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**Date** May 24, 2021.....

**RESOLUTION HOLDING HEARING ON REQUEST FROM FAREWAY STORES, INC. TO AMEND  
PLANDSM FUTURE LAND USE CLASSIFICATION AND TO REZONE 2723 41ST PLACE**

**WHEREAS**, on April 19, 2021, by Roll Call No. 21-0614, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 1, 2021, its members voted 11-2 in support of a motion to recommend **DENIAL** of a request from Fareway Stores, Inc. (purchaser), represented by Matt Heath (officer), to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use classification for real property locally known as 2723 41st Place (“Property”) from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node, and to rezone the Property from N4 Neighborhood District to Limited MX3 Mixed-Use District, to accommodate an ingress/egress drive from 41st Place to route traffic from Urbandale Avenue to the adjoining lot, at 2716 Beaver Avenue, being redeveloped for a Limited Retail Sales use including a new 7,759-square foot retail store with a specialty meat counter and other neighborhood grocery needs; and

**WHEREAS**, on April 19, 2021, by Roll Call No. 21-0614, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on May 10, 2021, at 5:00 p.m., by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed land use amendment and rezoning; and

**WHEREAS**, on May 10, 2021, by Roll Call No. 21-0731, the City Council opened and continued said hearing to 5:00 p.m. on May 24, 2021, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location, and directed the City Manager and Legal Department to prepare the necessary legislation to approve the proposed land use amendment and rezoning subject to conditions acceptable to the City and the owner; and

**WHEREAS**, City Development Services staff worked with the applicant to establish conditions related to the rezoning, as follows, which conditions are included in an Acceptance of Rezoning executed by the property owner and by Fareway Stores, Inc. as the property purchaser:

- 1) The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use by Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the “MX1” Mixed Use District and as limited in the “MX1” Mixed Use District.
- 2) Accessory structures shall be limited to Drive-Through Facility and those permitted in the MX1 Mixed Use District per Table 135-2.22-1.
- 3) Commercial truck traffic is prohibited from using 41st Place to enter or exit the site.
- 4) Parking shall not extend further west than the west façade of the house on the adjoining lot to the south.
- 5) Private traffic signage and markings shall be installed that would prohibit drivers from making a left turn movement from the site access onto 41<sup>st</sup> Place. These traffic control devices would use signs stating, “No Left Turn” in word and/or graphic form and pavement markings directing exiting drivers and vehicles from the parking lot to only make a right turn onto 41<sup>st</sup> Place to discourage left turns from the parking lot onto 41<sup>st</sup> Place. The traffic signage and pavement markings shall



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Date May 24, 2021

conform to the Manual on Uniform Traffic Control Devices and be maintained by the parking lot owner for the life of the certificate of occupancy; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 2723 41st Place, legally described as:

LOT B OF GRASSMERE NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from N4 Neighborhood District to Limited MX3 Mixed-Use District, to accommodate an ingress/egress drive from 41st Place to route traffic from Urbandale Avenue to the adjoining lot, at 2716 Beaver Avenue, being redeveloped for a Limited Retail Sales use including a new 7,759-square foot retail store with a specialty meat counter and other neighborhood grocery needs, subject to the above-stated conditions; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

- 1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited MX3 Mixed-Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited MX3 Mixed-Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

FORM APPROVED:

MOVED BY TO ADOPT.

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2021-4.08)
(ZON2021-00118)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL. Includes MOTION CARRIED and APPROVED status.

CERTIFICATE

I, P. KAY CMELIK, 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.

Mayor

City Clerk

REGISTER ORDER NO. \_\_\_\_\_ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF PUBLIC HEARING ON AMENDMENT TO COMPREHENSIVE PLAN  
FUTURE LAND USE DESIGNATION AND REZONING

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from University Avenue Storage, LLC (owner), represented by Will Matthews (officer), to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use designation for real property located at 1960 Claypool Street, Des Moines, Iowa, from Business Park to Industrial, and to rezone said property, legally described as follows, from RX1 Mixed Use District to I1 Industrial District to redevelop said property with expansion of the existing self-service storage located on adjacent properties:

LOT 14 IN BLOCK 6 IN SUNNYSIDE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

A map of the subject property is on file and available for public inspection in the office of the City Clerk, or by sending an email to [Planning@dmgov.org](mailto:Planning@dmgov.org) or calling (515)689-9485.

NOTICE IS FURTHER GIVEN that the City Council will consider the proposed amendment to future land use designation and proposed rezoning after a public hearing to be held at 5:00 p.m. on June 14, 2021, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At the hearing, opportunity to be heard will be given to proponents and opponents of the proposed amendment to future land use designation and proposed rezoning. Any person or organization desiring to submit written material regarding this matter may direct such written material to the Office of the City Clerk, City Hall, 400 Robert D. Ray, Des Moines, Iowa 50309, or by e-mailing [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org) prior to 4:00 p.m. on June 14, 2021. Please check the posted agenda in advance of the June 14, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: P. Kay Cmelik, City Clerk

Published in the Des Moines Register on \_\_\_\_\_.

NOTICE OF PUBLIC HEARING ON PUD FINAL DEVELOPMENT PLAN

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from Wesley Retirement Services, Inc. (owner), represented by Rob Kretzinger (officer), for approval of the Planned Unit Development (PUD) Final Development Plan "Wesley Acre – Site Improvement Plan" on property located at 3520 Grand Avenue and 401 37<sup>th</sup> Street, Des Moines, Iowa, legally described as follows, to facilitate construction building additions and site revisions that are allowed by the recently approved amendment to the Wesley Acres Legacy PUD Conceptual Plan, including building additions for the north and west entries with reconfiguration of the adjacent parking lot areas including extension of parking to the north toward Grand Avenue, a building addition for swimming pool and auditorium use on the west, a terrace/pond landscape feature in the north side of said property, subject to compliance with all administrative review comments:

LOT 1 OFFICIAL PLAT OF LOT 5 OF PIERCE'S SUBDIVISION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M. AND LOTS 3 AND 4 OF THE OFFICIAL PLAT OF LOTS 1 THROUGH 24 OF SECTION 7, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M., EXCEPT THAT PART AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00° (DEGREES) 09' (MINUTES) 57" (SECONDS) EAST ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 617.54 FEET; THENCE SOUTH 89°45'23" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 165.15 FEET; THENCE SOUTH 00°04'49" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 333.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°04'49" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 325.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°26'27" WEST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 263.37 FEET; THENCE NORTH 00°15'28" WEST, 259.0 FEET; THENCE NORTH 45°00'00" EAST 91.12 FEET; THENCE NORTH 89°45'23" EAST, 199.64 FEET TO THE POINT OF BEGINNING; AND THAT PART OF THE SOUTH 200.0 FEET OF THE NORTH 540.0 FEET OF LOT 5 (EXCEPT THE WEST 33 FEET THEREOF) OF THE OFFICIAL PLAT LOTS 1 THROUGH 24 OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.; AND ALL OF LOT 1 IN PORTLAND PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

A map of the subject property is on file and available for public inspection in the office of the City Clerk, or by sending an email to [Planning@dmgov.org](mailto:Planning@dmgov.org) or calling (515)689-9485.

NOTICE IS FURTHER GIVEN that the City Council will consider the proposed PUD Final Development Plan after a public hearing to be held at 5:00 p.m. on June 14, 2021, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At the hearing, opportunity to be heard will be given to proponents and opponents of the proposed PUD Final

Development Plan. Any person or organization desiring to submit written material regarding this matter may direct such written material to the Office of the City Clerk, City Hall, 400 Robert D. Ray, Des Moines, Iowa 50309, or by e-mailing [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org) prior to 4:00 p.m. on June 14, 2021. Please check the posted agenda in advance of the June 14, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: P. Kay Cmelik, City Clerk

Published in the Des Moines Register on \_\_\_\_\_.

