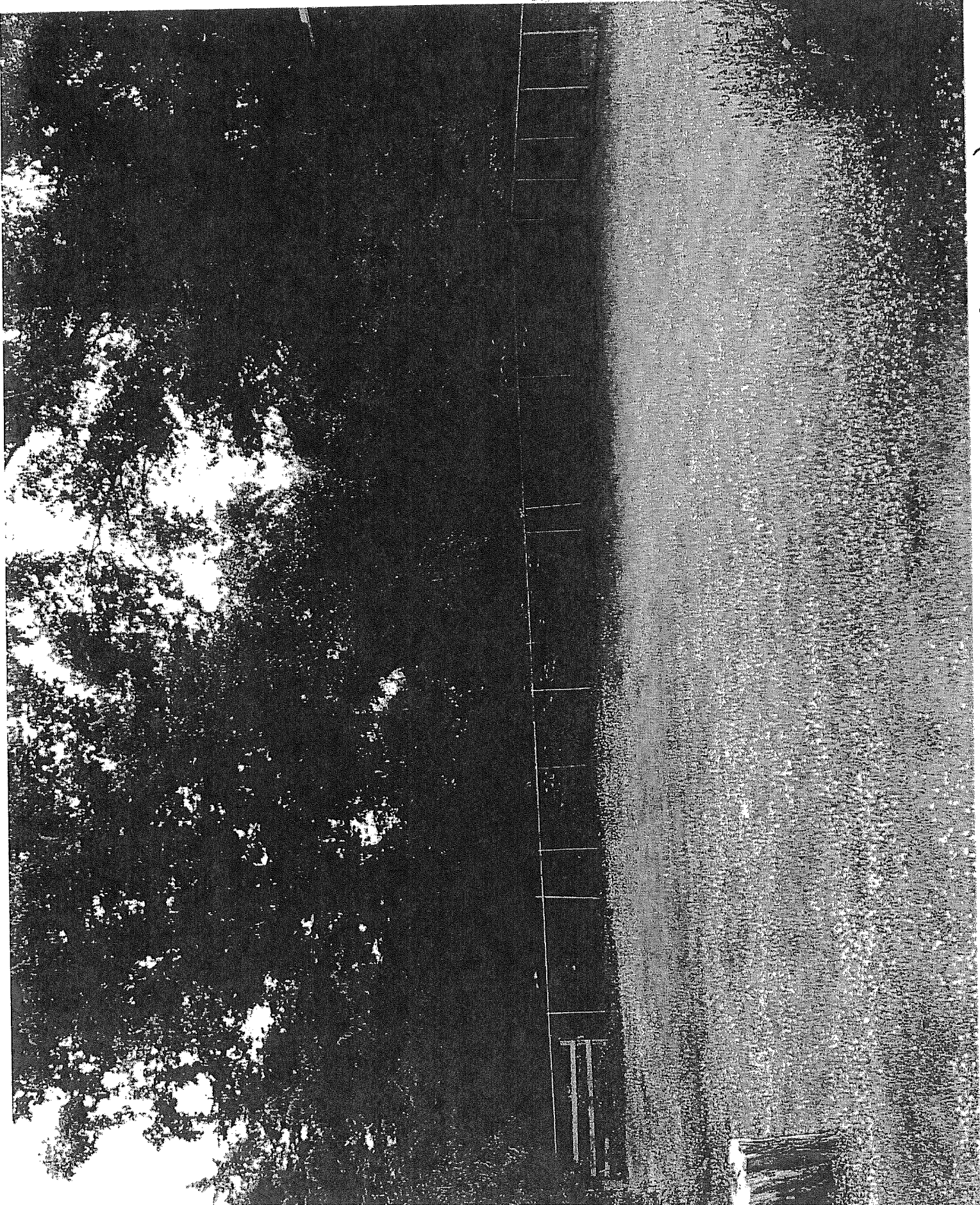
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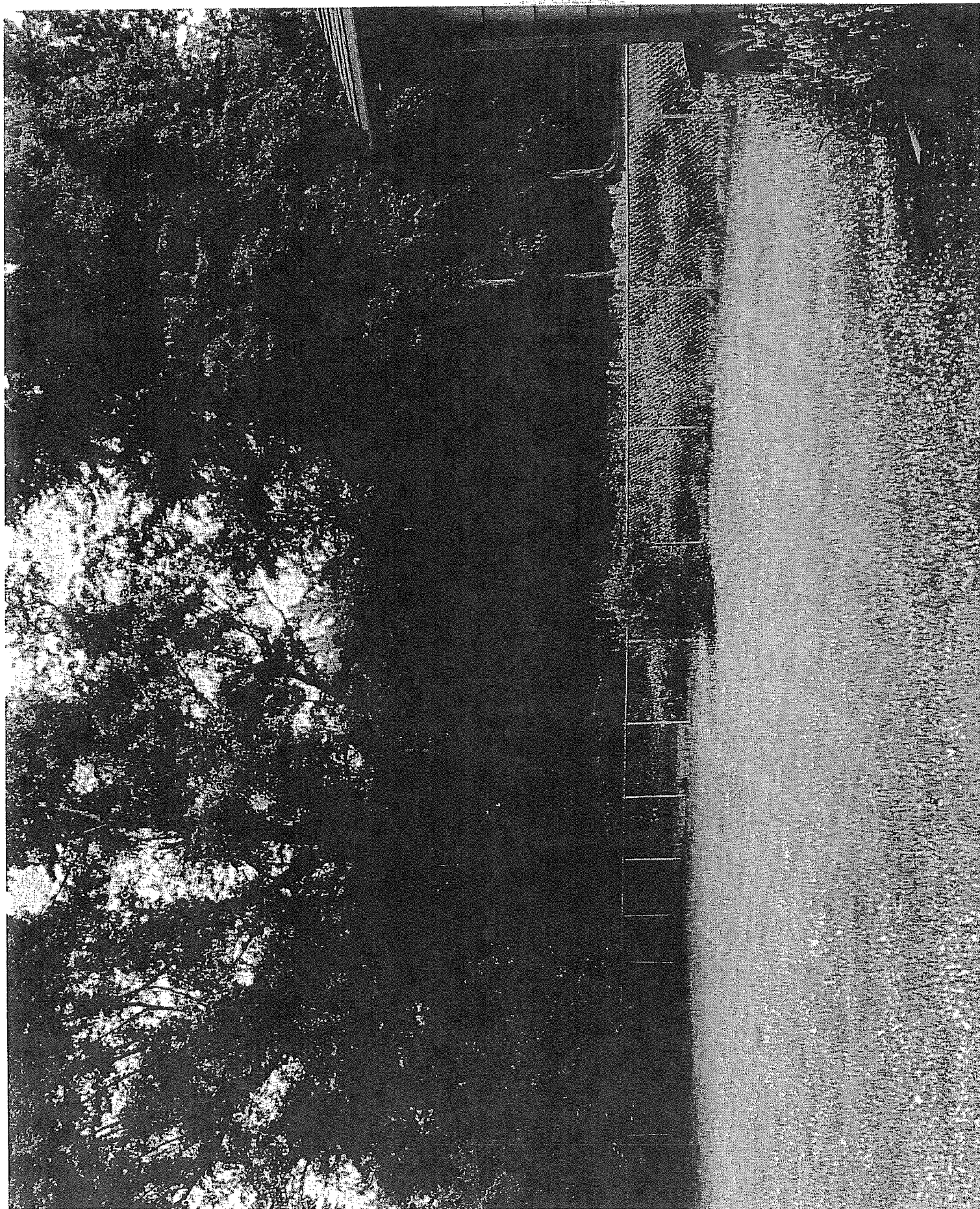
