

**DRAKE NEIGHBORHOOD ASSOCIATION**

\*\*\*\*\*INFORMATIONAL MEETING\*\*\*\*\*

Thursday, August 26, 1999, 7:00 p.m.

**GRACE UNITED METHODIST CHURCH**

Fellowship Hall, First Floor

3700 Cottage Grove

Agenda

A representative from McDonalds, Jim Hileman, will give a presentation and answer questions regarding the proposed McDonalds relocation to 30<sup>th</sup> and Forest. Representatives from Drake University will also be present. This matter is on the agenda of the Des Moines Plan and Zoning Commission meeting on September 2, 1999 (see enclosed copy of P & Z agenda). Notice of this informational meeting is going out to all members over the "COPS" phone message system.

Following the informational meeting, I would like to have the members of the board meet to discuss the P & Z meeting. I do not consider this to be a special meeting of the board (the bylaws require a 10 day advance notice of any special meeting). However, the bylaws do provide that a proposal can be voted on by mail or telephone. Thus, if the board wants to take a position prior to the P & Z meeting, I will conduct a telephone vote.

If you have questions, please contact me, Mac McAfee, at 274-1910 (home) or 237-1188 (office).

**CITY OF DES MOINES PLAN AND ZONING COMMISSION  
AGENDA FOR MEETING TO BE HELD  
September 2, 1999 at 5:30 P.M.  
CITY COUNCIL CHAMBERS**

**PLAN AND ZONING COMMISSION RULES AND PROCEDURES**

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1. Plan and Zoning Commission is an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all items. Contact the City Clerk or Community Development Department staff for details on Council hearings.
  2. Applicant will be given 10 minutes to present the request.
  3. Proponents and then opponents are then allowed to speak, with each speaker allowed a maximum of 5 minutes.
  4. Applicant is then allowed 5 minutes for rebuttal.
  5. The hearing will then be closed and the Commission will discuss and vote on the issue.
  6. All comments are to be germane to the issue under consideration and speakers are to maintain a courteous manner.
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**\*\*\*\* AGENDA \*\*\*\***

**5:30 Joint meeting of the Plan and Zoning Commission, Historic District Commission, Architectural Advisory Committee, and Urban Renewal Board to review report on significant structures in the Downtown Gateways areas.**

**6:30 ROLL CALL AND APPROVAL OF MINUTES**

**PUBLIC HEARING ITEMS**

- ① An application from James Hileman of McDonalds, Corp. (Purchaser) to rezone property located at 1330, 1334, 1342 30 th Street, 3004 Forest Avenue and 1329 31 Street. Subject property owned by Drake University (Title Holder).
  - ✓ A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
  - ✓ B) Rezone property from an "R-3" Multiple Family Residential District to a "C-1" Neighborhood Retail Commercial District. (10-2000-3.03)
  - ✓ C) A request from James Hileman of McDonalds, Corp. for vacation and conveyance of a North / South alley right of way located South of Forest Avenue and lying between 30th and 31st Streets. Adjoining subject property owned by Drake University (Title Holder) and Jay Wangerin (Owner) of J.G.K., Inc. (11-2000-1.05)
- 2) Request from Phillips 66 Company (Owners) at 5130 NE. 14 Street for voluntary annexation to include properties owned by Bruce L. & Penny J. Bellville at 1340 NE. 51 Avenue; J. & J. Properties at 5030 NE. 14 Street; Donald J. Steffensen at 1345 NE. 50 Place and 1340 NE. 50 Avenue; and portions of Polk County street right of ways of NE. 51 Avenue, NE. 50 Place and NE. 50 Avenue, all within the vicinity of NE. 14 Street and NE. 51 Avenue. (15-2000-5.01)
  - A) Review of proposed Voluntary Annexation.

## ATTENTION

DES MOINES PLAN AND ZONING  
COMMISSION MEETING ON THE  
PROPOSED REZONING TO ALLOW FOR  
THE RELOCATION OF McDONALDS  
FROM ITS CURRENT LOCATION TO THE  
SOUTHWEST CORNER OF 30<sup>TH</sup> AND  
FOREST.

THURSDAY, SEPT. 2, 1999  
6:30 p.m.  
CITY COUNCIL CHAMBERS

ALL INTERESTED PERSONS ARE  
WELCOME!

Questions? Contact Drake Neighborhood Association President  
Mac McAfee at 274-1910 or contact any DNA board member.

**Item 1A McDonald's Corporation (Purchaser) represented by James Hileman**  
**Determination of Conformance with 2000 Land Use Plan**

**Staff Report:** The current land use designation for the subject property is shown within a Commercial node by the Des Moines 2000 Land Use Plan. The applicant is requesting rezoning of a portion of the site to be developed to from R-3 to C-1. A portion of the property proposed for development is currently zoned C-1. The expansion of the C-1 area is believed by staff to be consistent with the future land use designation for the area.

**Staff Recommendation:** Staff recommends that the proposed rezoning be found in conformance with the 2000 Land Use Plan.

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**Item 1B McDonald's Corporation (Purchaser) represented by James Hileman**  
**Request for Rezoning to C-1**

**Staff Report:** The applicant is requesting to rezone property from "R-3" Medium Density Residential to "C-1" Neighborhood Retail Commercial District. The rezoning will allow the applicant to develop a McDonald's fast food restaurant on property currently owned by Drake University in the southwest corner of Forest Avenue and 30<sup>th</sup> Street.

The site for the proposed restaurant is currently developed with Four multi-family residential structures that have been converted over time from large single family homes. The four structures are currently be managed as rental property by Drake University. The structure located at the intersection also includes a commercial addition that was last occupied by a trophy and awards shop.

To the north of the proposed redevelopment site are the University Book Store and Subway sandwich shop. To the west along Forest Avenue are commercial businesses including other fast food restaurants (including an existing McDonald's), the neighborhood Police center, a filling Station, and a building containing a pharmacy, pizzeria, and tavern. To the south are primarily multi-family residential conversions owned and managed by Drake University for student housing. To the east are Drake University campus dormitories. Part of the proposed site includes vacant properties fronting 31<sup>st</sup> Street just south of the pharmacy building.

The applicant has participated in a pre-application meeting conducted by City staff. The initial site plan proposed by the applicant at that meeting indicated a restaurant fronting on 30<sup>th</sup> street with parking area fronting on Forest Avenue. At that time staff suggested that the proposed restaurant be rotated to front Forest Avenue which serves as a commercial corridor. The site plan submitted for the rezoning has met that request.

The site plan shows vehicular access to the restaurant from 30<sup>th</sup> Street, Forest Avenue, and 31<sup>st</sup> Street. The main drive-thru circulation will enter from Forest Avenue and 31<sup>st</sup> Street and exit on 30<sup>th</sup> Street south of Forest. The Traffic and Transportation Division indicates that the entrance on 30<sup>th</sup> Street is too close to the intersection and must be moved closer to the south end of the property.

The submitted site plan shows 77 parking stalls. The Zoning Ordinance provisions would only require 30 parking stalls based on the proposed square footage. The site plan also shows a significant patio dining area off the building toward Forest Avenue. The applicant has indicated that exterior building materials and colors would be compatible with the Drake campus building in the area. This would include a blue roof and monument signage.

The primary concerns of staff include the width of the drive-way around the front of the building and the need to accommodate pedestrian traffic. In addition to expected high vehicular traffic volumes to the McDonald's, staff believes that the restaurant would also attract a high volume of pedestrian traffic from the Drake campus and surrounding student housing. Landscaping surrounding the site should provide pedestrian amenities and be designed to encourage safe pedestrian traffic flow.

The front driveway would be safer for pedestrians if it were narrowed 16' and restricted to allow only one-way traffic exiting onto Forest Avenue or re-circulating. This would allow for additional patio space and setback area from Forest Avenue as well. Special pavement or markings should be included to indicate the pedestrian routes throughout the site parking areas. Finally, pedestrian access should also be provided from the southeast corner of the site. Because of the grade at that point, it is likely to include a stairway. However it is anticipated that a significant portion of the pedestrian traffic will come from the south on 30<sup>th</sup> Street.

In order to accommodate recommended pedestrian features, the three non-handicapped parking stalls to the northwest of the building should be eliminated. The patio area should be expanded to cover this area. This would not reduce the total parking stalls significantly. It would also discourage unnecessary vehicle circulation around the front of the building.

Staff does feel that the proposed use would be welcome to the commercial district that serves the University. Fronting the building along Forest Avenue visually strengthens the streetscape of that corridor along with promoting it as a pedestrian district. A side concern would be the proposed reuse of the existing McDonald's down the street.

**Staff Recommendation:** Staff recommends approval of the requested rezoning from R-3 to C-1 subject to the applicant agreeing to develop the site for a restaurant use in accordance with the submitted site plan with the following revisions:

1. Reduce the drive around the north of the building to 16' in width along with designating it as one-way traffic to exit onto Forest or re-circulate through the site.

- 2. Remove the three non-handicapped parking stalls shown to the northwest of the building and convert the space to additional patio area.
- 3. Move the 30<sup>th</sup> Street entrance to the south in conformance with Traffic and Transportation Division requirements.

\* \* \* \* \*

**Item 1C McDonald's Corporation (Purchaser) represented by James Hileman Requested Vacation and Conveyance of Alley**

**Staff Report:** The applicant is requesting the vacation and conveyance of the north/south alley between 30<sup>th</sup> and 31<sup>st</sup> Streets from Forest Avenue to Carpenter Avenue. This will allow the site to be developed as one continuous parcel with frontages and vehicular accesses from 30<sup>th</sup> Street, Forest Avenue and 30<sup>th</sup> Street. The site plan proposes that the alley access along Forest Avenue become a shared access for both the restaurant and the pharmacy, pizzeria, and tavern building to the west of the subject property. The owner of this building has provided consent to this requested vacation and conveyance.

The residential properties along the alley south of the proposed restaurant site are currently owned by Drake University. Drake University has also provided their consent to the vacation and conveyance request and would maintain any access necessary to the residential properties.

Staff would want to encourage the conveyance method to be in the form of a lease to both McDonald's and Drake University. This would allow the City to have some control over any future redevelopment of the property by the current owners, or if it is sold in whole or in part. Also Drake University should agree to provide some type of vehicular turn around at the dead end of the alley.

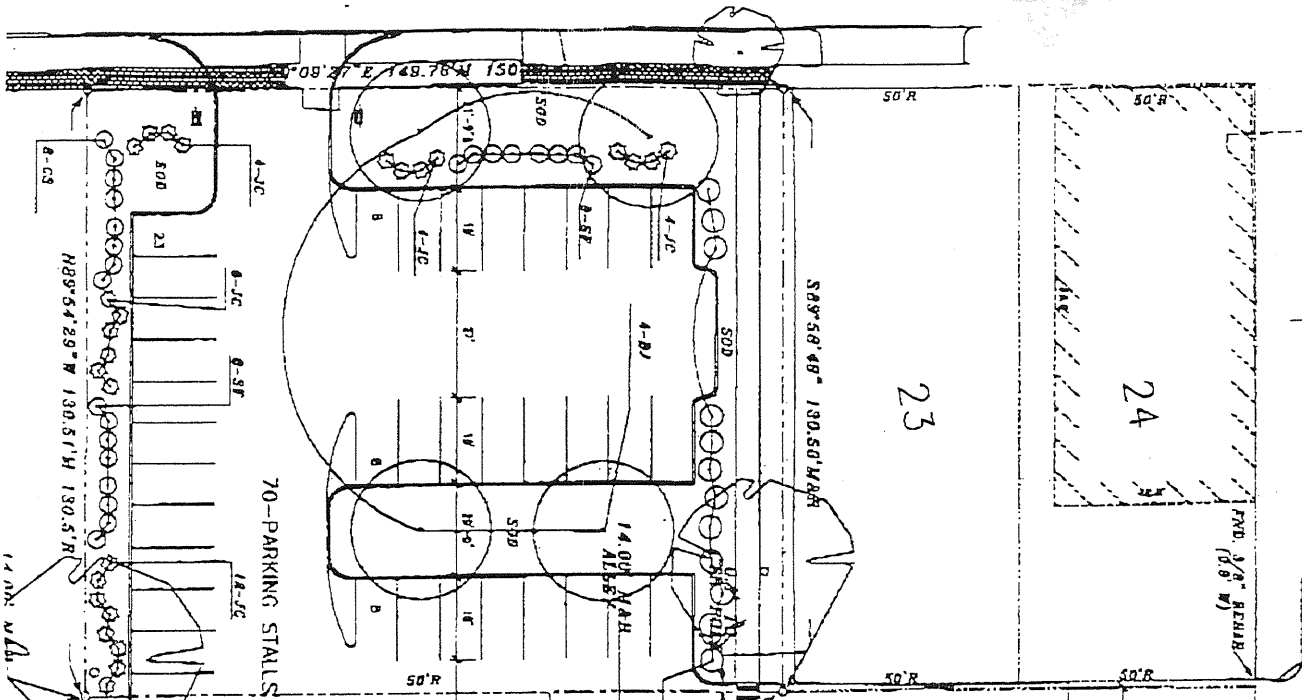
**Staff Recommendation:** Staff recommends approval of the requested vacation and conveyance with the method of conveyance in the form of a lease by the City. It is further recommended that Drake University be required to provide a vehicular turn around at the end of the dead end alley.

\* \* \* \* \*

*brick - Hon Adams*

31TH ST.