NOTICE OF PUBLIC HEARING ON PUD FINAL DEVELOPMENT PLAN

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from MercyOne Medical Center Des Moines (owner), represented by Diane Cummings (officer), for approval of the Planned Unit Development (PUD) Final Development Plan “MercyOne Richard Demming Cancer Center” on property located at 411 Laurel Street, Des Moines, Iowa, legally described as follows, to facilitate construction of a new vehicular drop-off lane and canopy on and adjacent to the west facade building entrance, in compliance with a previously approved PUD Conceptual Plan amendment, subject to compliance with all administrative review comments:

THE WESTERN 119.9 FEET OF THE SOUTHERN 210.12 FEET OF LOT 3, BLOCK A IN RIVER HILLS PLAT, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

A map of the subject property is on file and available for public inspection in the office of the City Clerk, or by sending an email to [Planning@dmgov.org](mailto:Planning@dmgov.org) or calling (515)689-9485.

NOTICE IS FURTHER GIVEN that the City Council will consider the proposed PUD Final Development Plan after a public hearing to be held at 5:00 p.m. on June 14, 2021, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At the hearing, opportunity to be heard will be given to proponents and opponents of the proposed PUD Final Development Plan. Any person or organization desiring to submit written material regarding this matter may direct such written material to the Office of the City Clerk, City Hall, 400 Robert D. Ray, Des Moines, Iowa 50309, or by e-mailing [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org) prior to 4:00 p.m. on June 14, 2021. Please check the posted agenda in advance of the June 14, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: P. Kay Cmelik, City Clerk

Published in the Des Moines Register on \_\_\_\_\_.



April 13, 2021

Date May 10, 2021  
 Agenda Item 50  
 Roll Call # 21-0731

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 1, 2021 meeting, the following action was taken regarding a request from Fareway Stores, Inc (purchaser) represented by Matt Heath (officer) to rezone the property located at 2723 41<sup>st</sup> Place from "N4" Neighborhood District to "MX3" Mixed Use District, to allow off-site parking and access to be developed in conjunction with a Limited Retail Sales use redevelopment of property at 2716 Beaver Avenue. The subject property is owned by Melvin and Connie Wood.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato		X		
Steve Wallace	X			
Greg Wattier		X		
Emily Webb	X			

**APPROVAL** of Part A) the proposed rezoning to "MX3" Mixed Use District is **not** in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Neighborhood Node.

Part C) Staff recommends approval of rezoning the subject property from “N4” Neighborhood District to a Limited “MX3” Mixed Use District subject to the following conditions:

- 1) The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use by Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the “MX1” Mixed Use District and as limited in the “MX1” Mixed Use District.
- 2) Accessory structures shall be limited to Drive-Through Facility and those permitted in the “MX1” Mixed Use District per Table 135-2.22-1.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone additional land to incorporate with previously rezoned property for redevelopment for a Limited Retail Sales use. The proposed development would include a new 7,759-square foot retail store with a specialty meat counter and other neighborhood grocery needs. The proposed business model includes sale of packaged liquor, wine and beer. The additional land requested currently for rezoning would accommodate an ingress/egress drive from 41<sup>st</sup> Place that would facilitate traffic trips coming east bound from Urbandale Avenue and leaving westbound on Urbandale Avenue.
2. **Size of Site:** The area of the proposed rezoning is 5,850 square feet, which would increase the total area for the retail site to 24,209 square feet (0.556 acres).
3. **Existing Zoning (site):** “N4” Neighborhood District.
4. **Existing Land Use (site):** One Household Living dwelling.
5. **Adjacent Land Use and Zoning:**
  - North** – “MX1”; Uses are Limited Retail Sales and a Restaurant.
  - South** – “N4”; Uses are One Household Living dwellings.
  - East** – “MX3”; Use is vacant building formerly occupied with a Financial Service use.
  - West** – “N4”; Uses are One Household Living dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the periphery of a commercial node located at the intersection of Beaver Avenue and Urbandale Avenue.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Beaverdale Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on March 12, 2021 and by mailing of the Final Agenda on March 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed March 12, 2021 (20 days prior to the hearing) and March 22, 2021 (10 days prior to the hearing) to the Beaverdale Neighborhood Association and to the



primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Beaverdale Neighborhood Association notices were mailed to Marcus Coenen, PO Box 30175, Des Moines, IA 50310.

The applicant will be available to provide a summary of their required neighborhood outreach at the public hearing.

- 8. Relevant Zoning History:** The subject property was zoned to "N4" Neighborhood District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.

On November 22, 2020 by Ordinance No. 15,946, the City Council rezoned the property to the east of the subject property from "MX1" Mixed Use District to Limited "MX3" Mixed Use District to accommodate the proposed Limited Retail Sales use and allow the owner to have the ability to request a Conditional Use approval for package sales and service of liquor, wine and beer. Subject to the following conditions:

- 1) The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use by Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the "MX1" Mixed Use District and as limited in the "MX1" Mixed Use District.
- 2) Accessory structures shall be limited to Drive-Through Facility and those permitted in the "MX1" Mixed Use District per Table 135-2.22-1.

On January 27, 2021 by Docket No. ZON2020-00168 the Zoning Board of Adjustment approved a Conditional Use for property located at 2716 Beaver Avenue to allow a Limited Retail Sales use with the sale of packaged liquor, wine and beer for off-premises consumption.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential within a Neighborhood Node.

- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated “Low Density Residential” within a Neighborhood Node. Plan DSM describes this designation as follows:

Low Density Residential

*Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.*

The requested amendment would be to the “Community Mixed Use” within a Neighborhood Node.

Community Mixed Use

*Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.*

Based on these designations, the proposed “MX3” Mixed Use District zoning would be found not in conformance with the Comprehensive Plan unless the requested amendment were to be approved. Staff believes the proposed rezoning is appropriate given the incorporation of the land to over proposed redevelopment site.

2. **Traffic:** The applicant’s rezoning request is motivated by the need for an alternate solution to facilitate trips to and from the site that would come from and return to the area west on Urbandale Avenue. The developer initially proposed a median cut in Urbandale Avenue to align with a proposed driveway onto Urbandale Avenue from the northwest corner of the existing “MX3” zoned property. Based on the Traffic Study report for the project, Traffic Engineering staff were not supportive of allowing the median cut due to safety concerns.

Therefore, the alternate solution with the proposed rezoning would be to allow traffic from the site onto 41<sup>st</sup> Place to move north at the intersection with Urbandale Avenue where there is an existing median cut allowing traffic to turn westbound onto Urbandale Avenue from 41<sup>st</sup> Place. Traffic Engineering staff were also not favorable to the alternative of closing the median opening in Urbandale Avenue at 41<sup>st</sup> Place in order to allow the proposed median cut coming from the subject site as that would restrict existing neighborhood traffic from moving onto Urbandale Avenue. The obvious concern of neighbors living in the immediate block on 41<sup>st</sup> Place, is that this proposal would put undue trips southbound onto 41<sup>st</sup> Place through the neighborhood. Additionally, the concern would be that traffic coming from the site would also restrict the neighbors traffic movement onto Urbandale Avenue.

Traffic Engineering staff have indicted that the added driveway off of 41<sup>st</sup> Place would not be a major concern because it is a residential street and the expectation on residential streets would be higher driveway density than a street like Urbandale Avenue. In practice, the driveway onto 41<sup>st</sup> Place would primarily serve trips exiting to

head westbound on Urbandale Avenue, with the possibility of a few exiting to move south and west. Also, it is anticipated that the count for entering vehicles at this location would be low, with a majority of trips entering the site from Urbandale Avenue or Beaver Avenue.

3. **Permit and Development Center Comments:** Any redevelopment of the property for a Limited Retail Sales use must comply with all applicable Building Codes and Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance, with approval of a Site Plan and issuance of all necessary permits.
4. **Staff Rationale:** Staff believes that the proposed future land use designation amendment and rezoning are appropriate. The land necessary for a drive ingress/egress onto 41<sup>st</sup> Place is the safer solution to accommodate traffic movement onto westbound Urbandale Avenue with little anticipated negative impacts to the adjoining neighborhood to the west.

For consistency and ease of enforcement, Staff would recommend that the same conditions be added to the proposed "MX3" Mixed Use District that were approved on the balance of the proposed site with approved Limited "MX3" Mixed Use District.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendation.

Koby Pritchard, 715 8<sup>th</sup> Street, Boone, IA, representing Fareway Stores, stated he would like to thank city staff and the Beavertdale Neighborhood Association for their cooperation as they navigate through this process. He, along with Tim West with Snyder and Associates, are available for any questions.

Greg Wattier asked how delivery trucks would navigate to and from the building.

Koby Pritchard stated the alley will accommodate commercial trucks and keep that type of traffic off the residential streets. There will not be full sized semis delivering to this store, they will be using a smaller delivery truck.

Greg Wattier asked if the commission were to memorialize no commercial traffic on 41<sup>st</sup> Place, would that be done now or during the site plan review?

Jason Van Essen stated he would recommend that it be a zoning condition.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

David DeBord, 2700 41<sup>st</sup> Place, stated its interesting to him that the previous plans were to use the existing parking with some addition to the West and more in the existing bank lot. The newly proposed parking lot will increase traffic on 41<sup>st</sup> Place and when it comes to commercial vehicles, those drivers will take the shortest route home or to their next stop. The house they are buying is a 1938 Beavertdale Brick with the current owner living there since 1966. The old plan is the right plan for this neighborhood, not the new plan.

Liz Seiser, 4600 Crestmoor Drive, stated her objection is to the new access point onto 41<sup>st</sup> Place, which is a very small residential street. She was in support of the previous plan as there was minimal impact to the neighborhood. If there is going to be a meat market in this area, the access points should be limited to Urbandale Avenue and Beaver Avenue.

Brindusa Velica, 2721 41<sup>st</sup> Place, stated she shares the concerns of Liz and David. She is afraid there will be no remedy for their concerns once this site is developed and those concerns come to life.

Koby Pritchard stated they went through every other exercise possible before entertaining the idea of another property. As they were going through the site plan review process, parking stalls were starting to be eliminated. With reduced access and parking, they started to ask if it made sense to move forward. The next step was to incorporate that next piece, which would add more parking and access off 41<sup>st</sup> Place. They plan to buffer the immediate neighbors by adding extra trees, bushes or berms.

Tim West, 2727 SW Snyder Blvd, representing Snyder and Associates stated they are including a significant amount of landscaping and ornamental fencing along the street right-of-way to screen parking stalls from public view. They have also added 3 trees along the frontage area between the parking and street with other landscaping along the perimeter of the parking lot.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Greg Jones stated this is a leap too far and was already iffy with the drive through on the previous plans. Fareway has enough drawl and doesn't need access off 41<sup>st</sup> Place. driving around the block is something people are used to when visiting the Beavertdale neighborhood.

Will Page stated when people visit Beavertdale, they know it is going to take some time to park and get back onto the street when leaving. He is concerned with the impact on 41<sup>st</sup> Place and the increase of speed throughout the neighborhood with this proposal.

Abby Chungath stated this is not conducive to the character of the neighborhood and not a commercial hub that needs to be expanding into a residential area.

Rocky Sposato stated the applicant and City Staff have worked hard to make this project work for everyone and would be in support of staff recommendation.

Greg Wattier offered an amendment to staff recommendation. 1) Commercial truck traffic is prohibited from using 41st Place to enter or exit the site. 2) Parking shall not extend further west than the west façade of the house on the adjoining lot to the south.

#### **COMMISSION ACTION:**

Rocky Sposato made a motion for Part A) the proposed rezoning to "MX3" Mixed Use District is **not** in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Neighborhood Node.

#### **THE VOTE: 13-0**

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

THE VOTE: 2-11 (Lisa Howard, Kayla Berkson, Jann Freed, Dory Briles, Emily Webb, Johnny Alcivar, Will Page, Abby Chungath, Carolyn Jenson, Greg Jones and Steve Wallace voted in opposition).

Part C) Approval of rezoning the subject property from "N4" Neighborhood District to a Limited "MX3" Mixed Use District subject to the following conditions:

- 1) The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use by Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the "MX1" Mixed Use District and as limited in the "MX1" Mixed Use District.
- 2) Accessory structures shall be limited to Drive-Through Facility and those permitted in the "MX1" Mixed Use District per Table 135-2.22-1.
- 3) Commercial truck traffic is prohibited from using 41st Place to enter or exit the site.
- 4) Parking shall not extend further west than the west façade of the house on the adjoining lot to the south.

THE VOTE: 6-7 (Lisa Howard, Kayla Berkson, Jann Freed, Johnny Alcivar, Will Page, Abby Chungath and Greg Jones voted in opposition).

Jann Freed made a motion for **DENIAL** of Part B) the requested to amend PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node, and Part C) the request to rezone the subject property from "N4" Neighborhood District to a Limited "MX3" Mixed Use District.

