



Date September 12, 2016

**RESOLUTION SETTING HEARING ON REQUEST FROM CADLE'S WAKONDA, LLC TO  
REZONE PROPERTY LOCATED AT 4301 FLEUR DRIVE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2016, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Cadle's Wakonda, LLC (owners), represented by David Marquette (officer), to rezone property located at 4301 Fleur Drive ("Property") from "R-3" Multiple-Family Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow for development of the property with loading area, drainage improvements, and off-street parking area as part of development of a 30,134-square foot general food sales establishment (Fareway) on the commercially-zoned portion of the subject property, subject to the following conditions:

1. Any redevelopment of the Property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center;
2. Any Site Plan submitted for development upon the Property shall bring the entire site into conformance with the City's Landscape Standards as applicable to "C-2" Districts;
3. Any Site Plan submitted for development upon the Property shall provide a minimum 5-foot wide public sidewalk along all segments of Fleur Drive frontage;
4. Any Site Plan submitted for development upon the Property shall provide a pedestrian route through the site from that sidewalk to the main entrance of any new structure, to the satisfaction of the City's Planning Administrator;
5. Any Site Plan submitted for development upon the Property shall provide a pedestrian connection and a vehicular connection with the multiple-family residential development to the east, to the satisfaction of the City's Planning Administrator;
6. Construction of any building on the Property shall be in general conformance with the architectural character elevations submitted as part of the rezoning application, to the satisfaction of the City's Planning Administrator; and
7. Any future partial demolition of a structure upon the Property shall be subject to provision of a quality façade improvement for the remaining portion of the commercial structure, to the satisfaction of the City's Planning Administrator; and

**WHEREAS**, the Property to be rezoned is legally described as follows:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20,  
TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, DES MOINES,  
POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 540.00 FEET EAST OF THE WEST LINE OF SAID  
NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND 933.00 FEET SOUTH OF THE  
NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE  
S89°41'34"E 136.68 FEET ALONG THE EASTERLY LINE DESCRIBED IN GENERAL WARRANTY

( continued )

Date September 12, 2016

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DEED BOOK 8490, PAGES 450-455 IN THE OFFICE OF THE POLK COUNTY, IOWA RECORDER TO A POINT THAT IS 640.00 FEET WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S0°19'09"W 388.38 FEET ALONG SAID EASTERLY LINE TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SAID POINT BEING 640.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S89°45'32"W 136.69 FEET ALONG SAID SOUTH LINE; THENCE N0°19'09"W 389.69 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.22 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on September 26, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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:

Glenna K. Frank, Assistant City Attorney

(ZON2016-00137)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

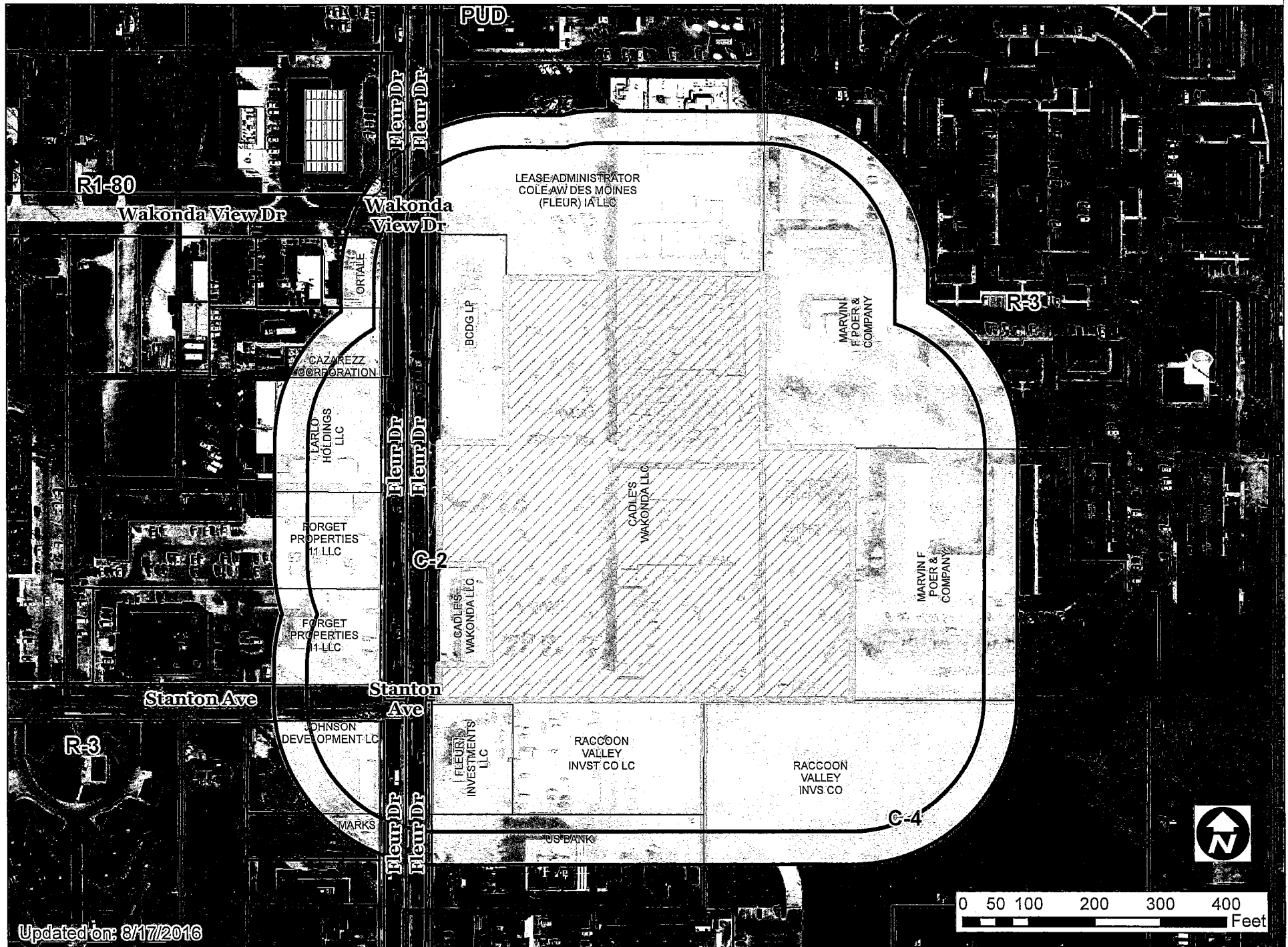
APPROVED

**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





August 30, 2016

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 August 18, 2016, the following action was taken regarding a request from Cadle's Wakonda, LLC (owners) represented by David Marquette (officer) to rezone property located at 4301 Fleur Drive.

#### COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley				X
Jann Freed	X			
John "Jack" Hilmes				X
Carolyn Jenison	X			
Greg Jones	X			
William Page				X
Mike Simonson	X			
CJ Stephens	X			
Steve Wallace	X			
Greg Wattier	X			

**APPROVAL** of staff recommendation Part A) ) to find the proposed rezoning not in conformance with the existing PlanDSM land use designation of Medium Density Residential, approval of Part B) the request to amend PlanDSM to revise the existing future land use designation from Medium Density Residential within a community node to Community Mixed Use within a Community Node, approval of Part C) the requested

rezoning to a Limited "C-2" District so long as the owner of the property agrees to the following conditions being applied to the entire parcel known as 4301 Fleur Drive.  
(21-2016-4.10 & ZON2016-00137)

1. Any redevelopment of the property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center.
2. Any Site Plan submitted for development upon the site shall bring the entire site into conformance with the City's Landscape Standards as applicable to "C-2" Districts.
3. Any Site Plan submitted for development upon the site shall provide a minimum 5-foot wide public sidewalk along all segments of Fleur Drive frontage.
4. Any Site Plan submitted for development upon the site shall provide a pedestrian route through the site from that sidewalk to the main entrance of any new structure, to the satisfaction of the City's Planning Administrator.
5. Any Site Plan submitted for development upon the site shall provide a pedestrian connection and a vehicular connection with the multiple-family residential development to the east, to the satisfaction of the City's Planning Administrator.
6. Construction of any building on the site shall be in general conformance with the architectural character elevations submitted as part of the rezoning application, to the satisfaction of the City's Planning Administrator.
7. Any future partial demolition of a structure upon the site shall be subject to provision of a quality façade improvement for the remaining portion of the commercial structure, to the satisfaction of the City's Planning Administrator.

#### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the existing PlanDSM land use designation of Medium Density Residential.

Part B) Staff recommends approval of the request to amend PlanDSM to revise the existing future land use designation from Medium Density Residential within a community node to Community Mixed Use within a Community Node.

Part C) Staff recommends approval of the requested rezoning to a Limited "C-2" District so long as the owner of the property agrees to the following conditions being applied to the entire parcel known as 4301 Fleur Drive:

1. Any redevelopment of the property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center.
2. Any Site Plan submitted for development upon the site shall bring the entire site into conformance with the City's Landscape Standards as applicable to "C-2" Districts.

3. Any Site Plan submitted for development upon the site shall provide a minimum 5-foot wide public sidewalk along all segments of Fleur Drive frontage.
4. Any Site Plan submitted for development upon the site shall provide a pedestrian route through the site from that sidewalk to the main entrance of any new structure, to the satisfaction of the City's Planning Administrator.
5. Any Site Plan submitted for development upon the site shall provide a pedestrian connection and a vehicular connection with the multiple-family residential development to the east, to the satisfaction of the City's Planning Administrator.
6. Construction of any building on the site shall be in general conformance with the architectural character elevations submitted as part of the rezoning application, to the satisfaction of the City's Planning Administrator.
7. Any future partial demolition of a structure upon the site shall be subject to provision of a quality façade improvement for the remaining portion of the commercial structure, to the satisfaction of the City's Planning Administrator.

#### Written Responses

1 In Favor

0 In Opposition

### **STAFF REPORT TO THE PLANNING COMMISSION**

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to redevelop a portion of the site for a 30,134-square building for Fareway. The submitted site sketch demonstrates that the new structure requires a portion of the southern strip commercial building on the premise to be demolished. The southern portion of the existing structure containing "Goodyear" would remain.

While the majority of the site is currently zoned "C-2" General Retail and Highway-Oriented Commercial District, the rear portion of the site (generally measuring 53,293 square feet) is zoned "R-3" Multiple-Family Residential District. The site sketch submitted with the rezoning application indicates that this area would predominantly be used to provide stormwater management and off-street parking, as well as access to the proposed loading area and refuse collection enclosure at the southeast corner of the building. Staff recommends that any rezoning of this area be conditional upon the applicant agreeing to conditions that would apply to the entire parcel known as 4301 Fleur Drive.

2. **Size of Site:** The entire parcel known as 4301 Fleur Drive measures 339,332 square feet. The portion of the site that is currently zoned "R-3" District generally measures 137 feet by 389 feet (53,293 square feet).

3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Two (2) strip commercial buildings containing a mix of restaurant, tavern, retail, and auto service uses, with a surface parking lot.
5. **Adjacent Land Use and Zoning:**

*North* – "C-2", Use is Cash Saver (food sales establishment).

*South* – "C-2", Uses include a freestanding Starbucks (restaurant) and a 3-story office building with multiple tenants.

*East* – "R-3", Use is a multiple-family residential development.

*West* – "C-2", Uses include Financial Plus Credit Union and a McDonalds on outlots along Fleur Drive.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the Fleur Drive commercial corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Watrous South Neighborhood and within 250 feet of the Southwestern Hills Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on July 28, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on July 28, 2016 (20 days prior to the hearing) and on August 8, 2016 (10 days prior to the hearing) to the Watrous South Neighborhood, to the Southwestern Hills Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 12, 2016.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Watrous South Neighborhood Association mailings were sent to James Spiller, P.O. Box 35845, Des Moines, IA 50315, and Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29<sup>th</sup> Street, Des Moines, IA 50321.

The applicant held their neighborhood meeting on August 4, 2016. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.
8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** Medium Density Residential within a community node and Community Mixed Use within a community node.

