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**Date** December 6, 2021

**RESOLUTION HOLDING HEARING ON APPEAL BY MENARD, INC.  
OF DENIAL OF TYPE 2 DESIGN ALTERNATIVE FOR SITE PLAN FOR PROPERTY  
LOCATED AT 6000 SOUTHEAST 14<sup>TH</sup> STREET**

**WHEREAS**, on October 7, 2021, the City Plan and Zoning Commission voted 10-0 to **DENY** a request from Menard, Inc. (owner), represented by Nicholas Brenner (officer), for a Type 2 design alternative waiving minimum interior parking lot landscape standards required by Municipal Code Section 135-7.9.2 as part of a Site Plan for property located at 6000 Southeast 14<sup>th</sup> Street (“Property”), related to expansion of an outbuilding within the “CX-V” Mixed Use District and retention of off-street parking lot for the existing Menard’s home improvement/retail store; and

**WHEREAS**, pursuant to Municipal Code Section 135-7.9.2, a landscape island is required for every ninth parking space with a result of no more than eight continuous parking stalls in a row without a landscape island, which equates to 77 required landscape islands on the Property, and a minimum 30 percent canopy coverage on the Property is also required; and

**WHEREAS**, in its Site Plan, Menard, Inc. proposed a total of 24 landscape islands on the Property, rather than the 77 landscape islands required by Municipal Code Section 135-7.9.2, and a total of 18 percent canopy coverage for the Property, rather than the 30 percent coverage required by Municipal Code Section 135-7.9.2; and

**WHEREAS**, in lieu of approving the Type 2 design alternative requested by Menard, Inc., the Plan and Zoning Commission voted 10-0 to approve the Site Plan submitted by Menard, Inc. subject to:

- Provision of the required interior lot landscape and overstory tree generally at every eleventh parking stall to the satisfaction of the Planning and Urban Design Administrator;
- Provision of one tree every 30 lineal feet on each side of the access drive to the satisfaction of the Planning and Urban Design Administrator;
- Amendment of each existing planter to have a minimum planter area of 5-foot by 17-foot or 85 square feet of soil area; and
- Compliance with all administrative comments; and

**WHEREAS**, Menard, Inc. has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9.B seeking further review of the Plan and Zoning Commission decision and approval of the above-described Type 2 design alternative to the Site Plan waiving minimum interior parking lot landscape standards required by Municipal Code Section 135-7.9.2; and

**WHEREAS**, on November 15, 2021, by Roll Call No. 21-1726, it was duly resolved by the City Council that the appeal be set down for hearing on December 6, 2021 at 5:00 P.M. in the Council Chambers; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place of hearing on said appeal; and



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WHEREAS, in accordance with said notice, those interested in said appeal and the proposed site plan, 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 statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission denial of the Type 2 design alternative for property located at 6000 Southeast 14th Street as described above, are hereby received and filed.
2. The communications from the Plan and Zoning Commission and from Menard, Inc., respectively, are hereby received and filed.

Alternative A

MOVED BY to DENY the proposed Type 2 Design Alternative described above, and to make the following findings of fact and objections regarding the proposed Type 2 Design Alternative:

- a. Municipal Code Section 135-7.9.2.A requires minimum interior parking lot landscape standards, including a minimum landscape island with every ninth (9th) parking space and thirty percent (30%) shading requirement.
b. Application of Section 135-7.9.2.A to the Property would require Menard, Inc. to install 77 landscape islands and thirty percent (30%) shading through overstory trees in the portion of the Property containing the parking lot and access drives.
c. Menard, Inc.'s proposal for the Type 2 design alternative is as follows:
i. to install one landscape island, bringing their total of existing islands plus one new island to 24 landscape islands, equaling a deficiency of 53 landscape islands; and
ii. to install 7 overstory trees for a total of eighteen percent (18%) canopy coverage consisting of overstory and understory trees, equaling a deficiency of twelve percent (12%) canopy coverage in the portion of the Property containing the parking lot and access drives.
d. A majority of the existing landscape islands on the Property do not meet the minimum dimensions of 5-foot by 17-foot landscape and thus do not provide optimal growth for potential trees.
e. Municipal Code Section 135-6.4-1 requires the Property to have 415 parking stalls to meet minimum parking requirements. The Property currently contains 525 parking stalls, equaling 95 stalls over said required minimum. Menard, Inc.'s site modifications will reduce the number of parking stalls from 525 to 469 stalls. Full compliance with Section 135-7.9.2.A would further reduce the total number of parking stalls from 525 to 416 stalls, or one excess stall over the required minimum, and thus would not impact the minimum parking requirement.
f. In the approved Site Plan for the Property, the Plan and Zoning Commission approved a compromise option between full compliance with Des Moines Municipal Code Section 135-7.9.2.A and Menard, Inc.'s proposal, which would achieve and require the following:
i. Provision of the required interior lot landscape and overstory tree generally at every eleventh (11th) parking stall in maneuvering and parking areas to the satisfaction of the



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- Planning and Urban Design Administrator, equaling installation or conversion by Menard, Inc. of a total of 40 new landscape islands in addition to those shown in the approved Site Plan;
- ii. Provision of one tree every 30 lineal feet on each side of the access drive to the satisfaction of the Planning and Urban Design Administrator, equaling planting by Menard, Inc. of a total of 12 trees within the access drive area; and
  - iii. Amendment of each existing planter to have a minimum planter area of 5-foot by 17-foot or 85 square feet of soil area.
- g. The above-described compromise option approved by the Plan and Zoning Commission, in lieu of the Type 2 design alternative, would result in approximately 32.9% canopy coverage in the portion of the Property containing the parking lot and access drives.
  - h. The proposed site development and installation of interior landscape islands can be completed in phases by Menard, Inc. to minimize impacts on retail customers at the Property.
  - i. Menard, Inc. has not met the burden required to demonstrate that the requested design alternative meets the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with the above-stated Site Plan conditions approved by the Plan and Zoning Commission, constituting a compromise position between full compliance with the Planning and Design Ordinance and Menard, Inc.'s proposal.
  - j. Menard, Inc. has not shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
  - k. Menard, Inc. has not shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
  - l. The Type 2 Design Alternative should not be approved for the reasons stated above.

