

 <h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	Date:	May 10, 2010
	Agenda Item No.	54
	Roll Call No.	<u>10-751</u>
	Communication No.	<u>10-267</u>
	Submitted by:	Larry Hulse, Community Development Director

AGENDA HEADING:

Public Hearing and First Reading of a request from Foods, Inc. (Dahl's) to rezone 3401 and 3407 Ingersoll Avenue from Neighborhood Pedestrian Commercial (NPC) to Planned Unit Development (PUD), subject to conditions.

SYNOPSIS:

On April 26, 2010, the City Council voted 7-0 to refer the rezoning issue to the City Manager to arrange a meeting with City staff, the North of Grand Neighborhood Association, Dahl's, the Ingersoll Business Association and Restoration Ingersoll to work toward a resolution. Meetings were held on April 29 and May 4, 2010, at the Grand Suites complex at 3801 Grand Avenue. The North of Grand Neighborhood Association representatives still believe that the convenience store should be located at the intersection of 35th Street and Ingersoll Avenue, but Dahl's has elected to proceed with the request to locate the convenience store at the intersection of 34th Street and Ingersoll. However, Dahl's has agreed to make numerous modifications to the site plan to address lighting, buffering and traffic concerns expressed by the neighborhood and City staff. Staff recommends approval of the rezoning, subject to the following conditions (6/7th vote is required, italicized text reflects conditions proposed to address issues that were identified during the past two meetings):

1. Provision of bike racks near the entrance of the bank.
2. Provision of solid steel gate for any trash enclosure.
3. Restriction of the convenience store and car wash hours of operation from 6:00 A.M. to 11:00 P.M.
4. Use of 60-degree parking stalls where angled parking is designated. *Existing parking lot islands where 60-degree parking is proposed shall be modified to accommodate this configuration to the satisfaction of the Community Development Director.*
5. Provision of a note that states parking shall be provided for all employees on-site.
6. Parapet walls shall have a finished appearance on all sides, as approved by the Community Development Director.
7. Provision of functional windows on the south façade of the convenience store to the satisfaction of the Community Development Director.
8. Prohibition of signage on the north façade of the car wash building.
9. Provision of ornamental fencing around the perimeter of the convenience store site along Ingersoll Avenue and 34th Street.
10. *Provision of signage and painted pavement markings identifying the 34th Street drive as "entrance only," per the direction of the City Traffic Engineer.*
11. Submission of written certification from the owner's lighting consultant that all site lighting is installed in accordance with the approved lighting plan and does not exceed 1 foot candle at the

property lines prior to issuance of a Certificate of Zoning Compliance. *The applicant shall agree to modify all existing and proposed on-site lighting to address off-site lighting impacts to the satisfaction of the Community Development Director.*

12. *The architecture of the bank shall be differentiated from the look of the convenience store to the satisfaction of the Community Development Director.*
13. *Evergreen landscaping shall be provided along the 34th Street property line with an installed height of 6 to 8 feet and additional plantings shall be provided adjoining the existing truck loading dock to the satisfaction of the Community Development Director.*
14. *The main entrance drive from Ingersoll Avenue should continue to the intersection with the east-west interior drive, with no direct access to the convenience store, per the recommendation of the City Traffic Engineer.*
15. *The interior intersection of the north-south and east-west drives should have stop signs placed on the east and west legs, per the recommendation of the City Traffic Engineer.*
16. *Both the north-south and east-west pedestrian walkways should provide a continuation of the color and texture of the walkways where they cross vehicle drives, to accentuate the pedestrian path.*
17. *A more pronounced curb return shall be provided along the north side of the grocery store loading dock driveway to the satisfaction of the City Engineer to discourage northbound turns for vehicles existing the site.*

In addition, the City will post “NO TRUCKS” signs on Woodland Avenue at 31st Street and 35th Street. The City will also work with Dahl’s and the neighborhood on some traffic calming features on 34th Street, if desired.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

Twenty–three representatives attended the April 29, 2010 meeting and seventeen representatives attended the May 4, 2010 meeting (please see the meeting minutes attached to the Roll Call). The following is a summary of the discussion from those meetings by key issue:

Location Issues

No agreement regarding the location of the convenience store has been reached.

