

 <h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	Date: May 24, 2010							
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Submitted by:	Larry Hulse, Community Development Director							

AGENDA HEADING:

Second Reading of a request from Foods, Inc. (Dahl’s) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions (requires 6/7th vote).

SYNOPSIS:

On May 10, 2010 the City Council voted 6-1 to approve the first reading of the rezoning subject to conditions. Council requested that Dahl’s and staff continue to work with the neighbor’s to finalize commitments that Dahl’s has proposed to address site lighting, landscaping/buffering, building design/architecture and traffic issues. Representatives of the North of Grand Neighborhood Association, Dahl’s and the Community Development Department met on the evening of May 17, 2010 to discuss final resolution of these issues and met on the Dahl’s site with the Dahl’s lighting contractor to address specific lighting concerns of individual neighbors. The neighbors still prefer that the convenience store be located at the intersection of 35th Street and Ingersoll Avenue and believe that no access should be allowed to 34th Street if the convenience store is located at the intersection of 34th Street and Ingersoll Avenue. Dahl’s does not agree with the neighbors’ position on these issues. However, the following is a progress update (in italics) for each of the conditions approved on first reading:

1. Provision of bike racks near the entrance of the bank. *Bike racks have been added to the PUD Concept Plan.*
2. Provision of solid steel gate for any trash enclosure. *A detail drawing of a masonry enclosure with steel gates has been added to the PUD Concept Plan.*
3. Restriction of the convenience store and carwash hours of operation from 6:00 A.M. to 11:00 P.M. *A note has been added to the PUD Concept Plan specifying these hours of operation.*
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. *The traffic islands have been modified on the PUD Concept Plan and will be constructed once a final decision is rendered on the rezoning.*
5. Provision of a note that states parking shall be provided for all employees on site. *A note has been added to the PUD Concept Plan. In addition, the neighborhood has asked that Dahl’s employees be issued parking permits so that their vehicles can be easily identified. Dahl’s will continue to explore this suggestion.*
6. Parapet walls shall have a finished appearance on all sides as approved by the Community Development Director. *Parapets have been added to the c-store. The bank building elevations will be reviewed by the Community Development Director with the Final Development Plan.*

7. Provision of functional windows on the south façade of the convenience store to the satisfaction of the Community Development Director. *Functional windows and a customer entrance have been added to the south façade of the c-store to the satisfaction of the Community Development Director.*
8. Prohibition of signage on the north façade of the carwash building. *No signage is proposed or allowed 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. *Ornamental fencing has been added west of the c-store along Ingersoll and north of the c-store along 34th Street. Ornamental fencing was already proposed between the bank and the Ingersoll drive entrance.*
10. Provision of signage and painted pavement markings identifying the 34th Street drive as “entrance only” per the direction of the City Traffic Engineer. *Pavement markings and signage are specified on the PUD Concept Plan. The neighbors still believe that the 34th Street entrance should be closed. Dahl’s and the City Traffic Engineer disagree with the neighbor’s position.*
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. *During the May 17, 2010 meeting with Dahl’s and neighbors on-site regarding lighting it was confirmed that the parking lot poles are 30’ feet in height instead of a maximum of 20’ in height as specified on the PUD. A final certificate of occupancy has not yet been issued for the grocery store. Dahl’s contractor also adjusted existing directional lighting to eliminate errant light or glare. Dahl’s has submitted a new lighting plan specifying that all existing pole mounted parking lot lighting will be 20’ tall or less (including any concrete base). All pole mounted lighting for the convenience store will be 15’ tall or less (including any concrete base). The photometric plan still indicates approximately 3 areas where the lighting levels at the property exceed 1 foot candle. The first area is located near the eastern most wall of the grocery store. The lighting levels in this area range from 1.2 to 2.3 foot candles at the property line but fall to less than 1.0 foot candle at the curb line. Previously, the North of Grand Neighborhood Association agreed to a higher lighting level at the property line in this area due to safety concerns, subject to the lighting being less than 1.0 foot candle at the property line. The second area of concern is located predominantly along the south façade of the convenience store building along Ingersoll Avenue. Lighting levels in this area range from 1.3 to 27.7 foot candles at the property line (the building is located at the property line) but fall to 1.2 or 1.6 foot candles at the curb line of Ingersoll Avenue. No similar light levels were proposed along Ingersoll Avenue when the convenience store was previously to be located at the intersection of 35th and Ingersoll. The third area of concern is along the south and west facades of the proposed bank building along Ingersoll Avenue and 35th Street. Lighting levels in this area range from 2.8 to 10.8 foot candles at the property line and are 1.1 to 2.1 foot candles along the curb line. Staff will continue to work with the lighting consultant to correct these issues.*
12. The architecture of the bank shall be differentiated from the look of the convenience store to the satisfaction of the Community Development Director. *New building elevations have been submitted for the bank building 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. *Evergreen plantings*

