*	Roll	Call	Number
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Agenda Item 1	Number
	58

Date	July 18, 2022	
Date	July 10, 2022	

RESOLUTION HOLDING HEARING REGARDING REQUEST FROM STONEY POINTE CAR WASH, LLC (OWNER), REPRESENTED BY LLOYD D. LINN (OFFICER), FOR REVIEW AND APPROVAL OF A 2ND AMENDMENT TO THE STONEY POINTE PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 5901 SOUTHEAST 14TH STREET, TO ALLOW A RESTAURANT WITH A DRIVE THROUGH USE

WHEREAS, on June 16, 2022, the City Plan and Zoning Commission considered a request from Stoney Point Car Wash, LLC (owner), represented by Lloyd D. Linn (officer), for review and approval of a 2nd amendment to the Stoney Pointe PUD Conceptual Plan, on property located at 5901 Southeast 14th Street, to allow a restaurant with drive through use; and

WHEREAS, the City Plan and Zoning Commission voted 12-0 to **APPROVE** the a 2nd amendment to the Stoney Pointe PUD Conceptual Plan, on property located at 5901 Southeast 14th Street, to allow a restaurant with drive through use, subject to the following conditions:

- 1. Reduction in the building setback from SE 14th Street to the satisfaction of the Planning & Urban Design Administrator.
- 2. Any proposed signage shall comply with the requirements for the MX3 District.
- 3. Addition of the following notes on the "PUD" Conceptual Plan:
 - a) Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
 - b) Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.

WHEREAS, the Property is legally described as follows:

LOT 1 IN STONEY POINTE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on June 27, 2022, by Roll Call No. 22-1001, it was duly resolved by the City Council that the request for approval of the 2nd Amendment to the Stoney Pointe PUD Conceptual Plan be set down for hearing on July 18, 2022, at 5:00 p.m., at the City 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 2nd Amendment to the Stoney Pointe PUD Conceptual Plan; and

*	Roll	Call	Number
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Agenda	Item	Number
		58

Date	July	18.	2022	

Assistant City Attorney

WHEREAS, in accordance with said notice, those interested in said proposed 2nd Amendment to the Stoney Pointe PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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 2nd Amendment to the Stoney Pointe PUD Conceptual Plan are hereby overruled, and the hearing is closed.
- 2. The proposed 2nd Amendment to the Stoney Pointe PUD Conceptual Plan is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to conditions set forth above.

MOVED by	_ to adopt,	SECOND by _	
FORM APPROVED:			
/s/ Lisa A. Wieland			
Lisa A. Wieland	(ZONC	G-2022-000049)	

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	· A	***************************************	APF	ROVED

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

	_	Acting	City	Clerk
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Date Jul	4 18,2022
Agenda Item	58
Poll Call #	

June 22, 2022

Communication from the City Plan and Zoning Commission advising that at their June 16, 2022 meeting, the following action was taken regarding a request from Stoney Pointe Car Wash, LLC (owner), represented by Lloyd D. Linn (officer), for review and approval of a 2nd amendment to the Stoney Pointe PUD Conceptual Plan on the property located at 5901 Southeast 14th Street, to allow a Restaurant with a drive through use.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel				X
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page				X
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of the request to amend the Stoney Pointe "PUD" Conceptual Plan subject to the following conditions:

- 1. Reduction in the building setback from SE 14th Street to the satisfaction of the Planning & Urban Design Administrator.
- 2. Any proposed signage shall comply with the requirements for the MX3 District.
- 3. Addition of the following notes on the "PUD" Conceptual Plan:
 - a) Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

b) Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the request to amend the Stoney Pointe "PUD" Conceptual Plan subject to the following conditions:

- 1. Reduction in the building setback from SE 14th Street to the satisfaction of the Planning and Urban Design Administrator.
- 2. Any proposed signage shall comply with the requirements for the MX3 District.
- 3. Addition of the following notes on the "PUD" Conceptual Plan:
 - a) Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
 - b) Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the lowa DNR.

Written Responses

0 in Favor

1 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The existing PUD Conceptual Plan allowed for the construction of a car wash facility on the subject parcel. The proposed amendment would allow development of a new restaurant with drive through use. The existing car wash facility would be demolished.
- **2. Size of Site:** 0.970 acres (42,253 square feet).
- 3. Existing Zoning (site): Stoney Pointe "PUD" Planned Unit Development District.
- 4. Existing Land Use (site): Car wash.
- 5. Adjacent Land Use and Zoning:

North – "MX3-V"; Uses are restaurant with drive through and warehousing.

