



Date June 14, 2021 Reconvened on June 16, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM MENARD, INC. TO AMEND  
PLANDSM FUTURE LAND USE DESIGNATION FOR PROPERTY LOCATED AT  
5907 SOUTHEAST 8<sup>TH</sup> STREET AND 801 HART AVENUE, AND TO  
REZONE PROPERTY LOCATED AT 6000 SOUTHEAST 14<sup>TH</sup> STREET,  
5907, 5911 AND 5917 SOUTHEAST 8<sup>TH</sup> STREET, AND 801 HART AVENUE**

**WHEREAS**, on May 24, 2021, by Roll Call No. 21-0774, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 6, 2021, its members voted 11-1 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 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue from Community Mixed Use within a Community Node to Low Density Residential within a Community Node for the purposes stated below; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that its members voted 11-1 in support of a motion to recommend **APPROVAL** of a request from Menard, Inc. (owner), represented by Theron Berg (officer), to allow the rezoning of 5907 Southeast 8<sup>th</sup> Street and portions of 801 Hart Avenue from Limited CX-V Mixed Use District to N3a Neighborhood District to allow retention of two single-household residences that are no longer proposed for redevelopment, and to allow the rezoning of real property locally known as 6000 Southeast 14<sup>th</sup> Street, and 5911 and 5917 Southeast 8<sup>th</sup> Street, from Limited CX-V Mixed Use District to revised Limited CX-V Mixed Use District to revise the zoning conditions contained in Ordinance 15,929 related to the proposed Large-Format Retail Sales Use on said property, with said revised zoning conditions as follows:

1. The development shall be carried out in accordance with the Large-Scale Development Plan presented to the Plan and Zoning Commission on May 6, 2021.
2. No outdoor storage of merchandise in the outdoor display area of the property shall be stacked higher than the perimeter fencing.
3. Any new 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.)
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.
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



**Date** June 14, 2021

**WHEREAS**, on May 24, 2021, by Roll Call No. 21-0774, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the property be set down for hearing on June 14, 2021 at 5:00 P.M., in the Council Chambers; 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 amendment to PlanDSM and proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to PlanDSM and proposed 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 5907 Southeast 8<sup>th</sup> Street and portions of 801 Hart Avenue, legally described as:

5907 SE 8th Street and Portions of 801 Hart Avenue:

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

AND

THE SOUTHERN 145 FEET OF THE WESTERN 85 FEET OF 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 Limited CX-V Mixed Use District to N3a Neighborhood District to allow retention of two single-household residences that are no longer proposed for redevelopment; and

**WHEREAS**, the Legal Department has further prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property locally known as 6000 Southeast 14<sup>th</sup> Street, and 5911 and 5917 Southeast 8<sup>th</sup> Street, legally described as:

6000 SE 14th Street, 5911 SE 8th Street, and 5917 SE 8th Street:

THE SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) 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



Date June 14, 2021

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;

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 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. 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.

AND

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 1/4 OF THE SOUTHEAST 1/4 (N1/2 OF NE1/4 OF SE1/4) 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.

AND

LOTS 10, 11, 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, EXCEPTING THE SOUTHERN 145 FEET OF THE WESTERN 85 FEET THEREOF.

from Limited CX-V Mixed Use District to revised Limited CX-V Mixed Use District to revise the zoning conditions contained in Ordinance 15,929 related to the proposed Large-Format Retail Sales Use on said property, subject to the above-stated revised conditions as agreed to in writing by the owner(s) of said property.

**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 PlanDSM and proposed rezoning of the above-described property are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for real property locally known as 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue, from



**Date** June 14, 2021

Community Mixed Use within a Community Node to Low Density Residential within a Community Node, is hereby approved.

3. The proposed rezoning of the real property locally known as 5907 Southeast 8<sup>th</sup> Street and portions of 801 Hart Avenue, as legally described above, to N3a Neighborhood 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 said property as set forth herein.

4. The proposed rezoning of the real property 6000 Southeast 14<sup>th</sup> Street, and 5911 and 5917 Southeast 8<sup>th</sup> Street, as legally described above, to revised Limited CX-V Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated revised conditions and final passage of an ordinance rezoning said property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney

(21-2021-4.10)  
(ZON2021-00030)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

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



May 18, 2021

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 6, 2021 meeting, the following action was taken regarding a request from Menard, Inc. (owner) represented by Theron Berg (officer) to rezone property located at 6000 Southeast 14<sup>th</sup> Street; 5907, 5911, and 5917 Southeast 8<sup>th</sup> Street; and 801 Hart Avenue from Limited "CX-V" Mixed Use District to "N3a" District and Limited "CX-V" Neighborhood District, to allow retention of two One Household Living residences (5907 Southeast 8th Street and 801 Hart Avenue) that are no longer proposed for redevelopment in conjunction with the Large Format Retail Sales use adjacent to the east and revise zoning conditions contained in Ordinance 15,929 that were applied to the site it was rezoned to "CX-V" District.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-1 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 for the properties at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue, to revise the future land use classification from “Community Mixed Use” within a Regional Node to “Low Density Residential” within a Regional Node.

Part C) Approval of an amendment to the submitted Large-Scale Development Plan, subject to provision of a note that states the development will comply with the conditions of any Ordinance to rezone the property from Limited “CX-V” District to Limited “CX-V” District.

Part D) Approval of the request to rezoning the properties at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue from “Limited “CX-V” District to “N3a” Neighborhood District; and

Approval of the request to rezone the balance of the site from Limited “CX-V” Mixed Use District to Limited “CX-V” District, so long as the conditions contained in Ordinance at 15,929 are replaced with the following conditions:

1. The development shall be carried out in accordance with the Large-Scale Development Plan presented to the Plan and Zoning Commission on May 6, 2021.
2. No outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing.
3. Any new 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.)
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.
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. (ZON2021-00030)

Written Responses

1 in Favor

1 in opposition

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

Part A) Staff recommends that 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) Staff recommends approval of the amendment to PlanDSM Creating Our Tomorrow Comprehensive Plan for the properties at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue, to revise the future land use classification from “Community Mixed Use” within a Regional Node to “Low Density Residential” within a Regional Node.

Part C) Staff recommends approval of an amendment to the submitted Large-Scale Development Plan, subject to provision of a note that states the development will comply with the conditions of any Ordinance to rezone the property from Limited “CX-V” District to Limited “CX-V” District.

Part D) Staff recommends approval of the request to rezoning the properties at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue from “Limited “CX-V” District to “N3a” Neighborhood District; and

Staff recommends approval of the request to rezone the balance of the site from Limited “CX-V” Mixed Use District to Limited “CX-V” District, so long as the conditions contained in Ordinance at 15,929 are replaced with the following conditions:

1. The development shall be carried out in accordance with the Large-Scale Development Plan presented to the Plan and Zoning Commission on May 6, 2021.
2. No outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing.
3. Any new 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.)
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.
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.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The requested rezoning would allow retention of two (2) houses that were recently rezoned to Limited "CX-V" District as part of a rezoning to allow an expansion of the Menard's store. The expansion would consist of a new three-lane lumberyard gate, a new accessory building, the addition of a third loading dock and enclosure of the rear overhang, and a partial enclosure of the garden center. The rezoning would also allow for the revision of zoning conditions contained in Ordinance 15,929 that were applied to the site when it was rezoned to "CX-V" District, including the condition that required the development to be carried out in accordance with the Large-Scale Development Plan presented to the Plan and Zoning Commission at that time.
2. **Size of Site:** Approximately 20.8 acres.
3. **Existing Zoning (site):** Limited "CX-V" Mixed Use 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 14<sup>th</sup> Street major commercial corridor.
  - West** – "N3a", Uses are one-household residential dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is generally located along the Southeast 14<sup>th</sup> 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. It also contains four (4) one-household dwellings along Southeast 8<sup>th</sup> Street and/or Hart Street.
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 April 16, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 16, 2021 (20 days prior to the hearing) and April 26, 2021 (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 April 30, 2021.

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 6<sup>th</sup> Street, Des Moines, IA 50315, and the Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 Southeast 26<sup>th</sup> 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 October 5, 2020, by Ordinance 14,929, the City Council rezoned the existing Menard's site and four (4) one-household properties to Limited "CX-V" District, subject to the following conditions:
1. 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.)
  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;
  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.
- 9. PlanDSM Future Land Use Plan Designation:** Community Mixed Use 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 of lots at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue from Limited "CX-V" Mixed Use District to "N3a" District requires the future land use plan designation for these properties to be revised from "Community Mixed Use" within a Regional Node to "Low Density Residential" within a Regional Node.
2. **Zoning Conditions:** When the property was rezoned on October 5, 2020, by Ordinance 14,929, the following zoning conditions were included:
  1. 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.)
  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;
  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.

A revised Large-Scale Development Plan is proposed, which is regulated by Condition #1. The applicant also requesting that Condition #5 be eliminated, as they have indicated that this condition is detrimental to the project since it requires installation of 1 landscape island for every 8 parking spaces in their existing parking lot. Staff continues to recommend that this condition carry forward with this current rezoning request.

3. **Large Scale Development Plan:** Chapters 134 and 135 of the City Code requires that rezoning of tracts larger than 5 acres in area must 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.

When the entire site was rezoned to "CX-V" District on October 5, 2020, the Council also approved a Large-Scale Development Plan. This plan included the removal of four (4) existing houses along the west edge of the site. Since the applicant is now proposing to retain two (2) of these four (4) houses, the Large-Scale Development Plan needs to be amended to allow for such. The proposed plan demonstrates that the proposed expansion area would be located 77 feet from the west property line instead of 53 feet. The Large-Scale Development Plan demonstrates that this reduction in storage area would be offset by additional storage within the northwest portion of the existing site.

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.

Nick Brenner 5101 Menard Drive, Wisconsin representing Menards stated with all the changes and development done on site, they have determined they're able to save 2 houses. They are planning to rent these homes out and will invest on fixing them up to provide a nice place for someone to live. They would like to have some leniency on landscape island within the parking lot as they plan to keep the store open during the expansion and rather not rip up the parking lot.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

None were present or requested to speak.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Will Page asked about the reference to 8 evergreen trees and 4 over-story trees in the staff recommendation and how it did or did not related to the graphic from the applicant.

Bert Drost stated when Menards did their expansion to the north 10 years ago, they had a condition requiring 8 evergreen trees and 4 over-story trees per 100 feet along the north property line. Staff listed those within the condition so the previous imposed condition carried forward.

Will Page asked for clarification around the islands shown on the current plan.

Bert Drost stated they currently have islands at the end of the rows with some cart corrals in the middle. The current landscape standards require 1 landscape island for every 8 parking spaces.

Jason Van Essen stated staff understands that you can't always do 8 in a row perfectly so there would be an administrative process to see if there would be any practical difficulties in complying with that condition and that staff would work with the applicant.

**COMMISSION ACTION:**

Will Page made a motion for:

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 for the properties at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue, to revise the future land use classification from "Community Mixed Use" within a Regional Node to "Low Density Residential" within a Regional Node.

Part C) Approval of an amendment to the submitted Large-Scale Development Plan, subject to provision of a note that states the development will comply with the conditions of any Ordinance to rezone the property from Limited "CX-V" District to Limited "CX-V" District.

Part D) Approval of the request to rezoning the properties at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue from "Limited "CX-V" District to "N3a" Neighborhood District; and

Approval of the request to rezone the balance of the site from Limited "CX-V" Mixed Use District to Limited "CX-V" District, so long as the conditions contained in Ordinance at 15,929 are replaced with the following conditions:

1. The development shall be carried out in accordance with the Large-Scale Development Plan presented to the Plan and Zoning Commission on May 6, 2021.
2. No outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing.
3. Any new 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.)

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.
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.

Motion passed: 11-1

Respectfully submitted,



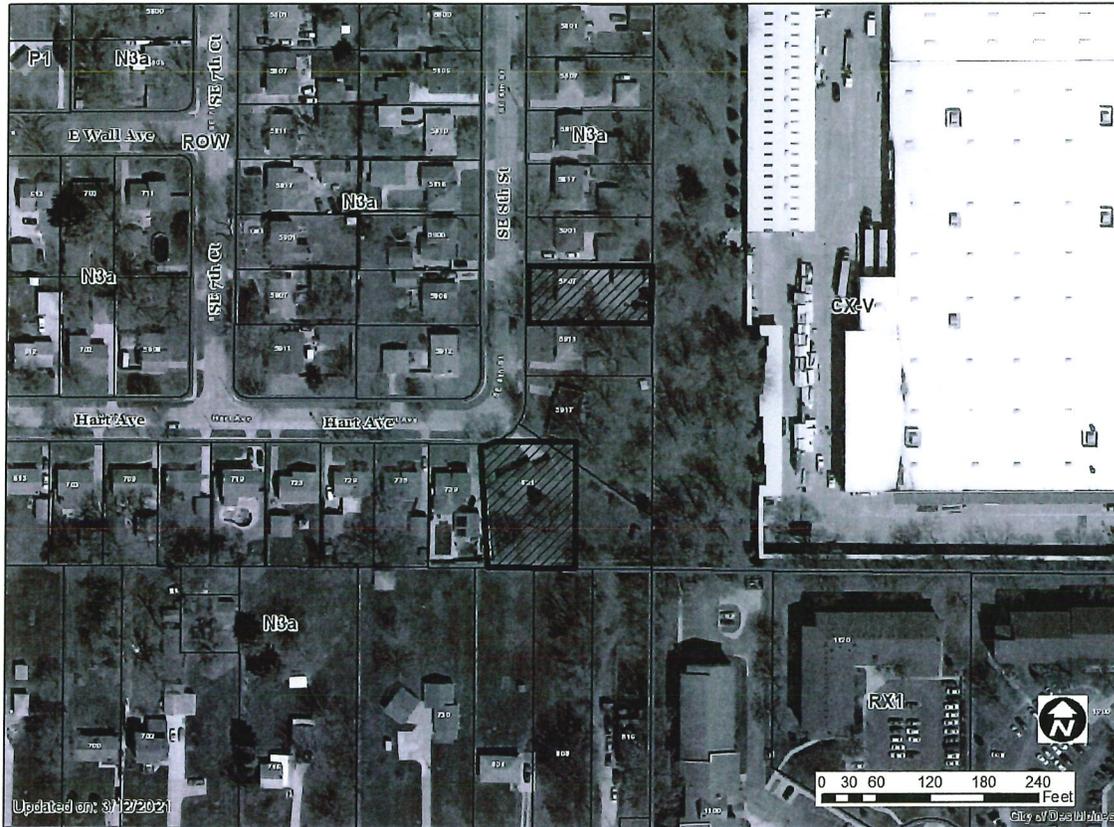
Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

Request from Menard, Inc. (owner) represented by (officer) for the property located at 5907 Southeast 8 <sup>th</sup> Street and 801 Hart Avenue.		File #		
		21-2021-4.10		
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for 5907 Southeast 8 <sup>th</sup> Street and 801 Hart Avenue from Community Mixed Use within a Community Node to Low Density Residential within a Community Node .			
PlanDSM Future Land Use	Current: Community Mixed Use within a Community Node. Proposed: Low Density Residential and Community Mixed Use within a Community Node.			
Mobilizing Tomorrow Transportation Plan	2035-2050 Widen US 69/SE 14 <sup>th</sup> St from 4-6 Lanes (LRTP# 4024).			
Current Zoning District	Limited "CX-V" Mixed Use District.			
Proposed Zoning District	"N3a" Neighborhood District and Limited "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., 5907 Southeast 8th Street & 801 Hart Avenue

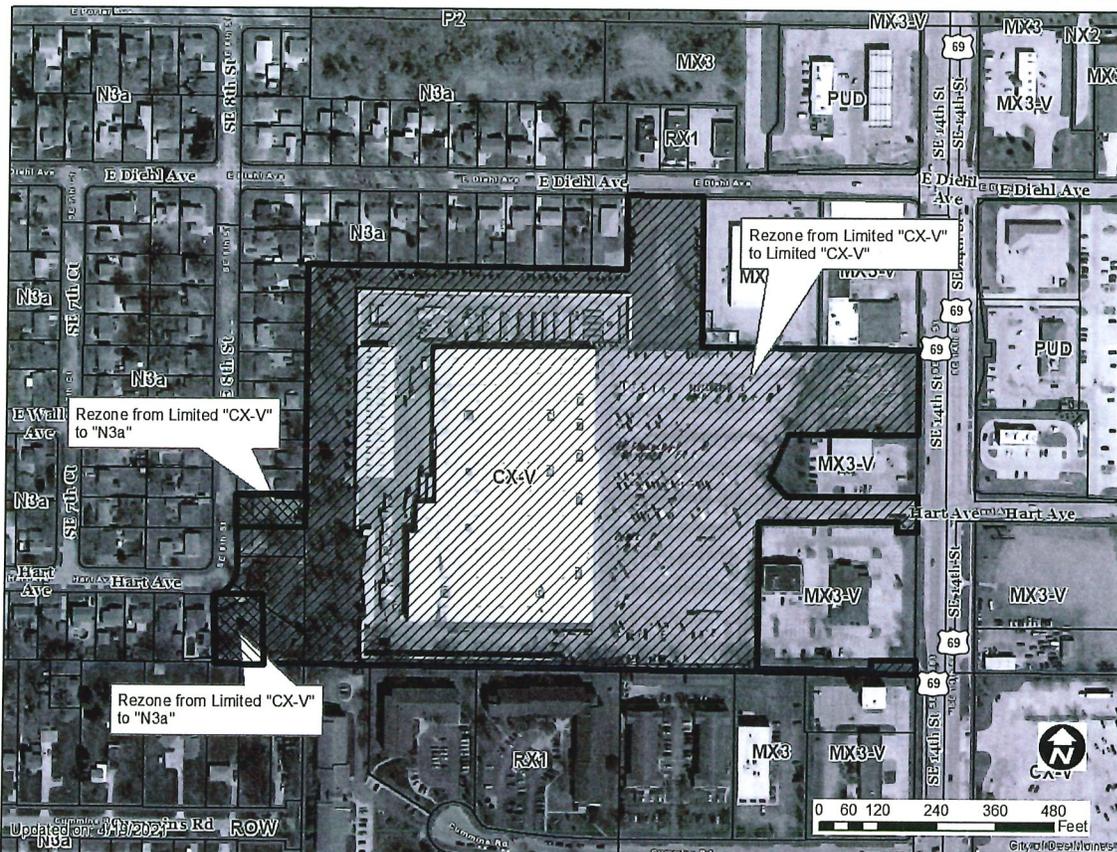
21-2021-4.10



1 inch = 124 feet

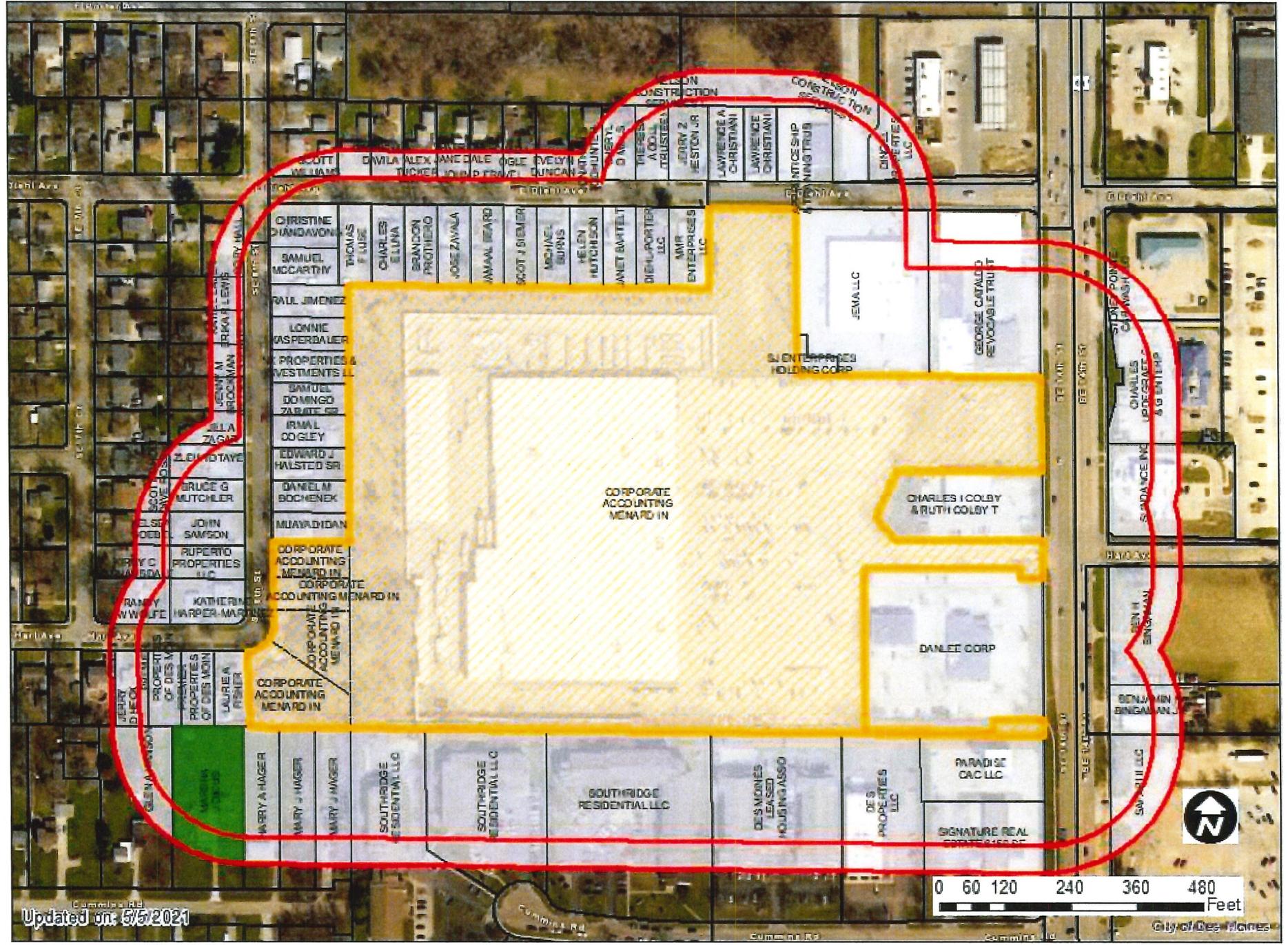
Request from Menard, Inc. (owner) represented by (officer) for the property located at 5907 Southeast 8 <sup>th</sup> Street and 801 Hart Avenue.			File # ZON2021-00030		
Description of Action	Rezone property from Limited "CX-V" Mixed Use District to "N3a" District and Limited "CX-V" Neighborhood District, to allow retention of two One Household Living residences (5907 Southeast 8th Street and 801 Hart Avenue) that are no longer proposed for redevelopment in conjunction with the Large Format Retail Sales use adjacent to the east and revise zoning conditions contained in Ordinance 15,929 that were applied to the site it was rezoned to "CX-V" District.				
PlanDSM Future Land Use	Current: Community Mixed Use within a Community Node. Proposed: Low Density Residential and Community Mixed Use within a Community Node.				
Mobilizing Tomorrow Transportation Plan	2035-2050 Widen US 69/SE 14 <sup>th</sup> St from 4-6 Lanes (LRTP# 4024).				
Current Zoning District	Limited "CX-V" Mixed Use District.				
Proposed Zoning District	"N3a" Neighborhood District and Limited "CX-V" Mixed Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	1			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Menard, Inc., 6000 S.E. 14th St., 5907, 5911, & 5917 S.E. 8th St., and 801 Hart Ave. ZON2021-00030

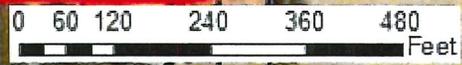


1 inch = 231 feet

Menard, Inc., 6000 S.E. 14th St., 5907, 5911, & 5917 S.E. 8th St., and 801 Hart Ave. ZON2021-00030



Updated on: 5/5/2021



1 inch = 231 feet

Item: ZON2021-00030 Date: 3-25-2021

Please mark one of the following

- I am in favor of the request  
 I am not in favor of the request

Signature: Marsha Dicus

Name: 730 Cummins Rd

Address: Des Moines IA 50315

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAR 29 2021

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

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Item: ZON2021-00030

Date: 3-24-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: M. J. Hager

Name: MARY JANE HAGER

Address: 2790 FAIR LAKE DR

Staff Use Only

**RECEIVED**  
COMMUNITY DEVELOPMENT

APR 02 2021

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

Was looking forward to the green  
S. P. C.

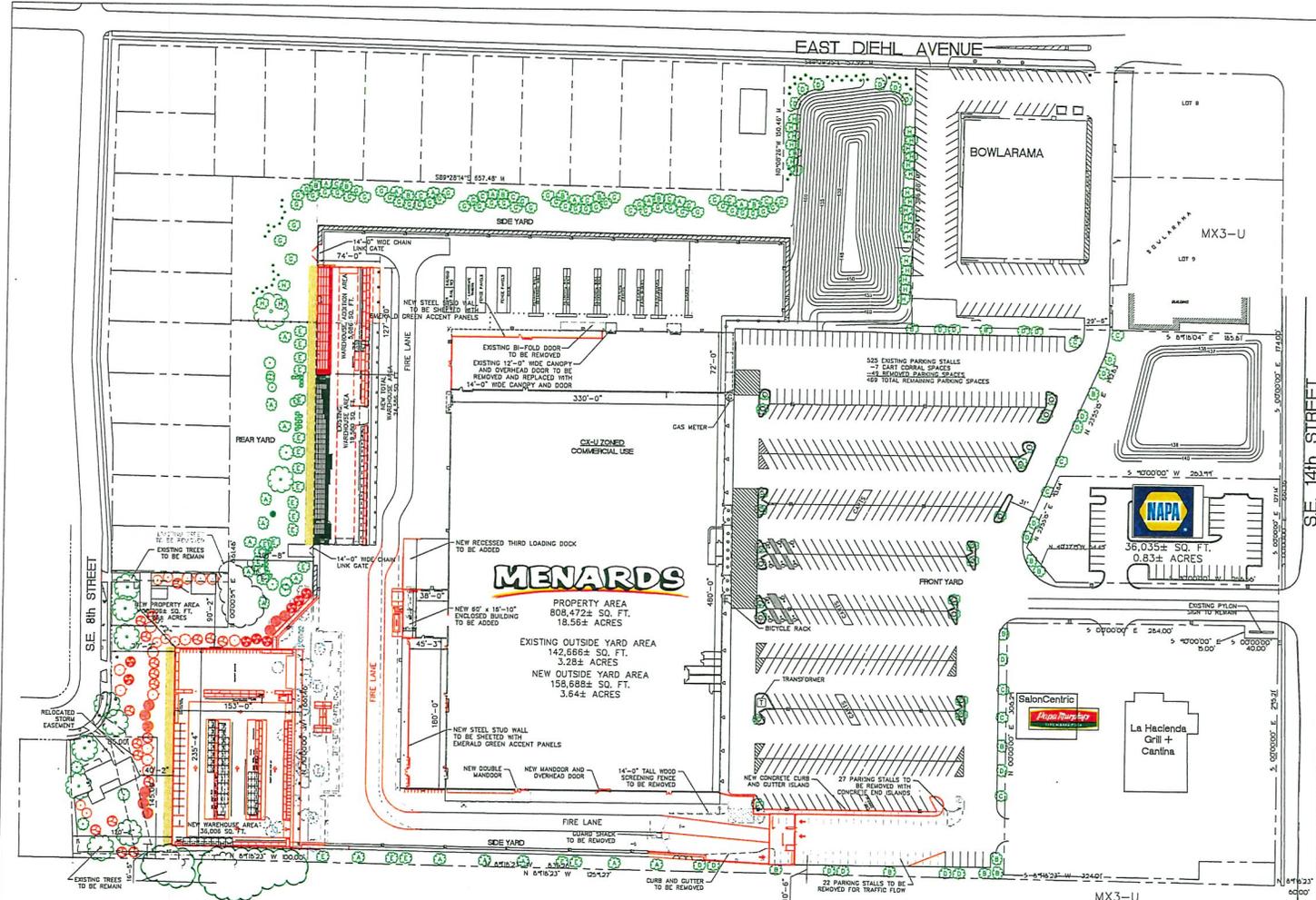
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2 SP VICINITY MAP

EXISTING IMPERVIOUS AREA = 617,975± SQ. FT./14.18± ACRES  
 PROPOSED NEW IMPERVIOUS AREA = 49,721± SQ. FT./1.14± ACRES  
 TOTAL IMPERVIOUS AREA = 667,696± SQ. FT./15.33± ACRES

REQUIRED OPEN AREA = ± SQ. FT./± ACRES

**EXISTING LANDSCAPE LEGEND**

SYMBOL	SCIENTIFIC, COMMON NAME	QUANTITY
●	EXISTING TREES	
●	ACER SACCHARUM 'WRIGHT BROTHERS', 'WRIGHT BROTHERS' SUGAR MAPLE	25
●	GLEDISIA TRIACANTHOS 'HEMAS' 'SHADMMASTER', 'SHADMMASTER' HONEYLOCUST	22
●	TILIA CORDATA, LITTLELEAF LINDEN	29
●	MALUS 'ADAMS', 'ADAMS' FLOWERING CRAB	30
●	PICEA PUNGENS, COLORADO SPRUCE	31
●	SYRINGA XCHINENSIS, CHINESE LILAC	24
●	PICEA GLAUCA, WHITE SPRUCE	52
●	AUTUMN BLAZE PEAR	3
●	THUJA OCCIDENTALIS 'TECHNY', 'TECHNY' ARBOVITAE	24
●	ELIOMYRS ALATUS 'COMPACTUS' DWARF BURNING BUSH	16
●	VACCINIUM MACROCARPON SYN. OXYCOCCUS MACROCARPON, AMERICAN CRANBERRY	18
●	NEW SYRINGA PATULA 'MISS KIM', 'MISS KIM' LILAC	10
●	EXISTING TREES TO BE REMOVED	

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

**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

PLAN & ZONING: 08/20/20  
 CITY COUNCIL: 10/15/20  
 Nick Brenner  
 Real Estate Representative  
 Menard, Inc.  
 715-876-2177  
 nbrenner@menard-inc.com



**MENARDS**  
 Des Moines, Iowa  
 Site Plan  
 February 15, 2021  
 Scale: 1" = 60'-0" CT1