The North of Grand Neighborhood Association believes that the convenience store should be located at the intersection or 35th Street and Ingersoll Avenue in accordance with the existing approved PUD Concept Plan. They believe the existing plan was negotiated in good faith by Dahl’s and the neighborhood in exchange for the grocery store being located at the north boundary of the site. Per the approved PUD, they believe that the convenience store is more appropriately sited at 35th Street due to the presence of the traffic light, existing commercial uses at the intersection, proposed mass/scale of the building and internal circulation. The neighbors expressed frustration with the impact of the existing

grocery store on surrounding residential properties (parking lot and loading dock lighting, delivery trucks using Woodland Avenue and 34th Street, etc.) and are concerned about additional light, noise and traffic impacts that could be created if the convenience store is located at the 34th Street and Ingersoll Avenue. Regardless of the decision on the location of the convenience store, the neighbors believe existing impacts should be mitigated by Dahl's.

Dahl's believes the convenience store should be located at 34th Street and Ingersoll. They believe the revised plan provides greater visibility of the grocery store from the intersection of 35th Street and Ingersoll Avenue and provides better internal circulation for the proposed uses. They note that numerous revisions have been made to the site plan to address neighborhood and staff comments throughout the process, including modifications to building architecture and relocation of the car wash away from residential properties. Dahl's has also agreed to additional modifications described in the lighting, buffering and traffic sections of this report.

The Ingersoll Business Association and Restoration Ingersoll group have expressed support for the revised c-store location, as presented by Dahl's. Representatives noted that Dahl's knows their business and has made numerous concessions to address neighborhood concerns. The groups also believe that it is important for the streetscape to be installed along the entire north side of Ingersoll Avenue between 34th Street and 35th Street and such improvements will be delayed if the Dahl's request is denied and the existing bank remains.

City staff believes that the convenience store presents challenges that must be overcome at either location. The bank property at 34th and Ingersoll is already zoned NPC, which is a commercial district. There are numerous commercial uses that can be proposed on the property without rezoning, including a convenience store. The NPC District guidelines have been used as a basis for evaluating the PUD request. The guidelines do not specify which corner is the more appropriate location for a convenience store. Rather, the guidelines encourage the placement of buildings with minimal setback from the primary commercial corridor (Ingersoll Avenue). From an urban design viewpoint, it is most important to have buildings with minimal setbacks from both intersections. Both plans accomplish this goal. Staff believes that the new architectural design of the convenience store building and a more compact fuel canopy (despite the addition of one more gas pump) is an improvement compared to the existing approved PUD. In addition, the immediate extension of the Ingersoll Streetscape along the entire block face by a private developer is a significant benefit to the City. Dahl's has the bank property under contract and has elected to proceed with an application for a convenience store at that location. Therefore, staff has focused on mitigating impacts of a commercially zoned property on surrounding residential uses.

Lighting Issues

The immediately surrounding residents have expressed frustration with the impact of commercial lighting that was installed with the grocery store. The current proposed PUDs require sharp cut-off light fixtures, limits the height of light poles to a maximum of 20 feet in parking lots and 15 feet along pedestrian paths, and requires site lighting levels to be no greater than 1 foot candle at all points along the property lines. The applicant has submitted documentation that the existing lighting is in compliance with these conditions. However, based upon review of concerns expressed on April 29, 2010, it was discovered that there are specific instances where lighting levels on adjoining properties may be higher than those measured at the Dahl's property line, due to on-site buffering (screen walls, landscaping, etc.) and off-site topography. Dahl's has agreed to shield, lower or relocate any existing lights that are causing excessive impact on adjoining properties, to install lower height light poles on the convenience

store site, to recess canopy lights into the gas canopy and to shut-off some lights before 11 PM. The neighbors request that such revisions be implemented regardless of the decision on the current PUD application.