(50' R.O.W.)

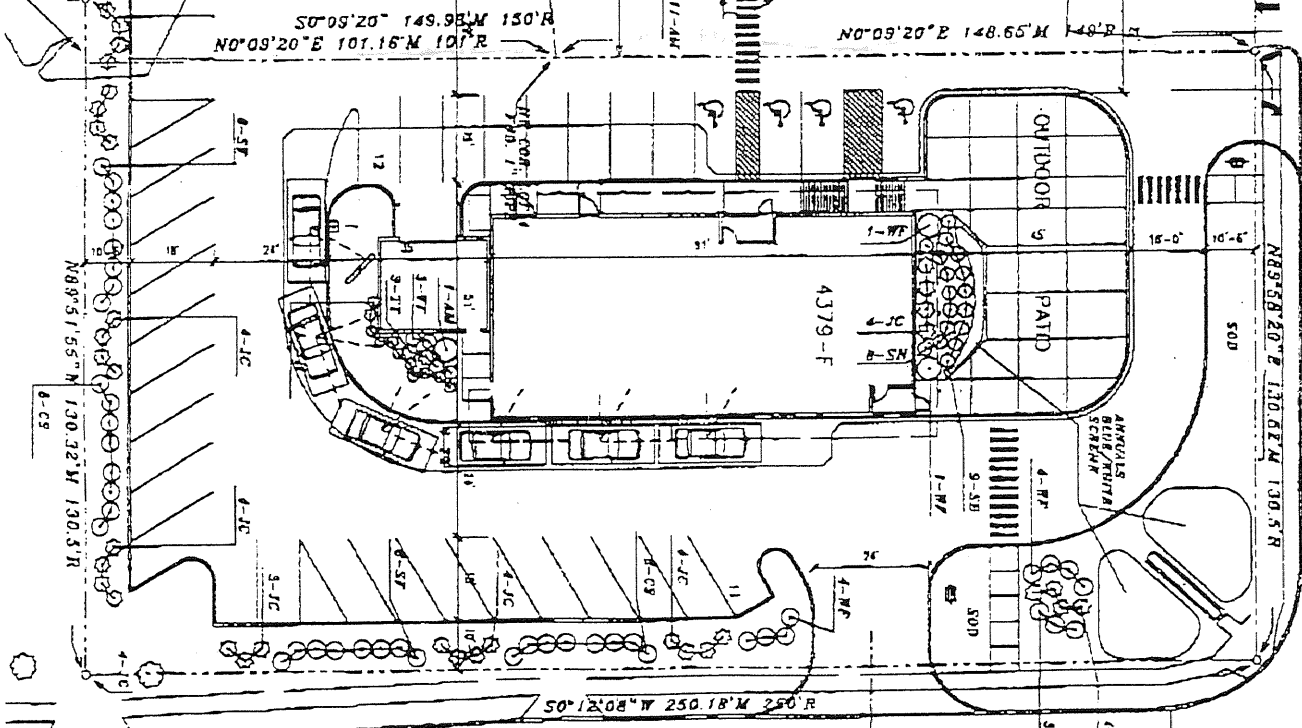


23

24

FOREST AVE.

REMOVE EXIST'G CURB



30TH ST.

STARTING FROM END OF ROAD

|    |
|----|
| 11 |
| 10 |
| 10 |
| 10 |

bring people downtown and expanding our tax base. Without a timeline for these buildings to be held, he would support staff recommendation.

Jim Dietz-Kilen: Expressed appreciation to the groups involved in the joint meeting. He indicated he thought a city is characterized by the types of projects and has the will to undertake and to complete. He indicated he liked the comments made earlier and stated the type of city he wants to live in is one that has the will to save buildings that are historically and architecturally significant; that's willing to take the time to determine the significance of buildings before they are torn down and to incorporate significant buildings into future developments. He agreed with the recommendation to save these buildings to give further consideration and research into their potential significance, and stated some of them could be integral parts of developing a great gateway for the city of Des Moines.

Bruce Heilman: He stated there is no character for downtown; nothing to draw people and indicated the vision is the concept that we want a place downtown that will draw and hold people and where people will want to live. He indicated his support for that 100% and stated the area must be economically viable; all great things do not emanate from taxes and government, private enterprise has a lot to offer. He stated Des Moines has the leadership that's willing to start investing sums of money to get this rolling. He also agreed on preserving things that have significance, but thought continual waiting and studying was obstructionist. He voiced concern that each structure have economic viability so as not to become impediments. He indicated the Masonic Temple should be saved and suggested it be used as a Des Moines museum. He also is in support of staff recommendations.

Scott Saylor: Also supports staff and added that "D-day" is not here for this project. He stated he doesn't want it to continue to drag out and thinks the staff recommendation has a lot of merit to it and doesn't believe anything is being hidden. He suggests putting a sunset on the project and stated he would not be able to support a motion without that.

Brook Wennerstrum: Expressed appreciation to the Boards and Commissions getting together to discuss the issues surrounding the project. He indicated support for saving as many of the buildings as can be saved, especially the Masonic Temple and Investment building, but stated the other three should be saved as outlined in previous motions. He indicated that some rehab projects take a long time and if some ground can be cleared and new construction can take place that may be compatible with what's already there, that can be moved forward and therefore supported the other Boards and Commission's recommendations to forward on to City Council.

Dan Flaherty: Also expressed appreciation to the involvement of the other Boards and Commissions and their interest in this project. He voiced concern that some history of Des Moines is being exterminated and discussed various projects that have removed pieces of the city. He stressed that it's the responsibility of the citizens of the city to preserve some of that history and is also in support of the recommendations of the other Boards and would like to put it in the form of a motion later when the discussion closes.

Becky Morelock: Indicated appreciation for the buildings in Des Moines and stated all these buildings need a chance, but there needs to be a timeframe. She also supports the other Boards' recommendations, but agreed with Bob and Tom regarding the



necessity of a timeframe.

Marilyn Staples: Referred to the five buildings that were identified, stating she could see them being utilized for a combination of street retail with apartments above and noted the Istanbul/Kaliski Report recommended strongly that there be a 24-hour presence in the area that included residential, retail and commercial. Her feelings are that "we did not want to see this become a sterile 8-5 atmosphere" and stated that nothing would be lost by maintaining some of these buildings for potential reuse. She reiterated the concern that if they are taken down they can't be rebuilt. She indicated the Arlington Apartments could be made into a hotel to serve the Meredith customers. She was interested in keeping the buildings, allowing them to be developed and preserving them in the meantime instead of letting them deteriorate; not taking them down until necessary. Regarding the other five buildings, she is doubtful they have any value other than documenting their history. She is also in favor of developing green space on Locust and having a series of interesting buildings on both sides of Grand Avenue.

Fran Koontz: Reminiscenced about other buildings that were demolished and indicated concern that once a building is gone it can't come back and suggested mothballing seven or eight of these buildings and giving some huge incentives to rehabilitate some of the buildings as is offered for new construction downtown. She would rather err on the side of keeping the buildings that were recommended be kept by the other Boards, indicating that discussion has been going on since 1993 or 94 and every answer has been to save some of these buildings. She would support a motion to support the recommendations of the other three Boards.

Dan Flaherty: Moved to deny demolition on the Masonic Temple, Investment Building, Aramark Building, Kingston Apartments, Arlington and Hallet Apartments, the Stivers Building at 1021 Locust Street, the Victorian house at 1321 Locust, but have the structure in front removed, and 1317 Locust, with removal of the front structure, and set a timeline for such time that the Western Gateway people come back and indicate some other use for that particular location and can provide information. When that information and a request from the Western Gateway project to remove them are received, then consideration can be made.

Fran Koontz: Indicated there will be more public money in the Gateway West than there will Des Moines Development.

Motion to overturn staff recommendations carried 7-6. In opposition to the Plan and Zoning Commission motion were Bob Mathieu, Bob Mahaffey, Dave Little, Scott Saylor, Bruce Heilman and Tom Clarke.

Minutes of the August 19, 1999 Plan & Zoning meeting were moved for approval by Dan Flaherty subject to necessary minor revisions. All voted in favor of the revised minutes.

#### **Item No. 1**

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### STAFF REPORT

The applicant is requesting to rezone property from "R-3" Medium Density Residential to "C-1" Neighborhood Retail Commercial District. The rezoning will allow the applicant to develop a McDonald's fast food restaurant on property currently owned by Drake University in the southwest corner of Forest Avenue and 30<sup>th</sup> Street.

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compatible with the Drake campus building in the area. This would include a blue roof and monument signage.

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In order to accommodate recommended pedestrian features, the three non-handicapped parking stalls to the northwest of the building should be eliminated. The patio area should be expanded to cover this area. This would not reduce the total parking stalls significantly. It would also discourage unnecessary vehicle circulation around the front of the building.

Staff does feel that the proposed use would be welcome to the commercial district that serves the University. Fronting the building along Forest Avenue visually strengthens the streetscape of that corridor along with promoting it as a pedestrian district. A side concern would be the proposed reuse of the existing McDonald's down the street.

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The current land use designation for the subject property is shown within a Commercial node by the Des Moines 2000 Land Use Plan. The applicant is requesting rezoning of a portion of the site to be developed to from R-3 to C-1. A portion of the property proposed for development is currently zoned C-1. The expansion of the C-1 area is believed by staff to be consistent with the future land use designation for the area.

### **STAFF RECOMMENDATION**

Staff recommends approval of the requested rezoning from R-3 to C-1 subject to the applicant agreeing to develop the site for a restaurant use in accordance with the submitted site plan with the following revisions:

1. Reduce the drive around the north of the building to 16' in width along with designating it as one-way traffic to exit onto Forest or re-circulate through the site.
2. Remove the three non-handicapped parking stalls shown to the northwest of the building and convert the space to additional patio area.
3. Move the 30<sup>th</sup> Street entrance to the south in conformance with Traffic and Transportation Division requirements.

Staff recommends approval of the requested vacation and conveyance with the method of conveyance in the form of a lease by the City. It is further recommended that Drake University be required to provide a vehicular turn around at the end of the dead end alley.

Staff recommends that the proposed rezoning be found in conformance with the 2000 Land Use Plan.

### **Response Cards Received:**

1 In favor  
0 In opposition

### **SUMMARY OF DISCUSSION**

Brook Wennerstrum: Asked if there was a response from McDonalds about the proposed reuse of the existing McDonalds one block away that is vacant.

Gary Lozano: Responded that there was not; they will be leaving that, indicating the building will be vacant and available for reuse.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Jim Hileman, Project Manager for McDonalds serving the Des Moines area out of the Minneapolis office, 4909 Woodlawn Blvd.: Indicated they had met with City staff during the Pre-App phase of the Development Review, which transpired some changes. They also met with the Drake Economic Task Force and the Drake Neighborhood Association and have incorporated their comments into their request. He stated the building sits north-facing and the drive through lane travels from the south around to the east with an order point, cash window and presentation window. He responded to the following neighborhood and staff concerns:

- patio area and pedestrian walkway;
- entrance onto 30<sup>th</sup> Street;
- existing McDonalds building, indicating it will be demolished and filled in;
- appearance of the new building, offering colors to match Drake University;
- landscaping, concentration on screening for headlight concerns, also shading.

Dave Little: Asked what the overall dollar value for the development would be.

Jim Hileman: Indicated he could not answer that and asked for clarification of his question.

Dave Little: Asked how much McDonalds is investing in the community.

Jim Hileman: Indicated he doesn't speak in terms of investment dollars.

Frank Cownie: Indicated he didn't think it was a fair question.

Jim Hileman: Listed their investments:

- clean, safe quality product;
- good environment for crew kids to work in;
- educational processes to bring crew kids to a level they'd like to achieve in the McDonald's organization;
- neighborhood improvement;
- sufficient dollars to provide a facility that works well, should do well and turn a profit; and
- provide tax dollars for the tax base of the community.

Dave Little: Indicated he's not looking for proprietary information, but stated that often times someone will say they are "putting up an \$8,000,000 development in your community", that was the reason for his question.

Jim Dietz-Kilen: Indicated appreciation to Mr. Hileman regarding the efforts made to address the concerns expressed by the neighborhood meeting and staff and asked if he would be willing to consider brick all the way up,

Jim Hileman: Responded that if required to do so, he would, but indicated he is currently within ordinances with the building exterior finishes he's proposing, and pointed out the characteristics he was relating to:

- brick elements
- limestone-appearance stone sill
- stucco-product efface

Jim Dietz-Kilen: Asked if he would consider either moving all or part of the patio up into the corner (northeast), stating either the whole or a part could go up there to create a street presence.

Jim Hileman: Indicated he would not be opposed to providing some optional seating areas, but didn't favor moving the patio as it currently sits, but visualized potential shaded seating areas off the street in the western-most area of the parking lot away from Forest. He indicated concern regarding outdoor seating areas, stating they are generally under-utilized and have seasonal limitations imposed on them. He stated it is an overflow area, if an inside seat can not be found, and are only utilized 3-4 months of the year during Spring and Fall.

Jim Dietz-Kilen: Indicated he was not suggesting additional seating, but placement to create more of a pedestrian-friendly street activity-type of presence, if at least some of the patio area were at the sidewalk.

Fran Koontz: Asked if he had considered moving seating and stated there may be more demand for outdoor seating due to the college students and thought they would take advantage of it and over utilize it more than under utilize it.

Jim Hileman: Indicated the college kids are there only 6 or 7 months of the year and his concern was having too much seating that would be under utilized and thought a buffer between seating and Forest Avenue would be desirable, indicating he would like to have the customers request additional outdoor seating.

Gary Lozano: Indicated the applicant removed several stalls in the patio to make room and stated that if the Commission, as part of their recommendation, wanted staff to look at the seating with the applicant, one possible option would be allowing the west side of the patio to go back to parking and regain those stall; those two things could be combined.

Bruce Heilman: Asked if Drake would have ownership of the old lot after demolition.

Jim Hileman: Indicated they would.

Eldon McAffey, 3000 School St., President of the Drake Neighborhood Association: Indicated he was not speaking in favor, but requested the opportunity to speak neutrally. He presented the position of the Drake Neighborhood Association, and indicated he had a letter from a couple in opposition to the proposal. He indicated the Drake Neighborhood Association was founded 20 years ago with the purpose of furthering the interest of the neighborhood, as contained in the original articles of incorporation. He stated that is solely how their organization will be considering the pros and cons of this proposal. He indicated various viewpoints from neighborhood residents and Board members have been presented to him, and gave a timeline beginning with their initial knowledge of the proposal from a meeting on August 11, 1999 with the Drake Neighborhood Improvement Task Force. That night was the first detailed plans they had and the Board asked him to set up a meeting to get additional information from McDonalds and Drake University. The public information meeting was August 26, 1999, which the entire neighborhood was invited to. The next Board meeting is scheduled for September 8, 1999. They have not had a chance to meet as a Board so the Board has no position. He stated a lot of concerns have been brought to his attention regarding the design of the facility. He also has heard from residents who indicated appreciation for McDonalds remaining and investing in the neighborhood. On Behalf of the Drake Neighborhood Association Board he asked for a deferral by the Commission, to give them a chance to take a formal Board position. He added that they take their responsibility as an Association seriously and did not want to bend their rules to take a position at a specially-called Board meeting because the By-laws would not allow it.

Frank Cownie: Asked if McDonald's had a problem with a deferral so the neighborhood could address the proposal.

Jim Hileman: Indicated he did, because he was on a timeline to get the project going and saw an opportunity for the Drake Neighborhood group to get their opinions voiced prior to the City

Council meeting and the Council would have the benefit of their recommendations and comments.

Frank Cownie: Indicated the Plan and Zoning Commission would like to hear their input, also, so a viable recommendation can be given to City Council, which is the Commission's purpose.

Jim Hileman: Indicated he would respect the opinions of the Commission.

Eldon McAffey: Reiterated that their Board would be meeting on September 8, 1999 and assured the Commission that if there was a deferral, they would take it seriously and would work very hard to come up with some reasonable alternatives that would address concerns expressed by the residents and try to work something out.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Frank Cownie: Asked if anyone felt the neighborhood should have the chance to meet and formulate a position on this item.

Fran Koontz: Move to defer to the next scheduled meeting of the Plan & Zoning Commission on September 16, 1999.

Roger Brown: In response to the request of an opinion on the Commission's duties, responded that the Plan & Zoning's duty is to make a recommendation to City Council within a reasonable time, which would allow one continuance; beyond that, the reasonableness would be in question.

Fran Koontz: Moved for a continuance instead of a deferral.

Bob Mahaffey: Asked if this was previously denied or deferred.

Frank Cownie: Responded that was a different McDonald's location.

Fran Koontz: Moved to continue to the 16<sup>th</sup> of September.

All voted in favor.

**COMMISSION ACTION:**

Motion was made to  
continue to September 16, 1999  
(Fran Koontz)

**THE VOTE:**

13-0 in favor

\*\*\*\*\*

**Item No. 2**

Request from Phillips 66 Company (Owners) at 5130 NE. 14 Street for voluntary annexation to include properties owned by Bruce L. & Penny J. Belleville at 1340 NE. 51 Avenue; J. & J.

**DRAKE NEIGHBORHOOD ASSOCIATION  
RESOLUTION ADOPTED AT BOARD OF DIRECTORS MEETING  
ON SEPTEMBER 8, 1999**

The Drake Neighborhood Association supports the development of a McDonalds restaurant on the corner of 30th Street and Forest Ave with certain conditions and recommendations for the current site plan which will tie the structure into Drake University buildings, show historic influence and be more pedestrian friendly rather than favoring auto traffic.

Conditions to support for the project:

- Solid brick facing on the building
- Due to continued safety concerns about the 30th Street entrance/exit, move this to the southern one-third of the property
- Do not use a mansard awning or roof *< P. Heit*
- Provide additional patio space along the Forest Avenue sidewalk

Recommendations:

- Use fabric retractable awnings over the windows to keep in character with neighborhood buildings
- Noting there are many factors in this short time frame, the property owners allow for a process, with a definite deadline, for someone from the general public to come forward and move a house/building from the site.
- If a structure is not moved, the owners allow for material salvaging.
- Remove the driveway on the north side of the proposed building.

*resisting in neighborhood*

*- notified by COPS*  
*- process 2 1/2 hr. mtg. comments from members*  
*- voted to support - we all voted pleased McD's*  
*then discussed & voted on each item.*

*- summary of DNA's position - worked hard on ~~the~~ resol. but realize we are not prof. planners. - WE WANT TO BE REAS.*

*Bottom line - we want Drake & McD's to help improve our neighborhood - want this bldg. to fit in the coincide & improve the trad. char. of the area -*  
*when this is done we want ~~the~~ ~~to~~ ~~say~~ - have you seen the Drake McD's? unique.*



① patio area  
- safety issue - buffer

② drive from Forest  
- drive thru won't work  
- grade not as good

**DRAKE NEIGHBORHOOD ASSOCIATION  
RESOLUTION ADOPTED AT BOARD OF DIRECTORS MEETING  
ON SEPTEMBER 8, 1999**

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③ brick (no)

④ roof - trademark  
- sign

Mr. Chairman, members of the commission

New commercial development at the southwestern corner of Forest and 30<sup>th</sup> could be very beneficial to the surrounding Drake neighborhood and the nearby Drake.

And there are many wonderful examples of new development in the neighborhood that have been beneficial to all. However, I see several potential problems with this proposal.

**First**

The design absolutely does not fit into the historic Drake neighborhood. The Drake neighborhood was developed more than 100 years ago to fund the building of Drake University. The neighborhood includes nearly 20 houses and university buildings on the National Historic Register, among those being

a) ~~The Norman Apartments~~, 3103 University Ave., built in 1908 at the behest of Drake University Trustees – located a block away from the proposed development.

The many buildings on the National Historic Register also include a historic district on the Drake campus that includes

b) ~~Old Main~~, the oldest building on campus, built in 1883,

c) ~~Cole Hall~~, built as the law school in 1904

d) ~~Striking Carnegie Library~~, built in 1908

## ~~Second~~

The design is completely incompatible with the traditional, pedestrian style of the Drake neighborhood. Older and newer commercial buildings in the Drake neighborhood are primarily built of red brick and built to the sidewalk. This traditional style of development is one so enduring that planners and developers in suburbs are copying it, as the Register reported in a front page story a few weeks ago.

- e) Drake Legal Clinic
- f) commercial building across from Drake
- g) converted firehouse
- h) Drake fieldhouse, located just down the street from the proposed development.

### Third

The historic and traditional style of the neighborhood is becoming increasingly attractive to young professionals like myself and to high-end businesses that appeal to potential students and their parents. Among new businesses that will be opening soon:

- \*) The Cottage bed and breakfast
- \*) The Varsity coffeehouse and restaurant
- \*) a restaurant in the old Blind Munchies/Mrs. Clark's market brick commercial building.

Changing this traditional style could interfere with this renaissance and negatively affect property values that have been on the rise.

#### Fourth

The 70-plus parking spaces in the plan are unnecessary—given the number of students and neighborhood residents who will visit the store on foot; given the city's requirement of only 30 parking spaces for this type of development; and given the proponent's est. 50% + biz drive-thru.

Before we allow this decision, as a community let's review designs that at a minimum include:

- Building up to the sidewalk
- Designing an exterior of red brick with a roofline that blends with the historic neighborhood
- Minimizing parking to only the required number of spaces – 30.

I urge the commission to support the Drake Neighborhood Association's conditions, and in addition, reduce the number of parking spaces to the city's requirement of 30 spaces.

I know that this is a difficult choice, but one which the proponent is in the best position to overcome. Thank you for your time.

**PRESENT:** Frank Cownie, Thomas Clarke, Sr., Dan Flaherty, Jim Dietz-Kilen, Bruce Heilman, Fran Koontz, Dave Little, Bob Mahaffey, Bob Mathieu, Becky Morelock, Marilyn Staples, Joe Schaefer, and Brook Wennerstrum

**ABSENT:** Brian Janousek, and Scott Saylor

**STAFF PRESENT:** Jim Grant, Gary Lozano, Erik Lundy, Roger Brown, and Deb Atkins

Minutes of the September 2, 1999 P & Z meeting were moved for approval by Dan Flaherty, with the following revisions to Marilyn Staples' statements on Page 12:

1. "the Arlington Apartments could be made into a hotel";
2. "the Istanbul/Kaliski Report recommended strongly that we have a 24 hour presence in the area that included residential, retail and commercial"
3. "my feelings are that we did not want to see this become a sterile 8-5 atmosphere".

Dan accepted Marilyn's comments as a friendly amendment. All voted in favor of the revised minutes.

**The following items were continued to the October 7, 1999 Plan & Zoning meeting:**

**Item No. 3**

An application from Tom Gratius (Owner) representing the Brook Run, L.C. (Title Holder) to amend the Brook Run Village "PUD".

- A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
- B) Amend the Brook Run Village "PUD" to allow 10.7 acres of land in the vicinity of NE 30<sup>th</sup> Place and NE 53<sup>rd</sup> Court, to be used for more dense development of 12 bi-attached units, 28 four-plex units, and 48 eight-plex units. (10-98-1.01-3)

Dan Flaherty made a motion to continue to the October 7, 1999 meeting; all voted in favor (13-0).

\*\*\*\*\*

**Item No. 5**

Recommendation from the Historic District Commission to designate the Home Lodge, 603 E. Locust Street as a Local Landmark. (20-2000-4.01)

Dan Flaherty made a motion to continue to the October 7, 1999 meeting; all voted in favor (13-0).

Dave Little left the meeting at 6:40.

\*\*\*\*\*

**Item No. 1**

An application from James Hileman, Project Manager of McDonalds, Corp. (Purchaser) to rezone property located at 1330, 1334, 1342 30th Street, 3004 Forest Avenue and 1329 31st Street. Subject property owned by Drake University (Title Holder).

- A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
- B) Rezone property from an "R-3" Multiple Family Residential District to a "C-1" Neighborhood Retail Commercial District. (10-2000-3.03)
- C) A request from James Hileman of McDonalds, Corp. for vacation and conveyance of a North / South alley right of way located South of Forest Avenue and lying between 30th and 31st Streets. Adjoining subject property owned by Drake University (Title Holder) and Jay Wangerin (Owner) of J.G.K., Inc. (11-2000-1.05)

**Item #1 is continued from the September 2, 1999 meeting of the commission.**

**STAFF REPORT**

This item was continued in order to allow the Drake Neighborhood Association an opportunity to conduct a meeting and derive a position on the rezoning request. The applicant submitted a revised site plan for the proposed restaurant that incorporated changes relating to the staff recommendation below. This revised plan was presented at the Commission's meeting on September 2, 1999.

The applicant is requesting to rezone property from "R-3" Medium Density Residential to "C-1" Neighborhood Retail Commercial District. The rezoning will allow the applicant to develop a McDonald's fast food restaurant on property currently owned by Drake University in the southwest corner of Forest Avenue and 30<sup>th</sup> Street.

The site for the proposed restaurant is currently developed with Four multi-family residential structures that have been converted over time from large single family homes. The four structures are currently managed as rental property by Drake University. The structure located at the intersection also includes a commercial addition that was last occupied by a trophy and awards shop.

To the north of the proposed redevelopment site are the University Book Store and Subway sandwich shop. To the west along Forest Avenue are commercial businesses including other fast food restaurants (including an existing McDonald's), the neighborhood Police center, a filling Station, and a building containing a pharmacy, pizzeria, and tavern. To the south are primarily multi-family residential conversions owned and managed by Drake University for student housing. To the east are Drake University campus dormitories. Part of

the proposed site includes vacant properties fronting 31<sup>st</sup> Street just south of the pharmacy building.

The applicant has participated in a pre-application meeting conducted by City staff. The initial site plan proposed by the applicant at that meeting indicated a restaurant fronting on 30<sup>th</sup> street with parking area fronting on Forest Avenue. At that time staff suggested that the proposed restaurant be rotated to front Forest Avenue which serves as a commercial corridor. The site plan submitted for the rezoning has met that request.

The site plan shows vehicular access to the restaurant from 30<sup>th</sup> Street, Forest Avenue, and 31<sup>st</sup> Street. The main drive-thru circulation will enter from Forest Avenue and 31<sup>st</sup> Street and exit on 30<sup>th</sup> Street south of Forest. In response to Traffic and Transportation concerns, the proposed location for the drive to 30<sup>th</sup> Street has been shifted south from it's initial location.

The submitted site plan shows 72 parking stalls. The Zoning Ordinance provisions would only require 30 parking stalls based on the proposed square footage. The site plan also shows a significant patio dining area off the building toward Forest Avenue. This was enlarged with removal of some of the parking stalls initially proposed. The applicant has indicated that exterior building materials and colors would be compatible with the Drake campus building in the area. This would include a blue roof and monument signage.

The applicant has addressed concerns of staff that the width of the driveway around the front of the building be narrowed to better accommodate pedestrian traffic. In addition to expected high vehicular traffic volumes to the McDonald's, staff believes that the restaurant would also attract a high volume of pedestrian traffic from the Drake campus and surrounding student housing. The applicant has also shown special pavement or markings indicating where pedestrian movement should occur throughout the parking areas.

Staff feels that the proposed use would be welcome to the commercial district that serves the University. Fronting the building along Forest Avenue visually strengthens the streetscape of that corridor along with promoting it as a pedestrian district. A side concern would be the proposed reuse of the existing McDonald's down the street.

The applicant is requesting the vacation and conveyance of the north/south alley between 30<sup>th</sup> and 31<sup>st</sup> Streets from Forest Avenue to Carpenter Avenue. This will allow the site to be developed as one continuous parcel with frontages and vehicular accesses from 30<sup>th</sup> Street, Forest Avenue and 30<sup>th</sup> Street. The site plan proposes that the alley access along Forest Avenue become a shared access for both the restaurant and the pharmacy, pizzeria, and tavern building to the west of the subject property. The owner of this building has provided consent to this requested vacation and conveyance.



The residential properties along the alley south of the proposed restaurant site are currently owned by Drake University. Drake University has also provided their consent to the vacation and conveyance request and would maintain any access necessary to the residential properties.

Staff would want to encourage the conveyance method to be in the form of a lease to both McDonald's and Drake University. This would allow the City to have some control over any future redevelopment of the property by the current owners, or if it is sold in whole or in part. Also Drake University should agree to provide some type of vehicular turn around at the dead end of the alley.

The current land use designation for the subject property is shown within a commercial node by the Des Moines 2000 Land Use Plan. The applicant is requesting rezoning of a portion of the site to be developed to from R-3 to C-1. A portion of the property proposed for development is currently zoned C-1. The expansion of the C-1 area is believed by staff to be consistent with the future land use designation for the area.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the requested rezoning from R-3 to C-1 subject to the applicant agreeing to develop the site in accordance with the submitted site plan.

Staff recommends approval of the requested vacation and conveyance with the method of conveyance in the form of a lease by the City. It is further recommended that Drake University be required to provide a vehicular turn around at the end of the dead end alley or provide an egress through one of the properties at the end of the alley. This recommendation would be subject to approval of the requested rezoning.

Staff recommends that the proposed rezoning be found in conformance with the 2000 Land Use Plan.

#### **SUMMARY OF DISCUSSION**

Marilyn Staples: Asked if it was a lease.

Gary Lozano: Indicated it was.

#### Response Cards Received

1 in favor

0 in opposition

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Dick Ingstrom, McDonald's Corporation, substituted for Jim Hileman, Project Manager: addressed the concerns and proposal from the neighborhood association as follows:

1. patio enlargement – patio is 2800 sq. ft. and could have over 100 seats; the restaurant has only 70 inside; they will accommodate the inside/outside seating ratio; He has some

concerns regarding the location of the patio with the buffer along the setback off the street due to:

- a) safety; keeping people off the sidewalk off the main street;
  - b) an additional buffer along Forest Ave. on the landscaped area for a better buffer and more usable seating arrangement;
2. 30<sup>th</sup> Street entrance/exit - relocated the driveway back as far as possible off Forest, utilizing it for a drive-thru; moving it back further would put it behind the presentation window and a right hand turn out would be impossible; a grade differential, which would provide a less than desirable grade from 30<sup>th</sup> Street around 8-10% and causes concern for safety during winter, therefore McDonalds would like to keep the driveway where it is;
3. exterior amenities – standard finish is a face brick with a stucco or efface material on the top side and either an asphalt shingle or metal roof; initial proposal had a blue roof and brick, agreed to work with Drake University with the colors to blend with the University and the Post Office, which has a lighter brick, an efface material on the upper half that is two-color and a blue standing seam roof over the portico on the entranceway. He stated the existing restaurant is full face brick, and indicated the street presentation is 99% glass. He indicated they don't feel the additional face brick would be beneficial to the design and would like to leave their existing condition, working with Drake University with the colors.

Dan Flaherty: Asked what a mansard awning or roof is.

Dick Ingstrom: Explained it is a McDonald's trademark roof; a double-sloped mansard at two angles. He stated most of the customers decide to go to McDonald's on the spur of the moment and look for the attributes that are widely-recognizable; their double mansard roof is the one they have on their buildings. Their request is to maintain the double mansard roof, but he reiterated that the color could be worked with. He stated awnings can be used effectively because they protect sidewalks where the pedestrians are constantly walking, but they don't hold up; they get ratty looking and have to be replaced.

Fran Koontz: Commented on the roof colors and indicated that most customers are probably in vehicles for McDonald's, but this one being on a University, most of their business will be students walking.

Dick Ingstrom: He responded that they have taken a lot of customer surveys and studies and addressed Karen Baker for the percentage of customers who are actually walking students.

Karen Baker: Indicated 20% of customers are.

Dick Ingstrom: Indicated McDonald's have tried to become a better partner to the University. They are trying to service Drake and their students and have tried to accommodate the pedestrian issues and stated there is a little different traffic pattern today off Forest.

Marilyn Staples: Asked what the operation hours are.

Dick Ingstrom: Indicated they are the same as the existing location, which is 6-11 Sunday through Friday and 6-midnight Friday and Saturday.

Jim Dietz-Kilen: Asked which view shown was from Forest and which one was from 30<sup>th</sup>.

Dick Ingstrom: Pointed those out on the drawings.

Jim Dietz-Kilen: Clarified that there would be quite a bit of exposure of the wall space vs the windows.

Dick Ingstrom: Indicated that was correct and added the front corners are all seating for the dining room.

Joe Schaefer: Indicated the Planning Advisory Service Report had a graphic of a McDonald's that showed a radical departure from the roof design shown and asked how cost-effective or costly it would be to redesign something that would be more amenable to the neighborhood's idea of the roof concept.

Dick Ingstrom: Indicated that in most of the cases McDonald's is willing to look at the streetscape and stated there are a lot of different factors go into looking at the exteriors. McDonald's starts at the interior core kitchen and works outside; everything revolves around the kitchen and must be certain distances. Most articles in the Report are Historical Districts of great magnitude. He stated there are a lot of circumstances involved and it is difficult to waver from the standard, because the costs can be predicted on the standard.

Joe Schaefer: Asked how this McDonalds compares to similar volume restaurants for McDonalds.

Dick Ingstrom: Responded that compared to the regional average across the nation, this is one that is a little below the norm as a region. In the Minneapolis Region they have not deviated much. They have a new building that is going back to the 50's. When they begin looking at the costs, those are being put in higher-volume stores because it is a larger restaurant. This style restaurant is the typical style and size and generates cash flow for the operators. McDonalds has tried to position themselves to try to accommodate that and are looking at the length of time they have been in the community. He stated the community has seen the double mansard roof for the last 18/19 years and they are trying to stay within the same theme so they don't have trouble with people not noticing them.

Joe Schaefer: Indicated this is not on an Interstate system and is not at a huge intersection and the people that would be going to this restaurant aren't going to be impacted by the mansard roof. Stated he had been wondering about the amount of flexibility, but that the question had been answered concerning economics.

Dick Ingstrom: Responded that it floats down to the economics.

Marilyn Staples: Asked about the service area, waste disposal and so forth, indicating she didn't see it addressed on the site plan.

Dick Ingstrom: Indicated it is located in the back of the building for security and control.

Marilyn Staples: Asked about the semis that service them.

Dick Ingstrom: Responded that they park along the westerly edge and will be exiting out 30<sup>th</sup>, back to Forest and around.

Marilyn Staples: Asked if they come after closing hours.

Dick Ingstrom: Indicated they typically deliver during regular hours. The only time they don't deliver is between 11-2 and 4-7.

Eldon McAffey, 3000 School Street, President of the Drake Neighborhood Association, indicated appreciation for the extra time given them for reviewing the proposal. He referred to two items that were handed out to Commissioners, which were:

1. the resolution that was adopted;
2. the photocopy of the Planning Advisory Service Report.

He stated the neighborhood association got a message out over the COPS phone system (Community Oriented Phone System) notifying people of the Drake Neighborhood Board meeting September 8, 1999. At that meeting they voted on the first part of the resolution that indicated support for the McDonald's, indicating appreciation of the business reinvesting in their neighborhood. They discussed a list of conditions and voted on each condition separately; two did not pass. The following four were approved, however not unanimously:

1. solid brick facing - very important to the Association and believe it to be do-able;
2. safety concerns with 30<sup>th</sup> Street entrance and exit - acknowledged if it were moved to the South it would require a lot of reconstruction on the drive-thru, but felt the driveway is too close to Forest; believe moving it south would be safer for the auto and pedestrian traffic;
3. mansard awning or roof – do not use it; build a McDonald's in the neighborhood that will create interest due to it's unique design;

Marilyn Staples: Asked what type of roof the Association was recommending.

Eldon McAffey: Indicated they felt the best thing to do was to be specific requesting no mansard awning or roof, so McDonald's could be flexible in the design. They had a lot of discussion as to what they wanted and stated they did not come up with any designs.

Dan Flaherty: Clarified that the Association wanted something that would conform to the character of the neighborhood and asked what that character was for the Drake neighborhood and referred to numerous buildings in the area with varying looks.

Eldon McAffey: Indicated they were talking about the buildings along 25<sup>th</sup> Street around the Varsity Theater and pointed out two old brick apartment buildings a block away to the left of 31<sup>st</sup> and University. He reiterated that what they are looking for is something other than a Mansard or awning roof and stated they generally want something that will fit more closely to the various architecture in the neighborhood than the mansard awning or roof.

Dan Flaherty: Asked if it conforms to the Post Office that is down the street.

Eldon McAffey: Indicated the Post Office is six blocks east and stated they want to raise the bar. He continued with the conditions indicating the fourth condition to be the patio space along the Forest Avenue sidewalk and acknowledged the safety concerns. He stated they are looking for more of a pedestrian-friendly neighborhood feel.

Larry James, Jr., 2909 Cottage Grove, indicated the Drake neighborhood is the kind of neighborhood that Des Moines can compete with the suburbs in, indicating the importance of

the urban design. He agreed with the recommendations and stated there should be a way for McDonald's to build a restaurant that would fit with the neighborhood and indicated approval of McDonald's, but opposition to the design. He also indicated Des Moines has a chance to do what other cities have done and have a chance to raise the bar again. He stated that the neighborhood wants something that is all brick front with awnings; don't want a mansard roof, but something that looks like the Varsity. He indicated 30<sup>th</sup> Street will become one of the main traffic arteries in the City when the I-235 reconstruction is done and traffic counts on the street will skyrocket.

Dan Flaherty: Asked what he meant by solid brick facing.

Larry James, Jr.: Indicated they aren't saying they want windows, but that they want the brick to go all the way up around the windows and stated that something different can be done in place of the mansard roof. He asked the Commission to consider a reduction in the number of parking spaces.

Fran Koontz: Asked if Mr. James wanted all the sides to be brick all the way up and asked about a gable roof.

Larry James, Jr.: Responded that there was an example of a gabled roof in the Report they had, but that they did not indicate what kind of roof they wanted because they thought it would be too stringent.

Jennifer James, 2909 Cottage Grove, homeowner: Showed some pictures, indicating the design of the proposed McDonald's does not fit in with the Historic nature of the neighborhood. She stated there are nearly 20 buildings in the neighborhood that are on the National Historic Register. She drew attention to the dominance of red brick in the neighborhood and indicated the roof for McDonald's could draw from the designs of some of the buildings. She also addressed the parking issue, stating the city only requires 30 parking spaces and suggested the Commission consider that issue carefully; a lot of people in the neighborhood walk and the space would be wasted if used for parking and is land that could be utilized for another development later and would then add to the city's tax base more than a parking lot would.

Dennis Smith, 4770 NE 38<sup>th</sup> Avenue, works for McDonald's Corporation, but spoke as a consultant to the franchisees. He indicated a design that would match the buildings in the neighborhood, anything above and beyond the ordinary design, would be paid for by the franchisees, Jim and Karen Baker. He stated the existing McDonald's only has 30 parking spaces and some business drives by because they can't get in and out. They would like the business to stay in the Drake area, but stated parking is an issue because they get buses and vans and want to be able to accommodate them. They are looking to relocate to help the business of the store, which is currently below the average for the region and they hope moving will bring that up.

Max Stanfield, 2628 High Street, Drake Student: Indicated the drive-thru is the reason this doesn't fit into the neighborhood. He referred to the 2020 Plan, indicating the support and comments of the citizen population were requested by City staff at the public meetings. He acknowledged the 2020 Plan is not in effect yet, but indicated it is all about preserving the character of the neighborhoods. He stated that the Commission has the power to recommend that McDonald's doesn't do this unless it fits into the character and design of the neighborhood.

He requested the Commission encourage McDonalds to do this before recommending the rezoning.

Andrew Penenky, 1019 25<sup>th</sup> Street: Referred to comparisons of Des Moines to other big cities, indicating the over-commercialization of neighborhoods in big cities and stated that Des Moines has the sense of knowing one another. It's a more personal experience. He stated the McDonald's is a typical restaurant that's not going to grow Des Moines. He is in support of the neighborhood's recommendations.