South – "PUD"; Uses are restaurant with drive through.

East – Stoney Pointe "PUD"; Use is commercial center.

West – "MX3-V": Use is commercial center.

6. General Neighborhood/Area Land Uses: The area consists of a mix of one household dwellings, multiple-household dwellings, and commercial uses.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Easter Lake Neighborhood Association and within 250 feet of South Park Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 27, 2022 and by mailing of the Final Agenda on June 10, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 27, 2022 (20 days prior to the public hearing) and June 6, 2022 (10 days prior to the public hearing) to the Easter Lake and South Park Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Easter Lake Neighborhood Association mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320. The South Park Neighborhood Association mailings were sent to Chris Kuhl, 617 East Miller Avenue, Des Moines, IA 50315.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

 Relevant Zoning History: The original PUD zoning was approved along with adoption of the Stoney Pointe PUD Conceptual Plan on April 16, 2001, by Ordinance No. 13,940.

On October 5, 2017, by Docket No. ZON2017-00157, the Plan and Zoning Commission considered are request to amendment to the "Stoney Pointe PUD" to allow a freestanding sign that is 11.75 feet in height with masonry base that is only 1.25 feet in height that did not meet the requirements under the definition of a monument sign in the "FSO" Freestanding Signs Overlay District. The Commission recommended denial of this request to the City Council. The request was withdrawn before being considered by the City Council.

- 9. PlanDSM Land Use Plan Designation: Community Mixed Use within a Community Node and a Regional Node.
- 10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the lowa Code, the application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended "PUD" Conceptual Plan as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred to the City Council.

The application, accompanying evidence and "PUD" Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City

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

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Stoney Pointe PUD" Conceptual Plan: If the proposed amendment to the "Stoney Pointe PUD" District is approved by the City Council, the applicant must submit to the Planning & Urban Design Administrator a revised version of the "PUD" Conceptual Plan that reflects any conditions of approval and provides approval process information.
- 2. PlanDSM: Creating Our Tomorrow: The applicant is requesting the PUD amendment for a subject property designated "Community Mixed Use" within a "Community Node" and a "Regional Node." Plan DSM describes these designations as follows:

<u>Community Mixed Use:</u> 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.

<u>Community Node</u>: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

<u>Regional Node</u>: The largest node, regional nodes are concentrations of employment, retail, and housing and may include light industrial uses. They serve the widest geographical area and attract people from throughout the City and region. High density residential development is appropriate at regional nodes.

Staff believes the proposed PUD amendment is appropriate so long as the proposed structure engages Southeast 14th Street as discussed in Section II, Subparagraph 5 of this report.

3. Site Plan Requirements: The proposed change of use at this site requires an updated PUD Development site plan before a restaurant with drive-through use can commence at this site. Any site plan application must be in accordance with Chapter 135 (Planning and Design Ordinance) of City Code and be reviewed and approved by the City's Planning and Urban Design Division. A site plan will ensure that the site complies with all City site development requirements, including, but not limited to, stormwater management, landscaping, and motor vehicle/bicycle parking.

- **4. Traffic/Street System:** Traffic and Transportation staff have indicated that the proposed amendment will not necessitate any improvements to the surrounding public street.
- 5. Urban Design: The proposed amendment would allow construction of a one-story structure with drive-through facility in place of the existing car wash building. The new building would be centered on the site with a 102-foot setback form SE 14th Street and a 55-foot setback from East Diehl Avenue. Access to the site would be through the existing internal driveway on the southern property line and the existing driveway to East Diehl Avenue on the northern property line.

The western and northern façades would contain storefront type windows. The drive-through queuing aisle and signage would be located on the interior side property lines (south and east). The proposed building would include a flat roof and building materials and design of a compatible nature to the existing buildings within the remainder of the PUD properties and along the SE 14th Street frontage of the block.

