



Date August 3, 2026

**RESOLUTION HOLDING HEARING ON APPEAL FROM HEART OF AMERICA
(DEVELOPER) REPRESENTED BY CHRIS WHALEN (OFFICER), FOR APPROVAL
OF A PUBLIC HEARING SITE PLAN FOR TYPE 2 DESIGN ALTERNATIVES FOR
PROPERTY LOCATED AT 100 SOUTHWEST 11TH STREET**

WHEREAS, at a public hearing held on June 18, 2026, the City Plan and Zoning Commission considered a request from Heart of America (Developer), represented by Chris Whalen (Officer), for approval of the Public Hearing Site Plan for Type 2 Design Alternatives waiving the following requirements, as shown in the Site Plan submitted for the property located in the vicinity of 100 Southwest 11th Street (the “Property”):

- A) Waive primary frontage coverage where the minimum required is 95%, per City Code Section 135-2.3.3.A.2.
- B) Allow a setback of 140 feet along Southwest 11th Street, where the required primary frontage build-to zone is 0-5 feet, per City Code Section 135-2.3.3.A.3.
- C) Allow a setback of 45 feet along West Martin Luther King, Jr. Parkway, where the required non-primary frontage build-to zone is 0-15 feet, per City Code Section 135-2.3.3.A.4.
- D) Allow a 1-story building where the minimum overall height is 3 stories, per City Code Section 135.2.3.3.B.10.
- E) Waive occupied space requirements where a minimum of 30 feet in depth on primary frontages is required, per City Code Section 135-2.3.3.C.17.
- F) Allow 3% transparency along Southwest 11th Street, where a minimum of 70% measured between 2 feet and 10 feet, is required for the primary frontage ground story, per City Code Section 135.2.3.3.D.19.
- G) Allow 15% transparency and blank walls along West Martin Luther King, Jr. Parkway, where a minimum of 18% is required, per City Code Section 135-2.3.3.D.20.
- H) Waive the requirement for a principal entrance on the primary frontage façade, per City Code Section 135-2.3.3.D.21.
- I) Allow surface parking where prohibited in a “DX2” District, per City Code Section 135-2.3.3.A.8.
- J) Allow a drive-through facility where not permitted in a “DX2” District, per City Code Section 135-2.22.3.D.

WHEREAS, following the hearing, the Plan and Zoning Commission voted on a motion to approve the matter, and the vote was recorded as five (5) in favor, five (5) opposed, zero (0) abstentions, and one (1) member passing, and because the motion did not receive a majority vote of the Commission members present at the meeting, the motion failed; and



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WHEREAS, pursuant to City Code Section 135-9.3.9(B), Heart of America timely appealed the Plan and Zoning Commission's decision to City Council, requesting further review of the above-described Type 2 Design Alternatives to the Site Plan; and

WHEREAS, on July 13, 2026, by Roll Call No. 26-0828, it was duly resolved by the City Council that the appeal be set down for hearing on August 3, 2026, at 5:00 p.m. in the Council Chambers, City Hall, 1200 Locust Street, Des Moines, Iowa; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting for the time and place of hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed Type 2 Design Alternatives, both for and against, have been given the 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 statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission decision of the Type 2 Design Alternatives in the form requested by Heart of America for property located at 100 Southwest 11th Street, as described above, are hereby received and filed.
2. The communications from the Plan and Zoning Commission and Heart of America, respectively, are hereby received and filed.

Alternative A

MOVED BY _____ to **DENY** the Type 2 Design Alternatives in the form requested by Heart of America, described above, and make the following findings of fact and objections regarding the Type 2 Design Alternatives as proposed by Heart of America:

- a. The Property is located at 100 Southwest 11th Street, adjacent to Southwest 11th Street to the east and Martin Luther King Jr. Parkway to the south.
- b. The Property is zoned DX2.
- c. The Property is irregularly shaped with a long and narrow overall orientation. It is surrounded by roads and a railway and cannot be assembled with other property. The Property's shape and isolation limit the options for development and make traditional urban formats typical of downtown challenging.
- d. City Code Section 135-2.3.3.A.2 requires a minimum of 95% primary frontage coverage in the DX2 District.
 - Heart of America has requested a waiver of this requirement.