**Alternative B**

MOVED BY \_\_\_\_\_ to **APPROVE** the proposed Type 2 Design Alternative described above, and to make the following findings of fact in support of approval of the proposed Type 2 Design Alternative:

- a. Municipal Code Section 135-9.2.2.B.1 provides that design alternatives are intended to allow for relief from the Planning and Design Ordinance when “specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable.”
- b. The existing building on the Property is set at a significant distance from the Southeast 14<sup>th</sup> Street primary street frontage, and the existing parking lot is approximately 260-350 feet from said street frontage.
- c. Existing buildings and lots that front Southeast 14<sup>th</sup> Street, and a proposed new building, provide buffers between the primary street frontage and the Property and its parking lot.
- d. The topography of the Property and its parking lot causes the lot to be less visible from the Southeast 14<sup>th</sup> Street frontage.

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- e. The proposed Type 2 design alternative allows a continuation of existing landscaping elements, which will not increase or create new adverse impact on the adjacent properties.
- f. The above-stated facts specific to the Property reduce the aesthetic concerns and need to screen the existing parking lot from the Southeast 14<sup>th</sup> Street frontage which are typically addressed through landscaping requirements.
- g. Menard, Inc. has met the burden required to demonstrate that the requested design alternative meets the criteria for approval and that the result of the design alternative would equal or exceed the result of strict compliance with Section 135-7.9.2 of the Planning and Design Ordinance.
- h. Menard, Inc. has shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- i. Menard, Inc. has shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- j. Said Type 2 Design Alternative should be approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

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

(10-2021-7.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk





November 3, 2021

*VIA Email*

City of Des Moines, IA  
Attn: Development Services Director, Erin Olson-Douglas  
400 Robert D Ray Drive  
Des Moines, IA 50309  
eodouglas@dmgov.org

**RE: Request for City Council Review of Plan and Zoning Committee Decision**

Dear Mrs. Olson-Douglas,

Enclosed is a request from Menard, Inc. to have City Council review a decision by the Plan and Zoning Commission that was made at their October 7, 2021 meeting regarding a design alternative requested by Menard, Inc. as it relates to the store expansion located at 6000 SE 14<sup>th</sup> Street, Des Moines, IA 50320. As part of this request, a narrative explaining the request and rational for the modification is included, along with the latest site plan for the project and the original narrative that went to the Plan and Zoning Commission. Once you have time to review, please let me know if you need anything else to help process this request. I look forward to hearing back from you. Thank you.

Sincerely,  
**Menard, Inc.**

**Nick Brenner**  
Real Estate Representative  
5101 Menard Drive,  
Eau Claire, WI 54703  
[P] 715-876-2177  
[C] 715-577-0363  
nbrenner@menard-inc.com

## **Des Moines City Council Review Request**

As it relates to the Menards store expansion located at 6000 SE 14<sup>th</sup> Street, this request is for City Council to review a decision by the Plan and Zoning Commission that was made at their October 7, 2021 meeting regarding a design alternative as it relates to Section 135-7.9 (Interior Parking Lot Landscaping). The item number for this request is 10-2021-7.18.

Enclosed with this request is an updated site plan and the project narrative that accompanied the design alternative request to the Plan and Zoning Commission. The site plan has been updated since the Plan and Zoning meeting to reflect Menards agreement to install landscape islands at the end of the parking rows that do not have islands today. It is still Menards request that the remaining parking lot islands be waived for the reason stated in the narrative and at the Plan and Zoning Meeting.

This request is consistent with the standards that are required to be met for a design alternative to be approved as further discussed in the narrative. This section of the code was enacted after Menards built at this site. This landscaping requirement is being applied because Menards has continued to invest in this property and this store therefore losing its grandfather rights as the cumulative cost of improvements have exceeded 50% of the building value. This scenario acts as a punishment for businesses who want to continue investing in their properties which seems inconsistent with the intent of the ordinance. Menards will continue to put its best foot forward to provide this community the best possible service but is asking that City Council assist Menards in doing that by waiving the middle landscape islands.

It cannot be explained enough that this is not a money driven request. Menards is investing significant capital into this project including large amounts in landscaping around the entire site. Menards is also saving two houses and investing money into those so they can be rented out to provide affordable housing for the community. This is simply an operation and safety concern that is important enough to have put off the expansion for yet another year.

Menards appreciates the time city staff as applied to this project and remains very excited to move forward with this project. It is Menards hope that the City Council can see past the code itself and allow Menards to proceed with this great expansion as proposed on the attached site plan.





## **Des Moines Narrative**

As it relates to the Menards store expansion located at 6000 SE 14<sup>th</sup> Street, this request is asking for a design alternative as it relates to Section 135-7.9 (Interior Parking Lot Landscaping). More specifically, Menards is requesting that the requirement to install islands every 8 spaces and the tree rule be waived. Today Menards has islands at most of the terminal ends of parking rows and has agreed to add islands to those that do not have one.

Section 135-7.9 requires the installation of 54 additional islands to the 23 existing islands for a total of 77 parking lot islands. Menards is proposing to install 10 new islands at the ends of the rows to get to a total of 33 islands. Menards also is proposing to install an island which is over 200 feet long separating the parking lot from the yard gate drive aisle. There is one shade tree required for each island for a total of 77 shade trees. Menards has 13 understory trees and 38 shade trees existing today in and around the parking lot. 15 more shade trees are being added as part of installing the islands mentioned above for a total of 53 shade trees and 13 understory trees for a total of 66 trees.

The existing parking lot contains 525 parking spaces. With the proposed expansion the number of stalls will be decreased to 469. Agreeing to add an additional 10 islands will further decrease the parking stalls to 459. Although Menards is comfortable with this number of parking stalls, adding the additional 44 islands will decrease the number to 415 parking spaces which for this particular store gets pretty tight.

Standards:

**This request is consistent with the general intent of Section 135-9.9.2.2.B**

The Menards store is projected to be open throughout the duration of this remodel. This is definitely not a simple project and is part of the reason we are over a year into the planning aspect of it. While we have done what we can to keep customers away from this expansion, the parking lot island additions are bringing this construction project directly to them. Not only are areas going to be torn up for the islands, but so are drive aisles and other areas in order to get irrigation to them. This is not a simple 2 day project, it will take weeks to get done. Inserting these islands are both impracticable and undesirable for a business that is not only operating but operating during its busiest time of the year (summer).

The area within 250' of this property is very similar to the Menards lot as it exists today. Even expanding this radius, the landscaping generally remain consistent. Many properties do not have any landscape islands (i.e. Hobby Lobby, Walgreens, Dollar Tree, etc.) while others only have islands at the end of the parking rows (Hy-Vee, PetSmart, etc.). A couple lots directly adjacent to the Menards property have islands at the end of the parking rows but that is it while the other properties, that are commercial in nature, do not have any parking lot islands. Therefore, by installing the few end islands that are not there today, this property will meet or exceed the landscaping of the properties that are immediately adjacent to the Menards property.