View From Sherman Blvd properties
Looking into rear of property at
4539 + 4529 Douglas



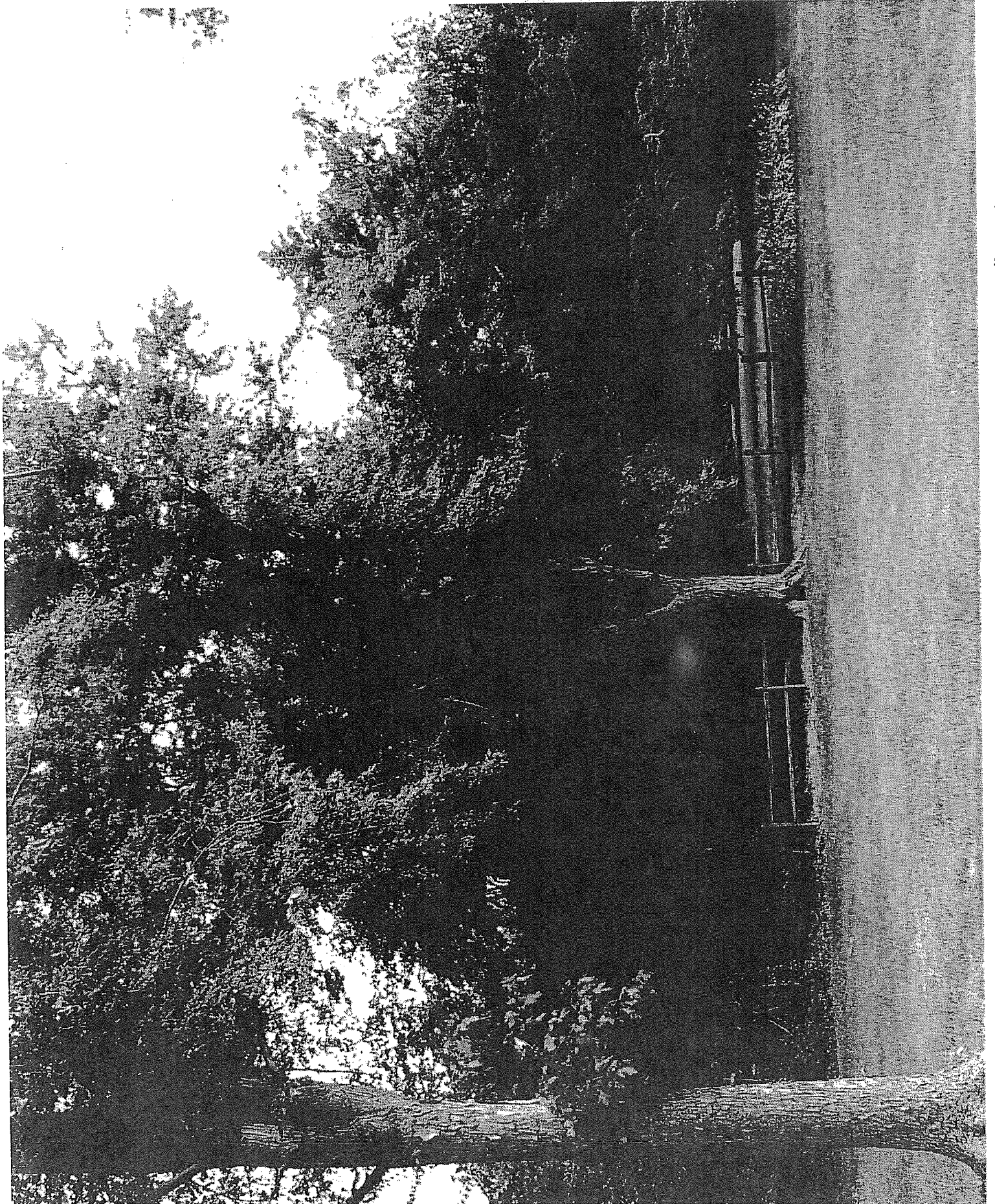
Down site Camp / Wood 1



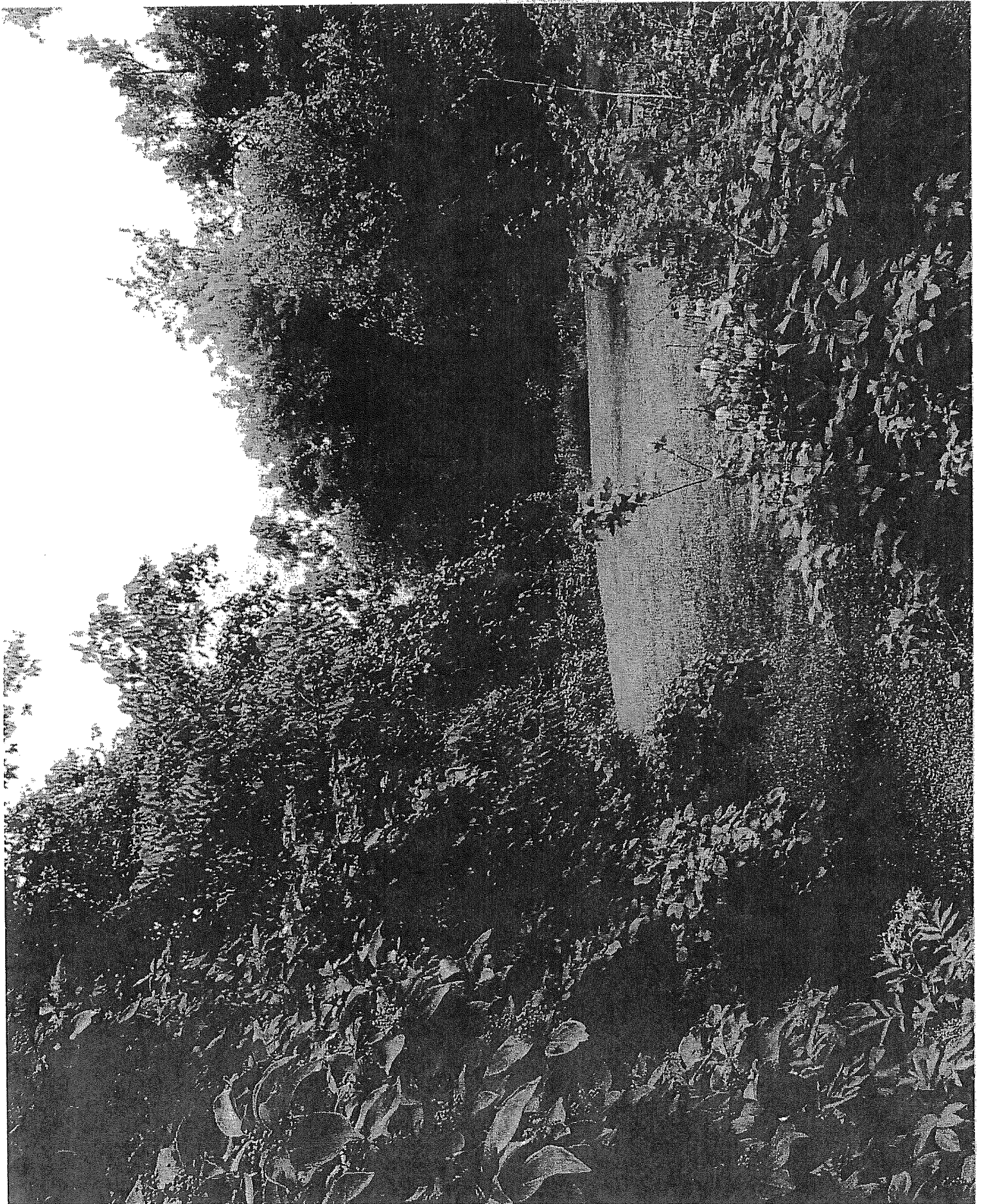
RESIDENTIAL BACKYARD (SHERMAN BLVD)



