

★ **Roll Call Number**

Agenda Item Number

24

Date March 12, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 1, 2007, its members voted 10-0 to recommend **APPROVAL** of a request from Joe's Square, LLC (owner) represented by Joseph Giudicessi (officer) to rezone property located at 4049 Fagen Drive from "C-2" General Retail and Highway-Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District to allow for a mixed-use pedestrian-oriented redevelopment of property.

The subject property is more specifically described as follows:

Lot 10 and the West 15 Feet of Lot 11 in Fagen Park, an Official Plat in and forming a part of the City of Des Moines, Iowa.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on March 26, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

(ZON2007-00006)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

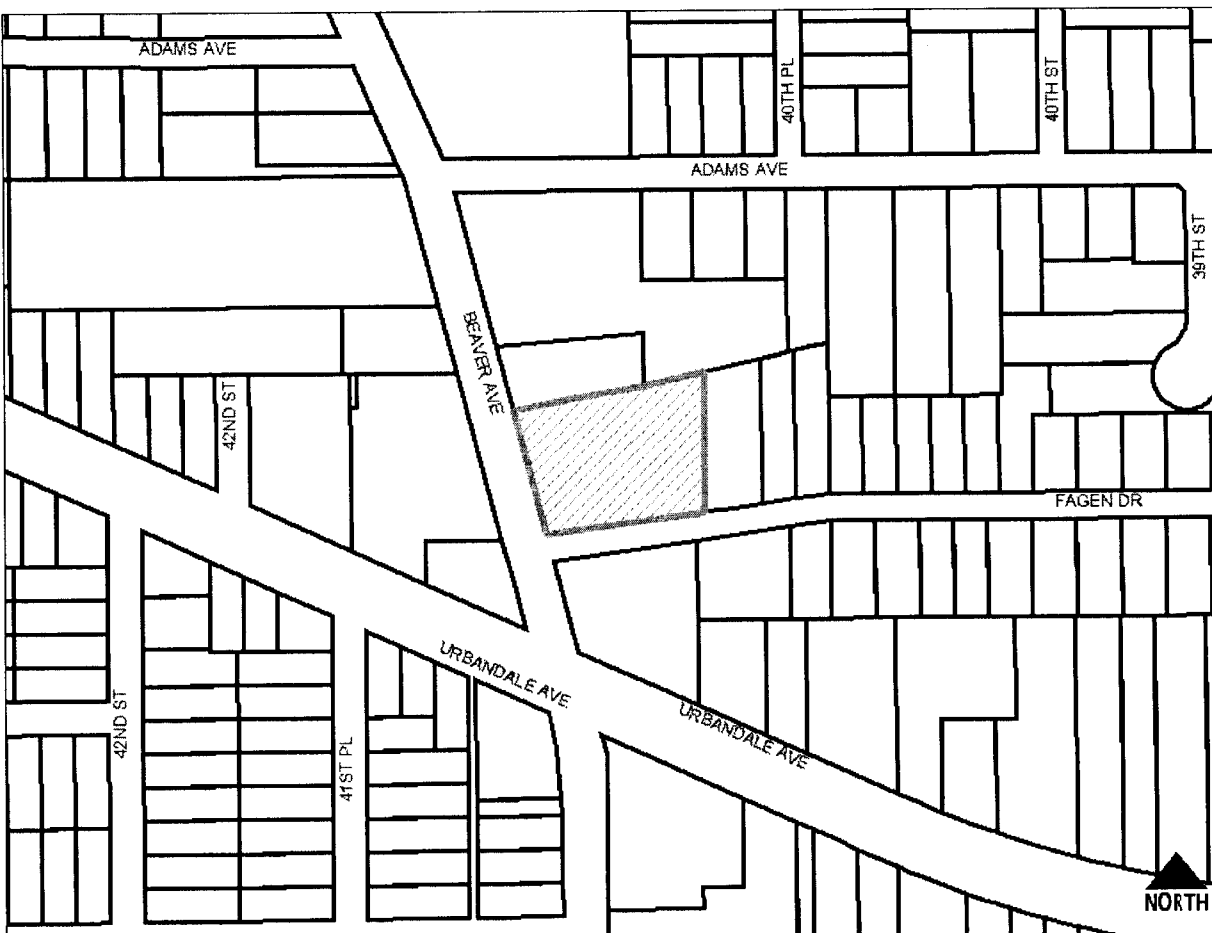
City Clerk

24

Request from Joe's Square, LLC (owner) represented by Joseph Giudicessi (officer) to rezone property located at 4049 Fagen Drive.				File #	
				ZON2007-00006	
Description of Action	Rezone property from "C-2" General Retail and Highway-Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District to allow for a mixed-use pedestrian-oriented redevelopment of property.				
2020 Community Character Plan	Commercial: Pedestrian-Oriented Neighborhood Commercial Center				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District.				
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	5	3	0	<20%	
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Joseph Giudicessi (Joes Square, LC) - 4049 Fagen Drive

ZON2007-00006



March 12, 2007

24

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held March 1, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones				X
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



CITY PLAN AND ZONING COMMISSION
 ARMORY BUILDING
 602 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309 -1881
 (515) 283-4182

ALL-AMERICA CITY
 1949, 1976, 1981
 2003

APPROVAL of a request from Joe's Square, LLC (owner) represented by Joseph Giudicessi (officer) to rezone property located at 4049 Fagen Drive from "C-2" General Retail and Highway-Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District to allow for a mixed-use pedestrian-oriented redevelopment of property. (ZON2007-00006)

Written Responses

5 In Favor
3 In Opposition

