

.....
Date May 10, 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, the Property is legally described as follows:

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; 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, 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 amendment to the PlanDSM future land use designation to Community Mixed Use within a Neighborhood Node, or to the proposed rezoning of the Property to Limited MX3 Mixed Use District, are received and the hearing is closed.

Alternative A

MOVED by _____ to adopt and **DENY** the proposed amendment to the PlanDSM future land use designation and the proposed rezoning, and to make the following findings of fact regarding said proposals:

a. The City Plan and Zoning Commission voted 11-2 to recommend denial of the requested proposed amendment to the PlanDSM future land use designation to Community Mixed Use and proposed rezoning of the Property to Limited MX3 Mixed Use District, to allow 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.



Date May 10, 2021

- b. The current PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low Density Residential within a Neighborhood Node, and current zoning designation is N4 Neighborhood District, both of which are intended for residential uses and specifically “areas developed with primarily single-family and two-family residential units with up to six dwelling units per net acre”.
- c. The proposed land use designation of Community Mixed Use is described as “small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors...includ[ing] 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.”
- d. The Property is located in a neighborhood and area that contains existing single-household residential uses, which is consistent with the character of the neighborhood at the adoption of PlanDSM in 2016.
- e. The proposed amendment to the PlanDSM future land use designation of the Property and the proposed rezoning to allow for ingress/egress vehicular access to the adjoining development would not be consistent with the intent of the PlanDSM comprehensive plan for the subject neighborhood/area.
- f. If the proposed amendment to the PlanDSM future land use designation of the Property to Community Mixed Use is not approved, then the proposed rezoning to Limited MX3 Mixed Use District is inapplicable due to non-conformance with the PlanDSM designation of Low Density Residential.
- g. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

Alternative B

MOVED by _____ to continue the public hearing until 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 to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the proposed amendment to the PlanDSM future land use designation and the proposed rezoning subject to conditions acceptable to the City and the owner(s).

FORM APPROVED:

MOVED BY _____ TO ADOPT.

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

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

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



April 13, 2021

Date May 10, 2021
 Agenda Item 50
 Roll Call # _____

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their 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 41st 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 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 Jension, 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. (ZON2021-00018)

Written Responses

5 in Favor

4 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

Part B) Staff recommends 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.

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 41st 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 Beavertdale 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 Beavertdale 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 41st 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 41st Place. Traffic Engineering staff were also not favorable to the alternative of closing the median opening in Urbandale Avenue at 41st 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 41st Place, is that this proposal would put undue trips southbound onto 41st 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 41st 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 41st 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 41st 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 8th 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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,



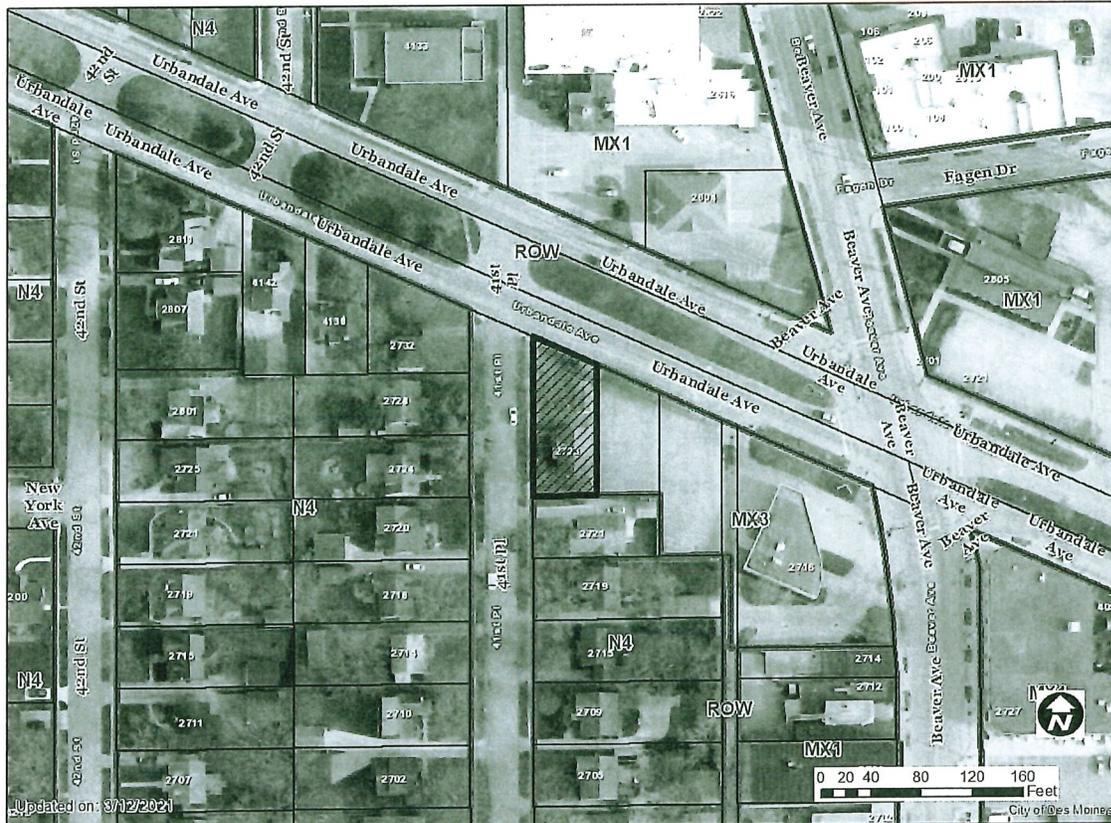
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from Fareway Stores, Inc (purchaser) represented by Matt Heath (officer) for the property located at 2723 41st 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