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- e. City Code Section 135-2.3.3.A.3 requires a primary frontage build-to-zone of 0-5 feet.
 - Heart of America has requested approval to allow a setback of 140 feet along Southwest 11th Street.
- f. City Code Section 135-2.3.3.A.4 requires a non-primary frontage build-to-zone of 0-15 feet.
 - Heart of America has requested approval to allow a setback of 45 feet along Martin Luther King Jr. Parkway.
- g. City Code Section 135-2.3.3.B.10 requires an overall minimum height of 3 stories.
 - Heart of America has requested approval to allow a 1-story building.
- h. City Code Section 135-2.3.3.C.17 requires a minimum of 30 feet in depth on all full height floors of primary frontages.
 - Heart of America has requested a waiver of this requirement.
- i. City Code Section 135-2.3.3.D.19 requires a minimum of 70% transparency measured between 2 feet and 10 feet on the ground floor of primary frontages.
 - Heart of America has requested approval to allow 3% transparency along Southwest 11th Street.
- j. City Code Section 135-2.3.3.D.20 requires a minimum of 18% transparency and limits blank walls pursuant to City Code Section 135-3.8.
 - Heart of America has requested approval to allow 15% transparency and blank walls.
- k. City Code Section 135-2.3.3.D.21 requires a principal entrance to be located on the primary frontage façade.
 - Heart of America has requested waiver of this requirement.
- l. City Code Section 135-2.3.3.A.8 prohibits surface parking within the DX2 District
 - Heart of America has requested waiver of this requirement.
- m. City Code Section 135-2.22.3.D prohibits a drive-through facility at the location of the Property.
 - Heart of America has requested a waiver of this requirement.
- n. Heart of America has not met the burden required to demonstrate that their requested design alternatives meet the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with the Planning and Design Ordinance.
- o. Heart of America has not shown that their requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- p. Heart of America has not shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- q. The Type 2 Design Alternatives as proposed by Heart of America, should not be approved for the reasons stated above.



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Alternative B

MOVED BY _____ to **APPROVE** the Type 2 Design Alternatives in the form requested by Heart of America described above and to make the following findings of fact and objections regarding the Type 2 Design Alternatives as proposed by Heart of America:

- a. The Property is located at 100 Southwest 11th Street, adjacent to Southwest 11th Street to the east and Martin Luther King Jr. Parkway to the south.
- b. The Property is zoned DX2.
- c. The Property is irregularly shaped with a long and narrow overall orientation. It is surrounded by roads and a railway and cannot be assembled with other property. The Property's shape and isolation limit the options for development and make traditional urban formats typical of downtown challenging.
- d. City Code Section 135-2.3.3.A.2 requires a minimum of 95% primary frontage coverage in the DX2 District.
 - Heart of America has requested a waiver of this requirement.
- e. City Code Section 135-2.3.3.A.3 requires a primary frontage build-to-zone of 0-5 feet.
 - Heart of America has requested approval to allow a setback of 140 feet along Southwest 11th Street.
- f. City Code Section 135-2.3.3.A.4 requires a non-primary frontage build-to-zone of 0-15 feet.
 - Heart of America has requested approval to allow a setback of 45 feet along Martin Luther King Jr. Parkway.
- g. City Code Section 135-2.3.3.B.10 requires an overall minimum height of 3 stories.
 - Heart of America has requested approval to allow a 1-story building.
- h. City Code Section 135-2.3.3.C.17 requires a minimum of 30 feet in depth on all full height floors of primary frontages.
 - Heart of America has requested a waiver of this requirement.
- i. City Code Section 135-2.3.3.D.19 requires a minimum of 70% transparency measured between 2 feet and 10 feet on the ground floor of primary frontages.
 - Heart of America has requested approval to allow 3% transparency along Southwest 11th Street.
- j. City Code Section 135-2.3.3.D.20 requires a minimum of 18% transparency and limits blank walls pursuant to City Code Section 135-3.8.
 - Heart of America has requested approval to allow 15% transparency and blank walls.
- k. City Code Section 135-2.3.3.D.21 requires a principal entrance to be located on the primary frontage façade.
 - Heart of America has requested waiver of this requirement.
- l. City Code Section 135-2.3.3.A.8 prohibits surface parking within the DX2 District
 - Heart of America has requested waiver of this requirement.
- m. City Code Section 135-2.22.3.D prohibits a drive-through facility at the location of the Property.



Roll Call Number

Agenda Item Number

60

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- Heart of America has requested a waiver of this requirement.
- n. Heart of America has met the burden required to demonstrate that the requested design alternatives meet the criteria for approval and that the result of the design alternatives would equal or exceed the result of strict compliance with Chapter 135 of the Planning and Design Ordinance.
- o. Heart of America has shown that the requested design alternatives are consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- p. Heart of America has shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- q. Said Type 2 Design Alternatives, in the form requested by Heart of America, should be, and hereby is, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.

SECOND BY _____.

