

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 10, 2013
	<p style="text-align: right;">Agenda Item No. 40 Roll Call No. <u>13-918</u> Communication No. <u>13-287</u> Submitted by: Phillip Delafield, Community Development Director</p>

AGENDA HEADING:

Second consideration of request from FD Des Moines Iowa SW 9th, LLC, to rezone property located at 3911 and 3915 SW 9th Street from R1-60 (One Family Low Density Residential) to Limited C-1 (Neighborhood Retail Commercial).

SYNOPSIS:

Staff held a meeting with neighbors (Robert Tiggee, Teresa Alatorre, and Richard Coon), the applicant’s representative (Mitch Phillips), and the representative of the current owners (Joel Templeman) on May 28, 2013 to discuss the proposed development per the City Council’s directive. Staff recommends approval of second reading of the ordinance to rezone the subject property subject to conditions as recommended by the Plan and Zoning Commission and agreed to by the applicant and property owner (requires six (6) votes due to percentage of opposition). The applicant has requested a waiver of the final consideration (require six (6) votes).

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

On May 28, 2013, representatives of the City’s Traffic and Transportation Department Jennifer Bohac and Community Development Department Michael Ludwig met with neighbors Robert Tiggee, Teresa Alatorre, and Richard Coon as well as the applicant’s representative Mitch Phillips and the representative of the current owners Joel Templeman on May 28, 2013 to discuss the proposed development. Mr. Phillips provided an overview of the proposed development and operational characteristics of Family Dollar Stores. He noted that Family Dollar has agreed to allow Plan and Zoning Commission review of the site plan for development of the property. He also noted that fencing, landscaping, and setbacks are proposed to buffer the adjoining residential uses and Family Dollar is proposing masonry on all exterior building facades. Family Dollar's market research indicates that the proposed location is suitable in relation to existing store locations. The primary concerns of the neighbors who attended the May 28 meeting were traffic conditions (volume and speed) on SW 9th Street and Watrous Avenue.

The City’s Traffic and Transportation Division has reviewed the existing and proposed traffic volumes on SW 9th and Watrous Avenue; the progression of existing traffic signals along SW 9th Street; the yellow and red light timing at the SW 9th/Watrous intersection; and a request for a new traffic light installation at the Union/Watrous intersection.

- According to the Iowa Department of Transportation, the existing daily volumes are 7,200 vehicles per day on Watrous Avenue and 18,500 vehicles per day on SW 9th. The new store is projected to generate 470 trips daily. Seven (7) of these trips will occur in the AM Peak hour and 42 will occur in the PM Peak Hour. This represents a 4% increase in traffic on Watrous Avenue and a 2% increase on SW 9th. Staff believes that adequate capacity exists to accommodate the proposed development.
- The existing clearance timings at the SW 9th/Watrous intersection were also reviewed. The clearance interval consists of the yellow light plus the all red light. The existing yellow light and the all red light meet the industry standard put forth in the Institute of Transportation Engineers "Manual of Traffic Signal Design". No adjustments are recommended. The signals on SW 9th do run in a coordinated system and are timed for the speed limit of 30 MPH on SW 9th. The Des Moines Police Department has been informed of the speed concerns and will continue to monitor speeds as appropriate.
- The intersection of Union/Watrous was also examined to see if it met the requirements for the installation of a traffic signal. Only one (1) of the four (4) warrants was met which showed that a signal would not be justified to be installed for the full 24-hour day therefore a traffic signal is not recommended to be installed at this time.
- Traffic and Transportation will continue to monitor the traffic on SW 9th and Watrous and can make adjustments to the signal timing as needed in the future when the Family Dollar is constructed if need arises.

Staff recommends approval of the rezoning subject to the conditions as originally recommended by the Plan and Zoning Commission and agreed to by the applicant.

PREVIOUS COUNCIL ACTION(S):

Date: May 20, 2013

Roll Call Number: [13-0834](#), [13-0835](#) and [13-0836](#)

Action: (A) [Recommendation](#) from Plan and Zoning Commission to amend the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. Moved by Meyer to approve the proposed amendment. Motion Carried 7-0.

(B) [Hearing](#) to rezone the property from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial), subject to conditions. Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

(C) [First](#) consideration of ordinance above, requires six (6) votes due to sufficient objection. Moved by Meyer that this ordinance be considered and given first vote for passage. Refer to City Manager and Traffic and Transportation to review the traffic concerns in the area and report back to Council the results of the Neighborhood meeting. Motion Carried 7-0.

Date: May 6, 2013

Roll Call Number: [13-0719](#)

Action: [On](#) request from FD Des Moines Iowa SW 9th, LLC to rezone 3911 and 3915 SW 9th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, (5-20-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: April 18, 2013

Resolution Number: 21-2013-4.09 and ZON2013-00038

Action: Approval of the request to amend the Des Moines’ 2020 Community Character Plan future land use designations from Low Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development; and

Approval of the request to rezone the property to a Limited “C-1” District subject to the owner of the property agreeing to the following conditions:

1. Any commercial site development shall be located away from existing residential uses to the extent feasible, given existing topography, by minimizing parking setbacks along the public street sides and reducing on-site maneuvering aisles to the extent possible while still providing adequate maneuvering for delivery trucks.
2. Provision of 75% brick, stone, or masonry block material within the first floor on all four (4) exterior walls of any commercial building.
3. Any freestanding sign shall be a monument sign.
4. A sidewalk connection be provided from the public sidewalk to the store entrance.
5. Use of any retaining walls shall be minimized.
6. Any Site Plan for development of the property shall be reviewed by the P&Z.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Third reading of ordinance unless waived by the City Council per applicant’s request (requires six (6) votes).

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 first 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.