Motion passed: 11-2

Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

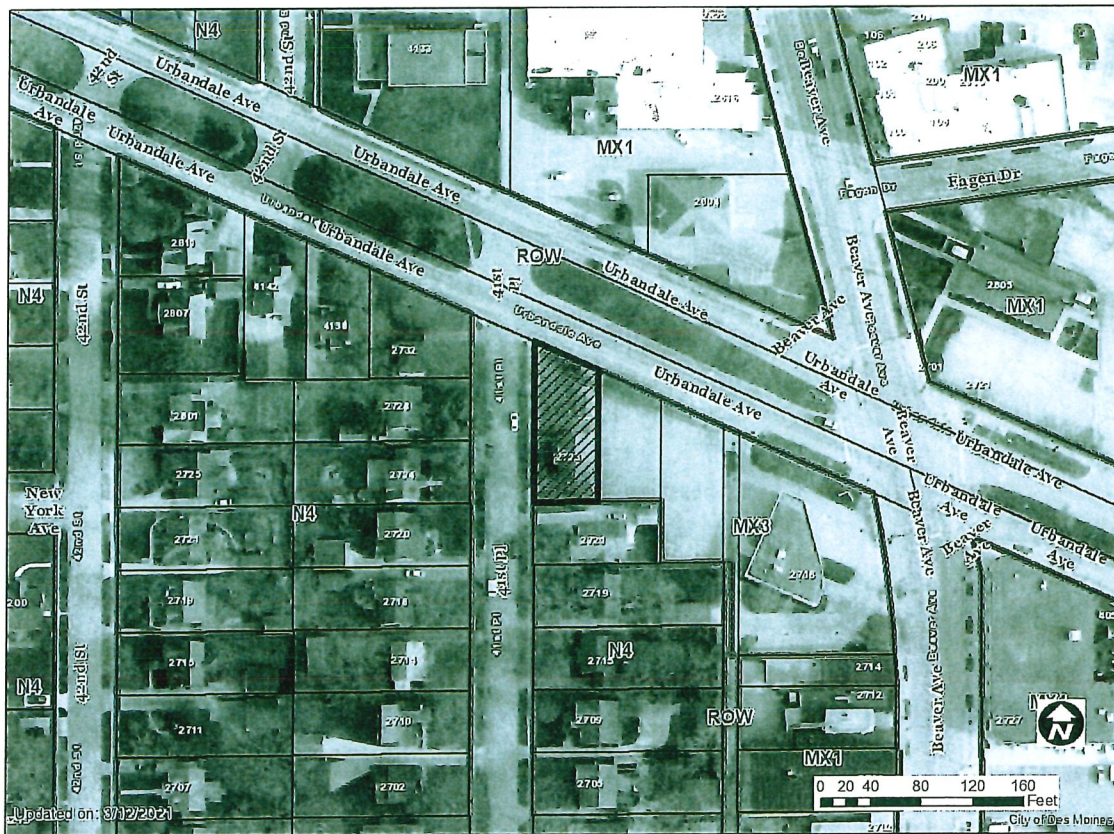
JMV:tjh

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Request from Fareway Stores, Inc (purchaser) represented by Matt Heath (officer) for the property located at 2723 41 <sup>st</sup> Place. The subject property is owned by Melvin and Connie Wood.				File #	
				21-2021-4.08	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential within a Neighborhood Node to Community Mixed-Use within a Neighborhood Node.				
PlanDSM Future Land Use	Current: Low Density Residential in a Neighborhood Node. Proposed: Community Mixed-Use within a Neighborhood Node.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N4" Neighborhood District				
Proposed Zoning District	"MX3" Mixed Use District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	X		No	

Fareway Stores, Inc., 2723 41st Place

21-2021-4.08



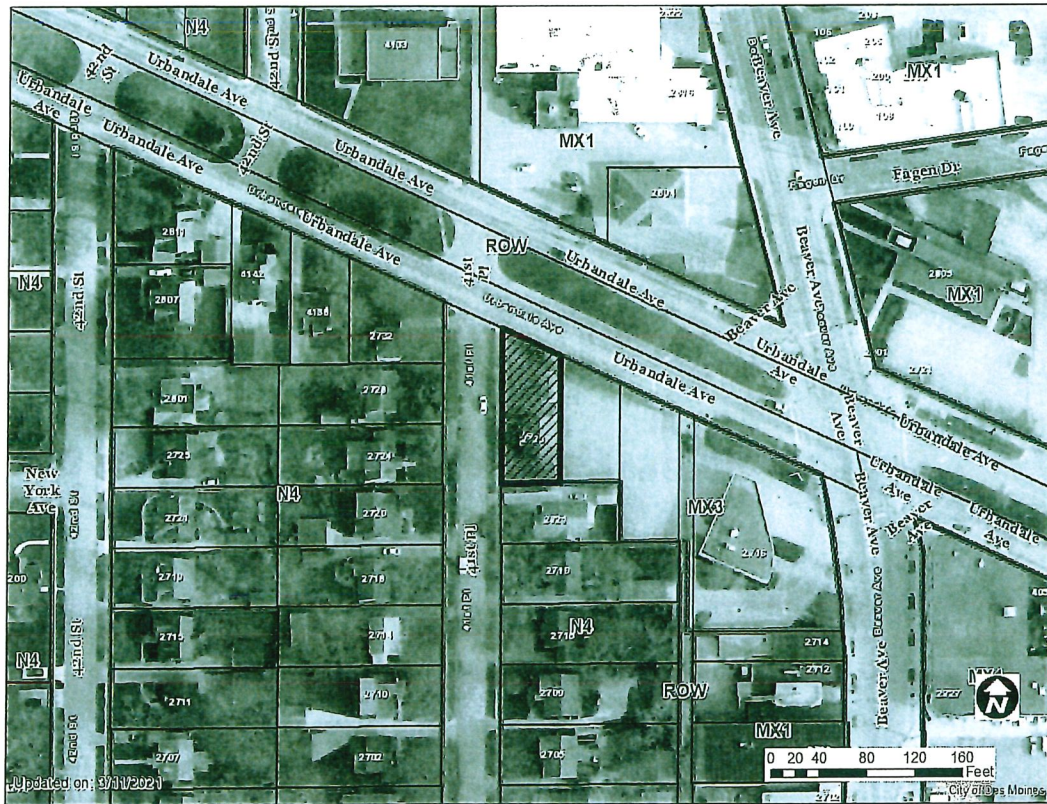
1 inch = 88 feet

46 50

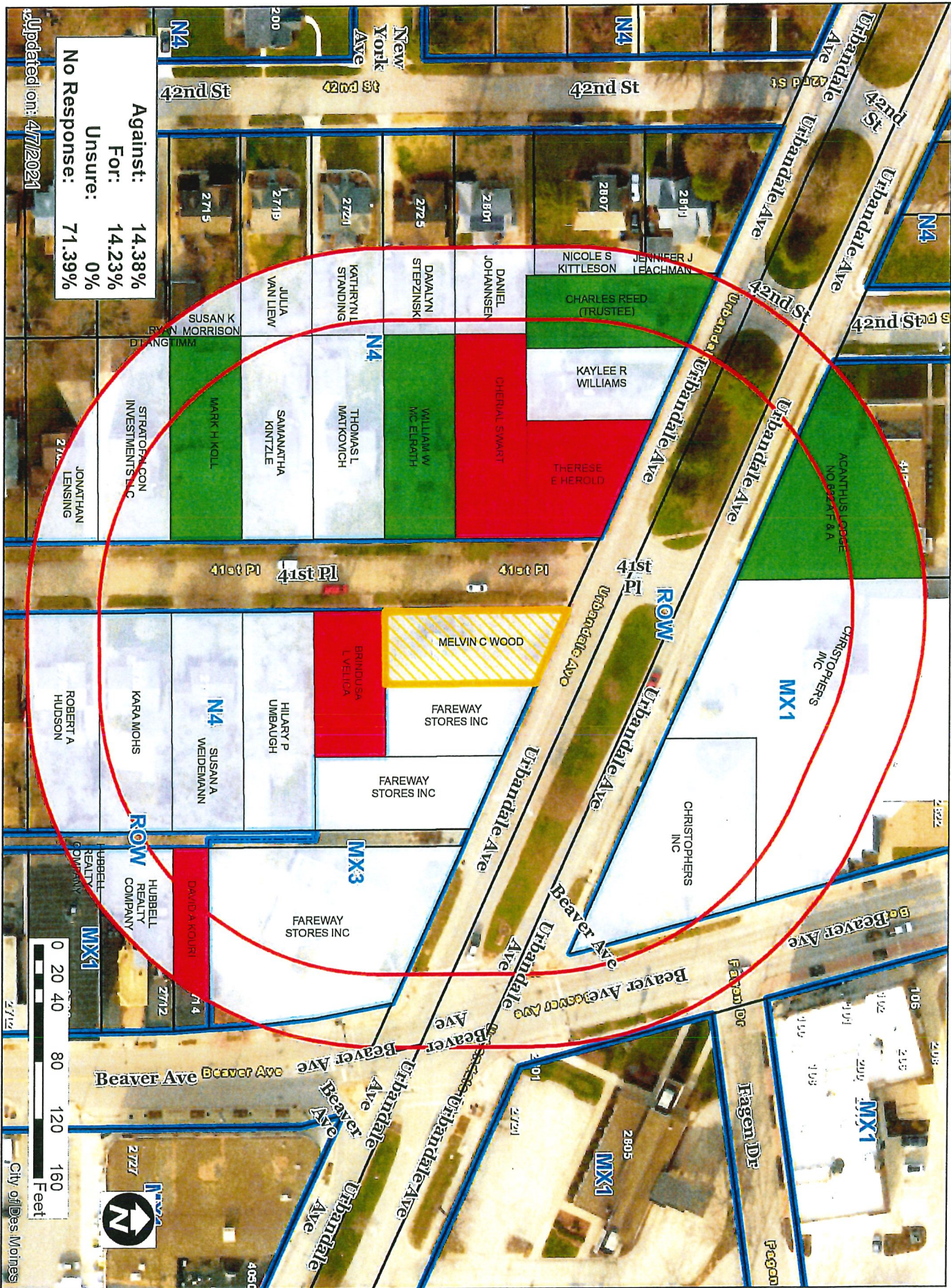
Request from Fareway Stores, Inc (purchaser) represented by Matt Heath (officer) for the property located at 2723 41 <sup>st</sup> Place. The subject property is owned by Melvin and Connie Wood.				File #	
				ZON2021-00018	
Description of Action	Rezone property from "N4" Neighborhood District to "MX3" Mixed Use District, to allow off-site parking and access to be developed in conjunction with a Limited Retail Sales use redevelopment of property at 2716 Beaver Avenue.				
PlanDSM Future Land Use	Current: Low Density Residential in a Neighborhood Node. Proposed: Community Mixed-Use within a Neighborhood Node.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N4" Neighborhood District				
Proposed Zoning District	"MX3" Mixed Use District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	5	4			
Within Subject Property					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	X		No	