FORM APPROVED:

/s/ Emily A. Duffy

Emily A. Duffy
Assistant City Attorney

(SITE-2025-000143)

CERTIFICATE

I, Laura Baumgartner, 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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
BARRON				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

Mayor

City Clerk

NOTICE OF APPEAL

July 2, 2026

To:

Des Moines City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Appeal of Planning and Zoning Commission Denial – Hyper Energy Bar, 100 SW 11th Street

Dear Mayor and Members of the City Council:

Please accept this letter as the formal Notice of Appeal submitted by Heart of America Group regarding the decision of the Des Moines Planning and Zoning Commission on June 18, 2026, to deny the application for the Hyper Energy Bar project located at 100 SW 11th Street, Des Moines, Iowa.

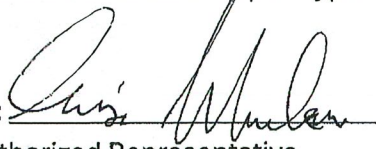
Heart of America Group respectfully requests that the Des Moines City Council review the Planning and Zoning Commission's recommendation and consider the application based upon the materials submitted, staff recommendations, and testimony presented during the public hearing.

Please consider this letter the official Notice of Appeal for this matter. The applicant reserves the right to submit additional supporting materials, evidence, and testimony prior to the City Council hearing.

Thank you for your consideration of this request.

Sincerely,

Heart of America Group / Hyper Energy Bar LLC

By:  - CHRIS WHALEN
Authorized Representative

cc: Development Services Department
Project File

June 26, 2026

Communication from the City Plan and Zoning Commission advising that at their June 18, 2026 meeting, the following action was taken on request from Heart of America (developer), represented by Chris Whalen (officer), for review and approval of a Public Hearing Site Plan "Hyper Energy Bar" for property located in the vicinity of 100 Southwest 11th Street, and for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B):

- A) Waive primary frontage coverage where the minimum required is 95%, per City Code Section 135-2.3.3.A.2.
- B) Allow a setback of 140 feet along Southwest 11th Street, where the required primary frontage build-to-zone is 0-5 feet, per City Code Section 135-2.3.3.A.3.
- C) Allow a setback of 45 feet along West Martin Luther King, Jr Parkway, where the required non-primary frontage build-to-zone is 0-15 feet, per City Code Section 135-2.3.3.A.4.
- D) Allow a 1-story building where the required minimum overall height is 3 stories, per City Code Section 135.2.3.3.B.10.
- E) Waive occupied space requirements where a minimum of 30 feet in depth on primary frontages is required, per City Code Section 135-2.3.3.C.17.
- F) Allow 3% transparency along Southwest 11th Street, where a minimum of 70%, measured between 2 feet and 10 feet, is required for the primary frontage ground story, per City Code Section 135.2.3.3.D.19.
- G) Allow 15% transparency and blank walls along West Martin Luther King, Jr Parkway, where a minimum of 18% is required, per City Code Section 135-2.3.3.D.20.
- H) Waive the requirement for a principal entrance on the primary frontage façade, per City Code Section 135-2.3.3.D.21.
- I) Allow surface parking where prohibited in a "DX2" District, per City Code Section 135-2.3.3.A.8.
- J) Allow a drive-through facility where not permitted in a "DX2" District, per City Code Section 135-2.22.3.A..

COMMISSION RECOMMENDATION: 5-5-0-1

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Leah Rudolphi		X			
Laura Kessel		X			
Jane Rongerude					X
Johnny Alcivar		X			
Dominic Anania	X				
Matt Connolly	X				
Chris Draper			X		
Clayton Elwell					X
Todd Garner		X			
Katie Gillette	X				
Andrew Lorentzen	X				
Carolyn Jenison		X			
William Page					X
Rick Trower	X				

Denial of the Public Hearing Site Plan and requested Design Alternatives, subject to compliance with all administrative comments.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the Public Hearing Site Plan and requested Design Alternatives, subject to compliance with all administrative comments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed site plan would allow the development of a drive-through focused restaurant use with automobile and bicycle parking, patio spaces and shade structures. Design Alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.
2. **Size of Site:** 2.1 acres.
3. **Existing Zoning (site):** "DX2" Downtown District.
4. **Existing Land Use (site):** The subject property is undeveloped. It is remnant land owned by the City of Des Moines following the construction of West Martin Luther King, Jr. Parkway.
5. **Adjacent Land Use and Zoning:**

North – “DX2”, Uses are railroad corridor and undeveloped land.

South – “DX2” & Gray’s Station “PUD”, Uses are West Martin Luther King, Jr. Parkway, undeveloped land and mixed-use development.

East – “DX2”, Uses are SW 11th Street and a surface parking lot.

West – “DX2”, Uses are railroad corridor and stormwater facilities.

