

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	October 10, 2011
	<b>Agenda Item No.</b>	<b>38</b>
	<b>Roll Call No.</b>	<b><u>11-1730</u></b>
	<b>Communication No.</b>	<b><u>11-635</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Public hearing regarding request from McDonald's Corporation (developer) represented by Richard Pauner (officer) and Archland Property I, LLC (owner) to rezone property at 3002 Forest Avenue from Limited "C-1" Neighborhood Retail Commercial District to a revised Limited "C-1" Neighborhood Retail Commercial District, to allow revision of conditions defining the site circulation, parking configuration and exterior architecture of the building.

**SYNOPSIS:**

The Ordinance before Council reflects the September 1, 2011 recommendation of the Plan and Zoning Commission, which would allow construction of a second drive-thru lane, a building addition to the southwest side of the building and revision of the exterior building architecture to a corporate prototype. If the Council desires to allow the site revisions and building expansion but to retain the existing architectural features of the building that were agreed to by McDonald's, Drake University and the Drake Neighborhood in 1999, staff recommends that the Council continue the public hearing to October 24, 2011. A revised letter of zoning of acceptance would need to be prepared for the applicant's consideration and any zoning conditions must be agreed to in writing by the property owner prior to the close of the public hearing.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

On October 18, 1999 the City Council approved Ordinance No. 13,764 rezoning 1329 31st Street, 1330 30th Street and 1334 30th Street to a Limited C-1 District subject to the following conditions:

- 1) Any building hereafter constructed or placed upon the Property shall have a brick exterior.
- 2) Any commercial use of the Property shall be pursuant to the approved site plan. The approved site plan shall be substantially the same as the preliminary landscape plan submitted by McDonalds Corp., dated August 31, 1999, which is on file with the Community Development Department of the City of Des Moines.
- 3) Any building hereafter constructed or placed upon the Property for commercial use shall substantially comply with the elevation drawing from Fullerton Building Systems, Inc., dated July 1, 1999, which is on file with the Community Development Department of the City of Des Moines.

A letter from the Plan and Zoning Commission is attached. The letter contains the staff report to the Commission,

a summary of public hearing discussion, and the recommendation of the Plan and Zoning Commission.

**PREVIOUS COUNCIL ACTION(S):**

Date: September 26, 2011

Roll Call Number: 11-1668

Action: [On](#) request from McDonald's Corporation to rezone 3002 Forest Avenue from Ltd. "C-1" (Neighborhood Retail Commercial) to a revised Ltd. "C-1" (Neighborhood Retail Commercial) to allow revision of conditions defining the site circulation and parking configuration and exterior design of the building, subject to conditions. **Moved by Mahaffey to continue the hearing until October 10, 2011 at 5:00 PM. Motion Carried 7-0.**

Date: September 12, 2011

Roll Call Number: 11-1576

Action: [On](#) request from McDonald's Corporation to rezone 3002 Forest Avenue from Ltd. "C-1" (Neighborhood Retail Commercial) to a revised Ltd. "C-1" (Neighborhood Retail Commercial) to allow revision of conditions defining the site circulation and parking configuration and exterior design of the building, subject to conditions, (9-26-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

Date: October 18, 1999

Roll Call Number: 99-3256

Action: Final reading and approval of Ordinance 13,764 rezoning 1329 31st Street, 1330 30th Street and 1334 30th Street to a Limited C-1 District subject to conditions.

**BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: September 1, 2011

Resolution Number: ZON2011-00114

Action: Approval of a request from McDonald's Corporation (developer) represented by Richard Pauner (officer), Archland Property I, LLC (owner), for property located at 3002 Forest Avenue, Part A) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Commercial: Pedestrian-Oriented, Commercial Corridor and Low/Medium Density Residential except for building materials and colors; and Part B) to approve the requested, rezoning from Limited "C-1" Neighborhood Retail Commercial District to a revised Limited "C-1" Neighborhood Retail Commercial District to allow an 8-foot by 32.25-foot (258 square feet) addition, a two lane drive-thru, and modifications to the exterior design of the existing building subject to the following:

- 1) Any Site Plan amendment shall be in substantial conformance with the schematic drawings submitted June, 2011.
- ~~2) Retention of existing concept for the building architecture including but not limited to the brick exterior material and blue awnings.~~
- 3) Any expansion or modification of the building shall incorporate an all brick or stone material exterior.
- 4) The site shall be brought into conformity to the current site design standards which shall include not less than 5 overstory street trees and that the site lighting shall also be brought into current conformity.
- 5) A consideration to have a Drake tie in element other than awnings that could go on the site rather than the building (i.e. sculpture).

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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