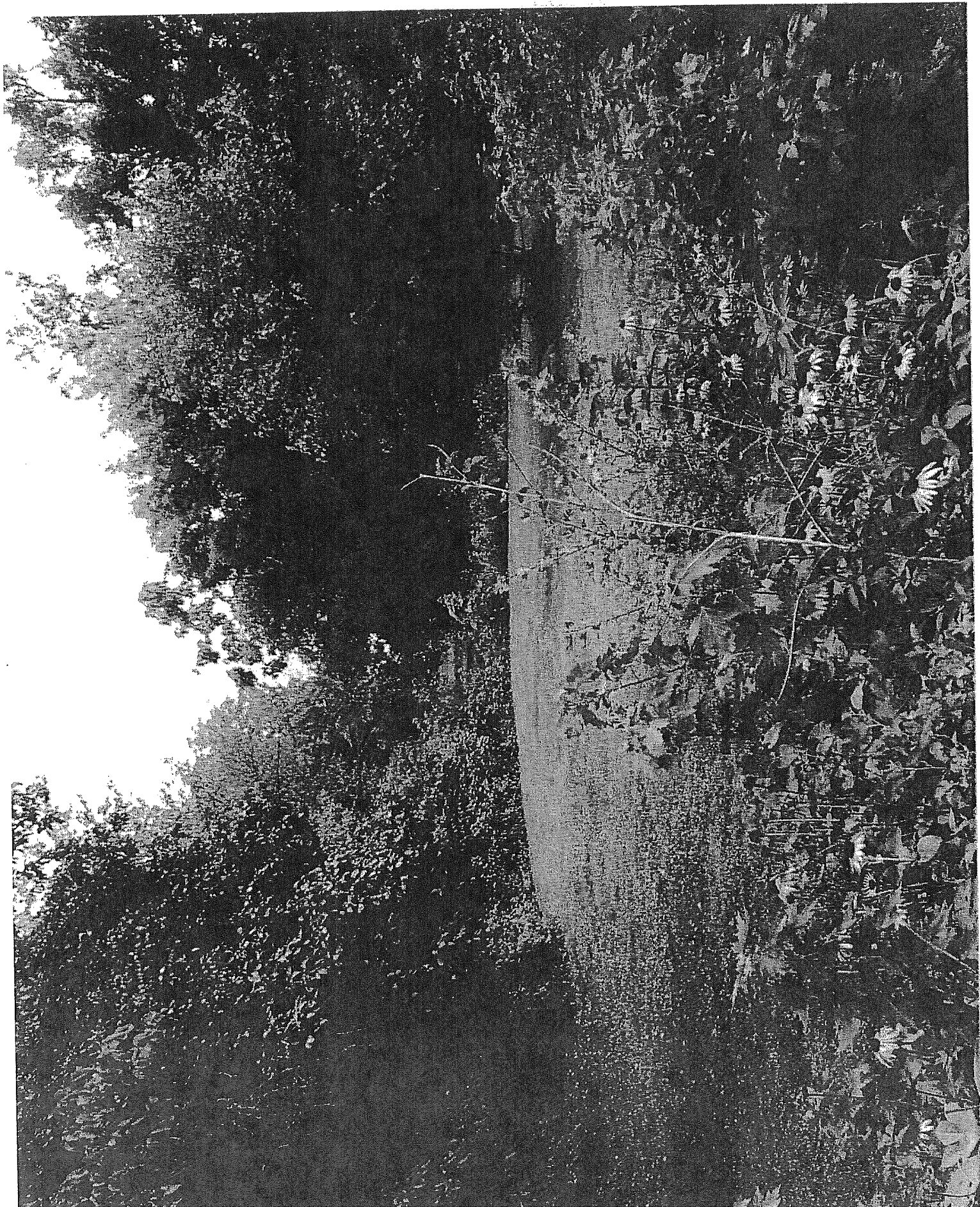
DESIGNATED BACKYARD (SHERMAN BLVD)



DESIGNATED PARKWAY

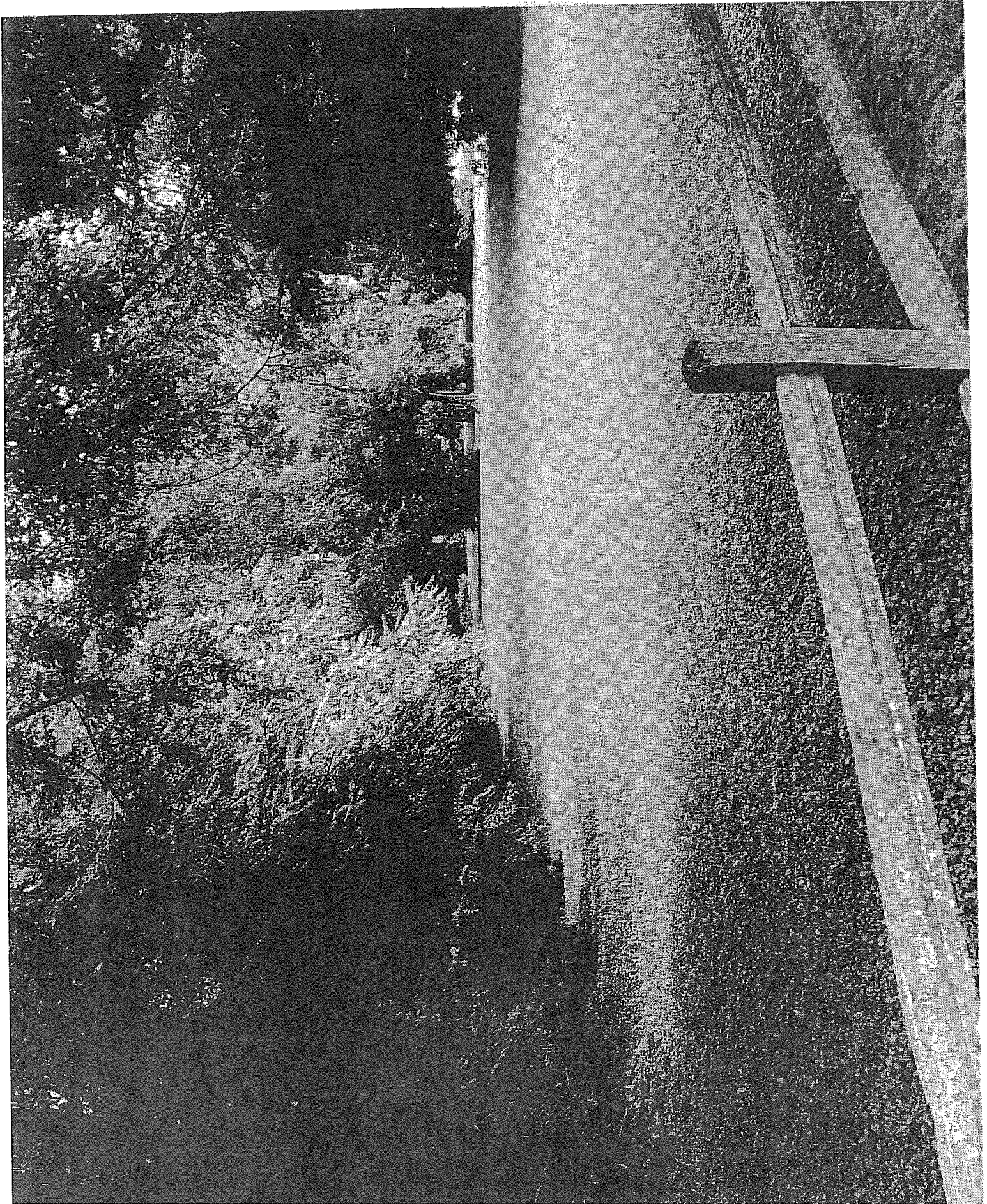


DOWNY OAK INTERLUDE



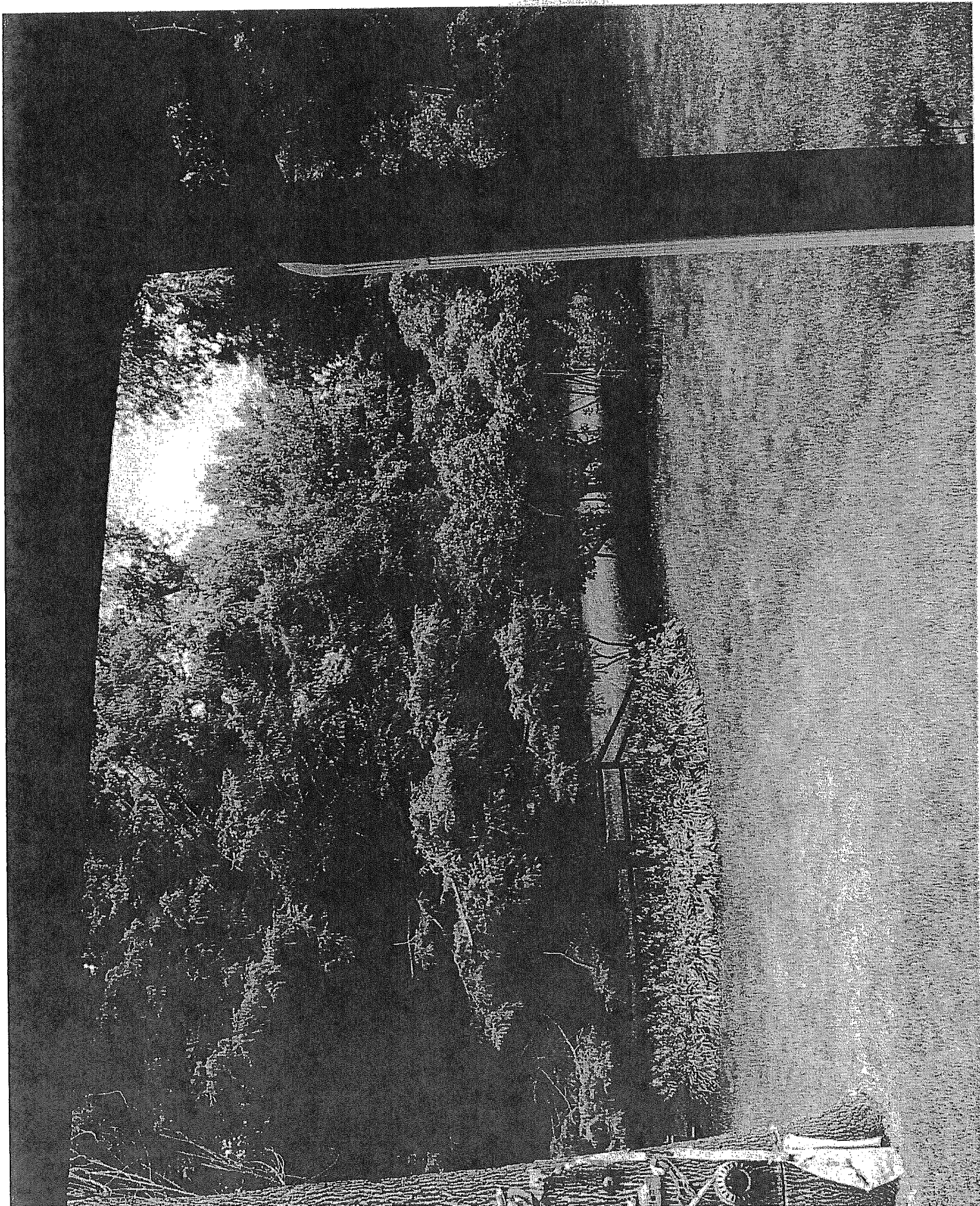
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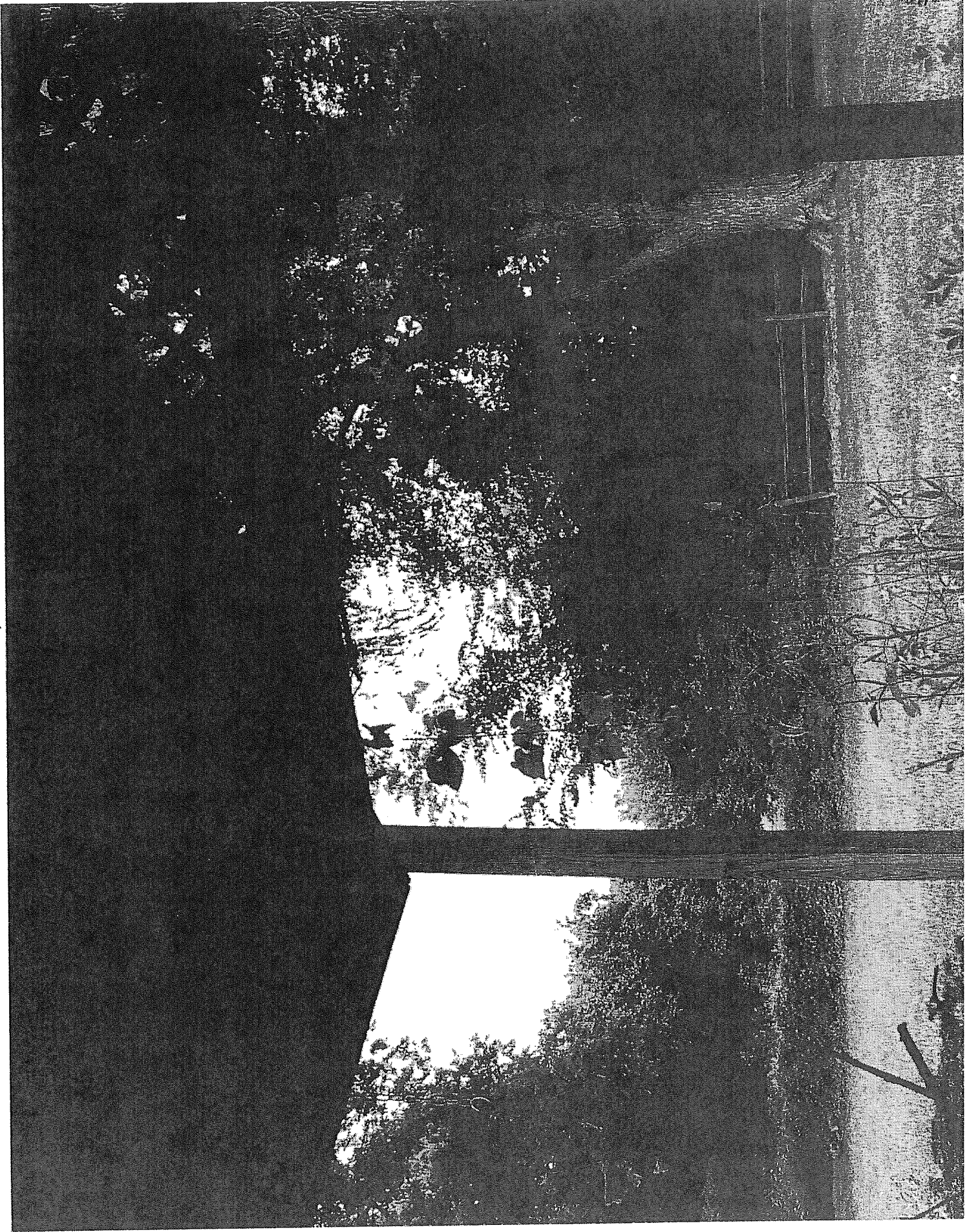
ROADWAY

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RESIDENTIAL BACKYARD