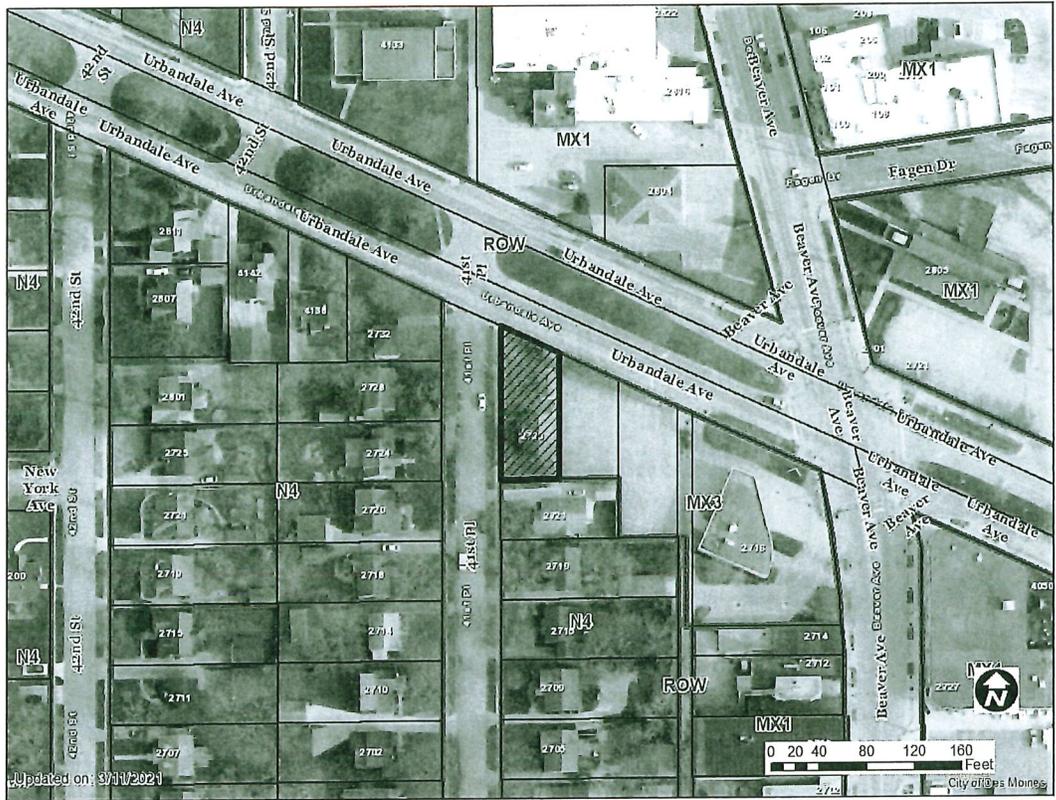


1 inch = 88 feet

Request from Fareway Stores, Inc (purchaser) represented by Matt Heath (officer) for the property located at 2723 41st 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