**This request is consistent with the comprehensive plan**

This request is consistent with the comprehensive plan because the use is remaining commercial. Although this request is asking to waive some parking lot islands, 10 are still being added to the



end of the parking rows, a large island is being added which will separate the parking lot from the yard gate and a number of trees being added to these islands. Additional trees and shrubs are being added around the Menards property through compliance with other landscape requirements that have been put in place since the original store construction. So even with this request, more green space and landscaping are still being added to what exists today.

**Requested Design Alternative will not result in any adverse impacts on other properties in the area.**

As mentioned in the paragraph above, the proposed Menards plan meets or exceeds the landscaping of any other property in the immediate vicinity. Add on the fact that the Menards site sits higher than most of the area surrounding it. The only way you see the Menards parking lot is to drive up to it. So by granting this design alternative request, it will not adversely impact any properties in the area.

**Conclusion**

Although the review of this design request does not take other landscaping into account, that other landscaping should not be completely dismissed. Overall, Menards has over 200 trees that it has planted since the store was built, plus a number of trees that have been preserved throughout the Menards ownership. Most of the trees are planted around the perimeter of the site, especially along the residential boundaries where it will be most beneficial to surrounding properties. To conclude, Menards has added significant landscaping throughout the site and it is the location of the islands that are causing issues. Menards has added islands where it has been deemed to be less disruptive to the operation of the store. Due to the circumstances surrounding this project, this store and the location, there is adequate justification for waiving the remaining islands that are required under the aforementioned ordinance.

Menards appreciates the time and effort the city has put forth on this project so far and is excited to move forward with this project in order to best serve this community.

October 12, 2021

Communication from the City Plan and Zoning Commission advising that at their October 7, 2021 meeting, the following action was taken regarding a request from Menard, Incorporated (owner), represented by Nicholas Brenner (officer), for review and approval of a Public Hearing Site Plan “Menards Expansion”, for property located in the vicinity of 6000 Southeast 14<sup>th</sup> Street, for a Type 2 Design Alternatives in accordance with Chapter 135 Sections 135-9.2.4.B and 135-9.3.1.B, to allow expansion of an outbuilding within an “CX-V” Mixed Use District while retaining an off-street parking lot that does not meet the minimum interior parking lot landscape standards, per City Code Section 135-7.9.2.A.

**COMMISSION RECOMMENDATION:**

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

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

**DENIAL** of the requested Type 2 Design Alternative for waiver of interior lot landscaping.

**Approval** of the Public Hearing site plan and an amended alternate design subject to the following:

1. Provide the required interior lot landscape and overstory tree generally at every 11<sup>th</sup> parking stall to the satisfaction of the Planning and Urban Design Administrator.



2. Provide one tree every 30 lineal feet on each side of the access drive to the satisfaction of the Planning and Urban Design Administrator.
3. Each existing planter shall be amended to a have minimum planter area of 5-foot by 17-foot or 85 square feet of soil area.
4. Compliance with all administrative comments. (10-2021-7.18)

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends **denial** of the requested Type 2 Design Alternative for waiver of interior lot landscaping.

Staff recommends approval of the Public Hearing site plan and an amended alternate design subject to the following:

1. Provide the required interior lot landscape and overstory tree generally at every 11<sup>th</sup> parking stall to the satisfaction of the Planning and Urban Design Administrator.
2. Provide one tree every 30 lineal feet on each side of the access drive to the satisfaction of the Planning and Urban Design Administrator.
3. Each existing planter shall be amended to a have minimum planter area of 5-foot by 17-foot or 85 square feet of soil area.
4. Compliance with all administrative comments.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed outbuilding addition and site improvements are requested to expand the storage yard of the existing Menard's home improvement / retail store.
2. **Size of Site:** Approximately 20.8 acres.
3. **Existing Zoning (site):** Limited "CX-V" Mixed Use District.
4. **Existing Land Use (site):** The property contains a Menard's home improvement/retail store.
5. **Adjacent Land Use and Zoning:**

**North** – “N3a”, Uses are one-household residential dwellings.

**South** - “RX1”, Uses are multi-household residential dwellings.

**East** – “MX3-V”, Uses are restaurant, retail, and bowling alley uses along the Southeast 14<sup>th</sup> Street major commercial corridor.

**West** – “N3a”, Uses are one-household residential dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is generally located along the Southeast 14<sup>th</sup> Street major commercial corridor in an area that transitions from the Menard’s retail business to a low-density residential area to the north and west. It also contains a one-household dwelling along Southeast 8<sup>th</sup> Street and/or Hart Street.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the South Park Neighborhood and within 250 feet of the Easter Lake Area Neighborhood Association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on September 17, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on September 17, 2021 (20 days prior to the hearing) and September 27, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to recognized neighborhoods on October 1, 2021.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The South Park Neighborhood mailings were sent to Jan Goode, 4501 Southeast 6<sup>th</sup> Street, Des Moines, IA 50315, and the Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 Southeast 26<sup>th</sup> Street, Des Moines, IA 50320.

8. **Relevant Zoning History:** On May 24, 2021, by Ordinance 15,929, the City Council rezoned the existing Menard’s site at 6000 Southeast 14th Street from MX-V Mixed Use District to CX-V Mixed Use District and the property locally known as 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Street from N3a Neighborhood District to CX-V Mixed Use District classification, subject to the following conditions:
  1. That the development shall be carried out in accordance with the Largescale Development Plan presented to the Plan and Zoning Commission;
  2. That no outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing;
  3. Any external lighting on the Property shall have a maximum height of 14 feet in height and shall be down-directed cut-off fixtures;
  4. Any use of the Property for a bar or a liquor store shall be prohibited;
  5. Any commercial use of the Property shall be in conformance with an approved site plan that demonstrates that the entire site is in conformance with the current landscaping standards contained in City Code Chapter 135.  
(This includes providing 8 evergreen trees and 4 overstory trees per 100



lineal feet along the north property line.)

6. Any commercial expansion on the Property shall be subject to the entire commercial development being brought into conformance with the current storm water management requirements;
7. All necessary permits shall be obtained for the construction of any building or wall upon the Property;
8. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the City's Planning Administrator, certifying that the Property has been improved in substantial conformance with the approved site plan.

