



Date October 8, 2018

**RESOLUTION SETTING HEARING ON REQUEST FROM
STEPHEN AND STEPHANIE SARCONE TO REZONE
PROPERTY LOCATED AT 1801 ARMY POST ROAD**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 20, 2018, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Stephen and Stephanie Sarcone (owners), to rezone property locally known as 1801 Army Post Road (“Property”) from “R1-70” One-Family Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District, to allow redevelopment of the Property with a drive-through restaurant, subject to the following rezoning conditions:

1. Any use of the Property for Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs, shall be prohibited.
2. Any commercial building on the Property shall not have EIFS or stucco material on the exterior walls at a point lower than the ceiling of the first-floor.
3. Any commercial building on the Property shall only have brick, stone, concrete, or block masonry material on the lowest 4 feet of the exterior walls; and

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

EXCEPT THE NORTH 370 FEET AND THE SOUTH 160 FEET, LOT 12 GEIL PLACE, AN OFFICIAL PLAT, 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 rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 22, 2018, 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 Number**

Agenda Item Number

16

Date October 8, 2018

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2018-00179)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

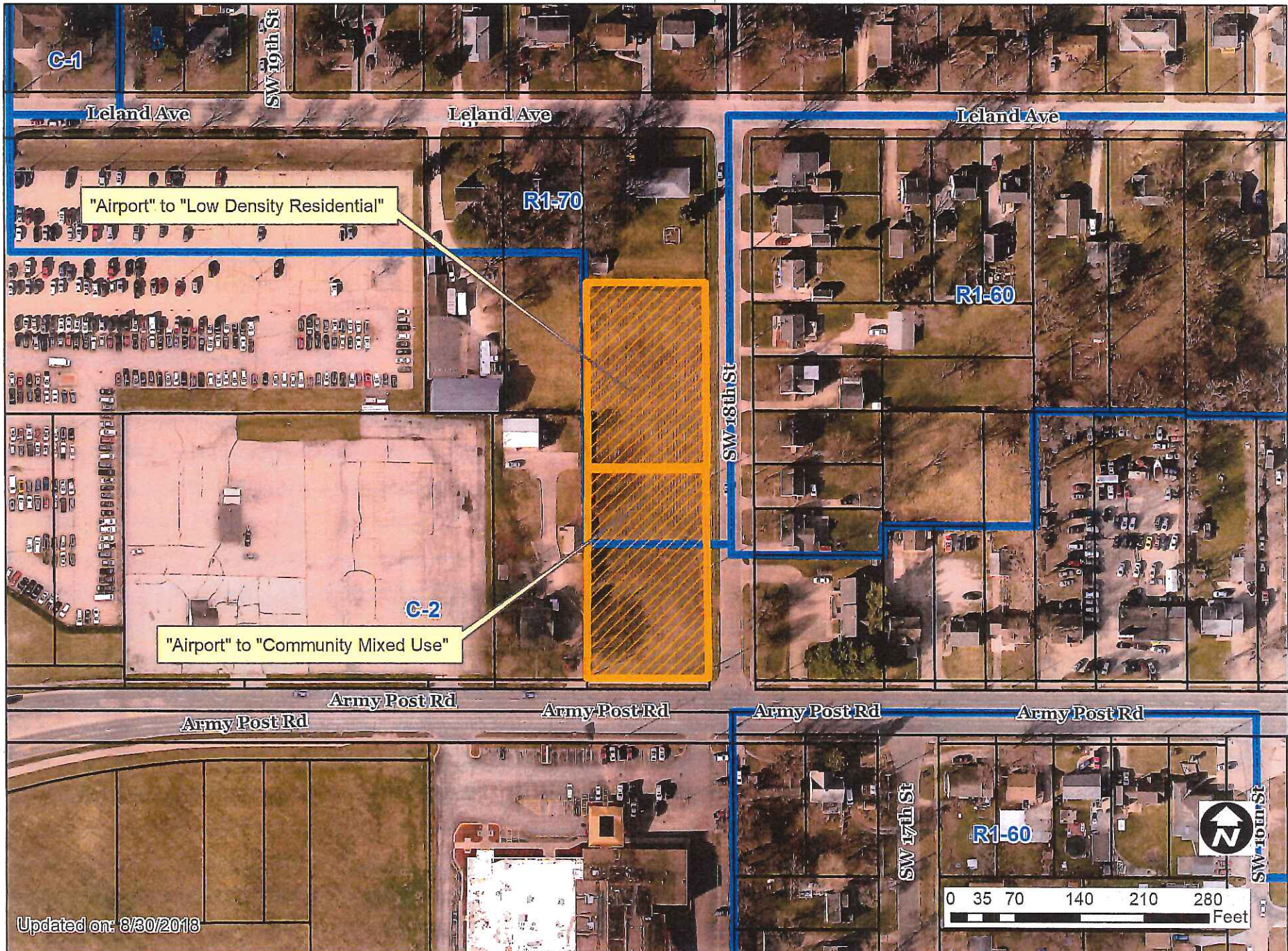
CERTIFICATE

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.

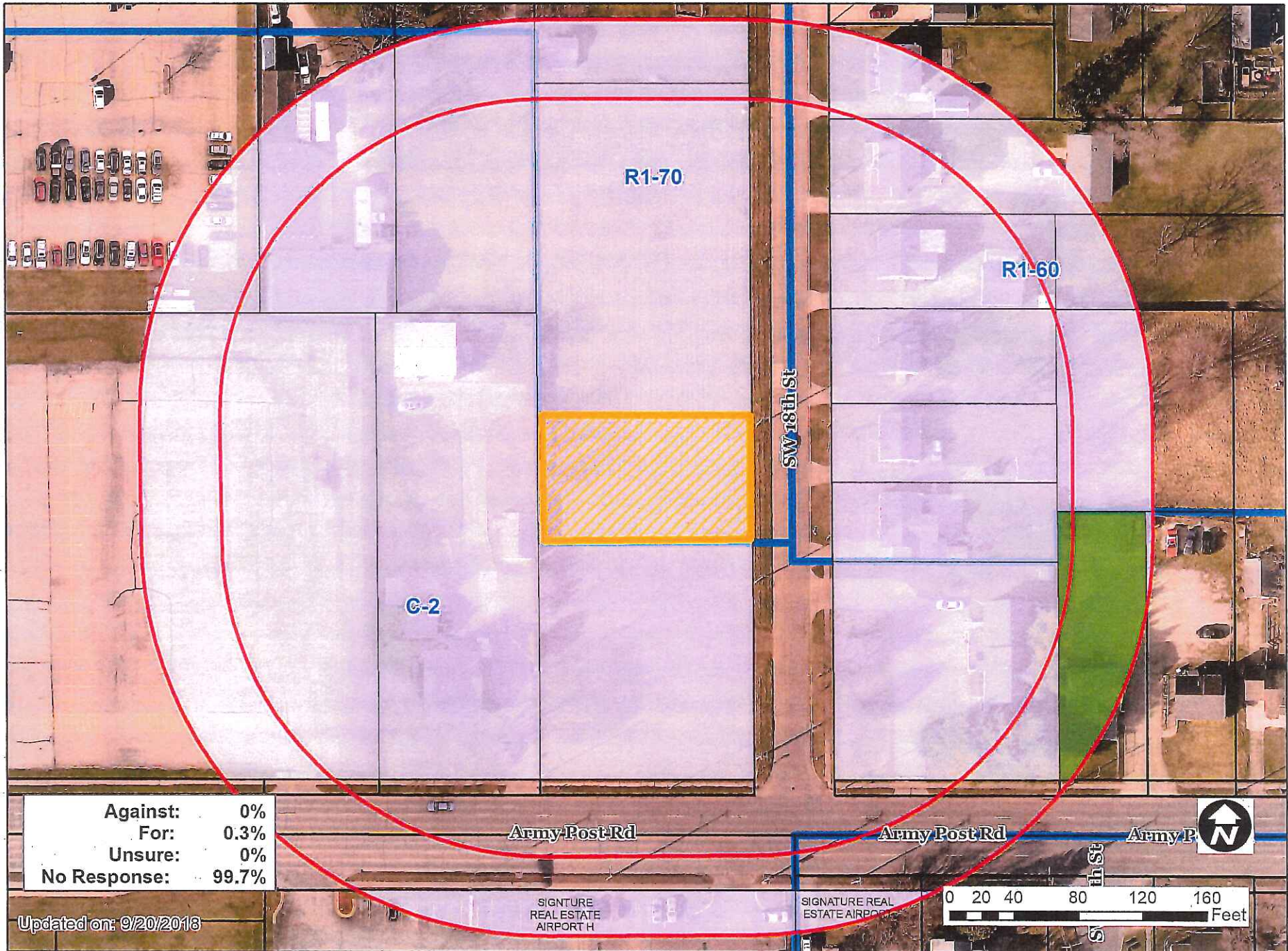
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk



16



16



Date October 8, 2018
 Agenda Item 16
 Roll Call # _____

October 3, 2018

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 20, 2018 meeting, the following action was taken regarding a request from Stephen and Stephanie Sarcone (owners) to rezone property located at 1801 Army Post Road from "R1-70" One-Family Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow redevelopment of the property with a drive-through restaurant.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
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			

APPROVAL of Part A) that the requested rezoning to "C-2" General Retail and Highway-Oriented Commercial District is **not** in conformance with the existing "Airport" PlanDSM: Creating Our Tomorrow future land use plan designation, Part B) **APPROVAL** of the requested amendment to the PlanDSM: Creating Our Tomorrow future land use plan

designation to “Community Mixed Use” and “Low Density Residential” and Part C) **APPROVAL** of the requested rezoning to “C-1” Neighborhood Retail Commercial Residential District subject to the following conditions:

1. Any use of the property for Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs shall be prohibited.
2. Any commercial building shall not have EIFS of stucco material on the exterior walls at a point lower than the ceiling of the first-floor.
3. Any commercial building shall only have brick, stone, concrete, or block masonry material on the lowest 4 feet of the exterior walls.
4. Mike Simonson also suggested that staff work with the applicant to move the building a little closer to Army Post Road but not 18th Street to mitigate parking to properties to the east.

(21-2018-4.16) & (ZON2018-00179)

Written Responses

1 in Favor

2 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning to “C-2” General Retail and Highway-Oriented Commercial District not in conformance with the existing “Airport” PlanDSM: Creating Our Tomorrow future land use plan designation.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow future land use plan designation to “Community Mixed Use” and “Low Density Residential”.

Part C) Staff recommends approval of the requested rezoning to “C-1” Neighborhood Retail Commercial Residential District subject to the following conditions:

1. Any use of the property for Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs shall be prohibited.
2. Any commercial building shall be located as compactly to the southeast corner of the site with the off-street parking and drive-through activity to the west of the east wall of the building, to the satisfaction of the Planning Director as part of any Site Plan Review. This may require additional relief to minimum front yard setbacks by the Zoning Board of Adjustment.

3. Any commercial building shall not have EIFS of stucco material on the exterior walls at a point lower than the ceiling of the first-floor.
4. Any commercial building shall only have brick, stone, concrete, or block masonry material on the lowest 4 feet of the exterior walls.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant seeks to extend the existing commercially zoned portion of the property an additional 78 feet to the north to allow for a redevelopment site for a DQ drive-through restaurant. This would reserve the northern 210 feet of the property to be divided into three (3) parcels for development of single-family dwellings in the future. The applicant owns and operates an existing DQ drive-through restaurant at 1319 Army Post Road. The intent would be to move that operation to the subject site location.
2. **Size of Site:** Area of rezoning is 132-feet by 78-feet (10,296 square feet). Proposed restaurant site is 132 feet by 228 feet (30,096 square feet). Overall property is 132 feet by 438 feet (57,816 square feet or 1.327 acres).
3. **Existing Zoning (site):** "R1-70" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** The property is currently undeveloped.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-70", Uses are vacant property on same parcel and single-family dwellings.
 - South** - "C-2", Uses are vacant property on same parcel, the Ramada Inn hotel and Big Al's BBQ restaurant.
 - East** – "R1-70", Uses are single-family dwellings.
 - West** – "C-2", Uses are a single-family dwelling, a two-family dwelling, and an auto repair detailing business.
6. **General Neighborhood/Area Land Uses:** The subject property is on the Army Post Road major commercial corridor about a quarter mile east of the intersection with Fleur Drive in the vicinity of the Des Moines International Airport.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Watrous South Neighborhood. The neighborhoods were notified of the hearing by mailing of the Preliminary Agenda to all recognized neighborhoods on August 31, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on August 31, 2018 (20 days prior to the hearing) and September 10, 2018 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the

site. A Final Agenda was mailed to all the recognized neighborhood associations on September 14, 2018.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Watrous South Neighborhood Association mailings were sent to James Spiller, PO Box 35845, Des Moines, IA 50315.

The applicant held the required neighborhood meeting on September 13, 2018, and will be available to provide a summary at the hearing.

8. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Airport. This is defined as “Includes all facilities related to the operation of the Des Moines International Airport including those of tenants on airport property”.
9. **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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Airport. This designation covers the entire city block bound by Leland Avenue, Southwest 18th Street, Army Post Road and Fleur Drive. A predominant portion of the block serves as long term parking and clear zone for the southeast approach to the primary runway for the Des Moines International Airport. However, the eastern and southeastern portions of the block are developed with commercial and residential uses. The Airport Authority does not have plans to acquire the subject property for any essential or ancillary function of the airport under the most recently approved master plan.

The proposed rezoning to “C-2” General Retail and Highway-Oriented Commercial District zoning would not be consistent with this designation. In order for the proposed rezoning to be found consistent with the future land use designation it would have to be amended to the Community Mixed Use designation, which is defined as “Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.” Simultaneously, the remainder northern portion of the property would be amended to Low Density Residential, which is defined as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

Staff is supportive of this request based on the redevelopment proposal being comparable in scale to the existing commercial and residential development patterns in the adjacent neighborhood, and that there are no intended acquisitions or use for the Des Moines International Airport.

Staff believes that following uses which are permitted in the "C-2" District, would not be compatible with the directly surrounding single-family residential neighborhood: Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs. Staff recommends that any approval of the requested rezoning be subject to prohibition of these uses.

- 2. Permit and Development Center Comments:** Any development of a drive-through restaurant building must be in compliance with the City's Site Plan regulations, including those regarding storm water management; off-street parking grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; traffic analysis report findings and fire access.

Any construction of new buildings will require review by the City's Permit & Development Center under applicable Building and Fire Codes with issuance of all necessary permits and a Certificate of Occupancy. Plans must be prepared by a Licensed Professional Architect in accordance with State Code provisions for assembly uses.

- 3. Landscaping & Buffering:** Any development of the site will require landscaping in accordance with the City's Landscape Standards reviewed as part of the Site Plan. These standards generally include open space, bufferyard, and parking lot plantings. Future development of the site would also be subject to the City's Tree Removal and Mitigation Ordinance (Article X Chapter 42 of the City Code).
- 4. Drainage/Grading:** Any additional development of the site must also comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan. Access to public storm sewer is available at an intake on the west side of Southwest 18th Street adjoining the subject property.
- 5. Utilities:** There are existing Des Moines Water Works public water mains available in both Watrous Avenue and South Union Street. A public sanitary sewer main is available in Southwest 18th Street. Access to Mid-American Energy gas and electrical utilities are available to the site.
- 6. Access or Parking:** While Traffic Engineering did not require a full traffic study with modeling as part of the proposed redevelopment, they have indicated that traffic analysis limit access to a single drive entrance onto Army Post Road and a single access onto Southwest 18th Street. All drive accesses shall be in compliance with the Traffic Code. A 5-foot wide sidewalk on the adjoining street frontages is required with any site development.

7. Urban Design: The following is laid out in PlanDSM as it relates to urban design for redevelopment:

- Community Character and Neighborhoods Goal 1 in PlanDSM states “Embrace the distinct character offered in each of Des Moines’ neighborhoods”. Within this, implementation strategy CCN4: states “Adopt high quality development standards, such as zoning district and site plan regulations, and design guidelines related to form, massing, and materials that lead to the development of attractive, walkable neighborhoods.”
- Community Character and Neighborhoods Goal 2 states “Further Des Moines’ revitalization efforts to improve the strength, stability, and vitality of all neighborhoods” As part of this, implementation strategy CCN14 states “Ensure neighborhood edges and corridors are attractive and inviting through effective planning and revitalization strategies.
- Community Character and Neighborhoods Goal 3 states “Promote the redevelopment and revitalization of neighborhood nodes and corridors.” Implementation strategy CCN18 within this states “Promote compact, mixed-use development to provide adequate density to support neighborhood commercial viability.”

In accordance with these provisions, Staff recognizes that there are elements that are critical to the redevelopment of the site that should be considered as part of the rezoning. Staff believes that the proposed building should be brought as tightly to the corridor as possible by minimizing setbacks from Southwest 18th Street and Army Post Road. In anticipation of the future draft Ordinance, Staff would support Exception level relief to the required setbacks to the Zoning Board of Adjustment to accomplish this. By meeting this, the parking and drive-through functions would be shifted so that they would all be west of the building on the site. With the building being as close as 12.5 to the street property lines these would be adequate dimension to accomplish both parking needs and drive-through function. This would also put a proposed front patio area in a more walkable location relative to the public sidewalks.

With regard to building design and materials, the concept presented with application indicates the façade materials would include EIFS or stucco product down to grade on portions of all four exterior building walls. Staff believes that EIFS or stucco should only be used as a minor accent material and should be kept above the first-floor ceiling. A better alternative is the use of a fiber cement board. In any instance. The first four feet above grade on all entire exterior walls should be either brick, stone, or block masonry. This would keep the lower portion of the exterior more durable where there is a tendency for damage.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Steve Sarcone 2400 SW Thornton stated he has operated the Dairy Queen on Army Post Road for 20 years. The business has been at its current location since 1946. The store is very dated and he wants to invest in a new store on the southside. He would agree to all conditions except for proposed condition #2. He's attempting to increase the safety to allow cars off the street that get backed up from the drive through and is concerned about the circulation pattern that would be required to comply with proposed condition #2. 65% of his business is drive-thru traffic. He requested that proposed condition #2 be eliminated.

Dennis Lee 1700 Army Post stated with the amount of traffic Casey's and the Ramada bring, the traffic plan Mr. Sarcone has presented needs to happen.

Erik Lundy stated the traffic report didn't suggest anything specific being required for this project. It does call for continued monitoring for future pedestrian crossings / improvements.

Mike Simonson asked if staff wants interconnectivity between properties on Army Post?

Erik Lundy stated connection from North to South for safe crossing.

Greg Wattier asked why they want the building moved forward?

Erik Lundy stated it would be in response from Plan DSM and the call for placement of buildings closer to the street.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson noted that with the proposed zoning ordinance, it may be difficult to have a drive through window.

COMMISSION ACTION:

Mike Simonson made a motion for **APPROVAL** of Part A) that the requested rezoning to "C-2" General Retail and Highway-Oriented Commercial District is **not** in conformance with the existing "Airport" PlanDSM: Creating Our Tomorrow future land use plan designation, Part B) **APPROVAL** of the requested amendment to the PlanDSM: Creating Our Tomorrow future land use plan designation to "Community Mixed Use" and "Low Density Residential" and Part C) **APPROVAL** of the requested rezoning to "C-1" Neighborhood Retail Commercial Residential District subject to the following conditions:

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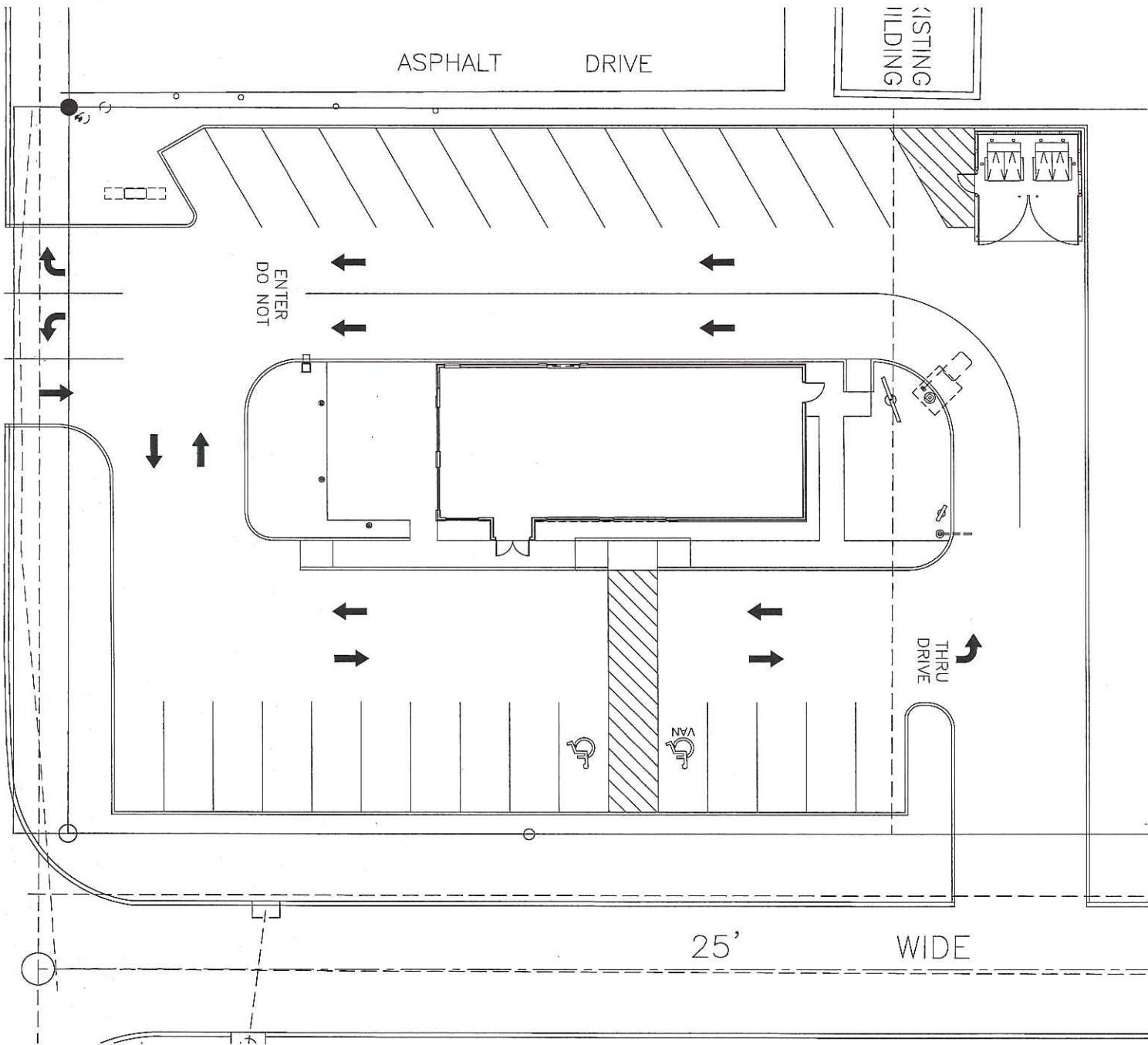
Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh



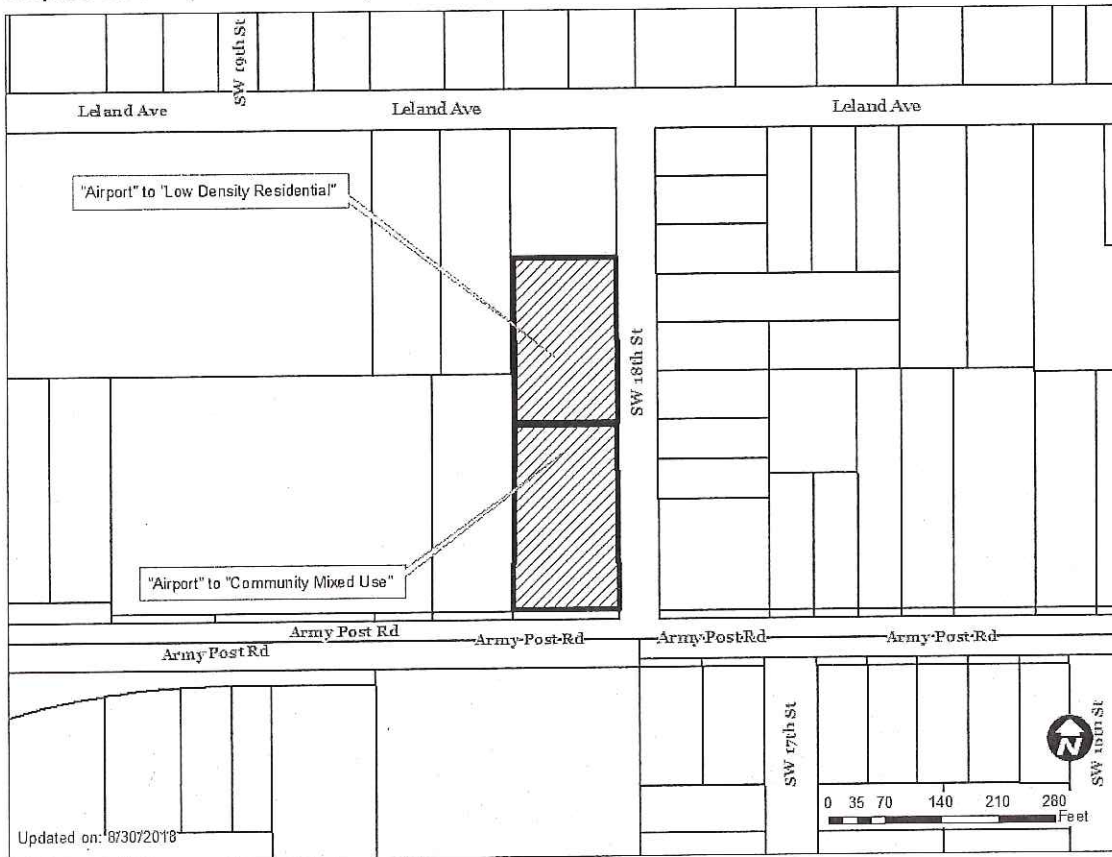
Saravane
Proposed Site Plan
 DA Project

2

Stephen and Stephanie Sarcone (owners) to rezone property located at 1801 Army Post Road.			File #	
			21-2018-4.16	
Description of Action	Amendment to the PlanDSM future land use classification from Airport to Community Mixed Use and Low Density Residential.			
PlanDSM Future Land Use	Current: Airport. Proposed: Community Mixed Use and Low Density Residential.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-70" One-Family Residential 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
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Stephen and Stephanie Sarcone, 1801 Army Post Road

21-2018-4.16



Updated on: 6/30/2018

1 inch = 140 feet

Stephen and Stephanie Sarcone (owners) to rezone property located at 1801 Army Post Road.			File # ZON2018-00179	
Description of Action	Rezone the property from "R1-70" One-Family Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow redevelopment of the property with a drive-through restaurant.			
Plan/DSM Future Land Use	Current: Airport. Proposed: Community Mixed Use and Low Density Residential.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-70" One-Family Residential 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
Subject Property	1	2		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Stephen and Stephanie Sarcone, 1801 Army Post Road

ZON2018-000179



1 inch = 80 feet

Item RE ZONING Date 9-14-18

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

(Circle One)
RECEIVED Print Name SHERREL R NALL
COMMUNITY DEVELOPMENT Signature Sherrel R Nall
SEP 17 2018 Address 1621 Army Post Road

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

ZON2018-00179
Item _____ Date 9/15/18

I (am) (am not) in favor of the request. OUT OF 250' IMPACT AREA

(Circle One)
RECEIVED Print Name Helen Mallory
COMMUNITY DEVELOPMENT Signature Helen Mallory
SEP 17 2018 Address 1801 LELAND AVE

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

ZON2018-00179

Item _____ Date 9/14/18

I (am) (am not) in favor of the request. OUTSIDE 250 FT AREA

(Circle One)
RECEIVED Print Name Austin Talley
COMMUNITY DEVELOPMENT Signature Austin Talley
SEP 21 2018 Address 6203 SW 18th St.

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