The subject property would likely be zoned "MX3-V" Mixed-Use District if not a part of the Stoney Pointe "PUD" and be subject to Planning and Design Ordinance regulations of the Commercial Center building type. The proposed structure generally complies with the Major Façade Material and Transparency requirements. The building would need to sit within 10 feet of the property lines along SE 14th Street and East Diehl Avenue unless a Design Alternative was approved. Staff believes that a setback greater than 10 feet is warranted given the character of the area and the Stoney Pointe development. However, staff believes that the SE 14th Street setback should be closer to the setbacks found at Melbourne Condominiums, Building C (5515 SE 14th Street) to the north and the Taco Bell restaurant (5959 SE 14th Street) to the south.

Staff suggests that the westernmost row of parking be shifted to the back side of the building. The landscape strip along SE 14th Street could also be slightly reduced. These two changes would allow the building to be shifted 25 feet closer to SE 14th Street than what is proposed. This would reduce the number of potential vehicle movements that a pedestrian would have to track as they enter the site from the SE 14th Street sidewalk.

The Conceptual Plan shows a proposed monument sign located at the northwest corner of the subject property (SE 14th Street and East Diehl Avenue). Staff recommends that any proposed non-building-mounted signage comply with Table 134-5.6-1 and Section 134-5.5.4 which states no more than one 75-square-foot monument sign per street frontage and a base height of at least two feet or 25% of the overall sign height, whichever is greater; a base width at least as wide as the sign face; and a sign base constructed of brick, stone, concrete block, or similar permanent, durable material complementing the exterior of the primary building on the lot.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Johnny Alcivar asked what the setback is for the building to the north and to the south.

<u>Bert Drost</u> stated Taco Bell has a 50-foot setback, Culvers to the south is 120-foot, Tasty Tacos to the north is 80-foot and the Melbourne apartments is 45-foot.

Johnny Alcivar asked what the proposed setback is for this property.

Bert Drost stated 102 feet.

<u>Chris Draper</u> asked if they want the northwest corner of the building to align with the northwest corner of the current building.

Bert Drost stated yes.

<u>Bob Gibson</u>, Civil Design Advantage, 4121 NW Urbandale Drive stated the vast majority of customers will park in the west lot with the east lot being intended for employees. They believe relocating another row of parking to the rear would create safety concerns for customers walking through the drive lane. Moving the building 25-feet to create a 77-foot setback would have minimal effect on the streetscape. They will be providing additional landscaping and a black ornamental fence that would setback 8 feet from the sidewalk.

Justyn Lewis asked if their main concerns are based off safety and walkability.

Bob Gibson states yes.

Abby Chungath asked for the number of required parking spaces.

<u>Jason Van Essen</u> stated it would be the total square footage of the building, divided by 150.

<u>Johnny Alcivar</u> stated that would equal 15 spaces.

CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Johnny Alcivar</u> asked if this is in part of the development plan or will that come back to the commission.

<u>Jason Van Essen</u> stated this is a PUD Conceptual Plan amendment which will be forwarded to City Council for approval. The site plan would be reviewed administratively, and staff would make sure it matches the approved Conceptual Plan.

<u>Chris Draper</u> asked where the building would be located if the recommendation for location was removed from the motion.

Jason Van Essen stated where it's currently shown.

<u>Leah Rudolphi</u> asked if proposing twice the amount of parking than required is common as they could remove the whole western row of parking and be compliant.

<u>Jason Van Essen</u> stated we frequently see development proposals that have more parking than required. Certain zoning districts do have maximums but the MX3 districts that would be comparable to this development does not have a maximum.

<u>Chris Draper</u> asked if the building could still end up where it's proposed if there are restrictions from an engineering standpoint.

<u>Jason Van Essen</u> stated correct, if City Council was to adopt the recommendation and the applicant could convince city staff there is no better way, it could end up where it is shown today.

Johnny Alcivar asked if City Council could strike conditions during their review.

<u>Jason Van Essen</u> stated yes, the Commission's action is a recommendation and the City Council ultimately decides.

CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>Dory Briles</u> stated she would like to see the additional landscaping in front and does have concerns with too much traffic on the rear of the building.

Abby Chungath stated she does not know if there is a better alternative for traffic flow and safety issues, which are present anytime you have drive-through lanes. She believes the west parking stalls are unnecessary and hates to lose additional greenspace.

COMMISSION ACTION:

<u>Todd Garner</u> made a motion for approval of the request to amend the Stoney Pointe "PUD" Conceptual Plan subject to the following conditions:

- 1. Reduction in the building setback from SE 14th Street to the satisfaction of the Planning & Urban Design Administrator.
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- 3. Addition of the following notes on the "PUD" Conceptual Plan:
 - a) Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
 - b) Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the lowa DNR.

Motion passed: 12-0

Respectfully submitted,

Jula Con

Jason Van Essen, AICP

Planning & Urban Design Administrator

JMV:tjh

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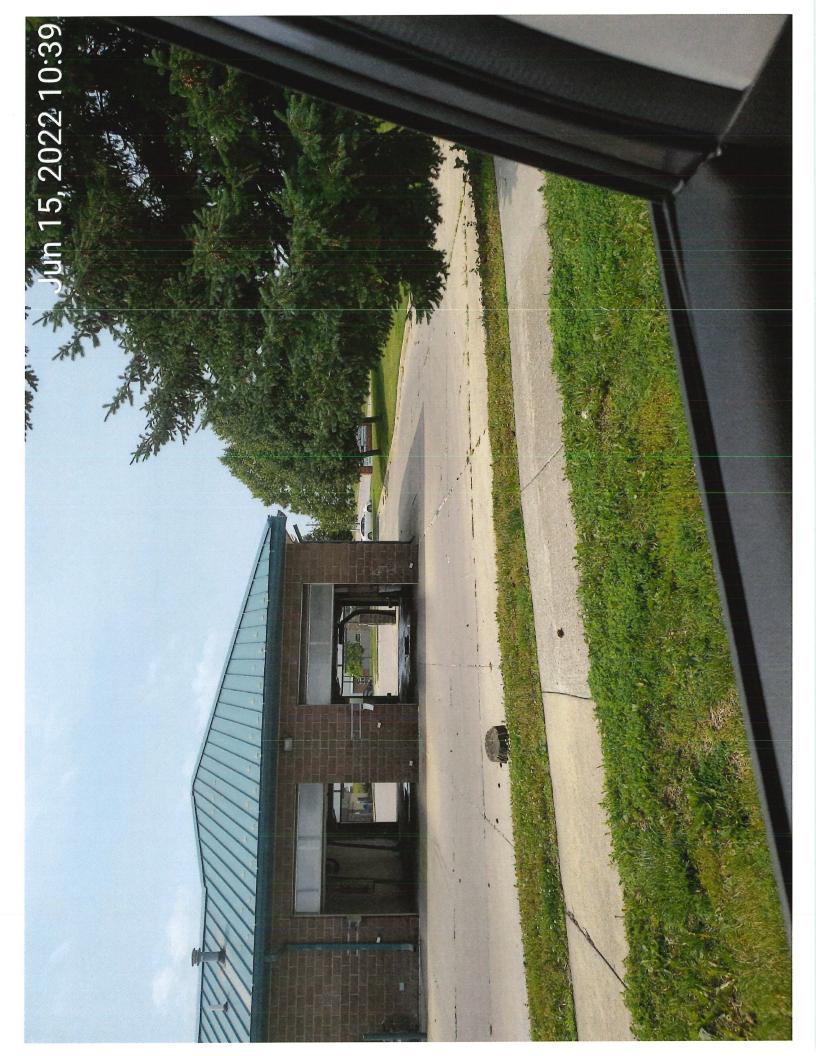