This item would not require a 6/7 vote at City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the Commission find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to redevelop the subject property for a mixed-use retail/residential project that is pedestrian oriented toward Beaver Avenue and Fagen Drive. A conceptual site schematic was submitted with the rezoning application indicating a building built toward the intersection with an outdoor plaza area along Beaver Avenue and off-street parking to the north and east sides.
2. **Size of Site:** 51,000 square feet (1.17 acres)
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial.
4. **Existing Land Use (site):** The site currently contains a 10,500 square foot commercial retail center with paved off-street parking area on the remaining area of the property.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-2" & "C-0", Uses are Beaver Avenue Dental Clinic and a three-story senior apartment complex.
 - South* – "C-2", Use is First American Bank.
 - East* – "R1-60", Use is two-family residential dwelling.
 - West* – "C-2", Uses are Medicap Pharmacy, Christopher's Restaurant and Casber's Iowa Video Store.
6. **General Neighborhood/Area Land Uses:** The subject property is located within the commercial node area where the Beaver Avenue mixed-use corridor intersects with Urbandale Avenue, a residential collector.
7. **Applicable Recognized Neighborhood(s):** Beavertdale Neighborhood Association.
8. **Relevant Zoning History:** N/A
9. **2020 Community Character Land Use Plan Designation:** Pedestrian Oriented Neighborhood Commercial Center.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property currently has no natural features as it is nearly 100% covered with building or paved impervious surface.
2. **Drainage/Grading:** The property drains generally to the northeast. Future redevelopment of the subject property will require a storm water management plan and a soil erosion protection and grading plan as part of the Site Plan review submittal. Within the NPC Districts, the

allowable storm water run-off rate is equal to that of a 5-year return frequency storm on the site considering existing development. Temporary storm water storage (detention) must be provided for the difference between the allowable run-off and the run-off from a 100-year frequency storm on the site after the proposed development takes place. Future developers are advised to consider use of alternative or low impact design methods for storm water management.

