

 <h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	Date: June 14, 2010							
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Agenda Item No.</td> <td>58</td> </tr> <tr> <td>Roll Call No.</td> <td>[Roll Call]</td> </tr> <tr> <td>Communication No.</td> <td><u>10-363</u></td> </tr> <tr> <td>Submitted by:</td> <td>Larry Hulse, Community Development Director</td> </tr> </table>	Agenda Item No.	58	Roll Call No.	[Roll Call]	Communication No.	<u>10-363</u>	Submitted by:
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Submitted by:	Larry Hulse, Community Development Director							

AGENDA HEADING:

Third 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 24, 2010, the City Council voted 6-1 to approve second reading of the ordinance to rezone the subject property, subject to conditions. The following are additional issues that the neighborhood identified (Dahl’s response follows in italicized text):

1. Neighborhood requests no C-store entrance or exit on 34th Street. *Dahl’s does not agree to the request. Entrance only is indicated on the plan and will be signed in the field. Dahl’s legal representation stated they need the entrance from 34th Street. The City Traffic Engineer concurs with Dahl’s position.*
2. Neighborhood requests that the pedestrian entrance to the café/deli of the grocery store be open during business hours. The gate around the outdoor seating area is closed and does not invite pedestrians to enter the store. *Dahl’s does not agree to this request. There are no cash registers or staff stationed at this building entrance, which increases the opportunity for theft. The doors can be opened from inside the store but a customer would have to enter the store from the main entrance.*
3. Neighborhood requests that the convenience store be closed from 10 p.m. to 6 a.m. *Dahl’s will continue to consider this request.*
4. Neighborhood requests that Dahl’s uphold their agreement with Restoration Ingersoll to provide streetscape on the north side of Ingersoll Avenue from 34th Street to 35th Street. *Dahl’s agrees to uphold this agreement and is working to incorporate preliminary design for streetscape into the PUD document.*
5. Neighborhood requests that Dahl’s incorporate permeable pavers in the remainder of the parking lot. *Dahl’s does not agree to the request. Storm water is already being detained on-site.*
6. Neighborhood requests that Dahl’s agree to keep an open line of communication with the North of Grand Neighborhood regarding any on-going issues. *Dahl’s agrees to the request.*
7. Councilmember Moore requested that an intermittent wall be installed along 34th Street from C-store to the north (instead of berm). *Dahl’s does not agree to the request. Wrought iron fencing*

installed along Ingersoll Avenue will be extended north along 34th Street from the C-store building to the 34th Street entrance drive. Landscaping is proposed on top of a berm between the property line and the wrought iron fence. Dahl's prefers to work on species selection, if that is a concern. Dahl's has already committed to neighbors to plant evergreens with 6-8 foot tall installed height, plus the berm. If the berm is not desired, Dahl's will eliminate it.

8. Neighborhood requests that the sidewalk along 34th Street and Ingersoll Avenue be scored into 2' x 2' squares, as was completed on 35th Street and Woodland Avenue. *Dahl's agrees that all new sidewalk along Ingersoll Avenue and 34th Street will be scored or cut in 2' x 2' panels. If the existing sidewalk along 34th Street can be saw-cut with a 2'x2' pattern it will be. However, Dahl's will not remove and replace the existing 1-year old sidewalk east of the truck loading area in order to accommodate the 2'x2' pattern.*
9. Neighborhood requests that the existing Dahl's sign mounted on the east building façade at the northeast corner of the building not be illuminated. *Dahl's agrees that the sign will not be illuminated. Staff will note as such on the existing and proposed Final Development Plan.*

Staff recommends approval of third reading of the rezoning ordinance, subject to conditions as noted in the Additional Information section below and all additional items that have been agreed upon.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

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 neighbors 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, on the Dahl's site, to discuss final resolution of these issues and coordinate 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 for each of the conditions approved on the 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 detailed 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 carwash 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, on-site meeting with Dahl's and neighbors 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). Pole and/or building-mounted "flood" lighting on the front (south) façade of the grocery store will be eliminated and replaced with down-directional, pole-mounted lighting. The revised photometric plan indicates only one area where the lighting level at the property line exceeds 1 foot candle. The area is located at the convenience store building entrance from Ingersoll Avenue. The lighting level is 10.7 foot candles immediately adjoining the building entrance (the building is located at the property line) but falls to 0.1 foot candles just past the entrance and at the curb line of Ingersoll Avenue.*
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. The Community Development Director will continue to work with Dahl's on the architectural elevations for the bank building.*

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 to 8 feet are specified on the PUD Concept Plan. In addition, Dahl's has increased the planting strip width along 34th Street from 6 to 12 feet 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 exiting 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 feet 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 that there be no store deliveries between the hours of 10 p.m. and 6 a.m.
- 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 foot 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 to 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.

PREVIOUS COUNCIL ACTION(S):

Date: May 24, 2010

Roll Call Number: 10-835.

Action: Second 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 that the ordinance be considered and given second vote for passage. Motion Carried 6-1.

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 a NPC District to a PUD, 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: NONE

For more information on this and other agenda items, please call the City Clerk’s Office at 515-283-4209 or visit the Clerk’s Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk’s Office on Thursday afternoon preceding Monday’s Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk’s Office or sending their request via email to cityclerk@dmgov.org.