Bill Cappuccio, 1084 24<sup>th</sup> Street, member of the Drake Neighborhood Association: Voiced support of the neighborhood association's recommendations and was in agreement with the other speakers regarding the façade and the exit on 30<sup>th</sup> Street. He stated there are a lot of good things occurring in the neighborhood and this could be part of it. He would like to see another exit at the southeast corner to take the traffic coming through from the parking and reducing the traffic problems coming from the drive-thru. He stated if that were done the other exit could possibly be eliminated. He thought this would distinguish this McDonald's from all the others in the city, and would give it the character and usability that the neighborhood would appreciate.

Dick Ingstrom: In his closing statements he reiterated the concerns, indicating the desire to stay as consistent as possible. He felt Traffic and Transportation could justify where the driveway should be and stressed that the customers are the most important people and McDonald's wants the operation to stay in the neighborhood. He stated they have done a lot of exterior things to a great expense and are asking that the Commission appreciate that they will do what they can, but can't do everything.

Tom Clarke: Asked if he was supporting Staff Recommendations on 1-A, B and C.

Dick Ingstrom: Indicated he was.

Tom Clarke: Asked if he had read it.

Dick Ingstrom: Indicated he had a copy and did read them.

Dan Flaherty: Stated he'd like to move staff with additional conditions.

Frank Cownie: Indicated the Public Hearing had not been closed yet.

Marilyn Staples: Stated she would like to ask Gary more about the traffic.

Frank Cownie: Asked if there were more questions for Mr. Ingstrom.

Marilyn Staples: Stated she did not.

Fran Koontz: Asked Mr. Ingstrom if it wouldn't be good PR for McDonald's to help the franchisee's build a restaurant that would fit into the historic character of the Drake neighborhood, indicating they could advertise it and put it in a brochure to send around the country to show how McDonald's is willing to work with neighborhoods. She stated a gabled roof could be put on and brick could be put on the two sides of the building to make it look like the rest of the neighborhood. It would be something McDonald's could point to with pride, show

how they partner with the franchisee in the neighborhood and show sensitivity to the issues in the older urban areas versus suburban areas in their designs. She asked if the company would be willing to do something like this.

Dick Ingstrom: Responded to Fran's comments indicating McDonald's can't design to every consideration that a neighborhood or city requests. If they did, they wouldn't be in the position of having 25,000 restaurants across the world. McDonald's is founded on pride and a principle of the operation of the quality, service and cleanliness, which is part of their heritage. He requested that be appreciated, indicating as a corporation they are on the same foundation and still try to deliver what started the corporation in 1955. He stated they have kept this as a stellar portion of a commitment to the communities, involvement with the Ronald McDonald houses, and other children's charities. He indicated studies show that special exteriors don't drive business. Consequently, they have steadfastly used the trademark double-mansard roof. He stated there are variances throughout the country, such as in malls where they don't have the double mansard roof and there are some with single-pitched or gabled roofs, but indicated it is a mechanical nightmare because of the HVAC considerations and exhaust fans and is costly.

Marilyn Staples: Commented that she has seen McDonald's in Germany in historic buildings and they conform to local regulations.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Dan Flaherty: Moved staff with the following additional recommendations:

1. recommendations set out by the Drake Neighborhood Association;
2. staff work with the franchisee to ensure the conditions are carried out.

Tom Clarke: Indicated the owner is proposing a building that is better than the existing one, and the owner and corporation wish to invest in a new facility in the neighborhood. The neighborhood wants to design a better building, but has no standards for other housing in the neighborhood, don't insist other commercial properties or neighbors conform to standards, but indicated the buildings that are surrounding this needed to be kept in mind. He listed a few of the buildings and noted that this is a better building than three or four that are there now. He stated the building as presented, and the conditions the corporation agreed upon, and the time and effort spent on this, the staff recommendations cover this. He indicated he can't support the idea that the neighborhood doesn't want to support this, but doesn't make any financial commitment to the owners that they're going to put up a differential. If the redesign project is to enhance the value of the neighborhood, the neighborhood should come forward with a financial commitment for the owners.

Joe Schaefer: Commented there is a parochialism in the neighborhood that exists dependant upon the proximity of the project to Drake University. Wanted to ensure that the interests of everybody in the neighborhood were included in this, not just those within one block of the Drake University area.

Bob Mathieu: Indicated there is not much redeeming value in the McDonald's building as a piece of architecture and stated it doesn't fit into this neighborhood. He stated he thought McDonald's could have a variety of designs developed that could be utilized for the people who buy the franchises in different areas and could come up with a design that would be friendly to many urban neighborhoods. He didn't believe it was a matter of custom-designing every McDonald's, stating there would be a lot of sites that would have something in common. He

indicated that wouldn't solve the immediate problem, and stated it comes down to whether or not the neighborhood wants a McDonald's the way McDonald's wants to build it, or whether they would just as soon not have a McDonald's if it won't fit the neighborhood. He stated he was hearing they would rather not have it if it doesn't fit the neighborhood. It seems there should be some respect for what the neighbors want.

Dan Flaherty: Referred to the financial commitment, stating the neighborhood is making a financial commitment every time they buy something there. He indicated McDonald's doesn't need to make a presence there because it already exists, and to keep that presence, they don't have to change the building at all. He didn't feel the neighborhood association was asking for anything extreme, only to fit it into the neighborhood. He listed the concerning factors, indicating the neighborhood shouldn't sit and watch while a building is put up that looks wrong in the neighborhood and McDonald's should be willing to conform to what the neighborhood wants if they want the neighborhood to support them by frequenting their restaurant.

Bob Mahaffey: Indicated he had mixed emotions.

Brook Wennerstrum: Indicated appreciation of the views and presentations. He believes this is a better building than the current building, but stated McDonald's needs to branch out instead of trying to force their view on people. He indicated there are treatments that could more than accommodate the HVAC and grill and other concerns McDonald's has and should be thinking outside the box or they will be facing the same challenges from other neighbors in other cities. He stated he won't support this unless it is adopted in its current form and current motion and unless those things are agreed upon with the neighbors.

Bruce Heilman: Stated as a small business owner, he finds this design does conform with the 2020 Character Plan. Comparing it to other McDonald's buildings, this plan with the pedestrian-friendly nature, the general idea does fit in with this business district. He felt it ludicrous to ask McDonald's to think outside the box. He stated the franchisee is willing to make a tremendous investment and felt the Commission needs to be careful the message they send as to how high they want to set this bar. He stated he would like to see more brick, but agrees that the more changes that are demanded, the higher the cost for the franchisee. He fears that they won't be able to afford this and he would like to see McDonald's stay in the neighborhood. He is in support of the staff recommendations.

Jim Dietz-Kilen: Indicated he would like to see McDonald's stay there, also, but would like to see it look urban instead of suburban; thought this plan would look fine somewhere else, but not in this neighborhood. He stated if McDonald's as a corporation doesn't already have two or three plans that can fit into the character of the older neighborhoods, it's time for the corporation to do that instead of making the franchisee take it on. He indicated concern that if fast food restaurants continue to exist with the standard, suburban design, that is all that will be attracted there. He believed this to be the opportunity to accommodate the development and do it in a way that encourages mixed development in the area in the future, instead of just one standard fast food restaurant next to another one.

Becky Morelock: Indicated her concern is that the problems people in the neighborhood have will be a problem with McDonald's, not the franchisee. She indicated she doesn't like the entrance/exit on 30<sup>th</sup> Street because of the traffic problem, not because of its proximity to Forest. She stated McDonald's can fit where they need to and thought they needed to take more interest in this particular building than they are.



Marilyn Staples: Indicated a couple months of public hearings on the 2020 Character Plan had just finished up and she thought what was heard consistently was to go for more quality whenever possible. She stated this is still a standard McDonald's design with varying colors and agrees with the neighborhood that it should be red brick, not stucco. She had grave concerns about the traffic pattern regarding cars being able to circle all the way around the building and was not convinced the exit on 30<sup>th</sup> street is where it should be for safety. She would like to see red brick and at least a pitched roof, if not one with gables, and was convinced that if McDonald's wants to do it, they will. She agreed that the franchisee should not have to bear the additional costs, but the company as a whole needs to look at their own operations and come up with a variety of designs that can be fit into various situations. If a 2020 is going to be done and quality is going to be a goal, then quality here means to let it fit into the Drake campus and be compatible; not stick out like a sore thumb.

Fran Koontz: Indicated appreciation to everyone who was in attendance at the meeting and acknowledged the hard work of the neighborhood association. She also thanked Bob Mathieu for making the point that McDonald's or any other chain restaurant, can not be a one size fits all. There's a great move back to urban areas; the new urbanism movement that's sweeping the nation. A lot of time and energy has been spent offering a 2020 Community Character Plan; it's been taken out to the community all summer long. In every instance they heard people from all socioeconomic levels indicate they want the bar raised, want more rules, would like to have their urban area be an urban area and are tired of people building butler buildings. Now the City Council will have to be sold on it, which will never happen if the Commission can't sell to themselves. She stated that the trust needs to be kept of all the people who attended the public meetings who stated they cared about the community and want the urban character of the city kept. She stated the Commission is faced with the task of asking the big corporation to step up to the plate and do something different from the norm. She supported Dan's motion.

Frank Cownie: Indicated he thought the motion was clear and the neighborhood had four conditions that were more important to them than the recommendations. He asked about the brick facing, indicating it to be an apparently important issue and indicated Mr. Hileman stated that was done in some areas and if necessary they might. He asked Mr. Ingstrom if that could be done or if the franchisee had to be asked.

Dick Ingstrom: Responded that he would like to ask Jim (Hileman) if he said that and indicated they could.

Frank Cownie: Regarding the safety issues, asked if there was a possibility McDonald's could sit down with staff and work through the ingress/egress problems and the safety concerns that the neighborhood and staff have, to try to work it out.

Dick Ingstrom: Indicated McDonald's is committed to the safety of the public and their consumers and stated they will do whatever they have to, to work with on any type of safety and ingress/egress so that it's workable for both parties, with the understanding that it works with the recommendation from staff and McDonalds locally. He stated they want to have a safe place and would commit to work with staff on the issues of the safety and the access point off 30th Street.

Frank Cownie: Stated that previously, when speaking with Mr. Hileman regarding the fourth point, the additional patio space along Forest, he seemed somewhat concerned that, in addition

to other things, could be a safety issue. He asked Mr. Ingstrom if he could work with everybody and try to work on that safety and the patio space on item #4.

Dick Ingstrom: Responded that they would be more than willing to work with staff. He indicated their concerns were that they already had 2800 sq ft and if it was larger than that, how many seats were they going to have to have and how many would actually be used.

Frank Cownie: Referred to a suggestion made last time that Bruce Heilman may have made, was to make the patio a little smaller and try to get some of the seating out into that area, but indicated he didn't want to get involved in a safety issue if that's what Mr. Ingstrom thought it was one.

Dick Ingstrom: Indicated they would work with staff to ensure accommodation.

Frank Cownie: Agreed that 2800 sq. ft. was a lot.

Dick Ingstrom: Indicated that was over half their building.

Frank Cownie: Hoped McDonald's would work on the mansard awning roof, but indicated he understands the cost problems. He stated they are hopeful the roof issues can be worked out, and indicated he was not as concerned about the HVAC issues as much as the façade and quality issues. He indicated there seemed to be some good ideas regarding awnings and trying to make it look like the area, but that they would assume the franchisee would try to accommodate that in the parameters that McDonald's has outlined in their franchise agreement. He indicated he would like the franchisees feel the needs of the neighborhood and asked if McDonald's would direct the franchisees so they would have the ability to do some different things.

Dick Ingstrom: Asked if he was referring to the roof.

Frank Cownie: Responded that he meant some of the awnings and windows, indicating the Board would like to have them discuss the roof.

Dick Ingstrom: Indicated they could come to some sort of agreement and stated the mansard roof is a problem, but thought the other attributes from the embellishments to the architectural side could be discussed and determined if other embellishments could be done on the exterior of the building that would tie more into what the neighborhood association feels is acceptable.

Frank Cownie: Referred to the other recommendations and asked if McDonalds would give a time line for moving the houses if people were interested.

Dick Ingstrom: Indicated they had a meeting with the Drake University people and stated it can be a financial burden to move a house and they are ready to give somebody ample time to relocate a house if they wish to purchase it and they would put a timeframe in motion. From a salvage standpoint, he stated they would open the buildings up for salvage if that was necessary and indicated they are willing to work with anybody in that nature as long as they can work within a time frame and safety timeframe that holds everybody in the best interests.

Dan Flaherty: Asked Frank if that was a friendly amendment.

Frank Cownie: Indicated it was.

Gary Lozano: Indicated Roger Brown had a concern regarding the recommendation of staff to lease the alley rather than sell it and indicated there may not be as much a need to lease this particular alley. The concern has to do with the difficulty in administering leases over time and whether it was really important in this case.

Roger Brown: This Commission has usually recommended that property be leased rather than sold when there is a desire to retain control over the future development of the site. In this case the staff recommendation is to approve the rezoning for use in conformance with the proposed site plan. If the property is to be redeveloped for a use not conforming to the proposed site plan, it would require that the zoning come back before you and the City Council for approval. Therefore, the concerns that usually motivate the recommendation to lease may not be present in this case. Leasing property requires ongoing administration to assure that the rent is collected and that appropriate insurance is maintained by the tenant to protect the City from liability. It would be appropriate for you to weigh these issues when making your recommendation on the policy issue of whether to lease or sale the vacated alley right-of-way.

Frank Cownie: Asked if his recommendation was to sell it and if that would be the cleanest way to do it.

Jim Grant: Indicated Roger's comments were the legal advice he was giving the Commission and stated the staff recommendation would be changed to selling the property; would not want the future encumbrances that would go along with the lease and the liability that would be associated with it on a commercial property.

Dan Flaherty: Accepted that as a friendly amendment.

Bruce Heilman: Made a point of clarification and asked if he understood correctly that the friendly amendment states that the conditions to support the project and Drake Neighborhood Association now are under negotiations with staff to expedite that and that the Commission would encourage those four up to a reasonable economic impact.

Frank Cownie: Stated his understanding was partial and indicated the only thing he thinks the Commission has some open discussion on is the mansard roof, which seems to be a definite problem, but that it sounded like Mr. Ingstrom would look at it; the other issue was the patio. The first Mr. Ingstrom's ok with, the rest will be worked out with staff.

Bruce Heilman: Asked if that was the understanding.

Dan Flaherty: Indicated that was his understanding and stated that's the way it reads; the first two seem definite; the economics is the concern, but the fourth one is without objection.

Bruce Heilman: Asked if this is left open to negotiations with the understanding that there is a severe economic impact on some of it, in particular the roof, then he cannot support mandatory for these four points. He stated if these are open for negotiations, and if Traffic & Transportation staff thinks the exit or traffic situation can be improved that's fine, but indicated he can't support it with the statement "do not use a mansard awning or roof". His point of clarification was asking where the motion stands.

Dan Flaherty: Indicated his understanding was that staff and the neighborhood association would work with them to try and get the best resolution they possibly can and believes that will happen.

Bruce Heilman: Indicated he did understand the amendment correctly.

Dan Flaherty: Indicated he didn't think it had anything to do with economics, but with parameters and economics is only one of the factors that McDonald's, the franchisee and the neighborhood are going to want to consider. He stated he could see other parameters that were going to be important. He stated the Commission would be dictating the terms as to how it has to look, otherwise, and didn't think that was the neighborhood's intention.

Frank Cownie: Indicated he thought the Commission was going for better quality and those kinds of issues; thinks McDonald's is going that way and the neighborhood has given a lot of input, so hopefully between staff, in the interest of the franchisees and the neighborhood association, McDonald's will be able to do it affordably. He believed some of the things McDonald's was still open to and would do the brick.

Fran Koontz: Indicated a neighborhood can kill a business if they don't use it; felt McDonald's used the message loud and clear that they will be good business people.

Frank Cownie: Stated they are good corporate citizens and have proved that.

Joe Schaeffer: Asked for a restatement of the motion.

Dan Flaherty: Moved staff with the conditions as set forth by the Drake Neighborhood Association; include the addition of making the houses to be demolished available for salvage or moving and included vacation and sale, not lease.

Bob Mathieu: Asked if he was including that all the conditions be met.

Dan Flaherty: Indicated he was; the four with the negotiations that were talked about.

Tom Clarke: Indicated he was still not clear on the motion and asked what the duty of the owner and the franchisee are. He asked if the only duty was to cooperate with staff and staff was the final arbiter of the questions so the Commission doesn't see it again.

Dan Flaherty: Indicated brick is a given, safety concerns about 30<sup>th</sup> Street are a given, the awning or the roof needs to be negotiated because of economics and other things and indicated confusion over what McDonald's was specifically looking for, and the additional patio space needs to be negotiated, also because there were a number of different ways that could be done.

Frank Cownie: Indicated he was personally happy with the way it was, but that McDonald's was willing to work it out.

Bob Mathieu: Asked who it is negotiated with; staff or the neighborhood.

Dan Flaherty: Responded it was staff and the neighborhood.

Frank Cownie: Indicated it was staff and the neighborhood and hopefully the staff would direct the negotiations.

Becky Morelock: Asked what happens if they come to an impasse.

Fran Koontz: Indicated the Commission would trust that they won't.

Frank Cownie: Indicated the Commission would hopefully send it on and let the powers that be and the dollars work it out and Council would have final say on it, stating it may change a little bit, but hopefully not much.

Joe Schaefer: Asked if this was the go ahead for McDonalds.

Frank Cownie: Indicated he thought they could go ahead with it based on this negotiation; trying to work out the best solution given the economics and safety issues of the couple of unresolved issues.

Tom Clarke: Indicated he was still unclear as to whether the neighborhood has an equal say with staff in this negotiation, and if they do a neighborhood organization has been equated with City staff and the Commission is saying that unless they agree the project can't go forward.

Dan Flaherty: Indicated he understood the motion to say staff will be the final decider on this; the neighborhood would have input. It has to happen because if not the mansard awning or roof, what would be used. He stated without the assistance from the neighborhood, we don't know what they want and he didn't think staff knew.

Jim Grant: Indicated that if this moves forward with this recommendation, it will go to City Council on September 27th to set the date of hearing for October 18<sup>th</sup>. He stated that is how long there is to arrive at a resolution to all the different negotiations that are being talked about. He indicated that Council has the final decision. There will be a recommendation from the staff and hopefully it will be consistent with the neighborhood, McDonalds and the staff and not be three different recommendations. The goal would be to write one recommendation by that time.

Frank Cownie: Indicated there needed to be a specific timeline in terms of the houses and stated the neighborhood agrees. He asked Mr. Ingstrom what the time limit was on getting started on the project.

Dick Ingstrom: Indicated they have to work with Drake University. He clarified the two dates given for Council.

Dan Flaherty: Indicated they could make it 30 days from the date of the Council meeting, which would make it the first part of November.

Tom Clarke: Suggested letting staff make those kinds of recommendations.

Frank Cownie: Indicated they needed to direct staff to make those dates specific.

Dan Flaherty: Suggested making it 30 days from the date of the Council meeting.

Fran Koontz: Suggested having signs put up on the houses now, if Drake agrees.

Jim Dietz-Kilen: Clarification on the patio space, stating concern of a misunderstanding relating to that issue and indicated he didn't think anyone was asking for additional seats in the patio area, but actually additional patio space close to the sidewalk. He stated he had heard people say, several times, that there are a lot of seats there, now and there may be too many seats in the patio section; it's more the location not the number of seats.

Tom Clarke: Clarified that they weren't talking about additional seats, but relocated space.

Frank Cownie: Indicated at least the possibility of it, but stated he heard Mr. Hileman last time mention that safety was an issue.

Bruce Heilman: Indicated trash control was another issue in the green space with a buffer there that gives them better litter control.

All were in favor of the motion with the exception of Brook Wennerstrum and Bob Mathieu who were in opposition.

Motion passed 10-2

**COMMISSION ACTION:**

Motion was made to  
Accept staff recommendations with the  
following additional recommendations:  
1. Drake Neighborhood Association  
conditions;  
2. staff work with the franchisee to ensure  
the conditions are carried out.

Friendly Amendments were:

1. McDonalds make the houses to be  
demolished available for salvage or  
moving and give a time definite;
2. vacation and sale, not lease;  
(Dan Flaherty)

**THE VOTE:**

10-2 in favor  
(Brook Wennerstrum and Bob Mathieu  
were in opposition)

Dan Flaherty left the meeting at 8:30 p.m.

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**Item No. 2**

An application from Frank Gillotti (Owner) d.b.a Road Contractors, Inc. (Title Holder) to rezone property located at Pine Avenue and Highway 28 (S.W. 42<sup>nd</sup> Street).

- A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
- B) Rezone property from an "PBP" Planned Business Park to a "PUD" Planned Unit Development to provide for smaller lot sizes and support commercial uses. (10-2000-1.02)

#### STAFF REPORT

The applicant is requesting rezoning from "PBP" Planned Business Park to "PUD" Planned Unit Development. The subject property is located immediately southwest of the intersection of SW Pine Avenue and Highway 28 (S.W. 42<sup>nd</sup> Street).

The subject property is currently undeveloped and was previously used for agricultural purposes. Directly north is undeveloped land zoned "PBP" and "R1-80" that is owned by the Airport for the southwest runway extension. To the East is the Des Moines Register site under development and the Airport Business Park PBP. To the south is undeveloped land that has been acquired for the relocation of Highway 5 and its interchange with a future relocated Highway 28. Directly west is undeveloped property owned by the City that was acquired as a part of the highway projects.

The applicant is proposing approximately 40 acres of support commercial and planned business park uses. The submitted Concept Plan shows 8 proposed parcels ranging from two to nine acres. The only street proposed to service these properties is an extension of Gannett Drive from its current intersection with S.W. 42<sup>nd</sup> Street curving west then north to connect with Relocated Army Post Road. At this time the applicant does not own the property where the street is shown intersecting with Relocated Army Post. Staff would need to see a temporary turn around providing access to all the lots to serve until the necessary property is acquired. Private drive access is shown from S.W. 42<sup>nd</sup> Street to the northeast part of the development with the remaining properties having private drives from the extension of Gannett.

With the ultimate development of Highway 5, S.W. 42<sup>nd</sup> Street will dead end south of Gannett Drive. The applicant would at a future point seek to vacate and acquire the west half of the street right-of-way south of Gannett and incorporate that into one of the development parcels. The Concept Plan currently reflects this proposal, however the proposed setback provisions will be imposed from the existing street until such time as it is vacated and conveyed.

The submitted Concept Plan indicates no less than two acre lots with uses restricted to PBP uses and support commercial. Building materials proposed include brick, architectural precast panels, tilt-up concrete panels, split-face concrete block, stone, EFIS/stucco, and glass. Colors would be earthtones and

other muted colors. Vibrant colors would only be allowed to accent details. Staff would want to discourage the allowance of EFIS/stucco material. It has been prohibited from use in other recently approved Concept Plans. Staff would recommend that the EFIS/stucco material not be allowed to be consistent with the adjacent developments.

Significant landscaping is proposed that is consistent with recently approved PBP/PUD developments in the vicinity of the Airport. All mechanical, electrical, and utility equipment would be required to be screened architecturally. All parking areas would be screened by berms or landscaping materials. Storm Water Management would be the responsibility of the individual developer of each parcel.

Signage requirements are consistent with similar approved Concept Plans. However, the applicant does not provide for cases where multiple tenants may use a single lot. The applicant may wish to provide for a reasonable sized directory sign in that instance that allows all tenants to advertise.

Staff has one primary concern that will come about during the preliminary platting process. At this time sanitary sewer service has not been extended to the site. There is currently sanitary sewer within the Airport Business Park development to the east. The extension of this seems the most logical at this point to the applicant who is working with City Engineering and the owner of the Airport Business Park to determine how this can be accomplished.

Another minor concern that was not addressed in the Concept Plan is the issue of the height restrictions due to the Airport Height and Hazard Restrictions. Maximum heights should be set for the development that are consistent with those restrictions.

The current land use designation shown for the subject property in the vicinity of Relocated Army Post Road and Highway 28 (S.W. 42<sup>nd</sup> Street) is shown as Industrial. The applicant is requesting to rezone the property from "PBP" Planned Business Park to "PUD" Planned Unit Development. The applicant is seeking the change to PUD to allow smaller lot sizes and the support type commercial uses for the development surrounding the Airport. This requested rezoning would be consistent with the future land use designation for the area.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the proposed rezoning subject to the following:

1. That the applicant provide adequate sanitary sewer to the site.
2. That all development plans be subject to Airport Height and Hazard Regulations.
3. That all development standards and notes be included on the Concept Plan Drawing.



4. Making note on the Concept Plan recognizing that the street connection of extended Gannett Drive at Relocated Army Post is subject to acquiring property from the City and providing for an interim turnaround solution that will provide access to all lots.
5. Making a note that setback restrictions provided on the plan will be observed from Highway 28 on the southeast lot until such time as the additional right-of-way is vacated and conveyed.
6. Prohibiting EFIS/stucco as a permitted building material.
7. Revising the signage allowances to permit a directory sign on a lot that has multiple tenants or uses.

Staff recommends that the requested rezoning be found in conformance with the 2000 Land Use Plan.

#### **SUMMARY OF DISCUSSION**

Brook Wennerstrum: Asked if this was a presentation of a preliminary plat of a Planned Business Park.

Erik Lundy: Responded that this is for a concept plan approval for the rezoning to PUD.

Brook Wennerstrum: Indicated this was a preliminary plat that you're giving this information on.

Erik Lundy: Indicated it is not a preliminary plat, it's a concept plan.

Fran Koontz: If they want to make it bigger they have to come back.

Joe Schaefer: Asked if this was for the area just west of what is the new Register.

Erik Lundy: Indicated it was.

Joe Schaefer: Asked if it was south of Army Post Rd. below all the grading that's going on.

Erik Lundy: Indicated that was correct and pointed out on the map where it located.

Frank Cownie: Indicated he thought Erik was giving the Commission an idea of what the concept is to see if that is in conformance with the 2000 Land Use Plan and then decide, based on that, if they are going to accept it as a planned business park and switch it to a PUD. He then asked if that was correct.

Erik Lundy: Indicated the concept plan could be accepted as a request for the PUD rezoning; there was never a concept plan approved as part of the PBP rezoning.

Frank Cownie: Indicated they were just trying to expedite it and asked if this was the final plan.

Erik Lundy: Indicated this was the conceptual layout of the properties; they are showing a range from 2 to 9 acre lots, which is quite a bit smaller than you would see in a Planned Business Park.

Marilyn Staples: Asked what would be in the PBP.

Erik Lundy: Responded that a PBP is 20 acres; that's a minimum lot size.

Jim Grant: Indicated 20 acres is the minimum size that has to exist to have a PBP.

Fran Koontz: Asked if this conceptual plan was pretty much the way it was going to look like and stated they have approved PUDs and had them fall apart because they weren't pretty well set.

Gary Lozano: Indicated this is a concept plan and as they go into it, the developer doesn't know what every use or even many of the uses that are going in there. What they are showing are the parameters around which this will be designed. This is where the street's going to be; minimum lot size is 2 acres; whether it's this particular lot configuration or two of them combined, it will meet the parameters of this concept plan.

Brook Wennerstrum: Asked if this would come back as a preliminary plat.

Erik Lundy: Indicated this would come back as a preliminary plat, to give the exact lot dimensions; then they will find out if the plat is in conformance with this concept plan.

Fran Koontz: Asked Erik if the applicant had agreed to the seven conditions.

Erik Lundy: Indicated the applicant hadn't been met with since the seven conditions had been created.

Becky Morelock: Asked Erik how this would affect the overall vision of the whole area if this was approved this way.

Erik Lundy: Indicated they are limited on what they can do for circulation and stated this is logical as a circulation pattern coming off Gannett Drive; because of the nature of the topography there it makes a lot of sense in how it's laid out so he thought, given the fact they are tucked up against the future interchange and relocated Iowa 5 this is showing a pretty good layout for a support commercial-type area.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Bill Ludwig, Environmental Design Limited, indicated Steve Gillotti with Road Contractors, Inc. and Doug Solskate, the project Engineer were also present. Mr.

Ludwig showed the overall plan on the overhead that showed Highway 5 east/west and new Highway 28 going diagonally across Army Post Road on their north. He indicated the plan development would be the first thing that was seen coming in off the Interstate heading up Army Post. He indicated the conceptual master plan is set up to show what it may develop as. The intent would be to start doing some grading this Fall.

Fran Koontz: Asked if he agreed with staff recommendations.

Marilyn Staples: Asked Mr. Ludwig what other type of support commercial they were thinking about.

Bill Ludwig: Responded basically what is shown in the ordinance for a PBP currently.

Joe Schaefer: Made a point for clarification and asked if the relocated Highway 5 is what will be the extension of what now is 65 that terminates at SE 14<sup>th</sup>.

Bill Ludwig: Indicated that was correct and would be finished all the way to 35 in 2002. He stated the first item on the staff recommendations was a concern; they have had a lot of negotiations with the City of Des Moines and IDOT as far as access to sanitary sewer. They know the south part of 5 will be serviced by Norwalk and the north part will be serviced by Des Moines. They think they have an understanding with the City and are going to work that out with Engineering and Legal, exactly how that happens. He did not want to say at this point that the applicant will provide sanitary sewer and indicated he thought Engineering, IDOT, Legal and they themselves will work out exactly how that's going to be done. He indicated there was no problem with the height and hazard regulations or the development standards on the drawings and stated before they would actually develop the street, there would be an understanding on the turnaround so they would not have to put one in; thought that would probably a mute point at that time. He indicated if they were not able to work something out, they would have to do something at that time. He stated the other question was prohibiting efface, and indicated some portions are decorative and they would like some capability to negotiate that.

Fran Koontz: Asked if he thought there would be efface used.

Bill Ludwig: Indicated he thought there probably would be as a part of it; a minor portion of it.

Frank Cownie: Indicated that up to this point, the whole area has not allowed any efface in it, whatsoever.

Fran Koontz: Indicated they set a standard for Business Parks, but wanted to remind everybody that they hadn't been willing to.

Marilyn Staples: Asked about signage.

Bill Ludwig: Indicated that was no problem and indicated where the signing would be on a drawing he had available.

Frank Cownie: Asked Mr. Ludwig if the only problem he had was the efface issue.

Bill Ludwig: Indicated that was correct, and the idea that they work out an agreement on the sewer with the City Engineering and City Legal.

Erik Lundy: Indicated the efface was based on how it was approached with other business parks in the area and stated this was really designed for a support commercial-type area and a lot of the smaller support commercial uses may use some efface material and if the Plan and Zoning is going to allow efface material in this development in this recommendation, there should be some restriction on it or the applicant should develop a threshold of that material. Regarding the turn around, he stated they just wanted them to be able to provide a contingency so that if something fell through they could proceed with platting some of the lots.

Erik Lundy: Indicated the signage issue was really that they didn't specifically designate a certain type of sign that staff thought they would probably want to have in the future and rather than have them come back and amend the concept plan, staff would like to see them ask for that type of sign now to avoid an issue later.

Bob Mathieu: Questioned the circulation within the site, indicating there was one lot that doesn't abut the street. He asked if that would be built as part of the infrastructure and asked if that was a private drive.

Bill Ludwig: Referred to the drawing to answer that question.

Frank Cownie: Asked if he was going to bring a final development plat in.

Erik Lundy: Indicated this was just the concept plan for the rezoning.

Bob Mathieu: Voiced concerned by the corner being anchored by the huge parking lot in the concept and wondered if that was very desirable.

Bill Ludwig: Indicated they would have to look at that as a specific use and stated they would probably do a lot landscaping in there.

Marilyn Staples: Asked why they wouldn't reverse the building and the parking lot and put the building on the corner.

Bill Ludwig: Indicated it was higher ground.

Frank Cownie: Asked if he would show the Commission that as it moves forward, to which Mr. Ludwig responded he would.

Steve Gillotti, Road Contractors, Inc, 1405 SE 1<sup>st</sup> St., indicated he didn't have a lot to add to what Mr. Ludwig said, but stated he was available to answer questions. He added that their intent is not to do any developing until Army Post Rd. is completed and stated they may grade it this Fall and seed it only because while the grading contract is proceeding with the rest of the work out there, it would be a good time to get that done. He indicated they really don't want to invest in any infrastructure until the traffic patterns and circulation are settled down out there. He stated it's an in-house project that gets pushed to the end of the year.

Joe Schaefer: Asked Mr. Gillotti if their company is the one doing the grading north of there.

Steve Gillotti: Indicated it was not; that's a firm out of Chicago.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Fran Koontz: Moved staff.

Bob Mahaffey: Asked if that was including #6.

Fran Koontz: Indicated it was.

Gary Lozano: Indicated staff would agree with the applicant regarding the rewording to #1. He stated the intent there were issues related to how the sewer should be extended. If that were rephrased to say that the sewer issue is being worked out, that would be more consistent to what the realities are.

Fran Koontz: Subject to the sewer issue.

Bruce Heilman: Asked if #6 could be "severely limiting" instead of "prohibiting".

Fran Koontz: Asked if that was a friendly amendment.

Frank Cownie: Indicated agreement to Bruce with the concept, but was concerned about the standard out there that they are trying to hold up to and thought if they needed to have somebody deviate from it on a side-by-side piece, they could look at, but didn't think the standard should be changed for the area.

Steve Gillotti: Asked if they would consider using words like "architecture feature" or "contrasting feature", or something like that, and indicated their intent was not to have the exteriors be efface, but awnings, columns, or window surrounds.

Bruce Heilman: Indicated that stucco could be used as a decorative item.

Frank Cownie: Indicated that would be shown on the individual things and thought all the other adjacent developments are very specific on that issue and it needed to be

honored at this point because they are trying to set a standard; including the other hotels on the other end of it.

All members voted in favor of the motion.

**COMMISSION ACTION:**

Motion was made to accept staff recommendations.  
(Fran Koontz)

**THE VOTE:**

11-0 in Favor

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**Item No. 3 was continued to October 7, 1999 Plan & Zoning Commission meeting.**

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**Item No. 4**

A request from the City Manager, Eric Anderson for the following items:

- A) Conveyance of excess City property located at the southeast corner of Mulberry Street and 7<sup>th</sup> Street. (12-2000-1.02)
- B) Vacation and conveyance of the north/south alley between 6<sup>th</sup> and 7<sup>th</sup> Streets south of Mulberry Street and north of vacated Plum Street. (11-2000-1.09)
- C) Rededication of the north 13' of vacated Plum Street between 6<sup>th</sup> and 7<sup>th</sup> Streets as an alley. Dedication as an alley of 7' of additional adjoining property immediately north of vacated Plum Street on the east half of the block between 6<sup>th</sup> and 7<sup>th</sup> Streets. (11-2000-1.09)

**STAFF REPORT**

The City Manager has requested that excess City Property located in the vicinity of the southeast corner of 7<sup>th</sup> Street And Mulberry Street be conveyed to Wells Fargo/Norwest Bank for development of a new drive-up banking facility. The site would be immediately north of the Polk County Detention Facility. The proposed bank would replace the current Norwest Bank facility located at 5<sup>th</sup> and Court that would be displaced by the proposed Court Avenue Entertainment Complex.

The City Manager is also requesting vacation and conveyance of the north/south alley between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street and Mulberry and vacated Plum Street.

This vacated alley is proposed to be conveyed for use in development of the drive-up bank. The City Manager is also requesting that the northerly 13' of the vacated Plum Street be rededicated as an alley, except the southerly four feet on the east half. In addition, 7' feet of City owned property along the north of the east half of the vacated Plum Street would also be dedicated as part of the same alley. This alley would provide one-way traffic from 6<sup>th</sup> Avenue to 7<sup>th</sup> Street, providing access for northbound traffic from 6<sup>th</sup> Avenue to the bank. At this time the alley would be paved by the bank as part of the project.

The initial site plan submitted at preapplication for this site indicates a drive-thru only bank to be located on the property to be conveyed. It would have 6 drive-up lanes and a drive-up ATM. Traffic is proposed to exit onto 7<sup>th</sup> Street. A majority of the banking traffic would enter the site from a drive on Mulberry.

### **STAFF RECOMMENDATION**

Staff recommends approval of request by the City Manager that the northerly 13' of the vacated Plum Street be rededicated as an alley, except the southerly four feet on the east half. Staff further recommends that 7' feet of City owned property along the north of the east half of the vacated Plum Street would also be dedicated as part of the same above mentioned rededicated alley. It is recommended that this alley provide one-way traffic from 6<sup>th</sup> Avenue to 7<sup>th</sup> Street and that it be paved by Norwest Bank. Finally, staff recommends approval of the City Manager's request for the vacation and conveyance of the north/south alley between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street and Mulberry and vacated Plum Street. The recommended method of conveyance should be in the form of a long-term lease agreement.

### **SUMMARY OF DISCUSSION**

Fran Koontz: Asked if this is a trade and indicated she needed to know if the City had to buy the bank on 5<sup>th</sup> and Court.

Jim Grant: Indicated Andrea Hauer could present this item and the pieces that are connected to it because it's convoluted and difficult to understand and thought she would be able to explain it.

Fran Koontz: Asked Ms. Hauer how much this is costing the tax payer.

Andrea Hauer: Showed a drawing of the property in question, indicating the City is proposing to sell, at the request of Norwest, property and are requesting the vacation and sale of the alley to provide for a replacement location for their drive-up bank on Court Avenue. She stated it is two separate transactions that are related to each other in the sense that the City's purchase of their property on Court Avenue is contingent on the Entertainment Center proceeding. Norwest has stated that their purchase of the City property, the lots and the vacated alley, is contingent on the City making the purchase of its lots, so the action at this meeting will be based on the Entertainment

Center proceeding. The City is trying to get into the starting position so that Norwest can get the bank under construction and up and operating. The City can then convey the land next spring to get the Entertainment Center going.

Fran Koontz: Asked if it was an outright purchase.

Andrea Hauer: Indicated it was.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Bill Lillis, 300 Bank of America Building, represented Norwest with Dan Manning and indicated they couldn't add anything. He stated the transactions are not necessarily tied to each other but they are because of the displacement of the bank from one location to the other and indicated they would answer any questions anyone had.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jim Grant: Made a correction to the Staff Recommendations that recommended the method of conveyance be a long-term lease, but indicated the agreement has already been made that the entire tract will be sold so the method of conveyance would be selling that property rather than a long-term lease. He stated he was not aware of that.

Andrea Hauer: Apologized for not making it abundantly clear.

Bob Mathieu: Asked how this fits into other things, indicating he thought the street was getting relocated or a diagonal connection.

Marilyn Staples: Indicated it was coming up from the south.

Bob Mathieu: Asked what the long-term plans are for the Southeast corner and asked if the County was looking at more property to deal with their jail needs in the future, and if so have they looked at any of this property. He wondered how it fits into the longer range view of what's happening over there.

Fran Koontz: Indicated the hope was they wouldn't build a new jail, but rethink their method of doing things.

Jim Grant: Indicated the "Y" in the road takes place two blocks south of the jail. He indicated on the map where Cherry street was and indicated the two streets come together south of that to the point where 6<sup>th</sup> and 7<sup>th</sup> make a "Y" just before it gets to the new MLK roadway itself. He stated if you went straight on Cherry Street south for a half or ¾ of a block and took the "y" over to 7<sup>th</sup> Street, that's where the connection will take place. He indicated the jail is on the Southeast corner of where this is; the property in the northwest corner of the block is privately held and it's anticipated that at some point in time there will be a proposal for a new building on this property of some type. It's not anticipated that it will remain surface parking lot forever, but it is within the urban



renewal area of downtown so the City could be involved in that in the future, doesn't anticipate any direct involvement at this time. He stated the access points that are shown with the drive-in bank facility have been coordinated very carefully with those roadways he explained previously, with Engineering and Traffic Engineering.