Image capture: Sep 2019 © 2022 Google



Image capture: Nov 2021 © 2022 Google

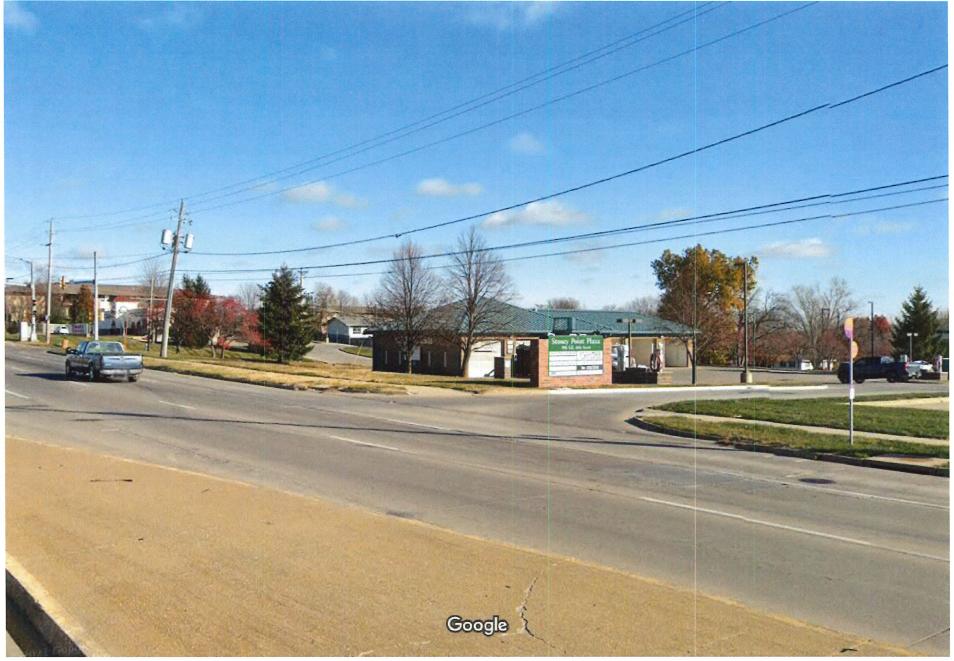


Image capture: Nov 2021 © 2022 Google



Image capture: Sep 2019 © 2022 Google

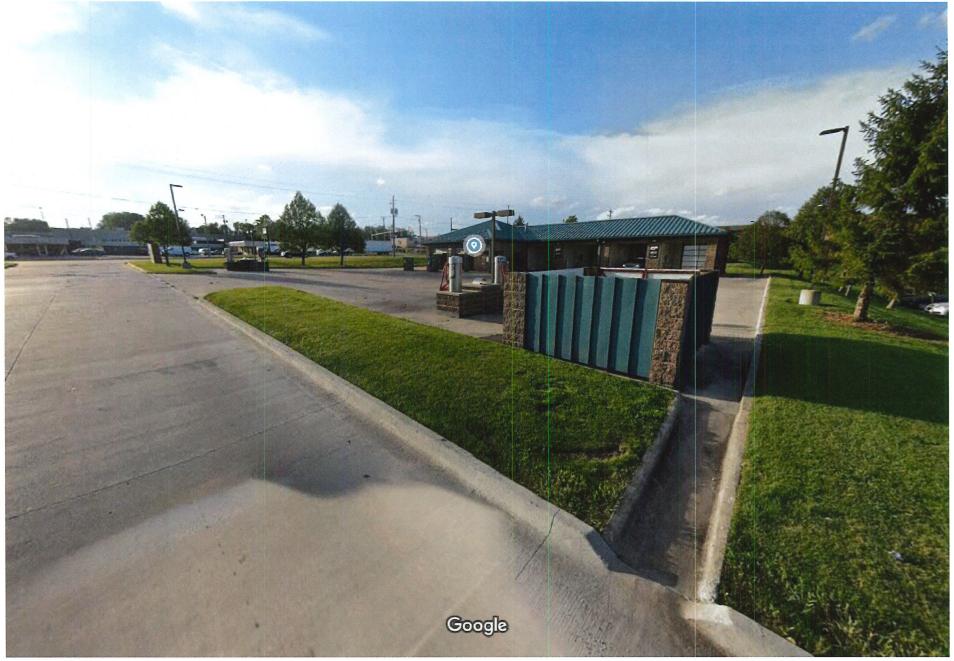
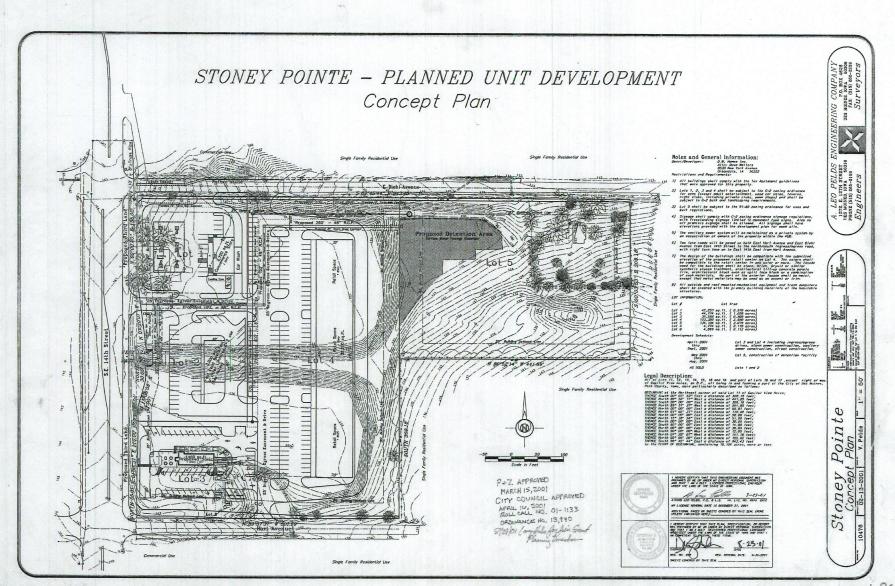
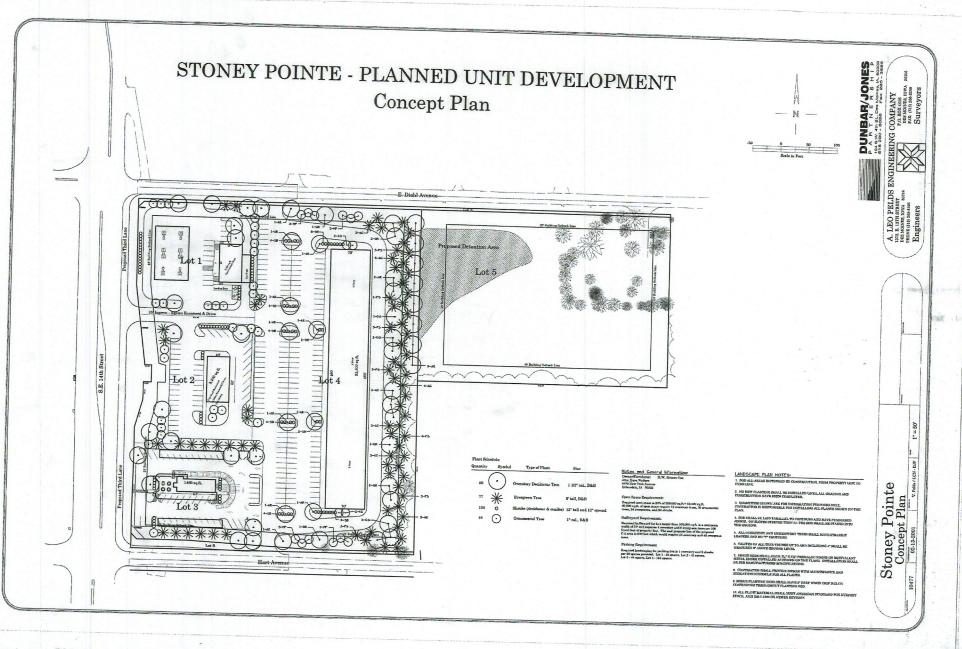
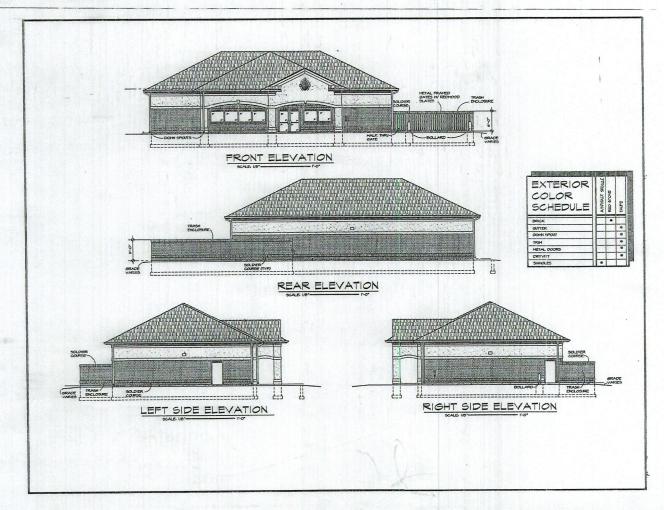
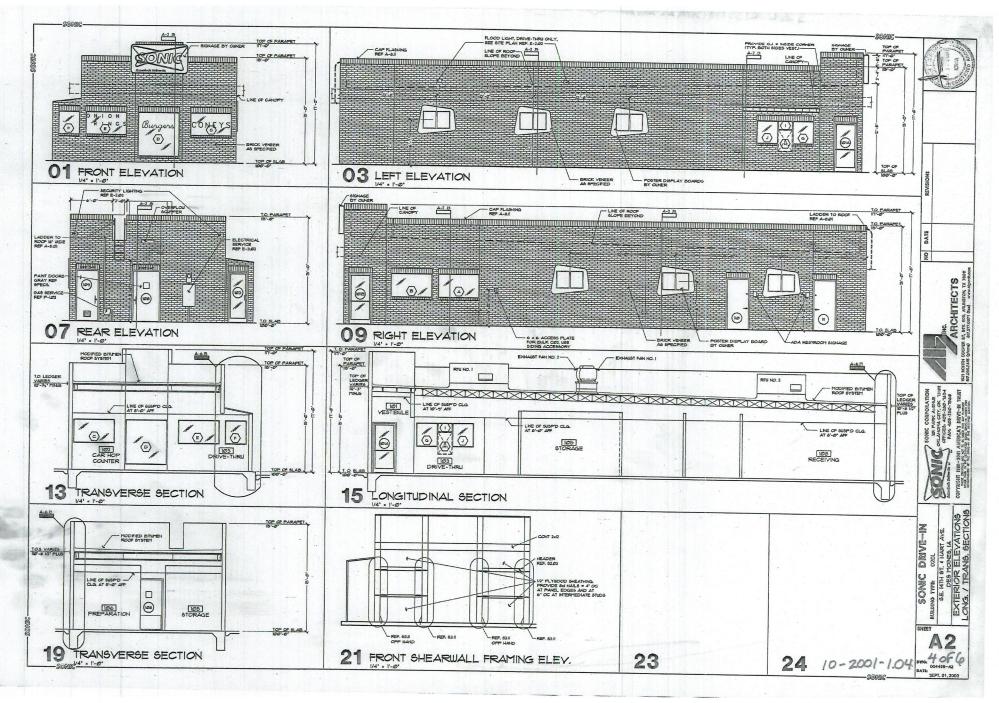


