



Roll Call Number

Agenda Item Number

54A

Date December 5, 2016

RESOLUTION ON REQUEST FROM NORTHERN STATES INVESTMENTS, LLC TO AMEND THE PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION (3330 EAST 33RD STREET)

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, on November 21, 2016, by Roll Call No. 16-1994, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 3, 2016, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Northern States Investments, LLC (owner), represented by Trent Overhue (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use, for property located at 3330 East 33rd Street, to allow redevelopment of surplus parking area on the property with up to 13,700 square feet of additional retail/office space within two conceptual pad sites.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan, as described above, is hereby approved / denied.

MOVED by _____ to adopt and APPROVE / DENY the proposed amendment.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(21-2016-4.15)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

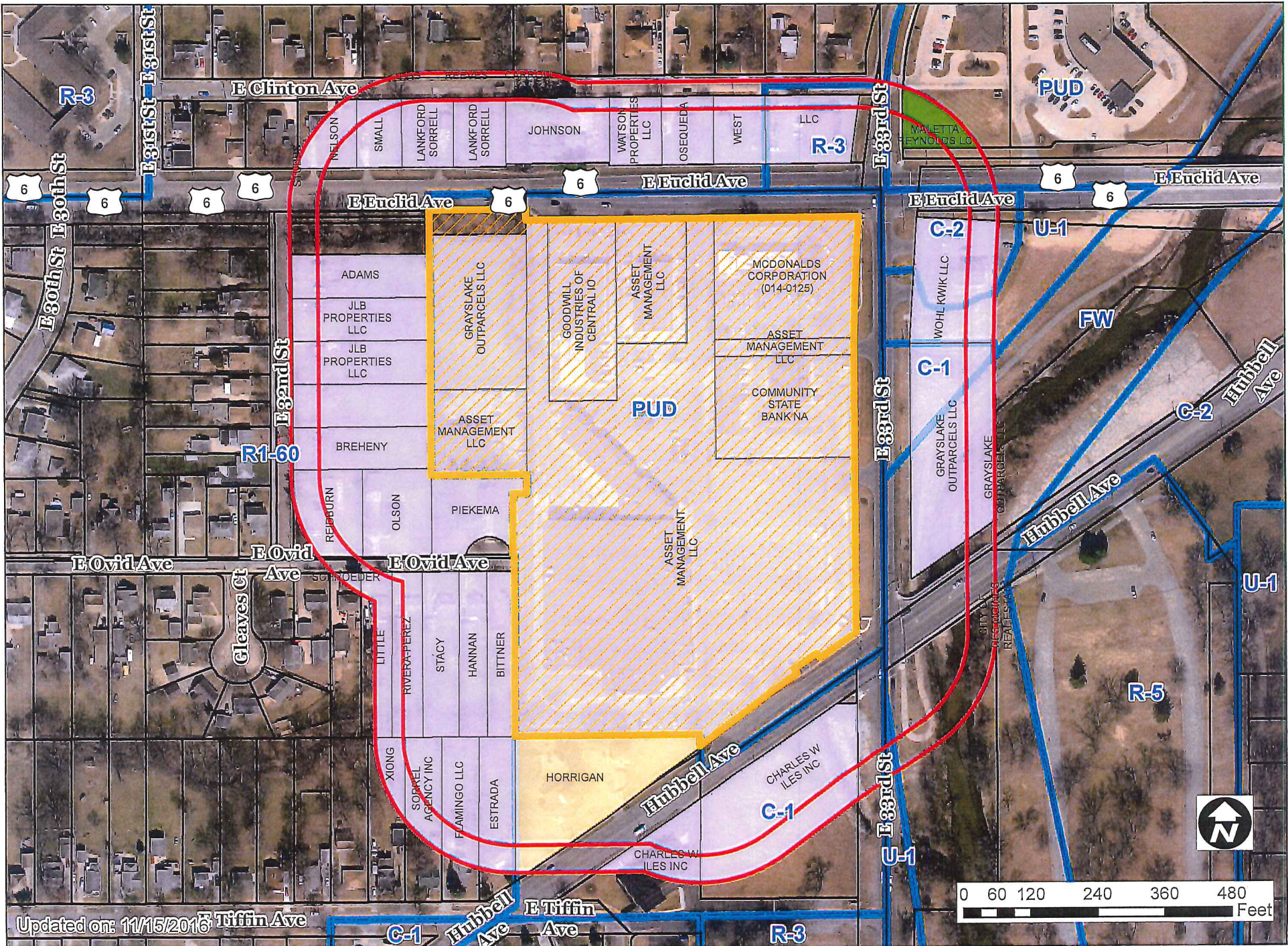
CERTIFICATE

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



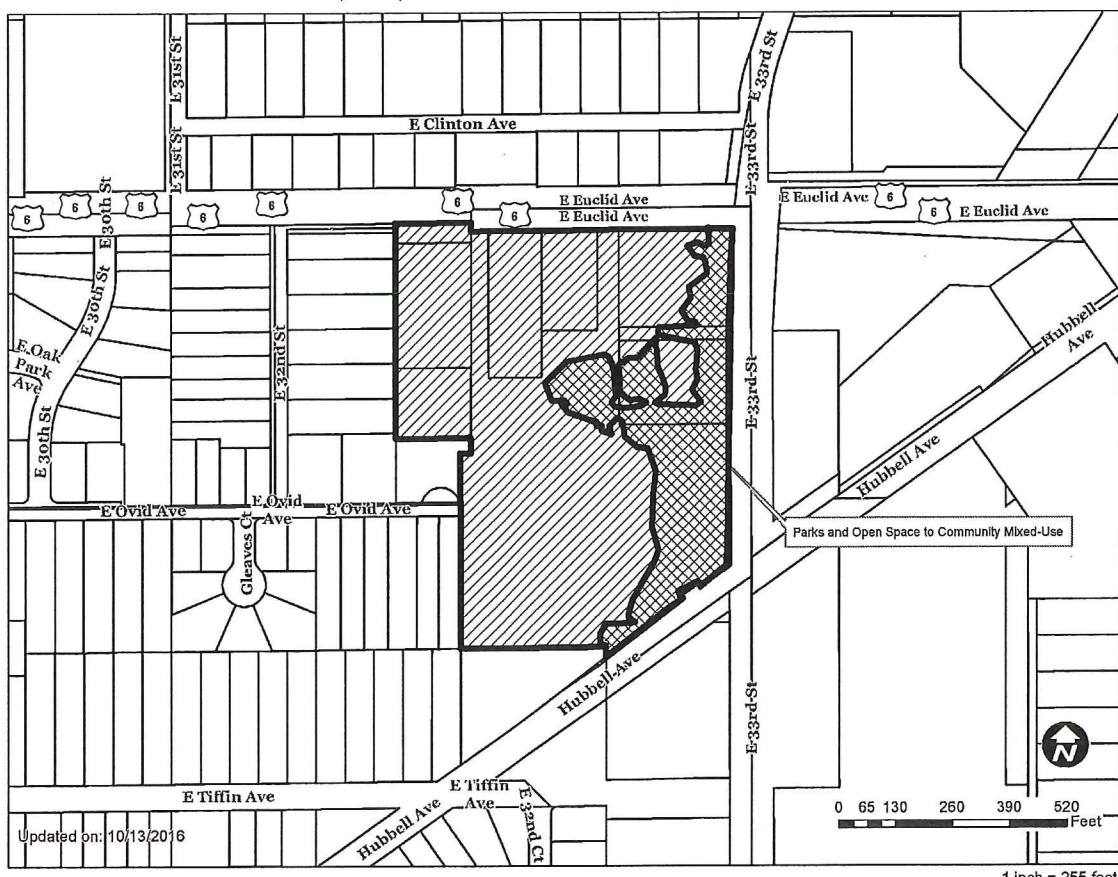
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Northern States Investments, LLC (owner) represented by Trent Overhue (officer) for property located at 3330 East 33rd Street.			File # 21-2016-4.15	
Description of Action	Approval of the proposed amendment to the existing PlanDSM Creating Our Tomorrow future land use designation from Parks and Open Space to Community Mixed Use			
PlanDSM Future Land Use	Current: Parks and Open Space. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	US 6/East Euclid Avenue Widening from 4 lanes to 5 lanes.			
Current Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Northern States Investments, LLC, 3330 East 33rd Street

21-2016-4.15



Updated on: 10/13/2016

1 inch = 255 feet

Northern States Investments, LLC (owner) represented by Trent Overhue (officer) for property located at 3330 East 33rd Street.		File # ZON2016-00186		
Description of Action	Approval of the request for the 5th Amendment to the Eastwood Village PUD Conceptual Plan to allow conversion of the existing 63,547-square foot large retail/food sales establishment building (formerly Dahl's Foods) to an indoor, controlled-access miniwarehouse building with up to 400 storage units, and 14,000 square feet of proposed retail/office area within two additional pad site development areas with conditions.			
PlanDSM Future Land Use	Current: Community Mixed Use and Parks and Open Space. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	US 6/East Euclid Avenue Widening from 4 lanes to 5 lanes.			
Current Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Northern States Investments, LLC, 3330 East 33rd Street

ZON2016-00186



1 inch = 255 feet

ZON2016-00186

Item _____ Date 10/28/16

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

OCT 31 2016

Print Name Jeff With

Signature [Signature]

Address 12501 Melton

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

NO ISSUE

* FAIRMONT PARK NBHD ASSOC.

ZON2016-00186

Item _____ Date 10/27/2016

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

RECEIVED
COMMUNITY DEVELOPMENT

OCT 31 2016

Print Name Maletta/Reynolds LC

Signature [Signature]

Address 1409 29th WDM

50266

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

ZON2016-00186

Item _____

Date 11-1-16

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

RECEIVED
COMMUNITY DEVELOPMENT

(Circle One)
Print Name John Herrigan

Signature [Signature]

Address 3232 Hubbell Ave

NOV 03 2016

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

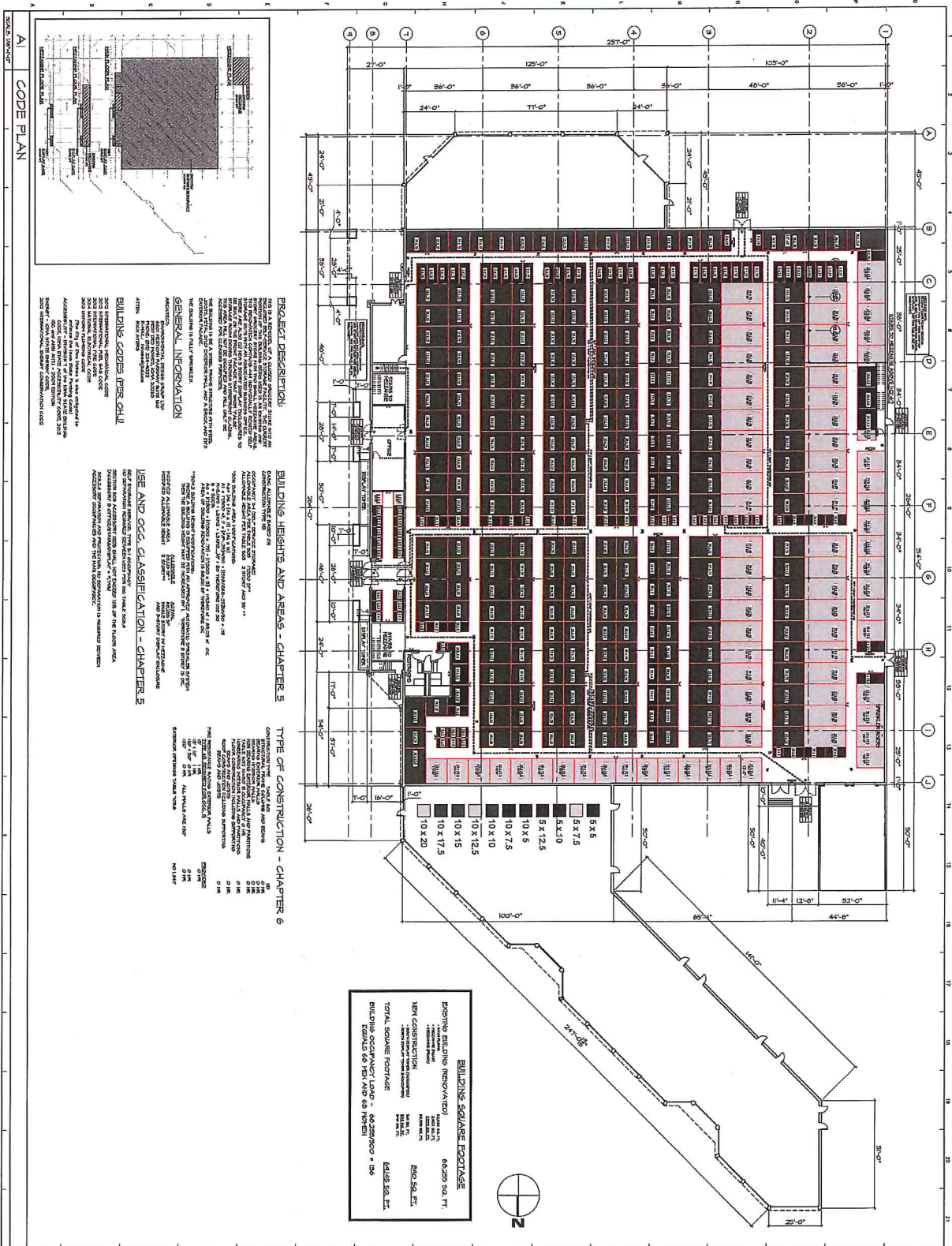
would like to see a retail development

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CODE PLAN

PROJECT DESCRIPTION:
 THIS IS A PROJECT OF A MODERN OFFICE BUILDING...
GENERAL INFORMATION:
 ARCHITECT: ENVIRONMENTAL DESIGN GROUP, LTD.
 PROJECT NO.: 11-20-16
 DATE: 11-20-16

BUILDING HEIGHTS AND AREAS - CHAPTER 5
 THE BUILDING HEIGHTS AND AREAS...
USE AND OCC. CLASSIFICATION - CHAPTER 5
 THE BUILDING IS CLASSIFIED AS...
TYPE OF CONSTRUCTION - CHAPTER 6
 THE BUILDING SHALL BE CONSTRUCTED...
LEGEND:
 6 X 6
 5 X 7.5
 5 X 10
 5 X 12.5
 10 X 5
 10 X 7.5
 10 X 10
 10 X 12.5
 10 X 15
 10 X 17.5
 10 X 20

BUILDING SQUARE FOOTAGE

EXISTING BUILDING (RENOVATED)	64,239 SQ. FT.
NEW CONSTRUCTION	210,240 SQ. FT.
TOTAL SQUARE FOOTAGE	274,479 SQ. FT.
BUILDING OCCUPANT LOAD - 60 PERSONS / 1,000 SQ. FT.	164,687 PERSONS
ESTIMATED GROSS AREA	274,479 SQ. FT.



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November 8, 2016

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning regarding a request from Northern States Investments, LLC (owner) represented by Trent Overhue (officer) to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Parks and Open Space to Community Mixed Use and to approve the proposed 5th Amendment to the Eastwood Village PUD Conceptual Plan to allow conversion of the existing 63,547-square foot large retail/food sales establishment building (formerly Dahl's Foods) to an indoor, controlled-access miniwarehouse building with up to 400 storage units, and 14,000 square feet of proposed retail/office area within two additional pad site development areas for property located at 3330 East 33rd Street.

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			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X

APPROVAL of staff recommendation Part A) the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our

Tomorrow Plan future land use designations of Parks and Open Space, approval of Part B) the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use, and approval of Part C) the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan subject to the following revisions: (21-2016-4.15 & ZON2016-00186)

1. Add a statement that "All future building development and building additions that may be within regulatory flood hazard areas comply with Floodplain Development Regulations in Chapter 50 of the City Code."
2. Add a statement that "Minimum off-street parking shall be required for all permitted uses in accordance with Chapter 134-1377(a) of the City Code."
3. Add a statement that "All site development shall comply with all necessary Site Plan requirements for grading and storm water management."
4. Add a statement that "Any Site Plan shall demonstrate landscaping in accordance with the Des Moines Landscape Standards applicable to the "C-2" District."
5. Add a statement that "All future buildings and building additions shall be considered under separate amendments to the PUD Conceptual Plan."
6. Add a statement that "All permitted signs shall be in accordance with "C-2" District requirement and in compliance with the "FSO" Freestanding Signs Overlay District."
7. Add a statement that "Any refuse collection container enclosure structure shall be constructed with masonry materials that match the masonry materials used on the primary structure and 100% opaque steel gates. If no outdoor enclosures are proposed, it should state that all refuse collection containers must be located within a building."
8. Add a statement that "All roof top mechanical equipment shall be screened by architecturally integrated screening elements."
9. Add a statement that "All mechanical equipment, meters, condensers, etc. shall be interior to the campus or appropriately screened so that they are not visible from any public street."
10. Add a statement that "Any exterior transformers, ground mounted utility cabinets or mechanical housings shall be located outside of required setback areas and screened from view of public streets to the satisfaction of the Planning Administrator."
11. All portions of the commercial center building that are scheduled to remain as retail or office shall be designated as such on the Conceptual Plan.
12. A site survey shall be conducted identify all existing plantings and the portion of the PUD owned by the applicant shall be brought into conformance with current "C-2" District Landscaping Standards.

13. The existing stormwater management system shall be surveyed and repaired as necessary so that it operates as originally approved.
14. Any future Conceptual Plan amendment to allow pad site development shall include the parking areas necessary to support the tenants of the pad site buildings and shall comply with current stormwater management and landscaping standards.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Parks and Open Space.

Part B) Staff recommends approval of the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use.

Part C) Staff recommends approval of the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan subject to the following revisions:

1. Add a statement that "All future building development and building additions that may be within regulatory flood hazard areas comply with Floodplain Development Regulations in Chapter 50 of the City Code."
2. Add a statement that "Minimum off-street parking shall be required for all permitted uses in accordance with Chapter 134-1377(a) of the City Code."
3. Add a statement that "All site development shall comply with all necessary Site Plan requirements for grading and storm water management."
4. Add a statement that "Any Site Plan shall demonstrate landscaping in accordance with the Des Moines Landscape Standards applicable to the "C-2" District."
5. Add a statement that "All future buildings and building additions shall be considered under separate amendments to the PUD Conceptual Plan."
6. Add a statement that "All permitted signs shall be in accordance with "C-2" District requirement and in compliance with the "FSO" Freestanding Signs Overlay District."
7. Add a statement that "Any refuse collection container enclosure structure shall be constructed with masonry materials that match the masonry materials used on the primary structure and 100% opaque steel gates. If no outdoor enclosures are proposed, it should state that all refuse collection containers must be located within a building."

