

★ Roll Call Number

Agenda Item Number


27

Date..... October 13, 2008.

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 18, 2008, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Monte and Krista Bennett (owners) for property located at 1912 Cottage Grove Avenue for vacation and conveyance of a small segment of Cottage Grove Avenue adjoining the subject property on the north, to allow encroachment of an elevated stoop for the north entrance to the building.

MOVED by \_\_\_\_\_ to receive, file and refer recommendation to the Engineering Department, Real Estate Division.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2008-1.11)

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

MOTION CARRIED APPROVED

.....  
 Mayor

**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.

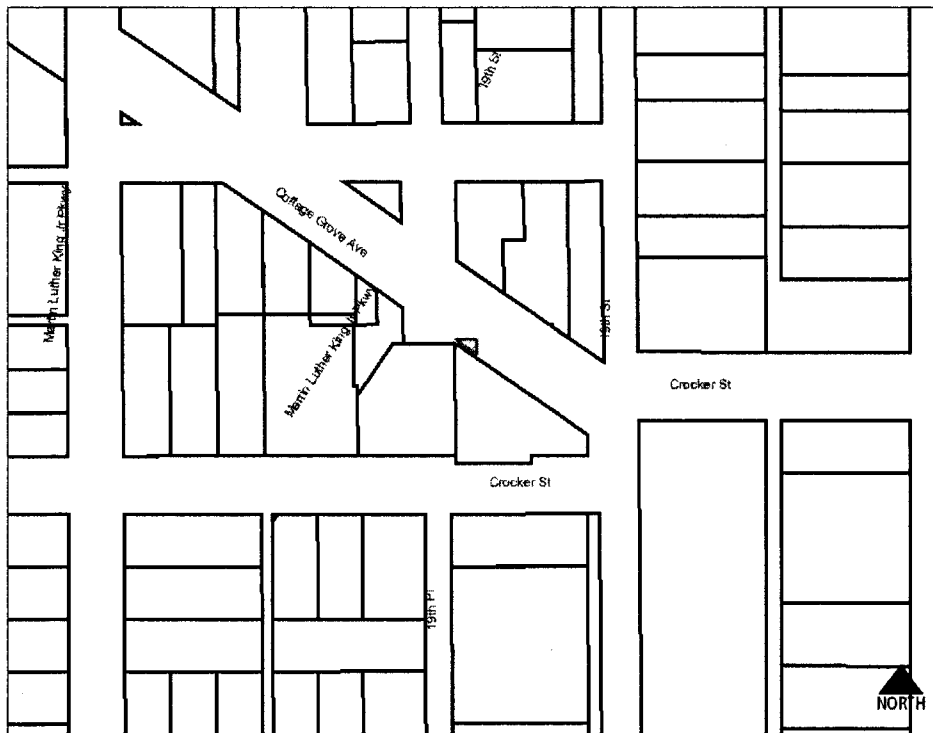
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 City Clerk

Request from Monte & Krista Bennett for Vacation and Conveyance of a small segment of Cottage Grove Avenue adjoining the subject property on the north, to allow encroachment of an elevated stoop for the north entrance to the building.			File #	
			11-2008-1.11	
<b>Description of Action</b>	Vacation and Conveyance of a small segment of Cottage Grove Avenue adjoining the subject property on the north, to allow encroachment of an elevated stoop for the north entrance to the building.			
<b>2020 Community Character Plan</b>	Mixed Use and Density Residential			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.			
<b>Current Zoning District</b>	"NPC" Neighborhood Pedestrian Commercial District.			
<b>Proposed Zoning District</b>	"NPC" Neighborhood Pedestrian Commercial District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	8-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Monte & Krista Bennett - 1912 Cottage Grove Avenue

11-2008-1.11



Date \_\_\_\_\_

Agenda Item 27

Roll Call # \_\_\_\_\_

September 29, 2008

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 September 18, 2008, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty				X
Bruce Heilman	X			
Ted Irvine				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard				X
Mike Simonson				X
Kent Sovern	X			

**APPROVAL** of a request from Monte and Krista Bennett (owners) for review and approval of a Site Plan under design guidelines in "NPC" Districts for property located at 1912 Cottage Grove Avenue to allow reuse of the site for a coffee shop with drive-through window to include development of additional off-street parking and a covered outdoor patio area subject to the following conditions: (10-2009-7.06)

1. Compliance with all review comments by the City's Permit and Development Center.
2. The three (3) street trees along Cottage Grove Avenue shall be spaced at least 27 feet apart.
3. A note shall be added to the Site Plan stating that the trash enclosure will be constructed with brick walls and steel gates to match the structure.
4. Any signage installed shall comply with all Zoning regulations and installed by a licensed sign contractor in accordance with an issued sign permit.

**Part B) Approval of the requested vacation and conveyance of right-of-way.**  
(11-2008-1.11)



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

## STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends approval of the requested Site Plan under design guidelines for “NPC” Districts subject to the following conditions:

1. Compliance with all review comments by the City’s Permit and Development Center.
2. The three (3) street trees along Cottage Grove Avenue shall be spaced at least 27 feet apart.
3. A note shall be added to the Site Plan stating that the trash enclosure will be constructed with brick walls and steel gates to match the structure.
4. The trash enclosure shall be relocated from the southwest corner of the site to an interior location, such as next to the fats, oils, and grease interceptor near the southwest corner of the structure.
5. Any signage installed shall comply with all Zoning regulations and installed by a licensed sign contractor in accordance with an issued sign permit.

Part B) Staff recommends approval of the requested vacation and conveyance of right-of-way.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to renovate the structure for use as a coffee shop with a drive-up window on the west façade, a new off-street parking lot to the west of the structure, and new covered and uncovered outdoor dining areas to the east of the structure. The submitted site sketch indicates that a small stage area would be located outside for performing arts. The applicant is seeking to restore the facades of the building to a historic appearance and to restore the window openings to the appropriate sizes.

The applicant is requesting a triangular portion of right-of-way generally measuring 5 feet by 7 feet in order to accommodate a stoop in front of the main door that opens into the right-of-way.

2. **Size of Site:** 18,035 square feet (0.41 acre).
3. **Existing Land Use (site):** The subject property is surrounded on all sides by public right-of-way due to its unique placement between Martin Luther King, Jr. Parkway, Cottage Grove Avenue, and Crocker Street. The irregular-shaped property is comprised of two parcels. The easternmost parcel contains a 1-story flat-roof commercial building. The main portion of the building contains approximately 4,350 square feet and was constructed circa 1918 and has an addition with approximately 600 square feet that was added to the east side of the structure circa 1962. The westernmost parcel is vacated 19<sup>th</sup> Place right-of-way that was sold to the applicant in 2007 by the City.
4. **Existing Zoning (site):** “NPC” Neighborhood Pedestrian Commercial District.
5. **Adjacent Land Use and Zoning:**

**North** - “NPC”, Use is a commercial building owned by the applicant.

**East** - "NPC", Use is the Planned Parenthood of Iowa office building.

**South** - "R-HD", Use is single-family residential.

**West** - "NPC", Use is Martin Luther King Jr. Parkway.

6. **General Neighborhood/Area Land Uses:** The site is in an area that consists of commercial uses with residential uses along Martin Luther King, Jr. Parkway and Cottage Grove Avenue, and residential uses to the east and south.
7. **Applicable Recognized Neighborhood(s):** Sherman Hill Neighborhood.
8. **Relevant Zoning History:** On July 16, 2008, the Historic Preservation Commission approved the Certificate of Appropriateness necessary for the proposed site improvements. On May 18, 2006 and July 20, 2006, the Plan and Zoning Commission approved vacation of adjoining 19<sup>th</sup> Place and Crocker Street right-of-way that has been incorporated into the site.
9. **2020 Community Character Land Use Plan Designation:** Mixed Use and Density Residential.
10. **Applicable Regulations:** In acting upon any site plan application for property located within an NPC neighborhood pedestrian commercial district, the plan and zoning commission shall apply the design standards in section 82-213 of this article (the standards for all site plans) and the design guidelines in this section. They were developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial corridor. The commission may approve a site plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:
  - A) An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;
  - B) A need to facilitate a smooth transition between existing developments in the vicinity;
  - C) A need to accommodate existing development;
  - D) A need to preserve an existing building; or
  - E) A use with unique design requirements.

The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

1. **Drainage/Grading:** Engineering staff from the Permit and Development Center has reviewed the proposed storm water management design and determined that it meets the requirements. 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 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.
2. **Utilities:** No existing utilities have been identified within the requested right-of-way. Easements must be provided for any existing utilities.

- 3. Landscaping & Buffering:** 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 submitted landscape plan demonstrates substantial landscaping around the perimeter of the site and within the outdoor seating area to the east of the structure.

The Site Plan proposes to space the street trees along Cottage Grove Avenue 27 feet apart, which is less than the 30 feet of separation suggested by the City of Des Moines’ Landscape Guidelines. The landscape architect indicates that this is needed to strengthen and enhance the proposed pavement line work that is being carried across the patio. The landscape architect indicates that the proposed spacing is appropriate for the proposed Ivory Silk Japanese Tree Lilacs, which would have a maximum height of 30 feet and a maximum spread of 18 feet wide. Staff believes that the proposed 27 feet of separation is appropriate.

- 4. Access or Parking:** The site plan provides 18 parking spaces, including a 13-space parking lot to the west of the structure and 5 parking spaces available on adjoining Crocker Street. The parking lot would have with circular traffic pattern that would also serve the drive-up window on the west façade of the structure.

“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. Thus, the “NPC” District requires 15 spaces based on the proposed use.

- 5. Additional Information:** The Site Plan indicates that a trash enclosure would be located at the southwest corner of the site. Staff is concerned that the proposed placement is too close to Martin Luther King, Jr. Parkway. Staff recommends the trash enclosure be moved to an interior location on the site, such as next to the underground fats, oils, and grease interceptor near the southwest corner of the building. A note should also be added to the site plan to state that the trash enclosure will be constructed with brick walls and steel gates to match the structure.

- 6. NPC Design Guidelines:** These additional design guidelines are applicable to any development within an “NPC” district.

- A) Buildings should frame the street and maintain a minimal setback from the street.

*The existing building frames Cottage Grove Avenue with a minimal setback.*

- B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.

*The applicant is seeking to restore the facades of the building to a more historic appearance and to restore the window openings to the appropriate sizes. The north façade facing Cottage Grove Avenue exceeds this guideline.*

- C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.

*All primary entrances are oriented toward either Cottage Grove Avenue or 19<sup>th</sup> Street.*

- D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.

*The predominant exterior material is brick, with canvas awnings above the front windows.*

- E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.

*The proposed building has 47 feet of frontage along Cottage Grove Avenue.*

- F) Building frontage should occupy at least 50 percent of the primary street frontage.

*While the existing building occupies only 40% of the Cottage Grove Avenue frontage, staff believes this is appropriate since the footprint of the existing building is not being altered.*

- G) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

*The submitted building elevations show a projecting sign at the northern corner of the building. The sign would generally measure 19-feet-tall by 3-feet-wide. The submitted building elevations also demonstrate a three-dimensional coffee cup sculpture above the drive-up service window. This sculpture may be considered a sign for purposes of zoning since it represents products sold on the premises. While a determination has not been made at this time by the Zoning Enforcement Officer, if the sculpture is determined to be a sign in addition to being artwork, it must comply with the sign regulations as applicable to the "C-2" General Retail and Highway-Oriented District since the site was zoned "C-2" District prior to the current "NPC" Neighborhood Pedestrian Commercial District designation. A 3-dimensional sign would require a Variance by the Zoning Board of Adjustment.*

## **SUMMARY OF DISCUSSION**

Mike Ludwig: Presented staff report and recommendation.