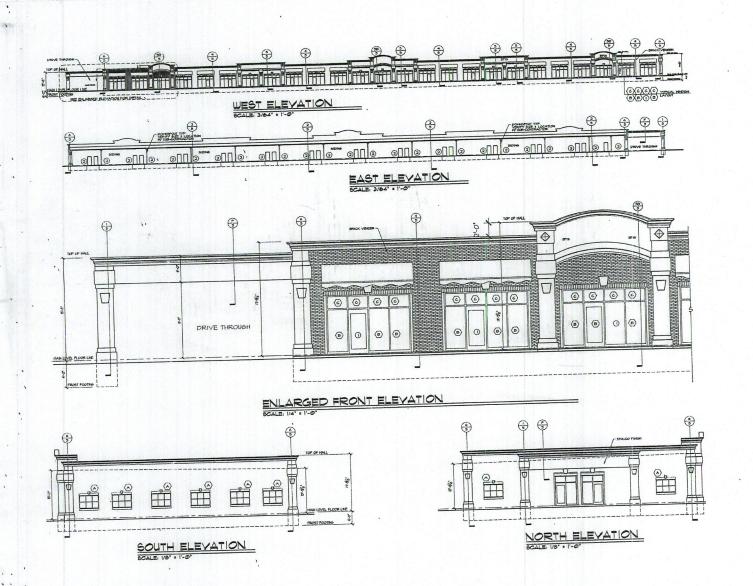
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5901 SE 14TH ST. DES MOINES, IOWA

SITE ARCH. PLAN

DATE: 2-17-22

COLORED ELEVATIONS



Manufacturer Color/Description Finish/Style 1 Glen-Gery 484-334-8827 Face Brick (@ facade & underside of canopy) (2) 3 EIFS Dryvit 734-276-0404 Sandblast Texture • Metal Coping Aluminum Store-front System Hollow Metal Doo Frame Painted Wafer LFD Recesse Downlight WF4 - 4" LED Mode Receased LED Can
Light (@ canoples) Acuity, Lithonia Lighting Matte Black

