

★ Roll Call Number

08.036

Agenda Item Number

21

Date..... January 7, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 20, 2007, its members voted 9-1-1 in support of a motion to recommend **APPROVAL** of a request from Foods, Inc., (owner) to rezone property located at 3425 Ingersoll Avenue from the "NPC" Neighborhood Pedestrian Commercial District and the "R1-60" One-Family Low-Density Residential District to the "PUD" Planned Unit Development District; and,

WHEREAS, by separate motion the members voted 7-3-1 in support of a motion to recommend **APPROVAL** of a PUD Conceptual Plan for the property titled "Dahl's Foods Ingersoll Avenue" subject to the following conditions:

1. Provision of the following minimum setbacks for the grocery store building:
  - a. 25' setback from the 35<sup>th</sup> Street right-of-way.
  - b. 20' setback from the back of curb along Woodland Avenue.
  - c. 30' setback from the 34<sup>th</sup> Street right-of-way.
2. Placement of the grocery store building to the furthest point north on the site, subject to required setbacks, to allow a maximum amount of space for parking to the south.
3. Limitation of the grocery store to a maximum of 60,000 square feet unless the applicant is able to provide 75% of the normal C-2 parking requirement for the applicable building square footage.
4. Limitation of the convenience store and coffee shop building to a maximum of 5,000 square feet.
5. The southernmost entrance from 35<sup>th</sup> Street is moved north to line up with east/west drive aisle north of the fuel pump canopy.
6. Prohibition of fuel pump canopy signage.
7. Enclosure of fuel pump canopy support columns with a masonry product that generally matches the convenience store.
8. The minimum clearance height under the canopy shall be no less than 13 feet – 9 inches and the maximum canopy height shall not exceed 17 feet.
9. All gas canopy lighting (including lenses) must be recessed within the canopy ceiling and the side fascia shall extend 12-inches below the canopy ceiling.
10. Provision of a scored concrete Class "A" sidewalk and 12 street trees along 35<sup>th</sup> Street.
11. Dahl's is responsible for providing Ingersoll Streetscape improvements along Ingersoll Avenue.
12. Provision of an additional 11 overstory trees along the boundary of Woodland Avenue between the sidewalk and the back of curb.
13. Provision of 9 overstory street trees along 34<sup>th</sup> Street.
14. Prohibition of temporary and seasonal outdoor sales on the subject property.

( continued )

15. Limitation of site lighting levels to no greater than 1-foot candle at all points along all property lines.
16. Provision of a pedestrian connection from the adjoining parking stalls to the north/south pedestrian walk.
17. Provision of 2 ornamental or overstory trees on each island at the north end of the 1<sup>st</sup> and 3<sup>rd</sup> rows of parking as counted from west to east.
18. Provision of a landscaped parking lot island approximately in the middle of the eastern most row of parking in the western parking lot.
19. Identification of all existing and proposed public easements on the PUD Concept Plan.
20. Addition of a stormwater management summary statement on the PUD Concept Plan.
21. Coordination of a bus stop location with DART and the City Traffic Engineer.
22. Elimination of the note referring to an "Architectural Review Committee."
23. Replacement of the "PUD Development Standards" notes with the following:

#### P.U.D. DEVELOPMENT STANDARDS

- a) Use of the property is limited to those uses allowed in the "C-1" Neighborhood Retail Commercial District and to gas stations with a maximum of 4 gas pumps (8 fueling stations).
- b) The installation of decorative fencing and/or a masonry wall is required along Ingersoll Avenue and the portion of 35th Street frontage that is adjoined by the parking lot. Landscaping material is to be used in these areas that provides a vertical edge along the streets.
- c) The installation of a masonry wall and landscaping to buffer all loading dock areas from adjoining properties and public right-of-ways is required.
- d) The use of chain link fencing is prohibited.
- e) The use of overhead utility service lines to any building is prohibited.
- f) Parking lot lighting is to be down-directional with a sharp cut-off with a pole height of not to exceed 20' in the parking lot and 15' along pedestrian paths. Fixtures are to be similar in style or complimentary to a black KIM Archetype light fixture.
- g) Bike racks are to be installed near the entrance of all buildings.
- h) The use of spandrel glass or other highly reflective glass is prohibited on any building with direct access from Ingersoll Avenue.

( continued )

- i) Customer entrance doors must be provided and open during regular business hours on all building facades that front on to Ingersoll Avenue or face the primary parking lot of the site.
  - j) Dahl's shall be responsible for improvements made to the 34<sup>th</sup> Street pavement as necessary to handle truck traffic and allow on-street parking as determined at the PUD Final Development Plan stage.
  - k) A public access easement must be provided for the portions of the sidewalk along Woodland Avenue that are located on private property.
  - l) All overhead and service doors will be of a color that matches the primary color of the building.
  - m) Any long-term outdoor cart storage areas must be located adjoining the building and screened with a masonry wall that is integrated with the building.
  - n) Deliveries shall be limited to between the hours of 6 AM and 10 PM daily.
24. Reconfigure the employee parking lot area to provide vehicular circulation between customer and employee parking areas so customers can use employee parking areas as needed.
25. Open up access to the lower parking lot and provide pedestrian connection from 34th Street to the store entrance.
26. Step down the building height along the northeast corner and reduce the appearance of the building height by shifting parapet walls back from the edge of the building.
27. Developer to work with neighborhood for solution to landscaping and screening (species, materials) on the north side of the building.
28. 90% of total on-site parking stalls must be accessible to customers.
29. Building materials shall be predominantly consist of brick masonry.
30. Approval of the Final Development Plan by the Plan and Zoning Commission.

The subject property is more specifically described as follows:

Lots 9, 10 and 11 Crescent Place, an Official Plat; and Lots 16, 17, 18 & 19, Stratford, an Official Plat (Except a portion of Lot 19 beginning at the NW corner of said Lot 19, thence S89°20'55"E, 79.89 feet along the North line of said Lot 19 to a point; thence S89°27'48"W, 69.88 feet to a point; thence S45°24'33"W, 14.06 feet to a point on the West line of said Lot 19; thence N00°00'03"W, 20.04 feet along said West line to the Point of Beginning), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the meeting of the City Council at which the proposed rezoning and "PUD" conceptual plan are to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on January 28, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Vlassis to adopt.

FORM APPROVED:

Roger K. Brown  
Roger K. Brown  
Assistant City Attorney

(ZON2007-00039)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

### CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED

APPROVED

T. M. Franklin  
Mayor

Diane Rauh City Clerk