8. Add a statement that "All roof top mechanical equipment shall be screened by architecturally integrated screening elements."
9. Add a statement that "All mechanical equipment, meters, condensers, etc. shall be interior to the campus or appropriately screened so that they are not visible from any public street."
10. Add a statement that "Any exterior transformers, ground mounted utility cabinets or mechanical housings shall be located outside of required setback areas and screened from view of public streets to the satisfaction of the Planning Administrator."

Written Responses

2 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant recently purchased the property within the past month. They intend to convert 63,547 square feet of the vacant grocery store space into indoor, 400 controlled-access miniwarehouse storage units. The remaining existing tenant bays within the building would continue to be leased for office/retail users. Additionally, the applicant seeks to redevelop the resulting surplus parking area to the east of proposed miniwarehouse building for pad sites. The proposed Conceptual Plan amendment contemplates up 13,700 square feet of additional retail/office space within two conceptual pad sites. Another minor adjustment proposed would be to widen an existing drive-thru and loading lane at the southwest corner of the site.
2. **Size of Site:** Approximately 9.7 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** The overall PUD area contains the vacant grocery store building with attached commercial strip center. There are also freestanding pad sites developed with Community State Bank, McDonald's drive-thru restaurant, Family Dollar limited retail store, Goodwill limited retail store, and a medical office building.
5. **Adjacent Land Use and Zoning:**

North - "R1-60" & "R-3", Uses include single-family and multiple-family dwellings.

South - "C-1", Uses include a State Farm insurance agency office and Iles Grandview Funeral Home.

East - "C-2", "C-1", "U-1" & "FW", Uses include a Tobacco Outlet limited retail store and undeveloped Four Mile Creek floodplain and floodway.

West - "R1-60", Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located at the cross roads of two major traffic corridors: East Euclid Avenue (Highway 6) and Hubbell Avenue.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within and area shared by the Fairmont Park and Douglas Aces Neighborhoods and is within 250 feet of the Sheridan Gardens Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on October 14, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on October 14, 2016 (20 days prior to the hearing) and on October 24, 2016 (10 days prior to the hearing) to the Fairmont Park Neighborhood, Douglas Acres Neighborhood, the Sheridan Gardens 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 October 28, 2016.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Fairmont Park Neighborhood Association mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317; the Douglas Acres Neighborhood Association mailings were sent to Joe Youngwirth, 3824 Lay Street, Des Moines, IA 50317; and the Sheridan Garden Neighborhood Association mailings were sent to Kurt Lee, 3507 East 39th Court, Des Moines, IA 50317.

The applicant held their neighborhood meeting at the subject building on October 18, 2016. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.

8. **Relevant Zoning History:** The rezoning of the property to "PUD" and approval of the Eastwood Village Conceptual Plan were originally approved by the City Council on August 4, 1988 by Ordinance No. 11,209. The most recently approved amendment on October 1, 2000 proposed additional retail development in the current Goodwill and Community State Bank pad sites.
9. **PlanDSM Land Use Plan Designation:** Community Mixed Use and Parks & Open Space.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and "PUD" Conceptual Plan shall be

considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended "PUD" Conceptual Plan as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Permitted Uses:** The PUD Conceptual Plan as currently approved labels the permitted use of each building and does not provide for any range of uses. Therefore, it does not allow the miniwarehouse use for a building assigned as retail. Additionally, the current approved Plan does not show development occurring within the pad sites as proposed in the amendment. The amendment is necessary to allow those uses in those locations within the PUD area. Since the Plan does not specifically allow for uses which are typically conditionally approved in other zoning districts, they are not considered permitted uses and would require future amendments to the PUD Conceptual Plan (i.e. tavern use or other business selling liquor typically requiring a condition use).

The proposed miniwarehouse and retail uses are both uses that would generally be permitted in the "C-2" District. The PUD area is mostly located within a Community Mixed Use designation in the PlanDSM Creating Our Tomorrow comprehensive plan. Staff believes that the proposed miniwarehouse and retail uses would be compatible with the Community Mixed Use designation.

2. **Floodplain:** The eastern portion of the PUD area is within a regulatory Federal Insurance Rate Maps in a floodplain area. Engineering staff have indicated that Floodplain Development Regulations dictate that the pad site development would need to demonstrate that finished floor elevations be at least one (1) foot above the designated floodplain elevation. Base on the current floodplain information, the PlanDSM future land use designation was approved as Parks and Open Space for those areas. These areas are currently developed with paved parking area only. Staff believes it would be appropriate to move the Parks and Open Space designations within the PUD to Community Mixed Use so long as the PUD Amendment would include provisions that all future building development and building additions that may be within regulatory flood hazard areas comply with Floodplain Development Regulations in Chapter 50 of the City Code.
3. **Traffic/Parking:** The proposed PUD amendment would reduce the current parking demand based on the typical lesser requirement for miniwarehouse at 1 space per 10 storage units plus 5 spaces near the primary entrance to the office. The only requirement in the current approved PUD is 5 space per 1,000 square feet of retail. The proposed retail and miniwarehouse uses together would require 281 spaces with 442 being provided. Because the PUD would include additional uses not addressed by the previously approved requirement, a statement should be included in the Plan that minimum off-street parking shall be required in accordance with Chapter 134-1377(a) of the City Code.

4. **Drainage/Grading:** A grading and erosion control plan would be required for any future development on any of the proposed pad sites. Any future construction must comply with storm water management policies as part of the review of any final PUD development plan. The PUD Conceptual Plan should be revised to include a statement that all site development shall comply with all necessary Site Plan requirements for grading permits and storm water management.
5. **Landscaping:** The current approved version of the “PUD” Conceptual Plan preceded the adoption of the current Des Moines Landscaped Standards. The PUD Conceptual Plan should be amended to include a statement that any Site Plan shall be landscaped in accordance with the Landscape Standards applicable to the “C-2” District. This would require the pad site developments to comply with the landscaping requirements as part of the development review process.
6. **Architecture:** The existing approved PUD Conceptual Plan did not provide for any architectural standards. There is not a unified architectural theme to existing developed buildings within the PUD area. The proposed amendment includes revised front elevations for modifications to the grocery store façade for the miniwarehouse conversion. The elevations indicate that the existing building would remain in its current form, except for the addition of stone material added at the first floor level on the existing columns and a glass curtain wall exposing the decorative coiling doors of storage units would be added on both sides of the primary entrance. The remaining portions of the store would continue to have brick veneer with EIFS accents and metal roofing elements. Because there are no defined architectural requirements in the PUD as currently approved or proposed, staff is concerned about the buildings on the future pad sites. In absence of standards it is recommended that a statement be provided in the amended Conceptual Plan that future buildings and building additions be considered under separate amendments to the PUD Conceptual Plan.
7. **Signs:** There are not any expressed sign allowances in the existing or proposed PUD Conceptual Plan. Research has revealed that the interpretation for signs allowed within the PUD in the past were permitted in accordance with “C-2” District requirements. Staff believes this should be formalized by adding a statement to the PUD Conceptual Plan along with a reference requiring compliance with the “FSO” Freestanding Signs Overlay District which requires all freestanding signs to be monument signs.
8. **Other Information:** The existing and proposed PUD Conceptual Plan are both silent to a number of typically required standard in PUDs. The following references should be incorporated into the PUD for consideration with future development plans:

The “PUD” Conceptual Plan should state that any refuse collection container enclosure structure shall be constructed with masonry materials that match the masonry materials used on the primary structure and 100% opaque steel gates. If no outdoor enclosures are proposed, it should state that all refuse collection containers must be located within a building.

The "PUD" Conceptual Plan should state that all roof top mechanical equipment shall be screened by architecturally integrated screening elements.

The "PUD" Conceptual Plan should state that all mechanical equipment, meters, condensers, etc. shall be interior to the campus or appropriately screened so that it is not visible from any public street.

The "PUD" Conceptual Plan should state that any exterior transformers and ground mounted utility or mechanical housings shall be located outside of required setback areas and screened from view of public streets to the satisfaction of the Planning Administrator.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and staff recommendation.

Mike Simonson asked if both of the proposed retail buildings are built and the existing building is converted into a storage building, what can be seen while driving by or through the parking lot, how is landscaping and stormwater management affected. The applicant is not showing proposed lots for the 2 proposed pad site buildings.

Jason Van Essen stated the language in the staff recommendation covers any future site development, which would have to comply with current standards. The two pad sites would have to come back to the Plan and Zoning Commission for another conceptual plan amendment.

Mike Simonson asked more about the landscaping.

Jason Van Essen stated if the applicant has landscaping missing that they are currently obligated to have on the property that is a violation. It should be installed regardless of tonight's action. They could withdraw their request and would still be obligated to address any shortcomings. Staff did not do an analysis of the entire site to see if what was approved previously complies with that current landscaping standards.

David Courard-Hauri asked about flood plain development regulations.

Jason Van Essen stated that will impact the two pad sites. The current building is not in that boundary. Staff is recommending that the applicant comes back through the conceptual plan amendment process when they have more detailed plans for the pad sites so flood plain development can be looked at closer.

Steve Wallace asked if all of the small commercial spaces on the north side of the Dahl's space was going to be retail space or will those spaces also become storage.

Jason Van Essen stated the applicant can give greater details on their plans. But, it is staff's understanding that the storage business is limited to the Dahl's grocery store space.

Travis Overhue 1851 Madison Avenue, Council Bluff, IA and Trent Overhue from Springfield, MO stated he and Travis are business partners. They have been going around and converting centers similar to this that are in a distressed state. Their main objective is

to make this building retail and put a class "A" storage facility in where everything is brand new including the interior and exterior. Their goal is to update the entire facility in order to keep the existing retail tenants. They will try to fill the existing vacant retail spaces.

This building needs a facelift in order to keep the tenants that are already there. They will redo the parking lot, which is in very bad condition. With this being an existing shopping center, their main objective is to have people do their unloading in the rear of the building. This helps with congestion in the front and maintains a shopping center feel and compatibility with the other tenants. The self-storage industry is moving to a more retail feel. Everything is indoor, there is no outdoor storage. Noted their track record in other communities.

Francis Boggus asked what their target market is.

Travis Overhue stated it is any individual that is moving or is de-cluttering their house and that need storage. They also do a lot of business with businesses that need space for record storage. It is a mix of tenants. Noted there are not a lot of options for climate control storage in Des Moines. Believes there are only two facilities and they are both full.

Francis Boggus asked how many units they will have.

Trent Overhue stated the proposed the number of units will be around the 390 – 400 range depending on the finalize layout.

Steve Wallace asked about the office space and the retail on the north end.

Trent Overhue stated there are long-term leases in tact so they cannot do anything nor do they want to. Most of the businesses in there have been there for a long time.

Jason Van Essen stated that a note could be added to the conceptual plan that clearly identifies that the north end has to be retail or office uses.

Steve Wallace stated there are some open retail spaces there.

Trent Overhue stated their goal is to get it cleaned up so they can attract new tenants for the vacant spaces. Noted that the previous owners are a big company on the east coast. When Dahl's left, the center went from 90% full to 20% full and the previous owner did not want to put any money back into it. They are going to be owner operators versus a tenant leasing space. The hours of operations will be 6:00 a.m. to 9:00 p.m. and they will have an onsite manager.

David Courard-Hauri asked if they had a plan for dealing with flooding.

Travis Overhue stated there is not a lot they can do. It would be the same as a grocery store. They require that everyone that comes in show proof of their homeowners insurance or they have to get a protection plan making sure if something happens to their goods it is covered. Noted they also have insurance coverage.

Mike Simonson asked if the people using their facility and the applicant have flood insurance.

Travis Overhue stated they have a self-storage building in a flood plain in Council Bluff and they have an umbrella policy on it. It is a private insurance company they have to go through.

Mike Simonson asked if they own all of the outlots that are part of this PUD?

Travis Overhue stated they own the Family Dollar site and the back office building.

Mike Simonson stated that when the two pad sites come back for review, the conceptual plan amendments need to include the parking that is necessary to support the buildings and that area should be brought up to current stormwater management and landscaping standards. That would be the responsibility whether the applicant develops it or sales it off. Noted the lack of trees on the property. Believes that a condition should be added that requires the applicant to have a survey prepared of the existing plant material by a landscape architect or other professional so that it can be compared to what was originally approved. If plant material is already missing the applicant is obligated to replace it.

Frank Overhue owner of the company, stated Travis and Trent are his sons and that the facility will look good.

Mike Simonson asked him to describe the wall along the back of the property.

Frank Overhue stated the entire back is about a 30-foot wall. He assured the Commission that they are not going to spend thousands of dollars and not take care of the property. They are a family-owned company and believe it is important to turn it into something that all can be proud of. They want to find a use that is not disruptive to the people around them and be a good neighbor.

Mike Gaunt with Bishop Engineering stated they will be doing the stormwater prevention plan and landscape plan for the applicant and are familiar with the City's requirements.

Mike Simonson stated that would include all land owned by this entity. Everything except the Goodwill Store, McDonalds and Community State Bank. The drive isles behind the Goodwill, the medical building and etc. a survey should be done to make sure it is up to standard.

Mike Guant stated they will continue to work with staff. Any required landscaping will go in and will be a part of the site plan submittal.

CHAIRPERSON OPENED THE PUBLIC HEARING

John Horrigan 3232 Hubbell stated he missed the applicant's informational meeting and his biggest concern is regarding the stormwater runoff and flooding onto his property, which is located to the south. When the intake fills over it floods onto his property. He has been flooded out about six times. Asked about the two areas proposed for driving in and out of the building and the currently empty retail space. Believes that redoing the parking lot as

the applicant has said would probably address the flooding if the debris that plugs both intake is taken care of.

Rebuttal

Trent Overhue stated their intentions are to fill the empty spaces with retail and they are in agreement with all of the comments.

CHAIRPERSON CLOSED THE PUBLIC HEARING

John Jack Hilmes asked Commissioner Simonson if conditions #3 and #4 recommend by staff address his concerns.

Mike Simonson stated he believes conditions #3 and #4 generally address his concerns but some clarity is needed. Moved the staff recommendation for approval of the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Parks and Open Space, approval of Part B) the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use and approval of Part C) the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan with the following added conditions:

- All portions of the commercial center building that are scheduled to remain as retail or office shall be designated as such on the Conceptual Plan.
- A site survey shall be conducted identify all existing plantings and the portion of the PUD owned by the applicant shall be brought into conformance with current "C-2" District Landscaping Standards.
- The existing stormwater management system shall be surveyed and repaired as necessary so that it operates as originally approved.
- Any future Conceptual Plan amendment to allow pad site development shall include the parking areas necessary to support the tenants of the pad site buildings and shall comply with current stormwater management and landscaping standards.

Jacqueline Easley asked for clarification of Commissioner Simonson's motion.

Jason Van Essen reiterated what he understood the motion to include.

David Courard-Hauri asked if the additional language weakens condition 3.

Mike Simonson stated the conditions are a bonus because the entire site the applicant controls must be brought up to current landscaping standards. They will have to cut in some islands in the parking lot for trees and provide a lot more landscaping. He believe it would be egregious to require current stormwater management standards on the site when they are not touching it at this time.

Jann Freed stated what Commissioner Simonson has added should address Mr. Horrigan's concerns.

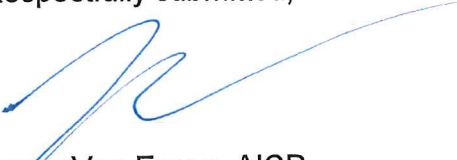
COMMISSION ACTION:

Mike Simonson moved staff recommendation for Part A) Part A) that the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Parks and Open Space, approval of Part B) the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use and approval of Part C) the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan subject to the following conditions:

1. Add a statement that "All future building development and building additions that may be within regulatory flood hazard areas comply with Floodplain Development Regulations in Chapter 50 of the City Code."
2. Add a statement that "Minimum off-street parking shall be required for all permitted uses in accordance with Chapter 134-1377(a) of the City Code."
3. Add a statement that "All site development shall comply with all necessary Site Plan requirements for grading and storm water management."
4. Add a statement that "Any Site Plan shall demonstrate landscaping in accordance with the Des Moines Landscape Standards applicable to the "C-2" District."
5. Add a statement that "All future buildings and building additions shall be considered under separate amendments to the PUD Conceptual Plan."
6. Add a statement that "All permitted signs shall be in accordance with "C-2" District requirement and in compliance with the "FSO" Freestanding Signs Overlay District."
7. Add a statement that "Any refuse collection container enclosure structure shall be constructed with masonry materials that match the masonry materials used on the primary structure and 100% opaque steel gates. If no outdoor enclosures are proposed, it should state that all refuse collection containers must be located within a building."
8. Add a statement that "All roof top mechanical equipment shall be screened by architecturally integrated screening elements."
9. Add a statement that "All mechanical equipment, meters, condensers, etc. shall be interior to the campus or appropriately screened so that they are not visible from any public street."
10. Add a statement that "Any exterior transformers, ground mounted utility cabinets or mechanical housings shall be located outside of required setback areas and screened from view of public streets to the satisfaction of the Planning Administrator."

11. All portions of the commercial center building that are scheduled to remain as retail or office shall be designated as such on the Conceptual Plan.
12. A site survey shall be conducted identify all existing plantings and the portion of the PUD owned by the applicant shall be brought into conformance with current "C-2" District Landscaping Standards.
13. The existing stormwater management system shall be surveyed and repaired as necessary so that it operates as originally approved.
14. Any future Conceptual Plan amendment to allow pad site development shall include the parking areas necessary to support the tenants of the pad site buildings and shall comply with current stormwater management and landscaping standards.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw

Attachment

EASTWOOD VILLAGE PUD CONCEPT PLAN AMENDED

ADDRESS
MAIN PROPERTY ADDRESS: 3330 EAST 33RD STREET
ADDITIONAL SERVICE ADDRESS: 3302, 3300, 3400, 3408, 3410, 3412, 3416,
3418, 3420, 3422, 3424, 3426

3331 EAST EUDILD AVENUE (PARCEL 2)
3381 EAST EUDILD AVENUE (NORTH BUILDING)

GROSS LAND AREA:
422,740 SQUARE FEET
9.706 ACRES

OWNER:
CIV CAPITAL ASSET MANAGEMENT LLC
2511 WISCONSIN AVE STE 500 WEST
DES MOINES, IOWA 50314

PREPARED FOR:
NORTHWEST STATES INVESTMENTS
601 E. SOUTH STREET
DES MOINES, IOWA 50319
ATTN: IRL TRENT OVERHE

FLOODPLAIN

BY GRAPHIC PLAT ONLY, THIS PROPERTY IS ZONED R-200X OF THE IOWA INSURANCE RATE
MAP. COMMUNITY FLOOD HAZARD MAP NUMBER 10020-D WHICH BEARS AN EFFECTIVE DATE OF
SEPTEMBER 18, 1997 AND IS PARTIALLY IN A SPECIAL FLOOD HAZARD AREA. WE HAVE OBTAINED THIS
COMMUNITY FLOOD HAZARD MAP FROM THE FEDERAL AND ILLINOIS GOVERNMENT AND
PERFORMED TO DETERMINE THIS ZONE AND A FLOOD ELEVATION CERTIFICATE MAY BE REQUIRED TO
VERIFY THE DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL SURVEYING
MANAGEMENT AGENCY.



VICINITY MAP

PROPERTY DESCRIPTION

PARCEL 1:
LOT 1, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF LOT 3, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 89 DEGREES 44 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE ON LOT 1 IN SAID EASTWOOD VILLAGE, A DISTANCE OF 178.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 330.00 FEET; THENCE SOUTH 68 DEGREES 44 MINUTES 20 SECONDS WEST A DISTANCE OF 122.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 330.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
THE NORTH 158.00 FEET OF THE SOUTH 303.00 FEET OF LOT 5, EDWARDS PLACE PLAT 2, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCEL 3:
APPLICANT'S NON-EXCLUSIVE EASEMENTS AS CONTAINED IN THE DECLARATION OF RESTRICTIONS AND EASEMENTS, RECORDED IN BOOK 8101 AT PAGE 85, AS AMENDED BY THE DECLARATION OF RESTRICTIONS AND EASEMENTS RE-RECORDED IN BOOK 6267 AT PAGE 904, AND AS AMENDED BY THE FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS RECORDED IN BOOK 6268 AT PAGE 744; AND ALSO THE AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS RECORDED IN BOOK 7120 AT PAGE 480.

PARCEL 4:
THE NORTH 30 FEET OF LOT 2, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA.

ZONING INFORMATION:

FUD PLANNED UNIT DEVELOPMENT
SETBACKS
FRONT- 25' MIN
SIDE- ZERO EXCEPT WHEN ADJOINING ANY R DISTRICT THEN 10' MIN
REAR- ZERO EXCEPT WHEN ADJOINING ANY R DISTRICT THEN 10' MIN
PARKING SETBACK- PER CONCEPTUAL PLAN
HEIGHT- MAX 45'

PARKING:

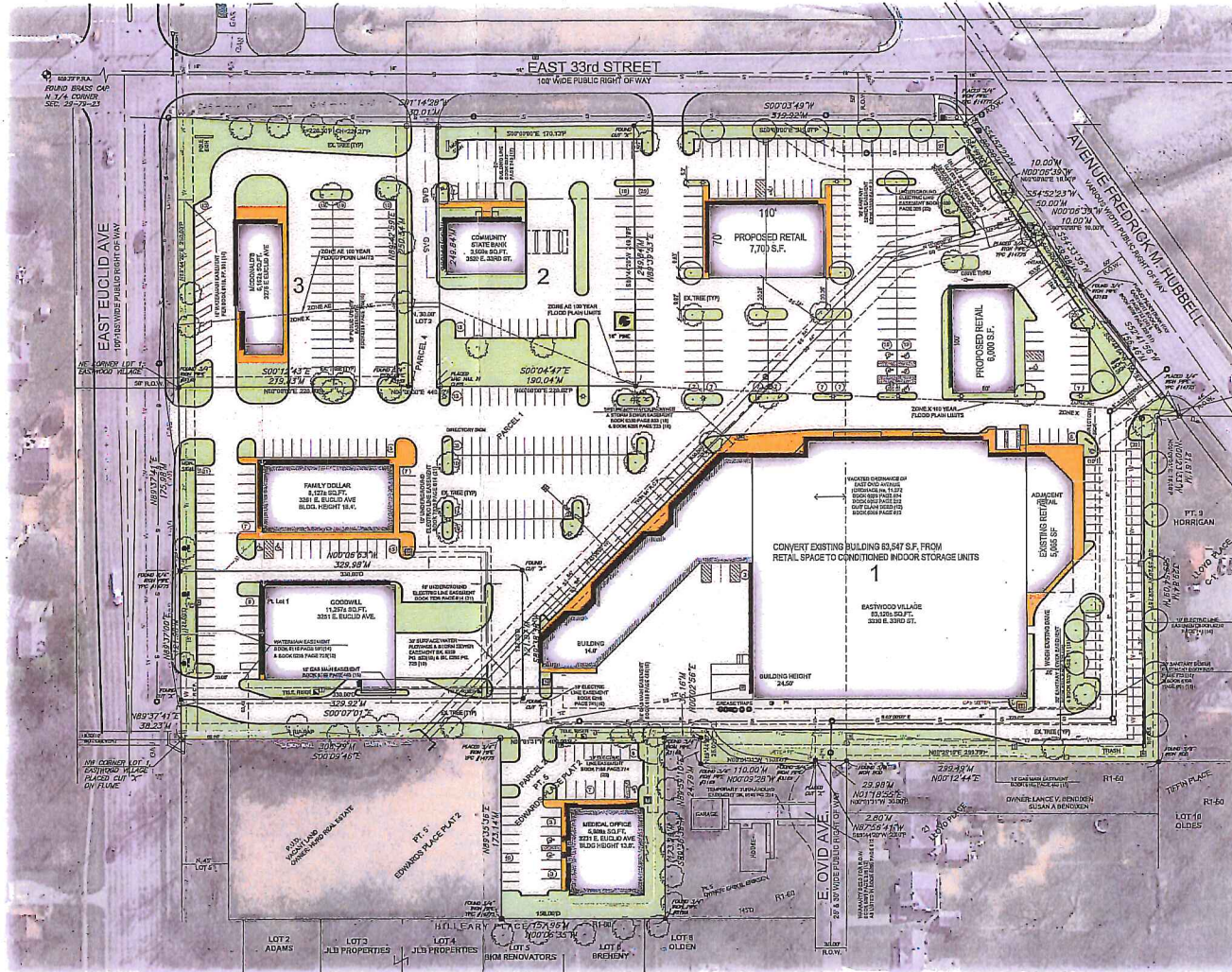
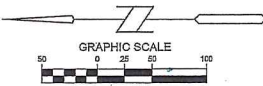
PARKING FORMULA USED: 5 SPACES PER 1,000 S.F. OF RETAIL
MINI STORAGE - 1 SPACE PER 10 STORAGE UNITS, PLUS 5 SPACES BY OFFICE FOR PROSPECTIVE CUSTOMERS
47,214 S.F. RETAIL AT 4.591, 1,000 S.F. = 4,538 SPACES
400 MINI STORAGE UNITS = 400 = 45 = 45 SPACES
TOTAL REQUIRED = 478 + 45 = 523 SPACES

PARKING PROVIDED
430 STALLS PROVIDED
12 HANDICAP STALLS PROVIDED
142 TOTAL PARKING STALLS PROVIDED

LANDSCAPING:

ALL PROPOSED CONSTRUCTION WILL BE REQUIRED TO MEET OR EXCEED CITY OF DES MOINES LANDSCAPE STANDARDS FOR OPEN SPACE, PARKING LOTS, AND BUFFERBANDS (IF REQUIRED)

- EXISTING TREE
- PROPOSED TREE



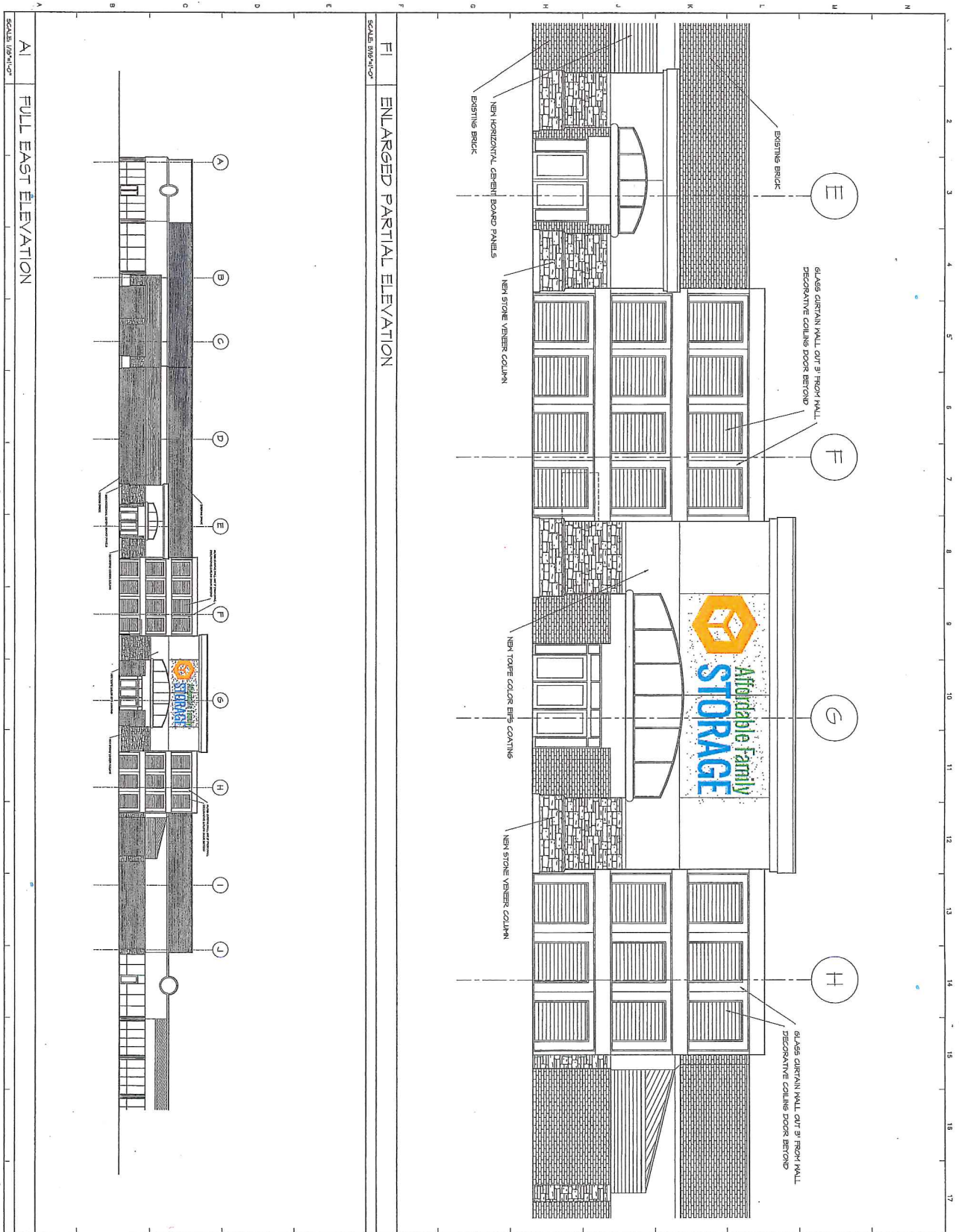
Bishop Engineering
"Planning, Your Successful Development"
3301 104th Street
Des Moines, Iowa 50323-3035
Phone: (515) 281-4477 Fax: (515) 281-4377
Civil Engineering & Land Surveying Established 1959

EASTWOOD VILLAGE
3330 E. 33RD STREET

CONCEPT PLAN AMENDED

REFERENCE NUMBER:
88-32-P
150265
DRAWN BY:
CHECKED BY:
REVISION DATE:

PROJECT NUMBER:
160364
SHEET NUMBER:
1 OF 1



SHEET NO. A10	PROJECT NUMBER 2016.34-1 DATE 10/19/2016 REVISIONS	SHEET DESCRIPTION FLOOR PLANE/ELEVATION	PROJECT O&H INVESTMENTS 3330 EAST 33RD STREET DES MOINES, IOWA	 ENVIRONMENTAL DESIGN GROUP, LTD. ARCHITECTS • LANDSCAPE ARCHITECTS • PLANNERS 6601 Hudson Parkway, Suite 110, West Des Moines, Iowa 50226 515.224-4222 Fax 515.224-4264 www.edg.com	The portion of the technical submission described below has been prepared under the direct supervision and responsible charge of the undersigned. Signature _____ Discipline _____ Iowa Registration No. _____ Page or sheet covered by this seal _____ Date of Issuance _____	COPYRIGHT INFORMATION Environmental Design Group, Ltd. reserves proprietary rights, including copyright, in all drawings and data prepared by or for EDG, and one will be held or reproduced for any purpose without the explicit written consent of Environmental Design Group, Ltd. ©2016 Environmental Design Group, Ltd.
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