6. General Neighborhood/Area Land Uses: The subject property is located on the northwest corner of the SW 11th Street and West Martin Luther King, Jr. Parkway intersection in the downtown. The immediate area consists of the railroad corridor, surface parking, and undeveloped land. It is positioned between the traditional downtown core to the north and the Gray’s Station/Gray’s Landing area to the south.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Downtown Des Moines Neighborhood. All neighborhoods were notified of the Commission meeting by emailing of the Preliminary Agenda on June 1, 2026 and the Final Agenda on June 12, 2026. Additionally, separate notifications of the hearing for this specific item were mailed on June 8, 2026 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division.

8. Relevant Zoning History: N/A.

9. PlanDSM Future Land Use Plan Designation: Downtown Mixed-Use.

10. Applicable Regulations: Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:

- The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
- Zoning restrictions at the time of the proposal;
- The city's comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the

applicable request and independently of prior requests from the same applicant, and may include the following criteria:

- An evaluation of the character of the surrounding neighborhood, such as:
 - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
- For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
 - The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
 - Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
 - Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
 - Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
 - Other factors determined relevant by the development services director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Building Size and Placement:** Parts A, B, C and D of the request all focus on the placement and size of the proposed building. Chapter 135 of the Municipal Code requires Downtown Storefront Buildings to be a minimum of three (3) stories tall and to sit at and occupy most of any front property line. The proposed one (1) story building would setback 140 feet from the property line along SW 11th Street and 45 feet from the property line along West Martin Luther King, Jr. Parkway. The

diminutive nature of the proposed building and the need for vehicular circulation is driving the need for relief of these building size and placement standards.

2. **Building Components:** Parts E, F, G and H of the request are all related to aspects of the building. Downtown Storefront Buildings are expected to have occupied space, substantial ground floor transparency and active entrances along primary frontages. The proposed drive-through focused building does not comply with these standards. Some transparency would be provided around the walk-up window and drive-through windows. Buildings of this nature do not include public entrances and have limited capacity to provide occupied space along two street frontages when placed on a corner lot due to their minimal size.
3. **Automobile-Oriented Components:** Parts I and J of the request are related to auto-oriented features that are not permitted by right. Accessory surface parking lots and drive-through windows can only be considered through the Type 2 Design Alternative process when proposed in the downtown, as they are not desirable elements in an urban setting. The proposal includes pedestrian routes and amenities along with bicycle parking to facilitate non-automobile traffic.
4. **Staff Analysis:** The subject property is irregularly shaped with a long and narrow overall orientation. It is surrounded by roads and a railway, and cannot be assembled with other property. Its shape and isolation limit the options for development and make traditional urban formats typical of downtown challenging.

Section 135-9.2.2.B.1 of the Municipal Code states that the Design Alternative provisions of the code are "intended to authorize the granting of relief from strict compliance with the regulations of this chapter.... when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable."

The combination of the property's shape and isolation by transportation corridors is highly unusual in the downtown, if not one-of-a-kind. Staff believes that the conditions specific to this site make compliance with the subject regulations impractical.

III. STAFF RECOMMENDATION

Staff recommends approval of the Public Hearing Site Plan and requested Design Alternatives, subject to compliance with all administrative comments.

SUMMARY OF DISCUSSION

Jasmine Khammany presented staff report and recommendation.

Matt Connolly asked if this was a city owned property.

Jasmine Khammany stated the parcel is city owned.

Chris Draper asked for clarification of the applicant's business model.

Jasmine Khammany stated it was a drive through beverage business serving energy drinks.

Nikki Neal, Civil Design Advantage, discussed the challenges of developing this property. It is used for detention currently and that will need to continue. There is an overhead electrical easement. The challenges of the site make typical development nearly impossible. They would provide sidewalk and trail extensions in addition to providing expanded patio space to enhance the pedestrian friendliness of the site. Parking spaces on the lot would be mostly for staff and the double drive through would help facilitate any stacking on the property. The striping on SW 11th would be maintained for bike traffic and easy access turn into their location.

Leah Rudolphi asked if the new proposed bike trail will extend all the way to SW 15th Street.

Nikki Neal replied that it would extend the length of the property.

Laura Kessel asked for clarification as to where the utility easement was located on the property.

Nikki Neal showed on the site plan where it runs along the southern perimeter and then turns and goes northwest through the western portion of the site.

Johnny Alcivar questioned whether a double drive-thru was truly necessary for the proposal. He noted that reducing the design to a single drive-thru lane could eliminate nearly half of the proposed pavement.

Nikki Neal stated that is needed and used in other examples of their business model. She emphasized the positiveness of keeping traffic flowing and not having cars stacked on the property.

Laura Kessel noted that the Ames Campus Town Hyper business does not include a drive through and is pedestrian oriented. She wondered if this would be a possibility at this location.