**9. PlanDSM Future Land Use Plan Designation:** Community Mixed Use within a Regional Node.

**10. Applicable Regulations:** Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
  - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
  - Zoning restrictions at the time of the proposal;
- The city's comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, to ensure that future development and other properties in various areas of the city will not be adversely affected;

- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
  - An evaluation of the character of the surrounding neighborhood, such as:
    - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
    - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
  - For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
    - The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
    - Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;



- Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent: property, the character of the surrounding area or the public health, safety and general welfare;
- Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

**II. ADDITIONAL APPLICABLE INFORMATION**

**1. General Requirements:** The Site Plan was reviewed administratively for all standard requirements such a building typology / building material, stormwater management, grading, tree removal and mitigation, landscaping, and utilities. The Site Plan is subject to all administrative comments in this review. There have been a number of administrative alternate design requests granted which include:

- a. 29 gauge metal panel on an out building where typically a 22 gauge metal panel would be required.
- b. Height of the outbuilding to be 4.5 feet (30%) taller than the maximum one-half story less than the principal building, allowed by code.
- c. Relocation of the guard shack in front of the primary structure.

**2. Design Alternatives:** The developer has requested review and approval of Design Alternate to allow interior parking lot landscaping which does not meet the interior parking lot landscape standard requiring a minimum landscape island within every 9th parking space and 30 % shading requirement of the interior lot per section 135-7.9.2.A.

Due to parking lot modifications as part of the Menards expansion, the applicant has indicated that they are proposing 10 new islands at the terminal ends of the parking rows bringing the total number of Islands from 23 islands to 33 islands. An approximately 1200 square-foot buffer with 7 trees is proposed as a divider between the parking lot and storage yard access drive and accounts for a majority of the new islands that are indicated in the narrative. The following table summary shows a deficiency of 53 planter islands but accepting the large island as an alternate design in lieu of 7 islands would reduce this total to 46 interior islands deficient. The table also shows a deficiency of approximately 4,770 sq. ft. of interior planter island area assuming 1200 sq. ft. for the large alternate design island and 25 sq. ft. for each existing island that is currently encapsulated by concrete. They typical island is 5-foot by 17-foot with a minimum area of 85 square feet.

<b>Interior Planting Island Calculation and Summary</b>	
In accordance with Chapter 135 -7.9.A, a landscape island is required for every ninth parking space with a result of no more than eight continuous parking stalls in a row without a landscape island and a minimum 30% canopy coverage.	
Total # of Existing Islands (square footage)	23 (unknown – assume 25 sq. ft. each)



Total # of Islands Proposed (square footage)	1 (approximately 1200 sq. ft.)
Total # of Islands Required (square footage)	77 (6,545 sq. ft.)
Total # of Islands Deficient (square footage)	53 (4770 sq ft. )
30% Canopy Coverage required for Parking	18% for total site

The applicant is concerned that providing additional interior parking lot islands would further reduce the number of parking spaces beyond what they had anticipated for their proposed site expansion. The site modifications for the project reduces the number of parking stalls from 525 to 469 whereas providing the additional 53 planter islands (inclusive of the 10 proposed) would further reduce the total number of parking stalls to 416. By code the property requires 415 parking stalls satisfying the minimum parking requirement.

A majority of the current planter islands do not meet the minimum dimensions of 5-foot by 17-foot landscape as required by code therefore many of the existing islands would need to be modified to meet this minimum requirement for the optimal growth potential of the overstory trees. The applicant has indicated that these modifications will take weeks to perform in the middle of their busiest retail season and impact their customers directly. They have indicated that parking lots within 250 feet of this property are very similar to what they are proposing and adding the interior islands is both impracticable and undesirable for their business.

Access drives on new and existing sites are expected to provide overstory trees every 30 lineal feet on each side of the drive. As Menards owns the approximately 300-foot-long access drive which fronts two other developments, it would be typical to provide the over story trees 30 foot on center with the renovations proposed.

Staff does not concur with the applicant's desire to forego the required interior lot landscape island improvements. The quantity of parking spaces that would be compromised would not present an impact on the minimum parking requirement. Additionally, the installation of interior islands could be done in phases so that the entirety of the parking lot is not impacted during the site improvements This would help alleviate the impacts on the parking lot during the hours the store is open. Staff recommends an alternate design which would allow the spacing of planters to be placed in every 11 parking stalls rather than every 9 parking stalls required by code.

It is important to provide the mitigating effect of the tree shading on the expansive parking lot and having the planters would help to further reduce the amount of impervious surface and help to achieve the 30% canopy coverage. While staff appreciates the applicant's proposal to reduce the existing paving condition, the provision of the interior islands are critical to meeting the intent of the Ordinance. The interior parking lot landscape standard has been appealed to, reviewed, and upheld by the Planning and Zoning Commission with conditions at a number of sites within the last year. Staff would also like to emphasize the need for over story tree plantings on



each side of the access drive from the street to the store located within the same parcel.

- 3. Staff Rationale:** Staff believes that the developer has proposed a quality expansion of the existing retail store. The developer would be making a substantial investment to the storage yard expansion by improving the site with a building addition and upgrades to landscaping.

Staff does not support waiver of the required interior landscaping. This is based on the finding that other than the additional cost, the provision of the required islands would not adversely impact the parking demand and present congestion, but would rather further the intent of the Ordinance to minimize impervious surface and provide necessary shading canopy over time to reduce the heat island effect. Staff is supportive of an alternate design that would allow a planter island every 11<sup>th</sup> parking stall as opposed to every 9<sup>th</sup> parking stall.

## SUMMARY OF DISCUSSION

Frank Dunn-Young presented staff report and recommendation.

Carolyn Jension asked what the impetus is for not holding them to the landscape standards?

Jason Van Essen stated they have concerns about operations as they will remain open during construction. We thought they could do some phasing in as they understand tearing up the whole parking lot is problematic.

Johnny Alcivar asked if the previous site plan was following the landscape islands for every 9 parking spaces?

Frank Dunn-Young stated this is a continuation of the rezoning and large-scale development plan, which is what the Commission saw previously.

Jason Van Essen stated at the zoning hearing, staff had mentioned landscaping would be something further discussed with the details being sorted out during the site plan review.

Nick Brenner 5101 Menards Drive, Eau Clair, WI representing Menards stated the landscape islands have been a concern for Menards since the beginning. They try to do everything they can to keep these remodels away from the vast majority of their customers due to operation and safety concerns. They would need to run irrigation to these islands, which would require them to saw cut the middle of the drive aisles causing them to patch with concrete and the shifting that would take place with all 4 seasons is a concern to them. Also, with this store being very busy, they would like to save as many parking spots as possible. They will be adding 50 new trees, a good number of shrubs that's on top of the already 200 plus trees they've planted since opening the store.

Abby Chungath asked if they would be running irrigation to the end cap islands they are proposing?

Nick Brenner stated correct, there are 5 of those and a much easier connection.

Chris Draper asked if making the end caps bigger are a possibility since they are losing a good number of trees?

Nick Brenner stated trees aren't the issue, it would be the actual construction of the islands.

Chris Draper asked if staff's issue was the trees or the heat island effect?

Jason Van Essen stated trees are not only for aesthetics but are also valuable to the heat island effect.

Dory Briles asked if they were opposed to trees along the access drive?

Nick Brenner stated they wouldn't be opposed to trees along the access drive, especially if that helps them get over the hurdle of the landscape islands.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

No one present or requested to speak.

Dory Briles asked if the additional landscape islands were waived, what's percentage of shading would they be at?

Jason Van Essen stated until they have an idea of what's constructed, it would be hard to calculate the canopy shading.

Frank Dunn-Young stated for the overall site, they are at 18% canopy coverage. When it comes to parking lots, staff does look for 30% canopy coverage. If they stuck with code requirements, they would be looking at 77 landscape islands which would have a sizeable contribution to meet that requirement if not exceeding it.

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

Johnny Alcivar asked what resolution was made with the VA building at Southridge.

Frank Dunn-Young stated they did not wish to install the interior landscape islands. The Plan and Zoning Commission recommended 1 tree for every 11 stalls.

Jason Van Essen stated the proposed Kohls at Merle Hay mall ended up with some aisle only having 1 tree per 11 parking stalls.

### **COMMISSION ACTION:**

Francis Boggus made a motion for:

**Denial** of the requested Type 2 Design Alternative for waiver of interior lot landscaping.

**Approval** of the Public Hearing site plan and an amended alternate design subject to the following:



1. Provide the required interior lot landscape and overstory tree generally at every 11<sup>th</sup> parking stall to the satisfaction of the Planning and Urban Design Administrator.
2. Provide one tree every 30 lineal feet on each side of the access drive to the satisfaction of the Planning and Urban Design Administrator.
3. Each existing planter shall be amended to a have minimum planter area of 5-foot by 17-foot or 85 square feet of soil area.
4. Compliance with all administrative comments.

Motion passed: 10-0

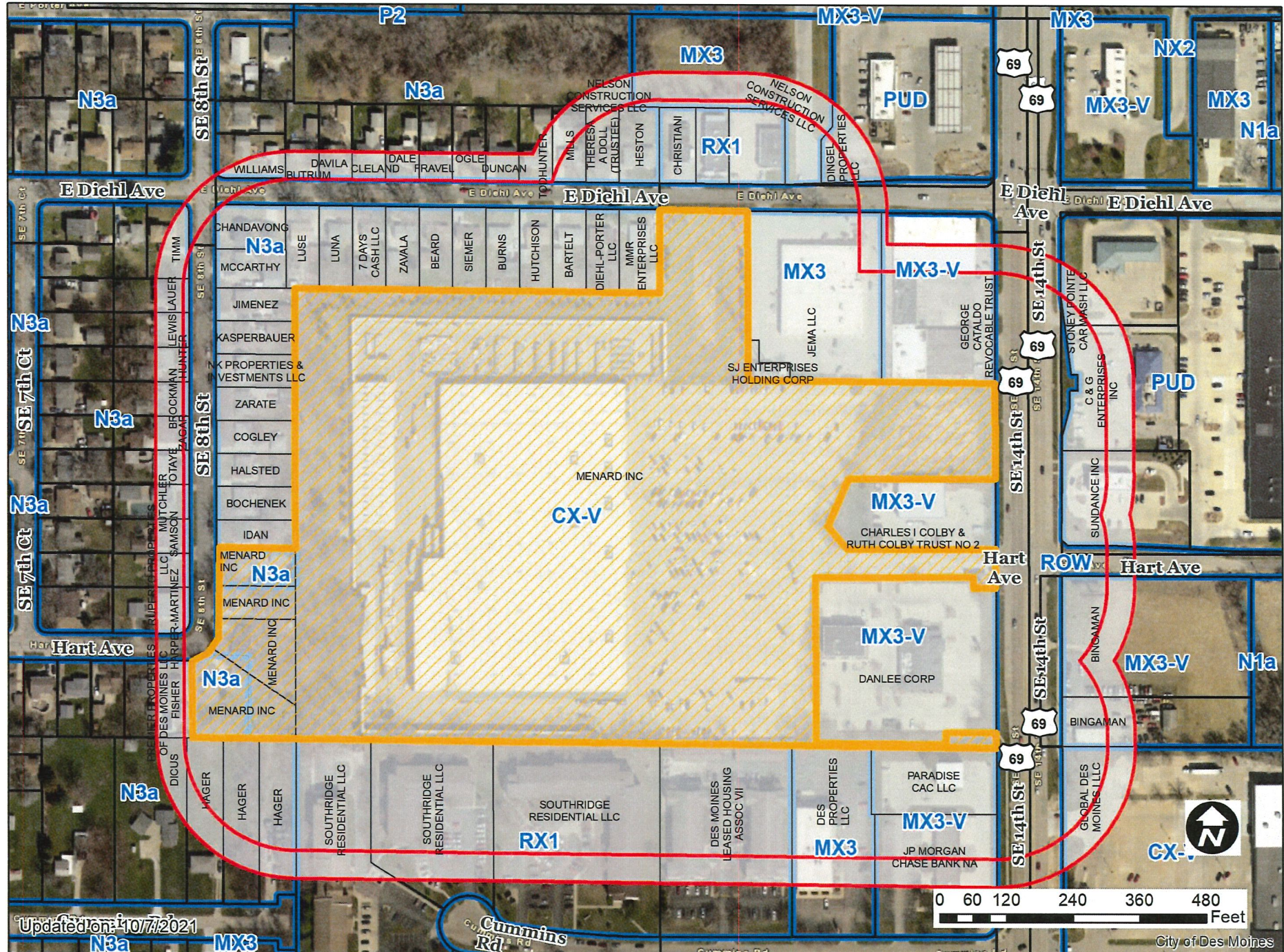
Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

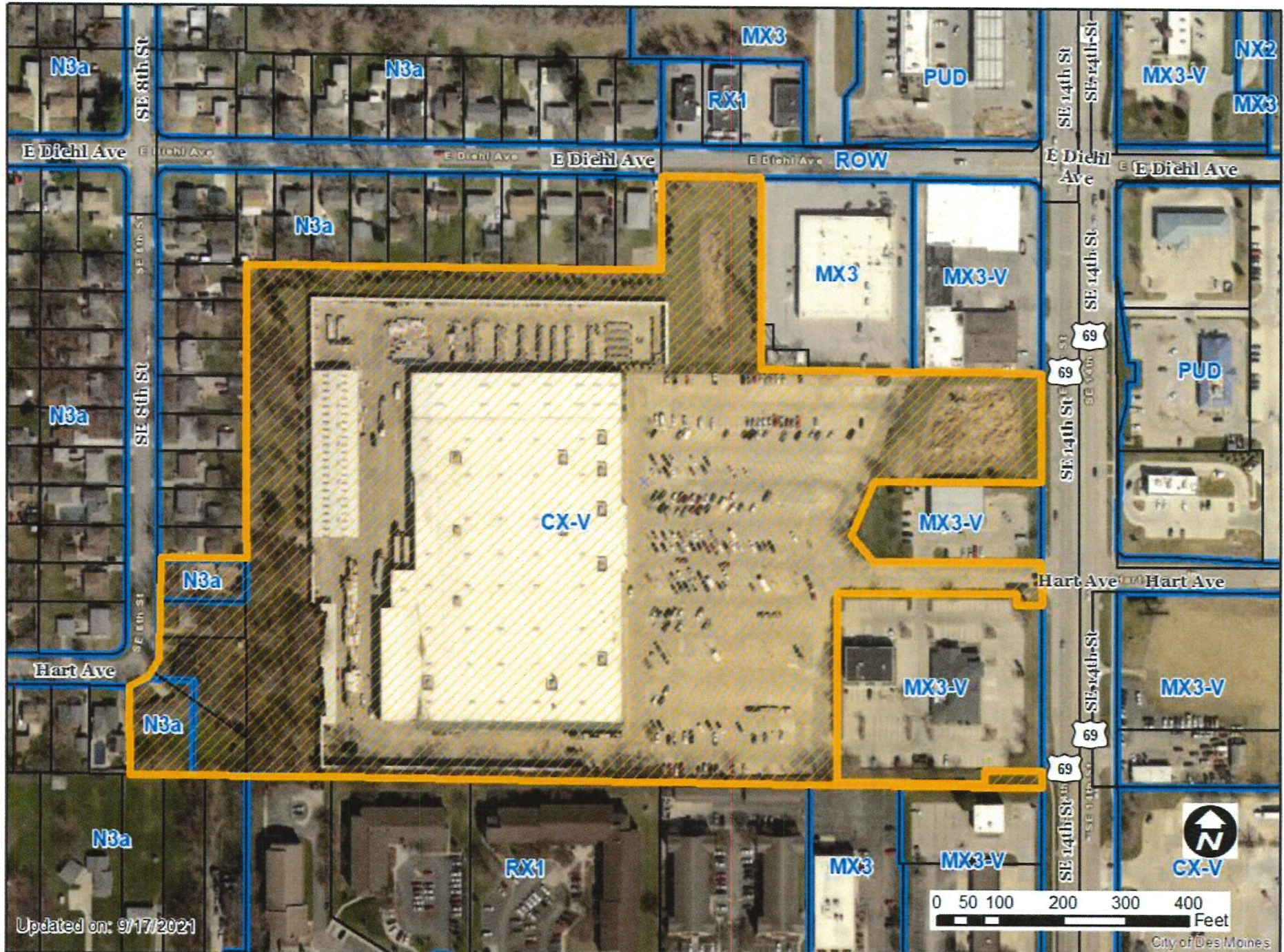
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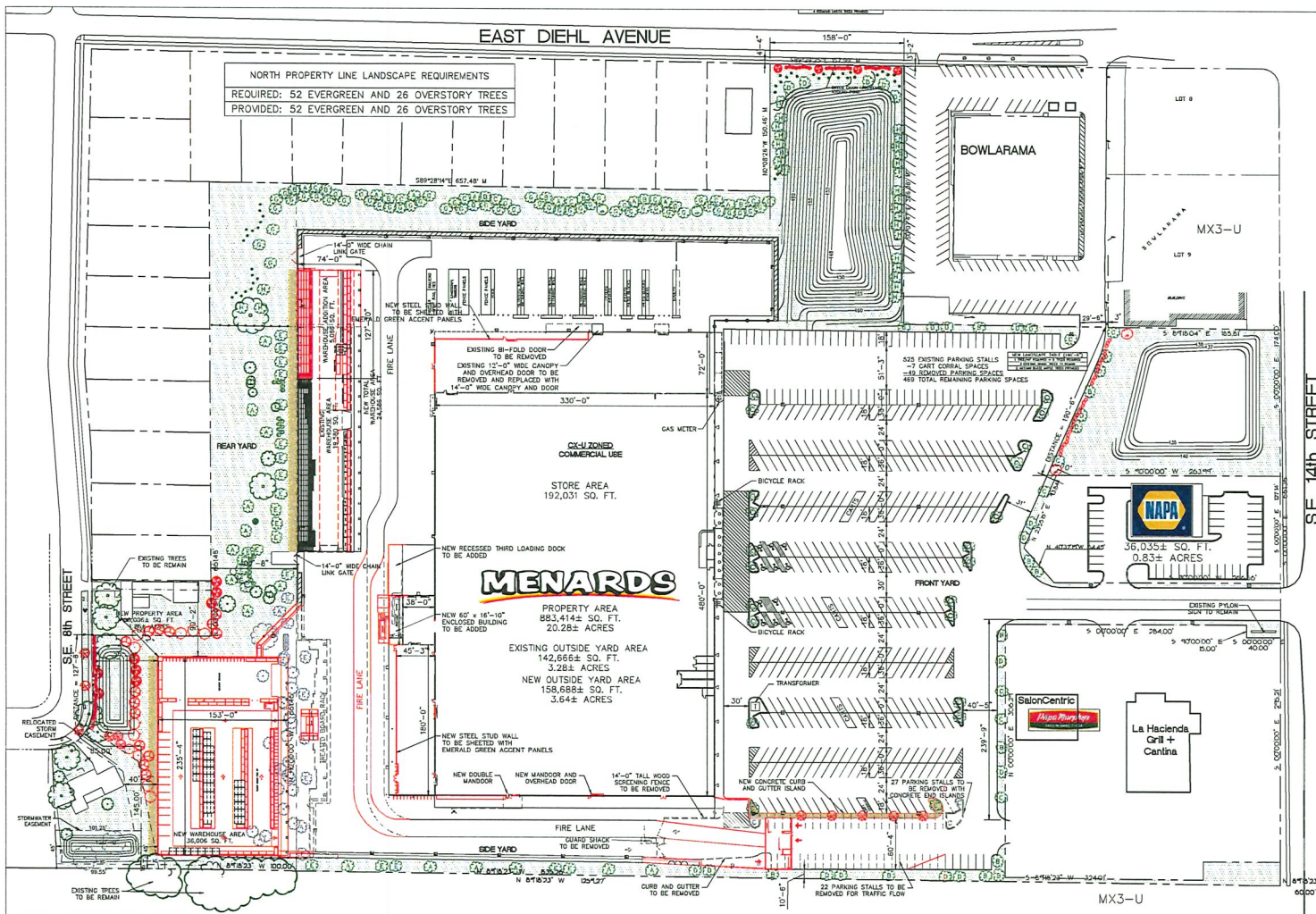


1 inch = 229 feet









**NORTH PROPERTY LINE LANDSCAPE REQUIREMENTS**  
 REQUIRED: 52 EVERGREEN AND 26 OVERSTORY TREES  
 PROVIDED: 52 EVERGREEN AND 26 OVERSTORY TREES

EAST DIEHL AVENUE

SE 14th STREET

**NEW LANDSCAPE LEGEND**

Symbol	Bolander, Common Name	Size	Height	Width	Quantity	Canopy Sq. Ft.
(Symbol)	Quercus rubra, Red Oak	2.5" Dia.	50-75'	30-45'	2	2,000
(Symbol)	Tilia americana 'Redmond', 'Redmond' American Linden	2.5" Dia.	50-70'	30-45'	12	12,000
(Symbol)	Picea pungens, Colorado Blue Spruce	6" HL	50-75'	10-20'	14	4,200
(Symbol)	Pinus strobus, Eastern White Pine	6" HL	50-80'	20-40'	9	2,700
(Symbol)	Acer x freemanii 'Latterford', 'Latterford Autumn Blaze Maple'	2.5" Dia.	40-55'	30-40'	7	7,000
(Symbol)	Syringa reticulata subsp. pekinensis, Chinese Tree Lilac	2" Dia.	15-20'	10-15'	11	
(Symbol)	Cotoneaster opulifolius, Cranberry Cotoneaster	3 Gal.	2-3'	3-6'	35	
(Symbol)	Hydrangea macrophylla 'Nikko Blue', 'Nikko Blue' Bigleaf Hydrangea	3 Gal.	4-6'	4-6'	21	
(Symbol)	Viburnum carlesii, Koreanopis viburnum	3 Gal.	4-6'	4-7'	25	
(Symbol)	Hydroseed					
(Symbol)	4-8" Sp. Rip Stone (Behind Warehouse)					
(Symbol)	1 1/2" River Rock (Landscape Planters)					
TOTAL SQUARE FEET OF CANOPY						27,900



VICINITY MAP

EXISTING IMPERVIOUS PARKING LOT AREA = 196,850± SQ. FT./4.56± ACRES  
 PROPOSED NEW IMPERVIOUS PARKING LOT AREA = 190,772± SQ. FT./4.38± ACRES  
 EXISTING IMPERVIOUS BUILDING AREAS = 202,513 SQ. FT.  
 PROPOSED NEW IMPERVIOUS BUILDING AREAS = 252,623 SQ. FT.  
 EXISTING IMPERVIOUS AREA = 617,975± SQ. FT./14.18± ACRES  
 PROPOSED NEW IMPERVIOUS AREA = 41,870± SQ. FT./0.96± ACRES  
 TOTAL IMPERVIOUS AREA = 658,845± SQ. FT./15.15± ACRES  
 IMPERVIOUS PERCENTAGE = 659,845 SQ. FT./883,414 SQ. FT. = 74.8%  
 CANOPY COVERAGE = 161,600 SQ. FT./883,414 SQ. FT. = 18.18% (REQUIRED 15%)

REQUIRED OPEN AREA = 23% OF TOTAL AREA = 220,854± SQ. FT./5.07± ACRES

**EXISTING LANDSCAPE LEGEND**

SYMBOL	SCIENTIFIC, COMMON NAME	QUANTITY	CANOPY SQ. FT.
(Symbol)	EXISTING TREES		
(Symbol)	ACER SACCHARUM 'WRIGHT BROTHERS', 'WRIGHT BROTHERS' SUGAR MAPLE	25	25,000
(Symbol)	GLYSTRIA BRACANTHUS 'NEMES', 'SHADDOASTER', 'SHADDOASTER' KNOXLEAF	22	22,000
(Symbol)	TILIA CORDATA, LITTLELEAF LINDEN	29	29,000
(Symbol)	MALUS 'ADAMS', 'ADAMS' FLOWERING CRAB	30	21,000
(Symbol)	PICEA PUNGENS, COLORADO SPRUCE	31	5,200
(Symbol)	SYRINGA YOHIMBENSIS, CHINESE LILAC SHRUB	24	0
(Symbol)	PICEA GLAUCA, WHITE SPRUCE	52	15,600
(Symbol)	AUTUMN BLAZE PEAR	3	2,100
(Symbol)	TILIA OCCIDENTALIS 'TECHNY', 'TECHNY' AMERICAN LINDEN	24	0
(Symbol)	EUONYMUS ALATUS COMPACTUS 'DIWARI BURNING BUSH'	16	0
(Symbol)	VACUINUM MADAGASCARICUM SYN. DRYCOCCUS MACROCARPUM, AMERICAN CRANBERRY	18	0
(Symbol)	NEW SYRINGA PATULA 'MISS NW', 'MISS NW' LILAC	10	0
(Symbol)	EXISTING TREES TO BE REMOVED		
TOTAL SQUARE FEET OF TREE CANOPY			124,000 SQ. FT.

1 SITE PLAN  
 SCALE: 1" = 60'-0"

SETBACKS  
 FRONT YARD = 0-15'  
 SIDE YARD = 0-10'  
 REAR YARD = 15'

BUILDING HEIGHT  
 PRINCIPAL BUILDING = 30'-1 1/2"  
 EXISTING WAREHOUSE = 26'-3"  
 NEW WAREHOUSE = 33'-10"

PLAN & ZONING: 05/08/21  
 08/20/20  
 CITY COUNCIL: 10/15/20

**PARKING REQUIREMENTS**  
 400 SQ. FT./161,640 SQ. FT. RETAIL SPACE = 404  
 10,000 SQ. FT./91,983 SQ. FT. STORAGE SPACE = 110  
 414 TOTAL PARKING SPACES REQUIRED  
 469 TOTAL PARKING SPACES PROVIDED

Nick Brenner  
 Real Estate Representative  
 Menard, Inc.  
 715-876-2177  
 nbrenner@menard-inc.com



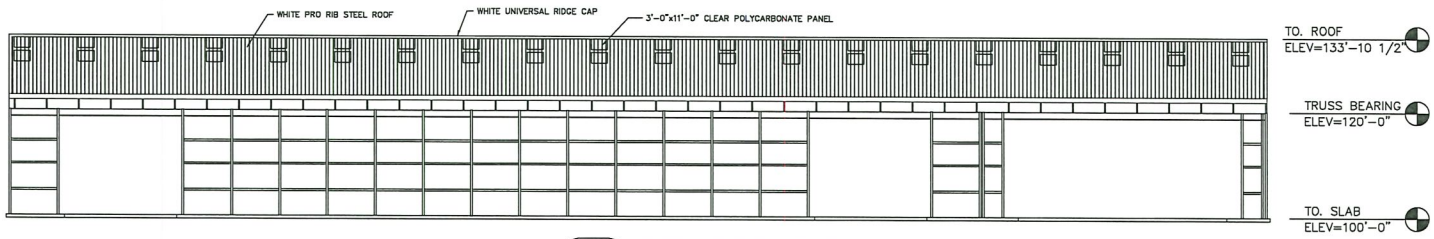
**MENARDS**  
 Des Moines, Iowa  
 Site Plan  
 July 16, 2021  
 Scale: 1" = 60'-0" CT1

**NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 IOWA BUILDING CODE AS AMENDED.
3. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
4. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
5. ALL EXISTING TREES TO BE REMOVED SHALL BE IDENTIFIED AND REMOVED PRIOR TO CONSTRUCTION.
6. ALL NEW TREES SHALL BE PLANTED AND MAINTAINED IN ACCORDANCE WITH THE 2015 IOWA BUILDING CODE AS AMENDED.
7. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE 2015 IOWA BUILDING CODE AS AMENDED.
8. ALL CONSTRUCTION SHALL BE COMPLETED BY THE DATE SPECIFIED IN THE PERMIT.
9. ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF DES MOINES.
10. ALL CONSTRUCTION SHALL BE SUBJECT TO THE 2015 IOWA BUILDING CODE AS AMENDED.

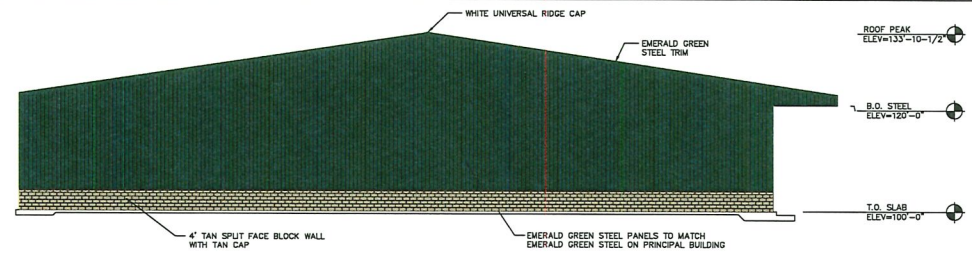


59



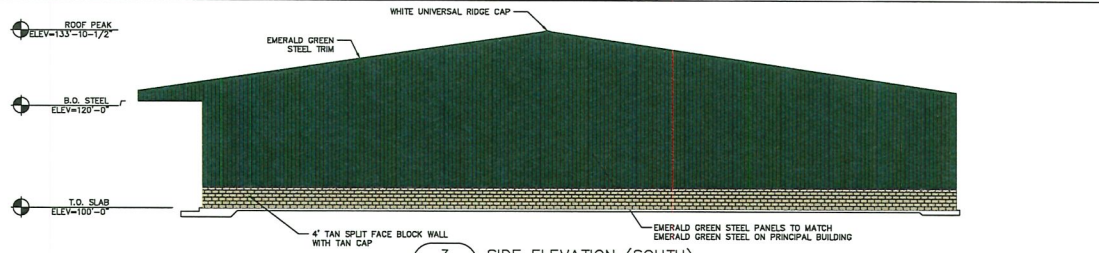
1 FRONT ELEVATION (EAST)  
 WHSE SCALE: 3/32" = 1'-0"

BUILDING HEIGHT  
 PRINCIPAL BUILDING = 30'-1 1/2"  
 EXISTING WAREHOUSE = 28'-3"  
 NEW WAREHOUSE = 33'-10"



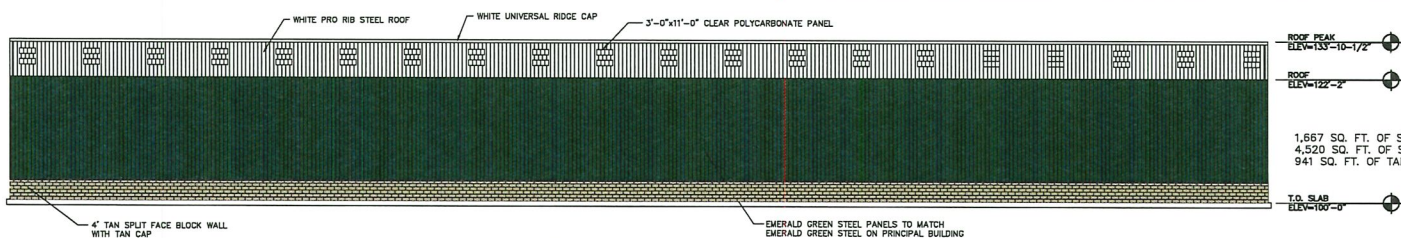
3,437 SQ. FT. OF STEEL = 85.9% OF BUILDING MATERIAL  
 564 SQ. FT. OF TAN SPLIT FACE BLOCK = 14.1% OF MATERIAL

2 SIDE ELEVATION (NORTH)  
 WHSE SCALE: 3/32" = 1'-0"



3,437 SQ. FT. OF STEEL = 85.9% OF BUILDING MATERIAL  
 564 SQ. FT. OF TAN SPLIT FACE BLOCK = 14.1% OF MATERIAL

3 SIDE ELEVATION (SOUTH)  
 WHSE SCALE: 3/32" = 1'-0"



1,667 SQ. FT. OF STEEL ROOF = 23.4% OF BUILDING MATERIAL  
 4,520 SQ. FT. OF STEEL SIDING = 63.4% OF BUILDING MATERIAL  
 941 SQ. FT. OF TAN SPLIT FACE BLOCK = 13.2% OF MATERIAL

4 REAR ELEVATION (WEST)  
 WHSE SCALE: 3/32" = 1'-0"

**MENARDS**  
 Des Moines, Iowa  
 Warehouse Plan  
 May 18, 2021  
 Scale: 3/32" = 1'-0" CT4