Bob Mathieu: Clarified his question, asking if this had been coordinated with the County in terms of what their plans are.

Jim Grant: Indicated he did not know if they had definitely coordinated with the County. He stated he was aware that the County's interest is their own parking lot south of the County Courthouse; that they are anticipating and have looked several times at putting a structure in there that would be a mixed use of parking and offices for the Courthouse itself. He indicated that to his knowledge, they had not looked to the north on that property. He was hopeful that if they were to expand the jail there would be a big study that would make a determination as to where it should be before they would actually make any moves on it and added that they would have to go over the top of the facility that was being discussed.

Joe Schaefer: Moved staff.

Bob Mathieu: Voiced concern, indicating he was not comfortable with the idea of taking a quarter of a block for a drive-in bank in the heart of the downtown area. He stated he did not know what the alternatives were that the City had in finding another location, but was troubled to see it for the first time and would have a hard time supporting it without more background.

Fran Koontz: Wondered if a vision was needed.

Motion was passed 9-2.

Bob Mathieu and Brook Wennerstrum were opposed.

**COMMISSION ACTION:**

Motion was made to accept staff recommendations.  
(Joe Schaefer)

**THE VOTE:**

were

9-2 Approval  
(Bob Mathieu and Brook Wennerstrum  
in opposition)

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Item No. 5 was continued to October 7, 1999 Plan & Zoning meeting.

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## Item #6

Recommendations to City Council for the Capitol Improvement Program 2000-2006

Gary Lozano handed out the following handouts for the Commissions perusal:

1. communication from the Strategic Planning Committee to the City Council;
2. recommendation from the CIP Committee with Frank's letter.

He indicated the Strategic Planning Committee, the Plan and Zoning Commission, and the NRB participate in a CIP process that calls for their input being provided to the City Manager. He can then send it on to the Departments while they are formulating the budget. Budgets are currently being formulated.

Bob Mahaffey stressed the need for all members to look through the Strategic Planning Commission recommendation and compare it to the CIP Committee's.

Marilyn Staples reported on the Strategic Planning Commission recommendations:

1. pointed out page two of the Strategic Planning Commission's report and indicated the first two pages were a letter of transmittal to the City Council explaining the role of a dynamic inventory of vacant and under-utilized plans and the ability of the Assessor's office working with City staff to get that accomplished;
2. indicated they felt strongly that, given the Strategic Plan and the request for some implementation starting with the 2001 budget, their first recommendation was to support the implementation of the 2020 Land Use Plan by adequate staffing of the Community Development Department and additional funding to hire a Consultant to develop the ordinances;
3. the second part of that was to support the development of the Downtown Land Use Plan to accompany the 2020 for the planning and zoning;
4. the third one was the inventory of vacant and under-utilized residential, commercial and industrial as part of the marketing strategy so that when people come in looking for a place to perform a business, it is already known where the land is, what the values are and so forth;
5. the fourth item that they felt strongly needed to be addressed in the budget, that is in the CIP, was to reforest the parks in the public areas of the City; they added a little bit of information that trees need to be maintained;
6. next was to work with the suburban communities in Polk County to start working on the select committee recommendations to create an organizational structure for metropolitan planning and cooperation;
7. last was to really explore both the commuter rail and other alternative forms of mass transit to reduce the congestion on the roads.

She stated that is the emphasis they are sending on to City Council at the same time as the CIP goes forth.

**DRAKE NEIGHBORHOOD ASSOCIATION  
RESOLUTIONS ADOPTED AT BOARD OF DIRECTORS MEETING  
ON SEPTEMBER 30, 1999**

**PROPOSED WALGREENS AT 31<sup>st</sup> and UNIVERSITY AVE.**

**Resolution A:**

The Drake Neighborhood Association supports the Walgreen's development at 31<sup>st</sup> & University with the following conditions and recommendation:

Conditions to support:

- a) the location of the building be situated such that there is not any parking between the building and both streets (31<sup>st</sup> and University); no more than a 28 feet setback from either street; and the area between the building and the streets to have landscaping and a sidewalk at least 12 feet wide;
- b) curb appeal of the building to be enhanced with large clear store front windows on the street sides and the usage of brick (as shown by current plans), and
- c) the long unbroken expanse of brick on the building's south side to be enhanced with some type of design detailing (e.g. windows) or landscaping.

Recommendation:

Reduce the planned double drive-thru lane to a single lane.

**Resolution B:**

The Drake Neighborhood Association makes the concerned observation that Drake University, rather than having an owner occupied situation, is giving up their control of this property near the campus by selling to a developer who then will be leasing the property to Walgreens.

Fran Koontz made a motion to recommend sending the recommendations on to the City Council.

All voted in favor (11-0).

**Item #7**

Committee and Director's Reports

- Discussion was held regarding the Plan & Zoning Commission minority positions before the City Council; it was decided further discussion would ensue at the October 7, 1999 Plan & Zoning pre-meeting at 5:30.
- A regular schedule of the Executive Committee luncheon with the City Manager will be forwarded to the Commission members to sign up to attend.
- The topics for the Executive Committee meeting Friday, September 17, 1999 would be 2020 Presentations to City Council, and Historic Structures. Frank indicated a downtown planning phase needed to be moved forward to put all the pieces of the 2020 Community Character Plan together.

Meeting adjourned at 9:15.

# **DRAKE NEIGHBORHOOD ASSOCIATION**

## **\*\*\*\*\*SPECIAL BOARD MEETING\*\*\*\*\***

Thursday, September 30, 1999, 7:00 p.m.

### **FIRST CHRISTIAN CHURCH**

Room 401, Fourth Floor  
25<sup>TH</sup> & University

#### Agenda

Discussion and action on plans for proposed Walgreens at 31<sup>st</sup> and University Ave. See enclosed site plan and elevation.

Note: Note the time and location. This is the sole agenda item. Walgreens intends to present the enclosed plans to the Des Moines Plan and Zoning Commission on October 7, 1999. While the plans have been revised since the June 24<sup>th</sup> meeting, they do not meet the requirements of the board's resolution adopted at our July meeting. Representatives for Walgreens will present information and answer questions. Following the presentation, the board will consider its position at the P & Z meeting.

If you have questions, please contact Eldon "Mac" McAfee at 274-1910 (home) or 237-1188 (office).

SEE ITEM #3.

**CITY OF DES MOINES PLAN AND ZONING COMMISSION  
AGENDA FOR MEETING TO BE HELD  
October 7, 1999 at 5:30 P.M.  
CITY COUNCIL CHAMBERS**

**PLAN AND ZONING COMMISSION RULES AND PROCEDURES**

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1. Plan and Zoning Commission is an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all items. Contact the City Clerk or Community Development Department staff for details on Council hearings.
  2. Applicant will be given 10 minutes to present the request.
  3. Proponents and then opponents are then allowed to speak, with each speaker allowed a maximum of 5 minutes.
  4. Applicant is then allowed 5 minutes for rebuttal.
  5. The hearing will then be closed and the Commission will discuss and vote on the issue.
  6. All comments are to be germane to the issue under consideration and speakers are to maintain a courteous manner.
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**\*\*\*\* AGENDA \*\*\*\***

**5:30 Discussion of Plan & Zoning Commission Minority Positions before the City Council**

**6:30 ROLL CALL AND APPROVAL OF MINUTES**

**PUBLIC HEARING ITEMS**

- 1) A Plan and Zoning Commission initiated request to rezone property at 5130 NE. 14 Street (Phillips 66 Company, Owners); 1340 NE. 51 Avenue (Bruce L. & Penny J. Bellville, Owners); 5030 NE. 14 Street (J. & J. Properties, Owners); 1345 NE. 50 Place and 1340 NE. 50 Avenue (Donald J. Steffensen, Owner); and portions of Polk County street right of ways of NE. 51 Avenue, NE. 50 Place and NE. 50 Avenue, all within the vicinity of NE. 14 Street and NE. 51 Avenue.
  - A) Amendment to the Des Moines 2000 Land Use Plan for properties to be annexed in the vicinity of NE. 14 Street and NE. 51 Avenue to include the area located to the North of the existing city limits as "Community Core Commercial". (21-2000-2.01-01)
  - B) Rezoning of properties to be annexed to "C-1" Neighborhood Commercial District and/or to Conditional "C-2" General Retail and Highway Oriented Commercial. (10-2000-3.04)
- 2) An application from Tom Gratijs (Owner) representing the Brook Run, L.C. (Title Holder) to amend the Brook Run Village "PUD".
  - A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
  - B) Amend the Brook Run Village "PUD" to allow 10.7 acres of land in the vicinity of NE 30<sup>th</sup> Place and NE 53<sup>rd</sup> Court, to be used for more dense development of 12 bi-attached units, 28 four-plex units, and 48 eight-plex units. (10-98-1.01-3)

**Item #2 is continued from the September 16, 1999 Commission Meeting**

**CITY OF DES MOINES PLAN AND ZONING COMMISSION**  
**AGENDA FOR MEETING TO BE HELD**  
**October 7, 1999 at 5:30 P.M.**  
**CITY COUNCIL CHAMBERS**

- ✓ 3) An application from Walgreen's Company represented by Michael W. Simonson (Licensed Architectural Consultant) to rezone property located at 3030 University Avenue on the southeast corner of 31<sup>st</sup> Street and University Avenue. Subject property owned by Drake University.
- A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
  - B) Rezone property from an "R-3" Multiple Family Residential District to a "C-1" Neighborhood Retail Commercial District. (10-2000-3.05)
  - C) A request from Walgreen's Company represented by Michael W. Simonson (Licensed Architectural Consultant) for vacation and conveyance of a North/South alley right of way located ending at the East/West alley North of Brattleboro Avenue and lying between 30th and 31st Streets; and to dedicate a new ingress/egress easement from East/West alley to University Avenue. Adjoining subject property owned by Drake University (Title Holder) (11-2000-1.11)
- 4) Recommendation from the Historic District Commission to designate the Home Lodge, 603 E. Locust Street as a Local Landmark. (20-2000-4.01)

**Item #4 is continued from the September 16, 1999 Commission Meeting.**

- 5) A request from Grace Church (a.k.a. Des Moines Baptist Church) to voluntarily annex territory in the vicinity of East Broadway and Interstate 235 at 4200 East 25<sup>th</sup> Street. (15-2000-5.02)
- A) Review of proposed Voluntary Annexation.
  - B) Initiation of amendment to the Des Moines 2000 Land Use Plan for properties in the vicinity of East Aurora to Broadway from I-235 to East 25<sup>th</sup> Street.
  - C) Initiation of rezoning for proposed annexed properties in the vicinity of East Aurora to Broadway from I-235 to East 25<sup>th</sup> Street.
  - D) Initiation of amendment to City-wide Urban Revitalization Area for tax abatement.
- 6) A request from Amazing Grace Ministries represented by Stuart D. Juarez (Trustee) to do the following for a new church building: (11-2000-1.11)
- A) Vacate and convey old Clark Street right-of-way west of 23<sup>rd</sup> Street to North/South alley
  - B) Vacate and convey the North/South alley lying between Clark Street and Old Clark Street and between 23<sup>rd</sup> Street and 24<sup>th</sup> Street.
  - C) Vacate and convey a portion current Clark Street right-of-way at the northwest corner of the intersection at 23<sup>rd</sup> Street.

**CITY OF DES MOINES PLAN AND ZONING COMMISSION  
AGENDA FOR MEETING TO BE HELD  
October 7, 1999 at 5:30 P.M.  
CITY COUNCIL CHAMBERS**

- D) Establish ingress/egress easement through Old Clark Street right-of-way to North/South alley.
- 7) A request from the City Council for a determination of conformance with the Des Moines 2000 Comprehensive Plan for the Sixth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, to include property West of Fleur Drive and North of Relocated Army Post Road in the Airport Commerce Park Industrial Revitalization Area.

**OTHER ITEMS**

- 8) Communication from Traffic and Transportation Administrator regarding a request supported by the Waterbury Neighborhood Association to vacate the portion of Waterbury Road lying between Polk Boulevard and 48<sup>th</sup> Street. (11-2000-1.12)
- 9) Committee and Director's Reports



REMINDER

ALSO - ATTACHED ARE MOST  
RECENT PLANS FROM WALGREENS  
RECEIVED ON 10/29/99.

**NOTE: CHANGE IN DATE OF SPECIAL BOARD MEETING**

**DRAKE NEIGHBORHOOD ASSOCIATION**

Walgreens

When we scheduled the Special Board Meeting for November 2, we forgot that was also election day. Therefore, I have rescheduled the meeting for :

**7:00 p.m., MONDAY, NOVEMBER 1, 1999  
FIRST CHRISTIAN CHURCH  
FELLOWSHIP HALL, FIRST FLOOR**

The committee the board appointed at the last meeting is meeting with Walgreens and Drake University this Thursday. I anticipate having revised plans from Walgreens to review at the Special Board Meeting. I will also phone a COPS message out to all members inviting them to attend the Special Board Meeting.

Mac (274-1910)

Drake faculty, staff, & students  
have been invited to this meeting.