Buffering Issues

Neighborhood representatives have requested location criteria for specific elements of the proposal and additional buffers between the commercial and residential areas.

Dahl's has relocated the car wash building to keep it as far from adjoining residential properties as they believe is operationally possible. The doors on the car wash will open and close for each vehicle, limiting noise from the washing process and the exit doors will be located on the west side of the car wash building. Dahl's has agreed to locate their vacuum and air pump at the southwest corner of the convenience store site. Dahl's has agreed to provide additional evergreen landscaping (junipers) with a 6 to 8 foot installed height along the 34th Street property line and adjoining the north side of the car wash entrance drive to screen the use from the second floor height of residential uses on the east side of 34th Street. Dahl's has also committed to review the existing landscaping east of the existing truck dock for opportunities to install additional plantings.

Traffic Issues

Neighborhood representatives expressed frustration regarding delivery trucks that use Woodland Avenue and 34th Street north of Crescent Street to access the truck dock on the east side of the building. In addition they expressed concern that the convenience store will increase traffic on 34th Street. Should the convenience store remain on 34th Street as currently proposed, they request that there be no driveway on 34th Street that accesses the convenience store.

Dahl's has indicated that a 34th Street driveway is needed for fuel truck access and the most efficient location of underground storage tanks and fuel truck access is between the fuel pumps and the car wash. The underground tanks and fuel truck access cannot be located in the existing grocery store loading dock area due to the presence of underground storm water detention facilities and grade issues that would prevent gravity flow from fuel trucks to the underground tanks. Dahl's is willing to limit the 34th Street access for the convenience store to an "entrance only" and to sign it accordingly.

The Traffic and Transportation Division has reviewed the traffic impact study update for the Dahl's store on Ingersoll Avenue at 35th Street, prepared for Food's Inc. by Howard R. Green Company, and also the site plan for this redevelopment. The total trips are calculated by the trips generated by a supermarket land use plus gasoline station with convenience market and car wash plus drive-in bank. The impacts of the trips on the street network are reduced by the internal capture factor and pass-by trip factor, as well as removal of the trips from the previous supermarket land use on this site.

The assignment of trips and the capacity analysis show that the redevelopment of this site does not create any significant changes in levels of service or traffic flow. The highest volume of traffic will occur in the afternoon peak period, with about 400 vehicles entering the site and 400 vehicles leaving the site. This traffic is dispersed over four entrance drives and three exit drives, so the busiest driveway is expected to have an average of about five vehicles per minute total entering and exiting traffic.

Staff also reviewed the site circulation on the site plan and recommends the following items:

- The driveway on 34th Street should be designated as an entrance only drive. This will help minimize the neighborhood traffic impacts on 34th Street.
- The main entrance drive from Ingersoll Avenue should continue to the intersection with the east-west interior drive, with no direct access to the convenience store. This will remove potential turning vehicle conflicts near the intersection of this main drive with Ingersoll, and enhance the safety of the site circulation.
- The interior intersection of the north-south and east-west drives should have stop signs placed on the east and west legs. These stop signs will enhance the safety of this crossing point, especially for the north-south pedestrian walkway.
- Both the north-south and east-west pedestrian walkways should provide a continuation of the color and texture of the walkways where they cross vehicle drives, to accentuate the pedestrian path.
- A more pronounced curb return along the north side of the grocery store loading dock driveway should be provided to discourage northbound turns for vehicles exiting the site.
- The City will post “NO TRUCKS” signs on Woodland Avenue at 31st Street and 35th Street. The City will also work with Dahl’s and the neighborhood on some traffic calming features on 34th Street, if desired.
- The City has posted a parking restriction on the north side of Ingersoll east of 34th Street to allow DART buses to properly load and unload passengers at the curb at the bus stop. This parking restriction will greatly improve the sight distance for trucks from the loading docks and neighborhood traffic at the intersection of 34th and Ingersoll.