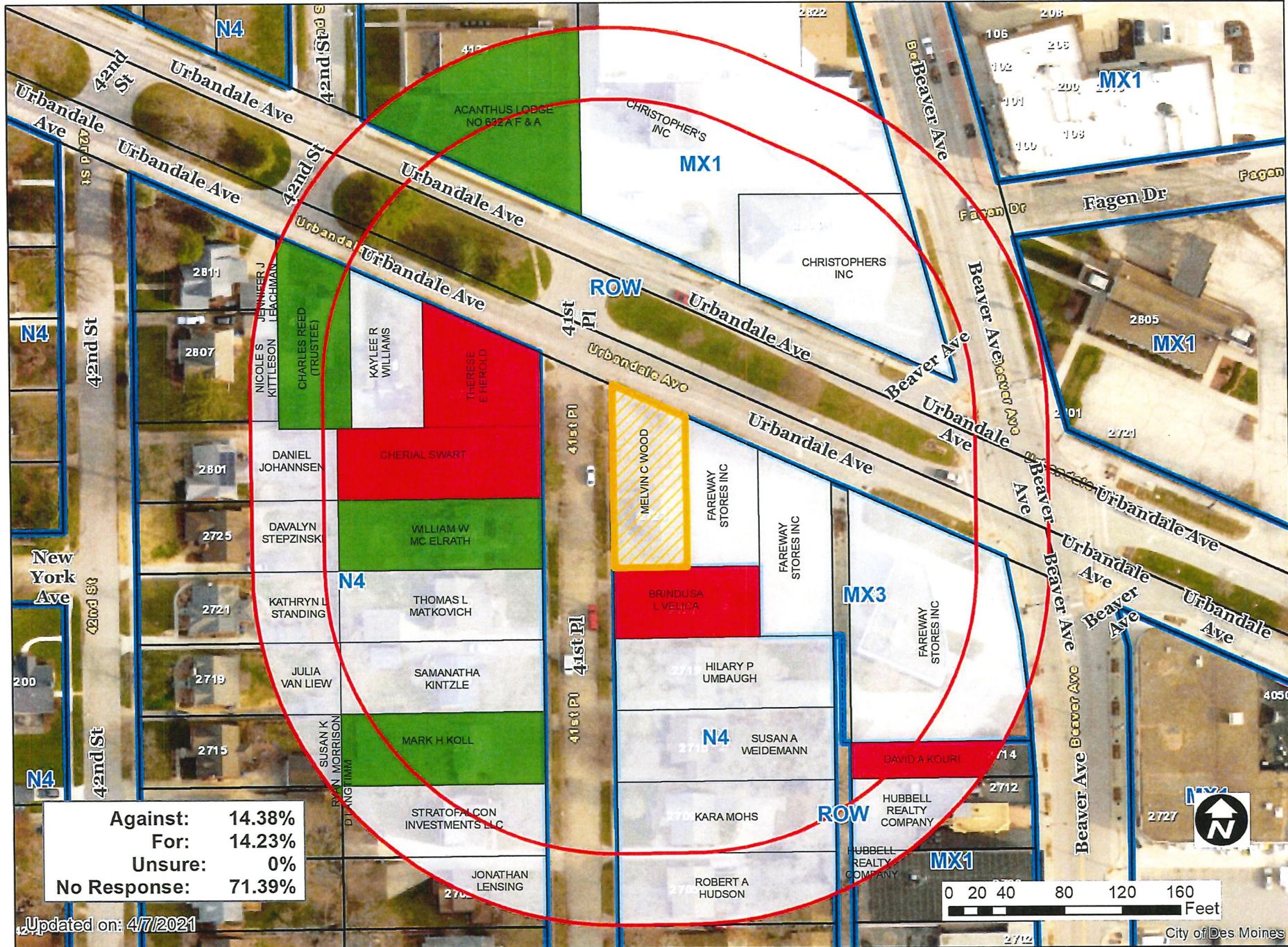
ZON2021-00018



1 inch = 88 feet

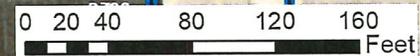
Fareway Stores, Inc., 2723 41st Place

ZON2021-00018



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

Updated on: 4/7/2021



City of Des Moines

1 inch = 88 feet

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: 2714-41ST 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
5316

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:

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

Name:

Address:

[Handwritten Signature]

Bill McEwen

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
privacy berm, hedge & trees / no at street 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:

Name:

Address:

[Handwritten Signature]

BRINDUSA VEHICA

2721 41st Place

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 02 2021

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

*- draws up the disarray 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



Signature: [Handwritten Signature]

Name: Ryan Langtinn

Address: 2711 42nd St DSM 50310

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

This will be great!

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



Signature: [Handwritten Signature]

Name: Therese Herold

Address: 2732 41st Pl.

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

The rezoning of 2323 41st Pl. allows for Fareway 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:

Name:

Address:

[Handwritten Signature]

CITED ROHLFSEN

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 Fareway!

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:

Name:

Address:

[Handwritten Signature: Dave Kouri]

DAVE KOURI

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.
BEING ENTRY & EXIT ON BEAVER.
DANGER TO PEDESTRIANS AND EXITS 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 exit
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:

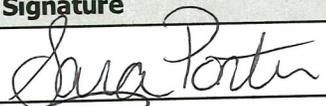
Enclosed, please find petitions from concerned citizen both within the
Beaverdale neighborhood and the larger Des Moines Community who ask you to
uphold the vote of the Des Moines Planning and Zoning Commissioners on April
1, 2021 against the rezoning of 2723 41st Pl.

We appreciate your attention in the matter.

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

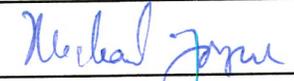
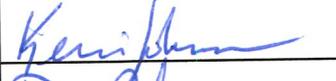
Petition in support of Des Moines Planning and Zoning Commission's decision to deny the rezoning of 2723 41st Pl.

Petition summary and background	The proposed rezoning of 2723 41 st 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 st Pl. and Urbandale Ave. The rezoning will also allow for encroachment of the Beaverville 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 st Pl. from N4 Neighborhood to MX3 Mixed Use.

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

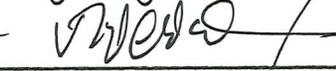
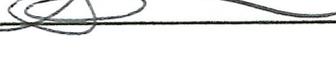
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Printed Name	Signature	Address	Comment	Date
Michael Joyner		3616 48 th Place	no increased traffic needed!	5/2/21
Kathryn L. Stankin		2721 42 nd St.	preserve 41 st PL <u>as is</u> !	5/2/21
Susan Morrison		2715 42 nd ST	preserve 41 st as is	5/2/21
Hilary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

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Printed Name	Signature	Address	Comment	Date
Alan Goldberg		4323 NW DV DSM IA		5/1/2021
BRINDUSA VERICA		2721 41 st Place DSM IA		5/1/2021
John Holtorf		4120 Sheridan Ave		5/1/21
Lisa Holtorf		4120 Sheridan Ave		5/1/21
Robert Hudson		2705 41 st Pl		5/1/21
DAVID WORNSON		2800 42nd ST.		5/1/21
Laurie Koshem		2800 42 nd St		5.1.21
STEPHEN LOGSDON		2721 41 st Place DSM IA 50260		5/1/21
Michael Christ		2105 46 th St. DSM, IA 50310		5/2/21
RANDY LOEBER		645-65 th Pl 475 Wpn St 50266		5/2/21

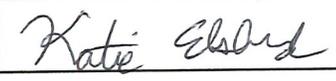
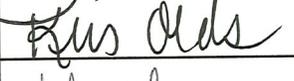
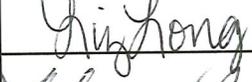
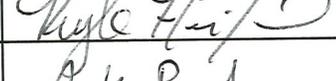
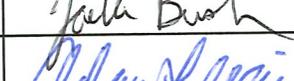
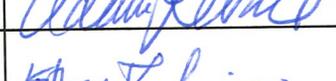
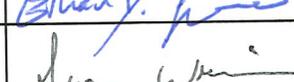
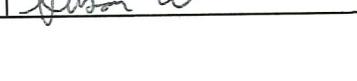
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Action petitioned for	We, the undersigned, are concerned citizens who urge the Des Moines City Council to uphold the Planning and Zoning Commission's decision against the rezoning of 2723 41 st Pl. from N4 Neighborhood to MX3 Mixed Use.

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 th St Des Moines, IA 50316		4/30/21
Anne Middleton	<i>Anne Middleton</i>	1223 46 th St Des Moines, IA 50311		4/30/21
Joan Middleton	<i>Joan Middleton</i>	DSM, 50312 3920 Grand		5/2/21
JANICE ROXBERG	<i>Janice Roxberg</i>	1616-46 th St DES MOINES		5/3/21
Linda L. Mall	<i>Linda L. Mall</i>	1621-46 th Street Des Moines 50310		5/3/21
Lawrence M. Mall	<i>Lawrence M. Mall</i>	1621-46 th St Des Moines 50310		5/3/21
Molly Elder	<i>Molly P. Elder</i>	1624 46 th St. DSM 50310		5/3/21
Marilyn Freckler	<i>Marilyn Freckler</i>	1628 46 th St DSM 50310		5/3/21

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Printed Name	Signature	Address	Comment	Date
Sara Clayton		2915 48 th Pl. Des Moines, IA 50310		4/28/21
Katie Elsbernd		2911 48 th Place Des Moines, IA 50310		4/28/2021
ROBIN LASKOWSKI		3825 17 th St Des Moines 50316		4/28/21
Kris Olds		11		4/28/21
Liz Longy		3904 41 st 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 th 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 st Pl Des Moines, IA 50310		5/3/21

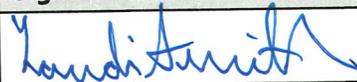
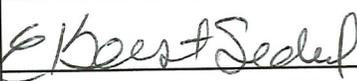
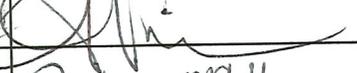
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Printed Name	Signature	Address	Comment	Date
Jerome Versteeg		2426 Raymond Drive Des Moines, IA 50310		5/1/21
Jeremy Seibert		2421 Raynor Dr	Des Moines, IA 50310	5-1-21
David D. DeFork	David D. DeFork	2425 Raymond Dr	Des Moines IA 50310	5-1-21
David D. DeFork		2700 41 st Place	DSM 50310	5/1/21
Kristi Sutton		2700 41 st 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 Seiver		4600 Gestman Drive	DSM IA 50310	5/1/2021
Jolene Gentzler		1308 55 th St.	Des Moines, IA 50311	5/2/2021
Joseph Gentzler		1308 55 th St.	Des Moines, IA 50311	5/2/2021

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Printed Name	Signature	Address	Comment	Date
Landi Smith		1310 46 th St. 50311		4-30-21
Elizabeth Keest Sedel		2415 35 th St 50310		4-30-21
Lis Lehman		2415 35 th 50310		4/30/21
Kathy L...		2710 41 st 50310		5-1-21
Martine Mel...		2710 41 st 50310		5-1-21
William Brady		2701 42 nd Street 50310		5-1-21
Dana Brady		2701 42 nd Street 50310		5-1-21
John DeBo		4215 Urbandale		5-1-21
Josh Vignawan		2425 Maryland Pike 50310		5/1/21
April Vignawan		2425 Maryland Pike		5/1/21
Rita McKeel		4224 Holland Dr.		5/1/21

5/5/21

5/4/2021

Mayor and City Council of Des Moines,

Our family lives on 42nd 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 41st 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
A. Building Siting 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 41st Place that almost nobody will drive along the length of 41st Place to get to and from the 41st 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 42nd St.



700 Locust St., Ste. 100
Des Moines, Iowa 50309
p: (515) 286-4950
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, appearing to read 'Jay Byers'.

Jay Byers
President & CEO

The logo for DSM USA, consisting of the letters 'DSMUSA' in a bold, sans-serif font. The 'DSM' part is white and set against a dark grey rectangular background, while the 'USA' part is white.