*	Roll	Call	Number
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Agenda Item Number
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Date October 23, 2017

RESOLUTION SETTING HEARING ON REQUEST FROM SUNDANCE, INC. REGARDING THE FIRST AMENDMENT TO THE STONEY POINTE PUD CONCEPTUAL PLAN (5959 SOUTHEAST 14TH STREET)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2017, its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from Sundance, Inc. (owner), represented by Richard Eccles (officer), for review and approval of the First Amendment to the Stoney Pointe PUD Conceptual Plan for property located at 5959 Southeast 14th Street ("Property"), to allow a freestanding sign that is 11.75 feet in height with masonry base that is only 1.25 feet in height which does not comply with the requirements of monument signs pursuant to the "FSO" Freestanding Sign Overlay District; and

WHEREAS, the Property is legally described as follows:

Overall PUD Area:

Lots 1 through 7, and Outlot X, all in STONEY POINTE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Amendment Area:

Lot 3, STONEY POINTE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 First Amendment to the Stoney Pointe PUD Conceptual Plan 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 November 6, 2017, 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.

*Roll Call	Num	ber			Agenda Item Number
Date October 2	3, 2017	, 			-2-
		MO	VED B	Y	TO ADOPT.
FORM APPROV	1/10	nk tant City	 7 Attori	ney	(ZON2017-00157)
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	
COUNCIL ACTION	12710	1	11100	1,200,241,1	CERTIFICATE
COLEMAN GATTO GRAY					I, DIANE RAUH, City Clerk of said City hereb certify that at a meeting of the City Council of said City of Des Moines, held on the above date, amon other proceedings the above was adopted.
HENSLEY					other proceedings the above was adopted.
MOORE	1				IN WITNESS WHEREOF, I have hereunto set m
WESTERGAARD					hand and affixed my seal the day and year firs above written.
TOTAL					

Mayor

City Clerk

MOTION CARRIED



October 17, 2017

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Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 5, 2017 meeting, the following action was taken regarding a request from Sundance, Inc. (owner) represented by Richard Eccles (officer) for review and approval of an amendment to the Stoney Pointe PUD for property located at 5959 Southeast 14th Street to allow a freestanding sign that is 11.75 feet in height with masonry base that is only a 1.25 feet in height that does not meet the requirements under the definition of a monument sign in the "FSO" Freestanding Signs Overlay District.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

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

DENIAL of requested amendment to the Stoney Pointe PUD Conceptual Plan. (ZON2017-00157)

Written Responses
2 in Favor
0 in Opposition

STAFF RECOMMENDATION

Staff recommends denial of the requested amendment to the Stoney Pointe PUD Conceptual Plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The appellant has installed a freestanding internally illuminated sign to identify the occupant of the premises, Taco Bell. The sign was installed on a previously existing pre-cast concrete masonry pattern base that has a height of 15-inches (1.25 feet). The overall height of the sign is 11-feet, 9-inches (11.75 feet). The sign is located within 10 feet of the front property line along Southeast 14th Street. It was installed without issuance of a sign permit by the Permit and Development Center.
- 2. Size of Site: The entire Stoney Pointe PUD measures approximately 10 acres. The portion of the PUD impacted by the proposed amendment measures 0.909 acres (39,578 square feet).
- **3. Existing Zoning (site):** Stoney Pointe PUD, "VDL" Vehicle Display Lot Overlay District and "FSO" Freestanding Sign Overlay District.
- 4. Existing Land Use (site): 2,560-square foot drive-through restaurant for Taco Bell.
- 5. Adjacent Land Use and Zoning:

East - "PUD", Use is the Stoney Pointe commercial center.

West - "C-2"; Use is a NAPA Auto Parts store.

North - "PUD"; Use is drive-through restaurant for Culver's.

South - "C-2"; Uses are an off-premises advertising sign and a used vehicle display lot.

- **6. General Neighborhood/Area Land Uses:** The subject property fronts the Southeast 14th Street/U.S. Highway 69 corridor.
- 7. Applicable Recognized Neighborhood(s): The subject property is located within the Easter Lake Area Neighborhood and within 250 feet of the South Park Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on September 15, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on September 15, 2017 (20 days prior to the hearing) and September 25, 2017 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the neighborhood contracts for the three neighborhood associations. A Final

Agenda for the meetings were mailed to all the recognized neighborhood associations on September 29, 2017.

The Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320. The South Park Neighborhood mailings were sent to Jeff Scieszinski, 607 East Wall Street, Des Moines, IA 50315.

- 8. Relevant Zoning History: The original PUD zoning was approved along with adoption of the Stoney Pointe PUD Conceptual Plan on April 16, 2001, by Ordinance No. 13,940.
- 9. PlanDSM Land Use Plan Designation: The proposed project area is designated as "Community Mixed-Use" within a Neighborhood Node and Regional Node on the Future Land Use Map.
- 10.Applicable Regulations: Appeals to zoning requirements for properties within PUDs are precluded by the Zoning Ordinance from review by the Zoning Board of Adjustment. Therefore, modifications and adjustments must be made through amendment to the PUD Conceptual Plan if they cannot be considered under administrative waiver provisions in the Zoning Ordinance.

In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the application, accompanying evidence and proposed amendment to a 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.

The applicable provisions of the Zoning Ordinance for the "FSO" Freestanding Overlay District are as follows:

The provisions of the "FSO" Freestanding Sign Overlay are intended to implement the PlanDSM. The definitions of the Zoning Ordinance create the standards for such signs.

Any on-premises advertising sign that is a freestanding sign shall be a monument sign, and shall comply with the following height restrictions measured from grade to the highest point on the sign:

- 1. If located at or within 25 feet from the front lot line, the sign shall be no more than 8 feet in height.
- 2. If located more than 25 feet from the front lot line, the sign shall be no more than 15 feet in height.

Sign, monument means a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or other durable material

matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face across the entire width of the sign face. the sign face across the entire width of the sign face. The height of the sign base must be not less than the larger of 2 feet or 25 percent of the total sign height. Monument signs are sometimes referred to in this chapter as monumental signs.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. PUD Standards: The following is the applicable standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual Plans should be based on.
 - A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character: compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

Staff believes that this is the primary applicable criterion for the appeal in question. The "FSO" Freestanding Overlay District provisions are intended to implement the PlanDSM to establish harmonious character and compatible materials.

The applicant has installed a new sign on the previously existing base, which was in character with the previous restaurant building. Staff believes that the materials are considered compatible with the new restaurant building as well. However, the base is not substantial in appearance due to the overall height of the sign.

Additionally, the overall sign height is out of scale given the proximity to the public street along Southeast 14th Street. The intention of the code is for signs within the front yard setback to have a lower profile.

- B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.
- C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.
- D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.
- E) Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less

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than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).

- F) Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.
- 2. Staff Rationale: There is not a requirement to demonstrate an unnecessary hardship as would be required by the Zoning Board of Adjustment on reviews of this type in a standard commercial Zoning District. However, staff believes that PUDs are intended to maintain a character in accordance with standard Zoning regulations. In this instance the appellant has installed a sign that is over-sized and not in scale or harmony with the development and proximity to the public street. The pre-cast brick style base is compatible with the primary building material. But, it is not significant in height to convey the design of a monument sign given the overall height of the sign. Furthermore, staff believes that a design and the installation of a sign on the property which meets the "FSO" provisions would not be an undue burden relative to the cost of the overall redevelopment project.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Mike Simonson asked how tall is this sign.

Jason Van Essen stated 11.75 feet.

Mike Simonson asked if this is a Planning and Zoning issue or a Board of Adjustment issue.

Jason Van Essen stated Planning and Zoning because it is zoned PUD.

<u>JoAnne Corigliano</u> stated bringing the sign down to our standards would not hurt a thing.

<u>Matt Kester</u> stated he is the general contractor for this project, representing the owner. It was an oversight on their part with the permit being pulled so late in the process. They would like to come to some middle ground to resolve this issue.

Jacqueline Easley asked what the middle ground was.

<u>Matt Kester</u> stated they would offer a couple different options. Option 1, leaving it the way it is. Option 2, changing the size of the base. Option 3, leave the base as is and replacing it with a smaller sign.

<u>Mike Simonson</u> stated he is surprised they built the sign, knowing they would need to have a sign permit.

<u>Matt Kester</u> stated they have done eight or nine signs for the same owner, they have used the same sign company and have always made sure the permits were pulled.

JoAnne Corigliano stated the sign needs to be a proper size.

CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Jim Bollard</u> 4007 SE 26h stated that the building looks great. He is ok with the base remaining the same but using a smaller sign.

<u>Matt Kester</u> stated according to cost, relocating the base is similar to ordering a new sign. He asked if they need to pull a new sign permit if they move the base off the property line 15 feet.

Mike Ludwig stated yes, they would need to apply for a new sign permit.

Matt Kester asked what is the time frame for relocating the sign.

Mike Ludwig stated they should get the new sign permit and approval from the board before relocating.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

<u>Mike Simonson</u> moved staff recommendation for denial of the requested amendment to the Stoney Pointe PUD Conceptual Plan.

Motion Passed: 11-0.

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:tjh Attachments

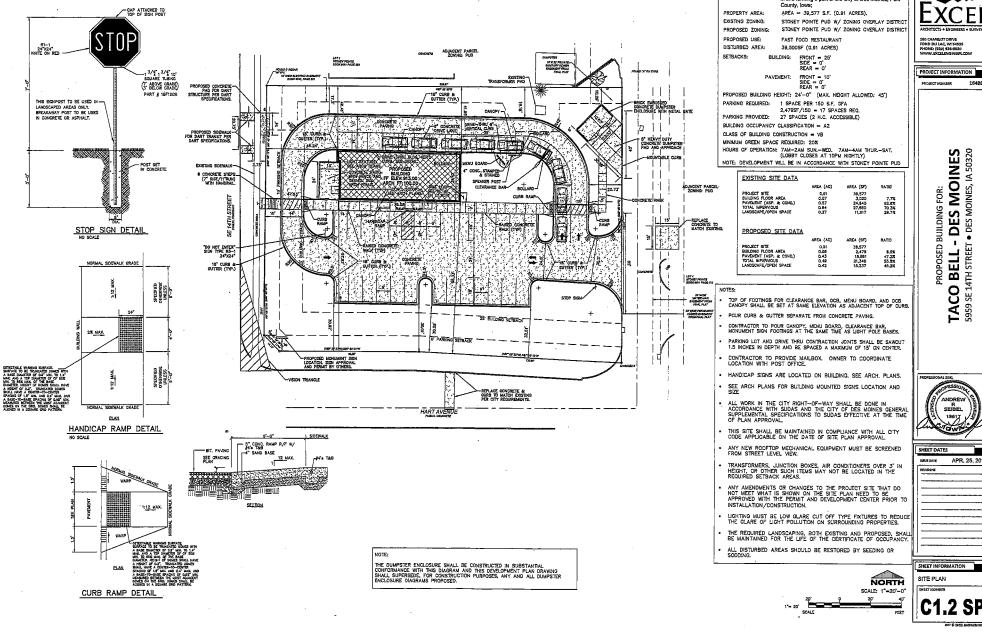
Sundance, Inc. (owner) represented by Richard Eccles (officer) for property located at 5959 Southeast 14th Street.						File # ZON2017-00157			
Description of Action	is 11.75 feet	requested amendment to the Stoney Pointe PUD to allow a freestanding sign that in height with masonry base that is only a 1.25 feet in height that does not meet ents under the definition of a monument sign in the "FSO" Freestanding Signs ict.							
PlanDSM Futu	ire Land Use	Current: Community Mixed Use in a Neighborhood Node and Regional Node. Proposed: N/A.							
Mobilizing Tomorrow Transportation Plan		2025-2034 US 69/SE 14 th Street Widening from 4 to 6 lanes.							
Current Zoning District		"PUD" Planned Unit Development, "VDL" Vehicle Display Lot Overlay District, and "FSO" Freestanding Signs Overlay District.							
Proposed Zoning District		N/A.							
Consent Card Responses Subject Property Outside Area (200 feet)		In Favor 1 1		Not In Favor 0		Undetermined		% Opposition	
Plan and Zon Commission	oval al 11-0			Required 6/7 the City Cour	are a real of a local to remote the	Yes No	Х		

ZON2017-00157 Date $9-21-2017$
(am not) in favor of the request.
(Circle One) RECEIVED Print Name Essler Lauc F544 In OMMUNITY DEVELOPMENTATURE ROSAL & GOOD RESIDENT
OCT 06 2017 Address 1204 5 1= 1-tarthay Bly C
leason for opposing or approving this request may be listed below.
TON2017-00157 Date \$\frac{9/29/17}{29/17} (Circle One) Print Name PETER LYDERS-PETERSENT RECEIVED OMMUNITY DEVELOPMENT Address \$\frac{5959}{359} \frac{359}{355} 3









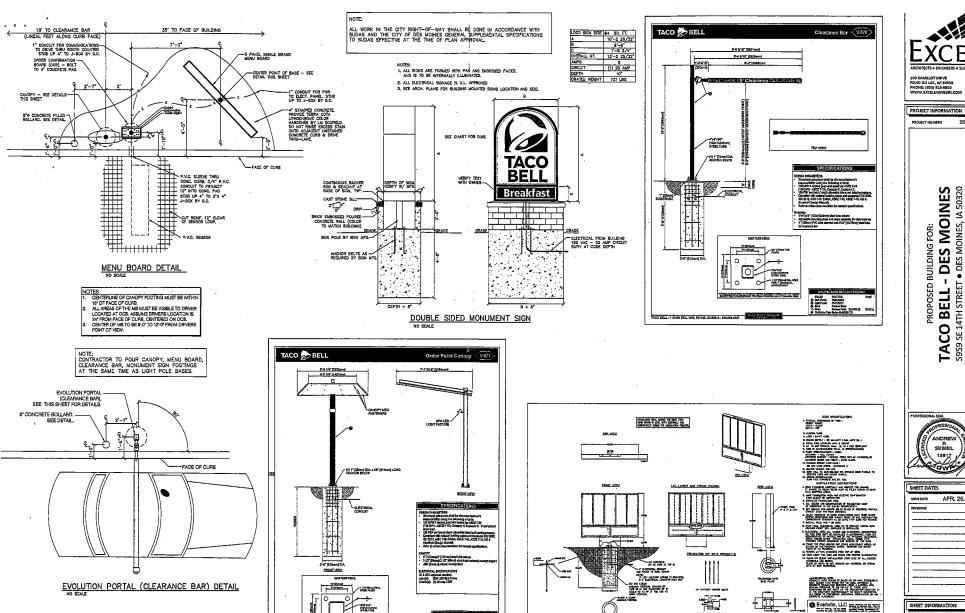
SITE INFORMATION:

LEGAL DESCRIPTIONS

Lot 3 in Stoney Point, an Official Plat, now included in and forming a part of the City of Des Moines, Polk

1648660

APR. 25, 2017



CO DELL -1 (K.EN BELL WAT, IRVINE, CA \$75 | 8 - 8/2,813,4500

- 2 MAD STORES STATES STATE

PROJECT INFORMATION

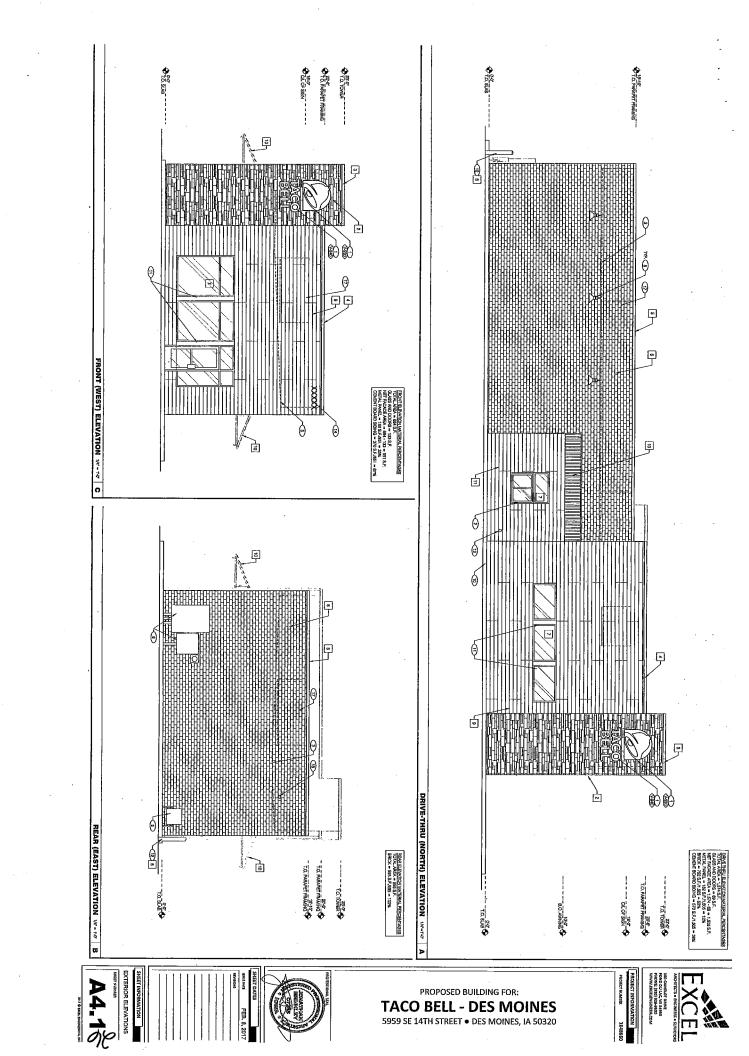
1648660

CO BELL - 3 SE 14TH STREET •



_	/
HEET DATES	
ESUE DATE	APR. 25, 2017
REVISIONS	

SHEET INFORMATION TACO BELL CORPORATE DETAILS





9

EXTERIOR ELEVATIONS

KEY NOTES

EXTERIOR FINISH SCHEDULE

CONCRETE FILLED STEEL PIPE BOLLARD

WALK-UP (SOUTH) ELEVATION WATER A ELEC T.O. PARAPET FRAMING SIGN SCHEDULE (E) NOTUSED.

(17) ROOF TOP ECUIPMENT SETOND.

(18) LAMES YOUNG FROCE SUPPLY.

(18) N. ALCOCOMMINES WITH THE SETON WATER THE SETON THE S <u></u> ę Ш (P) (P) OBJENU, KOTES.
1. WILLSON TON HECHANICAL EQUENIENT IS SHIELDED PROJAVIEN BY THE PARAMET.
2. ALL LIGHTING SHALL BE DIRECTED DOWNWARD. THE STATE ST SEALENG 1. PROTINGE SEALANT AT MILWILL AND ROOF POHETATIONS. PROTINGE SEALANT AT MINDOW AND TOOK FRAMES AT YELD AND JAMES DO 1. APPLY ROOF FREE GASKET CONT. SETWERN SULDING AND CANDER. 9 GENERAL NOTES (III) CONCRETE CLIRE - RESENTO CINA DRAWNOSS

(III) ALLIMANAN TINEI, COCCATO DANINCIO STORESPECITI.

(III) STELLA DOLLINO VANI PANANCIO SERVENE SERVENE PROPRIMENS

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(1) DOOR NUMBERS - SEE SHEET A1.1.

(3) WINDOW NUMBERS - SEE SHEET A1.1 9 0 BUILDING SIGNS NJS. F (2) X CLEAR INSULATING GLASS IN ANDDIZED FRAMES X CULTURED STONE

♣7.0. SLAB

4 20-6 T.O. PARAPET FRAMING ◆ 25.5 7.0. TOWER

OLOF SIGN