Fareway Stores, Inc., 2723 41st Place

ZON2021-00018



1 inch = 88 feet



Against:	14.38%
For:	14.23%
Unsure:	0%
No Response:	71.39%

Updated on: 4/7/2021



1 inch = 88 feet

City of Des Moines



Item: ZON2021-00018

Date: 3-23-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

MAR 29 2021

Signature: Mark H Koll

Name: MARK H KOLL

Address: 2714 41<sup>ST</sup> PLACE

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

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

Item: ZON2021-00018

Date: 3-25-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

MAR 29 2021

Signature: Charles Reed

Name: Charles Reed

Address: 4142 Urbandale Ave  
3316

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

I love Faraway - they will make a wonderful  
addition to our neighborhood - I hope they will  
have prepared meats - I only live a block  
away - maybe I'll buy a grocery cart from them

Item: ZON2021-00018

Date: <sup>sc</sup>  
46

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Bill McElroy

Name: Bill McElroy

Address: 2724 41st Place

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

APR 02 2021

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

I do hope they keep the promise of a good  
primary term, hedge & trees in at the end.

Item: ZON2021-00018

Date: 03/27/2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Dwellco

Name: BRINDUST VERICA

Address: 2721 41st Place

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

APR 02 2021

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

- showing the defects of the street, from residen-  
tial to a mix of residential & commercial  
- increased traffic, noise, lower property  
values due to proximity to busy parking lot

Item: ZON2021-00018 Date: 3/28/2021

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only  
**RECEIVED**  
 COMMUNITY DE  
 MAR 31 2021

Signature: *Ryan Langtun*  
 Name: Ryan Langtun  
 Address: 2711 42nd St DSM 50310

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

This will be great!

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Item: ZON2021-00018 Date: 3/23/2021

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only  
**RECEIVED**  
 COMMUNITY DEVELOPMENT  
 MAR 31 2021

Signature: *Therese Herold*  
 Name: Therese Herold  
 Address: 2732 41st Pl.

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

The rezoning of 2732 41st Pl. allows for Farway to open 41st Pl. to the business district. 41st Pl. is not large enough to support the significant increase in traffic that will result from this opening. The proposed entry is a danger to the neighborhood.

Item: ZON2021-00018

Date: 3-25-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: *[Handwritten Signature]*

Name: *CITED ROHIFSEL*

Address: *4133 Urbandale Ave PM 50310*

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAR 29 2021

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

*Welcome Farrelway!*

Item: ZON2021-00018

Date: 3-22-2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: *Dave Kouri*

Name: *DAVE KOURI*

Address: *2714 BEAVER AVE.*

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAR 29 2021

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

*DOES NOT ADDRESS A BIGGER PROBLEM.  
LOSS OF PARKING ON BEAVER.  
BRING ENTRY & EXIT ON BEAVER.  
DANGER TO PEDESTRIANS AND EXCESS TRAFFIC.  
WILL CREATE BACK-UP. -*

Item: ZON2021-00018

Date: 3-21-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request!

Signature:

C. Swart

Name:

C. Swart

Address:

2728-41st Pl

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

APR 02 2021

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

I do not want unit  
on 41st Pl. It would be  
right in front of my  
house. No way!

May 4, 2021

Honorable Mayor Cownie and Council Members Gray, Boesen, Voss,  
Mandelbaum, Westergaard and Gatto:

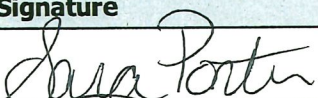


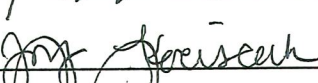




Enclosed, please find petitions from concerned citizen both within the  
Beaverdale neighborhood and the larger Des Moines Community who ask you to  
uphold the vote of the Des Moines Planning and Zoning Commissioners on April  
1, 2021 against the rezoning of 2723 41<sup>st</sup> Pl.

We appreciate your attention in the matter.

FILED  
2021 MAY -3 PM 1:41  
CITY CLERK  
DES MOINES, IA  
*[Signature]*

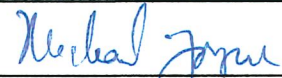






## Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41<sup>st</sup> Pl.

Petition summary and background	The proposed rezoning of 2723 41 <sup>st</sup> Pl. to allow for an access point for Fareway's Meat Market would bring increased traffic at increased speeds which will significantly decrease safety at the corner of 41 <sup>st</sup> Pl. and Urbandale Ave. The rezoning will also allow for encroachment of the Beaverdale Business District into the residential portion of the neighborhood.
Action petitioned for	We, the undersigned, are concerned citizens who urge the Des Moines City Council to uphold the Planning and Zoning Commission's decision against the rezoning of 2723 41 <sup>st</sup> Pl. from N4 Neighborhood to MX3 Mixed Use.

Printed Name	Signature	Address	Comment	Date
SARA PORTER		2410 35 <sup>th</sup> St. DSM, IA 50310		5-1-21
JERMI PORTER		2410 35 <sup>th</sup> St. DSM, IA 50310		5-1-21
Anna Cramer		2404 35 <sup>th</sup> St, DSM, IA 50310		5-1-21
Joy Kocisak		2317 35 <sup>th</sup> St, DSM IA 50310		5-2-21
Jeremy Jones		2326 35 <sup>th</sup> St DSM, IA		5-3-21
Jacynne Jones		2324 35 <sup>th</sup> St DSM, IA		5-3-21
Sandy Irish		2317 34 <sup>th</sup> St DSM, IA 50310		5-4-21
Susan Irish		2317 34 <sup>th</sup> St DSM, IA 50310	I believe Fareway can open their store without an access on 41 <sup>st</sup> Pl.	5-4-21

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Printed Name	Signature	Address	Comment	Date
Michael Joyner		3616 48 <sup>th</sup> Place	no increased traffic needed!	5/2/21
Kathryn L. Standing		2721 42 <sup>nd</sup> St.	preserve 41 <sup>st</sup> PL <u>as is</u> !	5/2/21
Susan Morrison		2715 42 <sup>nd</sup> St	reverse 41 <sup>st</sup> as is	5/2/21
Hilary Coffman		2719 41 <sup>st</sup> Pl.	unnecessary!	5/3
Matt Coffman		2719 41 <sup>st</sup> Pl	No!	5/3
Kerri Johannsen		2801 42 <sup>nd</sup> St.	leave this residential street residential	5/3
Dan Johannsen		2801 42 <sup>nd</sup> St	more parking is bad for Bdale	5/3