with an installed height of 6-8' are specified on the PUD Concept Plan. In addition, Dahl's has increased the planting strip width along 34th Street from 6' to 12' to allow for a berm.

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. *The PUD Concept Plan has been revised to the satisfaction 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. *Stop signs are specified on the PUD Concept Plan to the satisfaction 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. *Colored and textured walkways are specified on the PUD Concept Plan where such walkways cross vehicle drives.*
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. *The PUD Concept Plan specifies that the radius of the north curb line for the truck dock entrance will be reduced from 20' to 5' to reduce the likelihood of vehicles making a north bound turn out of the truck dock area. The City Traffic Engineer has approved the proposed design.*

In addition Dahl's has agreed to the following:

- The proposed convenience store building will be LEED certified.
- The PUD includes a not stating there will be no store deliveries between the hours of 10PM and 6 AM.
- Dahl's will send a notice to all vendors instructing them not to use Woodland Avenue for deliveries. A copy of the notice will be provided to the President of the North of Grand Neighborhood.
- Dahl's will remove excess snow from the site to avoid reduction of limited on-site parking.
- Dahl's will provide an employee and construction parking plan to the Community Development Department.
- Dahl's will add a note to the PUD Concept Plan which references the City's noise regulations pursuant to Article IV of Chapter 42 of the City Code.
- Missing or dead landscaping is being replaced and is required to be maintained or replaced in perpetuity.
- The northernmost pole mounted light east of the truck dock will be removed and remounted on the truck dock screen wall.
- The second light south and east of the truck dock will be reduced to a 20' pole height and have a shield mounted to the back of the light.

Finally, the City will post "NO TRUCKS" signs on Woodland Avenue at 31st Street and 35th Street and the City Traffic Engineer has proposed modify the curb line at the intersection of 34th Street and Woodland Avenue to discourage truck traffic as part of the sewer project that is currently under construction (see attached).

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION: NONE

PREVIOUS COUNCIL ACTION(S):

Date: May 10, 2010

Roll Call Number: 10-751 and 10-752.

Action: Public Hearing and First Reading on request from Foods, Inc. (Dahl's) to rezone 3401 and 3407 Ingersoll Avenue from "NPC" (Neighborhood Pedestrian Commercial) to "PUD" (Planned Unit Development), subject to conditions. Moved by Hensley to close the hearing, to overrule objections and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Moved by Hensley that the ordinance be considered and given first vote for passage. Motion Carried 6-1.

Date: April 26, 2010

Roll Call Number: 10-645

Action: Public Hearing on request from Foods, Inc. (Dahl's) to rezone 3401 and 3407 Ingersoll Avenue from "NPC" (Neighborhood Pedestrian Commercial) to "PUD" (Planned Unit Development), subject to conditions. 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, Dahl's, 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: Set date of public hearing on request from Foods, Inc. (Dahl's) 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 as follows:

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 carwash 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 carwash 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 carwash building.
9. Provision of ornamental fencing around the perimeter of the convenience store site along Ingersoll Avenue and 34th Street.
10. Realignment of the carwash 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:

Third reading of the ordinance unless waived by the City Council (requires 6/7th vote).

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