**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. Site Plan Requirements:** Any redevelopment of the property for any commercial use or purpose shall only be permitted as part of a Site Plan approved by the Permit and Development Center. Such a Site Plan must be in compliance with all requirements, such as those pertaining to stormwater, utilities, off-street parking, and landscaping. Staff recommends that any Site Plan submitted for development upon the site shall bring the entire site into conformance with the City's Landscape Standards as applicable to "C-2" Districts. Also, any future Site Plan will require provision of a minimum 5-foot wide public sidewalk along all segments of Fleur Drive frontage.
- 2. PlanDSM Creating our Tomorrow:** The site is within a Community Node along Fleur Drive. The Community Nodes is intended to be a "mid-sized center providing a range of daily needs and specialized services within a larger neighborhood context". It is an area to "consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node" and "may include a shopping district that has a grocery store or drug store". Community Nodes are intended to be areas with cohesive pedestrian and vehicular networks to ensure connectivity between adjoining commercial and residential uses. Therefore, staff recommends that any future Site Plan should provide a pedestrian route through the site from the sidewalk along Fleur Drive to the main entrance of any new structure. Staff further recommends that both pedestrian and vehicular connections be provided to the multiple-family residential development to the east. These connections are currently in place and should be maintained with any future redevelopment of the site.
- 3. Urban Design:** The architectural renderings submitted with the application demonstrate that the west (front) and north (side) facades of the proposed building would be sided predominantly with brick materials and metal awnings. The south (side) and east (rear) facades of the proposed building would be sided predominantly with "smooth natural concrete finish". Staff recommends that construction of any building on the site shall be in general conformance with the architectural character elevations submitted as part of the rezoning application, to the satisfaction of the City's Planning Administrator.

The submitted site sketch demonstrates that a portion of the existing strip commercial building containing the "Goodyear" business would remain. Staff recommends that any future partial demolition of a structure upon the site shall be subject to provision of a quality façade improvement for the remaining portion of the commercial structure, to the satisfaction of the City's Planning Administrator.



4. **Alcohol Sales:** Any future sale of alcoholic liquor, wine, and/or beer within a "General Food Sales Establishment", such as the proposed 30,134-square foot structure, would be subject to the business deriving no more than 40% of its sales from alcoholic liquor, wine, beer, and/or tobacco products, and subject to it providing a minimum of 75 feet of separation from any church, school, park, or licensed child care facility. The proposed footprint of the business currently satisfies this separation distance requirement.
5. **Signage:** The signage regulations applicable to the "C-2" District would allow for the proposed building with 183.67 feet of building frontage to have up to three (3) wall-mounted signs with a cumulative signage area not to exceed 200 square feet. While the signage for the proposed building is not being reviewed at this time, Staff notes that the renderings submitted with the rezoning application demonstrate that a total of four (4) wall-mounted signs, with a cumulative signage area in excess of 200 square feet. Thus, the signage as proposed would require future review and approval of necessary zoning appeals by the Zoning Board of Adjustment. Staff is not making a recommendation for such an appeal at this time.

## **SUMMARY OF DISCUSSION**

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

## **COMMISSION ACTION**

Jann Freed moved staff recommendation for approval of Part A) to find the proposed rezoning not in conformance with the existing PlanDSM land use designation of Medium Density Residential, approval of Part B) the request to amend PlanDSM to revise the existing future land use designation from Medium Density Residential within a community node to Community Mixed Use within a Community Node, approval of Part C) the requested rezoning to a Limited "C-2" District so long as the owner of the property agrees to the following conditions being applied to the entire parcel known as 4301 Fleur Drive:

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6. Construction of any building on the site shall be in general conformance with the architectural character elevations submitted as part of the rezoning application, to the satisfaction of the City's Planning Administrator.
7. Any future partial demolition of a structure upon the site shall be subject to provision of a quality façade improvement for the remaining portion of the commercial structure, to the satisfaction of the City's Planning Administrator.

Motion carried 10-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

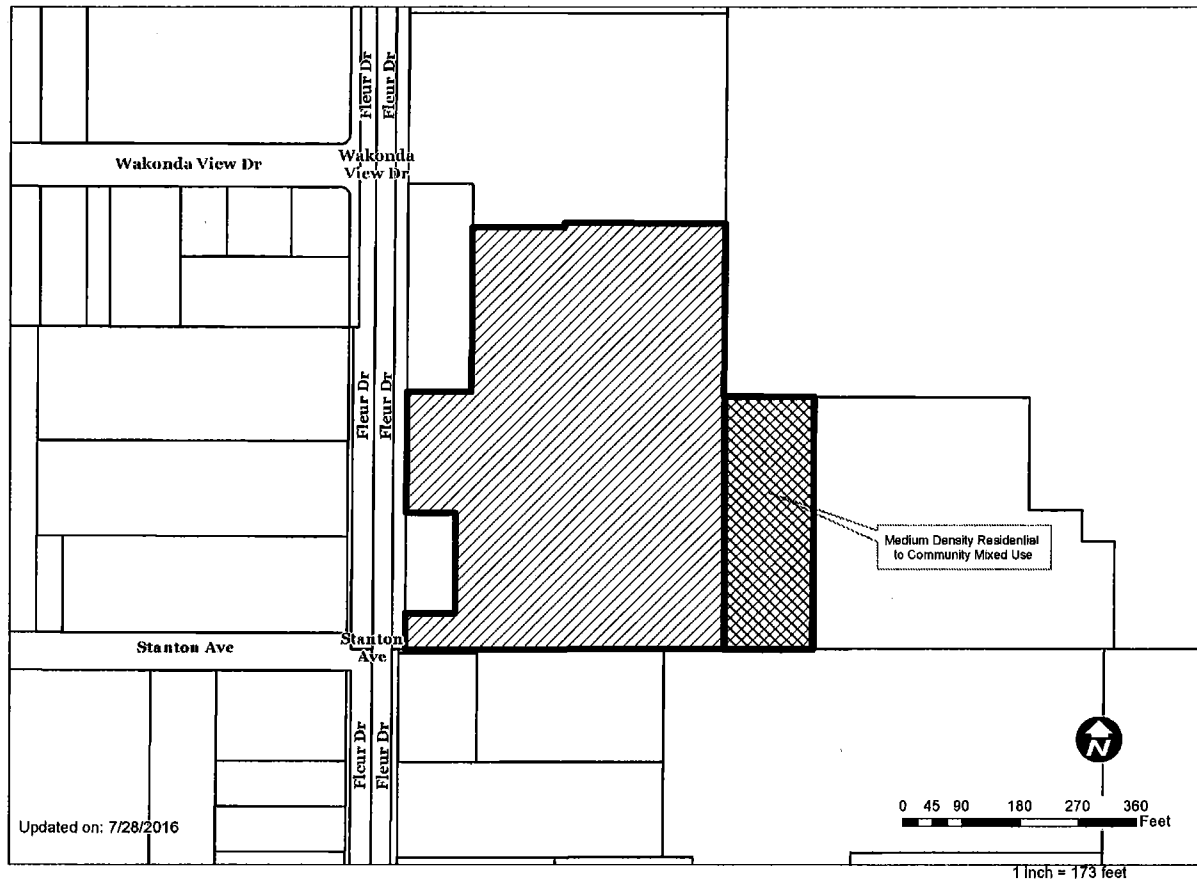
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Attachment

Cadle's Wakonda, LLC (owners) represented by David Marquette (officer) for property located at 4301 Fleur Drive.				File #	
				21-2016-4.10	
Description of Action	Approval of request to amend the PlanDSM Creating Our Tomorrow to revise the existing future land use designation from Medium Density Residential within a community node to Community Mixed Use within a community node.				
PlanDSM Future Land Use		Current: Medium Density Residential within a community node. Proposed: Community Mixed Use within a community node.			
Mobilizing Tomorrow Transportation Plan		Fleur Drive Rebuild..			
Current Zoning District		"R-3" Multiple Family Residential District, "C-2" General Retail and Highway Oriented Commercial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		"C-2" General Retail and Highway Oriented Commercial District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		1			
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Cadle's Wakonda, LLC, 4301 Fleur Drive