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Printed Name	Signature	Address	Comment	Date
Alan Goldberg		4323 NW DV DSM IA		5/1/2021
BRINDUSA VENIA		2721 41 <sup>st</sup> Place DSM IA		5/1/2021
John N. Holtorf		4120 Sheridan Ave		5/1/21
Lisa Holtorf		4120 Sheridan Ave		5/1/21
Robert Hudson		2705 41 <sup>st</sup> Pl		5/1/21
DAVID WERNSON		2800 42nd St.		5/1/21
Laurie Rotherm		2800 42 <sup>nd</sup> St		5-1-21
STEPHEN LUGGSON		2721 41 <sup>st</sup> Place DSM IA 50290		5/1/21
Michael Christ		2105 46 <sup>th</sup> St. DSM, IA 50310		5/2/21
RANDY LOEBER		645-65 <sup>th</sup> Pl 475 west 50266		5/2/21

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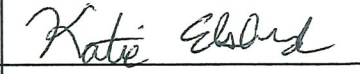




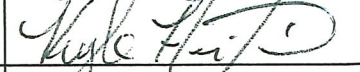



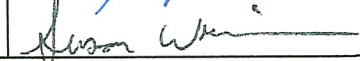
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Printed Name	Signature	Address	Comment	Date
Judith K LOWE	<i>J. Lowe</i>	3418 Kingman Blvd Des Moines IA 50311		4-28-21
Therese Herold	<i>Therese Herold</i>	2732 41st Pl. Des Moines, IA 50310		4/29/21
Barbara Galloway	<i>Barbara Galloway</i>	4004 Fagen Drive Des Moines, IA 50320		4-30-21
Alice Pendergast	<i>Alice Pendergast</i>	1617 46 <sup>th</sup> St Des Moines, IA 50310		4/30/21
Anne Middleton	<i>Anne Middleton</i>	1223 46 <sup>th</sup> St Des Moines, IA 50311		4/30/21
Joan Middleton	<i>Joan Middleton</i>	3920 Grand DSM, 50312		5/2/21
DANICE ROXBERG	<i>Danice Roxberg</i>	1616-46 <sup>th</sup> St Des Moines, IA 50310		5/3/21
Linda L. Mall	<i>Linda L. Mall</i>	1621-46 <sup>th</sup> St Des Moines, IA 50310		5/3/21
Lawrence M. Mall	<i>Lawrence M. Mall</i>	1621-46 <sup>th</sup> St Des Moines, IA 50310		5/3/21
Molly Elder	<i>Molly P. Elder</i>	1624 46 <sup>th</sup> St. DSM 50310		5/3/21
Marilyn Fierese	<i>Marilyn Fierese</i>	1628 46 <sup>th</sup> St DSM 50310		5/3/21

21-0721

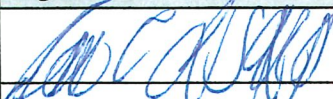
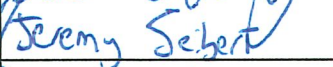
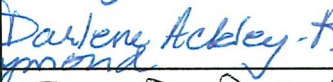








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Action petitioned for	We, the undersigned, are concerned citizens who urge the Des Moines City Council to uphold the Planning and Zoning Commission's decision against the rezoning of 2723 41 <sup>st</sup> Pl. from N4 Neighborhood to MX3 Mixed Use.

Printed Name	Signature	Address	Comment	Date
Sara Clayton		2915 48 <sup>th</sup> Pl. Des Moines, IA 50310		4/28/21
Katie Elsbernd		2911 48 <sup>th</sup> Place Des Moines, IA 50310		4/28/2021
ROBYN LASKOWSKI		2825 17 <sup>th</sup> St Des Moines 50316		4/28/21
Kris Olds				4/28/21
Liz Long		3904 41 <sup>st</sup> St. Des Moines, IA 50310		4/28/21
MAURA PRESCHER		4604 LAWYERS DR DES MOINES 50310		4/29/21
KYLE HAINFIELD		4604 LAWYERS DR DES MOINES, IA 50310		4/29/21
Jack Bush		2911 48 <sup>th</sup> Place Des Moines, IA 50310		5/2/21
Adam Levine		4138 Urbandale Ave Desm, IA 50310		5/3/21
ETHAN LEVINE		4138 Urbandale Ave Desm, IA 50310		5/3/21
Susan Weidemann		2715 41 <sup>st</sup> Pl Des Moines, IA 50310		5/3/21












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Printed Name	Signature	Address	Comment	Date
Gene Versteeg		2426 Raymond Drive Des Moines, IA 50310		5/1/21
Jeremy Seibert		2421 Raynor Dr	Des Moines, IA 50310	5-1-21
Darlene Ackley Raymond		2425 Raymond Av	Des Moines IA 50310	5-1-21
David D. DeFork		2700 41 <sup>st</sup> Place	DSM 50310	5/1/21
Kristi Sutton		2700 41 <sup>st</sup> Pl	Des Moines 50310	5/1/21
Suzanne Leut		5215 Shriver	DSM IA 50312	5/1/21
MARY MIDDLETON		5215 Shriver	DSM IA 50312	5/1/21
MARY FARRELL		3701 Cottage Grove	DSM 50310	5/1/21
Liz Sewer		4680 Crestman Drive	DSM, IA 50310	5/1/2021
Jolene Gertzler		1308 55 <sup>th</sup> St.	Des Moines, IA 50311	5/2/2021
Joseph Gertzler		1308 55th St.	Des Moines, IA 50311	5/2/2021

## Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41<sup>st</sup> Pl.

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Printed Name	Signature	Address	Comment	Date
Landi Smith		1310 46 <sup>th</sup> St. 50311		4-30-21
Elizabeth Keest Sedel		2415 35 <sup>th</sup> St 50310		4-30-21
Lis Lehmann		2415 35 <sup>th</sup> 50310		4/30/21
Ricky Zier		2710 41 <sup>st</sup> 50310		5-1-21
Marshall Mink		2710 41 <sup>st</sup> 50310		5-1-21
William Brady		2701 42 <sup>nd</sup> Street 50310		5-1-21
Dana Brady		2701 42 <sup>nd</sup> Street 50310		5-1-21
Deso, John		4215 Urbandale		5-1-21
Josh Kosman		2425 Maryland Pike 50310		5/1/21
April Vispaw		2425 Maryland Pike		5/1/21
Rita McKee		4224 Holland Dr.		5/1/21

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Printed Name	Signature	Address	Comment	Date
Gary L Fall	<i>Gary L Fall</i>	2703-41 <sup>st</sup> Place		5-4-21
Mary L Gallagher	<i>Mary L Gallagher</i>	715 63 <sup>rd</sup> St, DM		5-5-21
Jodi L. Beavers	<i>Jodi L. Beavers</i>	6124 Hurwood Dr DSM		5/5/21
Stephanie Reynolds	<i>Stephanie Reynolds</i>	719 36 <sup>th</sup> St, DSM		5/5/2021
Susan Ford	<i>Susan Ford</i>	3303 46 <sup>th</sup> St		5/5/21
Carol Palmer	<i>Carol Palmer</i>	4515 Beaver Crest Dr DSM		5/5/21
Rita Henry	<i>Rita Henry</i>	3400 Aurora Ave DSM		5/6/21
Karl W Lewis	<i>Karl W Lewis</i>	3400 Aurora Ave. DSM		5/6/21
Jenny Farrell	<i>Jenny Farrell</i>	3714 SW 36 <sup>th</sup> & 503 <sup>rd</sup>		5/6/21
Alan McBride	<i>Alan McBride</i>	2804-43 <sup>rd</sup> St., DSM		5/7/21
DAN GRADER	<i>Dan Grader</i>	4123 KEYDEN AVE <sup>50317</sup> DSM		5/7/21

DES MOINES, IA  
 CITY CLERK  
 2021 MAY 10 AM 11:56  
 FILED

# Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41<sup>st</sup> Pl.

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Printed Name	Signature	Address	Comment	Date
Alice Reynolds	<i>Alice Reynolds</i>	3426 E. 40 <sup>th</sup> ST Des Moines, IA 50317		5/8/2021
Mark Reynolds	<i>Mark Reynolds</i>	3426 E. 40 <sup>th</sup> ST.		5-8-2021
Lenny McDowell	<i>Lenny McDowell</i>	2201 26 <sup>th</sup> Apt 16 Des Moines IA 50310		5-9-21
Tanner Seeley	<i>Tanner Seeley</i>	2315 45 <sup>th</sup> ST Des Moines, IA 50310		5-9-21
Cinime Armbrust	<i>Cinime Armbrust</i>	2315 45 <sup>th</sup> St. Des Moines, IA 50310		5/9/21
Kelly Mayhew	<i>Kelly Mayhew</i>	4121 Cambridge St. Des Moines IA 50313	Keep neighbors cars wheels walk-able!	5/9/21
WARREN IRISH	<i>Warren Irish</i>	2627 Prospect Rd 50310		5/9/21
Kasey Ninneman	<i>Kasey Ninneman</i>	4332 Urbandale Ave		5/9/21
Joey Spivy	<i>Joey Spivy</i>	2412 61 <sup>st</sup> St Des Moines IA 50322	Let the traffic experts DES MOINES IA CITY CLERK	5/9/21
Jill Augustin	<i>Jill Augustin</i>	2504 48 <sup>th</sup> St	2021 MAY 10 AM 11:56	5/9/21
Joe Galloway	<i>Joe Galloway</i>	3622 Davison Rd Des Moines, IA 50310		5/9/21

FILED



## Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41<sup>st</sup> Pl.

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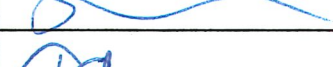

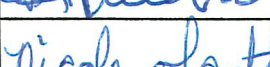

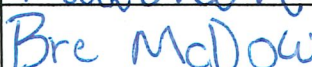

Printed Name	Signature	Address	Comment	Date
Shelley Grober	<i>[Signature]</i>	4123 Oleyden Ave Des Moines IA 50317		5-7-21
Joyce Lowe	<i>[Signature]</i>	4310 Urbandale Ave DSM IA 50310		5-7-21
Brent Hoffmann	<i>[Signature]</i>	4323 Sheridan Ave DSM, IA 50310	N/A	5/07/2021
Heidi Bagg	<i>[Signature]</i>	2509 - 48th St DSM 50310	don't sneak this by us!	5/8/21
Darin Webb	<i>[Signature]</i>	1304 40th St Des Moines 50311		5/8/21
Kendra Tuttle	<i>[Signature]</i>	1409 44th Street Des Moines IA 50311		5/8/21
Karen Tuttle	<i>[Signature]</i>	4132 Sheridan Ave	Leave the Community the same	5/8/21
Amanda Jone	<i>[Signature]</i>	5400 SE 16th St DSM, 50315		5/8/21
Micaela Tuttle	<i>[Signature]</i>	4310 Ashby Ave DSM, 50310		5/8/21
Steven ten Densel	<i>[Signature]</i>	2614 47th Street DSM, 50310		5/8/21
Hannah Carter	<i>[Signature]</i>	264 47th St. DSM, 50310		5/8/21

FILED

MAY 10 AM 11:56  
CITY CLERK  
DES MOINES, IA

## Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41<sup>st</sup> Pl.

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Printed Name	Signature	Address	Comment	Date
Raymond J. Benter		Des Moines 5900 WALNUT HILL DR. 1A	Neighborhoods need to be preserved Families matter	5/8/2021
Sandra K. Benter		5900 Walnut Hill Dr. D.M. IA. 50312	Happy neighbors over Big Business.	5/8/21
DeBRA Weeber		2111 44th D.M. 50310		5/9/21
Debra Smith		2111 44th St, DSM 50310		5/9/21
Tyler Jansen		4221 Lincoln Ave 50310	enough parking	5-9-21
Stefanie Johnson		4221 Lincoln Ave. 50310	enough parking	5/9/21
Debbie Skinner		2916 46th St DSM 50310	discussion Needed	5/9/21
Ronald Phillips		4336 Urbandale Ave DSM 50310	Uphold Zoning Comm.	9 May 2021
Nicole Olcott		2201 26th Apt 16 Des Moines IA 50310	DES MOINES, IA CITY CLERK	5/9/21
Matt Olcott		2201 26th Apt 16 Des Moines IA 50310	2020 MAY 10 AM 11:57	5/9/21
Bre McDowell		2201 26th Apt 16 Des Moines IA 50310	FILED	5/9/21

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Printed Name	Signature	Address	Comment	Date
Melissa Dutcher		4116 Clinton Ave		5-9-21
Tiffany McWhorter		3835 42nd St DSM		5-9-21
Tyler M. McWhorter		3835 42nd street	no relation	03/09/2021
Marcella McWhorter		3835 42nd street		May 9 <sup>th</sup> 2021
Madith Burnett		3836 42nd St.		5-9-21
Mark Leary		7402 50th St		5-9-21
Amanda Werts		3402 50th St.		5-9-21
Brooke York		5111 Ovid Ave		5/9/21
Brooke York		5111 Ovid Ave		5-9-21
Randall Sheumaker		2908 51st St		5-9-21
Jeremiah Patton		2908 51st St		5-9-21

CITY CLERK  
DES MOINES, IA



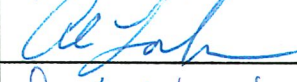
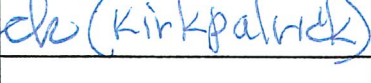







2021 MAY 10 AM 11:57

FILED

21-0731

## Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41<sup>st</sup> Pl.

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Printed Name	Signature	Address	Comment	Date
Lizzie Turner		2602 40 <sup>th</sup> Pl		5-9
Loretta Lockin		2818 47 <sup>th</sup> St.		5-9-21
Al Lockin		2818 47 <sup>th</sup> St.		5-9-21
Chris Kirkpatrick (Kirkpatrick)		2812-47 <sup>th</sup> St		5-9
<del>Michael Levine</del>	<del></del>			
Michael Levine		2812 47 <sup>th</sup> St.		5-9
Rachel Levine		2812 47 <sup>th</sup> St.		5-9
Kristin Beane Pillin		2824 47 <sup>th</sup> St.		5-9
Shana Johnson		2919 47 <sup>th</sup> St	DES MOINES, IA CITY CLERK	5-9
Ashton Johnson		2919 47 <sup>th</sup> St	MAY 10 AM 11:57	5-9
Kirk Johnson		2919 47 <sup>th</sup> St		5-9

FILED

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Printed Name	Signature	Address	Comment	Date
Vicki Hoare	<i>Vicki Hoare</i>	4820 MERCED ST DSM		5/5/21
Barbara J. Gross	<i>Barbara J. Gross</i>	4822 Merced St. DSM		5/3/21
Kate Ridge	<i>Kate Ridge</i>	4822 Merced St DSM		5/5/21
Carrie England	<i>Carrie England</i>	3663 Grand Ave DSM		5/10/21
Jennifer Boes	<i>Jennifer Boes</i>	3939 COTTAGE GROVE DSM, IA		5/10/21
Thomas Boes	<i>Thomas Boes</i>	3939 Cottage Grove Ave		5/10/21

FILED  
 2021 MAY 10 AM 11:57  
 CITY CLERK  
 DES MOINES, IA

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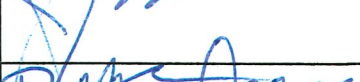


Printed Name	Signature	Address	Comment	Date
MARY ALLEN	<i>Mary Allen</i>	216 Scandinavian		5/6/21
MARTIN GRUND	<i>Martin Grund</i>	5120 Shriver Ave		5-5-21
MARTI GRUND	<i>Marti Grund</i>	5120 Shriver Ave		5-5-21
STAFFERINER	<i>[Signature]</i>	111 10 <sup>th</sup> St. Wom		5-8-21

2021 MAY 10 AM 11:57  
 CITY CLERK  
 DES MOINES, IA  
 FILED

21-0731

## Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41<sup>st</sup> Pl.