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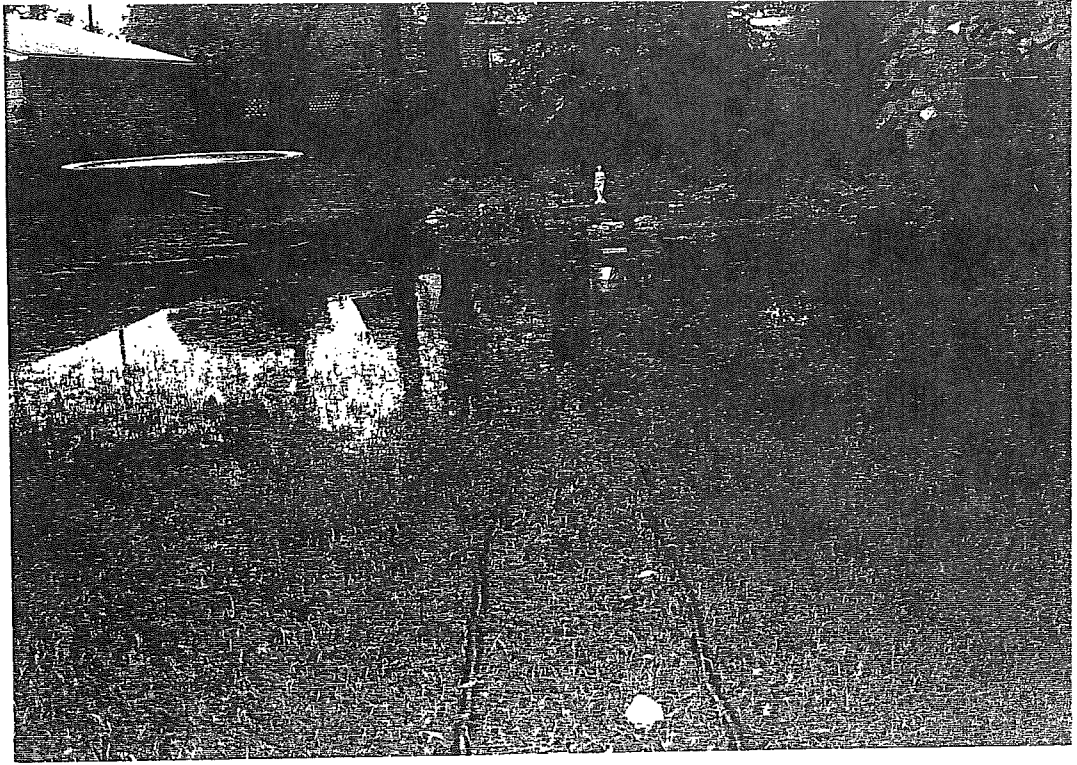
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MAY 2005

3831 SHERMAN BLVD.

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