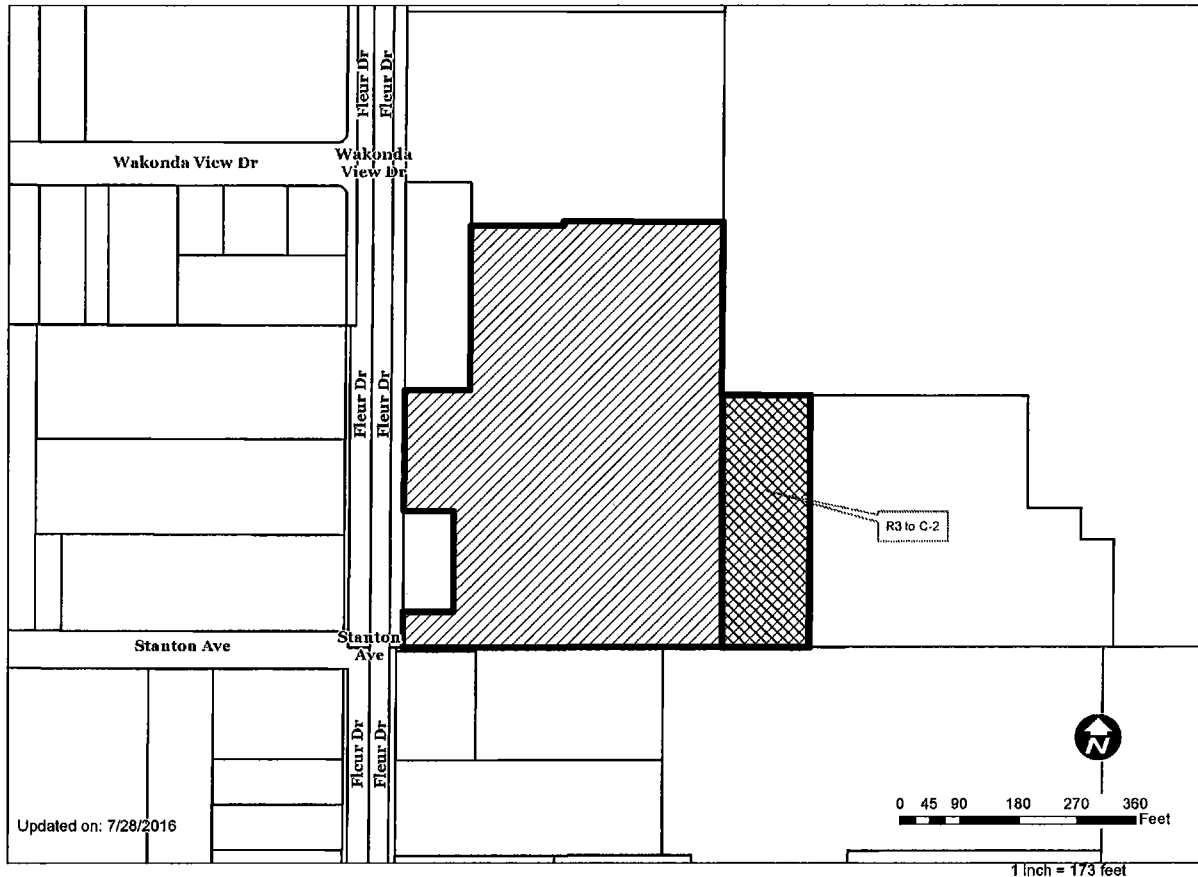
21-2016-4.10



Cadle's Wakonda, LLC (owners) represented by David Marquette (officer) for property located at 4301 Fleur Drive.		File # ZON2016-00137	
<b>Description of Action</b>	Approval of request to rezone property from "R-3" Multiple-Family Residential District to "C-2" General Retail and Highway Oriented District, to allow for development of the property with loading area, drainage improvements, and off-street parking area as part of development of a 30,134-square foot general food sales establishment on the commercially zoned portion of the subject property so long as the owner of the property agrees to conditions.		
<b>PlanDSM Future Land Use</b>	Current: Medium Density Residential within a community node. Proposed: Community Mixed Use within a community node.		
<b>Mobilizing Tomorrow Transportation Plan</b>	Fleur Drive Rebuild.		
<b>Current Zoning District</b>	"R-3" Multiple Family Residential District, "C-2" General Retail and Highway Oriented Commercial District and "FSO" Freestanding Signs Overlay District.		
<b>Proposed Zoning District</b>	"C-2" General Retail and Highway Oriented Commercial District and "FSO" Freestanding Signs Overlay District.		
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined
Inside Area	1		
Outside Area			
<b>Plan and Zoning Commission Action</b>	Approval	10-0	<b>Required 6/7 Vote of the City Council</b>
	Denial		
			Yes
			No
			X

Cadle's Wakonda, LLC, 4301 Fleur Drive

ZON2016-00137



ZON2016-00137

Item \_\_\_\_\_

Date 8/12/16

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name

WATKINS JOHN N.B.

Signature

(Mikel Harris)

AUG 16 2016

Address

V.P. Watkins South N.B.

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

Positive Approach to All.