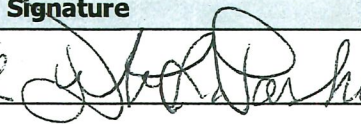

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Printed Name	Signature	Address	Comment	Date
Meredith Scherb		2720 48th Pl		5/9/21
MIKE MCCLETTZ		2804 45-12 St		5-9-21
JOHN WILSON		3612 Adam, 50310		5-9-21
Raden Sheumaker		2908 51st Street		5/9/21
Indira Sheumaker		2908 51st St		5/9/21

**FILED**  
 2021 MAY 10 AM 11:57  
 CITY CLERK  
 DES MOINES, IA

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Printed Name	Signature	Address	Comment	Date
DEBRA PARKER		2702 1/2 Beaver Ave Apt. 2		5-1-21
JACKIE JONES		921 W AVE #300		5-5-21

**FILED**  
 2021 MAY 10 AM 11:57  
 CITY CLERK  
 DES MOINES, IA



5/5/21  
46

5/4/2021

Mayor and City Council of Des Moines,

Our family lives on 42<sup>nd</sup> street very near where Fareway intends to build a new meat market. We believe strongly that the council should uphold the decision of the Planning and Zoning Commission, denying Fareway's request for rezoning of an adjacent home and lot. We do think the Fareway meat market would be a good addition to the neighborhood, as long as Fareway follows the city's zoning ordinance.

Our biggest concern is retaining and improving the walkability and bike-friendliness of the neighborhood. We walk and bike with our children past 41<sup>st</sup> Place and the old bank property several times a week, so we have a very personal stake in this re-zoning request. The city's zoning ordinance, section 135-2, says the permitted driveway access should be via the improved alley, and it makes clear that only one access per primary street is allowed. In a meeting on this topic with the neighborhood association, the city traffic engineer made the reason clear for this limitation on access, saying "our concern with the 2nd access is, you have double the number of conflict points and with the number of pedestrians and bicyclists, as well as the vehicular traffic in the area, and with the results of what the consultant engineer did to prepare for the traffic impact study, we did not feel there was a need for a second access onto Urbandale Avenue."

## 135-2. BUILDING TYPES

Storefront

### 2.5.3 STOREFRONT REGULATIONS

	MX1	MX2	MX3	CX
<b>A. Building Siting</b> Refer to Figure 135-2.3-B				
1 Multiple Principal Buildings	Not permitted	Permitted	Permitted	Permitted
2 Minimum Primary Frontage Coverage	85%	90%	60%	60%
3 Primary Frontage Build-to Zone (ft)	0-5	0-5	0-5	0-10
4 Non-Primary Frontage Build-to Zone (ft)	0-10	0-10	0-10	0-20
5 Minimum Interior Side Setback (ft)	0, 5 abutting a district that does not permit a Storefront building			5
6 Minimum Rear Setback (ft)	5 except 0 at alley			15 except 0 at alley
7 Maximum Impervious Area Additional Semi-Pervious Area	85% 10%	85% 15%	80% 10%	65% 15%
8 Surface Parking/Loading Location Garage/Loading Entrance Location	Rear yard, limited side yard only Any non-primary street or rear facade		Rear yard, limited side yard only Any non-primary street or rear facade	
9 Permitted Driveway Access	Improved alley; if no improved alley exists or is planned, one driveway off each non-primary street; if no alley or non-primary street exists, one driveway off a primary street with approval of city engineer			

Fareway's latest proposal moves the second access from their original proposed site plan to the west about 90 feet, onto 41st Place. Fareway is representing to the people who live on 41<sup>st</sup> Place that almost nobody will drive along the length of 41<sup>st</sup> Place to get to and from the 41<sup>st</sup> Place access they're proposing. If this is true, then relocating the access is nothing but a technicality, allowing Fareway two accesses to a primary street in violation of the intent of the city's zoning ordinance. The new proposal still doubles the conflict points along the well-used bike lane and sidewalk along Urbandale Avenue while compromising the safety and disrupting the character of the 41st Place neighborhood and removing a valuable Beaverdale brick home from the neighborhood's housing stock.

Also in the neighborhood meeting, it seemed clear that Fareway bought the bank property with full intention to move forward with the project, and anything they say now about it being a potential show-stopper to prohibit them from having a second access to Urbandale avenue should not be taken seriously. A Fareway representative was asked about possibly buying the residential property in question but then waiting to have it rezoned and demolished until traffic flow and parking lot usage becomes clear after opening, and he responded by saying "we're not going to exercise our option to purchase the property unless we know it can be re-zoned and we can add the parking." Following this reasoning, it's clear that they fully intend to move forward with the meat market with or without a second access to Urbandale. He made it clear they only buy property after a decision is made to move forward.

If the full intent of the city's zoning ordinance is adhered to, the Fareway meat market itself can be a positive in this area, providing a pleasant destination to walk to, and it can improve the comfort of walking on the sidewalks along Beaver and Urbandale. The safety and comfort of riding in the bike lane along Urbandale can be retained and, with the input from the city's Traffic department, could even be improved. Please uphold the recommendation of Planning and Zoning.

Sincerely,

**Dan and Kerri Johannsen**

2801 42<sup>nd</sup> St.



700 Locust St., Ste. 100  
Des Moines, Iowa 50309  
p: (515) 286-4950  
[DSMpartnership.com](http://DSMpartnership.com)

April 26, 2021

Des Moines City Hall  
Attn: City Council Members  
400 Robert D. Ray Drive  
Des Moines, IA 50309

RE: Proposed Beaverdale Fareway Meat Market

Des Moines Councilmembers:

The Greater Des Moines Partnership would like to express support of the proposed Fareway Meat Market in Beaverdale. Fareway has long served Greater Des Moines (DSM) as a strong corporate citizen, and the company has a track record of serving its customers and the community in a positive way.

Fareway's planned stand-alone meat market will be the first of its kind in the region. It will offer a full-service meat counter in the heart of one of DSM's most historic neighborhoods. Fareway's meat counter is perhaps the most well-known element of the grocery store chain and one of the most popular attractions for customers. This stand-alone model has already been implemented in surrounding cities including Omaha, Neb., Lincoln, Neb. and Ames.

This project presents a creative solution for development in Beaverdale. Fareway has proven it will be a supportive neighbor in the community. Over the past year-plus, the company and its employees have stepped up to the challenge of ensuring residents across our region have access to fresh food during a trying time. We believe the Fareway Meat Market in Beaverdale will be another welcome addition to serve the community.

Thank you for your consideration of this project.

Sincerely,

A handwritten signature in black ink that reads 'Jay Byers'.

Jay Byers  
President & CEO

The logo for DSM USA, consisting of the letters 'DSM' in red and 'USA' in blue, set against a red background bar.