

Date..... August 21, 2006

RESOLUTION APPROVING AMENDMENT TO THE "C-4"
DEVELOPMENT PLAN FOR FLEUR MARKET PLACE

WHEREAS, on August 7, 2006, by Roll Call No. 06-1572, it was duly resolved by the City Council, that a public hearing to be held on August 21, 2006, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Raccoon Valley Investment Company (owner) represented by Michael Coppola, Manager, to amend the approved "C-4" Shopping Center Commercial District Development Plan for the Fleur Market Place located east of Fleur Drive and extending north from McKinley Avenue to the Stanton Avenue, to provide for additional retail commercial development; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on August ____, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved "C-4" Development Plan; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved "C-4" Development Plan be approved, subject to the development plan being first amended as set forth in the attached letter from the Planning Administrator; NOW, THEREFORE,

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the approved "C-4" Development Plan for the property east of Fleur Drive, extending north from McKinley Avenue to Stanton Avenue, and known as the Fleur Market Place, are hereby overruled and the hearing is closed.

2. The proposed amended "C-4" Development Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

(continued)

Date August 21, 2006

3. The amended "C-4" Development Plan for the property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

August 21, 2006

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 August 17, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

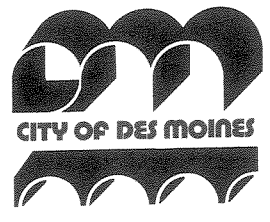
After public hearing, the members voted 12-0 as follows:

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

APPROVAL of a request from Raccoon Valley Investment Company (owner) represented by Michael Coppola (officer) to amend the existing "C-4" Development Plan for the Fleur Market Place located at 4707 Fleur Drive, to provide for additional retail commercial development, subject to the following conditions:

1. Provision of evergreen plantings as part of the conceptual open space plantings in each of the areas identified for future development.
2. Provision of conceptual interior planting islands in the off-street parking areas in the Phase 3 portion, so that there are no more than 20 continuous spaces in row of off-street parking.
3. Revise the pedestrian link identified from the "Lil' Sprouts" early childhood center to the Phase 3 development area to shift it to the north end of the existing off-street parking area.
4. Provision a recorded noise and aviation easement in favor of the City over the entire "C-4" development plan area.
5. Use of only compatible tree species as part of any future site plan development as approved by the Aviation Department under the Airport wildlife management plan.

(ZON2006-00106)



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

Written Responses

2 In Favor

0 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the submitted "C-4" development plan amendment subject to the following conditions:

1. Provision of evergreen plantings as part of the conceptual open space plantings in each of the areas identified for future development.
2. Provision of conceptual interior planting islands in the off-street parking areas in the Phase 3 portion, so that there are no more than 20 continuous spaces in row of off-street parking.
3. Revise the pedestrian link identified from the "Lil' Sprouts" early childhood center to the Phase 3 development area to shift it to the north end of the existing off-street parking area.
4. Provision a recorded noise and avigation easement in favor of the City over the entire "C-4" development plan area.
5. Use of only compatible tree species as part of any future site plan development as approved by the Aviation Department under the Airport wildlife management plan.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seek to amend the overall "C-4" Development Plan to allow for future phases of property development that are not currently defined on the approved Development. The additional phases of development are defined on the plan as Phase 1A, Phase 1B, and Phase 3. Phase 1A planned for execution in 2006 – 2007 includes the moving the existing "Hy-Vee" grocery operation on the site to occupy the former "Target" department store space (approximately 91,100 square feet). Also planned for the same timeframe as part of Phase 1A is the development of a 3,840 square foot gas/convenience store with 16 fueling stations and a 1,400 square foot drive through carwash along the Fleur Drive frontage.

While the applicant has indicated no specific plans regarding Phase 1B, it includes the intent to reoccupy the existing "Hy-Vee" grocery with a use to be determined. This would be required to be within the uses permitted in the "C-2" District regulations. The applicant has also indicated that Phase 3 is conceptual in nature with no identified occupants or detailed development plans. This phase includes a one-story, 19,000 square foot retail/office strip center; a one-story, 15,000 square foot retail/office strip center; and a three-story, 95,000 square foot or (99 room) extended stay hotel. All of these conceptual developments are shown in the northern portion of the subject property on currently undeveloped open space.

2. **Size of Site:** Approximately 26.08 acres for the entire "C-4" zoned portion owned by the applicant. Approximately 36,500 square feet (0.84 acres) for the gas/convenience store site area. Approximately 5.9 acres for the undeveloped Phase 3 area.
3. **Existing Zoning (site):** "C-4" Shopping Center Commercial District.
4. **Existing Land Use (site):** The subject Fleur Marketplace commercial center includes Walgreen's pharmacy, Hy-Vee grocery, Mezzodi's restaurant, Lil' Sprout's daycare/early childhood center, Fleur Cinema Café theatres, Fleur Dentistry, and a commercial strip center that includes Great Clips, Alpha Travel, Fleur Wine & Spirits, and Kup of Kryptonite (coffee/comics).

5. Adjacent Land Use and Zoning:

North – “C-2” & “R-3”, Uses are US Bank, Starbuck’s Coffee (under development), All in the Family restaurant, Wakonda Shopping Center and Wakonda Village Apartments

South – “C-2”, “R1-60”, & “C-4”, Uses are used care sales, Motel 6, and Perkins restaurant.

East – “C-1” & “R1-60”, Uses are Societa Stemma D’Italia (Italian cultural center) and single-family residential.

West – “C-2”, Uses are vacant airport property, “Citgo” gas station, Eklund Medical, Nancy’s Pet Palace, Fleur Pet Hospital, and single-family residential uses.

6. **General Neighborhood/Area Land Uses:** The subject commercial shopping center is located on the Fleur Drive commercial arterial corridor where it intersects with McKinley Avenue just northeast of the Des Moines International Airport.
7. **Applicable Recognized Neighborhood(s):** Greater South Side Neighborhood Association and Southwestern Hills Neighborhood Association.
8. **Relevant Zoning History:** The current approved “C-4” development plan was amended by the City Council on April 4, 1988 for the expansion of the existing “Hy-Vee” store. There was an administratively approved minor change made in 1991 in accordance with Section 134-246 to add a can redemption center to the exterior of the Target store. Walgreen’s site development in 1998 was interpreted as an equivalent substitute of the previously existing commercial development (The Pier restaurant) on the same satellite commercial pad, and was found within the approved “C-4” development plan.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented, Community Commercial.
10. **Applicable Regulations:** In accordance with Section 134-1052 the Commission shall review the conformity of the proposed development plan with the standards of the comprehensive plan, and with the recognized principles of civic design, land use planning, and landscape architecture. The commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the commission deems necessary to the end that it preserve the intent and purpose of this chapter to promote public health, safety, morals, and general welfare. The development plan as approved by the commission shall then be reported to the city council, whereupon the city council may approve or disapprove the plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this chapter. Section 134-1005 states that any proposed change, except minor changes as set forth in division 8 of article II of this chapter (Section 134-1052), in the shopping center plan, after approval by the council, shall be resubmitted and considered in the same manner as the original proposal.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** There are natural site features on the subject “C-4” area in the form of open space and mature trees. These are predominantly located in the northern and northeastern portions of the subject property. There is also an open space parcel owned by the Des Moines International Airport adjoining the southwest corner of the subject “C-4” area that is planted and maintained by the City with perennial plantings.

2. **Drainage/Grading:** The bulk of the subject “C-4” area drains generally toward the southwestern corner of the site. The only immediately proposed grading would be the gas/convenience store. Future grading would also be necessary for the Phase 3 development. All site plans must developed in accordance with any approved “C-4” development plan and shall comply with all provisions for storm water management, grading and soil erosion protection applicable in the site plan policies.
3. **Landscaping & Buffering:** The size of the proposed additional development areas in Phases 1A and 3 do not trigger mandatory compliance with the Des Moines Landscape Standards for the entire “C-4” area. However, each separate incremental site development must comply with the standards for that site. Based on the conceptual landscaping those additional developments in Phase 1A and 3 generally comply, with the exception of the need for evergreen plantings as part of the open space requirement in each of the areas. Also, in the off-street parking areas for the Phase 3 portion, rows of off-street parking spaces should be interrupted by an interior landscape planter with an over story tree so that there are no more than 20 continuous spaces. Shrub plantings are not indicated on this plan due to its scale, but will be required in accordance with the Des Moines Landscape Standards for the newly developed sites.

The submitted “C-4” development plan amendment indicates several internal pedestrian linkages within the overall shopping center. In some instances these are signature constructed walkways with an applied texture or scoring treatment to better delineate the pedestrian way from other paved parking and drive aisle surfaces. In other cases these linkages may simply be identified by pavement markings. In one instance staff believes that the designated walkway should be shifted to avoid crossing a vehicle-maneuvering aisle. Staff recommends that the pedestrian link identified from the “Lil’ Sprouts” early childhood center to the Phase 3 development area should be shifted to the north end of the existing off-street parking area.

4. **Traffic/Street System:** The subject property currently adjoins the arterial network of Fleur Drive and McKinley Avenue. There are median breaks on Fleur Drive in alignment with the locations for the primary drive entrances from that street. The intersection of Fleur Drive and McKinley Avenue is currently signalized with separate turning lanes. Traffic and Transportation staff have indicated that the proposed changes to the development plan do not warrant any improvements to the adjoining public street network. Sidewalks are proposed along Fleur Drive and McKinley Avenue on the submitted development plan. In accordance with site plan policies for Traffic Engineering, the installation of sidewalk where applicable will be required as part of site plan approval for any future development.
5. **Access or Parking:** The proposed development plan amendment does not revise the access drive locations to the subject “C-4” area. Internal access is revised slightly for the east/west circulation across the northern portion of the “C-4” area by constricting it to traveled lanes defined by added internal landscaped islands for adjoining parking areas. The current condition is an open paved area with painted parking spaces defining the boundary. Future development in Phase 3 shows a conceptual internal circulation pattern that links to the Wakonda Shopping Center to the north.

The development plan proposes a total of 1265 off-street parking spaces for the “C-4” area based on a conceptual layout. A general application of the parking standards to the existing and proposed uses indicated in the development plan determines that 1185 off-street parking spaces would be required. Therefore, a surplus of 80 spaces is proposed at the build-out of the master plan.

6. **2020 Community Character Plan:** The Commercial: Auto-Oriented, Community Commercial designation provides for a future land use that includes large-scale commercial development located on or at the crossroads of a major transportation corridor. Parcel size may be up to 25 acres with and 150,000 square feet to 250,000 square feet of building coverage. Staff believes

that the proposed development conforms to this designation contained within the Des Moines' 2020 Community Character Plan.

- 7. Aviation:** The Aviation Department staff have requested that approval of the "C-4" development plan be contingent upon provision of a noise and aviation easement in favor of the City over the entire "C-4" development plan area, and subject to use of only compatible tree species as part of any future site plan development as approved under the Airport wildlife management plan. The submitted "C-4" development plan contains a note that planting plans are subject to review and approval to airport clear zones and flight path regulations. Staff believes that conformance to the Airport wildlife management plan should be added to that language on the plan. Staff will yield to the Aviation Department in the review of all site plans in instances where the buildings or landscaping may conflict with Airport plans and regulations. A written response to that effect by the Community Development Director has been sent to the City Council based on concerns raised at the August 7, 2006 meeting when the Council set hearing for the proposed "C-4" development plan amendment.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

David Cupp: Asked why the Airport Authority wants to review the request.

Erik Lundy: Noted the Airport Authority wants to review the site plan and to review the landscape plan to approve species of trees to discourage wildlife that might impede on aviation operations such as birds that could get caught in the engines of planes.

Mike Ludwig: Noted each individual site within the plan has to go before the Urban Design Review Board for architectural review. The Hy-Vee Store and Hy-Vee Convenience Store were reviewed and approved by the Urban Design Review Board on Tuesday, August 15, 2006.

Michael Gaunt, 2420 128th Street, Urbandale, Simonson & Associates: Noted there are no concerns with staff recommendations. They are aware of the roosting bird discussion and pointed out that trees are shown on the plan and they will get as many plants on the property as possible. Had two minor changes: Phase 1B shown on the Commissioner packets will be Phase 2 and the entrance sign on along Fleur will be moved to the to the north.

Tim Urban: Asked about the staff request for intervening islands in rows of parking.

Erik Lundy: Noted that rows of parking in the new development area should not exceed 20 spaces without an intervening landscape island.

Mike Ludwig: Noted that the airport height – hazard and wildlife management plans may restrict certain plantings on the site. Suggested there may be more opportunity to plant toward the northern end of the site.

Brian Millard: Asked why it is being allowed to remain "C-4".

Mike Ludwig: Noted "C-4" is still a valid zoning District; it is a development plan that has not had many changes to it.

David Cupp: Suggested the development will be an enhancement to the area.

Marc Wallace: Asked about the circular drive; if it had circulation toward the theatre areas.

Michael Gaunt: Indicated in the future there would be a drive entrance at the northwest end, which is within Phase 3. One of their biggest concerns is making the northeast corner accessible.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak on this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Fran Koontz: Moved staff recommendation.

Motion passed 12-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment