



Date October 5, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM MENARD INC. (OWNER)
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION, APPROVE A LARGE
SCALE DEVELOPMENT PLAN, AND TO REZONE PROPERTIES LOCATED AT
6000 SOUTHEAST 14TH STREET; 5907, 5911, & 5917 SOUTHEAST 8TH STREET;
AND 801 HART AVENUE**

WHEREAS, on September 14, 2020, by Roll Call No. 20-1441, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Menard Inc. (Owner), represented by Theron Berg (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 6000 Southeast 14th Street, 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Avenue (“Property”) from Low Density Residential within a Regional Node to Community Mixed Use within a Regional Node; and

WHEREAS, pursuant to said communication, the City Plan and Zoning Commission has further advised that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Menard Inc. (Owner), represented by Theron Berg (officer), to approve a Large-Scale Development Plan for expansion to the 20.8 acre site for Retail Sales, Large Format Use; and

WHEREAS, pursuant to said communication, the City Plan and Zoning Commission has further advised that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Menard Inc. to allow rezoning from “N3a” Neighborhood District and “MS3-V” Mixed-Use District to “CX-V” Mixed Use District to allow the expansion of the existing Menard’s Home improvement center with an additional 30,855 square feet warehouse, where the additional subject property is owned by Nicholas Dingeman, Barbara Orr, Kimberly Howland and Carol Shields; and from MX2 Mixed-Use District to EX Mixed-Use District for the above-described purpose, subject to the following conditions:

1. That the development shall be carried out in accordance with the Large scale development plan presented to the Plan and Zoning Commission;
2. That no outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing;
3. Any external lighting on the Property shall have a maximum height of 14 feet in height and shall be down-directed cut-off fixtures;
4. Any use of the Property for a bar or a liquor store shall be prohibited;
5. Any commercial use of the Property shall be in conformance with an approved site plan that demonstrates that the entire site is in conformance with the current landscaping standards contained in City Code Chapter 135. (This includes providing 8 evergreen trees and 4 overstory trees per 100 lineal feet along the north property line.)



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- 6. Any commercial expansion on the Property shall be subject to the entire commercial development being brought into conformance with the current storm water management requirements;
- 7. All necessary permits shall be obtained for the construction of any building or wall upon the Property; and
- 8. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the City’s Planning Administrator, certifying that the Property has been improved in substantial conformance with the approved site plan; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed land use amendment, Large Scale Development plan, and rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment Large scale development plan, and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 6000 Southeast 14th Street, 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Avenue, legally described as:

WHEREAS, the Property is legally described as follows:

PARCEL 1 (6000 SOUTHEAST 14TH STREET):

THE SOUTH HALF (S ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

EXCEPT:

PARCEL "C" IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 27; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 834.66 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 60.00 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY (R.O.W.) LINE OF S.E. 14TH STREET (U.S. HIGHWAY 69), SAID POINT ALSO BEING THE POINT OF BEGINNING;



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THENCE SOUTH 00°00'00" EAST, ALONG SAID WESTERLY R.O.W. LINE OF S.E. 14TH STREET, A DISTANCE OF 127.14 FEET;
THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 266.56 FEET;
THENCE NORTH 40°37'26" WEST, A DISTANCE OF 54.49 FEET;
THENCE NORTH 23°55'15" EAST, A DISTANCE OF 93.84 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 263.99 FEET, TO A POINT ON THE SAID WESTERLY R.O.W. LINE OF S.E. 14TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 36,035 SQUARE FEET, MORE OR LESS; RECORDED IN POLK COUNTY BOOK 10068 AT PAGE 308.

AND

PARCEL "F" IN THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. POLK COUNTY, IOWA, AS DESCRIBED ON THE AMENDED PLAT OF SURVEY RECORDED JUNE 16, 2006 IN BOOK 11704, PAGE 659 IN THE OFFICE OF THE POLK COUNTY RECORDER.

PARCEL 2 (6000 SOUTHEAST 14TH STREET):

LOTS 5, 6 AND SOUTH 150 FEET OF WEST 88.4 FEET OF LOT 7, BOWLARAMA PLACE, ACCORDING TO THE PLAT THEREOF; AND ALSO NORTH HALF OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ (N½ OF NE¼ OF SE¼) OF SECTION 27, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, EXCEPT THE EAST 661.4 FEET AND EXCEPT THE NORTH 505.7 FEET THEREOF, POLK COUNTY, IOWA.

5907 SE 8TH STREET:

LOT 9 AND THE SOUTH 6.5 FEET OF LOT 8 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

5911 SE 8TH STREET:

LOT 10 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

5917 SE 8TH STREET:

LOT 11 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



Date October 5, 2020

801 HART AVENUE:

LOT 12 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

from MX2 Mixed-Use District to EX Mixed-Use District for expansion to the 20.8 acre site for Retail Sales, Large Format Use.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM future land use designation, Large scale development plan, or rezoning of the Property to EX Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as locally known as 6000 Southeast 14th Street, 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Avenue to Community Mixed Use within a Regional Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to EX Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse (21-2020-4.15)
 Judy K. Parks-Kruse (ZON2020-00085)
 Assistant City Attorney

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

MOTION CARRIED APPROVED

CERTIFICATE

I, P. KAY CMELIK, 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



Date October 5, 2020
 Agenda Item 52
 Roll Call # _____

September 8, 2020

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their August 20, 2020 meeting, the following action was taken regarding a request from Menard Inc. (owner), represented by Theron Berg (officer) to rezone properties located at 6000 Southeast 14th Street; 5907, 5911, and 5917 Southeast 8th Street; and 801 Hart Avenue from “N3a” Neighborhood District and “MX3-V” Mixed Use District to “CX-V” Mixed Use District to allow the expansion of the existing Menard’s home improvement center Retail Sales, Large Format use with a with an additional 30,855-square foot warehouse.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) the Commission find the requested rezoning is not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as “Low Density Residential” in a Regional Node, Part B) **APPROVAL** of the amendment to PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future

land use classification from “Low Density Residential” within a Regional Node to “Community Mixed Use” within a Regional Node, Part C) **APPROVAL** of the submitted Large-Scale Development Plan subject to provision of a note that states the development will comply with the conditions of an Ordinance to rezone and all requirements of Chapter 135 Planning and Design Ordinance and Part D) **APPROVAL** of the requested rezoning of the property from “N3a” Neighborhood District and “MX3-V” Mixed Use District, to “CX-V” Mixed Use District, subject to the applicant agreeing to the following zoning conditions:

1. The westerly setback of any commercial development on the Property shall be in accordance with the Large-Scale Development Plan presented to the Plan & Zoning Commission. This demonstrates that the majority of any development shall be setback at least 100 feet from the westerly property line. However, an expansion area demonstrated on the southwestern portion of the site shall be setback at least 53 feet from the westerly property line and at least 90 feet from the northerly property line adjoining 5901 Southeast 8th Street. This setback area shall fully comply with the plant material requirements of the heavy buffer requirements of Chapter 135 Section 135-7.8.4.D of the Planning and Design Ordinance.
2. The northerly setback of any commercial development on the Property shall be in accordance with the Large-Scale Development Plan presented to the Plan & Zoning Commission. This demonstrates that any development shall be setback at least 55 feet from the northerly property line. This setback area shall contain at least 4 shade trees and at least 8 evergreen trees per 100 lineal feet measured along the property line.
3. Any commercial development on the Property shall be screened with a continuous 14-foot tall solid wall that is in accordance with the Large-Scale Development Plan presented to the Plan & Zoning Commission. The bottom 4 feet shall be constructed of a masonry material and the upper 10 feet may be constructed of 2-inch by 8-inch vertical treated lumber with no spacing between boards.
4. No outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing.
5. Any external lighting on the Property shall have a maximum height of 14 feet in height and shall be down-directed cut-off fixtures.
6. Any use of the property for a bar or for a liquor store shall be prohibited.
7. Any commercial use of the Property shall be in conformance with an approved site plan that demonstrates the entire site is in compliance with the current landscaping standards contained in City Code Chapter 135. (This includes providing 8 evergreen trees and 4 overstory trees per 100 lineal feet along the north property line.)
8. Any commercial expansion on the Property shall be subject to the entire commercial development being brought into conformance with the current storm water management requirements.

9. All necessary permits shall be obtained for the construction of any building or wall upon the Property.
10. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the City's Planning Administrator, certifying that the Property has been improved in substantial conformance with the approved site plan.

(21-2020-4.15) & (ZON2020-00084)

Written Responses

6 in Favor

6 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) the Commission find the requested rezoning is not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as "Low Density Residential" in a Regional Node, Part B) **APPROVAL** of the amendment to PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from "Low Density Residential" within a Regional Node to "Community Mixed Use" within a Regional Node, Part C) **APPROVAL** of the submitted Large-Scale Development Plan subject to provision of a note that states the development will comply with the conditions of an Ordinance to rezone and all requirements of Chapter 135 Planning and Design Ordinance and Part D) **APPROVAL** of the requested rezoning of the property from "N3a" Neighborhood District and "MX3-V" Mixed Use District, to "CX-V" Mixed Use District, subject to the applicant agreeing to the following zoning conditions:

1. The westerly setback of any commercial development on the Property shall be in accordance with the Large-Scale Development Plan presented to the Plan & Zoning Commission. This demonstrates that the majority of any development shall be setback at least 100 feet from the westerly property line. However, an expansion area demonstrated on the southwestern portion of the site shall be setback at least 53 feet from the westerly property line and at least 90 feet from the northerly property line adjoining 5901 Southeast 8th Street. This setback area shall fully comply with the plant material requirements of the heavy buffer requirements of Chapter 135 Section 135-7.8.4.D of the Planning and Design Ordinance.
2. The northerly setback of any commercial development on the Property shall be in accordance with the Large-Scale Development Plan presented to the Plan & Zoning Commission. This demonstrates that any development shall be setback at least 55 feet from the northerly property line. This setback area shall contain at least 4 shade trees and at least 8 evergreen trees per 100 lineal feet measured along the property line.
3. Any commercial development on the Property shall be screened with a continuous 14-foot tall solid wall that is in accordance with the Large-Scale Development Plan presented to the Plan & Zoning Commission. The bottom 4 feet shall be constructed of a masonry material and the upper 10 feet may be constructed of 2-inch by 8-inch vertical treated lumber with no spacing between boards.

4. No outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing.
5. Any external lighting on the Property shall have a maximum height of 14 feet in height and shall be down-directed cut-off fixtures.
6. Any use of the property for a bar or for a liquor store shall be prohibited.
7. Any commercial use of the Property shall be in conformance with an approved site plan that demonstrates the entire site is in compliance with the current landscaping standards contained in City Code Chapter 135. (This includes providing 8 evergreen trees and 4 overstory trees per 100 lineal feet along the north property line.)
8. Any commercial expansion on the Property shall be subject to the entire commercial development being brought into conformance with the current storm water management requirements.
9. All necessary permits shall be obtained for the construction of any building or wall upon the Property.
10. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the City's Planning Administrator, certifying that the Property has been improved in substantial conformance with the approved site plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested rezoning would allow an expansion of the Menard's store. The expansion would consist of a new three-lane lumberyard gate, a new 30,855-square foot accessory building, the addition of a third loading dock and enclosure of the rear overhang, and a partial enclosure of the garden center. According to the application, e materials used on these additions will match what exists today.
2. **Size of Site:** The existing Menard's site contains approximately 19.54 acres. The four (4) parcels to the west that would be added to site contain approximately 1.25 acres.
3. **Existing Zoning (site):** The majority of the existing Menard's property is zoned "MX3-V" Mixed Use District. The western 90 feet and the four (4) properties containing one-household dwellings are zoned "N3a" Neighborhood District.
4. **Existing Land Use (site):** The property contains a Menard's home improvement/retail store and four (4) one-household dwellings.
5. **Adjacent Land Use and Zoning:**

North – “N3a”, Uses are one-household residential dwellings.

South - “RX1”, Uses are multi-household residential dwellings.

East – “MX3-V”, Uses are restaurant, retail, and bowling alley uses along the Southeast 14th Street major commercial corridor.

West – “N3a”, Uses are one-household residential dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the Southeast 14th Street major commercial corridor in an area that transitions from the Menard’s retail business to a low-density residential area to the north and west.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the South Park Neighborhood and within 250 feet of the Easter Lake Area Neighborhood Association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on July 31, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on July 31, 2020 (20 days prior to the hearing) and August 10, 2020 (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 site. A Final Agenda was mailed to recognized neighborhoods on August 14, 2020.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The South Park Neighborhood mailings were sent to Jan Goode, 4501 Southeast 6th Street, Des Moines, IA 50315, and the Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320.

During the Governors emergency declaration due to COVID-19 pandemic, the applicant is responsible for reaching out to the surrounding property owner within 250 feet through a written communication soliciting questions and input and providing responses. The applicant shall provide a report on the outcomes of this process prior to the Plan and Zoning Commission meeting, and provide a summary at the hearing.

8. **Relevant Zoning History:** On June 22, 2009, by Ordinance 14,852, the City Council rezoned the existing Menard’s site to Limited “C-2” District, subject to the following conditions:
 1. The westernmost 90 feet of the subject property shall remain zoned “R1-60” One-Family Low-Density Residential District. (Any commercial development must provide the minimum required 10-foot rear yard setback from this zoning boundary.)
 2. The following uses of structures and land shall be prohibited upon the Property:
 - a. Vehicle display lots, including but not limited to used car sales lots;
 - b. Adult entertainment businesses;
 - c. Taverns and nightclubs;
 - d. Off-premises advertising signs; and
 - e. Package goods stores for the sale of alcoholic beverages.

3. Any commercial development on the Property shall be setback at least 55 feet from the north side property line.
4. Any commercial development on the Property shall be screened with a continuous 14-foot tall solid wall that is setback at least 55 feet from the north side property line. The bottom 4 feet shall be constructed of a masonry material the upper 10 feet may be constructed of 2-inch by 8-inch vertical treat lumber with no spacing between boards.
5. No outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing.
6. Any external lighting on the Property shall have a maximum height of 14 feet in height and shall be down-directed cut-off fixtures.
7. Any commercial use of the Property shall be in conformance with an approved site plan that shall:
 - a. Contain a landscape plan and building elevations demonstrating general conformance with the site sketch submitted by the applicant incident to this rezoning, to the satisfaction of the Community Development Director. (This includes providing 8 evergreen trees and 4 overstory trees per 100 lineal feet along the north property line.); and
 - b. Provide landscaped bufferyards and open space in conformance with the City's adopted landscape standards.
8. Any commercial expansion onto the Property shall be subject to the entire commercial development being brought into conformance with the current storm water management requirements.
9. All necessary permits shall be obtained for the construction of any building or wall upon the Property.
10. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the Community Development Director certifying that the Property has been improved in substantial conformance with the approved site plan.

Subsequent to this rezoning, the Menard's site was expanded to incorporate what is now the northern portion of the existing site.

When the City's current zoning ordinance and map took effect on December 15, 2019, the portions of the site that were zoned Limited "C-2" District became zoned "MX3-V" Mixed Use District that the portions of the site that were zoned "R1-60" District became zoned "N3a" Neighborhood District.

9. **PlanDSM Future Land Use Plan Designation:** Community Mixed Use & Low Density Residential within a Regional Node.
10. **Applicable Regulations:** Taking into the consideration of 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 Future Land Use Plan:** The proposed rezoning requires the future land use plan designation for the westernmost of the property to be revised from “Low Density Residential” within a Regional Node to “Community Mixed Use” within a Regional Node. Staff believes that the amendment would be appropriate only so long as the subsequent rezoning is subject to zoning conditions that adequately protects and preserves the residential character of the properties immediately to the west and north of the site.
2. **Zoning Conditions:** In order to ensure that the expansion that would be allowed by the proposed rezoning is compatible with the adjoining residential uses, Staff recommends zoning conditions that are substantially similar to those that the applicant agreed to in 2009, when the premises was expanded onto the northern portion of the site. The conditions recommended by Staff are contained in Section III of this report. Most notably, since the portion of the site along the west property line would involve the use of heavy equipment, such as trucks and forklifts, Staff recommends that it is necessary to require a 100-foot setback from the westerly property line, as well as a 14-foot solid wall, in order to minimize impacts from noise. Staff notes that this would reduce the depth of the expansion area by approximately 47 feet.
3. **Large Scale Development Plan:** The recently updated Chapters 134 and 135 of the City Code requires that rezoning of tracts larger than 5 acres in area be considered under provisions in Chapter 135 Article 5 for Large-Scale Development. The intent of this requirement is to ensure that consideration is given to how the site provides site connectivity and utilities in relation to adjoining properties. The proposed Plan submitted essentially provides a master plan for the proposed expanded Menard’s use. The only significant modifications to the site are located to the west of the existing building. There are not any significant plans proposed for changing access points to the public street network or adjoining properties. Staff recommends that approval of the Large-Scale Development Plan be subject to provision of a note that states any development shall comply with the zoning conditions contained in any Ordinance that rezones all or a portion of the property and the requirements of Chapter 135 Planning and Design Ordinance.
4. **Drainage/Grading:** Any Site Plan for an area over 10,000 square feet would require compliance with the stormwater management requirements of the City Code. Any improvements over an acre in area would require submittal of a Storm Water Pollution Protection Plans (SWPPP) with approval by Iowa DNR.
5. **Permit and Development Center Comments:** Any future expansion of the existing retail use would be subject to compliance with all applicable Building Codes and compliance with Chapter 135 Planning and Design Ordinance requirements. Furthermore, any required permits must be obtained from the City’s Permit and Development Center.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Johnny Alcivar asked if there is currently a 100-foot set back along the West property line.

Bert Drost stated yes.

Greg Wattier stated with the existing right-of-way being roughly 50-feet, they would have over 100 feet of setback.

Bert Drost stated they have recommended a 100-foot set back excluding the right-of-way to maintain the characteristic of the neighborhood.

Nick Brenner, 5101 Menard Drive, stated everything they are doing is so Menard's can compete with online retailing by enclosing the existing lumber yard for a climate controlled area and building the additional warehouse. The one thing they do not agree with is the 100-foot set back to the West property line as they cannot move any closer to the store based on building code requirements. They are over 100-feet from the closest property as they sit 53-feet away from the existing right-of-way and the right-of-way itself being 50-feet wide. Based on some of the comments received, they believe noise will be less as they are proposing to construct a new 29-foot tall enclosed warehouse versus an outdoor storage yard.

CHAIRPERSON OPENED THE PUBLIC HEARING

None were present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Johnny Alcivar requested to see the consent map.

Bert Drost displayed the map.

COMMISSION ACTION:

Francis Boggus made a motion for **approval** of Part A) the Commission find the requested rezoning is not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as "Low Density Residential" in a Regional Node, Part B) **APPROVAL** of the amendment to PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from "Low Density Residential" within a Regional Node to "Community Mixed Use" within a Regional Node, Part C) **APPROVAL** of the submitted Large-Scale Development Plan subject to provision of a note that states the development will comply with the conditions of an Ordinance to rezone and all requirements of Chapter 135 Planning and Design Ordinance and Part D) **APPROVAL** of the requested rezoning of the property from "N3a" Neighborhood District and "MX3-V" Mixed Use District, to "CX-V" Mixed Use District, subject to the applicant agreeing to the following zoning conditions:

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10. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the City's Planning Administrator, certifying that the Property has been improved in substantial conformance with the approved site plan.

Motion passed: 12-0

Respectfully submitted,



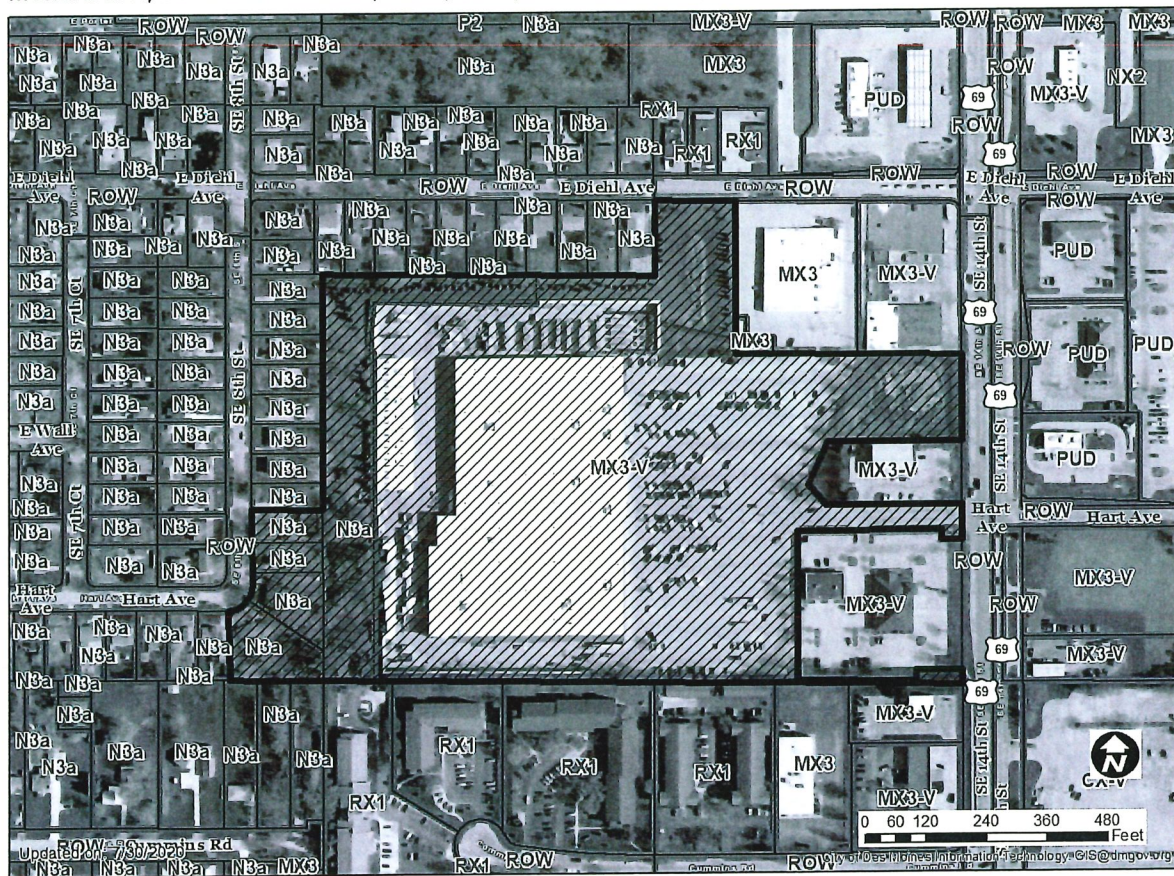
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Request from Menard Inc. (owner), represented by Theron Berg (officer) for properties located at 6000 Southeast 14 th Street; 5907, 5911, and 5917 Southeast 8 th Street; and 801 Hart Avenue. Additional subject property is owned by Nicholas Dingeman, Barbara Orr, Kimberly Howland and Carol Shields.				File #
				21-2020-4.15
Description of Action	Amend PlanDSM Creating Our Tomorrow Comprehensive Plan the revise the future land use classification from Low Density Residential within a Regional Node to Community Mixed Use within a Regional Node.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"N3a" Neighborhood District and "MX3-V" Mixed Use District.			
Proposed Zoning District	"CX-V" Mixed Use District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	0	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Menard Inc., 6000 S.E. 14th St.; 5907, 5911, 5917 S.E. 8th St.; 801 Hart Ave.

21-2020-4.15

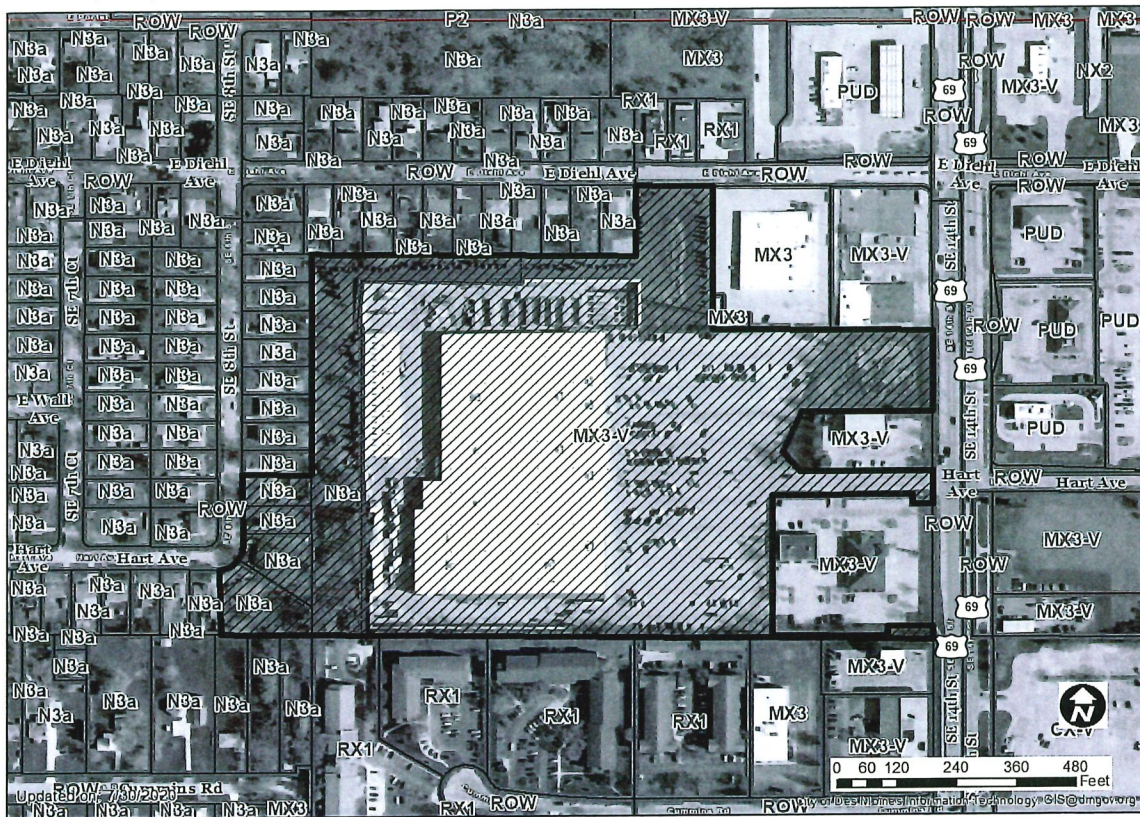


1 inch = 231 feet

Request from Menard Inc. (owner), represented by Theron Berg (officer) for properties located at 6000 Southeast 14 th Street; 5907, 5911, and 5917 Southeast 8 th Street; and 801 Hart Avenue. Additional subject property is owned by Nicholas Dingeman, Barbara Orr, Kimberly Howland and Carol Shields.				File # ZON2020-00084
Description of Action	Rezone property from "N3a" Neighborhood District and "MX3-V" Mixed Use District to "CX-V" Mixed Use District to allow the expansion of the existing Menard's home improvement center Retail Sales, Large Format use with a with an additional 30,855-square foot warehouse			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"N3a" Neighborhood District and "MX3-V" Mixed Use District.			
Proposed Zoning District	"CX-V" Mixed Use District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	6	6		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Menard, Inc., 6000 S.E. 14th St.; 5907, 5911, 5917 S.E. 8th St.; and 801 Hart Ave.

ZON2020-00084



1 inch = 231 feet

Item: ZON2020-00084

Date: 8/15/20

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

(Circle One)

Print Name: Kirby Van Nausdte

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Kirby Van Nausdte

AUG 18 2020

Address: 5907 SE 7th Ct BSM, FA 50315

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

Increase in vehicle traffic

Loss of homes

Additional noise

Item: ZON2020-00084

Date: 8-14-20

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

(Circle One)

Print Name: Marsha Dicus

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Marsha Dicus

AUG 18 2020

Address: 730 Gummins Road

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

Lower property value - Property tax will go up to help pay for it.

Item: ZON2020-00084 Date: 8-14-20

I (am) (am not) in favor of the request:
(Circle One)

Print Name: BEN & ISOBEL BINGAMAN

Signature: Ben H. M. Isobel Bingaman

Address: 6001 & 6017 SE 14th

RECEIVED
COMMUNITY DEVELOPMENT
AUG 18 2020

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

More business improving for
the south side!

Item: ZON2020-00084 Date: 8/12/2020

I (am) (am not) in favor of the request:
(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
AUG 19 2020

Print Name: Carol L. Shields

Signature: Carol L. Shields

Address: 801 Hart Ave DM

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

ZON2020-00084

Item: _____ Date: _____

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

(Circle One)

Print Name: William S. Hunter

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

AUG 19 2020

Address: 5720 SE 8th St

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

Will upset the quiet residential
nature of street

Item: ZON2020-00084

Date: 8-16-2020

I (am) (am not) in favor of the request:
(Circle One)

Print Name: DANIEL + KATHLEEN BOCHENEK

Signature: Kathleen Bochenek
Daniel M. Bochenek

RECEIVED
COMMUNITY DEVELOPMENT
AUG 20 2020

Address: 5817-SE 8TH STREET
DSM, IA 50315

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

Sometimes a change is needed in order
for progress to occur.

Item: ZON2020-00084

Date: 8-14-20

I (am) (am not) in favor of the request:
(Circle One)

Print Name: Tyler Dingel

RECEIVED
COMMUNITY DEVELOPMENT
AUG 20 2020

Signature: [Signature]

Address: 5830 SE 14th Street

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

Overall improvement of the area.

ZON2020-00084

Item: _____ Date: 8/17/2020

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

(Circle One)

Print Name: Sarah McCarthy

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

AUG 20 2020

Address: 5709 SE 8th St
DSM, IA 50315

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

ZON2020-00084

Item:

7

Date:

8/13/2020

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

(Circle One)

Print Name:

Jill Zagar

RECEIVED
COMMUNITY DEVELOPMENT

Signature:

Jill Zagar

AUG 21 2020

Address:

5806 SE 8

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

There needs to be better description
of what 8th will look like. Fence?
trees? Maintenance? Nice
hood with moderately \$ homes -
much needed!

Item: ZON2020-00084

Date: 8/22/2020

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

(Circle One)

Print Name: Theresa Doll

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Theresa Doll

AUG 27 2020

Address: 1016 E Diehl DM IA

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

My street (Diehl Ave) is like a
congested race track now because of
Menards traffic! we can't handle
even more traffic! NO NO NO

Item: ZON2020-00084

Date: 8-14-2020

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

(Circle One)

Print Name: HARRY HAGER

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

AUG 26 2020

Address: 2780 EPSTEIN LANE

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

THIS WILL ADD MORE WATER
TO THE STORM SEW RUNNING
BETWEEN 816 + 808 CUMMINGS RD
AS WE ARE STILL HAVING PROBLEMS
WITH THAT STORM SEWER

Item: ZON2020-00084 Date: 8-23-2020

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

(Circle One) **RECEIVED** Print Name: Jan Goode
COMMUNITY DEVELOPMENT Signature: Jan Goode
AUG 26 2020 Address: 4501 SE 6th

Reason for opposing or approving this request may be listed below:
Menards is a good
neighbor - SO FAR

Ditch

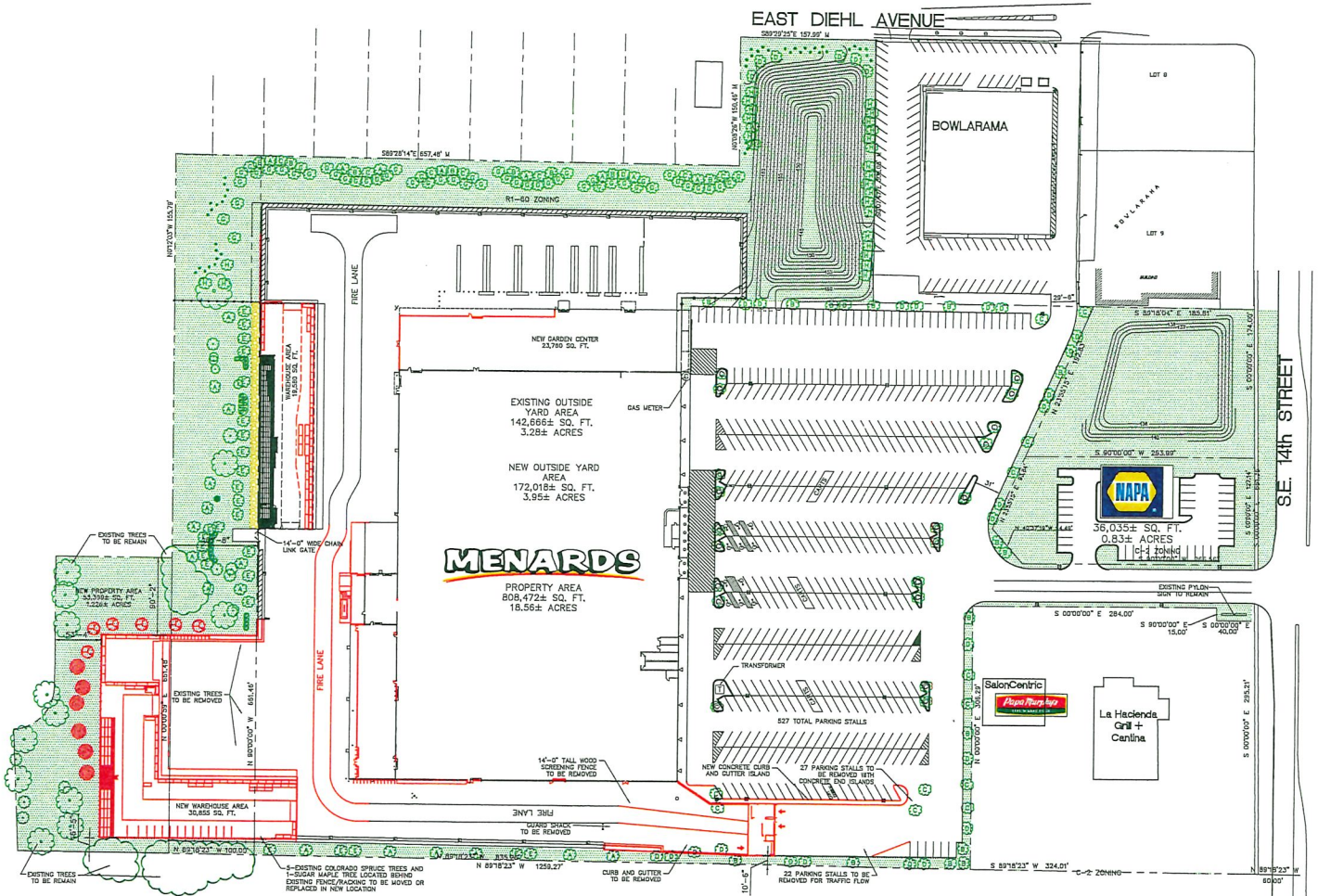
Hi joe

I have concerns about the addition to Manards as it will put more water onto the property at 808 & 816 Cummins rd. storm sewer dumps on to these properties I own we have been fighting the city about this problem The water dumped on to our property this could be fixed by extended the storm sewer to Cummins rd.

This would solve my problem with the addition to Manards and solve our problem or the storm sewer bumping on my problem.

There is easement on 816 Cummins rd. for the future extension of the sewer and no easement on 808 Cummins rd. but I would give the city a easement on 808 Cummins rd.

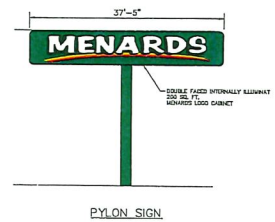
Harry A Hager
Hager2780@msn.com
Mobile 515-321-2546



1 SITE PLAN
SCALE: 1" = 60'-0"

NEW/RELOCATED LANDSCAPE LEGEND

Symbol	Botanical, Common Name	Size	Height	Width	Quantity
	New/Relocated Acer Saccharum 'Wright Brothers', 'Wright Brothers' Sugar Maple	2.5" Dia.	40'-60"	40'-60"	8
	New/Relocated Picea pungens, Colorado Blue Spruce	6" HL	50'-75'	10'-20'	6
	Hydroseed				
	4'-8" Rip Rap Stone (Behind Warehouse) 1 1/2' River Rock (Landscape Planters)				



ELECTRICAL LEGEND

	15	400W H.P.S. PARKING LOT LIGHTING ON 30'-0" TALL POLES
	7	400W M.H. CUTOFF LUMINAIRE LIGHTING MOUNTED ON THE BUILDING
	6	250W M.H. CUTOFF LUMINAIRE LIGHT MOUNTED TO GARDEN CENTER RACKING AND YARD POLE AT 14'-0" MAXIMUM HEIGHT
	22	250W M.H. CUTOFF LUMINAIRE YARD LIGHT MOUNTED UNDER PALLET RACKING ROOF STEEL
	10	150W SOFFIT LIGHTING UNDER TREATED BOARD RACK
	9	175W SOFFIT LIGHTS
	10	250W M.H. CUTOFF LUMINAIRE STORE FRONT LIGHTING MOUNTED ON BUILDING
	5	277V M.H. DECORATIVE LAMP
	1	(2) NEW 400W 277V PARKING LOT LIGHTING ON 30'-0" TALL POLE

EXISTING LANDSCAPE LEGEND

SYMBOL	SCIENTIFIC, COMMON NAME	QUANTITY
	EXISTING TREES	
	ACER SACCHARUM 'WRIGHT BROTHERS', 'WRIGHT BROTHERS' SUGAR MAPLE	25
	CLADISIA TRICANTHOS 'HENNIS' 'SHADEMASTER', 'SHADEMASTER' HONEYLOCUST	22
	TILIA CORDATA, LITTLELEAF LINDEN	29
	MALUS 'ADAMS', 'ADAMS' FLOWERING CRAB	30
	PICEA PUNGENS, COLORADO SPRUCE	31
	SYRINGA XCHINENSIS, CHINESE LILAC	24
	PICEA GLAUDA, WHITE SPRUCE	52
	AUTUMN BLAZE PEAR	3
	TILIA OCCIDENTALIS 'TECHNY', 'TECHNY' ABSORPTIVE	24
	EUNYMIS ALATUS 'COMPACTUS' DWARF BURNING BUSH	16
	VACCINIUM MACROCARPON SYL. OXYCOCOS MACROCARPON, AMERICAN CRANBERRY	18
	NEW SYRINGA PATULA 'MISS KIM', 'MISS KIM' LILAC	10

MENARDS PROJECT TITLE DES MOINES, IOWA P304

EAU CLAIRE, WISCONSIN SHEET TITLE

SCALE AS NOTED DRAWN BY DATE DATE SITE PLAN

NO. DATE DESCRIPTION BY CAD DWG NAME

REVISIONS SHEET NO. SP