3. **Utilities:** The subject property has access to all necessary public utilities. Public sanitary sewer is available in Beaver Avenue and public storm sewer runs through the northern portion of the property from Beaver Avenue, and then underneath the current retail center building. Future redevelopers will be required to provide easement for the storm sewer or be responsible for the cost of its relocation.
4. **Landscaping & Buffering:** As part of future Site Plan review under the "NPC" design guidelines, off-street parking areas will be required to provide "R" District protection measures and staff will encourage conformance with the Des Moines Landscape Standards as they are typically applied to commercially zoned districts. The "NPC" Design guidelines indicate that "An emphasis of trees, shrubs, and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking areas and pedestrian areas.
5. **Traffic/Street System:** Staff does not anticipate any change in the amount of commercial traffic demand on the adjoining public street system. The permitted uses between the current to the proposed Zoning are very similar and there is no increase in the amount of commercially developable property.
6. **Access or Parking:** Vehicular access currently exists through the subject commercial site from the senior apartments parking area to the northeast. Future site redevelopment will be encouraged to maintain that access with the review of any future Site Plan, which must be considered by the Commission.

"NPC" requirements provide that required numbers of off-street parking spaces are only to be 60% of the normal requirement with credit given for available on-street parking stalls on the street side adjoining the subject property. The off-street parking standards are a design guideline referenced as part of the Site Plan review process.

7. **2020 Community Character Plan:** The Beaverdale Neighborhood Action Plan approved by the City Council in 1991 simply designated the subject property for future commercial use. The Plan called for strategies to promote commercial growth and improve existing commercial areas while discouraging strip commercial expansion into the residential areas. The Des Moines' 2020 Community Character Plan took this a step further by identifying the subject commercial property for pedestrian-oriented development.

The current Commercial: Pedestrian-Oriented Neighborhood Commercial Center future land use designation for the subject property is defined as a small-to-moderate scale commercial serving the adjacent neighborhood with specialty retail and services having a cumulative building area total of 75,000 to 100,000 square feet. Site orientation within this designation is balanced between the needs of the pedestrian and the convenience of the motorist. Development within this designation is compact and walkable with connections to adjacent areas via public streets and sidewalks. The "NPC" District Zoning is designed to allow development that is compatible with that future land use definition, therefore the Commission should find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

8. **Urban Design:** The applicant has not provided any renderings at this time. However, any proposed building is subject to review for conformance with the design guidelines within "NPC" District as a part of a formal Site Plan review by the Commission. In addition, any multiple-family dwellings developed will require Site Plan consideration under design guidelines for multiple-family dwellings. Both sets of design guidelines contain several standards that affect the urban design elements of a development project, including materials, scale, and form.

SUMMARY OF DISCUSSION

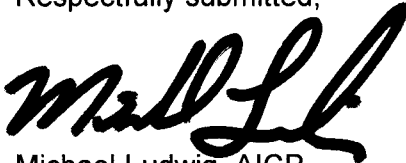
The following individuals spoke on this item:

George Davis, 3159 40th Street: Noted the developer has been very open to the neighborhood and he applauded his efforts to listen and be open to the comments as they related to how the project affected the neighborhood, surrounding residents and adjacent properties. He thought the development was a great addition to the business district and fits the 2020 Community Character Land Use principles as they relate to the commercial node and the building is very attractive. Indicated there were some concerns regarding traffic and the traffic flow within the development itself, however he thought the developer was willing and with the help of City staff they could be resolved.

Sasha Camper, 2106 40th Street: Noted she agreed with the previous comments and felt the subject development was appropriate for an area that is already heavily commercial. She appreciated it was going in Beaverville Village and applauded the architects for their attempt at tying in some of the character of existing architectural hues in Beaverville. Suggested this project should be the standard in evaluating development going forward.

David Cupp moved to approve staff recommendation. Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2007 00006

Date 2-6-07 24

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

FEB 07 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Ronald M. Rice

Signature Ronald M Rice

Address 4023 Fagen Drive

Reason for opposing or approving this request may be listed below:

Item 2007 00006

Date 2/11/07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

FEB 12 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Bridget O'Neil Tasler

Signature Bridget O'Neil Tasler

Address 4024 Adams Ave. 50310

Reason for opposing or approving this request may be listed below:

Major concerns: Storm water detention - I'm tired of my back yard flooding during heavy rain storms. Upkeep of perimeter property ie. trash, overgrowth of vegetation. Illicit traffic in N.E. ~~to~~ corner of lot. I wish there would have been the required neighborhood meeting to discuss some of these concerns.