Overall, the surrounding street network has adequate capacity to accommodate the additional traffic from the proposed redevelopment without experiencing substantial negative impacts in level of service. The site access and circulation are in compliance with good traffic engineering practices and City traffic ordinances. The recommended traffic control measures should further enhance the safety of the site access and circulation and minimize the impacts to the residential neighborhood.

PREVIOUS COUNCIL ACTION(S):

Date: April 26, 2010

Roll Call Number: 10-645

Action: [On](#) request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions. (6/7th vote is required to approve the rezoning) [Consent Map](#) Moved by Hensley to continue to the May 10th Council meeting at 5:00 PM; refer to the City Manager to arrange a meeting with City staff, Neighborhood Association, Dahls, Ingersoll Business Association and Restoration Ingersoll to work toward a resolution. Motion Carried 7-0.

Date: April 12, 2010

Roll Call Number: 10-506

Action: [On](#) request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions, (4-26-10). Moved by Coleman to adopt. Motion Carried 5-1. Nays: Moore. Council Member Mahaffey declares a conflict of interest and abstains from voting.

Date: February 11, 2008

Roll Call Number: 08-247, 08-248 and 08-249

Action: Public Hearing [on](#) the PUD Conceptual Plan proposed by Foods Inc. (Dahl's) for property at 3425 Ingersoll Avenue, (continued from 1-28-08). ([Council Communication No. 08-073](#)) Moved by Hensley to adopt, including a change to item 9 – the City may consider... will be changed to the City shall consider... Also the City will monitor the traffic on 34th Street for possible cul-de-sac or barrier. Motion Carried 6-1. Nays: Cownie.

[Second](#) consideration of rezoning ordinance. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Cownie.

Final consideration of rezoning ordinance. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,744](#). Motion Carried 6-1. Nays: Cownie.

BOARD/COMMISSION ACTION(S):

Date: April 1, 2010

Roll Call Number: ZON 2010-00012

Action: The Plan and Zoning Commission recommended the following:

Motion on request from Foods, Inc. (owner) to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan. Motion approved 10-0-1.

Motion for approval of a request to amend the Dahl's Foods Ingersoll Avenue PUD Conceptual Plan to incorporate the property at 3401 and 3407 Ingersoll Avenue to allow the construction of a 5,300-square foot building, 6 fuel pumps (12 fueling stations) and an automatic car wash and to rezone from "NPC" Neighborhood Pedestrian Commercial District to "PUD" Planned Unit Development subject to the following conditions (motion approved 6-4-1):

1. Provision of bike racks near the entrance of the bank.
2. Provision of solid steel gate for any trash enclosure.
3. Restriction of the convenience store and car wash hours of operation from 6:00 A.M. to 11:00 P.M.
4. Use of 60-degree parking stalls where angled parking is designated.
5. Provision of a note that states parking shall be provided for all employees on-site.
6. Parapet walls shall have a finished appearance on all sides, as approved by the Community Development Director.
7. Provision of functional windows on the south façade of the convenience store to the satisfaction of the Community Development Director.
8. Prohibition of signage on the north façade of the car wash building.

9. Provision of ornamental fencing around the perimeter of the convenience store site along Ingersoll Avenue and 34th Street.
10. Realignment of the car wash exit toward the convenience store (south).
11. Submission of written certification from the owner's lighting consultant that all site lighting is installed in accordance with the approved lighting plan and does not exceed 1 foot candle at the property lines prior to issuance of a Certificate of Zoning Compliance.
12. The access from the site to 34th needs to be two-way.
13. The City Traffic Engineer should consider no parking along Ingersoll in front of the apartment building.
14. There should be a "NO TRUCK" sign on Woodland Avenue.
15. There should be a curb cut break on the Ingersoll entrance drive for immediate access to the gas pumps.
16. The architecture of the bank differentiated from the look of the convenience store.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and Third readings of the ordinance, unless waived by the City Council.

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