Chris Whalen, Owner of Hyper Energy Bar, stated that the Hyper locations in Ames and Iowa City are unique in that they are located in areas with high pedestrian density. While downtown does have pedestrian traffic, this location would also rely on commuter traffic using vehicles to access the location.

Todd Garner mentioned what a dangerous area this already is and questioned how it would not get more dangerous by adding in another turning movement.

Chris Whalen stated they have conducted a traffic study and feel confident that even during their peak times, they should not have stacking on the site or block traffic getting in.

CHAIRPERSON OPENED PUBLIC HEARING

Carol Maher, Ward 3, spoke in opposition to the project, pointed out the limited amount of bike lanes in Des Moines. Downtown Des Moines has not allowed drive-thru options in the past pointing out Starbucks down the street was not allowed to have one. She criticized the plan to have pedestrians and bikes in this area at the same time having a double drive-thru to have more cars. This is a recipe for disaster, the traffic study has not been finalized, and this is not safe to allow traffic to cut across bike lanes. She also mentioned that an improper bike rack is specified on the site plan.

Rebuttal

Nikki Neal stated that they would gladly modify the bike rack to be compliant with city standards. She noted that they do not intend to touch the existing bike lanes and have worked to increase pedestrian space on the site with more trail and patio space.

Chris Draper asked if the bike trail was new along the south of the parcel.

Jason Van Essen stated that there is no sidewalk or bike trail along the north portion of Martin Luther King, Jr. Parkway currently. This would be added and extend to about SW 14th Street.

CHAIRPERSON CLOSED PUBLIC HEARING

COMMISSION ACTION

Johnny Alcivar stated that he would not be in support of this project as it does not fit downtown as an urban space. He appreciates that this is a challenging lot and commends the applicant for trying to activate this land and adding bike trails, but he cannot support the request.

Laura Kessel stated she understands the request for parking relief as there is no on-street parking available on the two adjacent streets. However, she believes the proposal compromises several important downtown site planning principles. She acknowledged that the site is constrained by easements, detention requirements, and access limitations, but noted that the property encompasses 2.1 acres and could potentially be developed more creatively. She referenced several successful urban sites on much smaller parcels that operate with little or no dedicated parking. She emphasized that the site is located along a major existing and future pedestrian and bicycle corridor, with

bike lanes connecting to the Gray's Station area and significant east-west bicycle and pedestrian traffic. She expressed concern that the proposal is too auto oriented and undermines the City's multimodal transportation goals. At a minimum, she recommended removing the drive-through allowance from the proposal.

Chris Draper stated that he appreciates the proposal's potential to activate an underutilized site and acknowledged that few other projects have come forward with similarly positive possibilities for the property. However, he shared concerns about the compromises being made, particularly regarding the site planning principles discussed. Because of those concerns, he indicated that he would be passing on voting on the item. While he was not opposed to the proposed use and viewed it as an opportunity to do something beneficial with the land, he felt unable to fully support the request due to the necessary compromises involved.

Matt Connolly stated that, despite comments about the site being pedestrian-friendly, the area does not currently experience significant pedestrian activity outside of some biking, jogging, and foot traffic from nearby residents. He expressed strong support for activating the site, noting that features such as outdoor patios would create a vibrant gathering place downtown. He described the proposed business as a popular local destination that would bring much-needed energy and vibrancy to the area. He also noted that nearby lots are likely to develop over time with additional retail, apartments, and residents, further supporting the project's success. He emphasized that the property is extremely difficult to develop and suggested that this proposal may be one of the few viable options. Overall, he praised the plan for balancing pedestrian, bicycle, and vehicle access and supported the two-lane design as an appropriate way to efficiently move traffic on and off the site without causing street congestion.

Rick Trower acknowledged that the proposal has a somewhat suburban feel but stated that he is inclined to support it because the site has remained essentially abandoned for as long as he can remember and he does not foresee many other viable development opportunities for the property. He remarked that, when faced with the choice between the lot remaining vacant indefinitely or being redeveloped with a project such as this, he could support the proposal. While he expressed reservations about the double drive-through lanes and suggested that aspect could potentially be modified to lessen the suburban character of the development, he indicated that he would otherwise support the project.

Carolyn Jennison noted that additional development is likely to occur in the area and that approving the proposal would be short-sighted. She expressed concern that the project could become an anomaly as surrounding redevelopment occurs over the next several years and, for that reason, she would not support the proposal.

Chris Draper stated that if the goal is to create a "hip and vibrant" destination, he questioned whether the proposal could be redesigned to incorporate a single drive-through lane instead of a double drive-through. He suggested that a revised design might better align with long-term redevelopment goals and create a more forward-

thinking site that would be better suited for future pedestrian activity and the type of vibrant, walkable environment envisioned for the area as it continues to develop.