Palette B

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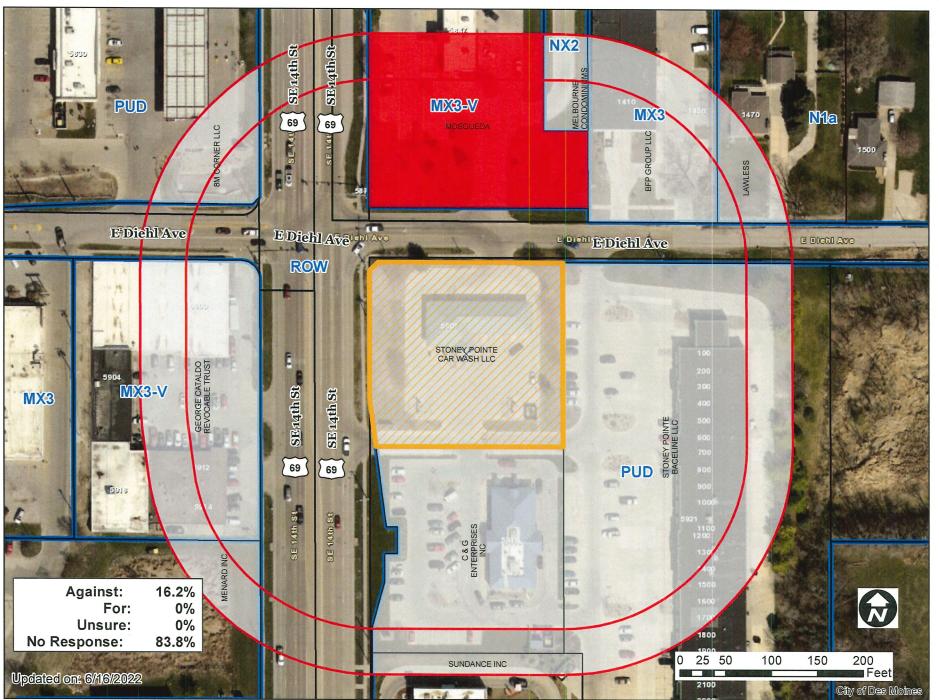
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20 PERCENT DRAWINGS 1/28/22

> PROGRESS PRINT NOT TO BE USED FOR CONSTRUCTION DATE PRINTED: 1/28/22 STANLEY J. HOW ARCHITECTS, INC.

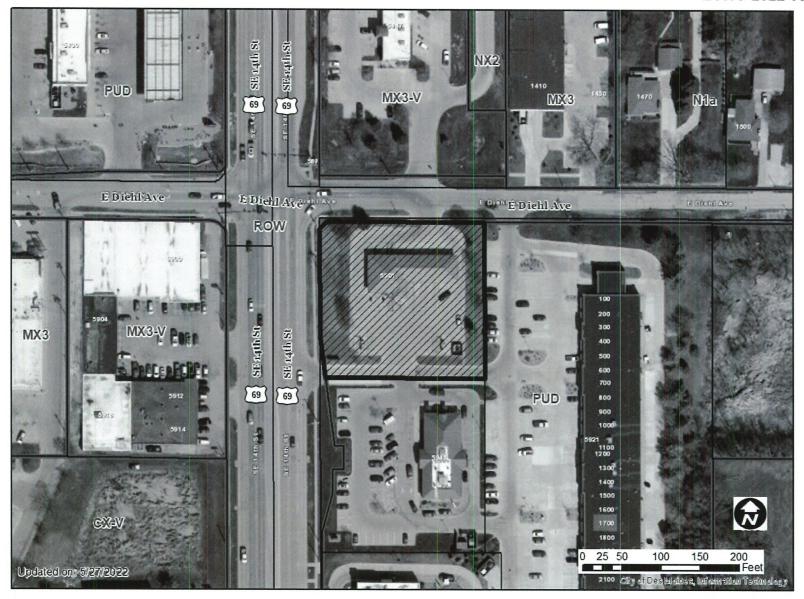
58 ZONG-2022-000049



Item: ZONG-2022-000049	ate: <u>6-5-22</u>
Rlease mark one of the following	Staff Use Only
Signature: ANTONIA MOSQUEDA Name: ANTONIA MOSQUEDA Address: 1420 E. Grand,	RECEIVED COMMUNITY DEVELOPMENT JUN 13 2022
Reason for opposing or approving this request may be liste	d below:

Stoney Pointe Car Wash, LLC, 5901 Southeast 14th Street

ZONG-2022-000049



1 inch = 100 feet