Item 2007 00006

Date 2-6-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

FEB 08 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name JOE J Giudicessi

Signature Joe J Giudicessi

Address 5967 Hickory Ct - Stanton 5213

Reason for opposing or approving this request may be listed below:

We need development in Revere area. Both commercial and residential

Item 2007 00006

Date 2-13-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

FEB 16 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Paula Watson

Signature Paula Watson

Address 4027 Fagen Dr. Des Moines 50310

Reason for opposing or approving this request may be listed below:

Nice looking design - can you put a coffee shop on the east end?

Item 2007 00006

Date 2-8-07

24

I (am) am not in favor of the request.

(Circle One)

RECEIVED

FEB 12 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Rick + Joann Baylan

Signature [Signature]

Address 4046 Adams Ave

Reason for opposing or approving this request may be listed below:

I do not want stores and/or Apartments across the street from my home. It will increase traffic and will increase crime in our neighborhood. I am strongly opposed to this development.

Item 2007 00006

Date 2-8-07

I (am) am not in favor of the request.

(Circle One)

RECEIVED

FEB 13 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Brian E. Turnquist

Signature [Signature]

Address 2901 Beaver Ave.

Reason for opposing or approving this request may be listed below:

I own the property adjacent to the property on Beaver Ave. I need more information and the size and scope of the project. How the land will be graded. How close the project will encroach on to my property. How and where the entrances and exits to the property will be located.

24

Item 2007 00006

Date 2-7-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
FEB 09 2007

Print Name JAMES A. BENZONI

Signature *James A. Benzoni*

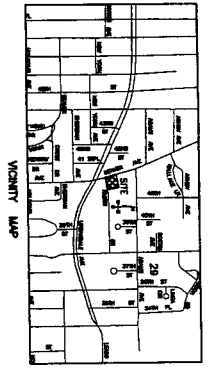
COMMUNITY DEVELOPMENT
DEPARTMENT

Address 2912 BEAVER AV, Des Moines, IA
50310

Reason for opposing or approving this request may be listed below:

Too much COMMERCIAL GROWTH IN A
SETTLED VERY NEIGHBORLY NEIGHBORHOOD

JOE'S SQUARE REZONING MAP



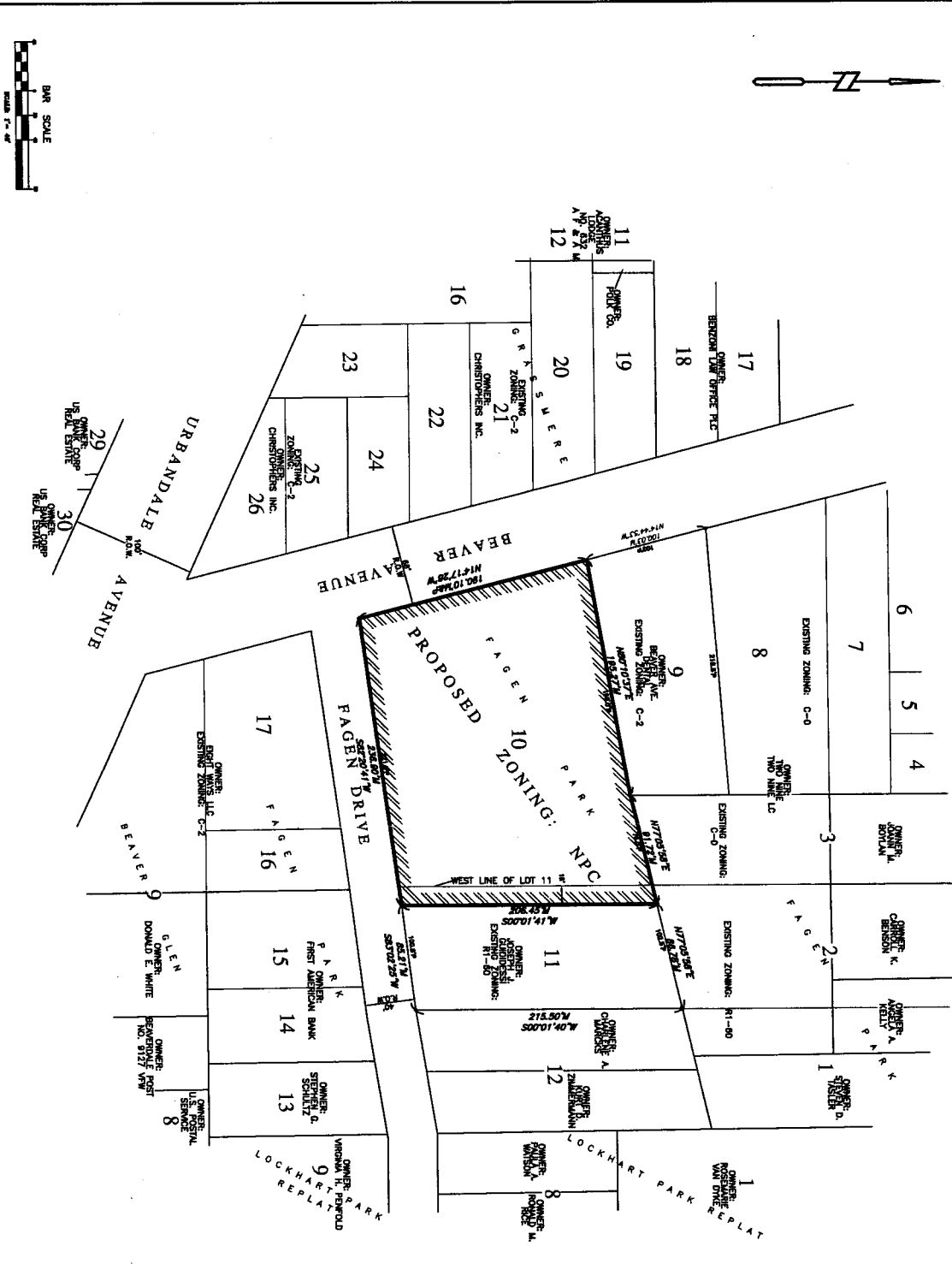
PROPERTY DESCRIPTION:
 WARRANTY DEED BOOK 6134 PAGE 180
 LOT 10 AND THE WEST 15 FEET OF LOT 11 IN FAGEN PARK, AN
 OFFICIAL PLAY IN AND FORMING A PART OF THE CITY OF DES
 MOINES, IOWA.
 SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH
 ANY AND ALL EASEMENTS OF RECORD.
 SAID TRACT OF LAND CONTAINS 1.58 ACRES MORE OR LESS.

SITE ADDRESS:
 4049 FAGEN DRIVE
 DES MOINES, IOWA 50310

PREPARED BY:
 ERIC WESSLES
 SIMONSON AND ASSOCIATES
 2420 TAYLOR STREET
 DES MOINES, IOWA 50323
 PH: 515-440-5828

SITE AREA:
 66,817 SQUARE FEET
 1.58 ACRES

EXISTING ZONING: C-2



Bishop Engineering
 Planning Your Successful Development
 3801 104th Street
 Des Moines, Iowa 50325-2845
 Phone: 515-281-9999 Fax: 515-281-9999
 Civil Engineering & Land Surveying License No. 1999

LINE LEGEND

---	BOUNDARY LINE
---	LOT LINE
---	GENERAL LINE
---	ADJACENT LINE
---	PROJ. LINE

I HEREBY CERTIFY THAT THE LAND SHOWN ON THIS MAP IS THE SAME AS THAT SHOWN ON THE PLAT OF THE CITY OF DES MOINES, IOWA, AND THAT I AM A duly Licensed Professional Land Surveyor Under the Law of the State of Iowa. My Commission Expires December 31, 2008.
 BY: LORETT D. HILGER, PLS 14173
 SCALE: 1"=50'
 FOR: SIMONSON AND ASSOCIATES, DES MOINES, IOWA
 DATE: _____



NO. 1	DATE	BY

JOE'S SQUARE
 4049 FAGEN DRIVE
 DES MOINES, IOWA

06
0580
 SHEET 1 OF 1