Andrew Lorentzen expressed concerns about the redevelopment site along Martin Luther King Jr. Parkway, noting that this wide right-of-way functions more like highway infrastructure than a pedestrian-oriented corridor, which creates tension with walkability goals. He described the site as highly constrained and difficult to develop, with limited viable uses and questioned whether it had been appropriately zoned for higher-intensity development such as a three-story building. He also referenced nearby large areas of vacant or underutilized parking lots and acknowledged that long-term urban redevelopment in the area remains aspirational. Despite concerns, he supports the proposal as a pragmatic solution, emphasizing that “perfect is the enemy of the good” and that demonstrating any successful development in the corridor is important for signaling market viability. He noted the inclusion of approximately 1,000 feet of trail as a positive concession, while recognizing existing nearby trails will likely continue to serve most pedestrian needs, and ultimately concluded that the project reflects realistic market conditions and supports incremental development in a challenging site.

Matt Connolly stated the need to have the double drive-thru option as part of their business model to get people through as quickly as possible. This will also help with stacking traffic into the street.

Matt Connolly made motion for approval of the Public Hearing Site Plan and requested Design Alternatives, subject to compliance with all administrative comments.

THE VOTE: 5-5-0-1 (Johnny Alcivar, Todd Garner, Laura Kessel, Carolyn Jenison and Leah Rudolphi opposed. Chris Draper passed)

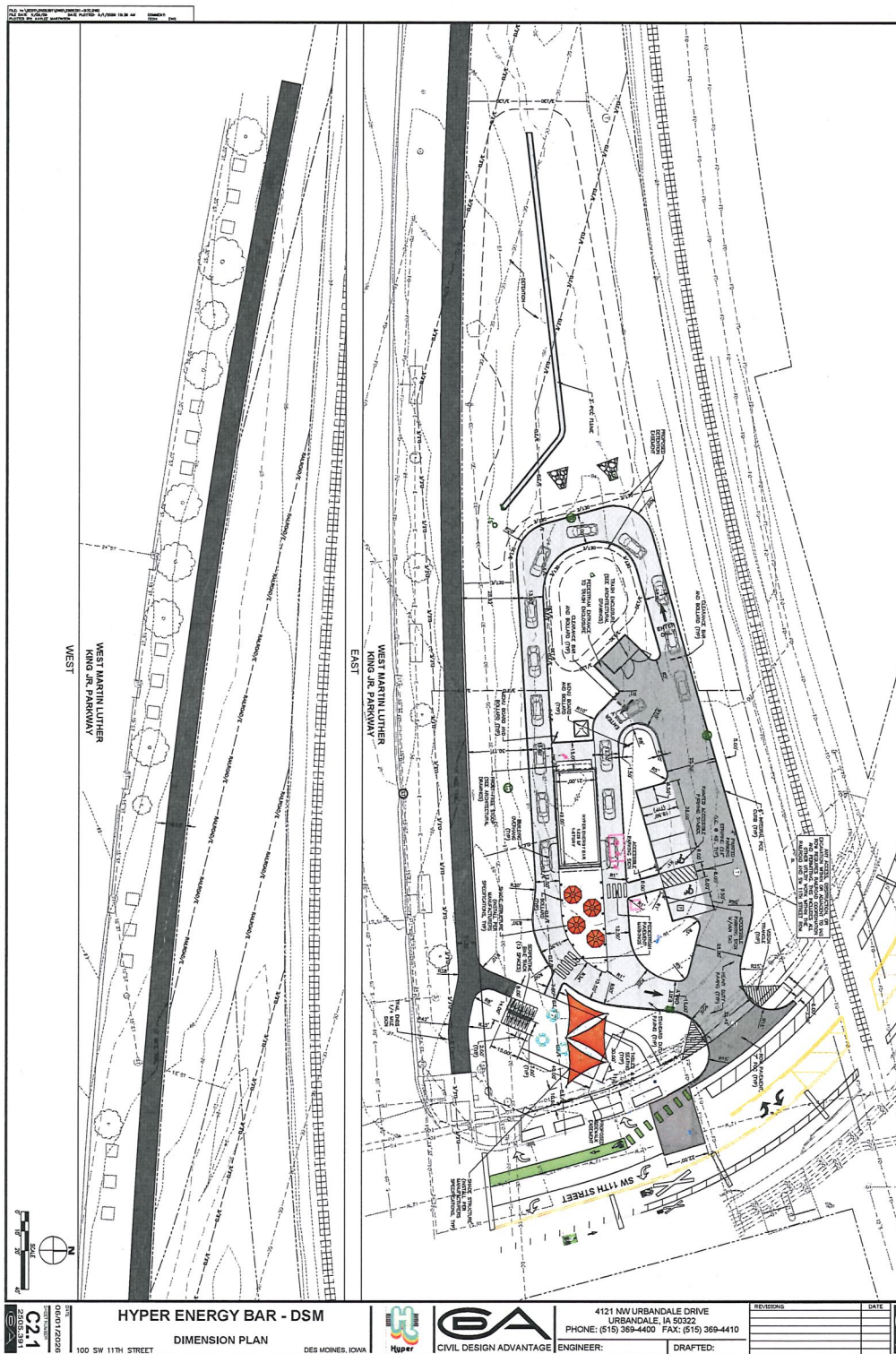
The motion to approve failed. Therefore, the application was denied.

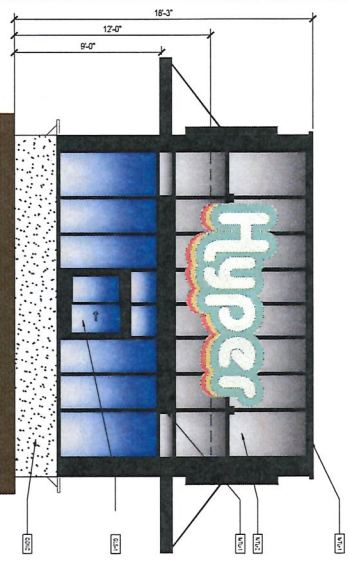
Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

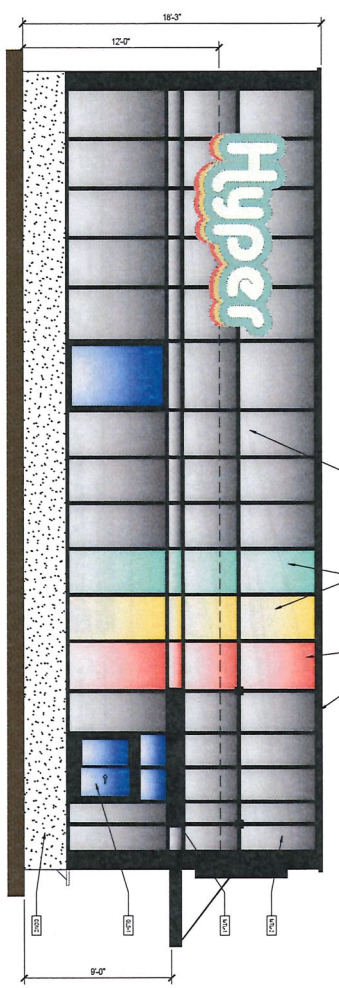
JMV:mrw





ITEM	QTY	UNIT	PRICE	TOTAL
1.00	1	SF	1.25	1.25
2.00	1	SF	1.25	1.25
3.00	1	SF	1.25	1.25
4.00	1	SF	1.25	1.25
5.00	1	SF	1.25	1.25
TOTAL	5	SF		6.25

2 WEST ELEVATION
SCALE 3/8" = 1'-0"



ITEM	QTY	UNIT	PRICE	TOTAL
1.00	1	SF	1.25	1.25
2.00	1	SF	1.25	1.25
3.00	1	SF	1.25	1.25
4.00	1	SF	1.25	1.25
5.00	1	SF	1.25	1.25
TOTAL	5	SF		6.25

1 NORTH ELEVATION
SCALE 3/8" = 1'-0"

FINISH SCHEDULE & ENTIRE BUILDING PERCENTAGES				
ITEM	DESCRIPTION	QTY	UNIT	PERCENTAGE
0100	CONCRETE	100	SF	100%
0200	WALLS	100	SF	100%
0300	FLOORS	100	SF	100%
0400	CEILING	100	SF	100%
0500	ROOF	100	SF	100%
0600	MECHANICAL	100	SF	100%
0700	ELECTRICAL	100	SF	100%
0800	PAINT	100	SF	100%
0900	FINISH	100	SF	100%
TOTAL		1000		100%

FINISH SCHEDULE

1.00 CONCRETE

2.00 WALLS

3.00 FLOORS

4.00 CEILING

5.00 ROOF

6.00 MECHANICAL

7.00 ELECTRICAL

8.00 PAINT

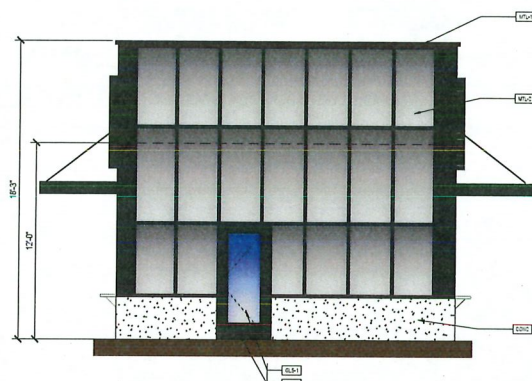
9.00 FINISH

HYPER ENERGY BAR
100 11TH STREET, DES MOINES, IA 50309

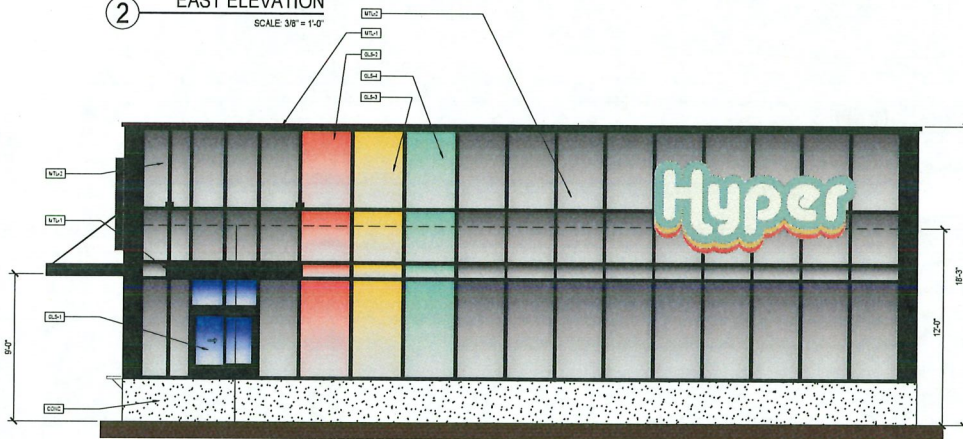
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Heart of America **Hyper**

Project No. 777
Drawn by: ELM/KDS
Checked by: ELM/KDS
Sheet No. A-2.1

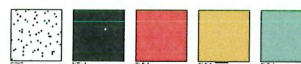


② EAST ELEVATION
SCALE 3/8" = 1'-0"



① SOUTH ELEVATION
SCALE 3/8" = 1'-0"

FINISH SCHEDULE & ENTIRE BUILDING PERCENTAGES					
T-15	MATERIAL	DESCRIPTION	ELAB	TOTAL SQ. FT.	%
CONC	CONCRETE	POUR-IN-PLACE CONCRETE	00	407.2	18.1%
MT-1	ALUM. CORR. PANEL	WINDUPTIGHT ALUM. CORR. PANELS WITH PAINTED FINISH	00	72.8	3%
MT-2	ALUM. CORR. PANEL	ALUMINUM CORR. PANELS WITH PAINTED FINISH	00	1548.3	69%
GL-1	GLASS	GLASS WITH TINT	00	54	2%
GL-2	SPANDREL GLASS	SPANDREL GLASS - PAINTED 100% C	00	352	15%
GL-3	SPANDREL GLASS	SPANDREL GLASS - PAINTED 100% C	00	352	15%
GL-4	SPANDREL GLASS	SPANDREL GLASS - PAINTED 100% C	00	352	15%
TOTAL			00	2,875	100



GENERAL NOTES:
1. SEE FINISH SCHEDULE FOR MATERIALS, FINISHES AND SPECIFICATIONS. SEE PERMITS AND ORDINANCES FOR ANY REQUIRED PERMITS.
2. BUILDING TRANSPARENCY: SEE FINISH SCHEDULE FOR BUILDING TRANSPARENCY. SEE FINISH SCHEDULE FOR BUILDING TRANSPARENCY. SEE FINISH SCHEDULE FOR BUILDING TRANSPARENCY.

MATERIAL	SQ. FT.	%
CONC	407.2	18.1%
MT-1	72.8	3%
MT-2	1548.3	69%
GL-1	54	2%
GL-2	352	15%
GL-3	352	15%
GL-4	352	15%
TOTAL	2,875	100

MATERIAL	SQ. FT.	%
CONC	407.2	18.1%
MT-1	72.8	3%
MT-2	1548.3	69%
GL-1	54	2%
GL-2	352	15%
GL-3	352	15%
GL-4	352	15%
TOTAL	2,875	100

Date: 04/13/2025
Designed by: HOAD
Drawn by: PFC
Checked by: DEO

ISSUED FOR PERMIT	
Revisions	
1	
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HYPER ENERGY BAR
100 11TH STREET, DES MOINES, IA 50309
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Project No. 777
Sheet Content
ELEVATIONS
Sheet No.
A-2.2

Heart of America, Vicinity of 100 Southwest 11th Street

SITE-2025-000143