Jeffrey Johannsen: Asked how many existing trees are actually being removed.

Mike Ludwig: Stated two pine trees on the west side of the building will be removed. An existing tree in the island between the driveway entrances will be preserved.

Bruce Heilman: Asked are there going to be any street improvements, as far as pedestrian crosswalks on 19th.

Mike Ludwig: Noted nothing is proposed as part of this project but it was one of the items identified in the plan from the Sherman Hill Neighborhood Association presented to Council. The plan calls for a traffic study and how they would relate to potential open space plan.

Bruce Heilman: Asked if the drive-thru conflicts with pedestrian access.

Mike Ludwig: Stated the vehicular access to the parking is all accessed from Crocker Street so that you are not going to have any vehicles turning off of Cottage Grove into the parking lot. The drive thru lane is separated from Cottage Grove.

Greg Wattier, G E Wattier Architecture Inc., 305 E. Court Avenue: Stated that the trash enclosure will be a brick on masonry construction and the sides of the doors are a steel and metal gate system. The location of the trash enclosure was looked at long and hard and quite a bit of time was spent on designing the enclosure. The reason the trash enclosure was not chosen to be

attached to the building was because it would bring out the utility in that location and the concern of the smell and debris would be too close to the drive thru window. The best possible way was looked at with the solution being where we propose the trash enclosure location.

Brian Millard: Asked that they keep working on relocating the trash enclosure.

Greg Wattier: Stated if they were able to leave it in the proposed location that maybe they could create a recess, shadow line, as well as a grove in front.

Greg Jones: Asked if maybe there is a way to reshape the trash enclosure, possibly turning it.

Greg Wattier: Stated that reshaping the trash enclosure would take up more space, leaving less space for parking.

Mike Ludwig: Noted that the concern about the odor and the trash debris next to the building would be the same problem next to the right-of-way.

Bruce Heilman: Stated he believes it would be a good idea to incorporate or maybe get a waiver or get some extra square feet for signage but use the brick for Sherman Hill Historic District because it is sort of an entrance way or something like different color brick and put Smokey Row which is better than just seeing a brick wall.

Grey Wattier: Stated that the Sherman Hill Neighborhood Association has discussed the potential for an entry feature at Crocker/MLK. Therefore, we stayed off of that corner.

*Brian Millard left @ 6:45 p.m.*

Jeffrey Johannsen: Asked how the deliveries will be handled and would those be like a straight truck or a semi.

Krista Bennett, 805 Linden, Pleasantville: Explained that their delivery will be coming in on Crocker Street, and they will be semis generally and some straight trucks. However, they will have the luxury to specify when those deliveries will come, obviously not during lunch hour or rush hour traffic and whatever they need to do to address the neighborhood's concern.

Jeffery Johannsen: Stated that deliveries do not come in the window suggested causing some major headaches and traffic problems. How will they handle that with limited space.

Krista Bennett: Noted there is the alley way and if they could pull down the alley way they would be off of the main street.

Greg Wattier: Explained that the deliveries will be coming from a direction that will work.

Jeffery Johannsen: Stated that he likes the plan, but he is still concerned about the delivery issue.

*Fran Koontz left @ 6:47 p.m.*

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in favor:*

Robert Lower, 846 19<sup>th</sup> Street and also 1916 Crocker: Stated he has been waiting for about three years for this project to come through and don't care if they have semis delivering seven days a week. They need Smokey Row and is in favor of it.



*There was no one in the audience to speak in opposition.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Bruce Heilman: The reason he is hesitant to allow the words Smokey Row on the trash enclosure is it may change hands and the name will remain the same on the trash enclosure because it is brick.

Leisha Barcus: Moved staff recommendation to approve the requested Site Plan under design guidelines for "NPC" Districts subject to condition.

Motion passed 8-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment